COUNCIL MINUTES

The City Council of the City of Raleigh met in a Unified Development Ordinance Citywide Remapping Work Session at 4:00 p.m. on Monday, March 28, 2016 in the City Council Chamber of the Raleigh Municipal Building, Avery C. Upchurch Government Complex, 222 West Hargett Street, Raleigh, North Carolina, with the following present:

Mayor Nancy McFarlane
Mayor Pro Tem Kay C. Crowder
Councilor Mary-Ann Baldwin
Councilor Corey D. Branch
Councilor David N. Cox
Councilor Bonner Gaylord (late arrival)
Councilor Russ Stephenson
Councilor Dickie Thompson

Mayor McFarlane called the meeting to order at 4:02 p.m. All Council members were present except Councilor Gaylord, whose arrival is noted later in these minutes.

REZONING Z-27D-14 – UNIFIED DEVELOPMENT ORDINANCE REMAPPING – VARIOUS PARCELS – 900 AND 904 COLEMAN STREET AND 1408 BROOKSIDE DRIVE APPROVED; PUBLIC HEARING FOR REMAINDER SCHEDULED FOR MAY 3, 2016

This is a request to rezone property to apply Unified Development Ordinance Districts; additional information was included in the staff report.

For the 65 parcels still subject to legacy zoning, Planning Commission recommends approval of rezoning. The specific details of the Planning Commission's recommendations can be found on Page 2 of the staff report in a table named "Summary of Planning Commission Recommendations – Z-27D-14."

For all but one item, Planning Commission's zoning recommendations are less restrictive than the zoning advertised for the July 7, 2015 and July 21, 2015 public hearings and require a new public hearing be held before Council decision.

City Council may choose to continue discussion of Z-27D-14 during a future work session or schedule the case for public hearing. City Code requires City Council to give notice of a new public hearing no later than May 14, 2016.

Planning Director Ken Bowers offered introductory remarks before Planning staff reviewed each of the Planning Commission's recommendations with the Council. Last November the Council adopted a substantially revised zoning map that impacted about one-third of the City's jurisdiction. Many comments were received during the public hearing portion of the process on July 7 and July 21, and a large number were property-specific. Some commenters had asked for zoning that was less restrictive than what had gone to public hearing; however, the City Code dictates that a zoning request may not become less restrictive after a public hearing is held. The

UDO provides Council with the ability to send a zoning case back to the Planning Commission for further consideration, at which point it comes back with a new recommendation from the Commission and can undergo a second public hearing. That is what was done with a small subset of items heard at the public hearing.

Slides shown by Planning Director Bowers included the following.

Final Implementation of UDO
Started with 35,000+ properties to rezone
Have only 65 left; located in 19 areas
Once these properties are rezoned, no legacy districts remain and the "old" Part 10 zoning code will be retired
Staff has been administering two zoning codes for almost three years

What is Less Restrictive Zoning?
Zoning district that grants more entitlement/options

- There are some gray areas in the Code in terms of determining what is more restrictive or less restrictive; these areas are interpreted by the Zoning Administrator.

More liberal zoning district
Increased height
More liberal frontage

Less Restrictive Zoning (matrix)

Less Restrictive Height (matrix)

Less Restrictive Frontage (matrix)

Is a Public Hearing Required?
Most of the Planning Commission recommendations are for **less restrictive** zoning
Public hearing is required for these requests
If City Council does not wish to change from zoning shown at the public hearing, no additional public hearing is required

Important Dates

DATE	**ACTION**	**NOTES**
March 15, 2016	City Council receives Planning Commission recommendation	Have 60 days from this date to provide notice for a public hearing
March 28, 2016	City Council work session	Can discuss more or less restrictive zoning districts
May 14, 2016	Last day to provide notice for a public hearing	Once notice is provided, all changes to the map must be **more restrictive**
June 7, 2016	Last regular City Council evening meeting to conduct public hearing	City Council can act on the request once the public hearing closes or refer to committee

Planning Director Bowers stated the real decision is whether Council wishes to make any modifications to the Planning Commission's recommendations before sending this to public hearing. Such modifications would need to be made before the public hearing.

Mr. Stephenson asked if there is another opportunity for a property owner in a conditional use case to offer more restrictive rezoning conditions after the public hearing. Planning Director Bowers replied there are 30 days following the public hearing to add or alter conditions, as long as they are more restrictive. There is no deadline for a Council decisions post-public hearing.

Ms. Baldwin confirmed with Planning Director Bowers that some of these properties were referred back because the existing property would become nonconforming upon the application of the new proposed zoning. She asked what the repercussions would be for creating a nonconforming use. Planning Director Bowers responded that it limits the ability to expand that use in the future and often impacts the insurability of the use. Making a use nonconforming should only be done if there is a public policy objective to see that use amortized over time.

1. LENOIR-SOUTH-BLOUNT

Planning Commission Recommendation	OX-4 w/HOD-G
Z-27-14 Public Hearing Recommendation	OX-4-SH w/HOD-G
Existing Zoning	NB w/HOD-G, part DOD
Future Land Use	Central Business District
Urban Form	Downtown

This item comprises three parcels owned by Shaw University at the intersections of East Lenoir Street, South Blount Street and East South Street. At the release of the Public Comment Draft of the Citywide Remapping, these properties were proposed to be rezoned to Office Mixed Use-5 stories (OX-5) with Historic Overlay District-General (HOD-G). The 5-story height limit was recommended for these parcels because they are in common ownership by Shaw University and adjacent to other university parcels developed to this height.

Following a request from the Raleigh Historic Development Commission (RHDC) for a lower height designation, Planning Commission recommended that this property be reduced to four stories. An error in the staff report for that item led to the addition of a Shopfront frontage at this location, where no frontage existed in the initial recommendation. City Council referred back these properties during the UDO Remapping Work Session on October 19, 2015 in order to remedy this mistake.

Planning Commission recommends removal of the Shopfront frontage. This is consistent with other nearby university properties. All adjacent Shaw University properties, as well as Saint Augustine's and Peace University properties have Office Mixed Use zoning with various heights and no frontage.

Planner II/GIS Mapper Ray Aull presented the item as described above. Mr. Branch asked what the public comment has been concerning this rezoning. Planner II Aull replied the comments were internal, from the Raleigh Historic Development Commission. When the first draft came

out with a five-story height limit, the Commission members wanted to see a lower height because the properties are in an historic overlay district. Ms. Baldwin asked if any comments were received from Shaw University. Planner II Aull said the University was notified, but staff has not received any comments. Planning Director Bowers concurred all impacted property owners have been notified throughout this process, and no adverse comments were received from Shaw. Planner II Aull noted this would make the parcels consistent with the way all other universities downtown are mapped. They are all OX designation with some height limit and no frontage.

Ms. Baldwin asked if Council could review all 19 parcel groupings before making a decision, because there are other groupings related to this one. Without objection, the Mayor stated related Items 16 and 18 would be discussed at this time as well.

16. EAST LENOIR STREET AND EAST SOUTH STREET

Planning Commission Recommendation	CX-4-UL/DX-4-UG w/HOD-G
Z-27-14 Public Hearing Recommendation	CX-4-UG/DX4-UG w/HOD-G
Existing Zoning	NB w/DOD (part HOD-G)
Future Land Use	Central Business District
Urban Form	Downtown

The UDO zoning seeks to balance current use and form of this downtown site with anticipated greater intensity of use over time. At the public hearing, staff proposed for the parcel on East Lenoir Street Downtown Mixed Use-4 stories-Urban General, with Historic Overlay District-General (DX-4-UG w/ HOD-G); the three parcels on E. South Street were proposed for Commercial Mixed Use-4 stories-Urban General (CX-4-UG), as CX would allow the existing drive-through to remain but would require any redevelopment to be closer to the street. The property owner initially proposed only Commercial Mixed Use-4 stories (CX-4), to allow the existing drive-through circulation between the building and adjacent streets to remain. Further discussion led to the alternative proposal for the East South Street parcels of Commercial Mixed Use-4 stories-Urban Limited (CX-4-UL).

The latter alternative request is consistent with Future Land Use Map, Urban Form Map, and most pertinent Comprehensive Plan policies. The Planning Commission recommends approval of Commercial Mixed Use-4 stories-Urban Limited (CX-4-UL) for the three East South Street properties, and Downtown Mixed Use-4 stories-Urban General, with Historic Overlay District-General (DX-4-UG w/ HOD-G) for the East Lenoir Street parcel, noting that those designations would provide opportunity for continuity of existing site built form and function, while requiring future site building to be closer to the street rights-of-way.

Planner II Doug Hill presented this item as described above, noting it is four properties immediately west of the properties in Item 1. The rezoning proposal for the lot to the north has been moving forward. The properties that have been under discussion are the three parcels to the south bordering East South Street. One of those lots contains the McDonald's restaurant. The applicant wants to keep the entitlement for the drive-through facility but the neighbors don't want it. Drive-throughs are allowed under CX but not DX. The height limit of four stories has not

been a point of discussion. What has been a point of discussion is whether or not an urban frontage can be applied to this property. The UDO remapping is intended to carry forward what currently exists on a property; the question is the point of consistency for what is there and the intention of overall planning efforts. In the final analysis through discussions with the applicant, what came forward for Planning Commission consideration was for the three properties on South Street to be Urban General, not Urban Limited, frontage. This allows less of the building frontage to be within the build-to (setback) line. The proposal is now consistent with the Comprehensive Plan and would bring further forward any redevelopment on the property. The applicant was able to determine, in his own tentative site plans for future redevelopment, that a drive-through facility could still be accommodated on the lot.

MR. GAYLORD ARRIVED AT 4:23 P.M.

Mayor McFarlane asked what the parcel to the north is requesting, and Planner II Hill replied Downtown Mixed Use-4 stories-Urban General, with Historic Overlay District-General (DX-4-UG w/ HOD-G). Currently, that parcel is used only for parking and an access point, a driveway point, from Lenoir Street.

Mr. Branch asked if the owner could remodel the McDonald's under the new zoning classification and keep the drive-through. Planner II Hill replied that given the very tentative discussion and very tentative plan that came forward, it seems to be a distinct possibility. Planning Director Bowers explained there was a series of meetings with the property owner and a representative of the McDonald's Corporation also attended the Planning Commission meeting. Outside of the official public meeting, there was also a lot of dialogue with staff and the Urban Design Center, looking at layouts, because there is an interest in refreshing the store, potentially by building a new facility on the site. Urban Limited frontage meets the City's downtown goals for more urban building, but the set-to requirements are less stringent than Urban General or Shopfront, so it allows more room to accommodate a drive-through facility curving around the building. In the end, all parties were generally satisfied with this compromise.

Ms. Baldwin asked if the change would require this item to go to public hearing. Deputy City Attorney Botvinick responded all these cases would require a public hearing because the zoning proposals are all less restrictive. Planning Director Bowers said there is at least one example where the Planning Commission has not recommended a change. That case would not have to go to public hearing; the Council could vote on it at any time.

18. <u>EAST SOUTH STREET AND EAST PERSON STREET</u>

Planning Commission Recommendation	OX-12-UL
Z-27-14 Public Hearing Recommendation	R-10
Existing Zoning	O&I-2
Future Land Use	Institutional
Urban Form	Downtown

The public hearing recommendation for zoning – Residential-10 (R-10) – relates the site to existing neighborhoods north and east, in which similar one- and two-story residential structures

predominate. However, the subject site shares the block with the Shaw University campus, which houses two 9-story dormitories interior to the block. During the July 2015 public hearing the property owner requested additional height entitlements.

The Planning Commission recommends approval of Office Mixed Use-12 stories-Urban Limited (OX-12-UL), as being consistent with the Future Land Use Map, Urban Form Map, and zoning height entitlement on the rest of the block, while allowing active ground floor uses at the subject corner.

Planner II Hill presented this item as described above, stating the three properties are located on South Street, just a little bit east of those owned by Shaw University that were discussed above. The property on the corner is vacant; the other two contain what have been used as single family residential uses. Those two houses are of similar vintage to those in the neighborhoods to the north and east. These properties are part of a larger block that Shaw University owns and currently houses two dormitories, among other buildings. There is a major university presence. The question is what the appropriate zoning would be given the present status and its larger context, which he explained in further detail. One point of consideration during discussion of the public hearing recommendation pertained to setbacks. Under existing O&I-2 zoning, taller buildings have to be located toward the interior of the property. As the discussion unfolded, the Planning Commission suggested an alternative proposal for OX-12-UL.

Mr. Branch moved to send the properties in Items 1, 16 and 18 to public hearing. His motion was seconded by Ms. Baldwin and carried unanimously. The Mayor ruled the motion adopted on a vote of 8-0.

2. NORTH HARRINGTON STREET

Planning Commission Recommendation	DX-20-SH
Z-27-14 Public Hearing Recommendation	DX-12-SH
Existing Zoning	IND-2 w/DOD
Future Land Use	Central Business District
Urban Form	Downtown; Transit Buffer

This request is related to a parcel located on the South end of the block bounded by North Harrington Street, North West Street, and West North Street. At the release of the Public Comment Draft of the Citywide Remapping, this property was proposed to be rezoned to Downtown Mixed Use-12 stories-Shopfront Frontage (DX-12-SH), with a 12- story height limit selected for a large surrounding area; approximately encompassing South of Peace Street, West of Salisbury Street, North of Jones Street, and East of the Railroad Tracks between West Street and Glenwood Avenue. This recommendation carried through to the July 2014 public hearing.

Following the advertisement of the Z-27-14 public hearing, one of the property owners inquired as to why this property was designated for a lower height than existed, at 17 stories. Staff believes this property was missed during the initial drafting and subsequent review of the map due to it being a condominium property; the way Wake County lists property data, it can be difficult to extract height information from condominium property data. Staff confirmed that the

property is greater than 12 stories, requiring a less restrictive change in zoning designation to 20 stories. City Council referred back this property during the UDO Remapping Work Session on October 19, 2015 in order to remedy this mistake.

Planner II Aull presented this item as described above. There was no discussion and Ms. Baldwin moved approval of scheduling this item for public hearing. Her motion was seconded by Mr. Branch and carried unanimously. The Mayor ruled the motion adopted on a vote of 8-0.

3. MT. HERMAN ROAD

Planning Commission Recommendation	IH-CU w/AOD
Z-27-14 Public Hearing Recommendation	IX-3-PK w/AOD
Existing Zoning	TD w/AOD
Future Land Use	Business & Commercial Services
Urban Form	City Growth Center

During the July 2015 public hearing, the property owner requested Heavy Industrial (IH) zoning instead of the proposed Industrial Mixed Use (IX) zoning so that the existing use on the property (concrete batching facility) would not be made non-conforming. This use is only permitted in the IH zoning district.

As part of Planning Commission's review, the property owner offered conditions that prohibit many industrial uses, including heavy industrial uses such as asbestos and radioactive materials, animal processing, commercial feed lot, explosives, pulp mill, scrap metal processors, detention center, jail, prison, and several waste-related services (animal waste processing, landfill, manufacture and production of goods from composting organic material, outdoor storage of recyclable material, scrap materials, and solid or liquid waste transfer station, waste incineration). The Airport Overlay District (AOD) will remain in place.

Although the request is inconsistent with the Future Land Use Map and the Comprehensive Plan, Planning Commission found the request to be reasonable and in the public interest as it would allow the established concrete plant to remain a conforming use of the property.

Planner II Vivian Ekstrom presented this item as described above, noting the property is located near the intersection of Mt. Herman Road and Precision Drive. There was no discussion and Ms. Baldwin moved to approve scheduling the item for public hearing. Her motion was seconded by Mr. Thompson and carried by unanimous vote. The Mayor ruled the motion adopted on a vote of 8-0.

4. GLENWOOD AVENUE

Planning Commission Recommendation	NX-3-CU
Z-27-14 Public Hearing Recommendation	OX-3-CU
Existing Zoning	CUD NB
Future Land Use	Community Mixed Use

Urban Form	N/A

During the July 2015 public hearing, the property owner requested Neighborhood Mixed Use (NX) zoning instead of the proposed Office Mixed Use (OX) zoning so that the current entitlement and established use of retail sales (sale of office and business equipment and related products) would be maintained. Zoning conditions from Z-5-98 would be maintained.

The request is consistent with the Future Land Use Map and the Comprehensive Plan, and Planning Commission recommends approval of this request so that the existing retail entitlement would be maintained and established allowed use would not be made nonconforming.

Planner II Ekstrom presented this item as described above, noting the property is located near the intersection of Glenwood Avenue and Pinecrest Road. The zoning conditions from Z-5-98 addressed permitted uses, setbacks, and landscaping.

Mayor McFarlane asked if there is an existing business on the property or an existing entitlement for business. Planner II Ekstrom responded there is an existing retail use that sells office supplies and equipment. Mr. Cox asked if it would be possible to get a list of additional entitlements the property owner could have under the new NX zoning. Planner II Ekstrom said she would supply the list to the Council in preparation for the public hearing.

Mayor McFarlane asked about the existing conditions that would be maintained. Planner II Ekstrom said they were not included in the agenda packet, but she would look them up and bring them back to the Council before the end of the meeting. After the remaining groups of parcels had been discussed, the Council returned to this item and Planner II Ekstrom stated the conditions are fairly restrictive. There is a limited number of uses allowed: (1) uses authorized in the O&I-1 district which are also authorized in the NB district, and (2) uses involving the sale and service of office and business equipment, which is what the property is used for today. She pointed out that changing the zoning to NX would not expand the existing uses.

Mr. Cox moved to approve sending this item to public hearing. Mr. Stephenson seconded the motion, which carried unanimously. The Mayor ruled the motion adopted on an 8-0 vote.

5. <u>COLEMAN STREET</u>

Planning Commission Recommendation	R-10
Z-27-14 Public Hearing Recommendation	R-10
Existing Zoning	R-20
Future Land Use	Moderate Density Residential
Urban Form	N/Z

The property owner submitted comments during the Planning Commission's initial review of Z-27-14 and during the July 2015 public hearing to request Residential Mixed Use (RX) zoning instead of the proposed Residential-10 (R-10) zoning to preserve allowed density under the Residential-20 (R-20) zoning.

The requested RX zoning is inconsistent with the Future Land Use Map, the Olde East Raleigh Area Plan, and the Comprehensive Plan. Planning Commission continues to recommend R-10 zoning for the property.

Planner II Ekstrom presented this item as described above, pointing out it involves two parcels at the intersection of Coleman Street and Martin Luther King, Jr. Boulevard. A public hearing would not be required because the Planning Commission recommendation is the same as the proposal that went to public hearing.

Mayor Pro Tem Crowder, seconded by Mr. Branch, moved to approve the R-10 zoning designation. Approval was unanimous and the Mayor ruled the motion adopted on a vote of 8-0.

6. BROOKSIDE DRIVE

Planning Commission Recommendation	OX-3
Z-27-14 Public Hearing Recommendation	RX-3
Existing Zoning	O&I-1
Future Land Use	Medium Density Residential
Urban Form	City Growth Center

Representatives of the property owner proposed rezoning the property to OX-3 to retain entitlements of the current O&I-1 zoning that would permit office use on the site. The property is currently developed with four garden apartment buildings with 68 units.

The requested OX-3 zoning is inconsistent with the Future Land Use Map designation for the property – Medium Density Residential. However, OX-3 zoning would allow development that would not adversely alter the character of the surrounding area, which is composed of single family residential to the east and south and industrial and commercial uses to the north and west. Conn Elementary is located directly south of the site. Those commercial and industrial properties to the north are zoned NX- and IX- respectively, with urban frontages throughout, suggesting a more intense, urban development pattern in the future. The requested zoning would permit uses and intensities that would allow for gradual transitions from the surrounding residential context to those areas of greater intensity to the north and west.

Planning Commission recommends approval of the requested OX-3 zoning.

Planner II Charles Dillard presented this item as described above, noting the property is close to the intersection of Wake Forest Road and Brookside Drive. Mr. Gaylord asked about the Planning Commission's thinking in this matter. Planner II Dillard explained the Planning Commission thought that since this property is part of a City Growth Center, it could afford some potential to provide transitions in intensity and use from the residential areas to the west, south and east to the more intense mixed use areas to the north, including some industrial mixed use areas directly adjacent to the site. The site is heavily sloped and there is a significant wooded transition zone abutting the residential properties.

Mayor Pro Tem Crowder made a motion to leave the recommendation at RX-3 as it went to public hearing. Her motion was seconded by Mr. Gaylord. Ms. Baldwin asked if there was any discussion on this issue by the neighborhoods pertaining to the Planning Commission, and Planner II Dillard replied there was no input from the community on this item. The Mayor Pro Tem's motion carried by a vote of 7-1, with Ms. Baldwin voting in the negative. The Mayor ruled the motion adopted.

7. NEW BERN AVENUE

Planning Commission Recommendation	IX-3-PL
Z-27-14 Public Hearing Recommendation	IX-3-PK
Existing Zoning	IND-1 w/SHOD-3
Future Land Use	Business & Commercial Services
Urban Form	Mixed Use Center; Transit Emphasis Corridor

Immediately preceding and during the July 2015 public hearing, the property owner submitted comments requesting that the proposed Parkway (PK) frontage designation for this property be changed to Parking Limited (-PL) or removed. The public hearing recommendation of PK frontage was the closest translation of the SHOD-3 standards already in effect on the property; SHOD-3 is not an overlay district included in the UDO.

The request for a Parking Limited frontage is consistent with the Future Land Use Map and the Comprehensive Plan, and Planning Commission recommends approval of the property owner's request for alternate zoning Industrial Mixed Use-3 stories-Parking Limited (IX-3-PL) zoning.

Planner II Ekstrom presented this item as described above, adding that the Planning Commission recommended PL frontage, which is similar to other properties in the area. Mr. Thompson asked if this property is outside the Beltline and Ms. Ekstrom responded affirmatively. The current use of the property is a recreational vehicle dealership. Mayor McFarlane asked what is on the parcel to the south and west that is zoned IH, and Planner II Ekstrom said she believes it was zoned by the City and is a Solid Waste Services facility.

Ms. Baldwin moved to approve scheduling this item for public hearing. Her motion was seconded by Mayor Pro Tem Crowder and carried unanimously, 8-0. The Mayor ruled the motion adopted.

8. BLUE RIDGE ROAD

Planning Commission Recommendation	CX-12-UL
Z-27-14 Public Hearing Recommendation	CX-5-UL, CX12-UL, OX-3
Existing Zoning	O&I-1 and AP
Future Land Use	Community Mixed Use; Public Facilities; Institutional
Urban Form	City Growth Center; Urban Thoroughfare; Parkway

During one of City Council's 2015 work sessions a Council member brought forward a request from the property owner for additional height entitlement on the site. The public hearing proposed zoning reflects current differentiation of site uses and zoning, as well as guidance from the 2012 Blue Ridge Road District Study, which calls for creating "a mixed use development on the NCMA side of Blue Ridge Road with potential for a hotel." The Study recommendations indicate that the eastern portion of the site will remain essentially undeveloped.

Planning Commission recommends approval of the requested Commercial Mixed Use-12 stories-Urban Limited (CX-12-UL), noting that it is consistent with the Urban Form Map, eliminates split zoning of the property, and allows greater flexibility of site redevelopment.

Planner II Hill presented this item as described above, noting the site is just north of the intersection of Blue Ridge Road and Wade Avenue. It is part of the overall campus of the North Carolina Museum of Art. The Agricultural Productive (AP) portion of the existing zoning on the site corresponds with the section that had originally been part of the uses south of Wade Avenue prior to Wade Avenue's existence. The Blue Ridge Road District Study envisions the site remaining as an open area within the study area confines. Planner Hill II indicated on a map the placement of the three different proposed zonings that went to public hearing.

Mayor McFarlane asked Dan Gottlieb, AIA, Director of Planning for the North Carolina Museum of Art, if this was the Museum's new park. Mr. Gottlieb concurred and stated it is connected to the Museum's 164-acre campus. What the Museum has been asking for is unified zoning because not all of this site is being developed at this time; some is being reserved so they can be as consistent as possible with the Blue Ridge Road Corridor, in particular, at the intersection of Wade Avenue. Additionally, the split zoning does not indicate the single ownership of the AP parcel of land by the Museum Foundation. It is a vestigial piece of property that belonged to the Veterinary School. Mr. Gottlieb stated the current project is for roughly 15 to 17 acres of the subject parcel that is being developed as part of the Museum campus. They will build other structures as they move forward, and they are not developing the southwest corner.

Mayor Pro Tem Crowder asked if the Museum is requesting this height in lieu of thinking at some point in time they might build a hotel. Mr. Gottlieb explained it makes sense to build in the flexibility so they can see how the neighborhood and the region develop. They know the properties across the street are about to go to long-term leases through the state and the properties are going to be dropping one at a time. It seems smart now to put in the maximum amount of flexibility to be as coherent and consistent as possible in supporting the spirit of Blue Ridge Corridor and build that into this rezoning.

Ms. Baldwin moved to approve scheduling this item for public hearing. Her motion was seconded by Mr. Gaylord and carried by a vote of 7-1, with Mayor Pro Tem Crowder voting in the negative. The Mayor ruled the motion adopted.

9. NEW BERN AVENUE

Planning Commission Recommendation CX-3-CU w/SHOD-1

Z-27-14 Public Hearing Recommendation	CX-3-PK-CU and RX-3-PK-CU w/SHOD-1
Existing Zoning	CUD TD w/SHOD-1
Future Land Use	Office & Residential Mixed Use; Community Mixed Use
Urban Form	City Growth Center; Transit Emphasis Corridor; Parkway

The property owner submitted comments during the Planning Commission's initial review of Z-27-14 and during the July 2015 public hearing to request removal of the proposed Commercial Mixed Use/Residential Mixed Use (CX/RX) split-zoning and to remove the proposed Parkway (-PK) frontage. In sum, the property owner requests CX- 3-CU w/ SHOD-1 zoning.

The split-zoning public hearing recommendation mimicked the existing zoning conditions (Z-19-10) that prohibit commercial uses on the rear portion of the property. However, the zoning conditions reference commercial uses as defined in the "Schedule of Permitted Land Uses in Zoning Districts" which is the title of the permitted uses chart in the Part 10 zoning code. The Part 10 zoning code defines office uses as a standalone category separate from commercial uses.

Rezoning the rear portion of the property to RX would mean that standalone office uses would no longer be allowed. The Parkway frontage was recommended as the closest comparable zoning tool for the landscaped street protective yards required under the existing Thoroughfare District zoning. However, the SHOD-1 – which would remain in place – requires a 50-foot landscaped protective yard along the property edges adjacent to I-440 and New Bern Avenue. Removal of the Parkway frontage would mean that certain pedestrian access way requirements would not apply.

During Planning Commission review in January 2016, the applicant provided revised conditions which committed to providing a pedestrian passage to New Bern Avenue on the northernmost property (further away from the I-440 interchange) if allowed by NCDOT. Although the request is inconsistent with the Future Land Use Map and the Comprehensive Plan, Planning Commission found the request to be reasonable and in the public interest as it would maintain existing entitlements, protect trees along adjacent thoroughfares, and provide pedestrian access to New Bern Avenue.

Planner II Ekstrom presented this item as described above, noting the site involves two properties on New Bern Avenue immediately adjacent to its intersection with I-440. She also noted that the split zoning recommendation that went to public hearing would take away existing entitlements that would allow office uses on the rear portion of the property. One of the new conditions brought forward required that a pedestrian access be included on the property to the north so there would be pedestrian access to New Bern Avenue along that property.

Ms. Baldwin moved to approve scheduling this item for public hearing. Her motion was seconded by Mr. Gaylord.

Mr. Branch asked why the property owner wants the Parkway frontage removed. Planner II Ekstrom explained there are access constraints because of the I-440 interchange; there are

limited ways to install a driveway access there. Parkway frontage would also require pedestrian connections to a front-facing entrance along New Bern Avenue. Since the SHOD would remain in place, there will still be the tree protection required by Parkway frontage. The property owner added a condition about pedestrian access along the northern part of the property in order to provide similarity to Parkway frontage would requirements.

Mayor McFarlane commented that Council has seen this parcel many times and the issue has always been access to Essie Street and other streets behind the site. She asked if that had been addressed. Planner II Ekstrom replied the only changes to the conditions were removal of those that were outdated and addition of the one about pedestrian access. She does not believe vehicular access to New Bern Avenue would be allowed in this tight location next to the interchange. However, that is a site plan issue.

Mack Paul, Esq., Morningstar Law Group 630 Davis Drive – Suite 200, Morrisville, NC 27560-6849 – Attorney Paul reminded the Council members this property was subject to a rezoning a few years ago that led to a neighborhood plan. That plan was brought back and implemented. The issue with the Parkway frontage is that there must be a pedestrian access every 300 feet along I-440, which would be problematic. The Planning Commission felt that having one point of visible access on New Bern Avenue makes sense. To encumber the property and burden it with multiple points of accents would be problematic at this location. The SHOD maintains the natural protective yard which mimics the Parkway frontage.

Mayor McFarlane called for the vote on Ms. Baldwin's motion and approval was unanimous. The Mayor ruled the motion adopted on an 8-0 vote.

10. BRIER CREEK

Planning Commission Recommendation	Various (see Staff Report)
Z-27-14 Public Hearing Recommendation	Various (see Staff Report)
Existing Zoning	TD and CUD TD w/SHOD-2 and AOD
Future Land Use	Regional Mixed Use; Office/Research & Development; Public Parks & Open Space
Urban Form	City Growth Center; Main Street; Parkways

The property owner submitted comments during the Planning Commission's initial review of Z-27-14 and during the July 2015 public hearing to request additional height entitlement, an alternate base district for areas recommended for Office Mixed Use (OP), and alternate frontage designation for properties in the Brier Creek area.

Planning Commission recommends the alternate zoning as requested during the July 2015 public hearing in recognition of a shift in the development pattern in the area to a more compact, mixed use, and walkable built environment as indicated by the Urban Form Map designation of Growth Center.

Planning Director Bowers presented this complex item. The Brier Creek area was entirely under a Thoroughfare district at one time with many conditions attached. Over time it developed in a

number of different characters – single family, multi-family, townhouse, a large commercial shopping center, an office park, planned developments, etc. While the zoning has changed over time, the bulk remains in the Thoroughfare district. Staff met with various homeowners associations for a zoning alternative that would better reflect the land uses on the ground. Brier Creek Parkway is mainly the dividing line between residential and commercial uses. Through the remapping process, the residential area has been rezoned and approved for a variety of districts that better match the densities and built environment. What staff proposed for the other side was primarily commercial mixed use districts. The Thoroughfare district carried with it a tree buffer. The current existing condition on Brier Creek Parkway is one of a heavily-landscaped roadway. Staff mapped a fair amount of Parkway frontage along the road to mimic what the zoning under Thoroughfare district was like and the general character of Brier Creek Parkway environment itself. Since that time, a property owner requested pursuit of different zoning options to provide more flexibility for how this area developed over time. Planning Director Bowers showed and explained slides of changes in heights and frontage in the area, as well as an aerial view of the request. He summarized the nature of the request.

Mayor McFarlane asked what was inside the circle that says Macaw Street. Planning Director Bowers stated it is an existing planned development district. It is proposed to remain unchanged.

Mayor Pro Tem Crowder stated it appears in this case we are wiping out tree preservation. Planning Director Bowers replied there would definitely be a change in how the street yard is managed under this proposal. It is a significant change from how staff interpreted the prior zoning philosophy for the area. There is a desire to gain some flexibility for how this area will be built out, perhaps urbanized, in the future.

Ms. Baldwin asked if the proposal had been vetted with all the neighborhoods. Planning Director Bowers said he did not think there was a large presence at the Planning Commission meeting when this was discussed. Staff did not provide a lot of direct notification to single family residents; there is not a lot of residential use that abuts Brier Creek Parkway. Staff followed the usual notification process. The layout of this is that there is not a lot within the usual 100' buffer.

Mayor McFarlane stated she had serious concern about changing the Parkway frontage to Parking Limited. That sight line along Brier Creek Parkway is difficult to navigate now. Removing what little space there is and replacing it with buildings will make it even more so.

Mayor Pro Tem Crowder moved to leave the zoning as originally proposed. Mayor McFarlane seconded the motion. Ms. Baldwin said she does not understand enough about this issue to vote on it.

Mr. Stephenson referenced the aerial view of the property showing the existing development pattern. It seems like a lot of the development along Brier Creek Parkway appears inconsistent with the existing Parkway frontage. Planning Director Bowers responded there is a 50' buffer all up and down the Parkway today. A staff member in the audience interjected that it is actually 90'.

Mr. Gaylord asked if anyone would change his or her mind if this concern is dropped of the package of components. Mayor McFarlane noted the request includes removing all Parkway frontage on Arco Corporate Drive, and asked how that would change I-540. Planning Director Bowers explained the frontage applies to the primary street from which the parcel takes its access. It appears that portions of Arco Corporate Drive are platted as a private street, if he is reading the map correctly. Planner II Aull pointed out part of the road goes through the Ward transformer site, and the Mayor asked if that site had been cleaned up. Planning Director Bowers concurred a portion of the road is not public right-of-way, and indicated wherever it is unbuildable, that would not make any difference. If the frontage requirements are changed along any public street where development occurs, it would change the requirement of whether or not there needs to be a landscape buffer. Mayor McFarlane asked if the lower portion of Arco Corporate Drive is buildable or not. Mr. Bowers replied he does not think so, but he would need to confer with staff before answering definitely.

Mr. Gaylord stated there seems to be a consistent concern with the Parkway frontage on Brier Creek Parkway as there is currently a build condition that is similar to a Parkway frontage. Arco Corporate Drive is not built out in that manner yet; the piece that is built is built to Parking Limited frontage.

Mr. Stephenson asked how SHOD-2 compares to Parkway frontage. He pointed out there are SHOD-1s along I-540 and Glenwood Avenue. Planning Director Bowers replied they are both 25'. Mr. Stephenson said regardless from where the parcel got its address, whether an internal street or not, SHOD-2 would apply to those parcels that abut I-540 and Glenwood Avenue. Planning Director Bowers replied affirmatively. Parkway frontage will not impact I-540 because there is no access from I-540; it is a limited access corridor. The primary street relationship to any parcel, even if it adjoins that right-of-way, is going to be taking its access off a local street. In terms of development review, staff would deem the street the building is facing and taking its access from as being the primary street for which the streetyard would apply. For a parcel that is sandwiched between the public portion of Arco Corporate Drive and I-540, staff will look at the 50' landscaping buffer on Arco Corporate Drive. I-540 has a different standard based on the SHOD. Mr. Stephenson said looking at the build-out on Arco Corporate Drive, it seems there is no point in trying to put Parkway frontage on it. Planning Director Bowers said for significant portions of it, the original proposal did not; it was only the southern portion.

Mayor McFarlane asked if there had been any discussion about the addition of residential being right next to the airport. Planning Director Bowers stated residential is not permitted within the Airport Overlay District, and a good portion of this property is probably in that overlay district. The Mayor asked why the property owner had requested residential, and Mr. Bowers replied he could not speak to that.

Ms. Baldwin asked Mr. Gaylord what kind of feedback he had received, since this is in his district. Mr. Gaylord replied he has not heard any consternation with this proposal. He understands the perspective on the Parkway frontage. This is one of the City's Growth Centers on its Future Land Use Map and in the Comprehensive Plan and the City needs to increase density there to urbanize it. Going to a Parking Limited frontage would work toward achieving that goal, but at the same time, with the site already developed, it could become part of a

rezoning proposal in the future. In terms of Brier Creek Parkway and the frontage there, he can see both sides of the issue. If that is a concern across the Council, he thinks it could be dropped from the proposal. The other components of the proposal make sense to him. That Arco Corporate Drive is built out with Parking Limited to the extent it is built out, continuing that makes sense. He is curious about residential as part of the Airport Overlay District. Planning Director Bowers indicated the boundaries of the Airport Overlay District on the aerial map and reiterated he is not sure why the property owner was requesting residential in this district. He explained the major difference between OX and Office Park is that OX has an allowance for residential, but Office Park does not. He believes the standards for ancillary retail are essentially similar, and in Office Park it is easier to get a hotel permitted because it is not a special use

Attorney Mack Paul stated he has not been too involved in this matter and is just filling in today. The only aspect of it he has been briefed on is the Parkway frontage discussion. The Comprehensive Plan vision for this area is more urbanized and it is a City Growth Center, so the property owner feels Parking Limited is more in line with that vision than the Parkway frontage.

Mayor McFarlane said she is confident in saying that all this is going to do is add more buildings along Brier Creek Parkway. It will not make the area more urban, it will not change how it functions, and it will put more outparcels in there. It makes sense to have Parking Limited on Arco Corporate Drive, but taking away Parkway frontage on Brier Creek Parkway makes no sense at all.

Mr. Gaylord made a substitute motion to approve the Planning Commission recommendation for public hearing minus the Parkway frontage on Brier Creek Parkway. His motion was seconded by Ms. Baldwin.

Mayor McFarlane asked for a recap of the request. Planning Director Bowers cited the following: (1) the move from north of Lumley Road, requesting OX for all of the office park for reasons staff is not 100% sure, given the Airport Overlay District; (2) additional height or seven-story zoning for the interior of the property towards the I-540 side; and (3) change in frontage. Using maps, he explained and illustrated what might give staff clarity. "In this area, you've essentially got some property lines that run the back end of the shopping center, which would be a logical dividing line between what is mapped Parking Limited and what is mapped Parkway. Down in this area, where you've got the little village area where the Whole Foods Mart and some other uses are, that location is also an interior street network and there are some parcels that take their frontage off those interior streets as opposed to off Brier Creek Parkway. We might want to look at a nuanced approach to that. You can see what we've done in the original mapping. There is one Parking Limited parcel there; there rest of it is Parkway. Maybe we can go back to that original proposal and that would preserve the buffer along Brier Creek Parkway."

Mayor McFarlane asked about the "green blob." Planning Director Bowers said it is the one area of Parking Limited south of Lumley Road. That parcel only fronts on the internal parcels; it does not front on Brier Creek Parkway. The Mayor asked if the owner is going from five to seven stories, or seven to seven. Mr. Bowers responded this is about frontage, not height. The different height proposed down here is to go to five stories instead of three. The original public hearing proposal was for three; he indicated where the owner is splitting the property and

proposing five. Staff followed standard notice procedure using a 100' buffer, but can do expanded notification for this public hearing if that is Council's request. Signs would also be posted on properties that are changing.

Mayor McFarlane asked if the buffer on Glenwood Avenue is 50' because it is Parkway frontage. Planning Director Bowers responded it depends. There is also an intervening local access street. Thoroughfare District and the Parkway call for a 50' buffer; SHOD-2 provides for a 25' buffer. SHOD-2 covers much, but not all, of the area. It basically covers Glenwood Avenue (he illustrated the location on a map).

Mayor McFarlane stated she is alright with seven stories on the I-540 side. Parking Limited on Arco Corporate Drive makes sense. She's not sure how this would affect the Glenwood Avenue side. Mr. Gaylord pointed out there are no addresses on Glenwood Avenue for these parcels. Planning Director Bowers stated he does not believe so. The Mayor said it would affect how they address the frontage road, and Mr. Bowers agreed. He said this was the most expansive request received and contemplated by the Planning Commission, covering the largest area. If Council sends this to public hearing, there is opportunity post-public hearing to scale back the request. If it is scaled back today, there is no going back to the original request once the public hearing is noticed.

Mr. Gaylord repeated his substitute motion to approve the Planning Commission recommendation for public hearing with the amendment of removing Parkway frontage along Brier Creek Parkway. Ms. Baldwin stated she had seconded the motion. The other Council members reminded Mr. Gaylord the Parkway frontage is to be kept, and he agreed his previous statement was in error; it should remain. The motion carried unanimously and the Mayor ruled the motion adopted on a vote of 8-0.

MR. GAYLOR DEPARTED THE MEETING AT 5:11 P.M.

11. SUMNER BOULEVARD

Planning Commission Recommendation	CX-5-UL-CU
Z-27-14 Public Hearing Recommendation	CX-3-UL
Existing Zoning	TD
Future Land Use	Community Mixed Use; Medium Density Residential; Public Parks & Open Space
Urban Form	City Growth Center; Urban Thoroughfare; Transit Buffer

One of the last remaining large undeveloped properties in the vicinity of the Triangle Town Center Area Plan, the public hearing recommendation for zoning was CX-3-UL. Representatives of the owner requested additional height entitlement to support hotel development – to five stories – at the July 2015 public hearing, as well as removal of the frontage designation.

During Planning Commission review, the property owner agreed to the UL frontage designation and also offered a zoning condition to limit the five story height to hotel use only.

The Planning Commission recommends CX-5-UL-CU. Overall, the requested zoning is consistent with the Future Land Use Map, and the Comprehensive Plan, including the Urban Form Map and the Triangle Town Center Area Plan.

Planner II Dillard presented this item as described above. There was no discussion. Ms. Baldwin moved to approve scheduling the request for public hearing. Her motion was seconded by Mr. Branch and carried by a vote of 8-0 (Mr. Gaylord absent but not excused). The Mayor ruled the motion adopted.

Mayor McFarlane requested that in the future, the Council receive larger maps that also show the context of each subject area.

12. OLD WAKE FOREST ROAD AND CAPITAL BOULEVARD

Planning Commission Recommendation	IX-5-PL, IX-5, IX-7-PL
Z-27-14 Public Hearing Recommendation	IX-3-PL, IX-3, CX-3-PL
Existing Zoning	IND-1
Future Land Use	Regional Mixed Use; Community Mixed Use
Urban Form	City Growth Center; Urban Thoroughfare; Transit Emphasis Corridor

The properties are located just south of the intersection of Old Wake Forest Road and Capital Boulevard, in the Triangle Town Center area. The property owner requested increased height entitlements for each of the properties, as well as removal of the frontage designation for all properties.

As part of Planning Commission review, the property owner has agreed to retain the Parking Limited frontage (-PL) on each of the properties, save for the interior property at 5857 Capital Boulevard, which does not have street frontage. The property owner's initial request to remove frontage stemmed from concerns that -PL frontage would constrain renovation, expansion and/or rebuilding on the properties. Those concerns were addressed by the adoption of TC-4-15.

Planning Commission recommends the 5- and 7-story height limits as requested by the property owner, in recognition that the site is designated as part of a City Growth Center on the Urban Form Map. Furthermore, Capital Boulevard is designated a Transit Emphasis Corridor, while Old Wake Forest Road is a designated Urban Thoroughfare on the Urban Form Map.

Planner II Dillard presented this item as described above. There was no discussion. Ms. Baldwin moved to approve scheduling the request for public hearing. Her motion was seconded by Mr. Stephenson and carried by a vote of 8-0 (Mr. Gaylord absent but not excused). The Mayor ruled the motion adopted.

13. MITCHELL MILL ROAD AND PLEASANTVILLE ROAD

Planning Commission Recommendation	CX-3-CU, CX-3-PL-CU

Z-27-14 Public Hearing Recommendation	CX-3-PL-CU
Existing Zoning	CUD SC
Future Land Use	Community Mixed Use; Low Density Residential
Urban Form	Mixed Use Center; Urban Thoroughfare

These three properties located east of the intersection of Louisbury Road and Mitchell Mill Road were initially proposed to be rezoned to CX-3-PL-CU under the Z-27(D)-14 Remapping. Existing conditions, of which there are 19, will be carried forward once the properties are officially rezoned.

As part of Planning Commission review, the property owner has agreed to retain the Parking Limited frontage (-PL) on the two properties with frontage on Mitchell Mill Road. The property owner's initial request to remove frontage stemmed from concerns that -PL frontage would constrain renovation, expansion and/or rebuilding on the properties. Those concerns were addressed by the adoption of TC-4-15.

The Planning Commission recommends that the interior lot at 4205 Pleasantville Drive be rezoned without frontage, recognizing that the property does not currently front on a public street.

Planner II Dillard presented this item as described above. He said it is important to note there is a Street Plan recommendation to Louisbury Road to Mitchell Mill Road along the eastern side of these properties. Pleasantville Road is currently a non-improved dirt road.

Mr. Stephenson said he could not remember how a CX recommendation was made for these parcels when they are surrounded by R-4. Planner II Dillard explained the Urban Form Map designates all three properties as part of a Mixed Use Center. However, the Future Land Use Map makes a distinction between these properties. Two are designated as low-density residential and one is designated community mixed use. Planner II Aull added the existing zoning is CUD SC, even though there is not a shopping center currently on the property.

Ms. Baldwin moved to approve scheduling the request for public hearing. Her motion was seconded by Mr. Branch and carried by a vote of 8-0 (Mr. Gaylord absent but not excused). The Mayor ruled the motion adopted.

14. CAPITAL BOULEVARD AND OAK FOREST ROAD

Planning Commission Recommendation	IX-3-PL
Z-27-14 Public Hearing Recommendation	IX-3-PK
Existing Zoning	TD
Future Land Use	Business & Commercial Services
Urban Form	City Growth Center; Transit Emphasis Corridor; Transit Buffer

These three properties, at the southeastern corner of the intersection of Capital Boulevard and Oak Forest Drive, were advertised at time of July 2015 public hearing to be rezoned to IX-3-PK. Parkway frontage being the best translation of Thoroughfare District setback requirements.

A representative of the property owner requested removal of the frontage based on a concern that PK frontage would impede the existing use – auto sales, as well as creating nonconformance issues for the existing uses and structures. The property owner's concerns that application of frontage would create nonconformity were addressed by the adoption of TC-4-15. During Planning Commission review, an alternate frontage designation was identified that was more compatible with existing use, as well as surrounding zoning.

The Planning Commission recommended approval of the proposal to rezone the properties to IX-3-PL, which is consistent with the Future Land Use Map and the Comprehensive Plan, including the Urban Form Map.

Planner II Dillard presented this item as described above.

Ms. Baldwin moved to approve scheduling the request for public hearing. Her motion was seconded by Mr. Stephenson and carried by a vote of 8-0 (Mr. Gaylord absent but not excused). The Mayor ruled the motion adopted.

15. GRESHAM LAKE ROAD

Planning Commission Recommendation	IX-5 w/SHOD-2
Z-27-14 Public Hearing Recommendation	IX-3 w/SHOD-2
Existing Zoning	IND-1 w/SHOD-2
Future Land Use	Business & Commercial Services
Urban Form	Parkway Corridor

The public hearing recommendation for zoning would apply the same district designation to the subject site as has been done on adjacent properties: Industrial Mixed Use-3 stories, with Special Highway Overlay District-2 (IX-3 w/ SHOD-2).

Alternatively, the property owner requested that site height designation be increased to 7 stories (IX-7 w/ SHOD-2), noting that a proposal for a hotel of more than 3 stories had previously been approved (and expired) for the site.

The alternative request is consistent with Future Land Use Map and several Comprehensive Plan policies. The Urban Form Map designates Capital Boulevard a Parkway Corridor. The Planning Commission recommends approval of Industrial Mixed Use-5 stories, with Special Highway Overlay District-2 (IX-5 w/SHOD-2), to allow greater flexibility and diversity of site development, and be more consistent with current height entitlement.

Planner II Hill presented this item as described above, noting the property is a little further north on Capital Boulevard than the previous case. The City has future plans for connection of this area to Triangle Town Center, and the Planning Commission thought it would be good to allow

future development greater height for consistency in the area. This is a fair size site and given the 1:1 setback to height increased ratio under the old Code, the property owner would have been permitted to have that greater height. There is an absolute height cap under the UDO.

Ms. Baldwin moved to approve scheduling the request for public hearing. Her motion was seconded by Mr. Stephenson and carried by a vote of 8-0 (Mr. Gaylord absent but not excused). The Mayor ruled the motion adopted.

17. WEST HARGETT STREET

Planning Commission Recommendation	DX-12
Z-27-14 Public Hearing Recommendation	DX-3
Existing Zoning	IND-2 w/DOD
Future Land Use	Central Business District
Urban Form	Downtown Transit Buffer

The public hearing recommendation for zoning applies similar entitlement – Downtown Mixed Use-3 stories (DX-3) – as is provided on adjacent properties to the south, which also lie within the downtown railroad "Y." The property owner requested that site height designation be increased to 12 stories (DX-12), the same as is provided on properties immediately north and east.

The alternative request is consistent with Future Land Use Map, Urban Form Map, and pertinent Comprehensive Plan policies. The Planning Commission recommends approval of Downtown Mixed Use-12 stories, as being consistent with the height provided to the north and east, and with the Comprehensive Plan.

Planner II Hill presented this item as described above, noting the property is located on the west side of downtown.

Ms. Baldwin moved to approve scheduling the request for public hearing. Her motion was seconded by Mr. Stephenson and carried by a vote of 8-0 (Mr. Gaylord absent but not excused). The Mayor ruled the motion adopted.

19. FONVILLE ROAD

Planning Commission Recommendation	NX-3-CU w/UWPOD
Z-27-14 Public Hearing Recommendation	NX-3 w/UWPOD
Existing Zoning	BC w/UWPOD
Future Land Use	Neighborhood Mixed Use
Urban Form	N/A

These three properties, located along Fonville Road directly adjacent to the tailrace of the Falls Lake Dam and the headwaters of the Neuse River, were proposed at time of public hearing to be rezoned to NX-3 to allow continued use of the property for retail sales. The properties are also within the Urban Watershed Protective Overlay District.

A concerned citizen spoke at the July 2015 public hearing, expressing concern that under the proposed NX- zoning, vehicle fuel sales uses would be permitted on the site.

The property owner has offered a zoning condition to prohibit vehicle fuel sales facilities be prohibited on site. Planning Commission recommends approval of NX-3-CU w/UWPOD zoning for the property.

Planner II Dillard presented this item as described above, noting its location at a very scenic and environmentally sensitive location at the headwaters of the Neuse River. Mr. Cox said he likes the condition that prohibits vehicle fuel sales facilities on the site. He is interested in understanding what additional entitlements the property owner will get under NX-3 that he does not have now. Planner II Dillard said he will provide that information and Planning Director Bowers added that staff will provide the follow-up information before the public hearing.

Ms. Baldwin moved to approve scheduling the request for public hearing. Her motion was seconded by Mr. Thompson and carried by a vote of 8-0 (Mr. Gaylord absent but not excused). The Mayor ruled the motion adopted.

Planning Director Bowers reminded the Council members they needed to set the public hearing date, and suggested the first Tuesday in May is a reasonable date for consideration. Mayor McFarlane moved to schedule the public hearing for May 3, 2016. Mr. Stephenson seconded the motion, which carried by a vote of 8-0 (Mr. Gaylord absent but not excused). The Mayor ruled the motion adopted.

See Ordinance 567A ZC 725A.

ADJOURNMENT

There being no further business before the City Council, Mayor McFarlane announced the meeting adjourned at 5:27 p.m.

Leslie H. Eldredge
Deputy City Clerk