

COUNCIL MINUTES

The City Council of the City of Raleigh met in a regular session at 1:00 p.m. on Tuesday, April 4, 2017 in the City Council Chamber, Room 201 of the Raleigh Municipal Building, Avery C. Upchurch Government Complex, 222 W. Hargett Street, Raleigh, North Carolina, with the following present.

Mayor Nancy McFarlane – Absent & Excused
Councilor Kay C. Crowder – Mayor Pro Tem
Councilor Mary-Ann Baldwin
Councilor Corey D. Branch
Councilor David Cox
Councilor Bonner Gaylord
Councilor Russ Stephenson
Councilor Dickie Thompson

Mayor Pro Tem Crowder called the meeting to order and invocation was rendered by Reverend Tom Harris, Saint Andrews Presbyterian Church. The Pledge of Allegiance was led by Council Member Baldwin. The following items were discussed with action taken as shown.

RECOGNITION OF SPECIAL AWARDS

CERTIFICATES OF APPOINTMENT – PRESENTATIONS MADE

Mayor Pro Tem Crowder explained the Certificate of Appointment presentation and presented the following certificates: Fair Housing Hearing Board – Ashleigh Parker Dunston; Electrical Examining Board – Reuben Copeland, Adam Carrington; Mechanical Examining Board – Richard McCallum and Plumbing Examining Board Elbert Hill, Jr.

PROCLAMATION – NATIONAL SERVICE RECOGNITION DAY - PROCLAIMED

Mayor Pro Tem Crowder read a proclamation proclaiming April 4, 2017 as National Service Recognition Day in the City of Raleigh. The Proclamation was accepted by Lea Efird, AmeriCorps VISTA member on behalf of the National Service Members in Raleigh.

PROCLAMATION – FAIR HOUSING MONTH – PROCLAIMED

Mayor Pro Tem Crowder read a proclaiming April 2017 as Fair Housing Month in the City of Raleigh. The Proclamation was accepted by Ashleigh Parker Dunston.

PROCLAMATION – CHILD ABUSE PREVENTION MONTH – PROCLAIMED

Mayor Pro Tem Crowder read a Proclamation proclaiming April as Child Abuse Prevention Month. The Proclamation was accepted by Diane Sauer, Director of Parks, Recreation and Cultural Resources Department and Sharon Hirsch Day, Prevent Child Abuse in NC President and CEO. Ms. Sauer expressed appreciation to the work of the Prevent Child Abuse and the

volunteers for the program. Ms. Hirsch accepted the Proclamation and asked that students from Moore Square School give pinwheels to Council Members pointing out they will help plant the pinwheels in the park.

MAYOR MCFARLANE – EXCUSED FROM THE MEETING

Mayor Pro Tem Crowder pointed out Mayor McFarlane is absent and will be excused from the meeting.

AGENCY GRANTEE PRESENTATION

AGENCY GRANTEE PRESENTATION – TRIANGLE FAMILY SERVICES, INC. – INFORMATION RECEIVED

Cari Boram, Director of Operations at Triangle Family Services, pointed out Ms. Lutz sends her regards and apologies for not being present and explained Ms. Lutz is in Washington for the Bank of American Neighborhood Leadership Training in order to bring back additional best practices for our community.

Ms. Boram expressed appreciation for the City's support of local families in crisis, talked about the past years activities including being named as the 2018 Band Together partners. She recognized members from the Board of Directors and Advisory Board who were present and asked them to stand.

Ms. Boram stated their consumer credit team has helped thousands of Raleigh residents through financial classes, workshops and community events to including work with hundreds of veterans and seniors through targeted outreach initiatives. Ms. Boram stated they work with their clients to build better credit scores, budgeting, saving skills and helped to prevent hundreds of foreclosures, evictions and bankruptcies. She stated the City of Raleigh supports child mental health services and gave examples of children and teens who have benefitted through that program. She pointed out this is the 80th anniversary of Triangle Family Services pointing out they plan to celebrate by focusing on their clients and the community through continued innovation. She stated they will be sponsoring several programs including the Senior Scam Jam which will feature Attorney General Josh Stein and Secretary of State Elaine Marshall as guest speakers. She presented council members with invitations and information on that program. She expressed appreciation for the City's continued support and stated she hopes Council members can join in the celebration.

CONSENT AGENDA

CONSENT AGENDA – APPROVED AS AMENDED

Mayor Pro Tem Crowder presented the consent agenda pointing out all items are considered to be routine and may be enacted by one motion. If a Council Member requests discussion on an item, the item will be removed from the consent agenda and considered separately. She stated

the vote on the Consent Agenda will be a roll call vote. Mayor Pro Tem Crowder pointed out Council Member Gaylord indicated he does not wish to pull an item but would like to be excused from voting on the no parking tow away zone – 200 South West Street because of his employer’s involvement. Council Member Branch moved that Council Member Gaylord be excused from participation in the traffic item as requested. His motion was seconded by Council Member Baldwin and put to a vote which passed unanimously. The Mayor Pro Tem ruled the motion adopted on a 7-0 vote. (Mayor McFarlane absent and excused).

Council Member Branch moved approval of the Consent Agenda. His motion was seconded by Council Member Thompson and a roll call vote resulted in all members voting in the affirmative except Mayor McFarlane who was absent and excused. Mayor Pro Tem Crowder ruled the motion adopted on a 7-0 vote. The items on the consent agenda were as follows.

FALLS OF NEUSE AREA PLAN UPDATE – COMMITTEE APPROVED WITH UNDERSTANDING ADDITIONAL MEMBER WILL BE ADDED

The Department of City Planning is coordinating an update to the Falls of Neuse Area Plan. The planning effort will be largely tasked to a consultant team but is to include the participation of a Council-appointed “Confirmation Group” that will provide citizen oversight of the plan process and confirmation that the plan recommendations reflect public input. Staff recommends that the committee contain up to 15 members. The current schedule envisions that the committee would begin work in April and wrap up work in the fall.

The following candidates have been suggested for confirmation.

- Samuel Boyce (resident, Herringbone Drive)
- Susan Burton (resident, Wescott Drive)
- Leon Cooke (resident, Whittington Drive)
- Bob J. Fry (resident, Coolmore Drive)
- Linda Monaghan (Resident, October Road)
- James P. Morrison (resident, October Road)
- John M. Toller (resident, Elegance Drive)
- Olalah Njenga (resident, Slider Drive)
- Kerry O’Sullivan (resident, Tinsley Court)
- Will Owens (resident, Kings Crest Lane)
- John T. Purves (resident, Elegance Drive)
- Randy Ray (resident, Falls of Neuse Road)
- Mary Lou Young (resident, Slider Drive)

Staff recommends also including a representative each from two non-residential and institutional corridor properties on the Confirmation Group.

- WakeMed North (to be determined)
- Mt. Pleasant Baptist Church (Angela Allen)

Recommendation: Appoint the committee with the understanding that a representative from WakeMed North will be added. Upheld on Consent Agenda Branch/Thompson – 7 ayes (McFarlane absent and excused).

TEXT CHANGE – UNIFIED DEVELOPMENT ORDINANCE – STAFF AUTHORIZED TO DEVELOP AND SUBMIT TO THE PLANNING COMMISSION

Following recent reorganization of City departments, staff requests authorization to amend the Unified Development Ordinance (UDO) to reflect current position titles and department names. While the changes will be numerous, they would not alter the day-to-day operation or intent of the language. Recent changes to the organization that required updates to the UDO include the former Planning and Development Department is now two departments, the Department of City Planning and the Development Services Department. More recently, the former Public Works Department was reorganized into the Department of Transportation and the Engineering Services Department. Existing text of the UDO reflects the former departmental structures.

Additionally, staff recommends this authorization encompass recent changes to State law and current City practices. The UDO contains provisions that have been superseded by State law, such as the protest petition for rezoning requests and variance findings that have been standardized.

Recommendation: Authorize staff to submit a text change to the Planning Commission. Upheld on Consent Agenda Branch/Thompson – 7 ayes (McFarlane absent and excused).

SURPLUS PROPERTY – 612 CANDOR LANE AND 429 SOUTH SWAIN STREET – TO BE SOLD THROUGH UPSET BID PROCESS

Contiguous properties located at 612 Candor Lane and 429 South Swain Street (Wake County REID 0039511 and Wake County REID 0074464) have been identified by the Housing & Neighborhoods Department as surplus properties. The properties are located in the Hunter/Thompson II redevelopment area, but are not part of any ongoing studies currently being conducted. SPD Holdings, LLC has submitted an initial bid of \$18,000 for the properties. The proposed use of the sites will be residential, which will be regulated by the current R-10 zoning classification. Applicable City departments have reviewed the properties and have no objections to the disposition. Housing & Neighborhoods, maintenance manager for the properties, has reviewed this request and is in support of the proposed bid.

Recommendation: Declare the properties as surplus. Accept the bid of \$18,000 from SPD Holdings, LLC, subject to the negotiated offer and upset bid process with the condition that the winning bidder pay all advertising costs accrued during the upset bid process. Upheld on Consent Agenda Branch/Thompson – 7 ayes (Mayor McFarlane absent and excused).

CITY PROPERTY – SALE OF 28 CITY OWNED PARCELS – PUBLIC HEARING AUTHORIZED FOR APRIL 18, 2017

The Housing & Neighborhoods Department is currently in the implementation phase of the Neighborhood Revitalization Strategy Area (NRSA). This phase includes upgrading the infrastructure within the East College Park neighborhood and constructing mixed-income homeownership units. These units consist of 98 single-family units and 51 townhome units. City Council approved the sale of the single-family lots on March 7, 2017. Subsequently, Community Development is seeking approval for the sale of 28 City-owned parcels for the disposition and construction of 51 townhome units. These townhome units were the basis for the Request for Proposals (RFP) issued on November 23, 2016. These units will be geographically located within the bounds of Oakwood Avenue, and Pender, Waldorp, Fisher, Carver, and Boyer Streets. On March 3, 2017, the Department received four submittals from potential townhome builders to purchase and create affordable homeownership opportunities on the 28 parcels, which will be recombined and sub-divided into five separate townhome sites.

According to North Carolina State General Statute Article 160A-457, the sale of real property in a community development project area to any redeveloper at private sale for residential use is subject to the approval of the governing body. In addition, the Statute specifies that the consideration (sales price) shall not be less than the appraised value and that the proposed sale be subject to a public hearing at which the terms of the sale are disclosed. Details of the property addresses and appraised value/proposed sales prices were provided with the agenda packet.

Recommendation: Schedule a public hearing for April 18, 2017 for the purpose of receiving citizen comments on the proposed sale of property. Upheld on Consent Agenda Branch/Thompson – 7 ayes (Mayor McFarlane absent and excused).

UTILITY EASEMENTS – DUKE ENERGY PROGRESS – 325 EAST CABARRUS AND 428 SOUTH BLOODWORTH STREETS – CONVEYANCE AUTHORIZED

A request has been received from Duke Energy Progress for an easement on City-owned property located at 325 East Cabarrus Street, 424 South Bloodworth Street, and 428 South Bloodworth Street for the purpose of relocating existing electrical facilities on the site. The City's Housing & Neighborhoods Department is the maintenance manager of the properties and is in agreement with the easement request by Duke Energy Progress. Due to the benefits to City property, no monetary consideration from Duke Energy Progress is recommended by City Staff.

Recommendation: Approve the conveyance of the requested utility easement to Duke Energy Progress and authorize the appropriate officials to sign instruments of conveyance. Upheld on Consent Agenda Branch/Thompson – 7 ayes (McFarlane absent and excused).

ENCROACHMENT REQUESTS – VARIOUS – APPROVED CONDITIONALLY

The agenda presented the following encroachment request.

420 South Bloodworth Street

A request has been received from Guesthouse, LLC to install stairs and a retaining wall.
South Harrington Street, South West Street, West Martin Street, West Hargett Street, and South Salisbury Street

A request has been received from Celito CLEC, LLC to install 3,506 linear feet of underground fiber optic cable and 13 hand holes.

West Edenton Street, South Wilmington Street, East Morgan Street North Person Street, East Hargett Street, East Lenoir, West Davie, Gale Street, and South Salisbury Street

A request has been received from Fiber Technologies Networks, LLC to install 3,519 feet of underground fiber optic cable and 8,005 feet of aerial fiber optic cable.

Gardner Street, Dartmouth Road, and Camelot Drive

A request has been received from Level 3 Communications to install 928 feet of underground conduit.

Marvino Lane, Atlantic Avenue, Alm Street, Departure Drive, and Oak Forest Road

A request has been received from South Carolina Telecommunications Group to install 15,350 linear feet of underground fiber optic cable.

Sugar Bush Road, North Hills Drive, Northbrook Drive, and Little Brier Creek Lane

A request has been received from Duke University to install 65,000 feet of underground conduit and sixty hand holes.

204 West Drewry Lane

A request has been received from Mary and Chester Allen to install an iron fence.

Reports were included with the agenda packet.

Recommendation: Approve the encroachments subject to completion of liability agreements and documentation of proof of insurance by the applicants. Upheld on Consent Agenda Branch/Thompson – 7 ayes (McFarlane absent and excused).

WATER AND SEWER MAIN REPLACEMENT – BID AWARDED TO PARK CONSTRUCTION, INC. – MANAGER AUTHORIZED TO EXECUTE CONTRACT

Five construction bids were received on March 10, 2017 for the 2012 Water and Sewer Main Replacements Number Two project. The project will replace or rehabilitate the existing sewer

and water lines in adjacent residential corridors along Glenwood Ave. The project will rehabilitate or install approximately 8,000 linear feet of sewer lines and replace 22,000 linear feet of water lines. The project is funded through the water and sewer main replacement program that replaces aging and undersized mains in the older areas of the merger towns and Raleigh. Budget funds for water and sewer main replacement are allocated annually, and multiple projects are funded through this CIP line item.

Park Construction of NC, Inc. submitted the lowest responsive bid in the amount \$6,987,000. Park Construction of NC is properly licensed and experienced in the type of work involved with this project. Park Construction of NC submitted a 17.19 percent Minority and Women Enterprise (MWBE) participation plan, which exceeds the City’s goal.

Name of Project:	2012 Water and Sewer Main Replacements Number Two
Managing Division:	Public Utilities – Capital Improvements Division
Approval request:	Bid award
Reason for Council review:	Formal bid award
Original CIP Budget:	\$13,900,000
Construction Bid Award:	\$6,987,000
Vendor:	Park Construction of NC, Inc.
Prior Contract Activity:	N/A
Encumbered with this approval:	\$6,987,000

Recommendation: Award the contract to Park Construction of NC, Inc. in the amount \$6,987,000 and authorize the City Manager to execute the contract. Upheld on Consent Agenda Branch/Thompson – 7 ayes (McFarlane absent and excused).

FIRE STATION #6 – BID AWARDED TO PRO CONSTRUCTION, INC.

On March 7, 2017, six formal bids were opened for the Fire Station Number Six New Construction project. KMD Construction submitted the low bid of \$5,002,803. After reviewing its bid, KMD Construction requested the bid be withdrawn due to a significant arithmetic error. The next lowest responsible bid was submitted by Pro Construction, Inc. with a bid of \$5,057,200.

Minority and Women Owned Business Enterprise (MWBE) participation is 16.6 percent. Funding is appropriated in the capital budget.

Name of Project:	Fire Station Number Six New Construction
Managing Division:	Engineering Services – Construction Management
Reason for Council Review:	Formal Bid Award Amount >\$500,000
Original CIP Budget:	\$6,395,000
Vendor:	Pro Construction, Inc.
Prior Contract Activity:	None
Budget Transfer:	NA
Encumbered with this approval:	\$5,057,200

Recommendation: Award the contract to Pro Construction, Inc. in an amount not to exceed \$5,057,200 and authorize the City Manager to execute the contract. Upheld on Consent Agenda Branch/Thompson – 7 ayes (McFarlane absent and excused).

TRAFFIC – VARIOUS CHANGES – ORDINANCE ADOPTED

The agenda presented the following traffic changes which will become effective 7 days after Council action if approved.

Materials Loading Zone – Gramercy Apartments

It is recommended that a Materials Loading Zone be established in the north side of the 600 block of West North Street. A request was received from the Community Manager of The Gramercy Apartments to remove a portion of the current One Hour Time Restricted Parking in order to establish a Materials Loading Zone on the north side of West North Street near the intersection of North Boylan Avenue. The proposed Materials Loading Zone will provide a safe loading and unloading area for tenants moving in and out of the Gramercy, while also providing an additional loading area to the surrounding businesses in the vicinity.

Temporary Commercial Loading Zone – 421 North Blount Street

It is recommended that a temporary Commercial Loading Zone be established on the west side of North Blount Street. A request was received from Sigmon Construction, a contractor working at 421 North Blount Street, to establish a temporary Commercial Loading Zone during the construction phase. The requested zone would run along the frontage of the construction site to allow for loading and unloading of construction materials. Construction is expected to last until the end of the year at which time it is expected that the new owners may request parking lane changes to this area.

No Parking Tow Away Zone – 200 South West Street

It is recommended that parking along the west side of South West Street between Hargett Street and Martin Street be restricted to a No Parking Tow-Away Zone to allow adequate traffic flow during the construction of the Dillon Project and Union Station. In June 2016, staff received a request from Kane Realty to restrict the west side of South West Street to be No Parking 6:00 a.m. to 6:00 p.m. during construction of the Dillon Project. It has since been reported that this restriction is insufficient to curb the number of vehicles that continue to park there, creating safety concerns for both pedestrians and construction staff, despite citations that are issued daily. The developer has now requested that this zone be fortified as a No Parking Tow-Away Zone which would allow the police to remove vehicles that are illegally parked so that traffic flow is maintained and public safety is assured.

No Parking and No Stopping or Standing Zones – Wildwood Forest Drive

It is recommended that a No Stopping or Standing Zone and a No Parking Zone be established during school arrival and dismissal times on the west side of Wild Wood Forest Drive between Neuse Commons Lane and Filbin Creek Drive. A request was received from Wildwood Elementary School and the Raleigh Police Department to add No Parking Zones and a No Stopping or Standing Zone in order to add an area of safety for students and parents during arrival and dismissal times. Staff completed a review of several dismissals of Wildwood Elementary which confirmed the dangerous situation being created by the carpool line currently queuing up in the travel lane alongside parked cars on both sides of Wild Wood Forest Drive. During these times, motorists traveling northbound and southbound along Wild Wood Forest Drive are forced to utilize a single open travel lane due to vehicles double parking for carpool. The addition of the No Parking Zone would provide parents a safe area to queue up for carpool and pick up their children in the proper area on school property. The addition of the No Stopping or Standing Zone would deter parents from having their children leave the school as walkers in order to pick them up from the side of the road. The proposed changes will alleviate these issues and promote safety for parents and students during arrival and dismissal times. All of the affected homeowners were duly notified and provided two weeks to respond with any concerns, but no responses were received.

Recommendation: Approve as recommended and authorize the appropriate changes in the traffic code as included in the agenda packet. Upheld on Consent Agenda Branch/Thompson – 7 ayes (McFarlane absent and excused): During approval of the Consent Agenda Council Member Gaylord was excused from voting on the no parking tow away zone – 200 South West Street; therefore his vote would not count so the vote on the “no parking tow away zone – 200 South West Street” was approved on a 6-0 vote (McFarlane absent and excused; Gaylord excused from participation). See Ordinance 694.

REZONING Z-47-16 – RANDOLPH DRIVE – POSTPONED

Mayor Pro Tem Crowder indicated Rezoning Z-47-16 – Randolph Drive appears on the evening agenda. She stated that case has been postponed and will not be heard tonight.

REPORT AND RECOMMENDATION OF THE PLANNING COMMISSION

REZONING Z-46-16 – HARDEN ROAD – PUBLIC HEARING AUTHORIZED FOR JUNE 6, 2017

This is a request to rezone property from Residential-4 (R-4) to Residential-10 (R-10). The property is located on Harden Road, south side, east of Blue Ridge Road.

This is General Use proposal; there are no conditions. The request is consistent with the Future Land Use Map, the Urban Form Map, and most pertinent policies of the Comprehensive Plan.

The Planning Commission recommends denial of the request finding possible build out incompatible with adjacent uses. Staff suggests a public hearing date of May 2, 2017.

Planning Director Bowers explained the case and pointed out the applicant had requested that the public hearing be scheduled for the first meeting in June. In response to questioning from Council Member Baldwin, Planning Director Bowers stated staff has no problem with the delayed public hearing date. Council Member Baldwin moved approval of a June 6 public hearing for Z-46-16. Her motion was seconded by Mr. Thompson and put to a vote which passed unanimously (McFarlane absent and excused). The Mayor Pro Tem ruled the motion adopted on a 7-0.

REZONING Z-33-16 – THE LAKES DRIVE – PUBLIC HEARING AUTHORIZED FOR MAY 2, 2017

This is a request to rezone property from Residential-10 and Conservation Management (R-10 and CM) to Planned Development (PD). The property is generally located at Southwest and southeast quadrants of the intersection of The Lakes Drive and Sandy Forks Road

The request is consistent with the Future Land Use Map, and most pertinent policies of the Comprehensive Plan.

The Planning Commission recommends approval of the request. Staff suggests a public hearing date of May 2, 2017.

Council Member Thompson moved approval as outlined. His motion was seconded by Council Member Gaylord and a roll call vote resulted in all members voting in the affirmative except Mayor McFarlane who was absent and excused. Mayor Pro Tem Crowder ruled the motion adopted on a 7-0 vote.

TC-2-17 – TRANSIT AMENITIES – 90-DAY EXTENSION GRANTED

This request amends Article 8 of the Raleigh Unified Development Ordinance to insert regulations related to transit amenities, which would be required at development plan review.

The Planning Commission recommends a 90-Day Time Extension. Council Member Gaylord moved approval of the 90-day extension. His motion was seconded by Council Member Baldwin and put to a vote which passed with all members voting in the affirmative except Mayor McFarlane who was absent and excused. The Mayor Pro Tem ruled the motion adopted on a 7-0 vote.

REZONING – Z-3-17 – GLENWOOD AVENUE – WITHDRAWN

This is a request to rezone property from Residential-4 with Neighborhood Conservation Overlay District (R-4 w/NCOD) to Office Mixed Use-3 stories-Conditional Use with Neighborhood

Conservation Overlay District (OX-3-CU w/NCOD). The property is located at the intersection of Glenwood Avenue and Rembert Drive.

The request is inconsistent with the Future Land Use Map, the Urban Form Map, and most pertinent policies of the Comprehensive Plan. Conditions restrict certain uses.

The Planning Commission recommends denial of the request. Staff suggests a public hearing date of May 2, 2017.

It was reported the applicant had requested that the case be withdrawn. City Attorney McCormick indicated no action would be required.

REZONING Z-41-16 – EVERSFRING LANE – PUBLIC HEARING AUTHORIZED FOR MAY 2, 2017

This is a request to rezone property from Residential 1 (R-1) to Residential 6 (R-6). The property is generally located west of Everspring Lane, south of its intersection with Spring Glen Ln.

The request is consistent with the Future Land Use Map and most pertinent policies of the Comprehensive Plan. This is a general use rezoning case.

The Planning Commission recommends approval of the request. Staff suggests a public hearing date of May 2, 2017.

Council Member Baldwin moved approval of the May 2, 2017 public hearing. Her motion was seconded by Council Member Branch and a roll call vote resulted in all members voting in the affirmative except Mayor McFarlane who was absent and excused. The Mayor Pro Tem ruled the motion adopted on a 7-0 vote.

REZONING Z-48-16 – BAILEYWICK ROAD – PUBLIC HEARING AUTHORIZED FOR MAY 2, 2017

This is a request to rezone property from Residential 40W with Special Highway Protection Overlay District (R40W w/SHOD) to Residential 1 with Falls Watershed Protection Overlay District (R-1 w/ FWPOD). The property is generally located at Baileywick Road, northwest quadrant of its intersection with Hunter Road.

The request is consistent with most pertinent policies of the Comprehensive Plan. This is a general use rezoning case.

The Planning Commission recommends approval of the request. Staff suggests a public hearing date of May 2, 2017.

Planning Director Bowers reported there is a companion annexation request that will be heard on May 2. Council Member Gaylord moved approval of the May 2, public hearing. His motion

was seconded by Council Member Baldwin and a roll call vote resulted in all members voting in the affirmative except Mayor McFarlane who was absent and excused. The Mayor Pro Tem ruled the motion adopted on a 7-0 vote.

REZONING Z-2-17 – POOLE ROAD/RAWLS DRIVE – HELD AT THE TABLE TO BE PLACED ON APRIL 18, 2017 AGENDA AS A SPECIAL ITEM

This is a request to rezone property from Residential-6 (R-6) to Residential-10-Conditional Use (R-10-CU). The property is generally located northeast of the Poole Road and Rawls Drive intersection.

The request is consistent with the Future Land Use Map and most pertinent policies of the Comprehensive Plan. Conditions provide for a transit easement and the restriction of certain uses and density.

The Planning Commission recommends approval of the request, but with an additional condition related to greenway dedication to be added before scheduling a public hearing.

In order to allow the applicant to submit the additional condition, City Council may hold this item or refer it to committee for further discussion.

Planning Director Bowers pointed out the applicant had asked that this be held at the table to allow presentation of additional or changed conditions. Without objections, Mayor Pro Tem Crowder reported the item will be placed on the April 18 agenda as a special item.

TC-22-16 – DRIVEWAYS AND PARKING SETBACKS – 90-DAY EXTENSION GRANTED

This request amends Sections 2.2.1, 2.3.2. and 2.4.2., Detached House, 2.2.2., 2.3.3. and 2.4.3., Attached House, 2.2.3., 2.3.4., and 2.4.4., Townhouse, 2.2.4., 2.3.5., and 2.4.5., Apartment, 8.3.5.C.1., All Driveways, and 8.3.5.C.2.e. Driveways for Residential Uses of the Part 10 Raleigh Unified Development Ordinance, to require 3.5' setbacks for driveways and parking areas with some exceptions.

The Planning Commission recommends a 90-Day Time Extension. This item is related to topics pending at the Growth and Natural Resources Committee. The Planning Commission has requested that all of these items be considered at the same time.

Council Member Baldwin moved approval of the 90-day extension. Her motion was seconded by Council Member Gaylord and a roll call vote resulted in all members voting in the affirmative except Mayor McFarlane who was absent and excused. The Mayor Pro Tem ruled the motion adopted on a 7-0 vote.

TC-3-17 – ACCESSORY DWELLING OVERLAY DISTRICT – 90-DAY EXTENSION GRANTED

This request proposes new UDO Article 5.6 Accessory Dwelling Overlay District to allow construction of a free-standing, accessory residential structure on the same lot as a principal building. This new overlay district is the result of a petition of citizens.

The Planning Commission recommends a 90-Day Time Extension.

Council Member Baldwin moved approval of the 90-day extension. Her motion was seconded by Council Member Gaylord and put to a vote which resulted in all members voting in the affirmative except Mayor McFarlane who was absent and excused from the meeting. Mayor Pro Tem Crowder moved the motion adopted on a 7-0 vote.

SPECIAL ITEMS

TC-1-17 – RALEIGH HISTORIC DISTRICT DEVELOPMENT GUIDELINES – TO BE PLACED ON APRIL 18, 2017 AGENDA

During the March 21 Council meeting, the City Council adopted Ordinance 2017-693 approving TC-1-17, which incorporates by reference the revised guidelines known as Design Guidelines for Raleigh Historic Districts and Landmarks. The document if adopted will be effective April 10, 2017.

The ordinance received only five votes on the first reading; therefore, it was directed that the ordinance be placed on this agenda for consideration on a second and final vote.

Mayor Pro Tem Crowder pointed out without objection she was going to hold this at the table and asked that it be placed on the April 18, 2017 agenda. It was agreed to follow that course of action.

REZONING Z-43-16 – 8402 DARTON WAY – TO BE PLACED ON APRIL 18, 2017 AGENDA

This is a request filed by Rainbow Rascals, LLC to rezone approximately three acres from Office Mixed-Use – 3 Stories – Parkway – Conditional Use, (OX-3-PK-CU) to Office Mixed-Use – 3 Stories-Parkway – Conditional Use, (OX-3-PK-CU). The request is to change existing zoning conditions. The property is located on Darton Way, northwest of the Louisburg Road and Leland Drive intersection.

Zoning conditions would limit building height and certain land uses. The request is consistent with the Future Land Use Map and the Comprehensive Plan. The Planning Commission recommends approval of the request.

This request was received by the City Council at the March 21 meeting. The applicant requested that the item be held to allow for the submittal of new conditions. Staff suggests a public hearing date of May 2, 2017.

Planner Bynum Walter stated the item needs to be held pending receipt of conditions and placed on the 18th agenda as a special item. Mayor Pro Tem Crowder stated without objection the item would be placed on the April 18, 2017 agenda.

REPORT AND RECOMMENDATION OF THE CITY MANAGER

PEACE STREET WEST STREETScape PROJECT – INCLUDING SCENARIO 2 APPROVED; STAFF AUTHORIZED TO PROCEED

The Peace Street West Streetscape project began in late 2005 with ColeJenest & Stone awarded a professional services contract to design streetscape improvements along the corridor between Saint Mary's Street and West Street. The project was transferred to Engineering Services but placed on hold due to lack of construction funding. The construction funding was acquired in 2014 at which time the project resumed design. A public meeting was held in February 2015, as well as presentations made to the Bicycle & Pedestrian Advisory Commission and Appearance Commission with both recommending approval of the plan. Since late 2015, the City has been in ongoing discussions with two property owners along the northern block between Saint Mary's Street and Gaston Street with regards to a potential add-alternate plan that would improve pedestrian accommodations by revising the traffic and parking configuration of the Peace Street Market property. Efforts to acquire private easements for this add-alternate, including a cross access easement from the Fallons' Flowers property, have been denied. Staff has been informed by the City Attorney's office that use of eminent domain for these private easements are not advisable.

In December 2016, Engineering Services was made aware by peer departmental staff that Peace Street was deemed a priority corridor for both water/sewer maintenance (Public Utilities) and resurfacing (Transportation). Based on these recent project developments and the desire to construct all three scopes of work in a single construction contract, staff requests authorization from City Council to begin land acquisition and proceed with final design and permitting for the streetscape project (excluding the add-alternate option). Staff has identified two potential scenarios to proceed forward. The first scenario consists of removing the sidewalk and street trees along the north side of Peace Street between Saint Mary's Street and Gaston Street to allow this portion of work to be addressed at a later date via potential redevelopment. The second scenario consists of installing new sidewalks and street trees along the north side of Peace Street between Saint Mary's Street and Gaston Street within the constraints of the existing driveway entrances. Future redevelopment may require modification or removal of a portion of these streetscape improvements. In either scenario, it will not preclude staff from continuing negotiations with both property owners to discuss the potential add-alternate design should the two owners decide to grant the easements requested to perform the alternate work scope.

The remainder of work along the corridor in locations other than the northern block mentioned previously will be the same under both of these two options. This includes completion of a short sidewalk gap between the northwest corner of Peace Street/Gaston Street and the adjacent subdivision. In addition, the water/sewer and resurfacing work is not anticipated to impact the streetscape design as presented and will be permitted under separate cover by their respective departments, as applicable.

Name of Project:	Peace Street West Streetscape
Managing Division:	Engineering Services – Roadway Design & Construction
Approval Request:	Approve design and authorize construction
Reason for Council Review:	Receive as information and provide concurrence on staff recommendation
Original CIP Project Budget:	\$2,200,000
Vendor:	ColeJenest & Stone
Construction Bid Award:	N/A
Prior Contract Activity:	N/A

Recommendation: Approve the design, including Scenario 2 for the northern block between Saint Mary’s Street and Gaston Street, and authorize staff to proceed with land acquisition and final design in advance of advertising construction.

City Manager Hall pointed out this is a long standing project and staff wants to provide an update and get directions as to how to proceed as there are several different scenarios which need to be evaluated.

Chris Johnson, Engineering Services, utilizing a slide presentation, pointed out he is joined by representatives of the consultant team ColeJenest & Stone who will be glad to answer questions. He stated the project includes Peace Street between St. Mary’s Street and West Street. This project is totally separate from the Peace Street east project and the current bridge reconstruction project taking place along Capital Boulevard. He presented various views along the street and went over the project history which started in 2005 when the concepts were presented to the Appearance Commission, Planning Commission, Peace Streetscapes and Parking Plan update and design agreement which was approved with ColeJenest & Stone. He stated in 2006 there were multiple workshops, community meetings and in 2007 the project oversight moved from Planning to Engineering (Public Works) however in 2008 the project was placed on hold, 2010 saw the design agreement updated and utility coordination meetings; 2012 saw the project put on hold and the construction funding placed in economic reserve. In 2014 construction funding was released which called for public meetings and review by the Bicycle and Pedestrian Advisory Commission and Appearance Commission in 2015; 2016 started discussions with Fallon’s Flowers and Peace Street Market owners regarding the parking lot alternative designs. Late 2016 saw Public Utilities and Transportation prioritize Peace Street for utility and resurfacing projects which leads to the presentation today. Mr. Johnston stated the project is to help improve pedestrian and vehicular safety, appearance and to bring the area in compliance with the Peace Streetscape and Parking Plan. The project goals include partial undergrounding of the utilities-lines crisscrossing the street, adding street trees, reducing excess driveways, repaving sidewalks, upgrading the signal poles and pedestrian crossings. He pointed out the transmission lines on the

north side of the street and primary power lines on the south side of the street would remain but secondary power service crossings and all parallel telecommunication lines will be buried in joint conduits along the southern shoulder. He stated various options were considered and presented the option which was recommended by staff based on the project budget of \$400,000 for utilities pointing out it is a 2012 estimate; however, that has tripled to \$1.3M and excludes burial of property services.

Mr. Johnson presented slides of the existing streetscape and proposed streetscape, went over the project plans and talked about the challenges in the various area including Peace Street Market parking which requires cross access easement to be code compliant. Fallons' Flowers owner denied cross access. He stated staff had been working on options including one-way parking at Peace Street known as scenario I which includes Gaston sidewalk with the Peace Street frontage at the Peace Street Market/Fallon Flowers parking lot be left and addressed in future development or redevelopment of these properties.

Mr. Johnson presented Scenario #2 which is staff's recommendation to install a sidewalk along Gaston Street and install the best fit streetscape along Peace Street within existing driveway configuration.

Mr. Johnson went over the challenges at Sherwin-Williams property and their concern about the loss of three parking spaces and the lack of additional room for parking on the side of the building. He presented slides showing the existing and the proposed design which would remove the driveway from Peace Street but retain the driveway and parking from Gaston Street.

Mr. Johnson talked about the Peace Street intersection center which has two driveways on Peace Street and one of Glenwood Avenue and talked about the proposal to remove one driveway and converting that to a transit stop.

Mr. Johnston went through the proposed site and plant materials, explained the Bicycle and Pedestrian Advisory Commission recommended providing big belly trash cans in lieu of standard trash cans and the plans have been revised to include that suggestion, BPAC. They also suggested bike racks for public uses and bike racks have been added at Gaston Street and Glenwood Avenue. The Appearance Commission called for review of the pedestrian activated signals and relocating the transit stop from mid-block. He went over the public comments and how staff had responded positively to those comments including eliminating parking on Gaston Street in Scenario #2, signal plans revised to provide pedestrian lead time, bike racks added and sidewalk construction added. He went over the project schedule which would include right-in-way acquisition beginning this summer with construction to be completed by mid-2019. He also provided estimates of probable cost and went over staff's recommendation.

Council Member Thompson questioned if the transit stop meets our criteria with it being pointed out it does. Council Member Baldwin questioned how this project combines with the bridge construction project pointing out we are already seeing traffic backups and she questions how the projects will fit together and the impact on traffic. Transportation Planner Eric Lamb talked about the coordination pointing out this project stops at the West Street intersection is being

coordinated with the Smokey Hollow project and everything is tracking on the same time line. He stated as far as the Peace Street east is concerned staff had started some outreach but the Capital Boulevard project came up so they put that on pause. Council Member Gaylord questioned if there are other amenities with Council Member Branch expressing concern and caution about trees under power lines. Mayor Pro Tem Crowder had questions concerning the crosswalks with Mr. Johnson responding to the questions. Council Member Baldwin moved approval of the recommendation as outlined by staff. Her motion was seconded by Council Member Thompson and put to a roll call vote which resulted in all members voting in the affirmative except Mayor McFarlane who was absent and excused. The Mayor Pro Tem ruled the motion adopted on a 7-0 vote.

REPORT AND RECOMMENDATION OF THE ECONOMIC DEVELOPMENT AND INNOVATION COMMITTEE

NO REPORT

MOBILE RETAIL – INFORMATION REQUESTED

Council Member Baldwin pointed out the Economic Development and Innovation Committee has an item pending – Mobile Retail and questioned when the committee will discuss that item. Mayor Pro Tem Crowder indicated she will ask the chair, Mayor McFarlane when she plans to discuss the item. Council Member Baldwin pointed out if it is going to be some time she would question if the item could be moved to the Transportation and Transit Committee or another committee of Council. Mayor Pro Tem Crowder pointed out she will discuss the issue with the Mayor.

REPORT AND RECOMMENDATION OF THE GROWTH AND NATURAL RESOURCES COMMITTEE

RESIDENTIAL INFILL STANDARDS/INTERRELATIONSHIP OF NCOD STANDARDS AND INFILL COMPATIBILITY STANDARDS - STAFF AUTHORIZED TO DEVELOP TEXT CHANGE FOR SUBMISSION TO PLANNING COMMISSION

Chairperson Crowder reported the Growth and Natural Resources Committee recommends upholding staff's recommendation for the City Council to authorize a text change to amend Section 2.2.7 Residential Infill Compatibility and the Street Setback portion of the Unified Development Ordinance for submission to the Planning Commission for review and recommendation, ultimately culminating in a public hearing before City Council.

Council Member Baldwin moved approval as outlined. Her motion was seconded by Council Member Gaylord and put to a vote which resulted in all members voting in the affirmative except Mayor McFarlane who was absent and excused. The Mayor Pro Tem ruled the motion adopted on a 7-0 vote.

**GROWTH AND NATURAL RESOURCES COMMITTEE – APRIL 12, 2017 MEETING
– CANCELED**

Mayor Pro Tem Crowder reported the Growth and Natural Resources Committee will not meet on April 12, 2017 but will meet at the regular time on April 26.

**REPORT AND RECOMMENDATION OF THE SAFE, VIBRANT, AND HEALTHY
NEIGHBORHOODS COMMITTEE**

NO REPORT

**REPORT AND RECOMMENDATION OF THE TRANSPORTATION AND TRANSIT
COMMITTEE**

**NEIGHBORHOOD TRAFFIC MANAGEMENT PROGRAM POLICY –
NEIGHBORHOOD STREETScape PROJECTS POLICY – APPROVED**

Chairperson Branch reported the Transportation and Transit Committee recommends adopting Neighborhood Streetscape Projects Policy to be included in the Neighborhood Traffic Management Program Policy. The Neighborhood Streetscape Projects Policy was included in the agenda packet. On behalf of the committee, Chairperson Branch moved approval. His motion was seconded by Council Member Baldwin and put to a vote which passed with all members voting in the affirmative except Mayor McFarlane who was absent and excused. The Mayor ruled the motion adopted on a 7-0 vote.

Council Member Baldwin expressed appreciation to staff for all the work they did on the Neighborhood Traffic Management Program Policy. She stated there was a lot of public input and she appreciated all of the openness everyone shared and the work in putting together this policy. She stated she sees this as a very positive move. Council Member Branch expressed appreciation to staff and to Ms. Baldwin for her leadership on this item.

TRANSPORTATION AND TRANSIT COMMITTEE – NO MEETING IN APRIL

Chairperson Branch pointed out the Transportation and Transit Committee will not be meeting in April.

REPORT OF MAYOR AND COUNCIL MEMBERS

**LAUNCH RALEIGH – PROPOSAL FOR GRANT – TO BE PLACED ON APRIL 18
AGENDA**

Ms. Baldwin asked for the Council to consider at its next meeting the possibility of a \$10,000 grant from the City's innovation fund to support Launch Raleigh. She talked about the District Rotary Council contributing money for the program at Shaw University which is focused on small business owners in Southeast Raleigh. She stated Launch Raleigh helps establish

businesses and grow businesses and she understands they had some 40 applicants. Some have dropped out but many are still involved and are taking the next step toward leadership and the program is moving toward mentoring of small businesses. She pointed out she is not asking for approval but asking that the issue be placed on the next agenda for consideration.

Mayor Pro Tem Crowder questioned if Council Member Baldwin had discussed this with Economic Development Director Sauls with Council Member Baldwin indicating not at this point; however, his comments would be part of what the Council could receive and consider at the next meeting. Council Member Branch pointed out he has been brought up to speed on this program and he looks forward to getting additional information and having additional discussion. Council Member Baldwin asked that Economic Development Director Sauls reach out to the leader of the program and the item be placed on the next agenda.

BASKETBALL NATIONAL CHAMPIONSHIP – TAR HEELS CONGRATULATED

Various Council Members talked about their support and involvement in the NCAA and congratulated the Tar Heels. Several Council Members talked about their allegiance to various schools and being lifelong supporters of the other schools; however, they congratulate the Tar Heels, wear the Tar Heel pins, etc.

Council Member Branch expressed congratulations to North Carolina Central University for winning the MEAC and pointed out they will be back next year.

APPOINTMENTS

APPOINTMENTS – VARIOUS ACTIONS TAKEN

The City Clerk reported the following results of the ballot vote:

Arts Commission – Two Vacancies – Jamie Dawson received 6 votes (Thompson, Branch, Baldwin, Crowder, Stephenson, Gaylord). The Clerk announced Mayor Pro Tem Crowder and Council Member Baldwin had nominated Pam Hartley.

Appearance Commission – One Vacancy – No Nominees

Convention and Performing Arts Centers Authority – One Vacancy – Ken Crockett – 7 (All but McFarlane who was absent and excused)

Historic Cemeteries Advisory Board – Two Vacancies – No Nominees

Human Relations Commission – One Vacancy – Mayor Pro Tem Crowder and Council Member Stephenson nominated Emily Kissee

Raleigh Transit Authority – Alternate Member – Karen Rindge – 4 (Thompson, Baldwin, Crowder, Stephenson); Teresa Hart – 1 (Branch); Linda Wire – 1 (Gaylord)

During the night portion of the meeting, Mayor Pro Tem Crowder reported Council Member Gaylord has asked to change his vote for the Raleigh Transit Authority Alternative Member from Linda Wire to Karen Rindge. She stated without objection, she would allow that to occur. No one objected. Mayor Pro Tem Crowder pointed out that gives Ms. Rindge 5 votes with the City Clerk reporting Ms. Rindge would be the alternative member on the Transit Authority.

Stormwater Management Advisory Commission – One Vacancy – Mark Senior – 2 (Thompson, Crowder); Todd Kennedy – 3 (Branch, Baldwin, Stephenson)

The City Clerk announced the appointment of Jamie Dawson to the Arts Commission, Ken Crockett to the Convention and Performing Arts Centers Authority and pointed out the rest of the items would be carried over until the next meeting.

NOMINATIONS

RALEIGH/DURHAM AIRPORT AUTHORITY – ONE VACANCY – NOMINATIONS MADE

The City Clerk reported Adrienne Cole has submitted her resignation from the Raleigh/Durham Airport Authority therefore there is one vacancy for consideration. Council Member Baldwin, Mayor Pro Tem Crowder, and Mayor McFarlane had submitted the name of Sepideh Saidi. The item will be placed on the April 8 agenda.

REPORT AND RECOMMENDATION OF THE CITY ATTORNEY

HOUSE BILL 142 – COMMENTS RECEIVED

City Attorney McCormick pointed out as Council is aware the General Assembly has adopted House Bill 142 which is a reset of House Bill 2. He stated he had looked at the effect of HB142 on the City of Raleigh. Since the City of Raleigh never repealed its nondiscrimination ordinance, Raleigh's nondiscrimination ordinance remains in effect. The comments were received.

REPORT AND RECOMMENDATION OF THE CITY CLERK

MINUTES – VARIOUS - APPROVED

The Clerk reported that March 21, Council Work Session and Council meeting were included in the agenda packet. Council Member Baldwin moved approval. Her motion was seconded by Council Member Branch and put to a roll call vote which resulted in all members voting in the affirmative except Mayor McFarlane who was absent and excused. The Mayor Pro Tem ruled the motion adopted on a 7-0 vote.

TAXES – VARIOUS – RESOLUTION ADOPTED

Council Members received in their agenda packet a resolution adjusting, rebating or refunding penalties, exemptions and relieving interest for late listing of property for ad valorem taxes adoption is recommended. Council Member Baldwin moved approval as recommended. Her motion was seconded by Council Member Branch and a roll call vote resulted in all members voting in the affirmative except Mayor McFarlane who was absent and excused. The Mayor Pro Tem ruled the motion adoption on a 7-0 vote. See Resolution 459.

ASSESSMENT ROLL 948 – LAKE WHEELER ROAD – RESOLUTION SETTING HEARING FOR MAY 2, 2017 ADOPTED

The following preliminary assessment roll was presented. Adoption, which would set a public hearing to consider confirmation of cost on Tuesday, May 2, 2017, was recommended.

Paving Assessments – Lake Wheeler Road Pedestrian and Turn Lane Improvements (PW 2012-09) – Assessment Roll 948

Council Member Baldwin moved approval as outlined. Her motion was seconded by Council Member Branch and a roll call vote resulted in all members voting in the affirmative except Mayor McFarlane who was absent and excused. The Mayor Pro Tem ruled the motion adopted on a 7-0 vote. See Resolution 460.

CLOSED SESSION

CLOSED SESSION – HELD

Mayor Pro Tem Crowder stated a motion is in order to enter closed session pursuant to GS143-318.11(a)(3) and (5) for the purpose of consulting with the City Attorney regarding settlement possibility in the JDF v. City of Raleigh. Council Member Baldwin moved approval. He motion was seconded by Council Member Branch and put to a vote which resulted in all members voting in the affirmative except Mayor McFarlane who was absent and excused. The Mayor Pro Tem ruled the motion adopted on a 7-0 vote and the Council entered closed session at 2:00 p.m.

The Council reconvened in open session at 2:40 p.m. with Mayor Pro Tem Crowder pointing out the Council provided instructions to the City of Raleigh on how to proceed in JDF v. City of Raleigh.

Adjournment. Mayor Pro Tem Crowder announced the meeting adjourned at 2:41 p.m. reporting the Council would reconvene in open session at 7:00 p.m.

Gail G. Smith
City Clerk

jt/CC04-04-17

The City Council of the City of Raleigh met in a regular reconvened meeting at 7:00 p.m. on Tuesday, April 4, 2017 in the City Council Chamber, Room 201 of the Raleigh Municipal Building, Avery C. Upchurch Government Complex, 222 W. Hargett Street, Raleigh, North Carolina, with all members present except Mayor McFarlane who was absent and excused. Mayor Pro Tem Crowder presided at the meeting.

The following items were discussed with action taken as shown.

REZONING Z-47-16 – RANDOLPH DRIVE – POSTPONED UNTIL APRIL 18, 2017

Mayor Pro Tem Crowder reported Rezoning Case Z-47-16 – Randolph Drive has been proposed until 2:00 p.m. or as soon thereafter as it can be reached on the April 18, 2017 Council agenda. No consideration of that case will take place tonight.

BOY SCOUT TROOP – RECOGNIZED

Mayor Pro Team Crowder recognized Scout Troop 346 which is sponsored by the Raleigh Moravin Church. She stated she understands they are working on their Citizenship and Community Merit Badge and welcomed them to the meeting and wished them success.

CHARGING STATION – SOUTH HARRINGTON STREET AREA – INFORMATION REQUESTED

Liz Tracey had requested permission to have a charging station installed either on South Harrington Street in front of HQ or on Martin Street. Ms. Tracey was not at the meeting as it was reported she had worked with Gordan Dash of the City Transportation Department and is pleased with his response.

Council Member Baldwin pointed out she read the report from Mr. Dash relative to charging stations in this area and a lot is proposed to happen in 2019 or when the Dillon opens. She stated she feels there is a more immediate need and perhaps Mr. Dash could look at the situation and provide an update on the possibility of moving forward faster. Council Member Baldwin stated the update could be provided in the City Manager's report.

OBERLIN VILLAGE – REQUEST TO BE DESIGNATED A LOCAL HISTORIC DISTRICT – STAFF AUTHORIZED TO WORK WITH THE GROUP

Karen Throckmorton, 602 Chamberlin Street, stated she was representing the Friends of Oberlin Village which was founded in 2011. That group wishes to rezone the core of Oberlin Village along Oberlin Road and the three adjacent streets to the west as a local historic district in order to preserve 34 historic buildings and sites that date to its century of significance as the largest African American Freedman's community in Raleigh from 1873 to 1970. She stated the boundaries are based upon an October – December 2016 Study, financed by the Raleigh Historic Development Commission to document the remaining historic core. Longleaf Historic Resources of Raleigh conducted the study. Oberlin Village represents the most intact African

American Reconstruction – era settlement in Wake County. Seven landmarks in the proposed district are designated Raleigh Historic Landmarks. Utilizing a slide presentation she presented photos of the historic landmarks which include Oberlin Cemetery, Plummer T. Hall House, Willis Graves House, and Wilson Temple Methodist Church. She stated the Hall House, Graves House and Turner House are listed in the National Register and the remaining 27 historic resources consist of the Oberlin Baptist Church, the Community Grocery and 25 African American dwellings, cottages, bungalows, mid-century ranches and split-levels along Oberlin, Bedford, Roberts and Van Dyke Streets which were built during the depths of the Jim Crow segregation from 1910 to 1960.

She stated broad support exists among Oberlin Villages residents and its extending network of descendants. The Friends of Oberlin Village, a nonprofit organization, has been gathering growing support for the past 5 years to preserve the village. Oberlin Village needs to become a local historic district in order to retain its physical and cultural integrity, protect against unsympathetic alterations and unnecessary demolition, foster community pride and enhance property values. She stated the Raleigh Historic Development Commission is currently finalizing its report on the proposed district. She stated the Friends of Oberlin Village are aware that time is of the essence in the preservation of the precious remaining historic sites and implore the City Council to take action tonight to create the Oberlin Village Historic District.

Approximately 100 persons stood in support of the request.

Mayor Pro Tem Crowder pointed out she understands the Council will be receiving the report soon and it had been determined that anyone wanting such a district should submit a petition. Ms. Throckmorton stated they submitted a petition with Council Member Baldwin questioning the percentage of the people who signed it. Mayor Pro Tem Crowder stated since the petition is a couple of years old, she would suggest that the group develop a new petition and bring it to the Council in connection with the Raleigh Historic Development Commission report. The comments were received.

FOOD TRUCK – REQUEST FOR 521 WEST NORTH STREET - COMMENTS RECEIVED

Faye Reese, Hopsmart, d/b/a North Street Beer Station, had requested to be added to the pilot program for a designated food truck space on the public street at 521 West North Street. Ms. Reese was not at the meeting.

Council Member Baldwin questioned if this could be considered without the petitioner being present. Mayor Pro Tem Crowder pointed out she understands that a report on the pilot program is expected at the end of the month and suggested that this request be considered in connection with that report.

MATTERS SCHEDULED FOR PUBLIC HEARING**COMMUNITY DEVELOPMENT – ANNUAL ACTION PLAN – COMMENTS RECEIVED – TO BE PLACED ON MAY 2, 2017 AGENDA**

This is a hearing to receive citizen's comments on the FY2017-2018 draft annual action plan. Following the hearing, the issue should be referred back to the Housing & Neighborhoods Department for consideration of the comments received with the understanding the item will be on the May 2, 2017 agenda for final consideration.

City Manager Hall indicated staff has a presentation if the Council so desires or could simply receive comments from the public. Mayor Pro Tem Crowder opened the hearing.

Rick Miller, Director of Catholic Charities, expressed appreciation for the services that are being proposed in the annual action plan. He expressed support and appreciation for the proposed support of all of the agencies and talked about what they did with the funds the city provided last year including housing of 44 adults and a number of children. He talked about the town hall meetings that have been held and the enthusiastic support and participation of over 200 people from various groups who attended. He talked about the multi-service center and the support of that.

Octavia Rainey stated in addition to this plan, the City should have a fair housing plan. She talked about the city's participation plan, pointing out she would give the City a "F." She cannot support the Community Development Block Grant and the plan before the City as she feels it is extremely discriminatory. The money is used for infrastructure, she does not support the plan, her concern talked about the huge discrepancy between issues affecting blacks and whites, and her concern there is no transparency. She feels the Federal dollars are used to promote segregation, expressed concern that the City destroys its records that are 10 years or older pointing out HUD officials told her that was wrong. She asked to be provided a 20 year record of Community Development Block Grant programs and how those monies are used. She stated evidently we have not figured how to balance the old with the new and spoke against the plan as presented.

No one else asked to be heard, thus the hearing was closed with the understanding staff would continue receiving public comment through the comment period and place the item on the May 2, 2017 agenda for final consideration.

STC-9-16 – NORTH HARRINGTON STREET/NORTH WEST STREET – HEARING – APPROVED

Council Member Gaylord asked to be excused from participation on this item because of the involvement of his employer. Council Member Baldwin moved that Council Member Gaylord be excused from participation in this item. Her motion was seconded by Council Member Branch and put to a vote which passed with all members voting in the affirmative except Mayor

McFarlane who was absent and excused. The Mayor Pro Tem ruled the motion adopted on a 7-0 vote.

This is a hearing to consider the permanent closing of a portion of the right-of-way known or formerly known as North Harrington Street at North West Street according to information included in Resolution 2017-455.

Following the hearing, the Council may take action to approve the closing, deny, or refer the item to committee.

Mayor Pro Tem Crowder opened the hearing. Transpiration Planner Eric Lamb explained the location pointing out the proposal for closure is a part of the Smokey Hollow Project. The Project will construct a new portion of Johnson Street which will connect Glenwood Avenue directly to Capital Boulevard. Council Member Stephenson had questions about the existing right-of-way. Transportation Planner Lamb explained how Johnson Street would connect Glenwood Avenue and Capital Boulevard. No one else asked to be heard thus hearing was closed. Council Member Baldwin moved adoption of the resolution closing the street as advertised. Her motion was seconded by Council Member Branch and put to a vote which resulted in all members voting in the affirmative except Council Member Gaylord who was excused from participation and Mayor McFarlane who was excused from the meeting. The Mayor Pro Tem ruled the motion adopted on a 6-0 vote. See Resolution 461.

SIX FORKS ROAD CORRIDOR STUDY AND TRANSPORTATION OVERVIEW – INFORMATION RECEIVED

During a scheduled public meeting March 21, staff and project consultants presented an additional street design option for the Six Forks Road Corridor Study, as requested by City Council. This option consists of four travel lanes along the majority of the corridor, as opposed to the six travel lane configuration originally proposed. During the Public Hearing section of the agenda, staff will provide an update on the corridor study, consisting of an overview of the study process to date and a summary of the March 21 public meeting, as requested by Council during the March 21 City Council meeting. The City will be accepting additional public comment and feedback on the design options through April 21.

Staff will also review transportation issues associated with area transportation improvements along the Six Forks Road and St. Albans Drive corridors.

City Manager Hall pointed out this is an usual situation in the public hearing process. He stated when the City Council authorized the public hearing, the Council also asked for an overview of transportation improvements in the area. He stated this is not a public hearing just a briefing prior to the zoning case.

Roberta Fox, Assistant Planning Director, talked about the new concept for the Six Forks Corridor. She stated a design option meeting was held on March 21st with over 100 attendees. There was a presentation highlighting the differences with the new four lane streetscape option

and talked about the comments received pointing out on line there have been some 345 responses thus far. She stated her presentation would not go into the details about design alternatives as that will come later. She pointed out the new concept for the Six Forks Corridor has two distinct streetscape characters. Each is sensitive to the context that it goes through and the design concept remains the same. She talked about the Parkway Boulevard – original six lanes and the four lanes streetscape options, pointed out the four lane streetscape option remains the same except for variances in the median dimension and small increases in some of the edge conditions. She stated the new concept relates to an Urban Boulevard streetscape type.

Assistant Planning Director Fox pointed out the Midtown CAC requests keeping the public comment period open until April 28 pointing out presently the cut-off time is April 21.

Planner Fox talked about the conceptual cost comparison pointing out the previously recommended six lane option would require some 11.06 acres of right-of-way acquisition for a total project cost of some \$44.5M. The new 4 lane streetscape option requires 5.85 acres of right-of-way acquisition with a total project cost of some \$37.7M. She talked about the meeting comment sheet as well as the citizen input. She stated the next steps would be to accept feedback through April 21, and again pointed out the Midtown CAC requests that it be extended until April 28. There will be a presentation at the midtown CAC on April 24 and presentation to the City Council on May 16. In response to questioning, Assistant Planning person Fox indicated the project is approximately 2.8 miles in length. She stated they have identified the properties that would be impacted and there would be no structures that have to be acquired or demolished. Council Member Stephenson pointed out how some businesses along the corridor depend on their parking in front of their business and if that is taken away it could destroy the business with Planner Fox indicating none of the parking will be taken away and there is no dislocation of businesses or structures and that is accomplished in part by the lessening of right-of-way acquisition. Council Member Branch asked that the Council be provided a list of properties that would be impacted and Council Member Cox asked for some type overhead visual to show the right-of-way existing and proposed.

Council Member Baldwin stated she thought at the original meeting of the Midtown Raleigh Alliance the original six lane proposal had a consensus from businesses to move forward. Mayor Pro Tem Crowder pointed out under the new concept there does not seem to be any allocation for buses. Planner Fox pointed out each option includes consolidation of bus stops and enhanced bus amenities. Transportation Planner Lamb talked about the configuration for buses being identical in both plans and there would be six nodes identified as transit stops at approximate quarter mile spacing. In response to questioning from Council Member Thompson, Transportation Planner Lamb pointed out bus services is projected for every 15 minutes. Council Member Stephenson asked that the Council be provided the difference between the current capacity and increased capacity for six lanes, etc., with Mr. Lamb pointing out that will be provided at the upcoming work session.

Council Member Stephenson pointed out we are trying to create a new Urban Center at North Hills and North Hills East. He stated however if we keep adding single occupant vehicle capacity it will become impossible to have a pedestrian community or walkable urban center. In

response to questioning from Mayor Pro Tem Crowder, it was pointed out if the Council wishes to extend the comment period to April 28 that should be done at Council level. Mayor Pro Tem Crowder stated without objection the comment period would be extended to April 28.

Transportation Planner Eric Lamb indicated planned, public improvements in this area include the Six Forks Road Corridor Plan, I-440/Wake Forest Road interchange improvements and Wake Transit Plan investments. The developer related improvements include St. Albans Drive widening, Benson Drive extension and Navaho Drive extension. He went over the various changes including the proposed diverging diamond interchange improvements at Wake Forest Road/I-440. He explained that is an NCDOT funded project which will include no new lanes but configuration of the existing interchange into the diverging diamond pattern probably including new medians along Wake Forest Road and that is scheduled for construction in the 2020 time frame. He spoke at length concerning the diverging diamond pattern interchange.

Mr. Lamb talked about the Wake Transit Plan, going over the short term, mid-term and long-term improvements. The short-term (1-2 years) includes expanded evening and weekend service and shorter and more convenient trips with gridded network. Mid-term (3-8 years) includes frequent network increases from 13 to 83 miles and 20 plus miles of bus rapid transit with 15 minute service in key corridors. The long term plan (9-10 years) includes passenger rail service from Garner to Durham.

Transportation Planner Lamb went over the proposed area plan which was a citizens petition on March 21. He stated the primary objective of the study would be to conduct an indepth technical analysis of traffic impacts of the proposed land use and zoning changes on the existing and proposed transportation and transit infrastructure. The plan would address citizens concerns about traffic due to significant increase in multi-family residential, commercial and office space over the past 10 plus years; develop recommendations related to land use, transit and transportation amenities such as sidewalks and bike lanes; Robust series of outreach efforts would concentrate on the immediate neighborhoods, commercial property owners and business owners, institutional stakeholders, Midtown Raleigh Alliances and the CACs. He talked about the proposed scope of such a plan pointing out the area plan is projected to cost approximately \$250,000 and take some 18 months to complete. Staff could begin the project if Council so desires in September 2017. The project is not currently funded and if Council wishes to fund this study, staff can evaluate funding sources and bring this back as a budget amendment.

Questions related to the timing of the I-440\Wake Forest Road interchange with Council Member Baldwin pointing out she had heard a different schedule. Mr. Lamb pointed out he checked the construction schedule and the estimated cost explaining the City of Raleigh would have no funding obligations. Council Member Branch questioned the 15 minute service of the Wake Transit Plan and questioned if that is in rush hour.

Planner Lamb talked about the widening of St. Albans to three lanes, the extension of Navaho Drive, possible or changes as it relates to an underpass crossing the beltline. He went over the various aspects of the projects. Council Member Stephenson talked about the separate bike lanes pointing out there is no plan for widening of St. Albans on both sides with Mr. Lamb talking

about a multi-use path on the south side. Council Member Cox had questions on the traffic pattern when the new development such as hotels and townhouses occurs. Planner Lamb talked about the adopted street plan, the past history of Benson Drive proposed extension, the fact that Quail Hollow Drive extension to St. Albans was voted down some years ago, modeling process that will be used, reductions in travel demand, existing and expanded trip generations in the various locations and, how the traffic impacts will be measured. The existing conditions, possible new conditions were presented with each being discussed as it relates to how the projections were developed. It was pointed out the Wake Forest Road projections included existing conditions not improvements. The new grocery store in the area was not considered. The levels of service at the various intersections and proposed improvements at the various intersections were talked about with it being pointed out the diverging diamond proposal does not play into the projections. It was pointed out there are two separate zoning cases in the area; Z-28-16 is a master plan and site plan plus zoning and Z-13-16 is as rezoning case only. If Z-13-16 comes forward would not increase traffic above what is now allowed, what is being proposed in Z-13-16 is considered traffic neutral as it relates to traffic.

Council asked for a budget note on the citizen requested plan.

Various Council Members commended staff on the presentation saying it is one of the best presentations they had seen of a complex scenario.

REZONING Z-28-16 (MP-3-16) – NORTH HILLS EAST PLANNING DEVELOPMENT – HEARING – TO BE PLACED ON APRIL 18, 2017 AGENDA

This is a hearing to consider a request from multiple property owners to rezone approximately 84.29 acres from Planned Development (PD) and Office Mixed-Use – 3 Stories – Green Frontage with Special Highway Overlay District 2 (OX-3-GR w/SHOD-2) and Conservation Management (CM) to Planned Development (PD). The property is located on the northeast quadrant of the intersection of Six Forks Road and I-440 bounded by Saint Albans Drive.

This item was first presented to Council on March 21, 2017.

Following the hearing, the Council may take action to approve, deny, or refer the item to committee.

Council Member Gaylord had been excused from participation in this item on motion of Council Member Baldwin seconded by Council Member Branch and passed unanimously. Council Member Gaylord left the table.

Planner Bynum Walter presented the request pointing out it involves rezoning 84.19 acres from PD, OX-3-GR and CM to PD. If approved it would provide an increase in office square footage, increase in residential units, decrease in retail square footage and establishes urban form regulations for 34 additional acres with no change to the original 50 acres. She presented the existing zoning map, explaining zoning and development, presented aerial views, views of the area from various locations, what is allowed under existing versus proposed zoning, Future Land

Use Map and Urban Form Map, and went over the Comprehensive Plan analysis indicating it is inconsistent with Policy T-1.6 – transportation issues. She went over the existing master plan, vehicular and pedestrian circulation, tree conservation areas, and illustrative rendering, proposed zoning district modifications relating to UDO requirements and the master plan modifications. She stated there are no outstanding issues and Midtown CAC voted 109 to 37 in favor subject to conditions. She pointed out the Planning Commission recommends approval by a 7-0 vote as it is consistent with the Future Land Use Map and Comprehensive Plan, continuation of existing Planned Development to development to create a unified development pattern in the area, and provides public benefit of connections of public amenities such as open space and the City of Raleigh's Greenway Network.

Council Member Thompson and Stephenson had questions with Mr. Thompson indicating he understands the widening of St. Albans would be on the north side only with Mr. Stephenson getting clarification on building setbacks.

Mayor Pro Tem Crowder opened the hearing.

John M. Kane, Chairman and CEO of Kane Realty Corporation, pointed out this proposed enlargement of the planned development is in line with what they have done before with the height being along the beltline and lower buildings in the back joining the neighborhood. He talked about increasing the setback and pointed out some 30% of the property will not be developed. He talked about expanded green spaces, parks, trails, plazas, greenway connections, community fitness spaces, multi-modal path and a fitness loop, neighborhood outreach which includes 12 neighborhood meetings, five Midtown CAC presentations, two question and answer sessions and two subcommittee meetings in which they collected and addressed questions and comments, made changes in light of neighborhood concerns and received the overwhelming support 109 to 37 in favor of their project.

Attorney Mack Paul, Morningstar Law Group, 421 Fayetteville Street, indicated they have a number of people in the audience to answer questions if needed. He indicated his clients have spent a lot of time with staff addressing issues under the UDO and explained it was decided to use the existing master plan and expand it and have one plan for all of North Hills. He again talked about the time to develop these plans pointing out the property was first zoned in 2006 with some additional zoning taking place in 2009. They are still seeing development occurring in the existing portions or original portions of the plan. He pointed out they focused a lot on transportation needs, talked about bus service, the level of service standards, transitions, etc. He pointed out the new development would be on the north side of St. Albans Drive and explained the proposal calls for reduced heights in tracts S&U by two stories. In response to questions from Council Member Stephenson, Attorney Paul talked about the riparian buffer with Council Member Stephenson questioning the minimal setback for Tract Q. T.J. Barringer, Kane Realty, pointed out the back of the curb is 16 feet back from the right-of-way, elsewhere on St. Albans it is 12 feet. He talked about the slide showing the multi-modal path which is in the right-of-way. Council Member Stephenson questioned the landscaping with Mr. Barringer talking about the location of the tree save, where trees will remain and where trees will be added. He talked about the setback from creek edge and there were questions about who makes the determination of the

creek edge. Mr. Barringer talked about the stormwater management plan, underground bunkers with sand filters, additional wetlands, plan to treat stormwater, stormwater retention proposed for under the buildings or parking decks and possible sand filters in the courtyard which is to clean the water before it enters the creek. He talked about the necessity of meeting the state requirements.

Katherine Thomas, 3913 Victoria Towns Lane, spoke in support of the proposal indicating it is the kind of well-planned and accessible development needed to meet the City of Raleigh's growth. She asked those in support to please stand and approximately 125 persons stood in support.

Patrick Martin highlighted the following prepared statement:

The following two conditions were adopted by the Midtown CAC on Monday January 23, 2017 as required conditions for two Midtown rezoning requests, Z-28-16 and Z-13-16, even though fulfillment of these conditions does not fall solely on the requestors. The MCAC residents approved these two conditions by a vote of 93 for and 20 against. It was clearly stated and was the will of the voting attendees that these conditions are an integral part of each rezoning request discussed and voted upon that evening, not a resolution which stands separate from each request.

The conditions read follows:

1. "The City of Raleigh must execute a significant and urgent traffic management plan to address the issue of preventing cut-through and speeding traffic within the geographic area bonded by and including Wake Forest/Falls of Neuse, Millbrook, Six Forks, and St. Albans."
2. "The MCAC support of both rezonings is conditional on the city/country/state and developer completing a comprehensive design and funding plan for infrastructure improvements sufficient to serve all the new buildings and auto/bus/bicycle/pedestrian traffic to be generated by the developments and timed for infrastructure completions to coincide with the completion of the developments. Such infrastructure includes but is not limited to: The state DOT construction of improvements to the Wake Forest/I-440 interchange, the city and/or state improvements to Wake Forest Road, the city and/or state improvements to the St. Albans/Wake Forest intersection, the developer and/or city linkage of Navaho Drive to the "Perimeter Road along the I-440 wall" which is an integral part of the Z-28-16 development plan, the city linkage of Benson Drive north stub to Benson Drive south tub, the city improvements and signalization of St. Albans Drive, the developer and/or city and/or country and/or state improvements to mass transit facilities in and surrounding the two developments, the city completion or sidewalks along significant streets nearby the developments such as the completion of sidewalk on the northwest side of Hardimont to connect Converse and St. Albans, and all required water, sewage, drainage, storm water runoff control, and flood prevention facilities. It is incumbent on the City of Raleigh as

the primary governing body for management of infrastructure to lead the effort to put this design and funding plan into place conjoining all participants into one coordinated plan.”

Later during the MCAC January 23 meeting, each of the two rezoning requests Z-13-16 and Z-28-16 were discussed and voted upon individually, as each had its own unique characteristics and parameters.

The requestor of Z-28-16 offered a small set of conditions to be included in the body of the Planned Development District Master Plan. There was significant discussion of Z-28-16 by the attendees, and additional conditions were proposed. However, the voting attendees ultimately voted 109 for and 37 against to approve Z-28-16 without further conditions beyond the two described previously.

On March 7, the request Z-28-16 was presented to the Planning Commission Committee of the Whole. At that meeting, the Planning Commission dismissed consideration of both of the conditions discussed above. Immediately at the conclusion of the PC COW meeting, the City of Raleigh Director of Planning Kenneth Bowers spoke to me stating that the neighborhoods’ concern would best be addressed by the institution of an “Area Plan” drawn up by City of Raleigh planning staff and addressing the neighborhood issues of neighborhood traffic management as well as infrastructure planning and implementation in the St. Albans Drive/Wake Forest Road corridor. One of the Midtown CAC residents at the PC COW meeting volunteered to appear before City Council on March 21, the first possible date at which such a petition could be presented, and we filed immediately with the City Clerk a request to petition the Council on that date.

On March 21, Mr. Alan Wiggs, a resident of the Midtown CAC, petitioned the City Council for creation of an Area Plan to address the topics and geographic areas specified in the two rezoning conditions discussed above. The Council asked him if the MCAC had voted to request the Area Plan. As there had not been an MCAC meeting since the PC COW meeting, such a vote had not yet occurred. At the March 28 MCAC meeting, residents followed up their concerns about traffic management and infrastructure improvements by voting unanimously to request “an Area Plan for the Midtown Urban Growth Center as identified by the City of Raleigh in the Comprehensive Plan and the Future Lane Use Map.”

Mr. Martin expressed concern relative to a recent N&O article which stated NCDOT priority projects do not include the Wake Forest/I-440 interchange. Council Member Baldwin indicated she has already asked for clarification on the priority of that project. In response to questioning from Council Member Baldwin, Mr. Martin pointed out at the recent CAC meeting, there were 35 people and the 28 residents all voted in support.

Opposition

Harry Helfant, Hickory Hills area, pointed out Q&R are the two tracts closest to the existing North Hills East development. He stated Mr. Kane has a good reputation and has done a lot of good things for the residents in the area. He stated he had tried to get the same setback for St. Albans all the way down the road. He stated a lot of infrastructure has been added and Mr. Kane can continue to add additional buildings but the vehicular traffic will continue to increase. He presented information pointing out he understands the 2009 zoning would allow additional vehicle traffic. He presented slides showing the North Hills area pointing out it is becoming downtown, it has high rise buildings, talked about the Cardinal which has a 32 foot setback from St. Albans however, there is no landscape, buffer, etc. St. Albans is currently a two lane road and if it ever needs to be widened to four lanes there is no place or way to widen the road. He presented slides showing tracts with setbacks of 12 to 15 feet and trees that will not be there if this plan is completed. He showed houses across from St. Albans which are visible, talked about the things that have been done that are beneficial to the area and pointed out there has been significant increase in auto and pedestrian traffic. He expressed concern that tracts Q&R and will have no way to block the views, provide a buffer, etc. He stated they have turned into an urban development center and expressed concern pointing out progress is inevitable and the wooded property would have been developed at some point. He indicated the Midtown CAC requests an infrastructure road plan, modifying the setbacks and buffer conditions for all of the development facing St. Albans; incorporate a natural opaque buffer between the structures and St. Albans and limit or delay proposals for further high rise construction until the traffic impact can be studied. He stated none of the road improvements proposed for area including the Six Forks Corridor project will improve accident rates or vehicular trips in North Hills east.

Randy Gordon, 4812 Latimer Road, asked all to think about the neighborhoods pointing out they want planned growth but they want the infrastructure to match the growth.

Alan Wiggs pointed out it has been years since a flood study has been done for the area. He called on the Council to look at the flood and water retention and do something to ensure protection for downstream residents.

Dale Wall, pointed out her concern is traffic pointing out she lives about a block from the development. She expressed appreciation to Mr. Kane and Mr. Barringer pointing out they have done a lot of good but everyone is concerned about so much traffic. Approximately 30 people stood in opposition to the rezoning.

Bill Watson, Reynolds Road, pointed out a lot of people who work for Kane and are not residents of the area are before the Council to support the project. He expressed concern about the lack of sidewalks in the area, referred to Douglas Elementary School and how traffic already backs up into the neighborhood. He called on the Council to not give the developer benefits without doing something to help the residents.

Council Member Branch questioned the time frame if the project is approved. Mr. Kane pointed out it takes a while and explained the property was rezoned first in 2005, and the first building was constructed in 2010.

Council Member Stephenson questioned if there is any affordable housing in the plan with Mr. Kane pointing out not at this point but he hopes the City and County will adopt a policy to guide all development. He stated he is very supportive of workforce housing. Mayor Pro Tem Crowder suggested Mr. Kane lead by example. Mayor Pro Tem Crowder pointed out the Council would not vote on the issue today, the Council would hold the hearing open and bring it back in two weeks.

REZONING Z-42-16 – PEARL ROAD/QUEEN PIERRETTE STREET – HEARING – APPROVED – ORDINANCE ADOPTED

This is a hearing to consider a request from Camelot Development, LLC to rezone approximately 10.4 acres from Neighborhood Mixed-Use – 3 Stories – Conditional Use (NX-3-CU), Residential-6 – Conditional Use (R-6-CU) and Residential-4 (R-4) to Residential-10 – Conditional Use (R-10-CU). The property is located on the east and west side of Queen Pierrette Street and Pearl Road with its intersection of Camelot Village Avenue.

This item was first presented to Council on February 21, 2017.

Following the hearing, the Council may take action to approve, deny, or refer the item to committee.

Planner Walter presented the case providing information on the existing zoning and development, aerial views of the property, views of the property from various locations, what is allowed under existing verses proposed zoning, went over the proposed conditions, Future Land Use Map, Urban Forum Map, and the Comprehensive Plan Analysis.

Planner Walter pointed out the Planning Commission recommends approval on a 9-0 vote as they feel the request is reasonable and in public interest, the proposed zoning allows for more variation in residential building type and the conditions offer a transit easement. She stated the South CAC voted 11-11 on this issue.

Council Member Thompson questioned the no votes with Council Member Branch pointing out he thought it was traffic.

Mayor Pro Tem Crowder opened the hearing.

Tony Tate, 5011 South Park Drive, Durham, indicated this property was last zoned in 2000 and construction on the project known as South Park Village started and it got caught up in the recession and work stopped. The previous developer started with single-family homes. He stated recently his client purchased the property and wants to finish out the project. He stated the present zone had some mixed use retail but it is felt that use is too far off of Rock Quarry Road

to make that successful. His client wants to turn this into townhouses as they feel it is a better fit for the neighborhood. He pointed out what is being requested is basically a down zoning, it decreases traffic and will be a better fit in the neighborhood.

Howard Moye, 314 West Millbrook Road, pointed out he owns the property. He pointed out there is a new shopping center in the area that is very successful and he had met with the neighborhood and they want to see an owner occupied development. He pointed out they would be developing Phase II which would be 50 single-family units and then a mixed-used apartment type use or townhouses would follow.

No one else asked to be heard for or against the case. Mayor Pro Tem Crowder closed the hearing. Council Member Thompson moved approval of the rezoning as requested. His motion was seconded by Council Member Branch and put to a vote which resulted in all members voting in the affirmative except Mayor McFarlane who was absent and excused. Mayor Pro Tem Crowder ruled the motion adopted on a 7-0 vote. See Ordinance 695 ZC 744.

REZONING Z-45-16 – TRIANGLE TOWNE BOULEVARD/OLD WAKE FOREST ROAD – HEARING – APPROVED – ORDINANCE ADOPTED

This is a hearing to consider a request from Faison Triangle, LLC to rezone approximately 12.35 acres from Commercial Mixed-Use – Four Stories – Conditional-Use with partial Special Highway District-1 (CX-4-CU w/partial SHOD-1) to the same district CX-4-CU w/partial SHOD, but with new conditions. The property is located on the northeast corner of the intersection of Triangle Towne Boulevard and Old Wake Forest Road.

This item was first presented to Council on March 7, 2017.

Following the hearing, the Council may take action to approve, deny, or refer the item to committee.

Planner Bynum Walter presented the case showing the existing zoning and development, aerial views of the property, views of the site from various locations, what is allowed under existing versus proposed zoning, the existing zoning conditions of the concept plan, existing versus proposed conditions. She went over the proposed conditions which related to prohibiting certain uses, transit easement, pad and shelter being provided along Triangle Towne Boulevard and Old Wake Forest Road if requested, a 0 foot to 30 foot built-to area being established along Triangle Towne Boulevard with a minimum of 50% building coverage within the built-to area, no parking or driveways between Triangle Town Boulevard and the front façade of a principle building in the built-to area, each building within the built-to along Triangle Town Boulevard would have at least one entrance oriented to and accessible from the sidewalk along Triangle Towne Boulevard; the maximum number of residential units would be 400, the maximum amount of nonresidential uses will be \$30,000 square feet, an allocation covenant is included with the application. A direct pedestrian connection from the subject property will be provided to the sidewalk on Triangle Towne Boulevard within 70 feet of the intersection of Triangle Towne Boulevard and Old Wake Forest Road.

Planner Walter presented the Future Land Use Map and Urban Form Map, the Comprehensive Plan analysis which indicated no inconsistent policies. She pointed out the Planning Commission recommended approval on an 8-0 vote as the proposal is consistent with the Future Land Use Map, Urban Form Map and pertinent policies of the Comprehensive Plan. The North East CAC supports the proposal on a 10-0 vote.

Mayor Pro Tem Crowder opened the hearing. Attorney Mack Paul, 421 Fayetteville Street presented an aerial photo of the property in question. He stated this property was part of the approved concept plan when the Walmart was developed.

He went over the concept plan. Staff had suggested eliminating the concept plan and talked about the surrounding development, signals, access to I-540, nearby open space, multi-use path, etc.

Attorney Paul talked about the proposed development, how it is consistent with the comprehensive plan, and the features that will be incorporated.

Doug Smolev, 15 Wakeview Lane, Harrison, New York, pointed out he has been in real estate almost 30 years. He stated he looked at this area which has a lot of retail but not a lot of residential and he felt it would be good to have residents who could walk to the retail, etc. He talked about the occupancy rates in North Raleigh which are around 98% which means there is a lot of demand for housing in the area. He talked about apartment prices, what he saw as the need, amenities they plan for the area including 4 story complexes with elevators, and talked about the various amenities he thinks people want.

Council Member Baldwin pointed out a lot of the people who live in downtown apartments say there is not enough outdoor area to walk their dogs. Mr. Smolev pointed out they have included a pet park in their plan.

No one else asked to be heard thus the hearing was closed. Council Member Baldwin moved approval as advertised her motion was seconded by Council Member Cox and put to a vote which resulted in all members voting in the affirmative except Mayor McFarlane who was absent and excused. The Mayor ruled the motion adopted on a 7-0 vote. See Ordinance 695 ZC 744.

REZONING Z-47-16 – RANDOLPH DRIVE – POST-PONED TO 2:00 P.M. OR AS SOON THEREAFTER AS IT CAN BE REACHED ON THE AGENDA ON APRIL 18, 2017

TC-8-17 – STORMWATER CONTROL MEASURES AND DEVICES AMENDMENT – HEARING – ORDINANCE ADOPTED

This is a hearing to consider an amendment to Section 1.1.9 of the Raleigh Unified Development Ordinance (UDO) to remove shared stormwater control measures and devices from project elements requiring the application of certain covenant terms required by Section 1.1.9 of the

UDO. This would not change other requirements of the UDO related to maintenance and repair to stormwater control measures and devices serving multiple lots.

Following the hearing, the Council may take action to approve, deny, or refer the item to committee.

Gary Mitchell, City Planning, provided a slide presentation and explained how this works now and how it would work. The Mayor opened the hearing, no one asked to be heard thus the hearing was closed. Council Member Gaylord moved approval of TC-8-17 as presented. His motion was seconded by Council Member Baldwin and a roll call vote resulted in all members voting in the affirmative except Mayor McFarlane who was absent and excused. The Mayor Pro Tem ruled the motion adopted on a 7-0 vote. See Ordinance 696 TC 393.

EVIDENTIARY HEARING

SUBDIVISION CASE S-44-2016 – CURRIN PROPERTY – APPROVED; TO BE PLACED ON APRIL 18, 2017 AGENDA TO CONSIDER FINDINGS AND CONCLUSIONS

This is an evidentiary hearing to consider a request from Matthew Cash, on behalf of Christina and Grayson Currin, for approval of a proposed preliminary subdivision, S-44-2016 per Code Section 10.2.5.E.3.a.i. and Code Section 10.1.8. of the Unified Development Ordinance (UDO).

Following the hearing, the Council may take action to approve, deny, or refer the item to committee.

Mayor Pro Tem Crowder turned the meeting over to City Attorney McCormick to conduct the Evidentiary Hearing. The City Clerk swore in those persons who indicated they plan to speak.

City Attorney McCormick indicated normally preliminary subdivisions are approved by staff; however, this subdivision includes a small portion of property which is in a Historic Overlay District which requires Council approval.

Michael Cash (sworn), applicant, explained the location and pointed out his client wants to subdivide the property into two lots. It was recently approved by the Raleigh Historic Development Commission. There are no plans to develop the lot the intent is to benefit the clients, the existing home will remain on the first lot and the second lot will remain vacant.

City Attorney McCormick indicated the applicants must show that they complied with all subdivision regulations.

Martha Lobo (sworn) Development Services, explained the situation pointing out the Raleigh Historic Development Commission had recommended approval and this subdivision meets all of the requirements of the code. In response to questioning from Mayor Pro Tem Crowder, Ms.

Lobo pointed out about 3,000 square feet of the subdivision is in the Oakwood Historic Overlay District. She stated no one has indicated that the existing house would be demolished.

Doris Williams (sworn) 520 E. Edenton Street, pointed out she has lived adjacent to this property for more than 80 years. She talked about the problem she has had taking care of her grandson, her health problems and the fact that someone is always wanting to know about the little old woman who has no one to take care of her, people want her property, she don't want people to have her property she wants to stay in her house.

In response to questioning, Ms. Williams' niece pointed out people want to purchase Ms. Williams' property. She keeps receiving letters, offers, etc., and she thinks this is just another attempt to take her property. She stated she had tried to explain to her Aunt that this is not an attempt to take her property; she merely had to be notified because of city code requirements.

City Attorney McCormick closed the hearing. Council Member Gaylord moved approval. His motion was seconded by Council Member Baldwin and put to a vote which resulted in all members voting in the affirmative except Mayor McFarlane who was absent and excused. The Mayor Pro Tem ruled the motion adopted on a 7-0 vote.

It was pointed out the item will be placed on the April 18 agenda to consider approval of the findings of fact and conclusions of law.

Adjournment: There being no further business, Mayor Pro Tem Crowder announced the meeting adjourned at 9:30 p.m.

Gail G. Smith
City Clerk

jt/CC04-04-17