PLANNING COMMISSION MINUTES

The City of Raleigh Planning Commission met on August 12, 2014 at 9:00 A.M., in Room 201 of the Municipal Building.

Planning Commission Members Present: Mr. Braun, Mr. Buxton, Mr. Fleming, Mr. Fluhrer, Mr. Lyle, Mr. Schuster, Ms. Sterling Lewis, Mr. Swink and Mr. Whitsett.

Excused: Mr. Terando

Staff Members Present: Interim Planning Director Bowers, Planning Manager Crane, Planner Bradshaw, Planner Brantley, Sr. Planner Hodge, Planner Rametta, Sr. Planner Walter, Planner Wingo, GIS Program Manager Alberque, Transportation Planner Lamb, Deputy Attorney Botvinick, and Administrative Support Staff Eason.

AGENDA ITEM #1: INVOCATION

AGENDA ITEM # 2: NEW BUSINESS

AGENDA ITEM # 2(A): PUBLIC HEARING

Chair Schuster called the meeting to order responding that this is the first time he's seen a 17 case Planning Commission Agenda. He stated that in the interest of fairness to all and time limitation that we be brief in our presentation and if there is Public Comment that a spokes person be appointment that we may be able to hear all important points.

AGENDA ITEM # 2(A) 1: SP-51-13 /Walgreens's Leesville (Northwest CAC)

The site is located on the east side of Leesville Road, south of its intersection with Strickland Road.

This request is for proposed development of a 13,650 square foot retail use on 3.91 acres zoned Shopping Center Conditional Use. As the property is within 400 feet of residential, site plan approval is required by Planning Commission.

Planner Wingo presented the case.

David York representing the applicant gave a brief overview of the case regarding consistency with the Comprehensive Plan; adequately addressing issues and making written response to each and continuing to work on cross access issue.

Michael Birch, representing Mason Street LLC spoke regarding the cross access issue to make sure cross access would be issued prior to the first building permit along the southern property line or if they can come to agreement of another location it could be amended and recommends the radiuses and specifications are met for use of emergency vehicles.

Mr. York representing the applicant responded in agreement with the concerns of cross access, it does meet all the radii and specification for support access for emergency vehicle access.

There was no Public Comment.

Mr. Lyle made a motion to approve the case. Mr. Fleming seconded the motion. The vote was unanimous 9-0.

AGENDA ITEM # 2(A) 2: SP-19-14 /1301 Hillsborough St. (Hillsborough CAC)

The site is located at the intersection of Hillsborough Street and Ashe Avenue.

This request is for approval of a 4-story multi-family mixed use building totaling 32,231 square feet (3,737 square feet of retail and 38 multifamily units) on 0.54 acres with a residential density of 70 units per acre in

the Industrial-2 District, the Pedestrian Business Overlay District, and the Special Residential Parking Overlay District.

Planner Bradshaw presented the case.

Mr. Lyle asked what the retail parking requirements were.

Ted Van Dyk representing the applicant gave a brief overview of the case regarding the first 16 units being exempt from parking and the design of the building; the 3 stories of residential and the 8 foot sidewalk on Ashe Avenue.

He responded that under 10,000 square feet they had no parking requirement. It's a neighborhood type of retail but there is parking on site. He also stated that they tried to fully activate Hillsborough with glass and canopy and believes it will be a compliment and create an urban corner.

There was no Public Comment.

Mr. Buxton made a motion to approve the case. Mr. Fleming seconded the motion. The vote was unanimous 9-0.

AGENDA ITEM # 2(A) 3: SP-21-14 /2811 Hillsborough (Wade CAC)

The site is located at the southwest corner of the intersection of Hillsborough Street and Dan Allen Drive.

This request is to approve a 4-story multi-family mixed use building totaling 30,585 square feet -- 3,000 square feet of retail, 30 multifamily units, (53 dwelling units per acre) and resident amenity space -- on three existing vacant lots totaling 0.56 acres, zoned Buffer Commercial District with Pedestrian Business Overlay District and Special Residential Parking Overlay District.

Planner Rametta presented the case.

There was discussion regarding of whether anything would prohibit access to Dan Allen.

Planner Rametta responded that it is actually NC State property and any access or crossing of that property would require permission from NC State.

There was further discussion of whether Dan Allen was a public street.

Interim Planning Director Bowers responded that is never was a public street and there are gates that prevent thru traffic at certain times of the day.

Ted Van Dyk representing the applicant gave a brief overview of the case regarding 66 total beds in this project; concerns to obtain continuous retail frontage along Hillsborough St.; 28 ft. wide sidewalk; completing the streetscape by 2015; some covered parking on property; keeping impervious surface low and in regard to Dan Allen, work with NC State to insure our plan works for both parties.

There was no Public Comment.

Mr. Whitsett made a motion to approve the case. Mr. Buxton seconded the motion. The vote was unanimous 9-0.

AGENDA ITEM # 2(A) 4: SP-49-13 /West Apartments (North Central CAC)

The site is located at the West side of Harrington Street, north of North Street.

This request is to approve a 99 foot tall, 270,000 square foot multi-family building on a 1.22 acre site zoned Industrial-2 with the Downtown Overlay District. The proposed building would be comprised of 177 dwelling units (145 dwelling units per acre) and contain a two level parking podium deck comprised of 226 parking spaces.

Mr. Fluhrer was recused.

Planner Hodge presented the case regarding building being over 80 ft.; 145 dwellings per acre; containing a two level podium deck; exceeds requirement for open space and complies with Public Utilities and Storm Water.

Mr. Hodge also stated that the case was submitted prior to September 1, therefore requires Planning Commission approval.

There was discussion regarding the projects impact on West Johnson Street and whether there were retail requirements.

Transportation Planner Lamb responded regarding the line up of Johnson Street and that based upon the changes the NC DOT will be making, it would not affect this project.

Mr. Botvinick questioned the setbacks.

Planner Hodge responded that the setbacks were at zero.

Mr. Hodge also stated that Comp Plan encourages mixed use but there are no code requirements.

Neal Gray representing the applicant gave a brief overview of the case.

David Chapin representing the public, owns a property to the east of projects and asks the Commission to require retail.

Mr. Davis representing the applicant spoke regarding the the front space to be actively used, not sure if space is currently retail space but has been designed as such.

There was discussion that the applicant has designed the opportunity to accommodate retail if requested at some point.

Mr. Lyle made a motion to approve the case. Mr. Fleming seconded the motion. The vote was unanimous 8-0.

AGENDA ITEM # 3: OLD BUSINESS

AGENDA ITEM # 3(A): Z-35-13 – Hillsborough Street (Beaver SW) (Wade CAC) VSPP (Request for Time Extension)**

The site is located Hillsborough Street, north side, between Furches and Montgomery streets.

This request is to rezone property from O&I-1 w/ SRPOD to RX-5-PL-CU w/ SRPOD.

Planner Brantley gave a brief overview of the case. He stated he believes the applicant would like to request a deferral.

Mack Paul representing the applicant stated that he would like to request a 60 day Time Extension.

Isabel Mattox responded that she was in agreement with the request.

Mr. Fleming made a motion to defer the case. Mr. Buxton seconded. The vote was unanimous

9-0.

AGENDA ITEM # 2 (B):STREET NAME CHANGE

AGENDA ITEM # 2 (B) 1: SNC-1-2014 – Walnut Terrace Street Name Changes (South Central CAC)

This area is bounded by Martin Luther King Boulevard to the north, S Wilmington Street to the east, Fayetteville Street to the west, and Keeter Center Drive to the south, inside the City Limits.

This request is to approve the renaming of the following streets:

Count Elmsley Way to JW Yeargin Street,

Houdin Alley to Little Blues Alley,

Andrus Street to Bright Hope Street

Annemann Street to McCauley Street,

Verner Court to Old Manly Court,

Hofzinser Court to Gas Light Creek Court,

Scarne Street to McLendon Street,

Erdnase Court to Levister Court,

Stebbins Circle to Vernon Haywood Circle.

GIS Program Manager Alberque presented the case.

Commisisoner Lyle asked what is the primary purpose of this request.

Mr. Alberque stated that this was a community request.

Allison Hapgood representing the Raleigh Housing Authority gave a brief overview regarding media coverage of the street changes; conversations with the Chair person of the Central CAC; possible names for the streets and how they were selected and the community involvement and how the process was finalized.

No Public Comment

Mr. Fleming made a motion to approve the case. Mr. Swink seconded. The vote was unanimous 9-0.

AGENDA ITEM # 2 (B) 2: SNC-2-2014 – Bragg Street change to Levister Ct. (South Central CAC)

This site is located east off Fayetteville Rd just north of driveway entrance for Mount Hope Cemetery.

This request is to approve a street name change from Bragg Street to Levister Court (formerly Erdnase Court), pursuant to Standard Procedure regarding non-duplicative street name.

GIS Program Manager Alberque presented the case regarding outstanding issues; 2 property owner being affected but address number will not change.

Mr. Buxton made a motion to approve the case. Mr. Whitsett seconded. The vote was unanimous 9-0.

AGENDA ITEM # 2(C): REQUEST TO BEING MASTER PLAN TERMINATION PROCEEDINGS

AGENDA ITEM # 2(C) 1: MP-1-00 /Alexander Place

This site is located at 10020 Glenwood Avenue & 7651 ACC Boulevard.

The request is to initiate removal of two properties from the existing Planned Development District (PDD) overlay. No development activity has occurred on the subject site since the PDD zoning was approved (November 21, 2000). The Master Plan document designates the two properties for office uses. Approval of the termination request would permit initiation of rezoning, which could provide greater flexibility of site use and development.

The properties, which form the southeastern edge of the PDD, are each accessible from major streets. Stream courses separate the tracts from one another, and from the shopping center to the west. An existing multi-unit living development, The Crest at Brier Creek (GH-5-10), abuts the site to the east; cross-access

from that property to the subject site has been anticipated via a stubout of Sumter Heights Court at the shared property line.

Approval of the request would not in itself result in removal of the PDD from the subject site; that action could only occur through formal rezoning.

Planner Walter presented the case.

Michael Birch representing the applicant gave a brief overview of the case regarding any amendments to the Master Plan being subject to the UDO; request allows a future rezoning; taking two parcels out of the Master Plan.

Chair Schuster questioned staffs view of the Master Plan Proceeding Process.

Interin Planning Director Bowers responded regarding this allowing staff to view the portion of the Master Plan in question.

There was discussion regarding existing zoning being consistent with Comprehensive Plan; any restrictions in the PDD that would carryover regardless of the zoning.

Mr. Bowers responded that if the Master Plan is rezoned for this piece of property it effectively removes all of the Master Plan unless there are conditions attached to this or a new plan development district that incorporates elements of the old Master Plan, all those standards would go away.

There was no Public Comment.

Mr. Lyle made a motion to recommend approval of Request to Begin Master Plan Termination Proceedings. Mr. Fleming seconded the motion. The vote was unanimous 9-0.

AGENDA ITEM # 2(D)REQUEST FOR WAIVER OF TWO-YEAR WAITING PERIOD

AGENDA ITEM # 2(D) 1: Z-14-13/SSP1-13 East Six Forks Road

This site is located East Six Forks Road, south side, east of its intersection with Anderson Drive (PINs 1705-94-4082 and 1705-94-2167).

This request is for waiver of the 2-year waiting period for submitting a new rezoning proposal, in place of Z-14-13/ SSP-1-13, approved June 4, 2013. Granting this request will permit rezoning (potentially to RX-5 CUD, per the accompanying documentation).

Planner Walter presented the case.

Lacy Reaves representing the applicant gave a brief overview of case regarding original approval back in 2013 which invisioned a large building on this site; 275 residential units that would wrap an enclosed parking deck; Crabtree Creek Flood fringe take quite a bit more on this site than was originally comtemplated and this larger building cannot be developed. This new request would allow rezoning under the new UDO zoning conditions would allow residential density of 200 units, height of 5 stories which are within the guidelines of the Comprehensive Plan.

Mr. Lyle made a motion to approve a Waiver of the Two-Year Waiting Period. Mr. Fleming seconded the motion. The vote was unanimous 9-0.

AGENDA ITEM # 2(E): REZONING

AGENDA ITEM # 2(E) 1: Z-18-14 Sandy Forks Road)(Big Branch) (North CAC)**

This site is located on Sandy Forks Road, south side, between Six Forks and Spring Forest roads.

This request is to rezone property from Residential-4 (R-4) to Office Mixed Use–3 stories–Conditional Use (OX-3-CU).

Planner Walter presented the case.

There was discussion regarding whether there was an existing Land Use Map and how are the properties being used right now.

Ms. Walter responded that the existing uses consisted of some office use and residential uses.

Michael Birch representing the applicant gave a brief overview of the case regarding lot development; 2007 rezoning; 2 single family lots recombined; 2010 rezoning and development; neighborhood meeting; current zoning and requested rezoning and is reasonable and in public interest.

Hans Hanson representing the neighbors stated he's generally in favor but has concerns regarding parking.

Mr. Schuster asked if there has been a CAC Meeting.

Mr. Birch responded that the North CAC have not met in June or July.

There was discussion regarding concern that CAC has not met on this case yet and concern of moving office/retail into or too close to Sandy Forks.

Mr. Botvinick stated it was inconsistent with the Comp Plan.

Mr. Braun and Mr. Lyle agree office is a reasonable approach.

Mr. Buxton and Mr. Swink express concerns regarding nibbling away at residential and easing in office.

Mr. Birch responded that the applicant is okay with deferring the case to get CAC input.

There was further discussion regarding staff revisiting future land use map if this case is approved and getting input from community before making a determination.

Mr. Bowers responded that there is not an obvious objective standard.

Mr. Fleming made a motion to defer the case. Mr. Braun seconded. The vote was unanimous 9-0.

AGENDA ITEM # 2(E) 2: Z-19-14 Louisburg Road **(Neuse) (Northeast CAC)

This site is located on Louisburg Road, south side, between its intersection with North New Hope Road to the south and Spring Forest Road to the north.

This request is to rezone property from R-1 to R-10-CU.

Planner Brantley gave a brief overview of the case.

There was discussion regarding the unit count; CAC meeting; curb cuts and character of density.

David York representing the applicant gave a brief overview of the case regarding the dwelling units; willing to offer additional conditions and CAC being scheduled to meet next week.

Hezekiah Goodson representing the public responded regarding concerns of the chosen rezoning.

Mr. Botvinick responded regarding not allowing more than 10 units to an acre can be allowed; some uses are currently allowed; some uses are new and could not include townhouses.

Mr. Bowers responded that there is no advantage to building unit cap.

Mr. Schuster urges neighbors to attend the CAC Meeting to have the opportunity to voice concerns and get answers as well.

Mr. Lyle made a motion to defer the case. Mr. Fleming seconded. The vote was unanimous 9-0.

AGENDA ITEM # 3(B): Z-6-14 – Raleigh Beach Road (Neuse River) (Northeast CAC)**

The site is located on Raleigh Beach Road, northeast of its intersection with New Bern Avenue.

This request is to rezone property from R-4 and I-1 to RX-3-CU.

Planner Brantley gave a brief overview of the case.

There was a brief discussion regarding the greenway issue.

Mr. Brantley responded regarding there being a Greenway Plan for this area; low lying area at the corner of Beach; proposal is to bring it in with RX and clarity of statement regarding 600 units or 650.

Andy Petesch representing the applicant gave a brief overview of the case regarding density issue; allocation requirement added have been resolved in the conditions; soft buffer and second sentence in condition 3 wording change.

Mr. Bowers gave two options regarding the new conditions offered.

Mr. Botvinick responded regarding the conditions saying " at least 20 ft.", that it's a technical correction clarifying the tree conservation; the desire for buffers and it being hard for staff to determine all uses and whether tree conservation is even feasible.

Mr. Whitsett made a motion to aprove the case. Mr. Buxton seconded. The vote was unanimous 9-0. Staff will need to alert Council of the technical change.

AGENDA ITEM # 3(C): Z-14-14 – Forestville Road (Pigeon House Branch) (Northeast CAC)**

The site is located on Forestville Road, east side, between its intersections with Buffaloe Road to the north and Old Milburnie Road to the south.

This request is to rezone property from R-4 and CM to R-6-CU and CM.

Planner Brantley gave a brief overview of the case. He stated that the VSPP has been withdrawn from this case.

David York representing the applicant gave a brief overview of the case regarding working with the neighbors to remove the VSPP; working with staff on wording of conditions; CAC is to meet this week and willing to defer until the CAC meet.

Mr. Lyle made a motion to defer the case. Mr. Braun seconded. The vote was unanimous

9-0.

AGENDA ITEM # 3(D): Z-15-14 – 308 South Blount Street (Rocky Branch) (Central CAC)**

The site is located Downtown Raleigh, east side of South Blount Street, in the southwest quadrant of the intersection of East Martin and South Blount Streets.

This request is to rezone property from BUS w/DOD to DX-40.

Planner Brantley gave a brief overview of the case. He stated that this was the third time the case has been before the Commission.

Lacy Reaves representing the applicant gave a brief overview of the case and aksed for a deferral.

Mr. Braun made a motion to defer the case. Mr. Buxton seconded. The vote was unanimous 9-0.

AGENDA ITEM # 3(E): Z-16-14 – Varsity Drive (Walnut Creek) (West CAC)**

The site is located southwest Raleigh, southwest corner of the intersection of Avent Ferry Road and Varsity Drive.

This request is to rezone property from SC CUD w/SRPOD to RX-7-UL-CU w/SRPOD.

Planner Brantley gave a brief overview of the case regarding the updated zoning application and condition changes and changes to RX- and being a unique site topographically.

Mr. Botvinick suggests this is a change and warrants a deferral.

Mr. Lyle made a motion to defer the case. Mr. Fleming seconded. The vote was unanimous 9-0.

AGENDA ITEM # 4: COMMITTEE REPORTS

AGENDA ITEM # 4(A): TEXT CHANGE COMMITTEE

AGENDA ITEM # 4 (A) 1: TC-3-14 UDO and Part 10 Changes

This request amends Sections 10-2131, 10-2141, 10-2142, 10-2143, 10-2144 and 10-2171 of the Part 10 Zoning Code to align them with the Unified Development Ordinance procedures for quasi-judicial evidentiary hearings, appeals of administrative decisions, variances, special use permits and the associated fee schedules.

Sr. Planner Hodge gave a brief overview of the case.

Mr. Braun clarified that this basically unifying the code.

Planning Manager Crane gave a brief overview clarifying the procedures that are being changed and cleaned up.

Mr. Braun made a motion to approve. Mr. Swink seconded. The vote was unanimous 9-0.

AGENDA ITEM # 4 (A) 2: TC-4-14 UDO Notifications

This request amends Sections 10.1.8, 10.2.1.C.4 and 10.2.4.C.1 of the Part 10A Raleigh Unified Development Ordinance to amend posted and mailed notice requirements for zoning map amendments that directly affect more than 50 properties owned by a total of at least 50 different property owners.

Sr. Planner Hodge gave a brief overview of the case.

Mr. Fleming made a motion to approve. Mr. Sterling Lewis seconded. The vote was unanimous 9-0.

AGENDA ITEM # 4 (B): TRANSPORTATION COMMITTEE

Mr. Buxton gave a brief overview regarding Comp Plan updates; having a clearer vision for public transport and goals for public transportation.

Transportation Planner Lamb reiterated starting points for discussion; the big picture for the City and how all pieces fit together.

The Transportation Committee requested feedback from Commission Members and consent to share the draft with RTA leadership for its feedback at a future meeting.

AGENDA ITEM # 5: APPROVAL OF MINUTES: July 22, 2014 Planning Commission Minutes.

Mr. Fleming had a correction from the July 22, 2014 meeting minutes. Amend Item #3 - Z-16-14 to show motion as deferred.

Mr. Fleming made a motion to approve the amended July 22, 2014 Planning Commission Meeting Minutes. Mr. Lyle seconded the motion. The vote was unanimous 9-0.

AGENDA ITEM # 6: OTHER BUSINESS

AGENDA ITEM # 6(A): REPORT FROM THE CHAIR

Will be sending an e-mail requesting anyone interested in attending the NC APA in Durham please notify Steve immediately. We would like to get the early bird registration. August 19th we will have the Planning Commission Retreat.

AGENDA ITEM # 6(C): REPORT FROM THE CITY ATTORNEY

Mr. Botvinick commend Mr. Schuster on they way he handled this meeting today with such a large agenda.

AGENDA ITEM # 6(D): REPORT FROM THE PLANNING DIRECTOR

- CP-5-14 – Amendments to the 2030 Comprehensive Plan – September 2nd Public Hearing
- CP-6-14 – Amendments to the 2030 Comprehensive Plan – September 2nd Public Hearing
- CP-7-14 – Amendments to the 2030 Comprehensive Plan – September 2nd Public Hearing
- Z-8-14 – Public Hearing Held until September 2, 2014
- Planning Commission Retreat is next week at Walnut Creek Wetlands Center on 950 Peterson Drive.
- Introduction of new Sr.Transportation Planner – Todd Delk

AGENDA ITEM # 7: ADJOURNMENT

There being no further business, the meeting was adjourned at approximately 11:48 am.
Respectfully,
Ken Bowers, AICP
Interim Planning Director

Transcribed by: Chenetha Eason