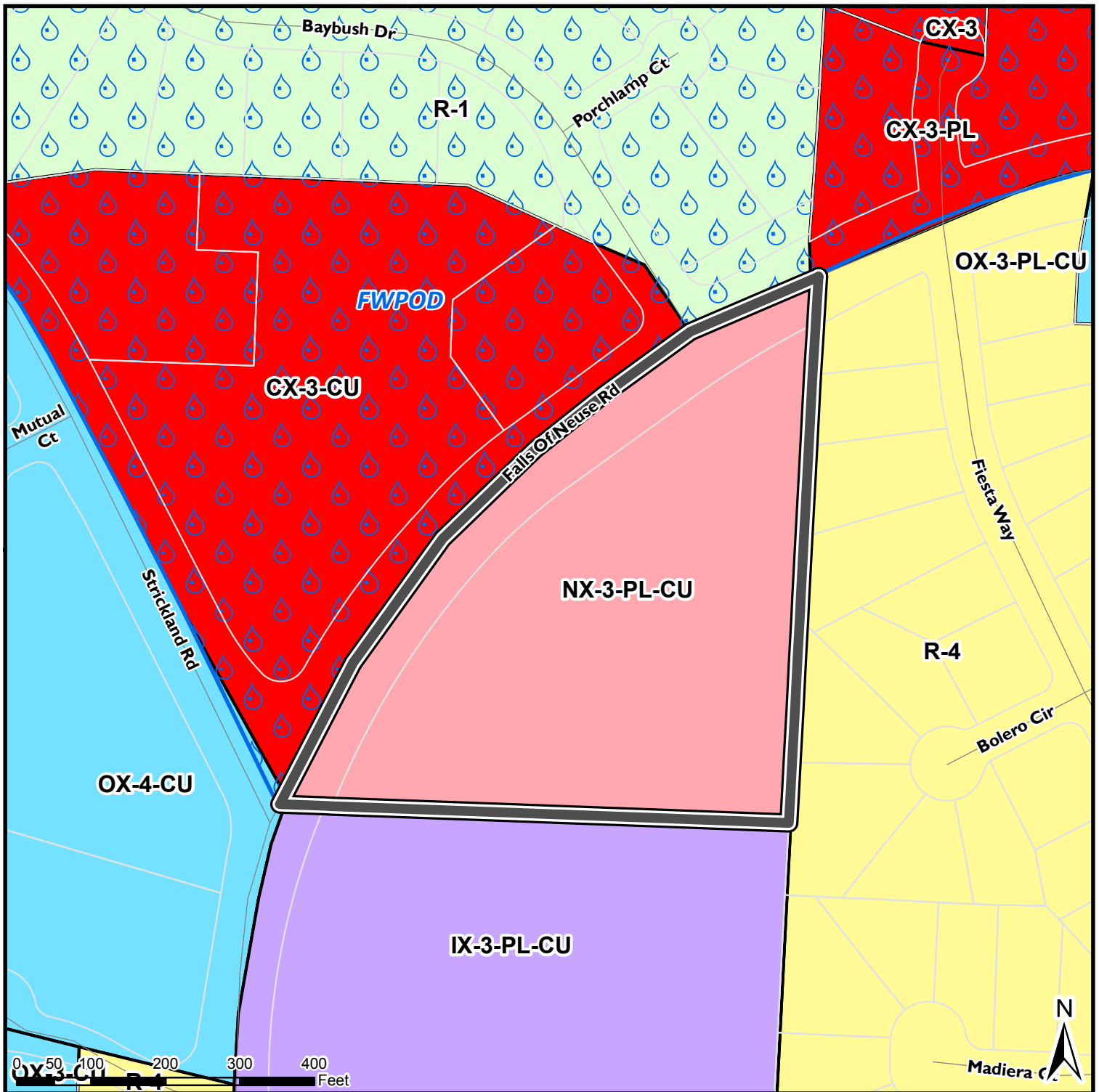


# Existing Zoning Map

# Z-I-2017



**Submittal  
Date**

1/6/2017

**Request:**

**5.91 acres from  
NX-3-PL-CU  
to NX-3-PL-CU  
(Revised conditions)**

VICINITY MAP



Map Date: 1/6/2017



## Certified Recommendation

Raleigh Planning Commission

CR# 11787

### Case Information: Z-1-17 – Falls of Neuse Road

<i>Location</i>	Falls of Neuse Road, east side, at its intersection with Strickland Road Address: 7900 Falls of Neuse Road PIN: 1171098851
<i>Request</i>	Rezone property from Neighborhood Mixed Use-3 stories-Parking Limited-Conditional Use (NX-3-PL-CU) to Neighborhood Mixed Use-3 stories-Parking Limited-Conditional Use (NX-3-PL-CU) with new conditions
<i>Area of Request</i>	5.91 acres
<i>Property Owner</i>	FON, LLC 6912 Penny Road Raleigh, NC 27608
<i>Applicant</i>	Michael J. Kane, PE Capital Civil Engineering 1011 Pemberton Hill Road Suite 203 Apex, NC 27502
<i>Citizens Advisory Council (CAC)</i>	North: Michael O'Sullivan, Chairperson; (919) 302-7557, <a href="mailto:mjo78@nc.rr.com">mjo78@nc.rr.com</a>
<i>PC Recommendation Deadline</i>	September 11, 2017

### Comprehensive Plan Consistency

The rezoning case is ☒ **Consistent** ☐ **Inconsistent** with the 2030 Comprehensive Plan.

### Future Land Use Map Consistency

The rezoning case is ☒ **Consistent** ☐ **Inconsistent** with the Future Land Use Map.

### Comprehensive Plan Guidance

<b><i>FUTURE LAND USE</i></b>	Neighborhood Mixed Use
<b><i>URBAN FORM</i></b>	Center: <i>(None)</i> Corridor: Transit Emphasis (Falls of Neuse Road)
<b><i>CONSISTENT Policies</i></b>	Policy LU 1.2 - Future Land Use and Zoning Consistency Policy LU 7.1 - Encouraging Nodal Development Policy LU 6.4 – Bus Stop Dedication Policy LU 7.1 – Encouraging Nodal Development Policy H 1.8 – Zoning for Housing Policy U.D. 1.10 - Frontage
<b><i>INCONSISTENT Policies</i></b>	Policy LU 5.4 - Density Transitions

## Summary of Proposed Conditions

1. Tree conservation along east property line specified.
2. Light poles are limited to 20' in height.
3. A transit easement and shelter will be provided.
4. Commercial uses are limited to 60,000 square feet.
5. Prohibited uses include outdoor sports/entertainment; grocery; bar, and detention center.
6. The site will have no more than two points of access to Falls of Neuse Road.

## Public Meetings

<i><b>Neighbor Meeting</b></i>	<i><b>CAC</b></i>	<i><b>Planning Commission</b></i>	<i><b>City Council</b></i>	<i><b>Public Hearing</b></i>
1/5/17	2/21/17; 3/21/17; 4/18/17: Y-11, N-0	6/13/17	6/20/17	

### Attachments

1. Staff report
2. Traffic Study Worksheet

## Planning Commission Recommendation

<i><b>Recommendation</b></i>	<b>Approve</b> City Council may now schedule this proposal for Public Hearing or refer it to committee for further study and discussion
<i><b>Findings &amp; Reasons</b></i>	1. The proposal is consistent with the Comprehensive Plan and Future Land Use Map. 2. The proposal would provide a public benefit by potentially allowing additional housing along a Transit Emphasis Corridor and by providing more flexibility for commercial uses.
<i><b>Motion and Vote</b></i>	Motion: Alcine Second: Fluhrer In Favor: Alcine, Braun, Fluhrer, Hicks, Lyle, Swink, Tomasulo

This document is a true and accurate statement of the findings and recommendations of the Planning Commission. Approval of this document incorporates all of the findings of the attached Staff Report.

	6/13/17
Planning Director _____	Planning Commission Chairperson _____
Date	Date

Staff Coordinator: Jason Hardin: (919) 996-2657; [Jason.Hardin@raleighnc.gov](mailto:Jason.Hardin@raleighnc.gov)



## Zoning Staff Report – Z-1-17

### Conditional Use

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## Case Summary

### Overview

The proposal seeks to rezone a 5.9-acre parcel on the east side of Falls of Neuse Road, at its intersection with Strickland Road. The request would retain the existing Neighborhood Mixed Use-Three Stories-Parking Limited-Conditional Use (NX-3-PL-CU) zoning category; the change would involve the zoning conditions.

Existing zoning conditions prohibit housing and limit retail uses to 27,000 square feet of furniture sales. Proposed conditions would allow housing and retail uses other than furniture sales and would allow up to 60,000 square feet of commercial space. The revised conditions also would narrow a specified tree conservation area along the eastern property line from 100' to 40'.

The wedge-shaped site is currently developed as a 27,180 sf, one-story furniture store, with associated parking. Access is via two driveways off Falls of Neuse Road, which curves north to northeastward along the site's frontage. A proposed condition would not allow more than two access points from Falls of Neuse Road.

A range of uses currently exists on adjacent properties, with residential and retail to the north; a post office to the south; residential to the east; and office to the west.

Existing zoning on adjacent properties is similarly varied. To the north, properties are zoned CX-3-CU and R-1; to the south, IX-3-PL-CU; to the east, Residential-4; and to the west, CX-3-CU and OX-4-CU. No overlay exists on the subject property; the Falls Watershed Protection Overlay exists on properties to the north and west.

The Future Land Use Map designates the subject property as Neighborhood Mixed Use; to the north, properties are designated for Neighborhood Mixed Use (south of Baybush Drive) and Rural Residential; to the south and west, Office and Residential Mixed Use; and to the east, Low Density Residential.

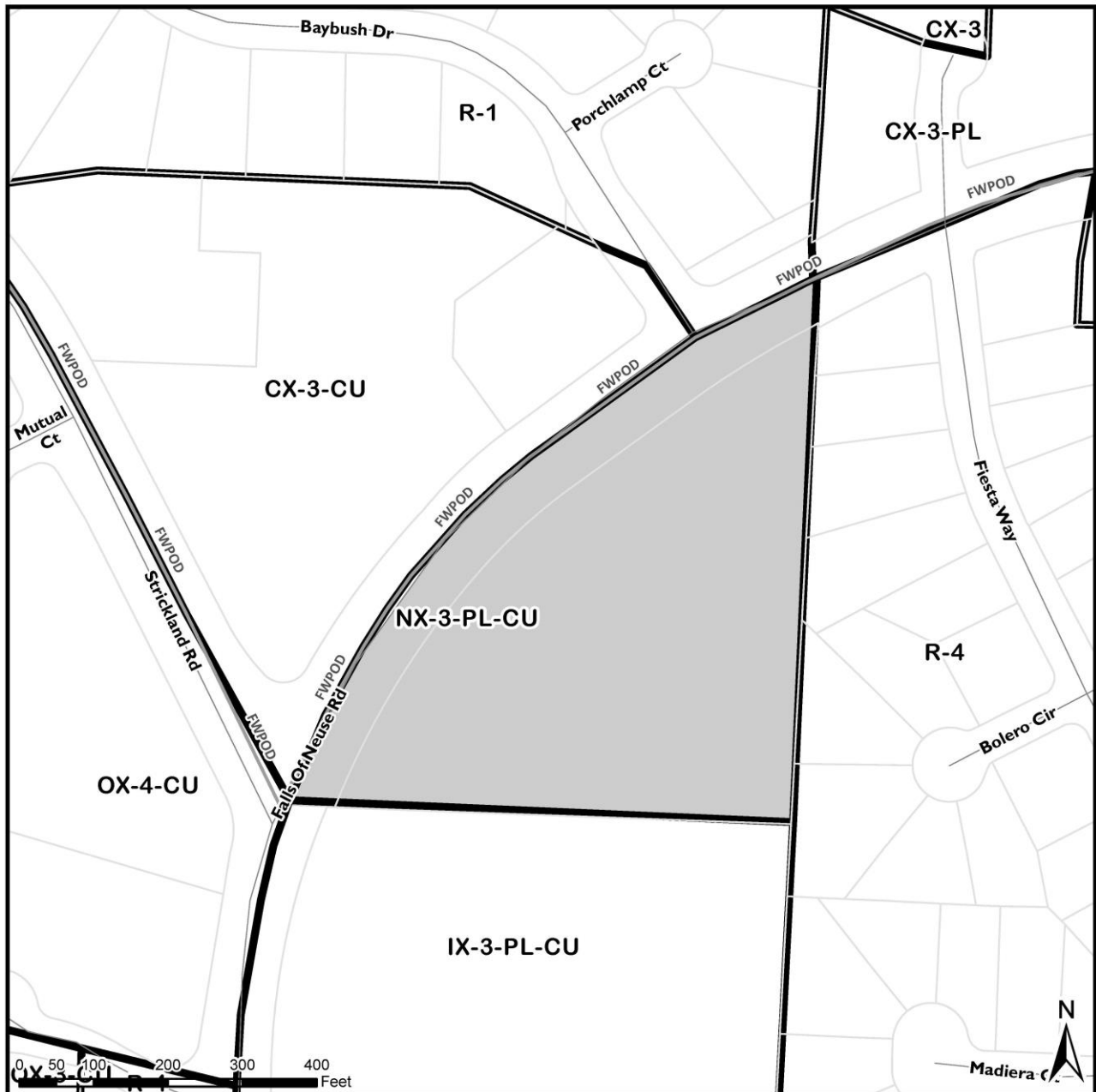
The property is along a section of Falls of Neuse Road designated as a Transit Emphasis Corridor. Currently, GoRaleigh Route 2 ends at the Strickland Road/ Mutual Court intersection. However, both the City of Raleigh Short Range Transit Plan and the Wake County Transit Plan call for Route 2 to be extended north along Falls of Neuse Road to New Falls of the Neuse Road.

### Outstanding Issues

<i>Outstanding Issues</i>	1. None	<i>Suggested Mitigation</i>	1. N/A
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# Existing Zoning Map

**Z-I-2017**



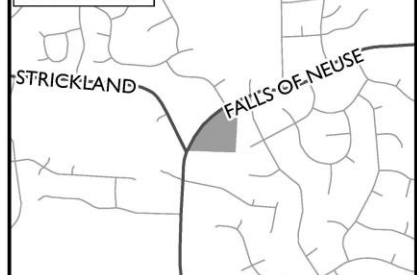
**Submittal  
Date**

1/6/2017

## Request:

**5.91 acres from  
NX-3-PL-CU  
to NX-3-PL-CU  
(with revised conditions)**

### VICINITY MAP



Map Date: 1/6/2017

# Rezoning Case Evaluation

## 1. Compatibility Analysis

### 1.1 Surrounding Area Land Use/ Zoning Summary

	<b>Subject Property</b>	<b>North</b>	<b>South</b>	<b>East</b>	<b>West</b>
<b>Existing Zoning</b>	Neighborhood Mixed Use-3 stories-Parking Limited-Conditional Use	Residential-1; Commercial Mixed Use-3 stories-Conditional Use	Industrial Mixed Use-3 stories-Parking Limited-Conditional Use	Residential-4	Commercial Mixed Use-3 stories-Conditional Use; Office Mixed Use-4 stories-Conditional Use
<b>Additional Overlay</b>	(None.)	Falls Watershed Protection	(None.)	(None.)	Falls Watershed Protection
<b>Future Land Use</b>	Neighborhood Mixed Use	Rural Residential; Neighborhood Mixed Use	Office & Residential Mixed Use	Low Density Residential	Office & Residential Mixed Use
<b>Current Land Use</b>	Retail	Residential; Shopping Center	Civic (Post Office)	Residential	Office Complex
<b>Urban Form (if applicable)</b>	Transit Emphasis Corridor (Falls of Neuse Road)	Transit Emphasis Corridor (Falls of Neuse Road)	Transit Emphasis Corridor (Falls of Neuse Road)	Transit Emphasis Corridor (Falls of Neuse Road); None.	Transit Emphasis Corridor (Falls of Neuse Road)

### 1.2 Current vs. Proposed Zoning Summary

	<b>Existing Zoning</b>	<b>Proposed Zoning*</b>
<b>Residential Density:</b>	(prohibited by zoning conditions)	29.1 DUs/ acre (172 DUs max.)
<b>Setbacks:</b>	<i>Per Parking Limited frontage:</i>	<i>Per Parking Limited frontage:</i>
<b>Front:</b>	50% of bldg. w/n 100' of r/w Apt., Genl. or Mixed Use bldg.:	50% of bldg. w/n 100' of r/w Apt., Genl. or Mixed Use bldg.:
<b>Side:</b>	0' or 6'	0' or 6'
<b>Rear:</b>	100' (from R-4 lot lines to east, per existing conditions)	50' (from R-4 lot lines to east, per Transition Zones A & B)
<b>Retail Intensity Permitted:</b>	27,000 sf**	60,000 sf
<b>Office Intensity Permitted:</b>	27,000 sf	60,000 sf

\*The development intensities for proposed zoning districts were estimated using an impact analysis tool. The estimates presented are only to provide guidance for analysis

\*\* Furniture store only.

### **1.3 Estimated Development Intensities**

	<b>Existing Zoning</b>	<b>Proposed Zoning*</b>
<i>Total Acreage</i>	5.91	5.91
<i>Zoning</i>	NX-3-PL-CU	NX-3-PL-CU
<i>Max. Gross Building SF</i>	27,000	201,997
<i>Max. # of Residential Units</i>	(prohibited by zoning conditions)	172
<i>Max. Gross Office SF</i>	27,000 sf	60,000 sf
<i>Max. Gross Retail SF</i>	27,000 sf	60,000 sf
<i>Max. Gross Industrial SF</i>	27,000**	60,000 sf**
<i>Potential F.A.R.</i>	0.10	0.78

*\*The development intensities for proposed zoning districts were estimated using an impact analysis tool. The estimates presented are only to provide guidance for analysis.*

*\*\*Limited in NX to Vehicle Repair - minor*

The proposed rezoning is:

☒ **Compatible** with the property and surrounding area.

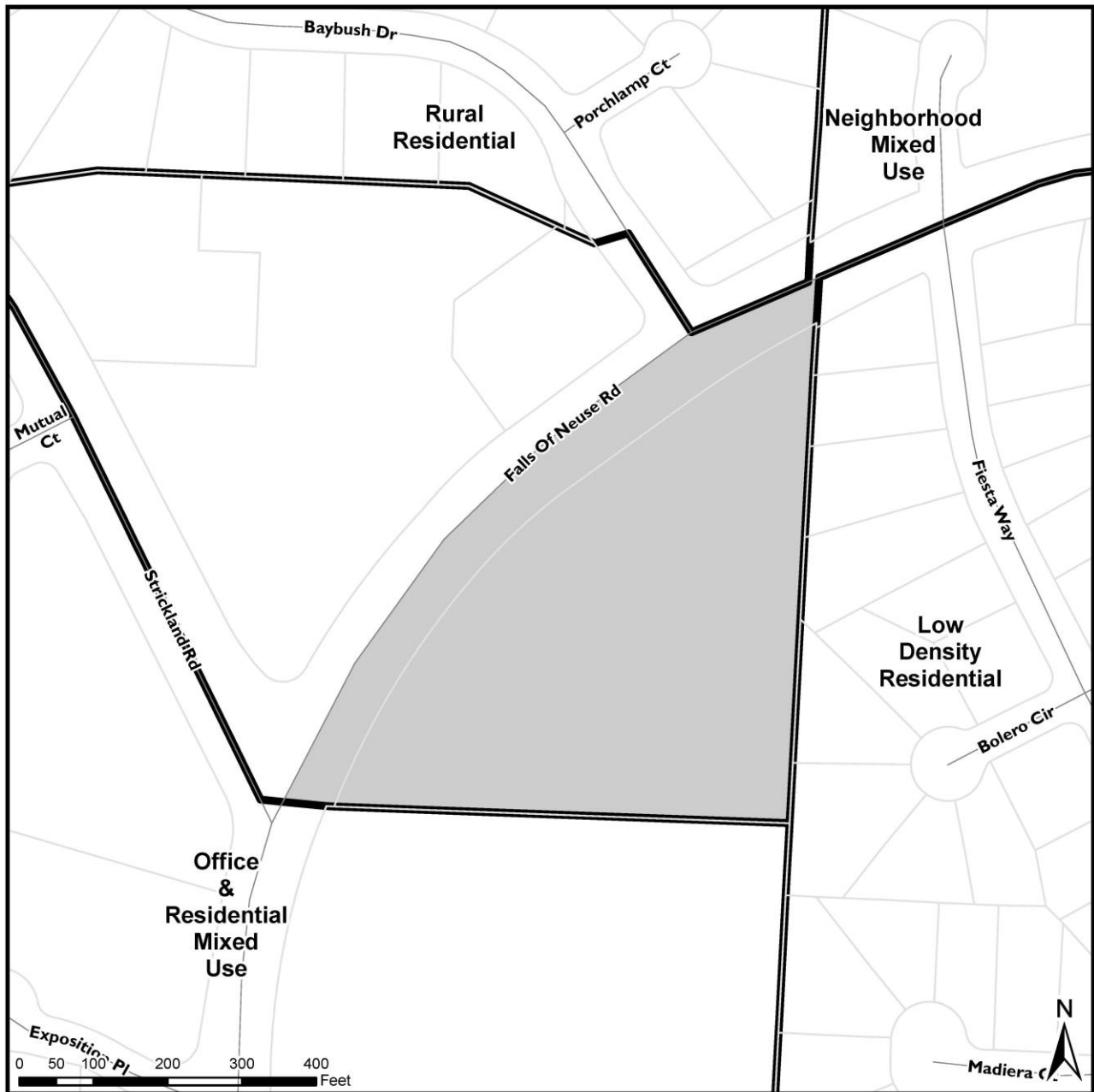
☐ **Incompatible.**

Analysis of Incompatibility:

The request would allow additional commercial uses and an existing node of commercial activity on a property where retail use currently exists.

# Future Land Use Map

**Z-I-2017**

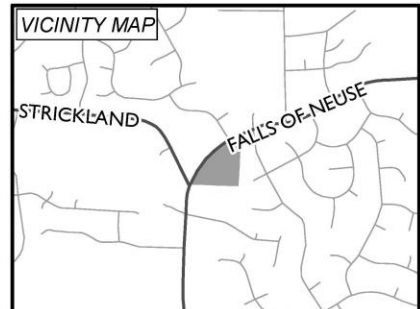


**Submittal  
Date**

1/6/2017

## Request:

**5.91 acres from  
NX-3-PL-CU  
to NX-3-PL-CU  
(with revised conditions)**

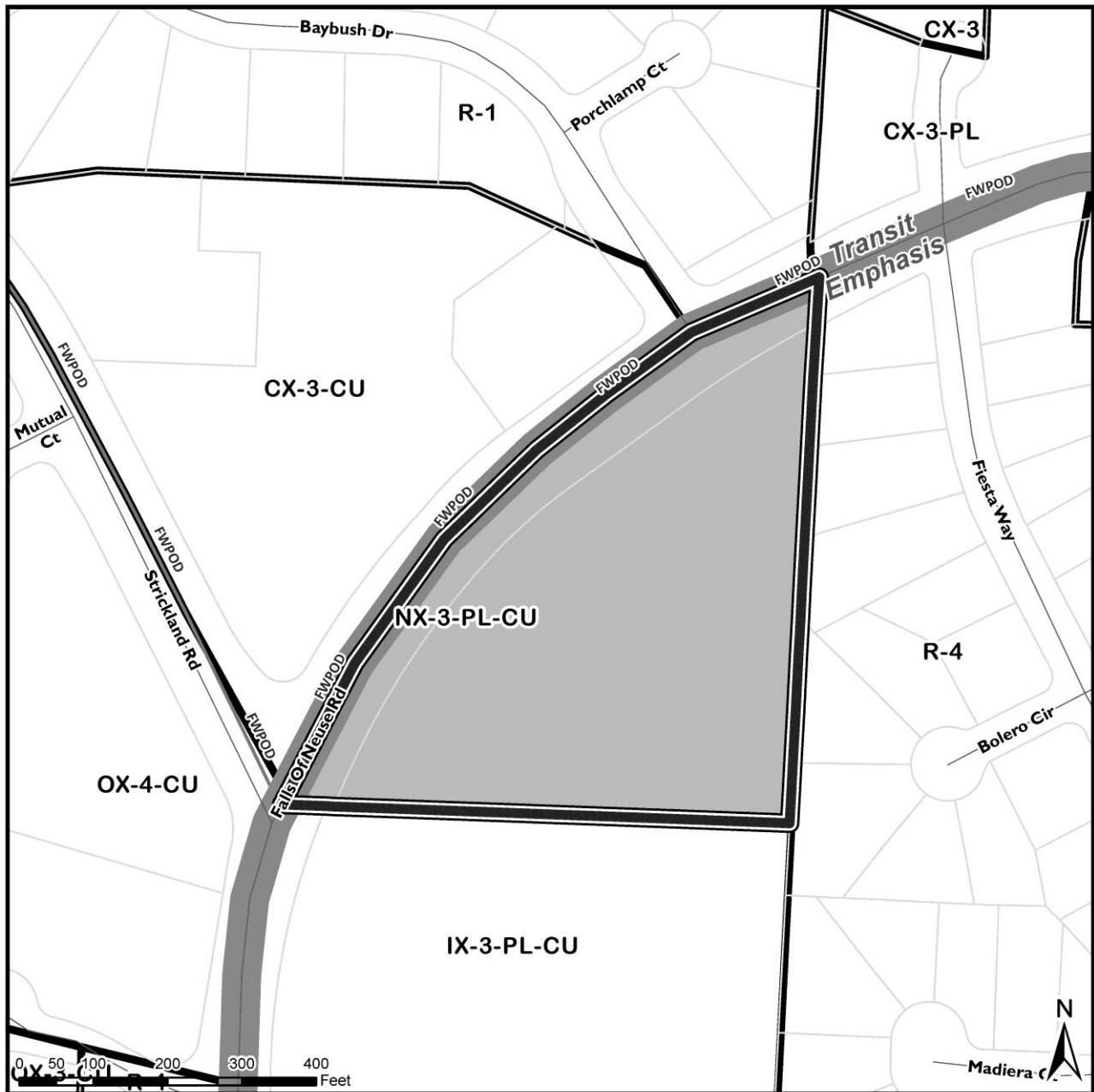


Map Date: 1/6/2017



# Urban Form Map

**Z-I-2017**

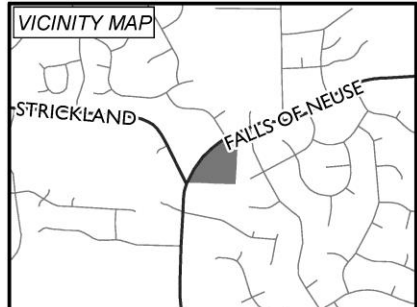


**Submittal  
Date**

1/6/2017

## Request:

**5.91 acres from  
NX-3-PL-CU  
to NX-3-PL-CU  
(with revised conditions)**



Map Date: 1/6/2017

## 2. Comprehensive Plan Consistency Analysis

### 2.1 Comprehensive Plan

Determination of the conformance of a proposed use or zone with the Comprehensive Plan includes consideration of the following questions:

- A. Is the proposal consistent with the vision, themes, and policies contained in the Comprehensive Plan?
- B. Is the use being considered specifically designated on the Future Land Use Map in the area where its location is proposed?
- C. If the use is not specifically designated on the Future Land Use Map in the area where its location is proposed, is it needed to service such a planned use, or could it be established without adversely altering the recommended land use and character of the area?
- D. Will community facilities and streets be available at City standards to serve the use proposed for the property?

- A. The proposal is consistent with the Comprehensive Plan, which designates the area in which the property is located as Neighborhood Mixed Use and which designates Falls of Neuse Road as a Transit Emphasis Corridor. The proposal is consistent with the Plan's Vision Themes, particularly Expanding Housing Choices and Coordinating Land Use and Transportation, as well as with numerous specific policies.
- B. The proposed NX zoning is cited in the Comprehensive Plan as being that district most consistent with the Future Land Use Map's Community Mixed Use designation.
- C. The permitted land uses are supported by the Future Land Use Map.
- D. Existing community facilities and streets appear to be sufficient to serve the uses possible under the proposed zoning.

### 2.2 Future Land Use

**Future Land Use designation:** Neighborhood Mixed Use

**The rezoning request is:**

☒ **Consistent** with the Future Land Use Map.

☐ **Inconsistent**

Analysis of Inconsistency:

The requested NX zoning is consistent with the Future Land Use Map's Community Mixed Use designation.

### 2.3 Urban Form

**Urban Form designation:** Transit Emphasis Corridor (Falls of Neuse Road)

**The rezoning request is:**

☒ **Consistent** with the Urban Form Map.

☐ **Inconsistent**

Analysis of Inconsistency:

The inclusion of the Parking Limited frontage is consistent with the Transit Emphasis Corridor designation.

## **2.4 Policy Guidance**

The rezoning request is **consistent** with the following policies:

### ***Policy LU 1.2 - Future Land Use Map and Zoning Consistency***

The Future Land Use Map shall be used in conjunction with the Comprehensive Plan policies to evaluate zoning consistency including proposed zoning map amendments and zoning text changes.

The requested NX zoning is consistent with the FLUM designation of Neighborhood Mixed Use.

### ***Policy LU 2.6 - Zoning and Infrastructure Impacts***

Carefully evaluate all amendments to the zoning map that significantly increase permitted density or floor area to ensure that impacts to infrastructure capacity resulting from the projected intensification of development are adequately mitigated or addressed.

Existing infrastructure is sufficient to accommodate additional demand created by the development.

### ***Policy LU 6.4 - Bus Stop Dedication***

The City shall coordinate the dedication of land for the construction of bus stop facilities within mixed-use centers on bus lines as part of the development review and zoning process.

The request includes a condition that would provide an easement and shelter.

### ***Policy LU 7.1 - Encouraging Nodal Development***

Discourage auto-oriented commercial “strip” development and instead encourage pedestrian-oriented “nodes” of commercial development at key locations along major corridors. Zoning and design standards should ensure that the height, mass, and scale of development within nodes respects the integrity and character of surrounding residential areas and does not unreasonably impact them.

The request would add commercial space within an existing node.

### ***Policy H 1.8 - Zoning for Housing***

Ensure that zoning policy continues to provide ample opportunity for developers to build a variety of housing types, ranging from single-family to dense multi-family. Keeping the market well supplied with housing will moderate the costs of owning and renting, lessening affordability problems, and lowering the level of subsidy necessary to produce affordable housing.

The request would allow housing, which is not permitted under existing zoning conditions.

**Policy UD 1.10 - Frontage**

Coordinate frontage across multiple sites to create cohesive places. Encourage consistency with the designations on the Urban Form Map. Development in centers and along corridors targeted for public investment in transit and walkability should use a compatible urban form.

The requested Parking Limited frontage is found on several adjacent properties to the south.

The rezoning request is **inconsistent** with the following policies:

**Policy LU 5.4 - Density Transitions**

Low- to medium-density residential development and/or low-impact office uses should serve as transitional densities between lower-density neighborhoods and more intensive commercial and residential uses. Where two areas designated for significantly different development intensity abut on the Future Land Use Map, the implementing zoning should ensure that the appropriate transition occurs on the site with the higher intensity.

The request is not fully consistent with this policy, as there would be no transitional zoning district between the proposed NX district on the property and residential properties to the east. However, the proposal does specify that a Tree Conservation Area would be maintained on the eastern property line.

**2.5 Area Plan Policy Guidance**

The rezoning request is **consistent** with the following Area Plan policies:

**Policy AP-540F 1 - Development Character on Falls of Neuse Road**

Development along Falls of Neuse Road should not adversely impact adjacent residential properties due to bulk, scale, mass, fenestration or orientation of structures, stormwater runoff, noise caused by high levels of activity in service areas, or on-site lighting.

The proposal includes provisions involving lighting and forestation that would address any impact on adjacent residential properties.

**3. Public Benefit and Reasonableness Analysis****3.1 Public Benefits of the Proposed Rezoning**

- The request would allow for additional housing along a Transit Emphasis Corridor.
- The request would provide more flexibility for commercial uses than is currently the case.

**3.2 Detriments of the Proposed Rezoning**

- None

## 4. Impact Analysis

### 4.1 Transportation

The site is located in the northeast quadrant of Falls of Neuse Road and Strickland Road. Both Falls of Neuse Road (SR 2000) and Strickland Road (SR 1829) are maintained by the NCDOT. Falls of Neuse Road is fully built-out with curbs, gutters and sidewalks on both sides; it is classified as a major street in the UDO Street Plan Map (Avenue, 6-Lane, Divided).

There are no City of Raleigh CIP projects or state STIP projects planned for either street in the vicinity of the Z-1-2017 site.

Site access will be provided via Falls of Neuse Road with potential future connections to Bolero Circle and Fiesta Way. There are no public street stubs abutting the eastern boundary of the Z-1-2017 parcel. The Z-1-2017 parcel is owned by FON, LLC. Three residential lots that abut the Z-1-2017 parcel (#7205 Bolero Circle, #7711 Fiesta Way and #7717 Fiesta Way) are owned by Seventy Vest LLC. These LLCs are managed by the same individuals and may allow additional means of access to the site via Fiesta Way.

In accordance with UDO section 8.3.2, the maximum block perimeter for CX-3 zoning is 3,000 feet. The block perimeter for Z-1-2017, as defined by public rights-of-way for Falls of Neuse Road, Fiesta Way and Harps Mill Road is over 10,000 feet.

Existing zoning conditions restrict retail uses to a furniture store, limit build size to 27,000 sq. ft., and prohibit access to adjacent residential streets. Approval of case Z-1-2017 would remove many of these restrictions. Commercial buildout will be capped at 60,000 sq. ft., equivalent to a floor area ratio of 23%. Trip Volumes will increase by 72 veh/hr in the AM peak and by 241 veh/hr in the PM peak; daily trip volume will increase by 3,752 veh/day. These volumes are long-term averages and will vary from day to day.

Z-1-2017 Existing Land Use (Furniture Store)	Daily	AM	PM
	137	5	12
Z-1-2017 Current Zoning Entitlements (27,000 sq. ft. Office)	Daily	AM	PM
	298	42	40
Z-1-2017 Proposed Zoning Maximums (60,000 sq. ft. Shopping Center)	Daily	AM	PM
	4,050	114	281
Z-1-2017 Trip Volume Change (Proposed Maximums minus Current Entitlements)	Daily	AM	PM
	<b>3,752</b>	<b>72</b>	<b>241</b>

A traffic impact analysis (TIA) report for Z-1-2017 has been reviewed by City staff. It noted that Baybush Drive will experience Level of Service "F" (LOS-F) when attempting to turn onto Falls of Neuse Road under both the current zoning entitlements and the proposed zoning maximum build-out. The TIA report did not recommend any infrastructure improvements to mitigate the traffic impacts of case Z-1-2017.

#### Impacts Identified:

Block perimeter exceeds UDO standard. Minor street movements at LOS-F under current entitlements; rezoning would cause a higher intensity of LOS-F.

#### 4.2 Transit

1. Currently GoRaleigh Route 2 Falls of Neuse ends at the Strickland Road/ Mutual Court intersection.
2. Both the City of Raleigh Short Range Transit Plan and the Wake County Transit Plan call for Route 2 to be extended north along Falls of Neuse Road to New Falls of the Neuse Road.
3. A transit easement and pad have been offered in the conditions.

**Impact Identified:** Increased demand for transit.

#### 4.3 Hydrology

<i>Floodplain</i>	No FEMA Floodplain present
<i>Drainage Basin</i>	Perry and Mine
<i>Stormwater Management</i>	Subject to stormwater regulations under Article 9 of UDO.
<i>Overlay District</i>	none

**Impact Identified:** None.

#### 4.4 Public Utilities

	<i>Maximum Demand (current use)</i>	<i>Maximum Demand (current zoning)</i>	<i>Maximum Demand (proposed zoning)</i>
<i>Water</i>	3,510 gpd	3,510 gpd	43,000 gpd
<i>Waste Water</i>	3,510 gpd	3,510 gpd	43,000 gpd

The proposed rezoning would add approximately 39,490 gpd to the wastewater collection and water distribution systems of the City. There are existing sanitary sewer and water mains adjacent to the proposed rezoning area.

**Impact Identified:** At the time of development plan submittal, a Downstream Sewer Capacity Study may be required to determine adequate capacity to support the proposed development. Any improvements identified by the study would be required to be permitted prior to the issuance of Building Permit & constructed prior to release of a Certificate of Occupancy. Verification of water available for fire flow is required as part of the Building Permit process. Any water system improvements recommended by the analysis to meet fire flow requirements will also be required of the Developer.

#### 4.5 Parks and Recreation

There are no existing or proposed greenway trails, corridors or connectors within or adjacent to this site. Nearest trail access is Honeycutt Creek Trail, 0.4 miles. Recreation services are provided by Millbrook Road Park, 0.4 miles distance.

**Impact Identified:** None.

#### 4.6 Urban Forestry

The existing conditions require a 100' buffer along the east property line and the new conditions propose to reduce that to a minimum 40' tree conservation area. The condition is worded to comply with UDO tree conservation requirements.

**Impact Identified:** The tree conservation area would be reduced compared to existing zoning, but the condition still specifies that a TCA will be maintained along the eastern property line.

#### ***4.7 Designated Historic Resources***

The site is not located within or adjacent to a National Register Historic District and/or Raleigh Historic Overlay District, or include or adjacent to any National Register individually-listed properties and/or Raleigh Historic Landmarks.

**Impact Identified:** None.

#### ***4.8 Community Development***

This site is not located within a redevelopment plan area.

**Impact Identified:** None.

#### ***4.9 Impacts Summary***

1. Block perimeter exceeds UDO standard.
2. Some minor street movements are at LOS-F under current entitlements; rezoning would cause a higher intensity of LOS-F.
3. TCA reduced along eastern property line.
4. Increased demand for transit.
5. Increased demand for water/wastewater.

#### ***4.10 Mitigation of Impacts***

1. Address during site plan stage.
2. None required.
3. None required.
4. A transit easement will be provided.
5. A sewer capacity study may be required at time of site plan.

## **5. Conclusions**

The proposed rezoning is consistent with the Comprehensive Plan, both in terms of vision themes and numerous specific policies. It would allow for the provision of additional housing and would facilitate nodal development, by allowing additional commercial space within an existing commercial node. The rezoning is also consistent with the Future Land Use Map and Urban Form Map.

## Current Zoning Conditions

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**Ordinance: (1994) 441 ZC 349**  
**Effective: 7-5-94**

**Z-29-94 Falls of Neuse Road**, east side, across from Bent Tree Shopping Center, being Map 1717.05, Block 09, Parcel 8851, rezoned to Neighborhood Business Conditional Use District.

### CONDITIONS:

1. No Retail use other than a furniture store will be permitted.
2. All uses allowed in the Office & Institution-3 district will be permitted.
3. No Residential uses will be permitted.
4. No building shall contain more than one story.
5. The maximum allowable building square footage is 27,000 square feet.
6. Plantings and a 100-ft. buffer will meet City Transitional Protective Yard Landscape Regulations along the entire Eastern border of the subject property (Homeowners and developers interpret this to mean "natural and undisturbed"). The only exception to this condition is for the proper alignment and installation of an entry driveway on the North end of the property.
7. A 5-ft. berm shall be built in the last 15 ft. of the buffer referred to in condition No. 4 above.
8. The top of the berm will be planted with Red Tip Photinia or other screening evergreen of this type which has a low screening foliage that grows to a height of greater than six feet.
9. No ingress or egress to the subject property from Fiesta Way, Bolero Court or Madiera Court.
10. Fence - A 6 foot chain link fence or solid wood screening type fence will be provided by developers on the rear property line of any homeowner who so desires within one year of rezoning. This applies only to adjacent homeowners.
11. For reimbursement purposes, right-of-way for Falls of Neuse Road will remain at O&I-1 value.

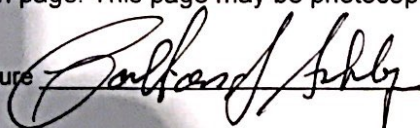


Conditional Use District Zoning Conditions	
Zoning Case Number: Z-1-17	OFFICE USE ONLY  Transaction #
Date Submitted: 4/19/17 revised 6/8/17, 8/3/17	
Existing Zoning: NX-3-PL-CU      Proposed Zoning: Same with changes to CU	
NARRATIVE OF ZONING CONDITIONS OFFERED	
1.	Along the entirety of the eastern property line shared with Lots 1, 2, 3, 4, 8, and 9 in Block A of that certain plat recorded in the Wake County Register of Deeds at Book of Maps 1969, Page 260, there shall be provided a sixty foot (60') wide protective yard, the eastern fifty foot (50') of which shall remain undisturbed. In the remaining ten feet (10') grading shall be limited to a ratio no greater than 3:1, and if graded, the area shall be replanted with thirty (30) shrubs for every 100 linear feet and one (1) shade tree every fifty feet (50').
2.	Any site plan submitted for new development on the subject property shall incorporate full cutoff lighting for all exterior and outdoor lighting and lighting fixtures. Maximum pole height for all on site exterior light fixtures shall be twenty feet (20') unless a more restrictive standard is required by the UDO.
3.	Prior to recordation of a subdivision plat or issuance of a building permit for new development, whichever event first occurs, a transit easement along Falls of Neuse Road shall be deeded to the City and recorded in the Wake County Registry. Prior to recordation of any transit easement, the dimensions (not to exceed 15 feet in depth or 20 feet in width) and location of the easement shall be established during site plan or subdivision review, and the easement document approved as to form by the City Attorney's Office. If transit service has been implemented or is planned to be implemented within 180 days of the issuance of a building permit for new development, and if requested by the City of Raleigh in writing, the above referenced transit easement shall be improved with the following, prior to the issuance of the first certificate of occupancy on the Property: (i) a cement pad measuring no greater than 15'x20'; (ii) a cement landing zone parallel to the street between the sidewalk and back-of-curb measuring no more than 30'; (iii) an ADA-accessible transit waiting shelter with bench; and (iv) a litter container.
4.	Commercial uses shall be limited to no more than 60,000 square feet in area.
5.	The following uses shall be prohibited on the subject property: Outdoor sports or entertainment facility (≤250 seats); Outdoor sports or entertainment facility (>250 seats); Bar, nightclub, tavern, lounge; Grocer, and Detention center, jail, prison.
6.	Contingent upon NCDOT approval, the site shall have no more than two vehicular points of access to Falls of Neuse Road.
7.	Hours of operation for an eating establishment use are prohibited between 11:00 PM through 7:00 AM.
8.	No ingress or egress to the subject property from Fiesta Way, Bolero Court or Madiera Court.*
9.	
10.	

\*This condition is retained from a previous rezoning case (Z-29-94)

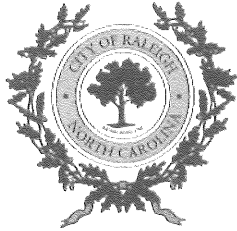
These zoning conditions have been voluntarily offered by the property owner. All property owners must sign each condition page. This page may be photocopied if additional space is needed.

Owner/Agent Signature



Print Name

CARLTON S. ASHBY



# Planning & Development

## Development Services Customer Service Center

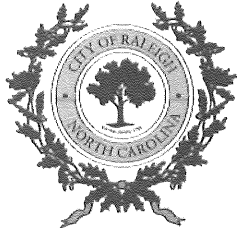
One Exchange Plaza  
1 Exchange Plaza, Suite 400  
Raleigh, North Carolina 27601  
Phone 919-996-2495  
Fax 919-516-2685

## Rezoning Application

Rezoning Request	OFFICE USE ONLY
<input type="checkbox"/> General Use <input checked="" type="checkbox"/> Conditional Use <input type="checkbox"/> Master Plan	Transaction Number
Existing Zoning Classification NX-3-PL-CU Proposed Zoning Classification Base District NX Height 3 Frontage PL	497215
If the property has been previously rezoned, provide the rezoning case number. Z-29-94	
Provide all previous transaction numbers for Coordinated Team Reviews, Due Diligence Sessions or Pre-Submittal Conferences.	

GENERAL INFORMATION		
Property Address 7900 Falls of Neuse Rd	Date 2/18/2016	
Property PIN 1717-09-8851	Deed Reference (Book/Page) bk 9426 pg 1905	
Nearest Intersection Falls of Neuse Rd and Strickland Rd	Property size (in acres) 5.91	
Property Owner/Address FON, LLC 6912 Penny Rd Raleigh, NC 27606	Phone 919 219-9118	Fax
	Email CarltonAshby@hotmail.com	
Project Contact Person/Address Michael J. Kane, PE of Capital Civil Engineering 1011 Pemberton Hill Rd, Ste 203 Apex, NC 27502	Phone 919 249-8587	Fax 919 590-1687
	Email mkane@capitalcivil.com	
Owner/Agent Signature 	Email CarltonAshby@hotmail.com	

A rezoning application will not be considered complete until all required submittal components listed on the Rezoning Checklist have been received and approved.



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### Rezoning Application Addendum

Comprehensive Plan Analysis	OFFICE USE ONLY
The applicant is asked to analyze the impact of the rezoning request. State Statutes require that the rezoning either be consistent with the adopted Comprehensive Plan, or that the request be reasonable and in the public interest.	Transaction Number 497215 Zoning Case Number

#### STATEMENT OF CONSISTENCY

Provide brief statements regarding whether the rezoning request is consistent with the future land use designation, the urban form map and any applicable policies contained within the 2030 Comprehensive Plan.

- |    |   |
|----|---|
| 1. | Request is consistent with all Raleigh planning guidelines current and future land use.         |
| 2. | No change to zoning designation or UDO regulations. Only request to remove the                  |
| 3. | Conditional Uses which were originally for one specific use of the property. Proposed condition |
| 4. | of 32' TCA along east property exceeds the Type 1 & 2 Protective Yard options in the UDO.       |

#### PUBLIC BENEFITS

Provide brief statements regarding the public benefits derived as a result of the rezoning request.

- |    |   |
|----|---|
| 1. | Current conditions extremely restrict the use of the property to only furniture sales |
| 2. | which limits the marketability of the property. Allowing uses as defined              |
| 3. | in the UDO for current NX zoning would greatly reduce the chance of the               |
| 4. | property being vacant for extended periods of time.                                   |

## URBAN DESIGN GUIDELINES

If the property to be rezoned is shown as a “mixed use center” or located along a Main Street or Transit Emphasis Corridor as shown on the Urban Form Map in the Comprehensive Plan, the applicant must respond to the Urban Design Guidelines contained in the 2030 Comprehensive Plan.

1.	<i>All Mixed-Use developments should generally provide retail (such as eating establishments, food stores, and banks), and other such uses as office and residential within walking distance of each other. Mixed uses should be arranged in a compact and pedestrian friendly form.</i> <b>Request will allow more uses than currently conditioned therefore better meeting the UDO.</b>
2.	<i>Within all Mixed-Use Areas buildings that are adjacent to lower density neighborhoods should transition (height, design, distance and/or landscaping) to the lower heights or be comparable in height and massing.</i> <b>40' Trees Conservation Area is proposed adjacent to the residential to the east to provide transitional buffer.</b>
3.	<i>A mixed use area's road network should connect directly into the neighborhood road network of the surrounding community, providing multiple paths for movement to and through the mixed use area. In this way, trips made from the surrounding residential neighborhood(s) to the mixed use area should be possible without requiring travel along a major thoroughfare or arterial.</i> <b>No new streets are contemplated as part of this development at this time. All adjacent properties are fully developed and do not provide opportunity for cross access.</b>
4.	<i>Streets should interconnect within a development and with adjoining development. Cul-de-sacs or dead-end streets are generally discouraged except where topographic conditions and/or exterior lot line configurations offer no practical alternatives for connection or through traffic. Street stubs should be provided with development adjacent to open land to provide for future connections. Streets should be planned with due regard to the designated corridors shown on the Thoroughfare Plan.</i> <b>No new streets are contemplated as part of this development at this time. All adjacent properties are fully developed and do not provide opportunity for cross access.</b>
5.	<i>New development should be comprised of blocks of public and/or private streets (including sidewalks). Block faces should have a length generally not exceeding 660 feet. Where commercial driveways are used to create block structure, they should include the same pedestrian amenities as public or private streets.</i> <b>No new streets are contemplated as part of this development at this time.</b>
6.	<i>A primary task of all urban architecture and landscape design is the physical definition of streets and public spaces as places of shared use. Streets should be lined by buildings rather than parking lots and should provide interest especially for pedestrians. Garage entrances and/or loading areas should be located at the side or rear of a property.</i> <b>The current zoning includes a Parking Limited frontage, which limits quantity of parking allowed between right of way and buildings.</b>
7.	<i>Buildings should be located close to the pedestrian-oriented street (within 25 feet of the curb), with off-street parking behind and/or beside the buildings. When a development plan is located along a high volume corridor without on-street parking, one bay of parking separating the building frontage along the corridor is a preferred option.</i> <b>The current zoning includes a Parking Limited frontage, which limits quantity of parking allowed between right of way and buildings.</b>
8.	<i>If the site is located at a street intersection, the main building or main part of the building should be placed at the corner. Parking, loading or service should not be located at an intersection.</i> <b>The current zoning includes a Parking Limited frontage, which limits quantity of parking allowed between right of way and buildings.</b>
9.	<i>To ensure that urban open space is well-used, it is essential to locate and design it carefully. The space should be located where it is visible and easily accessible from public areas (building entrances, sidewalks). Take views and sun exposure into account as well.</i> <b>An outdoor amenity area will be provided in accordance with the UDO.</b>
10.	<i>New urban spaces should contain direct access from the adjacent streets. They should be open along the adjacent sidewalks and allow for multiple points of entry. They should also be visually permeable from the sidewalk, allowing passersby to see directly into the space.</i> <b>An outdoor amenity area will be provided in accordance with the UDO.</b>
11.	<i>The perimeter of urban open spaces should consist of active uses that provide pedestrian traffic for the space including retail, cafés, and restaurants and higher-density residential.</i> <b>An outdoor amenity area will be provided in accordance with the UDO.</b>
12.	<i>A properly defined urban open space is visually enclosed by the fronting of buildings to create an outdoor "room" that is comfortable to users.</i> <b>An outdoor amenity area will be provided in accordance with the UDO.</b>
13.	<i>New public spaces should provide seating opportunities.</i> <b>An outdoor amenity area will be provided in accordance with the UDO.</b>
14.	<i>Parking lots should not dominate the frontage of pedestrian-oriented streets, interrupt pedestrian routes, or negatively impact surrounding developments.</i> <b>The current zoning includes a Parking Limited frontage, which limits quantity of parking allowed between right of way and buildings.</b>
15.	<i>Parking lots should be located behind or in the interior of a block whenever possible. Parking lots should not occupy more than 1/3 of the frontage of the adjacent building or not more than 64 feet, whichever is less.</i> <b>The current zoning includes a Parking Limited frontage, which limits quantity of parking allowed between right of way and buildings.</b>
16.	<i>Parking structures are clearly an important and necessary element of the overall urban infrastructure but, given their utilitarian elements, can give serious negative visual effects. New structures should merit the same level of materials and finishes as that a principal building would, care in the use of basic design elements can make a significant improvement.</i>



	<b>The current zoning includes a Parking Limited frontage, which limits quantity of parking allowed between right of way and buildings.</b>
17.	<i>Higher building densities and more intensive land uses should be within walking distance of transit stops, permitting public transit to become a viable alternative to the automobile.</i> <b>Transit easement to be provided as described in the proposed Zoning Conditions.</b>
18.	<i>Convenient, comfortable pedestrian access between the transit stop and the building entrance should be planned as part of the overall pedestrian network.</i> <b>Pedestrian access from transit easement to proposed buildings to be provided in accordance with the requirements of the UDO.</b>
19.	<i>All development should respect natural resources as an essential component of the human environment. The most sensitive landscape areas, both environmentally and visually, are steep slopes greater than 15 percent, watercourses, and floodplains. Any development in these areas should minimize intervention and maintain the natural condition except under extreme circumstances. Where practical, these features should be conserved as open space amenities and incorporated in the overall site design.</i> <b>There are no known sensitive features on the property.</b>
20.	<i>It is the intent of these guidelines to build streets that are integral components of community design. Public and private streets, as well as commercial driveways that serve as primary pedestrian pathways to building entrances, should be designed as the main public spaces of the City and should be scaled for pedestrians.</i> <b>No new streets are contemplated as part of this development at this time.</b>
21.	<i>Sidewalks should be 5-8 feet wide in residential areas and located on both sides of the street. Sidewalks in commercial areas and Pedestrian Business Overlays should be a minimum of 14-18 feet wide to accommodate sidewalk uses such as vendors, merchandising and outdoor seating.</i> <b>Sidewalks will be provided in accordance with the UDO.</b>
22.	<i>Streets should be designed with street trees planted in a manner appropriate to their function. Commercial streets should have trees which complement the face of the buildings and which shade the sidewalk. Residential streets should provide for an appropriate canopy, which shadows both the street and sidewalk, and serves as a visual buffer between the street and the home. The typical width of the street landscape strip is 6-8 feet. This width ensures healthy street trees, precludes tree roots from breaking the sidewalk, and provides adequate pedestrian buffering. Street trees should be at least 6 1/4" caliper and should be consistent with the City's landscaping, lighting and street sight distance requirements.</i> <b>No new streets are contemplated as part of this development, but street plantings will be made in accordance with the UDO.</b>
23.	<i>Buildings should define the streets spatially. Proper spatial definition should be achieved with buildings or other architectural elements (including certain tree plantings) that make up the street edges aligned in a disciplined manner with an appropriate ratio of height to width.</i> <b>The current zoning includes a Parking Limited frontage, which limits quantity of parking allowed between right of way and buildings.</b>
24.	<i>The primary entrance should be both architecturally and functionally on the front facade of any building facing the primary public street. Such entrances shall be designed to convey their prominence on the fronting facade.</i> <b>Building architectural features to be designed in accordance with the UDO.</b>
25.	<i>The ground level of the building should offer pedestrian interest along sidewalks. This includes windows entrances, and architectural details. Signage, awnings, and ornamentation are encouraged.</i> <b>Building architectural features to be designed in accordance with the UDO.</b>
26.	<i>The sidewalks should be the principal place of pedestrian movement and casual social interaction. Designs and uses should be complementary to that function.</i> <b>Pedestrian circulation via sidewalks and connection to required open space areas to be designed in accordance with the UDO.</b>



## City of Raleigh North Carolina

May 19, 2017

### MEMORANDUM

TO: Jason Hardin, AICP  
Planner II

FROM: Bowman Kelly, PE, PTOE *ABK*  
Transportation Engineer

SUBJECT: Traffic Impact Analysis Review for Z-1-2017

I have reviewed the Traffic Impact Analysis (TIA) report for rezoning case Z-1-2017, submitted by VHB Engineering NC, P.C. The Z-1-2017 site is located in the northeast quadrant of Falls of Neuse Road where it intersects with Strickland Road. Buildout is assumed to be complete in 2020. The following intersections were studied as part of this traffic analysis report:

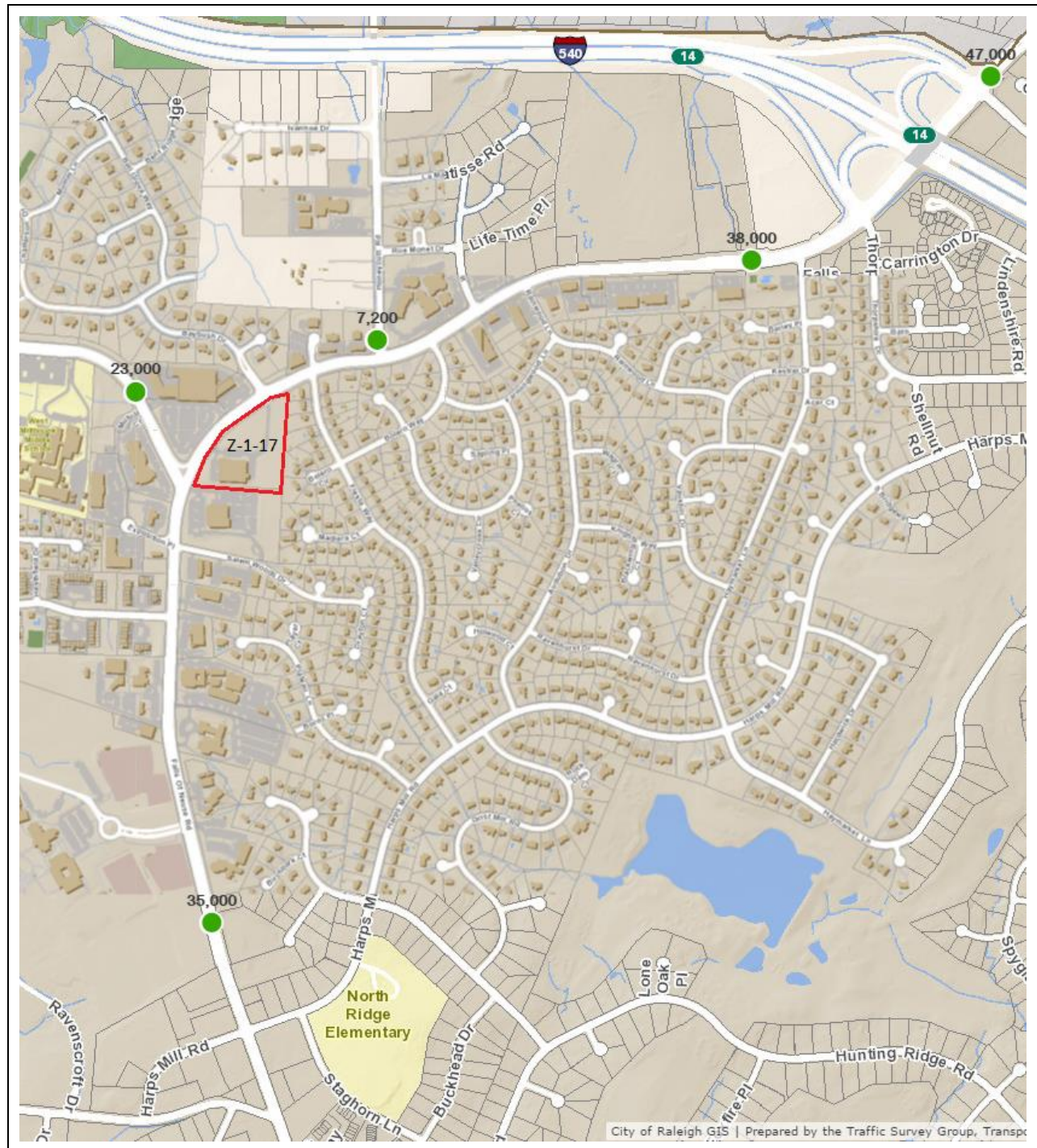
- Falls of Neuse Road at Strickland Road *(Traffic Signal)*
- Falls of Neuse Road at Site Access #1 *(Stop sign)*
- Falls of Neuse Road at Baybush Drive/ Site Access #2 *(Stop signs)*
- Falls of Neuse Road at Honeycutt Road *(Traffic Signal)*

The property is currently zoned NX-3 with conditions. Under current zoning, the building size is capped at 27,000 square feet. Though office use is permitted, the only retail use allowed on the property is a furniture store. The proposed rezoning case seeks to remove the limit on building size and permit other retail uses so long as they are consistent with the Raleigh UDO for NX-3 zoning. Table 1 summarizes the expected change in site trips. Note that these figures represent long-runs averages and are the most likely future trip volumes; actual volumes will vary from day to day. A traffic volume map for streets in the vicinity of Z-1-2017 is shown in Figure 1. Refer to Figure 2 for a schematic map of the expected distribution of new trips.

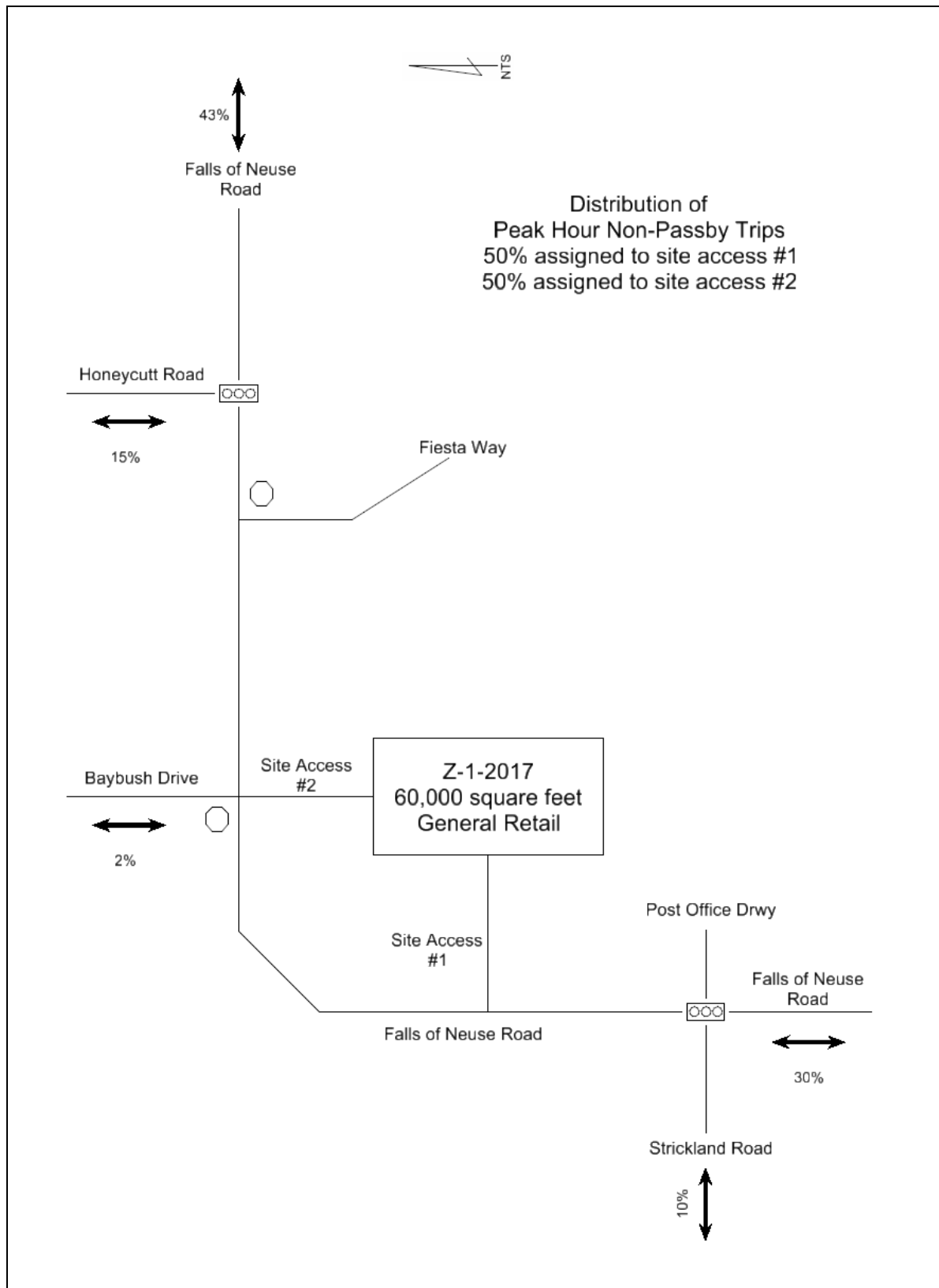
**Table 1: Z-1-2017 Trip Generation**

Land Use	Daily Trips (vpd)	AM Peak (vph)	PM Peak (vph)
Current Zoning: Retail Furniture Store	138	5	12
Current Zoning: Office (27,000 sf)	300	42	40
Proposed Zoning: Shopping Center (60,000 sf)	4,050	114	281

**Figure 1: Z-1-2017 Area Daily Traffic Volumes 2015**



**Figure 2: Z-1-2017 Area Trip Distribution Map**



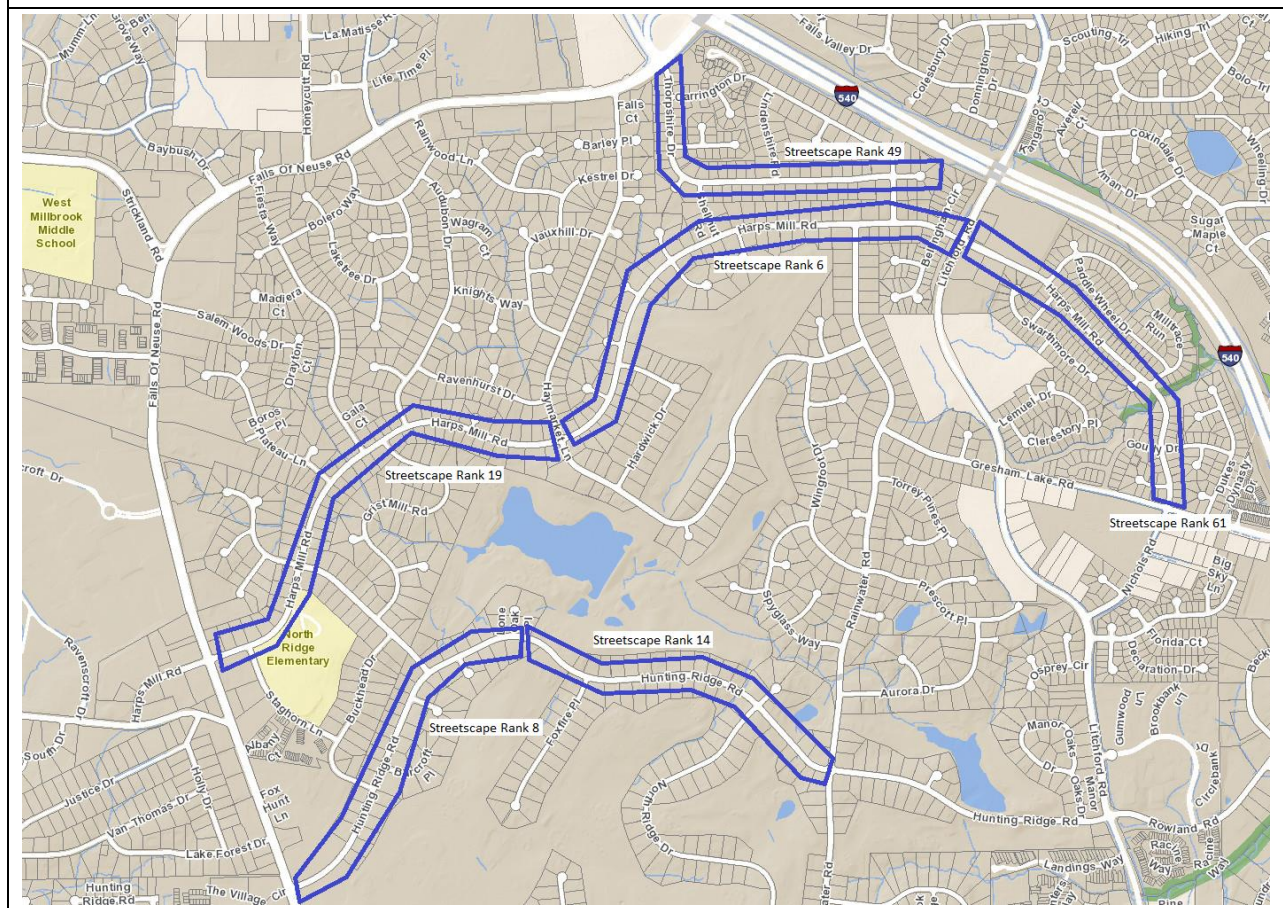


## Area Traffic Conditions

The City of Raleigh wishes to promote safe and efficient public streets. The City's neighborhood traffic management program was initiated to better control traffic speeds on residential streets. Streetscape projects reduce speed on neighborhood streets by using devices like median islands, curb extensions and/or chicanes. The City typically constructs one or two streetscape projects per year. Currently, 86 of Raleigh's streets are listed in the streetscape program. There are six streets in neighborhoods adjacent to Z-1-2017 that have been evaluated for traffic management and ranked according to the objective criteria established for that program. Table 2 shows the ranking for streets in the North Ridge area as of February 2017.

**Table 2: Streets in the Z-1-2017 Area Eligible for Streetscape Improvements**

Rank of 86	Street Name	From	To	Length (Ft)	ADT	Speed Score	Pedestrian Score	Crash Score	Volume Score	Misc. Factors	Total Points
6	Harps Mill Road - Middle	Haymarket Way	Litchford Road	4,873	4,107	47.15	7.5	5.0	16.43	10.0	86.08
8	Hunting Ridge Road - West	Falls of Neuse Road	Lone Oak Place	3,366	3,870	44.40	10.0	5.0	15.48	10.0	84.88
14	Hunting Ridge Road - Middle	Lone Oak Place	Rainwater Road	3,452	3,350	39.75	10.0	5.0	13.40	10.0	78.15
19	Harps Mill Road - West	Falls of Neuse Road	Haymarket Way	4,596	4,523	31.85	5.0	10.0	18.09	10.0	74.94
49	Thorpshire Drive	Falls of Neuse Road	Cul-de-Sac	3,339	1,506	13.94	12.5	15.0	6.02	10.0	57.46
61	Harps Mill Road - East	Litchford Road	Gresham Lake Road	3,485	3,240	12.44	22.5	0.0	12.96	5.0	52.90



## Motor Vehicle Traffic Impacts

Analyses indicate that the signalized intersection of Falls of Neuse Road at Honeycutt Road would operate at LOS E in the AM peak hour if the Z-1-2017 site was developed under its current zoning for office use. Approval of this case would lead to a higher rate of LOS E at Falls of Neuse/ Honeycutt. It is noted that queues from the I540 interchange have been observed to spillback to this intersection and restrict left turns from Honeycutt onto Falls of Neuse Road.

The remaining signalized intersection at Falls of Neuse/Strickland is expected to operate at LOS D during the AM and PM peak period under both current zoning and proposed zoning. The TIA report did not recommend any mitigation or improvement for either Falls of Neuse Road or Strickland Road.

The motorists approaching the stop-controlled intersection on Baybush Drive currently encounter long delays both due to traffic volume on Falls of Neuse Road and due to the uphill slope on that approach. The TIA report acknowledged that rezoning case Z-1-2017 would add to the delay for Baybush Drive, but did not recommend any mitigation or changes to the current traffic control configuration, i.e., the report did not recommend a new traffic signal at the intersection of Baybush Drive and Falls of Neuse Road.

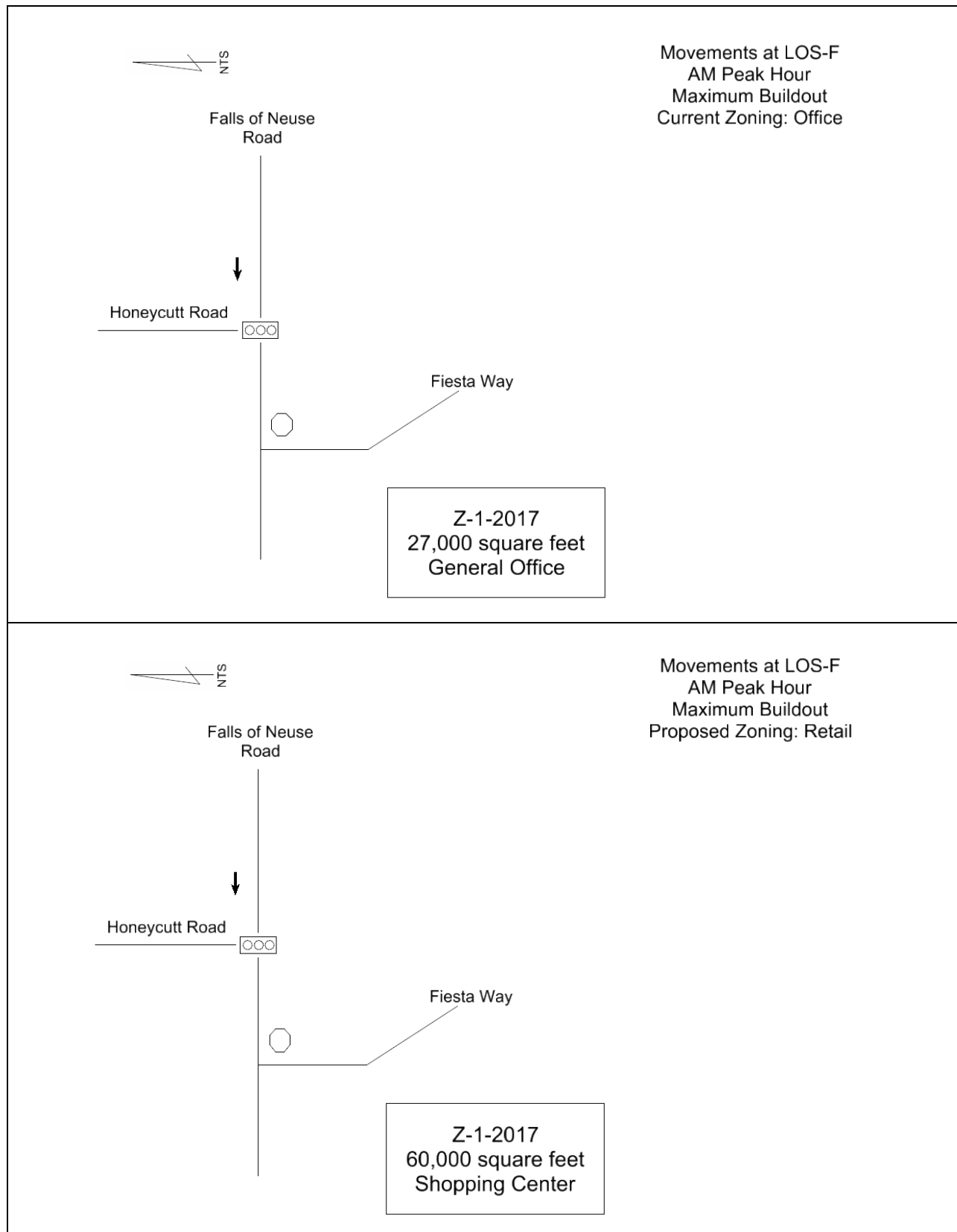
Changes in vehicular traffic volume and traffic delay are not linear: a relatively small increase in vehicular volume can lead to a proportionally larger change in delay and vice versa. Table 3 provides a comparison of the expected changes in traffic volume and delays under current zoning (office use) and proposed zoning (shopping center). Although overall intersection levels of service may not reach LOS F, individual movements are expected to reach LOS F due to current traffic volumes along the Falls of Neuse corridor. Refer to Figures 3 through 6 for those movements with LOS F under the current zoning and proposed zoning scenarios.

**Table 3: Z-1-2017 Traffic Impacts**

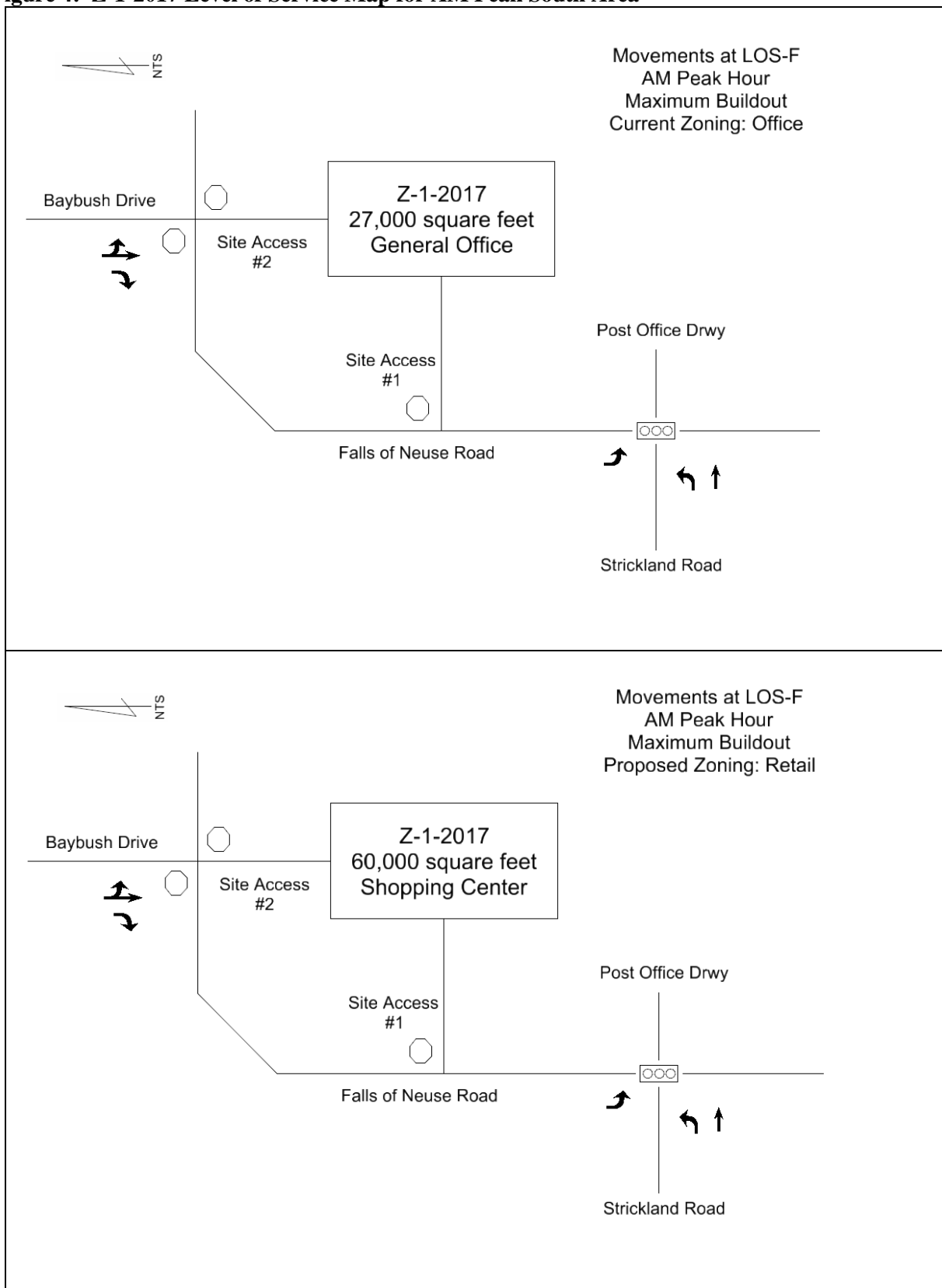
Current Zoning vs Proposed Zoning AM Peak						
Intersection	Volume (veh/hr)			Delay (sec/veh)		
	Current	Proposed	Change	Current	Proposed	Change
Falls of Neuse/Strickland	5,244	5,273	29	43.0	44.5	3.5%
Falls of Neuse/Baybush*	4,220	4,295	75	> 300	> 300	---
Falls of Neuse/Honeycutt	4,290	4,332	42	65.4	69.1	5.7%
Current Zoning vs Proposed Zoning PM Peak						
Intersection	Volume (veh/hr)			Delay (sec/veh)		
	Current	Proposed	Change	Current	Proposed	Change
Falls of Neuse/Strickland	4,702	4,798	96	51.1	53.3	4.3%
Falls of Neuse/Baybush*	3,663	3,826	163	> 100	> 500	---
Falls of Neuse/Honeycutt	3,750	3,890	140	22.5	24.9	10.7%

\* Volume is for the entire intersection. Delay and Change in Delay is for the Baybush Drive approach

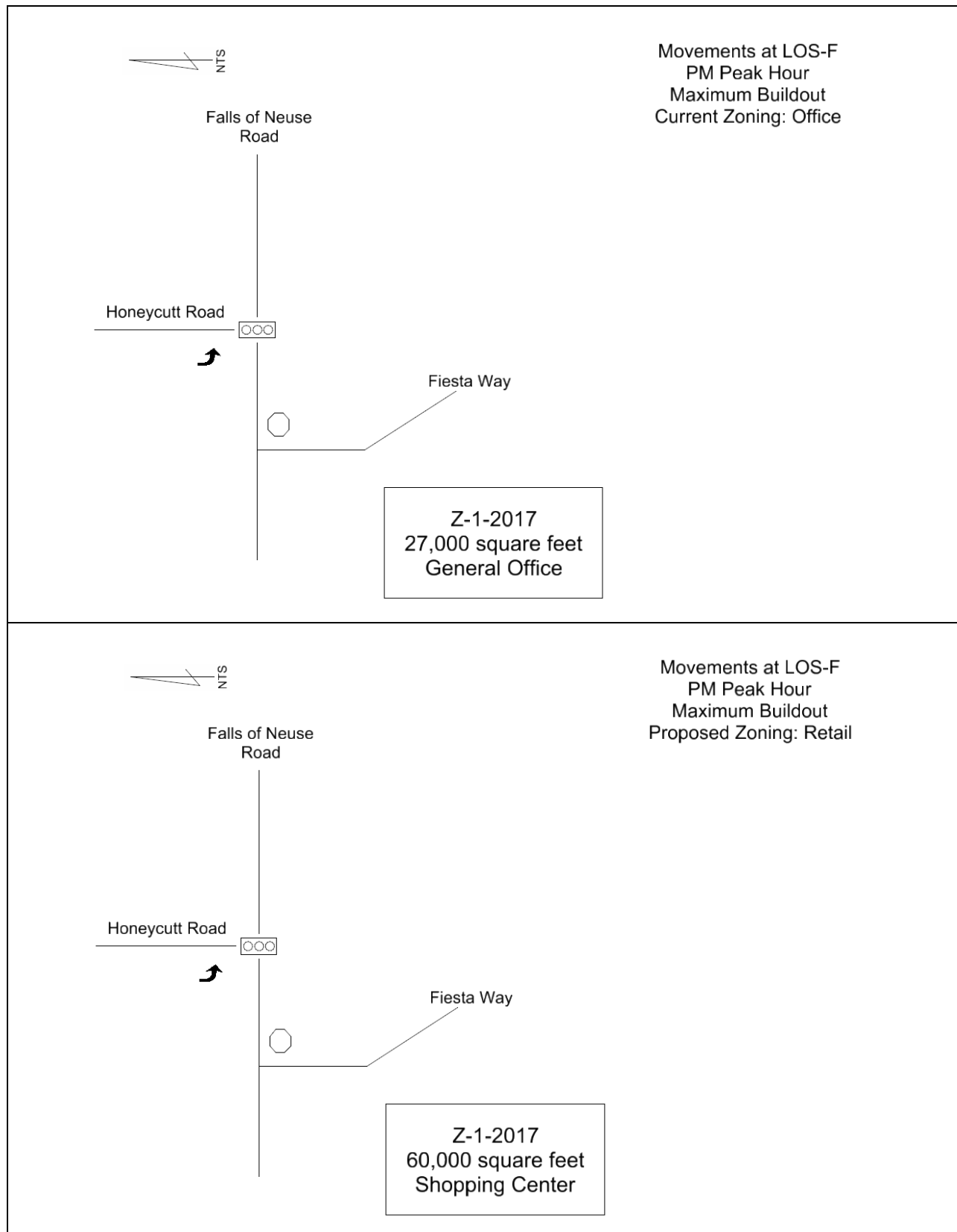
**Figure 3: Z-1-2017 Level of Service Map for AM Peak North Area**



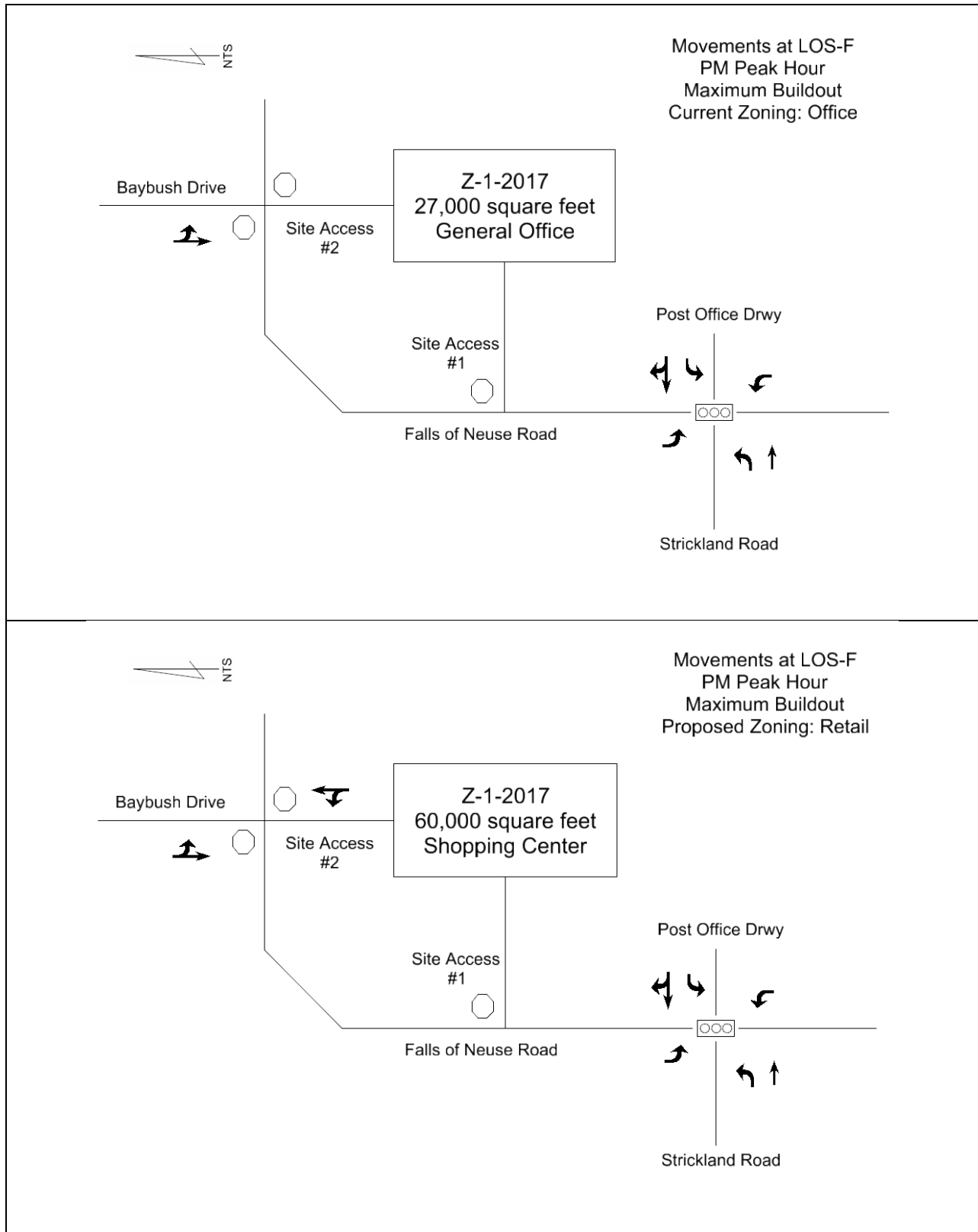
**Figure 4: Z-1-2017 Level of Service Map for AM Peak South Area**



**Figure 5: Z-1-2017 Level of Service Map for PM Peak North Area**



**Figure 6: Z-1-2017 Level of Service Map for PM Peak South Area**





- CAPITAL CIVIL ENGINEERING -

PO Box 1006, Apex, NC 27502

919 249-8587 ph 919 590-1687 fx

NC License No P-0809

January 6, 2017

City of Raleigh  
Planning  
One Exchange Plaza  
Raleigh, NC 27601

Re: 7900 Falls of Neuse Conditional Use Rezoning  
City of Raleigh Trans No 497215

To Whom it May Concern:

A neighborhood meeting was held at the North Ridge Church on January 5<sup>th</sup> to discuss the request to remove conditional uses from the 7900 Falls of Neuse property. Notices were mailed sixteen days prior to the meeting via certified, return receipt mail. No-one other than the property owner and his representatives attended the meeting so no concerns were raised.

Please call me with any questions.

A handwritten signature in black ink, appearing to read 'MJ Kane'.

Michael J. Kane, P.E.  
Capital Civil Engineering, PLLC



- CAPITAL CIVIL ENGINEERING -

PO Box 1006, Apex, NC 27502

919 249-8587 ph 919 590-1687 fx

NC License No P-0809

December 20, 2016

**CERTIFIED MAIL: RETURN RECEIPT REQUESTED**

UNITED STATES POSTAL SERVICE FACILITIES SERVICE CENTER  
PO BOX 8601  
PHILADELPHIA PA 19197-0001

Re: Notice of required public neighborhood meeting to discuss proposed rezoning of 7900 Falls of the Neuse Road.

Dear Adjacent Property Owner:

This letter shall serve as the required notice of a public meeting scheduled to discuss the potential rezoning of 7900 Falls of the Neuse Road, Raleigh, NC 27615, which is currently occupied by a La-Z-Boy furniture store.

This meeting is scheduled to occur at the North Ridge Church, 7601 Falls of the Neuse Road, Raleigh NC 27615 in Family Life Center room F2 on Thursday the 5<sup>th</sup> day of January 2017 from 6:00 pm to 7:00 pm.

Inquiries regarding this public meeting may be directed to my attention at the contact information listed above.

Please call me with any questions.

A handwritten signature in black ink, appearing to read 'MJ Kane', is written over a horizontal line.

Michael J. Kane, P.E.  
Capital Civil Engineering, PLLC



## Attendance Roster:

Name

Address

MICHAEL KANE  
SEPHON ASHBY  
CHRISTON ASHBY  
Salvatore Di France

1011 PENBERTON HILL RD APEX, NC  
6912 MOREVIEW CT, RAL 27606  
6912 PENNY RD, RAL 27606  
11901 POTSDUM TROCK RD RAL 27614