Request:

1 acres from
CUD O&I-1
to CX-3-PL
Case Information Z-12-14 Rush St.

| Location               | Rush Street, southside, between Hammond and Garner Roads  
|                        | Address: 320 Rush Street  
|                        | PIN: 1702842822000  
| Request                | Rezone property from CUD O&I-1 to CX-3-PL  
| Area of Request        | 1 acre  
| Property Owner         | Capitol Bail Bonding Inc  
|                        | PO Box 991, Raleigh, NC 27602-0991  
| Applicant              | David Beasley, 919-669-1313  
| Citizens Advisory Council | Central  
|                        | Lonnette Williams, fionnetewms@bellsouth.net  
| PC Recommendation Deadline | August 11, 2014  

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

| FUTURE LAND USE | Community Mixed Use  
| CONSISTENT Policies | Policy LU 1.2—Future Land Use Map and Zoning Consistency  
|                    | Policy LU 4.7—Capitalizing on Transit Access  
|                    | Policy UD 1.10—Frontage  
| INCONSISTENT Policies | N/A  

Summary of Proposed Conditions
N/A

Public Meetings

<table>
<thead>
<tr>
<th>Neighborhood Meeting</th>
<th>Public Hearing</th>
<th>Committee</th>
<th>Planning Commission</th>
</tr>
</thead>
</table>
| 11/8/2013            |                | 05/27/14 Committee of the Whole | 5/13/2014  
|                      |                |           | 6/10/2014           |
Valid Statutory Protest Petition

Attachments
1. Staff report
2. Ordinance No. (1996) 802 ZC 380 / Z-102-95
3. Transportation Evaluation

Planning Commission Recommendation

| Recommendation | 1. The Planning Commission recommends approval of this request.  
|               | 2. The Planning Commission recommends that the City Council authorize a public hearing for this case, to be heard on July 1, 2014. |
| Findings & Reasons | 1. The proposal is consistent with the Future Land Use Map and applicable Comprehensive Plan policies. The Future Land Use Map designates this area for Community Mixed Use.  
|               | 2. The proposal is reasonable and in the public interest. |
| Motion and Vote | Motion: Schuster  
|                | Second: Fluhrer  
|                | In Favor: Buxton, Fleming, Fluhrer, Lyle, Schuster, Sterling Lewis, Swink, Terando, and Whitsett  
|                | Opposed: Braun |

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.

_________________________  __________________________  6/10/14
Planning Director          Date          Planning Commission Chairperson          Date

Staff Coordinator: Ms. Bynum Walter, AlCP bynum.walter@raleighnc.gov or 919-996-2178
Case Summary

Overview
This one-acre parcel is located on the south side of the 300 block of Rush Street between Hammond Road and Boone Trail. The site is occupied by a single-family house, accessory structures, and a parking lot. The house is being used as a bail bonding business. There are a variety of land uses in the vicinity. To the north, across Rush Street, is a mobile home park; to the east is a vacant lot and single-family house; to the south is a group of 26 townhouses; and to the west is a multi-bay service garage.

The site and all adjacent parcels are designated for Community Mixed Use on the Future Land Use Map. The area across Rush Street to the north is designated on the Urban Form Map as a Transit Oriented District and the site is within a half-mile of a future fixed-guideway transit stop. Additionally, the Urban Form Map designates Rush Street as an Urban Thoroughfare.

The site is currently zoned CUD O&I-1. The current conditions include an express prohibition of bailbonding, check cashing, or banks on the site. Other conditions regulate stormwater controls, reimbursement rate for future right-of-way dedication, office operating hours, and prohibit use of the site for a commercial parking lot. There are a variety of adjacent zoning districts. Adjacent zoning includes Manufactured Home to the north, R-10 to the east, R-20 to the south, and Neighborhood Business to the west.

The current use as a bail bonding business is a violation of the CUD O&I-1 zoning. The owner was issued a notice of violation for a use prohibited by an applicable conditional use zoning district on August 28, 2013. The hearing for the violation has been postponed until the rezoning request has been decided by the City Council. The applicant seeks to rezone the site to make the existing use conforming.

Outstanding Issues

<table>
<thead>
<tr>
<th>Outstanding Issues</th>
<th>N/A</th>
</tr>
</thead>
<tbody>
<tr>
<td>Suggested Mitigation</td>
<td>N/A</td>
</tr>
</tbody>
</table>
Existing Zoning Map

Request:
1 acres from
CUD O&I-1
to CX-3-PL

Submittal Date
3/11/2014
Rezoning Case Evaluation

1. Compatibility Analysis

1.1 Surrounding Area Land Use/ Zoning Summary

<table>
<thead>
<tr>
<th>Subject Property</th>
<th>North</th>
<th>South</th>
<th>East</th>
<th>West</th>
</tr>
</thead>
<tbody>
<tr>
<td>Existing Zoning</td>
<td>MH</td>
<td>R-20</td>
<td>R-10</td>
<td>NB</td>
</tr>
<tr>
<td>Additional Overlay</td>
<td>N/A</td>
<td>N/A</td>
<td>N/A</td>
<td>N/A</td>
</tr>
<tr>
<td>Future Land Use</td>
<td>Community Mixed Use</td>
<td>Community Mixed Use</td>
<td>Community Mixed Use</td>
<td>Community Mixed Use</td>
</tr>
<tr>
<td>Current Land Use</td>
<td>Bail Bonding Business</td>
<td>Mobile Home Park</td>
<td>Townhouse</td>
<td>Vacant and Single Family Service Garage</td>
</tr>
<tr>
<td>Urban Form (if applicable)</td>
<td>N/A</td>
<td>Transit Oriented District</td>
<td>N/A</td>
<td>N/A</td>
</tr>
</tbody>
</table>

1.2 Current vs. Proposed Zoning Summary

<table>
<thead>
<tr>
<th>Existing Zoning</th>
<th>Proposed Zoning</th>
</tr>
</thead>
<tbody>
<tr>
<td>Residential Density:</td>
<td>25 dwelling units/acre</td>
</tr>
<tr>
<td>30 dwelling units/acre</td>
<td></td>
</tr>
<tr>
<td>Setbacks:</td>
<td>Front: 30'</td>
</tr>
<tr>
<td>Side: 5'</td>
<td>Rear: 20'</td>
</tr>
<tr>
<td>5'*</td>
<td>5'*</td>
</tr>
<tr>
<td>0' or 6'*</td>
<td></td>
</tr>
<tr>
<td>Retail Intensity Permitted:</td>
<td>N/A</td>
</tr>
<tr>
<td>16,000 square feet</td>
<td></td>
</tr>
<tr>
<td>Office Intensity Permitted:</td>
<td>32,670 square feet</td>
</tr>
<tr>
<td>28,500 square feet</td>
<td></td>
</tr>
</tbody>
</table>

*For General Building

1.3 Estimated Development Intensities

<table>
<thead>
<tr>
<th>Existing Zoning</th>
<th>Proposed Zoning*</th>
</tr>
</thead>
<tbody>
<tr>
<td>Total Acreage</td>
<td>1.00</td>
</tr>
<tr>
<td>1.00</td>
<td></td>
</tr>
<tr>
<td>Zoning</td>
<td>CUD O&amp;I-1</td>
</tr>
<tr>
<td>CX-3-PL</td>
<td></td>
</tr>
<tr>
<td>Max. Gross Building SF</td>
<td>32,670</td>
</tr>
<tr>
<td>16,000 – 38,000</td>
<td></td>
</tr>
<tr>
<td>Max. # of Residential Units</td>
<td>25</td>
</tr>
<tr>
<td>30</td>
<td></td>
</tr>
<tr>
<td>Max. Gross Office SF</td>
<td>32,670</td>
</tr>
<tr>
<td>28,500</td>
<td></td>
</tr>
<tr>
<td>Max. Gross Retail SF</td>
<td>N/A</td>
</tr>
<tr>
<td>16,000</td>
<td></td>
</tr>
<tr>
<td>Max. Gross Industrial SF</td>
<td>N/A</td>
</tr>
<tr>
<td>N/A</td>
<td></td>
</tr>
<tr>
<td>Potential F.A.R</td>
<td>0.75</td>
</tr>
<tr>
<td>0.37 – 0.87</td>
<td></td>
</tr>
</tbody>
</table>

*The development intensities for proposed zoning districts were estimated using the Envision Tomorrow impact analysis tool. Reasonable assumptions are factored into the analysis to project the worst case development scenario for the proposed rezoning. The estimates presented in this table are rough estimates intended only to provide guidance for analysis in the absence of F.A.R’s and density caps for specific UDO districts.
The proposed rezoning is:

☒ Compatible with the property and surrounding area.

☐ Incompatible.

N/A
Request:

1 acres from CUD O&I-1 to CX-3-PL
Request:

1 acres from
CUD O&I-1
to CX-3-PL
2. Comprehensive Plan Consistency Analysis

2.1 Future Land Use

Future Land Use designation: Community Mixed Use

The rezoning request is:

☒ Consistent with the Future Land Use Map.

☐ Inconsistent

Analysis of Inconsistency: n/a

N/A

2.2 Urban Form

Urban Form designation: Frontage on urban thoroughfare, located within transit stop buffer. North side of Rush Street is a Transit Oriented District.

☐ Not applicable (no Urban Form designation).

The rezoning request is:

☒ Consistent with the Urban Form Map.

☐ Inconsistent

Analysis of Inconsistency:

N/A

2.3 Policy Guidance

The rezoning request is inconsistent with the following policies:

N/A

2.4 Area Plan Policy Guidance

The rezoning request is inconsistent with the following Area Plan policies:

N/A
3. Public Benefit and Reasonableness Analysis

3.1 Public Benefits of the Proposed Rezoning

- Rezoning would permit development consistent with the Comprehensive Plan and the Urban Form Map.

3.2 Detriments of the Proposed Rezoning

- N/A

4. Impact Analysis

4.1 Transportation

A traffic impact analysis is not recommended for case Z-12-14. The property is located within an existing block that exceeds the required UDO block perimeter of 3,000 square feet for CX zoning. However, the property is too small to remedy the non-conforming block perimeter unless combined with other parcels as part of a larger development site.

Impact Identified: The rezoning intensifies permitted land uses in an oversized block (see accompanying comments report).

4.2 Transit

Rush Street is a current transit corridor and both the City of Raleigh Short Range Transit Plan and the Wake County 2040 Transit Study anticipate that it will remain so. It is currently served by CAT route 7L Carolina Pines Cross Town. Unimproved stops without a bench or shelter are located about 300 feet south and 300 feet north of this location.

Impact Identified: A mixed use center will create demand for additional transit service however it is not anticipated that this rezoning will create capacity issues on the current transit system.

4.3 Hydrology

<table>
<thead>
<tr>
<th></th>
<th>Floodplain</th>
<th>Drainage Basin</th>
<th>Stormwater Management</th>
<th>Overlay District</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>None</td>
<td>Wildcat</td>
<td>Subject to UDO Chapter 9. Natural Resource Protection</td>
<td>None</td>
</tr>
</tbody>
</table>

Impact Identified: None

4.4 Public Utilities

<table>
<thead>
<tr>
<th></th>
<th>Maximum Demand (current)</th>
<th>Maximum Demand (proposed)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Water</td>
<td>3,250 gpd</td>
<td>7,200 gpd</td>
</tr>
<tr>
<td>Waste Water</td>
<td>3,250 gpd</td>
<td>7,200 gpd</td>
</tr>
</tbody>
</table>
**Impact Identified:** The proposed rezoning would add approximately 3,950 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.

At the time of development plan submittal, a downstream sewer capacity study may be required to determine the adequacy of capacity to support the proposed development. Any required improvements identified by the study would be required to be permitted and constructed prior to the issuance of a building permit.

Verification of available for water fire flow is required as part of the building permit process. Any water system improvements required to meet fire flow requirements will also be required of the developer.

4.5 Parks and Recreation

The site is not adjacent to any existing or proposed greenway corridors/trails. The site is not adjacent to any connectors. The site is not located within Park Search Area. Park services for this area are provided by Biltmore Hills Community Center.

**Impact Identified:** None

4.6 Urban Forestry

The site is less than 2 acres and not subject to Unified Development Ordinance Article 9.1. Tree Conservation.

**Impact Identified:** None

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, nor does it include any contributing properties to a historic district. This site does not include nor is it adjacent to any National Register individually-listed properties and/or Raleigh Historic Landmarks.

**Impact Identified:** None

4.8 Community Development

The site is not located within a designated Redevelopment Plan area.

**Impact Identified:** None

4.9 Appearance Commission

Not subject to Appearance Commission review.

4.10 Impacts Summary

No negative impacts are expected from this rezoning.

4.11 Mitigation of Impacts

N/A
5. Conclusions

The proposal is compatible with the variety of adjacent uses and development densities and is consistent with the Future Land Use Map and Urban Form Map found in the 2030 Comprehensive Plan. The Future Land Use Map designates the site for Community Mixed Use, which translates to a Commercial Mixed Use zoning district. The Urban Form Map indicates that the site is within a half-mile of a proposed fixed-guideway transit stop and across the street from a Transit Oriented District (TOD). Additionally, Rush Street is designated as an urban thoroughfare; an urban frontage approach is recommended and has been interpreted as Parking Limited (PL).
A rezoning application will not be considered complete until all required submittal components listed on the Rezoning Checklist have been received and approved.
Rezoning Application Addendum

Comprehensive Plan Analysis

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.

<table>
<thead>
<tr>
<th>OFFICE USE ONLY</th>
</tr>
</thead>
<tbody>
<tr>
<td>Transaction Number</td>
</tr>
<tr>
<td>Zoning Case Number</td>
</tr>
</tbody>
</table>

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. N/A

2.

3.

4.

PUBLIC BENEFITS

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

1. N/A

2.

3.

4.
SUMMARY OF ISSUES

November 11, 2013

Neighborhood Meeting Report

A neighborhood meeting was scheduled and held at 1:00 PM, on November 8, 2013 at 320 Rush Street. We sent nine letters to nine owners. Not one owner showed up personally. Four owners, Judson Barrette, Mike Norwell, Dr. Bobby Raynor, and Jackie White called me prior to the meeting and gave me verbal consent that they would endorse my rezoning efforts.

Yours truly,
S. David Beasley,
Property owner
320 Rush St.
Raleigh, NC. 27610