

To	Marchell Adams-David, City Manager
Thru	Patrick O. Young, AICP, Director
From	Ira Mabel, AICP, Senior Planner
Department	Planning and Development
Date	July 21, 2021
Subject	City Council agenda item for August 17, 2021 – Z-16-21

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On July 6, 2021 the City Council opened the public hearing for the following item. The Council held the hearing open to receive more information from Raleigh Fire Department. The hearing must be closed for the applicant to submit new zoning conditions.

**Z-16-21: 3701 Conquest Drive**, approximately 1.6 acres located [on the east side of Jones Sausage Road, approximately 0.65 miles north of its interchange with I-40](#).

Signed zoning conditions provided on June 3, 2021 prohibit Heavy Industrial uses (as defined by the UDO) other than hazardous material storage.

**Current zoning:** Industrial Mixed Use-3 stories- Conditional Use (IX-3-CU).

**Requested zoning:** Heavy Industrial-Conditional Use (IH-CU).

The request is **consistent** with the 2030 Comprehensive Plan.

The request is **consistent** with the Future Land Use Map.

The Planning Commission recommends denial of the request (9 - 0).

Attached are the Planning Commission Certified Recommendation (including Staff Report), the Zoning Conditions, the Petition for Rezoning, and the Neighborhood Meeting Report.



# RALEIGH PLANNING COMMISSION CERTIFIED RECOMMENDATION

CR# 13024

## CASE INFORMATION: Z-16-21 CONQUEST DRIVE

Location	On the east side of Jones Sausage Road, approximately 0.65 miles north of its interchange with I-40 Address: 3701 Conquest Drive PINs: 1722519311 <a href="#">iMaps</a> , <a href="#">Google Maps</a> , <a href="#">Directions from City Hall</a>
Current Zoning	IX-3-CU
Requested Zoning	IH-CU
Area of Request	1.6 acres
Corporate Limits	Within the city's ETJ and contiguous with corporate limits.
Property Owner	3701 Conquest LLC 2550 Sandy Plains Road, Suite 225 Marietta, GA 30066
Applicant	Charles Smith
Council District	C
PC Recommendation Deadline	August 23, 2021

## SUMMARY OF PROPOSED CONDITIONS

1. Heavy Industrial uses shall be limited to hazardous material storage.

## COMPREHENSIVE PLAN GUIDANCE

Future Land Use	Business and Commercial Services
Urban Form	N/A
Consistent Policies	LU 1.2—Future Land Use Map and Zoning Consistency LU 11.1—Preserving Industrial Land LU 11.2—Location of Industrial Areas LU 11.3—Commercial Uses in Industrial Areas
Inconsistent Policies	LU 11.5—Mitigating Industrial Land Use Impacts

## FUTURE LAND USE MAP CONSISTENCY

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

## COMPREHENSIVE PLAN CONSISTENCY

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

## PUBLIC MEETINGS

First Neighborhood Meeting	Second Neighborhood Meeting	Planning Commission	City Council
3/9/2021 2 attendees	N/A	5/25/2021	6/1/2021

## PLANNING COMMISSION RECOMMENDATION


The rezoning case is **Consistent** with the Future Land Use Map and **Consistent** with the relevant policies in the Comprehensive Plan, furthermore **Denial** is reasonable and in the public interest because:

Reasonableness and Public Interest	Denial of the request is reasonable and in the public interest because the request will result in inequitable development and does not include appropriate mitigations for industrial uses.
Change(s) in Circumstances	N/A
Amendments to the Comprehensive Plan	N/A
Recommendation	Denial
Motion and Vote	Motion: Winters; Second: McIntosh In Favor: Bennett, Fox, Lampman, Mann, McIntosh, Miller, O'Haver, Rains, and Winters Opposed: None
Reason for Opposed Vote(s)	N/A

## ATTACHMENTS

1. Staff report
2. Rezoning Application
3. Original conditions

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 and Comprehensive Plan Amendment Analysis.



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Ken A. Bowers, AICP  
Planning and Development Deputy Director

Date: 5/25/2021

Staff Coordinator:      Ira Mabel: (919) 996-2652; [Ira.Mabel@raleighnc.gov](mailto:Ira.Mabel@raleighnc.gov)



# ZONING STAFF REPORT – CASE Z-16-21

## Conditional Use District

### OVERVIEW

This request is to rezone approximately 1.6 acres from Industrial Mixed Use-3 stories-Conditional Use (IX-3-CU) to Heavy Industrial-Conditional Use (IH-CU). Proposed zoning conditions prohibit Heavy Industrial uses (as defined by [UDO section 6.5.1.A](#)) other than hazardous material storage (6.5.1.A.4).

The subject site consists of a single parcel at the northeast corner of the intersection of Conquest Drive and Jones Sausage Road, approximately 0.65 miles north of the I-40/Jones Sausage Road interchange. The site is currently the location of a warehouse and associated office space. The owner of the property currently uses it in part to store hazardous material. That is a heavy industrial use as defined by the UDO and is not permitted in IX zoning districts; that means the use is currently nonconforming. Approval of this request would eliminate the nonconformity.

To the northeast of the site is a heavy equipment sales and rental business; to the southeast is a truck rental business; to the southwest is a landscape supply store. All of the properties on the east side of Jones Sausage Road for the 1.4 miles between I-40 and Rock Quarry Road (which includes the rezoning site) are in IX zoning districts. Further to the south is an area of over 600 acres zoned IH, which includes the Pepsi bottling plant. There is also industrially-zoned land around the Integrity Drive loop on the west side of Jones Sausage Road, close to I-40.

To the northwest of the site across Jones Sausage Road is a 22-unit subdivision on Silver Pine Circle built in the early 1980s and zoned Manufactured Housing (MH), plus an 8-acre vacant area zoned Neighborhood Mixed Use (NX-3, NX-3-CU). Beyond the subdivision is a much larger manufactured home park, along with a 240-lot residential subdivision that was first platted as Saint Mary's Estates in 1964 but never constructed.

The rezoning site is designated as Business & Commercial Services on the Future Land Use Map, as is all of the industrially-zoned land in the area close to Jones Sausage Road. The existing residential units across Jones Sausage Road are designated Moderate Density Residential; the undeveloped subdivision is Low Density Residential.

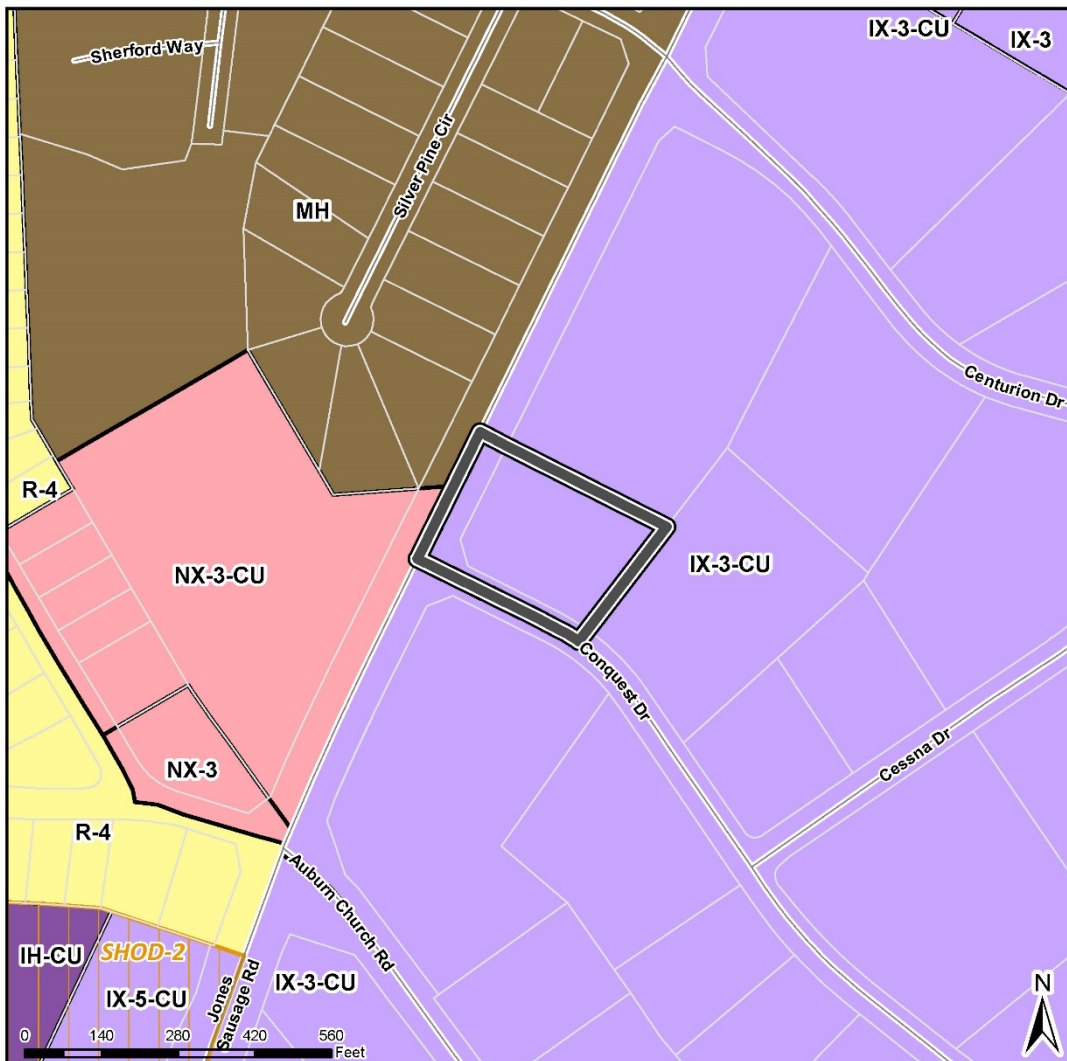
There is no Urban Form Map guidance nearby.

### OUTSTANDING ISSUES

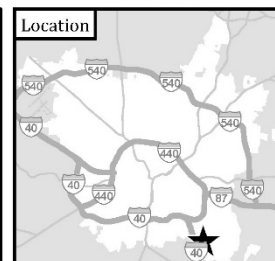
Outstanding Issues	1. None.	Suggested Mitigation	1. None.
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# Existing Zoning

Z-16-2021



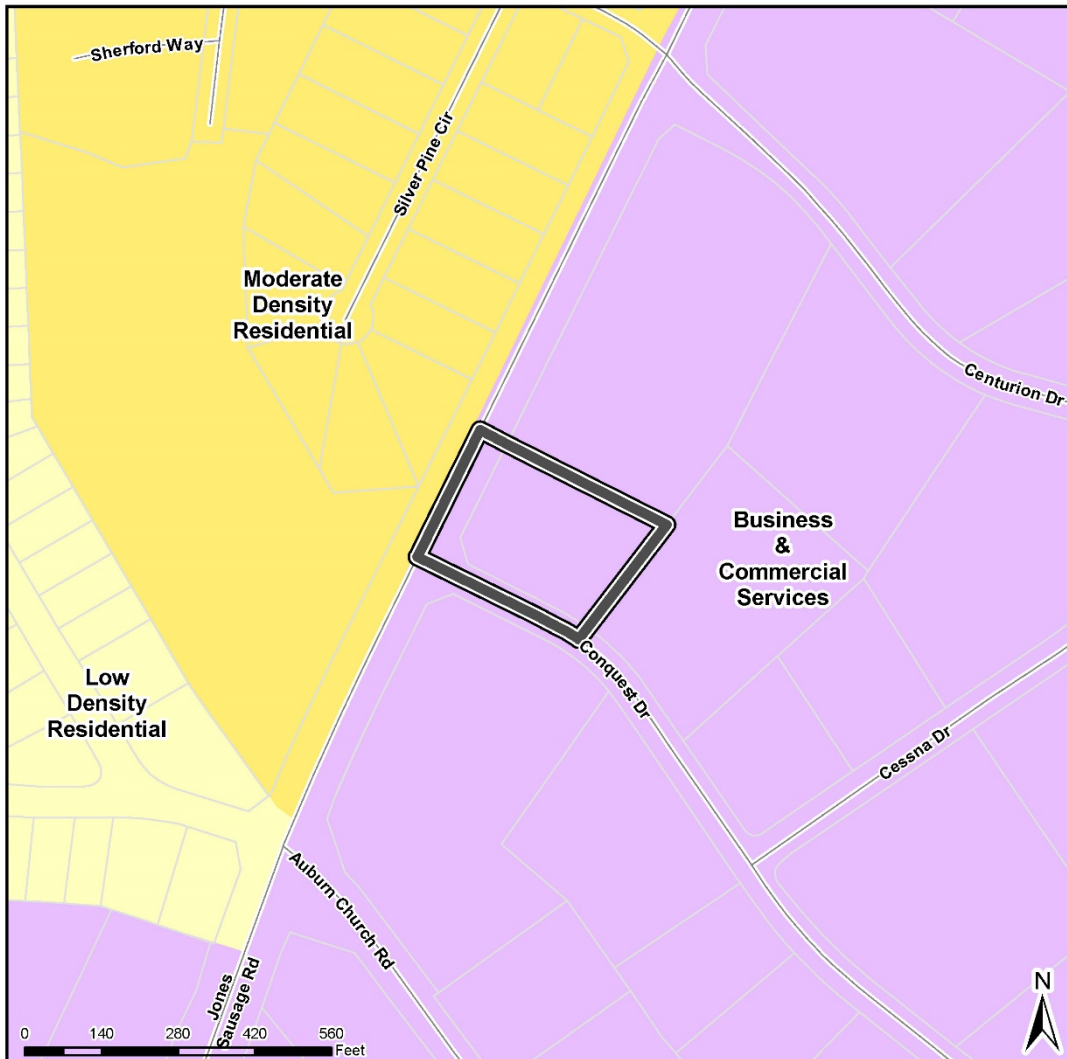
<b>Property</b>	3701 Conquest Dr
<b>Size</b>	1.6 acres
<b>Existing Zoning</b>	IX-3-CU
<b>Requested Zoning</b>	IH-CU



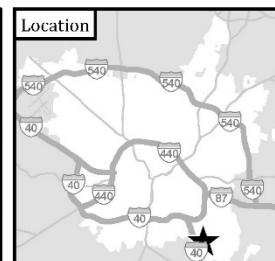
Map by Raleigh Department of City Planning (mansolf); 4/8/2021

# Future Land Use

Z-16-2021



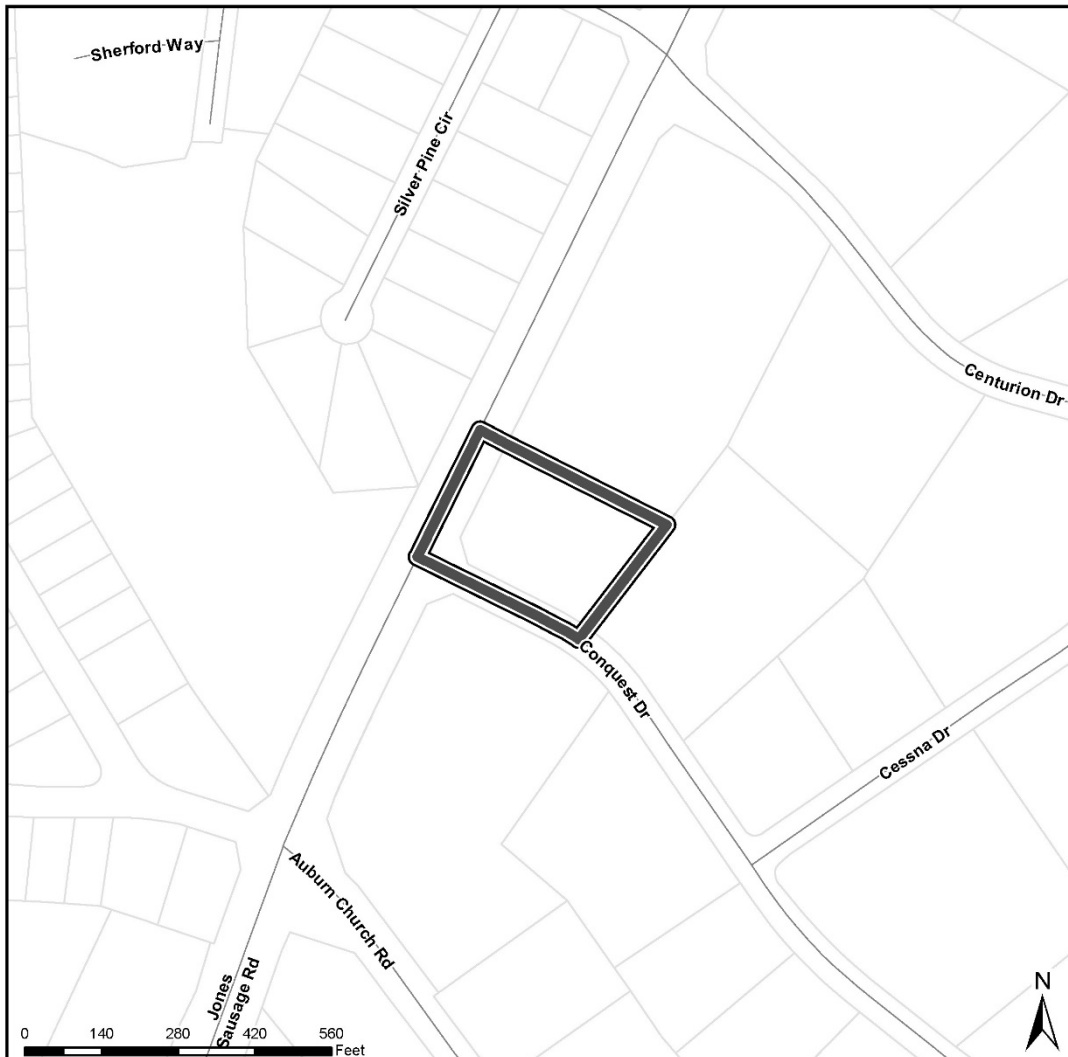
<b>Property</b>	3701 Conquest Dr
<b>Size</b>	1.6 acres
<b>Existing Zoning</b>	IX-3-CU
<b>Requested Zoning</b>	IH-CU



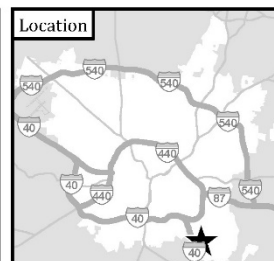
Map by Raleigh Department of City Planning (mansolfj). 4/8/2021

# Urban Form

Z-16-2021



<b>Property</b>	3701 Conquest Dr
<b>Size</b>	1.6 acres
<b>Existing Zoning</b>	IX-3-CU
<b>Requested Zoning</b>	IH-CU



Map by Raleigh Department of City Planning (mansolfj). 4/8/2021



# 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?

The request is generally consistent with the vision and themes in the Comprehensive Plan.

The request is consistent with the **Economic Prosperity and Equity** vision theme. This theme says that Raleigh will embrace and value diversity and equity, as well as continue to fuel the development of quality employment opportunities. An equitable job market requires space in the city for a wide range of businesses, including heavy industrial ones. This request would permit a non-conforming heavy industrial user to continue to operate in an established industrial area.

- B. Is the use being considered specifically designated on the Future Land Use Map in the area where its location is proposed?

No. The subject site is classified as Business & Commercial Services on the Future Land Use Map, which recommends the Industrial Mixed Use zoning district, not the Heavy Industrial district.

- 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?

Yes. The request includes a zoning condition that prohibits all heavy industrial uses but one. The request could be closer to the recommended land use if further restrictions were placed on permitted heavy industrial uses, such as limiting the amount of the site available for them, not permitting them as the sole primary use, or retaining the landscape buffers required under the existing zoning conditions..

- D. Will community facilities and streets be available at City standards to serve the use proposed for the property?

Yes, community facilities and streets appear to be sufficient to serve the proposed use

## Future Land Use

**Future Land Use designation:** Business & Commercial Services

**The rezoning request is**

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

☐ **Inconsistent**

The Future Land Use Map designation of Business & Commercial Services is for higher-impact or “heavy” commercial activities that would not be compatible with residential uses, including uses that are quasi-industrial or highway-oriented in character. These areas would generally be zoned IX. The request is for IH zoning, but most of the heavy industrial uses are prohibited via a zoning condition.

The request could be made more consistent with the Future Land Use Map if further restrictions were placed on the permitted heavy industrial uses, such as limiting the amount of the site available for them, not permitting them as the sole primary use, or retaining the landscape buffers required under the existing zoning conditions.

## Urban Form

**Urban Form designation:** N/A

**The rezoning request is**

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

☐ **Inconsistent**

☒ **Other** (no Urban Form designation)

## Compatibility

**The proposed rezoning is**

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

☐ **Incompatible.**

The building types permitted in IH districts are compatible with the industrial nature of this part of the city. Nearby zoning districts include IX-3, IH, and NX-3, with general (i.e. commercial) building types existing currently.

However, there are also detached homes directly across Jones Sausage Road in an MH district. This request does include a condition to substantially limit the number of heavy industrial uses allowed, which makes it much more compatible with nearby residential areas.

Overall, the request is generally compatible with the property and the surrounding area and can potentially be established without adversely impacting neighboring properties.

## Public Benefits of the Proposed Rezoning

- The request will resolve an existing nonconforming use.

## Detriments of the Proposed Rezoning

- The request would allow heavy industrial uses relatively close to a residential neighborhood.

## Policy Guidance

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

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### **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 request is consistent with the Future Land Use Map designation of Business & Commercial Services, which is for higher-impact or “heavy” commercial activities that would not be compatible with residential uses. Although IX zoning is the closest corresponding district to this designation, but most of the heavy industrial uses allowed in IH are prohibited via a zoning condition.

### **LU 11.1—Preserving Industrial Land**

*Support land use policies that protect competitive opportunities to locate industrial, flex, and warehouse sites near major transportation corridors and the airport.*

### **LU 11.2—Location of Industrial Areas**

*Accommodate industrial uses—including municipal public works facilities—in areas that are well buffered from residential uses (and other sensitive uses such as schools), easily accessed from major roads and railroads, and characterized by existing concentrations of industrial uses. Such areas are generally designated as “General Industrial” on the Future Land Use Map.*

### **LU 11.3—Commercial Uses in Industrial Areas**

*Limit specified non-industrial uses in industrially zoned areas, including office and retail development, in order to preserve these areas for industrial development.*

- The rezoning site is within an established industrial area, with convenient access to I-40, and somewhat buffered from the nearest residential area by a 4-lane divided avenue. The IH zoning district permits a very limited number of non-industrial uses.

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

**LU 11.5—Mitigating Industrial Land Use Impacts**

*Mitigate the adverse impacts created by industrial uses through a variety of measures, including buffering, site planning and design, strict environmental controls, performance standards, and the use of a range of industrial zones that reflect the varying impacts of different kinds of industrial uses.*

- The request substantially limits the number of heavy industrial uses allowed, but offers no other mitigation strategies. While there is little guidance in the Comprehensive Plan or Unified Development Ordinance for what mitigation methods might be appropriate, some examples include limiting the amount of the site available for them, not permitting them as the sole primary use, or retaining the landscape buffers required under the existing zoning conditions.

## **EQUITY AND CLIMATE CHANGE ANALYSIS**

### Transportation Cost and Energy Analysis

	City Average	Site	Notes
Transit Score	30	N/A	The nearest transit service is on Rock Quarry Road.
Walk Score	30	22	
Bike Score	41	23	
HUD Low Transportation Cost Index	[N/A, expressed as a percentile.]	58 / 63	Proximity to I-40 may suppress transportation costs for these census tracts.
HUD Jobs Proximity Index	[N/A, expressed as a percentile.]	60 / 47	There are numerous sources of industrial jobs in the area.

Source: [Walk Score](#) is a publicly available service that measures pedestrian friendliness by analyzing population density and road metrics such as block length and intersection density. The higher the Transit Score or Walk Score, the greater the percentage of trips that will be made on transit or by walking, and the smaller the carbon footprint. HUD index scores are percentiles indicating how well the subject tract performs compared to all other census tracts in the United States. A higher percentile for Low Transportation Cost or Jobs Proximity indicates a lower the cost of transportation and higher access to jobs in the nearby area, respectively.

### Housing Energy Analysis

Housing Type	Average Annual Energy Use (million BTU)	Permitted in this project?
Detached House	82.7	No
Townhouse	56.5	No
Small Apartment (2-4 units)	42.1	No
Larger Apartment	34.0	No

Source: U.S. Energy Information Administration, 2015 survey. Statistics for residential structures in the South.

## Housing Supply and Affordability

Does the proposal add or subtract from the housing supply?	Subtracts	Housing is a permitted use in IX but not in IH districts.
Is naturally occurring affordable housing present on the site?	No	The site is currently a commercial use.
Does it include any subsidized units?	No	
Does it permit a variety of housing types beyond detached houses?	No	
If not a mixed-use district, does it permit smaller lots than the average? *	N/A	
Is it within walking distance of transit?	No	

\*The average lot size for detached residential homes in Raleigh is 0.28 acres.

## Demographic Indicators from EJSCREEN\*

Indicator	Site Area	Raleigh
Demographic Index** (%)	56 / 62	36
People of Color Population (%)	74 / 83	46
Low Income Population (%)	39 / 41	30
Linguistically Isolated Population (%)	5 / 2	3
Population with Less Than High School Education (%)	7 / 15	9
Population under Age 5 (%)	10 / 12	6
Population over Age 64 (%)	8 / 9	11
% change in median rent since 2015	4.9 / 15.3	20.3

\*Environmental Justice Screening and Mapping Tool from the Environmental Protection Agency (<https://www.epa.gov/ejscreen>)

\*\*The Demographic Index represents the average of the percentage of people who are low income and the percentage of people who are minorities

## Health and Environmental Analysis

What is the life expectancy in this tract? Is it higher or lower than the City average?	74.3 / 77.3 (yrs)	The life expectancy for residents in the area is about the same as the county average.
Are there known industrial uses or industrial zoning districts within 1,000 feet?	Yes	
Are there hazardous waste facilities are located within one kilometer?	Yes	Although not registered with DEQ, the rezoning site is known to store hazardous material. There is also an underground gas tank on an adjacent parcel.
Are there known environmental hazards, such as flood-prone areas, that may directly impact the site?	No	
Is this area considered a food desert by the USDA?	Yes	The Census tract on the west side of Jones Sausage Road is considered low income/low access.

## Land Use History

When the property was annexed into the City or originally developed, was government sanctioned racial segregation in housing prevalent?*	No	The site was first developed in 1991.
Has the area around the site ever been the subject of an urban renewal program?*	No	
Has the property or nearby properties ever been subject to restrictive covenants that excluded racial groups?*	No	
Are there known restrictive covenants on the property or nearby properties that restrict development beyond what the UDO otherwise requires?*	No	

*\*The response to this question is not exhaustive, and additional information may be produced by further research. Absence of information in this report is not conclusive evidence that no such information exists.*

## Analysis Questions

1. Does the rezoning increase the site's potential to provide more equitable access to housing, employment, and transportation options? Does the rezoning retain or increase options for housing and transportation choices that reduce carbon emissions?

*Response: The rezoning request would eliminate potential housing supply since residential uses are permitted in IX districts but not IH. This location has no access to transit, however, and is probably ill-suited to new residential development due to the well-established industrial nature of the area.*

2. Is the rezoning in an area where existing residents would benefit from access to lower cost housing, greater access to employment opportunities, and/or a wider variety of transportation modes? Do those benefits include reductions in energy costs or carbon emissions?

*Response: The existing residents of the two Census tracts near the site display a higher degree of economic vulnerability than the average Raleigh resident, according to the gathered demographic data. The percentage of people of color and low-income households are both higher than the citywide average. It should be noted, though, that the Census tract that contains the rezoning site is very large, over 10,400 acres extending from Jones Sausage Road to Wake County's border with Johnston County.*

3. Have housing costs in this area increased in the last few years? If so, are housing costs increasing faster than the city average?

*Response: Housing costs in this area rose less quickly between 2015 and 2019 than they have in Raleigh as a whole. The median rent increased 4.9% and 15.3% between 2015 and 2019 for the two closest tracts, compared to 20.3% for the city.*

4. Are there historical incidences of racial or ethnic discrimination specific to this area that have deprived Black, Indigenous, and People of Color (BIPOC) of access to economic opportunity, public services, or housing? If so, does the rezoning request improve any current conditions that were caused, associated with, or exacerbated by historical discrimination?

*Response: No specific instances of discriminatory practices have been identified for this site. The commercial structure on the site was built in 1991.*

5. Do residents of the area have disproportionately low life expectancy, low access to health insurance, low access to healthy lifestyle choices, or high exposure to environmental hazards and/or toxins? If so, does the rezoning create any opportunities to improve these conditions?

*Response: The collected indicators suggest nearby residents have fewer opportunities for healthy lifestyles and outcomes than the average resident of Raleigh. There is no sidewalk network on the east side of Jones Sausage Road, and no transit nearby. Although few sites are registered with NCDEQ, there are very many industrial users nearby, including the Pepsi bottling plant.*

# IMPACT ANALYSIS

## Historic Resources

1. The site is not located within or adjacent to a National Register Historic District or Raleigh Historic Overlay District. It does not include nor is adjacent to any National Register individually-listed properties or Raleigh Historic Landmarks.

**Impact Identified:** None.

## Parks and Recreation

1. This site is not directly impacted by any existing or proposed greenway trails, corridors, or connectors.
2. Nearest existing park access is provided by Barwell Rd. Park (2.1miles) and Walnut Creek Athletic Complex (3.5 miles).
3. Nearest existing greenway trail access is provided by the Walnut Creek Greenway Trail (1.5 miles).
4. Current park access level of service in this area is graded a D letter grade.

**Impact Identified:** None.

## Public Utilities

1. There are existing sanitary sewer and water mains adjacent to the proposed rezoning area.
2. 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.
3. 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.

**Impact Identified:** None.



## Stormwater

Floodplain	No FEMA
Drainage Basin	Big Branch-S
Stormwater Management	Subject to stormwater regulations under Article 9 of UDO.
Overlay District	None

**Impact Identified:** None.

## Transportation

1. **Location:** The Z-16-21 site is located in southeast Raleigh. It is on Jones Sausage Road, at its intersection with Conquest Drive.
2. **Area Plans:** The Z-16-21 site is not located within any existing or active are or corridor plans. It is about 1.6 miles east of the Rock Quarry – Battle Bridge area plan.
3. **Streets:** Jones Sausage Road is designated as four-lane undivided avenues in Map T-1 of the Comprehensive Plan (Street Plan). It is maintained by NCDOT. Conquest Drive is not designated in the street plan and is therefore a local street. It is a dedicated public right-of-way but is not maintained by either NCDOT or the City of Raleigh. UDO Article 8.5 regulates improvement this existing street.

In accordance with UDO section 8.3.2, there is no maximum block perimeter or dead-end street length in IH zoning districts. The current block perimeter for this site is approximately 3,840 feet. This block perimeter meets the standards of the existing IX-3 zoning for the entire block.

4. **Pedestrian Facilities:** There are no sidewalks along the site's frontage on either Jones Sausage Road or Conquest Drive. Sidewalks exist on the opposite site of Jones Sausage Road. Subdivisions and tier three site plans require the addition of sidewalks on all public street frontages.
5. **Bicycle Facilities and Greenways:** There are no existing bikeways near subject property. Jones Sausage Road is designated for a bicycle lane in Map T-3 of the Comprehensive Plan.
6. **Transit:** GoRaleigh Route 17 serves Rock Quarry Road with hourly service. There are no stops near the Z-16-21 site, but they may be added in the future near Jones Sausage and New Hope Roads, approximately 0.7 mile from the site.
7. **Access:** Access to the subject site is via Conquest Drive.
8. **Other Projects in the Area:** The City of Raleigh and NCDOT have a project to improve and widen Rock Quarry Road to a consistent five lane cross section between

Sunnybrook Road and Olde Birch Drive. This project is U-6093 in the Capital Area Metropolitan Transportation Planning Organization (CAMPO) Transportation Improvement Program (TIP). It will be built by NCDOT along with the current design-build project to widen I-40 between Garner and I-440 (project I-5111), which is currently under construction. A specific schedule for design and construction is not know at this time.

The City of Raleigh plans to improve Barwell Road and Pearl Road from Advantis Drive to Berkeley Lake Road. Improvements include a center turn lane, sidewalks, a shared-use-path, and a traffic signal at Rock Quarry Road. The project will realign Pearl Road so that it meets Rock Quarry Road opposite Barwell Road. The project is currently in right-of-way acquisition and permitting. Construction is planned to start in the winter of 2021-2022.

9. **TIA Determination:** Based on the Envision results, approval of case Z-16-21 would increase the amount of projected vehicular peak hour trips to and from the site as indicated in the table below. The proposed rezoning from IX-3-CU to IH is projected to generate 41 new trips in the AM peak hour and 22 new trips in the PM peak hour. These values do not trigger a rezoning Traffic Impact Analysis based on the trip generation thresholds in the Raleigh Street Design Manual. A TIA may be required during site permit review.

Z-16-21 Existing Land Use Industrial	Daily	AM	PM
	89	13	11
Z-16-21 Current Zoning Entitlements Light Industrial	Daily	AM	PM
	267	19	26
Z-16-21 Proposed Zoning Maximums Heavy Industrial	Daily	AM	PM
	628	60	49
Z-16-21 Trip Volume Change (Proposed Maximums minus Current Entitlements)	Daily	AM	PM
	<b>361</b>	<b>41</b>	<b>22</b>

**Impact Identified:** None.

### Urban Forestry

1. Proposed zoning and conditions offered do not alter Tree Conservation Area requirements or street tree requirements of the UDO from the existing zoning.

**Impact Identified:** None.

## Impacts Summary

The rezoning request is not anticipated to have major impacts on existing or planned infrastructure or services.

## Mitigation of Impacts

No mitigation necessary.

## CONCLUSION

This request is to rezone one parcel of approximately 1.6 acres from Industrial Mixed Use-3 stories- Conditional Use (IX-3-CU) to Heavy Industrial-Conditional Use (IH-CU). Proposed zoning conditions prohibit heavy industrial uses other than hazardous material storage.

The request is **consistent** with Comprehensive Plan overall, and **consistent** with the Future Land Use Map.

The request is **consistent** with Comprehensive Plan policies regarding preserving and locating industrial areas. The request is **inconsistent** with policies regarding mitigating industrial uses.

The request would support the Vision Theme of *Economic Prosperity and Equity*.

## CASE TIMELINE

Date	Action	Notes
4/20/2021	Submitted application	
5/25/2021	Planning Commission	

# APPENDIX

## SURROUNDING AREA LAND USE/ ZONING SUMMARY

SUBJECT PROPERTY		NORTH	SOUTH	EAST	WEST
Existing Zoning	IX-3-CU	IX-3-CU	IX-3-CU	IX-3-CU	MH; NX-3-CU
Additional Overlay	N/A	N/A	N/A	N/A	N/A
Future Land Use	Business & Commercial Services	Business & Commercial Services	Business & Commercial Services	Business & Commercial Services	Moderate Density Residential
Current Land Use	Industrial	Industrial	Industrial	Industrial	Detached housing; Vacant
Urban Form	N/A	N/A	N/A	N/A	N/A

## CURRENT VS. PROPOSED ZONING SUMMARY

EXISTING ZONING		PROPOSED ZONING
Zoning	IX-3-CU	IH-CU
Total Acreage	1.6	1.6
Setbacks:	(general building)	(general building)
Front	3'	50'
Side street	3'	50'
Side lot	0' or 6'	0'
Rear	0' or 6'	0'
Residential Density:	9.38	0
Max. # of Residential Units	15	0
Max. Gross Building SF	27,820	150,320
Max. Gross Office SF	9,227	
Max. Gross Retail SF	9,231	0
Max. Gross Industrial SF	150,320	27,820
Potential F.A.R	0.4	2.06

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

**Conditional Use District Zoning Conditions**

Zoning case #: Z-16-21	Date submitted:	<b>OFFICE USE ONLY</b> Rezoning case #
Existing zoning: IX-3	Proposed zoning: IH	

**Narrative of Zoning Conditions Offered**

Permitted Heavy Industrial uses as defined by UDO 6.5.1.A shall be limited to UDO 6.5.1.A.4

The property owner(s) hereby offers, consents to, and agrees to abide, if the rezoning request is approved, the conditions written above. All property owners must sign each condition page. This page may be photocopied if additional space is needed.

DocuSigned by:

Property Owner(s) Signature:

*Jason Foster*

4EEC7E5A930748E...

Printed Name: \_Jason Foster

**RECEIVED****By Ira Mabel at 12:56 pm, Jun 03, 2021**



# Rezoning Application and Checklist

Planning and Development Customer Service Center • One Exchange Plaza, Suite 400 | Raleigh, NC 27601 | 919-996-2500

Please complete all sections of the form and upload via the Permit and Development Portal ([permitportal.raleighnc.gov](http://permitportal.raleighnc.gov)). Please see page 11 for information about who may submit a rezoning application. A rezoning application will not be considered complete until all required submittal components listed on the Rezoning Checklist have been received and approved. For questions email [rezoning@raleighnc.gov](mailto:rezoning@raleighnc.gov).

Rezoning Request			
Rezoning Type	<input type="checkbox"/> General use	<input checked="" type="checkbox"/> Conditional use	<input type="checkbox"/> Master plan
	<input type="checkbox"/> Text change to zoning conditions		
			<b>OFFICE USE ONLY</b> Rezoning case #
Existing zoning base district: IX	Height: 3	Frontage:	Overlay(s):
Proposed zoning base district: IH	Height:	Frontage:	Overlay(s):
<b>Helpful Tip:</b> <a href="#">View the Zoning Map</a> to search for the address to be rezoned, then turn on the 'Zoning' and 'Overlay' layers.			
If the property has been previously rezoned, provide the rezoning case number:			

General Information		
Date:	Date amended (1):	Date amended (2):
Property address: 3701 Conquest Dr		
Property PIN: 1722519311		
Deed reference (book/page): 018249/02079		
Nearest intersection: Conquest Dr and Jones Sausage Road		Property size (acres): 1.6
For planned development applications only:	Total units:	Total square footage:
	Total parcels:	Total buildings:
Property owner name and address: 3701 CONQUEST LLC		
Property owner email: 2550 SANDY PLAINS RD STE 225, MARIETTA GA 30066-7256		
Property owner phone: (336) 596-2347		
Applicant name and address: 3701 CONQUEST LLC, c/o Charles Smith, 2550 Sandy Plains Rd, Ste 225, Marietta GA 3006-7256		
Applicant email: <a href="mailto:charles@olisticagroup.com">charles@olisticagroup.com</a>		
Applicant phone: (336) 596-2347		
Applicant signature(s): <i>Jason Foster</i>		
Additional email(s):		

**RECEIVED**

By JP Mansolf at 10:51 am, Apr 20, 2021

**Rezoning Application Addendum #1****Comprehensive Plan Analysis**

The applicant is asked to analyze the impact of the rezoning request and its consistency with the Comprehensive Plan. The applicant is also asked to explain how the rezoning request is reasonable and in the public interest.

**OFFICE USE ONLY**  
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**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.

Currently, the subject property is zoned IX-3-CU and is located in the northeast quadrant of the intersection of Conquest Drive and Jones Sausage Road. The Parrish Meadows Mobile Home Community is across Jones Sausage Road (110' right-of-way) from the subject property and the area east of the site is very industrial in nature. The Conquest Drive area is home to several industrial oriented businesses like Ewing Irrigation and Landscape Supply, Vermeer All Roads (Construction equipment provider), Ryder Truck Rental, Quality Air Tool (Air compressor supplier), Whaley foodservice (Appliance repair), Brinley's Grading, Thermo King Raleigh (Trailer rentals), BAS Buildings (Shed builder), Sage Pest Control, Cph Concrete, H&H Representatives (Plumbing supply store), Knapheide Truck Equipment Center, Troy Wheeler Honda Car Services, GFL Environmental (Garbage collection service), Ivey's Towing & Transport, and more.

The requested rezoning is for an IH base district, which would allow more intense industrial uses and fewer nonindustrial uses than does the current IX zoning district. Nevertheless, the proposed use is consistent with guidance within the Comprehensive Plan for new development, especially considering the character of the area. The Future Land Use Map designation for this property is Business and Commercial Services. The Comprehensive Plan provides guidance that properties with this designation are appropriate for "higher-impact or 'heavy' commercial activities that would not be compatible with residential uses, or that have locational needs (such as frontage along freeways, expressways, or other major streets) that are not conducive to mixed use development. Examples would include auto dealerships, auto repair and service businesses, lumberyards, nurseries, contractor suppliers, warehousing, printers, truckstops, distribution centers, and other uses that are quasi-industrial or highway-oriented in character."

When viewed within the context of this area, it is clear that the proposed rezoning is consistent with Policy LU 11.2 – Location of Industrial Areas. This policy aims to accommodate industrial uses in area characterized by existing concentrations of industrial uses. As explained above, the Conquest Drive area can only be described as a concentration of industrial uses. The proposed rezoning will help achieve the policy by allowing industrial uses in an area already characterized by existing industrial uses.

Moreover, the proposed rezoning helps to limit non-industrial uses from being established in the Conquest Drive area. The current IX zoning district allows for a host of other uses including retail sales and even upper story multifamily. Policy LU 11.3 – Commercial Uses in Industrial Areas – highlights the importance of limiting non-industrial uses in industrial area. The proposed rezoning would help achieve the aim of this policy.

This area also is designated as an Economic Development Target Area in the Comprehensive Plan. These areas are at the tipping point between advance and decline. The Comprehensive Plan recognizes that supporting new investment in these areas will be instrumental in turning the tide. The applicant in this case is a manufacturer of botanically sourced compounds, primarily for human consumption. For example, they develop dietary supplements in both liquid and dry forms. The process by which these compounds are extracted requires an industrial setting, but the business itself is not as intense as many of the other existing businesses in the area. The rezoning is consistent with the stated goals in the Comprehensive Plan related to Economic Development Target Areas because it will allow the injection of new investment in an already industrial area on the brink of decline.

**Public Benefits**

Provide brief statements explaining how the rezoning request is reasonable and in the public interest.

Aside from the various reasons mentioned above, the project offers a handful of public benefits. While industrial type businesses are not generally held in high regard, these uses are absolutely necessary to the efficient operation of a municipality as a whole. Keeping those uses confined to specific areas is one way to support those uses while at the same time mitigating the externalities of those businesses. Moreover, the rezoning case will allow an existing Raleigh business to remain and expand in Raleigh. This is critically important to providing continuity and a sense of belonging/community for the existing employees of the business and the new employees that the rezoning may support.

**Rezoning Application Addendum #2****Impact on Historic Resources**

The applicant is asked to analyze the impact of the rezoning request on historic resources. For the purposes of this section, a historic resource is defined as any site, structure, sign, or other feature of the property to be rezoned that is listed in the National Register of Historic Places or designated by the City of Raleigh as a landmark or contributing to a Historic Overlay District.

**OFFICE USE ONLY**  
Rezoning case #

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**Inventory of Historic Resources**

List in the space below all historic resources located on the property to be rezoned. For each resource, indicate how the proposed zoning would impact the resource.

No historic resources are known to be located on the property

**Proposed Mitigation**

Provide brief statements describing actions that will be taken to mitigate all negative impacts listed above.



### Urban Design Guidelines

The applicant must respond to the Urban Design Guidelines contained in the 2030 Comprehensive Plan if:

- a) The property to be rezoned is within a "City Growth Center" or "Mixed-Use Center", OR;
- b) The property to be rezoned is located along a "Main Street" or "Transit Emphasis Corridor" as shown on the Urban Form Map in the 2030 Comprehensive Plan.

Urban form designation: None

Click [here](#) to view the Urban Form Map.

**1**

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.

**Response:**

**2**

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.

**Response:**

**3**

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.

**Response:**

**4**

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.

**Response:**

**5**

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.

**Response:**

**6**

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.

**Response:**

7	<p>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.</p> <p><b>Response:</b></p>
8	<p>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.</p> <p><b>Response:</b></p>
9	<p>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.</p> <p><b>Response:</b></p>
10	<p>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.</p> <p><b>Response:</b></p>
11	<p>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.</p> <p><b>Response:</b></p>
12	<p>A properly defined urban open space is visually enclosed by the fronting of buildings to create an outdoor "room" that is comfortable to users.</p> <p><b>Response:</b></p>
13	<p>New public spaces should provide seating opportunities.</p> <p><b>Response:</b></p>

14	<p>Parking lots should not dominate the frontage of pedestrian-oriented streets, interrupt pedestrian routes, or negatively impact surrounding developments.</p> <p><b>Response:</b></p>
15	<p>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.</p> <p><b>Response:</b></p>
16	<p>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.</p> <p><b>Response:</b></p>
17	<p>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.</p> <p><b>Response:</b></p>
18	<p>Convenient, comfortable pedestrian access between the transit stop and the building entrance should be planned as part of the overall pedestrian network.</p> <p><b>Response:</b></p>
19	<p>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.</p> <p><b>Response:</b></p>
20	<p>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.</p> <p><b>Response:</b></p>

21	<p>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.</p> <p><b>Response:</b></p>
22	<p>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.</p> <p><b>Response:</b></p>
23	<p>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.</p> <p><b>Response:</b></p>
24	<p>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.</p> <p><b>Response:</b></p>
25	<p>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.</p> <p><b>Response:</b></p>
26	<p>The sidewalks should be the principal place of pedestrian movement and casual social interaction. Designs and uses should be complementary to that function.</p> <p><b>Response:</b></p>

### Rezoning Checklist (Submittal Requirements)

To be completed by Applicant			To be completed by staff		
General Requirements – General Use or Conditional Use Rezoning	Yes	N/A	Yes	No	N/A
1. I have referenced this <b>Rezoning Checklist</b> and by using this as a guide, it will ensure that I receive a complete and thorough first review by the City of Raleigh	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
2. Pre-application conference.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
3. Neighborhood meeting notice and report	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
4. Rezoning application review fee (see <a href="#">Fee Guide</a> for rates).	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
5. Completed application submitted through Permit and Development Portal	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
6. Completed Comprehensive Plan consistency analysis	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
7. Completed response to the urban design guidelines	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
8. Two sets of stamped envelopes addressed to all property owners of area to be rezoned and properties with 500 feet of area to be rezoned.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
9. Trip generation study	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
10. Traffic impact analysis	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>For properties requesting a Conditional Use District:</b>					
11. Completed zoning conditions, signed by property owner(s).	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>If applicable, see page 11:</b>					
12. Proof of Power of Attorney or Owner Affidavit.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>For properties requesting a Planned Development or Campus District:</b>					
13. Master plan (see Master Plan submittal requirements).	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>For properties requesting a text change to zoning conditions:</b>					
14. Redline copy of zoning conditions with proposed changes.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
15. Proposed conditions signed by property owner(s).	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Date: February 24, 2021

Re: 3701 Conquest Drive

Dear Neighboring Property Owners:

You are invited to attend a neighborhood meeting on Tuesday, March 9, 2021 from 5pm to 7pm. The meeting will be held virtually. You can participate online or by telephone. Please note that the presentation is planned to begin at 5pm and will be followed by an opportunity for questions and answers. Depending on attendance, the programmed portion of the meeting is likely to end between 5:30 and 6pm. The additional time is intended to allow for a late start in the event of any technical issues related to the virtual meeting, and your flexibility is appreciated. Once the meeting has been successfully completed, the online meeting, including the telephone dial-in option, will remain open until 7pm, and we will be happy to review the proposal or answer additional questions during this time.

The purpose of this meeting is to discuss a potential rezoning of the property located at 3701 Conquest Drive from IX-3 to IH. The purpose of the zoning request is to allow for additional storage capacity for the existing use. Our goal is to gather comments through your participation in this virtual neighborhood meeting or, alternatively, through your written comments to the City of Raleigh Planning Department. After the meeting, we will prepare a report for the Raleigh Planning Department regarding the items discussed.

Prior to the submittal of any rezoning application, the City of Raleigh requires that a neighborhood meeting be held for all property owners within 500 feet of the area requested for rezoning.

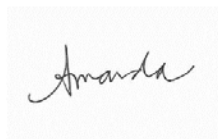
Information about the rezoning process is available online; visit [www.raleighnc.gov](http://www.raleighnc.gov) and search for "Rezoning Process." Complete application materials may be viewed at <https://raleighnc.gov/services/zoning-planning-and-development/current-development-activity>. If you have further questions about the rezoning process, please contact:

JP Mansolf  
Raleigh Planning & Development  
(919)996-2180  
[JP.Mansolf@raleighnc.gov](mailto:JP.Mansolf@raleighnc.gov)

If you have any concerns or questions about this potential rezoning I can be reached at:

Amanda Bambrick  
Morningstar Law Group  
919-213-7320  
[abambrick@mstarlaw.com](mailto:abambrick@mstarlaw.com)

Sincerely,

A handwritten signature in cursive script, appearing to read "Amanda", is displayed within a light gray rectangular box.

## SUMMARY OF ISSUES

A neighborhood meeting was held on March 9, 2021 (date) to discuss a potential rezoning located at 3701 CONQUEST DRIVE (property address). The neighborhood meeting was held at virtual ly (location). There were approximately 2 (number) neighbors in attendance. The general issues discussed were:

### Summary of Issues:

Containment and management of odor control and fire suppression—there will be no odor and the owner walked the neighbor through the slide deck with respect to fire management and safety plans. The use is also heavily regulated and controlled.

Why the owner bought the property prior to rezoning, which had to do with market timing and existing site conditions.

The number of employees on site, which is 34.

Whether additional residential outreach will be explored.

[illegible]