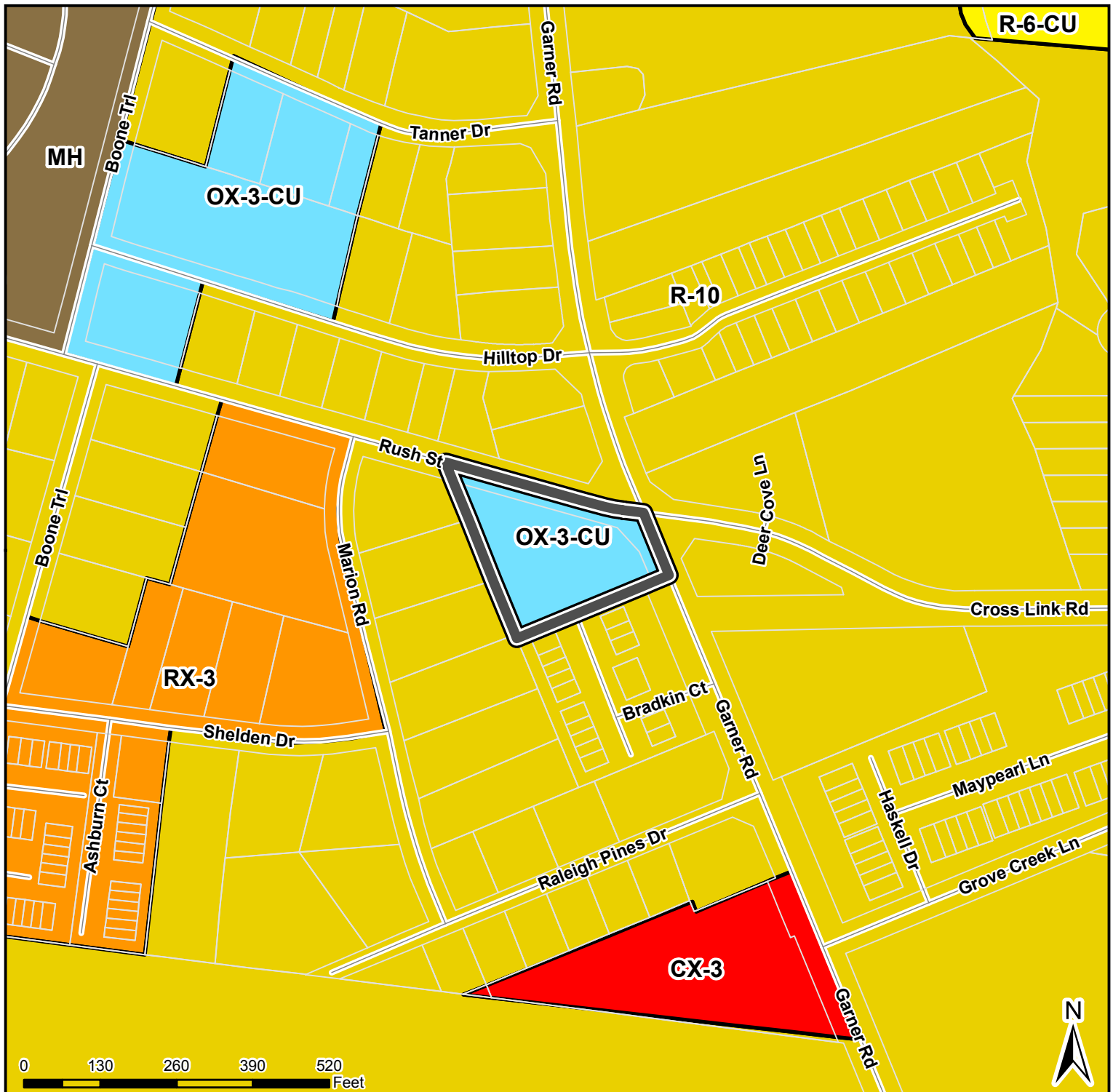
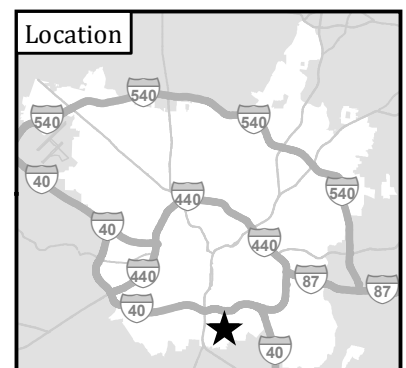


Existing Zoning

Z-18-2018



Property	2908 Garner Rd
Size	1.13 acres
Existing Zoning	OX-3-CU
Requested Zoning	RX-3-CU





Raleigh

MEMO

TO: Ruffin L. Hall, City Manager

FROM: Ken Bowers AICP, Director; Donald Belk AICP, Planner II

DEPARTMENT: City Planning

DATE: December 21, 2018

SUBJECT: City Council agenda item for January 8, 2019 – Z-18-18

On December 4, 2018, City Council authorized the public hearing for the following item:

Z-18-18: Garner Road & Rush Street, approximately 1.13 acres located at the southwest intersection of Garner Road and Rush Street at [2908 Garner Road](#).

Current zoning: Office Mixed Use-3 stories-Conditional Use (OX-3-CU)

Requested zoning: Residential Mixed Use-3 stories-Conditional Use (RX-3-CU).

The zoning conditions dated November 16, 2018 prohibit certain principal uses such as boarding house, dormitory, fraternity, sorority, and emergency shelter type B, limit the maximum number of dwelling units to 16 dwelling units, and prohibit vinyl siding as an exterior building materials (excepting soffits, eaves, windows, and other architectural accents).

The request is consistent with the 2030 Comprehensive Plan and the Future Land Use Map.

The **Planning Commission** recommends **approval** in a vote of 7 to 0.

The **Central CAC** supports **approval** in a vote of 15 to 6.

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

Municipal Building
222 West Hargett Street
Raleigh, North Carolina 27601

One Exchange Plaza
1 Exchange Plaza, Suite 1020
Raleigh, North Carolina 27601

City of Raleigh
Post Office Box 590 • Raleigh
North Carolina 27602-0590
(Mailing Address)



CERTIFIED RECOMMENDATION

Raleigh Planning Commission

CR# 11874

CASE INFORMATION: Z-18-18 - 2908 GARNER ROAD

Location	South central Raleigh, intersection of Rush Street, Cross Link Road and Garner Road. Address: 2908 Garner Road iMaps Google Maps Directions from City Hall PIN: 1702944574
Request	Rezone property from OX-3-CU to RX-3-CU
Area of Request	1.13
Corporate Limits	The subject site is within and surrounded by the corporate limits of the City.
Property Owner	Telegraph Road Properties, LLC
Applicant	Michael Birch, Partner, Longleaf Law Partners
Citizens Advisory Council (CAC)	Central CAC; 1 st Monday of each month Marquita Mbonu, Community Relations Analyst (919) 996-5710/ marquita.mbonu@raleighnc.gov
PC Recommendation Deadline	December 11, 2018

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

<i>FUTURE LAND USE</i>	Community Mixed Use
<i>URBAN FORM</i>	Not applicable
<i>CONSISTENT Policies</i>	Policy LU 1.2—Future Land Use Map & Zoning Consistency Policy LU 1.3—Conditional Use District Consistency Policy LU 2.2—Compact Development Policy LU 3.2 – Location of Growth Policy LU 5.4 – Density Transitions Policy LU 5.6 – Buffering Requirements Policy LU 8.1—Housing Variety Policy LU 8.10—Infill Development
<i>INCONSISTENT Policies</i>	None.

SUMMARY OF PROPOSED CONDITIONS

1. The following principal uses listed in Allowed Principal Use Table (UDO Section 6.1.4) shall be prohibited: boardinghouse; dormitory, fraternity, sorority; emergency shelter type B.
2. The maximum number of dwelling units on the property shall not exceed 16 dwelling units.
3. Vinyl siding shall be prohibited as an exterior building siding material, but this shall not apply to soffits, eaves, windows, and other architectural accents.

PUBLIC MEETINGS

<i>Neighborhood Meeting</i>	<i>CAC</i>	<i>Planning Commission</i>	<i>City Council</i>
March 19, 2018 Attendance: 6	Central: August 6, 2018 October 1, 2018 Vote: 15 For; 6 Against South: September 10, 2018 (courtesy presentation)	August 14, 2018 October 9, 2018 October 23, 2018 November 13, 2018	November 6, 2018 (granted 30-day PC review extension) November 20, 2018 December 4, 2018

PLANNING COMMISSION RECOMMENDATION

[Select one of the following and fill in details specific to the case.]

☒ The rezoning case is **Consistent** with the relevant policies in the Comprehensive Plan, and **Approval** of the rezoning request is reasonable and in the public interest.

☐ The rezoning case is **Consistent** with the relevant policies in the comprehensive Plan, but **Denial** of the rezoning request is reasonable and in the public interest.

☐ The rezoning is **Inconsistent** with the relevant policies in the Comprehensive Plan, and **Denial** of the rezoning request is reasonable and in the public interest.

☐ The rezoning case is **Inconsistent** with the relevant policies in the Comprehensive Plan, but **Approval** of the rezoning request is reasonable and in the public interest due to changed circumstances as explained below. Approval of the rezoning request constitutes an amendment to the Comprehensive Plan to the extent described below.

Reasonableness and Public Interest	The request is consistent with the Comprehensive Plan and the Future Land Use Map and is reasonable and in the public interest because it will provide an increase in housing supply and variety in the area and was received positively by the CAC.
------------------------------------	--

Change(s) in Circumstances [if applicable]	
Amendments to the Comprehensive Plan [if applicable]	
<i>Recommendation</i>	Approval
<i>Motion and Vote</i>	Motion: Jeffreys Second: Geary In Favor: Braun, Geary, Hicks, Jeffreys, Novak, Queen and Swink Opposed: None.
<i>Reason for Opposed Vote(s)</i>	Not applicable

ATTACHMENTS

1. Staff report

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.

Planning Director	Date	Planning Commission Chairperson Swink	11/13/2018
-------------------	------	---------------------------------------	------------

Staff Coordinator: Donald Belk: (919) 996-4641; Donald.Belk@raleighnc.gov

ZONING STAFF REPORT – CASE Z-18-18

CONDITIONAL USE DISTRICT

OVERVIEW

The rezoning site is located in south central Raleigh at 2908 Garner Road, at the southwest corner of the intersection of Garner Road and Rush Street (which becomes Cross Link Road east of the intersection). The area is characterized by a mix of housing types with townhomes, apartments, and single-family detached houses within 500 feet of the site. Most of the single-family detached houses were constructed between 1949 and 1970, but since 1990, most of the new construction has been townhomes and apartments. A church (ca. 2014) and a telecommunications tower site are also located in this area.

The subject site consists of one vacant, partially wooded 1.13-acre parcel that is currently zoned OX-3-CU. The topography of the site slopes downward to the southwest from the Garner Road-Rush Street intersection.

Adjacent properties are zoned R-10, with several RX-3 and OX-3-CU zoned parcels to the west within 500 feet of the subject site. Further west on the north side of Rush Street, bordered by the railroad corridor, is a 37-acre, densely wooded mobile home park containing about 230 mobile homes. This is fronted by a commercial strip (CX-3, CX-3-PL) on the south side of Rush. A new Family Dollar store, which opened last year (CX-3) is located on Garner Road approximately 0.1 miles south of the site. The subject parcel is within the Central CAC, but directly borders the South CAC.

The proposal seeks to rezone the subject site from Office Mixed Use-3 stories-Conditional Use (OX-3-CU) to Residential Mixed Use-3 stories-Conditional Use (RX-3-CU).

The existing zoning entitlement for 43,075 square feet (SF) of office and 11 residential units includes conditions specifying all uses allowed under R-10 plus ‘fraternity and similar college organizational uses’. Office uses would be limited to “all university uses including, but not limited to, classrooms, administration, library, assembly, and off-street parking.” The entitlement under the proposed zoning would provide for 43 residential units, or 38 residential units plus 4,000 square feet of retail (see Appendix). The applicant is proposing conditions that would prohibit boardinghouses, dormitories, fraternities, sororities, and Type B emergency shelters.

The Future Land Use (FLUM) designation for the subject site, as well as for all parcels north and south and on the west side of Garner Road within a 500’ radius of the site, is Community Mixed Use. All parcels on the east side of Garner Road within 500’ of the site are designated as Moderate Density Residential.

The subject property does not have a designation on the Urban Form Map. However, it sits less than 100’ from a Transit Stop Half-Mile Buffer and about 700’ from a Transit-Oriented

District on the currently adopted Urban Form Map. that would serve the planned bus rapid transit (BRT) network along the South Wilmington Street corridor. The preliminary Wake Transit Plan suggests that a future BRT stop is more likely to be located about a mile away closer to Rush Street's intersection with South Wilmington or South Saunders Street.

The subject site fronts two streets (Rush Street and Garner Road) that are designated as Urban Corridors on the Comprehensive Plan's Growth Framework Map. This designation describes corridors that are "characterized by denser residential and commercial development... where architecture is used to frame the public realm, and urban design rather than landscaped buffers is preferred as a means of integrating adjacent development which differs in use or scale... and generally host at least local bus service." However, the Urban Corridor designation does not carry specific policy implications in this case.

Update for November 13, 2018

On October 23, 2018 the Planning Commission voted to request that City Council grant a 30-day extension of the review period. The purpose of the extension was to allow time for the applicant to revise zoning conditions to concur with their report to the Central CAC regarding the maximum number of dwelling units to be built on the site. The request for extension was presented as part of the Report and Recommendation of the Planning Commission at the November 6, 2018 meeting of the City Council.

Revised conditions, submitted to City Planning on November 2, 2018, are provided as follows:

1. The following principal uses listed in Allowed Principal Use Table (UDO Section 6.1.4) shall be prohibited: boardinghouse, dormitory, fraternity, sorority, emergency shelter Type B.
2. The maximum number of residential units on the property shall not exceed 16 dwelling units.
3. Vinyl siding shall be prohibited as an exterior building siding material, but this shall not apply to soffits, eaves, windows and other architectural accents.

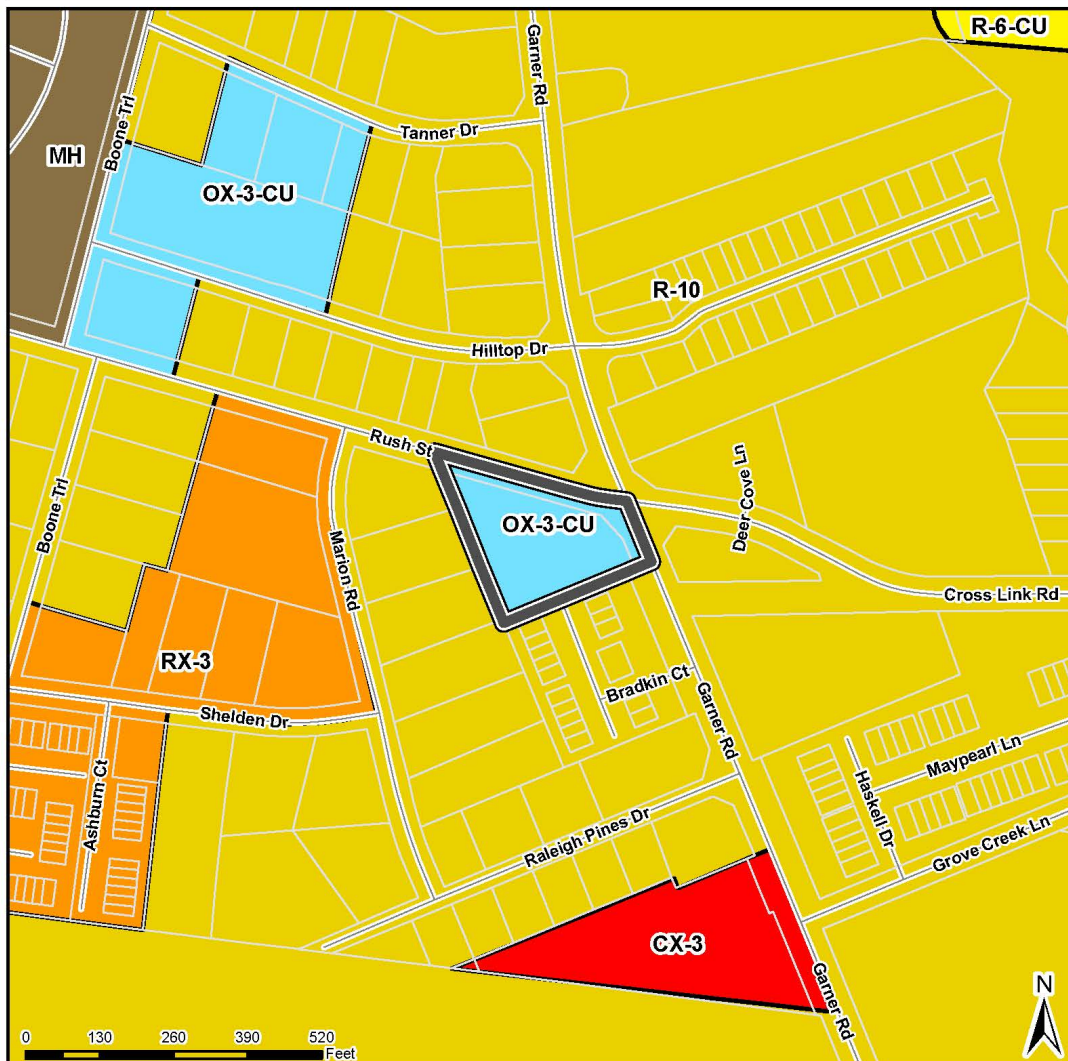
During discussions at the Central Citizens Advisory Council meeting on October 1, 2018, the applicant indicated the possibility that 13 dwelling units would be constructed on the site. The applicant offered conditions on November 2, 2018 to limit the maximum number of residential units to 16 dwelling units.

OUTSTANDING ISSUES

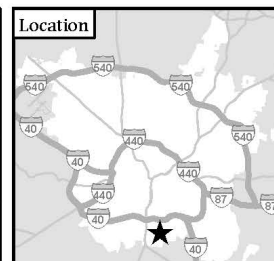
Outstanding Issues	None.	Suggested Mitigation	N/A
--------------------	-------	----------------------	-----

Existing Zoning

Z-18-2018



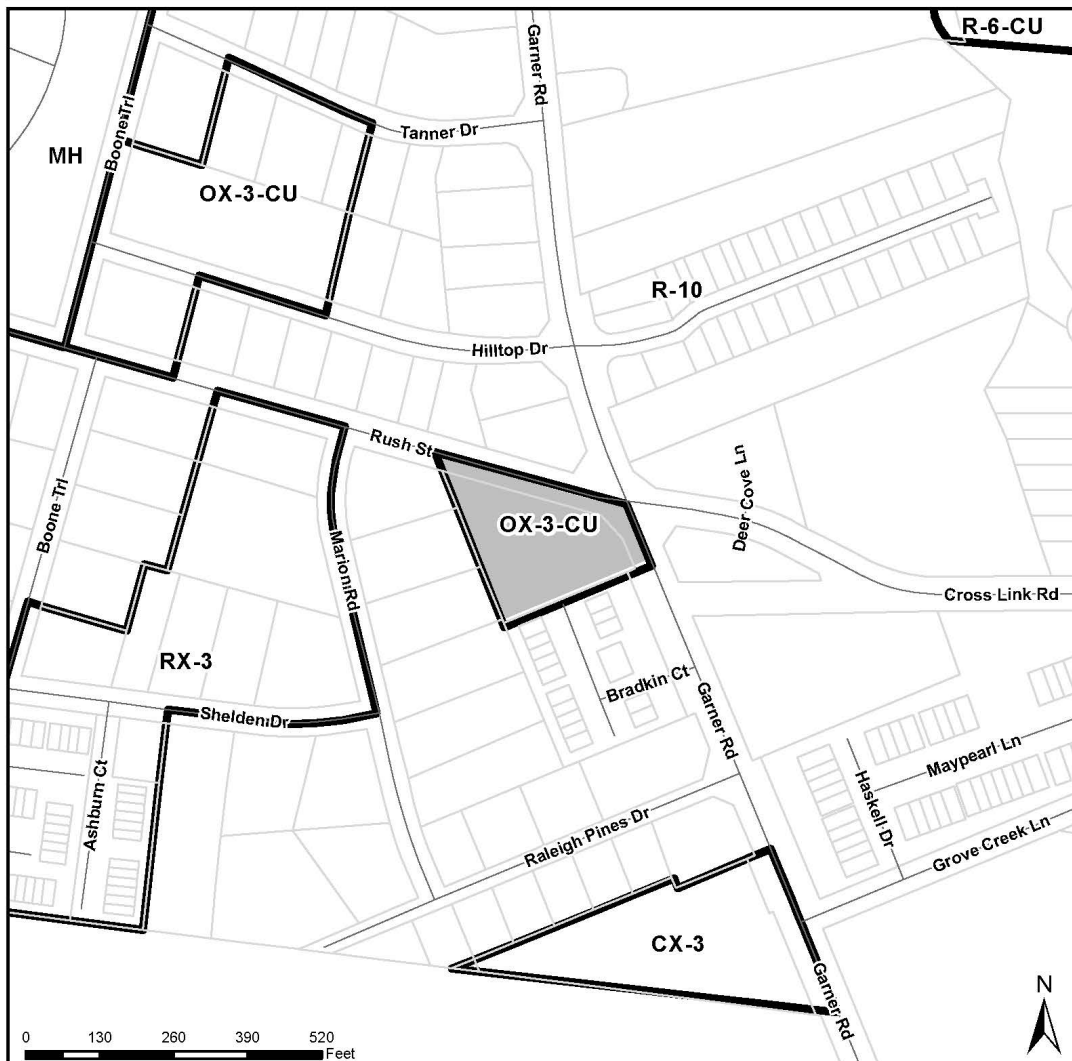
Property	2908 Garner Rd
Size	1.13 acres
Existing Zoning	OX-3-CU
Requested Zoning	RX-3-CU



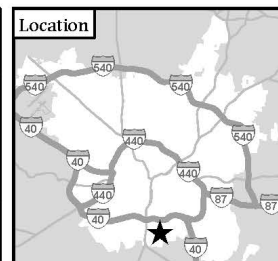
Map by Raleigh Department of City Planning (litlek): 6/15/2018

Existing Zoning

Z-18-2018



Property	2908 Garner Rd
Size	1.13 acres
Existing Zoning	OX-3-CU
Requested Zoning	RX-3-CU



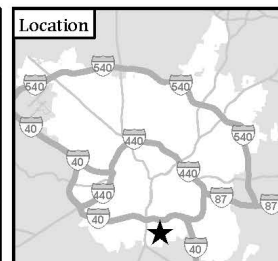
Map by Raleigh Department of City Planning (litlek): 6/22/2018

Future Land Use

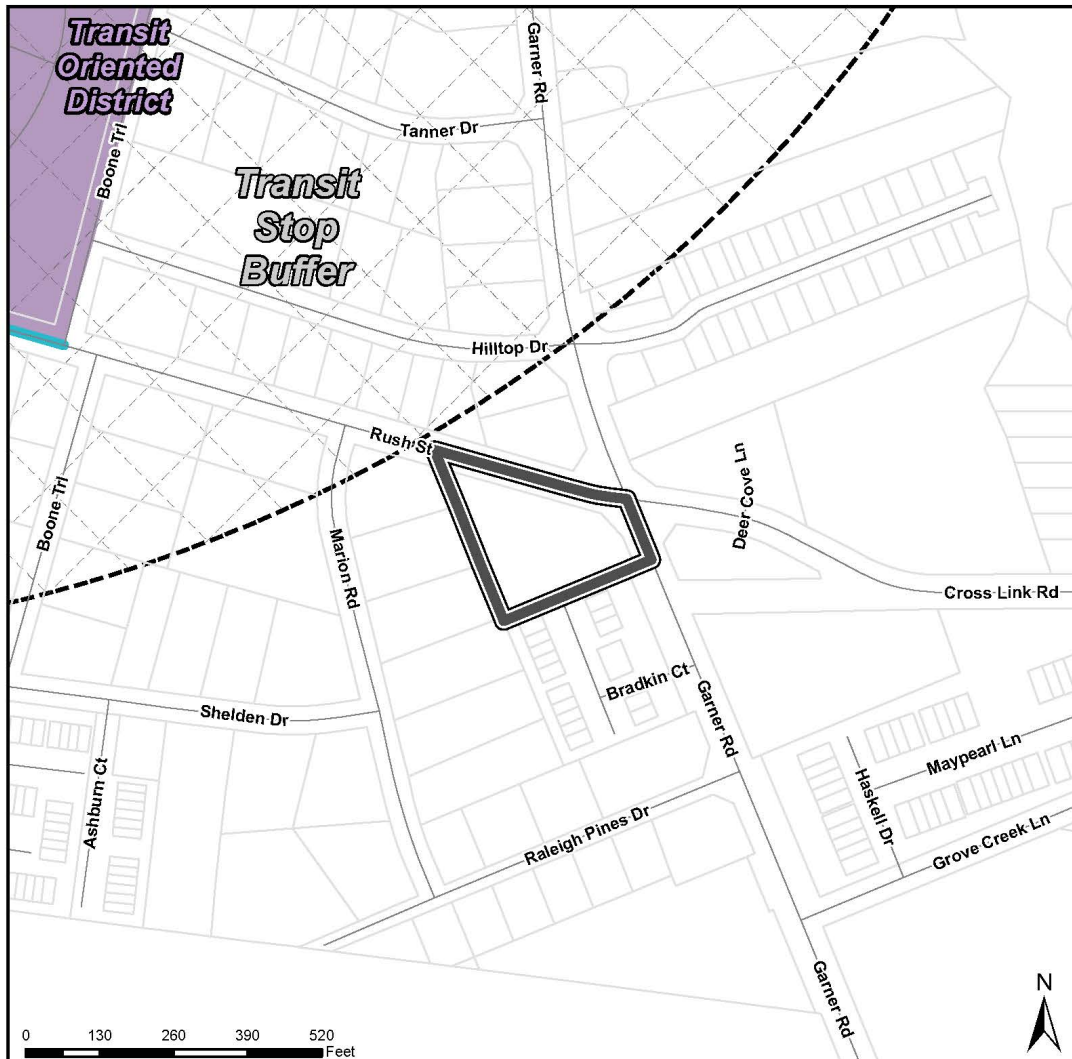
Z-18-2018



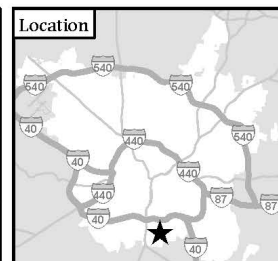
Property	2908 Garner Rd
Size	1.13 acres
Existing Zoning	OX-3-CU
Requested Zoning	RX-3-CU



Map by Raleigh Department of City Planning (littlek); 6/22/2018



Property	2908 Garner Rd
Size	1.13 acres
Existing Zoning	OX-3-CU
Requested Zoning	RX-3-CU



Map by Raleigh Department of City Planning (litlek): 6/22/2018

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 consistent with the vision, themes, and policies in the Comprehensive Plan.

The request is consistent with the **Expanding Housing Choices** vision theme, which encourages expanding the supply and diversity of housing opportunities for all segments of the population. The requested rezoning would permit up to 43 dwelling units on the site and allow for townhomes, which are generally a more affordable housing option than single-family detached houses.

The request is consistent with the **Growing Successful Neighborhoods and Communities** vision theme which encourages careful infill that complements the existing character of the area and creates diverse, walkable neighborhoods providing convenient access to open space, community services, retail, and employment. If approved, the subject site could accommodate up to 43 dwelling units, elevating the intensity of development within this Community Mixed Use area.

The request is consistent with the **Coordinating Land Use and Transportation** vision theme. This vision theme encourages pedestrian facilities and a higher density residential and mixed-use development pattern to support successful new local and regional public transit service and other transportation-related investments. The request for RX zoning supports this theme. Existing transit service (7L – Carolina Pines) and transportation improvements required at the time of site development that will better serve pedestrians and bicycles also support this theme.

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

No. The request to rezone to RX-3-CU could result in less intensive development than could otherwise be considered under the site's *Community Mixed Use* designation. (The primary corresponding zoning district for Community Mixed Use areas is CX.) For residential development, Community Mixed Use encourages ground floor retail and heights in the three to five story range.

- 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 proposed three story residential use would provide higher density housing suitable within a Community Mixed Use area. Furthermore, the proposed use is in keeping with the overall character of the area as well as recent development trends, where apartment and townhome developments have predominated over the last two decades.

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

Community facilities and streets appear to be sufficient to serve the proposed use.

Future Land Use

Future Land Use designation: Community Mixed Use

The rezoning request is:

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

The rezoning request to RX-3-CU from OX-3-CU could result in less-intensive development potential than would otherwise be permitted in CX, which is the primary corresponding zoning district within a Community Mixed Use area. However, the proposed RX-3 is indicative of the residential development form recommended in a Community Mixed Use area.

Urban Form

Urban Form designation:

The rezoning request is:

☒ **Not applicable** (no Urban Form designation)

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

☐ **Inconsistent**

Compatibility

The proposed rezoning is:

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

☐ **Incompatible.**

The proposed 3-story and 50 feet height limit would be one story taller than existing built residential development, but no more than 10 feet taller than what is already allowed within 500' of the site. The proposed RX-3 and current OX-3 zoning both require a primary street build-to for Apartment and Townhome building types between 10 and 55 feet. Existing primary street setbacks in the surrounding neighborhoods range from 15' to 75'. The larger area contains uses that are similar to what is allowed in the requested district, but existing development has lesser density and lower heights. Nonetheless, all properties surrounding the site are zoned Residential-10 (R-10), which would permit residential development up to three stories and 40 feet in height. If developed as residential mixed use or multifamily housing, UDO Section 3.5 Neighborhood Transitions would require a transition zone between the rezoning site and the two single-family detached houses to the west. Given the currently allowed height and bulk of development permitted under the existing OX-3-CU zoning (3 stories, 43,075 SF), this rezoning proposal is not a significant change in entitlement.

Public Benefits of the Proposed Rezoning

- This proposal would continue the trend of development in this area of predominantly multifamily use.
- Changing the zoning from OX-3-CU to RX-3-CU will allow the subject site to be developed with a residential use, in keeping with the Community Mixed Use designation.
- This rezoning is also appropriate given the site's location at the intersection of two urban corridors, where transportation improvements are planned that will enhance mobility and pedestrian access for the area.
- The proposal could spur further investment and development in this area of the city.

Detriments of the Proposed Rezoning

- Land values in this area are comparatively low for properties in such close proximity to downtown, making these parcels more attractive for investment. Of the 93 parcels within 500' of the proposed rezoning, 30 are single-family, detached dwellings; 21 are owner-occupied. New residential development may increase property values which could in turn increase tax costs for owner-occupants and rental costs for tenants. For reference, new townhomes in the Crosstowne subdivision sold for an average of \$153,000 in 2017.

- Increased traffic. The proposed zoning would result in slight increases in the peak hour and daily trip volumes.

Policy Guidance

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

Policy LU 1.2 – Future Land Use Map & 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 proposed zoning map amendment remains consistent with the Future Land Use Map, as the residential use and form permitted in RX-3 would be in keeping with residential development recommended for areas designated for Community Mixed Use.

Policy LU 1.3 – Conditional Use District Consistency

All conditions proposed as part of a conditional use district (CUD) should be consistent with the Comprehensive Plan.

- The conditions proposed in the request are consistent with the Comprehensive Plan.

Policy LU 2.2 - Compact Development

New development and redevelopment should use a more compact land use pattern to support the efficient provision of public services, improve the performance of transportation networks, preserve open space, and reduce the negative impacts of low intensity and non-contiguous development.

- The request allows for greater density in an area served by transit and existing City infrastructure. The rezoning site is in an urbanized location near three mixed-use centers, and potentially within about a mile of a future BRT stop.

Policy LU 3.2 – Location of Growth

The development of vacant properties should occur first within the City's limits, then within the City's planning jurisdiction, and lastly within the City's USAs to provide for more compact and orderly growth, including provision of conservation areas.

- The subject site, presently vacant, is located within the City limits.

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.

- Development in the proposed zoning district (RX-3) would be required to meet the requirements of UDO Sec. 3.5 Neighborhood Transitions where adjacent to existing

detached houses. Transition zone 'A' is required for the detached houses along the western boundary of the site.

Policy LU 5.6 – Buffering Requirements

New development adjacent to areas of lower intensity should provide effective physical buffers to avoid adverse effects. Buffers may include larger setbacks, landscaped or forested strips, transition zones, fencing, screening, height and/or density step downs, and other architectural and site planning measures that avoid potential conflicts.

- Development of the subject site would require a Zone 'A' protective yard adjacent to single-family detached houses.

Policy LU 8.1 – Housing Variety

Accommodate growth in newly developing areas of the City through mixed-use neighborhoods with a variety of housing types.

- The proposed rezoning could result in a residential mixed-use component in the neighborhood and would add to the variety of housing options in the area.

Policy LU 8.10 –Infill Development

Encourage infill development on vacant land within the City, particularly in areas where there are vacant lots that create “gaps” in the urban fabric and detract from the character of a commercial or residential street. Such development should complement the established character of the area and should not create sharp changes in the physical development pattern.

- The subject site is currently vacant, and the proposed rezoning would result in new development at the intersection of two urban corridors. However, this new development could be taller (3 stories) and denser (38-43 units on one acre) than all existing residential development in the vicinity – a contrast with the existing pattern of development.

Area Plan Policy Guidance

While there is no area plan guidance for the proposed rezoning, the site is located 0.4 miles north of the City's Garner-Tryon Area Plan, which calls for a pedestrian-friendly, mixed-use area and a street system that connects to existing, surrounding neighborhoods. The site also lies 0.85 miles east of the S. Wilmington/Rush Focus Area of the Southern Gateway Corridor Plan, as well as east of the city's targeted economic development focus area. The Focus Area recommends that new development include a mix of land uses, heights, and urban frontages needed to support a new transit station near Pecan Road and Rush Street, with a pattern of development that emphasizes walkability.

Impact Analysis

Transportation

Streets

The Raleigh Street Plan designates Garner Road and Rush Street as two-lane, divided avenues. Cross Link Road is designated as a two-lane, undivided avenue. All three roads are city maintained in the vicinity of the project.

In accordance with UDO section 8.3.2, the maximum block perimeter for RX-3 zoning districts is 3,000 feet. The block perimeter for Z-18-2018, as defined by public rights-of-way for Rush Street, Garner Road, Raleigh Pines Drive, and Marion Road is approximately 2,300 feet.

Pedestrian Facilities

There are currently sidewalks on both sides of Rush Street and Garner Road. Cross Link Road has a sidewalk on the north side of the road.

Bicycle Facilities

None of the roads in the surrounding area currently have bicycle facilities. The Long-Term Bikeway Plan includes bicycle lanes on both Rush Street and Garner Road. Garner Road north of Rush Street also has plans for a separated bikeway. Rush Street and Cross Link Road both have bike lanes prioritized in the Ten-Year Priority Plan. There have been three bicycle crashes on Rush Street / Cross Link Road in recent years, including one disabling crash.

Transit

The Z-18-2018 site is served by GoRaleigh route 7L with buses running every 30 minutes during peak travel periods.

Access

Offers of cross access to adjacent parcels shall be made in accordance with the Raleigh UDO section 8.3.5.D. Site access will be provided via Rush Street and through an access agreement with the parcel to the south. The subject parcel has frontage of approximately 300 feet on Rush Street and approximately 90 feet on Garner Road. According the Raleigh Street Design Manual, driveways accessing Rush Street must be spaced at least 100 feet apart and must be at least 150 feet from the intersection. The Z-18-2018 site would be restricted to one access point along Rush Street. Access on Garner would need to be at least 100 feet from the intersection and thus will not be feasible for this site.

Other Projects in the Area

The City is currently completing design of traffic calming features for Cross Link Road, from Garner Road east to Dandridge Drive. The project will complete the sidewalk on the southeast side of Cross Link Road and install bicycle lanes along with the traffic calming treatments.

TIA Determination

Approval of case Z-18-2018 would decrease peak hour and daily trip volumes. A traffic study is not required for case Z-18-2018.

Z-18-18 Existing Land Use Undeveloped	Daily	AM	PM
	0	0	0
Z-18-18 Current Zoning Entitlements Residential, Office	Daily	AM	PM
	475	67	64
Z-18-18 Proposed Zoning Maximums Residential, Retail	Daily	AM	PM
	670	33	60
Z-18-18 Trip Volume Change (Proposed Maximums minus Current Entitlements)	Daily	AM	PM
	195	-34	-4

Impact Identified: None

Transit

2908 Garner Road is located along the #7L Carolina Pines transit route operated by GoRaleigh. The 7L operates between Trailwood Hills and Southgate Plaza 7 days per week with service every 30 minutes on weekdays and hourly on weekends and holidays.

The nearest existing bus stop is located on Crosslink Road just east of Garner Road, approximately 300 feet from the nearest point of the subject property. The Wake Transit Plan is evaluating existing and proposed services near this site and may possibly change how existing service is routed and/or add new service on either Rush Street or Garner Road.

UDO Section 8.11 - Transit Infrastructure requires the provision of certain bus-stop related amenities on sites subject to site plan review when the site is located on an existing or planned transit route AND when the site will generate at least 500 average weekday vehicle trips as per the current edition of the ITE Trip Generation Handbook. Based on current conditions – frontage along an existing transit route - this property would be reviewed against the requirements of 8.11 at the site plan review stage. If the site was shown to generate at least 500 ADT, the plans would need to provide transit stop infrastructure as

described in 8.11 which includes but is not limited to a 15' x 20' transit easement dedicated to the City of Raleigh, a bus shelter, concrete work, seating, and a trash receptacle.

Impact Identified: None

Hydrology

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

Impact Identified: none

Public Utilities

	<i>Maximum Demand (current use)</i>	<i>Maximum Demand (current zoning)</i>	<i>Maximum Demand (proposed zoning)</i>
<i>Water</i>	0 gpd	3,000 gpd	10,750 gpd
<i>Waste Water</i>	0 gpd	3,000 gpd	10,750 gpd

1. The proposed rezoning would add approximately 10,750 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.
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.

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 Biltmore Hills Park (1.1 miles) and Kingswood Forest Park (0.9 miles)
3. Nearest existing greenway trail access is provided by Walnut Creek Greenway Trail (1.3 miles).
4. Park access level of service in this area is considered average.
5. This area is not considered a high priority for park land acquisition.

Impact Identified: None

Urban Forestry

The proposed zoning will have no impacts on Urban Forestry.

Impact Identified: None.

Designated Historic Resources

The site is not located within or adjacent to a National Register Historic District and/or Raleigh Historic Overlay District. It does not include any contributing properties to the historic district. It does not include, nor is it adjacent to any National Register individually-listed properties and/or Raleigh Historic Landmarks.

Impact Identified: None.

Community Development

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

Impact Identified: None.

Impacts Summary

The proposed rezoning will have minimal impacts on road infrastructure. Potential impacts to sewer infrastructure will be ascertained if a downstream sewer capacity study is required upon development plan submittal.

Mitigation of Impacts

A traffic impact analysis is not required. Any measures for mitigating the impact on water and sewer infrastructure will be identified during the analyses required prior to development.

Conclusion

Z-18-18 is a request to rezone 1.13 acres at the intersection of Garner Road and Rush Street from OX-3-CU to RX-3-CU. The request is consistent with the Future Land Use Map and consistent with the Comprehensive Plan overall. The proposed development would continue a trend in the surrounding neighborhood of increasing density of residential development, as suggested for areas designated Community Mixed Use, although it would present a change in density and form compared to existing development. Density and height transitions, beyond the UDO-required Neighborhood Transitions, could lessen the impact.

Case Timeline

<i>Date</i>	<i>Revision [change to requested district, revised conditions, etc.]</i>	<i>Notes</i>
06/08/2018	Application submitted with conditions.	
08/06/2018	Presentation to Central CAC	
08/14/2018	Planning Commission first review	Case deferred to allow for CAC vote
10/01/2018	CAC Vote, Y (15) N (6)	
10/23/2018	Planning Commission second review	Case deferred; requested 30-day extension
11/02/2018	Applicant submitted revised conditions	Maximum allowable residential units reduced from 20 to 16
11/06/2018	Report and Recommendation of the Planning Commission	City Council granted a 30-day extension
11/13/2018	Planning Commission third review	
11/20/2018	Report and Recommendation of the Planning Commission	
12/04/2018	City Council	City Council set public hearing for January 8, 2019

Appendix

Surrounding Area Land Use/ Zoning Summary

	<i>SUBJECT PROPERTY</i>	<i>NORTH</i>	<i>SOUTH</i>	<i>EAST</i>	<i>WEST</i>
Existing Zoning	OX-3-CU	R-10	R-10	R-10	R-10
Additional Overlay	None	None	None	None	None
Future Land Use	Community Mixed Use	Community Mixed Use	Community Mixed Use	Moderate Density Residential	Community Mixed Use
Current Land Use	Vacant	Rush Street	Townhomes	Garner Road	Single-Family Detached, Multifamily Apartment
Urban Form (if applicable)	N/A	N/A	N/A	N/A	N/A
Neighborhood Transition Applies	-	N/A (fronts street)	N/A	N/A (fronts street)	Zone A adjacent to Single-Family

Current vs. Proposed Zoning Summary*

	Existing Zoning	Proposed Zoning
Zoning	OX-3-CU	RX-3-CU
Total Acreage	1.13	1.13
Setbacks:	5'	10' (townhomes) 5' (apartments)
Front:		
Side:	0 or 6'	0 or 6'
Rear	0 or 6'	20' (townhomes) 0 or 6' (apartments)
Residential Density: **	30 du/ac	14 du/ac
Max. # of Residential Units**	34	16
Max. Gross Building SF ** (if applicable)	44,220 (residential) 43,075 (office/civic)	17,600 (residential) 21,600 (residential+retail)
Max. Gross Office SF	43,075	-
Max. Gross Retail SF	-	4,000
Max. Gross Industrial SF	-	-
Potential F.A.R.**	0.90(residential) 0.88 (office/civic)	0.36 (residential) 0.44 (residential+retail)

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

**These figures have been revised since the previous Staff Report to reflect the applicant's new condition limiting Residential Units to a maximum of 16 dwelling units.

Rezoning Application



Department of City Planning | 1 Exchange Plaza, Suite 300 | Raleigh, NC 27601 | 919-996-2626

REZONING REQUEST

☐ General Use ☒ Conditional Use ☐ Master Plan

Existing Zoning Base District **OX** Height **3** Frontage Overlay(s) _____

Proposed Zoning Base District **RX** Height **3** Frontage Overlay(s) _____

Click [here](#) to view the Zoning Map. Search for the address to be rezoned, then turn on the 'Zoning' and 'Overlay' layers.

OFFICE USE ONLY

Transaction #

JUN 8 2018 PM 3:54

Rezoning Case #

If the property has been previously rezoned, provide the rezoning case number: **Z-28-90**

Provide all previous transaction numbers for Coordinated Team Reviews, Due Diligence Sessions, or Pre-Submittal Conferences:

538551

GENERAL INFORMATION

Date **6/8/18** Date Amended (1) Date Amended (2)

Property Address **2908 Garner Road**

Property PIN **1702-94-4574**

Deed Reference (book/page) **Book 17027, Page 1046**

Nearest Intersection **Garner Road and Rush Street**

Property Size (acres) **1.13** (For PD Applications Only) Total Units **N/A** Total Square Feet **N/A**

Property Owner/Address

**Telegraph Road Properties, LLC
7709 Sandy Bottom Way
Raleigh, NC 27613**

Phone **919-302-4497** Fax **N/A**

Email **mflynn3@yahoo.com**

Project Contact Person/Address

**Michael Birch, Morris, Russell, Eagle & Worley, PLLC
2235 Gateway Access Point, Suite 201
Raleigh, NC 27607**

Phone **919.645.4317** Fax **N/A**

Email **mbirch@morrisrussell.com**

Owner/Agent Signature

Email **mflynn3@yahoo.com**

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

CONDITIONAL USE DISTRICT ZONING CONDITIONS		
Zoning Case Number Z-18-18		OFFICE USE ONLY Transaction # Rezoning Case #
Date Submitted November 2, 2018		
Existing Zoning OX-3-CU	Proposed Zoning RX-3-CU	
Narrative Of Zoning Conditions Offered		
1. The following principal uses listed in Allowed Principal Use Table (UDO Section 6.1.4) shall be prohibited: boardinghouse; dormitory, fraternity, sorority; emergency shelter type B.		
2. The maximum number of dwelling units on the property shall not exceed 16 dwelling units.		
3. Vinyl siding shall be prohibited as an exterior building siding material, but this shall not apply to soffets, eaves, windows and other architectural accents.		
4.		
5.		
6.		
7.		
8.		
9.		
10.		

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 Matthew Flynn

RECEIVED
NOV 16 2018
BY: Conrad Beck

WWW.RALEIGHNC.GOV

REVISION 02.13.17

REZONING APPLICATION ADDENDUM #1	
<p align="center">Comprehensive Plan Analysis</p>	<p align="center">OFFICE USE ONLY</p> <p align="center">Transaction #</p> <p align="center">Rezoning Case #</p>
<p>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.</p>	
<p align="center">STATEMENT OF CONSISTENCY</p>	
<p>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.</p>	
<p>The property is designated Community Mixed Use on the Future Land Use Map (FLUM), which recommends</p> <p>1. residential uses and commercial uses that draw from multiple neighborhoods. The proposed rezoning to RX, which permits residential and limited non-residential uses, is consistent with this designation.</p>	
<p>The property is located in an Edge condition because it is located within 100 feet of a low/moderate density</p> <p>2. area zoned R-10. Based on the Community Mixed Use designation, the recommended height is a maximum of four stories. The rezoning request is consistent with this guidance.</p>	
<p>The property is located just outside the half-mile transit buffer associated with the future fixed-guideway transit station at Hammond & Rush, and the property is located between that transit-oriented district, the Garner/Tryon mixed use center and the South Saunders/Tryon mixed use center, all as</p> <p>3. shown on the Urban Form Map. The rezoning request supports the policies for these areas by providing additional housing opportunities in close proximity to shopping and employment and transit access (located along Route 7L/Carolina Pines with transfer onto Route 7/South Saunders).</p>	
<p>The rezoning request is consistent with the following Comprehensive Plan policies: LU 1.2 "Future Land Use Map and Zoning Consistency", LU 2.2 "Compact Development", LU 3.2 "Location of Growth", LU 4.7 "Capitalizing on Transit Access", LU 5.4 "Density Transitions", LU 8.1 "Housing Variety", LU 8.10 "Infill Development."</p> <p>4.</p>	
<p align="center">PUBLIC BENEFITS</p>	
<p>Provide brief statements regarding the public benefits derived as a result of the rezoning request.</p>	
<p>1. The proposed rezoning permits additional housing options in a growing area of the city.</p>	
<p>2. The proposed rezoning serves as an appropriate transition to the adjacent single-family and townhouse developments while still consistent with the Future Land Use Map designation.</p>	
<p>3. The proposed rezoning would provide additional housing in close proximity to existing and future transit services.</p>	
<p>4.</p>	

REZONING APPLICATION ADDENDUM #2	
Impact on Historic Resources	OFFICE USE ONLY Transaction # Rezoning Case #
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.	
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.	
There are no known historic resources located on the property.	
PROPOSED MITIGATION	
Provide brief statements describing actions that will be taken to mitigate all negative impacts listed above.	
Not applicable.	

Z-28-90 Old Garner Road, west side, at its southern intersection with Rush Street being Parcel 30, Tax Map 632, rezoned to Office and Institution-1 Conditional Use District.

Conditions:

1. Only the following uses will be allowed:
 - a. All uses allowed in Residential-10 Zoning
 - b. Fraternity and similar college organization uses
 - c. All University uses including, but not limited to, class rooms, administration, library, assembly, and off-street parking.
2. For reimbursement purposes, additional right-of-way needed for the widening of Garner Road and Rush Street (1/2 of 90 feet) will remain at Residential-10 value.
3. A six foot high wooden privacy fence or closed fence will be erected along the property boundaries as follows: along the boundary of parcels 632-30 and 632-27, and from the southwest corner of parcel 632-30 along the boundary lines of parcels 632-30 and 632-28. All applicable code setbacks will be observed.
4. Any structure located on the parcel will be no more than two stories in height, and will observe the front, rear and site yard setbacks required in Residential-10 zoning districts.

Z-18-2018 Traffic Study Worksheet

Z-18-18 Existing Land Use Undeveloped		Daily Trips (vpd)	AM peak trips (vph)	PM peak trips (vph)
		0	0	0
Z-18-18 Current Zoning Entitlements Residential, Office		Daily Trips (vpd)	AM peak trips (vph)	PM peak trips (vph)
		475	67	64
Z-18-18 Proposed Zoning Maximums Residential, Retail		Daily Trips (vpd)	AM peak trips (vph)	PM peak trips (vph)
		670	33	60
Z-18-18 Trip Volume Change (Proposed Maximums minus Current Entitlements)		Daily Trips (vpd)	AM peak trips (vph)	PM peak trips (vph)
		195	-34	-4
Z-18-2018 Traffic Study Worksheet				
6.23.4	Trip Generation		Meets TIA Conditions? (Y/N)	
A	Peak Hour Trips ≥ 150 veh/hr		No	The expected increase in PM peak hour trips is 8 vph.
B	Peak Hour Trips ≥ 100 veh/hr if primary access is on a 2-lane street		No	The expected increase in PM peak hour trips is 8 vph.
C	More than 100 veh/hr trips in the peak direction		No	The expected increase in PM peak direction trips is 30 vph.
D	Daily Trips ≥ 3,000 veh/day		No	The expected increase in Daily trips is 309 vpd.
E	Enrollment increases at public or private schools		No	Not Applicable
6.23.5	Site Context		Meets TIA Conditions? (Y/N)	
A	Affects a location with a high crash history [Severity Index ≥ 8.4 or a fatal crash within the past three years]		No	No intersection affected has a high crash history.
B	Takes place at a highly congested location [volume-to-capacity ratio ≥ 1.0 on both major street approaches]		No	
C	Creates a fourth leg at an existing signalized intersection		No	
D	Exacerbates an already difficult situation such as a RR Crossing, Fire Station Access, School Access, etc.		No	
E	Access is to/from a Major Street as defined by the City's Street Plan Map Major street - avenue with more than 4 lanes or boulevard		No	
F	Proposed access is within 1,000 feet of an interchange		No	
G	Involves an existing or proposed median crossover		No	
H	Involves an active roadway construction project		No	
I	Involves a break in controlled access along a corridor		No	
6.23.6	Miscellaneous Applications		Meets TIA Conditions? (Y/N)	
A	Planned Development Districts		No	Not a planned development district.
B	In response to Raleigh Planning Commission or Raleigh City Council resolutions		No	None noted as of 6/22/18.

REZONING OF PROPERTY CONSISTING OF +/- 1.13 ACRES
LOCATED IN THE SOUTHWEST QUADRANT OF THE INTERSECTION OF RUSH
STREET AND GARNER ROAD, IN THE CITY OF RALEIGH

REPORT OF MEETING WITH ADJACENT PROPERTY OWNERS ON
MARCH 19, 2018

Pursuant to applicable provisions of the Unified Development Ordinance, a meeting was held with respect to a potential rezoning with adjacent property owners on Monday, March 19, 2018 at 6:30 p.m. The property considered for this potential rezoning total approximately 1.13 acres, and is located in the southwest quadrant of the intersection of Rush Street and Garner Road, in the City of Raleigh, having Wake County Parcel Identification Number 1702-94-4574. This meeting was held at the Biltmore Hills Community Center, located at 2615 Fitzgerald Drive, Raleigh, NC 27610. All owners of property within 500 feet of the subject property were invited to attend the meeting. Attached hereto as **Exhibit A** is a copy of the neighborhood meeting notice. A copy of the required mailing list for the meeting invitations is attached hereto as **Exhibit B**. A summary of the items discussed at the meeting is attached hereto as **Exhibit C**. Attached hereto as **Exhibit D** is a list of individuals who attended the meeting.

EXHIBIT A – NEIGHBORHOOD MEETING NOTICE

MICHAEL BIRCH
Email: mbirch@morrisrussell.com
Direct: (919) 645-4317

MORRIS RUSSELL
MORRIS, RUSSELL, EAGLE & WORLEY, PLLC
2235 GATEWAY ACCESS POINT, SUITE 201
RALEIGH, NORTH CAROLINA 27607

P. O. Box 19001
Raleigh, NC 27619
www.morrisrussell.com

Telephone: (919) 645-4300
Facsimile: (919) 510-6802

To: Neighboring Property Owner
From: Michael Birch
Date: March 5, 2018
Re: Neighborhood Meeting for Potential Rezoning of 2908 Garner Rd

We are counsel for Telegraph Road Properties, LLC, the owner of the vacant parcel of land totaling 1.13 acres located in the southwest quadrant of the intersection of Rush Street and Garner Road, with an address of 2908 Garner Road and Parcel Identification Number 1702-94-4574 (the "Property"). The Property is currently zoned OX-3-CU, and the developer is considering rezoning the Property to RX-3-CU in order to permit a townhome and/or residential condo development.

You are invited to attend a meeting to discuss the potential rezoning. We have scheduled a meeting with surrounding property owners on Monday, March 19, 2018 at 6:30 p.m. This meeting will be held in the meeting room at the Biltmore Hills Community Center, located at 2615 Fitzgerald Drive, Raleigh, NC 27610.

The City of Raleigh requires a neighborhood meeting involving the owners of property within 500 feet of the Property prior to filing a rezoning application. After the meeting, we will prepare a report for the Planning Department regarding the items discussed at the meeting.

Please do not hesitate to contact me directly if you have any questions or wish to discuss any issues. I can be reached at 919.645.4317 and mbirch@morrisrussell.com. Also, for more information about rezoning, you may visit www.raleighnc.gov or contact the Raleigh City Planning Department at 919.996.2626 or rezoning@raleighnc.gov.

EXHIBIT B – NOTICE LIST

1702844574
MCCOLLERS, BENJAMIN MCCOLLERS,
ELGEAN
511 KING RICHARD RD
RALEIGH NC 27610-3744

1702847557
ERIN ENTERPRISES LTD
409 DONALD ROSS DR APT 105H
RALEIGH NC 27610-2878

1702847697
ACA GROUP CORPORATION
PO BOX 80981
RALEIGH NC 27675-0981

1702848308
OAK DELL GROUP LLC THE
900 BRIDGE WAY
RALEIGH NC 27615-5806

1702848376
VANBLON INVESTMENTS LLC
10720 CHESHIRE CT
RALEIGH NC 27615-1243

1702848716
CAVINESS, LOUISE M
504 RUSH ST
RALEIGH NC 27610-4630

1702849367
THE HUMAN FUND LLC
1311 PENDULA PATH
APEX NC 27502-4819

1702849577
ERIN ENTERPRISES LTD
409 DONALD ROSS DR APT 105H
RALEIGH NC 27610-2878

1702849932
CHRISTIAN FAITH BAPTIST CHURCH INC
509 HILLTOP DR
RALEIGH NC 27610-4619

1702859160
CHRISTIAN FAITH BAPTIST CHURCH INC
PO BOX 25181
RALEIGH NC 27611-5151

1702931898
KARIM, BLONNIE KARIM, MARY S
3006 MARION RD
RALEIGH NC 27610-5602

1702933898
RICK, ANDREW V RICK, MARIA L
416 HICKORY LN
BERWYN PA 19312-1433

1702934961
JAMES, EDWARD PAUL
PO BOX 26415
RALEIGH NC 27611-6415

1702935934
JAMES, EDWARD P
PO BOX 26415
RALEIGH NC 27611-6415

1702936907
MCKOY, ERIC BOWEN, JANICE
518 RALEIGH PINES DR
RALEIGH NC 27610-5606

1702936979
JAMES, EDWARD PAUL
PO BOX 26415
RALEIGH NC 27611-6415

1702940113
HERNANDEZ-ENRIQUEZ, ANGEL CRUZ,
ADELINA NAVARRETE
518 SHELLEN DR
RALEIGH NC 27610-4638

1702940374
BURNETTE, JARED BURNETTE, HEATHER
1507 ASHLEY DOWNS DR
APEX NC 27502-4966

1702940701
ERIN ENTERPRISES LTD
409 DONALD ROSS DR APT 105H
RALEIGH NC 27610-2878

1702940809
PATRICK, WADE JR PATRICK, DELORES
JEAN
512 HILLTOP DR
RALEIGH NC 27610-4620

1702940877
DAVIS, LOUIS E
518 HILLTOP DR
RALEIGH NC 27610-4620

1702941142
FONVILLE, BLONNIE FONVILLE, MARY S
3002 MARION RD
RALEIGH NC 27610-5602

1702941845
JAMES, EDWARD PAUL
PO BOX 26415
RALEIGH NC 27611-6415

1702942573
M3A PROPERTY MANAGEMENT LLC
3621 BASTION LN
RALEIGH NC 27604-4541

1702942623
SAVAGE, WALTER LEE
604 RUSH ST
RALEIGH NC 27610-4735

1702942822
SMITH, KEVIN MCNEELY, JENNIFER
526 HILLTOP DR
RALEIGH NC 27610-4620

1702943041
ARELLANO, JUAN BUSTOS, CAROLINA
501 RALEIGH PINES DR
RALEIGH NC 27610-5605

1702943263
BEIZA, RODRIGO B GARCIA, GELACIA
CARBAJAL
2919 MARION RD
RALEIGH NC 27610-4621

1702943332
BEIZA, RODRIGO B GARCIA, GELACIA
CARBAJAL
2919 MARION RD
RALEIGH NC 27610-4621

1702943402
SMITH, MAUREEN
2913 MARION RD
RALEIGH NC 27610-4621

1702943749
MEEKINS, JESSE JR MEEKINS, CLARA B
534 HILLTOP DR
RALEIGH NC 27610-4620

1702943821
MITCHELL, MILLARD L MITCHELL, ELINDA
530 HILLTOP DR
RALEIGH NC 27610-4620

1702944034
BUSTOS, AVELINO
505 RALEIGH PINES DR
RALEIGH NC 27610-5605

1702944104
BUSTOS, AVELINO
505 RALEIGH PINES DR
RALEIGH NC 27610-5605

1702944359
ACHUMBA, OBINNA J
6004 RICKER RD
RALEIGH NC 27610-4281

1702944397
ONNIPAUPER LLC
7424 CHAPEL HILL RD STE 204
RALEIGH NC 27607-6041

1702944793
CARRINGTON, FRANCES M
2812 GARNER RD
RALEIGH NC 27610-4644

1702944852
CAMPUS HOLDINGS, LLC QUEWHIFFLE
PROPERTIES, LLC
PO BOX 50324
RALEIGH NC 27650-6324

1702944916
SANDY, MELBOURNE
2714 GARNER RD
RALEIGH NC 27610-4646

1702945039
FULFORD, KENNETH
511 RALEIGH PINES DR
RALEIGH NC 27610-5605

1702945169
ACHUMBA, OBINNA J
6004 RICKER RD
RALEIGH NC 27610-4281

1702945237
ACHUMBA, OBINNA J
6004 RICKER RD
RALEIGH NC 27610-4281

1702945243
ACHUMBA, OBINNA J
6004 RICKER RD
RALEIGH NC 27610-4281

1702945245
ACHUMBA, OBINNA J
6004 RICKER RD
RALEIGH NC 27610-4281

1702945251
ACHUMBA, OBINNA MBAKA, TABITHA K
6004 RICKER RD
RALEIGH NC 27610-4281

1702945298
HERNDON & HERNDON LLC
312 W MILLSBROOK RD STE 237
RALEIGH NC 27602-4398

1702945303
ACHUMBA, OBINNA J
6004 RICKER RD
RALEIGH NC 27610-4281

1702945305
TRIANGLE INVESTMENT FUND LLC
1914 ALEXANDER RD
RALEIGH NC 27608-2340

1702946184
MCCALLUM, ROSE L
1509 HARTH DR
GARNER NC 27529-4518

1702946273
ACHUMBA, OBINNA J
6004 RICKER RD
RALEIGH NC 27610-4281

1702946276
IVY HOMES LLC
112 WALCOTT WAY
CARY NC 27519-6805

1702946319
MBAKA, TABITHA K
PO BOX 40341
RALEIGH NC 27629-0341

1702946403
TRIANGLE INVESTMENT FUND LLC
1914 ALEXANDER RD
RALEIGH NC 27608-2340

1702946411
ACHUMBA, OBINNA J
6004 RICKER RD
RALEIGH NC 27610-4281

1702946554
RCJ AXE, LLC
2133 NC 70 HWY
GARNER NC 27529

1702946948
ONNIPAUPER LLC
7424 CHAPEL HILL RD STE 204
RALEIGH NC 27607-6041

1702946964
ONNIPAUPER LLC
7424 CHAPEL HILL RD STE 204
RALEIGH NC 27607-6041

1702947063
MARTIN, BLAKE ROBERT
3104 GARNER RD STE A
RALEIGH NC 27610-5622

1702947326
RCJ AXE LLC
2133 US HIGHWAY 70 E
GARNER NC 27529-9422

1702947879
RCJ AXE LLC
2133 US HIGHWAY 70 E
GARNER NC 27529-9422

1702948531
LOVING WORD MISSIONARY BAPTIST
CHURCH
PO BOX 26715
RALEIGH NC 27811-8715

1702948720
GLYSIL PROPERTIES LLC
9504 BLUEMONT CT
RALEIGH NC 27617-7786

1702948811
FULLER, ANITRA FULLER, ROBERT
2809 GARNER RD
RALEIGH NC 27610-4643

1702948901
RCJ AXE LLC
2133 US HIGHWAY 70 E
GARNER NC 27529-9422

1702948932
RCJ AXE LLC
2133 US HIGHWAY 70 E
GARNER NC 27529-9422

1702948964
RCJ AXE LLC
2133 US HIGHWAY 70 E
GARNER NC 27529-9422

1702949025
RCJ AXE LLC
2133 US HIGHWAY 70 E
GARNER NC 27529-9422

1702949185
DONTIREDDI, USHA R DONTIREDDI,
SUBHAS
2110 WINTERBORNE DR
CARY NC 27512-9474

1702949187
STOKES, CHARLES
3002 HASKELL DR
RALEIGH NC 27810

1702949193
SADAGOPAN, RADHIKA SESHADRI,
SADAGOPAN
113 HATCHET CREEK CT
MORRISVILLE NC 27560-9514

1702949362
LOVING WORD BAPTIST CHURCH
PO BOX 26715
RALEIGH NC 27811-8715

1702949936
RCJ AXE LLC
2133 US HIGHWAY 70 E
GARNER NC 27529-9422

1702951028
CHRISTIAN FAITH BAPTIST CHURCH INC
PO BOX 28181
RALEIGH NC 27811-8181

1702951250
CHRISTIAN FAITH BAPTIST CHURCH INC
PO BOX 28181
RALEIGH NC 27811-8181

1702952074
TROTTER, CLAUDE R JR
2000 TEE DEE ST
RALEIGH NC 27610-5032

1702952118
TROTTER, CLAUDE R JR
PO BOX 14241
RALEIGH NC 27620-4241

1702952187
PENA, CESAR GONZALEZ
432 TANNER DR
RALEIGH NC 27610-4640

1702954013
SANDY, MELBOURNE
2714 GARNER RD
RALEIGH NC 27610-4646

1702954112
HENDERSON, TRINITY M/TR
133 US HWY 70 W
GARNER NC 27529

1702954200
WILSON, SANDRA M
2704 GARNER RD
RALEIGH NC 27610-4646

1702957020
RCJ AXE LLC
2133 US HIGHWAY 70 E
GARNER NC 27529-9422

1702957051
RCJ AXE LLC
2133 US HIGHWAY 70 E
GARNER NC 27529-9422

1702957073
RCJ AXE LLC
2133 US HIGHWAY 70 E
GARNER NC 27529-9422

1702957284
JOHNS, CARL
2701 OLD GARNER RD
RALEIGH NC 27610-4646

1702958004
RCJ AXE LLC
2133 US HIGHWAY 70 E
GARNER NC 27529-9422

1702958033
RCJ AXE LLC
2133 US HIGHWAY 70 E
GARNER NC 27529-9422

1702958058
RCJ AXE LLC
2133 US HIGHWAY 70 E
GARNER NC 27529-9422

1702958101
JOHNS, CARL
2701 OLD GARNER RD
RALEIGH NC 27610-4646

1712040189
HEDGEPEETH, BRANDON B HEDGEPEETH,
CANDACE
717 MAYPEARL LN
RALEIGH NC 27610

1712041750
MENTOR MASONIC LODGE #55
PO BOX 27782
RALEIGH NC 27811-7782

1712042292
CROSSTOWNE SUBDIVISION TOWNHOME
OWNER ASSC INC
3131 RDU CENTER DR
STE 120
MORRISVILLE NC 27560

EXHIBIT C – ITEMS DISCUSSED

1. Building height
2. Number of units
3. Style of residential development
4. Potential caps on residential density
5. Rezoning effects on neighbor property values
6. Bedrooms per unit
7. For-Sale v. For-Rent Townhouses
8. Rezoning process generally
9. Developer's ability and willingness to present to two Citizen Advisory Councils

EXHIBIT D – MEETING ATTENDEES

1. Maureen Smith
2. Thurmon Hinton
3. Pastor Joyce Pulley-Hinton
4. Claude R. Trotter, Jr.
5. Jiwen Duan
6. Sherry Duan

From: [Belk, Donald](#)
To: ["duan@glysil.com"](mailto:duan@glysil.com)
Subject: FW: 2908 Garner Rd Rezoning
Date: Monday, June 18, 2018 3:50:00 PM
Attachments: [Rezoning Process Handout 2018-05.pdf](#)
[image001.png](#)

Mr. Duan:

Good afternoon! John Anagnost of our staff forwarded your inquiry to me. I am the case planner for the Rezoning application for 2908 Garner Road (Case No. Z-18-18). The application is under review through 6-29-18. If the application is complete, it will move to the Planning Commission for their review and recommendation no earlier than August 14, 2018. FYI, I have attached a flyer illustrating the City's rezoning process.

You can track the progress of this case at the City of Raleigh website. Please click [here](#) for updates on all current development activity in the City.

Please feel free to contact me if I can provide additional information.

Sincerely,

Donald R. Belk, AICP

Planner
Raleigh Department of City Planning
One Exchange Plaza, Suite 300 (27601)
PO Box 590, Raleigh NC, 27602
919-996-4641 (v); 919-996-1897 (f)
<http://www.raleighnc.gov>



From: Anagnost, John
Sent: Wednesday, June 13, 2018 4:49 PM
To: Belk, Donald <Donald.Belk@raleighnc.gov>
Subject: FW: 2908 Garner Rd Rezoning

Hi Don,

We received this email after the neighborhood meeting for Z-18-18. I also spoke with Mr. Duan on the phone at that time. He requested that we inform him when the case was filed. I have placed a copy of this email in the staff report folder for the case.

Best,
John

*John Anagnost
Comprehensive Planning Division
Raleigh Department of City Planning
(919) 996-2638
1 Exchange Plaza, Floor #3*

From: Jiwen Fred Duan [<mailto:duan@glysil.com>]
Sent: Thursday, March 22, 2018 11:26 AM
To: Anagnost, John <John.Anagnost@raleighnc.gov>; hannah.rechhow@raleighnc.gov; Little, Kyle <Kyle.Little@raleighnc.gov>
Subject: 2908 Garner Rd Rezoning

Mr. John Anagnost, Ms. Hannah Reckhow, and Mr. Kyle Little:

I heard you are in charge of rezoning in City of Raleigh Planning Department. On March 19, several neighbors and I attended a "Neighborhood Meeting for Potential Rezoning of 2908 Garner Rd". The owner and law firm Morris Russell proposed to change the zoning of 2908 Garner Rd from OX-3-CU to RX-3-CU. They proposed to build up to 30 units of townhouses or condos on this 1.13 acre land. In the meeting, most neighbors were against this proposed rezoning, we were concerned that the high density residential units may result in high crime and therefore deteriorate neighborhood area.

1. High density residential units in this area may result in high crime and deteriorate neighborhood area. As planner, you may be familiar with the nearby area of Dandridge Dr and Elkhart Dr. High population density resulted in high crime from 1970's to 1990's. City of Raleigh had to demolish all the high density multifamily residential buildings, and built low density single family houses in 2000.
2. Currently crime rate is higher at nearby Sheldon Dr area which has higher population density than Garner Rd/Cross Link Rd cross section area which has lower population density.
3. Many different owners of the proposed 30 units at 2908 Garner Rd will make the management more difficult than one owner. Currently the 15 townhouses at Bradkin Ct next to 2908 Garner Rd are owned by different owners, management is more difficult than the one owner management of the 7 townhouses at cross street Deer Cove Ln, even though Bradkin were newer than Deer Cove.

Similarly, the management by the multiple owners of the 22 quadraplex buildings at Spice Ridge Ln and Bashford Rd is much more difficult than the management by one owner of the 6 quadraplex buildings at nearby Angel Ct. You may drive to the Spice Ridge Ln, Bashford Rd,

and Angel Ct to see the difference.

4. Office space or small neighborhood service center is more urgent in this neighborhood.

If you know the case number for this rezoning proposal, please let us know.

Best regards,

Jiwen Duan

919-360-8880

Pre-Application Conference

(this form must be provided at the time of formal submittal)



DEVELOPMENT SERVICES DEPARTMENT

Development Services Customer Service Center | 1 Exchange Plaza, Suite 400 | Raleigh, NC 27601 | 919-996-2495 | efax 919-996-1831
Litchford Satellite Office | 8320 - 130 Litchford Road | Raleigh, NC 27601 | 919-996-4200

PROCESS TYPE

- ☐ Board of Adjustment
- ☐ Comprehensive Plan Amendment
- ☒ Rezoning
- ☐ Site Review*
- ☐ Subdivision
- ☐ Subdivision (Exempt)
- ☐ Text Change

* Optional conference

GENERAL INFORMATION

Date Submitted December 1, 2017

Applicant(s) Name Michael Birch, Morris, Russell, Eagle & Worley, PLLC

Applicant's Mailing Address 2235 Gateway Access Pt., Ste. 200, Raleigh, NC 27607

Phone 919.645.4317

Email mbirch@morrisrussell.com

Property PIN # 1702-94-4574

Site Address / Location 2908 Garner Road

Current Zoning OX-3-CU (Z-28-90)

Additional Information (if needed) :

Rezoning to remove residential density limit in current zoning conditions.

OFFICE USE ONLY

Transaction # : 538551

Date of Pre-Application Conference : 12/15/17

Staff Signature

REZONING APPLICATION SUBMITTAL REQUIREMENTS ("Rezoning Checklist")

TO BE COMPLETED BY APPLICANT			COMPLETED BY CITY STAFF		
General Requirements – General Use or Conditional Use Rezoning	YES	N/A	YES	NO	N/A
1. I have referenced this Rezoning Checklist 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"/>	✓		
2. Rezoning application review fee (see <u>Fee Schedule</u> for rate)	<input checked="" type="checkbox"/>	<input type="checkbox"/>	✓		
3. Completed application; Include electronic version via cd or flash drive	<input checked="" type="checkbox"/>	<input type="checkbox"/>	✓		
4. Two sets of stamped envelopes addressed to all property owners within 100 feet of property to be rezoned	<input checked="" type="checkbox"/>	<input type="checkbox"/>	✓		
5. Pre-Application Conference	<input checked="" type="checkbox"/>	<input type="checkbox"/>	✓		
6. Neighborhood Meeting notice and report	<input checked="" type="checkbox"/>	<input type="checkbox"/>	✓		
7. Trip Generation Study	<input type="checkbox"/>	<input checked="" type="checkbox"/>			✓
8. Traffic Impact Analysis	<input type="checkbox"/>	<input checked="" type="checkbox"/>			✓
9. Completed and signed zoning conditions	<input checked="" type="checkbox"/>	<input type="checkbox"/>	✓		
10. Completed Comprehensive Plan Consistency Analysis	<input checked="" type="checkbox"/>	<input type="checkbox"/>	✓		
11. Completed Response to the Urban Design Guidelines	<input type="checkbox"/>	<input checked="" type="checkbox"/>			✓
12. For applications filed by a third party, proof of actual notice to the property owner	<input type="checkbox"/>	<input checked="" type="checkbox"/>			✓
13. Master Plan (for properties requesting Planned Development or Campus District)	<input type="checkbox"/>	<input checked="" type="checkbox"/>			✓

Pre-Application Conference

(this form must be provided at the time of formal submittal)



**DEVELOPMENT
SERVICES
DEPARTMENT**

Development Services Customer Service Center | 1 Exchange Plaza, Suite 400 | Raleigh, NC 27601 | 919-996-2495 | efax 919-996-1831
Litchford Satellite Office | 8320 – 130 Litchford Road | Raleigh, NC 27601 | 919-996-4200

PROCESS TYPE

- ☐ Board of Adjustment
- ☐ Comprehensive Plan Amendment
- ☐ Rezoning
- ☐ Site Review*
- ☐ Subdivision
- ☐ Subdivision (Exempt)
- ☐ Text Change

* Optional conference

GENERAL INFORMATION

Date Submitted

Applicant(s) Name

Applicant's Mailing Address

Phone

Email

Property PIN #

Site Address / Location

Current Zoning

Additional Information (if needed) :

OFFICE USE ONLY

Transaction # : 538551

Date of Pre-Application Conference :

Staff Signature



Pre-Application Conference

Meeting Record

Transaction #: 538551 Meeting Date & Time: 10:00 AM 12-15-17

Location: One Exchange Plaza 3rd Floor

Attendees: Jason Hardin, John Anagnostis, Kyle Little, Hannah Reckhow,
Ira Mabel, Worth Mills, Michael Birch

Parcels discussed (address and/or PIN): 2908 Garner Rd

Current Zoning: OX-3-CU

Potential Re-Zoning: OX-3-CU Modify Conditions

CAC Chair/Contact Information: Central CAC Sam Alcine Chair@CentralCAC.org

General Notes: FLUM designation is community mixed use. Request
is to come in with 30 units per acre and go to RX-3.
RX-3 would lessen the restrictiveness of the transition
yard. Zone A transition yard would be required with zone
A buffer along single family homes to the west. No commercial
development is intended for the site, but would be consistent with
comprehensive plans to include some commercial component. site is served by

Department & Staff	Notes the 7L bus route.
Development Services ____Justin Rametta Justin.Rametta@raleighnc.gov 919-996-2665 ____Mike Walters Michael.Walters@raleighnc.gov 919-996-2636 ____Fulcher ____@raleighnc.gov 7	UDO Sections:

<p><u>Historic Preservation</u> <u>Tania Tully</u> Tania.Tully@raleighnc.gov 919-996-2674 <u>Melissa Robb</u> Melissa.Robb@raleighnc.gov 919-996-2632</p>	<p>UDO Sections:</p>
<p><u>Parks, Recreation, and Cultural Resources</u> <u>Lisa Potts</u> Lisa.Potts@raleighnc.gov 919-996-4785 <u>Thomas "TJ" McCourt</u> Thomas.McCourt@raleighnc.gov 919-996-6079</p>	<p>UDO Sections:</p>
<p><u>Public Utilities</u> <u>Keith Tew</u> Keith.Tew@raleighnc.gov 919-996-3487 <u>Patrick Paine</u> Patrick.Paine@raleighnc.gov 919-996-3481 <u>Eric Haugaard</u> Eric.Haugaard@raleighnc.gov 919-996-3492</p>	<p>No utility issues anticipated.</p> <p>UDO Sections:</p>
<p><u>Stormwater</u> <u>Ben Brown</u> Ben.Brown@raleighnc.gov 919-996-3515 <u>Gary Morton</u> Gary.Morton@raleighnc.gov 919-996-3517 <u>Ashley Rodgers</u> Ashley.Rodgers@raleighnc.gov 919-996-3970 <u>Lisa Booze</u> Lisa.Booze@raleighnc.gov 919-996-3518</p>	<p>UDO Sections:</p>
<p><u>Transportation</u> <u>Bowman Kelly</u> Bowman.Kelly@raleighnc.gov 919-996-2160</p>	<p>UDO Sections:</p>