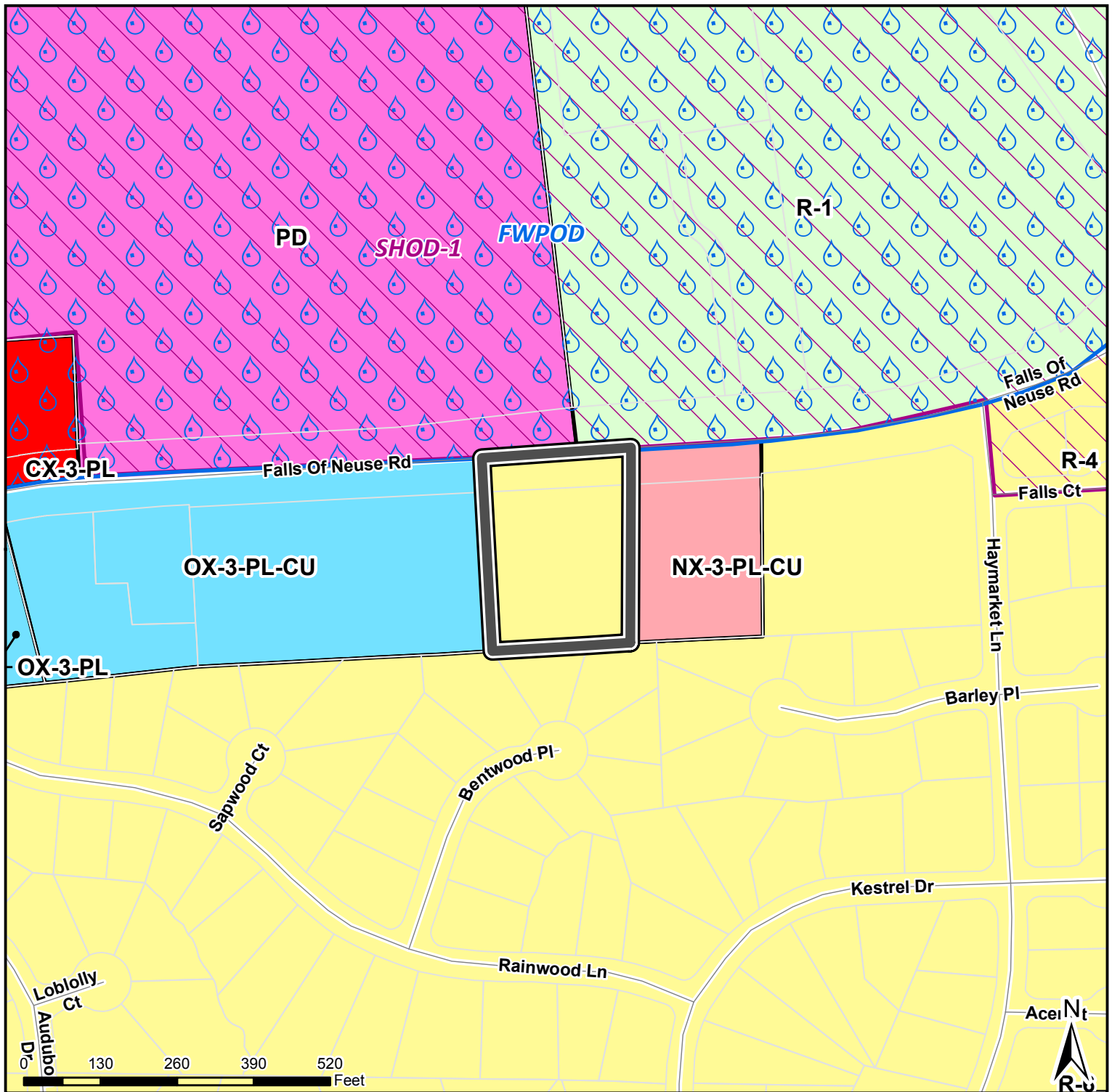
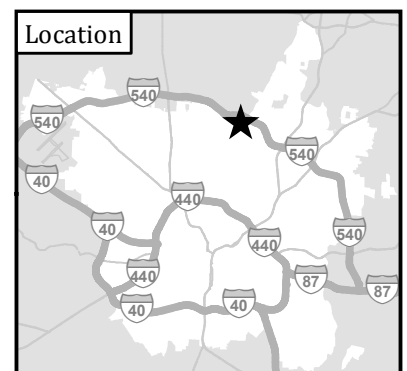


Existing Zoning

Z-19-2018



Property	8600 Falls of Neuse Rd
Size	1.69 acres
Existing Zoning	R-4
Requested Zoning	OX-3-CU





CERTIFIED RECOMMENDATION

Raleigh Planning Commission

CR#

CASE INFORMATION Z-19-18 FALLS OF NEUSE ROAD

Location	The southern side of Falls of Neuse Rd, approximately 1/3 of a mile south of its interchange with I-540 Address: 8600 Falls of Neuse Road PIN: 1718309966
Request	Rezone property from R-4 to OX-3-CU
Area of Request	1.51 acres
Corporate Limits	The subject site is within, and surrounded on all sides by, the corporate limits of the City.
Property Owner	Darius Bazargan
Applicant	Collier R. Marsh
Citizens Advisory Council (CAC)	North Regular meetings on the third Tuesday of each month Michael O'Sullivan, michaeljos2012@gmail.com
PC Recommendation Deadline	November 12, 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>	Office & Residential Mixed Use
<i>URBAN FORM</i>	Transit Emphasis Corridor
<i>CONSISTENT Policies</i>	Policy LU 4.10—Development at Freeway Interchanges Policy LU 5.1—Reinforcing the Urban Pattern Policy LU 5.2—Managing Commercial Development Impacts Policy LU 7.4—Scale and Design of New Commercial Uses Policy LU 8.10—Infill Development Policy EP 3.12—Mitigating Stormwater Impacts Policy UD 3.8—Screening of Unsightly Uses Policy AP-540F 1—Development Character on Falls of Neuse Road Policy AP-540F 2—Residential Access on Falls of Neuse Road Policy AP-540F 4—Falls of Neuse Low Intensity Appearance Policy AP-540F 5—Falls of Neuse Road Access Policy AP-540F 6—Falls of Neuse Access Spacing

<i>INCONSISTENT Policies</i>	Policy UD 1.10—Frontage
---	-------------------------

SUMMARY OF PROPOSED CONDITIONS

1. Maximum principal building height shall not exceed thirty-five feet (35') as measured by code. This condition shall not apply to accessory structures.
2. The collection of trash and recycling from the subject property shall be limited to Monday through Friday from the hours of 7 AM to 7PM.
3. Trash and recycling facilities located on the subject property shall be located no less than one-hundred (100) feet from the boundary of the following adjoining parcels: 8121 Bentwood Place (Book 002905, Page 00721, Wake County Registry) and 8125 Bentwood Place (Book 005251, Page 007491 Wake County Registry).
4. Exterior lighting shall be aimed and/or shielded so as to prevent direct view of the light sources from adjacent residentially zoned lots. Any freestanding light poles shall not exceed thirty feet (30') in height.
5. Maximum building square footage shall not exceed twenty thousand square feet (20,000 SF) gross floor area.
6. In addition to the stormwater measures required by the City Code, the owner shall retain stormwater runoff such that post-development rates do not exceed pre-development rates for a twenty-five (25) year storm event at the southern property line.
7. In addition to those otherwise prohibited by the UDO, the following uses are prohibited: boardinghouse, college, community college, university, dormitory, fraternity, sorority, martial arts studio, music studio, bed and breakfast, hospitality house, detention center, jail, and prison.
8. No less than thirty-five (35) percent of the overall exterior building composition shall have brick, masonry block, cement stucco, or other similar materials.
9. An offer of vehicular cross-access shall be provided to the properties located immediately east and west of the subject property, and known as DB10599/Page0954 (Stormwater Properties LLC) and DB 14823/Page0605 (North Quarter Office Park Owners Association). Relief from Block Perimeter (UDO Section 8.3.2) is concurrent with the offers of Cross Access.

PUBLIC MEETINGS

<i>Neighborhood Meeting</i>	<i>CAC</i>	<i>Planning Commission</i>	<i>City Council</i>
5/7/2018		8/14/2018	

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	
Change(s) in Circumstances [if applicable]	
Amendments to the Comprehensive Plan [if applicable]	
<i>Recommendation</i>	
<i>Motion and Vote</i>	

ATTACHMENTS

1. Staff report
2. Comprehensive Plan Amendment Analysis [if applicable]

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

Date

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



ZONING STAFF REPORT – CASE Z-19-18

CONDITIONAL USE DISTRICT

OVERVIEW

The request is to rezone approximately 1.51 acres from Residential-4 (R-4) to Office Mixed Use-3 stories-Conditional Use (OX-3-CU). Proposed conditions limit building height to 35 feet and maximum gross floor area to 20,000 square feet; restrict the timing of solid waste pick-up and the location of receptacles; require lighting to be completely screened from neighboring residences; increase the stormwater retention to a twenty-five (25) year storm event at the southern property line; require a certain amount and certain kinds building materials; prohibit the following uses: boardinghouse, college, community college, university, dormitory, fraternity, sorority, martial arts studio, music studio, bed and breakfast, hospitality house, detention center, jail, and prison; and require that vehicular cross-access be offered to the adjacent properties to the east and west.

The subject site consists of a single parcel on the south side of Falls of Neuse Road currently containing a single-family home; bounded by commercial uses to the west (offices) and east (offices and a martial arts studio); residential lots in an R-4 district to the south; and a large fitness center and private pre-school across Falls of Neuse Road to the north.

This site is relatively flat with no distinguishing environmental features, save for a vegetated trench along the parcel's frontage. The Falls Watershed Protection Overlay District has the centerline of Falls of Neuse Road for a southern boundary, and is therefore outside of the rezoning site, as is the mapped drainage basin. Approximately 18% of the site is mapped as within the Falls Lake watershed. However, since the overlay district does not extend onto the site this will have little to no practical effect on site planning. Similarly, Falls of Neuse Road is the southern boundary of the Special Highway Overlay District 1, which makes that overlay also not directly applicable to the site.

Development along Falls of Neuse Road consists primarily of commercial uses, with a few civic uses and some residential lots fronting on side streets. The neighborhoods beyond the road's frontage lots consist primarily of single-family homes in either R-4 zoning (to the south) or R-1 zoning (to the north).

Fifteen commercial lots on Falls of Neuse Road between Strickland Road and I-540, representing all of the commercial uses in this section, have been rezoned since 1990; 10 lots before the 2014 citywide remapping, three lots as part of the remapping, and two since then. All but one now include a Parking Limited frontage designation, although many are non-conforming with these regulations. The lot to the west of the rezoning site was rezoned in 2000, the lot to the east in 2003, and the Lifetime Fitness Planned Development district across the street was approved in 2013.

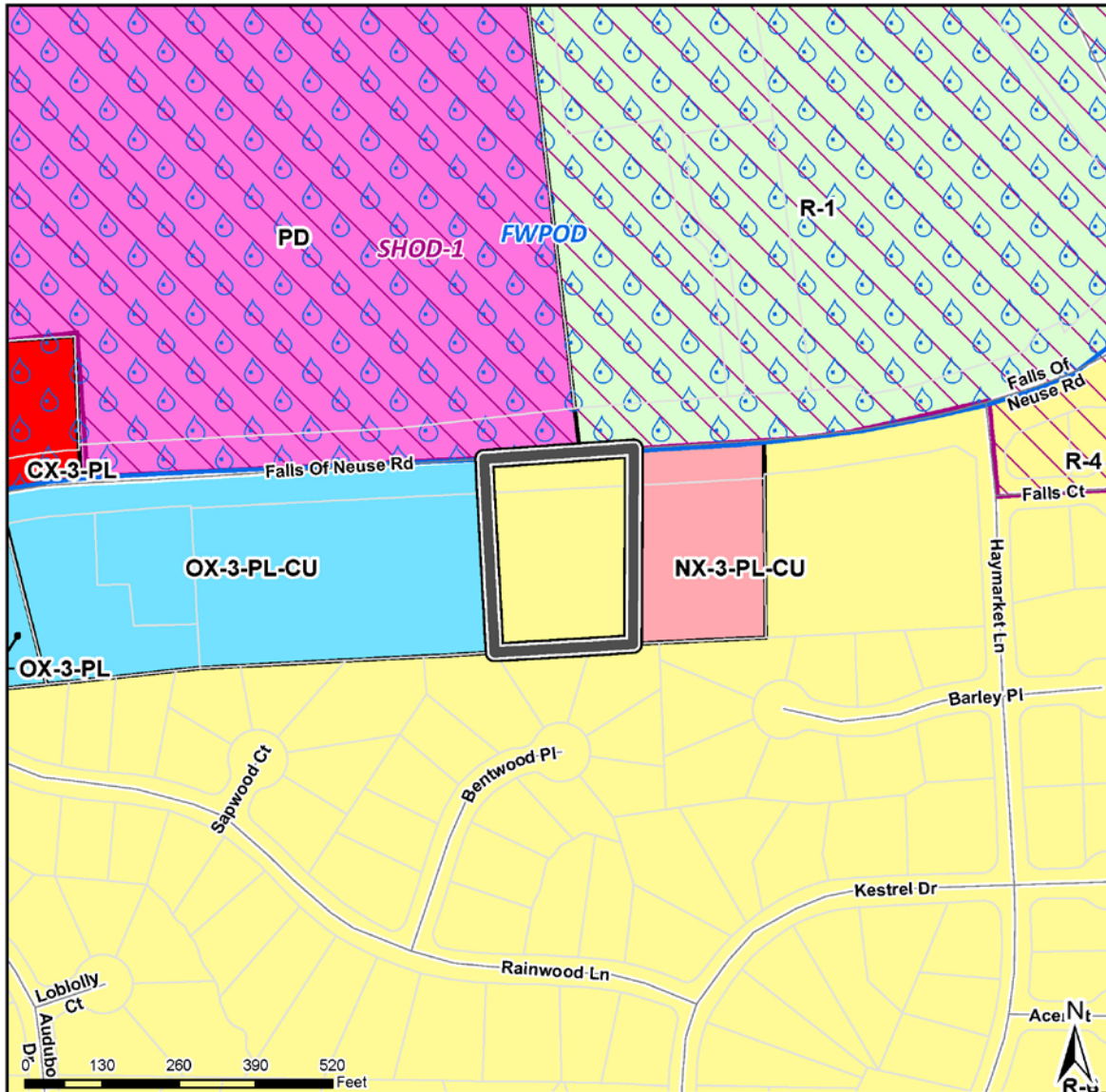
The subject site is designated as Office & Residential Mixed Use on the Future Land Use Map. Properties to the west and east are also designated as Office & Residential Mixed Use; properties directly to the north across Falls of Neuse Road as Rural Residential, although neither currently have residential uses; properties to south as Low Density Residential. Falls of Neuse Road is designated as a Transit Emphasis Corridor on the Urban Form map. The site is just outside the I-540 Special Highway Overlay District-1.

OUTSTANDING ISSUES

Outstanding Issues	<ol style="list-style-type: none"> 1. Case has not received a vote from the North CAC. 2. New conditions have not been fully reviewed by staff. 	Suggested Mitigation	<ol style="list-style-type: none"> 1. Applicant can present at the August 21st CAC meeting and request a vote on September 18th. 2. Staff may request technical revisions to condition language to ensure enforceability.
--------------------	---	----------------------	---

Existing Zoning

Z-19-2018



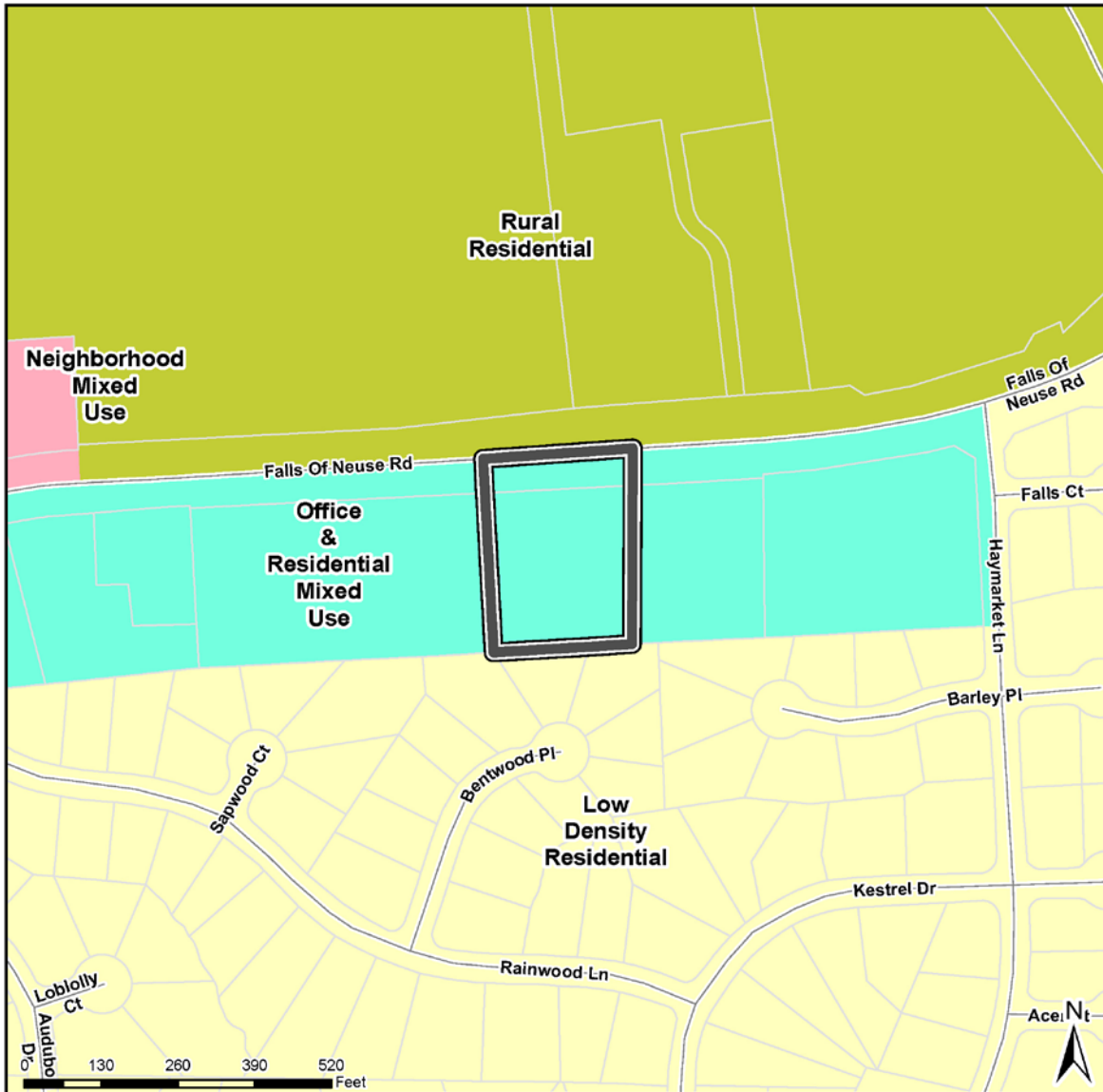
Property	8600 Falls of Neuse Rd
Size	1.69 acres
Existing Zoning	R-4
Requested Zoning	OX-3-CU



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

Future Land Use

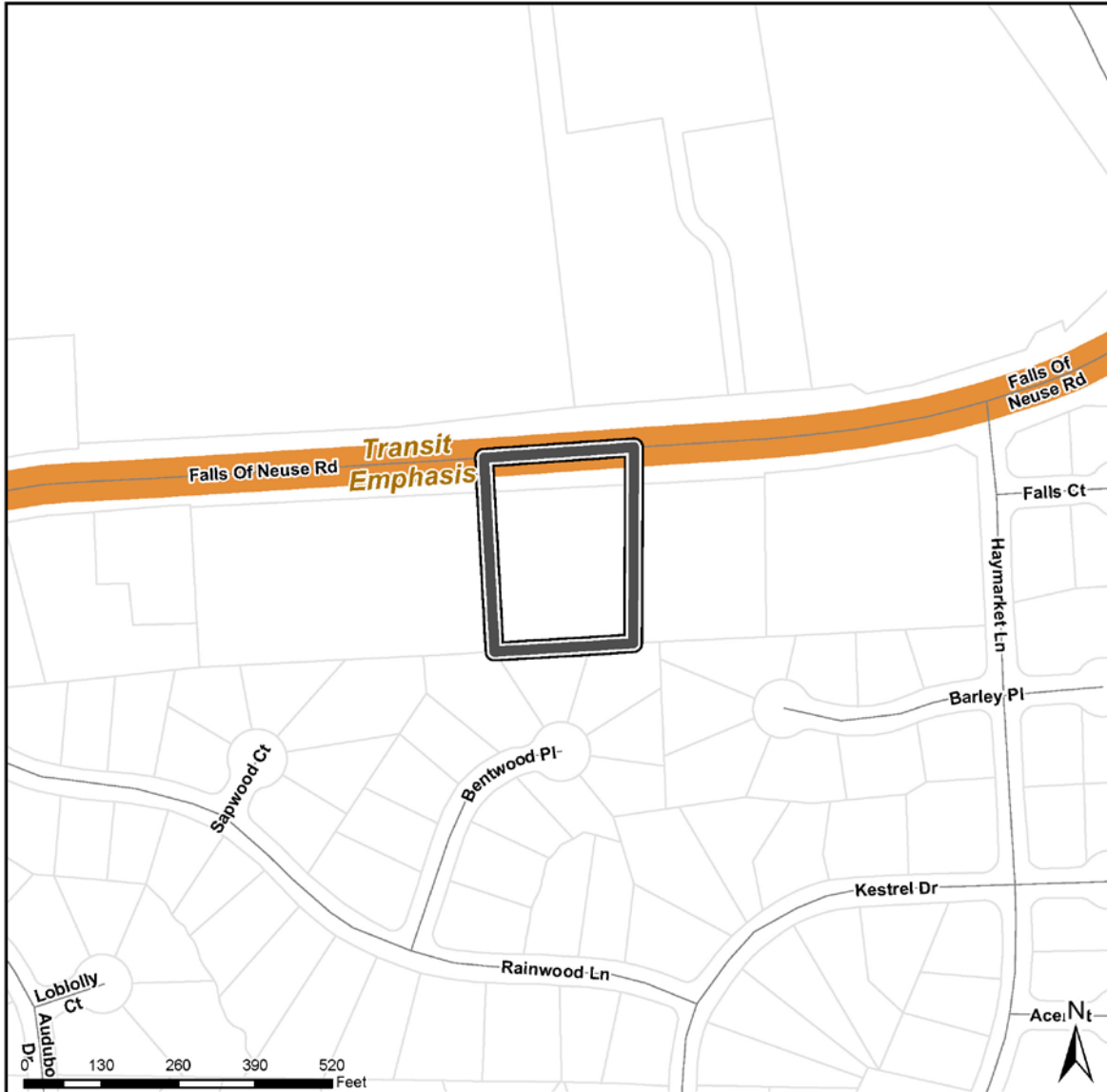
Z-19-2018



Property	8600 Falls of Neuse Rd
Size	1.69 acres
Existing Zoning	R-4
Requested Zoning	OX-3-CU



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



Property	8600 Falls of Neuse Rd
Size	1.69 acres
Existing Zoning	R-4
Requested Zoning	OX-3-CU



Map by Raleigh Department of City Planning (littlek) 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 **Managing Our Growth** vision theme. This theme encourages integrated land uses; providing desirable spaces and places to live, work, and play; and development in areas where infrastructure is already in place. Commercial infill development replacing a residential use on a commercial corridor fulfills these goals.

The request is not inconsistent with any of the other vision theme statements.

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

Yes, the use being considered is specifically designated on the Future Land Use Map (FLUM).

The subject site is designated as Office & Residential Mixed Use on the FLUM. This designation applies to frontage lots along major streets where low density residential uses are no longer appropriate. The site and this request—an office use replacing a single-family home on a commercial corridor—precisely fit the definition of this FLUM category’s intent. The requested OX district is the closest corresponding zoning district to this FLUM category.

- 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?

The use being considered is specifically designated on the FLUM.

- 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:

The rezoning request is:

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

☐ **Inconsistent**

- The request is consistent with the Future Land Use Map (FLUM). The subject site is designated as Office & Residential Mixed Use on the FLUM. The closest corresponding zoning district is Office Mixed-Use (OX).

Urban Form

Urban Form designation: Transit Emphasis Corridor

The rezoning request is:

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

☒ **Inconsistent**

- The request is inconsistent with the recommendations of the Urban Form Map. The Urban Form Map locates the subject site along a Transit Emphasis Corridor, which suggests a hybrid (Parking Limited) approach to frontage. There is no frontage designation included in the request, and the proposed conditions do not address the additional requirements that a hybrid frontage would bring, including build-to lines, street-facing entrances and pedestrian access, permitted sign types, and the amount of surface parking permitted between the building and the street.

Compatibility

The proposed rezoning is:

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

☐ **Incompatible.**

- The request is compatible with the property and the surrounding area. Zoning districts abutting the site on either side are OX and NX containing general commercial buildings. The uses and building types of the requested OX district are in character with the rest of the corridor.
- The properties to the rear of the site are zoned R-4, which means a neighborhood transition following UDO Sec. 3.5 would apply to the site. The additional conditions included with this request limiting solid waste pick-up times and receptacle locations, shielding of exterior lighting, and enhancing stormwater controls further limit the impact and increase the compatibility of any potential commercial use to these houses.

Public Benefits of the Proposed Rezoning

- The request will facilitate infill development that is more compatible with the commercial nature of Falls of Neuse Road than the existing residential use and zoning.
- The request includes conditions that will ease the transition between the site and the adjacent residential lots above and beyond the requirements of the UDO.

Detriments of the Proposed Rezoning

- The lack of a frontage designation (or any equivalent conditions) included in this request will create a gap in the corridor of otherwise consistent zoning regulations for urban form.

Policy Guidance

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

Policy LU 4.10—Development at Freeway Interchanges

Development near freeway interchanges should cluster to create a node or nodes located at a nearby intersection of two streets, preferably classified two-lane avenue or higher, and preferably including a vertical and/or horizontal mixture of uses. Development should be encouraged to build either frontage or access roads behind businesses to provide visibility to the business from the major street while limiting driveway connections to the major street.

- The site is located less than one-third of a mile from the Falls of Neuse Road (which is designated as Avenue 6-Lane on the Street Plan) and I-540 interchange. The request will increase development intensity on the site and permit commercial uses, which is more appropriate for a location this close to an interchange and will expand the existing commercial cluster along the corridor.

Policy LU 5.1—Reinforcing the Urban Pattern

New development should be visually integrated with adjacent buildings, and more generally with the surrounding area. Quality design and site planning is required so that new development opportunities within the existing urban fabric of Raleigh are implemented without adverse impacts on local character and appearance.

Policy LU 7.4—Scale and Design of New Commercial Uses

New uses within commercial districts should be developed at a height, mass, scale, and design that is appropriate and compatible with surrounding areas.

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 request to permit commercial uses on the subject site is in keeping with the character of the surrounding commercial area. The requested OX-3 district will create a built form comparable to the development already existing elsewhere on the corridor, most of which is in OX-3 or NX-3 zoning districts. A proposed condition requiring certain building materials will ensure similarity in design with nearby office uses.

Policy LU 5.2—Managing Commercial Development Impacts

Manage new commercial development using zoning regulations and through the conditional use zoning and development review processes so that it does not result in unreasonable and unexpected traffic, parking, litter, shadow, view obstruction, odor, noise, and vibration impacts on surrounding residential areas.

Policy UD 3.8—Screening of Unsightly Uses

The visibility of trash storage, loading, and truck parking areas from the street, sidewalk, building entrances and corridors should be minimized. These services should not be located adjacent to residential units and useable open space.

- The request includes additional conditions regarding the timing of solid waste pick-up and the location of receptacles, and requiring exterior lighting to be completely screened from neighboring residences. Another condition that restricts some of the more intense uses permitted in OX districts further limits the potential impact of the site under different development scenarios.

Policy EP 3.12—Mitigating Stormwater Impacts

Potential stormwater impacts from new development on adjoining properties should mimic pre-development conditions and control the rate of runoff so as to avoid erosion of stream banks, inundation of natural waterways and to allow the recharging of groundwater. The intent is to avoid environmental and economic damage to the adjacent properties and City infrastructure.

- A proposed condition increases the required stormwater retention to a twenty-five (25) year storm event at the southern property line.

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

Policy UD 1.10—Frontage

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

- A Transit Emphasis Corridor urban form designation suggests a hybrid frontage. All but one of the other commercially zoned lots fronting on Falls off Neuse Road between Strickland Road and I-540 have a Parking Limited designation. No frontage was included with this request, and the proposed conditions do not address all of the additional requirements that an urban or hybrid frontage would bring.

Area Plan Policy Guidance

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

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

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

- The request includes conditions regarding the timing of solid waste pick-up and the location of receptacles, requiring exterior lighting to be completely screened from neighboring residences, increasing the required stormwater retention to a twenty-five (25) year storm event at the southern property line, and limiting the maximum height and square footage of new buildings.

Policy AP-540F 2—Residential Access on Falls of Neuse Road

New single-family residences fronting on Falls of Neuse Road are discouraged.

- This request expands the potential uses for the site beyond single-family residential, which is the only use allowed under the current zoning.

Policy AP-540F 4—Falls of Neuse Low Intensity Appearance

Non-residential frontage lots outside of mixed-use and retail centers along Falls of Neuse Road should have a low intensity appearance accomplished through landscaping, combining lots, building design, and shared access.

- Proposed conditions limiting building height and requiring certain building materials will ensure similarity in design with nearby office uses.

Policy AP-540F 5—Falls of Neuse Road Access

Adequate access should be provided to Falls of Neuse Road without causing undue congestion or placing excessive traffic or parking loads on adjacent local residential streets.

Policy AP-540F 6—Falls of Neuse Access Spacing

Direct access points onto Falls of Neuse Road should be no closer than 400 feet apart except where existing topographic conditions require an exception to the 400 feet rule. Cross access and shared parking should be used whenever possible.

- Access points will be determined at the time of site review, but it is likely that no new curb cuts will be allowed on Falls of Neuse Road. Points for cross access are already stubbed on both properties to either side of the site. A commercial use is more appropriate than residential for a site with access available only from other commercial uses and not from a public right-of-way.

IMPACT ANALYSIS

Transportation

1. *Area Plans:* The Z-19-2018 site is located in the I-540 / Falls of Neuse Area Plan. One intention of the plan is to minimize traffic circulation impacts. The plan specifies that adequate access should be provided to Falls of Neuse Road without causing undue congestion or placing excessive traffic on local residential streets (Policy AP-540F 5). Direct access points on Falls of Neuse Road should be no closer than 400-ft unless an exception is granted for topography conditions. Cross access and shared parking should be used whenever possible (Policy AP-540F 6).
2. *Streets:* Falls of Neuse Road is classified as a six lane, divided avenue. It is maintained by NCDOT.
3. *Block Perimeter:* In accordance with UDO section 8.3.2, the maximum block perimeter for OX-3 zoning districts is 3,000 feet. The block perimeter for Z-18-2018, as defined by public rights-of-way of Falls of Neuse Road, Rainwood Lane, Kestrel Drive, and Haymarket Lane is 4,800 feet.
4. *Pedestrian Facilities:* There is an asphalt shared use path along Falls of Neuse Road at the site, but it lacks separation from the curb and appears to be in poor condition.
5. *Bicycle Facilities:* Falls of Neuse Road is designated as having a separated bikeway facility in the Long-Term Bikeway Plan.
6. *Greenways:* The Z-19-2018 site is located approximately a mile east of the Honeycutt Creek Trail.
7. *Access:* Offers of cross access to adjacent parcels shall be made in accordance with the Raleigh UDO section 8.3.5.D. According to the requirements in the Raleigh Street Design Manual, driveway spacing on Falls of Neuse Road must be at least 300-ft. Currently, there is an access point 230-ft west of the site and another access point immediately east of the site. The site frontage onto Falls of Neuse Road is approximately 250-ft. Thus, a direct access point onto Falls of Neuse Road must be avoided unless a design adjustment is granted. Furthermore, as specified in the I-540 / Falls of Neuse Area Plan, direct access points on Falls of Neuse Road should be no closer than 400-ft and cross access is encouraged. Access to the site is currently served via the adjacent parcel to the east.
8. *Other Projects in the Area:* There is an NCDOT funded project (U-5307A) estimated for 2022 to widen Falls of Neuse Road north of I-540 from four to six lanes.

9. *TIA Determination:* Approval of case Z-19-2018 would approximately increase PM peak hour trips by 57 vph and AM peak hour trips by 41 vph. Daily trips would be increased by approximately 587 vph. None of the nearby intersections have a high crash rate. A traffic study is not required for case Z-19-2018.

Impact Identified: None.

Transit

1. The nearest transit stop is located almost a mile from the site. Service for GoRaleigh Route 2 is provided every 30 minutes on weekdays.

Impact Identified: None.

Hydrology

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

1. Subject to stormwater regulations under Article 9 of UDO.

Impact Identified: None.

Public Utilities

	<i>Maximum Demand (current zoning)</i>	<i>Maximum Demand (proposed zoning)</i>
<i>Water</i>	3,750 gpd	9,375 gpd
<i>Waste Water</i>	3,750 gpd	9,375 gpd

1. The proposed rezoning would add approximately 9,375 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.

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 Honeycutt Park (1.2 miles) and Durant Nature Preserve (2.8 miles).
3. Nearest existing greenway trail access is provided by Honeycutt Creek Greenway Trail (1.0 miles).
4. Park access level of service in this area is considered to be average.
5. This area is not considered a high priority for park land acquisition.

Impact Identified: None.

Urban Forestry

1. Proposed rezoning does not affect Urban Forestry requirements

Impact Identified: None.

Designated Historic Resources

1. There are no historic resources on the property for zoning case Z-19-18.

Impact Identified: None.

Impacts Summary

No significant impacts of the rezoning have been identified.

Mitigation of Impacts

No mitigation of impacts is recommended.

CONCLUSION

The request is to rezone approximately 1.51 acres from Residential-4 (R-4) to Office Mixed Use-3 Stories-Conditional Use (OX-3-CU).

The proposed conditions would:

1. limit building height to 35 feet;
2. restrict the timing of solid waste pick-up;
3. restrict the location of solid waste receptacles;
4. require lighting to be completely screened from neighboring residences and no taller than 30 feet;
5. limit maximum gross floor area to 20,000 square feet;
6. increase the stormwater retention to a twenty-five (25) year storm event at the southern property line;
7. prohibit the following uses: boardinghouse, college, community college, university, dormitory, fraternity, sorority, martial arts studio, music studio, bed and breakfast, hospitality house, detention center, jail, and prison;
8. require a certain amount and certain kinds building materials;
9. and require cross-access be offered to the adjacent properties to the east and west.

The request is **consistent** with the Future Land Use Map and **consistent** with Comprehensive Plan overall. The type of development proposed already exists in the area and can be established without adversely affecting the community.

The request is **consistent** with Comprehensive Plan policies regarding infill development, the impact of new commercial development, and specific recommendations for this section of Falls of Neuse Road. The request would support the Vision Theme of *Managing Our Growth*.

The request is **inconsistent** with the Urban Form map since it does not include an appropriate frontage and there are no proposed conditions that are equivalent to the requirements of a frontage.

Revised conditions were submitted on time for Planning Commission's review according to UDO section 10.2.4.F.2. However, the final wording of conditions have not been fully reviewed for enforceability by staff before the publication of the meeting agenda, and may therefore be subject to requests for technical revision. The case has not received a vote from the North CAC yet.

CASE TIMELINE

<i>Date</i>	<i>Revision</i>	<i>Notes</i>
6/19/18	Submitted application	
8/3/18	Submitted revised conditions	Condition #9 has not been fully vetted by staff as of August 8, 2018.
8/14/18	Planning Commission first review	

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	R-4	PD, R-1	R-4	NX-3-PL-CU	OX-3-PL-CU
Additional Overlay	-	SHOD-1, FWPOD	-	-	-
Future Land Use	Office & Residential Mixed Use	Rural Residential	Low Density Residential	Office & Residential Mixed Use	Office & Residential Mixed Use
Current Land Use	Single-family Residential	Indoor/outdoor Recreation, School	Single-family Residential	Office, Indoor Recreation	Office
Urban Form (if applicable)	Transit Emphasis Corridor	Transit Emphasis Corridor	-	Transit Emphasis Corridor	Transit Emphasis Corridor
Neighborhood Transition Required	-	-	Yes	-	-

Current vs. Proposed Zoning Summary

	Existing Zoning	Proposed Zoning
Zoning	R-4	OX-3
Total Acreage	1.51	1.51
Setbacks:	(single-family)	(general building)
Front:	20'	5'
Side:	10'	0' or 6'
Rear:	30'	0' or 6'
Residential Density:	3.97 units/acre	9.93 units/acre
Max. # of Residential Units	6	15
Max. Gross Building SF (if applicable)	13,200	20,000
Max. Gross Office SF	-	20,000
Max. Gross Retail SF	-	3,335
Max. Gross Industrial SF	-	-
Potential F.A.R	0.20	0.30

*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 Number Z-19-18	OFFICE USE ONLY	
Date Submitted	Transaction #	
Existing Zoning R-4	Proposed Zoning OX-3-CU	Rezoning Case #
Narrative of Zoning Conditions Offered		
<p>1. Maximum principal building(s) height shall not exceed thirty-five feet (35') as measured by code. This condition shall not apply to accessory structures.</p>		
<p>2. The collection of trash and recycling from the subject property shall be limited to Monday through Friday from the hours of 7AM to 7PM.</p>		
<p>3. Trash and recycling facilities located on the subject property shall be located no less than one-hundred (100) feet from the boundary of the following adjoining parcels: 8121 Bentwood Place (Book 002905, Page 00721, Wake County Registry) and 8125 Bentwood Place (Book 005251, Page 00749, Wake County Registry).</p>		
<p>4. Exterior lighting shall be aimed and/or shielded so as to prevent direct view of the light sources from adjacent residentially zoned lots. Any freestanding light poles shall not exceed thirty feet (30') in height.</p>		
<p>5. Maximum building square footage shall not exceed twenty thousand square feet (20,000 SF) gross floor area.</p>		
<p>6. In addition to the stormwater measures required by the City Code, the owner shall retain stormwater runoff such that post-development rates do not exceed pre-development rates for a twenty-five (25) year storm event at the southern property line.</p>		
<p>7. In addition to those otherwise prohibited by the UDO, the following uses are prohibited: boardinghouse, college, community college, university, dormitory, fraternity, sorority, martial arts studio, music studio, bed and breakfast, hospitality house, detention center, jail, and prison.</p>		
<p>8. No less than thirty-five (35) percent of the overall exterior building composition shall have brick, masonry block, cement stucco, or other similar materials.</p>		
<p>9. An offer of vehicular cross-access shall be provided to the properties located immediately east and west of the subject property, and known as DB10599/Page0954 (Stormwater Properties LLC) and DB 14823/Page0605 (North Quarter Office Park Owners Association). Relief from Block Perimeter (UDO Section 8.3.2) is concurrent with the offers of Cross Access.</p>		
<p>10.</p>		

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

Clyde Holt III

Print Name

CLYDE HOLT III

RECEIVED

AUG 03 2018

BY:

[Signature]

REVISION 2.12.18

Z-19-18 Existing Land Use Residential	Daily Trips (vpd)	AM peak trips (vph)	PM peak trips (vph)
	10	1	1
Z-19-18 Current Zoning Entitlements Residential	Daily Trips (vpd)	AM peak trips (vph)	PM peak trips (vph)
	57	5	6
Z-19-18 Proposed Zoning Maximums Office Mixed Use	Daily Trips (vpd)	AM peak trips (vph)	PM peak trips (vph)
	644	46	63
Z-19-18 Trip Volume Change (Proposed Maximums minus Current Entitlements)	Daily Trips (vpd)	AM peak trips (vph)	PM peak trips (vph)
	587	41	57
Z-19-2018 Traffic Study Worksheet			
6.23.4	Trip Generation	Meets TIA Conditions? (Y/N)	
A	Peak Hour Trips \geq 150 veh/hr	No	The expected increase in PM peak hour trips is 57 vph and in the AM peak hour is 41 vph.
B	Peak Hour Trips \geq 100 veh/hr if primary access is on a 2-lane street	No	Falls of Neuse Road is not a 2-lane street.
C	More than 100 veh/hr trips in the peak direction	No	The expected increase in PM peak direction trips is 38 vph and in AM peak direction is 34 vph.
D	Daily Trips \geq 3,000 veh/day	No	The expected increase in Daily trips is 587 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 \geq 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 \geq 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 6/27/18.

Rezoning Application



Department of City Planning | 1 Exchange Plaza, Suite 300 | Raleigh, NC 27601 | 919-996-2682

REZONING REQUEST

☐ General Use ☒ Conditional Use ☐ Master Plan

Existing Zoning Base District **R-4** Height Frontage Overlay(s) _____

Proposed Zoning Base District **OX** Height **3** Frontage **N/A** 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 #

MAY 29 2018 PM 12:35

Rezoning Case #

If the property has been previously rezoned, provide the rezoning case number: **N/A**

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

552031

GENERAL INFORMATION

Date **May 29, 2018** Date Amended (1)

Date Amended (2)

Property Address **8600 Falls of Neuse Road**

Property PIN **1718309966**

Deed Reference (book/page) **003017/00215**

Nearest Intersection **Falls of Neuse Road & Haymarket Lane**

Property Size (acres) **1.69**

(For PD Applications Only) Total Units

Total Square Feet

Property Owner/Address

See attached.

Phone **attached**

Fax **attached**

Email **attached**

Project Contact Person/Address

Collier R. Marsh
301 Fayetteville Street, Suite 1400
Raleigh, NC 27601

Phone **(919) 828-0564**

Fax **(919) 834-4564**

Email **colliermarsh@parkerpoe.com**

Owner/Agent Signature

Collier R. Marsh (CBM)

Email **colliermarsh@parkerpoe.com**

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

Rezoning Application



Department of City Planning | 1 Exchange Plaza, Suite 300 | Raleigh, NC 27601 | 919-996-2682

REZONING REQUEST						
<input type="checkbox"/> General Use <input checked="" type="checkbox"/> Conditional Use <input type="checkbox"/> Master Plan			OFFICE USE ONLY Transaction # MAY 29 2018 PM 12:37 Rezoning Case #			
Existing Zoning Base District	R-4	Height		Frontage	Overlay(s)	_____
Proposed Zoning Base District	OX	Height		3	Frontage	N/A
Overlay(s)					_____	
Click here to view the Zoning Map. 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:				N/A		
Provide all previous transaction numbers for Coordinated Team Reviews, Due Diligence Sessions, or Pre-Submittal Conferences:						
552031						

GENERAL INFORMATION			
Date	Date Amended (1)		Date Amended (2)
Property Address 8600 Falls of Neuse Road			
Property PIN 1718309966		Deed Reference (book/page) 003017/00215	
Nearest Intersection Falls of Neuse Road & Haymarket Lane			
Property Size (acres) 1.69	(For PD Applications Only) Total Units		Total Square Feet
Property Owner/Address See attached.		Phone attached	Fax attached
		Email attached	
Project Contact Person/Address Collier R. Marsh 301 Fayetteville Street, Suite 1400 Raleigh, NC 27601		Phone (919) 828-0564	Fax (919) 834-4564
		Email colliermarsh@parkerpoe.com	
Owner/Agent Signature <i>Collier R. Marsh</i>		Email colliermarsh@parkerpoe.com	

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

REZONING APPLICATION ADDENDUM #1	
Comprehensive Plan Analysis The applicant is asked to analyze the impact of the rezoning request. State Statutes require that the rezoning either be consistent with the adopted Comprehensive Plan, or that the request be reasonable and in the public interest.	OFFICE USE ONLY Transaction # Rezoning Case #
STATEMENT OF CONSISTENCY Provide brief statements regarding whether the rezoning request is consistent with the future land use designation, the urban form map, and any applicable policies contained within the 2030 Comprehensive Plan.	
1. See attached.	
2.	
3.	
4.	
PUBLIC BENEFITS Provide brief statements regarding the public benefits derived as a result of the rezoning request.	
1. See attached.	
2.	
3.	
4.	

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**Transaction #****Rezoning Case #****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.

None.

PROPOSED MITIGATION

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

N/A

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

1.	<i>All Mixed-Use developments should generally provide retail (such as eating establishments, food stores, and banks), and other such uses as office and residential within walking distance of each other. Mixed uses should be arranged in a compact and pedestrian friendly form.</i> Response: See attached.
2.	<i>Within all Mixed-Use Areas buildings that are adjacent to lower density neighborhoods should transition (height, design, distance and/or landscaping) to the lower heights or be comparable in height and massing.</i> Response:
3.	<i>A mixed use area's road network should connect directly into the neighborhood road network of the surrounding community, providing multiple paths for movement to and through the mixed use area. In this way, trips made from the surrounding residential neighborhood(s) to the mixed use area should be possible without requiring travel along a major thoroughfare or arterial.</i> Response:
4.	<i>Streets should interconnect within a development and with adjoining development. Cul-de-sacs or dead-end streets are generally discouraged except where topographic conditions and/or exterior lot line configurations offer no practical alternatives for connection or through traffic. Street stubs should be provided with development adjacent to open land to provide for future connections. Streets should be planned with due regard to the designated corridors shown on the Thoroughfare Plan.</i> Response:
5.	<i>New development should be comprised of blocks of public and/or private streets (including sidewalks). Block faces should have a length generally not exceeding 660 feet. Where commercial driveways are used to create block structure, they should include the same pedestrian amenities as public or private streets.</i> Response:
6.	<i>A primary task of all urban architecture and landscape design is the physical definition of streets and public spaces as places of shared use. Streets should be lined by buildings rather than parking lots and should provide interest especially for pedestrians. Garage entrances and/or loading areas should be located at the side or rear of a property.</i> Response:
7.	<i>Buildings should be located close to the pedestrian-oriented street (within 25 feet of the curb), with off-street parking behind and/or beside the buildings. When a development plan is located along a high volume corridor without on-street parking, one bay of parking separating the building frontage along the corridor is a preferred option.</i> Response:
8.	<i>If the site is located at a street intersection, the main building or main part of the building should be placed at the corner. Parking, loading or service should not be located at an intersection.</i> Response:
9.	<i>To ensure that urban open space is well-used, it is essential to locate and design it carefully. The space should be located where it is visible and easily accessible from public areas (building entrances, sidewalks). Take views and sun exposure into account as well.</i> Response:
10.	<i>New urban spaces should contain direct access from the adjacent streets. They should be open along the adjacent sidewalks and allow for multiple points of entry. They should also be visually permeable from the sidewalk, allowing passersby to see directly into the space.</i> Response:
11.	<i>The perimeter of urban open spaces should consist of active uses that provide pedestrian traffic for the space including retail, cafés, and restaurants and higher-density residential.</i> Response:
12.	<i>A properly defined urban open space is visually enclosed by the fronting of buildings to create an outdoor "room" that is comfortable to users.</i> Response:
13.	<i>New public spaces should provide seating opportunities.</i> Response:
14.	<i>Parking lots should not dominate the frontage of pedestrian-oriented streets, interrupt pedestrian routes, or negatively impact surrounding developments.</i> Response:

15.	<i>Parking lots should be located behind or in the interior of a block whenever possible. Parking lots should not occupy more than 1/3 of the frontage of the adjacent building or not more than 64 feet, whichever is less.</i> Response:
16.	<i>Parking structures are clearly an important and necessary element of the overall urban infrastructure but, given their utilitarian elements, can give serious negative visual effects. New structures should merit the same level of materials and finishes as that a principal building would, care in the use of basic design elements can make a significant improvement.</i> Response:
17.	<i>Higher building densities and more intensive land uses should be within walking distance of transit stops, permitting public transit to become a viable alternative to the automobile.</i> Response:
18.	<i>Convenient, comfortable pedestrian access between the transit stop and the building entrance should be planned as part of the overall pedestrian network.</i> Response:
19.	<i>All development should respect natural resources as an essential component of the human environment. The most sensitive landscape areas, both environmentally and visually, are steep slopes greater than 15 percent, watercourses, and floodplains. Any development in these areas should minimize intervention and maintain the natural condition except under extreme circumstances. Where practical, these features should be conserved as open space amenities and incorporated in the overall site design.</i> Response:
20.	<i>It is the intent of these guidelines to build streets that are integral components of community design. Public and private streets, as well as commercial driveways that serve as primary pedestrian pathways to building entrances, should be designed as the main public spaces of the City and should be scaled for pedestrians.</i> Response:
21.	<i>Sidewalks should be 5-8 feet wide in residential areas and located on both sides of the street. Sidewalks in commercial areas and Pedestrian Business Overlays should be a minimum of 14-18 feet wide to accommodate sidewalk uses such as vendors, merchandising and outdoor seating.</i> Response:
22.	<i>Streets should be designed with street trees planted in a manner appropriate to their function. Commercial streets should have trees which complement the face of the buildings and which shade the sidewalk. Residential streets should provide for an appropriate canopy, which shadows both the street and sidewalk, and serves as a visual buffer between the street and the home. The typical width of the street landscape strip is 6-8 feet. This width ensures healthy street trees, precludes tree roots from breaking the sidewalk, and provides adequate pedestrian buffering. Street trees should be at least 6 1/4" caliper and should be consistent with the City's landscaping, lighting and street sight distance requirements.</i> Response:
23.	<i>Buildings should define the streets spatially. Proper spatial definition should be achieved with buildings or other architectural elements (including certain tree plantings) that make up the street edges aligned in a disciplined manner with an appropriate ratio of height to width.</i> Response:
24.	<i>The primary entrance should be both architecturally and functionally on the front facade of any building facing the primary public street. Such entrances shall be designed to convey their prominence on the fronting facade.</i> Response:
25.	<i>The ground level of the building should offer pedestrian interest along sidewalks. This includes windows entrances, and architectural details. Signage, awnings, and ornamentation are encouraged.</i> Response:
26.	<i>The sidewalks should be the principal place of pedestrian movement and casual social interaction. Designs and uses should be complementary to that function.</i> Response:

Rezoning Application Addendum #1
8600 Falls of Neuse Road
Transaction #: 552031

STATEMENT OF CONSISTENCY

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

1. The subject property is designated as "Office and Residential Mixed Use" in the Future Land Use Map ("FLUM"). The FLUM states that OX is the closest corresponding zoning district to this designation. Therefore, the proposed rezoning to OX directly conforms to the FLUM designation.

2. The subject property falls within the I-540/Falls of Neuse Area Plan ("IF") of the 2030 Comprehensive Plan. The zoning request is consistent with all applicable IF policies.

a. **Policy AP-IF-1**, *Development along Fall of Neuse road should not adversely impact adjacent residential properties due to bulk, scale, mass, fenestration or orientation of structures, stormwater runoff, noise caused by high levels of activity in service areas, or on-site lighting.* IF, p.1. The site borders two residential properties at the rear. The zoning request includes conditions aimed at minimizing or preventing any adverse impacts on the adjacent residential properties including conditions to minimize impacts of on-site lighting and noise in service areas. It also limits the footprint and height of proposed buildings.

b. **Policy AP-IF-2**, *New single-family residences fronting on Falls of Neuse Road are discouraged.* IF, p.1. The zoning request does not include a new single family residence fronting Falls of Neuse Road and is consistent with this policy.

c. **Policy AP-IF-4**, *Non-residential frontage lots outside of mixed-use and retail centers along Falls of Neuse Road should have a low intensity appearance accomplished through landscaping, combining lots, building design, and shared access.* IF, p.1. The subject property has shared access easements with both adjacent parcels. A low intensity appearance will be maintained by conditioning the building materials similar to the materials and heights of the adjacent parcel to the west.

d. **Policy AP-IF-5**, *Adequate access should be provided to Falls of Neuse Road without causing undue congestion or placing excessive traffic or parking loads on adjacent local residential streets.* IF, p.1. The property has shared access easements from the adjacent parcels to prevent excessive driveway cuts on Falls of Neuse Road. The applicant will work with the City and adjacent owners during site plan review to determine appropriate access to Falls of the Neuse Road. The applicant will provide onsite parking in compliance with the applicable provisions of the UDO and does not anticipate that its intended use will cause undue congestion or place excessive traffic or parking loads on adjacent local residential streets. Due to the prohibited use condition, traffic will be limited to medical office and supporting types of uses which will not generate excessive trips.

e. **Policy AP-IF-6, Direct access points onto Falls of Neuse Road** should be no closer than 400 feet apart except where existing topographic conditions require an exception to the 400 feet rule. Cross access and shared parking should be used whenever possible. IF, p.1. The property has shared access easements from the adjacent parcels to prevent excessive driveway cuts on Falls of Neuse Road. The applicant will work with the City and adjacent owners during site plan review to determine appropriate access to Falls of the Neuse Road.

The proposed rezoning is also consistent with the following general policies of the 2030 Comprehensive plan:

a. **Policy LU 4.4 Reducing VMT Through Mixed Use, Promote mixed-use development that provides a range of services within a short distance of residences as a way to reduce the growth of vehicle miles traveled (VMT).** The proposed rezoning to OX is for the purpose of creating a mixed use development that provides a range of complimentary services within a short distance of nearby residences. The property has shared access easements to connect to adjacent, mixed-use properties.

b. **Policy LU 4.5 Connectivity, New development and redevelopment should provide pedestrian and vehicular connectivity between individual development sites to provide alternative means of access along corridors.** The property has shared access easements from the adjacent parcels to prevent excessive driveway cuts on Falls of Neuse Road. The applicant will work with the City and adjacent owners during site plan review to determine appropriate access to Falls of the Neuse Road.. The cross access would provide pedestrian and vehicular connectivity between individual development sites and alternative means of access.

c. **Policy LU 5.2 Managing Commercial Development Impacts, New development should be visually integrated with adjacent buildings, and more generally with the surrounding area. Quality design and site planning is required so that new development opportunities within the existing urban fabric of Raleigh are implemented without adverse impacts on local character and appearance.** The applicant has proposed conditions requiring building materials and building heights similar to the adjacent parcel to the west.

d. **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.** A buffer will be required at site plan. The physical separation will screen the adjacent neighborhood from any adverse impacts from the use.

e. **Policy LU 6.2 Complementary Uses and Urban Vitality, A complementary integration and mixture of land uses should be provided within all growth centers and mixed-use centers and developments to maintain the City's livability, manage future growth, and provide walkable and transit accessible destinations. Areas designated for mixed-use development in the comprehensive plan should be zoned consistent with this policy.** The proposed rezoning is for OX and the site is within in are designated as "Office and Residential Mixed Use" in the FLUM. Therefore, the proposed rezoning is consistent with the goal of this policy. In addition, the

applicant intends to develop complementary mixed uses on the site and has proposed conditions limiting the allowed uses.

f. **Policy LU 7.4 Scale and Design of New Commercial Uses,** *New uses within commercial districts should be developed at a height, mass, scale, and design that is appropriate and compatible with surrounding areas.* The proposed rezoning is consistent with the rezoning of adjacent parcels. The zoning request includes conditions aimed at minimizing or preventing any adverse impacts on the adjacent residential properties including conditions to minimize impacts of on-site lighting, noise in service areas, building footprint, and height. The applicant has also proposed conditions requiring building materials and building heights similar to the adjacent parcel to the west.

g. **Policy LU 7.6 Pedestrian-Friendly Development,** *New commercial developments and redeveloped commercial areas should be pedestrian-friendly.* The property has shared access easements from the adjacent parcels to prevent excessive driveway cuts on Falls of Neuse Road. The applicant will work with the City and adjacent owners during site plan review to determine appropriate access to Falls of the Neuse Road.. Sidewalks along Falls of Neuse Road will likely be required at site plan and will make the site pedestrian friendly.

3. This property is located within a transit emphasis corridor in the Urban Form Map. Please see the attached responses to the Urban Design Guidelines for statements establishing the property's consistency with the goals of the transit emphasis corridor.

PUBLIC BENEFITS

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

This zoning request relates to the applicant's plan to open a mixed use facility that would include a physical therapy and complimentary, related businesses. The applicant's proposed use of the site will provide needed medical and office services for the surrounding area.

As set forth above, the rezoning request is also consistent with the FLUM and its goals. This zoning request includes conditions added to minimize impacts on nearby properties including conditions related to building height, building materials, and building footprint, and conditions to minimize impacts of on-site lighting and noise in service areas.

In addition, the site currently has no existing stormwater control measures. Any development pursuant to the proposed rezoning will be done in compliance with the UDO and will include measures to treat runoff consistent with UDO requirements.

URBAN DESIGN GUIDELINES

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: The subject property is 1.69 acres and the proposed rezoning would include office and related uses within walking distance of each other.

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: The proposed zoning includes conditions to limit the height of any structure to twenty-eight (28) feet. Buffers between any building and the adjacent residential sites will comply with the UDO.

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: The subject property is only 1.69 acres and access to adjacent neighborhoods is not feasible because it is surrounded by established adjacent residential properties. Recorded cross access to the adjacent office uses is legally available, satisfying this guideline.

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: The subject property contains cross access easements to both adjacent parcels fronting Falls of Neuse Road. Due to the site's shape, no cul de sacs or dead end streets are contemplated within any development of the site. There is no adjacent, open land that would require street stubs, and street stubs on adjacent parcels have been provided.

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: The subject property is 1.69 acres, the frontage is less than 300 feet, and the subject property is completely surrounded by previously developed properties. No opportunity exists to feasibly alter the existing road network or amend block-face

spacing. The property has shared access easements from the adjacent parcels. The applicant will work with the City and adjacent owners during site plan review to determine appropriate means of providing connectivity and dispersing traffic.

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: The subject property would be developed with frontage similar in appearance to the adjacent properties on Falls of Neuse Road. The applicant does not anticipate the construction of garage entrances or loading areas on the front of any building.

7. *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.*

Response: The subject property is located along a high volume corridor without on-street parking. Therefore, the subject property will contain parking separating the building frontage from the high volume corridor. Parking in the rear of the subject property is not desirable because the rear of the property borders single family residences and this areas is needed for buffer between uses.

8. *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.*

Response: The site is not located at an intersection.

9. *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.*

Response: The site is 1.69 acres, and any improvements will be designed to be viewed and accessible from public areas, including Falls of Neuse Road.

10. *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.*

Response: The site has access to Falls of Neuse Road via two cross access easements from each of the adjacent parcels fronting Falls of Neuse Road. The applicant will work with the City and adjacent owners during site plan review to determine appropriate access.

11. *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.*

Response: The site will not contain urban open spaces.

12. *A properly defined urban open space is visually enclosed by the fronting of buildings to create an outdoor "room" that is comfortable to users.*

Response: The site will not contain urban open spaces.

13. *New public spaces should provide seating opportunities.*

Response: The site will not contain any public spaces.

14. *Parking lots should not dominate the frontage of pedestrian-oriented streets, interrupt pedestrian routes, or negatively impact surrounding developments.*

Response: Parking will be determined at the site plan stage, in a manner consistent with both adjacent parcels fronting Falls of Neuse Road, that will not interrupt existing pedestrian routes, and should not negatively impact surrounding developments. Falls of Neuse Road is a heavily travelled vehicular corridor that is not pedestrian oriented.

15. *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.*

Response: The subject property is only 1.6 acres and will not present sufficient room to place parking in the interior of any blocks. The proposed parking frontage would be consistent with both adjacent parcels fronting Falls of Neuse Road and will provide parking in compliance with the UDO.

16. *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.*

Response: The request does not include a parking structure.

17. *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.*

Response: The applicant is limiting the building to twenty-eight (28) feet high and prohibiting certain intensive uses. Thus, the applicant does not anticipate high building densities or high intensity uses.

18. *Convenient, comfortable pedestrian access between the transit stop and the building entrance should be planned as part of the overall pedestrian network.*

Response: The applicant will maintain or improve the existing sidewalks along the site, consistent with the applicable UDO standards, which will provide pedestrian access to nearby transit stops.

19. *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.*

Response: This guideline is not applicable to the subject property.

20. *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.*

Response: The applicant will maintain or improve the existing sidewalks along the site, consistent with the applicable UDO standards.

21. *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.*

Response: The applicant will maintain or improve the existing sidewalks along the site, consistent with the applicable UDO standards.

22. *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.*

Response: The applicant intends to provide appropriate landscaping and tree coverage to meet the needs of the site and to comply with the UDO.

23. *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.*

Response: The applicant intends to provide appropriate landscaping and tree coverage to meet the needs of the site and to comply with the UDO.

24. *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.*

Response: The applicant intends to place the primary entrance to the building on the front façade facing Falls of Neuse Road.

25. *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.*

Response: The applicant intends to place windows, architectural details, and signage on the front of the desired building.

26. *The sidewalks should be the principal place of pedestrian movement and casual social interaction. Designs and uses should be complementary to that function.*

Response: The applicant intends to provide adequate pedestrian access for the site, including sidewalks that comply with the UDO.

**AGENT'S CERTIFICATION AS TO THE VALIDITY OF
POWER OF ATTORNEY AND AGENT'S AUTHORITY**
(G.S. 32C-3-302)

I, **CLYDE HOLT, III**, do hereby state and affirm the following under penalty of perjury:

- 1) Darius Bazargan granted me authority as an agent or successor agent in a power of attorney dated June 15, 2018.
- 2) The powers and authority granted to me in the power of attorney are currently exercisable by me.
- 3) I have no actual knowledge of any of the following:
 - a) The principal is deceased.
 - b) The power of attorney or my authority as agent under the power of attorney has been revoked or terminated, partially or otherwise.
 - c) The principal lacked the understanding and capacity to make and communicate decisions regarding his estate and person at the time the power of attorney was executed.
 - d) The power of attorney was not properly executed and is not a legal, valid power of attorney.
- 4) I agree not to exercise any powers granted under the power of attorney if I become aware that the principal is deceased, that the power of attorney has been revoked or terminated, or that my authority as agent under the power of attorney has been revoked or terminated.

REMAINDER OF PAGE INTENTIONALLY BLANK
SIGNATURE & ACKNOWLEDGMENT PAGE FOLLOWS

NORTH CAROLINA

SPECIAL LIMITED POWER OF ATTORNEY

WAKE COUNTY

KNOW ALL MEN by these presents that the undersigned has made, constituted, and appointed and by these presents does make, constitute, and appoint Clyde Holt III, Esq. of Raleigh, North Carolina as his true and lawful Attorney-In-Fact acting for him in his name and stead to do the following things:

To execute in the name and on the behalf of the undersigned all reasonable and customary documents and petitions required to obtain permits and approvals (including any annexation or rezoning approvals) to allow for the development of the 8600 Falls of Neuse Road, Raleigh, North Carolina (Wake County Property Identification Number 1718-30-9966).

This Special Limited Power of Attorney hereby terminates all prior powers of attorney of Darius Bazargan relating to 8600 Falls of Neuse Road, Raleigh, North Carolina.

The meaning and effect of this power of attorney shall be determined by North Carolina law.

IN WITNESS WHEREOF, I have hereunto set my hand and seal this 15th day of June 2018.


DARIUS BAZARGAN (SEAL)

Witnessed:



Print Name: Mahmood Cheraghey

April 20, 2018

Re: 8600 Falls of Neuse Road Notice of Neighborhood Meeting

Neighboring Property Owners:

A neighborhood meeting will be held at 7:30 p.m. on Monday, May 7th at Holt Physical Therapy located at 8470 Falls of Neuse Road, Suite 100 in Raleigh. The purpose of the meeting is to discuss an upcoming application to rezone a parcel of land located 8600 Falls of Neuse Road (PIN: 1711803996). Attached is a vicinity map outlining the location of the parcel. The rezoning will seek a change from R-4 to OX-3-CU. The applicant will describe the nature of this rezoning request and field any questions from the public. The City of Raleigh requires a neighborhood meeting involving the property owners within 500 feet of the area requested for rezoning prior to the submittal of any rezoning application. Any landowner who is interested in learning more about this project is invited to attend.

If you have any questions, please contact Collier Marsh at (919) 835-4663 or via email at colliermarsh@parkerpoe.com. You may also contact the Raleigh Department of City Planning at (919) 996-2682, via email at rezoning@raleighnc.gov, or visit the City's web portal at <https://www.raleighnc.gov>.

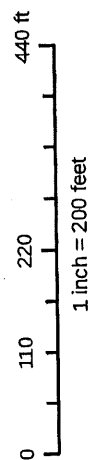
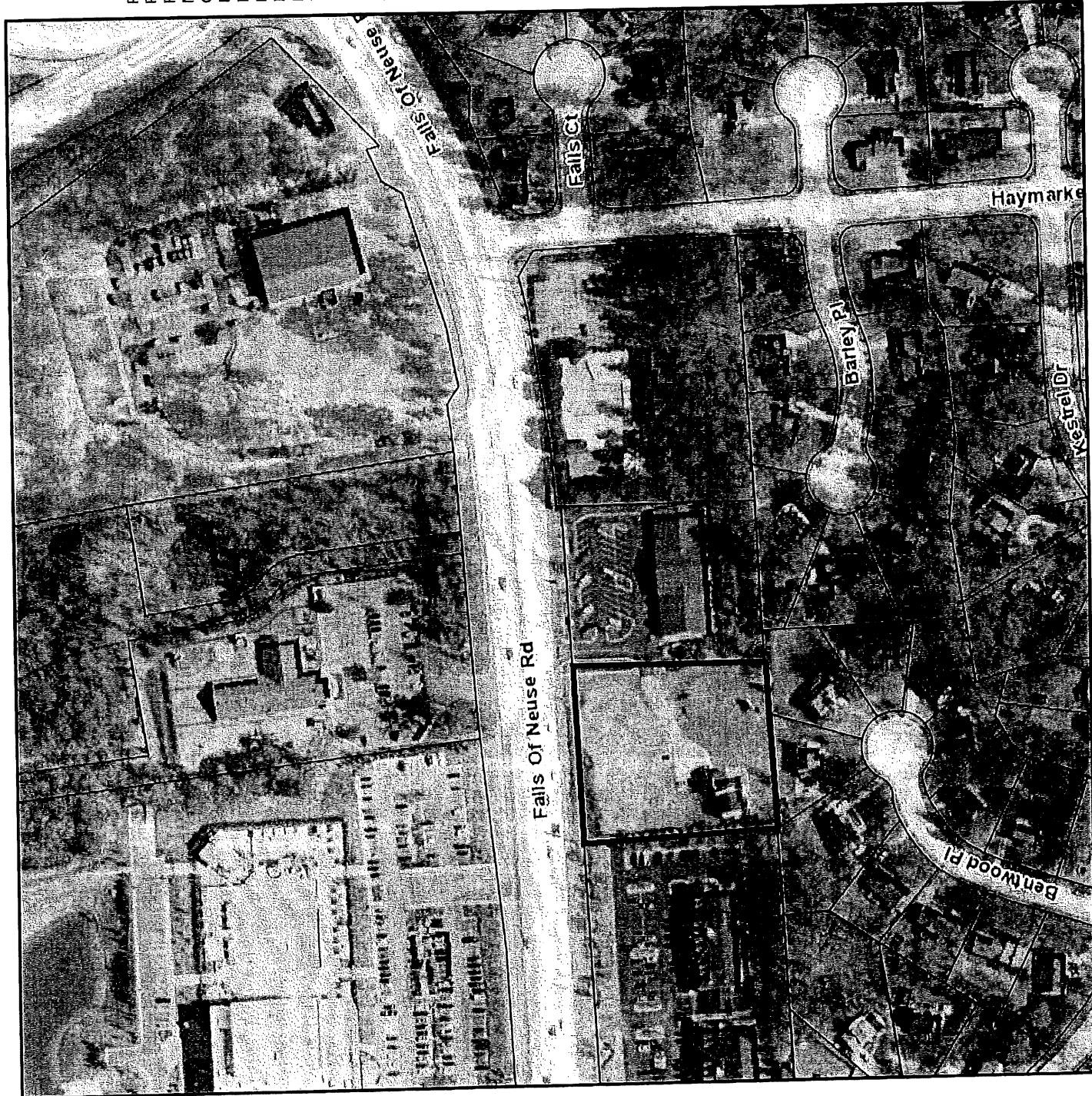
Thank you,

A handwritten signature in black ink, appearing to read 'Collier Marsh', with a long horizontal flourish extending to the right.

Collier Marsh

8600 FALLS OF NEUSE RD

PIN: 1718309966
PIN Ext: 000
Real Estate ID: 0105833
Map Name: 1718 18
Owner: BAZARGAN, NIA DARIUS
Mail Address 1: 8600 FALLS OF NEUSE RD
Mail Address 2: RALEIGH NC 27615-3514
Mail Address 3:
Deed Book: 003017
Deed Page: 00215
Deed Date: 05/17/1982
Deed Acres: 1.69
Building Value: \$51,759
Land Value: \$371,800
Total Value: \$423,559
Billing Class: Individual
Description: TERRELL WALTON LD
Heat Area: 4418
Site Address: 8600 FALLS OF NEUSE RD
City: RALEIGH
Township: NEUSE
Year Built: 1984
Sale Price: \$50,000
Sale Date: 05/17/1982
Use Type: SINGLFAM
Design Style: Conventional
Land Class: Residential Less Than 10 Acres
Old Parcel Number: 303-00000-0197



Disclaimer
iMaps makes every effort to produce and publish the most current and accurate information possible. However, the maps are produced for information purposes, and are NOT surveys. No warranties, expressed or implied, are provided for the data therein, its use, or its interpretation.

SUMMARY OF ISSUES

A neighborhood meeting was held on May 7, 2018 (date) to discuss a potential rezoning located at 8600 Falls of Neuse Road (property address).

The neighborhood meeting was held at Holt Physical Therapy (8470 Falls of Neuse Road, Suite 100) (location).

There were approximately 14 (number) neighbors in attendance. The general issues discussed were:

Summary of Issues:

Stormwater runoff from subject property and adjacent properties during high rainfall events.

Height of potential buildings.

Hours of activity and operation.

Landscaping and buffer yards.

ATTENDANCE ROSTER

NAME	ADDRESS
Hank Kummerle	8125 Bentwood Place Raleigh, NC 27615
Susan Kummerle	8125 Bentwood Place Raleigh, NC 27615
David Myers	8600 Falls of Neuse Road Raleigh, NC 27615
Tom Walsh	8600 Falls of Neuse Road Raleigh, NC 27615
John Willers	1509 Barley Place Raleigh, NC 27615
Elaine Willers	1509 Barley Place Raleigh, NC 27615
Millie Bloch	8121 Bentwood Place Raleigh, NC 27615
Rich Bloch	8121 Bentwood Place Raleigh, NC 27615
Jason Smith	8117 Bentwood Place Raleigh, NC 27615
Nichole Smith	8117 Bentwood Place Raleigh, NC 27615
Steve Scofield	1505 Barley Place Raleigh, NC 27615
Maggie Scofield	1505 Barley Place Raleigh, NC 27615

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 4/11/18

Applicant(s) Name Collier Marsh

Applicant's Mailing Address 301 Fayetteville Street, Suite 1400 Raleigh, NC 27601

Phone (919) 835-4663

Email colliermarsh@parkerpoe.com

Property PIN # 1718309966

Site Address / Location 8600 Falls of Neuse Road Raleigh, NC 27615

Current Zoning R-4

Additional Information (if needed) :

OFFICE USE ONLY

Transaction # : 552031

Date of Pre-Application Conference :

Staff Signature



Pre-Application Conference

Meeting Record

Transaction #: 552031 Meeting Date & Time: 4/20 10:30 AM

Location: One Exchange Plaza

Attendees: Liz Morae, Kelley Pace, Collier Marsh,
Ira Mabel, Hannah Rackham, Matt Klem

Parcels discussed (address and/or PIN): 8600 Falls of Neuse Rd

Current Zoning: R-4

Potential Re-Zoning: OX-3-CU

CAC Chair/Contact Information: North CAC dan.bagley@raleighnc.gov 919-996-5718

General Notes: Applicant looking to rezone to OX-3-CU. Future
Land Use map designation in Office & Residential Mixed use,
which supports OX-. Use would be massage therapy, physical
therapy - medical or personal (care) service. Site is in
1/2 mile falls of Neuse small area plan, policies would be
reviewed by staff in addition to general Comprehensive Plan
policies. Falls of Neuse Rd is a Transit Emphasis Corridor

Department & Staff	Notes
Development Services ____Justin Rametta Justin.Rametta@raleighnc.gov 919-996-2665 ____Mike Walters Michael.Walters@raleighnc.gov 919-996-2636 ____Walt Fulcher Walt.Fulcher@raleighnc.gov 919-996-3517	<u>on Vinyl Form Map, with recommended</u> <u>frontages (-FL)</u> <u>Conditions can emulate frontages (Sec 3.4.5)</u> <u>while working around site design</u> <u>conditions.</u> <u>UDO Sections:</u> <u>Conversations with neighbors & council members</u> <u>will be important</u>

<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>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>small portion of site in watershed, site is not in overlay district.</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>