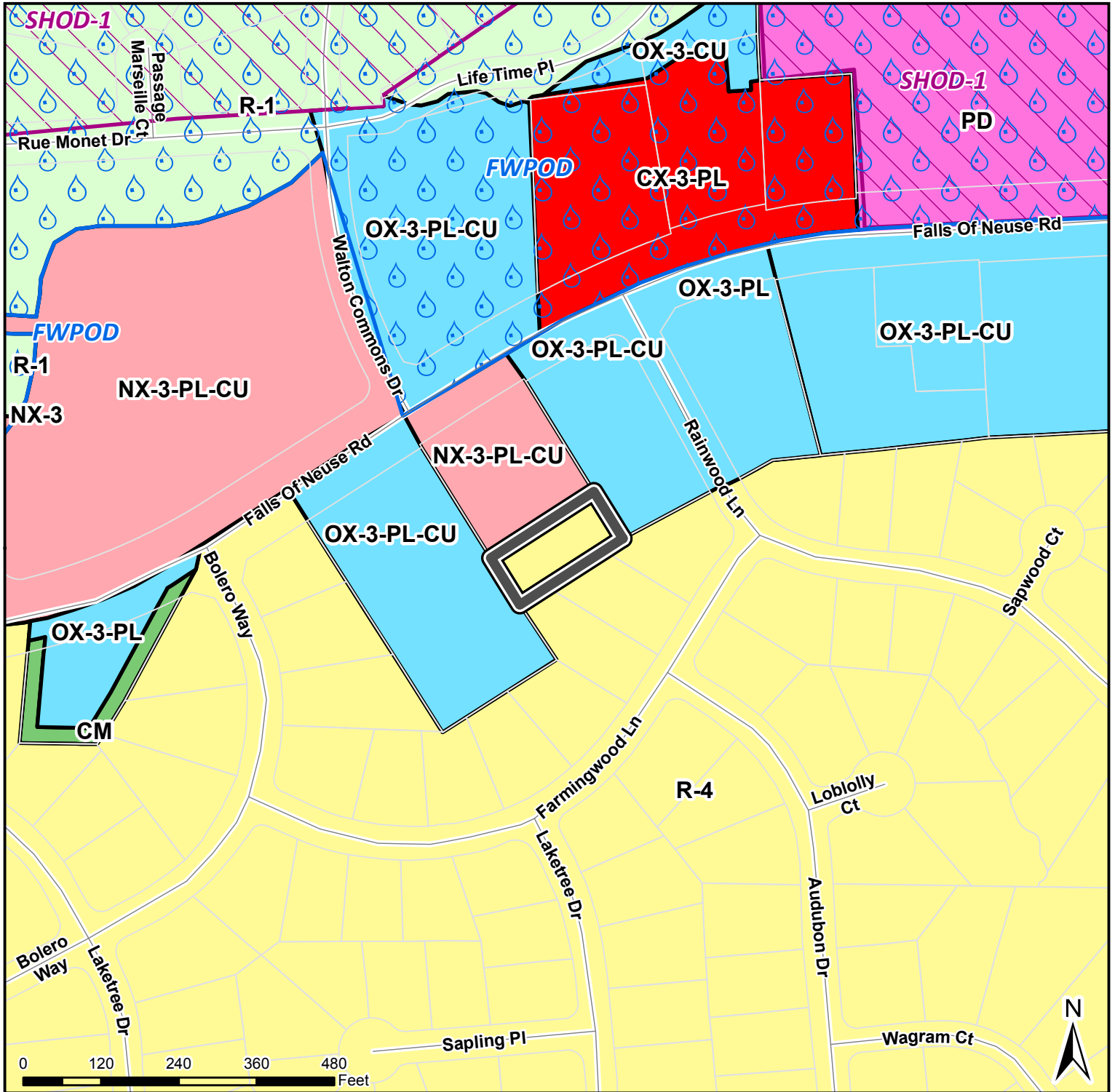


Existing Zoning

Z-20-2018



Property	8308 Falls of Neuse Rd
Size	0.37 acres
Existing Zoning	R-4
Requested Zoning	NX-3-PL-CU





CERTIFIED RECOMMENDATION

Raleigh Planning Commission

CR# 11883

CASE INFORMATION Z-20-18 FALLS OF NEUSE ROAD

Location	The southern side of Falls of Neuse Road, roughly halfway between its interchange with I-540 and its intersection with Strickland Road, behind The Piper’s Restaurant & Tavern. Address: 8308 Falls of Neuse Road PIN: 1718206671
Request	Rezone property from R-4 to NX-3-PL-CU
Area of Request	0.37 acres
Corporate Limits	The subject site is within, and surrounded on all sides by, the corporate limits of the city.
Property Owner	James & Robin Powers
Applicant	Christopher Hurley
Citizens Advisory Council (CAC)	North Regular meetings on the third Tuesday of each month Michael O’Sullivan, michaeljos2012@gmail.com
PC Recommendation Deadline	January 9, 2019

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 5.2—Managing Commercial Development Impacts Policy LU 5.4—Density Transitions Policy LU 5.6—Buffering Requirements Policy LU 7.4—Scale and Design of New Commercial Uses Policy LU 8.12—Infill Compatibility Policy UD 1.10—Frontage 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 5—Falls of Neuse Road Access Policy AP-540F 6—Falls of Neuse Access Spacing
<i>INCONSISTENT Policies</i>	Policy LU 1.2—Future Land Use Map and Zoning Consistency

SUMMARY OF PROPOSED CONDITIONS

<ol style="list-style-type: none"> 1. The following uses shall be prohibited: multi-unit living; indoor recreation; animal care (indoor); vehicle fuel sales; vehicle sales/rental; vehicle repair (minor). 2. Personal service and retail sales uses shall be subject to the use regulations applicable in OX districts. 3. Maximum principal building height shall not exceed two stories and thirty feet (30'). 4. All exterior refuse containers shall not be within thirty feet (30') of the following three adjoining residential parcels. 5. Free standing light poles shall not have lights affixed that exceed 16 feet (16') in height. The light fixtures shall be of full cutoff design. 6. For any required Neighborhood Transition area, the following shall apply: <ol style="list-style-type: none"> a. Zone A shall consist of a Type 2 protective yard. The Type 2 protective yard standard for shrubs per 100 lineal feet shall be increased from 30 to 40. b. Zone B shall prohibit the following permitted activities: outdoor dining; service area; park, playground; path, walkway, sidewalk; alley.

PUBLIC MEETINGS

<i>Neighborhood Meeting</i>	<i>CAC</i>	<i>Planning Commission</i>	<i>City Council</i>
5/7/2018	9/18/2018 10/17/18 10 (Y) - 9 (N) - 2 (A)	9/11/2018 10/23/18 11/13/18 12/11/18	11/20/18 1/18/19



ZONING STAFF REPORT – CASE Z-20-18

CONDITIONAL USE DISTRICT

OVERVIEW

The request is to rezone approximately 0.37 acres from Residential-4 (R-4) to Neighborhood Mixed Use-3 stories-Parking Limited-Conditional Use (NX-3-PL-CU). Proposed conditions prohibit the following uses: multi-unit living, indoor recreation, animal care, vehicle fuel sales, vehicle sales/rental, and minor vehicle repair; require personal service and retail sales uses to follow the use regulations applicable in OX districts; limit building height to two stories and thirty feet; prevent refuse containers from being within thirty feet of the three adjoining residential parcels; prohibit exterior light fixtures higher than sixteen feet (16') and not of full cutoff design; restrict outdoor electronic amplification to between the hours of 9 AM and 11 PM; and modify the requirements for Zones A and B of the Neighborhood Transition area.

The subject site consists of a single parcel on the south side of Falls of Neuse Road, roughly midway between its interchange with I-540 and its intersection with Strickland Road, directly behind The Piper's Tavern (8304 Falls of Neuse Road). The site is land-locked with no direct access to a public right-of-way, and is currently vacant and grassy. It is bounded by commercial uses to the north (restaurant), west (offices), and east (medical office); and by residential lots in an R-4 district to the south.

This site is relatively flat with no distinguishing environmental features. The southern boundary is heavily vegetated with tall trees and thick undergrowth. If the rezoning request is approved, a Neighborhood Transition Yard per UDO Section 3.5 would be required in this area. Vehicular access is available via a gravel drive connected to the restaurant's parking lot; the restaurant parcel itself has two access points to Falls of Neuse Road on either side of the building. A 15-20 foot vegetative protective yard is currently in place along the northern boundary line of the rezoning site.

The restaurant is within an NX zoning district with three conditions that relate to this rezoning site:

1. a minimum rear yard setback of 25 feet
2. a transitional protective yard required along the rear
3. a permanent easement allowing access to Falls of Neuse Road for the property to the south

All of these conditions will remain in effect regardless of the outcome of this rezoning request. The Board of Adjustment would have to grant variances in order for any of these restrictions to be waived.

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, four lots as part of the remapping, and one since then. All but one (excluding the Planned Development) 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 2002, the lot to the east in 1997, and the lot to the north in 2011.

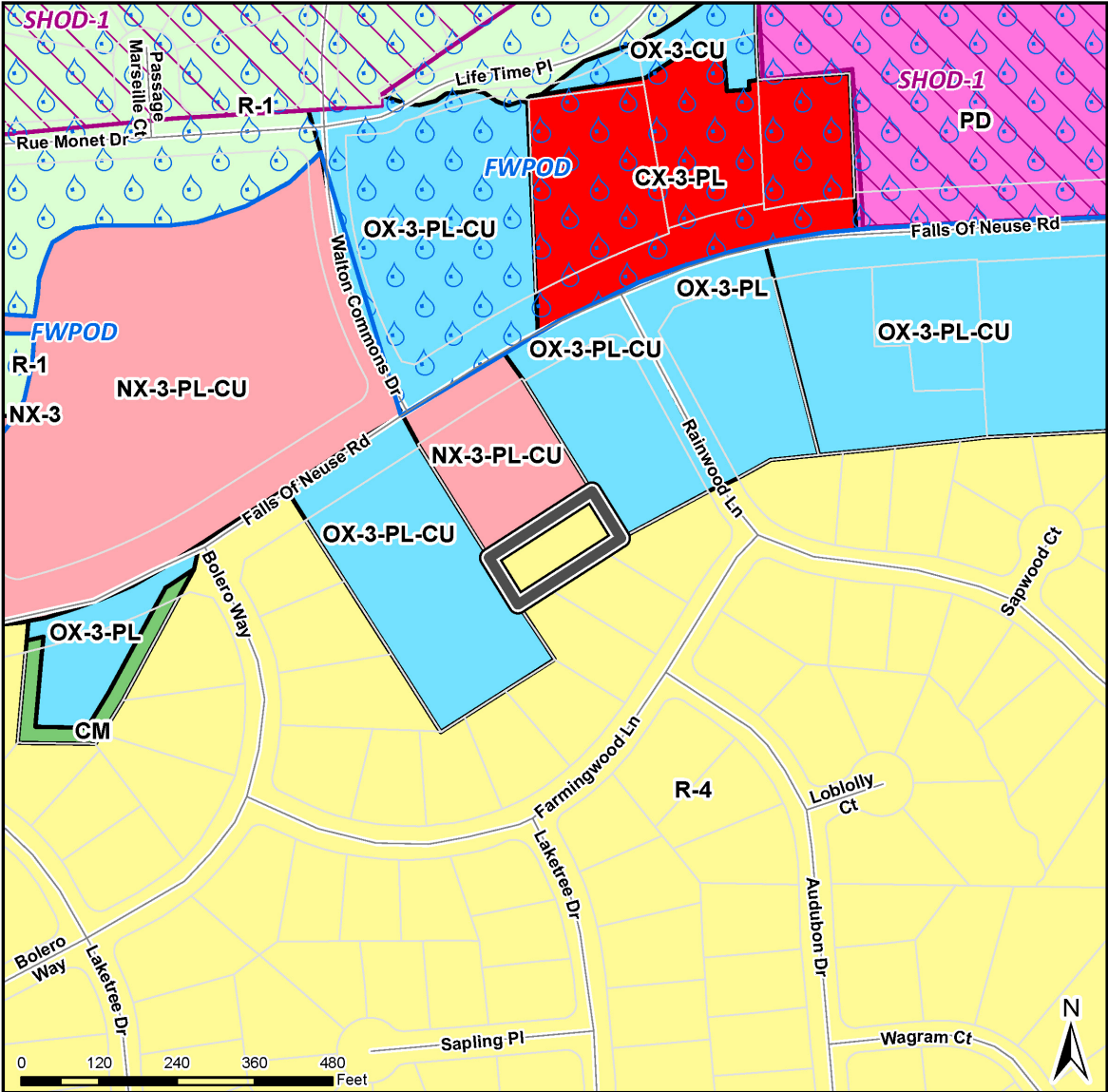
The subject site is designated as Office & Residential Mixed Use on the Future Land Use Map. Properties to the north, west, and east are also designated as Office & Residential Mixed Use; properties to the north across Falls of Neuse Road as Neighborhood Mixed Use; properties to south as Low Density Residential. Falls of Neuse Road is designated as a Transit Emphasis Corridor on the Urban Form map.

During the November 13, 2018 meeting, Planning Commission voted to recommend that City Council approve a 30-day extension. Council approved the extension on November 20th.

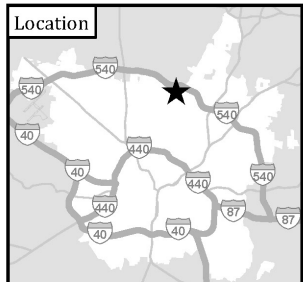
OUTSTANDING ISSUES

Outstanding Issues	1. None.	Suggested Mitigation	1. None.
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Existing Zoning Z-20-2018

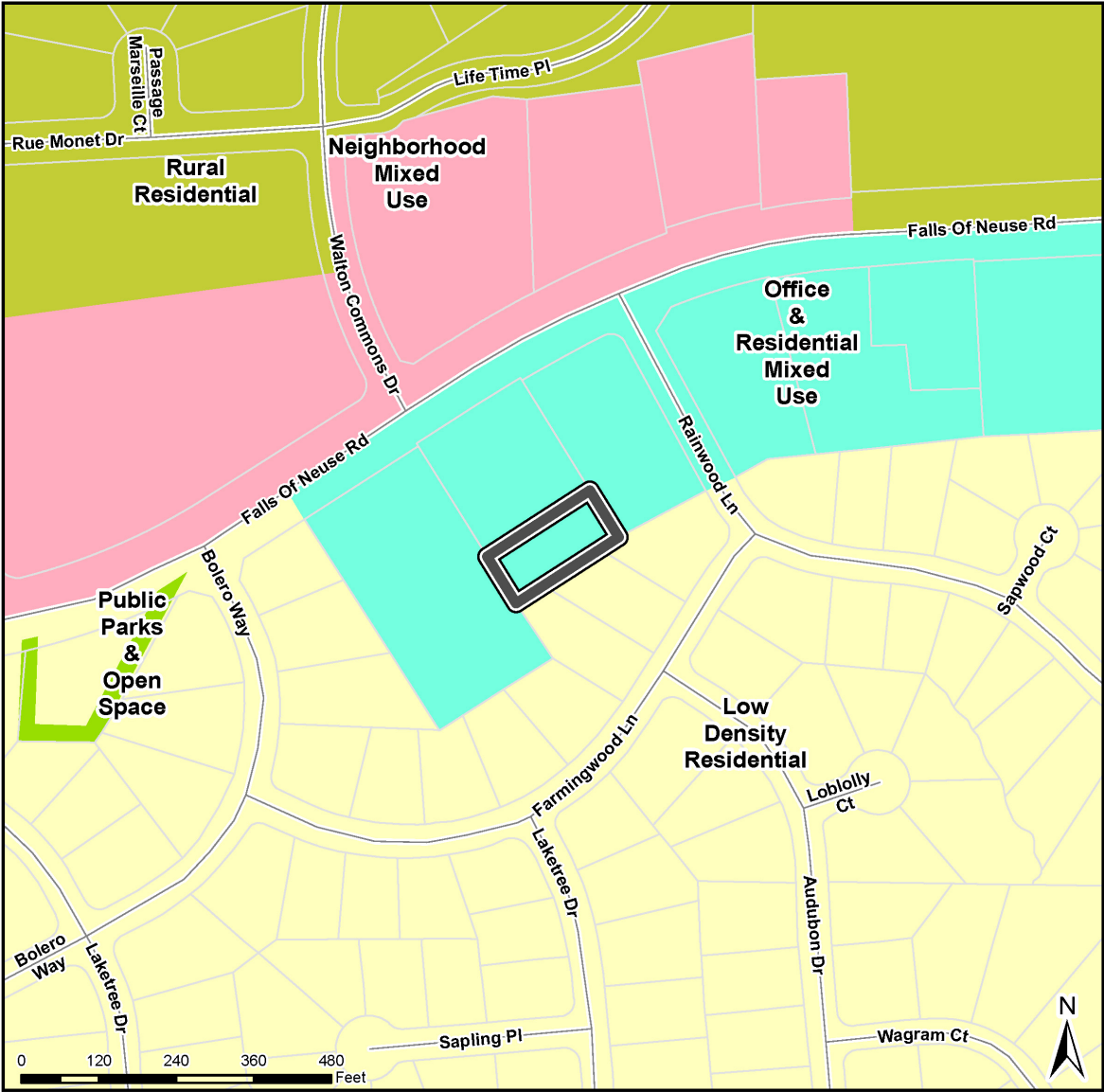


Property	8308 Falls of Neuse Rd
Size	0.37 acres
Existing Zoning	R-4
Requested Zoning	NX-3-PL-CU

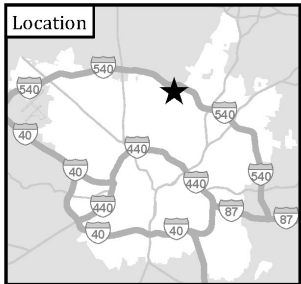


Map by Raleigh Department of City Planning (litlek). 8/2/2018

Future Land Use Z-20-2018

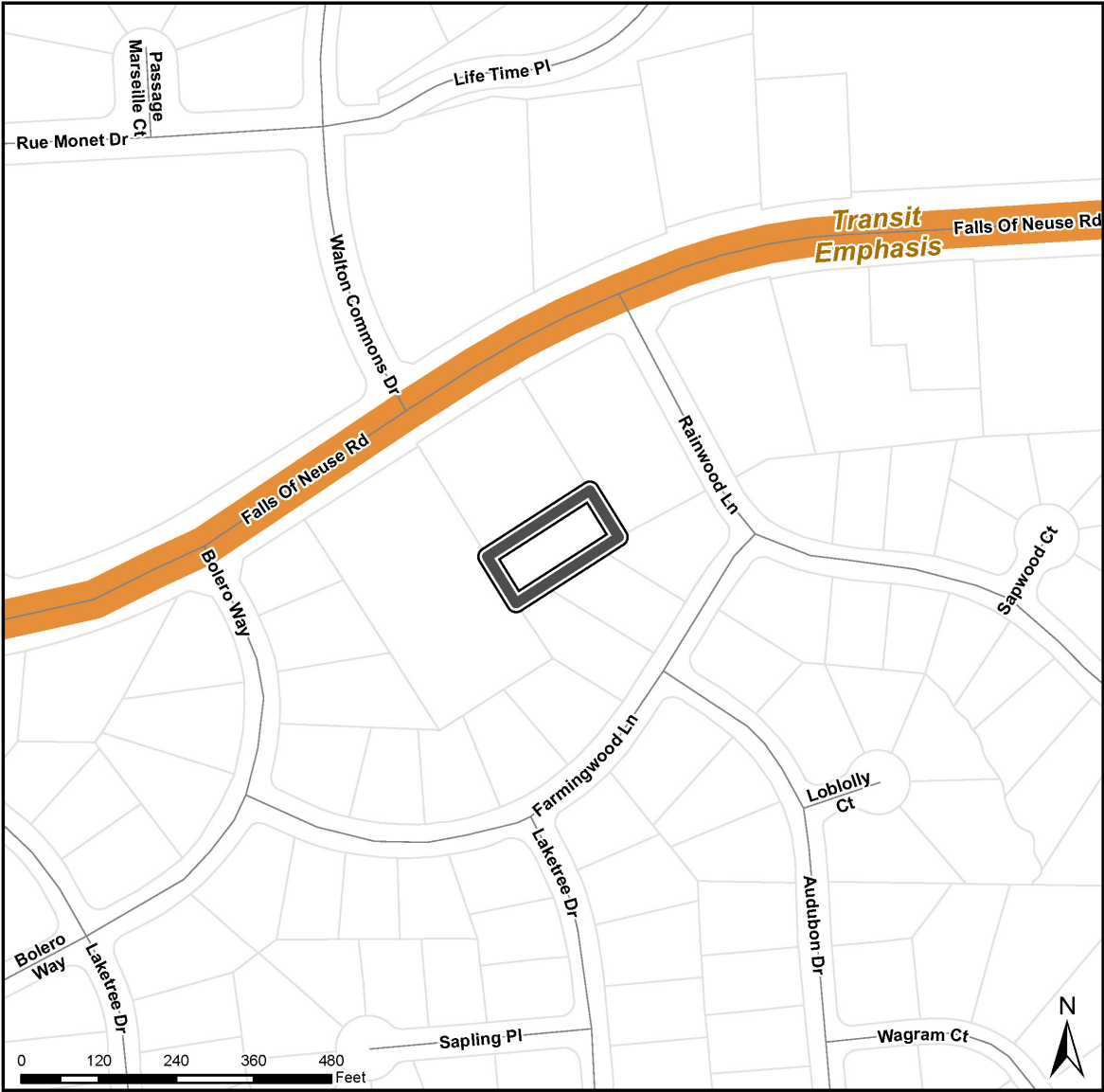


Property	8308 Falls of Neuse Rd
Size	0.37 acres
Existing Zoning	R-4
Requested Zoning	NX-3-PL-CU

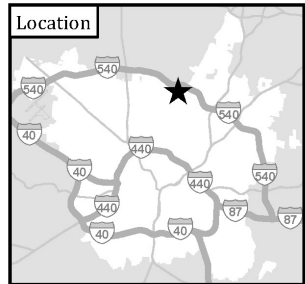


Map by Raleigh Department of City Planning (littlek); 8/2/2018

Urban Form Z-20-2018



Property	8308 Falls of Neuse Rd
Size	0.37 acres
Existing Zoning	R-4
Requested Zoning	NX-3-PL-CU



Map by Raleigh Department of City Planning (littlek); 8/2/2018

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?

No, the use being considered is not specifically designated on the Future Land Use Map (FLUM).

The proposed conditions prohibit six individual uses. Five of these (indoor recreation, indoor animal care, fuel sales, vehicle sales/rental, and minor vehicle repair) are higher-impact commercial uses that are permitted in NX districts but not in OX because they are not compatible with the Office & Residential Mixed Used FLUM category. Prohibiting them increases consistency with FLUM.

In addition, retail sales and personal services, while permitted in both OX and NX districts, are governed by additional use standards in OX districts (UDO Sec. 6.4.10.C) limiting size, hours of operation, and other features. A proposed condition would apply those same use standards to the requested NX district, increasing consistency with FLUM.

Despite these accommodations, there are also use standards for eating establishments in OX districts that prohibit standalone restaurants, limit size to 4,000 square feet, limit hours of operation to 6 AM until 11 PM, prevent drive-thrus, and require the use to be at least 150 feet from residential districts. These standards collectively restrain restaurants in OX districts to a significantly different character than the potential restaurants allowed in NX districts. Because the intent of these regulations are not accounted for in the request, and because the future use of the

site is likely to be an expansion of the existing adjacent restaurant, the request is inconsistent with FLUM.

Finally, a bar/nightclub/tavern/lounge use is permitted in NX districts, and therefore this rezoning site, but is incompatible with the Office & Residential Mixed Used 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?

Uses permitted in both OX and NX districts, such as eating establishments, could be established on the rezoning site without adversely altering the recommended character of the area if the use regulations for OX districts found in UDO Chapter 6 were applied, or if other conditions mitigated the negative impact of the use in comparable ways.

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

The rezoning site is unlikely to gain direct access to a public or private street. However, an easement is in place on the parcel to the north that provides indirect access to Falls of Neuse Road.

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

Future Land Use

Future Land Use designation: Office & Residential Mixed Use

The rezoning request is:

Consistent with the Future Land Use Map.

Inconsistent

- Barring the prohibition of bar/nightclub/tavern/lounge and the inclusion of conditions that limit the impact of eating establishments similar to those in the UDO that apply to OX districts, the potential land uses granted by the request would be more intense than envisioned by the Office & Residential Mixed Use FLUM designation.

Urban Form

Urban Form designation: Transit Emphasis Corridor

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 request is compatible with the property and the surrounding area. Proposed conditions prohibit the uses that are the most incompatible with the Office & Residential Mixed Use FLUM designation, such as fuel sales and vehicle repair, and restrict others as if they were in an OX district, such as retail and personal service. The remaining uses and building types of the requested district are in character with the rest of the Falls of Neuse 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. An additional protective yard at the site's northern property line is required per the zoning conditions of the restaurant lot. The prohibition of multi-unit living further increases the compatibility with the single-family homes.
- The conditions included with this request limiting building height, solid waste receptacle locations, shielding and height of exterior lighting, and the operating hours of electronically amplified sound mitigate limit the impact and increase the compatibility of any potential commercial use to the abutting 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 zoning.
- The request includes conditions that will mitigate the impact of commercial uses on the site to the adjacent residential lots above and beyond the requirements of the UDO.

Detriments of the Proposed Rezoning

- The request would allow more intense commercial uses than envisioned by the Office & Residential Mixed Use FLUM category (namely standalone restaurants and bar/nightclub/tavern/lounge) next to a residentially zoned, low density neighborhood.
- New development will be subject to stormwater management regulations in UDO Article 9.2. However, because there is a known history of downstream drainage problems, any increase in impervious surface area represents additional stress to the already delicate existing natural systems.

Policy Guidance

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

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.

- The request includes conditions regarding building height, solid waste receptacle locations, shielding and height of exterior lighting, and the operating hours of electronically amplified sound. Two other conditions that restrict and prohibit some of the more intense uses permitted in NX districts further limit the potential harmful impact of the site under different commercial development scenarios.

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.

- Prohibiting multi-unit living limits the residential density possible on the site. Prohibiting the more intense uses allowed in NX districts, regulating them as if they were in an OX district, or constraining their operations in other ways ensures a low-impact commercial character.

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 two story height limit in combination with the conditions related to refuse containers, exterior lighting, and amplified sound is intended to limit adverse physical effects and avoid potential conflicts with the adjacent residential parcels.

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 8.12—Infill Compatibility

Vacant lots and infill sites within existing neighborhoods should be developed consistently with the design elements of adjacent structures, including height, setbacks, and massing through the use of zoning tools including Neighborhood Conservation Overlay Districts.

- The request to permit commercial uses on the subject site is in keeping with the character of the surrounding commercial area. The requested NX-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 limiting height will ensure similarity in design with both nearby office uses and single-family homes.

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 (i.e. Parking Limited), which was included with this request.

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

Policy LU 1.2—Future Land Use Map and Zoning Consistency

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

- The request is inconsistent with the recommendations of the Future Land Use Map of Regional Mixed-use. Barring the prohibition of bar/nightclub/tavern/lounge and the inclusion of conditions that limit the impact of eating establishments similar to those in the UDO that apply to OX districts, the potential land uses granted by the request would be more intense than envisioned by the Office & Residential Mixed Use FLUM designation.

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 location of solid waste receptacles, the shielding and height of exterior lighting, the hours of operation for outdoor electronically amplified sound, and limiting the maximum height 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 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 to the site from Falls of Neuse Road will be shared with the existing curb cuts serving The Piper’s Tavern. An access easement between the restaurant and the rezoning site is already in place.

IMPACT ANALYSIS

Transportation

1. *Area Plans:* The Z-20-2018 site is located in the I-540 / Falls of Neuse Area Plan. One goal 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 due to topography. 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. The subject parcel does not have direct access to a public street.
3. *Block Perimeter:* In accordance with UDO section 8.3.2, the maximum block perimeter for NX-3 zoning districts is 3,000 feet. The block perimeter for Z-20-2018, as defined by public rights-of-way of Falls of Neuse Road, Rainwood Lane, Farmingwood Lane, and Bolero Way is 2,400 feet.
4. *Pedestrian Facilities:* There is an asphalt shared use path along Falls of Neuse Road in the vicinity of the subject property.
5. *Bicycle Facilities:* Falls of Neuse Road is designated as having a separated bikeway facility in the Long-Term Bikeway Plan. An appropriately designed shared use path serves as a separated bikeway.
6. *Greenways:* The Z-20-2018 site is located approximately a mile east of the Honeycutt Creek Trail.
7. *Transit:* The nearest transit stop is located almost a mile from the site. Service for GoRaleigh Route 2 is provided every 30 minutes on weekdays.
8. *Access:* Access to the subject site will be required through an adjacent property (8304 Falls of Neuse Road). 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 are two closely spaced driveways accessing the property at 8304 Falls of Neuse Road. 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. The site is not currently accessible.
9. *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 the interchange to Durant Road.

10. *TIA Determination:* Approval of case Z-20-2018 would approximately increase PM peak hour trips by 33 vph and AM peak hour trips by 34 vph. Daily trips would be increased by approximately 387 vph. None of the nearby intersections have a high crash rate. A traffic study is not required for case Z-20-2018.

Impact Identified: None.

Transit

1. Z-20-18, located at 8303 Falls of Neuse Road, is not located along an existing or planned transit route. The route #2 Falls of Neuse operates along Falls of Neuse Road but terminates at the intersection of Falls of Neuse and Strickland Roads. The nearest bus stop to the subject site is located approximately ½ mile to the south along Falls of Neuse at Strickland.
2. The Wake Transit Plan may propose expanded service beyond Strickland Road at some point in the future but at present no adopted plan reflects this possibility.
3. 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 – no frontage along an existing transit route - this property would not be reviewed against the requirements of 8.11 at the site plan review stage.

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 the UDO
<i>Overlay District</i>	none

1. Some drainage complaints exist downstream (three yard flooding or unspecified, one crawlspace flooding).

Impact Identified: Under the proposed zoning conditions, development of the site would maintain current conditions for 2- and 10-year storms but would not provide any stormwater management improvements beyond that.

Public Utilities

	Maximum Demand (current zoning)	Maximum Demand (proposed zoning)
<i>Water</i>	850 gpd	2,500 gpd
<i>Waste Water</i>	850 gpd	2,500 gpd

1. The proposed rezoning would add approximately 2,500 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 (1.0 miles) and Durant Nature Preserve (3.4 miles).
3. Nearest existing greenway trail access is provided by Honeycutt Creek Greenway Trail (0.9 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. The proposed rezoning does not have any Urban Forestry impacts.

Impact Identified: None.

Designated Historic Resources

1. No historic resources present.

Impact Identified: None.

Impacts Summary

Flooding in the area has been identified as an issue. Under the proposed zoning conditions, development of the site would maintain current conditions but not provide any stormwater management improvements.

Mitigation of Impacts

The property owner could offer to provide stormwater control devices for storm events above and beyond the requirements of the UDO. It should also be noted that the city is undertaking a major stormwater infrastructure project on nearby Rainwood Lane, currently in the design phase and scheduled for construction in late 2019. This project is probably the most effective solution for local drainage issues.

CONCLUSION

The request is to rezone approximately 0.37 acres from Residential-4 (R-4) to Neighborhood Mixed Use-3 Stories-Parking Limited-Conditional Use (NX-3-PL-CU).

The proposed conditions would:

1. prohibit the following uses: multi-unit living, indoor recreation, animal care, vehicle fuel sales, vehicle sales/rental, and minor vehicle repair;
2. require personal service and retail sales uses to follow the use regulations applicable in OX districts;
3. limit building height to two stories and thirty feet (30');
4. prevent refuse containers from being within thirty feet (30') of the three adjoining residential parcels;
5. prohibit light fixtures higher than sixteen feet (16') and not of full cutoff design; and
6. modify the required Neighborhood Transition area by:
 - a. requiring Zone A to be a Type 2 protective yard with 40 shrubs per 100 lineal foot.
 - b. prohibiting the following activities in Zone B: outdoor dining; service area; park, playground; path, walkway, sidewalk; alley.

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

The request is **consistent** with Comprehensive Plan policies regarding infill development, the impact of new commercial development, street frontage, 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 **consistent** with the Urban Form map since it includes an appropriate frontage.

The North CAC has voted 10 in favor of the request, 9 against, with 2 abstentions. The vote was contingent on new condition as presented by a neighbor during the meeting being added to the request.

CASE TIMELINE

<i>Date</i>	<i>Revision</i>	<i>Notes</i>
7/30/18	Submitted application	
8/31/18	Submitted revised conditions	
9/11/18	Planning Commission first review	
10/16/18	North CAC presentation	Vote contingent on new condition being added.
10/23/18	Planning Commission second review	
10/24/18	Submitted revised conditions	A new condition very similar to the one presented at the North CAC meeting on 10/16 was added.
11/13/18	Planning Commission recommended a 30-day extension	
11/20/18	City Council approved a 30-day extension	
12/11/18	Planning Commission recommended approval	

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	NX-3-PL-CU	R-4	OX-3-PL-CU	OX-3-PL-CU
Additional Overlay	-	-	-	-	-
Future Land Use	Office & Residential Mixed Use	Office & Residential Mixed Use	Low Density Residential	Office & Residential Mixed Use	Office & Residential Mixed Use
Current Land Use	Vacant	Eating establishment	Single-family Residential	Medical office	Office
Urban Form (if applicable)	-	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	NX-3-PL-CU
Total Acreage	0.37	0.37
Setbacks:	(single-family)	(general building)
Front:	20'	5'
Side:	10'	0' or 6'
Rear:	30'	0' or 6'
<i>Residential Density:</i>	2.7	10.81
<i>Max. # of Residential Units</i>	1	4
<i>Max. Gross Building SF (if applicable)</i>	2,200	8,800
<i>Max. Gross Office SF</i>	-	7,035
<i>Max. Gross Retail SF</i>	-	1,029 (out of 6,858 office + retail)
<i>Max Gross Restaurant SF</i>	-	3,530
<i>Max. Gross Industrial SF</i>	-	-
<i>Potential F.A.R</i>	0.14	0.55

*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-20-18	OFFICE USE ONLY Transaction # Rezoning Case #
Date Submitted 10/24/18	
Existing Zoning R-4 Proposed Zoning NX-3-PL	

Narrative of Zoning Conditions Offered

1. The following uses shall be prohibited on the subject property: Multi-unit living; Indoor recreation; Animal care (indoor); Vehicle Fuel Sales (including gasoline and diesel fuel); Vehicle sales/rental; Vehicle repair (minor).

2. Personal service and retail sales uses shall be subject to the use regulations applicable in OX districts found in UDO Section 6.4.

3. Maximum principal building height shall not exceed two stories and thirty feet (30').

4. All exterior refuse containers shall not be within thirty feet (30') of the property lines of the following adjoining parcels: 7925 Farmingwood Lane (Book 014121, Page 01194, Wake County Registry), 8001 Farmingwood Lane (Book 016629, Page 01614, Wake County Registry), and 8005 Farmingwood Lane (Book 001244, Page 00-E-05/10/2004, Wake County Registry).

5. Free standing light poles shall not have lights affixed that exceed sixteen feet (16') in height. The light fixtures shall be of full cutoff design.

6. For any Neighborhood Transition required by UDO Section 3.5 along the property lines of 7925 Farmingwood Lane (Book 014121, Page 01194, Wake County Registry), 8001 Farmingwood Lane (Book 016629, Page 01614, Wake County Registry), and 8005 Farmingwood Lane (Book 001244, Page 00-E-05/10/2004, Wake County Registry), the following shall apply:
 a. Zone A shall consist of a Type 2 protective yard. The Type 2 protective yard standard for shrubs per lineal feet shall be increased from 30 to 40.
 b. Zone B shall prohibit the following permitted activities: outdoor dining; service area; park, playground; path, walkway, sidewalk; alley

7.

8.

9.

10.

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R **D**
 , OCT 24 2018
 BY: _____

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 10/24/18

Z-20-18 Trips Generated

Z-20-18 Existing Land Use	Daily Trips (vpd)	AM Peak Hour Trips (vph)	PM Peak Hour Trips (vph)
Undeveloped	0	0	0
Z-20-18 Current Zoning Entitlements Residential	Daily Trips (vpd) 9	AM Peak Hour Trips (vph) 1	PM Peak Hour Trips (vph) 1
Z-20-18 Proposed Zoning Maximums Neighborhood Mixed Use	Daily Trips (vpd) 396	AM Peak Hour Trips (vph) 35	PM Peak Hour Trips (vph) 34
Z-20-18 Trip Volume Change (Proposed Maximums minus Current Entitlements)	Daily Trips (vpd) 387	AM Peak Hour Trips (vph) 34	PM Peak Hour Trips (vph) 33

AM Peak Hour Peak Direction Trips (vph)	Percent of AM Trips in Peak Direction	PM Peak Direction Trips (vph)	Percent of PM Trips in Peak Direction
19	56%	21	62%

Z-20-18 Traffic Study Worksheet

7.1.2.2 Trip Generation		Meets Conditions? (Y/N)	
A	Peak Hour Trips \geq 150 veh/hr	No	The expected increase in peak hour trips is 34 veh/hr
B	Peak Hour Trips \geq 100 veh/hr if primary access is on a 2-lane street	No	The expected increase in peak hour trips is 34 veh/hr
C	More than 100 veh/hr trips in the peak direction	No	The expected increase in peak hour trips in the peak direction is 21 veh/hr
D	Daily Trips \geq 3,000 veh/day	No	The expected increase in Daily trips is 387 veh/day
E	Enrollment increases at public or private schools	NA	Not Applicable
7.1.2.3 Site Context		Meets 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	
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 - boulevard or avenue with 4 or more lanes]	Yes	
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	
7.1.2.4 Miscellaneous Applications		Meets Conditions? (Y/N)	
A	Planned Development Districts	No	
B	In response to Raleigh Planning Commission or Raleigh City Council resolutions	No	None noted as of 8/10/18

Traffic Study Required: **No**
Reason:

Completed By: TH
Date: 8/17/2018

Checked By: JM
Date: 8/17/2018

Rezoning Application



RALEIGH
DEPARTMENT OF
CITY PLANNING



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 # Rezoning Case #
Existing Zoning Base District	R-4	Height	Frontage
Proposed Zoning Base District	NX	Height 3	Frontage PL
Overlay(s) _____ 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:			
Provide all previous transaction numbers for Coordinated Team Reviews, Due Diligence Sessions, or Pre-Submittal Conferences:			
544982			

GENERAL INFORMATION			
Date	Date Amended (1)	Date Amended (2)	
Property Address	8308 Falls of Neuse Rd, Raleigh, NC 27615		
Property PIN	1718206671	Deed Reference (book/page)	014102 014102 02442
Nearest Intersection	Falls of Neuse Rd + Walton Commons Dr.		
Property Size (acres)	0.37	(For PD Applications Only) Total Units	Total Square Feet
Property Owner/Address James + Robin Powers 816 Ivanhoe Dr. Raleigh, NC 27615	Phone	919-796-2417	Fax
	Email	goals07@thepipers tavern.com	
Project Contact Person/Address Christopher Hurley 9908, Precious Stone Dr. Wake Forest, NC 27587	Phone	919-235-2327	Fax
	Email	cmhurley91@gmail.com	
Owner/Agent Signature	Email goals07@thepipers tavern.com		

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

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REZONING APPLICATION ADDENDUM #1

Comprehensive Plan Analysis

OFFICE USE ONLY

The applicant is asked to analyze the impact of the rezoning request. State Statutes require that the rezoning either be consistent with the adopted Comprehensive Plan, or that the request be reasonable and in the public interest.

Transaction #

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. Future land use designation is Office/Research + Development, + that housing is not an appropriate future land use. NX is more in line with future use than the current Residential zone is. NX will comply with current existing use of the lot. Further, there is future intention to combine the lot with the 8304 Falls of Neuse lot, currently zoned as NX

3.

4.

PUBLIC BENEFITS

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

1. Rezoning of the lot will allow the owner to make improvements to the lot + 8304 Falls of Neuse to alleviate flooding issues on the lot + surrounding lots.

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.

PROPOSED MITIGATION

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

URBAN DESIGN GUIDELINES

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

- a) The property to be rezoned is within a "City Growth Center" or "Mixed-Use Center", or
- b) The property to be rezoned is located along a "Main Street" or "Transit Emphasis Corridor"

as shown on the Urban Form Map in the 2030 Comprehensive Plan.

Urban Form Designation

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

1.	<p><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></p> <p>Response:</p>
2.	<p><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></p> <p>Response:</p>
3.	<p><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></p> <p>Response:</p>
4.	<p><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></p> <p>Response:</p>
5.	<p><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></p> <p>Response:</p>
6.	<p><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></p> <p>Response:</p>
7.	<p><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></p> <p>Response:</p>
8.	<p><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></p> <p>Response:</p>
9.	<p><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></p> <p>Response:</p>
10.	<p><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></p> <p>Response:</p>
11.	<p><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></p> <p>Response:</p>
12.	<p><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></p> <p>Response:</p>
13.	<p><i>New public spaces should provide seating opportunities.</i></p> <p>Response:</p>
14.	<p><i>Parking lots should not dominate the frontage of pedestrian-oriented streets, interrupt pedestrian routes, or negatively impact surrounding developments.</i></p> <p>Response:</p>

15.	<p><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></p> <p>Response:</p>
16.	<p><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></p> <p>Response:</p>
17.	<p><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></p> <p>Response:</p>
18.	<p><i>Convenient, comfortable pedestrian access between the transit stop and the building entrance should be planned as part of the overall pedestrian network.</i></p> <p>Response:</p>
19.	<p><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></p> <p>Response:</p>
20.	<p><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></p> <p>Response:</p>
21.	<p><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></p> <p>Response:</p>
22.	<p><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></p> <p>Response:</p>
23.	<p><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></p> <p>Response:</p>
24.	<p><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></p> <p>Response:</p>
25.	<p><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></p> <p>Response:</p>
26.	<p><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></p> <p>Response:</p>

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) 12/6	<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 (COPY OF PRE APP SHEET)	<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"/>			✓

April 26, 2018

Re: 8308 Falls of Neuse Rd.

Neighboring Property Owners:

You are invited to attend a neighborhood meeting on May 7, 2018. The meeting will be held at The Piper's Tavern, 8304 Falls of Neuse Rd. and will begin at 6:00 PM.

The purpose of this meeting is to discuss a potential rezoning of the property located at 8308 Falls of Neuse Rd. This site is current zoned Residential-4 and is proposed to be rezoned to Neighborhood Mixed Use, Parking Limited, Conditional Use. The site is a landlocked lot, located behind 8304 Falls of Neuse Rd. The site is located 0.07 miles east of Bolero Way and 0.04 miles west of Rainwood Ln.

The City of Raleigh requires that prior to the submittal of any zoning application, a neighborhood meeting involving the property owners within 500 feet of the area requested for rezoning.

If you have any concerns or questions, I can be reached at cmhurley91@gmail.com.

For more information about rezoning, you may visit www.raleighnc.gov or contact the Raleigh City Planning Department at:

(919)-996-2682
rezoning@raleighnc.gov

Thank you,

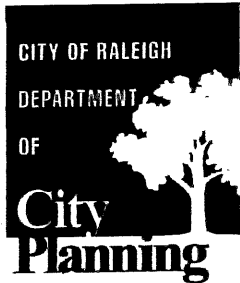
Christopher Hurley
Attorney at Law

SUMMARY OF ISSUES

A neighborhood meeting was held on 5/7/2018 (date) to discuss a potential rezoning located at 8308 Falls of Neuse Rd, Raleigh NC 27615 (property address). The neighborhood meeting was held at 8304 Falls of Neuse Rd (location). There were approximately 8 (number) neighbors in attendance. The general issues discussed were:

Summary of Issues:

Use of land after rezoning
Rain water runoff issues / flooding
Noise



**Pre-Application Conference
Meeting Record**

Transaction #: 544982 Meeting Date & Time: 2/16/18 10:30 AM

Location: One Exchange Plaza

Attendees: Juan Hardin, Hannah Becklow, John Sorrell, Ira Habel, John Anagnost, Chris Horley

Parcels discussed (address and/or PIN): 8308 Falls of Neuse Road

Current Zoning: R-4

Potential Re-Zoning: NX

CAC Chair/Contact Information: North CAC Dan.Bagley@raleighnc.gov 919-996-5718

General Notes: Applicant looking to respond to NX for consistency with parcel to the north. The parcel would be used for parking. Staff will consider future Land Use Map, which envisions Office & Residential Mixed Use. Expanding commercial use would not be consistent with that designation. Similar to parcel to the north, applicant could construct conditions to make request more in line with policy guidance. Possible condition might address landscaping and lighting in addition to allowed uses.

Department & Staff	Notes
<p>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</p>	<p>Conversation with neighbors will be explained as well.</p> <p>Neighbor hood meeting - invite neighbors within 500 feet of site</p> <p>Another option is to rezone both parcels. This may make simpler if parcels are rezoned in the future.</p> <p>UDO Sections:</p>

neighborhood CAC process: raleighnc.gov/rezoning Planning City Council

<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 <u>John Jorrell</u></p>	<p>Back parcel does not currently have access to water & sewer.</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>

AGENDA ITEM (D) 2: Z-20-18 – Falls of Neuse Road

This site is located on the southern side of Falls of Neuse Road, roughly halfway between its interchange with I-540 and its intersection with Strickland Road, behind The Piper's Restaurant & Tavern.

This is a rezone property from R-4 to NX-3-PL-CU.

Planner Mabel gave a brief of the case.

Ms. Jeffreys made a motion to give applicant 2 minutes to explain what's going on with private agreement. Mr. Novak seconded the motion. Mr. Braun was opposed. The vote was not unanimous, 6-1.

Christopher Hurley 2038 Turtle Point Drive representing the applicant gave a brief overview regarding a verbal agreement between the applicant Mr. Powers and Mr. Rimmer the neighbor regarding if the attachment to the city water project moves forward, Mr. Ruemer would allow the applicant to run pipe underneath his property.

There was discussion regarding whether there are plans to put this agreement on paper.

Mr. Hurley representing the applicant responded that he was not certain as the applicant nor Mr. Rimmer could make to meeting today.

Mr. Braun made a motion to approve the case. Mr. Swink seconded the motion. The vote was unanimous, 7-0.

There was discussion regarding the neighborhood transition area; statement from the applicant regarding recombined at some point in the future and verbal agreement with the neighbor.