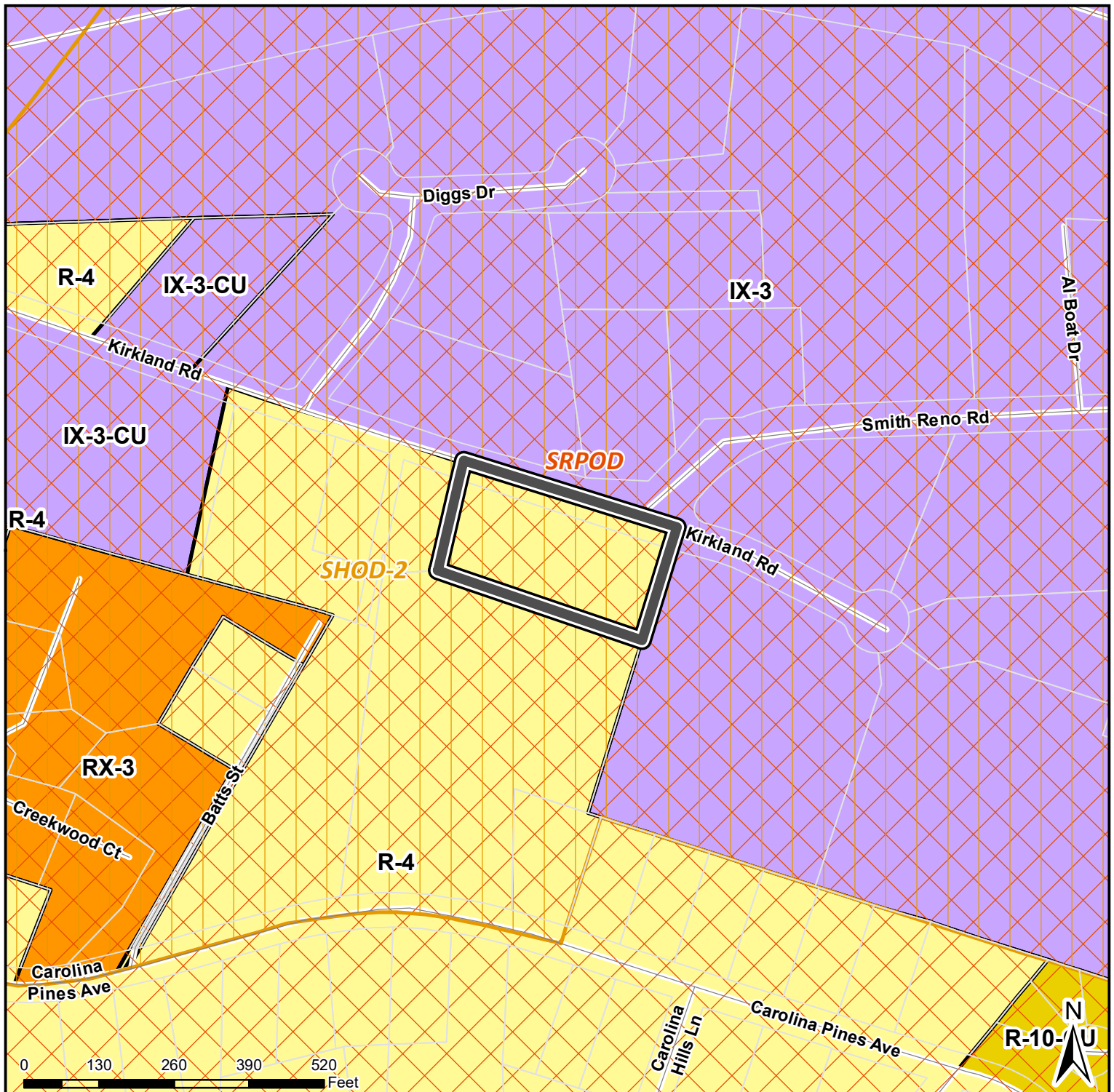
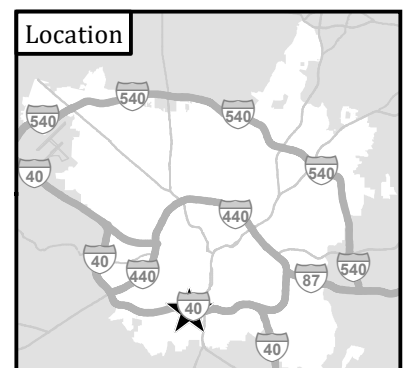


Existing Zoning

Z-23-2021



Property	1441 Kirkland Rd
Size	1.49 acres
Existing Zoning	R-4
Requested Zoning	IX-3-CU



To	Marchell Adams-David, City Manager
Thru	Patrick O. Young, AICP, Director
From	Jason Hardin, AICP
Department	Planning and Development
Date	August 25, 2021
Subject	City Council agenda item for September 7, 2021 – Z-23-21

On August 17, 2021, City Council authorized the public hearing for the following item:

Z-23-21 1441 Kirkland Road, approximately 1.49 acres [located at the south side of Kirkland Road at its intersection with Smith Reno Road](#).

Signed zoning conditions provided on May 6, 2021 prohibit a number of IX uses, including: Major Utilities; Adult establishment; Outdoor Recreation; Golf Course; Riding Stables; Passenger Terminal; Airfield, landing strip; Animal care; Pawnshop; Vehicle Fuel Sales; Vehicle Sales/Rental; Detention center, jail, prison; Brewery, winery, distillery, cidery; Car wash; Vehicle repair.

Current zoning: Residential-4 with Special Residential Parking Overlay District and Special Highway Overlay District-2 (R-4 with SRPOD and SHOD-2)

Requested zoning: Industrial Mixed Use-Three Stories-Conditional Use with Special Residential Parking Overlay District and Special Highway Overlay District-2 (IX-3-CU with SRPOD and SHOD-2)

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

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

The request is **consistent** with the Urban Form Map.

The Planning Commission recommends approval of the request (7-0).

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



RALEIGH PLANNING COMMISSION CERTIFIED RECOMMENDATION

CR# 13041

CASE INFORMATION: Z-23-21 KIRKLAND ROAD

Location	On the south side of Kirkland Road at its intersection with Smith Reno Road Address: 1441 Kirkland Road PINs: 1702-09-1451 iMaps , Google Maps , Transit and Driving Directions from City Hall
Current Zoning	R-4
Requested Zoning	IX-3-CU
Area of Request	1.49 acres
Corporate Limits	The subject site is located within the corporate limits and is surrounded by properties also within corporate limits.
Property Owner	Thomas B. Fuqua
Applicant	Thomas B. Fuqua
Council District	D
PC Recommendation Deadline	November 8, 2021

SUMMARY OF PROPOSED CONDITIONS

The following uses are prohibited: Major Utilities; Adult establishment; Outdoor Recreation; Golf Course; Riding Stables; Passenger Terminal; Airfield, landing strip; Animal care; Pawnshop; Vehicle Fuel Sales; Vehicle Sales/Rental; Detention center, jail, prison; Brewery, winery, distillery, cidery; Car wash; Vehicle repair.

COMPREHENSIVE PLAN GUIDANCE

Future Land Use	Office and Residential Mixed Use
Urban Form	None
Consistent Policies <i>Key policies are marked with a dot (●)</i>	<ul style="list-style-type: none">● H 1.8 Zoning for Housing● LU 2.2 Compact DevelopmentLU 8.1 Housing VarietyLU 11.1 Preserving Industrial LandLU 11.2 Location of Industrial Areas
Inconsistent Policies <i>Key policies are marked with a dot (●)</i>	<ul style="list-style-type: none">● LU 1.2 Future Land Use Map and Zoning Consistency● LU 5.6 Buffering RequirementsLU 11.5 Mitigating Industrial Land Use Impacts

FUTURE LAND USE MAP CONSISTENCY

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

COMPREHENSIVE PLAN CONSISTENCY

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

PUBLIC MEETINGS

First Neighborhood Meeting	Second Neighborhood Meeting	Planning Commission	City Council
April 28, 2021, eight attendees	July 22, 2021, five attendees	August 10, 2021. Recommends approval 7-0	August 17, 2021

No comments from engagement portal.

PLANNING COMMISSION RECOMMENDATION

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

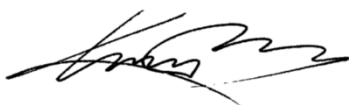
Reasonableness and Public Interest	The request is consistent with the Comprehensive Plan, particularly with policies that address housing supply and choice, compact development, and location of industrial uses. It is in the public interest because it will facilitate the industrial development and the creation of additional jobs and/or housing, and because the code will require a transition to the residential properties to the west.
Change(s) in Circumstances	The growing need for more compact development and for industrial land within the city of Raleigh.
Amendments to the Comprehensive Plan	If approved, the Future Land Use Map will be amended as to the subject parcel(s) only from Office and Residential Mixed Use to Business and Commercial Services.
Recommendation	Approve (7-0)
Motion and Vote	Motion: Miller; Second: Dautel In Favor: Dautel, Elder, Fox, Lampman, Miller, O'Haver, Rains Opposed: None

Reason for Opposed Vote(s)	N/A
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ATTACHMENTS

1. Staff report
2. Rezoning Application
3. Original conditions
4. Comprehensive Plan Amendment Analysis

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.



Ken A. Bowers, AICP
Planning and Development Deputy Director

8/24/21

Date

Staff Coordinator: Jason Hardin: (919) 996-2657; Jason.Hardin@raleighnc.gov



ZONING STAFF REPORT – CASE Z-23-21

Conditional Use

OVERVIEW

The proposal seeks to rezone a 1.49-acre parcel on the south side of Kirkland Road at its intersection with Smith Reno Road. The property is currently zoned Residential-4; the request is for Industrial Mixed Use-Three Stories-Conditional Use zoning. Two overlay districts – Special Residential Parking Overlay District and Special Highway Overlay District-2 – would remain.

The property is bordered on two sides by an industrial area with warehouse, light industrial, storage, and similar uses. The north side of Kirkland Road is entirely characterized by these uses, as are portions of the south side, including the area east of the site.

Institutional uses in the form of churches are immediately south of the subject property. To the west are residential uses, with a self-storage site further west, at the intersection with Lake Wheeler Road. Further south, the area transitions to residential uses.

The Future Land Use Map designates the site and properties to the east for Office and Residential Mixed Use. Properties to the north and east are designated for Business and Commercial Services, and areas to the south are Moderate Density Residential.

Zoning follows a somewhat similar pattern, with industrial zoning to the north, east, and further west and residential zoning on the site, immediately to the west, and to the south.

The area does not have a designation on the Urban Form Map. It is within the Dix Edge area study. A final report is expected next year.

The zoning request would permit additional residential density, employment opportunities, or both. In addition to office and residential uses, it would permit some industrial uses, including warehouse and distribution, as well as light industrial uses, such as contractor equipment storage, furniture manufacturing, welding, and bottling.

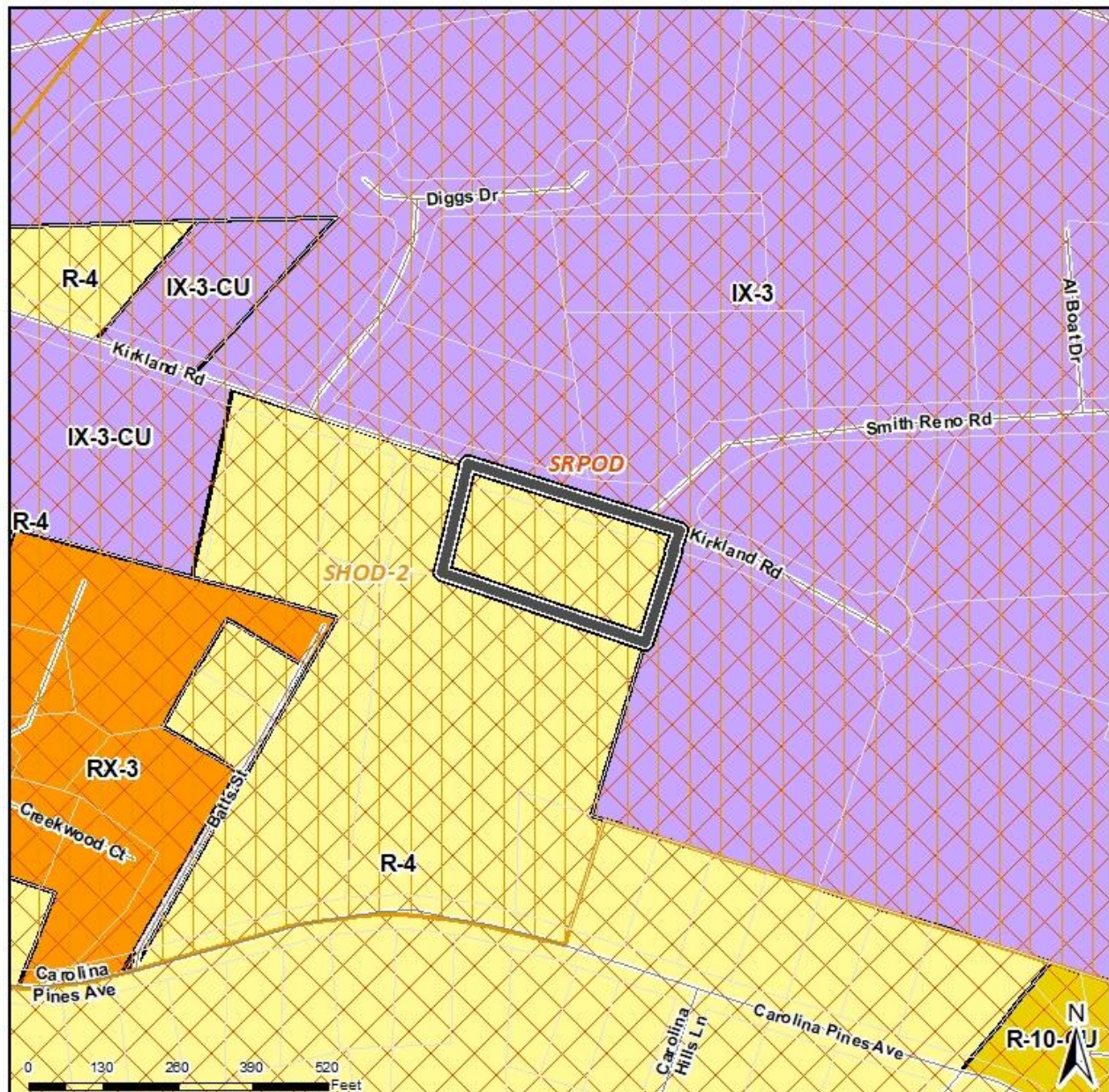
A nearby rezoning, Z-55-20, is currently set for a public hearing. It is a request to rezone multiple parcels along Lake Wheeler Road just south of Kirkland Road from R-4 and RX-3 to RX-3-CU.

OUTSTANDING ISSUES

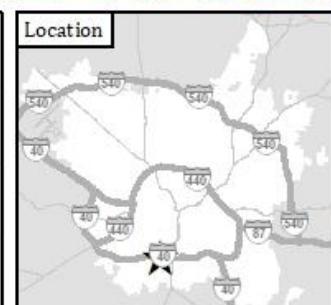
Outstanding Issues	1. None	Suggested Mitigation	1. None
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Existing Zoning

Z-23-2021



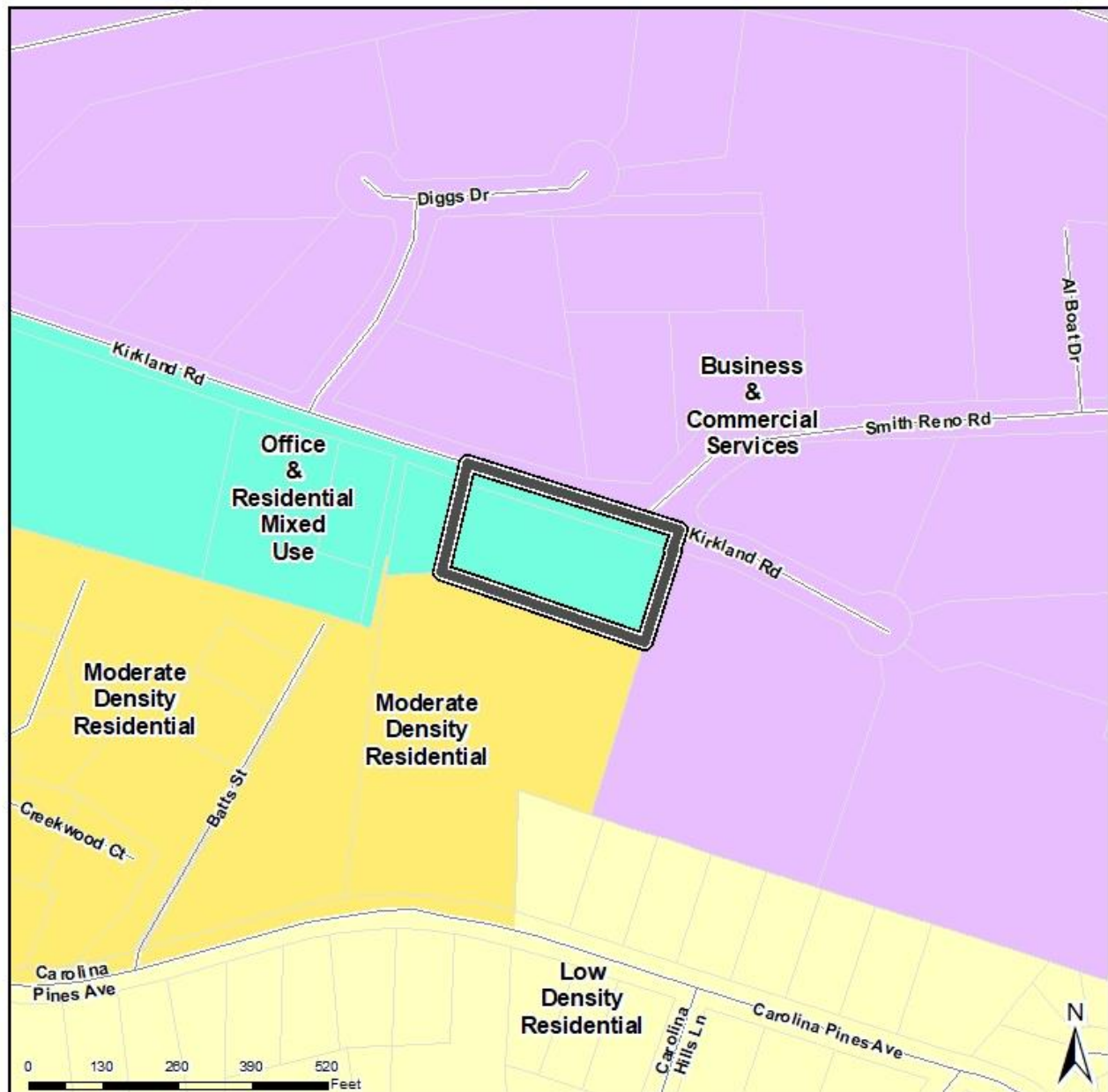
Property	1441 Kirkland Rd
Size	1.49 acres
Existing Zoning	R-4
Requested Zoning	IX-3-CU



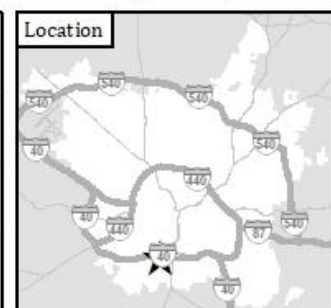
Map by Raleigh Department of Planning and Development (mansdf): 5/7/2021

Future Land Use

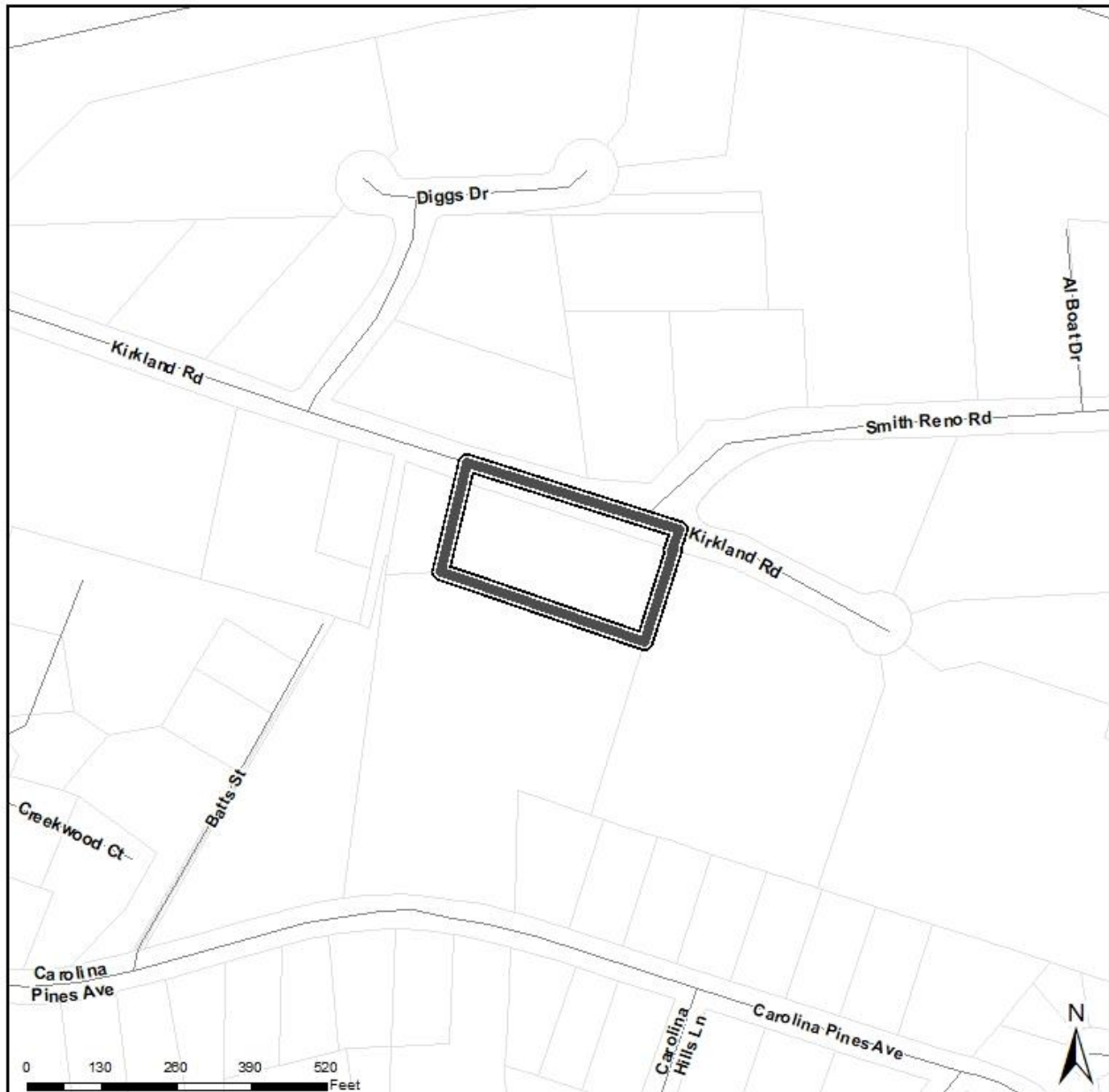
Z-23-2021



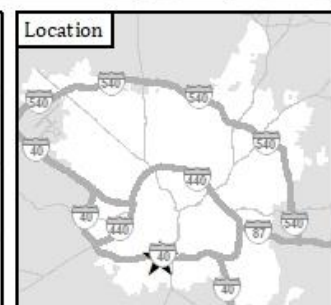
Property	1441 Kirkland Rd
Size	1.49 acres
Existing Zoning	R-4
Requested Zoning	IX-3-CU



Map by Raleigh Department of Planning and Development (mansolf); 5/7/2021



Property	1441 Kirkland Rd
Size	1.49 acres
Existing Zoning	R-4
Requested Zoning	IX-3-CU



Map by Raleigh Department of Planning and Development (mansdf): 5/7/2021

COMPREHENSIVE PLAN

Determination of the conformance of a proposed use or zone with the Comprehensive Plan includes consideration of the following questions:

- A. Is the proposal consistent with the vision, themes, and policies contained in the Comprehensive Plan?

The request is generally consistent with the Comprehensive Plan, particularly the theme of Economic Prosperity and Equity and specific policies that support zoning for employment and the maintenance and enhancement of industrial areas. While IX allows industrial uses, it also allows a range of housing types, making the request consistent with the policy of Expanding Housing Choices.

While the request is generally consistent with the plan, it is not consistent with the Future Land Use Map and policies that support transitions from heavier commercial uses to residential areas. While the IX zoning means that the property could be used for housing and office uses only, a condition that provides an enhanced transition from any industrial uses would increase consistency with these policies and the plan overall.

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

Office and residential uses with a range of housing types, which the zoning would permit, are designated on the map. However, the map does not envision industrial uses on the site, although it does envision those uses immediately to the north and east.

- C. If the use is not specifically designated on the Future Land Use Map in the area where its location is proposed, is it needed to service such a planned use, or could it be established without adversely altering the recommended land use and character of the area?

Yes, light industrial and warehouse uses can be established without adversely affecting the area, which is largely characterized by industrial uses. Both the site and adjacent properties to the west are designated for commercial uses, and the area to the south is home to institutional uses (two churches).

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

Yes, existing infrastructure is sufficient.

Future Land Use

Future Land Use designation: Office and Residential Mixed Use

The rezoning request is

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

☒ **Inconsistent**

The subject property is in an area designated as Office and Residential Mixed Use (ORMU), which envisions office, residential, retail, and similar uses. It is bordered on two sides by areas designated as Business and Commercial Services, which envisions light industrial uses.

The requested Industrial Mixed Use-Three Stories-Conditional Use (IX-3-CU) zoning is not fully consistent with the Office and Residential Mixed Use (ORMU) category. While IX allows the office, residential, and retail uses envisioned in ORMU, it also allows, as the name suggests, industrial uses not envisioned in that category.

A zoning condition that is a part of the request prohibits several industrial uses, but does allow uses, such as light industrial and warehouse uses, that are not envisioned in the category.

Urban Form

Urban Form designation: None

The rezoning request is

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

☐ **Inconsistent**

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

Compatibility

The proposed rezoning is

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

☐ **Incompatible.**

The site is a vacant parcel that is next to a large industrial area and that is bordered by industrial/warehouse uses on two sides. It is bordered to the south by institutional uses (churches) and to the east by a residential property that is designated for commercial uses on the FLUM. While additional transitions would improve consistency with Comprehensive Plan policies if the site is used for industrial uses, the zoning is generally compatible with the area.

Public Benefits of the Proposed Rezoning

- The rezoning would facilitate additional industrial development
- The rezoning would facilitate the creation of additional jobs and/or housing

Detriments of the Proposed Rezoning

- The request would permit light industrial and warehouse uses in an area where office and residential uses are currently envisioned

Policy Guidance

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

H 1.8 Zoning for Housing

Ensure that zoning policy continues to provide ample opportunity for developers to build a variety of housing types, ranging from single-family to dense multi-family. Keeping the market well supplied with housing will moderate the costs of owning and renting, lessening affordability problems, and lowering the level of subsidy necessary to produce affordable housing. In areas characterized by detached houses, accommodations should be made for additional housing types while maintaining a form and scale similar to existing housing.

- The rezoning would allow three times as many housing units and would allow apartment or townhouse units, which are not allowed by the current zoning. While the rezoning also would permit commercial uses, the use of the site for housing would add to housing supply, helping to address affordability and housing choice.

LU 2.2 Compact Development

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

- The current zoning permits only low-density residential uses. The rezoning would permit more dense residential uses or commercial uses in a more compact form.

LU 8.1 Housing Variety

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

- The rezoning would permit additional housing types, as the current zoning only allows detached and attached houses.

LU 11.1 Preserving Industrial Land

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

- The site is a vacant parcel immediately adjacent to an existing industrial area next to Interstate 40. The rezoning would provide additional available land for light industrial uses and would help ensure that the broader area will remain a location for employment opportunities and industrial uses in the future.

LU 11.2 Location of Industrial Areas

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

- This policy primarily refers to heavier industrial uses than the light industrial uses that are permitted in the IX district, but the broader policy consideration is relevant. While the Future Land Use Map does not specifically envision industrial uses on this site, the site generally meets the intent of this policy, as the parcel is adjacent to industrial and institutional uses, and the adjacent residential property to the west is designated for commercial uses on the FLUM.

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

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.

- As noted above, the requested IX district is not fully consistent with the Office and Residential Mixed Use designation.

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.

LU 11.5 Mitigating Industrial Land Use Impacts

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

- If the site is used for residential and office uses, no additional transition would be needed for consistency with this policy. However, additional transition measures from any industrial uses would improve consistency with this policy.

EQUITY AND CLIMATE CHANGE ANALYSIS

Carbon Footprint: Transportation

	City Average	Site	Notes
Transit Score	30	32	Slightly higher than average
Walk Score	31	27	Slightly lower than average
Bike Score	41	36	Slightly lower than average

Source: [Walk Score](#) is a publicly available service that measures pedestrian friendliness by analyzing population density and road metrics such as block length and intersection density. The higher the Transit Score or Walk Score, the greater the percentage of trips that will be made on transit or by walking, and the smaller the carbon footprint. The scores also correlate with shorter vehicle trips, which also produce less carbon. The city has a wide range of scores. Raleigh Municipal Building, for instance, has a Walk Score of 92, meaning the area is highly pedestrian-friendly and that many destinations are within a short walk. Some areas in the city have scores in single digits, indicating that few if any destinations are within walking distance, so nearly all trips are made by car.

Summary: The site's walkability, bikeability, and transit service are generally similar to that of the city as a whole. Additional housing and employment opportunities here would tend to neither improve or degrade the city's per capita carbon emissions.

Carbon/Energy Footprint: Housing

Housing Type	Average Annual Energy Use (million BTU)	Permitted in this project?
Detached House	82.7	Yes
Townhouse	56.5	Yes
Small Apartment (2-4 units)	42.1	Yes
Larger Apartment	34.0	Yes

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

Summary: The rezoning would permit more energy-efficient housing types than the current zoning.

Housing Supply and Affordability

Does it add/subtract from the housing supply?	Adds	It would triple the number of units that could be built on the site.
Does it include any subsidized units?	No	
Does it permit a variety of housing types beyond detached houses?	Yes	It permits all housing types
If not a mixed-use district, does it permit smaller lots than the average?*	Yes	It is a mixed use district
Is it within walking distance of transit?	Yes	It is less than half a mile to the nearest transit stop.

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

Summary: While the zoning would facilitate employment/industrial uses, it also would permit housing types that would provide greater choice and supply.

Demographic Indicators from EJSCREEN*

Indicator	Site Area	Raleigh
Demographic Index** (%)	50	38
People of Color Population (%)	54	46
Low Income Population (%)	46	30
Linguistically Isolated Population (%)	6	3
Population with Less Than High School Education (%)	16	9
Population under Age 5 (%)	9	6
Population over Age 64 (%)	5	11

% change in median 2 bedroom rent 2015-2019	20.0	20.3
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*Environmental Justice Screening and Mapping Tool from the Environmental Protection Agency
(<https://www.epa.gov/ejscreen>)

**The Demographic Index represents the average of the percentage of people who are low income and the percentage of people who are minorities. 1018 v 845

Health and Environmental Analysis

What is the life expectancy in this zip code tract? Is it higher or lower than the County average (78.1 years)?	81.8	The life expectancy for residents in the area is higher than the county average.
Are there known industrial uses or industrial zoning districts within 1,000 feet?	Yes	Light industrial and warehouse uses and industrial zoning exists within 1,000 feet. No heavy industrial uses exist there.
Are there hazardous waste facilities located within one kilometer?	No	
Are there known environmental hazards, such as flood-prone areas, that may directly impact the site?	No	
Is this area considered a food desert by the USDA?	Yes	The broader tract is considered to be a food desert, but the site is less than a mile from a grocery store.

Land Use History

When the property was annexed into the City or originally developed, was government sanctioned racial segregation in housing prevalent?*	Yes	The property was annexed in 1960, before the Fair Housing Act was passed.
Has the area around the site ever been the subject of an urban renewal program?*	No	
Has the property or nearby properties ever been subject to restrictive covenants that excluded racial groups?*	No	

Are there known restrictive covenants on the property or nearby properties that restrict development beyond what the UDO otherwise requires?*	No	
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*The response to this question is not exhaustive, and additional information may be produced by further research. Absence of information in this report is not conclusive evidence that no such information exists.

Analysis questions

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

Response: The proposal would allow significantly more employment or housing opportunities on a site in a location that is close to employment, parks, Interstate 40, and other amenities. It is in an area that is similar in walkability and transit access to the city average, meaning additional development here likely would not significantly raise or lower per capita carbon emissions. However, the Dix Edge area study may recommend improvements that will further improve walkability in the area.

It also allows housing types, such as apartments, that are much more energy-efficient than detached houses, again bringing down per-capita carbon emissions.

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

Response: Residents in the area have lower incomes on average than city residents as a whole, although the presence of university students may affect that statistic. The rezoning would add to employment options in the area. If used as housing, it would add to the housing supply, helping to bring down housing costs.

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

Response: Rental housing costs for two-bedroom units have increased at a rate similar to that for Raleigh as a whole.

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

Response: No specific instances have been identified.

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

Response: Residents of the area have higher life expectancy than the overall population of Wake County. Exposure to environmental hazards and toxins appears to be minimal.

IMPACT ANALYSIS

Historic Resources

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

Impact Identified: None

Parks and Recreation

1. This site is not directly impacted by any existing or proposed greenway trails, corridors, or connectors.
2. Nearest existing park access is provided by Carolina Pines Park (0.7 miles) and Dorothea Dix Park (1 miles).
3. Nearest existing greenway trail access is provided by the Walnut Creek Greenway Trail (0.7 miles).
4. Current park access level of service in this area is graded an A letter grade.

Impact Identified: Additional park usage if the site is developed with residential uses.

Public Utilities

	Maximum Demand (current use)	Maximum Demand (current zoning)	Maximum Demand (proposed zoning)
Water	0	2,500	8,250
Waste Water	0	2,500	8,250

There is sufficient utility infrastructure available to service the proposed development; however, a Downstream Sewer Capacity Study may be required to determine adequate capacity to support it.

Impact Identified: None requiring additional mitigation beyond code.

Stormwater

Floodplain	None
Drainage Basin	Walnut
Stormwater Management	UDO 9.2

Impact Identified: No downstream structural flooding reported. No impacts requiring additional mitigation beyond code.

Transportation

Site and Location Context

Location

The Z-23-21 site is in Southwest Raleigh on Kirkland Road east of Lake Wheeler Road.

Area Plans

The Z-23-21 site is not located in an area of an adopted area plan (Map AP-1) in the Comprehensive Plan, however it is located within the Dix Edge Area Study, which is currently in the planning process. This plan is looking at the Caraleigh, Fuller Heights, Wheeler Crossing, Carolina Pines, Wheeler Park, Walnut Terrace and Gateway Park neighborhoods and will make recommendations to mitigate displacement and gentrification, improve the transportation network for all users, address the health of the creek and stormwater, and urban design in the study area. The plan is expected to be completed in fall 2021 could be adopted in winter 2022.

Existing and Planned Infrastructure

Streets

Lake Wheeler Road is designated as a divided 2-lane avenue in the Raleigh Street Plan (Map T-1 in the Comprehensive Plan) and is maintained by NCDOT. Kirkland Road is not designated in Map T-1 and is maintained by the City of Raleigh.

The existing block perimeter for the site is more than 15,000 feet and is constrained by I-40. In accordance with UDO section 8.3.2, the maximum block perimeter for IX-3 zoning districts is 4,000 feet.

Pedestrian Facilities

Sidewalks are complete on the western side of Lake Wheeler Road from Centennial Boulevard to Tryon Road. There is also some sidewalk on the south side of Kirkland Road, though not along the site's frontage. UDO Article 8.5 requires construction of sidewalks for subdivisions or tier 3 site plans.

Bicycle Facilities

There is no existing on-street bikeway on Lake Wheeler Road. The BikeRaleigh Plan (Map T-3 in the 2030 Comprehensive Plan) calls for a separated bikeway on Lake Wheeler Road. South of the site, the City is constructing a multi-use path along the southern side of Carolina Pines from Lake Wheeler Road to Oak Road as part of the Carolina Pines Avenue Improvement Project. This project is currently in Right of Way Acquisition and is expected to be completed in Spring 2024.

Transit

GoRaleigh Route 7L operates eastbound along Carolina Pines Avenue on its route between Tryon Road and Southgate Plaza, with service every 30 minutes during peak hours and every hour at other times and on weekends and holidays. Westbound service operates at the same frequency along Sierra Drive and Henslowe Drive. The nearest stop is located 0.4 miles from the site on the southern side of Carolina Pines Avenue.

Access

The Z-23-21 site is accessed by Kirkland Road.

Other Projects in the Area

There are several projects within a mile of the Z-55-20 site:

- An eighth of a mile south of the site is the Carolina Pines Avenue Improvement Project. This project will make several improvements along Carolina Pines Avenue from Lake Wheeler road to Oak Road. Improvements include enhanced pedestrian facilities, a multi-use path, traffic calming measures, improved transit facilities, and stormwater controls. The project is currently in the Right of Way Acquisition Phase and is expected to be completed Spring 2024.
- Three quarters of a mile north of the site, the City of Raleigh is beginning design of a project to improve the Lake Wheeler Road from Centennial Parkway to South Saunders Street. Improvements will include sidewalks, bikeways, improved pedestrian crossings, curb and gutter, and traffic calming treatments.
- A mile north of the site is the Dix Park Plaza and Play project, which is the first phase described in the Dix Park Master Plan. The Plaza & Play covers approximately 18 acres in Dix Park along the Lake Wheeler edge and will include one of a kind play spaces, a civic plaza, fountains, gardens, and areas to cookout and relax with family and friends.
- The site is within the Dix Edge Area Study, which is currently in the planning process. This plan is looking at the Caraleigh, Fuller Heights, Wheeler Crossing, Carolina Pines, Wheeler Park, Walnut Terrace and Gateway Park neighborhoods and will make recommendations to mitigate displacement and gentrification, improve the transportation network for all users, address the health of the creek and stormwater, and urban design in the study area. The plan will also analyze the potential realignment of Lake Wheeler Road and Centennial Parkway as outlined in NCDOT's Dix Park Access Plan. The Dix Edge Area Study is expected to be completed in Fall 2021 adopted in Winter 2022.
- A mile south of the site is the Tryon Road Widening Project. This project will widen Tryon Road between Lake Wheeler Road and Par Drive and will include signal improvements, sidewalks, improved pedestrian crossings, and bike lanes. The project is currently under construction and is expected to be completed by February 2022.

Traffic Impact Analysis (TIA) Determination

Based on the Envision results, approval of case Z-23-21 would increase the amount of projected vehicular peak hour trips to and from the site as indicated in the table below. The proposed rezoning from R-4 to IX-3-CU is projected to generate 56 new trips in the AM peak hour and 58 new trips in the PM peak hour. These values do not trigger a rezoning Traffic Impact Analysis based on the trip generation thresholds in the Raleigh Street Design Manual.

Z-23-21 Existing Land Use	Daily	AM	PM
Vacant	0	0	0
Z-23-21 Current Zoning Entitlements	Daily	AM	PM
Residential	47	4	5
Z-23-21 Proposed Zoning Maximums	Daily	AM	PM
Industrial Mixed Use	624	60	63
Z-23-21 Trip Volume Change (Proposed Maximums minus Current Entitlements)	Daily	AM	PM
	577	56	58

Impact Identified: Some additional vehicular trips.

Urban Forestry

The site is wooded, and trees will be removed when it is developed. The amount of tree removal does not necessarily depend on the specific zoning. TCA requirements do not apply, as the site is below the threshold for applicability.

Impact Identified: None related to the rezoning.

Impacts Summary

Some additional usage of utility, park, and transportation facilities.

Mitigation of Impacts

None needed beyond what is required by code.

CONCLUSION

The request would add employment opportunities by expanding an existing light industrial area. It also, if used for housing, would add housing opportunity and choice.

The request is inconsistent with the Future Land Use Map. Office and residential uses with a range of housing types, which the zoning would permit, are designated on the map.

However, the map does not envision industrial uses on the site, although it does envision those uses immediately to the north and east.

While the request is generally consistent with the plan, it is not consistent with the Future Land Use Map and policies that support transitions from heavier commercial uses to residential areas. While the IX zoning means that the property could be used for housing and office uses only, a condition that provides an enhanced transition from any industrial uses would enhance consistency with these policies and the plan overall.

Overall, the proposal is consistent with Comprehensive Plan policies that encourage job creation and compact development. If the rezoning leads to the use of the property for housing, it would support policies that encourage more housing supply and choice.

The rezoning is not fully consistent with policies that encourage transitions from more intensive commercial uses to area that are more residential. While the portions of the site that are not adjacent to existing industrial uses are used for institutional uses (churches) and a residential use that is designated for commercial uses on the FLUM, some additional transitional elements would improve consistency with those policies.

Overall, the request is consistent with the Comprehensive Plan.

CASE TIMELINE

Date	Action	Notes
4/28/21	First neighborhood meeting	Eight attendees
5/2/21	Petition filed	IX-3-CU requested
6/1/21	Initial staff review complete	Stormwater information needed
7/9/21	Application is complete	Stormwater information provided
7/22/21	Second neighborhood meeting	Five attendees

APPENDIX

SURROUNDING AREA LAND USE/ ZONING SUMMARY

SUBJECT PROPERTY		NORTH	SOUTH	EAST	WEST
Existing Zoning	R-4	IX-3	R-4	IX-3	R-4
Additional Overlay	SHOD-2, SRPOD	SHOD-2, SRPOD	SHOD-2, SRPOD	SHOD-2, SRPOD	SHOD-2, SRPOD
Future Land Use	Office and Residential Mixed Use	Business and Commercial Services	Moderate Density Residential	Business and Commercial Services	Office and Residential Mixed Use
Current Land Use	Vacant	Warehouse, Residential	Church	Warehouse	Residential
Urban Form	-	-	-	-	-

CURRENT VS. PROPOSED ZONING SUMMARY

EXISTING ZONING		PROPOSED ZONING
Zoning	R-4	IX-3-CU
Total Acreage	1.49	1.49
Setbacks:		
Front	20'	3'
Side	10'	0' or 6'
Rear	30'	0' or 6'
Residential Density:	6.7 units/acre	22.2 units/acre
Max. # of Residential Units	10	33
Max. Gross Building SF	27,800 sf	149,000 sf
Max. Gross Office SF	-	44,000 sf
Max. Gross Retail SF	-	25,000 sf
Max. Gross Industrial SF	-	149,000 sf

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



COMPREHENSIVE PLAN AMENDMENT ANALYSIS – CASE Z-23-21

OVERVIEW

Approval of the request would amend the Future Land Use Map, as the current FLUM designation, Office and Residential Mixed Use, does not envision industrial uses. The amendment would change the designation on the subject property to Business and Commercial Services.

AMENDED MAPS

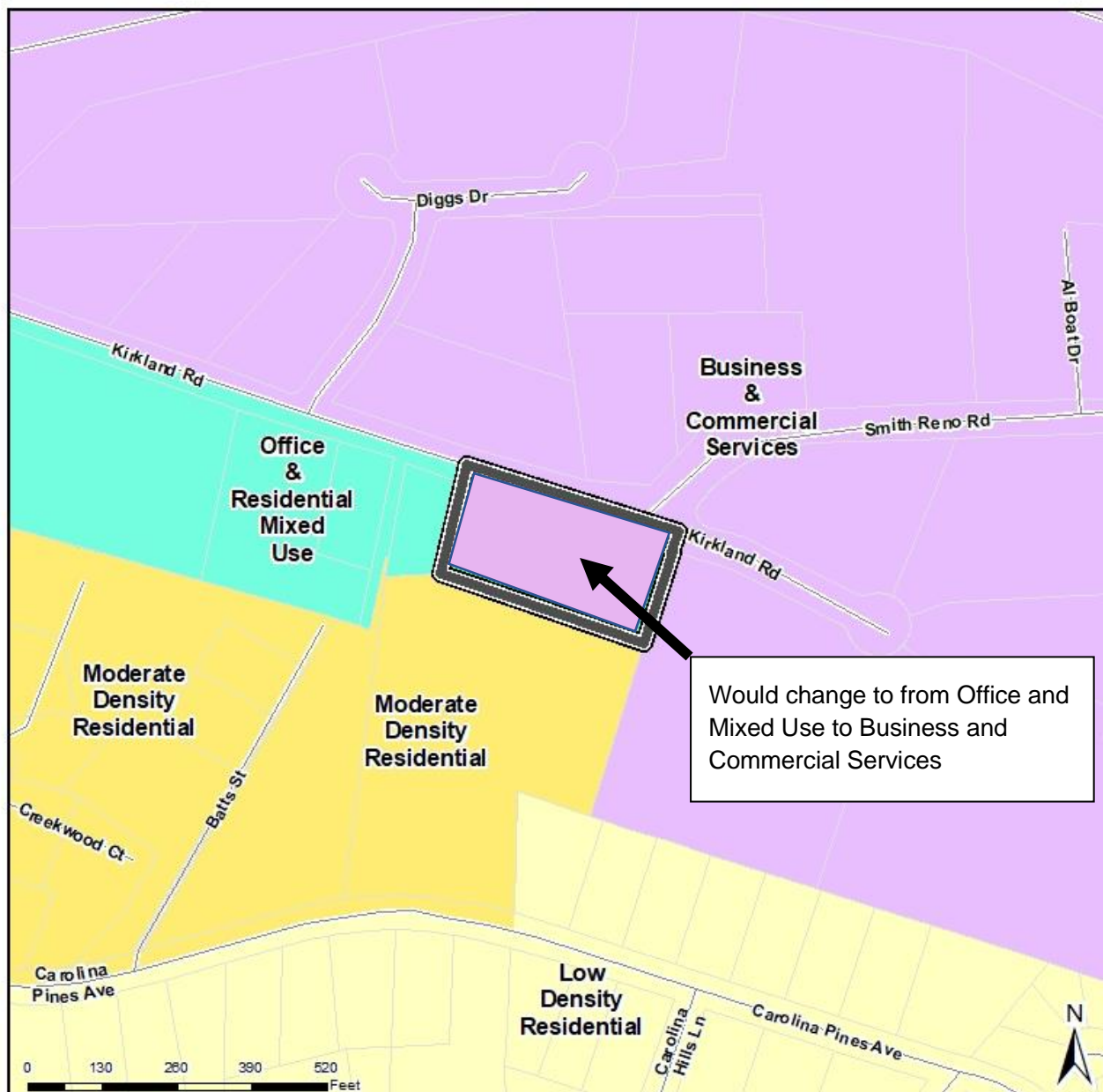
Map on following page.

IMPACT ANALYSIS

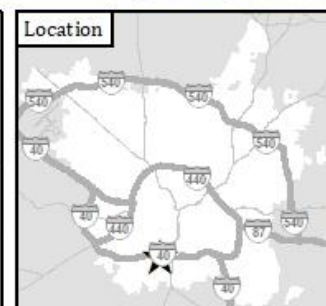
The amendment would slightly expand the existing Business and Commercial Services area that is adjacent to the site.

Future Land Use

Z-23-2021



Property	1441 Kirkland Rd
Size	1.49 acres
Existing Zoning	R-4
Requested Zoning	IX-3-CU



Map by Raleigh Department of Planning and Development (mansd@): 5/7/2021

Relevant Minutes from August 10, 2021 Planning Commission Meeting

AGENDA ITEM (F) 3: Z-23-21 – Kirkland Road

This case is located Kirkland Road, south side, at its intersection with Smith Reno Road.

Approximately 1.49 acres is requested to be rezoned by Thomas B. Fuqua.

The request is consistent with the 2030 Comprehensive Plan.

The request is inconsistent with the Future Land Use Map.

This is the first time this request has appeared on a Planning Commission agenda. The 90-day deadline for Planning Commission action is November 8, 2021; however, the last regularly scheduled Planning Commission meeting before the deadline is October 26, 2021.

Planner Hardin presented the case.

Worth Mills, representing the applicant gave a brief overview of the case.

There was discussion regarding the buffering in respect of the adjacent properties.

Planner Hardin responded the code requires a 50 ft. transition area without a building and a planting requirement which can range from 10 to 50 feet wide. He said that additional buffering would make the rezoning more consistent with some Plan policies.

There was no public comment.

Ms. Miller made a motion to approve case Z-23-21. Mr. Dautel seconded the motion.

With show of hands, this case is unanimously approved, 7-0

Rezoning Application and Checklist

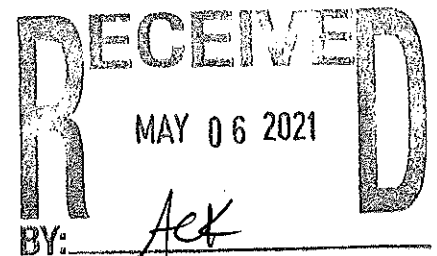
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Please complete all sections of the form and upload via the Permit and Development Portal (permitportal.raleighnc.gov). Please see page 11 for information about who may submit a rezoning application. A rezoning application will not be considered complete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

Rezoning Request			
Rezoning Type	<input type="checkbox"/> General use	<input checked="" type="checkbox"/> Conditional use	<input type="checkbox"/> Master plan
	<input type="checkbox"/> Text change to zoning conditions		
Existing zoning base district: R-4	Height:	Frontage:	Overlay(s): SRPOD & SHOD-2
Proposed zoning base district: IX	Height: 3	Frontage:	Overlay(s): SRPOD & SHOD-2
Helpful Tip: View the Zoning Map to search for the address to be rezoned, then turn on the 'Zoning' and 'Overlay' layers.			
If the property has been previously rezoned, provide the rezoning case number:			

General Information		
Date: May 5, 2021	Date amended (1):	Date amended (2):
Property address: 1441 Kirkland Road		
Property PIN: 1702-09-1451		
Deed reference (book/page): 10687 / 1667		
Nearest intersection: Kirkland Road and Smith Reno Road		Property size (acres): 1.49
For planned development applications only:	Total units:	Total square footage:
	Total parcels:	Total buildings:
Property owner name and address: Thomas Fuqua		
Property owner email:		
Property owner phone:		
Applicant name and address: Worth Mills, Longleaf Law Partners		
Applicant email: wmills@longleaflp.com		
Applicant phone: 919-645-4313		
Applicant signature(s): <i>Thomas Fuqua</i>		
Additional email(s):		



Conditional Use District Zoning Conditions

Zoning case #: TBD

Date submitted: May 5, 2021

OFFICE USE ONLY

Rezoning case #

Existing zoning: R-4 with SRPOD and SHOD-2

Proposed zoning: IX-3 with SRPOD and SHOD-2

Narrative of Zoning Conditions Offered

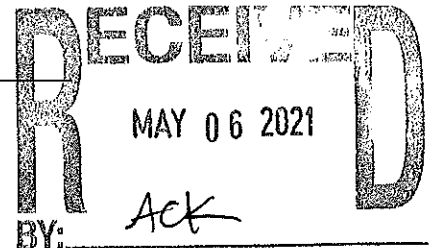
1. The following Principal Uses as listed in UDO Section 6.1.4. that are permitted, limited or special uses in the IX- district shall be prohibited: (i) Major Utilities; (ii) Adult establishment; (iii) Outdoor Recreation; (iv) Golf course; (v) Riding stables; (vi) Passenger Terminal; (vii) Airfield, landing strip; (viii) Animal care (indoor); (ix) Animal care (outdoor); (x) Pawnshop; (xi) Vehicle Fuel Sales; (xii) Vehicle Sales/Rental; (xiii) Detention center, jail, prison; (xiv) Brewery, winery, distillery, cidery; (xv) Car wash; (xvi) Vehicle repair (minor); (xvii) Vehicle repair (major); and (xviii) Vehicle repair (commercial vehicle).

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

Property Owner(s) Signature: _____

Printed Name: _____

THOMAS FUQUA



Rezoning Application and Checklist

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

Rezoning Request				
Rezoning Type	General use	Conditional use	Master plan	OFFICE USE ONLY Rezoning case #
	Text change to zoning conditions			
Existing zoning base district:		Height:	Frontage:	Overlay(s):
Proposed zoning base district:		Height:	Frontage:	Overlay(s):
Helpful Tip: View the Zoning Map to search for the address to be rezoned, then turn on the 'Zoning' and 'Overlay' layers.				
If the property has been previously rezoned, provide the rezoning case number:				

General Information		
Date:	Date amended (1):	Date amended (2):
Property address:		
Property PIN:		
Deed reference (book/page):		
Nearest intersection:		Property size (acres):
For planned development applications only:	Total units:	Total square footage:
	Total parcels:	Total buildings:
Property owner name and address:		
Property owner email:		
Property owner phone:		
Applicant name and address:		
Applicant email:		
Applicant phone:		
Applicant signature(s):		
Additional email(s):		

Rezoning Application Addendum #1	
Comprehensive Plan Analysis	OFFICE USE ONLY Rezoning case # _____
The applicant is asked to analyze the impact of the rezoning request and its consistency with the Comprehensive Plan. The applicant is also asked to explain how the rezoning request is reasonable and in the public interest.	
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.	
Public Benefits	
Provide brief statements explaining how the rezoning request is reasonable and in the public interest.	

Rezoning Application Addendum #2	
Impact on Historic Resources	OFFICE USE ONLY Rezoning case # _____
The applicant is asked to analyze the impact of the rezoning request on historic resources. For the purposes of this section, a historic resource is defined as any site, structure, sign, or other feature of the property to be rezoned that is listed in the National Register of Historic Places or designated by the City of Raleigh as a landmark or contributing to a Historic Overlay District.	
Inventory of Historic Resources	
List in the space below all historic resources located on the property to be rezoned. For each resource, indicate how the proposed zoning would impact the resource.	
Proposed Mitigation	
Provide brief statements describing actions that will be taken to mitigate all negative impacts listed above.	

REZONING OF PROPERTY CONSISTING OF +/- 1.49 ACRES,
LOCATED SOUTH OF THE KIRKLAND ROAD AND SMITH RENO ROAD
INTERSECTION, IN THE CITY OF RALEIGH

REPORT OF MEETING WITH ADJACENT PROPERTY OWNERS ON
APRIL 28, 2021

Pursuant to applicable provisions of the Unified Development Ordinance, a meeting was held with respect to a potential rezoning with adjacent property owners and tenants on Wednesday, April 28, at 5:00 p.m. The property considered for this potential rezoning totals approximately 1.49 acres, and is located south of the Kirkland Road and Smith Reno Road intersection, in the City of Raleigh, having Wake County Parcel Identification Numbers 1702-09-1451. This meeting was held virtually on Zoom with an option to call in by telephone. All owners and tenants of property within 500 feet of the subject property were invited to attend the meeting. Attached hereto as **Exhibit A** is a copy of the neighborhood meeting notice. A copy of the required mailing list for the meeting invitations is attached hereto as **Exhibit B**. A summary of the items discussed at the meeting is attached hereto as **Exhibit C**. Attached hereto as **Exhibit D** is a list of individuals who attended the meeting.

EXHIBIT A – NEIGHBORHOOD MEETING NOTICE



To: Neighboring Property Owners and Tenants
From: Worth Mills
Date: April 15, 2021
Re: Neighborhood Meeting for Rezoning of 1441 Kirkland Road

You are invited to attend a virtual meeting to discuss the proposed rezoning of 1441 Kirkland Road. We have scheduled an informational meeting with surrounding neighbors on Wednesday, April 28th at 5:00 PM until 7:00 PM. Due to the COVID-19 Pandemic, this meeting will be held virtually. You can participate online or by telephone. To participate, visit:

To join with video:

<https://zoom.us/>

Meeting ID: 818 4223 8061

Password: 587769

To join by telephone:

+1 646 558 8656

Meeting ID: 818 4223 8061

Password: 587769

The purpose of this meeting is to discuss the proposed rezoning of 1441 Kirkland Road (with Property Identification Numbers (PIN) 1702-09-1451). The property totals approximately 1.49 acres in size, and is located south of the Kirkland Road and Smith Reno Road intersection.

The property is currently zoned Residential, 4 units per acre with the Special Residential Parking Overlay District (R-4-SRPOD), and the proposed zoning designation is Industrial Mixed Use, 3-story height limit, Parking Limited frontage, the Parking Overlay, and zoning conditions (IX-3-PL-SRPOD-CU). The purpose of the rezoning is to allow for the relocation of a nearby landscaping business.

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

Please do not hesitate to contact me directly if you have any questions or wish to discuss any issues. I can be reached at 919.645.4313 and wmills@longleaflp.com. Also, for more information about rezoning, you may visit www.raleighnc.gov and search for "Rezoning Process" or contact the Raleigh City Planning Department at 919.996.2180 or JP.Mansolf@raleighnc.gov.

Attached to this invitation are the following materials:

1. Subject Property Current Aerial Exhibit
2. Subject Property Current Zoning Exhibit
3. A draft of the proposed Rezoning Application

EXHIBIT C – ITEMS DISCUSSED

1. Expected buffering towards the single-family detached home to the west
2. Current on-street parking from adjacent industrial uses
3. Proposed buffering and tree save from the adjacent Residentially-zoned properties
4. Prohibiting the more noxious uses permitted in the IX- district to prevent incompatible land uses adjacent to Residentially-zoned properties
5. Upcoming meetings and opportunities to present the rezoning request

EXHIBIT D – MEETING ATTENDEES

1. Jason Hardin (City of Raleigh)
2. Worth Mills (attorney)
3. Kaline Shelton (Longleaf Law Partners)
4. William White (broker)
5. Scott Ward
6. Jenn Truman
7. Mike King
8. John Hinshaw

REZONING OF PROPERTY CONSISTING OF +/- 1.49 ACRES,
LOCATED SOUTH OF THE KIRKLAND ROAD AND SMITH RENO ROAD
INTERSECTION, IN THE CITY OF RALEIGH

REPORT OF MEETING WITH ADJACENT PROPERTY OWNERS ON
JULY 22, 2021

Pursuant to applicable provisions of the Unified Development Ordinance, a meeting was held with respect to a potential rezoning with adjacent property owners and tenants on Thursday, July 22, at 5:00 p.m. The property considered for this potential rezoning totals approximately 1.49 acres, and is located south of the Kirkland Road and Smith Reno Road intersection, in the City of Raleigh, having Wake County Parcel Identification Numbers 1702-09-1451. This meeting was held virtually on Zoom with an option to call in by telephone. All owners and tenants of property within 1,000 feet of the subject property were invited to attend the meeting. Attached hereto as **Exhibit A** is a copy of the neighborhood meeting notice. A copy of the required mailing list for the meeting invitations is attached hereto as **Exhibit B**. A summary of the items discussed at the meeting is attached hereto as **Exhibit C**. Attached hereto as **Exhibit D** is a list of individuals who attended the meeting.

EXHIBIT A – NEIGHBORHOOD MEETING NOTICE



To: Neighboring Property Owners and Tenants
From: Worth Mills
Date: July 10, 2021
Re: Neighborhood Meeting for Rezoning of 1441 Kirkland Road (Z-23-21)

You are invited to attend a virtual meeting to discuss the proposed rezoning of 1441 Kirkland Road. We have scheduled an informational meeting with surrounding neighbors on Thursday, July 22nd at 5:00 PM until 7:00 PM. Due to the COVID-19 Pandemic, this meeting will be held virtually. You can participate online or by telephone. To participate, visit:

To join with video:

<https://zoom.us/>
Meeting ID: 848 1726 0260
Password: 858423

To join by telephone:

+1 646 558 8656
Meeting ID: 848 1726 0260
Password: 858423

The purpose of this meeting is to discuss the proposed rezoning of 1441 Kirkland Road (with Property Identification Numbers (PIN) 1702-09-1451). The property totals approximately 1.49 acres in size, and is located south of the Kirkland Road and Smith Reno Road intersection. The rezoning applicant submitted the request on May 3rd, 2021.

The property is currently zoned Residential, 4 units per acre with the Special Residential Parking Overlay District and Special Highway Overlay District-2 (R-4 with SRPOD and SHOD-2), and the proposed zoning designation is Industrial Mixed Use, with a 3-story height limit, the Parking and Highway Overlays, and zoning conditions (IX-3-CU with SRPOD and SHOD-2). The purpose of the rezoning is to allow for the relocation of a nearby landscaping business.

The City of Raleigh requires a neighborhood meeting involving the owners and tenants of property within 1,000 feet of the properties prior to being heard by the Raleigh Planning Commission. After the meeting, we will prepare a report for the Planning Department regarding the items discussed at the meeting.

Please do not hesitate to contact me directly if you have any questions or wish to discuss any issues. I can be reached at 919.645.4313 and wmills@longleaflp.com. Also, for more information about rezoning, you may visit www.raleighnc.gov and search for "Rezoning Process" or contact the Raleigh City Planning Department at 919.996.2657 or Jason.Hardin@raleighnc.gov.

Attached to this invitation are the following materials:

1. Subject Property Current Aerial Exhibit
2. Subject Property Current Zoning Exhibit
3. A draft of the proposed Rezoning Application

R-4 w/ SHOD-2 and SRP00
300

SRP00

Rezoning Application and Checklist

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

Rezoning Request			
Rezoning Type	<input type="checkbox"/> General use	<input checked="" type="checkbox"/> Conditional use	<input type="checkbox"/> Master plan
	<input type="checkbox"/> Text change to zoning conditions		
Existing zoning base district: R-4		Height:	Frontage:
Proposed zoning base district: IX		Height: 3	Frontage:
Helpful Tip: View the Zoning Map to search for the address to be rezoned, then turn on the 'Zoning' and 'Overlay' layers.		Overlay(s): SRPOD & SHOD-2	
If the property has been previously rezoned, provide the rezoning case number:		Overlay(s): SRPOD & SHOD-2	

General Information		
Date: May 5, 2021	Date amended (1):	Date amended (2):
Property address: 1441 Kirkland Road		
Property PIN: 1702-09-1451		
Deed reference (book/page): 10687 / 1667		
Nearest intersection: Kirkland Road and Smith Reno Road		Property size (acres): 1.49
For planned development applications only:	Total units:	Total square footage:
	Total parcels:	Total buildings:
Property owner name and address: Thomas Fuqua		
Property owner email:		
Property owner phone:		
Applicant name and address: Worth Mills, Longleaf Law Partners		
Applicant email: wmills@longleaflp.com		
Applicant phone: 919-645-4313		
Applicant signature(s):		
Additional email(s):		

Conditional Use District Zoning Conditions		
Zoning case #: TBD	Date submitted: May 5, 2021	OFFICE USE ONLY Rezoning case #
Existing zoning: R-4 with SRPOD and SHOD-2	Proposed zoning: IX-3 with SRPOD and SHOD-2	

Narrative of Zoning Conditions Offered
<p>1. The following Principal Uses as listed in UDO Section 6.1.4. that are permitted, limited or special uses in the IX- district shall be prohibited: (i) Major Utilities; (ii) Adult establishment; (iii) Outdoor Recreation; (iv) Golf course; (v) Riding stables; (vi) Passenger Terminal; (vii) Airfield, landing strip; (viii) Animal care (indoor); (ix) Animal care (outdoor); (x) Pawnshop; (xi) Vehicle Fuel Sales; (xii) Vehicle Sales/Rental; (xiii) Detention center, jail, prison; (xiv) Brewery, winery, distillery, cidery; (xv) Car wash; (xvi) Vehicle repair (minor); (xvii) Vehicle repair (major); and (xviii) Vehicle repair (commercial vehicle).</p>

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

Property Owner(s) Signature: Thomas Fuqua

Printed Name: THOMAS FUQUA

EXHIBIT C – ITEMS DISCUSSED

- Touching base with the adjacent church
- Rationale for the overlays
- Proposed maximum height
- The City of Raleigh does not require a site plan with a rezoning application
- Potential meeting dates and times for Planning Commission and City Council
- Anticipated noise level from irrigation business
- Potential for heavy equipment stored on the property

EXHIBIT D – MEETING ATTENDEES

1. Hannah Reckhow (City of Raleigh)
2. Worth Mills (attorney)
3. Kaline Shelton (Longleaf Law Partners)
4. John Hinshaw
5. Shellie King