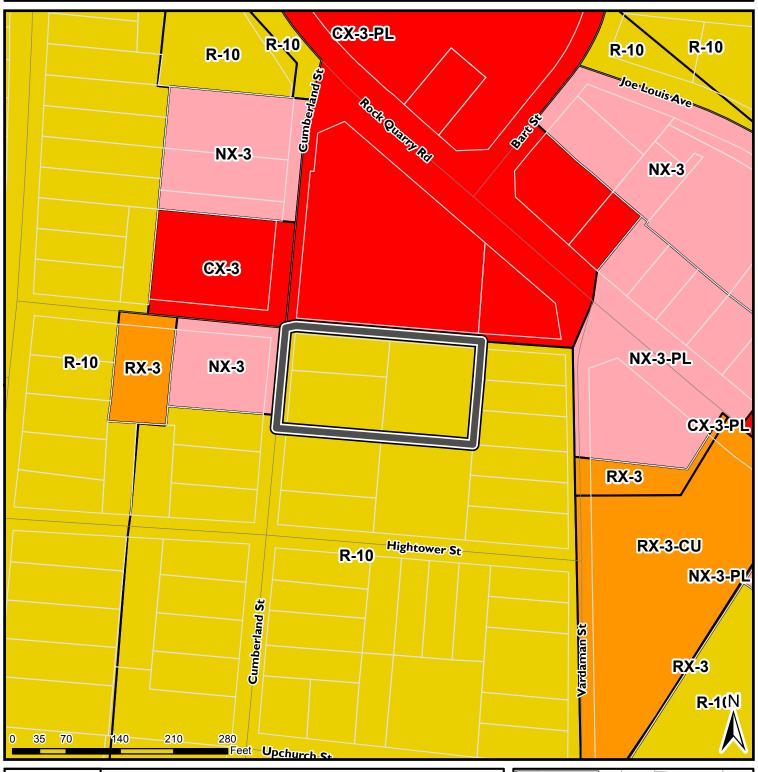
Existing Zoning Map

Z-31-2016

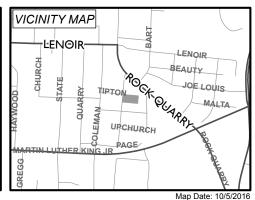




Request:

0.67 acres from **R-10** to **CX-3**

w/



Rezoning Application





The state

 $\textbf{Department of City Planning} \mid 1 \text{ Exchange Plaza, Suite 300} \mid \text{Raleigh, NC 27601} \mid 919-996-2626$

10/4/16

REZONING REQUEST				
	ional Use	l	OFFICE USE ONLY	
Existing Zoning Classification R10			Transaction #	
Proposed Zoning Classification Base District CX Height -3 Frontage				
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:				
485904				
GENERAL INFORMATION				
Property Address 615&617 Cumberland St. & 636 Rock Quarry Rd. (partial)-see attached plat and metes & bounds description Date				
Property PIN 1731.25_4427, 4421 & 5452 Deed Reference (book/page) DB 14039 PG 1036				
Nearest Intersection Cumberland St. & Rock Quarry Rd. Property Size (acres) of acres (collectively)				
Property Owner/Address 630 Rock Quarry LLC 630 Rock Quarry Road Raleigh, NC 27610-3818	F	Phone (919) 828-4809	Fax	
		mail tire3@bells	outh.net	
Project Contact Person/Address Ed Sconfienza, P.E.	F	thone (919) - 835-47	787 Fax (919) 839-2255	
1111 Oberlin Rd. Raleigh, NC 27605	E	mail ed@thesite	group.net	
Owner Agen) Signature	int Scark and	mail tire3@bells	south.net	

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

OCL d SOJE WITT: da

REZONING APPLICATION ADDENDUM

Comprehensive Plan Analysis

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

OFFICE USE ONLY

Transaction #

48904

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.

This front portion of this property was previously zoned Neighborhood Business (NB) with a Neighborhood Mixed Use (NMU) designation under the FLUM.

The NB zoning allowed the current use of the property. Since that time, the NB zoning has been discontinued and the most recent Comprehensive Plan has associated NMU with NX zoning which would not allow the current use which has been in existence for over 50 years. The proposed CX zoning is the least intensive zoning designation that would allow the existing use. The proposed zoning is partially consistent with the FLUM.

The City's Urban Form Map designate Rock Quarry Road as a Transit Emphasis Corridor. This subject property is, and has been for over half a century used as part of the business fronting on Rock Quarry Road. The property fronting on Rock Quarry Road has a CX-3-PL designation. The proposed rezoning would provide conformity for the existing business and 2. cure a legal nonconforming use. Since Rock Quarry is a major street, the property fronting on Rock Quarry Road has a frontage but the subject properties front on a side street where frontage is less desirable. The Comprehensive Plan recommends a "hybrid approach to frontage". Based on this property being an existing commercial use with the use on the adjacent property, the proposed zoning is consistent with the Urban Form Map of the City's Comprehensive Plan.

The proposed zoning is consistent with several of the City's vision themes: (1) Economic Prosperity and Equity: legalizing an existing use of the property that has been contiguous for over 50 years will encourage expansion and improvements to the existing business. (3) Managing our Growth: legalizing the existing use encourages modernization within the existing site boundaries at rather than expansion in an alternate location. (5) Greenprint Raleigh: Reuse or redevelopment of existing properties/facilities reduces the demand for greenfield development. (6) Growing Successful Neighborhoods and Communities: The current business owner has demonstrated a commitment to improving the existing business and property. Zoning the property consistent with the existing use will support and encourage the continued commitment the existing business has shown to growing his business in harmony with the adjacent neighborhood and community.

The following land use policies are either consistent with, or partially consistent with, and support the proposed rezoning: LU 1.2 Future Land Use Map and Zoning Consistency (partially, see #1, above); LU 2.6 Zoning and Infrastructure Impacts; LU 3.2 Location of Growth; LU 3.4 Infrastructure Concurrency; LU 5.1 Reinforcing the Urban Pattern; LU 5.2 Managing Commercial Development Impacts; LU 5.4 Density Transitions; LU 7.2 Shopping Center Reuse; LU 8.2 Neighborhood Revitalizaton; LU 8.3 Conserving, Enhancing and Revitalizing Neighborhoods; LU 8.4 Rehabilitation Before Demolition; LU 8.1 Infill Development; LU 10.1 Mixed Use Retail;

PUBLIC BENEFITS

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

This property has been used consistently for commercial purposes for over half a century. Wake County records suggest the subject properties were purchased in 1962 & 1963. However, there are also indications that the property was used for commercial purposes as far back as 1960. Anecdotal evidence suggests the property was leased by the Petroleum Tank Corporation prior to them actually purchasing the property. It is in the public's best interest and benefit to cure a zoning nonconformity that has existed for over 50 years.

The proposed zoning designation allows a mix of uses including residential and commercial which ² supports the efficient use of existing utilities, streets and transit facilities.

The proposed rezoning will provide greater protections for the surrounding neighborhood since the UDO 3. standards for mixed use zoning, including Neighborhood Transitions, will be required upon any redevelopment.

4.

UKBAN DESIGN GUIDELINES

If the property to be rezoned is shown as a "mixed use center" or located along a Main Street or Transit Emphasis Corridor as shown on the Urban Form Map in the Comprehensive Plan, the applicant must respond to the Urban Design Guidelines contained in the 2030 Comprehensive Plan. These guidelines are analyzed because the adjacent property, which is part of the same business as the subject property, is located on a Transit Emphasis Corridor.

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. Rezoning the property will allow for future mixed use re-development.

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. The proposed zoning, CX-3, limits the height to 3 stories adjacent to the adjacent R10 (moderate density) residential neighborhoods.

- 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. The existing road network provides adequate access to the site and meets the City's block perimeter quidelines.
- 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. The existing road network provides access meets City design criteria and provides excellent access Rock Quarry Rd.
- 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. The existing street meets this block face criteria
- 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. Rezoning this property encourages redevelopment using the design criteria specified for commercial mixed use (CX) developments which requires heightened transparency for visual interest and encourages the location of parking facilities to the rear of buildings.
- 7. Buildings should be located close to the pedestrian-oriented street (within 25 feet of the curb), with off-street parking behind and/or beside the buildings. When a development plan is located along a high volume corridor without on-street parking, one bay of parking separating the building frontage along the corridor is a preferred option. Rezoning this property encourages redevelopment using the design criteria specified for commercial mixed use (CX) developments.
- 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. Rezoning this property encourages redevelopment using the design criteria specified for commercial mixed use (CX) developments.
- 9. To ensure that urban open space is well-used, it is essential to locate and design it carefully. The space should be located where it is visible and easily accessible from public areas (building entrances, sidewalks). Take views and sun exposure into account as well. Rezoning this property encourages redevelopment using the design criteria specified for commercial mixed use (CX) developments.
- 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. Rezoning this property encourages redevelopment using the design criteria specified for commercial mixed use (CX) developments.
- 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. Rezoning this property encourages redevelopment using the design criteria specified for commercial mixed use (CX) developments.
- A properly defined urban open space is visually enclosed by the fronting of buildings to create an outdoor "room" that is comfortable to users. Rezoning this property encourages redevelopment using the design criteria specified for commercial mixed use (CX) developments.
- 13. New public spaces should provide seating opportunities. Rezoning this property encourages redevelopment using the design criteria specified for commercial mixed use (CX) developments.
- Parking lots should not dominate the frontage of pedestrian-oriented streets, interrupt pedestrian routes, or negatively impact surrounding developments. Rezoning encourages the construction of parking facilities in the rear of the existing business rather than in the front yard where the property is already zoned for parking supporting a commercial use.
- 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. Rezoning encourages the construction of parking facilities in the rear of the existing business rather the front as described in # 14.

16.	Parking structures are clearly an important and necessary element of the overall urban infrastructure but, given their utilitarian		
	elements, can give serious negative visual effects. New structures should merit the same level of materials and finishes as that a principal building would, care in the use of basic design elements cane make a significant improvement. Any future parking structures would need to meet Code requirements.		
17.	Higher building densities and more intensive land uses should be within walking distance of transit stops, permitting public transit to become a viable alternative to the automobile. There are existing transit stops on both sides of Rock Quarry Road less than 200' from the front entrance to the existing building.		
18.	Convenient, comfortable pedestrian access between the transit stop and the building entrance should be planned as part of the overall pedestrian network. There are existing sidewalks and cross walks adjacent to the Rock Quarry Rd. frontage.		
19.	All development should respect natural resources as an essential component of the human environment. The most sensitive landscape areas, both environmentally and visually, are steep slopes greater than 15 percent, watercourses, and floodplains. Any development in these areas should minimize intervention and maintain the natural condition except under extreme circumstances. Where practical, these features should be conserved as open space amenities and incorporated in the overall site design. There are no steep slopes, watercourses or floodplains on or adjacent to the site.		
20.	It is the intent of these guidelines to build streets that are integral components of community design. Public and private streets, as well as commercial driveways that serve as primary pedestrian pathways to building entrances, should be designed as the main public spaces of the City and should be scaled for pedestrians. Existing side streets adjacent to the site being rezoned are pedestrian scale.		
21.	Sidewalks should be 5-8 feet wide in residential areas and located on both sides of the street. Sidewalks in commercial areas and Pedestrian Business Overlays should be a minimum of 14-18 feet wide to accommodate sidewalk uses such as vendors, merchandising and outdoor seating. The UDO sets these standards; any redevelopment will need to meet this standard.		
22.	Streets should be designed with street trees planted in a manner appropriate to their function. Commercial streets should have trees which complement the face of the buildings and which shade the sidewalk. Residential streets should provide for an appropriate canopy, which shadows both the street and sidewalk, and serves as a visual buffer between the street and the home. The typical width of the street landscape strip is 6-8 feet. This width ensures healthy street trees, precludes tree roots from breaking the sidewalk, and provides adequate pedestrian buffering. Street trees should be at least 6 1/4" caliper and should be consistent with the City's landscaping, lighting and street sight distance requirements. The UDO sets the standard for street trees; any further development or redevelopment will be required to meet UDO requirements.		
23.	Buildings should define the streets spatially. Proper spatial definition should be achieved with buildings or other architectural elements (including certain tree plantings) that make up the street edges aligned in a disciplined manner with an appropriate ratio of height to width. Any further site development or redevelopment will be required to meet UDO frontage and build-to requirements.		
24.	The primary entrance should be both architecturally and functionally on the front facade of any building facing the primary public street. Such entrances shall be designed to convey their prominence on the fronting facade. The existing buildings front on Rock Quarry. Any further development or re-development will need to meet UDO frontage and build-to requirements.		
25.	The ground level of the building should offer pedestrian interest along sidewalks. This includes windows entrances, and architectural details. Signage, awnings, and ornamentation are encouraged. Any further development or re-development will need to meet UDO frontage and build-to requirements.		
26.	The sidewalks should be the principal place of pedestrian movement and casual social interaction. Designs and uses should be complementary to that function. Any further development or re-development will need to meet UDO frontage and build-to requirements.		



Attention:

Neighboring Property Owners

RQTGZ

13 September 2016

From:

Ed Sconfienza, P.E.

Reference:

The Tire Guy Rezoning (PIN No.'s 1731.25.4427, 1725.25.4421 & 1731.25.5452)

You are receiving this letter because you own property within 100' of property we will be asking the City of Raleigh to rezone. The property we are proposing to rezone is the rear of The Tire Guy's business property; the front of the property is already properly zoned. Raul Esquivel, the owner of the business, has engaged us to assist him with this process. We will, in the near future, submit a petition to the City asking that the rear Mr. Esquivel's property be rezoned from R10 to CX-3 (Community Mixed Use with a 3 story height limit). We have attached a map showing the current zoning of the adjacent property with the subject property outlined in yellow.

The purpose of this letter is to invite you to a meeting to discuss the prospective rezoning. The meeting will be held at the Roberts Park Community Center, 1300 E. Martin Street, at 6:00 pm on Wednesday, September 28th. Raul Esquivel and I will be present to discuss the rezoning process and answer any questions you have regarding this proposed rezoning.

Once the Rezoning Application is filed, it will be reviewed by City staff over the next several months and referred to the Planning Commission for review. After the Planning Commission has reviewed the request, they will forward a recommendation to City Council for final action. You can follow this process on the City's website: www.raleighnc.gov/planning. You can also contact the City of Raleigh Planning Department directly at (919) 996-2626 or rezoning@raleighnc.gov.

If you have any questions about this rezoning, please do not hesitate to contact me directly at (919) 835-4787 or at ed@thesitegroupnet.

Raul and I are looking forward to meeting with you on the 28th.

Sincerely,

Ed Sconfienza Principal The Site Group, PLLC

The Site Group 1111 Oberlin Road Raleigh, North Carolina 27605 Phone: 919-835-4787 Fax: 919-839-2255

www.thesitegroup.net



MEMORANDUM

Attention:

City of Raleigh Planning Department

29 September 2016

Job: RQTGZ

Phone: 919-835-4787

www.thesitegroup.net

Fax: 919-839-2255

From:

Ed Sconfienza, P.E.

Project:

The Tire Guy Rezoning

Subject:

Neighborhood Meeting Minutes

Meeting notices were sent to thirteen adjacent property owners as listed on the attached mailing label list. The neighborhood meeting was held starting at 6:00 pm on September 28, 2016 at the Roberts Park Community Center, 1300 E. Martin Street, Raleigh North Carolina.

Two neighbors, Jimmy and Shirley Bumpers of 712 Vandaman Street, attended the meeting.

We explained we are proposing a General Use rezoning to cure the existing zoning nonconforming use that has existed on this property for over 50 years. We stated the existing use is a legal nonconforming use that can continue but any expansion has severe limitations; the proposed Commercial Mixed Use (CX-3) zoning is the least permissive zoning designation that would legalize the existing use.

Mr. & Mrs. Bumpers said their concern was how the rezoning will affect their property.

We responded that any expansion or redevelopment would need to provide a Transitional Protective Yard (TPY) in accordance with the Uniform Development Ordinance (UDO). We reviewed the TPY section (type A1 & A2 TPY) from the UDO and pointed out the current use does not provide a TPY. We stated that, in our opinion, any redevelopment and/or expansion under the proposed zoning would provide a superior transition to what currently exists. Our explanation seemed to satisfy Mr. & Mrs. Bumpers.

1713.25.4641 Rock Quarry LLC 630 Rock Quarry Rd Raleigh, NC 27610-3818

1713.25.6363 Jimmy Ray & Shirley Ann Bumpers 712 Vardaman Street Raleigh, NC 27610-3836

1712.25.4206 Red Wolf Sanctuary LLC 14460 Falls of Neuse Rd. Raleigh, NC 27614-8227

1713.25.21367 Luis & Jesus Sarria 7326 Great Laurel Dr Raleigh, NC 27616-3320

1713.25.2268 Shirley H. Jones 0 Catherine Rd. Milton MA 02186-2706 1713.25.6553,1713.25.6465 1733.25.6461 CCH Properties LLC P.O. Box 19726 Raleigh, NC 27619-9726

1713.25.6330; 1713.25.6255 Rahel Meta LLC Metaferia Tadesse & Rahel Tedla 2325 Sapphire Valley Dr. Raleigh, NC 27604-1486

1713.25.4313 Dorthy M Gibbs & Mary M Overton Heirs 1300 Highcourt Dr, Apartment 102 Raleigh, NC 27610-3893

1713.25.2475 Shirley Warner T/TR 6212 Yates Mill Pond Rd. Raleigh, NC 27606-9694 1713.25.6367 Sequoyah Winston 708 Vardaman Street Raleigh, NC 27610-3836

1713.25.5350 John Robert Payne, Trustee Jeanie Gibson Glenn Trust 5805 Allwood Drive Raleigh, NC 27606-9032

1713.25.2363 Brenda H Sanders 624 Coleman Street Raleigh, NC 27610-3850

1713.25.2670 Anthony & Mamie Banks 7913 Independent Ct. Garner, NC 27529-9588

SUMMARY OF ISSUES

A neighborhood meeting was held on September 28, 2016 (date) to discuss a potential					
rezoning located at615&617 Cumberland St and 636 Rock Quarry Rd (partial) (property address).					
The neighborhood meeting was held atRoberts Community Center, 1300 E. Martin Street (location).					
There were approximately $\underline{two\;(2)}$ (number) neighbors in attendance. The general issues					
discussed were:					
Summary of Issues:					
Impact on adjacent properties; Transitional Protective Yard requirements were reviewed.					

The Tire Gay Rezontug

Neighborhood Maeting ZBSEATZO16

ATTENDANCE ROSTER			
NAME	ADDRESS		
Ed Sconfienza/Thesit	e ·		
Ed Sconfienza/Thesit Group ALLC			
Brick Villians	630 Rozle Gravy Rd		
RAUL ESQUIVEL	630 Rock Quarry Rd		
Jimmy Bumpers	712 Vordomm St		
Thirty Bungers	712 Vardoman St		
	1		
1			



The Tire Guy Rezoning

Metes & Bounds

Legal Description

03 October 2016

Phone: 919-835-4787

www.thesitegroup.net

Fax: 919-839-2255

Beginning at a rebar set in the southwestern ROW line of Rock Quarry Road (SR 2564) and the easternmost point of the ROW of Cumberland Street; Thence along the ROW of Cumberland Street the following bearings and distances: S 66°35'12" W 38.11' to a concrete ROW monument; Thence S 05°32'52" W 50.01' to a concrete ROW monument; Thence N 84°34'03"w 4.72' to a concrete ROW monument; Thence S 05°25'57" W 192.44' to an iron pipe; Thence S 04°12'31" W 10.00' to a nail at the intersection of the centerline of Tipton Street (closed) and the east line of Cumberland Street and the POINT OF BEGINNING of the tract herein described: Thence departing the east line of Cumberland Street and following the centerline of Tipton Street (closed), said line also being the zoning line between the CX-3-PL zoning to the north and the R-10 zoning to the south, S 85°15'16" E 242.79' to a point; Thence departing the centerline of Tipton Street (closed) and following the east line of the tract herein described the following bearings and distances: S 04°44'44" 10.00' to an iron pipe; Thence S 04°31'39" W 79.87' to an iron pipe; Thence S 05°26'05" W 45.05' to an iron pipe; Thence departing the east line of the tract herein described and following the south line of the tract herein described the following bearings and distances: S 82°52'32" E 39.75' to a rebar; Thence S 85°26'33" E 80.14' to an iron pipe; Thence S 85°14'28" E 123.76' to a point in the east ROW line of Cumberland Street ; Thence departing the south line of the tract herein described and following the east ROW line of Cumberland Street the following bearings and distances: N 05°17'38" E 124.89' to a nail: Thence N 04°12'31" E 10.00' to the POINT OF BEGINIG and containing 0.754 acres, more or less, according to a survey by Robinson & Plante, P.C. Surveying dated 02-28-12, titled "Street Closing Map for Tipton Street and Recombination Map for 630 Rock Quarry LLC" dated 2-28-12 and recorded in Wake County Registry Map Book 2012 Page 832.

