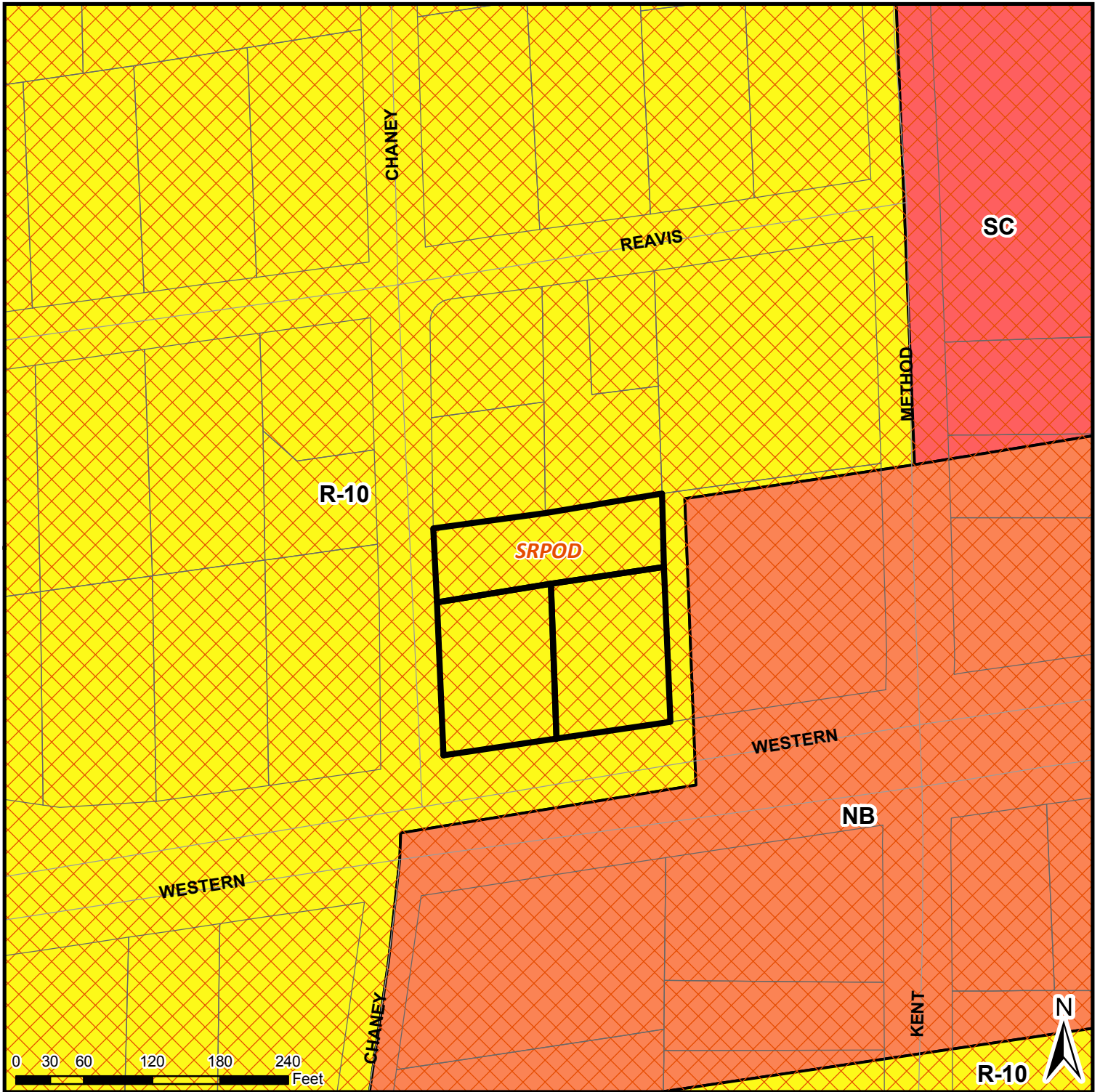


Existing Zoning Map

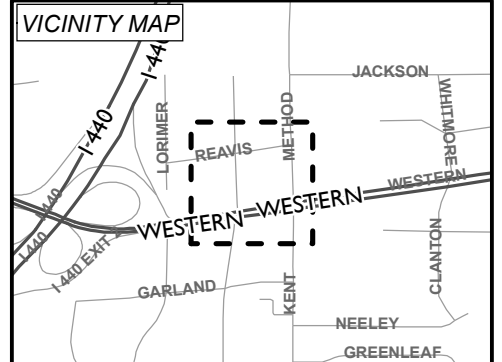
Z-33-2013



Submittal Date

12/20/2013

Request:
0.9 ac from R-10 w/ SRPOD
to NX-3-CU w/ SRPOD





Certified Recommendation

Raleigh Planning Commission

CR# 11565

Case Information Z-33-13 Western Blvd.

<i>Location</i>	Western Boulevard, north side, in the northeast quadrant of its intersection with Chaney Road. Addresses: 1011 Chaney Road, 4130 Western Boulevard and 4128 Western Boulevard PINs: 0794004695, 0794004545 and 0794005547
<i>Request</i>	Rezone property from R-10 with SRPOD to NX-3 CU with SRPOD
<i>Area of Request</i>	0.9 acres
<i>Property Owner</i>	J. C. Edwards, J. C. Edwards Trustee and Amy E. Edwards, Trustee
<i>Applicant</i>	Thomas C. Worth, Jr. P. O. Box 1799 Raleigh, NC 27602
<i>Citizens Advisory Council</i>	West CAC Benson Kirkman Benson.Kirkman@att.net Jim Paumier Jopaumier@earthlink.net
<i>PC Recommendation Deadline</i>	June 25, 2014

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>	Moderate Density Residential
<i>CONSISTENT Policies</i>	Policy LU 7.5--High-Impact Commercial Uses
<i>INCONSISTENT Policies</i>	Policy LU 5.4—Density Transitions Policy LU 5.6—Buffering Requirements Policy LU 7.1—Encouraging Nodal Development Policy LU 7.4—Scale and Design of New Commercial Uses Policy LU 10.6—Retail Nodes Policy UD 3.8—Screening of Unsightly Uses

Summary of Proposed Conditions

1. A maximum of two parking bays may be located between the building and any public right-of-way.
2. Allowed uses:
 - Single unit, two-unit and multi-unit residential
 - Group living, excluding boarding house, fraternity or sorority houses
 - Civic uses
 - Major and minor utilities
 - Medical uses
 - Offices
 - Beauty/hair salon
 - Cleaning establishment – dry cleaners, laundromat, laundry drop-off facilities
 - Copy center
 - Locksmith
 - Optometrist
 - Tailor
 - Retail sales except convenience stores, fuel (including gasoline and diesel fuel) sales, restaurants and drive-through pharmacies.
3. Building height limited to 39 feet.
4. A maximum 8,900 square feet of commercial building area. Prior to obtaining a building permit, the property owner shall either recombine the subject lots into one lot or record in the Wake County Registry a declaration of allocation of commercial square footage among the lots within the subject.

Public Meetings

<i>Neighborhood Meeting</i>	<i>Committee</i>	<i>Planning Commission</i>
Dec. 4, 2013	Date:	Date:

Valid Statutory Protest Petition

Attachments

1. Staff report

Planning Commission Recommendation

<i>Recommendation</i>	<p>The Planning Commission recommends approval of this case, and recommends that the City Council authorize a May 6th Public Hearing for the case.</p> <p>The Planning Commission further recommends that the Planning staff, during the upcoming 5 year update of the Comprehensive Plan, reexamine the future land use recommendations in this vicinity.</p>
<i>Findings & Reasons</i>	<p>The proposed rezoning is reasonable and in the public interest because:</p> <ol style="list-style-type: none"> 1) it will facilitate redevelopment of two triplexes which are not appropriate land uses to front onto Western Boulevard; 2) the site is not appropriate for moderate density housing due to its frontage on Western Boulevard and adjacency to a

to the east is an extensive area designated for Neighborhood Mixed Use which, corresponding with the commercial zoning, runs from just west of Method Road east to Gorman Street.

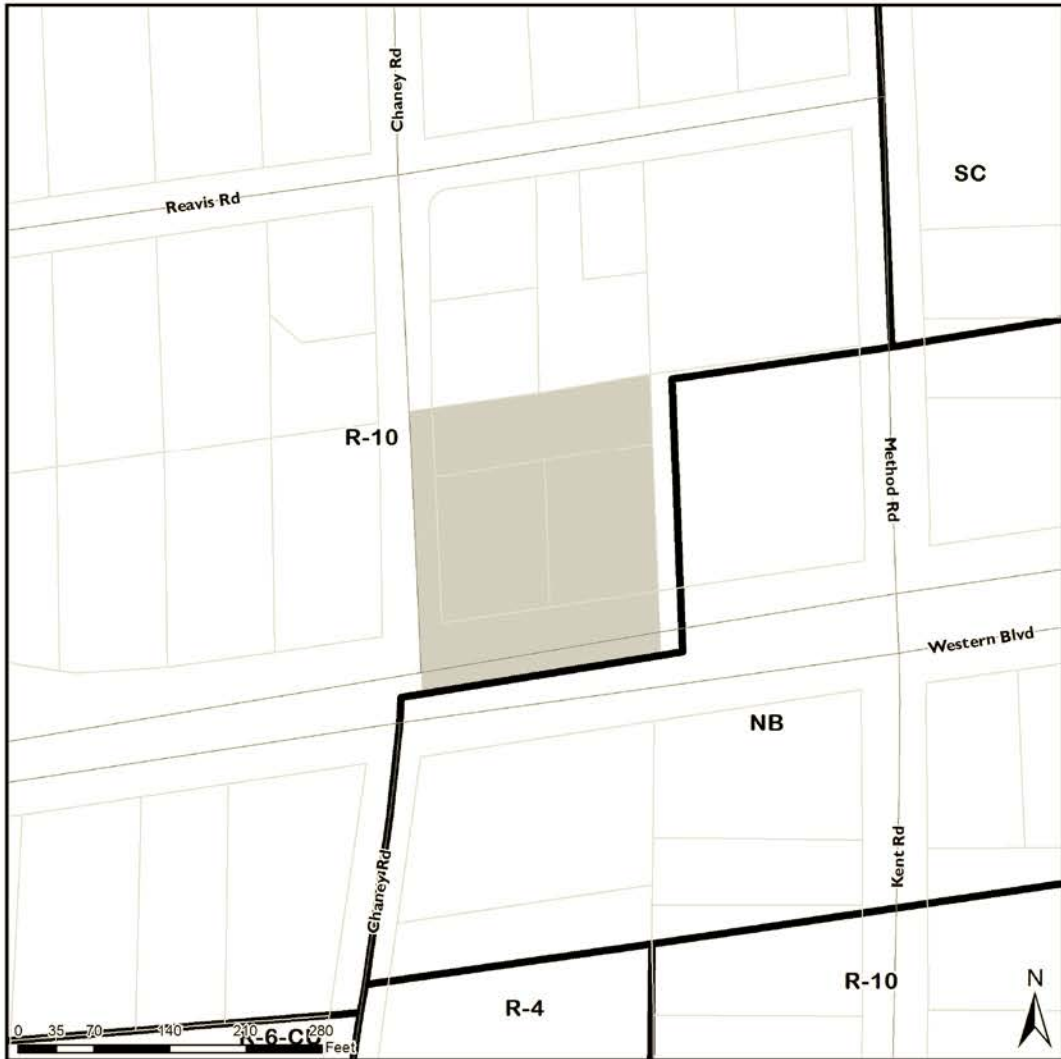
Western Boulevard is designated as a six lane divided avenue on the Road Typology Map, and the north lane of Western Boulevard (closest to the subject parcels) is marked as an approach lane, and functions as a de facto acceleration lane to the I-440 Beltline.

Outstanding Issues

<i>Outstanding Issues</i>	<ol style="list-style-type: none">1. The proposal is not consistent with the FLUM2. There are no provisions for buffering dumpsters, etc.	<i>Suggested Mitigation</i>	<ol style="list-style-type: none">1. Consider changing the request to RX with a cap of 14 dwellings per acre.2. Consider conditions that would position such aspects of new development away from the public view.
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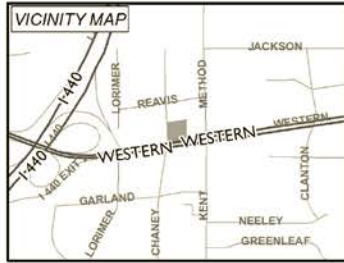
ZONING REQUEST

Existing Zoning Map Z-33-2013




Submittal Date
12/20/2013

Request:
0.9 acres from
R-10 w/ SRPOD
to NX-3-CU
w/ -SRPOD



Rezoning Case Evaluation

1. Compatibility Analysis

1.1 Surrounding Area Land Use/ Zoning Summary

	Subject Property	North	South	East	West
<i>Existing Zoning</i>	R-10	R-10	NB	R-10, NB	R-10
<i>Additional Overlay</i>	SRPOD	SRPOD	SRPOD	SRPOD	SRPOD
<i>Future Land Use</i>	Moderate Density Residential	Low Density Residential	Office and Residential Mixed Use	Neighborhood Mixed Use	Moderate Density Residential
<i>Current Land Use</i>	Triplex residential	Duplex residential, vacant	Institutional	Auto-oriented retail	Single family housing
<i>Urban Form (if applicable)</i>	N/A	N/A	N/A	N/A	N/A

1.2 Current vs. Proposed Zoning Summary

	Existing Zoning	Proposed Zoning
<i>Residential Density:</i>	10 dwellings per acre	Not capped by conditions
<i>Setbacks:</i>		
<i>Front:</i>	20'	5'*
<i>Side:</i>	5' (15' aggregate)	5' from street, 0' or 6' side lot line*
<i>Rear:</i>	20'	0' or 6'*
<i>Retail Intensity Permitted:</i>	Retail not allowed	8,900 sq. ft. per conditions
<i>Office Intensity Permitted:</i>	Office not allowed	8,900 sq. ft. per conditions

*for general building

1.3 Estimated Development Intensities

	Existing Zoning	Proposed Zoning*
<i>Total Acreage</i>	0.9 acres	0.9 acres
<i>Zoning</i>	R-10	NX-3 CU
<i>Max. Gross Building SF (if applicable)</i>	N/A	44,578 sq. ft.*
<i>Max. # of Residential Units</i>	9	43*
<i>Max. Gross Office SF</i>	N/A	8,900 sq. ft.
<i>Max. Gross Retail SF</i>	N/A	8,900 sq. ft.
<i>Max. Gross Industrial SF</i>	N/A	N/A
<i>Potential F.A.R</i>	N/A	1.11*

*The development intensities for proposed zoning districts were estimated using the **Envision Tomorrow** impact analysis tool. Reasonable assumptions are factored into the analysis to project the worst case development scenario for the proposed rezoning. The estimates presented in this table are rough estimates intended only to provide guidance for analysis in the absence of F.A.R's and density caps for specific UDO districts.

The proposed rezoning is:

Compatible with the property and surrounding area.

Incompatible.

Analysis of Incompatibility:

The proposed rezoning is marginally incompatible with the surroundings. If a commercial use eventually occupies the property (residential uses are still allowed per the conditions) such a use would be an extension of the existing commercial strip along Western Boulevard. However, the conditions exclude certain high-impact commercial uses, such as convenience stores, restaurants of any type, and pharmacies with drive-throughs. Nonresidential uses are found to the south and east of the site.

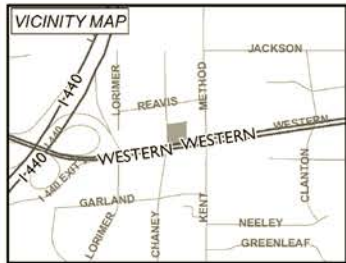
FUTURE LAND USE MAP

Future Land Use Map Z-33-2013




Submittal Date
12/20/2013

Request:
0.9 acres from
R-10 w/ SRPOD
to NX-3-CU
w/ -SRPOD



2. Comprehensive Plan Consistency Analysis

2.1 Future Land Use

Future Land Use designation:

Moderate density residential

The rezoning request is:

Consistent with the Future Land Use Map.

Inconsistent

Analysis of Inconsistency:

The site is designated for Moderate Density Residential (6 – 14 units per acre). This designation applies to some older single family neighborhoods and to small lot and patio home developments. Townhouses and multifamily housing not exceeding 14 dwellings per acre would be consistent with this category.

Corresponding zoning districts are R-6 and R-10, or RX conditioned to limit density.

Commercial development is not consistent with this designation.

2.2 Policy Guidance

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

Policy LU 5.4—Density Transitions
Policy LU 5.6—Buffering Requirements
Policy LU 7.1—Encouraging Nodal Development
Policy LU 7.4—Scale and Design of New Commercial Uses
Policy LU 10.6—Retail Nodes
Policy UD 3.8—Screening of Unsightly Uses

The policies with which the proposal is inconsistent relate to the extension of strip development past its current extent, in opposition to established City policies that promote nodes, not strips, of commercial development. Although setbacks and buffering will be required at the time of site plan, commercial uses abutting single family houses is not an ideal juxtaposition. Also, no provision has been made for the screening of loading docks and dumpsters.

2.3 Area Plan Policy Guidance

Not applicable. No area plan exists for this location.

3. Public Benefit and Reasonableness Analysis

3.1 Public Benefits of the Proposed Rezoning

- The development of the site for commercial uses could provide additional variety of the goods and services available in the area.

3.2 Detriments of the Proposed Rezoning

- Commercial uses on the site would further extend a congested, automobile-oriented commercial strip.
- The proposed rezoning would allow an incursion of commercial uses into an established residential area.

4. Impact Analysis

4.1 Transportation

Transportation Planning has conducted a trip generation study based on the estimated development intensities and determined that a Traffic Impact Study is not required if conditions prohibit convenience stores, fuel sales, and fast food restaurants.

Impact Identified:

With high traffic-generating uses prohibited by conditions, the remaining allowed uses will not significantly increase traffic in the area.

4.2 Transit

CAT currently operates on Method Rd. and Triangle Transit operates on Western Blvd. The closest CAT stop is on Method/Western and the closest Triangle Transit stop is on Western/Method.

Impact Identified:

It is not anticipated that this development will have a significant impact on the routes serving this area.

4.3 Hydrology

<i>Floodplain</i>	None
<i>Drainage Basin</i>	Bushy
<i>Stormwater Management</i>	Subject to Part 10A, Chapter 9 of UDO
<i>Overlay District</i>	None

Impact Identified:

Site will be subject to Stormwater regulations under Part 10A, Chapter 9 of the City of Raleigh UDO. There are no wetlands, Neuse Buffers, or Floodplain on the site.

4.4 Parks and Recreation

Recreation services for this site are currently provided by Method Road Park. There are no adjacent greenway corridors to this parcel.

Impact Identified:

None

4.5 Urban Forestry

Impact Identified:

UDO Article 9.1—Tree Conservation is not applicable. The three parcels combined are smaller than two acres in size. No tree conservation will be required when the properties are re-developed.

4.6 Designated Historic Resources

N/A

4.7 Community Development

N/A

4.8 Appearance Commission

N/A

4.10 Impacts Summary

Uses allowed in the zoning conditions would have only a minor impact on City services.

4.11 Mitigation of Impacts

None suggested.

5. Conclusions

The main issue is the expansion of a commercial, automobile-oriented strip by redevelopment of three residential buildings. The proposal does not comply with Comprehensive Plan policies that are intended to contain such development within commercial nodes. The redevelopment of these residential buildings could set a precedent for further western expansion of the commercial strip. The proposal is inconsistent with the Future Land Use Map. If this request is recommended for approval, the Planning Commission must find that the proposal is reasonable and in the public interest.



CITY OF RALEIGH
CITY PLANNING DEPT

Planning & Development

Development Services
Customer Service Center
One Exchange Plaza
1 Exchange Plaza, Suite 400
Raleigh, North Carolina 27601
Phone 919-996-2495
Fax 919-516-2685

Rezoning Application

Rezoning Request	OFFICE USE ONLY
<input type="checkbox"/> General Use <input checked="" type="checkbox"/> Conditional Use <input type="checkbox"/> Master Plan Existing Zoning Classification R-10 w/SRPOD 39 feet Proposed Zoning Classification Base District NX with SRPOD Height 3 stories/ 25 feet Frontage None. If the property has been previously rezoned, provide the rezoning case number. Unknown Provide all previous transaction numbers for Coordinated Team Reviews, Due Diligence Sessions or Pre-Submittal Conferences. 372167	Transaction Number <div style="font-size: 2em; font-family: cursive;">372167</div> <div style="font-size: 2em; font-family: cursive;">Z-33-13</div>

GENERAL INFORMATION		
Property Address 4128 Western Boulevard, 4130 Western Boulevard, 1011 Chaney Road		Date December ____, 2013
Property PIN 4128 Western Blvd – PIN 0794 00 5547 (Parcel 1); 4130 Western Boulevard - PIN 0794 00 4545 (Parcel 2); 1011 Chaney Road PIN 0794 00 4695 (Parcel 3).		
Nearest Intersection Chaney Road and Western Boulevard		Property size (in acres) 0.9 Ac.
Property Owner Property Owner Parcel 1: J.C. Edwards, individually Parcel 2: J.C. Edwards, Trustee and Amy E. Edwards, Trustee Parcel 3: J.C. Edwards, Trustee and Amy E. Edwards, Trustee	Phone	Fax
	Email	
Project Contact Person Thomas C. Worth, Jr. P. O. Box 1799 Raleigh, NC 27602	Phone 919-831-1125	Fax 919-831-1205
	Email curmudgtcw@earthlink.net	
Owner/Agent Signature J.C. Edwards, Individually & as Trustee Amy E. Edwards, Trustee	Email	

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

Revision 10.16.13



Planning & Development



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1 Exchange Plaza, Suite 400
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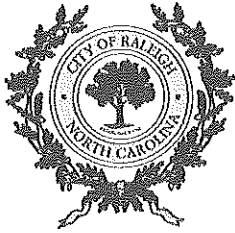
Conditional Use District Zoning Conditions		OFFICE USE ONLY
Zoning Case Number	2-33-13	Transaction Number
Date Submitted	December __, 2013	372167

NARRATIVE OF ZONING CONDITIONS OFFERED

1.	A maximum of two (2) bays of parking may be located between the building and any public right-of-way.
2.	The following uses are allowed on the subject property: (a) Single family or multifamily residential uses (b) Group living, excluding boarding house, fraternity or sorority houses (c) Civic uses (d) Major and minor utilities (e) Medical uses (f) Office uses (g) The following Personal Service uses: (i) Beauty/hair salon (ii) Cleaning establishment – dry cleaners, laundromat, laundry drop-off facilities (iii) Copy center (iv) Locksmith (v) Optometrist (vi) Tailor (h) Eating establishments (i) Retail sales, except pawnshops
3.	The subject property shall have no more than one (1) access point/driveway on Western Boulevard and one (1) access point/driveway on Chaney Road.
4.	Prior to obtaining a building permit for redevelopment, a six (6) foot high solid fence will be installed along the northern property line of Parcel 3 adjacent to the following properties: Goldberg, Deed Book 08527, Page 111, PIN 0794005724; and Edwards, Deed Book 14310, Page 2461 PIN 0794004733.
5.	The height of any non-residential building constructed on the subject property shall not exceed two (2) stories or twenty-five (25) feet. thirty-nine (39)
6.	A maximum of eight thousand nine hundred (8,900) square feet of commercial building area may be constructed on Parcels 1-3, collectively.

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  J.C. Edwards, Individually and as Trustee  Amy E. Edwards, Trustee	Print Name Property Owner Parcel 1: J.C. Edwards, individually Parcel 2: J.C. Edwards, Trustee and Amy E. Edwards, Trustee Parcel 3: J.C. Edwards, Trustee and Amy E. Edwards, Trustee
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Planning & Development

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Rezoning Application Addendum

Comprehensive Plan Analysis	OFFICE USE ONLY
<p>The applicant is asked to analyze the impact of the rezoning request. State Statutes require that the rezoning either be consistent with the adopted Comprehensive plan, or that the request be reasonable and in the public interest.</p>	<p>Transaction Number 372167 Zoning Case Number Z-33-13</p>

STATEMENT OF CONSISTENCY	
<p>Provide brief statements regarding whether the rezoning request is consistent with the future land use designation, the urban form map and any applicable policies contained within the 2030 Comprehensive Plan.</p>	
1.	<p>The proposed zoning is not consistent with the FLUM designation, however, it is consistent with the zoning and FLUM designation on the adjacent tract and is reasonable and in the public interest for the reasons set forth below.</p>
2.	<p>The proposed rezoning is consistent with following Comprehensive Plan policies:</p> <ul style="list-style-type: none"> (a) LU 4.5 Connectivity. The proposed development will provide connectivity with the adjacent commercial use which will allow such use to enter and exit its site from Chaney Road as well as Western Boulevard and Method Road and will provide vehicular and pedestrian connection between Method and Chaney Roads without using Western Boulevard. (b) LU 5.2 Managing Commercial Development Impacts. The transition of uses, specifying commercial uses along Western Boulevard as well as the provision a six (6) foot high solid fence and a height limit of 25 feet provide appropriate transitions to the moderate density housing in the area. (c) LU 7.1 Encourage Nodal Development. The proposed rezoning would facilitate the location of another low intensity retail use beside similar uses along Western Boulevard. (d) LU 5.6 Buffering. The proposed used would provide buffering and a six (6) foot high solid fence to mitigate the impacts of redevelopment adjacent to R-10 properties. (e) LU7.3 Single Family Lots on Thoroughfares. The proposed rezoning would facilitate the removal of 2 triplexes which are not appropriate for a major arterial roadway such as Western Boulevard. (f) UD1.3 Creating Attractive Facades. The proposed rezoning will facilitate the development of an attractive facade with storefront windows, attractive signage and lighting to create visual interest.
3.	<p>The property to the east is zoned Neighborhood Business and operated as a Circle K convenience store; the property to the south is currently zoned Neighborhood Business; the property to the west and north are zoned R-10.</p>

PUBLIC BENEFITS	
<p>Provide brief statements regarding the public benefits derived as a result of the rezoning request.</p>	
1.	<p>The rezoning will facilitate the redevelopment of older housing located on small lots fronting a Major Street.</p>
2.	<p>The subject property is not appropriate for low density residential development.</p>

3.	Although the subject property is designated for moderate density residential, the size of the lots and the diversity of ownership make the development of significant multifamily housing impractical and unlikely.
4.	The property is adjacent to property which is zoned, developed and designated on the FLUM for small scale commercial. All of the property on the north side of Western Boulevard between NCSU and the Beltline is designated as NMRU except one half of this block and the block to the west. All of the property on the south side of Western Boulevard between NCSU and the Beltline is designated as NMRU or ORMU except the westernmost block.

URBAN 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.

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

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

THOMAS C. WORTH, JR.

Attorney

Certified Mediator

Professional Building
127 W. Hargett Street, Suite 500
Post Office Box 1799
Raleigh, North Carolina 27602
Phone: (919) 831-1125 Fax: (919) 831-1205
curmudgtcw@earthlink.net

December 16, 2013

Ms. DeShele Sumpter
Planner I
Department of City Planning
One Exchange Plaza, Suite 304
Raleigh, NC 27601

HAND DELIVERY

RE: **NEIGHBORHOOD MEETING REPORT** Regarding Proposed Rezoning Petition of J.C. Edwards, J.C. Edwards, Trustee and Amy E. Edwards, Trustee (the "Owners") of approximately 1.12 acres, located at 4128 Western Boulevard, 4130 Western Boulevard, 1011 Chaney Road and 1005 Chaney Road (the "Property").

Dear Ms. Sumpter:

As indicated in my attached letter of November 19, 2013 the Neighborhood Meeting was held on Wednesday, December 4, 2013 at 7:00 PM at the Lifepointe Church, Middle Building, 4131 Western Boulevard, Raleigh, NC 27606 to discuss the proposed rezoning of the Property located at 4128 Western Boulevard, 4130 Western Boulevard, 1011 Chaney Road and 1005 Chaney Road collectively. The meeting was moved downstairs to accommodate handicapped accessibility.

The persons and organizations contacted about this meeting are indicated upon the attached list and the roster of those in attendance and their respective addresses are as indicated upon the attached Attendance Roster.

I opened the meeting with a discussion of the four (4) properties owned by Mr. J.C. Edwards, Individually and as Trustee and by Amy Edwards, Trustee (both in attendance), their present zoning and designation in the 2030 Comprehensive Plan. I then described their proposed zoning to Neighborhood Mixed-Use (NX) in accordance with the new UDO effective September 1, 2013. I indicated that proposed Conditions for the southerly three lots would include provision for one building limited to two stories (25') in height with a size limitation of 8,000 to 9,000 square feet for a proposed AutoZone retail store. I also indicated that a solid wood fence six (6') feet in height is proposed along the north line of the proposed AutoZone site. I explained that the fourth lot proposed for this Case lying north of the three lots for the proposed AutoZone Store would be restricted to the uses now permitted in the existing R-10 Zone. There will be one (1) access proposed for Western Boulevard and one (1) access proposed for Chaney Road.

The summary of the issues discussed follows:

1. Concerns about the zoning change which would permit a retail use in an area where a substantial majority of the present uses are residential with particular questions about the need for rezoning the northern most of the four lots if its uses were to continue as now permitted under the R-10 Zone.
2. Concerns about the prospect for increased traffic through the residential neighborhood in order to access the proposed AutoZone Store from Chaney Road as according to those in attendance there is already significant cut-through traffic from Method Road down Reavis and Chaney Roads to Western Boulevard as motorists seek to avoid the traffic signal at Method Road and Western Boulevard.
3. Concerns about whether a cross access between the adjacent Circle K Store and the AutoZone Store would be achievable.
4. Concerns related to the proposed AutoZone Store as follow:

AutoZone's continued responsibility for maintaining the proposed fence along the rear (northern) line, the distance of the proposed building from the rear line, dumpster location serving the proposed store, onsite auto repairs by customers of the store, Hazmat leakage concerns regarding products sold at the store, questions about vehicular ingress and egress from and to Western Boulevard given the present topography and the location of parking spaces upon the store property.

5. Questions about raising the site to Western Boulevard by importing soil and about the accident history at the Method/Western Boulevard and Chaney/Western Boulevard Intersections.
6. Questions about the specifics of the present Special Residential Parking Overlay District and regarding its continued applicability if the rezoning takes place and the AutoZone Store is built upon the southerly three lots.
7. Discussion about an earlier rezoning Case in the area for AutoZone which did not proceed through the rezoning process and the reasons therefore.
8. Concerns of Mr. & Mrs. Jerome Goldberg, owners of adjacent properties (including a house that was leased the day of this meeting) and a fully permitted vacant lot which are both under contract for sale that the rezoning application would damage and likely result in the loss of their proposed sale of the house and lot.

In closing I request that you contact me regarding any questions or comments about this report.

Sincerely,


Thomas C. Worth, Jr.

TCWjr/dsw

Enclosures

cc: Attendee Addresses