

**Submittal  
Date**

11/13/2017

**Request:**

**3.96 acres from  
NX-3-PL & R-10  
to NX-3-PL-CU**

VICINITY MAP

LENOIR

RALEIGH

ROCK QUARRY



To: Ruffin L. Hall, City Manager

From: Jason Hardin AICP, Planner II  
Ken Bowers AICP, Director, Department of Planning & Development

Copy: City Clerk

Date: April 18, 2018

Re: City Council agenda item for May 1, 2018 – Rezoning Public Hearing for Z-35-17

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The City Council has authorized the following rezoning request for public hearing at its meeting the evening of Tuesday, May 1, 2018:

**Z-35-17 Rock Quarry Road**, at the northwest corner of its intersection with Martin Luther King Jr. Boulevard, consisting of the portion of Wake County PIN 1713340839 north of Martin Luther King Jr. Boulevard. Approximately 3.96 acres are requested by Ouida Jane Exum; George C. Exum, Jr.; and Amber J. Ivie, temporary receiver for Annette Henrietta Exum to be rezoned from Neighborhood Mixed Use-Three Stories-Parking Limited (NX-3-PL) and Residential-10 (R-10) to Neighborhood Mixed Use-Three Stories-Parking Limited-Conditional Use (NX-3-PL-CU).

Zoning conditions received on November 13, 2017 prohibit Residential, Eating Establishment, Bar, and Retail uses on 1.9 acres of the western portion of the parcel and limit development on that portion of the parcel to 12,000 square feet of Office, Medical, or other uses. Conditions also limit dumpster service on that portion of the parcel to weekdays and to between the hours of 7 a.m. and 9 p.m.

The staff contact for the request is Jason Hardin, Jason.Hardin@raleighnc.gov, 919-996-2657.

The version of the request described above is not the same as the version that was reviewed by staff and the Planning Commission and voted upon by the South Central CAC.

Because the UDO states that the City Council shall conduct a public hearing following the receipt of the case from the Planning Commission, and that notice for that hearing be provided within 60 days of receipt, Council on April 17 set a public hearing date of May 1, 2018. Signed conditions for the version of the case included in the Planning Commission's Certified Recommendation have not been provided; therefore, the version of the case authorized for public hearing is the originally-filed version. That version differs from the version reviewed by the Planning Commission in that it includes a different base zoning (NX instead of OX), covers a larger area (3.96 acres instead of 1.43 acres), and permits more development in a portion of the subject area where development maximums were specified (12,000 square feet in a 1.89-acre portion of the broader area instead of 8,000 square feet within the total 1.43-acre area).

The Planning Commission recommended 9-0 in favor of a version of the case that requested Office Mixed Use-Three-Story-Parking Limited-Conditional Use (OX-3-PL-CU) and that included only a 1.43-acre portion of the western side of the parcel. The South Central CAC voted 12-0 in favor of that version of the case.

Following the closing of the public hearing, changes may be made to the request in order to align it with the version considered by the Planning Commission or otherwise make it more restrictive than the version authorized for public hearing. Changes must be made within 30 days of the date the public hearing closes.

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

Council first received the item as part of the Planning Commission's report to Council on February 20, 2018. The item was deferred until the March 6, 2018 meeting, then again until the March 20, 2018 meeting, and finally to the April 17, 2018 meeting to allow for signed conditions to be submitted.

Information about both versions of the request is included along with this memo. The bulk of the information describes the version that was acted upon by the Planning Commission. The original petition, conditions, and supporting materials are labeled as such and included at the end of the materials.

## **Comprehensive Plan Analysis**

The attached Certified Recommendation and Staff Report do not include analysis of the originally-filed version of the case. A brief analysis follows.

### **Future Land Use Map**

The Future Land Use Map designates the subject area as Neighborhood Mixed Use. The public hearing version, which requests NX-3-PL-CU, is consistent with that designation.

### **Urban Form Map**

The Urban Form Map designates Rock Quarry Road as a Transit Emphasis Corridor. The public hearing version, by including the Parking Limited frontage, is consistent with this designation.

### **Policy Consistency**

The public hearing version of the request is consistent with several of the same policies cited in the Certified Recommendation, including:

- LU 1.2—Future Land Use Map and Zoning Consistency
- LU 1.3—Conditional Use District Consistency
- LU 4.9—Corridor Development
- LU 7.4—Scale and Design of New Commercial Uses

The public hearing version of the request is not consistent with policy LU 5.4—Density Transitions, which states: “Low- to medium-density residential development and/or low-impact office uses should serve as transitional densities between lower-density neighborhoods and more intensive commercial and residential uses. Where two areas designated for significantly different

development intensity abut on the Future Land Use Map, the implementing zoning should ensure that the appropriate transition occurs on the site with the higher intensity.”

The requested NX-3-CU-PL zoning, even with conditions limiting some uses, would permit more intensive commercial uses, such as vehicle fuel sales, then the “low-impact office uses” mentioned in the policy.



# CERTIFIED RECOMMENDATION

Raleigh Planning Commission

CR# 11828

## *CASE INFORMATION Z-35-17 ROCK QUARRY ROAD*

Location	Rock Quarry Road, at the northwest corner of its intersection with Martin Luther King Jr. Boulevard Address: 814 Rock Quarry Road PIN: A portion of 1713340839
Request	Rezone property from R-10 to OX-3-PL-CU
Area of Request	1.43 acres
Corporate Limits	The subject site is located within the corporate limits and is surrounded by properties also within corporate limits.
Property Owner	Ouida Jane Exum; George C. Exum, Jr.; Amber J. Ivie, temporary receiver for Annette Henrietta Exum
Applicant	Isabel Worthy Mattox
Citizens Advisory Council (CAC)	South Central CAC
PC Recommendation Deadline	May 14, 2018

## *COMPREHENSIVE PLAN CONSISTENCY*

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

## *FUTURE LAND USE MAP CONSISTENCY*

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

## *COMPREHENSIVE PLAN GUIDANCE*

<b><i>FUTURE LAND USE</i></b>	Neighborhood Mixed Use
<b><i>URBAN FORM</i></b>	Transit Emphasis Corridor (along the portion of the parcel, not included in the request, that fronts along Rock Quarry Road)
<b><i>CONSISTENT Policies</i></b>	LU 1.2—Future Land Use Map and Zoning Consistency LU 1.3—Conditional Use District Consistency LU 4.9—Corridor Development LU 5.4—Density Transitions LU 7.4—Scale and Design of New Commercial Uses
<b><i>INCONSISTENT Policies</i></b>	None

### *SUMMARY OF PROPOSED CONDITIONS*

- |  |
|--|
| <ol style="list-style-type: none"><li>1. Several uses are prohibited: Residential, Restaurant/Bar, Retail Sales, and Industrial</li><li>2. Development is limited to a maximum of 8,000 square feet.</li><li>3. Trash service is limited to between the hours of 7 a.m. and 9 p.m. and will take place only on weekdays.</li></ol> |
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### *PUBLIC MEETINGS*

<i>Neighborhood Meeting</i>	<i>CAC</i>	<i>Planning Commission</i>	<i>City Council</i>
10/11/17	11/27/17; 1/22/18 (Y-12, N-0)	2/13/18	2/20/18

### *PLANNING COMMISSION RECOMMENDATION*

[Select one of the following and fill in details specific to the case.]

- ☒ The rezoning case is **Consistent** with the relevant policies in the Comprehensive Plan, and **Approval** of the rezoning request is reasonable and in the public interest.
- ☐ The rezoning case is **Consistent** with the relevant policies in the comprehensive Plan, but **Denial** of the rezoning request is reasonable and in the public interest.
- ☐ The rezoning is **Inconsistent** with the relevant policies in the Comprehensive Plan, and **Denial** of the rezoning request is reasonable and in the public interest.
- ☐ The rezoning case is **Inconsistent** with the relevant policies in the Comprehensive Plan, but **Approval** of the rezoning request is reasonable and in the public interest due to changed circumstances as explained below. Approval of the rezoning request constitutes an amendment to the Comprehensive Plan to the extent described below.

Reasonableness and Public Interest	The case is consistent with relevant Comprehensive Plan policies, including those relating to density transitions and the scale of new commercial uses, and is in the public interest.
<i>Recommendation</i>	Approve. City Council may now schedule this proposal for a public hearing or refer it to committee for further study and discussion.
<i>Motion and Vote</i>	Motion: Lyle: Second: Jeffreys In Favor: Braun, Fluhrer, Hicks, Jeffreys, Lyle, Novak, Queen Opposed: None

### *ATTACHMENTS*

1. Staff report

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.

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Planning Director

Date

Planning Commission Chairperson

Date

Staff Coordinator:

Jason Hardin: (919) 996-2657; [jason.Hardin@raleighnc.gov](mailto:jason.Hardin@raleighnc.gov)



# ZONING STAFF REPORT – Z-35-17

## *CONDITIONAL USE*

### OVERVIEW

The proposal seeks to rezone a 1.43-acre portion of a 4.29-acre parcel at the northwest corner of the intersection of Rock Quarry Road and Martin Luther King Jr. Boulevard. The portion that is the subject of the rezoning request is on the west side of the overall parcel. It fronts on Martin Luther King Jr. Boulevard and an unimproved section of public right-of-way that could connect Vardaman Street with Martin Luther King Jr. Boulevard.

The overall parcel is split zoned Residential-10 (R-10) and Neighborhood Mixed Use-Three Stories-Parking Limited (NX-3-PL). The request involves rezoning a portion of the R-10 area to Office Mixed Use-Three Stories-Parking Limited-Conditional Use. (OX-3-PL-CU). Conditions prohibit retail, residential, restaurant, and industrial uses, leaving office/medical office and a few other uses, including indoor recreation and personal service uses such as health club or salon, as possible options.

The broader parcel includes two commercial buildings that front on Rock Quarry Road. The remainder, including the portion on the west side that is the subject of the request, is vacant. A .8-acre portion of the parcel is south of Martin Luther King Jr. Boulevard. Residential uses characterize the area to the west of the subject portion. Apartments and vacant land exist to the north. A city park, the Martin Luther King Jr. Memorial Gardens, is across Martin Luther King Jr. Boulevard to the south.

In terms of zoning, along with the subject parcel, areas to the west and south are also zoned R-10. To the north, RX-3-CU and R-10 zoning categories exist.

The Future Land Use Map designates the entire parcel involved in the request, as well as properties to the north, as Neighborhood Mixed Use. The area to the west is designated as Moderate Density Residential; the city park to the south is designated as Public Parks and Open Space.

In terms of urban form, Rock Quarry Road is designated as a Transit Emphasis Corridor. While the portion involved in the rezoning does not front on Rock Quarry Road, the rezoning includes a Parking Limited frontage, which is consistent with the goal of a form that is supportive of pedestrian activity.

The topography includes a downward slope from north to south across the parcel. The bulk of the parcel on the north side of Martin Luther King Jr. Boulevard is several feet above the roadway.

The area is included in the Olde East Raleigh Plan as an area designated for relatively intensive commercial development. The request is consistent with the area plan guidance.

In addition to the use condition noted above, other conditions limit overall development to 8,000 square feet and limit hours of trash pickup.



*OUTSTANDING ISSUES*

Outstanding Issues	1. None	Suggested Mitigation	1. N/A
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## **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?

*By facilitating additional commercial development within an area where that is envisioned, the request is consistent with the theme of Economic Prosperity and Equity, as well as with several specific Comprehensive Plan policies that address the location of new commercial development.*

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

*The requested Office Mixed Use zoning is consistent with the Neighborhood Mixed Use designation.*

- 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?

*N/A.*

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

*The request, by limiting development to 8,000 square feet, would have only a modest impact. Existing infrastructure is sufficient to serve the potential uses.*

## **Future Land Use**

**Future Land Use designation: Neighborhood Mixed Use**

**The rezoning request is:**

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

☐ **Inconsistent**

The requested zoning category of Office Mixed Use permits office and other uses that are fully consistent with the Neighborhood Mixed Use designation.

## **Urban Form**

**Urban Form designation: Transit Emphasis Corridor (along portion of the parcel that fronts Rock Quarry Road and is not part of the request; there is no designation along the portion of the parcel that is part of the request).**

**The rezoning request is:**

☐ **Not applicable** (no Urban Form designation)

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

☐ **Inconsistent**

While the portion of the parcel that is included in the rezoning request does not have a designation on the Urban Form Map, the remaining portion fronts on Rock Quarry Road, which is designated as a Transit Emphasis Corridor. The Parking Limited frontage included as part of the rezoning is consistent with that designation.

It should be noted that although the portion of the parcel to be rezoned is smaller than two acres, tree conservation requirements would still apply. This is because they are applied either in the case of a subdivision or a site plan for a parcel larger than two acres, which is the case for the overall parcel. However, frontages with build-to requirements, such as Parking Limited, override tree conservation requirements. Because many of the trees on the portion to be rezoned are within the build-to area, they may not be retained.

## **Compatibility**

**The proposed rezoning is:**

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

☐ **Incompatible.**

The subject parcel is part of a broader parcel with existing commercial uses. The request, by excluding more intensive commercial uses, serves as a transitional use between those uses and residential uses to the west, and is compatible with both.

### **Public Benefits of the Proposed Rezoning**

- The request would facilitate new office or medical uses along a corridor served by transit and within walking distance for many residents.
- The request would serve as a transitional use between residential areas and more intensive commercial uses.

### **Detriments of the Proposed Rezoning**

- As many of the existing trees on the site are along its southern edge next to Rock Quarry Road, the inclusion of a frontage with a build-to requirement that overrides tree conservation areas may mean that fewer than normal trees may remain on site.

## **Policy Guidance**

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

### **Policy LU 1.2 Future Land Use Map and Zoning Consistency**

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

*The request is consistent with the Future Land Use Map designation of Neighborhood Mixed Use, which envisions, among other things, the uses allowed in the requested zoning district of Office Mixed Use.*

### **Policy LU 1.3 Conditional Use District Consistency**

All conditions proposed as part of a conditional use district (CUD) should be consistent with the Comprehensive Plan.

*The proposed conditions are consistent with the Plan.*

### **Policy LU 4.9 Corridor Development**

Promote pedestrian-friendly and transit-supportive development patterns along multi-modal corridors designated on the Growth Framework Map, and any corridor programmed for “transit intensive” investments such as reduced headways, consolidated stops, and bus priority lanes and signals.

*Rock Quarry Road is designated as a multi-modal corridor. By facilitating the development of additional uses permitted in the requested OX district and by including a frontage that improves walkability, the request is consistent with this policy.*

### **Policy LU 5.4 Density Transitions**

Low- to medium-density residential development and/or low-impact office uses should serve as transitional densities between lower-density neighborhoods and more intensive commercial and residential uses. Where two areas designated for significantly different development intensity abut on the Future Land Use Map, the implementing zoning should ensure that the appropriate transition occurs on the site with the higher intensity.

*The requested zoning category of OX would serve as a transitional category between more intensive commercial uses to the east and residential areas to the west.*

### **Policy LU 7.4 Scale and Design of New Commercial Uses**

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

*The three-story designation is compatible with nearby areas.*

The rezoning request is **inconsistent** with the following policies: **None**

### **Area Plan Policy Guidance**

The parcel is within the Old East Raleigh area plan boundary and is in an area designated as Regional Oriented Shopping Center, Mixed Use.

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

**Policy AP-OER 11 MLK Boulevard at Rock Quarry Road**

Two- to three-story mixed-use development (small scale Office, Retail, and/or Moderate Density Residential) should be encouraged for properties at the northwest corner of Martin Luther King, Jr. Boulevard and Rock Quarry Road.

*The requested zoning category, by allowing three-story office development, is consistent with this policy.*

## **Impact Analysis**

### ***Transportation***

The Z-35-2017 site is located in the northwest quadrant of Rock Quarry Road and Martin Luther King Jr Boulevard. MLK Boulevard (SR 4363) is maintained by the NCDOT and currently has a five-lane cross section with curbs and sidewalks on both sides. MLK Boulevard is classified as a major street in the Raleigh Street Plan (Avenue, 4-Lane, Divided). Rock Quarry Road is a mixed-use street (Avenue, 2-lane, divided) with curbs on both sides, a complete sidewalk on the west side and some sidewalk on the east side. There are transit stops for GoRaleigh Route 5 on both sides of Rock Quarry Road in the vicinity of the Z-35-2017 parcels. Exclusive, buffered bike lanes are in place along both sides of Rock Quarry Road. Pedestrian signals and crosswalks are located in all four quadrants of the Rock Quarry/Martin Luther King intersection.

There is a City of Raleigh CIP project to install new sidewalk along the east side of Rock Quarry Road, between MLK Boulevard and Nightshade Way, by autumn of 2018. MLK Boulevard is slated for a separated bikeway in the BikeRaleigh Plan. The project is funded by the NCDOT Transportation Improvement Program project EB-5709.

Offers of cross access to adjacent parcels shall be made in accordance with the Raleigh UDO section 8.3.5.D. New driveways will be located upon submittal of a site plan; approval from the NCDOT will be needed for driveway access onto Martin Luther King Jr Boulevard.

In accordance with UDO section 8.3.2, the maximum block perimeter for NX-3 zoning is 3,000 feet. The block perimeter for Z-35-2017, as defined by public rights-of-way for Rock Quarry Road, Vardaman Street and Martin Luther King Boulevard is 2,350 feet. The amount of improvements needed for Vardaman Street will be determined upon submittal of a site plan.

The existing land is vacant and generates no traffic. Approval of case Z-35-2017 would increase average peak hour trip volumes by 2 veh/hr in the AM peak and by 3 veh/hr in the PM peak; daily trip volume will increase by 61 veh/day. These volumes are long-term averages and will vary from day to day. The intersection of Rock Quarry/Martin Luther King was noted as meeting the NCDOT's frontal impact safety warrant for 2017; a review of crash history showed a pattern of northbound left turn motorists failing to yield right of way to southbound Thru motorists. Transportation Operations staff is reviewing options to improve safety. A traffic study is technically required for case Z-35-2017 because of the potential for new driveways on Martin Luther King Jr Boulevard. Transportation staff waives the traffic study requirement for Z-35-2017 as daily & peak hour trips are below the volume thresholds for a traffic study.

**Impact Identified: None**

### ***Transit***

1. The site is served by GoRaleigh routes 5, 19, and 55X.
2. Transit amenities are now governed by UDO 8.11, which was added by TC-2-17.

**Impact Identified: Potentially increased demand for transit.**

### ***Hydrology***

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

**Impact Identified: none**

### ***Public Utilities***

	<b><i>Maximum Demand (current use)</i></b>	<b><i>Maximum Demand (current zoning)</i></b>	<b><i>Maximum Demand (proposed zoning)</i></b>
<i>Water</i>	-	3,250 gpd	800 gpd
<i>Wastewater</i>	-	3,250 gpd	800 gpd

**Impact Identified:**

1. The proposed rezoning would add approximately 800 gpd to the wastewater collection and water distribution systems of the City. There are existing public water mains in Rock Quarry Road and Martin Luther King Blvd and an existing public sewer main in Rock Quarry Road.
2. Verification of water available for fire flow is required as part of the Building Permit process. Any water system improvements recommended by the analysis to meet fire flow requirements will also be required of the Developer.

### ***Parks and Recreation***

1. This site is not impacted by any existing or proposed greenway trails or greenway corridors.
2. Nearest existing park access is provided by Martin Luther King Memorial Gardens (< 0.1 mile) and Chavis Park (0.5 miles).



3. Nearest existing greenway access is provided by the Little Rock Creek Trail (0.6 miles) and the Walnut Creek Trail (0.5 miles).
4. Park access level of service in this area is considered above average.
5. This area is not considered a high priority for park land acquisition.
6. Note that this site is adjacent to Martin Luther King Memorial Gardens. Applicant should consider providing for improved connectivity with or enhancement to the MLK Gardens property.

**Impact Identified: None**

### ***Urban Forestry***

1. The only stands of trees are along Martin Luther King Jr Blvd. These trees are considered primary tree conservation area under the current zoning. The rezoning to PL frontage will eliminate these trees from being required tree conservation area.

**Impact Identified:** Possible complete elimination of tree conservation on the property.

### ***Designated Historic Resources***

None

**Impact Identified: None**

### ***Impacts Summary***

Potential additional demand for transit.

### ***Mitigation of Impacts***

None needed.

### **Conclusion**

The request would facilitate the development of office and similar uses in an area that would serve as a transitional zoning area between more intensive uses and residential uses. Accordingly, it is consistent with the Future Land Use Map, several plan policies, the plan theme of Economic Prosperity and Equity, and the Comprehensive Plan overall.

### **Case Timeline**

<i>Date</i>	<i>Revision [change to requested district, revised conditions, etc.]</i>	<i>Notes</i>
11/13/17	Petition filed	
1/5/18	Petition amended	Portions of the parcel removed from the rezoning request, leaving the current 1.43-acre area.
1/23/18	Conditions revised	Condition pertaining to block perimeter removed.
2/13/18	Planning Commission recommends approval	

## Appendix

### Surrounding Area Land Use/ Zoning Summary

	<i>SUBJECT PROPERTY</i>	<i>NORTH</i>	<i>SOUTH</i>	<i>EAST</i>	<i>WEST</i>
Existing Zoning	R-10	R-10/ RX-3-CU	R-10	R-10	R-10
Additional Overlay	-	-	-	-	-
Future Land Use	Neighborhood Mixed Use	Neighborhood Mixed Use	Public Parks and Open Space	Neighborhood Mixed Use	Moderate Density Residential
Current Land Use	Vacant	Vacant/ Residential	Vacant	Retail	Residential
Urban Form (if applicable)	-	Transit Emphasis Corridor	-	Transit Emphasis Corridor	-

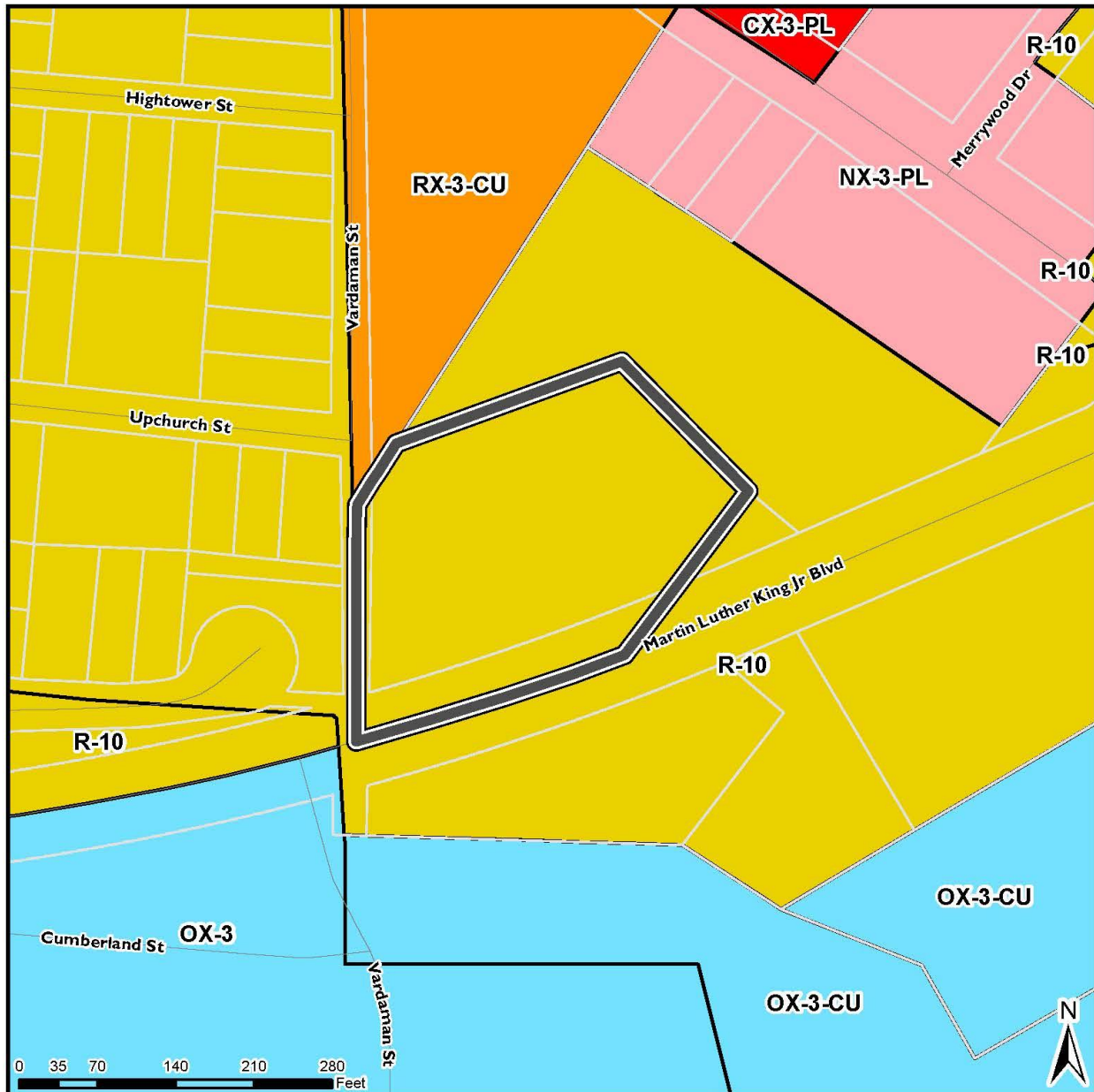
### Current vs. Proposed Zoning Summary

	Existing Zoning	Proposed Zoning
Zoning	R-10	OX-3-PL-CU
Total Acreage	1.43	1.43
Setbacks:		
Front:	10'	5'
Side:	0' or 6'	0' or 6'
Rear:	20'	0' or 6'
Residential Density:	9 units/acre	-
Max. # of Residential Units	13	-
Max. Gross Building SF (if applicable)	26,000	8,000
Max. Gross Office SF	-	8,000
Max. Gross Retail SF	-	-
Max. Gross Industrial SF	-	-
Potential F.A.R	.42	.13

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

# Existing Zoning

## Z-35-2017

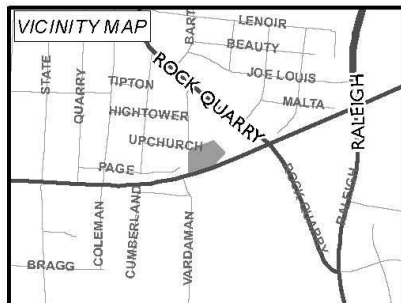


**Submittal  
Date**

1/5/2018

### Request:

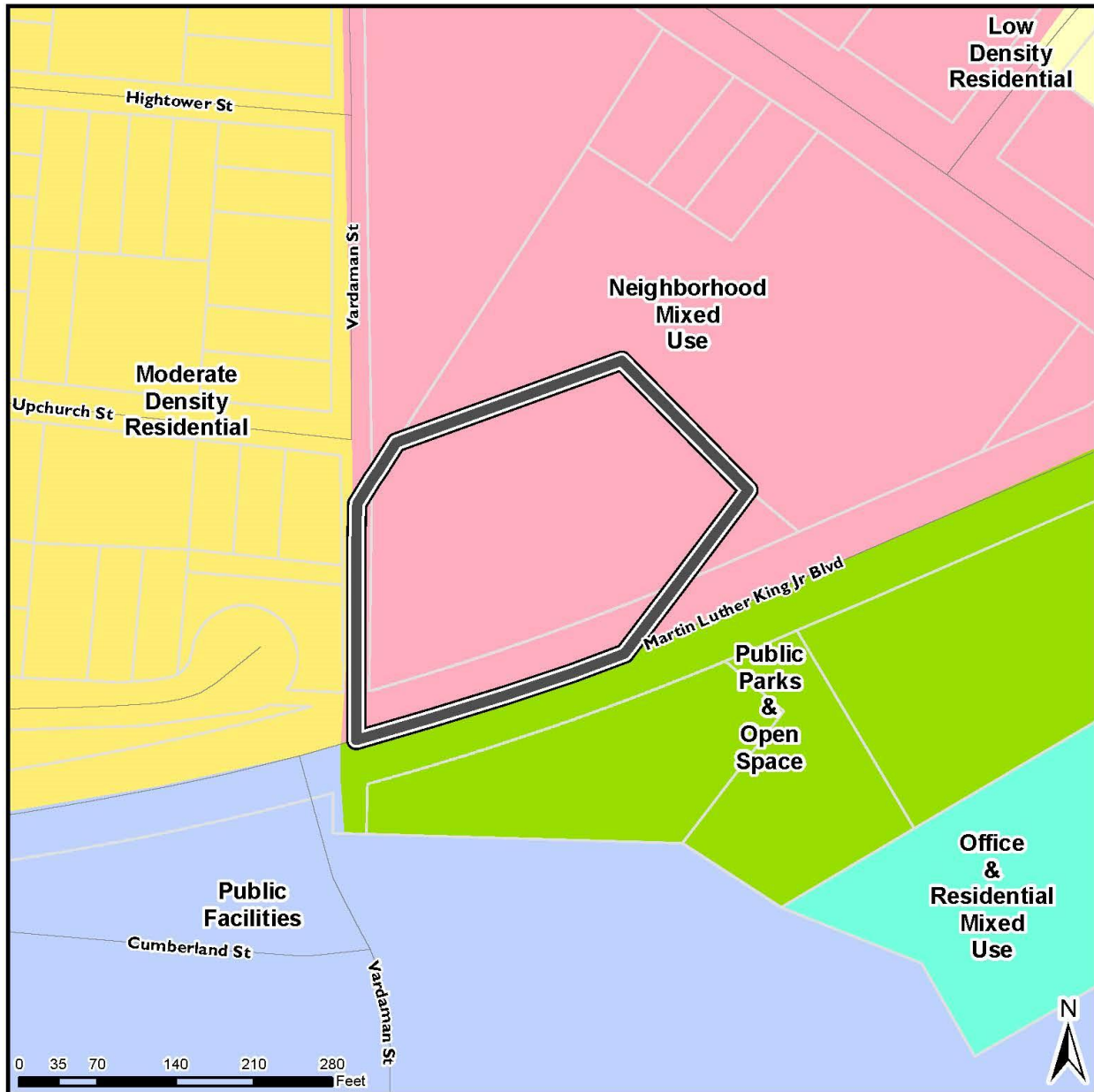
1.43 acres from  
**R-10**  
to **OX-3-PL-CU**



Map Date: 1/8/2018

# Future Land Use

**Z-35-2017**

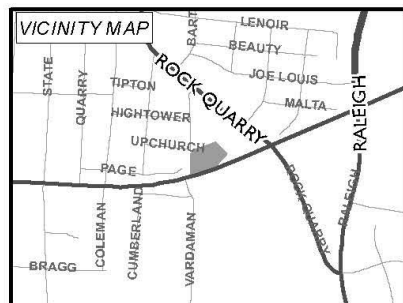


**Submittal  
Date**

1/5/2018

## Request:

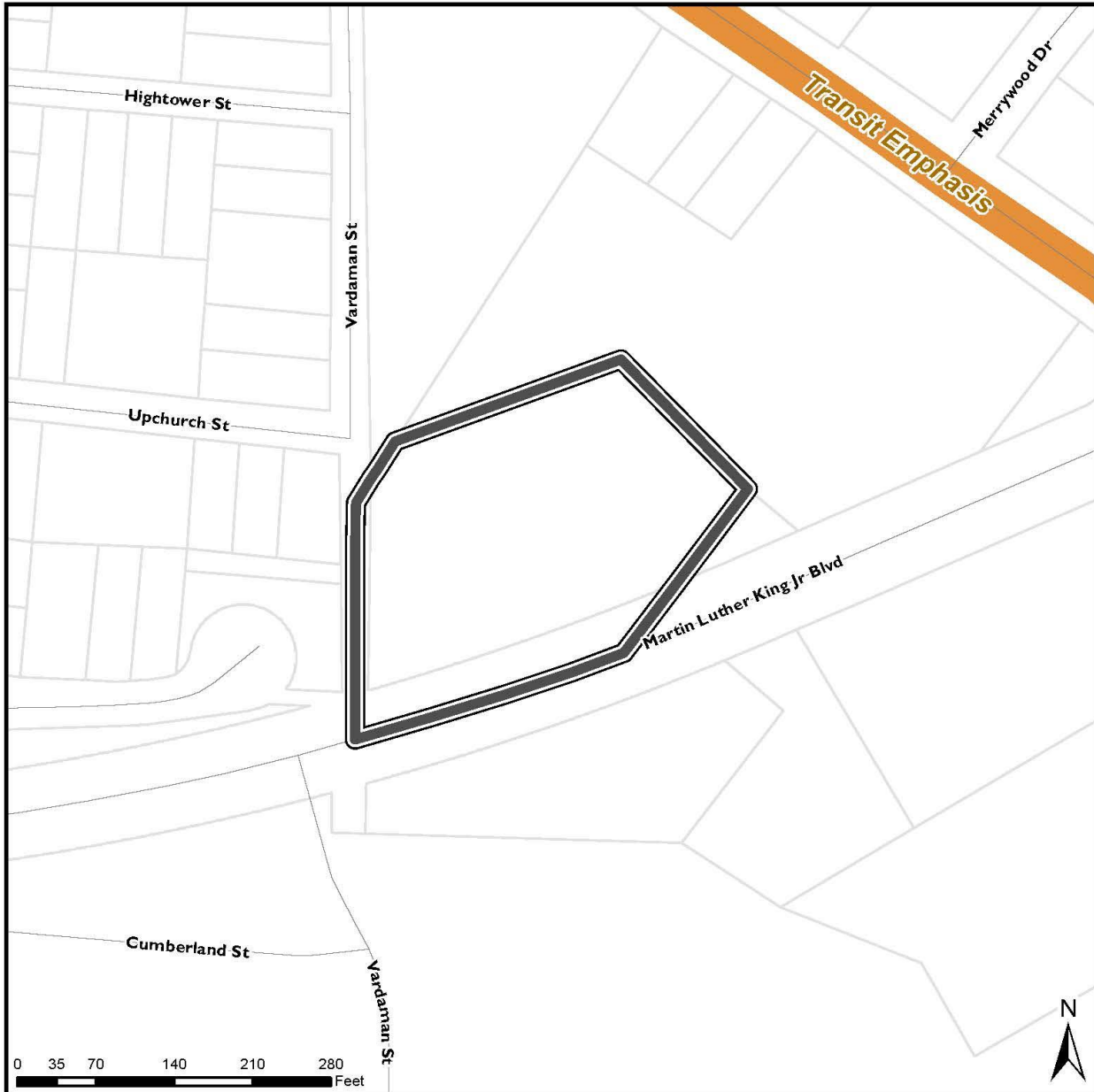
**1.43 acres from  
R-10  
to OX-3-PL-CU**



Map Date: 1/8/2018

# Urban Form

# Z-35-2017

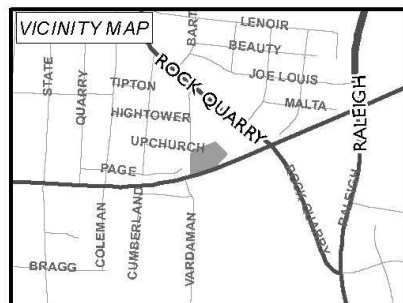


**Submittal  
Date**

1/5/2018

**Request:**

**1.43 acres from  
R-10  
to OX-3-PL-CU**



Map Date: 1/8/2018

AMENDED 6-22-2018

## Rezoning Application


**RALEIGH**  
DEPARTMENT OF  
CITY PLANNING


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

REZONING REQUEST			
<input type="checkbox"/> General Use <input checked="" type="checkbox"/> Conditional Use <input type="checkbox"/> Master Plan			<b>OFFICE USE ONLY</b>  Transaction #  Rezoning Case #
Existing Zoning Base District <b>R-10</b> Height    Frontage    Overlay(s) _____			
Proposed Zoning Base District <b>OX</b> Height <b>3</b> Frontage <b>PL</b> Overlay(s) <b>CU</b>			
<small>Click <a href="#">here</a> to view the Zoning Map. Search for the address to be rezoned, then turn on the 'Zoning' and 'Overlay' layers.</small>			
If the property has been previously rezoned, provide the rezoning case number: <b>Z-35-17</b>			
Provide all previous transaction numbers for Coordinated Team Reviews, Due Diligence Sessions, or Pre-Submittal Conferences:			
<b>531775</b>			

GENERAL INFORMATION			
Date <b>11/8/2017</b>	Date Amended (1) <b>1/5/2018</b>	Date Amended (2)    1/19/2018 (3) 1/23/2018 & (4) 6/22/18	
Property Address    a portion of 814 Rock Quarry Road, Raleigh, NC 27610 (See Attached Exhibit A and A-1)			
Property PIN    a portion of 1713340839		Deed Reference (book/page)    Book 13222, Page 1155	
Nearest Intersection    Martin Luther King Jr. Boulevard and Rock Quarry Road			
Property Size (acres) <b>1.43 acres</b>	(For PD Applications Only) Total Units		Total Square Feet
Property Owner/Address Ouida Jane Exum; George C. Exum, Jr.; Amber J. Ivie, Temporary Receiver for Annette Henrietta Exum		Phone	Fax
Project Contact Person/Address Isabel Worthy Mattox, Attorney at Law 127 W. Hargett Street, Suite 500 Raleigh, North Carolina 27602		Email	
		Phone <b>919-828-7171</b>	Fax <b>919-831-1205</b>
		Email <b>Isabel@mattoxfirm.com</b>	
Owner/Agent Signature	<b>Signatures Below</b>	Email	

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


Owner/Agent Signature		Print Name: Ouida Jane Exum
Owner/Agent Signature		Print Name: George C. Exum, Jr.
Owner/Agent Signature		Print Name: Amber J. Ivie, Temporary Receiver for Annette Henrietta Exum

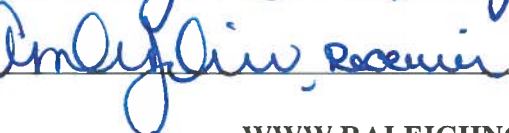


CONDITIONAL USE DISTRICT ZONING CONDITIONS		
Zoning Case Number <b>Z-35-17</b>	<b>OFFICE USE ONLY</b>	
Date Submitted <b>Revised conditions submitted June 22, 2018</b>	Transaction #	
Existing Zoning <b>R-10</b> Proposed Zoning <b>OX-3-CU-PL</b>	Rezoning Case #	
<b>Narrative of Zoning Conditions Offered</b>		
1. The following uses shall not be permitted: (a) Residential Uses; (b) Restaurants/ Bars Uses; (c) Retail Sales; and (d) Industrial Uses.		
2. Service functions (including placement, removal, relocation, emptying and cleaning) for any dumpster located on the property shall be allowed to occur only between 7:00 AM and 9:00 PM, Monday through Friday.		
3. A maximum of 8,000 square feet of gross floor area may be developed upon the property.		
4. The exterior of building(s) on the property, exclusive of roof, windows and doors, shall be comprised of at least seventy percent (70%) glass, brick, stone and/or Hardiplank or similar cementitious material. No EIFS, concrete masonry units or vinyl siding shall be permitted to be used on the exterior of any building on the property.		
5. No parking spaces shall be located between the front, street-facing facade of the principal structure on the property and the right-of-way of Martin Luther King Boulevard.		
6.		
7.		
8.		
9.		
10.		

These zoning conditions have been voluntarily offered by the property owner. All property owners must sign each condition page. This page may be photocopied if additional space is needed.

Owner/Agent Signature  Print Name Ouida Jane Exum

Owner/Agent Signature  Print Name: George C. Exum, Jr.

Owner/Agent Signature  Print Name: Amber J. Ivie, Temporary Receiver for Annette Henrietta Exum



## REVISÉ 1-23-2018



**EXHIBIT A-1 (Revised 1-23-2018)**  
**Metes and Bounds Legal Descriptions**  
**Property: 814 Rock Quarry Road**

Point of beginning being a 3/4" iron pipe found at the northernmost point of the property of the City of Raleigh (Deed Book 4681, Page 121); thence S 37° 28' 47" W, a distance of 105.82 feet to a 3/4" iron pipe found in the northern right-of-way of Martin Luther King Jr. Boulevard; thence along said right-of-way, along a circular curve to the right an arc distance of 286.15 feet, said curve having a radius of 2,618.77 feet and a chord of S 70° 37' 42" W, 286.01 feet to a concrete pipe set at the intersection of the northern right-of-way of Martin Luther King Jr. Boulevard and eastern right-of-way of Vardaman Street; thence along the eastern right-of-way of Vardaman Street N 00° 48' 02" W, a distance of 192.02 feet to a concrete pipe set; thence leaving said right-of-way N 32° 53' 48" E, a distance of 33.92 feet to a point; thence N 70° 05' 13" E a distance of 217.64' to a point; thence S 44° 31' 07" E, a distance of 162.36 feet to the point and place of beginning and having an area of 62,290.8 Sq. Ft. or 1.43 acres.

REZONING APPLICATION ADDENDUM #1	
Comprehensive Plan Analysis	OFFICE USE ONLY
The applicant is asked to analyze the impact of the rezoning request. State Statutes require that the rezoning either be consistent with the adopted Comprehensive Plan, or that the request be reasonable and in the public interest.	Transaction # 531775 Rezoning Case # Z-35-17
STATEMENT OF CONSISTENCY	
Provide brief statements regarding whether the rezoning request is consistent with the future land use designation, the urban form map, and any applicable policies contained within the 2030 Comprehensive Plan.	
1. The Future Land Use Map designates the subject property for Neighborhood Mixed Use. The existing development, which consists of retail uses, together with the proposed new office development, provides a mix of uses to serve the adjacent residential neighborhood.	
2. The subject property is located directly adjacent to Rock Quarry Road, a Transit Emphasis Corridor. The existing development which consists of retail uses, together with the proposed new office development, provides a mix of uses which are well suited to take advantage of the transportation and transit resources available to the Transit emphasis Corridor	
3. In addition, the rezoning request is consistent with the Comprehensive Plan policies as noted on Exhibit B.	
4.	
PUBLIC BENEFITS	
Provide brief statements regarding the public benefits derived as a result of the rezoning request.	
1. The rezoning request will facilitate the development of a dialysis center which is direly needed in this location.	
2. The dialysis center will be in an extremely convenient area for those in need of such services; directly adjacent to a medium density residential area and situated near two main roads with access to public transportation.	
3. Currently, commercial buildings exist on a portion of the site. Most of this area is zoned NX-3-PL. However, a portion of these buildings straddles the zoning line such that commercial buildings are located in part in R-10 zoning. The rezoning will correct this non-conformity by zoning the entire parcel NX-3.	
4.	

REZONING APPLICATION ADDENDUM #2	
<b>Impact on Historic Resources</b>  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.	<b>OFFICE USE ONLY</b>  Transaction # 531775 Rezoning Case # Z-35-17
<b>INVENTORY OF HISTORIC RESOURCES</b>  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.  <div>           There are no historic resources located on the property.         </div>	
<b>PROPOSED MITIGATION</b>  Provide brief statements describing actions that will be taken to mitigate all negative impacts listed above.  <div>           N/A         </div>	

## URBAN DESIGN GUIDELINES

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

- a) The property to be rezoned is within a "City Growth Center" or "Mixed-Use Center", or
  - b) The property to be rezoned is located along a "Main Street" or "Transit Emphasis Corridor"
- as shown on the Urban Form Map in the 2030 Comprehensive Plan.

Urban Form Designation: N/A

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

1.	<p><i>All Mixed-Use developments should generally provide retail (such as eating establishments, food stores, and banks), and other such uses as office and residential within walking distance of each other. Mixed uses should be arranged in a compact and pedestrian friendly form.</i></p> <p><b>Response:</b></p> <p>There are existing retail buildings including a convenience store which will remain on Rock Quarry Rd. ("RQR"). There are also various houses and apartments located directly east and in walking distance of the property. The vacant portion of the property will be developed with medical offices.</p>
2.	<p><i>Within all Mixed-Use Areas buildings that are adjacent to lower density neighborhoods should transition (height, design, distance and/or landscaping) to the lower heights or be comparable in height and massing.</i></p> <p><b>Response:</b></p> <p>Existing buildings on the property are consistent with the height, design, distance, and landscaping of the surrounding neighborhood. The new development will not exceed three stories and will be landscaped in a way which will complement the neighborhood.</p>
3.	<p><i>A mixed use area's road network should connect directly into the neighborhood road network of the surrounding community, providing multiple paths for movement to and through the mixed use area. In this way, trips made from the surrounding residential neighborhood(s) to the mixed use area should be possible without requiring travel along a major thoroughfare or arterial.</i></p> <p><b>Response:</b></p> <p>The new development will include an entrance/exit on Martin Luther King Jr. Blvd. ("MLK") which will connect the surrounding community. The new development's parking lot will provide an offer of cross access which will facilitate a possible future path for movement to and through the mixed use area.</p>
4.	<p><i>Streets should interconnect within a development and with adjoining development. Cul-de-sacs or dead-end streets are generally discouraged except where topographic conditions and/or exterior lot line configurations offer no practical alternatives for connection or through traffic. Street stubs should be provided with development adjacent to open land to provide for future connections. Streets should be planned with due regard to the designated corridors shown on the Thoroughfare Plan.</i></p> <p><b>Response:</b></p> <p>The new development will provide an offer of cross access which will facilitate future connections.</p>
5.	<p><i>New development should be comprised of blocks of public and/or private streets (including sidewalks). Block faces should have a length generally not exceeding 660 feet. Where commercial driveways are used to create block structure, they should include the same pedestrian amenities as public or private streets.</i></p> <p><b>Response:</b></p> <p>The new development will include necessary pedestrian amenities such as sidewalks throughout the project.</p>

6.	<p><i>A primary task of all urban architecture and landscape design is the physical definition of streets and public spaces as places of shared use. Streets should be lined by buildings rather than parking lots and should provide interest especially for pedestrians. Garage entrances and/or loading areas should be located at the side or rear of a property.</i></p> <p><b>Response:</b></p> <p>A Parking Limited type frontage will be maintained along RQR. It is anticipated that a similar parking lot treatment will be developed for the new office development. Any new loading areas and/ or service entrances will be located along the side or behind buildings.</p>
7.	<p><i>Buildings should be located close to the pedestrian-oriented street (within 25 feet of the curb), with off-street parking behind and/or beside the buildings. When a development plan is located along a high volume corridor without on-street parking, one bay of parking separating the building frontage along the corridor is a preferred option.</i></p> <p><b>Response:</b></p> <p>The new building will be located on MLK, a six lane divided street. It is not a pedestrian oriented street.</p>
8.	<p><i>If the site is located at a street intersection, the main building or main part of the building should be placed at the corner. Parking, loading or service should not be located at an intersection.</i></p> <p><b>Response:</b></p> <p>Although the subject property is near the intersection of RQR and MLK, the parcel on the actual corner is owned by the City of Raleigh. An existing building (which is not proposed to be redeveloped at this time) is located close to this City owned parcel. Parking and loading for the new development will address MLK and will not be located at the intersection.</p>
9.	<p><i>To ensure that urban open space is well-used, it is essential to locate and design it carefully. The space should be located where it is visible and easily accessible from public areas (building entrances, sidewalks). Take views and sun exposure into account as well.</i></p> <p><b>Response:</b></p> <p>Open space is proposed on the southwest side of the proposed medical office building. It is anticipated that open space will be visible and physically accessible from the building and surrounding sidewalks.</p>
10.	<p><i>New urban spaces should contain direct access from the adjacent streets. They should be open along the adjacent sidewalks and allow for multiple points of entry. They should also be visually permeable from the sidewalk, allowing passersby to see directly into the space.</i></p> <p><b>Response:</b></p> <p>The proposed development will have access from MLK as well as walking access from the sidewalk. Pedestrians using the sidewalk on MLK will be able to clearly see the development from the sidewalk.</p>
11.	<p><i>The perimeter of urban open spaces should consist of active uses that provide pedestrian traffic for the space including retail, cafés, and restaurants and higher-density residential.</i></p> <p><b>Response:</b></p> <p>The space is surrounded by active uses. The northeast portion of the property includes a convenience store that will remain. To the west of the property is medium density residential housing consisting of single family detached houses as well as apartments and duplexes. The proximity of these uses will contribute to the flow of pedestrian foot traffic.</p>
12.	<p><i>A properly defined urban open space is visually enclosed by the fronting of buildings to create an outdoor "room" that is comfortable to users.</i></p> <p><b>Response:</b></p> <p>It is anticipated that open space will be enclosed with a building edge and sidewalks.</p>

13.	<p><i>New public spaces should provide seating opportunities.</i></p> <p><b>Response:</b></p> <p>It is anticipated that the proposed new development will feature some outdoor seating.</p>
14.	<p><i>Parking lots should not dominate the frontage of pedestrian-oriented streets, interrupt pedestrian routes, or negatively impact surrounding developments.</i></p> <p><b>Response:</b></p> <p>A Parking Limited Frontage exists along RQR and a parking scheme as contemplated in the parking Limited Frontage is planned for the new development.</p>
15.	<p><i>Parking lots should be located behind or in the interior of a block whenever possible. Parking lots should not occupy more than 1/3 of the frontage of the adjacent building or not more than 64 feet, whichever is less.</i></p> <p><b>Response:</b></p> <p>A Parking Limited Frontage exists along RQR and a parking scheme as contemplated in the Parking Limited Frontage is planned for the new development.</p>
16.	<p><i>Parking structures are clearly an important and necessary element of the overall urban infrastructure but, given their utilitarian elements, can give serious negative visual effects. New structures should merit the same level of materials and finishes as that a principal building would, care in the use of basic design elements can make a significant improvement.</i></p> <p><b>Response:</b></p> <p>No parking structures are anticipated on this property.</p>
17.	<p><i>Higher building densities and more intensive land uses should be within walking distance of transit stops, permitting public transit to become a viable alternative to the automobile.</i></p> <p><b>Response:</b></p> <p>There is a public transportation stop on the northeast corner of the property on RQR, allowing for easy access to public transportation.</p>
18.	<p><i>Convenient, comfortable pedestrian access between the transit stop and the building entrance should be planned as part of the overall pedestrian network.</i></p> <p><b>Response:</b></p> <p>Pedestrians exiting the bus at the stop on RQR will be able to easily walk to all establishments on the property, including the convenience store, the office/retail space, and the new development.</p>
19.	<p><i>All development should respect natural resources as an essential component of the human environment. The most sensitive landscape areas, both environmentally and visually, are steep slopes greater than 15 percent, watercourses, and floodplains. Any development in these areas should minimize intervention and maintain the natural condition except under extreme circumstances. Where practical, these features should be conserved as open space amenities and incorporated in the overall site design.</i></p> <p><b>Response:</b></p> <p>Although a significant amount of topographic change exists on the property, we do not believe the property includes steep slopes. There are no streams or floodplains on the site.</p>

20.	<p><i>It is the intent of these guidelines to build streets that are integral components of community design. Public and private streets, as well as commercial driveways that serve as primary pedestrian pathways to building entrances, should be designed as the main public spaces of the City and should be scaled for pedestrians.</i></p> <p><b>Response:</b></p> <p>No new public streets are contemplated on the property.</p>
21.	<p><i>Sidewalks should be 5-8 feet wide in residential areas and located on both sides of the street. Sidewalks in commercial areas and Pedestrian Business Overlays should be a minimum of 14-18 feet wide to accommodate sidewalk uses such as vendors, merchandising and outdoor seating.</i></p> <p><b>Response:</b></p> <p>Sidewalks in the project will be constructed in accordance with City of Raleigh requirements.</p>
22.	<p><i>Streets should be designed with street trees planted in a manner appropriate to their function. Commercial streets should have trees which complement the face of the buildings and which shade the sidewalk. Residential streets should provide for an appropriate canopy, which shadows both the street and sidewalk, and serves as a visual buffer between the street and the home. The typical width of the street landscape strip is 6-8 feet. This width ensures healthy street trees, precludes tree roots from breaking the sidewalk, and provides adequate pedestrian buffering. Street trees should be at least 6 1/4" caliper and should be consistent with the City's landscaping, lighting and street sight distance requirements.</i></p> <p><b>Response:</b></p> <p>No new public streets are contemplated on the property.</p>
23.	<p><i>Buildings should define the streets spatially. Proper spatial definition should be achieved with buildings or other architectural elements (including certain tree plantings) that make up the street edges aligned in a disciplined manner with an appropriate ratio of height to width.</i></p> <p><b>Response:</b></p> <p>Street trees will be installed along MLK to define the street.</p>
24.	<p><i>The primary entrance should be both architecturally and functionally on the front facade of any building facing the primary public street. Such entrances shall be designed to convey their prominence on the fronting facade.</i></p> <p><b>Response:</b></p> <p>Entrances to existing buildings on RQR face RQR. The proposed new building will face MLK.</p>
25.	<p><i>The ground level of the building should offer pedestrian interest along sidewalks. This includes windows entrances, and architectural details. Signage, awnings, and ornamentation are encouraged.</i></p> <p><b>Response:</b></p> <p>The new building has not yet been designed, but it is anticipated that it will contain a variety of architectural details.</p>
26.	<p><i>The sidewalks should be the principal place of pedestrian movement and casual social interaction. Designs and uses should be complementary to that function.</i></p> <p><b>Response:</b></p> <p>Sidewalks will be of appropriate width and design to comfortably accommodate pedestrian movement and social interaction.</p>



# **REZONING APPLICATION SUBMITTAL REQUIREMENTS ("Rezoning Checklist")**

TO BE COMPLETED BY APPLICANT			COMPLETED BY CITY STAFF		
General Requirements – General Use or Conditional Use Rezoning	YES	N/A	YES	NO	N/A
1. I have referenced this <b>Rezoning Checklist</b> and by using this as a guide, it will ensure that I receive a complete and thorough first review by the City of Raleigh	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>		
2. Rezoning application review fee (see <u>Fee Schedule</u> for rate)	<input checked="" type="checkbox"/>	<input type="checkbox"/>			
3. Completed application; Include electronic version via cd or flash drive	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>		
4. Two sets of stamped envelopes addressed to all property owners within 100 feet of property to be rezoned	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>		
5. Pre-Application Conference	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>		
6. Neighborhood Meeting notice and report	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>		
7. Trip Generation Study	<input type="checkbox"/>	<input checked="" type="checkbox"/>			<input checked="" type="checkbox"/>
8. Traffic Impact Analysis	<input type="checkbox"/>	<input checked="" type="checkbox"/>			<input checked="" type="checkbox"/>
9. Completed and signed zoning conditions	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>		
10. Completed Comprehensive Plan Consistency Analysis	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>		
11. Completed Response to the Urban Design Guidelines	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>		
12. For applications filed by a third party, proof of actual notice to the property owner	<input checked="" type="checkbox"/>	<input type="checkbox"/>			
13. Master Plan (for properties requesting Planned Development or Campus District)	<input type="checkbox"/>	<input checked="" type="checkbox"/>			<input checked="" type="checkbox"/>

## **Exhibit B**

### **To Rezoning Application Addendum #1 – 814 Rock Quarry Road Statement of Consistency for Rezoning**

1. The Future Land Use Map designates the subject property for Neighborhood Mixed Use. **The proposed new development is compatible with this designation as it is less than three stories and will directly serve the neighborhood as an office by providing dialysis, an important health service.**

2. The subject property is within the Olde East Raleigh Area Plan as designated by The 2030 Comprehensive Plan.

AP-OER 8: Olde East Raleigh Design Guidelines. Maintain the historic character of the Olde East Raleigh area using design guidelines.

AP-OER 11: MLK Boulevard at Rock Quarry Road. Two- to three-story mixed use development (small scale Office, Retail, and/or Moderate-Density Residential) should be encouraged for properties at the northwest corner of Martin Luther King, Jr. Boulevard and Rock Quarry Road. **Per the Olde East Raleigh Plan Map (MAP AP-OER1) the property is specifically designated as " Regional Oriented Shopping Center; Mixed Use". The proposed development will directly comply with and further the overall goal of the Olde East Raleigh Plan by offering a mix of small scale office/ mixed use development, including existing retail and proposed new office.**

3. The subject property is located directly adjacent to Rock Quarry Road, a Transit Emphasis Corridor. In addition, the rezoning request is consistent with the following Comprehensive Plan 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. The Future Land Use Map shall not be used to review development applications which do not include a zoning map or text amendment. **The proposed rezoning is consistent with the Future Land Use Map which designates this property for Neighborhood Mixed Use, a category which contemplates various commercial uses, such as supermarkets and professional offices which serve the surrounding neighborhood.**

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 Development will efficiently and compactly utilize the parcel so that public services and transportation may be effectively implemented. The new development proposes an office building on an infill site which will use existing infrastructure and transit resources.**

LU 3.2: Location-Growth. The development of vacant properties shall occur first within the City's limits, then within the City's planning jurisdiction, and lastly within the City's USAs to provide for more compact and orderly growth, including provision of conservation areas. **The subject property on which development is proposed is within the Raleigh City limits.**

LU 4.6 and 4.7: Transit Oriented Development and Access. Promote transit-oriented development around planned transit stations through appropriate development regulation, education, station area planning, public-private partnerships and regional cooperation. Sites within a half-mile of planned and proposed fixed guideway transit stations should be developed with intense residential and mixed-uses to take full advantage of and support the City and region's investment in transit infrastructure. **The proposed development is a mixed use center less than a quarter mile from a dedicated bus stop on Rock Quarry Road ("RQR"). The bus stop is on the edge of the property to be rezoned, allowing pedestrians easy access by public transit to both the existing development and the new development. (STOP ID: 9330)**

LU 4.9: Corridor Development. Promote pedestrian-friendly and transit-supportive development patterns along multi-modal corridors designated on the Growth Framework Map, and any corridor programmed for "transit intensive" investments such as reduced headways, consolidated stops and bus priority lanes and signals. **The proposed new redevelopment, together with existing development, will promote transit supportive development along RQR and Martin Luther King Jr. Blvd ("MLK"); both of which are designated as Multi-Modal Corridors on the Growth Framework Map.**

LU 5.1: Reinforcing the Urban Pattern. New development should be visually integrated with adjacent buildings, and more generally with the surrounding area. Quality design and site planning is required so that new development opportunities within the existing urban fabric of Raleigh are implemented without adverse impacts on local character and appearance. **The planned new development proposes quality design and appropriate buffers, so as to blend with the urban fabric of Raleigh.**

LU 5.2: Managing Commercial Development Impacts. Manage new commercial development using zoning regulations and through the conditional use zoning and development review processes so that it does not result in unreasonable and unexpected traffic, parking, litter, shadow, view obstruction, odor, noise and vibration impacts on surrounding residential areas. **The proposed new development will manage and mitigate development impacts by creating a buffer to the adjacent residential neighborhood. The use of the new development will be compatible with that of neighboring development. Litter, trash, and noise issues will be mitigated by placing parking lots and service/loading entrances an appropriate distance from the residential neighborhood to the west.**

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. **The proposed new development will provide an effective physical buffer to the existing moderate density residential development to avoid adverse effects.**

LU 8.10: Infill Development. Encourage infill development on vacant land within the City, particularly in areas where there are vacant lots that create "gaps" in the urban fabric and detract from the character of a commercial or residential street. Such development should complement the established character of the area and should not create sharp changes in the physical development pattern. New development will fill a gap in the urban fabric between a neighborhood mixed use area and a moderate density residential area. **The vacant lot is located directly between an area of moderate density residential housing and an area of neighborhood mixed use. The new infill development will add to**

the character of the area by filling this empty space with a new, well constructed building, creating consistency in the urban fabric of the area.

T 1.6: Transportation Impacts. Identify and address transportation impacts before a development is implemented. **Transportation impacts will be mitigated through dedication of right-of-way, ingress and egress on MLK and facilitating development with easy access to the public transit stop on RQR.**

T 2.9: Curb Cuts. The development of curb cuts along public streets—particularly on thoroughfares and arterials—should be minimized to reduce vehicular conflicts, increase pedestrian safety, and improve roadway capacity. **New development will minimize the number of curb cuts to the neighborhood and will dictate that most traffic ingresses and egresses on MLK. It is anticipated that the curb cuts from the medical facility development on MLK will be limited to two access points.**

T 4.9: Sidewalk Improvements Near Transit. Coordinate with local transit providers to identify sidewalks within one-third mile of transit stops in need of enhancement for persons with disabilities. **The rezoning will facilitate the construction and maintenance of sidewalks surrounding and along MLK and in close proximity to transit.**

CS 5.1: Best Practices In Health Care. Work with private and public institutions, Wake County, and non-profits to ensure medical and health facilities adhere to best practices. **The proposed health facility will adhere to the best practices of the industry to provide much needed dialysis services with a high level of care to members of the community.**

CS 5.2: Supportive Services. Provide supportive services and facilities to Raleigh's families, elderly, special needs, and others in need of adaptive services, that contribute to their quality of life. **The proposed dialysis center will provide an important supportive service to the community which will directly improve quality of life. Residents of the adjacent residential neighborhood who are in need of dialysis will no longer have to travel outside of their community to receive care.**

CS 5.3: Access to Health Care. Support the siting of health care facilities and services in appropriate and accessible locations. **The new development will offer an important health service in a convenient location. Research has indicated that a significant number of residents of the neighborhood surrounding the proposed development suffer from diabetes or other conditions which require dialysis. The issuance of a certificate of need for a dialysis facility confirms this need. The new development will provide an accessible and convenient location for these residents to receive the care they need.**

CS 5.5: Transit Access to Health and Human Services. Promote transit accessibility for health and human service facilities. **The development will provide access to health services by transit as there are a number of public transit locations in close proximity. The bust stop on RQR will be less than a five minute walk to/from the dialysis center.**

UD 3.8: Screening of Unsightly Uses. The visibility of trash storage, loading and truck parking areas from the street, sidewalk, building entrances and corridors should be minimized. These services should not be located adjacent to residential units and usable open space. **Visibility of service areas will be minimized by locating such areas behind buildings and screening them from view of the adjacent residential area and other properties.**

PU 1.5: Sizing Water and Sewer Lines. Size water and sewer lines with capacity for future growth. **The utility lines constructed to serve the proposed development will be of sufficient size to serve adjacent properties in the future.**

PU 2.4: Water and Sanitary Sewer Installations. Require that water and sanitary sewer lines installed by property owners are constructed along the entire adjacent right-of-way or through the entire property as appropriate to permit further extension to adjacent properties. **Utilities to be constructed for the proposed development will be installed along a public right-of-way to permit future expansion to City sewer for adjacent properties.**

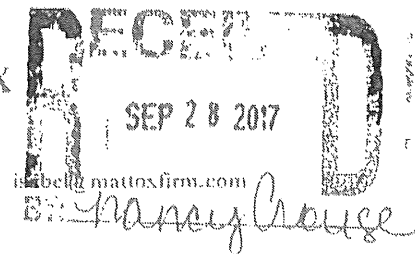
PU 4.4: Wastewater Collection System Expansion. Expand the wastewater collection system to serve potential annexation areas, urbanizing areas, and long-term growth areas with gravity sewer extensions and minimal use of pump stations. **The proposed development will facilitate the expansion of the City's gravity sewer service.**

PU 5.4: Discharge Control Methods. Apply discharge control methods that control both peak and volume and that are economically, aesthetically and environmentally acceptable as well as effective in stormwater management. **The proposed development will apply discharge control methods which will be designed to control peak and volume in an aesthetic and environmentally acceptable manner.**

ISABEL WORTHY MATTOX

Attorney at Law

Telephone (919) 828-7171



TO ALL ADDRESSEES:

RE: **NOTICE OF MEETING** Regarding Proposed Rezoning Petition of 814 Rock Quarry Road, Raleigh, NC 27610, 4.29 acres as recorded in Deed Book 13222, Page 1155, Wake County Registry, owned by Ouida Jane Exum, George C. Exum, Jr. and Amber J. Kie, Temporary Receiver for Annette Henrietta Exum ("Rezoning Property")

Dear Property Owners:

You are receiving this letter because you are the owner of property located in the vicinity of the Rezoning Property for which a rezoning is now being contemplated. We anticipate that the proposed rezoning will rezone the Rezoning Property from NX-3-PI and R-10 to NX-3-PI and OX-3, conditional use. We now anticipate that a Rezoning Application will be filed on behalf of the owners in the near future.

In accordance with the requirements of the Raleigh Unified Development Ordinance, notice is hereby given to you as the owner of the Rezoning Property or the owner of property within 100 feet of the Rezoning Property (collectively, "Notice Neighbors") of a meeting to discuss the prospective rezoning to be held at **Roberts Park Center, 1300 East Martin Street, Raleigh, North Carolina in the Activity Room at 7:00 p.m. on the evening of October 11, 2017.**

We would like to discuss this case with you and will be available to answer any questions which you may have regarding this Rezoning Application

If the Rezoning Application is filed as now planned, it will be vetted by City Staff over the next few weeks and referred to the Planning Commission for review. To follow this process, please consult the City's website at [www.raleighnc.gov/planning](http://www.raleighnc.gov/planning). If you have any questions about the proposed Rezoning Application, either before our meeting of October 11, 2017, or at any time after our meeting, please contact me.

Yours very truly,

Isabel Worthy Mattox

cc: C. Hont Shuford, Jr.  
Chuck White  
David Looper  
Dan Pabst

127 West Hargett Street, Suite 500, Raleigh, NC 27601 Post Office Box 946, Raleigh, NC 27602  
Fax (919) 831-1205

1713340839  
GEORGE C EXUM SR LIVING TRUST  
3920 LIVE OAK RD  
RALEIGH NC 27604

1713228776  
NORTH CAROLINA STATE OF  
STATE PROPERTY OFFICE  
116 W JONES ST  
RALEIGH NC 27603-1300

1713228776  
NORTH CAROLINA STATE OF  
C/O DEPT OF ADMINISTRATION  
116 W JONES ST  
RALEIGH NC 27603-1300

1713228776  
NORTH CAROLINA STATE OF  
116 W JONES ST  
RALEIGH NC 27603-1300

1713228776  
NORTH CAROLINA STATE OF  
116 W JONES ST  
RALEIGH NC 27603-1300

1713242663  
RALEIGH CITY OF  
PO BOX 590  
RALEIGH NC 27602-0590

1713245736  
BROOKS, VERGA C  
1623 TRINITY RD  
RALEIGH NC 27607-4917

1713245776  
WILLIAMS, DON BERNARD WILLIAM,  
LYNETTE  
932 CROSS LINK RD  
RALEIGH NC 27610-4733

1713246767  
RALEIGH CITY OF  
PO BOX 590  
RALEIGH NC 27602-0590

1713246826  
BLUE RAM MOUNTAIN LLC  
14460 FALLS OF NEUSE RD STE 149-325  
RALEIGH NC 27614-8227

1713246860  
WINTERS, JOHN W WINTERS, MARIE M  
3225 BLUE RIDGE RD STE 117  
RALEIGH NC 27612-8060

1713246866  
PAYNE, JOHN ROBERT TRUSTEE OF THE  
JEANIE GIBSON GL...  
C/O WILLIAM A GLENN JR  
5805 ALLWOOD DR  
RALEIGH NC 27606-9032

1713246966  
JEB RENTALS LLC  
1507 ASHLEY DOWNS DR  
APEX NC 27502-4966

1713247815  
MCKENZIE, KELLY GRACE MCKENZIE,  
DANIEL SCOTT  
1201 RAINWOOD LN  
RALEIGH NC 27615-3529

1713256071  
JEB RENTALS LLC  
1507 ASHLEY DOWNS DR  
APEX NC 27502-4966

1713256077  
THOMPSON, MARY THOMPSON, WILLIAM  
811 BRIGHAM RD  
RALEIGH NC 27610-3529

1713258291  
WYNWOOD PLACE APARTMENTS LLC  
PO BOX 31845  
RALEIGH NC 27622-1845

1713340893  
RALEIGH CITY OF  
PO BOX 590  
RALEIGH NC 27602-0590

1713341640  
RALEIGH CITY OF  
PO BOX 590  
RALEIGH NC 27602-0590

1713343774  
RALEIGH CITY OF  
PO BOX 590  
RALEIGH NC 27602-0590

1713343976  
RALEIGH CITY OF  
PO BOX 590  
RALEIGH NC 27602-0590

1713346994  
RALEIGH CITY OF  
PO BOX 590  
RALEIGH NC 27602-0590

1713347947  
RALEIGH CITY OF  
PO BOX 590  
RALEIGH NC 27602-0590

1713348719  
MONTAGUE, JAMES E MCQUEEN, DONNIE  
916 ROCK QUARRY RD STE 113  
RALEIGH NC 27610-3960

1713350168  
GEORGE C EXUM SR LIVING TRUST  
3920 LIVE OAK RD  
RALEIGH NC 27604

1713350221  
DESILVA, DAVID ROHAN  
79 CAROLINA OAKS AVE  
SMITHFIELD NC 27577-7509

1713351105  
MCDOWELL, MILDRED H HEIRS  
ROBERT W MCDOWELL JR  
3250 HAZELWOOD DR SW  
ATLANTA GA 30311-3036

1713351307  
WILLIAMS, RUFUS D WILLIAMS, CHRISTINE  
B  
614 ROCK QUARRY RD  
RALEIGH NC 27610-3818

1713352422  
WILLIAMS GROVE BAPTIST CHURCH INC  
735 ROCK QUARRY RD  
RALEIGH NC 27610-3819

1713354099  
HOUSE OF GOD THE  
809 ROCK QUARRY RD  
RALEIGH NC 27610-3821

1713354106  
T 500 TRUST  
JOHN FRAZIER  
803 ROCK QUARRY RD  
RALEIGH NC 27610-3821

1713354251  
COOPER, TUNISIA N  
717B MERRYWOOD DR  
RALEIGH NC 27610-3354

1713355054  
WOODEN, JAMES A JR  
1404 GRIFFIN CIR  
RALEIGH NC 27610-4928

1713355195  
PERRY, PAUL A SINGLETARY, OMAR  
DENISE P  
720 SHERRYBROOK DR  
RALEIGH NC 27610-3345

1713356068  
RALEIGH CITY OF  
PO BOX 590  
RALEIGH NC 27602-0590

1713357018  
RALEIGH CITY OF  
PO BOX 590  
RALEIGH NC 27602-0590



## ATTENDANCE AT NEIGHBORHOOD MEETING

814 Rock Quarry Road – Rezoning

Owners: Ouida Jane Exum, George C. Exum, Jr. and  
Amber J. Ivie, Temporary Receiver for Annette Henrietta Exum  
PIN #: 1713340839

October 11, 2017 at 7:00 p.m.  
Roberts Community Center

NAME	ADDRESS	PHONE #
MARK PHILLIPS	Street: 911 PAVERSTONE DRIVE RALEIGH, NC 27597 Email: MPHILLIPS@PABSTDESIGN.COM	919-810-3716
JIM SWANN FRESENIUS MEDICAL CARE	Street: 3890 DIRM RD EASTOVER NC 28312 Email: JIM.SWANN@FMC-NA.COM	910 5683041
Chuck White	Street: 320 15th St SE Hickory N.C. Email: cwhite@delcompany.com	828-634-0874
DAN PABST	Street: 911 PAVERSTONE DR. STE. E RALEIGH, NC 27608 Email:	919-848-4399
	Street:	
	Email:	
	Street:	
	Email:	
	Street:	
	Email:	
	Street:	
	Email:	
	Street:	
	Email:	

## SUMMARY OF ISSUES

A neighborhood meeting was held on October 11, 2017 (date) to discuss a potential rezoning located at 814 Rock Quarry Road (property address).

The neighborhood meeting was held at Roberts Park Center, 1300 East Martin Street, Raleigh, NC (location).

There were approximately 0 (number) neighbors in attendance. The general issues discussed were:

### Summary of Issues:

SEE ATTACHED

# ISABEL WORTHY MATTOX

Attorney at Law

Telephone (919) 828-7171

isabel@mattoxfirm.com

November 7, 2017

Mr. Kyle Little  
City of Raleigh Planning Department  
One Exchange Plaza  
Suite 400  
Raleigh, North Carolina 27601

RE: NEIGHBORHOOD MEETING REPORT Regarding Proposed Rezoning Petition of Ouida Jane Exum, George C. Exum Jr., and Amber J. Ivie, Temporary Receiver for Annette Henrietta Exum, collectively (the "Owners") regarding 814 Rock Quarry Road (the "Property").

Dear Kyle:

As indicated in my attached letter, the Neighborhood Meeting for the above-referenced prospective rezoning case was held on October 11, 2017 at 7:00 PM at the Roberts Park Center, 1300 East Martin Street, Raleigh, North Carolina, to discuss the proposed rezoning of the Property located at 814 Rock Quarry Road.

The persons and organizations contacted about this meeting are indicated on the attached list. The parties in attendance were:

- Isabel Worthy Mattox, attorney for the Owners;
- Dan Pabst of Pabst Design, civil engineer;
- Mark Phillips, civil engineer;
- Chuck White, the project manager; and
- Jim Swann of Fresenius Medical Care.

No neighbors attended the meeting and at 7:30 PM, the meeting was adjourned.

Sincerely,



Isabel Worthy Mattox

Enclosures

cc: Mark Phillips (via email [mphillips@pabstdesign.com](mailto:mphillips@pabstdesign.com))  
Chuck White (via email [cwhite@delcompany.com](mailto:cwhite@delcompany.com))  
Dan Pabst (via email [dpabst@pabstdesign.com](mailto:dpabst@pabstdesign.com))

127 West Hargett Street, Suite 500, Raleigh, NC 27601 Post Office Box 946, Raleigh, NC 27602  
Fax (919) 831-1205

Z-35-2017 Existing Land Use (Vacant)	Daily	AM	PM
	0	0	0
Z-35-2017 Current Zoning Entitlements (Residential: 13 Apartments)	Daily	AM	PM
	202	10	25
Z-35-2017 Proposed Zoning Maximums (Office & Indoor Recreation)	Daily	AM	PM
	263	12	28
Z-35-2017 Trip Volume Change (Proposed Maximums minus Current Entitlements)	Daily	AM	PM
	61	2	3
<b>Z-35-2017 Traffic Study Worksheet</b>			
<b>6.23.4</b>	<b>Trip Generation</b>	<b>Meets TIA Conditions? (Y/N)</b>	
A	Peak Hour Trips $\geq$ 150 veh/hr	No	
B	Peak Hour Trips $\geq$ 100 veh/hr if primary access is on a 2-lane street	No	
C	More than 100 veh/hr trips in the peak direction	No	
D	Daily Trips $\geq$ 3,000 veh/day	No	
E	Enrollment increases at public or private schools	Not Applicable	
<b>6.23.5</b>	<b>Site Context</b>	<b>Meets TIA Conditions? (Y/N)</b>	
A	Affects a location with a high crash history [Severity Index $\geq$ 8.4 or a fatal crash within the past three years]	No	
B	Takes place at a highly congested location [volume-to-capacity ratio $\geq$ 1.0 on both major street approaches]	No	
C	Creates a fourth leg at an existing signalized intersection	No	
D	Exacerbates an already difficult situation such as a RR Crossing, Fire Station Access, School Access, etc.	No	
E	Access is to/from a Major Street as defined by the City's Street Plan Map	Yes, Martin Luther King Blvd is a major street (Avenue, 4-Lane, divided). Staff waives the traffic study requirement for Z-35-2017 as daily & peak hour trips are below the volume thresholds.	
F	Proposed access is within 1,000 feet of an interchange	No	
G	Involves an existing or proposed median crossover	No	
H	Involves an active roadway construction project	No	
I	Involves a break in controlled access along a corridor	No	
<b>6.23.6</b>	<b>Miscellaneous Applications</b>	<b>Meets TIA Conditions? (Y/N)</b>	
A	Planned Development Districts	No	
B	In response to Raleigh Planning Commission or Raleigh City Council resolutions	None noted as of Feb. 6, 2018	

## **February 13, 2018 Planning Commission Minutes**

### **AGENDA ITEM (E) 1: Z-35-17 – Rock Quarry Road**

This site is located on Rock Quarry Road, at the northwest corner of its intersection with Martin Luther King Jr. Boulevard.

This is a request to rezone property from R-10 to OX-3-PL-CU.

Planner Hardin presented the case.

Ms. Maddox representing the applicant gave a brief overview of the case regarding the proposed dialysis facility for the site; having a certificate of need from the state and believes it is in the public interest.

No public comment.

**Mr. Lyle made a motion to approve. Ms. Jeffreys seconded the motion. The vote was unanimous 7-0.**

## Rezoning Application



Department of City Planning | 1 Exchange Plaza, Suite 300 | Raleigh, NC 27601 | 919-996-2626

NOV 8 2017 AM 11:52

REZONING REQUEST				
<input type="checkbox"/> General Use <input checked="" type="checkbox"/> Conditional Use <input type="checkbox"/> Master Plan			<b>OFFICE USE ONLY</b> Transaction # <b>531775</b> Rezoning Case # <b>2-35-17</b>	
Existing Zoning Base District	NX	Height		Frontage
*NX-3-PL and R-10				
Proposed Zoning Base District	NX	Height		Frontage
Overlay(s) _____ **NX-3-PL-CUD Area 1 and NX-3-PL-CUD Area (with different conditions)2; See Exhibit A showing Areas 1 and 2 Click <a href="#">here</a> to view the Zoning Map. Search for the address to be rezoned, then turn on the 'Zoning' and 'Overlay' layers.				
If the property has been previously rezoned, provide the rezoning case number:				
Provide all previous transaction numbers for Coordinated Team Reviews, Due Diligence Sessions, or Pre-Submittal Conferences:				
531775				

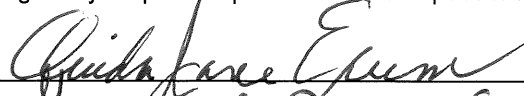
GENERAL INFORMATION			
Date	11-08-17	Date Amended (1)	Date Amended (2)
Property Address    814 Rock Quarry Road, Raleigh, NC 27610			
Property PIN    1713340839		Deed Reference (book/page)    BK 13222 PG1155	
Nearest Intersection    Martin Luther King Jr. Boulevard and Rock Quarry Road			
Property Size (acres)	4.29 acres	(For PD Applications Only) Total Units	Total Square Feet
Property Owner/Address		Phone	Fax
Ouida Jane Exum; George C. Exum, Jr.; Amber J. Ivie, Temporary Receiver for Annette Henrietta Exum.			
Project Contact Person/Address		Phone	Fax
Isabel Worthy Mattox, Attorney at Law 127 W. Hargett Street, Suite 500 Raleigh, North Carolina 27602		919-828-7171	919-831-1205
Owner/Agent Signature		Email	
		Isabel@mattoxfirm.com	

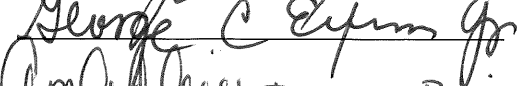
A rezoning application will not be considered complete until all required submittal components listed on the Rezoning Checklist have been received and approved.

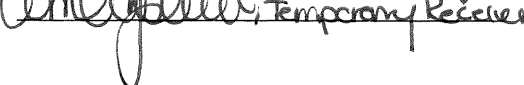
# Original Version

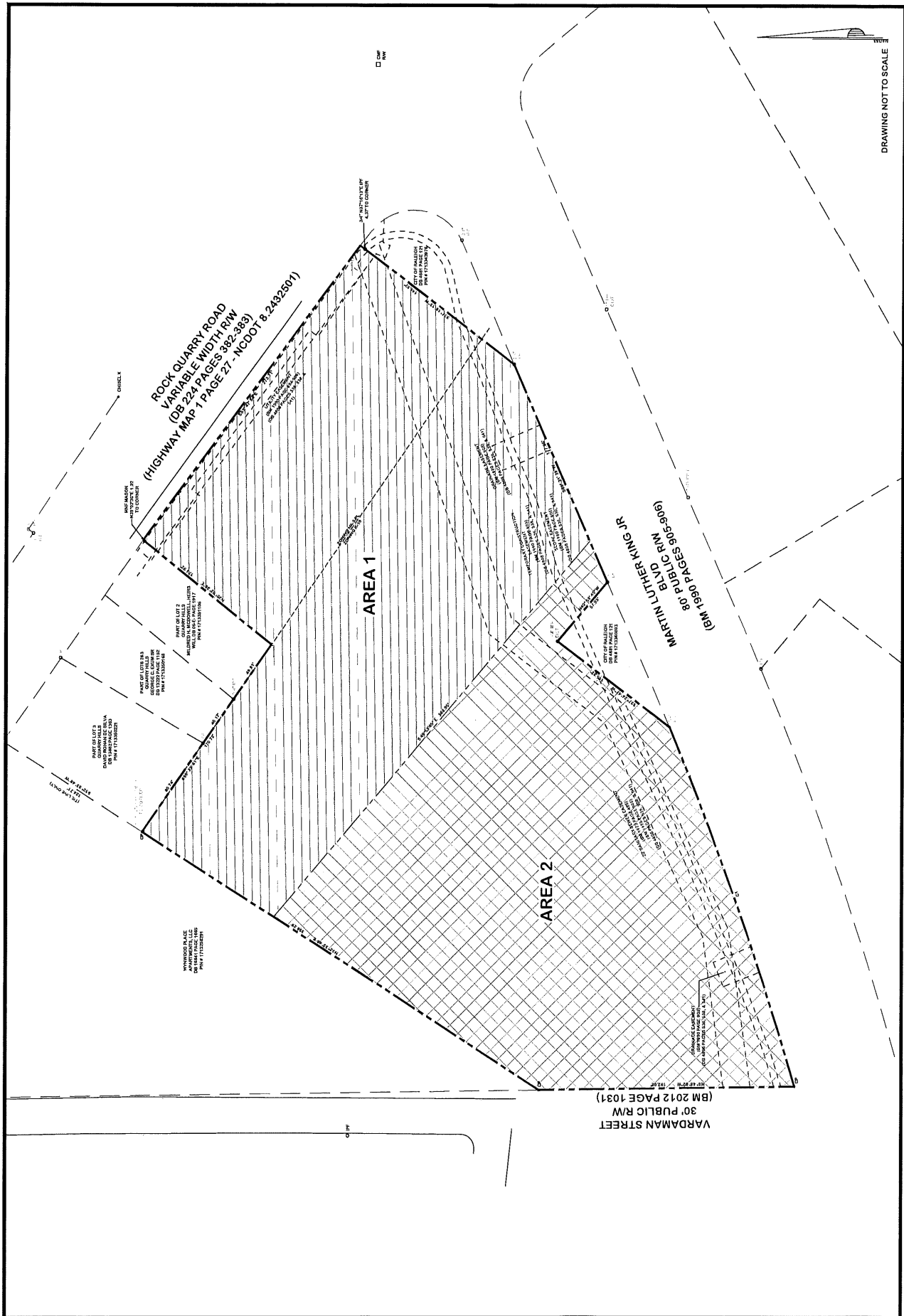
CONDITIONAL USE DISTRICT ZONING CONDITIONS	
Zoning Case Number	<b>OFFICE USE ONLY</b>  Transaction # <span style="font-size: 1.2em;">531775</span> Rezoning Case # <span style="font-size: 1.2em;">2-35-17</span>
Date Submitted	
Existing Zoning <b>NX-3-PL and R-10</b> Proposed Zoning <b>NX-3-PL-CUD (Area 1) &amp; NX-3-CUD-PL (Area 2)</b>	
<b>Narrative Of Zoning Conditions Offered</b>	
Area 2 as shown on attached Exhibit shall not include Residential Uses, Restaurants, Bars or Retail Sales and shall be limited to a 1. maximum of 12,000 square feet of office, medical, and other uses.	
Service functions for Area 2 (including placement, removal, relocation, emptying and cleaning) for any dumpster located on the property 2. facility shall be allowed to occur only between 7:00 AM and 9:00 PM, Monday through Friday.	
3.	
4.	
5.	
6.	
7.	
8.	
9.	
10.	

These zoning conditions have been voluntarily offered by the property owner. All property owners must sign each condition page. This page may be photocopied if additional space is needed.

Owner/Agent Signature  Print Name Ouida Jane Exum

Owner Signature By:  Print Name: George C. Exum, Jr.

Owner Signature By:  Print Name: Amber J. Ivie, Temporary Receiver for Annette Henrietta Exum





# Original Version

## EXHIBIT A-1

### **Metes and Bounds Legal Descriptions**

**Property: 814 Rock Quarry Road**

#### **AREA 1**

Point of beginning being a 3/4" iron pipe found in the northern right-of-way of Martin Luther King Jr. Boulevard and having NC Grid NAD 83/2011 (2010.00) EPOCH of north = 734,903.83 US survey feet, east = 2,113,307.75 US survey feet; thence along said right-of-way S 66° 31' 39" W, a distance of 144.35 feet to a point; thence leaving said right-of-way N 49° 53' 45" W, a distance of 368.95 feet to a point; thence N 32° 53' 48" E, a distance of 117.45 feet to a point; thence S 55° 33' 41" E, a distance of 170.72 feet to a point; thence N 39° 02' 36" E, a distance of 123.92 feet to a point in the southern right-of-way of Rock Quarry Road; thence said right-of-way S 53° 47' 54" E, 273.71 feet to a point; thence leaving said right-of-way S 37° 16' 13" W, a distance of 146.82 feet to the point and place of beginning and having an area of 90,040.3 Sq. Ft. or 2.067 acres.

#### **AREA 2**

Point of beginning being a 3/4" iron pipe found in the northern right-of-way of Martin Luther King Jr. Boulevard and having NC Grid NAD 83/2011 (2010.00) EPOCH of north = 734,832.99 US survey feet, east = 2,113,144.62 US survey feet; thence leaving said right-of-way N 49° 53' 45" W, a distance of 57.93 feet to a 3/4" iron pipe found; thence S 37° 28' 47" W, a distance of 105.82 feet to a 3/4" iron pipe found in the northern right-of-way of Martin Luther King Jr. Boulevard; thence along said right-of-way, along a circular curve to the right 286.15 feet, said curve having a radius of 2,618.77 feet and a chord of S 70° 37' 42" W, 286.01 feet to a #5 rebar set at the intersection of the northern right-of-way of Martin Luther King Jr. Boulevard and eastern right-of-way of Vardaman Street; thence along the eastern right-of-way of Vardaman Street N 00° 48' 02" W, a distance of 192.02 feet to a #5 rebar set; thence leaving said right-of-way N 32° 53' 48" E, a distance of 238.84 feet to a point; thence S 49° 53' 45" E, a distance of 368.95 feet to a point in the northern right-of-way of Martin Luther King Jr. Boulevard; thence along said right-of-way S 66° 31' 39" W, a distance of 33.50 feet to the point and place of beginning and having an area of 82,379.5 Sq. Ft. or 1.891 acres.

# Original Version

REZONING APPLICATION ADDENDUM #1	
<b>Comprehensive Plan Analysis</b>	<b>OFFICE USE ONLY</b>
<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 # 531775</p> <p>Rezoning Case # Z-35-17</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>	
<p>1. The Future Land Use Map designates the subject property for Neighborhood Mixed Use. The existing development, which consists of retail uses, together with the proposed new office development, provides a mix of uses to serve the adjacent residential neighborhood.</p>	
<p>2. The subject property is located directly adjacent to Rock Quarry Road, a Transit Emphasis Corridor. The existing development which consists of retail uses, together with the proposed new office development, provides a mix of uses which are well suited to take advantage of the transportation and transit resources available to the Transit emphasis Corridor</p>	
<p>3. In addition, the rezoning request is consistent with the Comprehensive Plan policies as noted on Exhibit B.</p>	
<p>4.</p>	
PUBLIC BENEFITS	
<p>Provide brief statements regarding the public benefits derived as a result of the rezoning request.</p>	
<p>1. The rezoning request will facilitate the development of a dialysis center which is direly needed in this location.</p>	
<p>2. The dialysis center will be in an extremely convenient area for those in need of such services; directly adjacent to a medium density residential area and situated near two main roads with access to public transportation.</p>	
<p>3. Currently, commercial buildings exist on a portion of the site. Most of this area is zoned NX-3-PL. However, a portion of these buildings straddles the zoning line such that commercial buildings are located in part in R-10 zoning. The rezoning will correct this non-conformity by zoning the entire parcel NX-3.</p>	
<p>4.</p>	

## Original Version

REZONING APPLICATION ADDENDUM #2	
<b>Impact on Historic Resources</b>	<b>OFFICE USE ONLY</b>
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.	Transaction # 531775 Rezoning Case # Z-35-17
<b>INVENTORY OF HISTORIC RESOURCES</b>	
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.	
There are no historic resources located on the property.	
<b>PROPOSED MITIGATION</b>	
Provide brief statements describing actions that will be taken to mitigate all negative impacts listed above.	
N/A	

## Original Version

URBAN DESIGN GUIDELINES	
<p>The applicant must respond to the Urban Design Guidelines contained in the 2030 Comprehensive Plan if:</p> <p>a) The property to be rezoned is within a "City Growth Center" or "Mixed-Use Center", or</p> <p>b) The property to be rezoned is located along a "Main Street" or "Transit Emphasis Corridor"</p> <p>as shown on the Urban Form Map in the 2030 Comprehensive Plan.</p> <p>Urban Form Designation: N/A</p> <p>Click <a href="#">here</a> to view the Urban Form Map.</p>	
1.	<p><i>All Mixed-Use developments should generally provide retail (such as eating establishments, food stores, and banks), and other such uses as office and residential within walking distance of each other. Mixed uses should be arranged in a compact and pedestrian friendly form.</i></p> <p><b>Response:</b></p> <p>There are existing retail buildings including a convenience store which will remain on Rock Quarry Rd. ("RQR"). There are also various houses and apartments located directly east and in walking distance of the property. The vacant portion of the property will be developed with medical offices.</p>
2.	<p><i>Within all Mixed-Use Areas buildings that are adjacent to lower density neighborhoods should transition (height, design, distance and/or landscaping) to the lower heights or be comparable in height and massing.</i></p> <p><b>Response:</b></p> <p>Existing buildings on the property are consistent with the height, design, distance, and landscaping of the surrounding neighborhood. The new development will not exceed three stories and will be landscaped in a way which will complement the neighborhood.</p>
3.	<p><i>A mixed use area's road network should connect directly into the neighborhood road network of the surrounding community, providing multiple paths for movement to and through the mixed use area. In this way, trips made from the surrounding residential neighborhood(s) to the mixed use area should be possible without requiring travel along a major thoroughfare or arterial.</i></p> <p><b>Response:</b></p> <p>The new development will include an entrance/exit on Martin Luther King Jr. Blvd. ("MLK") which will connect the surrounding community. The new development's parking lot will provide an offer of cross access which will facilitate a possible future path for movement to and through the mixed use area.</p>
4.	<p><i>Streets should interconnect within a development and with adjoining development. Cul-de-sacs or dead-end streets are generally discouraged except where topographic conditions and/or exterior lot line configurations offer no practical alternatives for connection or through traffic. Street stubs should be provided with development adjacent to open land to provide for future connections. Streets should be planned with due regard to the designated corridors shown on the Thoroughfare Plan.</i></p> <p><b>Response:</b></p> <p>The new development will provide an offer of cross access which will facilitate future connections.</p>
5.	<p><i>New development should be comprised of blocks of public and/or private streets (including sidewalks). Block faces should have a length generally not exceeding 660 feet. Where commercial driveways are used to create block structure, they should include the same pedestrian amenities as public or private streets.</i></p> <p><b>Response:</b></p> <p>The new development will include necessary pedestrian amenities such as sidewalks throughout the project.</p>

## Original Version

6.	<p><i>A primary task of all urban architecture and landscape design is the physical definition of streets and public spaces as places of shared use. Streets should be lined by buildings rather than parking lots and should provide interest especially for pedestrians. Garage entrances and/or loading areas should be located at the side or rear of a property.</i></p> <p><b>Response:</b></p> <p>A Parking Limited type frontage will be maintained along RQR. It is anticipated that a similar parking lot treatment will be developed for the new office development. Any new loading areas and/ or service entrances will be located along the side or behind buildings.</p>
7.	<p><i>Buildings should be located close to the pedestrian-oriented street (within 25 feet of the curb), with off-street parking behind and/or beside the buildings. When a development plan is located along a high volume corridor without on-street parking, one bay of parking separating the building frontage along the corridor is a preferred option.</i></p> <p><b>Response:</b></p> <p>The new building will be located on MLK, a six lane divided street. It is not a pedestrian oriented street.</p>
8.	<p><i>If the site is located at a street intersection, the main building or main part of the building should be placed at the corner. Parking, loading or service should not be located at an intersection.</i></p> <p><b>Response:</b></p> <p>Although the subject property is near the intersection of RQR and MLK, the parcel on the actual corner is owned by the City of Raleigh. An existing building (which is not proposed to be redeveloped at this time) is located close to this City owned parcel. Parking and loading for the new development will address MLK and will not be located at the intersection.</p>
9.	<p><i>To ensure that urban open space is well-used, it is essential to locate and design it carefully. The space should be located where it is visible and easily accessible from public areas (building entrances, sidewalks). Take views and sun exposure into account as well.</i></p> <p><b>Response:</b></p> <p>Open space is proposed on the southwest side of the proposed medical office building. It is anticipated that open space will be visible and physically accessible from the building and surrounding sidewalks.</p>
10.	<p><i>New urban spaces should contain direct access from the adjacent streets. They should be open along the adjacent sidewalks and allow for multiple points of entry. They should also be visually permeable from the sidewalk, allowing passersby to see directly into the space.</i></p> <p><b>Response:</b></p> <p>The proposed development will have access from MLK as well as walking access from the sidewalk. Pedestrians using the sidewalk on MLK will be able to clearly see the development from the sidewalk.</p>
11.	<p><i>The perimeter of urban open spaces should consist of active uses that provide pedestrian traffic for the space including retail, cafés, and restaurants and higher-density residential.</i></p> <p><b>Response:</b></p> <p>The space is surrounded by active uses. The northeast portion of the property includes a convenience store that will remain. To the west of the property is medium density residential housing consisting of single family detached houses as well as apartments and duplexes. The proximity of these uses will contribute to the flow of pedestrian foot traffic.</p>
12.	<p><i>A properly defined urban open space is visually enclosed by the fronting of buildings to create an outdoor "room" that is comfortable to users.</i></p> <p><b>Response:</b></p> <p>It is anticipated that open space will be enclosed with a building edge and sidewalks.</p>

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13.	<p><i>New public spaces should provide seating opportunities.</i></p> <p><b>Response:</b></p> <p>It is anticipated that the proposed new development will feature some outdoor seating.</p>
14.	<p><i>Parking lots should not dominate the frontage of pedestrian-oriented streets, interrupt pedestrian routes, or negatively impact surrounding developments.</i></p> <p><b>Response:</b></p> <p>A Parking Limited Frontage exists along RQR and a parking scheme as contemplated in the parking Limited Frontage is planned for the new development.</p>
15.	<p><i>Parking lots should be located behind or in the interior of a block whenever possible. Parking lots should not occupy more than 1/3 of the frontage of the adjacent building or not more than 64 feet, whichever is less.</i></p> <p><b>Response:</b></p> <p>A Parking Limited Frontage exists along RQR and a parking scheme as contemplated in the Parking Limited Frontage is planned for the new development.</p>
16.	<p><i>Parking structures are clearly an important and necessary element of the overall urban infrastructure but, given their utilitarian elements, can give serious negative visual effects. New structures should merit the same level of materials and finishes as that a principal building would, care in the use of basic design elements can make a significant improvement.</i></p> <p><b>Response:</b></p> <p>No parking structures are anticipated on this property.</p>
17.	<p><i>Higher building densities and more intensive land uses should be within walking distance of transit stops, permitting public transit to become a viable alternative to the automobile.</i></p> <p><b>Response:</b></p> <p>There is a public transportation stop on the northeast corner of the property on RQR, allowing for easy access to public transportation.</p>
18.	<p><i>Convenient, comfortable pedestrian access between the transit stop and the building entrance should be planned as part of the overall pedestrian network.</i></p> <p><b>Response:</b></p> <p>Pedestrians exiting the bus at the stop on RQR will be able to easily walk to all establishments on the property, including the convenience store, the office/retail space, and the new development.</p>
19.	<p><i>All development should respect natural resources as an essential component of the human environment. The most sensitive landscape areas, both environmentally and visually, are steep slopes greater than 15 percent, watercourses, and floodplains. Any development in these areas should minimize intervention and maintain the natural condition except under extreme circumstances. Where practical, these features should be conserved as open space amenities and incorporated in the overall site design.</i></p> <p><b>Response:</b></p> <p>Although a significant amount of topographic change exists on the property, we do not believe the property includes steep slopes. There are no streams or floodplains on the site.</p>



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20.	<p><i>It is the intent of these guidelines to build streets that are integral components of community design. Public and private streets, as well as commercial driveways that serve as primary pedestrian pathways to building entrances, should be designed as the main public spaces of the City and should be scaled for pedestrians.</i></p> <p><b>Response:</b></p> <p>No new public streets are contemplated on the property.</p>
21.	<p><i>Sidewalks should be 5-8 feet wide in residential areas and located on both sides of the street. Sidewalks in commercial areas and Pedestrian Business Overlays should be a minimum of 14-18 feet wide to accommodate sidewalk uses such as vendors, merchandising and outdoor seating.</i></p> <p><b>Response:</b></p> <p>Sidewalks in the project will be constructed in accordance with City of Raleigh requirements.</p>
22.	<p><i>Streets should be designed with street trees planted in a manner appropriate to their function. Commercial streets should have trees which complement the face of the buildings and which shade the sidewalk. Residential streets should provide for an appropriate canopy, which shadows both the street and sidewalk, and serves as a visual buffer between the street and the home. The typical width of the street landscape strip is 6-8 feet. This width ensures healthy street trees, precludes tree roots from breaking the sidewalk, and provides adequate pedestrian buffering. Street trees should be at least 6 1/4" caliper and should be consistent with the City's landscaping, lighting and street sight distance requirements.</i></p> <p><b>Response:</b></p> <p>No new public streets are contemplated on the property.</p>
23.	<p><i>Buildings should define the streets spatially. Proper spatial definition should be achieved with buildings or other architectural elements (including certain tree plantings) that make up the street edges aligned in a disciplined manner with an appropriate ratio of height to width.</i></p> <p><b>Response:</b></p> <p>Street trees will be installed along MLK to define the street.</p>
24.	<p><i>The primary entrance should be both architecturally and functionally on the front facade of any building facing the primary public street. Such entrances shall be designed to convey their prominence on the fronting facade.</i></p> <p><b>Response:</b></p> <p>Entrances to existing buildings on RQR face RQR. The proposed new building will face MLK.</p>
25.	<p><i>The ground level of the building should offer pedestrian interest along sidewalks. This includes windows entrances, and architectural details. Signage, awnings, and ornamentation are encouraged.</i></p> <p><b>Response:</b></p> <p>The new building has not yet been designed, but it is anticipated that it will contain a variety of architectural details.</p>
26.	<p><i>The sidewalks should be the principal place of pedestrian movement and casual social interaction. Designs and uses should be complementary to that function.</i></p> <p><b>Response:</b></p> <p>Sidewalks will be of appropriate width and design to comfortably accommodate pedestrian movement and social interaction.</p>

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## Exhibit B

### To Rezoning Application Addendum #1 – 814 Rock Quarry Road Statement of Consistency for Rezoning

1. The Future Land Use Map designates the subject property for Neighborhood Mixed Use. **The proposed new development is compatible with this designation as it is less than three stories and will directly serve the neighborhood as an office by providing dialysis, an important health service.**

2. The subject property is within the Olde East Raleigh Area Plan as designated by The 2030 Comprehensive Plan.

AP-OER 8: Olde East Raleigh Design Guidelines. Maintain the historic character of the Olde East Raleigh area using design guidelines.

AP-OER 11: MLK Boulevard at Rock Quarry Road. Two- to three-story mixed use development (small scale Office, Retail, and/or Moderate-Density Residential) should be encouraged for properties at the northwest corner of Martin Luther King, Jr. Boulevard and Rock Quarry Road. **Per the Olde East Raleigh Plan Map (MAP AP-OER1) the property is specifically designated as " Regional Oriented Shopping Center; Mixed Use". The proposed development will directly comply with and further the overall goal of the Olde East Raleigh Plan by offering a mix of small scale office/ mixed use development, including existing retail and proposed new office.**

3. The subject property is located directly adjacent to Rock Quarry Road, a Transit Emphasis Corridor. In addition, the rezoning request is consistent with the following Comprehensive Plan 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. The Future Land Use Map shall not be used to review development applications which do not include a zoning map or text amendment. **The proposed rezoning is consistent with the Future Land Use Map which designates this property for Neighborhood Mixed Use, a category which contemplates various commercial uses, such as supermarkets and professional offices which serve the surrounding neighborhood.**

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 Development will efficiently and compactly utilize the parcel so that public services and transportation may be effectively implemented. The new development proposes an office building on an infill site which will use existing infrastructure and transit resources.**

LU 3.2: Location-Growth. The development of vacant properties shall occur first within the City's limits, then within the City's planning jurisdiction, and lastly within the City's USAs to provide for more compact and orderly growth, including provision of conservation areas. **The subject property on which development is proposed is within the Raleigh City limits.**



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LU 4.6 and 4.7: Transit Oriented Development and Access. Promote transit-oriented development around planned transit stations through appropriate development regulation, education, station area planning, public-private partnerships and regional cooperation. Sites within a half-mile of planned and proposed fixed guideway transit stations should be developed with intense residential and mixed-uses to take full advantage of and support the City and region's investment in transit infrastructure. **The proposed development is a mixed use center less than a quarter mile from a dedicated bus stop on Rock Quarry Road ("RQR"). The bus stop is on the edge of the property to be rezoned, allowing pedestrians easy access by public transit to both the existing development and the new development. (STOP ID: 9330)**

LU 4.9: Corridor Development. Promote pedestrian-friendly and transit-supportive development patterns along multi-modal corridors designated on the Growth Framework Map, and any corridor programmed for "transit intensive" investments such as reduced headways, consolidated stops and bus priority lanes and signals. **The proposed new redevelopment, together with existing development, will promote transit supportive development along RQR and Martin Luther King Jr. Blvd ("MLK"); both of which are designated as Multi-Modal Corridors on the Growth Framework Map.**

LU 5.1: Reinforcing the Urban Pattern. New development should be visually integrated with adjacent buildings, and more generally with the surrounding area. Quality design and site planning is required so that new development opportunities within the existing urban fabric of Raleigh are implemented without adverse impacts on local character and appearance. **The planned new development proposes quality design and appropriate buffers, so as to blend with the urban fabric of Raleigh.**

LU 5.2: Managing Commercial Development Impacts. Manage new commercial development using zoning regulations and through the conditional use zoning and development review processes so that it does not result in unreasonable and unexpected traffic, parking, litter, shadow, view obstruction, odor, noise and vibration impacts on surrounding residential areas. **The proposed new development will manage and mitigate development impacts by creating a buffer to the adjacent residential neighborhood. The use of the new development will be compatible with that of neighboring development. Litter, trash, and noise issues will be mitigated by placing parking lots and service/loading entrances an appropriate distance from the residential neighborhood to the west.**

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. **The proposed new development will provide an effective physical buffer to the existing moderate density residential development to avoid adverse effects.**

LU 8.10: Infill Development. Encourage infill development on vacant land within the City, particularly in areas where there are vacant lots that create "gaps" in the urban fabric and detract from the character of a commercial or residential street. Such development should complement the established character of the area and should not create sharp changes in the physical development pattern. New development will fill a gap in the urban fabric between a neighborhood mixed use area and a moderate density residential area. **The vacant lot is located directly between an area of moderate density residential housing and an area of neighborhood mixed use. The new infill development will add to**

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the character of the area by filling this empty space with a new, well constructed building, creating consistency in the urban fabric of the area.

T 1.6: Transportation Impacts. Identify and address transportation impacts before a development is implemented. **Transportation impacts will be mitigated through dedication of right-of-way, ingress and egress on MLK and facilitating development with easy access to the public transit stop on RQR.**

T 2.9: Curb Cuts. The development of curb cuts along public streets—particularly on thoroughfares and arterials—should be minimized to reduce vehicular conflicts, increase pedestrian safety, and improve roadway capacity. **New development will minimize the number of curb cuts to the neighborhood and will dictate that most traffic ingresses and egresses on MLK. It is anticipated that the curb cuts from the medical facility development on MLK will be limited to two access points.**

T 4.9: Sidewalk Improvements Near Transit. Coordinate with local transit providers to identify sidewalks within one-third mile of transit stops in need of enhancement for persons with disabilities. **The rezoning will facilitate the construction and maintenance of sidewalks surrounding and along MLK and in close proximity to transit.**

CS 5.1: Best Practices In Health Care. Work with private and public institutions, Wake County, and non-profits to ensure medical and health facilities adhere to best practices. **The proposed health facility will adhere to the best practices of the industry to provide much needed dialysis services with a high level of care to members of the community.**

CS 5.2: Supportive Services. Provide supportive services and facilities to Raleigh's families, elderly, special needs, and others in need of adaptive services, that contribute to their quality of life. **The proposed dialysis center will provide an important supportive service to the community which will directly improve quality of life. Residents of the adjacent residential neighborhood who are in need of dialysis will no longer have to travel outside of their community to receive care.**

CS 5.3: Access to Health Care. Support the siting of health care facilities and services in appropriate and accessible locations. **The new development will offer an important health service in a convenient location. Research has indicated that a significant number of residents of the neighborhood surrounding the proposed development suffer from diabetes or other conditions which require dialysis. The issuance of a certificate of need for a dialysis facility confirms this need. The new development will provide an accessible and convenient location for these residents to receive the care they need.**

CS 5.5: Transit Access to Health and Human Services. Promote transit accessibility for health and human service facilities. **The development will provide access to health services by transit as there are a number of public transit locations in close proximity. The bust stop on RQR will be less than a five minute walk to/from the dialysis center.**

UD 3.8: Screening of Unsightly Uses. The visibility of trash storage, loading and truck parking areas from the street, sidewalk, building entrances and corridors should be minimized. These services should not be located adjacent to residential units and usable open space. **Visibility of service areas will be minimized by locating such areas behind buildings and screening them from view of the adjacent residential area and other properties.**

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PU 1.5: Sizing Water and Sewer Lines. Size water and sewer lines with capacity for future growth. **The utility lines constructed to serve the proposed development will be of sufficient size to serve adjacent properties in the future.**

PU 2.4: Water and Sanitary Sewer Installations. Require that water and sanitary sewer lines installed by property owners are constructed along the entire adjacent right-of-way or through the entire property as appropriate to permit further extension to adjacent properties. **Utilities to be constructed for the proposed development will be installed along a public right-of-way to permit future expansion to City sewer for adjacent properties.**

PU 4.4: Wastewater Collection System Expansion. Expand the wastewater collection system to serve potential annexation areas, urbanizing areas, and long-term growth areas with gravity sewer extensions and minimal use of pump stations. **The proposed development will facilitate the expansion of the City's gravity sewer service.**

PU 5.4: Discharge Control Methods. Apply discharge control methods that control both peak and volume and that are economically, aesthetically and environmentally acceptable as well as effective in stormwater management. **The proposed development will apply discharge control methods which will be designed to control peak and volume in an aesthetic and environmentally acceptable manner.**