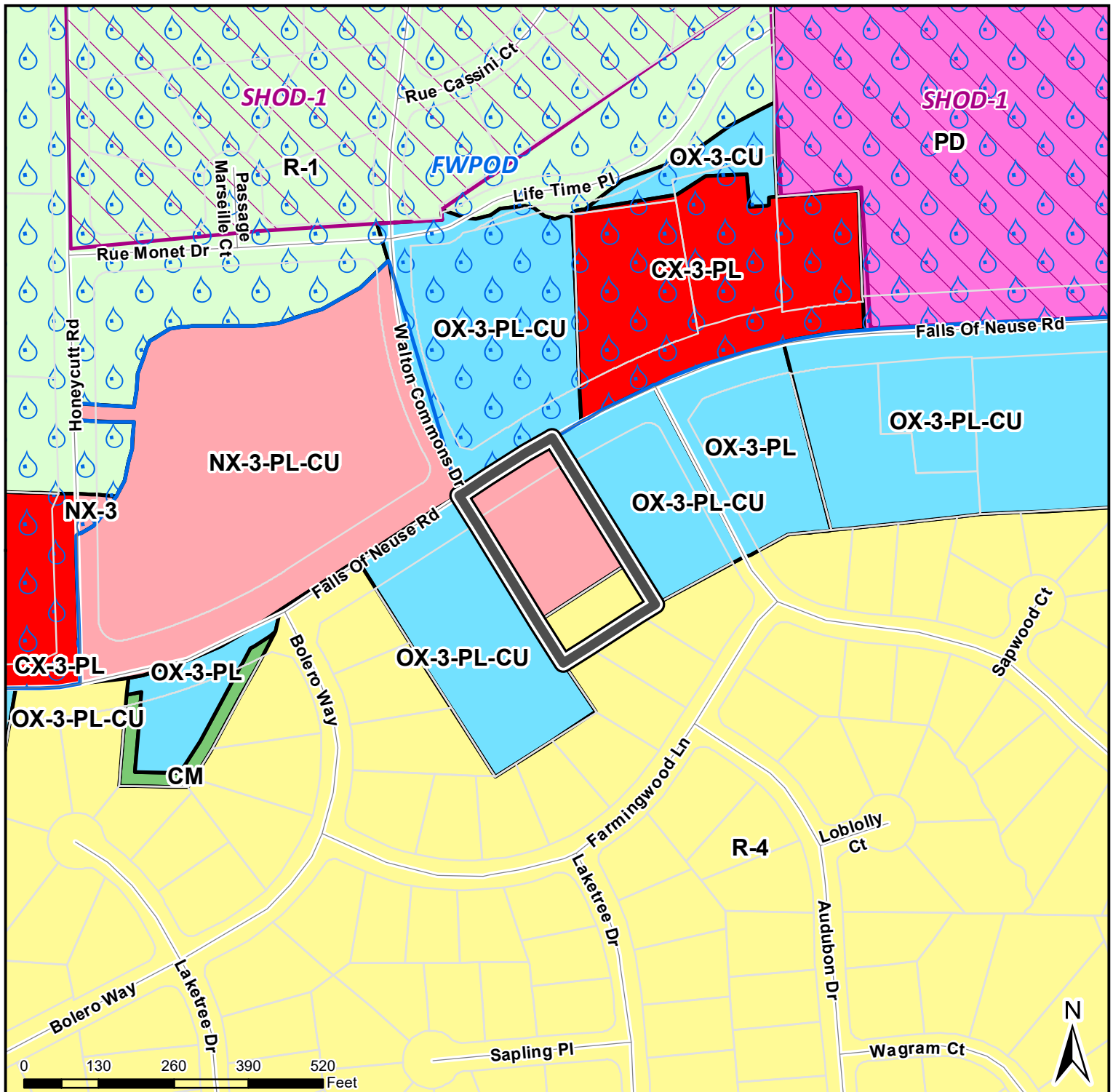
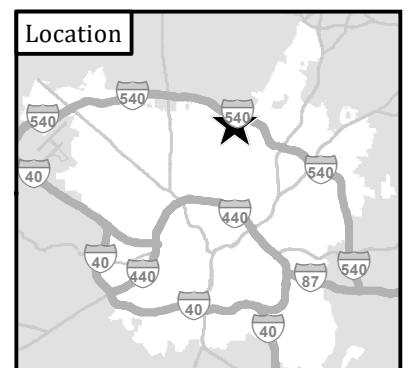


Existing Zoning

Z-37-2021



Property	8304 & 8308 Falls of Neuse Rd
Size	1.28 acres
Existing Zoning	R-4 & NX-3-PL-CU
Requested Zoning	NX-3-PL-CU



To	Marchell Adams-David, City Manager
Thru	Patrick O. Young, AICP, Director
From	Ira Mabel, AICP, Senior Planner
Department	Planning and Development
Date	October 5, 2021
Subject	City Council agenda item for October 19, 2021 – Z-37-21

On October 5, 2021, City Council authorized the public hearing for the following item:

Z-37-21: 8304 & 8308 Falls of Neuse Road, approximately 1.28 acres located on the southern side of Falls of Neuse Road, roughly halfway between its interchange with I-540 and its intersection with Strickland Road.

Signed zoning conditions provided on September 17, 2021 prohibit a number of uses otherwise allowed in NX districts; limit standalone restaurants to 2 stories/30 feet in height and 8,000 square feet; prohibit drive-thru's and drive-in's; prohibit restaurants within 100 feet of residential zoning districts; limit the number and hours of outdoor events; require personal service and retail sales uses to follow the use regulations applicable in OX districts; require refuse containers to be at least 30 feet from the rear lot line; limit the number vehicular access points to Falls of Neuse Road to two; require light poles to be full cutoff and no taller than 16 feet; prohibit outdoor dining and amplified speakers behind any restaurant; specify a Type 2 protective yard (20 feet wide with a new 8' - 9' chain link fence wrapped in noise attenuating material in addition to the existing 6' fence); and prohibit outdoor dining, service area, and playgrounds within 50 feet of the rear lot line.

Current zoning: Neighborhood Mixed Use-3 stories-Parking Limited-Conditional Use (NX-3-PL-CU), Residential-4 (R-4).

Requested zoning: Neighborhood Mixed Use-3 stories-Parking Limited-Conditional Use (NX-3-PL-CU).

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

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

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

The Planning Commission recommends approval of the request (8 - 0).

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



RALEIGH PLANNING COMMISSION CERTIFIED RECOMMENDATION

CR# 13059

CASE INFORMATION: Z-37-21 FALLS OF NEUSE ROAD

Location	The southern side of Falls of Neuse Road, roughly halfway between its interchange with I-540 and its intersection with Strickland Road. Address: 8304 & 8308 Falls of Neuse Road PINs: 1718205794, 1718206671 iMaps , Google Maps , Directions from City Hall
Current Zoning	NX-3-PL-CU, R-4
Requested Zoning	NX-3-PL-CU
Area of Request	1.28 acres
Corporate Limits	The subject site is within, and surrounded on all sides by, the corporate limits of the city.
Property Owner	RBoys LLC
Applicant	Chad Essick, Poyner Spruill LLP
Council District	A
PC Recommendation Deadline	November 13, 2021

SUMMARY OF PROPOSED CONDITIONS

1. The following uses shall be prohibited: cemetery; college, community college, university; school; telecommunication tower; adult establishment; funeral home; shooting range (indoor or outdoor); movie theater (indoor or outdoor); golf course; outdoor sports or entertainment facility; riding stables; bed and breakfast; hotel, motel, inn; animal boarding; animal shelter; kennel/cattery; tattoo parlor, body piercing; taxidermist; wedding chapel; heliport; vehicle fuel sales; vehicle sales/rental; detention center, jail, prison; vehicle repair (minor).
2. Standalone restaurants are limited to 2 stories/30 feet in height and 8,000 square feet.
3. Drive-thru's and drive-in's are prohibited.
4. Restaurants shall not be within 100 feet of residential zoning districts.
5. Outdoor events shall be limited to 4 per year between 10:00 a.m. and 11:00 p.m.
6. Personal service and retail uses shall follow the use regulations applicable in OX districts.
7. Refuse containers must be at least 30 feet from the rear lot line.
8. There shall be no more than two vehicular access points to Falls of Neuse Road.

9. Outdoor dining and amplified speakers are not permitted behind any restaurant.
10. Light poles will be full cutoff and no taller than 16 feet.
11. Neighborhood Transition areas shall include a Type 2 protective yard (20 feet wide with a new 8' - 9' chain link fence wrapped in noise attenuating material in addition to the existing 6' fence). New trees in the transition yard shall be evergreen species. Zone B shall not allow outdoor dining, service area, and playgrounds.

COMPREHENSIVE PLAN GUIDANCE

Future Land Use	Office & Residential Mixed Use	
Urban Form	Transit Emphasis Corridor	
Consistent Policies <i>Key policies are marked with a dot (●)</i> <i>Area Specific Guidance policies are marked with a square (□)</i>		LU 5.2 Managing Commercial Development Impacts
	●	LU 5.4 Density Transitions
	●	LU 5.6 Buffering Requirements
	●	LU 7.4 Scale and Design of New Commercial Uses
		LU 8.11 Development of Vacant Sites
	●	UD 1.10 Frontage
	□	AP IF.1 Development Character on Falls of Neuse Road
	□	AP IF.2 Residential Access on Falls of Neuse Road
	□	AP-IF 3 Frontage Lots on Falls of Neuse Road
	□	AP-IF 4 Falls of Neuse Low Intensity Appearance
Inconsistent Policies	●	LU 1.2 Future Land Use Map and Zoning Consistency
		LU 7.5 High-impact Commercial Uses

FUTURE LAND USE MAP CONSISTENCY

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

COMPREHENSIVE PLAN CONSISTENCY

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

PUBLIC MEETINGS

First Neighborhood Meeting	Second Neighborhood Meeting	Planning Commission	City Council
5/5/2021 13 attendees	7/28/2021 14 attendees	9/14/2021 9/28/2021	10/5/2021

REZONING ENGAGEMENT PORTAL RESULTS

Views	Participants	Responses	Comments
27	0	0	0
Summary of Comments: N/A			

PLANNING COMMISSION RECOMMENDATION

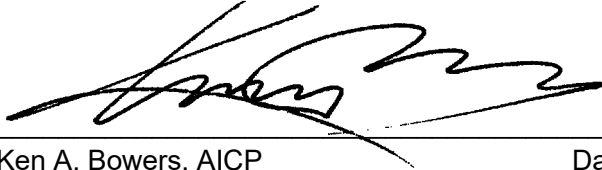
The rezoning case is **Inconsistent** with the Future Land Use Map and **Consistent** with the relevant policies in the Comprehensive Plan, furthermore **Approval** is reasonable and in the public interest because:

Reasonableness and Public Interest	Approval of the request is reasonable and in the public interest because it will facilitate infill development that is more compatible with the commercial nature of Falls of Neuse Road than the existing residential zoning, and includes conditions that will mitigate the impact of commercial uses above and beyond the requirements of the UDO.
Change(s) in Circumstances	The request would align the Future Land Use Map with an established commercial use that has been in operation for multiple decades, and addresses a remnant parcel attached to an existing use that would otherwise be very difficult to develop.
Amendments to the Comprehensive Plan	<p>If approved, the Future Land Use Map will be amended as to the subject parcel(s) only from Office & Residential Mixed Use to Neighborhood Mixed Use.</p> <p>If approved, the Comprehensive Plan policies will be amended as to the subject parcel(s) only and, in addition, only if the property is developed in accordance with the approved ordinance.</p>
Recommendation	Approve
Motion and Vote	<p>Motion: O'Haver; Second: Bennett</p> <p>In Favor: Bennett, Dautel, Elder, Fox, Mann, Miller, O'Haver, and Rains</p> <p>Opposed: None</p>
Reason for Opposed Vote(s)	N/A

ATTACHMENTS

1. Staff Report
2. Comprehensive Plan Amendment Analysis
3. Original Conditions
4. Rezoning Application

This document is a true and accurate statement of the findings and recommendations of the Planning Commission. Approval of this document incorporates all of the findings of the attached Staff Report and Comprehensive Plan Amendment Analysis.



Ken A. Bowers, AICP
Planning and Development Deputy Director

Date: 9/28/2021

Staff Coordinator: Ira Mabel: (919) 996-2652; Ira.Mabel@raleighnc.gov



ZONING STAFF REPORT – CASE Z-39-21

Conditional Use District

OVERVIEW

This request is to rezone approximately 1.28 acres from Neighborhood Mixed Use-3 stories-Parking Limited-Conditional Use (NX-3-PL-CU) and Residential-4 (R-4) to entirely NX-3-PL-CU. Proposed conditions prohibit a number of uses otherwise allowed in NX districts; limit standalone restaurants to 2 stories/30 feet in height and 8,000 square feet; prohibit drive-thru's and drive-in's; prohibit restaurants within 100 feet of residential zoning districts; limit the number and hours of outdoor events; require personal service and retail sales uses to follow the use regulations applicable in OX districts; require refuse containers to be at least 30 feet from the rear lot line; limit the number vehicular access points to Falls of Neuse Road to two; require light poles to be full cutoff and no taller than 16 feet; prohibit outdoor dining and amplified speakers behind any restaurant; specify a Type 2 protective yard (20 feet wide with a new 8' - 9' chain link fence wrapped in noise attenuating material in addition to the existing 6' fence); and prohibit outdoor dining, service area, and playgrounds within 50 feet of the rear lot line.

The existing NX-3-PL-CU district on the site includes many conditions that are similar to the proposed district, including prohibited uses; building height and square footage; the location of refuse containers; vehicular access; and light pole design.

The subject site consists of two parcels on the south side of Falls of Neuse Road, roughly midway between its interchange with I-540 and its intersection with Strickland Road. One parcel fronts on Falls of Neuse Road and contains The Piper's Tavern restaurant. The other parcel is land-locked with no direct access to a public right-of-way and is currently vacant and grassy. This site is relatively flat, but generally drains to the northeast.

To the north across Falls of Neuse Road is a medical office (zoned OX-3-PL w/ FWPOD) and the Lafayette Village shopping mall (NX-3-PL). To the east and west are single-story office buildings (OX-3-PL). To the south are detached houses (R-4).

Development along Falls of Neuse Road consists primarily of commercial uses, with a few civic uses and some residential lots fronting on side streets. The neighborhoods beyond the road's frontage lots consist primarily of single-family homes in either R-4 zoning (to the south) or R-1 w/ FWPOD zoning (to the north).

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

Update for 9/28/2021 Planning Commission

The applicant has modified the condition describing the required neighborhood transition yard to include:

- A black vinyl coated chain link fence between 8 and 9 feet tall, in addition to the existing 6 foot wooden fence that currently runs along the property line.
- A wrapping on the interior side of the chain link fence of a UV resistant, opaque, noise reducing barrier, such as Acoustifence AF-6.
- Any new trees required planted in Zone A shall be evergreen species.

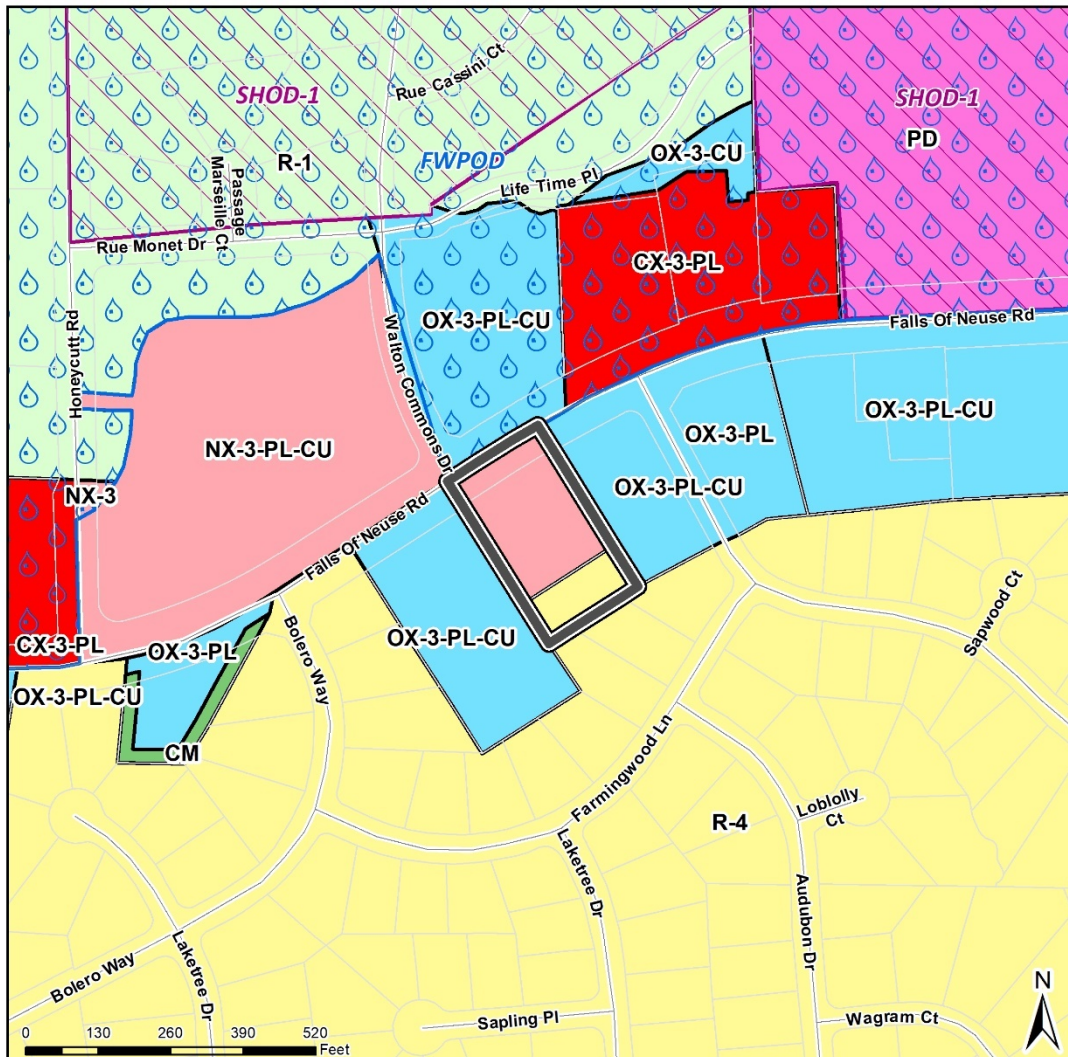
No consistency determinations have changed.

OUTSTANDING ISSUES

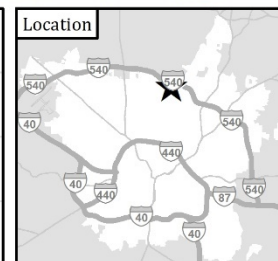
Outstanding Issues	1. None	Suggested Mitigation	1. N/A
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Existing Zoning

Z-37-2021



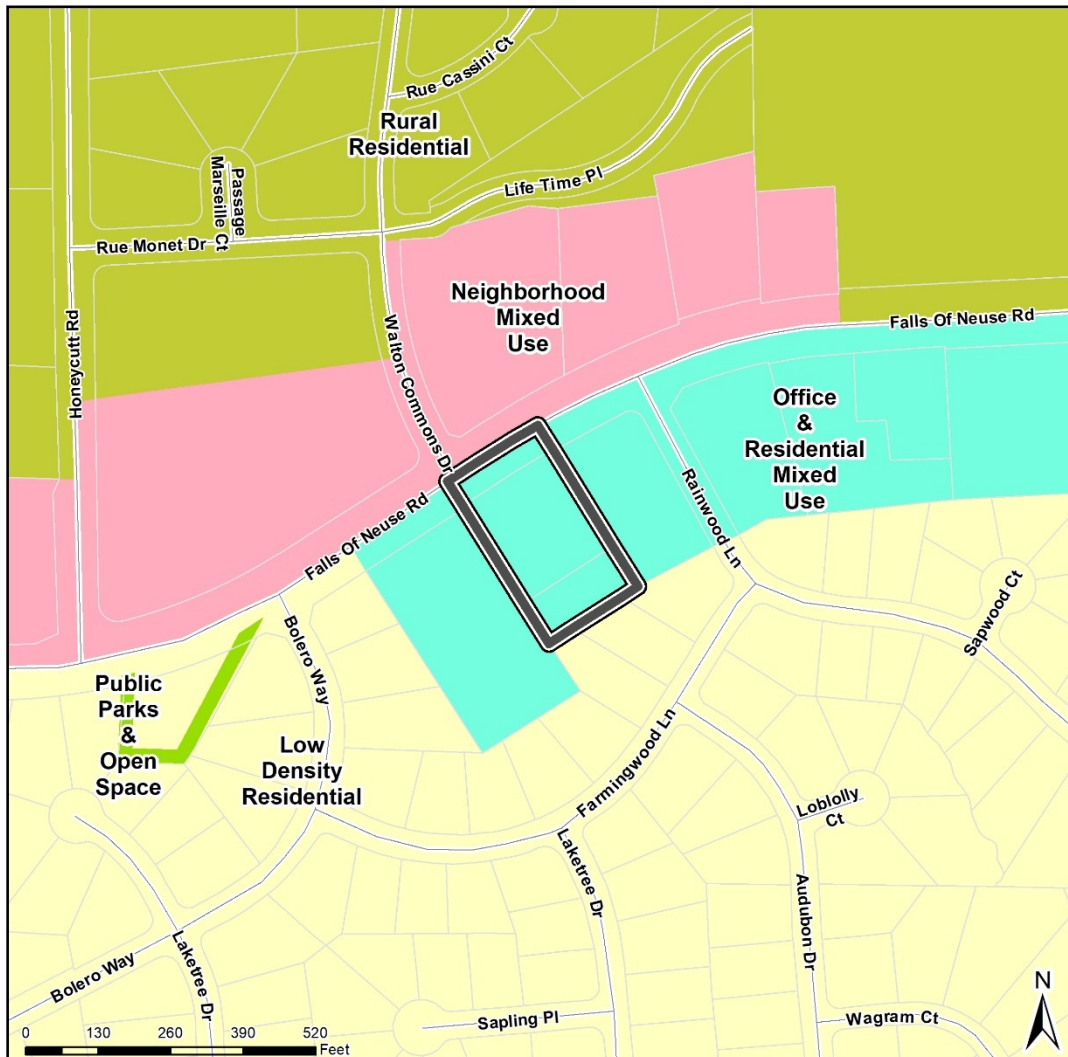
Property	8304 & 8308 Falls of Neuse Rd
Size	1.28 acres
Existing Zoning	R-4 & NX-3-PL-CU
Requested Zoning	NX-3-PL-CU



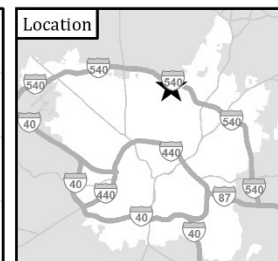
Map by Raleigh Department of Planning and Development (kuano): 6/16/2021

Future Land Use

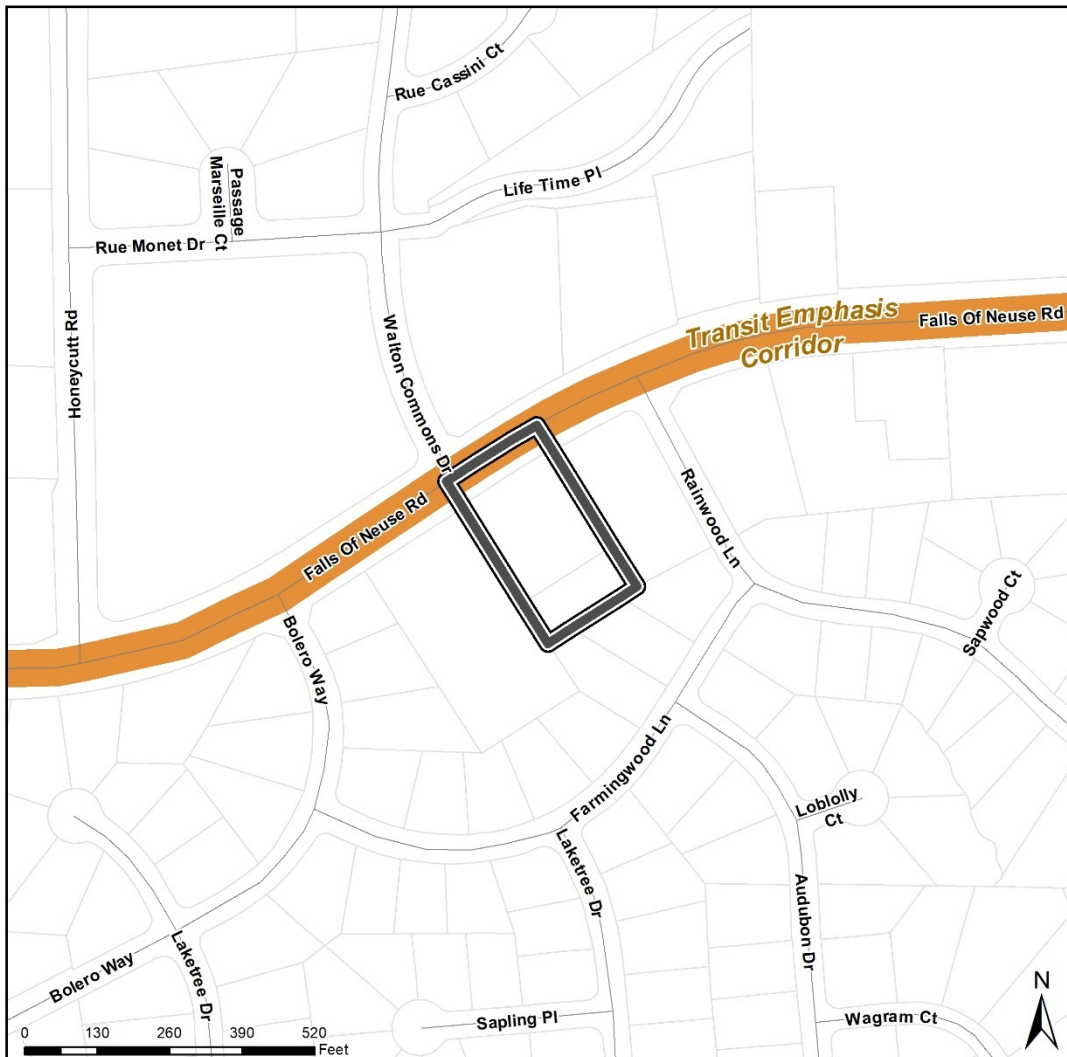
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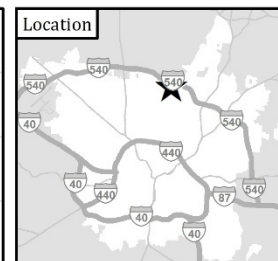
Property	8304 & 8308 Falls of Neuse Rd
Size	1.28 acres
Existing Zoning	R-4 & NX-3-PL-CU
Requested Zoning	NX-3-PL-CU



Map by Raleigh Department of Planning and Development (kuano): 6/16/2021



Property	8304 & 8308 Falls of Neuse Rd
Size	1.28 acres
Existing Zoning	R-4 & NX-3-PL-CU
Requested Zoning	NX-3-PL-CU



Map by Raleigh Department of Planning and Development (kuano): 6/16/2021

COMPREHENSIVE PLAN

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

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

The request is consistent with the vision, themes, and policies in the Comprehensive Plan.

The request is consistent with the **Managing Our Growth** vision theme. This theme encourages integrated land uses; providing desirable spaces and places to live, work, and play; and development in areas where infrastructure is already in place. Commercial infill development is an appropriate use on such a major commercial corridor to fulfill these goals.

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

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

The proposed conditions prohibit a number of higher-impact commercial uses that are permitted in NX districts but not in OX. Prohibiting them does increase consistency with FLUM. In addition, retail sales and personal services, while permitted in both OX and NX districts, are governed by additional use standards in OX districts (UDO Sec. 6.4.10.C) limiting size, hours of operation, and other features. A proposed condition applies those same use standards to the requested NX district, increasing consistency with FLUM.

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

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

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

Uses permitted in both OX and NX districts, such as eating establishments, could be established on the rezoning site without adversely altering the recommended character of the area, as described above.

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

Yes, community facilities and streets appear to be sufficient to serve the proposed use

Future Land Use

Future Land Use designation: Office & Residential Mixed Use

The rezoning request is

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

☒ **Inconsistent**

The request is for Neighborhood Mixed Use zoning. The subject site is classified as Office & Residential Mixed Use on the Future Land Use Map, which recommends the Office & Residential Mixed Use zoning district. The potential land uses granted by the request would be more intense than envisioned by the Office & Residential Mixed Use designation. Prohibition of bar/nightclub/tavern/lounge and the inclusion of conditions that limit the impact of eating establishments similar to those in the UDO that apply to OX districts would increase consistency with the FLUM.

Urban Form

Urban Form designation: Transit Emphasis Corridor

The rezoning request is

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

☐ **Inconsistent**

Overview: The site is located along a Transit Emphasis Corridor, which suggests a hybrid frontage. A hybrid frontage is included in the request as Parking Limited (PL).

Impact: The Parking Limited frontage is intended for areas where access to buildings by automobile is desired but where some level of walkability is maintained. It permits a maximum of 2 bays of on-site parking with a single drive aisle between the building and the street right-of-way.

Compatibility: Fifteen commercial lots on Falls of Neuse Road between Strickland Road and I-540, representing all of the commercial uses in this section, have been rezoned since 1990; 10 lots before the 2014 citywide remapping, four lots as part of the remapping, and one since then. All but one (excluding the Planned Development) now include a Parking Limited frontage designation, although many are non-conforming with these regulations.

Compatibility

The proposed rezoning is

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

☐ **Incompatible.**

The request is compatible with the property and the surrounding area. Proposed conditions prohibit the uses that are the most incompatible with the Office & Residential Mixed Use FLUM designation, such as fuel sales and vehicle repair, and restrict others as if they were in an OX district, such as retail and personal service. The remaining uses and building types of the requested district are in character with the rest of the Falls of Neuse corridor.

The conditions included with this request limiting building height, solid waste receptacle locations, transition yard options, and shielding and height of exterior lighting mitigate many negative impacts and increase the compatibility of any potential commercial use to the abutting houses.

Public Benefits of the Proposed Rezoning

- The request will facilitate infill development that is more compatible with the commercial nature of Falls of Neuse Road than the existing residential zoning.
- The request includes conditions that will mitigate the impact of commercial uses on the site to the adjacent residential lots above and beyond the requirements of the UDO.

Detriments of the Proposed Rezoning

- The request would allow more intense commercial uses than envisioned by the Office & Residential Mixed Use FLUM category (namely standalone restaurants and bar/nightclub/tavern/lounge) next to a residentially zoned, low density neighborhood.

Policy Guidance

Key policies are directly related to changes in zoning and are used to evaluate rezoning request consistency. They are marked with an orange dot (●).

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

LU 5.2 Managing Commercial Development Impacts

Manage new commercial development using zoning regulations and through the conditional use zoning and development review processes so that it does not result in unreasonable and unexpected traffic, parking, litter, shadow, view obstruction, odor, noise, and vibration impacts on surrounding residential areas.

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

● **LU 5.4 Density Transitions**

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

- Prohibiting the more intense uses allowed in NX districts, regulating them as if they were in an OX district, and constraining their operations in other ways ensures a lower-impact commercial character on the rezoning site than would otherwise be allowed in an NX district.

● **LU 5.6 Buffering Requirements**

New development adjacent to areas of lower intensity should provide effective physical buffers to avoid adverse effects. Buffers may include larger setbacks, landscaped or forested strips, transition zones, fencing, screening, height and/or density step downs, and other architectural and site planning measures that avoid potential conflicts.

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

● **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 request to permit commercial uses on the subject site is in keeping with the character of the surrounding commercial area. The requested NX-3 district will create a built form comparable to the development already existing elsewhere on the corridor, most of which is in OX-3 or NX-3 zoning districts. A proposed condition limiting height will ensure similarity in design with both nearby office uses and single-family homes.

LU 8.11 Development of Vacant Sites

Facilitate the development of vacant lots that have historically been difficult to develop due to infrastructure or access problems, inadequate lot dimensions, fragmented or absentee ownership, or other constraints. Explore lot consolidation, acquisition, and other measures that would address these.

- The rear parcel does not have direct access to public right-of-way, making standalone residential development unlikely. Rezoning to the same district as the frontage parcel would allow unified development for the whole of the rezoning site.

UD 1.10 Frontage

Coordinate frontage across multiple sites to create cohesive places. Encourage consistency with the designations on the Urban Form Map. Development in centers and along corridors targeted for public investment in transit and walkability should use a compatible urban form.

- A Transit Emphasis Corridor urban form designation suggests a hybrid frontage (i.e. Parking Limited), which was included with this request.

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

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.

LU 7.5 High-impact Commercial Uses

Ensure that the city's zoning regulations limit the location and proliferation of fast food restaurants, sexually-oriented businesses, late night alcoholic beverage establishments, 24-hour mini-marts and convenience stores, and similar high impact commercial establishments that generate excessive late night activity, noise, or otherwise affect the quality of life in nearby residential neighborhoods.

- The potential land uses granted by the request would be more intense than envisioned by the Office & Residential Mixed Use designation. Prohibition of bar/nightclub/tavern/lounge and the inclusion of conditions that limit the impact of eating establishments similar to those in the UDO that apply to OX districts would increase consistency with these policies.

Area Plan Policy Guidance

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

AP IF.1 Development Character on Falls of Neuse Road

Development along Falls of Neuse Road should not adversely impact adjacent residential properties due to bulk, scale, mass, fenestration or orientation of structures, stormwater runoff, noise caused by high levels of activity in service areas, or on-site lighting.

- The conditions included with this request limiting building height, solid waste receptacle locations, transition yard options, and shielding and height of exterior lighting mitigate many negative impacts and increase the compatibility of any potential commercial use to the abutting houses.

AP IF.2 Residential Access on Falls of Neuse Road

New single-family residences fronting the thoroughfare are discouraged.

- This request expands the potential uses for the rear lot beyond detached and attached residential, which are the only uses allowed under the current zoning.

AP-IF 3 Frontage Lots on Falls of Neuse Road

Small frontage lots should be recombined rather than redeveloped individually.

- Rezoning the rear parcel to the same district as the frontage parcel eliminates a barrier to recombination.

AP-IF 4 Falls of Neuse Low Intensity Appearance

Non-residential frontage lots outside of mixed-use and retail centers along Falls of Neuse Road should have a low intensity appearance accomplished through landscaping, combining lots, building design, and shared access.

- The request for a three-story zoning district, plus the limit on restaurants to two stories/30 feet, will keep development on this lot “low intensity” in appearance.

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

None.

EQUITY AND CLIMATE CHANGE ANALYSIS

Transportation Cost and Energy Analysis

	City Average	Site	Notes
Walk Score	30	54	
Transit Score	30	21	The nearest transit stop is located almost a mile from the site.
Bike Score	41	51	
HUD Low Transportation Cost Index	[N/A, index is expressed as a percentile.]	53	Proximity to I-540 may affect transportation costs for this census tracts.
HUD Jobs Proximity Index	[N/A, index is expressed as a percentile.]	69	There are numerous sources of retail and office jobs in the area.

Source: [Walk Score](#) is a publicly available service that measures pedestrian friendliness by analyzing population density and road metrics such as block length and intersection density. The higher the Transit Score or Walk Score, the greater the percentage of trips that will be made on transit or by walking, and the smaller the carbon footprint. HUD index scores are percentiles indicating how well the subject tract performs compared to all other census tracts in the United States. A higher percentile for Low Transportation Cost or Jobs Proximity indicates a lower the cost of transportation and higher access to jobs in the nearby area, respectively.

Housing Energy Analysis

Housing Type	Average Annual Energy Use (million BTU)	Permitted in this project?
Detached House	82.7	No
Townhouse	56.5	Yes
Small Apartment (2-4 units)	42.1	Yes
Larger Apartment	34.0	Yes

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

Housing Supply and Affordability

Does the proposal add or subtract from the housing supply?	Adds	The potential number of units on the site would increase from 1 to 41, although the applicant has not expressed an intent for residential development.
Is naturally occurring affordable housing present on the site?	No	There are no units currently on the site.
Does it include any subsidized units?	No	
Does it permit a variety of housing types beyond detached houses?	Yes	Any housing type would be allowed.
If not a mixed-use district, does it permit smaller lots than the average? *	N/A	
Is it within walking distance of transit?	No	The nearest transit stop is located almost a mile from the site.

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

Demographic Indicators from EJSCREEN*

Indicator	Site Area	Raleigh
Demographic Index** (%)	9	36
People of Color Population (%)	12	46
Low Income Population (%)	6	30
Linguistically Isolated Population (%)	1	3
Population with Less Than High School Education (%)	2	9
Population under Age 5 (%)	9	6
Population over Age 64 (%)	19	11
% change in median rent since 2015	32.0	20.3

*Environmental Justice Screening and Mapping Tool from the Environmental Protection Agency (<https://www.epa.gov/ejscreen>)

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

Health and Environmental Analysis

What is the life expectancy in this zip code tract? Is it higher or lower than the City average?	80.5 (yrs)	
Are there known industrial uses or industrial zoning districts within 1,000 feet?	No	
Are there hazardous waste facilities are located within one kilometer?	No	
Are there known environmental hazards, such as flood-prone areas, that may directly impact the site?	No	
Is this area considered a food desert by the USDA?	No	

Land Use History

When the property was annexed into the City or originally developed, was government sanctioned racial segregation in housing prevalent?*	No	The existing commercial building on the site was built in 1981 and annexed into the city in 1982.
Has the area around the site ever been the subject of an urban renewal program?*	No	
Has the property or nearby properties ever been subject to restrictive covenants that excluded racial groups?*	No	
Are there known restrictive covenants on the property or nearby properties that restrict development beyond what the UDO otherwise requires?*	No	Restrictive covenants in nearby residential subdivisions have expired.

**The response to this question is not exhaustive, and additional information may be produced by further research. Absence of information in this report is not conclusive evidence that no such information exists.*

Analysis Questions

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

Response: The rezoning request would increase potential housing supply and increase the options for types of housing that could be built on the rear of the two lots. It should be noted, however, that the applicant has expressed the intent to use both lots for the existing commercial use. Transit is not readily accessible from the site, with the nearest GoRaleigh Route 2 at Falls of Neuse Road and Strickland Road.

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

Response: The existing residents of the area display a much lower degree of economic vulnerability than the average Raleigh resident, according to the gathered demographic data. In addition, the median rent in this Census tract has increased at a higher rate over the past five years than the citywide average. More lower cost housing, permitted by this request although not proposed by the applicant, would increase the housing choices in the area.

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

Response: Housing costs in this area rose more quickly between 2015 and 2019 than they have in Raleigh as a whole. The median rent increased 32% between 2015 and 2019, compared to 20.3% for the city.

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

Response: No specific instances of discriminatory practices have been identified for this site. The commercial structure on the site was built in 1981, one year before it was annexed.

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

Response: The collected indicators suggest nearby residents have better opportunities for healthy lifestyles and outcomes than the average resident of Raleigh.

IMPACT ANALYSIS

Historic Resources

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

Impact Identified: None.

Parks and Recreation

1. This site is not directly impacted by any existing or proposed greenway trails, corridors, or connectors. Nearest existing park access is provided by Honeycutt Park (0.8 miles) and Annie Louise Wilkerson, MD Nature Preserve (3.0 miles). Nearest existing greenway trail access is provided by the Honeycutt Creek Greenway Trail (0.8 miles). Current park access level of service in this area is graded a B letter grade.

Impact Identified: None.

Public Utilities

1. The proposed rezoning would add approximately 22,050 gpd to the wastewater collection and water distribution systems of the City.
2. There are existing sanitary sewer and water mains adjacent to the proposed rezoning area.
3. At the time of development plan submittal, a Downstream Sewer Capacity Study may be required to determine adequate capacity to support the proposed development. Any improvements identified by the study would be required to be permitted prior to the issuance of Building Permit & constructed prior to release of a Certificate of Occupancy.
4. 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.

	Maximum Demand (current use)	Maximum Demand (current zoning)	Maximum Demand (proposed zoning)
Water	3,586	3,575	25,625
Waste Water	3,586	3,575	25,625

Impact Identified: None.

Stormwater

Floodplain	None
Drainage Basin	Perry
Stormwater Management	Subject to stormwater regulations under Article 9 of UDO.
Overlay District	None

Impact Identified: Two, older drainage complaints (non structural flooding) downstream. Additionally, one 2005 structural flooding (in crawlspace) just south of where storm pipe system crosses Rainwood Ln flowing south.

Transportation

1. **Location:** The Z-37-2021 site is located in northeast Raleigh on Falls of Neuse Road near I-540 and opposite Walton Commons Drive. There are retail and office developments along Falls of Neuse Road near the site and single-family houses to the south.
2. **Area Plans:** The Z-37-2021 site is located in the I-540 / Falls of Neuse Area Plan. One goal of the plan is to minimize traffic circulation impacts. The plan specifies that adequate access should be provided to Falls of Neuse Road without causing undue congestion or placing excessive traffic on local residential streets (Policy AP-540F 5). Direct access points on Falls of Neuse Road should be no closer than 400 ft unless an exception is granted due to topography. Cross access and shared parking should be used whenever possible (Policy AP-540F 6).
3. **Streets:** Falls of Neuse Road is classified as a six lane, divided avenue. It is maintained by NCDOT. In accordance with UDO section 8.3.2, the maximum block perimeter for NX-3 zoning districts is 3,000 feet. The block perimeter for Z-37-2021, as defined by public rights-of-way of Falls of Neuse Road, Rainwood Lane, Farmingwood Lane, and Bolero Way is 2,400 feet.
4. **Pedestrian Facilities:** There is an asphalt shared use path along Falls of Neuse Road in the vicinity of the subject property.
5. **Bicycle Facilities:** Falls of Neuse Road is designated as having a separated bikeway facility in the Long-Term Bikeway Plan. An appropriately designed shared use path serves as a separated bikeway.
6. **Greenways:** The Z-20-2018 site is located approximately a mile east of the Honeycutt Creek Trail.
7. **Transit:** The nearest transit stop is located almost a mile from the site. Service for GoRaleigh Route 2 is provided every 30 minutes on weekdays.

8. **Access:** Access to the site is via Falls of Neuse Road. Offers of cross access to adjacent parcels shall be made in accordance with the Raleigh UDO section 8.3.5.D. According to the requirements in the Raleigh Street Design Manual, driveway spacing on Falls of Neuse Road must be at least 300 ft. Currently, there are two closely spaced driveways accessing the property at 8304 Falls of Neuse Road. Furthermore, as specified in the I-540 / Falls of Neuse Area Plan, direct access points on Falls of Neuse Road should be no closer than 400 ft and cross access is encouraged.
9. **Other Projects in the Area:** There is an NCDOT funded project (U-5826) to widen Falls of Neuse Road north of I-540 from the interchange to Durant Road.
10. **TIA Determination:** Based on the Envision results, approval of case Z-37-21 would increase the amount of projected vehicular peak hour trips to and from the site as indicated in the table below. The proposed rezoning from R-4 and NX-3-CU to NX-3-CU is projected to generate 30 new trips in the AM peak hour and 26 new trips in the PM peak hour. These values do not trigger a rezoning Traffic Impact Analysis based on the trip generation thresholds in the Raleigh Street Design Manual. A TIA may be required during site permit review.

Z-37-21 Existing Land Use Restaurant	Daily	AM	PM
	323	29	28
Z-37-21 Current Zoning Entitlements Residential and Neighborhood Mixed Use	Daily	AM	PM
	253	13	28
Z-37-21 Proposed Zoning Maximums Neighborhood Mixed Use	Daily	AM	PM
	477	43	53
Z-37-21 Trip Volume Change (Proposed Maximums minus Current Entitlements)	Daily	AM	PM
	224	30	26

Impact Identified: None.

Urban Forestry

1. Proposed zoning and conditions offered do not alter Tree Conservation Area requirements or street tree requirements of the UDO from the existing zoning.

Impact Identified: None.

Impacts Summary

Flooding in the area has been identified as an issue. However, the city recently completed a project improving the stormwater system on Lower Audubon Drive, Knights Way, and Rainwood Lane in the summer of 2021.

Mitigation of Impacts

No mitigation necessary.

CONCLUSION

This request is to rezone two parcels totaling approximately 1.28 acres from Neighborhood Mixed Use-3 stories-Parking Limited-Conditional Use (NX-3-PL-CU) and Residential-4 (R-4) to entirely NX-3-PL-CU. Proposed conditions prohibit a number of uses otherwise allowed in NX districts; limit standalone restaurants to 2 stories/30 feet in height and 8,000 square feet; prohibit drive-thru's and drive-in's; prohibit restaurants within 100 feet of residential zoning districts; require personal service and retail sales uses to follow the use regulations applicable in OX districts; require refuse containers to be at least 30 feet from the rear lot line; limit the number vehicular access points to Falls of Neuse Road to two; require light poles to be full cutoff and no taller than 16 feet; specify a Type 2 protective yard (20 feet wide with a new 8' - 9' chain link fence wrapped in noise attenuating material in addition to the existing 6' fence); and prohibit outdoor dining, service area, and playgrounds within 50 feet of the rear lot line.

The request is **consistent** with Comprehensive Plan overall; **inconsistent** with the Future Land Use Map; and **consistent** with the Urban Form Map. The request is **consistent** with the I-540/Falls of Neuse Area Specific Guidance.

The request is **consistent** with Comprehensive Plan policies regarding the buffering and design of commercial uses. The request is **inconsistent** with policies regarding high-impact commercial uses. The request would support the Vision Theme of *Managing Our Growth*.

CASE TIMELINE

Date	Action	Notes
6/16/2021	Submitted application	
9/14/2021	Planning Commission	
9/28/2021	Planning Commission	Revised conditions.

APPENDIX

SURROUNDING AREA LAND USE/ ZONING SUMMARY

SUBJECT PROPERTY		NORTH	SOUTH	EAST	WEST
Existing Zoning	R-4; NX-3-PL-CU	OX-3-PL-CU	R-4	OX-3-PL-CU	OX-3-PL-CU
Additional Overlay	-	FWPOD	-	-	-
Future Land Use	Office & Residential Mixed Use	Neighborhood Mixed Use	Low Density Residential	Office & Residential Mixed Use	Office & Residential Mixed Use
Current Land Use	Restaurant; vacant	Medical office; office	Single-family Residential	Medical office	Office
Urban Form	Transit Emphasis Corridor	Transit Emphasis Corridor	-	Transit Emphasis Corridor	Transit Emphasis Corridor

CURRENT VS. PROPOSED ZONING SUMMARY

	EXISTING ZONING	PROPOSED ZONING
Zoning	R-4; NX-3-CU	NX-3-PL-CU
Total Acreage	1.28	
Residential Density:	2.7	32.0
Max. # of Residential Units	1	41
Max. Gross Building SF	12,003	48,369
Max. Gross Office SF	11,000	37,161
Max. Gross Retail SF	11,000	5,574 (15% of office)
Max. Gross Industrial SF	-	-
Potential F.A.R	0.22	0.87

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



COMPREHENSIVE PLAN AMENDMENT ANALYSIS – CASE Z-37-21

OVERVIEW

The approval of Z-37-21 would require an amendment to the Future Land Use Map.

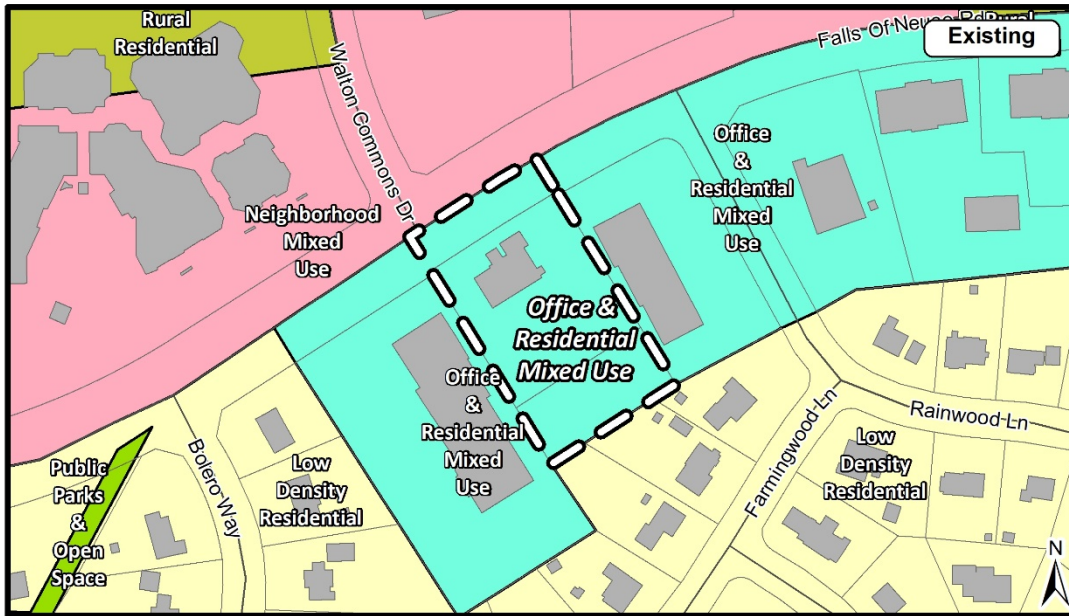
The Future Land Use Map identifies the subject site as Office and Residential Mixed Use on the Future Land Use Map, which recommend the Office Mixed Use (OX) district. The rezoning request is Neighborhood Mixed Use (NX), which is more intense than the FLUM designation envision.

If approved, the Future Land Use Map would be amended to Neighborhood Mixed Use, of which the 2030 Comprehensive Plan states:

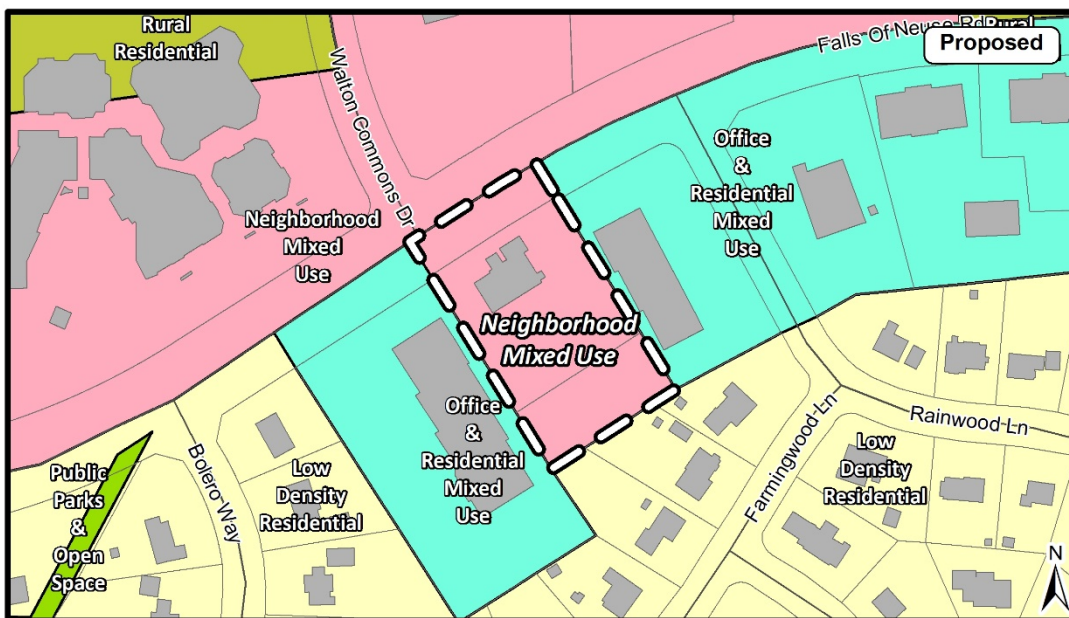
This category applies to neighborhood shopping centers and pedestrian-oriented retail districts. The service area of these districts is generally about a one mile radius or less. Typical uses would include corner stores or convenience stores, restaurants, bakeries, supermarkets (other than superstores/centers), drug stores, dry cleaners, small professional offices, retail banking, and similar uses that serve the immediately surrounding neighborhood. Residential and mixed-use projects with upper-story housing are also supported by this designation. Where residential development complements commercial uses, it would generally be in the Medium density range.

Z-37-2021: Required Amendment to the Future Land Use Map

Existing Designation: Office & Residential Mixed Use



Proposed Designation: Neighborhood Mixed Use

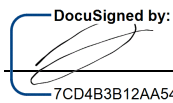


CONDITIONAL USE DISTRICT ZONING CONDITIONSZoning Case Number **Z-37-21****OFFICE USE ONLY**Date Submitted **June 26, 2021; revised September 17, 2021****Rezoning Case #**Existing Zoning **NX-3-PL-CU** and **R-4** Proposed Zoning **NX-3-PL-CU****Narrative of Zoning Conditions Offered**

1. The following uses shall be prohibited: cemetery; college, community college, university; school; telecommunication tower; adult establishment; funeral home; shooting range (indoor or outdoor); movie theater (indoor or outdoor); golf course; outdoor sports or entertainment facility; riding stables; bed and breakfast; hotel, motel, inn; animal boarding; animal shelter; kennel/cattery; tattoo parlor, body piercing; taxidermist; wedding chapel; heliport; vehicle fuel sales; vehicle sales/rental; detention center, jail, prison; vehicle repair (minor)
2. Any standalone eating establishment shall be limited to two stories with a square footage of no more than 8,000 square feet and a building height no higher than 30 feet.
3. An eating establishment shall not include drive-thru or drive-in facilities.
4. An eating establishment must be located at least 100 feet from an abutting Residential District (measured in straight line from the nearest point of the building containing the eating establishment to the boundary line of the district boundary line).
5. Temporary uses or special events located to the rear of any principal building on the Property, as defined in UDO Section 6.8.2, shall be limited to no more than four (4) per calendar year and all outdoor activities related to such temporary uses shall not commence prior to 10:00 am and shall be discontinued by 11:00 pm.
6. Personal service and retail sales uses not prohibited in Condition 1 above shall be subject to the limited use standards for personal service and retail sales uses in the OX zoning district as outlined in UDO Section 6.4.11 and 6.4.9.
7. All exterior refuse containers shall not be within 30 feet of 7925 Farmingwood Lane (with Wake County PIN 1718207435, also being Tract 27 shown on Wake County Registry Book of Maps 1978 Vol 5 Page 592); 8001 Farmingwood Lane (with Wake County PIN 1718207583, also being Tract 26 shown on Wake County Registry Book of Maps 1978 Vol 5 Page 592); or 8805 Farmingwood Lane (with Wake County PIN 1718208670, also being Tract 25 shown on Wake County Registry Book of Maps 1978 Vol 5 Page 592).
8. Vehicular access to Falls of Neuse Road shall be limited to no more than two access points, with no access to other roads.
9. For any building containing an eating establishment, no outdoor dining service or amplified speakers (except in connection with a temporary event consistent with these conditions) are permitted to the rear of any principal building or along the side of any building facing 7925 Farmingwood Lane (with Wake County PIN 1718207435, also being Tract 27 shown on Wake County Registry Book of Maps 1978 Vol 5 Page 592); 8001 Farmingwood Lane (with Wake County PIN 1718207583, also being Tract 26 shown on Wake County Registry Book of Maps 1978 Vol 5 Page 592); or 8805 Farmingwood Lane (with Wake County PIN 1718208670, also being Tract 25 shown on Wake County Registry Book of Maps 1978 Vol 5 Page 592).
10. Unless a stricter UDO standard applies, freestanding light poles shall not have lights affixed that exceed 16 feet (16') in height. The light fixtures shall be of full cutoff design.
11. For any Neighborhood Transition Area, the following shall apply:
 - a. Zone A shall consist of a Type 2 protective yard and all existing vegetation within Zone A shall not be disturbed unless the vegetation is diseased or dying or to facilitate compliance with requirements of the UDO, including but not limited to, any fencing requirements. A black vinyl coated chain link fence at least eight (8) feet, but not greater than nine (9) feet, in height shall be installed in the Type 2 protective yard and shall be in addition to the existing six (6) foot wooden fence that currently runs along the property line shared with 7925 Farmingwood Lane (with Wake County PIN 1718207435, also being Tract 27 shown on Wake County Registry Book of Maps 1978 Vol 5 Page 592); 8001 Farmingwood Lane (with Wake County PIN 1718207583, also being Tract 26 shown on Wake County Registry Book of Maps 1978 Vol 5 Page 592); and 8805 Farmingwood Lane (with Wake County PIN 1718208670, also being Tract 25 shown on Wake County Registry Book of Maps 1978 Vol 5 Page 592). The black vinyl coated chain link fence shall be wrapped on one side with a UV resistant, opaque, noise reducing barrier, such as Acoustifence AF-6 or material of similar quality and specifications, running the entire height and length of the black vinyl coated chain link fence. The noise reducing barrier shall be installed on the interior side of the black vinyl coated chain link fence (facing Falls of Neuse Road) to facilitate maintenance of the noise reducing barrier and to minimize the impact on existing vegetation along the existing six (6) foot wooden fence.
 - b. Any new trees required to be planted in Zone A shall be evergreen species.
 - c. Zone B shall prohibit the following permitted activities: outdoor dining; service area; park, playground.

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

Property Owner(s) Signature

DocuSigned by:

 7CD4B3B12AA5460...

9/16/2021

James M. Powers, Managing Member, RBoys, LLC

Print Name

RECEIVED**By Ira Mabel at 12:58 pm, Sep 17, 2021**


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 Existing Zoning Base District NX Height 3 Frontage PL Overlay(s) N/A Proposed Zoning Base District NX Height 3 Frontage PL Overlay(s) N/A <i>Click here to view the Zoning Map. Search for the address to be rezoned, then turn on the 'Zoning' and 'Overlay' layers.</i>			OFFICE USE ONLY Rezoning Case #
If the property has been previously rezoned, provide the rezoning case number: Z-19-11 (8304 Falls of Neuse Road)			
GENERAL INFORMATION			
Date		Date Amended (1)	
		Date Amended (2)	
Property Address 8304 and 8308 Falls of Neuse Road			
Property PIN 1718205794; 1718206671		Deed Reference (book/page) Book 17718, Page 1183; Book 18096, Page 1571	
Nearest Intersection Falls of Neuse Road and Walton Commons Drive			
Property Size (acres) 1.28	For Planned Development Applications Only:	Total Units	Total Square Footage
		Total Parcels	Total Buildings
Property Owner Name/Address RBoys, LLC 816 Ivanhoe Road Raleigh, NC 27615		Phone See below	Fax See below
		Email See below	
Applicant Name/Address Chad W. Essick Poyner Spruill LLP 301 Fayetteville Street, Suite 1900 Raleigh, NC 27601		Phone 919.783.2896	Fax 919.783.1075
		Email cessick@poynerspruill.com	
Applicant* Signature(s) 		Email goals07@thepiperstavern.com	

*Please see Page 11 for information about who may submit rezoning applications. A rezoning application will not be considered complete until all required submittal components listed on the Rezoning Checklist have been received and approved.

REZONING APPLICATION ADDENDUM #1	
Comprehensive Plan Analysis	OFFICE USE ONLY Rezoning Case #
The applicant is asked to analyze the impact of the rezoning request and its consistency with the Comprehensive Plan. The applicant is also asked to explain how the rezoning request is reasonable and in the public interest.	
STATEMENT OF CONSISTENCY	
Provide brief statements regarding whether the rezoning request is consistent with the future land use designation, the urban form map, and any applicable policies contained within the 2030 Comprehensive Plan.	
<p>Despite the Property being split-zoned NX-3-PL-CU and R-4, the Property is designated on the FLUM as Office & Residential Mixed Use. While the rezoning request is to keep the NX designation approved in 2011 to, among other things, allow the current use of 8304 Falls of Neuse Road to continue, the proposed zoning conditions make the proposal consistent with the FLUM and Comprehensive Plan by excluding certain uses, limiting the size and square footage of buildings, incorporating some of the OX standards for eating establishments, placing limitations on site lighting and committing to certain neighborhood transitions along the rear property line. The Parking Limited designation also makes the proposal consistent with the Urban Form Map and ensures the principal building is close to Falls of Neuse Road.</p> <p>The rezoning request is also consistent with the following policies contained within the City's 2030 Comprehensive Plan: LU 3.2, LU 4.4, LU 4.5, LU 4.7, LU 4.9, LU 5.1, LU 5.2, LU 5.6, LU 7.3, LU 7.4, LU 7.6, LU 8.10, LU, 8.11, LU 8.12, LU 8.12, LU 10.1, T 1.4, T 1.6 T 2.1 T 2.4, T2.8, T 2.9, T 5.2, T 5.5, T 5.10, T 6.8, EP 1.7, EP 3.12, EP 8.1, EP 8.4, UD 3.7.</p> <p>The rezoning request is consistent with the following policies in the I-540/Falls of Neuse Area Plan: AP-IF 1, 2, 4, 5, 6.</p>	
PUBLIC BENEFITS	
Provide brief statements explaining how the rezoning request is reasonable and in the public interest.	
<p>The proposed rezoning is reasonable and in the public interest because it would allow a currently landlocked parcel zoned to be used in conjunction with the parcel currently zoned NX. It is highly impractical for the landlocked parcel to be used for residential purposes. By rezoning two adjacent parcels to common zoning with common zoning conditions to ensure suitability in the area, the request allows reasonable development that: (1) is consistent with the Comprehensive Plan; (2) is consistent and supplementary to neighboring uses; and (3) makes use of a landlocked parcel that is not suitable for residential development.</p>	

REZONING APPLICATION ADDENDUM #2	
Impact on Historic Resources	OFFICE USE ONLY Rezoning Case #
The applicant is asked to analyze the impact of the rezoning request on historic resources. For the purposes of this section, a historic resource is defined as any site, structure, sign, or other feature of the property to be rezoned that is listed in the National Register of Historic Places or designated by the City of Raleigh as a landmark or contributing to a Historic Overlay District.	
INVENTORY OF HISTORIC RESOURCES	
List in the space below all historic resources located on the property to be rezoned. For each resource, indicate how the proposed zoning would impact the resource.	
None.	
PROPOSED MITIGATION	
Provide brief statements describing actions that will be taken to mitigate all negative impacts listed above.	
N/A	

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

- | | |
|----|--|
| 1. | <p><i>All Mixed-Use developments should generally provide retail (such as eating establishments, food stores, and banks), and other such uses as office and residential within walking distance of each other. Mixed uses should be arranged in a compact and pedestrian friendly form.</i></p> <p>Response:</p> <p>The proposed rezoning would allow for a mix of retail, including eating establishments, and office uses on the site, and there is residential and additional office development contiguous to the site.</p> |
| 2. | <p><i>Within all Mixed-Use Areas buildings that are adjacent to lower density neighborhoods should transition (height, design, distance and/or landscaping) to the lower heights or be comparable in height and massing.</i></p> <p>Response:</p> <p>Any development on the site will meet or exceed UDO neighborhood transition requirements.</p> |
| 3. | <p><i>A mixed use area's road network should connect directly into the neighborhood road network of the surrounding community, providing multiple paths for movement to and through the mixed use area. In this way, trips made from the surrounding residential neighborhood(s) to the mixed use area should be possible without requiring travel along a major thoroughfare or arterial.</i></p> <p>Response:</p> <p>The proposed development currently offers, and will continue to offer, direct access to Falls of Neuse Road. Safe and efficient pedestrian pathways are currently, and will continue to be, provided to and from the site.</p> |
| 4. | <p><i>Streets should interconnect within a development and with adjoining development. Cul-de-sacs or dead-end streets are generally discouraged except where topographic conditions and/or exterior lot line configurations offer no practical alternatives for connection or through traffic. Street stubs should be provided with development adjacent to open land to provide for future connections. Streets should be planned with due regard to the designated corridors shown on the Thoroughfare Plan.</i></p> <p>Response:</p> <p>The proposed development will meet UDO street requirements.</p> |
| 5. | <p><i>New development should be comprised of blocks of public and/or private streets (including sidewalks). Block faces should have a length generally not exceeding 660 feet. Where commercial driveways are used to create block structure, they should include the same pedestrian amenities as public or private streets.</i></p> <p>Response:</p> <p>The proposed development will meet UDO requirements for block faces.</p> |
| 6. | <p><i>A primary task of all urban architecture and landscape design is the physical definition of streets and public spaces as places of shared use. Streets should be lined by buildings rather than parking lots and should provide interest especially for pedestrians. Garage entrances and/or loading areas should be located at the side or rear of a property.</i></p> <p>Response:</p> <p>Parking for the existing building is located primarily to the rear of the building, consistent with this guideline. Any future development will be developed consistent with this guideline.</p> |

7.	<p><i>Buildings should be located close to the pedestrian-oriented street (within 25 feet of the curb), with off-street parking behind and/or beside the buildings. When a development plan is located along a high volume corridor without on-street parking, one bay of parking separating the building frontage along the corridor is a preferred option.</i></p> <p>Response:</p> <p>The existing site conditions are consistent with this guideline. Any future development will be developed consistent with this guideline.</p>
8.	<p><i>If the site is located at a street intersection, the main building or main part of the building should be placed at the corner. Parking, loading or service should not be located at an intersection.</i></p> <p>Response:</p> <p>The site is not located at a street 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>Response:</p> <p>Outdoor amenity areas will be provided in accordance with the UDO.</p>
10.	<p><i>New urban spaces should contain direct access from the adjacent streets. They should be open along the adjacent sidewalks and allow for multiple points of entry. They should also be visually permeable from the sidewalk, allowing passersby to see directly into the space.</i></p> <p>Response:</p> <p>Outdoor amenity areas will be provided in accordance with the UDO.</p>
11.	<p><i>The perimeter of urban open spaces should consist of active uses that provide pedestrian traffic for the space including retail, cafés, and restaurants and higher-density residential.</i></p> <p>Response:</p> <p>Sidewalks and outdoor amenity areas will be provided in accordance with the UDO, consistent with this guideline.</p>
12.	<p><i>A properly defined urban open space is visually enclosed by the fronting of buildings to create an outdoor "room" that is comfortable to users.</i></p> <p>Response:</p> <p>Any outdoor amenity areas and open space provided in accordance with the UDO will be comfortable to users.</p>

13.	<p><i>New public spaces should provide seating opportunities.</i></p> <p>Response:</p> <p>Outdoor amenity areas will be provided in accordance with the UDO.</p>
14.	<p><i>Parking lots should not dominate the frontage of pedestrian-oriented streets, interrupt pedestrian routes, or negatively impact surrounding developments.</i></p> <p>Response:</p> <p>Parking on the site will remain behind the existing building fronting Falls of Neuse Road. Any additional parking on the site will be provided in accordance with the UDO and this guideline.</p>
15.	<p><i>Parking lots should be located behind or in the interior of a block whenever possible. Parking lots should not occupy more than 1/3 of the frontage of the adjacent building or not more than 64 feet, whichever is less.</i></p> <p>Response:</p> <p>Parking on the site will remain behind the existing building fronting Falls of Neuse Road. Any additional parking on the site will be provided in accordance with the UDO and this guideline.</p>
16.	<p><i>Parking structures are clearly an important and necessary element of the overall urban infrastructure but, given their utilitarian elements, can give serious negative visual effects. New structures should merit the same level of materials and finishes as that a principal building would, care in the use of basic design elements can make a significant improvement.</i></p> <p>Response:</p> <p>No parking structures are planned as part of this proposed rezoning.</p>
17.	<p><i>Higher building densities and more intensive land uses should be within walking distance of transit stops, permitting public transit to become a viable alternative to the automobile.</i></p> <p>Response:</p> <p>A GoTriangle transit stop is located near the site along Falls of Neuse, consistent with this guideline.</p>
18.	<p><i>Convenient, comfortable pedestrian access between the transit stop and the building entrance should be planned as part of the overall pedestrian network.</i></p> <p>Response:</p> <p>The development will continue to provide convenient, comfortable pedestrian access between existing sidewalks and the building entrance, consistent with this guideline.</p>
19.	<p><i>All development should respect natural resources as an essential component of the human environment. The most sensitive landscape areas, both environmentally and visually, are steep slopes greater than 15 percent, watercourses, and floodplains. Any development in these areas should minimize intervention and maintain the natural condition except under extreme circumstances. Where practical, these features should be conserved as open space amenities and incorporated in the overall site design.</i></p> <p>Response:</p> <p>There are no known sensitive natural resources 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>Response:</p> <p>Any sidewalks and driveways will be provided in accordance with the UDO.</p>
21.	<p><i>Sidewalks should be 5-8 feet wide in residential areas and located on both sides of the street. Sidewalks in commercial areas and Pedestrian Business Overlays should be a minimum of 14-18 feet wide to accommodate sidewalk uses such as vendors, merchandising and outdoor seating.</i></p> <p>Response:</p> <p>Any sidewalks will be provided in accordance with the UDO.</p>
22.	<p><i>Streets should be designed with street trees planted in a manner appropriate to their function. Commercial streets should have trees which complement the face of the buildings and which shade the sidewalk. Residential streets should provide for an appropriate canopy, which shadows both the street and sidewalk, and serves as a visual buffer between the street and the home. The typical width of the street landscape strip is 6-8 feet. This width ensures healthy street trees, precludes tree roots from breaking the sidewalk, and provides adequate pedestrian buffering. Street trees should be at least 6 1/4" caliper and should be consistent with the City's landscaping, lighting and street sight distance requirements.</i></p> <p>Response:</p> <p>Any streets will be provided in accordance with the UDO.</p>
23.	<p><i>Buildings should define the streets spatially. Proper spatial definition should be achieved with buildings or other architectural elements (including certain tree plantings) that make up the street edges aligned in a disciplined manner with an appropriate ratio of height to width.</i></p> <p>Response:</p> <p>Any future buildings will be designed in accordance with the UDO and this guideline.</p>
24.	<p><i>The primary entrance should be both architecturally and functionally on the front facade of any building facing the primary public street. Such entrances shall be designed to convey their prominence on the fronting facade.</i></p> <p>Response:</p> <p>The primary entrance to the existing building, which faces the primary public street, will remain unchanged, consistent with this guideline.</p>
25.	<p><i>The ground level of the building should offer pedestrian interest along sidewalks. This includes windows entrances, and architectural details. Signage, awnings, and ornamentation are encouraged.</i></p> <p>Response:</p> <p>The existing building is a single-story structure that includes windows, signage, and details that are visually attractive for its users and the general public, consistent with this guideline.</p>
26.	<p><i>The sidewalks should be the principal place of pedestrian movement and casual social interaction. Designs and uses should be complementary to that function.</i></p> <p>Response:</p> <p>Any new sidewalks will be designed consistent with this guideline.</p>

PROPOSED REZONING

8304 and 8308 Falls of Neuse Road

REPORT OF MAY 5, 2021 NEIGHBORHOOD MEETING

In accordance with Section 10.2.4 of the Unified Development Ordinance, a neighborhood meeting was held with respect to this proposed rezoning case at 5:30pm on May 5, 2021. This meeting, per City policy, was held virtually. Attached as **Exhibit A** is a list of those persons and organizations contacted about the meeting. Those persons and organizations were mailed a letter of invitation concerning the meeting, a copy of which is attached as **Exhibit B**. The letters were mailed on or about April 23, 2021, by first class mail. Attached as **Exhibit C** is the Attestation Statement of Chad W. Essick that the letters were mailed in accordance with City policies and requirements. Pursuant to Section 10.2.1.C.4(f), notice of this meeting was posted at the multi-tenant properties listed in **Exhibit D**. Attached as **Exhibit E** is the Attestation Statement of Colin R. McGrath that the properties listed in Exhibit D were posted in accordance with City policies and requirements on or about April 23, 2021.

Attached as **Exhibit F** is a list of individuals who attended the meeting on August 26, 2020. A summary of the items discussed at the meeting is attached as **Exhibit G**.

Respectfully submitted this the 11th day of June, 2021.



Chad W. Essick, Esq.
Attorney for Applicant

EXHIBIT F

NEIGHBORHOOD MEETING ATTENDEES

1. Chad Essick
2. Colin McGrath
3. Hannah Reckhow
4. Mary Anne Slater
5. Tom Slater
6. Steve Hart
7. Jonathan Zimmerman
8. Walter Danielson
9. Wayne Conyers
10. Robin Conyers
11. Tom Nolan
12. Bettina Nolan
13. Ellender Mills

EXHIBIT G

SUMMARY OF DISCUSSION ITEMS

On Wednesday, May 5, 2021, at 5:30 p.m., the applicant held a neighborhood meeting for property owners adjacent to the parcel subject to the proposed rezoning.

The following items were discussed:

1. Overview of the applicant's business and operations.
2. Existing zoning for the property.
3. Proposed zoning for the property.
4. Proposed uses for the property.
5. History of development of the property.
6. History of zoning efforts on the property and changed conditions since last proposed rezoning.
7. Purpose for proposed rezoning of the property.
8. Nature of proposed parking on the property.
9. Noise, light, and other impacts of the use of the property.
10. Stormwater impacts of development of the property.
11. Landscaping of the property and prior tree removal on the property.
12. Buffers and transitions between the property and adjoining residential uses.
13. Plans for existing building on the property; plans for changes in use.
14. Summary of rezoning process and future meetings.

15. Summary of communications received from other neighboring property owners prior to the Neighborhood Meeting.

Z-37-21 – PROPOSED REZONING

8304 and 8308 Falls of Neuse Road

REPORT OF JULY 28, 2021 NEIGHBORHOOD MEETING

In accordance with Section 10.2.4 of the Unified Development Ordinance, a neighborhood meeting was held with respect to this proposed rezoning case at 5:30pm on July 28, 2021. This meeting, per City policy, was held virtually. Attached as **Exhibit A** is a list of those persons and organizations contacted about the meeting. Those persons and organizations were mailed a letter of invitation concerning the meeting, a copy of which is attached as **Exhibit B**. The letters were mailed on or about July 16, 2021, by first class mail. Attached as **Exhibit C** is the Attestation Statement of Chad W. Essick that the letters were mailed in accordance with City policies and requirements. Pursuant to Section 10.2.1.C.4(f), notice of this meeting was posted at the multi-tenant properties listed in **Exhibit D**. Attached as **Exhibit E** is the Attestation Statement of Colin R. McGrath that the properties listed in Exhibit D were posted in accordance with City policies and requirements on or about July 16, 2021.

Attached as **Exhibit F** is a list of individuals who attended the meeting on July 28, 2021. A summary of the items discussed at the meeting is attached as **Exhibit G**.

EXHIBIT F

NEIGHBORHOOD MEETING ATTENDEES

1. Chad Essick, Poyner Spruill LLP
2. Colin McGrath, Poyner Spruill, LLP
3. David Brown, Cline Design Associates
4. Ira Mabel, City of Raleigh
5. Alexandra Graham
6. Steve Hart
7. Jonathan Zimmerman
8. Dan Simoes
9. Gerald Hinson
10. Wayne Conyers
11. Robin Conyers
12. Tom Nolan
13. Bettina Nolan
14. Ellender Mills

EXHIBIT G

SUMMARY OF DISCUSSION ITEMS

On Wednesday, July 28, 2021, at 5:30 p.m., the applicant held a neighborhood meeting for property owners adjacent to the parcel subject to the proposed rezoning.

The following items were discussed:

1. Overview of the applicant's business and operations.
2. Existing zoning and use of the property.
3. Proposed zoning and uses for the property.
4. Prior zoning efforts on the property and changed conditions since last proposed rezoning.
5. Purpose for proposed rezoning of the property.
6. Noise, light, and other impacts of the use of the property, including noise mitigation measures. Request by one neighbor to install a 20 foot noise attenuation wall at the rear of the property and limit outdoor amplified entertainment.
7. Stormwater impacts of development of the property.
8. Buffers and transitions between the property and adjoining residential uses.
9. Plans for existing building on the property; plans for changes in use.
10. Summary of rezoning process and future meetings.
11. Summary of communications received from other neighboring property owners prior to the Neighborhood Meeting.