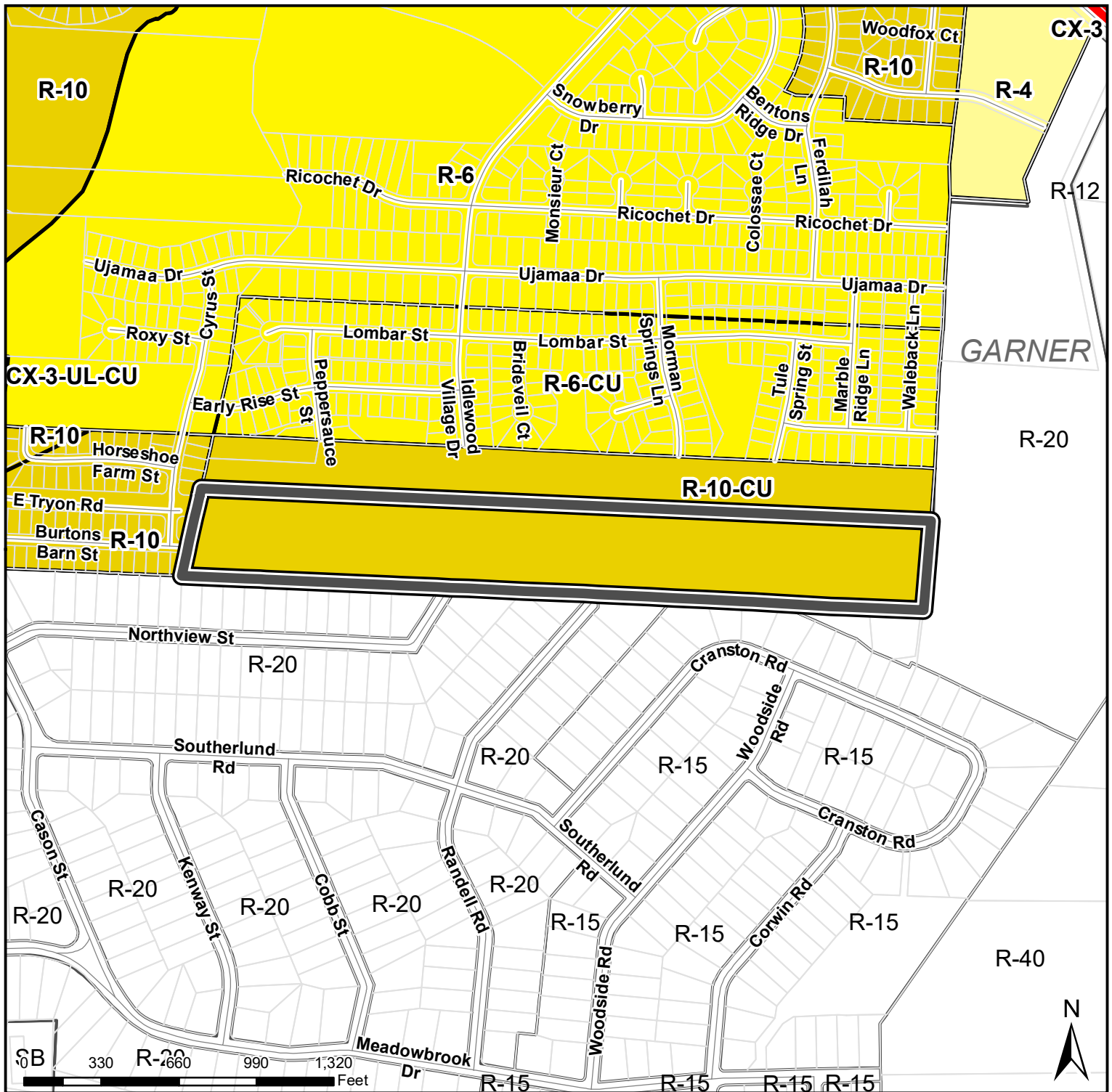
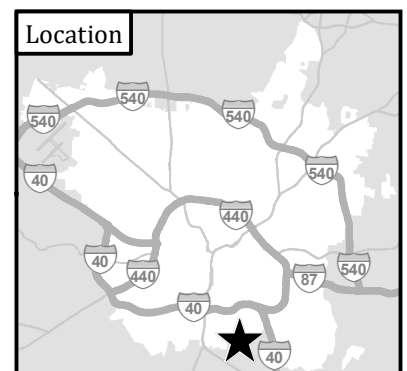


Existing Zoning

TCZ-3-2020



Property	3513 Garner Rd
Size	27.33 acres
Existing Zoning	R-10-CU
Requested Zoning	R-10-CU (Amend Zoning Conditions)



To	Marchell Adams-David, City Manager
Thru	Patrick O. Young, AICP, Director
From	Donald Belk, Senior Planner
Department	Planning and Development
Date	June 21, 2021
Subject	City Council agenda item for July 6, 2021 – Z-44-20/TCZ-3-20

At its meeting on June 15, 2021, the City Council voted to defer further action on this item until the July 6, 2021 meeting. The applicant was unable to attend the meeting, and questions remain regarding the proposed buffers on the site.

Z-44-20/TCZ-3-20: 3513 Garner Road, approximately 0.3 miles east of the intersection of Garner Road and Tryon Road, being Wake County PIN: 1712317179. Approximately 27.33 acres are requested by Prestige Construction and Land Development, LLC, represented by Randy Herman, BA Folk PLLC, for a text change to existing zoning. The request would retain the existing R-10-CU zoning but change the zoning conditions by removing the condition prohibiting the apartment building type. The maximum allowable density would remain at six dwelling units per acre (6 du/ac) and the percentage of preserved open space would remain at 20%.

Current zoning: Residential-10-Conditional Use (R-10-CU)

Requested zoning: Residential-10-Conditional Use (R-10-CU), Text Change to Zoning Condition

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

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

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

The **Planning Commission** voted to recommend denial of the request (8-1).

This property was originally zoned to R-10-CU on May 7, 2018 (Z-11-18). This request would remove a condition from that case that prohibits the apartment building type.

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



RALEIGH PLANNING COMMISSION CERTIFIED RECOMMENDATION

CR#13009

CASE INFORMATION: Z-44-20/TCZ-3-20; 3513 GARNER ROAD

Location	Located approximately 0.3 miles east of the Garner Road-Tryon Road intersection. Address: 3513 Garner Road PIN: 1712317179 iMaps , Google Maps , Directions from City Hall
Current Zoning	R-10-CU
Requested Zoning	R-10-CU (TCZ)
Area of Request	27.33 acres
Corporate Limits	The subject site is within the City's extraterritorial jurisdiction. It is bordered to the west by the corporate limits of the City, to the south by the corporate limits of the Town of Garner, and to the east by Garner's extraterritorial jurisdiction. Annexation is required for city services to be provided to site.
Property Owner	Prestige Construction & Land Development LLC 1804 Steadfast Road Hillsborough, NC 27278
Applicant	Randy Herman BA Folk PLLC PO Box 90426 Raleigh, NC 27675
Council District	C
PC Recommendation Deadline	June 7, 2021

SUMMARY OF PROPOSED CONDITIONS

1. Density limited to 6 units per gross acre for conventional development.
2. A minimum of 20% of the site area (net of right-of-way) shall be provided as open space, which can include preservation of existing natural features, stream buffers, watercourse buffers, wetlands or vegetation. The preserved open space shall comply with the standards in Section 2.5 of the Unified Development Ordinance.

COMPREHENSIVE PLAN GUIDANCE

Future Land Use	Low Density Residential (LDR)
Urban Form	Not applicable
Consistent Policies	Policy LU 1.2—Future Land Use Map and Zoning Consistency Policy LU 1.3 – Conditional Use District Consistency Policy LU 2.2—Compact Development

	Policy LU 4.5 – Connectivity Policy LU 8.1 – Housing Variety Policy LU 8.9 – Open Space in New Development Policy LU 8.10—Infill Development Policy EP 2.3 – Open Space Protection Policy EP 2.5 – Protection of Water Features
Inconsistent Policies	Policy LU 5.6 – Buffering Requirements Policy LU 8.5—Conservation of Single-Family Neighborhoods

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
July 14, 2020 40 attendees	January 25, 2021	March 9, 2021 (Consent) April 13, 2021 April 27, 2021	May 18, 2021

PLANNING COMMISSION RECOMMENDATION

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


Reasonableness and Public Interest	The proposal is consistent with the Future Land Use Map and consistent with the Comprehensive Plan overall. However, the request is not in the public interest because it disregards the specific policies regarding buffering and the conservation of single family neighborhoods.
Change(s) in Circumstances	
Amendments to the Comprehensive Plan	N/A
Recommendation	Denial
Motion and Vote	Motion: O'Haver Second: Fox In favor: Bennett, Fox, Lampman, McIntosh, Miller, O'Haver, Rains, and Winters Opposed: Mann

Reason for Opposed Vote(s)	
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ATTACHMENTS

1. Staff report
2. Rezoning Application
3. Original conditions

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.



April 27, 2021

Ken A. Bowers, AICP

Date:

Planning and Development Deputy Director

Staff Coordinator: Don Belk: (919) 996-4641; Donald.Belk@raleighnc.gov



ZONING STAFF REPORT – CASE Z-44-20

Conditional Use District

OVERVIEW

The subject parcel was previously part of a three-parcel assemblage for rezoning case Z-11-18, which was approved by City Council on May 7, 2019. This proposal would remove Condition #2, which prohibits the apartment building type, only for the parcel located at 3513 Garner Road. Existing zoning conditions that limit overall density to six units per acre and preserve 20% of the site area as open space will remain.

The zoning change site is located in south central Raleigh, about 0.3 miles east of the intersection of Garner Road and Tryon Road. Tryon Road currently terminates at the western edge of the subject property. The area is characterized by mainly low-density residential uses to the north and south, with a small commercial area at the intersection of Garner and Tryon Road. The parcel to the west is vacant. The site is heavily wooded, with several streams that feed into Little Arm Branch and ultimately Big Branch Creek. The site's topography slopes slightly downward from west to east toward the streams on the property. Land capacity analysis shows that approximately 36 percent of the site is unbuildable due to environmental constraints.

The subject site (approximately 27.33 acres) is currently vacant and zoned R-10-CU. The site is bordered on the south and east by land under the jurisdiction of the Town of Garner. The site is linear in nature, with dimensions of 3,114 feet east to west by 375 feet north to south.

The parcel directly adjoining the north of the site is also zoned R-10-CU and was part of the assemblage for Z-11-18. Parcels adjoining to the west of the site are zoned R-10 and consist of detached houses. To the south, the site is adjoined by residential parcels zoned at R-20 (Town of Garner), with four parcels to south zoned R-15, all containing detached houses. The vacant tract to the east of the site is also zoned R-20, which would permit 20,000 square foot residential lots.

The site is designated on the Future Land Use Map as Low Density Residential. Surrounding property in Raleigh's extraterritorial jurisdiction has the same designation. The property is bordered to the south by land within Town of Garner corporate limits designated for Moderate Density Residential by that municipality's Comprehensive Plan.

When developed, the site will be bisected by the future Tryon Road, designated as a Major Thoroughfare on the Raleigh Street Plan map.

Update for April 27, 2021

At their April 13 meeting, the Planning Commission deferred this case to allow the applicant to submit new or revised zoning conditions regarding buffering. However, no new conditions were submitted by the April 16, 2021 deadline.

The Planning Commission discussed the timing of this TCZ submittal, given that the current zoning parcel was approved in 2019. In subsequent staff correspondence with the applicant, they indicated this was an economic decision to help offset the cost of the required Tryon Road extension. The tract is significantly constrained by environmental features (USGS blue-line streams, jurisdictional wetlands, hydric soils), and the applicant would also be responsible for the entire width of the Tryon Road ROW through the length of the property, which will be costly and also take up a significant portion of the tract (approximately 7.45 acres). In order to make the project feasible, the applicant desires to construct as many units as possible on the remaining areas of developable land, and has determined that more apartments than townhomes can be placed in the same area due to fewer set-aside requirements for apartments.

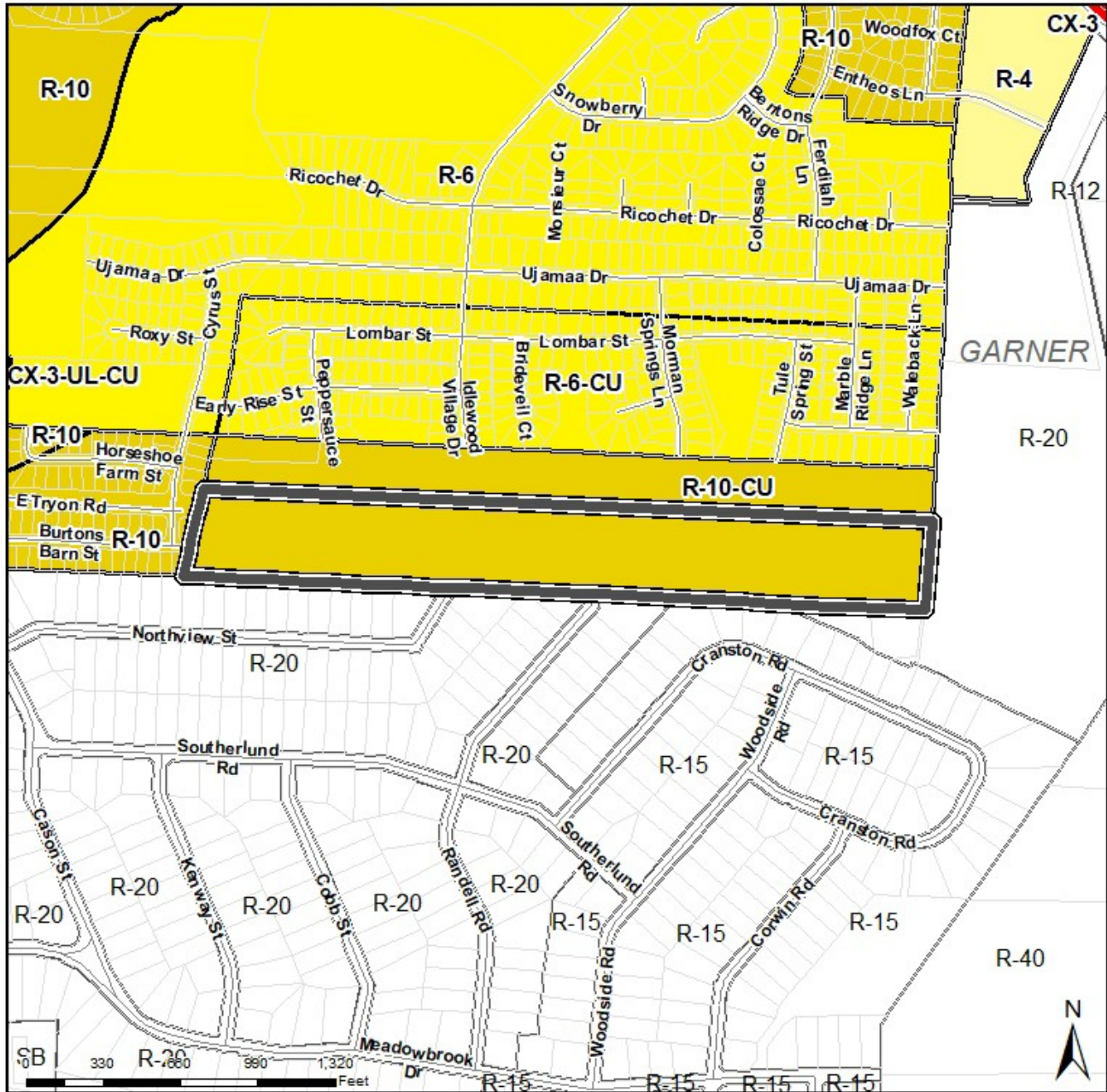
Correction to the staff report: On page 21 (Appendix), the Current vs. Proposed Zoning Summary, the maximum number of residential units and gross building square were revised in the Existing Zoning column to match those in the Proposed Zoning column, as the proposed text change would not change these metrics.

OUTSTANDING ISSUES

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

TCZ-3-2020



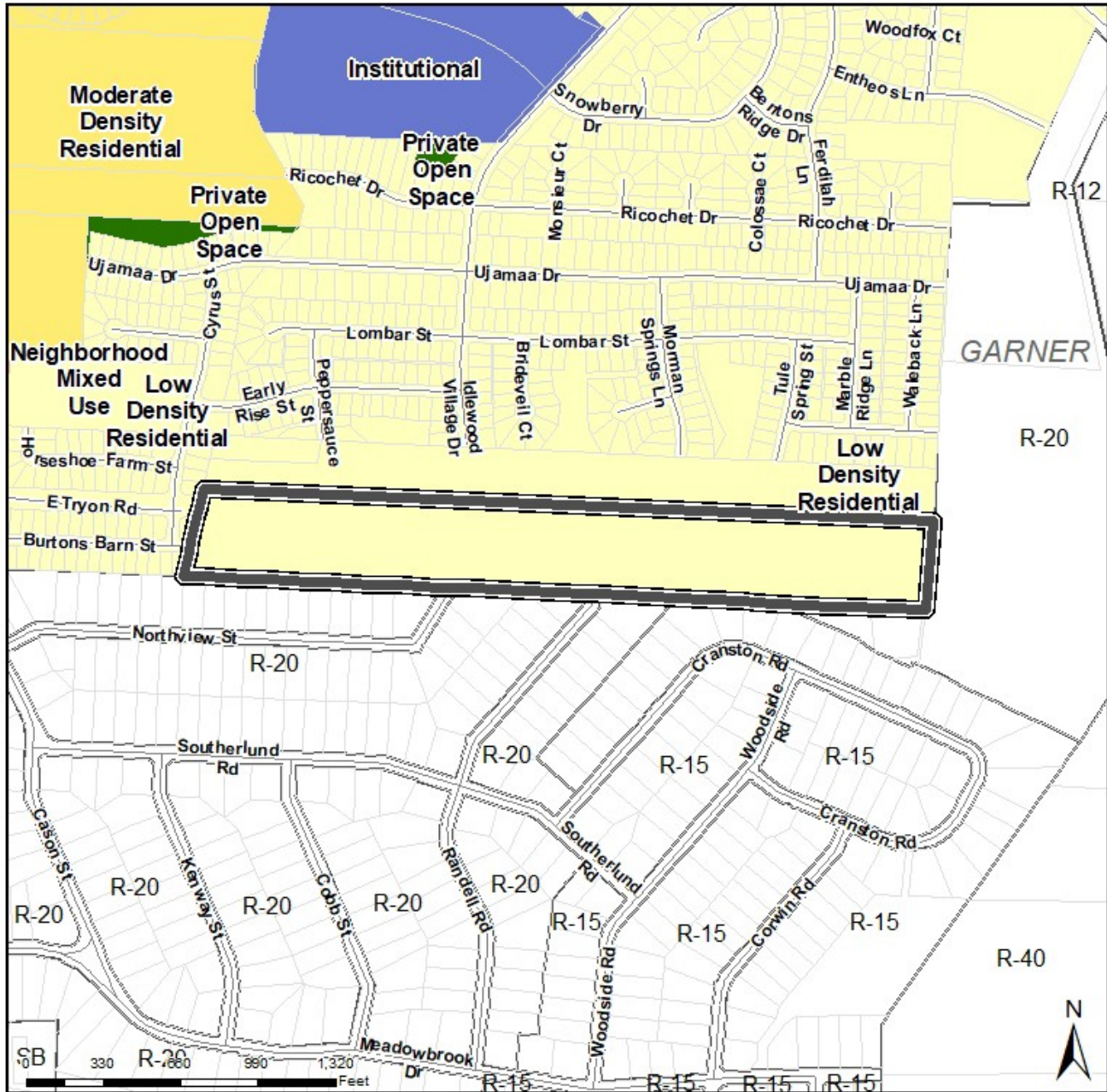
Property	3513 Garner Rd
Size	27.33 acres
Existing Zoning	R-10-CU
Requested Zoning	R-10-CU (Amend Zoning Conditions)



Map by Raleigh Department of City Planning (mansaff): 12/17/2020

Future Land Use

TCZ-3-2020



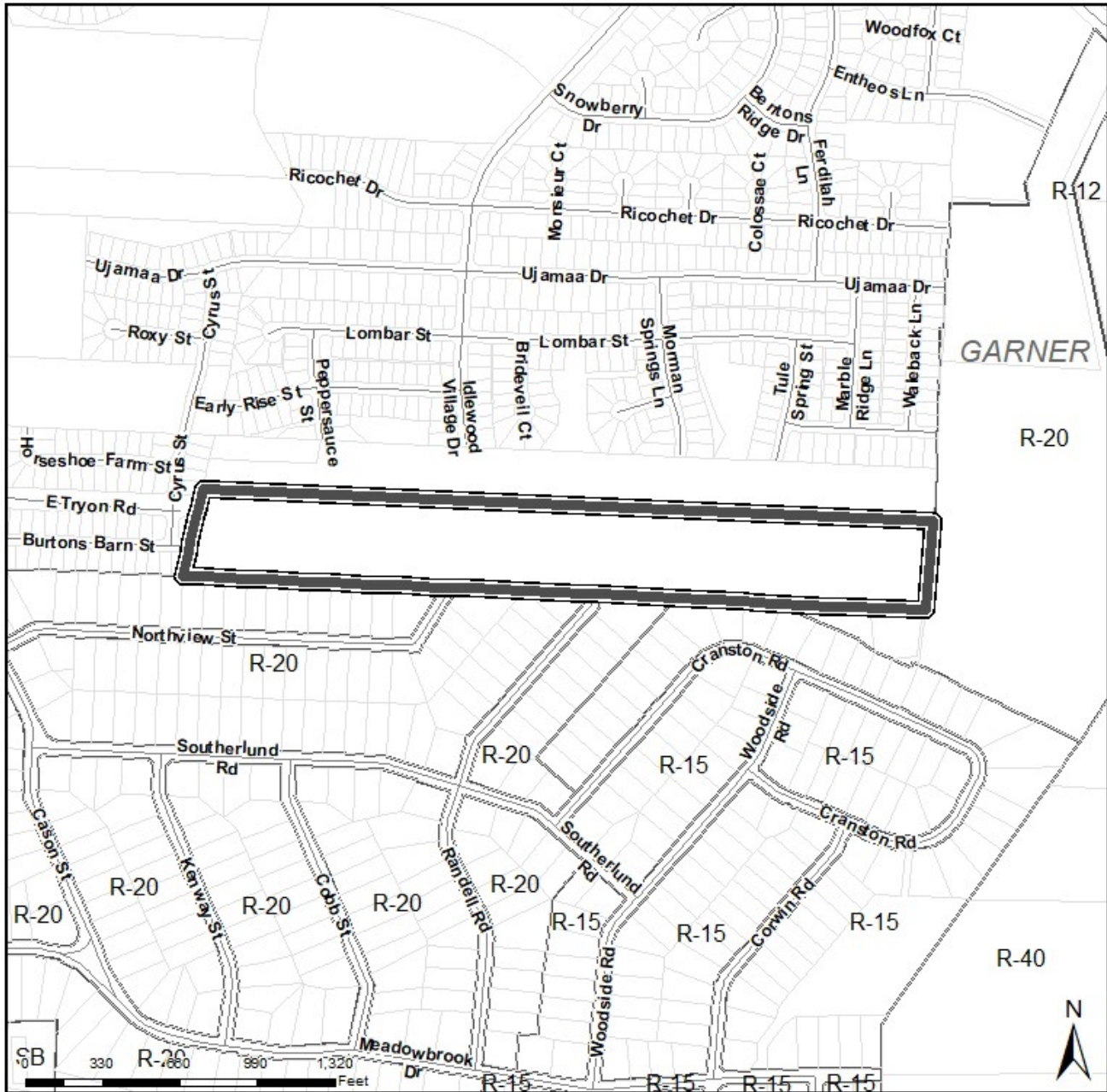
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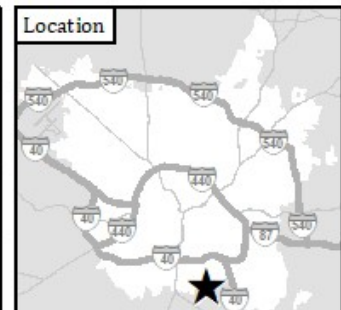
Map by Raleigh Department of City Planning (mansolf): 12/17/2020

Urban Form

TCZ-3-2020



Property	3513 Garner Rd
Size	27.33 acres
Existing Zoning	R-10-CU
Requested Zoning	R-10-CU (Amend Zoning Conditions)



Map by Raleigh Department of City Planning (mansonf); 12/17/2020

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 **Expanding Housing Choices** theme, as the proposed entitlement of 262 residential units could provide for an increased supply of housing options and introduce a variety of building types.

The request is somewhat consistent with the **Managing Our Growth** vision theme which encourages quality growth through more integrated land uses and providing desirable spaces and places to live and work. The likely development resulting from this request for R-10-CU zoning would support this theme.

The request is consistent with the **Growing Successful Neighborhoods and Communities** vision theme, which calls for the City to have healthy and safe older neighborhoods that are conserved and enhanced through careful infill development that complements the existing character of the area and responds to natural features. The proposal represents an infill development that will complement the present built form of the area and preserve streams and wetlands. However, the removal of the zoning condition prohibiting apartments would introduce this building type into the surrounding area for the first time.

The request is consistent with the **Coordinating Land Use and Transportation** vision theme, whereby Raleigh will coordinate its transportation investments with desired land use patterns to plan more effectively for housing, employment and retail uses, and for public services. Higher density residential and mixed-use development will provide the land use pattern needed to support successful new local and regional public transit services. The development that could result from this zoning change proposal would support this theme.

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

Yes. The Future Land Use designation of Low Density Residential signifies development from 1-6 units per acre, with provisions for the townhouse and multifamily building type if significant open space is preserved. The proposed zoning change has conditions limiting the development yield to no more than 6 units per acre and preserving 20% of the site as open space. The environmental constraints on the site will likely result in a higher percentage of open space and result in a future subdivision layout that would mirror the R-6 Conservation Option. This will keep the proposal consistent with Low Density Residential designation on the Future Land Use Map.

- 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?

Not applicable. The site is designated as Low Density Residential on the Future Land Use Map.

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

Yes. Extension of Tryon Road and connections to several currently stubbed local streets will be required as result of the development permitted by this request. There are existing sanitary sewer and water mains adjacent to the proposed rezoning area.

Future Land Use

Future Land Use designation: Low Density Residential

The rezoning request is

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

☐ **Inconsistent**

Condition #1 of the request limits the maximum density to 6 units per gross acre, in conformance with the Low Density Residential designation on the Future Land Use Map. Physical constraints of the site will result in future development layout that would mirror the R-6 Conservation Development option.

Urban Form

Urban Form designation: N/A

The rezoning request is

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

☐ **Inconsistent**

☒ **Other**

There is no Urban Form designation for this site.

Compatibility

The proposed rezoning is

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

☒ **Incompatible.**

The request to remove the condition prohibiting the apartments would introduce this building type for the first time into an area which is predominately single-family, detached houses. However, density will be limited to six dwelling units per acre, and the condition to preserve 20% of the net site area as open space improves compatibility with the existing development to the north (which incorporates open space into the

neighborhood pattern) and south (which consists of larger, wooded lots). Adding more specificity to the zoning conditions about buffering and setbacks of new development along the southern property line could make the request compatible.

Public Benefits of the Proposed Rezoning

- The proposal would increase the housing supply, keeping the market stocked and naturally reducing the cost of owning and renting property.
- If developed, would result in the further eastward extension of Tryon Road, a major thoroughfare.

Detriments of the Proposed Rezoning

- Increased traffic volume. The proposed zoning would increase peak hour and daily trip volumes.

Policy Guidance

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

Policy LU 1.2 – Future Land Use Map & 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 proposed zoning map amendment remains consistent with the Future Land Use Map, as the residential use and form permitted in R-6 would be in keeping with residential development recommended for areas designated for Low Density Residential.

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 conditions proposed in the request are consistent with the Comprehensive Plan.

- The condition to set density to 6 units per acre conforms to the Future Land Use Map designation for this area. The condition to set aside 20% of the site (net of right-of-way) complies with the Comprehensive Plan guidance to permit townhomes in Low Density Residential only with the preservation of significant areas of open space in a conservation subdivision design.

Policy 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 proposal would provide a compact pattern of residential development that will ultimately improve the transportation network by the extension of Tryon Road and connections with several local streets.

Policy LU 4.5 – Connectivity

New development and redevelopment should provide pedestrian and vehicular connectivity between individual development sites to provide alternative means of access along corridors.

- Ultimately, sidewalks and street connections will provide access to the Tryon Road corridor upon completion of this major thoroughfare through the site, as well as a connection to Idlewild Village Drive per the Street Plan. However, at present the only point of access and egress to the site is at east Tryon Road. The Town of Garner has indicated they will not approve connections to Northview Street or Randell Road to the south.

Policy LU 8.1 – Housing Variety

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

- The proposed rezoning and text change to zoning conditions would add the apartment building type to the variety of housing at this location and would increase the variety of housing stock in this area of predominately single-family homes.

Policy LU 8.9 – Open Space in New Development

New residential development should be developed with common and usable open space that preserves the natural landscape and the highest quality ecological resources on the site.

- A zoning condition stipulates the preservation of 20% of the site area. The site is located in the headwaters of the Little Arm Branch-Big Branch-Neuse River watershed and contains streams that are protected by the Neuse River buffer regulations. There are also wetlands on the site which may be jurisdictionally protected by federal regulations. These areas will provide open space that includes the highest quality ecological resources on the site.

Policy 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.

- The proposal generally complements the established character of the area, although it would introduce the apartment building type for the first time. The maximum density permitted on the site (6 du/ac) would reflect existing conditions.

Policy EP 2.3 – Open Space Protection

Seek to identify all opportunities to conserve open space networks, mature existing tree stands, steep slopes, floodplains, priority wildlife habitats, and significant natural features as part of public and private development plans and targeted acquisition.

Policy EP 2.5 – Protection of Water Features

Lakes, ponds, rivers, streams, and wetlands should be protected and preserved. These water bodies provide valuable stormwater management and ecological, visual, and recreational benefits.

- The site is densely wooded, and the natural constraints of the site will necessitate substantial open space set-asides beyond the 20% stipulated by a zoning condition. Jurisdictional wetlands and Neuse River riparian buffers will force road crossings to be minimized (e.g., prohibit a connection with Idlewild Village Drive) and provide for

substantial primary open space (per UDO Section 2.5.2.A) beyond the required primary tree conservation areas (per UDO Section 9.1.4.A). The site is located within the headwaters of South Big Branch drainage basin, and with expansive floodplains on parcels to the east, this proposal offers an opportunity to conserve a contiguous, forested open space network eastward to Walnut Creek.

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

Policy 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 residential area to the south (Town of Garner, zoned R-20) contains lots averaging approximately 0.46 acres. This juxtaposition of the apartment building type adjacent to area of large-lot, single-family detached homes has raised concerns among neighbors about the incompatibility of this proposal. These concerns could be effectively mitigated by additional zoning conditions that specify buffering or setbacks, or the careful placement of building envelopes to avoid environmentally-constrained areas and provide forested buffers to the neighborhood.

Policy LU 8.5—Conservation of Single-Family Neighborhoods

Protect and conserve the City's single-family neighborhoods and ensure that their zoning reflects their established low-density character. Carefully manage the development of vacant land and the alteration of existing structures in and adjacent to single-family neighborhoods to protect low density character, preserve open space, and maintain neighborhood scale.

- The proposal to remove a zoning condition that would prohibit apartments could lead to development that would not reflect the existing built form of the surrounding area. Conditions that specify buffering or setbacks could improve the proposal's consistency with this policy.

Area Plan Policy Guidance

- There is no area plan guidance for this site.

HOUSING AFFORDABILITY & ENERGY EFFICIENCY ANALYSIS

Carbon Footprint: Transportation

	City Average	Site	Notes
Transit Score	30	17	There is minimal transit at this location.
Walk Score	30	3	The site is car dependent.
Bike Score	41	18	Minimal bicycle infrastructure.

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

Summary: The nearest transit stop is approximately 0.4 miles from the site, and automobiles are required for most errands.

Carbon/Energy Footprint: Housing

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

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

Summary: The proposal would permit all residential building types, but a multi-family building type is anticipated. This would result in overall lower average annual energy use, thus a reduced carbon footprint over the detached house building type.

Housing Supply and Affordability

Does it add/subtract from the housing supply?	Adds	The proposal would add to the housing stock.
Does it include any subsidized units?	No	
Does it permit a variety of housing types beyond detached houses?	Yes	The proposal would remove the prohibition on the apartment building type.
If not a mixed-use district, does it permit smaller lots than the average?*	Yes	The current zoning would permit a minimum lot size of 4,000 square feet.
Is it within walking distance of transit?	No	The nearest transit stop is nearly a half-mile away.

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

Summary: The proposal would allow for an increase in the number and variety of housing units in the area.

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 impacted by any existing or proposed greenway trails, corridors, or connectors.
2. Nearest existing City of Raleigh park access is provided by Sanderford Road Park(1.0 miles) and Biltmore Hills Park (1.8 miles). Note that the Town of Garner Cloverdale Park is less than 1 mile from the site.
3. Nearest existing greenway trail access if provided by the Walnut Creek Greenway Trail (2.25 miles).
4. Because this site is not currently within City of Raleigh limits, a Park Access Level of Service score is not directly available, however, the surrounding City of Raleigh properties have an average to slightly below-average park access level of service. Note that this does not account for the presence of the nearby Cloverdale Park(Town of Garner).
5. This site is considered to be within a medium-priority land acquisition target area.

Impact Identified: None.

Public Utilities

	Maximum Demand (current use)	Maximum Demand (current zoning)	Maximum Demand (proposed zoning)
Water	0	41,000	41,000
Wastewater	0	41,000	41,000

Impact Identified:

1. The proposed rezoning would add approximately 41,000 gpd to the wastewater collection and water distribution systems of the City. There are existing sanitary sewer and water mains adjacent to the proposed rezoning area.

2. 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.
3. 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.

Stormwater

Floodplain	n/a
Drainage Basin	Big Branch - S
Stormwater Management	UDO Chapter 9
Overlay District	n/a

Impact Identified: No downstream structural impacts identified.

Transit

1. The Unified Development Ordinance is sufficient as written to obtain the transit improvements required for this site.

Impact Identified: None.

Transportation

1. Site Context and Location

Location

The Z-44-2020 site is located in southeast Raleigh, near the Garner border. It is bounded by single family homes on the north, west, and south, and undeveloped land on the east.

Area Plans

The Z-44-2020 site is located in the City's Garner-Tryon Neighborhood Center Study Area, which intends to guide nearby developments to be interconnected and walkable. The site is also in the vicinity of the Southern Gateway Corridor Study, which outlines goals for developing the vacant and underutilized land within the district to transform its character and perception.

2. Existing and Planned Infrastructure

Streets

East Tryon Road, a 4-lane divided avenue, stubs to the parcels on the west. In the immediate vicinity of the site, East Tryon Road narrows to 2 lanes. While expectations are that NCOT will accept East Tryon Road for maintenance once completed to another NCDOT-maintained street, the section east of Garner Road is currently maintained by the City of Raleigh.

Several local streets either stub to or cul-de-sac at the parcel, including Randell Road, Northview Road, Burtons Barn Street, Peppersauce Street, Idlewood Village Drive, Morman Springs Lane, and Tule Spring Street. The Raleigh Street Plan shows East Tryon Road extended as a 4-lane avenue through the parcel, connecting to Creech Road. Connection to street stubs in the Town of Garner requires agreement from the Town.

In accordance with UDO section 8.3.2, the maximum block perimeter for R-10 zoning is 2,500 feet. The block perimeter for Z-44-2020 is indeterminable due to the undeveloped land east of the parcel.

Pedestrian Facilities

Generally, the neighborhoods north of the parcel have sidewalks on one side of the street and those immediately south do not have sidewalks.

Transit

GoRaleigh Route 5 stops on Idlewood Village Drive approximately 1 mile from parcel Z-44-2020, running every 30 minutes during peak travel periods.

Access

The Z-44-2020 site is surrounded by neighborhoods of single family homes with the exception of east of the site, which is currently undeveloped. It would be desirable to provide pedestrian & bicycle connections to the local streets that stub to the site.

Site access will be provided via East Tryon Road as well as a number of the local streets that stub to the parcel on the north and south. The only existing road frontage is via the stubbed streets. Driveways accessing streets within the site shall be coordinated according the Raleigh Street Design Manual.

TIA Determination

Based on the Envision results, approval of case Z-44-20 would not 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-10-CU to R-10-CU is projected to generate no new trips in the AM or PM peak hours. 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-44-2020 Existing Land Use Vacant	Daily	AM	PM
	0	0	0
Z-44-2020 Current Zoning Entitlements Residential	Daily	AM	PM
	2,522	191	256
Z-44-2020 Proposed Zoning Maximums Residential	Daily	AM	PM
	2,522	191	256
Z-44-2020 Trip Volume Change (Proposed Maximums minus Current Entitlements)	Daily	AM	PM
	0	0	0

Urban Forestry

1. The proposed rezoning does not impact Urban Forestry requirements.

Impact Identified: None.

Impacts Summary

A traffic impact analysis was conducted in 2018 for the Z-11-18 rezoning. The TIA made no recommendation for mitigation in the study area. City Staff reviewed the study and agreed with that determination. However, that rezoning proposal included three parcels and had street connections to the north at Idlewild Village Road and other locations. The single parcel of this proposal could result in apartment development with only a westward street connection. Concerns have been raised regarding the potential adverse impact to neighborhood character by the imposition of the apartment building type. Potential impacts to sewer infrastructure will be ascertained if a downstream sewer capacity study is required upon development plan submittal.

Mitigation of Impacts

The connectivity issue will be addressed by Transportation when the case is discussed by Planning Commission. Compatibility with the built form of existing adjacent neighborhoods can be addressed through zoning conditions to specify building setbacks and buffering. Any measures for mitigating the impact on water and sewer infrastructure will be identified during the analyses required prior to development.

CONCLUSION

Z-44-20/TCZ-3-20 is a request to change the zoning conditions for 27.33 acres near the intersection of Garner Road and Tryon Road to remove a zoning condition that would prohibit the apartment building type. Existing zoning conditions to remain in effect will limit the maximum residential density on the site to six dwelling units per acre and ensure the preservation of open space, which should result in development that is compatible with the surrounding neighborhoods. Additional open space resulting from the stream buffers and wetlands will add to the character of development on the site and would reflect the form of the neighborhood to north, which incorporates open space into the development pattern. Concerns over the visual impact of the apartment building type can be adequately addressed through conditions that would lessen that impact. The proposal and anticipated development of the site will improve City road infrastructure with the extension of Tryon Road, protect important woodlands in a sub-basin of the Neuse River watershed, and add to the supply of housing options.

The request is consistent with the Future Land Use Map and consistent with the Comprehensive Plan overall.

CASE TIMELINE

Date	Action	Notes
November 19, 2020	Application received for a text change to zoning conditions.	
January 25, 2021	Second neighborhood meeting held	
March 9, 2021	Planning Commission meeting	Consent Agenda
April 13, 2021	Planning Commission meeting	Deferred for two weeks to allow applicant to provide revised zoning conditions
April 27, 2021	Planning Commission meeting	Recommended denial, 8-1
May 4, 2021	Report of Planning Commission	Deferred for two weeks to allow applicant to provide revised zoning conditions
May 18, 2021	City Council Special Item	Deferred at the request of the applicant to allow for the submittal of revised zoning conditions.
June 1, 2021	City Council Public Hearing	Public hearing closed and case deferred until June 15 to allow for further discussions between applicant and Council Member Branch.
June 15, 2021	City Council Special Item	Deferred until July 6, 2021. Applicant was not present, and questions remain regarding the proposed buffers for this request.
July 6, 2021	City Council Special Item	

APPENDIX

SURROUNDING AREA LAND USE/ ZONING SUMMARY

	SUBJECT PROPERTY	NORTH	SOUTH	EAST	WEST
Existing Zoning	R-10-CU	R-10-CU	R-15, R-20 (Garner)	R-20 (Garner)	R-10
Additional Overlay	N/A	N/A	N/A	N/A	N/A
Future Land Use	LDR	LDR	MDR (Garner)	MDR (Garner)	LDR
Current Land Use	Vacant	Vacant	Residential	Vacant	Residential
Urban Form	N/A	N/A	N/A	N/A	N/A

CURRENT VS. PROPOSED ZONING SUMMARY

	EXISTING ZONING	PROPOSED ZONING
Zoning	R-10-CU	R-10-CU
Total Acreage	27.33	27.33
Setbacks:		
Front	20'	10'
Side	10'	5'
Rear	30'	20'
Residential Density:	6 du/ac	6 du/ac
Max. # of Residential Units	164	164
Max. Gross Building SF	152,520	152,520
Max. Gross Office SF	-	-
Max. Gross Retail SF	-	-
Max. Gross Industrial SF	-	-
Potential F.A.R	0.21	0.21

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

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			OFFICE USE ONLY Rezoning Case #
Existing Zoning Base District R-10 Height Frontage Overlay(s) _____			
Proposed Zoning Base District R-10 Height Frontage Overlay(s)			
<i>Click here to view the Zoning Map. Search for the address to be rezoned, then turn on the 'Zoning' and 'Overlay' layers.</i>			
If the property has been previously rezoned, provide the rezoning case number: Z-011-18			
GENERAL INFORMATION			
Date		Date Amended (1) 1/26/2021 Date Amended (2)	
Property Address 3513 Garner Rd			
Property PIN 1712317179		Deed Reference (book/page) 11545/2682	
Nearest Intersection Garner Rd/Tryon Rd			
Property Size (acres) 27.33	For Planned Development Applications Only:	Total Units	Total Square Footage
		Total Parcels	Total Buildings
Property Owner Name/Address Prestige Construction & Land Development, LLC 1804 Steadfast Rd Hillsborough, NC 27278		Phone	Fax
		Email	
Applicant Name/Address Randy Herman BA Folk PLLC PO Box 90426 Raleigh, NC 27675		Phone 919-825-1250	Fax
		Email rherman@bafolk.com	
Applicant* Signature(s)	DocuSigned by: <small>067894C3D5DD42A...</small>	Email	

*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.

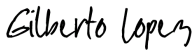
RECEIVED

By Carmen Kuan at 1:15 pm, Jan 26, 2021

CONDITIONAL USE DISTRICT ZONING CONDITIONS		
Zoning Case Number Z-44-20	OFFICE USE ONLY Rezoning Case #	
Date Submitted 10/28/2020		
Existing Zoning R-10-CU Proposed Zoning R-10-CU		
Narrative of Zoning Conditions Offered		
<p>1. Density limited to 6 units per gross acre under conventional development.</p> <p>2. A minimum of 20% of the site area (net of right-of-way) shall be provided as open space, which can include preservation of existing natural features, stream buffers, watercourse buffers, wetlands or vegetation. The preserved open space shall comply with the standards in Section 2.5 of the Unified Development Ordinance.</p>		

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:

 067894C3D5DD42A...

Print Name _____

REZONING APPLICATION ADDENDUM #1	
Comprehensive Plan Analysis	OFFICE USE ONLY Rezoning Case #
<p>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.</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>Rezoning will not increase the density, which is currently in compliance with the future land use map. Rezoning will make it possible to provide a mix of housing options, provide workforce housing, preserve a significant amount of open space and provide development for an otherwise difficult to develop tract.</p>	
PUBLIC BENEFITS	
<p>Provide brief statements explaining how the rezoning request is reasonable and in the public interest.</p> <p>The rezoning will facilitate development of Tryon Road through the property.</p>	

REZONING APPLICATION ADDENDUM #2**Impact on Historic Resources**

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.

OFFICE USE ONLY**Rezoning Case #****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 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>Response:</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> |
| 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> |
| 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> |
| 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> |
| 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> |

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>
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>
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>
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>
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>
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>

13.	<i>New public spaces should provide seating opportunities.</i> Response:
14.	<i>Parking lots should not dominate the frontage of pedestrian-oriented streets, interrupt pedestrian routes, or negatively impact surrounding developments.</i> Response:
15.	<i>Parking lots should be located behind or in the interior of a block whenever possible. Parking lots should not occupy more than 1/3 of the frontage of the adjacent building or not more than 64 feet, whichever is less.</i> Response:
16.	<i>Parking structures are clearly an important and necessary element of the overall urban infrastructure but, given their utilitarian elements, can give serious negative visual effects. New structures should merit the same level of materials and finishes as that a principal building would, care in the use of basic design elements can make a significant improvement.</i> Response:
17.	<i>Higher building densities and more intensive land uses should be within walking distance of transit stops, permitting public transit to become a viable alternative to the automobile.</i> Response:
18.	<i>Convenient, comfortable pedestrian access between the transit stop and the building entrance should be planned as part of the overall pedestrian network.</i> Response:
19.	<i>All development should respect natural resources as an essential component of the human environment. The most sensitive landscape areas, both environmentally and visually, are steep slopes greater than 15 percent, watercourses, and floodplains. Any development in these areas should minimize intervention and maintain the natural condition except under extreme circumstances. Where practical, these features should be conserved as open space amenities and incorporated in the overall site design.</i> Response:

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>
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>
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>
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>
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>
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>
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>

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 Rezoning Checklist 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 type="checkbox"/>	<input type="checkbox"/>			
2. Pre-Application Conference	<input type="checkbox"/>	<input type="checkbox"/>			
3. Neighborhood Meeting notice and report	<input type="checkbox"/>	<input type="checkbox"/>			
4. Rezoning application review fee (see Fee Schedule for rate)	<input type="checkbox"/>	<input type="checkbox"/>			
5. Completed application, submitted through Permit & Development Portal	<input type="checkbox"/>	<input type="checkbox"/>			
Completed Comprehensive Plan Consistency Analysis	<input type="checkbox"/>	<input type="checkbox"/>			
Completed Response to the Urban Design Guidelines	<input type="checkbox"/>	<input type="checkbox"/>			
6. Two sets of stamped envelopes addressed to all property owners of area to be rezoned and properties within 500 feet of area to be rezoned	<input type="checkbox"/>	<input type="checkbox"/>			
7. Trip Generation Study	<input type="checkbox"/>	<input type="checkbox"/>			
8. Traffic Impact Analysis	<input type="checkbox"/>	<input type="checkbox"/>			
For properties requesting a conditional use district:					
9. Completed zoning conditions, signed by property owner(s)	<input type="checkbox"/>	<input type="checkbox"/>			
If applicable (see Page 11):					
10. Proof of power of attorney or owner affidavit	<input type="checkbox"/>	<input type="checkbox"/>			
For properties requesting a Planned Development (PD) or Campus District (CMP):					
10. Master Plan (see Master Plan Submittal Requirements)	<input type="checkbox"/>	<input type="checkbox"/>			
For properties requesting an Accessory Dwelling Unit Overlay District (ADUOD):					
15. Copy of ballot and mailing list	<input type="checkbox"/>	<input type="checkbox"/>			

MASTER PLAN SUBMITTAL REQUIREMENTS					
TO BE COMPLETED BY APPLICANT			COMPLETED BY CITY STAFF		
General Requirements – Master Plan	YES	N/A	YES	NO	N/A
1. I have referenced the Master Plan Checklist 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 type="checkbox"/>	<input type="checkbox"/>			
2. Total number of units and square feet	<input type="checkbox"/>	<input type="checkbox"/>			
3. 12 sets of plans	<input type="checkbox"/>	<input type="checkbox"/>			
4. Completed application; submitted through Permit & Development Portal	<input type="checkbox"/>	<input type="checkbox"/>			
5. Vicinity Map	<input type="checkbox"/>	<input type="checkbox"/>			
6. Existing Conditions Map	<input type="checkbox"/>	<input type="checkbox"/>			
7. Street and Block Layout Plan	<input type="checkbox"/>	<input type="checkbox"/>			
8. General Layout Map/Height and Frontage Map	<input type="checkbox"/>	<input type="checkbox"/>			
9. Description of Modification to Standards, 12 sets	<input type="checkbox"/>	<input type="checkbox"/>			
10. Development Plan (location of building types)	<input type="checkbox"/>	<input type="checkbox"/>			
11. Pedestrian Circulation Plan	<input type="checkbox"/>	<input type="checkbox"/>			
12. Parking Plan	<input type="checkbox"/>	<input type="checkbox"/>			
13. Open Space Plan	<input type="checkbox"/>	<input type="checkbox"/>			
14. Tree Conservation Plan (if site is 2 acres or more)	<input type="checkbox"/>	<input type="checkbox"/>			
15. Major Utilities Plan/Utilities Service Plan	<input type="checkbox"/>	<input type="checkbox"/>			
16. Generalized Stormwater Plan	<input type="checkbox"/>	<input type="checkbox"/>			
17. Phasing Plan	<input type="checkbox"/>	<input type="checkbox"/>			
18. Three-Dimensional Model/renderings	<input type="checkbox"/>	<input type="checkbox"/>			
19. Common Signage Plan	<input type="checkbox"/>	<input type="checkbox"/>			

Who can initiate a rezoning request?

If requesting to down-zone property, the rezoning application must be signed by all of the property owners whose property is subject to the down-zoning. Down-zoning is defined as a zoning ordinance that affects an area of land in one of the following ways:

1. By decreasing the development density of the land to be less dense than was allowed under its previous usage.
2. By reducing the permitted uses of the land that are specified in a zoning ordinance or land development regulation to fewer uses than were allowed under its previous usage.

If requesting to rezone property to a conditional district, the rezoning application must be signed by all owners of the property to be included in the district. For purposes of the application only (not the zoning conditions), the City will accept signatures on behalf of the property owner from the following:

1. the property owner;
2. an attorney acting on behalf of the property owner with an executed power of attorney; or
3. a person authorized to act on behalf of the property owner with an executed owner's affidavit.

An owner's affidavit must be made under oath, properly notarized and, at a minimum, include the following information:

- The property owner's name and, if applicable, the property owner's title and organization name.
- The address, PIN and Deed Book/Page Number of the property.
- A statement that the person listed as the property owner is the legal owner of the property described.
- The name of the person authorized to act on behalf of the property owner as the applicant. If applicable, the authorized person's title and organization name.
- A statement that the property owner, as legal owner of the described property, hereby gives authorization and permission to the authorized person, to submit to the City of Raleigh an application to rezone the described property.
- A statement that the property owner understands and acknowledges that zoning conditions must be signed, approved and consented to by the property owner.
- The property owner's signature and the date the property owner signed the affidavit.

If requesting to rezone property to a general use district that is not a down-zoning, the rezoning application may be signed, for the purposes of initiating the request, by property owners or third-party applicants.

Temporary Option for Virtual Neighborhood Meetings

During times when in-person gatherings are restricted, this document consists of guidance and templates for conducting a virtual meeting that may satisfy the pre-submittal neighborhood meeting prerequisite for filing a rezoning request and, when required, the second neighborhood meeting prerequisite for Planning Commission review. All requirements related to notice and neighborhood meetings found in the UDO are still applicable and should be reviewed when preparing for a neighborhood meeting.

Raleigh Planning & Development staff are available to advise you in the preparation for virtual neighborhood meetings. For more information, contact JP Mansolf (919) 996-2180 or jp.mansolf@raleighnc.gov.

WHAT IS THE PURPOSE OF A NEIGHBORHOOD MEETING?

A neighborhood meeting is a required form of community outreach to receive community feedback regarding a rezoning prior to submittal to Raleigh Planning & Development or prior to Planning Commission review, per the standards found in [UDO Ch. 10](#). The intention of the meeting is to facilitate neighbor communication; identify issues of concern early on; and provide the applicant an opportunity to address neighbors' concerns about the potential impacts of the rezoning request at key steps in the rezoning process.

GUIDANCE FOR VIRTUAL NEIGHBORHOOD MEETINGS

The virtual neighborhood meeting option is available to applicants on a temporary basis during times when in-person gatherings are restricted. Above and beyond the requirements for neighborhood meetings found in the UDO, the following practices are strongly encouraged for virtual neighborhood meetings:

Verification of mailed notice for virtual neighborhood meetings can be completed by USPS or Raleigh Planning & Development staff.

Neighborhood meeting notification letters can be verified in one of two ways for virtual neighborhood meetings:

- By using USPS in compliance with [UDO Sec. 10.2.1.C.1.b](#).
- By coordinating with Raleigh Planning & Development staff.
 - When City of Raleigh facilities are open to the public, applicants may present stuffed, stamped, addressed, and unsealed neighborhood meeting notifications to Raleigh Planning & Development staff prior to the 10-day period for confirmation that the complete list of property owners is being noticed and that the notices contain adequate information to satisfy the requirements of the UDO and are in keeping with this guidance document.
 - When City of Raleigh facilities are closed to the public, applicants may present electronic documentation to city staff prior to the 10-day period for verification. Documentation should include: an electronic copy of the notification letter and any enclosures, the mailing list, photographs of the mailing that demonstrates the number of envelopes prepared for mailing, an attestation from the applicant that the mailing satisfies all UDO requirements and that acknowledges that false statements negate validity of the mailing.

The meeting should be held within specific timeframes and meet certain requirements.

The UDO requires that “the applicant shall provide an opportunity to meet with property owners of the development site and property owners within the mailing radius described in [UDO Sec. 10.2.1.C.1](#). In order to provide meaningful opportunity, a virtual neighborhood meeting should follow these guidelines:

- Electronically via an interactive online video conferencing software such as Microsoft Teams, Zoom, WebEx, or any similar platform of the applicant’s choice.
- The software must support a two-way conversation that allows for residents to ask questions and provide thoughts, as well as hear the applicant’s presentation.
- The software should provide an option for an individual to participate exclusively by telephone.
- The meeting should be conducted for a minimum of two (2) hours, Monday through Thursday, during the 5:00 p.m. - 9:00 p.m. time period.
- The meeting should not be held on City of Raleigh or State of North Carolina recognized holidays.
- Just as with an in-person meeting, an attendance sheet must be completed to log known attendees of the virtual meeting. Note if no one attended.

Additional informational material should be provided by post to all invitees.

To help facilitate discussion during the meeting for all participants, especially those that may participate exclusively by telephone, informational material should be provided by post. A copy of all mailed materials should be included as part of the Neighborhood Meeting report required for the rezoning application. In addition to details required by [UDO Sec. 10.2.1.C.1](#), the following information should be mailed with the meeting notice:

- The date, time, and detailed instructions for how to participate in the virtual meeting either online or by telephone.
- A current aerial photograph of the area.
- A current zoning map of the area.
- A draft of the rezoning petition to be submitted.
- For a rezoning request to a district that requires a master plan ([UDO Art. 4.6](#) and [4.7](#)) preliminary or schematic plans of the proposed master plan should be provided to help facilitate discussion.

The meeting agenda should describe the action to be requested and the nature of the questions involved.

This information should be addressed during the meeting:

- Explanation of the rezoning process.
- Explanation of future meetings (additional neighborhood meetings, if any; Planning Commission review; City Council public hearing).
- Explanation of the development proposal, including proposed uses and zoning conditions; explanation of any proposed master plan; and any public information available about the property owner or buyer, developer or builder, and/or likely tenant.
- Questions or concerns by virtual attendees and responses by the applicant.
- Report of any questions and concerns received by the applicant in correspondence or phone call in advance of the meeting, along with any applicant-provided responses.

The applicant shall be responsible for notifying any neighbors who request to be kept up-to-date of any additional neighborhood meetings and the actual submittal date to the City of Raleigh Development Portal.

NOTIFICATION LETTER TEMPLATE

Date:

Re: (SITE LOCATION)

Neighboring Property Owners:

You are invited to attend a neighborhood meeting on (MEETING DATE and TIME). The meeting will be held virtually. You can participate online or by telephone. To participate, visit:

(MEETING WEB ADDRESS)

Or call:

(MEETING PHONE NUMBER)

The purpose of this meeting is to discuss a potential rezoning of the property located at (SITE ADDRESS AND NEARBY LANDMARKS). This site is currently zoned (CURRENT ZONING DISTRICT) and is proposed to be rezoned to (PROPOSED ZONING DISTRICT). (ANY OTHER RELEVANT DETAILS OF THE REQUEST.)

Prior to the submittal of any rezoning application, the City of Raleigh requires that a neighborhood meeting be held for all property owners within 500 feet of the area requested for rezoning.

Information about the rezoning process is available online; visit www.raleighnc.gov and search for "Rezoning Process." If you have further questions about the rezoning process, please contact:

JP Mansolf
Raleigh Planning & Development
(919)996-2180
JP.Mansolf@raleighnc.gov

If you have any concerns or questions about this potential rezoning I (we) can be reached at:

(NAME)

(CONTACT INFO)

Sincerely,

ATTESTATION TEMPLATE

Attestation Statement

I, the undersigned, do hereby attest that the electronic verification document submitted herewith accurately reflects notification letters, enclosures, envelopes and mailing list for mailing the neighborhood meeting notification letters as required by Chapter 10 of the City of Raleigh UDO, and I do hereby further attest that that I did in fact deposit all of the required neighborhood meeting notification letters with the US. Postal Service on the _____, day of _____, 2020. I do hereby attest that this information is true, accurate and complete to the best of my knowledge and I understand that any falsification, omission, or concealment of material fact may be a violation of the UDO subjecting me to administrative, civil, and/or, criminal liability, including, but not limited to, invalidation of the application to which such required neighborhood meeting relates.

Signature of Applicant/Applicant Representative

Date

SUMMARY OF ISSUES

A neighborhood meeting was held on 07/14/2020 (date) to discuss a potential rezoning located at 3513 Garner Rd (property address). The neighborhood meeting was held at electronically via Zoom (location). There were approximately 40 (number) neighbors in attendance. The general issues discussed were:

Summary of Issues:

Concerns about traffic

Location of road connections

Protection of existing wooded areas

[illegible]



Randy Herman
PO Box 90426
Raleigh, NC 27676
(o) 919.825.1250
(f) 919.882.8297
rherman@bafolk.com

January 8, 2021

[Name]
[Address]

Re: 3513 Garner Road

Neighboring Property Owners:

You are invited to attend a neighborhood meeting on January 25, 2021 at 5:00 pm.

The purpose of this meeting is to discuss a text change rezoning of the property located at 3513 Garner Road (PIN 1712317179). The case number is Z-44-20 (TCZ-3-20). This site is within the City of Raleigh planning jurisdiction and is currently zoned R-10-CU. A change to the zoning conditions is proposed to allow the construction of apartment buildings.

The City of Raleigh requires that prior to the petition appearing before the Planning Commission, the applicant must hold a neighborhood meeting involving all property owners within 1000 feet of the area requested for rezoning. The meeting will be held virtually. You can participate online or by telephone. To participate, visit:

<https://zoom.us/meeting/register/tJMkf-2trjooGtAN18prcWsrRR8asNudY1ER>

Or call:

(929) 205-6099, Meeting ID: 979 8450 1204

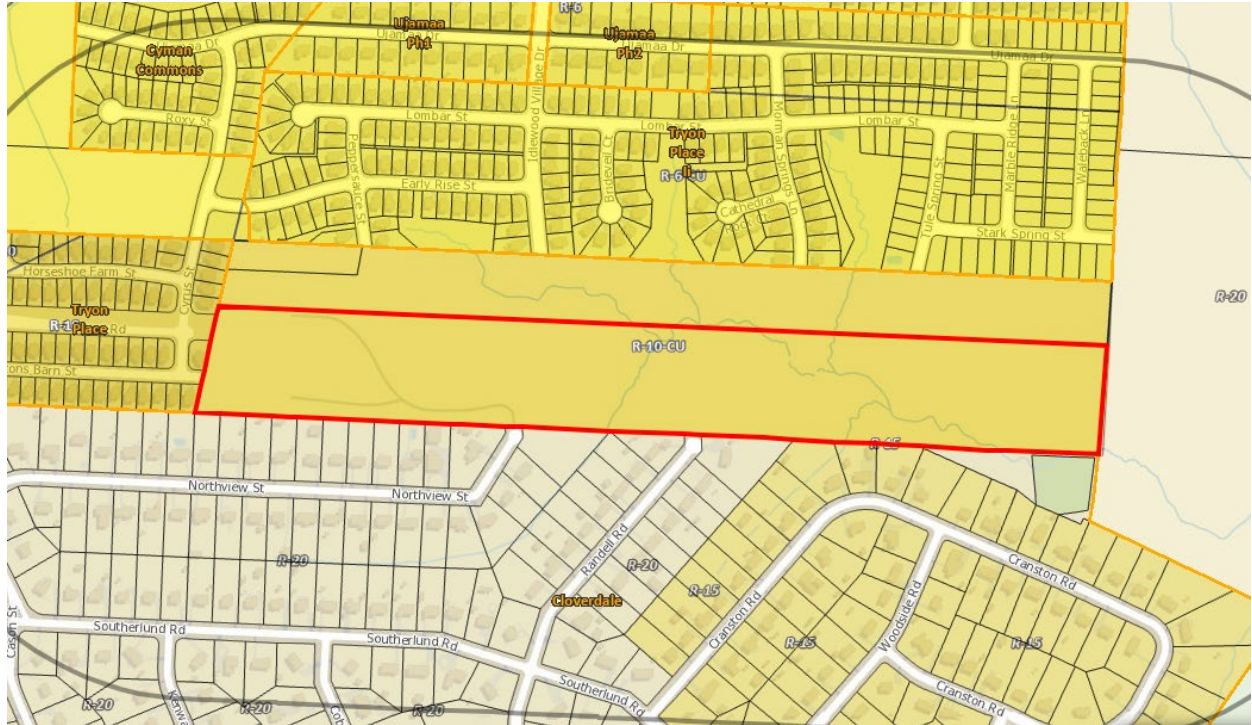
For more information about the rezoning process, you may visit **www.raleighnc.gov** and search “Rezoning Process”, or contact the Raleigh City Planning Department at:

Donald Belk
Raleigh Planning & Development
[\(919\) 996-4641](tel:9199964641) Donald.Belk@raleighnc.gov

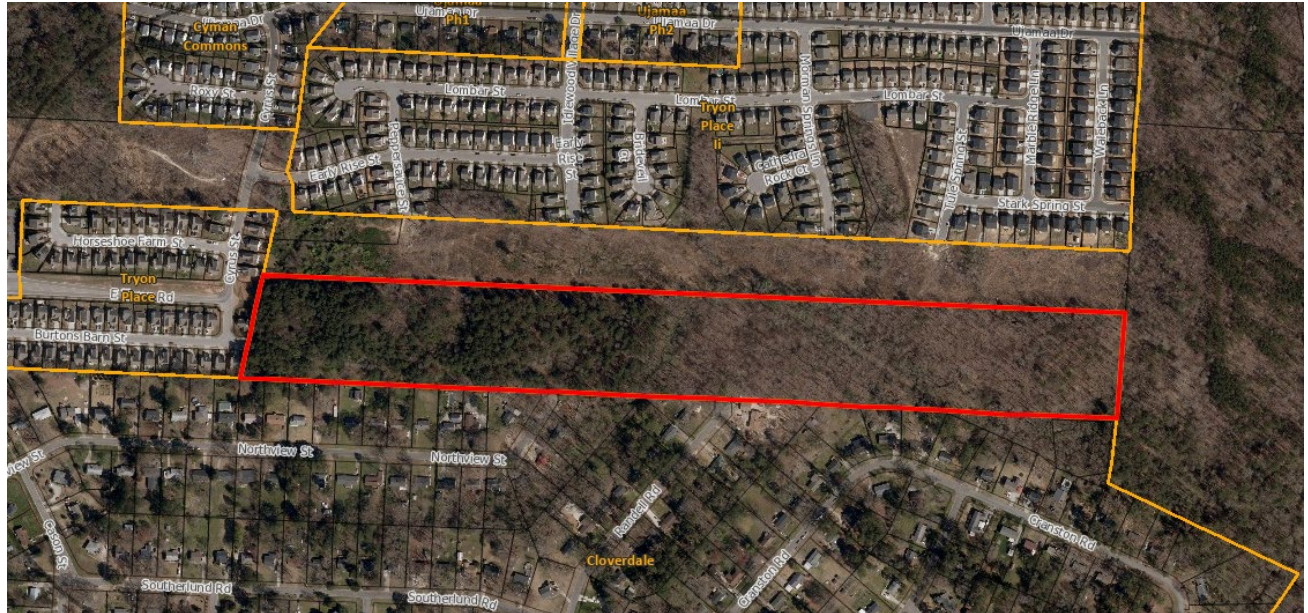
If you have any concerns or questions I can be reached at:

Randy H. Herman
BA Folk, PLLC
(919) 925-1250
rherman@bafolk.com

Current Zoning Conditions



Current Aerial View





Town of Garner

900 7th Avenue · Garner, North Carolina 27529
Phone (919) 772-4688 · Fax (919) 662-8874 · www.GarnerNC.gov

September 24, 2020

Mr. JP Mansolf, Planner
Comprehensive Planning
City of Raleigh Planning & Development Department

Mr. Mansolf:

On behalf of the Town of Garner, I am writing to you in regard to future development that may occur on PIN# 1712-31-7179 and adjacent parcels immediately north of the Cloverdale Subdivision in Garner. As I am sure you are aware, the subdivision was constructed back in the 1950's under far different zoning principles and subdivision regulations than what we have today. Additionally, it was built at a time preceding thoughts of an "East" Tryon Road when Old Tryon Road terminated at South Wilmington Street and the Old Raleigh Airport.

While the Garner Planning Department espouses connectivity, we do so in a manner that does not promote the use of neighborhood streets for cut through traffic. At the same time, we also encourage practices that do not bind future residents and elected boards from being able to activate connections in the future for improved ingress/egress. We feel that a connection to Northview Street at this time could promote cut-through traffic as there would be no turns required along it between East Tryon and West Garner roads. Drivers could skirt the traffic signal at East Tryon and Garner roads when moderate congestion is present at that location. Randell Road is configured somewhat better but only requires one turn at Meadowbrook Drive to accomplish the same skirting of the traffic signal. Additionally, neither street has pedestrian or bicycle accommodations outside of the pavement between the curb and gutter, so increased traffic at this time would create safety concerns – most notably for pedestrians. A context-sensitive subdivision layout can only accomplish so much given the shape and environmental constraints of the property, and there is only so much the Town could do to alter the context within the Cloverdale Subdivision.

Although the rights-of-way are stubbed, both roads were finished in the 50's with a small curbed cul-de-sac that stops short of the property line for PIN# 1712-31-7179. At this time, it is the position of the current Town of Garner Town Council that access from East Tryon Road to these streets and the removal of curbing will not be granted. However, the Town understands that conditions can change over time, including the introduction of traffic calming measures and access controls, among other things; and does not seek to otherwise influence the design of the City's street network so as to remove all possibility of future vehicular connection should those conditions change in a way that would be both desirable and acceptable.

Please let me know if you have any questions regarding this communication.

Regards,

Jeff Triezenberg, AICP, GISP
Planning Director

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			OFFICE USE ONLY Rezoning Case #
Existing Zoning Base District R-10 Height Frontage Overlay(s) _____			
Proposed Zoning Base District R-10 Height Frontage Overlay(s)			
<i>Click here to view the Zoning Map. Search for the address to be rezoned, then turn on the 'Zoning' and 'Overlay' layers.</i>			
If the property has been previously rezoned, provide the rezoning case number: Z-011-18			
GENERAL INFORMATION			
Date		Date Amended (1)	
		Date Amended (2)	
Property Address 3513 Garner Rd			
Property PIN 1712317179		Deed Reference (book/page) 11545/2682	
Nearest Intersection Garner Rd/Tryon Rd			
Property Size (acres) 27.33	For Planned Development Applications Only:	Total Units	Total Square Footage
		Total Parcels	Total Buildings
Property Owner Name/Address Prestige Construction & Land Development, LLC 1804 Steadfast Rd Hillsborough, NC 27278		Phone	Fax
		Email	
Applicant Name/Address Randy Herman BA Folk PLLC PO Box 90426 Raleigh, NC 27675		Phone 919-825-1250	Fax
		Email rherman@bafolk.com	
Applicant* Signature(s)		Email	

*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.

CONDITIONAL USE DISTRICT ZONING CONDITIONSZoning Case Number **Z-44-20****OFFICE USE ONLY**Date Submitted **5/5/2021****Rezoning Case #**Existing Zoning **R-10-CU** Proposed Zoning **R-10-CU****Narrative of Zoning Conditions Offered**

1. Density limited to 6 units per gross acre under conventional development.
2. A minimum of 20% of the site area (net of right-of-way) shall be provided as open space, which can include preservation of existing natural features, stream buffers, watercourse buffers, wetlands or vegetation. The preserved open space shall comply with the standards in Section 2.5 of the Unified Development Ordinance.
3. Developer shall preserve a 20-foot planted buffer along the southern property line of Tract 2 as shown on a plat recorded in Book of Maps 1998, Page 1409, Wake County Registry. Existing vegetation within the buffer will be retained.

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:

Gilberto Lopez-Ponce

Print Name

Gilberto Lopez-Ponce

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5/7/2021