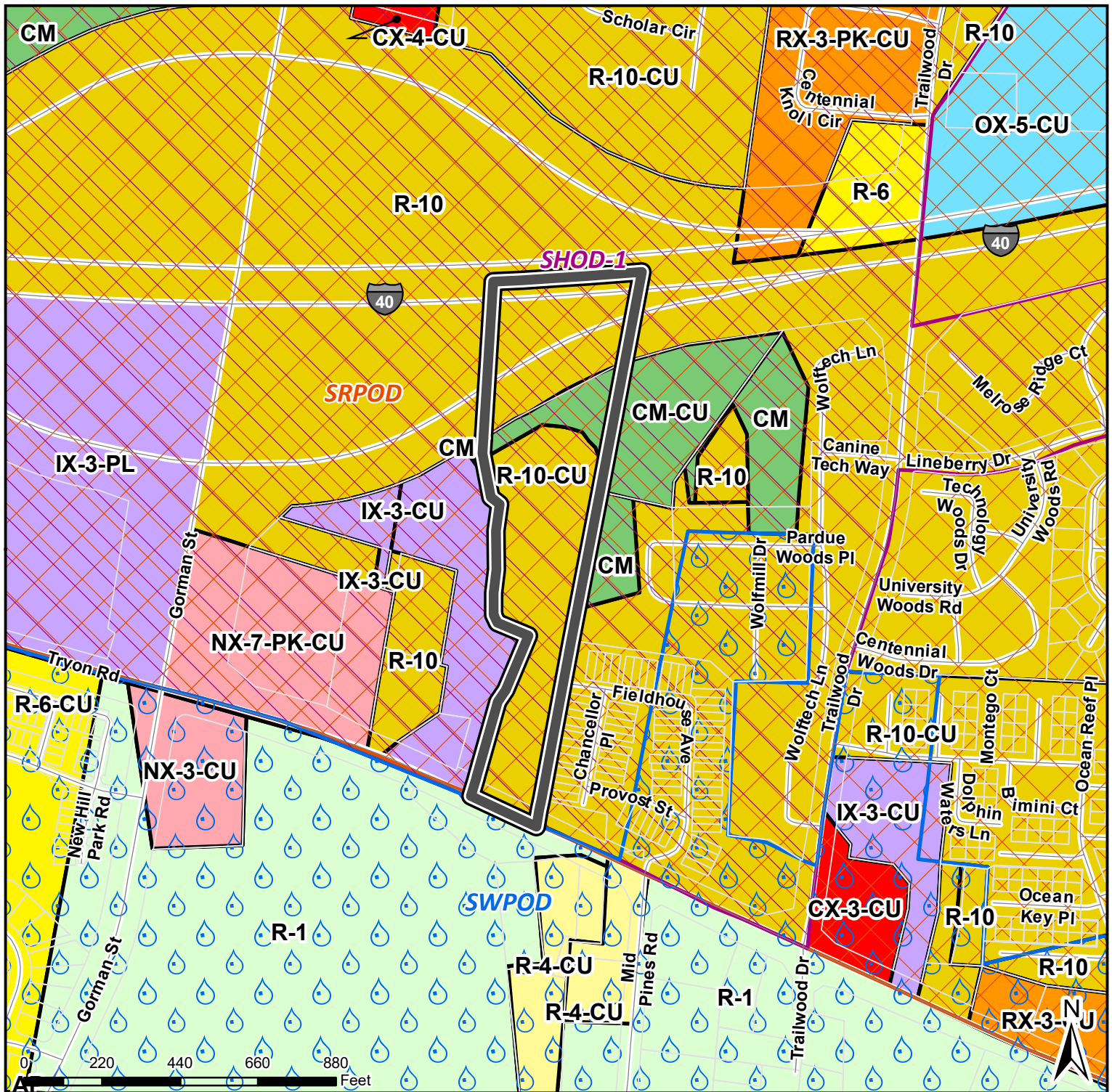
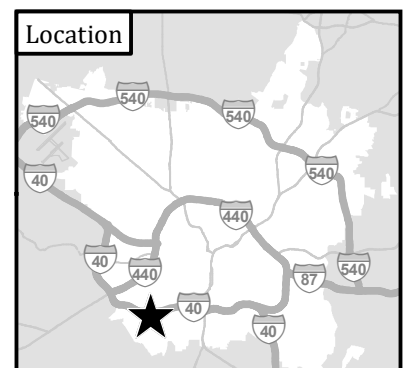


Existing Zoning

Z-49-2020



Property	3624 Tryon Rd
Size	6.17 acres
Existing Zoning	R-10-CU & CM w/SHOD-1 & SRPOD
Requested Zoning	IX-3-PL-CU & CM w/SHOD-1 & SRPOD



To	Marchell Adams-David, City Manager
Thru	Patrick O. Young, AICP, Director
From	John Anagnost, Senior Planner
Department	Planning and Development
Date	May 4, 2021
Subject	Public Hearing Agenda Item: May 18, 2021 Meeting Rezoning Z-49-20 3624 Tryon Road

On April 20, 2021, the City Council closed the public hearing for the following item and deferred to the May 18, 2021 meeting to allow revised conditions to be submitted:

Z-49-20 3624 Tryon Road, on its north side, 900 feet east of Gorman Street, being Wake County PIN 0782975817. Approximately 6.17 acres is requested to be rezoned by NDH LLC. Conditions dated January 12 limit access to Tryon Road to one access point, prohibit structures in the portion of the site zoned CM, prohibit parking in the portion of the site zoned CM, limit allowed uses, limit development on the site to 10 dwelling units per acre or 54,000 square feet of non-residential uses, require a 40-foot landscape yard on the east side of the site, prohibit drive-thru uses, limit commercial hours of operation to 7:00 AM to 8:00 PM, limit building height to 45 feet, and prohibit wood processing uses.

Current zoning: Residential-10-Conditional Use with Special Residential Parking Overlay District and Special Highway Overlay District-1 (R-10-CU w/ SRPOD & SHOD-1) and Conservation Management-Conditional Use with Special Residential Parking Overlay District and Special Highway Overlay District-1 (CM-CU w/ SRPOD & SHOD-1)

Requested zoning: Industrial Mixed Use-3 Stories-Parking Limited-Conditional Use with Special Residential Parking Overlay District and Special Highway Overlay District-1 (IX-3-PL-CU w/ SRPOD & SHOD-1) and Conservation Management-Conditional Use with Special Residential Parking Overlay District and Special Highway Overlay District-1 (CM-CU w/ SRPOD & SHOD-1)

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

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

The **Planning Commission** voted 8-0 to refer the item to the City Council without a recommendation. The applicant has submitted revised conditions to increase the width, increase required vegetation, and add a berm for the protective yard on the site's eastern boundary.

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# 12079

CASE INFORMATION: Z-49-20 3624 TRYON ROAD

Location	Tryon Road, on its north side, 900 feet east of its intersection with Gorman Street Address: 3624 Tryon Road PINs: 0782975817 iMaps , Google Maps , Directions from City Hall
Current Zoning	R-10-CU w/ SRPOD & SHOD-1 and CM-CU w/ SRPOD & SHOD-1
Requested Zoning	IX-3-PL-CU w/ SRPOD & SHOD-1 and CM-CU w/ SRPOD & SHOD-1
Area of Request	6.17 acres
Corporate Limits	The site is within Raleigh's extra-territorial jurisdiction (ETJ) but outside its corporate limits. Rezoning may take place without annexation. An annexation petition will be required before utility connection permits may be issued.
Property Owner	NDH LLC 120 Rolling Acres Road Youngsville, NC 27596
Applicant	Isabel Worthy Mattox 127 W. Hargett Street, Suite 500 Raleigh, NC 27601
Council District	D
PC Recommendation Deadline	March 8, 2021

SUMMARY OF PROPOSED CONDITIONS

1. Limits access to Tryon Road to one access point.
2. Prohibits structures in the portion of the site zoned CM.
3. Prohibits parking in the portion of the site zoned CM.
4. Limits allowed uses.
5. Limits development on the site to 10 dwelling units per acre or 54,000 square feet of non-residential uses.
6. Requires a 40-foot landscape yard on the east side of the site.
7. Prohibits drive-thru uses.
8. Limits commercial hours of operation to 7:00 AM to 8:00 PM
9. Limits height of buildings to 45 feet.
10. Prohibits wood processing activities other than maintenance of site landscaping.

COMPREHENSIVE PLAN GUIDANCE

Future Land Use	Community Mixed Use
Urban Form	Mixed Use Center, Urban Thoroughfare
Consistent Policies	Policy LU 1.3—Conditional Use District Consistency Policy LU 2.2—Compact Development Policy LU 4.10—Development at Freeway Interchanges Policy LU 7.1—Encouraging Nodal Development Policy LU 8.11—Development of Vacant Sites Policy LU 10.6—Retail Nodes
Inconsistent Policies	Policy LU 1.2—Future Land Use Map and Zoning Consistency Policy LU 5.4—Density Transitions Policy LU 5.5—Transitional and Buffer Zone Districts Policy LU 5.6—Buffering Requirements Policy LU 8.10—Infill Development Policy EP 8.4 — Noise and Light Impacts Policy UD 1.10—Frontage Policy UD 3.8—Screening of Unsightly Uses Policy UD 7.3—Design Guidelines

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
9/23/2020 (20 attendees)	11/30/2020 (20 attendees)	12/8/2020 (consent); 1/28/2020 (COW); 2/9/2021	

PLANNING COMMISSION RECOMMENDATION

The rezoning case is designated as **Community Mixed Use** on the Future Land Use Map. It is **Consistent** with some relevant policies and **Inconsistent** with others in the Comprehensive Plan. The Planning Commission referred the rezoning to the City Council **without a recommendation**:

Reasonableness and Public Interest	No finding.
Change(s) in Circumstances	No finding.
Amendments to the Comprehensive Plan	If approved, the Future Land Use Map will be amended as to the subject parcel only from Community Mixed Use to Business and Commercial Services.
Recommendation	Refer to the City Council with no recommendation. The request received a recommendation for approval at the January 28 Committee of the Whole. There was a different number of commission members at the February 9 Planning Commission meeting. A motion to recommend approval failed in a tie vote. A subsequent motion was made to refer to the City Council without recommendation.
Motion and Vote	Motion: O'Haver Second: Miller In Favor: Bennett, Fox, Hicks, Lampman, McIntosh, Miller, O'Haver, and Winters

ATTACHMENTS

1. Staff report
2. Rezoning Application
3. Original conditions
4. Comprehensive Plan Amendment Analysis

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: 2/9/2021

Staff Coordinator: John Anagnost: (919) 996-2638; John.Anagnost@raleighnc.gov



ZONING STAFF REPORT – CASE Z-49-20

Conditional Use District

OVERVIEW

The area to be rezoned by Z-49-20 is a single parcel with total area of 6.17 acres. The proposed rezoning would apply the Industrial Mixed Use zoning district with a three-story height limit, Parking Limited frontage, and conditions (IX-3-PL-CU) to the majority of the parcel which is currently zoned Residential-10-Conditional Use (R-10-CU). Both the existing and proposed zoning in this 5.21-acre portion of the site include the Special Residential Parking Overlay District (SRPOD) and the Special Highway Overlay District-1 (SHOD-1).

Approximately 0.96 acres of the parcel is zoned Conservation Management-Conditional Use with the Special Residential Parking Overlay District and the Special Highway Overlay District (CM-CU w/ SRPOD and SHOD-1). The request would retain this base designation but replace the zoning conditions with a wholly different set of conditions.

The parcel is located on the north side of Tryon Road about 870 feet east of its intersection with Gorman Street. Trailwood Road meets Tryon Road 1,000 feet to the east. The northern boundary of the property abuts the right-of-way of I-40. The southern boundary provides the only street frontage. The shape of the parcel is irregular and significantly longer in a north-south direction than it is wide. At its longest, along the eastern boundary, the parcel is almost 1,300 feet long. The narrowest portion in the east-west direction is 120 feet wide. The parcel is generally narrower near Tryon Road and wider as it extends north toward I-40.

The topography of the rezoning area is very flat for the first 700 feet from Tryon Road. Slope in this area is 1-2%, running upward from south to north and forming a peak in the center of the site. The northernmost part of the site falls more steeply as it approaches I-440 and forms a depression just south of the eastbound on-ramp from Gorman Street to I-40. Most of the parcel is devoid of trees with the exception of the CM-zoned area in the northeast corner and an area along the north end of the western boundary.

The front end of the site appears to be mostly occupied by compacted dirt driveways which have been used in recent years by a tree cutting company. This company did not have a zoning permit, and Tree Service is not a permitted use in the existing zoning. The company ceased operations after neighboring residents reported it to the City's Zoning Enforcement division. The applicant has indicated that the purpose of the rezoning request is to legally re-establish this use.

The Lake Johnson Park property is located 3,300 feet to the northeast of the site in the northwest quadrant of the interchange of I-40 and Gorman Street. The Centennial Campus of North Carolina State University begins 970 feet east northeast on the north side of I-40. The northern half of the site drains toward Walnut Creek largely through open-air streams that run northward roughly parallel with Gorman Street. The southern half of the rezoning site drains to Swift Creek, which eventually reaches Lake Benson. Lake Benson is a secondary water supply lake for the City of Raleigh.

Due to the use of Lake Benson for drinking water supply, Swift Creek is protected by a state-monitored watershed protection plan. The watershed protection plan is managed by municipalities with jurisdiction in the Swift Creek watershed. The City of Raleigh has applied the Swift Creek Watershed Protection Overlay District (SWPOD) on the south side of Tryon Road in the vicinity of the rezoning site. While a portion of the rezoning site is in the drainage area of Swift Creek, it is not within the zoning overlay and does not have zoning controls for impervious cover and forestation related to watershed protection. Other stormwater regulations related to the watershed protection plan or state law may apply to a development plan.

Development in the area around the zoning site is mixed but primarily residential. Townhouse and apartment communities are located directly to the east. A Self-Service Storage facility is present on its west side. Beyond that are detached houses on large lots. On the south side of Tryon Road is the Watts Chapel Baptist Church. The intersection of Gorman Street and Tryon Road features a gas station, a townhouse neighborhood, a wholesale distribution use, and an undeveloped lot on its corners.

The zoning of the surrounding area is similarly mixed and roughly aligns with the existing uses. Residential-10 zoning is present to the east. The Self-Service Storage use to the west is zoned Industrial Mixed Use. The area around the intersection of Tryon Road and Gorman Street has a mix of zoning with neighborhood mixed use present on the east side. The SRPOD and SHOD-1 overlays are mapped from Tryon Road to the north in this area. On the south side of Tryon Road, the zoning is Residential-1 and Residential-4 with the SWPOD.

The Future Land Use Map indicates that the north side of Tryon Road around Gorman Street may transition to a mixed-use node in the future. The designation in this area is mostly Community Mixed Use. Some Private Open Space is designated at the north end of the rezoning site and multiple parcels nearby. This category reflects the CM zoning that was applied by the City in 1975 as a means to protect water quality in Lake Johnson.

The Urban Form map also shows potential for a future mixed-use node at Tryon Road and Gorman Street. A Mixed Use Center is mapped on the parcels surrounding the intersection. Tryon Street to the west and Gorman Street to the north are designated as Transit Emphasis corridors. The other two legs of the intersection are indicated on the Urban Form Map as Urban Thoroughfares.

The zoning request is to apply the IX-3-PL-CU district to the portion of the subject parcel currently zoned R-10-CU and retain the CM-CU base district as well as the SRPOD and SHOD-1 overlay districts on the site. The existing conditions, which are oriented toward residential development, would be replaced for the IX-3-PL-CU and CM-CU areas of the site.

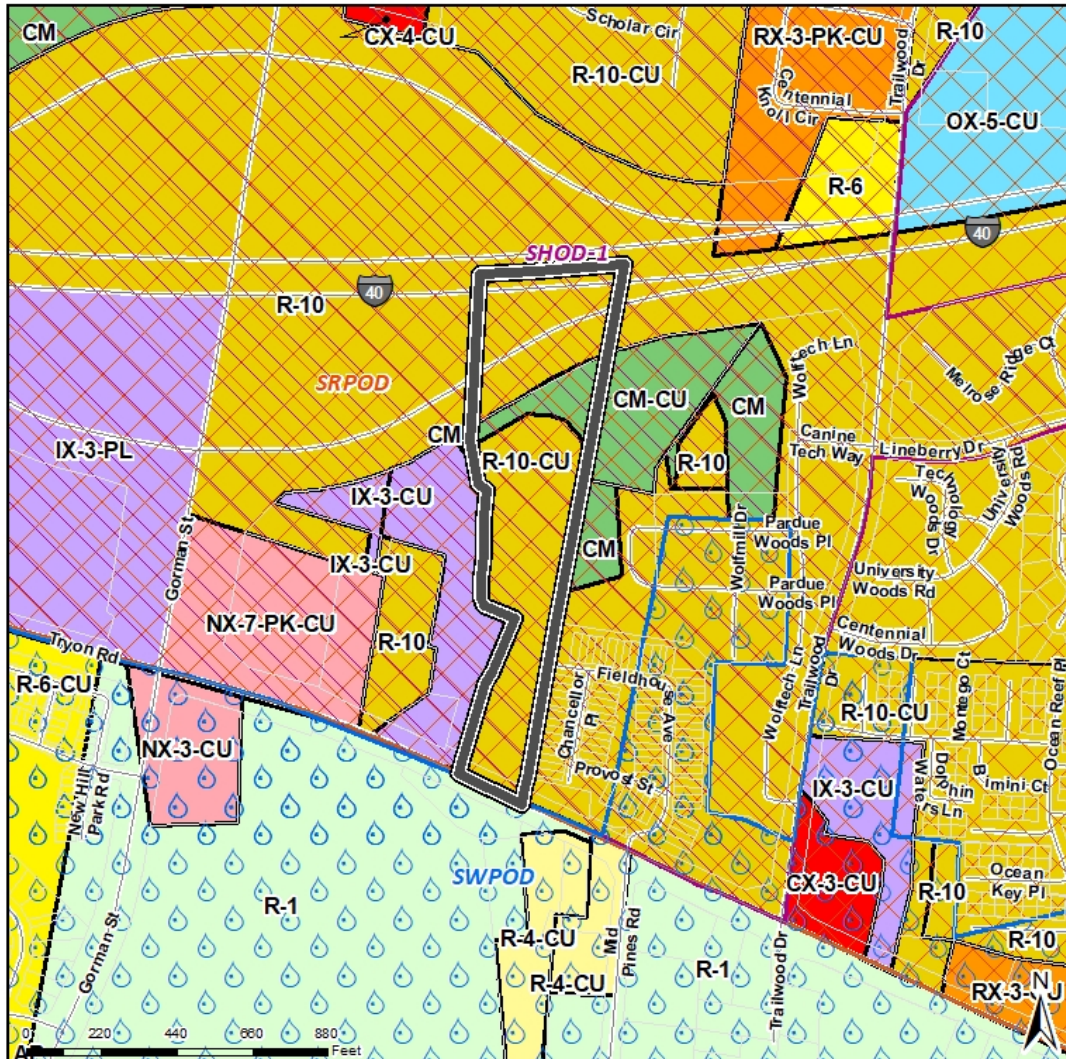
The proposed zoning conditions limit allowed uses, limit total development, limit hours of operation, require a landscaped yard along the eastern property boundary, restrict use of the CM area, prohibit wood processing uses, and limit the site to a single access point from Tryon Road. Significantly more intense uses would be allowed under the proposed zoning compared to the existing zoning, though some uses are prohibited by zoning condition. Notable uses which would be allowed are Contractor Storage Yard and Tree Service. Potential development of commercial or office uses would be enabled by the request.

OUTSTANDING ISSUES

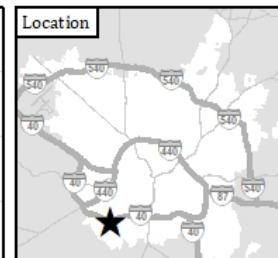
Outstanding Issues		Suggested Mitigation	
	1. A zoning condition may restrict options for traffic management.		1. The condition should be removed.

Existing Zoning

Z-49-2020



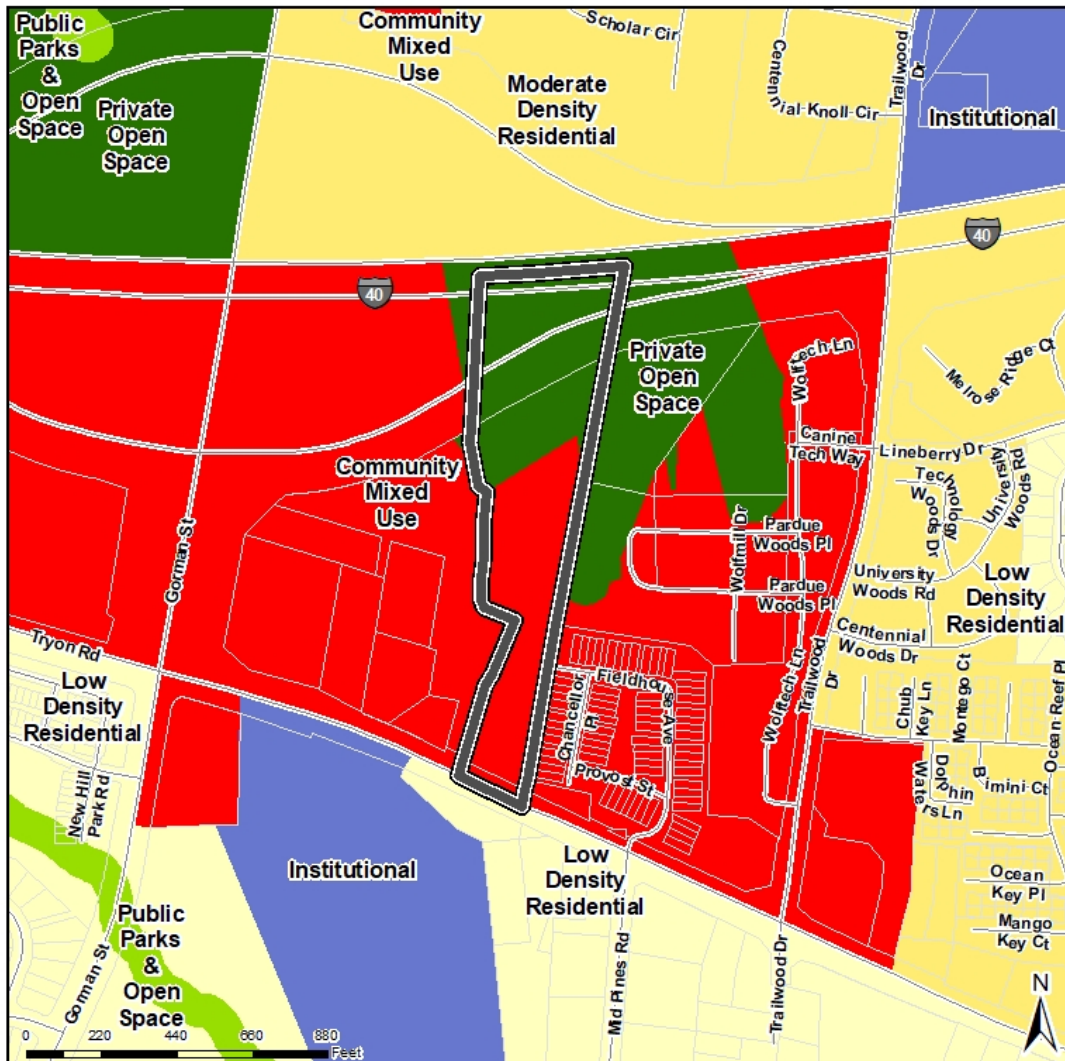
Property	3624 Tryon Rd
Size	6.17 acres
Existing Zoning	R-10-CU & CM w/SHOD-1 & SRPOD
Requested Zoning	IX-3-PL-CU & CM w/SHOD-1 & SRPOD



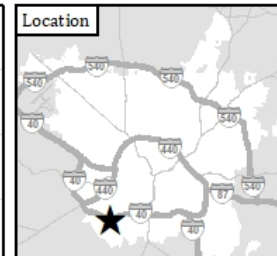
Map by Raleigh Department of City Planning (mansaf): 10/13/2020

Future Land Use

Z-49-2020



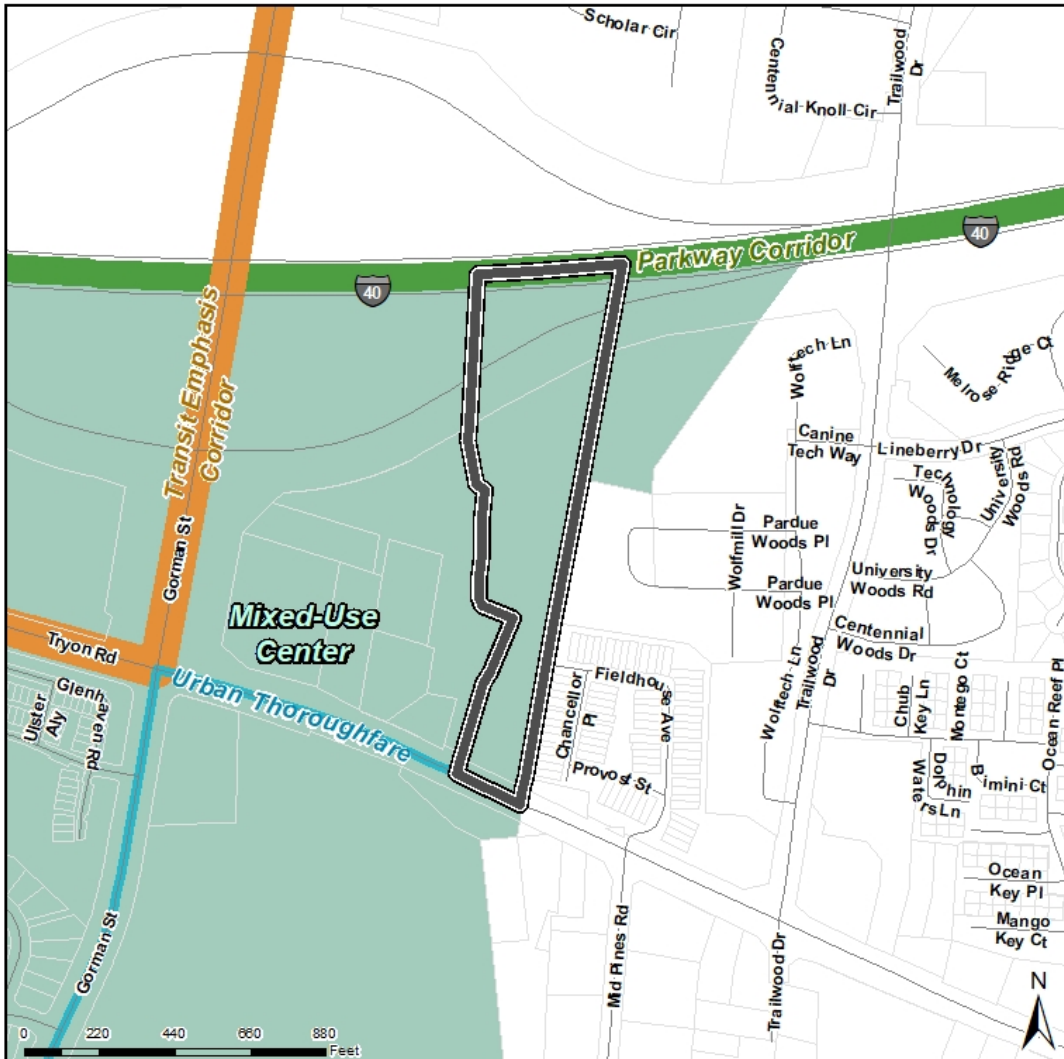
Property	3624 Tryon Rd
Size	6.17 acres
Existing Zoning	R-10-CU & CM w/SHOD-1 & SRPOD
Requested Zoning	IX-3-PL-CU & CM w/SHOD-1 & SRPOD



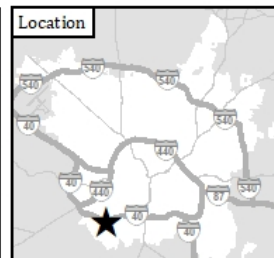
Map by Raleigh Department of City Planning (mansal@): 10/13/2020

Urban Form

Z-49-2020



Property	3624 Tryon Rd
Size	6.17 acres
Existing Zoning	R-10-CU & CM w/SHOD-1 & SRPOD
Requested Zoning	IX-3-PL-CU & CM w/SHOD-1 & SRPOD



Map by Raleigh Department of City Planning (mansaf): 10/13/2020

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?

No, the request is inconsistent with the Managing Our Growth Vision Theme because it would allow light industrial uses adjacent to residential development. This potential is contradictory to the Vision Theme's call for "desirable spaces and places to live" due to the possibility that new uses will produce impacts that may be harmful to the healthy enjoyment of private residences.

The proposed zoning is also not supported by the Coordinating Land Use and Transportation Vision Theme. The rezoning site is in a Mixed Use Center adjacent to an Urban Thoroughfare. These designations suggest that the surrounding area is intended to have an integrated mix of uses with sufficient density to support walkability, transit service, and a variety of housing types.

The requested IX zoning district is not as supportive of housing as other mixed-use districts. The restrictions on overall development imposed by the offered zoning conditions reduce the likelihood of development with a mix of uses or density that support transit or walkability. Policies related to Coordinating Land Use and Transportation are aligned with the requested Parking Limited frontage. However, the frontage is less meaningful in light of the allowed uses and limited development potential.

Overall, the request is inconsistent with the 2030 Comprehensive Plan because it may be detrimental to abutting residential development and doesn't support the desired urban character of the area. Consistency could be improved by requesting a lower intensity zoning district like Commercial Mixed Use or Neighborhood Mixed Use that would allow land uses more in keeping with the Community Mixed Use designation as well as a wider variety of housing options.

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

No, the rezoning site is mapped with the Future Land Use designations of Community Mixed Use and Private Open Space. The area of the site proposed to be zoned IX corresponds with the Community Mixed Use designation. The Community Mixed Use designation supports a range of uses including retail, offices, and residential. It does not envision light industrial uses such as those enabled by the proposed zoning. While many commercial and industrial uses are prohibited by an offered zoning condition, some light industrial uses would be permitted. Particularly, the rezoning request would allow Contractor Storage Yard and Tree Service. The prohibition of ground floor residential uses in the IX zoning also may be detrimental to mixed use development recommended by the Future Land Use designation.

The area designated for Private Open Space is similar in extent but slightly larger than the portion which is proposed to be zoned CM. The request is mostly consistent with the Private Open Space category because the CM zoning requires a portion of this zoning district to be used for tree conservation and substantially restricts development. The requested SHOD-1 overlay will also require tree conservation along I-40, which is supportive of the Private Open Space guidance.

Overall, the proposed zoning is inconsistent with the Future Land Use Map because of the disparity in uses and development style between the proposed IX zoning and the Community Mixed Use designation that occupies the majority of the site. The request would be more consistent with the Future Land Use Map if a different zoning district, such as Neighborhood Mixed Use, were requested.

- 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?

No, the presence of residential development immediately adjacent to the rezoning site makes it poorly suited to light industrial uses that would be allowed by the proposed zoning. While the existing character of the area is mixed, the requested IX district would contrast with the largely residential character of the area to the east of the site. The rezoning proposal also does not support the future vision of land use and urban form to the west of the site, as described by the Future Land Use Map designation. New development near the intersection of Tryon Road and Gorman Street is intended to transition to a more walkable, mixed use area with destinations and services that will serve nearby residents. The light industrial uses allowed by the proposal tend to be more regional in their service area and not oriented toward pedestrian patronage.

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

Yes, the site is served by existing City streets. Parks level of service is good. Utilities are available at the site. Connection to Raleigh water and sewer will require a petition for annexation during the subdivision or site review process.

Future Land Use

Future Land Use designation: Community Mixed Use and Private Open Space

The rezoning request is

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

☒ **Inconsistent**

The rezoning request is mostly consistent with the Private Open Space designation of the Future Land Use Map because it proposes the Conservation Management

(CM) zoning in roughly the same area as the Private Open Space designation. The CM zoning supports conservation of open space and minimal development called for by Private Open Space. The requested IX zoning, which would be applied in the area mapped with the Community Mixed Use designation, would allow more intense commercial and light industrial uses than are suggested by the designation. IX zoning also restricts housing development in a way that may not be supportive of the mixed use development pattern espoused by Community Mixed Use.

Urban Form

Urban Form designation: Mixed Use Center, Urban Thoroughfare, Parkway Corridor

The rezoning request is

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

☐ **Inconsistent**

☐ **Other**

Mixed Use Center and Urban Thoroughfare: The Mixed Use Center and Urban Thoroughfare designations on the site indicate that the rezoning property along with the area around the intersection of Tryon Road and Gorman Street should evolve over time to be more pedestrian-friendly. New development should improve the level of comfort for people travelling on foot. The requested Parking Limited frontage helps this transition by limiting the amount of parking that may be placed between a building and the street. Regulating parking in this way creates a better balance between pedestrian access and vehicular access than development patterns that place a large parking field near the street. The request is consistent with these two Urban Form designations.

Parkway Corridor: The Parkway Corridor designation recommends a vegetated area be established along the roadway to create a less urban visual appearance. The Parkway Corridor is mapped on I-40 in the area around the site. The zoning proposal is for a CM-CU district in the area along I-40. The CM district requires significant tree conservation and places strong restrictions on development. Specifically, the only building type allowed in CM is Open Lot. In addition to the requested CM-CU district, the request retains the existing SHOD-1 overlay district. The SHOD-1 will require a tree conservation area or planted landscape yard along the site's boundary with I-40. The CM-CU and SHOD-1 elements of the zoning request will provide a vegetated view from I-40 as called for by the Parkway Corridor.

Compatibility

The proposed rezoning is

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

☒ **Incompatible.**

The requested zoning would allow heavy commercial and light industrial uses that are not compatible with adjacent residential development. Allowed uses in the proposed district would have the potential to create noise, light, dust, or fumes that would be detrimental to the quality of life of nearby residents.

Public Benefits of the Proposed Rezoning

- The request may create additional opportunities for employment or outlets for goods and services.

Detriments of the Proposed Rezoning

- The request would allow uses which may create nuisance effects such as noise, dust, and light for nearby residents.

Policy Guidance

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

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 offered zoning conditions will provide buffering with property to the east, prohibit certain uses, restrict hours of operation for businesses, and limit development on the northern portion of the site. These features of the request support Comprehensive Plan policies calling for compatibility between adjacent uses, buffering between higher- and lower-intensity uses, and protection of natural features. The zoning conditions are consistent with the policies of the Comprehensive Plan.

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 request would allow non-residential development in an area where outlets for goods and services are not prevalent. The potential for development of retail or office uses may provide nearby residents with destinations for goods and services that require less reliance on private vehicles and reduce demand for development of greenfield sites farther from residential areas.

Policy LU 4.10—Development at Freeway Interchanges

Development near freeway interchanges should cluster to create a node or nodes located at a nearby intersection of two streets, preferably classified two-lane avenue or higher, and

preferably including a vertical and/or horizontal mix of uses. Development should be encouraged to build either frontage or access roads behind businesses to provide visibility to the business from the major street while limiting driveway connections to the major street.

Policy LU 7.1—Encouraging Nodal Development

Discourage auto-oriented commercial “strip” development and instead encourage pedestrian oriented “nodes” of commercial development at key locations along major corridors. Zoning and design standards should ensure that the height, mass, and scale of development within nodes respects the integrity and character of surrounding residential areas and does not unreasonably impact them.

Policy LU 10.6—Retail Nodes

Retail uses should concentrate in mixed-use centers rather than spreading along major streets in a linear “strip” pattern unless ancillary to office or high-density residential use.

The rezoning site is near the interchange of Gorman Street and I-40. The intersection of Tryon Road and Gorman Street serves as the commercial node near this interchange. The ability to develop non-residential uses on the rezoning property improves the mixed-use character of the node and is in keeping with the recommendation of this policy.

Policy 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 subject parcel is unusually shaped and is very narrow at its southern end. The geometry of the site reduces the options for development, particularly for commercial development where visibility from the street and multiple points of access may be desirable. The non-residential uses enabled by the request may increase the likelihood of development of the site.

Policy 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.

Policy UD 7.3—Design Guidelines

The Design Guidelines in Table UD-1 shall be used to review rezoning petitions and development applications for mixed-use developments; or rezoning petitions and development applications along Main Street and Transit Emphasis Corridors or in City Growth, TOD and Mixed-Use Centers, including preliminary site plans and development plans, petitions for the application of Downtown Overlay Districts, Planned Development Districts, and Conditional Use zoning petitions.

The requested zoning includes the Parking Limited frontage. In the Parking Limited frontage, a principal building must be located within 100 feet of the street, and parking in front of the building is restricted. The urban form created by the frontage

requirements is supportive of the walkability and building placement goals of the Urban Form map and the Urban Design Guidelines, particularly Design Guideline #7. This guideline indicates that some parking between the building and the street may be desirable in high-volume corridors without street parking. Tryon Road fits this description. Additionally, the Parking Limited frontage is mapped on the northwest corner of Tryon Road and Gorman Street. The rezoning request would help improve consistency of urban form over time in the larger area.

Policy UD 3.8—Screening of Unsightly Uses

The visibility of trash storage, loading, and truck parking areas from the street, sidewalk, building entrances and corridors should be minimized. These services should not be located adjacent to residential units and useable open space.

The proposal includes a zoning condition to require a 35-foot wide landscape yard and a 6.5-foot tall fence along the east side of the site. These measures would provide effective visual screening for outdoor storage and truck parking areas which may be part of a Tree Service use on the site.

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

Policy LU 1.2 – Future Land Use Map and Zoning Consistency

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

The request is inconsistent with the Community Mixed Use designation that applies to the majority of the site. The requested IX zoning, though further restricted by zoning conditions for allowed uses, would allow light industrial uses that are not envisioned in this Future Land Use category. The request is consistent with the Private Open Space designation that is mapped on about one acre at the north end of the site. This area is requested to be zoned CM, which will preserve open space as suggested by the Future Land Use policy. The request would be more consistent with the Future Land Use Map if conditions were modified to prohibit more intense uses or a lower intensity base district was requested.

Policy LU 5.4—Density Transitions

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

Policy LU 5.5—Transitional and Buffer Zone Districts

Maintain and enhance zoning districts which serve as transitional or buffer areas between residential and commercial districts and which also may contain institutional, non-profit, and office-type uses. Zoning regulations and conditions for these areas should ensure that

development achieves appropriate height and density transitions, and protects neighborhood character.

The rezoning site is located between an area developed with residential uses and an area which has existing non-residential uses and is designated for mixed-use development in the future. The proposed IX district does not provide the transition in intensity of land uses that these policies call for. Allowed uses in IX represent a significant increase in intensity from the adjacent zoning and development pattern. Consistency with these policies would be improved by requesting a lower-intensity district such as Office Mixed Use or Neighborhood Mixed Use.

Policy LU 5.2 Managing Commercial Development Impacts

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.

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 potential use of the rezoning property for Contractor Storage Yard or Tree Service is likely to create noise, fumes, or dust impacts for adjacent residents. The zoning conditions included with the rezoning request provide a 40-foot wide landscape yard with a 6.5-foot tall fence along the eastern property boundary. This requirement improves consistency with this policy, but the buffer area may be insufficient to mitigate the impacts created.

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 rezoning site is currently a gap in a mostly developed area along Tryon Road. It is also a location that is a transition area between residential development to the east and a more industrial character to the west. The ability to establish light industrial uses under the requested zoning would create a sharp contrast with the existing character to the east. While many of the proposed uses would be aligned with the existing and proposed character to the west, Contractor Storage Yard and Tree Service may detract from the character of this area envisioned by the Future Land Use and Urban Form maps. Prohibiting light industrial uses would make the proposal more consistent with this policy.

Policy EP 8.4 — Noise and Light Impacts

Mitigate potential noise and light pollution impacts from new development on adjoining residential properties.

The light industrial uses permitted in the requested zoning may produce noise and light impacts on abutting neighborhoods. Some of these impacts may be mitigated by an offered landscape yard and restrictions on hours of operations for businesses. Even so, the types of uses allowed in the requested zoning may have light and noise impacts that are not adequately mitigated by the zoning conditions.

Area Plan Policy Guidance

A portion of the rezoning area drains to Swift Creek. However, the site is not part of the inter-jurisdictional Swift Creek Management Plan or the City's adopted Swift Creek Area Plan. There is no area plan guidance for the site.

HOUSING AFFORDABILITY & ENERGY EFFICIENCY ANALYSIS

Carbon Footprint: Transportation

	City Average	Site	Notes
Transit Score	30	31	The transit score is similar to the citywide average.
Walk Score	30	10	The walk score is substantially lower than the citywide average.

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 rezoning site is located on a major thoroughfare with few shopping or employment destinations within walking distance. Accessing nearby destinations requires walking along and crossing a four-lane road with high vehicle speeds. Sidewalks are consistently present on the north side of Tryon Road but inconsistent on the south side. Transit service is available via the GoRaleigh Route 11 Avent Ferry, which has a stop 1,000 feet east at the intersection of Tryon Road and Trailwood Drive.

Carbon/Energy Footprint: Housing

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

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

Summary: The requested IX zoning district does not allow residential uses on the ground floor of a building. The Detached, Attached, Townhouse, and Apartment building types are

not allowed in the IX district. Larger apartment developments may be placed in Mixed Use buildings if non-residential uses occupy the ground floor. The requested district is generally not supportive of housing diversity or supply.

Housing Supply and Affordability

Does it add/subtract from the housing supply?	N/A	The request would allow the same number of housing units
Does it include any subsidized units?	No	
Does it permit a variety of housing types beyond detached houses?	No	The request would only support larger apartment developments and is generally not supportive of residential uses.
If not a mixed-use district, does it permit smaller lots than the average?*	N/A	
Is it within walking distance of transit?	Yes	A bus stop for GoRaleigh Route 11 is located 1,000 feet to the east.

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

Summary: The requested zoning district allows a very limited style of residential use and does not increase the number of dwelling units which may be developed on the site. Overall, the request has negligible or negative impact on housing supply and affordability. Transit service would be accessible to residents of the site.

IMPACT ANALYSIS

Historic Resources

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.
2. Nearest existing park access is provided by Mary Belle Pate Park (1.4 miles) and Lake Johnson Park (1.4 miles).
3. Nearest existing greenway trail access is provided by Walnut Creek Greenway Trail (1.4 miles).
4. Current park access level of service in this area is graded a B letter grade.

Impact Identified: None.

Public Utilities

	<i>Maximum Demand (current use)</i>	<i>Maximum Demand (current zoning)</i>	<i>Maximum Demand (proposed zoning)</i>
<i>Water</i>	0	46,875	81,518
<i>Waste Water</i>	0	46,875	81,518

Impact Identified:

1. The proposed rezoning would add approximately 34,643 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.

Stormwater

Floodplain	n/a
Drainage Basin	Walnut Creek and Swift Creek
Stormwater Management	UDO Chapter 9
Overlay District	n/a

Impact Identified: No downstream structural impacts identified.

Transportation

Site Location and Context

Location

The Z-49-2020 site is located in southwest Raleigh on Tryon Road, between Gorman Street and Trailwood Drive. At the rear of the site is an on-ramp to I-40.

Area Plans

The Z-49-2020 site is located near the Avent Ferry Corridor Plan and the Swift Creek Area Plan. It is not within the boundaries of an area plan (Map AP-1 in the Comprehensive Plan).

Other Projects in the Area

North of the site, an improvement to the Walnut Creek Greenway Trail is planned. The project, which will begin construction soon, will upgrade the greenway trail to follow the stream, rather than the sidewalk on Trailwood Drive and Avent Ferry Road. Total length of the project will be less than 1,000 feet.

East of the site, the City of Raleigh is constructing improvements to Tryon Road from Lake Wheeler Road to the Norfolk Southern Railway. This project will result in a consistent four travel lanes on Tryon Road from Garner Road to the Town of Cary.

Existing and Planned Infrastructure

Streets

Tryon Road is designated as a four-lane, divided avenue in Map T-1 of the Comprehensive Plan and is maintained by NCDOT.

In accordance with UDO section 8.3.2, the maximum block perimeter for IX zoning districts is 4,000 feet, and the maximum length for a dead-end street is 500 feet. The block perimeter for this site is roughly 9,000 feet. This block is bisected by I-40, which limits the ability to improve block perimeter in this area. UDO Section 8.3.2.A.1.b.vi.b exempts this site from meeting block perimeter requirements due to the frontage on a controlled access highway.

Pedestrian Facilities

There are existing sidewalks on Tryon Road.

Bicycle Facilities

There are no existing bikeways within ½ mile of the site.

Tryon Road and Trailwood Drive are designated for bicycle lanes in the Long-Term Bike Plan (Map T-3 of the Comprehensive Plan). Gorman Street through the interchange with I-40 is designated for a separated bikeway.

Transit

GoRaleigh route 11 stops near Trailwood Drive approximately 950 feet east of the site. This service operated every 30 minutes during peak times and hourly at other times.

Access

Access to the subject site is Tryon Road.

Condition #1 ("Access to Tryon Road shall be limited to a maximum of one access point.") is duplicative of code requirements and may limit the potential use of access management strategies involving shared access points with both neighboring properties. Transportation staff recommend removing this condition.

TIA Determination

Based on the Envision results, approval of case Z-49-20 would increase the amount of projected vehicular peak hour trips for the site as indicated in the table below. The proposed rezoning from R-10-CU & CM w/SHOD-1 & SRPOD to IX-3-PL-CU & CM w/SHOD-1 & SRPOD is projected to have 15 new trips in the AM peak hour and 12 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.

Z-49-20 Existing Land Use	Daily	AM	PM
Vacant	0	0	0
Z-49-20 Current Zoning Entitlements	Daily	AM	PM
Residential	447	28	34
Z-49-20 Proposed Zoning Maximums	Daily	AM	PM
Industrial Mixed Use	447	43	46
Z-49-20 Trip Volume Change (Proposed Maximums minus Current Entitlements)	Daily	AM	PM
	0	15	12

Impact Identified: A zoning condition may be duplicative of the UDO and reduce options for traffic management solutions.

Urban Forestry

No impacts identified.

Impact Identified: None.

Impacts Summary

The rezoning proposal would have minimal impacts on infrastructure in comparison to the existing zoning.

Mitigation of Impacts

No mitigation is recommended other than infrastructure improvements required by the UDO as part of development plan approval.

CONCLUSION

The rezoning request is for 6.17 acres on the north side of Tryon Road, east of Gorman Street. The existing zoning is CM-CU and R-10-CU with the SRPOD and SHOD-1 overlays mapped on the entire site. The proposal would modify the zoning conditions of the CM-CU area and replace the R-10-CU zoning with IX-3-PL-CU while retaining the overlays. The Future Land Use Map designates the much of the site and the surrounding area for Community Mixed Use with some Private Open Space along I-40.

The site is at the eastern edge of a Mixed Use Center centered on the intersection of Tryon Road and Gorman Street. The site is fronted by an Urban Thoroughfares designation on Tryon Road and a Parkway Corridor designation on I-40. Development in the area is mixed but generally residential to the east of the rezoning property

The request would allow the same amount of residential development as the existing zoning, though in substantially restricted development types due to the IX district's prohibition of ground floor residential units. The amount of non-residential development would increase from none to 54,000 square feet, which can be mostly light industrial with some office and/or retail components. The impact of the rezoning would be to allow non-residential uses adjacent to existing neighborhoods, including light industrial uses that could produce undesirable noise, dust, or fumes for nearby residents.

The potential impacts are mitigated by offered zoning conditions which require buffering and some use restrictions. The request is inconsistent with the Future Land Use Map due to the enabled light industrial uses. The Urban Form Map supports the request due to the application of the Parking Limited frontage. Comprehensive Plan policies related to mixed use nodes and urban design are supportive of the proposal. The potential for light industrial uses makes the request inconsistent with policies related to use compatibility and buffering. Overall, the rezoning is inconsistent with the 2030 Comprehensive Plan.

CASE TIMELINE

Date	Action	Notes
9/23/2020	First neighborhood meeting	
10/8/2020	Application submitted	TIA required
11/18/2020	Application complete	Conditions revised to remove TIA requirement
11/30/2020	Second neighborhood meeting	
12/8/2020	Placed on Planning Commission agenda and not discussed	

1/28/2020	Discussed at Committee of the Whole	
2/9/2021	Reported out of Committee of the Whole	

APPENDIX

SURROUNDING AREA LAND USE/ ZONING SUMMARY

SUBJECT PROPERTY		NORTH	SOUTH	EAST	WEST
Existing Zoning	R-10-CU, CM-CU	R-10	R-4-CU, R-1	R-10, CM, CM-CU	IX-3-CU, NX-3-PK-CU, R-10
Additional Overlay	SRPOD, SHOD-1	SRPOD, SHOD-1	SWPOD	SRPOD, SHOD-1	SRPOD, SHOD-1
Future Land Use	Community Mixed Use, Private Open Space	Moderate Density Residential	Low Density Residential, Institutional	Community Mixed Use, Private Open Space	Community Mixed Use
Current Land Use	Open Space	Moderate Density Residential	Church, Rural Residential	Moderate Density Residential	Self-Service Storage, Low Density Residential
Urban Form	Mixed Use Center, Urban Thoroughfare	Parkway Corridor	Mixed Use Center, Urban Thoroughfare	Mixed Use Center	Mixed Use Center, Urban Thoroughfare

CURRENT VS. PROPOSED ZONING SUMMARY

	EXISTING ZONING	PROPOSED ZONING
Zoning	R-10-CU w/ SRPOD & SHOD-1, CM-CU w/ SRPOD & SHOD-1	IX-3-PL-CU w/ SRPOD & SHOD-1, CM-CU w/ SRPOD & SHOD-1
Total Acreage	6.17	6.17
Setbacks:		
Front	10'	5'
Side	5'	0' or 6'
Rear	20'	0' or 6'
Residential Density:	9.89	9.89
Max. # of Residential Units	61	61**
Max. Gross Building SF	N/A	54,000
Max. Gross Office SF	Not permitted	10,000
Max. Gross Retail SF	Not permitted	4,000
Max. Gross Industrial SF	Not permitted	40,000
Potential F.A.R	N/A	54,000

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

**Assumes Mixed Use building type with amenities on ground floor.



COMPREHENSIVE PLAN AMENDMENT ANALYSIS – CASE Z-49-20

OVERVIEW

The portion of the site designated for Community Mixed Use on the Future Land Use Map will be re-designated as Business & Commercial Services.

LIST OF AMENDMENTS

1. Amend the Future Land Use Map from Community Mixed Use to Business & Commercial Services.

IMPACT ANALYSIS

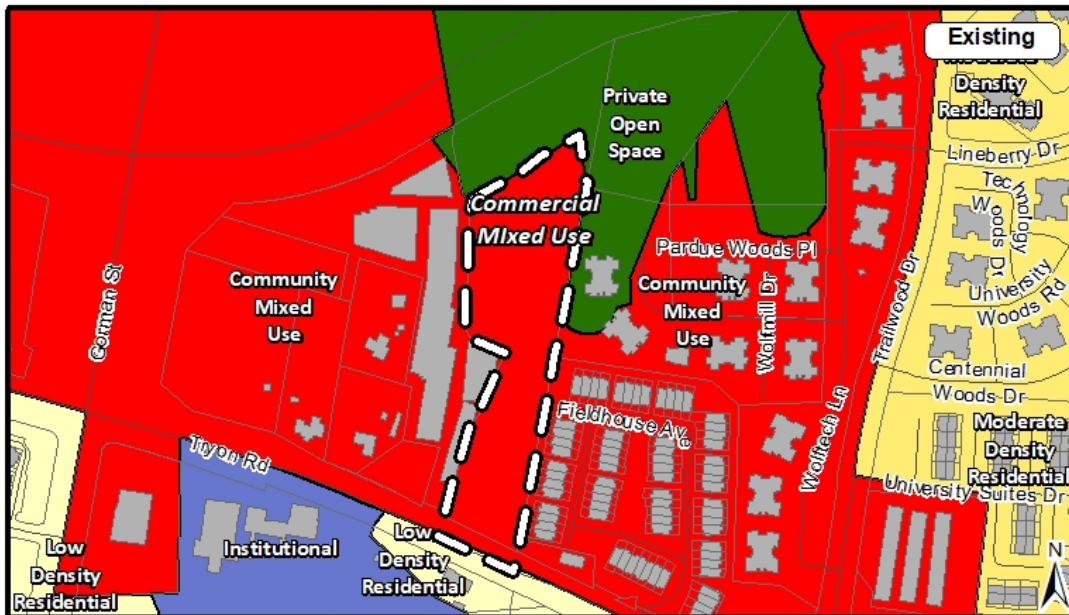
The Future Land Use Map amendment caused by approval of this request may lead to future rezoning proposals for more intense light industrial or heavy commercial uses. Uses newly supported by the amended Future Land Use designation may produce nuisance impacts on adjacent residential uses to the east.

AMENDED MAPS

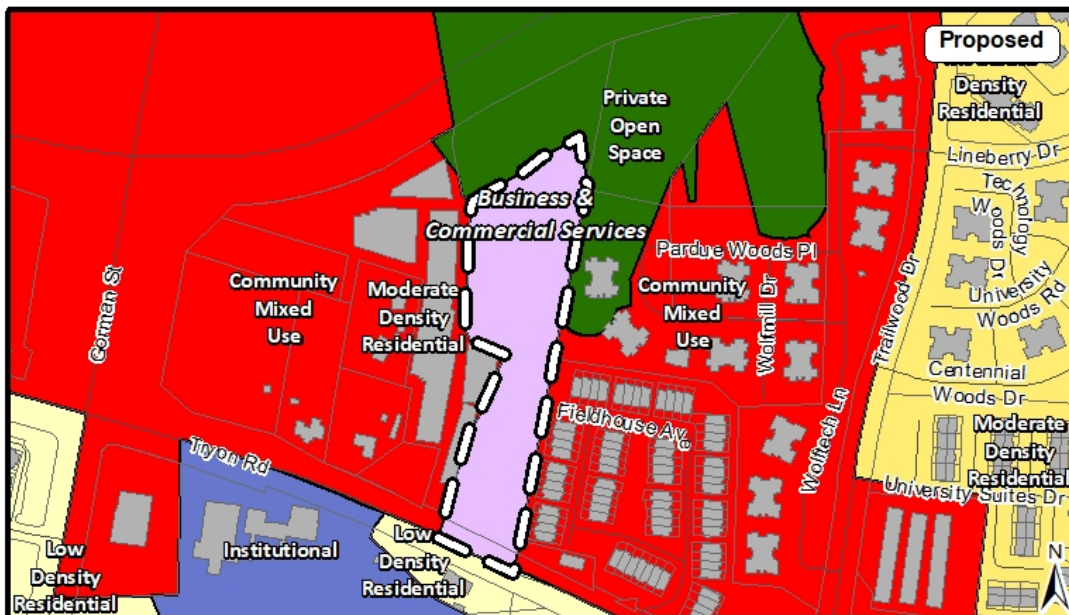
See following page.

Z-49-2020: Required Amendment to the Future Land Use Map

Existing Designation: Community Mixed Use



Proposed Designation: Business and Commercial Services



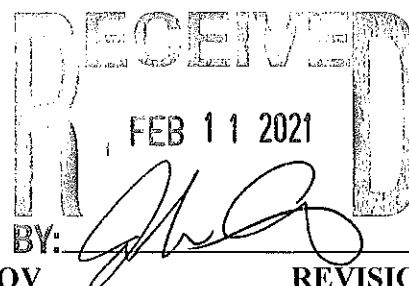
Rezoning Application



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 CM and R-10 Height Frontage Overlay(s) SHOD-1 & SRPOD Proposed Zoning Base District CM and IX Height 3 Frontage PL Overlay(s) SHOD-1 & SRPOD <small>Click here to view the Zoning Map. Search for the address to be rezoned, then turn on the 'Zoning' and 'Overlay' layers.</small>			OFFICE USE ONLY Rezoning Case #
If the property has been previously rezoned, provide the rezoning case number:			
GENERAL INFORMATION			
Date October 5, 2020		Date Amended (1) November 18, 2020 Date Amended (2) January 12, 2021	
Property Address 3624 Tryon Road			
Property PIN 0782975817		Deed Reference (book/page) Book 8584, Page 1246	
Nearest Intersection Tryon Road and Gorman Street			
Property Size (acres) 6.17 acres	For Planned Development Applications Only:	Total Units N/A	Total Square Footage N/A
		Total Parcels N/A	Total Buildings N/A
Property Owner Name/Address NDH LLC 120 Rolling Acres Road Youngsville, NC 27596-8976		Phone	Fax
		Email	
Applicant Name/Address NDH LLC c/o Isabel Worthy Mattox, Attorney 127 W. Hargett Street, Suite 500 Raleigh, North Carolina 27601		Phone 919-828-7171	Fax
		Email Isabel@mattoxlawfirm.com	
Applicant* Signature(s) NDH, LLC, a North Carolina limited liability company		Email	

By: *Judy Coley*
Judy Coley, Managing Member



CONDITIONAL USE DISTRICT ZONING CONDITIONS

Zoning Case Number **Z-49-20**

OFFICE USE ONLY

Date Submitted October 5, 2020; Revised November 18, 2020, January 12, 2021 and May 7, 2021

Rezoning Case #

Existing Zoning CM and R-10-CU w/SHOD-1 & SRPOD Proposed Zoning CM and IX-3-PL-CUD w/SHOD-1 and SRPOD

Narrative of Zoning Conditions Offered

1. Access to Tryon Road shall be limited to a maximum of one access point.
2. No structure shall be constructed within the CM-CUD zoned portion of the rezoned Property, save and except for stormwater control structures and accessory structures thereto and utility services and accessory structures thereto, as may be allowed by the UDO.
3. No part of the CM-CUD zoned portion of the rezoned Property shall be used for parking.
4. Only the following uses shall be permitted:
 - (a) Household Living
 - (b) Group Living, except dormitory, fraternity or sorority.
 - (c) Civic, except college, community college, university and schools, public or private.
 - (d) Medical.
 - (e) Office.
 - (f) Parking.
 - (g) Personal Service, except animal care (outdoor).
 - (h) Retail sales (excluding vehicle fuel sales).
 - (i) Contractor office and equipment storage and repair.
 - (j) Lawn, tree and garden services.
 - (k) Trailer storage and drop off lot.
 - (l) Vehicle Service.
 - (m) Community garden, plant nursery, produce stand, urban farm.
5. The above permitted uses shall be further limited to either:
 - (a) Residential uses as listed in items 4(a) and 4(b) above with a maximum density of ten (10) units per acre may be developed; OR
 - (b) One or more nonresidential uses as listed in 4(c) through 4(m) above may be developed, subject to the stated maximum building square footages for each type of use as follows:
 - (i) Civic, Office and Medical uses listed in 4(c) through 4(e) above shall not exceed 10,000 square feet gross floor area in the aggregate;
 - (ii) Uses listed in 4(g) and 4(h) above shall not exceed 4,000 square feet gross floor area in the aggregate; and
 - (iii) Uses listed in 4(i) through 4(m) shall not exceed 40,000 square feet gross floor area in the aggregate.
6. An average 50-foot wide Protective Yard shall be installed and maintained along the east property line, as adjacent to residentially zoned properties (properties: PIN 0782975189 BK 15298-500; PIN 0782975281 BK 16634-2222; PIN 0782975283 BK 15264-1104; PIN 0782975295 BK 17145-2075; PIN 0782975299 BK 17559-2239; PIN 0782976301 BK 14898-805; PIN 0782976304 BK 14928-373; PIN 0782976316 BK 16914-1732; PIN 0782976319 BK 17421-1940; PIN 0782976422 BK 17265-2053; PIN 0782976424 BK 14892-2590; PIN 0782976436 BK 18214-2568; and PIN 0782976556 BK 16802-2469). Such buffer shall include (a) 6 evergreen shade trees per 100 lineal feet; (b) 12 evergreen understory trees per 100 lineal feet; (c) 60 evergreen shrubs per 100 lineal feet; (d) a berm measuring an average of 8' tall along its centerline and (e) an 8-foot tall solid wood fence installed at least 12 feet west of the property line. The berm shall be omitted from areas where it would be detrimental to the critical root zone of qualifying existing trees. Existing trees over 3" DBH shall be preserved and supplemented with additional plantings to fulfill buffer requirements. All required plantings shall be located on the subject site but shall be arranged such that at least one-third of the required plantings are on the east side of the fence. This Protective Yard shall not be required in locations where it conflicts with any existing or proposed public rights-of-way, access easements, slope easements, utility easements, or any other easements required by a governmental entity.
7. No business may have drive-through service on the Property.
8. Hours of operation of all businesses on the Property shall be limited to 7:00 a.m. to 8:00 p.m.
9. No buildings on the Property shall exceed forty-five (45) feet in height.
10. No cutting, chipping or stump-grinding shall be permitted on the Property except as needed in connection with clearing for development, landscaping and landscape maintenance of the Property.

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: **NDH, LLC,**
a North Carolina limited liability company

By: 
Judy Coley, Managing Member

REZONING APPLICATION ADDENDUM #1	
<p align="center">Comprehensive Plan Analysis</p>	<p align="center">OFFICE USE ONLY</p> <p align="center">Rezoning Case #</p>
<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>	
<p align="center">STATEMENT OF CONSISTENCY</p>	
<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>The FLUM designates this property for Community Mixed Use. This category contemplates large groceries and medium sized shopping centers but this site, sandwiched between two developed sites, is not large enough to accommodate such retail uses. The proposed use is a commercial/retail use with a Parking Limited frontage which addresses the Urban Form Map. It contemplates no more than three (3) stories of height and will buffer the residential property. So while the exact designated use is not feasible in this location, the proposed development does address several objectives of the CMU designation: Urban Form, commercial/retail use, height limit and buffering adjacent to residential.</p> <p>In addition, the proposed rezoning is consistent with the following Comprehensive Plan policies:</p> <ul style="list-style-type: none"> - LU 5.6 The proposed rezoning imposes a condition requiring a significant vegetative buffer in excess of that required by the UDO adjacent to the lower intensity residential and a spacing requirement between the more intense use and the residential property line. - LU 8.11 The infill subject property has been historically difficult to develop as a result of its elongated shape, adjacencies to both industrial and residential properties and environmental contamination. The proposed rezoning will facilitate mitigation of environmental contamination of the site and a commercial development with an ample buffer adjacent to residential. - EP1.7 The proposed rezoning will facilitate mitigation of a contaminated site under a Brownfields agreement. - EP 2.2 and 2.3 The proposed rezoning will maintain the CM zoning on a portion of the site and an adjoining site, preserving environmentally sensitive areas. - EP 7.3 the proposed rezoning supports a business that will aid in the recycling of downed trees into usable products such as mulch and firewood. - ED 5.1 the proposed rezoning will fulfill a CP action to certify industrial sites as one with water, sewer, roadway access and environmental assessments. 	
<p align="center">PUBLIC BENEFITS</p>	
<p>Provide brief statements explaining how the rezoning request is reasonable and in the public interest.</p>	
<ol style="list-style-type: none"> 1. Facilitates the mitigation of an environmentally contaminated site. 2. Supports an established Raleigh business, offering gardening goods for sale and off-site tree services on a major thoroughfare. 3. Facilitates the development of an infill site that has been difficult to develop. 4. Protects environmentally sensitive areas. 	

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.	
PROPOSED MITIGATION	
Provide brief statements describing actions that will be taken to mitigate all negative impacts listed above.	

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

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>A retail business selling gardening supplies is contemplated.</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>A significant planted buffer adjacent to the parcel to the east will mitigate impacts from the subject property on the residential.</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>Due to the differing uses, cross access between adjacent parcels is not contemplated.</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 contain a primary access drive but, as stated above, cross access between adjacent parcels is not contemplated because of the differing nature of the uses.</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>No blocks will be created with this development.</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>The application of the Parking Limited Frontage addresses the urban form. Loading areas will be located in the rear of the site.</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 application of the Parking Limited frontage will require that the building be located within 100 feet of the ROW.</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>N/A</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 area will be provided.</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>Amenity area will be accessible by walkways.</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>These matters will be determined at the Site Plan stage.</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>These matters will be determined at the Site Plan stage.</p>

13.	<p><i>New public spaces should provide seating opportunities.</i></p> <p>Response:</p> <p>We will endeavor to provide seating in the outdoor amenity area.</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>A small parking area will be located in the front of the building as permitted by PL frontage.</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>As stated above, a small parking area will be located in the front of the building as permitted by PL frontage but the exact dimensions will be determined at the Site Plan stage.</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 contemplated.</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>The proposed use is a vehicle dependent use. No transit service is available in this area.</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>N/A</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>This rezoning will facilitate the cleanup of a contaminated site. Except to the extent such areas are involved in such cleanup, currently zoned CM areas on site will remain undisturbed</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>These matters will be determined at the Site Plan stage.</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>These matters will be determined at the Site Plan stage.</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>Street trees will be installed along Tryon Road.</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>These matters will be determined at the Site Plan stage.</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>Primary building entrance, both architecturally and functionally, will face Tryon Road.</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>Architectural details will be determined at the Site Plan stage.</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>Sidewalks will be provided as required along Tryon.</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 checked="" type="checkbox"/>	<input type="checkbox"/>			
2. Pre-Application Conference	<input checked="" type="checkbox"/>	<input type="checkbox"/>			
3. Neighborhood Meeting notice and report	<input checked="" type="checkbox"/>	<input type="checkbox"/>			
4. Rezoning application review fee (see Fee Schedule for rate)	<input checked="" type="checkbox"/>	<input type="checkbox"/>			
5. Completed application, submitted through Permit & Development Portal	<input checked="" type="checkbox"/>	<input type="checkbox"/>			
Completed Comprehensive Plan Consistency Analysis	<input checked="" type="checkbox"/>	<input type="checkbox"/>			
Completed Response to the Urban Design Guidelines	<input checked="" 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 checked="" type="checkbox"/>	<input type="checkbox"/>			
7. Trip Generation Study	<input type="checkbox"/>	<input checked="" type="checkbox"/>			
8. Traffic Impact Analysis	<input type="checkbox"/>	<input checked="" type="checkbox"/>			
For properties requesting a conditional use district:					
9. Completed zoning conditions, signed by property owner(s)	<input checked="" type="checkbox"/>	<input type="checkbox"/>			
If applicable (see Page 11):					
10. Proof of power of attorney or owner affidavit	<input type="checkbox"/>	<input checked="" 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 checked="" type="checkbox"/>			
For properties requesting an Accessory Dwelling Unit Overlay District (ADUOD):					
15. Copy of ballot and mailing list	<input type="checkbox"/>	<input checked="" 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 checked="" type="checkbox"/>			
2. Total number of units and square feet	<input type="checkbox"/>	<input checked="" type="checkbox"/>			
3. 12 sets of plans	<input type="checkbox"/>	<input checked="" type="checkbox"/>			
4. Completed application; submitted through Permit & Development Portal	<input type="checkbox"/>	<input checked="" type="checkbox"/>			
5. Vicinity Map	<input type="checkbox"/>	<input checked="" type="checkbox"/>			
6. Existing Conditions Map	<input type="checkbox"/>	<input checked="" type="checkbox"/>			
7. Street and Block Layout Plan	<input type="checkbox"/>	<input checked="" type="checkbox"/>			
8. General Layout Map/Height and Frontage Map	<input type="checkbox"/>	<input checked="" type="checkbox"/>			
9. Description of Modification to Standards, 12 sets	<input type="checkbox"/>	<input checked="" type="checkbox"/>			
10. Development Plan (location of building types)	<input type="checkbox"/>	<input checked="" type="checkbox"/>			
11. Pedestrian Circulation Plan	<input type="checkbox"/>	<input checked="" type="checkbox"/>			
12. Parking Plan	<input type="checkbox"/>	<input checked="" type="checkbox"/>			
13. Open Space Plan	<input type="checkbox"/>	<input checked="" type="checkbox"/>			
14. Tree Conservation Plan (if site is 2 acres or more)	<input type="checkbox"/>	<input checked="" type="checkbox"/>			
15. Major Utilities Plan/Utilities Service Plan	<input type="checkbox"/>	<input checked="" type="checkbox"/>			
16. Generalized Stormwater Plan	<input type="checkbox"/>	<input checked="" type="checkbox"/>			
17. Phasing Plan	<input type="checkbox"/>	<input checked="" type="checkbox"/>			
18. Three-Dimensional Model/renderings	<input type="checkbox"/>	<input checked="" type="checkbox"/>			
19. Common Signage Plan	<input type="checkbox"/>	<input checked="" type="checkbox"/>			

SUMMARY OF ISSUES

A neighborhood meeting was held on September 23, 2020 (date) to discuss a potential rezoning located at 3624 Tryon Road (property address).
The neighborhood meeting was held at by Zoom call (location).
There were approximately _____ (number) neighbors in attendance. The general issues discussed were:

Summary of Issues:

Possible uses on subject property and conflicts with adjacent residential properties

Buffers, plantings and insects.

Traffic on Tryon Road.

Contamination on site and opportunity for cleanup.

Ability to impose conditions in rezoning that would rules for business and continue in effect regardless of sale of property.

Location of access driveway.

Hours of operation.

Noise and dust.

ATTENDANCE ROSTER	
NAME	ADDRESS
Ali Seyed Ghiassi	2024 Fieldhouse Avenue
Chia-Fu Wang	2006 Chancellor Place
Wendy Medlin	2012 Chancellor Place
Jason Hardin	City of Raleigh, Planning Department
Jorge Gonzalez Orozco	3710 Pardue Woods Place, Apt 301
June Gunter	3505 Provost Street
Kathryn Bean	2018 Chancellor Place
Lila Livingston	2009 Chancellor Place
Lindsey Medlin	2017 Chancellor Place
Nick Kelley	2010 Fieldhouse Avenue
Gabriel Drobny	2031 Fieldhouse Avenue
Trisha Posey	2004 Chancellor Place
Mahaleigh King	2022 Chancellor Place
Mario Tresieras	2031 Wolfmill Drive, Unit 103
Philip Terrell	2031 Wolfmill Drive, Unit 301
Priyantha Fernando	2005 Fieldhouse Avenue
Anthony Frasso	
Ken Ellis	PO Box 10486, Raleigh, NC 27605
Denise Dillander	PO Box 10486, Raleigh, NC 27605
Isabel Mattox	127 W. Hargett Street, Suite 500, Raleigh, NC 27601
Matthew Carpenter	127 W. Hargett Street, Suite 500, Raleigh, NC 27601

MATTOX LAW FIRM

Telephone (919) 828-7171

Isabel Worthy Mattox
Isabel@mattoxlawfirm.com

November 18, 2020

TO ALL ADDRESSEES:

RE: **NOTICE OF MEETING – 2ND MEETING** Regarding Potential Rezoning of:

3624 Tryon Road, Raleigh, NC 27606 (6.17 acres) (PIN 0782975817) Book 8584,
Page 1246, owned by NDH, LLC, a North Carolina limited liability company (the
“Rezoning Property”)

Dear Property Owners:

You are receiving this letter because you are the owner of property located in the vicinity of the Rezoning Property for which a rezoning has been filed. The application to rezone the Rezoning Property from CM and R-10-CU with SHOD-1 and SRPOD to CM and IX-3-PL-CUD with SHOD-1 and SRPOD permitting industrial mixed-use development was filed on October 5, 2020 (the “Rezoning Application”). A copy of the Rezoning Application is attached.

In accordance with the requirements of the Raleigh Unified Development Ordinance, notice is hereby given to you as the owner of the Rezoning Property, or the owner of property within 1,000 feet of the Rezoning Property, of a meeting to discuss the pending rezoning to be held remotely **via Zoom on Monday, November 30, at 5:00 PM.**

You can join the meeting in any of the following ways:

1. Type the following URL into your internet browser: **<https://us02web.zoom.us/j/86074977550>**
2. Email Matthew Carpenter at Matthew@mattoxlawfirm.com and receive an e-mail invitation.
3. Call in to the meeting at **1 (929) 205-6099** and enter meeting ID: **860 7497 7550**.

To ensure that we are able to address as many questions as possible, please submit questions via email to Matthew@mattoxlawfirm.com prior to the meeting. The meeting will include an introduction, answers to submitted questions, followed by a general question and answer session. To aid in your participation in the meeting, please find attached a GIS aerial photograph of the Rezoning Property, a zoning map of the Rezoning Property, and a copy of the Rezoning Application.

The Rezoning Application is currently being vetted by City of Raleigh. To follow this process, please consult the City’s website at www.raleighnc.gov/planning. In addition, you may contact Mr. John Anagnost at the Department of City Planning & Development at (919) 996-2638 or by email at

All Addressees
November 18, 2020
Page 2 of 2

John.Anagnost@raleighnc.gov. If you have any questions about the pending Rezoning Application, either before our meeting of November 30, 2020, or at any time after our meeting, please contact me.

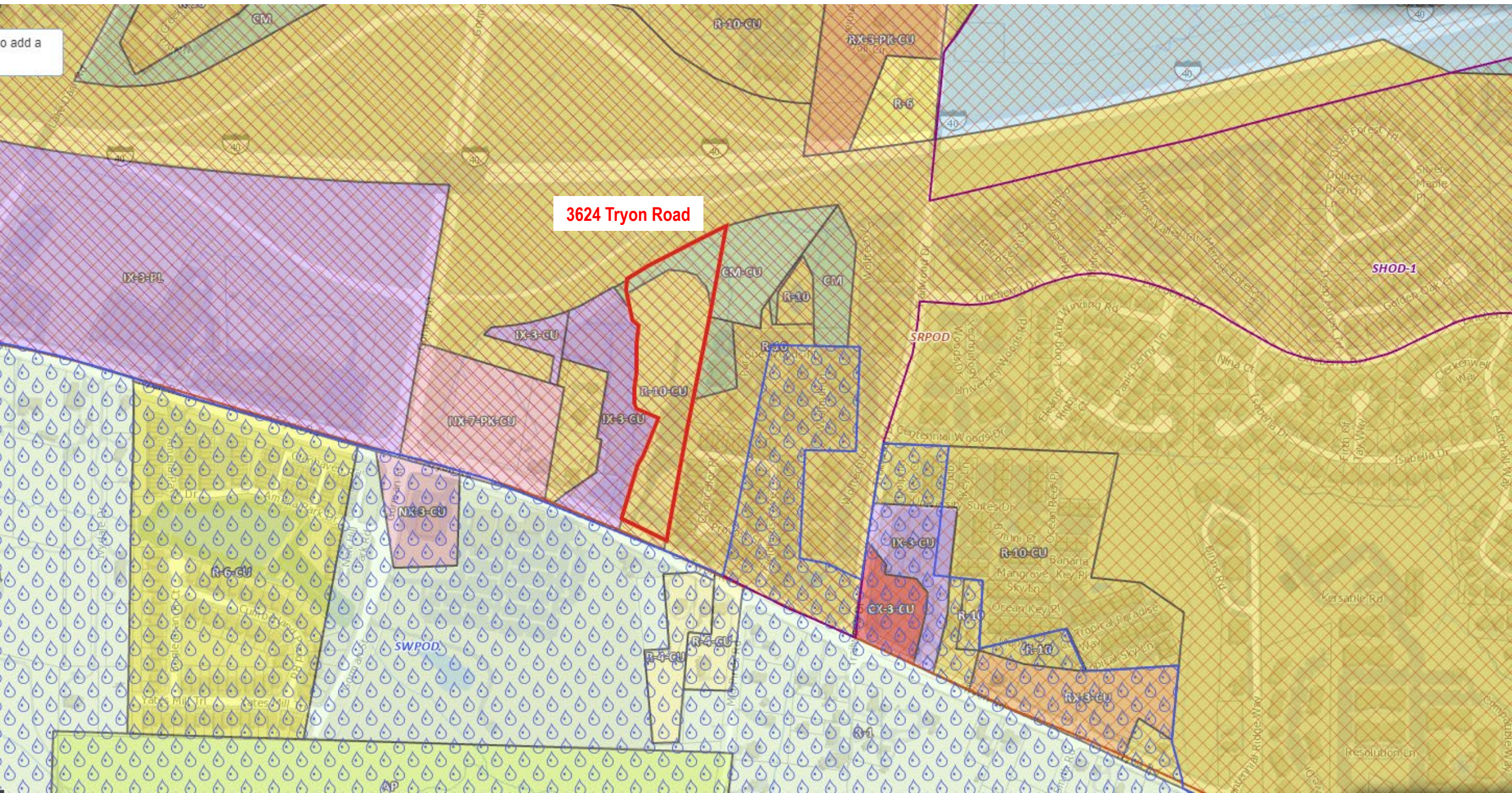
Yours very truly,

Isabel Mattox

Isabel Worthy Mattox

Enclosures
cc: Mr. Kenneth Ellis

to add a



Aerial View – 3624 Tryon Road



SUMMARY OF ISSUES

A neighborhood meeting was held on November 30, 2020 (date) to discuss a potential rezoning located at 3624 Tryon Road (property address).
The neighborhood meeting was held at remotely by Zoom meeting (location).
There were approximately 18 (number) neighbors in attendance. The general issues discussed were:

Summary of Issues:

Business operating hours.

Traffic on Tryon Road.

Buffers and plantings.

Contamination on the site and opportunity for cleanup.

Proposed rezoning conditions.

Rezoning process and timeline.

Noise and dust.

Location of driveway.

ATTENDANCE ROSTER	
NAME	ADDRESS
*Isabel Worthy Mattox	Mattox Law Firm, 127 W. Hargett St., Suite 500, Raleigh, NC 27601
*Matthew J. Carpenter	Mattox Law Firm, 127 W. Hargett St., Suite 500, Raleigh, NC 27601
*Ken Ellis	PO Box 10486, Raleigh, NC 27605
*Denise Dillander	PO Box 10486, Raleigh, NC 27605
Trisha Posey	2004 Chancellor Place
Nathan Bazzell	3509 Provost Street
Philip Terrell	2031 Wolfmill Drive, Unit 301
Thomas	
Ali Ghiassi	2024 Fieldhouse Avenue
Asim Ghulamani	2011 Wolfmill Drive, Unit 101
Brian Waters	3710 Pardue Woods Place Unit 201
Daniel	
Deloris Bennett	1907 Fieldhouse Avenue
Gabriel Drobny	2031 Fieldhouse Avenue
John Anagnost	City of Raleigh, Planning Department
Julie Smith	3710 Pardue Woods Place Unit 302
June Gunter	3505 Provost Street
Katie Bean	2018 Chancellor Place
Lisa Whitley	
Lindsey Medlin	2017 Chancellor Place
Nick Kelley	2010 Fieldhouse Avenue
Shannon Strayhorn	2024 Chancellor Place
Timothy Kroll	3770 Pardue Woods Place Unit 104

* Indicates member of the development team