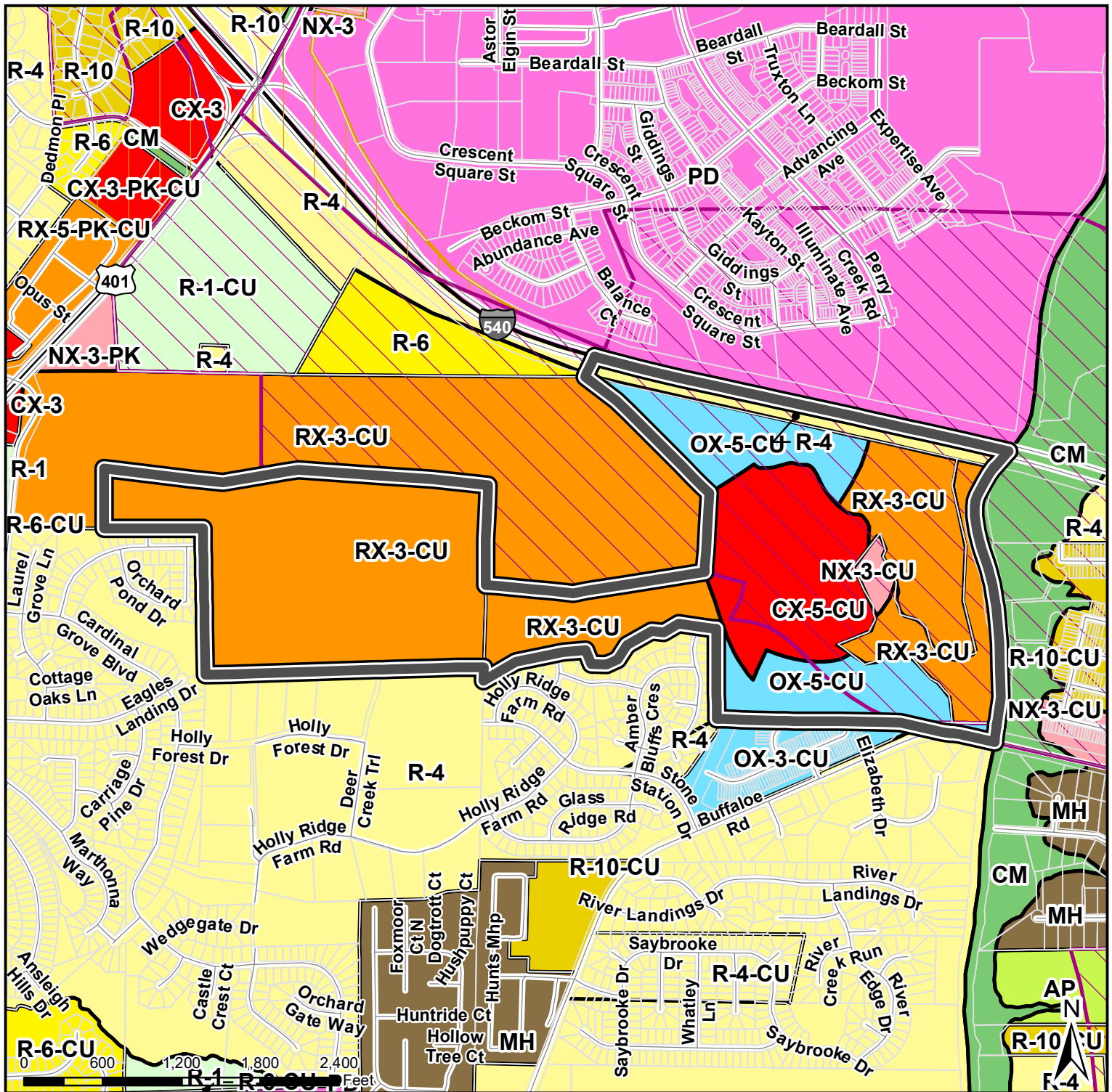
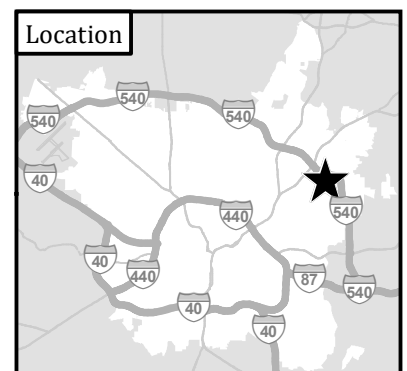


# Existing Zoning

# Z-49-2021



Property	5604 Kyle Dr; 0 & 6515 Buffaloe Rd
Size	212.3 acres
Existing Zoning	RX-3-CU, NX-3-CU, OX-5-CU, & CX-5-CU (part SHOD-1)
Requested Zoning	R-10-CU, RX-4-CU, CX-3-CU (SHOD-1 remains)



To	Marchell Adams-David, City Manager
Thru	Patrick O. Young, AICP, Director
From	John Anagnost, Senior Planner
Department	Planning and Development
Date	November 16, 2021
Subject	Public Hearing Agenda Item: December 7, 2021 Meeting Rezoning Z-49-21 Kyle Drive and Buffalo Road

At its November 16, 2021 meeting, the City Council scheduled a public hearing for the following item at its December 7, 2021 meeting:

**Z-49-21: Kyle Drive and Buffalo Road**, on the north side of Buffalo Road, west of the Neuse River and south of I-540, being Wake County PINs 1736453588, 1736844773, and 1736764233. Approximately 209.44 acres are requested by Buffalo Associates, Cliff L Benson III, and Page Benson Dickson to be rezoned from CX-3-CU w/ SHOD-1 (partial), 3-CU w/ SHOD-1, OX-3-CU w/ SHOD-1 (partial), OX-3-CU, RX-3-CU w/ SHOD-1, and RX-3-CU to CX-3-CU w/ SHOD-1 (partial), RX-4-CU w/ SHOD-1 (partial), and R-10-CU.

Conditions limit the maximum number of dwelling units in the R-10-CU district to 450, limit the maximum number of dwelling units in the RX-4-CU district to 650, require open space and active recreation in the R-10-CU and RX-4-CU districts, prohibit certain uses in the CX-3-CU district, restrict residential building types within 200 feet of adjacent neighborhoods, require a multi-use path connection between the Neuse River Greenway Trail and the extension of Buffalo Road, require a fence along the southern boundary of the CX-3-CU district, and require a 50-foot setback from an adjacent neighborhood for restaurants in the CX-3-CU district.

**Current Zoning:** CX-3-CU w/ SHOD-1 (partial), NX-3-CU w/ SHOD-1, OX-3-CU w/ SHOD-1 (partial), OX-3-CU, RX-3-CU w/ SHOD-1, and RX-3-CU

**Requested Zoning:** CX-3-CU w/ SHOD-1 (partial), RX-4-CU w/ SHOD-1 (partial), and R-10-CU

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

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

The **Planning Commission** voted 7-0 to recommend approval of the request.

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# 13076

## CASE INFORMATION: Z-49-21 KYLE DR AND BUFFALOE RD

Location	Buffaloe Road, on its north side, west of the Neuse River and south of I-540  Address: 5604 Kyle Drive and 0 & 6515 Buffaloe Road  PINs: 1736453588, 1736844773, and 1736764233  <a href="#">iMaps</a> , <a href="#">Google Maps</a> , <a href="#">Directions from City Hall</a>
Current Zoning	CX-3-CU w/ SHOD-1 (partial), NX-3-CU w/ SHOD-1, OX-3-CU w/ SHOD-1 (partial), OX-3-CU, RX-3-CU w/ SHOD-1, and RX-3-CU
Requested Zoning	CX-3-CU w/ SHOD-1 (partial), RX-4-CU w/ SHOD-1 (partial), and R-10-CU
Area of Request	209.44 acres
Corporate Limits	The rezoning site is outside of Raleigh's corporate limits and inside of its ETJ. It is eligible to apply for annexation.
Property Owner	Buffaloe Associates  Clifton L Benson III and Page Benson Dickson
Applicant	Michael Birch
Council District	District B
PC Recommendation Deadline	December 25, 2021

## SUMMARY OF PROPOSED CONDITIONS

1. In the R-10-CU district, limits the maximum number of dwelling units to 450, requires 75,000 square feet of active recreation, and requires 30% open area.
2. In the RX-4-CU district, limits the maximum number of dwelling units to 650, requires 60,000 square feet of active recreation, and requires 30% open area.
3. Prohibits certain uses in the CX-3-CU district.
4. Prohibits the apartment and townhouse building types within 200 feet of most of the southern boundary of the R-10-CU district.
5. Requires a multi-use path connection the Neuse River Greenway Trail to the extension of Buffaloe Road.
6. Requires a fence along the southern boundary of the CX-3-CU district.
7. Requires restaurants to be set back 50 feet from adjacent home lots in the CX-3-CU district.

## COMPREHENSIVE PLAN GUIDANCE

Future Land Use	Community Mixed Use, Office/Research & Development, Medium Density Residential, Low Density Residential, and Public Parks and Open Space
Urban Form	Parkway Corridor
Consistent Policies	<ul style="list-style-type: none"><li>●Policy LU 1.2 – Future Land Use Map and Zoning Consistency</li><li>●Policy LU 1.3 – Conditional Use District Consistency</li><li>●Policy LU 2.4 – Large Site Development</li><li>●Policy LU 2.5 – Healthy Communities</li><li>Policy LU 4.10 – Development at Freeway Interchanges</li><li>●Policy LU 8.9 – Open Space in New Development</li><li>Policy LU 8.13 – Traditional Neighborhood Development</li><li>Policy T 5.4 – Pedestrian and Bicycle Network Connectivity</li><li>Policy T 5.9 – Pedestrian Networks</li><li>●Policy PR 3.13 – Greenway Oriented Development</li></ul>
Inconsistent Policies	<ul style="list-style-type: none"><li>●Policy LU 5.6 – Buffering Requirements</li><li>●Policy LU 7.1 – Encouraging Nodal Development</li><li>●Policy LU 12.3 – Reservations for Community Facilities</li></ul>

## 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
6/15/2021 (21 attendees)	9/13/2021 (32 attendees)	10/26/2021; 11/9/2021	

## REZONING ENGAGEMENT PORTAL RESULTS

Views	Participants	Responses	Comments
19	1	5	4
<b>Summary of Comments:</b> Concerns about traffic, residential building types, and commercial uses.			

## 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 **Approval** is reasonable and in the public interest because:

Reasonableness and Public Interest	The proposal is consistent with the Future Land Use Map and the 2030 Comprehensive Plan including policies related to integrated land uses and development in already urbanized areas.
Recommendation	Approval. City Council may now schedule this proposal for a public hearing or refer it to committee for further study and discussion.
Motion and Vote	Motion: Dautel Second: Bennett In Favor: Bennett, Dautel, Fox, Godinez, Lampman, Mann and Rains

## 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.



Ken A. Bowers, AICP  
Planning and Development Deputy Director

Date: 11/9/2021

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



# ZONING STAFF REPORT – CASE Z-49-21

## Conditional Use District

### OVERVIEW

This rezoning is for a site on the north side of Buffaloe Road with its eastern boundary defined by the Neuse River. The site extends one and a one-quarter miles west from the river. It is composed of three parcels. The parcels form a rough square with sides measuring about 2,000 feet at the east end of the site. A narrow portion extends west from the square with a north-south dimension of around 400 feet. The west end of the site widens to form a rectangular shape 2,000 feet long from east to west and 1,500 feet wide from north to south. Another narrow area extends to the western extent of the site with north-south width of 400 feet. The western boundary is 650 feet east of Kyle Drive and 1,200 feet south of Louisburg Road.

The site is almost fully wooded with multiple stream corridors flowing from northwest to southeast. The streams join to form a shallow lake where they meet the Neuse River. The 100-year floodplain covers much of the site area along the Neuse River, the shallow lake, and about 700 feet of the two streams leading to the lake. This area roughly corresponds to the easternmost parcel with address 0 Buffaloe Road.

Topography on the property generally follows this drainage pattern. Three notable hills are present. One is in the northwest corner of the rectangular area. The other two are in the center and on the east side of the eastern square-shaped area. Slopes on these hills range from 6% to 15%. Other steep slopes are present in the narrow area in the center of the site where a stream forms the southern boundary.

The Neuse River Greenway Trail passes through the site along the river's western bank. The western part of the site is bounded by I-540 on its north side. Buffaloe Road Athletic Park is one-half mile to the south. The 5401 North planned development lies on the north side of I-540 opposite the rezoning property. River Bend Park is located in the eastern portion of 5401 North. Both Buffaloe Road Athletic Park and River Bend Park are accessible by greenway from the rezoning area.

The development in the surrounding area is mostly residential. Residential-4 (R-4) neighborhoods are present to the south and southwest. Immediately south of the east end of the site is a townhouse community that is under construction. Another townhouse development is being constructed on the east side of the Neuse River. Just south of that development, fronting on Buffaloe Road, is a gas station with self-service storage warehouses. A site plan for a Thales Academy private school at the northwest corner of Buffaloe Road and I-540 is pending.

The zoning and Future Land Use Map around the site generally match each other and the existing development pattern. R-4 zoning and the Low Density Residential Future Land Use

category are mapped south and southwest. Office Mixed Use (OX) is the zoning for the townhouses to the south. The Future Land Use Map shows Office/Research & Development there. The eastern townhouses are zoned Residential-10 (R-10) and Neighborhood Mixed Use (NX). The gas station has Industrial Mixed Use (IX) zoning. The NX and IX districts diverge from the Future Land Use recommendation of Moderate Density Residential in this area. The Urban Form Map indicates that I-540 is a Parkway Corridor.

The current zoning of the site is a combination of CX-3-CU, NX-3-CU, OX-3-CU, and RX-3-CU with the SHOD-1 overlay mapped near I-540. These districts form a core commercial or mixed-use area extending to the north and south between Buffaloe Road and I-540. Residential development is permitted from the core to the east toward the Neuse River and to the western end of the site. Existing zoning conditions require a minimum amount of commercial development to be built on the site. Those requirements may be a factor in the lack of development on the site since it was last rezoned in 2007.

The proposed zoning reduces the number of districts and complexity of the boundaries. The amount of area allowing commercial or mixed-use development is also reduced. The proposed districts are CX-3-CU, RX-4-CU, and R-10-CU. The SHOD-1 is proposed to remain in its existing location. The rezoning request would decrease the potential amount of residential units on the property by around 2,500. Allowed office development would increase by about 7%. Potential for other commercial development would decrease by almost 17%.

The total area in which stand-alone commercial development could occur would be reduced by almost two-thirds. Offered zoning conditions limit the total number of residential units in the RX-4-CU and R-10-CU areas to 1,100. This yields an aggregate density for those portions of the site of about 6 dwelling units per acre. Height of up to 68 feet would be allowed in the RX-4-CU area, which is taller than the existing maximum height of 50 feet.

**Update for November 9:** The applicant has submitted revised zoning conditions to require open space and active recreation in the R-10-CU and RX-4-CU districts, prohibit bars and gas stations in the CX-3-CU district, restrict residential building types within 200 feet of adjacent neighborhoods, require a multi-use path connection the Neuse River Greenway Trail to the extension of Buffaloe Road, require a fence along the southern boundary of the CX-3-CU district, and require a 50-foot setback from home lots in an adjacent neighborhood for restaurants in the CX-3-CU district. These changes have led to multiple Comprehensive Plan policies being reevaluated as consistent for the case. Overall, the case remains consistent with the 2030 Comprehensive Plan.

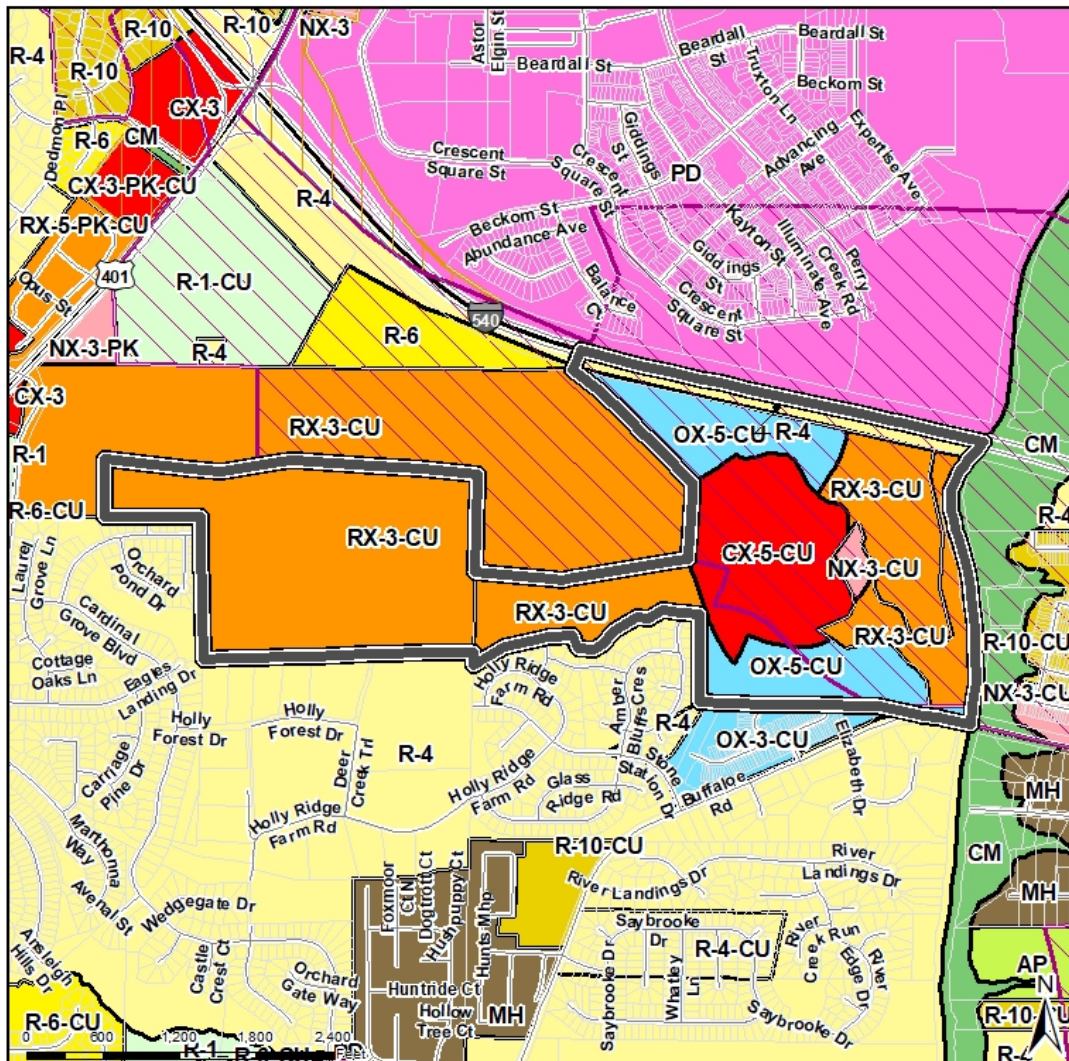
## OUTSTANDING ISSUES

Outstanding Issues	None.	Suggested Mitigation	N/A
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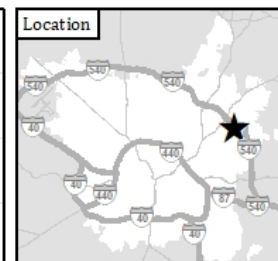


# Existing Zoning

Z-49-2021



<b>Property</b>	5604 Kyle Dr; 0 & 6515 Buffalo Rd
<b>Size</b>	212.3 acres
<b>Existing Zoning</b>	RX-3-CU, NX-3-CU, OX-5-CU, & CX-5-CU (part SHOD-1)
<b>Requested Zoning</b>	R-10-CU, RX-4-CU, CX-3-CU (SHOD-1 remains)

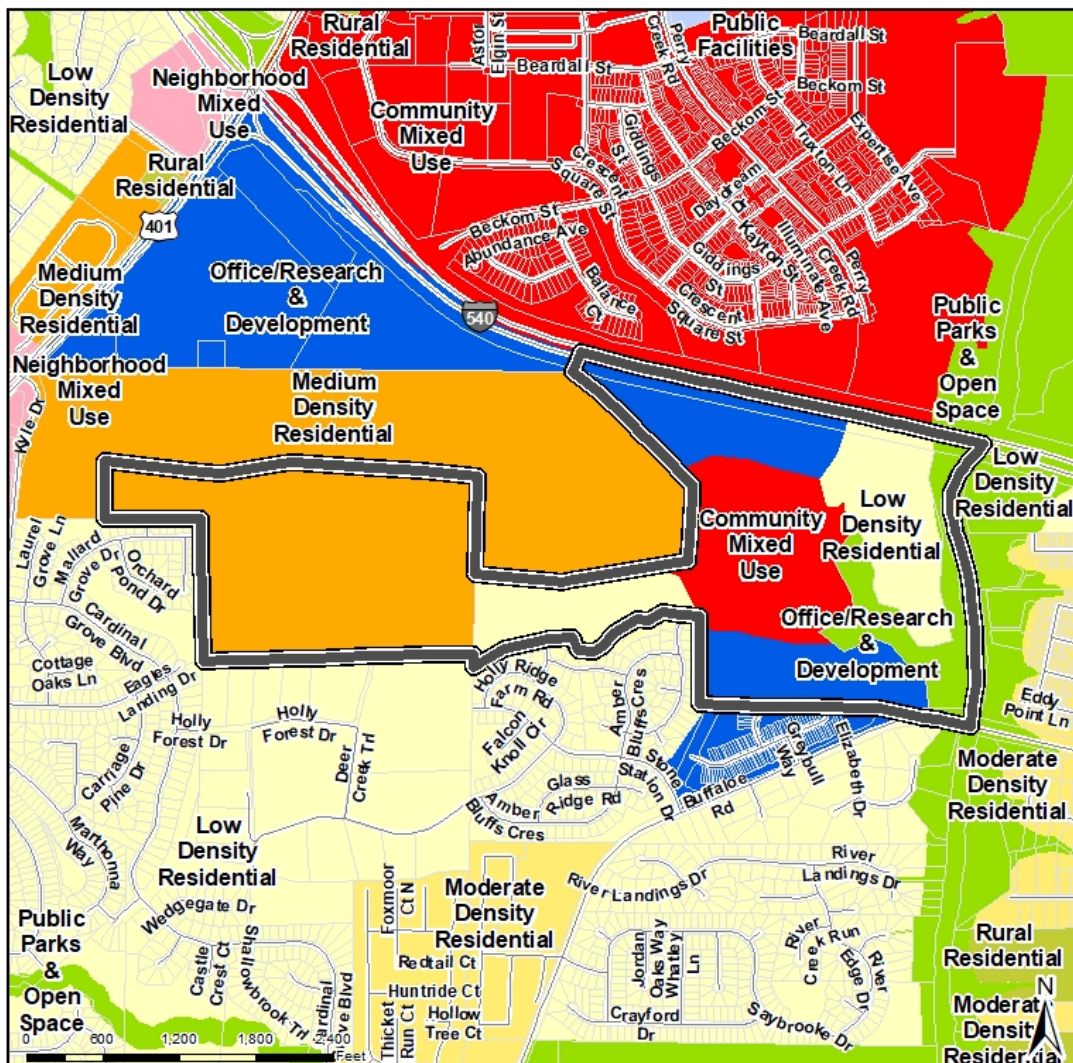


Map by Raleigh Department of Planning and Development (mansol@): 7/28/2021

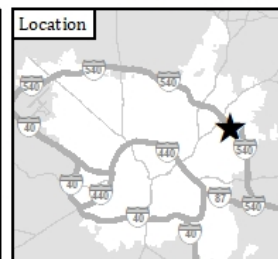


# Future Land Use

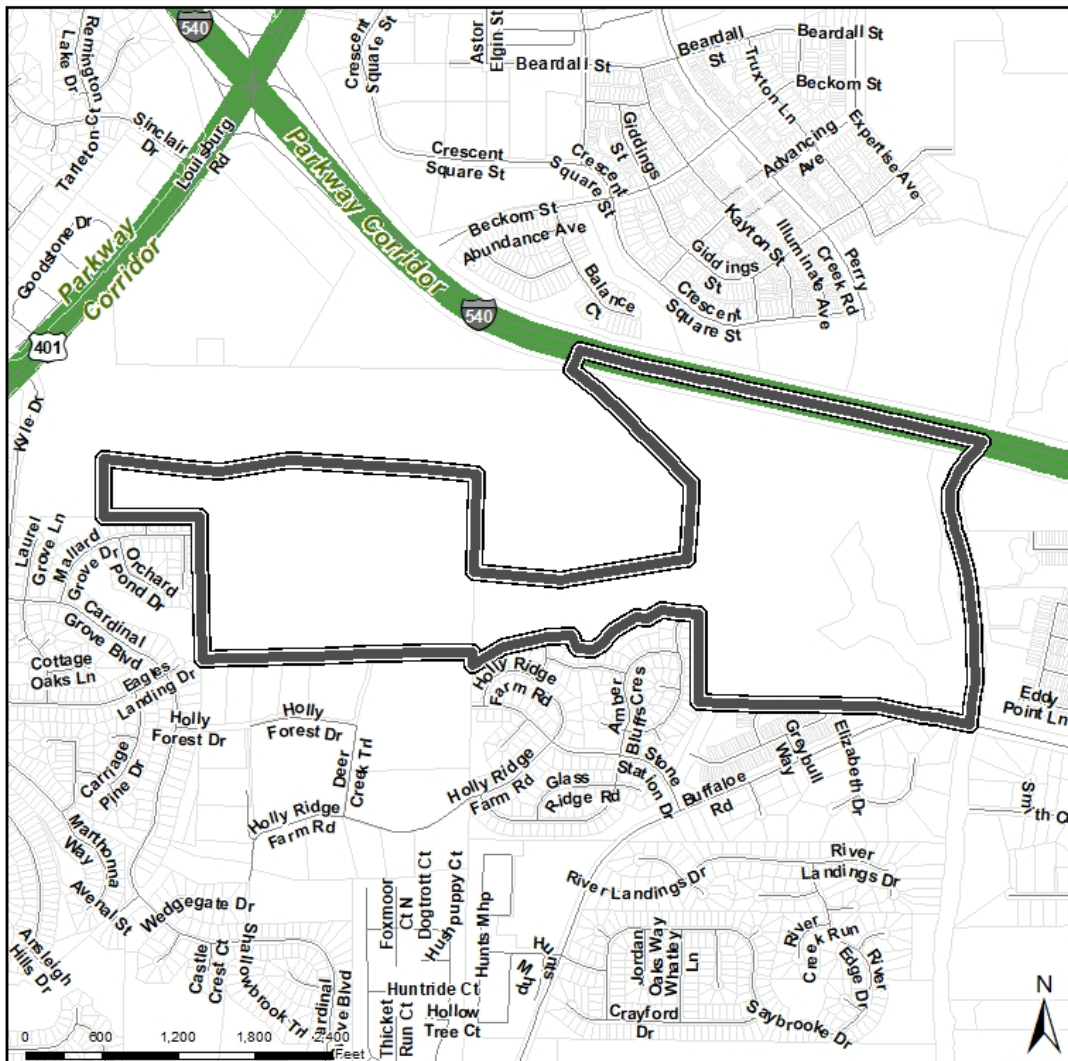
Z-49-2021



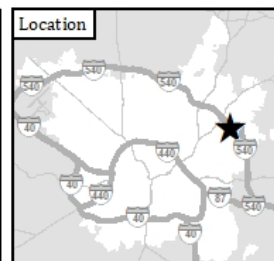
<b>Property</b>	5604 Kyle Dr; 0 & 6515 Buffaloe Rd
<b>Size</b>	212.3 acres
<b>Existing Zoning</b>	RX-3-CU, NX-3-CU, OX-5-CU, & CX-5-CU (part SHOD-1)
<b>Requested Zoning</b>	R-10-CU, RX-4-CU, CX-3-CU (SHOD-1 remains)



Map by Raleigh Department of Planning and Development (mansol@): 7/28/2021

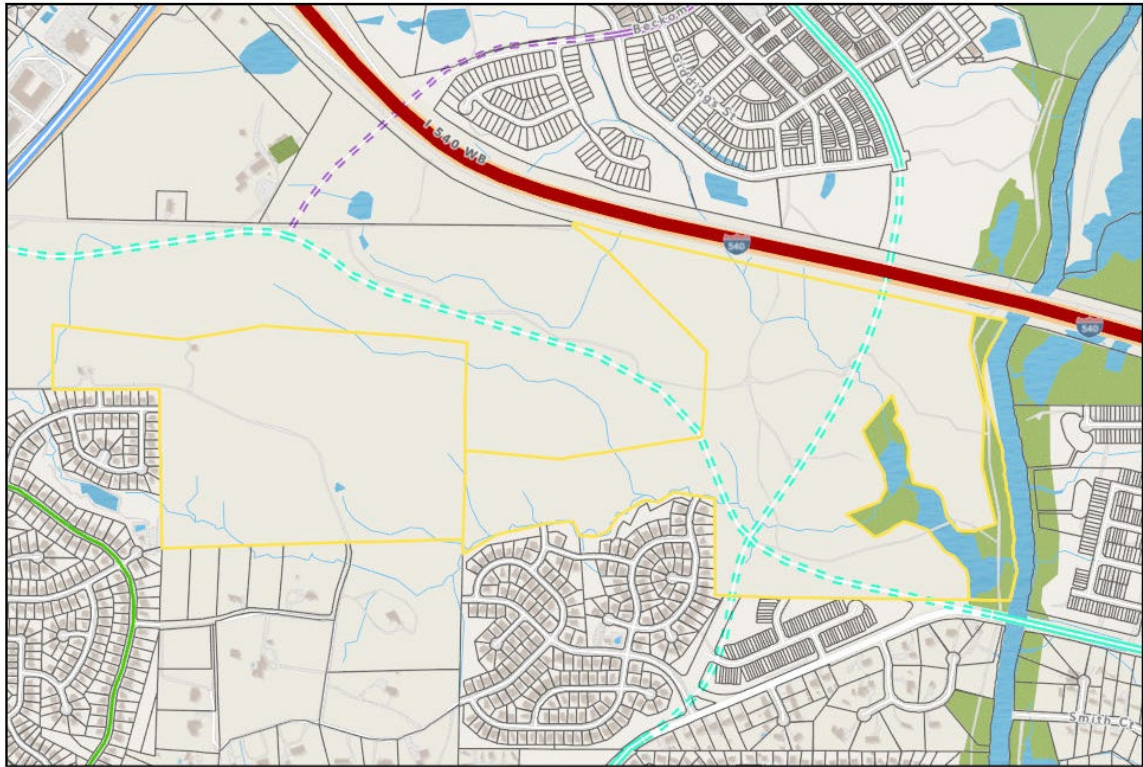


<b>Property</b>	5604 Kyle Dr; 0 & 6515 Buffalo Rd
<b>Size</b>	212.3 acres
<b>Existing Zoning</b>	RX-3-CU, NX-3-CU, OX-5-CU, & CX-5-CU (part SHOD-1)
<b>Requested Zoning</b>	R-10-CU, RX-4-CU, CX-3-CU (SHOD-1 remains)

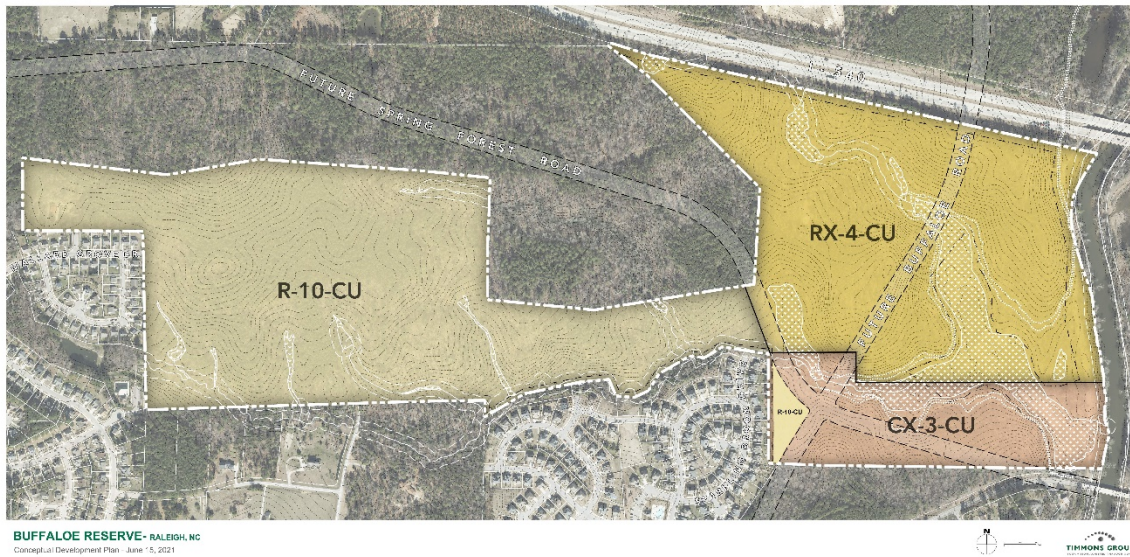


Map by Raleigh Department of Planning and Development (mainsd@): 7/28/2021





## ZONING DISTRICT EXHIBIT



# 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?

Yes, the Vision Theme of Coordinating Land Use and Transportation is aligned with the request because the rezoning would reduce total development allowed on the site and facilitate the construction of proposed street extensions. The new street construction is appropriate in scale for the proposed development and, along with other development nearby, will create a more connected street network over time. Additional street connections and less dense development can alleviate traffic congestion issues in the larger area.

The request is also consistent with the Managing Our Growth Vision Theme because it would allow commercial uses in an area where residential development is prevalent. Commercial development within the site could provide shopping and services for new residents that will enable shorter vehicle trips and non-motorized travel. The rezoning is not totally consistent with the “alternative transportation” and “desirable spaces and places” aspects of Managing Our Growth because there the request does not ensure quality civic spaces and greenway connections to support travel and recreation within the site. This consistency would be improved through zoning conditions to provide recreational amenities and a bicycle path from the extension of Buffaloe Road to the Neuse River Greenway Trail. This inconsistency is has less impact given the overall reduction in possible development caused by the proposal.

The Growing Successful Neighborhoods and Communities Vision Theme does not support the proposed zoning. The possibility of higher density residential uses and higher intensity commercial uses in close proximity with existing neighborhoods conflicts with the Vision Theme’s call for “careful infill”. Consistency with this Vision Theme would be improved by prohibitions on certain uses in the proposed CX-3-CU district and additional buffering along the site’s southern boundary.

- 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 Map designates the site for multiple different types of development ranging from Low Density Residential to Community Mixed Use. The rezoning request does not propose the exact uses identified by the Future Land Use Map in the same locations but allows a similar range of uses. The arrangement of the uses permitted by the rezoning is also similar, with a central commercial area and residential areas on its east and west sides. The commercial area abuts a future intersection formed by extensions of Buffaloe Road and Spring Forest Road proposed in the Street Plan Map. Some of the intensity of development would be shifted to the south and west in the rezoning proposal as compared to the Future Land Use Map. The requested pattern of development is overall substantially lower in intensity than the current zoning.

- 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 proposed uses are specifically designated.

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

Yes, the site is in an area served by public utilities though utility extensions will be required at the owner's expense at the time of development. The site is adjacent to the Neuse River Greenway which provides access to River Bend Park and the Buffalo Road Athletic Complex. Extensions of Buffalo Road and Spring Forest Road will be required to be constructed as part of development plan approvals. Construction of these streets will help to connect the larger regional network by facilitating a connection with Perry Creek Road across I-540 and eventual connection of Spring Forest Road to Louisburg Road. The latter connection is dependent on development of other property to the west.

## Future Land Use

**Future Land Use designation:** Community Mixed Use, Office/Research & Development, Medium Density Residential, Low Density Residential, and Public Parks and Open Space

### **The rezoning request is**

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

☐ **Inconsistent**

The combination of zoning districts proposed is aligned with the set of Future Land Use Map designations for the site. The Future Land Use categories envision a commercial area near the intersection of the future extensions of Buffalo Road and Spring Forest Road. Residential uses are intended to extend from that node to the east and west. The proposed CX-3-CU zoning generally fulfills the intent of a central area that allows commercial uses. The requested RX-4-CU and R-10-CU zoning provide a similar degree of residential density to what is proposed on the Future Land Use Map though the rezoning would shift residential density from the eastern end of the site to the west end. Additional residential development near the CX-3-CU zoning is likely to lead to better outcomes by allowing more people to reach shopping and services without driving. The proposed RX-4-CU area is closer to the Neuse River than the Future Land Use Map calls for but is buffered by a floodplain and riparian buffer that will prevent development directly adjacent to the river. Overall, the zoning proposal would permit a similar mix of uses and slightly lower development intensity compared to what the Future Land Use Map recommends. It is worth noting that the Future Land Use Map categories within the rezoning site are based on the existing zoning.

## Urban Form

**Urban Form designation:** Parkway Corridor

**The rezoning request is**

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

☐ **Inconsistent**

☐ **Other** (no Urban Form designation OR no Urban Form designation, but zoning frontage requested)

The rezoning petition maintains the SHOD-1 overlay districts in all locations where it is currently mapped. The SHOD-1 requirements will ensure that the site's boundary along I-540 will remain vegetated with trees. Aerial photos also suggest that existing trees can likely be used to meet much of those requirements through tree conservation areas (TCA). Where TCA is not possible, tree planting will be required by the SHOD-1. The assurance of forested areas along I-540 supports the goal of the Parkway Corridor mapped on the highway.

## Compatibility

**The proposed rezoning is**

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

☐ **Incompatible.**

The request is compatible with existing nearby development nearby. Much of the site's interface with private property is along the proposed R-10-CU zoning. An offered zoning condition sets a maximum density in this area of 4.6 dwelling units per acre. Townhouses and apartments in R-10 have side and rear setbacks that are compatible with abutting detached house developments. Additional buffering or setback width from an adjacent rural residential neighborhood is required by a zoning condition and improves compatibility. The southern border of the requested CX-3-CU district is adjacent to a townhouse neighborhood. The townhouse neighborhood is zoned OX-3-CU, which means neighborhood transition requirements from the UDO will not apply along that border. Parking areas, service areas, and buildings could be placed very close to the property line in that area. Some uses allowed in CX can have significant impacts on neighboring residential properties. These include restaurants, bars, and gas stations. Compatibility is improved along this area through zoning conditions to prohibit certain uses and provide a fence along the southern boundary. The RX-4-CU zoning is adjacent to the Neuse River and a tributary. In one area toward the north of this boundary, the floodplain is very narrow and much of the riparian buffer is occupied by the Neuse River Greenway Trail. The greenway easement is as narrow as 80 feet in this area. Development enabled by RX-4-CU zoning may create impacts on the Neuse River and associated ecology. Stormwater regulations in the UDO will mitigate much of this impact, but zoning conditions to require additional stormwater quality controls or undisturbed buffers in that area would increase compatibility. As a whole, the proposed zoning districts and associated zoning conditions manage impacts for adjacent areas and are compatible.



## Public Benefits of the Proposed Rezoning

- The request may facilitate development of a site that is located in an area with existing infrastructure and access to public facilities. Development of the site would create additional options for housing, employment, and shopping in the area.
- Development of the site will include construction of public streets that are important to the regional road network.

## Detriments of the Proposed Rezoning

- Development of the site may intensify traffic congestion in the interim period before Spring Forest Road is extended to Louisburg Road. The proposed reduction in total development potential mitigates this impact.
- Uses allowed in the CX-3-CU district may create noise, light, and odor impacts and be located very close to existing residences.

## Policy Guidance

*Key policies are marked with an orange dot (●).*

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

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### ● **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 rezoning proposal includes three districts that would allow commercial and mixed-use development near Buffaloe Road along with a range of residential densities extending to the east and west. That arrangement of land uses is generally what the Future Land Use Map designations show for the rezoning site. The proposal diverges from the Future Land Use Map slightly by allowing more intense commercial development farther south and by moving residential density toward the Neuse River. The Future Land Use categories are based on the existing zoning. Given that no portion of the site has been developed under those districts, it is reasonable to consider some spatial reorganization of uses within the rezoning area.*

### ● **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 reduce the total amount of potential development on the rezoning site and prohibit some uses. Those restrictions reduce impacts on neighboring properties by lowering residential density and avoiding uses, such as Car Wash, that would create noise or other impacts. Reducing effects through zoning conditions improves the request's consistency with the Comprehensive Plan.*

● **Policy LU 2.4 – Large Site Development**

Developments on large sites should set aside land for future parks and community facilities to help meet identified needs for public amenities and services and to offset the impacts of the development.

● **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.

*The conditions offered with the request require a significant portion of the R-10-CU and RX-4-CU zoning districts to be used as open area. There is also a minimum amount of amenity area that would include active recreation facilities. These requirements will provide opportunities for future residents to spend time outdoors or in common spaces as indicated by these policies.*

● **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.

*The rezoning site gains access from Buffaloe Road near its interchange with I-540. The planned intersection of Buffaloe Road and Spring Forest Road within the site fits the criteria defined in this policy. The CX-3-CU district is proposed adjacent to the Buffaloe/Spring forest intersection and would allow commercial uses and mixed-use development.*

● **Policy LU 2.5 – Healthy Communities**

New development, redevelopment, and infrastructure investment should strive to promote healthy communities and active lifestyles by providing or encouraging enhanced bicycle and pedestrian circulation, access, and safety along roads near areas of employment, schools, libraries, and parks.

● **Policy PR 3.13 – Greenway Oriented Development**

Development adjacent to or encompassing a designated greenway corridor or greenway connector should provide links between internal pedestrian infrastructure and the greenway network, where appropriate. The development should pro-actively respond to greenways as an amenity, incorporating and maintaining greenway viewsheds and aesthetic character, as well as storm water management and flood control benefits.

**Policy T 5.4 – Pedestrian and Bicycle Network Connectivity**

Continuous pedestrian and bicycle networks should be provided within and between existing and new developments to facilitate safe and convenient pedestrian and bicycle travel free of major barriers and impediments such as cul-de-sacs and large parking lots.

**Policy T 5.9 – Pedestrian Networks**

New subdivisions and large-scale developments should include safe pedestrian walkways or multi-use paths that provide direct links between roadways and major destinations such as transit stops, schools, parks, and shopping centers.

*The rezoning site has access to the Neuse River Greenway Trail. The bicycle street sections approved recently in TC-3-21 will likely require protected bicycle facilities on the extensions of Buffaloe Road and Spring Forest Road within the site. An offered zoning condition requires a multi-use path linking those facilities with the greenway trail. The multi-use path will facilitate non-motorized circulation between development areas and the greenway trail.*

#### **Policy LU 8.13 – Traditional Neighborhood Development**

Encourage Traditional Neighborhood Development (TND) and planning for large undeveloped sites within the city's municipal boundaries to improve neighborhood and street connectivity. Traditional Neighborhood Development is an urban form characterized by compact, pedestrian-oriented design, which provides a variety of uses and diverse housing types within easy walking distance, and is anchored by a central public space and civic activity (school, library, church, or similar institution).

*The proposed rezoning generally serves the goal of this policy by allowing commercial and mixed use development near a proposed major intersection. Additional medium density residential development is proposed in the RX-4-CU zoning close to the intersection and with access to the Neuse River Greenway Trail. The lowest density area of the site would be furthest from the CX-3-CU zoning. This arrangement provides a transition of density and uses away from a central area with a similar hierarchy of streets. The request would be more consistent with this policy if zoning conditions were offered to ensure civic space within the core of the development and high-quality bicycle and pedestrian facilities linking the development areas.*

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

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#### **● Policy LU 12.3 – Reservations for Community Facilities**

Plans for large sites should identify park and community facility needs and reserve appropriate portions of the site for schools, parks, public safety buildings, and other facilities.

*The rezoning site is over 200 acres. The Neuse River Greenway Trail provides access to Buffaloe Road Athletic Complex and River Bend Park. Even so, the parks level of service for the site is 'D'. The 5401 North planned development has approved plans for around 1,000 homes. Multiple development plans are pending along Buffaloe Road. The site would benefit from public facilities to serve the potential population of over 3,000 people. Offered zoning conditions require open area and minimum square footages of private amenities, which reduces the inconsistency with this policy. The potential for commercial development is reduced somewhat by the shape and depth of the area proposed for CX-3-CU zoning. The narrow and irregular shape of this area, which is affected by a riparian buffer, may make it difficult to develop a shopping center that could accommodate a grocery store. With less opportunity for private amenities in the form of shopping and services, the site would benefit from space set aside for other public facilities, such as a school. This inconsistency is mitigated by the fact that the request would reduce the total development allowed.*

● **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.

● **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.

*The request would allow commercial uses adjacent to residential neighborhoods along Buffalo Road. Along the southern site boundary where the adjoining zoning is OX, neighborhood transition requirements would not apply. The placement of commercial uses such as restaurants and bars in that area could create impacts on adjacent properties. A fence is required along this boundary by a zoning condition. Another condition requires restaurants to be set back 50 feet from the nearest home lots within the OX zoning district. These conditions reduce the inconsistency but do not fully reduce potential impacts of commercial development. The R-10-CU area would allow apartment buildings directly adjacent to rural residential development. This abrupt transition is resolved by a zoning condition to prohibit apartments and townhouses within 200 feet of almost all of the R-10-CU district’s southern boundary. The proposed zoning would be more consistent with these policies by prohibiting more intense commercial uses, requiring landscaped buffers, and/or requiring larger setbacks for buildings, parking, or service areas in the CX-3-CU district.*

Area Plan Policy Guidance

*There is no area plan policy guidance for the rezoning site.*

# EQUITY AND CLIMATE CHANGE ANALYSIS

## Transportation Cost and Energy Analysis

	City Average	Site	Notes
Walk Score	30	0	The walk score is very low. The site's current frontage on Buffalo Road has no sidewalks. Conditions for pedestrians will be improved by the construction of proposed segments of Buffalo Road and Spring Forest Road.
Transit Score	30	0	There is no transit service in the site area.
Bike Score	41	38	The site has access to the Neuse River Greenway Trail. There are few destinations within a reasonable cycling distance. Buffalo Road Athletic Park is about 3,000 feet south on the greenway.
HUD Low Transportation Cost Index	[N/A, index is expressed as a percentile.]	66	The transportation cost index is somewhat low, indicating that residents of this area are likely to need a private vehicle.
HUD Jobs Proximity Index	[N/A, index is expressed as a percentile.]	40	The jobs proximity index is very low. There are few non-residential developments in the nearby area. Access to regional employment centers is provided by I-540 but requires access to a vehicle.

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

## Housing Energy Analysis

Housing Type	Average Annual Energy Use (million BTU)	Permitted in this project?
Detached House	82.7	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.

## Housing Supply and Affordability

Does the proposal add or subtract from the housing supply?	Subtracts	The request would reduce the potential number of housing units on the site by nearly 2,500 units.
Is naturally occurring affordable housing present on the site?	Unlikely	There is no housing on the site.
Does it include any subsidized units?	No	
Does it permit a variety of housing types beyond detached houses?	Yes	All housing types would be allowed under the requested zoning.
If not a mixed-use district, does it permit smaller lots than the average? *	Yes	The proposed R-10-CU district would allow lots as small as 4,000 square feet, which is smaller than the city average. The other districts are mixed-use.
Is it within walking distance of transit?	No	There is no transit service within walking distance of the site.

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

## Demographic Indicators from EJSCREEN\*

Indicator	Site Area	Raleigh
Demographic Index** (%)	50	36
People of Color Population (%)	69	46
Low Income Population (%)	32	30
Linguistically Isolated Population (%)	12	3
Population with Less Than High School Education (%)	16	9
Population under Age 5 (%)	5	6
Population over Age 64 (%)	5	11
% change in median rent since 2015	10.2	20.3

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

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



## Health and Environmental Analysis

What is the life expectancy in this zip code tract? Is it higher or lower than the county average (78.1 years)?	79.7	The life expectancy in the subject tract is slightly higher than the county average.
Are there known industrial uses or industrial zoning districts within 1,000 feet?	No	
Are there hazardous waste facilities are located within one kilometer?	No	
Are there known environmental hazards, such as flood-prone areas, that may directly impact the site?	Yes	Floodplain associated with the Neuse River is present along the east side of the site.
Is this area considered a food desert by the USDA?	No	The site does not meet any of the USDA thresholds for qualification as a food desert.

## Land Use History

When the property was annexed into the City or originally developed, was government sanctioned racial segregation in housing prevalent?*	N/A	The site is outside of Raleigh's corporate limits.
Has the area around the site ever been the subject of an urban renewal program?*	No	
Has the property or nearby properties ever been subject to restrictive covenants that excluded racial groups?*	No	No such covenants identified.
Are there known restrictive covenants on the property or nearby properties that restrict development beyond what the UDO otherwise requires?*	No	No such covenants identified.

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

## Analysis Questions

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

*Response: The rezoning proposal reduces the potential for non-residential development on the site. If fewer non-residential uses are developed, the likelihood is increased that residents of the site will drive private vehicles for employment, services, and shopping. The rezoning may lead to greater carbon emissions per capita for the site.*

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

*Response: Some of the indicators from EJSCREEN suggest that existing residents of the area would benefit from additional economic opportunity in the form of employment options and housing variety. The rezoning may lead to a smaller magnitude of non-residential development on the site, creating fewer employment options and less ability for residents to reduce transportation costs.*

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

*Response: No, the increase in housing cost in for the subject tract is roughly half the increase for Raleigh in general.*

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

*Response: No historic discrimination related to development or infrastructure has been identified.*

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

*Response: Residents of the area have low exposure to localized health hazards.*

# 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 contains the Neuse River Corridor. At the time of a subdivision or site plan, this corridor will require the dedication of a 150-foot wide greenway easement, measured from waterbody top of bank, along the entire length of the water body within the property boundary (UDO Sec. 8.6.1.B).
2. Nearest existing park access is provided by River Bend Park (2 miles) and Buffaloe Rd. Athletic Park (2.4 miles).
3. Nearest existing greenway trail access is provided by Neuse River Greenway Trail (100 ft).
4. Current park access level of service in this area is graded a D letter grade.
5. Because of the current park access level of service, this area is a high priority for enhanced development of the following elements:
  - a. Publicly Accessible Open Space b. Public Art c. Public Play Areas d. Pet Amenity Areas e. Enhanced Greenway Amenities
  6. Raleigh's Comprehensive Plan has many policies to support the addition of the above elements to the proposed rezoning.
    - a. Comp Plan PR 1.7 New Parks in Growth Centers "Create new urban parks and enhance existing urban parks throughout Growth Centers using proactive planning, partnerships and innovative approaches"
    - b. Comp Plan PR 4.8 Private Parks "Encourage the provision of tot lots, pocket parks, and other privately-held and -maintained park spaces within residential developments to complement public park facilities"
    - c. Comp Plan PR 5.4 Improving Park Access "Public spaces should be included in private developments that can connect to and benefit from their proximity to public infrastructure and spaces such as greenway trails, public sidewalks, and plazas"
    - d. Comp Plan PR 5.5 Encourage Public Open Space in Rezoning "Encourage the provision of publicly accessible open space during the consideration of zoning petitions"
    - e. Comp Plan AC 1.1 Public Art and Neighborhood Identity "encourage the use of public art to create a neighborhood identity"
    - f. Comp Plan PR 3.13 Greenway-oriented Development "Development adjacent to a designated greenway corridor or greenway connector should provide links between internal pedestrian infrastructure and the greenway network, where appropriate. The development should pro-actively respond to greenways as an amenity, incorporating and maintaining greenway viewsheds and aesthetic

character, as well as storm water management and flood control benefits. (Comp Plan PR 3.13 Greenway-oriented Development)"

**Impact Identified:** The rezoning site contains the Neuse River Greenway Trail. The rezoning could create benefits to future residents and the general public by providing safe and convenient connections from the trail to other parts of the site.

## Public Utilities

1. The proposed rezoning would reduce the maximum demand to the wastewater collection and water distribution systems of the City by 1,802,840gpd.
2. There are existing sanitary sewer and water mains adjacent to the proposed rezoning area.
3. At the time of development plan submittal, a Downstream Sewer Capacity Study may be required to determine adequate capacity to support the proposed development. Any improvements identified by the study would be required to be permitted prior to the issuance of Building Permit & constructed prior to release of a Certificate of Occupancy.
4. Verification of water available for fire flow is required as part of the Building Permit process. Any water system improvements recommended by the analysis to meet fire flow requirements will also be required of the Developer.

	Maximum Demand (current use)	Maximum Demand (current zoning)	Maximum Demand (proposed zoning)
Water	0	2,763,996	961,156
Waste Water	0	2,763,996	961,156

**Impact Identified:** The rezoning would significantly decrease potential water and sewer demand for the site.

## Stormwater

Floodplain	FEMA
Drainage Basin	Neuse
Stormwater Management	Subject to stormwater regulations under Article 9 of UDO
Overlay District	none

**Impact Identified:** Neuse Riparian Buffer

## Transportation

### **Site and Location Context**

#### *Location*

The Z-49-21 site is located in northeast Raleigh on the inside of the I-540 beltline and adjacent to Buffaloe Road and the Neuse River.

#### *Area Plans*

The Z-49-21 site is not located in an adopted area plan.

#### *Other Projects in the Area*

The City of Raleigh plans to complete sidewalks along Louisburg Road, from Spring Forest Road to Perry Creek Road. The project is in right-of-way acquisition at this time and is expected to be completed in the summer of 2022.

NCDOT plans to widen Louisburg road between the bridge over the Neuse River and Leland Rive, as well as add capacity to the intersection of Louisburg Road, Ligon Mill Road, and Mitchell Mill Road. This project is listed as Project U-5748 in the N.C. Department of Transportation's State Transportation Improvement Program (STIP). It is expected to begin construction in 2022. The project includes widening Louisburg Road to eight lanes and the construction of 10-foot multi-use path along the southern portion. Improvements to Mitchell Mill Road and Ligon Mill Road are also included. The project will also be converting intersections from Perry Creek Road to Leeland Drive to "reduced conflict intersections." Also known as a "superstreet." This configuration will not allow for left turns onto Louisburg Road nor through movements to cross it. The result will be simpler signal phasing that will increase the capacity of Louisburg Road.

### **Existing and Planned Infrastructure**

#### *Streets*

The site is bisected by two planned major streets. Both are designated as a four-lane divided avenues in the Street Plan (Map T-1 of the Comprehensive Plan). One is the Spring Forest Road extension, that will connect Spring Forest Road to Buffaloe Road near its crossing of the Neuse River. The other is the Perry Creek Road extension, that will extend Perry Creek Road from the 5401 development, across I-540 and connect to Buffaloe Road where it runs roughly north and south. There is existing dedicated right-of-way for portions of these streets. Development of this land will require completion of much of these projects in accordance with UDO Article 8.4 (New and Existing Streets).

In accordance with the UDO Section 8.3.2, the maximum blocker perimeter for an R-10 zoning district is 2,500 feet or a dead-end street length of 300 feet. CX-3 and RX-4 districts have a standard of 3,000 for block perimeter. The current block perimeter cannot be measured; it includes large undeveloped tracts of land. There are new streets planned on Map T-1 that would improve block perimeter.

#### *Pedestrian Facilities*

There are no existing sidewalks near the site. There is a development at the southeast edge of the site that will construct new sidewalks on new streets. Tier 3 site plan or subdivision approval requires sidewalk construction in accordance with UDO Article 8.4.

### *Bicycle Facilities*

There are no existing on-street bikeways surrounding the Z-49-21 site. The site hosts the Neuss River Greenway Trail along its eastern edge.

### *Transit*

There is no existing or planned transit routes within one mile of the site.

### *Access*

Current access to the Z-49-21 site is from Buffalo Road. After completion of planned streets, there will also be access to the north, across I-540 and to the west where the Spring Forest Road extension connects to US-401.

### **Traffic Impact Analysis (TIA) Determination**

Based on the Envision results, approval of case Z-49-21 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 RX-3-CU, NX-3-CU, OX-5-CU, and CX-5-CU to R-10-CU, RX-4-CU, and CX-3-CU is projected to generate fewer new trips in the AM peak hour and fewer new trips in the PM peak hour. These values do not trigger a rezoning Traffic Impact Analysis based on the trip generation thresholds in the Raleigh Street Design Manual. A TIA may be required during site permit review.

Z-49-21 Existing Land Use Vacant	Daily	AM	PM
	0	0	0
Z-49-21 Current Zoning Entitlements Mixed Use	Daily	AM	PM
	28,896	1,882	2,237
Z-49-21 Proposed Zoning Maximums Mixed Use	Daily	AM	PM
	11,073	749	966
Z-49-21 Trip Volume Change (Proposed Maximums minus Current Entitlements)	Daily	AM	PM
	<b>-17,823</b>	<b>-1,133</b>	<b>-1,271</b>

**Impact Identified:** The request would reduce potential vehicle trips from the site compared to the existing zoning. Segments of planned streets will be required to be constructed as part of development plans for the site.

### Urban Forestry

1. Proposed rezoning does not impact Urban Forestry requirements (UDO 9.1).
2. A 50 ft Primary Tree Conservation Area - Thoroughfare yard will be required to be established along Spring Forest Road, Buffalo Road and the I-540 Corridor, Per UDO 9.1.4.A.8.

**Impact Identified:** No significant impacts identified.

### Impacts Summary

Parks level of service will be somewhat low for future residents of the site.



## Mitigation of Impacts

The applicant may wish to consider offering conditions to require recreational or open space areas within the site.

## CONCLUSION

The rezoning request is for more than 200 acres on the north side of Buffaloe Road and the west side of the Neuse River. The existing zoning is a mix of three-story CX, NX, OX, and RX districts with partial coverage by a SHOD-1 overlay. The rezoning proposes to replace those districts with CX-3-CU, RX-4-CU, and R-10-CU while retaining the SHOD-1 in its current location. Conditions are included to prohibit uses in the CX-3-CU district and limit the total number of residential units in the RX-4-CU and R-10-CU districts to 1,100 combined. Other conditions restrict building types, require open areas and amenities, and require buffering from an adjoining neighborhood. The effect of the proposal would be to reduce the total residential development enabled on the site by almost 60%. Retail entitlement would also decrease slightly.

The rezoning proposal is consistent with the range of land uses envisioned by the Future Land Use Map. The retention of the SHOD-1 overlay creates consistency with the Parkway Corridor on I-540. Other text policies related to integrating land uses and provision of commercial amenities also support the request. The rezoning proposal is generally aligned with policies that encourage proportionate open space amenities and quality bicycle connections. Policy inconsistency is present in the lack of provision of land for public facilities. This is mitigated by the overall reduction in development capacity, which indicates a lower need for those features that is attributable to the site itself. A more significant inconsistency is the lack of transitions in density and use intensity at the southern edge of the site. Overall, the request is consistent with the 2030 Comprehensive Plan.

## CASE TIMELINE

Date	Action	Notes
6/15/2021	First neighborhood meeting	
7/28/2021	Application submitted	
8/18/2021	Initial review complete	No TIA required. Second neighborhood meeting required.
9/13/2021	Second neighborhood meeting	
10/26/2021	Case placed on Planning Commission agenda for discussion	
11/9/2021	Case placed on Planning Commission agenda	Conditions revised by applicant; Planning Commission voted to recommend approval.

# APPENDIX

## SURROUNDING AREA LAND USE/ ZONING SUMMARY

SUBJECT PROPERTY		NORTH	SOUTH	EAST	WEST
Existing Zoning	CX-3-CU, NX-3-CU, OX-3-CU, RX-3-CU	RX-3-CU, R-6, PD	OX-3-CU, R-4	CM, R-10-CU, NX-3-CU	RX-3-CU, R-4
Additional Overlay	SHOD-1	SHOD-1	None	SHOD-1	SHOD-1
Future Land Use	Community Mixed Use, Office/Research & Development, Medium Density Residential, Low Density Residential, Public Parks & Open Space	Office/Research & Development, Community Mixed Use, Public Parks & Open Space	Office/Research & Development, Low Density Residential	Public Parks & Open Space, Moderate Density Residential	Office/Research & Development, Medium Density Residential
Current Land Use	Open Space	Moderate Density Residential, Low Density Residential	Moderate Density Residential, Low Density Residential	Open Space, Moderate Density Residential, Commercial	Open Space
Urban Form	Parkway Corridor	Parkway Corridor	None	Parkway Corridor	Parkway Corridor

## CURRENT VS. PROPOSED ZONING SUMMARY

EXISTING ZONING		PROPOSED ZONING
Zoning	CX-3-CU, NX-3-CU, OX-3-CU, and RX-3-CU w/ partial SHOD-1	CX-3-CU, RX-4-CU, and R-10-CU w/ partial SHOD-1
Total Acreage	209.44	209.44
Setbacks:		
Front	5'	5'
Side	0' or 6'	0' or 6'
Rear	0' or 6'	0' or 6'
Residential Density:	20.1	8.3
Max. # of Residential Units	4,201	1,736
Max. Gross Building SF	5,070,000	1,930,000

<b>Max. Gross Office SF</b>	454,000	483,000
<b>Max. Gross Retail SF</b>	234,000	195,000
<b>Max. Gross Industrial SF</b>	Not permitted	Not permitted
<b>Potential F.A.R</b>	0.56	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.

**AGENDA ITEM (D) 2: Z-49-21 – Kyle Drive and Buffalo Road**

This case is located Kyle Drive and Buffalo Road, on the north side of Buffalo Road, west of the Neuse River and south of I-540.

Approximately 209.44 acres are requested by Buffalo Associates, Cliff L Benson III, and Page Benson Dickson to be rezoned from CX-3-CU w/ SHOD-1 (partial), NX-3-CU w/ SHOD-1, OX-3-CU w/ SHOD-1 (partial), OX-3-CU, RX-3-CU w/ SHOD-1, and RX-3-CU to CX-3-CU w/ SHOD-1 (partial), RX-4-CU w/ SHOD-1 (partial), and R-10-CU. Conditions limit the maximum number of dwelling units in the R-10-CU district to 450, limit the maximum number of dwelling units in the RX-4-CU district to 650, and prohibit certain uses in the CX-3-CU district.

The request is consistent with the 2030 Comprehensive Plan.

The request is consistent with the Future Land Use Map.

The second neighborhood meeting for this case was held on September 13. Legal notice has been provided for the item to be discussed at this meeting. The deadline for Planning Commission action is December 25, 2021.

Planner Anagnost gave a brief overview of the case.

There was no public comment

Ms. Bennett asked if the updated conditions mitigated the before mentioned impacts to this proposal. She also asked how it affected stormwater.

Mr. Anagnost responded regarding the conditions and the impacts of the revision on the proposed request.

**Mr. Dautel made a motion to recommend approval of the case. Ms. Bennett seconded the motion. Commissioners, how do you vote?**

**Bennett (Aye), Dautel (Aye), Chair Fox (Aye), Godinez (Aye), Lampman (Aye), Vice-Chair Mann (Aye) and Rains (Aye).**

**The vote is unanimous, 7-0.**



# Rezoning Application and Checklist

Planning and Development Customer Service Center • One Exchange Plaza, Suite 400 | Raleigh, NC 27601 | 919-996-2500

Please complete all sections of the form and upload via the Permit and Development Portal ([permitportal.raleighnc.gov](http://permitportal.raleighnc.gov)). Please see page 8 for information about who may submit a rezoning application. A rezoning application will not be considered complete until all required submittal components listed on the Rezoning Checklist have been received and approved. For questions email [rezoning@raleighnc.gov](mailto:rezoning@raleighnc.gov).

Rezoning Request				
Rezoning Type	<input type="checkbox"/> General Use	<input checked="" type="checkbox"/> Conditional Use	<input type="checkbox"/> Master Plan	Office Use Only Rezoning case # _____
	<input type="checkbox"/> Text change to zoning conditions			
Existing zoning base district: See Attached		Height: See Attached	Frontage: See Attached	Overlay(s): See Attached
Proposed zoning base district: See Attached		Height: See Attached	Frontage: See Attached	Overlay(s): See Attached
<b>Helpful Tip:</b> View the Zoning Map to search for the address to be rezoned, then turn on the 'Zoning' and 'Overlay' layers.				
If the property has been previously rezoned, provide the rezoning case number: Z-38-91 & Z-33-07				

General Information		
Date:	Date amended (1):	Date amended (2):
Property address: See Attached.		
Property PIN: See Attached.		
Deed reference (book/page): See Attached.		
Nearest intersection: Buffalo Road and Elizabeth Drive		Property size (acres): 212.28 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 and address: See Attached.		
Property owner email:		
Property owner phone:		
Applicant name and address: Michael Birch, Longleaf Law Partners		
Applicant email: mbirch@longleaflp.com		
Applicant phone: 919.645.4317		
Applicant signature(s): <i>Shelly Bishop</i> <small>DocuSigned by: 658C14D186F148D...</small>		
Additional email(s):		

**RECEIVED**

By JP Mansolf at 10:33 am, Jul 28, 2021

Conditional Use District Zoning Conditions		
Zoning case #: <b>Z-49-21</b>	Date submitted: <b>October 29, 2021</b>	Office Use Only Rezoning case #
Existing zoning: <b>RX-3-CU, OX-5-CU, NX-3-CU, CX-6-CU &amp; SHOD-1</b>	Proposed zoning: <b>R-10-CU, RX-4-CU, CX-3-CU &amp; SHOD-1</b>	

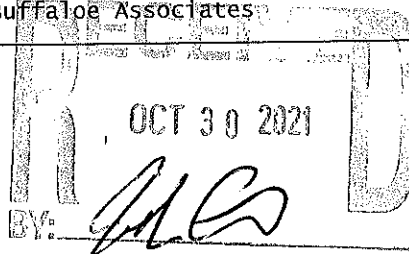
Narrative of Zoning Conditions Offered
<p>1. The following conditions shall apply to the portion of the property zoned R-10-CU:</p> <ul style="list-style-type: none"> <li>a. The maximum number of dwelling units permitted within this portion of the property shall be 450.</li> <li>b. There shall be provided one or more private community amenity area(s), with at least one including active recreation features, consisting of a total of at least 75,000 square feet of land area.</li> <li>c. A minimum of thirty percent (30%) of the net site area of the portion of the property zoned R-10-CU shall be designated as open area. "Open Area" as used in this Condition 1.c. for development with the detached house, attached house or townhome building types shall mean land area (i) located outside of public right-of-way; (ii) located outside of a lot developed with a residential dwelling unit; (iii) located outside a parking area; and (iv) owned in accordance with UDO Section 2.5.7.A. "Open Area" as used in this Condition 1.c. for development with the apartment building type shall mean land area (i) located outside of public right-of-way; (ii) located outside any vehicular drive aisle; (iii) located outside a vehicular parking area; and (iv) not covered by a principal building. Land area associated with any private community amenity area provided in accordance with Condition 1.b. may count toward this open area requirement so long as it complies with the definition of Open Area in this condition.</li> </ul> <p>2. The following conditions shall apply to the portion of the property zoned RX-4-CU:</p> <ul style="list-style-type: none"> <li>a. The maximum number of dwelling units permitted within this portion of the property shall be 650.</li> <li>b. There shall be provided one or more private community amenity area(s), with at least one including active recreation features, consisting of a total of at least 60,000 square feet of land area.</li> <li>c. A minimum of thirty percent (30%) of the net site area of the portion of the property zoned RX-4-CU shall be designated as open area. "Open Area" as used in this Condition 2.c. for development with the apartment building type shall mean land area (i) located outside of public right-of-way; (ii) located outside any vehicular drive aisle; (iii) located outside a vehicular parking area; and (iv) not covered by a principal building. "Open Area" as used in this Condition 2.c. for development with the detached house, attached house or townhome building types shall mean land area (i) located outside of public right-of-way; (ii) located outside a parking area; and (iv) owned in accordance with UDO Section 2.5.7.A. Land area associated with any private community amenity area provided in accordance with Condition 2.b. may count toward this open area requirement so long as it complies with the definition of Open Area in this condition.</li> </ul> <p>3. The following conditions shall apply to the portion of the property zoned CX-3-CU:</p> <ul style="list-style-type: none"> <li>a. The following principal uses as listed in UDO section 6.1.4. shall be prohibited: (i) adult establishment; (ii) detention center, jail, prison; (iii) vehicle repair - all types; (iv) car wash; (v) hotel, motel, inn; (vi) light manufacturing; (vii) bar, nightclub, tavern, lounge; (viii) vehicle fuel sales.</li> </ul> <p>4. The Apartment and Townhouse building types shall not be permitted within 200 feet of the property's common boundary line with the following lots: Lots 25-28 on Book of Maps 1997, Page 1907; Lots 29-35 on Book of Maps 1997, Page 1908; Lots 1-4 on Book of Maps 1993, Page 282; Lot shown on Book of Maps 1993, Page 548; Property described in Book 2547, Page 575; Lots 136 &amp; 137 on Book of Maps 2001, Page 2119; and Lot 47 on Book of Maps 2005, 1299 and Book of Maps 2001, Page 2114. 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The construction of this multi-use path shall be completed prior to the earlier of (i) the issuance of a building permit for the 500th dwelling unit located within the R-10-CU and RX-4-CU areas, or (ii) prior to the issuance of the 100th certificate of occupancy for units located within that portion of the property zoned RX-4-CU, on the east side of the to-be-dedicated right-of-way for future Buffalo Road, and within 700 feet of the I-540 right-of-way.</p> <p>6. A fence measuring at least 6 feet in height shall be provided as part of a development plan for a Commercial use on property zoned CX-3-CU and located adjacent to those lots designated "Open Space D" and "Open Space E" on those plats recorded in Book of Maps 2021, Pages 466-467, Wake County Registry (each, an "Open Space Lot"), in accordance with the terms of this condition. Such fence shall be located parallel to the property's common boundary line with an Open Space Lot, and located between such common boundary line and any building or vehicular surface area on the property. Notwithstanding this condition, a fence required by this condition shall not be located within any tree conservation area, existing or proposed right-of-way, access easements, slope easements, utility easements, drainage easements, or any easements required by a governmental entity that does not permit a fence. Additionally, a fence required by this condition can be located within a protective yard, to the extent not otherwise prohibited by the UDO.</p> <p>7. Floor area occupied by an eating establishment use shall be located at least 50 feet from any of Lots 50 through 54, inclusive, and Lot 70, as identified on the plats recorded in Book of Maps 2021, Pages 466-467, Wake County Registry.</p>

The property owner(s) hereby offers, consents to, and agrees to abide, 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: \_\_\_\_\_

*Shelly Bishop*  
656C1AD106F148D...

Printed Name(s): Shelly Bishop, Manager, Buffalo Associates



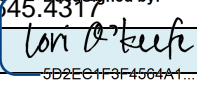


# Rezoning Application and Checklist

Planning and Development Customer Service Center • One Exchange Plaza, Suite 400 | Raleigh, NC 27601 | 919-996-2500

Please complete all sections of the form and upload via the Permit and Development Portal ([permitportal.raleighnc.gov](http://permitportal.raleighnc.gov)). Please see page 8 for information about who may submit a rezoning application. A rezoning application will not be considered complete until all required submittal components listed on the Rezoning Checklist have been received and approved. For questions email [rezoning@raleighnc.gov](mailto:rezoning@raleighnc.gov).

Rezoning Request				
Rezoning Type	<input type="checkbox"/> General Use	<input checked="" type="checkbox"/> Conditional Use	<input type="checkbox"/> Master Plan	Office Use Only Rezoning case # _____
	<input type="checkbox"/> Text change to zoning conditions			
Existing zoning base district: See Attached		Height: See Attached	Frontage: See Attached	Overlay(s): See Attached
Proposed zoning base district: See Attached		Height: See Attached	Frontage: See Attached	Overlay(s): See Attached
<b>Helpful Tip:</b> View the Zoning Map to search for the address to be rezoned, then turn on the 'Zoning' and 'Overlay' layers.				
If the property has been previously rezoned, provide the rezoning case number: Z-38-91 & Z-33-07				

General Information		
Date:	Date amended (1):	Date amended (2):
Property address: See Attached.		
Property PIN: See Attached.		
Deed reference (book/page): See Attached.		
Nearest intersection: Buffalo Road and Elizabeth Drive		Property size (acres): 212.28 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 and address: See Attached.		
Property owner email:		
Property owner phone:		
Applicant name and address: Michael Birch, Longleaf Law Partners		
Applicant email: mbirch@longleaflp.com		
Applicant phone: 919.645.4317		
Applicant signature(s): 		
Additional email(s):		

**RECEIVED**

By JP Mansolf at 10:37 am, Jul 28, 2021



Conditional Use District Zoning Conditions		
Zoning case #: Z-49-21	Date submitted: October 29, 2021	Office Use Only Rezoning case #
Existing zoning: RX-3-CU, OX-5-CU, NX-3-CU, CX-6-CU & SHOD-1	Proposed zoning: R-10-CU, RX-4-CU, CX-3-CU & SHOD-1	

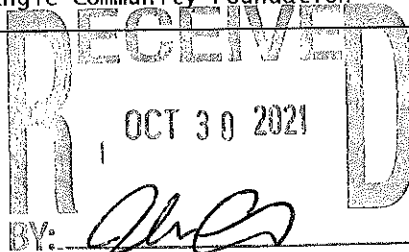
Narrative of Zoning Conditions Offered
<p>1. The following conditions shall apply to the portion of the property zoned R-10-CU:</p> <ul style="list-style-type: none"> <li>a. The maximum number of dwelling units permitted within this portion of the property shall be 450.</li> <li>b. There shall be provided one or more private community amenity area(s), with at least one including active recreation features, consisting of a total of at least 75,000 square feet of land area.</li> <li>c. A minimum of thirty percent (30%) of the net site area of the portion of the property zoned R-10-CU shall be designated as open area. "Open Area" as used in this Condition 1.c. for development with the detached house, attached house or townhome building types shall mean land area (i) located outside of public right-of-way; (ii) located outside of a lot developed with a residential dwelling unit; (iii) located outside a parking area; and (iv) owned in accordance with UDO Section 2.5.7.A. 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The property owner(s) hereby offers, consents to, and agrees to abide, 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: \_\_\_\_\_

*Robert Naylor*  
70AA44GCGCE30402

Printed Name(s): Robert Naylor, CFO, Triangle Community Foundation





# Rezoning Application and Checklist

Planning and Development Customer Service Center • One Exchange Plaza, Suite 400 | Raleigh, NC 27601 | 919-996-2500

Please complete all sections of the form and upload via the Permit and Development Portal ([permitportal.raleighnc.gov](http://permitportal.raleighnc.gov)). Please see page 8 for information about who may submit a rezoning application. A rezoning application will not be considered complete until all required submittal components listed on the Rezoning Checklist have been received and approved. For questions email [rezoning@raleighnc.gov](mailto:rezoning@raleighnc.gov).

Rezoning Request				
Rezoning Type	<input type="checkbox"/> General Use	<input checked="" type="checkbox"/> Conditional Use	<input type="checkbox"/> Master Plan	Office Use Only Rezoning case # _____
	<input type="checkbox"/> Text change to zoning conditions			
Existing zoning base district: See Attached		Height: See Attached	Frontage: See Attached	Overlay(s): See Attached
Proposed zoning base district: See Attached		Height: See Attached	Frontage: See Attached	Overlay(s): See Attached
<b>Helpful Tip:</b> View the Zoning Map to search for the address to be rezoned, then turn on the 'Zoning' and 'Overlay' layers.				
If the property has been previously rezoned, provide the rezoning case number: Z-38-91 & Z-33-07				

General Information		
Date:	Date amended (1):	Date amended (2):
Property address: See Attached.		
Property PIN: See Attached.		
Deed reference (book/page): See Attached.		
Nearest intersection: Buffalo Road and Elizabeth Drive		Property size (acres): 212.28 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 and address: See Attached.		
Property owner email:		
Property owner phone:		
Applicant name and address: Michael Birch, Longleaf Law Partners		
Applicant email: mbirch@longleaflp.com		
Applicant phone: 919.645.4317		
Applicant signature(s): <i>Cliff Benson, III</i> <small>DocuSigned by: 2E6F4820648640B...</small>		
Additional email(s):		

**RECEIVED**

By JP Mansolf at 10:37 am, Jul 28, 2021

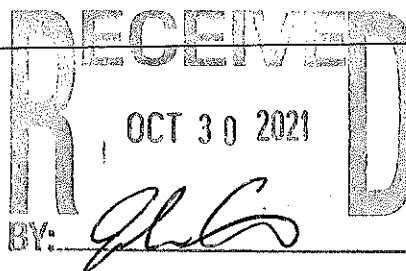
Conditional Use District Zoning Conditions		
Zoning case #: Z-49-21	Date submitted: October 29, 2021	Office Use Only Rezoning case #
Existing zoning: RX-3-CU, OX-5-CU, NX-3-CU, CX-5-CU & SHOD-1	Proposed zoning: R-10-CU, RX-4-CU, CX-3-CU & SHOD-1	

Narrative of Zoning Conditions Offered
<p>1. The following conditions shall apply to the portion of the property zoned R-10-CU:</p> <ul style="list-style-type: none"> <li>a. The maximum number of dwelling units permitted within this portion of the property shall be 450.</li> <li>b. There shall be provided one or more private community amenity area(s), with at least one including active recreation features, consisting of a total of at least 75,000 square feet of land area.</li> <li>c. A minimum of thirty percent (30%) of the net site area of the portion of the property zoned R-10-CU shall be designated as open area. "Open Area" as used in this Condition 1.c. for development with the detached house, attached house or townhome building types shall mean land area (i) located outside of public right-of-way; (ii) located outside of a lot developed with a residential dwelling unit; (iii) located outside a parking area; and (iv) owned in accordance with UDO Section 2.5.7.A. 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Property Owner(s) Signature: \_\_\_\_\_

Printed Name(s): Page Benson Dickens



Conditional Use District Zoning Conditions		
Zoning case #: <b>Z-49-21</b>	Date submitted: <b>October 29, 2021</b>	<b>Office Use Only</b> Rezoning case # _____
Existing zoning: <b>RX-3-CU, OX-5-CU, NX-3-CU, CX-5-CU &amp; SHOD-1</b>	Proposed zoning: <b>R-10-CU, RX-4-CU, CX-3-CU &amp; SHOD-1</b>	

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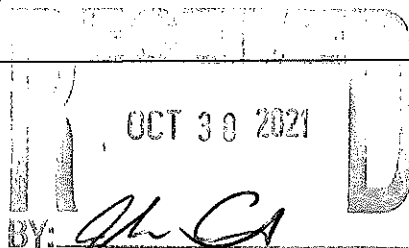
The property owner(s) hereby offers, consents to, and agrees to abide, if the rezoning request is approved, the conditions written above. All property owners must sign each condition page. This page may be photocopied if additional space is needed.

Property Owner(s) Signature: \_\_\_\_\_

*Cliff Benson, III*

2E0F4630618040B...

Printed Name(s): Cliff Benson, III



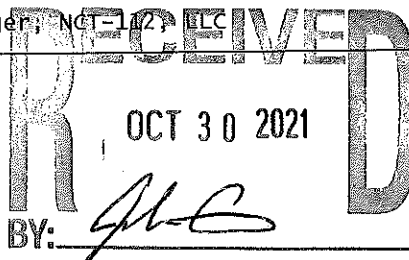
Conditional Use District Zoning Conditions		
Zoning case #: <b>Z-49-21</b>	Date submitted: <b>October 29, 2021</b>	Office Use Only Rezoning case #
Existing zoning: <b>RX-3-CU, CX-5-CU, NX-3-CU, CX-5-CU &amp; SHOD-1</b>	Proposed zoning: <b>R-10-CU, RX-4-CU, CX-3-CU &amp; SHOD-1</b>	

Narrative of Zoning Conditions Offered
<p>1. The following conditions shall apply to the portion of the property zoned R-10-CU:</p> <ul style="list-style-type: none"> <li>a. The maximum number of dwelling units permitted within this portion of the property shall be 450.</li> <li>b. There shall be provided one or more private community amenity area(s), with at least one including active recreation features, consisting of a total of at least 75,000 square feet of land area.</li> <li>c. A minimum of thirty percent (30%) of the net site area of the portion of the property zoned R-10-CU shall be designated as open area. "Open Area" as used in this Condition 1.c. for development with the detached house, attached house or townhome building types shall mean land area (i) located outside of public right-of-way; (ii) located outside of a lot developed with a residential dwelling unit; (iii) located outside a parking area; and (iv) owned in accordance with UDO Section 2.5.7.A. 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The Apartment and Townhouse building types shall not be permitted within 200 feet of the property's common boundary line with the following lots: Lots 25-28 on Book of Maps 1997, Page 1907; Lots 29-35 on Book of Maps 1997, Page 1908; Lots 1-4 on Book of Maps 1993, Page 282; Lot shown on Book of Maps 1993, Page 548; Property described in Book 2547, Page 575; Lots 136 &amp; 137 on Book of Maps 2001, Page 2119; and Lot 47 on Book of Maps 2005, 1299 and Book of Maps 2001, Page 2114. However, this condition does not apply to the portion of the property located to the east of the lots identified as "Common Open Space" and Lots 65-68 on Book of Maps 2004, Page 887.</p> <p>5. The developer shall construct a paved multi-use path at least ten (10) feet in width, from the to-be-dedicated public right-of-way for future Buffalo Road, to the existing Neuse River Trail. The portion of the multi-use path located outside the City's right-of-way and existing or future greenway easement will be privately owned and maintained, but shall be within a 15' wide recorded public access easement. The portions of the multi-use path within City right-of-way or existing or future greenway easement shall be constructed to City of Raleigh design standards. The requirement to construct this multi-use path is subject to the City granting access for construction of the multi-use path within City right-of-way and existing or future greenway easement. The construction of this multi-use path shall be completed prior to the earlier of (i) the issuance of a building permit for the 500th dwelling unit located within the R-10-CU and RX-4-CU areas; or (ii) prior to the issuance of the 100th certificate of occupancy for units located within that portion of the property zoned RX-4-CU, on the east side of the to-be-dedicated right-of-way for future Buffalo Road, and within 700 feet of the I-540 right-of-way.</p> <p>6. A fence measuring at least 6 feet in height shall be provided as part of a development plan for a Commercial use on property zoned CX-3-CU and located adjacent to those lots designated "Open Space D" and "Open Space E" on those plats recorded in Book of Maps 2021, Pages 466-467, Wake County Registry (each, an "Open Space Lot"), in accordance with the terms of this condition. 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The property owner(s) hereby offers, consents to, and agrees to abide, 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: Cliff Benson, III  
2E0F4830618040B...

Printed Name(s): Cliff Benson, III, Manager, NCT-112, LLC



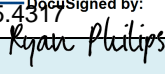


# Rezoning Application and Checklist

Planning and Development Customer Service Center • One Exchange Plaza, Suite 400 | Raleigh, NC 27601 | 919-996-2500

Please complete all sections of the form and upload via the Permit and Development Portal ([permitportal.raleighnc.gov](http://permitportal.raleighnc.gov)). Please see page 8 for information about who may submit a rezoning application. A rezoning application will not be considered complete until all required submittal components listed on the Rezoning Checklist have been received and approved. For questions email [rezoning@raleighnc.gov](mailto:rezoning@raleighnc.gov).

Rezoning Request				
Rezoning Type	<input type="checkbox"/> General Use	<input checked="" type="checkbox"/> Conditional Use	<input type="checkbox"/> Master Plan	Office Use Only Rezoning case # _____
	<input type="checkbox"/> Text change to zoning conditions			
Existing zoning base district: See Attached		Height: See Attached	Frontage: See Attached	Overlay(s): See Attached
Proposed zoning base district: See Attached		Height: See Attached	Frontage: See Attached	Overlay(s): See Attached
<b>Helpful Tip:</b> View the Zoning Map to search for the address to be rezoned, then turn on the 'Zoning' and 'Overlay' layers.				
If the property has been previously rezoned, provide the rezoning case number: Z-38-91 & Z-33-07				

General Information		
Date:	Date amended (1):	Date amended (2):
Property address: See Attached.		
Property PIN: See Attached.		
Deed reference (book/page): See Attached.		
Nearest intersection: Buffalo Road and Elizabeth Drive		Property size (acres): 212.28 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 and address: See Attached.		
Property owner email:		
Property owner phone:		
Applicant name and address: Michael Birch, Longleaf Law Partners		
Applicant email: mbirch@longleaflp.com		
Applicant phone: 919.645.4317		
Applicant signature(s): 		
Additional email(s):		

**RECEIVED**

By JP Mansolf at 10:38 am, Jul 28, 2021



Conditional Use District Zoning Conditions		
Zoning case #: <b>Z-49-21</b>	Date submitted: <b>October 29, 2021</b>	Office Use Only Rezoning case #
Existing zoning: <b>RX-3-CU, OX-5-CU, NX-3-CU, CX-6-CU &amp; SHOD-1</b>	Proposed zoning: <b>R-10-CU, RX-4-CU, CX-3-CU &amp; SHOD-1</b>	

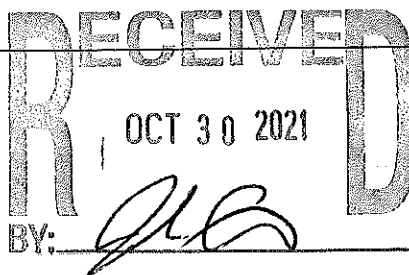
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The portion of the multi-use path located outside the City's right-of-way and existing or future greenway easement will be privately owned and maintained, but shall be within a 15' wide recorded public access easement. The portions of the multi-use path within City right-of-way or existing or future greenway easement shall be constructed to City of Raleigh design standards. The requirement to construct this multi-use path is subject to the City granting access for construction of the multi-use path within City right-of-way and existing or future greenway easement. The construction of this multi-use path shall be completed prior to the earlier of (i) the issuance of a building permit for the 500th dwelling unit located within the R-10-CU and RX-4-CU areas, or (ii) prior to the issuance of the 100th certificate of occupancy for units located within that portion of the property zoned RX-4-CU, on the east side of the to-be-dedicated right-of-way for future Buffalo Road, and within 700 feet of the I-540 right-of-way.</p> <p>6. A fence measuring at least 6 feet in height shall be provided as part of a development plan for a Commercial use on property zoned CX-3-CU and located adjacent to those lots designated "Open Space D" and "Open Space E" on those plats recorded in Book of Maps 2021, Pages 466-467, Wake County Registry (each, an "Open Space Lot"). In accordance with the terms of this condition. 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The property owner(s) hereby offers, consents to, and agrees to abide, 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: \_\_\_\_\_

*Jill Swisher*  
49749107D5EF4CB...

Printed Name(s): Jill Philips Swisher



Conditional Use District Zoning Conditions		
Zoning case #: Z-49-21	Date submitted: October 29, 2021	Office Use Only Rezoning case #
Existing zoning: RX-3-CU, OX-5-CU, NX-3-CU, CX-5-CU & SHOD-1	Proposed zoning: R-10-CU, RX-4-CU, CX-3-CU & SHOD-1	

Narrative of Zoning Conditions Offered
<p>1. The following conditions shall apply to the portion of the property zoned R-10-CU:</p> <ul style="list-style-type: none"> <li>a. The maximum number of dwelling units permitted within this portion of the property shall be 450.</li> <li>b. There shall be provided one or more private community amenity area(s), with at least one including active recreation features, consisting of a total of at least 75,000 square feet of land area.</li> <li>c. A minimum of thirty percent (30%) of the net site area of the portion of the property zoned R-10-CU shall be designated as open area. "Open Area" as used in this Condition 1.c. for development with the detached house, attached house or townhome building types shall mean land area (i) located outside of public right-of-way; (ii) located outside of a lot developed with a residential dwelling unit; (iii) located outside a parking area; and (iv) owned in accordance with UDO Section 2.5.7.A. 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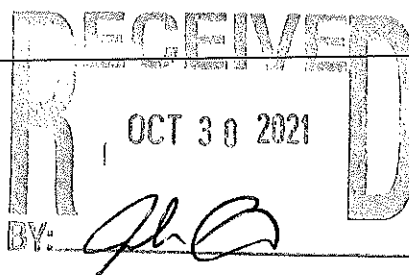
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Property Owner(s) Signature: \_\_\_\_\_

*Ryan Philips*  
331E68767103408...

Ryan Philips

Printed Name(s): \_\_\_\_\_



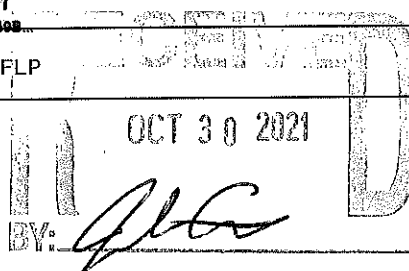
Conditional Use District Zoning Conditions		
Zoning case #: <b>Z-49-21</b>	Date submitted: <b>October 29, 2021</b>	<b>Office Use Only</b> Rezoning case # _____
Existing zoning: <b>RX-3-CU, OX-5-CU, NX-3-CU, CX-5-CU &amp; SHOD-1</b>	Proposed zoning: <b>R-10-CU, RX-4-CU, CX-3-CU &amp; SHOD-1</b>	

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<p>1. The following conditions shall apply to the portion of the property zoned R-10-CU:</p> <ol style="list-style-type: none"> <li>The maximum number of dwelling units permitted within this portion of the property shall be 450.</li> <li>There shall be provided one or more private community amenity area(s), with at least one including active recreation features, consisting of a total of at least 75,000 square feet of land area.</li> <li>A minimum of thirty percent (30%) of the net site area of the portion of the property zoned R-10-CU shall be designated as open area. "Open Area" as used in this Condition 1.c. for development with the detached house, attached house or townhome building types shall mean land area (i) located outside of public right-of-way; (ii) located outside of a lot developed with a residential dwelling unit; (iii) located outside a parking area; and (iv) owned in accordance with UDO Section 2.5.7.A. 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"Open Area" as used in this Condition 8. for development with the detached house, attached house or townhome building types shall mean land area (i) located outside of public right-of-way; (ii) located outside of a lot developed with a residential dwelling unit; (iii) located outside a parking area; and (iv) owned in accordance with UDO Section 2.5.7.A. Land area associated with any private community amenity area provided in accordance with Condition 6. may count toward this open area requirement so long as it complies with the definition of Open Area in this condition.</li> </ol> <p>3. The following conditions shall apply to the portion of the property zoned CX-3-CU:</p> <ol style="list-style-type: none"> <li>The following principal uses as listed in UDO section 6.1.4. shall be prohibited: (i) adult establishment, (ii) detention center, jail, prison; (iii) vehicle repair - all types; (iv) car wash; (v) hotel, motel, inn; (vi) light manufacturing; (vii) bar, nightclub, tavern, lounge; (viii) vehicle fuel sales.</li> </ol> <p>4. The Apartment and Townhouse building types shall not be permitted within 200 feet of the property's common boundary line with the following lots: Lots 25-28 on Book of Maps 1997, Page 1907; Lots 29-35 on Book of Maps 1997, Page 1908; Lots 1-4 on Book of Maps 1993, Page 282; Lot shown on Book of Maps 1993, Page 548; Property described in Book 2547, Page 575; Lots 136 &amp; 137 on Book of Maps 2001, Page 2119; and Lot 47 on Book of Maps 2005, 1299 and Book of Maps 2001, Page 2114. However, this condition does not apply to the portion of the property located to the east of the lots identified as "Common Open Space" and Lots 65-68 on Book of Maps 2004, Page 887.</p> <p>5. The developer shall construct a paved multi-use path at least ten (10) feet in width, from the to-be-dedicated public right-of-way for future Buffalo Road, to the existing Neuse River Trail. The portion of the multi-use path located outside the City's right-of-way and existing or future greenway easement will be privately owned and maintained, but shall be within a 15' wide recorded public access easement. The portions of the multi-use path within City right-of-way or existing or future greenway easement shall be constructed to City of Raleigh design standards. The requirement to construct this multi-use path is subject to the City granting access for construction of the multi-use path within City right-of-way and existing or future greenway easement. The construction of this multi-use path shall be completed prior to the earlier of (i) the issuance of a building permit for the 500th dwelling unit located within the R-10-CU and RX-4-CU areas, or (ii) prior to the issuance of the 100th certificate of occupancy for units located within that portion of the property zoned RX-4-CU, on the east side of the to-be-dedicated right-of-way for future Buffalo Road, and within 700 feet of the I-540 right-of-way.</p> <p>6. A fence measuring at least 6 feet in height shall be provided as part of a development plan for a Commercial use on property zoned CX-3-CU and located adjacent to those lots designated "Open Space D" and "Open Space E" on those plats recorded in Book of Maps 2021, Pages 466-467, Wake County Registry (each, an "Open Space Lot"), in accordance with the terms of this condition. Such fence shall be located parallel to the property's common boundary line with an Open Space Lot, and located between such common boundary line and any building or vehicular surface area on the property. Notwithstanding this condition, a fence required by this condition shall not be located within any tree conservation area, existing or proposed right-of-way, access easements, slope easements, utility easements, drainage easements, or any easements required by a governmental entity that does not permit a fence. Additionally, a fence required by this condition can be located within a protective yard, to the extent not otherwise prohibited by the UDO.</p> <p>7. Floor area occupied by an eating establishment use shall be located at least 50 feet from any of Lots 50 through 54, inclusive, and Lot 70, as identified on the plats recorded in Book of Maps 2021, Pages 466-467, Wake County Registry.</p>

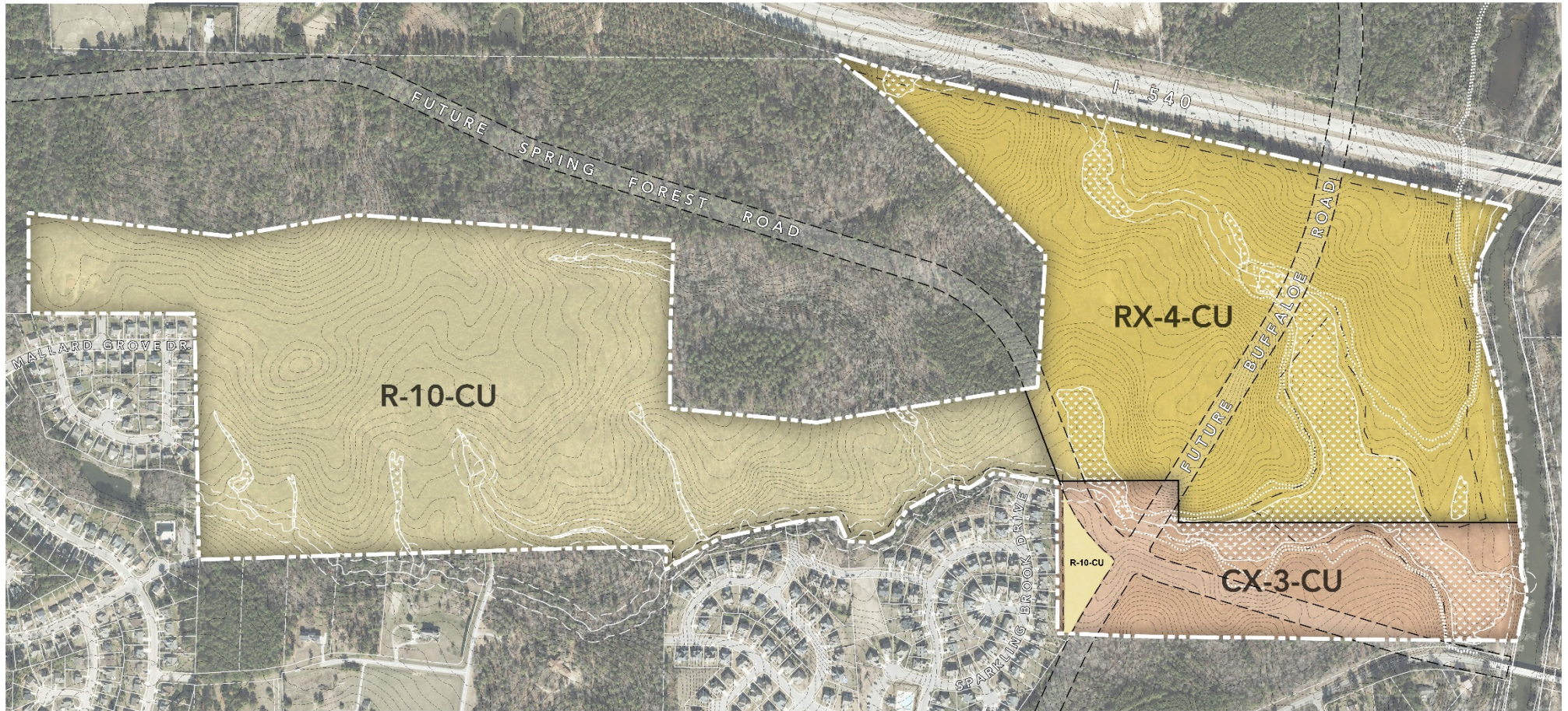
The property owner(s) hereby offers, consents to, and agrees to abide, if the rezoning request is approved, the conditions written above. All property owners must sign each condition page. This page may be photocopied if additional space is needed.

Property Owner(s) Signature: *Ryan Philips*

Printed Name(s): Ryan Philips - Philips FLP







**BUFFALO RESERVE- RALEIGH, NC**  
Conceptual Development Plan - June 15, 2021



### **CX-3-CU AREA**

Beginning at a point on the west bank of the Neuse River, having a North Carolina State Plane Coordinate value of North 764,646.37 feet, East 2,139,247.01 feet. Thence with the west bank of the Neuse River S6° 26' 33"E, 44.07' to a point; thence S7° 42' 08"E, 194.14' to a point; thence S3° 30' 07"W, Length: 103.14' to a point; S3° 16' 28"W, 131.61'; to a point; thence S18° 15' 19"W, 66.44' to a point; thence leaving the aforesaid river N89° 15' 35"W, 284.30' to a 5/8" capped iron rod; thence N89° 15' 35"W, 1732.11' to a point; thence N31° 04' 40"E, 371.91' to a point; thence with a curve to the left having a radius of 25.00', a length of 36.42' and a chord bearing and distance of N9° 59' 01"W, 33.29' to a point; thence with a curve to the right having a radius of 702.50', a length of 378.97', and a chord bearing and distance of N36° 16' 08"W, 374.39' to a point; N20° 48' 53"W, 44.71' to a point; thence N89° 47' 48"E, 539.06' to a point; thence S0° 00' 00"E, 189.30' to a point; thence N90° 00' 00"E, 1532.00' to the Beginning containing 25.29 acres more, or less.

#### **RX-4-CU AREA**

Beginning at a point on the west bank of the Neuse River, having a North Carolina State Plane Coordinate value of North 764,646.37 feet, East 2,139,247.01 feet. Thence N90° 00' 00"W, 1532.00' to a point; thence N0° 00' 00"E, 189.30' to a point; thence S89° 47' 48"W, 539.06' to a point; thence N20° 48' 53"W, 456.20' to a point; thence N80° 57' 51"E, 66.36' to an existing iron pipe; thence N3° 35' 02"E, 606.13' to an existing iron pipe; thence N47° 31' 18"W, 1288.24' to an existing concrete monument; thence N24° 45' 34"E, 22.90' to an existing concrete right of way monument in the southern right of way of US Highway 540; thence with the aforesaid Highway S73° 15' 32"E, 263.86' to a 5/8" capped iron rod set; thence S77° 37' 04"E, 2857.71' to the west bank of the Neuse River; thence leaving US Highway 540 and with the west bank of the Neuse River S36° 57' 03"W, 75.72' to a point; thence S28° 15' 32"W, 172.17' to a point; thence S5° 58' 39"W, 136.40' to a point; thence S12° 10' 41"E, 234.47' to a point; thence S8° 58' 35"E, 487.57' to a point; thence S6° 26' 33"E, 374.89' to the Beginning containing 83.58 acres more, or less.



## R-10-CU AREA

Beginning at an existing concrete monument, the northeast corner of "Cardinal Grove, Phase 3", recorded in the Book of Maps 1997, Page 1907 & 1908 and having a North Carolina State Plane Coordinate value of North 765,591.36 feet, East 2,133,256.72 feet. Thence N89° 51' 50"W, 750.20' to an existing iron pipe; thence N1° 35' 46"W, 466.42' to an existing iron pipe; thence S81° 13' 47"E, 922.24' to an existing iron pipe; thence N79° 45' 00"E, 580.63' to an existing iron pipe; thence S86° 46' 49"E, 1448.86' to a 5/8" capped iron rod set; thence S1° 22' 24"W, 757.93' to an existing iron pipe; thence S83° 59' 10"E, 680.24' to an existing iron pipe; thence N80° 57' 51"E, 944.79' to a point; thence S20° 48' 53"E, 456.20' to a point; thence S69° 11' 07"W, 11.27' to a point: thence with Mill Stone Branch as it meanders the following bearings and distances: N0° 14' 50"W, 7.39'; S76° 34' 26"W, 10.44'; N76° 01' 31"W, 7.91'; N39° 44' 10"W, 19.37'; N68° 17' 40"W, 18.77'; S89° 59' 53"W, 30.15'; S52° 14' 17"W, 25.35'; S60° 12' 49"W, 14.92'; N83° 30' 20"W, 9.99'; N62° 04' 51"W, 9.98'; N19° 27' 15"W, 11.32'; N44° 40' 28"W, 14.09'; S83° 19' 48"W, 11.89'; S79° 36' 25"W, 20.19'; N6° 03' 53"W, 8.64'; N48° 12' 06"W, 9.61'; N1° 34' 09"W, 9.17'; N12° 29' 29"W, 16.85'; S78° 57' 55"W, 38.56'; S64° 52' 35"W, 24.66'; N55° 49' 59"W, 15.98'; N75° 55' 10"W, 30.24'; S84° 17' 37"W, 8.77'; S48° 16' 03"W, 10.56'; S17° 36' 35"W, 29.68'; S51° 44' 19"W, 35.42'; S39° 34' 07"W, 29.01'; S70° 57' 02"W, 25.20'; N78° 09' 13"W, 17.61'; S89° 11' 38"W, 17.71'; N38° 00' 50"W, 22.48'; N3° 15' 14"W, 21.97'; N68° 03' 54"W, 23.33'; S57° 10' 13"W, 17.13'; N71° 29' 52"W, 28.06'; S53° 36' 55"W, 15.22'; S21° 28' 10"W, 28.09'; S54° 50' 33"W, 25.13'; N82° 03' 17"W, 22.37'; S53° 02' 10"W, 11.80'; S24° 11' 41"W, 13.29'; S45° 29' 54"W, 20.99'; S16° 30' 39"E, 14.76'; S24° 02' 21"W, 23.70'; S17° 54' 14"W, 16.50'; S40° 21' 31"W, 17.74'; N60° 29' 00"W, 19.63'; S84° 15' 35"W, 8.71'; N61° 51' 40"W, 39.24'; S89° 17' 35"W, 9.87'; S16° 03' 55"W, 17.61'; S11° 27' 48"E, 19.61'; S1° 02' 30"E, 10.56'; S15° 51' 18"W, 11.37'; S41° 39' 15"W, 16.13'; N89° 27' 59"W, 20.20'; S21° 31' 47"W, 26.60'; S14° 35' 56"E, 8.97'; S16° 06' 24"W, 8.22'; S4° 11' 55"E, 30.90'; S11° 31' 25"W, 14.54'; S42° 54' 30"W, 16.07'; S74° 56' 29"W, 17.95'; S78° 09' 00"W, 4.76'; S43° 15' 14"W, 8.50'; S86° 51' 12"W, 14.75'; S76° 59' 15"W, 23.37'; N52° 28' 56"W, 7.75'; N73° 40' 39"W, 16.70'; N26° 52' 53"W, 13.64'; N13° 52' 12"E, 11.76'; N10° 11' 02"W, 15.55'; N77° 34' 36"W, 23.77'; S83° 22' 08"W, 12.95'; N85° 07' 55"W, 13.10'; S37° 04' 36"W, 9.10'; S15° 02' 39"W, 16.58'; S67° 46' 45"W, 12.99'; S60° 53' 54"W, 12.65'; S81° 40' 37"W, 9.24'; N67° 32' 08"W, 11.64'; S59° 11' 26"W, 10.71'; S19° 57' 53"W, 8.28'; S75° 38' 24"W, 9.26'; N41° 04' 11"W, 17.50'; N43° 53' 00"W, 11.14'; N18° 54' 27"W, 11.67'; N49° 10' 32"W, 9.41'; N6° 34' 54"E, 31.68'; N46° 23' 17"W, 10.57'; N16° 54' 45"W, 15.05'; N49° 45' 49"W, 12.05'; N67° 47' 06"W, 9.21'; N28° 45' 30"W, 7.86'; N69° 04' 26"W, 4.78'; S87° 00' 55"W, 8.54'; S76° 49' 08"W, 9.75'; S83° 42' 37"W, 10.15'; N80° 57' 09"W, 22.17'; S57° 13' 47"W, 5.21'; S67° 28' 33"W, 18.97'; N66° 44' 12"W, 9.59'; S43° 42' 11"W, 34.56'; N80° 02' 06"W, 10.58'; S79° 06' 23"W, 31.49'; S76° 03' 34"W, 18.53'; N67° 04' 55"W, 9.70'; N10° 23' 14"W, 23.51'; S87° 35' 26"W, 19.40'; S50° 35' 09"W, 15.86'; S68° 23' 57"W, 19.59'; N78° 47' 08"W, 14.71'; S64° 05' 22"W, 13.27'; S64° 21' 05"W, 19.49'; S86° 17' 01"W, 22.87'; N78° 16' 59"W, 12.35'; N49° 46' 58"W, 7.77'; S51° 17' 16"W, 11.13'; S73° 42' 25"W, 20.35'; S85° 43' 08"W, 18.58'; N64° 59' 55"W, 5.62'; N40° 25' 22"W, 24.99'; N72° 44' 15"W, 19.44'; S38° 12' 19"W, 11.56'; S13° 57' 20"E, 17.37'; S18° 06' 58"W, 12.38'; S37° 48' 08"W, 18.52'; S58° 30' 07"W, 14.08'; N62° 28' 50"W, 14.94'; S73° 23' 27"W, 7.92'; S44° 39' 21"W, 12.57'; N88° 14' 53"W, 11.10'; N77° 39' 34"W, 19.59'; S81° 07' 44"W, 24.99'; S81° 55' 26"W, 13.84';

S52° 55' 38"W, 8.24'; S25° 28' 44"W, 7.45'; S80° 24' 49"W, 11.55'; S78° 32' 19"W, 11.29'; S22° 29' 01"W, 19.19'; S79° 01' 09"W, 9.39'; S69° 41' 25"W, 10.30'; S49° 51' 52"W, 3.75'; N77° 04' 16"W, 6.79'; N60° 50' 59"W, 8.18'; N48° 52' 26"W, 11.11'; S35° 43' 18"W, 11.70'; S23° 07' 53"W, 20.50'; S83° 47' 20"W, 7.37'; N63° 10' 12"W, 4.87'; S83° 14' 07"W, 10.24'; S61° 11' 31"W, 20.07'; S23° 12' 51"W, 7.19'; S14° 56' 30"W, 18.31'; S38° 30' 44"W, 19.95'; S86° 26' 54"W, 19.04'; S30° 21' 43"W, 5.60'; S7° 26' 11"W, 5.47'; S32° 57' 05"W, 12.37'; S48° 51' 09"W, 8.78'; S66° 56' 29"W, 13.88'; S42° 40' 49"W, 4.77'; S53° 36' 13"W, 6.99'; S49° 29' 03"W, 11.69'; thence leaving Mill Stone Creek N1° 21' 40"E, 115.81' to an existing iron pipe; thence S88° 09' 25"W, 2118.79' to an existing iron pipe; thence N1° 04' 21"W, 1114.85' to the Beginning containing 98.24 acres more, or less

### **R-10-CU-ADDITIONAL AREA**

Beginning at a 5/8" capped rebar set at a common corner with "Stone Ridge-Phase 1" (BM 2003, PG 769), having a North Carolina State Plane Coordinate value of North 764,139.60 feet, East 2,137,168.56 feet. Thence N0° 14' 50"W, 690.20' to a point; thence N69° 11' 07"E, 11.27' to a point; thence S20° 48' 53"E, 44.71' to a point; thence with a curve to the left having a radius of 702.50', a length of 378.97', and a chord bearing and distance of S36° 16' 08"E, 374.39'; thence with a curve to the right having a radius of 25.00', a length of 36.42', and a chord bearing and distance of S9° 59' 01"E, 33.29' to a point; thence S31° 04' 40"W, 371.91' to a point' thence N89° 15' 35"W, 58.72' to the Beginning containing 2.143 more, or less.

Rezoning Application Addendum #1	
Comprehensive Plan Analysis	Office Use Only Rezoning case # _____
The applicant is asked to analyze the impact of the rezoning request and its consistency with the Comprehensive Plan. The applicant is also asked to explain how the rezoning request is reasonable and in the public interest.	
Statement of Consistency	
Provide brief statements regarding whether the rezoning request is consistent with the future land use designation, the urban form map, and any applicable policies contained within the 2030 Comprehensive Plan.	
<p>1. The portion of the property proposed as R-10-CU is designated Low Density Residential and Medium Density Residential on the Future Land Use Map. The R-10 district permits the types of units and the amount of density envisioned by these designations. The portion of the property designated Public Parks &amp; Open Space is wholly within the floodplain and otherwise protected environmental features, and such limitations are consistent with the intent of the Public Parks &amp; Open Space designation. The portion of the property proposed as RX-4-CU is designated Low Density Residential, Office/Research &amp; Development, and Community Mixed Use, and the portion of the property proposed as CX-3-CU is designated primarily Office/Research &amp; Development with a small portion designated Community Mixed Use. Although the O/R&amp;D designation does not envision residential uses, the proposed districts are generally consistent with uses and densities encouraged by the applicable classifications, and are more compatible with surrounding development than uses envisioned by the Future Land Use Map. Overall, the request is consistent with the Future Land Use Map.</p> <p>2. A portion of the property is located along Interstate 540, which is designated a Parkway Corridor on the Urban Form Map. The existing SHOD-1 district is proposed to remain, consistent with this guidance.</p> <p>3. The rezoning request is consistent with the following Comprehensive Plan policies: LU 2.2 "Compact Development"; LU 5.1 "Reinforcing the Urban Pattern"; LU 5.4 "Density Transitions"; LU 8.1 "Housing Variety"; LU 8.10 "Infill Development"; and LU 8.12 "Infill Compatibility."</p>	
Public Benefits	
Provide brief statements explaining how the rezoning request is reasonable and in the public interest.	
<p>1. The rezoning request is reasonable and in the public interest because it facilitates development of additional housing supply and housing variety in proximity to major transportation corridors and future commercial and employment opportunities.</p> <p>2. The rezoning request is reasonable and in the public interest because it facilitates dedication and construction of future streets that will enhance connectivity and trip distribution in the area.</p> <p>3. The rezoning request is reasonable and in the public interest because it permits uses and densities that are compatible with surrounding neighborhoods and environmental features.</p>	

Rezoning Application Addendum #2	
Impact on Historic Resources	Office Use Only Rezoning case #  _____
The applicant is asked to analyze the impact of the rezoning request on historic resources. For the purposes of this section, a historic resource is defined as any site, structure, sign, or other feature of the property to be rezoned that is listed in the National Register of Historic Places or designated by the City of Raleigh as a landmark or contributing to a Historic Overlay District.	
Inventory of Historic Resources	
List in the space below all historic resources located on the property to be rezoned. For each resource, indicate how the proposed zoning would impact the resource.	
There are no known historical resources located on the property.	
Public Mitigation	
Provide brief statements describing actions that will be taken to mitigate all negative impacts listed above.	
Not Applicable.	

## 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", "Mixed-Use Center", or "Transit Station Areas", 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.

Policy UD 7.3:

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 Applicant must respond to the **Downtown Urban Design Guidelines** contained in the 2030 Comprehensive Plan if:

- a) The property to be rezoned is within "Downtown" as shown on the Urban Form Map in the 2030 Comprehensive Plan.

Policy DT 7.18:

The design guidelines in Table DT-1 shall be used to review rezoning, alternative means of compliance, special use permits, and planned development master plan applications in downtown.

Please [click here](#) to download the Design Guidelines Addendum if required.

Urban Form Designation: City Growth Center

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

Please continue to the next page for the Rezoning Checklist Submittal Requirement.

REZONING OF PROPERTY CONSISTING OF +/- 212.28 ACRES,  
LOCATED AT 5604 KYLE DRIVE AND 0 & 6615 BUFFALOE ROAD IN THE CITY OF  
RALEIGH

REPORT OF NEIGHBORHOOD MEETING WITH ADJACENT PROPERTY OWNERS AND  
TENANTS ON  
JUNE 15, 2021

Pursuant to applicable provisions of the Unified Development Ordinance, a neighborhood meeting was held with respect to a potential rezoning with adjacent property owners and tenants on Tuesday, June 15, 2021, at 5:00 p.m. The property considered for this potential rezoning totals approximately 212.28 acres, and is located at 5604 Kyle Drive and 0 & 6615 Buffaloe Road, in the City of Raleigh, having Wake County Parcel Identification Numbers 1736-45-3588, 1736-84-4773 and 1736-76-4233. This meeting was held virtually on Zoom with an option to call in by telephone. All owners and tenants of property within 500 feet of the subject property were invited to attend the meeting. Attached hereto as **Exhibit A** is a copy of the neighborhood meeting notice. A copy of the required mailing list for the meeting invitations is attached hereto as **Exhibit B**. A list of the individuals who attended the meeting is attached hereto as **Exhibit C**. A summary of the items discussed at the meeting is attached hereto as **Exhibit D**.



## EXHIBIT A – NEIGHBORHOOD MEETING NOTICE



To: Neighboring Property Owners and Tenants  
From: Michael Birch  
Date: June 5, 2021  
Re: Neighborhood Meeting for Rezoning of 5604 Kyle Drive, 0 and 6615 Buffaloe Road

You are invited to attend a virtual meeting to discuss the proposed rezoning of 5604 Kyle Drive, 0 Buffaloe Road and 6615 Buffaloe Road. We have scheduled an informational meeting with surrounding neighbors on Tuesday, June 15<sup>th</sup> at 5:00 PM until 7:00 PM. Due to the COVID-19 Pandemic, this meeting will be held virtually. You can participate online or by telephone. To participate, visit:

To join with video:

<https://zoom.us/>  
**Meeting ID:** 838 1887 5620  
**Password:** 769157

To join by telephone:

**+1 646 558 8656**  
**Meeting ID:** 838 1887 5620  
**Password:** 769157

The purpose of this meeting is to discuss the proposed rezoning of 5604 Kyle Drive, 0 Buffaloe Road and 6615 Buffaloe Road (with Property Identification Numbers (PIN) 1736-45-3588, 1736-84-4773 and 1736-76-4233, respectively). The property totals approximately 212.28 acres in size, and is located west of the Neuse River and north of Buffaloe Road.

The property is currently zoned OX-5-CU, RX-3-CU, NX-3-CU, and CX-5-CU with the SHOD-1 overlay, and the proposed zoning designation is RX-4-CU, R-10-CU and CX-3-CU. The purpose of the rezoning is to allow for a variety of housing types and limited commercial uses.

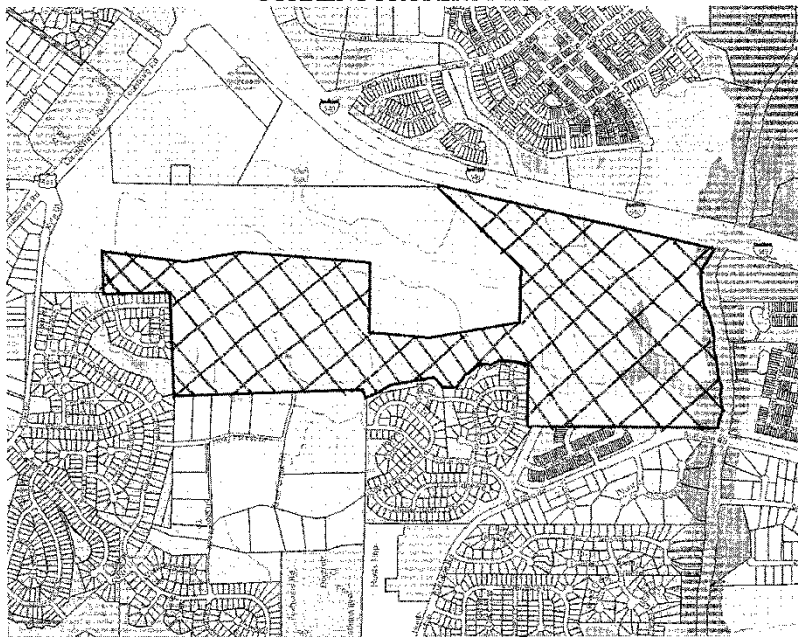
The City of Raleigh requires a neighborhood meeting involving the owners and tenants of property within 500 feet of the properties prior to filing a rezoning application. After the meeting, we will prepare a report for the Planning Department regarding the items discussed at the meeting.

Please do not hesitate to contact me directly if you have any questions or wish to discuss any issues. I can be reached at 919.645.4317 and [mbirch@longleaflp.com](mailto:mbirch@longleaflp.com). Also, for more information about the Text Amendment to Zoning Conditions, you may visit [www.raleighnc.gov](http://www.raleighnc.gov) or contact the Raleigh City Planning Department at 919.996.2180 or [jp.mansolf@raleighnc.gov](mailto:jp.mansolf@raleighnc.gov).

Attached to this invitation are the following materials:

1. Subject Property Current Aerial Exhibit
2. Subject Property Current Zoning Exhibit
3. A draft of the proposed Rezoning Application

CURRENT PROPERTY MAP



CURRENT ZONING MAP



# 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			<b>OFFICE USE ONLY</b>  Rezoning Case #	
Existing Zoning Base District	Height	Frontage		Overlay(s) <u>SHOD-1</u>
Proposed Zoning Base District	Height	Frontage		Overlay(s)
Click <a href="#">here</a> to view the Zoning Map. Search for the address to be rezoned, then turn on the 'Zoning' and 'Overlay' layers.				
If the property has been previously rezoned, provide the rezoning case number: <b>Z-38-1991; Z-33-2007</b>				
GENERAL INFORMATION				
Date	Date Amended (1)	Date Amended (2)		
Property Address <b>5604 Kyle Drive, 0 Buffaloe Road, 6615 Buffaloe Road</b>				
Property PIN 1736-45-3588, 1736-84-4773, and 1736-76-4233		Deed Reference (book/page) 14995/1755; 12064/1908; 14995/1759		
Nearest Intersection <b>Amber Bluffs Cres. and Sparkling Brook Dr.</b>				
Property Size (acres) <b>212.28</b>	For Planned Development Applications Only:	Total Units	Total Square Footage	
		Total Parcels	Total Buildings	
Property Owner Name/Address <b>Buffaloe Associates, LLC and Clifton L. Benson, Jr. Family Limited Partnership</b>		Phone	Fax	
		Email		
Applicant Name/Address <b>Worth Mills, Longleaf Law Partners 4509 Creedmoor Road, Suite 302 Raleigh, NC 27612</b>		Phone <b>919.645.4313</b>	Fax	
		Email <b>wmills@longleaflp.com</b>		
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 CONDITIONS	
Zoning Case Number <b>TBD</b>	OFFICE USE ONLY  Rezoning Case #
Date Submitted	
Existing Zoning <small>OX-5-CU, RX-3-CU, NX-3-CU, CX-5-CU</small> Proposed Zoning <b>RX-4-CU, R-10-CU, CX-3-CU</b>	
Narrative of Zoning Conditions Offered	
<p>1. The following principal uses as listed in UDO Section 6.1.4. that are permitted, limited, or special uses in the CX- district shall be prohibited: (i) Adult establishment; (ii) Detention center, jail, prison.</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 \_\_\_\_\_ Print Name \_\_\_\_\_

## **EXHIBIT C – MEETING ATTENDEES**

1. Michael Birch
2. Worth Mills
3. Kaline Shelton
4. Ira Mabel
5. Beth Blackman
6. Mark Marcucci
7. Jim Esties
8. Amy Cochiem
9. C. Werner
10. Joshua Reinke
11. Moses Eason
12. Sam Rouse Jr
13. Mary Jones
14. John Myers
15. Brian Dimsdale
16. Darren
17. Evans Taylor
18. Naomi
19. Thom Dunn
20. Bette
21. Jim Oeste
22. Taylor
23. Iphone
24. Mark and Anne Catherine Johnson
25. Chandra

## **EXHIBIT D – ITEMS DISCUSSED**

1. Potential stub connections and access to the proeprty
2. Proposed road extensions match Raleigh transportation plans
3. Potential buffering in the CX zoning district
4. Allowable uses within the R-10 zoning district
5. Questions about current work onsite – Geotech, environmental, surveying taking place now
6. Anticipated timing of entitlements and construction
7. The various ways that neighbors can participate in the rezoning process
8. Existing traffic and the realignments of Buffaloe Road and Spring Forest Road
9. Potential development intensities under current and proposed zoning districts
10. This rezoning would be a “downzoning” when compared to existing allowable development intensities
11. Potential impacts of proposed zoning versus current entitlements
12. What does R-10-CU mean?
13. Potential access to surrounding community amenity space (highly unlikely)
14. Potential stubs and access to nearby streets
15. Potential building types, both residential and commercial
16. What does RX-4-XU mean?
17. Ability for neighbors to review the meeting recording and presentation
18. Staff review and analysis of the current versus proposed zoning conditions

REZONING OF PROPERTY CONSISTING OF +/- 212.28 ACRES,  
LOCATED WEST OF THE NEUSE RIVER AND NORTH OF BUFFALOE ROAD,  
IN THE CITY OF RALEIGH

REPORT OF MEETING WITH ADJACENT PROPERTY OWNERS ON  
SEPTEMBER 13, 2021

Pursuant to applicable provisions of the Unified Development Ordinance, a meeting was held with respect to a potential rezoning with adjacent property owners and tenants on Monday, September 13, at 5:00 p.m. The property considered for this potential rezoning totals approximately 212.28 acres, and is located west of the Neuse River and north of Buffaloe Road, in the City of Raleigh, having Wake County Parcel Identification Numbers 1736-45-3588, 1736-84-4773, and 1736-76-4233. This meeting was held virtually on Zoom with an option to call in by telephone. All owners and tenants of property within 1,000 feet of the subject property were invited to attend the meeting. Attached hereto as **Exhibit A** is a copy of the neighborhood meeting notice. A copy of the required mailing list for the meeting invitations is attached hereto as **Exhibit B**. A summary of the items discussed at the meeting is attached hereto as **Exhibit C**. Attached hereto as **Exhibit D** is a list of individuals who attended the meeting.



## EXHIBIT A – NEIGHBORHOOD MEETING NOTICE



To: Neighboring Property Owners and Tenants  
From: Michael Birch  
Date: September 2, 2021  
Re: Neighborhood Meeting for Rezoning of 5604 Kyle Drive, 0 and 6615 Buffaloe Road (Z-49-21)

You are invited to attend a virtual meeting to discuss the proposed rezoning of 5604 Kyle Drive, 0 Buffaloe Road and 6615 Buffaloe Road (rezoning case Z-49-21). We have scheduled an informational meeting with surrounding neighbors on Monday, September 13<sup>th</sup> at 5:00 PM until 7:00 PM. Due to the COVID-19 Pandemic, this meeting will be held virtually. You can participate online or by telephone. To participate, visit:

To join with video:

**<https://zoom.us/>**

**Meeting ID:** 863 9799 9181

**Password:** 621225

To join by telephone:

**+1 646 558 8656**

**Meeting ID:** 863 9799 9181

**Password:** 621225

The purpose of this meeting is to discuss the rezoning of 5604 Kyle Drive, 0 Buffaloe Road and 6615 Buffaloe Road (with Property Identification Numbers (PIN) 1736-45-3588, 1736-84-4773 and 1736-76-4233, respectively). The property totals approximately 212.28 acres in size, and is located west of the Neuse River and north of Buffaloe Road.

The property is currently zoned OX-5-CU, RX-3-CU, NX-3-CU, and CX-5-CU with the SHOD-1 overlay, and the proposed zoning designation is RX-4-CU, R-10-CU and CX-3-CU. The purpose of the rezoning is to allow for a variety of housing types and limited commercial uses.

The City of Raleigh requires a neighborhood meeting involving the owners and tenants of property within 1,000 feet of the properties prior to being heard by the Planning Commission. After the meeting, we will prepare a report for the Planning Department regarding the items discussed at the meeting.

Please do not hesitate to contact me directly if you have any questions or wish to discuss any issues. I can be reached at 919.645.4317 and [mbirch@longleaflp.com](mailto:mbirch@longleaflp.com). Also, for more information about rezoning, you may visit [www.raleighnc.gov](http://www.raleighnc.gov) and search "Rezoning Process" or contact the Raleigh City Planning Department at 919.996.2638 or [john.anagnost@raleighnc.gov](mailto:john.anagnost@raleighnc.gov).

Attached to this invitation are the following materials:

1. Subject Property Current Aerial Exhibit
2. Subject Property Current Zoning Exhibit
3. A draft of the proposed Rezoning Application

CURRENT PROPERTY MAP



CURRENT ZONING MAP



# Rezoning Application and Checklist

Planning and Development Customer Service Center • One Exchange Plaza, Suite 400 | Raleigh, NC 27601 | 919-996-2500



Please complete all sections of the form and upload via the Permit and Development Portal ([permitportal.raleighnc.gov](http://permitportal.raleighnc.gov)). Please see page 8 for information about who may submit a rezoning application. A rezoning application will not be considered complete until all required submittal components listed on the Rezoning Checklist have been received and approved. For questions email [rezoning@raleighnc.gov](mailto:rezoning@raleighnc.gov).

Rezoning Request				
Rezoning Type	<input type="checkbox"/> General Use	<input checked="" type="checkbox"/> Conditional Use	<input type="checkbox"/> Master Plan	Office Use Only Rezoning case #
	<input type="checkbox"/> Text change to zoning conditions			
Existing zoning base district:	See Attached	Height: See Attached	Frontage: See Attached	Overlay(s): See Attached
Proposed zoning base district:	See Attached	Height: See Attached	Frontage: See Attached	Overlay(s): See Attached
<b>Helpful Tip:</b> View the Zoning Map to search for the address to be rezoned, then turn on the 'Zoning' and 'Overlay' layers.				
If the property has been previously rezoned, provide the rezoning case number: Z-38-91 & Z-33-07				

General Information		
Date:	Date amended (1):	Date amended (2):
Property address: See Attached.		
Property PIN: See Attached.		
Deed reference (book/page): See Attached.		
Nearest intersection: Buffalo Road and Elizabeth Drive		Property size (acres): 212.28 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 and address: See Attached.		
Property owner email:		
Property owner phone:		
Applicant name and address: Michael Birch, Longleaf Law Partners		
Applicant email: <a href="mailto:mbirch@longleaflp.com">mbirch@longleaflp.com</a>		
Applicant phone: 919.645.4317		
Applicant signature(s):		
Additional email(s):		

Conditional Use District Zoning Conditions		
Zoning case #: <b>Z-49-21</b>	Date submitted:	<b>Office Use Only</b> Rezoning case #
Existing zoning: <small>RX-3-CU, OX-5-CU, RX-3-CU, CX-3-CU &amp; SHOD-1</small>	Proposed zoning: <small>R-10-CU, RX-4-CU, CX-3-CU &amp; SHOD-1</small>	

Narrative of Zoning Conditions Offered
<p>1. The following conditions shall apply to the portion of the property zoned R-10-CU:</p> <ul style="list-style-type: none"> <li>a. The maximum number of dwelling units permitted within this portion of the property shall be 450.</li> </ul> <p>2. The following conditions shall apply to the portion of the property zoned RX-4-CU:</p> <ul style="list-style-type: none"> <li>a. The maximum number of dwelling units permitted within this portion of the property shall be 650.</li> </ul> <p>3. The following conditions shall apply to the portion of the property zoned CX-3-CU:</p> <ul style="list-style-type: none"> <li>a. The following principal uses as listed in UDO section 6.1.4. shall be prohibited: (i) adult establishment, (ii) detention center, jail, prison; (iii) vehicle repair - all types; (iv) car wash.</li> </ul>

## **EXHIBIT B – ITEMS DISCUSSED**

1. Required buffering from the R-10 and RX-4 zoning districts
2. The Medium Density Residential Future Land Use Map designation and the Comprehensive Plan recommendations
3. The rezoning is not intending to tie into the Stoneridge Development's amenities
4. Potential road connections into the Stoneridge Subdivision
5. The proposed future extension of Spring Forest Road
6. The anticipated construction timeline following rezoning approval
7. The proposed residential building types
8. The development is expected to be market-rate housing
9. For-sale versus for-rent housing
10. The rezoning does not anticipate constructing Affordable housing
11. The expected Kyle Drive realignment
12. The potential street connections to Deer Creek Trail
13. The potential outcome of that portion of Buffaloe Road not within the proposed realignment
14. The maximum height allowance in each of the districts
15. The availability of the neighborhood meeting materials
16. The possibility of barriers or buffers from the adjacent development
17. The various ways that neighbors can stay involved in the rezoning process
18. The potential for the Perry Creek Road extension
19. The potential similarities of this development to 5401 North
20. Existing traffic along Buffaloe Road
21. The proposed Buffaloe Road and Spring Forest Road realignments pursuant to the Raleigh Street Plan
22. Potential commercial uses within the CX- district
23. The expected widening of Buffaloe Road
24. Next steps within the rezoning process

## **EXHIBIT C – MEETING ATTENDEES**

1. Worth Mills (Longleaf Law Partners)
2. Mark and Anne Catherine Johnson
3. Beth Blackmon
4. Alan Morgan
5. Bruce Jenkins
6. Teri Wade
7. Tim Drees
8. Medina, McKimmon and Johnson
9. Josh Reinke
10. Darren
11. Evans Taylor
12. Motorola Edge
13. Brad Whitehurst
14. John Anagnost (City of Raleigh)
15. Jacob Leary
16. John Myers
17. Sarah Godwin
18. Art
19. Medina Family
20. Ramzan Ali Saidan
21. Judith Radcliffe
22. Patrick Dagert
23. Chris Mohan
24. Liz K
25. Neighbor
26. Vanessa
27. Robbin Jones
28. Moses Eason
29. Michael Boyd
30. Josef Brancato
31. Jabal
32. Evans
33. April Collier
34. Chandra Stone

## **EXHIBIT D – NOTICE LIST**