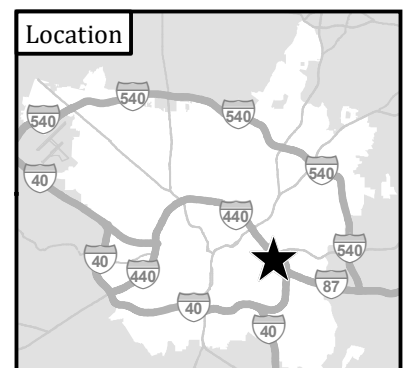


Property	3102 Kelley Austin Dr
Size	1.97 acres
Existing Zoning	IX-3 w/ SHOD-1
Requested Zoning	CX-5-CU w/SHOD-1





Raleigh

## MEMO

TO: Ruffin Hall, City Manager

THRU: Ken Bowers, AICP, Director

FROM: Ira Mabel, AICP, Planner II

DEPARTMENT: City Planning

DATE: May 6, 2020

**SUBJECT: City Council agenda item for June 2, 2020 – Z-54-19**

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On May 5, 2020, City Council authorized the public hearing for the following item:

**Z-54-19 3102 Kelley Austin Drive**, approximately 1.97 acres located at [the intersection of New Bern Ave and Kelley Austin Dr. immediately to the south of the I-440 / New Bern Ave interchange.](#)

Signed zoning conditions provided on February 18, 2020 prohibit a number of uses otherwise allowed in CX districts and apply the parking and pedestrian access components of a Parking Limited frontage toward Kelley Austin Drive.

**Current zoning:** Industrial Mixed Use-3 stories (IX-3) with Special Highway Overlay District-1 (SHOD-1).

**Requested zoning:** Commercial Mixed Use-5 stories-Conditional Use (CX-5-CU) w/ SHOD-1.

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

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

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

The Planning Commission recommends approval of the request (8 - 0). The East CAC received a presentation about the case but did not vote.

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

Municipal Building  
222 West Hargett Street  
Raleigh, North Carolina 27601

One Exchange Plaza  
1 Exchange Plaza, Suite 1020  
Raleigh, North Carolina 27601

City of Raleigh  
Post Office Box 590 • Raleigh  
North Carolina 27602-0590  
(Mailing Address)



# RALEIGH PLANNING COMMISSION CERTIFIED RECOMMENDATION

CR# 12000

## CASE INFORMATION: Z-54-19 KELLEY AUSTIN DRIVE

Location	At the intersection of New Bern Ave and Kelley Austin Dr, immediately to the south of the I-440 / New Bern Ave interchange.  Address: 3102 Kelley Austin Drive  PINs: 1724331347  <a href="#">iMaps</a> , <a href="#">Google Maps</a> , <a href="#">Directions from City Hall</a>
Current Zoning	IX-3 w/ SHOD-1
Requested Zoning	CX-5-CU w/ SHOD-1
Area of Request	1.97 acres
Corporate Limits	The subject site is within the city's corporate limits.
Property Owner	Venkata Reddy LLC 1225 S Church St Charlotte NC 28203
Applicant	Randy Herman BA Folk PLLC
Citizens Advisory Council (CAC)	East CAC Third Monday of every other month at 7 p.m. Deborah Ford, Chairperson
PC Recommendation Deadline	May 25, 2020

## SUMMARY OF PROPOSED CONDITIONS

1. The following uses shall be prohibited: light manufacturing; bar, nightclub, tavern, lounge; plant nursery; indoor recreation other than health club; outdoor recreation; passenger terminal; vehicle fuel sales; vehicle sales/rental; vehicle repair (minor); vehicle repair (major); detention center, jail, prison; car wash.
2. A maximum of 2 bays of parking with a single drive aisle is permitted between the building and Kelley Austin Drive.
3. Buildings shall have at least 1 entrance facing Kelley Austin Drive.
4. Direct pedestrian access is required from the public sidewalk to the main entrance of the building facing Kelley Austin Drive.

## COMPREHENSIVE PLAN GUIDANCE

<b>Future Land Use</b>	Medium Density Residential
<b>Urban Form</b>	City Growth Center; Transit Emphasis Corridor
<b>Consistent Policies</b>	Policy LU 4.1—Coordinate Transportation Investments with Land Use Policy LU 4.7—Capitalizing on Transit Access Policy LU 4.10—Development at Freeway Interchanges Policy LU 5.2—Managing Commercial Development Impacts Policy LU 6.2—Complementary Land Uses and Urban Vitality Policy LU 7.4—Scale and Design of New Commercial Uses Policy LU 7.5— High-impact Commercial Uses Policy LU 8.10—Infill Development Policy LU 8.12—Infill Compatibility Policy LU 11.4—Rezoning/Development of Industrial Areas Policy H 1.8—Zoning for Housing Policy UD 1.10—Frontage
<b>Inconsistent Policies</b>	Policy LU 1.2—Future Land Use Map and Zoning Consistency

## 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

Neighborhood Meeting	CAC	Planning Commission	City Council
12/11/2019 1 attendee	1/27/2020	2/25/2020 4/28/2020	5/5/2020

## PLANNING COMMISSION RECOMMENDATION

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

Reasonableness and Public Interest	The request is reasonable and in the public interest because it will allow uses that are compatible with and serve the surrounding area, and it includes conditions that are consistent with urban form guidance.
Change(s) in Circumstances	N/A
Amendments to the Comprehensive Plan	If approved, the Future Land Use Map will be amended as to the subject parcel(s) only from Medium Density Residential to Community Mixed Use.
Recommendation	Approval
Motion and Vote	Motion: Miller; Second: Hicks In Favor: Bennett, Hicks, Jeffreys, Lampman, Miller, McIntosh, Tomasulo, and Winters
Reason for Opposed Vote(s)	N/A

## ATTACHMENTS

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

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

\_\_\_\_\_  
Planning Director 4/28/2020

\_\_\_\_\_  
Planning Commission Chair 4/28/2020

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

**AGENDA ITEM (C) 2: Z-54-19 – Kelley Austin Drive**

This case is located at the intersection of New Bern Avenue and Kelley Austin Drive, immediately to the south of I-440 and New Bern Avenue interchange.

This is a request to rezone approximately 1.97 acres by Venkata Reddy LLC. The conditions prohibit several uses otherwise allowed in CX districts and apply the parking and pedestrian access components of a Parking Limited frontage toward Kelley Austin Drive.

Planner Mabel gave a brief overview of the case. He stated the deadline is in May but due to the current circumstances if the commission is not ready to act a time extension may be needed.

Randy Herman representing the applicant gave a brief overview of the case.

Ms. Hicks spoke regarding the commission stand on cases that could not be heard because of delays due to the CoronaVirus.

There was discussion regarding the type of notice that was provided to surrounding neighborhood.

The presence or absence of the CAC has not impact on the notification of the neighbors.

There was further discussion regarding whether keeping meeting going either by having virtual meetings or public notification. It was discussed that there was notice and ample opportunity for concerns to be raised and believe this is of public benefit and should be voted upon.

There is no public comment.

**Ms. Miller made a motion to recommend approval of the case. Ms. Hicks seconded the motion. The vote was unanimous, 8-0.**



# ZONING STAFF REPORT – CASE Z-54-19

## Conditional Use District

### OVERVIEW

This request is to rezone approximately 1.97 acres from Industrial Mixed Use–3 Stories with Special Highway Overlay District-1 (IX-3 w/ SHOD-1) to Commercial Mixed Use–5 Stories–Conditional Use (CX-5-CU) w/ SHOD-1. Proposed zoning conditions prohibit a number of uses otherwise allowed in CX districts, and apply the parking and pedestrian access components of a Parking Limited frontage toward Kelley Austin Drive. The applicant has expressed the intent of locating a hotel on the site, which requires a mixed-use zoning district; new residential construction would likely require a variance to allow more units on a single access point.

The subject site consists of a single parcel on the south side of Kelley Austin Drive, immediately to the south of the I-440 / New Bern Ave interchange. Kelley Austin Drive is a cul-de-sac approximately 600 feet long with only three fronting parcels; the two parcels other than the rezoning site contain a 13,500 square foot child care center and 192 units in the Waverly Apartments. The rezoning site is undeveloped and partially wooded. The parcel contains areas of steep grade as well as areas that are flat, but generally slopes downward to the south toward a railroad right-of-way that passes under New Bern Avenue.

To the south of the site on the other side of the railroad is a 17-acre open space lot owned by the Waverly Apartments; south of that is Crabtree Creek. To the west across New Bern Avenue is an empty lot, a Duke Energy electrical substation, and open space owned by the Triangle Greenways Council. Directly north and east of the three parcels along Kelley Austin Drive is I-440 and the New Bern Avenue interchange. Other nearby uses south of the interchange are commercial, including the WakeMed hospital campus. Uses north of the interchange are also commercial, including Tower Shopping Center anchored by Food Lion.

The subject site is designated as Medium Density Residential on the Future Land Use Map, as is the remainder of the property on Kelley Austin Drive. The Waverly Apartments are zoned RX-3-CU (Z-6-2005), with conditions that regulate architectural standards and site design elements. Like the rezoning site, the child care center is zoned IX-3. Nearby lots on the eastern side of New Bern Ave are designated General Industrial on the Future Land Use Map. Land along Crabtree Creek is either Private Open Space or Public Parks & Open Space.

The site is within a City Growth Center of nearly 900 acres on the Urban Form Map that is roughly bounded by Lake Woodard Drive on the north; Kidd Road and Sungate Boulevard on the south; properties fronting on the western side of New Bern Avenue on the west; and I-440 and Trawick Road on the east. This classification suggests an urban or hybrid frontage approach. New Bern Avenue, which accounts for the rezoning site's western frontage, is a Transit Emphasis Corridor, which suggests a hybrid (i.e. Parking Limited, or PL) frontage. The Core Transit Area that corresponds to the eastern BRT route ends just south of the site.

Many mixed-use zoning districts on New Bern Avenue both north and south of the interstate include a PL frontage.

I-440 is a Parkway Corridor on the Urban Form Map, which calls for heavy landscaping. In this context, the Special Highway Overlay District (SHOD) included in this request, which has special landscaping standards designed for controlled-access highways, is an appropriate way to achieve the urban form goals.

### Update for 4/28/2020 Planning Commission:

This item was deferred on February 25, 2020 to allow time for the East CAC to vote on the case. The vote was scheduled for March 16, but the CAC meeting was cancelled due to public safety concerns. The 45-day period granted by City Council on February 4 within which CACs could continue to hear rezoning cases ended on March 20.

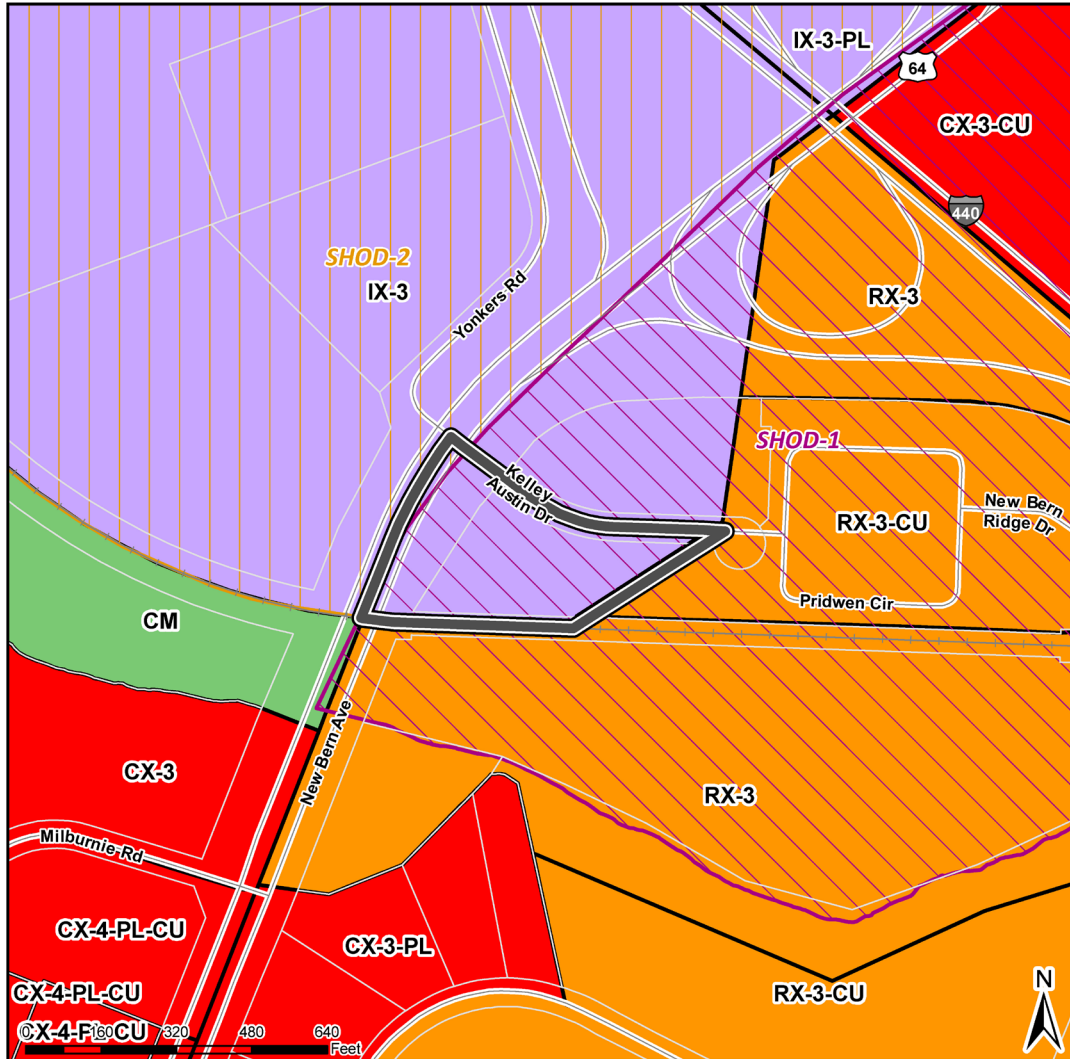
### **OUTSTANDING ISSUES**

<b>Outstanding Issues</b>	1. None.	<b>Suggested Mitigation</b>	1. None.
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# Existing Zoning

Z-54-2019



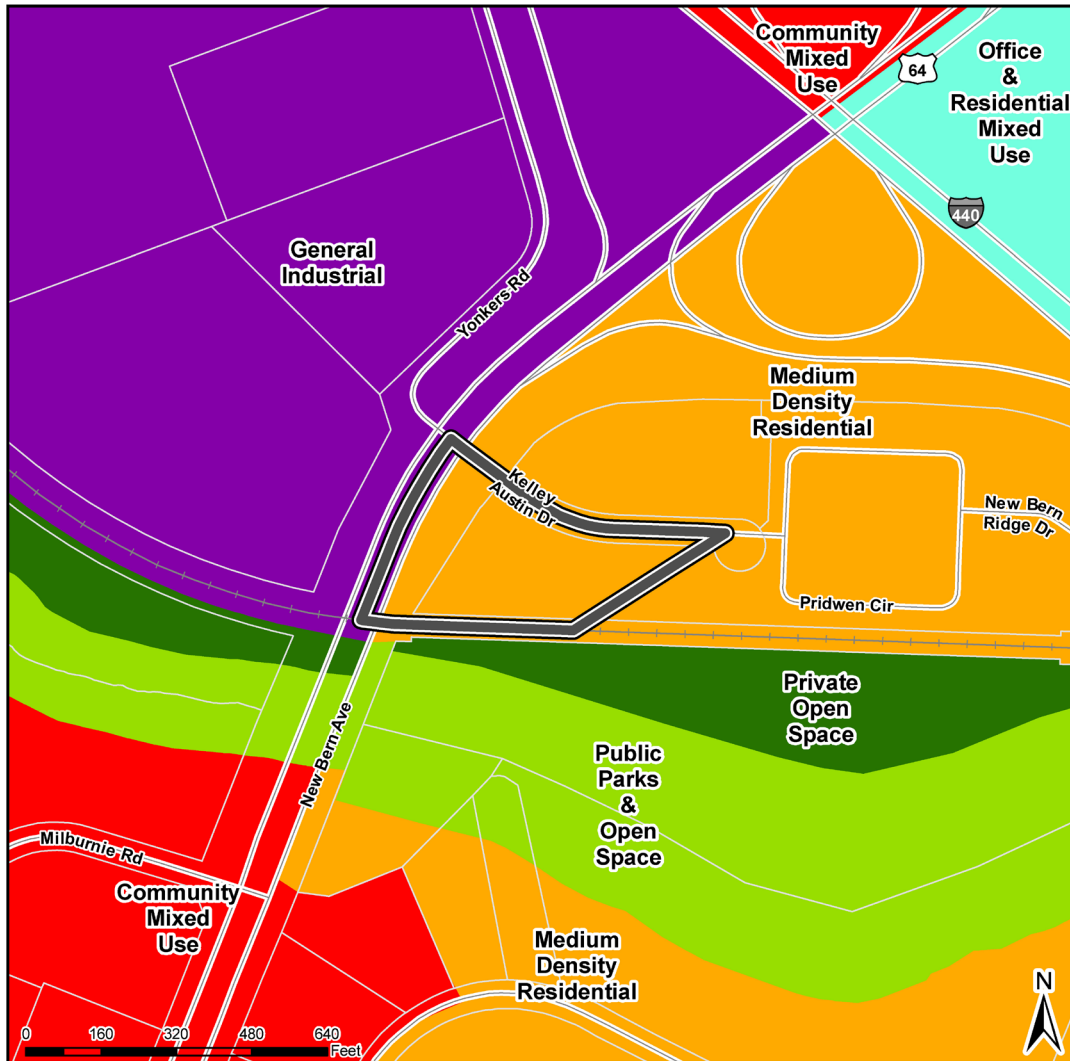
Property	3102 Kelley Austin Dr
Size	1.97 acres
Existing Zoning	IX-3 w/ SHOD-1
Requested Zoning	CX-5-CU w/SHOD-1



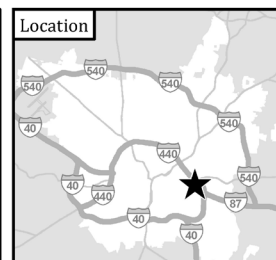
Map by Raleigh Department of City Planning (reckhowh): 1/7/2020

# Future Land Use

Z-54-2019



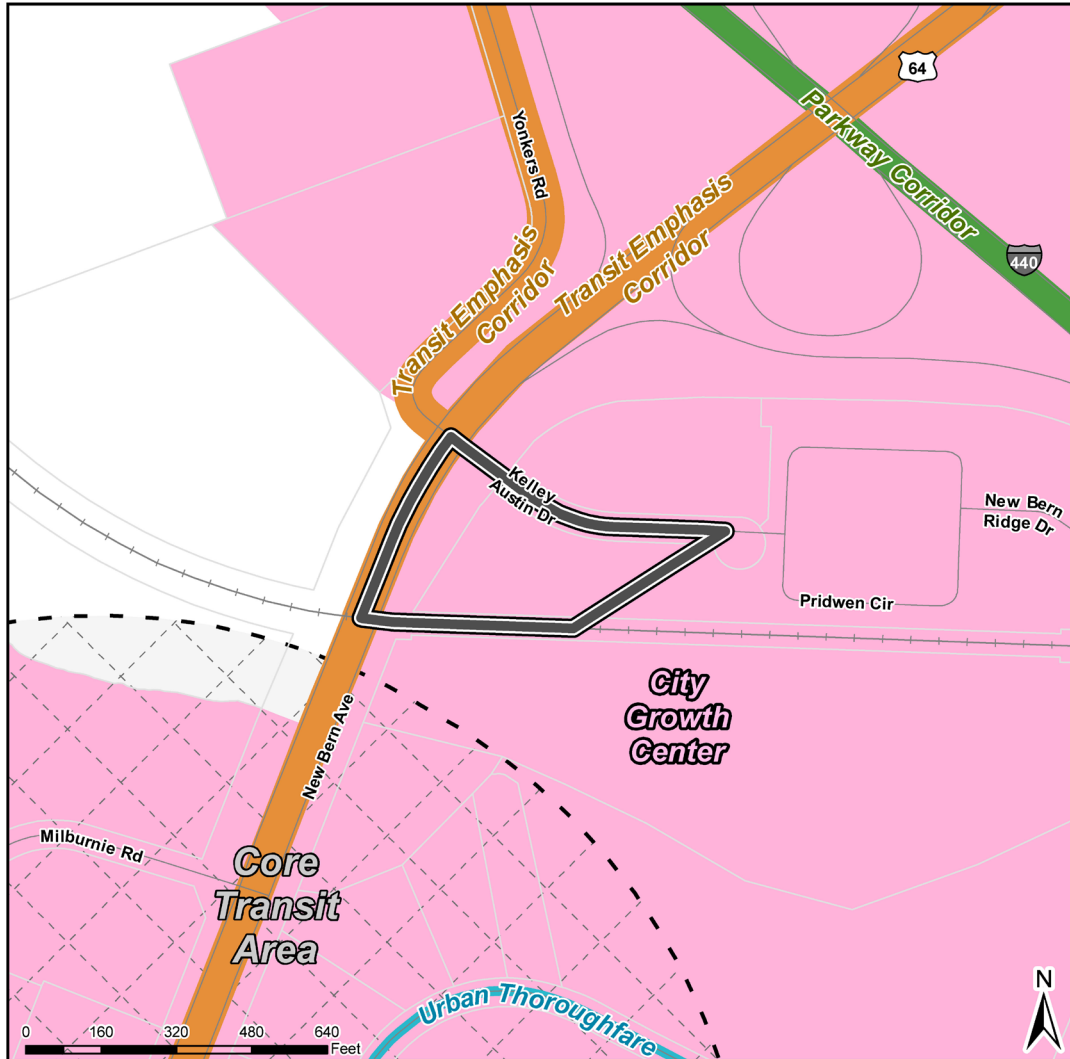
<b>Property</b>	3102 Kelley Austin Dr
<b>Size</b>	1.97 acres
<b>Existing Zoning</b>	IX-3 w/ SHOD-1
<b>Requested Zoning</b>	CX-5-CU w/SHOD-1



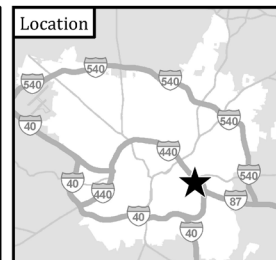
Map by Raleigh Department of City Planning (reckhowh): 1/7/2020

# Urban Form

Z-54-2019



<b>Property</b>	3102 Kelley Austin Dr
<b>Size</b>	1.97 acres
<b>Existing Zoning</b>	IX-3 w/ SHOD-1
<b>Requested Zoning</b>	CX-5-CU w/SHOD-1



Map by Raleigh Department of City Planning (reckhowh): 1/7/2020

# COMPREHENSIVE PLAN

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

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

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

The request is consistent with the **Expanding Housing Choices** vision theme, which encourages expanding the supply of affordable housing. Under IX zoning, residential development is only permitted in the upper stories of a mixed-use building. The request would permit any residential building type, increasing the options for residential development on the site. However, new residential construction would likely require a variance to allow more units on a single access point.

The request is consistent with the **Coordinating Land Use and Transportation** vision theme. This theme envisions higher density residential and mixed-use development to support new local and regional public transit services. The request would permit a greater amount of residential development, as well as more retail-oriented commercial uses than allowed under current zoning, located directly on the New Bern Avenue BRT line.

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

No. The subject site is identified as Medium Density Residential, which suggests minimal commercial development and the Residential Mixed Use (RX) zoning district. The Commercial Mixed Use (CX) district, on the other hand, is one of the most intense commercial zoning available districts and permits uses including office, retail, restaurant, and fuel sales.

- 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?

A hotel use can potentially be established without negatively impacting nearby properties or substantially altering the character of the area, which already contains a significant amount of commercial uses. Achieving this would require prohibiting the uses that are the most incompatible with residential and child care uses, such as bars, passenger terminals, fuel sales, and vehicle repair.

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

Community facilities and streets appear to be sufficient to serve the proposed use. However, Kelley Austin Drive already serves an apartment complex with 192 units and a child care center. The Raleigh Street Design Manual (Article 9.2) requires one

point of access for every 150 residential units. Additional residential units would make this existing nonconformity larger, therefore requiring a variance.

## Future Land Use

**Future Land Use designation:** Medium Density Residential

**The rezoning request is**

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

☒ **Inconsistent**

The subject site is identified as Medium Density Residential, which suggests minimal commercial development and the Residential Mixed Use (RX) zoning district. The Commercial Mixed Use (CX) district, on the other hand, is one of the most intense commercial zoning available districts and permits uses including office, retail, and restaurant.

## Urban Form

**Urban Form designation:** City Growth Center, Transit Emphasis Corridor

**The rezoning request is**

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

☐ **Inconsistent**

**Overview:** The Urban Form Map locates the subject site within a City Growth Center and along a Transit Emphasis Corridor, which suggests a hybrid approach to frontage (i.e. Parking Limited, or PL). The request includes zoning conditions that replicate elements of the PL frontage directed toward Kelley Austin Drive:

- A maximum of 2 bays of parking with a single drive aisle is permitted between the building and Kelley Austin Drive.
- Buildings shall have at least 1 entrance facing Kelley Austin Drive.
- Direct pedestrian access is required from the public sidewalk to the main entrance of the building facing Kelley Austin Drive.

The site is also near I-440, which as a Parkway Corridor suggests a heavily landscaped, suburban frontage. The request includes the Special Highway Overlay District-1 (SHOD-1), which has special landscaping standards designed for controlled-access highways, and in this context fulfills the Urban Form Map goals.

**Impact:** The Parking Limited frontage is intended for areas where access to buildings by automobile is desired but where some level of walkability is maintained. The main mechanism for achieving this is a limit of no more than two bays of parking between buildings and the street. The build-to in PL is a maximum of 100 feet.

Building entrances facing the street and pedestrian access from the street are required.

The main purpose of the SHOD-1 overlay is to establish protective yard planting standards. The current SHOD-1 standards are unlikely to require a protective yard given the location of the rezoning site, however a 50-foot SHOD yard is already recorded with Wake County along the parcel's New Bern Avenue frontage.

Other requirements included in SHOD-1 are a prohibition of off-premise signs, 5-story height maximum, exterior lighting standards, and spacing requirements for drive-thrus.

**Compatibility:** If a frontage were included in the rezoning, the standards would likely apply with New Bern Avenue as the primary street. Instead, the request includes zoning conditions that replicate major elements of the PL frontage directed toward Kelley Austin Drive, which is also suited to a pedestrian-oriented streetscape.

These proposed zoning conditions as well as the landscaping standards of SHOD-1 are compatible with the intent of the Urban Form Map guidance for the site.

## Compatibility

### **The proposed rezoning is**

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

☐ **Incompatible.**

The request is compatible with the property and the surrounding area and can be established without adversely impacting neighboring properties. Although the nearby zoning districts on Kelley Austin Drive (RX-3 and IX-3) are lower in height and potential intensity than the requested CX-5 district, the rezoning site's position adjacent to New Bern Avenue and the I-440 interchange is generally appropriate for the requested level of commercial entitlement. Also, the site's relatively smaller size makes the amount of parking that can be accommodated a natural limiting factor. In addition, the request includes zoning conditions that prohibit the uses that are the most incompatible with the existing residential and day care uses.

## Public Benefits of the Proposed Rezoning

- The request would permit a wide variety of mixed use-development scenarios adjacent to a BRT corridor.
- The request would permit any residential building type, increasing the flexibility for residential development on the site.

## Detriments of the Proposed Rezoning

- The request would allow additional residential development on a dead-end street that already serves more than the maximum number of units permitted for a single access point in the Street Design Manual.

## Policy Guidance

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

---

### **Policy LU 4.1—Coordinate Transportation Investments with Land Use**

*Ensure that transportation decisions, strategies, and investments are coordinated with and support the city's land use objectives.*

### **Policy LU 4.7—Capitalizing on Transit Access**

*Sites within walking distance of existing and proposed rail and bus rapid transit stations should be developed with intense residential and mixed uses to take full advantage of and support investment in transit infrastructure.*

- If approved, the subject site would add new commercial and/or residential development on New Bern Avenue, which is both a Transit Emphasis Corridor and a future BRT route. Although the site will probably not be within a quarter-mile of a BRT station, it will likely have direct pedestrian access to the station planned near the WakeMed campus.

### **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 site is located essentially adjacent to the New Bern Avenue (which is designated as Avenue 6-Lane on the Street Plan) and I-440 interchange. The request will increase development intensity on the site and permit commercial uses, which is appropriate for a location this close to an interchange and will continue the existing commercial nature of the corridor.

### **Policy LU 5.2—Managing Commercial Development Impacts**

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

### **Policy LU 7.5— High-impact Commercial Uses**

*Ensure that the city's zoning regulations limit the location and proliferation of fast food restaurants, sexually-oriented businesses, late night alcoholic beverage establishments, 24-*

*hour mini-marts and convenience stores, and similar high impact commercial establishments that generate excessive late night activity, noise, or otherwise affect the quality of life in nearby residential neighborhoods.*

- Although the request is for a Commercial Mixed Use zoning district, the proposed conditions limit high-impact uses such as bars, indoor recreation, fuel sales, and vehicle repair, which would be in conflict with the existing apartment and day care uses on Kelley Austin Drive.

**Policy LU 6.2—Complementary Land Uses and Urban Vitality**

*A complementary integration and mixture of land uses should be provided within all growth centers and mixed-use centers to maintain the city's livability, manage future growth, and provide walkable and transit accessible destinations. Areas designated for mixed-use development in the Comprehensive Plan should be zoned consistently with this policy.*

**Policy LU 11.4—Rezoning/Development of Industrial Areas**

*Allow the rezoning and/or redevelopment of industrial land for non-industrial purposes when the land can no longer viably support industrial activities or is located such that industry is not consistent with the Future Land Use Map. Examples include land in the immediate vicinity of planned transit stations.*

- Additional dwelling units and/or retail-oriented commercial development within the City Growth Center anchored by WakeMed will further diversify and compliment the mix of uses in the area. These potential uses are also more compatible with the existing FLUM designation than either an industrial FLUM designation or the current IX zoning.

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

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

- The guidance in Table LU-2 in the Comprehensive Plan is that height for this site should not exceed five stories; the requested height is five stories.

**Policy LU 8.10—Infill Development**

*Encourage infill development on vacant land within the city, particularly in areas where there are vacant lots that create "gaps" in the urban fabric and detract from the character of a commercial or residential street. Such development should complement the established character of the area and should not create sharp changes in the physical development pattern.*

**Policy LU 8.12—Infill Compatibility**

*Vacant lots and infill sites within existing neighborhoods should be developed consistently with the design elements of adjacent structures, including height, setbacks, and massing through the use of zoning tools including Neighborhood Conservation Overlay Districts.*

- The request to permit commercial uses on the subject site is in keeping with the character of the surrounding commercial area. The requested CX-3 district will create



a built form comparable to the development already existing elsewhere on the corridor, which includes CX-4 and OX-7 zoning districts.

**Policy H 1.8—Zoning for Housing**

*Ensure that zoning policy continues to provide ample opportunity for developers to build a variety of housing types, ranging from single-family to dense multi-family. Keeping the market well-supplied with housing will moderate the costs of owning and renting, lessening affordability problems, and lowering the level of subsidy necessary to produce affordable housing. In areas characterized by detached houses, accommodations should be made for additional housing types while maintaining a form and scale similar to existing housing.*

- Rezoning from IX to CX would permit any residential building type, increasing the options for residential development on the site. However, new residential construction would likely require a variance to allow more units on a single access point.

**Policy UD 1.10—Frontage**

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

- A City Growth Center and Transit Emphasis Corridor Urban Form Map designation suggests a hybrid approach to frontage (i.e. Parking Limited, or PL). Many of mixed-use zoning districts along New Bern Avenue have a PL frontage. The request includes zoning conditions that replicate elements of the PL frontage directed toward Kelley Austin Drive.

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

---

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

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

- The request is inconsistent with the Future Land Use Map designation of Medium Density Residential, which suggests minimal commercial development and the Residential Mixed Use (RX) zoning district. The potential commercial land uses granted by the request would be more intense than envisioned by the FLUM designation.

# HOUSING AFFORDABILITY & ENERGY EFFICIENCY ANALYSIS

## Carbon Footprint: Transportation

	City Average	Site	Notes
Transit Score	30	44	The site is currently served by Route 15, although the nearest stops are 0.5 miles away.
Walk Score	30	51	Although this score is above the citywide average, there are no sidewalks on New Bern Ave in either direction connecting to the site.

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

**Summary:** The New Bern Avenue BRT project will likely greatly enhance the walkability and access to transit in the area.

## Carbon/Energy Footprint: Housing

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

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

**Summary:** The proposed district would permit additional possible housing types. Approval of this rezoning request would allow the most energy-efficient housing units to be developed.

## Housing Supply and Affordability

Does it add/subtract from the housing supply?	Adds	The potential residential entitlement will increase from 47 to 64 units.
Does it include any subsidized units?	No	
Does it permit a variety of housing types?	Yes	The proposed district would permit all possible housing types.
If not a mixed-use district, does it permit smaller lots than the average?*	N/A	The request is for a mixed-use district.
Is it within walking distance of transit?	No	There is currently no existing transit service within walking distance of the site.

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

**Summary:** The request would allow townhouse and apartment building types, which are generally more affordable than detached and attached units. However, new residential construction would likely require a variance to allow more units on a single access point. The Street Design Manual permits up to 150 units per access point; The Waverly Apartments already contains 192 units.

# IMPACT ANALYSIS

## Historic Resources

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

**Impact Identified:** None.

## Parks and Recreation

1. This site is not directly impacted by any existing or proposed greenway trails, corridors, or connectors.
2. Nearest existing park access is provided by Lockwood Park (1.5 miles) and Longview Park (1.8 miles).
3. Nearest existing greenway trail access if provided by Crabtree Creek Greenway Trail (0.6 miles).
4. Current park access level of service in this area is graded a B letter grade.

**Impact Identified:** None.

## Public Utilities

	Maximum Demand (current use)	Maximum Demand (current zoning)	Maximum Demand (proposed zoning)
Water	0	29,375	40,000
Waste Water	0	29,375	40,000

1. The proposed rezoning would add approximately 10,625 gpd to the wastewater collection and water distribution systems of the city.
2. There are existing sanitary sewer and water mains adjacent to the proposed rezoning area.
3. At the time of development plan submittal, a Downstream Sewer Capacity Study may be required to determine adequate capacity to support the proposed development. Any improvements identified by the study would be required to be permitted prior to the issuance of Building Permit & constructed prior to release of a Certificate of Occupancy.

4. Verification of water available for fire flow is required as part of the Building Permit process. Any water system improvements recommended by the analysis to meet fire flow requirements will also be required of the Developer.

**Impact Identified:** None.

### Stormwater

1. No downstream structural flooding impacts identified.
2. Lot subject to UDO 9.2 and 9.3.

Floodplain	FEMA
Drainage Basin	Walnut
Stormwater Management	UDO 9.2 and 9.3
Overlay District	n/a

**Impact Identified:** None.

### Transit

1. Further comments from Transit are pending a Site Plan submittal or any applied transit conditions to site development.

**Impact Identified:** None.

### Transportation

1. **Location:** The Z-54-19 site is located in east Raleigh at the intersection of New Bern Avenue and Kidd Road and Kelley Austin Drive.
2. **Area Plans:** The Z-54-19 site is located adjacent to the New Bern Corridor Study, which is focused on New Bern Avenue itself.
3. **Other Projects in the Area:** The City of Raleigh is designing infrastructure to implement bus rapid transit (BRT) service on New Bern Avenue. The service is planned to operate between downtown Raleigh and the vicinity of Corporation Parkway and New Hope Road, but the infrastructure, such as separated busways will only be between Downtown Raleigh and Sunnybrook Road. The City of Raleigh has also begun construction on Yonkers Road. This project will rehabilitate and upgrade the street from New Bern Avenue to Capital Boulevard. Upgrades will include a multi-use path.

4. **Streets:** In accordance with UDO section 8.3.2, the maximum block perimeter for CX-5 zoning districts is 2,500 feet, and the maximum length for a dead-end street is 300 feet. Kelley Austin Drive is a dead-end street of approximately 600 feet in length. The existing block perimeter is heavily constrained by Crabtree Creek, the Norfolk Southern Railroad, and I-440.
5. **Pedestrian Facilities:** Sidewalks are currently in place on the northeastern side of Kelley Austin Drive. There are no other sidewalks near the subject site.
6. **Bicycle Facilities:** There are no existing bicycle facilities surrounding the Z-54-19 site. New Bern Avenue is designated for a separated bikeway in map T-3 of the Comprehensive Plan. The Crabtree Creek Greenway Trail is physically very close to the site, but access is difficult because of the railroad, the creek, and the lack of a bicycle or pedestrian facility on the New Bern Avenue bridge over Crabtree Creek. The Yonkers Road project will install a multi-use path that will connect to the Crabtree Creek Greenway Trail near Capital Boulevard, approximately 2.3 miles from the site.
7. **Transit:** Frequent transit passes the site on New Bern Avenue, but there are no stops between Trawick Road and Sunnybrook Road. This is a section of New Bern Avenue that crosses an interchange with I-440, a bridge of the railroad and creek. No sidewalks currently exist in this section of New Bern Avenue to facilitate safe access to transit.
8. **Access:** Kelley Austin Drive is currently a dead end. Due to the alignment of the NS Railroad right-of-way and I-440, it is virtually impossible to connect the street to the rest of the street grid at a different location. Because of the lack of network redundancy, land uses that do not generate high volumes of peak hour traffic may be most appropriate for the Z-54-2019 site.

Access to the subject property will be via Kelly Austin Drive. Kelley Austin Drive currently serves an apartment complex with 192 units and a day care center. The Raleigh Street Design Manual (Article 9.2) requires one point of access for every 150 residential units. Additional residential units would make this existing nonconformity larger.

9. **TIA Determination:** Based on the Envision results, approval of case Z-54-19 would increase the amount of projected vehicular trips for the site. The proposed rezoning from IX-3 to CX-5-CU would create 28 new trips in the AM peak and 3 new trips in the PM peak from the current entitlements to the proposed maximum. These values do not trigger a Traffic Impact Analysis based on the thresholds in the Raleigh Street Design Manual.

Z-54-19 Existing Land Use Vacant	Daily	AM	PM
	0	0	0
Z-54-19 Current Zoning Entitlements IX-3	Daily	AM	PM
	716	67	73
Z-54-19 Proposed Zoning Maximums CX-5-CU	Daily	AM	PM
	1,109	95	76
Z-54-19 Trip Volume Change (Proposed Maximums minus Current Entitlements)	Daily	AM	PM
	<b>394</b>	<b>28</b>	<b>3</b>

**Impact Identified:** New residential units on this site worsen an existing nonconformity.

### Urban Forestry

1. This rezoning will have no impact on Urban Forestry.

**Impact Identified:** None.

### Impacts Summary

- Kelley Austin Drive is currently a dead end. Due to the alignment of the NS Railroad right-of-way and I-440, it is virtually impossible to connect the street to the rest of the street grid at a different location. Because of the lack of network redundancy, land uses that do not generate high volumes of peak hour traffic may be most appropriate for the rezoning site.

### Mitigation of Impacts

- The applicant could add a condition that prohibits land uses that generate a high number of peak hour trips.

## CONCLUSION

This request is to rezone approximately 1.97 acres from Industrial Mixed Use–3 Stories with Special Highway Overlay District-1 (IX-3 w/ SHOD-1) to Commercial Mixed Use–5 Stories–Conditional Use (CX-5-CU) w/ SHOD-1. Proposed zoning conditions prohibit a number of uses otherwise allowed in CX districts, and apply the parking and pedestrian access components of a Parking Limited frontage toward Kelley Austin Drive.

The request is **consistent** with Comprehensive Plan overall; **inconsistent** with the Future Land Use Map; and **consistent** with the Urban Form Map.

The request is **consistent** with Comprehensive Plan policies regarding coordinating transportation and land use, infill development, mitigating commercial impacts, zoning for housing, and frontages. The request is **inconsistent** with policies regarding future land use planning.

The request would support the Vision Themes of *Expanding Housing Choice* and *Coordinating Land Use and Transportation*.

## CASE TIMELINE

Date	Action	Notes
1/3/2020	Submitted application	
1/31/2020	Submitted revised conditions	
2/25/2020	Planning Commission review	
4/28/2020	Planning Commission review	



# APPENDIX

## SURROUNDING AREA LAND USE/ ZONING SUMMARY

SUBJECT PROPERTY		NORTH	SOUTH	EAST	WEST
Existing Zoning	IX-3	IX-3	RX-3	RX-3-CU	IX-3
Additional Overlay	SHOD-1	SHOD-1	SHOD-1	SHOD-1	SHOD-2
Future Land Use	Medium Density Residential	Medium Density Residential	Private Open Space; Public Parks & Open Space	Medium Density Residential	General Industrial
Current Land Use	Undeveloped	Child care	Open space	Apartments	Undeveloped
Urban Form	City Growth Center; Transit Emphasis Corridor	City Growth Center; Transit Emphasis Corridor	City Growth Center; Transit Emphasis Corridor	City Growth Center	Transit Emphasis Corridor

## CURRENT VS. PROPOSED ZONING SUMMARY

	EXISTING ZONING	PROPOSED ZONING
Zoning	IX-3	CX-5-CU
Total Acreage	1.97	1.97
Setbacks:	(general bldg.)	(general bldg.)
Front	3'	5'
Side street / side lot	3' / 0' or 6'	5' / 0' or 6'
Rear	0' or 6'	0' or 6'
Residential Density:	23.86	32.49
Max. # of Residential Units	47	64
Max. # of Hotel Units	122	139
Max. Gross Building SF	173,514 (indust. only)	277,375 (indust. only)
Max. Gross Office SF	51,132	57,474
Max. Gross Retail SF	28,532	28,532
Max. Gross Industrial SF	173,514	277,375
Potential F.A.R	2.02	3.23

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



# COMPREHENSIVE PLAN AMENDMENT ANALYSIS – CASE Z-54-19

## OVERVIEW

The approval of Z-54-19 Kelley Austin Drive would require an amendment to the Future Land Use Map.

The Future Land Use Map identifies the subject site as Medium Density Residential, which suggests minimal commercial development and the Residential Mixed Use (RX) zoning district. The requested conditional use zoning district would permit commercial uses similar to those in the Community Mixed Use designation. If approved, the Future Land Use Map would be amended to Community Mixed Use.

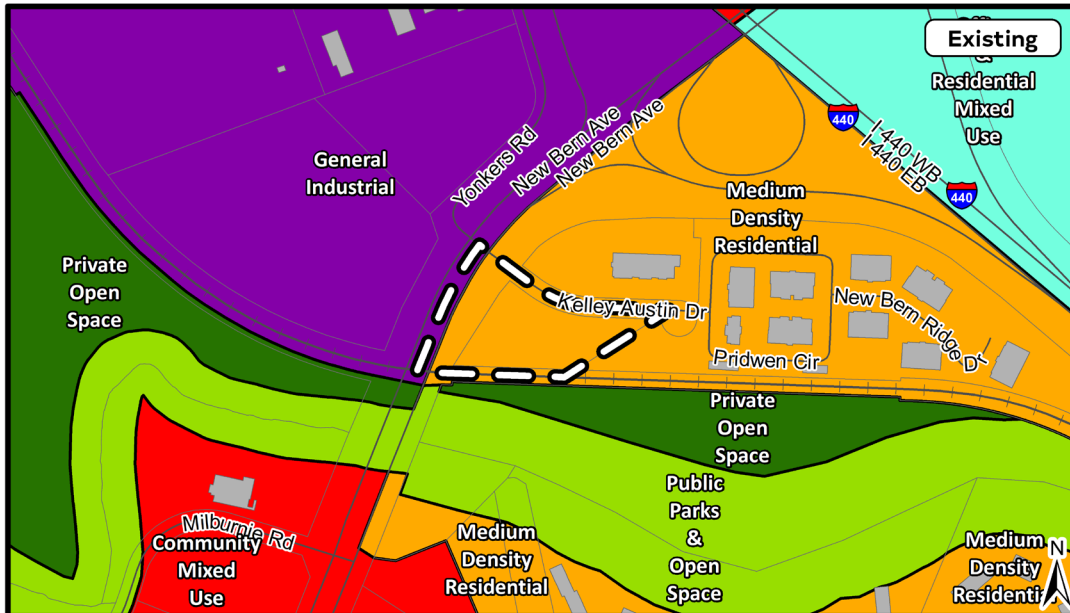
Of the Community Mixed Use designation, the 2030 Comprehensive Plan states:

*This category applies to medium-sized shopping centers and larger pedestrian-oriented retail districts such as Cameron Village. Typical commercial uses include large-format supermarkets, larger drug stores, department stores and variety stores, clothing stores, banks, offices, restaurants, movie theaters, hotels, and similar uses that draw from multiple neighborhoods. Development intensities could be higher than in Neighborhood Mixed Use areas, with mid-rise buildings as well as low-rise buildings. Where residential development occurs, ground floor retail would be encouraged and minimum building heights might be applied in transit-rich areas. Heights would generally be in the three-to-five-story range, although additional height up to 12 stories would be appropriate in TOD areas and at the core of mixed-use centers.*

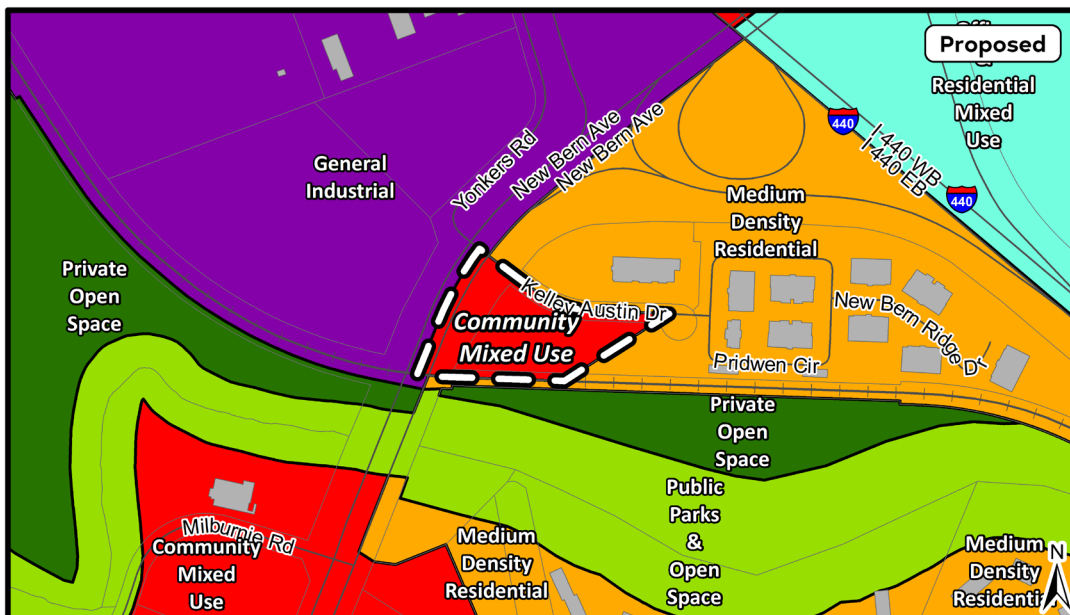
*CX is the primary corresponding zoning district for these areas. Appropriate urban form standards for frontage should be applied, recognizing that some of the designated areas are established neighborhood “main streets” and others are suburban auto-oriented shopping plazas or strip centers fronting on high-volume arterial roadways. For both this category and Neighborhood Mixed Use, greater height should include appropriate transitions and be accompanied by a pedestrian-friendly relationship to the public realm.*

## Z-54-19: Required Amendment to the Future Land Use Map

Existing Designation: Medium Density Residential



Proposed Designation: Community Mixed Use



# CONDITIONAL USE DISTRICT ZONING CONDITIONS

Zoning Case Number **z-54-19**

OFFICE USE ONLY

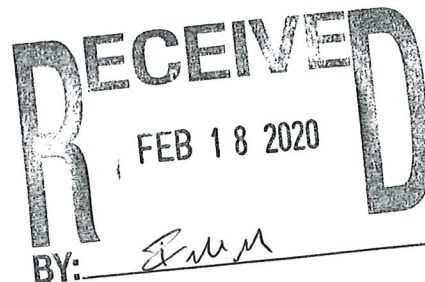
Date Submitted **2/18/2020**

Rezoning Case #

Existing Zoning **IX-3/SHOD-1** Proposed Zoning **CX-5-CU/SHOD-1**

## Narrative of Zoning Conditions Offered

- 1) The following uses shall be prohibited: Light Manufacturing, Bar, Nightclub, Tavern, Lounge, Plant Nursery, Indoor Recreation other than Health Club, Outdoor recreation, Passenger terminal, Vehicle fuel sales, Vehicle sales/rental, Vehicle repair (minor), Vehicle repair (major), Detention center, jail, prison, Car wash
- 2) There shall be no more than 2 bays of on-site parking with a single drive aisle between the building and Kelley Austin Drive
- 3) Building shall have at least 1 entrance facing Kelley Austin Drive
- 4) Direct pedestrian access is required from the public sidewalk to the main entrance of the building facing Kelley Austin Drive



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

*A. V. R.*

Print Name

*Venkata Kishore Reddy*  
*Amrith Reddy*

# Rezoning Application



**RALEIGH**  
DEPARTMENT OF  
CITY PLANNING



Department of City Planning | 1 Exchange Plaza, Suite 300 | Raleigh, NC 27601 | 919-996-2683

**RECEIVED**  
DEC 31 2019

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 <b>IX</b> Height <b>3</b> Frontage <b>N/A</b> Overlay(s) <b>SHOD-1</b>			
Proposed Zoning Base District <b>CX</b> Height <b>5</b> Frontage <b>N/A</b> Overlay(s) <b>SHOD-1</b>			
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>GENERAL INFORMATION</b>			
Date		Date Amended (1)	
Date Amended (2)			
Property Address <b>3102 Kelley Austin Drive Raleigh, NC 27610</b>			
Property PIN <b>1724-33-1347</b>		Deed Reference (book/page) <b>17294/380</b>	
Nearest Intersection <b>New Bern and Kelley Austin</b>			
Property Size (acres) <b>1.97</b>	For Planned Development Applications Only:	Total Units	Total Square Footage
		Total Parcels	Total Buildings
Property Owner Name/Address Venkata Reddy LLC 1225 S Church St Charlotte NC 28203 Apt - 432		Phone <b>240-640-0063</b>	Fax
		Email <b>ammii11199@gmail.com</b>	
Applicant Name/Address Randy Herman BA Folk PLLC PO Box 90426 Raleigh, NC 27675		Phone <b>919-825-1250</b>	Fax
		Email <b>rherman@bafolk.com</b>	
Applicant* Signature(s) <i>A.V. [Signature]</i>		Email <b>ammii11199@gmail.com</b>	

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

REZONING APPLICATION ADDENDUM #1	
<p align="center"><b>Comprehensive Plan Analysis</b></p>	<p align="center"><b>OFFICE USE ONLY</b></p> <p align="center"><b>Rezoning Case #</b></p>
<p>The applicant is asked to analyze the impact of the rezoning request and its consistency with the Comprehensive Plan. The applicant is also asked to explain how the rezoning request is reasonable and in the public interest.</p>	
<p align="center"><b>STATEMENT OF CONSISTENCY</b></p>	
<p>Provide brief statements regarding whether the rezoning request is consistent with the future land use designation, the urban form map, and any applicable policies contained within the 2030 Comprehensive Plan.</p>	
<p>The rezoning would bring the property more closely in line with the future land use map, which calls for Medium Density Residential, because multifamily use is permitted by right in the CX district but in IX it is permitted only on the upper stories of buildings. It also eliminates many industrial uses which would be permitted by right under IX but which are not compatible with the FLUM or adjacent uses. By allowing for taller structures and making the subject parcel economically viable for development, the rezoning supports the following policies: LU 2.2 Compact Development, LU 3.2 Location of Growth, LU 4.10 Development at Freeway Interchanges, LU 5.1 Reinforcing the Urban Pattern, LU 7.4 Scale and Design of New Commercial Uses, LU 7.3 Promoting Commercial Reinvestment, LU 8.10 Infill Development, LU 9.4 Supporting the Health Care Industry</p>	
<p align="center"><b>PUBLIC BENEFITS</b></p>	
<p>Provide brief statements explaining how the rezoning request is reasonable and in the public interest.</p>	
<p>With current restrictions on the property, development is not economically feasible. Rezoning to permit greater height will allow development to increase the tax base and create jobs. The planned use as a hotel will provide accommodations to support the families of WakeMed patients as well as business travelers due to the proximity of 440. The hotel will also support downtown business travelers for the Raleigh Convention Center, as well as big group gatherings such as sporting events, and business gatherings, conferences, etc. Rezoning will permit uses that are more compatible with the long-range plan than those permitted by right under the current zoning designation.</p>	

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



## URBAN DESIGN GUIDELINES

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

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

Urban Form Designation City Growth Center

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

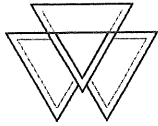
- |    |  |
|----|--|
| 1. | <p><i>All Mixed-Use developments should generally provide retail (such as eating establishments, food stores, and banks), and other such uses as office and residential within walking distance of each other. Mixed uses should be arranged in a compact and pedestrian friendly form.</i></p> <p><b>Response:</b></p> <p>The proposed development will include commercial uses and is immediately adjacent to a multifamily residential development.</p>   |
| 2. | <p><i>Within all Mixed-Use Areas buildings that are adjacent to lower density neighborhoods should transition (height, design, distance and/or landscaping) to the lower heights or be comparable in height and massing.</i></p> <p><b>Response:</b></p> <p>The proposed development will be a single 5-story building of similar design to adjacent 3-story apartments. The uses will be separated by appropriate landscaping.</p>  |
| 3. | <p><i>A mixed use area's road network should connect directly into the neighborhood road network of the surrounding community, providing multiple paths for movement to and through the mixed use area. In this way, trips made from the surrounding residential neighborhood(s) to the mixed use area should be possible without requiring travel along a major thoroughfare or arterial.</i></p> <p><b>Response:</b></p> <p>The proposed development will have a single exit point onto the adjacent neighborhood road of Kelley Austin Drive. No exit points will be provided on New Bern Avenue in accordance with the requirements of the SHOD-1 overlay.</p>   |
| 4. | <p><i>Streets should interconnect within a development and with adjoining development. Cul-de-sacs or dead-end streets are generally discouraged except where topographic conditions and/or exterior lot line configurations offer no practical alternatives for connection or through traffic. Street stubs should be provided with development adjacent to open land to provide for future connections. Streets should be planned with due regard to the designated corridors shown on the Thoroughfare Plan.</i></p> <p><b>Response:</b></p> <p>The existing Kelley Austin Drive is a cul-de-sac. The development will have a single driveway onto this road.</p> |
| 5. | <p><i>New development should be comprised of blocks of public and/or private streets (including sidewalks). Block faces should have a length generally not exceeding 660 feet. Where commercial driveways are used to create block structure, they should include the same pedestrian amenities as public or private streets.</i></p> <p><b>Response:</b></p> <p>The proposed development does not include any planned new streets.</p>  |
| 6. | <p><i>A primary task of all urban architecture and landscape design is the physical definition of streets and public spaces as places of shared use. Streets should be lined by buildings rather than parking lots and should provide interest especially for pedestrians. Garage entrances and/or loading areas should be located at the side or rear of a property.</i></p> <p><b>Response:</b></p> <p>The planned structure is located as close as possible to the existing street given topography and existing legal restrictions on the site, including the SHOD buffer.</p>   |



7.	<p><i>Buildings should be located close to the pedestrian-oriented street (within 25 feet of the curb), with off-street parking behind and/or beside the buildings. When a development plan is located along a high volume corridor without on-street parking, one bay of parking separating the building frontage along the corridor is a preferred option.</i></p> <p><b>Response:</b></p> <p>See response to Section 6 above.</p>
8.	<p><i>If the site is located at a street intersection, the main building or main part of the building should be placed at the corner. Parking, loading or service should not be located at an intersection.</i></p> <p><b>Response:</b></p> <p>Although the site is located at an intersection, SHOD requirements prevent the construction of buildings close to the street. The proposed structure is located as close as possible to the street considering topography and legal restrictions.</p>
9.	<p><i>To ensure that urban open space is well-used, it is essential to locate and design it carefully. The space should be located where it is visible and easily accessible from public areas (building entrances, sidewalks). Take views and sun exposure into account as well.</i></p> <p><b>Response:</b></p> <p>Open space will generally be co-located with street buffers along New Bern Avenue and Kelley Austin Drive.</p>
10.	<p><i>New urban spaces should contain direct access from the adjacent streets. They should be open along the adjacent sidewalks and allow for multiple points of entry. They should also be visually permeable from the sidewalk, allowing passersby to see directly into the space.</i></p> <p><b>Response:</b></p> <p>Open space will be accessible to existing sidewalks. Visual permeability may be limited due to existing tree save restrictions.</p>
11.	<p><i>The perimeter of urban open spaces should consist of active uses that provide pedestrian traffic for the space including retail, cafés, and restaurants and higher-density residential.</i></p> <p><b>Response:</b></p> <p>Open space will generally border on existing streets due to street buffers and tree save area.</p>
12.	<p><i>A properly defined urban open space is visually enclosed by the fronting of buildings to create an outdoor "room" that is comfortable to users.</i></p> <p><b>Response:</b></p> <p>The proposed development only consists of a single building. Location of open space is limited due to SHOD buffers and tree save areas.</p>

13.	<p><i>New public spaces should provide seating opportunities.</i></p> <p><b>Response:</b></p> <p>Benches will be provided in open space.</p>
14.	<p><i>Parking lots should not dominate the frontage of pedestrian-oriented streets, interrupt pedestrian routes, or negatively impact surrounding developments.</i></p> <p><b>Response:</b></p> <p>Parking lot will not interrupt any pedestrian routes. Building location is limited on the site due to topography and SHOD buffers.</p>
15.	<p><i>Parking lots should be located behind or in the interior of a block whenever possible. Parking lots should not occupy more than 1/3 of the frontage of the adjacent building or not more than 64 feet, whichever is less.</i></p> <p><b>Response:</b></p> <p>Parking lot location is to the interior to the extent possible due to topography and legal restrictions on the lot.</p>
16.	<p><i>Parking structures are clearly an important and necessary element of the overall urban infrastructure but, given their utilitarian elements, can give serious negative visual effects. New structures should merit the same level of materials and finishes as that a principal building would, care in the use of basic design elements can make a significant improvement.</i></p> <p><b>Response:</b></p> <p>No parking structures are planned.</p>
17.	<p><i>Higher building densities and more intensive land uses should be within walking distance of transit stops, permitting public transit to become a viable alternative to the automobile.</i></p> <p><b>Response:</b></p> <p>New Bern Avenue is served by bus routes. The nearest current transit stop is several blocks away.</p>
18.	<p><i>Convenient, comfortable pedestrian access between the transit stop and the building entrance should be planned as part of the overall pedestrian network.</i></p> <p><b>Response:</b></p> <p>Access to the nearest transit stop will be by planned and existing sidewalks.</p>
19.	<p><i>All development should respect natural resources as an essential component of the human environment. The most sensitive landscape areas, both environmentally and visually, are steep slopes greater than 15 percent, watercourses, and floodplains. Any development in these areas should minimize intervention and maintain the natural condition except under extreme circumstances. Where practical, these features should be conserved as open space amenities and incorporated in the overall site design.</i></p> <p><b>Response:</b></p> <p>A significant portion of the site will be preserved as open space. Steep slopes will be preserved to the extent practicable given topography.</p>

20.	<p><i>It is the intent of these guidelines to build streets that are integral components of community design. Public and private streets, as well as commercial driveways that serve as primary pedestrian pathways to building entrances, should be designed as the main public spaces of the City and should be scaled for pedestrians.</i></p> <p><b>Response:</b></p> <p>No new streets are planned as part of development.</p>
21.	<p><i>Sidewalks should be 5-8 feet wide in residential areas and located on both sides of the street. Sidewalks in commercial areas and Pedestrian Business Overlays should be a minimum of 14-18 feet wide to accommodate sidewalk uses such as vendors, merchandising and outdoor seating.</i></p> <p><b>Response:</b></p> <p>Sidewalks will be built to residential widths. No retail uses are planned on the site.</p>
22.	<p><i>Streets should be designed with street trees planted in a manner appropriate to their function. Commercial streets should have trees which complement the face of the buildings and which shade the sidewalk. Residential streets should provide for an appropriate canopy, which shadows both the street and sidewalk, and serves as a visual buffer between the street and the home. The typical width of the street landscape strip is 6-8 feet. This width ensures healthy street trees, precludes tree roots from breaking the sidewalk, and provides adequate pedestrian buffering. Street trees should be at least 6 1/4" caliper and should be consistent with the City's landscaping, lighting and street sight distance requirements.</i></p> <p><b>Response:</b></p> <p>Street trees will be installed as required by the SHOD-1 overlay.</p>
23.	<p><i>Buildings should define the streets spatially. Proper spatial definition should be achieved with buildings or other architectural elements (including certain tree plantings) that make up the street edges aligned in a disciplined manner with an appropriate ratio of height to width.</i></p> <p><b>Response:</b></p> <p>See response 22 above.</p>
24.	<p><i>The primary entrance should be both architecturally and functionally on the front facade of any building facing the primary public street. Such entrances shall be designed to convey their prominence on the fronting facade.</i></p> <p><b>Response:</b></p> <p>Primary entrance will face Kelley Austin Drive as SHOD buffers will separate the building from New Bern Avenue.</p>
25.	<p><i>The ground level of the building should offer pedestrian interest along sidewalks. This includes windows entrances, and architectural details. Signage, awnings, and ornamentation are encouraged.</i></p> <p><b>Response:</b></p> <p>Architectural design will be similar to that of adjacent apartments.</p>
26.	<p><i>The sidewalks should be the principal place of pedestrian movement and casual social interaction. Designs and uses should be complementary to that function.</i></p> <p><b>Response:</b></p> <p>Sidewalks will be installed along Kelley Austin Drive frontage with access to planned structure.</p>



BA | FOLK

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

November 21, 2019

New Bern Investments LLC  
1732 CROOKS RD  
TROY MI 48084

Re: 3102 Kelley Austin Drive

Neighboring Property Owners:

You are invited to attend a neighborhood meeting on December 11, 2019. The meeting will be held at the Richard B. Harrison Community Library, 1313 New Bern Avenue, Raleigh, NC 27610 and will begin at 6:00 P.M.

The purpose of this meeting is to discuss a potential rezoning of the property located at 3102 Kelley Austin Drive. This site is current zoned IX-3 and is proposed to be rezoned to CX-5-CU. Conditions are proposed to include restricting the property to residential or hotel use.

The City of Raleigh requires that prior to the submittal of any rezoning application, a neighborhood meeting involving the property owners within 500 feet of the area requested for rezoning.

If you have any concerns or questions I can be reached using the contact information above.

For more information about rezoning, you may visit [www.raleighnc.gov](http://www.raleighnc.gov) or contact the Raleigh City Planning Department at:

(919)996-2682

[rezoning@raleighnc.gov](mailto:rezoning@raleighnc.gov)

Thank you

Randy H. Herman

**At least 10 days prior to the meeting date with the owners of property, the applicant shall notify the owners of property about the meeting; notice shall be by first class mail or certified mail return receipt. If notification is to be by first class mail, the applicant shall deliver the sealed, addressed, stamped envelopes to Planning & Development prior to the aforementioned 10 day period. If notification is to be by certified mail return receipt, copies of the return receipts shall be given to Planning & Development at time of application submittal.**

Parcel ID	Owner	Address
368188	New Bern Investments LLC	1732 CROOKS RD TROY MI 48084
461074	Waverly Apartments LLC	5826 SAMET DR STE 105 HIGH POINT NC 27265
368189	Waverly Apartments LLC	5826 SAMET DR STE 105 HIGH POINT NC 27265
60265	POAA II LLC	2922 HATHAWAY RD RICHMOND VA 23225
145116	Belasco LP	2922 HATHAWAY RD RICHMOND VA 23225
145115	Belasco LP	2922 HATHAWAY RD RICHMOND VA 23225
60961	Belasco LP	PO BOX 8984 RICHMOND VA 23225
58013	Cruz Investments LLC	209 WESTOVER DR KNIGHTDALE NC 27545
3760	Triangle Greenways Council	520 POLK ST RALEIGH NC 27604
266688	Eagle Rock 50 LLC	2912 HIGHWOODS BLVD RALEIGH NC 27604
266686	Duke Energy Progress Inc.	550 S TRYON ST CHARLOTTE NC 28202

## ATTENDANCE ROSTER

[illegible]

## SUMMARY OF ISSUES

A neighborhood meeting was held on 12/11/2019 (date) to discuss a potential rezoning located at 3102 Kelley Austin Drive (property address).

The neighborhood meeting was held at 1313 New Bern Avenue (location).

There were approximately 1 (number) neighbors in attendance. The general issues discussed were:

Summary of Issues:

<b>Impact on planned greenways</b>