

From: Botvinick, Ira
Sent: Wednesday, December 8, 2010 10:08 AM
To: Dan Coleman, Brantley, James
Cc: Crane, Travis
Subject: RE: revised conditions for Z-24-10

My comments are as follows:

At the end of condition 1 A insert the following words: "in any commercial or retail use".

Delete conditions E iv and v and renumber conditions vi through xii accordingly.

Condition E iv should be restated as new Arabic numbered section number following letter G, and replace the word should with the word shall in the new zoning condition.

There is no land use listed for condition F xi. Either insert a prohibited industrial land use or delete xi.

At the beginning of condition 6 insert, "Upon any expansion or redevelopment of the existing building,".

In condition 7, the condition should read no more than one entrance on Poole Road.

Delete condition 14; it is unrelated to a Part 10 regulation.

Condition 17 will be hard to enforce against second floor residences. Are your sure you do not want to limit this condition to any retail and commercial use?

In condition 18, add a time limit for installation of the fence as was done for condition 12.

Ira

From: Botvinick, Ira
Sent: Thursday, November 18, 2010 11:38 AM
To: Brantley, James
Cc: Crane, Travis
Subject: RE: revised conditions for Z-24-10

James

How are these zoning conditions different from the ones presented to the Planning Commission at its meeting of 9 November? In fact I thought Danny specified a time period for condition number 12 at the Commission meeting.

I previously explained to Mr. Coleman that banning the sale of drug paraphernalia in zoning condition A would be too difficult to enforce. Rather the ban should disallow the possession of drug paraphernalia from any commercial or retail use. Spoon, blenders, and mixing bowls are drug paraphernalia, and these items would be found in residential dwellings.

Zoning conditions B and C should begin with word "All" and conclude with the following language: "listed in the Schedule of Permitted Land Uses In Zoning Districts (Raleigh City Code 10-2071)".

The Planning Commission indicated that condition E iv was confusing. The applicant does not want to prohibit retail sales- convenience and general. The applicant just wanted to restrict its size. The development is already limited in size by zoning conditions 3 and 5 relating to ground floor square footage and height respectively. Therefore zoning condition E iv should be deleted, and a new numbered zoning condition should be added. This new zoning condition should read as follows: "The maximum floor area gross of all buildings located on the rezoned property should not exceed 25,000 square feet."

Commercial uses ix Mini-warehouse storage facility and x airfield, land strip heliport are listed in the Schedule of Permitted Land Uses In Zoning Districts (Raleigh City Code 10-2071) as Industrial uses in the Schedule and therefore should be relocated to zoning condition F. Prohibited commercial use Veterinary hospital is listed in the Schedule of Permitted Land Uses In Zoning Districts as an office use. But since offices uses are not being prohibited by Z-24- 10, Veterinary hospital should be included in the zoning condition as its own separate prohibited item letter G. Renumber subsection F ix through xv accordingly.

At the end of subsection F i, insert the following language: "for the following subsections.

In condition number 6, replace the last word residences with the word dwellings.

In condition number 7, before the words "one entrance", which is repeated twice, insert the words "no more than".

Rewrite condition number 10 to indicate that the transit administrator is to approve the location of the transit easement and that a transit easement deed, approved by the City Attorney, will be will be deeded to the City prior to the issuance of any building permit or recording of any plat.

In condition 11, indicate who will install the bus shelter and when will it be installed; for example, A bus shelter, bench and concrete pad will be installed by the owner prior to the issuance of any certificate of occupancy for any redevelopment project on the property.

The Planning Commission discussed the need for side yards and the prohibition of on-premise sale of beer, wine, and intoxicating liquors. This prohibition is already a condition of approval of the special use permit issued by the Board of Adjustment in A-314-80 on 10 November 1980. There are other special use permit conditions required by the Board of Adjustment in A-314-80 which the applicant may wish to turn into zoning conditions.

Ira