

Call Summary with Mattox Law Firm RE: Potential Re-zoning of 3624 Tryon Road

Date: September 23, 2020 at 5:00pm

Present: Isabel Mattox and Matthew Carpenter of Mattox Law Firm;
Denise of A+ Tree & Crane Services;
Various Tryon Place Townhomes Homeowners

- 1. The map included with the Mattox Letter shows that the property is currently zoned R10-CU. What are the conditions currently in place?** Per Mattox, this property is currently zoned Residential as the owner originally intended to build townhomes on the property but decided not to. She has agreed to sell the property to Mr. Ellis (the prior leasee of the lot, and owner of A+ Tree & Crane Services (“the tree company”). Click this link to see the current listing and allowable uses under current zoning requirements: https://www.foundrycommercial.com/core/fileparse.php/2530/urlt/Tryon-Land_flyer_FOUNDRY.pdf
- 2. The rezoning application includes “CM and IX-3”. This appears to allow industrial and manufacturing uses. What are the specific industrial and manufacturing uses allowed in this zone?** Per Mattox, light industrial uses – i.e. contractors, vehicle repair shops, storage units, this tree service company, etc.
- 3. How are the allowable industrial and manufacturing uses compatible with adjacent residential?** Per Mattox, typically, they are made compatible through landscaping barriers and/or berms that provide visual and audio buffers, and applying certain conditions to the re-zoning such as restricting operating hours, types of activity performed on the property (in this case: not using chippers, mulchers, stump grinders etc., which would all be performed on the client site as opposed to the property on Tryon Rd.).
- 4. What is the intended use of the property if the rezoning is allowed?** Mr. Ellis, the owner of the tree service company and former tenant of 3624 Tryon Road, intends to purchase the land and bring back his tree service company. However, Mr. Ellis was previously unaware of the concerns of Tryon Place Townhomes owners, and intends to make the following changes and considerations if and when the land is owned by him:
 - Build a small office for his staff;
 - Build a paved access road towards the left-hand side of the lot and add parking for his staff;
 - Build a structure towards the rear west of the property line (closest to the storage units) where his equipment and machines would be repaired *indoors* (as opposed to them being maintained outdoors prior to their vacating the property);
 - Restrict operating hours from 7am to 7pm; Monday to Friday (conditions of re-zoning);
 - Install a 20ft planted landscape buffer and fence (this would be “maintained landscaping”, not just an unkept wooded area).

Mr. Ellis' was not present on the call, however his office manager and representative "Denise" was present, and said that the tree service company does all processing of logs off-site at the location where the trees are being removed (client site). The leftover debris is then immediately taken to the landfill/dump, and then the trucks return to the property for overnight storage. If the landfill/dump is already closed for the day, then there would be potential for material to be on the trucks when they return for the day, which may need to be moved off the trucks, which may cause some noise; however, there would not be any tree processing conducted on the property.

5. **What type, width, and height of landscape buffering is proposed to separate and protect the adjacent residential uses from the owner's proposed uses?** 20 feet (height) of maintained landscaping (TBD).
6. **The same property owner owns an adjacent 2.95-acre parcel zoned CM-CU behind University Woods. What are the conditions on that parcel?** Per Mattox, this property is also intended to be purchased by Mr. Ellis but will remain zoned as Conservation Mgt property and left largely untouched.
7. **How long is the rezoning process? Will there be additional hearings with the City of Raleigh, if the owner proceeds with the rezoning application?** We (Mattox Law Firm) intend to proceed with filing the re-zoning application with the City of Raleigh in the next few weeks. There will be another neighborhood call in approximately 6 weeks in which we will contact (via mail) all owners 10 days in advance, that live within 1,000 ft of the property, and notify them of the upcoming web call. Owners will have the opportunity to voice their support, opposition, or propose additional conditions. We intend to have a draft proposal/blueprint of the property showing the intended new structures, landscape buffer, parking lot, etc. for owners to review in advance and in preparation of this second call.

After the second neighborhood call, the case will go to the City of Raleigh Planning Commission (an appointed committee) which will review the case and possibly revise some of the conditions again.

Lastly, the Raleigh City Council will hear the case, discuss and deliberate, and take the final vote.

Owners can attend all of these [virtual] meetings to have their voices heard. Optimistically, this process could be completed by January.

Additional Information

Homeowners within Tryon Place voiced the following questions and concerns:

- Cranes lifting logs and dropping them causing loud noises, dust, and the ground to shake – Per Denise, this would not be happening once Mr. Ellis owns the land and they revise their operations. The pavement of the property would also cut back on dust when trucks

are entering and exiting the property. Per Mattox, if the tree company violates the terms of the re-zoning, the City of Raleigh will impose fines.

- Potential for increased insect ecology if a landscaping buffer is installed – Per Mattox, this may or may not be a problem. And, if you didn't have the buffer, you'd be more exposed to the operations, so which is worse?
- Potential for Mr. Ellis to sell the land in the future to someone else to use for Commercial purposes that the community may be opposed to – Per Mattox, Tryon Place Townhomes could petition the City of Raleigh if/when this happens. Per Denise, Mr. Ellis has no intention of selling the land or moving his business. He primarily services Raleigh, Durham, Apex, Garner, and Cary, and this location on Tryon Road is ideal for his 25-year old small business.
- Potential for increased vehicle traffic in the area – Per Denise, the office would not be open to customers; it would only serve as a home base for staff, equipment and vehicle storage, and for their equipment maintenance and repair shop. The trucks would essentially be gone all day on client jobs, and only return to park at night.
- Even-numbered townhomes on Chancellor Place are a mere 15 feet from the property line. This is entirely too close for a Residential area to be situated next to a Commercial property – Per Mattox, that is your opinion and you are entitled to it. Thank you. Per Denise, if the property stays Residential and a new builder puts an apartment complex there, you could be dealing with way more traffic, noise, and lights and at all hours of the night, compared to what we would be doing.