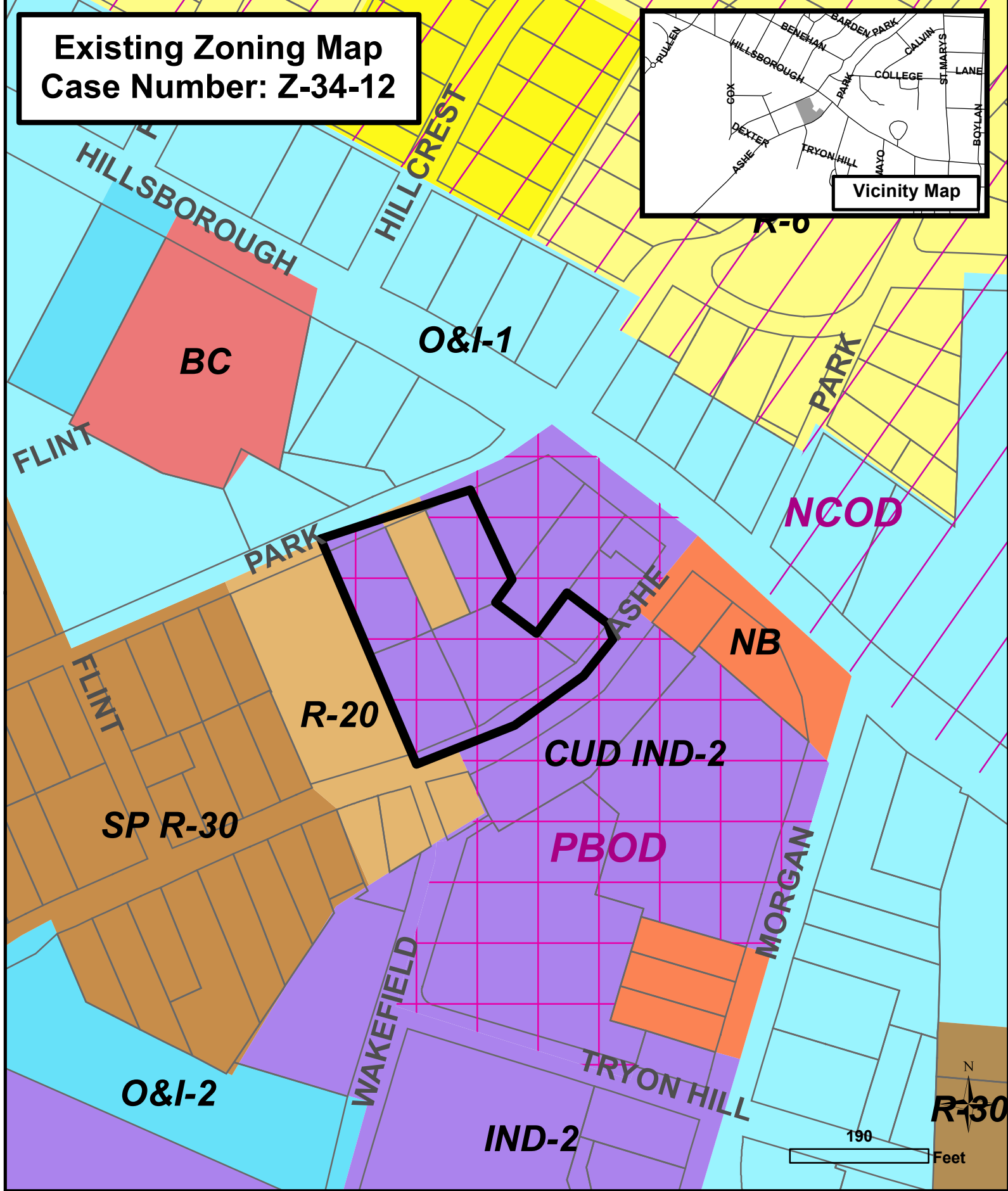
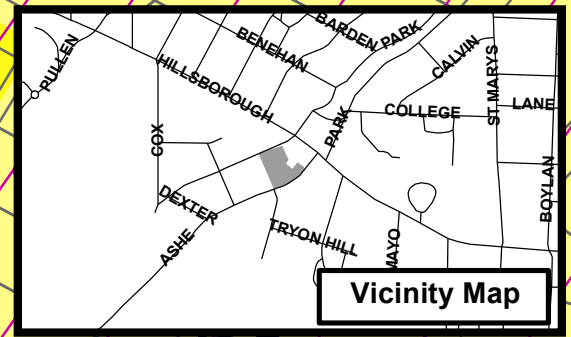


**Existing Zoning Map  
Case Number: Z-34-12**



**Request:**

**1.61 acres from R-20 & IND-2 CUD with PBOD  
to IND-2 CUD with PBOD**

City of Raleigh Public Hearing  
October 16, 2012  
(January 14, 2013)



# Certified Recommendation

Raleigh Planning Commission

CR# 11493

## Case Information Z-34-12 (SSP-6-12) Park Av. and Ashe Av.

<i>Location</i>	Southwest of Hillsborough Street, between Ashe Avenue and Park Avenue.
<i>Size</i>	1.61 acres
<i>Request</i>	Rezone property from Residential-20 and Industrial-2 Conditional Use District with Pedestrian Business Overlay District to Industrial-2 Conditional Use District with Pedestrian Business Overlay District and amend the associated Hillsborough Morgan Streetscape and Parking Plan

## Comprehensive Plan Consistency

Consistent

Inconsistent

### Consistent

<i>Future Land Use Designation</i>	<input checked="" type="checkbox"/>	Community Mixed Use
<i>Applicable Policy Statements</i>	<input checked="" type="checkbox"/>	Policy LU 1.2 – Future Land Use Map and Zoning Consistency
	<input checked="" type="checkbox"/>	Policy LU 1.3 – Conditional Use District Consistency
	<input checked="" type="checkbox"/>	Policy LU 2.2 – Compact Development
	<input checked="" type="checkbox"/>	Policy LU 2.6 – Zoning and Infrastructure Impacts
	<input checked="" type="checkbox"/>	Policy LU 4.7 – Capitalizing on Transit Access
	<input checked="" type="checkbox"/>	Policy LU 4.8 – Station Area Land Uses
	<input checked="" type="checkbox"/>	Policy LU 4.9 – Corridor Development
	<input checked="" type="checkbox"/>	Policy LU 7.1 – Encouraging Nodal Development
	<input checked="" type="checkbox"/>	Policy LU 7.4 – Scale and Design of New Commercial Uses
	<input checked="" type="checkbox"/>	Policy LU 7.5 – High-Impact Commercial Uses
	<input checked="" type="checkbox"/>	Policy LU 7.6 – Pedestrian-Friendly Development
	<input checked="" type="checkbox"/>	Policy LU 10.6 – Retail Nodes
	<input checked="" type="checkbox"/>	Policy T 5.1 – Enhancing Bike/Pedestrian Circulation
	<input checked="" type="checkbox"/>	Policy UD 2.1 – Building Orientation
	<input checked="" type="checkbox"/>	Policy UD 2.4 – Transitions in Building Intensity
	<input checked="" type="checkbox"/>	Policy UD 5.1 – Contextual Design
	<input checked="" type="checkbox"/>	Policy UD 6.1 – Encouraging Pedestrian-Oriented Uses
	<input checked="" type="checkbox"/>	Policy UD 6.2 – Ensuring Pedestrian Comfort and Convenience
	<input checked="" type="checkbox"/>	Policy UD 7.3 – Design Guidelines
	<input checked="" type="checkbox"/>	Policy DT 1.2 – Vertical Mixed Use
	<input checked="" type="checkbox"/>	Policy DT 1.11 – Downtown Edges
	<input checked="" type="checkbox"/>	Policy DT 1.13 – Downtown Transition Areas
	<input checked="" type="checkbox"/>	Policy DT 1.15 – High Density Development
	<input checked="" type="checkbox"/>	Policy DT 1.16 – High Density Public Realm Amenities
	<input checked="" type="checkbox"/>	Policy DT 1.17 – Auto-Oriented Uses
	<input checked="" type="checkbox"/>	Policy DT 2.5 – Widen Sidewalks
	<input checked="" type="checkbox"/>	Policy DT 7.5 – Ground Level Design
	<input checked="" type="checkbox"/>	Policy DT 7.7 – Signage
	<input checked="" type="checkbox"/>	Policy DT 7.9 – Street Trees

## Summary of Conditions

<i>Submitted Conditions</i>	<ol style="list-style-type: none"> <li>1. Prohibited uses</li> <li>2. No drive through windows permitted</li> <li>3. Number of dwelling units with more than 2 bedrooms limited to a maximum of 30% of total units</li> <li>4. Restrictions on outdoor amplified entertainment</li> <li>5. Parking restrictions</li> <li>6. Maximum building area</li> <li>7. Maximum of 175 dwelling units</li> <li>8. Mixed use and pedestrian orientation building requirements</li> <li>9. Open space requirements</li> <li>10. Public improvements</li> </ol>
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## Issues and Impacts

<i>Outstanding Issues</i>	1. None	<i>Suggested Conditions</i>	1. None
<i>Impacts Identified</i>	1. None	<i>Proposed Mitigation</i>	1. None

## Public Meetings

<i>Neighborhood Meeting</i>	<i>Public Hearing</i>	<i>Committee</i>	<i>Planning Commission</i>
6/12/12	1/14/13	Date: 10/23/12	10/23/12: Approve

**Valid Statutory Protest Petition**

### Attachments

1. Staff report
2. Existing Zoning/Location Map
3. Future Land Use

## Planning Commission Recommendation

<i>Recommendation</i>	The Planning Commission finds that this case is consistent with the Comprehensive Plan and recommends that this case be approved in accordance with zoning conditions dated October 26, 2012.
<i>Findings &amp; Reasons</i>	1. The request is consistent with guidelines set forth in the Comprehensive Plan. The Future Land Use Map designates this area as being appropriate for Community Mixed Use. The proposed zoning is consistent with this designation.
<i>Motion and Vote</i>	Motion: Schuster Second: Haq In Favor: Buxton, Fleming, Fluhrer, Haq, Sterling Lewis, Mattox, Schuster, Terando

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.

_____	_____	_____	10/23/12
Planning Director	Date	Planning Commission Chairperson	Date

Staff Coordinator: Carter Pettibone, [carter.pettibone@raleighnc.gov](mailto:carter.pettibone@raleighnc.gov)



# Zoning Staff Report – Case Z-34-12

## Conditional Use District

### Request

<i>Location</i>	Southwest of Hillsborough Street, between Ashe Avenue and Park Avenue.
<i>Request</i>	Rezone property from Residential-20 and Industrial-2 Conditional Use District with Pedestrian Business Overlay District to Industrial-2 Conditional Use District with Pedestrian Business Overlay District and amend the associated Hillsborough Morgan Streetscape and Parking Plan
<i>Area of Request</i>	1.61 acres
<i>Property Owner</i>	Howard and Diane Hadley; 1215 Hillsborough Street LLC; FMW at Hillsborough & Morgan LLC
<i>PC Recommendation Deadline</i>	January 14, 2013

### Subject Property

	<i>Current</i>	<i>Proposed</i>
<i>Zoning</i>	Residential-20 (R-20) and Industrial-2 (IND-2) Conditional Use District (CUD)	IND-2 CUD
<i>Additional Overlay</i>	Pedestrian Business Overlay District (PBOD)	PBOD
<i>Land Use</i>	Two-family residential; Vacant	Mixed Use – Commercial and high density residential
<i>Residential Density</i>	74.18 units per acre (max.181 units)	71.72 units per acre (max.175 units)

### Surrounding Area

	<i>North</i>	<i>South</i>	<i>East</i>	<i>West</i>
<i>Zoning</i>	Office and Institutional-1 (O&I-1) and IND-2 CUD w/PBOD	R-20 and IND-2 CUD w/ PBOD	Neighborhood Business (NB) and IND-2 CUD w/ PBOD	R-20
<i>Future Land Use</i>	Community Mixed Use and Office and Residential Mixed Use	Community Mixed Use, Medium Density Residential	Community Mixed Use	Medium Density Residential
<i>Current Land Use</i>	Single-family Residential, Commercial, Vacant	Single-family Residential, Vacant	Mixed Use – Commercial with residential above, Vacant	Fraternity House



# Zoning Staff Report – Case Z-34-12

## Conditional Use District

### Comprehensive Plan Guidance

<i>Future Land Use</i>	Community Mixed Use
<i>Area Plan</i>	West Morgan Small Area Study
<i>Applicable Policies</i>	Policy LU 1.2 – Future Land Use Map and Zoning Consistency Policy LU 1.3 – Conditional Use District Consistency Policy LU 2.2 – Compact Development Policy LU 2.6 – Zoning and Infrastructure Impacts Policy LU 4.7 – Capitalizing on Transit Access Policy LU 4.8 – Station Area Land Uses Policy LU 4.9 – Corridor Development Policy LU 7.1 – Encouraging Nodal Development Policy LU 7.4 – Scale and Design of New Commercial Uses Policy LU 7.5 – High-Impact Commercial Uses Policy LU 7.6 – Pedestrian-Friendly Development Policy LU 10.6 – Retail Nodes Policy T 5.1 – Enhancing Bike/Pedestrian Circulation Policy UD 2.1 – Building Orientation Policy UD 2.4 – Transitions in Building Intensity Policy UD 5.1 – Contextual Design Policy UD 6.1 – Encouraging Pedestrian-Oriented Uses Policy UD 6.2 – Ensuring Pedestrian Comfort and Convenience Policy UD 7.3 – Design Guidelines Policy DT 1.2 – Vertical Mixed Use Policy DT 1.11 – Downtown Edges Policy DT 1.13 – Downtown Transition Areas Policy DT 1.15 – High Density Development Policy DT 1.16 – High Density Public Realm Amenities Policy DT 1.17 – Auto-Oriented Uses Policy DT 2.5 – Widen Sidewalks Policy DT 7.5 – Ground Level Design Policy DT 7.7 – Signage Policy DT 7.9 – Street Trees

### Contact Information

<i>Staff</i>	Carter Pettibone, <a href="mailto:carter.pettibone@raleighnc.gov">carter.pettibone@raleighnc.gov</a>
<i>Applicant</i>	Howard and Diane Hadley, 1215 Hillsborough Street LLC, FMW Hillsborough & Morgan LLC
<i>Citizens Advisory Council</i>	Hillsborough; William Allen, <a href="mailto:will@allenheuer.com">will@allenheuer.com</a> , 919-836-5515

### Case Overview

The proposed rezoning seeks to rezone six parcels located south of Hillsborough Street between Ashe Avenue and Park Avenue. The parcels are a total of 1.61 acres in size and zoned R-20 and Industrial-2 CUD with a PBOD. The collection of parcels has frontage along both Ashe Avenue

and Park Avenue. The proposal calls for a rezoning to Industrial-2 Conditional Use District with a Pedestrian Business Overlay District (PBOD) and an amendment to the Hillsborough Morgan Streetscape and Parking Plan.

Conditions as part of this proposal prohibit certain uses (generally industrial uses), limit residential development to 175 units, restrict building height, call for minimum percentages of active uses on ground floors of buildings fronting streets, and subject the property to the Hillsborough Morgan Streetscape and Parking Plan, which is proposed to be amended by this request to add these properties.

A Streetscape and Parking Plan is a required component of a PBOD. The associated revision to the Hillsborough Morgan Streetscape and Parking Plan addresses standards for sidewalks, streetscape materials, facades, parking location, screening, building height and building setback. The Streetscape Plan was originally approved as part of Z-11-10, which also established the IND-2 CUD zoning for four of the six parcels under consideration for this rezoning request. The other two parcels are zoned R-20 and were not part of the original request.

The site is surrounded by a mix of different zoning districts and land uses; IND-2 with a restaurant, and vacant properties to the northeast, Neighborhood Business with a commercial building to the east, IND-2 CUD with PBOD with a mixed use project under development to the southeast across Ashe Avenue, R-20 with single-family residential to the south, R-20 with a fraternity house to the west, and O&I-1 with offices and residential to the northwest across Park Avenue. The properties under consideration are slated to be part the next phase of the mixed-use development under construction across Ashe Avenue.

The site is located in close proximity to a proposed light rail transit stop, West Morgan Station, which is part of the Locally Preferred Light Rail Option of the Wake County Transit Plan.

## **Exhibit C & D Analysis**

### **1. Consistency of the proposed rezoning with the Comprehensive Plan and any applicable City-adopted plan(s)**

#### **1.1 Future Land Use**

The proposed rezoning is consistent with the Future Land Use Map, which designates the subject parcel as Community Mixed Use. This land use category primarily 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 Center areas, with mid-rise buildings as well as low rise buildings. Where residential development occurs, ground floor retail would be encouraged and minimum density standards might be applied. Although housing would be allowed in all cases, there could be greater incentives for “vertical mixed use” or higher density housing where these zones adjoin future transit stations, or are on traditional “walking” streets. For both this category and Neighborhood Mixed Use, higher densities should be accompanied by enhanced public benefits and amenities.

#### **1.2 Policy Guidance**

The following policy guidance is applicable with this request:

<b>Policy LU 1.2 - Future Land Use Map and Zoning Consistency</b>
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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 Future Land Use Map shall not be used to review development applications which do not include a zoning map or text amendment.

The proposal is consistent with this policy. Residential, retail and other non-residential uses permitted under In the Industrial 2 zoning district with a PBOD are consistent with the Community Mixed Use future land use category.

**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 proposed rezoning is consistent with this policy. Rezoning conditions provided by the applicant are consistent with the Comprehensive Plan.

**Policy LU 2.2 – Compact Development**

New development and redevelopment should use a more compact land use pattern to support the efficient provision of public services, improve the performance of transportation networks, preserve open space, and reduce the negative impacts of low intensity and non-contiguous development

The proposal is consistent with this policy. Development at the proposed residential density would result in a more compact land use pattern. The subject property is located in close proximity to a large mixed use development. The rezoning would permit increased densities in the area, which would capitalize on the adjacent services without much impact to infrastructure.

**Policy LU 2.6 - Zoning and Infrastructure Impacts**

Carefully evaluate all amendments to the zoning map that significantly increase permitted density or floor area to ensure that impacts to infrastructure capacity resulting from the projected intensification of development are adequately mitigated or addressed.

The proposed rezoning is consistent with this policy. There are no significant additional impacts anticipated to infrastructure associated with this request.

**Policy LU 4.7 – Capitalizing on Transit Access**

Sites within a half-mile of planned and proposed fixed guideway transit stations should be developed with intense residential and mixed-uses to take full advantage of and support the City and region’s investment in transit infrastructure

The proposal is consistent with this policy. The applicant proposes a density of over 70 units per acre (175 units) on the property, which is located within a half mile of the proposed West Morgan transit stop.

**Policy LU 4.8 – Station Area Land Uses**

Complementary mixed-uses, including multi-family residential, offices, retail, civic, and entertainment uses, should be located within transit station areas

The proposal is consistent with this policy. Multi-family residential, office, retail, civic, and entertainment uses would be permitted uses under the proposed rezoning.

**Policy LU 4.9 – Corridor Development**



Promote pedestrian-friendly and transit-supportive development patterns along multi-modal corridors designated on the Growth Framework Map, and any corridor programmed for “transit intensive” investments such as reduced headways, consolidated stops, and bus priority lanes and signals.

The proposed rezoning is consistent with this policy, which applies since Hillsborough Street and West Morgan Street are designated multi-modal corridors on the Growth Framework Map. The conditions prohibit drive-throughs and a number of auto-related uses. The conditions permit high density residential and non-residential uses that would be conducive to a transit-supportive environment.

**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 proposed rezoning is consistent with this policy. In the proposed conditions the applicant has included a number of auto-oriented uses and drive throughs as prohibited uses. The conditions and Streetscape and Parking Plan also outline how new development will be pedestrian-oriented and how height will be regulated to provide a height stepback from Morgan Street.

**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 proposal is consistent with this policy. The conditions and Streetscape and Parking Plan outline restrictions for height, setbacks, stepbacks, and massing of future buildings that are similar to those being implemented in the adjacent mixed use development that is approved and under construction. These features also correspond to the recommended form of proposed development outlined in the West Morgan Small Area Plan, which used existing building patterns in the surrounding area to develop those recommendations.

**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.

The proposed rezoning is consistent with this policy. The applicant has specified a large number of prohibited uses which could adversely impact the quality of life in nearby residential neighborhoods. The applicant has also chosen to prohibit uses with drive thru windows on the site.

**Policy LU 7.6 – Pedestrian-Friendly Development**

New commercial developments and redeveloped commercial areas should be pedestrian-friendly.

The proposal is consistent with this policy. The proposed conditions and the streetscape and parking plan call for building and public realm design standards that would result in pedestrian-friendly development.

**Policy LU 10.6 – Retail Nodes**

Retail uses should concentrate in mixed-use centers and should not spread along thoroughfares in a linear "strip" pattern unless ancillary to office or high-density residential use.

The proposed rezoning is consistent with this policy. The rezoning would allow retail uses on the site, which is located directly adjacent to a mixed use area under construction.

**Policy T 5.1 – Enhancing Bike/Pedestrian Circulation**

Enhance pedestrian and bicycle circulation, access, and safety along corridors, downtown, in activity and employment centers, at densely developed areas and transit stations, and near schools, libraries, and parks.

The proposal is consistent with this policy. The Streetscape and Parking Plan associated with this rezoning sets standards for sidewalks that are wider than currently exist and the installation of street trees and other pedestrian amenities that enhance pedestrian circulation.

**Policy UD 2.1 – Building Orientation**

Buildings in mixed-use developments should be oriented along streets, plazas, and pedestrian ways. Their facades should create an active and engaging public realm.

**Policy UD 6.2 – Ensuring Pedestrian Comfort and Convenience**

Promote a comfortable and convenient pedestrian environment by requiring that buildings face the sidewalk and street area. On-street parking should be provided along the pedestrian streets and surface parking should be in the rear. This should be applied in new development, wherever feasible, especially on transit and urban corridors and in mixed-use centers.

The proposal is consistent with these policies. A condition calls for minimum percentages of active street level uses along street fronts on the bottom floor of buildings. The streetscape plan, through its requirements, further specifies an active and pedestrian-friendly public realm for development of the property.

**Policy UD 2.4 – Transitions in Building Intensity**

Establish gradual transitions between large-scale and small-scale development. The relationship between taller, more visually prominent buildings and lower, smaller buildings (such as single-family or row houses) can be made more pleasing when the transition is gradual rather than abrupt. The relationship can be further improved by designing larger buildings to reduce their apparent size and recessing the upper floors of the building to relate to the lower scale of the adjacent properties planned for lower density.

**Policy UD 5.1 – Contextual Design**

Establish gradual transitions between large-scale and small-scale development. The Proposed development within established neighborhoods should create or enhance a distinctive character that relates well to the surrounding area.

The proposed rezoning is consistent with these policies. Conditions specify and the Streetscape and Parking Plan includes a height map that detail height, setback and setbacks for buildings on the site. The setbacks described are generally 25 feet deep from the property line and have a 45 foot height maximum along the street, where a 1:1 setback from 45 feet to 70 feet maximum is allowed.

**Policy UD 6.1 – Encouraging Pedestrian-Oriented Uses**

New development, streetscape, and building improvements in Downtown, pedestrian business districts and TOD areas should promote high intensity, pedestrian-oriented use and discourage automobile-oriented uses and drive-through uses.

The proposed rezoning is consistent with this policy. It includes a Pedestrian Business Overlay District, and the associated Streetscape and Parking Plan calls for wider sidewalks, street furniture and street trees, reduced parking requirements and active ground floor facades. The Streetscape and Parking Plan also provides design standards for new commercial, retail and residential structures as well as the screening of parking. Proposed conditions would allow for residential density among the highest densities in the city, and require active ground floor uses along public streets. Conditions would also prohibit drive-through and automobile-oriented uses.

**Policy UD 7.3 – Design Guidelines**

The Design Guidelines in Table UD-1 shall be used to review rezoning petitions and development applications for mixed-use developments; or rezoning petitions and development applications in mixed-use areas such as Pedestrian Business Overlay Districts and mixed-use designations on the Future Land Use Map, including preliminary site plans and development plans, petitions for the application of the Pedestrian Business or Downtown Overlay Districts, Planned Development Districts, and Conditional Use zoning petitions.

The proposal is generally consistent with this policy. Applicable design guidelines have been addressed.

**Elements of Mixed-Use Areas**

1. *All Mixed-Use Areas should generally provide retail (such as eating establishments, food stores, and banks), and other uses such as office, and residential uses within walking distance of each other. Mixed use should be arranged in a compact and pedestrian-friendly form.*

**Applicant Response:** The proposed rezoning includes a PBOD that permits residential, office and retail uses and requires pedestrian-oriented public realm improvements.

**Staff Comment:** Consistent. The proposed rezoning allows for multiple uses and the site is within close proximity to retail, office and residential uses

**Mixed-Use Areas /Transition to Surrounding Neighborhoods**

2. *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.*

**Applicant Response:** The Streetscape and Parking Plan includes a height map that provides transitions to residential uses and along the public right-of-way.

**Staff Comment:** Consistent. The proposed rezoning includes conditions related to height, stepback, setback and use restrictions where the site is adjacent to lower density neighborhoods.

**Mixed-Use Areas / The Block, The Street and The Corridor**

3. *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.

**Applicant Response:** The area subject to the proposed rezoning fronts along Ashe Avenue and Park Avenue, which are roads that connect directly into the neighborhood road network.

**Staff Comment:** Consistent. The site is already developed and contains multiple streets and connections to the surrounding neighborhood. The PBOD will require construction of 14' sidewalks on streets that are included in the site.

4. *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.*

**Applicant Response:** Existing roads will be maintained. No new roads are contemplated.

**Staff Comment:** Consistent. No new streets or abandonment of streets are included in this rezoning request.

5. *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.*

**Applicant Response:** The proposed rezoning complies with this guideline.

**Staff Comment:** Consistent. The existing block faces on the site generally do not exceed 600 feet in length.

#### **Site Design/Building Placement**

6. *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.*

**Applicant Response:** The underlying zoning district, PBOD standards and the Streetscape and parking Plan provide for 0 ft. lot lines, especially along public street right-of-way. The zoning conditions require a minimum amount (50%) of active uses along Ashe Avenue and Park Avenue. The PBOD standards and Streetscape and Parking Plan regulate the location of parking consistent with this guideline.

**Staff Comment:** Consistent. The zoning conditions contain a minimum active ground floor use requirement for all but one block face, and restrict the placement and guide the screening of all parking adjacent to streets.

7. *Buildings should be located close to the pedestrian 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.*

**Applicant Response:** As noted above, the PBOD and Streetscape and Parking Plan permit the buildings to be located close to the public street. Parking will be provided beside, behind or below and will be screened.

**Staff Comment:** Consistent. There are no maximum setbacks contemplated in the zoning conditions or Streetscape and Parking Plan. Parking placement and screening is addressed.

8. *If the building is located at a street intersection, the main building or part of the building placed should be placed at the corner. Parking, loading or service should not be located at an intersection.*

**Applicant Response:** None of the properties subject to this rezoning are located at an intersection.

**Staff Comment:** The zoning conditions require a large percentage of ground floor facades to contain active uses, but there are no conditions that require active uses specifically at street corners.

#### **Site Design/Urban Open Space**

9. *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.*

**Applicant Response:** The PBOD requires wide sidewalks along Ashe Avenue and Park Avenue and requires a minimum 5% of open space. The zoning conditions require an additional 5% of open space above that required by the PBOD.

**Staff Comment:** Consistent. PBODs are required to have 14' sidewalks. In addition, the conditions require provision of open space for a portion of the site.

10. *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.*

**Applicant Response:** Much of the open space required by the PBOD will be provided as sidewalks with increased width, which is located adjacent to the public streets.

**Staff Comment:** Consistent. The zoning conditions require active ground floor uses with sidewalk access for the majority of street frontage on the site.

11. *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.*

**Applicant Response:** The zoning conditions require the properties along Ashe Avenue and Park Avenue to contain at least 50% active uses on the ground floor.

**Staff Comment:** Consistent. The zoning conditions require active ground floor uses for the majority of street frontage on the site

12. *A properly defined urban open space is visually enclosed by the fronting of buildings to create an outdoor "room" that is comfortable to users.*

**Applicant Response:** The PBOO regulations and the Streetscape and Parking Plan provide standards for the urban open space between the public streets and the buildings.

**Staff Comment:** The zoning conditions require the provision of open space but do not define the spatial characteristics of adjacent buildings.

#### **Site Design/Public Seating**

13. *New public spaces should provide seating opportunities.*

**Applicant Response:** The Streetscape and Parking Plan requires benches to be installed at the time of development, and the wide sidewalks will permit the location of seating for restaurants or other retail uses.

**Staff Comment:** Consistent. The Streetscape and Parking Plan identifies a street bench design and indicates that it will be placed at bus stops on the site that do not already have benches.

#### **Site Design/Automobile Parking and Parking Structures**

14. *Parking lots should not dominate the frontage of pedestrian-oriented streets, interrupt pedestrian routes, or negatively impact surrounding developments.*

**Applicant Response:** See response above to Guideline 7.

**Staff Comment:** Consistent. The zoning conditions and Streetscape and Parking Plan address parking location and screening, and require active ground floor uses for the majority of street frontage on the site.

15. *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.*

**Applicant Response:** See the above references to the minimum amount of active uses required along Park Avenue and Ashe Avenue. The intent is to comply with this guideline.

**Staff Comment:** Consistent. The zoning conditions and Streetscape and Parking Plan address parking location and screening, and require active ground floor uses (not parking) for the majority of street frontage on the site.

16. *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.*

**Applicant Response:** The Streetscape and Parking Plan calls for parking structures below or adjacent to new development to be of the same character as the primary buildings. No unadorned or concrete or steel structures are allowed. Openings in parking structures must be screened per the Streetscape and Parking Plan.

**Staff Comment:** Consistent. The Streetscape and Parking Plan includes design guidance for parking screening and integration with the architecture of associated buildings.

#### **Site Design/Transit Stops**

17. *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.*

**Applicant Response:** Stops are being provided in close proximity to the properties subject to this rezoning as required by Z-11-10. Hillsborough Street and Morgan Street are served by public transit and the proposed development will be in close proximity to these public services.

**Staff Comment:** Consistent. The zoning case permits dense development in a location well served by transit.

18. *Convenient, comfortable pedestrian access between the transit stop and the building entrance should be planned as part of the overall pedestrian network.*

**Applicant Response:** No part of the development will be more than a few hundred feet from a transit stop, all with sidewalks connecting the development to the transit stops.

**Staff Comment:** The zoning conditions require active ground floor uses including building entrances along street frontages.

#### **Site Design/Environmental Protection**

19. *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.*

**Applicant Response:** Redevelopment of the site will not adversely impact any slopes, watercourses or floodplains.

**Staff Comment:** Consistent. The site currently contains a large amount of impervious surfaces and multiple structures. Redevelopment will not further adversely impact slopes, watercourses or floodplains

#### **Street Design/General Street Design Principles**

20. *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 pathways to building entrances, should be designed as the main public spaces of the City and should be scaled for pedestrians.*

**Applicant Response:** The PBOD and Streetscape and Parking Plan require 14 feet wide sidewalks and street trees along the public streets.

**Staff Comment:** Consistent. The Streetscape and Parking Plan includes detailed design requirements for wide sidewalks, street trees, and street furniture.

21. 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.

**Applicant Response:** See above. The development should meet this guideline by providing the 14 feet wide sidewalks.

**Staff Comment:** Consistent. Sidewalks in PBOs are required by zoning code to have a minimum 14' sidewalk. The Streetscape and Parking Plan offers an alternative design for secondary street sidewalks that does not meet this requirement.

22. Streets should be designed with street trees planted in a manner appropriate to their function. Commercial streets should have trees which compliment 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.

**Applicant Response:** The Streetscape and Parking Plan includes detailed sidewalk and planting design standards, and the trees have been selected in consultation with the Urban Forester.

**Staff Comment:** Consistent. The Streetscape Plan includes detailed sidewalk and planting design standards that will aid in the growth of healthy street trees.

#### **Street Design/Spatial Definition**

23. 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.

**Applicant Response:** Buildings can be built to the public right-of-way line so long as the wider sidewalk is provided. The building height map in the Plan offers transitions along the public right-of-way. The Plan also requires street trees to provide spatial definition.

**Staff Comment:** Consistent. The Streetscape and Parking Plan includes requirements for street trees as well as building height setbacks to give an appropriate sense of enclosure to adjacent streets.

#### **Building Design/Facade Treatment**

24. 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.

**Applicant Response:** The zoning conditions require 50% active uses along Ashe Avenue and Park Avenue, and require at-grade entrances. The Streetscape and Parking Plan also requires no more than 15 ft. of a blank wall at commercial uses and requires transparency in certain instances.



**Staff Comment:** Consistent. The zoning conditions and Streetscape and Parking Plan require active ground floor uses with building entrances for the majority of street frontages, and additionally limit expanses of blank facades and unbroken building planes.

25. *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.*

**Applicant Response:** The Streetscape and Parking Plan standards comply with this guideline.

**Staff Comment:** Consistent. The Streetscape and Parking Plan includes design requirements for the ground level of buildings and include language regarding building materials, signage, awnings, and elements that engage the street such as windows, doors, balconies and stoops.

#### **Building Design/Street Level Activity**

26. *The sidewalks should be the principal place of pedestrian movement and casual social interaction. Designs and uses should be complementary to that function.*

**Applicant Response:** See above responses regarding wider sidewalks and active use requirements.

**Staff Comment:** Consistent. Zoning conditions and Streetscape and Parking Plan design requirements ensure that a building entrances will be located along sidewalks and that sidewalks will be designed to accommodate pedestrian movement and interaction.

#### **Policy DT 1.2 – Vertical Mixed Use**

Encourage vertical mixed-use development throughout downtown, unless otherwise indicated on the Future Land Use Map.

The proposed rezoning is consistent with this policy. Conditions allow for high-density residential above commercial uses on the ground floor of buildings.

#### **Policy DT 1.11 – Downtown Edges**

Appropriate transitions in height, scale, and design should be provided between Central Business District land uses and adjacent residential districts.

#### **Policy DT 1.13 – Downtown Transition Areas**

In areas where the Downtown Element boundaries are located in proximity to established residential neighborhoods, residential densities should taper to be compatible with adjacent development. Non-residential uses with the greatest impacts—such as theaters, concentrated destination nightlife and retail, and sports and entertainment uses—should be directed away from these transition areas. Where existing zoning overlays are mapped, the height guidance in these districts should not be changed outside of an area planning process.

The proposal is consistent with these policies. The 2030 Comprehensive Plan identifies “downtown transition areas” on Map DT-3. The subject property is located within the boundary of an identified ‘downtown transition area’. The proposed rezoning limits height, requires setbacks and stepbacks, and restricts certain high-impact uses on the site. Nearby residential densities range from moderate to high, with a mix of single family homes, townhouses, apartments above commercial, garden apartments, and a fraternity house.

**Policy DT 1.15 – High Density Development**

Highest density development should occur along the axial streets (Hillsborough Street, Fayetteville Street and New Bern Avenue), major corridors (as identified by the thoroughfare plan), surrounding the squares, and within close proximity to planned transit stations.

The proposed rezoning is consistent with this policy. The site is located both along a major corridor and in close proximity to a proposed transit station. The residential density proposed would be comparable to some of the highest in the Downtown area.

**Policy DT 1.16 – High Density Public Realm Amenities**

High-density developments downtown should include public realm amenities, such as publicly-accessible open space, public art, seating areas, and water features that complement the building and its nearby uses.

**Policy DT 2.5 – Widen Sidewalks**

In new streetscape designs, provide expansive sidewalks and widen existing sidewalks to a 14-foot minimum where there is available right-of-way.

The proposed rezoning is generally consistent with these policies. The Streetscape and Parking Plan, as originally approved in 2010, offers an alternative to the 14 foot sidewalks for “secondary” streets, which are generally existing streets that are neighborhood-scaled and located to the interior of the mixed use development under construction to the north. This treatment for “secondary” streets will be continued in the amended Plan. The proposed Morgan/Ashe connector is planned to be a collector type street located on the periphery of potential future development and is identified as a “primary” road in the Plan with full 14 feet wide sidewalks. The conditions associated with the case do not require open space provisions.

**Policy DT 1.17 – Auto-Oriented Uses**

Development, building types, and building features with an automobile orientation, such as drive-throughs, should not be developed in downtown or in pedestrian-oriented business districts

The proposed rezoning is consistent with this policy. The petition offers conditions that restrict drive-throughs and auto-oriented uses.

**Policy DT 7.5 – Ground Level Design**

The ground level of every building should engage the pedestrian with multiple entrances, large transparent windows at the pedestrian level, creative signage, and a high level of articulation and pedestrian scale building materials on all façades. Also, the ground level of every building should provide pedestrian amenities such as adequate lighting levels and protection from the elements. This can be accomplished through the use of façade-mounted lighting elements, canopies and awnings, and arcades.

The proposed rezoning is consistent with this policy. The Streetscape and Parking Plan contains provisions dealing with signage, canopies, street lighting, design and articulation of building facades, and building materials.

**Policy DT 7.7 – Signage**

Signage should be human scale and serve both pedestrians and automobiles.

The proposal is consistent with this policy. The Streetscape and Parking Plan includes a section on signage, which states the plan's intention for signs as well as lists both the encouraged as well as prohibited sign types.

**Policy DT 7.9 – Street Trees**

Provide and maintain street trees on all downtown streets.

The proposed rezoning is consistent with this policy. The Streetscape and Parking Plan requires street tree planting as part of the streetscape plan and identifies proposed types to be used.

**1.3 Area Plan Guidance**

The site is not located in a portion of the City governed by an Area Plan.

**2. Compatibility of the proposed rezoning with the property and surrounding area**

The site is located between downtown and NCSU near the intersection of two thoroughfares, and is less than a quarter mile from a proposed transit station. The closest planned transit station, the West Morgan Station would be located at the intersection of W. Morgan Street and the planned Ashe Ave connector street along the existing railroad tracks. The proposed rail system could run on the railroad tracks south of the site, or potentially in West Morgan Street, however exact light rail transit locations have not been finalized.

The surrounding area includes a mix of uses and intensity, including multi-family residential, low scale office, commercial and retail uses, a fraternity house, and a 3-story mixed use structure, as well as a number of single family residential structures. The rezoning would permit a similar mix of uses, however the scale and intensity of permitted are greater than that of the surrounding area. Conditions have been submitted regarding height, setback and stepback, as well as use restrictions and active use requirements to address this potential compatibility issue.

**3. Public benefits of the proposed rezoning**

The proposed rezoning eliminates the possibility of industrial uses being built in proximity to residential uses and enables high-density residential as well as commercial uses in an area with adequate public facilities to accommodate them.

The proposed rezoning and associated Streetscape and Parking Plan require wide sidewalks, street trees, furniture, and screened parking and allow for vertical mixed uses with no setback and reduced parking requirements. These are typical elements of urban pedestrian-friendly environments, and in this location could help further link NCSU, the Hillsborough Street commercial district, and Downtown. The residential densities allowed under the proposed zoning could strengthen the market for neighborhood-serving retail uses.

**4. Detriments of the proposed rezoning**

The proposed rezoning could allow for residential densities that are higher than portions of the surrounding area. Conditions are also offered related to setback, stepback, and/or use restrictions adjacent to existing single family residential properties

**5. The impact on public services, facilities, infrastructure, fire and safety, parks and recreation, etc.**

**5.1 Transportation**

<u>Primary Streets</u>	<u>Classification</u>	<u>2011 NCDOT Traffic Volume (ADT)</u>	<u>2035 Traffic Volume Forecast (CAMPO)</u>			
Ashe Avenue	Collector Street	3,700	6,470			
Park Avenue	Commercial Street	N/A	N/A			
<b>Street Conditions</b>						
<u>Ashe Avenue</u>	<u>Lanes</u>	<u>Street Width</u>	<u>Curb and Gutter</u>	<u>Right-of-Way</u>	<u>Sidewalks</u>	<u>Bicycle Accommodations</u>
Existing	2	26'	Back-to-back curb and gutter section	45' -55'	5' sidewalks on both sides	None
City Standard	2	41'	Back-to-back curb and gutter section	60'	minimum 5' sidewalks on one side	Striped bicycle lanes on both sides
<b>Meets City Standard?</b>	<b>YES</b>	<b>NO</b>	<b>YES</b>	<b>NO</b>	<b>YES</b>	<b>NO</b>
<u>Park Avenue</u>	<u>Lanes</u>	<u>Street Width</u>	<u>Curb and Gutter</u>	<u>Right-of-Way</u>	<u>Sidewalks</u>	<u>Bicycle Accommodations</u>
Existing	2	26'	Back-to-back curb and gutter section	42'	5' sidewalks on both sides	None
City Standard	2	41'	Back-to-back curb and gutter section	60'	minimum 5' sidewalks on one side	N/A
<b>Meets City Standard?</b>	<b>YES</b>	<b>NO</b>	<b>YES</b>	<b>NO</b>	<b>YES</b>	<b>N/A</b>
<b>Expected Traffic Generation [vph]</b>	<u>Current Zoning</u>	<u>Proposed Zoning</u>	<u>Differential</u>			
AM PEAK	112	111	-1			
PM PEAK	173	178	5			
<b>Suggested Conditions/ Impact Mitigation:</b>		Traffic Study Determination: Staff has reviewed a trip generation differential report for this case and a traffic impact analysis study is not recommended for Z-34-12.				
<b>Additional Information:</b>	Neither NCDOT nor the City of Raleigh have any roadway construction projects scheduled in the vicinity of this case.					

**Impact Identified:** None

**5.2 Transit**

CAT and TT buses operate along this section of Hillsborough St.

**Impact Identified:** This change will have little impact as compared to the Master Plan.

**5.3 Hydrology**

<i>Floodplain</i>	None
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<i>Drainage Basin</i>	Rocky Branch
<i>Stormwater Management</i>	Subject to Part 10, Chapter 9
<i>Overlay District</i>	None

**Impact Identified:** None.

#### **5.4 Public Utilities**

	<i>Maximum Demand (current)</i>	<i>Maximum Demand (proposed)</i>
<i>Water</i>	12,825 gpd	UNKNOWN
<i>Waste Water</i>	12,825 gpd	UNKNOWN

**Impact Identified:** The proposed rezoning impact cannot be determined at this time with the application information supplied. There are presently existing eight (8") inch sanitary sewer mains in both Park Avenue and Ashe Avenue rights-of way and existing six (6") inch and twenty-four inch water mains in Park Avenue and Ashe Avenue rights-of way, respectfully. The subsequent development of the properties would use these mains for connection to the City's wastewater collection and water distribution systems. Down stream sanitary sewer improvements may be required, by the City, of the developer depending upon the actual use.

#### **5.5 Parks and Recreation**

The subject tract is not located adjacent to a greenway corridor. The proposed rezoning will not impact the recreation level of service.

**Impact Identified:** None.

#### **5.6 Urban Forestry**

Tree Save areas will depend on whether the lots are combined then developed or developed individually. (10-2082.14).

**Impact Identified:** No impact identified.

#### **5.7 Designated Historic Resources**

The site is not located within or adjacent to a National Register Historic District or Raleigh Historic Overlay District

**Impact Identified:** None

#### **5.8 Community Development**

The site is not located within a redevelopment plan area.

**Impact Identified:** None

#### **5.9 Impacts Summary**

- None

#### **5.10 Mitigation of Impacts**

- None

## **6. Appearance Commission**

As this zoning case involves a PBOD, it is subject to Appearance Commission review. The case was heard at the Commission's August 26, 2012 meeting. At the conclusion of commission's discussion, the commission moved by acclamation that the applicants consider the following items during future development on the site:

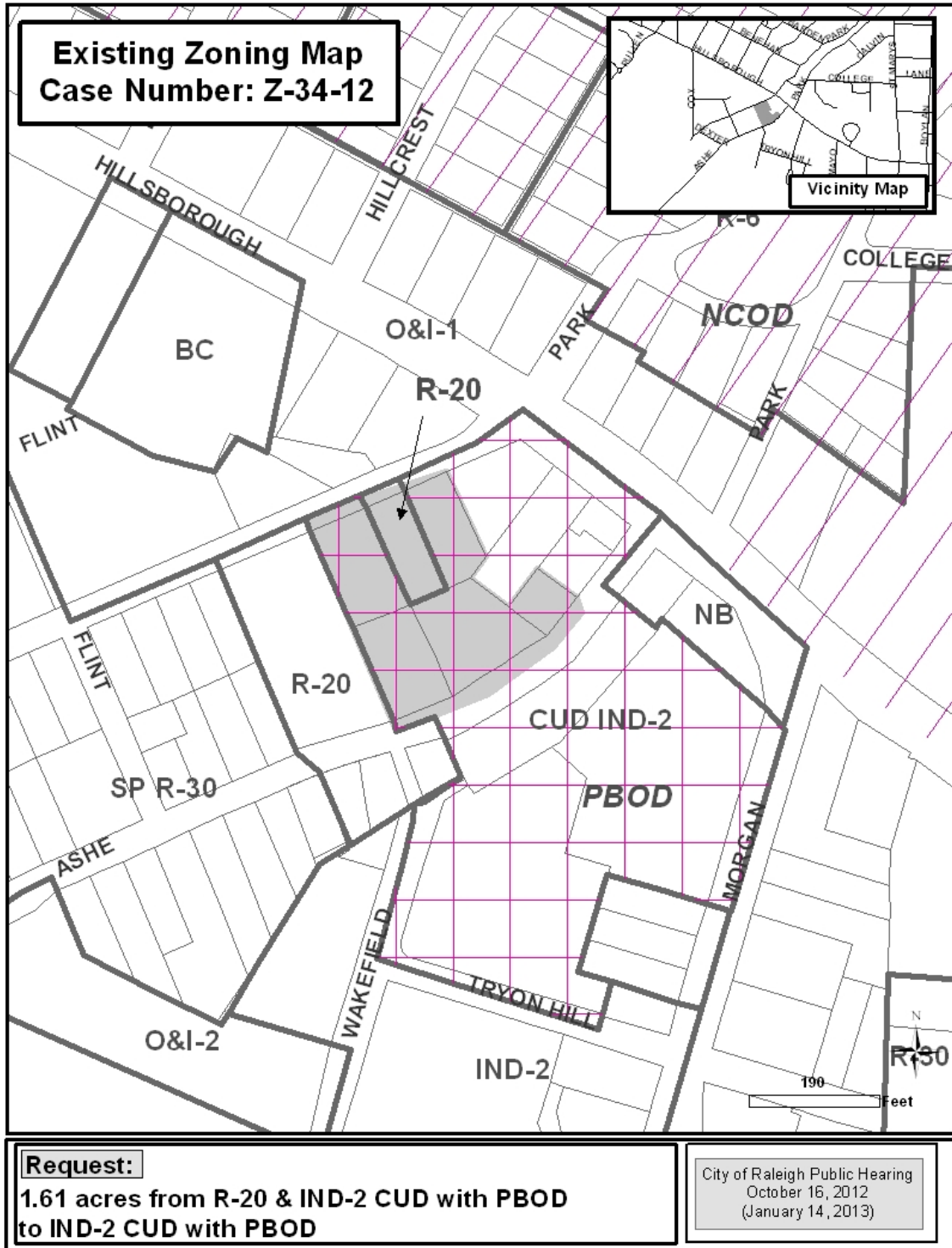
1. That the conditions of the previous rezoning case for the adjacent properties apply to this site, including residential density and streetscape treatment.

## **7. Conclusions**

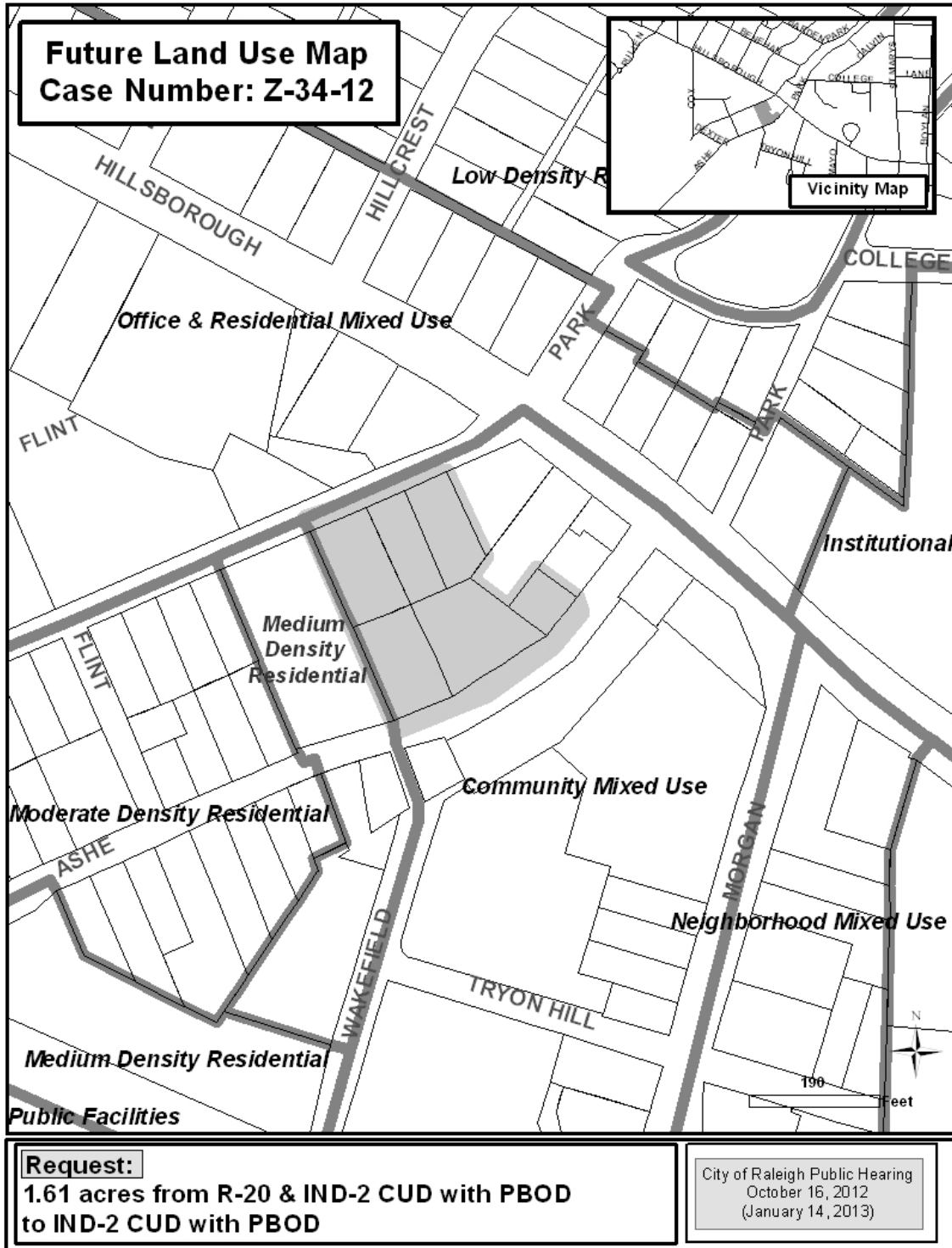
The proposed rezoning is consistent with the Comprehensive Plan's Future Land Use Map designation of Community Mixed Use. The conditions proposed by the applicant as part of the rezoning are also consistent with numerous policies of the Comprehensive Plan.

The proposed revision to the PBOD and Streetscape and Parking Plan rezoning request eliminates the possibility of industrial uses being built in direct proximity to residential uses and enables high-density residential as well as commercial uses in an area with adequate public facilities to accommodate them. The creation of an urban pedestrian-friendly environment at this location could help further link NCSU, the Hillsborough Street commercial district, and Downtown.

# Existing Zoning Map



# Future Land Use Map





2-34-12  
SSP-6-12



# Petition to Amend the Official Zoning Map

Before the City Council of the City of Raleigh, North Carolina

The petitioner seeks to show the following:

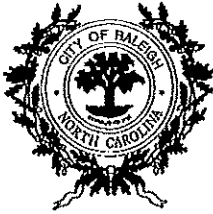
1. That, for the purposes of promoting health, morals, or the general welfare, the zoning classification of the property described herein must be changed.
2. That the following circumstance(s) exist(s):
  - City Council has erred in establishing the current zoning classification of the property by disregarding one or a combination of the fundamental principles of zoning as set forth in the enabling legislation, North Carolina General Statutes Section 160A-381 and 160A-383.
  - Circumstances have so changed since the property was last zoned that its current zoning classification could not properly be applied to it now were it being zoned for the first time.
  - The property has not heretofore been subject to the zoning regulations of the City of Raleigh.
3. That the requested zoning change is or will be consistent with the Raleigh Comprehensive Plan.
4. That the fundamental purposes of zoning as set forth in the N.C. enabling legislation would be best served by changing the zoning classification of the property. Among the fundamental purposes of zoning are:
  - a. to lessen congestion in the streets;
  - b. to provide adequate light and air;
  - c. to prevent the overcrowding of land;
  - d. to facilitate the adequate provision of transportation, water, sewerage, schools, parks, and other public requirements;
  - e. to regulate in accordance with a comprehensive plan;
  - f. to avoid spot zoning; and
  - g. to regulate with reasonable consideration to the character of the district, the suitability of the land for particular uses, the conservation of the value of buildings within the district and the encouragement of the most appropriate use of the land throughout the City.

THEREFORE, petitioner requests that the Official Zoning map be amended to change the zoning classification of the property as proposed in this submittal, and for such other action as may be deemed appropriate. All property owners must sign below for conditional use requests.

**ALL CONDITIONAL PAGES MUST BE SIGNED BY ALL PROPERTY OWNERS**

Signature(s)	Print Name	Date
	Jim Zanoni, Manager	6-11-12
	FMW at Hillsborough & Morgan LLC	

2-34-12  
SSP 6-12



# Petition to Amend the Official Zoning Map

Before the City Council of the City of Raleigh, North Carolina

The petitioner seeks to show the following:

1. That, for the purposes of promoting health, morals, or the general welfare, the zoning classification of the property described herein must be changed.
2. That the following circumstance(s) exist(s):
  - City Council has erred in establishing the current zoning classification of the property by disregarding one or a combination of the fundamental principles of zoning as set forth in the enabling legislation, North Carolina General Statutes Section 160A-381 and 160A-383.
  - Circumstances have so changed since the property was last zoned that its current zoning classification could not properly be applied to it now were it being zoned for the first time.
  - The property has not heretofore been subject to the zoning regulations of the City of Raleigh.
3. That the requested zoning change is or will be consistent with the Raleigh Comprehensive Plan.
4. That the fundamental purposes of zoning as set forth in the N.C. enabling legislation would be best served by changing the zoning classification of the property. Among the fundamental purposes of zoning are:
  - a. to lessen congestion in the streets;
  - b. to provide adequate light and air;
  - c. to prevent the overcrowding of land;
  - d. to facilitate the adequate provision of transportation, water, sewerage, schools, parks, and other public requirements;
  - e. to regulate in accordance with a comprehensive plan;
  - f. to avoid spot zoning; and
  - g. to regulate with reasonable consideration to the character of the district, the suitability of the land for particular uses, the conservation of the value of buildings within the district and the encouragement of the most appropriate use of the land throughout the City.

THEREFORE, petitioner requests that the Official Zoning map be amended to change the zoning classification of the property as proposed in this submittal, and for such other action as may be deemed appropriate. All property owners must sign below for conditional use requests.

**ALL CONDITIONAL PAGES MUST BE SIGNED BY ALL PROPERTY OWNERS**

Signature(s)	Print Name	Date
<u>Peter Pace</u>	<u>Peter Pace Manager 1215 Hillsborough Street, LLC</u>	<u>6/12/12</u>

Z-34-12  
SSP-6-12



# Petition to Amend the Official Zoning Map

Before the City Council of the City of Raleigh, North Carolina

The petitioner seeks to show the following:

1. That, for the purposes of promoting health, morals, or the general welfare, the zoning classification of the property described herein must be changed.
2. That the following circumstance(s) exist(s):
  - City Council has erred in establishing the current zoning classification of the property by disregarding one or a combination of the fundamental principles of zoning as set forth in the enabling legislation, North Carolina General Statutes Section 160A-381 and 160A-383.
  - Circumstances have so changed since the property was last zoned that its current zoning classification could not properly be applied to it now were it being zoned for the first time.
  - The property has not heretofore been subject to the zoning regulations of the City of Raleigh.
3. That the requested zoning change is or will be consistent with the Raleigh Comprehensive Plan.
4. That the fundamental purposes of zoning as set forth in the N.C. enabling legislation would be best served by changing the zoning classification of the property. Among the fundamental purposes of zoning are:
  - a. to lessen congestion in the streets;
  - b. to provide adequate light and air;
  - c. to prevent the overcrowding of land;
  - d. to facilitate the adequate provision of transportation, water, sewerage, schools, parks, and other public requirements;
  - e. to regulate in accordance with a comprehensive plan;
  - f. to avoid spot zoning; and
  - g. to regulate with reasonable consideration to the character of the district, the suitability of the land for particular uses, the conservation of the value of buildings within the district and the encouragement of the most appropriate use of the land throughout the City.

THEREFORE, petitioner requests that the Official Zoning map be amended to change the zoning classification of the property as proposed in this submittal, and for such other action as may be deemed appropriate. All property owners must sign below for conditional use requests.

**ALL CONDITIONAL PAGES MUST BE SIGNED BY ALL PROPERTY OWNERS**

Signature(s)	Print Name	Date
<i>Howard F. Hailey</i>	HOWARD F. HAILEY	6/13/12
<i>D. Anne Wilton</i>	D. Anne W. HAILEY	6/13/12

# EXHIBIT B. Request for Zoning Change

Please use this form only – form may be photocopied. Please type or print. See instructions in *Filing Addendum*

## Contact Information

	Name(s)	Address	Telephone/Email
Petitioner(s)	Howard & Diane Hadley	210 Groveland Ave. Raleigh, NC 27605	
(for conditional use requests, petitioners must own petitioned property).	1215 Hillsborough Street LLC	319 Yadkin Dr. Raleigh, NC 27609	
	FMW at Hillsborough & Morgan LLC	137 Brevard Ct. Charlotte, NC 28202	
Property Owner(s)	Same as above		
Contact Person(s)	Mack Paul and Michael Birch	630 Davis Drive Suite 200 Morrisville, NC 27560	mpaul@morningstarlawgroup.com mbirch@morningstarlawgroup.com (919) 590-0377 (919) 590-0388

## Property information

Property Description (Wake County PIN)	1704-10-6180, 1704-10-8072, 1704-10-6017, 1703-19-6982, 1703-19-7985, 1704-10-7141
Nearest Major Intersection	Hillsborough Street, between Park Avenue and Ashe Avenue
Area of Subject Property (in acres)	+/- 1.61 acres
Current Zoning Districts (include all overlay districts)	Residential-20, Industrial-2 Conditional Use District with Pedestrian Business Overlay District
Requested Zoning Districts (include all overlay districts)	Industrial-2 Conditional Use District with Pedestrian Business Overlay District, and an amendment to the Hillsborough Morgan Streetscape and Parking Plan



**Exhibit B-1****List of Adjacent Property Owners**

<u>Name and Address</u>	<u>PIN</u>
North Carolina Farmhouse Assoc. Inc. P.O. Box 33285 Raleigh, NC 27636-3285	1703-19-5935
Progress Park L. P. NC 1505 Hillsborough Street Raleigh, NC 27605-1830	1704-10-4178
Theodore & Pamela Van Dyk 217 Hawthorne Road Raleigh, NC 27605-1634	1704-10-5242
Harry & Constantine Kledaras P.O. Box 25581 Raleigh, NC 27611-5581	1704-10-5336
Cameron Dental Properties LLC 1407 Hillsborough Street Raleigh, NC 27605-1828	1704-10-5361
Arrowood & Williams Properties LLC 1715 Park Drive Raleigh, NC 27605-1610	1704-10-6287
Hugh Glenn White III Cynthia Anne White Trust 1009 Schieffelin Road Apex, NC 27502-1777	1704-10-8406
First Church of Christ Scientists 1404 Hillsborough Street Raleigh, NC 27605-1829	1704-10-8462
Adams-Terry Realty Company 1310 Hillsborough Street Raleigh, NC 27605-1827	1704-10-9364

Theodore N. & Pamela B. Van Dyk 1306 Hillsborough Street Raleigh, NC 27605-1827	1704-20-0320
Theodore M. & Pam Van Dyk 1306 Hillsborough Street Raleigh, NC 27605-1827	1704-20-0286
1215 Hillsborough Street LLC 319 Yadkin Drive Raleigh, NC 27609-6362	1704-20-1222
Saint Mary's College Attn: Mary Ethel McCorkle 900 Hillsborough Street Raleigh, NC 27603-1610	1704-20-2141
1215 Hillsborough Street LLC 319 Yadkin Drive Raleigh, NC 27609-6362	1704-20-0054
Fang Yi Liu Tay Luh Liu 402 Whisperwood Drive Cary, NC 27518-9127	1703-29-1936
Jeff C. & Joyce B. Bulluck 4112 Pepperton Drive Raleigh, NC 27606-1734	1703-19-5795
Jefferson C. & Joyce B. Bulluck 407 N. Boylan Avenue Raleigh, NC 27603-1211	1703-19-6753
Edwin E. Utley, Trustee 8821 Cypress Lakes Drive, Unit 209 Raleigh, NC 27615-2135	1703-19-7728
YMCA, Inc. Mary Frazier 801 Corporate Center Dr., Suite 200 Raleigh, NC 27607-5243	1704-10-1332

North Carolina State AFL-CIO PO Box 10805 Raleigh, NC 27605-0805	1704-10-7449
FMW at Hillsborough & Morgan LLC 137 Brevard Court Charlotte, NC 28202-1926	1704-10-8117
FMW at Hillsborough & Morgan LLC 137 Brevard Court Charlotte, NC 28202-1926	1704-10-8049
FMW at Hillsborough & Morgan LLC 137 Brevard Court Charlotte, NC 28202-1926	1704-10-9162
FMW at Hillsborough & Morgan LLC 137 Brevard Court Charlotte, NC 28202-1926	1704-10-9027
FMW at Hillsborough & Morgan LLC 137 Brevard Court Charlotte, NC 28202-1926	1703-19-8896
West Morgan LLC Faison & Associates LLC 121 W Trade Street, Floor 27 Charlotte, NC 28202-5399	1703-19-8630
West Morgan LLC Faison & Associates LLC 121 W Trade Street, Floor 27 Charlotte, NC 28202-5399	1703-29-0757



**Exhibit B-1 continued**

**List of Adjacent Property Owners (Velvet Cloak Villas Condominiums)**

<u>Name and Address</u>	<u>PIN</u>
Velvet Cloak Villas Condominiums HO Velvet Cloak Villas Condominiums Progress Park L P NC 1505B Hillsborough Street Raleigh, NC 27605-1830	1704-10-3366 000
Niemchak Holdings LLC 1013 Deboy Street Raleigh, NC 27606-1758	1704-10-3366 001
Debnam, Winnie Rebecca 1009 Deboy Street Raleigh, NC 27606-1758	1704-10-3366 002
Owens, William C. 113 Hunters Trl E Elizabeth City, NC 27909-3218	1704-10-3366 003
Owens, William 113 Hunters Trl E Elizabeth City, NC 27909-3218	1704-10-3366 004
Debnam, Winnie Rebecca 1009 Deboy Street Raleigh, NC 27606-1758	1704-10-3366 005
Progress Park L P NC 1505B Hillsborough St Raleigh, NC 27605-1830	1704-10-3366 006
Keef, Mary Stevenson 1505 Hillsborough St, Unit G25 Raleigh, NC 27605-1830	1704-10-3366 007
Keef, Mary Stevenson 1505 Hillsborough St, Unit G25 Raleigh, NC 27605-1830	1704-10-3366 008
Progress Park L P NC 1505B Hillsborough St Raleigh, NC 27605-1830	1704-10-3366 009
Charles Brewer Investments LLC 79 Woodfin Place, Suite 206 Asheville, NC 28801-2495	1704-10-3366 010

<u>Name and Address</u>	<u>PIN</u>
Progress Park L P NC 1505B Hillsborough St Raleigh, NC 27605-1830	1704-10-3366 011
Savage, Reginald 1505 Hillsborough St., Unit 105 Raleigh, NC 27605-1830	1704-10-3366 012
Savage, Reginald 1505 Hillsborough St., Unit 105 Raleigh, NC 27605-1830	1704-10-3366 013
McLeod, Bernice A. & Sherman 1505 B 109 Hillsborough St Raleigh, NC 27605-1830	1704-10-3366 014
McLeod, Sherman & Bernice A. 1505-111 Hillsborough St Raleigh, NC 27605-1830	1704-10-3366 015
Progress Park L P NC 1505B Hillsborough St Raleigh, NC 27605-1830	1704-10-3366 016
Moore, Thad D & Susan D 2705 Newquay St Durham, NC 27705-1627	1704-10-3366 017
Progress Park L P NC 1505B Hillsborough St Raleigh, NC 27605-1830	1704-10-3366 018
Progress Park L P NC 1505B Hillsborough St Raleigh, NC 27605-1830	1704-10-3366 019
Progress Park L P NC 1505B Hillsborough St Raleigh, NC 27605-1830	1704-10-3366 020
Progress Park L P NC 1505B Hillsborough St Raleigh, NC 27605-1830	1704-10-3366 021
Progress Park L P NC 1505B Hillsborough St Raleigh, NC 27605-1830	1704-10-3366 022
Progress Park L P NC 1505B Hillsborough St Raleigh, NC 27605-1830	1704-10-3366 023

<u>Name and Address</u>	<u>PIN</u>
Progress Park L P NC 1505B Hillsborough St Raleigh, NC 27605-1830	1704-10-3366 024
Progress Park L P NC 1505B Hillsborough St Raleigh, NC 27605-1830	1704-10-3366 025
Progress Park L P NC 1505B Hillsborough St Raleigh, NC 27605-1830	1704-10-3366 026
Progress Park L P NC 1505B Hillsborough St Raleigh, NC 27605-1830	1704-10-3366 027
Progress Park L P NC 1505B Hillsborough St Raleigh, NC 27605-1830	1704-10-3366 028
Progress Park L P NC 1505B Hillsborough St Raleigh, NC 27605-1830	1704-10-3366 029
Progress Park L P NC 1505B Hillsborough St Raleigh, NC 27650-1830	1704-10-3366 030
Progress Park L P NC 1505B Hillsborough St Raleigh, NC 27650-1830	1704-10-3366 031
Progress Park L P NC 1505B Hillsborough St Raleigh, NC 27650-1830	1704-10-3366 032
Progress Park L P NC 1505B Hillsborough St Raleigh, NC 27650-1830	1704-10-3366 033
Progress Park L P NC 1505B Hillsborough St Raleigh, NC 27650-1830	1704-10-3366 034
Progress Park L P NC 1505B Hillsborough St Raleigh, NC 27560-1830	1704-10-3366 035

<u>Name and Address</u>	<u>PIN</u>
Progress Park L P NC 1505B Hillsborough St Raleigh, NC 27560-1830	1704-10-3366 036
Sullivan, Leonard H. & Deborah 1143 Executive Cir, Ste D Cary, NC 27511-4571	1704-10-3366 037
Progress Park L P NC 1505B Hillsborough St Raleigh, NC 27605-1830	1704-10-3366 038
Progress Park L P NC 1505B Hillsborough St Raleigh, NC 27605-1830	1704-10-3366 039
Progress Park L P NC 1505B Hillsborough St Raleigh, NC 27605-1830	1704-10-3366 040
Progress Park L P NC 1505B Hillsborough St Raleigh, NC 27605-1830	1704-10-3366 041
Progress Park L P NC 1505B Hillsborough St Raleigh, NC 27605-1830	1704-10-3366 042
Progress Park L P NC 1505B Hillsborough St Raleigh, NC 27605-1830	1704-10-3366 043
Progress Park L P NC 1505B Hillsborough St Raleigh, NC 27605-1830	1704-10-3366 044
Progress Park L P NC 1505B Hillsborough St Raleigh, NC 27605-1830	1704-10-3366 045
Progress Park L P NC 1505B Hillsborough St Raleigh, NC 27605-1830	1704-10-3366 046
Progress Park L P NC 1505B Hillsborough St Raleigh, NC 27605-1830	1704-10-3366 047

<u>Name and Address</u>	<u>PIN</u>
Progress Park L P NC 1505B Hillsborough St Raleigh, NC 27605-1830	1704-10-3366 048
Progress Park L P NC 1505B Hillsborough St Raleigh, NC 27605-1830	1704-10-3366 049
Nguyens CAO PTNRP LLC 2829 Lauren Oaks Drive Raleigh, NC 27616-8611	1704-10-3366 050
Nguyens CAO PTNRP LLC 2829 Lauren Oaks Drive Raleigh, NC 27616-8611	1704-10-3366 051
Wilson, Donald W. & Rebecca G. 78 Piney Lane Leasburg, NC 27291-9019	1704-10-3366 052
Whitt, Ronald William Whitt, Elizabeth Hester 592 Newton Pleasant Loop Road Hurdle Mills, SC 27514	1704-10-3366 053
Nguyens CAO PTNRP LLC 2829 Lauren Oaks Drive Raleigh, NC 27616-8611	1704-10-3366 054
Nguyen CAO PTNRP LLC 2829 Lauren Oaks Drive Raleigh, NC 27616-8611	1704-10-3366 055
Bohan, Christopher & Diane 66 Jameson Road Newland, NC 28657-8850	1704-10-3366 056
Bohan, Christopher & Diane 66 Jameson Road Newland, NC 28657-8850	1704-10-3366 057
Progress Park L P NC 1505B Hillsborough St Raleigh, NC 27605-1830	1704-10-3366 058
Wright, Janice M. & Nichele Parker 1505 Hillsborough St., Unit 132 Raleigh, NC 27605-1830	1704-10-3366 059

<u>Name and Address</u>	<u>PIN</u>
Progress Park L P NC 1505B Hillsborough St Raleigh, NC 27605-1830	1704-10-3366 060
Hughes, Daniel B. & Christine L. 921 Orange Street Wilmington, NC 28401-4748	1704-10-3366 061
Progress Park L P NC 1505B Hillsborough Street Raleigh, NC 27605-1830	1704-10-3366 062
Progress Park L P NC 1505B Hillsborough Street Raleigh, NC 27605-1830	1704-10-3366 063
Progress Park L P NC 1505B Hillsborough Street Raleigh, NC 27605-1830	1704-10-3366 064
Progress Park L P NC 1505B Hillsborough Street Raleigh, NC 27605-1830	1704-10-3366 065
Progress Park L P NC 1505B Hillsborough Street Raleigh, NC 27605-1830	1704-10-3366 066
Progress Park L P NC 1505B Hillsborough Street Raleigh, NC 27605-1830	1704-10-3366 067
Progress Park L P NC 1505B Hillsborough Street Raleigh, NC 27605-1830	1704-10-3366 068
Progress Park L P NC 1505B Hillsborough Street Raleigh, NC 27605-1830	1704-10-3366 069
Progress Park L P NC 1505B Hillsborough Street Raleigh, NC 27605-1830	1704-10-3366 070
Progress Park L P NC 1505B Hillsborough St Raleigh, NC 27605-1830	1704-10-3366 071

<u>Name and Address</u>	<u>PIN</u>
Progress Park L P NC 1505B Hillsborough St Raleigh, NC 27605-1830	1704-10-3366 072
Parkerson, John B. Jr. & Katherine A. 2214 Rockwell Avenue Cantonsville, MD 21228-4719	1704-10-3366 073
Parkerson, John B. Jr. & Katherine A. 2214 Rockwell Avenue Cantonsville, MD 21228-4719	1704-10-3366 074
Lavalley, Joseph Edward 1505 Hillsborough St Unit 214 Raleigh, NC 27605-1830	1704-10-3366 075
Progress Park L P NC 1505B Hillsborough St Raleigh, NC 27605-1830	1704-10-3366 076
Progress Park L P NC 1505B Hillsborough St Raleigh, NC 27605-1830	1704-10-3366 077
Progress Park L P NC 1505B Hillsborough St Raleigh, NC 27605-1830	1704-10-3366 078
Progress Park L P NC 1505B Hillsborough St Raleigh, NC 27605-1830	1704-10-3366 079
Sullivan, Leonard H. & Deborah 1143 Executive Cir., Ste. D Cary, NC 27511-4571	1704-10-3366 080
Progress Park L P NC 1505B Hillsborough St Raleigh, NC 27605-1830	1704-10-3366 081
Progress Park L P NC 1505B Hillsborough St Raleigh, NC 27605-1830	1704-10-3366 082
Progress Park L P NC 1505B Hillsborough St Raleigh, NC 27605-1830	1704-10-3366 083

<u>Name and Address</u>	<u>PIN</u>
Progress Park L P NC 1505B Hillsborough St Raleigh, NC 27605-1830	1704-10-3366 084
Progress Park L P NC 1505B Hillsborough St Raleigh, NC 27605-1830	1704-10-3366 085
Progress Park L P NC 1505B Hillsborough St Raleigh, NC 27605-1830	1704-10-3366 086
Progress Park L P NC 1505B Hillsborough St Raleigh, NC 27605-1830	1704-10-3366 087
Progress Park L P NC 1505B Hillsborough St Raleigh, NC 27605-1830	1704-10-3366 088
Progress Park L P NC 1505B Hillsborough St Raleigh, NC 27605-1830	1704-10-3366 089
Progress Park L P NC 1505B Hillsborough St Raleigh, NC 27605-1830	1704-10-3366 090
Progress Park L P NC 1505B Hillsborough St Raleigh, NC 27605-1830	1704-10-3366 091
Progress Park L P NC 1505B Hillsborough St Raleigh, NC 27605-1830	1704-10-3366 092



# EXHIBIT C. Request for Zoning Change

Please use this form only – form may be photocopied. Please type or print. See instructions in *Filing Addendum*

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Conditional Use District requested: Industrial-2 Conditional Use with Pedestrian Business Overlay District

Narrative of conditions being requested:

### Prohibited Uses

(a) The following uses, as listed in the Schedule of Permitted Land Uses in Zoning Districts in section 10-2071 of the Raleigh City Code, shall be prohibited on the Property:

- mini warehouse storage facility
- airfield or landing strip
- heliport
- cemetery
- correctional/penal facility – governmental and non-governmental
- crematory
- funeral home
- adult establishment
- carwash facility
- kennel/cattery
- vehicle sales/rental
- automotive service and repair facility
- pawn shop
- rifle range – all kinds
- bottling plant
- bulk products (storing, sorting and breaking)
- bulk storage of flammable and combustible liquids
- incinerator
- machine shop
- manufacturing – restricted and general
- mining and quarrying
- outdoor storage – all kinds
- scrap materials – indoor storage
- solid waste – indoor and outdoor reclamation and landfill
- terminal, facility, railroad roundhouse and depot
- gas plant
- power plants – other power plants
- warehousing/distribution center
- wholesale laundry, dyeing and dry cleaning

I acknowledge that these restrictions and conditions are offered voluntarily and with knowledge of the guidelines stated in the *Filing Addendum*. If additional space is needed, this form may be copied. Each page must be signed by all property owners.

### ALL CONDITIONAL PAGES MUST BE SIGNED BY ALL PROPERTY OWNERS

Signature(s)	Print Name	Date
<u>Pete Pace</u>	<u>Peter Pace Manager 1215 Hillsborough Street, LLC</u>	<u>6/12/12</u>

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# EXHIBIT C. Request for Zoning Change

Please use this form only - form may be photocopied. Please type or print. See instructions in *Filing Addendum*

- wholesaling
- camp
- outdoor stadium/theater/amphitheatre/racetrack
- riding stable
- fraternity/sorority house
- convention center/assembly hall
- exterminating service
- railroad freight station or stop

(b) No more than 30% of the total number of dwelling units located within any single "group housing development" or "multi-family dwelling development" as defined by the Raleigh City Code shall contain more than two bedrooms.

(c) No special use permit allowing outdoor amplified entertainment after 11:00 p.m. shall be issued for any use developed on the Property.

### Mixed-Use Development & Pedestrian Orientation

(d) Upon redevelopment, building elevations fronting along Ashe Avenue and Park Avenue shall have active uses along at least 50% of their frontage at sidewalk level and on upper floors. For the purposes of this condition (d), active uses are defined as residential (including units accessed by stoops), commercial (other than parking facilities listed in the Schedule of Permitted Land Uses in Zoning Districts), office, restaurant and/or retail sales (other than retail sales-highway) that front the right of way and have at-grade access, except for upper floors, where any use listed in the Schedule of Permitted Land Uses in Zoning Districts (other than parking facilities listed in the Schedule of Permitted Land Uses in Zoning Districts) that is not otherwise prohibited by the City Code or this rezoning ordinance is allowed.

(e) Parking below buildings and/or surface parking shall conform to Hillsborough Morgan Streetscape and Parking Plan. No parking lot lights, or lights within parking structures shall cast glare outside of the property per City of Raleigh lighting ordinance. (parking screening is handled in the Hillsborough Morgan Streetscape and Parking Plan). Any development on the subject Property shall be parked on the development site per the Hillsborough Morgan Streetscape and Parking Plan.

(f) Building facades fronting public rights-of-way will have no more than 50 feet of unbroken plane. Balconies, bays or building steps of at least two feet may be used to relieve facades.

(g) If the properties subject to this rezoning ordinance are redevelopment with those properties west of Ashe Avenue and rezoned as part of Z-11-10 (collectively "Properties West of Ashe Avenue"), development on the Properties West of Ashe Avenue shall consist of no less than two buildings. The building footprint of any single building located on the Properties West of Ashe Avenue shall not exceed sixty-five percent (65%) of the total site area of the Properties West of Ashe Avenue.

I acknowledge that these restrictions and conditions are offered voluntarily and with knowledge of the guidelines stated in the *Filing Addendum*. If additional space is needed, this form may be copied. Each page must be signed by all property owners.

### ALL CONDITIONAL PAGES MUST BE SIGNED BY ALL PROPERTY OWNERS

Signature(s)	Print Name	Date
<u>Peter Face</u>	<u>Manager 1215 Hillsborough Street, LLC</u>	<u>6-12-12</u>

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# EXHIBIT C. Request for Zoning Change

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(h) If the subject properties are redeveloped with those properties west of Ashe Avenue rezoned by Z-11-10, residential density on the Properties West of Ashe Avenue shall not exceed 175 dwelling units. Upon redevelopment, the Properties West of Ashe Avenue shall have a minimum of 4,000 square feet floor area gross of street level retail sales/commercial uses (other than parking facilities listed in the Schedule of Permitted Land Uses in Zoning Districts). Upon redevelopment, no single retail tenant space may exceed 20,000 square feet floor area gross. Retail uses on the Properties West of Ashe Avenue shall be restricted to ground level.

(i) There shall be no drive-through window located on the subject properties.

### Open Space

(j) If the subject properties are redeveloped with those properties west of Ashe Avenue rezoned by Z-11-10, a minimum of 5% of the area of the Properties West of Ashe Avenue will be private open space for use by residents, such as balconies, courtyards, roof decks and pool areas. In addition to the 5% of private open space provided by the first sentence of this rezoning condition (j), an additional 5% of the area of the Properties West of Ashe Avenue will be open space accessible by the general public, including at a minimum lawns, greens, play areas, planted areas, pathways, plazas or other similar areas.

### Public Improvements

(k) Mitigation requirements for any traffic impacts associated with a traffic impact analysis completed for any development on the subject properties cannot include the widening of Ashe Avenue. The prohibition on any such widening does not include driveways or turn lanes required by the City of Raleigh and North Carolina Department of Transportation. The foregoing condition shall not eliminate the need to mitigate traffic conditions required by the City Code or by traffic safety.

(l) If the subject properties are redeveloped with those properties west of Ashe Avenue rezoned by Z-11-10, the upon redevelopment of the Properties West of Ashe Avenue, Park Drive will be realigned to meet Hillsborough Street at a 90 degree angle (known as the "prewar alignment"), subject to approval by the North Carolina Department of Transportation and the City of Raleigh.

I acknowledge that these restrictions and conditions are offered voluntarily and with knowledge of the guidelines stated in the *Filing Addendum*. If additional space is needed, this form may be copied. Each page must be signed by all property owners.

### ALL CONDITIONAL PAGES MUST BE SIGNED BY ALL PROPERTY OWNERS

Signature(s)	Print Name	Date
<u>Peter Pace</u>	<u>Peter Pace Manager 1215 Hillsborough Street, LLC</u>	<u>6-18-12</u>

# EXHIBIT D. Request for Zoning Change

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This section is reserved for the applicant to state factual information in support of the rezoning request.

### Required items of discussion:

The Planning Department is instructed not to accept any application for amending the official zoning map without a statement prepared by the applicant analyzing the reasonableness of the rezoning request. This statement *shall* address the consistency of the proposed rezoning with the Comprehensive Plan and any other applicable City-adopted plan(s), the compatibility of the proposed rezoning with the *property* and surrounding area, and the benefits and detriments of the proposed rezoning for the landowner, the immediate neighbors and the surrounding community.

### Recommended items of discussion (where applicable):

1. An error by the City Council in establishing the current zoning classification of the property.
2. How circumstances (land use and future development plans) have so changed since the property was last zoned that its current zoning classification could not properly be applied to it now were it being zoned for the first time.
3. The public need for additional land to be zoned to the classification requested.
4. The impact on public services, facilities, infrastructure, fire and safety, parks and recreation, topography, access to light and air, etc.

### PETITIONER'S STATEMENT:

#### I. Consistency of the proposed map amendment with the Comprehensive Plan ([www.raleighnc.gov](http://www.raleighnc.gov)).

##### **A. Please state the recommended land use(s) for this property as shown on the Future Land Use Map and discuss the consistency of the proposed land uses:**

The subject properties are designated Community Mixed Use on the Future Land Use Map. This category envisions pedestrian-oriented retail districts with high residential densities along transit emphasis corridors. The proposed rezoning would permit retail uses and high density residential uses and would require redevelopment to conform to the Streetscape and Parking Plan that ensures pedestrian-oriented development. The proposed rezoning is consistent with the Future Land Use Map.

##### **B. Please state whether the subject property is located within any Area Plan or other City Council-adopted plans and policies and discuss the policies applicable to future development within the plan(s) area.**

The subject properties are not within any Area Plan. However, the properties are within the West Morgan Small Area Study boundaries. The West Morgan Small Area Study was adopted by City Council on June 7, 2011. This study recommends that the properties be designated Community Mixed Use on the Future Land Use Map. This study also designates the properties with a recommended height of six stories.

##### **C. Is the proposed map amendment consistent or inconsistent with the Comprehensive Plan and other City Council-adopted plans and policies? All references to Comprehensive Plan policies should include both the policy number (e.g. LU 4.5) and short title (e.g. "Connectivity").**

The proposed map amendment is consistent with the following Comprehensive Plan policies for the reasons set forth below:

# EXHIBIT D. Request for Zoning Change

Please use this form only – form may be photocopied. Please type or print. See instructions in *Filing Addendum*

LU 1.2 “Future Land Use Map Consistency” – The proposed rezoning is consistent with this policy because the request is consistent with the Future Land Use Map designation as discussed above.

LU 1.3 “Conditional Use District Consistency” – The proposed rezoning is consistent with this policy because the proposed conditions prohibit uses not contemplated by the Community Mixed Use designation and limits development intensity and requires public realm improvements in furtherance of Comprehensive Plan policies.

LU 5.4 “Density Transitions” – The proposed rezoning is consistent with this policy because the subject properties are surrounded by properties zoned Residential-20, Office & Institution-1 and Industrial-2 CUD with PBOD and designated Medium Density Residential, Office & Residential Mixed Use and Community Mixed Use on the Future Land Use Map. These zoning districts and Future Land Use classifications serve as proper transitions between the uses and intensity permitted by the proposed rezoning and the nearby neighborhoods.

UD 2.4 “Transitions in Building Intensity” – The proposed rezoning is consistent with this policy because the proposed conditions and streetscape plan limit building intensity and provide transitions. The conditions require at least two buildings on the subject properties if they are developed with the surrounding parcels and the height map in the streetscape plan limits building height along the public right-of-way and on the streetscape plan boundaries.

UD 6.1 “Encouraging Pedestrian-Oriented Uses” – The proposed rezoning applies a Pedestrian Business Overlay District, which allows high density residential uses and requires wider sidewalks that encourage pedestrian movement. The proposed zoning conditions prohibit auto-oriented uses. Based on the above, the proposed rezoning is consistent with this policy.

UD 7.3 “Urban Design Guidelines” – Based on the applicant’s responses to the Urban Design Guidelines, the proposed rezoning is consistent with this policy.

DT 1.13 “Downtown Transition Areas” – The proposed conditions prohibits certain high-impact uses and the streetscape plan provides for transitions in building height along the public right-of-way and along the plan boundaries. Moreover, the proposed densities are compatible with the densities permitted on adjacent properties. Based on the above, the proposed rezoning is consistent with this policy.

DT 1.15 “High Density Development” – The proposed rezoning is consistent with this policy because it facilitates a coordinated high-density development in close proximity to Hillsborough Street, an axial street identified in this policy.

DT 1.16 “High Density Public Realm Amenities” – The proposed rezoning is consistent with this policy as a result of the public realm improvements (wider sidewalks and open space) required by the Pedestrian Business Overlay District and the proposed zoning conditions.

DT 1.17 “Auto-Oriented Businesses” – The proposed rezoning is consistent with this policy because it prohibits auto oriented uses on those properties proposed to be zoned with a Pedestrian Business Overlay District.

## **II. Compatibility of the proposed map amendment with the property and the surrounding area.**

### **A. Description of land uses within the surrounding area (residential housing types, parks, institutional uses, commercial uses, large parking lots, thoroughfares and collector streets, transit facilities):**

Office and retail uses are located to the north and east of the properties along Hillsborough Street, which is a major thoroughfare. Two new mixed-use (retail and high density residential) buildings with structured parking are under construction to the south of the properties across Ashe Avenue, which is a collector street. A fraternity house with a large surface parking lot, single family residences and multi-family conversions are located west of the property between Ashe Avenue and Park Avenue.

## EXHIBIT D. Request for Zoning Change

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### **B. Description of existing Zoning patterns (zoning districts including overlay districts) and existing built environment (densities, building heights, setbacks, tree cover, buffer yards):**

To the north, properties are zoned Office & Institution-1 along the north and south side of Hillsborough Street. These properties are developed with commercial uses in residential structures. To the east, properties were recently rezoned Industrial-2 Conditional Use with Pedestrian Business Overlay District and are developed for single-story retail uses. To the east, on the north side of Hillsborough Street, property is zoned Office & Institution-1 with Neighborhood Conservation Overlay District and is developed for a private school use. Properties to the south were recently rezoned Industrial-2 Conditional Use with Pedestrian Business Overlay District and are under construction for two mid-rise mixed use buildings with reduced setbacks. Properties to the west are zoned Residential-20 and Special Residential-30 and are developed with two- or three-story residential structures with limited setbacks.

### **C. Explanation of how the proposed zoning map amendment is compatible with the suitability of the property for particular uses and the character of the surrounding area:**

The proposed map amendment proposed to rezone two parcels currently zoned Residential-20 to Industrial-2 Conditional Use with Pedestrian Business Overlay District and to amend building heights applicable to surrounding properties to provide uniform height standards. The subject properties are located between two employment centers (Downtown and NCSU) and close to Hillsborough Street, a major thoroughfare that is a major pedestrian link between NCSU and Downtown and that is currently served by public transit. The property to the south is redeveloping for two mixed-use buildings with ground-floor retail and high density residential on the upper floors. The other properties in the area are developed for single-family and multi-family uses.

## **III. Benefits and detriments of the proposed map amendment.**

### **A. For the landowner(s):**

The proposed map amendment benefits the landowners by allowing their properties to be developed with similar uses and at similar intensities as the surrounding properties, and in a coordinated manner with surrounding properties.

### **B. For the immediate neighbors:**

The proposed map amendment benefits the immediate neighbors by permitting a more coordinated, pedestrian-oriented redevelopment consistent with the Future Land Use Map and Comprehensive Plan. Specifically, rezoning of the two properties not currently in the Pedestrian Business Overlay District will ensure consistent streetscape improvements along Ashe Avenue and Park Avenue.

### **C. For the surrounding community:**

The proposed map amendment benefits the surrounding community by permitting the coordinated redevelopment of the existing structures in the area for a pedestrian-oriented development. The surrounding community will also benefit from locating high-density residential uses between two major employment areas and along a transit-intensive corridor, which will decrease dependence on the automobile and lessen vehicle trips in the surrounding community.

# EXHIBIT D. Request for Zoning Change

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## IV. Does the rezoning of this property provide a significant benefit which is not available to the surrounding properties? Explain:

No, the rezoning of the properties does not provide a significant benefit that is not available to the surrounding properties because the properties to the east, south and west are already zoned Industrial-2 Conditional Use with Pedestrian Business Overlay District and the properties to the north permit nonresidential uses.

### Explain why the characteristics of the subject property support the proposed map amendment as reasonable and in the public interest.

The subject properties are located near a major thoroughfare that is designated a transit emphasis corridor and just over one-half mile from a proposed transit station. The subject properties are also located between Downtown and North Carolina State University, two major employment areas. The conditions associated with the proposed rezoning ensure appropriate use and intensity transitions to nearby neighborhoods. The proposed rezoning will permit residential densities and neighborhood-oriented retail uses compatible with the surrounding area. Also, the application of the Pedestrian Business Overlay District requires public realm streetscape improvements, which are in the public interest. Given these characteristics, the proposed map amendment is reasonable and in the public interest.

## V. Recommended items of discussion (where applicable).

- a. **An error by the City Council in establishing the current zoning classification of the property.**

Not applicable.

- b. **How circumstances (land use and future development plans) have so changed since the property was last zoned that its current zoning classification could not properly be applied to it now were it being zoned for the first time.**

The zoning and land development patterns have changed to permit nonresidential uses and high density residential uses on those properties adjacent to the properties subject to this rezoning that are not yet zoned with a Pedestrian Business Overlay District. These two properties are gaps in the Hillsborough Morgan Streetscape and Parking Plan boundaries, and these two properties could not properly be zoned Residential-20 if they were being zoned for the first time.

- c. **The public need for additional land to be zoned to the classification requested.**

Not applicable.

- d. **The impact on public services, facilities, infrastructure, fire and safety, parks and recreation, topography, access to light and air, etc.**

Not applicable.

- e. **How the rezoning advances the fundamental purposes of zoning as set forth in the N.C. enabling legislation.**

The proposed rezoning advances the fundamental purposes of zoning by lessening congestion in the streets, regulating land use in accordance with the Comprehensive Plan and by regulating land use with

## **FILING ADDENDUM:** Instructions for filing a petition to amend the official Zoning Map of the City of Raleigh, North Carolina

due consideration of the suitability of the land for the proposed uses. The proposed rezoning permits a pedestrian-oriented, high-density residential development in an area already served by public transit, which will help lessen vehicle traffic congestion. As noted above, the proposed rezoning is consistent with the Community Mixed Use designation and applicable Comprehensive Plan policies. Also, the properties subject to the rezoning are suitable for a pedestrian-oriented, high-density residential development given the zoning and character of the surrounding area and location of the properties along a major thoroughfare and transit emphasis corridor.

### **VI. Other arguments on behalf of the map amendment requested.**

None at this time.



**List of Adjacent Property Owners**

	<u>Name and Address</u>	<u>PIN</u>
1	North Carolina Farmhouse Assoc. Inc. P.O. Box 33285 Raleigh, NC 27636-3285	1703-19-5935
2	Progress Park L. P. NC 1505 Hillsborough Street Raleigh, NC 27605-1830	1704-10-4178
3	Theodore & Pamela Van Dyk 217 Hawthorne Road Raleigh, NC 27605-1634	1704-10-5242
4	Harry & Constantine Kledaras P.O. Box 25581 Raleigh, NC 27611-5581	1704-10-5336
5	Cameron Dental Properties LLC 1407 Hillsborough Street Raleigh, NC 27605-1828	1704-10-5361
6	Arrowood & Williams Properties LLC 1715 Park Drive Raleigh, NC 27605-1610	1704-10-6287
7	Hugh Glenn White III Cynthia Anne White Trust 1009 Schieffelin Road Apex, NC 27502-1777	1704-10-8406
8	First Church of Christ Scientists 1404 Hillsborough Street Raleigh, NC 27605-1829	1704-10-8462
9	Adams-Terry Realty Company 1310 Hillsborough Street Raleigh, NC 27605-1827	1704-10-9364
10	Theodore N. & Pamela B. Van Dyk 1306 Hillsborough Street Raleigh, NC 27605-1827	1704-20-0320

11	Theodore M. & Pam Van Dyk 1306 Hillsborough Street Raleigh, NC 27605-1827	1704-20-0286
12	1215 Hillsborough Street LLC 319 Yadkin Drive Raleigh, NC 27609-6362	1704-20-1222
13	Saint Mary's College Attn: Mary Ethel McCorkle 900 Hillsborough Street Raleigh, NC 27603-1610	1704-20-2141
14	1215 Hillsborough Street LLC 319 Yadkin Drive Raleigh, NC 27609-6362	1704-20-0054
15	Fang Yi Liu Tay Luh Liu 402 Whisperwood Drive Cary, NC 27518-9127	1703-29-1936
16	Jeff C. & Joyce B. Bulluck 4112 Pepperton Drive Raleigh, NC 27606-1734	1703-19-5795
17	Jefferson C. & Joyce B. Bulluck 407 N. Boylan Avenue Raleigh, NC 27603-1211	1703-19-6753
18	Edwin E. Utley, Trustee 8821 Cypress Lakes Drive, Unit 209 Raleigh, NC 27615-2135	1703-19-7728
19	YMCA, Inc. Mary Frazier 801 Corporate Center Dr., Suite 200 Raleigh, NC 27607-5243	1704-10-1332
20	North Carolina State AFL-CIO PO Box 10805 Raleigh, NC 27605-0805	1704-10-7449

21	FMW at Hillsborough & Morgan LLC 137 Brevard Court Charlotte, NC 28202-1926	1704-10-8117
22	FMW at Hillsborough & Morgan LLC 137 Brevard Court Charlotte, NC 28202-1926	1704-10-8049
23	FMW at Hillsborough & Morgan LLC 137 Brevard Court Charlotte, NC 28202-1926	1704-10-9162
24	FMW at Hillsborough & Morgan LLC 137 Brevard Court Charlotte, NC 28202-1926	1704-10-9027
25	FMW at Hillsborough & Morgan LLC 137 Brevard Court Charlotte, NC 28202-1926	1703-19-8896
26	West Morgan LLC Faison & Associates LLC 121 W Trade Street, Floor 27 Charlotte, NC 28202-5399	1703-19-8630
27	West Morgan LLC Faison & Associates LLC 121 W Trade Street, Floor 27 Charlotte, NC 28202-5399	1703-29-0757
28	Velvet Cloak Villas Condominiums HO Velvet Cloak Villas Condominiums Progress Park L P NC 1505B Hillsborough Street Raleigh, NC 27605-1830	1704-10-3366 000

## Design Guidelines for Mixed Use Areas

### RALEIGH COMPREHENSIVE PLAN

#### **Policy UD 7.3**

##### **Design Guidelines**

The design guidelines in **Table UD-1** [listed below] shall be used to review rezoning petitions and development applications for mixed-use developments; or rezoning petitions and development applications in mixed-use areas such as Pedestrian Business Overlay Districts, including preliminary site and development plans, petitions for the application of the Pedestrian Business or Downtown overlay districts, Planned Development Districts, and Conditional Use zoning petitions.

#### **Elements of Mixed-Use Areas**

1. *All Mixed-Use developments should generally provide retail (such as eating establishments, food stores, and banks), and other uses such as office and residential within walking distance of each other. Mixed Uses should be arranged in a compact and pedestrian-friendly form.*

**Response:** The proposed rezoning includes a PBOD that permits residential, office and retail uses and requires pedestrian-oriented public realm improvements.

#### **Mixed-Use Areas /Transition to Surrounding Neighborhoods**

2. *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.*

**Response:** The Streetscape and Parking Plan includes a height map that provides transitions to residential uses and along the public right-of-way.

#### **Mixed-Use Areas /The Block, The Street and The Corridor**

3. *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.*

**Response:** The area subject to the proposed rezoning fronts along Ashe Avenue and Park Avenue, which are roads that connect directly into the neighborhood road network.

4. *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.*

**Response:** Existing roads will be maintained; no new roads are contemplated.

5. *New development should be compromised 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.*

**Response:** The proposed rezoning complies with this guideline.

### **Site Design/Building Placement**

- 6. 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.*

**Response:** The underlying zoning district, PBOD standards and the Streetscape and Parking Plan provide for 0 ft. lot lines, especially along the public right-of-way. The zoning conditions require a minimum amount (50%) of active uses along Ashe Avenue and Park Avenue. The PBOD standards and Streetscape and Parking Plan regulate the location of parking consistent with this guideline.

- 7. 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.*

**Response:** As noted above, the PBOD and Streetscape and Parking Plan permit the buildings to be located close to the public street. Parking will be provided beside, behind or below buildings and will be screened.

- 8. If the building is located at a street intersection, the main building or part of the building placed should be placed at the corner. Parking, loading or service should not be located at an intersection.*

**Response:** None of the properties subject to this rezoning are located at an intersection.

### **Site Design/Urban Open Space**

- 9. 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.*

**Response:** The PBOD requires wide sidewalks along Ashe Avenue and Park Avenue and requires a minimum 5% of open space. The zoning conditions require an additional 5% of open space above that required by the PBOD.

- 10. 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.*

**Response:** Much of the open space required by the PBOD will be provided as sidewalks with increased width, which is located adjacent to the public streets.

- 11. 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.*

**Response:** The zoning conditions require the properties along Ashe Avenue and Park Avenue to contain at least 50% active uses on the ground floor.

12. *A properly defined urban open space is visually enclosed by the fronting of buildings to create an outdoor "room" that is comfortable to users.*

**Response:** The PBOD regulations and the Streetscape and Parking Plan provide standards for the urban open space between the public streets and the buildings.

#### **Site Design/Public Seating**

13. *New public spaces should provide seating opportunities.*

**Response:** The Streetscape and Parking Plan requires benches to be installed at the time of development, and the wide sidewalks will permit the location of seating for restaurants or other retail uses.

#### **Site Design/Automobile Parking and Parking Structures**

14. *Parking lots should not dominate the frontage of pedestrian-oriented streets, interrupt pedestrian routes, or negatively impact surrounding developments.*

**Response:** See response above to Guideline 7.

15. *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.*

**Response:** See the above references to the minimum amount of active uses required along Park Avenue and Ashe Avenue. The intent is to comply with this guideline.

16. *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.*

**Response:** The Streetscape and Parking Plan calls for parking structures below or adjacent to new development to be of the same character as the primary buildings. No unadorned or concrete or steel structures are allowed. Openings in parking structures must be screened per the Streetscape and Parking Plan.

#### **Site Design/Transit Stops**

17. *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.*

**Response:** Stops are being provided in close proximity to the properties subject to this rezoning as required by Z-11-10. Hillsborough Street and Morgan Street are served by public transit and the proposed development will be in close proximity to these public services.

18. *Convenient, comfortable pedestrian access between the transit stop and the building entrance should be planned as part of the overall pedestrian network.*

**Response:** No part of the development will be more than a few hundred feet from a transit stop, all with sidewalks connecting the development to the transit stops.

### **Site Design/Environmental Protection**

19. *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.*

**Response:** Redevelopment of the site will not adversely impact any slopes, watercourses or floodplains.

### **Street Design/General Street Design Principles**

20. *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.*

**Response:** The PBOD and Streetscape and Parking Plan require 14 feet wide sidewalks and street trees along the public streets.

21. *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.*

**Response:** See above. The development should meet this guideline by providing the 14 feet wide sidewalks.

22. *Streets should be designed with street trees planted in a manner appropriate to their function. Commercial streets should have trees which compliment 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.*

**Response:** The Streetscape and Parking Plan includes detailed sidewalk and planting design standards, and the trees have been selected in consultation with the Urban Forester.

### **Street Design/Spatial Definition**

23. *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.*

**Response:** Buildings can be built to the public right-of-way line so long as the wider sidewalk is provided. The building height map in the Plan offers transitions along the public right-of-way. The Plan also requires street trees to provide spatial definition.

**Building Design/Facade Treatment**

24. *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.*

**Response:** The zoning conditions require 50% active uses along Ashe Avenue and Park Avenue, and require at-grade entrances. The Streetscape and Parking Plan also requires no more than 15 ft. of a blank wall at commercial uses and requires transparency in certain instances.

25. *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.*

**Response:** The Streetscape and Parking Plan standards comply with this guideline.

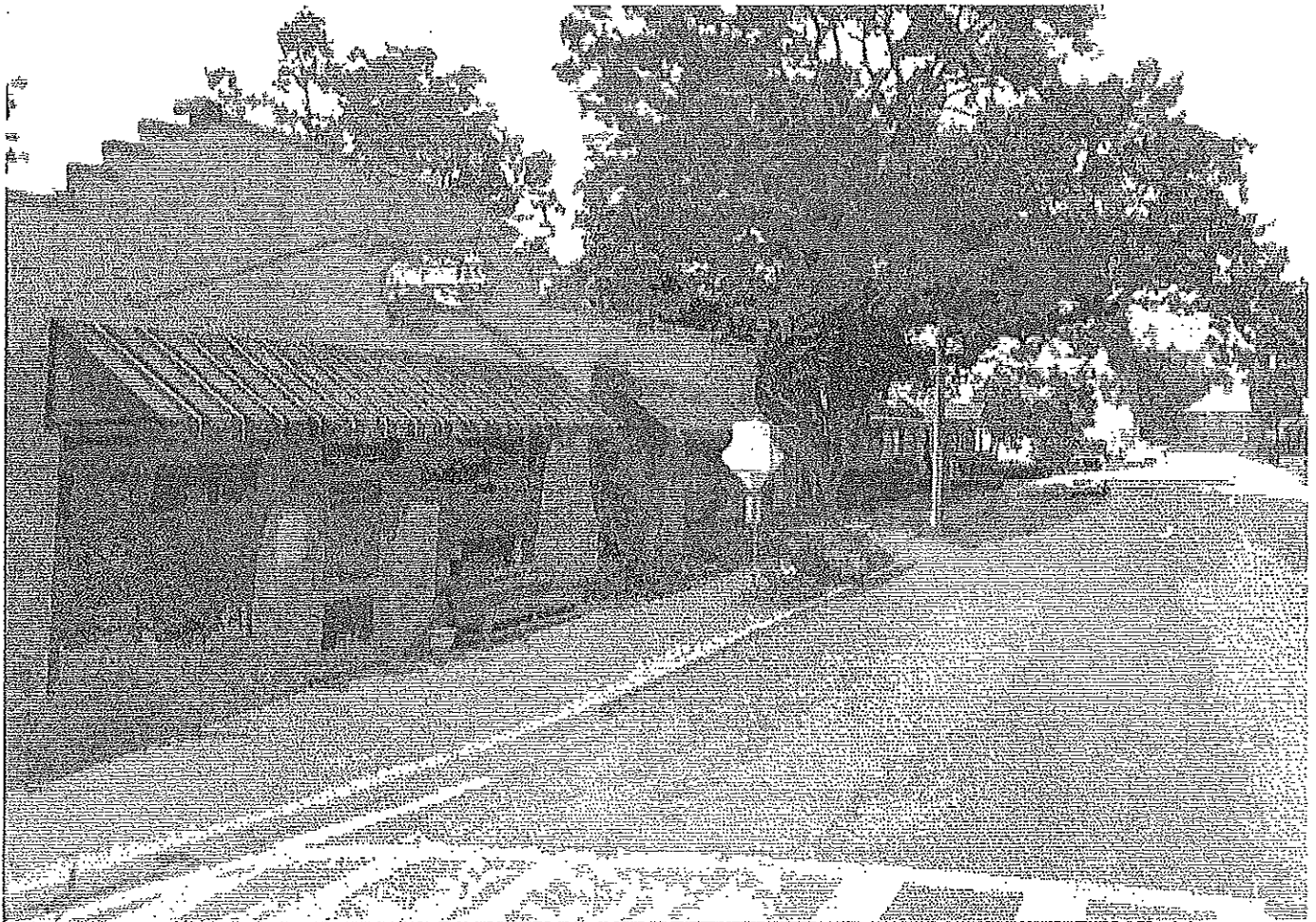
**Building Design/Street Level Activity**

26. *The sidewalks should be the principal place of pedestrian movement and casual social interaction. Designs and uses should be complementary to that function.*

**Response:** See above responses regarding wider sidewalks and active use requirements.



Z-34-12  
SSP-6-12



# Hillsborough Morgan

## Streetscape and Parking Plan

Raleigh, North Carolina

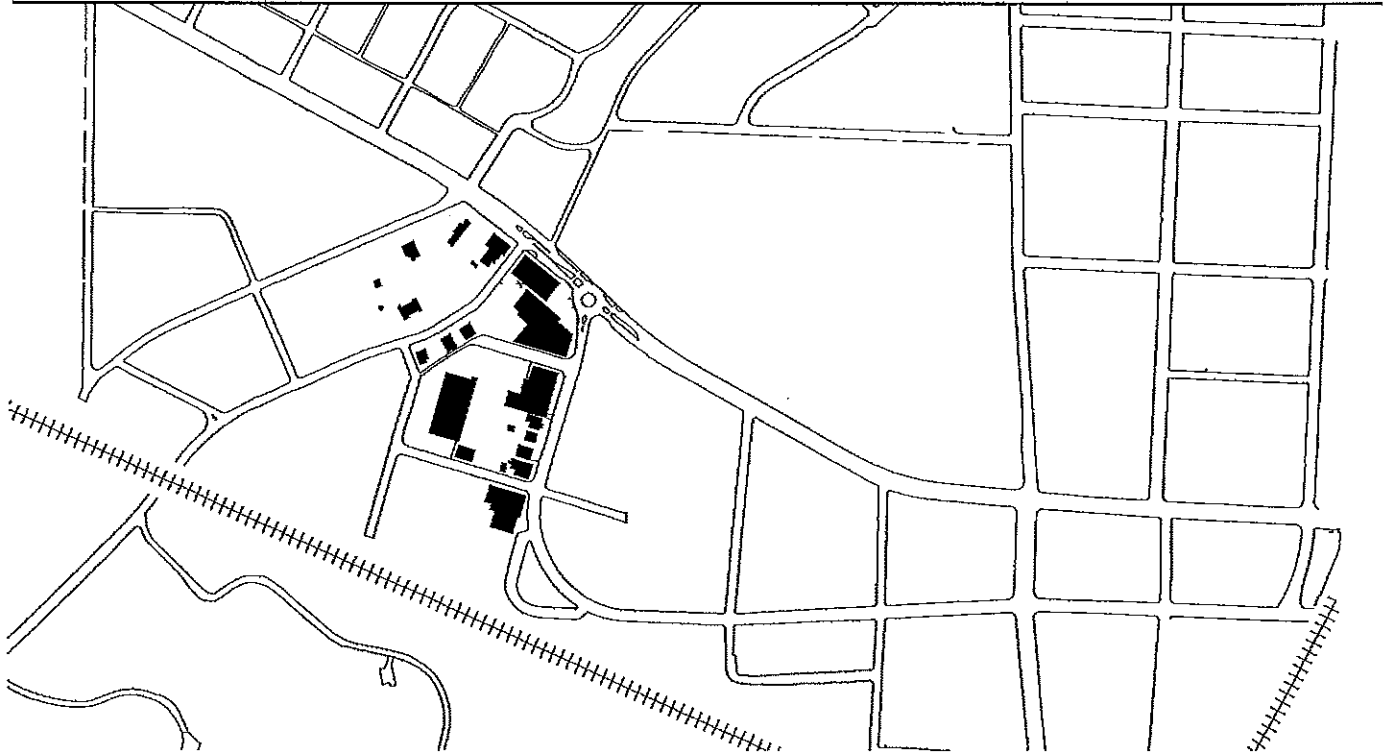


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# Introduction



## Background

The sites covered by this plan have been variously utilized for over 100 years, housing such uses as a bakery and bottling plant early in the Century, in addition to homes, and later, retail and restaurant uses along Hillsborough and Morgan Streets.

The site is variously zoned I-2, R-20, buffer commercial, and neighborhood business. The streetscape and parking plan, along with a PBOD designation for the area, will facilitate uses and development in keeping with Raleigh's resurgent urban core.

The site is strategically located between NC State and State Capitol, and with direct connections and frontage on Hillsborough Street, Morgan Street, and Ashe Avenue, which connects it to Pullen Park and Western Boulevard.

Raleigh's growth, re-commitment to the urban core, and renewed appetite for transit make this site ideal for a pedestrian and transit friendly, mixed use re-development.

## Planning Goal

The goal of this streetscape and parking plan is to offer a planning armature which will align the site with redevelopment efforts along Hillsborough Street, and to facilitate pedestrian friendly, transit friendly residential and

community retail development uses on the site. The site is currently a significant void in the fabric of the community that stretches along Hillsborough Street. This plan aims to offer a structure for mending this void, and encouraging appropriate development on this well located but under-utilized parcel.

The Streetscape and public realm elements are contemplated here; parking standards which align with the urban nature of the site are offered, and height limits for varying quadrants of the site are set.

Residential densities will follow the established PBOD regulations that are in place in all other PBODs throughout the City, including Glenwood South, a few blocks to the north and East, and University Village, a few blocks to the West.

Appropriately dense residential development, along with community scale retail, and other uses such as a possible hotel, will provide a needed boost in activity, investment, and vitality to the area. Existing retail and restaurant businesses along Hillsborough and Morgan will benefit significantly from new residents and activity, and pedestrians in the area will find new interest and value in a reactivated fabric.

## Introduction Cont.

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### Transportation

The site is located adjacent to the City's most heavily served street, Hillsborough Street. Cat Buses, The Wolf Line Prowler, and TTA busses all serve the site currently. The R-line circulates at the corner of Glenwood and Hillsborough, .5 mile east.

Morgan Street is currently undergoing final conversion to two way traffic, increasing access and flexibility around the site. As mentioned above, the site also has direct access to Pullen Park, Dorothea Dix, and Western Boulevard via Ashe Avenue.

Some future rail plans contemplate a light rail station within a few yards of the site. Current regional rail stations are planned .6 miles to the East in Downtown, and .8 miles West on the NC State Campus. Appropriate, dense, mixed use development will create demand for future transit. Residents on the site will benefit from current and future service, which will relieve much of the need for auto-only commuting, shopping and travel from this location. Additional density and mix of uses in this area will also reduce the need for car trips.

### Streetscape Concept

The Streetscape concept contemplates two roadway types within the area:

#### *Primary Roadways/Primary Pedestrian Corridors*

Hillsborough Street and Morgan Street

#### *Secondary Roadways/Secondary Pedestrian Corridors*

Neighborhood scale streets including Ashe Avenue, Tryon Hill Drive, Wakefield Street, Whitley Street, Park Avenue, and future Morgan/Ashe Extension.

On Hillsborough Street and Morgan Streets, the streetscape plan can transition from that of Hillsborough Street. Improvements to the west in terms of paving width, sidewalk treatments, and street furnishings, neighborhood streets will receive a modified treatment; concrete sidewalks will be extended to the curb, tree grates will accommodate street trees, and existing planting strips adjacent to the property can remain to offer transition to adjacent residential areas.

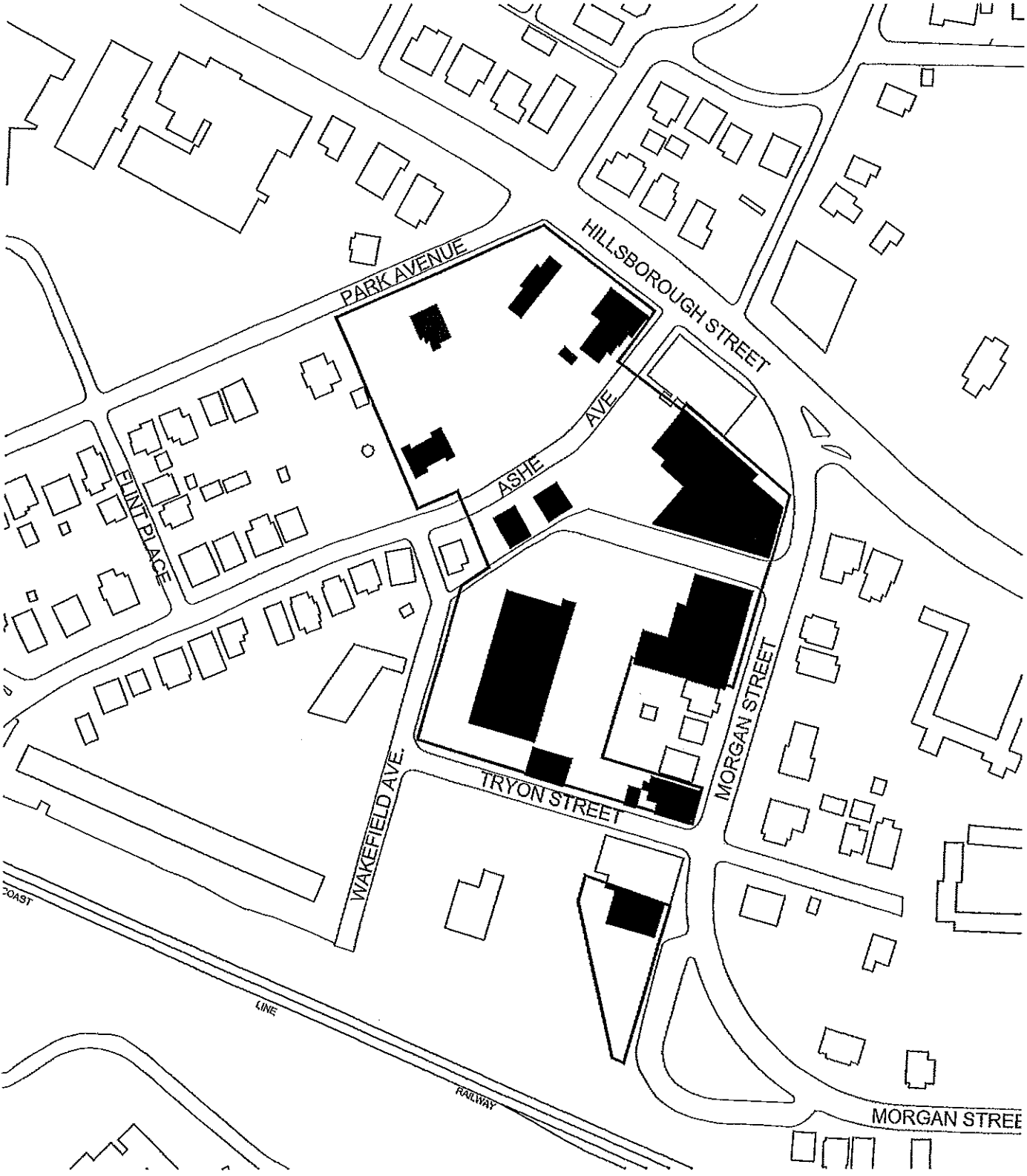
This will allow for modest planting and/or outdoor seating areas, while limiting impervious surfaces and walkways that are out of scale with the roadway, and its surrounds.

It is recommended that the City continue its revitalization effort along Hillsborough Street, and proceed with undergrounding of power lines and streetscape between Oberlin and Morgan.

The future Morgan/Ashe Extension will receive a secondary style 14 foot streetscape treatment with sidewalk and/or planter areas determined at the time of roadway design.

The resulting plan will provide unity with other parts of the Hillsborough Street community while respecting the scale and character of secondary streets in the area.

# Hillsborough Morgan PBOD Boundary



# Streetscape Standards

## Sidewalks

Existing sidewalks will remain and be modified as shown below. This will provide an ease of transition to existing sidewalks outside the PBOD.

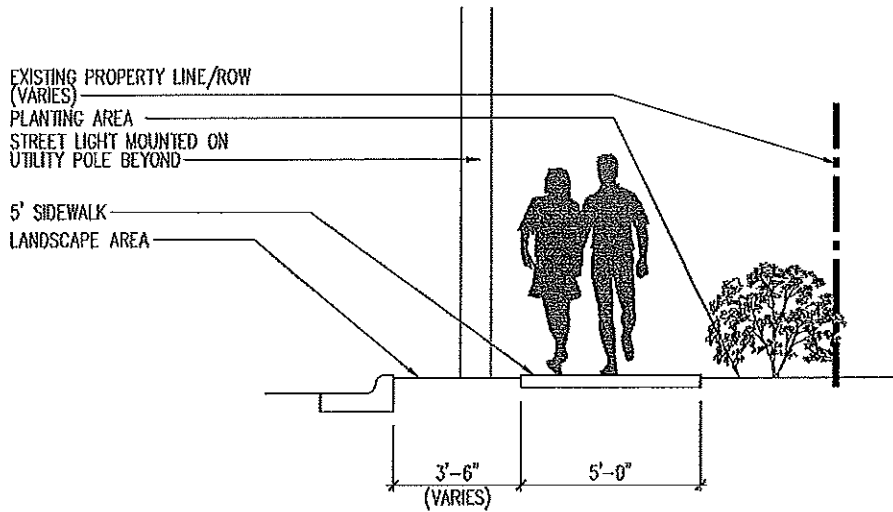
*Sidewalks/Primary Roads-* Hillsborough and Morgan Streets will receive full 14 ft sidewalks per City PBOD standards. Refer to accompanying illustration.

*Sidewalks/Secondary Roads-* All other streets will be subject to 14 ft building setback from curb line. Sidewalks in these areas will be approximately 8 ft wide, starting at the curb. For residential uses, the remaining 6 ft may be planted area, patios, stoops, or other features, or may be

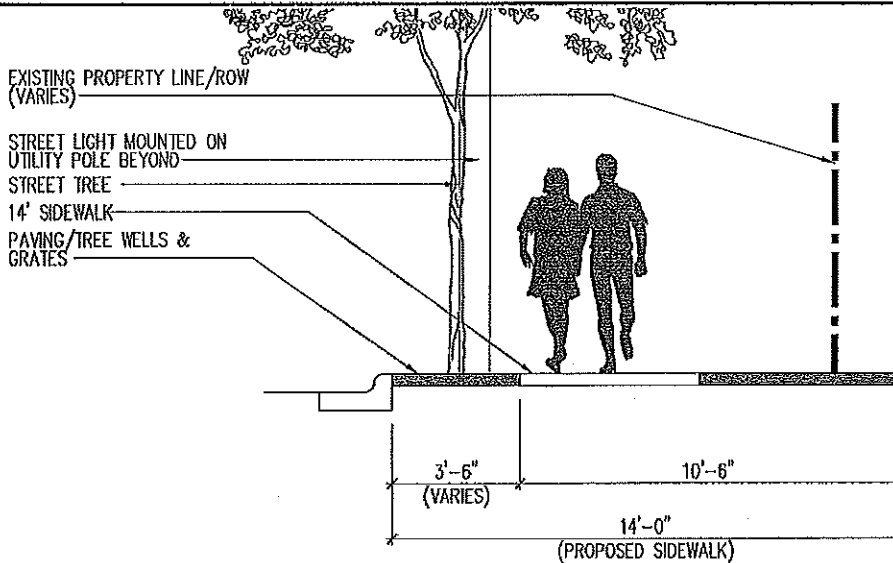
paved where active uses are contemplated at street level. Refer to accompanying illustration.

*Pedestrian Path-* Should a pedestrian path be provided as indicated in zoning case Z-11-10, the path will offer one shade tree, 3" min. caliper a minimum of one per every (50) linear ft on center, and a minimum of three benches along its length. Any buildings along the pedestrian path shall be a minimum distance apart of 25 ft and an average minimum distance apart of 30 ft. Refer to Z-11-10 for other parameters concerning the pedestrian path accessible to the general public.

## Existing Sidewalk Section

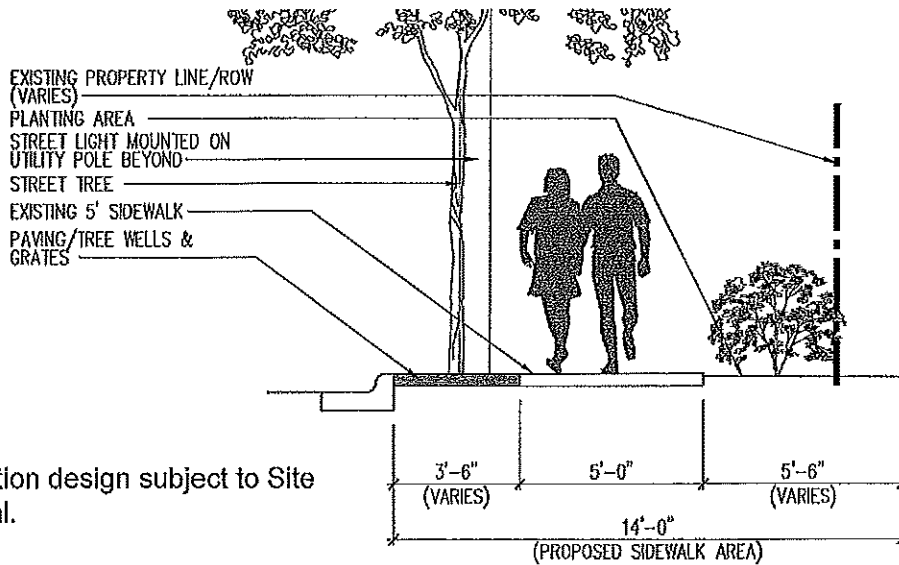


## Proposed Sidewalk Section - Primary



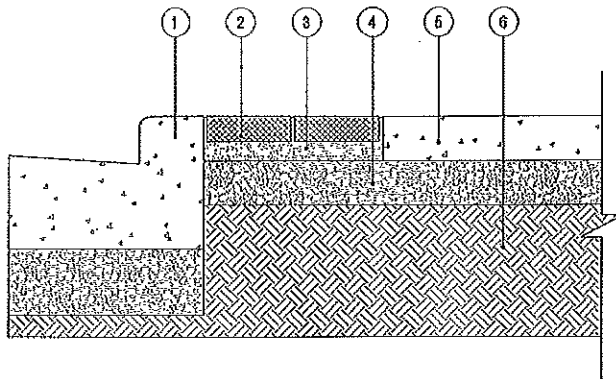
# Streetscape Standards Cont.

## Proposed Sidewalk Section - Secondary



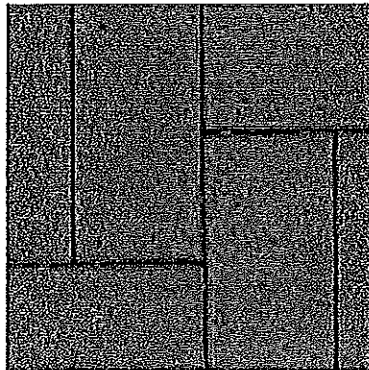
Note: Transition design subject to Site Plan Approval.

## Curb Detail



1. CONCRETE CURB AND GUTTER
2. 3-5/8" x 7-5/8" x 2-1/4" PEDESTRIAN RATED BRICK PAVER
3. 2" SAND SETTING BED
4. 4" COMPACTED STONE BASE
5. 4" CONCRETE SIDEWALK
6. COMPACTED SUBGRADE

## Accent Paver

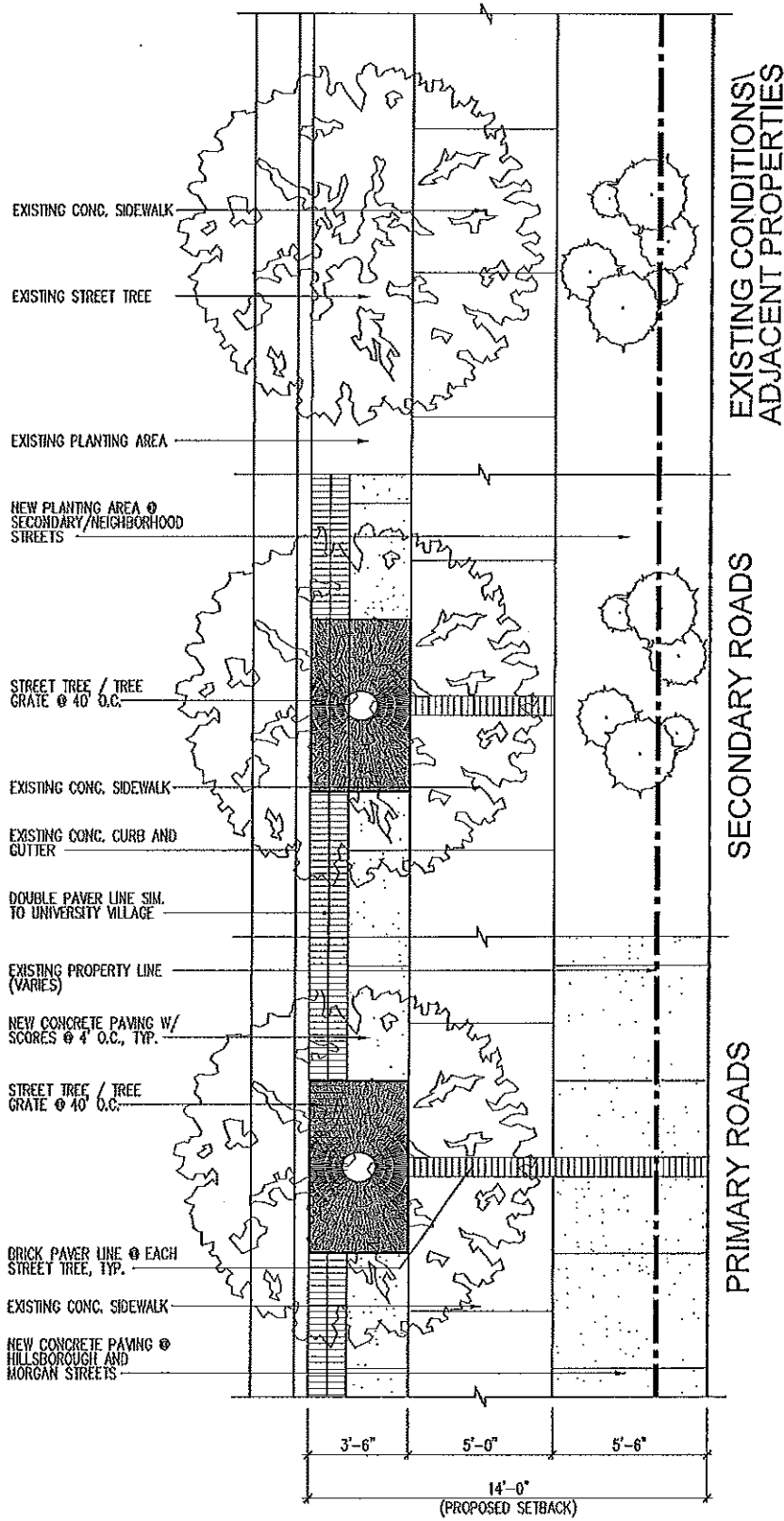


Manufacturer: Pine Hall Brick  
 Brick Specification: English Edge  
 Dark Accent Paver




# Streetscape Standards Cont.

## Proposed Sidewalk Plan



# Hillsborough Morgan Crosswalks

 LOCATION OF CROSSWALK



# Streetscape Standards Cont.

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## Utilities

Utilities are well established in most of the area. Utilities will be on poles in the right of way.

## Maintenance Plan

Maintenance in excess of that customarily provided by the City of Raleigh will be provided by individual property owners. This includes maintenance of sidewalks/planters required by PBOD but within property lines, watering street trees and keeping sidewalks clear of debris.

## Signage

The design and placement of signage should complement the architectural character of the building and be oriented towards the pedestrian. Small high-quality signs are encouraged to enhance the appearance of the building and streetscape.

The following signage types are encouraged: Awning signs, window stencils, wall signs (when internally lit text should be illuminated with opaque background). Low profile ground signs are allowed on private property as allowed by the city code. Paddle signs meeting Raleigh Sign Ordinance guidelines and oriented to pedestrian traffic are encouraged. Paddles signs shall maintain a minimum clear height of 9'-0" above the ground.

The following signage types are prohibited: Off-premise signs, internally illuminated awning signs and internally illuminated signs that do not have an opaque background.

## Canopies/Awnings

Canopies and awnings are encouraged for commercial uses along major pedestrian corridors. Awnings and canopies must be at least 9 feet above the sidewalk at their lowest point excluding a flexible valence which may extend one additional foot. An encroachment agreement approved by City Council is necessary if the awning projects into the public right-of-way.

## Street Lights

Adequate lighting of the sidewalk and street area is essential to creating a safe and inviting streetscape. Additional street lighting may be necessary to achieve the appropriate levels needed within the business area along Hillsborough and Morgan Street. A short-term solution is to increase the wattage and number of lighting fixtures in the area using existing poles. In the long-term, it is recommended street lighting improvements and pole replacement be included with utility undergrounding by The City of Raleigh. A supplementary lighting plan will be provided at the time of site plan approval for frontage of any development in the district.

## Building Facades

### **Commercial/Retail**

New building facades along public rights of way should reflect the neighborhood retail character of the area. New Buildings with ground floor retail/commercial uses will include:

- A public doorway oriented toward the public right of way
- Facades with no more than 15 linear feet of 'blank' exterior walls facing the right of way
- Fenestration areas that allow for views into, and out of the building.
- Canopies, awnings, lighting features, and/or other treatments to denote the retail nature of the space.
- Exterior building materials will conform to the standards in the below "Durable Materials" section.

### **Residential Structures**

Residential structures will have facades that address public right of ways. Ground level units will have one or more of the following: balconies, porches, stoops, bay windows, or other similar active elements that address the street.

Where parking is concealed under residential structures, ground level treatments will be of quality materials, with architectural details which match the primary building and provide a positive edge for pedestrians. Planters, decorative grates and openings, light fixtures, and other elements shall be used to break up ground level facades and provide pedestrian scale. Exterior building materials will conform to the standards in the below "Durable Materials" section.

### **Durable Materials**

New building facades along publicly accessible rights-of-way shall include durable materials in keeping with surrounding buildings -- brick/masonry (no concrete block), hardcoat stucco (no EIFS), cementitious or wood siding (no vinyl), and assorted trim elements of quality construction such as wood, aluminum storefront, and similar systems.

Furthermore, at the ground floor along (1) public rights-of-way and (2) the pedestrian path referenced herein on page 7, exterior structural building elements including structured parking will be clad with brick and/or traditional hardcoat stucco.

# Streetscape Standards Cont.

## **Building Setbacks**

Building setbacks from street right of ways shall be 0. All streets within the PBOD will have a minimum 14 ft. Sidewalk area. As noted above, this can be a combination of paving adjacent to the curb, and planted area or additional paving on private property. Additional right of way dedication shall not be required to accommodate the sidewalk. However, all provisions of 10-2055 (d)(4)(a), sidewalk widening will be met, with the exception of the sidewalk designations outlined above. Any variation from the 14 ft. sidewalk will require site plan approval through City Council.

Except those setbacks prescribed in Zoning Case Z-11-10 for individual parcels and in the section entitled "Pedestrian Path" above (the pedestrian path referenced herein on page 7), all building setbacks will conform to the provisions of the underlying zoning or as modified in Zoning Case Z-11-10.

## **Transition Yards**

It is recommended that TPY planting areas be minimized through use of fences, walls and other measures per 10-2082.9.

## **Vehicular Parking Areas**

New parking areas, including additions to vehicular parking areas existing prior to the application of the Pedestrian Overlay District shall comply with 10-2055(e)(2). Landscaping must comply with 10-2082.6(b).

## **Structured Parking**

Structured parking below or adjacent to new development will be screened with elements that carry architectural features of primary structures. Openings in structures will be designed to be in scale with window fenestration of occupied space on the same facade of building, and will be softened with architectural screening such as metal lattices, mullions matching building patterns, or similar features. No unimproved concrete or steel structures visible from any right of way are permitted. Exterior building materials will conform to the standards in the above "Durable Materials" section.

## **Parking Ratios**

This area is well served by transit, has many businesses, services, and amenities within easy walking distance, and will be afforded a great deal of new pedestrian related activity as new developments take hold in the area. Mixed use development will also facilitate cross parking for uses with different hours of operation and occupation.

Given the pedestrian oriented nature of the area, the accompanying parking standards hereby govern within the district. Parking ratios noted in this plan will apply to all existing uses, expansion, and new structures within the district.

Minimum off street parking will be provided in the area in accordance with City PBOD ratios outlined in 10-2055(e)(1).

## **Heights**

The accompanying map shows maximum heights for all areas of the plan. The goal is to provide pedestrian scale facades along Hillsborough and Morgan Streets and height transitions to and from lower scale structures.

Note that allowable heights in this area for the various current zoning are:

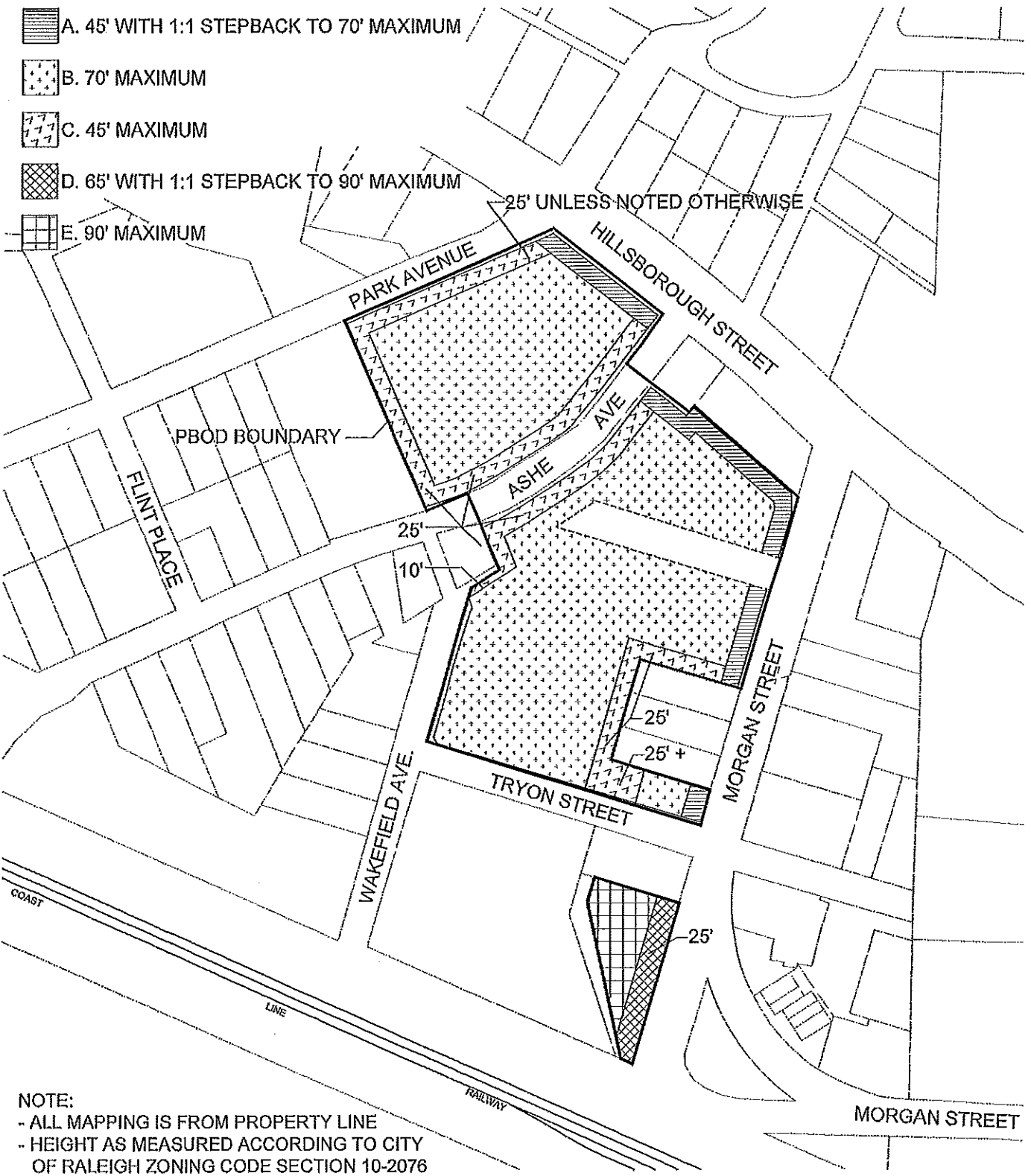
I-2	50 ft w/ 1 ft increase for each 1 ft added setback width
All other districts	40 ft w/ 1 ft. increase for each 1 ft added setback width

## **Street Trees**

Street trees will be installed per the streetscape plan at the time of development of the parcels at public right of ways prior to the issuance of a certificate of occupancy for the development on the parcel.

Refer to sidewalk plan on page 9 for typical tree spacing. Refer to page 14 for tree species. Refer to page 15 for tree grate specifications. Refer to page 16 for tree planting details.

# Hillsborough Morgan Building Heights



NOTE:  
 - ALL MAPPING IS FROM PROPERTY LINE  
 - HEIGHT AS MEASURED ACCORDING TO CITY OF RALEIGH ZONING CODE SECTION 10-2076  
 - ADDITIONAL SETBACKS AND DEVELOPMENT RESTRICTIONS MAY APPLY. REFER TO CASE Z-11-10 FOR DETAILS.

# Proposed Street Trees

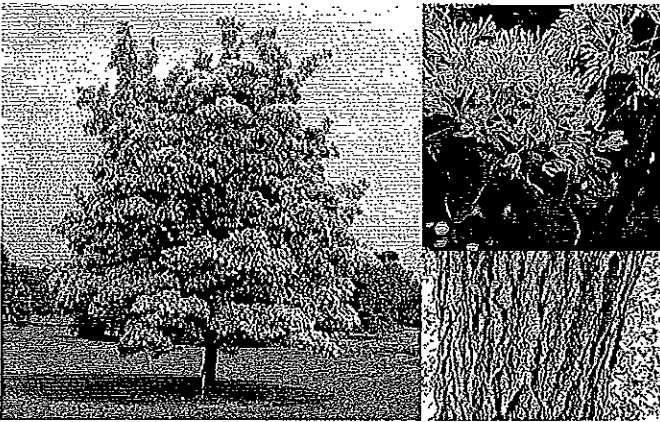
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**Chinese Pistache**  
*(Pistacia chinensis)*

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Location: Hillsborough Street  
Shape: Oval; Round; Spreading; Vase Shape  
Foliage: Green w/ Red Flower  
Fall Color: Orange-Red  
*(This tree is already in use to the west)*



**Chinese Fringe Tree**  
*(Chionanthus retusus)*

---

Location: Secondary, Morgan w/ Power Lines  
Shape: Round, Vase Shape  
Foliage: Green w/ White Flower  
Fall Color: Yellow



**Japanese Zelkova**  
*(Zelkova serrata)*

---

Location: Secondary, Morgan w/o Power Lines  
Shape: Vase Shape  
Foliage: Rough, Dark Green  
Fall Color: Copper; Orange; Red; Yellow

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## Proposed Tree Grates

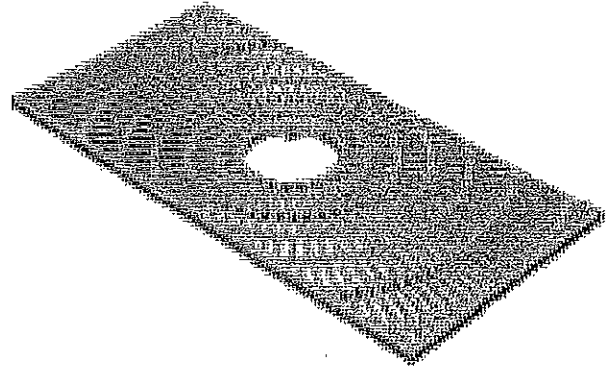
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Manufacturer: Neenah Foundry

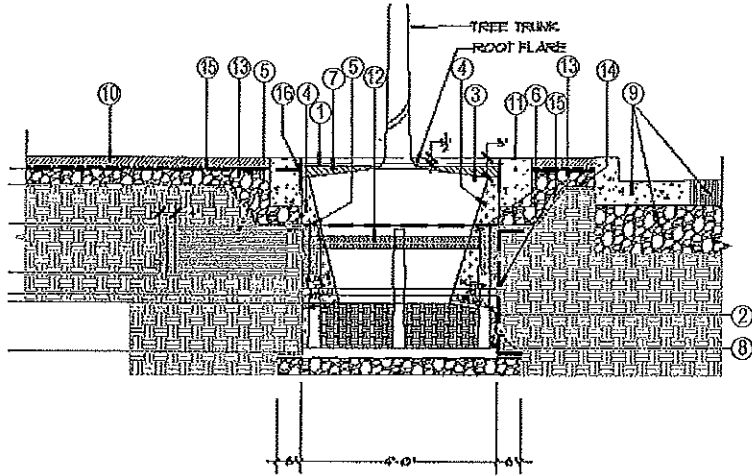
Tree grates are necessary to give the young tree access to oxygen while still allowing the space to be available for pedestrian traffic on a congested sidewalk.

Tree guards are not specified as part of the streetscape plan due to the often adverse impact of items chained to tree guards on the health of trees.

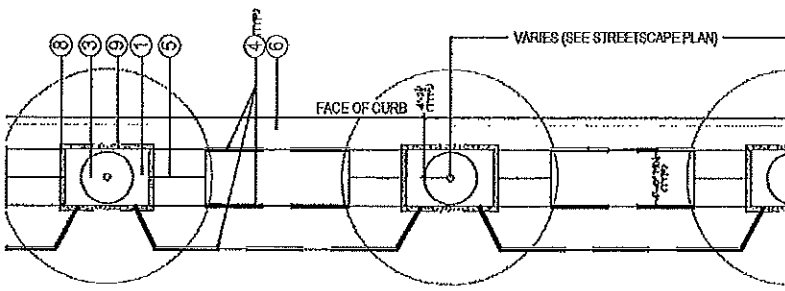
Note: All grates to be ADA compliant



# Proposed Tree Planting Details



- ① TREE PIT OPENING
- ② CRUSHED STONE DRAIN SUMP W/ FILTER FABRIC WRAP
- ③ TREE ROOTBALL, REMOVE TOP 1/3 OF WIRE BASKET OR ROOTBALL STRAPS, REMOVE TOP 1/2 OF BURLAP ROOTBALL COVERINGS, REMOVE ALL SYNTHETIC STRAP MATERIAL AND COVERINGS FROM ENTIRE ROOTBALL, SET TOP SURFACE ELEVATION OF ROOTBALL FLUSH WITH FINAL EXISTING GRADE,
- ④ BACKFILL WITH PLANTING SOIL
- ⑤ TREE PIT ROOT PATH AERATION SHEET IN TRENCH, BACKFILL TRENCH W/SPECIFIED SOILS. EXTEND IN-LINE TO NEXT ADJACENT TREE,
- ⑥ DEEP ROOT SILVA CELL, WITH 3" OF COMPOST BETWEEN SILVA CELL DECK AND PLANTING SOIL BACKFILL WITH PLANTING SOILS.
- ⑦ 2" MULCH AS SPECIFIED (DO NOT MULCH WITHIN 6" OF TREE TRUNK)
- ⑧ 4" DRAIN PIPE
- ⑨ CONCRETE CURB, GUTTER, ROADWAY AND BASE
- ⑩ CONCRETE/BRICK PAVER WALKWAY
- ⑪ 4' x 12" FLUSH CONCRETE EDGE
- ⑫ 3" COMPOST BETWEEN SILVA CELL AND PLANTING SOIL
- ⑬ AGGREGATE BASE COURSE
- ⑭ 24" WIDE GEOTEXTILE, 18" MINIMUM OVERLAP PAST EXCAVATION
- ⑮ GEOGRID. 'J' 6" MINIMUM BELOW BACKFILL AT BASE. OVERLAP 12" MINIMUM AT T
- ⑯ METAL TREE GRATE FRAME



- ① TREE PIT OPENING 6'-8" x 4'-0" (TYP.)
- ② 4" PVC DRAIN PIPE IN STONE DRAIN SUMP WRAPPED IN FILTER FABRIC.
- ③ TREE ROOTBALL.
- ④ TREE PIT ROOT PATH AERATION SHEET IN 4" WIDE TRENCH, BACKFILL TRENCH W/SPECIFIED SOILS, EXTEND IN-LINE TO NEXT ADJACENT TREE
- ⑤ DEEP ROOT SILVA CELL (DOUBLE STACKED), BACKFILL WITH SPECIFIED SOILS
- ⑥ CONCRETE CURB AND GUTTER
- ⑦ CONCRETE / PAVER WALKWAY
- ⑧ 4' x 12' CONCRETE CURB AROUND TREE PIT, FLUSH WITH BRICK PAVING
- ⑨ METAL TREE GRATE FRAME

The decision to use root paths and Silva Cells prevents the soil from compacting and allowing the roots more room to grow and providing much needed nutrients for larger healthier tree. The current planting detail provides no additional systems for the tree to thrive in harsh urban environments.

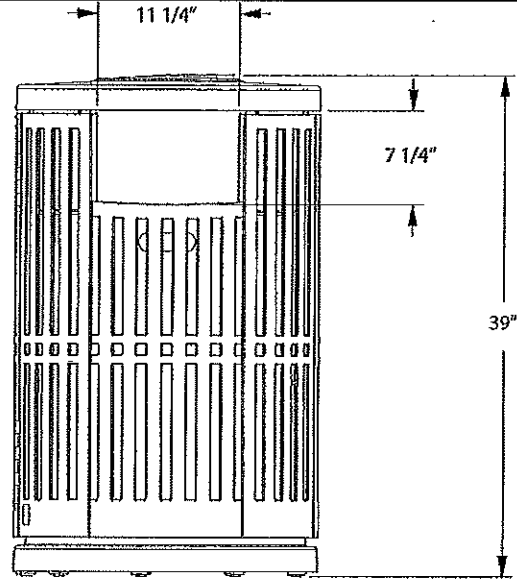
Note: This detail and associated text/information was taken from the University Village Streetscape Plan Amendment for continuity purposes.



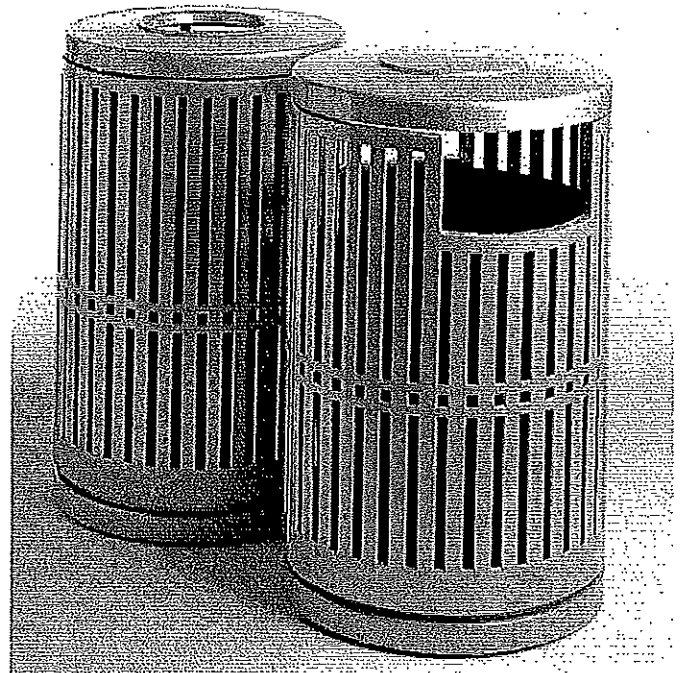
# Proposed Trash Receptacle

Manufacturer: Landscape Forms  
Color: Anodized Finish  
Style: Chase Park  
Description: 24" Diameter / 36 Gallon  
Side Opening Litter  
Notes: 61% Recycled Material  
100% Recyclable

This contemporary style was selected because it is designed and built to meet the rigors of urban spaces. This design features a hinged door that swings open for easy trash removal. The closed top was requested by both the parks and recreation department and the maintenance staff to keep rain water out of the trash receptacle. This product is made from 61% recycled material and is 100% recyclable. Landscape Forms powder coat finish contains no heavy metals and has extremely low VOCs



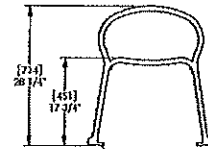
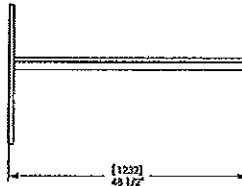
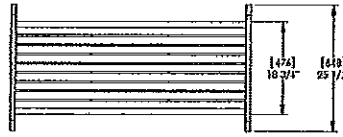
Note: These cans can be employed in select locations should the City of Raleigh extend pick-up service to the area.



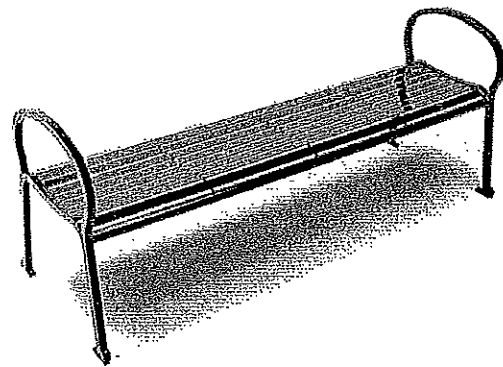
Note: This site fixture and associated text/information was taken from the University Village Streetscape Plan Amendment for continuity purposes.

# Proposed Bench

Manufacturer: Landscape Forms  
Color: Stone  
Style: Scarborough  
Description: Flat Bench - 2 End Arms  
Notes: 90% Recycled Material  
100% Recyclable



GUIDE FOR FREESTANDING UNIT.  
REMOVE TO SURFACE MOUNT.  
[1] Ø 3/8 (10) HOT-CORROSION BOLTS  
RECOMMENDED FOR ANCHORAGE.  
PROVIDED BY OTHERS.

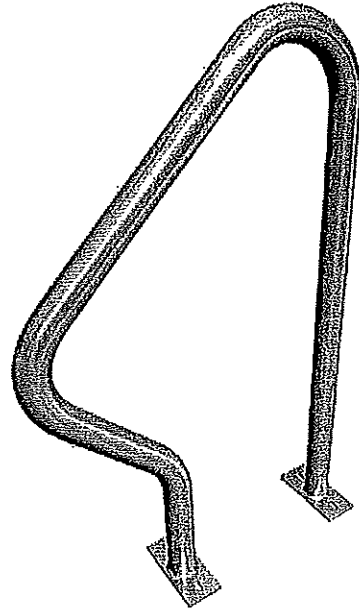


Note: Benches will be added at properties subject to transit easements at the time of development and prior to issuance of a Certificate of Occupancy for development of the parcel.

## Proposed Bike Rack

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Manufacturer: Dero  
Color: Stainless Steel  
Style: Swerve Bike Rack  
Notes: 67% Recycled Material  
100% Recyclable

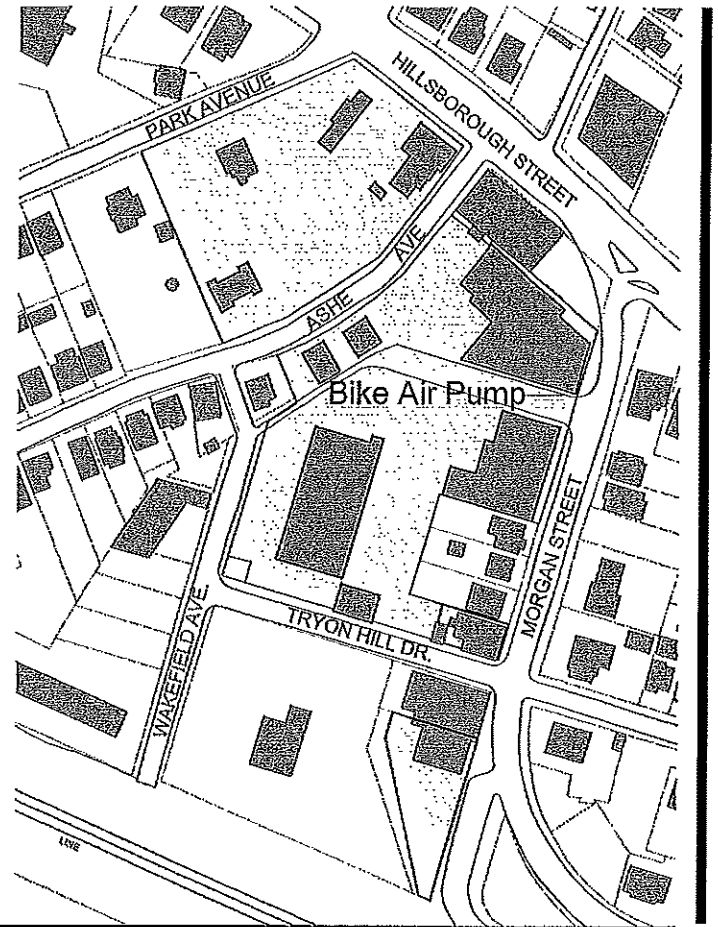
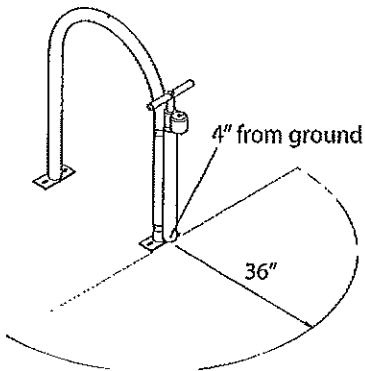
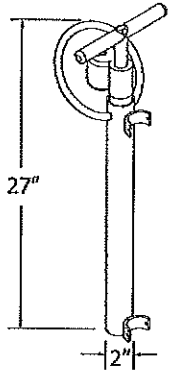
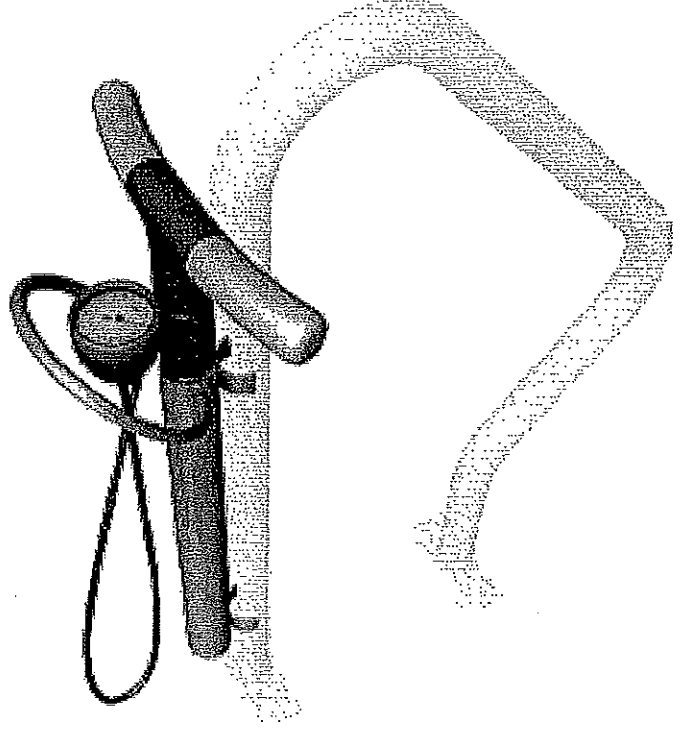


Note: Bicycle parking facilities will be provided per 10-2055(e)(6) at the time of development and prior to issuance of a Certificate of Occupancy for development of the parcel.

# Proposed Air Pump

Manufacturer: Dero  
Product: Air Kit  
Description: Bicycle rack mounted air pump

Note:  
Bike pump will be located as shown in map below and installed at the time of development and prior to issuance of a Certificate of Occupancy for development of the parcel on which the pump is located.





Z-34-12  
SSP-70-12

## EXHIBIT D

### SUMMARY OF DISCUSSION ITEMS

On Tuesday, June 12, 2012, at 5:30 p.m., the applicant held a neighborhood meeting for the property owners adjacent to the parcel subject to the proposed rezoning. The following items were discussed:

1. Status of construction on phase one
2. Proposed use for parking lot along Ashe Avenue in phase one
3. Timeline for development on townhomes along Ashe Avenue in phase one
4. Timeline for development on phase two
5. Types of retail and size of retail space

**EXHIBIT E**

**NEIGHBORHOOD MEETING ATTENDEES**

Alan Jurkowski  
Victoria Schoenfield  
Paul Umbach  
Kelsey Mosley  
Peter Pace  
Garry Hoover  
Robert Birch  
Charles Phaneuf  
Joey Humphrey  
Shannon Lamm  
Robert Jones  
David Meeker  
Lon Jurkowski  
Ted Van Dyk  
Mack Paul  
Jeff Murison  
Mike Lindsay  
Arthur Gordon