



# RALEIGH PLANNING COMMISSION CERTIFIED RECOMMENDATION

CR#

## CASE INFORMATION: Z-16-19 FAYETTEVILLE STREET

<b>Location</b>	<p>Fayetteville Street, on its west side, between W. Hargett Street and W. Martin Street</p> <p>Addresses: 19 W Hargett St; 208, 218, 220, 222, 224, 228, 230, and 234 Fayetteville St; and 14 W Martin St</p> <p>PINs: 1703688302, 1703688257, 1703688159, 1703688146, 1703688143, 1703688048, 1703688065, 1703688042, 1703679916, and 1703678946</p> <p><a href="#">iMaps</a>, <a href="#">Google Maps</a>, <a href="#">Directions from City Hall</a></p>
<b>Current Zoning</b>	DX-5-SH, DH-7-SH, and DX-12-SH
<b>Requested Zoning</b>	DX-40-SH-CU
<b>Area of Request</b>	1.52 acres
<b>Corporate Limits</b>	The site is within Raleigh's corporate limits.
<b>Property Owner</b>	See Attachment 1 in application.
<b>Applicant</b>	<p>Mack Paul</p> <p>Morningstar Law Group</p> <p>421 Fayetteville Street, Suite 530</p> <p>Raleigh, NC 27601</p>
<b>Citizens Advisory Council (CAC)</b>	<p>Central CAC</p> <p>Vice Chair Brad Johnson</p> <p>bradamj@gmail.com</p>
<b>PC Recommendation Deadline</b>	September 23, 2019

## SUMMARY OF PROPOSED CONDITIONS

1. The existing building facades will be preserved above the ground floor. A ten-foot stepback will be provided from the tops of the existing buildings.

## COMPREHENSIVE PLAN GUIDANCE

<b>Future Land Use</b>	Central Business District
<b>Urban Form</b>	Downtown, Transit Emphasis Corridor (Salisbury Street)
<b>Consistent Policies</b>	<p>Policy LU 1.2—Future Land Use Map and Zoning Consistency</p> <p>Policy LU 1.3—Conditional Use District Consistency</p> <p>Policy LU 2.2—Compact Development</p> <p>Policy LU 4.7—Capitalizing on Transit Access</p>

	Policy LU 4.8—Station Area Land Uses Policy UD 1.3—Creating Attractive Facades Policy UD 1.10—Frontage Policy UD 7.3—Design Guidelines Policy HP 2.7—Mitigating Impacts on Historic Sites Policy HP 3.2—Retention Over Replacement Policy DT 1.16—High Density Development Policy DT 3.1—Ground Floor Uses on Primary Retail Streets Policy DT 7.2—Maintaining Consistent Setbacks Policy DT 7.3—Streetwalls Policy DT 7.19—Downtown Design Guideline Consistency
<b>Inconsistent Policies</b>	Policy LU 2.1—Placemaking Policy LU 5.1—Reinforcing the Urban Pattern Policy UD 1.2—Architectural Features Policy UD 1.4—Maintaining Facade Lines Policy UD 5.1—Contextual Design Policy HP 1.2—Cultural and Historic Resource Preservation Policy HP 3.4—Context Sensitive Design Policy DT 7.5—Ground Level Design

### **FUTURE LAND USE MAP CONSISTENCY**

The rezoning case is  **Consistent**  **Inconsistent** with the Future Land Use Map.

### **COMPREHENSIVE PLAN CONSISTENCY**

The rezoning case is  **Consistent**  **Inconsistent** with the 2030 Comprehensive Plan.

### **PUBLIC MEETINGS**

<b>Neighborhood Meeting</b>	<b>CAC</b>	<b>Planning Commission</b>	<b>City Council</b>
4/8/2019 (9 attendees)	6/3/2019	6/25/2019	

### **PLANNING COMMISSION RECOMMENDATION**

- The rezoning case is **Consistent** with the relevant policies in the Comprehensive Plan, and **Approval** of the rezoning request is reasonable and in the public interest.
- The rezoning case is **Consistent** with the relevant policies in the comprehensive Plan, but **Denial** of the rezoning request is reasonable and in the public interest.
- The rezoning is **Inconsistent** with the relevant policies in the Comprehensive Plan, and **Denial** of the rezoning request is reasonable and in the public interest.





# ZONING STAFF REPORT – CASE Z-16-19

## Conditional Use District

### OVERVIEW

This petition proposes to rezone 1.52 acres composed of 10 parcels in two, non-contiguous tracts in the 200 block of the west side of Fayetteville Street. Fayetteville Street is one of the axial streets in the William Christmas Plan, Raleigh’s original street grid. The rezoning site lies one block south of Union Square (Capital Square) and three blocks north of the Duke Energy Center for Performing Arts. The Moore Square Transit Station is one block to the east. The Wake County Justice Center is one block south.

The rezoning site is centrally located in downtown Raleigh. Buildings in the surrounding area range in height from two stories to 33 stories. Many uses are represented in the area, including apartments, offices, stores, restaurants, parks, and government buildings. The urban form of the area is very urban, with most buildings having zero-foot setbacks except for plazas, loading docks, or entranceways.

Two local historic districts are present in close proximity to the site. The Capital Square Historic Overlay District surrounds Union Square one block to the north. The Moore Square Historic Overlay District is mapped east of the site in the area around Moore Square Park. There are two National Register Historic Districts, Capital Area and Moore Square, that correspond to these local overlay districts but have slightly different boundaries.

The Fayetteville Street National Register Historic District (Fayetteville Street Historic District) includes the rezoning site as well as most of the east side of the 200 block of Fayetteville Street, parts of the 300 block of Fayetteville Street, and nearby parts of W. Hargett Street. The Fayetteville Street Historic District is composed of buildings dating from 1874 to 1965. The district is characterized by a diverse range of architectural styles including Italianate, Art Deco, International, and Brutalist.

Nine of the ten parcels in the request contain historic resources that contribute to the character of the Fayetteville Street Historic District. Heights of contributing historic resources in the historic district range from one story to 16 stories. The tallest building within the site is 10 stories. The majority of the contributing historic buildings in the rezoning site show some degree of architectural flourishes on their facades that face Fayetteville Street. Four of the buildings within the site are local landmarks, which are subject to Certificate of Appropriateness requirements.

The rezoning site is completely developed and forms most of the block face along Fayetteville Street. The existing buildings have a consistent setback from the street, forming a uniform street wall punctuated in places by recessed entrances. The entire site is zoned with the Downtown Mixed Use (DX) district and the Shopfront frontage (SH). There are three zoning heights covering the ten parcels. The northernmost parcel is zone DX-12-SH, the central portion of the request area is zoned for five stories (DX-5-SH). The parcel at the corner of Fayetteville Street and W. Martin Street has a seven-story height limit (DX-7-SH).

The Urban Form map designates the rezoning area for Central Business District, which supports a wide range of land uses and heights of up to 40 stories in the core of downtown. The Urban Form Map shows the site in the Downtown center. Urban frontages are encouraged in this center. A Transit Emphasis Corridor is also mapped on the Urban Form map for Salisbury Street and W. Martin Street where they abut the site.

The proposed zoning is Downtown Mixed Use-40 Stories-Shopfront-Conditional Use (DX-40-SH-CU). One condition is offered which requires facades of most of the historic resources in the site to be preserved above the ground floor. Additionally, any new construction would have to be set back ten feet horizontally from the tops of the existing facades. The proposal would allow for considerably more height than is currently permitted. This expansion in entitlement may encourage demolition of portions of the contributing structures on the site that are not protected by local landmark status or the offered zoning condition.

In May 2019 the City Council accepted the Historic Preservation Toolkit (HPT) report. The City Council had requested and funded this report in order to identify innovative and targeted strategies for encouraging preservation of historic resources in mixed-use and non-residential settings. The report included as a recommended tool the concept of Façadism. Façadism is a method of redeveloping a historic site by retaining some amount of a historic structure adjacent to the street (the façade) and constructing a new, usually taller, building behind it.

While the HPT report cited Façadism as a recommended tool, it included significant disclaimers about the historic preservation value of this approach. According to the report, Façadism “cannot truly be considered preservation”. The report lists three degrees of Façadism, defined by the depth of the original structure that is retained in the new development.

One of these types, Decorative Façadism, is defined in the report as retaining only the exterior wall. The zoning condition offered in this case could be considered Decorative Façadism based on this definition. Decorative Façadism, per the report, “satisfies none of the environmental values and few of the cultural values of historic preservation”. Further, the report notes that maintaining the front 20-40 feet of the historic structure, as opposed to 10-20 feet, is “more effective for maintaining the feel and scale of a historic streetscape”.

## OUTSTANDING ISSUES

Outstanding Issues	1. None	Suggested Mitigation	1. None
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# Existing Zoning Z-16-2019

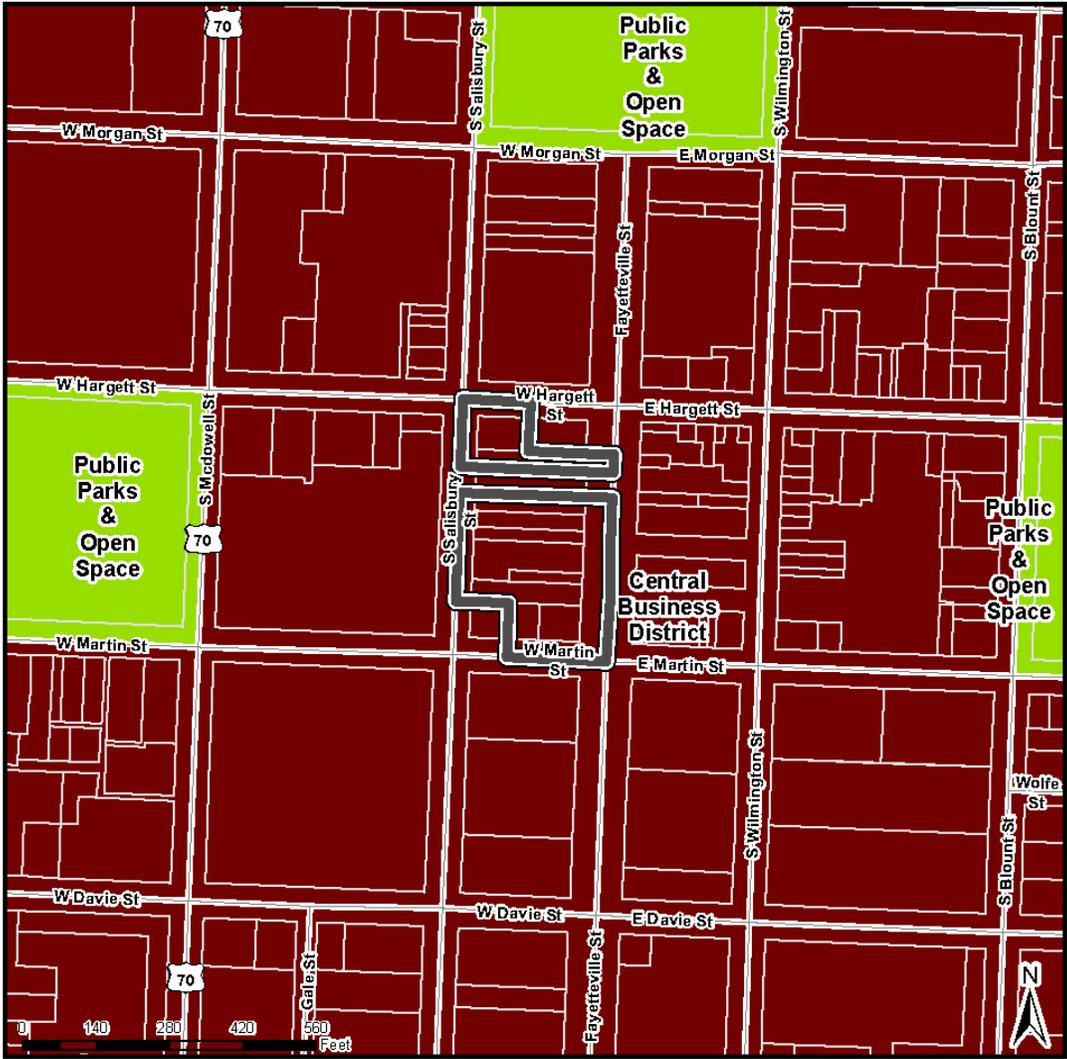


<b>Property</b>	Block of Fayetteville, Hargett, Salisbury, & Martin Streets
<b>Size</b>	1.52 acres
<b>Existing Zoning</b>	DX-5-SH, DX-7-SH, & DX-12-SH
<b>Requested Zoning</b>	DX-40-SH-CU

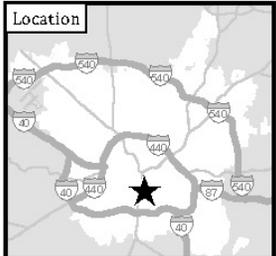


Map by Raleigh Department of City Planning (redkhowh); 5/8/2019

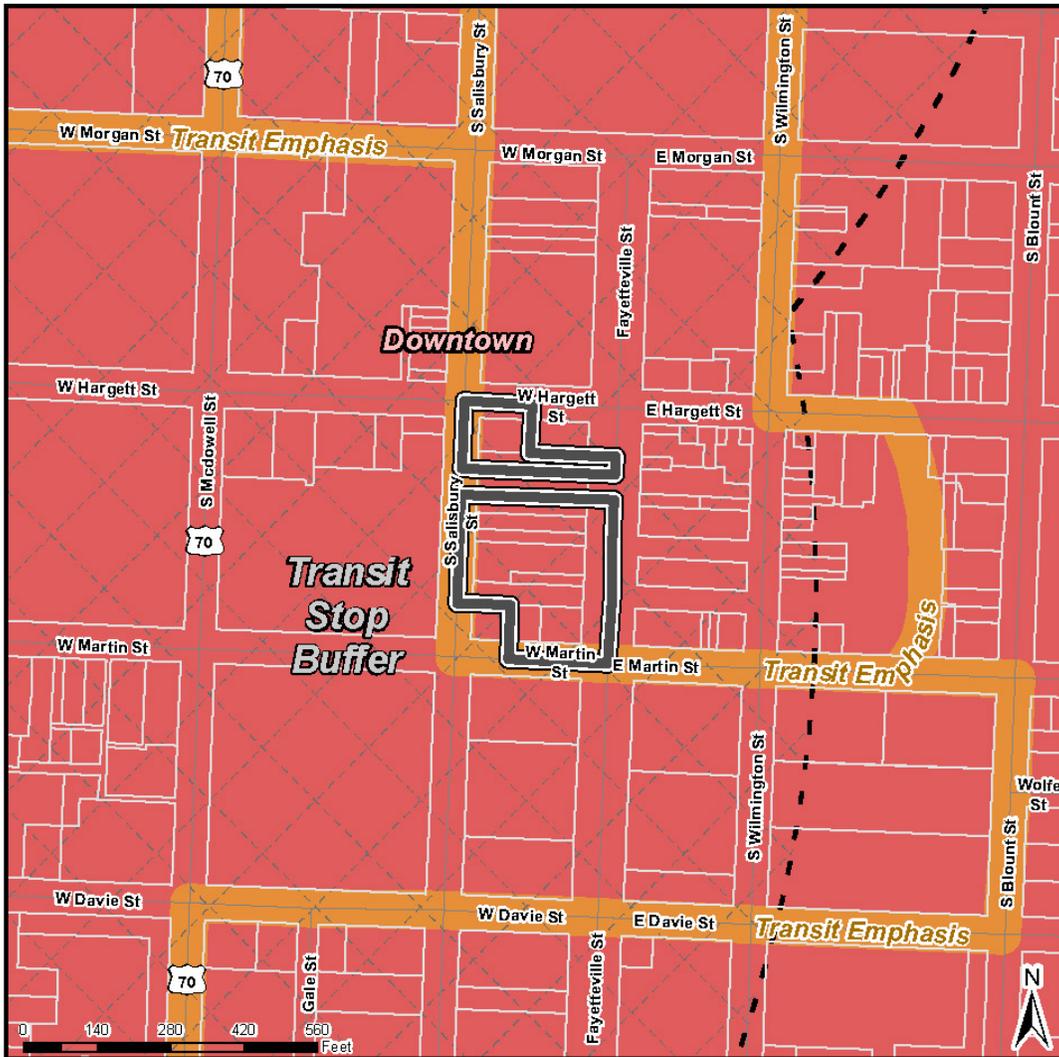
# Future Land Use Z-16-2019



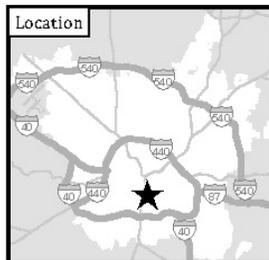
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Map by Raleigh Department of City Planning (redkhowh); 5/8/2019



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Map by Raleigh Department of City Planning (redkhowh); 5/8/2019

# COMPREHENSIVE PLAN

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

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

Yes, the proposal is consistent with the Managing Our Growth vision theme because it would allow additional density in an area that is walkable, mixed-use, accessible to transit, and well-served by existing City facilities. The requested frontage also supports this vision theme by encouraging an urban form that is pedestrian-friendly and may help to activate the street.

The Coordinating Land Use and Transportation vision theme is also aligned with the proposed zoning because this vision theme suggests that recent investments in Moore Square Station and the Raleigh Union Station should be coordinated with land use policies that “support successful. . .public transit services.” The additional density and range of uses requested can support these investments. The planned bus station adjacent to Raleigh Union Station (RUS Bus) can also benefit from this additional density.

The request is inconsistent with the Growing Successful Neighborhoods and Communities vision theme because it does not offer conditions that sufficiently protect the historic resources on the site and the character of the surrounding National Register Historic District (NRHD). The offered condition requires preservation of most of the portion of the existing historic building façades that face Fayetteville Street and are above the ground floor.

However, the request does not require any articulation of the ground floor, which would be in keeping with the historic storefront character of the street. In addition, the proposed zoning would allow building heights that are substantially taller than the prevailing character of the NRHD even if the taller historic buildings in the district are considered. The tallest buildings in the Fayetteville Street Historic District have heights of less than 20 stories.

Considering the analysis described above, the request is generally consistent with the Vision Themes and policies of the Comprehensive Plan because it supports dense development in an area where the most urban densities are encouraged and which is well-served by existing infrastructure. The alignment of the proposal with these policy goals outweighs the detriments to the Comprehensive Plan’s historic preservation policies.

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

Yes, the Central Business District designation that is present on the site recommends the uses that are allowed by the Downtown Mixed Use (DX) zoning district. DX is the district recommended by this designation.

- C. If the use is not specifically designated on the Future Land Use Map in the area where its location is proposed, is it needed to service such a planned use, or could it be established without adversely altering the recommended land use and character of the area?

Not applicable. The uses proposed are designated on the Future Land Use Map.

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

Yes, the existing infrastructure at the site is sufficient to serve the proposed zoning.

## Future Land Use

**Future Land Use designation:** Central Business District

**The rezoning request is**

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

**Inconsistent**

The Central Business District designation of the Future Land Use Map supports the development of a wide range of land uses, including housing, offices, retail, institutional buildings, and cultural outlets. Density in the designation is anticipated to be the highest in the city. The proposed height is supported by the text of the designation due to the location of the rezoning site in the core of downtown. Table LU-2, which lists suggested heights for each Future Land Use designation, supports the proposed height as well.

## Urban Form

**Urban Form designation:** Downtown

**The rezoning request is**

**Consistent** with the Urban Form Map.

**Inconsistent**

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

The Downtown area of the Urban Form Map recommends an urban frontage. The request includes the Shopfront frontage, which is an urban frontage.

## Compatibility

### The proposed rezoning is

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

**Incompatible.**

The requested zoning district allows uses that are currently permitted and a common part of the development pattern in the surrounding area. The proposed frontage would require new development to be similar in form to the existing built environment of the site and adjacent areas.

The height allowed by the proposal is not compatible with the historic context of the Fayetteville Street Historic District. Even if the tallest buildings in the historic district are used as a reference, 40 stories is more than double the height of the tallest historic building.

Building heights of 20 stories or less would be more compatible with the historic character of the site. Additionally, new construction that is taller than the existing structures on the site can be made more compatible through setbacks greater than the ten-foot setback that is offered via zoning condition.

## Public Benefits of the Proposed Rezoning

The proposed zoning would allow additional density on the rezoning site, potentially creating more housing, employment, and options for goods and services in the downtown area.

## Detriments of the Proposed Rezoning

The proposed zoning may create a greater incentive to demolish the historic resources on the site that are not protected by local landmark status or the offered zoning condition.

## Policy Guidance

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

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

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

*The proposed Downtown Mixed Use district allows uses that are recommended by the Future Land Use designation on the site, Central Business District. The height requested in the case is aligned with the height guidance provided in Table LU-2, which calls for heights of up to 40 stories in the core of downtown.*

### **Policy LU 1.3—Conditional Use District Consistency**

All conditions proposed as part of a conditional use district (CUD) should be consistent with the Comprehensive Plan.

*The offered zoning condition protects portions of historic resources. This protection improves the consistency of the proposal with historic preservation policies of 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.

*Development enabled by the zoning would be of higher density than what is allowed by the existing zoning. The rezoning site is well-served by existing City facilities and services and is in the most urbanized part of Raleigh.*

### **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.

*Raleigh Union Station is less than one-half mile from the rezoning site. The RUS Bus facility, which will be a station for bus rapid transit service, is proposed to be constructed adjacent to Raleigh Union Station. The rezoning would allow additional density in an area that is a walkable distance to these stations.*

### **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 Moore Square Station is located less than one block from the rezoning site. The zoning district requested allows the mix of uses recommended by this policy.*

### **Policy UD 1.3—Creating Attractive Facades**

Well-designed building facades, storefront windows, and attractive signage and lighting should be used to create visual interest. Monolithic or box-like facades should be avoided to promote the human quality of the street.

*The offered condition to retain the existing historic facades above the ground floor is consistent with this policy. The historic facades are mostly well-designed and create significant visual interest. The horizontal and vertical massing of the existing buildings will be superficially retained, reducing the monolithic quality of any new construction.*

**Policy UD 1.10—Frontage**

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

*All of the zoning districts in the area surrounding the site include urban frontages and most are mapped with the Shopfront frontage. The Downtown designation on the Urban Form Map indicates that an urban frontage is appropriate for the site. The requested frontage of Shopfront is consistent with the surrounding area and aligned with the Urban Form Map guidance.*

**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 along Main Street and Transit Emphasis corridors; or in City Growth, TOD and Mixed-Use centers, 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.

*The proposed Shopfront frontage includes build-to requirements that will require buildings to be placed close to the street and corners as called for in Guidelines 6, 7, 8, 12, and 23. The request would be more consistent with this policy if it required horizontal articulation of the first floor façade as called for in Guideline 25.*

**CONSISTENT**

***Guideline #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.*

***Guideline #7:** Buildings should be located close to the pedestrian-oriented street (within 25-foot 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.*

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

***Guideline #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.*

***Guideline #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.

### **INCONSISTENT**

**Guideline #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.*

#### **Policy HP 2.7—Mitigating Impacts on Historic Sites**

Development proposals adjacent to or including historic sites should identify and minimize or mitigate any negative development impacts on those sites.

*The rezoning case includes a condition that mitigates removal of historic fabric by preserving the historic facades on Fayetteville Street. The condition also attempts to mitigate the large increase in allowed height by requiring a setback above the existing buildings. The requested height is inconsistent with this policy and reducing the height would improve consistency. The offered mitigation efforts are sufficient to make the proposal generally consistent with this policy.*

#### **Policy HP 3.2—Retention Over Replacement**

Encourage the preservation and rehabilitation of significant or contributing existing structures, favoring retention over replacement, especially in areas where other historic resources are present.

*The request would require retention of the historic facades along Fayetteville Street. Under the current zoning, the buildings that are not local landmarks could be demolished. Local landmarks could be demolished under the current zoning after a 365-day waiting period.*

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

#### **Policy LU 2.1—Placemaking**

Development within Raleigh’s jurisdiction should strive to create places, streets, and spaces that in aggregate meet the needs of people at all stages of life, are visually attractive, safe, accessible, functional, inclusive, have their own distinctive identity, and maintain or improve local character.

*The height enabled by the requested zoning would be detrimental to the historic character of the site. While the offered setback condition and additional setbacks required by the UDO mitigate this impact, the discrepancy between the proposed height and the heights of historic resources on the site is difficult to completely mitigate through setbacks. Reduction of the proposed height would decrease the potential for negative effects on the local character of the site.*

### **Policy LU 5.1—Reinforcing the Urban Pattern**

New development should be visually integrated with adjacent buildings, and more generally with the surrounding area. Quality design and site planning is required so that new development opportunities within the existing urban fabric of Raleigh are implemented without adverse impacts on local character and appearance.

*The request would allow buildings to be constructed which are significantly taller than the prevailing character of the Fayetteville Historic District. The offered and UDO-required stepbacks may not be sufficient to avoid adverse impacts on the historic fabric of the area. Additionally, the proposal does not require articulation of the ground floor façade in a similar fashion to the existing storefronts. While the requested frontage will impose some level of pedestrian-friendly ground-floor elements, the existing character has a greater degree of articulation than the UDO requires.*

### **Policy UD 1.2—Architectural Features**

Quality architecture should anchor and define the public realm. Elements of quality architecture include architectural accents and features conducive to pedestrian scale and usage, such as a distinct base, middle, and top (for high-rise buildings); vertical and horizontal articulation; rooflines that highlight entrances; primary entrances on the front façade; transparent storefront windows and activated uses on the ground floor; and corner buildings with defining landmark features.

*Both the existing and proposed zoning will require new construction to have features that are consistent with this policy due to the Shopfront frontage. The existing buildings on the site are already consistent with this policy. In contrast, the proposal may encourage the removal of some of the existing features that serve this policy by creating an incentive to redevelop the site.*

*No conditions have been offered to require new construction to provide the level of horizontal articulation that currently exists. Additionally, the stepbacks required for new construction through the offered condition and the UDO may not be sufficient to distinguish the base, middle, and top of a 40-story tall building.*

### **Policy UD 1.4—Maintaining Facade Lines**

Maintain the established facade lines of neighborhood streets by aligning the front walls of new construction with the prevailing facades of adjacent buildings, unless doing so results in substandard sidewalks. Avoid violating this pattern by placing new construction in front of the historic facade line unless the streetscape is already characterized by such variations. Where existing facades are characterized by recurring placement of windows and doors, new construction should complement the established rhythm.

*The increased entitlement of the proposal would provide additional incentive to remove the ground floor streetscape. New construction could diverge from the established ground-floor rhythm of the historic commercial buildings. The request would be more consistent with this policy if conditions were offered to require articulation of the ground floor in a way that mimics the historic storefront pattern.*

### **Policy UD 5.1—Contextual Design**

Proposed development within established neighborhoods should create or enhance a distinctive character that relates well to the surrounding area.

*The rezoning request, by enabling significantly more height than is allowed currently, creates a greater incentive to redevelop the site. Redevelopment under the proposed zoning could involve removal of historic fabric, deterioration of the street-level pedestrian experience, and a lack of proper delineation between historic and new structures. These potential impacts would not enhance the character of the Fayetteville Street Historic District. The zoning condition to retain historic facades reduces the inconsistency of this policy.*

### **Policy HP 1.2—Cultural and Historic Resource Preservation**

Identify, preserve, and protect cultural and historic resources including buildings, neighborhoods, designed and natural landscapes, cemeteries, streetscapes, view corridors, and archaeological resources.

*The proposal increases the likelihood of historic resources being partially or fully demolished to enable new construction that maximizes the requested height. In order for the additional height to be realized, historic fabric is likely to be removed during the construction process. Additionally, if the proposed height is mostly or fully utilized, the sense of place created by the existing historic facades is likely to be diminished.*

*Stepbacks ameliorate this impact but do not remove it completely. Moreover, the identity of Fayetteville Street as a symbolic axis of Raleigh's original street plan makes the view corridor along Fayetteville Street toward the Capital Square a historic resource. The relative narrowness of the block surrounding the site limits the ability to make use of the proposed height without infringing on the view corridor.*

*A zoning condition is offered that would require historic facades to be preserved above the ground floor. While the condition is aligned with the goals of this policy, the redevelopment pressure created by the request and the potential harm to the Fayetteville Street streetscape and view corridor make the proposal inconsistent with this policy as a whole.*

### **Policy HP 3.4—Context Sensitive Design**

Use the existing architectural and historical character within an area as a guide for new construction.

*No conditions have been offered to indicate that the character of Fayetteville Street Historic District will inform new construction on the site. Articulation of the ground floor along Fayetteville Street, lower height, and incorporation of historic materials or design elements would align the case with this policy.*

## Area Plan Policy Guidance

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

### **Policy DT 1.16—High Density Development**

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

*The rezoning site is located along Fayetteville Street. The height proposed is the highest density allowed in a Mixed Use district. The proposal would allow the level of density recommended in a location identified in this policy.*

### **Policy DT 3.1—Ground Floor Uses on Primary Retail Streets**

New development should dedicate at least 60 percent of its linear frontage along the public right-of-way of Primary Retail Streets as identified on Map DT-6 for ground-floor space designed and constructed to accommodate one or more retail uses including consumer-goods shops, dining and eating establishments, convenience goods, museums, galleries, arts and entertainment uses, and hotel lobbies.

*The only building type allowed in the Shopfront frontage is the Mixed Use building type. The Mixed Use building type is required to be constructed to accommodate retail uses on the first floor.*

### **Policy DT 7.2—Maintaining Consistent Setbacks**

New buildings should respond to the existing built character by using similar setbacks and stepbacks to provide a continuous cornice line and consistent street-level pedestrian experience. Along the principal north-south vehicular street pair, Dawson and McDowell streets, buildings should be set back to provide an approximately 20' wide pedestrian area between the street curb line and the building face.

*The build-to requirements of the requested Shopfront frontage will ensure a consistent setback across the rezoning site. The height and stepback standards in UDO Article 3.3 will provide stepbacks that are consistent with the surrounding area. Additionally, a stepback from the existing buildings is offered via zoning condition that would further define the cornice of the streetwall.*

### **Policy DT 7.3—Streetwalls**

Except as required by code, the placement of buildings along the right-of-way should create a continuous streetwall that defines and accentuates the streets and squares.

*The Shopfront frontage has a build-to range of 15 feet within which 80% of the primary street frontage must contain a front principal building façade. This is the most restrictive build-to requirement and will encourage the creation of a consistent streetwall.*

**Policy DT 7.19—Downtown Design Guideline Consistency**

Development projects in the downtown should implement and be consistent with the design guidelines in Table DT-1 to the maximum extent practicable. See Appendix C for Table DT-1.

*Multiple elements of the proposal are supportive of the Downtown Design Guidelines. The requested Shopfront frontage and corresponding building type restriction (Mixed Use buildings only) will ensure orientation, transparency, first-floor height, and pedestrian entrance frequency that are consistent or nearly consistent with guidelines 7, 16, 18, 25, and 38.*

*The offered condition to maintain the façades of historic buildings supports Guidelines calling for quality materials, architectural detail, articulation, massing, and cornice lines as indicated by guidelines 6, 11, 13, 35, and 42. The conditioned stepback from the existing building facades also contributes to the consistency of the proposal by reinforcing the existing cornices. The UDO will require additional stepbacks for new buildings taller than 12 stories.*

*The request would be more consistent with the Downtown Guidelines if it required a similar level of articulation on the ground floor as is currently present in the existing buildings and recommended by Guidelines 9, 12, and 15. Due to the height proposed, deeper stepbacks than required by either the UDO or the offered zoning condition would help to define the zones of the building as described in Guideline 26.*

*The number and combination of guidelines in support of the case are greater in significance than the listed inconsistent guidelines. The preponderance of consistent guidelines brings the request into overall consistency with the Downtown Design Guidelines.*

**CONSISTENT**

***Guideline #6:** Building entries should be emphasized with architectural features, changes in roofline, different massing, or unique materials.*

***Guideline #7:** The primary pedestrian building entrances should be located along the store front. For buildings that front on three streets, the primary pedestrian entrances should be located on the axial street or the corner if the building is located at an intersection.*

***Guideline #11:** Facades should be broken into distinct 20-30 foot modules or bays from side to side to prevent a monolithic edge to the street.*

***Guideline #13:** The articulation of the façade should be designed to appear more vertical than horizontal.*

***Guideline #16:** A minimum of 2/3 of the first story façade should be windows. Of the total amount of glass on the first floor façade, a minimum of 85% must be transparent. Tinted or reflective glass is discouraged. First story windows should be located a maximum of three (3)*

feet above the adjacent sidewalk.

**Guideline #18:** *The first story floor-to-floor height of any new building on Fayetteville Street should be a minimum of twenty (20) feet.*

**Guideline #25:** *Walls of buildings should Parallel the orientation of the street grid.*

**Guideline #35:** *Building materials should be of stone, brick, or similar durable, high quality materials. Building form, articulation, and materials should respect and be sympathetic to the major governmental and institutional buildings in the area.*

**Guideline #38:** *A minimum of 35 percent of each upper story should be windows.*

**Guideline #42:** *Flat roof buildings should have decorative parapets with elements such as detailed cornices, corbeling, applied medallions, or other similar architectural treatments.*

### **INCONSISTENT**

**Guideline #9:** *The level of architectural detail should be most intense at street level, within view of pedestrians on the sidewalk.*

**Guideline #12:** *Large unarticulated walls are discouraged, and should have a window or functional public access at least every 10 feet.*

**Guideline #15:** *Recessed entries are encouraged. They should be no wider than one-third of the width of the storefront or 20 feet, whichever is less. Recessed entries should be a minimum of 4 feet deep, except where necessary to meet fire code.*

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

#### **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 existing ground level design of the rezoning site is largely consistent with this policy. The proposal creates incentives to redevelop the site in ways that may be less consistent with this policy through the creation of a less articulated, less pedestrian-scaled ground floor along Fayetteville Street.*

# IMPACT ANALYSIS

## Historic Resources

Preservation staff comments are provided in an attached letter. The request was presented to the Raleigh Historic Developments Commission (RHDC) at their June meeting. It will return to RHDC at their July meeting, at which time RHDC may make a recommendation.

**Impact Identified:** See attached letter.

## Parks and Recreation

1. This site is not directly impacted by any existing or proposed greenway trails, corridors, or connectors.
2. Nearest existing park access is provided by Nash Square Park (500 feet), Moore Square Park (900 feet), as well as Market & Exchange Plazas directly across Fayetteville St.
3. Nearest existing greenway trail access is provided by Martin St. Connector Greenway Trail (150 feet).
4. Current park access level of service in this area is graded an A letter grade.
5. Considering the site's impact on the public realm along Fayetteville Street, especially in relation to the site's proximity and orientation toward Market & Exchange Plazas, please note the following policy items from the Parks, Recreation and Open Space and Arts and Culture chapters of the Comprehensive Plan:
  - PR 5.4 Improving Park Access: "Public spaces should be included in private developments that can connect to and benefit from their proximity to public infrastructure and spaces such as greenway trails, public sidewalks, and plazas"
  - AC 1.1 Public Art and Neighborhood Identity: "Encourage the use of public art to create a neighborhood identity."

**Impact Identified:** No direct impact. See comments.

## Public Utilities

	Maximum Demand (current use)	Maximum Demand (current zoning)	Maximum Demand (proposed zoning)
Water	39,283 gpd	29,250 gpd	220,000 gpd
Waste Water	39,283 gpd	29,250 gpd	220,000 gpd

**Impact Identified:**

1. The proposed rezoning would add approximately 39,283 gpd to the wastewater collection and water distribution systems of the City. There are existing sanitary sewer and water mains adjacent to the proposed rezoning area
2. At the time of development plan submittal, a Downstream Sewer Capacity Study may be required to determine adequate capacity to support the proposed development. Any improvements identified by the study would be required to be permitted prior to the issuance of Building Permit & constructed prior to release of a Certificate of Occupancy
3. Verification of water available for fire flow is required as part of the Building Permit process. Any water system improvements recommended by the analysis to meet fire flow requirements will also be required of the Developer

**Stormwater**

<b>Floodplain</b>	n/a
<b>Drainage Basin</b>	Rocky
<b>Stormwater Management</b>	UDO Article 9.2
<b>Overlay District</b>	n/a

**Impact Identified:**

1. No downstream structural impacts identified.
2. Lot subject to UDO Article 9.2 for stormwater management.

**Transportation**

**Site Location and Context**

*Location*

The Z-8-2018 site is located in Downtown Raleigh, between Fayetteville Street, W Hargett Street, S Salisbury Street, and W Martin Street.

*Area Plans*

The Z-16-19 site is located in the Downtown Plan adopted in 2015. The *Move* framework chapter seeks to make walking, cycling and transit the preferred modes of travel within downtown. While no specific goals or actions for the subject portion of Fayetteville street are identified, the plan recognizes Fayetteville Street as the central axis to downtown connecting

east-west bicycle and pedestrian routes. Hargett and Martin Streets are identified as pedestrian oriented streets that should remain vibrant retail and restaurant corridors.

## **Existing and Planned Infrastructure**

### *Streets*

Fayetteville Street, W Hargett Street, and Martin Street are designated as Main Streets with parallel parking in the Raleigh Street Plan. Salisbury Street as paired with Wilmington is classified as an Avenue 4-lane with parallel parking. They are all maintained by the City of Raleigh.

In accordance with UDO section 8.3.2, the maximum block perimeter for a DX- zoning district is 2,000-feet. The existing block perimeter for Z-16-19, is approximately 1,300-feet. An east-west pedestrian connection bisecting the subject site from Fayetteville Street to Salisbury Street could improve block perimeter. This would align with existing and planned east-west connections from Nash Square to Moore Square (Dawson Street to Person Street).

### *Pedestrian Facilities*

There are existing sidewalks on all sides of the Z-16-19 parcel. There are midblock pedestrian crossings on both Salisbury Street and Fayetteville Street. There have been three non-fatal or disabling pedestrian crashes near the subject site in the last 5 years.

### *Bicycle Facilities*

There are bicycle lanes along S Salisbury Street, shared lane markings on Hargett Street, and no bicycle facilities on Fayetteville or W Martin Street. The Ten-Year Priority Bicycle Plan calls for separated bicycles lanes on W Martin Street between West Street and Chavis Way.

### *Transit*

The site is located adjacent to a growing transit hub with access to bus services via GoRaleigh Station. The station is less than a ¼ mile away with over a dozen GoRaleigh and GoTriangle routes servicing the station. BRT system implementation and service to this station is in preliminary design for the corridor following New Bern Avenue to the east of Downtown Raleigh. Some existing transit routes stop closer to the site.

### *Access*

Access to the subject site will be via any of the surrounding streets.

## **TIA Determination**

Approval of case Z-16-19 may increase trip generation by 631 vehicles in the PM peak hour and 449 vehicles in the AM peak hour. Trips generated may increase by 5,921 vehicles per day. The increase in PM peak hour trip generation may typically trigger the requirement for a TIA (greater than 150 peak hour trips). However, UDO Section 8.2.2.F indicates that a site plan may be approved where trip generation or traffic analysis demonstrate degradation of intersection level of service in Downtown Districts (DX-). As such and given the multimodal connectivity of this site location, the TIA requirement is waived for case Z-16-19.

It is not anticipated that the added trip generation potential for this development will impact the crash severity of those intersections. There are no other site context triggers that are applicable to this case.

Z-16-2019 Existing Land Use Office/Retail	Daily	AM	PM
	676	84	73
Z-16-2019 Current Zoning Entitlements Office/Retail/Residential	Daily	AM	PM
	1,384	149	147
Z-16-2019 Proposed Zoning Maximums Office/Retail/Residential	Daily	AM	PM
	7,304	598	779
Z-16-2019 Trip Volume Change (Proposed Maximums minus Current Entitlements)	Daily	AM	PM
	<b>5,921</b>	<b>449</b>	<b>631</b>

**Impact Identified: No Traffic Impact Analysis is required at this time.**

### Urban Forestry

1. This rezoning has no impact on Urban Forestry.

**Impact Identified: None.**

### Impacts Summary

The proposal would create additional demand for City facilities such as streets and public utilities. Improvements required during the development review process are expected to ensure adequate public facilities for new development entitled by the request. The request would also negatively alter the historic character of the site and surrounding area.

### Mitigation of Impacts

No mitigation is recommended for public infrastructure. Impacts to historic fabric may be mitigated through a reduction in the requested height, greater setbacks from the existing buildings, and articulation of the ground-floor façade.

## CONCLUSION

The rezoning site is in the center of downtown Raleigh, one block south of the Capital Square, and represents one of the most well-known and historic places in the city. The Fayetteville Street National Register Historic District is present on the site and adjacent blocks. The Future Land Use Map and Urban Form Map reflect the downtown location of the site with Central Business District and Downtown designations respectively. The site is within walking distance of Moore Square Station, Raleigh Union Station, and the proposed RUS Bus terminal.

The zoning request is to increase the allowed height from 5, 7, and 12 stories to 40 stories. The existing Downtown Mixed Use base district and the existing Shopfront frontage are proposed to remain mapped on the site. The proposal includes a zoning condition to preserve the historic facades along Fayetteville Street above the ground floor. The condition also requires a 10-foot setback from the tops of the existing buildings.

The effect of the request, if approved, would be to allow substantially taller development within a block that is almost completely occupied with historic resources. Historic facades on one side of the block would remain in place if the site is redeveloped, and any new structures would have a modest amount of physical and visual distinction from these facades.

Overall, the result of the case may be beneficial for the purpose of encouraging activated, mixed-use, transit-supportive downtown development that makes use of existing infrastructure. Taller development of the site with the scale of setback stipulated is likely to cause existing historic fabric to be removed and adversely change the historic feel of the site, which retains the scale it has had for approximately 100 years.

## CASE TIMELINE

Date	Action	Notes
5/9/2019	Application submitted	

# APPENDIX

## SURROUNDING AREA LAND USE/ ZONING SUMMARY

	SUBJECT PROPERTY	NORTH	SOUTH	EAST	WEST
Existing Zoning	DX	DX	DX	DX	DX
Additional Overlay	None	Capital Square HOD	None	Moore Square HOD	None
Future Land Use	Central Business District	Central Business District	Central Business District	Central Business District, Public Parks & Open Space	Central Business District, Public Parks & Open Space
Current Land Use	Mixed Use	Mixed Use	Mixed Use	Mixed Use	Mixed Use
Urban Form	Downtown, Transit Emphasis Corridor	Downtown	Downtown, Transit Emphasis Corridor	Downtown	Downtown, Transit Emphasis Corridor

## CURRENT VS. PROPOSED ZONING SUMMARY

	EXISTING ZONING	PROPOSED ZONING
Zoning	DX-5-SH, DX-7-SH, & DX-12-SH	DX-40-SH-CU
Total Acreage	1.52	1.52
Setbacks:		
Front	0' to 15' (build-to)	0' to 15' (build-to)
Side	0' or 6'	0' or 6'
Rear	0' or 6'	0' or 6'
Residential Density:	77	579
Max. # of Residential Units	117	880
Max. Gross Building SF	151,000	1,158,000
Max. Gross Office SF	139,000	502,000
Max. Gross Retail SF	37,000	23,000
Max. Gross Industrial SF	Not permitted	Not permitted
Potential F.A.R	2.29	17.5

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



TO: Commission Members  
FROM: Melissa Robb, Preservation Planner  
Tania Tully, Senior Preservation Planner  
SUBJECT: Rezoning case Z-16-19 (Fayetteville Street)  
DATE: June 18, 2019

### Application

The proposed rezoning case Z-16-19 includes properties located at 19 W Hargett St; 208, 218, 220, 222, 224, 228, 230, and 234 Fayetteville St; and 14 W Martin St. The current zoning is DX-5-SH, DX-7-SH, and DX-12-SH. The application requests a change to DX-40-SH. Definitions of the districts are in the [Unified Development Ordinance](#).

### Site History

The site is within the [Fayetteville Street National Register Historic District](#) which comprises Raleigh's principal commercial district. The primary period of construction ranges from 1874 to 1965. The 2008 National Register nomination states that "district boundaries encompass nearly the full range of building types, materials, and architectural styles found in the district: nineteenth- and twentieth-century load-bearing brick commercial buildings of two to four floors; steel-framed or concrete-framed, brick-clad early skyscraper office buildings stretched to twelve stories; midcentury Modernist masonry commercial buildings and mid-rise office buildings; and mid-century Art Deco and Modernist steel-framed skyscrapers rising to sixteen stories."

Ten of the eleven extant buildings on the site are *contributing resources* to the historic district according to the 2008 National Register nomination and are representative of the commercial development of Raleigh's commercial heart. (See attachment 1 for complete descriptions of each property and attachment 2 for a map.):

- 208 Fayetteville St, Efid's Department Store; 1935, 1998;
- 218 Fayetteville St, Boylan-Pearce Department Store; ca. 1910, ca. 1960;
- 220 Fayetteville St, Briggs Hardware Store; 1874;
- 222 Fayetteville St, Superba Motion Picture Theater/Eckerd Drug Store; 1920, ca. 1935, 1985, 2006;
- 224 Fayetteville St, Lewis-Woodward Building; ca. 1883, ca. 1925, 1957, 1985;
- 226 Fayetteville St, Lumsden-Boone Building; ca. 1900;
- 228 Fayetteville St, Mahler Building; 1876, ca. 1932, 1971, ca. 2001, 2007;
- 230 Fayetteville St, Carolina Trust Building; 1902, 1928, ca. 1932, 1971, ca. 2001;
- 19 W Hargett St, Oddfellows Building; 1923-1924, 1982;

- 14 W Martin St, McLellan's Five and Dime Annex; 1952, 2000.

The First Union National Bank of North Carolina building at 234 Fayetteville St. is the only *non-contributing resource* for the National Register Historic District in the rezoning application.

Six of the buildings are *individually designated on the National Register*; the Briggs Hardware Store at 220 Fayetteville St, the Lumsden-Boone Building at 226 Fayetteville St, the Mahler Building at 228 Fayetteville St, the Carolina Trust Building at 230 Fayetteville St, the Oddfellows Building at 19 W Hargett St, and the McLellan's Five and Dime Annex (under the Carolina Trust Building) at 14 W Martin St.

In addition, five of the buildings are *designated Raleigh Historic Landmarks*; the Briggs Hardware Store at 220 Fayetteville St, the Lumsden-Boone Building at 226 Fayetteville St, the Mahler Building at 228 Fayetteville St, the Carolina Trust Building at 230 Fayetteville St, and the Oddfellows Building at 19 W Hargett St.

### **Relevant Conditions Offered by the Applicant**

One condition has been proposed by the applicant which is summarized below:

1. The existing building facades will be preserved above the ground floor for the properties fronting on Fayetteville St. A ten-foot stepback will be provided from the tops of the existing buildings for the properties fronting on Fayetteville St.

### **Relevant Comprehensive Plan Policies**

- Policy HP 1.1—Stewardship of Place. Foster stewardship of neighborhood, place, and landscape as the City grows and develops.
- Policy HP 1.2—Cultural and Historic Resource Preservation. Identify, preserve, and protect cultural and historic resources including buildings, neighborhoods, designed and natural landscapes, cemeteries, streetscapes, view corridors, and archaeological resources.
- Policy HP 2.4—Protecting Historic Neighborhoods. Protect the scale and character of the City's historic neighborhoods while still allowing compatible and context-sensitive infill development to occur.
- Policy HP 2.7—Mitigating Impacts on Historic Sites. Development proposals adjacent to or including historic sites should identify and minimize or mitigate any negative development impacts on those sites.
- Policy HP 3.1—Adaptive Use. Encourage adaptive use of historic properties to preserve cultural resources and conserve natural resources.
- Policy HP 3.2—Retention Over Replacement. Encourage the preservation and rehabilitation of significant or contributing existing structures, favoring retention over replacement, especially in areas where other historic resources are present.

- Policy HP 3.2—Context Sensitive Design. Use the existing architectural and historical character within an area as a guide for new construction.

### **Comments**

It is staff's assessment that the proposed rezoning is inconsistent with the above referenced policies. The proposed zoning would allow building heights that are substantially taller than the prevailing character of the Historic District. Additionally, it does not address substantial preservation of the contributing structures on the subject site, the impact of new construction on the character of the historic district, nor the potential demolition of the resources.

While the offered condition requires preservation of most of the portion of the existing historic building facades that face Fayetteville Street the ground floor is not included. Preservation is not defined in the condition and it is unclear how the condition would be enforced. Additionally, the request does not require any articulation of the ground floor, which would be in keeping with the historic storefront character of the street.

Also, the ten-foot stepback offered does little to preserve the historic character of this largely intact low-rise historic block. The purpose of a stepback that aids retention of historic resources is to minimize the visual impact of additions above an existing building so that the pedestrian experience on the street is not harmed. Substantially higher additions on existing low-rise historic buildings are often stepped back further than required by standard zoning and building restrictions so the addition does not overwhelm the original building or harm the pedestrian experience.

A potential condition that could mitigate demolition is recordation of the historic buildings.

It should be noted that all changes to the exteriors – including additions and demolition – of the five Raleigh Historic Landmark buildings are required to obtain Certificates of Appropriateness (COAs) through the Raleigh Historic Development Commission. Review of proposed changes would use the *Design Guidelines for Raleigh Historic Districts and Landmarks*. Demolition would remove the landmark designation.



## Rezoning case Z-16-19 (Fayetteville Street)

Attachment 1

### Site History Details

Ten of the eleven extant buildings on the site are contributing resources to the [Fayetteville Street National Register Historic District](#) and are representative of the commercial development of Raleigh's commercial heart. Descriptions of the contributing buildings from the nomination form. As available staff has added new information in parenthesis.

- 208 Fayetteville St, Efird's Department Store; 1935, 1998; The five-bay-wide restrained Art Deco-style building rises three stories. The first floor is a late-twentieth century remodeled storefront featuring a recessed center entry with double-leaf metal and plate-glass commercial doors. A flat metal canopy, supported with cable wires, shelters the entrance. Plate-glass display windows flank the door. Scored concrete surrounds the fenestration and rises to the top of the first-floor level, covering the area that typically held prismatic glass or signboards on buildings of this vintage. The second and third stories feature replacement double-hung metal sash windows separated by narrow pilasters and an ashlar stone veneer. The spandrels feature chevrons. The building stretches the depth of the block, and the S. Salisbury Street elevation has an altered storefront with plate glass and replacement fixed-sash windows in original openings at the second and third stories. The elevation has a plain brick exterior with simple beltcourses of corbelled brick.

Efird's Department Store opened at this location in 1918, replacing T. A. Partin's dry goods store and Sidell's Studio Photography in a two-story building. In 1935, Efird's replaced the building with a steel-framed three-story building with brick exterior. Efird's sold the building to the Hudson Belk Department Store in 1959. The North Carolina State Bar Association purchased the building in 1978 and remodeled it in 1998.

- 218 Fayetteville St, Boylan-Pearce Department Store; ca. 1910, ca. 1960; The Boylan-Pearce Department Store is a three-story reinforced-concrete, classical-revival-style building with a buff-colored brick exterior. The building is currently undergoing a rehabilitation of its facade, with damaged and removed features being reinstalled, repaired, and reconstructed according to physical evidence and historic photographs. The storefront at the ground floor is currently covered by plywood. The upper stories feature three bays; the middle bay has a triple window consisting of a fixed-sash center window flanked by one-over-one double-hung sash windows. The windows are topped by fixed-sash transoms; a heavy wood lintel divides the windows from the transoms. The third-floor grouping features a gentle segmental arch across the three transoms. Paneled spandrels underscore the window groups on both

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stories. Windows in the flanking bays are narrow pivoting sash with four lights. The second-story windows are taller than the nearly square versions on the third floor. Above each set of windows in the flanking bays are low-relief medallions of terra cotta. The three-bay wide S. Salisbury Street elevation has a buff-colored brick veneer, paired one-over-one double-hung wood sash windows with transoms, and surviving terra cotta detailing at the window headers and the building cornice.

The Boylan-Pearce Department Store opened at this location in a new building around 1910 and remained open through 1954. Lerner Shops then used the building into the 1960s, altering the facade with the removal of much of the terra cotta ornamentation, cornice, windows, and storefront. A stucco covering to conform to the midcentury style of a blank facade served as a backdrop to the store name. In 2006, a new owner began a reconstruction of the original façade by removing the stucco covering on the upper two stories. Original window sash found stored inside the building has been reinstalled; much of the existing terra cotta window molding and other details has been repaired; and any missing materials replaced with similar concrete castings. Work has stopped temporarily, and the ground floor remains unfinished.

(Restoration of the building was completed ca. 2014 including reconstruction of the façade and replication of an early sign.)

- 220 Fayetteville St, Briggs Hardware Store; 1874; Briggs Hardware Store is an Italianate brick building that rises four stories on its Fayetteville Street side and three stories at the rear section, which fronts Salisbury Street. The building is three bays wide and features an elaborate parapet increasing its apparent height. The storefront dates to the 1999 rehabilitation of the building and features plate glass windows with three centered arches set into a wood surround with squared pilasters. The original upper stories of the Fayetteville Street facade are richly detailed with cast-iron corner quoins, cast-iron hooded windows adorned with decorative lion heads, and an elaborate bracketed cornice of pressed sheet metal. The S. Salisbury Street side has two personnel entrances at the ground floor and segmental arched four-over-four windows at the two upper stories. Upper-story windows on both ends of the building show diminution to accentuate the height of the structure.

The store building was completed in 1874 following a two-year construction project that replaced an 1865 structure that stood at the same site. The business was established by Thomas H. Briggs, a contractor and real estate investor, and his partner James Dodd. Upon Dodd's retirement, the store became a family business with two sons establishing a new partnership with Briggs. The store sold a vast variety of goods and remained in business at this location until 1995. The building was rehabilitated in 1999 and now houses offices and a museum.

(The Briggs Hardware Building was designated a Raleigh Historic Landmark in 1969)

- 222 Fayetteville St, Superba Motion Picture Theater/Eckerd Drug Store; 1920, ca. 1935, 1985, 2006; The restrained Art Deco-style Superba Motion Picture Theater has a brick exterior and remodeled storefronts at the facade and rear elevation, which fronts S. Salisbury Street. The current storefront at the facade, completed in 2006, features plate-glass windows, a recessed center entry, and transoms topping the width of the storefront, all set in a heavy wood frame. This marks the only fenestration on the front of the building. The upper two-thirds of the building features a common-bond brick exterior with soldier bricks forming four pilasters across the facade. Continuous raked-out mortar joints between pairs of soldier bricks create the appearance of squared, fluted pilasters, and square medallions composed of bricks and raked-out mortar joints top the pilasters. The two outermost pilasters extend down to the street to frame the new storefront; each framing pilaster has an additional square medallion at the height of the storefront. A corbelled brick cornice tops the building. The S. Salisbury Street facade is two-stories in height with a matching new wood-framed plate-glass storefront and corbelled brick cornice. Three windows at the mezzanine level have replacement sash. The brick on both elevations has recently been painted tan.

The Superba Theater began showing movies on Fayetteville Street as early as 1917. This building went up in 1920, and the Superba continued screening films throughout the decade. In 1930, Eckerd Drug Stores purchased the building and established a drug store at the location, running a soda fountain and luncheonette in the mezzanine at the back of the building. Eckerd's apparently remodeled the exterior, possibly in the mid-1930s, based on the restrained Art Deco detailing. An historic photograph dating from 1932 shows windows at the second- and third-story levels in the facade, above a marquee sign that reads "Eckerds Reasonable Drug Prices." Eckerd Drugs remained here through at least 1970. The building housed a Hardee's fast food restaurant in the 1980s, and was remodeled in 2006 as a sit-down restaurant.

- 224 Fayetteville St, Lewis-Woodward Building; ca. 1883, ca. 1925, 1957, 1985; The three-story, Italianate style building has a brick exterior and extends the full depth of the block from Fayetteville Street to S. Salisbury Street. The facade has a remodeled storefront with original wall treatment surviving at the upper stories and at the cornice. The ground floor has a deeply recessed entry at the south end and a similarly recessed display window at the north end. Elsewhere, the ground-floor facade is covered with large tiles of white marble. The identical second and third stories are four bays wide with one-over-one, double-hung, segmental-arched wood sash windows. Decorative metal window hoods feature keystones and corbels. The elaborate bracketed pressed metal cornice has dentil molding and scrollwork with the same lionshead elements seen in the keystones on the Briggs Building. The three-bay-wide S.

Salisbury Street elevation was also remodeled in 1985, when white marble panels were applied to the brick-clad building at the storefront, rising in vertical bands on either side of the center bay, and across the top of the third-story windows. Six-over-six double-hung wood-sash windows remain at the second and third stories; the first-floor windows and centered door were replaced in 1985.

The building appears as two separate structures on the 1884 Sanborn map: a three-story hardware store and office building fronting Fayetteville Street and a two-story tin shop and warehouse fronting S. Salisbury Street. Partners Julius Lewis and Nicholas West had purchased the parcel in two transactions in 1881. Lewis and West ran a hardware store located a few parcels north and across the street at 219 Fayetteville Street that had been in business since at least 1875, according to Raleigh City directories. The business remained at that location until 1883, when it moved to the 224 address, likely into a new building that Lewis and West had erected since their purchase. Lewis became the sole owner of the property in 1894; in 1906, he sold it to Moses Woodard, a local businessman. The building briefly housed the F. M. Kirby and Company Five and Dime before the F. W. Woolworth Company established a store in the building in 1913. Woolworth's made alterations to the S. Salisbury Street elevation around 1925 and to the storefront on Fayetteville Street in 1957, merging it with the storefront of the Lumsden-Boone Building next door at 226 Fayetteville Street. Woolworth's moved out of the building by 1972. In 1985, more changes were made to the building to house new owner Raleigh Federal Savings and Loan and other commercial tenants.

(The 1985 façade was replaced ca. 2015.)

- 226 Fayetteville St, Lumsden-Boone Building; ca. 1900; A striking prefabricated Neoclassical pressed sheet metal facade survives on the upper portion of the three-story Lumsden-Boone Building. The three-bay facade has paired Corinthian colonettes flanking the one-over-one double-hung wood windows. A wide frieze above the windows features arches with scalloped detail. A narrower band above the arches has a row of anthemions across the facade; above that is the cornice, which also features anthemions, molding, and dentils. These elements are advertised in a 1904 catalog from Mesker & Brothers of St. Louis. Both the first and second stories of the building have been remodeled more than once. Currently, the second story has a band of fixed-sash plate-glass windows set in gold-anodized aluminum. A large square of gold-anodized aluminum adorns the lower portion of the center of the second-story; the square apparently held a sign at one point, as remnants of glue remain in the center of the square. The balance of the second story is white stucco. The first-floor storefront is five bays wide with double-leaf glass doors in gold-anodized aluminum frames deeply recessed in the center bay. Two fixed-sash plate-glass windows, recessed to the same plane, flank the doors, and a second set of fixed-sash plate-glass windows pierce the outermost

bays, which are flush with the rest of the facade. Dark green marble surrounds all fenestration at the first floor. The first two floors of the building are slated for another remodeling.

The building was erected for tin and hardware dealer J. C. S. Lumsden; the elaborate metal facade would have served as advertisement to the products available within. Later occupants included a men's clothing store owned by Charles R. Boone (1879-1968), who also owned the building, and F. W. Woolworth's, which occupied the building from 1926 to 1972. The building has the only surviving metal storefront on Fayetteville Street.

(The Lumsden-Boone was designated a Raleigh Historic Landmark in 1990)

- 228 Fayetteville St, Mahler Building; 1876, ca. 1932, 1971, ca. 2001, 2007; The Mahler Building is a narrow, three-story, Italianate brick commercial building erected in 1876. The firstfloor storefront has been replaced three times to accommodate retail uses inside. Today, the storefront is in the midst of another remodel and currently has plywood with centered double-leaf French doors for the entry. The upper two stories feature round-arch double-hung wood sash windows with bracketed brick sills and bracketed metal caps with keystones. Paired windows pierce the center bay of the building at the second and third stories; single windows flank the pairs to create a three-bay facade. A heavy bracketed cornice is a reproduction of the original, which had been removed in a 1971 remodeling. The new cornice was installed in 2001.

The building was erected in 1876 by Henry Mahler to house his jewelry store; a one-story addition was made to the rear of the building around 1914. The jewelry business remained in this location until 1932, when the store closed and McLellan's Five and Dime purchased the building and expanded its existing store, in the Carolina Trust Building, into the Mahler Building. The retail spaces became part of the dime store at that time and the upstairs offices became stock rooms. The storefronts of both buildings were remodeled around 1932 and again in 1971, at which time an architectural screen was also installed, covering the upper stories of both the Mahler and Carolina Trust Buildings. McCrory's, a similar chain, purchased McLellan's in the early 1960s. Local investors purchased the building from the McCrory's holding company in 1998 and have since rehabilitated the building, removing the 1971 architectural screen and installing the reproduction cornice.

(The Carolina Trust and Mahler Buildings were designated a Raleigh Historic Landmark in 1999 with a boundary change in 2001 to remove the Carolina Trust Annex at 14 W Martin St)

- 230 Fayetteville St, Carolina Trust Building; 1902, 1928, ca. 1932, 1971, ca. 2001; The Carolina Trust Building is a four-story brick Classical Revival bank building erected just after the turn of the twentieth century. The storefront has been repeatedly remodeled and now features plate-glass display windows and a tiled surround. The upper stories are divided into three bays by brick

molding that frames all three stories of each bay. Paired one-over-one double-hung sash windows pierce each bay. Windows also feature concrete sills and brick keystones. A heavy bracketed cornice that is identical to the original was installed around 2001; the original metal cornice had been removed in 1971 when the building was remodeled. A two-story rear addition made in 1928 reaches to Salisbury Street and has a remodeled storefront with plateglass windows and a recessed center entry. Single and triple sets of six-over-one double-hung wood sash windows pierce the second story.

The building was erected for Carolina Trust Bank in 1902, but also housed offices for other businesses, including the National Cash Register Company, as well as offices for professionals in the medical and insurance fields and for the Red Cross. A tailor also had space in the building. Wachovia Bank purchased the building in 1923, but sold it to McLellan's Dime Store in 1928. The store operated in the building for decades, getting a two-story rear addition in 1928 and undergoing renovations to the storefront around 1932. McCrory's, a similar chain, purchased McLellan's in the early 1960s; McCrory's remodeled this and the Mahler Building in 1971, changing the storefront again and installing a metal architectural screen to hide the fact that the store was housed in two older buildings. Local investors purchased the building from the McCrory's holding company in 1998 and have since rehabilitated the building, removing the 1971 architectural screen and installing the new cornice.

(The Carolina Trust and Mahler Buildings were designated a Raleigh Historic Landmark in 1999 with a boundary change in 2001 to remove the Carolina Trust Annex at 14 W Martin St)

- 19 W Hargett St, Oddfellows Building; 1923-1924, 1982; The Oddfellows Building is a ten-story steel-framed masonry-clad building with Neoclassical detailing. Its location at the southeast corner of West Hargett and S. Salisbury Streets exposes its north and west elevations to public view. The first and second stories together form the base of the building and feature limestone pilasters that divide the building into seven bays on its north elevation and five bays on its west elevation. The pilasters feature a recessed center panel and plain capitals. Limestone spandrels separate the double-height first floor from the second floor. All windows are replacements dating from a 1982 renovation. The ground floor has plateglass windows set in bronzed aluminum frames. The second story features one-over-one double-hung sash in bronzed aluminum that replicate the dimensions of the original sash, including the composition of a single double-hung window flanked by narrower versions in each bay of the building. The pilasters at the base of the building support a frieze and modillioned cornice above the second story, separating it from the shaft of the building, floors three through eight. Those floors feature buff-colored brick in stretcher bond framing pairs of double-hung aluminum sash, also installed in 1982. The third floor features some terra cotta detailing

around the pairs of windows and a terra cotta beltcourse separating it from the fourth floor, but floors four through eight are identical with little ornament beyond the pilasters formed by the brick veneer. A denticulated cornice finishes the shaft, and the limestone-clad capital of the building consists of the ninth and tenth stories. Here, Corinthian pilasters separate the building's bays, with squared pilasters topped by plain capitals forming the heavier corners of the building. Spandrels between the ninth and tenth stories are brick. The cornice is a Corinthian flourish, featuring egg-and-dart molding, modillions, dentils, cyma reversa and cyma recta molding, and cresting.

The Raleigh Oddfellows built this large office building in 1924 to house their lodge and to create leasable space for income to support an orphanage the lodge had established at Goldsboro. The lodge met on the top two floors of the building and leased 115 offices. The orphanage closed in 1970 and the lodge sold the building. The building remains in use as an office building with retail space on the ground floor.

(The Odd Fellows Building (Commerce Building) was designated a Raleigh Historic Landmark in 1993)

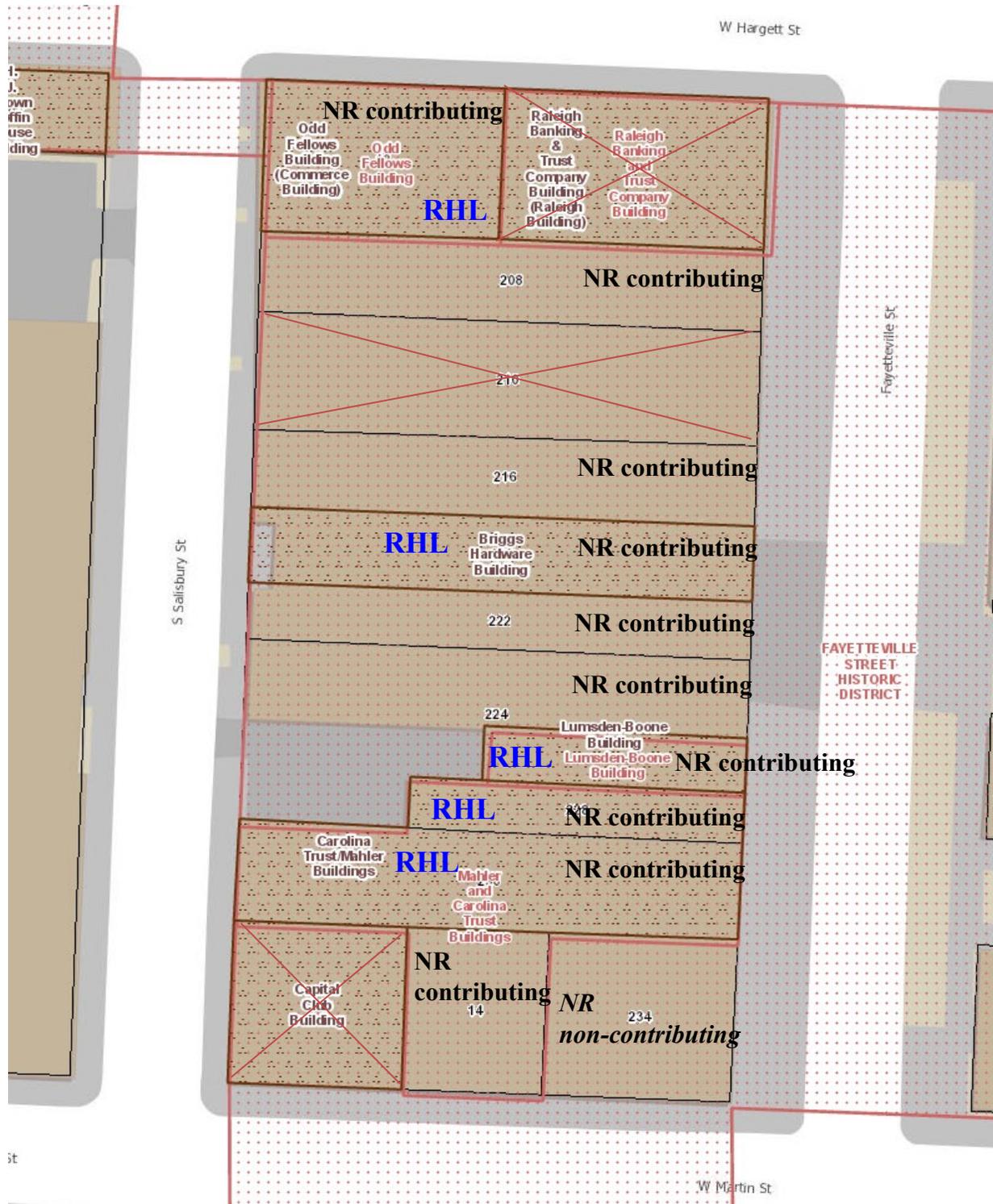
- 14 W Martin St, McLellan's Five and Dime Annex; 1952, 2000; The McLellan's Annex is a two-story, steel-framed, brick-veneered Art Moderne-inspired building. The façade features Roman brick with prominent mortar joints, a double-leaf plate-glass door centered and recessed in the plate-glass storefront, and a band of fixed-sash plate-glass windows alternating with metal panels in the second story. This arrangement replaced the original metal-framed casement windows that alternated with transite panels. A flat metal awning that stretches the full width of the building is a replacement. A corrugated metal cornice finishes the simple facade.

A large McLellan's Five and Dime Store had occupied the combined Carolina Trust and Mahler buildings on the 200 block of Fayetteville Street since 1932, and the store was ready for another expansion by the early 1950s. The two-story annex fronts West Martin Street but is attached internally to the Carolina Trust Building. It was built on the basement of an earlier building that burned and had been demolished by McLellan's in anticipation of the construction. McLellan's was purchased by McCrory's in the 1960s. The McCrory's sign, which had replaced a McLellan's sign, was removed from the building in the early 2000s.

(The brick was painted and canopy removed ca. 2009. A new canopy was added ca. 2012 and the façade refaced ca. 2013.)

# Rezoning case Z-16-19 (Fayetteville Street)

## Attachment 2



**From:** [Ashley Seshul](#)  
**To:** [Rezoning](#)  
**Cc:** [Ashley Seshul](#); [Merritt Seshul](#)  
**Subject:** Fayetteville Street Proposed Rezoning  
**Date:** Tuesday, April 9, 2019 6:03:14 PM

---

Dear Raleigh City Planning Department,

We are writing regarding the rezoning of nine parcels of land located north and west of the intersection of West Martin and Fayetteville Street. My husband and I were unable to attend the meeting last night that was scheduled for 7:00 pm at 421 Fayetteville St.

We were hoping to get more information regarding this potential rezoning. Aren't some of these properties on the National Register of Historic places? Didn't city council recently set zoning restriction heights and preservation of historic buildings as top priorities? If so, wouldn't those restrictions apply to these properties?

We are excited about the growth of Raleigh, however also think that it is important to preserve its history. We have significant concerns about the potential negative impact, even unintended, that approving a 40 story building for downtown Raleigh could bring as Raleigh loses a significant piece of its architectural and historical identity.

Thank you for any insights you can provide, and for considering our concerns.

Sincerely,

Merritt and Ashley Seshul

**From:** [Merritt Seshul](#)  
**To:** [Anagnost, John](#)  
**Cc:** [Merritt Seshul](#); [Ash](#)  
**Subject:** Z16-19 Fayetteville Street  
**Date:** Saturday, June 15, 2019 7:51:57 AM

---

Mr. Anagnost,

We are writing to express our firm opposition to case Z16-19 Fayetteville Street - rezoning to a 40 story mixed use building. This opposition stems from several factors. First, a loss of historical architecture in downtown Raleigh that cannot be replicated is a major negative. Another important reason includes scale of the building and the visual impact on people in downtown. This project puts us well on our way to making Fayetteville Street a canyon of glass and steel that will be cold and uninviting. Another factor is that losing all of these properties to a high rise building will decrease the number of chance encounters of various residents and visitors that happen, which are crucial to the vitality of downtown Raleigh. Finally, additional skyscrapers along Fayetteville Street will likely raise the price of adjacent land, making the protection of historic buildings and affordable housing less achievable. From a wider perspective, lots of taller buildings in the downtown Raleigh area are coming online now and in the next few years, and we appreciate the vision of The Planning Commission to look at all of these projects and ensure a sense of balance in development of the downtown area.

Respectfully,

Merritt and Ashley Seshul

# Rezoning Application



Department of City Planning | 1 Exchange Plaza, Suite 300 | Raleigh, NC 27601 | 919-996-2682

REZONING REQUEST			
<input type="checkbox"/> General Use <input checked="" type="checkbox"/> Conditional Use <input type="checkbox"/> Master Plan Existing Zoning Base District <b>DX</b> Height <b>5</b> Frontage <b>SH</b> Overlay(s) _____ Proposed Zoning Base District <b>DX</b> Height <b>40</b> Frontage <b>SH</b> Overlay(s) _____ <i>Click <a href="#">here</a> to view the Zoning Map. Search for the address to be rezoned, then turn on the 'Zoning' and 'Overlay' layers.</i>	<b>OFFICE USE ONLY</b>  Transaction #  Rezoning Case #		
If the property has been previously rezoned, provide the rezoning case number:			
Provide all previous transaction numbers for Coordinated Team Reviews, Due Diligence Sessions, or Pre-Submittal Conferences:			
<b>592078</b>			

GENERAL INFORMATION			
Date	Date Amended (1)	Date Amended (2)	
Property Address <b>See Attachment 1</b>			
Property PIN <b>See Attachment 1</b>	Deed Reference (book/page) <b>See Attachment 1</b>		
Nearest Intersection <b>Bounded by Fayetteville Street, Martin Street, Salisbury Street and Hargett Street</b>			
Property Size (acres) <b>1.52</b>	(For PD Applications Only) Total Units		Total Square Feet
Property Owner/Address <b>See Attachment 1</b>		Phone	Fax
		Email	
Project Contact Person/Address Mack Paul Morningstar Law Group 421 Fayetteville Street, Suite 530 Raleigh, NC 26701		Phone <b>919.590.0377</b>	Fax <b>919.882.8890</b>
		Email <b>mpaul@morningstarlawgroup.com</b>	
Owner/Agent Signature		Email <b>KGHUDSON3@AOL.COM</b>	

A rezoning application will not be considered complete until all required submittal components listed on the Rezoning Checklist have been received and approved.

# Rezoning Application



Department of City Planning | 1 Exchange Plaza, Suite 300 | Raleigh, NC 27601 | 919-996-2682

REZONING REQUEST				
<input type="checkbox"/> General Use <input checked="" type="checkbox"/> Conditional Use <input type="checkbox"/> Master Plan			<b>OFFICE USE ONLY</b>  Transaction #  Rezoning Case #	
Existing Zoning Base District	DX	Height 5		Frontage SH
Proposed Zoning Base District	DX	Height 40		Frontage SH
Overlay(s) _____ Overlay(s) _____				
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		Email	
Project Contact Person/Address Mack Paul Morningstar Law Group 421 Fayetteville Street, Suite 530 Raleigh, NC 26701		Phone <b>919.590.0377</b>	Fax <b>919.882.8890</b>
		Email <b>mpaul@morningstarlawgroup.com</b>	
Owner/Agent Signature		Email <b>damrow@qjf.org</b>	

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# Rezoning Application



**RALEIGH**  
DEPARTMENT OF  
CITY PLANNING



Department of City Planning | 1 Exchange Plaza, Suite 300 | Raleigh, NC 27601 | 919-996-2682

REZONING REQUEST			
<input type="checkbox"/> General Use <input checked="" type="checkbox"/> Conditional Use <input type="checkbox"/> Master Plan			<b>OFFICE USE ONLY</b>  Transaction #  Rezoning Case #
Existing Zoning Base District <b>DX</b> Height <b>5</b> Frontage <b>SH</b> Overlay(s) _____ Proposed Zoning Base District <b>DX</b> Height <b>40</b> Frontage <b>SH</b> Overlay(s) _____ Click <a href="#">here</a> to view the Zoning Map. Search for the address to be rezoned, then turn on the 'Zoning' and 'Overlay' layers.			
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592078			

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		Email	
Project Contact Person/Address Mack Paul Morningstar Law Group 421 Fayetteville Street, Suite 530 Raleigh, NC 26701		Phone <b>919.590.0377</b>	Fax <b>919.882.8890</b>
		Email <b>mpaul@morningstarlawgroup.com</b>	
Owner/Agent Signature		Email <b>molander@o2fitnessclubs.com</b>	

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# Rezoning Application



Department of City Planning | 1 Exchange Plaza, Suite 300 | Raleigh, NC 27601 | 919-996-2682

REZONING REQUEST			
<input type="checkbox"/> General Use <input checked="" type="checkbox"/> Conditional Use <input type="checkbox"/> Master Plan			<b>OFFICE USE ONLY</b>
Existing Zoning Base District	DX	Height 5	Frontage SH     Overlay(s) _____
Proposed Zoning Base District	DX	Height 40	Frontage SH     Overlay(s) _____
<i>Click <a href="#">here</a> to view the Zoning Map. Search for the address to be rezoned, then turn on the 'Zoning' and 'Overlay' layers.</i>			
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Project Contact Person/Address Mack Paul Morningstar Law Group 421 Fayetteville Street, Suite 530 Raleigh, NC 26701		Phone	919.590.0377     Fax 919.882.8890
		Email mpaul@morningstarlawgroup.com	
Owner/Agent Signature		 Email	

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Property Owner/Address See Attachment 1		Phone	Fax
		Email	
Project Contact Person/Address Mack Paul Morningstar Law Group 421 Fayetteville Street, Suite 530 Raleigh, NC 26701		Phone	919.590.0377    Fax 919.882.8890
		Email	mpaul@morningstarlawgroup.com
Owner/Agent Signature			
		Email	ANDREW@EMPIRE1792.COM

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# Rezoning Application



Department of City Planning | 1 Exchange Plaza, Suite 300 | Raleigh, NC 27601 | 919-996-2682

REZONING REQUEST			
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Existing Zoning Base District	DX	Height 5	Frontage SH    Overlay(s) _____
	DX-7-SH, DX-12-SH		
Proposed Zoning Base District	DX	Height 40	Frontage SH    Overlay(s) _____
Click <a href="#">here</a> to view the Zoning Map. Search for the address to be rezoned, then turn on the 'Zoning' and 'Overlay' layers.			
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592078			

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		Email	
Project Contact Person/Address Mack Paul Morningstar Law Group 421 Fayetteville Street, Suite 530 Raleigh, NC 26701		Phone <b>919.590.0377</b>	Fax <b>919.882.8890</b>
		Email <b>mpaul@morningstarlawgroup.com</b>	
Owner/Agent Signature <i>J.P. Hester</i>		Email <i>thester@hesterco.com</i>	

A rezoning application will not be considered complete until all required submittal components listed on the Rezoning Checklist have been received and approved.

RECEIVED

MAY 02 2019

BY: *[Signature]*

# Rezoning Application



Department of City Planning | 1 Exchange Plaza, Suite 300 | Raleigh, NC 27601 | 919-996-2682

**R**, **U**  
MAY 08 2019

## REZONING REQUEST

<input type="checkbox"/> General Use <input checked="" type="checkbox"/> Conditional Use <input type="checkbox"/> Master Plan		<b>OFFICE USE ONLY</b> Transaction #  Rezoning Case #
Existing Zoning Base District <u>DX</u> Height <u>5</u> Frontage <u>SH</u> Overlay(s) _____ DX-7-SH, DX-12-SH Proposed Zoning Base District <u>DX</u> Height <u>40</u> Frontage <u>SH</u> Overlay(s) _____ Click <a href="#">here</a> to view the Zoning Map. Search for the address to be rezoned, then turn on the 'Zoning' and 'Overlay' layers.		

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Provide all previous transaction numbers for Coordinated Team Reviews, Due Diligence Sessions, or Pre-Submittal Conferences:

592078			
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## GENERAL INFORMATION

Date	Date Amended (1)	Date Amended (2)
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Property Address **See Attachment 1**

Property PIN <b>See Attachment 1</b>	Deed Reference (book/page) <b>See Attachment 1</b>
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Nearest Intersection **Bounded by Fayetteville Street, Martin Street, Salisbury Street and Hargett Street**

Property Size (acres) <b>1.52</b>	(For PD Applications Only) Total Units	Total Square Feet
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Property Owner/Address <b>See Attachment 1</b>	Phone	Fax
	Email	

Project Contact Person/Address Mack Paul Morningstar Law Group 421 Fayetteville Street, Suite 530 Raleigh, NC 26701	Phone <b>919.590.0377</b>	Fax <b>919.882.8890</b>
	Email <b>mpaul@morningstarlawgroup.com</b>	

Owner/Agent Signature <i>Martin Worthy</i>	Email <i>Carter@carterworthy.com</i>
--	--------------------------------------

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ATTACHMENT 1 TO REZONING APPLICATION

<b>Property Address</b>	<b>Property PIN</b>	<b>Deed Reference</b>	<b>Nearest Intersection</b>	<b>Property Size (acres)</b>	<b>Property Owner/Address</b>
19 W Hargett St, Raleigh	1703688302	11989 / 1160	W. Hargett/S. Salisbury	0.15	Odd Fellows Landlord LLC, 133 Fayetteville St Ste 600, Raleigh NC 27601-2911
208 Fayetteville Street, Raleigh	1703688257	16800 / 881	W. Hargett/Fayetteville	0.17	MOMA 208, LLC, Michael D Olander Jr, 135 E Martin St Ste 201, Raleigh NC 27601-1999
218 Fayetteville St Mall, Raleigh	1703688159	15071 / 1437	W. Hargett/Fayetteville	0.16	Boylan Pearce Building LLC, 2912 Highwoods Blvd Ste 100, Raleigh NC 27604-1095
220 Fayetteville St, Raleigh	1703688146	7524 / 271	W. Hargett/Fayetteville	0.15	Briggs Building Restoration, PO Box 27644, Raleigh NC 27611-7644
222 Fayetteville St, Raleigh	1703688143	9450 / 623	W. Martin/Fayetteville	0.11	Alamance Associates II LLC, Julian Williamson, 2305 White Oak Rd, Raleigh NC 27608-1455
224 Fayetteville St, Raleigh	1703688048	15443 / 509	W. Martin/Fayetteville	0.3	PMC, INC., PO Box 31182, Raleigh NC 27622-1182
228 Fayetteville St, Raleigh	1703688065	10819 / 2758	W. Martin/Fayetteville	0.07	Worthy, M Carter Hester, J Thomas, Mahler Building LLC, 228 Fayetteville St, Raleigh NC 27601-1588
230 Fayetteville St, Raleigh	1703688042	12640 / 816	W. Martin/Fayetteville	0.2	XINREN Empire Landlord LLC, 133 Fayetteville St Ste 600, Raleigh NC 27601-2911
234 Fayetteville St, Raleigh	1703679916	15545 / 1601	W. Martin/Fayetteville	0.12	First Empire Telex, LLC, 133 Fayetteville St Fl 6, Raleigh NC 27601-1356
14 W Martin St, Raleigh	1703678946	8356 / 769	W. Martin/Fayetteville	0.09	MCPAULWORTH LLC, C/O Hester & Company, PO Box 1311, Raleigh NC 27602-1311

**RECEIVED**  
APR 25 2019

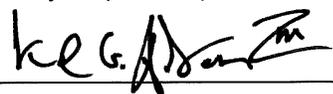
**CONDITIONAL USE DISTRICT ZONING CONDITIONS**

Zoning Case Number	BY: 	<b>OFFICE USE ONLY</b>
Date Submitted		Transaction #
Existing Zoning	Proposed Zoning	Rezoning Case #

**Narrative of Zoning Conditions Offered**

1. See Attachment 2
- 2.
- 3.
- 4.
- 5.
- 6.
- 7.
- 8.
- 9.
- 10.

These zoning conditions have been voluntarily offered by the property owner. All property owners must sign each condition page. This page may be photocopied if additional space is needed.

Owner/Agent Signature  Print Name KARL G. HUDSON III

**RECEIVED**  
APR 25 2019

CONDITIONAL USE DISTRICT ZONING CONDITIONS		
Zoning Case Number	BY: <i>HR</i>	OFFICE USE ONLY Transaction # Rezoning Case #
Date Submitted		
Existing Zoning	Proposed Zoning	
<b>Narrative of Zoning Conditions Offered</b>		
1. See Attachment 2		
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9.		
10.		

These zoning conditions have been voluntarily offered by the property owner. All property owners must sign each condition page. This page may be photocopied if additional space is needed.

Owner/Agent Signature *[Signature]* Print Name DANIEL W. CINCOSI

**RECEIVED**  
APR 25 2019

**CONDITIONAL USE DISTRICT ZONING CONDITIONS**

Zoning Case Number		<b>OFFICE USE ONLY</b>  Transaction #  Rezoning Case #
Date Submitted		
Existing Zoning	Proposed Zoning	
<b>Narrative of Zoning Conditions Offered</b>		
1. See Attachment 2		
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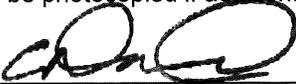
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Owner/Agent Signature  Print Name Michael Deane

**RECEIVED**  
APR 25 2019

CONDITIONAL USE DISTRICT ZONING CONDITIONS	
Zoning Case Number	OFFICE USE ONLY Transaction # Rezoning Case #
Date Submitted	
Existing Zoning                      Proposed Zoning	
<b>Narrative of Zoning Conditions Offered</b>	
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Owner/Agent Signature  Print Name C. Dean Debnay

**RECEIVED**  
APR 25 2019

**CONDITIONAL USE DISTRICT ZONING CONDITIONS**

Zoning Case Number	BY: <i>AK</i>	<b>OFFICE USE ONLY</b>
Date Submitted		Transaction #
Existing Zoning	Proposed Zoning	Rezoning Case #

**Narrative of Zoning Conditions Offered**

1. See Attachment 2

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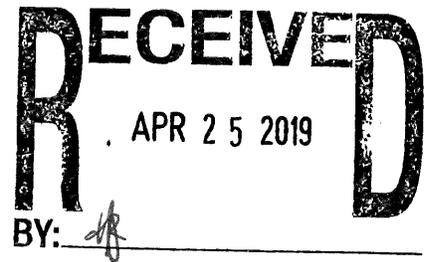
9.

10.

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Owner/Agent Signature *Andrew Stewart* Print Name Andrew STEWART

ATTACHMENT 2



For those subject properties fronting Fayetteville Street, with the addresses: 208 Fayetteville Street, 216 Fayetteville Street, 220 Fayetteville Street, 224 Fayetteville Street, 228 Fayetteville Street, and 230 Fayetteville Street, the existing front building facades shall be preserved and maintained, including during and after future construction and development of the properties. Building façade is defined as the face of a building above the first floor that delineates the edge of conditioned floor space or that wall viewed by persons not within the building, including window openings, cornice work, parapets, and wingwalls. For purposes of this zoning case and development of the properties, the front building facades are those shown on Exhibit 1, which is attached hereto and incorporated herein by reference. The City shall not issue site plan approval for development on these properties without the inclusion and preservation of the front facades as shown on Exhibit 1.

A minimum ten foot (10') building setback shall be provided at the top of the buildings listed above on the side that fronts on Fayetteville Street

**CONDITIONAL USE DISTRICT ZONING CONDITIONS**

Zoning Case Number	<b>OFFICE USE ONLY</b>
Date Submitted <u>May 2, 2019</u>	
Existing Zoning <u>DX-5-SH</u> <u>DX-7-SH DX-12-SH</u> Proposed Zoning <u>DX-40-SH-CU</u>	
Transaction #	
Rezoning Case #	

**Narrative of Zoning Conditions Offered**

For those subject properties fronting Fayetteville Street with the addresses: 208 Fayetteville Street, 216 Fayetteville Street, 220 Fayetteville Street, 224 Fayetteville Street, 228 Fayetteville Street, and 230 Fayetteville Street,

the existing front building facades shall be preserved and maintained, including during and after future construction and development of the properties.

Building facade is defined as the face of a building above the first floor that delineates the edge of conditioned floor space or that wall viewed by persons not within the building, including window openings, cornice work, parapets, and wingwalls.

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**RECEIVED**  
MAY 02 2019  
BY: [Signature]

These zoning conditions have been voluntarily offered by the property owner. All property owners must sign each condition page. This page may be photocopied if additional space is needed.

Owner/Agent Signature [Signature] Print Name J. Thomas Hester

**RECEIVED**  
MAY 08 2019

**CONDITIONAL USE DISTRICT ZONING CONDITIONS**

Zoning Case Number	BY: _____	<b>OFFICE USE ONLY</b>  Transaction #  Rezoning Case #
Date Submitted		
Existing Zoning	Proposed Zoning	

**Narrative of Zoning Conditions Offered**

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These zoning conditions have been voluntarily offered by the property owner. All property owners must sign each condition page. This page may be photocopied if additional space is needed.

Owner/Agent Signature *M. Carter Worthy* Print Name M. CARTER WORTHY



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<b>REZONING APPLICATION ADDENDUM #1</b>	
<b>Comprehensive Plan Analysis</b>	<b>OFFICE USE ONLY</b>
The applicant is asked to analyze the impact of the rezoning request. State Statutes require that the rezoning either be consistent with the adopted Comprehensive Plan, or that the request be reasonable and in the public interest.	Transaction #  Rezoning Case #
<b>STATEMENT OF CONSISTENCY</b>	
Provide brief statements regarding whether the rezoning request is consistent with the future land use designation, the urban form map, and any applicable policies contained within the 2030 Comprehensive Plan.	
<p>The properties are located within the Central Business District ("CBD") on the Future Land Use Map. The CBD is intended to enhance Downtown Raleigh as a vibrant, mixed-use center. The category recognizes the area's role as the "heart of the city," supporting a mix of high-intensity office, retail, housing, and hotel uses. DX is the appropriate zoning district for the CBD.</p>	
<p>The property is within the Urban Form Map based on its location in Downtown. The proposed frontage is consistent with the policies of the Urban Form Map.</p>	
<p>The proposed height of up to 40 stories is consistent with Table LU-2. The property is located in a Core/Transit area (i.e., within a quarter mile of a fixed-guideway transit stops in the Central Business District). Table LU-2 provides that heights at these locations should be a minimum of 3 stories and a maximum of 40 stories.</p>	
<p>The proposed zoning supports numerous Comprehensive Plan policies, including DT 1.15 (highest density development should occur along the axial streets such as Fayetteville Street), HP 3.1 (encourage adaptive use), HP 1.1 (historic view corridors), HP 3.4 (context sensitive design) and HP 3.2 (retention over replacement).</p>	
<b>PUBLIC BENEFITS</b>	
Provide brief statements regarding the public benefits derived as a result of the rezoning request.	
<p>The proposed rezoning supports Downtown retailers by increasing the number of Downtown residents, workers, and/or overnight visitors.</p>	
<p>Development within the Shopfront frontage requirements will expand and improve the pedestrian and cycling experience.</p>	
<p>The increased floor area in Downtown will support the success of the new Union Station and recently improved Moore Square/GoTriangle bus facility as well as the proposed bus rapid transit system.</p>	
<p>The rezoning will position Fayetteville Street to serve the Convention Center area with hospitality uses and potential retail amenities.</p>	

**REZONING APPLICATION ADDENDUM #2**

**Impact on Historic Resources**

**OFFICE USE ONLY**

The applicant is asked to analyze the impact of the rezoning request on historic resources. For the purposes of this section, a historic resource is defined as any site, structure, sign, or other feature of the property to be rezoned that is listed in the National Register of Historic Places or designated by the City of Raleigh as a landmark or contributing to a Historic Overlay District.

**Transaction #**

**Rezoning Case #**

**INVENTORY OF HISTORIC RESOURCES**

List in the space below all historic resources located on the property to be rezoned. For each resource, indicate how the proposed zoning would impact the resource.

The following properties are on the national register of historic properties: Odd Fellow Building at 19 W. Hargett Street (also designated local landmark), Briggs Hardware Building at 220 Fayetteville Street (also designated local landmark), Lumsden-Boone Building at 226 Fayetteville Street (also designated local landmark), McLellan's Five and Dime Annex at 14 W. Martin Street, Boylan-Pearce Development Store at 216 Fayetteville Street, Superba Motion Picture Theater/Eckerd Drug Store at 222 Fayetteville Street, Lewis-Woodard Building at 224 Fayetteville Street, Carolina Trust Building at 230 Fayetteville Street (also designated local landmark), Efird's Department Store at 208 Fayetteville Street, and Mahler Building at 228 Fayetteville Street (also designated local landmark). The proposed rezoning would allow taller buildings on these properties as well as other properties on the 200 block of Fayetteville Street.

**PROPOSED MITIGATION**

Provide brief statements describing actions that will be taken to mitigate all negative impacts listed above.

The proposed rezoning includes a condition which requires preservation of the existing building facade for the properties fronting Fayetteville Street listed above (except 222 Fayetteville Street which has a false front/parapet without conditioned space behind it). As noted, these properties are on the national register of historic properties. Those that are designated local landmarks will continue to have the protections afforded by such a designation.

## URBAN DESIGN GUIDELINES

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

- a) The property to be rezoned is within a "City Growth Center" or "Mixed-Use Center", or
- b) The property to be rezoned is located along a "Main Street" or "Transit Emphasis Corridor"

as shown on the Urban Form Map in the 2030 Comprehensive Plan.

Urban Form Designation: N/A

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

1.	<p><i>All Mixed-Use developments should generally provide retail (such as eating establishments, food stores, and banks), and other such uses as office and residential within walking distance of each other. Mixed uses should be arranged in a compact and pedestrian friendly form.</i></p> <p><b>Response:</b></p>
2.	<p><i>Within all Mixed-Use Areas buildings that are adjacent to lower density neighborhoods should transition (height, design, distance and/or landscaping) to the lower heights or be comparable in height and massing.</i></p> <p><b>Response:</b></p>
3.	<p><i>A mixed use area's road network should connect directly into the neighborhood road network of the surrounding community, providing multiple paths for movement to and through the mixed use area. In this way, trips made from the surrounding residential neighborhood(s) to the mixed use area should be possible without requiring travel along a major thoroughfare or arterial.</i></p> <p><b>Response:</b></p>
4.	<p><i>Streets should interconnect within a development and with adjoining development. Cul-de-sacs or dead-end streets are generally discouraged except where topographic conditions and/or exterior lot line configurations offer no practical alternatives for connection or through traffic. Street stubs should be provided with development adjacent to open land to provide for future connections. Streets should be planned with due regard to the designated corridors shown on the Thoroughfare Plan.</i></p> <p><b>Response:</b></p>
5.	<p><i>New development should be comprised of blocks of public and/or private streets (including sidewalks). Block faces should have a length generally not exceeding 660 feet. Where commercial driveways are used to create block structure, they should include the same pedestrian amenities as public or private streets.</i></p> <p><b>Response:</b></p>

6.	<p><i>A primary task of all urban architecture and landscape design is the physical definition of streets and public spaces as places of shared use. Streets should be lined by buildings rather than parking lots and should provide interest especially for pedestrians. Garage entrances and/or loading areas should be located at the side or rear of a property.</i></p> <p><b>Response:</b></p>
7.	<p><i>Buildings should be located close to the pedestrian-oriented street (within 25 feet of the curb), with off-street parking behind and/or beside the buildings. When a development plan is located along a high volume corridor without on-street parking, one bay of parking separating the building frontage along the corridor is a preferred option.</i></p> <p><b>Response:</b></p>
8.	<p><i>If the site is located at a street intersection, the main building or main part of the building should be placed at the corner. Parking, loading or service should not be located at an intersection.</i></p> <p><b>Response:</b></p>
9.	<p><i>To ensure that urban open space is well-used, it is essential to locate and design it carefully. The space should be located where it is visible and easily accessible from public areas (building entrances, sidewalks). Take views and sun exposure into account as well.</i></p> <p><b>Response:</b></p>
10.	<p><i>New urban spaces should contain direct access from the adjacent streets. They should be open along the adjacent sidewalks and allow for multiple points of entry. They should also be visually permeable from the sidewalk, allowing passersby to see directly into the space.</i></p> <p><b>Response:</b></p>
11.	<p><i>The perimeter of urban open spaces should consist of active uses that provide pedestrian traffic for the space including retail, cafés, and restaurants and higher-density residential.</i></p> <p><b>Response:</b></p>
12.	<p><i>A properly defined urban open space is visually enclosed by the fronting of buildings to create an outdoor "room" that is comfortable to users.</i></p> <p><b>Response:</b></p>

13.	<p><i>New public spaces should provide seating opportunities.</i></p> <p><b>Response:</b></p>
14.	<p><i>Parking lots should not dominate the frontage of pedestrian-oriented streets, interrupt pedestrian routes, or negatively impact surrounding developments.</i></p> <p><b>Response:</b></p>
15.	<p><i>Parking lots should be located behind or in the interior of a block whenever possible. Parking lots should not occupy more than 1/3 of the frontage of the adjacent building or not more than 64 feet, whichever is less.</i></p> <p><b>Response:</b></p>
16.	<p><i>Parking structures are clearly an important and necessary element of the overall urban infrastructure but, given their utilitarian elements, can give serious negative visual effects. New structures should merit the same level of materials and finishes as that a principal building would, care in the use of basic design elements can make a significant improvement.</i></p> <p><b>Response:</b></p>
17.	<p><i>Higher building densities and more intensive land uses should be within walking distance of transit stops, permitting public transit to become a viable alternative to the automobile.</i></p> <p><b>Response:</b></p>
18.	<p><i>Convenient, comfortable pedestrian access between the transit stop and the building entrance should be planned as part of the overall pedestrian network.</i></p> <p><b>Response:</b></p>
19.	<p><i>All development should respect natural resources as an essential component of the human environment. The most sensitive landscape areas, both environmentally and visually, are steep slopes greater than 15 percent, watercourses, and floodplains. Any development in these areas should minimize intervention and maintain the natural condition except under extreme circumstances. Where practical, these features should be conserved as open space amenities and incorporated in the overall site design.</i></p> <p><b>Response:</b></p>

20.	<p><i>It is the intent of these guidelines to build streets that are integral components of community design. Public and private streets, as well as commercial driveways that serve as primary pedestrian pathways to building entrances, should be designed as the main public spaces of the City and should be scaled for pedestrians.</i></p> <p><b>Response:</b></p>
21.	<p><i>Sidewalks should be 5-8 feet wide in residential areas and located on both sides of the street. Sidewalks in commercial areas and Pedestrian Business Overlays should be a minimum of 14-18 feet wide to accommodate sidewalk uses such as vendors, merchandising and outdoor seating.</i></p> <p><b>Response:</b></p>
22.	<p><i>Streets should be designed with street trees planted in a manner appropriate to their function. Commercial streets should have trees which complement the face of the buildings and which shade the sidewalk. Residential streets should provide for an appropriate canopy, which shadows both the street and sidewalk, and serves as a visual buffer between the street and the home. The typical width of the street landscape strip is 6-8 feet. This width ensures healthy street trees, precludes tree roots from breaking the sidewalk, and provides adequate pedestrian buffering. Street trees should be at least 6 1/4" caliper and should be consistent with the City's landscaping, lighting and street sight distance requirements.</i></p> <p><b>Response:</b></p>
23.	<p><i>Buildings should define the streets spatially. Proper spatial definition should be achieved with buildings or other architectural elements (including certain tree plantings) that make up the street edges aligned in a disciplined manner with an appropriate ratio of height to width.</i></p> <p><b>Response:</b></p>
24.	<p><i>The primary entrance should be both architecturally and functionally on the front facade of any building facing the primary public street. Such entrances shall be designed to convey their prominence on the fronting facade.</i></p> <p><b>Response:</b></p>
25.	<p><i>The ground level of the building should offer pedestrian interest along sidewalks. This includes windows entrances, and architectural details. Signage, awnings, and ornamentation are encouraged.</i></p> <p><b>Response:</b></p>
26.	<p><i>The sidewalks should be the principal place of pedestrian movement and casual social interaction. Designs and uses should be complementary to that function.</i></p> <p><b>Response:</b></p>

To: Neighboring Property Owner

From: MCPAULWORTH, LLC, First Empire Telex, LLC, Xinren Empire Landlord, LLC, PMC, Inc., M. Carter Worthy and J. Thomas Hester, Alamance Associates II LLC, Boylan Pearce Building, LLC, MOMA 208, LLC, and Odd Fellows Landlord, LLC (“Fayetteville Block Owners”)

Date: March 25, 2019

Re: Notice of meeting to discuss potential rezoning of nine parcels of land located north and west of the intersection of West Martin Street and Fayetteville Street, containing a total of approximately 1.37 acres, with addresses and Wake County Parcel Identification Numbers shown in the chart below (the “Property”)

Dear Neighbor,

We are the Fayetteville Block Owners, the owners of the Property as described below. Currently, the Property is zoned as shown in the chart below. We are considering a combined process to rezone the Property to a DX-40-SH-CU<sup>1</sup>. The purpose of the rezoning is to permit development up to 40 stories on the Property.

Property Ownership

Address	Owner	PIN	Current Zoning	CU Proposed
14 W. Martin Street	MCPAULWORTH, LLC	1703-67-8946	DX-5-SH	
234 Fayetteville Street	First Empire Telex, LLC	1703-67-9916	DX-7-SH	
230 Fayetteville Street	Xinren Empire Landlord	1703-68-8042	DX-5-SH	X
224 Fayetteville Street	PMC, Inc.	1703-68-8048	DX-5-SH	
228 Fayetteville Street	M. Carter Worthy and J. Thomas Hester	1703-68-8065	DX-5-SH	X
222 Fayetteville Street	Alamance Associates II LLC	1703-68-8143	DX-5-SH	
216 Fayetteville Street	Boylan Pearce Building, LLC	1703-68-8159	DX-5-SH	X
208 Fayetteville Street	MOMA 208, LLC	1703-68-8257	DX-5-SH	
19 W. Hargett Street	Odd Fellows Landlord, LLC	1703-68-8302	DX-12-SH	X

As you may be aware, prior to our filing of a rezoning application, the City of Raleigh requires a neighborhood meeting inviting owners of property within 500 feet of the site. You are invited to attend this meeting to discuss the potential rezoning and ask any questions you may have about the process or our tentative plans. Our goal is to gather comments through your appearance at this neighborhood meeting or, alternatively, through your written comments to the City of Raleigh Planning Director. After the meeting, we will prepare a report for the Raleigh Planning Department regarding the items discussed.

We have scheduled this meeting with surrounding property owners for April 8<sup>th</sup>, 2019, from 7:00 p.m. to 8:00 p.m. The meeting will be held at the offices of Morningstar Law Group, which are located at 421 Fayetteville Street, Suite 530 Street in Raleigh.

Please do not hesitate to contact us directly should you have any questions or wish to discuss any issues. We can be reached via our counsel at [mstuart@morningstarlawgroup.com](mailto:mstuart@morningstarlawgroup.com). Also, for more information about rezoning, you may visit [www.raleighnc.gov](http://www.raleighnc.gov) or contact the Raleigh City Planning Department at 919-996-2682 or [rezoning@raleighnc.gov](mailto:rezoning@raleighnc.gov).

We look forward to seeing you on April 8<sup>th</sup>, 2019.

<sup>1</sup> Where the ‘CU Proposed’ column is marked, the property is proposed to have a zoning condition requiring preservation of the façade. Other properties would not have conditions attached.

## SUMMARY OF ISSUES

A neighborhood meeting was held on April 8, 2019 (date) to discuss a potential rezoning located at 200 block of Fayetteville Street (property address).

The neighborhood meeting was held at 520 Fayetteville Street, Ste 530 (location).

There were approximately 9 (number) neighbors in attendance. The general issues discussed were:

### Summary of Issues:

There was discussion of the context for the rezoning, going back to the remapping process in 2015 and the original designation of 40 stories in height made for properties on Fayetteville Street.

Participants discussed a desire for better variety and quality of retail uses along Fayetteville Street.

Applicant discussed the character of Fayetteville Street and efforts to preserve the building facades through a condition of the rezoning case.

Participants asked about the schedule for the rezoning.

Participants mentioned others who could not attend the meeting and ways to keep them apprised of the case.

