

REQUEST & PETITION OF CITIZENS TO CITY OF RALEIGH COUNCIL

The City Council meets in regular session on the first and third Tuesday of each month. On the First Tuesday, requests by citizens will be heard during the 7 P.M. session; on the third Tuesday, requests by citizens will be heard during the 1 P.M. session, **but will not be heard before 2 P.M. Remarks will be limited to three (3) minutes. All information on this form is part of the public record.**

Please **PRINT** all information:

E-MAIL mpaul@morningstarlawgroup.com

NAME Mack Paul

TELEPHONE 919.590.0377

ADDRESS 421 Fayetteville Street, Suite 530, Raleigh, NC

ZIP 27601

ORGANIZATION / INDIVIDUAL REPRESENTED: Lock 7 Development, LLC

I WISH TO ADDRESS THE CITY COUNCIL ON: February 18, 2020

(Date of Meeting)

TOPIC: Statement of presentation you wish to make and statement of action you wish Council to take. Attach additional sheets if needed.

The applicant seeks permission from City Council to file a text change. The text change will amend the definition of "mezzanine" contained in Chapter 12 in the UDO. Attachment A explains the need for the text change.

By signing this request, I agree to abide by the Rules of Decorum.



Check here if you plan to use a video or PowerPoint with your presentation. Requirements are outlined below.



I have read and understand the Rules of Decorum.

Mack Paul

Digitally signed by Mack Paul
Date: 2020.02.24 14:00:03 -05'00'

Signature or typed name

The deadline for returning this form is Tuesday, 12:00 Noon, two weeks prior to the scheduled meeting. If a holiday falls in the time frame, please call the City Clerk's office to determine the deadline. Once this form is submitted, no further reminder will be given; it will be up to the citizen to attend the appropriate meeting. Citizens may call the city Clerk's office to confirm receipt of their form and submittal to the appropriate meeting. Citizens may call the City Clerk's Office to confirm receipt of their form and submittal to the appropriate City Council Agenda.

Please return this form to: City Clerk & Treasurer
222 W. Hargett St., Suite 207
Raleigh, NC 27601
(919) 996-3040 8:30 A.M. – 5:15 P.M.
FAX (919) 996-7620

Mail To: P. O. Box 590
Raleigh, NC 27602-0590

Email To: CityClerkPetition@raleighnc.gov

Electronic Presentation Requirements:

- To allow staff time to load presentations into the presentation system, electronic presentation files are to be submitted to CouncilPresentation@raleighnc.gov or in person to the Communications office no later than 5 P.M. the Thursday prior to the Council Meeting. **Electronic Files brought to the meeting will not be loaded for use.**
- No other computers, players, or other presentation devices may be hooked up to the presentation system for any reason.
- Please arrive at least a half-hour to start of Council meetings for orientation on use of the presentation system.

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Attachment A

The applicant requires an UDO text amendment to address an issue with a recently adopted definition of the term “mezzanine” in Article 12.2 of the UDO. The term is defined as:

An internal space above and open to the first floor below. When a mezzanine comprises less than 33% of the footprint area of the building, it is not considered a story. When a mezzanine comprises 33% or more of the footprint area of the building, it is considered a story. Only one mezzanine is permitted per building.

An interpretation from the Zoning Enforcement Officer dated January 24, 2020, concluded a space otherwise meeting the definition of a mezzanine is considered an additional story if it is located on the top level of a building.

Based on this interpretation, certain buildings cannot include a space on the top floor that otherwise meet the definition of mezzanine.



Planning & Development

Development Services
Customer Service Center
One Exchange Plaza
1 Exchange Plaza, Suite 400
Raleigh, North Carolina 27601
Phone 919-996-2495
Fax 919-516-2685

Text Change Application

Unified Development Ordinance (UDO)	OFFICE USE ONLY
UDO Section to be altered Article 12.2	Transaction Number
City Council authorization granted (date)	

GENERAL INFORMATION		
Applicant Lock 7 Development, LLC		Date
Phone 202.759.0905	Fax	Email david@lock7.com
Contact Person Mack Paul		
Phone 919.590.0377	Fax 919.882.8890	Email mpaul@morningstarlawgroup.com
Applicant/Agent Signature		

REQUEST
Please explain why the UDO should be amended. Cite specific development trends, if applicable. See Attachment A
Does the existing language pose a particular problem, or is it in error? See Attachment A
Please provide a general proposal to amend the language contained within the UDO. Provide any other sections that may need to be altered as a result of this request. See Attachment A

City Council authorization is required for a UDO text change application.

Attachment A

Please explain why the UDO should be amended. Cite specific development trends, if applicable.

Based on an interpretation by the Zoning Enforcement Officer dated January 24, 2020, a space on the upper floor of a building otherwise meeting the definition of a mezzanine is considered an additional story because it is not on the first floor of the building. This interpretation means that a building in a three story zoning district cannot have such a space on the third floor because it would make the building a four story building. There are several buildings in the City of Raleigh under construction, recently approved and to be constructed, currently under site plan review or soon to be filed as a site plan that do not comply with the interpretation of January 24, 2020 because the building exceeds the story limit per the interpretation. Current development trends support “mezzanine” space on the top level of residential buildings as an added amenity for residents desiring an open floor plan. This design is a popular format in a number of cities.

Does the existing language pose a particular problem, or is it in error?

As stated above, the existing language prevents the construction of mezzanine space on the top level of certain buildings in the City of Raleigh due to the interpretation of the definition. The definition of mezzanine was added to a text change known as the “Attics and Basements” text change. In a memorandum dated February 5, 2018 from staff to the Chair of the Growth and Natural Resources Committee, staff explained the definition of mezzanine. The memorandum also addressed the rationale of limiting mezzanines to one per building as a way to limit “building intensity.” As the mezzanine focused on the first level of buildings, where commercial space is typically located, the definition did not contemplate or address such spaces on upper levels of buildings. Such spaces do not tend to impact building intensity since they are typically residential and add few, if any, bedrooms to a residential unit. In sum, the existing definition of mezzanine as interpreted limits open floor plans in residential units on the top level of certain buildings, which does not appear to be the original intent of the definition.

Please provide a general proposal to amend the language contained within the UDO. Provide any other sections that may need to be altered as a result of this request.

Definition of “mezzanine” in Article 12.2 should be rewritten to state: “Mezzanine: An internal space above and open to the room or space below as defined in Section 505.2 of the North Carolina Building Code section 505.2.

A new section should be added to Article 3.3. as follows: “Article 3.3.1.D. For buildings greater than five stories, mezzanines are permitted on only one level per building.”