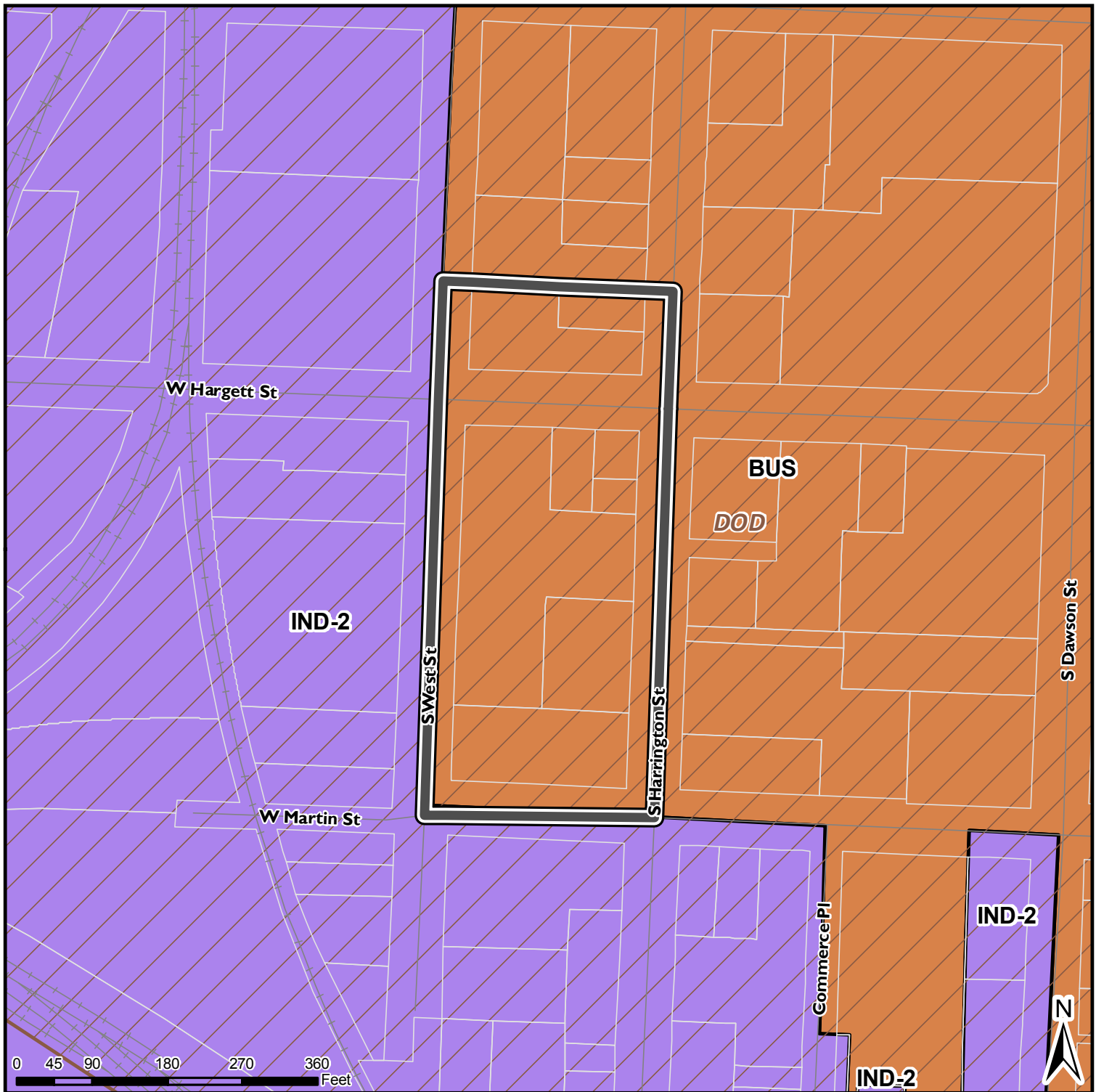


Existing Zoning Map

Z-I-2015

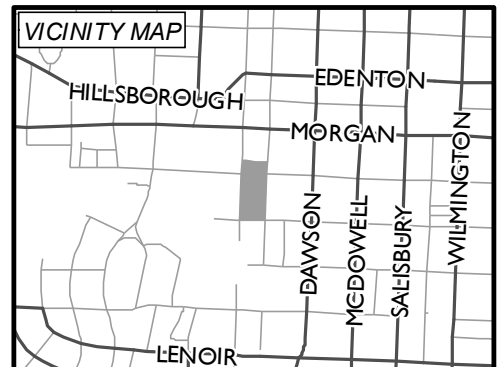


**Submittal
Date**

1/9/2015

Request:

**2.53 acres from
BUS w/DOD to
DX-20-SH-CU**





Certified Recommendation

Raleigh Planning Commission

CR# 11637

Case Information Z-1-15 – W. Hargett Street

<i>Location</i>	W. Hargett Street, north side between S. West Street and S. Harrington Street and south side including all properties on the block bounded by W. Hargett Street, S. West Street, S. Harrington Street, and W. Martin Street Addresses: 401, 403, and 406 W. Hargett Street, 223 S. West Street, 410 W. Martin Street, 126, 210, and 218 S. Harrington Street PIN(s): 1703580296, 1703581004, 1703581165, 1703581357, 1703581503, 1703581586, 1703582304 & 1703582309
<i>Request</i>	Rezone property from Business with Downtown Overlay District (BUS w/ DOD) to Downtown Mixed Use-20 stories-Conditional Use (DX-20-CU)
<i>Area of Request</i>	2.53 acres
<i>Property Owner</i>	Dillon Supply Company P.O. Box 14535 Raleigh, NC 27620
<i>Applicant</i>	Michael Birch (919) 590-0388; mbirch@morningstarlawgroup.com
<i>Citizens Advisory Council (CAC)</i>	Central-- Frances Lonette Williams, Chairperson flonnettewms@bellsouth.net
<i>PC Recommendation Deadline</i>	June 8, 2015

Comprehensive Plan Consistency

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

Future Land Use Map Consistency

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

Comprehensive Plan Guidance

<i>FUTURE LAND USE</i>	Central Business District (CBD)
<i>URBAN FORM</i>	Downtown Center; within ½-Mile Transit Stop Buffer
<i>CONSISTENT Policies</i>	Policy LU 1.2 – Future Land Use Map and Zoning Consistency Policy LU 2.2 – Compact Development Policy LU 3.2 – Location of Growth Policy LU 4.4 – Reducing VMT Through Mixed Use Policy LU 4.7 – Capitalizing on Transit Access Policy LU 4.8 – Station Area Land Uses Policy DT 1.2 – Vertical Mixed Use Policy DT 1.4 – Redevelopment Around the MTC Policy DT 1.15 – High Density Development Policy DT 2.8 – Priority Pedestrian Streets Policy AP-DWG 2 – Mixed-Use Development Policy AP-DWG 8 – Building Height Transition

INCONSISTENT Policies	Policy UD 1.10 – Frontage Policy DT 2.26 – Active Ground Floor Parking Uses Policy DT 3.1 – Ground Floor Uses on Primary Retail Streets Policy DT 3.2 – Ground Floor Uses on Secondary Retail Streets Policy DT 7.5 – Ground Level Design
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Summary of Proposed Conditions

<ol style="list-style-type: none"> Permits only certain building types. Prohibits surface parking. Active uses required between any parking structure and the street for buildings fronting W. Hargett Street and W. Martin Street. Requires Urban General frontage standards for W. Hargett Street. Requires Urban General frontage standards for W. Martin Street with stipulation regarding retention of existing building façade. Specifies build-to standards and minimum number of street-facing entrances and spacing for S. West Street and S. Harrington Street. Requires developer to use “best efforts” to maintain building façade fronting on W. Martin Street. Requires a stepback for buildings over 5 stories and 75’ that front W. Martin Street. Requires that at least 65% of the southern block will have a building that is 9 stories in height or less. Requires a minimum of 45% of the width of any parking structure fronting along S. West Street and S. Harrington Street (on main block) to have a non-parking use on the ground level between the parking structure and the right-of-way for a minimum depth of 60 feet. Offers provisions for parking structure elevation design (ground level and upper stories) where no intervening active use is located, as well as lighting within parking structures.

Public Meetings

Neighborhood Meeting	CAC	Planning Commission	Committee of the Whole	City Council	Public Hearing
1/5/2015	2/1/15 and 3/2/15 N– 17; Y – 1; Abs. - 3	3/10/15; 4/28/15; 5/12/15; 5/26/15	5/5/15	6/2/15	

☐ **Valid Statutory Protest Petition**

Attachments

- Staff report
- Neighborhood meeting notice affidavit

Planning Commission Recommendation

Recommendation	Approve with conditions. City Council may now schedule this proposal for Public Hearing, or refer it to committee for further study and discussion.
Findings & Reasons	<ol style="list-style-type: none"> While the proposal is inconsistent with the Comprehensive Plan and the Urban Form Map, it is consistent with the Future Land Use Map and permits development of comparable scale as that currently possible on the site.

	<p>2. The proposed rezoning is reasonable and in the public interest. The proposal will facilitate redevelopment and encourage growth near major transit facilities and employment centers.</p> <p>3. The proposal is compatible with the surrounding area. There are a variety of uses in the area, and conditions address building massing and form to mitigate potential impacts to surrounding properties.</p>
<i>Motion and Vote</i>	<p>Motion: Lyle Second: Braun In Favor: Alcine, Braun, Buxton, Lyle, Swink, Terando and Whitsett Recused: Fluhrer</p>

This document is a true and accurate statement of the findings and recommendations of the Planning Commission. Approval of this document incorporates all of the findings of the attached Staff Report.

	Date		Date
Planning Director		Planning Commission Chairperson	5/26/15

Staff Coordinator: Vivian Ekstrom: (919) 996-2657; vivian.ekstrom@raleighnc.gov



Zoning Staff Report – Case Z-1-15

Conditional Use District

Case Summary

Overview

The proposal seeks to rezone eight parcels on the west side of downtown: six of the parcels form the entire block bounded by W. Hargett Street, S. Harrington Street, W. Martin Street, and S. West Street; the other two parcels are located directly across from this block on the north side of W. Hargett Street. On the south side, several parcels are currently occupied by 1 - 2 story brick buildings (approximately 18 - 30 feet in height) used as industrial supply warehouse space by the Dillon Supply Company. Along W. Hargett Street (north and south side), surface parking is the existing use.

The Future Land Use Map designates the site as Central Business District (CBD). Surrounding properties to the north, west, and east are also designated as CBD. Properties on the south side of W. Martin Street are designated as Community Mixed Use (CMU).

All properties included in this proposal are zoned Business with Downtown Overlay District (BUS w/ DOD) as are properties to the north and east. Properties to the west and south are zoned Industrial-2 with DOD. Current uses range from offices and industrial operations to institutional (Contemporary Art Museum), restaurants, and multi-family residential. The recently completed Citrix headquarters is directly across from this site at the northwest corner of W. Hargett and S. West Streets. Most surrounding buildings range in height from 1 – 3 stories. The Hue apartment building at the corner of W. Hargett and Dawson Streets is 6 stories.

The site is also located directly across S. West Street from the future Union Station. As such, the Urban Form Map locates the site within a ½ mile transit stop buffer as well as within the Downtown Growth Center.

The site is directly north of the National Register-listed Depot Historic District. As part of the environmental impact documents prepared for Union Station, there is a proposal that recommends expanding the Depot Historic District to include the warehouse buildings on the main block of this rezoning request (bounded by W. Hargett, W. Martin, S. West and S. Harrington) as well as buildings to the west; this proposed expansion has been determined to be eligible for listing in the National Register by the North Carolina State Historic Preservation Office.

The proposed zoning, DX-20-CU, has several conditions that address building form and urban design issues, including a prohibition on surface parking as well as a requirement that certain Urban General frontage standards will apply to buildings fronting along W. Hargett Street (both sides) and W. Martin Street (with a stipulation if some of the existing building façade is retained). There are also requirements that active uses will be located between any parking structure and the street for buildings fronting W. Hargett Street (both sides) and W. Martin Street; a minimum of non-parking uses on the ground-level for any parking structure fronting S. West Street and S. Harrington Street (main block) is required. The conditions also constrain building height: for any building fronting W. Martin Street that is greater than 5 stories (75'), a 40' stepback is required between the 3rd and 9th stories, and at least 65% of the main block will have buildings that are 9

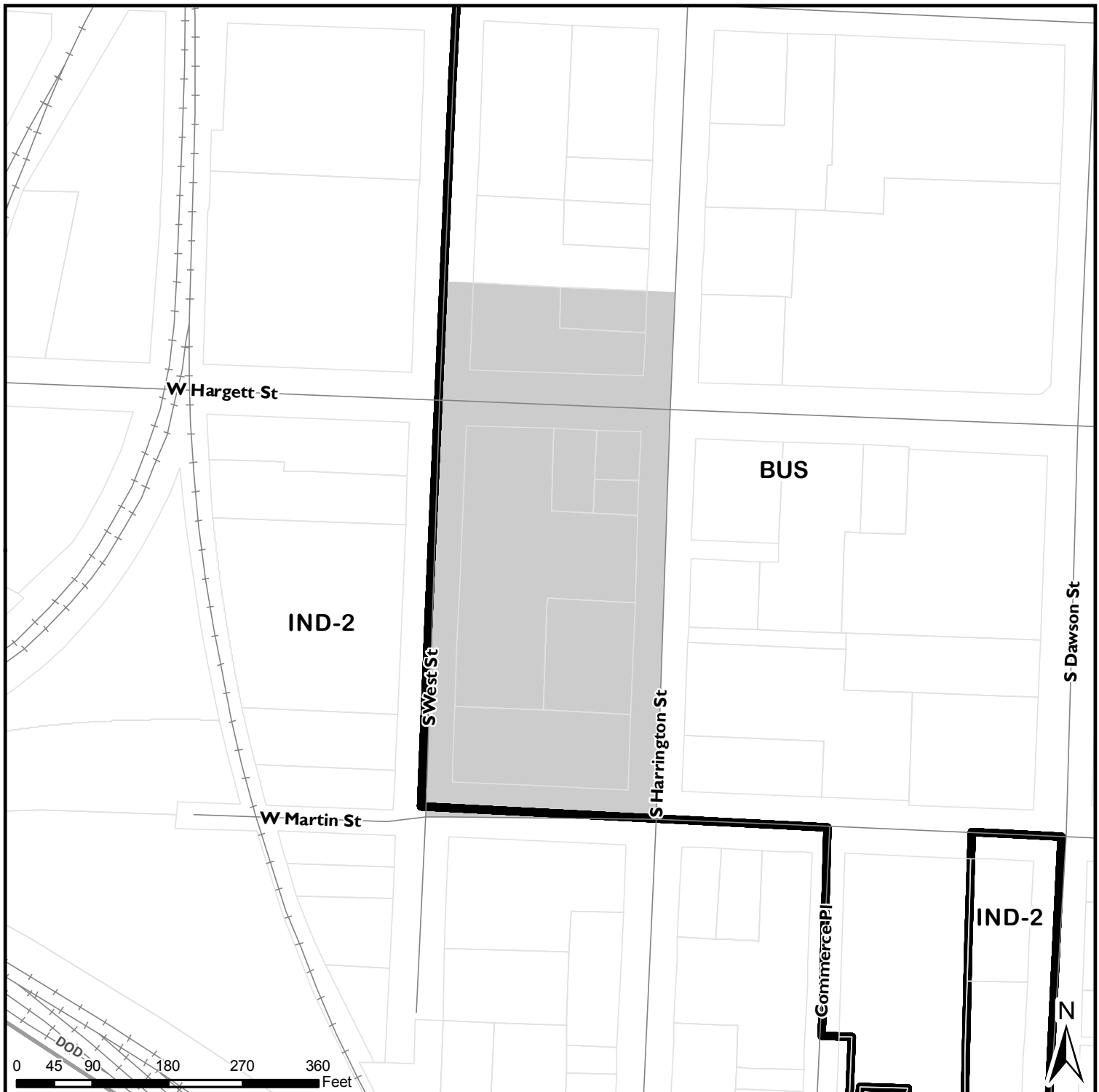
stories or less in height. In addition, the conditions address parking structure elevation design and screening as well as lighting fixture types within parking structures.

Outstanding Issues

<i>Outstanding Issues</i>		<i>Suggested Mitigation</i>	
	1. Urban frontage designation not applied and conditions do not adequately approximate.		1. Apply an Urban General or Shopfront frontage or amend conditions to more adequately approximate.

Existing Zoning Map

Z-I-2015

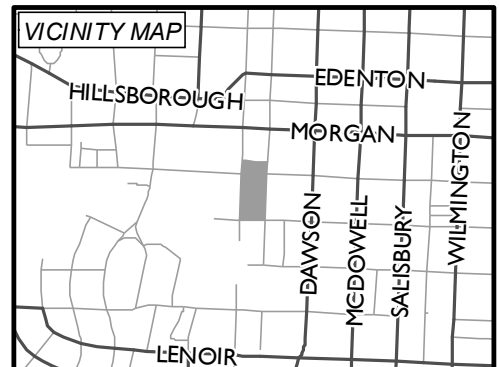


**Submittal
Date**

1/9/2015

Request:

**2.53 acres from
BUS w/DOD to
DX-20-SH-CU**



Rezoning Case Evaluation

1. Compatibility Analysis

1.1 Surrounding Area Land Use/ Zoning Summary

	Subject Property	North	South	East	West
<i>Existing Zoning</i>	Business	Business	Industrial-2	Business	Industrial-2
<i>Additional Overlay</i>	Downtown	Downtown	Downtown	Downtown	Downtown
<i>Future Land Use</i>	Central Business District	Central Business District	Central Business District	Central Business District	Central Business District
<i>Current Land Use</i>	Warehouse and parking	Mixed use (warehouse/ flex space, offices, parking)	Mixed use (museum, industrial, parking)	Mixed use (multi-family, condos, offices, retail, parking)	Union Station site, restaurant, vacant warehouse/ flex space
<i>Urban Form (if applicable)</i>	Downtown	Downtown; Transit Emphasis (W. Morgan)	Downtown	Downtown	Downtown

1.2 Current vs. Proposed Zoning Summary

	Existing Zoning	Proposed Zoning
<i>Residential Density:</i>	810 (320 units/acre; per DOD)	700 (277 units/acre)
<i>Setbacks:</i>		<i>Build-to (per conditions):</i>
<i>Front:</i>	- 0 -	70% w/n 0 to 20 feet
<i>Side:</i>	- 0 -	35% w/n 0 to 20 feet
<i>Rear:</i>	- 0 -	0 or 6 feet (if Mixed Use Bldg type)
<i>Retail Intensity Permitted:</i>	80,000	60,000
<i>Office Intensity Permitted:</i>	975,000	735,000

1.3 Estimated Development Intensities

	Existing Zoning	Proposed Zoning*
<i>Total Acreage</i>	2.53	2.53
<i>Zoning</i>	BUS w/ DOD	DX-20-CU
<i>Max. Gross Building SF (if applicable)</i>	1,625,000	1,130,000
<i>Max. # of Residential Units</i>	810	700
<i>Max. Gross Office SF</i>	975,000	735,000

<i>Max. Gross Retail SF</i>	80,000	60,000
<i>Max. Gross Industrial SF</i>	-0-	-0-
<i>Potential F.A.R</i>	14.75	10.25

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

The proposed rezoning is:

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

While a 20-story building would be significantly taller than existing structures in the area, the proposal would permit development of comparable scale as that currently possible on the site. In addition, the site's location directly adjacent to the city's future transit hub supports a more intense scale of development. Conditions also require a significant stepback (40' between the 3rd and 9th stories) for buildings greater than 5 stories (75') fronting W. Martin Street (across from the National Register Depot Historic District) and specify that at least 65% of the main block will have a building that is 9 stories or less in height.

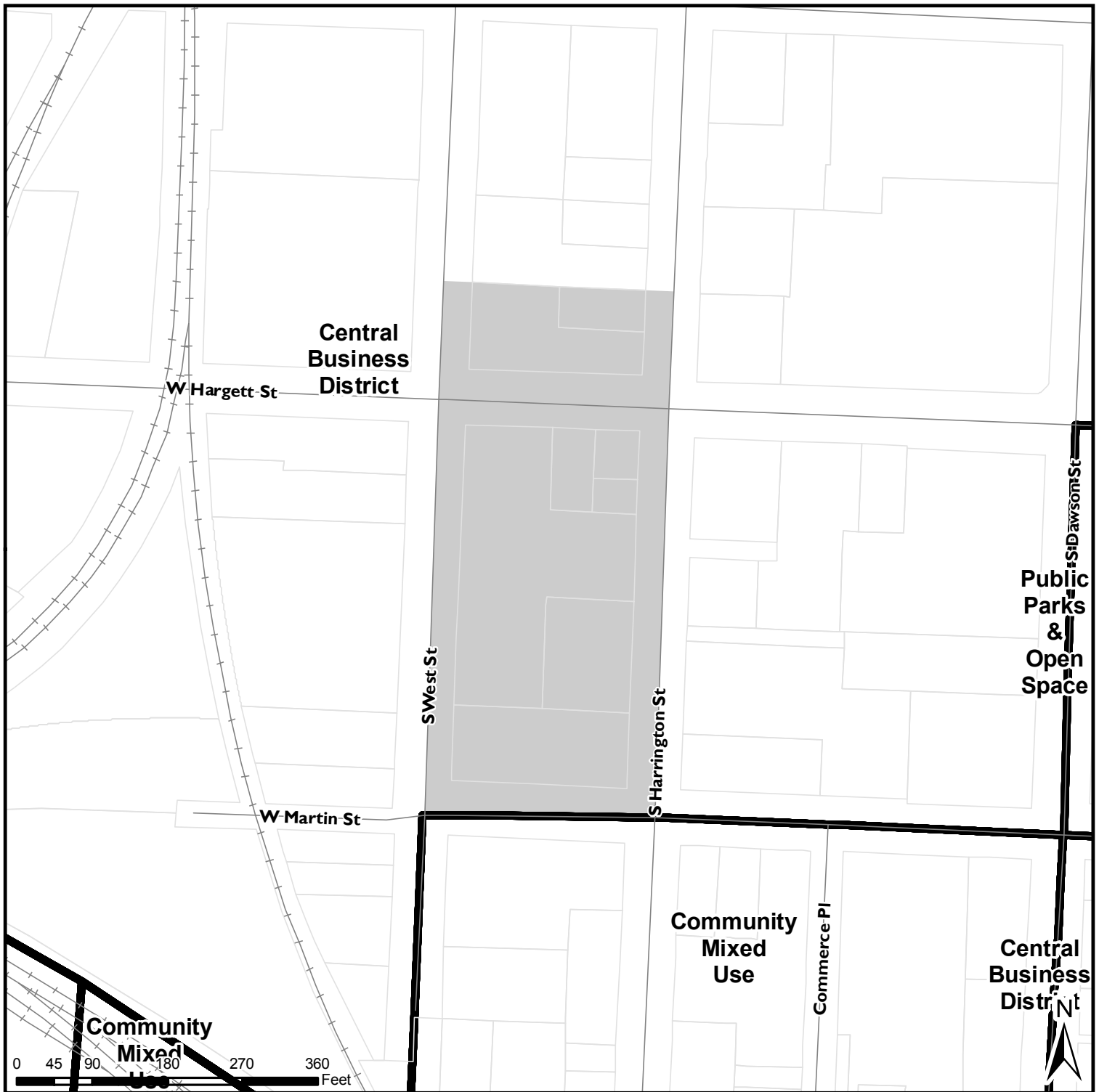
☐ **Incompatible.**

Analysis of Incompatibility:

n/a

Future Land Use Map

Z-I-2015

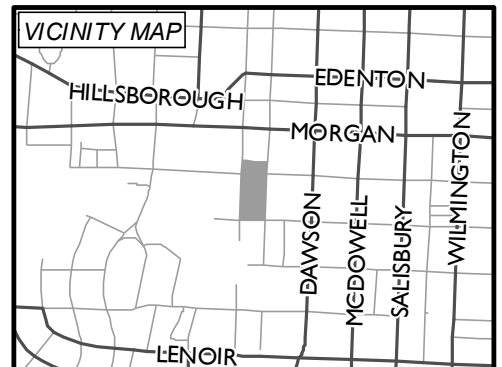


**Submittal
Date**

1/9/2015

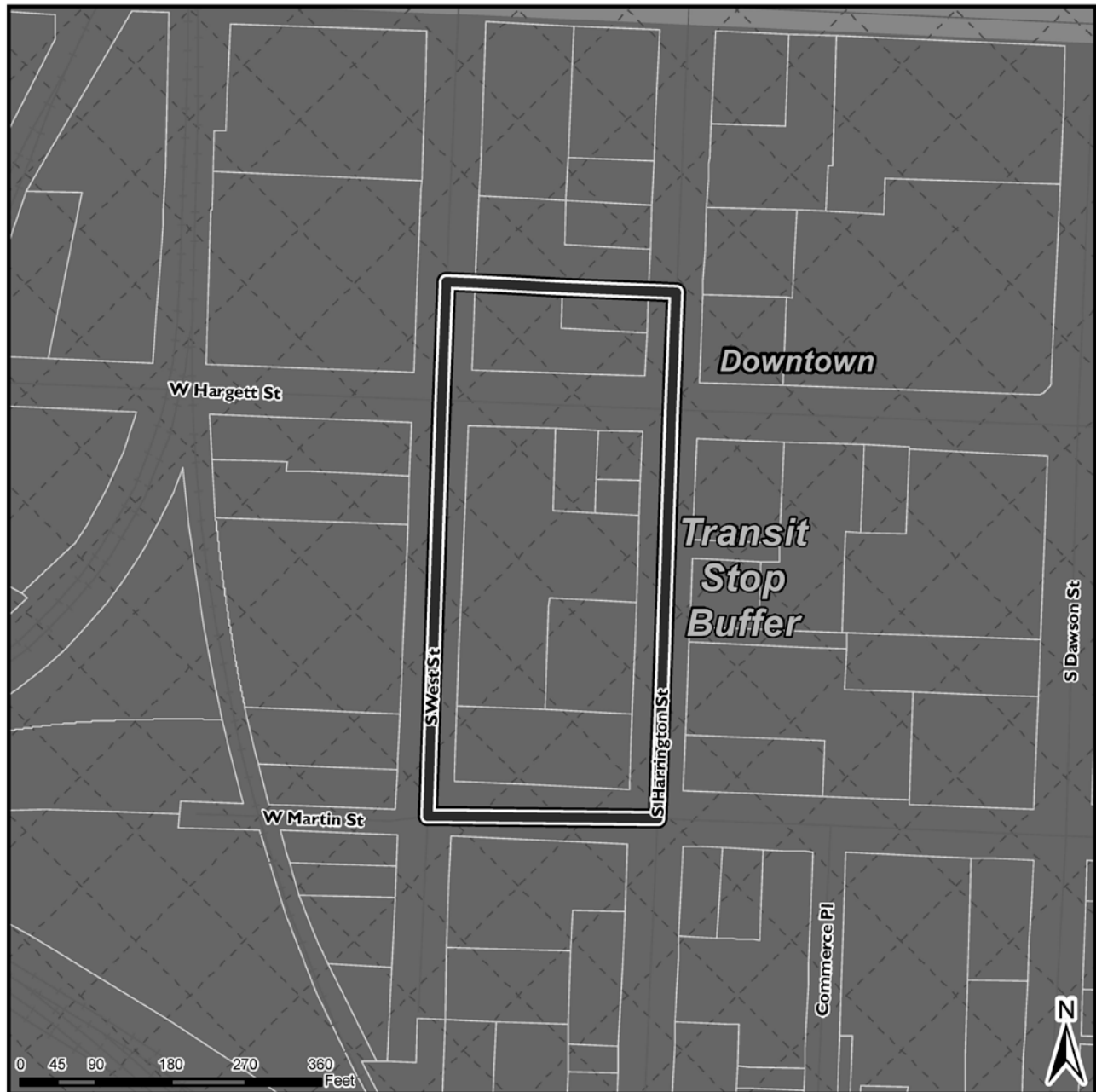
Request:

**2.53 acres from
BUS w/DOD to
DX-20-SH-CU**



Urban Form Map

Z-1-2015



**Submittal
Date**

1/9/2015

Request:

**2.53 acres from
BUS w/DOD
to DX-20-CU**



2. Comprehensive Plan Consistency Analysis

2.1 Comprehensive Plan

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

- Is the proposal consistent with the vision, themes, and policies contained in the Comprehensive Plan?
- Is the use being considered specifically designated on the Future Land Use Map in the area where its location is proposed?
- 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?
- Will community facilities and streets be available at City standards to serve the use proposed for the property?

The proposal is consistent with the Future Land Use Map — DX is identified as the most appropriate zoning district for areas designated as Central Business District.

However, the proposal is inconsistent with the Urban Form Map and is partially inconsistent with the Comprehensive Plan. Regarding the Urban Form Map, the Comprehensive Plan recommends that an urban frontage be applied throughout the Downtown Growth Center. Although the proposal includes conditions that approximate an Urban General frontage, there are several requirements that are not adequately addressed, in particular parking structure design and active ground floor uses. See section 2.3 *Urban Form* for more details.

In addition, the proposal is inconsistent with several policies related to the pedestrian realm, downtown retail uses, and urban design. See section 2.4 *Policy Guidance* for more information.

Existing community facilities and streets appear sufficient to accommodate the redevelopment possible under the proposed zoning.

2.2 Future Land Use

Future Land Use designation:

The rezoning request is:

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

☐ **Inconsistent**

Analysis of Inconsistency:

n/a

2.3 Urban Form

Urban Form designation:

☐ **Not applicable** (no Urban Form designation)

The rezoning request is:

☐ **Consistent** with the Urban Form Map.

☒ **Inconsistent**

Analysis of Inconsistency:

The site is located in the Downtown Growth Center within ½ mile of a future transit stop (Union Station). The Comprehensive Plan recommends that an urban frontage designation be applied to properties within the Downtown Growth Center. Proposed conditions meet some of the requirements of the Urban General frontage. Specifically, the north and south sides of W. Hargett Street and the north side of W. Martin Street (with a stipulation regarding retention of the existing building façade) would have to comply with the Urban General frontage standards.

However, there are several urban frontage requirements that would not necessarily be addressed, notably design standards that would require structured parking to have active uses on the ground story between the sidewalk and the structure. The conditions do require that W. Hargett and W. Martin Streets have active uses between any parking structure and the right-of-way. The conditions also offer that at least 45% of the width of any parking structure on S. West and S. Harrington Streets would have a “non-parking use” between the structure and the right-of-way. While this provision does offer some guarantee of active uses (or at least non-parking uses) on the ground-floor on these streets, it still leaves a significant portion of building area – some of which would be directly across the street from Union Station - that would not be required to have active uses.

In addition, the UDO parking structure design standards for sites with an urban frontage would not apply. While the conditions lay out some design considerations for ground level and upper stories of parking structures, they do not meet all the requirements in the UDO, particularly in terms of screening of vehicles and sloped ramps as well as vertical and horizontal articulation.

2.4 Policy Guidance

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

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.

As noted above, an urban frontage designation, or conditions which comparably achieve it, are needed. The subject property is next door to the future Union Station, a major public investment in transit and infrastructure.

Policy DT 2.26 – Active Ground Floor Parking Uses

Ground floor uses should be provided in all parking garages on all Pedestrian Priority Streets (See **Map DT-4**) and active ground floor uses should be provided in all parking garages on Retail Streets (see **Map DT-6**).

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.

Policy DT 3.2 – Ground Floor Uses on Secondary Retail Streets

New development should dedicate at least 50 percent of its linear frontage along the public right-of-way of Secondary Retail Streets as identified on Map DT-6 for ground-floor space designed and constructed for the uses encouraged on primary streets or service retail and professional services including but not limited to: fitness centers, dry cleaners, shoe repair, and medical offices.

Map DT-6 designates W. Hargett Street as a Primary Retail Street and S. Harrington, S. West, and W. Martin Streets as Secondary Retail Streets. The equivalent Urban General frontage conditions offered do not address the policy guidance noted above about dedicating ground floor space to retail uses. A Shopfront frontage would best meet the intent of these policies since the primary building type would be a mixed use building which requires that the ground floor be constructed to accommodate retail.

Policy DT 2.26 specifically recommends that active ground floor uses be provided in all parking garages on Priority Pedestrian Streets and all parking garages on Retail Streets.

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.

Application of an urban frontage would ensure that the ground level design of the buildings enhances the pedestrian realm. The proposal's conditions could result in non-active uses along extended sections of block faces.

2.5 Area Plan Policy Guidance

The site is located within the Downtown West Gateway Area Plan in the Station Area Core where high density mixed use development is recommended.

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

n/a

3. Public Benefit and Reasonableness Analysis

3.1 Public Benefits of the Proposed Rezoning

- The proposed rezoning will facilitate redevelopment of an underutilized site in Downtown that is located next to the city's future major transit facility (Union Station).
- The proposed rezoning allows for a density and intensity of uses that will complement the downtown area and result in the more efficient provision of goods and services downtown.

3.2 Detriments of the Proposed Rezoning

- Lack of designated frontage could result in parking structures with no intervening active use along extended sections of block faces, failing to achieve activation of pedestrian areas.

4. Impact Analysis

4.1 Transportation

Transportation Planning staff waives the requirements for block length limits, interconnectivity and a traffic study in case Z-1-15 due to the proposed DX zoning.

Impact Identified: None.

4.2 Transit

Due to the Union Station project and the associated bus facility in the area there are no transit requests.

Impact Identified: None.

4.3 Hydrology

<i>Floodplain</i>	None.
<i>Drainage Basin</i>	Rocky Branch
<i>Stormwater Management</i>	9.2 UDO
<i>Overlay District</i>	None.

Impact Identified: No impacts identified.

4.4 Public Utilities

	<i>Maximum Demand (current)</i>	<i>Maximum Demand (proposed)</i>
<i>Water</i>	15,812 gpd	237,500 gpd
<i>Waste Water</i>	15,812 gpd	237,500 gpd

Impact Identified: The proposed rezoning would add approximately 221,688 gpd to the wastewater collection and water distribution systems of the City. There are existing sanitary sewer and water main adjacent to the property.

The developer may be required to submit a downstream sanitary sewer capacity study and those required improvements identified by the study must be permitted and constructed in conjunction with and prior to the proposed development being constructed.

Verification of available capacity for water fire flow is required as part of the building permit process. Any water system improvements required to meet fire flow requirements will also be required.

4.5 Parks and Recreation

Site is adjacent to proposed greenway connector along West Street. Park services are available at Chavis Park (1.1 miles) or Pullen Park (1.2 miles). Nearest greenway trail is Little Rock, 0.8 miles.

Impact Identified: None.

4.6 Urban Forestry

The individual parcels are less than two acres in size and the lots are not wooded and do not have individual trees 10-inches and greater therefore UDO Article 9.1 Tree Conservation will not apply to this site.

Impact Identified: None.

4.7 Designated Historic Resources

The site is across W. Martin Street from the National Register-listed Depot Historic District.

Impact Identified: Retention of the existing building along Martin Street is encouraged. Architectural delineation and step backs of new buildings and/or additions that reflect the scale of buildings in the historic district are encouraged.

4.8 Impacts Summary

- Sewer and fire flow matters may need to be addressed upon development.

4.9 Mitigation of Impacts

- Address sewer and fire flow capacities at the site plan stage.

5. Conclusions

The proposed rezoning is consistent with the Future Land Use Map and would allow an appropriate density and mix of uses on a site located next to the city's future transit hub. However, the proposal is not consistent with the Urban Form Map as well as key policies from the Comprehensive Plan. The Urban Form Map and policy guidance from the Comprehensive Plan require an urban frontage designation or a conditioned equivalent, the latter of which the proposal has not fully provided.

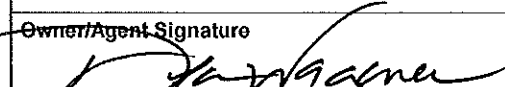


Planning & Development

**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

Rezoning Application

Rezoning Request	OFFICE USE ONLY
<input type="checkbox"/> General Use <input checked="" type="checkbox"/> Conditional Use <input type="checkbox"/> Master Plan	Transaction Number
Existing Zoning Classification: Business Zone with Downtown Overlay District Proposed Zoning Classification Base District: DX Height: -20 Frontage: -SH	
If the property has been previously rezoned, provide the rezoning case number. Z-12-05 (DOD)	
Provide all previous transaction numbers for Coordinated Team Reviews, Due Diligence Sessions or Pre-Submittal Conferences.	

GENERAL INFORMATION		
Property Address: 223 S. West Street, 410 W. Martin Street, 126, 210 & 218 S. Harrington Street, 401, 403 & 406 W. Hargett Street		Date: Revised 8/6/15
Property PIN: 1703580296, 1703581004, 1703581165, 1703581357, 1703581503, 1703581586, 1703582304 & 1703582309		Deed Reference (Book/Page): Book 0925, Page 616; Book 1044, Page 404; Book 1422, Page 368; Book 0984, Page 528; Book 1924, Page 509; Book 1954, Page 545; Book 1013, Page 384; Book 1128, Page 419
Nearest Intersection: W. Hargett Street and S. West Street		Property size (in acres) +/- 2.53 ac
Property Owner/Address: Dillon Supply Company PO Box 14535 Raleigh, NC 27620	Phone	Fax
	Email	
Project Contact Person/Address: Michael Birch, Morningstar Law Group 630 Davis Drive, Suite 200 Morrisville, NC 27560	Phone: 919.590.0388	Fax
	Email: mbirch@morningstarlawgroup.com	
Owner/Agent Signature 	Email dwagoner@dillonsupply.com	

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



Planning & Development

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One Exchange Plaza
1 Exchange Plaza, Suite 400
Raleigh, North Carolina 27601
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Fax 919-516-2685

Conditional Use District Zoning Conditions		OFFICE USE ONLY
Zoning Case Number: Z-1-15		Transaction Number
Date Submitted: August 5, 2015		
Existing Zoning: Business Zone with Downtown Overlay District	Proposed Zoning: DX-20-SH-CU	

NARRATIVE OF ZONING CONDITIONS OFFERED

1. Upon redevelopment of the property, no surface parking area shall be permitted.
2. This condition shall apply only to that portion of the property subject to the rezoning that is located within the City block bounded by S. West Street to the west, W. Martin Street to the south, S. Harrington Street to the east and W. Hargett Street to the north:
 - a. There shall be a minimum of three (3) street-facing entrances along S. West Street, and any entrances used to satisfy this standard shall be no closer than twenty (20) feet to one another, but no more than two hundred (200) feet from one another. An outdoor pedestrian path connecting S. West Street and S. Harrington Street may be counted as a street-facing entrance in satisfaction of this condition.
 - b. There shall be a minimum of three (3) street-facing entrances along S. Harrington Street, and any entrances used to satisfy this standard shall be no closer than twenty (20) feet to one another, but no more than two hundred (200) feet from one another. An outdoor pedestrian path connecting S. Harrington Street and S. West Street may be counted as a street-facing entrance in satisfaction of this condition.
3. This condition shall apply only to that portion of the property subject to the rezoning that is bounded by W. Hargett Street to the south, S. West Street to the west and S. Harrington Street to the east:
 - a. There shall be a minimum of one (1) street-facing entrance along S. West Street.
 - b. There shall be a minimum of one (1) street-facing entrance along S. Harrington Street.
4. The building façade fronting along W. Martin Street and that portion of the building façade fronting along S. Harrington Street measuring at least ninety-five (95) feet from the corner of the existing building at the intersection of W. Martin Street and S. Harrington Street, inclusive of the "Dillon Supply Co. Steel and Pipe Products" sign, shall be incorporated into the building design for the new building fronting along W. Martin Street. This condition shall not prevent the developer from inserting windows and doors in these building walls, and it shall not prevent the developer from inserting openings required by design needs and applicable codes and ordinances into these building walls.
5. For any building fronting along W. Martin Street that is greater than five (5) stories and seventy-five (75) feet in height, whichever is less, there shall be a building setback of at least fifty (50) feet in depth as measured from the W. Martin Street public right-of-way. In all other respects the setback shall comply with this UDO.
6. Within that city block bounded by W. Martin Street, W. Hargett Street, S. West Street and S. Harrington Street, the following height standards shall apply: (i) no less than sixty-five percent (65%) of the city block, as measured by the land area on which the building is constructed divided by the total land area of the block, shall be developed with a building nine (9) stories in height or less; (ii) any portion of a building greater than nine (9) stories in height shall be located at least two-hundred (200) feet from the W. Hargett Street public right-of-way; and (iii) the maximum height of any building shall be seventeen (17) stories.
7. For that portion of the property subject to this rezoning located on the north side of W. Hargett Street, the maximum building height is seven (7) stories.

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
	Dean Wagoner



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

Conditional Use District Zoning Conditions		OFFICE USE ONLY
Zoning Case Number: Z-1-15		Transaction Number
Date Submitted: August 5, 2015		
Existing Zoning: Business Zone with Downtown Overlay District	Proposed Zoning: DX-20-SH-CU	

NARRATIVE OF ZONING CONDITIONS OFFERED	
8.	EIFS shall be prohibited as a building siding material, and its use shall be limited to an accent material for cornice only.
9.	Permitted building siding materials shall include brick, stone, concrete masonry, cementitious siding, hard coat stucco, wood, metal, and glass.
10.	The principal use "bar, nightclub, tavern, lounge" as defined in UDO section 6.4.10.B. shall be prohibited.
11.	Loading areas and service areas shall be integrated within buildings and located on the property.
12.	A building setback shall be provided at the building corner located at the intersection of W. Martin Street and S. West Street. This building setback shall be at least twenty-five (25) feet in depth as measured from the S. West Street public right-of-way, and shall extend for a distance of at least fifty (50) feet along S. West Street as measured from the W. Martin Street public right-of-way. In all other respects the setback shall comply with the UDO.

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 Dean Wagoner
--	----------------------------



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

Rezoning Application Addendum

Comprehensive Plan Analysis	OFFICE USE ONLY
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 Number
	Zoning Case Number

STATEMENT OF CONSISTENCY

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.

1. The properties are designated Central Business District on the Future Land Use Map. The Comprehensive Plan notes that this designation applies to Raleigh's central business district and is intended to enhance Downtown Raleigh as a vibrant mixed use urban center. This category supports a mix of high-intensity office, retail and residential uses, and acknowledges that the DX district is the primary district for the mixed use core of downtown. The proposed rezoning to DX is consistent with the Future Land Use Map.
2. The properties are located in the Downtown Regional Center as shown on the Urban Form Map. The Comprehensive Plan notes that this is where the most intense growth is contemplated. Also, the properties are located immediately across S. West Street from Union Station and within the ½ mile transit buffer as shown on the Urban Form Map. The proposed rezoning is consistent with the Urban Form Map guidance.
3. The Recommended Height Designations table in the Comprehensive Plan states that a maximum building height of forty (40) stories is appropriate for property designated Central Business District on the Future Land Use Map and located in a core/transit area. As noted above, given the properties' location within the Downtown Regional Center and proximity to Union Station, the property is located within a core/transit area. Therefore, the proposed rezoning request for a maximum building height of twenty (20) stories is consistent with the Comprehensive Plan guidance.
4. The properties are located within the boundary of the Downtown West Gateway Area Plan. As shown on Map AP-DWG1, all of the properties are located within the "High Density Mixed Use" area, with the great majority of the properties located within the Station Area Core boundary. Policy AP-DWG 8 "Building Height Transition" states that taller buildings are encouraged within the Station Area Core. Therefore, the proposed rezoning for a maximum building height of twenty (20) stories is consistent with this Area Plan guidance.
5. The proposed rezoning is consistent with Policy DT 1.3 "Underutilized Sites in Downtown", which encourages the redevelopment of underutilized sites in downtown, including surface parking lots and brownfield sites. Portions of the property are currently surface parking lots and much of the property is brownfields. The proposed rezoning is consistent with Policy DT 1.4 "Redevelopment around the MTC", which supports the redevelopment of underutilized land adjacent to the proposed MTC. The properties are immediately across S. West Street from the MTC and the proposed rezoning will facilitate redevelopment that will contribute to the success of the MTC and downtown. It is important to note that the properties are not within a Downtown Transition Area, additionally supporting the proposed building height of twenty (20) stories. Policy DT 1.15 "High Density Development", which encourages the highest density development within close proximity to planned transit stations. Given the proximity to Union Station, the proposed rezoning is consistent with this policy.

PUBLIC BENEFITS

Provide brief statements regarding the public benefits derived as a result of the rezoning request.

1. The proposed rezoning provides a public benefit by facilitating the redevelopment of underutilized property located in close proximity to the City's major planned transit hub.
2. The proposed rezoning provides a public benefit by facilitating the development of high-density residential uses in close proximity to the major employment area, along with office space to accommodate major employment opportunities in the downtown region.

URBAN DESIGN GUIDELINES

If the property to be rezoned is shown as a "mixed use center" or located along a Main Street or Transit Emphasis Corridor as shown on the Urban Form Map in the Comprehensive Plan, the applicant must respond to the Urban Design Guidelines contained in the 2030 Comprehensive Plan.

1.	<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> Response: The proposed rezoning permits retail, office and residential uses, consistent with this guideline.
2.	<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> Response: The properties are not adjacent to lower density neighborhoods, so this guideline is not applicable.
3.	<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> Response: No new streets are contemplated as part of this development. The existing street network complies with this guideline.
4.	<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> Response: No new streets are contemplated as part of this development. The existing street network complies with this guideline.
5.	<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> Response: No new streets are contemplated as part of this development. The existing street network complies with this guideline.
6.	<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> Response: The proposed rezoning, as conditioned, is consistent with this guideline.
7.	<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> Response: The proposed rezoning, as conditioned, is consistent with this guideline.
8.	<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> Response: The proposed rezoning, as conditioned, is consistent with this guideline.
9.	<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> Response: Outdoor amenity areas will be provided in accordance with the UDO.
10.	<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> Response: Outdoor amenity areas will be provided in accordance with the UDO.
11.	<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> Response: Outdoor amenity areas will be provided in accordance with the UDO.
12.	<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> Response: Outdoor amenity areas will be provided in accordance with the UDO.
13.	<i>New public spaces should provide seating opportunities.</i> Response: Outdoor amenity areas will be provided in accordance with the UDO.
14.	<i>Parking lots should not dominate the frontage of pedestrian-oriented streets, interrupt pedestrian routes, or negatively impact surrounding developments.</i> Response: The proposed rezoning, as conditioned, is consistent with this guideline.
15.	<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> Response: The proposed rezoning, as conditioned, is consistent with this guideline.
16.	<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> Response: It is contemplated that the proposed rezoning and development will be consistent with this guideline.

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>Response: Given the properties' proximity to Union Station, the proposed rezoning is consistent with this guideline.</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>Response: Pedestrian access to transit stops will be provided in accordance with the UDO, consistent with this guideline.</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>Response: There are no known sensitive features on the property, so this guideline is inapplicable.</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>Response: No new streets are contemplated as part of this development.</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>Response: Sidewalks will be provided and maintained considering the context of the site and existing conditions.</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>Response: No new streets are contemplated as part of this development.</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>Response: As conditioned, the proposed rezoning is consistent with this guideline.</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>Response: It is contemplated that the proposed development will be consistent with this guideline.</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>Response: It is contemplated that the proposed development will be consistent with this guideline.</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>Response: Sidewalks will be provided and maintained considering the context of the site and existing conditions.</p>

REPORT OF MEETING WITH ADJACENT PROPERTY OWNERS
ON JANUARY 5, 2015

Pursuant to applicable provisions of the Unified Development Ordinance, a meeting was held with respect to a potential rezoning with adjacent property owners on Monday, January 5, 2015, at 5:30 p.m. The property considered for rezoning totals approximately 2.03 acres, and has the addresses of 223 S. West Street, 410 W. Martin Street, 401 and 403 W. Hargett Street, and 210 and 218 S. Harrington Street, and having Wake County Parcel Identification Numbers 1703-58-0296, 1703-58-1004, 1703-58-1165, 1703-58-1357, 1703-58-2304 and 1703-58-2309. This meeting was held at the office of Kane Realty Corporation located at 4321 Lassiter at North Hills Avenue, Suite 250, Raleigh, NC 27609. All owners of property within 100 feet of the subject property were invited to attend the meeting. Attached hereto as **Exhibit A** is a copy of the neighborhood meeting notice. A copy of the required mailing list for the meeting invitations is attached hereto as **Exhibit B**. A summary of the items discussed at the meeting is attached hereto as **Exhibit C**. Attached hereto as **Exhibit D** is a list of individuals who attended the meeting.

EXHIBIT A

NEIGHBORHOOD MEETING NOTICE



Michael Birch | Attorney
630 Davis Drive, Suite 200
Morrisville, NC 27560

919-590-0388
mbirch@morningstarlawgroup.com
www.morningstarlawgroup.com

To: Neighboring Property Owner

From: Michael Birch

Date: December 23, 2014

Re: Notice of meeting to discuss potential rezoning of property located within the city block bounded by W. Hargett Street, S. Harrington Street, W. Martin Street and S. West Street, containing approximately 2.03 acres, with the addresses of 223 S. West Street, 410 W. Martin Street, 401 and 403 W. Hargett Street, and 210 and 218 S. Harrington Street, and having Wake County Parcel Identification Numbers 1703-58-0296, 1703-58-1004, 1703-58-1165, 1703-58-1357, 1703-58-2304 and 1703-58-2309 (the "Property").

We are counsel for a developer that is considering rezoning the Property. The Property is currently zoned Business Zone with the Downtown Overlay District. The proposed zoning district is Downtown Mixed Use (DX).

You are cordially invited to attend a meeting to discuss the potential rezoning. We have scheduled a meeting with surrounding property owners on Monday, January 5, 2015 at 5:30 p.m. This meeting will be held at the offices of Kane Realty Corporation located at 4321 Lassiter at North Hills Avenue, Suite 250, Raleigh, NC 27609. This office is located above Fink's Jeweler's, and the elevator to access this office can be found through the glass double-doors between the ground-floor stores of Fleur Boutique and Apricot Lane off Lassiter at North Hills Avenue.

This meeting is required by the City of Raleigh and is intended to afford neighbors an opportunity to ask questions about the potential rezoning and for the owners to obtain suggestions and comments you may have about it. You are not required to attend, but are certainly welcome. After the meeting, we will prepare a report for the Raleigh Planning Department regarding the items discussed at the meeting.

Please do not hesitate to contact me directly should you have any questions or wish to discuss any issues. I can be reached at (919) 590-0388 or mbirch@morningstarlawgroup.com.

EXHIBIT B

LIST OF PROPERTY OWNERS TO WHOM NOTICES WERE SENT

RST LLC
PO BOX 31627
RALEIGH NC 27622-1627

MARTIN PLACE CONDOMINIUMS
1901 YORKGATE DR
RALEIGH NC 27612-3449

CONDON, NICOLE C
320 W MARTIN ST APT 204
RALEIGH NC 27601-1368

RESEARCH TRIANGLE REGIONAL
PUBLIC TRANSPORTATION
REAL ESTATE
PO BOX 13787
RTP NC 27709-3787

SMITH, ERIC BRADLEY
320 W MARTIN ST APT 101
RALEIGH NC 27601-1325

GUAN, CHANGHONG
320 W MARTIN ST APT 205
RALEIGH NC 27601-1384

PATTERSON HOLDINGS LLC
PO BOX 10007
RALEIGH NC 27605-0007

FULENWIDER, CHRISTA JEAN
320 W MARTIN ST APT 102
RALEIGH NC 27601-1325

SWINDELL, RUSSELL A II
1160 HARP ST
RALEIGH NC 27604-1304

WAREHOUSE DISTRICT PTNR LLC
JMC HOLDINGS LLC
216 E 45TH ST STE 1200
NEW YORK NY 10017

CLINE, TRAVIS
320 W MARTIN ST APT 103
RALEIGH NC 27601-1368

RALEIGH CITY OF
PO BOX 590
RALEIGH NC 27602-0590

409 WEST MARTIN LANDLORD LLC
409 W MARTIN ST
RALEIGH NC 27603-1819

COLLINS, GEORGE JR
104 W MARTIN ST APT 320
RALEIGH NC 27601-1322

GOODWILL COMMUNITY
FOUNDATION, INC.
4808 CHIN PAGE RD
DURHAM NC 27703-8476

CENTER LINE PROPERTIES LLC
509 W NORTH ST
RALEIGH NC 27603-1414

PARKS, MARTHA KAY SELINGER,
DYLAN PARKS
320 W MARTIN ST APT 105
RALEIGH NC 27601-1384

CAROLINA SPIRITS INC
5023 DUNWOODY TRL
RALEIGH NC 27606-1762

EMPIRE HU PROPERTIES LLC
133 FAYETTEVILLE ST STE 600
RALEIGH NC 27601-2911

MCKEE, KATHRYNE LEONARD
1907 PARK DR
RALEIGH NC 27605-1614

DILLON SUPPLY CO
PO BOX 14535
RALEIGH NC 27620-4535

BOYETTES LEASING
CORPORATION
PO BOX 25014
RALEIGH NC 27611-5014

SAWIN, DWIGHT H III
320 W MARTIN ST APT 201
RALEIGH NC 27601-1325

BLACK, ANDREW H
320 W MARTIN ST APT 203
RALEIGH NC 27601-1368

EXHIBIT C

SUMMARY OF DISCUSSION ITEMS

On Monday, January 5, 2015, at 5:30 p.m., the applicant held a neighborhood meeting for the property owners adjacent to the parcels subject to the proposed rezoning. The following items were discussed:

1. Scope of property subject to rezoning
2. Whether the brownfields program is being considered
3. Work with Duke Energy regarding high voltage line relocation
4. Off-street parking
5. Timeline for development of project after rezoning
6. Proposed mix of uses
7. Proximity to National Register Historic District
8. Proposed building height request
9. City's proposed remapping designation
10. Maintaining warehouse character
11. Addressing street and pedestrian realm

EXHIBIT D

NEIGHBORHOOD MEETING ATTENDEES

In addition to members of the development team, the following people attended the neighborhood meeting:

1. Ben Steel
2. Marjorie Hodges
3. Gab Smith
4. Steve Schuster

STATE OF NORTH CAROLINA

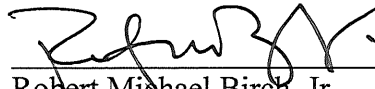
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COUNTY OF WAKE


I, Robert Michael Birch, Jr., of full age, being duly sworn according to law, upon my oath hereby depose and say:

1. I am counsel for the petitioner of City of Raleigh rezoning case Z-1-15.
2. In accordance with City of Raleigh Unified Development Ordinance section 10.2.4.D. and 10.2.1.C.1., I prepared the neighborhood meeting notice, list of all owners of property within 100 feet, and the stamped, addressed envelopes containing the neighborhood meeting notice.
3. The list of all owners of property within 100 feet, which I used to generate the addressed envelopes containing the neighborhood meeting notices, is attached hereto as Exhibit A.
4. The mailing list I submitted to the City on December 23, 2014 and as part of the neighborhood meeting report, which is attached hereto as Exhibit B, was incorrect.
5. The stamped, addressed envelopes that I delivered to the City on December 23, 2014 were generated using the mailing list attached hereto as Exhibit A, which includes all owners of property within 100 feet of the property subject to rezoning case Z-1-15.

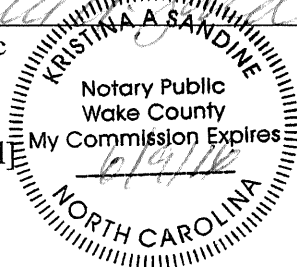
This the 4th day of March, 2015.


Robert Michael Birch, Jr.
Morningstar Law Group

Sworn to and subscribed before me this the 4th day of March, 2015.


Notary Public

[Notarial Seal]



My Commission Expires: 6-9-16

Subject Properties & Properties Within 100 Feet

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320 W MARTIN ST APT 203
RALEIGH NC 27601-1368

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133 FAYETTEVILLE ST STE 600
RALEIGH NC 27601-2911

ATM ASSOCIATES INC
1544 CARR ST
RALEIGH NC 27608-2302

MADISON JOINT VENTURE LLC
119 S HARRINGTON ST
RALEIGH NC 27603-1813

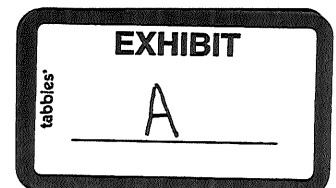


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