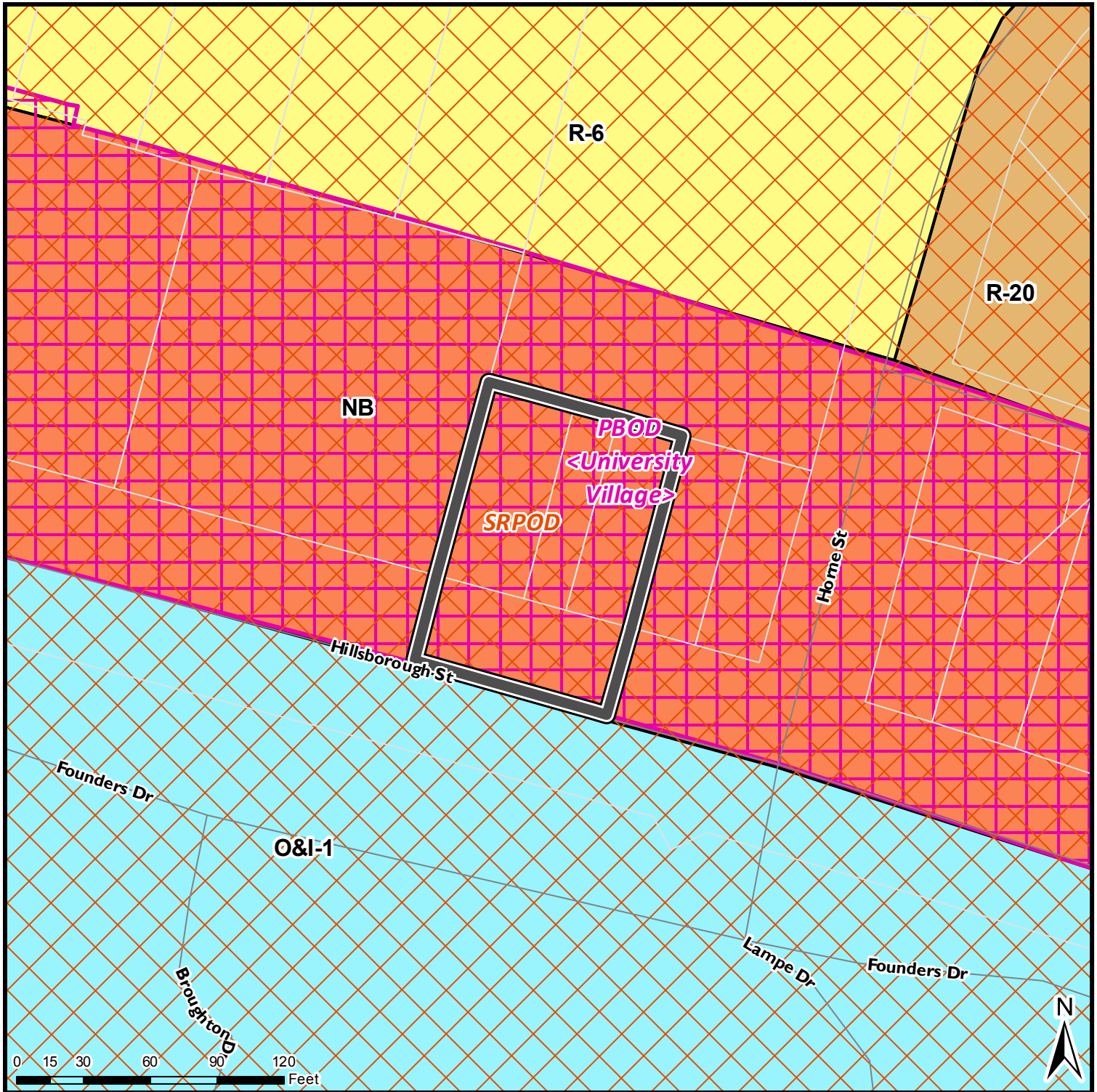


Existing Zoning Map

Z-2-2014

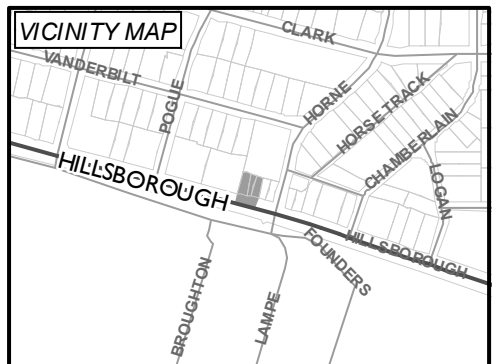


**Submittal
Date**

1/2/2014

Request:

**0.18 acres from
NB w/PBOD & SRPOD
to NX-7-SH-CU
w/ -SRPOD**





Certified Recommendation

Raleigh Planning Commission

CR# 11569

Case Information Z-2-14 Hillsborough Street

<i>Location</i>	Hillsborough Street, north side, between its intersection with Horne Street to the east and Pogue Street to the west. Address: 2504, 2506 and 2508 Hillsborough Street PIN: 0794813971, 0794813952 and 0794813922
<i>Request</i>	Rezone property from NB with PBOD and SRPOD to NX-7-SH CU with SRPOD
<i>Area of Request</i>	.18 acres
<i>Property Owner</i>	2504 Hillsborough: Thomas T. Roberts 2506 Hillsborough: HBST Partners, LLC 2508 Hillsborough: Andrea K. Crumpton, Sloan G. Kramer and Charlotte V. Stubbs
<i>Applicant</i>	Mack Paul Morningstar Law Group 630 Davis Drive, Suite 200 Morrisville, NC 27560
<i>Citizens Advisory Council</i>	Wade CAC
<i>PC Recommendation Deadline</i>	May 25, 2014

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>	Neighborhood Mixed Use
<i>URBAN FORM</i>	1. Hillsborough Street is a Main Street and a Transit Emphasis corridor. The site is within a Transit Stop Half-mile Buffer as shown on the Urban Form map.
<i>CONSISTENT Policies</i>	1. Policy LU 1.3 – Conditional Use District Consistency 2. Policy LU 7.6 – Pedestrian Friendly Development 3. Policy UD 1.10 – Frontage 4. Policy UD 6.4 – Encouraging Pedestrian-Oriented Uses 5. Policy UD 7.3 – Design Guidelines
<i>INCONSISTENT Policies</i>	1. Policy LU 5.6 – Buffering Requirements

Summary of Proposed Conditions

1. Several uses are prohibited: telecommunications tower, detention center, jail, prison, tattoo parlor, body piercing, emergency shelter, outdoor sports and entertainment facility, vehicle repair.
2. The maximum building height will be 7 stories, 75 feet.
3. No balconies associated with the individual dwellings will be constructed on the north side of a building.
4. Site lighting on the north side of the site will be full cut-off design.
5. The 10% outdoor amenity area to be located along sidewalk.
6. Façade to be 18" recessed or protruded at least twice, at least two façade building materials, at least one canopy.

Public Meetings

<i>Neighborhood Meeting</i>	<i>Committee</i>	<i>Planning Commission</i>
Nov. 21, 2013		

☐ **Valid Statutory Protest Petition**

Attachments

1. Staff report

Planning Commission Recommendation

<i>Recommendation</i>	<ol style="list-style-type: none"> 1. The Planning Commission recommends approval of Z-2-14 with the stipulation that a condition will be added to provide a ground-floor interior space with access to the north. 2. The Planning Commission recommends that the City Council authorize a public hearing for this case, the hearing to be held on June 3rd.
<i>Findings & Reasons</i>	<ol style="list-style-type: none"> 1. The Commission finds that the proposed rezoning is consistent with the 2030 Comprehensive Plan. The rezoning would further the goal of redeveloping Hillsborough Street with pedestrian and transit oriented mixed use buildings.
<i>Motion and Vote</i>	<p>Motion: Buxton Second: Fluhrer In Favor: Braun, Buxton, Fleming, Fluhrer, Lyle, Swink, Sterling Lewis and Whitsett Opposed: Schuster and Terando</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.

_____	_____	_____	<u>4/22/14</u>
Planning Director	Date	Planning Commission Chairperson	Date

Staff Coordinator: James Brantley james.brantley@raleighnc.gov



Zoning Staff Report – Case Z-2-14

Conditional Use District

Case Summary Overview

The proposed rezoning applies to three contiguous parcels on the north side of Hillsborough Street between Horne Street to the east and Pogue Street to the west. The parcels are currently occupied by three modest one story structures, constructed in the late 1940s, which are very similar in scale and character to most of this section of Hillsborough Street. This portion of Hillsborough Street is characterized by small-scaled, zero-lot-line buildings that were constructed for businesses catering to pedestrian traffic generated by the University. The three buildings and the adjacent buildings are essentially built to the property lines on all four sides in a zero-lot-line configuration. Across Hillsborough is a relatively open space on the NCSU campus between Patterson Hall and Hillsborough Street. To the rear of the parcels is West Raleigh Presbyterian Church. An office/educational building associated with the Church is across a private drive (owned by the Church) from the rear lot lines of the three subject parcels.

The properties are currently zoned Neighborhood Business. Much of the northern side of Hillsborough Street in this area shares this zoning, which was applied to four blocks along Hillsborough Street in a strip approximately 140 feet deep. The southern portion of the church property is also zoned Neighborhood Business. North of this 140 foot strip of Neighborhood Business is R-6 zoning. Neighborhood Business zoning allows a wide variety of nonresidential uses as well as up to 10 dwellings per acre.

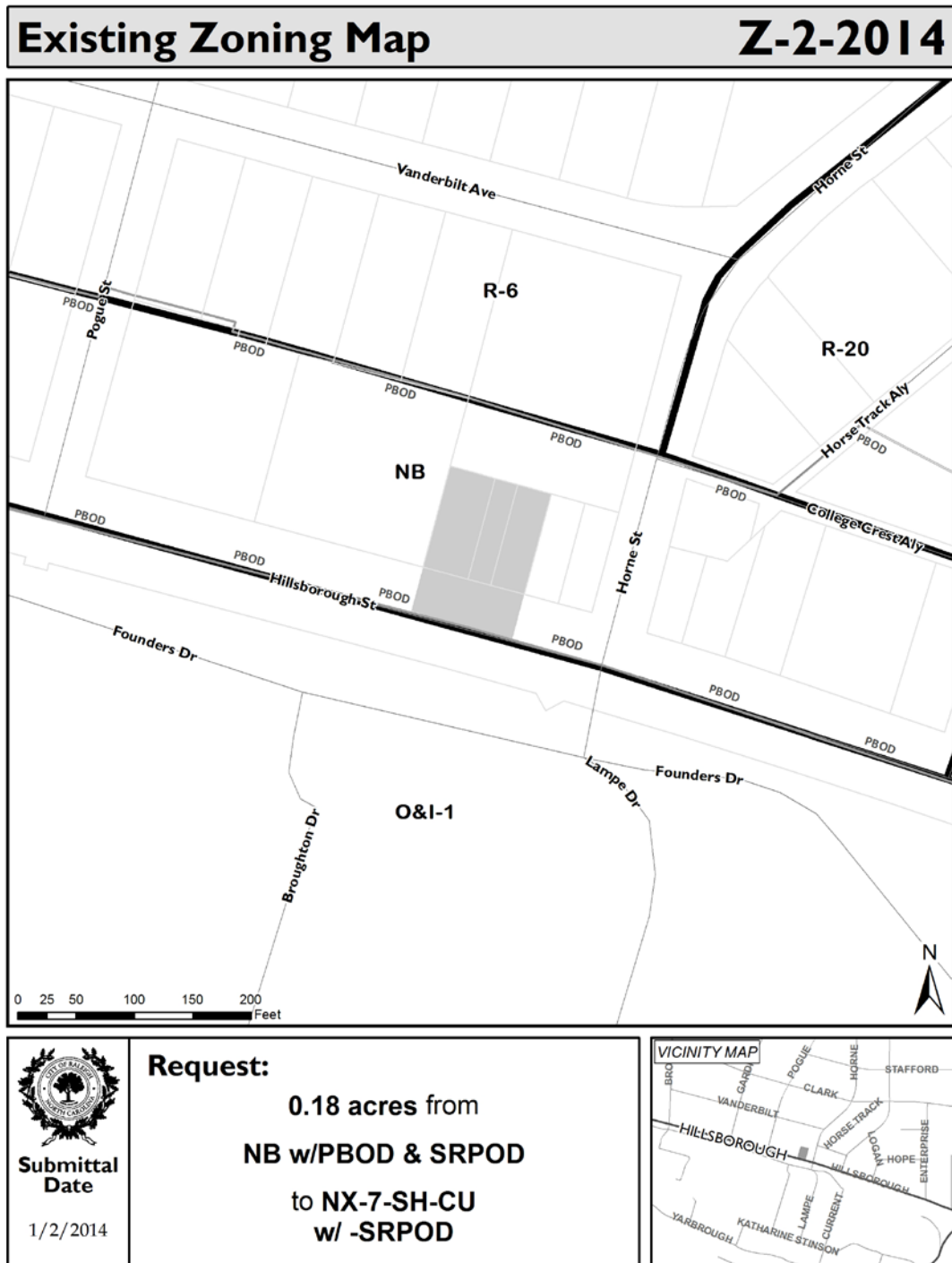
The proposed zoning is NX-7-SH CU. NX zoning permits a range of uses similar to that allowed in the Neighborhood Business zoning, but without a cap on the number of residential dwellings. A new structure on the site could be 7 stories tall. The frontage offered, "SH," is shop front, which would indicate the intention to construct a mixed use building that is located within close proximity to the right-of-way.

The sites are also subject to the University Village Streetscape Plan, which has recommendations for building façade articulation, sidewalk treatment, and building height as relates to solar access. Following this rezoning, the portions of the streetscape plan that govern building height and form would no longer apply, but public realm improvements (sidewalks, plantings, street furniture) would still be governed by the streetscape plan.

Outstanding Issues

<i>Outstanding Issues</i>	1. The intensity of development allowed in NX-7 zoning would be inconsistent with the Neighborhood Mixed Use FLUM designation.	<i>Suggested Mitigation</i>	1. Limit development intensity through zoning conditions.
---------------------------	--	-----------------------------	---

ZONING REQUEST



Rezoning Case Evaluation

1. Compatibility Analysis

1.1 Surrounding Area Land Use/ Zoning Summary

	Subject Property	North	South	East	West
<i>Existing Zoning</i>	NB	NB	O&I-1	NB	NB
<i>Additional Overlay</i>	PBOD, SRPOD	SRPOD, PBOD	SRPOD	PBOD, SRPOD	PBOD, SRPOD
<i>Future Land Use</i>	Neighborhood Mixed Use	Low density residential	Institutional	Neighborhood Mixed Use	Neighborhood Mixed Use
<i>Current Land Use</i>	Retail	Institutional	Institutional	Retail	Retail
<i>Urban Form (if applicable)</i>	Within ½ Mile Transit Stop Buffer; Hillsborough is designated a Main Street and a Transit Emphasis Corridor	Within ½ Mile Transit Stop Buffer	Within ½ Mile Transit Stop Buffer; Hillsborough is designated a Main Street and a Transit Emphasis Corridor	Within ½ Mile Transit Stop Buffer; Hillsborough is designated a Main Street and a Transit Emphasis Corridor	Within ½ Mile Transit Stop Buffer; Hillsborough is designated a Main Street and a Transit Emphasis Corridor

1.2 Current vs. Proposed Zoning Summary

	Existing Zoning	Proposed Zoning
<i>Residential Density:</i>	10 DU/Ac	Not specified by conditions.
<i>Setbacks:</i>		
<i>Front:</i>	30' (nonresidential) 10' (residential)	5'*
<i>Side:</i>	0' (nonresidential) 5' (residential)	0' or 6'*
<i>Rear:</i>	0' (nonresidential) 20' (residential)	0' or 6'*
<i>Retail Intensity Permitted:</i>	25,000 square feet	Not specified by conditions.
<i>Office Intensity Permitted:</i>	25,000 square feet	Not specified by conditions.

*for general building

1.3 Estimated Development Intensities

	<i>Existing Zoning</i>	<i>Proposed Zoning*</i>
<i>Total Acreage</i>	.18	.18
<i>Zoning</i>	NB with PBOD and SRPOD	NX-7-SH CU with SRPOD
<i>Max. Gross Building SF (if applicable)</i>	25,000 square feet	48,499 square feet*
<i>Max. # of Residential Units</i>	1	39*
<i>Max. Gross Office SF</i>	25,000 square feet	21,971 square feet*
<i>Max. Gross Retail SF</i>	25,000 square feet	7,057 square feet*
<i>Max. Gross Industrial SF</i>	N/A	N/A
<i>Potential F.A.R</i>	3.19	6.19*

*The development intensities for proposed zoning districts were estimated using the ***Envision Tomorrow*** impact analysis tool. Reasonable assumptions are factored into the analysis to project the worst case development scenario for the proposed rezoning. The estimates presented in this table are rough estimates intended only to provide guidance for analysis in the absence of F.A.R's and density caps for specific UDO districts.

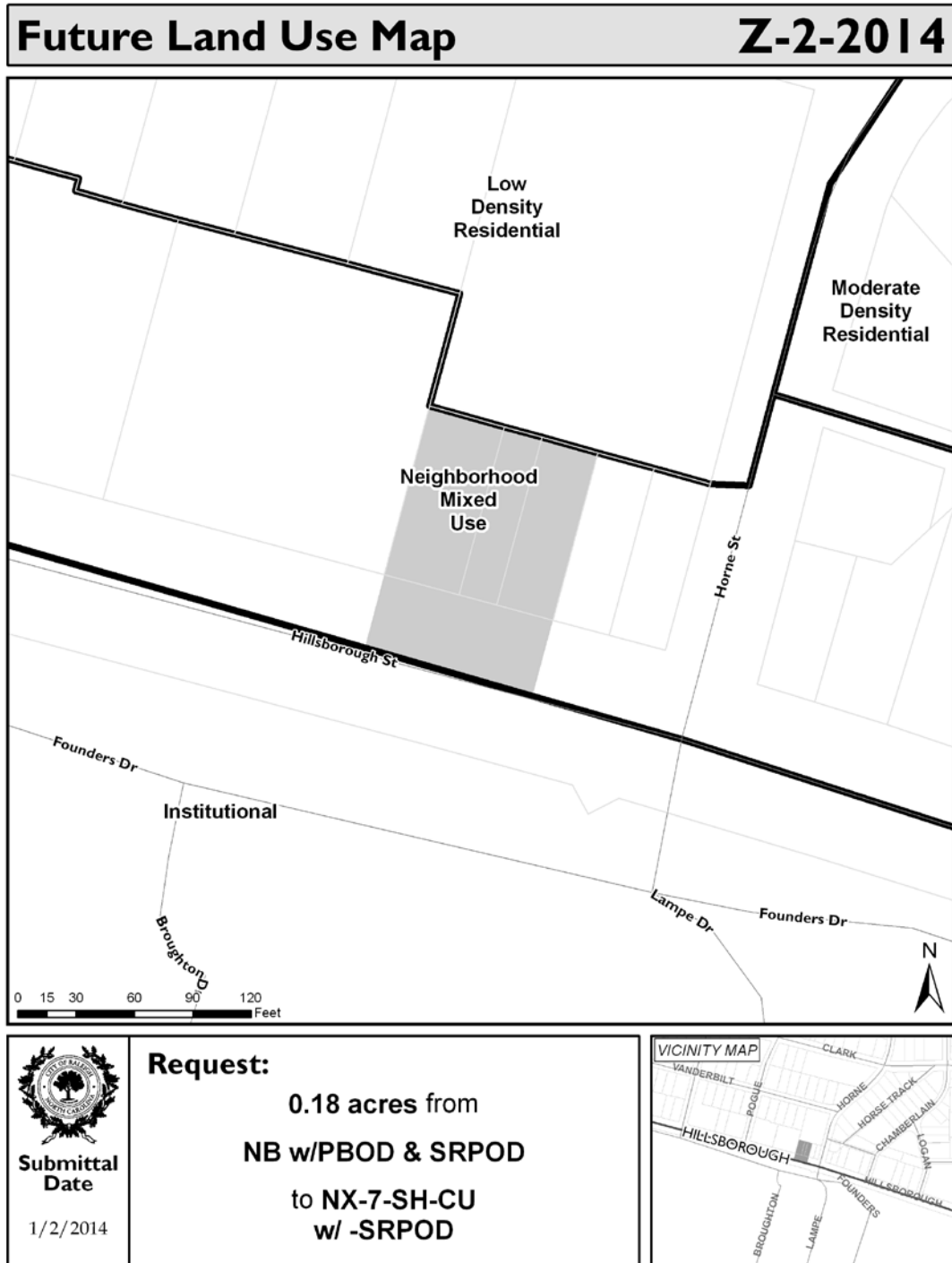
The proposed rezoning is:

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

☐ **Incompatible.**

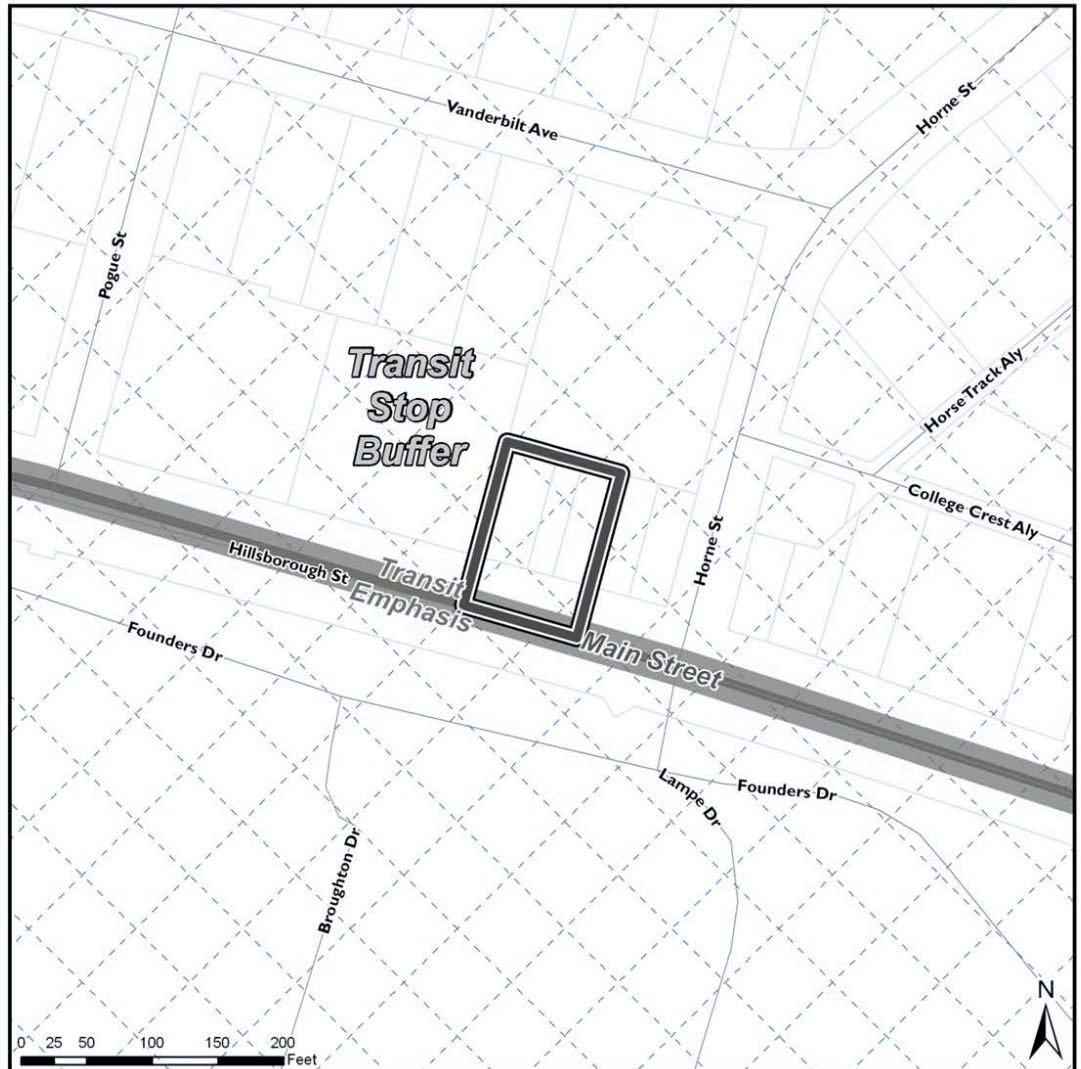
The proposed mix of retail and residential uses permitted by this rezoning would complement the existing land uses in the area, support retail along this portion of Hillsborough Street and enliven the pedestrian experience. A mixed use project allowed under the proposed rezoning would further Hillsborough Street redevelopment. The site is not adjacent to residential zoning or housing.

FUTURE LAND USE MAP



Urban Form Map

Z-2-2014



**Submittal
Date**

1/2/2014

Request:

**0.18 acres from
NB w/PBOD & SRPOD
to NX-7-SH-CU
w/ -SRPOD**



2. Comprehensive Plan Consistency Analysis

2.1 Future Land Use

Future Land Use designation:

Neighborhood Mixed Use

The rezoning request is:

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

☒ **Inconsistent**

Analysis of Inconsistency:

The proposal is inconsistent with the Neighborhood Mixed Use designation. The proposed zoning would allow a building intensity not envisioned for this FLUM designation.

2.2 Urban Form

Urban Form designation (if applicable):

Hillsborough Street is a Main Street and a Transit Emphasis Corridor. The site is within a Transit Stop Half-mile Buffer.

The rezoning request is:

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

☐ **Inconsistent**

Analysis of Inconsistency:

2.3 Policy Guidance

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

Policy LU 5.6: Buffering Requirements

New development adjacent to areas of lower intensity should provide effective physical buffers to avoid adverse effects. Buffers may include larger setbacks, landscaped or forested strips, transition zones, fencing, screening, height and/or density step downs, and other architectural and site planning measures that avoid potential conflicts.

There has been no offer of buffering the northern edge of the site.

The applicant has addressed the Urban Design Guidelines, which is required as Hillsborough Street is designated as a "Main Street" on the Urban Form Map.

2.4 Area Plan Policy Guidance

Not applicable; the site is not within a small area plan.

3. Public Benefit and Reasonableness Analysis

3.1 Public Benefits of the Proposed Rezoning

1. The proposal would provide the opportunity for student housing within walking distance to the NCSU campus. Additional student housing in such close proximity to the campus relieves some of the pressure to provide student housing in established single family neighborhoods and other remote locations.
2. Redevelopment of the properties to a higher intensity would, though tax revenue, present return on the recent public investment in the Hillsborough Street corridor.
3. Mixed use development on the site would further enliven the pedestrian environment along Hillsborough Street, decreasing the need for automobile trips, making transit service more viable and supporting nearby businesses.

3.2 Detriments of the Proposed Rezoning

1. Approval of a building with such a development intensity potential could set a precedent for other redevelopment projects along Hillsborough Street.

4. Impact Analysis

4.1 Transportation

1. Hillsborough Street is classified as a three lane divided avenue with parallel parking according to Map T-1 of the 2030 Comprehensive Plan and requires a total of 90' of R/W.

Impact Identified:

1. No impact identified.

4.2 Transit

1. Hillsborough St is identified as a high volume transit corridor. It is currently served by CAT, Wolfline and Triangle Transit. There is currently an unimproved stop on the corner of Hillsborough/Horne. Per Policy LU 6.4 please provide a covered ADA accessible shelter or incorporate a similar covered stop into the building face.

Impact Identified:

1. Additional student housing will create demand for additional transit service.

4.3 Hydrology

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

Impact Identified:

1. According to UDO section 9.2.2.A.2, the site is exempt from stormwater regulations.

4.4 Parks and Recreation

1. Recreation services for the rezoning case will be provided by Pullen Park. There is no impact to recreation level of service. There are no adjacent greenway corridors or connectors to the site.

4.5 Urban Forestry

1. UDO Article 9.1—Tree Conservation is not applicable. The three treeless parcels combined are smaller than two acres in size. No tree conservation will be required when the properties are re-developed.

Impact Identified:

None

4.6 Appearance Commission

Not applicable.

4.7 Impacts Summary

Aside from a possible increase in vehicular traffic and transit ridership, the proposed development will have minimal impact on the surrounding area and on city services.

4.8 Mitigation of Impacts

None noted.

5. Conclusions

The development allowed by the proposed rezoning would continue the current trend in redevelopment along Hillsborough Street. In the Comprehensive Plan, Hillsborough Street is designated a "Main Street" and it is therefore prime for shop-front, zero-lot-line, pedestrian-oriented mixed use development. The application of the Shopfront frontage would ensure the pedestrian oriented character is maintained. The development intensity allowed in NX-7, however, raises concerns. Given that the site in question abuts Neighborhood Business zoning and an institutional use on the church property to the north, the Neighborhood Transitions standards of Article 3.5 of the UDO do not apply to this particular site. Neighborhood Transitions would apply to most if not all of the other Hillsborough-fronting lots between Horne Street and Brooks Avenue, meaning that they could probably not be developed for buildings of similar intensity as the proposal unless the development sites were enlarged to include the abutting residential lots.



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 Existing Zoning Classification: NB with PBOD and SRPOD Proposed Zoning Classification Base District: NX Height: -7 Frontage: -SH Overlay: -SRPOD If the property has been previously rezoned, provide the rezoning case number. Z-60-86 (PBOD); Z-38-12 (SRPOD) Provide all previous transaction numbers for Coordinated Team Reviews, Due Diligence Sessions or Pre-Submittal Conferences. 377933	Transaction Number

GENERAL INFORMATION		
Property Address: 2504, 2506 and 2508 Hillsborough Street		Date January 2, 2014 Revised March 21, 2014
Property PIN: 0794-81-3971, 0794-81-3952 and 0794-81-3922		
Nearest Intersection: Hillsborough Street and Horne Street		Property size (in acres) .18 acres
Property Owners: 2504 Hillsborough – Thomas T. Roberts 2506 Hillsborough Street – HBST Partners, LLC 2508 Hillsborough Street – Andrea K. Crumpton, Sloan G. Kramer, and Charlotte V. Stubbs	Phone	Fax
	Email	
Project Contact Person: Mack Paul, Morningstar Law Group	Phone 919.590.0377	Fax
	Email mpaul@morningstarlawgroup.com	
Owner/Agent Signature 	Email mpaul@morningstarlawgroup.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

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		
Zoning Case Number: Z-2-14 (NX-7-SH-CU w/ SRPOD)		Transaction Number
Date Submitted June 4, 2014		

NARRATIVE OF ZONING CONDITIONS OFFERED	
1.	The following uses shall be prohibited: telecommunication tower – all types; detention center, jail, prison; tattoo parlor, body piercing; emergency shelter; outdoor sports and entertainment facility – all types; vehicle repair (minor).
2.	The maximum building height of any building on the property shall be 7 stories/75 feet in height, as measured by UDO section 1.6.7.
3.	There shall be no balconies that are associated with individual dwelling units constructed on the northern building façade facing that adjacent tract of land described as "First Tract" in that certain deed recorded in Book 4103, Page 41, Wake County Registry.
4.	All pole mounted lighting located between the principal building and the northern property line shall be of full cut-off design, and all light fixtures mounted on the exterior of the north façade of the principal building shall be of full cut-off design.
5.	The entirety of the required 10% outdoor amenity area shall be located contiguous to the public sidewalk.
6.	The building façade facing Hillsborough Street shall provide a building footprint variation (recess or protrusion) of at least eighteen inches (18") in depth at least twice along the that façade. Also, the building façade facing Hillsborough Street shall incorporate at least two changes in building materials and at least one canopy.
7.	An area measuring at least 700 square feet in floor area shall be provided on the ground level of the building for non-residential use, and this area shall be directly accessible by a door located on the north side of the building facing that adjacent tract of land described as "First Tract" in that certain deed recorded in Book 4103, Page 41, Wake County Registry.

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 <i>Thomas T. Roberts</i>	Print Name Thomas T. Roberts

Revision 10.16.13



Planning & Development

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		
Zoning Case Number: Z-2-14 (NX-7-SH-CU w/ SRPOD)		Transaction Number
Date Submitted		

NARRATIVE OF ZONING CONDITIONS OFFERED	
1.	The following uses shall be prohibited: telecommunication tower – all types; detention center, jail, prison; tattoo parlor, body piercing; emergency shelter; outdoor sports and entertainment facility – all types; vehicle repair (minor).
2.	The maximum building height of any building on the property shall be 7 stories/75 feet in height, as measured by UDO section 1.5.7.
3.	There shall be no balconies that are associated with individual dwelling units constructed on the northern building façade facing that adjacent tract of land described as "First Tract" in that certain deed recorded in Book 4103, Page 41, Wake County Registry.
4.	All pole mounted lighting located between the principal building and the northern property line shall be of full cut-off design, and all light fixtures mounted on the exterior of the north façade of the principal building shall be of full cut-off design.
5.	The entirety of the required 10% outdoor amenity area shall be located contiguous to the public sidewalk.
6.	The building façade facing Hillsborough Street shall provide a building footprint variation (recess or protrusion) of at least eighteen inches (18") in depth at least twice along the that façade. Also, the building façade facing Hillsborough Street shall incorporate at least two changes in building materials and at least one canopy.
7.	An area measuring at least 700 square feet in floor area shall be provided on the ground level of the building for non-residential use, and this area shall be directly accessible by a door located on the north side of the building facing that adjacent tract of land described as "First Tract" in that certain deed recorded in Book 4103, Page 41, Wake County Registry.

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 <i>Thomas T. Roberts</i>	Print Name Thomas T. Roberts

Revision 10.16.13



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

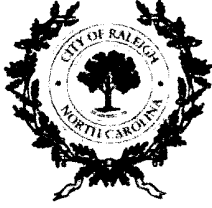
Conditional Use District Zoning Conditions		OFFICE USE ONLY
Zoning Case Number: Z-2-14 (NX-7-SH-CU w/ SRPOD)		Transaction Number
Date Submitted June 4, 2014		

NARRATIVE OF ZONING CONDITIONS OFFERED

1.	The following uses shall be prohibited: telecommunication tower – all types; detention center, jail, prison; tattoo parlor, body piercing; emergency shelter; outdoor sports and entertainment facility – all types; vehicle repair (minor).
2.	The maximum building height of any building on the property shall be 7 stories/75 feet in height, as measured by UDO section 1.5.7.
3.	There shall be no balconies that are associated with individual dwelling units constructed on the northern building façade facing that adjacent tract of land described as "First Tract" in that certain deed recorded in Book 4103, Page 41, Wake County Registry.
4.	All pole mounted lighting located between the principal building and the northern property line shall be of full cut-off design, and all light fixtures mounted on the exterior of the north façade of the principal building shall be of full cut-off design.
5.	The entirety of the required 10% outdoor amenity area shall be located contiguous to the public sidewalk.
6.	The building façade facing Hillsborough Street shall provide a building footprint variation (recess or protrusion) of at least eighteen inches (18") in depth at least twice along the that façade. Also, the building façade facing Hillsborough Street shall incorporate at least two changes in building materials and at least one canopy.
7.	An area measuring at least 700 square feet in floor area shall be provided on the ground level of the building for non-residential use, and this area shall be directly accessible by a door located on the north side of the building facing that adjacent tract of land described as "First Tract" in that certain deed recorded in Book 4103, Page 41, Wake County Registry.

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
	Alkesh Shah



Planning & Development

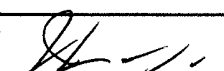
Development Services
Customer Service Center
One Exchange Plaza
1 Exchange Plaza, Suite 400
Raleigh, North Carolina 27601
Phone 919-996-2495
Fax 919-516-2685

Conditional Use District Zoning Conditions	OFFICE USE ONLY
Zoning Case Number: Z-2-14 (NX-7-SH-CU w/ SRPOD)	Transaction Number
Date Submitted June 4, 2014	

NARRATIVE OF ZONING CONDITIONS OFFERED

1. The following uses shall be prohibited: telecommunication tower – all types; detention center, jail, prison; tattoo parlor, body piercing; emergency shelter; outdoor sports and entertainment facility – all types; vehicle repair (minor).
2. The maximum building height of any building on the property shall be 7 stories/75 feet in height, as measured by UDO section 1.5.7.
3. There shall be no balconies that are associated with individual dwelling units constructed on the northern building façade facing that adjacent tract of land described as "First Tract" in that certain deed recorded in Book 4103, Page 41, Wake County Registry.
4. All pole mounted lighting located between the principal building and the northern property line shall be of full cut-off design, and all light fixtures mounted on the exterior of the north façade of the principal building shall be of full cut-off design.
5. The entirety of the required 10% outdoor amenity area shall be located contiguous to the public sidewalk.
6. The building façade facing Hillsborough Street shall provide a building footprint variation (recess or protrusion) of at least eighteen inches (18") in depth at least twice along the that façade. Also, the building façade facing Hillsborough Street shall incorporate at least two changes in building materials and at least one canopy.
7. An area measuring at least 700 square feet in floor area shall be provided on the ground level of the building for non-residential use, and this area shall be directly accessible by a door located on the north side of the building facing that adjacent tract of land described as "First Tract" in that certain deed recorded in Book 4103, Page 41, Wake County Registry.

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
	

J. S. Crumpton, Jr. DPOA



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
<p>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.</p>	<p>Transaction Number</p> <p>Zoning Case Number</p>

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 Neighborhood Mixed Use (NMU) on the Future Land Use Map. This classification supports mixed-use buildings with upper-story housing over ground-floor retail. The rezoning request is consistent with the NMU designation because the CX district, as conditioned, and the Shopfront frontage type facilitate the ground-floor retail and upper-story housing development.
2. The properties are located along Hillsborough Street, which is designated a Transit Emphasis Corridor and Main Street. Based on these designations, an urban frontage type is recommended. The Shopfront frontage type is an urban frontage and is consistent with the policy guidance for the applicable corridor types, including Policy UD 1.10 "Frontage".
3. The properties are located within a core/transit area because the properties front along a corridor programmed for high-capacity frequent bus transit (Hillsborough Street) and are located in close proximity to planned fixed-guideway transit stops. Based on this and the NMU classification, Table LU-2 recommends a building height of up to five stories. However, the Comprehensive Plan acknowledges that appropriate building heights will vary based on context and that appropriate height should be determined on site-specific characteristics and area-specific plans. With regard to context, the properties are not adjacent to single-family residential uses. For properties that front along the portion of Hillsborough Street designated "Main Street" on the Urban Form Map (between Shepherd Street and Pullen Road), this represents one of the only instances in which parcels fronting along Hillsborough Street do not abut a single-family residential use. With regard to site-specific characteristics, the properties sit approximately ten feet below the adjacent church use and other properties to the north, which mitigates the impact of additional height on the properties. With regard to area-specific plans, the properties have historically been subject to the University Village Streetscape Plan. This plan includes a solar access angle, which has regulated building height along Hillsborough Street for over 25 years. The proposed height satisfies the intent of the solar access regulation because the properties are not adjacent to residential properties. Based on the above, the context, site-specific characteristics and area-specific plans support the proposed building height on the properties.
4. The rezoning request is consistent with the following policies: LU 2.2 "Compact Development", LU 2.6 "Zoning and Infrastructure Impacts", LU 4.1 "Coordinating Transportation Infrastructure with Land Use", LU 4.4 "Reducing VMT Through Mixed Use", LU 4.6 "Transit-Oriented Development", LU 4.7 "Capitalizing on Transit Access", LU 4.8 "Station Area Land Uses", LU 4.9 "Corridor Development", LU 5.4 "Density Transitions", LU 6.1 "Composition of Mixed Use Centers", LU 6.3 "Mixed-Use and Multi-Modal Transportation", and LU 8.14 "Student-Oriented Housing". The rezoning facilitates development of housing in close proximity to a major university and along a pedestrian-oriented retail corridor with existing transit service. Additionally, the use, density and height transitions are appropriate given the adjacent institutional and commercial land uses.

PUBLIC BENEFITS

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

1. The rezoning provides the public benefit of permitting additional student housing options in close proximity to the main campus, along a retail corridor with a high level of transit service, and outside of the nearby residential neighborhoods.

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.	<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>Response: The proposed rezoning permits a mix of retail, office and residential uses consistent with this guideline, and the Shopfront frontage type guidelines will facilitate pedestrian-level interest along Hillsborough Street.</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>Response: The properties are not located adjacent to a lower density neighborhood.</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>Response: The properties are located along Hillsborough Street, with cross-access to Horne Street, thereby providing connectivity to the neighborhood road network.</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>Response: No new streets are proposed. Connectivity to Horne Street exists via cross-access over adjoining properties.</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>Response: The properties are part of an existing block face, which meets the 660-foot guideline.</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>Response: The Shopfront frontage type will require that the building line Hillsborough Street and provide pedestrian interest. Vehicular entrances and loading areas will be located to the rear of the building.</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>Response: The Shopfront frontage type requires a maximum 15' build-to line and prohibits parking between the building and the street, consistent with this guideline.</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>Response: The properties are not located at a street intersection.</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>Response: The urban open space will be provided in accordance with the UDO requirements.</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>Response: The Shopfront frontage type requires street-facing building entrances and a minimum level of transparency on the ground level.</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>Response: The Shopfront frontage type will provide active retail uses that provide pedestrian-level interest.</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>Response: The urban open space will be provided in accordance with the UDO standards for outdoor amenity area.</p>
13.	<p><i>New public spaces should provide seating opportunities.</i></p> <p>Response: The outdoor amenity standards in the UDO require provision of seating, consistent with this guideline.</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>Response: The Shopfront frontage type prohibits parking lots between the building and Hillsborough Street, consistent with this guideline.</p>

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 Shopfront frontage type prohibits parking lots between the building and Hillsborough Street, 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: Any parking structure will comply with the UDO.
17.	<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> Response: The properties are located along Hillsborough Street, which is well-served by bus. Also, the properties are located in close proximity to two planned fixed-guideway transit stops.
18.	<i>Convenient, comfortable pedestrian access between the transit stop and the building entrance should be planned as part of the overall pedestrian network.</i> Response: The properties front along Hillsborough Street, which already provides pedestrian access to existing bus stops.
19.	<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> Response: There are no sensitive landscape areas on the property.
20.	<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> Response: No new streets are contemplated as part of this development.
21.	<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> Response: The existing sidewalk width along the properties' frontage complies with this guideline.
22.	<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> Response: Street trees will be provided in accordance with the UDO and streetscape guidelines for Hillsborough Street.
23.	<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> Response: The Shopfront frontage type and other architectural feature requirements of the UDO will ensure compliance with this guideline.
24.	<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> Response: The Shopfront frontage type requires a primary building entrance facing Hillsborough Street, consistent with this guideline.
25.	<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> Response: The transparency requirement of the Shopfront frontage type will ensure compliance with this guideline.
26.	<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> Response: The Shopfront frontage type and other UDO provisions will ensure that the proposed development will complement the function of the existing public sidewalk along Hillsborough Street.

Revision 10.16.13

POTENTIAL REZONING OF PROPERTY CONSISTING OF +/- 0.18 ACRES LOCATED ON
THE NORTH SIDE OF HILLSBOROUGH STREET, BETWEEN POGUE STREET AND
HORNE STREET, IN THE CITY OF RALEIGH

REPORT OF MEETING WITH ADJACENT PROPERTY OWNERS
ON NOVEMBER 21, 2013

Pursuant to applicable provisions of the City Code, a meeting was held with respect to a potential rezoning with adjacent property owners on Thursday, November 21, 2013, at 6:00 p.m. The property considered for this potential rezoning totals approximately 0.18 acres, located along the north side of Hillsborough Street, between Pogue Street and Horne Street, in the City of Raleigh, having Wake County Parcel Identification Numbers 0794-81-3971, 0794-81-3952 and 0794-81-3922. This meeting was held in the Fellowship Hall at the West Raleigh Presbyterian Church, 27 Horne Street, Raleigh, NC 27609. A copy of the meeting notice is attached hereto as **Exhibit A**. All owners of property within 100 feet of the subject property were invited to attend the meeting. Attached hereto as **Exhibit B** is a copy of the required mailing list for the meeting invitations. 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

MEETING NOTICE

(See Attached)



Mack A. Paul, IV | Partner
630 Davis Drive, Suite 200
Morrisville, NC 27560

919-590-0377
mpaul@morningstarlawgroup.com
www.morningstarlawgroup.com

To: Neighboring Property Owner

From: Mack Paul

Date: November 8, 2013

Re: Notice of meeting to discuss potential rezoning of 2504, 2506 and 2508 Hillsborough Street, which three parcels are located along the north side of Hillsborough Street, west of the intersection with Horne Street, containing approximately 0.18 acres, and having Wake County Parcel Identification Numbers: 0794-81-3971, 0794-81-3952 and 0794-81-3922 (the "Property").

We are counsel for HBST Partners, LLC ("HBST"), which is considering rezoning the above-captioned Property. The Property is currently zoned Neighborhood Business with a Pedestrian Business Overlay District. The City of Raleigh recently adopted a new Unified Development Ordinance, which includes a new set of zoning districts. HBST is considering rezoning the Property to Neighborhood Mixed Use (NX) Conditional Use, which is one of the new zoning districts under the Unified Development Ordinance.

You are cordially invited to attend a meeting to discuss the potential rezoning. We have scheduled a meeting with surrounding property owners on Thursday, November 21, 2013 at 6:00 p.m. This meeting will be held in the Fellowship Hall at the West Raleigh Presbyterian Church, 27 Horne Street, Raleigh, NC 27607.

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) 590-0377 or mpaul@morningstarlawgroup.com.

EXHIBIT B

LIST OF PROPERTY OWNERS TO WHOM NOTICES WERE SENT

(See Attached)

B & F PROPERTIES
PO BOX 5455
RALEIGH NC 27650-5455
0794812948

HBST PARTNERS, LLC
3506 HILLSBOROUGH ST
RALEIGH NC 27607-5454
0794813952

ROBERTS, THOMAS T
1411 MILLGATE DR STE D
WINSTON SALEM NC 27103-1334
0794813971

WEST RALEIGH PRESBYTERIAN CHURCH
27 HORNE ST
RALEIGH NC 27607-7221
0794824016

SKS PROPERTIES LLC
7107 CREEDMOOR RD STE 101
RALEIGH NC 27613-1634
0794815942

CRUMPTON, ANDREA KRAMER
KRAMER, SLOAN GRIMES
1114 HARVEY ST
RALEIGH NC 27608-2205
0794813922

MOSELEY, FRANCES C
FRANCES M BENTON
103 GREENWOOD DR
AHOSKIE NC 27910-8013
0794814900

WANG, FEI WANG, JIANLAI CHENG
4613 ZALDIVAR WAY
RALEIGH NC 27612-4820
0794814930

GARY RENTAL LLC
500 W KNOX ST
DURHAM NC 27701-1640
0794815846

STERLING ESTATES, LLC
214 WANDA DR
PIKEVILLE NC 27863-9317
0794825070

DUNN, JEANETTE W TRUSTEE
PO BOX 72163
DURHAM NC 27722-2163
0794822162

NORTH CAROLINA STATE OF OFFICE OF
CHANCELOTOR
HOLLADY HALL-ROOM A
CAMPUS PO BOX 7008
RALEIGH NC 27695-7001
0794507874
WEST RALEIGH PRESBYTERIAN CHURCH
27 HORNE ST
RALEIGH NC 27607-7221
0794823111

SKS PROPERTIES
PO BOX 19808
RALEIGH NC 27619-9808
0794815817

EXHIBIT C

SUMMARY OF DISCUSSION ITEMS

On Thursday, November 21, 2013, at 6:00 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. Heights, uses and setbacks contained in the existing Neighborhood Business district
2. Policy guidance provided for the subject properties by the Future Land Use Map contained in the Comprehensive Plan
3. Guidance contained in the University Village Streetscape and Parking Plan and sun angle implications for properties
4. Proposed project in terms of building form, including height and setbacks
5. Key elements of zoning under the UDO (e.g., height, use and frontage)
6. Location and amount of parking being proposed
7. Concern about amount of parking in area. Mention of Wells Fargo parking lot and restriction on parking. Ability to access spaces at NC State University for commercial uses in area
8. Location of dumpsters/trash collection. Ability to get trash to Hillsborough Street for pick-up
9. Target market for tenants of residential units
10. Number of units and layout
11. Security to be provided on-site for residents
12. Potential noise generated by occupants at rear of building
13. Lighting at rear of building
14. Potential to create open space between church and new development
15. Functionality of curb cut on Horne Street to rear of buildings along Hillsborough Street
16. Potential types of retail uses (e.g., restaurant)
17. Potential to partner with church in creating a community space within the commercial area of the new development
18. Other recent projects in Hillsborough Street corridor and long-range vision for Hillsborough Street
19. Need of church for additional parking spaces
20. Concerns over storm drainage from properties, particularly in alleyway

EXHIBIT D

NEIGHBORHOOD MEETING ATTENDEES

Bill Smith
Dennis Blazier
Serita Elsensies
Ada Winters
Rosalyn Synder
Maggie Kane
Bill Winters
Wesley Snyder
Lori Pistor