

Ordinance (2019) 991 ZC 781
Adopted: 9/3/19

Z-3-19 – Harrington Street and Peace Street – located in the block bound by Capital Boulevard, Peace Street, Johnson Street, and Harrington Street, being Wake County PIN's 1704515652, 1704515724, 1704516698, 1704516902, 1704517838. Approximately 2.92 acres rezoned to Downtown Mixed Use-40 stories-Conditional Use and Downtown Mixed Use-40 stories-Shopfront-Conditional Use (DX-40-CU & DX40-SH-CU).

Conditions dated: August 28, 2019

1. The following principal uses as set forth in UDO section 6.1.4. Allowed Principal Use Table shall be prohibited: adult establishment; vehicle fuel sales; vehicle sales/rental; detention center, jail, prison; vehicle repair (minor); vehicle repair (major); self-service storage.
2. That portion of the property not zoned with the Shopfront frontage shall be subject to the following design standards for parking structures:
 - a. Where upper stories of parking structures are located at the perimeter of a building, they must be screened so that cars are not visible from adjacent streets. Sloped ramps cannot be discernable along the perimeter of the parking structure. Architectural and vegetative screens must be used to articulate the façade, hide parked vehicles and shield lighting. In addition, the ground floor façade treatment (building material, windows and architectural detailing) shall be continued on upper stories.
 - b. Upper stories of parking structure facades shall be designed with both vertical (façade rhythm of 20 feet to 30 feet) and horizontal articulation (aligning with horizontal elements along the block).
3. EIFS shall be prohibited as a building siding material, and its use shall be limited to an accent material for cornice only.
4. Permitted building siding materials shall include brick, stone, concrete masonry, cementitious siding, hard coat stucco, wood, metal, and glass.
5. Light fixtures within a parking structure shall be of full cut-off design.
6. There shall be active uses for those portions of the building fronting along Peace Street and Harrington Street, and for at least the 50 feet along Johnson Street that is closest to Harrington Street, except for those areas used for vehicular and pedestrian access and those areas used for service functions (including but not limited to fire department connections, trash/recycling service, and utilities). At least 10,000 square feet floor area gross of the ground floor active use space shall consist of “indoor recreation”,

“personal service”, “restaurant/bar” or “retail sales” land uses as referenced in UDO section 6.1.4.

7. Screening of parking structure openings above the ground level shall be provided so that the level of light generated by lighting within the parking structure is equal to or less than the amount of light generated by lighting within the parking structure located on that parcel described as Lot 2 on map recorded in Book of Maps 2013, Page 37, Wake County Registry (the parking structure serving Citrix), as measured at the exterior of the respective structures.
8. The site plan for development of the property shall provide for a mutually acceptable location on the property or adjacent right-of-way to accommodate a City bikeshare station. Unless the City elects to install the station at a later date, the property owner shall install the City bikeshare station prior to issuance of a certificate of occupancy.
9. A traffic impact analysis shall be conducted at the time of the first site plan submittal. The traffic impact analysis shall study, at a minimum, the intersections of Peace Street/Glenwood Avenue, Peace Street/West Street, Peace Street/Harrington Street, Peace Street/Capital Boulevard ramp, W Johnson Street/Harrington Street, and W Johnson Street/West Street, and shall take into account the development on the following properties: (i) 421 W Peace Street [Lot 1, Book of Maps 2017, Page 1246; SR-53-16], (ii) 500 N West Street and 421 N Harrington Street [Lot 1 and Lot 2, Book of Maps 2019, Page 913; SR-97-18], (iii) the properties subject to this rezoning ordinance, and (iv) other development within the scope of Section 7.1.6. of the Raleigh Street Design Manual. If the results of the traffic impact analysis identify a studied intersection listed above that falls below a Level of Service E (LOS E) due to projected site traffic, then the site plan applicant shall develop a mitigation plan, and shall construct the improvements required by that plan, as well as any additional improvements, reasonably required by the Director of Transportation.
10. The property owner will dedicate a portion of the project’s total units as affordable in accordance with one of the following options: (i) 15% of the units as affordable for households earning 80% area median income or less for a period of no less than 15 years from the date of issuance of a certificate of occupancy; (ii) 10% of the units as affordable for households earning 60% area median income or less for a period of no less than 10 years from the date of issuance of a certificate of occupancy; or (iii) 5% of the units as affordable for households earning 50% area median income or less for a period of no less than 5 years from the date of issuance of a certificate of occupancy. The rent and income limits will follow the Affordable Housing Standards determined annually by the City of Raleigh Housing & Neighborhoods Department. An Affordable Housing Deed Restriction in a form approved by the City, and which identifies the affordable housing option chosen by the property owner, shall be filed and recorded in the property’s chain of title by the property owner in the Wake County Register of Deeds prior to the project receiving a certificate of occupancy. Affordable units offered within the condition shall be constructed

concurrently with the project's market rate units. The property owner shall certify to the City compliance with this zoning condition on an annual basis.

11. Prior to issuance of a building permit, the property owner shall provide the City with rights over an area measuring no more than eight feet in width along the property's frontage along Harrington Street to accommodate a bicycle facility planned by the City along Harrington Street. The property owner can grant the City rights over this eight-foot wide area through, in its discretion, one of the following ways: (i) dedicate public right-of-way, or (ii) record a deed of easement to the City. The ultimate width of the additional right-of-way or easement area shall be coordinated with the City's Department of Transportation, but this condition shall not require any more than eight feet in width. The rights granted by the property owner to the City shall include, at a minimum, the right of the City to use the area for public sidewalk purposes or bicycle facility purposes.