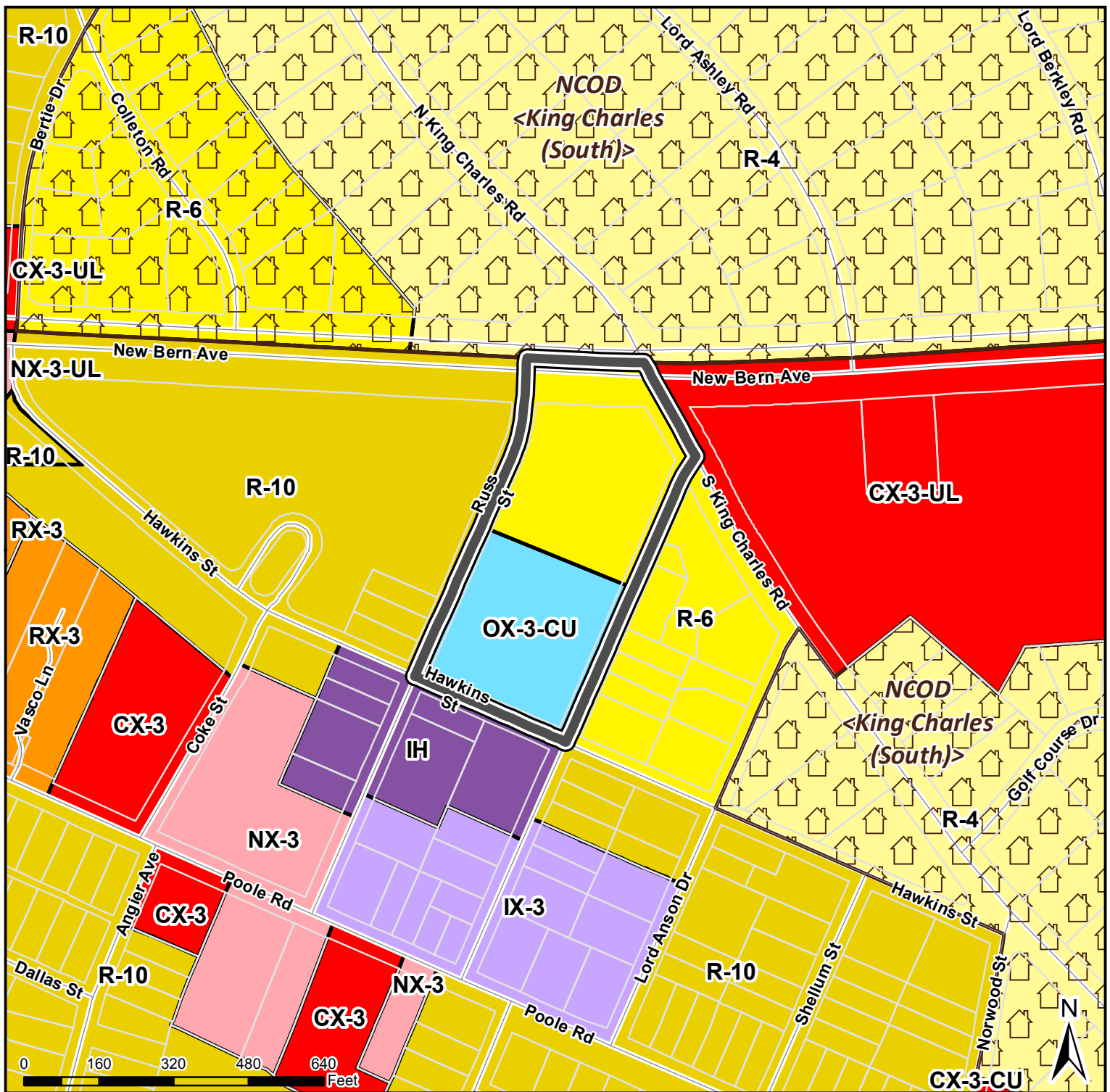
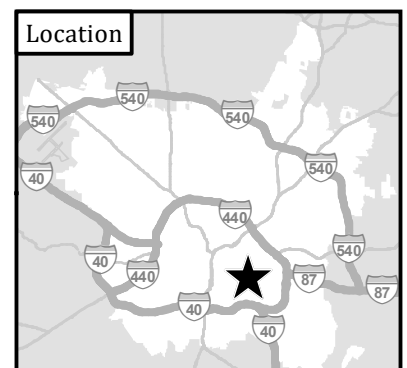


Existing Zoning

Z-5-2020



Property	1950 New Bern Ave
Size	4.6 acres
Existing Zoning	R-6 & OX-3-CU
Requested Zoning	RX-4-GR-CU





Raleigh

MEMO

TO: Ruffin Hall, City Manager

THRU: Ken Bowers, AICP, Director

FROM: Ira Mabel, AICP, Planner II

DEPARTMENT: City Planning

DATE: May 6, 2020

SUBJECT: City Council agenda item for June 2, 2020 – Z-5-20

On May 5, 2020, City Council authorized the public hearing for the following item:

Z-5-20 1950 New Bern Avenue, approximately 4.6 acres located [on the south side of New Bern Avenue at King Charles Road, approximately 0.25 miles east of Raleigh Boulevard](#).

Signed zoning conditions provided on May 5, 2020 prohibit three uses otherwise allowed in RX districts, require a 15-foot landscape buffer along New Bern Avenue, preserve an existing grave site, require that 80% of dwelling units be occupied by seniors for at least 30 years, and require photographic documentation of the existing church building.

Current zoning: Residential-6 (R-6) and Office & Residential Mixed Use–3 Stories–Conditional Use (OX-3-CU).

Requested zoning: Residential Mixed Use–4 Stories–Green–Conditional Use (RX-4-GR-CU).

The request is **consistent** with the 2030 Comprehensive Plan.

The request is **inconsistent** with the Future Land Use Map.

The request is **consistent** with the Urban Form Map.

The Planning Commission recommends approval of the request (8 - 0).

The East CAC received a presentation about the case but did not vote.

Attached are the Planning Commission Certified Recommendation (including Staff Report), the Zoning Conditions, the Petition for Rezoning, and the Neighborhood Meeting Report.

Municipal Building
222 West Hargett Street
Raleigh, North Carolina 27601

One Exchange Plaza
1 Exchange Plaza, Suite 1020
Raleigh, North Carolina 27601

City of Raleigh
Post Office Box 590 • Raleigh
North Carolina 27602-0590
(Mailing Address)



RALEIGH PLANNING COMMISSION CERTIFIED RECOMMENDATION

CR# 12002

CASE INFORMATION: Z-5-20 NEW BERN AVENUE

Location	On the south side of New Bern Ave at King Charles Rd, approximately 0.25 miles east of Raleigh Blvd. Address: 1950 New Bern Avenue PINs: 1713680540 iMaps , Google Maps , Directions from City Hall
Current Zoning	R-6 & OX-3-CU
Requested Zoning	RX-4-GR-CU
Area of Request	4.6 acres
Corporate Limits	The subject site is within the city's corporate limits.
Property Owner	The Presbytery of New Hope Corporation 2022 McDonald Lane Raleigh, NC 27608
Applicant	Kayla Rosenberg DHIC, Inc
City Council District	C
PC Recommendation Deadline	July 27, 2020

SUMMARY OF PROPOSED CONDITIONS

1. The following uses shall be prohibited: dormitories, fraternities, sororities; telecommunications towers; and outdoor sports or entertainment facilities.
2. A 15-foot area along New Bern Avenue shall be landscaped with a minimum of 4 shade trees and 15 shrubs per 100 linear feet.
3. The existing gravesite shall remain in its current location.
4. For no less than 30 years after first certificate of occupancy, a minimum of 80% of dwelling units shall be occupied by at least one individual 55 years of age or older.
5. Prior to issuance of a demolition permit, the applicant shall document the sanctuary building in its original location through photographs and provide copies to the Historic Preservation Division.

COMPREHENSIVE PLAN GUIDANCE

Future Land Use	Institutional
Urban Form	Core Transit Area Transit Oriented District Transit Emphasis Corridor Urban Thoroughfare
Consistent Policies	Policy LU 4.1—Coordinate Transportation Investments with Land Use Policy LU 4.6—Transit-Oriented Development Policy LU 4.7—Capitalizing on Transit Access Policy LU 4.8—Station Area Land Uses Policy LU 8.1—Housing Variety Policy H 1.8—Zoning for Housing Policy UD 1.10—Frontage Policy UD 7.3—Design Guidelines Policy AP-NB 1—Frontage
Inconsistent Policies	Policy LU 1.2—Future Land Use Map and Zoning Consistency Policy LU 5.1—Reinforcing the Urban Pattern Policy LU 5.7—Building Height Transitions Policy LU 8.12—Infill Compatibility Policy HP 2.7—Mitigating Impacts on Historic Sites Policy HP 3.1—Adaptive Use Policy HP 3.2—Retention Over Replacement

FUTURE LAND USE MAP CONSISTENCY

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

COMPREHENSIVE PLAN CONSISTENCY

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

PUBLIC MEETINGS

Neighborhood Meeting	CAC	Planning Commission	City Council
12/18/2019 22 attendees	1/27/2020 3/16/2020 (cancelled)	4/28/2020	5/5/2020

PLANNING COMMISSION RECOMMENDATION

The rezoning case is **Inconsistent** with the Future Land Use Map and **Consistent** with the relevant policies in the Comprehensive Plan, furthermore **Approval** is reasonable and in the public interest because:

Reasonableness and Public Interest	The request is reasonable and in the public interest because it will add much needed senior and affordable housing; fulfills many transportation, housing, and urban form goals; includes a commitment to documenting historic resources; and is from an applicant with a strong track record.
Change(s) in Circumstances	N/A
Amendments to the Comprehensive Plan	If approved, the Future Land Use Map will be amended as to the subject parcel(s) only from Institutional to Medium Density Residential.
Recommendation	Approval
Motion and Vote	Motion: Hicks; Second: Miller In Favor: Bennett, Hicks, Jeffreys, Lampman, Miller, McIntosh, Tomasulo, and Winters
Reason for Opposed Vote(s)	N/A

ATTACHMENTS

1. Staff report
2. Comprehensive Plan amendment analysis
3. Original conditions
4. Rezoning application

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 and Comprehensive Plan Amendment Analysis.

Planning Director 4/28/2020

Planning Commission Chair 4/28/2020

Staff Coordinator: Ira Mabel: (919) 996-2652; Ira.Mabel@raleighnc.gov

AGENDA ITEM (D) 2: Z-5-20 – New Bern Avenue

This case is located on the south side of New Bern Avenue at King Charles Rd., approximately 0.25 miles east of Raleigh Road (District C).

Approximately 4.6 acres are requested by The Presbytery of New Hope Corporation to be rezoned. Conditions prohibit three uses otherwise allowed in RX districts, require a 15-foot landscape buffer along New Bern Avenue, preserve an existing grave site, require that 80% of dwelling units be occupied by seniors for at least 30 years, and require photographic documentation of the existing church building.

Planner Mabel presented the case.

There was discussion regarding any comments from Raleigh Historic District.

Tania Tully representing the RHDC spoke regarding there being no comments and stated that had been meeting scheduled to discussed but because of the current situations there are meeting currently scheduled.

Greg Warren president of the DHIC representing the applicant gave a brief overview of the case.

There was further discussion regarding the impacts that further delays would have on the project and whether it would affect the tax credits; addition of architectural features.

Mr. Warren responded it would be difficult because design work has not begun and not sure how to word something that could be enforceable.

Planner Mabel responded that a new condition at this point would cause an additional delay.

Ms. Hicks responded in the interest of transparency that Ms. Barbour is a client but neither she nor Ms. Barbour will benefit from this project financially.

Phyllis Barbour spoke in favor this project. The area needs more affordable housing and seeks a partnership with the DHIC.

There was no opposition to this case.

Ms. Winters spoke stating she would be voting in favor. She also spoke regarding a workaround to the project to partner with the neighboring schools.

There was discussion regarding

Molly Stuart spoke regarding discussion at the neighborhood meeting.

Ms. Hicks made a motion to approve. Ms. Miller seconded the motion. The vote was unanimous, 8-0.



ZONING STAFF REPORT – CASE Z-5-20

Conditional Use District

OVERVIEW

This request is to rezone approximately 4.6 acres from Residential-6 (R-6) and Office & Residential Mixed Use–3 Stories–Conditional Use (OX-3-CU) to Residential Mixed Use–4 Stories–Green frontage–Conditional Use (RX-4-GR-CU). Proposed zoning conditions prohibit three uses otherwise allowed in RX districts, require a 15-foot landscape buffer along New Bern Avenue, preserve an existing grave site, require that 80% of dwelling units be occupied by seniors for at least 30 years, and require photographic documentation of the existing church building.

It is important to note that the proposed landscape buffer will be enforced in addition to street trees required in the right-of-way. Also, should the NCDOT refuse to allow trees in the right-of-way (UDO section 8.5.1.D.4), a street protective yard will be required much like the proposed condition, with a 15-foot width and 4 shade trees plus 15 shrubs per 100 linear feet (UDO section 7.2.4 B, Type C2). Four trees per 100 feet is a tree spacing of 25 feet, which is more restrictive than the planting requirements for the Green frontage of a 40-foot average spacing.

The existing zoning conditions on the OX-3-CU portion of the site (Z-31-02) limit office uses to medical office only, prohibit overnight lodging, and control site elements such as driveway access, lighting, tree planting, and utility screening.

The subject site consists of a single parcel on the south side of New Bern Avenue, immediately to the west of King Charles Road. It represents the entire block bounded by New Bern Avenue, King Charles Road, Kennedy Street, Hawkins Street, and Russ Street. New Bern Avenue is NCDOT right-of-way; all other streets are City of Raleigh right-of-way. The rezoning site consists of the 23,000-square foot Milner Memorial Presbyterian Church building; approximately 0.75 acres of unpaved parking; and approximately 1.5 acres of athletic fields. All development is setback from New Bern Avenue approximately 120 to 200 feet.

The church building on the site is currently unused. To the west of the site are more than 60 units in the 10.5-acre duplex development originally known as Milburnie Homes when constructed in 1949. To the east across Kennedy Street are detached houses; across King Charles Road is the Longview Shopping Center. To the south of the site is a warehouse-style building housing a church, and a vehicle repair and towing business. To the north is the King Charles residential neighborhood.

The King Charles neighborhood is within the Longview Garden National Register Historic District, approximately 578 acres on both the north and south side of New Bern Avenue listed in 2011. The Milner Memorial Presbyterian Church, which is on the rezoning site, is a contributing building, but is only contiguous with the district on its northern frontage along New Bern Avenue. The Raleigh Country Club golf course is a large portion of the district.

The residential properties within the historic district also have the King Charles Neighborhood Conservation Overlay District applied. The proposed zoning conditions requiring the preservation of the gravesite and documentation of the existing building were added to the case following a meeting with the Raleigh Historic Development Commission. Although RHDC has not met again since then to provide their formal recommendation to Planning Commission, Historic Preservation staff have provided an analysis of the effectiveness of these conditions in advancing the city's historic preservation goals.

Other nearby uses along New Bern Avenue are mixed; there are both small-scale residential uses and large-scale commercial uses. The same is true for Poole Road, although with fewer large-scale commercial uses and more high-impact vehicle-related businesses.

The subject site is designated as Institutional on the Future Land Use Map, reflecting the established church use at the time of the adoption of the Comprehensive Plan. The duplexes to the west are designated as Medium Density Residential and zoned R-10. The non-residential uses to the south are also designated Medium Density Residential but are zoned IH. The houses to the east and north are designated Low Density Residential and zoned R-6 and R-4, respectively. Finally, the Longview Shopping Center is designated Neighborhood Mixed Use and zoned CX-3-UL.

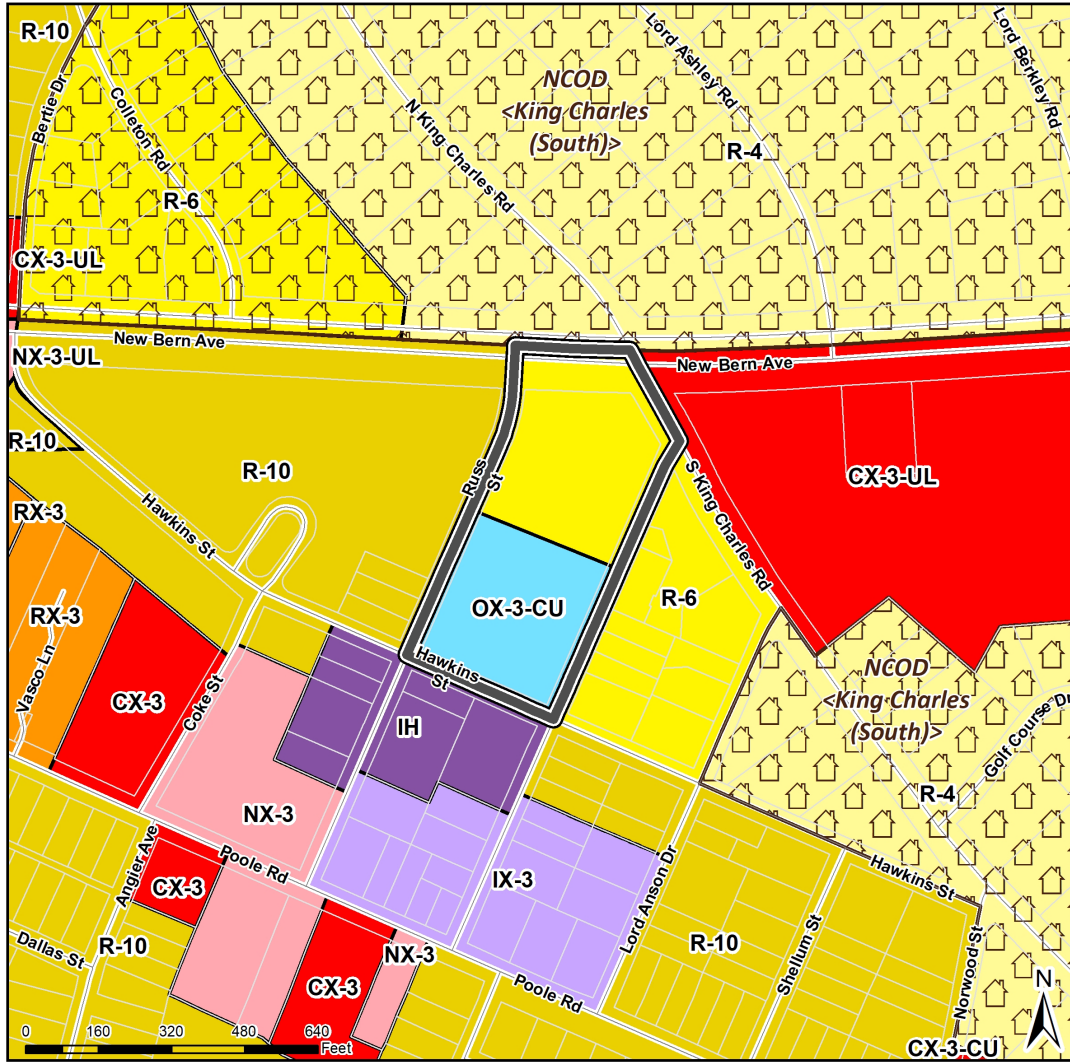
New Bern Avenue will be the first phase implemented of the city's bus rapid transit (BRT) system. As such, New Bern Avenue is a Transit Emphasis Corridor on the Urban Form Map, which suggests a hybrid (i.e. Parking Limited, or PL) frontage. The other four streets bordering the site are all Urban Thoroughfares, which recommend urban or hybrid frontages. The site is within both a Core Transit Area and Transit Oriented District, which also recommend urban or hybrid frontages. The Green frontage included with this request is considered urban, and is the frontage recommended for this site in the New Bern Avenue Small Area Guidance.

OUTSTANDING ISSUES

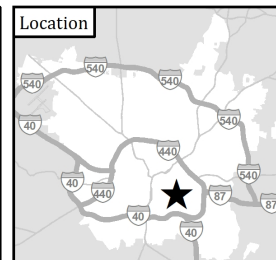
Outstanding Issues	1. The case has not received a recommendation from the RHDC because the meeting scheduled for March 17, 2020 was cancelled.	Suggested Mitigation	1. The applicant can present at an upcoming RHDC meeting.
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Existing Zoning

Z-5-2020



Property	1950 New Bern Ave
Size	4.6 acres
Existing Zoning	R-6 & OX-3-CU
Requested Zoning	RX-4-GR-CU



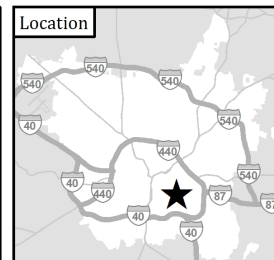
Map by Raleigh Department of City Planning (mansoff): 1/21/2020

Future Land Use

Z-5-2020



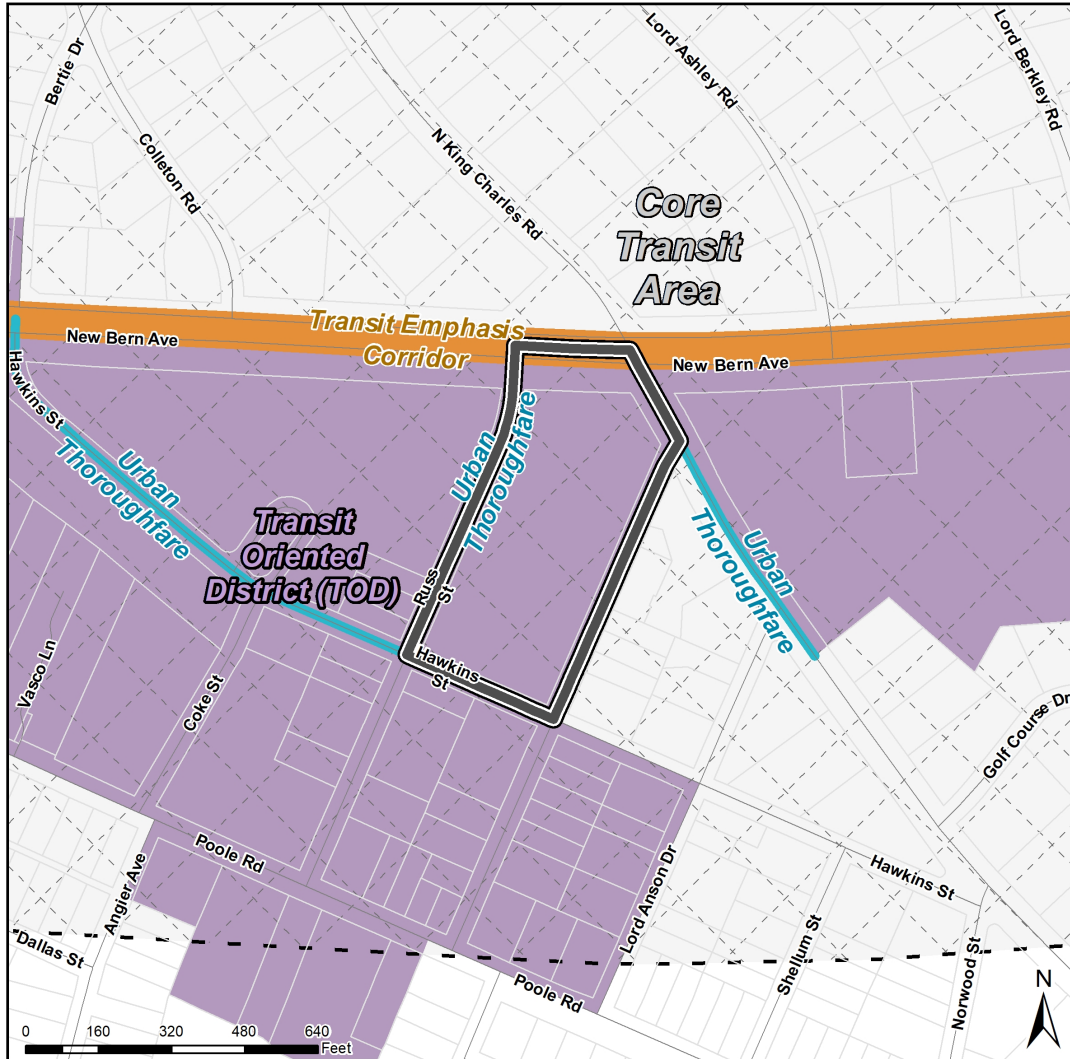
Property	1950 New Bern Ave
Size	4.6 acres
Existing Zoning	R-6 & OX-3-CU
Requested Zoning	RX-4-GR-CU



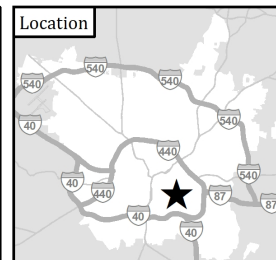
Map by Raleigh Department of City Planning (mansoff): 1/21/2020

Urban Form

Z-5-2020

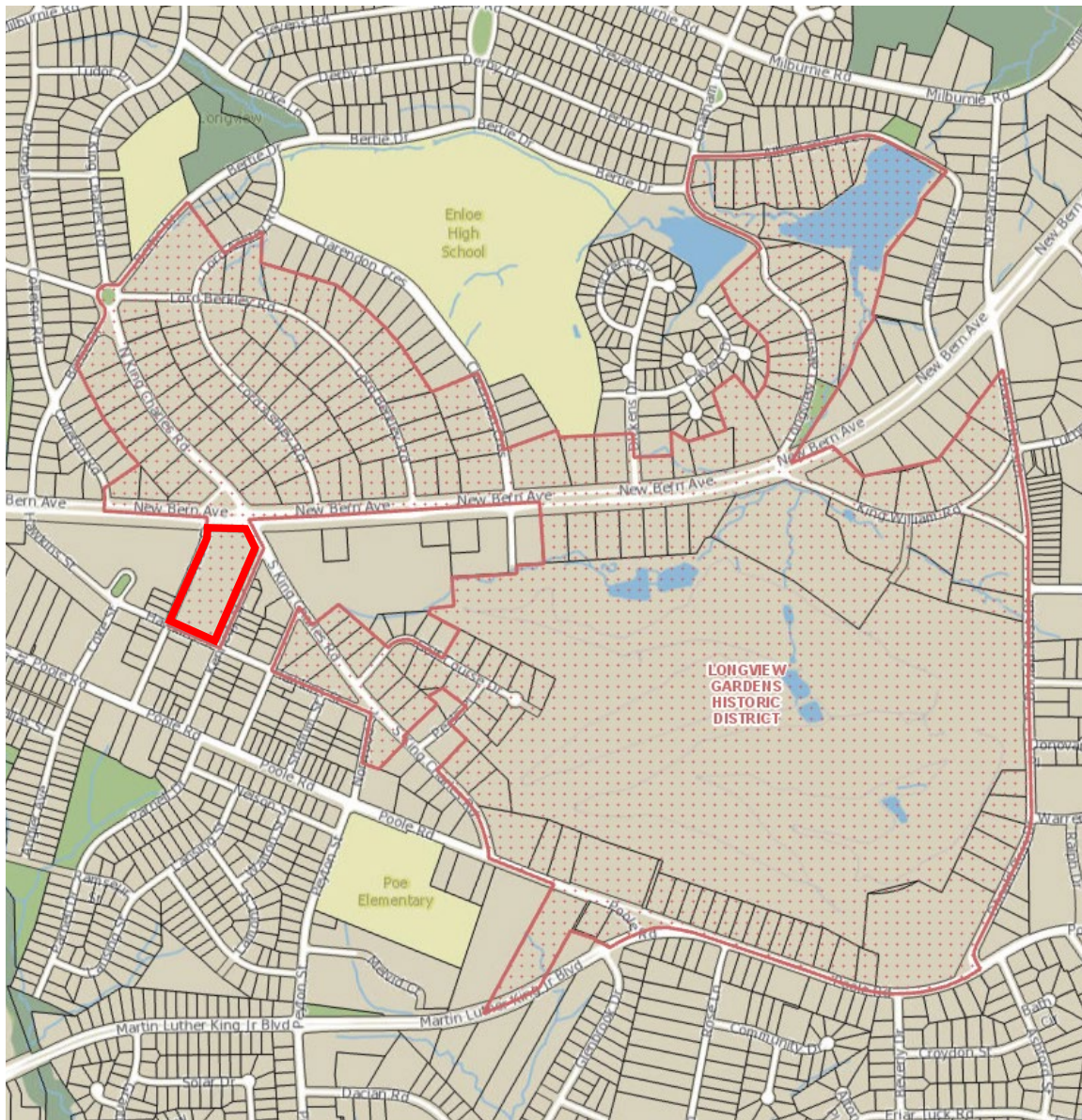


Property	1950 New Bern Ave
Size	4.6 acres
Existing Zoning	R-6 & OX-3-CU
Requested Zoning	RX-4-GR-CU



Map by Raleigh Department of City Planning (mansoff): 1/21/2020

Longview Gardens Historic District



COMPREHENSIVE PLAN

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

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

Overall, the request is consistent with the vision and themes in the Comprehensive Plan.

The request is consistent with the **Expanding Housing Choices** vision theme, which encourages expanding the supply of affordable housing. The request would permit up to 30 units per acre and permit townhouse and apartment building types on the entire site, which is a significant increase over the 21 units per acre permitted under the current zoning.

The request is consistent with the **Coordinating Land Use and Transportation** vision theme. This theme envisions higher density residential and mixed-use development to support new local and regional public transit services. The request would permit a greater amount of residential development located directly on the New Bern Avenue BRT line.

However, the request is not fully consistent with the **Growing Successful Neighborhoods and Communities** vision theme. This theme advocates for infill development that complements existing neighborhood character and protecting places of historic and architectural significance. While senior housing could complement the existing neighborhood character, approval of the request will likely result in the demolition of a building contributing to the Longview Gardens National Register District, a designation that offers no preservation protection.

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

No. The subject site is designated as Institutional on the FLUM. This designation is set aside for universities, hospitals and medical complexes, religious facilities, and similar large institutions that may be private or public. While institutional uses are permitted in a variety of zoning districts, the FLUM recommends that large institutions in a campus setting are zoned Campus (CMP), which requires a master plan. The rezoning request is for a Residential Mixed Use (RX) district. Although this designation is not specifically recommended by the FLUM, RX zoning is not strictly incompatible with the Institutional designation because it has limited provisions for commercial uses, including the prohibition of stand-alone retail. Development under RX zoning would also be no more intense than what the FLUM envisions for the Institutional designation.

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

Yes, the requested conditional use zoning district could be established without adversely altering the character of the area. The area is generally characterized by a mix of uses ranging from detached houses to auto-oriented retail. Although the proposed four-story height is taller than any other nearby development that exists today, buildings of that height could be constructed without adversely altering the character of the area.

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

Yes. Community facilities and streets appear to be sufficient to serve the proposed use.

Future Land Use

Future Land Use designation: Institutional

The rezoning request is

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

☒ **Inconsistent**

The subject site is designated as Institutional on the FLUM. This designation is set aside for universities, hospitals and medical complexes, religious facilities, and similar large institutions that may be private or public. While institutional uses are permitted in a variety of zoning districts, the FLUM recommends that large institutions in a campus setting are zoned Campus (CMP), which requires a master plan. The rezoning request is for a Residential Mixed Use (RX) district. Although this designation is not specifically recommended by the FLUM, RX zoning is not strictly incompatible with the Institutional designation because it has limited provisions for commercial uses, including the prohibition of stand-alone retail. Development under RX zoning would also be no more intense than what the FLUM envisions for the Institutional designation.

Urban Form

Urban Form designation: Core Transit Area; Transit Oriented District; Transit Emphasis Corridor; Urban Thoroughfare

The rezoning request is

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

☐ **Inconsistent**

Overview: The Urban Form Map locates the subject site along a Transit Emphasis Corridor, which suggests a hybrid approach to frontage (i.e. Parking Limited, or PL); along four Urban Thoroughfares, which recommend urban or hybrid frontages; and within both a Core Transit Area and Transit Oriented District, which recommend urban or hybrid frontages. The New Bern Avenue Small Area Guidance specifically recommends a Green frontage, which is considered urban, for the site. The request includes a Green frontage.

Impact: The Green frontage (GR) is intended for areas where it is desirable to locate buildings close to the street, but where parking between the building and street is not permitted. The main mechanism for achieving this is a landscaped area between the building and the street right-of-way.

The primary street build-to in GR is 20 – 50 feet, with a minimum of 50% of the lot frontage containing a building within that range. This will apply to New Bern Avenue and possibly King Charles Road. The side street build-to is also 20 – 50 feet, but the portion of the lot frontage the must contain a building in that range is only 35%.

Compatibility: The Green designation is compatible with neighboring properties and the general context of the area, as well as evocative of the current large front setback of the site. Other mixed-use zoning districts nearby have Urban Limited frontage designations, which as another urban frontage is compatible with GR but does not include the landscaped front yard.

Compatibility

The proposed rezoning is

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

☐ **Incompatible.**

The request is compatible with the property and the surrounding area and can be established without adversely impacting neighboring properties. Although the nearby zoning districts on New Bern Avenue (R-4, R-6, R-10, and CX-3) are lower in height and potential intensity (with the exception of the CX district) than the requested RX-4 district, the rezoning site's position adjacent to the New Bern Avenue BRT corridor is generally appropriate for the requested level of entitlement.

Public Benefits of the Proposed Rezoning

- The request would allow increased land use intensity and residential development directly adjacent to a BRT corridor, which represents the highest level of transit service available in the city.
- The request would provide new dwelling units for seniors in central Raleigh with high transit access to downtown and WakeMed.
- The request would facilitate the reuse of a property that is currently developed but inactive.

Detriments of the Proposed Rezoning

- Approval of the request will likely facilitate the demolition of a historic building that contributes to the Longview Gardens National Register District.

Policy Guidance

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

Policy LU 4.1—Coordinate Transportation Investments with Land Use

Ensure that transportation decisions, strategies, and investments are coordinated with and support the city's land use objectives.

Policy LU 4.6—Transit-Oriented Development

Promote transit-oriented development around planned bus rapid transit (BRT) and fixed commuter rail stations through appropriate development regulation, education, station area planning, public-private partnerships, and regional cooperation.

Policy LU 4.7—Capitalizing on Transit Access

Sites within walking distance of existing and proposed rail and bus rapid transit stations should be developed with intense residential and mixed uses to take full advantage of and support investment in transit infrastructure.

Policy LU 4.8—Station Area Land Uses

A complementary mix of uses, including multifamily residential, offices, retail, civic, and entertainment uses, should be located within transit station areas.

- If approved, the subject site would add multi-family housing units in an area with easy access to transit and retail. The site is within 0.25 miles of a proposed BRT station at Raleigh Boulevard, and within 0.3 miles of a station at Clarendon Crescent. The RX zoning district allows a development intensity appropriate for a TOD corridor and BRT station areas.

Policy LU 8.1— Housing Variety

Accommodate growth in newly developing or redeveloping areas of the city through mixed-use neighborhoods with a variety of housing types.

Policy H 1.8—Zoning for Housing

Ensure that zoning policy continues to provide ample opportunity for developers to build a variety of housing types, ranging from single-family to dense multi-family. Keeping the market well-supplied with housing will moderate the costs of owning and renting, lessening affordability problems, and lowering the level of subsidy necessary to produce affordable housing. In areas characterized by detached houses, accommodations should be made for additional housing types while maintaining a form and scale similar to existing housing.

- Allowing townhouses and apartments on the entire site instead of only the OX-zoned portion would increase the choice of housing types and prices in the area.

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.

- A Transit Emphasis Corridor urban form designation suggests a hybrid frontage; the Urban Thoroughfare, Core Transit Area, and Transit Oriented District designations recommend urban or hybrid frontages. The request includes a Green frontage, which is one of the urban options. Other mixed-use zoning districts nearby have Urban Limited frontage designations, which as another urban frontage is compatible with Green but does not include the landscaped front yard.

Policy UD 7.3—Design Guidelines

The Design Guidelines in Table UD-1 shall be used to review rezoning petitions and development applications for mixed-use developments; or rezoning petitions and development applications along Main Street and Transit Emphasis Corridors or in City Growth, TOD and Mixed-Use Centers, including preliminary site plans and development plans, petitions for the application of Downtown Overlay Districts, Planned Development Districts, and Conditional Use zoning petitions.

- The proposed Green frontage is an urban frontage that is consistent with the Urban Design Guidelines. The relation of the building to the street in the GR frontage conforms to Urban Design Guidelines 6, 7, 8, 14, 15, 23, and 24. The required build-to will ensure a defined urban space that provides interest to pedestrians. The primary entrance and blank wall area requirements of urban frontages conform with guideline 25 and 26. The proximity to two BRT stations satisfies guideline 17.
- Adding a condition that requires direct access to the existing gravesite from the public sidewalk would allow it to function as a true urban open space and comply with guidelines 9 and 10. Public access would also enhance its value as a historic preservation measure.

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>
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>
Guideline 8	<i>If the site is located at a street intersection, the main building of a complex or main part of a single building should be placed at the corner. Parking, loading, or service should not be located at an intersection.</i>
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>
Guideline 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>
Guideline 14	<i>Parking lots should not dominate the frontage of pedestrian-oriented streets, interrupt pedestrian routes, or negatively impact surrounding developments.</i>
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>
Guideline 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>
Guideline 23	<i>Streets should be designed with street trees planted in a manner appropriate to their function. Commercial streets should have trees that complement the face of the buildings and that shade the sidewalk. Residential streets should provide for an appropriate tree 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 ¼" caliper and should be consistent with the city's landscaping, lighting, and street sight distance</i>

	requirements.
Guideline 24	<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>
Guideline 25	<i>The primary entrance should be both architecturally and functionally on the front facade of any building facing the primary public street. Such entrances should be designed to convey their prominence on the fronting facade.</i>
Guideline 26	<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>

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

Policy LU 1.2—Future Land Use Map and Zoning Consistency

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

- The subject site is designated as Institutional on the FLUM. This designation is set aside for universities, hospitals and medical complexes, religious facilities, and similar large institutions that may be private or public, and recommends a Campus zoning district (CMP), which requires a master plan. The rezoning request is for a Residential Mixed Use (RX) district.

Policy LU 5.1—Reinforcing the Urban Pattern

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

Policy LU 5.7—Building Height Transitions

When a mixed-use or nonresidential area contemplated for building heights in excess of seven stories abuts an area designated for low or moderate density on the future land use map, building heights should not exceed a 45-degree plane starting 10 feet from the adjoining lower-density area. When any mixed-use or non-residential area is separated from an area of low- or moderate-density by an intervening street other than a Major Street, building faces along the frontage facing the residential area should not exceed three stories.

Policy LU 8.12—Infill Compatibility

Vacant lots and infill sites within existing neighborhoods should be developed consistently with the design elements of adjacent structures, including height, setbacks, and massing through the use of zoning tools including Neighborhood Conservation Overlay Districts.

- A large multi-family building that would be possible under the requested RX-4 is compatible with the Longview Shopping Center to the east, and would not be in conflict with the commercial uses to the south across Hawkins Street given that parking is likely to be located at the southern end of the rezoning site. However, this type of development is not in keeping with the single-story character of the detached or attached dwellings to the north, east, or west.

Policy HP 2.7—Mitigating Impacts on Historic Sites

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

Policy HP 3.1—Adaptive Use

Encourage adaptive use of historic properties to preserve cultural resources and conserve natural resources.

Policy HP 3.2—Retention Over Replacement

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

- The rezoning site is part of the Longview Gardens National Register Historic District. According to the 2010 nomination report, the Milner Memorial Presbyterian Church is a contributing building. The grave of Henry H. Milner is still on the site. According to the RHDC staff report, the request does not offer conditions that sufficiently protect or address the historic resources on the site and the character of the surrounding National Register Historic District, nor does it address any alternatives to the demolition of this resource.

Area Plan Policy Guidance

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

Policy AP-NB 1—Frontage

Use guidance on Map AP-NB-1 to achieve desired frontages as part of rezonings.

- The Small Area Guidance recommends a Green frontage for the rezoning site, which is included with the request.

Map AP-NB1: New Bern Avenue

Adopted: 1/17/2012



- Suggested Frontage**
 - Green
 - Parking Limited
 - Urban Limited
- Existing Greenway**
- See King Charles Plan for Additional Guidance**

Map created 8/8/2018 by the
Raleigh Department of City Planning

HOUSING AFFORDABILITY & ENERGY EFFICIENCY ANALYSIS

Carbon Footprint: Transportation

	City Average	Site	Notes
Transit Score	30	46	The site is currently served by Route 15 Wake Med and the Zebulon-Wendell Express (ZWX).
Walk Score	30	54	Although there are not currently sidewalks along New Bern Avenue, they are expected to be completed with the construction of bus rapid transit.

Source: [Walk Score](#) is a publicly available service that measures pedestrian friendliness by analyzing population density and road metrics such as block length and intersection density. The higher the Transit Score or Walk Score, the greater the percentage of trips that will be made on transit or by walking, and the smaller the carbon footprint. The scores also correlate with shorter vehicle trips, which also produce less carbon. The city has a wide range of scores. Raleigh Municipal Building, for instance, has a Walk Score of 92, meaning the area is highly pedestrian-friendly and that many destinations are within a short walk. Some areas in the city have scores in single digits, indicating that few if any destinations are within walking distance, so nearly all trips are made by car.

Summary: This site is well served by public transit. GoRaleigh Route 15 has 15-minute peak service and operates on New Bern Avenue. Route 18 operates hourly on Poole Road, with stops within 800 feet of the site. The New Bern Avenue BRT project will greatly enhance the walkability and access to transit in the area.

Carbon/Energy Footprint: Housing

Housing Type	Average Annual Energy Use (million BTU)	Permitted in this project?
Detached House	82.7	Yes
Townhouse	56.5	Yes
Small Apartment (2-4 units)	42.1	Yes
Larger Apartment	34.0	Yes

Source: U.S. Energy Information Administration, 2015 survey. Statistics for residential structures in the South.

Summary: The proposed district would permit additional possible housing types. Approval of this rezoning request would allow the most energy-efficient housing units to be developed on the entirety of the site.

Housing Supply and Affordability

Does it add/subtract from the housing supply?	Adds	The potential residential entitlement will increase from 97 to 138 units.
Does it include any subsidized units?	Probably	The applicant is DHIC, Inc., a non-profit affordable housing developer.
Does it permit a variety of housing types beyond detached houses?	Yes	The proposed district would permit all possible housing types.
If not a mixed-use district, does it permit smaller lots than the average?*	N/A	The request is for a mixed-use district.
Is it within walking distance of transit?	Yes	The site is well served by transit, and will be within walking distance of future BRT stations.

**The average lot size for detached residential homes in Raleigh is 0.28 acres.*

Summary: The request would allow townhouse and apartment building types, which are generally more affordable than detached and attached units. However, a proposed zoning conditions does restrict at least 80% of the units to senior residents only.

IMPACT ANALYSIS

Historic Resources

1. The site is located within a National Register Historic District, Longview Gardens, and is identified as Milner Memorial Presbyterian Church, a contributing building.
2. The site is not located within or adjacent to a Raleigh Historic Overlay District. It does not include nor is adjacent to any National Register individually-listed properties or Raleigh Historic Landmarks.
3. No conditions were offered that consider the preservation of the historic structures. Two conditions were provided that address site elements. A landscaped buffer will help retain the parkway atmosphere intended in the design of New Bern Avenue. However, it is unclear if this condition includes the preservation of existing mature trees located along the street frontage. Condition 3 offers to maintain Henry Milner's grave in situ; however, no guidance was provided on site context or any construction buffers or setbacks that should be implemented around the grave site. Several mature trees exist in close proximity to the grave site, it is unclear if the trees will also be preserved.
4. The proposed conditions do not address how the characteristics of new construction will be compatible with the character of the historic district. A potential condition that could increase compatibility of new construction might address the fenestration of the proposed structures, provide guidance on compatibility of the exterior materials, or address the articulation of the facades.
5. Condition 5 offers documentation through photographs of the sanctuary building only. F. Carter Williams designed both the education building (constructed first) and the sanctuary. Recordation, including dimensioned drawings, of both buildings could mitigate demolition of these structures. If F. Carter Williams' original drawings of both structures survive, and are in an appropriate archive, providing only photographs would be acceptable.

Impact Identified: Loss of a significant historic resource is expected.

Parks and Recreation

1. This site is not directly impacted by any existing or proposed greenway trails, corridors, or connectors.
2. Nearest existing park access is provided by Longview Park (0.6 miles) and John Stokes Memorial Garden (0.7 miles).
3. Nearest existing greenway trail access if provided by Crabtree Creek Greenway Trail (1.6 miles).

4. Current park access level of service in this area is graded a B letter grade.

Impact Identified: None.

Public Utilities

1. The proposed rezoning would add approximately 26,625 gpd to the wastewater collection and water distribution systems of the City.
2. There are existing sanitary sewer and water mains adjacent to the proposed rezoning area.
3. At the time of development plan submittal, a Downstream Sewer Capacity Study may be required to determine adequate capacity to support the proposed development. Any improvements identified by the study would be required to be permitted prior to the issuance of Building Permit and constructed prior to release of a Certificate of Occupancy.
4. Verification of water available for fire flow is required as part of the Building Permit process. Any water system improvements recommended by the analysis to meet fire flow requirements will also be required of the Developer.

	Maximum Demand (current use)	Maximum Demand (current zoning)	Maximum Demand (proposed zoning)
Water	1,571 gpd	60,625 gpd	86,250 gpd
Waste Water	1,571 gpd	60,625 gpd	86,250 gpd

Impact Identified: None.

Stormwater

1. There are no downstream structural impacts identified.

Floodplain	n/a
Drainage Basin	Walnut and Crabtree
Stormwater Management	UDO 9.2
Overlay District	n/a

Impact Identified: None.

Transit

1. This site is well served by public transit. GoRaleigh Route 15 has frequent service and operates on New Bern Avenue. Route 18 operates hourly on Poole Road, with stops within 800 feet of the Z-5-20 site. Bus rapid transit is planned to operate on New Bern Avenue; a stop is planned for the vicinity of King Charles Road.

Impact Identified: None.

Transportation

1. **Location:** The Z-5-20 site is located in east Raleigh at the intersection of New Bern Avenue and King Charles Road.
2. **Area Plans:** The Z-5-20 site is located within the study area of the New Bern Corridor Study, which is focused on the design of New Bern Avenue and its frontage. The site is also adjacent to the King Charles Neighborhood Plan.
3. **Other Projects in the Area:** The City of Raleigh has programmed transportation projects to install bus rapid transit service on New Bern Avenue and construct bicycle and pedestrian facilities on New Bern Avenue.
4. **Streets:** The site occupies an entire block, bounded by New Bern Avenue, South King Charles Road, Kennedy Street, Hawkins Street, and Russ Street. New Bern Avenue is designated as a 6-lane divided avenue on map T-1 of the comprehensive plan; it is maintained by NCDOT. The other streets are maintained by the City of Raleigh. King Charles Road is designated in map T-1 of the comprehensive plan as a Neighborhood Street. Russ and Hawkins Streets are currently built to the dimensions of a Neighborhood Local Street (UDO Section 8.4.4.B). Kennedy Street is currently built as a Neighborhood Yield Street (UDO Section 8.4.4.A).

In accordance with UDO section 8.3.2, the maximum block perimeter for an RX-4 zoning district is 3,000 feet. The existing block perimeter is approximately 1,900 feet.

5. **Pedestrian Facilities:** The Z-5-20 site lacks sidewalks along its frontages except for along Hawkins Street. There are not currently sidewalks along New Bern Avenue; they are expected to be completed with the construction of bus rapid transit. South King Charles Road has sidewalks on the northeast side of the street.
6. **Bicycle Facilities:** There is a bicycle lane on Poole Road near the Z-5-20 site. New Bern Avenue is designated for a separated bikeway in map T-3 of the Comprehensive Plan. This facility is expected to be completed with the construction of bus rapid transit.
7. **Access:** Vehicle access to the subject property will be via Hawkins Street, Russ Street, and/or Kennedy Street.

8. **TIA Determination:** Based on the Envision results, approval of case Z-5-20 would decrease the amount of projected vehicular trips for the site as indicated in the table below. The decrease in projected trips between the zoning scenarios is in large part due to the limitation of office intensity in the proposed zoning. These values do not trigger a Traffic Impact Analysis based on the trip generation thresholds in the Raleigh Street Design Manual.

Z-5-20 Existing Land Use Vacant Church	Daily	AM	PM
	0	0	0
Z-5-20 Current Zoning Entitlements R-6 and OX-3-CU	Daily	AM	PM
	2,929	180	268
Z-5-20 Proposed Zoning Maximums RX-4-CU-GR	Daily	AM	PM
	1,303	102	137
Z-5-20 Trip Volume Change (Proposed Maximums minus Current Entitlements)	Daily	AM	PM
	-1,626	-78	-132

Impact Identified: None.

Urban Forestry

1. This rezoning will have no impact on Urban Forestry.

Impact Identified: None.

Impacts Summary

The request does not offer conditions that sufficiently protect or address the historic resources on the site and the character of the surrounding National Register Historic District, nor does it address any alternatives to the demolition of this resource.

Mitigation of Impacts

The applicant could add conditions that protect the church building. Short of that, the applicant add historically sensitive architectural standards for new construction, direct public access to the gravesite, additional documentation, and additional tree protection.

CONCLUSION

This request is to rezone approximately 4.6 acres from Residential-6 (R-6) and Office & Residential Mixed Use—3 Stories—Conditional Use (OX-3-CU) to Residential Mixed Use—4 Stories—Green—Conditional Use (RX-4-GR-CU). Proposed zoning conditions prohibit three uses otherwise allowed in RX districts, require planting standards in a 15-foot area along New Bern Avenue, preserve an existing grave site, require that 80% of dwelling units be occupied by seniors for at least 30 years, and require photographic documentation of the existing church building.

The request is **consistent** with Comprehensive Plan overall; **inconsistent** with the Future Land Use Map; and **consistent** with the Urban Form Map.

The request is **consistent** with Comprehensive Plan policies regarding coordinating transportation and land use, transit-oriented development, zoning for housing, and frontages. The request is **inconsistent** with policies regarding infill compatibility and historic preservation.

The request would support the Vision Themes of *Expanding Housing Choice* and *Coordinating Land Use and Transportation*, but not support the theme of *Growing Successful Neighborhoods and Communities*.

CASE TIMELINE

Date	Action	Notes
1/17/2020	Submitted application	
2/18/2020	Raleigh Historic Development Commission (RHDC) review #1	Serving an advisory role based on rezoning site's location in National Register Historic District.
3/13/2020	Submitted revised conditions	
3/16/2020	RHDC review #2	Meeting cancelled.
4/28/2020	Planning Commission review	

APPENDIX

SURROUNDING AREA LAND USE/ ZONING SUMMARY

SUBJECT PROPERTY		NORTH	SOUTH	EAST	WEST
Existing Zoning	R-6; OX-3-CU	R-4	IH	R-6; CX-3-UL	R-10
Additional Overlay	-	King Charles NCOD	-	-	-
Future Land Use	Institutional	Low Density Residential	Medium Density Residential	Low Density Residential; Neighborhood Mixed Use	Medium Density Residential
Current Land Use	Church	Detached dwellings	Church; vehicle repair	Detached dwellings; shopping center	Attached dwellings
Urban Form	Core Transit Area; Transit Oriented District; Transit Emphasis Corridor; Urban Thoroughfare	Core Transit Area; Transit Emphasis Corridor;	Core Transit Area; Transit Oriented District; Urban Thoroughfare	Core Transit Area; Transit Oriented District; Transit Emphasis Corridor; Urban Thoroughfare	Core Transit Area; Transit Oriented District; Transit Emphasis Corridor; Urban Thoroughfare

CURRENT VS. PROPOSED ZONING SUMMARY

	EXISTING ZONING	PROPOSED ZONING
Zoning	R-6; OX-3-CU	RX-4-GR-CU
Total Acreage	4.6	4.6
Residential Density:	21.1 (res. only)	30 (res. only)
Max. # of Residential Units	97	138
Max. Gross Building SF	112,015	162,637
Max. Gross Office SF	78,508	3,877
Max. Gross Retail SF	13,693	3,846
Max. Gross Industrial SF	-	-
Potential F.A.R	0.56	0.81

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



COMPREHENSIVE PLAN AMENDMENT ANALYSIS – CASE Z-5-20

OVERVIEW

The approval of Z-5-19 New Bern Avenue would require an amendment to the Future Land Use Map.

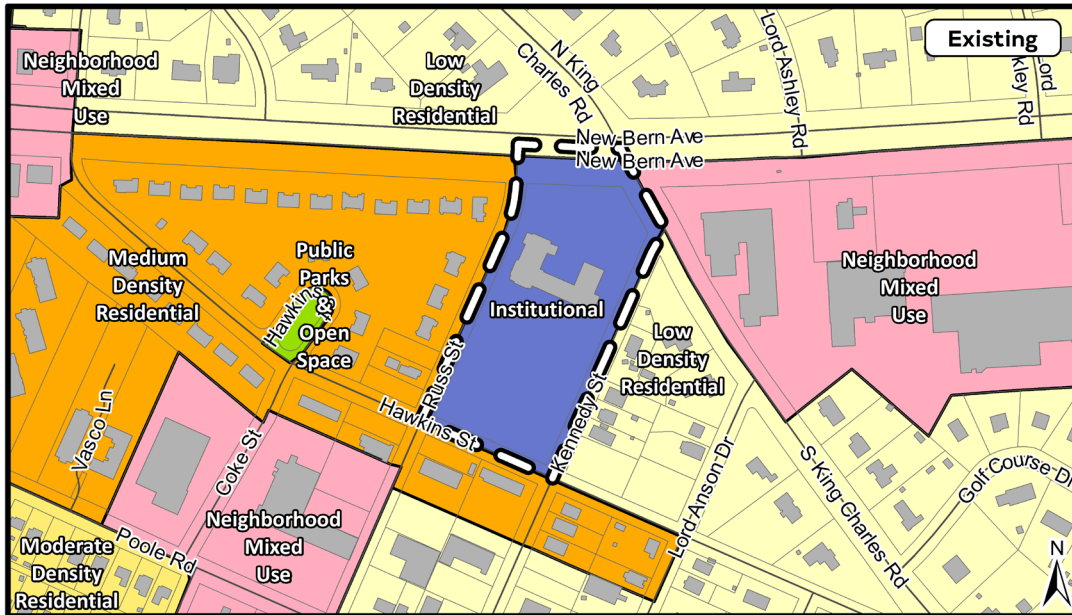
The Future Land Use Map identifies the subject site as Institutional, which suggests large institutions in a campus setting and the Campus (CMP) zoning district. The requested conditional use Residential Mixed Use (RX) zoning district is not specifically designed to produce campus-like development. If approved, the Future Land Use Map would be amended to Medium Density Residential.

Of the Medium Density Residential designation, the 2030 Comprehensive Plan states:

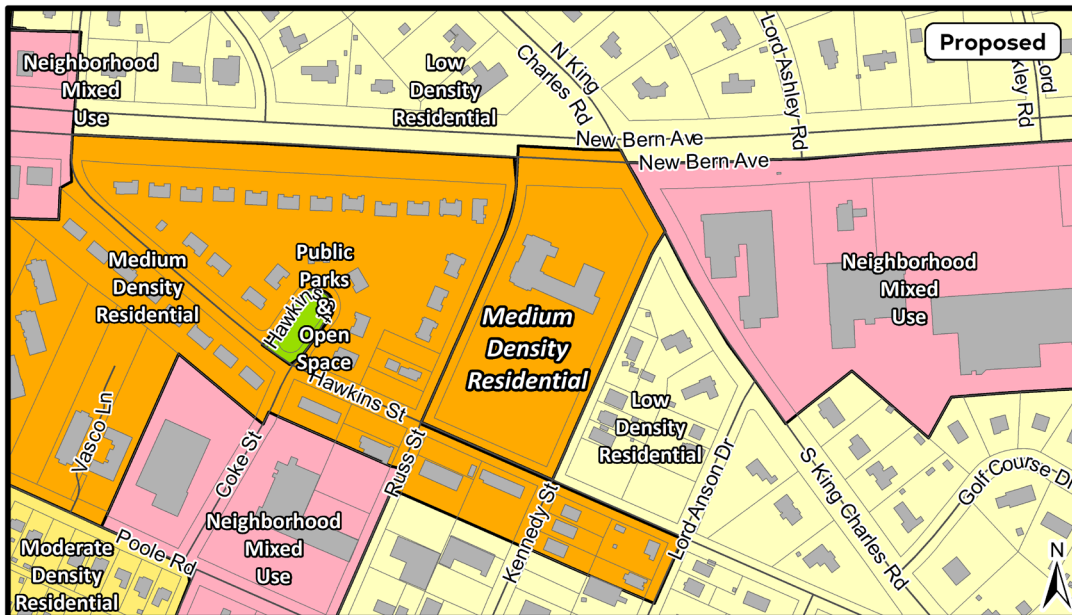
This category applies to garden apartments, townhomes, condominiums, and suburban style apartment complexes. It would also apply to older neighborhoods with a mix of single-family and multifamily housing. RX zoning with a three- or four-story height limit is appropriate for these areas. In some instances, small-scale commercial uses allowed in RX districts may be appropriate. Comprehensive Plan Land Use Section policies should be consulted for additional guidance.

Z-5-2020: Required Amendment to the Future Land Use Map

Existing Designation: Institutional



Proposed Designation: Medium Density Residential



CONDITIONAL USE DISTRICT ZONING CONDITIONS

Zoning Case Number **Z-5-2020**

OFFICE USE ONLY

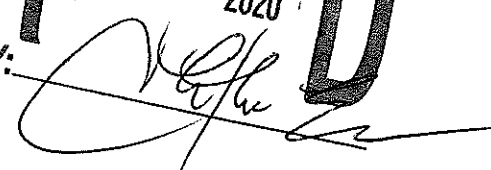
Date Submitted

Rezoning Case #

Existing Zoning **R-6 and OX-3-CU** Proposed Zoning **RX-4-GR-CU**

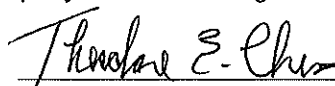
Narrative of Zoning Conditions Offered

1. The following uses shall be prohibited as principal uses on the property: Dormitories, fraternities, sororities; telecommunications towers; and outdoor sports or entertainment facilities.
2. An area having a width of 15 feet along the entire New Bern Avenue frontage of the property shall be landscaped with a minimum of 4 shade trees and 15 shrubs per 100 linear feet.
3. The existing gravesite located along the eastern edge of the property shall remain in its current location.
4. For a period of no less than 30 years after issuance of the first certificate of occupancy in connection with the property after the effective date of the ordinance adopting these conditions, a minimum of 80% of occupied dwelling units shall be occupied by at least one individual 55 years of age or older.
5. Prior to issuance of a demolition permit for the sanctuary building currently existing on the site, the applicant shall document the building in its original location through photographs (black and white and in color) and provide a copy of the documentation to the City of Raleigh Department of Planning, Historic Preservation.

RECEIVED
MAY 05 2020
BY: 

The property owner(s) hereby offers, consents to, and agrees to abide by, if the rezoning request is approved, the conditions written above. All property owners must sign each condition page. This page may be photocopied if additional space is needed.

Property Owner(s) Signature



Print Name

Theodore E. Churn

Rezoning Application



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

REZONING REQUEST			
<input type="checkbox"/> General Use <input checked="" type="checkbox"/> Conditional Use <input type="checkbox"/> Master Plan Existing Zoning Base District R-6 ^{and OX-3-CU} Height _____ Frontage _____ Overlay(s) _____ Proposed Zoning Base District RX Height 4 Frontage GR Overlay(s) _____ Click here to view the Zoning Map. Search for the address to be rezoned, then turn on the 'Zoning' and 'Overlay' layers.			OFFICE USE ONLY Rezoning Case # _____
If the property has been previously rezoned, provide the rezoning case number:			
GENERAL INFORMATION			
Date January 17, 2020		Date Amended (1) _____ Date Amended (2) _____	
Property Address 1950 New Bern Avenue			
Property PIN 1713-68-0540		Deed Reference (book/page) Book 17463/Page 2750	
Nearest Intersection New Bern Avenue and South King Charles Road			
Property Size (acres) 4.6	For Planned Development Applications Only:	Total Units _____	Total Square Footage _____
		Total Parcels _____	Total Buildings _____
Property Owner Name/Address The Presbytery of New Hope Corporation 2022 McDonald Lane Raleigh, NC 27608		Phone _____	Fax _____
		Email _____	
Applicant Name/Address DHIC, Inc. 113 S. Wilmington St. Raleigh, NC 27601		Phone 919.615.3735	Fax _____
		Email kayla@dhic.org	
Applicant* Signature(s) <i>Kayla Rosinbay</i>		Email kayla@dhic.org	

*Please see Page 11 for information about who may submit rezoning applications. A rezoning application will not be considered complete until all required submittal components listed on the Rezoning Checklist have been received and approved.

REZONING APPLICATION ADDENDUM #1	
<p align="center">Comprehensive Plan Analysis</p>	<p align="center">OFFICE USE ONLY</p>
<p>The applicant is asked to analyze the impact of the rezoning request and its consistency with the Comprehensive Plan. The applicant is also asked to explain how the rezoning request is reasonable and in the public interest.</p>	<p align="center">Rezoning Case #</p>
<p align="center">STATEMENT OF CONSISTENCY</p>	
<p>Provide brief statements regarding whether the rezoning request is consistent with the future land use designation, the urban form map, and any applicable policies contained within the 2030 Comprehensive Plan.</p>	
<p>The property's Institutional designation on the Future Land Use Map reflects its previous use as a church rather than setting guidelines for new uses. Surrounding FLUM designations indicate that Medium Density Residential use would be an appropriate extension of the designation to the west along New Bern Avenue and transitioning to Neighborhood Mixed Use to the east, while providing a gentle transition from nearby Low Density Residential areas.</p> <p>The property is located along the New Bern Avenue Transit Emphasis Corridor.</p> <p>The proposed rezoning supports implementation of the Policies UD 3.3 (Strip Shopping Centers); UD 3.7 (Parking Lot Placement); UD 6.2 (Ensuring Pedestrian Convenience and Comfort); LU 2.1 (Placemaking); LU 2.2 (Compact Development); LU 4.1 (Coordinate Transportation Investments with Land Use); LU 4.7 (Capitalizing on Transit Access); LU 4.9 (Corridor Development); LU 8.1 (Housing Variety); H 1.1 (Mixed-Income Neighborhoods); H 1.8 (Zoning for Housing); H 1.9 (Housing Diversity); H 2.5 (Removing Housing Barriers); H 2.13 (Transit Accessibility); and AP-NB 1 (Frontage).</p>	
<p align="center">PUBLIC BENEFITS</p>	
<p>Provide brief statements explaining how the rezoning request is reasonable and in the public interest.</p>	
<p>The proposed rezoning aligns with both surrounding FLUM designations as well as a number of Comprehensive Plan policies relating to land use, housing, and urban design. The proposed development provides moderate density along a transit corridor, on a site that initial draft proposals suggest will likely be between bus rapid transit stations, while providing much needed affordable housing for seniors in accordance with the wishes of the former Milner Memorial Presbyterian Church congregation.</p>	

REZONING APPLICATION ADDENDUM #2	
Impact on Historic Resources	OFFICE USE ONLY
The applicant is asked to analyze the impact of the rezoning request on historic resources. For the purposes of this section, a historic resource is defined as any site, structure, sign, or other feature of the property to be rezoned that is listed in the National Register of Historic Places or designated by the City of Raleigh as a landmark or contributing to a Historic Overlay District.	Rezoning Case #
INVENTORY OF HISTORIC RESOURCES	
List in the space below all historic resources located on the property to be rezoned. For each resource, indicate how the proposed zoning would impact the resource.	
<p>The Modernist Milner Memorial Presbyterian Church located on the property is a contributing structure within the Longview Gardens Historic District, which was listed in the National Register of Historic Places in 2011. Rezoning to the proposed residential mixed use district would not prohibit places of worship, however, the previous use of the church structure as a place of worship has already been discontinued by the congregation (aside from temporary use by another congregation), and it is not anticipated that the existing structure would be preserved due to its incompatibility with providing affordable senior housing on the property.</p>	
PROPOSED MITIGATION	
Provide brief statements describing actions that will be taken to mitigate all negative impacts listed above.	
<p>The affordable, senior housing project for which rezoning is requested is a direct legacy of the Milner Memorial Presbyterian Church and the wishes of its congregation. The Presbytery of New Hope Corporation remains a partner in the development of the site and seeks to ensure the site's history will be incorporated in any development. It is anticipated that the existing grave of Henry Milner, the donor of the land to the church, located on the property will remain undisturbed during and after redevelopment, and the applicant is studying aspects of the sanctuary and other portions of the existing structure that may be incorporated into the proposed housing development.</p>	

URBAN DESIGN GUIDELINES

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

- a) The property to be rezoned is within a "City Growth Center" or "Mixed-Use Center", or
- b) The property to be rezoned is located along a "Main Street" or "Transit Emphasis Corridor" as shown on the Urban Form Map in the 2030 Comprehensive Plan.

Urban Form Designation Transit Emphasis Corridor Click [here](#) to view the Urban Form Map.

1.	<p><i>All Mixed-Use developments should generally provide retail (such as eating establishments, food stores, and banks), and other such uses as office and residential within walking distance of each other. Mixed uses should be arranged in a compact and pedestrian friendly form.</i></p> <p>Response: Not applicable - residential use is proposed.</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: Not applicable - residential use is proposed.</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: No new roads are proposed.</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 roads are proposed.</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: All existing block faces are less than 660 feet long.</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: Green frontage is proposed and addresses each concern above.</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:</p> <p>Green frontage is proposed.</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:</p> <p>Green frontage is proposed and requires the build-to be met at the corner.</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:</p> <p>To be determined during site plan review.</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:</p> <p>To be determined during site plan review.</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:</p> <p>To be determined during site plan review.</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:</p> <p>To be determined during site plan review.</p>

13.	<p><i>New public spaces should provide seating opportunities.</i></p> <p>Response:</p> <p>To be determined during site plan review.</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:</p> <p>Green frontage is proposed, and remaining details will be determined during site plan review.</p>
15.	<p><i>Parking lots should be located behind or in the interior of a block whenever possible. Parking lots should not occupy more than 1/3 of the frontage of the adjacent building or not more than 64 feet, whichever is less.</i></p> <p>Response:</p> <p>Green frontage is proposed, and remaining details will be determined during site plan review.</p>
16.	<p><i>Parking structures are clearly an important and necessary element of the overall urban infrastructure but, given their utilitarian elements, can give serious negative visual effects. New structures should merit the same level of materials and finishes as that a principal building would, care in the use of basic design elements can make a significant improvement.</i></p> <p>Response:</p> <p>No parking structures are contemplated for this affordable housing project.</p>
17.	<p><i>Higher building densities and more intensive land uses should be within walking distance of transit stops, permitting public transit to become a viable alternative to the automobile.</i></p> <p>Response:</p> <p>The project is located along a transit corridor, with stops located within walking distance.</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:</p> <p>To be determined during site plan review.</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:</p> <p>To be determined during site plan review.</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:</p> <p>No new roadways are proposed.</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:</p> <p>Green frontage is proposed and will control as to streetscape.</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:</p> <p>Green frontage is proposed and will control as to streetscape.</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:</p> <p>Green frontage is proposed.</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:</p> <p>Green frontage is proposed.</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:</p> <p>To be determined during site plan review.</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:</p> <p>To be determined during site plan review.</p>

REZONING APPLICATION SUBMITTAL REQUIREMENTS ("Rezoning Checklist")					
TO BE COMPLETED BY APPLICANT			COMPLETED BY CITY STAFF		
General Requirements – General Use or Conditional Use Rezoning	YES	N/A	YES	NO	N/A
1. I have referenced this Rezoning Checklist and by using this as a guide, it will ensure that I receive a complete and thorough first review by the City of Raleigh	<input checked="" type="checkbox"/>	<input type="checkbox"/>			
2. Pre-Application Conference	<input checked="" type="checkbox"/>	<input type="checkbox"/>			
3. Neighborhood Meeting notice and report	<input checked="" type="checkbox"/>	<input type="checkbox"/>			
4. Rezoning application review fee (see Fee Schedule for rate)	<input checked="" type="checkbox"/>	<input type="checkbox"/>			
5. Completed application, submitted through Permit & Development Portal	<input checked="" type="checkbox"/>	<input type="checkbox"/>			
Completed Comprehensive Plan Consistency Analysis	<input checked="" type="checkbox"/>	<input type="checkbox"/>			
Completed Response to the Urban Design Guidelines	<input checked="" type="checkbox"/>	<input type="checkbox"/>			
6. Two sets of stamped envelopes addressed to all property owners of area to be rezoned and properties within 500 feet of area to be rezoned	<input checked="" type="checkbox"/>	<input type="checkbox"/>			
7. Trip Generation Study	<input type="checkbox"/>	<input checked="" type="checkbox"/>			
8. Traffic Impact Analysis	<input type="checkbox"/>	<input checked="" type="checkbox"/>			
For properties requesting a conditional use district:					
9. Completed zoning conditions, signed by property owner(s)	<input checked="" type="checkbox"/>	<input type="checkbox"/>			
If applicable (see Page 11):					
10. Proof of power of attorney or owner affidavit	<input checked="" type="checkbox"/>	<input type="checkbox"/>			
For properties requesting a Planned Development (PD) or Campus District (CMP):					
10. Master Plan (see Master Plan Submittal Requirements)	<input type="checkbox"/>	<input checked="" type="checkbox"/>			
For properties requesting an Accessory Dwelling Unit Overlay District (ADUOD):					
15. Copy of ballot and mailing list	<input type="checkbox"/>	<input checked="" type="checkbox"/>			

OWNER'S AFFIDAVIT

STATE OF NORTH CAROLINA)
)
COUNTY OF WAKE)

Theodore E. Chun, ("Affiant") as Registered Agent of The Presbytery of New Hope Corporation, a North Carolina corporation ("Owner"), the owner of the premises located at 1950 New Bern Avenue, Raleigh, North Carolina and having PIN 1713680540 (the "Property"), hereby acknowledges and agrees that DHIC, Inc. ("Applicant"), the manager of Milner Senior Housing Partners, LLC, the ground lessee of the Property, intends to file a petition for rezoning of the Property with the City of Raleigh, and that Applicant, as represented by Gregory Warren, Natalie Britt, Kayla Rosenberg, or Yvette Holmes, and its representatives from Morningstar Law Group are authorized by Owner to undertake and prosecute such rezoning. Affiant acknowledges on behalf of Owner that zoning conditions must be signed, approved, and consented to by Owner.

AFFIANT:

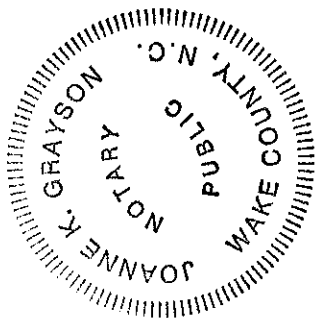
Theodore E. Chun

Name: Theodore E. Chun

State of NC
County of Wake

Subscribed and sworn to (or affirmed) before me on this 6 day of Dec., 2019,
by Theodore E. Chun, personally known to me or proved to me on the basis of satisfactory
evidence to be the person who appeared before me.

Jane K. Grayson
(Notary Public)





To: Neighboring Property Owners

From: DHIC, Inc.

Date: December 3rd, 2019

Re: Notice of meeting to discuss potential rezoning of a parcel located at the southwest corner of New Bern Avenue and S. King Charles Road, containing approximately 4.6 acres, with an address of 1950 New Bern Avenue, and having Wake County Parcel Identification Number 1713-68-0540 (the "Property")

Dear Neighbor,

DHIC, Inc. is a 45 year old private, non-profit charitable organization that builds affordable housing and provides other important services to expand housing opportunities and promote equitable development in our community. You might be familiar with our most recent community, Washington Terrace, at the corner of Raleigh Boulevard and Milburnie Road.

An affiliate of DHIC has entered into a long-term ground lease of the above-captioned Property. Currently, the Property is split zoned between two districts: R-6 and OX-3-CU. DHIC, Inc. is considering rezoning the Property to a RX-4-CU, possibly with all or a portion of the property subject to a frontage requirement compatible with City of Raleigh plans for the New Bern corridor, which may include a PL (Parking Limited), GR (Green), or other frontage. The purpose of the rezoning is to permit development of multifamily affordable housing.

Prior to filing a rezoning application, the City of Raleigh requires a developer to hold a neighborhood meeting for property owners within 500 feet of the proposed site. Your property is located within 500 feet of the site referenced in this notice.

We invite you to attend a neighborhood meeting to learn more and ask questions about our proposed plans. The meeting will take place on Wednesday, December 18, 2019, from 7:00 p.m. to 8:00 p.m., at the Washington Terrace Community Building, located at 1951 Booker Drive in Raleigh. A map to the property is attached.

Our goal is to gather comments from the meeting and prepare a report for the Raleigh Planning Department regarding the items discussed. You may also submit written comments to the City of Raleigh Planning Director. After the meeting, we will prepare a report for the Raleigh Planning Department regarding the items discussed.

We have engaged Attorney Molly Stuart to serve as our primary point of contact during this rezoning process. She can be reached at mstuart@mstarlaw.com. Also, for more information about rezoning, you may visit www.raleighnc.gov or contact the Raleigh City Planning Department at 919-996-2682 or rezoning@raleighnc.gov.

We look forward to seeing you on December 18, 2019.

Washington Terrace

* Community Building

• Overflow Parking



SUMMARY OF ISSUES

A neighborhood meeting was held on December 18, 2019 (date) to discuss a potential rezoning located at 1950 New Bern Avenue (property address).
The neighborhood meeting was held at 1951 Booker Drive (location).
There were approximately 22 (number) neighbors in attendance. The general issues discussed were:

Summary of Issues:

The working relationship between DHIC, Inc., The Presbytery of New Hope, and Presbyterian Homes of NC was described.

The parties are experienced in providing housing and services for seniors.

DHIC, Inc. has never sold a property and continues to own each project.

Average age in DHIC, Inc. senior housing is 74 years, with incomes approximately 30% of AMI.

Residents expressed a desire for relatively extensive green space in front of the new buildings along New Bern Ave.

It was requested that a 3-story development be considered.

The proposed project will provide an opportunity for seniors priced out of Southeast Raleigh to remain in the area.

DHIC will reach out to seniors in Southeast Raleigh to apply for housing.

ATTENDANCE ROSTER

[illegible]

ATTENDANCE ROSTER

[illegible]



Pre-Application Conference

Meeting Record

Department of City Planning | One Exchange Plaza, Suite 300 | (919) 996-2682

Meeting Date: 9/6/19 11 am	
Attendees: Matt Klem, Hannah Reckhow, Jason Hardin, Collette Kinane, Molly Stuart, Kayla Rosenberg, John Wood	
Site Address/PIN: 1950 New Bern Ave	
Current Zoning/Designation: R-10, OX-3-CU	
Proposed Zoning/Designation: RX-3-PL-CU	
CAC Contact Information: East CAC Aracelys.Torrez@raleighnc.gov 919-996-5717	
Notes: Applicant interested in multi-family, senior housing, affordable to 60% ami or less. Considering 4 or 3 stories and is contemplating options for frontage. Property is designated as Institutional on Future Land Use Map, which offers less guidance than others. Can infer from context – Medium Density Residential is adjacent. Height guidance would depend on context, 4 stories is reasonable for this site. Urban Form Map designated as Transit Emphasis Corridor along New Bern Ave. More specificity in New Bern Corridor Study – Green frontage for this site. More setback and landscaping than other urban frontages. Applicant considering applying urban limited frontage on side streets. Is there a reason to limit yourself? Side street requirements for green frontage may be challenging for development. Parking reduction is also part of the picture. Frontages written in to zoning conditions would not have design alternate process available. Conditions can add more restriction to chosen frontage to add green frontage qualities to New Bern frontage. Another approach could be to choose a more flexible frontage like Parking Limited and add conditions to add desired restrictions. TOD overlay is being reviewed, likely to eventually be applied to New Bern corridor.	
Department & Staff	Notes
Transportation <input type="checkbox"/> Jason Myers Jason.Myers@raleighnc.gov 919-996-2166	

<p>Historic Preservation</p> <p><input type="checkbox"/> Melissa Robb Melissa.Robb@raleighnc.gov 919-996-2632</p> <p><input checked="" type="checkbox"/> Collette Kinane Collette.Kinane@raleighnc.gov 919-996-2649</p>	<p>Site is in Long View Gardens National Historic District. It is a contributing structure. RHDC would comment. If demolition of structure is involved, would not likely be a positive recommendation.</p>
<p>Parks, Recreation, & Cultural Resources</p> <p><input type="checkbox"/> TJ McCourt Thomas.McCourt@raleighnc.gov 919-996-6079</p> <p><input type="checkbox"/> Emma Liles Emma.Liles@raleighnc.gov 919-996-4871</p>	
<p>Public Utilities</p> <p><input type="checkbox"/> John Sorrell John.Sorrell@raleighnc.gov 919-996-3485</p> <p><input type="checkbox"/> Lorea Sample Lorea.Sample@raleighnc.gov 919-996-3484</p>	
<p>Stormwater</p> <p><input type="checkbox"/> Gary Morton Gary.Morton@raleighnc.gov 919-996-3517</p> <p><input type="checkbox"/> Charles Webb Charles.Webb@raleighnc.gov 919-996-3519</p>	
<p>Development Services</p> <p><input type="checkbox"/> Justin Rametta Justin.Rametta@raleighnc.gov 919-996-2665</p> <p><input type="checkbox"/> Mike Walters Michael.Walters@raleighnc.gov 919-996-2636</p>	