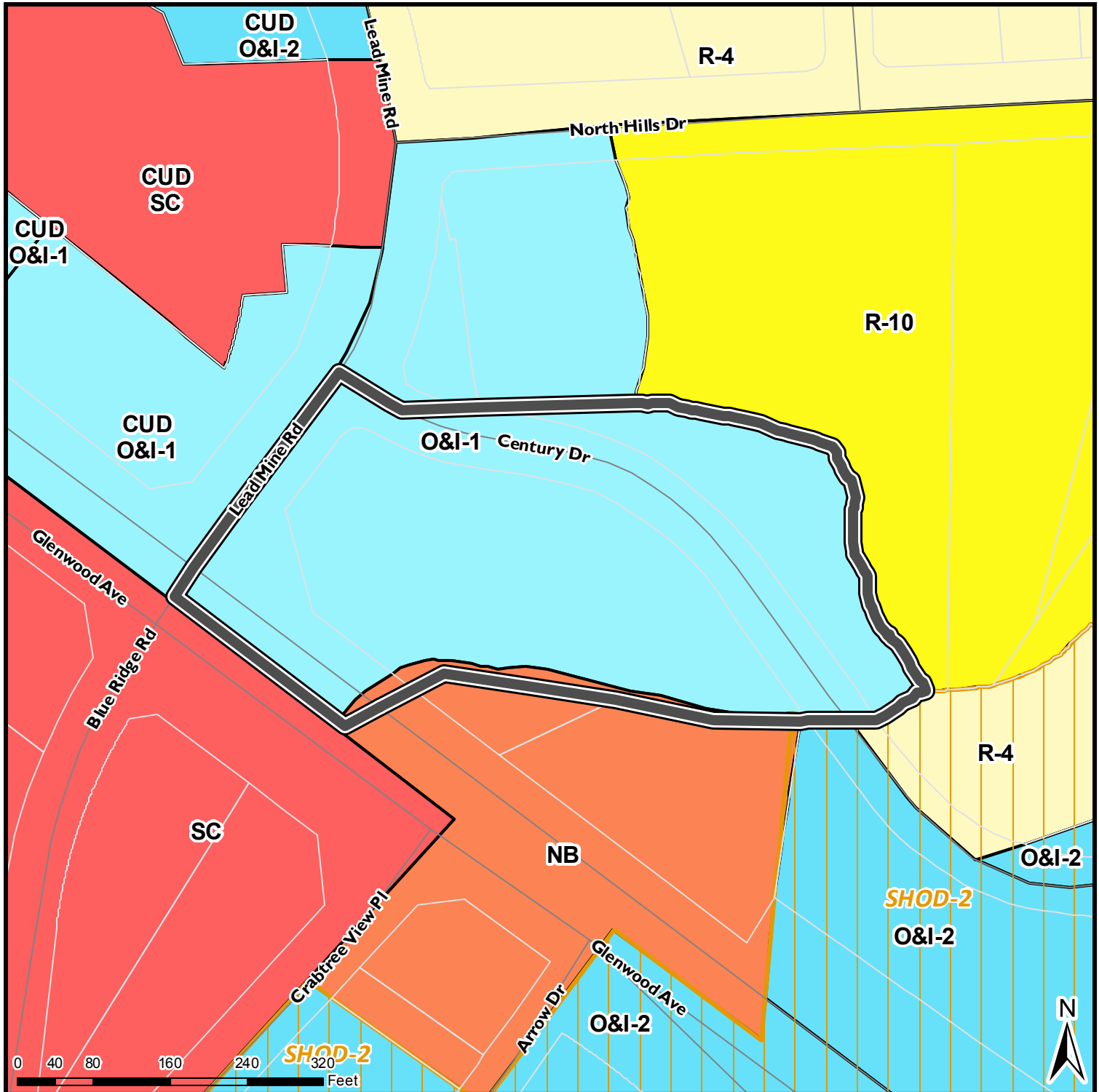


Existing Zoning Map

Z-8-2014

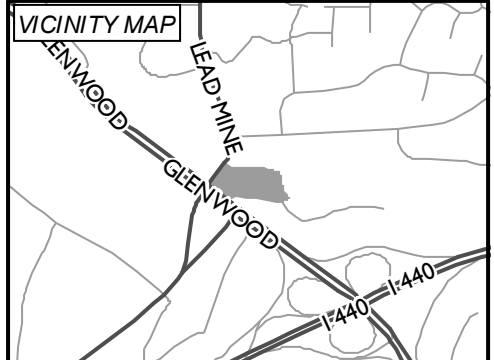


**Submittal
Date**

2/17/2014

Request:

2.69 acres from
O&I-1 & NB
to CX-5-CU





Certified Recommendation

Raleigh Planning Commission

CR# 11577

Case Information: Z-8-14 - Century Drive

<i>Location</i>	Century Drive, south and north side, at its intersection with Lead Mine Road Address: 2209 Century Drive PIN: 0796608257
<i>Request</i>	Rezone property from Office and Institution-1 (O&I-1) & Neighborhood Business (NB) to Commercial Mixed Use-Five Stories-Conditional Use (CX-5-CU)
<i>Area of Request</i>	2.69 acres
<i>Property Owner</i>	Crabtree Offices LLC
<i>Applicant</i>	Michael Birch, Morningstar Law Group: (919) 590-0388; mbirch@morningstarlawgroup.com
<i>Citizens Advisory Council</i>	Midtown: Patrick Martin, Chairperson: (919) 781-0857, acemar@aol.com
<i>PC Recommendation Deadline</i>	9/22/14

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>	Office/ Research & Development; Public Parks & Open Space
<i>CONSISTENT Policies</i>	Policy LU 1.3 – Conditional Use District Consistency Policy LU 4.10 – Development at Freeway Interchanges Policy LU 10.3 – Ancillary Retail Uses Policy EP 2.5 – Protection of Water Features Policy EP 4.2 – Floodplain Conservation Policy UD 7.3 – Design Guidelines
<i>INCONSISTENT Policies</i>	(None.)

Summary of Proposed Conditions

1. Certain uses prohibited.
2. Floor area gross limited.
3. Certain uses limited to ground floor, or first floor above ground-floor parking.

Public Meetings

<i>Neighborhood Meeting</i>	<i>CAC</i>	<i>Planning Commission</i>	<i>City Council</i>	<i>Public Hearing</i>
12/18/13		6/24/14	7/1/14	

☐ **Valid Statutory Protest Petition**

Attachments

1. Staff Report
2. Applicant Responses to Design Guidelines
3. Transportation Evaluation

Planning Commission Recommendation

<i>Recommendation</i>	The Planning Commission finds that this case is consistent with the Comprehensive Plan and should be approved in accordance with the zoning conditions submitted February 17, 2014.
<i>Findings & Reasons</i>	<ol style="list-style-type: none"> 1. The proposal is consistent with the Future Land Use Map and applicable Comprehensive Plan policies. The Future Land Use Map designates the site in part for Office/ Research & Development; consistent with that designation, conditions prohibit residential development. Areas along Crabtree Creek are designated Public Park and & Open Space; due to environmental restrictions, they would remain undeveloped. 2. The proposal is reasonable and in the public interest. The proposal would restrict retail to a single floor, while otherwise limiting site uses and associated impacts. 3. The proposal is compatible with the surrounding area. The height cap and environmental constraints essentially confine habitable space to the existing building.
<i>Motion and Vote</i>	Motion: Terando Second: Buxton In Favor: Buxton, Lyle, Fluhrer, Sterling Lewis, Swink, Terando and Whitsett

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

	Date		Date
Planning Director		Planning Commission Chairperson	6/24/14

Staff Coordinator: Doug Hill: (919) 996-2622, Doug.Hill@raleighnc.gov



Zoning Staff Report – Z-8-14

Conditional Use District

Case Summary

Overview

The proposal seeks to rezone the property to allow broader opportunities for retail activity on site, while limiting some uses otherwise permitted in the requested district. The property's Future Land Use designation (Office/Research & Development) supports the proposal's restriction of residential uses; in contrast, the current zoning permits up to 15 dwelling units per acre by right (40 units total), and up to 25 units with Planning Commission approval (67 units). In addition, "Research & Development" would be an allowed land use under the requested CX zoning.

Changes to the building envelope would likely be minimal. The site's location within the floodway of Crabtree Creek restricts redevelopment to the size of the existing building footprint, while building height is conditioned to be the same as that of the existing structure.

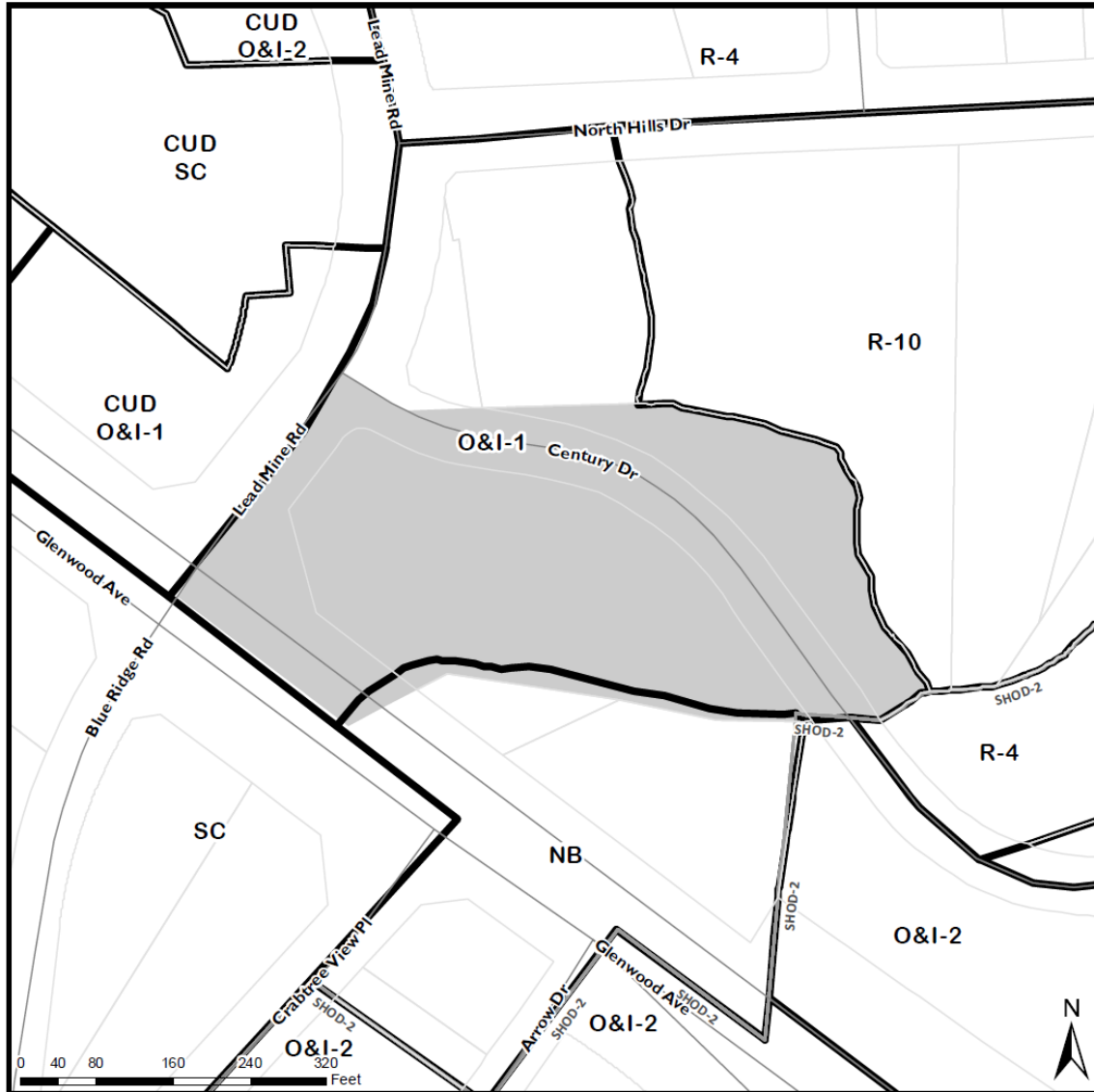
While the property is adjacent to both Lead Mine Road and Glenwood Avenue, potential stacking and turning movement issues limit site vehicular access to Century Drive. However, the site enjoys ample greenway access: to the west, connections to the Crabtree Creek and House Creek/Reedy Creek trails lead to the Crabtree Valley Mall and Umstead State Park; to the east, the Crabtree greenway runs nearly to New Bern Avenue. A nearby spur heads north up Mine Creek, to Shelley Lake and beyond.

Outstanding Issues

<i>Outstanding Issues</i>	<i>Suggested Mitigation</i>
1. Sewer/fire flow matters may need to be addressed. At the time of site plan or subdivision, a 100-foot wide greenway corridor will be required to be dedicated or reserved.	1. Address sewer and fire flow capacities and greenway easement dedication at the site plan stage.

Existing Zoning Map

Z-8-2014

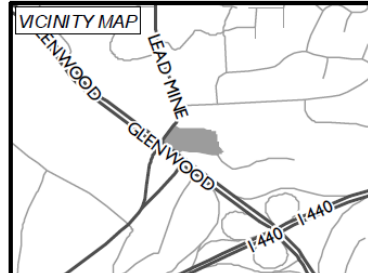


**Submittal
Date**

2/17/2014

Request:

2.69 acres from
O&I-1 & NB
to CX-5-CU



Rezoning Case Evaluation

1. Compatibility Analysis

1.1 Surrounding Area Land Use/ Zoning Summary

	Subject Property	North	South	East	West
<i>Existing Zoning</i>	Office & Insitution-1 (<i>Neighborhood Business between creek centerline and south lot line</i>)	Office & Insitution-1, Residential-10	Shopping Center, Neighborhood Business, Office & Insitution-2, Residential-4	Residential-10	Office & Insitution-1 Conditional Use District
<i>Additional Overlay</i>	<i>n/a</i>	<i>n/a</i>	Special Highway Overlay District - 2 (<i>to southeast</i>)	<i>n/a</i>	<i>n/a</i>
<i>Future Land Use</i>	Office/ Research & Development; Public Parks & Open Space	Office/ Research & Development; Moderate Density Residential	Public Parks & Office Space	Moderate Density Residential; Public Parks & Office Space	Residential Mixed Use; Commercial Mixed Use
<i>Current Land Use</i>	Offices	Offices; Multi-Unit Living	Greenway; Convenience/ Fuel Sales	Multi-Unit Living/ Undeveloped	Offices; Fuel Sales
<i>Urban Form</i>	City Growth Center; Transit Emphasis Corridor (Glenwood Ave.), Urban Thoroughfare (Lead Mine Rd.)	City Growth Center; Urban Thoroughfare (Lead Mine Rd.)	City Growth Center; Transit Emphasis Corridor (Glenwood Ave.)	City Growth Center	City Growth Center; Urban Thoroughfare (Lead Mine Rd.)

1.2 Current vs. Proposed Zoning Summary

	Existing Zoning	Proposed Zoning
<i>Residential Density (maximum):</i>	15 DUs/ acre (by right); 25 DUs/ acre (w/ Planning Commission approval)	- 0 - (per conditions)
<i>Setbacks (minimum):</i> <i>Front:</i> <i>Side:</i> <i>Rear:</i>	30' 5' 20'	<i>If General Building type:</i> 5' 5' 0' or 6'
<i>Retail Intensity Permitted:</i>	3,086 sf (ancillary uses only – max. 10% of existing sf)	6,500 sf (ground floor only, per conditions)
<i>Office Intensity Permitted:</i>	30,855 (existing sf)	31,000 sf (per limitation on expansion of existing building)

1.3 Estimated Development Intensities

	Existing Zoning	Proposed Zoning*
<i>Total Acreage</i>	2.69	2.69
<i>Zoning</i>	O&I-1	CX-5-CU
<i>Max. Gross Building SF (if applicable)</i>	30,855 (as built)	31,000
<i>Max. # of Residential Units</i>	33	- 0 - (per conditions)
<i>Max. Gross Office SF</i>	30,855 (as built)	31,000
<i>Max. Gross Retail SF</i>	3,086 (ancillary uses only – max. 10% of existing sf)	6,500 (ground floor only, per conditions)
<i>Potential F.A.R</i>	0.26	0.26

*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.

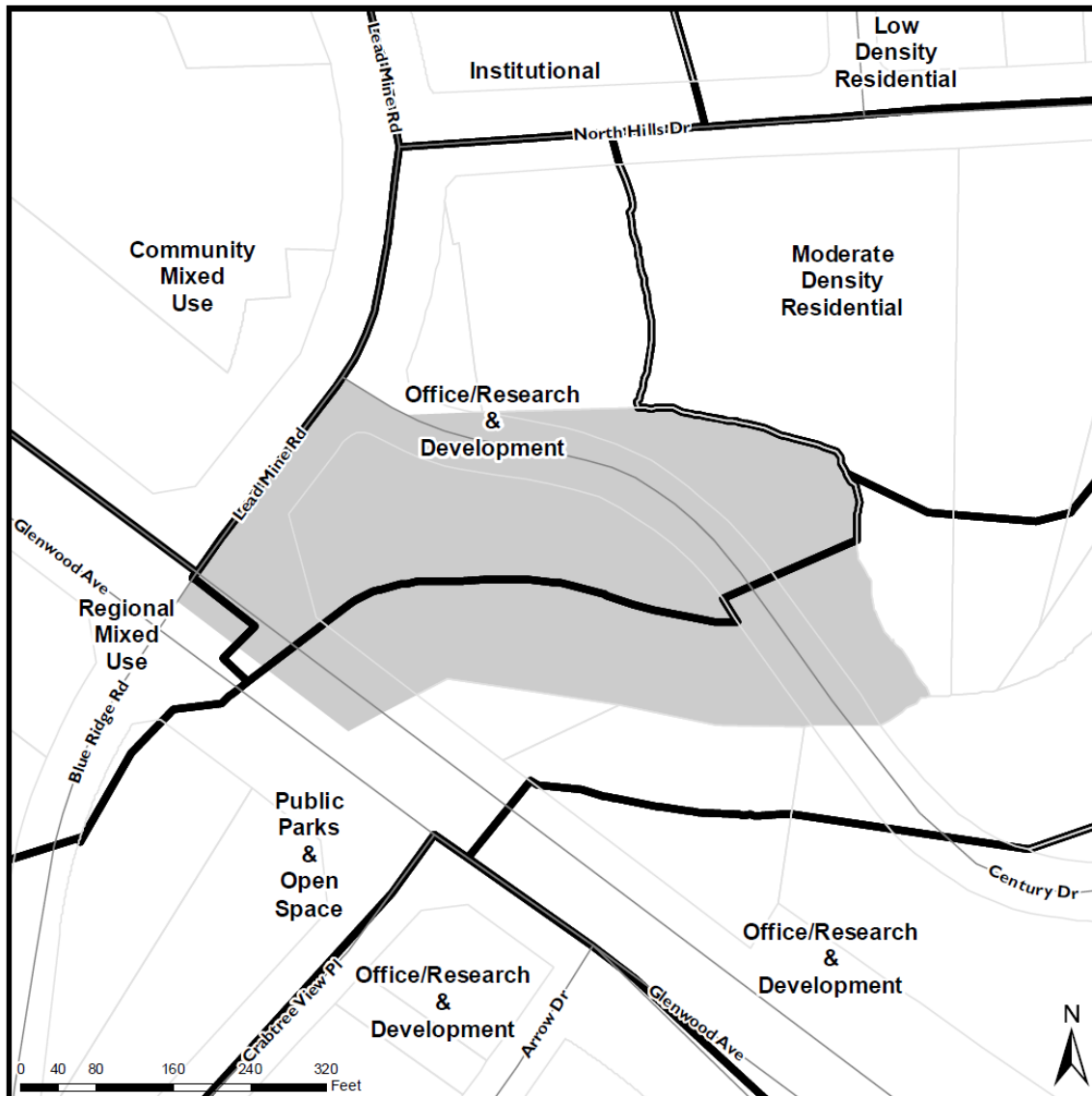
☐ **Incompatible.**

Analysis of Incompatibility:

(n/a)

Future Land Use Map

Z-8-2014

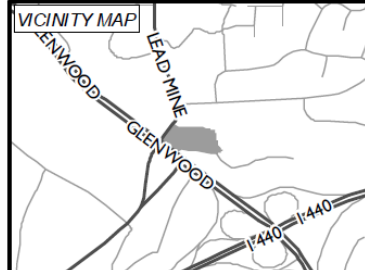


**Submittal
Date**

2/17/2014

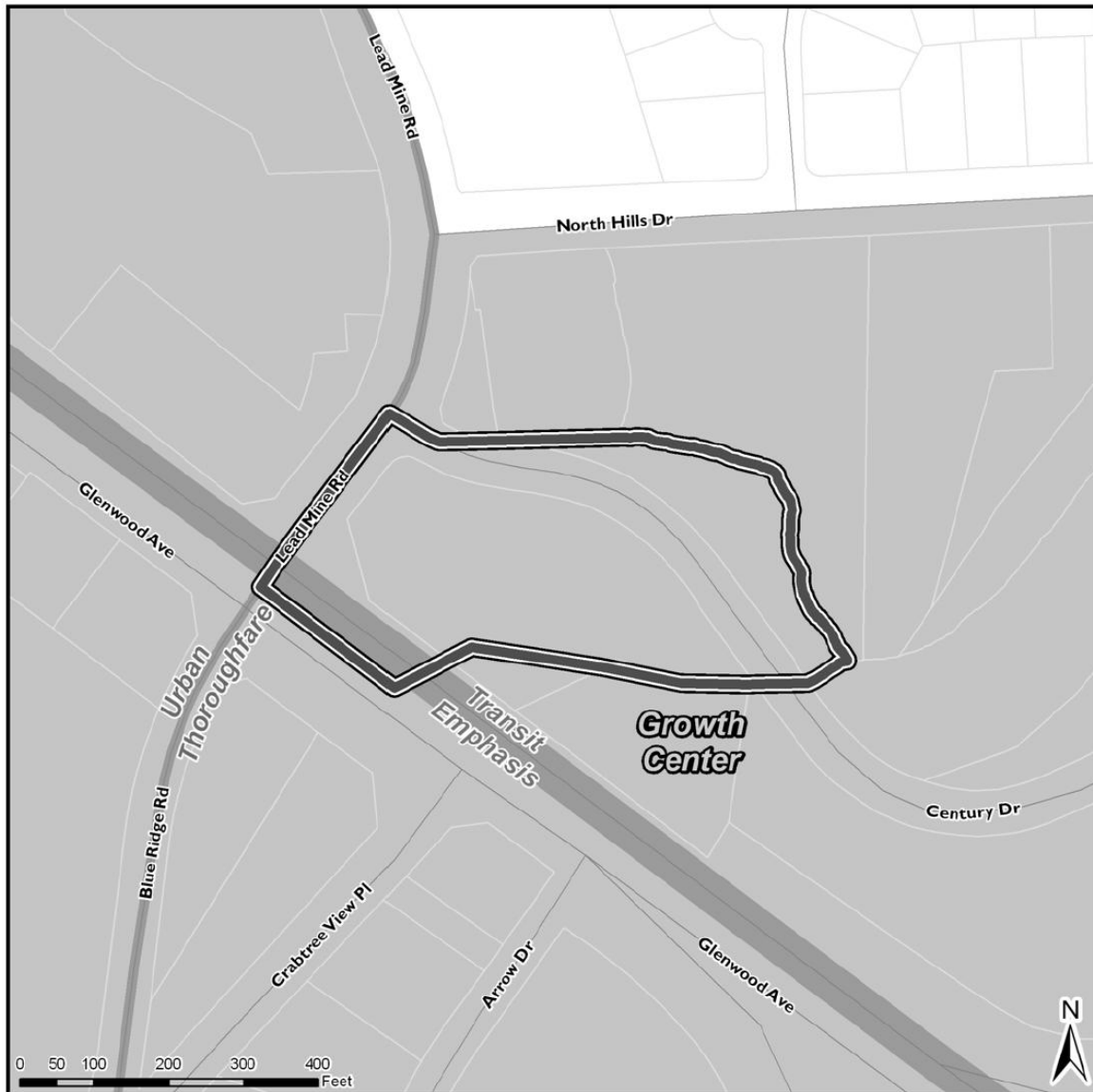
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Urban Form Map

Z-8-2014

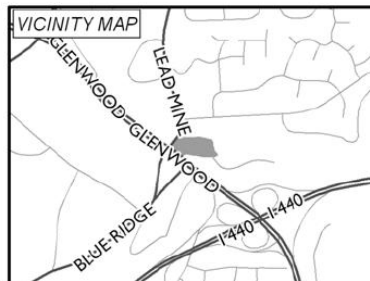


**Submittal
Date**

2/17/2014

Request:

**2.69 acres from
O&I-1 & NB
to CX-5-CU**



2. Comprehensive Plan Consistency Analysis

2.1 Future Land Use

Future Land Use designation: Office/ Research & Development; Public & Private Open Space

The rezoning request is:

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

☐ **Inconsistent**

Analysis of Inconsistency:

(n/a)

2.2 Urban Form

Urban Form designation: City Growth Center; Transit Emphasis Corridor (Glenwood), Urban Thoroughfare (Lead Mine)

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

The rezoning request is:

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

☐ **Inconsistent**

Analysis of Inconsistency:

(n/a)

2.3 Policy Guidance

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

(None.)

2.4 Area Plan Policy Guidance

The rezoning request is not within a portion of the City subject to an Area Plan.

3. Public Benefit and Reasonableness Analysis

3.1 Public Benefits of the Proposed Rezoning

- Potential provision of more varied services and goods to neighboring uses.
- Potential reduction of site-generated vehicular trips due to on-site capture via commercial uses.

3.2 Detriments of the Proposed Rezoning

- Continued high-impervious uses, within a designated floodway.

4. Impact Analysis

4.1 Transportation

Conditions have been crafted for this case to make it “trip neutral”. The expected change in traffic volume is zero for both the AM and PM peak periods. A traffic impact analysis is not recommended for Z-8-2014.

Impact Identified: None.

4.2 Transit

Lead Mine Road is currently served by CAT Route 23L Millbrook Cross Town. There is a transit stop located on northbound Lead Mine at Philcrest Drive. The City of Raleigh Short Range Transit Plan and the Wake 2040 Transit Study both anticipate continued service along this corridor. This type of development merits a transit stop with shelter; however, site constraints and roadway design make it impractical to install one at this location.

Impact Identified: Increased demand for transit in this area.

4.3 Hydrology

<i>Floodplain</i>	Located within FEMA Floodway
<i>Drainage Basin</i>	Crabtree
<i>Stormwater Management</i>	Subject to Part 10, Chapter 9
<i>Overlay District</i>	none

Impact Identified: Site is located within FEMA floodway for Crabtree Creek and all City of Raleigh regulatory requirements will apply to building(s) and any proposed improvements on the site. Neuse River Buffers are also located on the site.

4.4 Public Utilities

	<i>Maximum Demand (current)</i>	<i>Maximum Demand (proposed)</i>
<i>Water</i>	8,652 gpd	7,750 gpd
<i>Waste Water</i>	8,652 gpd	7,750 gpd

The proposed rezoning would not impact the wastewater collection and water distribution systems of the City. There are existing sanitary sewer and water mains adjacent to the proposed rezoning area.

Impact Identified: At the time of development plan submittal, a downstream sewer capacity study may be required to determine the adequacy of capacity to support the proposed development. Any required improvements identified by the study would be required to be permitted and constructed prior to the issuance of a building permit. Verification of available for water fire flow is required as part of the building permit process. Any water system improvements required to meet fire flow requirements will also be required of the developer.

4.5 Parks and Recreation

Site is adjacent to existing Crabtree Creek Trail and corridor. Park services for this site will be provided by Laurel Hills Community Center.

Impact Identified: None.

4.6 Urban Forestry

The parcel requested to be rezoned is larger than two acres in size. If the parcel is redeveloped, compliance with UDO *Article 9.1 Tree Conservation* will be required.

Impact Identified: None.

4.7 Designated Historic Resources

The site does not include and is not within 1,000 feet of any Raleigh Historic Landmarks or properties listed on the National Register of Historic Places.

Impact Identified: None.

4.8 Community Development

This site is not located within a redevelopment plan area.

Impact Identified: None.

4.9 Appearance Commission

As the proposal does not involve a Planned Development, it is not subject to Appearance Commission review.

4.10 Impacts Summary

Demand for transit is expected to increase as a result of this rezoning. Sewer/ fire flow matters may need to be addressed. At the time of site plan or subdivision, a 100-foot wide greenway corridor will be required to be dedicated or reserved.

4.11 Mitigation of Impacts

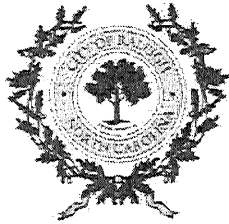
Address sewer and fire flow capacities and required greenway easement dedication at the site plan stage.

5. Conclusions

The proposal would permit increased ground-floor retail uses within the existing building footprint, while allowing continued use of the structure as offices. Site location restricts horizontal expansion of the building; conditions limit height to that existing.

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 rezoning permits a mix of office and retail uses, and the property is within walking distance to existing residential, office and retail uses, all consistent with this guideline.</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 property is not located adjacent to lower density neighborhoods.</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 streets are anticipated, and the existing road network and other site constraints prevent addition interconnectivity.</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 anticipated, and the existing road network and other site constraints prevent addition interconnectivity.</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: No new streets are anticipated. The block length of Lead Mine Road meets this 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 existing building lines Century Drive, which is the street from which the property is accessed. Given the site constraints, including the floodway and existing easements, the existing building is unlikely to move or expand, such that this guideline cannot be further addressed.</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 existing building lines Century Drive, which is the street from which the property is accessed, and there is an existing sidewalk connecting Century Drive and the primary building entrance. Given the site constraints, including the floodway and existing easements, the existing building is unlikely to move or expand, such that this guideline cannot be further addressed.</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: Although the site is at an intersection, the site constraints prevent new construction or expansion of the existing building so as to address this guideline.</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: Any required urban open space will be provided in accordance with the UDO regulations.</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: Any required urban open space will be provided in accordance with the UDO guidelines.</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: Any required urban open space will be provided in accordance with the UDO guidelines.</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: There is existing urban open space area between the front of the existing building and Century Drive.</p>
13.	<p><i>New public spaces should provide seating opportunities.</i></p> <p>Response: Any required urban open space will be provided in accordance with the UDO guidelines.</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: There is a direct, uninterrupted pedestrian route from Century Drive to the primary building entrance.</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 existing parking lot is located behind and to the side of the existing building, as the building is primarily oriented to Century Drive.
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: No parking structures are contemplated for the property.
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 property is within walking distance to the bus transit transfer point at Crabtree Valley Mall.
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: There are existing sidewalks and cross-walks connecting the existing building and the transfer point.
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: Any new development will comply with the applicable UDO regulations.
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 or driveways are contemplated by this rezoning.
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: There are existing sidewalks surrounding the site, and they are appropriately sized given the context.
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: No new streets are contemplated by this rezoning.
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: No new buildings are contemplated by this rezoning given the site constraints.
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 primary entrance of the existing building faces Century Drive, which is the public street from which the property is accessed.
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 ground-floor of the existing building is heavily windowed, with awnings over primary entrances.
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: There are existing sidewalks surrounding the site, and they are appropriately sized given the context.



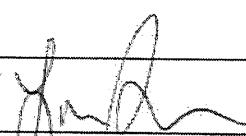
Planning & Development

Development Services Customer Service Center

One Exchange Plaza
1 Exchange Plaza, Suite 400
Raleigh, North Carolina 27601
Phone 919-996-2495
Fax 919-516-2685

Rezoning Application

Rezoning Request	OFFICE USE ONLY
<input type="checkbox"/> General Use <input checked="" type="checkbox"/> Conditional Use <input type="checkbox"/> Master Plan	Transaction Number
Existing Zoning Classification: O&I-1 Proposed Zoning Classification Base District: CX Height: -5 Frontage: None	
If the property has been previously rezoned, provide the rezoning case number: Not Applicable	
Provide all previous transaction numbers for Coordinated Team Reviews, Due Diligence Sessions or Pre-Submittal Conferences: 381915	

GENERAL INFORMATION		
Property Address: 2209 Century Drive	Date: September <u>26</u> , 2014	
Property PIN: 0796-60-8257	Deed Reference (Book/Page): Book 15780, Page 1547	
Nearest Intersection: Century Drive and Lead Mine Road	Property size (in acres): 2.69 ac	
Property Owner/Address: Solferino North Properties, LLC 746 East Franklin Street Chapel Hill, NC 27514	Phone	Fax
	Email	
Project Contact Person/Address: Michael Birch, Morningstar Law Group 630 Davis Drive, Suite 200 Morrisville, NC 27560	Phone (919) 590.0388	Fax
	Email mbirch@morningstarlawgroup.com	
Owner/Agent Signature 	Email	

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

**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-8-14		Transaction Number
Date Submitted: September 30, 2014		

NARRATIVE OF ZONING CONDITIONS OFFERED

1. The following principal uses shall be prohibited on the property:
 - (i) residential – all types;
 - (ii) day care, home;
 - (iii) indoor recreation, except health club;
 - (iv) outdoor recreation – all types;
 - (v) passenger terminal – all types;
 - (vi) animal care – all types;
 - (vii) bar, nightclub, tavern, lounge;
 - (viii) pawn shop;
 - (ix) heavy industrial – all types;
 - (x) self-service storage;
 - (xi) vehicle service – all types.
2. The total amount of floor area gross for personal service, restaurant, and retail sales uses shall not exceed 6,500 square feet.
3. Personal service, restaurant/bar and retail uses shall be located only on the ground floor or the first story above parking when parking is located under the building.
4. Those trees existing on the property as of the date of this ordinance and located within 50 feet of the Glenwood Avenue and Lead Mine Road public rights-of-way shall not be disturbed by the property owner, except upon application by the owner for, and issuance by the Planning and Development Officer of, a permit allowing such activity. Permits may be issued for allowed activities, and subject to conditions, as follows:
 - a. Tree pruning.
 - b. A certified arborist, registered forester or a licensed landscape architect certifies to the City in writing that the tree is either unsafe or is unhealthy. No certification is required if it can be shown that the tree died of natural causes and the dead tree is replaced.
 - c. Tree disturbing activity is being done to remove a visual obstruction from a sight triangle as set forth in the North Carolina Department of Transportation's Policy on Street and Driveway Access to North Carolina Highways Manual and all subsequent amendments.
 - d. The tree disturbing activity is being done to repair existing pavement or to install public improvements made pursuant to the UDO.
 - e. No permit for such removal may be issued until a plan is submitted showing the nature and extent of all tree work, how the work will be undertaken without compacting soils and damaging preserved trees and maintaining minimum applicable requirements.
 - f. For trees regulated by this Condition 4 which are either lawfully removed or which die, they shall be replaced with 10 caliper inches of new shade trees with a minimum caliper of 2 inches measured six inches from the ground.

This condition shall not limit the rights of others to remove those trees pursuant to easement rights granted prior to the effective date of this ordinance or acquired through eminent domain.

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 Solferino North Properties, LLC By: <u>[Signature]</u> Name: <u>Laura Reeborn</u> Title: <u>Mayor</u>	Print Name <u>LAURA REEBORN</u>
--	---



Planning & Development

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

Rezoning Application Addendum

Comprehensive Plan Analysis	OFFICE USE ONLY
The applicant is asked to analyze the impact of the rezoning request. State Statutes require that the rezoning either be consistent with the adopted Comprehensive plan, or that the request be reasonable and in the public interest.	Transaction Number
	Zoning Case Number

STATEMENT OF CONSISTENCY

Provide brief statements regarding whether the rezoning request is consistent with the future land use designation, the urban form map and any applicable policies contained within the 2030 Comprehensive Plan.

1.	The property is designated "Office/ Research & Development" on the Future Land Use Map, which encourages free-standing office buildings, banks, hotels, ancillary service businesses and retail uses that support the office economy. Housing is not an appropriate use in this category. The rezoning request is consistent with the Future Land Use Map recommendation based on the proposed zoning conditions that limit the allowable uses and restrict certain uses to the ground floor. Specifically, this rezoning request does not permit any use that would not be permitted in the OP or OX districts, which are the two zoning districts recommended by the ORD Future Land Use Map category. Second, the condition limiting personal service, restaurant and retail sales uses to the ground floor is consistent with the UDO standard for such uses when located in the OP or OX districts. Third, the limit of 6,500 SF for such personal service, restaurant and retail sales uses is consistent with the guidance that encourages ancillary services businesses and retail uses that support the office economy. Fourth, the use and size and location limits for personal service, restaurant and retail sales uses are consistent with Policy LU 10.3 "Ancillary Retail Uses" because they restrict the floor area to a size appropriate to serve the employees, visitors and patrons of the office building on the property and uses on surrounding properties, and locate such uses within a mixed-use building.
2.	The portion of the property located along Crabtree Creek is designated Public Parks and Open Space. Land within this area is to remain in open space and can be improved with greenway facilities. The property already complies with this classification because there is an existing greenway easement, recorded at Book 8020, Page 476, Wake County Registry, and existing greenway improvements over the property.
3.	The property is located within a City Growth Center as shown on the Urban Form Map, which encourages infill development and redevelopment. The property also fronts along a Transit Emphasis Corridor (Glenwood Avenue) and an Urban Thoroughfare (Lead Mine Road), as shown on the Urban Form Map. However, the applicable Urban Form Map category descriptions acknowledge that built conditions and site constraints may impact a site's ability to adopt the urban or hybrid frontage types. The rezoning request, which does not incorporate any frontage type, is consistent with the Urban Form Map because the built conditions and the many site constraints do not allow the site to apply an urban or hybrid frontage type. First, the property is developed with an existing five-story building that could not comply with the new frontage types. Second, the entire property is located in the floodway, and the applicable UDO regulations strongly inhibit any new construction or expansion of existing structures, such that compliance with applicable frontage types through new development is not encouraged. Third, existing NC DOT drainage easements, City utility easements and City greenway easements effectively prohibit new development closer to Glenwood Avenue or Lead Mine Road.
4.	Based on the property's location within a City Growth Center, proximity to a Transit Emphasis Corridor (Glenwood Avenue), and the character of surrounding structures and uses, the property is within a general area for the purposes of determining the recommended height in Table LU-2 of the Comprehensive Plan. Building height in the general area for property designated Office/ Research & Development on the Future Land Use Map is a maximum of seven stories. The proposed rezoning is consistent with this guidance based on the proposed maximum height of five stories.
5.	Based on the above, the rezoning request is consistent with the following Comprehensive Plan policies: LU 1.2 "Future Land Use Map and Zoning Consistency", LU 1.3 "Conditional Use District Consistency", LU 4.9 "Corridor Development", LU 6.1 "Composition of Mixed Use Centers", LU 10.3 "Ancillary Retail Uses", EP 2.2 "Environmentally Sensitive Development", and EP 2.6 "Greenway System".

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PUBLIC BENEFITS

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

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| 1. | By permitting limited retail uses on the ground floor of an existing office building, which would provide convenient services to the occupants of the existing office building and surrounding office economy, the rezoning request would benefit the public by reducing the need for the occupants of the existing building and surrounding offices to drive to other such services on the south side of Glenwood Avenue. |
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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 rezoning permits a mix of office and retail uses, and the property is within walking distance to existing residential, office and retail uses, all consistent with this guideline.</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 property is not located adjacent to lower density neighborhoods.</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 streets are anticipated, and the existing road network and other site constraints prevent addition interconnectivity.</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 anticipated, and the existing road network and other site constraints prevent addition interconnectivity.</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: No new streets are anticipated. The block length of Lead Mine Road meets this 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 existing building lines Century Drive, which is the street from which the property is accessed. Given the site constraints, including the floodway and existing easements, the existing building is unlikely to move or expand, such that this guideline cannot be further addressed.</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 existing building lines Century Drive, which is the street from which the property is accessed, and there is an existing sidewalk connecting Century Drive and the primary building entrance. Given the site constraints, including the floodway and existing easements, the existing building is unlikely to move or expand, such that this guideline cannot be further addressed.</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: Although the site is at an intersection, the site constraints prevent new construction or expansion of the existing building so as to address this guideline.</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: Any required urban open space will be provided in accordance with the UDO regulations.</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: Any required urban open space will be provided in accordance with the UDO guidelines.</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: Any required urban open space will be provided in accordance with the UDO guidelines.</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: There is existing urban open space area between the front of the existing building and Century Drive.</p>
13.	<p><i>New public spaces should provide seating opportunities.</i></p> <p>Response: Any required urban open space will be provided in accordance with the UDO guidelines.</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: There is a direct, uninterrupted pedestrian route from Century Drive to the primary building entrance.</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: The existing parking lot is located behind and to the side of the existing building, as the building is primarily oriented to Century Drive.</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: No parking structures are contemplated for the property.</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: The property is within walking distance to the bus transit transfer point at Crabtree Valley Mall.</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: There are existing sidewalks and cross-walks connecting the existing building and the transfer point.</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: Any new development will comply with the applicable UDO regulations.</p>
20.	<p><i>It is the intent of these guidelines to build streets that are integral components of community design. Public and private streets, as well as commercial driveways that serve as primary pedestrian pathways to building entrances, should be designed as the main public spaces of the City and should be scaled for pedestrians.</i></p> <p>Response: No new streets or driveways are contemplated by this rezoning.</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: There are existing sidewalks surrounding the site, and they are appropriately sized given the context.</p>
22.	<p><i>Streets should be designed with street trees planted in a manner appropriate to their function. Commercial streets should have trees which complement the face of the buildings and which shade the sidewalk. Residential streets should provide for an appropriate canopy, which shadows both the street and sidewalk, and serves as a visual buffer between the street and the home. The typical width of the street landscape strip is 6-8 feet. This width ensures healthy street trees, precludes tree roots from breaking the sidewalk, and provides adequate pedestrian buffering. Street trees should be at least 6 1/4" caliper and should be consistent with the City's landscaping, lighting and street sight distance requirements.</i></p> <p>Response: No new streets are contemplated by this rezoning.</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: No new buildings are contemplated by this rezoning given the site constraints.</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: The primary entrance of the existing building faces Century Drive, which is the public street from which the property is accessed.</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: The ground-floor of the existing building is heavily windowed, with awnings over primary entrances.</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: There are existing sidewalks surrounding the site, and they are appropriately sized given the context.</p>

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POTENTIAL REZONING OF PROPERTY CONSISTING OF +/- 2.69 ACRES
LOCATED ON THE NORTH AND SOUTH SIDES OF CENTURY DRIVE, AT THE
INTERSECTION WITH LEAD MINE ROAD, IN THE CITY OF RALEIGH

REPORT OF MEETING WITH ADJACENT PROPERTY OWNERS
ON DECEMBER 18, 2013

Pursuant to applicable provisions of the Unified Development Ordinance, a meeting was held with respect to a potential rezoning with adjacent property owners on Wednesday, December 18, 2013, at 6:00 p.m. The property considered for this potential rezoning totals approximately 2.69 acres, located on the north and south sides of Century Drive, at the intersection with Lead Mine Road, in the City of Raleigh, having Wake County Parcel Identification Number 0796-60-8257. This meeting was held at the Millbrook Exchange Park Community Center, Room #2, located at 1905 Spring Forest Road, Raleigh, NC 27615.

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.

No one attended the meeting; therefore, no items were discussed.

EXHIBIT A
MEETING NOTICE

(See Attached)



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

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

To: Neighboring Property Owner

From: Michael Birch

Date: December 5, 2013

Re: Notice of meeting to discuss potential rezoning of a portion of the property located on the north and south sides of Century Drive at the intersection with Lead Mine Road, containing approximately 2.69 acres, and having Wake County Parcel Identification Number 0796-60-8257 (the "Property").

We are counsel for Crabtree Offices LLC ("Crabtree Offices"), which is considering rezoning the above-captioned Property. The Property is currently zoned Office & Institution-1. The City of Raleigh recently adopted a new Unified Development Ordinance, which includes a new set of zoning districts. Crabtree Offices is considering rezoning the Property to Community Mixed Use (CX) 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 Wednesday, December 18, 2013 at 6:00 p.m. This meeting will be held at the Millbrook Exchange Park Community Center, Room #2, located at 1905 Spring Forest Road, Raleigh, NC 27615.

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

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

EXHIBIT B

LIST OF PROPERTY OWNERS TO WHOM NOTICES WERE SENT

(See Attached)

AMAN, GEORGE T
7606 BROCKLEHURST ST
PHILADELPHIA PA 19152-3902

BRICKETTWOOD APARTMENTS LLC
ATTN: MANAGER
PO BOX 19669
RALEIGH NC 27619-9669

CRABTREE OFFICES LLC
10765 TREGO TRL
RALEIGH NC 27614-9660

GAINES, WILLIS W & ALMA M
318 FURCHES ST
RALEIGH NC 27607-4016

JT HOBBY & SON INC
PO BOX 18506
RALEIGH NC 27619-8506

PATRICK INVESTMENTS CORP
WESTMONT HOSPITALITY CORP
5847 SAN FELIPE ST STE 4650
HOUSTON TX 77057-3277

RALEIGH CITY OF
PO BOX 590
RALEIGH NC 27602-0590

RBC BANK USA
PO BOX 2157
ROCKY MOUNT NC 27802-2157

SAMPSON BLADEN OIL CO INC
PO BOX 469
CLINTON NC 28329-0469

TRAILWOOD BUILDING LLC
3207 SUSSEX RD
RALEIGH NC 27607-6638

MILLS, JOANNA SMITH DOMBALIS,
MELISSA SMITH
3831 CASEY LEIGH LN
RALEIGH NC 27612-4259