

Ordinance (2012) 7 ZC 667

AN ORDINANCE TO AMEND THE ZONING ORDINANCE OF THE CITY OF RALEIGH WHICH INCLUDES THE ZONING DISTRICT MAP BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF RALEIGH

Section 1. That Section 10 of the City of Raleigh Code, which includes the Zoning District Map, be and the same if hereby amended as follows:

Z-9-12/MP-3-11 Conditional Use – North Blount Street - located at North Wilmington Street between Polk Street and Peace Street. Approximately 1.94 acres to amend a Master Plan for property zoned O&1-2 with PDD.

Conditions Dated: 10/11/11

Narrative of conditions being requested:

1. Development of the property shall be in accordance with the Master Plan MP-1 -06, as amended by this petition.

2-9-12
MP-3-11

ADOPTED MASTER PLAN
NORTH BLOUNT STREET REVITALIZATION
PROPOSED PLANNED DEVELOPMENT DISTRICT

NORTH BLOUNT STREET REVITALIZATION

PURCHASER AND DEVELOPER:
LNR BLOUNT STREET, LLC

OWNER:
THE STATE OF NORTH CAROLINA
AND
LNR BLOUNT STREET, LLC

CONSULTANTS:

K&L Gates LLP - Attorneys
Alan H. Peterson and Michael Birch

Kimley-Horn and Associates, Inc. - Planners, Transportation and Civil Engineers
Clearscapes - Historic Preservation

First Resubmittal Dated June 6, 2006
Second Resubmittal Dated June 28, 2006
Third Resubmittal Dated August 25, 2006
Fourth Resubmittal Dated September 21, 2006
Approved Version Dated September 21, 2006
Amendment Dated September 23, 2008 for Unity of Design for AIA Building
Amendment Dated October 30, 2008 for Density Transfer to Blocks 1 and 2
Amendment Dated February 14, 2011 Authorizing Variance in Density Between Blocks 2 and 4
Amendment Dated September 28, 2011 for Reconfiguration of Block 2

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1. VICINITY MAP



2. SUMMARY INFORMATION

A. Name of Development: North Blount Street Revitalization

B. Name of Owner: State of North Carolina
Attention: Ms. Joy Wayman
1321 Mail Service Center
Raleigh, NC 27699-1321
Tel: 919-807-4650
Fax: 919-733-1431
joy.wayman@ncmail.net

LNR BLOUNT STREET, LLC c/o:
Douglas S. Redford, CPM, CCIM
Senior Asset Manager
LNR Southeast Investments, Inc.
540 Blount Street
Raleigh, NC 27604
Tel: 919-239-7025
Fax: 919-239-7010
dredford@LNRproperty.com

C. Applicant: State of North Carolina
Same as above

LNR BLOUNT STREET, LLC c/o:
Douglas S. Redford, CPM, CCIM
Senior Asset Manager
LNR Southeast Investments, Inc.
540 Blount Street
Raleigh, NC 27604
Tel: 919-239-7025
Fax: 919-239-7010
dredford@LNRproperty.com

D. ATTORNEYS Alan H. Peterson and Eric M. Braun
Kennedy Covington Lobdell & Hickman,
L.L.P.
P.O. Box 17047
Raleigh, NC 27619-7047
Tel: 919-743-7300
apeterson@kennedycovington.com
ebraun@kennedycovington.com

3. INTRODUCTION

This document and the accompanying exhibits referenced herein (collectively, the "Master Plan") are provided pursuant to provisions of the Raleigh City Code (the "Code") dealing with the Planned Development Overlay District ("PDD") for the North Blount Street Revitalization, a mixed-use development (the "Development") proposed by LNR Southeast Investments, Inc., a diversified real estate and finance company ("LNR"). The goal of the North Blount Street Revitalization is to preserve, restore and adaptively reuse the existing historic structures within the Development while developing a new, context-sensitive, infill development to the extent allowed by prevailing market conditions. Adaptive reuse in this context will be achieved by relocating and encouraging the rehabilitation of historic residences located within the Development in a context-sensitive manner, consistent with the Development Standards defined in Code Section 10-2052(e)4 ("Design Guidelines").

For details regarding the relocation and reuse of the historic structures located within this Development (and the general plan for development pursuant to this Master Plan), please refer to the materials submitted to the Raleigh Historic Districts Commission ("RHDC") attached hereto and incorporated herein ("COA Document").

The Development will have a pedestrian-friendly, urban character with complementary residential, recreation, institution/civic/services, office, and commercial land uses (as those terms are utilized in Section 10-2071 of the Code) at densities appropriate to the location of the Development, the nature of adjoining and nearby land uses, and the City and State's investment in existing infrastructure.

4. LOCATION AND CONTEXT

In July 2003, the North Carolina General Assembly approved Senate Bill 819. The legislation authorizes the State of North Carolina to sell eight (8) city blocks, containing approximately 30 acres of state-owned land and buildings located in the northeastern portion of the downtown area in the City of Raleigh (the "Property"). The Property is within the area bounded generally by North Person Street, North Street, North Wilmington Street and Peace Street. LNR (the "Developer") was chosen as the Master Developer for the North Blount Street Revitalization, Master Plan application and accompanying Rezoning Petition. All are products of lengthy negotiations with the State Property Office relating to the sale and development of the Property.

The Development is located in the Downtown State Government Center immediately north of the Governor's Mansion. Portions of the land are located in both the Blount Street Historic District and the Oakwood Historic District. Parcels that are not owned by the State are also excluded. Please refer to the accompanying Master Plan exhibits for delineation of the project limits as shown in Exhibit MP-4.

The land is improved with approximately 37 structures, 24 of which are 19th and 20th century former residences that were previously converted to state offices. The structures are currently occupied by approximately 274 employees. Five of the former residences are listed on the National Register of Historic Places and several others are locally designated historic properties.

5. THE DEVELOPMENT CONCEPT

This Master Plan consists of six (6) development Blocks with Blount Street serving as a spine road for the North Blount Street Revitalization.

Individual driveways onto Blount, Person, and Wilmington Streets will be minimized to the extent practicable by the use of private streets which shall provide vehicular and pedestrian access and movement within existing blocks. This will be achieved by routing residential traffic through the proposed private streets and eliminating individual driveways to the public street system for each single family residence. Development of these private streets is to be applied in a context-sensitive manner which preserves the historic character of the area and creates a complimentary mixed-use urban center which is the central feature of this Master Plan.

6. LAND USES

In order to implement this Master Plan, all residential, recreational, institution/civic/services, office, and commercial land uses (as those terms are utilized in Section 10-2071 of the Code) will be permitted within the Development at densities appropriate to the location of the Development, the nature of adjoining and nearby land uses, and the City and State's investment in existing infrastructure. All references in this Master Plan to "office" uses shall include institution/civic/services uses and recreational and commercial uses permitted in the Office and Institution-1 and 2 Districts. All references to "commercial uses" shall include both office and retail uses as those terms are defined in Code Section 10-2071. Notwithstanding the foregoing, the following uses shall be prohibited within the Development:

- A. Rifle Ranges
- B. Stadium/Theater/Amphitheater with more than 250 seats
- C. Racetrack
- D. Manufactured Housing
- E. Correctional/Penal Facility

- F. Veterinary Hospital with Kennel/Cattery
- G. Adult Establishment
- H. Carwash Facility
- I. Telecommunications Towers of any type
- J. Eating Establishment with Drive Thru
- K. Fraternity or Sorority House
- L. Rooming House or Boarding House
- M. Bar, Nightclub, Tavern or lounge (other than within a restaurant as defined in N.C.G.S. 18B-1001(6))
- N. No Industrial uses as set forth in the schedule of permitted land uses in Code Section 10-2071.
- O. All Retail Sales-Highway as set forth in the schedule of permitted land uses in Code Section 10-2071.

7. LAND USE DENSITY AND DESIGN CONTROLS

The North Blount Street Revitalization will support and enhance Raleigh's ongoing efforts to revitalize downtown Raleigh. The following development standards are intended to allow for the preservation, restoration and adaptive reuse of the former historic residences referenced below and the introduction of new context-sensitive, mixed-use infill development. The North Blount Street Revitalization will also advance Raleigh's "Livable Streets Plan," which was generated by the Livable Streets Partnership, a multi-dimensional task force of business, neighborhood, institutional, governmental and education leaders who met over a one-year period to generate a new vision for downtown Raleigh.

The North Blount Street Revitalization will be developed as described herein and in the land use summary shown on Exhibit MP-4 submitted with this Master Plan and inset below (the "Land Use Summary"). Square footage of land uses and number of

dwelling units shown in the Land Use Summary are maximums for the development blocks shown on Exhibit MP-4. There are no floor area ratios and building lot coverage requirements in this Master Plan. The development criteria of the blocks and individual tracts shown on Exhibit MP-4 are as follows:

A. General Design Requirements

(1) No BIFIS shall be used on the ground floor of any building located along Wilmington Street.

(2) Structured parking facades which front on public streets shall be screened from public view from the public right of way using architectural design elements.

(3) Loading and service areas shall be screened from public view from public streets.

(4) For Blocks 2 and 4, a minimum of three (3) entry points shall be provided to Wilmington Street from buildings fronting on Wilmington Street to enhance the street level activity and break-up the building mass.

B. Blocks 1 and 2

(1) Uses and Density. Blocks 1 and 2 may be developed for residential, recreation, open space, office and commercial land uses at the intensities shown in Exhibit MP-4. In particular, there will be a maximum of 179 residential dwelling units within Block 2. There will be a maximum of 20,000 square feet of office in Block 1 and a maximum of 40,000 square feet of commercial land uses in Block 2. Certificates of Occupancy for a minimum of 2.5 residential units must be obtained or an

equivalent number of parking spaces associated with such residential units must be constructed prior to the issuance of Certificate of Occupancy for each 1,000 square feet of retail use. A portion of the commercial uses within Block 2 may be located within residential structures.

(2) Building Height. Building height shall be as provided in the allowable building heights table attached hereto and incorporated herein (the "Building Heights Table").

(3) Building Setbacks. Setbacks shall be as provided in the building setbacks table attached hereto and incorporated herein (the "Building Setbacks Table").

(4) Transitional Protective Yards. An alternate means of compliance is requested with regard to Transitional Protective Yards as provided for in Section 17 hereafter.

(5) Street Protective Yards. An alternate means of compliance is requested with regard to Street Protective Yards as provided for in Section 17 hereafter.

C. Block 3¹

(1) Uses and Density. Block 3 may be developed for residential, commercial, office, recreation, and open space uses at the intensities shown on Exhibit MP-4. In particular, there will be a maximum of 120 residential dwelling units. There

¹ The property upon which Building I is to be located is adjacent to designated Raleigh Historic Districts on three sides, even though the property itself is not within a Raleigh Historic District. Therefore, issuance of a Certificate of Appropriateness is not required by the City, state law or the Historic District Guidelines. To provide property owners in the vicinity additional input into the final design of Building I, however, the Developer agrees to submit a design proposal to the RHDC for an advisory, non-binding review. The criteria to be used by the RHDC to evaluate the appropriateness of the proposed design will be the Guidelines and Standards for New Construction in Early Raleigh Neighborhoods published by the RHDC, subject to, and consistent with the development standards established in this Master Plan.

may also be a maximum 15,000 square feet of commercial land uses. A portion of the commercial uses within Block 3 may be located within residential structures.

(2) Building Height. Building height shall be as provided in the Building Heights Table.

(3) Building Setbacks. Setbacks shall be as provided in the Buildings Setbacks Table.

(4) Transitional Protective Yards. An alternate means of compliance is requested with regard to Transitional Protective Yards as provided for in Section 17 hereafter.

(5) Street Protective Yards. An alternate means of compliance is requested with regard to Street Protective Yards as provided for in Section 17 hereafter.

D. Block 4

(1) Uses and Density. Block 4 may be developed for residential, office, recreation, open space, and commercial land uses at the intensities shown on Exhibit MP-4. In particular, there will be a maximum of 161 residential dwelling units. There may also be a maximum of 15,000 square feet of commercial land uses. A portion of the commercial uses within Block 4 may be located within residential structures.

(2) Building Height. Building height shall be as provided in the Building Heights Table.

(3) Building Setbacks. Setbacks shall be as provided in the Building Setbacks Table.

(4) Transitional Protective Yards. An alternate means of compliance is requested with regard to Transitional Protective Yards as provided for in Section 17 hereafter.

(5) Street Protective Yards. An alternate means of compliance is requested with regard to Street Protective Yards as provided for in Section 17 hereafter.

E. Block 5

(1) Uses and Density. Block 5 may be developed for residential, recreation, open space, office and commercial land uses at the intensities shown on Exhibit MP-4. In particular, there will be a maximum of 29 residential dwelling units. There may also be a maximum of 10,000 square feet of commercial land uses. A portion of the commercial uses within Block 5 may be located within residential structures.

(2) Building Height. Building height shall be as provided in the Building Heights Table.

(3) Building Setbacks. Setbacks shall be as provided in the Building Setbacks Table.

(4) Transitional Protective Yards. An alternate means of compliance is requested with regard to Transitional Protective Yards as provided for in Section 17 hereafter.

(5) Street Protective Yards. An alternate means of compliance is requested with regard to Street Protective Yards as provided for in Section 17 hereafter.

F. Block 6

(1) Uses and Density. Block 6 may be developed for residential, recreation, open space, office and commercial land uses at the intensities shown on Exhibit MP-4. In particular, there will be a maximum of 6 residential dwelling units. There may also be a maximum of 10,000 square feet of commercial land uses provided. A portion of the commercial uses within Block 6 may be located within residential structures.

(2) Building Height. Building height shall be as provided in the Building Heights Table.

(3) Building Setbacks. Setbacks shall be as provided in the Building Setbacks Table.

(4) Transitional Protective Yards. An alternate means of compliance is requested with regard to Transitional Protective Yards as provided for in Section 17 hereafter.

(5) Street Protective Yards. An alternate means of compliance is requested with regard to Street Protective Yards as provided for in Section 17 hereafter.

In addition to the development standards outlined in this Section 7, the Development contemplated by this Master Plan will also comply with the standards and specifications approved by the Raleigh Historic Districts Commission based upon the Application for a Certificate of Appropriateness submitted to the Raleigh Historic Districts Commission and incorporated into this Master Plan.

The final development intensity for this Master Plan shall not: (a) result in traffic generation that exceeds the total number of peak A.M. or P.M. vehicle trips for the overall Development as reflected in the ITE trip generation table located in Section 8 below and within the Traffic Impact Analysis submitted with this Master Plan; or (b) violate a City Code provision; or (c) violate any term or condition of this Master Plan.

8. TRANSPORTATION

A. Traffic Impact Analysis

Please refer to the Traffic Impact Analysis submitted with this Master Plan ("TIA") and the ITE Traffic Generation Chart inset below. Individual driveways onto

Blount, Person, and Wilmington Streets will be minimized to the extent practicable by the use of private streets to route traffic from residential structures in order to minimize individual driveways exiting directly onto public streets. No modifications to existing streets are proposed.

Table 4.0 ITE Traffic Generation (TRIPS)				
Land Use Code	Land Use	24 Hour	AM Peak Hour	PM Peak Hour
210	Single-Family Detached Housing (38 d.u.)	483	75	53
230	Residential Condominium/Townhouse (457 d.u.)	2,805	223	260
710	General Office (20,000 s.f.)	386	52	101
820	Shopping Center (90,000 s.f.)	10,741	268	974
	Subtotal	14,415	618	1,388
	Internal Capture	-2,202	0	-238
	External Traffic	12,213	618	1,150

B. Circulation Plan

Please refer to the Pedestrian and Vehicular Circulation Plan (Exhibit MP-6) and the Roadway Laneage Exhibit (Exhibit MP-11) attached hereto and incorporated herein as Exhibit MP-6. Private streets are proposed to provide two-way vehicular and pedestrian circulation within each block. Private streets will improve internal connectivity and provide pedestrian connections to surrounding neighborhoods. Dwelling units fronting along the private streets shall have at least one additional access to the private street that is located apart from and independently of any proposed access to the dwelling unit through a garage door.

9. PUBLIC UTILITIES

All public water and sewer facilities are available to the Development in sufficient quantities to serve the Development. The location of public water and sewer mains are shown on the Conceptual Utility Layout Plan attached as Exhibit MP-7 attached and incorporated herein.

10. STORMWATER MANAGEMENT

A Conceptual Stormwater Plan as shown on Exhibit MP-8 has been submitted to the City to address stormwater runoff quantity and quality for the post development conditions. The calculations on Exhibit MP-8 shows that post development runoff for the entire development will be equal to or less than the current site conditions and that no increase in stormwater discharge is anticipated. All development within the North Blount Street Revitalization shall comply, if applicable, with the Neuse River Basin Nutrient Management Strategy and related provisions of the Code. Except where exempted herein, all stormwater management infrastructure and stormwater collection systems in public rights-of-way shall conform to the City's standards and specifications.

11. ALLOCATION OF IMPERVIOUS AREA

MP-8 includes a table to illustrate the committed allocation of total, allowable impervious area to all development tracts. Ultimate allocation among tracts may be modified as follows:

a. With the consent of the Stormwater Division of the Public Works Department and affected tract owner, allocation may be transferred between tracts within the same block such that there is no resulting increase above the total allocation for that block.

b. Total impervious allocation for the development, and subsequently for each block, will be verified by field surveys performed prior to the submittal of the initial site plan or subdivision application for each block. Any adjustment in actual existing impervious totals shall be accompanied by a relative adjustment in the total allowable impervious to ensure that the total post-development impervious area does not exceed existing impervious area.

12. OPEN SPACE AND TREE CONSERVATION

A. Open Space.

At least 10% of the Development will be reserved as open space, which will include green spaces and plazas. With the consent of the Planning Department Staff, open space totals may be shifted or reallocated between blocks within the Development.

B. Tree Conservation.

The Development as outlined in this Master Plan is exempt from the Raleigh Tree Preservation Ordinance because all parcels are currently less than 2 acres and all resulting parcels will be less than 2 acres when development occurs. The removal of trees within those portions of the Development subject to the Blount Street Historic District or the Oakwood Historic District will require approval of the Historic Districts Commission. In the event that the Tree Conservation provisions of the Code are modified to eliminate its applicability to this Master Plan, then this 2 acre lot limitation shall not be applicable.

13. VEHICULAR PARKING

Off-street parking shall be provided in accordance with the following ratios:

Commercial Uses (other than Office):	Minimum of 3 spaces per 1000 sq. ft. outside of Pedestrian Business Overlay District ("PBOD"), fifty five percent (55%) of Scheduled requirement within PBOD
Residential Uses:	Minimum of 1 space per dwelling unit
Office Uses:	Minimum of 1 space per 300 sq. ft. (complies with Schedule of off-street parking per Code Section 10-2081(a) for office uses located in Blocks 1 and 2
Residential Structures Converted to Commercial or Office Uses:	2 spaces per existing residential unit

In addition to the provision of the above parking, the Developer shall, in conjunction with the construction of the private streets, install fifty (50) parking spaces along the private streets in locations to be determined by the Developer, subject to the approval of the RHDC and RDOI. These fifty (50) parking spaces shall be provided as follows: (a) Block 2 shall have 12 spaces; (b) Block 3 shall have 20 spaces; (c) Block 4 shall have 12 spaces; and (d) Block 5 shall have 6 spaces. Excluding the former N. Wilmington Street right of way, no single grouping of parking on the private streets shall exceed four (4) vehicles without a minimum eight (8) feet landscaped area separation.

Please refer to Section 17 with regard to justification for any alternate means of compliance.

14. COMPLIANCE WITH THE DOWNTOWN URBAN DESIGN GUIDELINES

Based upon the terms and conditions of this Master Plan, the Development complies with the Downtown Urban Design Guidelines. Further, specific elements of the Downtown Urban Design Guidelines shall be used to create a unifying mechanism throughout the non residential and mixed use areas subject to this Master Plan (Blocks 1, 2, 3, 4, 5 and 6) such that all commercial areas subject to the Master Plan will have general unifying characteristics. Those specific elements of the Downtown Urban Design Guidelines are set forth in the attachment incorporated herein by reference and titled "Unifying Elements for the Blount Street Master Plan". The elements set forth on the Unity of Development for the Blount Street Master Plan shall, in conjunction with Section 15 B below, satisfy the requirement to provide a unifying mechanism within the Master Plan, subject to any revisions permitted pursuant to Section 19 below (b).

15. SIGNS AND UNITY OF DEVELOPMENT

A. Signage

Signs are permitted within the Historic Districts, subject to the Historic District Guidelines, regardless of setbacks and parcel size; provided that all other applicable Code provisions are met, and subject to approval by the Raleigh Historic Districts Commission. Otherwise, signage within this development will be based upon standards applicable to Thoroughfare Zoning Districts under Raleigh's Sign Ordinance, as well as any applicable Downtown Urban Design Guidelines.

B. Unity of Development

Prior to the issuance of building permits for non residential or mixed use buildings within Blocks 2, 3, 4, 5 and 6, a separate unity of development plan will be submitted to the Planning Director for non residential and mixed use buildings located within development Blocks 2, 3, 4, 5 and 6 as shown in this Master Plan. The Planning Director is authorized to approve the unity of development plan for individual Blocks as they are developed, and there shall not be a requirement to submit an overall unity of development plan applicable to all development Blocks. Each unity of development plan shall stand alone as applying to only one Block, but shall be unified by the provisions of Section 14 above. In consideration of the requirements of Section 14 above, Block 1 is expressly excluded from the requirements of this Section 15.

16. PHASING

The North Blount Street Revitalization will be developed in phases primarily determined by market conditions, economic considerations, and matters determined as field engineering and surveying progresses. A tentative phasing plan is attached hereto as Exhibit MP-9 showing the general location of development phases for the North Blount Street Revitalization. Notwithstanding such exhibit, any tract or phase within this Master Plan may be developed or reconfigured at any time, provided that all necessary infrastructure is in place to serve such development and the City Administration approves the revised plans. Retail phasing shall be determined based upon the requirements of TC-15-06 (73 TC 291).

17. THOROUGHFARE ZONING DISTRICT AS DEFAULT AND IMPACT OF FUTURE CODE REVISIONS

To the extent this Master Plan does not address a design standard or other regulated matter specifically, the standards and requirements for the City's

Thoroughfare Zoning District in effect as of the date of the final adoption of this Master Plan shall control. Further, for five (5) years after the date of final adoption of this Master Plan, should any provision of the Code applicable to the Development be revised such that said revision is less restrictive than what is permitted under this Master Plan and is not specifically prohibited by this Master Plan, then, in that event, the Code shall control over this Master Plan and the Master Plan may be revised provided such revisions are approved by the City Administration in accordance with Section 19 (b) below.

18. ALTERNATES REQUESTED PURSUANT TO CODE SECTION 10-2057 AND REQUIRED ENCROACHMENTS

The elements of this Master Plan proposed as alternative means of compliance with respect to the provisions of Code Section 10-2057, are as follows:

A. Transitional Protective Yards. At the time of site plan approval, the City Planning Staff is authorized to approve an alternate means of compliance for external Transitional Protective yards. Subject to any required approvals of the Raleigh Historic Districts Commission, Internal Transitional Protective Yards shall be provided as shown on the Preliminary Landscape Plan-Transitional Protective Yards attached hereto and incorporated herein by reference as MP-13.

B. Street Protective Yards. Street Protective Yards shall be provided as shown on the Preliminary Landscape Plan-Street Protective Yards attached hereto and incorporated herein by reference as MP-12, subject to the approval of all necessary encroachment agreements and any required approvals from the Raleigh Historic Districts Commission and urban forester.

As shown on MP-12, Street Protective Yard plantings provided for include planting to exceed code requirements along Blount Street. This approach will support enhancement of the Blount Street streetscape where generous single family setbacks provide good growing conditions for street tree plantings and an opportunity to establish a regular pattern of plantings amidst existing trees. Street yard plantings along the more urban street facades will utilize fewer trees, but larger than minimum size requirements. This will allow the trees to adapt to the architectural design of the buildings, public spaces, and more limited growing conditions.

C. Off-street Parking. Off Street parking shall be as provided for in the Master Plan. Reduced parking is justified under this Master Plan for the following reasons:

1. A portion of the site is located within the Pedestrian Business Overlay District. The applicant is proposing that this is reasonable based on the nature and intent of the project to apply similar reduced parking standards to the balance of the Development.
2. The Development represents a mixed-use downtown project to promote walkability within the Development and from surrounding office and residential properties with less reliance on personal vehicles.
3. Access to public transportation is available within this Development because transit stops will be provided as shown on MP-6.

For additional justification for these parking reductions in Blocks 1 and 2, please refer to the letter from Kimley-Horn & Associates dated September 21, 2006 and submitted with this Master Plan. The commercial portion of block 3 lies within the Pedestrian Business Overlay District for the Oakwood Mordecai Business District. Therefore, the minimum number of off-street parking spaces required for commercial uses in the Schedule of Off-Street Parking Standards shall be fifty-five percent (55%) of the number of spaces required.

D. Open Space

A minimum of 10% open space is provided for in the Master Plan. With respect to Code Section 10-2057(f)(4), the Development provides for interconnected open spaces with reasonable proximity to all properties and provides for transition between different residential uses. Open spaces are provided for in keeping with the overall project density, downtown context, and Historic District Guidelines which promote high density living. Please refer to the Open Space Plan attached hereto and incorporated herein as MP-10. The Project is served by public open space located in the immediate vicinity of the Development including a small park located on Boundary Street, a public green space located behind the Archives and History Building, and a public green space located within the adjacent State Government Complex (Halifax Mall and Bicentennial Plaza). These open spaces will provide additional recreational opportunities for residents and visitors to the development. The current plan represents a balance between the Historic District Commission's requirements and those of other City ordinances.

E. Exceptions to Group Housing Standards. An exception to the Group Housing Standards of Code Section 10-2103(b)(2) is justified in this case due to

the urban nature of this Development. Please refer to the Exceptions to Group Housing Typical Illustration attached hereto and incorporated herein by reference.

F. Street Widths. The private streets shown on Exhibit MP-4 of this Master Plan shall have a pavement width of twenty (20) feet and support two-way traffic if all buildings fronting on these private streets are built with fire suppression sprinkler systems. Alternatively, if the structures fronting on the private streets are not built with fire suppression sprinklers, the private streets shall be constructed to a width of twenty-four (24) feet and support two-way traffic as permitted in Chapter 1 of the City's Streets, Sidewalks and Driveway Access Handbook. In either event, the private streets will have no curb and gutter and no sidewalks but may incorporate alternative paving materials of comparable effectiveness for stormwater drainage protection of the edge or other methods employed to delineate travel ways and accent pedestrian zones. In addition, there will be parking provided in areas as shown on the Typical Private Street Details Exhibit attached hereto and incorporated herein by reference as MP-5.

To ensure that the private streets remain open to traffic, the Developer shall include one or more of the following provisions within its association documents: (a) signage prohibiting parking except in designated spaces, (b) authorization for towing of vehicles parked in areas not designated for parking; and (c) fines for parking vehicles in areas not designated for parking.

Right of way widths for existing roadways in the area are shown on Exhibit MP-4. No modifications to the existing public streets are proposed. Additional public right-of-way will be dedicated to provide a uniform 66 feet along all existing streets within or abutting the Master Plan boundaries, to the extent such area is owned by the Developer

G. **Building Setbacks.** As shown in this Master Plan, the developer shall be authorized to build structures adjacent to public rights-of-way, rather than complying with the typical setback requirements of the Code. The basis for this alternative means of compliance is the fact that the developer is proposing to utilize public private streets located at the rear of certain residential structures. This unique design will facilitate fewer access points onto existing public streets like Blount and Person. For the same reasons, street yards shall not be required along the private streets.

H. **Maximum Land Area for Exclusively Retail Use.** The maximum land area associated with buildings used exclusively for retail land uses shall not exceed twelve percent (12%) of the gross land area of the Development. This additional retail will compliment the substantial residential component of this Master Plan, as well as the residential development in the vicinity. Further, heightened street level activity will be generated by the proposed mix of uses throughout the North Blount Street Revitalization and surrounding areas, as well as providing additional residential density to compliment Peace College and existing office uses. This street level activity will also be encouraged by the pedestrian orientation of the development. Accordingly, there will be a wide range of pedestrian activities such that additional retail uses are justified. As a result, the purposes of the PDD as set forth in Code Section 10-2011(b)(3)g are better achieved because: (1) roadway corridors will be protected from strip development; (2) substantial community-wide amenities will be available to the general public; (3) innovative architectural elements and design, including the proposed live-work flats and carriage homes will be used to maximize land uses, while reducing the overall impact of the horizontal footprint of the proposed development; and (4) additional access to transit will be provided within this Master Plan.

19. AMENDMENTS AND APPROVALS

A. Property Owner Changes

Only the parties owning property within the North Blount Street Revitalization shall have the right to amend this Master Plan and the exhibits hereto, but only to the extent any such amendment applies to individual properties owned by such parties. Any property owners' association owning and/or maintaining common open space and/or landscape amenities must join in all amendments to this Master Plan.

B. Administrative Changes

(1) Within the Development, City Administration will issue administrative site plan approvals and will approve all unity of development plans as development occurs, including all subsequent amendments and revisions thereto.

(2) City Administration may approve changes to the dimensions (but not increases in height) and orientation of structures to be built pursuant to this Master Plan.

(3) City Administration may approve changes to public or private street locations, typical public or private street sections, stormwater facilities, landscaping, decreases in the number of driveways, driveway access points, utilities and minor changes in street or sidewalk construction standards that do not affect the traffic-carrying capacity of the respective streets or sidewalks.

(4) City Administration may approve variations in the location and/or intensity of any proposed land use within the Development provided that the overall maximum development densities do not result in any increase in the total number of AM or PM vehicle trips set forth in the TIA submitted with this Master Plan.

(5) Because a substantial portion of the Development lies within the Blount Street Historic District and the Oakwood Historic District, much of the development of this Master Plan will be subject to Certificates of Appropriateness issued by the Raleigh Historic Districts Commission. Therefore, to the extent that any validly issued Certificate of Appropriateness conflicts with this Master Plan, the City Administration shall approve all necessary modifications to this Master Plan in order to conform with such validly issued Certificate of Appropriateness.

C. Planning Commission Changes

(1) The Planning Commission shall resolve any question of interpretation of this Master Plan and its exhibits that may arise in the administrative approval of any site plan upon the Development, and that is not resolved between City Administration and the owner. Either the Planning Director or the applicant may appeal the judgment of the Planning Commission to the City Council.

(2) The Raleigh Planning Commission may approve increases in the number of access points from the Development to the public street system.

(3) The Raleigh Planning Commission may approve increases in the intensity of any proposed uses within the Development provided that the overall maximum development densities do not result in an increase of more than ten percent (10%) in the total number of AM or PM vehicle trips set forth in the TIA submitted with this Master Plan.

(4) All changes made pursuant to this Section 18(C) shall be made pursuant to a site plan approval under Code Section 10-2132.2.

D. City Council Changes

(1) The City Council, after a recommendation of the Planning Commission, shall approve any changes in this Master Plan or its Exhibits which create an expansion by more than ten percent (10%) in the total number of AM or PM vehicle trips set forth in the TIA submitted with the Master Plan.

(2) The Applicant acknowledges that the maximum residential density permitted under this Master Plan is currently 40 units per acre or a total of 495 dwelling units. However, if within five (5) years of the final approval of this Master Plan, the permitted residential density within Code Section 10-2057 is increased above 40 dwelling units per acre, or the Code is otherwise amended to permit residential density to be transferred, then Council shall be permitted to authorize such higher residential densities so long as such changes are consistent with the other terms and conditions of this Master Plan and the City Code.

(3) All changes made pursuant to this Section 18(D) shall be made pursuant to a site plan approval under Code Section 10-2132.2.

(4) The City Council or the Board of Adjustment, in accordance with applicable provisions of the City Code, will approve all special use permits or variances that may be required for specific uses proposed in site-specific development plans.

Unifying Elements for the Blount Street Master Plan

The following elements of the Urban Design Guidelines shall serve to create a unifying mechanism for non residential and mixed use structures constructed in Blocks 1, 2, 3, 4, 5 and 6 of the Master Plan such that commercial structures subject to the Master Plan will have general unifying characteristics:

- a. Premise 1 - #10 Street wall
- b. Premise 4 - #26 Building
- c. Burke Square
 - 7.06 General
 - 7.09 Signage
- d. State Government Center
 - 2.01 Materials/facade styles/design
 - 2.02 Building style/ground floor detail
 - 2.03 Site design
 - 2.06 Peace Street/Wilmington Street area
 - 2.09 Public art
 - 2.10 Landscaping

Building Setbacks Table

Multi-Family Residential Setbacks	
<i>Front</i> Private Streets: 5' from public R.O.W. (steps/stoops may extend into set backs but not over utility easements). <i>Front</i> Wilmington, Peace and Person: Multi-family units that front along Wilmington, and Person will have a 5' setback.	
<i>Rear</i>	5'
<i>Side</i>	5'
<i>Corner</i>	5' from public R.O.W. (steps/stoops may extend into set backs but not over utility easements)

Mixed Use Ground Floor Commercial / Multi Family above:	
<i>Front</i> 0' (steps/stoops/awnings may extend into set backs but not over utility easements)	
<i>Rear</i>	5'
<i>Side</i>	5'
<i>Corner</i>	5' from public R.O.W. (steps/stoops may extend into set backs but not over utility easements)

Single Family Residential	
<i>Front</i> 30' for all new or relocated homes. Existing homes may be grandfathered into proposed setback requirements. (steps/stoops/ may extend into set backs but not over utility easements)	
<i>Rear</i>	10'
<i>Side</i>	10' aggregate
<i>Corner</i>	5' from public R.O.W. (steps/stoops may extend into set backs but not over utility easements)

Office	
<i>Front</i> - Wilmington	30' (steps/stoops/awnings may extend into set backs but not over utility easements)
<i>Rear</i> - Wilmington Extension	5'
<i>Side</i> - Peace	5' (steps/stoops/awnings may extend into set backs but not over utility easements)
<i>Corner</i>	5' from public R.O.W. (steps/stoops may extend into set backs but not over utility easements)

Allowable Building Heights Table:

Block #1

<i>Wilmington Street / Wilmington Extended</i>	
Office (Tract A):	55'

<i>Peace Street</i>	
Office (Tract A):	55'

Block #2

<i>Wilmington Street</i>	
Residential (Tract A):	62'
Commercial (Tract C):	55'

<i>Peace Street</i>	
Commercial (Tract C):	55'
Residential (Tract E):	35'
Residential (Tract G):	45'

<i>Blount Street</i>	
Residential (Tracts F & G):	45'

<i>Polk Street</i>	
Residential (Tract A):	62'
Residential (Tract D):	45'
Residential (Tract E):	35'
Residential (Tract F):	45'

<i>Private Street</i>	
Residential (Tract D):	45'
Residential (Tract E):	35'

Block #3

<i>Blount Street</i>	
Residential (Tracts A, B & C):	45'

<i>Peace Street</i>	
Residential (Tract C):	45'
Commercial (Tract E):	55'

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<i>Person Street</i>	
Commercial (Tract B):	55'
Residential (Tract H):	55'

<i>Polk Street</i>	
Residential (Tract A):	45'
Residential (Tract D):	35'
Residential (Tract F):	45'
Residential (Tract H):	55'

<i>Private Street</i>	
Residential (Tract B):	45'
Residential (Tract D):	35'
Residential (Tract F):	45'

Block #4

<i>Wilmington Street</i>	
Residential (Tract A):	75'

<i>Polk Street</i>	
Residential (Tract A):	75'
Residential (Tracts C):	45'
Residential (Tract H):	35'
Residential (Tract J):	45'

<i>Blount Street</i>	
Residential (Tract J):	45'

<i>North Street</i>	
Residential (Tracts A):	75'
Residential (Tract C):	45'
Residential (Tract D1):	35'

<i>Private Street</i>	
Residential (Tract C):	45'
Residential (Tract D1):	35'
Residential (Tract D2):	45'
Residential (Tract D3):	35'
Residential (Tract H):	35'

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Block #5

<i>Blount Street</i>	
Residential (Tracts A & B):	45'

<i>Polk Street</i>	
Residential (Tract B):	45'
Residential (Tract C):	35'

<i>Person Street</i>	
Residential (Tract D):	45'

<i>North Street</i>	
Residential (Tract C):	35'
Residential (Tracts A & D):	45'

<i>Private Street</i>	
Residential (Tract C):	35'
Residential (Tract D):	45'

Block #6

<i>Blount Street</i>	
Residential (Tract A):	45'

<i>North Street</i>	
Residential (Tracts A & B):	45'

<i>Person Street</i>	
Residential (Tract B):	45'

<i>Lane Street</i>	
Residential (Tract B):	45'

***Notes:**

- 1.) Building heights for the same structure on a corner lot will be the same on all street frontages for that structure.
- 2.) Regardless of any illustration included within this Masterplan or any exhibits incorporated therein, the maximum building height shall be measured in accordance with Sect. 10-2076 of the City of Raleigh Zoning Ordinance.
- 3.) Commercial land use designations may include a vertical mix of residential and commercial uses.
- 4.) Reference *Allowable Building Heights* exhibit B.1 for more information.

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Kimley-Horn
and Associates, Inc.

September 21, 2006

P.O. Box 83068
Raleigh, North Carolina
27630-9068

Mr. Stacy Barbour
Development Plans Review Center
City of Raleigh - One Exchange Plaza
219 Fayetteville Street Mall, 3rd Floor
Raleigh, North Carolina 27601

Re: North Blount Street Revitalization
Parking Analysis -- Shared Parking Calculation
Raleigh, North Carolina

Dear Mr. Barbour:

Kimley-Horn and Associates, Inc. has been retained to perform parking analysis for the North Blount Street Revitalization in Raleigh, North Carolina. Parking requirements for the development were based on the land uses submitted in the *North Blount Street Revitalization Traffic Impact Analysis* (Kimley-Horn and Associates, Inc., February 2006). This letter summarizes our calculations and findings.

The parking calculations are for the structured parking within Blocks 1 and 2 of the development as they consist of a mix of residential, office, and retail that will share these structured parking areas. The land uses expected to utilize these common parking areas include 130 residential units, 20,000 s.f. of office space, and 40,000 s.f. of retail space. The residential dwelling units were assumed to be equally divided into 1-bedroom, 2-bedroom, and 3-bedroom units. It is estimated that Raleigh City Code would require 488 parking spaces for the structured parking within Blocks 1 and 2 as shown in Table 1. A detailed parking requirement worksheet is attached.

North Blount Street Revitalization
Table 1: Raleigh City Code

Land Use	Intensity	Parking Requirement (spaces)
Residential - 1 Bedroom	43 d.u.	65
Residential - 2 Bedroom	43 d.u.	86
Residential - 3 Bedroom	44 d.u.	110
Office	20,000 s.f.	67
Retail	40,000 s.f.	160
Total		488

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FAX 919 677 2050

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Mr. Stacy Barbour, September 21, 2006, p. 2



Kinley-Horn
and Associates, Inc.

Alternate means of compliance are proposed to efficiently utilize the structured parking on the site. These alternate means are based on published parking rates and variation of occupancy by time-of-day and use. Due to the proximity of the project to the Downtown Overlay District and the urban nature of the development, one space per dwelling unit is proposed as an alternate parking rate. This is consistent with suggested rates contained in *Shared Parking* (Urban Land Institute, Second Edition, 2005).

An alternate rate of 3.0 spaces per 1,000 square feet is proposed in the Master Plan Document for retail uses on the site. The hourly variations of occupancy allow the different land uses within a mixed-use development to share the supplied parking spaces. To estimate the peak hour parking demand in the structured parking of Blocks 1 and 2, the code-required parking was adjusted for the residential parking rate reduction and for each hour of the day based on the hourly distribution for each use. The hourly distribution was obtained from *Shared Parking*. The parking demand shown in Table 2 was calculated for a typical weekday. A detailed shared parking calculation worksheet is attached.

North Blount Street Revitalization
 Table 2: Shared Parking
 Weekday (Peak Parking Hour - 2:00 PM)

Land Use	Intensity	Parking Requirement (spaces)
Residential	130 d.u.	86
Office	20,000 s.f.	67
Retail	40,000 s.f.	154
Total		307

The shared parking demand of 307 spaces listed in Table 2 represents a reduction of approximately 37% from the parking required by Raleigh City Code. Based on the parking ratios outlined in the Master Plan document, 317 spaces will be proposed for these land uses as shown in Table 3.

North Blount Street Revitalization
 Table 3: Proposed Parking Spaces

Land Use	Intensity	Proposed Parking (spaces)
Residential	130 d.u.	130
Office	20,000 s.f.	67
Retail	40,000 s.f.	120
Total		317

The number of parking spaces currently proposed for Blocks 1 and 2 exceeds the number of parking spaces needed based on the shared parking analysis and should adequately serve these land uses. A minimum of 2.5 residential units per

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Mr. Stacy Barbour, September 21, 2006, p. 3



Kimley-Horn
and Associates, Inc.

1,000 s.f. of retail use (or the equivalent amount of parking) is required on
Blocks 1 and 2 to support the shared parking scenario.

Please feel free to contact me with questions or comments.

Sincerely,

KIMLEY-HORN AND ASSOCIATES, INC.

Robert A. Ross, P.E.
Project Manager



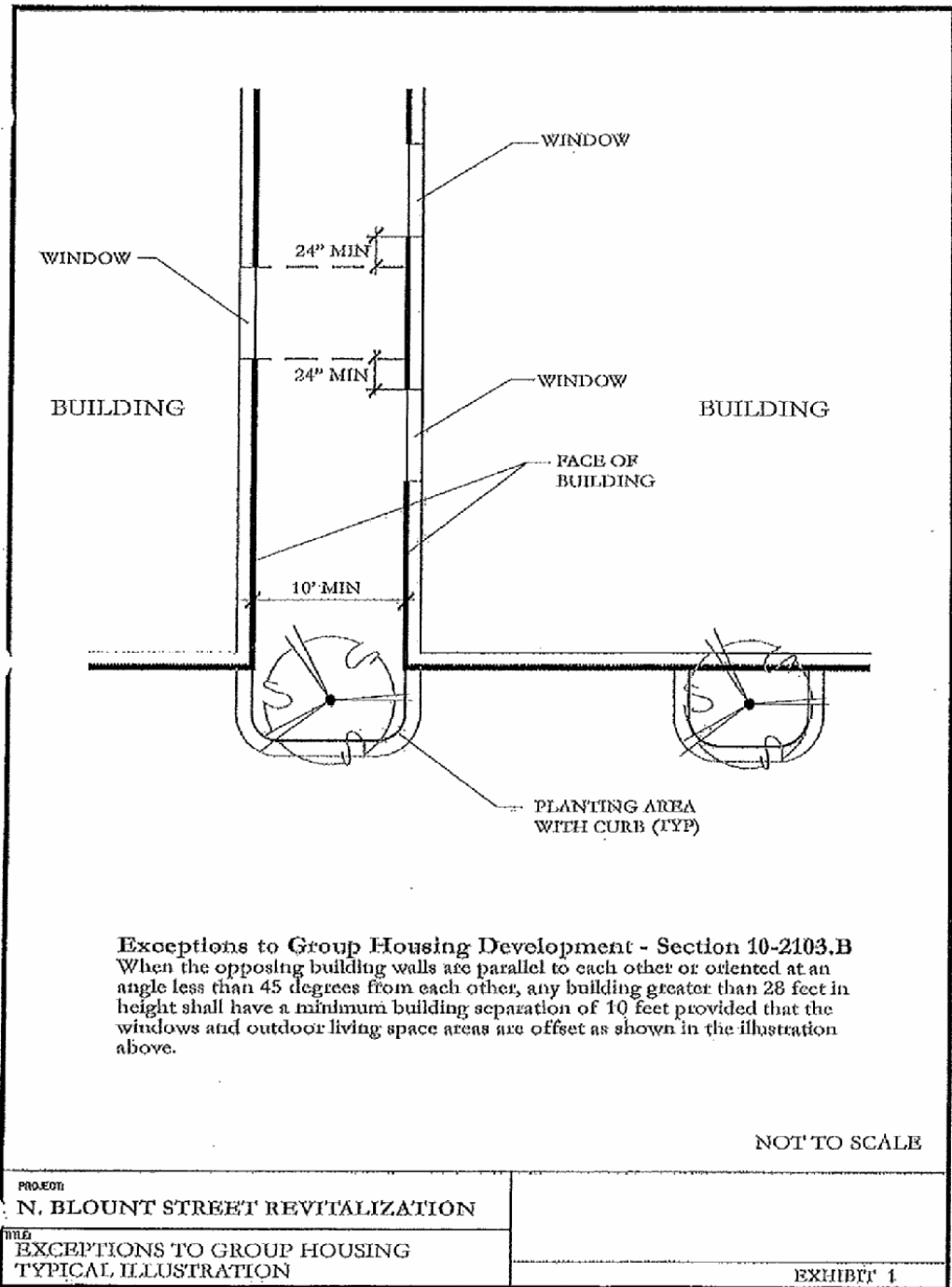
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Table 1A North Blount Street Revitalization - Blocks 1 & 2 Parking Spaces Required						
Land Use	Units	Number	Raleigh City Code		Proposed Parking per Master Plan document	
			Spaces per Unit	Spaces Required	Spaces per Unit	Spaces Required
Residential 1 Bedroom	Units	43	1.5	65	1	43
Residential 2 Bedroom	Units	43	2	86	1	43
Residential 3 Bedroom	Units	44	2.5	110	1	44
Shopping Center	1,000 SF	40.0	4	160	3	120
Office	1,000 SF	20.0	3.33	67	3.33	67
Total Parking Spaces Required				438		317

As: \p\1072644001 - Blount street public office parking 9-19-06\blount street shared parking 1-3.xls\code_analysis\residential

Table 2A Parking Required (Raleigh City Code Rates with Urban Land Institute Temporal Distribution, Second Edition, 2005) North Blount Street Revitalization - Blocks 1 & 2						
Max Rate: Spaces per Unit Land use	3.33	4	1	Development Requirements		
	000sf 20	000sf 40	DU 130			
Hour of Day	Office	Retail	Residential	Total by Hour	Parking Required	
6am	2	4	119	125		
7am	18	11	109	138		
8am	47	32	104	183		
9am	61	68	98	227		
10am	67	110	92	269		
11am	64	139	86	289		
12noon	56	154	80	290		
1pm	58	160	86	304		
2pm	67	154	86	307		
3pm	64	147	86	297		
4pm	56	147	92	295		
5pm	31	152	106	289		
6pm	16	152	114	282		
7pm	6	152	126	284		
8pm	4	131	128	263		
9pm	2	88	129	219		
10pm	1	51	130	182		
11pm	0	18	128	146		
12midnight	0	0	125	125		
						Peak Demand Requirement - ULI Methodology 307

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52/2006

Blount Street Maximum Land Use Summary Table

Location	Land Use	Open Space	Office Gross SF ¹	Commercial ² Gross SF ¹	Residential Units ³	Gross Density/Block	Total Acreage Per Block ⁴
Block 1							6.69
Tract A (.69 Ac)	Office		20,000				
Block 2					179	31 DU/AC	5.67
Tract A (.97 Ac)	Residential						
Tract B	Open Space	1.01 Ac					
Tract C (.71 Ac)	Com/Resid.			40,000			
Tract D (.61 Ac)	Residential						
Tract E (.66 Ac)	Residential						
Tract F (1.02 Ac)	Residential						
Tract G (.66 Ac)	Residential						
Private Streets (.30 Ac)							
Block 3					120	28 DU/AC	4.7
Tract A (.78 Ac)	Residential						
Tract B (.33 Ac)	Residential						
Tract C (.33 Ac)	Residential						
Tract D (.19 Ac)	Residential						
Tract E (.61 Ac)	Com/Resid.			15,000			
Tract F (.65 Ac)	Residential						
Tract G	Open Space	.74 Ac					
Tract H (.87 Ac)	Residential						
Private Streets (.42 Ac)	Residential						
Block 4					161	34 DU/AC	4.69
Tract A (1.30 Ac)	Commercial			15,000			
Tract B	Residential						
Tract C	Open Space	.73 Ac					
Tract D (.64 Ac)	Residential						
Tract E (.19 Ac)	Residential						
Tract F	Open Space	.09 Ac					
Tract G (.19 Ac)	Residential						
Tract H	Open Space	.17 Ac					
Tract I (1.28 Ac)	Residential						
Private Streets (.22 Ac)							
Block 5					29	8 DU/AC	3.8
Tract A (1.29 Ac)	Commercial			10,000			
Tract B (.47 Ac)	Residential						
Tract C (.45 Ac)	Residential						
Tract D (1.19 Ac)	Residential						
Private Streets (1.04 Ac)							
Block 6					9	4 DU/AC	1.62
Tract A (.65 Ac)	Commercial			10,000			
Tract B (1.07 Ac)	Residential						
Totals		2.74	20,000	90,000	499		21.37

¹ Maximum square footage allowed per block.

² Maximum number of units allowed per block.

³ Commercial land use designations may include a vertical mix of residential and commercial uses.

⁴ Notes

1. All tracts and blocks are preliminary and are subject to change in accordance with this Master Plan, but in all cases subdivided tracts shall be less than two acres in size.
2. Subject to Section 19 (D) of this Master Plan, overall residential density shall be determined by applicable provision of the Raleigh City Code in effect at time of site plan approval.
3. City Administration may approve variations in the location and/or intensity of any proposed land use with this Development provided that the overall maximum development densities do not result in any increase in the total number of AM or PM vehicle trips set forth in the TIA submitted with this Master Plan.

Blount Street Maximum Land Use Summary Table.xls



October 30, 2008

Mr. Alan H. Peterson
K&L Gates LLP
PO Box 17047
Raleigh, NC 27619-7047

Re: Administrative Amendment to the Blount Street Master Plan (MP-1-06)

Dear Alan,

This is in response to your request dated September 19, 2008 to amend the Blount Street Master Plan and transfer residential density (20 dwelling units) from Block 3 to Blocks 1 and 2. City staff have examined this request and approved it in accordance with Article 19 and Article 8 of the Master Plan. Please see the enclosed acknowledgement and approval of this request signed by Planning Director Mitchell Silver.

Sincerely,

A handwritten signature in cursive script, reading "Stacy Barbour", is positioned above the typed name.

Stacy Barbour, AICP
Senior Planner

Enclosure

ONE EXCHANGE PLAZA
219 FAYETTEVILLE STREET MALL
RALEIGH, NORTH CAROLINA 27601

CITY OF RALEIGH
POST OFFICE BOX 590 • RALEIGH,
NORTH CAROLINA 27602
(MAILING ADDRESS)

MUNICIPAL BUILDING
222 WEST HARGETT STREET
RALEIGH, NORTH CAROLINA 27602

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February 7, 2012

K&L|GATES

K&L Gates LLP
4300 Westgate at North Hills Avenue, Suite 800
Fest Office Box 17047
Raleigh, NC 27616-7047
P 919.713.7300 www.klgates.com

February 14, 2011

Alan H. Peterson
P 919.713.7300
F 919.516.2601
alan.peterson@klgates.com

Stacy Barbour
Senior Planner
Department of City Planning
One Exchange Plaza, Suite 304
Raleigh, NC 27601

Re: Blount Street Commons Master Plan -- Approval of Variation in Residential Density

Dear Stacy:

As discussed by David Welch at our meeting with you on Thursday, February 10, 2011, LNR Blount Street, LLC ("LNR") would like to increase the allowable number of residential dwelling units on Block 2 by up to twenty-five (25) units, resulting in a maximum of 204 dwelling units permitted on Block 2. Correspondingly, LNR would like to decrease the allowable number of residential dwelling units on Block 4 by up to twenty-five (25) units. Any increase in the number of residential dwelling units for Block 2 would result in a decrease in the same number of dwelling units for Block 4. Such variation will not result in any increase in the total number of AM or PM vehicle trips set forth in the TIA submitted with the Master Plan.

It is our understanding based on our meeting with you and Section 19.B.(4) of the Blount Street Commons Master Plan that such variation in intensity of residential dwelling units can be administratively approved. LNR hereby respectfully requests that you administratively approve the above-referenced variation in residential dwelling units in Block 2 and Block 4. Please confirm your approval by signing below.

Thank you for your assistance.

Very truly yours,

Alan H. Peterson

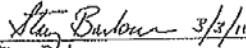
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February 7, 2012

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Stacy Barbour
February 14, 2011
Page 2

Approved by:

 3/3/11
Stacy Barbour
Department of City Planning

cc: David Weloh

Ordinance (2012) 7 ZC 667
February 7, 2012

K&L|GATES

CITY OF RALEIGH
CITY PLANNING DEPT

2011 SEP 28 AM 10:06

K&L Gates LLC
4350 Lassiter at North Hills Avenue, Suite 300
Post Office Box 17047
Raleigh, NC 27619-7047
P 919.743.7300 www.klgates.com

September 28, 2011

Alan H. Peterson
D 919.743.7301
F 919.516.2001
alan.peterson@klgates.com

Mitchell Silver
Planning Director
City of Raleigh
One Exchange Plaza, Suite 304
Raleigh, NC 27602

Re: Blount Street Commons Master Plan - Approval of Amendments

Dear Mitchell:

As discussed at our meeting with you on Friday, August 26, 2011 and based on your comments dated Tuesday, September 6, 2011, LNR Blount Street, LLC ("LNR") would like to amend the narrative and exhibits of MP-1-06 ("Master Plan") as outlined below.

LNR hereby requests the following amendments to the Master Plan:

1. Amend Master Plan exhibit MP-6 "Pedestrian & Vehicular Circulation Plan" to relocate previously approved pedestrian routes in Block 2 consistent with Exhibit A attached to this letter.
2. Amend Master Plan exhibit MP-10 "Open Space Plan" to reconfigure open space in Block 2 consistent with Exhibit A attached to this letter.

This amendment may be administratively approved under Sections 12.A. and 19.B. of the Master Plan. LNR hereby respectfully requests that you administratively approve the above-described changes related to Block 2. Please confirm your approval by signing below.

This letter shall serve as the amendment to the Master Plan and shall be effective upon the recordation of the recombination plat reflecting the open space exchange, as depicted on the attached Exhibit A.

Additionally, LNR commits to the inclusion of the following provisions in a unity of development plan submitted for Block 2, which provisions shall be applicable only to Lot 2:

1. "Screening of Parking Structure. Any parking structure located on Lot 2, as shown on Exhibit A to the letter dated September 28, 2011, shall be wrapped except for garage entrances and service areas. The first above-grade story of the parking structure must be wrapped by habitable space. Above the habitable space, architectural features such as a parapet wall may be used to screen the parking structure from public view."

RA-3044097 v4

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Mitchell Silver
September 28, 2011
Page 2

2. "Sidewalk Construction. Sidewalks along Polk Street between Augustus Merrimon Way and Wilmington Street, and along Wilmington Street from Polk Street to the property line of Lot 1 as shown on plat recorded at Book 2009, Page 601, Wake County Registry, shall be improved at the time of development of Lot 2, as shown on Exhibit A to the amendment dated September 28, 2011, consistent with the cross-sections attached as Exhibit B to the letter dated September 28, 2011. Portions of any sidewalk located within an area used as a vehicular driveway to access a building on Lot 2, as shown on Exhibit A to the letter dated September 28, 2011, shall incorporate at-grade textured pavers to avoid sloped sidewalks. Also, portions of vehicular driveways used to access a building on Lot 2, as shown on Exhibit A to the letter dated September 28, 2011, that traverse open space areas shall incorporate textured pavers."
3. "Building Articulation. For any building located on Lot 2, as shown on Exhibit A to the letter dated September 28, 2011, the building facades facing Wilmington Street and Augustus Merrimon Way shall provide a building footprint variation (recess or protrusion) of at least two feet in depth at least twice along each facade. Also, all building facades must incorporate at least two of the following architectural features at least every 75 feet: projecting bays; balconies; changes in building materials."

These provisions shall be required only after recordation of the recombination plat reflecting the open space exchange, as depicted on the attached Exhibit A. A unity of development plan containing these provisions shall be submitted to the Planning Director prior to submission of a building permit application for any building in Block 2 (excluding residential uses or the relocation and adaptive reuse of historic structures otherwise allowed under the Master Plan).


INR is requesting the above changes to the Master Plan and committing to the above unity of development provisions as part of your approval of an exchange of open space, consistent with Exhibit A to this letter. It is our understanding that you have determined that the proposed reconfigured open space and other considerations detailed above are of like value and utility to the current open space configuration in Block 2. Further, it is our understanding that you will approve a recombination plat reflecting the open space exchange, as shown on the attached Exhibit A.

Thank you for your assistance.

K&L|GATES

Mitchell Silver
September 28, 2011
Page 3

Very truly yours,

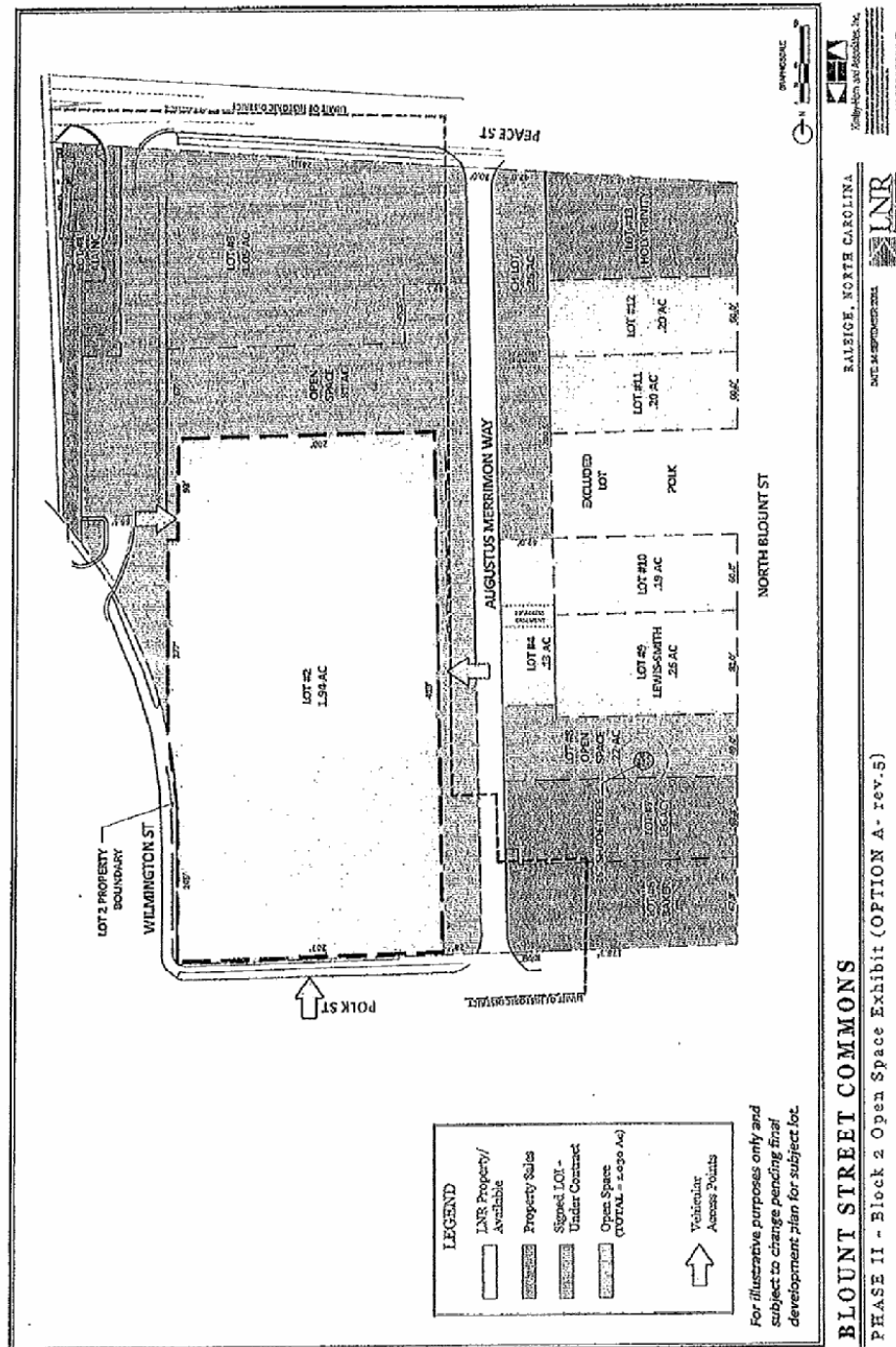


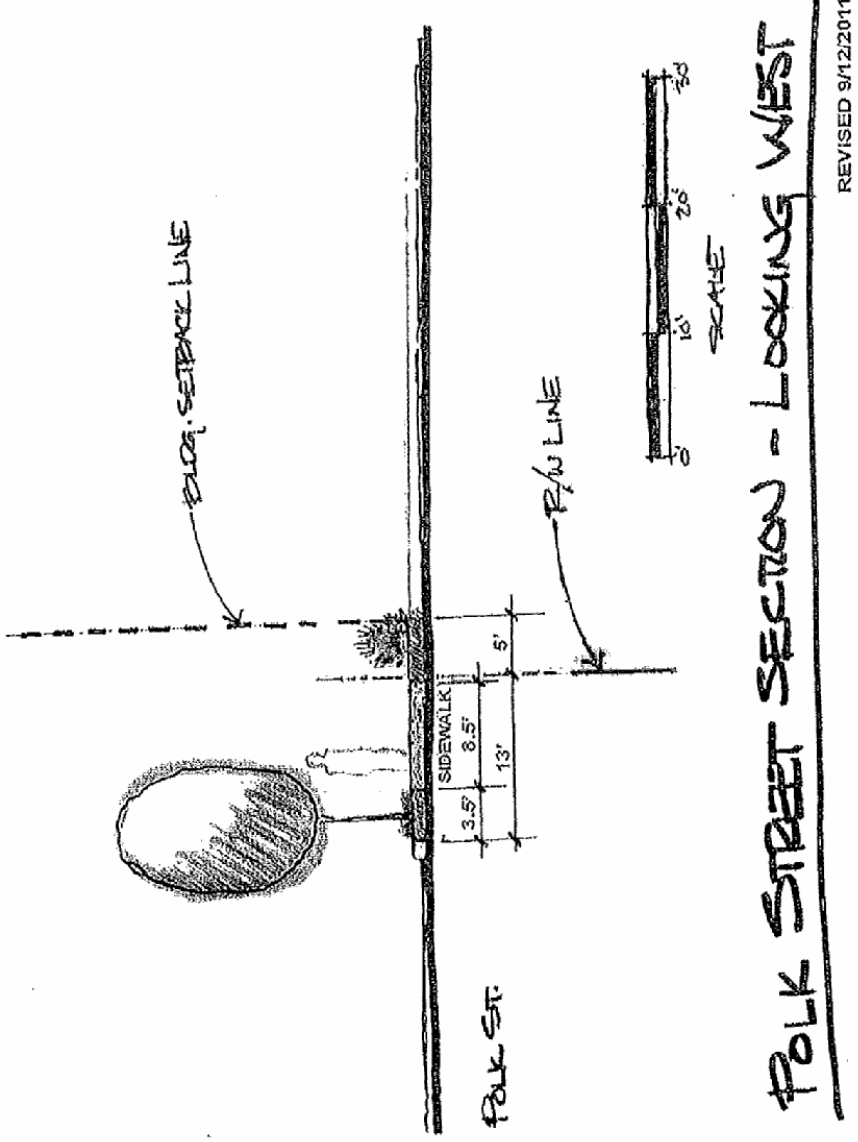
Alan H. Peterson

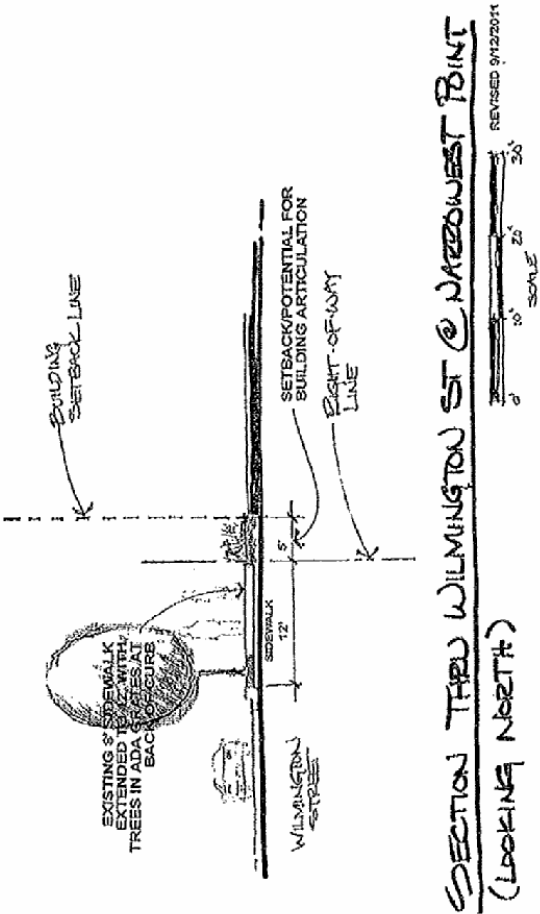
Approved by:

Mitchell Silver
by Amy Barkman 9/28/11

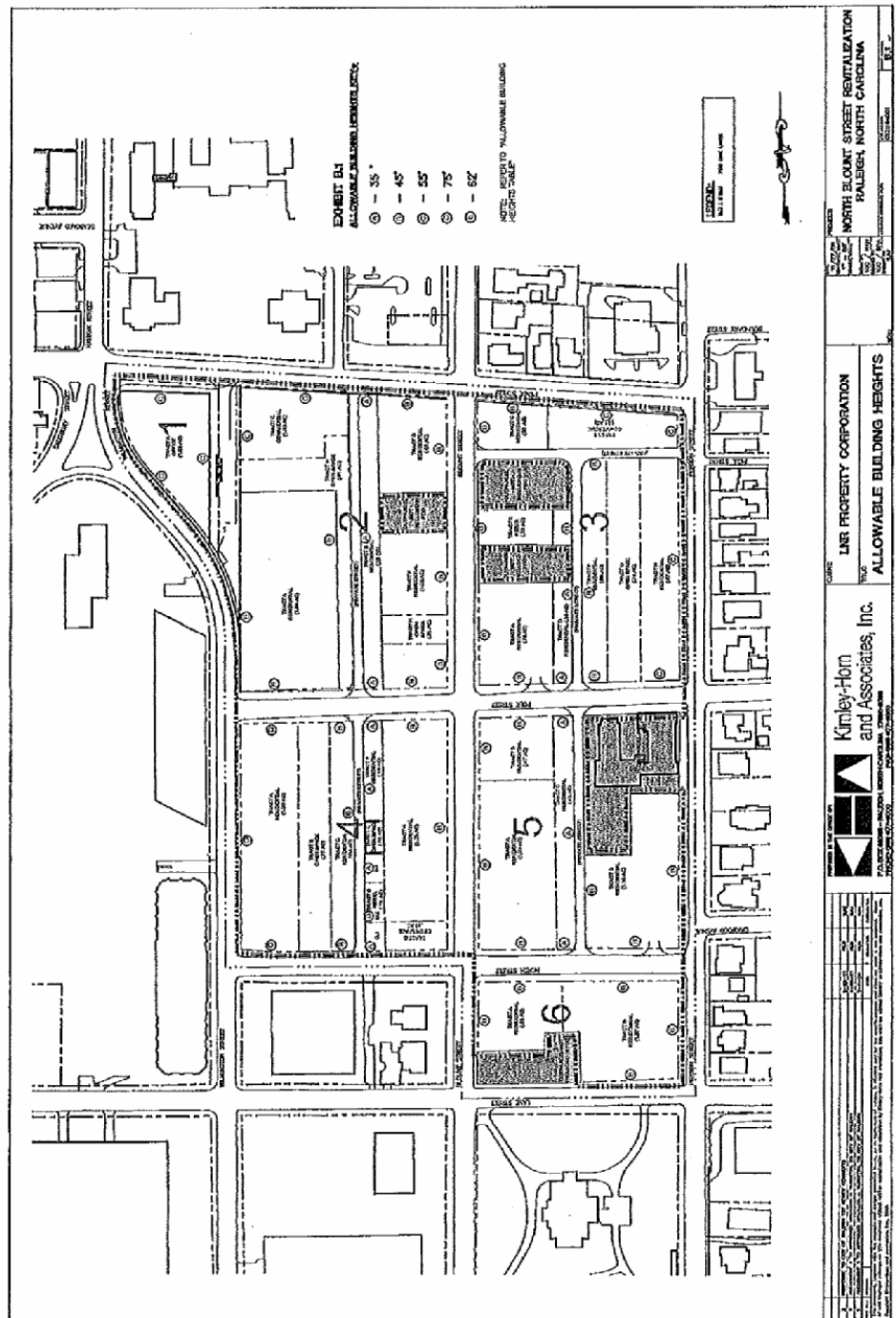
Mitchell Silver, Planning Director







Ordinance (2012) 7 ZC 667
February 7, 2012



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Section 2. That all laws and clauses of laws in conflict herewith are hereby repealed to the extent of such conflict.

Section 3. If this ordinance or application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the ordinance which can be given separate effect and to that end the provisions of this ordinance are declared to be severable.

Section 4. That this ordinance shall become effective upon the date of adoption.

Adopted: February 7, 2012

Effective: February 7, 2012

Distribution: Planning Department (3)
City Attorney
Inspections Department (5)
Jackie Taylor