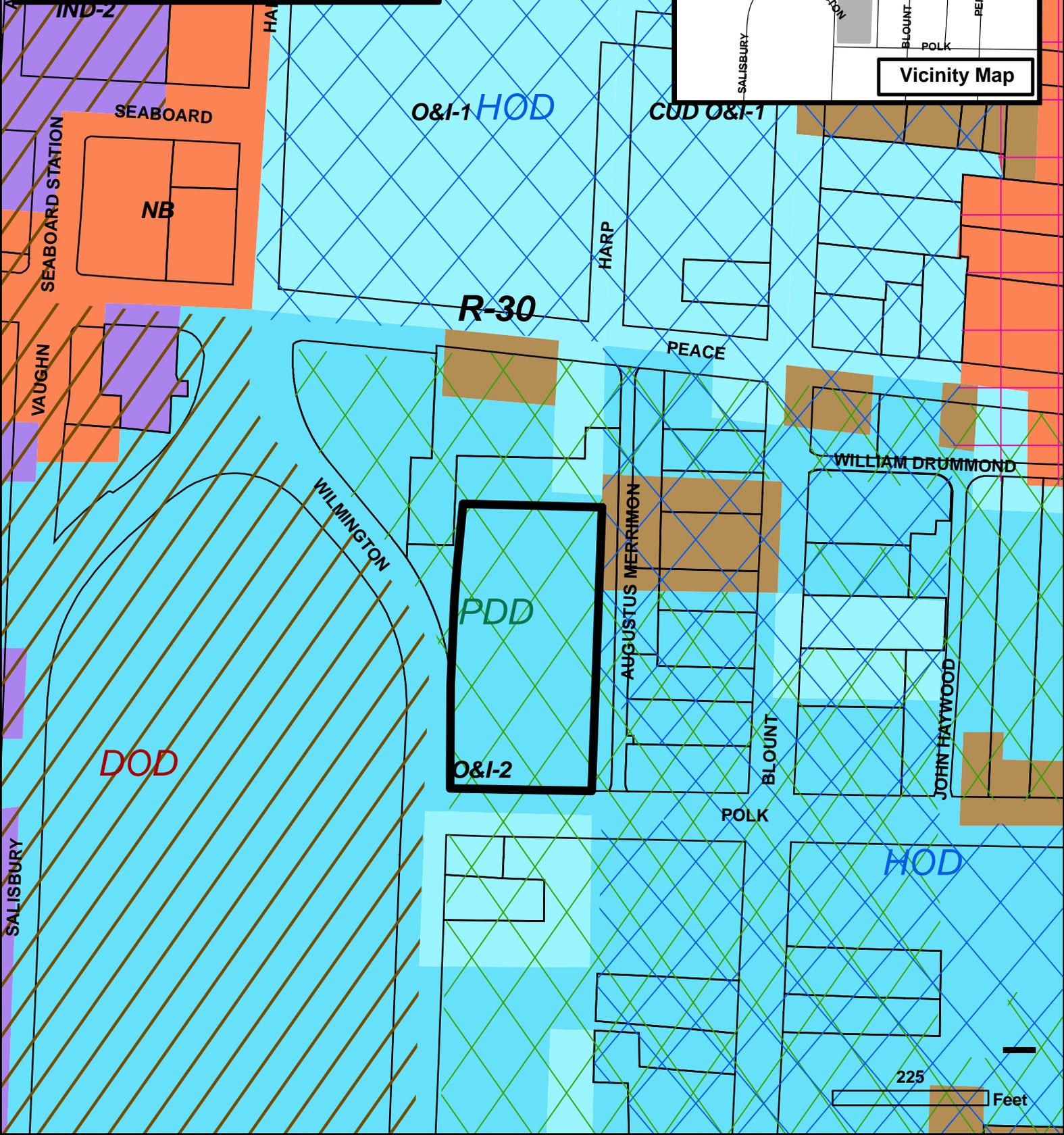
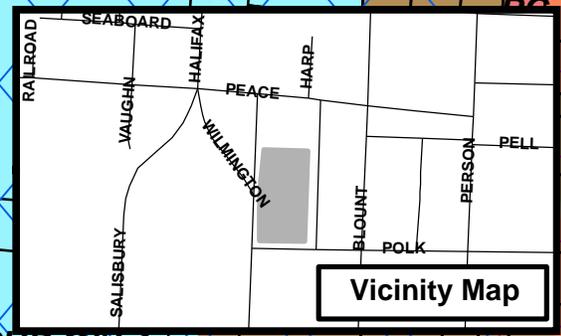


Existing Zoning Map Case Number: Z-9-12



Request:

1.94 ac to amend PDD

City of Raleigh Public Hearing
January 17, 2012
(April 16, 2012)



Certified Recommendation

Raleigh Planning Commission

CR# 11442

Case Information Z-9-12 North Blount Street

<i>Location</i>	North Wilmington Street, between Polk Street and Peace Street
<i>Size</i>	1.94 acres
<i>Request</i>	Amend a Master Plan for property zoned O&I-2 with PDD

Comprehensive Plan Consistency

Consistent

Inconsistent

Consistent

<i>Future Land Use Designation</i>	<input checked="" type="checkbox"/>	Central Business District (CBD)
<i>Applicable Policy Statements</i>	<input checked="" type="checkbox"/> <input checked="" type="checkbox"/> <input checked="" type="checkbox"/> <input checked="" type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	Policy LU 1.2- Future Land Use Map and Zoning Consistency Policy LU 8.12- Infill Compatibility Policy DT 1.16- High Density Public Realm Amenities Policy DT 2.23- Wrapped Parking Preference Policy DT 7.4- Building Entries Policy DT 7.5- Ground Level Design Policy DT 7.19- Downtown Design Guideline Consistency

Summary of Conditions

<i>Submitted Conditions</i>	1. Development of the property shall be in accordance with the Master Plan MP-1-06, as amended by this petition.
-----------------------------	------------------------------------------------------------------------------------------------------------------

Issues and Impacts

<i>Outstanding Issues</i>	1. The applicant has not sufficiently addressed all of the urban design guidelines.	<i>Suggested Conditions</i>	1. Conditions or master plan language that address screening of utilities and mechanical equipment, maximum curb cut widths, screening of service and loading docks, and ground floor transparency/ entrances/design 2. Require design elements to provide transition to HOD
<i>Impacts Identified</i>	1. Potential increase in transit ridership. 2. There may be public utility capacity issues in the area that may impact development of the site	<i>Proposed Mitigation</i>	Provide a 15x20' transit easement on Wilmington/Polk at the site of the current bus stop, and install an ADA compliant shelter on the transit easement.



Zoning Staff Report – Case Z-9-12

Conditional Use District

Request

<i>Location</i>	North Wilmington Street, between Polk Street and Peace Street
<i>Request</i>	Amend a Master Plan for property zoned O&I-2 with PDD
<i>Area of Request</i>	1.94 acres
<i>Property Owner</i>	LNR Blount Street LLC
<i>PC Recommendation Deadline</i>	April 16, 2012

Subject Property

	<i>Current</i>	<i>Proposed</i>
<i>Zoning</i>	O&I-2	O&I-2
<i>Additional Overlay</i>	PDD	Amended PDD Master Plan
<i>Land Use</i>	Parking, Vacant	Office, Residential, Commercial, Institutional
<i>Residential Density</i>	115 du/acre (max. 224 units)	115 du/acre (max. 224 units)

Surrounding Area

	<i>North</i>	<i>South</i>	<i>East</i>	<i>West</i>
<i>Zoning</i>	O&I-1, O&I-2, R-30 all w/ PDD	O&I-1, O&I-2 all w/ PDD	O&I-1, O&I-2, R-30 all w/ PDD and HOD	O&I-2 w/ DOD
<i>Future Land Use</i>	Central Business District	Central Business District	Central Business District	Central Business District
<i>Current Land Use</i>	Vacant, institutional	Vacant, office	Vacant, office	Government office

Comprehensive Plan Guidance

<i>Future Land Use</i>	Central Business District
<i>Area Plan</i>	None
<i>Applicable Policies</i>	Policy LU 1.2- Future Land Use Map and Zoning Consistency Policy LU 8.12- Infill Compatibility Policy DT 1.16- High Density Public Realm Amenities Policy DT 2.23- Wrapped Parking Preference Policy DT 7.4- Building Entries Policy DT 7.5- Ground Level Design Policy DT 7.9- Downtown Design Guideline Consistency

Contact Information

<i>Staff</i>	Elizabeth Alley
<i>Applicant</i>	LNR Blount Street, LLC
<i>Citizens Advisory Council</i>	North Central CAC

Case Overview

The proposed rezoning seeks to amend the allowable height for a portion of the Blount Street Commons site (Block 2), generally bounded by Wilmington Street, Polk Street and Augustus Merrimon Way. This amendment only pertains to a portion of the larger master plan area. The site is adjacent to the Blount Street Historic Overlay District on the east, the State of NC office campus on the west, the new AIA headquarters, as well as Peace College. The Blount Street Commons Master Plan (MP-1-06) has been amended several times in ways that impact the site currently being rezoned, namely through increases in allowable residential units, and the reconfiguration of open space. The commons, or central open space, is now located adjacent to Augustus Merrimon Way as well as a parcel facing Blount Street. These amendments, along with this proposed rezoning, could permit the construction of an approximately 5 story office, residential and/or institutional building and associated parking on the site.

Exhibit C & D Analysis

Staff examines consistency with the Comprehensive Plan, compatibility with the surrounding area, public benefits and detriments of the proposal, and summarizes any associated impacts of the proposal.

1. Consistency of the proposed rezoning with the Comprehensive Plan and any applicable City-adopted plan(s)

1.1 Future Land Use

The site is designated Central Business District on the Future Land Use Map. The Central Business District category “is intended to enhance Downtown Raleigh as a vibrant mixed use urban center. The category recognizes the area’s role as the heart of the city, supporting a mix of high-intensity office, retail, housing, government, institutional, visitor-serving, cultural, and entertainment uses.” The proposed rezoning is consistent with this designation.

1.2 Policy Guidance

Policy LU 8.12- Infill Compatibility

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

The requested heights and minimum setbacks are consistent with the site’s urban location. MP-1-06, as amended, places an open space and private street between the rezoning site and the adjacent historic district, and therefore provides a buffer between this larger scaled project and the lower scaled buildings along Blount Street. Massing cannot be specifically determined based on the master plan language, but a single building could potentially occupy the majority of the site. The administrative amendment to MP-1-06 dated 9/28/11 requires building articulation for building facades facing both Wilmington Street and Augustus Merrimon Way.

Policy DT 1.16- High Density Public Realm Amenities

High-density developments downtown should include public realm amenities, such as publicly-accessible open space, public art, seating areas, and water features that complement the building and its nearby uses.

The proposed rezoning site does not include any open space, aside from 12-14' sidewalks and 5' building setbacks. However, the broader amended master plan site includes required open spaces directly adjacent to this parcel. There are no requirements in the master plan for this parcel or the broader master plan for public art, seating areas or water features.

Policy DT 2.23- Wrapped Parking Preference-

Where underground or below-grade parking is not feasible, parking garages should be "wrapped" with active uses along the entire vertical frontage of buildings along the public right-of-way.

The proposed master plan includes an amendment dated 9/28/11 that requires that "any parking structure on Lot 2...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." Lot 2 referenced in the amendment language is the parcel being rezoned under Z-9-12.

Policy DT 7.4 Building Entries

The main entrance of new buildings should front onto a public street. Where buildings abut multiple streets and one of which is an axial street, the main entrance of the building should front onto the axial street. This policy also applies, where practicable, to existing buildings undergoing major renovations or rehabilitation.

Page 7 of the proposed master plan states: "(4) For Blocks 2 and 4, a minimum of three (3) entry points shall be provided to Wilmington Street from buildings fronting Wilmington Street to enhance the street level activity and break-up the building mass." This language is cumulative, meaning that the required entry points need not be provided on block 2 (the subject property) so long as 3 entry points are provided on block 4. The site being rezoned also has frontage along Polk Street. The master plan does not require any building entries, main or otherwise, along Polk or Wilmington Street.

Policy DT 7.5 Ground Level Design

The ground level of every building should engage the pedestrian with multiple entrances, large transparent windows at the pedestrian level, creative signage, and a high level of articulation and pedestrian scale building materials on all façades. Also, the ground level of every building should provide pedestrian amenities such as adequate lighting levels and protection from the elements. This can be accomplished through the use of façade-mounted lighting elements, canopies and awnings, and arcades.

Page 7 of the proposed master plan states: "(1) No EIFS shall be used on the ground floor of any building located along Wilmington Street." Page 26 of the proposed master plan, titled "Unifying Elements for the Blount Street Master Plan" references design guideline premises, however these design guidelines are no longer adopted City design guidelines as they were superseded by the adoption of the 2030 Comprehensive Plan. The master plan amendment dated 9/28/11 requires building articulation in the form of building footprint variation, and at least 2 of the following every 75 feet: projecting bays, balconies, changes in building materials. However this amendment does not specifically address ground level design. As such the proposed rezoning does not fully meet this Policy.

Policy DT 7.19 Downtown Design Guideline Consistency

Development projects in the downtown should implement and be consistent with the design guidelines in Table DT-1 to the maximum extent practicable.

#	Guideline
Parking, Loading, Service and Mechanical	
1	Fayetteville Street should be free of service elements including loading docks, mechanical equipment and driveways. Applicant Response: This guideline is not applicable.
2	Loading or service entrances should be embedded within the block where possible. If embedding the loading dock is not possible, the loading dock should be located to the side or rear of a building. The width should be minimized and doors or gates should shield the loading docks from view. Roll down gates should be decorative if facing the public realm. Applicant Response: Section 7.A.(3) of the master plan requires that loading and service areas be screened from public view, and any site plan will comply with this provision.
3	Surface and structured parking should be landscaped, emphasizing interior tree canopies in surface lots, formal borders and street trees to reinforce the streetwall. Applicant Response: Section 7.A.(2) of the master plan requires parking structures to be screened from public view and the public right-of-way using architectural design elements. Also, the master plan amendment approved on September 28, 2011 requires any parking structure located on the property to be fully wrapped, which will screen the structure from view.
4	Mechanical equipment, satellite or microwave dishes, elevator penthouses, and other utilitarian equipment should be screened from view by a structure that complements the design of the building through the use of similar materials, colors, finishes, and architectural details. Views from buildings above should also be considered when designing rooftop mechanical equipment. Applicant Response: This design guideline can be better addressed at the site plan approval stage.
5	The widths of all curb cuts at parking deck entrances should be minimized, and design techniques such as lane splits should be used within the deck to encourage consolidated single exit or entrance lanes at the street side and / or columns between lanes to reduce the perceived size of the openings while maintaining adequate ingress and egress capacity to provide efficient operations and meeting air quality conformity. Applicant Response: This design guideline can be better addressed at the site plan approval stage.
Ground Floor, Building Base and Pedestrian Zone	
6	Building entries should be emphasized with architectural features, changes in roofline, different massing, or unique materials. Applicant Response: This design guideline can be better addressed at the site plan approval stage.
7	The primary pedestrian building entrances should be located along the store front. For buildings that front on 3 streets, the primary pedestrian entrances should be located on the axial street or the corner if the building is located at an intersection. Applicant Response: Section 7.A.(4) of the master plan requires a minimum number of building entry points along Wilmington Street.

#	Guideline
8	<p>Building entries should be at grade.</p> <p>Applicant Response: It is anticipated that building entry points will occur at-grade, with the possible exception for stoops related to individual residential units. This design guideline can be better addressed at the site plan approval stage.</p>
9	<p>The level of architectural detail should be most intense at street level, within view of pedestrians on the sidewalk.</p> <p>Applicant Response: This design guideline can be better addressed at the site plan approval stage.</p>
10	<p>The use of solid roll-down security gates is discouraged.</p> <p>Applicant Response: The applicant does not anticipate the use of solid roll-down security gates, but this design guideline can be better addressed at the site plan approval stage.</p>
11	<p>Facades should be broken into distinct 20-30 foot modules or bays from side to side to prevent a monolithic edge to the street.</p> <p>Applicant Response: The amendment to the master plan approved on September 28, 2011 requires a number of façade treatments, including building movement of at least 2' in depth at least twice along each façade, and at least two building articulation measures every 75' along each façade.</p>
12	<p>Large unarticulated walls are discouraged, and should have a window or functional public access at least every 10 feet.</p> <p>Applicant Response: See above response to Guideline 11.</p>
13	<p>The articulation of the façade should be designed to appear more vertical than horizontal.</p> <p>Applicant Response: See above response to Guideline 11.</p>
14	<p>Entries that provide access to a building's upper floors should be located along a street to promote street life. They should be designed as separate entries, and distinguished from ground level spaces with different architectural details, materials, colors, lighting, signage, and / or paving so that it is clear which entries are public and which are private.</p> <p>Applicant Response: This design guideline can be better addressed at the site plan approval stage.</p>
15	<p>Recessed entries are encouraged. They should be no wider than one-third of the width of the storefront or 20 feet, whichever is less. Recessed entries should be a minimum of 4 feet deep, except where necessary to meet fire code.</p> <p>Applicant Response: This design guideline can be better addressed at the site plan approval stage.</p>
16	<p>A minimum of 2/3 of the first story facade should be windows. Of the total amount of glass on the first floor façade, a minimum of 85% must be transparent. Tinted or reflective glass is discouraged. First story windows should be located a maximum of three (3) feet above the adjacent sidewalk</p> <p>Applicant Response: This design guideline can be better addressed at the site plan approval stage.</p>
17	<p>Windows should be used to display products and services and maximize visibility into storefronts. Windows should not be obscured with elements that prevent pedestrians from seeing inside.</p> <p>Applicant Response: This design guideline is not applicable because the proposed use is not commercial in nature.</p>

#	Guideline
18	The first story floor-to-floor height of any new building on Fayetteville Street should be a minimum of twenty (20) feet. Applicant Response: This guideline is not applicable.
19	If ceilings must be lowered below the height of ground level windows, provide an interior, full-height, three (3) foot minimum deep space immediately adjacent to the window before the drop in the ceiling. Applicant Response: This design guideline is not applicable because it is not anticipated that the ceilings will be lowered below the height of the ground level windows.
20	The use of deep awnings and canopies on the first story is recommended to help mitigate wind, reduce glare, and shade ground level spaces. Applicant Response: This design guideline can be better addressed at the site plan approval stage.
21	Arcades, colonnades, and galleries are discouraged within the public right of way. Applicant Response: This guideline is not applicable.
22	Stairs and stoops in the public right-of-way are discouraged along Fayetteville St in order to make entries more accessible. Applicant Response: This guideline is not applicable.
23	Outdoor ground plane that abuts or is adjacent to the public right-of-way should be paved with terrazzo, concrete pavers, concrete, stone, brick, tile, or another high quality hardscape material. Asphalt and loose paving materials such as gravel are discouraged. The paving design and materials should complement the building or storefront architecture. Applicant Response: This design guideline can be better addressed at the site plan approval stage. However, the portions of sidewalks that will be traversed for building entry will incorporate textured pavers per the recent master plan amendment.
24	In larger courtyard style spaces, visible from the public right of way, use groundcovers, shrubs, and flowers to accent and fill blank areas with interest. Minimize the use of bare mulch and rocks. Areas of bare earth are discouraged. Applicant Response: This design guideline can be better addressed at the site plan approval stage.
Building Form	
25	Walls of buildings should parallel the orientation of the street grid. Applicant Response: Given the size, shape and location of the property, the walls of the building will likely parallel Wilmington Street and Polk Street.
26	Towers or high rise buildings should have three zones: a streetwall or base zone, a tower transition zone and a tower top zone. Cornices should be considered to separate base zone from tower transition zone. Applicant Response: This guideline is not applicable because the allowed height is only 62 feet.
27	Distance between towers on different blocks should be a minimum of 100 feet to ensure access to light and air. Applicant Response: This guideline is not applicable.

#	Guideline
28	Public art, performance facilities and/or civic monuments should be an integral part of any building plan. Applicant Response: This design guideline can be better addressed at the site plan approval stage, but any such features will likely be addressed elsewhere in the master plan area.
29	Fences, railings, and walls are discouraged except to screen surface parking lots and unimproved lots, to protect pedestrians from grade changes, and to delineate a private courtyard. Fences are preferred over walls except where designed to hold grade. Applicant Response: This guideline is not applicable because the future development will likely include structured instead of surface parking.
30	Fences should be a minimum of 36 inches and a maximum of 42 inches tall and a minimum of 70 percent open. Railings should be 42 inches tall. Solid walls should be a minimum of 18 inches and a maximum of 32 inches tall. Applicant Response: This guideline is not applicable.
31	Fences, railings, and walls should be designed to complement the adjacent architecture through the use of similar materials, colors, finishes, and architectural details. Applicant Response: This guideline is not applicable.
32	Designs should be contextual to adjacent buildings, including their cornice lines and horizontal banding. Applicant Response: This design guideline can be better addressed at the site plan approval stage.
33	Innovative design and unusual lighting of the exterior of the building is important to emphasize the monumentality of government buildings. Applicant Response: This guideline is not applicable.
34	The principal building entrance should be easily identified by building features and landscape elements; additional public entrances should be provided at every street face. Applicant Response: This design guideline can be better addressed at the site plan approval stage.
35	Building materials should be of stone, brick, or similar durable, high quality materials. Building form, articulation and materials should respect and be sympathetic to the major governmental and institutional buildings in the area. Applicant Response: Section 7.A.(1) prohibits EIFS along the ground floor of any building along Wilmington Street. This design guideline can be better addressed at the site plan approval stage.
36	Preferred materials (other than glass) include metal, brick, stone, concrete, plaster, and wood trim and discouraged materials include vinyl siding, pressed wood siding, and exterior insulated finishing systems (EIFS). Applicant Response: See above response to Guideline 35.
37	Materials covering original architectural features of historic or architecturally significant buildings are discouraged. Applicant Response: This guideline is not applicable.

#	Guideline
38	A minimum of 35 percent of each upper story should be windows. Applicant Response: This design guideline can be better addressed at the site plan approval stage.
39	Building corners that face an intersection should strive for a distinctive form and high level or articulation. Applicant Response: This design guideline can be better addressed at the site plan approval stage.
40	Buildings may step back further at intersections in order to articulate the corners. Applicant Response: This design guideline can be better addressed at the site plan approval stage.
41	Buildings downtown and in Pedestrian Business Overlays should have setbacks and articulated facades to mitigate wind effects and increase light and air. Buildings should step back 10 to 15 feet at the 60-foot point above the ground on a wide street and 15 feet on a narrow street. A wide street is 75 feet in width or more, and a narrow street is less than 75 feet in width. Applicant Response: The building located on the property will have articulated facades facing Wilmington Street and Polk Street, and such building will have a maximum height of 62 feet. The building will be setback from the right-of-way by five feet.
42	Flat roof buildings should have decorative parapets with elements such as detailed cornices, corbeling, applied medallions or other similar architectural treatments. Applicant Response: This design guideline can be better addressed at the site plan approval stage.
Signage	
43	Signage should be compatible in scale, style, and composition with the building or storefront design as a whole. Applicant Response: The proposed use on the property is residential, and therefore the allowable signage is limited in scale. This design guideline can be better addressed at the site plan approval stage.
44	Diverse graphic solutions are encouraged to help create the sense of uniqueness and discovery found in an urban, mixed-use environment. Applicant Response: This design guideline can be better addressed at the site plan approval stage.
45	All mechanical and electrical mechanisms should be concealed. Applicant Response: This design guideline can be better addressed at the site plan approval stage.
46	Signs should not obscure a building's important architectural features, particularly in the case of historic buildings. Applicant Response: This design guideline can be better addressed at the site plan approval stage.
47	Signs should be constructed with durable materials and quality manufacturing. Applicant Response: This design guideline can be better addressed at the site plan approval stage.

#	Guideline
48	Sign bands above transom and on awnings are preferred signage locations. Applicant Response: This design guideline can be better addressed at the site plan approval stage.
49	Only the business name, street address, building name and logo should be on an awning or canopy. The lettering should not exceed 40% of the awning area. Applicant Response: This design guideline can be better addressed at the site plan approval stage.
50	Illuminated signs should avoid the colors red, yellow, and green when adjacent to a light controlled vehicular intersection. Applicant Response: This design guideline can be better addressed at the site plan approval stage.
51	Allowed sign types: channel letter signs, silhouette signs (reverse channel), individualized letter signs, projecting signs, canopy / marquee signs, logo signs, awning signs, interior window signs. Applicant Response: This design guideline can be better addressed at the site plan approval stage.
52	Discouraged sign types: signs constructed of paper, cardboard, styrofoam type materials, formed plastic, injected molded plastic, or other such materials that do not provide a sense of permanence or quality; signs attached with suction cups or tape; signs constructed of luminous vacuum formed plastic letters; signs with smoke emitting components. Changeable copy signs are prohibited. Applicant Response: This design guideline can be better addressed at the site plan approval stage.

The applicant has stated that many of the design guidelines can “be better addressed at the site plan approval stage.” Design guideline consistency can not be addressed at site plan approval stage due to the administrative nature of the site plan review; the design guidelines are contained in the comprehensive plan, which is only used during the review of site plans that are reviewed by the Planning Commission and/or City Council. The proposed rezoning should include conditions or master plan language that address screening of utilities and mechanical equipment, maximum curb cut widths, screening of service and loading docks, and ground floor transparency/entrances/design. This language should be written in a manner that is clear and enforceable through the administrative site plan approval process.

1.3 Area Plan Guidance

There are no area plans applicable to this site.

2. Compatibility of the proposed rezoning with the property and surrounding area

The proposed rezoning is generally consistent with the scale and building placement of the surrounding area, particularly the large office and government structures located to the west of the site. The site being rezoned is directly adjacent to the Blount Street Historic Overlay District, which is characterized by large historic homes. While the proposed scale of building is not necessarily compatible with the adjacent historic homes, architectural design features could mitigate this difference in scale. As such, the

proposed rezoning should include conditions or master plan language that ensures design compatibility between the character of the adjacent historic homes and a larger, taller multi-family or office structure.

3. Public benefits of the proposed rezoning

The proposed rezoning would permit the development of an underutilized site in the downtown area, and would allow for the construction of a multi-family, office, or mixed use structure in a pedestrian-friendly mixed use environment that is well-served by transit.

4. Detriments of the proposed rezoning

The proposed rezoning does not contain sufficient regulation of building design to ensure that development will be pedestrian friendly, compatible with the adjacent historic district, and screen service, utility, and parking components.

5. The impact on public services, facilities, infrastructure, fire and safety, parks and recreation, etc.

5.1 Transportation

<u>Primary Streets</u>	<u>Classification</u>	<u>2009 NCDOT Traffic Volume (ADT)</u>	<u>2035 Traffic Volume Forecast (CAMPO)</u>			
Peace Street	Major Thoroughfare	18,000	30,600			
Wilmington Street	Minor Thoroughfare	6,700	10,080			
Polk Street	Commercial	N/A	N/A			
<u>Street Conditions</u>						
<u>Peace Street</u>	<u>Lanes</u>	<u>Street Width</u>	<u>Curb and Gutter</u>	<u>Right-of-Way</u>	<u>Sidewalks</u>	<u>Bicycle Accommodations</u>
Existing	4	37'	Back-to-back curb and gutter section	70'	5' sidewalks on both sides	None
City Standard	4	65'	Back-to-back curb and gutter section	90'	minimum 14' sidewalks on both sides	Striped bicycle lanes on both sides
Meets City Standard?	YES	NO	YES	NO	NO	NO
<u>Wilmington Street</u>	<u>Lanes</u>	<u>Street Width</u>	<u>Curb and Gutter</u>	<u>Right-of-Way</u>	<u>Sidewalks</u>	<u>Bicycle Accommodations</u>
Existing	3	41'	Back-to-back curb and gutter section	70'	9' sidewalks on both sides	Striped bicycle lane on one side
City Standard	3	53'	Back-to-back curb and gutter section	80'	minimum 14' sidewalks on both sides	Striped bicycle lane on one side
Meets City Standard?	YES	NO	YES	NO	NO	YES
<u>Polk Street</u>	<u>Lanes</u>	<u>Street Width</u>	<u>Curb and Gutter</u>	<u>Right-of-Way</u>	<u>Sidewalks</u>	<u>Bicycle Accommodations</u>

Existing	2	38'	Back-to-back curb and gutter section	70'	5' sidewalks on both sides	None
City Standard	2	41'	Back-to-back curb and gutter section	60'	minimum 14' sidewalks on both sides	N/A
Meets City Standard?	YES	NO	YES	YES	NO	N/A
Expected Traffic Generation [vph]	<u>Current Zoning</u>	<u>Proposed Zoning</u>	<u>Differential</u>			
AM PEAK	N/A	N/A	N/A			
PM PEAK	N/A	N/A	N/A			
Suggested Conditions/ Impact Mitigation:			Traffic Study Determination: A traffic impact analysis (TIA) is recommended for Z-19-11 but may be submitted in conjunction with the master amendment for MP-1-06 granted that the TIA submitted with that the master plan amendment covers the parcels included in this rezoning petition.			
Additional Information:	City of Raleigh has a planned major streetscape improvement project along Blount Street and Person Street in the vicinity of this case.					

Impact Identified: Traffic Impact Analysis Report Recommended, and can be addressed through a TIA for the Blount Street PDD Master Plan amendment case that is currently under staff review.

5.2 Transit

There is an existing bus stop on the east side of Wilmington Street.

Impact Identified:

1. Please provide a 15x20' transit easement on Wilmington/Polk at the site of the current bus stop.
2. Please install an ADA compliant shelter on the transit easement.

5.3 Hydrology

<i>Floodplain</i>	None.
<i>Drainage Basin</i>	Pigeon House
<i>Stormwater Management</i>	Subject to Part 10, Chapter 9
<i>Overlay District</i>	None.

Impact Identified: none.

5.4 Public Utilities

	<i>Maximum Demand (current)</i>	<i>Maximum Demand (proposed)</i>
<i>Water</i>	224 units	224 units
<i>Waste Water</i>	224 units	224 units

There is insufficient information provided to determine any current or proposed flows generated by the rezoning. Sanitary sewer and water mains are available in Peace, Wilmington, and Polk Streets. The proposed rezoning does not change the number of residential units allowed on the site; as such, the impact on public utilities remains unchanged. Staff has noted and communicated with the applicant’s engineers that there are likely utility capacity issues in the area that may impact the development of the site as currently approved and as contemplated in this rezoning.

5.5 Parks and Recreation

1. The subject tract is not adjacent to any greenway corridors
2. There are no park search areas in this area.

Impact Identified: None

5.6 Urban Forestry

Tree Conservation not required due to lot size.

Impact Identified: None.

5.7 Wake County Public Schools

School name	Current Enrollment	Current Capacity	Future Enrollment	Future Capacity
Conn	629	117.4%	629	117.4%
Daniels	1,162	101.5%	1,162	101.5%
Broughton	2,174	106.3%	2,174	106.3%

Impact Identified: None.

5.8 Designated Historic Resources

The site is located adjacent to the Blount Street Historic Overlay District.

Impact Identified: The proposed rezoning would allow a structure substantially larger in scale than those in the adjacent Blount Street Historic Overlay District. The applicant should consider the addition of conditions or master plan language that addresses compatibility of architectural details, materials, and design elements and form to mitigate scale and screening parking and service uses.

5.9 Community Development

The site is not located in a redevelopment plan area.

Impact Identified: None

5.10 Impacts Summary

The proposed rezoning does not provide transit facilities for the existing transit stop on site, and may potentially impact traffic in the project area, as well as public utilities. The application does not provide sufficient information to determine the extent of the impact on public utilities, however preliminary visual surveys indicate that the utilities in the downtown area are undersized and outdated for the scale of multi-family development that is currently allowed on the site. Additionally, the rezoning does not contain sufficient regulation of building design and form to ensure that there will not be a visual impact on the adjacent historic district.

5.11 Mitigation of Impacts

- Provision of a transit easement and shelter
- Conditions to address transition to adjacent Historic Overlay District

6. Appearance Commission

The Raleigh Appearance Commission reviewed rezoning proposal Z-9-12 on December 8, 2011.

At the meeting, representatives of the case offered an overview of the proposal, with discussion following. At the conclusion of commission's discussion, the commission moved by acclamation that the applicants consider amending their proposal to include the following additional provisions:

1. That, given the Master Plan's stated intent (Sec. 14, p. 16) to comply with the Downtown Urban Design Guidelines of the City of Raleigh Comprehensive Plan, the proposal specifically address and demonstrate compliance with the following guidelines regarding "Building Form":

32. Designs should be contextual to adjacent buildings, including their cornice lines and horizontal banding.

It is the commission's strong recommendation that the proposal's design responses under this guideline clearly demonstrate design consistency and sensitivity to the historic properties immediately adjacent on Blount Street to the east of the site, rather than emulate the monolithic State buildings lining N. Wilmington Street to the west.

36. Preferred materials (other than glass) include metal, brick, stone, concrete, plaster, and FG wood trim; discouraged materials include vinyl siding, pressed wood siding, and exterior insulated finishing systems (EIFS).

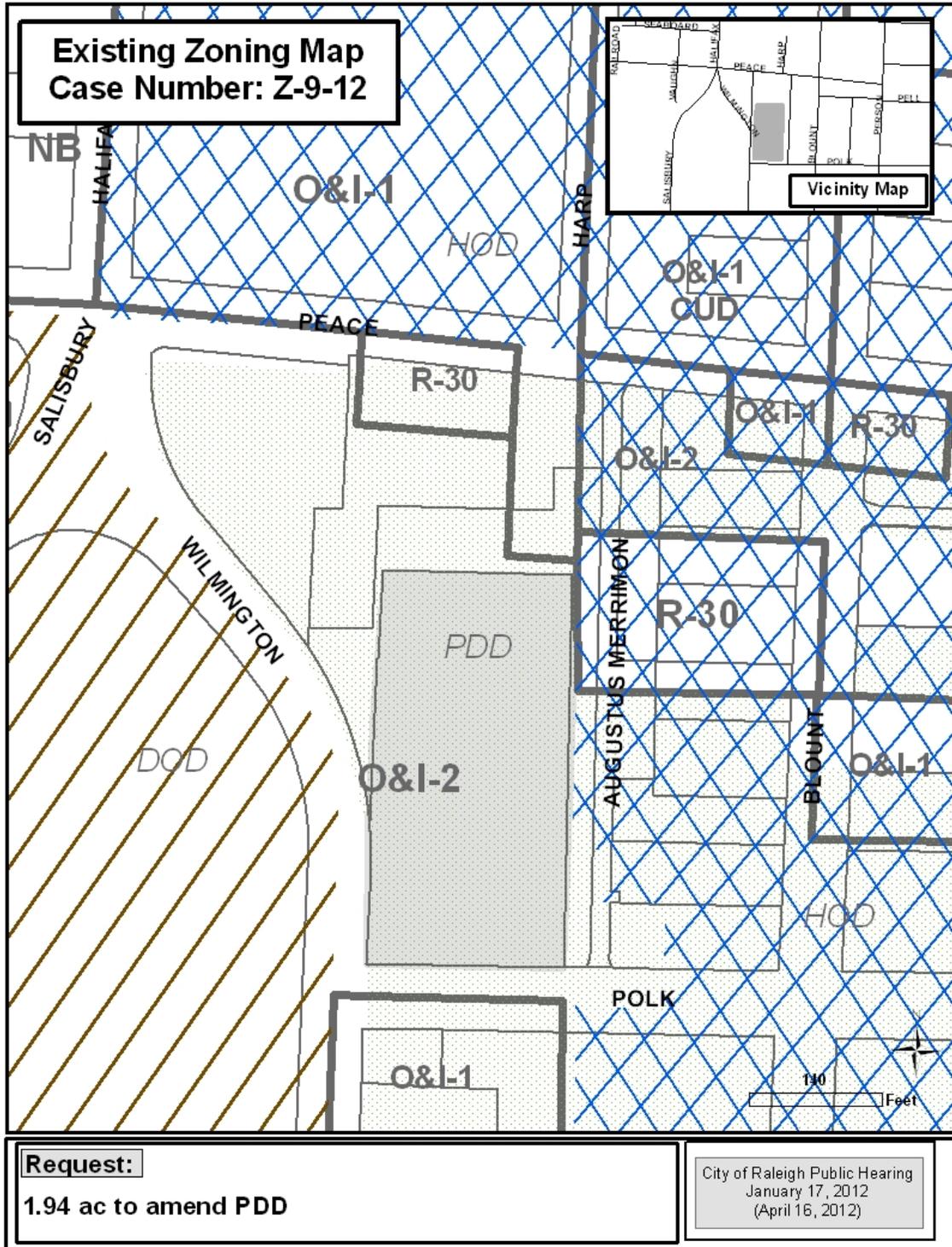
The commission recommends that "cementitious materials" be added to those discouraged on site, as better guarantor of design quality.

2. That, given the visual impact and potential design incongruity that exposed parking deck exteriors could pose within the subject site, the provision titled "Screening of Parking Structure" in the September 28, 2011 letter from Alan H. Peterson (K+L Gates) to Mitchell Silver (Raleigh Planning & Development Department), be amended to state that any parking deck on site will be fully wrapped with habitable space (except for garage entrances and service areas), and that the deck's facades exhibit similar architectural articulation and materials as the rest of the building(s).

7. Conclusions

The proposed rezoning is generally consistent with the Comprehensive Plan and Future Land Use Map, though additional language that ensures site plan consistency with the Downtown Urban Design Guidelines is warranted. The proposed rezoning has potential impacts on area traffic, transit facilities, and public utilities. These impacts can be addressed through the addition of conditions or master plan language that requires the provision of a transit easement and shelter and a commitment to address any public utility insufficiencies and traffic issues created by the development allowed under the proposed rezoning prior to building permit issuance. The applicant should also consider adding language that addresses contextual building design as the property is adjacent to a local historic district.

Existing Zoning Map





RALEIGH APPEARANCE COMMISSION

Planning Department • PO Box 590 • Raleigh, North Carolina 27602

MEMORANDUM

TO: City Council
FROM: Raleigh Appearance Commission
RE: **Rezoning case Z-9-12** (Blount Street Lot 2 - amended)
DATE: December 14, 2011
CC: Mitchell Silver, Travis Crane, Elizabeth Alley, Meade Bradshaw

As per the provisions of North Carolina General Statutes §160A-452 and City of Raleigh Code of Ordinances §10-1021, on December 8, 2011 the Raleigh Appearance Commission reviewed rezoning proposal Z-9-12.

At the meeting, representatives of the case offered an overview of the proposal, with discussion following. At the conclusion of commission's discussion, the commission moved by acclamation that the applicants consider amending their proposal to include the following additional provisions:

1. That, given the Master Plan's stated intent (Sec. 14, p. 16) to comply with the Downtown Urban Design Guidelines of the City of Raleigh Comprehensive Plan, the proposal specifically address and demonstrate compliance with the following guidelines regarding "Building Form":

32. Designs should be contextual to adjacent buildings, including their cornice lines and horizontal banding.

It is the commission's strong recommendation that the proposal's design responses under this guideline clearly demonstrate design consistency and sensitivity to the historic properties immediately adjacent on Blount Street to the east of the site, rather than emulate the monolithic State buildings lining N. Wilmington Street to the west.

36. Preferred materials (other than glass) include metal, brick, stone, concrete, plaster, and FG wood trim; discouraged materials include vinyl siding, pressed wood siding, and exterior insulated finishing systems (EIFS).

The commission recommends that "cementitious materials" be added to those discouraged on site, as better guarantor of design quality.

2. That, given the visual impact and potential design incongruity that exposed parking deck exteriors could pose within the subject site, the provision titled "Screening of Parking Structure" in the September 28, 2011 letter from Alan H. Peterson (K+L Gates) to Mitchell Silver (Raleigh Planning & Development Department), be amended to state that any parking deck on site will be fully wrapped with habitable space (except for garage entrances and

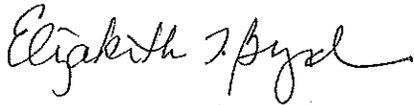
service areas), and that the deck's facades exhibit similar architectural articulation and materials as the rest of the building(s).

We thank you for the opportunity to review the proposal, and provide these comments.

For the Raleigh Appearance Commission,

A handwritten signature in black ink, appearing to read 'Ted Van Dyk', with a long horizontal flourish extending to the right.

Ted Van Dyk, Chair

A handwritten signature in black ink, appearing to read 'Elizabeth Byrd', with a long horizontal flourish extending to the right.

Elizabeth Byrd, Vice-Chair

Z-9-12
MP-3-11



Petition to Amend the Official Zoning Map

Before the City Council of the City of Raleigh, North Carolina

The following items are required with the submittal of rezoning petition. For additional information on these submittal requirements, see the *Filing Instructions* addendum.

Rezoning Application Submittal Package Checklist

Completed Rezoning Application which includes the following sections:

- Signatory Page
- Exhibit B
- Exhibit C (only for Conditional Use filing)
- Exhibit D
- Map showing adjacent property owner names with PIN's

Application Fee

- \$532 for General Use Cases
- \$1064 for Conditional Use Cases
- \$2659 for PDD Master Plans

Neighborhood Meeting Report (only for Conditional Use filing)

Receipt/ Verification for Meeting Notification Mail out

Traffic Impact Generation Report OR written waiver of trip generation from Raleigh Transportation Services Division

(General Use ONLY) if applicant is not the petitioner must provide proof of notification to the adjacent property owners per G.S. 160A-384

CITY OF RALEIGH
CITY PLANNING DEPT
2011 OCT 21 AM 11:44



Petition to Amend the Official Zoning Map

Before the City Council of the City of Raleigh, North Carolina

2-9-12
MP-3-11
Pd 2702. m by
C/C # 1160170

The petitioner seeks to show the following:

1. That, for the purposes of promoting health, morals, or the general welfare, the zoning classification of the property described herein must be changed.
2. That the following circumstance(s) exist(s):
 - City Council has erred in establishing the current zoning classification of the property by disregarding one or a combination of the fundamental principles of zoning as set forth in the enabling legislation, North Carolina General Statutes Section 160A-381 and 160A-383.
 - Circumstances have so changed since the property was last zoned that its current zoning classification could not properly be applied to it now were it being zoned for the first time.
 - The property has not heretofore been subject to the zoning regulations of the City of Raleigh.
3. That the requested zoning change is or will be consistent with the Raleigh Comprehensive Plan.
4. That the fundamental purposes of zoning as set forth in the N.C. enabling legislation would be best served by changing the zoning classification of the property. Among the fundamental purposes of zoning are:
 - a. to lessen congestion in the streets;
 - b. to provide adequate light and air;
 - c. to prevent the overcrowding of land;
 - d. to facilitate the adequate provision of transportation, water, sewerage, schools, parks, and other public requirements;
 - e. to regulate in accordance with a comprehensive plan;
 - f. to avoid spot zoning; and
 - g. to regulate with reasonable consideration to the character of the district, the suitability of the land for particular uses, the conservation of the value of buildings within the district and the encouragement of the most appropriate use of the land throughout the City.

THEREFORE, petitioner requests that the Official Zoning map be amended to change the zoning classification of the property as proposed in this submittal, and for such other action as may be deemed appropriate. All property owners must sign below for conditional use requests.

ALL CONDITIONAL PAGES MUST BE SIGNED BY ALL PROPERTY OWNERS

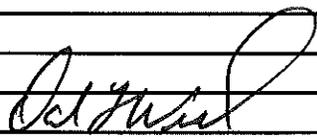
Signature(s)	Print Name	Date
	David Welch, on behalf of LNR Blount Street LLC	10/11/2011
	David Welch, on behalf of Blount Street Commons Master Property Association, Inc.	10/11/2011

EXHIBIT B. Request for Zoning Change

Please use this form only – form may be photocopied. Please type or print. See instructions in *Filing Addendum*

Contact Information

	Name(s)	Address	Telephone/Email
Petitioner(s) (for conditional use requests, petitioners must own petitioned property)	LNR Blount Street LLC	c/o LNR Property Corp. 1601 Washington Ave., Suite 800 Miami, FL 33139	
Property Owner(s)	Same as above		
Contact Person(s)	Alan Peterson and Michael Birch	4350 Lassiter at North Hills Ave., Suite 300 Raleigh, NC 27609	alan.peterson@klgates.com (919) 743-7301 michael.birch@klgates.com (919) 743-7314

Property information

Property Description (Wake County PIN)	1704-71-5465 (Lot 2 on BM2011, PG1155)
Nearest Major Intersection	Wilmington Street and Polk Street
Area of Subject Property (in acres)	+/- 1.94 acres
Current Zoning Districts (include all overlay districts)	Office & Institution-2, with a Planned Development Conditional Use Overlay District
Requested Zoning Districts (include all overlay districts)	Maintain current underlying zoning districts (O&I-2), and maintain the PDCUOD, but amend the master plan

EXHIBIT B. Request for Zoning Change

Please use this form only – form may be photocopied. Please type or print. See instructions in *Filing Addendum*

The following are all of the persons, firms, property owners, associations, corporations, entities or governments owning property adjacent to and within one hundred feet (excluding right-of-way) of the property sought to be rezoned. Please include Wake County PINs with names, addresses and zip codes. Indicate if property is owned by a condominium property owners association. Please complete ownership information in the boxes below. If you need additional space, please copy this form.

Name	Street Address	City/State/Zip	Wake Co. PIN
State of North Carolina	State Property Office 116 W Jones St	Raleigh, NC 27603-1300	1704-71-1017
NC Chapter of the American Institute of Architects	115 W Morgan St	Raleigh, NC 27601-1335	1704-71-3739
State of North Carolina	State Property Office 116 W Jones St	Raleigh, NC 27603-1300	1704-71-6044
State of North Carolina	State Property Office 116 W Jones St	Raleigh, NC 27603-1300	1704-71-5048
State of North Carolina	State Property Office 116 W Jones St	Raleigh, NC 27603-1300	1704-71-4176
517 N Mercury Street LLC	1615 Oberlin Rd	Raleigh, NC 27608-2039	1704-71-8218
323 LLC	Attn: Mark Blankinship 1136 Harp St	Raleigh, NC 27604-1304	1704-71-8314
LNR Blount Street LLC	c/o LNR Property Corp Attn: Accounts Payable 4350 Von Karmen Ave Ste 200	Newport Beach, CA 92660-2041	1704-71-7514
LNR Blount Street LLC	c/o LNR Property Corp Attn: Accounts Payable 4350 Von Karmen Ave Ste 200	Newport Beach, CA 92660-2041	1704-71-8426
LNR Blount Street LLC	c/o LNR Property Corp Attn: Accounts Payable 4350 Von Karmen Ave Ste 200	Newport Beach, CA 92660-2041	1704-71-8523
LNR Blount Street LLC	c/o LNR Property Corp Attn: Accounts Payable 4350 Von Karmen Ave Ste 200	Newport Beach, CA 92660-2041	1704-71-8638
Holy Trinity Church of Raleigh Inc	879A Washington St	Raleigh, NC 27605-1255	1704-71-5738
Holy Trinity Church of Raleigh Inc	879A Washington St	Raleigh, NC 27605-1255	1704-71-7731
State of North Carolina	State Property Office 116 W Jones St	Raleigh, NC 27603-1300	1704-71-8621
Blount Street Commons Master Property Association, Inc.	c/o LNR Property Corp 4350 Von Karmen Ave Ste 200	Newport Beach, CA 92660-2041	1704-71-5649
Blount Street Commons Master Property Association, Inc.	c/o LNR Property Corp 4350 Von Karmen Ave Ste 200	Newport Beach, CA 92660-2041	1704-71-7490

2-9-12

EXHIBIT C. Request for Zoning Change

Please use this form only – form may be photocopied. Please type or print. See instructions in *Filing Addendum*

Conditional Use District requested: Planned Development Conditional Use Overlay District

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.

I acknowledge that these restrictions and conditions are offered voluntarily and with knowledge of the guidelines stated in the *Filing Addendum*. If additional space is needed, this form may be copied. Each page must be signed by all property owners.

ALL CONDITIONAL PAGES MUST BE SIGNED BY ALL PROPERTY OWNERS

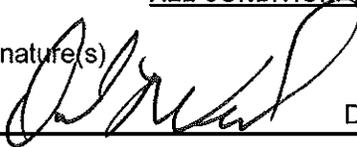
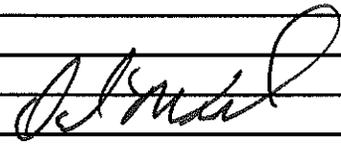
Signature(s)	Print Name	Date
	David Welch, on behalf of LNR Blount Street LLC	10/11/2011
	David Welch, on behalf of Blount Street Commons Master Property Association, Inc.	10/11/2011

EXHIBIT D. Request for Zoning Change

Please use this form only – form may be photocopied. Please type or print. See instructions in *Filing Addendum*

This section is reserved for the applicant to state factual information in support of the rezoning request.

Required items of discussion:

The Planning Department is instructed not to accept any application for amending the official zoning map without a statement prepared by the applicant analyzing the reasonableness of the rezoning request. This statement *shall* address the consistency of the proposed rezoning with the Comprehensive Plan and any other applicable City-adopted plan(s), the compatibility of the proposed rezoning with the *property* and surrounding area, and the benefits and detriments of the proposed rezoning for the landowner, the immediate neighbors and the surrounding community.

Recommended items of discussion (where applicable):

1. An error by the City Council in establishing the current zoning classification of the property.
2. How circumstances (land use and future development plans) have so changed since the property was last zoned that its current zoning classification could not properly be applied to it now were it being zoned for the first time.
3. The public need for additional land to be zoned to the classification requested.
4. The impact on public services, facilities, infrastructure, fire and safety, parks and recreation, topography, access to light and air, etc.

PETITIONER'S STATEMENT:

I. Consistency of the proposed map amendment with the Comprehensive Plan (www.raleighnc.gov).

- A. Please state the recommended land use(s) for this property as shown on the Future Land Use Map and discuss the consistency of the proposed land uses:**

The property is designated Central Business District on the Future Land Use Map. This category supports a mix of high-intensity uses, with residential density between 40 to 320 units per acre. The existing Master Plan, as amended, currently permits 224 units (49 units per acre) on the property, which is within this density range. Therefore, the proposed map amendment is consistent with the Central Business District land use recommendation.

- B. Please state whether the subject property is located within any Area Plan or other City Council-adopted plans and policies and discuss the policies applicable to future development within the plan(s) area.**

The property is not located in a small area plan. However, the subject property is located in Downtown as depicted in Element M of the 2030 Comprehensive Plan, and is located in a "transition area" shown on Map DT-3. Policy DT 1.3 "Underutilized Sites in Downtown", Policy DT 1.5 "Supporting Retail Growth", Policy DT 1.13 "Downtown Transition Areas" and Policy DT 1.15 "High Density Development" all encourage high density development compatible with adjacent development.

- C. Is the proposed map amendment consistent or inconsistent with the Comprehensive Plan and other City Council-adopted plans and policies? All references to Comprehensive Plan policies should include both the policy number (e.g. LU 4.5) and short title (e.g. "Connectivity").**

EXHIBIT D. Request for Zoning Change

Please use this form only – form may be photocopied. Please type or print. See instructions in *Filing Addendum*

The sole purpose of this rezoning request is to adjust the maximum height limitation applicable to the property in Block 2 west of the private street. Currently, as a result of a recent administrative amendment to the Master Plan, three height limitations apply to the recently reconfigured residential tract being rezoned by this petition. This rezoning proposes to apply a uniform maximum height limitation of 62 feet to this new residential tract. This proposed map amendment is consistent with the policies noted above because the uniform height limitation of 62 feet will permit residential density on the new tract consistent with the range of residential density recommended by the Central Business District classification. Moreover, the 62 feet height limit is consistent with the policies concerning transitions to adjacent uses given the height of the adjacent historic structures and the distance between the new residential tract and the historic homes.

II. Compatibility of the proposed map amendment with the property and the surrounding area.

A. Description of land uses within the surrounding area (residential housing types, parks, institutional uses, commercial uses, large parking lots, thoroughfares and collector streets, transit facilities):

West: Wilmington Street (minor thoroughfare) and office uses;
North: Peace Street (major thoroughfare) and institutional uses;
East: residential uses and vacant lots;
South: Polk Street, office uses and large surface parking lots.

B. Description of existing Zoning patterns (zoning districts including overlay districts) and existing built environment (densities, building heights, setbacks, tree cover, buffer yards):

West: Office & Institution-2 with the Downtown Overlay District, with building heights between 8 stories and 15 stories;
North: Office & Institution-1 with the Historic Overlay District, with 2-3 story institutional buildings;
East: Residential-30 and Office & Institution-2 with the Historic Overlay District and the Planned Development Conditional Use Overlay District; 3-4 story residential and commercial conversion uses;
South: Office & Institution-1 and Office & Institution-2 with an Historic Overlay District and a Planned Development Conditional Use Overlay District.

C. Explanation of how the proposed zoning map amendment is compatible with the suitability of the property for particular uses and the character of the surrounding area:

The proposed zoning map amendment seeks only to apply a uniform height limitation of 62 feet to the recently reconfigured residential tract. No other changes to the Master Plan are proposed with regard to the property. The property subject to the proposed rezoning is located at the corner of a major and a minor thoroughfare, across the street from mid- and high-rise office buildings. The proposed maximum height of 62 feet provides a transition from the taller office buildings to the historic structures to the east that are used for residential and commercial uses. The high density residential use permitted on the property is compatible with the surrounding office, commercial and residential uses.

III. Benefits and detriments of the proposed map amendment.

A. For the landowner(s):

The proposed map amendment will allow the landowner to develop the property for a residential structure with a uniform height that will accommodate five stories of residences.

EXHIBIT D. Request for Zoning Change

Please use this form only – form may be photocopied. Please type or print. See instructions in *Filing Addendum*

B. For the immediate neighbors:

The proposed map amendment will benefit the immediate neighbors by permitting the development of a structure that will accommodate the residential density currently permitted on the property and that will serve as a height transition between the taller office buildings to the west and the historic structures to the east.

C. For the surrounding community:

The map amendment will benefit the surrounding community by facilitating a high density residential development within the Blount Street redevelopment project, in close proximity to downtown and Seaboard Station.

IV. Does the rezoning of this property provide a significant benefit which is not available to the surrounding properties? Explain:

No, the rezoning of this property does not provide a significant benefit that is not available to surrounding properties. Property to the west is already developed with buildings significantly higher than the 62 feet proposed in this case, and property to the south is entitled for 75 feet in height. Moreover, the proposed 62 feet height limitation represents an overall reduction in height on a weighted basis for the recently reconfigured residential tract.

Explain why the characteristics of the subject property support the proposed map amendment as reasonable and in the public interest.

The subject property is located in Downtown, and the applicable Future Land Use Map recommendation and comprehensive plan policies encourage high density residential uses on the property. Also, the subject property is located along a minor thoroughfare with high-rise office buildings on the west side of Wilmington Street, which are about 8 stories and approximately 110 feet tall. The historic structures to the east are approximately 40 feet in height and are located approximately 100 feet away from the recently reconfigured residential tract. The subject property is currently entitled for a high-density residential use and much of the property is entitled for a maximum building height of 75 feet. The proposed 62 feet height limitation represents an overall reduction of building height on the recently reconfigured residential tract on a weighted basis. The location of the subject property, the characteristics of the surrounding property, and the property’s current entitlement support the proposed map amendment as reasonable and in the public interest.

V. Recommended items of discussion (where applicable).

- a. **An error by the City Council in establishing the current zoning classification of the property.**

Not applicable.

- b. **How circumstances (land use and future development plans) have so changed since the property was last zoned that its current zoning classification could not properly be applied to it now were it being zoned for the first time.**

Since the master plan was approved the residential tract in Block 2 on the west side of the private street has been reconfigured. As a result, three height limitations apply to the property. If being zoned for the

EXHIBIT D. Request for Zoning Change

Please use this form only – form may be photocopied. Please type or print. See instructions in *Filing Addendum*

first time, the recently reconfigured residential tract would not have three different heights applied to it. This rezoning request proposes to apply a uniform height limitation to the new tract.

- c. **The public need for additional land to be zoned to the classification requested.**

Not applicable.

- d. **The impact on public services, facilities, infrastructure, fire and safety, parks and recreation, topography, access to light and air, etc.**

Not applicable.

- e. **How the rezoning advances the fundamental purposes of zoning as set forth in the N.C. enabling legislation.**

The proposed rezoning advances the fundamental purposes of zoning, particularly to regulate in accordance with the comprehensive plan and to regulate with reasonable consideration to the character of the district and the suitability of the land for particular uses, by proposing a uniform height limitation that is consistent with the applicable comprehensive plan policies and that serves as a transition from the high-rise office buildings to the west and the historic structures to the east.

VI. **Other arguments on behalf of the map amendment requested.**

There are no other arguments on behalf of the map amendment at this time.

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 8, 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

TABLE OF CONTENTS

	Page
1. VICINITY MAP.....	1
2. SUMMARY INFORMATION	2
3. INTRODUCTION	3
4. LOCATION AND CONTEXT.....	4
5. THE DEVELOPMENT CONCEPT.....	4
6. LAND USES.....	5
A. Rifle Ranges	5
B. Stadium/Theater/ Amphitheater with more than 250 seats	5
C. Racetrack.....	5
D. Manufactured Housing.....	5
E. Correctional/ Penal Facility	5
F. Veterinary Hospital with Kennel/Cattery	6
G. Adult Establishment.....	6
H. Carwash Facility	6
I. Telecommunications Towers of any type.....	6
J. Eating Establishment with Drive Thru.....	6
K. Fraternity or Sorority House	6
L. Rooming House or Boarding House.....	6
M. Bar, Nightclub, Tavern or lounge (other than within a restaurant as defined in N.C.G.S. 18B-1001(6))	6
N. No Industrial uses as set forth in the schedule of permitted land uses in Code Section 10-2071.....	6
O. All Retail Sales-Highway as set forth in the schedule of permitted land uses in Code Section 10-2071.....	6
7. LAND USE DENSITY AND DESIGN CONTROLS	6
A. General Design Requirements	7
B. Blocks 1 and 2.....	7
C. Block 3	8
D. Block 4	9
E. Block 5	10
F. Block 6	10
8. TRANSPORTATION.....	11
A. Traffic Impact Analysis.....	11
B. Circulation Plan	12
9. PUBLIC UTILITIES.....	13
10. STORMWATER MANAGEMENT	13
11. ALLOCATION OF IMPERVIOUS AREA.....	13
12. OPEN SPACE AND TREE CONSERVATION	14
A. Open Space.	14
B. Tree Conservation.....	14
13. VEHICULAR PARKING	15
14. COMPLIANCE WITH THE DOWNTOWN URBAN DESIGN GUIDELINES	16

15.	SIGNS AND UNITY OF DEVELOPMENT	16
	A. Signage	16
	B. Unity of Development.....	16
16.	PHASING.....	17
17.	THOROUGHFARE ZONING DISTRICT AS DEFAULT AND IMPACT OF FUTURE CODE REVISIONS.....	17
18.	ALTERNATES REQUESTED PURSUANT TO CODE SECTION 10-2057 AND REQUIRED ENCROACHMENTS.....	18
	A. <u>Transitional Protective Yards</u>	18
	B. <u>Street Protective Yards</u>	18
	C. <u>Off-street Parking</u>	19
	D. <u>Open Space</u>	20
	E. <u>Exceptions to Group Housing Standards</u>	20
	F. <u>Street Widths</u>	21
	G. <u>Building Setbacks</u>	22
	H. <u>Maximum Land Area for Exclusively Retail Use</u>	22
19.	AMENDMENTS AND APPROVALS.....	23
	A. Property Owner Changes	23
	B. Administrative Changes	23
	C. Planning Commission Changes.....	24
	D. City Council Changes.....	25

EXHIBITS

- Building Heights Table
- Building Setbacks Table
- Letter From Kimley-Horn Dated September 21, 2006
- Exceptions to Group Housing Typical Illustration
- Blount Street Maximum Land Use Summary Table
- Allowable Building Heights Plan Sheet
- Plan Sheets MP-1 Through MP-13
- COA Document
- Unifying Elements for the Blount Street Master Plan

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 EIFIS 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 RDOT. 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). 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 - Wilmington</i>	30' (steps/stoops/awnings may extend into set backs but not over utility easements)
<i>Rear - Wilmington Extension</i>	5'
<i>Side - Peace</i>	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'

<i>Person Street</i>	
Commercial (Tract E):	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'

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.



Kimley-Horn
and Associates, Inc.

September 21, 2006

■
P.O. Box 33068
Raleigh, North Carolina
27636-3068

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

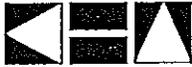
Dear Mr. Barbour:

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



Kimley-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

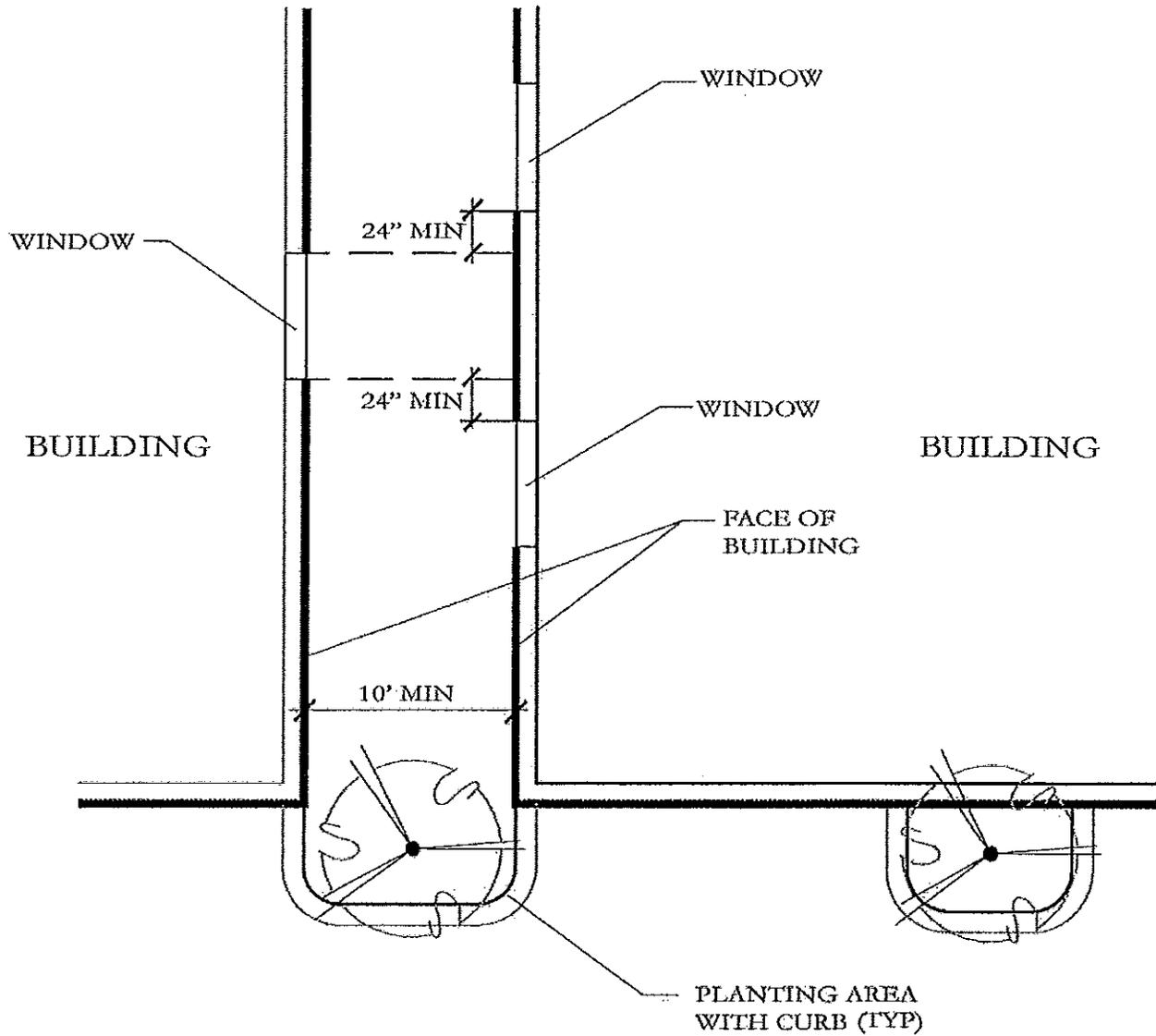
Table 1A North Blount Street Revitalization - Blocks 1 & 2 Parking Spaces Required						
Land Use	Units	Number	Raleigh City Code		Proposed Parking per Master Plan document	
			Spaces per Unit	Spaces Required	Spaces per Unit	Spaces Required
Residential 1 Bedroom	Units	43	1.5	65	1	43
Residential 2 Bedroom	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				488		317

h:\p\1012644001 - blount street pdd\traffic\parking 9-19-06\blount street shared parking 1-2.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	3.33		1		Development Requirements	
	000sf	20	000sf	40		
Land use	Office		Residential		Total by Hour	Parking Required
6am	2	4	119			
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	

h:\pni\012644001 - blount street pda\traffic\parking 9-19-06\blount street shared parking 1-2.xls\raleigh city code 12



Exceptions to Group Housing Development - Section 10-2103.B

When the opposing building walls are parallel to each other or oriented at an angle less than 45 degrees from each other, any building greater than 28 feet in height shall have a minimum building separation of 10 feet provided that the windows and outdoor living space areas are offset as shown in the illustration above.

NOT TO SCALE

PROJECT:
N. BLOUNT STREET REVITALIZATION

TITLE:
EXCEPTIONS TO GROUP HOUSING
TYPICAL ILLUSTRATION

EXHIBIT 1

Blount Street Maximum Land Use Summary Table

Location	Land Use	Open Space	Office Gross SF ¹	Commercial ³ Gross SF ¹	Residential Units ²	Gross Density/Block	Total Acreage Per Block ⁴
Block 1							0.89
Tract A (.89 Ac)	Office		20,000				
Block 2					179	31 DU/AC	5.87
Tract A (.97 Ac)	Residential						
Tract B (.71 Ac)	Open Space	1.04 Ac					
Tract C (.71 Ac)	Com./Resid.			40,000			
Tract D (.61 Ac)	Residential						
Tract E (.56 Ac)	Residential						
Tract F (1.02 Ac)	Residential						
Tract G (.66 Ac)	Residential						
Private Streets (.30 Ac)							
Block 3					120	26 DU/AC	4.7
Tract A (.76 Ac)	Residential						
Tract B (.33 Ac)	Residential						
Tract C (.33 Ac)	Residential						
Tract D (.19 Ac)	Residential						
Tract E (.51 Ac)	Com./Resid.			15,000			
Tract F (.55 Ac)	Residential						
Tract G (.87 Ac)	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 (.54 Ac)	Residential						
Tract C (.54 Ac)	Open Space	.73 Ac					
Tract D (.19 Ac)	Residential						
Tract E (.19 Ac)	Residential						
Tract F (.19 Ac)	Open Space	.06 Ac					
Tract G (.19 Ac)	Residential						
Tract H (1.28 Ac)	Open Space	.17 Ac					
Private Streets (.22 Ac)	Residential						
Block 5					29	8 DU/AC	3.6
Tract A (1.29 Ac)	Commercial			10,000			
Tract B (.47 Ac)	Residential						
Tract C (.45 Ac)	Residential						
Tract D (1.16 Ac)	Residential						
Private Streets (1.04 Ac)							
Block 6					6	4 DU/AC	1.62
Tract A (.55 Ac)	Commercial			10,000			
Tract B (1.07 Ac)	Residential						
Totals		2.74	20,000	90,000	495		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.

Notes

- 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.
- 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.
- 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.



City Of Raleigh
NORTH CAROLINA

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,

Stacy Barbour, AICP
Senior Planner

Enclosure

K&L|GATES

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

February 14, 2011

Alan H. Peterson
D 919.743.7301
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

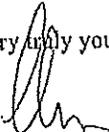
Dear Stacy:

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

RA-3029099 v2

K&L|GATES

Stacy Barbour
February 14, 2011
Page 2

Approved by:



Stacy Barbour
Department of City Planning

cc: David Welch

2011 SEP 28 AM 10:06

September 28, 2011

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

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 façade. 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).

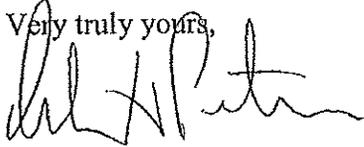
LNR is requesting the above changes to the Master Plan and committing to the above unity of development provisions as part of your approval of an exchange of open space, consistent with Exhibit A to this letter. It is our understanding that you have determined that the proposed reconfigured open space 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,

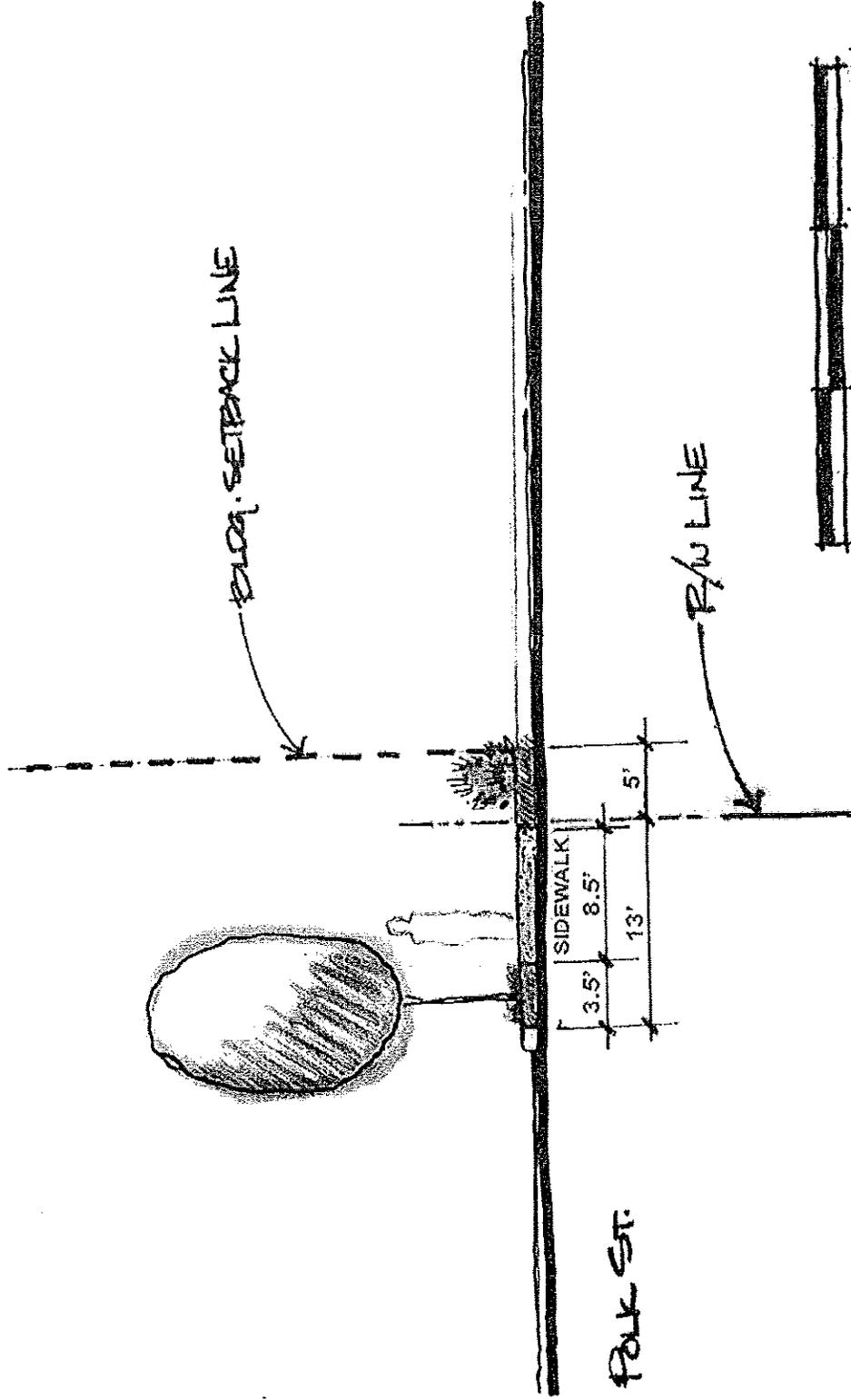


Alan H. Peterson

Approved by:

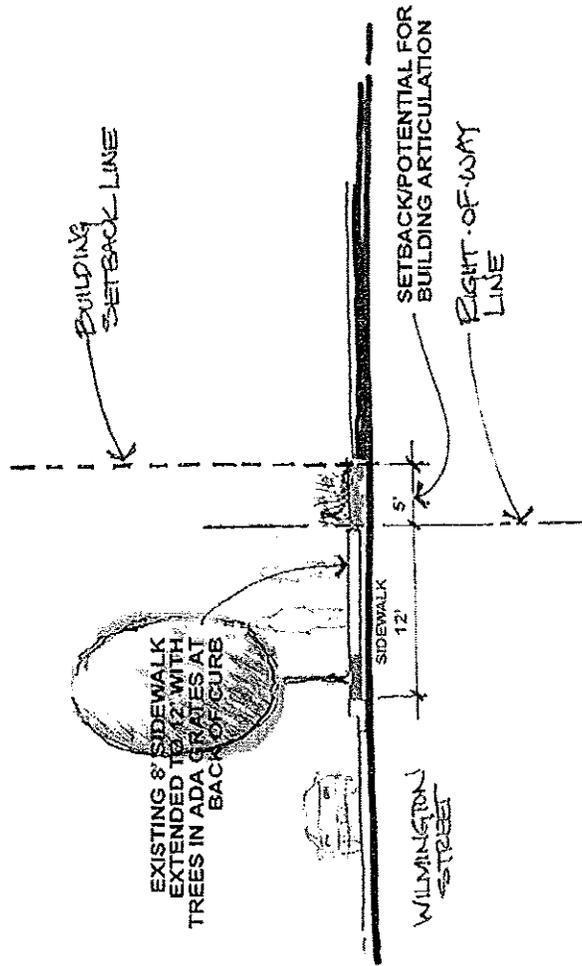
Mitchell Silver
by Stacy Barson 9/28/11

Mitchell Silver, Planning Director



POLK STREET SECTION - LOOKING WEST

REVISED 9/12/2011



EXISTING 8' SIDEWALK
EXTENDED TO 12' WITH
TREES IN ADA GRATES AT
BACK OF CURB

WILMINGTON
STREET

SECTION THRU WILMINGTON ST @ NARROWEST POINT
(LOOKING NORTH)

REVISED 9/12/2011



2-9-12
MP-3-11



Kimley-Horn
and Associates, Inc.

October 19, 2011

☒
P.O. Box 33068
Raleigh, North Carolina
27636

Mr. Eric Lamb, P.E.
City of Raleigh Public Works Department
One Exchange Plaza
219 Fayetteville Street, Suite 300
Raleigh, North Carolina 27601

Re: North Blount Street Rezoning
Raleigh, North Carolina

Dear Mr. Lamb:

Kimley-Horn and Associates, Inc. has reviewed the traffic generation potential for the proposed rezoning of the North Blount Street development. The property is currently zoned Planned Development Conditional Use Overlay District and is proposed to be rezoned to Planned Development Conditional Use Overlay District. No changes in land use type or intensity are proposed with this rezoning. The only change is to the allowable building height in Block 2 of the development. Currently, this property has maximum height limitations of 75', 50' and 45'. This is proposed to be changed to allow a building height of 62'.

Since there are no changes to the type or intensity of land uses associated with this rezoning, the trip generation potential of the development is not expected to change.

If you have any questions on this issue, please do not hesitate to contact me at (919) 653-2948.

Sincerely,

KIMLEY-HORN AND ASSOCIATES, INC.

Travis Fluitt, P.E.
Project Engineer

CC: Michael Birch, K&L Gates LLP



K:\ARDT_LDEF\012644000 Blount Street\Traffic\T5 - Report-Submittals\Rezoning Trip Gen Letter 10-19-11.doc

☒
TEL 919 677 2000
FAX 919 677 2050

ZONING CASE Z-__-12

REZONING OF PROPERTY CONSISTING OF +/- 4.59 ACRES LOCATED IN THE
NORTHEAST CORNER OF THE INTERSECTION OF WILMINGTON STREET AND POLK
STREET, IN THE CITY OF RALEIGH

REPORT OF MEETING WITH ADJACENT PROPERTY OWNERS
ON OCTOBER 11, 2011

Pursuant to applicable provisions of the City Code, a meeting was held with respect to a potential rezoning with adjacent property owners on Tuesday, October 11, 2011, at 6:00 p.m. The properties subject to this proposed zoning total approximately 4.59 acres, located in the northeast corner of the intersection of Wilmington Street and Polk Street, in the City of Raleigh, having Wake County Parcel Identification Number 1704-71-5404, 1704-71-5586, 1704-71-6594 and 1704-71-5707. This meeting was held at the historic Lewis-Smith House, 515 N. Blount Street, Raleigh, NC 27604. 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 City Code required mailing list for the meeting invitations. Attached hereto as **Exhibit C** is a copy of the addressed, stamped envelopes containing the neighborhood notices mailed by first class mail. A summary of the items discussed at the meeting is attached hereto as **Exhibit D**. Attached hereto as **Exhibit E** is a list of individuals who attended the meeting. No changes were made to the rezoning petition as a result of this meeting.

EXHIBIT A
MEETING NOTICE
(See Attached)

K&L|GATES

CITY OF RALEIGH
CITY PLANNING DEPT

2011 SEP 30 PM 3:16

mailed out 9/30
Recvd. DAS 9/30

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

September 30, 2011

R. Michael Birch Jr.
D 919.743.7314
F 919.516.2014
michael.birch@klgates.com

Via Hand Delivery

DeShele Sumpter
Department of City Planning
One Exchange Plaza, Suite 304
Raleigh, NC 27601

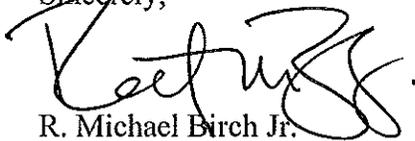
Re: Neighborhood Meeting Notices for Potential Rezoning

Dear DeShele:

In accordance with provisions of the City Code, I am enclosing stamped, addressed envelopes containing neighborhood meeting notices for a potential rezoning case, to be mailed by the City. I am also attaching a copy of the notice and the list of property owners to whom the notices are being sent.

Please feel free to call me should you have any questions or comments.

Sincerely,



R. Michael Birch Jr.

Enclosures

MEMORANDUM

To Neighboring Property Owners

From Alan Peterson and Michael Birch

Date September 30, 2011

Re Notice of meeting to discuss potential rezoning of property located in the northeast quadrant of the intersection of Wilmington Street and Polk Street, containing approximately 4.59 acres, and having Wake County Parcel Identification Numbers: 1704-71-5404, 1704-71-5586, 1704-71-6594 and 1704-71-5707 (the "Property").

We are counsel for the owners of the Property, LNR Blount Street LLC and Blount Street Commons Master Property Association, Inc. The owners are considering rezoning the Property, which is currently zoned Residential-30, Office & Institution-1, and Office & Institutional-2, all with a Planned Development Conditional Use Overlay District (Z-29-06/MP-1-06), and partially with a Historic Overlay District. Although the owners are considering maintaining the current zoning classifications applicable to the Property, the owners are considering altering the height restrictions in the Master Plan so that buildings on the Property cannot exceed 65 feet. This represents a reduction in height of 10 feet along Wilmington Street and Polk Street for much of the Property, and an increase in height of 15 to 20 feet along Augustus Merrimon Way.

You are cordially invited to attend a meeting to discuss the potential rezoning. We have scheduled a meeting with surrounding property owners on Tuesday, October 11, 2011 at 6:00 p.m. This meeting will be held at the Blount Street Commons office at the historic Lewis-Smith House, 515 North Blount Street, Raleigh, NC 27604.

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 us directly should you have any questions or wish to discuss any issues. We can be reached at (919) 743-7301 or alan.peterson@klgates.com and (919) 743-7314 or michael.birch@klgates.com.

EXHIBIT B

List of Property Owners Contacted About Meeting

STATE OF NORTH CAROLINA
STATE PROPERTY OFFICE
116 W JONES ST
RALEIGH, NC 27603-1300

STATE OF NORTH CAROLINA
STATE PROPERTY OFFICE
116 W JONES ST
RALEIGH, NC 27603-1300

NC CHAPTER OF THE AMERICAN
INSTITUTE OF ARCHITECTS
115 W MORGAN ST
RALEIGH, NC 27601-1335

PEACE COLLEGE OF RALEIGH INC
15 E PEACE ST
RALEIGH, NC 27604-1176

STATE OF NORTH CAROLINA
STATE PROPERTY OFFICE
116 W JONES ST
RALEIGH, NC 27603-1300

STATE OF NORTH CAROLINA
STATE PROPERTY OFFICE
116 W JONES ST
RALEIGH, NC 27603-1300

STATE OF NORTH CAROLINA
STATE PROPERTY OFFICE
116 W JONES ST
RALEIGH, NC 27603-1300

517 N MERCURY STREET LLC
1615 OBERLIN RD
RALEIGH, NC 27608-2039

323 LLC
ATTN: MARK BLANKINSHIP
1136 HARP ST
RALEIGH, NC 27604-1304

LNR BLOUNT STREET LLC
C/O LNR PROPERTY CORP
ATTN: ACCOUNTS PAYABLE
4350 VON KARMEN AVE
STE 200
NEWPORT BEACH, CA 92660-2041

LNR BLOUNT STREET LLC
C/O LNR PROPERTY CORP
ATTN: ACCOUNTS PAYABLE
4350 VON KARMEN AVE
STE 200
NEWPORT BEACH, CA 92660-2041

LNR BLOUNT STREET LLC
C/O LNR PROPERTY CORP
ATTN: ACCOUNTS PAYABLE
4350 VON KARMEN AVE
STE 200
NEWPORT BEACH, CA 92660-2041

LNR BLOUNT STREET LLC
C/O LNR PROPERTY CORP
ATTN: ACCOUNTS PAYABLE
4350 VON KARMEN AVE
STE 200
NEWPORT BEACH, CA 92660-2041

LNR BLOUNT STREET LLC
C/O LNR PROPERTY CORP
ATTN: ACCOUNTS PAYABLE
4350 VON KARMEN AVE
STE 200
NEWPORT BEACH, CA 92660-2041

HOLY TRINITY CHURCH OF RALEIGH INC
879A WASHINGTON ST
RALEIGH, NC 27605-1255

PEACE COLLEGE FOUNDATION OF RALEIGH INC
15 E PEACE ST
RALEIGH, NC 27604-1176

PEACE COLLEGE OF RALEIGH INC
15 E PEACE ST
RALEIGH, NC 27604-1176

LNR BLOUNT STREET LLC
C/O LNR PROPERTY CORP
ATTN: ACCOUNTS PAYABLE
4350 VON KARMEN AVE
STE 200
NEWPORT BEACH, CA 92660-2041

BLOUNT STREET COMMONS MASTER PROPER
J. PATRICK GALVIN, GENERAL COUNSEL
4350 VON KARMEN AVE
STE 200
NEWPORT BEACH, CA 92660-2041

LNR BLOUNT STREET LLC
C/O LNR PROPERTY CORP
ATTN: ACCOUNTS PAYABLE
4350 VON KARMEN AVE
STE 200
NEWPORT BEACH, CA 92660-2041

LNR BLOUNT STREET LLC
C/O LNR PROPERTY CORP
ATTN: ACCOUNTS PAYABLE
4350 VON KARMEN AVE
STE 200
NEWPORT BEACH, CA 92660-2041

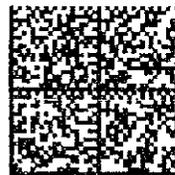
EXHIBIT C

STAMPED, ADDRESSED ENVELOPES

(See Attached)

L|GATES

K&L Gates LP
4350 Lassiter at North Hills Avenue, Suite 300
Post Office Box 17047
Raleigh, NC 27619-7047



neopost

049J82047476

\$00.44

Mailed From 27609
US POSTAGE

ael Birch

HOLY TRINITY CHURCH OF RALEIGH INC
879A WASHINGTON ST
RALEIGH, NC 27605-1255

L|GATES

K&L Gates LP
4350 Lassiter at North Hills Avenue, Suite 300
Post Office Box 17047
Raleigh, NC 27619-7047



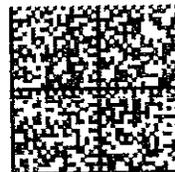
neopost

ael Birch

PEACE COLLEGE FOUNDATION OF RALEIGH INC
15 E PEACE ST
RALEIGH, NC 27604-1176

|GATES

K&L Gates up
4350 Lassiter at North Hills Avenue, Suite 300
Post Office Box 17047
Raleigh, NC 27619-7047



neopost®

049J82047476

\$00.440

Mailed From 27609
US POSTAGE

Birch

LNR BLOUNT STREET LLC
C/O LNR PROPERTY CORP
ATTN: ACCOUNTS PAYABLE
4350 VON KARMEN AVE
STE 200
NEWPORT BEACH, CA 92660-2041

-|GATES

K&L Gates up
4350 Lassiter at North Hills Avenue, Suite 300
Post Office Box 17047
Raleigh, NC 27619-7047



neopost®

049J82047476

\$00.440

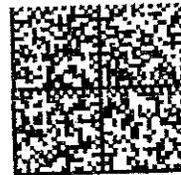
Mailed From 27609
US POSTAGE

el Birch

PEACE COLLEGE OF RALEIGH INC
15 E PEACE ST
RALEIGH, NC 27604-1176

GATES

K&L Gates Inc
4350 Lassiter at North Hills Avenue, Suite 300
Post Office Box 17047
Raleigh, NC 27619-7047



ncpost

049J82047476

\$00.440

Mailed From 27609
US POSTAGE

el Birch

LNR BLOUNT STREET LLC
C/O LNR PROPERTY CORP
ATTN: ACCOUNTS PAYABLE
4350 VON KARMEN AVE
STE 200
NEWPORT BEACH, CA 92660-2041

L|GATES

K&L Gates LLP
4350 Lassiter at North Hills Avenue, Suite 300
Post Office Box 17047
Raleigh, NC 27619-7047



neopost

049J82047476

\$00.440

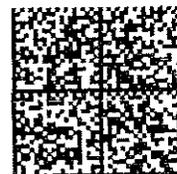
Mailed From 27609
US POSTAGE

el Birch

STATE OF NORTH CAROLINA
STATE PROPERTY OFFICE
116 W JONES ST
RALEIGH, NC 27603-1300

L|GATES

K&L Gates LLP
4350 Lassiter at North Hills Avenue, Suite 300
Post Office Box 17047
Raleigh, NC 27619-7047



neopost

049J82047476

\$00.440

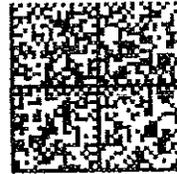
Mailed From 27609
US POSTAGE

el Birch

BLOUNT STREET COMMONS MASTER PROPER
J. PATRICK GALVIN, GENERAL COUNSEL
4350 VON KARMEN AVE
STE 200
NEWPORT BEACH, CA 92660-2041

_|GATES

K&L Gates LLP
4350 Lassiter at North Hills Avenue, Suite 300
Post Office Box 17047
Raleigh, NC 27619-7047



neopost

049J82047476

\$00.44⁰

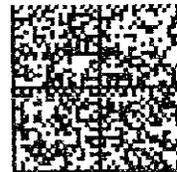
Mailed From 27609
US POSTAGE

el Birch

NC CHAPTER OF THE AMERICAN
INSTITUTE OF ARCHITECTS
115 W MORGAN ST
RALEIGH, NC 27601-1335

L|GATES

K&L Gates LLP
4350 Lassiter at North Hills Avenue, Suite 300
Post Office Box 17047
Raleigh, NC 27619-7047



neopost

049J82047476

\$00.44⁰

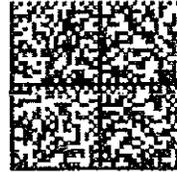
Mailed From 27609
US POSTAGE

ael Birch

STATE OF NORTH CAROLINA
STATE PROPERTY OFFICE
116 W JONES ST
RALEIGH, NC 27603-1300

GATES

K&L Gates LLP
4350 Lassiter at North Hills Avenue, Suite 300
Post Office Box 17047
Raleigh, NC 27619-7047



neopost™

049J82047476

\$00.44₀

Mailed From 27609
US POSTAGE

1 Birch

STATE OF NORTH CAROLINA
STATE PROPERTY OFFICE
116 W JONES ST
RALEIGH, NC 27603-1300

GATES

K&L Gates LLP
4350 Lassiter at North Hills Avenue, Suite 300
Post Office Box 17047
Raleigh, NC 27619-7047



neopost™

049J82047476

\$00.44₀

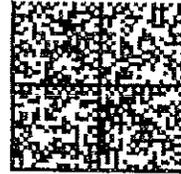
Mailed From 27609
US POSTAGE

1 Birch

PEACE COLLEGE OF RALEIGH INC
15 E PEACE ST
RALEIGH, NC 27604-1176

L | GATES

K&L Gates LLP
4350 Lassiter at North Hills Avenue, Suite 300
Post Office Box 17047
Raleigh, NC 27619-7047



neopost

049J82047476

\$00.44

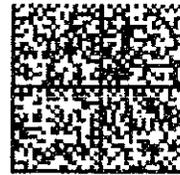
Mailed From 27609
US POSTAGE

of Birch
116 W Jones St
Raleigh, NC 27603-1300
Tel: 919.977.1300
Fax: 919.977.1300

STATE OF NORTH CAROLINA
STATE PROPERTY OFFICE
116 W JONES ST
RALEIGH, NC 27603-1300

L | GATES

K&L Gates LLP
4350 Lassiter at North Hills Avenue, Suite 300
Post Office Box 17047
Raleigh, NC 27619-7047



neopost

049J82047476

\$00.44

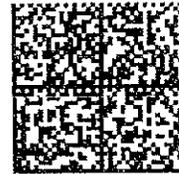
Mailed From 27609
US POSTAGE

of Birch
116 W Jones St
Raleigh, NC 27603-1300
Tel: 919.977.1300
Fax: 919.977.1300

STATE OF NORTH CAROLINA
STATE PROPERTY OFFICE
116 W JONES ST
RALEIGH, NC 27603-1300

L|GATES

K&L Gates LP
4350 Lassiter at North Hills Avenue, Suite 300
Post Office Box 17047
Raleigh, NC 27619-7047



neopost

049J82047476

\$00.440

Mailed From 27609
US POSTAGE

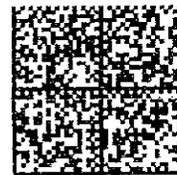
tel Birch

323 LLC

ATTN: MARK BLANKINSHIP
1136 HARP ST
RALEIGH, NC 27604-1304

L|GATES

K&L Gates LP
4350 Lassiter at North Hills Avenue, Suite 300
Post Office Box 17047
Raleigh, NC 27619-7047



neopost

049J82047476

\$00.440

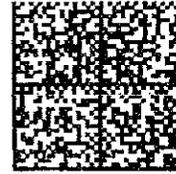
Mailed From 27609
US POSTAGE

tel Birch

517 N MERCURY STREET LLC
1615 OBERLIN RD
RALEIGH, NC 27608-2039

K&L | GATES

K&L Gates inc
4350 Lassiter at North Hills Avenue, Suite 300
Post Office Box 17047
Raleigh, NC 27619-7047



neopost

049J82047476

\$00.440

Mailed From 27609
US POSTAGE

Michael Birch

Michael Birch
10000 Wilshire Blvd
Suite 1000
Beverly Hills, CA 90210

LNR BLOUNT STREET LLC
C/O LNR PROPERTY CORP
ATTN: ACCOUNTS PAYABLE
4350 VON KARMEN AVE
STE 200
NEWPORT BEACH, CA 92660-2041

K&L | GATES

K&L Gates inc
4350 Lassiter at North Hills Avenue, Suite 300
Post Office Box 17047
Raleigh, NC 27619-7047



neopost

049J82047476

\$00.440

Mailed From 27609
US POSTAGE

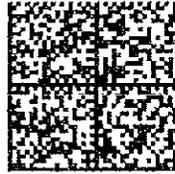
Michael Birch

Michael Birch
10000 Wilshire Blvd
Suite 1000
Beverly Hills, CA 90210

LNR BLOUNT STREET LLC
C/O LNR PROPERTY CORP
ATTN: ACCOUNTS PAYABLE
4350 VON KARMEN AVE
STE 200
NEWPORT BEACH, CA 92660-2041

L|GATES

K&L Gates LLP
4350 Lassiter at North Hills Avenue, Suite 300
Post Office Box 17047
Raleigh, NC 27619-7047



neopost

049J82047476

\$00.44₀

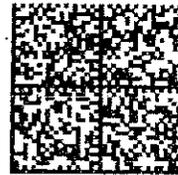
Mailed From 27609
US POSTAGE

el Birch
INDUSTRIAL
CORPORATION
NEWPORT BEACH, CA
92660-2041

LNR BLOUNT STREET LLC
C/O LNR PROPERTY CORP
ATTN: ACCOUNTS PAYABLE
4350 VON KARMEN AVE
STE 200
NEWPORT BEACH, CA 92660-2041

L|GATES

K&L Gates LLP
4350 Lassiter at North Hills Avenue, Suite 300
Post Office Box 17047
Raleigh, NC 27619-7047



neopost

049J82047476

\$00.44₀

Mailed From 27609
US POSTAGE

ael Birch
INDUSTRIAL
CORPORATION
NEWPORT BEACH, CA
92660-2041

LNR BLOUNT STREET LLC
C/O LNR PROPERTY CORP
ATTN: ACCOUNTS PAYABLE
4350 VON KARMEN AVE
STE 200
NEWPORT BEACH, CA 92660-2041

&L|GATES

K&L Gates LLP
4350 Lassiter at North Hills Avenue, Suite 300
Post Office Box 17047
Raleigh, NC 27619-7047



neopost

049J82047476

\$00.44

Mailed From 27609
US POSTAGE

Michael Birch
1000
1000
1000
1000
1000

LNR BLOUNT STREET LLC
C/O LNR PROPERTY CORP
ATTN: ACCOUNTS PAYABLE
4350 VON KARMEN AVE
STE 200
NEWPORT BEACH, CA 92660-2041

&L|GATES

K&L Gates LLP
4350 Lassiter at North Hills Avenue, Suite 300
Post Office Box 17047
Raleigh, NC 27619-7047

049J82047476

\$00.44

Mailed From 27609
US POSTAGE

Michael Birch
1000
1000
1000
1000
1000

LNR BLOUNT STREET LLC
C/O LNR PROPERTY CORP
ATTN: ACCOUNTS PAYABLE
4350 VON KARMEN AVE
STE 200
NEWPORT BEACH, CA 92660-2041

EXHIBIT D

SUMMARY OF DISCUSSION ITEMS

On Tuesday, October 11, 2011, at 6:00 p.m., the applicant held a neighborhood meeting for the property owners adjacent to the parcel subject to the proposed rezoning. The following items were discussed:

1. Proposed height of building
2. What type of open space in Block 2
3. Timing of Lot 2 development
4. Timing of private street construction
5. Timing of removal of chain-link fence

EXHIBIT E

NEIGHBORHOOD MEETING ATTENDEES

Mark Blankinship
507 N. Blount Street
Raleigh, NC 27604

Jim Baker
2105 Breeze Road
Raleigh, NC 27608

John B. Cranham
15 E. Peace Street
Raleigh, NC 27604

David Crawford
115 W. Morgan Street
Raleigh, NC 27601

K&L|GATES

CITY OF RALEIGH
CITY PLANNING DEPT

2011 SEP 30 PM 3:16

mailed out 9/30
Recvd. DAS 9/30

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

September 30, 2011

R. Michael Birch Jr.
D 919.743.7314
F 919.516.2014
michael.birch@klgates.com

Via Hand Delivery

DeShele Sumpter
Department of City Planning
One Exchange Plaza, Suite 304
Raleigh, NC 27601

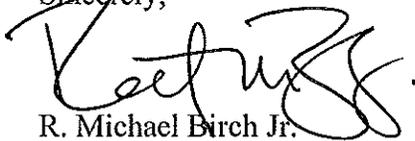
Re: Neighborhood Meeting Notices for Potential Rezoning

Dear DeShele:

In accordance with provisions of the City Code, I am enclosing stamped, addressed envelopes containing neighborhood meeting notices for a potential rezoning case, to be mailed by the City. I am also attaching a copy of the notice and the list of property owners to whom the notices are being sent.

Please feel free to call me should you have any questions or comments.

Sincerely,



R. Michael Birch Jr.

Enclosures

MEMORANDUM

To Neighboring Property Owners

From Alan Peterson and Michael Birch

Date September 30, 2011

Re Notice of meeting to discuss potential rezoning of property located in the northeast quadrant of the intersection of Wilmington Street and Polk Street, containing approximately 4.59 acres, and having Wake County Parcel Identification Numbers: 1704-71-5404, 1704-71-5586, 1704-71-6594 and 1704-71-5707 (the "Property").

We are counsel for the owners of the Property, LNR Blount Street LLC and Blount Street Commons Master Property Association, Inc. The owners are considering rezoning the Property, which is currently zoned Residential-30, Office & Institution-1, and Office & Institutional-2, all with a Planned Development Conditional Use Overlay District (Z-29-06/MP-1-06), and partially with a Historic Overlay District. Although the owners are considering maintaining the current zoning classifications applicable to the Property, the owners are considering altering the height restrictions in the Master Plan so that buildings on the Property cannot exceed 65 feet. This represents a reduction in height of 10 feet along Wilmington Street and Polk Street for much of the Property, and an increase in height of 15 to 20 feet along Augustus Merrimon Way.

You are cordially invited to attend a meeting to discuss the potential rezoning. We have scheduled a meeting with surrounding property owners on Tuesday, October 11, 2011 at 6:00 p.m. This meeting will be held at the Blount Street Commons office at the historic Lewis-Smith House, 515 North Blount Street, Raleigh, NC 27604.

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 us directly should you have any questions or wish to discuss any issues. We can be reached at (919) 743-7301 or alan.peterson@klgates.com and (919) 743-7314 or michael.birch@klgates.com.

EXHIBIT B

List of Property Owners Contacted About Meeting

STATE OF NORTH CAROLINA
STATE PROPERTY OFFICE
116 W JONES ST
RALEIGH, NC 27603-1300

STATE OF NORTH CAROLINA
STATE PROPERTY OFFICE
116 W JONES ST
RALEIGH, NC 27603-1300

NC CHAPTER OF THE AMERICAN
INSTITUTE OF ARCHITECTS
115 W MORGAN ST
RALEIGH, NC 27601-1335

PEACE COLLEGE OF RALEIGH INC
15 E PEACE ST
RALEIGH, NC 27604-1176

STATE OF NORTH CAROLINA
STATE PROPERTY OFFICE
116 W JONES ST
RALEIGH, NC 27603-1300

STATE OF NORTH CAROLINA
STATE PROPERTY OFFICE
116 W JONES ST
RALEIGH, NC 27603-1300

STATE OF NORTH CAROLINA
STATE PROPERTY OFFICE
116 W JONES ST
RALEIGH, NC 27603-1300

517 N MERCURY STREET LLC
1615 OBERLIN RD
RALEIGH, NC 27608-2039

323 LLC
ATTN: MARK BLANKINSHIP
1136 HARP ST
RALEIGH, NC 27604-1304

LNR BLOUNT STREET LLC
C/O LNR PROPERTY CORP
ATTN: ACCOUNTS PAYABLE
4350 VON KARMEN AVE
STE 200
NEWPORT BEACH, CA 92660-2041

LNR BLOUNT STREET LLC
C/O LNR PROPERTY CORP
ATTN: ACCOUNTS PAYABLE
4350 VON KARMEN AVE
STE 200
NEWPORT BEACH, CA 92660-2041

LNR BLOUNT STREET LLC
C/O LNR PROPERTY CORP
ATTN: ACCOUNTS PAYABLE
4350 VON KARMEN AVE
STE 200
NEWPORT BEACH, CA 92660-2041

LNR BLOUNT STREET LLC
C/O LNR PROPERTY CORP
ATTN: ACCOUNTS PAYABLE
4350 VON KARMEN AVE
STE 200
NEWPORT BEACH, CA 92660-2041

LNR BLOUNT STREET LLC
C/O LNR PROPERTY CORP
ATTN: ACCOUNTS PAYABLE
4350 VON KARMEN AVE
STE 200
NEWPORT BEACH, CA 92660-2041

HOLY TRINITY CHURCH OF RALEIGH INC
879A WASHINGTON ST
RALEIGH, NC 27605-1255

PEACE COLLEGE FOUNDATION OF RALEIGH INC
15 E PEACE ST
RALEIGH, NC 27604-1176

PEACE COLLEGE OF RALEIGH INC
15 E PEACE ST
RALEIGH, NC 27604-1176

LNR BLOUNT STREET LLC
C/O LNR PROPERTY CORP
ATTN: ACCOUNTS PAYABLE
4350 VON KARMEN AVE
STE 200
NEWPORT BEACH, CA 92660-2041

BLOUNT STREET COMMONS MASTER PROPER
J. PATRICK GALVIN, GENERAL COUNSEL
4350 VON KARMEN AVE
STE 200
NEWPORT BEACH, CA 92660-2041

LNR BLOUNT STREET LLC
C/O LNR PROPERTY CORP
ATTN: ACCOUNTS PAYABLE
4350 VON KARMEN AVE
STE 200
NEWPORT BEACH, CA 92660-2041

LNR BLOUNT STREET LLC
C/O LNR PROPERTY CORP
ATTN: ACCOUNTS PAYABLE
4350 VON KARMEN AVE
STE 200
NEWPORT BEACH, CA 92660-2041