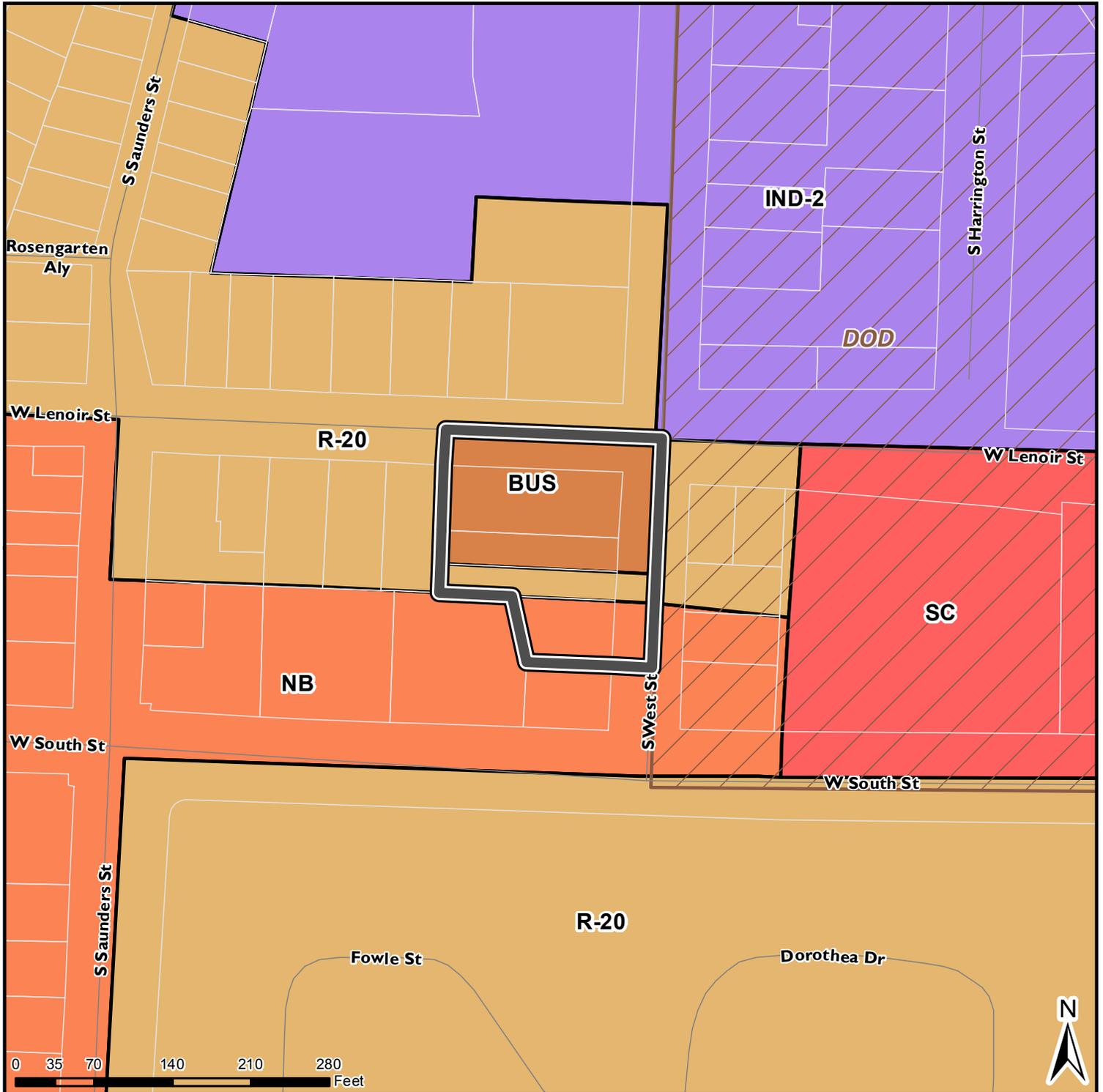


# Existing Zoning Map

# Z-9-2015

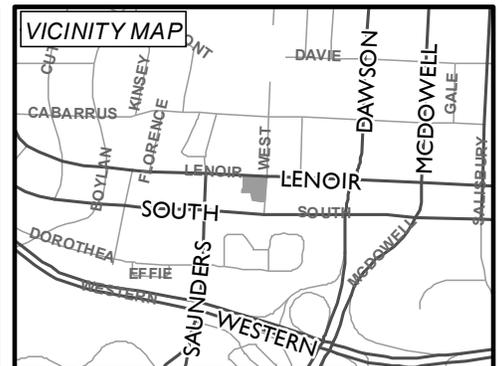


**Submittal Date**

3/6/2015

## Request:

**0.53 acres from  
BUS, R-20 & NB  
to NX-3-UL-CU**





# Certified Recommendation

Raleigh Planning Commission

CR# 11632

## Case Information: Z-9-15 - S. West Street

<i>Location</i>	S. West Street, west side, between W. Lenoir & W. South streets Addresses: 612, 614, 616 and 618 S. West Street PINs: 1703467496, 1703468401, 1703468308, 1703468324
<i>Request</i>	Rezone property from Business, Residential-20, & Neighborhood Business (BUS, R-20, & NB) to Neighborhood Mixed Use-3 stories-Urban Limited-Conditional Use (NX-3-UL-CU)
<i>Area of Request</i>	0.53 acre
<i>Property Owner</i>	Lambert Development/ 5 Hanover Square, Floor 14/ New York, NY 10004-2614; (212) 785-0090 (ext. 225), <a href="mailto:kberman@lambertdevelopment.com">kberman@lambertdevelopment.com</a>
<i>Applicant</i>	Ben Kuhn/ Ragsdale Liggett/ 2840 Plaza Place, Suite 400/ Raleigh, NC 27612; (919) 881-2201, <a href="mailto:bkuhn@rl-law.com">bkuhn@rl-law.com</a>
<i>Citizens Advisory Council (CAC)</i>	Central -- Lonnelle Williams: <a href="mailto:flonnettwms@bellsouth.net">flonnettwms@bellsouth.net</a>
<i>PC Recommendation Deadline</i>	August 10, 2015

## Comprehensive Plan Consistency

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

## Future Land Use Map Consistency

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

## Comprehensive Plan Guidance

<b><i>FUTURE LAND USE</i></b>	Moderate Density Residential ( <i>northern three parcels</i> ); Neighborhood Mixed Use ( <i>southernmost parcel</i> )
<b><i>URBAN FORM</i></b>	Center: Downtown Center Corridor: (None designated) Site is within a Transit Stop Half-Mile Buffer.
<b><i>CONSISTENT Policies</i></b>	Policy LU 2.6 – Zoning and Infrastructure Impacts Policy LU 3.2 – Location of Growth Policy LU 4.7 – Capitalizing on Transit Access Policy LU 4.8 – Station Area Land Uses Policy LU 7.6 – Pedestrian Friendly Development Policy LU 8.10 – Infill Development Policy DT 1.11 – Downtown Edges Policy DT 1.12 – Edge Area Intensity Policy DT 1.13 – Downtown Transition Areas Policy AP-DWG 1 – Zoning Consistency Policy AP-DWG 2 – Mixed-Use Development Policy AP-DWG 8 – Building Height Transition Policy AP-DWG 17 – Neighborhood Commercial Center Policy AP-DWG 18 – Live/Work Opportunities

<b>INCONSISTENT Policies</b>	Policy LU 1.2 – Future Land Use Map and Zoning Consistency Policy LU 1.3 – Conditional Use Consistency Policy AP-DWG 19 – Neighborhood Conservation
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### Summary of Proposed Conditions

<ol style="list-style-type: none"> <li>1. Certain uses prohibited.</li> <li>2. Maximum density specified.</li> <li>3. Maximum office square footage specified.</li> <li>4. Maximum retail square footage specified.</li> <li>5. Façade designs for mixed use or general-type buildings to emulate those in Depot National Register Historic District; minimum 2-story height.</li> </ol>
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### Public Meetings

<b>Neighbor Meeting</b>	<b>CAC</b>	<b>Planning Commission</b>	<b>City Council</b>	<b>Public Hearing</b>
3/4/15	5/4/15: Y- 22; N- 0	5/12/15	5/19/15	6/2/15

**Valid Statutory Protest Petition**

Attachments

1. Staff report
2. Traffic Impact Analysis worksheet

### Planning Commission Recommendation

<i>Recommendation</i>	<b>Approve with conditions.</b> City Council may now schedule this proposal for Public Hearing, or refer it to committee for further study and discussion.
<i>Findings &amp; Reasons</i>	<ol style="list-style-type: none"> <li>1. While the proposal is partially inconsistent with the Future Land Use Map of the Comprehensive Plan, it is consistent with the Urban Form Map and most applicable Plan policies.</li> <li>2. The proposed rezoning is reasonable and in the public interest. The proposal would unify site zoning under the same district as contemplated under UDO remapping, but with non-residential intensity capped commensurate with current zoning.</li> <li>3. The proposal is compatible with the surrounding area. Permitted development would be of height similar to that existing and possible nearby. Requested frontage supports urban form appropriate to the site's location between the downtown area and existing neighborhoods.</li> </ol>
<i>Motion and Vote</i>	Motion: Braun Second: Whitsett In Favor: Braun, Buxton, Fluhrer, Hicks, Lyle, Swink and Whitsett Opposed:

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

_____	_____	_____	<u>5/12/15</u>
Planning Director	Date	Planning Commission Chairperson	Date

Staff Coordinator: Doug Hill: (919) 996-2622; [Doug.Hill@RaleighNC.gov](mailto:Doug.Hill@RaleighNC.gov)



## Zoning Staff Report – Case Z-9-15

### Conditional Use District

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## Case Summary

### Overview

The proposal seeks to rezone four properties to a single zoning classification, permitting the parcels to be more readily redeveloped as a single development. The proposed zoning would permit a mix of uses, but could also allow solely retail uses, or 3-story residential development of up to 30 units per acre.

At present, three different zoning districts govern the site: Business, on the northern two parcels, which total a third of an acre, Residential-20, on the 0.09-acre middle tract, and Neighborhood Business, on the 0.11-acre south tract. Properties to the west, north, and east are also zoned R-20; those northeast are zoned for industrial uses, while to the south, those lining W. South Street from the Boylan Heights Historic District to the heart of downtown are zoned for commercial uses.

The existing build-out has the site further bridged between commercial and residential structures. West of the site, one and two-story detached dwellings edge W. Lenoir Street; to the north across Lenoir is a single-story automotive repair shop. Opposite the site on S. West Street are three more vacant parcels. Commercial properties fronting W. South Street contain a variety of service and retail uses, most served by surface parking lots; setbacks range from the edge of the sidewalk to behind one or multiple bays of parking. Building heights are chiefly one story, but a group of two-story structures stands at the northwest quadrant of the West/ South intersection.

The Comprehensive Plan sets the site at a point of transition between the neighborhoods to the west, and intensifying land uses to the south and east. The Urban Form map places the site within the greater Downtown Center, and within a Transit Stop Half-Mile Buffer; the Future Land Use map sets the western boundary of the Central Business District at the east side of S. West Street, directly opposite the site. The latter also coincides with the western edge of the Downtown Overlay District.

The requested zoning, however, departs from other planning guidance. The Downtown West Gateway Plan differentiates the three northern properties from the southernmost, placing the former in a larger area designated for "single family residential and residential business;" and the latter, an area marked for "neighborhood services/ retail." The Future Land Use Map echoes that differentiation, labeling the northern portion of the site for Moderate Density development (6 to 14 units per acre), and the southern parcel for Neighborhood Mixed Use. The Saunders North Area Redevelopment Plan underscores the distinction, calling for the north to redevelop as "medium density detached residential & churches with sensitive non-residential uses (up to 10 DU/ acre)," and the south, "neighborhood center mixed use, residential/ office/ medium density residential (vertical mixed uses strongly encouraged)."

Tempering that point of north/ south division, however, is existing topography. Grade across the site currently is relatively flat. The southern boundary of the southernmost parcel, though, is marked by an abrupt drop-off, held back by a retaining wall which runs westward from S. West Street along the edge of the site, and from there across the entire block. The jog in the property line of the southern part of the site corresponds with the wall's course. The existing grade, then,

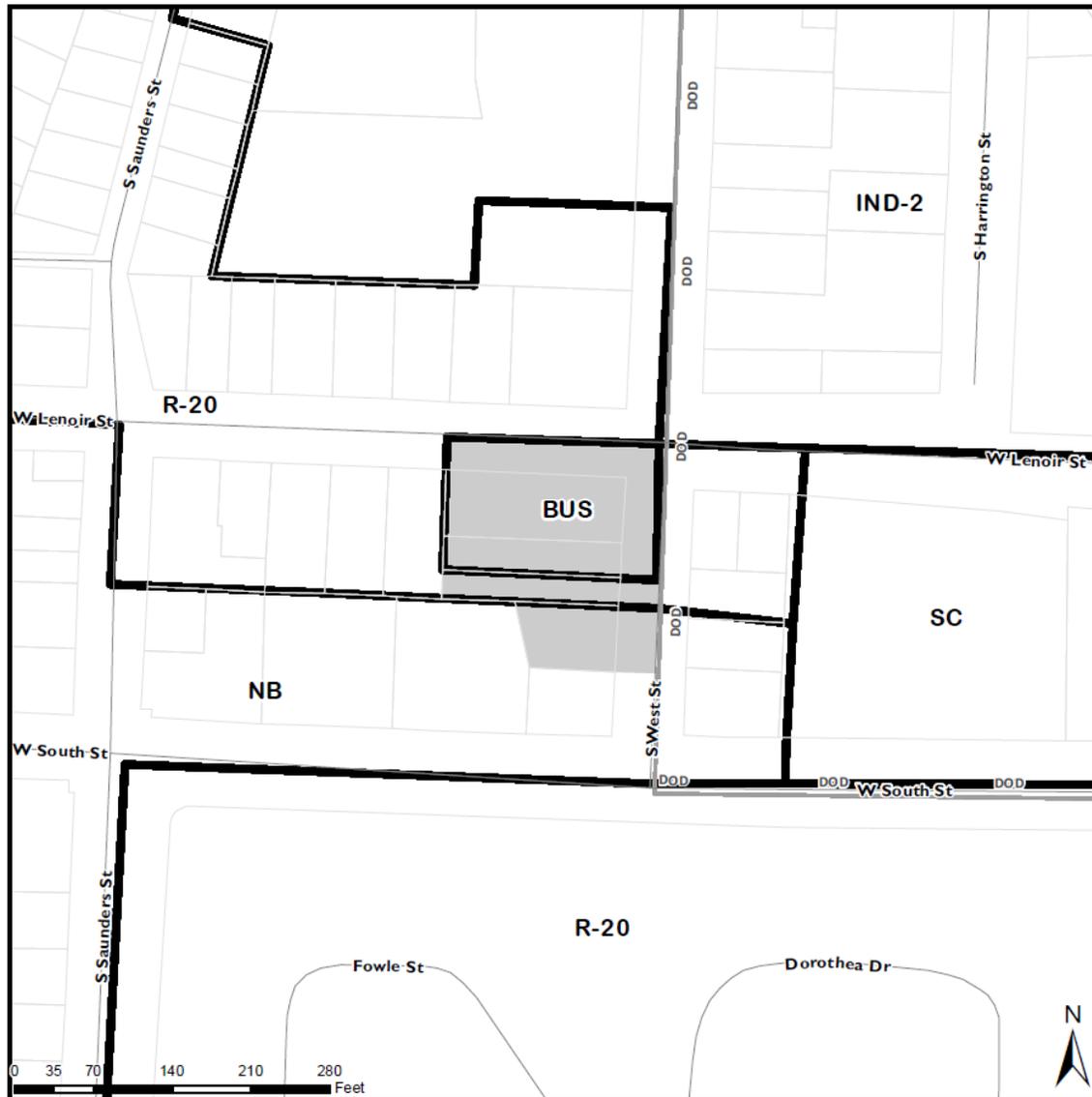
affiliates the southern tract with the northern parcels, rather than with the line of commercial properties along W. South Street.

### **Outstanding Issues**

<i>Outstanding Issues</i>		<i>Suggested Mitigation</i>	
	1. Sewer and fire flow capacities may need to be addressed upon development.		1. Address sewer and fire flow capacities at the site plan stage.

# Existing Zoning Map

# Z-9-2015

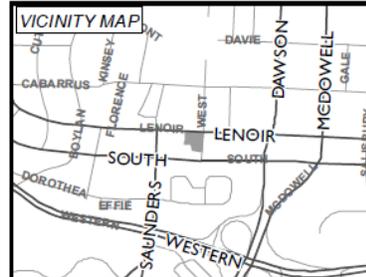


Submittal  
Date

3/6/2015

## Request:

0.53 acres from  
BUS, R-20 & NB  
to NX-3-UL-CU



# Rezoning Case Evaluation

## 1. Compatibility Analysis

### 1.1 Surrounding Area Land Use/ Zoning Summary

	<b>Subject Property</b>	<b>North</b>	<b>South</b>	<b>East</b>	<b>West</b>
<i>Existing Zoning</i>	Business, Residential-20, Neighborhood Business	Residential-20	Neighborhood Business	Residential-20, Neighborhood Business	Residential-20, Neighborhood Business
<i>Additional Overlay</i>	n/a	n/a	n/a	Downtown	n/a
<i>Future Land Use</i>	Moderate Density Residential (north), Neighborhood Mixed Use (south)	Moderate Density Residential	Neighborhood Mixed Use	Central Business District	Moderate Density Residential (north), Neighborhood Mixed Use (south)
<i>Current Land Use</i>	Vacant	Automotive repair	Grocery store, parking lot	Vacant, retail	Single-unit residential
<i>Urban Form</i>	Downtown Center; within Transit Stop Half-Mile Buffer	Downtown Center; within Transit Stop Half-Mile Buffer	Downtown Center; within Transit Stop Half-Mile Buffer	Downtown Center; within Transit Stop Half-Mile Buffer	Downtown Center; within Transit Stop Half-Mile Buffer

### 1.2 Current vs. Proposed Zoning Summary

	<b>Existing Zoning</b>			<b>Proposed Zoning</b>
<i>Residential Density:</i>	7.55 DUs/ acre (max. 4 DUs)			30 DUs/ acre (max. 15 DUs)
<i>Setbacks:</i>	<u>BUS</u>	<u>R-20</u>	<u>NB</u>	<u>Urban Limited Frontage:</u>
<i>Front:</i>	0'	20'	30'	50% w/n 0'-20' build-to
<i>Side:</i>	0'	5' (15' aggregate)	0'	<u>If Mixed Use Building:</u> 0' or 3' (min.)
<i>Rear:</i>	0'	20'	0'	0' or 3' (min.)
<i>Retail Intensity Permitted:</i>	14,600			14,600
<i>Office Intensity Permitted:</i>	7,600			7,600

### **1.3 Estimated Development Intensities**

	<b>Existing Zoning *</b>	<b>Proposed Zoning *</b>
<i>Total Acreage</i>	0.53	0.53
<i>Zoning</i>	BUS, R-20 & NB	NX-3-UL-CU
<i>Max. Gross Building SF</i>	14,600	43,900
<i>Max. # of Residential Units</i>	4	15
<i>Max. Gross Office SF</i>	14,600	14,600
<i>Max. Gross Retail SF</i>	7,600	7,600
<i>Max. Gross Industrial SF</i>	-0-	-0-
<i>Potential F.A.R</i>	0.56	1.9

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

The proposed rezoning is:

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

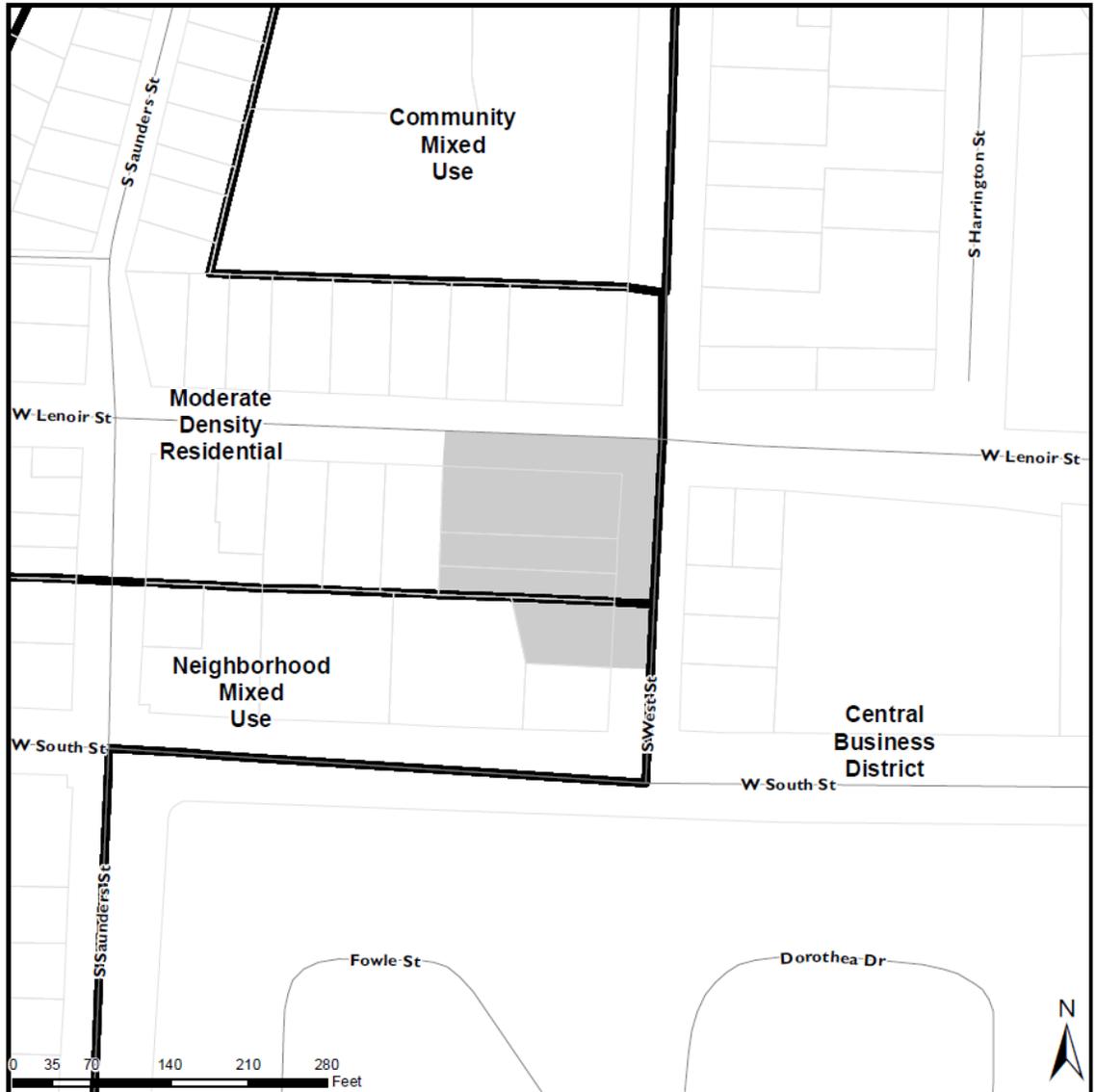
The rezoning proposal offers an opportunity to implement the mixed-use development called for by the Comprehensive Plan in the subject area, but with retail and office square footage capped at the same intensities permitted under the current zoning. Provision is also made, commensurate with the guidance of the Saunders North Redevelopment Plan, for any mixed-use buildings to emulate storefront design akin to examples in the Depot National Register Historic District, interplaying historically-inspired commercial design with the historic character of neighborhoods adjacent to the west.

**Incompatible.**

Analysis of Incompatibility:

N/A

# Future Land Use Map Z-9-2015



  
**Submittal Date**  
 3/6/2015

**Request:**  
 0.53 acres from  
**BUS, R-20 & NB**  
 to **NX-3-UL-CU**





**Submittal Date**  
3/6/2015

**Request:**  
0.53 acres from  
**BUS, R-20 & NB**  
to **NX-3-UL-CU**



## 2. Comprehensive Plan Consistency Analysis

### 2.1 Comprehensive Plan

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

- Is the proposal consistent with the vision, themes, and policies contained in the Comprehensive Plan?
- Is the use being considered specifically designated on the Future Land Use Map in the area where its location is proposed?
- If the use is not specifically designated on the Future Land Use Map in the area where its location is proposed, is it needed to service such a planned use, or could it be established without adversely altering the recommended land use and character of the area?
- Will community facilities and streets be available at City standards to serve the use proposed for the property?

The proposal is partially consistent with the Comprehensive Plan, which envisions the site as being within a transition point between the Central Business District, the historic neighborhoods to the west, and commercial area centered on W. South Street.

The chief inconsistency is the requested density, 30 dwelling units per acre, compared to the maximum 10 dwellings per acre projected by the Saunders North Area Redevelopment Plan, referenced by the Downtown West Gateway Area Plan as providing development guidance on the site. (Present zoning, with the exception of the single R-20 property in the middle of the site, also caps density at 10 units per acre.)

The rezoning is also only partially consistent with the Future Land Use map, which, like the Area Plan and Redevelopment Plan, differentiates north and south according to projected intensity and use. The map classifies the southernmost parcel Neighborhood Mixed Use, appropriate for commercial development and/or residential development of Medium density; i.e., greater than 14 units per acre. The proposal is consistent with both approaches. The map designates the rest of the site for Moderate Density Residential development; i.e., 6 to 14 units per acre. Again, as conditioned, the case would allow up to 30 units per acre.

The Urban Form Map, however, places the subject property within the Downtown Center and within a Transit Stop Half-Mile Buffer, both of which support denser, urban-frontage development. As the site is abutted by a line of single-family residential properties along W. Lenoir Street, the Comprehensive Plan's "Edge" height standard—a maximum of 3 stories in Neighborhood Mixed Use locations—is applicable. The rezoning request is for that same height.

Existing community facilities and streets appear sufficient to accommodate the redevelopment possible under the proposed rezoning.

### 2.2 Future Land Use

**Future Land Use designations:** Moderate Density Residential (*northern three parcels*);  
Neighborhood Mixed Use (*southernmost parcel*)

**The rezoning request is:**

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

**Inconsistent**

Analysis of Inconsistency:

Although the proposal would permit mixed-use commercial and Medium Density residential development consistent with the Neighborhood Mixed Use designation of the southern parcel, it would also allow high density development (up to 30 DUs/ acre) on the northern three tracts, an area designated for Moderate Density development (max. 14 DUs/ acre).

### **2.3 Urban Form**

**Urban Form designation:** Downtown Center; within Transit Stop Half-Mile Buffer

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

**The rezoning request is:**

**Consistent** with the Urban Form Map.

**Inconsistent**

Analysis of Inconsistency:

N/A

### **2.4 Policy Guidance**

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

#### ***Policy LU 1.2 – Future Land Use Map and Zoning Consistency***

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

#### ***Policy LU 1.3 – Conditional Use District Consistency***

All conditions proposed as part of a conditional use district (CUD) should be consistent with the Comprehensive Plan.

The Future Land Use map sets 14 dwelling units per acre as the appropriate density for the northern three parcels of the site, by virtue of their designation as “Moderate Density Residential.” As conditioned, the proposal would allow up to 30 dwellings per acre, more than twice the recommended density.

### **2.5 Area Plan Policy Guidance**

The rezoning request is **inconsistent** with the following Area Plan policy:

#### ***Policy AP-DWG 19 – Neighborhood Conservation***

The northern section of the South Saunders Street neighborhood should be conserved through single family rehabilitation and sensitive detached single family infill.

In addition to the Detached housing prescribed by this policy, the proposal would also permit any other Building Type possible under the Unified Development Ordinance, including Apartment or General Building (e.g., single-story retail). The entire northern half of the subject block is subject to this policy, including the north three parcels of the rezoning site.

### 3. Public Benefit and Reasonableness Analysis

#### 2.1 Public Benefits of the Proposed Rezoning

- Improved opportunity for integrated site development, subject to a single zoning district rather than the current three.
- Greater flexibility for development of the property, while capping the intensity of non-residential uses at that permitted under the site's current zoning.

#### 3.2 Detriments of the Proposed Rezoning

- Introducing density beyond that supported by the Comprehensive Plan.

### 4. Impact Analysis

#### **4.1 Transportation**

The proposed rezoning would add 123 veh/hr to the street system in the PM peak period. The expected increase in daily trips is 868 veh/day. Both S. West Street and W. Lenoir Street are two-lane streets with capacities of approximately 12,000 veh/day. The crash history and operating characteristics of the adjacent intersections are typical of other areas adjacent to Raleigh's Central Business District. Given the absence of other traffic-related issues, a traffic study is not needed for case Z-9-2015.

There are no Capital Improvement Program street projects scheduled for the immediate area surrounding this case. However, Phase I of Union Station is funded and construction is expected to start later in 2015. Driveway access and cross access to adjacent properties shall conform to current City standards. The subject properties lie inside the ½-mile buffer area for future fixed-guideway transit.

**Impact Identified:** None.

#### **4.2 Transit**

Transit in this area is provided by Route 11 Avent Ferry which travels westbound on Lenoir Street and eastbound on South Street and by Route 21 Caraleigh which travels eastbound on South Street. The closest current outbound stop for Route 11 Avent Ferry is located on the NE corner of Lenoir/West. Currently, the closest inbound stop for Route 11 Avent Ferry and Route 21 Caraleigh is on South Street, just east of West Street.

**Impact Identified:** None. Increased development will lead to additional ridership but it is not expected to exceed the capacity of the current system.

**4.3 Hydrology**

<i>Floodplain</i>	None
<i>Drainage Basin</i>	Rocky Branch
<i>Stormwater Management</i>	Article 9.2 of UDO
<i>Overlay District</i>	None

**Impact Identified:** No impacts identified.

**4.4 Public Utilities**

	<i>Maximum Demand (current)</i>	<i>Maximum Demand (proposed)</i>
<i>Water</i>	3,076 gpd	27,500 gpd
<i>Waste Water</i>	3,076 gpd	27,500 gpd

The proposed rezoning would add approximately 24,424 gpd to the wastewater collection and water distribution systems of the City. There are existing sanitary sewer and water mains adjacent to the properties.

**Impact Identified:** The developer may be required to submit a downstream sanitary sewer capacity study and those required improvements identified by the study must be permitted and constructed in conjunction with and prior to the proposed development being constructed.

Verification of available capacity for water fire flow is required as part of the building permit process. Any water system improvements required to meet fire flow requirements will also be required.

**4.5 Parks and Recreation**

Site is not adjacent to or within proposed or existing greenway corridor, trail or connector; the nearest trail is 0.3 mile. Park services are provided by Lenoir Street Park (0.10 mile).

**Impact Identified:** None.

**4.6 Urban Forestry**

The lots to be rezoned are less than 2 acres in gross area and are not subject to UDO Article 9.1 Tree Conservation.

**Impact Identified:** None.

**4.7 Designated Historic Resources**

The site is within 1,000 feet of the Boylan Heights Historic Overlay District and the Depot National Register Historic District.

**Impact Identified:** None.

**4.8 Community Development**

The site is within the area of the Saunders North Area Redevelopment Plan (adopted 9/21/04). On the northern three parcels, the Redevelopment Plan encourages residential development of up to 10 units per acre, mixed with compatible non-residential uses. On the southern lot, the Plan supports vertically mixed use development, again at a maximum density of 10 units per acre. The rezoning would allow up to 30 units per acre.

The site is envisioned as a transition to more intense uses to the east, with new construction fitted to the existing scale and character of the area. The Plan names storefront buildings of the Depot National Register Historic District as models for mixed-use building design (p. 26); the rezoning is similarly conditioned.

**Impact Identified:** Permitted density would exceed that envisioned by the Redevelopment Plan.

#### ***4.9 Impacts Summary***

Sewer and fire flow capacities may need to be addressed upon development.

#### ***4.10 Mitigation of Impacts***

Address sewer and fire flow capacities at the site plan stage.

## **5. Conclusions**

The proposal expresses the intent of the Comprehensive Plan for more intensive, mixed-use development on the site, accounting for its proximity to downtown and Union Station. However, the proposal exceeds the density recommended for the northern portion of the site by the Area Plan, Redevelopment Plan, and Future Land Use map. Retail and office intensity is capped at presently-permitted square footages.

3/16/15 @ 3:09  
K. Berman

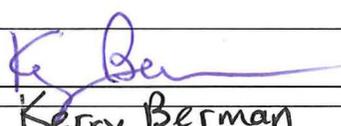


# Planning & Development

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

## Rezoning Application

Rezoning Request	OFFICE USE ONLY
<input type="checkbox"/> General Use <input checked="" type="checkbox"/> Conditional Use <input type="checkbox"/> Master Plan  Existing Zoning Classification: BUS, R-20, and NB Proposed Zoning Classification: Base District: NX    Height: 3    Frontage: UL  If the property has been previously rezoned, provide the rezoning case number. N/A  Provide all previous transaction numbers for Coordinated Team Reviews, Due Diligence Sessions or Pre-Submittal Conferences. <u>See Pre-Submittal Conference Form attached.</u>	Transaction Number  <div style="font-size: 2em; color: blue;">422532</div>   <div style="font-size: 1.5em; color: blue;">2-9-15</div>

GENERAL INFORMATION		
Property Address: 612 S. West St., 614 S. West St., 616 S. West St., and 618 S. West St.		Date: <u>3.6.2015</u>
Property PIN: 1703467496, 1703468401, 1703468308, and 1703468324	Deed Reference (Book/Page): Deed Book 15847, Page 359, Deed Book 15854, Page 203, and Deed Book 15898, Page 400.	
Nearest Intersection: West St. and Lenoir St.	Property size (in acres): .53	
Property Owner/Address:  5 Hanover Square, FL 14 New York, NY 10004-2614	Phone: 212-785-0090 (ext 225)	Fax: 212-785-7931
	Email: <a href="mailto:kberman@lambertdevelopment.com">kberman@lambertdevelopment.com</a>	
Project Contact Person/Address:  Ben Kuhn, Ragsdale Liggett, 2840 Plaza Place, Ste 400, Raleigh, NC 27612	Phone: 919.881.2201	Fax: 919-783-8991
	Email: <a href="mailto:bkuhn@rl-law.com">bkuhn@rl-law.com</a>	
Owner/Agent Signature: <u></u> Kerry Berman	Email: <a href="mailto:kberman@lambertdevelopment.com">kberman@lambertdevelopment.com</a>	

A rezoning application will not be considered complete until all required submittal components listed on the Rezoning Checklist have been received and approved.



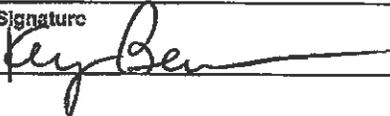
# Planning & Development

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

Conditional Use District Zoning Conditions		OFFICE USE ONLY
Zoning Case Number: Z-9-15		Transaction Number
Date Submitted: May 13, 2015		
Existing Zoning: BUS, R-20, and NB	Proposed Zoning: NX-3-UL-CU	

NARRATIVE OF ZONING CONDITIONS OFFERED	
1.	Uses prohibited on the properties to be rezoned: Special care facility, Cemetery, Telecommunication tower (<250 ft), Telecommunication tower (≥250 ft), Outdoor sports or entertainment facility (≤250 seats), Outdoor sports or entertainment facility (>250 seats), indoor recreation (all types), Vehicle Sales/Rental, Detention center, jail, prison, and Vehicle repair (minor), drive-in and drive-through facilities, commercial parking lots, remote parking lots, and vehicular fuel sales.
2.	Maximum overall density for residential uses shall be limited to 30 units per acre.
3.	Maximum overall intensity for office and/or medical uses shall be 14,600 square feet gross floor area.
4.	Maximum overall intensity for retail sales uses shall be 7,600 square feet gross floor area.
5.	New mixed use building types or general building types constructed after the effective date of this rezoning that include office, medical, and/or retail sales uses shall have the appearance of early twentieth century storefronts, such as those found in the nearby Depot National Register Historic District (e.g. 217 307, 309, 311, or 313 W. Martin Street), and will be a minimum of two stories in height.

These zoning conditions have been voluntarily offered by the property owner. All property owners must sign each condition page. This page may be photocopied if additional space is needed.

Owner/Agent Signature 	Print Name KERRY BERMAN
--	----------------------------



# Planning & Development

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

## Rezoning Application Addendum

Comprehensive Plan Analysis	OFFICE USE ONLY
<p>The applicant is asked to analyze the impact of the rezoning request. State Statutes require that the rezoning either be consistent with the adopted Comprehensive Plan, or that the request be reasonable and in the public interest.</p>	<p>Transaction Number</p> <p>Zoning Case Number <i>2-9-15</i></p>

STATEMENT OF CONSISTENCY	
<p>Provide brief statements regarding whether the rezoning request is consistent with the future land use designation, the urban form map and any applicable policies contained within the 2030 Comprehensive Plan.</p>	
1.	<p>The properties are classified as Neighborhood Mixed Use (1703468324) and Moderate Density Residential (1703467496, 1703468401, and 1703468308) on the Future Land Use Map. Planning staff has recommended that subject properties be designated NX-3-UL in the City-wide Remapping (Z-27-14). This Application seeks rezoning to NX-3-UL as well, consistent with Planning Staff's recommendation, with conditions restricting certain deleterious uses which would be inappropriate for these properties and the immediate area.</p> <p>The proposed NX-3-UL rezoning request with an Urban Limited frontage is consistent with the Future Land Use Map designations and adopted area plans (Saunders North Area Redevelopment Plan) because it permits a mix of moderate density residential development and neighborhood-oriented service/retail uses at an appropriate contextual height and scale (as also recommended by Planning Staff in connection with the City-wide UDO remapping). The intensities will be limited by the height, frontage, and parking requirements. The proposed rezoning would further ensure the efficient and predictable use of land capacity, guide growth and development, protect public and private property investments from incompatible land uses, and efficiently coordinate land use and infrastructure needs in the downtown core area. Under the proposed new UDO zoning district, the properties achieve greater flexibility to meet the needs of their recommended future land uses. Thus, the proposed rezoning is consistent with <i>Policy LU 1.1 Future Land Use Purpose</i>, <i>Policy LU 1.2 Future Land Use Map and Zoning Consistency</i> and <i>Policy DT 1.1 Downtown Future Land Use Map</i>.</p>
2.	<p>The rezoning request is consistent with the urban form map.</p>
3.	<p>The proposed rezoning is consistent with the following policies of the Comprehensive Plan:</p> <p><i>Policy LU 2.1 Place-making</i> as the proposed zoning and its permitted uses serve the needs of people at all stages of life, are visually attractive, safe, accessible, functional, inclusive, have their own distinctive identity, and maintain or improve local character.</p> <p><i>Policy LV 2.2 Compact Development</i> as mixed use zoning- allows for compact, integrated development pattern closer to the Downtown core. Such land use patterns support the efficient provision of Public services, improve the performance of transportation networks, preserve open space, and reduce the impacts of low intensity and non-contiguous development.</p> <p><i>Policy LU 2.6 Zoning and Infrastructure Impacts</i> as no major impacts to infrastructure are anticipated as a result of this rezoning. The proposed zoning retains the height limit and scale of the current zoning conditions.</p> <p><i>Policy LV 3.2 Location of Growth</i> as the rezoning promotes the development of vacant lands within the city limits first to provide for more compact and orderly growth. Providing a more flexible zoning at an appropriate scale and density would encourage effective redevelopment of the property that has been underutilized and been vacant for a long time.</p> <p><i>Policy LV 4. 4 Reducing VMT through Mixed Use</i> as mixed uses allowed by the proposed rezoning supports reduced vehicles miles traveled by providing a range of uses within a short distance of residences.</p>

*Policy LV 4.5 Connectivity* as the proposed zoning supports the redevelopment of the site for a compact, mixed-use development and provides for pedestrian and vehicular connectivity between the 4 parcels.

*Policy LV 5.1 Reinforcing the Urban Pattern* as the proposed zoning district controls the height and frontage to maintain the existing urban fabric without adverse impacts on the local historic character and appearance.

*Policy LV 5.4 Density Transitions, Policy LV 5.5 Transitional and Buffer Zone Districts, and Policy LV 5.6 Buffering Requirements* as the proposed zoning provides an appropriate transition zone between the intense uses of Downtown core and the surrounding residential uses. Additionally, the proposed NX-3-UL abuts properties are to be zoned for residential uses (RX-3) along the northern and western edges under the UDO remapping draft. Under this context, UDO's neighborhood transition requirements will apply to tracts parcel when developed and thus ensure adequate protection for the adjacent single-family uses.

*Policy LV 6.1 Composition of Mixed-Use Centers and Policy LV 6.2 Complementary Uses and Urban Vitality* as a mix development on the subject property and on adjacent tracts would bring people together and provide opportunities for active urban living and interaction. Allowing mixed uses would drive more customers to the businesses in the area and attract new home buyers to surrounding areas.

*Policy LV 7.1 Encouraging Nodal Development* as the proposed zoning encourages pedestrian-oriented nodes of commercial and/or residential development at key locations while respecting the integrity and character of surrounding uses.

*Policy LV 7.6 Pedestrian Friendly Development* as the mixed use district and urban limited frontage is supportive of a more pedestrian-oriented environment.

*Policy LV 8.1 Housing Variety, Policy LV 8.2 Neighborhood Revitalization and Policy LV 8.3 Conserving, Enhancing, and Revitalizing Neighborhoods* as the proposed rezoning supports redevelopment of a property for mixed uses that would revitalize property currently undeveloped/under-utilized, while encouraging a variety of housing types. This will reverse the conditions of decline and deterioration that has affected South and Southeast Raleigh neighborhoods, and will therefore allow for economic and equitable growth.

*Policy LU 8.10 Infill Development* as the proposed rezoning will encourage infill development on vacant land within the city where gaps exist in the urban fabric and retain the predominant character of a commercial and/or residential street.

*Policy LU 8.11 Development of Vacant Sites* as the rezoning will facilitate the development of vacant sites that have been difficult to develop by offering greater flexibility making it more attractive for developers and persons seeking to work and live in the downtown core area.

*Policy ED 1.2 Mixed-Use Redevelopment* as mixed uses encouraged by the rezoning enhances economic development and creates transit and pedestrian-friendly environments.

*Policy UD 1.4 Maintaining Facade Lines and Policy UD 4.5 Improving the Street Environment* as the proposed rezoning seeks to establish an appropriate urban limited frontage that fits within the context of the existing street environment and future density desired in the downtown core.

*Policy UD 1.10 Frontage* as the proposed zoning seeks an urban limited frontage that coordinates frontages across multiple sites to create cohesive places and maintain desired facade lines along the block within the downtown core.

*Policy UD 2.1 Building Orientation and Policy UD 3. 7 Parking Lot Placement* as the proposed rezoning with the urban limited frontage discourages the placement of parking between the street and building facade, and seeks to maintain a building facade more conducive to an urban environment supportive of pedestrian activities.

*Policy UD 2.3 Activating the Street* as the proposed mixed-use zoning should help activate the pedestrian environment of the street frontage in addition to internal pedestrian networks and connections.

*Policy UD 4. 5 Improving the Street Environment* as the proposed zoning and urban limited frontage helps create attractive and interesting streetscapes by promoting desirable street activities, making walking more comfortable and convenient, ensuring that sidewalks are wide enough to accommodate pedestrian traffic, minimizing curb cuts and driveways, and avoid windowless facades and gaps in the street wall.

*Policy UD 5.1 Contextual Design* as the proposed zoning respects the scale, height, and character of the surrounding uses and will help transition the area within the downtown core to appropriate heights and frontage to promote a walkable and pedestrian downtown core environment.

*Policy UD 6.1 Encouraging Pedestrian-Oriented Uses* as the proposed zoning encourages new development, streetscape, and building improvements in Downtown, Main Streets, and TOO areas to promote high intensity, pedestrian-oriented use and discourage automobile-oriented uses and drive-through uses.

*Policy UD 6.2 Enhancing Pedestrian Comfort and Convenience* as the proposed urban limited frontage is more conducive to a pedestrian-oriented development.

	<p><i>Policy DT 1.2 Vertical Mixed Use and Policy DT 1.3 Underutilized Sites in Downtown</i> as the proposed rezoning encourage vertical mixed uses in underutilized sites in Downtown and its edges.</p> <p><i>Policy DT 1.5 Supporting Retail Growth and Policy DT 1.6 Providing Downtown Development Opportunities</i> as the rezoning encourages the appropriate scale and intensity of development needed for the area and ensures a suitable development site through the rezoning and assistance with site assembly. Encouraging a mixed-use zoning on the property will attract neighborhood-oriented retail services into the area.</p>
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**PUBLIC BENEFITS**

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

1.	<p>Rezoning of the properties to NX-3-UL is consistent with how planning staff currently recommends that these properties be rezoned in the City-wide rezoning case (Z-27-14) and will offer greater flexibility for development of the property, while respecting the scale, character, and future growth of the area. The request is consistent with the future land use recommendations as well. The appropriate mix of uses permitted would make the property more attractive to the owner and/or developers who can productively develop the existing vacant lots to begin adding mixed uses and/or walkable pedestrian oriented uses in the downtown core area. The proposed conditions restrict certain deleterious uses which would be inappropriate for these properties and the immediate area.</p>
2.	<p>The proposed rezoning is consistent with the mix of residential and neighborhood service/retail uses called for in the Downtown West Gateway Land Use and Urban Form plan (See Map AP-DWG1).</p>
3.	<p>The proposed rezoning is consistent with the Saunders North Area Redevelopment Plan (Numbered Item 5, page 9, dated 9/21/2004) which calls for a mix of residential and neighborhood businesses uses in the area referred to as the "W. Lenoir Street Mixed Use Residential Business Area."</p>
4.	<p>The proposed rezoning offers numerous Public Benefits to the City of Raleigh and surrounding area/residents by providing:</p> <ul style="list-style-type: none"> <li>a) consistency with Future Land Use Map designation and developed area plans.</li> <li>b) predictable use of land capacity, guidance for growth and development on the property and in the area, and protection for public and private property investments from incompatible land uses.</li> <li>c) the best fit with the surrounding plots of land which are zoned NB, R-20, Business and IND-2.</li> <li>d) prompt development of vacant lands within the city limits first.</li> <li>e) redevelopment of blighted and vacant buildings and lots, which may serve to help spur other such properties to be redeveloped with further investment.</li> <li>f) visual integration with adjacent buildings, and more generally with the surrounding area, which are zoned NB, R-20 and Business.</li> <li>g) opportunities to bring people together and provide places for active living and interaction in the downtown core community.</li> <li>h) infill sites within existing neighborhoods to be developed with design elements, including height, setbacks, and massing through the use of zoning tools to further shape and develop this area to serve pedestrian-oriented living spaces within the downtown core area.</li> <li>i) opportunities additional housing types (potentially townhomes), office and/or retail uses in the downtown core area.</li> <li>j) removal of blighted conditions that have persisted for 20 years in the area.</li> <li>k) economic development of south/southeast Raleigh on account of the substantial monetary and human capital to be invested in this property, and in the area, which will be made more attractive by this rezoning.</li> <li>l) investment spurred by pro-active and flexible zoning so as incentivize development throughout the Saunders North Area.</li> </ul>

**URBAN DESIGN GUIDELINES**

If the property to be rezoned is shown as a "mixed use center" or located along a Main Street or Transit Emphasis Corridor as shown on the Urban Form Map in the Comprehensive Plan, the applicant must respond to the Urban Design Guidelines contained in the 2030 Comprehensive Plan.

N/A

## SUMMARY OF ISSUES

A neighborhood meeting was held on March 4, 2015 to discuss a potential rezoning of property located at the 612 S. West Street, 614 S. West Street, 616 S. West Street, and 618 S. West Street.

The neighborhood meeting was held at the Greene Community Center, 01 Martin Luther King Jr. Boulevard, Raleigh, NC 27601. There were approximately six (6) neighbors in attendance. The general issues discussed were:

- Summary of subject properties, existing zoning districts, and "Legacy District" classification
- City of Raleigh Remapping Effort to upgrade parcels from Part 10 Legacy Districts to new UDO Compliant Districts
- Proposed rezoning to NX-3-UL District. Discussion centered on the proposed construction, land use, and density. Questions were asked about the general nature of the construction, architectural details of the units, and other site design details.

### Summary of Issues:

- Attendees expressed concern over on-street parking associated with the UL frontage classification. One stated he preferred the integral garage to the residential units to minimize on-street parking on adjacent streets.
- Attendees expressed a desire to see the surrounding areas developed in a cohesive fashion.
- No other concerns or issues were presented. One attendee said he was generally in favor of the development and thought it would be good for the area.

**Rezoning Petition Neighborhood Meeting**  
**612 S. West Street, 614 S. West Street, 616 S. West Street, & 618 S. West Street**

March 4, 2015, 6:30 PM  
John P. "Top" Greene Center  
401 Martin Luther King Jr. Blvd.

**Meeting Agenda**

- Introductions
- Rezoning Petition Overview
- Discussion of Proposed Zoning District
- Questions and Comments from Attendees

**Rezoning Petition Overview**

- Currently, the properties in question are zoned BUS (Business), R-20 (Residential-20), and NB (Neighborhood Business).
- The current zoning designations are commonly called "Legacy Districts". These districts are subject to the City's old Part 10 Development Code.
- The City of Raleigh is in the process of remapping "Legacy Districts" into new zoning districts which comply with the Unified Development Ordinance. This process is ongoing and is under consideration by the Planning Commission and City Council.
- For more information on the City's Remapping Process, you can visit the City's website at <http://www.raleighnc.gov/business/content/PlanDev/Articles/Zoning/ZoningRemapping.html>
- We would propose to rezone the properties to the new NX-3-UL District. This district complies with the City's new Unified Development Ordinance. The NX-3-UL District is best described as Neighborhood Mixed Use, 3 Story Maximum Height, Urban Limited Frontage.

**Base Zoning Description (NX-):**

NX- (Neighborhood Mixed Use) district is intended to provide for a variety of residential, retail, service, and commercial uses all within walking distance of residential neighborhoods. To limit the overall scale, NX- has a maximum lot size of 10 acres. Maximum height limits should be compatible with adjacent residential development.

**Height (-3):**

3 stories, 50 feet maximum.

**Frontage (-UL):**

-UL (Urban Limited): This frontage is intended for areas where parking between the building and street is not allowed. Buildings abut the street and sidewalk but to balance the needs of both pedestrian and automobiles, lower street wall continuity is required.

**Questions? Comments?**

City of Raleigh Rezoning Website:

<http://www.raleighnc.gov/business/content/PlanDev/Articles/Zoning/ZoningandRezoning.html>

