

**ORDINANCE NO. (2018) 891 ZC 771**

**Effective: 11/6/18**

**Z-14-18 (MP-1-18) Wake Forest Road**, three parcels on the west side of the street, approximately 150 feet south of Chestnut Street, consisting of Wake County PINs 1704-94-3693, 1704-94-4617, and 1704-94-4741, approximately 0.5 acres rezoned Planned Development (PD)

Conditions dated: See attached Master Plan (MP-1-18)

## Rezoning Application



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

| REZONING REQUEST   |        |          |  |  |
|--|--------|----------|--|--|
| <input type="checkbox"/> General Use <input type="checkbox"/> Conditional Use <input checked="" type="checkbox"/> Master Plan            |        |          | OFFICE<br>USE ONLY<br>Transaction #<br><br>Rezoning Case # |  |
| Existing Zoning Base District  | R-6    | Height 3 |  | Frontage N/A    Overlay(s) Mordecai NCOD |
| Proposed Zoning Base District  | EXPD   | Height 3 |  | Frontage N/A    Overlay(s)               |
| Click <a href="#">here</a> to view the Zoning Map. Search for the address to be rezoned, then turn on the 'Zoning' and 'Overlay' layers. |        |          |  |  |
| 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:             |        |          |  |  |
| Pre-application meeting:   | 542401 |          |  |  |

| GENERAL INFORMATION  |             |  |                   |
|--|-------------|--|-------------------|
| Date   | May 8, 2018 | Date Amended (1)   | July 26, 2018     |
|  |             | Date Amended (2)   | September 7, 2018 |
| Property Address 1217, 1219, and 1221 Wake Forest Road   |             |  |                   |
| Property PIN 1704-94-3693; 1704-94-4617; 1704-94-4741  |             | Deed Reference (book/page) BK16-E PG2882                   |                   |
| Nearest Intersection Wake Forest Road and Chestnut Street  |             |  |                   |
| Property Size (acres)  | 0.5         | (For PD Applications Only) Total Units                     | 1                 |
|  |             | Total Square Feet:   |                   |
| Property Owner/Address<br>Thomas C. Flynn, III, Trustee<br>Charlie J. Griffin Revocable Trust<br>510 Glenwood Ave, Apt. 605<br>Raleigh, NC 27603 |             | Phone 919-801-8878   | Fax N/A           |
|  |             | Email fcs.tfflynn@gmail.com                                |                   |
| Project Contact Person/Address<br>Molly Stuart, Morningstar Law Group<br>424 Fayetteville Street, Suite 520<br>Raleigh, NC 27601                 |             | Phone 919-890-3318   | Fax N/A           |
|  |             | Email mstuart@morningstarlawgroup.com; drobinson@arcfi.com |                   |
| Owner/Agent Signature <i>Dalme</i>   |             | Email drobinson@arcfi.com                                  |                   |

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

**Planned District Application Supplemental Information**

**1. INTRODUCTION**

This document and the accompanying exhibits submitted herewith (collectively, the “Master Plan”) are provided pursuant to provisions of the Unified Development Ordinance (the “UDO”) associated with the Planned Development (“PD”) District for the Gables Lodge the (“Project”). The development occupies 0.517 acres on the west side of Wake Forest Road, south of Chestnut Street. The property was developed in the 1920s, initially as a boarding house and later converted to a motor lodge serving the US 1 corridor. The contract purchaser, Gables Lodge, LLC, is proposing to retain the existing structures, with the addition of two additional smaller structures, and preserve the lodge use on the site. All commercially reasonable efforts will be made to relocate and retain the existing parking canopy on site.

The City is in the process of making two phases of improvements to the adjoining section of Wake Forest Road. In 2018, the area will be restriped as part of a road diet project, which will add a central turn lane and bike lanes. An as-yet-unscheduled future phase of the project will add sidewalks and a landscaped median in the vicinity of the Project. A traffic impact analysis prepared in connection with the Project<sup>1</sup> indicates that the “traffic expected to be generated by the proposed development is not anticipated to cause significant negative impacts on the surrounding roadway network.”

Although the Project site is currently comprised of three separate tax parcels, these will be recombined into a single parcel prior to construction. The proposed project will be completed in a single phase except as otherwise described herein in connection with the proposed sidewalk.

The drawings attached to this Master Plan are intended to indicate the location and maximum footprint of all buildings but shall not otherwise be considered a literal depiction of the Project, which shall be bound by the requirements of the CX district and the UDO, as modified by the terms of Sections 5, 6, and 7 below.

The Project team has made every effort to reflect in its petition all comments received from members of the public as well as city staff and officials, including by making our best efforts to resolve the occasional tensions between the comments received.

**2. COMPREHENSIVE PLAN**

The purpose of this rezoning and Master Plan is to permit the economically sustainable preservation of the original lodge buildings as well as the previous lodge use in an area where the only viable alternative use would be to construct new single-family detached houses, requiring demolition of the original buildings, in conformance with the Moderate Density Housing use suggested by the Comprehensive Plan.

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<sup>1</sup> Prepared by Ramey Kemp & Associates, Inc. and dated July 23, 2018

The PD supports many goals of the Comprehensive Plan, in particular by preventing immediate demolition of the existing lodge buildings. By retaining these structures and the longtime use of the site, the project will protect the existing neighborhood identity and preserve an important link to the city's past while providing a unique and authentic Raleigh lodging option for visitors.

### 3. INTENT FOR PD DISTRICTS

The Project meets the intent of the PD District in several ways, including by providing relief from the strict application of the requirements of the R-6 district zoning, which would, for all practical purposes, require demolition of the existing structures. PD zoning permits preservation of a key piece of Mordecai and Raleigh history and invites neighbors and visitors to connect with that history. The original buildings were constructed prior to the requirements of the UDO, and their preservation requires us to apply the PD District for its intended purpose as a relief valve from prescriptive zoning.

One technical requirement of the Planned Development district is that at least two building types be included in the Project. While this provision is likely needed to discourage large developments of undifferentiated buildings, this risk is not present for a small preservation project such as the Gables Lodge. Nonetheless, two building types are present. The main building on the site, the "house" structure on the southern portion of the property, was constructed as a boarding house providing long-term dwellings for residents and therefore falls into the "Apartment" type building, which provides for a building "constructed to accommodate 3 or more dwelling units that are vertically or horizontally integrated. A common kitchen is allowed." The existing garage building on the site was, as required by the UDO, "constructed to accommodate nonresidential uses on all floors" and therefore represents a "General" building type.

### 4. GENERAL DESIGN PRINCIPLES AND URBAN DESIGN GUIDELINES

The project meets the General Design Principles for Planned Districts through preservation of existing structures and providing open space, a water feature, a design adapted to history and climate, compatibility with surroundings, and by providing a low-key live music amenity. The Gables Lodge will preserve the original structures and longstanding use of the site as a small lodge, and either the current iconic sign will be preserved or an earlier version previously in place on the site will be recreated and installed. Beyond preservation, the landscaped areas of the site will add a lush, perennial, native Piedmont garden adapted to the local climate and natural history, and required street trees will be installed, if permitted by the North Carolina Department of Transportation, or, alternatively, a Type C2 street protective yard will be installed. A system of pedestrian circulation will be provided, compliant with all provisions of Section 8.3.5.B of the UDO, to connect the parking area, garden, and building entrances. The



open space will constitute the centerpiece of the site and offer a water feature and passive recreation within the central garden. The project will modestly update structures and uses that have been part of the surrounding neighborhood for decades, even predating much of the surrounding development. Non-amplified live music will be a part of the operation of the lodge, during limited hours compatible with the lodge's residential setting.

Despite its small size and minimal new structures, the project also incorporates certain elements of the Design Guidelines for Mixed-Use Developments. Although the project will contain a single principal use on its small site, as a lodge for visitors, accessory uses will add to the mixed-use feel of the site, with limited retail, lounge, and occasional food service uses to be housed within structures that are either existing or of lower height. All structures will be compatible with the height and massing of the surrounding neighborhood.

While Policy UD 7.3, and in particular Design Guideline 15, encourages location of parking behind buildings, countervailing policies exist in favor of the proposed placement of the parking along the northern property line of the project. In particular, Policy HP 3.2 supports retention of the existing structures on the site. Since those structures are located toward the rear of the lot, there is no opportunity to offer parking behind them. In addition, although new development in the city is generally encouraged to limit the visual impact of parking, this approach is inconsistent with retaining the existing structures and allowing them to tell the story of their historic motor lodge use during the golden age of automobile travel.

#### 5. LAND USES AND INTENSITIES

The Project will be limited to a maximum of the proposed uses and intensities listed below:

##### Uses

Permitted principal uses: This Planned District selects Commercial Mixed Use (CX) as its base district, in order to permit restoration of the previous use of the site as a lodge. All permitted, limited, and special principal uses of the CX district shall be prohibited, except overnight lodging.

##### Intensities

Maximum 7,500 square feet, including:

- Apartment-type building: 4,500 square feet
- General-type buildings: 3,000 square feet
- A maximum of 19 lodging units shall be permitted within the Project.

#### 6. MODIFICATIONS REQUIRED PURSUANT TO UDO SECTION 4.7.2

This Planned District requires certain modifications to the UDO pursuant to the UDO Section 4.7.2. They are as follows:

- a. Base dimensional standards:
  - i. Structure setbacks: The existing buildings on the site were built prior to the setback requirements, and the two small new additions to the existing garage building extend its rear wall in a straight line. Accordingly, the building setback requirements shall be modified as follows:
    - 1. Side:
      - a. South lot line (3.2.4): Setback shall be consistent with the existing main building structure and porch, which are shown on that certain survey prepared by Bohler Engineering NC, PLLC and dated as of 4/2/18 (the "Survey"), which depicts the following setbacks:
        - i. Building: 5.4 feet
        - ii. Porch: 2 feet
      - b. North lot line (3.2.8): In the event the existing parking canopy on the site is either relocated or reconstructed and placed along the northern property line of the Project, it shall be subject to a 3-foot side setback.
    - 2. Rear (3.2.4 and 3.2.5): 2.25 feet from the west lot line, to accommodate the proposed addition to the existing garage structure. No building shall be closer to the rear property line than the existing garage structure, including in the event that structure is more than 2.25 feet from the rear property line.
  - ii. Floor heights (3.2.5): For the "General" building type, the following floor heights shall be required in conformance with the requirements of Section 1.5.7.C of the UDO:
    - 1. Ground floor: Min. 7 feet 6 inches
    - 2. Upper floor: Min. 7 feet 6 inches
  - iii. Building Heights (3.2.4 and 3.2.5): The apartment-type building shall be limited to a maximum of 33 feet 6 inches in height, and all other structures shall be limited to a maximum height of 23 feet, 10 inches, reduced from the 50 feet permitted in the CX district.
- b. Transition zones:
  - i. Article 3.5 of the UDO shall not be applicable.
- c. Parking
  - i. 7.1.1: The parking spaces shall comply with the requirements of the Raleigh Street Design Manual, except that the parking area may be paved in gravel, excluding the driveway area and ADA-compliant parking space, which shall be concrete and as otherwise set forth herein.
  - ii. 7.1.2: An on-site automobile parking ratio of 0.75 spaces per guest room shall be provided.
  - iii. 7.1.7: No landscape perimeter island shall be provided.
  - iv. 7.1.7: No landscape interior island shall be provided.

- v. 7.1.7: One shade tree shall be required for the parking area.
  - d. Walls and Fences (7.2.8): Walls and fences within the building setbacks may of a maximum height as set forth below:
    - i. Along the north property line: 6 feet
    - ii. Along the west property line: 8 feet
    - iii. Along the south property line: 6 feet
  - e. Signs
    - i. 7.3.10: Sign copy will be a maximum of 12 inches tall consistent with the existing sign on the site.
    - ii. 7.3.10: A minimum street frontage of 140 feet shall be required in connection with a high-profile ground sign.
  - f. Driveways
    - i. 8.3.5: The driveway spacing shall not meet the requirements of a mixed-use district of 200 feet between driveways.
  - g. Existing Streets (8.3.5): The UDO requires that the approved streetscape be constructed at the time of development, subject to the possibility of administrative approval for payment of a fee in lieu of such construction. Due to the topography of the Project site and the as-yet-unscheduled work to be completed by the City in the vicinity of the Project to install a sidewalk on the west side of Wake Forest Road, a combination of both approaches will be applicable within the Project. Immediate installation of the full sidewalk provided in the Street Design Manual would necessitate that each end of the sidewalk segment be secured with a retaining wall and safety barrier until the connecting sidewalks are installed. This would increase the cost of the overall sidewalk installation without providing any additional benefit, since the segment would not connect to any other sidewalk until such installation is complete. It would also pose a danger to guests unfamiliar with the area by encouraging attempts to walk along Wake Forest Road – eventually requiring them to circumvent the safety barrier and walk unprotected within the travel lane. For this reason, a sidewalk will be installed, as shown on the Development Plan, in a location connecting the parking area to the entrance to the main lodge building. Sidewalk installation and connection would proceed in two phases:
    - i. Phase 1: The sidewalk to be provided along Wake Forest Road shall be installed as provided on the Development Plan, and the applicant shall deliver to the City a fee in lieu of constructing Phase 2 of the streetscape improvements. Phase 1 shall be completed prior to issuance of any final certificate of occupancy for the apartment-type building on the Project site
    - ii. Phase 2: Final connection of the sidewalk along the Project frontage to the sidewalk to be newly installed along Wake Forest Road shall be completed by the City at the time the adjoining portions of the sidewalk are constructed.

7. BINDING CONDITIONS

In addition to the provisions of Section 5 and 6 above, the following conditions will be binding on the Project:

- a. No amplified, live music shall be permitted at any time, and no outdoor music shall be permitted after:
  - i. Sundays through Thursdays, excluding evenings before any bank holiday, 9 p.m.
  - ii. Fridays, Saturdays, and the evenings before any bank holiday, 10 p.m.
- b. Accessory retail use shall be limited to a maximum of 100 square feet.
- c. Accessory bar/lounge use shall be limited to a maximum of 650 square feet of interior space and 400 square feet of outdoor space.
- d. Accessory office space shall be limited to 150 square feet.
- e. Each accessory use on the site shall be of the type incidental to an overnight lodging use and customarily found in connection with that use. Each shall contribute to the comfort, convenience, or needs of the guests and staff by providing for comfortable and complete guest experience and efficient handling of guest-related business needs of the lodging operation.
- f. The existing main building, garage, and canopy shall be restored and preserved to the extent commercially reasonable and consistent with life safety, structural stability, and the lodge operations described in this petition.
- g. The following Common Signage Plan shall be applicable:
  - i. Script type: Any non-serif script type may be used.
  - ii. Minimum letter height:
    - 1. High-profile ground sign: 4 inches
    - 2. Other signs: 1 inch
  - iii. Maximum letter height: 12 inches
  - iv. Permitted sign types:
    - 1. High-profile ground sign, limited to the existing such sign (as may be restored) or an approximate replica of the earlier sign depicted on page 3 of the Master Plan. No changeable copy sign shall be permitted.
    - 2. Directory signs
    - 3. Miscellaneous signs
    - 4. Information signs
    - 5. Temporary signs
    - 6. Unit numbering identification
  - v. Sign placement: With respect to the high-profile ground sign, as shown on page 3 of the Master Plan. All other signs shall be permitted in all locations otherwise complying with UDO requirements or as required by law.
  - vi. Permitted colors: Black, white, any color matching the dominant exterior color of the structures on the site, and two shades of red, one shade of green, two shades of gray, and two shades of blue shall be permitted.
- h. Advertised and posted hours of operation shall be limited as follows in connection with the accessory bar operation:
  - i. For Sundays through Thursdays, excluding evenings before any bank holiday, advertised and posted hours shall not extend past 11 p.m.
  - ii. For Fridays, Saturdays, and the evenings before any bank holiday, advertised and posted hours shall not extend past 1 a.m.

















