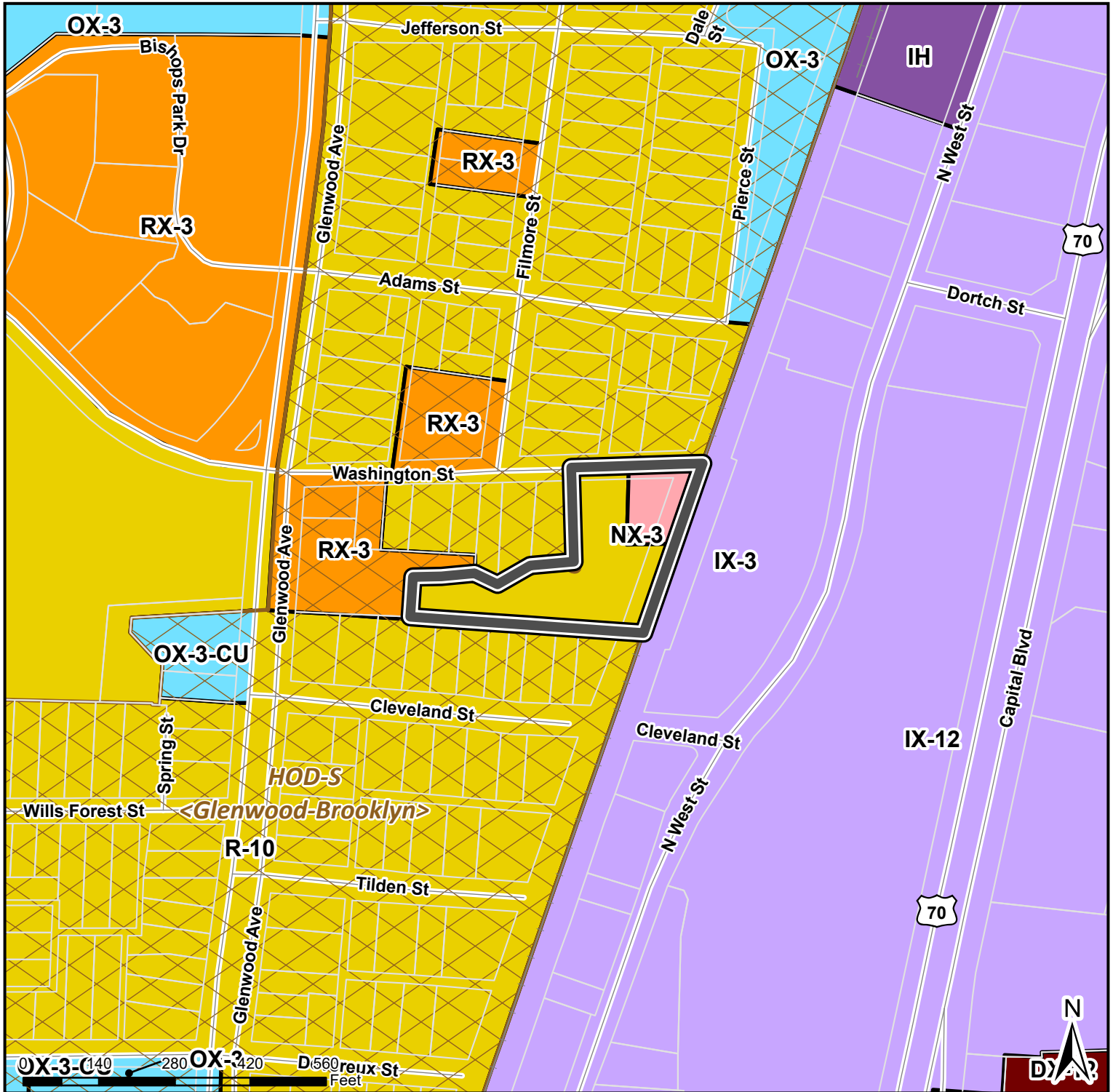


Existing Zoning

Z-15-2022



Property	501 Washington St
Size	1.5 acres
Existing Zoning	R-10 & NX-3
Requested Zoning	NX-3-CU



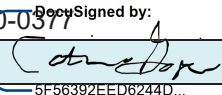
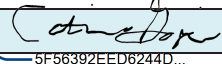


Rezoning Application and Checklist

Planning and Development Customer Service Center • One Exchange Plaza, Suite 400 | Raleigh, NC 27601 | 919-996-2500

Please complete all sections of the form and upload via the Permit and Development Portal (permitportal.raleighnc.gov). Please see page 18 for information about who may submit a rezoning application. A rezoning application will not be considered complete until all required submittal components listed on the Rezoning Checklist have been received and approved. For questions email rezoning@raleighnc.gov.

Rezoning Request				
Rezoning Type	General Use	X Conditional Use	Master Plan	Office Use Only Rezoning case #
	Text change to zoning conditions			
Existing zoning base district: NX & R10	Height: 3	Frontage:	Overlay(s):	
Proposed zoning base district: NX	Height: 3	Frontage:	Overlay(s):	
Helpful Tip: View the Zoning Map to 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:				

General Information			
Date:	Date amended (1):	Date amended (2):	
Property address: 501 Washington Street			
Property PIN: 1704533419			
Deed reference (book/page): 014207/01877			
Nearest intersection: Washington St & Glenwood Ave		Property size (acres): 1.50	
For planned development applications only	Total units:	Total square footage:	
	Total parcels:	Total buildings:	
Property owner name and address: HES and CS LLC, 501 Washington Street Raleigh, NC 27605			
Property owner email: mpaul@morningstarlawgroup.com			
Property owner phone: 919-590-0377			
Applicant name and address: HES and CS LLC, 501 Washington Street Raleigh, NC 27605			
Applicant email: mpaul@morningstarlawgroup.com			
Applicant phone: 919-590-0377			
Signed by: 			
Applicant signature(s): 			
Additional email(s):			

RECEIVED

By Carmen Kuan at 9:40 am, Feb 14, 2022

Conditional Use District Zoning Conditions

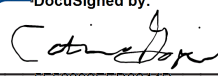
Zoning case #:	Date submitted:	Office Use Only Rezoning case # _____
Existing zoning: NX-3 & R-10	Proposed zoning: NX-3-CU	

Narrative of Zoning Conditions Offered

1. The following uses are prohibited: cemetery; bar, nightclub, tavern, lounge, shopping center; vehicle fuel sales; vehicle sales; detention center, jail, prison; vehicle repair (minor)

The property owner(s) hereby offers, consents to, and agrees to abide, if the rezoning request is approved, the conditions written above. All property owners must sign each condition page. This page may be photocopied if additional space is needed.

Property Owner(s) Signature: _____

DocuSigned by:

SF56392EED6244D...

Printed Name(s): Catherine H. Godwin**RECEIVED****By Carmen Kuan at 9:40 am, Feb 14, 2022**

Rezoning Application Addendum #1**Comprehensive Plan Analysis****Office Use Only**

Rezoning case #

The applicant is asked to analyze the impact of the rezoning request and its consistency with the Comprehensive Plan. The applicant is also asked to explain how the rezoning request is reasonable and in the public interest.

Statement of Consistency

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

1. The Future Land Use Map designates this site as Moderate Density Residential. Moderate Density Residential allows for townhouses and multifamily dwellings with densities not to exceed 14 units per acre. The property is immediately adjacent to a rail corridor and properties designated as Office and Residential Mixed Use (ORMU) on the Future Land Use Map.

2. The proposed rezoning seeks to include the following conditional use prohibitions: Cemetery; commercial parking facility; bar, nightclub, tavern, lounge; eating establishment; shopping center; vehicle fuel sales; vehicle sales; detention center, jail, prison; vehicle repair (minor). Vehicle repair (major) and adult establishments are already prohibited within the NX Zoning District.

3. The Urban Form map does not provide any guidance on frontage for the subject property.

4. The proposed rezoning is consistent with the following Comprehensive Plan policies: LU 1.2 "Future Land Use Map and Zoning Consistency" (the proposed use is consistent with the existing Moderate Density Residential and Neighborhood Mixed Use Future Land Use Designation. Given that the existing use of a dance studio and temporary event space is proposed for the site, the Comprehensive Plan provides that NX is the closest corresponding zoning district for the Neighborhood Mixed Use designation).

Public Benefits

Provide brief statements explaining how the rezoning request is reasonable and in the public interest.

The rezoning request is reasonable and in the public interest for a number of reasons, including:

1. The rezoning will correct a mistake made in the remapping of commercial zoning districts as part of the transition to the Unified Development Ordinance in 2013. With the remapping, the City sought to map new mixed use zoning districts onto all commercially zoned properties that corresponded to the existing entitlements. In addition, the City prohibits placement of zoning lines through buildings. The subject property had a commercial use at the time of the remapping and yet the remapping did not result in a zoning district that matched the existing entitlement on the property. Moreover, the remapping mistakenly created a split zoning with the zoning line bisecting an existing building situated on the property.

2. The NX-3 zoning provides an appropriate buffer and transition between the residential neighborhood and the railroad corridor located immediately to the east of the subject property. Many of the properties located along the rail corridor are zoned industrial and have heavy commercial uses. The corridor remains heavily used for freight traffic by Norfolk-Southern Railroad. The existing use on the property with its dance studio and event space insulates the neighborhood from the heavy commercial activities along the rail line.

3. The subject property was omitted from the Glenwood-Brooklyn Historic District, acknowledging that the existing development and its use is incompatible and different from the characteristics of the district. The Special Character statement in RHDC's Design Guidelines cites the district as an early 20th century street car suburb noted for housing types of that period. The building on the subject property, which was built much later, does not meet the character of the district and is treated differently.

Rezoning Application Addendum #2

Impact on Historic Resources

The applicant is asked to analyze the impact of the rezoning request on historic resources. For the purposes of this section, a historic resource is defined as any site, structure, sign, or other feature of the property to be rezoned that is listed in the National Register of Historic Places or designated by the City of Raleigh as a landmark or contributing to a Historic Overlay District.

Office Use Only
Rezoning case #

Inventory of Historic Resources

List in the space below all historic resources located on the property to be rezoned. For each resource, indicate how the proposed zoning would impact the resource.

N/A

Public Mitigation

Provide brief statements describing actions that will be taken to mitigate all negative impacts listed above.

N/A

Design Guidelines

The Applicant must respond to the **Urban Design Guidelines** contained in the 2030 Comprehensive Plan if:

- a) The property to be rezoned is within a "City Growth Center", "Mixed-Use Center", or "Transit Station Areas", OR;
- b) The property to be rezoned is located along a "Main Street" or "Transit Emphasis Corridor" as shown on the Urban Form Map in the 2030 Comprehensive Plan.

Policy UD 7.3:

The Design Guidelines in Table UD-1 shall be used to review rezoning petitions and development applications for mixed-use developments; or rezoning petitions and development applications along Main Street and Transit Emphasis Corridors or in City Growth, TOD and Mixed-Use Centers, including preliminary site plans and development plans, petitions for the application of Downtown Overlay Districts, Planned Development Districts, and Conditional Use zoning petitions.

The Applicant must respond to the **Downtown Urban Design Guidelines** contained in the 2030 Comprehensive Plan if:

- a) The property to be rezoned is within "Downtown" as shown on the Urban Form Map in the 2030 Comprehensive Plan.

Policy DT 7.18:

The design guidelines in Table DT-1 shall be used to review rezoning, alternative means of compliance, special use permits, and planned development master plan applications in downtown.

Please [click here](#) to download the Design Guidelines Addendum if required.

Urban Form Designation: N/A

Click [here](#) to view the Urban Form map.

Please continue to the next page for the Rezoning Checklist Submittal Requirement.

Rezoning Checklist (Submittal Requirements)					
To be completed by Applicant			To be completed by staff		
General Requirements – General Use or Conditional Use Rezoning:	Yes	N/A	Yes	No	N/A
1. I have referenced this Rezoning Checklist and by using this as a guide, it will ensure that I receive a complete and thorough first review by the City of Raleigh	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
2. Pre-application conference	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
3. Neighborhood meeting notice and report	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
4. Rezoning application review fee (see Development Fee Guide for rates).	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
5. Completed application submitted through Permit and Development Portal	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
6. Completed Comprehensive Plan consistency analysis	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
7. Completed response to the urban design or downtown design guidelines	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
8. Two sets of stamped envelopes addressed to all property owners of area to be rezoned and properties with 500 feet of area to be rezoned	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
9. Trip generation study	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
10. Traffic impact analysis	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
For properties requesting a Conditional Use District:	Yes	N/A	Yes	No	N/A
11. Completed zoning conditions, signed by property owner(s)	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
If applicable, see page 18:	Yes	N/A	Yes	No	N/A
12. Proof of Power of Attorney or Owner Affidavit	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
For properties requesting a Planned Development or Campus District:	Yes	N/A	Yes	No	N/A
13. Master plan (see Master Plan submittal requirements)	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
For properties requesting a text change to zoning conditions:	Yes	N/A	Yes	No	N/A
14. Redline copy of zoning conditions with proposed changes	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
15. Proposed conditions signed by property owner(s)	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Please continue to the next page for the Master Plan Submittal Requirements checklist.

Master Plan (Submittal Requirements)

To be completed by Applicant			To be completed by staff		
General Requirements – Master Plan:	Yes	N/A	Yes	No	N/A
1. I have referenced this Master Plan Checklist and by using this as a guide, it will ensure that I receive a complete and thorough first review by the City of Raleigh	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
2. Total number of units and square feet	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
3. 12 sets of plans	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
4. Completed application submitted through Permit and Development Portal	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
5. Vicinity Map	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
6. Existing Conditions Map	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
7. Street and Block Layout Plan	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
8. General Layout Map/Height and Frontage Map	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
9. Description of Modification to Standards, 12 sets	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
10. Development Plan (location of building types)	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
11. Pedestrian Circulation Plan	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
12. Parking Plan	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
13. Open Space Plan	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
14. Tree Conservation Plan (if site is two acres or more)	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
15. Major Utilities Plan/Utilities Service Plan	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
16. Generalized Stormwater Plan	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
17. Phasing Plan	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
18. Three-Dimensional Model/renderings	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
19. Common Signage Plan	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Date: November 1, 2021

Re: Neighborhood Meeting regarding 501 Washington St (the “Property”)

Dear Neighbors:

You are invited to attend a neighborhood meeting on Wednesday, **November 10, 2021, from 5pm to 6pm** to be held at 501 Washington Street, Raleigh, NC, lower entrance.

The purpose of this meeting is to discuss a potential rezoning of the Property. This Property is currently zoned Neighborhood Mixed Use – up to 3 stories (NX-3) & Residential-10 Use (R-10) and is proposed to be rezoned to Neighborhood Mixed Use – up to 3 stories with conditions (NX-3-CU). The purpose of the zoning request is to permit the existing use on the property, which includes a dance studio and temporary event space, to continue as a conforming use. Our goal is to gather comments through your participation in this virtual neighborhood meeting or, alternatively, through your written comments to the City of Raleigh Planning Department. After the meeting, we will prepare a report for the Raleigh Planning Department regarding the items discussed.

Prior to the submittal of any rezoning application, the City of Raleigh requires that a neighborhood meeting be held for all property owners and tenants within 500 feet of the area requested for rezoning.

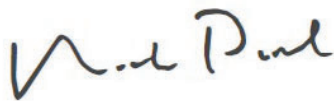
Information about the rezoning process is available online; visit www.raleighnc.gov and search for “Rezoning Process.” If you have further questions about the rezoning process, please contact:

Carmen Kuan
Raleigh Planning & Development
(919) 996-2235
Carmen.Kuan@raleighnc.gov

If you have any concerns or questions about this potential rezoning I can be reached at:

Mack Paul
Morningstar Law Group
919-590-0377
mpaul@mstarlaw.com

Sincerely,

A handwritten signature in black ink, appearing to read "Mack Paul", is positioned below the typed name and contact information.

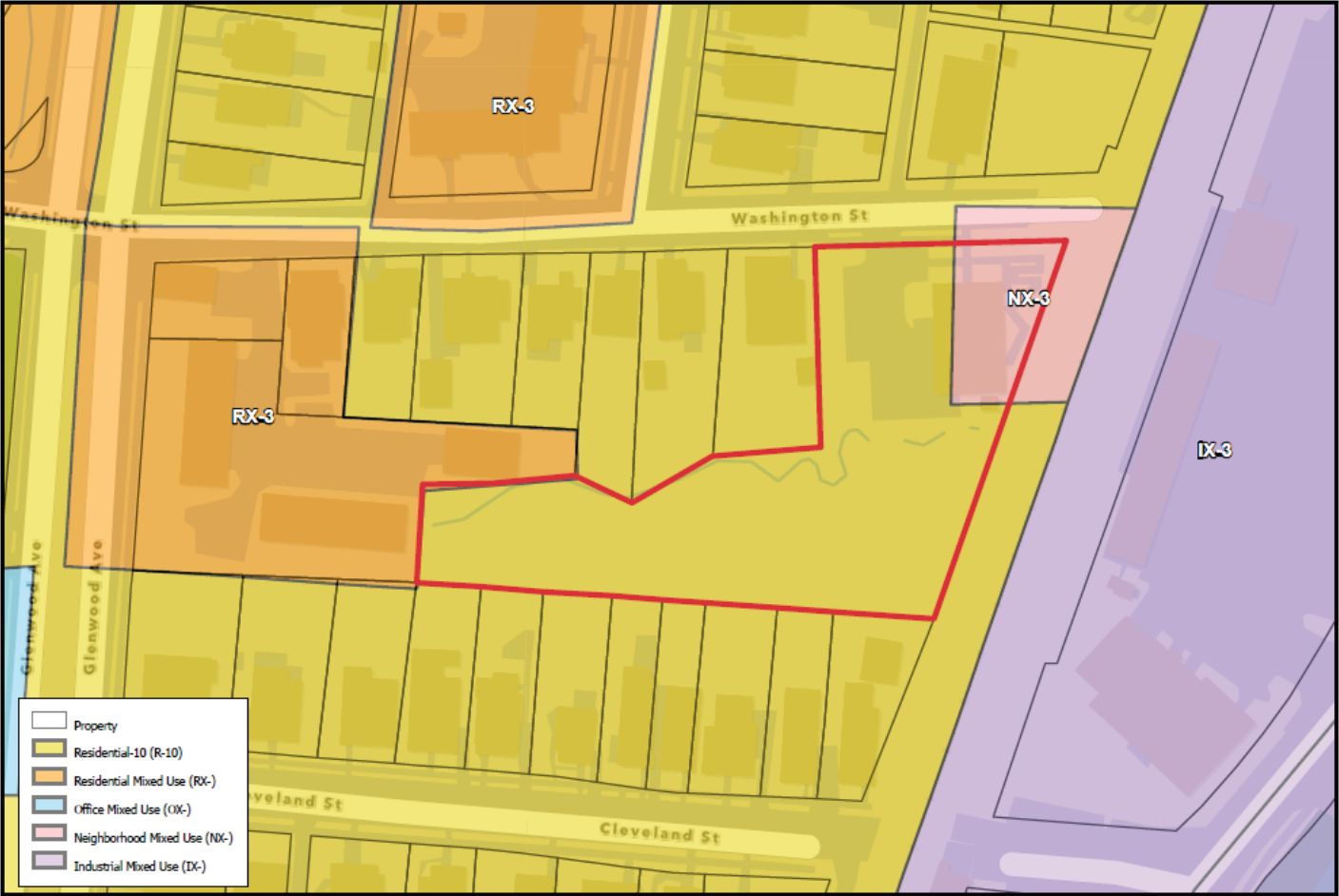
Neighborhood Meeting Agenda

- I. Introductions
- II. The rezoning process
- III. The project
- IV. Question and answer period

Aerial Photo



Zoning





Rezoning Application and Checklist

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Please complete all sections of the form and upload via the Permit and Development Portal (permitportal.raleighnc.gov). Please see page 18 for information about who may submit a rezoning application. A rezoning application will not be considered complete until all required submittal components listed on the Rezoning Checklist have been received and approved. For questions email rezoning@raleighnc.gov.

Rezoning Request				
Rezoning Type	General Use	<input checked="" type="checkbox"/> Conditional Use	Master Plan	Office Use Only Rezoning case #
	Text change to zoning conditions			
Existing zoning base district: NX & R	Height: 3 & 10	Frontage:	Overlay(s):	
Proposed zoning base district: NX	Height: 3	Frontage:	Overlay(s):	
Helpful Tip: View the Zoning Map to 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:				

General Information		
Date:	Date amended (1):	Date amended (2):
Property address: 501 Washington Street		
Property PIN: 1704533419		
Deed reference (book/page): 014207/01877		
Nearest intersection: Washington St & Glenwood Ave		Property size (acres): 1.50
For planned development applications only	Total units:	Total square footage:
	Total parcels:	Total buildings:
Property owner name and address: HES and CS LLC, 501 Washington Street Raleigh, NC 27605		
Property owner email: mpaul@morningstarlawgroup.com		
Property owner phone: 919-590-0377		
Applicant name and address: HES and CS LLC, 501 Washington Street Raleigh, NC 27605		
Applicant email: mpaul@morningstarlawgroup.com		
Applicant phone: 919-590-0377		
Applicant signature(s):		
Additional email(s):		

Conditional Use District Zoning Conditions

Zoning case #:	Date submitted:	Office Use Only Rezoning case # _____
Existing zoning: NX-3 & R-10	Proposed zoning: NX-3-CU	

Narrative of Zoning Conditions Offered

The following uses are prohibited: cemetery; commercial parking facility; bar, nightclub, tavern, lounge; eating establishment; shopping center; vehicle fuel sales; vehicle sales; detention center, jail, prison; vehicle repair (minor)

DRAFT

The property owner(s) hereby offers, consents to, and agrees to abide, if the rezoning request is approved, the conditions written above. All property owners must sign each condition page. This page may be photocopied if additional space is needed.

Property Owner(s) Signature: _____

Printed Name(s): _____

RECEIVED*By Carmen Kuan at 9:40 am, Feb 14, 2021***SUMMARY OF ISSUES**

A neighborhood meeting was held on November 10, 2021 (date) to discuss a potential rezoning located at 501 Washington St (property address). The neighborhood meeting was held at Virtually (location). There were approximately 24 (number) neighbors in attendance. The general issues discussed were:

Summary of Issues:

<p>Discussed property details and rezoning request</p> <p>Discussed process of rezoning</p> <p>Showed maps of site and explained zoning</p> <p>Participant asked whether owner planned to rezone the entire property. Owner explained that it is necessary to have a single zoning for the entire property.</p>
<p>Participant asked whether owner planned to rezone the entire property. Owner explained that it is necessary to have a single zoning for the entire property.</p> <p>Participant asked whether owner plans to build across the stream buffer? Owner responded she has no plans to do so.</p> <p>Participant asked why owner wants to proceed with rezoning of property now? City staff has advised the split zoning needs to be <u>corrected for any improvement to occur on property</u></p>
<p>Participant asked whether a kitchen is needed for the facility.</p> <p>Participant asked about the use of the area across the buffer on the back of the property due to proximity to residential lot. The owner has no plans for that area.</p> <p>Participant asked for current occupancy. Response - 275.</p> <p>Participant expressed concerned about hours of operation.</p>
<p>Participant expressed concern about any outdoor activity which can create noise in the evening.</p> <p>Participant suggested consideration of zoning conditions used for Heights House as a way to manage events in a residential context.</p> <p>Participant asked whether there is a Neuse River buffer.</p> <p>Participant asked whether there is a design for a third floor of the existing building. An architect has completed a design for <u>the third floor</u>.</p>
<p>Participant asked whether the adjacent house is included in the rezoning request. It is not. Also, it was noted that the structure is in very poor condition.</p> <p>Participants discussed allowable uses within the existing NX zoning district.</p> <p>Participant asked about plans to expand the event space and whether it can it be expanded on the site into the parking area.</p>
<p>Participant asked what parameters are in place for indoor recreation use.</p> <p>Participant asked whether a bar or night club is currently permitted.</p> <p>Participant expressed concerned about traffic during events including the arrival and departure of vehicles and parking on neighborhood streets.</p> <p>Participant asked whether on street parking is needed.</p>
<p>Participants expressed appreciation for owner's efforts to communicate with neighbors and manage events</p> <p>Participants expressed appreciation for the condition of the existing building.</p> <p>Participants discussed working with applicant on zoning conditions.</p>

Name

(email or
Contact address)Burl Wingold
Karyn Wingoldbpwingold@gmail.com
coconuts345@gmail.com

Jessica Heath

jessicasheath15@gmail.com

SANDY KIPP

sdkipper@gmail.com

Roy Attride

royattride@gmail.com

Jonathan Thompson

jthompson2375@gmail.com

Brandy Thompson

bthompson@clearscopes.com

Bryan Kohan

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Rachel S Twomey

304 Washington St. 919-933-7707

Mary Craven Potteat

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Kristen Kiernan

kristen.kiernan@gmail.com

Scott Roulston

scott.roulston@gmail.com

Mark Nance

marknance@yahoo.com

Brian Benfer

bbenfer@gmail.com

RECEIVED

By Carmen Kuan at 9:40 am, Feb 14, 2022