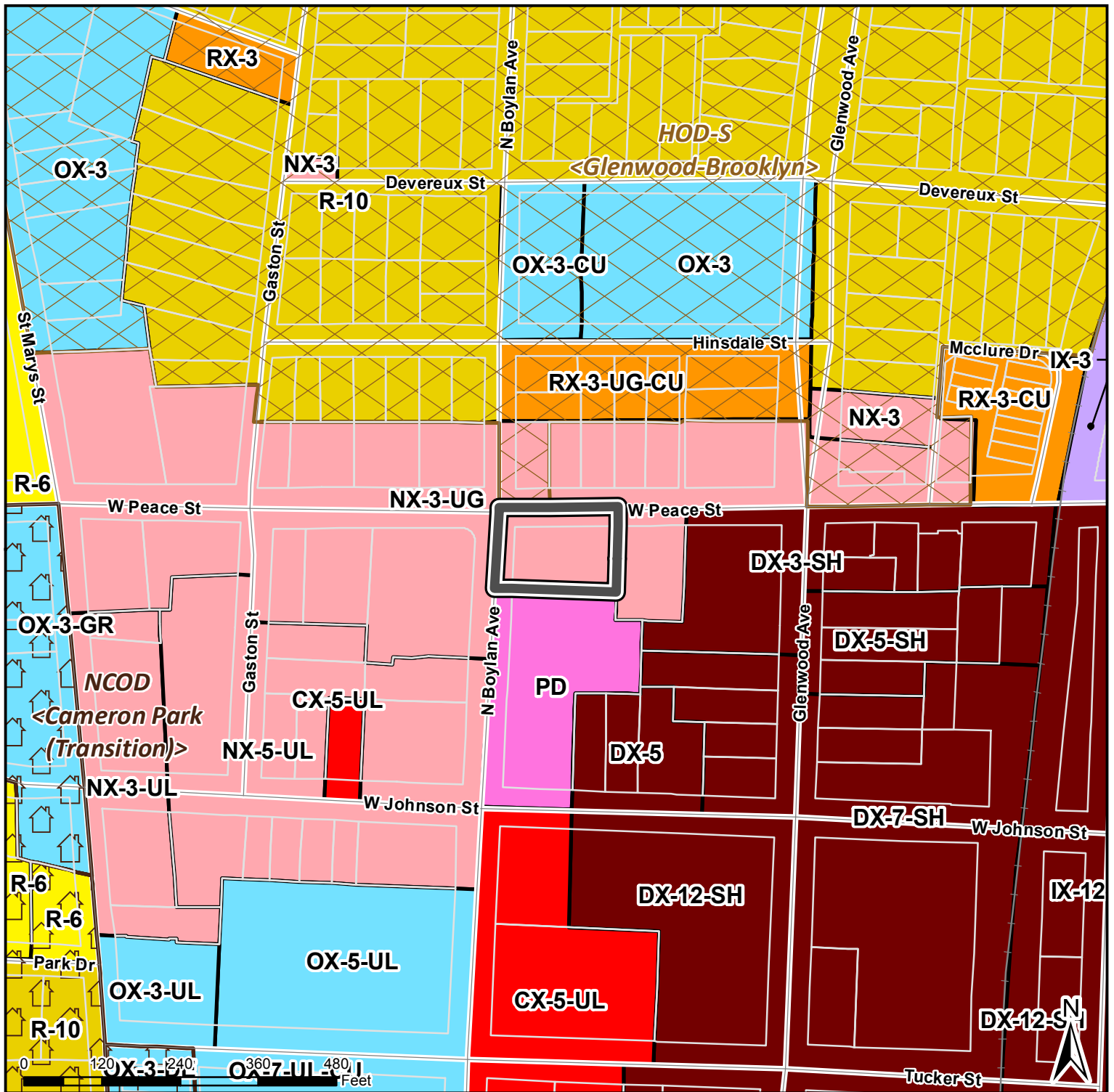
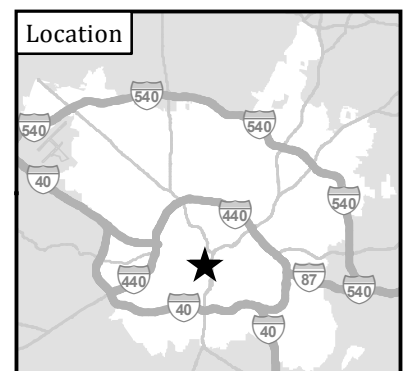


# Existing Zoning

# Z-17-2017



Property	615 W Peace St
Size	0.36 acres
Existing Zoning	NX-3-UG
Requested Zoning	CX-4-UG-CU





# Certified Recommendation

Raleigh Planning Commission

CR# 11830

## Case Information: Z-17-17 Peace Street

<i>Location</i>	Southeast of the W Peace Street and N Boylan Avenue intersection. Address: 615 W Peace Street PIN: 1704422076
<i>Request</i>	Rezone property from NX-3-UG to CX-4-UG-CU
<i>Area of Request</i>	.36 Acres
<i>Property Owner</i>	Avivar Investments LLC
<i>Applicant</i>	Mack Paul
<i>Citizens Advisory Council (CAC)</i>	Hillsborough CAC Bob Geary; rjgeary@mac.com
<i>PC Recommendation Deadline</i>	May 8, 2018

## 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>	Neighborhood Mixed-Use
<b><i>URBAN FORM</i></b>	Downtown Center, Main Street Corridor
<b><i>CONSISTENT Policies</i></b>	Policy LU 1.3 Conditional Use District Consistency Policy LU 2.6 Zoning and Infrastructure Impacts Policy LU 4.7 Capitalizing on Transit Access Policy LU 5.2 Managing Commercial Development Impacts Policy LU 7.6 Pedestrian Friendly Development Policy UD 1.10 Frontage Policy UD 5.1 Contextual Design Policy UD 5.4 Neighborhood Character and Identity Policy LU 7.4 Scale and Design of New Commercial Uses Policy LU 8.10 Infill Development Policy LU 8.12 Infill Compatibility Policy H 1.8 Zoning for Housing Policy UD 5.2 Pedestrian Access to Downtown Policy UD 6.1 Encouraging Pedestrian-Oriented Uses Policy LU 6.4 Bus Stop Dedication Policy UD 7.3 Design Guidelines Policy DT 1.3 Underutilized Sites in Downtown Policy DT 1.11 Downtown Edges Policy DT 1.13 Downtown Transition Areas Policy DT 3.3 Encouraging Pedestrian Scale Design Policy DT 3.8 Downtown as a Regional Center Policy DT 3.13 Downtown Attractions and Events Policy DT 7.6 Minimizing Service Entrance Visibility
<b><i>INCONSISTENT Policies</i></b>	Policy DT 1.1 Downtown Future Land Use Map Policy DT 1.14 Compatible Mix of Uses on Downtown Perimeter

## Summary of Proposed Conditions submitted February 16, 2018

1. High intensity uses permitted in CX are prohibited with the exception of Overnight Lodging.
2. The provision of a transit easement.
3. If the primary use on the subject property is not overnight lodging or residential, building height shall be no more than three stories and 50'.
4. If the primary use is overnight lodging, mechanical equipment shall be roof mounted and screened.
5. Conditions specific to the Overnight Lodging and Residential uses:
  - a. Specification of construction materials.
  - b. Building step backs along the southern property line above the first floor.
  - c. Access restrictions.
  - d. Room cap at 50 guest rooms.
  - e. Fully integrated service and loading areas.
  - f. Increased setbacks.
  - g. Provision of eating establishment or retail use on Peace Street.
  - h. Architectural features to reinforced pedestrian realm.

## Public Meetings

<b><i>Neighborhood Meeting</i></b>	<b><i>Hillsborough CAC</i></b>	<b><i>Planning Commission</i></b>	<b><i>City Council</i></b>
6/1/2017	7/20/2017 9/21/2017	8/22/2017 9/28/2017 (COW) 10/10/2017 2/13/2018 2/27/2018	10/17/2017 11/21/2017 12/13/2017 (GNR) 1/2/2018 3/6/2018 3/20/2018

## Attachments

1. Staff report
2. Certified Recommendation for the original case
3. Urban Design Guideline responses

## Planning Commission Recommendation

<i>Recommendation</i>	Approval
<i>Findings &amp; Reasons</i>	The Planning Commission found the request to be consistent with the Comprehensive Plan and that proposed conditions related to height and use make the request reasonable and in the public interest and complement the character of the surrounding area. The Commission found that while the request is inconsistent with the Future Land Use Map, the proposed rezoning will permit overnight lodging downtown where there is a perceived need for more lodging options. The Commission also noted that the development of the site under the request will activate the vacant street corner at Peace Street and Boylan Avenue which provides a public benefit.
<i>Motion and Vote</i>	Motion: Swink; Second: Alcine; In favor: Alcine, Braun, Hicks, Jeffreys, Lyle, Novak, and Swink.

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.

\_\_\_\_\_  
Planning Director

2/27/2018  
Date

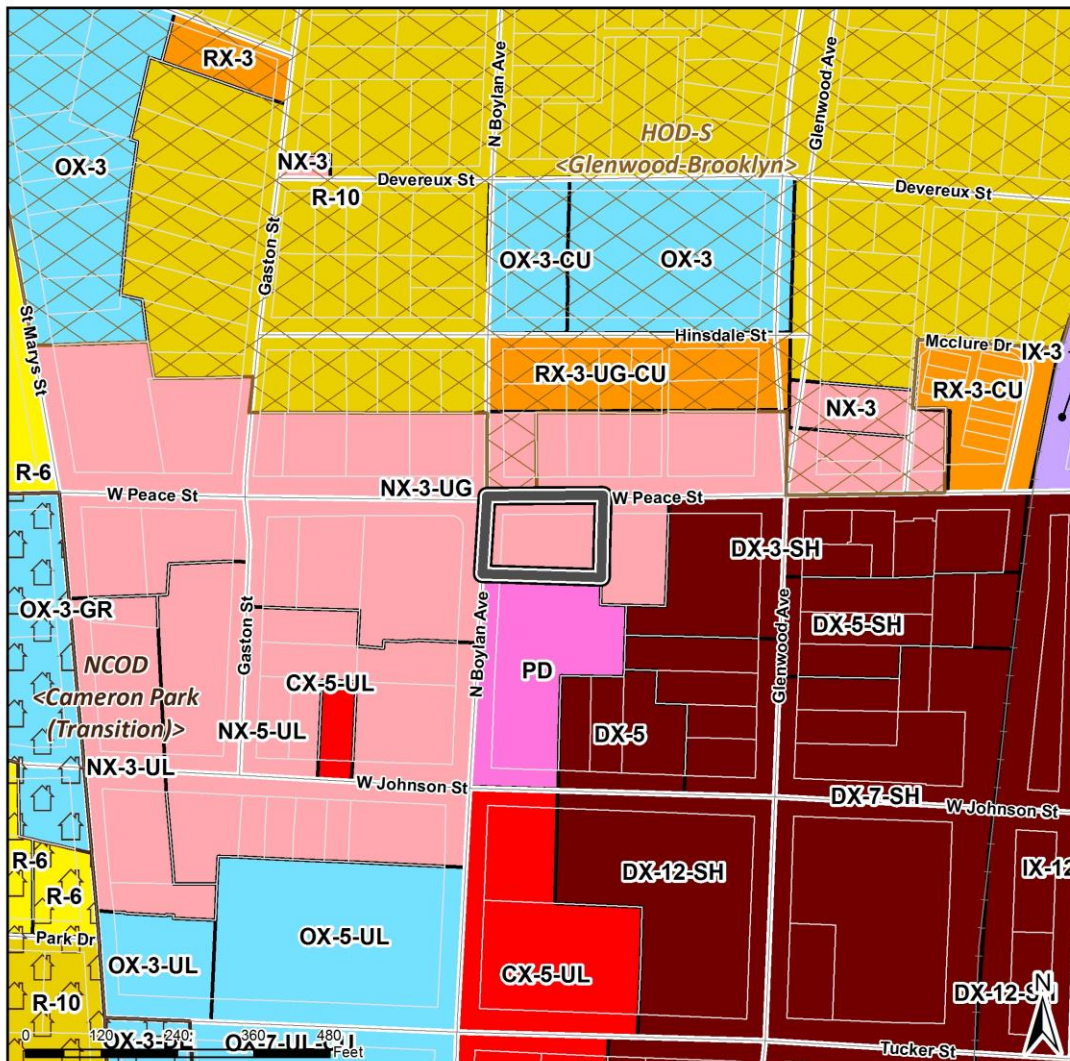
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Planning Commission Chairperson

2/27/2018  
Date

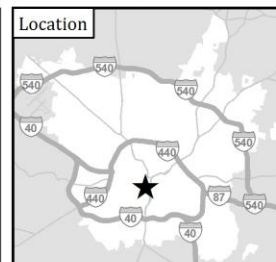
Staff Coordinator: Matthew Klem: 919-996-4637; [matthew.klem@raleighnc.gov](mailto:matthew.klem@raleighnc.gov)

# Existing Zoning

Z-17-2017



Property	615 W Peace St
Size	0.36 acres
Existing Zoning	NX-3-UG
Requested Zoning	CX-4-UG-CU



Map by Raleigh Department of City Planning (reckhowh). 2/19/2018



## **Zoning Staff Report – Z-17-17 Peace Street**

### **Conditional Use District**

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## **Case Summary**

### **Overview**

The proposal seeks to rezone a vacant 0.36-acre property. The request is for additional height and for the provision of Overnight Lodging as a permitted use. The subject site is located in the southeast quadrant of the Boylan Avenue and Peace Street intersection.

To the east of the subject site is a Starbucks, to the west is a McDonalds. To the north of the subject site is a row of detached houses converted for office, retail, and personal service uses. To the south of the subject site is the Paramount condominium building which has two stories of parking and six stories of housing totaling 86 units. The property at the northwest corner of the intersection houses hookah lounge.

The subject site is located within the boundaries identified on MAP DT-1 of the Downtown element of the Comprehensive Plan and in a Downtown Transition Area on MAP DT-3. The subject site is also located at the intersection of a priority pedestrian street (Peace) and a green street (Boylan) on MAP DT-4.

The subject site is designated as Neighborhood Mixed Use on the FLUM. The properties to the north, east, and west are also designated as Neighborhood Mixed Use. The property to the south is designated as Central Business District. The subject site is in the Downtown Mixed-Use center on the Urban Form Map and Peace Street is designated as a Main Street in this location.

The current zoning on the subject site is Neighborhood Mixed Use – 3 Stories – Urban General Frontage (NX-3-UG); the properties to the north, east, and west are in the same zoning district. The property to the south is a Planned Development (PD).

The request is to rezone the property from Neighborhood Mixed Use – 3 Stories – Urban General Frontage (NX-3-UG) to Commercial Mixed Use – 4 Stories – Urban General Frontage with conditions (CX-4-UG-CU). The conditions proposed would prohibit high intensity uses permitted in the Community Mixed Use district except for Overnight Lodging; the provision of a transit easement and shelter; and specific conditions if the primary use is overnight lodging or residential. These use-specific conditions include guest room limits, specified construction materials, increased setbacks, building stepbacks, and site access and service restrictions, and the provision of a ground level retail or restaurant use of at least 1,500 square feet.

## Case History

The Planning Commission reviewed this request at meetings in August, September, and October of 2017 and ultimately recommended approval in a vote of 7 to 1. The dissenting vote voiced an opinion for a maximum height of four stories on the subject site.

City Council received the request in October and scheduled a public hearing for November 21, 2017. At that meeting the public hearing was left open and Council referred the case to the Growth and Natural Resources Committee. The Growth and Natural Resources Committee heard the case and voiced favor for a four-story limit on the site. Following the public hearing, the case was referred back to the Planning Commission to consider revised conditions which include a reduction in height to four stories.

## Update for February 27, 2018

At the February 13, 2018 Planning Commission meeting the applicant requested a two-week deferral to amend the case. Following the meeting the applicant submitted an amended petition and revised list of conditions.

The petition was amended to change the designated zoning district from CX-5-UG-CU to CX-4-UG-CU: the change being to the height designation. The applicant had previously amended *conditions* to reduce the permitted height to four stories and sixty-two feet. Considering the -4 story designation accomplishes the same height limit as previously provided through the offering of conditions, staff requested the petition be amended and the height condition be removed to prevent undue confusion.

The revisions also altered language referring to mechanical equipment. The proposed conditional use district previously required mechanical equipment to be screened *if* roof-mounted and applied to both overnight lodging or residential uses at the four story height limit. The revised language states that mechanical equipment *shall* be roof-mounted and screened if the primary use is overnight lodging.

## Outstanding Issues

<i>Outstanding Issues</i>	1. None.	<i>Suggested Mitigation</i>	1. None.
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# 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>	NX-3-UG	NX-3-UG	PD	NX-3-UG	NX-3-UG
<i>Additional Overlay</i>	-	Glenwood Brooklyn HOD-S (Partial)	-	-	-
<i>Future Land Use</i>	Neighborhood Mixed Use	Neighborhood Mixed Use	Central Business District	Neighborhood Mixed Use	Neighborhood Mixed Use
<i>Current Land Use</i>	Vacant	Office	Multi-Family Residential	Commercial	Commercial
<i>Urban Form (if applicable)</i>	Downtown	Mixed Use Center	Downtown	Downtown	Downtown

### 1.2 Current vs. Proposed Zoning Summary

	<b>Existing Zoning</b>	<b>Proposed Zoning</b>
<i>Residential Density:</i>	55.56 units/acre (20 units)	72.22 units/acre (26 units)
<i>Setbacks:</i>		
<i>Primary Street:</i>	0 to 20 feet (Urban General)	0 to 20 feet (Urban General)
<i>Side Street:</i>	5 feet	5 feet
<i>Side Lot:</i>	0 to 6 feet	0 to 6 feet
<i>Rear Lot:</i>	0 to 6 feet	0 to 6 feet

### 1.3 Estimated Development Intensities

	<b>Existing Zoning</b>	<b>Proposed Zoning*</b>
<i>Total Acreage</i>	.36	.36
<i>Zoning</i>	NX-3-UG	CX-4-UG-CU
<i>Max. Gross Building SF (if applicable)</i>	22,300	35,638
<i>Max. # of Residential Units</i>	20	26
<i>Max. Gross Office SF</i>	19,327	19,327
<i>Max. Gross Retail SF</i>	8,992	8,992
<i>Max. Gross Industrial SF</i>	-	-
<i>Max. Hotel Guest Rooms</i>	-	50
<i>Potential F.A.R</i>	1.42	2.27

\*The development intensities for proposed zoning districts 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.

☐ **Incompatible.**

Analysis of Incompatibility:

The request can be considered compatible with the property and surrounding area. The proposed conditional use zoning district restricts high intensity uses from the CX district except for Overnight Lodging. With the proposal, the maximum number of residential units increases modestly. The proposed conditional use district offers additional conditions if the subject site is developed with an overnight lodging or residential use including a reduction of height to four stories. Restrictions on number of hotel guest rooms, fully integrated service and loading areas, building setbacks and stepbacks, and other more restrictive standards increase compatibility with the area.

## 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:

- A. Is the proposal consistent with the vision, themes, and policies contained in the Comprehensive Plan?
- B. Is the use being considered specifically designated on the Future Land Use Map in the area where its location is proposed?
- C. 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?
- D. Will community facilities and streets be available at City standards to serve the use proposed for the property?

- A. The proposal is consistent with the vision, themes, and policies in the Comprehensive Plan.

The rezoning request can be considered consistent with the **Economic Prosperity** theme. Expanding the permitted uses on the subject site to include Overnight Lodging adheres to the vision theme's commitment to economic expansion. This vision theme is reflected in numerous policies including DT 1.3 Underutilized Sites in Downtown, DT 1.3 Downtown Transitions Areas, DT 3.8 Downtown as a Regional Center, LU 4.7 Capitalizing on Transit Access, and UD 7.1 Economic Value of Quality Design.

The request can also be considered consistent with the **Managing Our Growth** theme. Expanding the permitted uses on the subject site to include Overnight Lodging promotes the vision theme's goal of providing desirable places to live, work, and play in the city while insuring adequate infrastructure is in place to handle increased demand. This theme is reflected in numerous policies including DT 1.3 Underutilized Sites in Downtown, 3.8 Downtown as a Regional Center, DT 3.12 Downtown as an Arts and Culture Hub, DT 3.13 Downtown Attractions and Events, and LU 2.6 Zoning and Infrastructure Impacts.

The proposed rezoning request can be considered consistent with the **Coordinating Land Use and Transportation** theme. Increased density on the subject site will make better use of investment in transit infrastructure. The subject site is in close proximity to planned Bus Rapid Transit (BRT). The Wake County Transit Plan includes 20 miles of BRT infrastructure including a section on Capital Boulevard between Peace Street and the Wake Forest Road intersection. The subject site is within a quarter mile of Capital Boulevard. The subject site is also two blocks from St. Mary's Street which is designated as a Transit Emphasis Corridor on the Urban Form Map which envisions frequent buses and amenities at every stop. The subject site is currently served by GoRaleigh Route 12 Method Road which has a pick up frequency of 30 minutes at peak service and one hour off peak. This theme is reflected in numerous policies including DT 1.3 Underutilized Sites in Downtown, DT 2.8 Priority Pedestrian Streets, DT 3.13 Downtown Attractions and Events, LU 4.7 Capitalizing on Transit Access, UD 5.2 Pedestrian Access to Downtown and LU 5.2 Managing Commercial Development Impacts.

The rezoning request can be considered consistent with the **Growing Successful Neighborhoods and Communities** theme. The development of the subject site with increased height and permitted uses reinforces the theme's mention of conserving healthy and safe older neighborhoods while expanding local businesses through careful infill that complements the existing character.

The proposal complements the existing character of the area. The subject site is north of The Paramount, a multi-family structure with a maximum height of approximately 105 feet set back from the shared property line. The rezoning request would limit structures on the subject site to four stories and 62 feet if developed with as a hotel or residential use and three stories and 50 feet if developed with any other use. To the north of the subject site, across Peace Street, development is limited to three stories and 50 feet in height. This step down from 105 to 62 to 50 feet in permitted height is an appropriate transition to the Glenwood-Brooklyn single family neighborhood. The Glenwood-Brooklyn neighborhood also has a node of RX-3-UG-CU and OX-3-CU zoning that further eases the transition into the predominantly single family residential neighborhood. This vision theme is reflected in numerous policies including DT 1.11 Downtown Edges, DT 1.13 Downtown Transition Areas, LU 7.4 Scale and Design of New Commercial Uses, LU 8.10 Infill Development, and LU 8.12 Infill Compatibility.

- B. The use considered is not specifically designated on the Future Lane Use Map in the area where its location is proposed. The FLUM designation on the subject site is Neighborhood Mixed Use. This designation envisions neighborhood shopping centers and pedestrian oriented retail districts that generally serve residential properties within a one mile radius. Neighborhood Mixed Use (NX) is the most appropriate zoning district in these areas. The NX district permits restaurants, supermarkets, drug stores and other uses that serve the immediately surrounding neighborhood. While the FLUM envisioned uses are still permitted in the rezoning request to Commercial Mixed Use (CX), the conditional use district also permits the use of Overnight Lodging while prohibiting other high intensity uses. The Overnight Lodging use is not consistent with the character of the Neighborhood Mixed Use FLUM designation. Hotels typically serve larger regional areas and provide accommodations for visitors to the city. This regional draw is a departure from the intended neighborhood serving retail and personal service uses of the Neighborhood Mixed Use FLUM designation. The addition of the Overnight Lodging use makes the request inconsistent with the FLUM.

Another component of the FLUM is Table LU-2 Recommended Height Designations. Table LU-2 Recommended Height Designations recommends a range of two to five stories in Core/Transit areas and a maximum of four stories in General areas. The request is consistent with recommended heights for both areas.

- C. The proposed conditional use zoning district can be established without adversely altering the character of the area. The consideration of increased height to four stories, as analyzed above, provides for an appropriate transition from the Paramount to the Glenwood-Brooklyn neighborhood by stepping down from approximately 105 feet to 62 feet to 50 feet at the commercial properties on the north side Peace Street. The proposed conditional use district also specifies high quality building materials if the site is developed with a hotel. Concrete and/or clay brick masonry, stucco, native and masonry stone and natural wood are proposed as façade materials. Vinyl siding and pressure treated wood are prohibited. Specifying high quality materials is in keeping with the character of the Peace Street corridor. If the site is developed with a hotel, proposed conditions also require that service and loading areas be fully integrated into the building; structured parking be provided; and the provision of a ground level retail or eating establishment with direct pedestrian access on Peace Street. Conditions also require at 15 foot stepback applied to 50% of the building above the first floor along the southern property line. These additional use specific conditions further reduce the impact on the character of the area.
- D. Existing community facilities and streets appear to be sufficient to serve the uses possible under the proposed zoning.

## **2.2 Future Land Use**

### **Future Land Use designation:**

#### **The rezoning request is:**

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

☒ **Inconsistent**

The subject site is designated as Neighborhood Mixed Use on the FLUM. This designation envisions neighborhood shopping centers and pedestrian oriented retail districts that generally serve residential properties within a one mile radius. Neighborhood Mixed Use (NX) is the most appropriate zoning district in these areas. The NX district permits restaurants, supermarkets, drug stores and other uses that serve the immediately surrounding neighborhood. The request is an upzoning to Commercial Mixed Use (CX). The applicant's stated intention is to construct a hotel on the subject site. Overnight Lodging is not a permitted use in NX; however, it is a permitted use in CX. The proposed conditional use district prohibits high intensity uses in CX with the exception of the Overnight Lodging use. The addition of this use makes the request inconsistent with the FLUM.

## **2.3 Urban Form**

**Urban Form designation:**

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

**The rezoning request is:**

☒ **Consistent** with the Urban Form Map.

☐ **Inconsistent**

The subject site is located in a Downtown center on the Urban Form Map. The comprehensive plan states that the Downtown Element boundaries define the Downtown. An urban approach to frontage is recommended throughout Downtown, and the Downtown Element provides specific guidance. The current and proposed frontage for the subject site is Urban General. This frontage is intended for areas where parking between the building and the streets is not allowed.

## **2.4 Policy Guidance**

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

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

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

- The proposed conditions are consistent with the Comprehensive Plan in that they limit the building height, provide for a transit easement and shelter, add Overnight Lodging as a permitted use on the subject site, and provide specific guidelines for materials and architecture.

### **Policy LU 2.6 Zoning and Infrastructure Impacts**

Carefully evaluate all amendments to the zoning map that significantly increase permitted density or floor area to ensure that impacts to infrastructure capacity resulting from the projected intensification of development are adequately mitigated or addressed.

- Transportation and utility infrastructure are not negatively impacted by the change in zoning. The proposed development intensities do not generate enough traffic to increase average peak hour trip volumes or daily trip volumes. At the time of development plan submittal, a Downstream Sewer Capacity Study may be required to determine adequate capacity to support the proposed development. Any improvements identified by the study would be required to be permitted prior to the issuance of Building Permit & constructed prior to release of a Certificate of Occupancy.

### **Policy LU 4.7 Capitalizing on Transit Access**

The City shall coordinate the dedication of land for the construction of bus stop facilities within mixed-use centers on bus lines as part of the development review and zoning process.

- Proposed conditions provide for a transit easement and shelter. The subject site is also within a quarter miles of planned Bus Rapid Transit (BRT) service on Capital Boulevard. The BRT system is a high frequency bus network with dedicated lanes and signal preference. The subject site is also served by GoRaleigh Route 12 Method Road which has a pick up frequency of 30 minutes at peak service and one hour off peak.

**Policy LU 5.2 Managing Commercial Development Impacts**

Manage new commercial development using zoning regulations and through the conditional use zoning and development review processes so that it does not result in unreasonable and unexpected traffic, parking, litter, shadow, view obstruction, odor, noise, and vibration impacts on surrounding residential areas.

- The development intensities estimated for the site do not rise to the threshold of requiring a traffic impact analysis and height is only increased if the primary use is overnight lodging or residential. The proposal specifies a 15 foot building setback from the southern property line. The setback condition will require 50% of the southern façade of a hotel to be set back from the property line no less than 15 feet above the first story, reducing the view obstruction of Paramount residents. If the primary use is overnight lodging or residential, other conditions require all service and loading areas to be fully integrated within the building, reducing odor, noise and vibrations related to hotel operations.

**Policy LU 7.6 Pedestrian Friendly Development**

New commercial developments and redeveloped commercial areas should be pedestrian-friendly.

- The proposed Urban General frontage requires a primary street facing pedestrian entrance and prohibits onsite parking between the building and the street. Proposed conditions provide for a ground level eating establishment or retail use with direct pedestrian access to Peace Street and architectural features such as awnings, galleries, and recesses that reinforce the pedestrian realm.

**Policy UD 1.10 Frontage**

Coordinate frontage across multiple sites to create cohesive places. Encourage consistency with the designations on the Urban Form Map. Development in centers and along corridors targeted for public investment in transit and walkability should use a compatible urban form. See the text box on the Urban Form Map in the Overview section for more guidance.

- The proposed Urban General frontage conforms with zoning districts throughout the corridor.

**Policy UD 5.1 Contextual Design**

Proposed development within established neighborhoods should create or enhance a distinctive character that relates well to the surrounding area.

**Policy UD 5.4 Neighborhood Character and Identity**

Strengthen the defining visual qualities of Raleigh's neighborhoods. This should be achieved in part by relating the scale of infill development, alterations, renovations, and additions to existing neighborhood context.

**Policy LU 7.4 Scale and Design of New Commercial Uses**

New uses within commercial districts should be developed at a height, mass, scale, and design that is appropriate and compatible with surrounding areas.

**Policy LU 8.10 Infill Development**

Encourage infill development on vacant land within the City, particularly in areas where there are vacant lots that create "gaps" in the urban fabric and detract from the character of a commercial or residential street. Such development should complement the established character of the area and should not create sharp changes in the physical development pattern.

**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 proposed district limits height to four stories and 62 feet if the primary use is overnight lodging or residential which provides an appropriate transition from the adjacent approximate 105 foot tall Paramount building to the south. Across Peace Street to the north of the subject site, heights are limited to three stories and 50 feet. The scale and bulk of structures allowed in the proposed conditional use district will provide an appropriate transition from Downtown to the low intensity retail uses along Peace Street and the Glenwood-Brooklyn residential neighborhood beyond. Specifying high quality materials will help to strengthen the visual qualities of the corridor. The conditional provision of ground level retail or dining establishment with direct pedestrian access on Peace Street will also complement the neighborhood character.

**Policy H 1.8 Zoning for Housing**

Ensure that zoning policy continues to provide ample opportunity for developers to build a variety of housing types, ranging from single-family to dense multi-family. Keeping the market well supplied with housing will moderate the costs of owning and renting, lessening affordability problems, and lowering the level of subsidy necessary to produce affordable housing.

- The proposed conditional use zoning district would provide increased housing options in the area.

**Policy UD 5.2 Pedestrian Access to Downtown**

Enhance clear and safe pedestrian networks and connections between downtown and nearby center city neighborhoods.

**Policy UD 6.1 Encouraging Pedestrian-Oriented Uses**

New development, streetscape, and building improvements in Downtown, Main Streets, and TOD areas should promote high intensity, pedestrian-oriented use and discourage automobile-oriented uses and drive-through uses.

- The Urban General frontage requires sidewalk amenities and prohibits parking between the street and building which will help to enhance the pedestrian experience and connectivity to Downtown.

**Policy LU 6.4 Bus Stop Dedication**

The City shall coordinate the dedication of land for the construction of bus stop facilities within mixed-use centers on bus lines as part of the development review and zoning process.

- The proposed conditions provide for a transit easement and shelter.

**Policy UD 7.3 Design Guidelines**

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 the Pedestrian Business or Downtown Overlay Districts, Planned Development Districts, and Conditional Use zoning petitions.

- The Urban Design Guidelines have been met and the applicant's responses can be found with the attached supplemental materials.

**Policy DT 1.3 Underutilized Sites in Downtown**

Encourage the redevelopment of underutilized sites in downtown, including but not limited to vacant sites, surface parking lots, and brownfield sites.

- The subject site is a vacant site downtown.

**Policy DT 1.11 Downtown Edges**

Appropriate transitions in height, scale, and design should be provided between Central Business District land uses and adjacent residential districts.

- The requested conditional use district proposes a height limit of four stories and 62 feet if the primary use is overnight lodging. The Paramount building to the south is approximately 105 feet tall at the shared property line and is within the Central Business District on the FLUM. The proposed height limit on the subject site provides an appropriate transition from the Central Business District, to the lower scale retail north of Peace Street, and beyond to the Glenwood-Brooklyn neighborhood.

**Policy DT 1.13 Downtown Transition Areas**

In areas where the Downtown Element boundaries are located in proximity to established residential neighborhoods, residential densities should taper to be compatible with adjacent development. Non-residential uses with the greatest impacts—such as theaters, concentrated destination nightlife and retail, and sports and entertainment uses—should be directed away from these transition areas. Where existing zoning overlays are mapped, the height guidance in these districts should not be changed outside of an area planning process. See Map DT-3 for transition area locations.

- The subject site is located within a Downtown Transition Area on Map DT-3. The transition in height from the boundaries of downtown to the nearby residential neighborhood tapers from 105 feet to 62 feet to 50 feet. Overnight lodging is not a high intensity use as described above.

**Policy DT 3.3 Encouraging Pedestrian Scale Design**

All new development within the Downtown District but not on either a Primary or Secondary Retail Street should integrate architectural elements that connect to the public right-of-way. Examples of such architectural elements include but are not limited to: inclusion of windows at the sidewalk level, multiple building entrances adjacent to public right-of-way, pedestrian scale building materials with a high level of detail, lighting along the sidewalks, and awnings.

- The proposed Urban General frontage will provide for a pedestrian scale and oriented structure. If the site is developed with a hotel, use-specific conditions require the ground level of any building incorporate architectural features to reinforce the pedestrian realm such as awnings, galleries, and recesses.

**Policy DT 3.8 Downtown as a Regional Center**

Encourage new investments and developments that position downtown as the center of the region for headquarters, jobs, urban housing, entertainment, and transit.

- The addition of overnight lodging as a permitted use on the subject site supports making downtown a regional center by providing overnight accommodations for regional visitors who come to the city for entertainment. The subject site also has good access to transit via the St Marys Street Transit Emphasis Corridor and the proposed BRT on Capital Boulevard.

**Policy DT 3.13 Downtown Attractions and Events**

Encourage the development of additional tourist attractions and visitor-supportive uses, activity generators, and events downtown, including live performances and programming in downtown's public spaces.

- The proposed conditional use zoning district includes Overnight Lodging as a permitted use. Overnight Lodging is a visitor-supportive use.

**Policy DT 7.6 Minimizing Service Entrance Visibility**

Service entrances and functions should be located internal to the building-in alleys or in parking decks. Their presence on the public right-of-way should be minimized.

- If the subject site is developed with a hotel, proposed conditions require service and loading areas to be fully integrated within the building.

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

**Policy LU 1.2 Future Land Use and Zoning Consistency**

The Future Land Use Map (FLUM) shall be used in conjunction with the Comprehensive Plan policies to evaluate zoning consistency including proposed zoning map amendments and zoning text changes. See Text Box: Evaluating Zoning Proposals and Consistency with the Comprehensive Plan.

**Policy DT 1.1 Downtown Future Land Use Map**

The Future Land Use Map should guide public and private land use development decisions to ensure the efficient and predictable use of land and effectively coordinate land use with infrastructure needs.

- The proposed conditional use zoning district considered is not specifically designated on the Downtown Future Land Use Map in the area where its location is proposed. The DTFLUM designation on the subject site is Neighborhood Mixed Use. This designation envisions neighborhood shopping centers and pedestrian oriented retail districts that generally serve residential properties within a one mile radius. Neighborhood Mixed Use (NX) is the most appropriate zoning district in these areas. The NX district permits restaurants, supermarkets, drug stores and other uses that serve the immediately surrounding neighborhood. While the proposed uses are still permitted in the rezoning request to Commercial Mixed Use (CX), the conditional use district also permits the use of Overnight Lodging while prohibiting other high intensity uses. Hotels are specifically mentioned in the description of the Community Mixed Use FLUM designation which envisions larger scale uses that draw from multiple neighborhoods. In addition to hotels, large-format supermarkets, department stores, and movie theaters are considered appropriate uses in these areas. Including overnight lodging as a permitted use in the proposed conditional use zoning district makes the request inconsistent with the FLUM.

**Policy DT 1.14 Compatible Mix of Uses on Downtown Perimeter**

Encourage a compatible mix of housing options, community-serving institutional uses, and neighborhood-serving retail within the neighborhoods surrounding downtown.

- The proposed zoning district permits overnight lodging as an allowable use, which is not specified in the above policy language. Hotels are not typically neighborhood serving in that they draw from a regional area in providing overnight accommodations. Permitting this higher intensity use may not be compatible with the transitional nature of the Downtown perimeter.

**2.5 Area Plan Policy Guidance**

The rezoning request is **consistent** with the following Area Plan policies:

N/A

**3. Public Benefit and Reasonableness Analysis****3.1 Public Benefits of the Proposed Rezoning**

- The conditional use zoning district will allow for overnight lodging which will help to reinforce downtown as a regional center and tourist attraction.
- Additional permitted uses on the site will increase the potential for the development of a vacant lot downtown.
- The proposed Urban General frontage will foster a pedestrian oriented realm along Peace Street and Boylan Avenue.

**3.2 Detriments of the Proposed Rezoning**

- The proposed rezoning to increase the height entitlement of the subject site may impact the view shed of residents of the Paramount.
- While average peak hour trip volumes and daily trip volumes are not expected to increase, some additional traffic with the higher intensity land use of Overnight Lodging may inconvenience nearby residents.
- Overnight Lodging as a permitted use may increase nighttime activity on street level which could disrupt nearby residents.

**4. Impact Analysis****4.1 Transportation**

The Z-17-2017 site is located in the southeast quadrant of W Peace Street and N Boylan Avenue. Peace Street and Boylan Avenue are both maintained by the City of Raleigh. Peace Street has a 3-lane cross section with curbs and sidewalks on both sides. Boylan Avenue has a 2-lane cross section with curbs and sidewalks on both sides. The intersection is controlled by a traffic signal. Both W Peace Street and N Boylan Avenue are classified as mixed-use streets in the UDO Street Plan Map. Peace Street is designated as a *Main Street* in the Raleigh Urban Form Map.

There are no City of Raleigh CIP projects planned for Boylan Avenue in the vicinity of the Z-17-2017 site. The Peace Street West Streetscape project will make improvements to sidewalks, upgrade pedestrian crossings, plant street trees and consolidate driveways along Peace Street between Saint Marys Street and West Street.

Offers of cross access to adjacent parcels shall be made in accordance with the Raleigh UDO section 8.3.5.D. There are no public street stubs abutting the boundaries of the Z-17-2017 parcel.

There are two existing driveway cuts on Peace Street that were designed for residential uses but are not sufficient for two-way traffic. Site access will be determined upon submittal of a site plan.

In accordance with UDO section 8.3.2, the maximum block perimeter for CX-4 zoning is 2,500 feet. The block perimeter for Z-17-2017, as defined by public rights-of-way for W Peace Street, Glenwood Avenue, W Johnson Street and N Boylan Avenue is 1,650 feet.

The existing land is occupied by a 900 sq. ft. building which generates virtually no traffic. Approval of case Z-17-2017 would not increase average peak hour trip volumes or daily trip volumes. A traffic study is not required for case Z-17-2017.

Z-17-2017 Existing Land Use (Vacant)	Daily	AM	PM
	0	0	0
Z-17-2017 Current Zoning Entitlements (AM: Office + Retail, Daily & PM: Retail)	Daily	AM	PM
	1,025	48	85
Z-17-2017 Proposed Zoning Maximums (AM: Office + Retail, Daily & PM: Retail)	Daily	AM	PM
	958	48	79
Z-17-2017 Trip Volume Change (Proposed Maximums minus Current Entitlements)	Daily	AM	PM
	-67	0	-6

**Impact Identified: None**

#### 4.2 Transit

1. This segment of Peace St is currently served by GoRaleigh Route 12 Method.
2. It is anticipated that service will continue along Peace St.
3. With the permission of the Transit Program and at the sole expense of the developer the stop may be wholly contained in the right-of-way or incorporated into the face of the building.

**Impact Identified: None**

#### 4.3 Hydrology

<i>Floodplain</i>	None
<i>Drainage Basin</i>	Pigeon House
<i>Stormwater Management</i>	Article 9.2 of the UDO
<i>Overlay District</i>	none

**Impact Identified:** Site is subject to Stormwater Control regulations under Article 9.2 of the UDO as amended by TC-2-16. No impacts identified.

#### 4.4 Public Utilities

	<i>Maximum Demand (current use)</i>	<i>Maximum Demand (current zoning)</i>	<i>Maximum Demand (proposed zoning)</i>
<i>Water</i>	0 gpd	12,500 gpd	22,500 gpd
<i>Waste Water</i>	0 gpd	12,500 gpd	22,500 gpd

1. The proposed rezoning would add approximately 22,500 gpd to the wastewater collection and water distribution systems of the City. There are existing sanitary sewer and water mains adjacent to the proposed rezoning area.
2. At the time of development plan submittal, a Downstream Sewer Capacity Study may be required to determine adequate capacity to support the proposed development. Any improvements identified by the study would be required to be permitted prior to the issuance of Building Permit & constructed prior to release of a Certificate of Occupancy
3. Verification of water available for fire flow is required as part of the Building Permit process. Any water system improvements recommended by the analysis to meet fire flow requirements will also be required of the Developer

#### **4.5 Parks and Recreation**

Fred Fletcher Park is less than a quarter mile from the subject site.

**Impact Identified:** None

#### **4.6 Urban Forestry**

Tree Conservation Area is not required.

**Impact Identified:** None

#### **4.7 Designated Historic Resources**

The site is across the street from one parcel that is within the Glenwood-Brooklyn National Register Historic District/Raleigh Historic Overlay District.

**Impact Identified:** None

#### **4.8 Community Development**

**Impact Identified:** None

#### **4.9 Impacts Summary**

Sewer and fire flow matters 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

While the addition of overnight lodging as a permitted use to the subject site is inconsistent with the FLUM, the proposal is consistent with the Comprehensive Plan overall. The subject site is within a quarter mile of Capital Boulevard which is included in the Wake County Transit Plan as a BRT corridor. The subject site is also two blocks from St Marys Street which appears on the Urban Form Map as a Transit Emphasis Corridor. These corridors are planned for a higher level of bus-based service, including frequent buses and amenities at every stop. The subject site is currently served by GoRaleigh Route 12 Method Road which has a pick up frequency of 30 minutes at peak service and one hour off peak. Proximity to these planned and existing routes helps realize the vision theme of Coordinating Land Use and Transportation.

The proposed height and permitted construction materials of the district also fits in to the character of the surrounding area. The subject site shares a property line with the Paramount which is approximately 105 feet tall on its northern façade. The proposed conditional use district would limit buildings on the subject site to four stories and 62 feet in height if the primary use is overnight lodging or residential. The properties to the north across Peace Street are in a district that limits height to three stories and 50 feet; this district extends from St Marys Street to Glenwood Avenue. The step down in height from 105 feet to 62 feet to 50 feet offers an appropriate and gradual transition from the Downtown district to the Glenwood-Brooklyn neighborhood. The conditional use district identifies specific high quality materials for the façade if a hotel is the primary use. The materials include native and masonry stone, concrete or clay brick masonry, and natural wood and prohibits vinyl siding and pressure treated wood. Specifying high quality building materials will complement the existing character of the area. Mitigating impacts with the above conditions further the vision themes of Managing Our Growth and Growing Successful Neighborhoods and Communities.

The Downtown Element of the Comprehensive Plan places the subject site in a Transition Area in MAP DT-3. Policy DT 1.13 states that non-residential uses with the greatest impacts should be directed away from these transition areas. The proposed conditional use district prohibits specific high intensity uses including adult establishments, bars, nightclubs, self-service storage, and light manufacturing. Eliminating these high intensity uses from the proposed district provide an appropriate transition to adjacent lower intensity districts and the Glenwood-Brooklyn neighborhood and reinforces the vision theme Managing Our Growth.

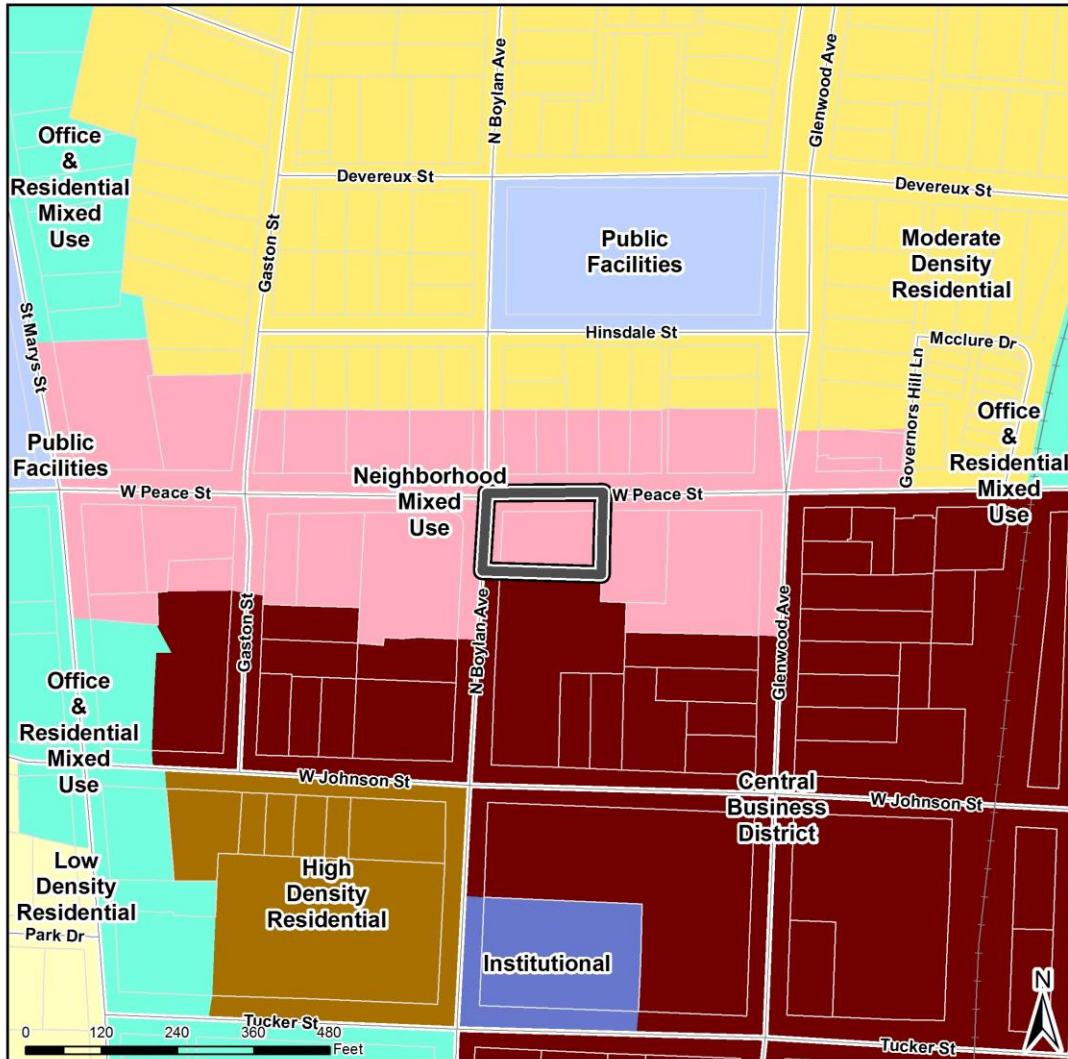
Other policies in the Downtown Element focus on establishing downtown as a regional center and to encourage the development of tourist attractions and visitor-supportive uses. The addition of overnight lodging as a permitted use on the subject site increases the opportunity for visitors and tourists to access cultural events and festivals hosted in the downtown core which is connected to the site with pedestrian amenities and transit. This will help to achieve the vision theme of Economic Prosperity.

The site is designated as Neighborhood Mixed Use on the FLUM which envisions neighborhood personal service uses, however other Comprehensive Plan guidance seems to provide overall consistency with the request in terms of transit access, managing development impacts, and the vision for downtown.

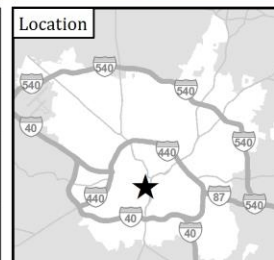
# APPENDIX

# Future Land Use

Z-17-2017



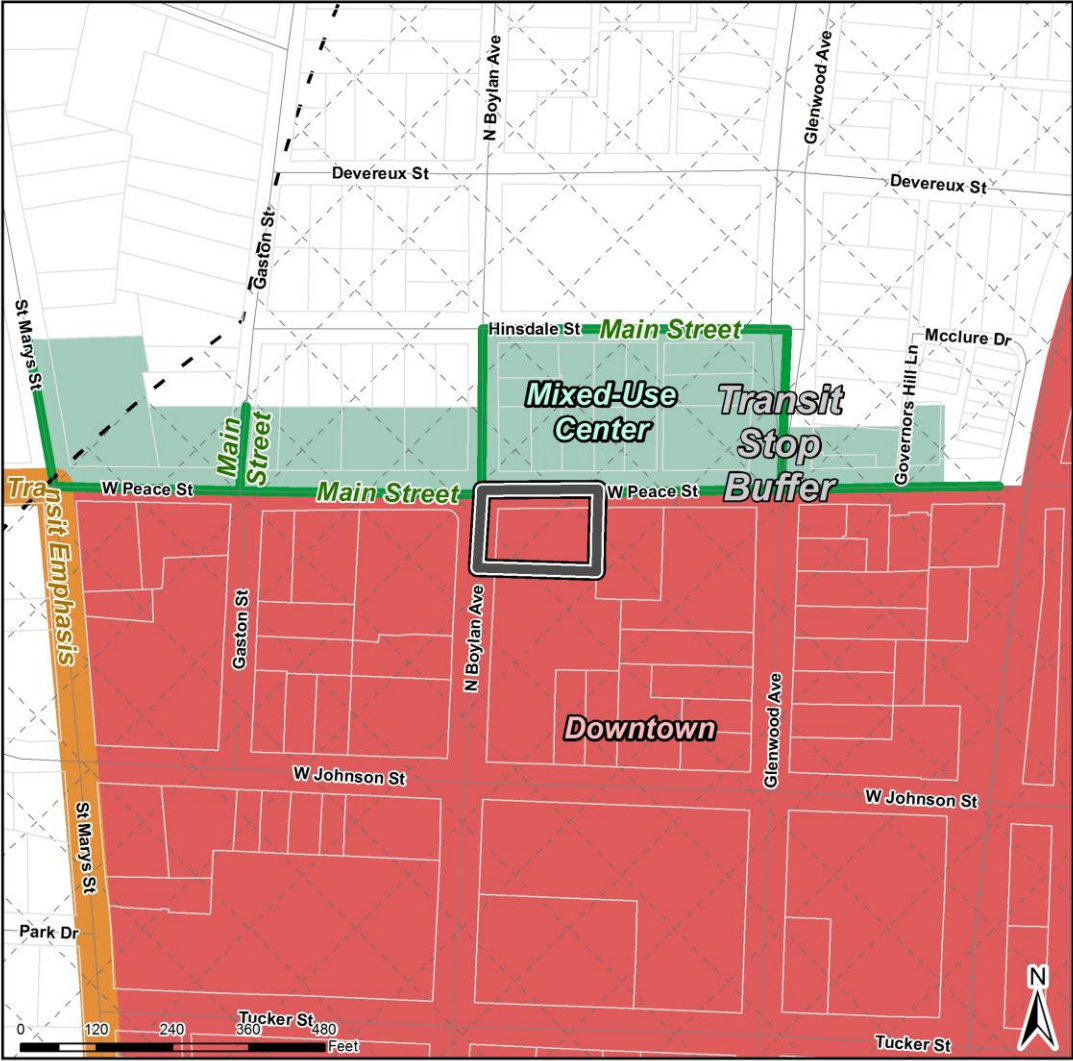
Property	615 W Peace St
Size	0.36 acres
Existing Zoning	NX-3-UG
Requested Zoning	CX-4-UG-CU



Map by Raleigh Department of City Planning (reckhowh): 2/19/2018

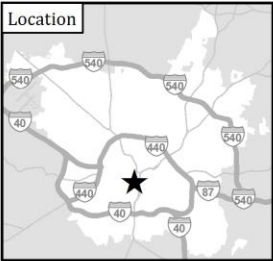
Urban Form

Z-17-2017



Property	615 W Peace St
Size	0.36 acres
Existing Zoning	NX-3-UG
Requested Zoning	CX-4-UG-CU

Map by Raleigh Department of City Planning (reckhowh): 2/19/2018



# Rezoning Application

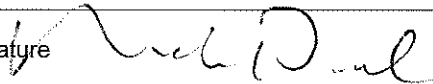


RALEIGH  
DEPARTMENT OF  
CITY PLANNING



Department of City Planning | 1 Exchange Plaza, Suite 300 | Raleigh, NC 27601 | 919-996-2626

REZONING REQUEST			
<input type="checkbox"/> General Use <input checked="" type="checkbox"/> Conditional Use <input type="checkbox"/> Master Plan			<b>OFFICE USE ONLY</b>  Transaction #  Rezoning Case #
Existing Zoning Base District: NX	Height: 3	Frontage: UG    Overlay(s): NONE	
Proposed Zoning Base District: CX	Height: 4	Frontage: UG    Overlay(s): NONE	
If the property has been previously rezoned, provide the rezoning case number:			
Provide all previous transaction numbers for Coordinated Team Reviews, Due Diligence Sessions, or Pre-Submittal Conferences:			
511599			

GENERAL INFORMATION		
Date: June 22, 2017	Date Amended (1) February 16, 2018	Date Amended (2)
Property Address: 615 W. Peace Street		
Property PIN: 1704-42-2076	Deed Reference (book/page): DB 16622 PG 949	
Nearest Intersection: N Boylan Ave at W Peace St		
Property Size (acres):0.36	(For PD Application Only) Total Units:	Total Square Feet:
Property Owner/Address: Avivar Investments LLC 5720 Creedmoor Road   Ste 205 Raleigh, NC 27612	Phone 919-848-9969	Fax
	Email: anuj@mjmreg.com	
Project Contact Person/Address: Mack Paul – Attorney for Applicant 421 Fayetteville St   Suite 530 Raleigh, NC 27601	Phone: 919-590-0377	Fax 919-882-8890
	Email: mpaul@morningstarlawgroup.com	
Owner/Agent Signature 	Email	

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

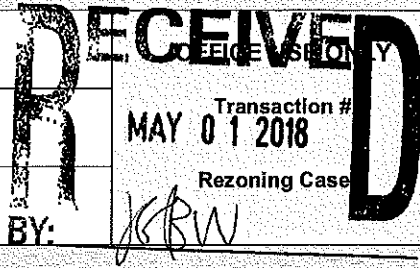
## Conditional Use District Zoning Conditions

Zoning Case Number 2-17-17

Date Submitted April 20, 2018

Existing Zoning: NX-3-UG

Proposed Zoning: CX-4-UG-CU



### NARRATIVE OF ZONING CONDITIONS OFFERED

1. The following uses shall be prohibited on the subject property: Dormitory, fraternity, sorority; Emergency shelter type A; Emergency shelter type B; College, community college, university; Adult establishment; Outdoor Recreation; Bar, nightclub, tavern, lounge; Passenger Terminal; Heliport, serving hospitals; Heliport, all others; Detention center, jail, prison; Light Manufacturing; Research & Development; Self-Service Storage; Car wash; Vehicle repair (minor); Vehicle fuel sales; and Vehicle repair (major).

2. Prior to recordation of a subdivision plat or issuance of a building permit for new development, whichever event first occurs, a transit easement along either N Boylan Avenue or W Peace Street shall be deeded to the City and recorded in the Wake County Registry. Prior to recordation of any transit easement, the dimensions (not to exceed 15 feet in depth or 20 feet in width) and location of the easement shall be established during site plan or subdivision review, and the easement document approved as to form by the City Attorney's Office. If transit service has been implemented or is planned to be implemented within 180 days of the issuance of a building permit for new development, and if requested by the City of Raleigh in writing, the above referenced transit easement shall be improved with the following, prior to the issuance of the first certificate of occupancy on the Property: (i) a cement pad measuring no greater than 15'x20'; (ii) a cement landing zone parallel to the street between the sidewalk and back-of-curb measuring no more than 30'; (iii) an ADA-accessible transit waiting shelter with bench; and (iv) a litter container.

3. If the primary use on the subject property is not overnight lodging or residential, building height shall be no more than three stories and fifty feet (50'). If the primary use on the subject property is overnight lodging or residential, building height shall be no more than four stories and fifty eight feet (58').

4. If the primary use is overnight lodging, mechanical equipment shall be roof mounted and screened from ground level view from adjacent properties and public street rights-of-way.

5. The following shall apply only if the primary use is overnight lodging or residential:

5a. Building facades shall be constructed from one or more of the following materials: glass; concrete and/or clay brick masonry, cementitious stucco, native and masonry stone, natural wood, precast concrete, and metal panel and/or trim. The following building siding materials shall be prohibited in such areas: vinyl siding, fiberboard siding, pressure treated wood, and synthetic stucco (EIFS). Window frames, door frames, soffits, or miscellaneous trim may be constructed of wood, fiberglass, or metal.

5b. A minimum 50% of the eastern building façade above the first story along the southern property line shared with Lot 100 of that certain plat recorded in the Wake County Register of Deeds in Book of Maps 2003, at Page 2074, shall be set back no less than fifteen (15) feet from the property line and shall have a minimum of 20% transparency above the second story.

5c. Contingent upon NCDOT and City of Raleigh approval, there shall be no more than one (1) point of access to the subject property from each of Boylan Avenue and Peace Street and any drive aisle from Peace Street shall be no more than 22' wide.

5d. There shall be no more than fifty (50) guest rooms.

5e. Service areas and loading areas shall be fully integrated into the building.

A large, stylized handwritten signature in black ink, located at the bottom right of the page.

5f. The building setback along the N. Boylan Avenue right-of-way shall be at least an average of ten (10) feet.

5g. No site plan shall be approved without provision for a restaurant or retail use comprising no less than 1500 square feet and with direct pedestrian access from Peace Street.

5h. The ground level of any building shall incorporate architectural features to reinforce the pedestrian realm, including but not limited to awnings, galleries, recesses and recessed glazing. A minimum of 60% of the building façade on Peace Street shall incorporate such architectural features.

5i. If an unenclosed deck, patio, or shade structure is situated on the roof of any building, the following apply to the rooftop area: (i) there shall be no electronic amplification; (ii) there shall be no overhead string (market) lights; (iii) hours shall be limited to 6:30 a.m. to 10:30 p.m. on Sunday through Thursday and 6:30 a.m. to 11:30 p.m. on Friday and Saturday; (iv) the total area of any unenclosed deck and patio on the roof shall not exceed 3,500 square feet; (v) any unenclosed deck or patio on the rooftop shall be situated directly on the roof, not elevated; and (vi) the area of a shade structure on the roof of any building shall not exceed 42.5% of the area of any unenclosed deck and patio on the roof of that building.

5j. The following structures as listed in UDO Section 1.5.7.D. – Height Encroachments - shall be prohibited on the roof of any building: solar panels, wind turbines, rainwater collection or harvesting system, amateur communications tower, skylights, greenhouse, spires, belfries, cupolas, domes, bell towers, monuments, water tanks/towers, and tanks designed to hold liquids.

5k. Rooftop mechanicals on any building must be within 50-ft of the southern building façade of that building, provided; however, that exhaust for restaurant uses on any building must be beyond 20-ft of the southern building façade of that building.

5l. Rooftop screening that is at least six (6) feet in height but not more than eight (8) feet in height shall be provided between any unenclosed deck or patio on the rooftop of any building and Lot 100 of that certain plat recorded in the Wake County Register of Deeds in Book of Maps 2003, at Page 2074.

**RECEIVED**  
MAY 01 2018  
BY: JFBW

*Mital*



To: Ruffin L. Hall, City Manager

From: Matthew Klem, Planner II  
Ken Bowers AICP, Director, Department of City Planning

Copy: City Clerk

Date: January 9, 2018

Re: City Council agenda item for January 16, 2018 – Special Item Rezoning Z-17-17

---

On January 2, 2018, the public hearing for the rezoning request was closed to allow the applicant to submit revised zoning conditions. The Unified Development Ordinance (UDO) states that following a public hearing revisions may be made to proposed zoning conditions so long as they are *more* restrictive than what was considered at the public hearing. On January 5, 2018, the applicant submitted revised zoning conditions that are *less* restrictive than what was considered at the public hearing. Council may not act on the revised conditions.

The revised conditions are considered less restrictive for the following reasons:

- The current conditions allow for a five-story structure if and only if the site is developed with overnight lodging as the primary use. If the primary use is not overnight lodging, the site can only be developed with three story structures. The revised conditions allow for a four-story structure if the site is developed with overnight lodging **or** residential as the primary use. While the maximum possible height is reduced from five stories to four stories, expanding the height entitlement to apply to additional uses is less restrictive.
- Mechanical equipment is not required to be roof mounted.
- Active uses on the roof top are no longer prohibited.
- A structured parking facility is no longer required.
- The specifications on balconies have been removed.

If Council wishes to consider the revised conditions, the item must be referred to the Planning Commission for review. Following the review and recommendation of the Planning Commission, Council must advertise a new public hearing to consider the revised request.

The revised, less restrictive, conditions are attached in full.

Conditional Use District Zoning Conditions		
Zoning Case Number	Z-17-17	<b>OFFICE USE ONLY</b>  Transaction #  Rezoning Case #
Date Submitted	1/5/2018	
Existing Zoning:	Proposed Zoning: <u>MR</u>	
<b>NARRATIVE OF ZONING CONDITIONS OFFERED</b>		
<p>1. The following uses shall be prohibited on the subject property: Dormitory, fraternity, sorority; Emergency shelter type A; Emergency shelter type B; College, community college, university; Adult establishment; Outdoor Recreation; Bar, nightclub, tavern, lounge; Passenger Terminal; Heliport, serving hospitals; Heliport, all others; Detention center, jail, prison; Light Manufacturing; Research &amp; Development; Self-Service Storage; Car wash; Vehicle repair (minor); Vehicle fuel sales; and Vehicle repair (major).</p>		
<p>2. Prior to recordation of a subdivision plat or issuance of a building permit for new development, whichever event first occurs, a transit easement along either N Boylan Avenue or W Peace Street shall be deeded to the City and recorded in the Wake County Registry. Prior to recordation of any transit easement, the dimensions (not to exceed 15 feet in depth or 20 feet in width) and location of the easement shall be established during site plan or subdivision review, and the easement document approved as to form by the City Attorney's Office. If transit service has been implemented or is planned to be implemented within 180 days of the issuance of a building permit for new development, and if requested by the City of Raleigh in writing, the above referenced transit easement shall be improved with the following, prior to the issuance of the first certificate of occupancy on the Property: (i) a cement pad measuring no greater than 15'x20'; (ii) a cement landing zone parallel to the street between the sidewalk and back-of-curb measuring no more than 30'; (iii) an ADA-accessible transit waiting shelter with bench; and (iv) a litter container.</p>		
<p>3. If the primary use on the subject property is not overnight lodging or residential, building height shall be no more than three stories and fifty feet (50').</p>		
<p>4. The following shall apply only if the primary use is overnight lodging or residential:</p>		
<p>4a. The primary use shall be limited to one (1) building of no more than four (4) stories or sixty-two feet (62') in height.</p>		
<p>4b. Building facades shall be constructed from one or more of the following materials: glass; concrete and/or clay brick masonry, cementitious stucco, native and masonry stone, natural wood, precast concrete, and metal panel and/or trim. The following building siding materials shall be prohibited in such areas: vinyl siding, fiberboard siding, pressure treated wood, and synthetic stucco (EIFS). Window frames, door frames, soffits, or miscellaneous trim may be constructed of wood, fiberglass, or metal.</p>		
<p>4c. A minimum 50% of the building façade along the southern property line shared with Lot 100 of that certain plat recorded in the Wake County Register of Deeds in Book of Maps 2003, at Page 2074, shall be set back no less than fifteen (15) feet above the first story from the property line and shall have a minimum of 20% transparency above the second story.</p>		
<p>4d. If roof mounted, mechanical equipment shall be screened from ground level view from adjacent properties and public street rights-of-way.</p>		
<p>4e. Contingent upon NCDOT and City of Raleigh approval, there shall be no more than one (1) point of access to the subject property from each of Boylan Avenue and Peace Street and any drive aisle from Peace Street shall be no more than 22' wide.</p>		
<p>4f. There shall be no more than fifty (50) guest rooms.</p>		
<p>4g. Service areas and loading areas shall be fully integrated into the building.</p>		


4i.

4j. The building setback along the N. Boylan Avenue right-of-way shall be at least an average of ten (10) feet.

4k. No site plan shall be approved without provision for a restaurant or retail use comprising no less than 1500 square feet and with direct pedestrian access from Peace Street.

4l. The ground level of any building shall incorporate architectural features to reinforce the pedestrian realm, including but not limited to awnings, galleries, recesses and recessed glazing. A minimum of 60% of the building façade on Peace Street shall incorporate such architectural features.

4m.

**RECEIVED**  
JAN - 5 2018  
BY: 



To: Ruffin L. Hall, City Manager

From: Matthew Klem, Planner II  
Ken Bowers AICP, Director, Department of City Planning

Copy: City Clerk

Date: November 7, 2017

Re: City Council agenda item for November 21, 2017 – Rezoning Public Hearing Z-17-17

---

On October 17, 2017 City Council authorized the following case for Public Hearing:

**Z-17-17 Peace Street**, located at 615 W Peace Street, being Wake County PIN 1704422076, approximately .36 acres are requested by Avivar Investments LLC to be rezoned for the purposes of constructing a boutique hotel. The request is to rezone the property from Neighborhood Mixed Use-3 stories-Urban General (NX-3-UG) to Commercial Mixed Use-5 stories-Urban General-Conditional Use (CX-5-UG-CU). Proposed conditions would be applied depending on two scenarios for development. If the primary use is *not* overnight lodging, then proposed conditions limit certain high intensity uses, provide a transit easement, and restrict height. If the primary use *is* overnight lodging, then proposed conditions specify a maximum number of guest rooms, structured parking, permitted construction materials, increased setbacks, ground level architectural features and uses, and restrictions on service and loading areas. (Staff Contact: Matthew Klem, 919-996-4637; [matthew.klem@raleighnc.gov](mailto:matthew.klem@raleighnc.gov))

The Planning Commission recommends approval in a split vote 7 to 1. The dissenting vote voiced an opinion for only four stories in this location.

The Hillsborough CAC recommends denial (28 in favor, 2 opposed).

Attached are the Planning Commission Certified Recommendation (including Staff Report and Traffic Study Worksheet), the Petition for Rezoning, the Zoning Conditions, and the Neighborhood Meeting Report.

# RECEIVED

## Conditional Use District Zoning Conditions

OCT - 9 2017

Zoning Case Number: Z-17-17

Date Submitted: 9-27-17

Existing Zoning: NX-3-UG

Proposed Zoning: CX-5-UG-CU

BY: JSW

OFFICE USE ONLY

Transaction #

Rezoning Case #

### NARRATIVE OF ZONING CONDITIONS OFFERED

1. The following uses shall be prohibited on the subject property: Dormitory, fraternity, sorority; Emergency shelter type A; Emergency shelter type B; College, community college, university; Adult establishment; Outdoor Recreation; Bar, nightclub, tavern, lounge; Passenger Terminal; Heliport, serving hospitals; Heliport, all others; Detention center, jail, prison; Light Manufacturing; Research & Development; Self-Service Storage; Car wash; Vehicle repair (minor); Vehicle fuel sales; and Vehicle repair (major).
2. Prior to recordation of a subdivision plat or issuance of a building permit for new development, whichever event first occurs, a transit easement along either N Boylan Avenue or W Peace Street shall be deeded to the City and recorded in the Wake County Registry. Prior to recordation of any transit easement, the dimensions (not to exceed 15 feet in depth or 20 feet in width) and location of the easement shall be established during site plan or subdivision review, and the easement document approved as to form by the City Attorney's Office. If transit service has been implemented or is planned to be implemented within 180 days of the issuance of a building permit for new development, and if requested by the City of Raleigh in writing, the above referenced transit easement shall be improved with the following, prior to the issuance of the first certificate of occupancy on the Property: (i) a cement pad measuring no greater than 15'x20'; (ii) a cement landing zone parallel to the street between the sidewalk and back-of-curb measuring no more than 30'; (iii) an ADA-accessible transit waiting shelter with bench; and (iv) a litter container.
3. If the primary use on the subject property is not overnight lodging, building height shall be no more than three stories and fifty feet (50').
4. The following shall apply only if the primary use is overnight lodging:
  - 4a. The primary use shall be limited to one (1) building of no more than five (5) stories or sixty-eight feet (68') in height.
  - 4b. Building facades shall be constructed from one or more of the following materials: glass; concrete and/or clay brick masonry, cementitious stucco, native and masonry stone, natural wood, precast concrete, and metal panel and/or trim. The following building siding materials shall be prohibited in such areas: vinyl siding, fiberboard siding, pressure treated wood, and synthetic stucco (EIFS). Window frames, door frames, soffits, or miscellaneous trim may be constructed of wood, fiberglass, or metal.
  - 4c. A minimum 50% of the building facade along the southern property line shared with Lot 100 of that certain plat recorded in the Wake County Register of Deeds in Book of Maps 2003, at Page 2074, shall be set back no less than fifteen (15) feet above the first story from the property line and shall have a minimum of 20% transparency above the second story.
  - 4d. Mechanical equipment shall be roof mounted and screened from ground level view from adjacent properties and public street rights-of-way.
  - 4e. There shall be no active use situated on the rooftop of the building.
  - 4f. Contingent upon NCDOT and City of Raleigh approval, there shall be no more than one (1) point of access to the subject property from each of Boylan Avenue and Peace Street and any drive aisle from Peace Street shall be no more than 22' wide.

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

**Conditional Use District Zoning Conditions**

Zoning Case Number: Z-17-17

Date Submitted: 6-23-17

Existing Zoning: NX-3-UG

Proposed Zoning: CX-5-UG-CU

**OFFICE USE ONLY**

Transaction #

Rezoning Case #

**NARRATIVE OF ZONING CONDITIONS OFFERED**

4g. There shall be no more than sixty-five (65) guest rooms.

4h. Service areas and loading areas shall be fully integrated into the building.

4i. No site plan for new development on the subject property shall be approved without provision for on-site structured parking with no less than 45 spaces.

4j. The building setback along the N. Boylan Avenue right-of-way shall be at least an average of ten (10) feet.

4k. No site plan shall be approved without provision for a restaurant or retail use with direct pedestrian access from Peace Street.

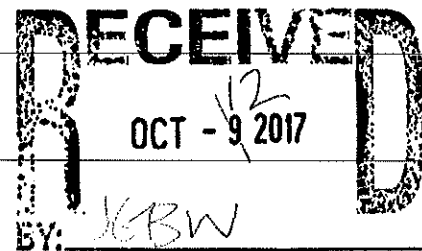
4l. The ground level of any building shall incorporate architectural features to reinforce the pedestrian realm, including but not limited to awnings, galleries, recesses and recessed glazing. A minimum of 60% of the building façade on Peace Street shall incorporate such architectural features.

4m. The upper floors of the building shall contain a minimum of two street facing balconies on each level. Such balconies shall extend, on each level, a minimum of 20' linear feet as measured along the building façade on Peace Street for a total of 40' linear feet and 10' linear feet as measured along the building façade on N. Boylan Avenue.

8.

9.

10.



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

[Signature] Anj N. Mittal



## Certified Recommendation

Raleigh Planning Commission

CR# 11804

### Case Information: Z-17-17 Peace Street

<i>Location</i>	Southeast of the W Peace Street and N Boylan Avenue intersection. Address: 615 W Peace Street PIN: 1704422076
<i>Request</i>	Rezone property from NX-3-UG to CX-5-UG-CU
<i>Area of Request</i>	.36 Acres
<i>Property Owner</i>	Avivar Investments LLC
<i>Applicant</i>	Mack Paul
<i>Citizens Advisory Council (CAC)</i>	Hillsborough CAC Bob Geary; rjgeary@mac.com
<i>PC Recommendation Deadline</i>	November 14, 2017

### 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>	Neighborhood Mixed-Use
<b><i>URBAN FORM</i></b>	Downtown Center, Main Street Corridor
<b><i>CONSISTENT Policies</i></b>	Policy LU 1.3 Conditional Use District Consistency Policy LU 2.6 Zoning and Infrastructure Impacts Policy LU 4.7 Capitalizing on Transit Access Policy LU 5.2 Managing Commercial Development Impacts Policy LU 7.6 Pedestrian Friendly Development Policy UD 1.10 Frontage Policy UD 5.1 Contextual Design Policy UD 5.4 Neighborhood Character and Identity Policy LU 7.4 Scale and Design of New Commercial Uses Policy LU 8.10 Infill Development Policy LU 8.12 Infill Compatibility Policy UD 5.2 Pedestrian Access to Downtown Policy UD 6.1 Encouraging Pedestrian-Oriented Uses Policy LU 6.4 Bus Stop Dedication Policy UD 7.3 Design Guidelines Policy DT 1.3 Underutilized Sites in Downtown Policy DT 1.11 Downtown Edges Policy DT 1.13 Downtown Transition Areas Policy DT 3.3 Encouraging Pedestrian Scale Design Policy DT 3.8 Downtown as a Regional Center

	Policy DT 3.13 Downtown Attractions and Events Policy DT 7.6 Minimizing Service Entrance Visibility
<b>INCONSISTENT Policies</b>	Policy DT 1.1 Downtown Future Land Use Map Policy DT 1.14 Compatible Mix of Uses on Downtown Perimeter

## Summary of Proposed Conditions

1. High intensity uses permitted in CX are prohibited with the exception of Overnight Lodging.
2. The provision of a transit easement.
3. If the primary use on the subject property is not overnight lodging, building height shall be no more than three stories and 50'.
4. Conditions specific to the Overnight Lodging use:
  - a. Limit building height.
  - b. Prohibition of certain construction materials.
  - c. Building step backs along the southern property line above the first floor.
  - d. Screening of mechanical equipment.
  - e. Prohibition of rooftop amenity.
  - f. Access restrictions.
  - g. Room cap at 65 guest rooms.
  - h. Fully integrated service and loading areas.
  - i. On site structured parking with at least 45 spaces.
  - j. Increased setbacks.
  - k. Provision of eating establishment or retail use on Peace Street.
  - l. Architectural features to reinforced pedestrian realm.
  - m. Specific sizing on balconies on floors two through five.

## Public Meetings

<b>Neighborhood Meeting</b>	<b>Hillsborough CAC</b>	<b>Planning Commission</b>	<b>City Council</b>
6/1/2017	7/20/2017 9/21/2017	8/22/2017 9/28/2017 (COW) 10/10/2017	10/17/2017

### Attachments

1. Staff report
2. Urban Design Guideline responses

## Planning Commission Recommendation

<b>Recommendation</b>	Approval
<b>Findings &amp; Reasons</b>	The Planning Commission found the request to be consistent with the 2030 Comprehensive Plan overall and inconsistent with the Future Land Use Map. The Planning Commission's reasoning for overall consistency is based on a number of policies in the 2030 Comprehensive Plan that show the request to be reasonable and in the public interest.
<b>Motion and Vote</b>	Motion: Terando; Second: Fluhrer; In Favor: Tomasulo, Queen, Alcine, Terando, Swink, Fluhrer, Hicks. Opposed: Jeffreys.

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.

_____ Planning Director	_____ Date	_____ Planning Commission Chairperson	10/10/2017 Date
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Staff Coordinator: Matthew Klem: 919-996-4637; [matthew.klem@raleighnc.gov](mailto:matthew.klem@raleighnc.gov)



# **Zoning Staff Report – Z-17-17 Peace Street**

## **Conditional Use District**

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### **Case Summary**

#### **Overview**

The proposal seeks to rezone the 0.36 acre property to allow for the construction of a hotel. The request is for additional height and for the provision of Overnight Lodging as a permitted use. The subject site is located in the southeast quadrant of the Boylan Avenue and Peace Street intersection. The subject site is recently vacant; an unused 900 square foot structure was demolished in early August 2017.

To the east of the subject site is a Starbucks, to the west is a McDonalds. To the north of the subject site is a row of single family houses converted for office, retail, and personal service uses. To the south of the subject site is the Paramount condominium building which has two stories of parking and six stories of housing totaling 86 units. The property at the northwest corner of the intersection houses hookah lounge.

The subject site is located within the boundaries identified on MAP DT-1 of the Downtown element of the Comprehensive Plan and in a Downtown Transition Area on MAP DT-3. The subject site is also located at the intersection of a priority pedestrian street (Peace) and a green street (Boylan) on MAP DT-4.

The subject site is designated as Neighborhood Mixed Use on the FLUM and the Downtown FLUM. The properties to the north, east, and west are also designated as Neighborhood Mixed Use. The property to the south is designated as Central Business District. The subject site is in the Downtown Mixed Use center on the Urban Form Map and Peace Street is designated as a Main Street in this location.

The current zoning on the subject site is Neighborhood Mixed Use – 3 Stories – Urban General Frontage (NX-3-UG). The properties to the north, east, and west are in the same zoning district. The property to the south is a Planned Development (PD).

The request is to rezone the property from Neighborhood Mixed Use – 3 Stories – Urban General Frontage (NX-3-UG) to Commercial Mixed Use – 5 Stories – Urban General Frontage with conditions (CX-5-UG-CU). The conditions proposed would prohibit high intensity uses permitted in the Community Mixed Use district with the exception of Overnight Lodging; the provision of a transit easement and shelter; and specific conditions if the primary use is overnight lodging. These use-specific conditions include height restrictions, guest room limits, prohibited construction materials, increased setbacks, building stepbacks, and site access and service restrictions.

#### **Update:**

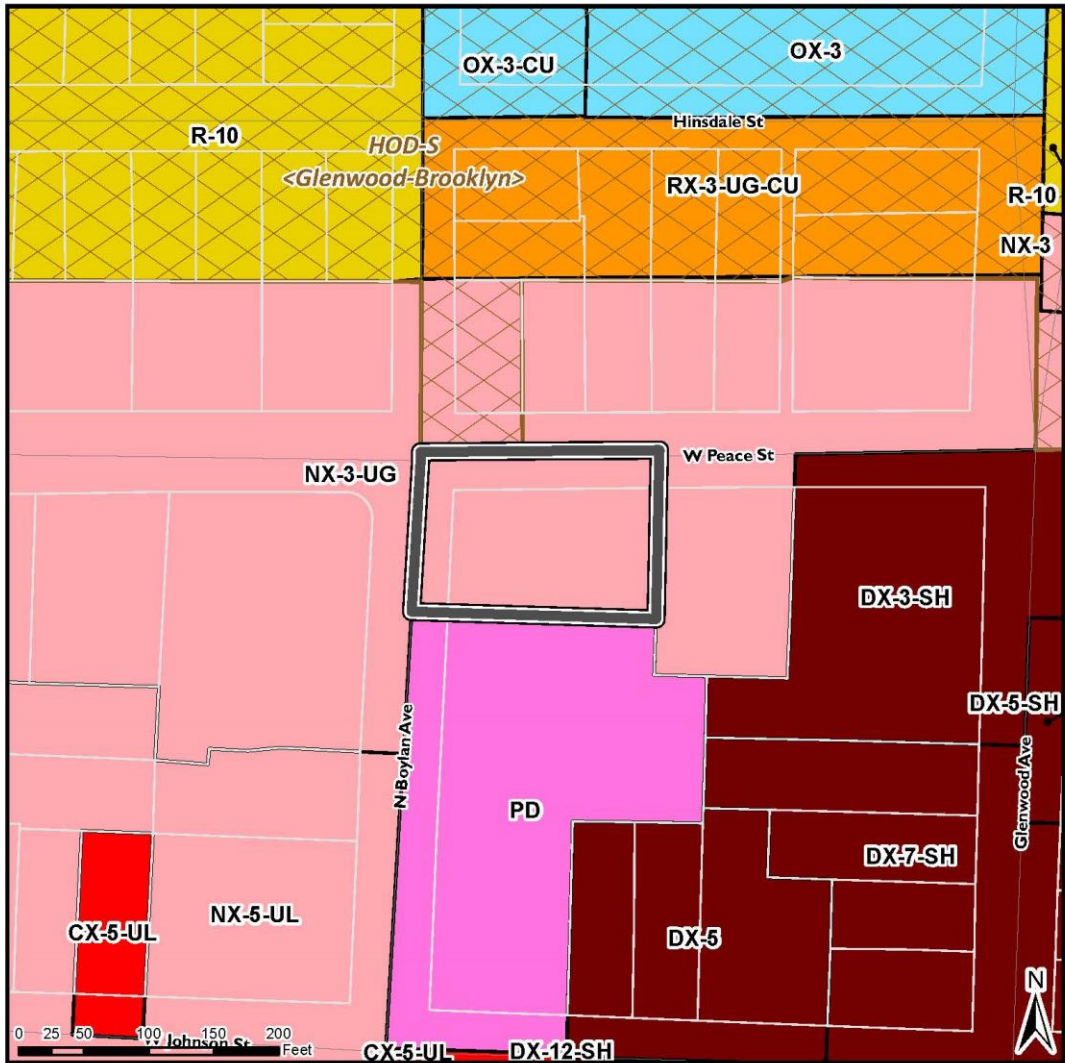
Amended conditions were submitted on September 27, 2017. The amended overnight lodging use-specific conditions increase specificity of architectural standards and uses. The use-specific conditions submitted on August 11, 2017 stated that 50% of the building facade would be setback 15 feet from the rear property line above the second story. The conditions submitted on



September 27 applied the same stepback of 15 feet to 50% of the building but increased the impact by applying to the requirement to floors above the *first* story. Increasing the stepback to include floors two through five of a hotel help to mitigate the potential view obstruction of the Paramount. Reducing the impact of view obstruction further and other mitigation requirements including fully integrated delivery areas has resulted in the analysis of Policy LU 5.2 Managing Commercial Development Impacts to be considered consistent.

## Outstanding Issues

<i>Outstanding Issues</i>	1. None.	<i>Suggested Mitigation</i>	1. None.
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# Existing Zoning Z-17-2017



 <p><b>Submittal Date</b> 6/23/2017</p>	<p><b>Request:</b></p> <p>0.36 acres from NX-3-UG to CX-5-UG-CU w/</p>	<p><b>VICINITY MAP</b></p>  <p>Map Date: 6/26/2017</p>
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# 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>	NX-3-UG	NX-3-UG	PD	NX-3-UG	NX-3-UG
<i>Additional Overlay</i>	-	Glenwood Brooklyn HOD-S (Partial)	-	-	-
<i>Future Land Use</i>	Neighborhood Mixed Use	Neighborhood Mixed Use	Central Business District	Neighborhood Mixed Use	Neighborhood Mixed Use
<i>Current Land Use</i>	Vacant	Office	Multi-Family Residential	Commercial	Commercial
<i>Urban Form (if applicable)</i>	Downtown	Mixed Use Center	Downtown	Downtown	Downtown

### 1.2 Current vs. Proposed Zoning Summary

	<b>Existing Zoning</b>	<b>Proposed Zoning</b>
<i>Residential Density:</i>	55.56 units/acre (20 units)	55.56 units/acre (20 units)
<i>Setbacks:</i>		
<i>Primary Street:</i>	5 feet	5 feet
<i>Side Street:</i>	5 feet	5 feet
<i>Side Lot:</i>	0 to 6 feet	0 to 6 feet
<i>Rear Lot:</i>	0 to 6 feet	0 to 6 feet

### 1.3 Estimated Development Intensities

	<b>Existing Zoning</b>	<b>Proposed Zoning*</b>
<i>Total Acreage</i>	.36	.36
<i>Zoning</i>	NX-3-UG	CX-5-UG-CU
<i>Max. Gross Building SF (if applicable)</i>	22,300	29,185
<i>Max. # of Residential Units</i>	20	20
<i>Max. Gross Office SF</i>	19,327 square feet	19,327 square feet
<i>Max. Gross Retail SF</i>	10,000 square feet	10,000 square feet
<i>Max. Gross Industrial SF</i>	-	-
<i>Max. Hotel Guest Rooms</i>	-	49
<i>Potential F.A.R</i>	1.42	1.86

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

The proposed rezoning is:

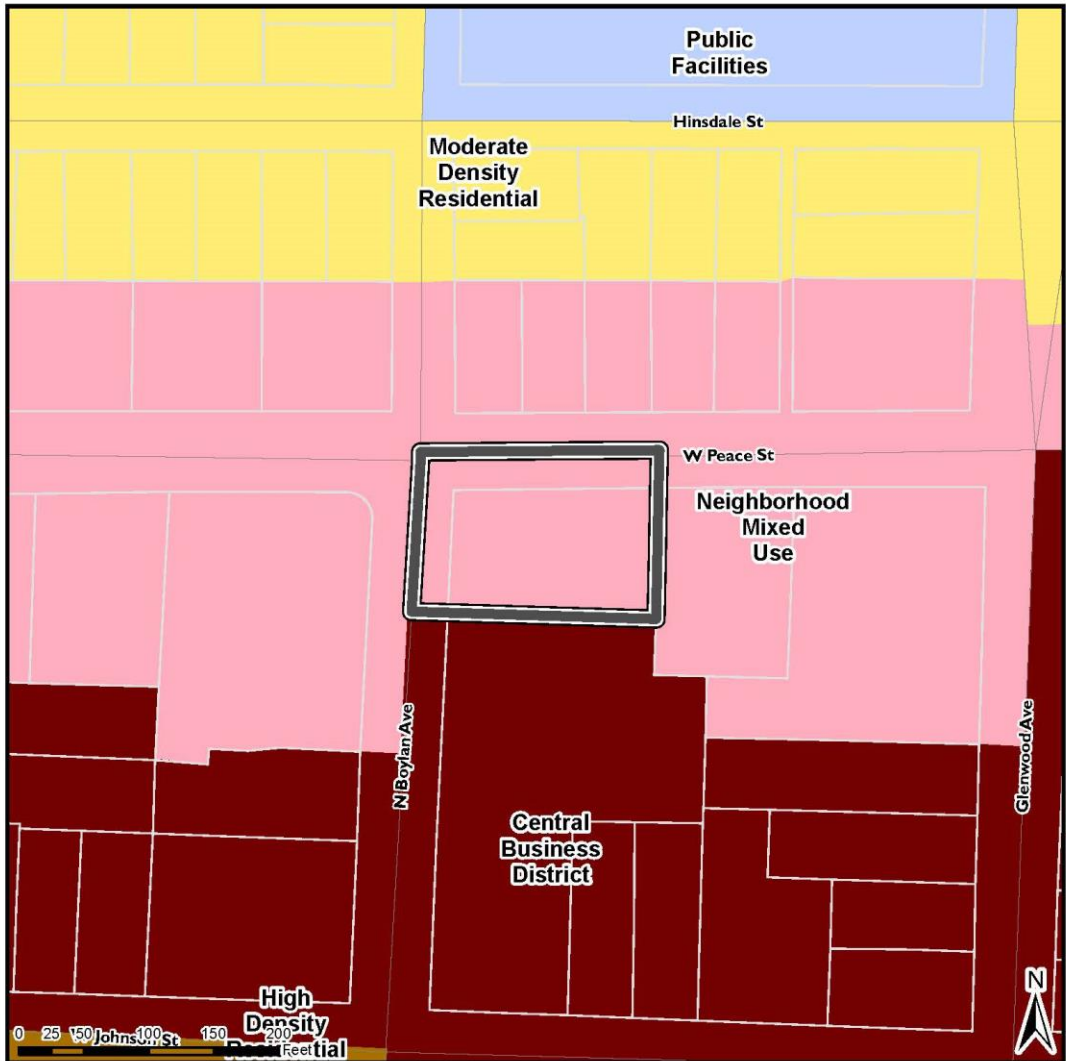
☒ **Compatible** with the property and surrounding area.


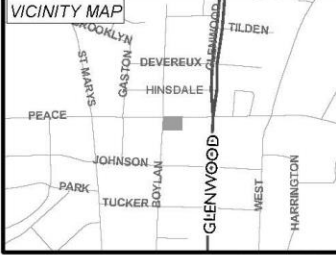
☐ **Incompatible.**

Analysis of Incompatibility:



The request can be considered compatible with the property and surrounding area. The proposed conditional use zoning district restricts high intensity uses from the CX district with the exception of Overnight Lodging. With the proposal, the maximum number of residential units and overall office square footage does not increase, as increased height is only permitted for overnight lodging. At the proposed development intensity, average peak hour trip volumes and daily trip volumes would not increase to the threshold of requiring a traffic impact analysis. The proposed conditional use district offers additional conditions if the subject site is developed with a hotel. Restrictions on height, number of guest rooms, fully integrated service and loading areas, building setbacks and stepbacks, and other more restrictive standards increase compatibility with the area.

# Future Land Use Z-17-2017



 <b>Submittal Date</b> 6/23/2017	<p><b>Request:</b></p> <p style="text-align: center;">0.36 acres from          NX-3-UG          to CX-5-UG-CU          w/</p>	<p><small>VICINITY MAP</small></p>  <small>Map Date: 6/26/2017</small>
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 <p><b>Submittal Date</b> 6/23/2017</p>	<p><b>Request:</b></p> <p>0.36 acres from NX-3-UG to CX-5-UG-CU w/</p>	<p>VICINITY MAP</p>  <p>Map Date: 6/30/2017</p>
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## 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:

- A. Is the proposal consistent with the vision, themes, and policies contained in the Comprehensive Plan?
- B. Is the use being considered specifically designated on the Future Land Use Map in the area where its location is proposed?
- C. 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?
- D. Will community facilities and streets be available at City standards to serve the use proposed for the property?

- A. The proposal is consistent with the vision, themes, and policies in the Comprehensive Plan.

The rezoning request can be considered consistent with the **Economic Prosperity** theme. Expanding the permitted uses on the subject site to include Overnight Lodging adheres to the vision theme's commitment to economic expansion. This vision theme is reflected in numerous policies including DT 1.3 Underutilized Sites in Downtown, DT 1.3 Downtown Transitions Areas, DT 3.8 Downtown as a Regional Center, LU 4.7 Capitalizing on Transit Access, and UD 7.1 Economic Value of Quality Design.

The request can also be considered consistent with the **Managing Our Growth** theme. Expanding the permitted uses on the subject site to include Overnight Lodging promotes the vision theme's goal of providing desirable places to live, work, and play in the city while insuring adequate infrastructure is in place to handle increased demand. This theme is reflected in numerous policies including DT 1.3 Underutilized Sites in Downtown, 3.8 Downtown as a Regional Center, DT 3.12 Downtown as an Arts and Culture Hub, DT 3.13 Downtown Attractions and Events, and LU 2.6 Zoning and Infrastructure Impacts.

The proposed rezoning request can be considered consistent with the **Coordinating Land Use and Transportation** theme. Increased density on the subject site will make better use of investment in transit infrastructure. The subject site is in close proximity to planned Bus Rapid Transit (BRT). The Wake County Transit Plan includes 20 miles of BRT infrastructure including a section on Capital Boulevard between Peace Street and the Wake Forest Road intersection. The subject site is within a quarter mile of Capital Boulevard. The subject site is also two blocks from St. Mary's Street which is designated as a Transit Emphasis Corridor on the Urban Form Map which envisions frequent buses and amenities at every stop. The subject site is currently served by GoRaleigh Route 12 Method Road which has a pick up frequency of 30 minutes at peak service and one hour off peak. This theme is reflected in numerous policies including DT 1.3 Underutilized Sites in Downtown, DT 2.8 Priority Pedestrian Streets, DT 3.13 Downtown Attractions and Events, LU 4.7 Capitalizing on Transit Access, UD 5.2 Pedestrian Access to Downtown and LU 5.2 Managing Commercial Development Impacts.

The rezoning request can be considered consistent with the **Growing Successful Neighborhoods and Communities** theme. The development of the subject site with increased height and permitted uses reinforces the theme's mention of conserving healthy and safe older neighborhoods while expanding local businesses through careful infill that complements the existing character.

The proposal complements the existing character of the area. The subject site is north of The Paramount, a multi-family structure with a maximum height of approximately 105 feet set back from the shared property line. The rezoning request would limit structures on the subject site to five stories and 68 feet if developed with as a hotel and three stories and 50 feet if developed with any other use. To the north of the subject site, across Peace Street, development is limited to three stories and 50 feet in height. This step down from 105 to 68 to 50 feet in permitted height is an appropriate transition to the Glenwood-Brooklyn single family neighborhood. The Glenwood-Brooklyn neighborhood also has a node of RX-3-UG-CU and OX-3-CU zoning that further eases the transition into the predominantly single family residential neighborhood. This vision theme is reflected in numerous policies including DT 1.11 Downtown Edges, DT 1.13 Downtown Transition Areas, LU 7.4 Scale and Design of New Commercial Uses, LU 8.10 Infill Development, and LU 8.12 Infill Compatibility.

- B. The use considered is not specifically designated on the Future Lane Use Map in the area where its location is proposed. The FLUM designation on the subject site is Neighborhood Mixed Use. This designation envisions neighborhood shopping centers and pedestrian oriented retail districts that generally serve residential properties within a one mile radius. Neighborhood Mixed Use (NX) is the most appropriate zoning district in these areas. The NX district permits restaurants, supermarkets, drug stores and other uses that serve the immediately surrounding neighborhood. While the FLUM envisioned uses are still permitted in the rezoning request to Commercial Mixed Use (CX), the conditional use district also permits the use of Overnight Lodging while prohibiting other high intensity uses. The Overnight Lodging use is not consistent with the character of the Neighborhood Mixed Use FLUM designation. Hotels typically serve larger regional areas and provide accommodations for visitors to the city. This regional draw is a departure from the intended neighborhood serving retail and personal service uses of the Neighborhood Mixed Use FLUM designation. The addition of the Overnight Lodging use makes the request inconsistent with the FLUM.

Another component of the FLUM is Table LU-2 Recommended Height Designations. Table LU-2 Recommended Height Designations recommends a maximum of five stories in areas designated as Neighborhood Mixed Use on the FLUM in Core/Transit areas. Transit areas are described in the comprehensive plan as areas within a quarter mile of a fixed guideway transit stop. The Wake County Transit Plan includes BRT on Capital Boulevard from Peace Street to the Wake Forest Road intersection, which is within a quarter mile of the subject site. While the exact location of a future transit stop is unknown, the subject site is within a quarter mile of the planned route. Table LU-2 also recommends a maximum of three stories in areas designated as Neighborhood Mixed Use on the FLUM in Edge areas. Edge areas are defined as being located within 100 to 150 feet of a low- to moderate-density residential area. The subject site is more than 150 feet from low- to moderate-density residential development. Properties that do not satisfy either Core/Transit or Edge conditions are designated as General. The plan states that structures in General areas can be taller than structures in Edge areas but should not be as tall as structures in Core/Transit areas. The proposed conditional use zoning district limits the height of future structures to 5 stories and 68 feet if the primary use is overnight lodging; if the primary use is not overnight lodging, building height is limited to three stories and 50'.

- C. The proposed conditional use zoning district can be established without adversely altering the character of the area. The consideration of increased height to five stories, as analyzed above, provides for an appropriate transition from the Paramount to the Glenwood-Brooklyn neighborhood by stepping down from approximately 105 feet to 68 feet to 50 feet at the commercial properties on the north side Peace Street. The proposed conditional use district also specifies high quality building materials if the site is developed with a hotel. Concrete and/or clay brick masonry, stucco, native and masonry stone and natural wood are proposed as façade materials. Vinyl siding and pressure treated wood are prohibited. Specifying high quality materials is in keeping with the character of the Peace Street corridor. If the site is

developed with a hotel, proposed conditions also require that service and loading areas be fully integrated into the building; structured parking be provided; and the provision of a ground level retail or eating establishment with direct pedestrian access on Peace Street. Conditions also require at 15 foot stepback applied to 50% of the building above the first floor along the southern property line. These additional use specific conditions further reduce the impact on the character of the area.

- D. Existing community facilities and streets appear to be sufficient to serve the uses possible under the proposed zoning.

## **2.2 Future Land Use**

**Future Land Use designation:**

**The rezoning request is:**

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

☒ **Inconsistent**

The subject site is designated as Neighborhood Mixed Use on the FLUM. This designation envisions neighborhood shopping centers and pedestrian oriented retail districts that generally serve residential properties within a one mile radius. Neighborhood Mixed Use (NX) is the most appropriate zoning district in these areas. The NX district permits restaurants, supermarkets, drug stores and other uses that serve the immediately surrounding neighborhood. The request is an upzoning to Commercial Mixed Use (CX). The applicant's stated intention is to construct a hotel on the subject site. Overnight Lodging is not a permitted use in NX; however, it is a permitted use in CX. The proposed conditional use district prohibits high intensity uses in CX with the exception of the Overnight Lodging use. The addition of this use makes the request inconsistent with the FLUM.

## **2.3 Urban Form**

**Urban Form designation:**

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

**The rezoning request is:**

☒ **Consistent** with the Urban Form Map.

☐ **Inconsistent**

The subject site is located in a Downtown center on the Urban Form Map. The comprehensive plan states that the Downtown Element boundaries define the Downtown. An urban approach to frontage is recommended throughout Downtown, and the Downtown Element provides specific guidance. The current and proposed frontage for the subject site is Urban General. This frontage is intended for areas where parking between the building and the streets is not allowed.

## **2.4 Policy Guidance**

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

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

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

- The proposed conditions are consistent with the Comprehensive Plan in that they limit the building height, provide for a transit easement and shelter, add Overnight Lodging as a permitted use on the subject site, and provide specific guidelines for materials and architecture.

### **Policy LU 2.6 Zoning and Infrastructure Impacts**

Carefully evaluate all amendments to the zoning map that significantly increase permitted density or floor area to ensure that impacts to infrastructure capacity resulting from the projected intensification of development are adequately mitigated or addressed.

- Transportation and utility infrastructure are not negatively impacted by the change in zoning. The proposed development intensities do not generate enough traffic to increase average peak hour trip volumes or daily trip volumes. At the time of development plan submittal, a Downstream Sewer Capacity Study may be required to determine adequate capacity to support the proposed development. Any improvements identified by the study would be required to be permitted prior to the issuance of Building Permit & constructed prior to release of a Certificate of Occupancy.

### **Policy LU 4.7 Capitalizing on Transit Access**

The City shall coordinate the dedication of land for the construction of bus stop facilities within mixed-use centers on bus lines as part of the development review and zoning process.

- Proposed conditions provide for a transit easement and shelter. The subject site is also within a quarter miles of planned Bust Rapid Transit (BRT) service on Capital Boulevard. The BRT system is a high frequency bus network with dedicated lanes and signal preference. The subject site is also served by GoRaleigh Route 12 Method Road which has a pick up frequency of 30 minutes at peak service and one hour off peak.

### **Policy LU 5.2 Managing Commercial Development Impacts**

Manage new commercial development using zoning regulations and through the conditional use zoning and development review processes so that it does not result in unreasonable and unexpected traffic, parking, litter, shadow, view obstruction, odor, noise, and vibration impacts on surrounding residential areas.

- The development intensities estimated for the site do not rise to the threshold of requiring a traffic impact analysis and height is only increased if the primary use is overnight lodging. Overnight lodging use-specific conditions require onsite structured parking of at least 45 spaces. Use-specific conditions limit the building height to 68 feet which will reduce view obstruction for the Paramount building. The proposal further specifies a 15 foot building stepback from the southern property line. The stepback condition will require 50% of the southern façade of a hotel to be set back from the property line no less than 15 feet above the first story, further reducing the view obstruction of Paramount residents. This condition originally applied to the rear façade above the *second story*; applying the stepback to more of the building will further reduce view obstruction. If a hotel is constructed, other conditions require all service and loading areas to be fully integrated within the building, reducing odor, noise and vibrations related to hotel operations.

**Policy LU 7.6 Pedestrian Friendly Development**

New commercial developments and redeveloped commercial areas should be pedestrian-friendly.

- The proposed Urban General frontage requires a primary street facing pedestrian entrance and prohibits onsite parking between the building and the street. Proposed conditions provide for a ground level eating establishment or retail use with direct pedestrian access to Peace Street and architectural features such as awnings, galleries, and recesses that reinforce the pedestrian realm.

**Policy UD 1.10 Frontage**

Coordinate frontage across multiple sites to create cohesive places. Encourage consistency with the designations on the Urban Form Map. Development in centers and along corridors targeted for public investment in transit and walkability should use a compatible urban form. See the text box on the Urban Form Map in the Overview section for more guidance.

- The proposed Urban General frontage conforms with zoning districts throughout the corridor.

**Policy UD 5.1 Contextual Design**

Proposed development within established neighborhoods should create or enhance a distinctive character that relates well to the surrounding area.

**Policy UD 5.4 Neighborhood Character and Identity**

Strengthen the defining visual qualities of Raleigh's neighborhoods. This should be achieved in part by relating the scale of infill development, alterations, renovations, and additions to existing neighborhood context.

**Policy LU 7.4 Scale and Design of New Commercial Uses**

New uses within commercial districts should be developed at a height, mass, scale, and design that is appropriate and compatible with surrounding areas.

**Policy LU 8.10 Infill Development**

Encourage infill development on vacant land within the City, particularly in areas where there are vacant lots that create "gaps" in the urban fabric and detract from the character of a commercial or residential street. Such development should complement the established character of the area and should not create sharp changes in the physical development pattern.

**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 proposed district limits height to five stories and 68 feet if the primary use is overnight lodging which provides an appropriate transition from the adjacent approximate 105 foot tall Paramount building to the south. Across Peace Street to the north of the subject site, heights are limited to three stories and 50 feet. The scale and bulk of structures allowed in the proposed conditional use district will provide an appropriate transition from Downtown to the low intensity retail uses along Peace Street and the Glenwood-Brooklyn residential neighborhood beyond. Specifying high quality materials will help to strengthen the visual qualities of the corridor. The conditional provision of ground level retail or dining establishment with direct pedestrian access on Peace Street will also complement the neighborhood character.

**Policy UD 5.2 Pedestrian Access to Downtown**

Enhance clear and safe pedestrian networks and connections between downtown and nearby center city neighborhoods.

**Policy UD 6.1 Encouraging Pedestrian-Oriented Uses**

New development, streetscape, and building improvements in Downtown, Main Streets, and TOD areas should promote high intensity, pedestrian-oriented use and discourage automobile-oriented uses and drive-through uses.

- The Urban General frontage requires sidewalk amenities and prohibits parking between the street and building which will help to enhance the pedestrian experience and connectivity to Downtown.

**Policy LU 6.4 Bus Stop Dedication**

The City shall coordinate the dedication of land for the construction of bus stop facilities within mixed-use centers on bus lines as part of the development review and zoning process.

- The proposed conditions provide for a transit easement and shelter.

**Policy UD 7.3 Design Guidelines**

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 the Pedestrian Business or Downtown Overlay Districts, Planned Development Districts, and Conditional Use zoning petitions.

- The Urban Design Guidelines have been met and the applicant's responses can be found with the attached supplemental materials.

**Policy DT 1.3 Underutilized Sites in Downtown**

Encourage the redevelopment of underutilized sites in downtown, including but not limited to vacant sites, surface parking lots, and brownfield sites.

- The subject site is a vacant site downtown.

**Policy DT 1.11 Downtown Edges**

Appropriate transitions in height, scale, and design should be provided between Central Business District land uses and adjacent residential districts.

- The proposed conditional use district proposes a height limit of five stories and 68 feet if the primary use is overnight lodging. The Paramount building to the south is approximately 105 feet tall at the shared property line and is within the Central Business District on the FLUM. The proposed height limit on the subject site provides an appropriate transition from the Central Business District, to the lower scale retail north of Peace Street, and beyond to the Glenwood-Brooklyn neighborhood.

**Policy DT 1.13 Downtown Transition Areas**

In areas where the Downtown Element boundaries are located in proximity to established residential neighborhoods, residential densities should taper to be compatible with adjacent development. Non-residential uses with the greatest impacts—such as theaters, concentrated destination nightlife and retail, and sports and entertainment uses—should be directed away from these transition areas. Where existing zoning overlays are mapped, the height guidance in these districts should not be changed outside of an area planning process. See Map DT-3 for transition area locations.

- The subject site is located within a Downtown Transition Area on Map DT-3. The transition in height from the boundaries of downtown to the nearby residential neighborhood tapers from 105 feet to 68 feet to 50 feet. Overnight lodging is not a high intensity use as described above.

### **Policy DT 3.3 Encouraging Pedestrian Scale Design**

All new development within the Downtown District but not on either a Primary or Secondary Retail Street should integrate architectural elements that connect to the public right-of-way. Examples of such architectural elements include but are not limited to: inclusion of windows at the sidewalk level, multiple building entrances adjacent to public right-of-way, pedestrian scale building materials with a high level of detail, lighting along the sidewalks, and awnings.

- The proposed Urban General frontage will provide for a pedestrian scale and oriented structure. If the site is developed with a hotel, use-specific conditions require the ground level of any building incorporate architectural features to reinforce the pedestrian realm such as awnings, galleries, and recesses.

### **Policy DT 3.8 Downtown as a Regional Center**

Encourage new investments and developments that position downtown as the center of the region for headquarters, jobs, urban housing, entertainment, and transit.

- The addition of overnight lodging as a permitted use on the subject site supports making downtown a regional center by providing overnight accommodations for regional visitors who come to the city for entertainment. The subject site also has good access to transit via the St Marys Street Transit Emphasis Corridor and the proposed BRT on Capital Boulevard.

### **Policy DT 3.13 Downtown Attractions and Events**

Encourage the development of additional tourist attractions and visitor-supportive uses, activity generators, and events downtown, including live performances and programming in downtown's public spaces.

- The proposed conditional use zoning district includes Overnight Lodging as a permitted use. Overnight Lodging is a visitor-supportive use.

### **Policy DT 7.6 Minimizing Service Entrance Visibility**

Service entrances and functions should be located internal to the building-in alleys or in parking decks. Their presence on the public right-of-way should be minimized.

- If the subject site is developed with a hotel, proposed conditions require service and loading areas to be fully integrated within the building.

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

### **Policy DT 1.1 Downtown Future Land Use Map**

The Future Land Use Map should guide public and private land use development decisions to ensure the efficient and predictable use of land and effectively coordinate land use with infrastructure needs.

- The proposed conditional use zoning district considered is not specifically designated on the Downtown Future Land Use Map in the area where its location is proposed. The DTFLUM designation on the subject site is Neighborhood Mixed Use. This designation envisions neighborhood shopping centers and pedestrian oriented retail districts that generally serve residential properties within a one mile radius. Neighborhood Mixed Use (NX) is the most appropriate zoning district in these areas. The NX district permits restaurants, supermarkets, drug stores and other uses that serve the immediately surrounding neighborhood. While the proposed uses are still permitted in the rezoning request to Commercial Mixed Use (CX), the conditional use district also permits the use of Overnight Lodging while prohibiting other high intensity uses. Hotels are specifically mentioned in the description of the Community Mixed Use FLUM designation which envisions larger scale uses that draw from multiple neighborhoods. In addition to hotels, large-format supermarkets, department stores, and movie theaters are considered

appropriate uses in these areas. Including overnight lodging as a permitted use in the proposed conditional use zoning district makes the request inconsistent with the FLUM.

**Policy DT 1.14 Compatible Mix of Uses on Downtown Perimeter**

Encourage a compatible mix of housing options, community-serving institutional uses, and neighborhood-serving retail within the neighborhoods surrounding downtown.

- The proposed zoning district permits overnight lodging as an allowable use, which is not specified in the above policy language. Hotels are not typically neighborhood serving in that they draw from a regional area in providing overnight accommodations. Permitting this higher intensity use may not be compatible with the transitional nature of the Downtown perimeter.

## **2.5 Area Plan Policy Guidance**

The rezoning request is **consistent** with the following Area Plan policies:

N/A

## **3. Public Benefit and Reasonableness Analysis**

### **3.1 Public Benefits of the Proposed Rezoning**

- The proposed rezoning will increase the permitted uses on the subject site.
- The conditional use zoning district will allow for overnight lodging which will help to reinforce downtown as a regional center and tourist attraction.
- Additional permitted uses on the site will increase the potential for the development of a vacant lot downtown.
- The proposed Urban General frontage will foster a pedestrian oriented realm along Peace Street and Boylan Avenue.

### **3.2 Detriments of the Proposed Rezoning**

- The proposed rezoning to increase the height entitlement of the subject site may impact the view shed of residents of the Paramount.
- While average peak hour trip volumes and daily trip volumes are not expected to increase, some additional traffic with the higher intensity land use of Overnight Lodging may inconvenience nearby residents.
- Overnight Lodging as a permitted use may increase nighttime activity on street level which could disrupt nearby residents.

## **4. Impact Analysis**

### **4.1 Transportation**

The Z-17-2017 site is located in the southeast quadrant of W Peace Street and N Boylan Avenue. Peace Street and Boylan Avenue are both maintained by the City of Raleigh. Peace Street has a 3-lane cross section with curbs and sidewalks on both sides. Boylan Avenue has a 2-lane cross section with curbs and sidewalks on both sides. The intersection is controlled by a traffic signal. Both W Peace Street and N Boylan Avenue are classified as mixed-use streets in the UDO Street Plan Map. Peace Street is designated as a *Main Street* in the Raleigh Urban Form Map.

There are no City of Raleigh CIP projects planned for Boylan Avenue in the vicinity of the Z-17-2017 site. The Peace Street West Streetscape project will make improvements to sidewalks, upgrade pedestrian crossings, plant street trees and consolidate driveways along Peace Street between Saint Marys Street and West Street.

Offers of cross access to adjacent parcels shall be made in accordance with the Raleigh UDO section 8.3.5.D. There are no public street stubs abutting the boundaries of the Z-17-2017 parcel.

There are two existing driveway cuts on Peace Street that were designed for residential uses but are not sufficient for two-way traffic. Site access will be determined upon submittal of a site plan.

In accordance with UDO section 8.3.2, the maximum block perimeter for CX-5 zoning is 2,500 feet. The block perimeter for Z-17-2017, as defined by public rights-of-way for W Peace Street, Glenwood Avenue, W Johnson Street and N Boylan Avenue is 1,650 feet.

The existing land is occupied by a 900 sq. ft. building which generates virtually no traffic. Approval of case Z-17-2017 would not increase average peak hour trip volumes or daily trip volumes. A traffic study is not required for case Z-17-2017.

Z-17-2017 Existing Land Use (Unknown)	Daily	AM	PM
Z-17-2017 Current Zoning Entitlements (AM: Office + Retail, Daily & PM: Retail)	Daily	AM	PM
	1,025	48	85
Z-17-2017 Proposed Zoning Maximums (AM: Office + Retail, Daily & PM: Retail)	Daily	AM	PM
	1,025	54	85
Z-17-2017 Trip Volume Change (Proposed Maximums minus Current Entitlements)	Daily	AM	PM
	<b>0</b>	<b>6</b>	<b>0</b>

**Impact Identified: None**

#### 4.2 Transit

1. This segment of Peace St is currently served by GoRaleigh Route 12 Method.
2. It is anticipated that service will continue along Peace St.
3. With the permission of the Transit Program and at the sole expense of the developer the stop may be wholly contained in the right-of-way or incorporated into the face of the building.

**Impact Identified: None**

#### 4.3 Hydrology

<i>Floodplain</i>	None
<i>Drainage Basin</i>	Pigeon House
<i>Stormwater Management</i>	Article 9.2 of the UDO
<i>Overlay District</i>	none

**Impact Identified:** Site is subject to Stormwater Control regulations under Article 9.2 of the UDO as amended by TC-2-16. No impacts identified.

#### **4.4 Public Utilities**

	<b>Maximum Demand (current use)</b>	<b>Maximum Demand (current zoning)</b>	<b>Maximum Demand (proposed zoning)</b>
<i>Water</i>	0 gpd	12,500 gpd	22,500 gpd
<i>Waste Water</i>	0 gpd	12,500 gpd	22,500 gpd

1. The proposed rezoning would add approximately 22,500 gpd to the wastewater collection and water distribution systems of the City. There are existing sanitary sewer and water mains adjacent to the proposed rezoning area.
2. At the time of development plan submittal, a Downstream Sewer Capacity Study may be required to determine adequate capacity to support the proposed development. Any improvements identified by the study would be required to be permitted prior to the issuance of Building Permit & constructed prior to release of a Certificate of Occupancy
3. Verification of water available for fire flow is required as part of the Building Permit process. Any water system improvements recommended by the analysis to meet fire flow requirements will also be required of the Developer

#### **4.5 Parks and Recreation**

Fred Fletcher Park is less than a quarter mile from the subject site.

**Impact Identified:** None

#### **4.6 Urban Forestry**

Tree Conservation Area is not required.

**Impact Identified:** None

#### **4.7 Designated Historic Resources**

The site is across the street from one parcel that is within the Glenwood-Brooklyn National Register Historic District/Raleigh Historic Overlay District.

**Impact Identified:** None

#### **4.8 Community Development**

**Impact Identified:** None

#### **4.9 Impacts Summary**

Sewer and fire flow matters 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

While the addition of overnight lodging as a permitted use to the subject site is inconsistent with the FLUM, the proposal is consistent with the Comprehensive Plan overall. The subject site is within a quarter mile of Capital Boulevard which is included in the Wake County Transit Plan as a BRT corridor. The subject site is also two blocks from St Marys Street which appears on the Urban Form Map as a Transit Emphasis Corridor. These corridors are planned for a higher level of bus-based service, including frequent buses and amenities at every stop. The subject site is currently served by GoRaleigh Route 12 Method Road which has a pick up frequency of 30 minutes at peak service and one hour off peak. Proximity to these planned and existing routes helps realize the vision theme of Coordinating Land Use and Transportation.

The proposed height and permitted construction materials of the district also fits in to the character of the surrounding area. The subject site shares a property line with the Paramount which is approximately 105 tall on its northern façade. The proposed conditional use district would limit buildings on the subject site to five stories and 68 feet in height if a hotel is built. The properties to the north across Peace Street are in a district that limits height to three stories and 50 feet; this district extends from St Marys Street to Glenwood Avenue. The step down in height from 105 feet to 68 feet to 50 feet offers an appropriate and gradual transition from the Downtown district to the Glenwood-Brooklyn neighborhood. The conditional use district identifies specific high quality materials for the façade if a hotel is the primary use. The materials include native and masonry stone, concrete or clay brick masonry, and natural wood and prohibits vinyl siding and pressure treated wood. Specifying high quality building materials will complement the existing character of the area. Mitigating impacts with the above conditions further the vision themes of Managing Our Growth and Growing Successful Neighborhoods and Communities.

The Downtown Element of the Comprehensive Plan places the subject site in a Transition Area in MAP DT-3. Policy DT 1.13 states that non-residential uses with the greatest impacts should be directed away from these transition areas. The proposed conditional use district prohibits specific high intensity uses including adult establishments, bars, nightclubs, self-service storage, and light manufacturing. Eliminating these high intensity uses from the proposed district provide an appropriate transition to adjacent lower intensity districts and the Glenwood-Brooklyn neighborhood and reinforces the vision theme Managing Our Growth.

Other policies in the Downtown Element focus on establishing downtown as a regional center and to encourage the development of tourist attractions and visitor-supportive uses. The addition of overnight lodging as a permitted use on the subject site increases the opportunity for visitors and tourists to access cultural events and festivals hosted in the downtown core which is connected to the site with pedestrian amenities and transit. This will help to achieve the vision theme of Economic Prosperity.

The site is designated as Neighborhood Mixed Use on the FLUM which envisions neighborhood personal service uses, however other Comprehensive Plan guidance seems to provide overall consistency with the request in terms of transit access, managing development impacts, and the vision for downtown.

**AGENDA ITEM (C) 2: Z-17-17 – 615 W Peace Street**

This site is located on Peace Street, at the southeast corner of its intersection with N Boylan Avenue.

This is a request to rezone 0.36 acres at 615 W Peace Street from Neighborhood Mixed Use-3 Stories-Urban General (NX-3-UG) to Commercial Mixed Use-5 Stories-Urban General-Conditional Use.

Planner Klem gave a brief overview of the case.

Mack Paul representing the applicant regarding streetscape encouraging walkable pedestrian area; height and setbacks and structured parking. Mr. Paul asked that we look at this project for what it means to the city and its needs.

Sunny Miller owner of property on Peace Street spoke regarding this being an asset to the area and property value, stating there are going to be growing pains but for the area as a whole, this is a much needed project and is in favor.

Mary Craven Poteat of Glenwood Brooklyn spoke in favor regarding Raleigh being a big city and being need of more hotels and believes this is a good fit for the neighborhood.

Andy Petish spoke on behalf of Paramount Homeowners Associations regarding policy issues; policy recommendation of height is 3 stories and believes there is no way this project is consistent with the Comprehensive Plan and believes the project is not in keeping with the character of the neighborhood and is opposed to the request.

Philip Pope spoke in opposition regarding concerns of the conditions, stating that development is important and there is a need in the area but we need to figure out how to develop it.

Mr. Paul spoke regarding the applicant addressing traffic concerns; goal is make this area more walkable and pedestrian friendly and ask for the commissions support.

Ms. Jeffreys responded that she was generally in support of a hotel in the area but believes it should be 4- stories.

Mr. Fluhrer spoke regarding believing that hotel use in this location mitigates traffic; preferring 4-stories won't get as many amenities and is in favor of the project.

**Mr. Terando made a motion to approve the case. Mr. Fluhrer seconded the motion. Ms. Jeffreys was opposed. The vote was not unanimous 7-1.**

REZONING APPLICATION ADDENDUM #1	
<p align="center"><b>Comprehensive Plan Analysis</b></p>	<p align="center"><b>OFFICE USE ONLY</b></p> <p align="center">Transaction #</p> <p align="center">Rezoning Case #</p>
<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 align="center"><b>STATEMENT OF CONSISTENCY</b></p>	
<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>	
<p>1. According to Map DT-1, the subject property is located within the Downtown Element Boundary. Policies DT 3.12 and 3.13 and Action DT 3.12 support additional hospitality uses for properties within the Downtown Element. The proposed rezoning would allow a hotel use in the vibrant Glenwood South area of Downtown; an area which experiences significant visitorship.</p>	
<p>2. Section 2.4 - Framing Maps - of the Introduction to the Comprehensive Plan identifies the subject property within the Downtown Regional Center on the Growth Framework Map. The Downtown Regional Center calls for the most intense growth and highest levels of transit, bicycle, and pedestrian access. In addition, it is defined as "a true hub for a rapidly growing region." The proposed rezoning would accommodate additional transit oriented development in Downtown.</p>	
<p>3. Map UD-1 identifies the subject property as within the Downtown Mixed Use Center on the Urban Form Map. The narrative accompanying Table LU-2 defines properties in a mixed use center of 30 acres or more as within a Core/Transit area. As such, the subject property is within a Core/Transit area. Table LU-2 – Recommended Height Designations – provides guidance for up to five (5) stories for properties with a neighborhood mixed used FLUM designation that are in a Core/Transit area. Thus, the requested height is consistent with the Comprehensive Plan.</p>	
<p>4. According to Map DT-3, the subject property is located within the Downtown Transition Area of the Downtown Element. Policy DT 1.13 indicates that in areas where the Downtown Element is in proximity to established residential areas, heights should taper from adjacent development. The proposed height meets this guidance as there is an existing approximately 10-story (115 ft) building immediately south of the subject property. At the requested 5 story level, an appropriate transition from 10-stories to the 2-stories on the north side of Peace Street is provided.</p>	
<p align="center"><b>PUBLIC BENEFITS</b></p>	
<p>Provide brief statements regarding the public benefits derived as a result of the rezoning request.</p>	
<p>1. The proposed rezoning will facilitate a development that will establish the first urban form in this area of Peace Street. Currently, Peace Street contains a number of auto-oriented uses with surface parking between the building and public right of way. The Peace Streetscape Plan reflects the City's priority to support walkability and urban form in this area. The proposed rezoning will provide a return on this public investment.</p>	
<p>2. The proposed rezoning will accommodate additional hospitality uses in Downtown. The City has undertaken a number of initiatives to encourage hotel uses in Downtown. Furthermore, the compact site will ensure the development offers a unique, smaller hotel product type as compared to existing full-service or limited service hotels.</p>	
<p>3. The proposed rezoning will eliminate uses that could exacerbate existing impacts on the surrounding residential areas such as bar, nightclub, tavern, lounge.</p>	

REZONING APPLICATION ADDENDUM #2	
Impact on Historic Resources	OFFICE USE ONLY  Transaction #  Rezoning Case #
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.	
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 rezoning would impact the resource.	
<div>No historic resources exist on the site.</div>	
PROPOSED MITIGATION	
Provide brief statements describing actions that will be taken to mitigate all negative impacts listed above.	

## URBAN 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" or "Mixed-Use Center", 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.

Urban Form Designation: City Growth Center    Click [here](#) to view the Urban Form Map.

1.	<p><i>All Mixed-Use developments should generally provide retail (such as eating establishments, food stores, and banks), and other such uses as office and residential within walking distance of each other. Mixed uses should be arranged in a compact and pedestrian friendly form.</i></p> <p><b>Response: The property is walkable to Glenwood Avenue which provides a variety of goods and services.</b></p>
2.	<p><i>Within all Mixed-Use Areas buildings that are adjacent to lower density neighborhoods should transition (height, design, distance and/or landscaping) to the lower heights or be comparable in height and massing.</i></p> <p><b>Response: As conditioned, the building will provide an appropriate transition in building height from the 10-story building to the south to the lower density neighborhood north of the site.</b></p>
3.	<p><i>A mixed use area's road network should connect directly into the neighborhood road network of the surrounding community, providing multiple paths for movement to and through the mixed use area. In this way, trips made from the surrounding residential neighborhood(s) to the mixed use area should be possible without requiring travel along a major thoroughfare or arterial.</i></p> <p><b>Response: Access to the site can be provided consistent with this policy.</b></p>
4.	<p><i>Streets should interconnect within a development and with adjoining development. Cul-de-sacs or dead-end streets are generally discouraged except where topographic conditions and/or exterior lot line configurations offer no practical alternatives for connection or through traffic. Street stubs should be provided with development adjacent to open land to provide for future connections. Streets should be planned with due regard to the designated corridors shown on the Thoroughfare Plan.</i></p> <p><b>Response: No cul-de-sacs or dead-end streets are planned as part of the proposed development.</b></p>
5.	<p><i>New development should be comprised of blocks of public and/or private streets (including sidewalks). Block faces should have a length generally not exceeding 660 feet. Where commercial driveways are used to create block structure, they should include the same pedestrian amenities as public or private streets.</i></p> <p><b>Response: Development at the site will adhere to this guideline.</b></p>
6.	<p><i>A primary task of all urban architecture and landscape design is the physical definition of streets and public spaces as places of shared use. Streets should be lined by buildings rather than parking lots and should provide interest especially for pedestrians. Garage entrances and/or loading areas should be located at the side or rear of a property.</i></p> <p><b>Response: The requested UG Frontage does not permit parking between the building and the street.</b></p>
7.	<p><i>Buildings should be located close to the pedestrian-oriented street (within 25 feet of the curb), with off-street parking behind and/or beside the buildings. When a development plan is located along a high volume corridor without on-street parking, one bay of parking separating the building frontage along the corridor is a preferred option.</i></p> <p><b>Response: There are existing sidewalks along N Boylan Avenue and W Peace Street to accommodate pedestrians.</b></p>
8.	<p><i>If the site is located at a street intersection, the main building or main part of the building should be placed at the corner. Parking, loading or service should not be located at an intersection.</i></p> <p><b>Response: Building and parking placement will be determined at site plan.</b></p>
9.	<p><i>To ensure that urban open space is well-used, it is essential to locate and design it carefully. The space should be located where it is visible and easily accessible from public areas (building entrances, sidewalks). Take views and sun exposure into account as well.</i></p> <p><b>Response: Outdoor amenity areas will be provided consistent with the UDO.</b></p>
10.	<p><i>New urban spaces should contain direct access from the adjacent streets. They should be open along the adjacent sidewalks and allow for multiple points of entry. They should also be visually permeable from the sidewalk, allowing passersby to see directly into the space.</i></p> <p><b>Response: Outdoor amenity areas will be provided consistent with the UDO.</b></p>
11.	<p><i>The perimeter of urban open spaces should consist of active uses that provide pedestrian traffic for the space including retail, cafés, and restaurants and higher-density residential.</i></p> <p><b>Response: Outdoor amenity areas will be provided consistent with the UDO.</b></p>
12.	<p><i>A properly defined urban open space is visually enclosed by the fronting of buildings to create an outdoor "room" that is comfortable to users.</i></p> <p><b>Response: Outdoor amenity areas will be provided consistent with the UDO.</b></p>
13.	<p><i>New public spaces should provide seating opportunities.</i></p> <p><b>Response: Outdoor amenity areas will be provided consistent with the UDO.</b></p>

14.	<p><i>Parking lots should not dominate the frontage of pedestrian-oriented streets, interrupt pedestrian routes, or negatively impact surrounding developments.</i></p> <p><b>Response:</b> <i>As conditioned, the requested frontage will ensure that parking lots do not dominate the frontage</i></p>
15.	<p><i>Parking lots should be located behind or in the interior of a block whenever possible. Parking lots should not occupy more than 1/3 of the frontage of the adjacent building or not more than 64 feet, whichever is less.</i></p> <p><b>Response:</b> <i>The location of parking will be determined at Site Plan.</i></p>
16.	<p><i>Parking structures are clearly an important and necessary element of the overall urban infrastructure but, given their utilitarian elements, can give serious negative visual effects. New structures should merit the same level of materials and finishes as that a principal building would, care in the use of basic design elements can make a significant improvement.</i></p> <p><b>Response:</b> <i>If structured parking is utilized, it is anticipated that the building would wrap the parking structure.</i></p>
17.	<p><i>Higher building densities and more intensive land uses should be within walking distance of transit stops, permitting public transit to become a viable alternative to the automobile.</i></p> <p><b>Response:</b> <i>Stop ID 8608 is located east of the property, on the same side of Peace Street.</i></p>
18.	<p><i>Convenient, comfortable pedestrian access between the transit stop and the building entrance should be planned as part of the overall pedestrian network.</i></p> <p><b>Response:</b> <i>There is a condition for a new transit stop.</i></p>
19.	<p><i>All development should respect natural resources as an essential component of the human environment. The most sensitive landscape areas, both environmentally and visually, are steep slopes greater than 15 percent, watercourses, and floodplains. Any development in these areas should minimize intervention and maintain the natural condition except under extreme circumstances. Where practical, these features should be conserved as open space amenities and incorporated in the overall site design.</i></p> <p><b>Response:</b> <i>There are no known streams in the area.</i></p>
20.	<p><i>It is the intent of these guidelines to build streets that are integral components of community design. Public and private streets, as well as commercial driveways that serve as primary pedestrian pathways to building entrances, should be designed as the main public spaces of the City and should be scaled for pedestrians.</i></p> <p><b>Response:</b> <i>Sidewalks will be provided per the UDO.</i></p>
21.	<p><i>Sidewalks should be 5-8 feet wide in residential areas and located on both sides of the street. Sidewalks in commercial areas and Pedestrian Business Overlays should be a minimum of 14-18 feet wide to accommodate sidewalk uses such as vendors, merchandising and outdoor seating.</i></p> <p><b>Response:</b> <i>Sidewalks will be provided per the UDO.</i></p>
22.	<p><i>Streets should be designed with street trees planted in a manner appropriate to their function. Commercial streets should have trees which complement the face of the buildings and which shade the sidewalk. Residential streets should provide for an appropriate canopy, which shadows both the street and sidewalk, and serves as a visual buffer between the street and the home. The typical width of the street landscape strip is 6-8 feet. This width ensures healthy street trees, precludes tree roots from breaking the sidewalk, and provides adequate pedestrian buffering. Street trees should be at least 6 1/4" caliper and should be consistent with the City's landscaping, lighting and street sight distance requirements.</i></p> <p><b>Response:</b> <i>Street trees and landscaping will be provided in accordance with the UDO.</i></p>
23.	<p><i>Buildings should define the streets spatially. Proper spatial definition should be achieved with buildings or other architectural elements (including certain tree plantings) that make up the street edges aligned in a disciplined manner with an appropriate ratio of height to width.</i></p> <p><b>Response:</b> <i>Building placement will be determined at Site Plan with this guidance in mind.</i></p>
24.	<p><i>The primary entrance should be both architecturally and functionally on the front facade of any building facing the primary public street. Such entrances shall be designed to convey their prominence on the fronting facade.</i></p> <p><b>Response:</b> <i>The building will comply with the applicable UDO standards.</i></p>
25.	<p><i>The ground level of the building should offer pedestrian interest along sidewalks. This includes windows entrances, and architectural details. Signage, awnings, and ornamentation are encouraged.</i></p> <p><b>Response:</b> <i>The building will comply with the applicable UDO standards.</i></p>
26.	<p><i>The sidewalks should be the principal place of pedestrian movement and casual social interaction. Designs and uses should be complementary to that function.</i></p> <p><b>Response:</b> <i>There is existing sidewalk on the property, and new sidewalks will be provided per the UDO.</i></p>

# **REZONING APPLICATION SUBMITTAL REQUIREMENTS**

TO BE COMPLETED BY APPLICANT			COMPLETED BY CITY STAFF		
General Requirements – General Use or Conditional Use Rezoning	YES	N/A	YES	NO	N/A
1. I have referenced the <b>Rezoning Checklist</b> 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 checked="" type="checkbox"/>		
2. Rezoning application review fee (see <b>Fee Schedule</b> for rate)	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>		
3. Completed application; Include electronic version via cd or flash drive	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>		
4. Two sets of stamped envelopes addressed to all property owners within 100 feet of property to be rezoned	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>		
5. Pre-Application Conference	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>		
6. Neighborhood Meeting notice and report	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>		
7. Trip Generation Study	<input type="checkbox"/>	<input checked="" type="checkbox"/>			<input checked="" type="checkbox"/>
8. Traffic Impact Analysis	<input type="checkbox"/>	<input checked="" type="checkbox"/>			<input checked="" type="checkbox"/>
9. Completed and signed zoning conditions	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>		
10. Completed Comprehensive Plan Consistency Analysis	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>		
11. Completed Response to the Urban Design Guidelines	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>		
12. For applications filed by a third party, proof of actual notice to the property owner	<input type="checkbox"/>	<input checked="" type="checkbox"/>			<input checked="" type="checkbox"/>
13. Master Plan (for properties requesting Planned Development or Campus District)	<input type="checkbox"/>	<input checked="" type="checkbox"/>			<input checked="" type="checkbox"/>

REZONING OF PROPERTY CONSISTING OF +/- 0.36 ACRES  
LOCATED IN THE SOUTHEAST QUADRANT OF THE INTERSECTION OF N BOYLAN AVENUE AND  
W PEACE STREET, IN THE CITY OF RALEIGH

REPORT OF MEETING WITH ADJACENT PROPERTY OWNERS  
ON JUNE 1, 2017

Pursuant to applicable provisions of the Unified Development Ordinance, a meeting was held with respect to a potential rezoning with adjacent property owners on Thursday, June 1, 2017, at 6:00 p.m. The property considered for these potential rezoning totals approximately 0.36 acres, located in the southeast quadrant of the intersection of N Boylan Avenue and W Peace Street, in the City of Raleigh, having Wake County Parcel Identification Number 1704-42-2076. This meeting was held in the Glenwood Room at the Hampton Inn & Suites Raleigh Downtown which is located at 600 Glenwood Avenue in Raleigh, NC 27603. All owners of property within 100 feet of the subject properties were invited to attend the meeting. Attached hereto as **Exhibit A** is a copy of the neighborhood meeting notice. A copy of the required mailing list for the meeting invitations is attached hereto as **Exhibit B**. A summary of the items discussed at the meeting is attached hereto as **Exhibit C**. Attached hereto as **Exhibit D** is a list of individuals who attended the meeting.

## EXHIBIT A

### NEIGHBORHOOD MEETING NOTICE



Mack Paul | Partner  
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Raleigh, NC 27601  
919-590-0377  
mpaul@morningstarlawgroup.com  
www.morningstarlawgroup.com

To: Neighboring Property Owner

From: Mack Paul

Date: May 22, 2017

Re: Notice of meeting to discuss potential rezoning of a parcel located in the southeast quadrant of the intersection of West Peace Street and North Boylan Ave, containing approximately 0.36 acres, with address of 615 West Peace Street, and having Wake County Parcel Identification Number 1704-42-2076 (the "Property").

We are counsel for Avivar Investments, LLC ("Avivar"), which is considering rezoning the Property. Currently, the property is zoned Neighborhood Mixed Use with a three story height limitation and an Urban General Frontage (NX-3-UG). Avivar is proposing to rezone the property to a base zone of Commercial Mixed Use with conditions.

You are cordially invited to attend a meeting to discuss the potential rezoning. We have scheduled a meeting with surrounding property owners on Thursday, June 1, 2017 at 6:00 p.m. This meeting will be held in the Glenwood Room at the Hampton Inn & Suites Raleigh Downtown which is located at 600 Glenwood Avenue in Raleigh, NC 27603.

The City of Raleigh requires a neighborhood meeting involving the owners of property within 100 feet of the site prior to filing a rezoning application. 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 me directly should you have any questions or wish to discuss any issues. I can be reached at 919.590.0377 or mpaul@morningstarlawgroup.com. Also, for more information about rezoning, you may visit [www.raleighnc.gov](http://www.raleighnc.gov) or contact the Raleigh City Planning Department at (919) 996-2626 or [rezoning@raleighnc.gov](mailto:rezoning@raleighnc.gov).

## EXHIBIT B

### LIST OF PROPERTY OWNERS TO WHOM NOTICES WERE SENT

PARAMOUNT CONDO  
PARAMOUNT PARTNERS LLC  
7101 CREEDMOOR RD STE 142  
RALEIGH NC 27613-1682

LABUS, JOHN M  
10 VENETIAN WAY APT 306  
MIAMI BEACH FL 33139-8831

JONES, ROBERT DAVIDSON  
618 N BOYLAN AVE STE 612  
RALEIGH NC 27603-1437

GOODNIGHT, JAMES A  
PO BOX 10007  
RALEIGH NC 27605-0007

MCDOWELL, RICHARD L  
MCDOWELL, SUE N  
618 N BOYLAN AVE STE 620  
RALEIGH NC 27603-1437

STONE, RAYMOND H JR STONE,  
SUSAN M  
618 N BOYLAN AVE STE 304  
RALEIGH NC 27603-1287

WOBESER, TRAYES W  
618 N BOYLAN AVE STE 720  
RALEIGH NC 27603-1439

CLINE, CHRISTOPHER  
618 N BOYLAN AVE STE 610  
RALEIGH NC 27603-1437

SANDMAN, LISA U  
8809 VALENTINE CT  
RALEIGH NC 27615-5838

FALK-TILLET, KELLIE  
618 N BOYLAN AVE STE 924  
RALEIGH NC 27603-1454

PARAMOUNT RETAIL PTNR LLC  
7101 CREEDMOOR RD STE 142  
RALEIGH NC 27613-1682

DECHELLIS, DANIEL N  
618 N BOYLAN AVE STE 1028  
RALEIGH NC 27603-1466

BLESZINSKI, CLIFF  
6113 CHARLEYCOTE DR  
RALEIGH NC 27614-9213

TEITSWORTH, STEPHEN W  
618 N BOYLAN AVE STE 828  
RALEIGH NC 27603-1444

TERRES, EDWIN D JR TERRES,  
SAMANTHA H  
618 N BOYLAN AVE STE 824  
RALEIGH NC 27603-1444

TURINSKY, PAUL J TURINSKY,  
KAREN A  
618 N BOYLAN AVE STE 724  
RALEIGH NC 27603-1439

BAZEMORE, CYNTHIA H TRUSTEE  
BAZEMORE, ROBERT J JR TUSTEE  
618 528 N BOYLAN AVE  
RALEIGH NC 27603-1216

WALDNER, RUDIGER J WALDNER,  
DEBORAH K  
618 N BOYLAN AVE STE 618  
RALEIGH NC 27603-1437

RICHARDSON, MIA N  
5 PARK PL APT 302  
ANNAPOLIS MD 21401-3395

THOMAS, ALLEN G JR  
618 N BOYLAN AVE STE 808  
RALEIGH NC 27603-1444

PICKETT, JEFFREY S  
618 N BOYLAN AVE STE 700  
RALEIGH NC 27603-1439

HUDSON, CHRISTOPHER L  
618 N BOYLAN AVE STE 710  
RALEIGH NC 27603-1439

GARRETT, KENNETH O  
618 N BOYLAN AVE STE 832  
RALEIGH NC 27603-1444

NELSON, TYLER S  
6919 SURREY RD  
FAYETTEVILLE NC 28306-2555

MAHOUTCHIAN, TARA  
5412 W 149TH PL UNIT 8  
HAWTHORNE CA 90250-8383

DANDONA, JOAN COGLEY  
618 N BOYLAN AVE STE 712  
RALEIGH NC 27603-1439

WILKINSON, ROBERT A  
1538 PEMBROOK JONES DR  
WILMINGTON NC 28405

SR71 BLACKBIRD LLC  
C/O JOHNSON LEXUS  
5839 CAPITAL BLVD  
RALEIGH NC 27616-2937

ATWATER, CHARLES S JR  
22 ACORNRIDGE CT  
DURHAM NC 27707-5075

LYLES, JANENE  
1124 COLUMBUS CIR  
JB ANDREWS MD 20762-5401

YOUN, PAUL W YOUN, NANCY S  
618 N BOYLAN AVE STE 1022  
RALEIGH NC 27603-1466

PATEL, JASON A  
618 N BOYLAN AVE STE 500  
RALEIGH NC 27603-1298

BOYLAN HOLDINGS LLC  
PO BOX 12665  
RALEIGH NC 27605-2665

MASON, JOHN K TRUSTEE JOHN K  
MASON 2008 REVOCABLE TRUST  
618 N BOYLAN AVE STE 530  
RALEIGH NC 27603-1298

UCHIYAMA, TAIZO  
618 N BOYLAN AVE STE 1018  
RALEIGH NC 27603-1466

EPSTEIN, ANDREW J  
618 N BOYLAN AVE STE 732  
RALEIGH NC 27603-1439

RUSSELL, KENNETH A  
618 N BOYLAN AVE STE 502  
RALEIGH NC 27603-1298

EDWARDS, KRYSTLE VICTORIA  
618 N BOYLAN AVE STE 402  
RALEIGH NC 27603-1297

SHAH, BHAGIRATH N SHAH,  
INDUMATI  
317 W MORGAN ST APT 412  
RALEIGH NC 27601-1475

LEE DEVELOPMENT CO V LLC  
1400 ALPINE CREEK DR  
RALEIGH NC 27614-8556

MUNFORD, FRANKLIN RANDOLPH  
MUNFORD, RAY DONOVON JR  
618 N BOYLAN AVE STE 410  
RALEIGH NC 27603-1297

RUTTING IRON LLC  
LAMPE MANAGEMENT CO  
PO BOX 608  
SMITHFIELD NC 27577-0608

MARTIN, ANDREW S  
PO BOX 10406  
RALEIGH NC 27605-0406

HOLLAND, KENNETH E ANTALEK,  
STEPHEN T  
618 920 N BOYLAN AVE  
RALEIGH NC 27603-1454

SANGER, JASON E SANGER,  
HEATHER R  
618 704 N BOYLAN AVE  
RALEIGH NC 27603-1439

LIMA, JONATHAN B LIMA, AMANDA  
G  
618 N BOYLAN AVE STE 928  
RALEIGH NC 27603-1454

NICE LLC  
120 YORKCHESTER WAY  
RALEIGH NC 27615-2979

BAKER, BETTY L  
11709 RAVEN RIDGE RD  
RALEIGH NC 27614-9318

THOMPSON, GARLAND D  
618 N BOYLAN AVE STE 1020  
RALEIGH NC 27603-1466

GAYLORD, RYAN MARTIN  
511 DEVEREUX ST  
RALEIGH NC 27605-1501

FENTON, JAMES ALLAN WATSON,  
KENNETH ALAN  
618 N BOYLAN AVE STE 722  
RALEIGH NC 27603-1439

BLELLOCH, LAWRENCE BLELLOCH,  
LYNDA ANNE  
618 306 N BOYLAN AVE  
RALEIGH NC 27603-1287

BRILEY, LAURA  
618 N BOYLAN AVE STE 604  
RALEIGH NC 27603-1437

MAHAFFEY, SAMUEL M MAHAFFEY,  
WENDY J  
882 W OCEAN VIEW AVE  
NORFOLK VA 23503-1312

TEPE, CEMAL  
PO BOX 40764  
RALEIGH NC 27629-0764

DRAKE, LISA D.  
618 N BOYLAN AVE STE 622  
RALEIGH NC 27603-1437

WAH, MARK  
618 N BOYLAN AVE STE 600  
RALEIGH NC 27603-1299

YOUMANS, SCOTT  
618 N BOYLAN AVE STE 624  
RALEIGH NC 27603-1437

CAMPBELL, HEATHER STOUGH  
618 N BOYLAN AVE STE 524  
RALEIGH NC 27603-1298

BURNS, JASON C  
618 N BOYLAN AVE STE 802  
RALEIGH NC 27603-1444

WARD, JEFFERY L WARD, TERESA  
F  
618 718 N BOYLAN AVE  
RALEIGH NC 27603-1439

FLOYD, ANGELA H FLOYD, BOB  
BURTON II  
618 N BOYLAN AVE STE 918  
RALEIGH NC 27603-1454

ZHENG, ZHUANGZHUANG  
618 N BOYLAN AVE STE 702  
RALEIGH NC 27603-1439

COWAN, RUTH STEPHENSON  
618 932 N BOYLAN AVE  
RALEIGH NC 27603-1457

BOLDEN, TIMOTHY EUGENE  
BOLDEN, CYNTHIA LOUISE  
618 N BOYLAN AVE STE 812  
RALEIGH NC 27603-1444

ANWICA LLC  
220 N BOYLAN AVE  
RALEIGH NC 27603-1425

GRANITO, ANTHONY  
618 N BOYLAN AVE STE 810  
RALEIGH NC 27603-1444

HURT, DANIEL R  
618 N BOYLAN AVE STE 408  
RALEIGH NC 27603-1297

NIEDERMANN, CHRISTOPH  
618 708 N BOYLAN AVE  
RALEIGH NC 27603-1439

VINCELLI, CHRISTOPHER N  
618 N BOYLAN AVE STE 800  
RALEIGH NC 27603-1444

WERTHERINGTON, MICHELLE L.  
618 N BOYLAN AVE STE 628  
RALEIGH NC 27603-1437

MCARTHUR, ALEXANDRA CLINE  
FITZPATRICK, WILLIAM OWEN  
CHARLES  
618 900 N BOYLAN AVE  
RALEIGH NC 27603-1454

WRIGHT, JOEL CRAIG  
618 N BOYLAN AVE STE 1012  
RALEIGH NC 27603-1466

BUGEL, RICK PETER  
618 N BOYLAN AVE STE 730  
RALEIGH NC 27603-1439

ROMO, LYNSEY K  
618 N BOYLAN AVE STE 526  
RALEIGH NC 27603-1298

MORELLI, DINO W DIEGEL,  
BETTYANN M  
618 N BOYLAN AVE STE 606  
RALEIGH NC 27603-1437

GREGG, KENNETH  
618 404 N BOYLAN AVE  
RALEIGH NC 27603-1297

MURPHY, WENDY SIMES  
502 QUEEN ANNES RD  
GREENVILLE NC 27858-6537

DELAHUNTY, JAMES THOMAS  
DELAHUNTY, JOANNE CAROL  
618 N BOYLAN AVE STE 506  
RALEIGH NC 27603-1298

SHRESTHA, SHARMILA BERGMAN,  
NEIL EDWARD  
618 N BOYLAN AVE STE 510  
RALEIGH NC 27603-1298

WARREN, DAVID M BARTLEY,  
KEENA L  
618 N BOYLAN AVE STE 826  
RALEIGH NC 27603-1444

ALMASRI, BASEL MAHMOUD  
618 N BOYLAN AVE UNIT 300  
RALEIGH NC 27603-1287

LONG, JOHN CARLTON HESTER,  
GARY B  
1823 GLENWOOD AVE  
RALEIGH NC 27608-2323

MCDONALDS CORPORATION (32-  
0018)  
PO BOX 182571  
COLUMBUS OH 43218-2571

702 PEACE LLC  
815 NEW BERN AVE STE B  
RALEIGH NC 27601-1601

AVIVAR INVESTMENTS LLC  
5700 CREEDMOOR RD STE 205  
RALEIGH NC 27612-2203

CYRUS HOLDINGS LLC  
9300 PALM BAY CIR  
RALEIGH NC 27617-7756

FRATER PROPERTIES LLC  
1512 CARR ST  
RALEIGH NC 27608-2302

NARRON, PAULA JONES JONES,  
NORWOOD GODWIN  
804 CHESTNUT DR  
SMITHFIELD NC 27577-3838

XSILENT HOLDINGS LLC  
904 ANGEL OAKS CT  
RALEIGH NC 27610-6306

PEACE STREET PARTNERS 3 LLC  
ATTN ALICE PALMER  
636 CAMPGAW RD  
MAHWAH NJ 07430-2518

HINSDALE PEACE PROPERTIES  
LLC  
1021 HARVEY ST  
RALEIGH NC 27608-2331

HINSDALE ENTERPRISES  
PO BOX 71549  
DURHAM NC 27722-1549

ENGLEWOOD INVESTMENTS LLC  
2209 ENGLEWOOD AVE  
DURHAM NC 27705-4013

STERLING ESTATES, LLC  
214 WANDA DR  
PIKEVILLE NC 27863-9317

## **EXHIBIT C**

### **SUMMARY OF DISCUSSION ITEMS**

On Thursday, June 1, 2017, at 6:00 p.m., the applicant held a neighborhood meeting for the property owners adjacent to the parcels subject to the proposed rezoning. The following items were discussed:

1. How is a boutique defined?
2. Examples of boutique hotels
3. Has the developer previously developed a boutique hotel?
4. Can the existing fir tree along Boylan Avenue be saved?
  - a. The specific tree was determined to be a city-maintained tree
5. What are the required building setbacks
6. What uses are permissible in the CX district other than hotel use?
7. What is the extent of frontage along Boylan Avenue
8. The dimensions and acreage of the lot
9. How trash collection will be handled
10. Can trash be stored inside the building envelope (parking area) for pick up?
11. How HVAC systems would be handled
12. Can HVAC be eliminated from rooftop?
13. How will linen service be handle? On site or off site?
14. The amount of parking that will be provided
15. Discussion of recent parking study and text change on hotel parking Downtown
16. The number of hotel rooms
17. Minimum number of rooms needed for profitability
18. Identity of ownership group
19. What is the current zoning?
20. How will the development affect views for top floor residents of adjacent building
21. Whether there will be a club/pool on the roof
22. Whether the building will be stick built
23. Number of staff for proposed hotel
24. Extent of planned street improvements
25. Are balconies planned for hotel?
26. Whether road will be widened
27. Ability to do residential condos instead of a hotel
28. What does the rezoning process entail?
29. Paramount residents expressed opposition to increase in height

**EXHIBIT D****NEIGHBORHOOD MEETING ATTENDEES**

Name	Paramount Unit Number	Phone	Email
Sunny Miller		919-649-9400	sunny@adaraspa.com
Dave Haeussler		919-946-0042	dhaeuss2000@yahoo.com
Paula Narron			pjnarron@gmail.com
Michelle Best	610		
David Warren	826		
Keena Bartley	826		
Tim Bolden	812		
Cindy Bolden	812		
Burton Floyd	918		
Heather Campbell	524		
Stephen Antalek	920		
Cindy Bazemore	528		
Bob Bazemore	528		
Rudy Waldner	618		
Debbie Waldner	618		
Kenny Holland	920		
Jeff Ward	718		
Teresa Ward	718		
Taizo Uchayama	1018		
Betty Diegel	606		
Chris Hudson	710		
Dino Morelli	606		
Stephen Teitsworth	828		
Ruth Stephenson Courac	932		
Lynsey Romo	526		
Angela Floyd	918		
James Joslin			jamesdj Joslin@gmail.com
Ross Lampe			
Kellie Falk			
Kenneth Russell			
Paul Turinsky			
Karen Turinsky			
Lisa Drake			
Joe Patterson			