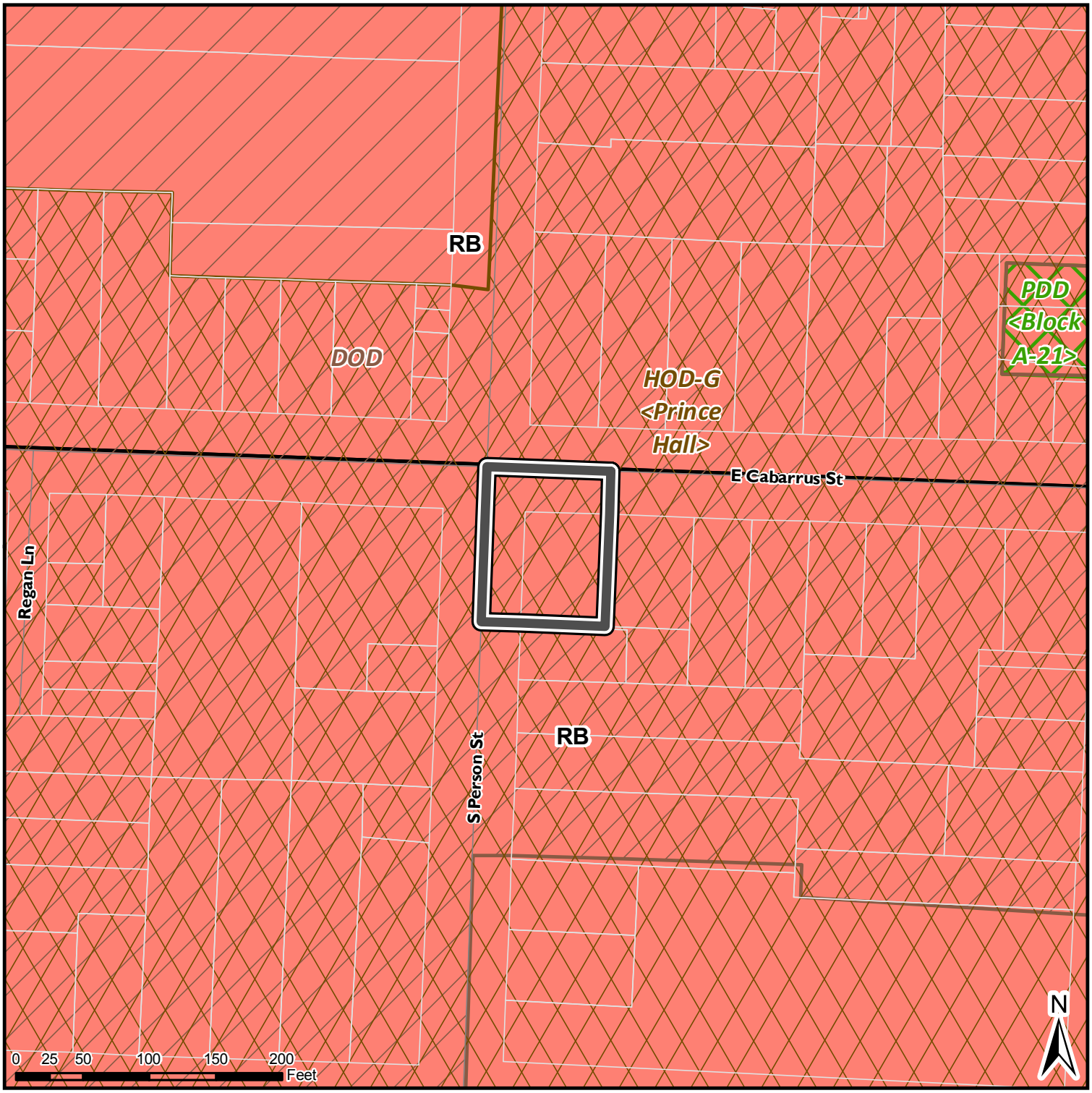
Existing Zoning Map

Z-28-2014



Submittal Date

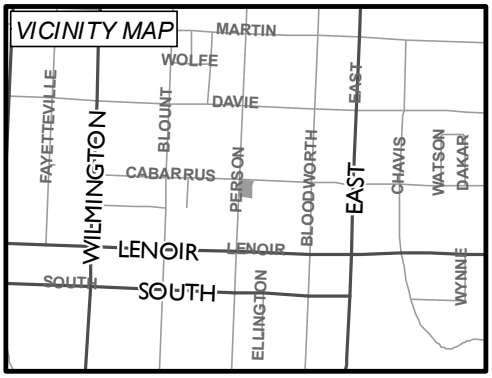
10/8/2014

Request:

0.12 acres from

RB w/HOD-G & DOD

to **DX-3-CU**
w/ HOD-G



Certified Recommendation

Raleigh Planning Commission

CR# 11618

Case Information Z-28-14 South Person Street

Location	Southeast corner of South Person Street and East Cabarrus Street Address: 501 South Person Street PIN: 1703862788
Request	Rezone property from RB w/DOD and HOD-G (Prince Hall Historic District) to DX-3-CU w/HOD-G
Area of Request	0.12 acres
Property Owner	Phuc N. Tran P. O. Box 12994 Raleigh, NC 27605
Applicant	Phuc N. Tran P. O. Box 12994 Raleigh, NC 27605 phucntran1@gmail.com 919-302-1503
Citizens Advisory Council (CAC)	Central CAC -- Frances Lonnette Williams, Chairperson flonnettewms@bellsouth.net
PC Recommendation Deadline	April 13, 2015

Comprehensive Plan Consistency

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

Future Land Use Map Consistency

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

Comprehensive Plan Guidance

FUTURE LAND USE	Central Business District
URBAN FORM	Downtown
CONSISTENT Policies	Policy LU 1.2 — Future Land Use Map and Zoning Consistency Policy LU 1.3 — Conditional Use District Consistency Policy UD 7.3 — Design Guidelines Policy HP 2.7 — Mitigating Impacts on Historic Sites Policy HP 3.1 — Adaptive Use Policy DT 1.11 — Downtown Edges
INCONSISTENT Policies	*None noted.*

Summary of Proposed Conditions

1. Provision of fences along east and south side of property.
2. Hours for trash/recycling service limited to 7 AM to 7 PM, Monday through Friday.
3. Outdoor seating limited to 75% of the number of seats in the interior.
4. Exterior freestanding lighting maximum 12 feet in height, to be full cut-off.
5. No on-site parking or vehicular surface area between building and street.
6. Minimum of one primary street-facing entrance to be provided as well as direct pedestrian access from the public sidewalk to the primary street-facing entrance.
7. Prohibits bar, nightclub, tavern, and lounge uses.

Public Meetings

Neighbor Meeting	***CAC***	***Planning Commission***	***City Council***	***Public Hearing***
10/3/14	10/6/14 & 1/5/15 Against – Unanimous (2 absten.)	1/13/15; 3/10/15	3/17/15	6/2/15; 6/16/15; 7/7/15

☒ ***Valid Statutory Protest Petition***

Attachments:
1. Staff report
2. Historic Preservation Agreement

Planning Commission Recommendation

Recommendation	**Approve with conditions.** City Council may now schedule this proposal for Public Hearing, or refer it to committee for further study and discussion.
Findings & Reasons	1. The proposal is consistent with the Future Land Use Map, Urban Form Map, and pertinent policies of the Comprehensive Plan. 2. The proposed rezoning is reasonable and in the public interest. The proposal will facilitate the re-use of a historic property and support the provision of goods and services to nearby residential development. 3. The proposal is compatible with the surrounding area. The retention of the Prince Hall Historic Overlay District provides continuity of design with adjacent and nearby properties. In addition, the offered conditions address potential light and noise impacts.
Motion and Vote	Motion: Braun Second: Whitsett In Favor: Braun, Fluhrer, Hicks, Lyle, Schuster, Swink, Terando and Whitsett Opposed: Buxton and Fleming

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.

_____		_____	3/10/15
Planning Director	Date	Planning Commission Chairperson	Date

Staff Coordinator: Vivian Ekstrom (919) 996-2657; vivian.ekstrom@raleighnc.gov

Zoning Staff Report – Case Z-28-14

Conditional Use District

Case Summary

Overview

The site is composed of one parcel, 0.12 acre in size, in the southeast corner of the intersection of South Person Street and East Cabarrus Street. The structure was constructed as a church in 1923.

The site is on the east side of downtown in an area with a mix of single and multi-family housing, surface parking lots, vacant lots and small-scaled commercial uses. Immediately to the west of the site are the Person Point condominiums, to the south and east are single family houses, and to the north and northwest are surface parking lots.

The area is currently zoned Residential Business with Downtown Overlay District (DOD) and Historic Overlay District, General (RB w/DOD and HOD-G). This is the Prince Hall local historic district. The proposed zoning is Downtown Mixed Use, 3 story maximum, conditional use with the HOD-G unchanged (DX-3-CU w/HOD-G).

The area is designated Central Business District on the Future Land Use Map and Downtown on the Urban Form Map. In the Downtown Plan, the site is in a Downtown Transition Area and Cabarrus is a designated Green Street.

The site is the subject of protective covenants administered by the Historic Preservation Foundation of North Carolina. The covenants significantly limit alteration of the building and site, and require that alterations be in accordance with the Secretary of the Interior's Standards for the Treatment of Historic Properties.

Outstanding Issues

Outstanding Issues	None identified.	*Suggested Mitigation*	*N/A*

Existing Zoning Map Z-28-2014

Submittal Date

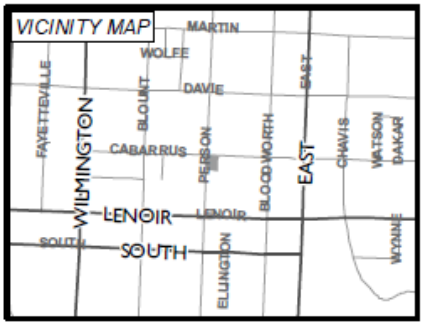
10/8/2014

Request:

0.12 acres from

RB w/HOD-G & DOD

to **DX-3-CU w/ HOD-G**



Rezoning Case Evaluation

1. Compatibility Analysis

1.1 Surrounding Area Land Use/ Zoning Summary

	Subject Property	***North***	***South***	***East***	***West***
Existing Zoning	RB	RB	RB	RB	RB
Additional Overlay	DOD and HOD-G	DOD and HOD-G	DOD and HOD-G	DOD and HOD-G	DOD and HOD-G
Future Land Use	Central Business District	Central Business District	Central Business District	Central Business District	Central Business District
Current Land Use	Vacant historic structure	Surface parking lot	Single family house	Single family house	Multi-family dwellings
Urban Form (if applicable)	Downtown	Downtown	Downtown	Downtown	Downtown

1.2 Current vs. Proposed Zoning Summary

	Existing Zoning	***Proposed Zoning***
Residential Density:	17 units; 141 du/ac	17 units; 141 du/ac
Setbacks: *Front:* *Side:* *Rear:*	 20’ 5’ 20’	 3’ 0 or 6’ 0 or 6’
Retail Intensity Permitted:	0.9 FAR	0.9 FAR
Office Intensity Permitted:	0.9 FAR	2.2 FAR

1.3 Estimated Development Intensities

	Existing Zoning*	***Proposed Zoning****
Total Acreage	0.12 ac.	0.12 ac.
Zoning	RB w/DOD and HOD-G	DX-3-CU w/HOD-G
Max. Gross Building SF (if applicable)	14,100	14,100
Max. # of Residential Units	17	17
Max. Gross Office SF	4,700	11,500
Max. Gross Retail SF	4,700	4,700
Max. Gross Industrial SF	Industrial not allowed	Heavy Industrial not allowed
Potential F.A.R	2.7	2.7

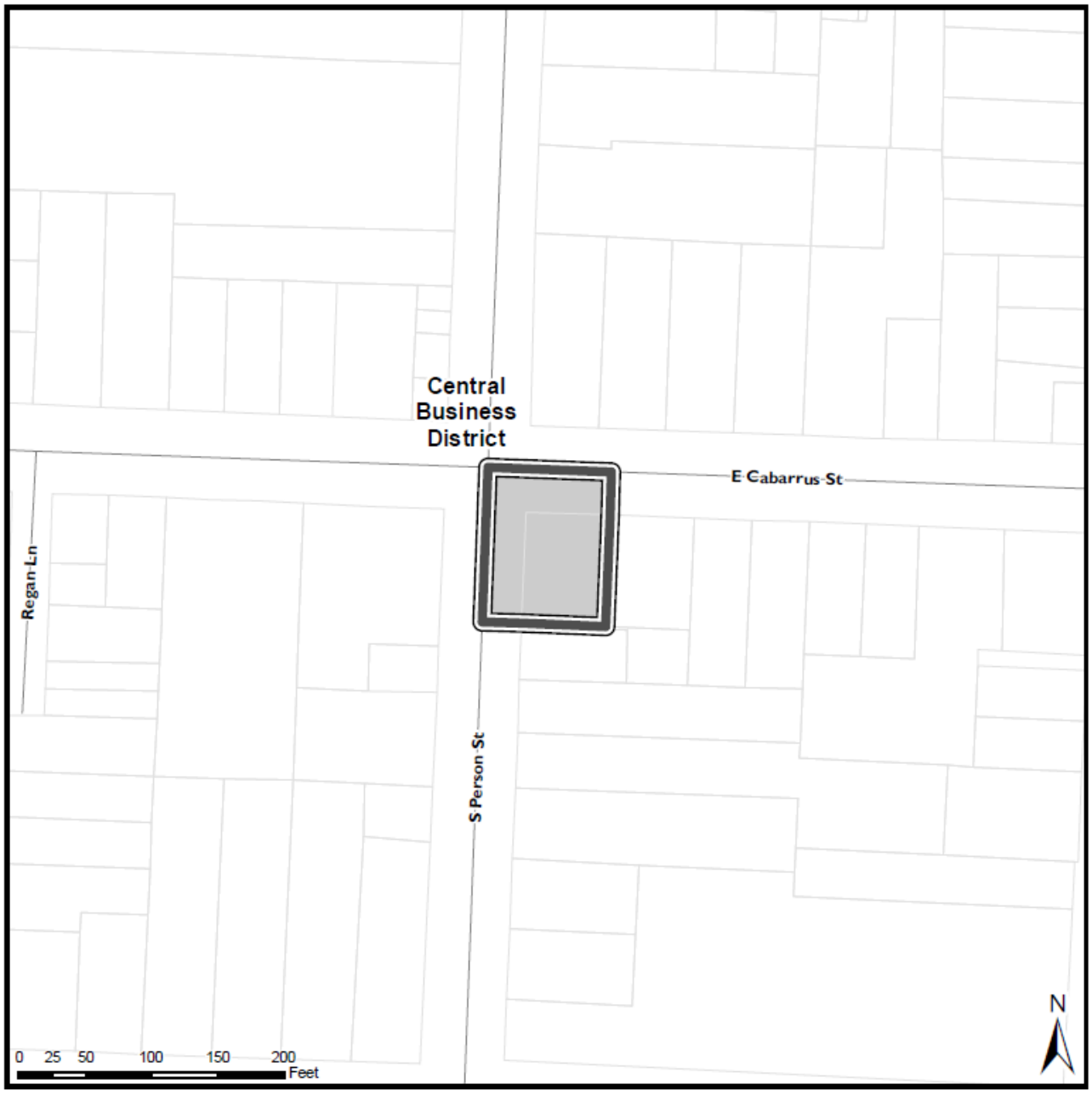
*The development intensities for proposed zoning districts were estimated using an impact analysis tool. The estimates presented are only to provide guidance for analysis.

The proposed rezoning is:

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

☐ **Incompatible.**

Future Land Use Map Z-28-2014



Submittal Date

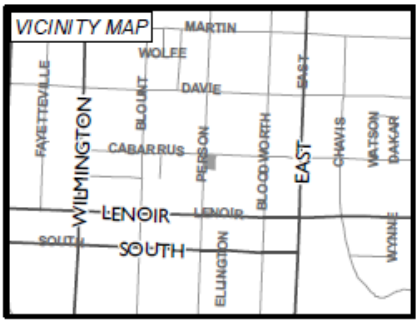
10/8/2014

Request:

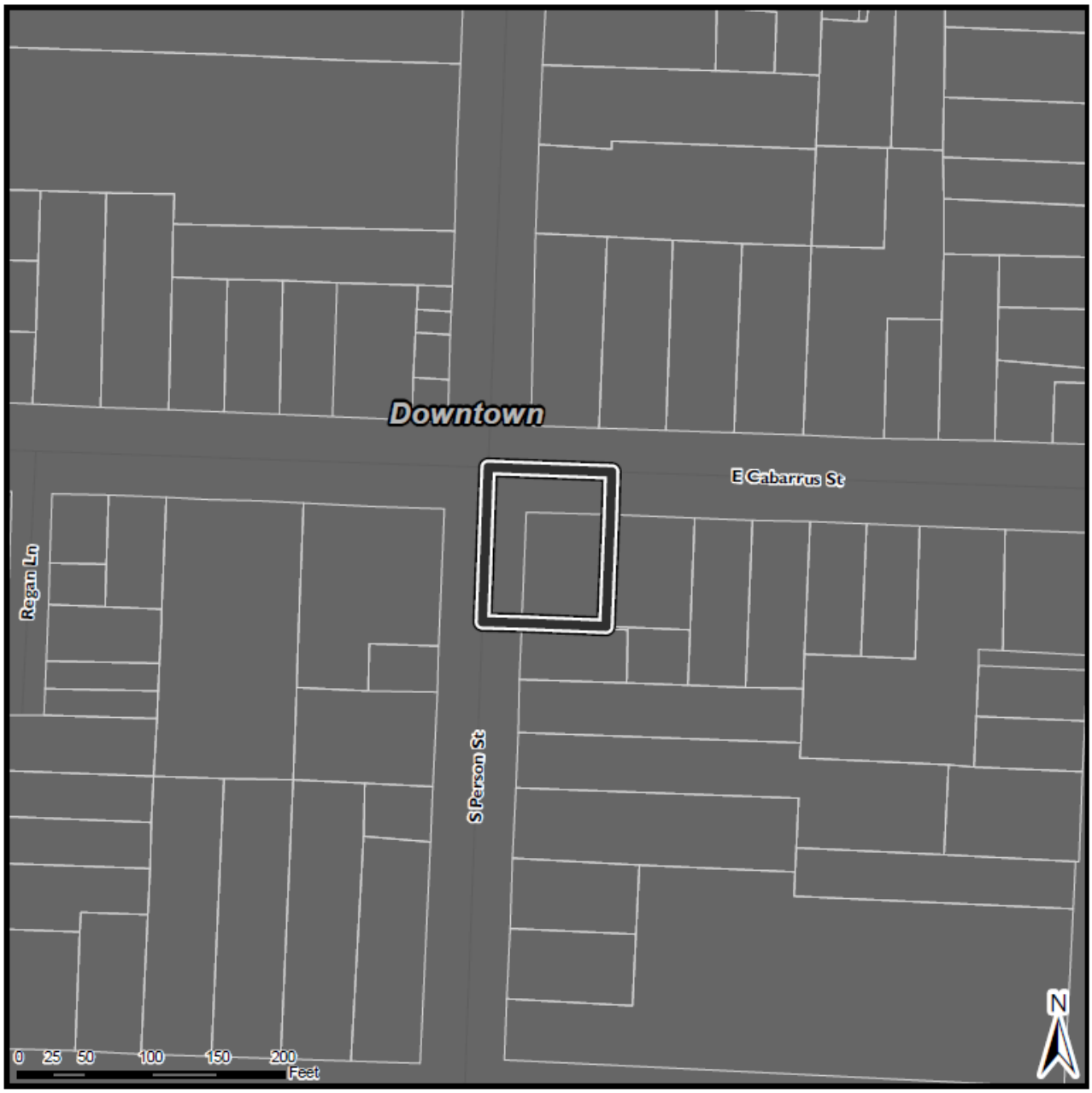
0.12 acres from

RB w/HOD-G & DOD

to DX-3-CU
w/ HOD-G



Urban FormMap Z-28-2014



Submittal Date

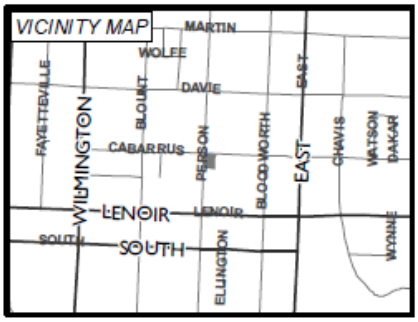
10/8/2014

Request:

0.12 acres from

RB w/HOD-G & DOD

to **DX-3-CU w/ HOD-G**



2. Comprehensive Plan Consistency Analysis

2.1 Comprehensive Plan

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

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

The proposal is consistent with the Downtown element of the Comprehensive Plan, the Future Land Use Map and Urban Form Map, and therefore meets tests 1 and 2. Test 3 is not applicable. The site is fully served by City infrastructure and thus meets test 4.

2.2 Future Land Use

Future Land Use designation:

The rezoning request is: Central Business District

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

☐ **Inconsistent**

2.3 Urban Form

Urban Form designation: Downtown

The rezoning request is:

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

☐ **Inconsistent**

The property is located in the Downtown Growth Center; there are no corridor designations for S. Person Street or E. Cabarrus Street on the Urban Form Map. The current UDO remapping recommendation for this property includes a Detached frontage. Although a Detached frontage is not part of this rezoning request, the applicant has offered conditions that meet Detached frontage standards.

2.4 Policy Guidance

No inconsistent policies were noted.

2.5 Area Plan Policy Guidance

The site is in the Downtown as defined by the Downtown element of the Comprehensive Plan. No inconsistent policies were noted.

3. Public Benefit and Reasonableness Analysis

3.1 Public Benefits of the Proposed Rezoning

- Allows for the adaptive reuse of a historic structure in a part of Downtown that is experiencing revitalization

3.2 Detriments of the Proposed Rezoning

- Possible light and noise impacts to adjacent single family residences

4. Impact Analysis

4.1 Transportation

No traffic study is required for DX zoning. Pedestrian flow and access will be scrutinized carefully at preliminary site plan review.

Impact Identified: None.

4.2 Transit

This area is served from Person Street by Route 13 Chavis Heights. The nearest stop is on Person/Lenoir. Given the small size of the parcel there are no requests for transit amenities.

Impact Identified: None.

4.3 Hydrology

Floodplain	No FEMA Floodplain present
Drainage Basin	Walnut
Stormwater Management	Subject to Article 9 of UDO
Overlay District	none

Impact Identified: Subject to Article 9 of the UDO.

4.4 Public Utilities

	Maximum Demand (current)	***Maximum Demand (proposed)***
Water	630 gpd	4,250 gpd
Waste Water	630 gpd	4,250 gpd

Impact Identified: The proposed rezoning would add approximately 3,220 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. At the time of development plan submittal, a downstream sewer capacity study may be required to determine the adequacy of capacity to support the proposed development. Any required improvements identified by the study would be required to be permitted and constructed prior to the issuance of a building permit. Verification of available for water fire flow is required as part of the building permit process. Any water system improvements required to meet fire flow requirements will also be required of the developer.

4.5 Parks and Recreation

Site is not adjacent to existing or planned greenway or greenway connector. Closest greenway access is .2 miles. Park services for this site are available at Chavis Community Center, located 0.55 miles away.

Impact Identified: None.

4.6 Urban Forestry

The subject parcel is smaller than two acres. Therefore, compliance with UDO Article 9.1 Tree Conservation is not required when the parcel is developed.

Impact Identified: None.

4.7 Designated Historic Resources

The site is a contributing resource in the Prince Hall Historic Overlay District and is a potential Raleigh Historic Landmark. There are contributing single-family residences on both sides of the corner site. The mentioned addition will require the applicant to obtain a Certificate of Appropriateness (COA) as will any proposed physical changes to accommodate outdoor seating. The mentioned widening of the sidewalks to 10' would also require a COA and would not likely meet the guidelines.

Impact Identified: None.

4.8 Community Development

The site is within the "500 Block South Person/South Blount Street Area Redevelopment Plan," adopted March 7, 2000. The Plan's preliminary site plan envisioned the area as remaining "primarily residential with low scale residentially oriented commercial serving as a buffer to more intense downtown commercial areas to the west." The proposed adaptive reuse of this site is consistent with the Redevelopment Plan that covers that location.

Impact Identified: None.

4.9 Impacts Summary

The proposed zoning will have minimal impacts on City infrastructure and services. There may be light and noise impacts to adjacent single family residences.

4.10 Mitigation of Impacts

The Certificate of Appropriateness process for any exterior building and site changes will help mitigate impacts from new lighting fixtures. The applicant has also offered conditions that require the installation of fences next to adjacent single family properties. In addition, the applicant has offered a condition that prohibits certain uses associated with late-night noise and light impacts, as well as a condition that limits hours of operation for trash/recycling service. Any use of the property will have to meet City Code noise requirements as outlined in Section 12, Chapter 5.

5. Conclusions

The proposed rezoning is consistent with the Comprehensive Plan, Future Land Use map, and Urban Form designation and will allow adaptive reuse of the historic structure. Due to the property's location in the Prince Hall Historic District, any exterior building or site changes will be subject to the "Design Guidelines for Raleigh Historic Districts" as part of the Certificate of Appropriateness review process. This review process will result in building and site changes that are more sensitive to the surrounding context.

Planning & Development

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

Rezoning Application

Rezoning Request	OFFICE USE ONLY
☐ General Use ☒ Conditional Use ☐ Master Plan Existing Zoning Classification RB w/ DOD and HOD-G Proposed Zoning Classification Base District DX Height 3 Frontage None w/HOD-G If the property has been previously rezoned, provide the rezoning case number. Z-63-2000, Z-12-2005, Z-21-2011 Provide all previous transaction numbers for Coordinated Team Reviews, Due Diligence Sessions or Pre-Submittal Conferences. 401839	Transaction Number

GENERAL INFORMATION		
Property Address 501 South Person St, Raleigh, NC 27601		Date 2/11/2015
Property PIN 1703862788	Deed Reference (Book/Page) 14611/2638	
Nearest Intersection S Person St and E Cabarrus St		Property size (in acres) 0.12
Property Owner/Address PO Box 12994, Raleigh, NC 27605	Phone 1-919-302-1503	Fax
	Email phucntran1@gmail.com	
Project Contact Person/Address Phuc Tran @ PO Box 12994, Raleigh, NC 27605	Phone 1-919-302-1503	Fax
	Email phucntran1@gmail.com	
Owner/Agent Signature Phuc N Tran	Email phucntran1@gmail.com	

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

Planning & Development

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

Conditional Use District Zoning Conditions				OFFICE USE ONLY
Zoning Case Number: Z-28-14				**Transaction Number**
Date Submitted: July 10, 2015				
Existing Zoning:	RB w/ DOD & HOD-G	**Proposed Zoning:**	DX-3 w/ HOD-G	

NARRATIVE OF ZONING CONDITIONS OFFERED	
1.	Unless a more stringent standard is required by the City of Raleigh's Unified Development Ordinance ("UDO"), fences shall be installed along the east and south side of the property next to those properties identified in those deeds recorded in Deed Book 011769, Page 02408 and Deed Book 012181, Page 00936. The fences shall comply with UDO §§ 3.5.3.B.2.a. and 7.2.8.
2.	Hours of operation for service of trash/recycle facilities shall be limited to the hours between 7:00am and 7:00pm, Monday through Friday, unless City service necessitates otherwise.
3.	Any exterior freestanding lighting shall be no more than 12' in height and shall feature full cut-off illumination.
4.	The following uses are prohibited: (1) bar, nightclub, tavern, lounge; (2) pawnshop; (3) adult entertainment. In addition, to the extent that the City makes a determination that commercial breweries or alcohol distilleries are permitted uses within the Downtown Mixed-Use district, those uses are also hereby prohibited.
5.	No on-site parking or vehicular surface area shall be permitted between the building and the street.
6.	A minimum of one primary street-facing entrance shall be provided, and direct pedestrian access from a public sidewalk to the primary street-facing entrance of the building shall be provided.
7.	In addition to complying with the standards set out in the UDO, the following shall apply to eating establishment uses: (a) outdoor seating, if any, shall be limited to 65% of the amount of seating inside the building; (b) restaurant hours shall be limited to 10:00pm on Monday through Thursday, 11:00pm on Friday and Saturday, and 9:30pm on Sunday; (c) vendor deliveries shall be made between the hours of 7:00am and 6:00pm; and (d) unless City Code requires a wider setback, all trash or recycling storage facilities shall be located a minimum of five (5) feet from the boundary line shared with the property to the immediate south, specifically that property identified as PIN 1703863762 and recorded at Deed Book 012181, Page 00936 at all times during which the single family dwelling principally located on property identified as PIN 1703862792 and recorded at Deed Book 013734, Page 00010 is occupied as a residential use.

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: Phuc N. Tran

Planning & Development

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

Rezoning Application Addendum

Comprehensive Plan Analysis	OFFICE USE ONLY
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.	**Transaction Number** **Zoning Case Number** Z-28-14

STATEMENT OF CONSISTENCY	
Provide brief statements regarding whether the rezoning request is consistent with the future land use designation, the urban form map and any applicable policies contained within the 2030 Comprehensive Plan.	
1.	The Property is designated Central Business District in the Future Land Use Map. Restaurant/bar use is permitted in the DX zoning district.
2.	The Property rezoning is consistent with the following Comprehensive Plan Policies: LU1.2 Future Land Use Map and Zoning Consistency, UD 1.1 Protecting Neighborhood Identity, UD 3.8 Screening of Unsightly Uses, UD 4.1 Public Gathering Spaces, UD 4.3 Improving Streetscape Design, UD 4.5 Improving the Street Environment, UD 4.6 Activated Public Space, UD 5.1 Contextual Design, UD 5.4 Neighborhood Character and Identity, UD 5.5 Areas of Strong Architectural Character, UD 7.1 Economic Value of Quality Design, UD 7.2 Promoting Quality Design, HP 1.1 Stewardship of Place, HP 1.2 Cultural and Historic Resource Preservation, HP 2.4 Protecting Historic Neighborhoods, HP 3.1 Adaptive Use, HP 3.2 Retention over Replacement, HP 3.4 Context Sensitive Design, HP 3.5 Existing Building Code, HP 3.7 Demolition
3.	
4.	

PUBLIC BENEFITS	
Provide brief statements regarding the public benefits derived as a result of the rezoning request.	
1.	The proposed rezoning is consistent with the Future Land Use Map as well as several Comprehensive Plan policies.
2.	The proposed rezoning will facilitate the redevelopment of an underutilized and historically significant building and parcel.
3.	The proposed rezoning is located within the City Growth Center: Downtown Regional Center, which supports uses such as Restaurant/Bars.
4.	

URBAN DESIGN GUIDELINES	
If the property to be rezoned is shown as a "mixed use center" or located along a Main Street or Transit Emphasis Corridor as shown on the Urban Form Map in the Comprehensive Plan, the applicant must respond to the Urban Design Guidelines contained in the 2030 Comprehensive Plan.	
1.	*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.* **Response: The proposed rezoning will allow eating establishments, which aligns with the proposed use for this site.**
2.	*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.* **Response: The proposed project utilizes and existing building and will include a subservient addition to the main structure.**
3.	*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.* **Response: No new roads will be constructed with this development.**
4.	*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.* **Response: No new roads will be constructed with this development.**
5.	*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.* **Response: No new roads will be constructed with this development.**
6.	*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.* **Response: There will be no off street parking for this project, and none is required.**
7.	*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.* **Response: This project will reuse an existing building, and part of the redevelopment includes a small addition to the south side, towards the rear.**
8.	*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.* **Response: This project will reuse an existing building, and there will be no off street parking.**
9.	*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.* **Response: The publicly accessible outdoor elements of the project will be visible from Cabarrus and Person Streets.**
10.	*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.* **Response: This project utilizes an existing urban space.**
11.	*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.* **Response: NA**
12.	*A properly defined urban open space is visually enclosed by the fronting of buildings to create an outdoor "room" that is comfortable to users.* **Response: Outdoor seating for the project is intended to act and feel like an "outdoor room", as state above.**
13.	*New public spaces should provide seating opportunities.* **Response: Outdoor seating is envisioned for this project.t**
14.	*Parking lots should not dominate the frontage of pedestrian-oriented streets, interrupt pedestrian routes, or negatively impact surrounding developments.* **Response: There will be no off street parking associated with this project.**
15.	*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.* **Response: There will be no off street parking associated with this project.**

16.	*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 cane make a significant improvement.* **Response: There will be no off street parking associated with this project.**
17.	*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.* **Response: NA**
18.	*Convenient, comfortable pedestrian access between the transit stop and the building entrance should be planned as part of the overall pedestrian network.* **Response: NA**
19.	*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.* **Response: NA**
20.	*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.* **Response: No new streets are planned as part of this development.**
21.	*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.* **Response: There are existing sidewalks along the frontages of the property.**
22.	*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.* **Response: No new streets are planned as part of this development. Street yard landscaping will be provided in accordance with UDO requirements.**
23.	*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.* **Response: This project proposes to reuse an existing building.**
24.	*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.* **Response: This project proposes to reuse an existing building whose entry is facing Person Street.**
25.	*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.* **Response: This project proposes to reuse an existing building, which includes windows, interesting architectural detail and ornamentation, and a welcoming entrance.**
26.	*The sidewalks should be the principal place of pedestrian movement and casual social interaction. Designs and uses should be complementary to that function.* **Response: The sidewalks will be widened to 10'-0" and will be the principal place of pedestrian movement and casual social interaction.**

SUMMARY OF ISSUES

A neighborhood meeting was held on _October 3, 2014__ to discuss a potential rezoning located at _501 South Person St, Raleigh, NC 27601. The neighborhood meeting was held at __501 South Person St, Raleigh, NC 27601. There were approximately _15__ neighbors in attendance. The general issues discussed were:

- Introductions were made and the sign in sheet was passed around.

- There were 17 attendees including presenters.

- Property owner, Phuc Tran reviewed the history of the building and how he saved it. He presented a powerpoint slideshow of before and after photographs.

- Phuc walked through the City of Raleigh's remapping initiative, and walked through the interactive map online.

- Phuc noted that the rezoning he is requesting is slated to happen eventually by the City of Raleigh, even if he were to do nothing, and that he is simply requesting the rezoning now in order to speed project progress along.

- Concern was raised about outdoor seating and noise.

- Concern was raised about parking.

- Concern was raised about the sale of alcohol and how much seating would be located at the bar versus the dining room.

- Concern was raised about the location of trash and recycling.

- A question was asked about the hours of operation.

- There was concern about whether or not the menu would meet the needs of the community.

- There was a question about the location of the grease trap.

The meeting began at 6:35pm and ended around 8:30pm.

neighborhood meeting
October 3, 2014

NAME	STREET ADDRESS + PHONE #
Erin Sterling Lewis	704 N Person St 397 3951
Gregg Hatem	NE corner Person & Cabarrus 133 Fayetteville St #16 919 459.3214
Lindsay Steel	421 Watson St. Raleigh, NC 3369161023
Ben Steel	421 Watson St. Raleigh, NC 740-4108
John S Austin	19 W. Hargett St Ste 512 Raleigh 27601
Jenny Harper	312 E. Cabarrus St. Raleigh, NC 27601
Craig Ralph	2714 Clark Ave - 27601 828-6171
Bernestine Sanders	820 S. State St. Raleigh, NC, 27601
David Sanders	208 Smokemont Drive, Cary, NC 27513
Wanda Morgan	514 S. Person St, Ral, NC 27601 919 3366
Nancy Shaw	508 N Person (condos across the street)
Bobby Lee Sanders	524 Sherrybrook Dr. Raleigh 919-755-
Rosalind Blair	524 Sherrybrook Dr. Rale. 624-0314
Susan L. Bryant	307 E. Cabarrus St 27601 (919)834-722
Rhonda Rich	219 E. Cabarrus St, Raleigh 27601 919-278-7608
Justin Hammond	508 S. Person St. #103 Raleigh, NC 27601 919-389-680

CC: DeShield
Sumpter

RECEIVED
JAN 09 2015
CITY OF RALEIGH
PLANNING DEPT.

Planning & Development

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

Rezoning Valid Statutory Protest Petition (VSPP)

Submit this form to:
City Clerk
Raleigh Municipal Building, Room 207
222 W. Hargett St.
Raleigh, NC 27602

Administrative Use Only	Administrative Use Only
Valid 1/16/15 VJE	received STAMP 1/9/15 MP CITY CLERK
Validity	Received by City Clerk

Date Submitted January 9, 2015		**Case #** Z - 28 - 14	
Contact Person Rosalind Blair			
Address 322 East Cabarrus Street			**City** Raleigh
State NC	**Zip** 27601	**Phone** 919 624-0314	**Fax**
Email RozandBobby@aol.com			

If a Valid Statutory Protest Petition (VSPP) is filed in opposition to a rezoning request, the City Council cannot approve the request unless it does so by a vote of three-fourths of all Council members. A simple majority can approve all other requests. To file a VSPP, the petition must:

- Be signed by the owner(s) (including both husband and wife if there is joint ownership) of twenty percent (20%) or more of the area of the lots included in the rezoning request; OR five percent (5%) of a 100 foot wide buffer extending along the entire boundary of each discrete or separate area proposed to be rezoned. A street right-of-way shall not be considered in computing the 100 foot buffer area as long as that street right-of-way is 100 feet wide or less. When less than an entire parcel of land is subject to the proposed zoning map amendment, the 100 foot buffer shall be measured from the property line of that parcel. In the absence of evidence to the contrary, the city may rely on the county tax listing to determine the "owners" of potentially qualifying areas;
- Include a statement of opposition on each page of signatures at the top of the petition. The statement should be simply and clearly worded;
- Be submitted no less than two (2) full working days prior to the hearing, not including the actual day of the hearing and not including any holidays, Saturdays or Sundays. For instance, if the hearing occurs on Tuesday, the form must be submitted by the previous Thursday at 5:00 p.m.;
- Be delivered to the office of the City Clerk, Raleigh Municipal Building, Room 207, 222 W. Hargett Street, before 5:00 p.m. on the deadline date; and
- Have signatures attached to this sheet on the form provided. The signature form may be duplicated if necessary.

Valid Statutory Protest Petition
Case # Z- 28 - 14 501 S. Person

Statement of Opposition:
We are opposed to having a Resturant/Bar in close proximity to our house. There is not adequete space between the properties for a commercial dumpster, out side seating and amplified music. We have a very quite neighborhood at night and traffic intruding around our area will create an undesirable pedestrian noise. We do not know what kind of restaurant will be in this location and once zoned they can sale to another business that may not care about our quality of life.
restaurant

Signature: Bobby Lee Sanders - owner Print Name (clearly): Bobby Lee SANDERS

Address: 507 S. Person St., 513 S. Person, 322 E. Cabarrus and 514 S. Bloodworth St. - owner

Signature: Rosalind Y. Blair-Sanders Print Name (clearly): Rosalind Y. Blair-Sanders

Address: 507 S. Person St. 513 S. Person, 322 E. Cabarrus and 514 S. Bloodworth St.

Signature: _____ Print Name (clearly): _____

Address: _____

Signature: _____ Print Name (clearly): _____

Address: _____

Signature: _____ Print Name (clearly): _____

Address: _____

Signature: _____ Print Name (clearly): _____

Address: _____

Signature: _____ Print Name (clearly): _____

Address: _____

Signature: _____ Print Name (clearly): _____

Address: _____

Signature: _____ Print Name (clearly): _____

Address: _____

Valid Statutory Protest Petition
Case # Z- 28-14 501 S. Person

Statement of Opposition:
Beginning & Beyond Child Development Center is opposed to having a Resturant/Bar in close proximity to our center. We have been on the Block of Cabarrus Street/Person for 18 years and have worked very hard in cleaning up the block from drugs, alcohol, and prostitution. Given an ABC permit in a residential/business would impact the revitalization effort we work so hard for in our neiborhood. Also our center walks the children around the block and outdoor seating on the sidewalk would prevent access to pedestrian activities.

Signature: Bobby Lee Sanders - owner Print Name (clearly): Bobby Lee SANDERS

Address: 514 S. Bloodworth St., 322 E. Cabarrus St. 513 Person St. 507 S. Person St., - owner

Signature: Rosa Lind Blair-Sanders Print Name (clearly): Rosa Lind Blair-Sanders

Address: 514 S. Bloodworth, 322 E. Cabarrus St., 513 S. Person, 507 S. Person St.

Signature: _____ Print Name (clearly): _____

Address: _____

Signature: _____ Print Name (clearly): _____

Address: _____

Signature: _____ Print Name (clearly): _____

Address: _____

Signature: _____ Print Name (clearly): _____

Address: _____

Signature: _____ Print Name (clearly): _____

Address: _____

Signature: _____ Print Name (clearly): _____

Address: _____

Signature: _____ Print Name (clearly): _____

Address: _____