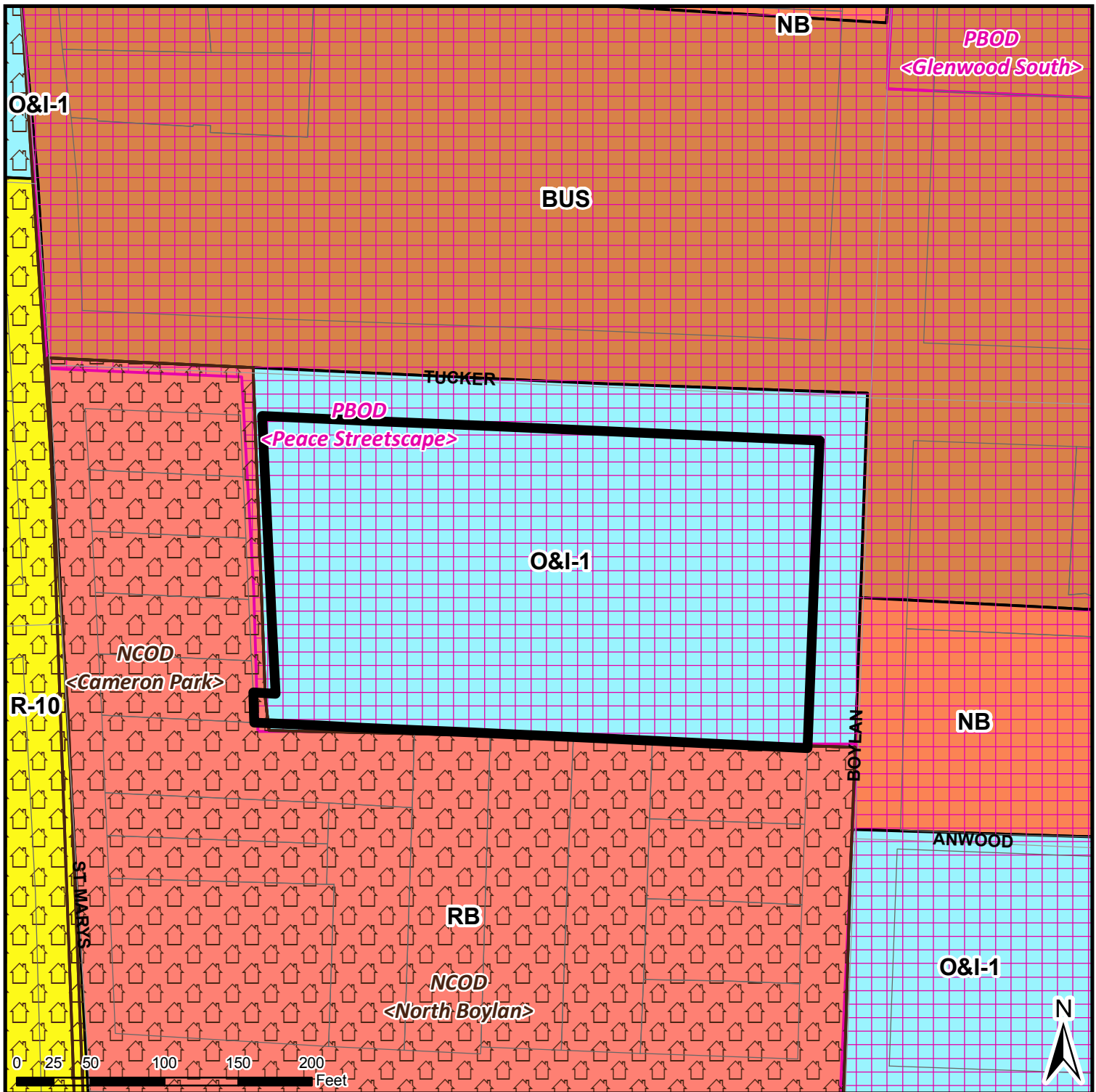


Existing Zoning Map

Z-32-2013



Submittal
Date

11/14/2013

Request:
1.77 acres from O&I-1 w/ PBOD
to OX-7-UL-CU

VICINITY MAP





Certified Recommendation

Raleigh Planning Commission

CR# 11561

Case Information: Z-32-13 – North Boylan Avenue

| | |
|-----------------------------------|--|
| <i>Location</i> | Southeast quadrant of intersection of North Boylan Avenue and Tucker Street Address: 425 North Boylan Avenue PIN: 1704319107 |
| <i>Request</i> | Rezone property from O&I-1 w/ PBOD to OX-7-UL-CU |
| <i>Area of Request</i> | 1.77 acres |
| <i>Property Owner</i> | 425 Boylan LLC |
| <i>Applicant</i> | Shane White: (615) 778-1212; shane.white@southernland.com |
| <i>Citizens Advisory Council</i> | Hillsborough – William A. Allen III: (919) 836-5515; will@allenheuer.com |
| <i>PC Recommendation Deadline</i> | May 28, 2014 |

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

| | |
|-------------------------------------|--|
| <i>FUTURE LAND USE</i> | O&RMU |
| <i>CONSISTENT Policies</i> | LU 4.8 – Station Area Land Uses LU 10.3 – Ancillary Retail Uses UD 6.1 – Encouraging Pedestrian-Oriented Uses UD 7.3 – Design Guidelines DT 1.13 – Downtown Transition Areas |
| <i>INCONSISTENT Policies</i> | (None.) |

Summary of Proposed Conditions

1. Building height limited.
2. Certain uses prohibited.
3. Commercial square footage limited.
4. Density limited.
5. Surface parking prohibited on site.

Public Meetings

| <i>Neighborhood Meeting</i> | <i>Public Hearing</i> | <i>Committee</i> | <i>Planning Commission</i> |
|------------------------------------|------------------------------|-------------------------|-----------------------------------|
| 10/15/13 | | | 1/28/14 (recommended approval) |

☐ **Valid Statutory Protest Petition**

Attachments

1. Zoning Staff Report
2. Applicant Responses to Design Guidelines (Table UD-1)
3. Transportation Evaluation

Planning Commission Recommendation

| | |
|-------------------------------|--|
| <i>Recommendation</i> | The Planning Commission finds that this case is consistent with the Comprehensive Plan and should be approved in accordance with the zoning conditions submitted January 6, 2014. |
| <i>Findings & Reasons</i> | <ol style="list-style-type: none"> 1. The proposal is consistent with the Future Land Use Map and applicable Comprehensive Plan policies. The Future Land Use Map designates this area for Office and Residential Neighborhood Mixed Use, and thereby appropriate for retail, office, or residential development. 2. The proposal is reasonable and in the public interest. Rezoning will permit increased options for the utilization of ground floor space in an area of City designated for pedestrian-oriented development. 3. The proposal is compatible with the surrounding area. Conditions effectively limit built form to that already approved for site development, per site plan SP-23-11. |
| <i>Motion and Vote</i> | <p>Motion: Terando Second: Buxton In Favor: Braun, Buxton, Fleming, Fluhrer, Schuster, Sterling Lewis, Swink and Terando</p> |

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.

| | | | |
|-------------------|------|---------------------------------|------|
| | | 1/28/14 | |
| Planning Director | Date | Planning Commission Chairperson | Date |

Staff Coordinator: Doug Hill: (919) 996-2622; Doug.Hill@raleighnc.gov



Zoning Staff Report – Case Z-32-13

Conditional Use District

Case Summary

Overview

The proposal seeks to rezone the subject property to OX, which would permit more retail than allowed under the current O&I-1 zoning. Conditions reflect provisions of the site plan already approved for the property ([SP-23-11](#)). The building resulting from that plan is now nearing completion.

The new building adds to the trend toward mid-rise residential redevelopment in the immediate area, begun by the 712 Tucker building, located just across Tucker Street from the subject site. That structure is nearly all residential; the new building seeks to introduce ground-floor non-residential uses to the street. It also stands taller—7 stories, compared to 712 Tucker's 5 stories.

The subject site lies downhill from the North Boylan Neighborhood Conservation Overlay District, which consists primarily of single-family houses dating from the early 20th century, now mostly converted to office and other non-residential uses. Redevelopment there is governed by overlay district standards for setbacks, building and parking lot placement, building entrance location, and height.

The subject site, and the adjacent parcels to the north and east, currently lie within the Peace Street Pedestrian Business Overlay District. Per UDO Sec. 8.5.1.F.1., streetscape specifications attendant to the overlay will continue in effect, even with removal of the overlay from the subject site.

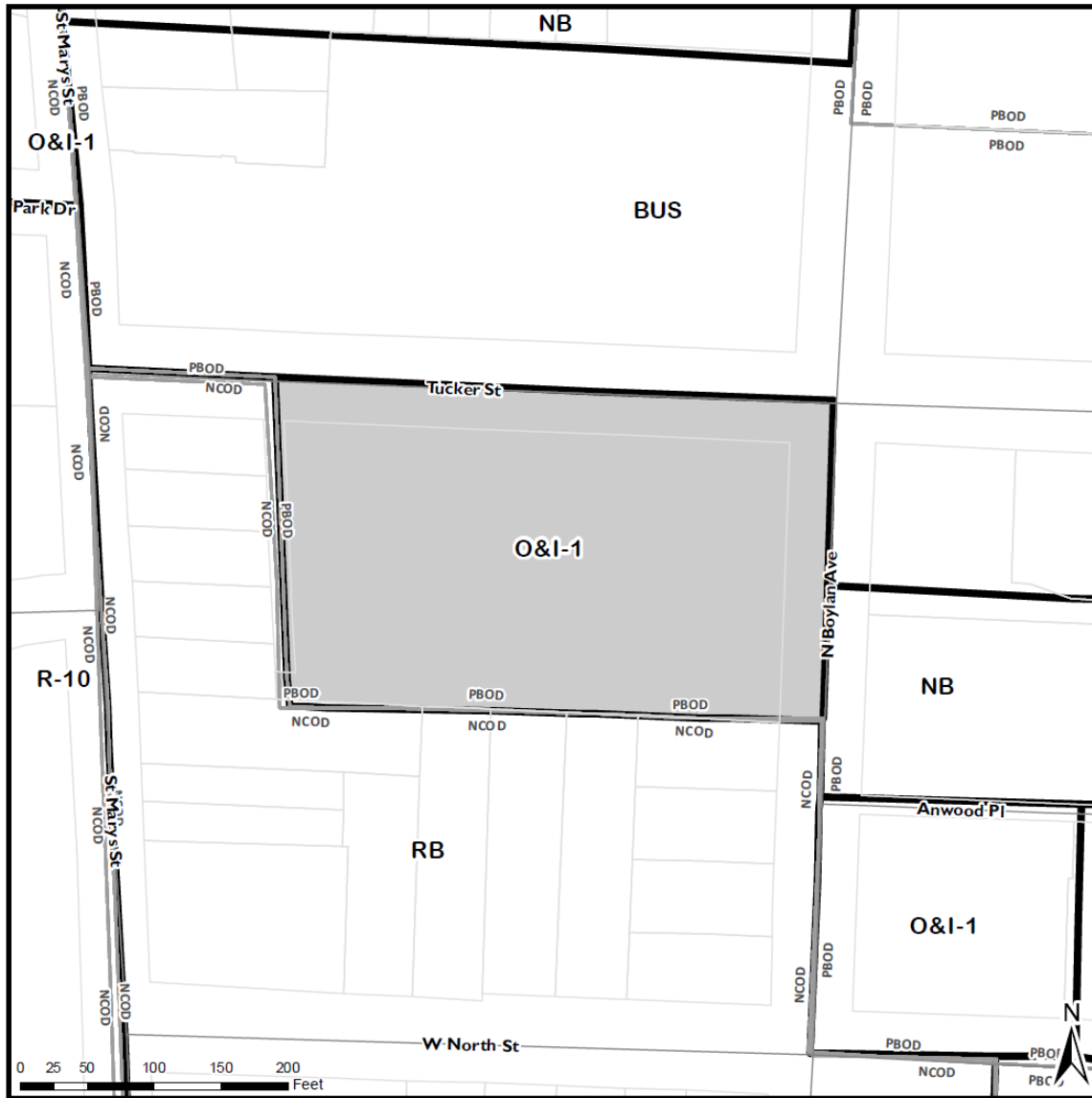
The City's Urban Form Map envisions the subject site and adjacent properties forming the northwestern edge of the future greater downtown, which would include all of Glenwood South and be served by a transit station on the rail line to the east.

Outstanding Issues

| | | | |
|---------------------------|----------------|-----------------------------|--------------|
| <i>Outstanding Issues</i> | <i>(None.)</i> | <i>Suggested Mitigation</i> | <i>(n/a)</i> |
|---------------------------|----------------|-----------------------------|--------------|

Existing Zoning Map

Z-32-2013

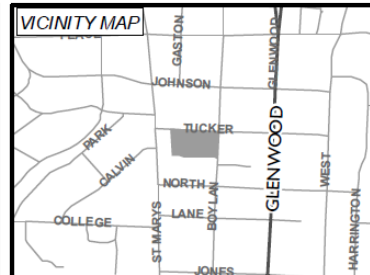


**Submittal
Date**

11/14/2013

Request:

1.77 acres from
O&I-1 w/ PBOD
to **OX-7-UL-CU**



Rezoning Case Evaluation

1. Compatibility Analysis

1.1 Surrounding Area Land Use/ Zoning Summary

| | Subject Property | North | South | East | West |
|-----------------------------------|---|--------------------------------------|--|--------------------------------------|--|
| <i>Existing Zoning</i> | Office & Institution-1 | Business | Residential Business | Business, Neighborhood Business | Residential Business |
| <i>Additional Overlay</i> | Pedestrian Business Overlay District | Pedestrian Business Overlay District | Neighborhood Conservation Overlay District | Pedestrian Business Overlay District | Neighborhood Conservation Overlay District |
| <i>Future Land Use</i> | Office & Residential Mixed Use | High Density Residential | Office & Residential Mixed Use | Central Business District | Office & Residential Mixed Use |
| <i>Current Land Use</i> | Apartments & ground floor retail or office (under construction) | Apartments | Offices; vacant | Offices | Office; duplex |
| <i>Urban Form (if applicable)</i> | Downtown Center | Downtown Center | Downtown Center | Downtown Center | Downtown Center |

1.2 Current vs. Proposed Zoning Summary

| | Existing Zoning | Proposed Zoning |
|------------------------------------|------------------------|------------------------|
| <i>Residential Density:</i> | 261 DUs (total) * | 261 DUs (total) |
| <i>Setbacks:</i> | | |
| <i>Front:</i> | 0 – 10 feet * | 0 – 10 feet * |
| <i>Side:</i> | 10 feet * | 10 feet * |
| <i>Rear:</i> | 20 feet * | 20 feet * |
| <i>Retail Intensity Permitted:</i> | 13,082 sf * | 13,100 sf |
| <i>Office Intensity Permitted:</i> | 13,082 sf * | 13,100 sf |

* Per site plan SP-23-11(approved under current O&I-1 zoning; building now under construction)

1.3 Estimated Development Intensities

| | Existing Zoning | Proposed Zoning |
|------------------------------------|------------------------|------------------------|
| <i>Total Acreage</i> | 1.77 | 1.77 |
| <i>Zoning</i> | O&I-1 w/ PBOD | OX-7-UL-CU |
| <i>Max. Gross Building SF</i> | 297,222 * | 297,222 * |
| <i>Max. # of Residential Units</i> | 261 * | 261 |
| <i>Max. Gross Office SF</i> | 13,082 * | 13,100 |
| <i>Max. Gross Retail SF</i> | 13,082 * | 13,100 |
| <i>Potential F.A.R.</i> | 3.85 * | 3.85 * |

* Per site plan SP-23-11(approved under current O&I-1 zoning; building now under construction)

The proposed rezoning is:

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

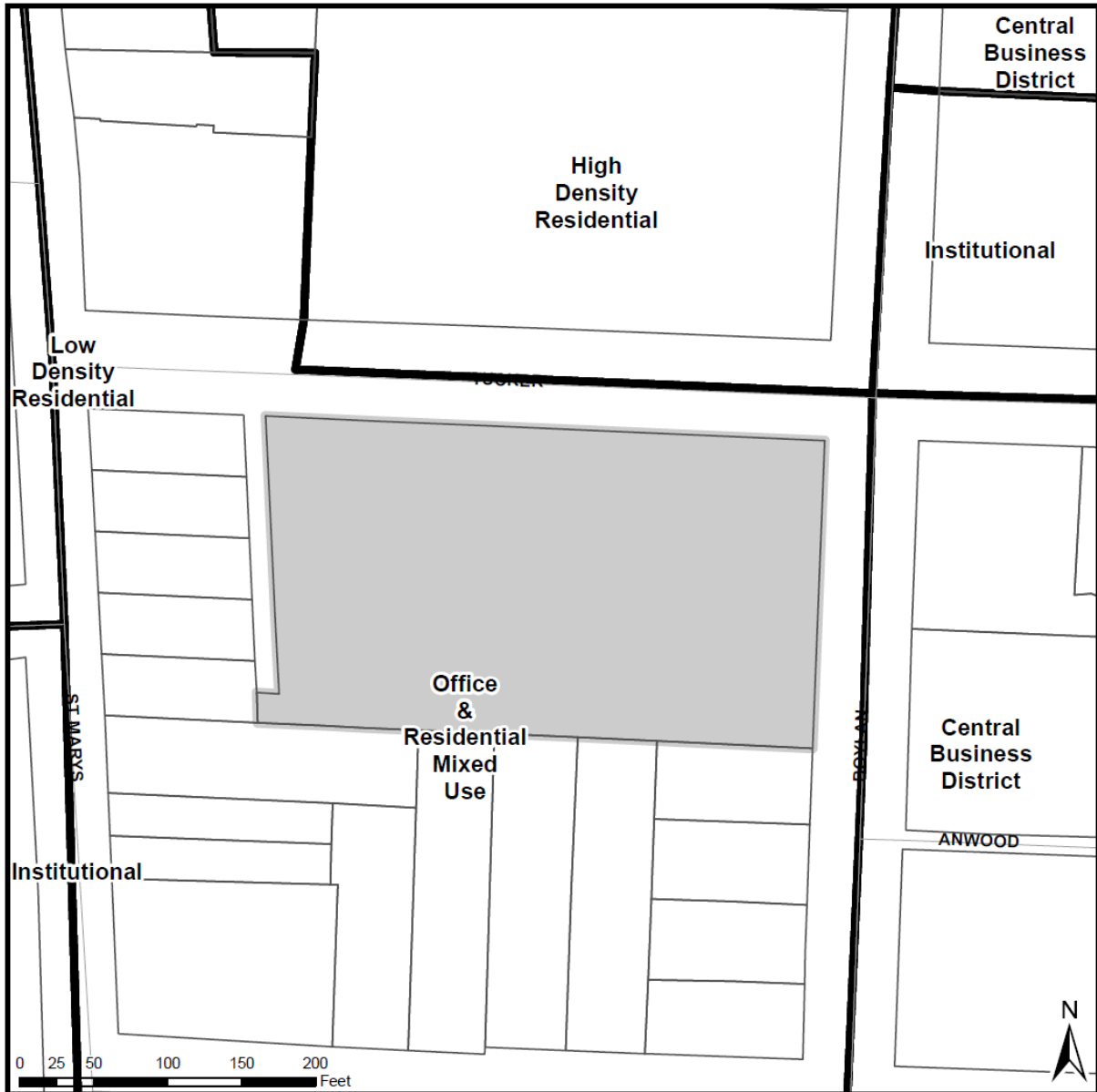
☐ **Incompatible.**

Analysis of Incompatibility:

(N/A)

Future Land Use Map

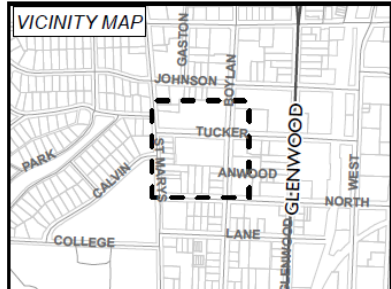
Z-32-2013



Submittal Date

11/14/2013

Request:
1.77 acres from O&I-1 w/ PBOD
to OX-7-UL-CU



2. Comprehensive Plan Consistency Analysis

2.1 Future Land Use

Future Land Use designation: Office & Residential Mixed Use

The rezoning request is:

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

☐ **Inconsistent**

Analysis of Inconsistency:

[n/a]

2.2 Policy Guidance

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

(None.)

2.3 Area Plan Policy Guidance

The rezoning request is not within a portion of the City subject to an Area Plan.

3. Public Benefit and Reasonableness Analysis

3.1 Public Benefits of the Proposed Rezoning

- The proposed zoning could allow more varied services and goods to be made available in close proximity to present and future residents.

3.2 Detriments of the Proposed Rezoning

(None identified.)

4. Impact Analysis

4.1 Transportation

North Boylan Avenue is classified as a two lane divided street according to Map T-1 of the 2030 Comprehensive Plan and requires a total of 79' of R/W. A traffic impact study is not recommended for case Z-32-13.

Impact Identified: None (see accompanying Transportation Evaluation).

4.2 Transit

Transit does not currently operate on this section of Boylan Avenue and neither the City of Raleigh Short Range Transit Plan nor the Wake County 2040 Transit study call for routes to be developed here. There are several routes within easy walking distance. The closest routes are 8 Northcliff and 16 Oberlin which operate on St. Mary's Street and Route 6 Crabtree which operates on Glenwood Avenue.

Impact Identified: None.

4.3 Hydrology

| | |
|------------------------------|---|
| <i>Floodplain</i> | None |
| <i>Drainage Basin</i> | Pigeon House |
| <i>Stormwater Management</i> | Subject to Section 9.2 UDO (Stormwater Regulations) |
| <i>Overlay District</i> | none |

Impact Identified: None. No FEMA, no Neuse Buffer, no WSPOD (Watershed Protection Overlay District).

4.4 Public Utilities

| | <i>Maximum Demand (current)</i> | <i>Maximum Demand (proposed)</i> |
|--------------------|---------------------------------|----------------------------------|
| <i>Water</i> | 62,640 gpd | 80,880 gpd |
| <i>Waste Water</i> | 62,640 gpd | 80,880 gpd |

The proposed rezoning will add approximately 18,240 gpd to the wastewater collection and water distribution systems of the City. There are existing sanitary sewer and water mains within the Tucker Street and N. Boylan Avenue rights-of-way.

Impact Identified: The petitioner needs to verify the flow quantities due to the rezoning request back to the City's Public Utilities Department. Verification of available capacity for water fire flow is required as part of the Building Permit submittal process. Any water system improvements to meet fire flow will be required.

4.5 Parks and Recreation

The subject tract is not located adjacent to any greenway corridors. Recreation services for the subject tract will be provided at Fletcher Park.

Impact Identified: None.

4.6 Urban Forestry

This parcel is less than two acres in size; therefore, UDO Article 9.1.—Tree Conservation will not apply.

Impact Identified: None.

4.7 Designated Historic Resources

The site is not within a National Register Historic District and/or Raleigh Historic Overlay District, but multiple historic properties are located in close proximity. 175 feet to the west is the eastern edge of the Cameron Park National Register Historic District, along St. Mary's

Street. The site is approximately 875 feet south of the Glenwood-Brooklyn National Register Historic District, and 650 feet northeast of the St. Mary's College National Register Historic District. The latter contains five Raleigh Historic Landmarks: Smedes Hall, East and West Rocks, the Chapel, and the Eliza Battle Pittman Auditorium. The site is also 1,000 feet southeast of another Raleigh Historic Landmark: Needham Broughton High School.

Impact Identified: None.

4.8 Community Development

The site is not located within a designated Redevelopment Plan area.

Impact Identified: None.

4.9 Appearance Commission

The rezoning is not subject to Appearance Commission review.

4.10 Impacts Summary

No negative impacts on city services or resources are expected from this rezoning.

4.11 Mitigation of Impacts

[n/a]

5. Conclusions

The proposed zoning would increase options for the utilization of ground floor space in an area of City designated for pedestrian-oriented, mixed-use development. With the site building well on its way to completion, changes as a result of the proposed rezoning would be minimal, and confined to the ground-floor areas of the building. Existing streetscape requirements would remain in place per the provisions of the UDO.

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. | <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>Response: The development, which is currently under construction, provides ancillary retail and office space which will complement the existing neighborhood residential and office. The project will provide a very pedestrian friendly streetscape and appearance which will provide connectivity to and from the mixed-use development.</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>Response: The building is comparable in height to the existing multi-family residential building located directly across Tucker Street and is consistent with improvements to streetscape and landscaping.</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>Response: Because this site is located within the Downtown Center, connectivity to and from exists and will remain.</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>Response: This site is an urban infill location and existing streets provide interconnectivity among adjoining developments.</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>Response: Existing public streets bound two sides of this development and an existing public alley bounds a third property line. Vehicular access to these has been limited to provide more contiguous and safer sidewalk for pedestrians.</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>Response: The building aligns both public streets and the parking, all within a garage, is internal to the site and lined by building. The loading area has been located to the side of the property.</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>Response: The building is located within 25 feet of both Tucker Street and North Boylan Avenue, which should be considered pedestrian-oriented streets. As mentioned above, off-street parking has been located within a parking garage on site and has been lined by building for aesthetic quality.</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>Response: The site is located at the intersection of Tucker Street and North Boylan Avenue and the building is placed on the corner.</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>Response: Urban open space, due to the size of this property and its urban infill location, has been provided in the way of improved pedestrian friendly streetscape.</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>Response: See response in 9 above.</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>Response: This development defines its urban open space as the pedestrian friendly streetscape. The ancillary retail and office space located within the ground floor of the building will promote pedestrian traffic and is further enhanced by the higher density residential in the floors above.</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>Response: The building fronts the entirety of the streetscape creating a visually appealing streetscape comfortable for pedestrians.</p> |
| 13. | <p><i>New public spaces should provide seating opportunities.</i></p> <p>Response: The streetscape is intended to provide opportunities for seating in the way of café tables & chairs as well as benches which the ancillary retail and office users in the ground floor can provide.</p> |

| | |
|-----|---|
| 14. | <i>Parking lots should not dominate the frontage of pedestrian-oriented streets, interrupt pedestrian routes, or negatively impact surrounding developments.</i> Response: There are no parking lots provided in this development. |
| 15. | <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> Response: There are no parking lots provided in this development. |
| 16. | <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> Response: Significant architectural detail and care have been considered and given to the parking structure. The approved building elevations included this detail for screening the structure and were a collaborative effort by the community and the City of Raleigh review agencies. |
| 17. | <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> Response: This development is higher density with its residential and commercial uses and it is located within the Transit Stop ½ Mile Buffer area. St. Mary's Street, less than one-half block to the west, is also considered a Transit Emphasis Corridor. |
| 18. | <i>Convenient, comfortable pedestrian access between the transit stop and the building entrance should be planned as part of the overall pedestrian network.</i> Response: The entirety of the development street frontage has provided pedestrian access to adjacent sidewalks to improve the overall pedestrian network. |
| 19. | <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> Response: No slopes greater than 15 percent, watercourses, or floodplains existed on this urban infill site. |
| 20. | <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> Response: No new streets are part of this development. |
| 21. | <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> Response: The development provides for the minimum 14' streetscape except for a couple of approved encroachments for ground floor access to residential units which helps activate the streetscape along North Boylan Avenue. Along Tucker Street, the sidewalks provided are greater than 14' and includes tree grates which further expands the usable area. |
| 22. | <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> Response: Street trees have been provided at a consistent spacing along Tucker Street and North Boylan Avenue effectively providing shade for the improved sidewalks. |
| 23. | <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> Response: The building is consistent with the height of the existing multi-family building across Tucker Street. The face of the building aligns the entire length of public street frontage giving spatial definition. |
| 24. | <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> Response: The front façade of the building along Tucker Street is ancillary retail and office space and will provide entrances which face the public street. Due to the topography of the site along North Boylan Avenue, entrances to the residential has been provided in the way of stoops and a common entry to the residential above which also faces the public street. |
| 25. | <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> Response: With the ground floor of this building provided as ancillary retail and office, windows and entrances will be provided along the sidewalk. Where entrances to these uses or the residential are not shown, landscaping and architectural details have been included to consistently provide interest along the streetscape. It should be noted that with this proposed rezoning, if approved, the development will have more opportunity to provide signage and/or awnings which is encouraged under this guideline. |
| 26. | <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> Response: As mentioned in the responses above, the entirety of the public street frontage has been designed to provide a pedestrian friendly streetscape. The uses within the project will provide an activated streetscape where casual social interaction can occur. |

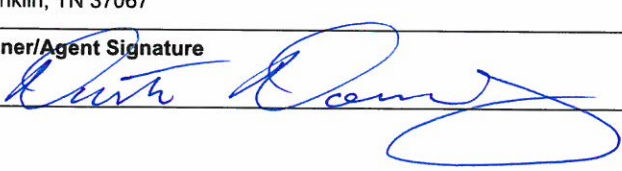


Planning & Development

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

Rezoning Application

| Rezoning Request | OFFICE USE ONLY |
|---|--------------------|
| <input type="checkbox"/> General Use <input checked="" type="checkbox"/> Conditional Use Existing Zoning Classification: O&I-1/Office & Institution 1 with PBOD-Pedestrian Business Overlay District Proposed Zoning Classification Base District CUD OX-Office Mixed Use, Conditional Use District Height 7 stories Frontage UL/Urban Limited If the property has been previously rezoned, provide the rezoning case number. N/A Provide all previous transaction numbers for Coordinated Team Reviews, Due Diligence Sessions or Pre-Submittal Conferences. Pre-Submittal Conference: 373994/Zoning Case #: Z-32-13 | Transaction Number |

| GENERAL INFORMATION | | |
|---|---|----------------------------------|
| Property Address 425 North Boylan Avenue, Raleigh, NC 27603 | | Date 01/06/2014 |
| Property PIN 1704319107 | | |
| Nearest Intersection North Boylan Avenue and Tucker Street | | Property size (in acres) 1.77 |
| Property Owner 425 Boylan LLC c/o Southern Land Company 410 Park Avenue, Suite 1500 New York, NY 10022 | Phone 212-888-6793 | Fax 615-778-1211 |
| | Email dustin.downey@southernland.com | |
| Project Contact Person Shane White, Southern Land Company 1550 West McEwen Drive, Suite 200 Franklin, TN 37067 | Phone 615-778-1212 | Fax 615-778-1212 |
| | Email shane.white@southernland.com | |
| Owner/Agent Signature  | Email dustin.downey@southernland.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

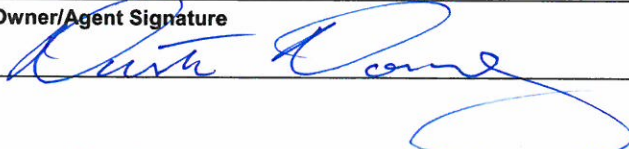
**Development Services
Customer Service Center**

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-32-13 | | Transaction Number |
| Date Submitted 10-25-13 (REVISED 01-06-14, based on city staff comments) | | |

| NARRATIVE OF ZONING CONDITIONS OFFERED | |
|--|--|
| 1. | The height of the building shall be limited to 7 stories and 80 feet. |
| 2. | The following allowable commercial uses shall be prohibited: <ul style="list-style-type: none">• Outdoor sports or entertainment facility, all types• Overnight Lodging including Bed & Breakfast and Hospitality House• Funeral home, funeral parlor, mortuary, undertaking establishment, crematorium, pet crematorium• Palmist, psychic, medium, fortune telling |
| 3. | The amount of commercial square footage within the building shall not exceed 13,100 Square Feet. |
| 4. | Residential density shall not exceed 261 units. |
| 5. | All parking on site shall be limited to a parking structure. Surface parking on site shall be prohibited. |
| | |
| | |
| | |
| | |
| | |
| | |

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 Dustin Downey |
|---|------------------------------------|



Planning & Development

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

Rezoning Application Addendum

| Comprehensive Plan Analysis | OFFICE USE ONLY |
|---|--|
| <p>The applicant is asked to analyze the impact of the rezoning request. State Statutes require that the rezoning either be consistent with the adopted Comprehensive plan, or that the request be reasonable and in the public interest.</p> | <p>Transaction Number 373 994 Zoning Case Number Z-32-13</p> |

| 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 proposed zoning, CUD OX-7-UL, is consistent with the 2030 Comprehensive Plan future land use designation. The Future Land Use Map categorizes this parcel as Office Residential Mixed-Use. The proposed building, which is currently under construction, is a Mixed-Use building which contains residential units and limited commercial square footage at the ground floor. The Office Residential Mixed-Use category encourages medium density residential and retail which is ancillary to employment and residential uses. |
| 2. | The Raleigh Urban Form Map designates this property within the Downtown Center and within the Transit Stop ½ Mile Buffer. The proposed zoning, CUD OX-7-UL, provides for a mixed-use development with higher density and close proximity which benefits the use of the Transit Stop. The site is also located less than one-half block from St. Mary's Street, which is indicated as a Transit Emphasis Corridor. |
| 3. | The proposed zoning and building, which is currently under construction, is consistent with the following policies within the 2030 Comprehensive Plan: LU 1.2-Future Land Use Map and Zoning Consistency, LU 1.3-Conditional Use District Consistency, LU 2.6-Zoning and Infrastructure Impacts, LU 4.5-Connectivity, LU 4.7-Capitalizing on Transit Access, LU 4.8-Station Area Land Uses, LU 5.4-Density Transitions, LU 8.12-Infill Compatibility, LU 10.3-Ancillary Retail Uses, EP 3.12-Mitigating Stormwater Impacts, UD 5.1-Contextual Design, UD 6.1-Encouraging Pedestrian-Oriented Uses, UD 7.3-Design Guidelines, DT1.13-Downtown Transition Areas and DT 1.15-High Density Development. |
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| PUBLIC BENEFITS | |
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| Provide brief statements regarding the public benefits derived as a result of the rezoning request. | |
| 1. | The rezoning has been proposed with conditions that alleviate any increase in residential density, building height, or commercial square footage. This site is currently under construction and we are not requesting a zoning change for physical building changes from what has been previously approved. |
| 2. | With approval of the rezoning request, the types of ancillary retail and office provide more flexibility which benefits the community. The proposed rezoning classification still eliminates uses that may be considered undesirable for the local community, but allows for a wider range of uses that are generally considered desirable for residential and office within the area. |
| 3. | Under the current zoning, O&I-1, signage is not allowable to attract outside clientele to uses other than Medical or Dental office. The proposed rezoning would allow for such signage which is more inviting as a neighborhood amenity rather than appearing internally focused and not a part of the greater community. |
| 4. | The public benefits from the proposed rezoning as a Conditional Use District because ultimately it provides more limitations to the zoning classification than if there were no conditions proposed. In the future, the City of Raleigh is going to rezone all properties within its jurisdiction, and in most cases, without conditions. To further justify this proposed rezoning classification, it is consistent with what the City of Raleigh has indicated as appropriate under the Zoning Conversion Reference. |

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.

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| 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>Response: The development, which is currently under construction, provides ancillary retail and office space which will complement the existing neighborhood residential and office. The project will provide a very pedestrian friendly streetscape and appearance which will provide connectivity to and from the mixed-use development.</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>Response: The building is comparable in height to the existing multi-family residential building located directly across Tucker Street and is consistent with improvements to streetscape and landscaping.</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>Response: Because this site is located within the Downtown Center, connectivity to and from exists and will remain.</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>Response: This site is an urban infill location and existing streets provide interconnectivity among adjoining developments.</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>Response: Existing public streets bound two sides of this development and an existing public alley bounds a third property line. Vehicular access to these has been limited to provide more contiguous and safer sidewalk for pedestrians.</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>Response: The building aligns both public streets and the parking, all within a garage, is internal to the site and lined by building. The loading area has been located to the side of the property.</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>Response: The building is located within 25 feet of both Tucker Street and North Boylan Avenue, which should be considered pedestrian-oriented streets. As mentioned above, off-street parking has been located within a parking garage on site and has been lined by building for aesthetic quality.</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>Response: The site is located at the intersection of Tucker Street and North Boylan Avenue and the building is placed on the corner.</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>Response: Urban open space, due to the size of this property and its urban infill location, has been provided in the way of improved pedestrian friendly streetscape.</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>Response: See response in 9 above.</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>Response: This development defines its urban open space as the pedestrian friendly streetscape. The ancillary retail and office space located within the ground floor of the building will promote pedestrian traffic and is further enhanced by the higher density residential in the floors above.</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>Response: The building fronts the entirety of the streetscape creating a visually appealing streetscape comfortable for pedestrians.</p> |
| 13. | <p><i>New public spaces should provide seating opportunities.</i></p> <p>Response: The streetscape is intended to provide opportunities for seating in the way of café tables & chairs as well as benches which the ancillary retail and office users in the ground floor can provide.</p> |

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| 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>Response: There are no parking lots provided in this development.</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>Response: There are no parking lots provided in this development.</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>Response: Significant architectural detail and care have been considered and given to the parking structure. The approved building elevations included this detail for screening the structure and were a collaborative effort by the community and the City of Raleigh review agencies.</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>Response: This development is higher density with its residential and commercial uses and it is located within the Transit Stop ½ Mile Buffer area. St. Mary's Street, less than one-half block to the west, is also considered a Transit Emphasis Corridor.</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>Response: The entirety of the development street frontage has provided pedestrian access to adjacent sidewalks to improve the overall pedestrian network.</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>Response: No slopes greater than 15 percent, watercourses, or floodplains existed on this urban infill site.</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>Response: No new streets are part of this development.</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>Response: The development provides for the minimum 14' streetscape except for a couple of approved encroachments for ground floor access to residential units which helps activate the streetscape along North Boylan Avenue. Along Tucker Street, the sidewalks provided are greater than 14' and includes tree grates which further expands the usable area.</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>Response: Street trees have been provided at a consistent spacing along Tucker Street and North Boylan Avenue effectively providing shade for the improved sidewalks.</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>Response: The building is consistent with the height of the existing multi-family building across Tucker Street. The face of the building aligns the entire length of public street frontage giving spatial definition.</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>Response: The front façade of the building along Tucker Street is ancillary retail and office space and will provide entrances which face the public street. Due to the topography of the site along North Boylan Avenue, entrances to the residential has been provided in the way of stoops and a common entry to the residential above which also faces the public street.</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>Response: With the ground floor of this building provided as ancillary retail and office, windows and entrances will be provided along the sidewalk. Where entrances to these uses or the residential are not shown, landscaping and architectural details have been included to consistently provide interest along the streetscape. It should be noted that with this proposed rezoning, if approved, the development will have more opportunity to provide signage and/or awnings which is encouraged under this guideline.</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>Response: As mentioned in the responses above, the entirety of the public street frontage has been designed to provide a pedestrian friendly streetscape. The uses within the project will provide an activated streetscape where casual social interaction can occur.</p> |

SOUTHERN LAND COMPANY

425 North Boylan Rezoning

Summary of Issues

A neighborhood meeting was held on Tuesday October 15, 2013 to discuss a potential rezoning located at 425 North Boylan Avenue. The neighborhood meeting was held at 6:00 PM at the SLC Construction Office located at 710 West North Street. There were approximately zero (0) neighbors in attendance. The general issues discussed were:

- No items were discussed since there were no neighbors in attendance.

SOUTHERN LAND COMPANY

425 North Boylan Rezoning

Neighborhood Meeting held Tuesday October 15, 2013 at 6:00 PM

Attendee List:

Name

SHANE WHITE

Dustin Downey

Address

106 FINE CANE, FRANKLIN, TN 37067

1550 W. McEwen Drive Franklin,
TN