

Ordinance (2012)119ZC679

Effective: November 6 2012

Z-34-12 (SSP-6-12) – Park Avenue and Ashe Avenue Conditional Use - located Southwest of Hillsborough Street, between Ashe Avenue and Park Avenue, being Wake County PIN(s), 1704106180, 1704108072, 1704106017, 1703196982, 1703197985, and 1704107141.. Approximately 1.61 acre(s) is rezoned from Residential-20 and Industrial-2 Conditional Use District with Pedestrian Business Overlay District to Industrial Conditional use District with Pedestrian Business Overlay District and amend the associated Hillsborough Morgan Streetscape and Parking Plan.

Conditions Dated: 10/26/12

Narrative of conditions being requested:

Prohibited Uses

(a) The following uses, as listed in the Schedule of Permitted Land Uses in Zoning Districts in section 10- 2071 of the Raleigh City Code, shall be prohibited on the Property:

- mini warehouse storage facility
- airfield landing strip
- heliport
- cemetery
- correctional/penal facility - governmental and non-governmental
- crematory
- funeral home
- adult establishment
- carwash facility
- kennel/cattery
- vehicle sales/rental
- automotive service and repair facility
- pawn shop
- rifle range - all kinds
- bottling plant;
- bulk products (storing, sorting and breaking)
- bulk storage of flammable and combustible liquids
- incinerator
- machine shop
- manufacturing - restricted and general
- mining and quarrying
- outdoor storage - all kinds
- scrap materials - indoor storage
- solid waste - indoor and outdoor reclamation and landfill
- terminal, facility, railroad, roundhouse and depot
- gas plant
- power plants - other power plants

- warehousing/distribution center
- wholesale laundry, dyeing and dry cleaning
- camp
- outdoor stadium/theater/amphitheatre/racetrack
- riding stable
- fraternity/sorority house
- convention center/assembly hall
- exterminating service
- railroad freight station or stop

(b) No more than 30% of the total number of dwelling units located within any single “group housing development” or “multi-family dwelling development” as defined by the Raleigh City Code shall contain more than two bedrooms.

(c) No special use permit allowing outdoor amplified entertainment after 11:00 p.m. shall be issued for any use developed on the Property.

Mixed-Use Development & Pedestrian Orientation

(d) Upon redevelopment, building elevations fronting along Ashe Avenue and Park Avenue shall have active uses along at least 50% of their frontage at sidewalk level and on upper floors. For the purposes of this condition (d), active uses are defined as residential (including units accessed by stoops), commercial (other than parking facilities listed in the Schedule of Permitted Land Uses in Zoning Districts), office, restaurant and/or retail sales (other than retail sales-highway) that front the right of way and have at grade access, except for upper floors, where any use listed in the Schedule of Permitted Land Uses in Zoning Districts (other than parking facilities listed in the Schedule of Permitted Land Uses in Zoning Districts) that is not otherwise prohibited by the City Code or this rezoning ordinance is allowed.

(e) Parking below buildings and/or surface parking shall conform to Hillsborough Morgan Streetscape and Parking Plan. No parking lot lights, or lights within parking structures shall cast glare outside of the property per City of Raleigh lighting ordinance. (parking screening is handled in the Hillsborough Morgan Streetscape and Parking Plan). Any development on the subject Property shall be parked on the development site per the Hillsborough Morgan Streetscape and Parking Plan.

(f) Building facades fronting public rights-of-way will have no more than 50 feet of unbroken plane. Balconies, bays or building steps of at least two feet may be used to relieve facades.

(g) Upon redevelopment, development on those properties located west of Ashe Avenue and rezoned as part of Z-11 10 and this rezoning ordinance (collectively “Properties West of Ashe Avenue”) shall consist of no less than two buildings. The building footprint of any single building located on the Properties West of Ashe Avenue shall not exceed sixty-five percent (65%) of the total site area of the Properties West of Ashe Avenue.

(h) Upon redevelopment, residential density on the Properties West of Ashe Avenue shall not exceed 175 dwelling units. Upon redevelopment, the Properties West of Ashe Avenue shall have a minimum of 4,000 square feet floor area gross of street level retail sales/commercial uses (other than parking facilities listed in the Schedule of Permitted Land Uses in Zoning Districts), Upon redevelopment, no single retail tenant space may exceed 20,000 square feet floor area gross. Retail uses on the Properties West of Ashe Avenue shall be restricted to ground level.

(i) There shall be no drive-through window located on the subject properties.

Open Space

(J) Upon redevelopment, a minimum of 5% of the area of the Properties West of Ashe Avenue will be private open space for use by residents, such as balconies, courtyards, roof decks and pool areas. In addition to the 5% of private open space provided by the first sentence of this rezoning condition (j), an additional 5% of the area of the Properties West of Ashe Avenue will be open space accessible by the general public, including at a minimum lawns, greens, play areas, planted areas, pathways, plazas or other similar areas.

Public Improvements

(k) Mitigation requirements for any traffic impacts associated with a traffic impact analysis completed for any development on the subject properties cannot include the widening of Ashe Avenue. The prohibition on any such widening does not include driveways or turn lanes required by the City of Raleigh and North Carolina Department of Transportation. The foregoing condition shall not eliminate the need to mitigate traffic conditions required by the City Code or by traffic safety.

(l) Upon redevelopment of the Properties West of Ashe Avenue, Park Drive will be realigned to meet Hillsborough Street at a 90 degree angle (known as the ‘prewar alignment’), subject to approval by the North Carolina Department of Transportation and the City of Raleigh.