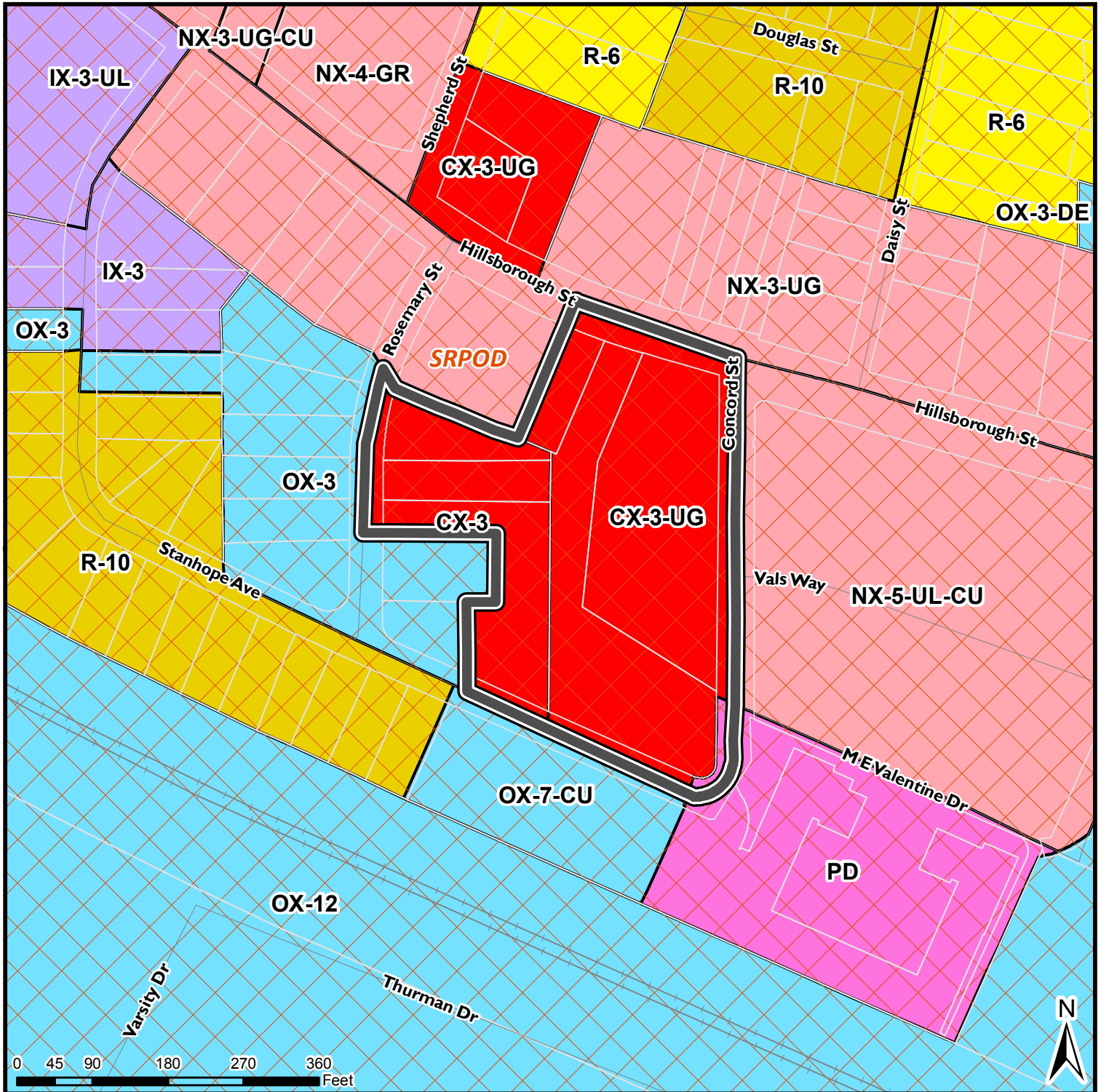


Adopted Zoning Map

Z-41-2015



**Submittal
Date**

11/2/2015

Request:

**3.22 acres from
NB & IND-2 w/SRPOD
to NX-4-UL-CU**

VICINITY MAP





Certified Recommendation

Raleigh Planning Commission

CR# 11686

Case Information: Z-41-15 – Hillsborough Street

<i>Location</i>	Hillsborough Street, south side, extending south between Rosemary and Concord streets to Stanhope Avenue Addresses: 3101, 3105 & 3107 Hillsborough Street, 3112 Stanhope Street, 5 & 7 Rosemary Street PINs: 0794523525, 0794523298, 0794524349, 0794522408, 0794522403, & 0794522382
<i>Request</i>	Rezone property from Commercial Mixed Use-3 stories and Commercial Mixed Use-3 stories-Urban General with Special Residential Parking Overlay District (CX-3 & CX-3-UG w/SRPOD) to Neighborhood Mixed Use-4 Stories-Urban Limited-Conditional Use w/ Special Residential Parking Overlay District (NX-4-UL-CU w/SRPOD)
<i>Area of Request</i>	3.22 acres
<i>Property Owner</i>	Rose Mary Developments LLC 3101 Hillsborough Street Raleigh, NC 27607-5436
<i>Applicant</i>	Lacy Reaves: 919-821-6704; lreaves@smithlaw.com ; Blair Sweeney: 704-665-5356; bsweeney@landmark-properties.com
<i>Citizens Advisory Council (CAC)</i>	Wade: Donna Bailey, Chair: donna.bailey.nc@gmail.com
<i>PC Recommendation Deadline</i>	April 11, 2016

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>	Neighborhood Mixed Use (areas w/n 150' of Hillsborough St.); Office & Residential Mixed Use (rest of site)
<i>URBAN FORM</i>	Center: <i>(None specified.)</i> Corridor: Main Street/ Transit Emphasis (Hillsborough Street) Within ½ Mile Transit Stop Buffer? Yes.
<i>CONSISTENT Policies</i>	Policy LU 1.2 - Future Land Use Map and Zoning Consistency Policy LU 1.3 - Conditional Use District Consistency Policy LU 4.7 - Capitalizing on Transit Access Policy LU 6.4 - Bus Stop Dedication Policy LU 10.3 - Ancillary Retail Uses Policy LU 10.6 - Retail Nodes Policy UD 1.10 - Frontage Policy UD 2.3 - Activating the Street

	Policy UD 3.11 - Parking Structures Policy UD 6.1 - Encouraging Pedestrian Oriented Uses Policy UD 7.3 - Design Guidelines Policy AP-SV 1 - Hillsborough Street Building Frontages Policy AP-SV 4 - Residential Uses Policy AP-SV 8 - Stanhope Village Scale Transitions Policy AP-SV 13 - Stanhope Village Parking Design
<i>INCONSISTENT Policies</i>	Policy UD 5.4 - Neighborhood Character and Identity Policy UD 5.5 - Areas of Strong Architectural Character Policy HP 3.1 - Adaptive Use Policy HP 3.2 - Retention over Replacement Policy AP-SV 2 - Concord Street as a Public Space Policy AP-SV 3 - Concord Street Land Uses Policy Policy AP-SV 5 - Entry Stoops for Stanhope Village Housing Policy AP-SV 6 - Stanhope Village Balconies Policy AP-SV 7 - Concord Street Flexible Shoulder Zone Policy AP-SV 10 - Pedestrian Access Within Stanhope Village Policy AP-SV 12 - Stanhope Village On-Street Parking

Summary of Proposed Conditions

1. Parking structure to contain most of required site parking; structure to be screened; no vehicular entrances on Hillsborough, Rosemary, or Stanhope (pending City approval).
2. Certain uses prohibited.
3. Streetwall to extend along Hillsborough Street.
4. Articulation of Hillsborough Street façade with balconies and recesses specified.
5. Transit easement/ shelter offered on Hillsborough Street.
6. Exterior materials specified.
7. Historic “tractor” sign to be retained (if permitted); awning design and material options specified.
8. No entrances to site retail sales permitted from Rosemary Street.
9. Minimum percentage of building to contain residential uses specified; on Rosemary Street: non-opening windows proposed, balconies prohibited within specified distance of street centerline (but beyond that distance permitted), balcony design specified.
10. Minimum building setback and stepback on Rosemary Street specified.
11. Maximum building height at and minimum stepback from the property at Rosemary/ Stanhope corner specified.
12. Pitched roof specified.
13. Screening of rooftop pool area specified.
14. Improvements and public access to space on Rosemary Street specified.
15. No more than 50% of the dwelling units will include 4 or more bedrooms.
16. Minimum of 5,000 square feet of the building floor area will be used for one or more of the following uses: Indoor Recreation, Office, Personal Service, Restaurant/Bar, Retail Sales. This space will have direct access to Hillsborough Street or Concord Street not farther than 75 feet from Hillsborough Street right of way.

--amended 4/8/16

Public Meetings

<i>Neighbor Meeting</i>	<i>CAC</i>	<i>Planning Commission</i>	<i>City Council</i>	<i>Public Hearing</i>
9/17/15	12/8/15: Y- 3; N- 22; Returned--1/26/16: Y- 10; N- 15	1/12/15 (deferred); 1/26/16 (deferred); 2/9/16 (recommends approval)	2/16/16 (held); 3/1/16; 4/19/16	4/5/16 (hearing closed; deferred action)

Attachments

1. Staff Report
2. Traffic Study Worksheet

Planning Commission Recommendation

<i>Recommendation</i>	Approve, but with additional condition to be added before scheduling a Public Hearing. The commission recommends that before City Council schedules a public hearing that an additional condition be offered by the applicant to include provision of a “pocket park” on Rosemary Street, and that public access to that amenity be part of the condition. In order to allow the applicant to submit additional conditions, City Council may hold this item or refer it to committee for further discussion.
<i>Findings & Reasons</i>	<ol style="list-style-type: none"> 1. The proposal is consistent with the Future Land Use Map, Urban Form Map, and many pertinent policies of the Comprehensive Plan. 2. The proposed rezoning is reasonable and in the public interest. The proposal would permit predominantly-residential, mixed-use development in close proximity to the North Carolina State University campus, on a designated Main Street/ Transit Emphasis Corridor. 3. The proposal is compatible with the surrounding area. Conditions help mitigate potential impacts on the adjacent neighborhood, and promote pedestrian-oriented uses.
<i>Motion and Vote</i>	Motion: Terando Second: Alcine In Favor: Alcine, Braun, Fluhrer, Lyle, Swink, Terando, Tomasulo and Whitsett Opposed:

This document is a true and accurate statement of the findings and recommendations of the Planning Commission. Approval of this document incorporates all of the findings of the attached Staff Report.

Planning Director	Date	Planning Commission Chairperson	Date
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Staff Coordinator: Doug Hill: (919) 996-2622; Doug.Hill@raleighnc.gov



Zoning Staff Report – Case Z-41-15

Conditional District

Case Summary

Overview

The proposal seeks to rezone the property to permit taller buildings and more extensive residential use of the site than would be possible under the existing zoning, or the zoning which will be in effect under the approved UDO remapping. Currently, the southern two-thirds of the site are restricted to non-residential uses under its Industrial-2 zoning; the northern portion, along Hillsborough Street, is zoned Neighborhood Business.

UDO remapping would result in Commercial Mixed Use-3 stories (CX-3) zoning across the entire site, with the addition of Urban General (UD) frontage on the eastern half (i.e., properties fronting the Hillsborough Street corridor). The proposal requests Neighborhood Mixed Use-4 stories-Urban Limited frontage-Conditional Use across the entire site. The request would eliminate some uses allowed outright or conditionally under the UDO's CX remapping (e.g., fraternity/ sorority, university, hotel, food truck, pawnshop, or self-service storage), and others possible under Special Use permit (e.g., adult establishment). The maximum height permitted on site would increase from 3 stories/ 50 feet to 4 stories/ 62 feet.

The subject site and neighborhood to the west form the southwest corner of the West Raleigh National Register Historic District. At the northwest corner of the rezoning site stands the former North Carolina Equipment Company building, built in 1936, and noted for its rooftop sign depicting a tractor. Most recently, the building has been occupied by a software firm, which after building an addition has used most of the rest of the site for surface parking. Until 2012, the two site parcels facing Rosemary contained houses, but are today vacant.

The Stanhope neighborhood immediately west consists of one and two-story residential structures which mostly date from the early 20th Century. Zoning there is Residential Business. Northwest, at the Hillsborough/ Rosemary intersection, is the three-story, c. 1940 College Crest apartment building, zoned Neighborhood Business. Southwest, at the Rosemary/ Stanhope intersection, is a telecommunications tower and single-family residence, both zoned Industrial-2.

Parcels to the south and east of the site have undergone significant redevelopment in the past 5 years, with the 10-story Valentine Commons student housing complex backed up to the NCRR tracks, joined by the 5-story Stanhope mixed-use block fronting Hillsborough Street. Both are immediately across Concord Street from the subject site. South of the site is a 7-level parking deck, containing some ground-floor office spaces at street level on the northeast; however, deck height steps down to two stories/ three levels toward the Stanhope neighborhood.

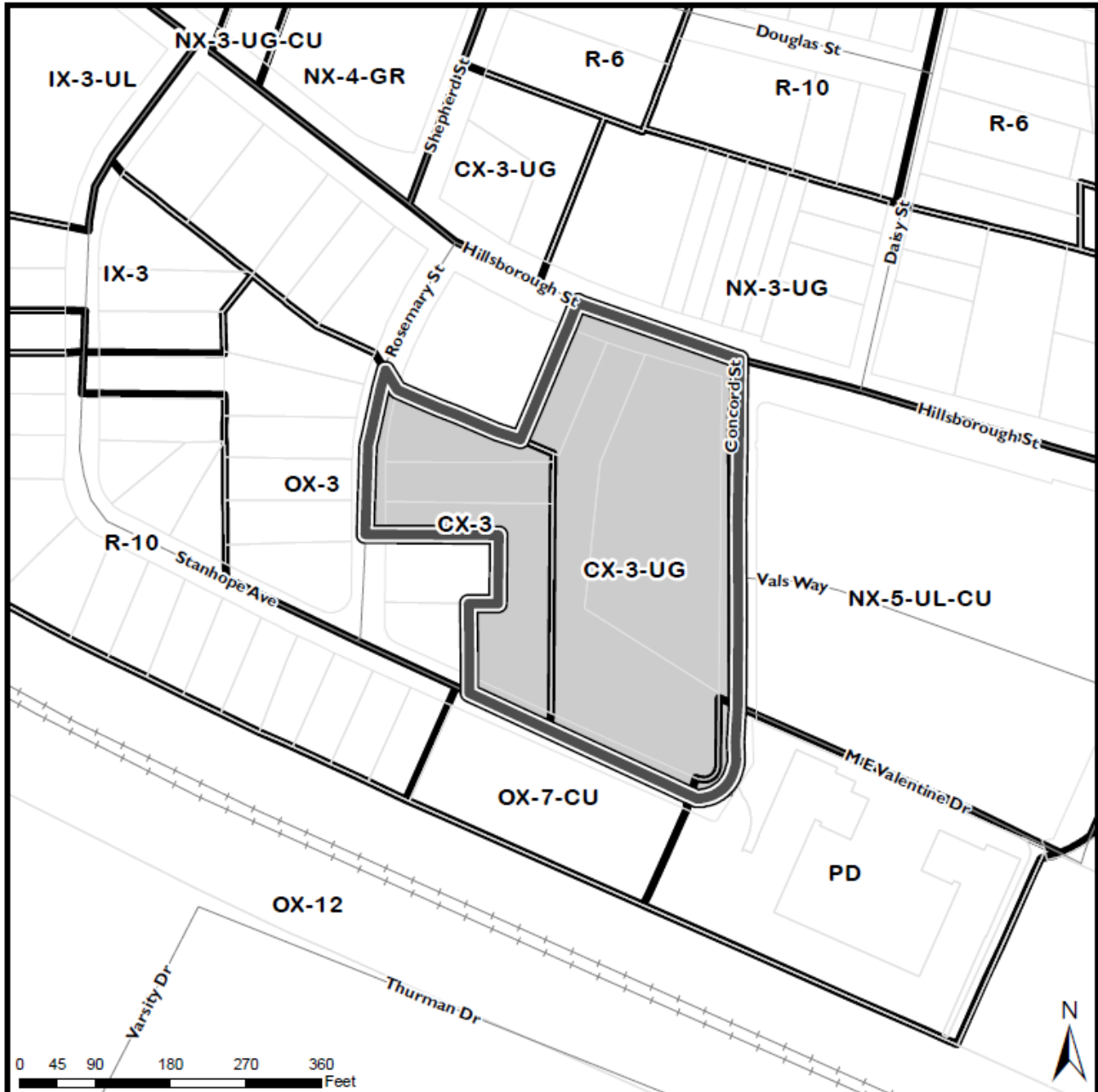
Site frontage lies at grade at along Hillsborough, Rosemary, and Concord streets, but is lower than much of the Stanhope Avenue frontage; site grade behind the neighboring residential parcel at the corner of Stanhope and Rosemary is approximately 6 feet below the rear of the house lot.

Outstanding Issues

<i>Outstanding Issues</i>	<ol style="list-style-type: none">1. Sewer and fire flow matters may need to be addressed upon development.2. Potential loss of historic resource.	<i>Suggested Mitigation</i>	<ol style="list-style-type: none">1. Address sewer and fire flow matters at the site plan stage.2. Condition reuse of the historic building.
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Existing Zoning Map

Z-41-2015



**Submittal
Date**

11/2/2015

Request:

3.22 acres from
CX-3 & CX-3-UG w/SRPOD
to **NX-4-UL-CU w/SRPOD**

VICINITY MAP



Rezoning Case Evaluation

1. Compatibility Analysis

1.1 Surrounding Area Land Use/ Zoning Summary

	Subject Property	North	South	East	West
Existing Zoning	Commercial Mixed Use-3 stories & Commercial Mixed Use-3 stories-Urban General	Neighborhood Mixed Use-3 stories-Urban General; Commercial Mixed Use-3 stories-Urban General	Office Mixed Use-7 stories-Conditional Use; Planned Development	Neighborhood Mixed Use-5 stories-Urban Limited-Conditional Use; Planned Development	Neighborhood Mixed Use-3 stories-Urban General; Office Mixed Use-3 stories; Residential-10
Additional Overlay	Special Residential Parking	Special Residential Parking	Special Residential Parking	Special Residential Parking	Special Residential Parking
Future Land Use	Neighborhood Mixed Use; Office & Residential Mixed Use	Neighborhood Mixed Use	Office & Residential Mixed Use; High Density Residential	Neighborhood Mixed Use; High Density Residential	Office & Residential Mixed Use
Current Land Use	Office; Surface Parking; Vacant	Retail	Structured Parking; Offices; Student Residences	Mixed Use; Student Residences	Single-Unit Living; Communications Tower
Urban Form	Main St./ Transit Emphasis Corridor; w/n Transit Buffer	Main St./ Transit Emphasis Corridor; w/n Transit Buffer	Within ½ Mile Transit Buffer	Within ½ Mile Transit Buffer	Within ½ Mile Transit Buffer

1.2 Current vs. Proposed Zoning Summary

	Existing Zoning	Proposed Zoning*
Residential Density:	2.48 DUs/ acre (8 DUs max.)	157.14 DUs/ acre (506 DUs max.)
Setbacks (min.):	<u>NB</u>	<u>IND-2</u>
Front:	30'	0'
Side:	0'	0'
Rear:	0'	0'
Retail Intensity Permitted:	82,000	90,000
Office Intensity Permitted:	255,000	104,000

1.3 Estimated Development Intensities

	Existing Zoning	Proposed Zoning*
<i>Total Acreage</i>	3.22	3.22
<i>Zoning</i>	NB & IND-2 w/ SRPOD	NX-4-UL-CU w/ SRPOD
<i>Max. Gross Building SF</i>	255,000	357,000
<i>Max. # of Residential Units</i>	8	506
<i>Max. Gross Office SF</i>	255,000	104,000
<i>Max. Gross Retail SF</i>	82,000	90,000
<i>Max. Gross Industrial SF</i>	69,000	-0-
<i>Potential F.A.R.</i>	1.82	2.55

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

The proposed rezoning is:

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

☒ **Incompatible.**

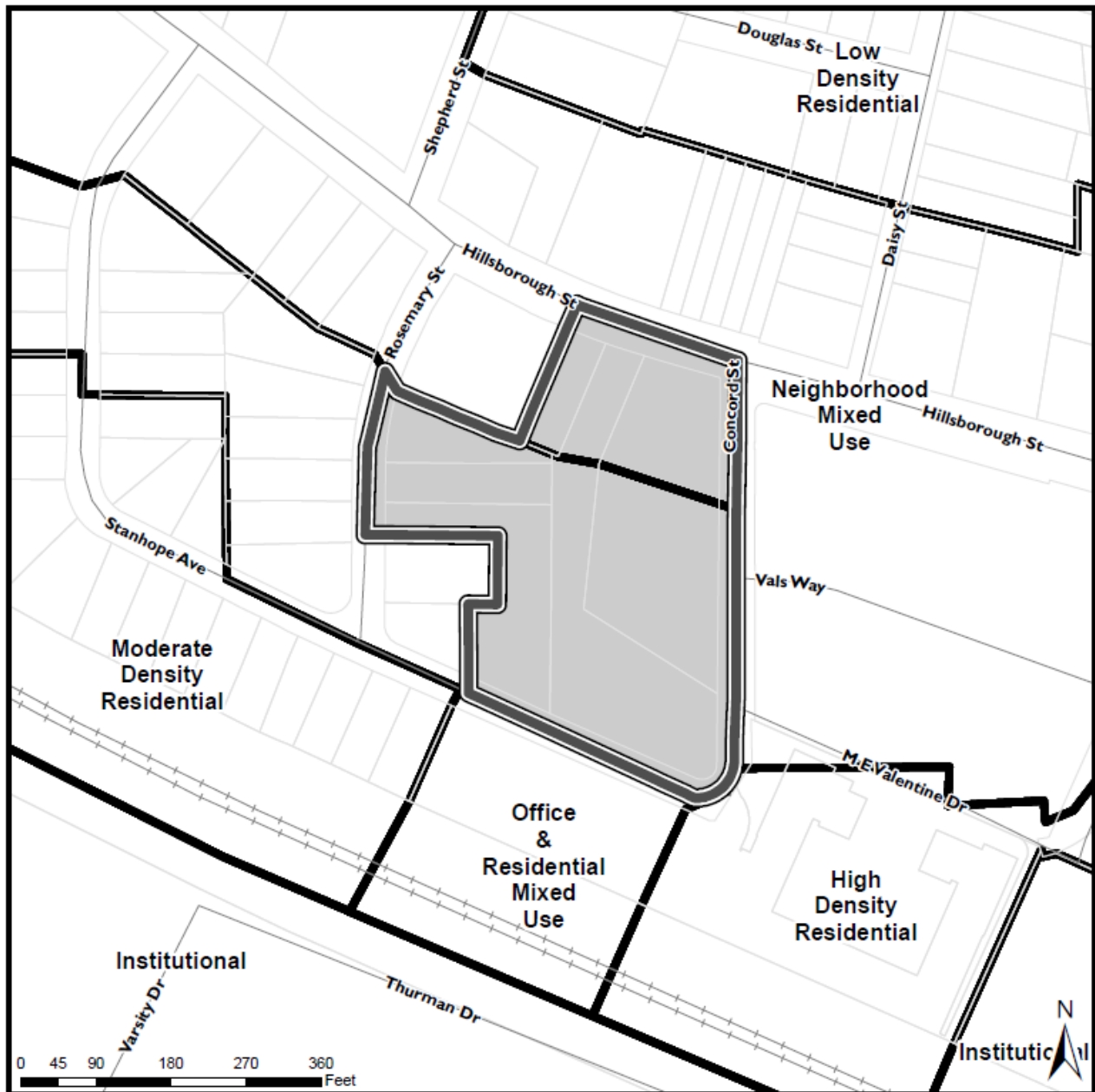
Analysis of Incompatibility:

While structures of greater heights than that proposed exist east and south of the site (i.e., Stanhope Center), the conditioned transitions to residential properties on Rosemary Street could place a continuous 3-story/ 50-foot building wall 10 feet from the street's east right-of-way, then stepping up to 4-stories/ 62-feet 50 feet from the right-of-way. With the exception of the 3-story apartment building at the Hillsborough/ Rosemary corner (which fronts Hillsborough Street), nearby dwellings are no more than two stories in height; several directly across Rosemary Street are only one story. Setbacks of those houses are 20 to 30 feet from the right-of-way; the corner apartment building is setback more than 65 feet from Rosemary Street. The right-of-way on Rosemary is approximately 40 feet wide. Case conditions would also allow a 3-story/ 50-foot building to be built at the rear lot line of the single-family residential property at the corner of Rosemary and Stanhope. That house is 2 stories tall. Amended conditions do propose pitched roofs on site buildings, but of comparatively shallow minimum slope (2":12").

The west elevation of the parking deck on the south side of Stanhope Avenue, built as part of the Valentine Commons student housing complex, is less than 40 feet tall (including parapet wall) and set back some 45 feet from the neighboring house to the west (and positioned behind a fence and extensive landscaping). The building continues at roughly that level some 100 feet eastward before rising to its finished height (7 levels).

Future Land Use Map

Z-41-2015



Submittal
Date

11/2/2015

Request:

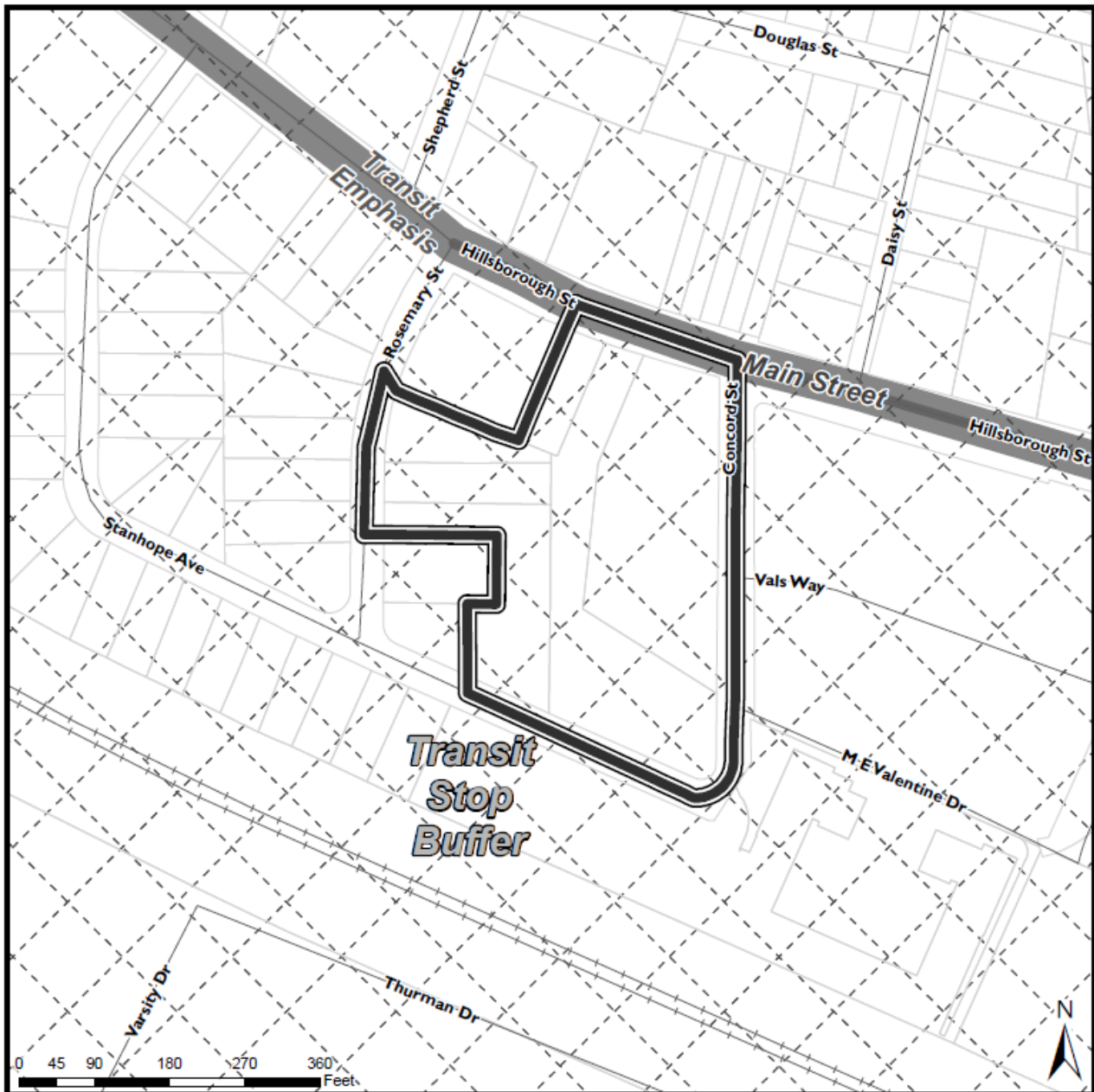
3.22 acres from
CX-3 & CX-3-UG w/SRPOD
to **NX-4-UL-CU**
w/ SRPOD

VICINITY MAP



Urban Form Map

Z-41-2015



Submittal
Date

11/2/2015

Request:

3.22 acres from
CX-3 & CX-3-UG w/SRPOD
to **NX-4-UL-CU**
w/SRPOD

VICINITY MAP



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 Future Land Use Map, which envisions a mix of retail, office and residential uses on site, focused on the Hillsborough Street corridor. It is consistent with the Urban Form Map, which designates Hillsborough Street as Main Street/ Transit Emphasis Corridor. While the map does not show the site to be within a designated Center, it does indicate it is within a Half-Mile Transit Stop buffer. The Comprehensive Plan denotes such locations as being part of a "Core/ Transit" area (pp. 36-36.1) for purposes of considering appropriate height. Sites so designated, when in Neighborhood Mixed Use areas, carry a recommended minimum building height of 2 stories and maximum of 5 stories; in Office & Residential Mixed Use areas, the minimum noted is 2 stories and the maximum is 7 stories.

However, while consistent with some Comprehensive Plan policies, the proposal potentially conflicts with others, including design and transition provisions included in the Stanhope Village Area Plan.

Existing community facilities and streets appear sufficient to accommodate redevelopment possible under the proposed rezoning.

2.2 Future Land Use

Future Land Use designations: Neighborhood Mixed Use (w/n 150' of Hillsborough St.);
Office & Residential Mixed Use (rest of site area)

The rezoning request is:

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

☐ **Inconsistent**

Analysis of Inconsistency:

(N/A)

2.3 Urban Form

Urban Form designations: Center: (None specified)
Corridor: Main Street/ Transit Emphasis (Hillsborough Street)
Within Half-Mile Transit Stop Buffer

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

The rezoning request is:

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

☐ **Inconsistent**

Analysis of Inconsistency:

(N/A)

2.4 Policy Guidance

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

Policy UD 5.4 - Neighborhood Character and Identity

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

Policy UD 5.5 - Areas of Strong Architectural Character

Preserve the architectural continuity and design integrity of historic districts and other areas of strong architectural character. New development within such areas does not need to replicate prevailing architectural styles exactly but should be complementary in form, height, and bulk.

The Stanhope neighborhood represents an area of identifiable character, as denoted by its inclusion in the West Raleigh National Register Historic District. As noted in the Compatibility analysis above, the setback and stepbacks conditioned on the east side of Rosemary Street could result in height and bulk contrasting with existing single-family residential construction; and have less than one-third the setback from Rosemary of the 3-story apartment building which faces Hillsborough Street. The height of the west façade of the parking deck recently constructed on Stanhope Avenue is less than 40 feet tall facing the neighborhood, and remains approximately at that level 100 feet eastward.

Policy HP 3.1 - Adaptive Use

Encourage adaptive use of historic properties to preserve cultural resources and conserve natural resources.

Policy HP 3.2 - Retention Over Replacement

Encourage the preservation and rehabilitation of significant or contributing existing structures, favoring retention over replacement, especially in areas where other historic resources are present.

The neighborhood and subject site form the southwest corner of the West Raleigh National Register Historic District. The former North Carolina Equipment Company building is listed as a "Contributing" structure in defining historic district character. The proposed zoning does not address retention or adaptive use of the building.

2.5 Area Plan Policy Guidance

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

Policy AP-SV 2—Concord Street as a Public Space

Concord Street should serve as the primary public space and entry feature for the area. This street should include on-street parking and areas for public seating and temporary events, such as markets or festivals.

Policy AP-SV 3—Concord Street Land Uses

Concord Street should be an active pedestrian-oriented street with diverse retail, restaurant, and entertainment uses on the ground floor and with mostly residential and some office uses above.

Policy AP-SV 7—Concord Street Flexible Shoulder Zone

A multi-use zone should be provided on Concord Street between the travel lanes and the sidewalk. This land should serve as convenience diagonal parking that can be incrementally converted into outdoor seating and dining or other periodic uses such as a street fair or a Saturday morning market.

The policies above envision Concord Street as the focal point of public space and on-site activity, with specific site features identified to emphasize and enhance that focus. The rezoning request does not address these policies, and is conditioned such that sole access to site structured parking could be off Concord.

Policy AP-SV 5—Entry Stoops for Stanhope Village Housing

Ground level residential uses in Stanhope Village should provide entry stoops and landscaped stoop yards fronting the street.

Policy AP-SV 6—Stanhope Village Balconies

Upper floor residential units should have balconies.

The above policies note specific building features designed to transition between site public space and residential components. The rezoning request does not address Policy AP-SV5, which could provide added means for transitioning to the neighborhood. While Condition 4 provides for balconies facing Hillsborough Street, the proposal does not address construction of balconies on Concord Street and Stanhope Avenue. Condition 9 prohibits balconies within 55 feet of the centerline of Rosemary Street, although it allows “Juliet” style balconies beyond that distance.

Policy AP-SV10 - Pedestrian Access Within Stanhope Village

Pedestrian and bicycle access to and within Stanhope Village is crucial and should be a central focus of the circulation system. New and existing streets should have narrow travel lanes, very low vehicular speeds, and clear preference given to pedestrians at pedestrian/ auto crossings.

Policy AP-SV12 - Stanhope Village On-Street Parking

Maximize the utilization of curb space for on-street parking in the Stanhope Village Area.

The proposal does not address these policies.

3. Public Benefit and Reasonableness Analysis

3.1 Public Benefits of the Proposed Rezoning

- Provision of compact, walkable residential development in close proximity to NSCU campus, and future rail access.
- Potential for new ground floor commercial development along Hillsborough Street.

3.2 Detriments of the Proposed Rezoning

- Potential loss of historic resource (former NC Equipment Company building).
- Potential for introduction of building scale and massing conflicting with the character with the adjoining neighborhood.
- Potential inconsistency with provisions of the Stanhope Village Area Plan (e.g., uncertainty as to provision of on-site pedestrian-oriented amenities, beyond Hillsborough Street).

4. Impact Analysis

4.1 Transportation

The site is located on the south side of Hillsborough Street between Concord Street and Rosemary Street. This segment of Hillsborough Street currently has a three-lane cross section with curbs and sidewalks on both sides. Hillsborough Street is classified as a mixed-use street in the UDO Street Plan Map (Avenue, 3-Lane, Parallel Parking). Hillsborough Street is a transit-emphasis corridor.

The Hillsborough Street Revitalization Project, Phase II, has proposed raised medians, bike lanes and a roundabout at Rosemary/Shepherd Streets. A construction contract is due to be awarded in winter 2016; project completion is scheduled for summer 2017.

Offers of cross access to adjacent parcels shall be made in accordance with the Raleigh UDO. This site lies within a 1/2 mile buffer for a future fixed-guideway transit station on Dan Allen Drive. Site access will be addressed upon submittal of construction drawings. The block perimeter bounded by the rights-of-way for Hillsborough Street, Concord Street, Stanhope Avenue and Rosemary Street is approximately 1,700 feet. In accordance with UDO section 8.3.2, the maximum block perimeter for OX-3 zoning is 2,500 feet.

The predicted increase in PM peak hour trip volume is 43 veh/hr; the predicted increase in daily trips is 1,868 vehicles per day. A traffic impact analysis report is not required for Z-41-2015.

Impact Identified: None.

4.2 Transit

Hillsborough Street is designated a Transit Emphasis Corridor, and this section is currently served by GoRaleigh and GoTriangle. Current stops are located at Hillsborough/ Shepherd outbound and Hillsborough/ Rosemary inbound. There is an inbound shelter at Stanhope apartments, approximately 1/10 mile away.

Impact Identified: None. Increased density will increase demand for transit. However, it is not expected to exceed the capacity of the current system. The offer of a transit easement and shelter will mitigate this impact.

4.3 Hydrology

<i>Floodplain</i>	No FEMA Floodplain present.
<i>Drainage Basin</i>	Rocky
<i>Stormwater Management</i>	Subject to Part 10, Chapter 9
<i>Overlay District</i>	None.

FEMA floodplain, alluvial soils, and Neuse Riparian Buffers are not present on site. Existing stormwater infrastructure present may be within recorded Private Drainage Easements. An exemption to Article 9.2 of the UDO may be claimed if the proposed development reduces impervious area.

Impact Identified: None.

4.4 Public Utilities

	<i>Maximum Demand (current)</i>	<i>Maximum Demand (proposed)</i>
<i>Water</i>	13,053 gpd	405,625 gpd
<i>Waste Water</i>	13,053 gpd	405,625 gpd

The proposed rezoning would add approximately 405,611 gpd to the wastewater collection and water distribution systems of the City. There are existing sanitary sewer and water mains adjacent to the properties.

Impact Identified: The developer may be required to submit a downstream sanitary sewer capacity study and those required improvements identified by the study must be permitted and constructed in conjunction with and prior to the proposed development being constructed.

Verification of available capacity 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.

4.5 Parks and Recreation

No proposed or existing greenway corridor, trail or connector is located within or adjacent to the site. The nearest trail access is Rocky Branch Trail, 0.4 miles away.

Recreation services are provided by Pullen Park, 0.8 miles away. The Pullen Arts Center Improvement Project is underway and will be completed in 2018.

Impact Identified: None.

4.6 Urban Forestry

The site is made up of several parcels of less than 2 acres. UDO 9.1 Tree Conservation is required for site plans and subdivisions 2 acres and larger where trees are located in the 65-foot buffers and 50-foot thoroughfare buffer.

Impact Identified: None.

4.7 Designated Historic Resources

All properties at the subject site are within the West Raleigh National Register Historic District. The former North Carolina Equipment Company building (built 1936) is identified as a "Contributing" historic resource to the district. The site is within 1,000 feet of two Raleigh Historic Landmarks: the Wilmont Apartments (1926) and Raleigh Nehi Bottling Company Building (1937).

Impact Identified: Potential loss of historic resource. Conditions related to reuse of the building are encouraged.

4.8 Community Development

This site is not located within a redevelopment plan area.

Impact Identified: None.

4.9 Impacts Summary

- Sewer and fire flow matters may need to be addressed upon development.
- Potential loss of historic resource (former NC Equipment Company building).

4.10 Mitigation of Impacts

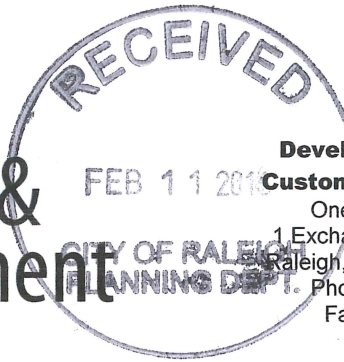
- Address sewer and fire flow capacities at the site plan stage.
- Condition reuse of the historic building.

5. Conclusions

The proposal is consistent with Future Land Use Map and Urban Form Map provisions for the site. However, it leaves unaddressed several policies of the Comprehensive Plan, particularly in regard to historic resources and provisions of the Stanhope Village Area Plan. Building placement and massing on Rosemary Street could contrast with the low-scale Stanhope neighborhood, adversely affecting built character.




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 <input type="checkbox"/> Master Plan Existing Zoning Classification: NB and I-2 with SRPOD Proposed Zoning Classification Base District: NX Height: 4 Frontage: Urban Limited with SRPOD If the property has been previously rezoned, provide the rezoning case number. Provide all previous transaction numbers for Coordinated Team Reviews, Due Diligence Sessions or Pre-Submittal Conferences. <u>Transaction Number 446133</u>	Transaction Number

GENERAL INFORMATION		
Property Address: Please see Exhibit A. The property proposed for rezoning in this case is hereafter referred to as the "Property."		Date: 2/9/16
Property PIN: Please see Exhibit A	Deed Reference (Book/Page): Please see Exhibit A	
Nearest Intersection: Hillsborough Street and Concord Street		Property size (in acres): 3.22 +/- Acres
Property Owner/Address: Rose Mary Developments LLC 3101 Hillsborough Street Raleigh, NC 27607-5436	Phone	Fax
	Email	
Project Contact Person/Address: Lacy H. Reaves and Blair Sweeney PO Box 2611 11220 Elm Lane, Suite 200 Raleigh, NC 27602-2611 Charlotte, NC 28277	Phone: Lacy Reaves: 919-821-6704 Blair Sweeney: 704-665-5356	Fax: Lacy Reaves: 919-821-6800 Blair Sweeney: 704-209-4553
	Email: lreaves@smithlaw.com and bsweeney@landmark-properties.com	
Owner/Agent Signature: Rose Mary Developments LLC By:  Vice President	Email	

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-41-15		Transaction Number
Date Submitted: 4/13/16		
Existing Zoning: CX-3 and CX-3-UG with SRPOD	Proposed Zoning: NX-4-UL with SRPOD	

NARRATIVE OF ZONING CONDITIONS OFFERED

- For purposes of these conditions, the parcels proposed for rezoning in this case, which are listed by PIN number and deed reference in Exhibit A, are referred to as the "Property." Upon development or redevelopment, at least ninety-five percent (95%) of the off-street parking spaces provided upon the Property shall be contained in a multi-level parking structure. At every level above the first floor, the parking structure shall be screened either by building space or by an exterior wall with required fenestration. Any windows, louvers, or other openings located in such an exterior wall shall be constructed in a manner that deflects to the inside direct light from vehicle headlights. There shall be no vehicular entrance to the parking structure from Hillsborough Street, Rosemary Street, or Stanhope Avenue if the City approves an entrance or entrances to the parking structure from Concord Street as the sole entrance or entrances to such structure, which the owner shall propose.
- The following uses shall be prohibited upon the Property: Vehicle Service; vehicular fuel sales; drive-in/drive-through facilities; Vehicle Sales/Rental (other than a car sharing service); and bar, tavern or lounge, except as part of a restaurant, as defined in N.C.G.S. Section 18B-1000(6).
- Except for a pedestrian portal or portals, doorways, sidewalks, plantings as required, utilities or utility strips or easements, sight triangles, any setback or setbacks, and/or any requirement imposed by a governmental authority, when the Property is developed or redeveloped, the side of a building or buildings upon the Property shall extend along, but shall not necessarily abut, the entire length of the right-of-way of Hillsborough Street. Curved and/or wrapped building corners shall be permitted and shall be deemed to satisfy the requirements of this condition with respect to the portion of the building where they are located.
- The side of any building upon the Property which directly faces and is within 50 feet of Hillsborough Street shall be articulated above the ground floor with balconies and recesses. The façade above the ground floor shall have a balcony of a minimum depth of three (3) feet or a recess of a minimum depth of two (2) feet at least every eighty (80) horizontal feet in order to provide articulation to the façade.

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 Rose Mary Developments LLC By: 	Print Name 
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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

5. Upon issuance of a building permit for a new or replacement building, if the City's Transit Division so requests, and if approved by NCDOT, the owner shall construct at its own expense a transit shelter which shall be located within the public right-of-way along Hillsborough Street or within a transit easement dedicated by the owner at a location approved by the Transit Division and by a deed of easement in a form approved by the City Attorney. If requested by the Transit Division, such shelter shall include a bench, a fifteen (15) foot wide cement foundation with an Americans with Disabilities Act required curb-cut, and a six (6) foot high channel post with mounted trash container and shall be built according to the City's standard specifications. At the owner's election, it may incorporate design and building elements and materials utilized in the development of the Property, but in such instance, the owner of the Property or a property owners' association shall maintain the shelter.
6. Each side of the building or buildings upon the Property shall be constructed from one or more of the following materials: glass, concrete and/or clay or brick masonry, stone masonry, cementitious stucco, cementitious siding, including lap and panel products, native and manufactured stone, pre-cast concrete, and metal sidings. At least 30% of any building side directly facing and within 50 feet of Hillsborough Street shall be constructed with clay and/or stone masonry (with the exception of windows and doors). The following building siding materials shall be prohibited on any building side directly facing Hillsborough Street: vinyl siding, pressure-treated wood, synthetic stucco (EIFS); however EIFS shall be allowed for trim applications such as a roof cornice. Window frames, doors, soffits, and trim may be constructed of wood, cementitious products, fiberglass, metal, or vinyl.
7. If permitted by the City, the existing "tractor" sign will be maintained upon the Property. Awnings, if installed, may be backlit or retractable, and will be made of canvas, vinyl, metal, or other materials compatible with the building materials and colors.
8. There shall be no entrance to any Retail Sales use upon the Property on any building side facing the right-of-way of Rosemary Street or Stanhope Avenue.
9. At least seventy percent (70%) of the floor area gross of the building or buildings constructed on the Property (other than parking structures) will be used for residential uses of UDO Article 6.2 permitted in the zoning district and their accessory uses. There will be no balconies on the side of any building upon the Property directly facing and within 55 feet from the current centerline of the right of way of Rosemary Street. Balconies on any other building side directly facing Rosemary Street will be "Juliet" balconies which protrude no more than eighteen inches from the side of the building. Provided that applicable building codes permit, windows on the side of any building facing Rosemary Street and within 50 feet of the Rosemary Street right of way will be secured or constructed in a manner that they will not open.

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 Rose Mary Developments LLC By:  VP	Print Name  VP
--	---


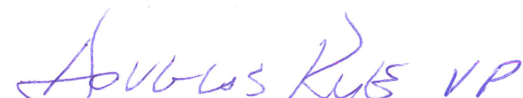


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- | | |
|-----|--|
| 10. | With respect to the portion of the Property that abuts and is within 50 feet of the right-of-way of Rosemary Street, the side of any building within such area that faces Rosemary Street will be set back not less than 10 feet from the right of way of Rosemary Street. Any building within such portion of the Property shall be no more than three stories and 50 feet in height. |
| 11. | With respect to that portion of the Property that abuts and is within 40 feet of tax parcel PIN 0794521276 (Owner: Lawrence Johns Marangos; deed recorded at Book 898, Page 88, Wake County Registry), any building within such area shall be no more than three stories and 50 feet in height. |
| 12. | Any building upon the Property shall have, or shall appear to have, a pitched roof with a pitch of at least 2 inches of vertical rise for each foot of horizontal run; provided, however, that architectural features, such as dormers and flat roofs above corner elements shall be permitted to interrupt a continuous sloped roof, and the screening of mechanical equipment shall be allowed. |
| 13. | Any swimming pool and surrounding pool deck shall be screened from the rights-of-way of Rosemary Street and Stanhope Avenue abutting the Property either by a portion of a building or by a wall that complies with applicable provisions of the UDO. The top of such portion or wall shall be not less than 6 feet higher than the elevation of the pool deck. Owner shall cause the pool to close not later than 11:00 PM local time each day. |
| 14. | Upon development, the area of the Property described in Exhibit B will remain subject to an easement and licenses granting certain rights of ingress and egress to the adjoining parcel to the south (owner: GTP Towers LLC; deed recorded at Book 12953, Page 1870, Wake County Registry), but will be improved with landscaping and benches. The public shall have access to this area. |
| 15. | No more than fifty percent (50%) of the dwelling units constructed on the Property shall include four (4) bedrooms. No dwelling unit shall have more than four (4) bedrooms. |
| 16. | At least 5,000 square feet of the gross floor area of the building constructed on the Property will be offered for lease and when leased will be used exclusively for a use or uses included within the following Use Categories defined in the indicated section of Chapter 6 of the UDO: (1) Indoor Recreation (Section 6.4.2) with the exception of adult establishment, convention center, arena, shooting range, and motor track, which will be prohibited; any health club utilized to satisfy this condition will be open to use by the public on a fee or paid membership basis; (2) Office (Section 6.4.4); (3) Personal Service (Section 6.4.9) with the exception of Animal Care (Outdoor), which will be prohibited; (4) Eating Establishment (Section 6.4.10.C); and (5) Retail Sales (Section 6.4.11). All such space will have direct access to Hillsborough Street or Concord Street not farther than 75 feet from the right of way of Hillsborough Street. Uses prohibited by Condition 2 shall not be permitted. |

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 Rose Mary Developments LLC By:  VP	Print Name  Douglas Kyle VP
---	--



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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 446133 Zoning Case Number Z-41-15

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 Neighborhood Mixed Use and Office & Residential Mixed Use on the Future Land Use Map. This designation is consistent with the proposed rezoning to NX-5 CUD with an Urban Limited Frontage. Both the FLUM designation and the proposed zoning district envision a mix of neighborhood oriented commercial and urban scale residential uses.
2.	With respect to the Growth Framework Map of the Comprehensive Plan, the Property is located on Hillsborough Street, which the Map designates as a Multi-Modal Corridor, a roadway described as similar to an urban corridor with "denser residential and commercial development."
3.	The Property is also very close to a Future Rail Station and is within or at the fringe of an area designated for Transit Oriented Development in the Growth Framework Map. At page 47, the Comprehensive Plan describes such areas as appropriate for "a moderate - to high - density mix of uses - such as residences, retail shops, office, and civic and entertainment uses"
4.	With regard to the Urban Form Map, the Property is within a Transit Stop Half-Mile Buffer Area and Hillsborough Street is designated for Future Fixed-Guideway Transit.
5.	This rezoning request is consistent with the following policies contained in the Comprehensive Plan: Table LU-2 Recommended Height Designations, Policy LU 1.2 Future Land Use Map and Zoning Consistency, Policy LU 1.3 Conditional Use District Consistency, Policy LU 2.2 Compact Development, Policy LU 4.7 Capitalizing on Transit Access, Policy LU 4.9 Corridor Development, Policy LU 6.4 Bus Stop Dedication, Policy LU 10.3 Ancillary Retail Uses, Policy LU 10.6 Retail Nodes, Policy T 6.1 Surface Parking Alternatives, Policy UD 4.5 Improving the Street Environment, Policy UD 5.1 Contextual Design, Policy UD 6.1 Encouraging Pedestrian Oriented Uses; Policy UD 7.3 Design Guidelines, Policy AP-SV 1 Hillsborough Street Building Frontages, Policy AP-SV 13 Stanhope Village Parking Design, Policy AP-SV 4 Residential Uses, and Policy AP-SV 6 Stanhope Village Balconies.

PUBLIC BENEFITS	
Provide brief statements regarding the public benefits derived as a result of the rezoning request.	
1.	This rezoning request provides compact, walkable residential development in close proximity to the NCSU campus and future rail access.
2.	This proposal creates an opportunity for additional streetfront retail and greater residential density for Hillsborough Street. This would result in greater pedestrian activity along the street corridor.



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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>Applicant's Response: The proposed rezoning permits a mix of residential, office, and commercial uses consistent with this guideline. The Urban Limited frontage type along Hillsborough Street will encourage pedestrian activity. A proposed zoning condition assures a substantial residential component for development upon the Property.</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>Applicant's Response: A zoning condition requires a building setback of at least 15 feet along Rosemary Street and a step back at the juncture of the 3rd and 4th stories on that façade of the building.</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>Applicant's Response: The Property is adequately connected into the neighborhood road network and no new roads are proposed.</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>Applicant's Response: Interconnectivity currently exists.</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>Applicant's Response: Existing block spaces meet the requirements of this guideline.</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>Applicant's Response: Zoning conditions proposed in this case ensure that there will be no off-street parking upon the Property along existing streets and that entrances to the parking structure will be located at the side or rear of the development.</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>Applicant's Response: The Urban Limited frontage requires a street build-to of no more than 20 feet and prohibits on-site parking between the building and the street.</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>Applicant's Response: A zoning condition in this case requires a building side along the entire right-of-way of Hillsborough Street.</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>Applicant's Response: Section 1.5.3.B of the UDO requires that outdoor amenity areas in a Mixed-Use District be contiguous to a public sidewalk and visually permeable from the public right-of-way.</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>Applicant's Response: The provisions of the UDO applicable to the Urban Limited frontage will require street-facing entrances a minimum of 75 feet apart. UDO provisions similarly require transparency.</p>

11.	<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> Applicant's Response: The zoning district proposed in this case, together with the proposed frontage, would facilitate the pedestrian-uses referenced in this guideline.
12.	<i>A properly defined urban open space is visually enclosed by the fronting of buildings to create an outdoor "room" that is comfortable to use.</i> Applicant's Response: Outdoor amenity areas required by the UDO will have proximity to the public right-of-way.
13.	<i>New public spaces should provide seating opportunities.</i> Applicant's Response: The UDO standards for outdoor amenity areas require seating opportunities, consistent with this guideline.
14.	<i>Parking lots should not dominate the frontage of pedestrian-oriented streets, interrupt pedestrian routes, or negatively impact surrounding developments.</i> Applicant's Response: Substantially all of the off-street parking for this development will be within an enclosed parking structure. Off-street parking upon the Property is prohibited along Hillsborough Street.
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> Applicant's Response: A zoning condition proposed in this case requires that substantially all off-street parking will be within an enclosed parking structure.
16.	<i>Parking structures are clearly an important and necessary element of the overall urban infrastructure but, given their utilitarian elements, give serious negative visual effects. New structures should merit the same level of materials and finishes as that a principal building would in the use of basic design elements can make a significant improvement.</i> Applicant's Response: The parking structure in this development will be screened on three sides by heated building space.
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> Applicant's Response: Hillsborough Street is designated a Transit Emphasis Corridor in the Urban Form Map of the Comprehensive Plan.
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> Applicant's Response: Public sidewalks will provide convenient and comfortable pedestrian access between building entrances upon the Property and nearby transit stops.
19.	<i>All development should respect natural resources as an essential component of the human environment. The most sensitive landscapes, 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> Applicant's Response: There are no steep slopes, watercourses, or flood plains upon the Property.
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> Applicant's Response: There will be no new streets constructed as 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> Applicant's Response: Sidewalk width will be determined at the time of site plan approval.
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> Applicant's Response: Street trees will be provided in accordance with applicable provisions of the UDO.
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> Applicant's Response: Applicable provisions of the UDO ensure that proper spatial definition will be achieved in this development.
24.	<i>The primary entrance should be both architecturally and functionally on the front facade of any building facing the primary public street. Secondary entrances shall be designed to convey their prominence on the fronting facade.</i> Applicant's Response: The Urban Limited frontage requires a primary street-facing entrance as well as street-facing entrances at intervals no more than seventy-five (75) feet.
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> Applicant's Response: Applicable provisions of the UDO require multiple pedestrian entrances, as well as transparency.
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> Applicant's Response: This rezoning proposal, as well as applicable provisions of the UDO, ensure that the public sidewalk along Hillsborough Street will be a principal place of pedestrian movement and social interaction.

Exhibit A

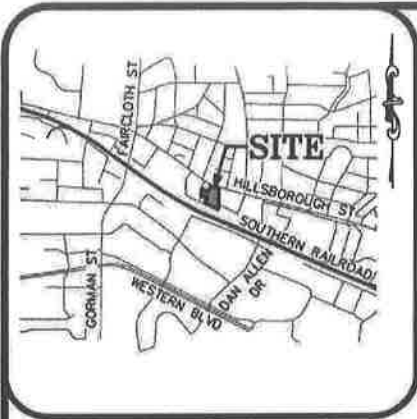
PIN and PROPERTY ADDRESS	OWNER AND OWNER'S ADDRESS	DEED REFERENCE
0794523525 3107 Hillsborough St.	Rose Mary Developments LLC 3101 Hillsborough Street Raleigh, NC 27607-5436	Deed Book 12576, Page 853
0794523298 3105 Hillsborough St.	Rose Mary Developments LLC 3101 Hillsborough Street Raleigh, NC 27607-5436	Deed Book 12576, Page 853
0794524349 3101 Hillsborough St.	Rose Mary Developments LLC 3101 Hillsborough Street Raleigh, NC 27607-5436	Deed Book 12576, Page 853
0794522408 5 Rosemary St.	Rose Mary Developments LLC 3101 Hillsborough Street Raleigh, NC 27607-5436	Deed Book 13431, Page 1536
0794522403 7 Rosemary St.	Rose Mary Developments LLC 3101 Hillsborough Street Raleigh, NC 27607-5436	Deed Book 13431, Page 1536
0794522382 3112 Stanhope Ave.	Rose Mary Developments LLC 3101 Hillsborough Street Raleigh, NC 27607-5436	Deed Book 13431, Page 1536

Exhibit B, Page 1

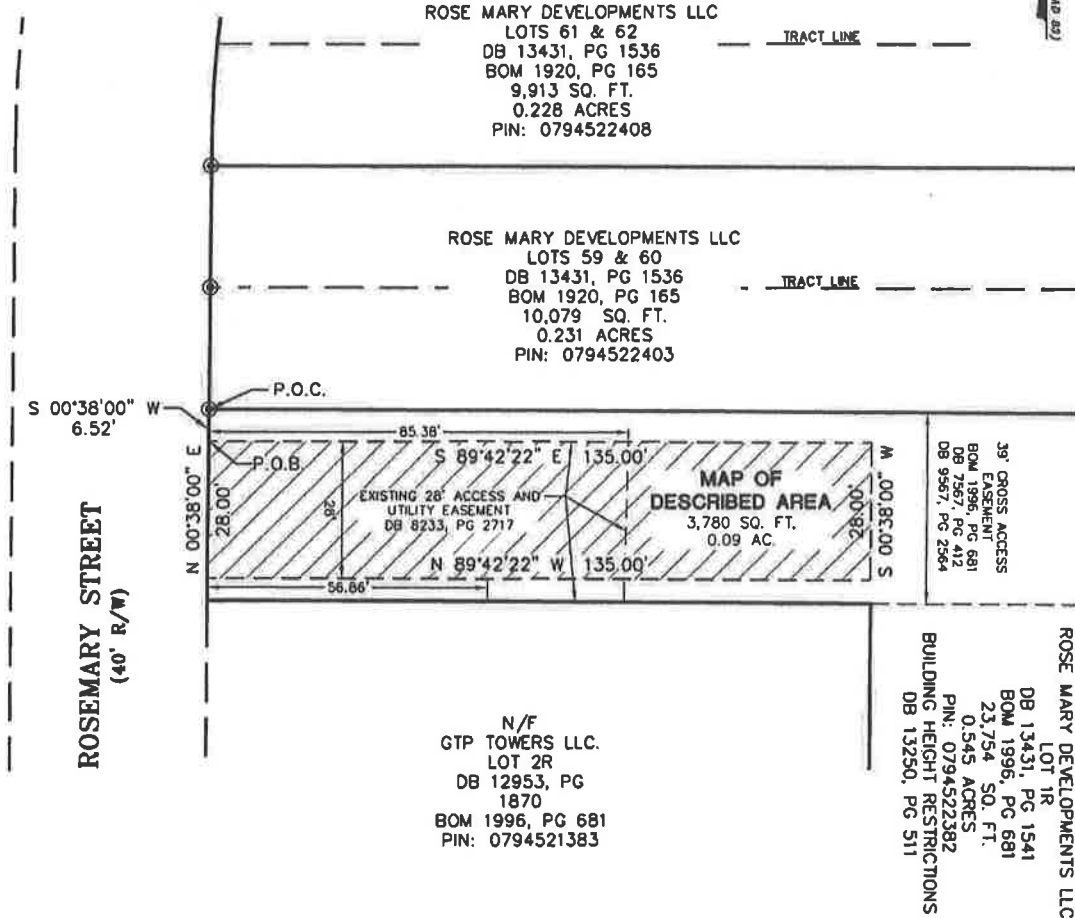
LEGAL DESCRIPTION

Commencing at an iron pipe on the eastern right of way of Rosemary Street also the southwest property corner of Lot 59 recorded in Book of Maps 1920, page 165; thence with said right of way South 00°38'00" West a distance of 6.52 feet to the **Point of Beginning**; thence South 89°42'22" East a distance of 135.00 feet to a point; thence South 00°38'00" West a distance of 28.00 feet to a point; thence North 89°42'22" West a distance of 135.00 feet to a point on the eastern right of way of Rosemary Street; thence with said right of way North 00°38'00" East a distance of 28.00 feet to the **Point of Beginning**, containing of 3,780 square feet, 0.09 acres.





VICINITY MAP
NOT TO SCALE

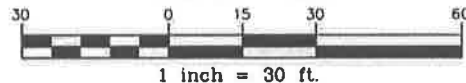


NOTE: THIS MAP IS NOT A CERTIFIED SURVEY AND HAS NOT BEEN REVIEWED BY A LOCAL GOVERNMENT AGENCY FOR COMPLIANCE WITH ANY APPLICABLE LAND DEVELOPMENT REGULATIONS.

LEGEND

- PROPERTY LINE
- ADJACENT PROPERTY LINE
- RIGHT-OF-WAY LINE
- EASEMENT LINE
- ⊙ EXISTING IRON PIPE
- ⊙ P.O.C. POINT OF COMMENCEMENT
- ⊙ P.O.B. POINT OF BEGINNING

GRAPHIC SCALE



X:\Projects\LCP\LCP-15000\Survey\PLAT\LCP15000-01.dwg, 2/18/2016 3:15:53 PM, McAdams, Kyle

PROJECT NO.	LCP-15000
FILENAME:	LCP1500-01.DWG
SCALE:	1"=30'
DATE:	2016-02-18

ROSE MARY DEVELOPMENTS LLC
WAKE COUNTY, NORTH CAROLINA



THE JOHN R. McADAMS COMPANY, INC.
2005 Meridian Parkway
Durham, North Carolina 27713
License No.: C-0095
(903) 735-8846 • McAdamsCo.com

Exhibit B

SMITH, ANDERSON, BLOUNT,
DORSETT, MITCHELL & JERNIGAN, L.L.P.

LAWYERS

OFFICES
Wells Fargo Capitol Center
150 Fayetteville Street, Suite 2300
Raleigh, North Carolina 27601

LACY H. REAVES
DIRECT DIAL: (919) 821-6704
E-Mail: lreaves@smithlaw.com

September 3, 2015

MAILING ADDRESS
P.O. Box 2611
Raleigh, North Carolina
27602-2611

TELEPHONE: (919) 821-1220
FACSIMILE: (919) 821-6800

Dear Neighboring Property Owners:

We would like to invite you to attend a neighborhood meeting at 6:00 pm on Thursday, September 17, concerning the proposed rezoning and redevelopment of the property that formerly comprised the facility of the North Carolina Equipment Company in the 3100 block of Hillsborough Street. The rezoning and redevelopment may also include the parcel at 3109 Hillsborough Street. A map showing these areas is enclosed, with the parcels proposed for rezoning marked in yellow. As noted, it is not certain at this time that the parcel at 3109 Hillsborough Street will be included in the rezoning.

The meeting will be held at the office of The Preiss Company at 1700 Hillsborough Street.

Landmark Properties, Inc. ("Landmark") proposes to redevelop this property for a five-story mixed use, primarily residential development with structured, on-site parking. The rezoning case will propose a zoning of Neighborhood Mixed Use (NX) -5 Conditional Use District for the property.

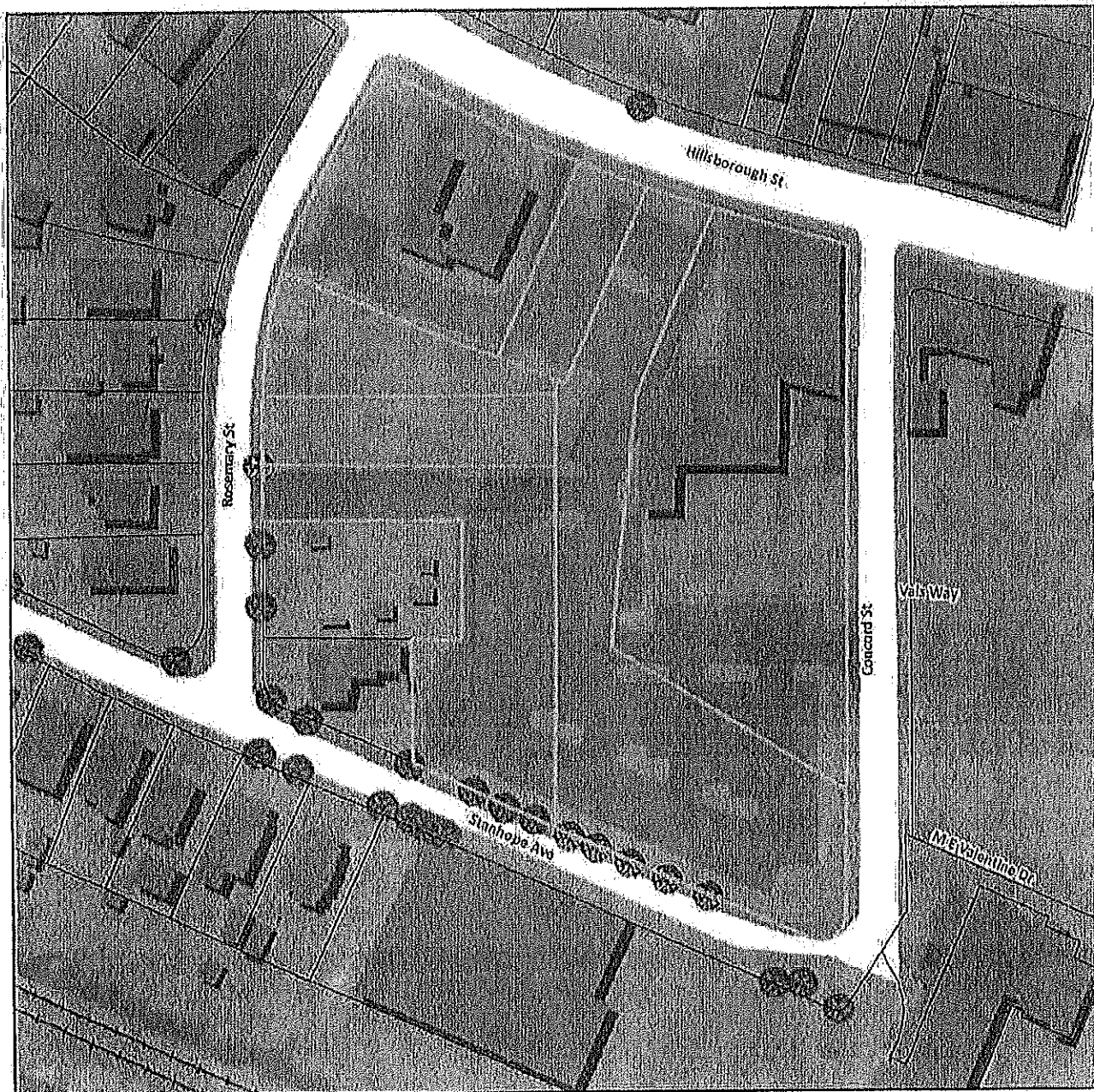
Please call me if there are questions.

Very truly yours,

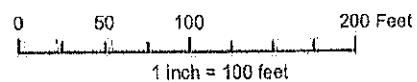


Lacy H. Reaves

LHR: kjr
Enclosure



Landmark Parcels



Disclaimer
 iMaps makes every effort to produce and publish the most current and accurate information possible. However, the maps are produced for information purposes, and are NOT surveys. No warranties, expressed or implied, are provided for the data therein, its use, or its interpretation.

Exhibit A

Owner

3126 HILLSBOROUGH ASSOCIATES
BIRMINGHAM, WILLIAM C III
BIRMINGHAM, WILLIAM CLAY III
BOOTH, LARRY D BOOTH, VICKI A
BUTLER, RILEY ALBERT JR
CAPETANOS HOLDINGS LLC
COMPLETE COMPUTER STORE OF RALEIGH INC THE

FLAGSHIP CO LLC THE
GTP TOWERS LLC
HENNESSY, THOMAS HENNESSY, MARY
JONES, EVERETTE H TRUSTEE
LAWRENCE, ANDREW OLIVE LAWRENCE, LUANNE
MANZONI, ANNA
MARANGOS, LAWRENCE JOHNS
PROVIDENT GROUP STANHOPE PROPERTIES LLC
READER CORNER INC THE
READERS CORNER INC THE
RIVERS, D WAYNE RIVERS, ELIZABETH CAMPBELL
ROSE MARY DEVELOPMENTS LLC
SARANTOS, JAMES N TRUSTEE SARANTOS, DIANA
ELLIASON TRUSTEE
SEALEY, ROBERT I SEALEY, ANN S
SEYMORE, MARGARET E
STANHOPE 2013 LLC

STANHOPE CENTER POA INC
THE READERS CORNER INC
WELLS, BILLY H FLEWIN, CLAIRE M
WILLIAMS, RUTH L HEIRS

WILMONT APARTMENTS LLC

Mailing Address 1

5849 LEASE LN
6 ROSEMARY ST
6 ROSEMARY ST
PO BOX 66
101 W AYCOCK ST
3608 PINNACLE DR
3016 HILLSBOROUGH ST

5849 LEASE LN
PO BOX 811510
3117 STANHOPE AVE
4009 PEPPER TON DR
514 N BLOODWORTH ST
2 ROSEMARY ST
15 ROSEMARY ST
5565 BANKERS AVE
3201 HILLSBOROUGH ST
3201 HILLSBOROUGH ST
707 LAKESTONE DR
3101 HILLSBOROUGH ST
1905 BRASSFIELD RD

1204 GRANADA DR
3125 STANHOPE AVE
4321 LASSITER AT NORTH HILLS
AVE, STE 250
431 OFFICE PARK DR
3201 HILLSBOROUGH ST
3902 GLENFELIZ BLVD
WILLIAMS PROPERTY GROUP,
8300 HEALTH PARK STE 217
1204 VILLAGE MARKET PL STE
234

Mailing Address 2

RALEIGH NC 27617-4844
RALEIGH NC 27607-5418
RALEIGH NC 27607-5418
HIGHFALLS NC 27259-0066
RALEIGH NC 27608-2503
CARY NC 27518-8922
RALEIGH NC 27607-5446

RALEIGH NC 27617-4844
BOCA RATON FL 33481-1510
RALEIGH NC 27607-5423
RALEIGH NC 27606-1731
RALEIGH NC 27604-1226
RALEIGH NC 27607-5418
RALEIGH NC 27607-5417
BATON ROUGE LA 70808-2608
RALEIGH NC 27607-5438
RALEIGH NC 27607-5438
RALEIGH NC 27609-6341
RALEIGH NC 27607-5436
RALEIGH NC 27614-9451

RALEIGH NC 27612-5108
RALEIGH NC 27607-5423
RALEIGH NC 27609-5780

MOUNTAIN BRK AL 35223-2411
RALEIGH NC 27607-5438
LOS ANGELES CA 90039-1459
RALEIGH NC 27615-4731

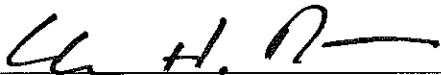
MORRISVILLE NC 27560-7508

PROPOSED REZONING**3.22 Acres - South Side of Hillsborough Street Between
Concord and Rosemary Streets****REPORT OF SEPTEMBER 17, 2015 NEIGHBORHOOD MEETING**

In accordance with Section 10.2.4 of the Unified Development Ordinance, a neighborhood meeting was held with respect to this proposed rezoning case at 6:00 p.m. on Thursday, September 17, 2015 at the office of The Preiss Company at 1700 Hillsborough Street in Raleigh. Attached as Exhibit A is a list of those persons and organizations contacted about the meeting. Those persons and organizations were mailed a letter of invitation concerning the meeting, a copy of which is attached as Exhibit B. The letters were mailed on or about September 4, 2015 via first class U.S. Mail.

Attached as Exhibit C is a roster of the persons in attendance at the meeting. The issues discussed at the meeting included the interface of building height on the rezoned property with parcels on Stanhope Avenue and Rosemary Street, the concern of Rosemary Street property owners with respect to balconies that might face their property, the need for an additional drive lane on Rosemary Street, limiting back-up alarms during construction to OSHA standards, limiting construction traffic on Rosemary Street, and the utilization of quality building materials on all building facades. There have been no changes to the rezoning petition subsequent to the neighborhood meeting.

Respectfully submitted this 2nd day of November, 2015.



Lacy H. Reaves
Attorney for Petitioner

Exhibit C

Name

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