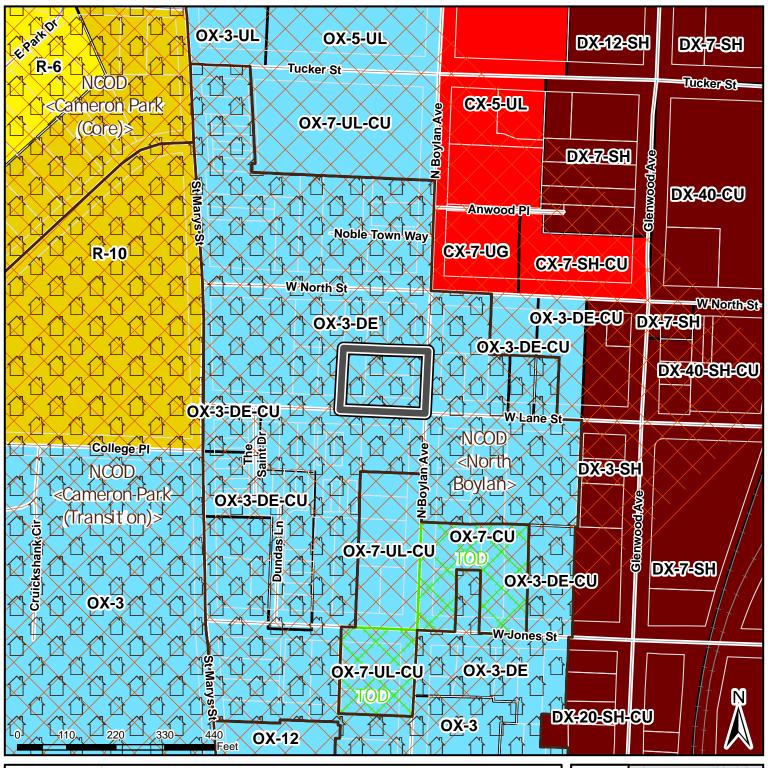
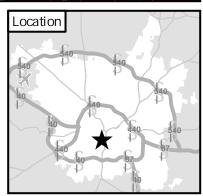
# **Existing Zoning**

# Z-46-2023



Property	301 & 303 N Boylan Ave; 710 W Lane St
Size	0.39 acres
Existing Zoning	OX-3-DE w/ NCOD
Requested Zoning	OX-12-UL-CU



## **Rezoning Application and Checklist**



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Please complete all sections of the form and upload via the Permit and Development Portal (permitportal.raleighnc.gov). Please see page 11 for information about who may submit a rezoning application. A rezoning application will not be considered complete until all required submittal components listed on the Rezoning Checklist have been received and approved. For questions email rezoning@raleighnc.gov.

Pazaning Paguast

		Rezolling Rec	lucor			
Rezoning	General u	ise Conditional us	е	Master plan	OFFICE USE ONLY Rezoning case #	
Туре	Text cha	Text change to zoning conditions				
Existing zoning base d	istrict: OX	Height: 3 Frontage: DE		:DE	Overlay(s): NCOD	
Proposed zoning base	district: OX	Height: 12 Frontage: UL		: UL	Overlay(s): remove NCOD	
Helpful Tip: View the 2 layers.	Zoning Map to s	search for the address to	be rezone	ed, then turn o	on the 'Zoning' and 'Overlay'	
If the property has bee	n previously rez	coned, provide the rezor	ning case n	number:		
		General Inforn	nation			
Date:		Date amended (1):		Date am	Date amended (2):	
Property address: 301	N. Boylan Avenu	ie; 303 N. Boylan Avenue	e; 710 W. La	ane Street		
Property PIN: 17044005	509; 170440060	5; 1704309632				
Deed reference (book/p	oage): Book 19204	/Page 411 (1704400509); Book	19204/Page 4	470 (1704400605);	Book 18704/Page1929 (1704309632)	
Nearest intersection: N.	Boylan Avenue and	W. Lane Street (adjacent)	perty size	(acres): 0.39		
For planned developm	ent	Total units: N/A		Total sq	uare footage: N/A	
applications only:		Total parcels: N/A		Total bu	Total buildings: N/A	
Property owner name and address: BYRD-CANNON HOLDINGS LLC, 303 N BOYLAN AVE, RALEIGH NC 27603-1402						
Property owner email:						
Property owner phone:						
Applicant name and ac	dress: Tom Johns	on, Jr. (Williams Mullen), agent for	Byrd-Cannon H	oldings LLC; 301 Fa	yetteville St., Ste 1700, Raleigh, NC 27601	
Applicant email: tjohns	on@williamsmul	len.com				
Applicant phone: 919.9	81.4006	001	1	5		
Applicant signature(s):	1 hom	1 XI/ NUM				
Additional email(s):	/	/				



Coi	nditional Use District Zoning Condition	S
Zoning case #:	Date submitted:	OFFICE USE ONLY Rezoning case #
Existing zoning: OX-3-DE; NCOD (N. Boylan)	Proposed zoning: OX-12-UL-CU	Rezonling case #

#### **Narrative of Zoning Conditions Offered**

1) The following principal uses in UDO Section 6.1.4 (Allowed Principal Use Table) shall be permitted in this OX-12-UL-CU district:

RESIDENTIAL: multi-unit living.

COMMERCIAL: dance, martial arts, music studio or classroom; health club; medical; office; bed and breakfast; hospitality house; parking facility; beauty/hair salon; copy center; optometrist; restaurant (eating establishment).

The property owner(s) hereby offers, consents to, and agrees to abide, if the rezoning request is approved, the conditions written above. All property owners must sign each condition page. This page may be photocopied if additional space is needed.

By a cannon to dings LLC By.

Property Owner(s) Signature:

Printed Name:

SEP 05 2023

**REVISION 10.27.20** 

BY:

raleighnc.gov

Rezoning Application Addendum #1	
Comprehensive Plan Analysis	
The applicant is asked to analyze the impact of the rezoning request and its consistency with the Comprehensive Plan. The applicant is also asked to explain how the rezoning request is reasonable and in the public interest.	OFFICE USE ONLY Rezoning case #
Statement of Consistency	
Provide brief statements regarding whether the rezoning request is consistent w designation, the urban form map, and any applicable policies contained within the	rith the future land use ne 2030 Comprehensive Plan.
See attached Statement of Consistency.	
Public Benefits	
Provide brief statements explaining how the rezoning request is reasonable and	in the public interest.
See attached Public Benefits Statement.	•

#### **REZONING APPLICATION ADDENDUM #1**

# STATEMENT OF CONSISTENCY WITH COMPREHENSIVE PLAN: PROPOSED REZONING (301 & 303 N BOYLAN AVE, 710 W LANE ST)

This rezoning proposes to change the base zoning designation of the subject property from Office Mixed Use, up to 3 stories, detached frontage requirement (OX-3-DE) to Office Mixed Use, up to 12 stories, urban limited frontage requirement with zoning conditions limiting the allowed uses (OX-12-UL-CU). The rezoning also proposes to remove the property from the neighborhood conservation overlay district (-NCOD), North Boylan Neighborhood. The applicant proposes a zoning condition that limits the allowed uses for OX- zoning under Unified Development Ordinance (UDO) Section 6.1.4. The request maintains the existing OX- base zoning and modifies the associated height and frontage designations to facilitate redevelopment of the property assemblage with a mixed used development.

The proposed development is a single building containing an integrated, compact vertical mix of retail, office and residential uses. The location has frontage on two existing adjacent streets providing convenient pedestrian access for residents and occupants of the building and visitors. The design will incorporate secured parking under the building for residents and urban open space adjacent to ground level retail uses and building entrances, allowing for enhanced interaction and interest with pedestrians. The area in which the proposed development is located is comprised of a mix of commercial and residential uses of varying intensities. The mixed-use project will incorporate a combination of design characteristics to effectively transition the proposed development between existing/planned areas of institutional uses and areas with greater development intensity. The location, scale and design of mixed-use development proposed by this rezoning supports the 2030 Comprehensive Plan's vision and goals and furthers several policies in multiple topic areas of the Plan. The following describes consistency of the request with the Future Land Use Designation, Urban Form Map and applicable Plan policies.

#### Future Land Use Designation and Urban Form Map

The Future Land Use Map designates the subject property within the Office and Residential Mixed Use category. The description of this classification in the Comprehensive Plan notes OX-is the zoning that most closely corresponds to this land use category. On the Future Land Use Map, the property is situated between the Central Business District area to the east and area to the west designated as Institutional containing two separate schools. The existing Wiley Elementary School and St. Mary's High School are located between the Office and Residential Mixed Use area encompassing the subject property and the boundary of land classified as Low Scale Residential. The Urban Form Map (UD-1) shows the property within the area designated Downtown and also in a Core Transit Area. The site is less than ½ mile walking distance to a Downtown Transit Station Area shown at the intersection of Glenwood Avenue/W. Peace Street, and less than ¾ of a mile from the Downtown Transit Station Area (Raleigh Union Station) located on the Commuter Rail Corridor shown on the Urban Form Map. The property is also located within ½ mile walking distance of Fletcher Park which is designated within the highest category on the Experience-Based Park Access Map in the Comprehensive Plan (Map PR-2).

#### **Applicable Comprehensive Plan Policies**

The proposed rezoning supports multiple Comprehensive Plan policies within different topic areas including:

#### Land Use

- LU 2.2 Compact Development
- LU 4.4 Reducing Vehicle Miles Traveled Through Mixed-use
- LU 4.6 Transit-oriented Development
- LU 4.7 Capitalizing on Transit Access
- LU 5.1 Reinforcing the Urban Pattern
- LU 5.4 Density Transitions
- LU 5.5 Transitional and Buffer Zone Districts
- LU 10.3 Ancillary Retail Uses

#### **Transportation**

T 6.1 Surface Parking Alternatives

#### **Economic Development**

• ED 1.2 Mixed-use Redevelopment

#### **Urban Design**

- UD 1.2 Architectural Features
- UD 1.3 Creating Attractive Facades
- UD 2.1 Building Orientation
- UD 3.9 Parking Lot Design
- UD 4.5 Improving the Street Environment
- UD 5.1 Contextual Design
- UD 5.7 Neighborhood Commerce
- UD 6.1 Encouraging Pedestrian-oriented Uses
- UD 6.2 Ensuring Pedestrian Comfort and Convenience
- UD 7.2 Promoting Quality Design
- UD 7.3 Design Guidelines

#### Downtown Raleigh

- DT 1.2 Vertical Mixed Use
- DT 1.6 Supporting Retail Growth
- DT 1.14 Downtown Transition Areas
- DT 7.19 Downtown Design Guideline Consistency

#### **REZONING APPLICATION ADDENDUM #1**

# PUBLIC BENEFITS STATEMENT: PROPOSED REZONING (301 & 303 N BOYLAN AVE, 710 W LANE ST)

The proposed rezoning is reasonable and in the public interest for the following reasons:

- The proposed zoning will not require extension of public services for development on the property as the site is within the City's corporate limits adjacent to existing roads and public water/sewer service.
- 2) The proposed zoning provides for increased residential development opportunity on a site located on the Urban Form Map within Downtown and a Core Transit Area within ½ mile and ¾ miles walking distance, respectively, of two different Downtown Transit Stations Areas, including Raleigh Union Station located on the Commuter Rail Corridor. The rezoning will allow more people to live and work in areas served by frequent transit and provide residents with alternative mobility options.
- 3) The proposed zoning is located on a site having frontage on two existing adjacent streets with sidewalks, providing convenient pedestrian access for residents and occupants of the property to nearby existing/planned shopping, services and recreational amenities.
- 4) The proposed zoning will increase Raleigh's housing supply and allow for more housingtype options within vicinity of the subject site, providing increased opportunities and flexibility for effectively responding to the housing needs of a greater portion of the overall community.

# Rezoning Application Addendum #2 Impact on Historic Resources The applicant is asked to analyze the impact of the rezoning request on OFFICE USE ONLY historic resources. For the purposes of this section, a historic resource is Rezoning case # defined as any site, structure, sign, or other feature of the property to be rezoned that is listed in the National Register of Historic Places or designated by the City of Raleigh as a landmark or contributing to a Historic Overlay District. **Inventory of Historic Resources** List in the space below all historic resources located on the property to be rezoned. For each resource, indicate how the proposed zoning would impact the resource. There are no known historic resources on the property. **Proposed Mitigation** Provide brief statements describing actions that will be taken to mitigate all negative impacts listed above. N/A

#### **NOTARIZED AUTHORIZATION OF PERSON TO ACT** ON BEHALF OF PROPERTY OWNER

Owner Information	1	
Name(s):	Byrd-Cannon Ho	oldings, LLC
Mailing Address:		Ave., Raleigh, NC 27603-1402
Telephone:	919 852	0840
Fax:	Ochl. Ii 1	Gu la
Email:		on Overtical walls. com
Property PIN/Addre		09 (301 N. Boylan Ave); PIN: 1704400605 (303 N. Boylan Ave); 32 (710 W. Lane St)
Deed Book/Page:	Book 19204/Page 4 Book 18704/Page19	11 (PIN: 1704400509); Book 19204/Page 470 (PIN: 1704400605) 929 (1704309632)
I, ASHLEN (	C. LINTON	, the undersigned,
being first duly swo	rn, depose and say	that I am the legal owner(s) of the property described
above, do hereby a	ppoint and authorize	e Thomas H. Johnson, Jr attorney (Williams Mullen)
to act on my behalf	as applicant for the	purpose of submitting application to the City of Raleigh
to rezone the prope	erty described above	e; and, as property owner further understand and
acknowledge that z	oning conditions pro	oposed as part of this rezoning application must be
signed, approved a	nd consented to by	the property owner.  Byrd-Cannon Holdings LLC
Date: <u>0 71 - 20</u>	165	By: ///// / /////// Owner Signature
STATE OF NORT	H CAROLINA UNTY	
he or she signed the fore	egoing authorization	lly appeared before me this day, each acknowledging to me that for the purpose stated therein and in the capacity indicated:
Owner's Printed or Typed Nam		<u>~</u>
Date: 8-31-207=	3	Official Signature of Notary
[NOTARY SEAL]		Marisia C. Medi , Notary Public Notary's Printed or Typed Name
Marissa C. Meoli Notary Public Wake County North Carolina		My Commission expires: 9-24-2027





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#### **Urban Design Guidelines**

The Applicant must respond to the Urban Design Guidelines contained in the 2030 Comprehensive Plan if:

- a) The property to be rezoned is within a "City Growth Center", "Mixed-Use Center", or "Transit Station Areas", OR;
- b) The property to be rezoned is located along a "Main Street" or "Transit Emphasis Corridor" as shown on the Urban Form Map in the 2030 Comprehensive Plan.

#### Policy UD 7.3:

The Design Guidelines in Table UD-1 shall be used to review rezoning petitions and development applications for mixed-use developments; or rezoning petitions and development applications along Main Street and Transit Emphasis Corridors or in City Growth, TOD and Mixed-Use Centers, including preliminary site plans and development plans, petitions for the application of Downtown Overlay Districts, Planned Development Districts, and Conditional Use zoning petitions.

Urban Form Designation: Downtown, and in Core Transit Area   Click here to view the Urban Form map.		
1	All mixed-use developments should generally provide retail (such as eating establishments, food stores, and banks), and other uses such as office and residential within walking distance of each other. Mixed uses should be arranged in a compact and pedestrian-friendly form.	
	Response: The proposed development is a single building containing an integrated, compact vertical mix of retail, office and residential uses. The building will front two existing adjacent streets providing convenient pedestrian access for residents/occupants of the building and visitors.	
	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.	
2	Response: The area in which the proposed development is located is comprised of a mix of commercial and residential uses of varying intensities. The design of the mixed use project will incorporate a combination of design characteristics to effectively transition between areas of existing/planned lower density and areas with greater development intensity.	
3	A mixed-use area's road network should connect directly into the neighborhood road network of the surrounding community, providing multiple paths for movement to and through the mixed-use area. In this way, trips made from the surrounding residential neighborhood(s) to the mixed-use area should be possible without requiring travel along a major street. Preferred and discouraged street networks.	
	Response: The proposed development is a single building containing an integrated, compact vertical mix of retail, office and residential uses. The building will front two existing adjacent streets providing convenient pedestrian access for residents/occupants of the building and visitors. Based on the project's location, size and design, no new streets are necessary/required for the proposed development.	
4	Streets should interconnect within a development and with adjoining development. Cul-de-sacs or dead-end streets are generally discouraged except where topographic conditions and/or exterior lot line configurations offer no practical alternatives for connection or through traffic. Street stubs should be provided with development adjacent to open land to provide for future connections. Streets should be planned with due regard to the designated corridors shown on the Street Plan. Streets should connect adjacent developments.	
	Response: The proposed development is a single building containing an integrated, compact vertical mix of retail, office and residential uses. The building will front two existing adjacent streets providing convenient pedestrian access for residents/occupants of the building and visitors. Based on the project's location, size and design, no new streets are necessary/required for the proposed development.	

F	New development should be composed 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.
5	Response: The proposed development is a single vertically-mixed use building located on an assemblage of properties within an existing block comprised of existing public streets and block face lengths significantly less than 660 feet.
6	A primary task of all urban architecture and landscape design is the physical definition of streets and public spaces as places of shared use. Streets should be lined by buildings rather than parking lots and should provide interest especially for pedestrians. Garage entrances and/or loading areas should be located at the side or rear of a property.
	Response: The proposed vertically-mixed use building will be adjacent to two existing street frontages and sidewalks. The design incorporates parking under the building allowing greater opportunity for enhanced interaction and interest with pedestrians.
7	Buildings should be located close to the pedestrian-oriented street (within 25 feet of the curb), with off-street parking behind and/or beside the buildings. When a development plan is located along a high-volume corridor without on-street parking, one bay of parking separating the building frontage along the corridor is a preferred option.
	Response: The building will be located adjacent to existing sidewalks along public streets that currently provide on on-street parking.
	If the site is located at a street intersection, the main building of a complex or main part of a single building should be placed at the corner. Parking, loading, or service should not be located at an intersection.
8	Response: The building will be located adjacent to the intersection of two existing public streets with sidewalks.  Building entrances will be located at the corner of the building facing the intersection and also along the sides facing the adjacent streets.
	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.
9	Response: Based on the intensity of the proposed mixed-use development and the size/configuration of the property on which it is located, urban open space will be provided between the building and adjacent existing sidewalks, providing maximum visibility and accessibility from the public areas.
40	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.
10	Response: Based on the intensity of the proposed mixed-use development and the size/configuration of the property on which it is located, urban open space will be provided between the building and adjacent existing sidewalks, providing maximum visibility and accessibility from the public areas.
v	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.
11	Response: The urban open space proposed will be adjacent to ground level retail uses and entrances to the residential units.
	A properly defined urban open space is visually enclosed by the fronting of buildings to create an outdoor "room" that is comfortable to users.
12	Response: Based on the intensity of the proposed mixed-use development and the size/configuration of the property on which it is located, urban open space will be provided between the building and adjacent existing sidewalks, providing maximum visibility and accessibility from the public areas.

Page **2** of **11** REVISION 05.0.21

	New public spaces should provide seating opportunities.
13	Response: The urban open space provided between the building and adjacent existing sidewalks will be designed to include seating opportunities for use by both occupants and pedestrians.
	Parking lots should not dominate the frontage of pedestrian-oriented streets, interrupt pedestrian routes, or negatively impact surrounding developments.
14	Response: The proposed development is a single building containing an integrated, compact vertical mix of retail, office and residential uses; parking is incorporated into the building design, located on the ground leve below upper stories appropriately screened from view and will not impact surrounding development.
	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.
15	Response: The proposed development is a single building containing an integrated, compact vertical mix of retail, office and residential uses; parking is incorporated into the building design, located on the ground leve below upper stories and appropriately screened from view.
16	Parking structures are clearly an important and necessary element of the overall urban infrastructure, but, given their utilitarian elements, can have 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.
	Response: Parking will be incorporated into the proposed mixed-use structure being provided on the ground level and appropriate architectural details will be provided on the corresponding façade and landscaping will be installed along the structure exterior where practical to create an aesthetic border.
	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.
17	Response: The proposed development is a single building containing an integrated, compact vertical mix of retail, office and residential uses. The building will front two existing adjacent streets with sidewalks providing convenient pedestrian access for residents/occupants of the building and visitors.
	Convenient, comfortable pedestrian access between the transit stop and the building entrance should be planned as part of the overall pedestrian network.
18	Response: The proposed development is a single building containing an integrated, compact vertical mix of retail office and residential uses. The building will front two existing adjacent streets with sidewalks providin convenient pedestrian access for residents/occupants of the building and visitors.
19	All development should respect natural resources as an essential component of the human environment. The most sensitive landscape areas, both environmentally and visually, are steep slopes greater than 15 percent, watercourses, and floodplains. Any development in these areas should minimize intervention and maintain the natural condition except under extreme circumstances. Where practical, these features should be conserved as open space amenities and incorporated in the overall site design.
	Response: The site was previously developed, and does not contain steep slopes greater than 15 percent, watercourses, or floodplains.
20	All development should incorporate high-quality, productive landscapes that serve multiple functions. Such functions include noise mitigation and absorption; capturing and cleaning of particulate matter; collection and filtering of stormwater; and reduction of the urban heat island effect. Strategies include green walls, trellises, carefully planted trees, green infrastructure, and green roofs.
	Response: The proposed development is a single building containing an integrated, compact vertical mix of retail, office and residential uses; high-quality, productive landscaping will be provided as appropriate and use of faux-scaping when applicable. Potentially resident roof top garden, greenscape.

21	It is the intent of these guidelines to build streets that are integral components of community design. Public and private streets, as well as commercial driveways that serve as primary pedestrian pathways to building entrances, should be designed as the main public spaces of the city and should be scaled for pedestrians.
	Response: The proposed development is a single building containing an integrated, compact vertical mix of retail, office and residential uses. The building will front two existing adjacent streets with sidewalks providing convenient pedestrian access for residents/occupants of the building and visitors. Based on the project's location, size and design, no new streets are necessary/required for the proposed development.
22	Sidewalks should be 5-8 feet wide in residential areas and located on both sides of the street. Sidewalks in commercial areas and other areas where walkability is a focus should be a minimum of 14-18 feet wide to accommodate sidewalk uses such as vendors, merchandising, and outdoor seating.
	Response: The building will front two existing adjacent streets with sidewalks providing convenient pedestrian access for residents/occupants of the building and visitors; the applicant will work with staff during site plan review to determine sidewalk design that is appropriate for the proposed use and location.
23	Streets should be designed with street trees planted in a manner appropriate to their function. Commercial streets should have trees that complement the face of the buildings and that shade the sidewalk. Residential streets should provide for an appropriate tree 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 ½" caliper and should be consistent with the city's landscaping, lighting, and street sight distance requirements.
	Response: The proposed development is a single building containing an integrated, compact vertical mix of retail, office and residential uses. The building will front two existing adjacent streets with sidewalks providing convenient pedestrian access for residents/occupants of the building and visitors. Based on the project's location, size and design, no new streets are necessary/required for the proposed development; trees will be provided as appropriate based on the location and design of the building and existing site conditions/constraints.
04	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.
24	Response: The building will front two existing adjacent streets with sidewalks; based on the intensity of the proposed mixed-use building and the size/configuration of the property on which it is located, and the urban open space provided between the building and adjacent existing sidewalks, trees will be provided as appropriate and discussed with staff at the time of site plan review.
25	The primary entrance should be both architecturally and functionally on the front facade of any building facing the primary public street. Such entrances should be designed to convey their prominence on the fronting facade.
	Response: Building entrances will be located facing the existing adjacent public streets with sidewalks and intersection, designed with appropriate architectural features to emphasize their location and appearance; design details will be provided at the time of site plan review.
26	The ground level of the building should offer pedestrian interest along sidewalks. This includes windows, entrances, and architectural details. Signage, awnings, and ornamentation are encouraged.
	Response: The street level facades of the building will be designed to emphasize view/interest by pedestrians from adjacent sidewalks; these facades will include entrances, windows, signage and other details/ornamentation as appropriate; design details will be provided at the time of site plan review.
	The sidewalks should be the principal place of pedestrian movement and casual social interaction. Designs and uses should be complementary to that function.
27	Response: Based on the intensity of the proposed mixed-use development and the size/configuration of the property on which it is located, activated urban open space will be provided between the building and adjacent existing sidewalks to facilitate pedestrian movement and interaction.

#### **Downtown Urban Design Guidelines**

The Applicant must respond to the Downtown Urban Design Guidelines contained in the 2030 Comprehensive Plan if:

 The property to be rezoned is within "Downtown" as shown on the Urban Form Map in the 2030 Comprehensive Plan.

#### Policy DT 7.18:

1

2

3

4

5

6

The design guidelines in Table DT-1 shall be used to review rezoning, alternative means of compliance, special use permits, and planned development master plan applications in downtown.

Click here to view the Urban Form map

Fayetteville Street should be free of service elements, including loading docks, mechanical equipment, and driveways.

Response: N/A; the proposed development does not have frontage on Fayetteville Street.

Loading or service entrances should be embedded within the block where possible. If embedding the loading dock is not possible, the loading dock should be located to the side or rear of a building. The width should be minimized and doors or gates should shield the loading docks from view. Roll-down gates should be decorative if facing the public realm.

Response: Loading/service access for non-residential uses will be from within the parking area on the ground level of the building.

Surface and structured parking should be landscaped, emphasizing interior tree canopies in surface lots, formal borders, and street trees to reinforce the streetwall.

Response: Parking will be incorporated into the proposed structure being provided on the ground level, and appropriate landscaping will be installed along the structure exterior where practical to create an aesthetic border.

Mechanical equipment, satellite or microwave dishes, elevator penthouses, and other utilitarian equipment should be screened from view by a structure that complements the design of the building through the use of similar materials, colors, finishes, and architectural details. Views from buildings above should also be considered when designing rooftop mechanical equipment.

Response: The building design will utilize appropriate architectural materials/details to effectively screen equipment from views; design details will be provided at the time of site plan review.

The widths of all curb cuts at parking deck entrances should be minimized. Design techniques should be used (such as lane splits within the deck to encourage consolidated single exit or entrance lanes at the street side, and/or columns between lanes to reduce the perceived size of the openings), while maintaining adequate ingress and egress capacity to provide efficient operations and meet air quality conformity.

**Response:** The curb cut width for the parking entrance will be minimized to the extent practical and consistent with UDO standards; vehicle circulation within the internal parking area will be designed to facilitate efficient operation and ingress/egress.

Building entries should be emphasized with architectural features, changes in roofline, different massing, or unique materials.

**Response:** Building entrances will be located facing the existing adjacent public streets with sidewalks and designed with appropriate architectural features to emphasize their location and appearance; design details will be provided at the time of site plan review.

7	The primary pedestrian building entrances should be located along the store front. For buildings that front on three streets, the primary pedestrian entrances should be located on the axial street or the corner if the building is located at an intersection.
<b>'</b>	Response:
	The proposed building will be located adjacent to the intersection of two existing public streets with sidewalks; pedestrian entrances to the building will be provided along the front of ground level stores.
8	Building entries should be at grade.
	Response:
	The proposed building entrances will be located at grade adjacent to two existing public streets with sidewalks.
	The level of architectural detail should be most intense at street level, within view of pedestrians on the sidewalk.
9	Response:
	The street level facades of the building will be designed to emphasize view by pedestrians from the adjacent sidewalks; design details will be provided at the time of site plan review.
	The use of solid roll-down security gates is discouraged.
10	Response:
	The proposed design does not plan to utilize solid roll-down gates.
	Façades should be broken into distinct 20-30 foot modules or bays from side to side to prevent a monolithic edge to the street.
11	Response:
	Facades will be designed to prevent monolithic appearance and will be consistent with UDO requirements; design details will be provided at the time of site plan review.
	Large unarticulated walls are discouraged and should have a window or functional public access at least every 10 feet.
12	Response:
	Facades will be designed to prevent large unarticulated walls that include windows and/or openings consistent with UDO requirements; design details will be provided at the time of site plan review.
	The articulation of the façade should be designed to appear more vertical than horizontal.
13	Response:
	Facades will be designed and incorporate features to appear more vertical than horizontal; design details will be provided at the time of site plan review.
14	Entries that provide access to a building's upper floors should be located along a street to promote street life. They should be designed as separate entries and distinguished from ground level spaces with different architectural details, materials, colors, lighting, signage, and/or paving so that it is clear which entries are public and which are private.
	Response:
	The proposed building design provides entrances at the ground level from the existing adjacent public streets with sidewalks.
45	Recessed entries are encouraged. They should be no wider than one-third of the width of the storefront or 20 feet, whichever is less. Recessed entries should be a minimum of 4 feet deep, except where necessary to meet fire code.
15	Response:
	Entrances to store fronts will be recessed where practical, balancing existing site constraints and UDO design requirements; design details will be provided at the time of site plan review.

16	A minimum of 2/3 of the first story façade should be windows. Of the total amount of glass on the first-floor façade, a minimum of 85 percent must be transparent. Tinted or reflective glass is discouraged. First-story windows should be located a maximum of three (3) feet above the adjacent sidewalk.
	Response:
	The first story façade will be designed consistent with transparency requirements to the extent feasible based on existing constraints; design details will be provided at the time of site plan review.
	Windows should be used to display products and services and maximize visibility into storefronts. Windows should not be obscured with elements that prevent pedestrians from seeing inside.
17	Response:
	Ground floor windows will be designed to maximize visibility by pedestrians into store fronts.
	The first-story, floor-to-floor height of any new building on Fayetteville Street should be a minimum of twenty (20) feet.
18	Response:
	N/A; the proposed development does not have frontage on Fayetteville Street.
	If ceilings must be lowered below the height of ground level windows, provide an interior, full-height, three (3) foot minimum deep space immediately adjacent to the window before the drop in the ceiling.
19	Response:
	Ground level space will be designed consistent with this guideline.
	The use of deep awnings and canopies on the first story is recommended to help mitigate wind, reduce glare, and shade ground level spaces.
20	Parameter 1
	Response:
	Response:  The building design will incorporate awnings and/or canopies where practical and appropriate, with details provided at the time of site plan review.
21	The building design will incorporate awnings and/or canopies where practical and appropriate, with details provided at the time of site plan review.
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In larger courtyard style spaces visible from the public right-of-way, use groundcovers, shrubs, and flowers to accent and fill blank areas with interest. Minimize the use of bare mulch and rocks. Areas of bare earth are discouraged.
Response:
Based on the intensity of the proposed mixed-use development and the size/configuration of the property on which it is located, urban open space (courtyard/alcove style space) will be provided between the building and adjacent existing sidewalks; these areas will incorporate a balance of hardscar
Walls of buildings should parallel the orientation of the street grid.
Response:
The proposed building will be adjacent to two existing public streets and the corresponding building walls will be oriented parallel to the existing street grid.
Towers or high-rise buildings should have three zones: a streetwall or base zone, a tower transition zone, and a tower top zone. Cornices should be considered to separate base zone from tower transition zone.
Response:
The proposed building will architecturally recognize the three zones.
Distance between towers on different blocks should be a minimum of 100 feet to ensure access to light and air.
Distance between towers on unicient blocks should be a minimum of 100 feet to ensure access to light and all.
Response:
The proposed single building is located on a single street corner.
Public art, performance facilities, and/or civic monuments should be an integral part of any building plan.
Response:  Urban open space will be provided between the building and adjacent existing public streets/sidewalks: based on the intensity of the proposed mixed-use development and the size/configuration of the property on which it is located opportunities for incorporation public art will be discussed with each opportunities.
Fences, railings, and walls are discouraged except to screen surface parking lots and unimproved lots, to protect pedestrians from grade changes, and to delineate a private courtyard. Fences are preferred over walls except where designed to hold grade.
Response:
The appropriate, acceptable methods will be used in this property development.
Fences should be a minimum of 36 inches and a maximum of 42 inches tall and a minimum of 70 percent open. Railings should be 42 inches tall. Solid walls should be a minimum of 18 inches and a maximum of 32 inches tall.
Response:
The appropriate, acceptable methods will be used in this property development.
The appropriate, acceptable methods will be used in this property development.
Fences, railings, and walls should be designed to complement the adjacent architecture through the use of similar materials, colors, finishes, and architectural details.
Fences, railings, and walls should be designed to complement the adjacent architecture through the use of

	Designs should be contextual to adjacent buildings, including their cornice lines and horizontal banding.
32	Response:
	The appropriate, acceptable designs will be used in this property development.
33	Innovative design and unusual lighting of the exterior of the building is important to emphasize the monumentality of government buildings.
	Response:
	The proposed design is not a government use building.
34	The principal building entrance should be easily identified by building features and landscape elements; additional public entrances should be provided at every street face.
	Response:
	Building entrance design will include features making them easily identifiable from the street; entrances will face the adjacent street and intersection.
35	Building materials should be of stone, brick, or similar durable, high quality materials. Building form, articulation, and materials should respect and be sympathetic to the major governmental and institutional buildings in the area.
	Response:
	The proposed building design will incorporate high-quality materials.
36	Preferred materials (other than glass) include metal, brick, stone, concrete, plaster, and wood trim; discouraged materials include vinyl siding, pressed wood siding, and exterior insulated finishing systems (EIFS).
	Response: The proposed building design will incorporate high-quality materials.
27	Materials covering original architectural features of historic or architecturally significant buildings are discouraged.
37	Response:
	N/A; the proposed development will be a new vertically mixed-use building.
	A minimum of 35 percent of each upper story should be windows.
38	Response:
	The proposed building's upper stories will be designed consistent with this guideline.
	Building corners that face an intersection should strive for a distinctive form and high level of articulation.
39	Response:
	The corner of the building facing the adjacent intersection will be designed with the ground level entrance facing the intersection defined by distinct architectural features.
	Buildings may step back further at intersections in order to articulate the corners.
40	Response:
	The corner portion of the building facing the adjacent intersection will be designed at an angle to the corresponding side facades to further articulate the corner.

41	Buildings downtown and in Pedestrian Business Overlays should have stepbacks and articulated facades to mitigate wind effects and increase light and air. Buildings should step back 10 to 15 feet at the 60-foot point above the ground on a wide street and 15 feet on a narrow street. A wide street is 75 feet in width or more.
	Response:
	The appropriate, acceptable design methods will be used in this property development.
42	Flat roof buildings should have decorative parapets with elements, such as detailed cornices, corbeling, applied medallions, or other similar architectural treatments.
	Response:
	The building will be designed consistent with this guideline.
43	Signage should be compatible in scale, style, and composition with the building or storefront design as a whole.
	Response:
	Signage on the building will be compatible with the scale, design and composition of the store fronts, and consistent with UDO standards as appropriate.
	Diverse graphic solutions are encouraged to help create the sense of uniqueness and discovery found in an urban, mixed-use environment.
44	Response:
	The use of graphics will be incorporated in signage as appropriate to create diversity and uniqueness for the mixed-use project
	All mechanical and electrical mechanisms should be concealed.
45	Response:
	All mechanical and electrical components of signage will be concealed as appropriate
	Signs should not obscure a building's important architectural features, particularly in the case of historic buildings.
46	Response:
	Signage will be designed not to obstruct important architectural features/details and complement the overall building design
	Signs should be constructed with durable materials and quality manufacturing.
47	Response:
	Signs will be constructed of high-quality, durable materials that complement the building design
	Sign bands above transom and on awnings are preferred signage locations.
48	Response:
	Sign locations will be designed consistent with this guideline and balance other important design requirements
	Only the business name, street address, building name, and logo should be on an awning or canopy. The lettering should not exceed 40 percent of the awning area.
49	Response: Awnings and/or canopies will be consistent with this requirement

Illuminated signs should avoid the colors red, yellow, and green when adjacent to a signal controlled vehicular intersection. 50 Response: The intersection adjacent to the proposed building is not signal controlled. Allowed sign types: channel letter signs, silhouette signs (reverse channel), individualized letter signs, projecting signs, canopy/marquee signs, logo signs, awning signs, and interior window signs. 51 Response: Sign types on the building will be consistent with UDO standards. Discouraged sign types: signs constructed of paper, cardboard, styrofoam-type materials, formed plastic, injected molded plastic, or other such materials that do not provide a sense of permanence or quality; signs attached with suction cups or tape; signs constructed of luminous vacuum-formed plastic letters; signs with smoke-emitting components. Changeable copy signs are prohibited. 52 Response: Sign types on the building will be consistent with UDO standards; signs will be constructed of high-quality, durable materials that complement the building design.

Rezoning Checklist (Submittal Requirements)						
To be completed by Applicant			To be	To be completed by staff		
General Requirements – General Use or Conditional Use Rezoning	Yes	N/A	Yes	No	N/A	
I have referenced this <b>Rezoning Checklist</b> and by using this as a guide, it will ensure that I receive a complete and thorough first review by the City of Raleigh	<b>√</b>					
2. Pre-application conference.	$\checkmark$					
Neighborhood meeting notice and report	<b>√</b>					
4. Rezoning application review fee (see <u>Fee Guide</u> for rates).	<b>✓</b>					
Completed application submitted through Permit and Development     Portal	<b>√</b>					
6. Completed Comprehensive Plan consistency analysis	<b>√</b>					
7. Completed response to the urban design guidelines	<b>√</b>					
8. Two sets of stamped envelopes addressed to all property owners and tenants of the rezoning site(s) and within 500 feet of area to be rezoned.	<b>√</b>					
9. Trip generation study		<b>✓</b>				
10. Traffic impact analysis		<b>√</b>				
For properties requesting a Conditional Use District:						
11. Completed zoning conditions, signed by property owner(s).	<b>√</b>					
If applicable, see page 11:				7 3 5 2 3		
12. Proof of Power of Attorney or Owner Affidavit.	$\checkmark$					
For properties requesting a Planned Development or Campus District:						
13. Master plan (see Master Plan submittal requirements).		<b>√</b>				
For properties requesting a text change to zoning conditions:						
14. Redline copy of zoning conditions with proposed changes.						
15. Proposed conditions signed by property owner(s).		<b>√</b>				

#### Who Can Initiate a Zoning Request?

If requesting to down-zone property, the rezoning application must be signed by all the property owners whose property is subject to the downzoning. Downzoning is defined as a zoning ordinance that affects an area of land in one of the following ways:

- 1. By decreasing the development density of the land to be less dense than was allowed under its previous usage.
- 2. By reducing the permitted uses of the land that are specified in a zoning ordinance or land development regulation to fewer uses than were allowed under its previous usage.

If requesting to rezone property to a conditional district, the rezoning application must be signed by all owners of the property to be included in the district. For purposes of the application only (not the zoning conditions), the City will accept signatures on behalf of the property owner from the following:

- 1. the property owner;
- 2. an attorney acting on behalf of the property owner with an executed power of attorney; or
- 3. a person authorized to act on behalf of the property owner with an executed owner's affidavit.

An owner's affidavit must be made under oath, properly notarized and, at a minimum, include the following information:

- The property owner's name and, if applicable, the property owner's title and organization name.
- The address, PIN and Deed Book/Page Number of the property.
- A statement that the person listed as the property owner is the legal owner of the property described.
- The name of the person authorized to act on behalf of the property owner as the applicant. If applicable, the authorized person's title and organization name.
- A statement that the property owner, as legal owner of the described property, hereby gives authorization and permission to the authorized person, to submit to the City of Raleigh an application to rezone the described property.
- A statement that the property owner understands and acknowledges that zoning conditions must be signed, approved and consented to by the property owner.
- The property owner's signature and the date the property owner signed the affidavit.

If requesting to rezone property to a general use district that is not a down-zoning, the rezoning application may be signed, for the purpose of initiating the request, by property owners or third-party applicants.

### WILLIAMS MULLEN

Thomas H. Johnson, Jr. Direct Dial: 919.981.4006 tjohnson@williamsmullen.com

April 28, 2023

RE: Notice of Neighborhood Meeting - Proposed Rezoning of Properties Located at

301 & 303 N. Boylan Avenue, 710 W. Lane Street

(Wake County PINs: 1704400509, 1704400605, 1704309632)

Dear Neighboring Property Owner and/or Tenant:

The purpose of this letter is to invite you to an informational neighborhood meeting to discuss the proposed rezoning of an assemblage of the three properties identified above and outlined in red on the enclosed vicinity maps ("Property"). The meeting will be held on <a href="Monday">Monday</a>, <a href="Monday">May 15, 2023</a> from 6:00 p.m. – 7:00 p.m. in the <a href="Glenwood Room">Glenwood Room</a> at the <a href="Hampton Inn & Suites Raleigh Downtown">Hampton Inn & Suites Raleigh Downtown</a>, 600 Glenwood Avenue, Raleigh, NC 27603. The purpose of the meeting is to provide neighboring property owners and tenants an opportunity to learn from the applicant more about the proposed rezoning and ask questions.

The Property is currently zoned Office Mixed Use, up to three stories, detached frontage requirement (OX-3-DE) within a Neighborhood Conservation Overlay District. The proposal is to rezone the Property to Office Mixed Use, up to twelve stories, Urban Limited frontage requirement with conditions (OX-12-UL-CU), and remove the Neighborhood Conservation Overlay designation. The purpose of the rezoning is to facilitate redevelopment of the Property with a mixed-use development that includes multifamily dwellings, office and retail space with parking incorporated into the structure, in accordance with the City's Unified Development Ordinance (UDO) requirements. The proposed zoning will allow for greater design flexibility to better balance the goals for mixed use development with existing site characteristics.

Prior to the submittal of a rezoning application, the City of Raleigh requires an applicant to hold a neighborhood meeting and invite owners and tenants of property within 500 feet of the site proposed for rezoning. Following the meeting, the applicant will prepare a report summarizing items discussed at the meeting and the information will be included with the rezoning application.

Information about the rezoning process is available online at <a href="www.raleighnc.gov">www.raleighnc.gov</a>, and search for "Rezoning Process". If you have further questions about the rezoning process, please contact City of Raleigh Planning & Development Department at: 919-996-2682 (option 2); <a href="mailto:rezoning@raleighnc.gov">rezoning@raleighnc.gov</a>; or Robert Tate (Raleigh Planning and Development Department) at 919-996-2235 or <a href="mailto:Robert.Tate@raleighnc.gov">Robert.Tate@raleighnc.gov</a>. If you have any questions about this proposed rezoning, please contact me at 919-981-4006 or <a href="mailto:tjohnson@williamsmullen.com">tjohnson@williamsmullen.com</a>. If you would like to submit written comments or questions after the neighborhood meeting, you may participate in the applicable rezoning case at <a href="mailto:www.publicinput.com/rezoning">www.publicinput.com/rezoning</a>.

April 28, 2023 Page 2 of 4

If you have any questions, please let me know.

Very truly yours,

Thomas H. Johnson, Jr.

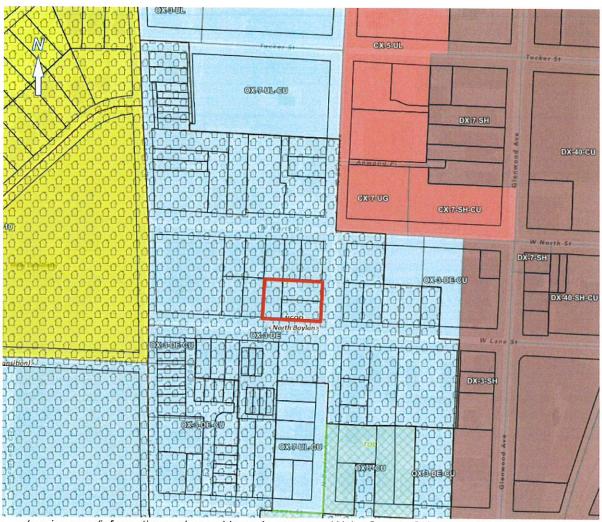
Enclosure: Vicinity maps (aerial and existing zoning)

cc: Jane Harrison, Raleigh City Council - District D (by email: <u>Jane.Harrison@raleighnc.gov</u>)
Byrd-Cannon Holdings LLC (applicant)

### **VICINITY MAP (Aerial Image)**



### **VICINITY MAP (Existing Zoning)**



(zoning map/information and parcel boundary source: Wake County GIS and Raleigh GIS iMAPS)

#### **Attestation Statement**

I, the undersigned, do hereby attest that the electronic verification document submitted herewith accurately reflects notification letters, enclosures, envelopes and mailing list for mailing the neighborhood meeting notification letters as required by Chapter 10 of the City of Raleigh UDO, and I do hereby further attest that I did in fact deposit all of the required neighborhood meeting notification letters with the US. Postal Service on the 28<sup>th</sup> day of April, 2023. I do hereby attest that this information is true, accurate and complete to the best of my knowledge and I understand that any falsification, omission, or concealment of material fact may be a violation of the UDO subjecting me to administrative, civil, and/or, criminal liability, including, but not limited to, invalidation of the application to which such required neighborhood meeting relates.

20/2023

Signature of Applicant/Applicant Representative

Thomas H. Johnson, Jr. (Williams Mullen), agent for Byrd-Cannon Holdings LLC

### SUMMARY OF ISSUES

### (\* SEE ATTACHED "SUMMARY OF NEIGHBORHOOD MEETING" DOCUMENT)

A neighborhood meeting was held on	(date) to discuss a potential rezoning				
located at	(property address). The				
neighborhood meeting was held at	(location).				
There were approximately(number) neighbors	s in attendance. The general issues discussed				
were:					
Summary of Issues	:				
See attached document (Neighborhood Meeting Summary	<b>(')</b>				
See attached document (Neighborhood Meeting Summary	<b>(</b> )				
See attached document (Neighborhood Meeting Summary	<b>(</b> )				
See attached document (Neighborhood Meeting Summary	<b>(</b> )				
See attached document (Neighborhood Meeting Summary)					
See attached document (Neighborhood Meeting Summary	<b>(</b> )				
See attached document (Neighborhood Meeting Summary	()				
See attached document (Neighborhood Meeting Summary	)				

ATTENDANCE ROSTER				
NAME	ADDRESS			
George Finch	309 N. Boylan Avenue, Raleigh			
Art Charb	309 N. Boylan Avenue, Raleigh			
Larry Miller	510 Glenwood Avenue, Raleigh			
Momma Kai	Raleigh, NC			
Applicant Team	3			
Tim Kurmaskie (Architect Kurmaskie Assoc, Inc)	1030 Washington Street, Raleigh, NC			
Jeff Barczak (Barczak Engineering Services)	139 Grantham House Way, Apex, NC			
Melody Salazar (Byrd-Cannon Holdings)	303 N. Boylan Avenue, Raleigh, NC			
Tom Johnson (Williams Mullen)	301 Fayetteville St, Ste. 1700, Raleigh, NC			
Wayne Nicholas (Williams Mullen)	301 Fayetteville St, Ste. 1700, Raleigh, NC			
Raleigh Planning Dept. Staff				
Alicia Thomas (City of Raleigh Planning Dept.)	One Exchange Plaza, Ste. 300, Raleigh, NC			
	WI .			
5				

#### SUMMARY OF NEIGHBORHOOD MEETING

A neighborhood meeting was held on May 15, 2023, to discuss a potential rezoning located at 301 and 303 N. Boylan Avenue, 710 W. Lane Street (Wake County PINs: 1704400509, 1704400605, 1704309632). The neighborhood meeting was held at Hampton Inn & Suites Raleigh Downtown, 600 Glenwood Avenue, Raleigh, NC. There were 4 attendees at the meeting in addition to applicant team members as shown on the attached attendance roster. The general issues discussed were:

#### Summary of Issues

The meeting discussion with neighbors in attendance consisted mostly of informational questions about the proposed rezoning and a couple concerns of a more general nature as described below:

#### Questions:

- What is the number and type of proposed residential units?
- How many levels of retail and office space will be in the building?
- Has there been consideration of including/adding other adjacent properties to the proposed rezoning?
- Why does there seem to be pressure to demolish older homes and build more density?
- Is anything being done about affordable housing, and are affordable units proposed?
- What is the time frame for the proposed development?

#### General Concerns:

- Number of pedestrian-vehicle accidents in the Glenwood Ave/Glenwood South area.
- Concern about people having access to parks/outdoor areas for health.

#### Applicant Team Responses:

At this time the applicant's vision for the multi-family residential component is approximately 9 to 12 condominium-style units located above the first two floors consisting of retail and office use. The applicant team explained all the parcels included in this proposed rezoning currently have the same zoning which allows both residential and non-residential uses. The Team also explained two of the parcels currently contain small non-residential buildings used for commercial purposes, the other parcel a residential structure containing a commercial use allowed under zoning. The applicant team acknowledged the question about affordable housing and City Planning staff in attendance explained the City's efforts and programs for housing. The Team acknowledged the concerns expressed about pedestrian-vehicle interactions and explained the rezoning request, once submitted, will be reviewed by multiple City departments. Also explained the project is within a short walking distance to a City park and the location provides pedestrian access to several other amenities in the area. The Applicant Team concluded by providing attendees with an overview of the steps involved in the rezoning process once the application is submitted to the City and the opportunities that will be available for providing feedback to City Council, Planning Commission and staff members. The Team provided their contact information and encouraged reaching out to the applicant with questions any time during the process.