## **Existing Zoning**

# Z-54-2023

40



Map by Raleigh Department of Planning and Development (tater): 11/9/2023

Zoning

RX-7-UL-CU w/ TOD

## **Rezoning Application and Checklist**



Planning and Development Customer Service Center • One Exchange Plaza, Suite 400 | Raleigh, NC 27601 | 919-996-2500

Please complete all sections of the form and upload via the Permit and Development Portal (permitportal.raleighnc.gov). Please see page 18 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 <u>rezoning@raleighnc.gov</u>.

Rezoning Request							
Rezoning	General Use		Х	X Conditional Use Master P		Master Plan	Office Use Only Rezoning case #
Туре	Text cha	ange to zoning conditions					
Existing zoning base district: NX		Height: 3		Fro	ontage: UL	Overlay(s): TOD	
Proposed zoning base district: RX		Height: 7 Frontage: UL		Overlay(s): TOD			
Helpful Tip: View the Zoning Map to search for the address to be rezoned, then turn on the 'Zoning' and 'Overlay' layers.							
If the property has been previously rezoned, provide the rezoning case number:							

General Information					
Date: November 3, 2023	Date	amended (1):		Date amended (2):	
Property address: 716 and 718 South Saunders Street					
Property PIN: 1703463004 and	Property PIN: 1703463004 and 1703453909				
Deed reference (book/page): Boo	Deed reference (book/page): Book 17538, Page 2337				
Nearest intersection: W South St	t and	S Saunders St	Property size (ac	res): 0.36	
For planned development		Total units:		Total square footage:	
applications only		Total parcels:		Total buildings:	
Property owner name and address: 716 South Saunders LLC					
Property owner email:	Property owner email:				
Property owner phone:					
Applicant name and address: Toby Coleman, Smith Anderson, on behalf of 716 South Saunders LLC					
Applicant email: tcoleman@smithlaw.com					
Applicant phone: 919.821.6778					
Applicant signature(s):					
Additional email(s):					



DocuSign Envelope ID: 5647EF38-FDFF-4F4B-9AE6-A18928BA9B11

Cor	ditional Use District Zoning Conditi	ons
Zoning case #:	Date submitted: November 3, 2023	Office Use Only Rezoning case #
Existing zoning: NX-3-UL (TOD)	Proposed zoning: RX-7-UL (TOD)	

#### Narrative of Zoning Conditions Offered

1) The following Principal uses as listed in UDO Section 6.1.4 that are permitted, limited, or special uses in the RX- district shall be prohibited: dormitory, fraternity, sorority; boarding house; cemetery; and outdoor sports facility (>250 seats).

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.

Property Owner(s)	Signature:Korws
Printed Name(s): _	Craig Kerins

RECEIVED

Page 2 of 11

By Robert Tate at 9:20 am, Nov 13, 2023

**REVISION 06.02.22** 

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Rezoning Application Addendum #1	
Comprehensive Plan Analysis	Office Use Only
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.	Rezoning case #
Statement of Consistency	
Provide brief statements regarding whether the rezoning request is consistent wit the urban form map, and any applicable policies contained within the 2030 Comp	
Public Benefits Provide brief statements explaining how the rezoning request is reasonable and in	n the public interest.

Rezoning Application Addendum #2	2
Impact on Historic Resources	
The applicant is asked to analyze the impact of the rezoning request on historic resources. For the purposes of this section, a historic resource is 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.	Office Use Only Rezoning case #
Inventory of Historic Resources	
List in the space below all historic resources located on the property to be rezo the proposed zoning would impact the resource.	ned. For each resource, indicate how
Public Mitigation	
Provide brief statements describing actions that will be taken to mitigate all neg	ative impacts listed above.

Design Guidelines
The Applicant must respond to the Urban Design Guidelines contained in the 2030 Comprehensive Plan if:
<ul> <li>a) The property to be rezoned is within a "City Growth Center", "Mixed-Use Center", or "Transit Station Areas", OR;</li> </ul>
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.
The Applicant must respond to the <b>Downtown Urban Design Guidelines</b> contained in the 2030 Comprehensive Plan if:
<ul> <li>a) The property to be rezoned is within "Downtown" as shown on the Urban Form Map in the 2030 Comprehensive Plan.</li> </ul>
Policy DT 7.18:
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.
Please <u>click here</u> to download the Design Guidelines Addendum if required.

Urban Form Designation:Click hereto view the Urban Form map.

### Please continue to the next page for the Rezoning Checklist Submittal Requirement.

Downtown Urban Design Guidelines					
The A	<ul> <li>The Applicant must respond to the Downtown Urban Design Guidelines contained in the 2030 Comprehensive Plan if:</li> <li>a) The property to be rezoned is within "Downtown" as shown on the Urban Form Map in the 2030 Comprehensive Plan.</li> </ul>				
The c	Policy DT 7.18: 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	<u>here</u> to view the Urban Form map				
	Fayetteville Street should be free of service elements, including loading docks, mechanical equipment, and driveways.				
1	Response:				
2	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:				
	Surface and structured parking should be landscaped, emphasizing interior tree canopies in surface lots, formal borders, and street trees to reinforce the streetwall.				
3	Response:				
4	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:				
5	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:				
	Building entries should be emphasized with architectural features, changes in roofline, different massing, or unique materials.				
6	Response:				

	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.
7	Response:
8	Building entries should be at grade.
	Response:
	The level of architectural detail should be most intense at street level, within view of pedestrians on the sidewalk.
9	Response:
	The use of solid roll-down security gates is discouraged.
10	Response:
	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:
	Large unarticulated walls are discouraged and should have a window or functional public access at least every 10 feet.
12	Response:
	The articulation of the façade should be designed to appear more vertical than horizontal.
13	Response:
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:
4-	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:

40	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.
16	Response:
	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:
	The first-story, floor-to-floor height of any new building on Fayetteville Street should be a minimum of twenty (20) feet.
18	Response:
	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:
	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	Response:
	Arcades, colonnades, and galleries are discouraged within the public right-of-way.
21	Response:
	Stairs and stoops in the public right-of-way are discouraged along Fayetteville Street in order to make entries more accessible.
22	Response:
23	An outdoor ground plane that abuts or is adjacent to the public right-of-way should be paved with terrazzo, concrete pavers, concrete, stone, brick, tile, or another high-quality hardscape material. Asphalt and loose paving materials such as gravel are discouraged. The paving design and materials should complement the building or storefront architecture.
	Response:

24	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.
24	Response:
	Walls of buildings should parallel the orientation of the street grid.
25	Response:
	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.
26	Response:
	Distance between towers on different blocks should be a minimum of 100 feet to ensure access to light and air.
27	Response:
	Public art, performance facilities, and/or civic monuments should be an integral part of any building plan.
28	Response:
20	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.
29	Response:
30	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:
	Fences, railings, and walls should be designed to complement the adjacent architecture through the use of similar materials, colors, finishes, and architectural details.
31	Response:

	Designs should be contextual to adjacent buildings, including their cornice lines and horizontal banding.
32	Response:
	Innovative design and unusual lighting of the exterior of the building is important to emphasize the monumentality of government buildings.
33	Response:
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:
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:
	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).
36	Response:
	Materials covering original architectural features of historic or architecturally significant buildings are discouraged.
37	Response:
	A minimum of 35 percent of each upper story should be windows.
38	Response:
	Building corners that face an intersection should strive for a distinctive form and high level of articulation.
39	Response:
	Buildings may step back further at intersections in order to articulate the corners.
40	Response:

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:				
42	Flat roof buildings should have decorative parapets with elements, such as detailed cornices, corbeling, applied medallions, or other similar architectural treatments.				
	Response:				
	Signage should be compatible in scale, style, and composition with the building or storefront design as a whole.				
43	Response:				
	Diverse graphic solutions are encouraged to help create the sense of uniqueness and discovery found in an urban, mixed-use environment.				
44	Response:				
	All mechanical and electrical mechanisms should be concealed.				
45	Response:				
	Signs should not obscure a building's important architectural features, particularly in the case of historic buildings.				
46	Response:				
	Signs should be constructed with durable materials and quality manufacturing.				
47	Response:				
	Sign bands above transom and on awnings are preferred signage locations.				
48	Response:				
	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:				

50	Illuminated signs should avoid the colors red, yellow, and green when adjacent to a signal controlled vehicular intersection.		
	Response:		
	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:		
52	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.		
	Response:		

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Rezoning Checklist (Submittal Requirement	ts)					
To be completed by Applicant				To be completed by staff		
General Requirements – General Use or Conditional Use Rezoning:	Yes	N/A	Yes	No	N/A	
1. I have referenced this Rezoning Checklist and by using this as a guide, it will ensure that I receive a complete and thorough first review by the City of Raleigh						
2. Pre-application conference						
3. Neighborhood meeting notice and report						
4. Rezoning application review fee (see <u>Development Fee Guide</u> for rates).						
5. Completed application submitted through Permit and Development Portal						
6. Completed Comprehensive Plan consistency analysis						
7. Completed response to the urban design or downtown design guidelines						
8. Two sets of stamped envelopes addressed to all property owners of area to be rezoned and properties with 500 feet of area to be rezoned						
9. Trip generation study						
10. Traffic impact analysis						
For properties requesting a Conditional Use District:			Yes	No	N/A	
11. Completed zoning conditions, signed by property owner(s)						
If applicable, see page 18:	Yes	N/A	Yes	No	N/A	
12. Proof of Power of Attorney or Owner Affidavit						
For properties requesting a Planned Development or Campus District:	Yes	N/A	Yes	No	N/A	
13. Master plan (see Master Plan submittal requirements)						
For properties requesting a text change to zoning conditions:			Yes	No	N/A	
14. Redline copy of zoning conditions with proposed changes						
15. Proposed conditions signed by property owner(s)						

Please continue to the next page for the Master Plan Submittal Requirements checklist.

**REVISION 06.02.22** 

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SOSID: 1585047 Date Filed: 3/31/2017 1:11:00 PM Elaine F. Marshall North Carolina Secretary of State

C2017 080 00198

### State of North Carolina Department of the Secretary of State

### Limited Liability Company ARTICLES OF ORGANIZATION

Pursuant to §57D-2-20 of the General Statutes of North Carolina, the undersigned does hereby submit these Articles of Organization for the purpose of forming a limited liability company.

1.	The name of the limited lia	bility company is:				
2.		(See Item 1 of the Instructions for a				
4.	The name and address of each person executing these articles of organization is as follows: (State whether each person is executing these articles of organization in the capacity of a member, organizer or both.					
	Note: This document mus	st be signed by all persons listed.) Address	Composito			
·	Craig John Kerins		Capacity			
			01 Organizer & Manager			
	John Robert Johnston IV	502 S. West Street, #100, Raleigh, NC 2760	01 Manager Organizer			
			<u></u>			
3.	The name of the initial reg	istered agent is: Craig John Kerins				
4.		ty of the initial registered agent office of the limite				
	S02 S. Number and Street	West Street, #100				
	City	State: <u>NC</u> Zip Code:County:				
5.	The mailing address, if different from the street address, of the initial registered agent office is:					
	Number and Street					
	City	State: <u>NC</u> Zip Code: County:				
6.	Deincing loffing information					
0.	Principal office information	n: (Select either a or b.)				
	-	company has a principal office.				
	The principal office teleph	919-831-2955 one number:				
		nty of the principal office of the limited liability c	ompany is:			
	Number and Street:	West Street, #100				
	Baleigh	NC . 27601	Wake ounty:			
	DRATIONS DIVISION ed December 2016)	P.O. Box 29622 RAI	LEIGH, NC 27626-0622 (Form L-01)			

The mailing address, if different from the street address, of the principal office of the company is:

Number and Street:

City: \_\_\_\_\_\_ State: \_\_\_\_\_ Zip Code: \_\_\_\_\_ County: \_\_\_\_\_

b. The limited liability company does not have a principal office.

- 7. Any other provisions which the limited liability company elects to include (e.g., the purpose of the entity) are attached.
- 8. (Optional): Listing of Company Officials (See instructions on the importance of listing the company officials in the creation document.

Name	Title	Business Address	

**Privacy Redaction** 

9. (Optional): Please provide a business e-mail addre The Secretary of State's Office will e-mail the business automatically at the address provided above at no cost when a document is filed. The e-mail provided will not be viewable on the website. For more information on why this service is offered, please see the instructions for this document.

10. These articles will be effective upon filing, unless a future date is specified:

This is the $14$ day of <b>MARIM</b> , 20 17.	
	aning having
	J Signature
	Craig John Kerins, Organizer & Manager
	Type or Print Name and Title
Junger ~	
Signature John Robert Johnston IV, Manager Organizer	Signature
Type and Print Name and Title	Type and Print Name and Title
NOTE: 1. Filing fee is \$125. This document must be f	iled with the Secretary of State.

CORPORATIONS DIVISION (Revised December 2016)

P.O. Box 29622

RALEIGH, NC 27626-0622 (Form L-01)

### Exhibit "A"

BEGINNING at an open top pipe (hereinafter "OTP"), said OTP being located S 61 deg. 46 min. 06 sec. E 5059.78 feet from NCGS Monument: Pullen (EZ6436), having coordinates North: 738,465.25; East: 2,099,765.94; Combined Factor=0.99990485; running thence S 87 deg. 52 min. 00 sec. E 157.54 feet to a pk nail in the western right of way line of South Saunders Street, Raleigh, NC; running thence S 02 deg. 02 min. 31 sec. W 49.90 feet to an OTP in the western right of way line of South Saunders Street; running thence S 02 deg. 15 min. 33 sec. W 48.94 feet to a ½ inch iron pipe in the western right of way line of South Saunders Street; running thence N 88 deg. 04 min. 37 sec. W 157.69 feet to an iron pipe set; running thence N 02 deg. 17 min. 49 sec. E 49.90 feet to a ½ inch rebar, running thence N 02 deg. 10 min. 58 sec. E 50.02 feet to an OTP, said OTP being the point and place of beginning, all as shown on the map prepared 02/6/2017 by Summit Coastal Surveying & Mapping and entitled "Boundary & Topographic Survey, Lots 4 & 5, Map of the Rex Hospital Property, Raleigh Township, Raleigh, Wake County, NC".

### Smith, Anderson, Blount, Dorsett, Mitchell & Jernigan, L.L.P.

#### LAWYERS

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

TOBY R. COLEMAN DIRECT DIAL: (919) 821-6778 E-Mail: tcoleman@smithlaw.com October 9, 2023

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

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

Re: Notice of neighborhood meeting to discuss proposed rezoning of parcel located at 716 and 718 South Saunders Street, Raleigh, NC 27603 (PINS: 1703463004 and 1703453909) (the "Property")

Dear Neighbors:

We are writing to invite you to a Neighborhood Meeting to discuss a proposed rezoning of the above-listed Property located at 716 and 718 S. Saunders Street.

The neighborhood meeting will be held on October 19, 2023 at 6:00 p.m. in the Jaycee Community Center located at 2405 Wade Ave, Raleigh, North Carolina 27607.

The Property is currently zoned Neighborhood Mixed Use-3 stories, Urban Limited Frontage with Transit District Overlay (NX-3-UL with TOD overlay) and is proposed to be rezoned to Residential Mixed Use-7 stories, Urban Limited Frontage with a Transit District Overlay (RX-7-UL with TOD overlay). The enclosed maps show the location and current base zoning of the Property and surrounding parcels.

At the Neighborhood Meeting, we will discuss the proposed rezoning, including potential zoning conditions for the development of the Property.

Prior to submitting the rezoning application, the City of Raleigh requires that a neighborhood meeting be held for all property owners, residents, or tenants within 500 feet of the property requested for rezoning. After the meeting, we will prepare a report for the Raleigh Planning Department regarding the items discussed at the meeting.

Information about the rezoning process is available online; visit <u>www.raleighnc.gov</u> and search for "Rezoning Process." If you have further questions about the rezoning process, please contact:

Sean Stewart Raleigh Planning & Development (919) 996-2638 Sean.Stewart@raleighnc.gov

If you have any concerns or questions about this potential rezoning, please do not hesitate to contact me. I can be reached via my office phone at 919-821-6778 or via email at <u>tcoleman@smithlaw.com</u>.

Sincerely,

Toby Coleman

enclosures

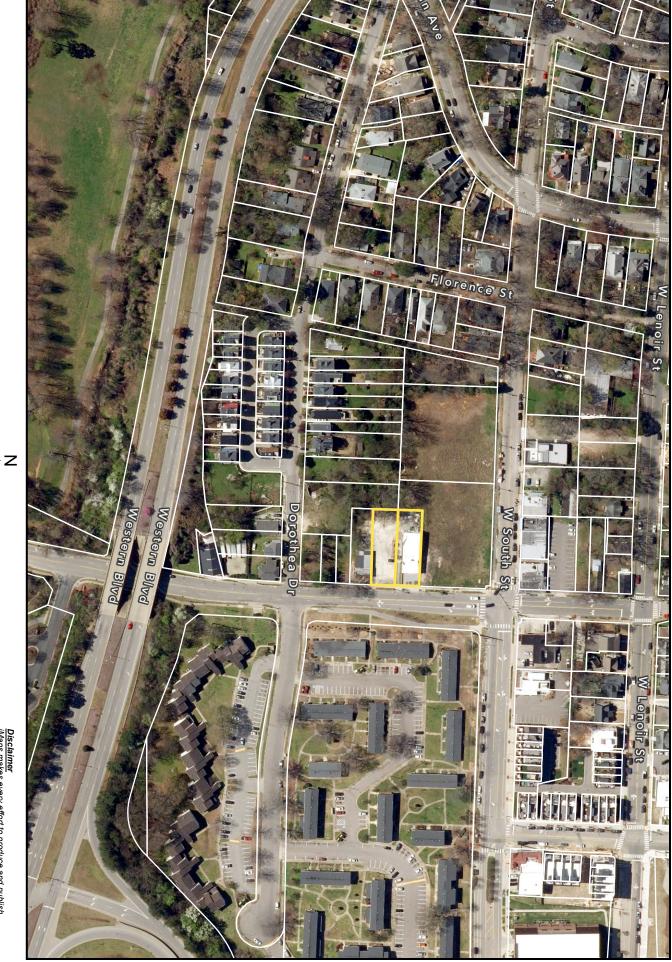
Definition of the second se	718 5. Samdos Rezonny- 6pm Octob NDANCE ROSTER
NAME	ADDRESS
REG KELLY	518 : 520 W. South Street.
Mallony Brane	Cell Porothea Drive
Margalet Sweeney	512 W. South St.
Mallony Brance Margaret Sweeney Matt Daviels	620 W. South St. LODZ & BOYLAN
DON DAVIS	403 & BOYLAN

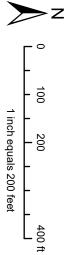
### SUMMARY OF ISSUES

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

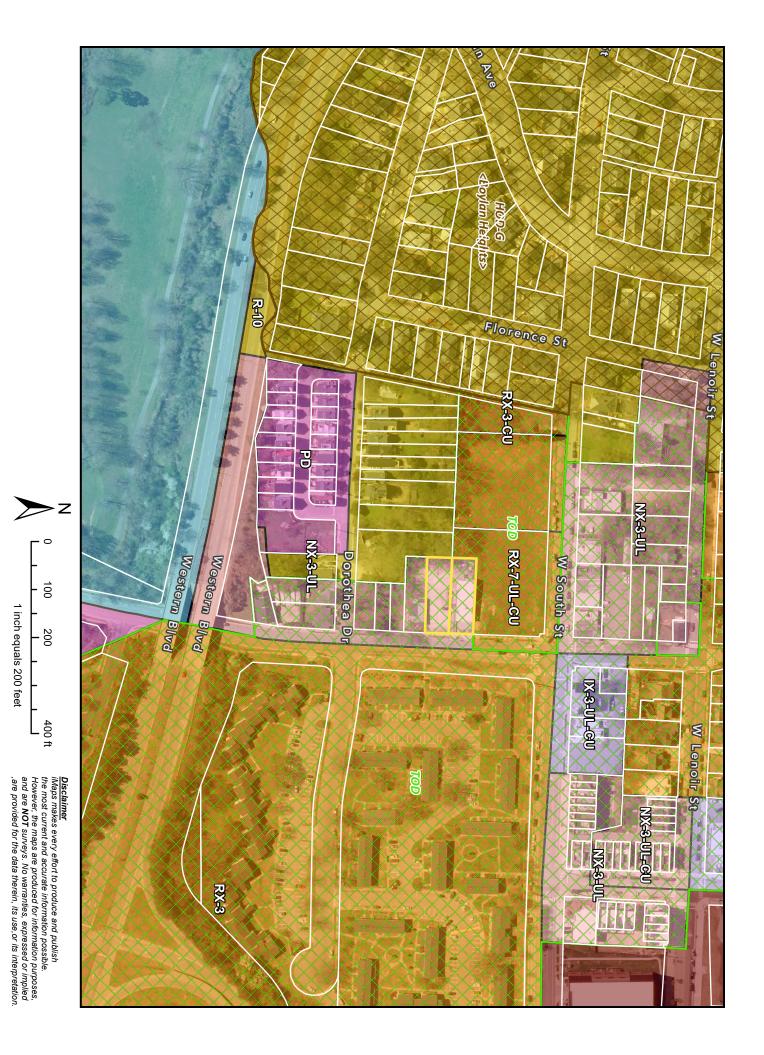
(number) neighbors in attendance. The general issues discussed were:

### Summary of Issues:



Disclaimer Maps 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.



#### 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 that I did in fact deposit all of the required neighborhood meeting notification letters with the US. Postal Service on the 9th day October, 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.

10/27/23

Signature of Applicant/Applicant Representative

Date