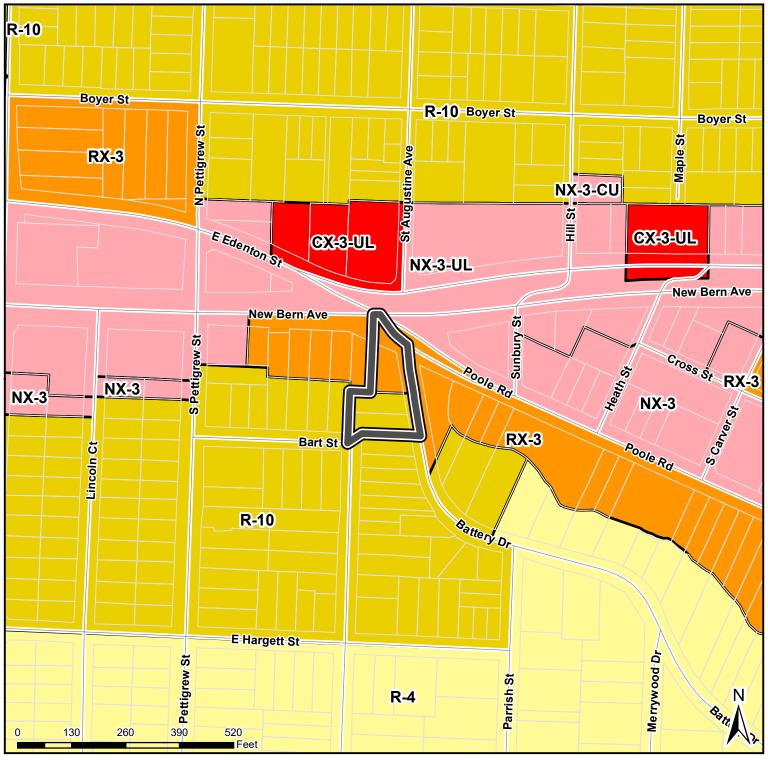
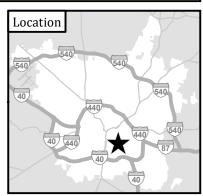
Existing Zoning

Z-57-2021



Property	1254 New Bern Ave; 19 & 23 Bart St
Size	0.5 acres
Existing Zoning	R-10 & RX-3
Requested Zoning	RX-4-UL



Rezoning Application and Checklist



Planning and Development Customer Service Center • One Exchange Plaza, Suite 400 | Raleigh, NC 27601 | 9191916-4560 2021

Please complete all sections of the form and upload via the Permit and Development Portal (Germitportal 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.

Rezoning Request							
Rezoning	General u	use Conditional use		Mas	ter plan	OFFICE USE ONLY	
Туре	Text cha	nange to zoning conditions			Rezoning case #		
Existing zoning base dis	Height: Frontage:			Overlay(s):			
Proposed zoning base district: RX Height: 4			F	rontage: U	L	Overlay(s):	
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 rez	oned, provide the	rezonin	g case numl	er:		
				and the state of the state of			
		General		ion			
Date: August, 2021		Date amended (*	,		Date am	ended (2):	
Property address: 1254 i	······	·············		Bart Street	•		
	-	33; ad 171328963					
Deed reference (book/pa	ge): BK 1811	4 PG 2321; BK 1	7842 PG	1919; and E	K 17842	PG 2789	
Nearest intersection: New	Bern Avenue, Pool	e Road and Battery Driv	e Prope	rty size (acre	es): 0.17; (0.16; and 0.17 = 0.5 total acres	
For planned developmer	rt [Total units:		Total sq	uare footage:		
applications only:		Total parcels: Total bu			ildings:		
Property owner name and address: James A. Moss, Jr. and Moss Construction & Design, LLC							
Property owner email: c/o Isabel Mattox @ Isabel@mattoxlawfirm.com							
Property owner phone: c/o Isabel Mattox @ (919) 828-7171							
Applicant name and address: Isabel Worthy Mattox, Mattox Law Firm, 127 W. Hargett Street, Suite 500, Raleigh, NC 27601							
Applicant email: Isabel@mattoxlawfirm.com							
Applicant phone: (919) 828-7171							
Applicant signature(s): See below Property Owner signatures.							
Additional email(s):							
MOSS CONSTRUCTION & DESIGN, LLC, a North Carolina limited liability company						, LLC, a North Carolina	
By:			By:	A Company of the Comp		The second of th	
James A. Moss, Jr.				mes A. Moss, J	r., Member/f	vlanager	
			***************************************		<i>></i>	-	

Conditional Use District Zoning Conditions				
Zoning case #:	Date submitted: August, 2021	OFFICE USE ONLY Rezoning case #		
Existing zoning: R-10 and RX-3	Proposed zoning: RX-4-UL	9		

	Narrative of Zoning Conditions Offered
1.	Residential density shall not exceed forty (40) dwelling units.
2.	Retail square footage shall not exceed 3,000 square feet.
	1 2021
	SEP 1 4 2021
	BY: JM

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:

MOSS CONSTRUCTION & DESIGN, LLC, a North Carolina

limited liability company

James A. Moss, Jr.

James A. Moss, Jr., Member/Manager

Page **2** of **15**

REVISION 10.27.20

Conditional Use District Zoning Conditions				
Zoning case #:	Date submitted: September 10, 2021	OFFICE USE ONLY Rezoning case #		
Existing zoning: R-10 and RX-3	Proposed zoning: RX-4-UL	- to zero mig oddo m		

Narrative of Zoning Co	onditions Offered
------------------------	-------------------

- 1. Residential density shall not exceed forty (40) dwelling units.
- 2. Retail square footage shall not exceed 3,000 square feet.

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:

James A. Moss, Jr.

MOSS CONSTRUCTION & DESIGN, LLC, a North Carolina

limited liability company

James A. Moss, Jr., Member/Manager

Page 2 of 15

REVISION 10.27.20

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 with the future land use designation, the urban form map, and any applicable policies contained within the 2030 Comprehensive Plan.

The Future Land Use Map recommends Neighborhood Mixed Use for the New Bern parcel and Moderate Density Residential for the Bart Street parcels.

The zoning is consistent with the Urban Form Map with increased residential density in a Core Transit Area and in a Transit Emphasis Corridor and an Urban Frontage on a Transit Emphasis Corridor.

Public Benefits

Provide brief statements explaining how the rezoning request is reasonable and in the public interest.

- 1. The rezoning will allow for more residential density in close proximity to the proposed Bus Rapid Transit Line, in a Core Transit Area on a Transit Emphasis Corridor.
- 2. The rezoning will allow additional housing diversity, which may provide convenient housing opportunities for City, school or Wake Med employees.
- 3. The rezoning will facilitate redevelopment of housing in the New Bern- Edenton Neighborhood Revitalization Strategy Area.

OFFICE USE ONLY Rezoning case #
ned. For each resource, indicate
- 114
ative impacts listed above.

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" or "Mixed-Use Center", 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.

Urban form designation:

Click here to view the Urban Form Map.

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.

Response:

A retail use such as an eating establishment may be considered as a future possibility.

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.

? Response:

Design, topographic differences, spacing, and landscaping will combine to reduce height impact of the proposed development.

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.

Response:

Pedestrian access to the adjacent residential area is planned.

Streets should interconnect within a development and with adjoining development. Cul-de-sacs or deadend 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.

Response:

No new streets are proposed.

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.

5 Response:

No new streets are proposed.

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.

6 Response:

The building is proposed to line the street.

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: Building area expected to be within 25 feet of the curb.
8	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. Response: The building is expected to be close to the street at the intersection of New Bern Avenue, Poole Road and Battery Drive.
9	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. Response: Urban Open space in the form of a covered porch is planned along New Bern Avenue. Landscaped outdoor amenity area (visible from Battery Drive) is planned between the proposed building and existing single family residential.
10	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. Response: The above described porch and OAA are planned to be accessible from adjacent streets.
11	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. Response: A retail cafe could be developed with this space in the future.
12	A properly defined urban open space is visually enclosed by the fronting of buildings to create an outdoor "room" that is comfortable to users. Response: Outdoor eating area would be anticipated if a cafe use is developed in the future.
13	New public spaces should provide seating opportunities. Response: If an outdoor cafe area is developed, it will have seating opportunities.

Parking lots should not dominate the frontage of pedestrian-oriented streets, interrupt pedestrian routes, or negatively impact surrounding developments. Response: 14 Parking is planned to be at the rear of or under the building. 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. Response: 15 Parking is planned to be at the rear of or under the building. Parking structures are clearly an important and necessary element of the overall urban infrastructure but, given their utilitarian elements, can give serious negative visual effects. New structures should merit the same level of materials and finishes as that a principal building would, care in the use of basic design elements cane make a significant improvement. 16 Response: Parking is expected to be included under the building and/or screened from public view. 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. Response: 17 The proposed development will place higher density residential closer to transit. Convenient, comfortable pedestrian access between the transit stop and the building entrance should be planned as part of the overall pedestrian network. Response: 18 Convenient access to transit will be provided by City sidewalk. 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 19 should be conserved as open space amenities and incorporated in the overall site design. Response: Environmentally sensitive areas are not expected in the proposed development. 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: 20 No new public streets are proposed but private driveways and sidewalks are planned to be scaled for pedestrians.

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. Response: 21 Sidewalks will be compliant with the UDO. 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 22 consistent with the City's landscaping, lighting and street sight distance requirements. Response: Street trees will comply with the UDO. 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. Response: 23 Building and street trees are expected to align the edge along the street. The primary entrance should be both architecturally and functionally on the front facade of any building facing the primary public street. Such entrances shall be designed to convey their prominence on the fronting facade. Response: 24 The primary entrance is expected to face the public street. 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: 25 The ground level may include a retail use in the future. The sidewalks should be the principal place of pedestrian movement and casual social interaction. Designs and uses should be complementary to that function. Response: Sidewalks will comply with the UDO. 26

Rezoning Checklist (Submittal Requirements)					
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
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	V				
2. Pre-application conference.	V				
3. Neighborhood meeting notice and report	V				
4. Rezoning application review fee (see Fee Guide for rates).	✓				
Completed application submitted through Permit and Development Portal	V				
6. Completed Comprehensive Plan consistency analysis	V				
7. Completed response to the urban design guidelines	V				
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.	V				
9. Trip generation study		V			
10. Traffic impact analysis		V			
For properties requesting a Conditional Use District:					
11. Completed zoning conditions, signed by property owner(s).	V				
If applicable, see page 11:					
12. Proof of Power of Attorney or Owner Affidavit.		V			
For properties requesting a Planned Development or Campus District:					
13. Master plan (see Master Plan submittal requirements).		V			
For properties requesting a text change to zoning conditions:					
14. Redline copy of zoning conditions with proposed changes.		V			
15. Proposed conditions signed by property owner(s).		V			

Master Plan (Submittal Requirements)					
To be completed by Applicant			To be	complet staff	ed by
General Requirements – Master Plan	Yes	N/A	Yes	No	N/A
 I have referenced this Master Plan 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. 		V			
2. Total number of units and square feet		V			
3. 12 sets of plans		V			
4. Completed application; submitted through Permit & Development Portal		V			
5. Vicinity Map		V			
6. Existing Conditions Map		V			
7. Street and Block Layout Plan		V			
8. General Layout Map/Height and Frontage Map		V			
9. Description of Modification to Standards, 12 sets		V			
10. Development Plan (location of building types)		V			
11. Pedestrian Circulation Plan		V			
12. Parking Plan		V			
13. Open Space Plan		V			
14. Tree Conservation Plan (if site is 2 acres or more)		V			
15. Major Utilities Plan/Utilities Service Plan		V			
16. Generalized Stormwater Plan		V			
17. Phasing Plan		V			
18. Three-Dimensional Model/renderings		V			
19. Common Signage Plan		V			



Pre-Application Conference

Meeting Record

Department of City Planning | One Exchange Plaza, Suite 300 | (919) 996-2682

Meeting Date: 3/5/21

Attendees: Ira Mabel, Don Belk, JP Mansolf, Kasey Evans, Charles Dillard, Isabel Mattox, James A Moss Jr.

Site Address/PIN: New Bern – 1254, Bart St – 19, 23

Current Zoning/Designation: R-10

Proposed Zoning/Designation: CX-5

City Council District: C (Corey.Branch@raleighnc.gov)

Notes: Goal of multi family development. Requesting CX-5 here. Site will be oriented away from the neighborhood. Would like to do some mixed use on the site. Biggest thing the applicant has heard is walkability. Want more amenities directly in this area. See this a great spot for smaller more affordable units.

Mixed use request here would fit well here. FLUM recommends mixed use on the corner and moderate density residential on the southern two parcels. Mixed use request would have neighborhood transition requirements. We are starting a land use plan for New Bern Corridor which would likely come with FLUM changes. A transit stop at Tarboro st is likely. EDAT recommends that stop as a neighborhood center which would recommend 2-7 stories. A frontage would be consistent with policies. A TOD overlay is in process. Walkable pedestrian type development would be encouraged. The site would likely be in the overlay that would reduce parking or possibly eliminate it.

Zoning districts are mapped to the centerline, which would mean the zoning would likely match whatever zoning the property is, but still needs to be determined.

Het Patel (het-patel@raleighnc.gov, 919-996-5120) in transportation is a good contact for the specific design of New Bern.

Department & Staff	Notes
Transportation ☐ Jason Myers <u>Jason.Myers@raleighnc.gov</u> 919-996-2166	With the MUP and BRT, ped/bike oriented is going to be important here. One option here would be the opportunity to partner with the City's bikeshare system and add a small set of docks here.
☐ Anne Conlon Anne.Conlon@raleighnc.gov 919-996-2160	There are several stations that are being added along New Bern as a part of BRT project, so it would tie into the system well.
☐ Fontaine Burruss Fontaine.Burruss@raleighnc.gov 919-996-2165	

Historic Preservation	
☐ Collette Kinane	
Collette.Kinane@raleighnc.gov	
919-996-2649	
Parks, Recreation, & Cultural Resources	
☐ TJ McCourt	
Thomas.McCourt@raleighnc.gov	
919-996-6079	
☐ Emma Liles	
Emma.Liles@raleighnc.gov	
919-996-4871	
Public Utilities	
☐ John Sorrell	
John.Sorrell@raleighnc.gov	
919-996-3485	
☐ Lorea Sample	
Lorea.Sample@raleighnc.gov	
919-996-3484	
919-990-3404	
Urban Design Center	TOD overlay is supposed to go to the Text
☐ Charles Dillard	Change portal in a couple of weeks. Its possible
Charles.Dillard@raleighnc.gov	the overlay could be mapped prior to this
919-996-4631	rezoning being approved. Urban frontages
919-990-4051	would already offer a parking reduction.
	would already offer a parking reduction.
☐ Lee Stevens	
Lee.Stevens@raleighnc.gov	
919-996-4629	
010 000 1020	
Stormwater	
☐ Gary Morton	
Gary.Morton@raleighnc.gov	
919-996-3517	
☐ Charles Webb	
Charles Webb@raleighnc.gov	
919-996-3519	



Pre-Application Conference

Meeting Record

Department of City Planning | One Exchange Plaza, Suite 300 | (919) 996-2682

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Current Planning	
☐ Kasey Evans	
Kasey.Evans@raleighnc.gov	
919-996-2645	
☐ Mike Walters Michael.Walters@raleighnc.gov 919-996-2636	

SUMMARY OF ISSUES

A neighborhood meeting was held on March 15, 2021 (date) to discuss a potential rezoning		
located at 1254 New Bern Avenue and 19 & 23 Bart Street (property address). The		
neighborhood meeting was held at by Zoom Meeting (location).		
There were approximately (number) neighbors in attendance. The general issues discussed		
were:		
Summary of Issues:		
Density and number of units.		
New Bern Avenue plan.		
BRT/Transit.		
Illegal activity in the neighborhood.		
View from Bart Street.		
Stormwater.		
Sidewalks on Bart Street.		
Retail uses. Parking or lack thereof. Building height.		

ATTENDANCE ROSTER	
NAME	ADDRESS
Isabel Worthy Mattox**	Mattox Law Firm, 127 W. Hargett St., #500, Raleigh, NC 27601
James A. Moss, Jr. & Moss Construction & Design, LLC*	* 219 1/2 S. Wilmington St., Raleigh, NC 27601
Ira Mabel	City of Raleigh, Planning & Development Dept., PO Box 590, Raleigh, NC 27601
Melissa Schaffer	16 S. Pettigrew Street
Laura Ivey	102 S. Pettigrew Street
Belinda Madujibeya	1710 Lisburn Court
Steve Roberts	123 S. Pettigrew Street
Ciara Rogers	103 Bart Street
Chacona Baugh	101 S. Pettigrew Street
Darlene Jones	
Daniel Coleman	
Fred Belledin	
J Winters	8 Bart Street
Olga Brzezicka	1402 Poole Road
Nicole Burpo	1334 Battery Drive
Neal (?)	
(919) 834-3929	
(919) 744-4839	
** Development Team	