

**Z-68-20 – 2808 and 2812 Hillsborough Street; 6, 8, and 10 Bagwell Avenue**, including five parcels totaling 1.05 acres at the northeast corner of the intersection, consisting of Wake County PINs 0794-62-4441, 0794-62-5441, 0794-62-4551, 0794-62-4575, and 0794-62-4589, rezoned to Commercial Mixed Use-Five Stories-Shopfront-Conditional Use and Residential Mixed Use-Three Stories-Urban Limited-Conditional Use, both with Special Residential Parking Overlay District (CX-5-SH-CU and RX-3-UL-CU, both w/SRPOD).

Conditions dated: March 4, 2022

1. For those parcels being rezoned CX-, the following Principal Uses as listed in UDO Section 6.1.4. that are permitted, limited, or special uses in the CX- District shall be prohibited: (i) Adult establishment; (ii) Detention center, jail, prison; (iii) Light Manufacturing; (iv) Vehicle repair (minor); (v) Vehicle repair (major); (vi) vehicle fuel sales; (vii) car wash; and (viii) self-service storage.
2. for those parcels being rezoned RX-, 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: (i) Medical; (ii) Office; (iii) Personal service; (iv) restaurant/bar; and (v) retail sales.
3. For those parcels being rezoned CX-, retail sales and restaurant/bar uses on the ground floor along Bagwell Avenue shall only be located for the first one hundred twelve feet (112') of frontage, starting from the Hillsborough Street right-of-way line.
4. The property zoned CX- shall provide for an amenity area along Hillsborough Street at the ground level for public art, landscaping, and/or outdoor seating. To accommodate the amenity area, the building face shall be located no closer than 22' to the existing back-of-curb along Hillsborough Street. The amenity area shall be for use by the occupants, invitees and guests of the development; shall be ADA accessible; shall be located at grade; shall not be parked or driven upon, except for emergency access and permitted temporary events; and may be covered but shall not be enclosed. The amenity area shall be installed prior to issuance of a certificate of occupancy for a new building on the property zoned CX.
5. One public art installation shall be located on the property and visible from the Hillsborough Street public right of way. If the required installation consists of a mural, it shall be no smaller than 120 square feet in area, and, if a three-dimensional installation, no less than 10 feet in height, not including any base or pedestal supporting such installation. If more than one public art Installation is provided on the subject site, the applicant shall designate which art installation is the one required by this condition.
6. If 6, 8 and 10 Bagwell Avenue and 2812 Hillsborough Street, are redeveloped, the following conditions shall apply:
  - a. Prior to the removal of the buildings located on the property, the applicant, and its successors and assigns (the "Applicant") shall document the existing structures through photographs and detailed exterior elevation drawings. The documentation must be approved by City of Raleigh Historic Preservation unit prior to providing a copy to the Department of Planning

and Development, Raleigh Historic Development Commission, and the State Historic Preservation Office.

- b. The Applicant will allow any non-profit entity, individual or for-profit entity to relocate any of the existing houses on the property at no cost to the Applicant and without payment to the Applicant so long as the party relocating any of the houses is solely responsible for the relocation, including without limitation, securing all permits and approvals required by law. Applicant will provide general public notice in the News & Observer of the offer for relocation or salvage, and will further provide written notice via certified mail of the offer for relocation or salvage to the following entities: Capital Area Preservation, Preservation North Carolina, City of Raleigh Historic Preservation unit, and the State Historic Preservation Office. All notices shall occur at least one hundred eighty (180) days prior to the scheduled demolition of the structures. Prior to demolition of any of the houses that have not been relocated within thirty (30) days prior to demolition, the Applicant will allow the City of Raleigh Museum or any local organization (such as Habitat for Humanity) at least fifteen (15) days to remove items of historic significance and building materials for reuse. This condition only applies to the houses at 6, 8 and 10 Bagwell Avenue.
7. Permitted building siding materials shall include any combination of brick, stone, concrete, masonry, cementitious siding, wood, hard coat stucco, metal, terracotta and/or glass. No more than 50% of the total façade shall consist of metal, terracotta and/or glass.
8. Subject to an encroachment agreement with the City, a micro-mobility parking facility shall be provided within the Hillsborough Street and/or Bagwell Avenue a Right-of-Way. The facility shall include a minimum of 12 short-term bicycle parking spaces in excess of UDO-required bicycle parking spaces. The short-term bicycle parking spaces shall meet the applicable requirements of UDO Sec. 7.1.8, except that such spaces need not be associated with any building. The facility further shall include an e-scooter corral zone, with a maximum dimension of four (4) feet wide by six (6) feet long, unless otherwise agreed to by the developer. The facility shall be designated by paint, bollards or other materials approved by the City. The micro-mobility parking facility shall be installed prior to issuance of a certificate of occupancy for a new building on the property zoned CX-.
9. At least two changes in depth, each of at least two feet in depth, shall be incorporated along the ground-level of the building façade facing Hillsborough Street.
10. Canopies and/or awnings of at least 6-feet in depth, located at least 10 ft above the elevation of the sidewalk in front of the building, shall be included on the building façade facing Hillsborough Street. At least 75% of the length of the building façade facing Hillsborough Street shall have a canopy and/or awning meeting the standards of this condition.
11. Unless a more stringent regulation applies, the maximum building height within the portion of the property zoned CX-5-SH-CU shall be 68 feet, as measured from average grade along Hillsborough Street.

12. No bedroom shall be rented separately from the other rooms within the same dwelling unit.
13. At least one (1) dog waste station shall be provided on the property.
14. This condition shall apply if 2808 Hillsborough Street (OB 7054, PG 794) and 2812 Hillsborough Street (New lot 1, BM 2018, PG 1396) are redeveloped as part of the same site plan. Subject to the approval of NCDOT (if such approval is required), there shall be at least one driveway access point on Hillsborough Street providing ingress and egress to the property, and such driveway can be located less than 300 feet from other driveways along Hillsborough Street. This condition expressly modifies the driveway spacing standard in UDO section 8.3.5.C.3., as permitted by UDO section 10.2.4.D.2.c.