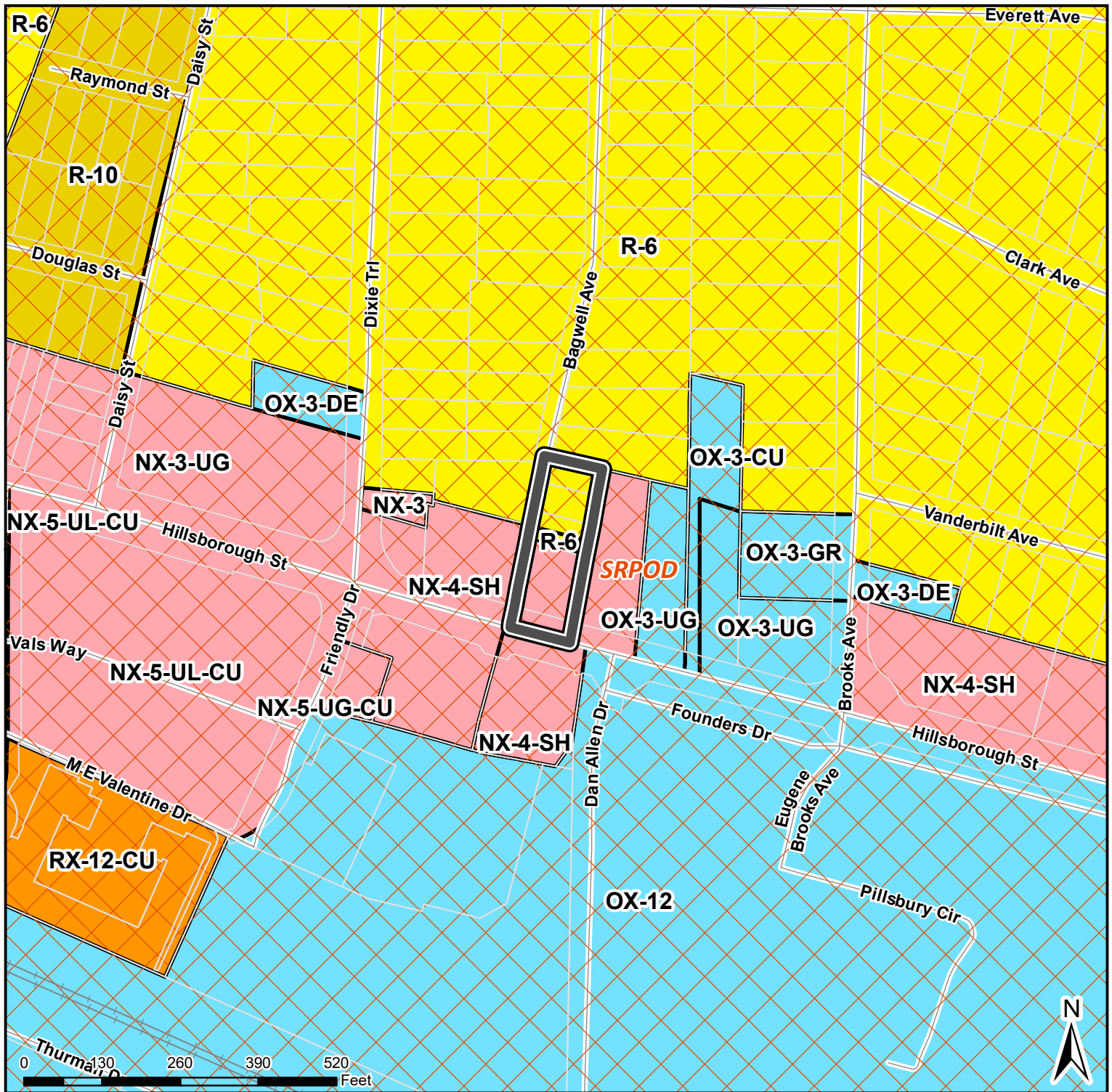


# Existing Zoning

# Z-68-2020



Property	6, 8, & 10 Bagwell Ave; 2812 Hillsborough St
Size	0.5 acres
Existing Zoning	NX-4-SH & R-6 w/SRPOD
Requested Zoning	CX-7-SH-CU w/SRPOD





Raleigh

## MEMO

TO: Marchell Adams-David, City Manager  
THRU: Ken Bowers, AICP, Deputy Director  
FROM: Jason Hardin, Senior Planner  
DEPARTMENT: Planning and Development  
DATE: March 25, 2022  
SUBJECT: **City Council agenda item for April 5, 2022 – Z-68-20**

---

On March 15, City Council scheduled a new public hearing for the following item:

**Z-68-20 2808 and 2812 Hillsborough Street and 6, 8, and 10 Bagwell Avenue**, approximately 1.05 acres located at the northeast corner of the intersection of [Hillsborough Street and Bagwell Avenue](#).

Signed zoning conditions provided on March 4, 2022 would prohibit additional uses allowed by CX with the exception of hotel and research and development; limit retail uses to within 112 feet of Hillsborough Street; prohibit most commercial uses on the northern 45 feet of the site; allow no more than three bedrooms per unit; include a public amenity area along Hillsborough Street; include public art; include a bicycle and scooter parking facility along either Hillsborough or Bagwell; document existing structures and allow any to be moved off the site; specify siding materials; prohibit renting rooms individually, rather than by the unit; limit height to 68 feet in the five-story portion, as measured along Hillsborough Street; require canopies or awnings along Hillsborough Street; include variations of depth along the building facade facing Hillsborough Street; provide a dog waste station on the property; and require at least one driveway on Hillsborough Street and remove minimum spacing requirements for driveways.

**Current zoning:** Neighborhood Mixed Use-Four Stories-Shopfront and Residential-6, both with Special Residential Parking Overlay District (NX-4-SH and R-6 w/SRPOD)

**Requested zoning:** 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). The RX-3-UL-CU designation applies to the northern 45 feet of the site.

The request is **inconsistent** with the 2030 Comprehensive Plan.

The request is **inconsistent** with the Future Land Use Map.

The request is **consistent** with the Urban Form Map.

The Planning Commission recommends approval of the request (5-2).

The RHDC voted to support approval of the request (7-3).

Municipal Building  
222 West Hargett Street  
Raleigh, North Carolina 27601

One Exchange Plaza  
1 Exchange Plaza, Suite 1020  
Raleigh, North Carolina 27601

City of Raleigh  
Post Office Box 590 • Raleigh  
North Carolina 27602-0590  
(Mailing Address)

Attached are the Planning Commission Certified Recommendation (including Staff Report), the Zoning Conditions, the Petition for Rezoning, and the Neighborhood Meeting Report.

The public hearing is the second for this rezoning request. The first public hearing opened in January 2022 and closed in March 2022. A new hearing was required because the applicant submitted conditions that were less restrictive than the previous conditions.

The revisions to the request include, as noted above, a reduction in maximum height from seven to five stories and a requirement that a driveway connect to Hillsborough Street rather than Bagwell Avenue. Staff analyzed the condition and determined that:

- The condition is intended to weaken code provisions on driveway location, eliminating ability to regulate placement.
- If not for the condition, vehicle access, per existing regulations, would likely come from Bagwell Avenue, rather than Hillsborough. That would continue the process of creating blocks where sidewalk access is unbroken, as recent projects on the block to the west and elsewhere on Hillsborough have done in recent years, significantly improving walkability.
- Hillsborough Street is designated as a Main Street corridor on the Urban Form Map, which is applied to streets with the highest level of desired pedestrian design and comfort.
- It is inconsistent with several plan policies, including **T 2.8 Access Management, T 2.9 Curb Cuts, T 6.8 Parking Lot Design, and T 7.1 Vision Zero.**
- Staff analysis finds it will worsen pedestrian safety.

The attached staff report still indicates a finding of overall consistency. However, that reflects both staff analysis and the Planning Commission's judgment at the time of Planning Commission review in October 2021. Because that document and attached analysis and maps is a signed report of the Planning Commission, it cannot be changed without a new Commission review. However, staff's analysis in this memo reflects changes stemming from the driveway condition added in February 2022.

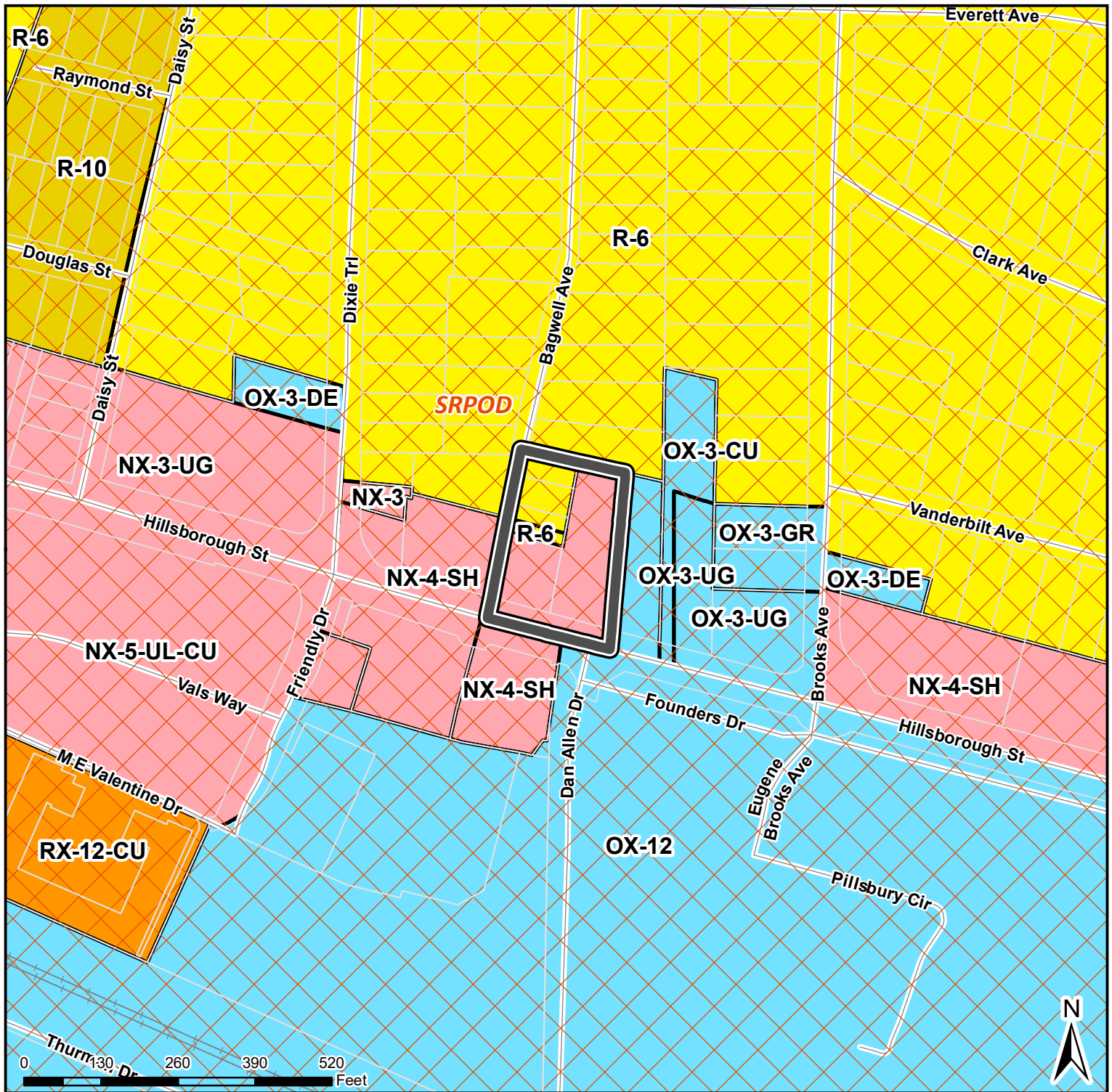
Given that the previous determination of overall consistency involved benefits of walkability, and given that the driveway condition would degrade walkability and conflict with multiple Plan policies, the request is now inconsistent overall with the Comprehensive Plan.

The negative impacts of the driveway condition could be mitigated to a small degree by not removing spacing requirements. Making that change, or removing it entirely, could be done without a new public hearing, as it would make the request more restrictive. Removing the condition entirely would make the request consistent with the Comprehensive Plan.

An updated map showing the current and requested zoning is included on the following page.

# Existing Zoning

# Z-68-2020



Property	6, 8, & 10 Bagwell Ave; 2808 & 2812 Hillsborough St
Size	1.05 acres
Existing Zoning	NX-4-SH & R-6 w/SRPOD
Requested Zoning	CX-5-SH-CU & RX-3-UL-CU w/SRPOD





# Rezoning Application



**RALEIGH**  
DEPARTMENT OF  
CITY PLANNING



Department of City Planning | 1 Exchange Plaza, Suite 300 | Raleigh, NC 27601 | 919-996-2682

REZONING REQUEST				
<input type="checkbox"/> General Use <input checked="" type="checkbox"/> Conditional Use <input type="checkbox"/> Master Plan			<b>OFFICE USE ONLY</b>  <b>Rezoning Case #</b>	
Existing Zoning Base District	Height	Frontage		Overlay(s) _____ See attached
Proposed Zoning Base District	Height	Frontage		Overlay(s) _____ See attached
Click <a href="#">here</a> to view the Zoning Map. 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 <b>1/21/22</b>	Date Amended (1)	Date Amended (2)		
Property Address 2808 and 2812 Hillsborough St; 6, 8 and 10 Bagwell Ave (See attached )				
Property PIN See attached	Deed Reference (book/page) See attached			
Nearest Intersection Hillsborough St and Bagwell Ave				
Property Size (acres) <sup>1.05</sup>	For Planned Development Applications Only:	Total Units	Total Square Footage	
		Total Parcels	Total Buildings	
Property Owner Name/Address See attached		Phone	Fax	
		Email		
Applicant Name/Address Michael Birch Longleaf Law Partners 4509 Creedmoor Road, Suite 302 Raleigh, NC 27612		Phone 919.645.4317	Fax	
		Email mbirch@longleaflp.com		
Applicant* Signature(s)	DocuSigned by:  06B4A3A67D814E7...			
	Email			

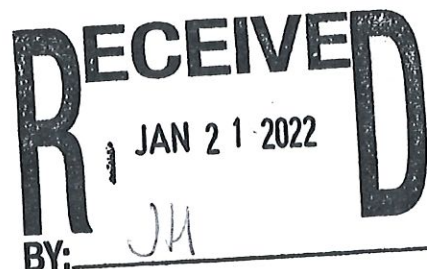
\*Please see Page 11 for information about who may submit rezoning applications. A rezoning application will not be considered complete until all required submittal components listed on the Rezoning Checklist have been received and approved.

**RECEIVED**  
**R** JAN 21 2022 **D**  
 BY:

**ATTACHMENT TO  
REZONING APPLICATION**

**Property Information and Current Zoning:**

1. 2812 Hillsborough Street
  - a. PIN: 0794-62-4441
  - b. Owner: Hillsborough Pointe, LLC  
c/o CityPlat, LLC  
107 Fayetteville St, Suite 400  
Raleigh, NC 27601-2916
  - c. Deed Book / Page: 17202/399
  - d. Existing Zoning Base District: NX-4-SH-SRPOD
  - e. Acreage: 0.22 ac
  
2. 2808 Hillsborough Street
  - a. PIN: 0794-62-5441
  - b. Owner: Charles V. Moseley  
1128 Ivy Ln  
Raleigh, NC 27609-4761
  - c. Deed Book / Page: 007054/00794
  - d. Existing Zoning Base District: NX-4-SH-SRPOD
  - e. Acreage: 0.55 ac
  
3. 6 Bagwell Avenue
  - a. PIN: 0794-62-4551
  - b. Owner: West Broad Hospitality, LLC  
c/o CityPlat, LLC  
107 Fayetteville St, Suite 400  
Raleigh, NC 27601-2916
  - c. Deed Book / Page: 17202 / 401
  - d. Existing Zoning Base District: R-6-SRPOD
  - e. Acreage: 0.10 ac
  
4. 8 Bagwell Avenue
  - a. PIN: 0794-62-4575
  - b. Owner: Bagwell Holdings, LLC  
PO Box 6356  
Raleigh, NC 27628
  - c. Deed Book / Page: 17917 / 2690
  - d. Existing Zoning Base District: R-6-SRPOD
  - e. Acreage: 0.10 ac
  
5. 10 Bagwell Avenue
  - a. PIN: 0794-62-4589
  - b. Owner: Bagwell Holdings, LLC  
PO Box 6356  
Raleigh, NC 27628
  - c. Deed Book / Page: 18025 / 219



- d. Existing Zoning Base District: R-6-SRPOD
- e. Acreage: 0.08 ac

**Proposed Zoning:**

RX-3-UL-CU with SPROD: (first 45' from north property line)  
2808 Hillsborough Street (Portion)  
10 Bagwell Avenue

CX-5-SH-CU with SPROD: (remainder of assemblage)  
2812 Hillsborough Street  
2808 Hillsborough Street (Portion)  
6 Bagwell Avenue  
8 Bagwell Avenue

**RECEIVED**  
JAN 21 2022  
BY: JH

# CONDITIONAL USE DISTRICT ZONING CONDITIONS

Zoning Case Number **Z-68-20**

**OFFICE USE ONLY**

Date Submitted **March 3, 2022**

**Rezoning Case #**

Existing Zoning **R-6-SRPOD and NX-4-SH-SRPOD** Proposed Zoning **RX-3-UL-SRPOD and CX-5-SH-SRPOD**

## Narrative of Zoning Conditions Offered

- 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.
- 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.
- 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.
- 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.
- 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.
- If 6, 8 and 10 Bagwell Avenue and 2812 Hillsborough Street, are redeveloped, the following conditions shall apply:
  - 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.
  - 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.
- Permitted building siding materials shall include any combination of brick, stone, concrete, masonry, cementitious siding, wood, hardcoat stucco, metal, terracotta and/or glass. No more than 50% of the total façade shall consist of metal, terracotta and/or glass.
- Subject to an encroachment agreement with the City, a micro-mobility parking facility shall be provided within the Hillsborough Street and/or Bagwell Avenue 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.
- 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.
- 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.
- 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.
- No bedroom shall be rented separately from the other rooms within the same dwelling unit.
- At least one (1) dog waste station shall be provided on the property.
- This condition shall apply if 2808 Hillsborough Street (DB 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.

The property owner(s) hereby offers, consents to, and agrees to abide by, 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

Print Name

**RECEIVED**  
MAR 04 2022

PAGE 14

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REVISION 11.15.19



**RECEIVED****By Jason Hardin at 4:48 pm, Mar 04, 2022****CONDITIONAL USE DISTRICT ZONING CONDITIONS**Zoning Case Number **Z-68-20****OFFICE USE ONLY**Date Submitted **March 3, 2022****Rezoning Case #**

Existing Zoning R-6-SRPOD and NX-4-SH-SRPOD Proposed Zoning RX-3-UL-SRPOD and CX-5-SH-SRPOD

**Narrative of Zoning Conditions Offered**

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, hardcoat 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 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 (DB 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.

The property owner(s) hereby offers, consents to, and agrees to abide by, 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

DocuSigned by:  
  
 06B4A3A67D814E7...

Nikita Zhitov

Print Name

## **Z-68-20 (Hillsborough St & Bagwell Ave)**

### **Additional Information in Support of Condition 14**

Condition 14 of rezoning case Z-68-20 applies only if 2808 Hillsborough Street and 2812 Hillsborough Street are redeveloped as part of the same site plan. This condition requires at least one driveway access point on Hillsborough Street serving the new development. This condition expressly modifies the non-residential driveway spacing standard in UDO section 8.3.5.C.3., which requires a driveway along Hillsborough Street to be located at least 300 feet from other driveways along the same street. The purpose of this condition is to allow vehicular ingress/egress to/from the redeveloped property and Hillsborough Street, even though such driveway access point is less than 300 feet from other driveways along Hillsborough Street.

According to UDO section 10.2.4.D.2.c., when such zoning condition is included, “the application shall be accompanied by additional information addressing how safe, efficient, and convenient vehicular and pedestrian access within developments and between adjacent developments is being achieved.”

Upon redevelopment of the properties subject to Z-68-20, it is anticipated that the project will have an access point on Hillsborough Street and at least one access point on Bagwell Avenue. Requiring a driveway on Hillsborough Street achieves safe, efficient and convenient vehicular and pedestrian access for many reasons. First, a driveway on Hillsborough Street means that a portion of the vehicular traffic associated with the site will utilize only Hillsborough Street without having to use Bagwell Avenue, which is a narrow street without sidewalks serving detached single-family homes. Second, redevelopment of the properties would reduce the number of vehicular access points along Hillsborough Street from two to one, which reduces the number of pedestrian conflicts. Third, because of the existing access points on Hillsborough Street serving the properties, pedestrians are already familiar with vehicular traffic accessing the site in this location. Fourth, the sight distance leaving the property, the visibility for vehicles and pedestrians along Hillsborough Street, and the wide pedestrian streetscape along Hillsborough Street all ensure a safe access point on Hillsborough Street. Fifth, redevelopment of the properties requires consolidation of driveways along Bagwell Avenue, including the closure of the Bagwell Avenue driveway serving 2812 Hillsborough Street that is located closer to the intersection with Hillsborough Street than permitted by the UDO, and the closure of this driveway would enhance vehicular and pedestrian safety. For all these reasons redevelopment of the properties and an access point on Hillsborough Street achieves safe, efficient and convenient vehicular and pedestrian access within the development and among surrounding development.

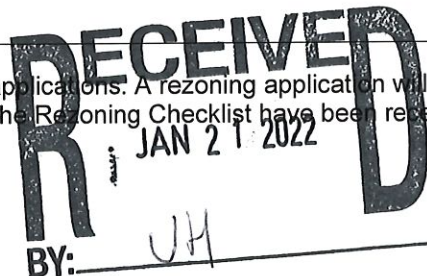
# Rezoning Application



Department of City Planning | 1 Exchange Plaza, Suite 300 | Raleigh, NC 27601 | 919-996-2682

REZONING REQUEST					
<input type="checkbox"/> General Use <input checked="" type="checkbox"/> Conditional Use <input type="checkbox"/> Master Plan					<b>OFFICE USE ONLY</b>  Rezoning Case #
Existing Zoning Base District	Height	Frontage	Overlay(s) _____	See attached	
Proposed Zoning Base District	Height	Frontage	Overlay(s) _____	See attached	
Click <a href="#">here</a> to view the Zoning Map. 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 <u>1/21/22</u>		Date Amended (1)		Date Amended (2)	
Property Address <b>2808 and 2812 Hillsborough St; 6, 8 and 10 Bagwell Ave (See attached )</b>					
Property PIN <b>See attached</b>			Deed Reference (book/page) <b>See attached</b>		
Nearest Intersection <b>Hillsborough St and Bagwell Ave</b>					
Property Size (acres) <b>1.05</b>	For Planned Development Applications Only:	Total Units		Total Square Footage	
		Total Parcels		Total Buildings	
Property Owner Name/Address <b>See attached</b>		Phone		Fax	
		Email			
Applicant Name/Address Michael Birch Longleaf Law Partners 4509 Creedmoor Road, Suite 302 Raleigh, NC 27612		Phone <b>919.645.4317</b>		Fax	
		Email <b>mbirch@longleaflp.com</b>			
Applicant* Signature(s) <i>Charles Mosely</i>		Email			

\*Please see Page 11 for information about who may submit rezoning applications. A rezoning application will not be considered complete until all required submittal components listed on the Rezoning Checklist have been received and approved.







# RALEIGH PLANNING COMMISSION CERTIFIED RECOMMENDATION

CR#13073

## CASE INFORMATION: Z-68-20 HILLSBOROUGH STREET AND BAGWELL AVENUE

Location	Northeast corner of the intersection of Hillsborough Street and Bagwell Avenue  Address: 2808 and 2812 Hillsborough Street and 6, 8, and 10 Bagwell Avenue  PINs: 0794-62-4441, 0794-62-5441, 0794-62-4551, 0794-62-4575, and 0794-62-4589  <a href="#">iMaps</a> , <a href="#">Google Maps</a> , <a href="#">Transit</a> / <a href="#">Driving</a> Directions from City Hall
Current Zoning	NX-4-SH and R-6 w/SRPOD
Requested Zoning	CX-7-SH-CU and RX-3-UL-CU w/SRPOD
Area of Request	1.05 acres
Corporate Limits	The subject site is located within the corporate limits and is surrounded by properties also within corporate limits.
Property Owner	Hillsborough Pointe, LLC, Charles V. Moseley, West Broad Hospitality, LLC, and Bagwell Holdings, LLC
Applicant	Hillsborough Pointe, LLC, Charles V. Moseley, West Broad Hospitality, LLC, and Bagwell Holdings, LLC, represented by Michael Birch
Council District	D
PC Recommendation Deadline	November 19, 2021

## SUMMARY OF PROPOSED CONDITIONS

1. In the CX portion, several CX uses are prohibited, including light manufacturing and vehicle repair.
2. In the RX portion, several RX uses are prohibited, including office, restaurant, retail, and personal service.
3. Units limited to no more than three bedrooms.
4. Ground floor retail use will extend no further than 112 feet north of Hillsborough Street.
5. Height, from south to north, must step down from seven stories to five stories/62 feet to three stories/50 feet.
6. There will be a public amenity area along Hillsborough Street
7. There will be a public art installation visible from Hillsborough Street
8. If 6, 8, and 10 Bagwell are redeveloped, the structures will be documented, and anyone who would like to relocate the structures may do so.

9. Façade materials limited to brick, stone, concrete, masonry, cementitious siding, wood, hardcoat stucco, metal, terracotta and/or glass.
10. A public bicycle and scooter parking area that exceeds code requirements will be provided along Hillsborough Street or Bagwell Avenue.

## COMPREHENSIVE PLAN GUIDANCE

<b>Future Land Use</b>	Neighborhood Mixed Use and Low Density Residential
<b>Urban Form</b>	Main Street, Transit Emphasis Corridor
<b>Consistent Policies</b>	LU 2.2 Compact Development LU 4.6 Capitalizing on Transit Access LU 4.9 Corridor Development LU 5.4 Density Transitions LU 5.6 Buffering Requirements LU 8.1 Housing Variety EP 1.1 Greenhouse Gas Reduction H 1.8 Zoning for Housing UD 1.10 Frontage AP-CH 7 Promote Quality Design Policy
<b>Inconsistent Policies</b>	LU 1.2 Future Land Use Map and Zoning Consistency H 1.6 Housing Preservation HP 1.2 Cultural and Historic Resource Preservation AP-CH 6 Guide Future Zoning

## FUTURE LAND USE MAP CONSISTENCY

The rezoning case is ☐ **Consistent** ☒ **Inconsistent** with the Future Land Use Map.

## COMPREHENSIVE PLAN CONSISTENCY

The rezoning case is ☒ **Consistent** ☐ **Inconsistent** with the 2030 Comprehensive Plan.



## PUBLIC MEETINGS

First Neighborhood Meeting	Second Neighborhood Meeting	Planning Commission	City Council
November 16, 2020. Seven attendees	September 15, 2021 14 attendees/479 letters sent	October 12, 2021, October 26, 2021	November 2, 2021 (report of PC)

## PLANNING COMMISSION RECOMMENDATION

The rezoning case is **Inconsistent** with the Future Land Use Map and **Consistent** with the relevant policies in the Comprehensive Plan, furthermore **Approval** is reasonable and in the public interest because:

Reasonableness and Public Interest	<p>The request is reasonable and in the public interest, as it is consistent with numerous plan policies and would:</p> <ul style="list-style-type: none"> <li>• Provide more opportunities for housing in a place that is highly walkable and well-served by transit, reducing per capita carbon emissions and other air pollutants.</li> <li>• Allow more units than current zoning in the form of building types, such as apartments and townhouses, that are significantly more energy-efficient than detached houses. This reduces per capita carbon emissions.</li> <li>• Allow for additional housing choice for residents who do not want to live in a detached house or are at a stage in life where a detached house and yard is not feasible or suited to their household.</li> <li>• Allow housing types that are, relative to new detached houses, less expensive.</li> <li>• Support community-serving businesses in the area by providing additional customers.</li> </ul>
Change(s) in Circumstances	<p>City carbon emissions reduction goal created.</p> <p>High-frequency transit planned along Hillsborough Street.</p>
Amendments to the Comprehensive Plan	<p>If approved, the Future Land Use Map will be amended as to the subject parcels only from Low Density Residential to Medium Density Residential and from Neighborhood Mixed Use to Community Mixed Use</p>
Recommendation	<p>Approve (5-2)</p>

<b>Motion and Vote</b>	Motion: Fox. Second: Lampman In Favor: Bennett, Dautel, Fox, Lampman, Miller Opposed: O'Haver, Rains
<b>Reason for Opposed Vote(s)</b>	Consistency with height and area plan guidance.

## ATTACHMENTS

1. Staff report
2. Rezoning Application
3. Original conditions
4. Comprehensive Plan Amendment Analysis

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



Ken A. Bowers, AICP  
 Planning and Development Deputy Director

10/26/21

Date

Staff Coordinator: Jason Hardin: (919) 996-2657; [Jason.Hardin@raleighnc.gov](mailto:Jason.Hardin@raleighnc.gov)



## Zoning Staff Report – Case Z-68-20

### Conditional Use District

## OVERVIEW

The proposal seeks to rezone five parcels totaling 1.05 acres at the northeast corner of the intersection of Hillsborough Street and Bagwell Avenue. Two properties front on Hillsborough Street; the other three front on Bagwell Avenue. The site is directly across Hillsborough Street from N.C. State's campus.

The Hillsborough Street properties are currently zoned Neighborhood Mixed Use-Four Stories-Shopfront (NX-4-SH). The Bagwell Avenue properties are currently zoned Residential-6 (R-6). The request would rezone the bulk of the property to Community Mixed Use-Seven Stories-Shopfront-Conditional Use (CX-7-SH-CU).

That category would allow additional uses (primarily hotel and research and development), would permit three stories of additional height, and would retain the pedestrian-friendly form created by the Shopfront frontage.

The northern 57 feet of the site would be rezoned to Residential Mixed Use-Three Stories-Urban Limited-Conditional Use (RX-3-UL-CU), creating a height and use transition down to the residentially-zoned areas to the north. The Special Residential Parking Overlay District (SRPOD) would remain over the entire site.

Conditions would prohibit CX uses with the exception of hotel and research and development, would limit retail uses to within 112 feet of Hillsborough Street, and would prohibit most commercial uses on the northern 57 feet of the site. No more than three bedrooms per unit would be permitted.

The property is immediately adjacent to multiple bus routes, including the Wolfline, and is set to have a frequent (15 minutes or less between stops) bus route along Hillsborough to downtown. It also is slightly more than a half-mile from a planned bus rapid transit (BRT) station on Western Boulevard.

The two Hillsborough parcels are currently occupied by one-story commercial buildings. The Bagwell parcels are occupied by only one detached house each. The Bagwell parcels and the western Hillsborough parcel are within the West Raleigh National Register Historic District. Two of the structures, the gas station and one of the houses, are contributing buildings.

The site is bordered on all sides other than the north by commercial uses or N.C. State University property. Residential uses are present on the north side.

Zoning in the area generally follows the pattern of existing uses. Areas to the west, south, and east are zoned NX-4-SH and OX-3-UG. A parking lot to the west is zoned R-6, as are

parcels to the north. The Future Land Use Map follows the same pattern as the existing zoning.

Hillsborough Street is are designated as a Main Street and as a Transit Emphasis Corridor on the Urban Form Map. That designation supports a higher level of walkability, with buildings generally closer to the street and not fronted by large amounts of parking.

The area also is part of the Cameron Village (Village District)-Hillsborough area plan, adopted in 2018. That plan embraced a vision for a more walkable and lively Hillsborough Street with added housing variety, but did not specifically recommend changes in height on the subject site.

The four parcels that are adjacent to Bagwell Avenue were part of a 2016 rezoning request that was denied. That request, [Z-32-16](#), received a recommendation for approval from the Planning Commission, but was denied by City Council. Since then, BRT has been planned along Western Boulevard, and frequent transit planned along Hillsborough Street. Those plans led to the Equitable Development around Transit plan, adopted by Council in 2020. That plan encouraged allowing additional housing and employment opportunities within short distances of BRT stations and high-frequency routes. The nearest BRT station is designated as an Emerging Urban Center on map LU-5: Transit Station Areas, which envisions heights of up to 12 stories at the core, with heights stepping down from there.

Council in 2019 also created a climate change goal of reducing emissions by 80 percent. Following that action, staff has analyzed rezoning requests in terms of carbon emission impacts. Those two changes added additional policy analysis to the rezoning compared to 2016.

**Update on August 24, 2021.** The applicant has requested a time extension in order to continue to work with nearby residents on height and transitions to detached houses on the north side of the site. A letter from the applicant's representative is contained in the attached staff report.

**Update for October 12, 2021.** The request for an extension was granted, setting November 19 as the new deadline. The applicant has also submitted new conditions that address height transitions, public space and art along Hillsborough, and the detached houses on Bagwell Avenue. The inclusion of the height transition policy changed the request's consistency with policy LU 5.6 Buffering Requirements to consistent.

**Update for October 26, 2021.** A revised application and conditions lowers height and restricts uses on an additional portion of the northern end of the site, by shifting the line where RX-3 would apply 12 feet south. The revised conditions also state that the project would include a micromobility parking facility, with spaces for bicycle and scooter parking, along the Hillsborough or Bagwell rights of way.

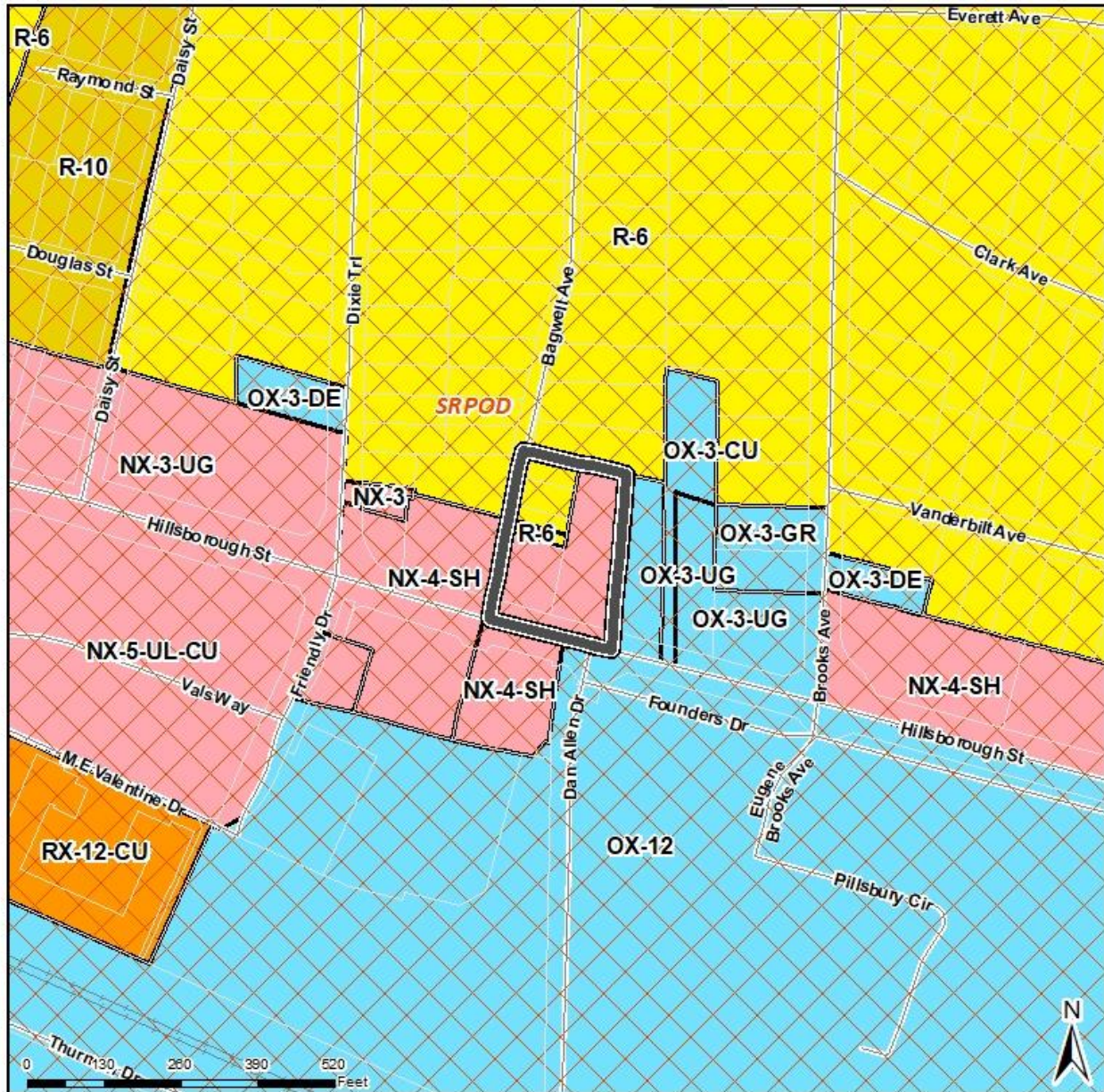
## OUTSTANDING ISSUES

Outstanding Issues	1. None	Suggested Mitigation	1. None
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# Existing Zoning

Z-68-2020



<b>Property</b>	6, 8, & 10 Bagwell Ave; 2808 & 2812 Hillsborough St
<b>Size</b>	1.05 acres
<b>Existing Zoning</b>	NX-4-SH & R-6 w/SRPOD
<b>Requested Zoning</b>	CX-7-SH-CU & RX-3-UL-CU w/SRPOD

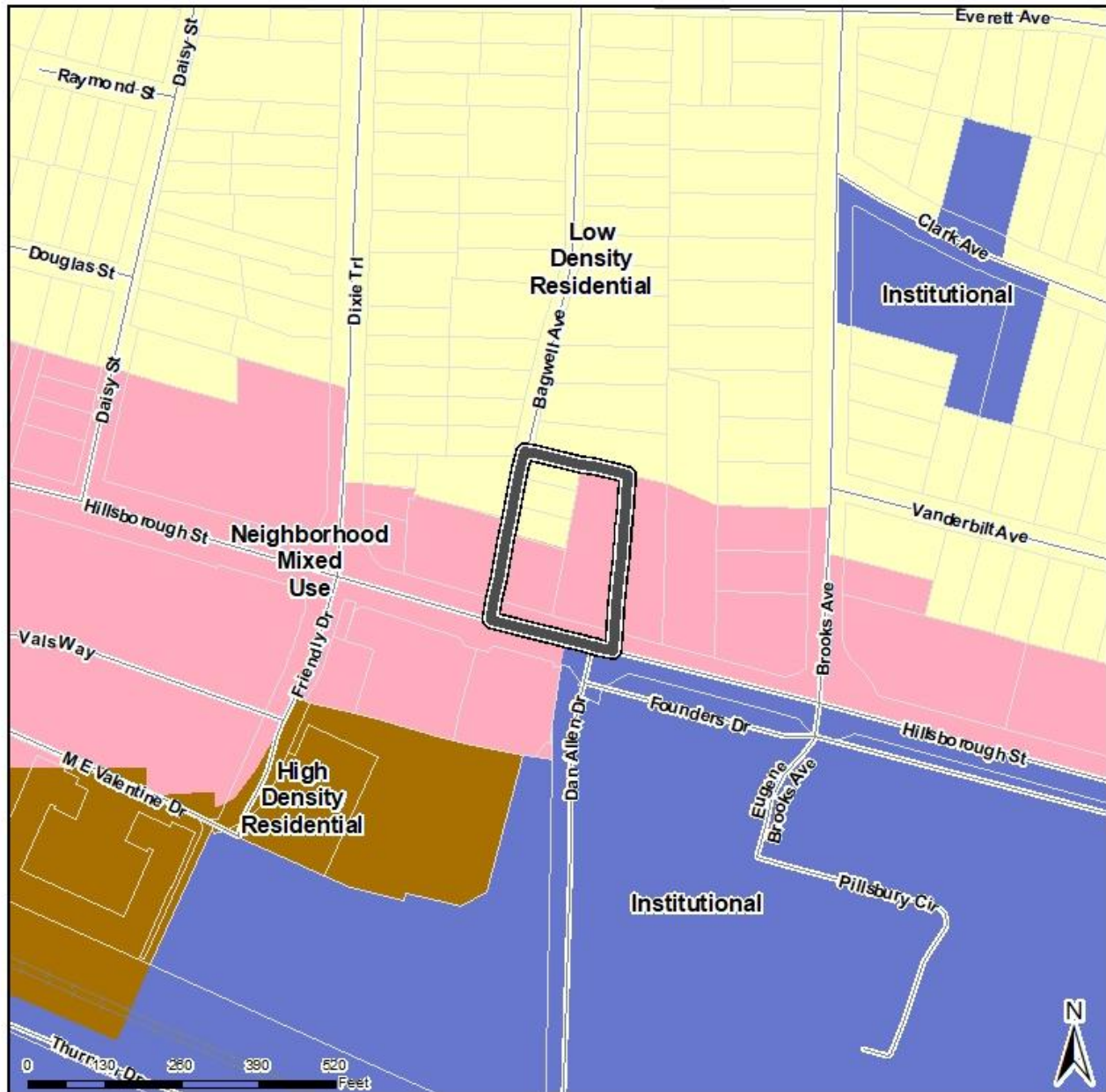


Map by Raleigh Department of Planning and Development (mansolf); 5/17/2021



# Future Land Use

Z-68-2020



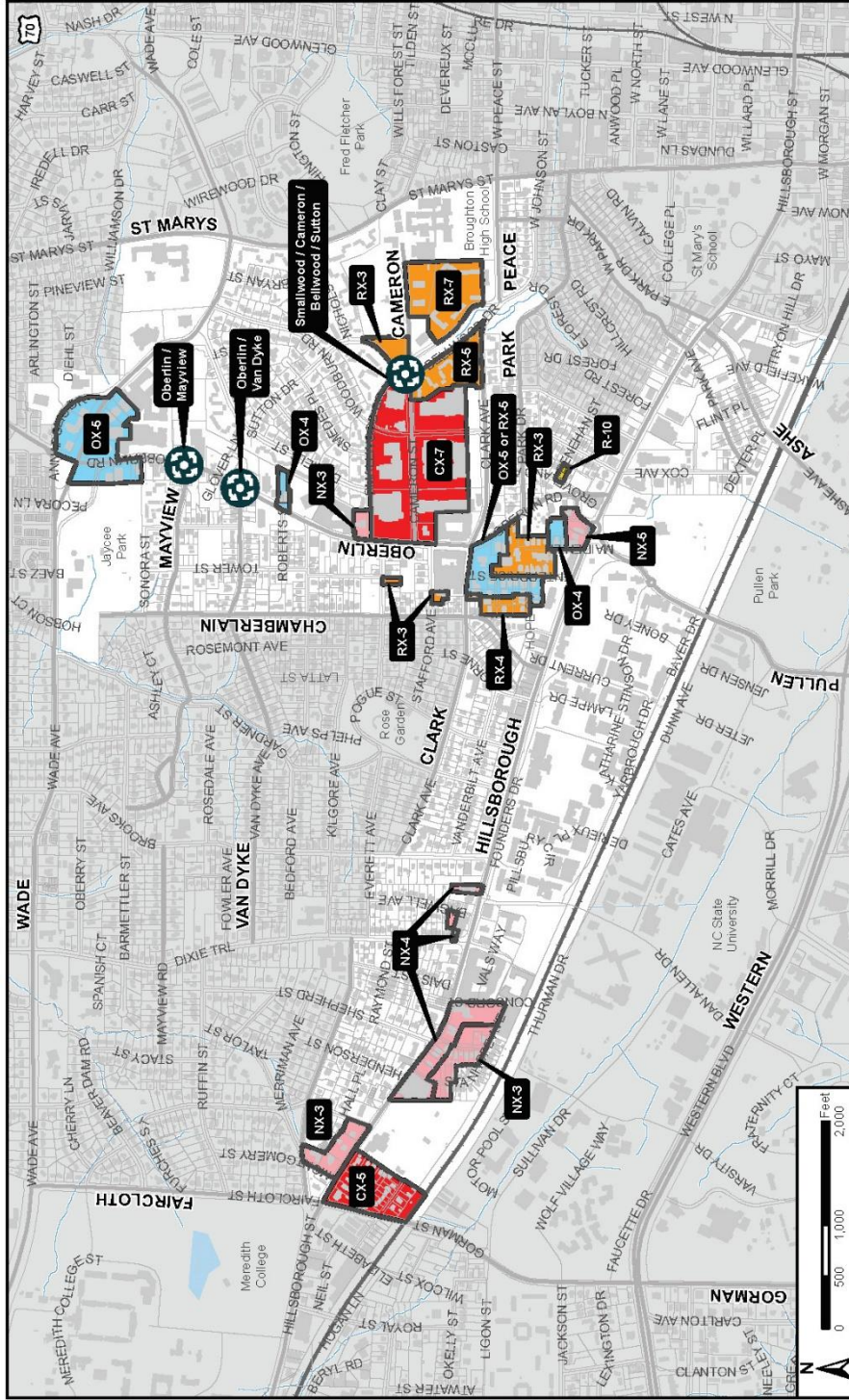
<b>Property</b>	6, 8, & 10 Bagwell Ave; 2808 & 2812 Hillsborough St
<b>Size</b>	1.05 acres
<b>Existing Zoning</b>	NX-4-SH & R-6 w/SRPOD
<b>Requested Zoning</b>	CX-7-SH-CU & RX-3-UL-CU w/SRPOD



Map by Raleigh Department of Planning and Development (mansaff); 5/17/2021

Adopted: 2/6/2018

# Map AP-CH1: Cameron Village / Hillsborough Street



- Zoning Policy Guidance**
- Residential-10 (R-10)
  - Residential Mixed Use (RX-)
  - Office Mixed Use (OX-)
  - Neighborhood Mixed Use (NX-)
  - Commercial Mixed Use (CX-)

\*Base zoning districts and heights displayed may be considered appropriate for future rezonings.



Proposed Roundabout Intersection

Map created 8/7/2018 by the  
Raleigh Department of City Planning

# Comprehensive Plan

Determination of the conformance of a proposed use or zone with the Comprehensive Plan includes consideration of the following questions:

- A. Is the proposal consistent with the vision, themes, and policies contained in the Comprehensive Plan?

Yes. The request, which would allow more housing in an area where frequent transit services is planned and near a future BRT station, is consistent with several themes of the plan, including Expanding Housing Choices, Coordinating Land Use and Transportation, and Greenprint Raleigh—Sustainable Development.

- B. Is the use being considered specifically designated on the Future Land Use Map in the area where its location is proposed?

In part. The Future Land Use Map designates the two Hillsborough parcels as Neighborhood Mixed Use. While the request is for Commercial Mixed Use, conditions mean that the only added use in those areas would be hotel.

The three Bagwell parcels are designated as Low Density Residential. The request would permit additional uses, building types, and densities beyond what that category envisions.

- C. If the use is not specifically designated on the Future Land Use Map in the area where its location is proposed, is it needed to service such a planned use, or could it be established without adversely altering the recommended land use and character of the area?

With the exception of hotel, the uses are designated on the Neighborhood Mixed Use areas. The request would allow uses not specifically designated on the Low Density Residential areas. However, similar commercial uses exist on both the east and west of the Bagwell parcels, and the request includes use limitations on the northern 57 feet of the site, meaning adverse impacts, if any, would be minimized.

- D. Will community facilities and streets be available at City standards to serve the use proposed for the property?

Existing infrastructure is sufficient to serve the use.

## Future Land Use

**Future Land Use designation:** Low Density Residential and Neighborhood Mixed Use

**The rezoning request is**

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

☒ **Inconsistent**

The Future Land Use Map designates the two Hillsborough parcels as Neighborhood Mixed Use. While the request is for Commercial Mixed Use, conditions mean that the potential added uses in those areas would be hotel and research and development.

The three Bagwell parcels are designated as Low Density Residential. The request would permit additional uses, building types, and densities beyond what that category envisions.

In terms of height, two policy maps apply.

First, table LU-2 suggests five/four stories as a maximum height in a Neighborhood Mixed Use area.

However, the Equitable Development around Transit process, which found a desire for Raleigh to allow more people to live and work near high levels of transit, provides additional guidance for height near BRT stations. The site is slightly more than a half-mile from the nearest station, which is designated as an Emerging Urban Center on map LU-5: Transit Station Areas. That designation supports heights of up to 12 stories at commercial, institutional, or mixed-use areas around the station, with heights stepping down towards lower-scale areas.

## Urban Form

**Urban Form designation:** Main Street, Transit Emphasis Corridor

**The rezoning request is**

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

☐ **Inconsistent**

The request retains a Shopfront frontage along Hillsborough. That frontage, which brings buildings closer to the street, includes a wider sidewalk, and supports a more active street edge, is consistent with the Main Street and Transit Emphasis Corridor designations.

## Compatibility

**The proposed rezoning is**

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

☐ **Incompatible.**

The request would allow uses on both the requested CX and RX zoned parcels that are similar to permitted uses on parcels to both the east and west of the subject site.

## Public Benefits of the Proposed Rezoning



- The proposal would provide more opportunities for housing in a place that is walkable and well-served by transit, therefore reducing per capita carbon emissions and other air pollutants.
- The proposal would allow more units than current zoning in the form of building types, such as apartments and townhouses, that are significantly more energy-efficient than detached houses. This results in much smaller amounts of per capita carbon emissions.
- The proposal would allow for additional housing choice for residents who do not want to live in a detached house or are at a stage in life where a detached house and yard is not feasible or suited to their household.
- The proposal allows housing types that are, relative to new detached houses, more affordable.
- The proposal would support community-serving businesses in the area by providing additional customers.

### Detriments of the Proposed Rezoning

- Would likely result in the removal of existing structures.

### Policy Guidance

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

**LU 2.2 Compact Development** - New development and redevelopment should use a more compact land use pattern to support the efficient provision of public services, improve the performance of transportation networks, preserve open space, and reduce the negative impacts of low intensity and non-contiguous development.

- *The proposal would allow a more compact form of development in an area that has already been developed and that is served by public services and infrastructure, minimizing the need to expand services and infrastructure on the city's fringes.*

**Policy LU 4.6 Transit-oriented Development** - Promote transit-oriented development around planned bus rapid transit (BRT) and fixed commuter rail stations through appropriate development regulation, education, station area planning, public-private partnerships, and regional cooperation.

- *The area is just over a half-mile from a planned bus rapid transit (BRT) station on Western Boulevard and is currently served by multiple bus routes, as well as a future high-frequency route along Hillsborough Street.*



**LU 4.9 Corridor Development** - Promote pedestrian-friendly and transit-supportive development patterns along multimodal corridors designated on the Growth Framework Map, and any corridor programmed for “transit intensive” investments such as reduced headways, consolidated stops, and bus priority lanes and signals.

- *Hillsborough Street is designated on the Growth Framework Map as a frequent bus corridor. The proposal would create a more transit-supportive pattern by allowing more residential units on the site.*

**Policy LU 5.4 Density Transitions** - Low- to medium-density residential development and/or low-impact office uses should serve as transitional densities between lower-density neighborhoods and more intensive commercial and residential uses. Where two areas designated for significantly different development intensity abut on the Future Land Use Map, the implementing zoning should ensure that the appropriate transition occurs on the site with the higher intensity

- *The proposal includes a transition on the northern of the three Bagwell parcels by specifying Residential Mixed Use-Three Stories-Conditional Use there, and adds to the transition on the 2808 Hillsborough Parcel by rezoning the northern portion from Community Mixed Use-Four Stories to Residential Mixed Use-Three Stories-Conditional Use.*

*While the UDO's Neighborhood Transition standards would have prevented a commercial building from being on the northern 50' of the site even if the request did not include the CX-RX transition, they still would have permitted supporting uses, such as outdoor dining or commercial-supporting-structures. The inclusion of RX in the northern section creates a medium-density residential transition to the residential areas to the north.*

**LU 8.1 Housing Variety** - Accommodate growth in newly developing or redeveloping areas of the city through mixed-use neighborhoods with a variety of housing types.

- *The proposal would allow more units overall and, on the R-6 parcels, would allow more units in a broader range of building types than the current zoning.*

**EP 1.1 Greenhouse Gas Reduction** - Promote best practices for reducing greenhouse gas emissions as documented through the U.S. Mayors' Climate Protection Agreement.

- *The proposal would allow for carbon reduction in two ways that the city has the power to control. The proposal would allow additional homes in a walkable location served by high-frequency transit, which reduces vehicle miles traveled and associated carbon emissions. It also permits more density within the Apartment building type, which is the most energy-efficient residential building type.*

**H 1.8 Zoning for Housing** - Ensure that zoning policy continues to provide ample opportunity for developers to build a variety of housing types, ranging from single-family to dense multi-family. Keeping the market well-supplied with housing will moderate the costs of owning and renting, lessening affordability problems, and lowering the level of subsidy necessary to produce affordable housing. In areas characterized by detached houses, accommodations should be made for additional housing types while maintaining a form and scale similar to existing housing.

- *The proposal would expand the housing supply and provide more housing diversity.*

**Policy UD 1.10 Frontage** - Coordinate frontage across multiple sites to create cohesive places. Encourage consistency with the designations on the Urban Form Map. Development in centers and along corridors targeted for public investment in transit and walkability should use a compatible urban form.

- *The proposal includes the Shopfront frontage, which provides the highest level of walkability and pedestrian realm, and which is consistent with adjacent parcels and Plan policy for Hillsborough Street.*

**LU 5.6 Buffering Requirements** - New development adjacent to areas of lower intensity should provide effective physical buffers to avoid adverse effects. Buffers may include larger setbacks, landscaped or forested strips, transition zones, fencing, screening, height and/or density stepdowns, and other architectural and site planning measures that avoid potential conflicts.

- *This previously had been listed as an inconsistent policy. However, a new condition that specifies a height step down to the north creates a more gradual transition, making the request consistent with this policy.*

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

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**LU 1.2 Future Land Use Map and Zoning Consistency** - The Future Land Use Map shall be used in conjunction with the Comprehensive Plan policies to evaluate zoning consistency including proposed zoning map amendments and zoning text changes.

- *The proposal is generally consistent in terms of uses with the Neighborhood Mixed Use and Low Density Residential categories. The only additional uses it allows beyond those in NX is hotel and research and development, which are permitted by existing zoning just to the east of the site. In terms of height, the Neighborhood Mixed Use category envisions five stories along Hillsborough and four on the rest of*

*the property. The request would allow seven stories on the bulk of the property, but limits height on the northern edge to three stories.*

- *With respect to the Low Density Residential parcels, the request would be consistent in terms of residential use but would permit additional density and building types beyond those envisioned in that category.*

**H 1.6 Housing Preservation** - Encourage the preservation of existing housing units whenever feasible, especially structures of historic or architectural significance.

- *The request likely would facilitate removing at least some of the existing homes, although it would permit many more to be built back, adding to housing supply and improving affordability.*

**HP 1.2 Cultural and Historic Resource Preservation** - Identify, preserve, and protect cultural and historic resources, including buildings, neighborhoods, designed and natural landscapes, cemeteries, streetscapes, view corridors, and archaeological resources.

- *The request likely would facilitate redevelopment of the existing buildings.*

## Area Plan Policy Guidance

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

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**Policy AP-CH 7 Promote Quality Design** - Building on the foundation created in the Unified Development Ordinance, new developments should incorporate transition areas, setbacks, stepbacks, and design that improve the public realm. Design, massing, and height should respond to the contextual setting.

- The request includes the Shopfront frontage, which provides the highest level of pedestrian-friendly building form of the city's frontage districts. It requires closely-spaced street-facing entrances and wide sidewalks, and brings the building closer to the street, all of which create a "Main Street" atmosphere and a walkable and lively public realm. In terms of context, while the rezoning would permit additional height beyond that allowed by adjacent properties, 12-story zoning exists across Hillsborough Street, and buildings of six or seven stories are present at several locations between Oberlin Road and Dixie Trail. Lastly, the UDO regulates stepbacks, but does not require them for buildings of seven stories or less.

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

---

**Policy AP-CH 6 Guide Future Zoning** – Rezoning petitions should be evaluated for consistency with the policy guidance and recommendations of the area plan, as well as Map AP-CH 1.

- Map AP-CH 1 includes recommended heights. The map does not specifically recommend additional height for the site.
- **Additional information for October 26, 2021 Planning Commission meeting.** Generally speaking, where area plan maps do not provide specific height, use, or specific zoning guidance, the Future Land Use Map, which provides guidance for height in rezonings, is intended to control. In this case, map AP-CH 1 does not provide specific height guidance to the subject site.

The fact that the Cameron Village-Hillsborough plan provides specific zoning guidance in some locations does not mean that it envisions no change to zoning in any areas where that guidance is not supplied. Rather, it provides specific zoning guidance to sites that were considered likely to redevelop, while allowing the more general Future Land Use Map to provide guidance to other sites in the area. In some cases, the CV-H plan altered FLUM guidance without providing specific zoning recommendations, which makes plain that the FLUM guidance alone is considered appropriate in some locations.

In this case, the CV-H plan did not provide specific height and zoning guidance, nor did it alter the FLUM category. The implication is that the plan intended to allow the Future Land Use Map category of Neighborhood Mixed Use, which envisions up to five stories of height along Hillsborough, to control. Given that the request is for a zoning category, CX-7, that allows additional uses and height beyond the Neighborhood Mixed Use guidance, the request also is therefore not fully consistent with the area plan guidance provided by map AP-CH 1.

## Equity and Climate Change Analysis

### Transportation Cost and Energy Analysis

	City Average	Site	Notes
Transit Score	30	50	Much higher than average, and improvement including BRT on Western Boulevard and frequent transit on Hillsborough are planned.
Walk Score	30	73	One of the most walkable parts of the city outside of downtown.
Bike Score	41	91	One of the most bike-friendly parts of the city.
HUD Low Transportation Cost Index	[Not applicable, index is expressed as a percentile.]	79	Transportation costs are likely to be lower for future residents than in many other parts of Raleigh.
HUD Jobs Proximity Index	[Not applicable, index is expressed as a percentile.]	80	The jobs proximity index is high. There are many jobs that are easily accessible from the site.

Source: [Walk Score](#) is a publicly available service that measures pedestrian friendliness by analyzing population density and road metrics such as block length and intersection density. The higher the Transit Score or Walk Score, the greater the percentage of trips that will be made on transit or by walking, and the smaller the carbon footprint. HUD index scores are percentiles indicating how well the subject tract performs compared to all other census tracts in the United States. A higher percentile for Low Transportation Cost or Jobs Proximity indicates a lower the cost of transportation and higher access to jobs in the nearby area, respectively.

### Housing Energy Analysis

Housing Type	Average Annual Energy Use (million BTU)	Permitted in this project?
Detached House	82.7	Yes
Townhouse	56.5	Yes
Small Apartment (2-4 units)	42.1	Yes
Larger Apartment	34.0	Yes

Source: U.S. Energy Information Administration, 2015 survey. Statistics for residential structures in the South.

### Housing Supply and Affordability



Does the proposal add or subtract from the housing supply?	Adds	The request would allow more than three times as many housing units as existing zoning, helping improve supply and affordability
Is naturally occurring affordable housing present on the site?	No	Three existing detached house properties exist, with the least expensive valued at more than \$340,000
Does the proposal include any subsidized units?	No	
Does it permit a variety of housing types beyond detached houses?	Yes	All residential building types would be allowed, including types such as townhouse and apartment that are less expensive on average than detached houses.
If not a mixed-use district, does it permit smaller lots than the average? *	Yes	It is a mixed-use district.
Is it within walking distance of transit?	Yes	It is within a short walk of transit, which means lower combined housing and transportation costs.

\*The average lot size for detached residential homes in Raleigh is 0.28 acres.

### Demographic Indicators from EJSCREEN\*

Indicator	Site Area	Raleigh
Demographic Index** (%)	24	38
People of Color Population (%)	17	46
Low Income Population (%)	31	30
Linguistically Isolated Population (%)	0	3
Population with Less Than High School Education (%)	6	9
Population under Age 5 (%)	2	6

Population over Age 64 (%)	9	11
% change in median 2 bedroom rent 2015-2019	19.7	20.3

*\*Environmental Justice Screening and Mapping Tool from the Environmental Protection Agency  
(<https://www.epa.gov/ejscreen>)*

*\*\*The Demographic Index represents the average of the percentage of people who are low income and the percentage of people who are minorities. 1018 v 845*

## Health and Environmental Analysis

What is the life expectancy in this zip code tract? Is it higher or lower than the County average (78.1 years)?	80.3	The life expectancy for residents in the area is higher than the county average.
Are there known industrial uses or industrial zoning districts within 1,000 feet?	No	
Are there hazardous waste facilities located within one kilometer?	No	
Are there known environmental hazards, such as flood-prone areas, that may directly impact the site?	No	
Is this area considered a food desert by the USDA?	No	

## Land Use History

When the property was annexed into the City or originally developed, was government sanctioned racial segregation in housing prevalent?*	Yes	The property was annexed in 1920, before the Fair Housing Act was passed and when government sanctioned racial segregation in housing was prevalent.
Has the area around the site ever been the subject of an urban renewal program?*	No	

Has the property or nearby properties ever been subject to restrictive covenants that excluded racial groups?*	Undetermined	Such covenants were common areas to the west and north of downtown Raleigh
Are there known restrictive covenants on the property or nearby properties that restrict development beyond what the UDO otherwise requires?*	No	None found

\*The response to this question is not exhaustive, and additional information may be produced by further research. Absence of information in this report is not conclusive evidence that no such information exists.

## Analysis questions

- Does the rezoning increase the site's potential to provide more equitable access to housing, employment, and transportation options? Does the rezoning retain or increase options for housing and transportation choices that reduce carbon emissions?  
*Response: The proposal would allow significantly more housing on a site in a location that is close to employment, parks, and other amenities. It is served by transit and is much more walkable and bike-friendly than the city as a whole, meaning it will have lower per-capita carbon emissions. It also allows housing types, such as apartments and townhouses, that are much more energy-efficient than detached houses, again bringing down per-capita carbon emissions.*
- Is the rezoning in an area where existing residents would benefit from access to lower cost housing, greater access to employment opportunities, and/or a wider variety of transportation modes? Do those benefits include reductions in energy costs or carbon emissions?  
*Response: Residents in the area have similar incomes on average than city residents as a whole, although the presence of university students may affect that statistic. The rezoning would add to housing supply and assist in improving affordability in the area.*
- Have housing costs in this area increased in the last few years? If so, are housing costs increasing faster than the city average?  
*Response: Rental housing costs for two-bedroom units have increased at a rate similar to that for Raleigh as a whole. Adding housing will help in moderating rents in the immediate area and in the region.*
- Are there historical incidences of racial or ethnic discrimination specific to this area that have deprived Black, Indigenous, and People of Color (BIPOC) of access to economic opportunity, public services, or housing? If so, does the rezoning request

improve any current conditions that were caused, associated with, or exacerbated by historical discrimination?

*Response: No specific instances have been identified.*

5. Do residents of the area have disproportionately low life expectancy, low access to healthy lifestyle choices, or high exposure to environmental hazards and/or toxins? If so, does the rezoning create any opportunities to improve these conditions?

*Response: Residents of the area have higher life expectancy than the overall population of Wake County. Exposure to environmental hazards and toxins appears to be minimal.*

# IMPACT ANALYSIS

## Historic Resources

The site is located within the West Raleigh National Register Historic District. It is not located within or adjacent to a Raleigh Historic Overlay District. It does not include nor is adjacent to any National Register individually-listed properties or Raleigh Historic Landmarks. The Raleigh Historic Development Commission reviewed the request at its meeting of September 21. The commission recommended approval of the request (7-3), with the recommendation that the applicant document the existing structures and offer an opportunity for them to be relocated. Revised zoning conditions submitted following the meeting specify that both measures will be undertaken.

**Impact Identified:** Structures in the district may be removed, although that also is likely with current zoning.

## Parks and Recreation

1. This site is not directly impacted by any existing or proposed greenway trails, corridors, or connectors.
2. Nearest existing park access is provided by Rose Garden & Raleigh Little Theatre (0.5 miles) and Isabella Cannon Park (0.5 miles).
3. Nearest existing greenway trail access is provided by Gardner St Greenway Trail (0.5 miles).
4. Current park access level of service in this area is graded an A letter grade.

**Impact Identified:** Increased use of area parks.

## Public Utilities

	Maximum Demand (current use)	Maximum Demand (current zoning)	Maximum Demand (proposed zoning)
Water	1,179	2,250	6,750
Waste Water	1,179	2,250	6,750

**Impact Identified:**

1. The proposed rezoning would add approximately 5,571 gpd to the wastewater collection and water distribution systems of the City. There are existing sanitary sewer and water mains adjacent to the proposed rezoning area.



2. At the time of development plan submittal, a Downstream Sewer Capacity Study may be required to determine adequate capacity to support the proposed development. Any improvements identified by the study would be required to be permitted prior to the issuance of Building Permit & constructed prior to release of a Certificate of Occupancy.
3. Verification of water available for fire flow is required as part of the Building Permit process. Any water system improvements recommended by the analysis to meet fire flow requirements will also be required of the Developer.

## Stormwater

Floodplain	No
Drainage Basin	Rocky
Stormwater Management	UDO 9.2
Overlay District	None

**Impact Identified:** Site subject to Stormwater regulations under UDO 9.2 for runoff and nitrogen. No floodplain exists onsite. No impact requiring additional mitigation beyond code.

## Transportation

### **Site Location and Context**

#### *Location*

The Z-68-2020 site is located in west Raleigh at the northeast corner of the intersection of Hillsborough Street and Bagwell Avenue.

#### *Area Plans*

The Z-68-2020 site is located within the Hillsborough Street small area plan. Hillsborough Street is an important transit and multimodal corridor and main street.

### **Existing and Planned Infrastructure**

#### *Streets*

Hillsborough Street is designated as a 3-lane avenue, parallel parking in map T-1 of the Comprehensive Plan; it is maintained by the City of Raleigh. Bagwell Avenue is a local street and is also maintained by the City.

In accordance with UDO section 8.3.2, the maximum block perimeter is 2,500 feet for CX-7 zoning districts and 3,000 feet for RX-3 districts. The current block perimeter for this site is approximately 3,000 feet.

### *Pedestrian Facilities*

Sidewalks are complete on both sides of Hillsborough Street. There are no existing sidewalks on Bagwell Avenue. Sidewalk construction is a requirement of tier 3 site plan approval.

### *Bicycle Facilities*

There are existing bicycle lanes on Hillsborough Street Dixie Trail and Shared Lane markings (“sharrows”) on Everett Avenue, Brooks Avenue, Clark Avenue, and Dan Allen Drive.

Several bikeshare stations are operational near the Z-40-20 site, including Hillsborough Street at Friendly Drive and Hillsborough at Horne Street. Other nearby stations are in Downtown Raleigh and along Hillsborough Street. The closest station is approximately 70 feet and immediately across the street from the subject site.

### *Transit*

The site is between well served by GoRaleigh, GoTriangle, and Wolfline services. The Wake Transit Plan and Map T-2 in the Comprehensive plan call for Hillsborough Street service to become frequent. In addition to the Wolfline, there are currently three existing services, GoRaleigh Route 4, GoRaleigh Route 12, and GoTriangle Route 100 with 30-minute headways that approximate a frequent transit service. The nearest transit stop is located approximately 80 feet from the subject site.

### *Access*

Vehicle access to the subject site is via Bagwell Avenue.

### **Other Projects in the Area**

Approximately 0.5 miles from the site, the Gorman Street Connector project will two-way separated bike facility (also known as a cycle track), on the west side of Gorman Street between Ligon Street and Hillsborough Street. It will also include intersection improvements along the corridor. The project is currently under construction and is estimated to be completed Fall 2021.

### **TIA Determination**

Based on the Envision results, approval of case Z-68-20 would increase the amount of projected vehicular peak hour trips to and from the site as indicated in the table below. The proposed rezoning from R-6 and NX-4-SH to CX-7-SH is projected to generate 71 new trips in the AM peak hour and 67 new trips in the PM peak hour. These values do not trigger a rezoning Traffic Impact Analysis based on the trip generation thresholds in the Raleigh Street Design Manual.

Z-68-20 Existing Land Use	Daily	AM	PM
Vehicle Repair, Single Family Homes	0	0	0
Z-68-20 Current Zoning Entitlements	Daily	AM	PM
Residential, Neighborhood Mixed Use	366	28	38
Z-68-20 Proposed Zoning Maximums	Daily	AM	PM
Commercial Mixed Use	1,132	99	104
Z-68-20 Trip Volume Change (Proposed Maximums minus Current Entitlements)	Daily	AM	PM
	<b>766</b>	<b>71</b>	<b>67</b>

**Impact Identified:** Additional trips, but no impact requiring additional mitigation beyond code requirements.

### Urban Forestry

The area is not subject to tree conservation requirements.

**Impact Identified:** None requiring additional mitigation.

### Impacts Summary

Increased usage of parks, transportation, utilities, and other services.

### Mitigation of Impacts

None requiring additional mitigation beyond code.

## CONCLUSION

The proposal seeks to rezone five parcels to CX-7-SH-CU and RX-3-CU with SRPOD. Conditions would prohibit CX uses with the exception of hotel and research and development, would limit retail uses to within 150 feet of Hillsborough Street, and would prohibit most commercial uses on the northern 57 feet of the site. No more than three bedrooms per unit would be permitted.

The request would add housing opportunity and choice, as well as additional employment opportunities, in a location served by transit and that is more walkable than the city as a whole. It would reduce per-capita carbon emissions from transportation and from allowing more energy-efficient housing types. It would improve affordability by adding to supply and by allowing housing types that are less expensive than detached houses.

The request is inconsistent with the Future Land Use Map, as it would permit the hotel and research and development uses and additional height in the area designated for Neighborhood Mixed Use and would permit additional uses, density, and building types in the area designated for Lower Density Residential.

Overall, however, the proposal is consistent with key Comprehensive Plan policies that encourage additional housing and employment near walkable areas served by transit, that support housing choice and housing affordability, and that support carbon reduction. Accordingly, it is consistent overall with the Comprehensive Plan.

## CASE TIMELINE

Date	Action	Notes
11/16/20	Neighborhood meeting held	Seven attendees
12/2/20	Request filed	Only includes one Hillsborough parcel. Incomplete, requires additional stormwater information/analysis
4/22/21	Request amended, stormwater analysis provided	Added second Hillsborough parcel, additional staff review on revised application
4/26/21	Stormwater review complete	
6/3/21	Revised request complete	No TIA required
6/22/21	On Planning Commission agenda	On consent for deferral
9/7/21	Time extension granted	New deadline is Nov. 19

9/15/21	Second neighborhood meeting	17 attendees
10/12/21	Planning Commission	Deferred
10/15/21	Revised petition and conditions	Shifts RX-3 line to put more of site in that category; specifies that public bike and scooter parking will be provided beyond code requirements
10/26/21	Planning Commission	



# APPENDIX

## SURROUNDING AREA LAND USE/ ZONING SUMMARY

SUBJECT PROPERTY		NORTH	SOUTH	EAST	WEST
Existing Zoning	NX-4-SH and R-6	R-6	OX-12 and NX-4-SH	OX-3-UG	NX-4-SH and R-6
Additional Overlay	SRPOD	SRPOD	SRPOD	SRPOD	SRPOD
Future Land Use	Neighborhood Mixed Use, Low Density Residential	Low Density Residential	Institutional, Neighborhood Mixed Use	Neighborhood Mixed Use	Neighborhood Mixed Use
Current Land Use	Retail, residential, vehicle repair	Residential	Institutional, Mixed Use	Retail/ Restaurant	Retail/ Restaurant
Urban Form	Main Street, Transit Emphasis Corridor	None	Main Street, Transit Emphasis Corridor	Main Street, Transit Emphasis Corridor	Main Street, Transit Emphasis Corridor

## CURRENT VS. PROPOSED ZONING SUMMARY

	EXISTING ZONING	PROPOSED ZONING
Zoning	NX-4-SH and R-6	CX-7-SH-CU, RX-3-UL-CU
Total Acreage	1.05	1.05
Setbacks:		
Front	0'-15' build-to area (5' setback in R-6)	0'-15' build-to area
Side	0' or 6' (5' in R-6)	0' or 6'
Rear	0' or 6' (20' in R-6)	0' or 6'
North	5'	10'
Residential Density:	53 units/acre	164 units/acre
Max. # of Residential Units	41	144
Max. Gross Office SF	24,000 sf	81,000
Max. Gross Retail SF	10,000 sf	22,000
Max. Gross Industrial SF	-	-

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



# **COMPREHENSIVE PLAN AMENDMENT ANALYSIS – CASE Z-68-20**

## **OVERVIEW**

The area is currently designated as Neighborhood Mixed Use and Low Density Residential on the Future Land Use Map. The CX/RX zoning and requested seven-story height on the bulk of the property is inconsistent with that designation, necessitating an amendment if the request is approved.

If approved the Future Land Use Map would change to Community Mixed Use on the bulk of the parcel and Medium Density Residential on the northern 45 feet of the portion currently designated Low Density Residential.

### **AMENDED MAPS**

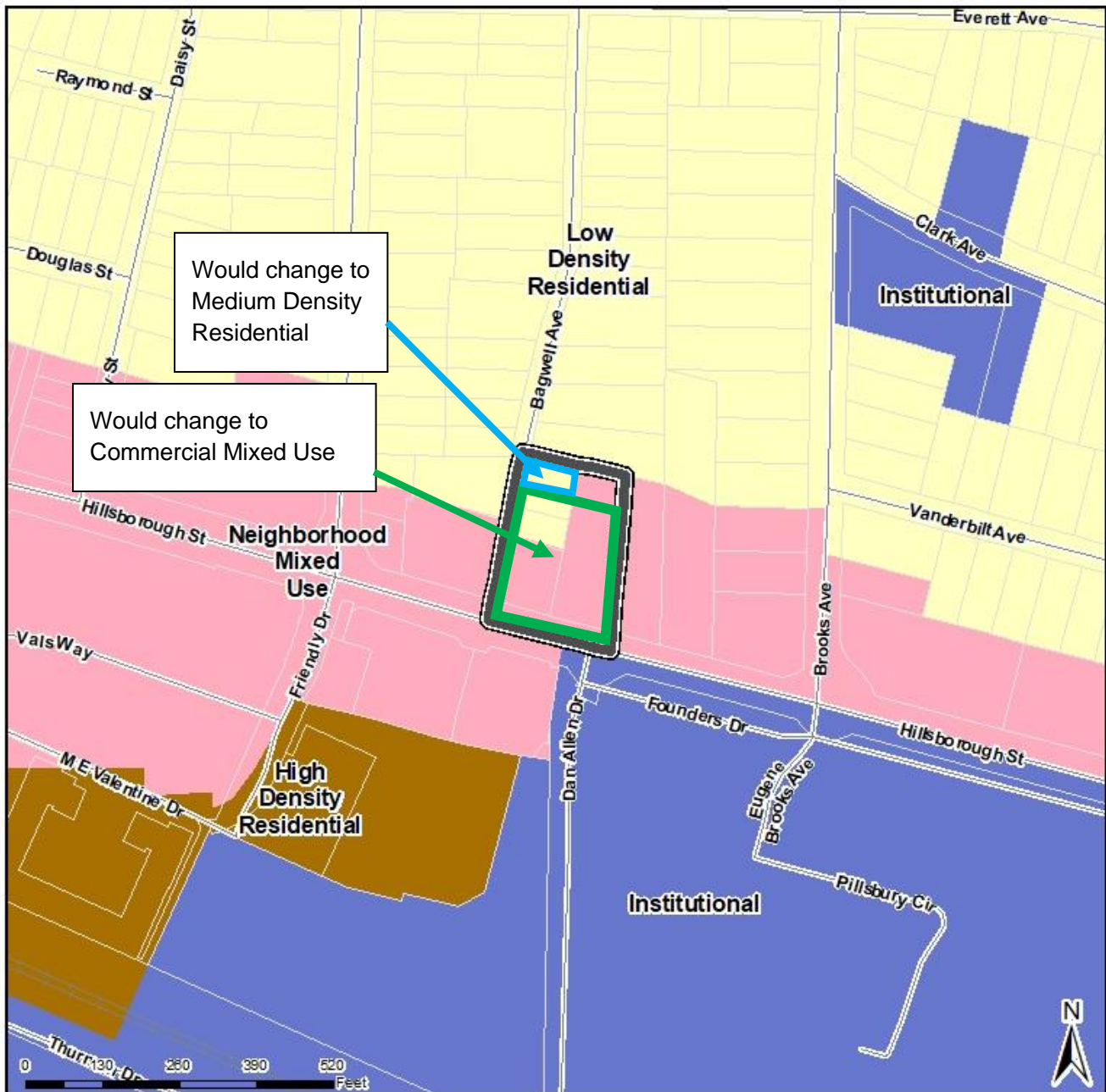
Final map shown on following page..

### **IMPACT ANALYSIS**

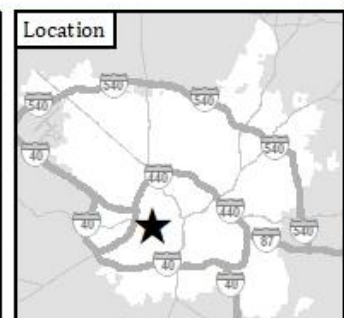
The amendment would not represent a sharp change from existing FLUM designations along the corridor. Both Community Mixed Use and Medium Density Residential or higher is present along this general portion of the Hillsborough Street corridor.

# Future Land Use

**Z-68-2020**



<b>Property</b>	6, 8, & 10 Bagwell Ave; 2808 & 2812 Hillsborough St
<b>Size</b>	1.05 acres
<b>Existing Zoning</b>	NX-4-SH & R-6 w/SRPOD
<b>Requested Zoning</b>	CX-7-SH-CU & RX-3-UL-CU w/SRPOD



Map by Raleigh Department of Planning and Development (mansolf); 5/17/2021

## **Relevant Minutes from October 26, 2021 Planning Commission Meeting**

### **AGENDA ITEM (F): NEW BUSINESS**

#### **AGENDA ITEM (F) 1: Z-68-20 - Hillsborough Street and Bagwell Avenue**

This case is located Hillsborough Street and Bagwell Avenue, including five parcels totaling 1.05 acres at the northeast corner of the intersection.

Approximately 1.05 acres is requested to be rezoned by Hillsborough Pointe, LLC, Charles V. Moseley, West Broad Hospitality, LLC, and Bagwell Holdings, LLC

The request is consistent with the 2030 Comprehensive Plan.

The request is inconsistent with the Future Land Use Map.

A request for an extension was granted, setting November 19 as the new deadline. The applicant has also submitted new conditions that address height transitions, public space and art along Hillsborough, and the detached houses on Bagwell Avenue. The inclusion of the height transition policy changed the request's consistency with policy LU 5.6 Buffering Requirements to consistent.

Planner Hardin presented the case.

Michael Birch representing the applicant gave a brief overview of the case.

Donna Bailey representing the public spoke in opposition regarding for stories being the agreed upon height on Hillsborough Street which already over doubles the density on the street. Hillsborough Street is supposed to be a walkable street and needs to be kept at a neighborhood scale. She is asking the commission to support the small area plan in which the city invested so much time and money and if not, this will kill the rest of Hillsborough Street.

Michael Lindsay, new chair of Hillsborough Wade CAC spoke regarding taking a poll of this rezoning in which 4% was in favor of this rezoning and 75% against and 21% not sure.

Frank Harmon spoke regarding this being a diverse area; pedestrian traffic and main concern of the damage this will do to the small area plan. If the commission votes against the small area plan this will set a precedent and urges the commission to support the small area plan.

Craig Smith spoke in opposition stating main concerns is of height proposed and states this does not benefit the area or neighbors in the area.

Russ Stephenson spoke in support of the area plan and encourages a decision that is consistent with the area plan.

There was discussion regarding the parcels in question that can be appropriate for development.

Senior Planner Walter spoke regarding public input; the appropriateness of height in the different area and this being a judgement call for the commission.

There was further discussion regarding their being no guidance in the area plan for this site and trying to understand what the inconsistency is regarding the plan; seems consistent and if not here, then where.

There was further discussion regarding whether the applicant has considered height of 4 to 5 stories of height.

There was concern from commission regarding height, small area plan recommendation and setbacks.

**Chair Fox made a motion to recommend approval of the case. Ms. Lampman seconded the motion. Commissioners, how do you vote?**  
**Bennett (Aye), Dautel (Aye), Chair Fox (Aye), Lampman (Aye) Miller (Aye), O'Haver (Nay) and Rains (Nay).**  
**The vote is not unanimous, 5-2.**





TO: Planning Commission  
FROM: Gaston Williams, Chair  
CC: Jason Hardin, Senior Planner  
Tania Tully, Senior Preservation Planner  
SUBJECT: Rezoning case Z-68-20 (2808 and 2812 Hillsborough Street, 6, 8, and 10 Bagwell Avenue)  
DATE: September 22, 2021

The Raleigh Historic Development Commission (RHDC) reviewed rezoning case Z-68-20 at its September 21, 2021 meeting. The proposed rezoning case includes the properties located at 2808 and 2812 Hillsborough Street, 6, 8, and 10 Bagwell Avenue. The current zoning is NX-4-SH (2808 and 2812 Hillsborough St) and R-6. The application requests a change to CX-7-SH.

### **Recommendation**

The RHDC, on a vote of 7-3, supports the rezoning application.

The RHDC strongly encouraged the applicants to consider mitigation of the loss of historic structures through recordation (i.e.: documenting the physical structures through measured drawings and photographs and a written history of the properties), offering the structures for relocation, and/or offering opportunities for salvage if the structures cannot be relocated. Though, consideration should be given to retaining or adaptively reusing the extant structures. Additionally, the RHDC encouraged exploration of potential requirements of development that would address how the characteristics and materials of future new construction will be compatible with the character of the West Raleigh neighborhood.

### **Analysis**

The site includes four properties located in the [West Raleigh National Register Historic District](#). See attached map. 2808 Hillsborough Street (ca. 1962) is not included in the West Raleigh National Register Historic District and has not been surveyed.

The West Raleigh district was designated in 2003. The summary notes that the district, comprised of several neighborhoods, hosts a “well-preserved collection of domestic, institution, commercial, and industrial architecture from the period when Raleigh developed as the state’s hub of government...” and that the district is an “eclectic mix of nationally popular styles and vernacular forms common to suburbs that developed in North Carolina in the first half of the twentieth century.” The district’s period of significance begins in 1886 and extends to 1956.

The area in which the properties are located was platted in 1922 as H. B. Bagwell Subdivision No.2 and included the east side of Dixie Trail and both sides of Bagwell Avenue. Hardy B.

Bagwell was a farmer who, with State College professor Joseph R. Chamberlain, had C. L. Mann survey sections of their land and plat the Harris-Chamberlain Subdivision and the H. B. Bagwell Subdivision No. 1 in 1917 and 1919, respectively.

The West Raleigh nomination form describes the extant properties as follows:

- **2812 Hillsborough St** - Contributing, ca. 1952 “One-story, gas station, enamel panels cover exterior, flat roof, plate glass windows, rounded southwest corner, three garage bays. Based on a deed and plat, H. B. and Ella Bagwell sold this parcel to Standard Oil in 1925 but the existing building does not date from that period.”
- **6 Bagwell Ave** – Contributing; ca 1925 “One-story bungalow, weatherboards, front-gable roof, 9/1 sash, full-width porch with hip roof and square posts, knee braces and exposed rafter tails.”
- **8 Bagwell Ave** – Contributing; ca 1925 “One-story, brick bungalow, weatherboards in the gable-end, front-gable roof, 3/1 sash windows, full width porch with modern iron posts, interior brick chimney, two three-light attic windows and knee braces in the gable-end.”
- **10 Bagwell Ave** – Contributing; ca 1925 “Nearly identical to #8, one-story, brick bungalow with weatherboards in the gable-end, front-gable roof, 3/1 sash, knee braces, full-width hip roof porch with tapered posts.”

The immediately adjacent properties to the north and across the street also contain one-story contributing houses. Since the writing of the nomination form, 8 Bagwell Avenue has been altered through the replacement of windows and doors and alteration of the porch columns and installation of a railing.

In addition to the district’s architectural significance, the district also is significant in the area of Community Planning and Development. The designation notes: “The West Raleigh Historic District - unlike other suburban developments in the city such as Cameron Park, Boylan Heights, and the neighborhoods around Five Points, all of which grew up along the streetcar line - developed in large part because of the rise in the popularity of the automobile in the early part of the century.” Along with the automobile, much of the district’s growth can be attributed to the area’s proximity to the university.

In the summary, the nomination states “Only the Hillsborough Street corridor has changed markedly, and even that only in sections, as a result of heavy commercial turnover and the constant development pressures of the growing North Carolina State University campus south of Hillsborough. The West Raleigh neighborhoods still reflect their early-to mid-twentieth century suburban roots and maintain their strong association with the nearby university.”

#### **Relevant Conditions Offered**

No relevant conditions were offered at the time of RHDC’s review.

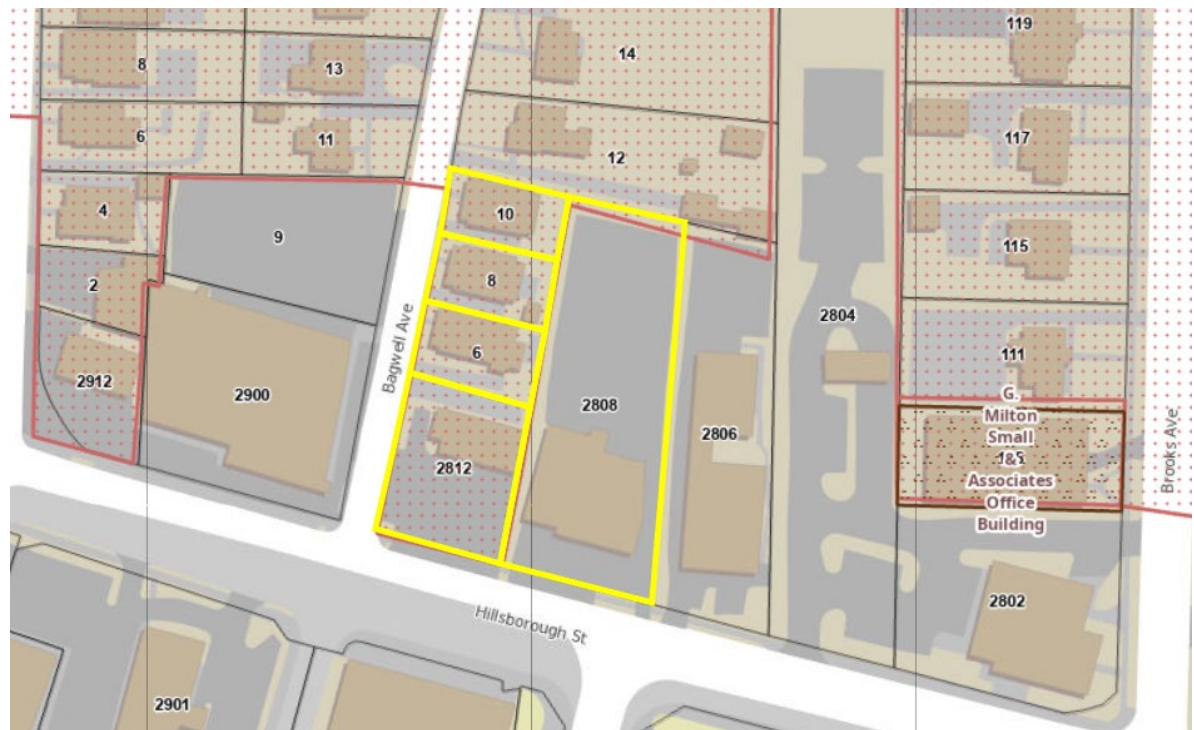
#### Relevant Comprehensive Plan Policies

- Policy HP 1.1—Stewardship of Place. Foster stewardship of neighborhood, place, and landscape as the City grows and develops.
- Policy HP 1.2—Cultural and Historic Resource Preservation. Identify, preserve, and protect cultural and historic resources including buildings, neighborhoods, designed and natural landscapes, cemeteries, streetscapes, view corridors, and archaeological resources.
- Policy HP 1.3—Economic Value of Historic Preservation. Promote the city's cultural and historic identity as an economic asset.
- Policy HP 2.7—Mitigating Impacts on Historic Sites. Development proposals adjacent to or including historic sites should identify and minimize or mitigate any negative development impacts on those sites.
- Policy HP 3.1—Adaptive Use. Encourage adaptive use of historic properties to preserve cultural resources and conserve natural resources.
- Policy HP 3.2—Retention Over Replacement. Encourage the preservation and rehabilitation of significant or contributing existing structures, favoring retention over replacement, especially in areas where other historic resources are present.
- Policy HP 3.4—Context Sensitive Design. Use the existing architectural and historical character within an area as a guide for new construction.

The proposed rezoning is located within the Cameron Village and Hillsborough Street area plan. Relevant Comprehensive Plan Policies include:

- Policy AP-CH 7—Promote Quality Design. Building on the foundation created in the Unified Development Ordinance, new developments should incorporate transition areas, setbacks, stepbacks, and design that improve the public realm. Design, massing, and height should respond to the contextual setting.
- Policy AP-CH 12—Use-based Transitions. Where a new mixed-use development of any building type taller than three stories is constructed next to residential use of no more than two stories, the taller development should include: 1. a fifteen-foot building setback from the shared property line with the residential use, and 2. a maximum height of 3 stories and 50' within 50' of the shared property line with the residential use.

Attachment A: West Raleigh Historic District and Adjacent Landmark Boundaries



**From:** [Jennifer Ashton](#)  
**To:** [Hardin, Jason](#)  
**Cc:** [Michael Birch](#)  
**Subject:** Z-68-20 - Hillsborough/Bagwell  
**Date:** Friday, August 13, 2021 1:51:24 PM  
**Attachments:** [image001.png](#)

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**CAUTION:** This email originated from outside of the organization. Do not click links or open attachments unless you verify that the attachment and content are safe. If you believe this email is suspicious, please click the 'Phish Alert' link in the banner to report this message.

Jason,

As we discussed, the Planning Commission is required to take action on this rezoning application at its September 14<sup>th</sup> meeting. We are continuing to work on revised rezoning conditions to address neighborhood comments regarding the maximum building height, and transitions down to the single-family homes to the North of the site. We anticipate having our second neighborhood meeting in September as well.

Please let this email serve as our formal request for an extension of time for the Planning Commission to act on the rezoning application. We are requesting an extension until the Planning Commission's November 9<sup>th</sup> meeting. We are hoping to make it on the September 28<sup>th</sup> Planning Commission agenda, but are asking for the longer extension just in case.

Please let me know if you need anything further.

Thanks.

Jennifer Ashton  
Attorney  
Longleaf Law Partners | 4509 Creedmoor Rd, Suite 302 | Raleigh, NC 27612  
919-780-5433 (Direct) | 919-645-4300 (Main) | [jashton@longleaflp.com](mailto:jashton@longleaflp.com)  
[www.longleaflp.com](http://www.longleaflp.com)



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## **ZONING BOUNDARY LEGAL DESCRIPTION**

LYING AND BEING in the City of Raleigh, Wake County North Carolina, and being those certain tracts or parcels of land more particularly described as follows:

**PARCEL 1 (ALL OF REID NO. 0037758; AND 12' NORTHERN PORTION OF REID NO. 0006223) (PROPOSED TO BE REZONED RX-3-UL-SRPOD):**

BEING all that property located at 10 Bagwell Avenue, having Wake County REID No. 0037758 and PIN No. 0794-62-4589, combined with the northernmost twelve (12) feet of that property located at 8 Bagwell Avenue, having Wake County REID No. 0006223 and PIN No. 0794-62-4575.

**PARCEL 2 (SOUTHERN PORTION OF REID NO. 0006223) (PROPOSED TO BE REZONED CX-7-SH-SRPOD):**

BEING the southernmost thirty-eight (38) feet of that property located at 8 Bagwell Avenue, having Wake County REID No. 0006223 and PIN No. 0794-62-4575.

**PARCEL 3 (REID NO. 0006204) KNOWN AS 6 BAGWELL AVENUE (PROPOSED TO BE REZONED CX-7-SH-SRPOD):**

Being Lot 65 Bagwell in accordance with the Recombination Plat Properties of Kathleen C. Hammon dated June 20, 2018 made by Newcomb Land Surveyors, PLLC recorded on July 19, 2018 in Book of Maps 2018, Page 1396, Wake County Registry, containing approximately 0.104 acres.

**PARCEL 4 (REID NO. 0034083) KNOWN AS 2812 HILLSBOROUGH STREET (PROPOSED TO BE REZONED CX-7-SH-SRPOD):**

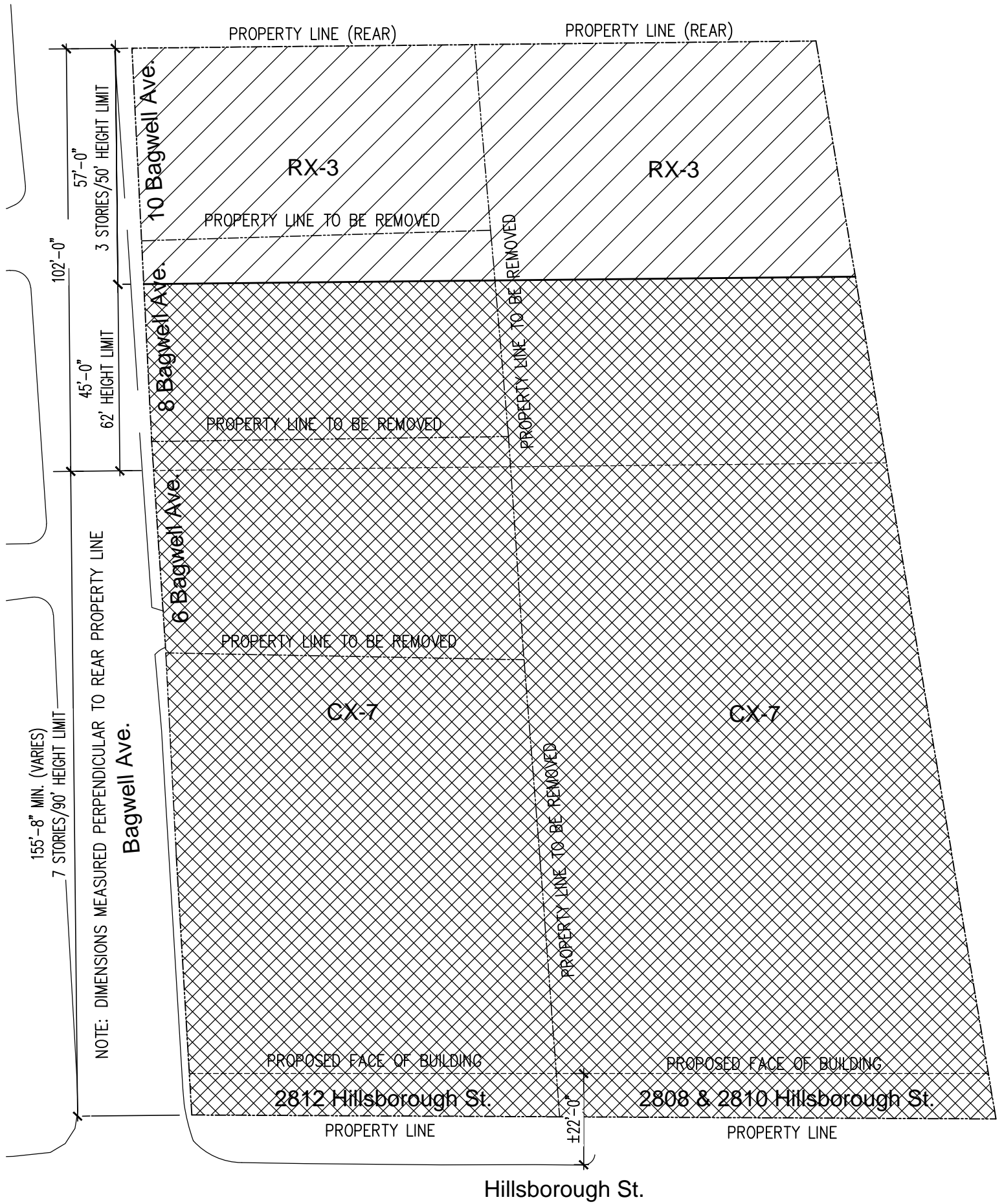
Being New Lot 1 in accordance with the Recombination Plat Properties of Kathleen C. Hammon dated June 20, 2018 made by Newcomb Land Surveyors, PLLC recorded on July 19, 2018 in Book of Maps 2018, Page 1396, Wake County Registry, containing approximately 0.224 acres.

**PARCEL 5 (NORTHERN PORTION OF REID NO. 0049350) (PROPOSED TO BE REZONED RX-3-UL-SRPOD):**

BEING the northernmost fifty-seven (57) feet of that property located at 2808 Hillsborough Street, having Wake County REID No. 0049350 and PIN No. 0794-62-5441.

**PARCEL 6 (SOUTHERN PORTION OF REID NO. 0049350) (PROPOSED TO BE REZONED CX-7-SH-SRPOD):**

BEING the southernmost 207.95 feet of that property located at 2808 Hillsborough Street, having Wake County REID No. 0049350 and PIN No. 0794-62-5441.





**ATTACHMENT TO  
REZONING APPLICATION**

**Property Information and Current Zoning:**

1. 2812 Hillsborough Street
  - a. PIN: 0794-62-4441
  - b. Owner: Hillsborough Pointe, LLC  
c/o CityPlat, LLC  
107 Fayetteville St, Suite 400  
Raleigh, NC 27601-2916
  - c. Deed Book / Page: 17202/399
  - d. Existing Zoning Base District: NX-4-SH-SRPOD
  - e. Acreage: 0.22 ac
  
2. 2808 Hillsborough Street
  - a. PIN: 0794-62-5441
  - b. Owner: Charles V. Moseley  
1128 Ivy Ln  
Raleigh, NC 27609-4761
  - c. Deed Book / Page: 007054/00794
  - d. Existing Zoning Base District: NX-4-SH-SRPOD
  - e. Acreage: 0.55 ac
  
3. 6 Bagwell Avenue
  - a. PIN: 0794-62-4551
  - b. Owner: West Broad Hospitality, LLC  
c/o CityPlat, LLC  
107 Fayetteville St, Suite 400  
Raleigh, NC 27601-2916
  - c. Deed Book / Page: 17202 / 401
  - d. Existing Zoning Base District: R-6-SRPOD
  - e. Acreage: 0.10 ac
  
4. 8 Bagwell Avenue
  - a. PIN: 0794-62-4575
  - b. Owner: Bagwell Holdings, LLC  
PO Box 6356  
Raleigh, NC 27628
  - c. Deed Book / Page: 17917 / 2690
  - d. Existing Zoning Base District: R-6-SRPOD
  - e. Acreage: 0.10 ac
  
5. 10 Bagwell Avenue
  - a. PIN: 0794-62-4589
  - b. Owner: Bagwell Holdings, LLC  
PO Box 6356  
Raleigh, NC 27628
  - c. Deed Book / Page: 18025 / 219

- d. Existing Zoning Base District: R-6-SRPOD
- e. Acreage: 0.08 ac

**Proposed Zoning:**

RX-3-UL-SPROD: (first 57' from north property line) 2808 Hillsborough Street (Portion)  
10 Bagwell Avenue

CX-7-SH-SPROD: (remainder of assemblage)  
2812 Hillsborough Street  
2808 Hillsborough Street (Portion)  
6 Bagwell Avenue  
8 Bagwell Avenue

**Statement of Consistency:**

1. 6, 8 and 10 Bagwell Avenue are currently designated Low Density Residential on the Future Land Use Map, but are immediately adjacent to existing Neighborhood Mixed Use areas. 2808 and 2812 Hillsborough Street are currently designated Neighborhood Mixed Use on the Future Land Use Map, which allows for a mix of residential, commercial and office uses. The applicant is proposing a mix of residential, commercial and/or office uses for the entire assemblage, with a portion to be zoned CX-7-SH, and the remainder to be zoned RX-3-UL. The Special Residential Parking Overlay District (SRPOD) will be maintained over the entire assemblage. These proposed uses will be located near other existing mixed-use areas that currently have NX-4, OX-3 and OX-12 zoning. The proposed rezoning is consistent with the future land use designations of the surrounding areas.
2. The rezoning request is intended to be consistent with Table LU-2 "Recommended Height Designations" for Mixed Land Use Categories. 2812 and 2808 Hillsborough Street (which are part of the assemblage) qualify as an Edge area given their close proximity to the low-density residential neighborhood to the north of the site. 2812 and 2808 Hillsborough Street also qualify as a Core/Transit area given their frontage along Hillsborough Street. Per Table LU-2, when a conflict exists between Edge and Core/Transit locations, the area will be considered a General area. For the Neighborhood Mixed Use designation, a maximum of 4 stories is recommended. The proposed rezoning is consistent with Table LU-2 given that the CX-7 height will be focused along the frontage of Hillsborough Street, and then only 3 stories will be developed within 10 Bagwell Avenue and within the north 45 feet of 2808 Bagwell Avenue (RX-3-UL designation) adjacent to the low-density residential area. The proposed transitional zoning is also consistent with LU Section 3.1 "Future Land Uses" which provides that for the Neighborhood Mixed Use category, greater height should include appropriate transitions and be accompanied by a pedestrian-friendly relationship to the public realm.
3. The property is located near the intersection of Hillsborough Street and Bagwell Avenue. Hillsborough Street is designated a Transit Emphasis Corridor on the Urban Form Map (calls for a hybrid frontage approach), and also as a Main Street on the Urban Form Map

(calls for urban frontage approach). The goal of these designations is to bring the buildings closer to the street, and to provide for parking on the side and/or rear of the buildings. 2812 and a portion of 2808 Hillsborough Street will be developed with the -SH frontage, which is consistent with this goal. 10 Bagwell Avenue and the north 45 feet of 2808 Hillsborough Street (RX-3-UL designation) will be developed with the -UL frontage, which also is consistent with this goal. Hillsborough Street also has multiple points for existing bus transit service near the property, including Route 4 (Rex Hospital), Route 16 (Oberlin), and Route 27 (Blue Ridge).

4. The rezoning request is consistent with Comprehensive Plan policies: LU 1.2 "Future Land Use Map and Zoning Consistency" (the proposed use is consistent with the existing Neighborhood Mixed Use and Low Density Residential Future Land Use Designations given the adjacent Neighborhood Mixed Use Future Land Use Designations, and the proposed height transitions); LU 2.2 "Compact Development" (the proposed use will be arranged as a compact development); LU 4.9 "Corridor Development" (proposed -SH and -UL frontages will promote pedestrian friendly, "main street" type development along Hillsborough Street); LU 5.1, LU 5.4, LU 5.5, LU 5.6 "Land Use Compatibility" (the proposed mixed use will serve as a transition between the low density residential neighborhood to the north of the site, and the more intensive mixed uses to the south of the site; additionally, the proposed mixed use will serve as a building height transition between the existing OX-12 area to the south of the site, and the existing low density residential neighborhood to the north, given that the proposed site will be 7 stories along Hillsborough Street, but will transition down to the north); LU 6.1, LU 6.2 "Mixed-Use Development" (areas such as the current site that are designated for mixed-use development in the Comprehensive Plan should be zoned in order to provide a mixture of land uses); EP 3.12 "Mitigating Stormwater Impacts" (development is proposed to mitigate stormwater impacts); EP 8.4 "Noise and Light Impacts" (development is proposed to mitigate potential noise and light pollution impacts on adjoining residential properties); UD 1.10 "Frontage," UD 2.3 "Activating the Street", and UD 6.1 "Encouraging Pedestrian Oriented Uses" (development is proposed to encourage frontage consistency with the Urban Form Map and encourage pedestrian-oriented uses); HP 3.4 "Context Sensitive Design" (the proposed use intends to use the existing architectural and historical character within an area as a guide for new construction); and Section 16 "Area Specific Guidance" (The Cameron Village and Hillsborough Area Plan AP-CH 12 "Use-based Transitions" recommends a maximum of 3 stories in this area; but neighborhood transitions, as are being proposed on this site, still apply and are being used with the proposed RX-3-UL Zoning to help with policy consistency).



CONDITIONAL USE DISTRICT ZONING CONDITIONS		
Zoning Case Number		OFFICE USE ONLY  Rezoning Case #
Date Submitted		
Existing Zoning	Proposed Zoning	
Narrative of Zoning Conditions Offered		

The property owner(s) hereby offers, consents to, and agrees to abide by, 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 \_\_\_\_\_ Print Name \_\_\_\_\_

REZONING APPLICATION ADDENDUM #1	
<b>Comprehensive Plan Analysis</b>  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.	<b>OFFICE USE ONLY</b>  <b>Rezoning Case #</b>
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.	
PUBLIC BENEFITS	
Provide brief statements explaining how the rezoning request is reasonable and in the public interest.	

REZONING APPLICATION ADDENDUM #2	
Impact on Historic Resources	OFFICE USE ONLY  Rezoning Case #
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.	
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.	
PROPOSED MITIGATION	
Provide brief statements describing actions that will be taken to mitigate all negative 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.

- |           |   |
|-----------|---|
| <b>1.</b> | <p><i>All Mixed-Use developments should generally provide retail (such as eating establishments, food stores, and banks), and other such uses as office and residential within walking distance of each other. Mixed uses should be arranged in a compact and pedestrian friendly form.</i></p> <p><b>Response:</b></p>   |
| <b>2.</b> | <p><i>Within all Mixed-Use Areas buildings that are adjacent to lower density neighborhoods should transition (height, design, distance and/or landscaping) to the lower heights or be comparable in height and massing.</i></p> <p><b>Response:</b></p>  |
| <b>3.</b> | <p><i>A mixed use area's road network should connect directly into the neighborhood road network of the surrounding community, providing multiple paths for movement to and through the mixed use area. In this way, trips made from the surrounding residential neighborhood(s) to the mixed use area should be possible without requiring travel along a major thoroughfare or arterial.</i></p> <p><b>Response:</b></p>  |
| <b>4.</b> | <p><i>Streets should interconnect within a development and with adjoining development. Cul-de-sacs or dead-end streets are generally discouraged except where topographic conditions and/or exterior lot line configurations offer no practical alternatives for connection or through traffic. Street stubs should be provided with development adjacent to open land to provide for future connections. Streets should be planned with due regard to the designated corridors shown on the Thoroughfare Plan.</i></p> <p><b>Response:</b></p> |
| <b>5.</b> | <p><i>New development should be comprised of blocks of public and/or private streets (including sidewalks). Block faces should have a length generally not exceeding 660 feet. Where commercial driveways are used to create block structure, they should include the same pedestrian amenities as public or private streets.</i></p> <p><b>Response:</b></p>   |
| <b>6.</b> | <p><i>A primary task of all urban architecture and landscape design is the physical definition of streets and public spaces as places of shared use. Streets should be lined by buildings rather than parking lots and should provide interest especially for pedestrians. Garage entrances and/or loading areas should be located at the side or rear of a property.</i></p> <p><b>Response:</b></p>   |

7.	<p><i>Buildings should be located close to the pedestrian-oriented street (within 25 feet of the curb), with off-street parking behind and/or beside the buildings. When a development plan is located along a high volume corridor without on-street parking, one bay of parking separating the building frontage along the corridor is a preferred option.</i></p> <p><b>Response:</b></p>
8.	<p><i>If the site is located at a street intersection, the main building or main part of the building should be placed at the corner. Parking, loading or service should not be located at an intersection.</i></p> <p><b>Response:</b></p>
9.	<p><i>To ensure that urban open space is well-used, it is essential to locate and design it carefully. The space should be located where it is visible and easily accessible from public areas (building entrances, sidewalks). Take views and sun exposure into account as well.</i></p> <p><b>Response:</b></p>
10.	<p><i>New urban spaces should contain direct access from the adjacent streets. They should be open along the adjacent sidewalks and allow for multiple points of entry. They should also be visually permeable from the sidewalk, allowing passersby to see directly into the space.</i></p> <p><b>Response:</b></p>
11.	<p><i>The perimeter of urban open spaces should consist of active uses that provide pedestrian traffic for the space including retail, cafés, and restaurants and higher-density residential.</i></p> <p><b>Response:</b></p>
12.	<p><i>A properly defined urban open space is visually enclosed by the fronting of buildings to create an outdoor "room" that is comfortable to users.</i></p> <p><b>Response:</b></p>

13.	<i>New public spaces should provide seating opportunities.</i> <b>Response:</b>
14.	<i>Parking lots should not dominate the frontage of pedestrian-oriented streets, interrupt pedestrian routes, or negatively impact surrounding developments.</i> <b>Response:</b>
15.	<i>Parking lots should be located behind or in the interior of a block whenever possible. Parking lots should not occupy more than 1/3 of the frontage of the adjacent building or not more than 64 feet, whichever is less.</i> <b>Response:</b>
16.	<i>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 can make a significant improvement.</i> <b>Response:</b>
17.	<i>Higher building densities and more intensive land uses should be within walking distance of transit stops, permitting public transit to become a viable alternative to the automobile.</i> <b>Response:</b>
18.	<i>Convenient, comfortable pedestrian access between the transit stop and the building entrance should be planned as part of the overall pedestrian network.</i> <b>Response:</b>
19.	<i>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.</i> <b>Response:</b>



20.	<p><i>It is the intent of these guidelines to build streets that are integral components of community design. Public and private streets, as well as commercial driveways that serve as primary pedestrian pathways to building entrances, should be designed as the main public spaces of the City and should be scaled for pedestrians.</i></p> <p><b>Response:</b></p>
21.	<p><i>Sidewalks should be 5-8 feet wide in residential areas and located on both sides of the street. Sidewalks in commercial areas and Pedestrian Business Overlays should be a minimum of 14-18 feet wide to accommodate sidewalk uses such as vendors, merchandising and outdoor seating.</i></p> <p><b>Response:</b></p>
22.	<p><i>Streets should be designed with street trees planted in a manner appropriate to their function. Commercial streets should have trees which complement the face of the buildings and which shade the sidewalk. Residential streets should provide for an appropriate canopy, which shadows both the street and sidewalk, and serves as a visual buffer between the street and the home. The typical width of the street landscape strip is 6-8 feet. This width ensures healthy street trees, precludes tree roots from breaking the sidewalk, and provides adequate pedestrian buffering. Street trees should be at least 6 1/4" caliper and should be consistent with the City's landscaping, lighting and street sight distance requirements.</i></p> <p><b>Response:</b></p>
23.	<p><i>Buildings should define the streets spatially. Proper spatial definition should be achieved with buildings or other architectural elements (including certain tree plantings) that make up the street edges aligned in a disciplined manner with an appropriate ratio of height to width.</i></p> <p><b>Response:</b></p>
24.	<p><i>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.</i></p> <p><b>Response:</b></p>
25.	<p><i>The ground level of the building should offer pedestrian interest along sidewalks. This includes windows entrances, and architectural details. Signage, awnings, and ornamentation are encouraged.</i></p> <p><b>Response:</b></p>
26.	<p><i>The sidewalks should be the principal place of pedestrian movement and casual social interaction. Designs and uses should be complementary to that function.</i></p> <p><b>Response:</b></p>

REZONING OF PROPERTY CONSISTING OF +/- 0.5 ACRES,  
LOCATED ON THE EASTERN SIDE OF THE HILLSBOROUGH STREET AND BAGWELL  
AVENUE INTERSECTION, IN THE CITY OF RALEIGH

REPORT OF MEETING WITH ADJACENT PROPERTY OWNERS ON  
NOVEMBER 16, 2020

Pursuant to applicable provisions of the Unified Development Ordinance, a meeting was held with respect to a potential rezoning with adjacent property owners on Monday, November 16, at 5:00 p.m. The property considered for this potential rezoning totals approximately 0.5 acres, and is located on the eastern side of the Hillsborough Street and Bagwell Avenue intersection, in the City of Raleigh, having Wake County Parcel Identification Numbers 0794-62-4441, 0794-62-4551, 0794-62-4575 and 0794-62-4589. This meeting was held virtually on Zoom with an option to call in by telephone. All owners of property within 500 feet of the subject property were invited to attend the meeting. Attached hereto as **Exhibit A** is a copy of the neighborhood meeting notice. A copy of the required mailing list for the meeting invitations is attached hereto as **Exhibit B**. A summary of the items discussed at the meeting is attached hereto as **Exhibit C**. Attached hereto as **Exhibit D** is a list of individuals who attended the meeting.

## EXHIBIT A – NEIGHBORHOOD MEETING NOTICE



To: Neighboring Property Owner  
From: Michael Birch  
Date: November 3, 2020  
Re: Neighborhood Meeting for Rezoning of 2812 Hillsborough Street & 6, 8 and 10 Bagwell Avenue

You are invited to attend a virtual meeting to discuss the proposed rezoning of 2812 Hillsborough Street and 6, 8 and 10 Bagwell Avenue. We have scheduled an informational meeting with surrounding property owners on Monday, November 16th at 5:00 PM until 7:00 PM. Due to the COVID-19 Pandemic, this meeting will be held virtually. You can participate online or by telephone. To participate, visit:

To join with video:

<https://zoom.us/>  
**Meeting ID: 885 4182 4715**  
**Password: 378537**

To join by telephone:

**+1 646 558 8656**  
**Meeting ID: 885 4182 4715**  
**Password: 378537**

The purpose of this meeting is to discuss the proposed rezoning of property located at 2812 Hillsborough Street and 6, 8 and 10 Bagwell Avenue (with Property Identification Numbers (PINs) 0794-62-4441, 0794-62-4551, 0794-62-4575 and 0794-62-4589). The property totals approximately 0.5 acres in size, and is located in the northeast quadrant of the Hillsborough Street and Bagwell Avenue intersection.

The property is currently zoned R-6 and Neighborhood Mixed Use with a 4-story height limit and the Shopfront frontage (NX-4-SH), and the proposed zoning designation is Commercial Mixed Use with a 7-story height limit and Shopfront frontage with zoning conditions (CX-7-SH-CU). The purpose of the rezoning is to allow for certain commercial uses.

The City of Raleigh requires a neighborhood meeting involving the owners of property within 500 feet of the properties prior to filing a rezoning application. After the meeting, we will prepare a report for the Planning Department regarding the items discussed at the meeting.

Please do not hesitate to contact me directly if you have any questions or wish to discuss any issues. I can be reached at 919.645.4317 and [mbirch@longleaflp.com](mailto:mbirch@longleaflp.com). Also, for more information about rezoning, you may visit [www.raleighnc.gov](http://www.raleighnc.gov) or contact the Raleigh City Planning Department at 919.996.2682 or [JP.Mansolf@raleighnc.gov](mailto:JP.Mansolf@raleighnc.gov).

Attached to this invitation are the following materials:

1. Subject Property Current Aerial Exhibit
2. Subject Property Current Zoning Exhibit
3. A draft of the proposed Rezoning Application, including proposed zoning conditions

CURRENT PROPERTY MAP



CURRENT ZONING MAP



# Rezoning Application



Department of City Planning | 1 Exchange Plaza, Suite 300 | Raleigh, NC 27601 | 919-996-2682

REZONING REQUEST			
<input type="checkbox"/> General Use <input checked="" type="checkbox"/> Conditional Use <input type="checkbox"/> Master Plan			<b>OFFICE USE ONLY</b>  Rezoning Case #
Existing Zoning Base District <b>NX</b> Height <b>4</b> Frontage <b>SH</b> Overlay(s) <b>SRPOD</b>			
Proposed Zoning Base District <b>CX</b> Height <b>7</b> Frontage <b>SH</b> Overlay(s) <b>SRPOD</b>			
<small>Click <a href="#">here</a> to view the Zoning Map. Search for the address to be rezoned, then turn on the 'Zoning' and 'Overlay' layers.</small>			
If the property has been previously rezoned, provide the rezoning case number:			
GENERAL INFORMATION			
Date	Date Amended (1)	Date Amended (2)	
Property Address <b>2812 Hillsborough Street, 6, 8 and 10 Bagwell Avenue</b>			
Property PIN 0794624441, 0794624551, 0794624575, 0794624589		Deed Reference (book/page)	
Nearest Intersection <b>Hillsborough Street and Bagwell Avenue</b>			
Property Size (acres) <b>0.5</b>	For Planned Development Applications Only:	Total Units	Total Square Footage
		Total Parcels	Total Buildings
Property Owner Name/Address <b>Hillsborough Pointe, LLC West Broad Hospitality, LLC Bagwell Holdings, LLC</b>		Phone	Fax
		Email	
Applicant Name/Address <b>Michael Birch 4509 Creedmoor Road, Suite 302 Raleigh, NC 27612</b>		Phone <b>919.645.4317</b>	Fax
		Email <b>mbirch@longleaflp.com</b>	
Applicant* Signature(s)		Email	

CONDITIONAL USE DISTRICT ZONING CONDITIONS		
Zoning Case Number		OFFICE USE ONLY  Rezoning Case #
Date Submitted		
Existing Zoning	R-6 and NX-4-SH Proposed Zoning	
Narrative of Zoning Conditions Offered		
<p>1. 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); and (v) Vehicle repair (major).</p>		

## **EXHIBIT C – ITEMS DISCUSSED**

- 1.** Performing a traffic impact analysis as part of the rezoning
- 2.** Building height and position along Hillsborough Street
- 3.** Traffic on Brooks Avenue and Bagwell Avenue
- 4.** Parking for the proposed uses
- 5.** Building heights and transitions to nearby homes
- 6.** The Special Residential Parking Overlay District and the effects on residential neighborhoods
- 7.** Parking for Dixie Trail and Bagwell Avenue residents



## **EXHIBIT D – MEETING ATTENDEES**

1. Bill Allen
2. Evelyn Pursley
3. Kay and Jerry Letterman
4. Hannah Reckhow
5. Jennifer Ashton
6. Dave Groening
7. Worth Mills

REZONING OF PROPERTY CONSISTING OF +/- 1.05 ACRES,  
LOCATED ON THE EASTERN SIDE OF THE HILLSBOROUGH STREET AND BAGWELL  
AVENUE INTERSECTION, IN THE CITY OF RALEIGH

REPORT OF MEETING WITH ADJACENT PROPERTY OWNERS ON  
September 15, 2021

Pursuant to applicable provisions of the Unified Development Ordinance, a meeting was held with respect to a potential rezoning with adjacent property owners on Wednesday, September 15, at 5:00 p.m. The property considered for this potential rezoning totals approximately 1.05 acres, and is located on the eastern side of the Hillsborough Street and Bagwell Avenue intersection, in the City of Raleigh, having Wake County Parcel Identification Numbers 0794-62-4441, 0794-62-4551, 0794-62-4575, 0794-62-4589, and 0794-62-5441. This meeting was held virtually on Zoom with an option to call in by telephone. All owners of property within 1000 feet of the subject property were invited to attend the meeting. Attached hereto as **Exhibit A** is a copy of the neighborhood meeting notice. A copy of the required mailing list for the meeting invitations is attached hereto as **Exhibit B**. A summary of the items discussed at the meeting is attached hereto as **Exhibit C**. Attached hereto as **Exhibit D** is a list of individuals who attended the meeting.

## EXHIBIT A – NEIGHBORHOOD MEETING NOTICE



To: Neighboring Property Owners and Tenants  
From: Michael Birch  
Date: August 31, 2021  
Re: Second Neighborhood Meeting for Rezoning of 2808 and 2812 Hillsborough Street, and 6, 8 and 10 Bagwell Avenue (Z-68-20)

You are invited to attend a virtual meeting to discuss rezoning case Z-68-20. We have scheduled an informational meeting with surrounding neighbors on Wednesday, September 15, 2021, at 5:00 PM until 7:00 PM. Due to the COVID-19 Pandemic, this meeting will be held virtually. You can participate online or by telephone. To participate, visit:

To join with video:

<https://zoom.us/>  
Meeting ID: 883 8672 4432  
Password: 539398

To join by telephone:

+1 646 558 8656  
Meeting ID: 883 8672 4432  
Password: 539398

The purpose of this meeting is to discuss the rezoning of property located at 2808 and 2812 Hillsborough Street, and 6, 8 and 10 Bagwell Avenue (with Property Identification Numbers (PINs) 0794624441; 0794625441; 0794624551; 0794624575; and 0794624589). The property totals approximately 1.05 acres in size, and is located at the northeast quadrant of the Hillsborough Street and Bagwell Avenue intersection.

The property is currently zoned Residential-6 with a Special Residential Parking Overlay District (R-6-SRPOD), and Neighborhood Mixed Use with a 4-story height limit, a Shopfront frontage, and a Special Residential Parking Overlay District (NX-4-SH-SRPOD). The proposed zoning designation is RX-3-UL-SRPOD (first 45' from the north property line), and CX-7-SH-SRPOD (remainder of the assemblage). The purpose of the rezoning is to allow for certain commercial, office and/or residential uses.

The City of Raleigh requires a neighborhood meeting involving the owners and tenants of property within 1,000 feet of the property before the rezoning request can be considered at a Planning Commission Meeting. After the neighborhood meeting, we will prepare a report for the Planning Department regarding the items discussed at the meeting.

Please do not hesitate to contact me directly if you have any questions or wish to discuss any issues. I can be reached at 919.645.4317 and [mbirch@longleaflp.com](mailto:mbirch@longleaflp.com). Also, for more information about the rezoning, you may visit [www.raleighnc.gov](http://www.raleighnc.gov) or contact Jason Hardin at 919.996.2657 or [Jason.Hardin@raleighnc.gov](mailto:Jason.Hardin@raleighnc.gov).

Attached to this invitation are the following materials:

1. Subject Property Current Aerial Exhibit
2. Subject Property Current Zoning Exhibit
3. Proposed Zoning Exhibit
4. Rezoning Application Page, and Proposed Conditions

This aerial map displays the 2800 block of East 1st Avenue. The map is divided into several colored zones: a yellow-green zone at the top, a pinkish-red zone in the center, and a blue zone on the right. The following table summarizes the visible property lots and their associated information:

Lot Number	Address	Color Zone	Notes
2900	2900 East 1st Avenue	Yellow-Green	Large industrial building
2812	2812 East 1st Avenue	Pinkish-Red	Industrial building with parking
2808	2808 East 1st Avenue	Pinkish-Red	Industrial building with parking
2806	2806 East 1st Avenue	Blue	Industrial building with parking
2804	2804 East 1st Avenue	Blue	Industrial building with parking

Other visible lot numbers include 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100.

PROPOSED ZONING



## **EXHIBIT C – ITEMS DISCUSSED**

- 1.** Property details and rezoning request
- 2.** Small Area Plan for Cameron/Hillsborough
- 3.** Traffic on Bagwell Ave., and parking on site
- 4.** Construction traffic concerns
- 5.** Transitions to adjacent residential building at 12 Bagwell Ave.
- 6.** Guest parking for hotel and residential units
- 7.** Construction costs versus land acquisition costs
- 8.** Affordable housing
- 9.** Types of uses to be located along Hillsborough St.
- 10.** Publicly-accessible amenities on site
- 11.** Existing vacant storefronts versus adding more commercial to area
- 12.** Historic houses on Bagwell frontage

## **EXHIBIT D – MEETING ATTENDEES**

1. Jennifer Ashton
2. Kaline Shelton
3. Jason Hardin
4. Ted Van Dyk
5. Brian Wallace
6. Craig Smith
7. Donna Bailey
8. Drew Finn
9. Jeff White
10. Josh B
11. Evelyn Pursley
12. Malissa Kilpatrick
13. Chuck Galley
14. Frank Harmon
15. Nikita Zhitov
16. Diana Koenning
17. Teresa Carter