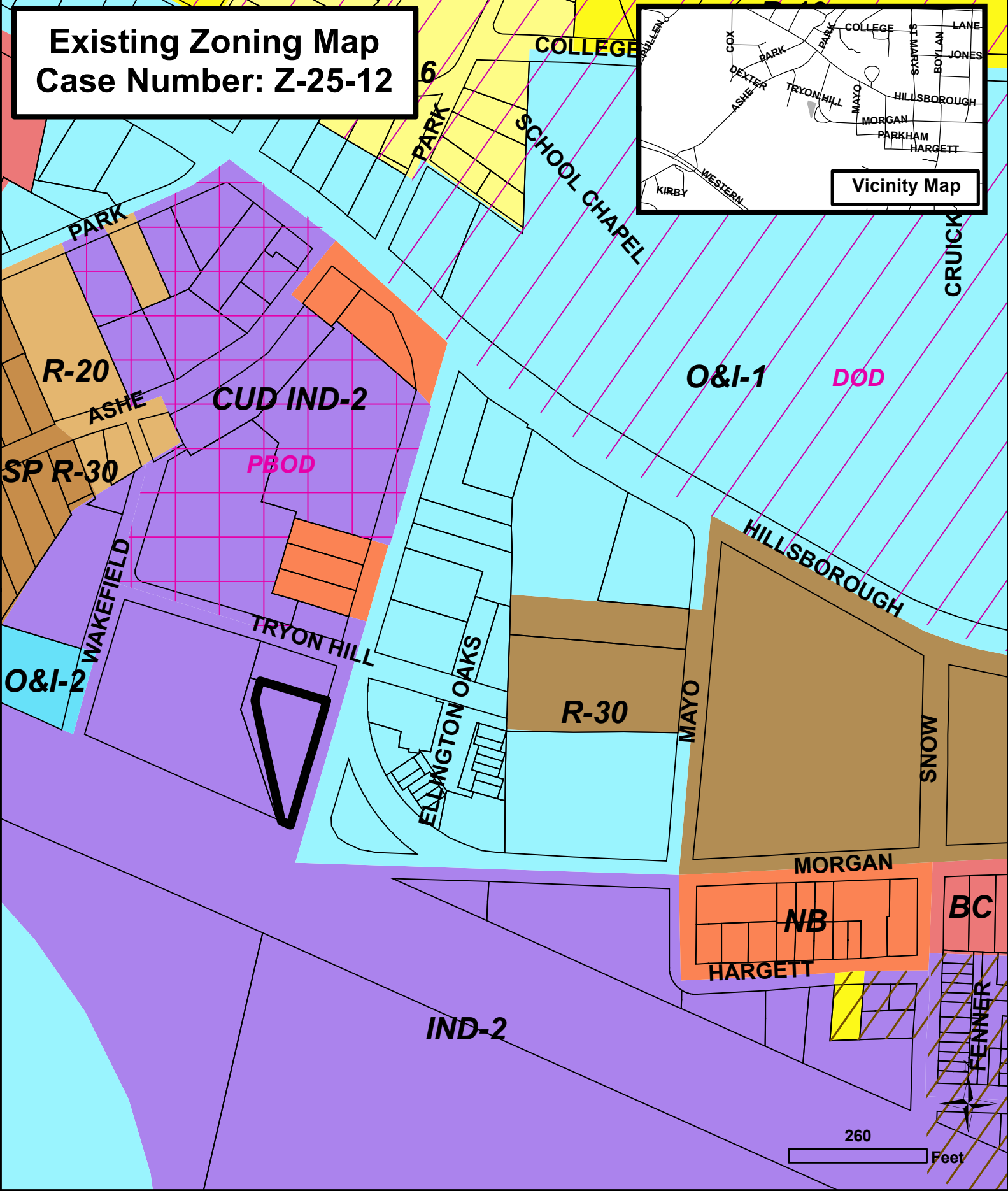
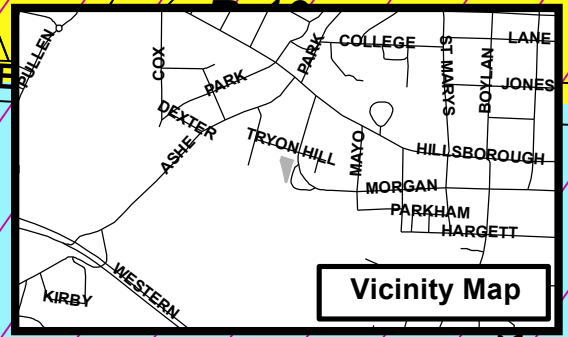


Existing Zoning Map
Case Number: Z-25-12



Request:

0.46 ac from IND-2 to IND-2 CUD w/ PBOD

City of Raleigh Public Hearing
July 17, 2012
(October 15, 2012)



Certified Recommendation

Raleigh Planning Commission

CR# 11486

Case Information Z-25-12 (SSP-5-12) W. Morgan St

| | |
|-----------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <i>Location</i> | General location, major crossroads |
| <i>Size</i> | 0.46 acres |
| <i>Request</i> | Rezone property from Industrial-2 to Industrial-2 Conditional Use District with Pedestrian Business Overlay District and amend the Hillsborough Morgan Streetscape and Parking Plan |

Comprehensive Plan Consistency

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

A checked box signifies consistency with the applicable 2030 Comprehensive Plan policy

Consistent

| | | |
|-------------------------------------|-------------------------------------|-------------------------------------------------------------|
| <i>Future Land Use Designation</i> | <input checked="" type="checkbox"/> | Community Mixed Use |
| <i>Applicable Policy Statements</i> | <input checked="" type="checkbox"/> | Policy LU 1.2 – Future Land Use Map and Zoning Consistency |
| | <input checked="" type="checkbox"/> | Policy LU 1.3 – Conditional Use District Consistency |
| | <input checked="" type="checkbox"/> | Policy LU 2.2 – Compact Development |
| | <input checked="" type="checkbox"/> | Policy LU 2.6 – Zoning and Infrastructure Impacts |
| | <input checked="" type="checkbox"/> | Policy LU 4.7 – Capitalizing on Transit Access |
| | <input checked="" type="checkbox"/> | Policy LU 4.8 – Station Area Land Uses |
| | <input checked="" type="checkbox"/> | Policy LU 4.9 – Corridor Development |
| | <input checked="" type="checkbox"/> | Policy LU 7.1 – Encouraging Nodal Development |
| | <input checked="" type="checkbox"/> | Policy LU 7.4 – Scale and Design of New Commercial Uses |
| | <input checked="" type="checkbox"/> | Policy LU 7.5 – High-Impact Commercial Uses |
| | <input checked="" type="checkbox"/> | Policy LU 7.6 – Pedestrian-Friendly Development |
| | <input checked="" type="checkbox"/> | Policy LU 10.6 – Retail Nodes |
| | <input checked="" type="checkbox"/> | Policy T 5.1 – Enhancing Bike/Pedestrian Circulation |
| | <input checked="" type="checkbox"/> | Policy UD 2.1 – Building Orientation |
| | <input checked="" type="checkbox"/> | Policy UD 2.4 – Transitions in Building Intensity |
| | <input checked="" type="checkbox"/> | Policy UD 5.1 – Contextual Design |
| | <input checked="" type="checkbox"/> | Policy UD 6.1 – Encouraging Pedestrian-Oriented Uses |
| | <input checked="" type="checkbox"/> | Policy UD 6.2 – Ensuring Pedestrian Comfort and Convenience |
| | <input checked="" type="checkbox"/> | Policy UD 7.3 – Design Guidelines |
| | <input checked="" type="checkbox"/> | Policy DT 1.2 – Vertical Mixed Use |
| | <input checked="" type="checkbox"/> | Policy DT 1.11 – Downtown Edges |
| | <input checked="" type="checkbox"/> | Policy DT 1.13 – Downtown Transition Areas |
| | <input checked="" type="checkbox"/> | Policy DT 1.15 – High Density Development |
| | <input checked="" type="checkbox"/> | Policy DT 1.16 – High Density Public Realm Amenities |
| | <input checked="" type="checkbox"/> | Policy DT 1.17 – Auto-Oriented Uses |
| | <input checked="" type="checkbox"/> | Policy DT 2.5 – Widen Sidewalks |
| | <input checked="" type="checkbox"/> | Policy DT 7.5 – Ground Level Design |
| | <input checked="" type="checkbox"/> | Policy DT 7.7 – Signage |
| | <input checked="" type="checkbox"/> | Policy DT 7.9 – Street Trees |

Summary of Conditions

| | |
|-----------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <i>Submitted Conditions</i> | <ol style="list-style-type: none"> 1. Prohibited uses 2. Residential density limited to 120 units/acre 3. Height limited to 65 feet at W. Morgan Street right-of-way, with a one-to-one stepback to 90 feet maximum 4. Property subject to Hillsborough Morgan Streetscape and Parking Plan as amended by rezoning 5. Minimum percentage of actives uses on ground floor street frontages 6. Access to West Morgan Street limited to one driveway 7. Provision for transit shelter at the request of the City |
|-----------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

Issues and Impacts

| | | | |
|---------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <i>Outstanding Issues</i> | <ol style="list-style-type: none"> 1. Consistency with locational guidelines for PBOD as listed in the zoning code | <i>Suggested Conditions</i> | <ol style="list-style-type: none"> 1. None |
| <i>Impacts Identified</i> | <ol style="list-style-type: none"> 1. Impact of development on planned Ashe Avenue/West Morgan Street Connector street 2. Potential increased transit demand and ridership | <i>Proposed Mitigation</i> | <ol style="list-style-type: none"> 1. Identification of planned Ashe Avenue/West Morgan Street connector street in Streetscape and Parking Plan. 2. Provision for future transit stop. |

Public Meetings

| <i>Neighborhood Meeting</i> | <i>Public Hearing</i> | <i>Committee</i> | <i>Planning Commission</i> |
|-----------------------------|-----------------------|------------------|----------------------------|
| 03/15/12 | 07/17/12 | Date: | 09/11/12: Approve |

Valid Statutory Protest Petition

Attachments

1. Staff report
2. Existing Zoning/Location Map
3. Future Land Use

Planning Commission Recommendation

| | |
|-------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <i>Recommendation</i> | The Planning Commission finds that this case is consistent with the Comprehensive Plan and recommends that this case be approved in accordance with zoning conditions dated September 6, 2012. |
| <i>Findings & Reasons</i> | <ol style="list-style-type: none"> 1. The request is consistent with guidelines set forth in the Comprehensive Plan. The Future Land Use Map designates this area as being appropriate for Community Mixed Use. The proposed zoning is consistent with this designation. |
| <i>Motion and Vote</i> | <p>Motion: Butler Second: Haq In Favor: Butler, Fleming, Fluhrer, Harris Edmisten, Haq, Schuster, Sterling Lewis Excused: Mattox</p> |

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.

| | | | |
|--------------------|-------------------------------------------------------------------------------------------------------|---------------------------------|----------------|
| _____ | _____ | _____ | <u>9/11/12</u> |
| Planning Director | Date | Planning Commission Chairperson | Date |
| Staff Coordinator: | Carter Pettibone – carter.pettibone@raleighnc.gov | | |



Zoning Staff Report – Case Z-25-12 / SSP-5-12

Conditional Use District

Request

| | |
|-----------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <i>Location</i> | West side of West Morgan Street south of its intersection with Tryon Hill Drive |
| <i>Request</i> | Rezone property from Industrial-2 to Industrial-2 Conditional Use District with Pedestrian Business Overlay District and amend the Hillsborough Morgan Streetscape and Parking Plan |
| <i>Area of Request</i> | 0.46 acre |
| <i>Property Owner</i> | Gary Hoover |
| <i>PC Recommendation Deadline</i> | October 15, 2012 |

Subject Property

| | <i>Current</i> | <i>Proposed</i> |
|----------------------------|-----------------------------|------------------------------------|
| <i>Zoning</i> | Industrial-2 (IND 2) | Industrial-2 CUD (IND 2 CUD) |
| <i>Additional Overlay</i> | N/A | PBOD |
| <i>Land Use</i> | Commercial (bar/restaurant) | Commercial (bar/restaurant) |
| <i>Residential Density</i> | N/A | 120 units per acre (max. 55 units) |

Surrounding Area

| | <i>North</i> | <i>South</i> | <i>East</i> | <i>West</i> |
|-------------------------|-----------------------------|----------------------|------------------------------------|----------------------|
| <i>Zoning</i> | Industrial-2 (IND-2) | Industrial-2 (IND-2) | Office and Institutional-1 (O&I-1) | Industrial-2 (IND-2) |
| <i>Future Land Use</i> | Community Mixed Use | Public Facilities | Neighborhood Mixed Use | Community Mixed Use |
| <i>Current Land Use</i> | Commercial (bar/restaurant) | Institutional | Vacant, Residential, Institutional | Commercial (office) |

Comprehensive Plan Guidance

| | |
|----------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <i>Future Land Use</i> | Community Mixed Use |
| <i>Area Plan</i> | West Morgan Small Area Study |
| <i>Applicable Policies</i> | Policy LU 1.2 – Future Land Use Map and Zoning Consistency Policy LU 1.3 – Conditional Use District Consistency Policy LU 2.2 – Compact Development Policy LU 2.6 – Zoning and Infrastructure Impacts Policy LU 4.7 – Capitalizing on Transit Access |

| | |
|--|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| | Policy LU 4.8 – Station Area Land Uses Policy LU 4.9 – Corridor Development Policy LU 7.1 – Encouraging Nodal Development Policy LU 7.4 – Scale and Design of New Commercial Uses Policy LU 7.5 – High-Impact Commercial Uses Policy LU 7.6 – Pedestrian-Friendly Development Policy LU 10.6 – Retail Nodes Policy T 5.1 – Enhancing Bike/Pedestrian Circulation Policy UD 2.1 – Building Orientation Policy UD 2.4 – Transitions in Building Intensity Policy UD 5.1 – Contextual Design Policy UD 6.1 – Encouraging Pedestrian-Oriented Uses Policy UD 6.2 – Ensuring Pedestrian Comfort and Convenience Policy UD 7.3 – Design Guidelines Policy DT 1.2 – Vertical Mixed Use Policy DT 1.11 – Downtown Edges Policy DT 1.13 – Downtown Transition Areas Policy DT 1.15 – High Density Development Policy DT 1.16 – High Density Public Realm Amenities Policy DT 1.17 – Auto-Oriented Uses Policy DT 2.5 – Widen Sidewalks Policy DT 7.5 – Ground Level Design Policy DT 7.7 – Signage Policy DT 7.9 – Street Trees |
|--|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

Contact Information

| | |
|----------------------------------|----------------------------------------------------------------------------------------------------------|
| <i>Staff</i> | Carter Pettibone, carter.pettibone@raleighnc.gov |
| <i>Applicant</i> | Gary Hoover |
| <i>Citizens Advisory Council</i> | Hillsborough; William Allen, will@allenheuer.com , 919-836-5515 |

Case Overview

The proposed rezoning seeks to rezone a parcel located on West Morgan Street south of its intersection with Tryon Hill Drive. The parcel is 0.46 acre in size and is zoned Industrial-2 (IND-2). The property contains one building housing a bar, restaurant and entertainment complex. The parcel has frontage along West Morgan Street. The proposal calls for a rezoning to Industrial-2 Conditional Use District with a Pedestrian Business Overlay District (PBOD)

Conditions as part of this proposal prohibit certain uses (generally industrial uses), limit residential density to 120 units per acre, restrict building height to 90 feet, call for minimum percentages of active uses on ground floors of buildings fronting streets, and subject the property to the Hillsborough Morgan Streetscape and Parking Plan, which is proposed to be amended by this request to add this property.

A Streetscape and Parking Plan is a required component of a PBOD. The associated revision to the Hillsborough Morgan Streetscape and Parking Plan establishes standards for sidewalks, streetscape materials, facades, parking location, screening, building height and building setback.

The site is surrounded by a mix of different zoning districts and land uses; IND-2 with a bar, restaurant, and entertainment complex to the north, Office and Institutional-2 (O&I-2) with office and residential uses to the east across West Morgan Street, Ind-2 with institutional use to the south across the railroad tracks, and IND-2 CUD with office and to the west. Further to the north

across Tryon Hill Drive is the Hillsborough Morgan PBOD, which was approved in 2010 and is associated with the current Hillsborough Morgan Streetscape and Parking Plan and encompasses approximately 7 acres. The site is currently under construction for a mixed use development that will contain multi-family residential and commercial uses.

The site is located in close proximity to a proposed light rail transit stop, West Morgan Station, which is part of the Locally Preferred Light Rail Option of the Wake County Transit Plan.

Exhibit C & D Analysis

1. Consistency of the proposed rezoning with the Comprehensive Plan and any applicable City-adopted plan(s)

1.1 Future Land Use

The proposed rezoning is consistent with the Future Land Use Map, which designates the subject parcel as Community Mixed Use. This land use category primarily applies to medium-sized shopping centers and larger pedestrian-oriented retail districts such as Cameron Village. Typical commercial uses include large-format supermarkets, larger drug stores, department stores and variety stores, clothing stores, banks, offices, restaurants, movie theaters, hotels, and similar uses that draw from multiple neighborhoods. Development intensities could be higher than in Neighborhood Center areas, with mid-rise buildings as well as low rise buildings. Where residential development occurs, ground floor retail would be encouraged and minimum density standards might be applied. Although housing would be allowed in all cases, there could be greater incentives for “vertical mixed use” or higher density housing where these zones adjoin future transit stations, or are on traditional “walking” streets. For both this category and Neighborhood Mixed Use, higher densities should be accompanied by enhanced public benefits and amenities.

1.2 Policy Guidance

The following policy guidance is applicable with this request:

Policy 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 Future Land Use Map shall not be used to review development applications which do not include a zoning map or text amendment.

The proposal is consistent with this policy. Residential, retail and other non-residential uses permitted under In the Industrial 2 zoning district with a PBOD are consistent with the Community Mixed Use land use category.

Policy LU 1.3 - Conditional Use District Consistency

All conditions proposed as part of a conditional use district (CUD) should be consistent with the Comprehensive Plan

The proposed rezoning is consistent with this policy. Rezoning conditions provided by the applicant are consistent with the Comprehensive Plan.

Policy 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 is consistent with this policy. Development at the proposed residential density would result in a more compact land use pattern. The subject property is located in close proximity to a large mixed use development. The rezoning would permit increased densities in the area, which would capitalize on the adjacent services without much impact to infrastructure.

Policy LU 2.6 - Zoning and Infrastructure Impacts

Carefully evaluate all amendments to the zoning map that significantly increase permitted density or floor area to ensure that impacts to infrastructure capacity resulting from the projected intensification of development are adequately mitigated or addressed.

The proposed rezoning is consistent with this policy. There are no significant additional impacts anticipated to infrastructure associated with this request.

Policy LU 4.7 – Capitalizing on Transit Access

Sites within a half-mile of planned and proposed fixed guideway transit stations should be developed with intense residential and mixed-uses to take full advantage of and support the City and region's investment in transit infrastructure

The proposal is consistent with this policy. The applicant proposes a potential maximum residential density of 120 units per acre on the property, which is located within a half mile the proposed West Morgan transit stop. Another condition calls for minimum percentages of active ground floor uses in building(s) along public streets.

Policy LU 4.8 – Station Area Land Uses

Complementary mixed-uses, including multi-family residential, offices, retail, civic, and entertainment uses, should be located within transit station areas

The proposal is consistent with this policy. Multi-family residential, office, retail, civic, and entertainment uses would be permitted uses under the proposed rezoning.

Policy LU 4.9 – Corridor Development

Promote pedestrian-friendly and transit-supportive development patterns along multi-modal 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.

The proposed rezoning is consistent with this policy, which applies since West Morgan Street is designated a multi-modal corridor on the Growth Framework Map. The conditions prohibit drive-throughs and a number of auto-related uses. The conditions permit high density residential and non-residential uses that would be conducive to a transit-supportive environment.

Policy LU 7.1 – Encouraging Nodal Development

Discourage auto-oriented commercial “strip” development and instead encourage pedestrian-oriented “nodes” of commercial development at key locations along major corridors. Zoning and design standards should ensure that the height, mass, and scale of development within nodes respects the integrity and character of surrounding residential areas and does not unreasonably impact them.

The proposed rezoning is consistent with this policy. The proposed rezoning is consistent with this policy. In the proposed conditions the applicant has included a number of auto-oriented uses and drive throughs as prohibited uses. The conditions and Streetscape and Parking Plan also outline how new development will be pedestrian-oriented and how height will be regulated to provide a height setback from Morgan Street.

Policy LU 7.4 - Scale and Design of New Commercial Uses

New uses within commercial districts should be developed at a height, mass, scale, and design that is appropriate and compatible with surrounding areas.

The proposal is consistent with this policy. The conditions and Streetscape and Parking Plan outline restrictions for height, setbacks, setbacks, and massing of future buildings that are similar to those being implemented in the adjacent mixed use development that is approved and under construction. These features also correspond to the recommended form of proposed development outlined in the West Morgan Small Area Plan, which used existing building patterns in the surrounding area to develop its recommendations.

Policy LU 7.5 – High Impact Commercial Uses

Ensure that the City's zoning regulations limit the location and proliferation of fast food restaurants, sexually-oriented businesses, late night alcoholic beverage establishments, 24-hour mini-marts and convenience stores, and similar high impact commercial establishments that generate excessive late night activity, noise, or otherwise affect the quality of life in nearby residential neighborhoods.

The proposed rezoning is consistent with this policy. The applicant has specified a large number of prohibited uses which could adversely impact the quality of life in nearby residential neighborhoods. The applicant has also chosen to prohibit uses with drive thru windows on the site.

Policy LU 7.6 – Pedestrian-Friendly Development

New commercial developments and redeveloped commercial areas should be pedestrian-friendly.

The proposal is consistent with this policy. The proposed conditions and the streetscape and parking plan call for building and public realm design standards that would result in pedestrian-friendly development.

Policy LU 10.6 – Retail Nodes

Retail uses should concentrate in mixed-use centers and should not spread along thoroughfares in a linear "strip" pattern unless ancillary to office or high-density residential use.

The proposed rezoning is consistent with this policy. A retail use (restaurant) is already located on the property under consideration. The rezoning would allow possible additional retail uses on the site, which is located directly adjacent to a mixed use area under construction.

Policy T 5.1 – Enhancing Bike/Pedestrian Circulation

Enhance pedestrian and bicycle circulation, access, and safety along corridors, downtown, in activity and employment centers, at densely developed areas and transit stations, and near schools, libraries, and parks.

The proposal is consistent with this policy. The Streetscape and Parking Plan associated with this rezoning sets standards for sidewalks that are wider than currently exist and the installation of street trees and other pedestrian amenities that enhance pedestrian circulation.

Policy UD 2.1 – Building Orientation

Buildings in mixed-use developments should be oriented along streets, plazas, and pedestrian ways. Their facades should create an active and engaging public realm.

Policy UD 6.2 – Ensuring Pedestrian Comfort and Convenience

Promote a comfortable and convenient pedestrian environment by requiring that buildings face the sidewalk and street area. On-street parking should be provided along the pedestrian streets and surface parking should be in the rear. This should be applied in new development, wherever feasible, especially on transit and urban corridors and in mixed-use centers.

The proposal is consistent with these policies. A condition calls for minimum percentages of active street level uses along street fronts on the bottom floor of buildings. The streetscape plan, through its requirements, further specifies an active and pedestrian-friendly public realm for development of the property.

Policy UD 2.4 – Transitions in Building Intensity

Establish gradual transitions between large-scale and small-scale development. The relationship between taller, more visually prominent buildings and lower, smaller buildings (such as single-family or row houses) can be made more pleasing when the transition is gradual rather than abrupt. The relationship can be further improved by designing larger buildings to reduce their apparent size and recessing the upper floors of the building to relate to the lower scale of the adjacent properties planned for lower density.

Policy UD 5.1 – Contextual Design

Establish gradual transitions between large-scale and small-scale development. The Proposed development within established neighborhoods should create or enhance a distinctive character that relates well to the surrounding area.

The proposed rezoning is consistent with these policies. Conditions specify and the Streetscape and Parking Plan includes a height map that detail height, setback and setbacks for buildings on the site. The setbacks described are generally 25 feet deep from the property line and have a 45 foot height maximum along the street, where a 1:1 setback from 45 feet to 70 feet maximum is allowed. The conditions detail a minimum building setback from shared property lines for single family residential that fronts Ashe Avenue and Morgan Street.

Policy UD 6.1 – Encouraging Pedestrian-Oriented Uses

New development, streetscape, and building improvements in Downtown, pedestrian business districts and TOD areas should promote high intensity, pedestrian-oriented use and discourage automobile-oriented uses and drive-through uses.

The proposed rezoning is consistent with this policy. It includes a Pedestrian Business Overlay District, and the associated Streetscape and Parking Plan calls for wider sidewalks, street furniture and street trees, reduced parking requirements and active ground floor facades. The Streetscape and Parking Plan also provides design standards for new commercial, retail and residential structures as well as the screening of parking. Proposed conditions would allow for residential density up to 120 dwelling units per acre, among the highest residential densities the city, and

require active ground floor uses along public streets. Conditions would also prohibit drive-through and automobile-oriented uses.

Policy UD 7.3 – Design Guidelines

The Design Guidelines in Table UD-1 shall be used to review rezoning petitions and development applications for mixed-use developments; or rezoning petitions and development applications in mixed-use areas such as Pedestrian Business Overlay Districts and mixed-use designations on the Future Land Use Map, including preliminary site plans and development plans, petitions for the application of the Pedestrian Business or Downtown Overlay Districts, Planned Development Districts, and Conditional Use zoning petitions.

The proposal is generally consistent with this policy. Applicable design guidelines have been addressed. Application of a number of the urban design guidelines have been deferred to the site plan stage.

Policy DT 1.2 – Vertical Mixed Use

Encourage vertical mixed-use development throughout downtown, unless otherwise indicated on the Future Land Use Map.

The proposed rezoning is consistent with this policy. Conditions allow for high-density residential above commercial uses on the ground floor of buildings.

Policy DT 1.11 – Downtown Edges

Appropriate transitions in height, scale, and design should be provided between Central Business District land uses and adjacent residential districts.

Policy DT 1.13 – Downtown Transition Areas

In areas where the Downtown Element boundaries are located in proximity to established residential neighborhoods, residential densities should taper to be compatible with adjacent development. Non-residential uses with the greatest impacts—such as theaters, concentrated destination nightlife and retail, and sports and entertainment uses—should be directed away from these transition areas. Where existing zoning overlays are mapped, the height guidance in these districts should not be changed outside of an area planning process.

The proposal is consistent with these policies. The 2030 Comprehensive Plan identifies “downtown transition areas” on Map DT-3. The subject property is located within the boundary of an identified ‘downtown transition area’. The proposed rezoning does limit height, and requires setbacks and/or stepbacks and restricts certain high-impact uses on the site. Nearby residential densities range from moderate to high, with a mix of single family homes, townhouses, apartments above commercial, garden apartments, and a fraternity house.

Policy DT 1.15 – High Density Development

Highest density development should occur along the axial streets (Hillsborough Street, Fayetteville Street and New Bern Avenue), major corridors (as identified by the thoroughfare plan), surrounding the squares, and within close proximity to planned transit stations.

The proposed rezoning is consistent with this policy. The site is located both along a major corridor and in close proximity to a proposed transit station. The residential density (120 units/acre) proposed would be comparable to some of the highest in the Downtown area.

Policy DT 1.16 – High Density Public Realm Amenities

High-density developments downtown should include public realm amenities, such as publicly-accessible open space, public art, seating areas, and water features that complement the building and its nearby uses.

Policy DT 2.5 – Widen Sidewalks

In new streetscape designs, provide expansive sidewalks and widen existing sidewalks to a 14-foot minimum where there is available right-of-way.

The proposed rezoning is generally consistent with these policies. The Streetscape and Parking Plan, as originally approved in 2010, offers an alternative to the 14 foot sidewalks for “secondary” streets, which are generally existing streets that are neighborhood-scaled and located to the interior of the mixed use development under construction to the north. This treatment for “secondary” streets will be continued in the amended Plan. The proposed Morgan/Ashe connector is planned to be a collector type street located on the periphery of potential future development and is identified as a “primary” road in the Plan with full 14 feet wide sidewalks. The conditions associated with the case do not require open space provisions.

Policy DT 1.17 – Auto-Oriented Uses

Development, building types, and building features with an automobile orientation, such as drive-throughs, should not be developed in downtown or in pedestrian-oriented business districts

The proposed rezoning is consistent with this policy. The petition offers conditions that restrict drive throughs and auto-oriented uses.

Policy DT 7.5 – Ground Level Design

The ground level of every building should engage the pedestrian with multiple entrances, large transparent windows at the pedestrian level, creative signage, and a high level of articulation and pedestrian scale building materials on all façades. Also, the ground level of every building should provide pedestrian amenities such as adequate lighting levels and protection from the elements. This can be accomplished through the use of façade-mounted lighting elements, canopies and awnings, and arcades.

The proposed rezoning is consistent with this policy. The Streetscape and Parking Plan contains provisions dealing with signage, canopies, street lighting, design and articulation of building facades, and building materials.

Policy DT 7.7 – Signage

Signage should be human scale and serve both pedestrians and automobiles.

The proposal is consistent with this policy. The Streetscape and Parking Plan includes a section on signage, which states the plan’s intention for signs as well as lists both the encouraged as well as prohibited sign types.

Policy DT 7.9 – Street Trees

Provide and maintain street trees on all downtown streets.

The proposed rezoning is consistent with this policy. The Streetscape and Parking Plan requires street tree planting as part of the streetscape plan and identifies proposed types to be used.

1.3 Area Plan Guidance

The site is not located in a portion of the City governed by an Area Plan.

2. Compatibility of the proposed rezoning with the property and surrounding area

The site is located between downtown and NCSU near the intersection of two thoroughfares, and is less than a quarter mile from a proposed transit station. The closest planned transit station, the West Morgan Station would be located the intersection of W. Morgan Street and the planned Ashe Ave connector street along the existing railroad tracks. The proposed rail system could run on the railroad tracks south of the site, or potentially in West Morgan Street, however exact light rail transit locations have not been finalized.

The surrounding area includes a mix of uses and intensity, including multi-family residential, low scale office, commercial and retail uses, a fraternity house, and a 3-story mixed use structure, as well as a number of single family residential structures directly adjacent to the site. The rezoning would permit a similar mix of uses, however the scale and intensity of permitted are greater than that of the surrounding area. Conditions have been submitted regarding height, setback and stepback, as well as use restrictions and active use requirements to address this potential compatibility issue.

3. Public benefits of the proposed rezoning

The proposed rezoning eliminates the possibility of industrial uses being built in proximity to residential uses and enables high-density residential as well as commercial uses in an area with adequate public facilities to accommodate them.

The proposed rezoning and associated Streetscape and Parking Plan require wide sidewalks, street trees, furniture, and screened parking and allow for vertical mixed uses with no setback and reduced parking requirements. These are typical elements of urban pedestrian-friendly environments, and in this location could help further link NCSU, the Hillsborough Street commercial district, and Downtown. The residential densities allowed under the proposed zoning could strengthen the market for neighborhood-serving retail uses.

4. Detriments of the proposed rezoning

The proposed rezoning could allow for residential densities that are higher than portions of the surrounding area. Conditions are also offered related to setback, stepback, and/or use restrictions adjacent to existing single family residential properties

5. The impact on public services, facilities, infrastructure, fire and safety, parks and recreation, etc.

5.1 Transportation

| <u>Primary Streets</u> | <u>Classification</u> | <u>2009 NCDOT Traffic Volume (ADT)</u> | <u>2035 Traffic Volume Forecast (CAMPO)</u> | | | |
|--------------------------|-----------------------|----------------------------------------|---------------------------------------------|---------------------|------------------|-------------------------------|
| Morgan Street | Minor Thoroughfare | 3,500 | 3,929 | | | |
| <u>Street Conditions</u> | | | | | | |
| <u>Morgan Street</u> | <u>Lanes</u> | <u>Street Width</u> | <u>Curb and Gutter</u> | <u>Right-of-Way</u> | <u>Sidewalks</u> | <u>Bicycle Accommodations</u> |
| Existing | 2 | 41' | Back-to-back curb and gutter section | 70' | None | None |

| | | | | | | |
|-------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------|------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----|--------------------------------------------|-------------------------------------|
| City Standard | 3 | 53' | Back-to-back curb and gutter section | 80' | minimum 14' sidewalks on one or more sides | Striped bicycle lanes on both sides |
| Meets City Standard? | NO | NO | YES | NO | NO | NO |
| Expected Traffic Generation [vph] | <u>Current Zoning</u> | <u>Proposed Zoning</u> | <u>Differential</u> | | | |
| AM PEAK | 7 | 11 | 4 | | | |
| PM PEAK | 61 | 25 | -36 | | | |
| Suggested Conditions/ Impact Mitigation: | | | <p>Traffic Study Determination: Staff has reviewed a trip generation differential report for this case and a traffic impact analysis study is not recommended for Z-25-12. The applicant may wish to add a condition stating that access to Morgan Street will be limited to no more than one vehicular driveway.</p> <p>The subject property may be impacted by a planned extension of Morgan Street between Ellington Oaks Court and Ashe Avenue. The extension of Morgan Street to Ashe Avenue is classified as a collector street in the City's 2030 Comprehensive Plan. Per City standards this future street would require a minimum right-of-way dedication of 60 feet for future road construction and an additional 20 foot slope easement. The City may reduce or increase the slope easement width if due to terrain.</p> <p>If the property owner submits sufficient information to the City that illustrates the planned improvements to be located in the slope easement do not interfere with the right of the public to construct within the adjoining right-of-way; street, sidewalks, or both, then the City shall allow the proposed improvement.</p> | | | |
| Additional Information: | Neither the City of Raleigh nor NCDOT have scheduled major capital roadway improvement projects in the vicinity of this case. | | | | | |

Impact Identified: Limit access to Morgan Street to no more than one vehicular driveway. Right-of-way dedication for planned extension of Morgan Street requested.

5.2 Transit

Please include a condition dedicating a 15x20' transit easement with an ADA accessible shelter or integrating a covered transit waiting area into a future building, if deemed necessary by staff at time of development approval.

Impact Identified: This area is served by transit and this development could increase transit demand.

5.3 Hydrology

| | |
|------------------------------|-------------------------------|
| <i>Floodplain</i> | None. |
| <i>Drainage Basin</i> | Rocky Branch |
| <i>Stormwater Management</i> | Subject to Part 10, Chapter 9 |
| <i>Overlay District</i> | None. |

Impact Identified: None.

5.4 Public Utilities

| | <i>Maximum Demand (current)</i> | <i>Maximum Demand (proposed)</i> |
|--------------------|-------------------------------------|----------------------------------|
| <i>Water</i> | 900 gpd | unknown |
| <i>Waste Water</i> | 900 gpd | unknown |

There are existing sanitary sewer and water mains located within the Morgan Street and Tryon Hill Drive rights-of-way. The rezoning would permit 55 residential units in conjunction with commercial uses, which could increase water and waste water demand. Down stream sanitary sewer improvements may be required, by the City, of the applicant depending upon the actual use. The applicant is encouraged to discuss utility capacity with the Public Utilities Department prior to site development.

5.5 Parks and Recreation

The subject tract is not located adjacent to a Capital Area Greenway Corridor. This rezoning will not impact the park and recreation level of service.

Impact Identified: This proposed rezoning case does not impact Park and Recreation Services.

5.6 Urban Forestry

This site is less than 2 acres; along a thoroughfare and does not have a wooded thoroughfare yard therefore a Natural Protective Yard is not required.10-2132.2(b)(20).

Impact Identified: None

5.7 Designated Historic Resources

The site is not located within or adjacent to a National Register Historic District or Raleigh Historic Overlay District

Impact Identified: None

5.8 Community Development

The site is not located within a redevelopment plan area.

Impact Identified: None

5.9 Impacts Summary

- Impact of development on planned Morgan Street/Ashe Avenue connector street
- Potential increase in transit demand and ridership

5.10 Mitigation of Impacts

- Right-of-way dedication for planned extension of Morgan Street requested
- Add condition for the provision of a transit stop or an integrated bus waiting area

6. Appearance Commission

As this zoning case involves a PBOD, it is subject to Appearance Commission review. The case was heard at the Commission’s June 27, 2012 meeting. At the conclusion of commission’s discussion, the commission moved by acclamation that the applicants consider the following items during future development on the site:

1. That consideration be given for the future parking needs of commercial tenants as on-street parking in the adjacent neighborhoods is already constrained.

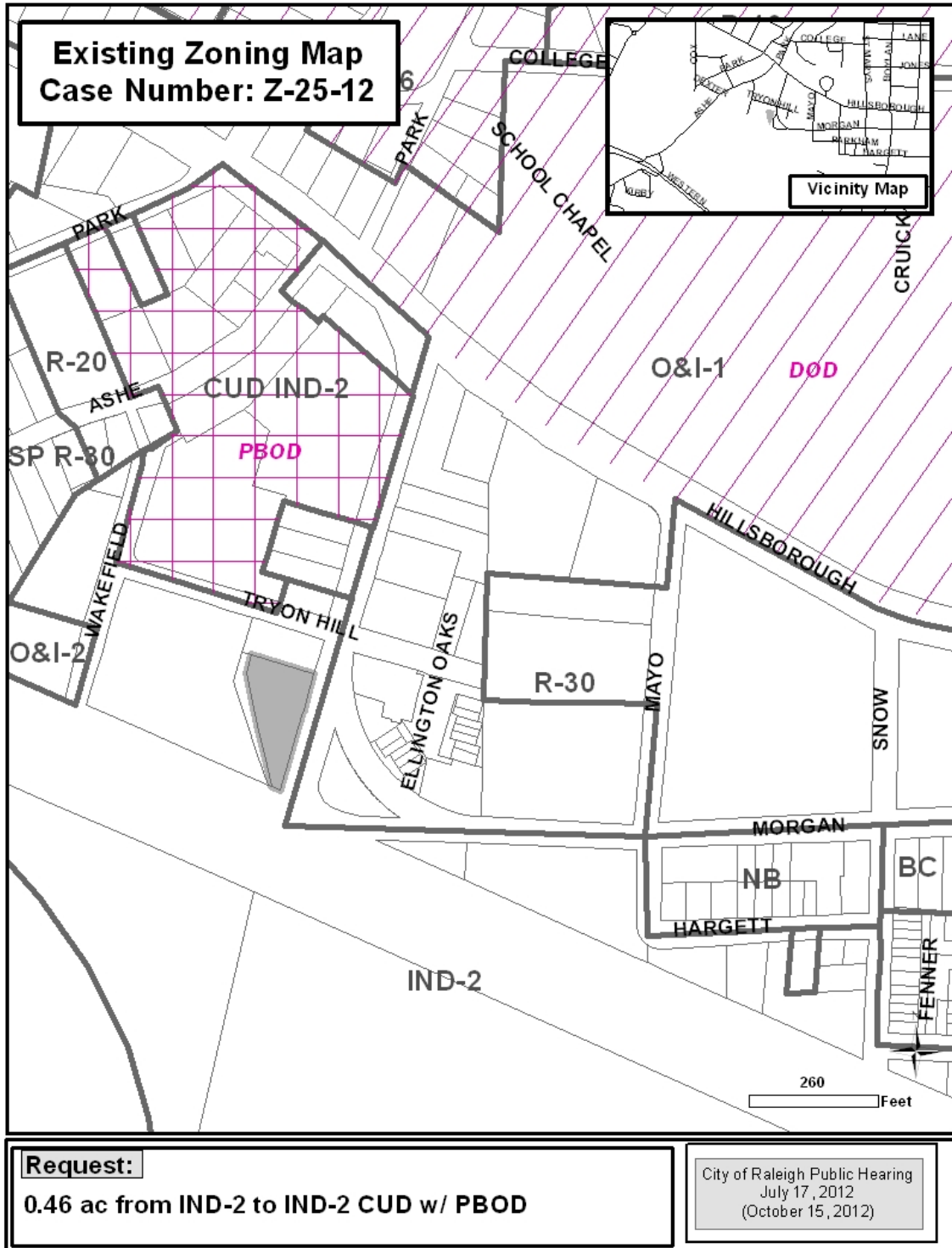
2. That consideration be given to transitions in sidewalk width and treatment between the 14' sidewalk in the PBOD and the adjacent parcels that are not part of the PBOD should the sidewalks on the adjacent parcels not be included in the related streetscape improvements.

7. Conclusions

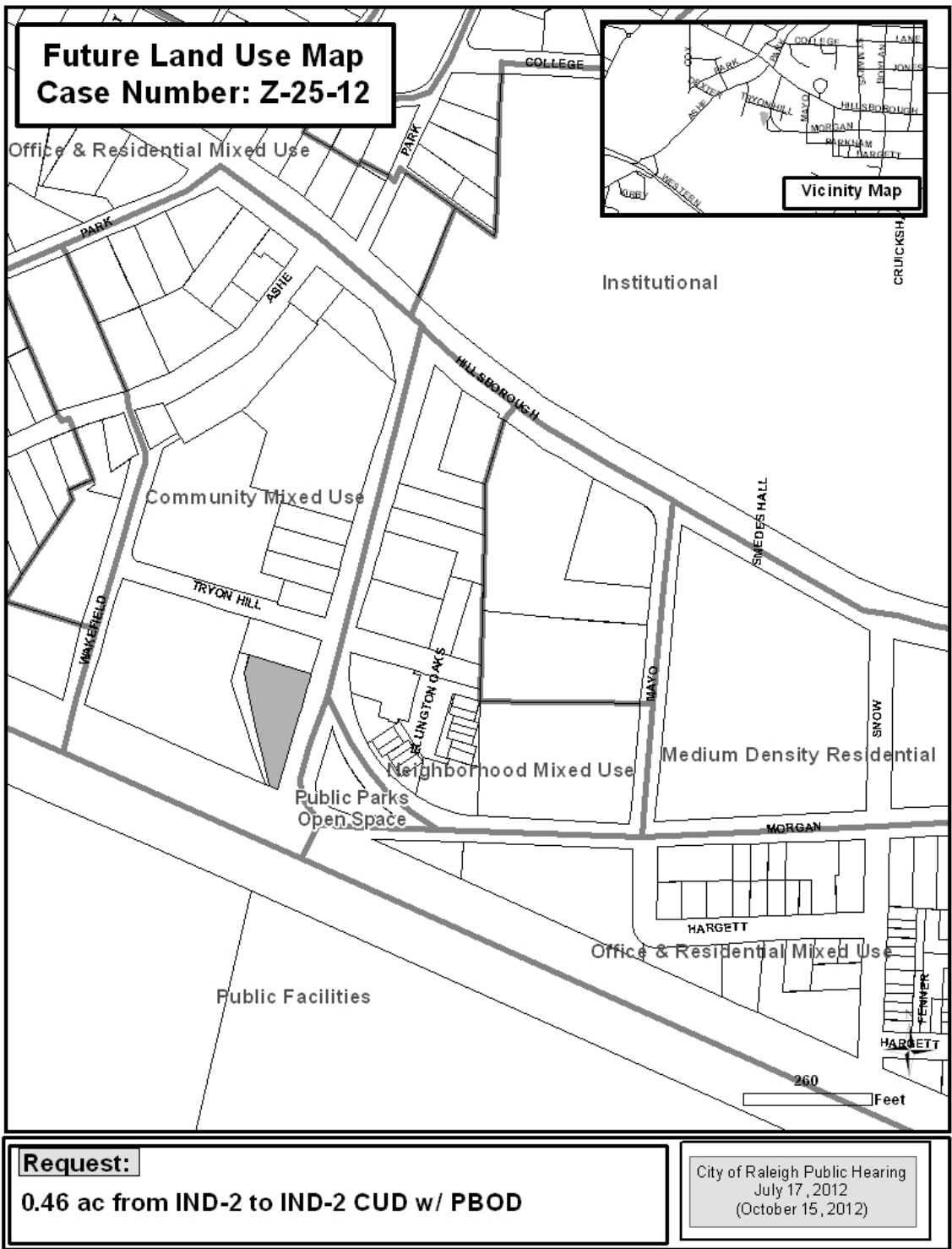
The proposed rezoning is consistent with the Comprehensive Plan's Future Land Use Map designation of Community Mixed Use. The conditions proposed by the applicant as part of the rezoning are also consistent with numerous policies of the Comprehensive Plan.

The proposed revision to the PBOD and Streetscape and Parking Plan rezoning request eliminates the possibility of industrial uses being built in direct proximity to residential uses and enables high-density residential as well as commercial uses in an area with adequate public facilities to accommodate them. The creation of an urban pedestrian-friendly environment at this location could help further link NCSU, the Hillsborough Street commercial district, and Downtown.

Existing Zoning Map



Future Land Use Map





Petition to Amend the Official Zoning Map

Before the City Council of the City of Raleigh, North Carolina

Z-25'12
Pd 1081.00 by
OK # 3060

The petitioner seeks to show the following:

1. That, for the purposes of promoting health, morals, or the general welfare, the zoning classification of the property described herein must be changed.
2. That the following circumstance(s) exist(s):
 - City Council has erred in establishing the current zoning classification of the property by disregarding one or a combination of the fundamental principles of zoning as set forth in the enabling legislation, North Carolina General Statutes Section 160A-381 and 160A-383.
 - Circumstances have so changed since the property was last zoned that its current zoning classification could not properly be applied to it now were it being zoned for the first time.
 - The property has not heretofore been subject to the zoning regulations of the City of Raleigh.
3. That the requested zoning change is or will be consistent with the Raleigh Comprehensive Plan.
4. That the fundamental purposes of zoning as set forth in the N.C. enabling legislation would be best served by changing the zoning classification of the property. Among the fundamental purposes of zoning are:
 - a. to lessen congestion in the streets;
 - b. to provide adequate light and air;
 - c. to prevent the overcrowding of land;
 - d. to facilitate the adequate provision of transportation, water, sewerage, schools, parks, and other public requirements;
 - e. to regulate in accordance with a comprehensive plan;
 - f. to avoid spot zoning; and
 - g. to regulate with reasonable consideration to the character of the district, the suitability of the land for particular uses, the conservation of the value of buildings within the district and the encouragement of the most appropriate use of the land throughout the City.

THEREFORE, petitioner requests that the Official Zoning map be amended to change the zoning classification of the property as proposed in this submittal, and for such other action as may be deemed appropriate. All property owners must sign below for conditional use requests.

ALL CONDITIONAL PAGES MUST BE SIGNED BY ALL PROPERTY OWNERS

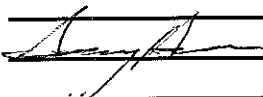
| Signature(s) | Print Name | Date |
|-------------------------------------------------------------------------------------|--------------|-----------|
|  | Garry Hoover | 3/15/2012 |
| _____ | _____ | _____ |
| _____ | _____ | _____ |
| _____ | _____ | _____ |
| _____ | _____ | _____ |

EXHIBIT B. Request for Zoning Change

Please use this form only -- form may be photocopied. Please type or print. See instructions in *Filing Addendum*

Contact Information

| | Name(s) | Address | Telephone/Email |
|--------------------------------------------------------------------------|--------------------------------------------------------|-----------------------------------------------|---------------------------------------|
| Petitioner(s) | Garry Hoover | 3300 Kirks Grove Ln Raleigh, NC 27603-5153 | 919-810-1510 hooverg@bellsouth.net |
| (for conditional use requests, petitioners must own petitioned property) | | | |
| Property Owner(s) | Garry Hoover | 3300 Kirks Grove Ln Raleigh, NC 27603-5153 | 919-810-1510 hooverg@bellsouth.net |
| Contact Person(s) | Robin T. Currin Currin & Currin Attorneys at Law | P.O. Box 86 Raleigh, NC 27602 | 919-832-1515 robincurrin@aol.com |

Property information

| |
|----------------------------------------------------------------------------------------------------|
| Property Description (Wake County PIN) 1703199251 |
| Nearest Major Intersection W. Morgan St. and Tryon Hill Dr. and W. Morgan St. and Hillsborough St. |
| Area of Subject Property (in acres) .46 acres |
| Current Zoning Districts (include all overlay districts) IND-2 |
| Requested Zoning Districts (include all overlay districts) IND-2 CUD with PBOD overlay |

State of North Carolina
State Property Office
PIN 1703 18 0347
116 W Jones St.
Raleigh, NC 27603-1300

State of North Carolina
c/o Department of Administration
PIN 1703 18 0347 (Leasehold)
116 W. Jones St.
Raleigh, NC 27603-1300

William D. Martin, Jr., Trustee
W. Daniel Martin, III, Trustee
PIN 1703 19 7269
2126 Harborway Dr.
Wilmington, NC 28405-5269

West Morgan, LLC
PIN 1703 19 8630
Faison & Associates, LLC
121 W. Trade St. FL 27
Charlotte, NC 28202-5399

William D. Martin, Jr., Trustee
W. Daniel Martin, III, Trustee
PIN 1703 19 9201
2126 Harborway Dr.
Wilmington, NC 28405-5269

Garry H. Hoover
PIN 1703 19 9251
3300 Kirks Grove Ln
Raleigh, NC 27603-5153

William D. Martin, Jr., Trustee
W. Daniel Martin, III, Trustee
PIN 1703 19 9363
2126 Harborway Dr.
Wilmington, NC 28405-5269

State of North Carolina
State Property Office
PIN 1703 27 5977
116 W. Jones St.
Raleigh, NC 27603-1300

Lillian B. Johnson
PIN 1703 28 2980
628 Woodburn Rd
Raleigh, NC 27605-1112

Garry H. Hoover
PIN 1703 29 0093
3300 Kirks Grove Ln
Raleigh, NC 27603-5153

2-25-12
PS 273

J. Arthur Gordon
PIN 1703 29 0422
901 W. Morgan St.
Raleigh, NC 27603-1511

Ellington Place Homeowners Association, Inc.
PIN 1703 29 1159
P.O. Box 12143
Raleigh, NC 27605-2143

Jovan P. Dockmanovich
PIN 1703 29 1184
120 Ellington Oaks Ct.
Raleigh, NC 27603-1686

Joshua Whiton
PIN 1703 29 1192
122 Ellington Oaks Ct.
Raleigh, NC 27603-1686

Safechild Inc.
PIN 1703 29 1285
864 W. Morgan St.
Raleigh, NC 27603-1614

Ellington Place Homeowners Association, Inc.
PIN 1703 29 2007
P.O. Box 12143
Raleigh, NC 27605-2143

Lemuel Archie Harris, III
PIN 1703 29 2112
124 Ellington Oaks Ct.
Raleigh, NC 27603-1686

Robert Ferguson
PIN 1703 29 2120
126 Ellington Oaks Ct.
Raleigh, NC 27603-1686

Ellington Place Homeowners Association, Inc.
PIN 1703 29 2124
P.O. Box 12143
Raleigh, NC 27605-2143

Ellington Place Homeowners Association, Inc.
PIN 1703 29 2270
P.O. Box 12143
Raleigh, NC 27605-2143

Keywall, LLC
PIN 1703 29 2318
900 W. Morgan St.
Raleigh, NC 27603-1512

Equinox II
PIN 1703 29 3005
% Bruce Johnson
850 W. Morgan St.
Raleigh, NC 27603-1614

Ellington Place Homeowners Association, Inc.
PIN 1703 29 3104
P.O. Box 12143
Raleigh, NC 27605-2143

Lyle and Susan Adley-Warrick
PIN 1703 29 2039
128 Ellington Oaks Ct.
Raleigh, NC 27603-1686

NC Railroad
(No PIN Available)
2809 Highwoods Blvd
Suite 100
Raleigh, NC 27604

Norfolk Southern
(No PIN Available)
Attention: Matthew Jones
110 Franklin Rd SE RR Box 59
Roanoke, VA 24042-0059

Seaboard Coastline Railroad
(No PIN Available)
500 Water St.
Jacksonville, FL 32202

CSX
(No PIN Available)
500 Water St.
Jacksonville, FL 32202

Z-25-12
9/7/12
PG. 10F4

EXHIBIT C. Request for Zoning Change

CITY OF RALEIGH

Please use this form only – form may be photocopied. Please type or print. See instructions in Filing Addendum

2012 SEP -7 AM 9:49

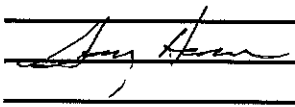
Conditional Use District requested: IND-2 CUD with PBOD Overlay (Z-25-12)

Narrative of conditions being requested:

1. The following uses shall be prohibited on the Property:
 - a. Mini warehouse storage facility
 - b. Airfield or landing strip
 - c. Heliport
 - d. Cemetery
 - e. Correctional/penal facility—governmental and non-governmental
 - f. Crematory
 - g. Funeral home
 - h. Adult establishment
 - i. Carwash facility
 - j. Kennel/cattery
 - k. Vehicle sales/rental
 - l. Automotive service and repair facility
 - m. Pawn shop
 - n. Rifle range—all kinds
 - o. Bottling plant
 - p. Bulk products (storing, sorting and breaking)
 - q. Bulk storage of flammable and combustible liquids
 - r. Incinerator
 - s. Machine shop
 - t. Manufacturing—restricted and general
 - u. Mining and quarrying
 - v. Outdoor storage—all kinds
 - w. Scrap materials—indoor storage
 - x. Solid waste—indoor and outdoor reclamation and landfill
 - y. Terminal, facility, railroad roundhouse and depot

I acknowledge that these restrictions and conditions are offered voluntarily and with knowledge of the guidelines stated in the *Filing Addendum*. If additional space is needed, this form may be copied. Each page must be signed by all property owners.

ALL CONDITIONAL PAGES MUST BE SIGNED BY ALL PROPERTY OWNERS

| Signature(s) | Print Name | Date |
|-------------------------------------------------------------------------------------|--------------|--------|
|  | Garry Hoover | 9/6/12 |
| | | |
| | | |

Z-25-12
9/7/12
PG. 2 of 4

EXHIBIT C. Request for Zoning Change

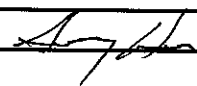
Please use this form only – form may be photocopied. Please type or print. See instructions in *Filing Addendum*

- z. Gas plant
- aa. Power plants—other power plants
- bb. Warehousing/distribution center
- cc. Wholesale laundry, dyeing and dry cleaning
- dd. Wholesaling
- ee. Camp
- ff. Outdoor stadium/theater/amphitheater/racetrack
- gg. Riding stable
- hh. Fraternity/sorority house
- ii. Convention center/assembly hall
- jj. Exterminating service
- kk. Railroad freight station or stop
- ll. Any use with a drive-through

2. Density on the Property shall not exceed a total of 120 residential units per acre.
3. The height of the buildings on the property shall not exceed ninety (90) feet; except along the West Morgan Street right-of-way, the height of buildings shall not exceed sixty five (65) feet with a one-to-one step back to ninety (90) foot maximum.
4. All development and redevelopment shall be in accordance with the Hillsborough Morgan Streetscape and Parking Plan dated October 19, 2010 and as amended by this rezoning case. "Development" as used herein means any site plan or subdivision. "Redevelopment" as used herein occurs whenever the properties that adjoin rights-of-way acquire new buildings, new uses, or undergo expansions, expenditures, or changes listed in subsections a. through c. below:

I acknowledge that these restrictions and conditions are offered voluntarily and with knowledge of the guidelines stated in the *Filing Addendum*. If additional space is needed, this form may be copied. Each page must be signed by all property owners.

ALL CONDITIONAL PAGES MUST BE SIGNED BY ALL PROPERTY OWNERS

| Signature(s) | Print Name | Date |
|-------------------------------------------------------------------------------------|--------------|--------|
|  | Garry Hoover | 9/6/12 |

Z-25-12
9/7/12
PG- 3 of 4

EXHIBIT C. Request for Zoning Change

Please use this form only – form may be photocopied. Please type or print. See instructions in *Filing Addendum*

- a. Expansions or additions that singularly or collectively exceed either twenty-five (25) per cent of the total floor area gross of the building or twenty-five (25) per cent of the total gross area occupied by the use where there is no principal building. The per cent of expansion is to be determined with reference to the size and area of the building or use which existed at the time the Overlay District first became applicable to the property.
 - b. Renovation or repair work which, during any one (1) calendar year exceeds twenty-five (25) per cent of the Wake County listed tax value.
 - c. Change in use which results in a change in the type of Building Code occupancy set forth in the North Carolina Building Code.
5. At least 75% of improvements to buildings on the ground floor facing the West Morgan Street right-of-way shall consist of active uses.
 6. Active uses are defined as commercial uses, offices, restaurants, and/or retail sales, that front the right-of-way and have at-grade access, that are not otherwise prohibited by the City Code or this rezoning ordinance.
 7. Following redevelopment of the Property, direct access to and from West Morgan Street shall be limited to no more than one (1) driveway access, subject to the approval of the City of Raleigh and the North Carolina Department of Transportation. "Redevelopment" as used herein occurs whenever the properties that adjoin rights-of-way acquire new buildings, new uses, or undergo expansions, expenditures, or changes listed in subsections a. through c. below:
 - a. Expansions or additions that singularly or collectively exceed either twenty-five (25) per cent of the total floor area gross of the building or twenty-five (25) per cent of the total gross area occupied by the use where there is no principal building. The per cent of expansion is to be determined with reference to the size and area of the building or use which existed at the time the Overlay District first became applicable to the property.

I acknowledge that these restrictions and conditions are offered voluntarily and with knowledge of the guidelines stated in the *Filing Addendum*. If additional space is needed, this form may be copied. Each page must be signed by all property owners.

ALL CONDITIONAL PAGES MUST BE SIGNED BY ALL PROPERTY OWNERS

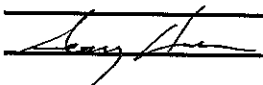
| Signature(s) | Print Name | Date |
|-------------------------------------------------------------------------------------|--------------|--------|
|  | Garry Hoover | 9/6/12 |

EXHIBIT C. Request for Zoning Change

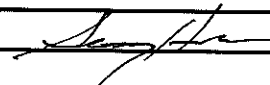
Please use this form only – form may be photocopied. Please type or print. See instructions in *Filing Addendum*

2-25-12
9/7/12
PG. 4 OF 4

- b. Renovation or repair work which, during any one (1) calendar year exceeds twenty-five (25) per cent of the Wake County listed tax value.
 - c. Change in use which results in a change in the type of Building Code occupancy set forth in the North Carolina Building Code.
8. If requested by the City of Raleigh, at the time of redevelopment and before a building permit is issued for such redevelopment, the property owner shall offer to the City of Raleigh one transit easement with one transit shelter no larger than 15 x 18 feet in size, which shall be integrated into the building architecture of the new building with canopies, awnings or other appropriate measures. "Redevelopment" as used herein occurs whenever the properties that adjoin rights-of-way acquire new buildings, new uses, or undergo expansions, expenditures, or changes listed in subsections a. through c. below:
- a. Expansions or additions that singularly or collectively exceed either twenty-five (25) per cent of the total floor area gross of the building or twenty-five (25) per cent of the total gross area occupied by the use where there is no principal building. The per cent of expansion is to be determined with reference to the size and area of the building or use which existed at the time the Overlay District first became applicable to the property.
 - b. Renovation or repair work which, during any one (1) calendar year exceeds twenty-five (25) per cent of the Wake County listed tax value.
 - c. Change in use which results in a change in the type of Building Code occupancy set forth in the North Carolina Building Code.

I acknowledge that these restrictions and conditions are offered voluntarily and with knowledge of the guidelines stated in the *Filing Addendum*. If additional space is needed, this form may be copied. Each page must be signed by **all property owners**.

ALL CONDITIONAL PAGES MUST BE SIGNED BY ALL PROPERTY OWNERS

| Signature(s) | Print Name | Date |
|-------------------------------------------------------------------------------------|--------------|--------|
|  | Garry Hoover | 9/6/12 |
| | | |
| | | |

2-25-12

EXHIBIT D. Request for Zoning Change

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This section is reserved for the applicant to state factual information in support of the rezoning request.

Required items of discussion:

The Planning Department is instructed not to accept any application for amending the official zoning map without a statement prepared by the applicant analyzing the reasonableness of the rezoning request. This statement *shall* address the consistency of the proposed rezoning with the Comprehensive Plan and any other applicable *City*-adopted plan(s), the compatibility of the proposed rezoning with the *property* and surrounding area, and the benefits and detriments of the proposed rezoning for the landowner, the immediate neighbors and the surrounding community.

Recommended items of discussion (where applicable):

1. An error by the City Council in establishing the current zoning classification of the property.
2. How circumstances (land use and future development plans) have so changed since the property was last zoned that its current zoning classification could not properly be applied to it now were it being zoned for the first time.
3. The public need for additional land to be zoned to the classification requested.
4. The impact on public services, facilities, infrastructure, fire and safety, parks and recreation, topography, access to light and air, etc.

PETITIONER'S STATEMENT:

I. Consistency of the proposed map amendment with the Comprehensive Plan (www.raleighnc.gov).

A. Please state the recommended land use(s) for this property as shown on the Future Land Use Map and discuss the consistency of the proposed land uses:

The Property is designated Community Mixed Use on the Future Land Use Map and is located within the West Morgan Small Area Study. A Community Mixed Use area typically includes "restaurants, movie theaters, hotels, and similar uses that draw from multiple neighborhoods." The uses that would be permitted under the proposed rezoning are consistent with the Future Land Use Map classification for this Property. Also, the Property is located near a proposed transit station, which supports pedestrian-friendly development in accordance with the West Morgan Small Area Study.

B. Please state whether the subject property is located within any Area Plan or other City Council-adopted plans and policies and discuss the policies applicable to future development within the plan(s) area.

This Property is located within the West Morgan Small Area Study. This Small Area Study recommends, as one of its four key elements, that "the City initiate a Pedestrian Business Overlay District (PBOD) for this area." The PBOD is intended to be an interim measure before the new UDO goes into effect. The recommended PBOD would allow for pedestrian-friendly development with limited parking in this area. Specifically, the Small Area Study recommends that the City create a PBOD "to allow for vertical mixed use pedestrian oriented projects, and include height restrictions and open space requirements in the Streetscape and Parking Plan." In addition to the PBOD, several of the other recommended actions in this Small Area Study are intended to reduce or even eliminate parking requirements in this area. Moreover, the Small Area Study recommends that the West Morgan District be "pedestrian-oriented, with wide sidewalks, new lighting, underground utilities, street trees, limited driveways, crosswalks, slow traffic with bike lanes and active ground floor uses."

EXHIBIT D. Request for Zoning Change

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This recommended outcome fits squarely within the proposed rezoning and attendant conditions as well as the Hillsborough Morgan Streetscape and Parking Plan, which we request be amended to include this Property. (See Exhibit D-1) By incorporating this Property into the Hillsborough Morgan Streetscape and Parking Plan, the objectives of the West Morgan Small Area Study are furthered and any proposed redevelopment will be consistent with the Small Area Study and the Hillsborough Morgan Streetscape and Parking Plan. The rezoning would also allow development consistent with that approved in Z-11-10, which development is currently under construction.

C. Is the proposed map amendment consistent or inconsistent with the Comprehensive Plan and other City Council-adopted plans and policies? All references to Comprehensive Plan policies should include both the policy number (e.g. LU 4.5) and short title (e.g. “Connectivity”).

The proposed map amendment is consistent with the Comprehensive Plan and the West Morgan Small Area Study. It is also consistent with the following Comprehensive Plan policies as well as many other Comprehensive Plan policies:

- LU 1.1 Future Land Use Map and Purpose
- LU 1.2 Future Land Use Map and Zoning Consistency
- LU 1.3 Conditional Use District Consistency
- LU 2.1 Placemaking
- LU 2.2 Compact Development
- LU 2.5 Healthy Communities
- LU 4.7 Capitalizing on Transit Access
- LU 4.8 Station Area Land Uses
- LU 7.7 Pedestrian-Friendly Development
- LU 8.3 Conserving, Enhancing, and Revitalizing Neighborhoods
- T 1.6 Transportation Impacts
- T 3.4 Pedestrian-Friendly Road Design
- T 6.1 Surface Parking Alternatives
- T 6.3 Parking as a Buffer
- T 6.4 Shared Parking
- T 6.5 Minimum Parking Standards
- T 6.6 Parking Connectivity
- ED 1.3 Gateway Reinvestment
- ED 5.8 Supporting Retail Infill and Reinvestment
- UD 3.3 Strip Shopping Centers
- UD 4.3 Improving Streetscape Design
- UD 4.5 Improving the Street Environment
- UD 4.7 Indoor/Outdoor Transitions
- UD 5.4 Neighborhood Character and Identity
- UD 6.1 Encouraging Pedestrian-Oriented Uses
- UD 7.1 Economic Value of Quality Design
- UD 7.3 Design Guidelines
- DT 1.1 Downtown Future Land Use Map
- DT 2.16 Demand-Responsive Parking Regulations
- DT 2.21 Avoiding Parking and Loading Conflicts
- DT 7.6 Minimizing Service Entrance Visibility

EXHIBIT D. Request for Zoning Change

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In addition, responses to each of the Downtown Raleigh Guidelines objectives are included on attached Exhibit D-2.

II. Compatibility of the proposed map amendment with the property and the surrounding area.

A. Description of land uses within the surrounding area (residential housing types, parks, institutional uses, commercial uses, large parking lots, thoroughfares and collector streets, transit facilities):

The subject Property fronts on West Morgan Street. The property directly to the north of the subject Property is a warehouse. The property to the east of the Property is across West Morgan Street and contains an office and industrial use, with Safechild located on the property due east of the subject Property. Also, the properties across West Morgan Street and to the south are developed as single family townhomes. To the south is a parking lot and, further south is a railroad. Directly to the west of the subject Property is a parking lot. The FMW property (Z-11-10) is nearby to the north where development of a mixed use project is currently in progress. The proposed rezoning is compatible with the existing land uses and zoning designations in the immediate vicinity.

B. Description of existing Zoning patterns (zoning districts including overlay districts) and existing built environment (densities, building heights, setbacks, tree cover, buffer yards):

The property directly to the north is zoned IND-2, and further to the north is zoned IND-2 CUD PBOD. The properties to the east, across West Morgan Street, are zoned O&I-1. The properties to the south are zoned IND-2. The property to the west is zoned IND-2. One of the properties to the north, across Tryon Hill Drive, currently the Irregardless Café, is filing a similar petition for rezoning at the same time as the filing of this rezoning petition.

C. Explanation of how the proposed zoning map amendment is compatible with the suitability of the property for particular uses and the character of the surrounding area:

The addition of the Pedestrian Business Overlay District (“PBOD”) will bring the Property into compliance with the recommendations set forth in the West Morgan Small Area Study. This is consistent with the existing Hillsborough Morgan Streetscape and Parking Plan, which we will request be amended to include this Property. The redevelopment of the Z-11-10 property is underway and this rezoning will make this parcel compatible with that project and revitalization of the area. By subjecting the Property to the Hillsborough Morgan Streetscape and Parking Plan, the Property will be in compliance with the West Morgan Small Area Study.

Furthermore, incorporating this Property into the Hillsborough Morgan Streetscape and Parking Plan will impose appropriate requirements for street trees, bike racks, landscaping, etc. and will provide a consistent pedestrian-friendly environment to the surrounding area. The proposed rezoning is also consistent with the West Morgan Small Area Study, which recommended that the City create a PBOD for this area.

III. Benefits and detriments of the proposed map amendment.

A. For the landowner(s):

EXHIBIT D. Request for Zoning Change

Please use this form only – form may be photocopied. Please type or print. See instructions in *Filing Addendum*

The advantage is that the PBOD and the Hillsborough Morgan Streetscape and Parking Plan will allow redevelopment of the Property consistent with the long term goals of the area and the Comprehensive Plan which will enhance the value of the Property. It will also allow for a limited amount of residential density that is not currently permitted in the I-2 district. Finally, the Property will have the benefits from the PBOD immediately, without having to wait for the enactment of the new proposed UDO.

B. For the immediate neighbors:

The main benefit for the immediate neighbors is that the proposed rezoning will create a more pedestrian-friendly environment in the neighborhood by amending the Hillsborough Morgan Streetscape and Parking Plan to include the Property and in doing so, subjecting the Property to the requirements set forth therein. In addition to promoting a pedestrian-friendly environment, this will also encourage any redevelopment to be consistent with the rest of the area and will allow for a limited amount of residential density to encourage mixed use development. Moreover, we are proposing in the conditions to eliminate many potentially offensive industrial uses on the Property. The proposed rezoning will not be detrimental to the neighbors because any redevelopment of the Property will be more consistent with the Comprehensive Plan and Small Area Study and will create a more pedestrian-friendly environment.

C. For the surrounding community:

The surrounding community will benefit as the proposed rezoning will incorporate the Property into the Hillsborough Morgan Streetscape and Parking Plan, which will require all new development and redevelopment to comply with those requirements, creating a more pedestrian-oriented environment in the area. The rezoning will further the goals of the West Morgan Small Area Study, which was the result of study and input from the surrounding area. It will also eliminate many of the currently allowed high intensity industrial uses. There are no known detriments to the surrounding community.

IV. Does the rezoning of this property provide a significant benefit which is not available to the surrounding properties? Explain:

The proposed rezoning does not provide a significant benefit which is not available to the surrounding properties. In fact, many of the surrounding properties are already included in the Hillsborough Morgan Streetscape and Parking Plan and, thus, are already benefitting from it and the PBOD.

Explain why the characteristics of the subject property support the proposed map amendment as reasonable and in the public interest.

The subject Property is located in an area planned for mixed use pedestrian-friendly development. The characteristics of the subject Property support the proposed rezoning because the rezoning will further the objectives of the Comprehensive Plan and the West Morgan Small Area Study. The Property is well suited for the PBOD, as evidenced by the recommendations made in the West Morgan Small Area Study. Additionally, by amending the Hillsborough Morgan Streetscape and Parking Plan to include this Property, the public interest will be furthered by encouraging the creation of a pedestrian-oriented environment in an already active area. Moreover, given the Property's proximity to Downtown and other pedestrian-oriented areas, the Property is ripe for the

FILING ADDENDUM: Instructions for filing a petition to amend the official Zoning Map of the City of Raleigh, North Carolina

proposed rezoning. It will also allow benefits intended by the proposed UDO to be realized immediately.

V. Recommended items of discussion (where applicable).

- a. **An error by the City Council in establishing the current zoning classification of the property.**

No.

- b. **How circumstances (land use and future development plans) have so changed since the property was last zoned that its current zoning classification could not properly be applied to it now were it being zoned for the first time.**

Since the Property was last zoned, the 2030 Comprehensive Plan was adopted and the West Morgan Small Area Study was completed. In the West Morgan Small Area Study, it was recommended that the City adopt a PBOD to allow for pedestrian-friendly development in the area. The Small Area Study emphasized that this district should be pedestrian-oriented and recommended that the City create guidelines to restrict the location of off street parking in addition to recommending that the City adopt a PBOD for this area. The Property is in the area of other properties included in the Hillsborough Morgan Streetscape and Parking Plan and zoned consistently with this request. Consequently, the proposed rezoning furthers the objectives of the Comprehensive Plan and the West Morgan Small Area Study and expands the area covered by the Hillsborough Morgan Streetscape and Parking Plan to create a more pedestrian-friendly environment.

- c. **The public need for additional land to be zoned to the classification requested.**

The existing zoning on the parcel without the PBOD is inconsistent with the West Morgan Small Area Study and the nearby Hillsborough Morgan Streetscape and Parking Plan. Rezoning this Property and amending the Hillsborough Morgan Streetscape and Parking Plan to include this Property will further the objectives of the West Morgan Small Area Study and expand the area covered by the Hillsborough Morgan Streetscape and Parking Plan. It will also allow for the immediate implementation of area goals before the enactment of the proposed UDO, which is planned to accomplish many of the same objectives. This will not only require improvements of the streetscape, but will also create a more pedestrian-oriented environment in the area. The public has a need to rezone this Property to bring it into compliance with the Comprehensive Plan and the West Morgan Small Area Study and to incorporate the Property into the Hillsborough Morgan Streetscape and Parking Plan, which will provide a more uniform environment in this area. In addition, the public has a need to have more properties zoned to accommodate pedestrian-oriented development and to eliminate some of the higher intensity industrial uses now permitted.

- d. **The impact on public services, facilities, infrastructure, fire and safety, parks and recreation, topography, access to light and air, etc.**

FILING ADDENDUM: Instructions for filing a petition to amend the official Zoning Map of the City of Raleigh, North Carolina

We believe there are adequate existing public services and facilities to support the proposed rezoning and these services will not be adversely affected by the rezoning. The Property is located within a half mile of a proposed transit station, thus providing transportation options within walking distance from the Property and advancing the objectives to make this a pedestrian-friendly area.

e. How the rezoning advances the fundamental purposes of zoning as set forth in the N.C. enabling legislation.

This rezoning advances the fundamental purposes of zoning by protecting and promoting the public welfare and safety and regulating land use in accordance with a comprehensive plan. This rezoning permits zoning in accordance with the City's adopted Comprehensive Plan, including the Future Land Use Map and the West Morgan Small Area Study. Additionally, the rezoning will decrease traffic congestion and add to the public realm in terms of creating a pedestrian-oriented area.

VI. Other arguments on behalf of the map amendment requested.

There are no other arguments in support of the proposed map amendment at this time.

2-25-12
SEP-5-12

EXHIBIT D-1

**Proposed Amendment to the Hillsborough Morgan Streetscape and
Parking Plan Originally Dated October 19, 2010**

Z-25-12 /
SSP-5-12
9/7/12

CITY OF RALEIGH
CITY PLANNING DEPT

2012 SEP -7 AM 9:49



Hillsborough Morgan

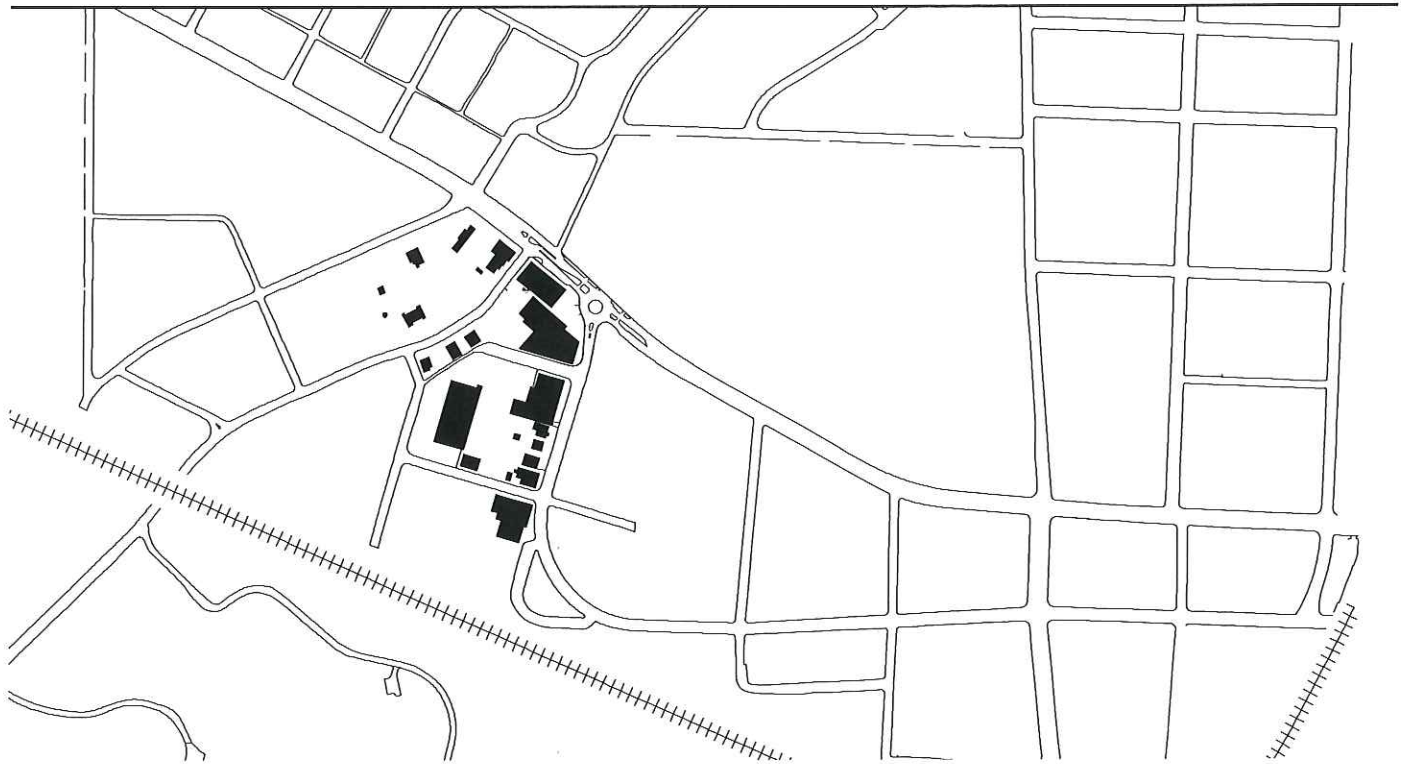
Streetscape and Parking Plan

Raleigh, North Carolina

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Introduction



Background

The sites covered by this plan have been variously utilized for over 100 years, housing such uses as a bakery and bottling plant early in the Century, in addition to homes, and later, retail and restaurant uses along Hillsborough and Morgan Streets.

The site is variously zoned I-2, R-20, buffer commercial, and neighborhood business. The streetscape and parking plan, along with a PBOD designation for the area, will facilitate uses and development in keeping with Raleigh's resurgent urban core.

The site is strategically located between NC State and State Capitol, and with direct connections and frontage on Hillsborough Street, Morgan Street, and Ashe Avenue, which connects it to Pullen Park and Western Boulevard.

Raleigh's growth, re-commitment to the urban core, and renewed appetite for transit make this site ideal for a pedestrian and transit friendly, mixed use re-development.

Planning Goal

The goal of this streetscape and parking plan is to offer a planning armature which will align the site with redevelopment efforts along Hillsborough Street, and to facilitate pedestrian friendly, transit friendly residential and

community retail development uses on the site. The site is currently a significant void in the fabric of the community that stretches along Hillsborough Street. This plan aims to offer a structure for mending this void, and encouraging appropriate development on this well located but under-utilized parcel.

The Streetscape and public realm elements are contemplated here; parking standards which align with the urban nature of the site are offered, and height limits for varying quadrants of the site are set.

Residential densities will follow the established PBOD regulations that are in place in all other PBODs throughout the City, including Glenwood South, a few blocks to the north and East, and University Village, a few blocks to the West.

Appropriately dense residential development, along with community scale retail, and other uses such as a possible hotel, will provide a needed boost in activity, investment, and vitality to the area. Existing retail and restaurant businesses along Hillsborough and Morgan will benefit significantly from new residents and activity, and pedestrians in the area will find new interest and value in a reactivated fabric.

Introduction Cont.

Transportation

The site is located adjacent to the City's most heavily served street, Hillsborough Street. Cat Buses, The Wolf Line Prowler, and TTA busses all serve the site currently. The R-line circulates at the corner of Glenwood and Hillsborough, .5 mile east.

Morgan Street is currently undergoing final conversion to two way traffic, increasing access and flexibility around the site. As mentioned above, the site also has direct access to Pullen Park, Dorothea Dix, and Western Boulevard via Ashe Avenue.

Some future rail plans contemplate a light rail station within a few yards of the site. Current regional rail stations are planned .6 miles to the East in Downtown, and .8 miles West on the NC State Campus. Appropriate, dense, mixed use development will create demand for future transit. Residents on the site will benefit from current and future service, which will relieve much of the need for auto-only commuting, shopping and travel from this location. Additional density and mix of uses in this area will also reduce the need for car trips.

Streetscape Concept

The Streetscape concept contemplates two roadway types within the area:

Primary Roadways/Primary Pedestrian Corridors

Hillsborough Street, Morgan Street, and future Morgan/Ashe Extension.

Secondary Roadways/Secondary Pedestrian Corridors

Neighborhood scale streets including Ashe Avenue, Tryon Hill Drive, Wakefield Street, Whitley Street, and Park Avenue.

On Hillsborough Street and Morgan Streets, the streetscape plan can transition from that of Hillsborough Street Improvements to the west in terms of paving width, sidewalk treatments, and street furnishings, neighborhood streets will receive a modified treatment; concrete sidewalks will be extended to the curb, tree grates will accommodate street trees, and existing planting strips adjacent to the property can remain to offer transition to adjacent residential areas.

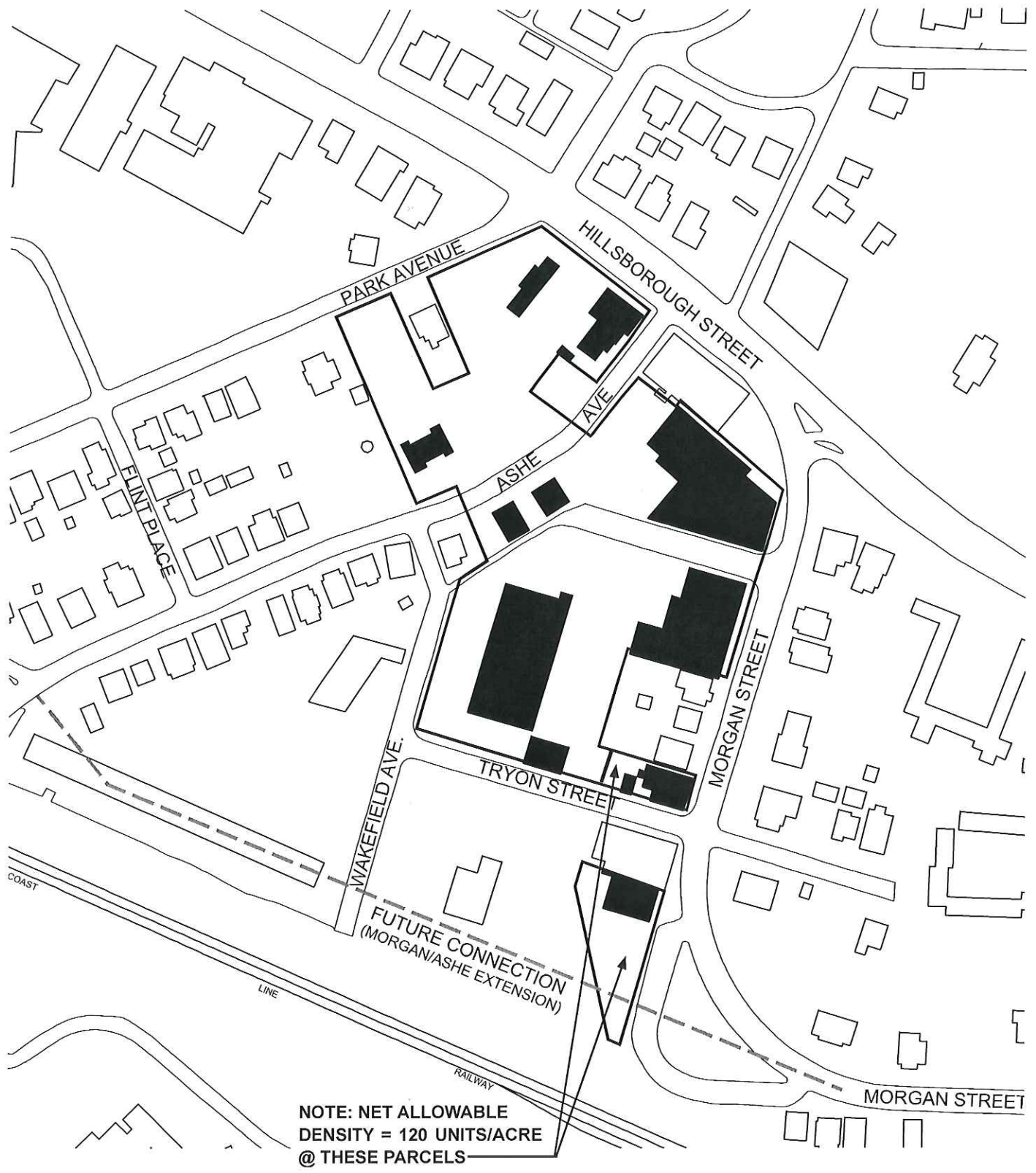
This will allow for modest planting and/or outdoor seating areas, while limiting impervious surfaces and walkways that are out of scale with the roadway, and its surrounds.

It is recommended that the City continue its revitalization effort along Hillsborough Street, and proceed with undergrounding of power lines and streetscape between Oberlin and Morgan.

The future Morgan/Ashe Extension will receive a primary style 14 foot streetscape treatment with full sidewalk consistent with City PBOD Standards.

The resulting plan will provide unity with other parts of the Hillsborough Street community while respecting the scale and character of secondary streets in the area.

Hillsborough Morgan PBOD Boundary



Streetscape Standards

Sidewalks

Existing sidewalks will remain and be modified as shown below. This will provide an ease of transition to existing sidewalks outside the PBOD.

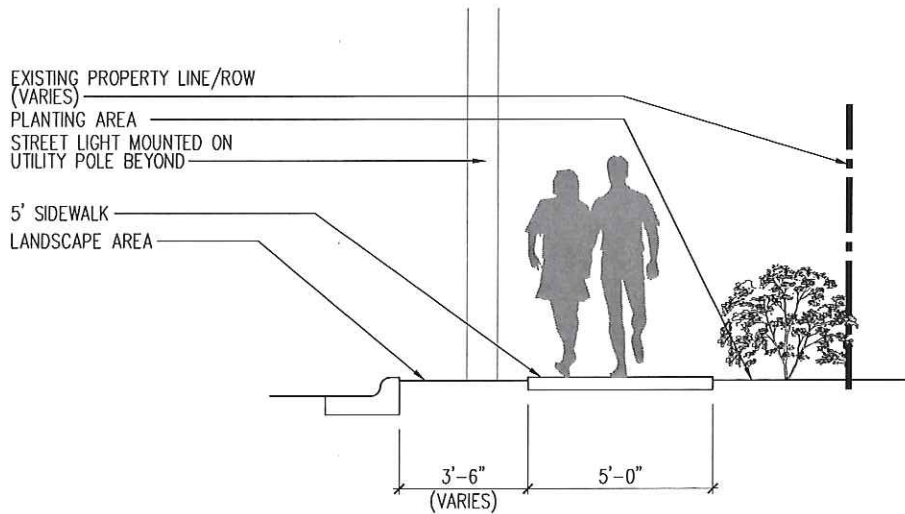
Sidewalks/Primary Roads- Hillsborough and Morgan Streets (and future Morgan/Ashe Extension) will receive full 14 ft sidewalks per City PBOD standards. Refer to accompanying illustration.

Sidewalks/ Secondary Roads- All other streets will be subject to 14 ft building setback from curb line. Sidewalks in these areas will be approximately 8 ft wide, starting at the curb. For residential uses, the remaining 6 ft may be

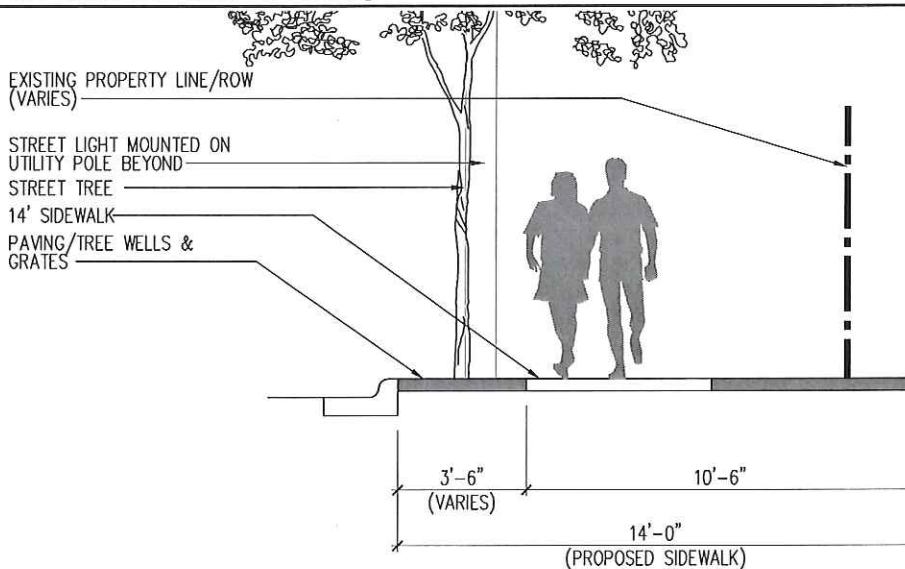
planted area, patios, stoops, or other features, or may be paved where active uses are contemplated at street level. Refer to accompanying illustration.

Pedestrian Path- Should a pedestrian path be provided as indicated in zoning case Z-11-10, the path will offer one shade tree, 3" min. caliper a minimum of one per every (50) linear ft on center, and a minimum of three benches along its length. Any buildings along the pedestrian path shall be a minimum distance apart of 25 ft and an average minimum distance apart of 30 ft. Refer to Z-11-10 for other parameters concerning the pedestrian path accessible to the general public.

Existing Sidewalk Section

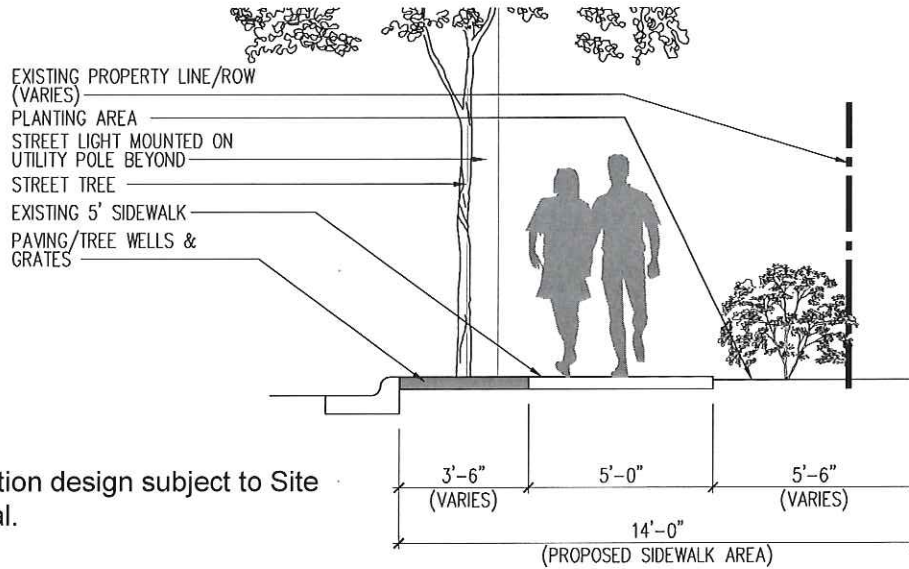


Proposed Sidewalk Section - Primary



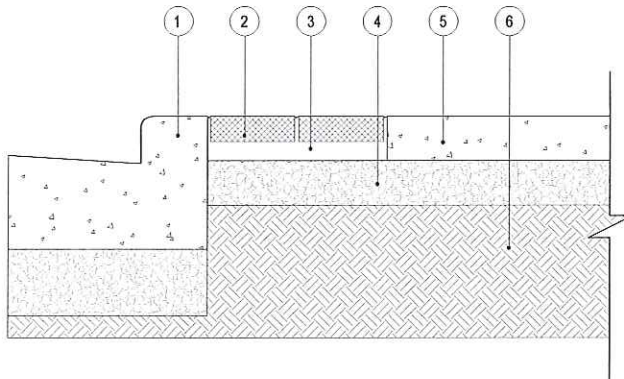
Streetscape Standards Cont.

Proposed Sidewalk Section - Secondary



Note: Transition design subject to Site Plan Approval.

Curb Detail



1. CONCRETE CURB AND GUTTER
2. 3-5/8"x7-5/8"x2-1/4" PEDESTRIAN RATED BRICK PAVER
3. 2" SAND SETTING BED
4. 4" COMPACTED STONE BASE
5. 4" CONCRETE SIDEWALK
6. COMPACTED SUBGRADE

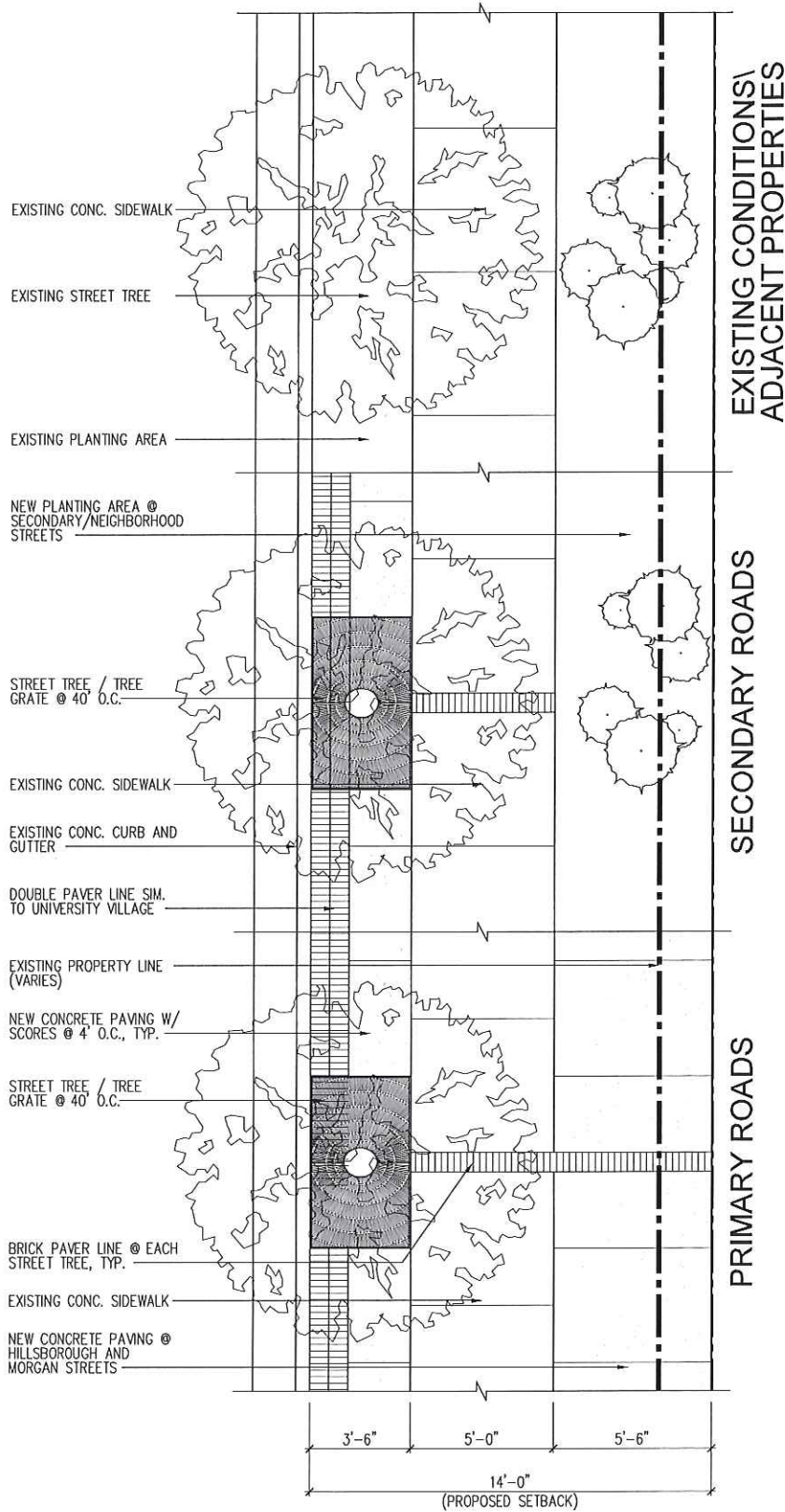
Accent Paver



Manufacturer: Pine Hall Brick
 Brick Specification: English Edge
 Dark Accent Paver

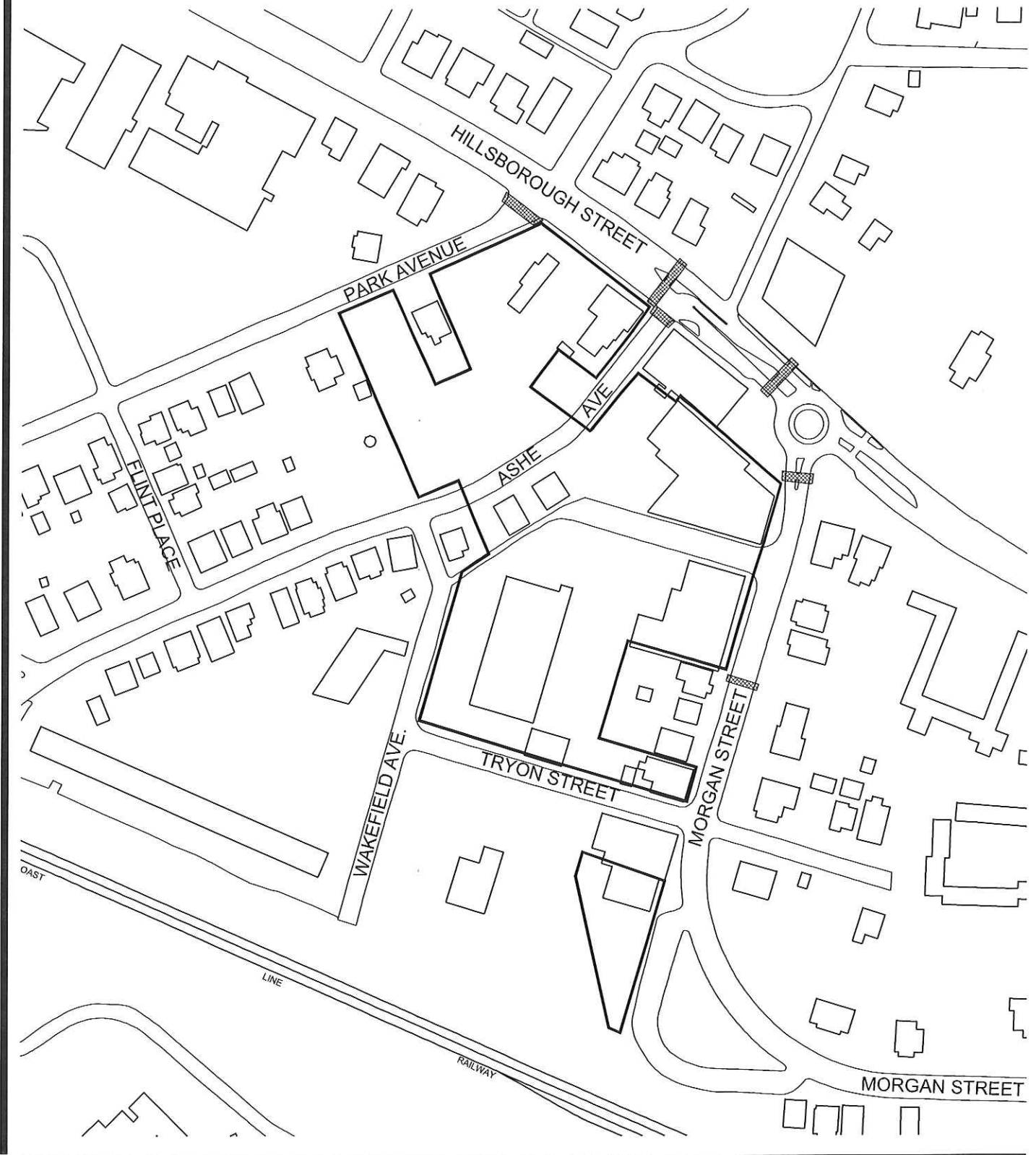
Streetscape Standards Cont.

Proposed Sidewalk Plan



Hillsborough Morgan Crosswalks

 LOCATION OF CROSSWALK



Streetscape Standards Cont.

Utilities

Utilities are well established in most of the area. Utilities will be on poles in the right of way.

Maintenance Plan

Maintenance in excess of that customarily provided by the City of Raleigh will be provided by individual property owners. This includes maintenance of sidewalks/planters required by PBOD but within property lines, watering street trees and keeping sidewalks clear of debris.

Signage

The design and placement of signage should complement the architectural character of the building and be oriented towards the pedestrian. Small high-quality signs are encouraged to enhance the appearance of the building and streetscape.

The following signage types are encouraged: Awning signs, window stencils, wall signs (when internally lit text should be illuminated with opaque background). Low profile ground signs are allowed on private property as allowed by the city code. Paddle signs meeting Raleigh Sign Ordinance guidelines and oriented to pedestrian traffic are encouraged. Paddles signs shall maintain a minimum clear height of 9'-0" above the ground.

The following signage types are prohibited: Off-premise signs, internally illuminated awning signs and internally illuminated signs that do not have an opaque background.

Canopies/Awnings

Canopies and awnings are encouraged for commercial uses along major pedestrian corridors. Awnings and canopies must be at least 9 feet above the sidewalk at their lowest point excluding a flexible valence which may extend one additional foot. An encroachment agreement approved by City Council is necessary if the awning projects into the public right-of-way.

Street Lights

Adequate lighting of the sidewalk and street area is essential to creating a safe and inviting streetscape. Additional street lighting may be necessary to achieve the appropriate levels needed within the business area along Hillsborough and Morgan Street. A short-term solution is to increase the wattage and number of lighting fixtures in the area using existing poles. In the long-term, it is recommended street lighting improvements and pole replacement be included with utility undergrounding by The City of Raleigh. A supplementary lighting plan will be provided at the time of site plan approval for frontage of any development in the district.

Building Facades

Commercial/Retail

New building facades along public rights of way should reflect the neighborhood retail character of the area. New Buildings with ground floor retail/commercial uses will include:

- A public doorway oriented toward the public right of way
- Facades with no more than 15 linear feet of 'blank' exterior walls facing the right of way
- Fenestration areas that allow for views into, and out of the building.
- Canopies, awnings, lighting features, and/or other treatments to denote the retail nature of the space.
- Exterior building materials will conform to the standards in the below "Durable Materials" section.

Residential Structures

Residential structures will have facades that address public right of ways. Ground level units will have one or more of the following: balconies, porches, stoops, bay windows, or other similar active elements that address the street.

Where parking is concealed under residential structures, ground level treatments will be of quality materials, with architectural details which match the primary building and provide a positive edge for pedestrians. Planters, decorative grates and openings, light fixtures, and other elements shall be used to break up ground level facades and provide pedestrian scale. Exterior building materials will conform to the standards in the below "Durable Materials" section.

Durable Materials

New building facades along publicly accessible rights-of-way shall include durable materials in keeping with surrounding buildings – brick/masonry (no concrete block), hardcoat stucco (no EIFS), cementitious or wood siding (no vinyl), and assorted trim elements of quality construction such as wood, aluminum storefront, and similar systems.

Furthermore, at the ground floor along (1) public rights-of-way and (2) the pedestrian path referenced herein on page 7, exterior structural building elements including structured parking will be clad with brick and/or traditional hardcoat stucco.

Streetscape Standards Cont.

Building Setbacks

Building setbacks from street right of ways shall be 0. All streets within the PBOD will have a minimum 14 ft. Sidewalk area. As noted above, this can be a combination of paving adjacent to the curb, and planted area or additional paving on private property. Additional right of way dedication shall not be required to accommodate the sidewalk. However, all provisions of 10-2055 (d)(4)(a), sidewalk widening will be met, with the exception of the sidewalk designations outlined above. Any variation from the 14 ft. sidewalk will require site plan approval through City Council.

Except those setbacks prescribed in Zoning Case Z-11-10 for individual parcels and in the section entitled "Pedestrian Path" above (the pedestrian path referenced herein on page 7), all building setbacks will conform to the provisions of the underlying zoning or as modified in Zoning Case Z-11-10.

Transition Yards

It is recommended that TPY planting areas be minimized through use of fences, walls and other measures per 10-2082.9.

Vehicular Parking Areas

New parking areas, including additions to vehicular parking areas existing prior to the application of the Pedestrian Overlay District shall comply with 10-2055(e)(2). Landscaping must comply with 10-2082.6(b).

Structured Parking

Structured parking below or adjacent to new development will be screened with elements that carry architectural features of primary structures. Openings in structures will be designed to be in scale with window fenestration of occupied space on the same facade of building, and will be softened with architectural screening such as metal lattices, mullions matching building patterns, or similar features. No unimproved concrete or steel structures visible from any right of way are permitted. Exterior building materials will conform to the standards in the above "Durable Materials" section.

Parking Ratios

This area is well served by transit, has many businesses, services, and amenities within easy walking distance, and will be afforded a great deal of new pedestrian related activity as new developments take hold in the area. Mixed use development will also facilitate cross parking for uses with different hours of operation and occupation.

Given the pedestrian oriented nature of the area, the accompanying parking standards hereby govern within the district. Parking ratios noted in this plan will apply to all existing uses, expansion, and new structures within the district.

Minimum off street parking will be provided in the area in accordance with City PBOD ratios outlined in 10-2055(e)(1).

Heights

The accompanying map shows maximum heights for all areas of the plan. The goal is to provide pedestrian scale facades along Hillsborough and Morgan Streets and height transitions to and from lower scale structures.

Note that allowable heights in this area for the various current zoning are:

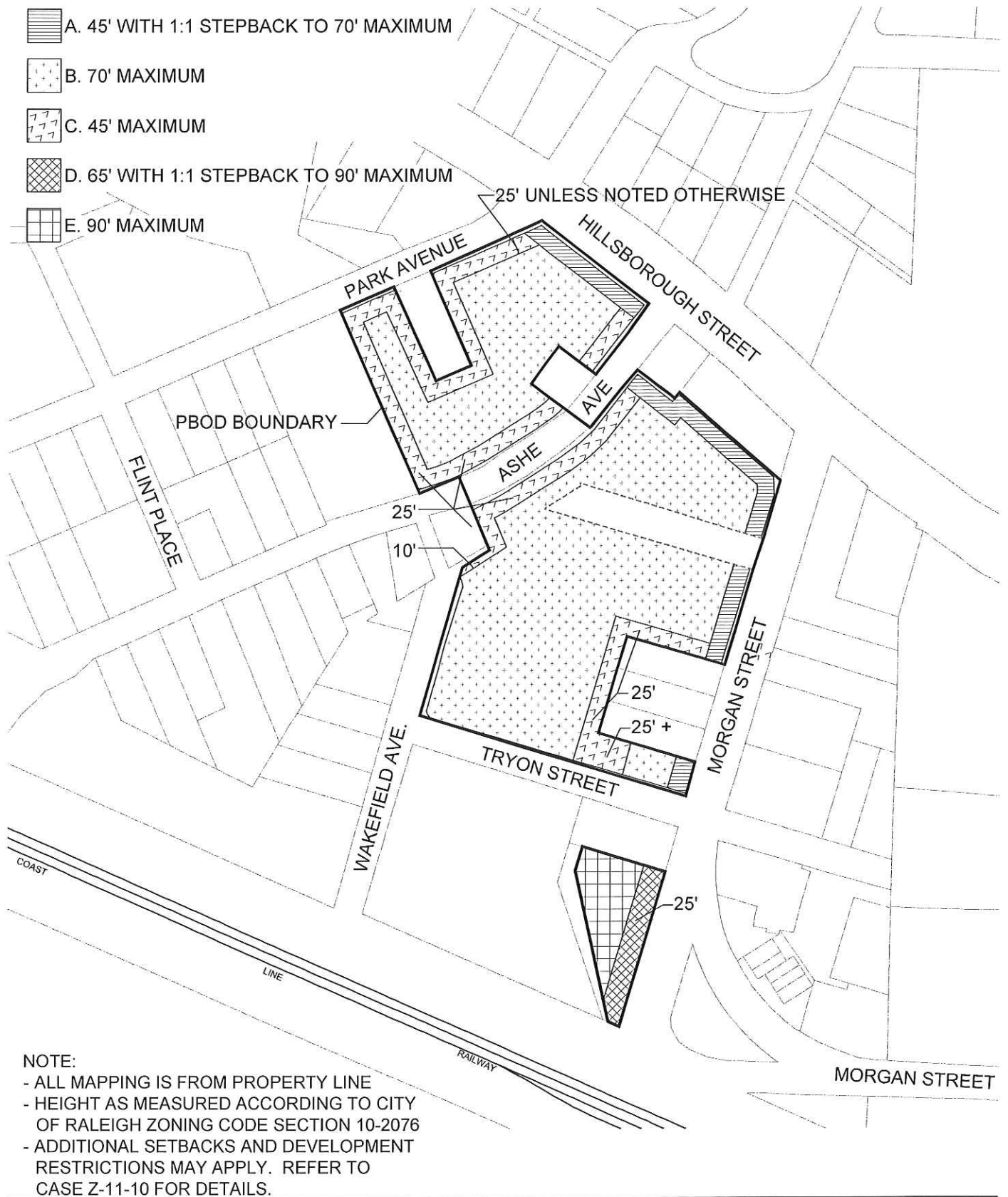
| | |
|---------------------|-----------------------------------------------------------|
| I-2 | 50 ft w/ 1 ft increase for each 1 ft added setback width |
| All other districts | 40 ft w/ 1 ft. increase for each 1 ft added setback width |

Street Trees

Street trees will be installed per the streetscape plan at the time of development of the parcels at public right of ways prior to the issuance of a certificate of occupancy for the development on the parcel.

Refer to sidewalk plan on page 9 for typical tree spacing. Refer to page 14 for tree species. Refer to page 15 for tree grate specifications. Refer to page 16 for tree planting details.

Hillsborough Morgan Building Heights



NOTE:
 - ALL MAPPING IS FROM PROPERTY LINE
 - HEIGHT AS MEASURED ACCORDING TO CITY OF RALEIGH ZONING CODE SECTION 10-2076
 - ADDITIONAL SETBACKS AND DEVELOPMENT RESTRICTIONS MAY APPLY. REFER TO CASE Z-11-10 FOR DETAILS.

Proposed Street Trees



Chinese Pistache
(Pistacia chinensis)

Location: Hillsborough Street
 Shape: Oval; Round; Spreading; Vase Shape
 Foliage: Green w/ Red Flower
 Fall Color: Orange-Red
(This tree is already in use to the west)



Chinese Fringe Tree
(Chionanthus retusus)

Location: Secondary, Morgan w/ Power Lines
 Shape: Round, Vase Shape
 Foliage: Green w/ White Flower
 Fall Color: Yellow



Japanese Zelkova
(Zelkova serrata)

Location: Secondary, Morgan w/o Power Lines
 Shape: Vase Shape
 Foliage: Rough, Dark Green
 Fall Color: Copper; Orange; Red; Yellow

Proposed Tree Grates

Manufacturer: Neenah Foundry

Tree grates are necessary to give the young tree access to oxygen while still allowing the space to be available for pedestrian traffic on a congested sidewalk.

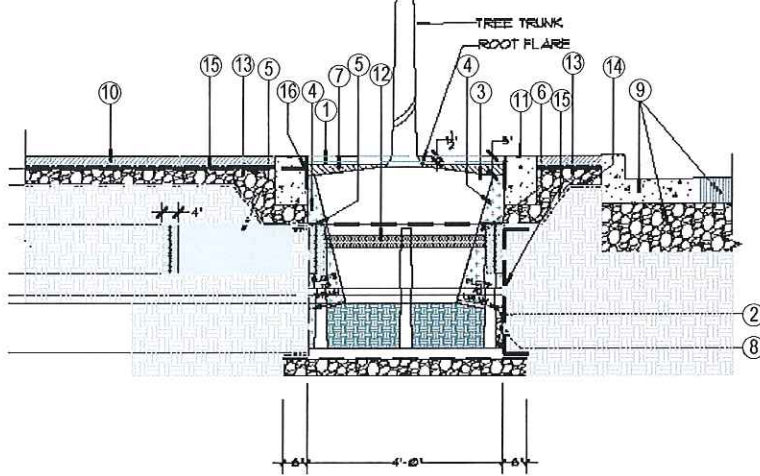
Tree guards are not specified as part of the streetscape plan due to the often adverse impact of items chained to tree guards on the health of trees.

Note: All grates to be ADA compliant

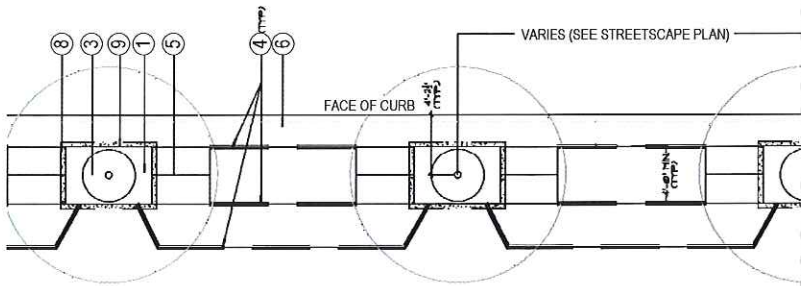


Note: This site fixture and associated text/information was taken from the University Village Streetscape Plan Amendment for continuity purposes.

Proposed Tree Planting Details



- ① TREE PIT OPENING
- ② CRUSHED STONE DRAIN SUMP W/ FILTER FABIRC WRAP
- ③ TREE ROOTBALL, REMOVE TOP 1/3 OF WIRE BASKET OR ROOTBALL STRAPS, REMOVE TOP 1/2 OF BURLAP ROODBALL COVERINGS, REMOVE ALL SYNTHETIC STRAP MATERIAL AND COVERINGS FROM ENTIRE ROOTBALL. SET TOP SURFACE ELEVATION OF RROBALL FLUSH WITH FINAL EXISTING GRADE.
- ④ BACKFILL WITH PLANTING SOIL
- ⑤ TREE PIT ROOT PATH AERATION SHEET IN TRENCH, BACKFILL TRENCH W/SPECIFIED SOILS. EXTEND IN-LINE TO NEXT ADJACENT TREE.
- ⑥ DEEP ROOT SILVA CELL, WITH 3' OF COMPOST BETWEEN SILVA CELL DECK AND PLANTING SOIL BACKFILL WITH PLANTING SOILS.
- ⑦ 2" MULCH AS SPECIFIED (DO NOT MULCH WITHIN 6" OF TREE TRUNK)
- ⑧ 4" DRAIN PIPE
- ⑨ CONCRETE CURB, GUTTER, ROADWAY AND BASE
- ⑩ CONCRETE/BRICK PAVER WALKWAY
- ⑪ 4' x 12" FLUSH CONCRETE EDGE
- ⑫ 3" COMPOST BETWEEN SILVA CELL AND PLANTING SOIL
- ⑬ AGGREGATE BASE COURSE
- ⑭ 24" WIDE GEOTEXTILE, 18" MINIMUM OVERLAP PAST EXCAVATION
- ⑮ GEOGRID. 'J' 6" MINIMUM BELOW BACKFILL AT BASE. OVERLAP 12" MINIMUM AT T
- ⑯ METAL TREE GRATE FRAME



- ① TREE PIT OPENING 6'-8" x 4'-0" (TYP.)
- ② 4" PVC DRAIN PIPE IN STONE DRAIN SUMP WRAPPED IN FILTER FABRIC.
- ③ TREE ROOTBALL
- ④ TREE PIT ROOT PATH AERATION SHEET IN 4" WIDE TRENCH, BACKFILL TRENCH W/SPECIFIED SOILS, EXTEND IN-LINE TO NEXT ADJACENT TREE
- ⑤ DEEP ROOT SILVA CELL (DOUBLE STACKED), BACKFILL WITH SPECIFIED SOILS
- ⑥ CONCRETE CURB AND GUTTER
- ⑦ CONCRETE / PAVER WALKWAY
- ⑧ 4' x 12' CONCRETE CURB AROUND TREE PIT, FLUSH WITH BRICK PAVING
- ⑨ METAL TREE GRATE FRAME

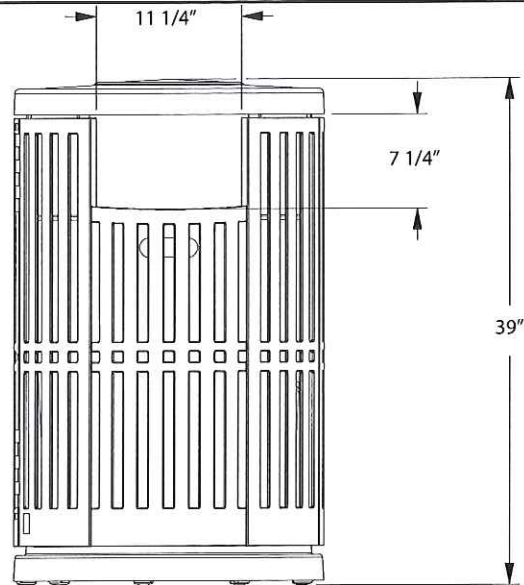
The decision to use root paths and Silva Cells prevents the soil from compacting and allowing the roots more room to grow and providing much needed nutrients for larger healthier tree. The current planting detail provides no additional systems for the tree to thrive in harsh urban environments.

Note: This detail and associated text/information was taken from the University Village Streetscape Plan Amendment for continuity purposes.

Proposed Trash Receptacle

Manufacturer: Landscape Forms
 Color: Anodized Finish
 Style: Chase Park
 Description: 24" Diameter / 36 Gallon
 Side Opening Litter
 Notes: 61% Recycled Material
 100% Recyclable

This contemporary style was selected because it is designed and built to meet the rigors of urban spaces. This design features a hinged door that swings open for easy trash removal. The closed top was requested by both the parks and recreation department and the maintenance staff to keep rain water out of the trash receptacle. This product is made from 61% recycled material and is 100% recyclable. Landscape Forms powder coat finish contains no heavy metals and has extremely low VOCs



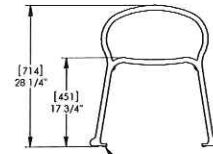
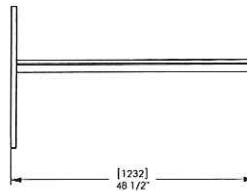
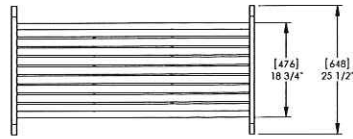
Note: These cans can be employed in select locations should the City of Raleigh extend pick-up service to the area.



Note: This site fixture and associated text/information was taken from the University Village Streetscape Plan Amendment for continuity purposes.

Proposed Bench

Manufacturer: Landscape Forms
 Color: Stone
 Style: Scarborough
 Description: Flat Bench - 2 End Arms
 Notes: 90% Recycled Material
 100% Recyclable



GLIDE FOR FREESTANDING UNIT.
 REMOVE TO SURFACE MOUNT.
 (4) \varnothing 3/8 (10) NON-CORROSIVE BOLTS
 RECOMMENDED FOR ANCHORING,
 PROVIDED BY OTHERS.



Note: Benches will be added at properties subject to transit easements at the time of development and prior to issuance of a Certificate of Occupancy for development of the parcel.

Proposed Bike Rack

Manufacturer: Dero
Color: Stainless Steel
Style: Swerve Bike Rack
Notes: 67% Recycled Material
100% Recyclable



Note: Bicycle parking facilities will be provided per 10-2055(e)(6) at the time of development and prior to issuance of a Certificate of Occupancy for development of the parcel.

Proposed Air Pump

Manufacturer: Dero
Product: Air Kit
Description: Bicycle rack mounted air pump

Note:
Bike pump will be located as shown in map below and installed at the time of development and prior to issuance of a Certificate of Occupancy for development of the parcel on which the pump is located.

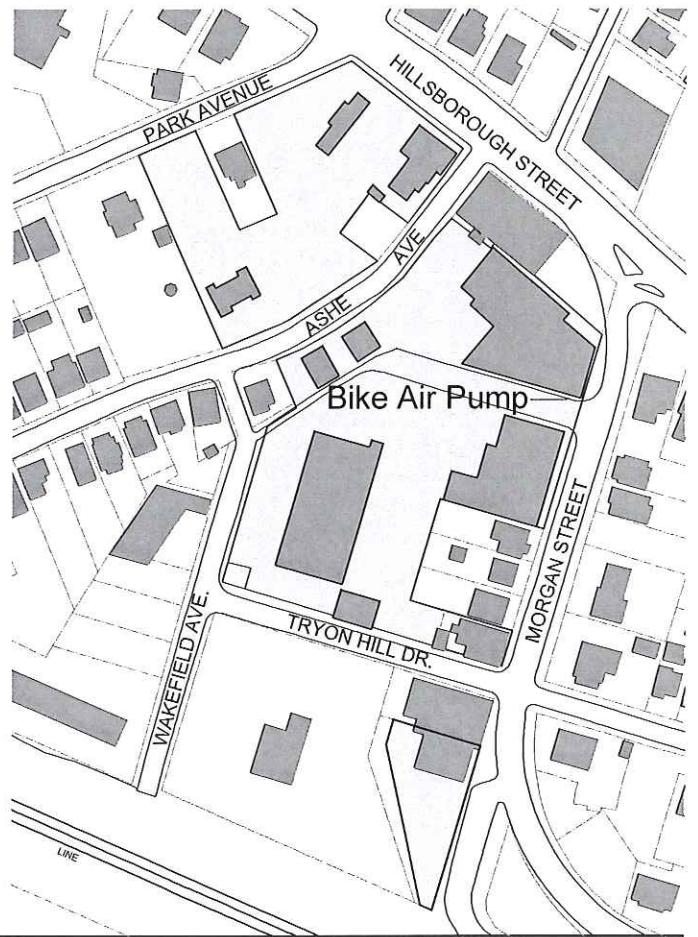
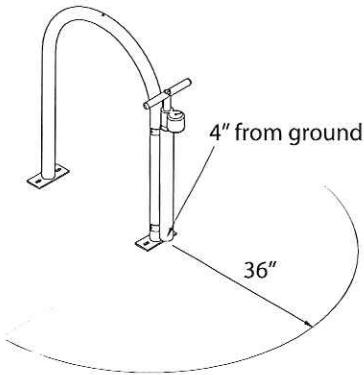
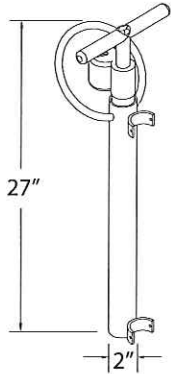


EXHIBIT D-3

Design Guidelines for Mixed Use Areas

RALEIGH COMPREHENSIVE PLAN

Policy UD 7.3

Design Guidelines

The design guidelines in **Table UD-1** [listed below] shall be used to review rezoning petitions and development applications for mixed-use developments or developments in mixed-use areas such as Pedestrian Business Overlays, including preliminary site and development plans, petitions for the application of the Pedestrian Business or Downtown overlay districts, Planned Development Districts, and Conditional Use zoning petitions.

Elements of Mixed-Use Areas

- 1. All Mixed-Use Areas should generally provide retail (such as eating establishments, food stores, and banks), office, and residential uses within walking distance of each other.*

Response: The property is currently occupied by Charlie Goodnights Restaurant and Comedy Club (“Goodnights”), a popular Raleigh establishment that has been in operation for many years.

Goodnights contains these desired retail uses and is within walking distance of numerous residences, offices and other retail uses. The FMW project, which is currently under construction, will provide even more residential, retail and office uses within walking distance. It is not anticipated that redevelopment will occur at this time, but when it does, there will still be retail uses on the lower floors, but there will be a potential of residential uses on the upper floors.

Mixed-Use Areas /Transition to Surrounding Neighborhoods

- 2. Within all Mixed-Use Areas buildings that are adjacent to lower density neighborhoods should transition (height, design, distance and/or*

landscaping) to the lower heights or be comparable in height and massing.

Response: The height of the buildings will be appropriate with respect to the adjacent and nearby uses and will transition accordingly.

Mixed-Use Areas /the Block, The Street and The Corridor

- 3. A mixed use area's road network should connect directly into the neighborhood road network of the surrounding community, providing multiple paths for movement to and through the mixed use area. In this way, trips made from the surrounding residential neighborhood(s) to the mixed use area should be possible without requiring travel along a major thoroughfare or arterial.*

Response: The property is currently occupied by Goodnights, which fronts on Morgan Street. There are also sidewalks which provide pedestrian access to residential, office and other nearby uses. It is not anticipated that redevelopment will occur at this time, but when it does, the road network will not be affected by redevelopment.

- 4. Streets should interconnect within a development and with adjoining development. Cul-de-sacs or dead-end streets are generally discouraged except where topographic conditions and/or exterior lot line configurations offer no practical alternatives for connection or through traffic. Street stubs should be provided with development adjacent to open land to provide for future connections. Streets should be planned with due regard to the designated corridors shown on the Thoroughfare Plan.*

Response: Goodnights is located on Morgan Street, which connects the property to other developments and uses. It is not anticipated that redevelopment will occur at this time, but when it does, the road network will not be affected by redevelopment.

5. *New development shall 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.*

Response: There will be no new development at this time and the property is located on an existing block, which should remain the same, even when the property is redeveloped. Commercial driveways will not be used to create a block structure. If this Application is allowed, it will increase the number of PBOD properties in the area, which furthers the goals of the West Morgan Small Area Plan.

Site Design/Building Placement

6. *A primary task of all urban architecture and landscape design is the physical definition of streets and public spaces as places of shared use. Streets should be lined by buildings rather than parking lots and should provide interest especially for pedestrians. Garage entrances and/or loading areas should be located at the side or rear of a property.*

Response: The property is currently occupied by Goodnights, which has a strong street presence with pedestrian connectivity to nearby residential, office and other retail uses. It is not anticipated that redevelopment will occur at this time, but when it does, the property owner will endeavor to comply with this Guideline.

7. *Buildings should be located close to the pedestrian street (within 25 feet of the curb), with off-street parking behind and/or beside the buildings.*

Response: It is not anticipated that redevelopment will occur at this time, but when it does, the property owner will endeavor to comply with this Guideline.

8. *If the building is located at a street intersection, the main building or part of the building placed should be placed at the corner. Parking, loading or service should not be located at an intersection.*

Response: Goodnights is not currently located at a street intersection. We have been informed that this could change in the future based on planned streets in the Raleigh Thoroughfare Plan. It is not anticipated that redevelopment will occur at this time, but when it does, the property owner will endeavor to work with the City to comply with the Guideline, if applicable.

Site Design/Urban Open Space

9. *To ensure that urban open space is well-used, it is essential to locate and design it carefully. The space should be located where it is visible and easily accessible from public areas (building entrances, sidewalks). Take views and sun exposure into account as well.*

Response: It is not anticipated that redevelopment will occur at this time, but when it does, the property owner will endeavor to comply with this Guideline.

10. *New urban spaces should contain direct access from the adjacent streets. They should be open along the adjacent sidewalks and allow for multiple points of entry. They should also be visually permeable from the sidewalk, allowing passersby to see directly into the space.*

Response: It is not anticipated that redevelopment will occur at this time, but when it does, the property owner will endeavor to comply with this Guideline.

11. *The perimeter of urban open spaces should consist of active uses that provide pedestrian traffic for the space including retail, cafés, and restaurants and higher-density residential.*

Response: The current use encourages pedestrian traffic and provides an active restaurant and comedy club use. It is not anticipated that redevelopment will occur at this time; however, when the property is redeveloped, the property owner will endeavor to comply with this Guideline.

12. A properly defined urban open space is visually enclosed by the fronting of buildings to create an outdoor "room" that is comfortable to users.

Response: It is not anticipated that redevelopment will occur at this time; however, when the property is redeveloped, the property owner will endeavor to comply with this Guideline.

Site Design/Public Seating

13. New public spaces should provide seating opportunities.

Response: It is not anticipated that redevelopment will occur at this time; however, when the property is redeveloped, the property owner will endeavor to comply with this Guideline.

Site Design/Automobile Parking and Parking Structures

14. Parking lots should not dominate the frontage of pedestrian-oriented streets, interrupt pedestrian routes, or negatively impact surrounding developments.

Response: It is not anticipated that redevelopment will occur at this time; however, when the property is redeveloped, the property owner will endeavor to comply with this Guideline.

15. Parking lots should be located behind or in the interior of a block whenever possible. Parking lots should not occupy more than 1/3 of the frontage of the adjacent building or not more than 64 feet, whichever is less.

Response: It is not anticipated that redevelopment will occur at this time; however, when the property is redeveloped, the property owner will endeavor to comply with this Guideline.

16. 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.

Response: It is not anticipated that redevelopment will occur at this time, and when redevelopment occurs, it is not expected that that there will be structured parking. However, if applicable, the property owner will endeavor to comply with this Guideline at the time of redevelopment.

Site Design/Transit Stops

17. Higher building densities and more intensive land uses should be within walking distance of transit stops, permitting public transit to become a viable alternative to the automobile.

Response: The property is in close proximity to a planned transit station.

18. Convenient, comfortable pedestrian access between the transit stop and the building entrance should be planned as part of the overall pedestrian network.

Response: The property is in close proximity to a planned transit station. It is not anticipated that redevelopment will occur at this time; however, when redevelopment occurs, the property owner will endeavor to comply with this Guideline.

Site Design/Environmental Protection

19. *All development should respect natural resources as an essential component of the human environment. The most sensitive landscape areas, both environmentally and visually, are steep slopes greater than 15 percent, watercourses, and floodplains. Any development in these areas should minimize intervention and maintain the natural condition except under extreme circumstances. Where practical, these features should be conserved as open space amenities and incorporated in the overall site design.*

Response: It is not anticipated that redevelopment will occur at this time; however, when redevelopment occurs, the property owner will endeavor to comply with this Guideline.

Street Design/General Street Design Principles

20. *It is the intent of these guidelines to build streets that are integral components of community design. Streets should be designed as the main public spaces of the City and should be scaled for pedestrians.*

Response: It is not anticipated that redevelopment will occur at this time, and even when redevelopment does occur, it is unlikely that such redevelopment will include any street construction. However, when redevelopment occurs, to the extent applicable, the property owner will endeavor to comply with this Guideline.

21. *Sidewalks should be 5-8 feet wide in residential areas and located on both sides of the street. Sidewalks in commercial areas and Pedestrian Business Overlays should be a minimum of 14-18 feet wide to accommodate sidewalk uses such as vendors, merchandising and outdoor seating.*

Response: It is not anticipated that redevelopment will occur at this time; however, when the property is redeveloped, the property owner will comply with this Guideline and the applicable PBOD and Streetscape and Parking Plan requirements for sidewalks.

22. *Streets should be designed with street trees planted in a manner appropriate to their function. Commercial streets should have trees which compliment 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.*

Response: It is not anticipated that redevelopment will occur at this time; however, when the property is redeveloped, the property owner will endeavor to comply with this Guideline and will comply with the landscaping and planting requirements in the Hillsborough Morgan Streetscape and Parking Plan.

Street Design/Spatial Definition

23. *Buildings should define the streets spatially. Proper spatial definition should be achieved with buildings or other architectural elements (including certain tree plantings) that make up the street edges aligned in a disciplined manner with an appropriate ratio of height to width.*

Response: It is not anticipated that redevelopment will occur at this time; however, when the property is redeveloped, the property owner will comply with this Guideline and the Hillsborough Morgan and Parking Plan, which accomplishes these goals.

Building Design/Facade Treatment

24. *The primary entrance should be both architecturally and functionally on the front facade of any building facing the primary public street. Such entrances shall be designed to convey their prominence on the fronting facade.*

Response: It is not anticipated that redevelopment will occur at this time; however, when the property is redeveloped, the property owner will comply with this Guideline and the Hillsborough Morgan Streetscape and Parking Plan, which accomplishes these goals, see particularly pp. 11-12.

25. *The ground level of the building should offer pedestrian interest along sidewalks. This includes windows entrances, and architectural details. Signage, awnings, and ornamentation are encouraged.*

Response: The property is currently occupied by Goodnights, which already contains elements which further this Guideline. It is not anticipated that redevelopment will occur at this time; however, when the property is redeveloped, the property owner will comply with this Guideline and the Hillsborough Morgan Streetscape and Parking Plan, which accomplishes these goals, see particularly pp. 11-12.

Building Design/Street Level Activity

26. *The sidewalks should be the principal place of pedestrian movement and casual social interaction. Designs and uses should be complementary to that function.*

Response: The property is currently occupied by Goodnights, which already contains elements which further this Guideline. It is not anticipated that redevelopment will occur at this time; however, when the property is redeveloped, the property owner will comply with this Guideline and the Hillsborough Morgan Streetscape and Parking Plan, which accomplishes these goals.

2-25-12

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March 15, 2012

Mr. Travis Crane
Senior Planner
Department of City Planning
City of Raleigh
One Exchange Plaza, Suite 204
Raleigh, NC 27601

RE: **REPORT OF MEETING** Regarding Proposed Rezoning Petition of: .46 acres of property of Garry H. Hoover (PIN 1703 19 9251) (the "Property").

Dear Mr. Crane:

In connection with the above referenced rezoning case and in accordance with the requirements of Raleigh City Code Sec. 10-2165, I submit this Report of Meeting for our Neighborhood Meeting held at the Irregardless Café, 901 W. Morgan St., Raleigh, N.C. 27603 at 3:30 p.m. on the afternoon of Thursday, March 15, 2012.

I am submitting this Report of Meeting on behalf of the Owner of the property which is the subject of this rezoning petition. In accordance with the above referenced ordinance of the Raleigh City Code, I report to you the following regarding this meeting:

1. **Persons/organizations contacted about the meeting.** Attached please find a complete list of all persons and/or organizations notified by the City of Raleigh on or about February 29, 2012 and the City of Raleigh and the Owner's attorney on or about March 2, 2012.

2. **Manner and date of contact:** By letter to each addressee dated February 29, 2012 (by U.S. Mail) and March 2, 2012 (by U.S. Mail and certified mail, copies of return receipts are attached), and provided to the City of Raleigh on February 29, 2012 and March 2, 2012.

3. **The Neighborhood Meeting was held** on Thursday, March 15, 2012 at Irregardless Café at 3:30 p.m.

4. **Attendance roster:** In attendance at this meeting were the following persons:

| | |
|------------------|---------------------|
| Robin T. Currin | Attorney for Owner |
| Ted Van Dyk | Architect for Owner |
| Garry Hoover | Owner |
| J. Arthur Gordon | Neighbor |
| Anya Gordon | Neighbor |

| | |
|---------------------|---------------------------------------------------|
| Marjorie Menestres | Neighbor |
| Kelsey Mosley | Neighbor |
| Susan Adley-Warrick | Neighbor |
| Christina Wall | Neighbor |
| Jeff Murison | Hillsborough Street Community Service Corporation |
| Peter Pace | Neighbor |
| Alan Jurkowski | Neighbor |
| Robert Birch | Neighbor |
| Delaine Bradsher | Neighbor |
| Jeff Maney | Neighbor |
| Mary Anne Jobe | Neighbor |
| Lyle Adley-Warrick | Neighbor |
| Lillian B. Johnson | Neighbor |

5. **Summary of issues discussed:** After addressing preliminary matters concerning the rezoning process and the timetable for this case, there was a general discussion about the property and the proposed rezoning. There were also several questions and discussion regarding the requirements and operation of the proposed PBOD Overlay. There were no specific objections raised and no suggestions were made.

6. **Additional Neighbor's Meetings.** None have been scheduled at this time.

7. **Changes to Petition.** There are no changes at this time.

Sincerely,



Robin T. Currin