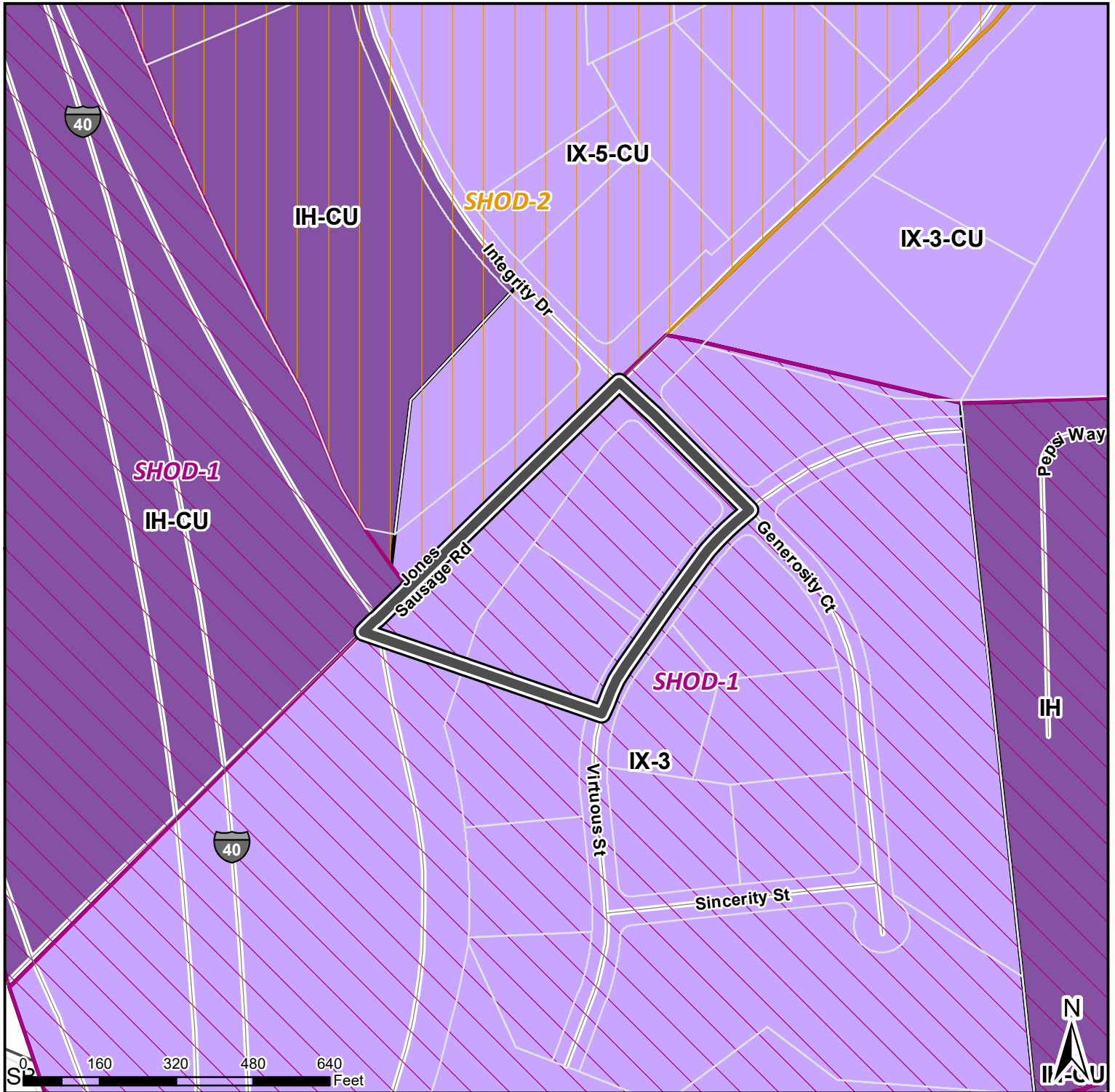
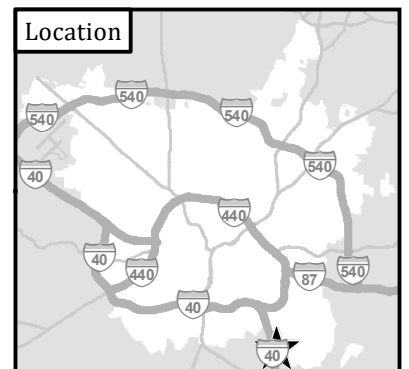


Existing Zoning

Z-3-2020



Property	4102 & 4108 Virtuous St
Size	3.63 acres
Existing Zoning	IX-3 w/SHOD-1
Requested Zoning	IX-5-CU w/SHOD-1





Raleigh

MEMO

TO: Ruffin Hall, City Manager
THRU: Ken Bowers, AICP, Director
FROM: Hannah Reckhow, Planner II
DEPARTMENT: City Planning
DATE: March 18, 2020

SUBJECT: City Council agenda item for April 7, 2020 – Z-3-20

On March 17, 2020, City Council authorized the public hearing for the following item:

Z-3-20 Virtuous Street, approximately 3.63 acres located at [4102 and 4108 Virtuous Street](#).

Signed zoning conditions provided on January 14, 2020 prohibit the following uses: Dormitories, Fraternities, or Sororities; Passenger Terminals; Adult Establishments; Pawn Shops; Vehicular Repair; Light Manufacturing.

Current zoning: Industrial Mixed Use – 3 stories with Special Highway Overlay District 1 (IX-3 w/ SHOD-1)

Requested zoning: Industrial Mixed Use – 5 stories – Conditional Use with Special Highway Overlay District 1 (IX-5-CU w/ SHOD-1)

The request is **consistent** with the 2030 Comprehensive Plan.
The request is **consistent** with the Future Land Use Map.

The Planning Commission recommends approval of the request (8 - 0).
The South CAC voted approval of the case (27 - 0).

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

Municipal Building
222 West Hargett Street
Raleigh, North Carolina 27601

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

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



RALEIGH PLANNING COMMISSION CERTIFIED RECOMMENDATION

CR# 11991

CASE INFORMATION: Z-3-2020 VIRTUOUS STREET

Location	East of I-40, south of the intersection of Jones Sausage Road and Generosity Court Address: 4102, 4108 Virtuous Street PINs: 1721481534, 1721483707 iMaps , Google Maps , Directions from City Hall
Current Zoning	IX-3 with SHOD-1
Requested Zoning	IX-5-CU with SHOD-1
Area of Request	3.63 acres
Corporate Limits	The rezoning site is inside city limits.
Property Owner	AP SE40 LLC 10320 Durant Rd, Suite 113 Raleigh NC 27614
Applicant	Isabelle Mattox Mattox Law Firm
Citizens Advisory Council (CAC)	South CAC
PC Recommendation Deadline	June 8, 2020

SUMMARY OF PROPOSED CONDITIONS

1. The following uses are not permitted: Dormitories, Fraternities, or Sororities; Passenger Terminals; Adult Establishments; Pawn Shops; Vehicular Repair, Light Manufacturing.

COMPREHENSIVE PLAN GUIDANCE

Future Land Use	Business & Commercial Services
Urban Form	None
Consistent Policies	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 11.2 Location of Industrial Areas
Inconsistent Policies	Policy LU 11.3 Commercial Uses in Industrial Areas

FUTURE LAND USE MAP CONSISTENCY

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

COMPREHENSIVE PLAN CONSISTENCY

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

PUBLIC MEETINGS

Neighborhood Meeting	CAC	Planning Commission	City Council
1/6/20; 0 attendees	2/10/20; 3/9/20 (Y-27, N-0)	3/10/20	3/17/20

PLANNING COMMISSION RECOMMENDATION

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

Reasonableness and Public Interest	The request is reasonable and in the public interest because it is compatible with surrounding industrial area.
Change(s) in Circumstances	N/A
Amendments to the Comprehensive Plan	N/A
Recommendation	Approval (8-0)
Motion and Vote	Motion: Lampman Second: McIntosh In favor: Bennett, Hicks, Jefferys, Lampman, Mann, McIntosh, Tomasulo, Winters
Reason for Opposed Vote(s)	N/A

ATTACHMENTS

1. Staff report
2. Rezoning Application
3. Original conditions

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

Planning Director Date

Planning Commission Chair Date

Staff Coordinator: Hannah Reckhow: (919) 996-2622; Hannah.Reckhow@raleighnc.gov



ZONING STAFF REPORT – CASE Z-3-20

Conditional Use District

OVERVIEW

This is a request to rezone approximately 3.63 acres in southeastern Raleigh from Industrial Mixed Use – 3 stories with Special Highway Overlay District 1 (IX-3 with SHOD-1) to Industrial Mixed Use – 5 stories – Conditional Use (IX-5-CU) with SHOD-1. Proposed conditions would prohibit dormitories, fraternities, and sororities; passenger terminals; adult establishments; pawn shops; vehicular repair; and light manufacturing.

The rezoning site is 4102 and 4108 Virtuous Street, located just east of I-40 and is bounded in three directions by Virtuous Street to the southeast, Generosity Court to the northeast, and Jones Sausage Road to the northwest. The surrounding parcels are zoned IX-3, IX-5-CU, and IH and mainly contain manufacturing and heavy commercial uses. Drive-through restaurants and gas stations are located on the north side of Jones Sausage Road serving the nearby exit from I-40. The rezoning site is currently forested and slopes up from Virtuous street at an approximately 1.5% grade. A Primary Tree Conservation Area, varying in width between 50 feet and 15 feet, is recorded along the Jones Sausage Road frontage.

The requested district IX-5-CU would increase the permitted height from 3 stories to 5 stories. The request is for the same base district and would not permit any new uses. Through the proposed conditions, some uses normally permitted in IX- districts would be prohibited. The resulting district would permit industrial and commercial uses, similar to surrounding uses, as well as some residential uses permitted as a limited use.

The rezoning site is designated as Business & Commercial Services on the Future Land Use Map. This designation envisions higher-impact commercial activities that may not be compatible with residential uses and generally corresponds with and IX- district. The requested district IX-5-CU is consistent with this designation.

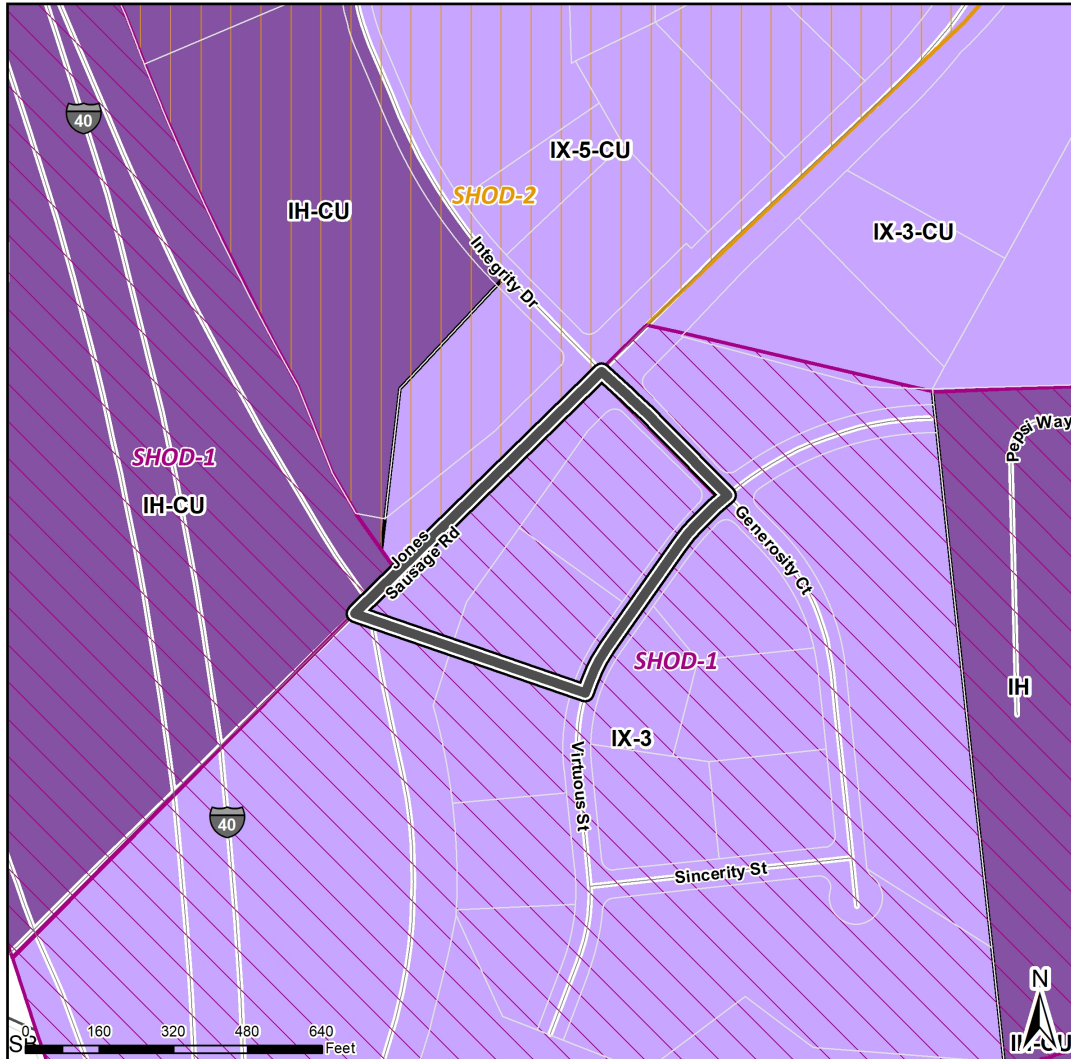
The rezoning site has no designation on the Urban Form Map.

OUTSTANDING ISSUES

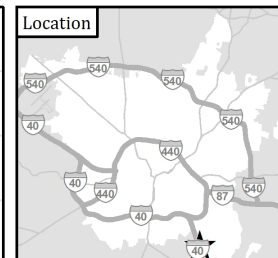
Outstanding Issues	1. None	Suggested Mitigation	1. N/A
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Existing Zoning

Z-3-2020



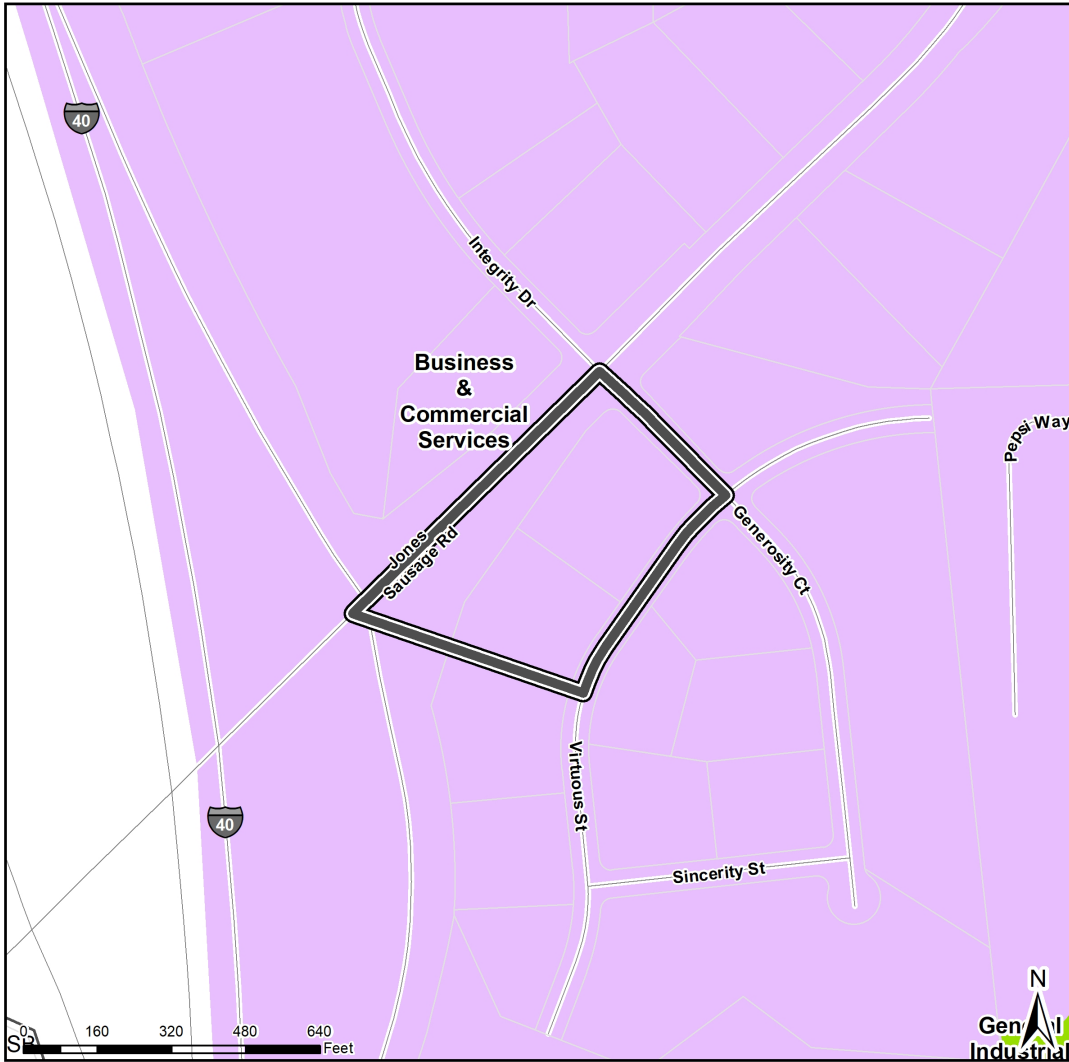
Property	4102 & 4108 Virtuous St
Size	3.63 acres
Existing Zoning	IX-3 w/SHOD-1
Requested Zoning	IX-5-CU w/SHOD-1



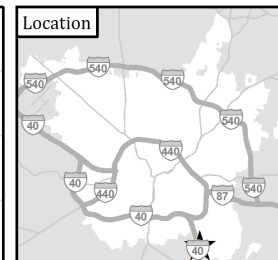
Map by Raleigh Department of City Planning (mansolf): 1/15/2020

Future Land Use

Z-3-2020



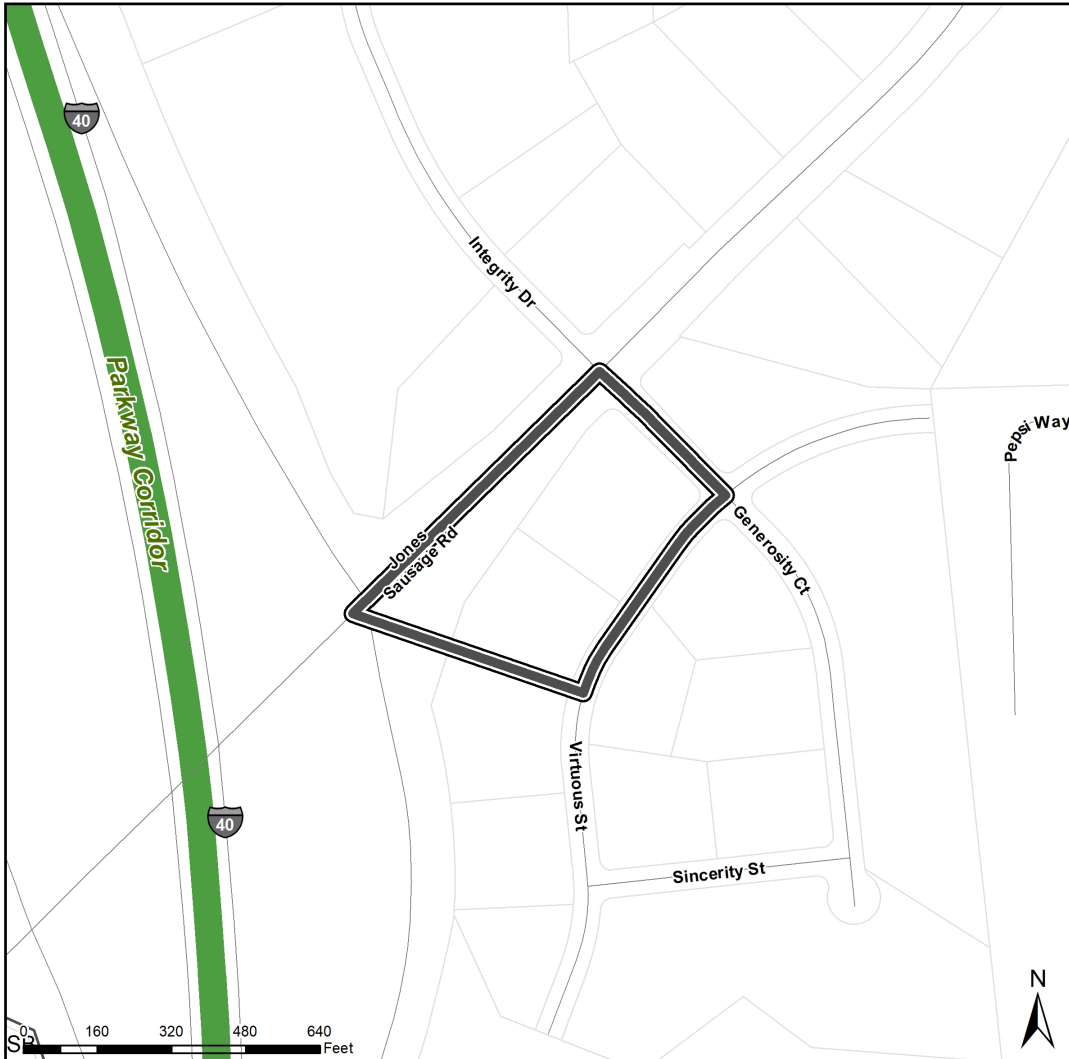
Property	4102 & 4108 Virtuous St
Size	3.63 acres
Existing Zoning	IX-3 w/SHOD-1
Requested Zoning	IX-5-CU w/SHOD-1



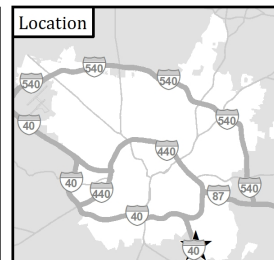
Map by Raleigh Department of City Planning (mansolf): 1/15/2020

Urban Form

Z-3-2020



Property	4102 & 4108 Virtuous St
Size	3.63 acres
Existing Zoning	IX-3 w/SHOD-1
Requested Zoning	IX-5-CU w/SHOD-1



Map by Raleigh Department of City Planning (mansolf): 1/15/2020

COMPREHENSIVE PLAN

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

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

Yes, the rezoning request is consistent with the policies contained in the 2030 Comprehensive Plan, including the Future Land Use Map. The request would increase industrial and commercial entitlement on a site served by major transportation infrastructure and is consistent with the vision theme of Coordinating Land Use and Transportation.

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

Yes, the uses permitted in IX- are specifically described in the Business & Commercial Services designation.

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

N/A

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

Surrounding street and community facilities can serve the proposed zoning district.

Future Land Use

Future Land Use designation: Business & Commercial Services

The rezoning request is

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

☐ **Inconsistent**

The designation of Business & Commercial Services applies to “heavy” commercial and light industrial uses that would not be compatible with residential areas. The request is for an IX district which would permit such uses and has limitations on residential uses.

Urban Form

Urban Form designation: None

The rezoning request is

- ☐ **Consistent** with the Urban Form Map.
- ☐ **Inconsistent**
- ☒ **Other** – No designation present.

Compatibility

The proposed rezoning is

- ☒ **Compatible** with the property and surrounding area.
- ☐ **Incompatible.**

Surrounding development includes one-story commercial and light industrial uses to the east and south of the site. North of the site along Jones Sausage Road are one-story commercial uses serving the nearby I-40 exit. The request would permit similar commercial and light industrial uses with a maximum of 5 stories. While several stories taller than surrounding structures, the requested height limit is similar to surrounding entitlement on both sides of Jones Sausage Road.

Public Benefits of the Proposed Rezoning

- The rezoning request would add entitlement for commercial and light industrial uses in an existing commercial and industrial area.
- The rezoning request would facilitate efficient use of land by adding entitlement near I-40 and Jones Sausage Road, two major transportation corridors.

Detriments of the Proposed Rezoning

- The rezoning request could add destinations that increase traffic along Jones Sausage Road.

Policy Guidance

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

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 rezoning request IX-5-CU is consistent with the Future Land Use Map designation of Business & Commercial Services, which envisions commercial and industrial uses generally zoned IX-.

Policy LU 1.3 Conditional Use District Consistency

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

- The conditions do not conflict with policies in the Comprehensive Plan.

Policy 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 requested district would increase entitlement near two major transportation corridors, Jones Sausage Road and I-40.

Policy LU 11.2 Location of Industrial Areas

Accommodate industrial uses – including municipal public works facilities – in areas that are well buffered from residential use (and other sensitive uses such as schools), easily accessed from major roads and railroads, and characterized by existing concentrations of industrial uses. Such areas are generally designated as “General Industrial” on the Future Land Use Map.

- While located in an area designated as Business & Commercial Services rather than General Industrial, the rezoning site is located in an area zoned for general and light industrial uses that is well served by major transportation infrastructure and well separated from the nearest residential uses.

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

Policy LU 11.3 Commercial Uses in Industrial Areas

Limit specified non-industrial uses in industrially zoned areas, including office and retail development, in order to preserve these areas for industrial development.

- While the requested district IX-5-CU would permit industrial uses similar to surrounding uses, it would also permit non-industrial uses such as office and retail. Restricting office and retail entitlement could preserve area for industrial development.

Area Plan Policy Guidance

- There is no area-specific guidance for the rezoning site.

HOUSING AFFORDABILITY & ENERGY EFFICIENCY ANALYSIS

Carbon Footprint: Transportation

	City Average	Site	Notes
Transit Score	30	N/A	The site is not served by transit.
Walk Score	30	17	Much lower than city-wide average.

Source: [Walk Score](#) is a publicly available service that measures pedestrian friendliness by analyzing population density and road metrics such as block length and intersection density. The higher the Transit Score or Walk Score, the greater the percentage of trips that will be made on transit or by walking, and the smaller the carbon footprint. The scores also correlate with shorter vehicle trips, which also produce less carbon. The city has a wide range of scores. Raleigh Municipal Building, for instance, has a Walk Score of 92, meaning the area is highly pedestrian-friendly and that many destinations are within a short walk. Some areas in the city have scores in single digits, indicating that few if any destinations are within walking distance, so nearly all trips are made by car.

Summary: The rezoning site is not served by transit and most trips require an automobile.

Carbon/Energy Footprint: Housing

Housing Type	Average Annual Energy Use (million BTU)	Permitted in this project?
Detached House	82.7	No
Townhouse	56.5	No
Small Apartment (2-4 units)	42.1	Yes
Larger Apartment	34.0	Yes

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

Summary: The rezoning request would permit more efficient housing types. Housing units are permitted only in upper stories in IX- districts.

Housing Supply and Affordability

Does it add/subtract from the housing supply?	Adds	An increase of approximately 95 to 122.
Does it include any subsidized units?	No	No subsidized units are guaranteed.
Does it permit a variety of housing types?	Yes	There is no change in the variety of housing types permitted
If not a mixed-use district, does it permit smaller lots than the average?*	N/A	
Is it within walking distance of transit?	No	The site is not served by transit.

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

Summary: The requested district would permit additional units in a variety of housing types. However, these units would not necessarily be subsidized and would not be served by transit.

IMPACT ANALYSIS

Historic Resources

The site is not located within or adjacent to a national Register Historic District or a Raleigh Historic Overlay District. It does not include not is adjacent to any National Register individually-listed properties or Raleigh Historic Landmarks.

Impact Identified: None

Parks and Recreation

The site is not directly impacted by any existing or proposed greenway trails, corridors, or connectors. Nearest Existing park access is provided by Barwell Rd Park (2.4 miles) and Walnut Creek Athletic Park (4.1 miles). Nearest existing greenway trail access is provided by Walnut Creek Greenway Trail (2.1 miles). Current park access level of service in this area is graded a F letter grade.

Impact Identified: None

Public Utilities

	Maximum Demand (current use)	Maximum Demand (current zoning)	Maximum Demand (proposed zoning)
Water	62,500	62,500	71,250
Waste Water	62,500	62,500	71,250

1. The proposed rezoning would add approximately 8,750 gpd to the wastewater collection and water distribution systems of the City. There are existing sanitary sewer and water mains adjacent to the proposed rezoning area.
2. At the time of development plan submittal, a Downstream Sewer Capacity Study may be required to determine adequate capacity to support the proposed development. Any improvements identified by the study would be required to be permitted prior to the issuance of Building Permit & constructed prior to release of a Certificate of Occupancy.
3. Verification of water available for fire flow is required as part of the Building Permit process. Any water system improvements recommended by the analysis to meet fire flow requirements will also be required of the Developer.

Impact Identified: None

Stormwater

Floodplain	n/a
Drainage Basin	Big Branch - S
Stormwater Management	UDO 9.2
Overlay District	n/a

Impact Identified: No downstream structural impacts identified.

Transit

The nearest existing transit is 1.25 miles northeast of the Z-3-2020 site on Rock Quarry Road and Jones Sausage Road (GoRaleigh Route 17).

Impact Identified: None

Transportation

Site Location and Context

Location

The Z-3-2020 site is located in southeast Raleigh on Virtuous Street at the intersection of Generosity Court, less than a quarter mile from the I-40 and Jones Sausage Road interchange.

Area Plans

The Z-3-2020 is not located within or near an area plan.

Existing and Planned Infrastructure

Streets

Virtuous Street is not designated in the Street Plan (Map T-1) in the comprehensive plan. It is maintained by City of Raleigh and built with a curb to curb width of an industrial street.

Existing block perimeter is limited by I-40 and the interchange with Jones Sausage Road. Virtuous Street stubs to undeveloped property approximately 700 feet south of the subject property. In accordance with UDO section 8.3.2, the maximum block perimeter for IX-5-CU w/ SHOD-1 is approximately 4,000 feet, and the maximum length for a dead-end street is 500 feet.

Pedestrian Facilities

Sidewalks are complete on both sides of Virtuous Street. The sidewalk is complete on northeastern side of Curiosity Court adjacent to the subject site and on both sides of the

street southeast of the site. There is no sidewalk on the site frontage on Generosity Court or Jones Sausage Road. Sidewalk improvements are required along site frontage with development in accordance with UDO Article 8.5.

Bicycle Facilities

There are no existing bicycle facilities surround the Z-3-2020 site. The long-term bikeway plan calls for bicycle lanes on Jones Sausage Road.

Access

Access to the subject site is Virtuous Street. Vehicle access to Generosity Court is prohibited by the driveway spacing standards of Article 9.4 of the Raleigh Street Design Manual. Access to Jones Sausage Road is prohibited by NCDOT Control of Access Easement.

Other Projects

The subject site is not located near any existing City nor NCDOT current transportation projects.

TIA Determination

Based on the Envision results, approval of case Z-3-20 would increase the amount of projected vehicular trips for the site. The proposed rezoning from IX-3 w/SHOD-1 to IX-5-CU w/SHOD-1 would create 23 new trips in the AM peak and 4 new trips in the PM peak from the current entitlements to the proposed maximum. These values do not trigger a Traffic Impact Analysis based on the thresholds in the Raleigh Street Design Manual. Due to proximity to the I-40 interchange and active NCDOT projects in the vicinity, a Traffic Impact Analysis may be required at the time of site review.

Z-3-20 Existing Land Use	Daily	AM	PM
Vacant	0	0	0
Z-3-20 Current Zoning Entitlements	Daily	AM	PM
IX-3 w/SHOD-1	1,404,	143	151
Z-3-20 Proposed Zoning Maximums	Daily	AM	PM
IX-5-CU w/SHOD-1	2,210	166	155
Z-3-20 Trip Volume Change (Proposed Maximums minus Current Entitlements)	Daily	AM	PM
	806	23	4

Impact Identified: None

Urban Forestry

Tree conservation areas are recorded in Book of Maps 2008 page 1624.

Impact Identified: None

Impacts Summary

The rezoning request is not expected to have significant impacts on City infrastructure or service provision.

Mitigation of Impacts

No mitigation of impacts, beyond what is required by the UDO, is necessary.

CONCLUSION

The rezoning request would not change the base districts but would increase height from 3 to 5 stories and limit some residential, commercial, and industrial uses normally permitted in IX-. The remaining entitlement is similar to the surrounding commercial and light industrial area. The request is consistent with the 2030 Comprehensive Plan, including the Future Land Use Map and policies regarding location of industrial uses and efficient use of land served by major transportation infrastructure.

CASE TIMELINE

Date	Action	Notes
1/17/20	Application received	
2/10/20	Initial staff review provided	
3/10/20	Planning Commission review starts	

APPENDIX

SURROUNDING AREA LAND USE/ ZONING SUMMARY

SUBJECT PROPERTY		NORTH	SOUTH	EAST	WEST
Existing Zoning	IX-3	IX-5-CU	IX-3	IX-3; IH	IX-5-CU; IH-CU
Additional Overlay	SHOD-1	SHOD-2	SHOD-1	SHOD-1	SHOD-1
Future Land Use	Business & Commercial Services	Business & Commercial Services	Business & Commercial Services	Business & Commercial Services	Business & Commercial Services
Current Land Use	Undeveloped	Commercial; Industrial	Commercial; Industrial	Commercial; Industrial	Commercial; Industrial
Urban Form	N/A	N/A	N/A	N/A	N/A

CURRENT VS. PROPOSED ZONING SUMMARY

EXISTING ZONING		PROPOSED ZONING
Zoning	IX-3 w/ SHOD-1	IX-5-CU w/ SHOD-1
Total Acreage	3.63	3.63
Setbacks:		
Front	3'	3'
Side	0' or 6'	0' or 6'
Rear	0' or 6'	0' or 6'
Residential Density:	26.17	33.61
Max. # of Residential Units	95	122
Max. Gross Building SF	121,459	280,297
Max. Gross Office SF	104,688	117,673
Max. Gross Retail SF	58,415	58,415
Max. Gross Industrial SF	355,249	567,893
Potential F.A.R.	2.25	3.59

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

Rezoning Application



RALEIGH
DEPARTMENT OF
CITY PLANNING



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

REZONING REQUEST

☒ General Use ☐ Conditional Use ☐ Master Plan

OFFICE
USE ONLY

Existing Zoning Base District **IX** Height **3** Frontage Overlay(s) **SHOD-1**

Rezoning Case #

Proposed Zoning Base District **IX** Height **5** Frontage Overlay(s) **SHOD-1**

Click [here](#) to view the Zoning Map. Search for the address to be rezoned, then turn on the 'Zoning' and 'Overlay' layers.

If the property has been previously rezoned, provide the rezoning case number:

GENERAL INFORMATION

Date **Jun. 14, 2020** Date Amended (1) Date Amended (2)

Property Address **4102 & 4108 Virtuous Street, Raleigh, NC 27614**

Property PIN **1721483707; 1721481534** Deed Reference (book/page) **Deed 016787, Page 01007**

Nearest Intersection **Virtuous St. and Generosity Ct.**

Property Size (acres) **3.63**

For Planned
Development
Applications Only:

Total Units

Total Square Footage

Total Parcels

Total Buildings

Property Owner Name/Address

AP SE40, LLC
10320 Durant Rd, Ste 113
Raleigh, NC 27614-6466

Phone

Fax

Email

Applicant Name/Address

Same as Owner

Phone **(919) 828-7171** Fax

Email **isabel@mattoxlawfirm.com**

Applicant* Signature(s)

AP SE40 LLC, a
North Carolina limited liability company

By:

T. Allen Pipkin

Email

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

CONDITIONAL USE DISTRICT ZONING CONDITIONS	
Zoning Case Number	OFFICE USE ONLY Rezoning Case #
Date Submitted <i>January 14, 2020</i>	
Existing Zoning IX-3, SHOD-1 Overlay Proposed Zoning IX-5, SHOD-1 Overlay	
Narrative of Zoning Conditions Offered	
<p>1. The following uses will not be permitted:</p> <ul style="list-style-type: none"> a. Dormitories, Fraternities, or Sororities b. Passenger Terminals c. Adult Establishments d. Pawn Shops e. Vehicular Repair f. Light Manufacturing 	

The property owner(s) hereby offers, consents to, and agrees to abide by, if the rezoning request is approved, the conditions written above. All property owners must sign each condition page. This page may be photocopied if additional space is needed.

Property Owner(s) Signature AP SE40 LLC, a
North Carolina limited liability company

By: *T. Allen Pipkin*
T. Allen Pipkin, Managing Member

REZONING APPLICATION ADDENDUM #1	
<p align="center">Comprehensive Plan Analysis</p>	<p align="center">OFFICE USE ONLY</p> <p align="center">Rezoning Case #</p>
<p>The applicant is asked to analyze the impact of the rezoning request and its consistency with the Comprehensive Plan. The applicant is also asked to explain how the rezoning request is reasonable and in the public interest.</p>	
<p align="center">STATEMENT OF CONSISTENCY</p>	
<p>Provide brief statements regarding whether the rezoning request is consistent with the future land use designation, the urban form map, and any applicable policies contained within the 2030 Comprehensive Plan.</p>	
<p>The future land use designation of the lots is for Business and Commercial Services (BCS). According to the city of Raleigh 2030 Comp Plan page 3-12, the permitted uses in BCS areas the same as those permitted under the current I-X zones. Overnight lodging is a permitted use within I-X zones . Therefore the proposed hotel development would be consistent with the future land use and comp plan.</p> <p>According to page 6-20 of the 2030 Comprehensive Plan, one of the policy goals of Raleigh is to "work with developers, investors, and other local organizations to plan and provide diverse and accessible lodging and accommodations to support tourism growth." Additionally, the lots fall within the target areas for economic development laid out in the 2030 Comp Plan page 6-19.</p>	
<p align="center">PUBLIC BENEFITS</p>	
<p>Provide brief statements explaining how the rezoning request is reasonable and in the public interest.</p>	
<p>The development of a hotel on these lots would help support the growth of commercial activity in the area. Overnight lodging would attract tourists and business travelers and would increase the city of Raleigh's capacity to host large events and conventions.</p>	

REZONING APPLICATION ADDENDUM #2	
Impact on Historic Resources The applicant is asked to analyze the impact of the rezoning request on historic resources. For the purposes of this section, a historic resource is defined as any site, structure, sign, or other feature of the property to be rezoned that is listed in the National Register of Historic Places or designated by the City of Raleigh as a landmark or contributing to a Historic Overlay District.	OFFICE USE ONLY Rezoning Case #
INVENTORY OF HISTORIC RESOURCES	
List in the space below all historic resources located on the property to be rezoned. For each resource, indicate how the proposed zoning would impact the resource.	
N/A	
PROPOSED MITIGATION	
Provide brief statements describing actions that will be taken to mitigate all negative impacts listed above.	
N/A	

URBAN DESIGN GUIDELINES

The applicant must respond to the Urban Design Guidelines contained in the 2030 Comprehensive Plan if:

- a) The property to be rezoned is within a "City Growth Center" or "Mixed-Use Center", or
 - b) The property to be rezoned is located along a "Main Street" or "Transit Emphasis Corridor"
- as shown on the Urban Form Map in the 2030 Comprehensive Plan.

Urban Form Designation N/A

Click [here](#) to view the Urban Form Map.

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

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

13.	<p><i>New public spaces should provide seating opportunities.</i></p> <p>Response:</p> <p>N/A</p>
14.	<p><i>Parking lots should not dominate the frontage of pedestrian-oriented streets, interrupt pedestrian routes, or negatively impact surrounding developments.</i></p> <p>Response:</p> <p>N/A</p>
15.	<p><i>Parking lots should be located behind or in the interior of a block whenever possible. Parking lots should not occupy more than 1/3 of the frontage of the adjacent building or not more than 64 feet, whichever is less.</i></p> <p>Response:</p> <p>N/A</p>
16.	<p><i>Parking structures are clearly an important and necessary element of the overall urban infrastructure but, given their utilitarian elements, can give serious negative visual effects. New structures should merit the same level of materials and finishes as that a principal building would, care in the use of basic design elements can make a significant improvement.</i></p> <p>Response:</p> <p>N/A</p>
17.	<p><i>Higher building densities and more intensive land uses should be within walking distance of transit stops, permitting public transit to become a viable alternative to the automobile.</i></p> <p>Response:</p> <p>N/A</p>
18.	<p><i>Convenient, comfortable pedestrian access between the transit stop and the building entrance should be planned as part of the overall pedestrian network.</i></p> <p>Response:</p> <p>N/A</p>
19.	<p><i>All development should respect natural resources as an essential component of the human environment. The most sensitive landscape areas, both environmentally and visually, are steep slopes greater than 15 percent, watercourses, and floodplains. Any development in these areas should minimize intervention and maintain the natural condition except under extreme circumstances. Where practical, these features should be conserved as open space amenities and incorporated in the overall site design.</i></p> <p>Response:</p> <p>N/A</p>

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

REZONING APPLICATION SUBMITTAL REQUIREMENTS ("Rezoning Checklist")					
TO BE COMPLETED BY APPLICANT			COMPLETED BY CITY STAFF		
General Requirements – General Use or Conditional Use Rezoning	YES	N/A	YES	NO	N/A
1. I have referenced this Rezoning Checklist and by using this as a guide, it will ensure that I receive a complete and thorough first review by the City of Raleigh	<input checked="" type="checkbox"/>	<input type="checkbox"/>			
2. Pre-Application Conference	<input checked="" type="checkbox"/>	<input type="checkbox"/>			
3. Neighborhood Meeting notice and report	<input checked="" type="checkbox"/>	<input type="checkbox"/>			
4. Rezoning application review fee (see Fee Schedule for rate)	<input checked="" type="checkbox"/>	<input type="checkbox"/>			
5. Completed application, submitted through Permit & Development Portal	<input checked="" type="checkbox"/>	<input type="checkbox"/>			
Completed Comprehensive Plan Consistency Analysis	<input type="checkbox"/>	<input checked="" type="checkbox"/>			
Completed Response to the Urban Design Guidelines	<input type="checkbox"/>	<input checked="" type="checkbox"/>			
6. Two sets of stamped envelopes addressed to all property owners of area to be rezoned and properties within 500 feet of area to be rezoned	<input checked="" type="checkbox"/>	<input type="checkbox"/>			
7. Trip Generation Study	<input type="checkbox"/>	<input checked="" type="checkbox"/>			
8. Traffic Impact Analysis	<input type="checkbox"/>	<input checked="" type="checkbox"/>			
For properties requesting a conditional use district:					
9. Completed zoning conditions, signed by property owner(s)	<input checked="" type="checkbox"/>	<input type="checkbox"/>			
If applicable (see Page 11):					
10. Proof of power of attorney or owner affidavit	<input type="checkbox"/>	<input checked="" type="checkbox"/>			
For properties requesting a Planned Development (PD) or Campus District (CMP):					
10. Master Plan (see Master Plan Submittal Requirements)	<input type="checkbox"/>	<input checked="" type="checkbox"/>			
For properties requesting an Accessory Dwelling Unit Overlay District (ADUOD):					
15. Copy of ballot and mailing list	<input type="checkbox"/>	<input checked="" type="checkbox"/>			

MASTER PLAN SUBMITTAL REQUIREMENTS

TO BE COMPLETED BY APPLICANT			COMPLETED BY CITY STAFF		
General Requirements – Master Plan	YES	N/A	YES	NO	N/A
1. I have referenced the Master Plan Checklist and by using this as a guide, it will ensure that I receive a complete and thorough first review by the City of Raleigh	<input type="checkbox"/>	<input checked="" type="checkbox"/>			
2. Total number of units and square feet	<input type="checkbox"/>	<input checked="" type="checkbox"/>			
3. 12 sets of plans	<input type="checkbox"/>	<input checked="" type="checkbox"/>			
4. Completed application; submitted through Permit & Development Portal	<input type="checkbox"/>	<input checked="" type="checkbox"/>			
5. Vicinity Map	<input type="checkbox"/>	<input checked="" type="checkbox"/>			
6. Existing Conditions Map	<input type="checkbox"/>	<input checked="" type="checkbox"/>			
7. Street and Block Layout Plan	<input type="checkbox"/>	<input checked="" type="checkbox"/>			
8. General Layout Map/Height and Frontage Map	<input type="checkbox"/>	<input checked="" type="checkbox"/>			
9. Description of Modification to Standards, 12 sets	<input type="checkbox"/>	<input checked="" type="checkbox"/>			
10. Development Plan (location of building types)	<input type="checkbox"/>	<input checked="" type="checkbox"/>			
11. Pedestrian Circulation Plan	<input type="checkbox"/>	<input checked="" type="checkbox"/>			
12. Parking Plan	<input type="checkbox"/>	<input checked="" type="checkbox"/>			
13. Open Space Plan	<input type="checkbox"/>	<input checked="" type="checkbox"/>			
14. Tree Conservation Plan (if site is 2 acres or more)	<input type="checkbox"/>	<input checked="" type="checkbox"/>			
15. Major Utilities Plan/Utilities Service Plan	<input type="checkbox"/>	<input checked="" type="checkbox"/>			
16. Generalized Stormwater Plan	<input type="checkbox"/>	<input checked="" type="checkbox"/>			
17. Phasing Plan	<input type="checkbox"/>	<input checked="" type="checkbox"/>			
18. Three-Dimensional Model/renderings	<input type="checkbox"/>	<input checked="" type="checkbox"/>			
19. Common Signage Plan	<input type="checkbox"/>	<input checked="" type="checkbox"/>			

Who can initiate a rezoning request?

If requesting to down-zone property, the rezoning application must be signed by all of the property owners whose property is subject to the down-zoning. Down-zoning is defined as a zoning ordinance that affects an area of land in one of the following ways:

1. By decreasing the development density of the land to be less dense than was allowed under its previous usage.
2. By reducing the permitted uses of the land that are specified in a zoning ordinance or land development regulation to fewer uses than were allowed under its previous usage.

If requesting to rezone property to a conditional district, the rezoning application must be signed by all owners of the property to be included in the district. For purposes of the application only (not the zoning conditions), the City will accept signatures on behalf of the property owner from the following:

1. the property owner;
2. an attorney acting on behalf of the property owner with an executed power of attorney; or
3. a person authorized to act on behalf of the property owner with an executed owner's affidavit.

An owner's affidavit must be made under oath, properly notarized and, at a minimum, include the following information:

- The property owner's name and, if applicable, the property owner's title and organization name.
- The address, PIN and Deed Book/Page Number of the property.
- A statement that the person listed as the property owner is the legal owner of the property described.
- The name of the person authorized to act on behalf of the property owner as the applicant. If applicable, the authorized person's title and organization name.
- A statement that the property owner, as legal owner of the described property, hereby gives authorization and permission to the authorized person, to submit to the City of Raleigh an application to rezone the described property.
- A statement that the property owner understands and acknowledges that zoning conditions must be signed, approved and consented to by the property owner.
- The property owner's signature and the date the property owner signed the affidavit.

If requesting to rezone property to a general use district that is not a down-zoning, the rezoning application may be signed, for the purposes of initiating the request, by property owners or third-party applicants.

Date:

Re: (SITE LOCATION)

Neighboring Property Owners:

You are invited to attend a neighborhood meeting on (MEETING DATE). The meeting will be held at (MEETING LOCATION, INCLUDING ADDRESS) and will begin at (TIME).

The purpose of this meeting is to discuss a potential rezoning of the property located at (SITE ADDRESS AND NEARBY LANDMARKS). This site is current zoned (CURRENT ZONING DISTRICT) and is proposed to be rezoned to (PROPOSED ZONING DISTRICT). (Please also provide any relevant details regarding the request.)

The City of Raleigh requires that prior to the submittal of any rezoning application, a neighborhood meeting involving the property owners within 500 feet of the area requested for rezoning.

If you have any concerns or questions I (we) can be reached at:

For more information about rezoning, you may visit www.raleighnc.gov or contact the Raleigh City Planning Department at:

(919) 996-2682
rezoning@raleighnc.gov

Thank you

At least 10 days prior to the meeting date with the owners of property, the applicant shall notify the owners of property about the meeting; notice shall be by first class mail or certified mail return receipt. If notification is to be by first class mail, the applicant shall deliver the sealed, addressed, stamped envelopes to Planning & Development prior to the aforementioned 10 day period. If notification is to be by certified mail return receipt, copies of the return receipts shall be given to Planning & Development at time of application submittal.

SUBMITTED DATE: _____

SUMMARY OF ISSUES

A neighborhood meeting was held on January 6, 2020 (date) to discuss a potential rezoning located at 4108 & 4102 Virtuous Street, Garner, NC 27529 (property address).

The neighborhood meeting was held at Sanderford Road Neighborhood Center, 2623 Sanderford Road, Raleigh, (location).

There were approximately 0 (number) neighbors in attendance. The general issues discussed were:

Summary of Issues:

Discussion of prospective rezoning of 4108 and 4102 Virtuous Street, Raleigh, NC, from IX-3 to IX-5 in order to increase the height limit.

ATTENDANCE AT NEIGHBORHOOD MEETING

Sanderford Road Neighborhood Center
2623 Sanderford Road
Monday, January 6, 2020

NAME/ORGANIZATION	ADDRESS	PHONE #	SEND PLANS & UPDATES?
Isabel Mattox	Street:		<input type="checkbox"/> Yes
	Email:		<input type="checkbox"/> No
Jai Park	Street: First Carolina Greenville, NC		<input type="checkbox"/> Yes
	Email:		<input type="checkbox"/> No
	Street:		<input type="checkbox"/> Yes
	Email:		<input type="checkbox"/> No
	Street:		<input type="checkbox"/> Yes
	Email:		<input type="checkbox"/> No
	Street:		<input type="checkbox"/> Yes
	Email:		<input type="checkbox"/> No
	Street:		<input type="checkbox"/> Yes
	Email:		<input type="checkbox"/> No
	Street:		<input type="checkbox"/> Yes
	Email:		<input type="checkbox"/> No
	Street:		<input type="checkbox"/> Yes
	Email:		<input type="checkbox"/> No

No neighbors attended

MATTOX LAW FIRM

Isabel Worthy Mattox
Telephone (919) 828-7171
Isabel@mattoxlawfirm.com

December 18, 2019

TO ALL ADDRESSEES:

RE: **NOTICE OF MEETING** Regarding Rezoning Petition of 4102 Virtuous Street, Raleigh, NC 27614 (2 acres) (PIN 1721483707) Deed 016787, Page 01007, owned by AP SE40, LLC, a North Carolina limited liability company; and 4108 Virtuous Street, Raleigh, NC 27614 (1.63 acres) (PIN 1721481534) Deed 016787, Page 01007, owned by AP SE40, LLC, a North Carolina limited liability company (together the "Rezoning Property").

Dear Property Owners:

You are receiving this letter because you are the owner of property located in the vicinity of the Rezoning Property for which a rezoning is now being contemplated. We anticipate that the proposed rezoning will rezone the Rezoning Property from IX-3 to IX-7. We anticipate that a rezoning application will be filed in January (the "Rezoning Application").

In accordance with the requirements of the Raleigh Unified Development Ordinance, notice is hereby given to you as the owner of the Rezoning Property or the owner of property within 500 feet of the Rezoning Property (collectively, "Notice Neighbors") of a meeting to discuss the prospective rezoning to be held at the **Sanderford Road Neighborhood Center, Multipurpose Room B, 2623 Sanderford Road, Raleigh, NC 27610, at 6:00 PM on January 6, 2020.**

We would like to discuss this case with you and will be available to answer any questions which you may have regarding this Rezoning Application.

If the Rezoning Application is filed as now planned, it will be vetted by City Staff over the next few weeks and referred to the Planning Commission for review. To follow this process, please consult the City's website at www.raleighnc.gov/planning. In addition, you may contact the Department of City Planning at (919) 996-2682 or by email at planning@raleighnc.gov. If you have any questions about the proposed Rezoning Application, either before our meeting of January 6, 2020, or at any time after our meeting, please contact me.

Yours very truly,

Isabel Worthy Mattox

1721396394
GREGORY POOLE EQUIPMENT CO INC.
4807 BERYL RD
RALEIGH NC 27606-1406

1721399091
MIDNIGHT PIRATE, LLC OH HELL LLC
9131 ANSON WAY STE 305
RALEIGH NC 27615-3267

1721471800
W & B HOLDINGS LLC
1330 SE 4TH AVE STE A
FORT LAUDERDALE FL 33316-1958

1721476786
AP RALEIGH, LLC
10320 DURANT RD STE 113
RALEIGH NC 27614-6466

1721480092
W & B HOLDINGS LLC
1330 SE 4TH AVE STE A
FORT LAUDERDALE FL 33316-1958

1721480269
BK INVESTMENTS LLC
3212 OLDE SEDGEFIELD WAY
GREENSBORO NC 27407-7280

1721481534
AP SE40 LLC
10320 DURANT RD STE 113
RALEIGH NC 27614-6466

1721483192
FDI POSTAL PROPERTIES II INC.
PO BOX 659
MOUNT AIRY MD 21771-0659

1721483396
FDI POSTAL PROPERTIES II INC.
PO BOX 659
MOUNT AIRY MD 21771-0659

1721483707
AP SE40 LLC
10320 DURANT RD STE 113
RALEIGH NC 27614-6466

1721485567
FDI POSTAL PROPERTIES II INC.
PO BOX 659
MOUNT AIRY MD 21771-0659

1721486143
MRW REALTY LLC
PO BOX 8619
GREENVILLE SC 29604-8619

1721486324
FDI POSTAL PROPERTIES II INC.
PO BOX 659
MOUNT AIRY MD 21771-0659

1721489414
FOUNDATION CAPITAL RESOURCES INC.
3900 S OVERLAND AVE
SPRINGFIELD MO 65807-8766

1721491459
ALNAJEH INC
3117 PURLAND DR
RALEIGH NC 27603-5113

1721492397
SPEEDWAY LLC
PROPERTY TAX DEPT
539 S MAIN ST
FINDLAY OH 45840-3229

1721494632
J DAVID HOLDINGS LLC
JONATHAN ALMOND
PO BOX 27448
RALEIGH NC 27611-7448

1721496010
JONES SAUSAGE GAS LLC
CONVENIENCE DEVELOPMENT PARTNERS LLC
15141 HUGH MCAULEY RD
HUNTERSVILLE NC 28078-8931

1721497166
JONES SAUSAGE GAS LLC
CONVENIENCE DEVELOPMENT PARTNERS LLC
15141 HUGH MCAULEY RD
HUNTERSVILLE NC 28078-8931

Pre-Application Conference

(this form must be provided at the time of formal submittal)



DEVELOPMENT SERVICES DEPARTMENT

Development Services Customer Service Center | 1 Exchange Plaza, Suite 400 | Raleigh, NC 27601 | 919-996-2495 | efax 919-996-1831
Litchford Satellite Office | 8320 - 130 Litchford Road | Raleigh, NC 27601 | 919-996-4200

PROCESS TYPE

- ☐ Board of Adjustment
- ☐ Comprehensive Plan Amendment
- ☒ Rezoning
- ☐ Site Review*
- ☐ Subdivision
- ☐ Subdivision (Exempt)
- ☐ Text Change

* Optional conference

GENERAL INFORMATION

Date Submitted 12/13/2019

Applicant(s) Name Isabel Worthy Mattox

Applicant's Mailing Address 127 W. Hargett Street, Suite 500, Raleigh, NC 27601

Phone (919)-828-7171

Email isabel@mattoxlawfirm.com

Property PIN # 1721481534; 1721483707

Site Address / Location 4108 & 4102 Virtuous Street

Current Zoning IX-3

Additional Information (if needed) :

OFFICE USE ONLY

Transaction # :

Date of Pre-Application Conference : 20 Dec 2019

Staff Signature

Donald R. Belk, AICP