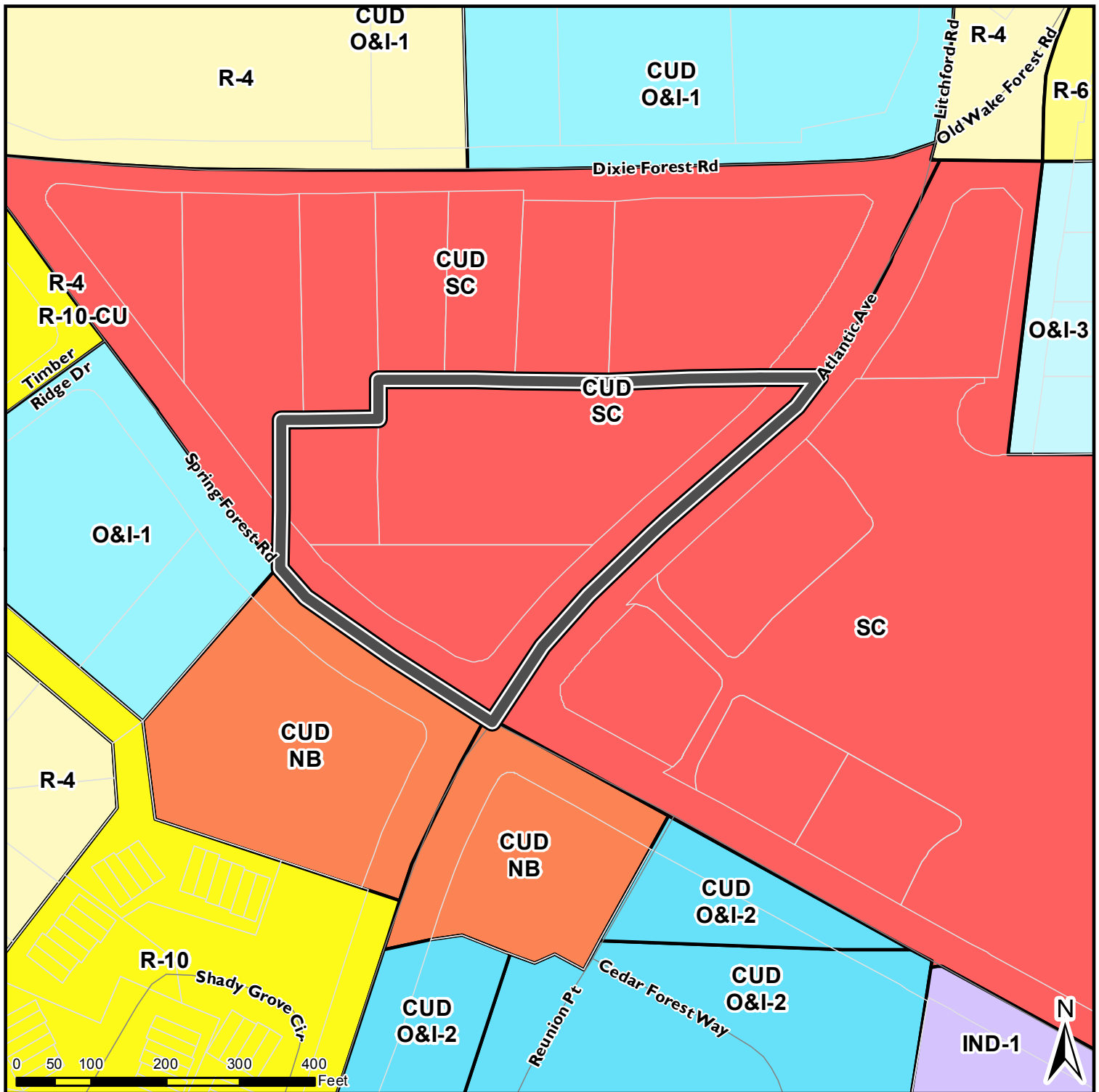


Existing Zoning Map

Z-15-2015



**Submittal
Date**

4/30/2015

Request:

**3.24 acres from
CUD SC
to CX-3-CU**

VICINITY MAP





Certified Recommendation

Raleigh Planning Commission

CR# 11680

Case Information Z-15-15 Spring Forest Road and Atlantic Avenue

<i>Location</i>	Northwest quadrant of the Spring Forest Road and Atlantic Avenue intersection Addresses: 2309 and 2339 Spring Forest Road, 5621 Atlantic Avenue PINs: 1716881975, 1716883767, 1716884957	
<i>Request</i>	Rezone property from Shopping Center Conditional Use District (SC CUD) to Commercial Mixed Use-3 stories-Conditional Use (CX-3-CU)	
<i>Area of Request</i>	3.24 acres	
<i>Property Owner</i>	Roger Williamson PO Box 3758 North Myrtle Beach, SC 29582 Austin Family Properties, LLC and Michael R. Merwarth and wife 5003 Falls of Neuse Road Priscilla A. Merwarth Raleigh, NC 27609 1101 Silver Oaks Court Raleigh, NC 27614 James R. Rogers III and wife Sara W. Rogers; Ronald J. Kupferman and wife Janice S. Kupferman; Bland B. Pruitt and wife Margaret B. Pruitt; Bruce W. Gulley and wife Carol Sue Gulley; c/o Bruce Gulley 7901 Sagewood Court Raleigh, NC 27615	
<i>Applicant</i>	Michael Birch, Morningstar Law Group 630 Davis Drive, Suite 200 Morrisville, NC 27560 mbirch@morningstarlawgroup.com	
<i>Citizens Advisory Council (CAC)</i>	North CAC -- Will Owen, Chairperson will.s.owen@gmail.com	
<i>PC Recommendation Deadline</i>	February 22, 2016	

Comprehensive Plan Consistency

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

Future Land Use Map Consistency

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

Comprehensive Plan Guidance

<i>FUTURE LAND USE</i>	Community Mixed Use
<i>URBAN FORM</i>	<i>Center:</i> City Growth Center <i>Corridor:</i> Urban Thoroughfare (Spring Forest Road and Atlantic Avenue)

	Within Transit Stop Half-Mile Buffer
CONSISTENT Policies	Policy LU 1.2 - Future Land Use Map and Zoning Consistency Policy LU 1.3 - Conditional Use District Consistency Policy LU 2.6 - Zoning and Infrastructure Impacts Policy LU 4.7 - Capitalizing on Transit Access Policy LU 6.4 - Bus Stop Dedication Policy LU 10.6 – Retail Nodes Policy T 4.15 - Enhanced Rider Amenities Policy UD 1.10 - Frontage
INCONSISTENT Policies	(None noted.)

Summary of Proposed Conditions

1. Limits development to 14,900 square feet of Commercial and Industrial uses. Requires recordation of a development allocation covenant.
2. Offers two transit easements and shelters along Spring Forest Road and Atlantic Avenue.
3. Requires compliance with some standards of the Parking Limited frontage.
4. Prohibits certain Commercial and Industrial uses.

Public Meetings

<i>Neighborhood Meeting</i>	<i>CAC</i>	<i>Planning Commission</i>	<i>City Council</i>	<i>Public Hearing</i>
1/14/15	6/4/15; 11/5/15	11/24/15	12/1/15; 1/5/16	1/19/16

☐ **Valid Statutory Protest Petition**

Attachments

1. Staff report
2. Existing zoning conditions [(2006) 965 ZC 582] Z-57-05

Planning Commission Recommendation

<i>Recommendation</i>	Approve with conditions. City Council may now schedule this proposal for Public Hearing, or refer it to committee for further study and discussion.
<i>Findings & Reasons</i>	<ol style="list-style-type: none"> 1. The proposal is consistent with the Future Land Use Map, Urban Form Map, and pertinent policies of the Comprehensive Plan. 2. The proposed rezoning is reasonable and in the public interest. The proposal provides the opportunity for retail development in a City Growth Center close to existing and planned transit infrastructure. 3. The proposal is compatible with the surrounding area. The proposal allows uses and development intensities similar to existing surrounding development. The applicant's stated intent to submit a new condition that prohibits high profile ground signs will also reinforce compatibility with existing development in the area.
<i>Motion and Vote</i>	Motion: Terando Second: Fluhrer In Favor: Alcine, Braun, Fluhrer, Lyle, Hicks, Schuster, Swink, Tomasulo, Terando and Whitsett

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.

_____	_____	_____	11/24/15
Planning Director	Date	Planning Commission Chairperson	Date

Staff Coordinator: Vivian Ekstrom: (919) 996-2657; vivian.ekstrom@raleighnc.gov



Zoning Staff Report – Case # Z-15-15

Conditional Use District

Case Summary

Overview

The proposal seeks to rezone three parcels at the northwest corner of the Spring Forest Road and Atlantic Avenue intersection in north Raleigh. Two of the properties are vacant and wooded, while the third (2309 Spring Forest Road) is occupied by a single family detached home.

There are a variety of surrounding land uses, including commercial, residential, and institutional uses. To the adjacent north of the Atlantic Avenue property, a Sheetz convenience store/gas station and a Waffle House restaurant were recently constructed. Across Atlantic Avenue to the east lies the Pavilion shopping center which has several different retail uses including restaurants, gas stations, and an automotive parts store. A pharmacy, veterinarian clinic and day care are located across Spring Forest Road to the southwest of the subject properties. Also to the adjacent north lie several single family detached homes along Dixie Forest Road. Millbrook High School is less than a quarter mile to the northwest of the subject site.

Zoning and future land use designations in the area reflect the variety of land uses. The subject site is zoned Shopping Center Conditional Use District (CUD SC) as are all adjacent properties. The adopted UDO zoning for the subject property and all adjacent properties is Commercial Mixed Use-3 stories-Parking Limited-Conditional Use (CX-3-PL-CU). The Pavilion shopping center is zoned Shopping Center (SC) and commercial uses across Spring Forest Road are zoned Neighborhood Business Conditional Use District (CUD NB) and Office & Institution-1 (O&I-1). The future land use designation for all adjacent and nearby properties is Community Mixed Use.

The property was last rezoned in 2006 along with properties to the north along Dixie Forest Road. In 2010, these Dixie Forest properties were removed and rezoned to CUD SC (from CUD O&I-1) to allow the retail development that has recently been constructed.

The existing and proposed zoning allow similar uses and intensities. Both the existing and proposed zoning cap development to a maximum of 14,900 square feet. The proposed zoning goes further in prohibiting uses – including any residential or public/institutional uses – other than certain commercial and industrial uses. Commercial and industrial uses that are prohibited include: adult establishment, overnight lodging, bar, nightclub, tavern, lounge, fuel sales, and vehicle sales and rental. Uses prohibited under the existing CUD SC zoning that would be allowed under the proposal are: movie theater, car wash, mini-warehouse storage facility, and vehicle repair (minor). There are also minor building form conditions under the existing zoning for buildings fronting Atlantic Avenue that would no longer apply. A conceptual site layout plan that is a part of the existing zoning would also no longer apply.

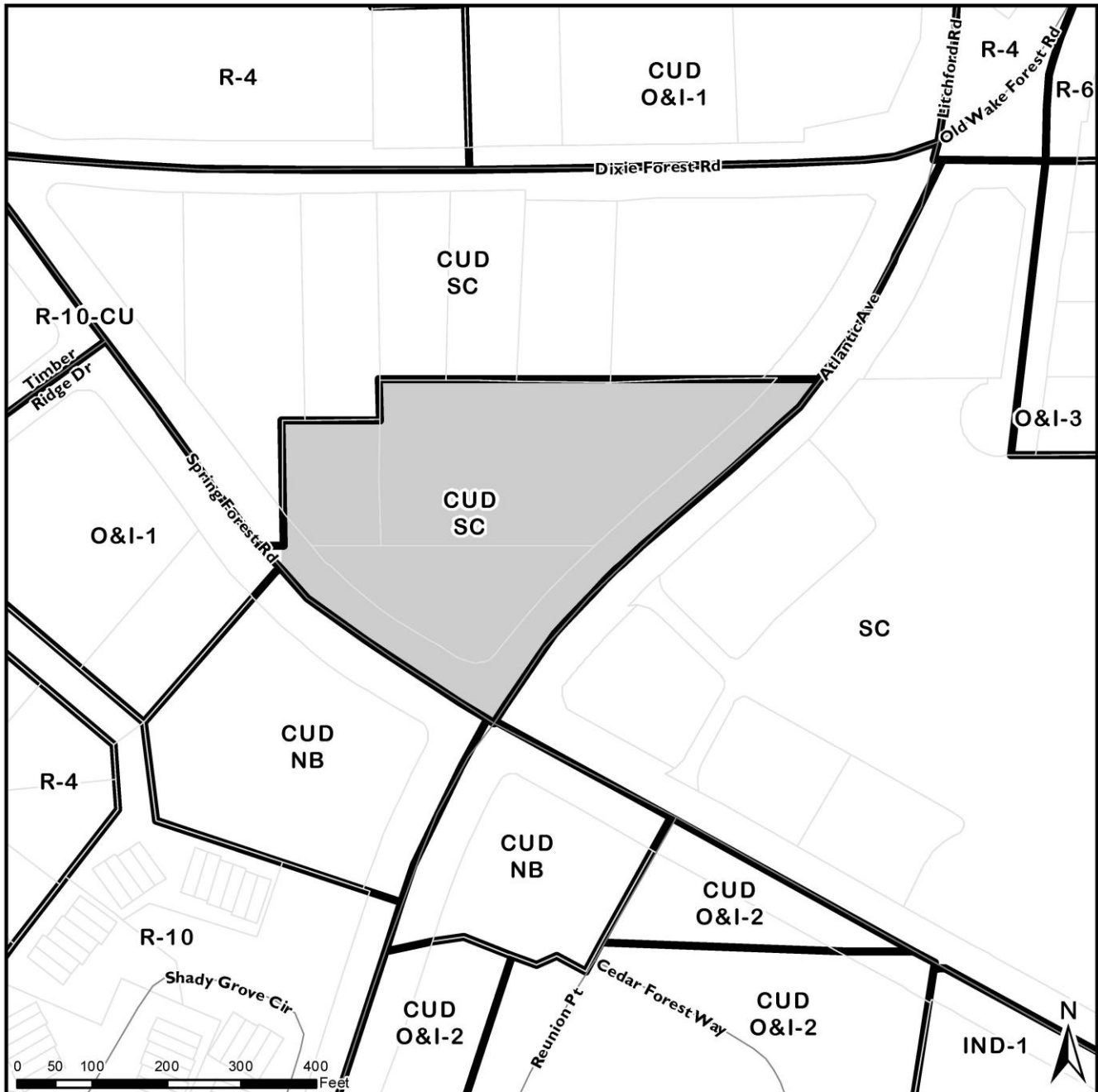
The proposed zoning has several conditions, including: a cap on the maximum amount of commercial and industrial land uses, requiring the recordation of a development allocation covenant, an offer of two transit easements and shelters along Spring Forest Road and Atlantic Avenue, a requirement that certain standards of the Parking Limited frontage are met, a prohibition of certain uses, and a prohibition of high profile ground signs.

Outstanding Issues

<i>Outstanding Issues</i>	1. Sewer and fire flow matters may need to be addressed upon development.	<i>Suggested Mitigation</i>	1. Address sewer and fire flow capacities at the site plan stage.
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Existing Zoning Map

Z-15-2015



**Submittal
Date**

4/30/2015

Request:

**3.24 acres from
CUD SC
to CX-3-CU**

VICINITY MAP



Rezoning Case Evaluation

1. Compatibility Analysis

1.1 Surrounding Area Land Use/ Zoning Summary

	Subject Property	North	South	East	West
Existing Zoning	Shopping Center Conditional Use District	Shopping Center Conditional Use District	Neighborhood Business Conditional Use District	Shopping Center	Office & Institution-1
Additional Overlay	n/a	n/a	n/a	n/a	n/a
Future Land Use	Community Mixed Use	Community Mixed Use	Community Mixed Use	Community Mixed Use	Community Mixed Use
Current Land Use	Single family residential and vacant	Single family residential and retail	Retail (pharmacy and gas station)	Retail (variety – restaurants, gas station, automotive parts store)	Commercial (day care, animal clinic)
Urban Form (if applicable)	City Growth Center, Urban Thoroughfare, Transit Stop Half-Mile Buffer	City Growth Center, Urban Thoroughfare (along Atlantic Avenue only), Transit Stop Half-Mile Buffer	City Growth Center, Urban Thoroughfare, Transit Stop Half-Mile Buffer	City Growth Center, Urban Thoroughfare, Transit Stop Half-Mile Buffer	City Growth Center, Urban Thoroughfare, Transit Stop Half-Mile Buffer

1.2 Current vs. Proposed Zoning Summary

	Existing Zoning	Proposed Zoning
Residential Density:	4.3 dwelling units/acre (14 total DUs)	Not permitted*
Setbacks: <i>Front:</i> <i>Side:</i> <i>Rear:</i>	15' 0'; 15' for corner lot 0'	0' – 100' build-to 0' – 100' build-to 0' or 6'
Retail Intensity Permitted:	14,900 sf*	14,900 sf*
Office Intensity Permitted:	14,900 sf*	14,900 sf*

* Per conditions

1.3 Estimated Development Intensities

	Existing Zoning	Proposed Zoning*
Total Acreage	3.24	3.24
Zoning	CUD SC	CX-3-CU

<i>Max. Gross Building SF (if applicable)</i>	14,900**	14,900**
<i>Max. # of Residential Units</i>	14**	Not permitted**
<i>Max. Gross Office SF</i>	14,900**	14,900**
<i>Max. Gross Retail SF</i>	14,900**	14,900**
<i>Max. Gross Industrial SF</i>	14,900**	14,900**
<i>Potential F.A.R</i>		

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

** Per conditions

The proposed rezoning is:

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

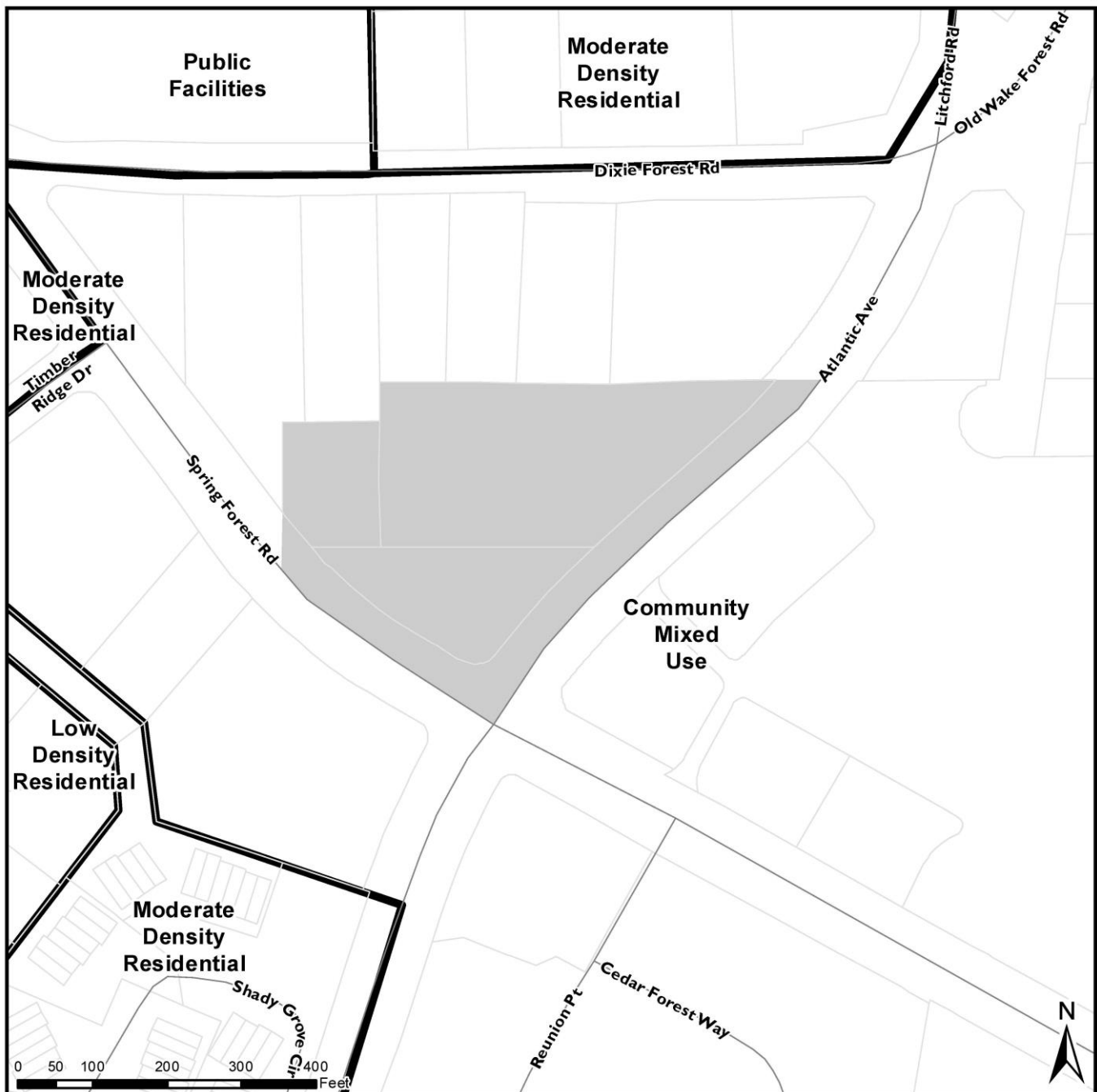
☐ **Incompatible.**

Analysis of Incompatibility:

n/a

Future Land Use Map

Z-15-2015



**Submittal
Date**

4/30/2015

Request:

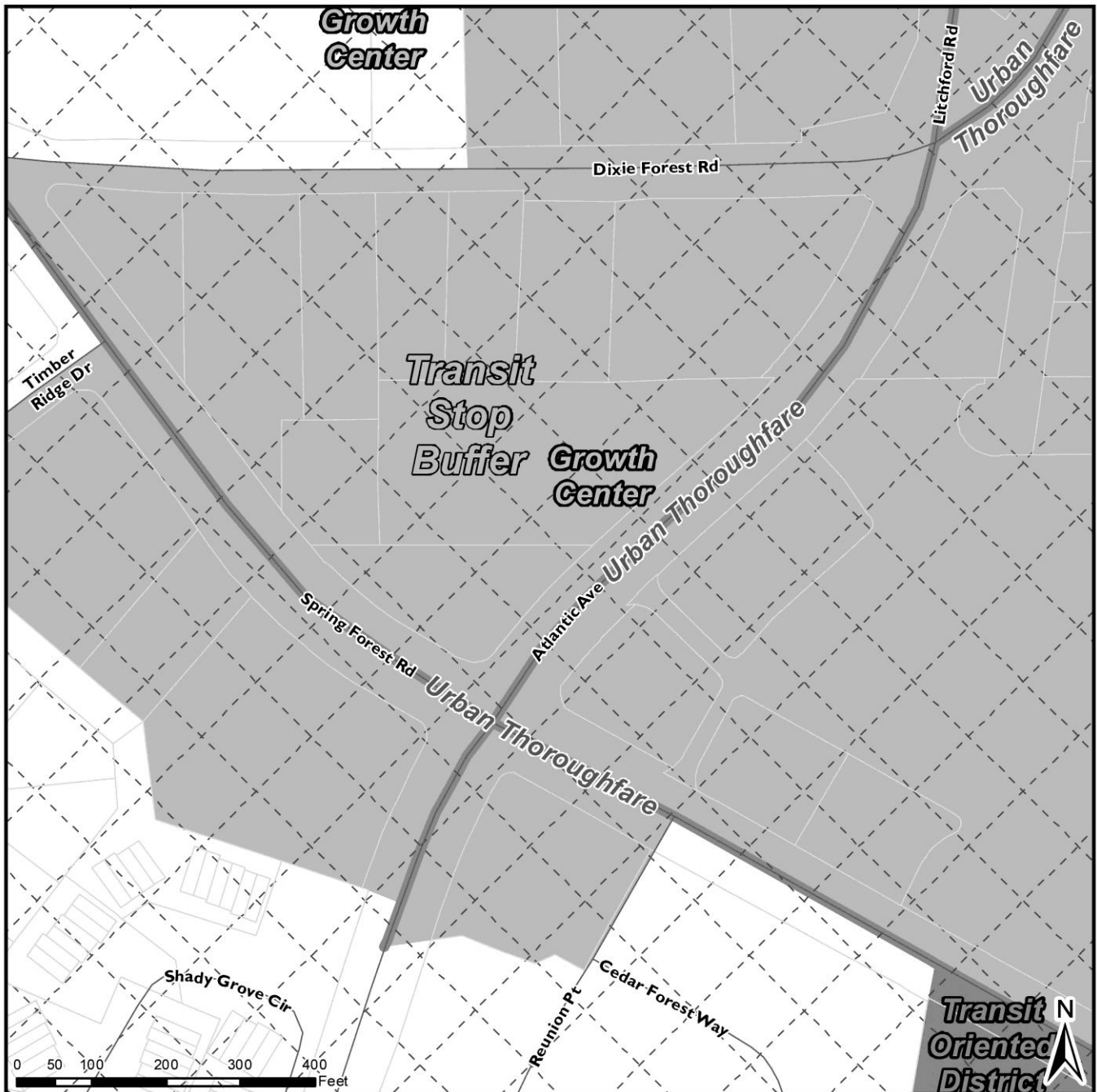
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CUD SC
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VICINITY MAP



Urban Form Map

Z-15-2015



**Submittal
Date**

4/30/2015

Request:

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VICINITY MAP



2. Comprehensive Plan Consistency Analysis

2.1 Comprehensive Plan

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

- Is the proposal consistent with the vision, themes, and policies contained in the Comprehensive Plan?
- Is the use being considered specifically designated on the Future Land Use Map in the area where its location is proposed?
- 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?
- Will community facilities and streets be available at City standards to serve the use proposed for the property?

The proposal can be considered consistent with the Future Land Use Map, the Urban Form Map, and pertinent policies of the Comprehensive Plan. The commercial and limited industrial development possible under the requested zoning is consistent with the site's Community Mixed Use designation.

While the proposal does not include a frontage designation as recommended by the Urban Form Map and policies in the Comprehensive Plan, it does offer conformance with the vast majority of regulations associated with the Parking Limited frontage. Specifically, development on the property would have to meet the building type, build-to, parking location limitations, pedestrian access, and streetscape requirements of the Parking Limited frontage. Sign regulations related to the Parking Limited frontage would not apply.

Existing community facilities and streets appear sufficient to accommodate the redevelopment possible under the proposed zoning. Pending roadway improvements (see transportation comments below) and future Transit Stop construction will augment site access opportunities further.

2.2 Future Land Use

Future Land Use designation:

The rezoning request is:

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

☐ **Inconsistent**

Analysis of Inconsistency:

n/a

2.3 Urban Form

Urban Form designation:

☐ **Not applicable** (no Urban Form designation)

The rezoning request is:

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

☐ **Inconsistent**

Analysis of Inconsistency:

n/a

2.4 Policy Guidance

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

n/a

2.5 Area Plan Policy Guidance

The rezoning request is not within a portion of the city subject to an Area Plan.

3. Public Benefit and Reasonableness Analysis

3.1 Public Benefits of the Proposed Rezoning

- Would permit commercial uses in proximity to a planned transit station and areas targeted for growth.
- As the site is near local and regional bus routes, multi-modal site access can be accommodated.

3.2 Detriments of the Proposed Rezoning

- None anticipated.

4. Impact Analysis

4.1 Transportation

The site is located at the intersection of two major streets: Spring Forest Road and Atlantic Avenue. Atlantic Avenue is congested during the PM peak period. The applicant has submitted conditions that prohibit build-out beyond what current zoning allows, i.e., 14,900 sq. ft. GFA of commercial use. Therefore, a traffic study is not required for case Z-15-2015.

There are no CIP projects planned for Atlantic Avenue or Spring Forest Road. There is a CIP project to widen Old Wake Forest Road to a four-lane median-divided section with curb and gutter, sidewalks, bicycle lanes and streetlights from Litchford Road to Capital Boulevard. In

accordance with UDO section 8.3.2, the maximum block perimeter for CX-3 zoning is 3,000 feet. The block perimeter bounded by the rights-of-way for Spring Forest, Atlantic and Dixie Forest Road is ~2,800 feet. Offers of cross access to adjacent parcels shall be made in accordance with the Raleigh UDO section 8.3.5.D. Site access is restricted to Spring Forest Road and Atlantic Avenue. Both streets are maintained by the NCDOT. Driveway access to the subject parcels will be determined at site plan review by the NCDOT District Engineer.

Impact Identified: None; a traffic study is **not** required for Z-15-2015.

4.2 Transit

This area is currently served by GoRaleigh Routes 25L Triangle Town Center Connector and 54L Spring Forest Crosstown. There are stops on Atlantic/Old Wake Forest/Dixie Forest and Spring Forest/Dixie Forest/Timber Ridge.

Impact Identified: Increased development will create additional demand for transit in this area but it is not expected to exceed the capacity of the current system. The condition of transit easements and offer of shelters will help mitigate this impact.

4.3 Hydrology

<i>Floodplain</i>	No FEMA Floodplain present
<i>Drainage Basin</i>	Marsh
<i>Stormwater Management</i>	Subject to Article 9 of UDO
<i>Overlay District</i>	None

Impact Identified: Subject to stormwater regulations under Article 9 of UDO.

4.4 Public Utilities

	<i>Maximum Demand (current)</i>	<i>Maximum Demand (proposed)</i>
<i>Water</i>	14,580 gpd	69,375 gpd
<i>Waste Water</i>	14,580 gpd	69,375 gpd

Impact Identified: The proposed rezoning would add approximately 54,995 gpd to the wastewater collection and water distribution systems of the City. There are existing sanitary sewer and water mains adjacent to the properties.

The developer may be required to submit a downstream sanitary sewer capacity study and those required improvements identified by the study must be permitted and constructed in conjunction with and prior to the proposed development being constructed.

Verification of available capacity for water fire flow is required as part of the building permit process. Any water system improvements required to meet fire flow requirements will also be required.

4.5 Parks and Recreation

There are no greenway corridors, existing or proposed trails or connectors within this site. There is a proposed trail location (Crabtree Creek - Marsh Creek corridor) approximately a half mile from the subject property; there are no active planning/design projects related to this proposed greenway trail. The nearest existing greenway trail is 3.15 miles from the site (Mine

Creek Trail). Recreation Services are provided by Millbrook Exchange Center, 0.4 miles from the subject property.

Impact Identified: None.

4.6 Urban Forestry

One of the three parcels (1716-88-4957) proposed for re-zoning is larger than two acres and is currently subject to UDO Sec. 9.1.10—Lots Without Recorded Tree Conservation Areas. If this lot is developed as a new stand-alone site plan or subdivision, it will be additionally subject to UDO Article 9.1.—Tree Conservation.

If all three parcels are recombined and submitted as a new site plan or subdivision, the combined acreage of the development plan will be subject to UDO Article 9.1.—Tree Conservation.

Impact Identified: Tree Conservation Areas must be addressed at the site plan stage.

4.7 Designated Historic Resources

There are no designated historic resources within 1000 feet of the site.

Impact Identified: None.

4.8 Community Development

This site is not located within a redevelopment plan area.

Impact Identified: None.

4.9 Impacts Summary

- Development of the site will create additional demand for transit in this area.
- Sewer and fire flow matters may need to be addressed upon development.

4.10 Mitigation of Impacts

- The provision of transit easements and shelters will mitigate the potential impact of increased transit demand/ridership.
- Address sewer and fire flow capacities at the site plan stage.

5. Conclusions

The proposal is consistent with the Future Land Use Map, the Urban Form Map, and the Comprehensive Plan. The Community Mixed Use future land use designation envisions the commercial and limited industrial uses that are possible under the proposal. In addition, the proposal offers the conditioned equivalent of a Parking Limited frontage to address Urban Form Map policy guidance.




Planning & Development

Development Services Customer Service Center

One Exchange Plaza
1 Exchange Plaza, Suite 400
Raleigh, North Carolina 27601
Phone 919-996-2495
Fax 919-516-2685

Rezoning Application

Rezoning Request	OFFICE USE ONLY
<input type="checkbox"/> General Use <input checked="" type="checkbox"/> Conditional Use <input type="checkbox"/> Master Plan	Transaction Number
Existing Zoning Classification: SC CUD Proposed Zoning Classification Base District: CX Height: -3 Frontage: None	
If the property has been previously rezoned, provide the rezoning case number: Z-57-05	
Provide all previous transaction numbers for Coordinated Team Reviews, Due Diligence Sessions or Pre-Submittal Conferences.	

GENERAL INFORMATION		
Property Address: 2309 and 2339 Spring Forest Road and 5621 Atlantic Avenue		Date April 14, 2015
Property PIN: 1716-88-1975, 1716-88-3767 and 1716-88-4957	Deed Reference (Book/Page): Book 12264, Page 119; Book 13220, Page 1419; Book 5189, Page 861	
Nearest Intersection: Spring Forest Road and Atlantic Avenue		Property size (in acres): 3.24 ac
Property Owner/Address: 1. Roger Williamson, PO BOX 3758, North Myrtle Beach, SC 29582 2. Austin Family Properties, LLC, 5003 Falls of Neuse Road, Raleigh, NC 27609 and Michael R. Merwarth and wife Priscilla A. Merwarth, 1101 Silver Oaks Court, Raleigh, NC 27614 3. James R. Rogers III and wife Sara W. Rogers; Ronald J. Kupferman and wife Janice S. Kupferman; Bland B. Pruitt and wife Margaret B. Pruitt; Bruce W. Gully and wife Carol Sue Gully; c/o Bruce Gully, 7901 Sagewood Court, Raleigh, NC 27615	Phone	Fax
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Project Contact Person/Address: Michael Birch, Morningstar Law Group, 630 Davis Drive, Suite 200, Morrisville, NC 27560	Phone: 919.590.0388	Fax
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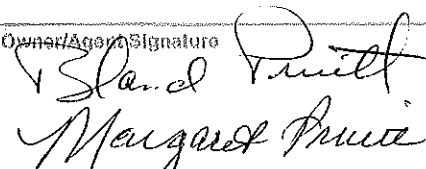


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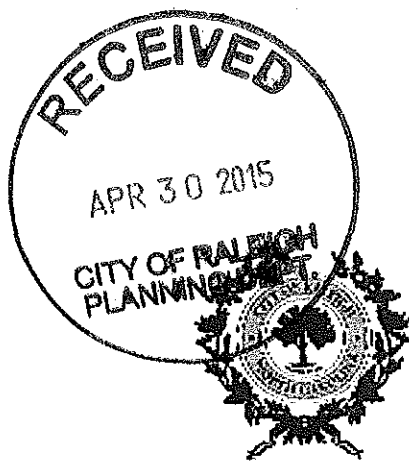
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	Email	
Project Contact Person/Address: Michael Birch, Morningstar Law Group, 630 Davis Drive, Suite 200, Morrisville, NC 27560	Phone: 919.590.0398	Fax
	Email: mbirch@morningstarlawgroup.com	
Owner/Agent Signature  Margaret Pruitt	Email	

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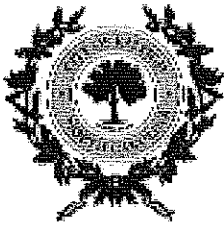
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Owner/Agent Signature Roger Williamson	Email	

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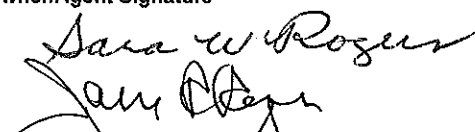
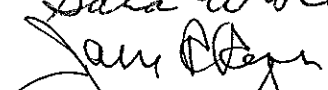
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Owner/Agent Signature  	Email JRR3 @ JRR3 .com	

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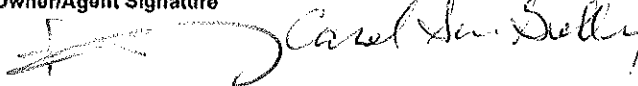


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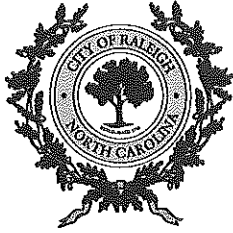
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One Exchange Plaza
1 Exchange Plaza, Suite 400
Raleigh, North Carolina 27601
Phone 919-996-2495
Fax 919-516-2685

Rezoning Application

Rezoning Request	OFFICE USE ONLY
<input type="checkbox"/> General Use <input checked="" type="checkbox"/> Conditional Use <input type="checkbox"/> Master Plan Existing Zoning Classification: SC CUD Proposed Zoning Classification Base District: CX Height: -3 Frontage: None If the property has been previously rezoned, provide the rezoning case number: Z-57-05 Provide all previous transaction numbers for Coordinated Team Reviews, Due Diligence Sessions or Pre-Submittal Conferences.	Transaction Number

GENERAL INFORMATION		
Property Address: 2309 and 2339 Spring Forest Road and 5621 Atlantic Avenue		Date April 14, 2015
Property PIN: 1716-88-1975, 1716-88-3767 and 1716-88-4957	Deed Reference (Book/Page): Book 12264, Page 119; Book 13220, Page 1419; Book 5189, Page 861	
Nearest Intersection: Spring Forest Road and Atlantic Avenue		Property size (in acres): 3.24 ac
Property Owner/Address: Roger Williamson, PO BOX 3758, North Myrtle Beach, SC 29582 Austin Family Properties, LLC, 5003 Falls of Neuse Road, Raleigh, NC 27609 Ronald & Janio Kupferman, Bruce Gulley, Bland Pruitt, James and Sara Rogers, c/o Bruce Gulley, 7901 Sagewood Court, Raleigh, NC 27615	Phone	Fax
	Email	
Project Contact Person/Address: Michael Birch, Morningstar Law Group, 630 Davis Drive, Suite 200, Morrisville, NC 27560	Phone: 919.590.0388	Fax
	Email: mbirch@morningstarlawgroup.com	
Owner/Agent Signature 	Email brucegulley@gmail.com	

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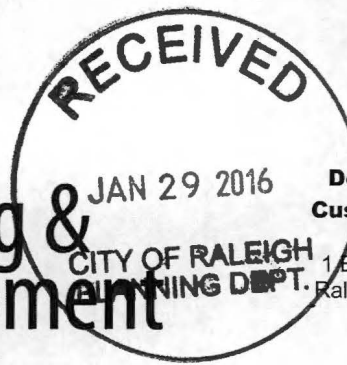
Rezoning Application

Rezoning Request	OFFICE USE ONLY
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Nearest Intersection: Spring Forest Road and Atlantic Avenue		Property size (in acres): 3.24 ac
Property Owner/Address: 1. Roger Williamson, PO BOX 3758, North Myrtle Beach, SC 29582 2. Austin Family Properties, LLC, 5003 Falls of Neuse Road, Raleigh, NC 27609 and Michael R. Merwarth and wife Priscilla A. Merwarth, 1101 Silver Oaks Court, Raleigh, NC 27614 3. James R. Rogers III and wife Sara W. Rogers; Ronald J. Kupferman and wife Janice S. Kupferman; Bland B. Pruitt and wife Margaret B. Pruitt; Bruce W. Gully and wife Carol Sue Gully; c/o Bruce Gully, 7901 Sagewood Court, Raleigh, NC 27615	Phone	Fax
	Email	
Project Contact Person/Address: Michael Birch, Morningstar Law Group, 630 Davis Drive, Suite 200, Morrisville, NC 27560	Phone: 919.590.0388	Fax
	Email: mbirch@morningstarlawgroup.com	
Owner/Agent Signature [Signature] Member - Manager Austin Family Properties, LLC	Email	



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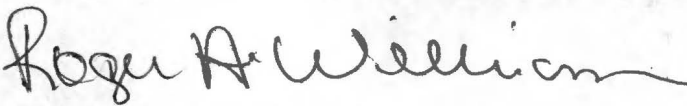
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Conditional Use District Zoning Conditions		OFFICE USE ONLY
Zoning Case Number: Z-15-15		Transaction Number
Date Submitted: January 25, 2016		
Existing Zoning: SC CUD	Proposed Zoning: CX-3-CUD	

NARRATIVE OF ZONING CONDITIONS OFFERED

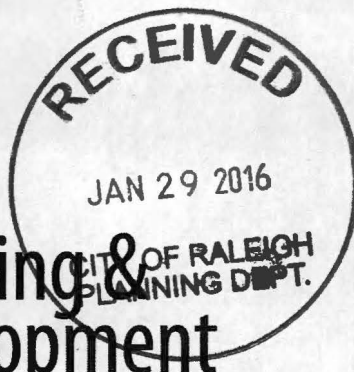
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3. Development on the property shall comply with the Parking Limited frontage standards set forth in UDO section 3.4.5 and any allowable administrative alternates.
4. The following Commercial and Industrial land uses, as set forth in Table 6.1.4 "Allowed Principal Use Table", are prohibited: adult establishment; outdoor recreation – all types; overnight lodging; heliport – all types; bar, nightclub, tavern, lounge; pawnshop; fuel sales; vehicle sales and rental; vehicle repair (major); detention, jail, prison; light manufacturing – all types; research and development – all types.
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Owner/Agent Signature	Print Name
	Roger A. Williams



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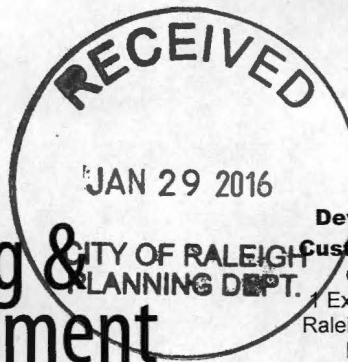
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Owner/Agent Signature	Print Name
<i>Don C. Austin, Sr.</i> <i>by Don C. Austin, Sr. MANAGER</i> <i>MEMBER</i>	<i>Don C. Austin, Sr.</i> <i>by Don C. Austin, Sr.</i> <i>MANAGER</i> <i>MEMBER</i>



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Conditional Use District Zoning Conditions		OFFICE USE ONLY
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Existing Zoning: SC CUD	Proposed Zoning: CX-3-CUD	

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Owner/Agent Signature	Print Name
	Michael R Menworth
	Tiscilla A Menworth



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Conditional Use District Zoning Conditions

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Owner/Agent Signature

Print Name

Sara W Rogers
James R Rogers

Sara W Rogers
James R Rogers



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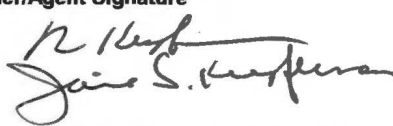
JAN 29 2016

Conditional Use District Zoning Conditions		OFFICE USE ONLY
Zoning Case Number: Z-15-15		Transaction Number
Date Submitted: January 25, 2016		
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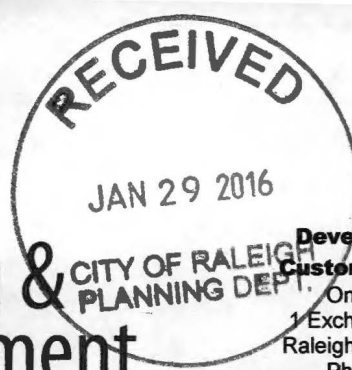
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Owner/Agent Signature 	Print Name RONALD KUPERMAN JANICE S. KUPERMAN
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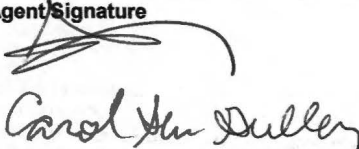
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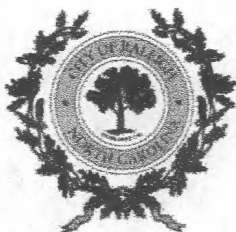
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Owner/Agent Signature  Carol Sue Gully	Print Name BIMUCK GULLEY CAROL SUE GULLEY
---	---



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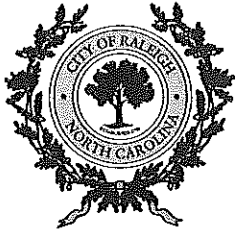
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Owner/Agent Signature	Print Name
 	BLAND PRUITT JR MARGARET B PRUITT



Planning & Development

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Phone 919-996-2495
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Rezoning Application Addendum

Comprehensive Plan Analysis	OFFICE USE ONLY
The applicant is asked to analyze the impact of the rezoning request. State Statutes require that the rezoning either be consistent with the adopted Comprehensive Plan, or that the request be reasonable and in the public interest.	Transaction Number Zoning Case Number

STATEMENT OF CONSISTENCY

Provide brief statements regarding whether the rezoning request is consistent with the future land use designation, the urban form map and any applicable policies contained within the 2030 Comprehensive Plan.

1. The property is designated Community Mixed Use on the Future Land Use Map, which recommends higher-intensity retail uses. This category also notes that CX is the primary corresponding district for areas designated Community Mixed Use. The proposed rezoning to CX is consistent with the Future Land Use Map guidance.
2. The property is located in a City Growth Center and is located within the one-half mile transit buffer as shown on the Urban Form Map. The Comprehensive Plan notes that City Growth Centers are opportunities for redevelopment. The proposed rezoning to CX is consistent with this Urban Form Map guidance.
3. The proposed rezoning is consistent with the following Comprehensive Plan policies: LU 1.2 "Future Land Use Map & Zoning Consistency", LU 1.3 "Conditional Use District Consistency", LU 2.6 "Zoning & Infrastructure Impacts", LU 4.5 "Connectivity"; LU 5.2 "Managing Commercial Development Impacts"; LU 7.1 "Encouraging Nodal Development"; LU 7.3 "Single-Family Lots on Major Roads"; and LU 7.4 "Scale and Design of New Commercial Uses".

PUBLIC BENEFITS

Provide brief statements regarding the public benefits derived as a result of the rezoning request.

1. The rezoning request benefits the public by permitting development in accordance with the Comprehensive Plan.
2. The rezoning request benefits the public by permitting retail land uses at the intersection of two major thoroughfares and in proximity to other retail land uses with similar scale and intensity.

URBAN DESIGN GUIDELINES

If the property to be rezoned is shown as a "mixed use center" or located along a Main Street or Transit Emphasis Corridor as shown on the Urban Form Map in the Comprehensive Plan, the applicant must respond to the Urban Design Guidelines contained in the 2030 Comprehensive Plan.

1.	<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> Response: The rezoning request permits residential, office and retail land uses, consistent with this guideline.
2.	<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> Response: The maximum building height of three stories ensures an appropriate transition to adjoining residential uses.
3.	<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> Response: The properties subject to the rezoning do not front along or have access to the neighborhood road network but will have cross-access among adjoining properties.
4.	<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> Response: No new streets are contemplated as part of this development, and there are no opportunities for connections to neighborhood streets. However, there will be an internal private street network among adjoining properties.
5.	<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> Response: The properties subject to the rezoning have frontage on two streets, but do not comprise the entire frontage of a block. However, it is expected that the properties will be part of a block face of less than 660 feet when taking into account commercial driveways.
6.	<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> Response: Transparency on the ground level will be provided in accordance with the UDO, consistent with this guideline. At this time, building and parking locations have not been determined.
7.	<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> Response: At this time, building and parking locations have not been determined.
8.	<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> Response: At this time, building and parking locations have not been determined.
9.	<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> Response: An outdoor amenity area will be provided in accordance with the UDO.
10.	<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> Response: An outdoor amenity area will be provided in accordance with the UDO.
11.	<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> Response: An outdoor amenity area will be provided in accordance with the UDO.
12.	<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> Response: An outdoor amenity area will be provided in accordance with the UDO.
13.	<i>New public spaces should provide seating opportunities.</i> Response: An outdoor amenity area will be provided in accordance with the UDO.
14.	<i>Parking lots should not dominate the frontage of pedestrian-oriented streets, interrupt pedestrian routes, or negatively impact surrounding developments.</i> Response: At this time, building and parking locations have not been determined.
15.	<i>Parking lots should be located behind or in the interior of a block whenever possible. Parking lots should not occupy more than 1/3 of the frontage of the adjacent building or not more than 64 feet, whichever is less.</i> Response: At this time, building and parking locations have not been determined.

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: No parking structures are contemplated as part of this development.</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: The rezoning request permits retail land uses within one-half mile of a planned transit stop and within walking distance to bus stops.</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: Sidewalks will be provided in accordance with the UDO.</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: There are no known sensitive landscape or environmental areas on the properties.</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: No new streets are contemplated as part of this development.</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: Sidewalks will be provided in accordance with the UDO.</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: Streets, sidewalks and street landscaping will be provided in accordance with the UDO.</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: At this time, building location has not been determined.</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: At this time, building location, orientation and design has not been determined.</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: Transparency at the ground level will be provided in accordance with the UDO.</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: Sidewalks will be provided in accordance with the UDO.</p>

REPORT OF MEETING WITH ADJACENT PROPERTY OWNERS
ON JANUARY 14, 2015

Pursuant to applicable provisions of the Unified Development Ordinance, a meeting was held with respect to a potential rezoning with adjacent property owners on Wednesday, January 14, 2015, at 5:30 p.m. The property considered for rezoning totals approximately 3.24 acres, with the addresses of 2309 and 2339 Spring Forest Road and 5621 Atlantic Avenue, and having Wake County Parcel Identification Numbers 1716-88-1975, 1716-88-3767 and 1716-88-4957. This meeting was held at the offices of Morningstar Law Group located at 630 Davis Drive, Suite 200, Morrisville, NC 27560. All owners of property within 100 feet of the subject property were invited to attend the meeting. Attached hereto as **Exhibit A** is a copy of the neighborhood meeting notice. A copy of the required mailing list for the meeting invitations is attached hereto as **Exhibit B**. A summary of the items discussed at the meeting is attached hereto as **Exhibit C**. Attached hereto as **Exhibit D** is a list of individuals who attended the meeting.

EXHIBIT A

NEIGHBORHOOD MEETING NOTICE



Michael Birch | Attorney
630 Davis Drive, Suite 200
Morrisville, NC 27560

919-590-0388
mbirch@morningstarlawgroup.com
www.morningstarlawgroup.com

To: Neighboring Property Owner

From: Michael Birch

Date: December 31, 2014

Re: Notice of meeting to discuss potential rezoning of property located in the northwest quadrant of the intersection of Atlantic Avenue and Spring Forest Road, containing approximately 3.24 acres, with the addresses of 2309 and 2339 Spring Forest Road and 5621 Atlantic Avenue, and having Wake County Parcel Identification Numbers 1716-88-1975, 1716-88-3767 and 1716-88-4957 (the "Property").

We are counsel for a developer that is considering rezoning the Property. The Property is currently zoned Shopping Center - Conditional Use. The proposed zoning district is Community Mixed Use (CX) - Conditional Use.

You are cordially invited to attend a meeting to discuss the potential rezoning. We have scheduled a meeting with surrounding property owners on Wednesday, January 14, 2015 at 5:30 p.m. This meeting will be held at the offices of Morningstar Law Group located at 630 Davis Drive, Suite 200, Morrisville, NC 27560.

This meeting is required by the City of Raleigh and is intended to afford neighbors an opportunity to ask questions about the potential rezoning and for the owners to obtain suggestions and comments you may have about it. You are not required to attend, but are certainly welcome. After the meeting, we will prepare a report for the Raleigh Planning Department regarding the items discussed at the meeting.

Please do not hesitate to contact me directly should you have any questions or wish to discuss any issues. I can be reached at (919) 590-0388 or mbirch@morningstarlawgroup.com.

EXHIBIT B

LIST OF PROPERTY OWNERS TO WHOM NOTICES WERE SENT

WEC 98H-7 LLC
STORE ACCOUNTING DEPT
1 CVS DR
WOONSOCKET RI 02895-6146

WILLIAMSON, ROGER A
PO BOX 3758
NORTH MYRTLE BEACH SC 29582-0758

AUSTIN FAMILY PROPERTIES LLC
5003 FALLS OF NEUSE RD
RALEIGH NC 27609-5500

KUPPERMAN, RONALD J KUPPERMAN, JANIE S
c/o BRUCE GULLEY
7901 SAGEWOOD CT
RALEIGH NC 27615-3730

RI CS2 LLC
REALTY INCOME CORP-PORTFOLIO MGNTMT
PO BOX 460069
ESCONDIDO CA 92046-0069

POOLE INVESTMENT PROPERTIES LLC
700 N PENINSULA AVE
NEW SMYRNA BEACH FL 32169-2426

OREILLY AUTOMOTIVE INC
OREILLY AUTO PARTS STORE 2442
PO BOX 6116
CHICAGO IL 60606-0116

HALL, DAVID E HALL, PEGGY I
PO BOX 1321
JEFFERSON NC 28640-1321

WILLIAMSON, ROGER
PO BOX 3758
NORTH MYRTLE BEACH SC 29582-0758

WILLIAMSON, ROGER
PO BOX 3758
NORTH MYRTLE BEACH SC 29582-0758

WILLIAMSON, ROGER
PO BOX 3758
NORTH MYRTLE BEACH SC 29582-0758

WAFFLE HOUSE INC
5986 FINANCIAL DR
NORCROSS GA 30071-2949

PTM LP
5700 6TH AVE
ALTOONA PA 16602-1111

2431 SPRING FOREST ROAD HOLDINGS LLC
CWCAPITAL ASSET MGMT
7501 WISCONSIN AVE # 500
BETHESDA MD 20814-6519

SAMPSON BLADEN OIL CO INC
PO BOX 469
CLINTON NC 28329-0469

EXHIBIT C

SUMMARY OF DISCUSSION ITEMS

On Wednesday, January 14, 2015 at 5:30 p.m., the applicant held a neighborhood meeting for the property owners adjacent to the parcels subject to the proposed rezoning. There were no attendees and no items were discussed.

EXHIBIT D

NEIGHBORHOOD MEETING ATTENDEES

1. None.