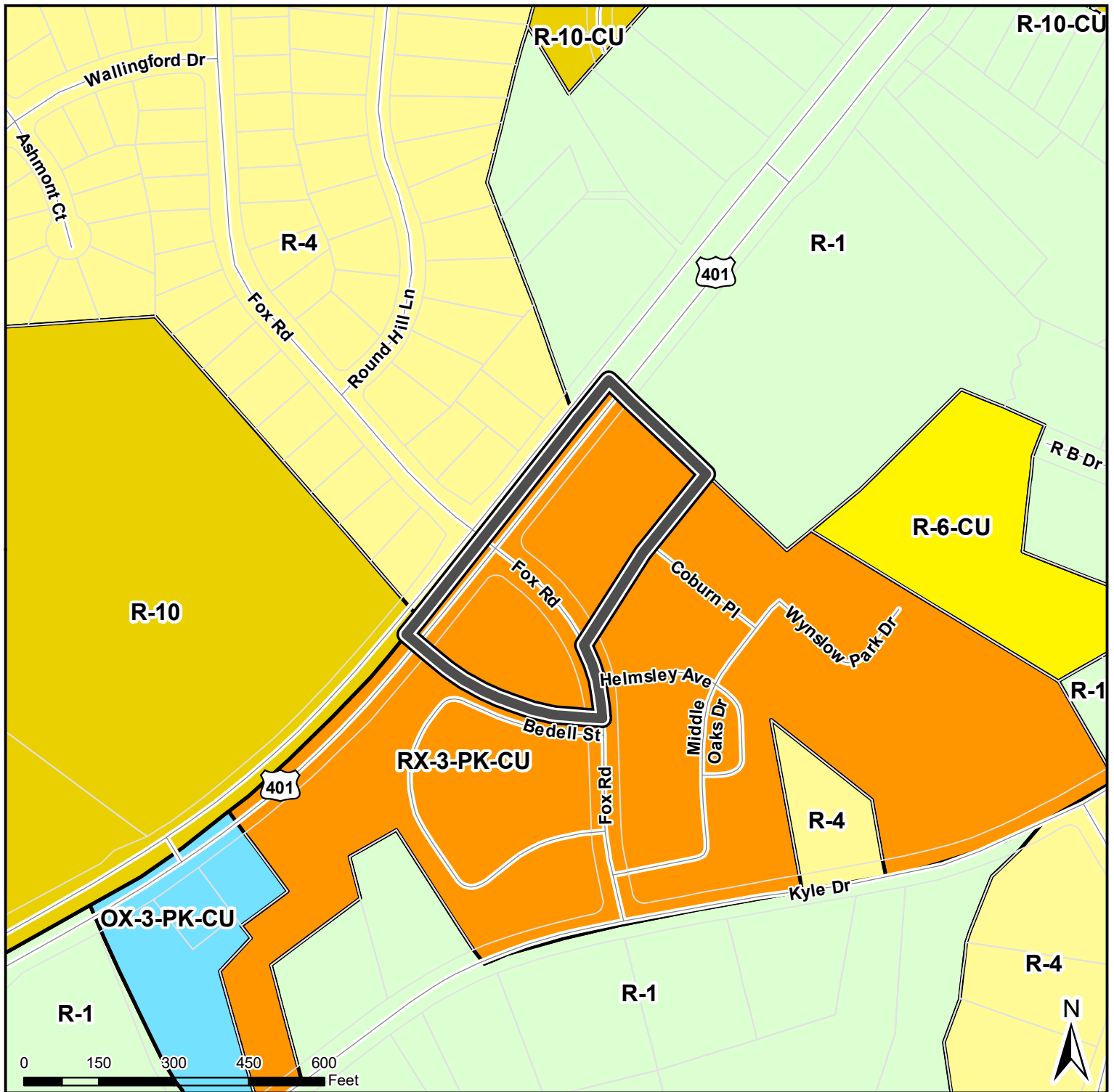
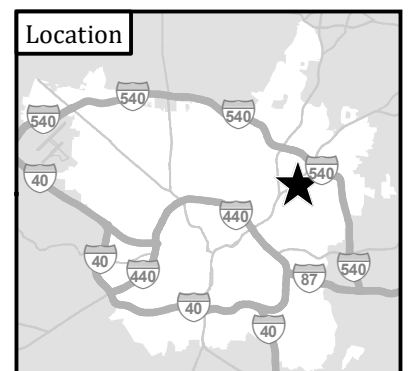


Existing Zoning

Z-19-2020



Property	4300 & 4301 Fox Rd
Size	2.95 acres
Existing Zoning	RX-3-PK-CU
Requested Zoning	NX-4-CU





Raleigh

MEMO

TO: Ruffin Hall, City Manager

THRU: Ken Bowers, AICP, Deputy Director

FROM: Ira Mabel, AICP, Senior Planner

DEPARTMENT: Planning and Development

DATE: October 20, 2020

SUBJECT: City Council agenda item for November 4, 2020 – Z-19-20

On October 20, 2020, City Council authorized the public hearing for the following item:

Z-19-20: 4300 & 4301 Fox Road, approximately 2.95 acres located at the northeast and southeast corners of Fox Road and Louisburg Road, approximately 0.7 miles north of New Hope Road, being Wake County PINs 1726947046 & 1726935704.

Signed zoning conditions provided on October 16, 2020 prohibit three uses otherwise allowed in NX districts, and require a 15-foot landscape buffer along Louisburg Road if a street protective yard is not otherwise provided.

Current zoning: Residential Mixed Use-3 stories-Parkway-Conditional Use (RX-3-PK-CU)

Requested zoning: Neighborhood Mixed Use-4 stories-Conditional Use (NX-4-CU)

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

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

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

The Planning Commission recommends approval of the request (8 - 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# 12040

CASE INFORMATION: Z-19-20 FOX ROAD

Location	At the northeast and southeast corners of Fox Road and Louisburg Road, approximately 0.7 miles north of New Hope Road. Address: 4300 & 4301 Fox Road PINs: 1726947046, 1726935704 iMaps , Google Maps , Directions from City Hall
Current Zoning	RX-3-PK-CU
Requested Zoning	NX-4-CU
Area of Request	2.95 acres
Corporate Limits	The subject site is within the city's corporate limits.
Property Owner	Tiger Paw Ventures LLC 701 Exposition PL, Suite 101 Raleigh, NC 27615
Applicant	Lacy Reaves & Toby Coleman
Council District	B
PC Recommendation Deadline	December 7, 2020

SUMMARY OF PROPOSED CONDITIONS

1. The following uses shall be prohibited: bar, nightclub, tavern, lounge; vehicle sales/rental; detention center, jail, prison.
2. If a street protective yard is not required on Louisburg Road, a landscaped area averaging 15 feet in width shall be provided.

COMPREHENSIVE PLAN GUIDANCE

Future Land Use	Office & Residential Mixed Use, Neighborhood Mixed Use
Urban Form	Parkway Corridor
Consistent Policies	Policy LU 1.2—Future Land Use Map and Zoning Consistency Policy LU 7.1—Encouraging Nodal Development Policy LU 7.4—Scale and Design of New Commercial Uses Policy LU 8.10—Infill Development Policy LU 8.12—Infill Compatibility Policy LU 8.11—Development of Vacant Sites Policy ED 1.2—Mixed-use Redevelopment Policy ED 5.8—Supporting Retail Infill and Reinvestment Policy H 1.8—Zoning for Housing
Inconsistent Policies	Policy LU 5.2—Managing Commercial Development Impacts Policy LU 7.5—High-impact Commercial Uses Policy LU 10.3—Ancillary Retail Uses Policy UD 1.10—Frontage

FUTURE LAND USE MAP CONSISTENCY

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

COMPREHENSIVE PLAN CONSISTENCY

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

PUBLIC MEETINGS

First Neighborhood Meeting	Second Neighborhood Meeting	Planning Commission	City Council
5/21/2020 2 attendees	8/11/2020 0 attendees	9/8/2020 (consent agenda) 10/13/2020	10/20/2020

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 will add “missing middle” housing and is compatible with the surrounding area.
Change(s) in Circumstances	N/A
Amendments to the Comprehensive Plan	N/A
Recommendation	Approval and amendment to the Urban Form Map as to the subject property only and, in addition, only if the property is developed in accordance with the approved ordinance.
Motion and Vote	Motion: Miller; Second: Fox In Favor: Bennett, Fox, Hicks, Lampman, Mann, McIntosh, Miller, O’Haver, Tomasulo, and 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.



Ken A. Bowers, AICP
Planning and Development Deputy Director

Date: 10/13/2020

Staff Coordinator: Ira Mabel: (919) 996-2652; Ira.Mabel@raleighnc.gov



ZONING STAFF REPORT – CASE Z-19-20

Conditional Use District

OVERVIEW

This request is to rezone approximately 2.95 acres from Residential Mixed Use-3 stories-Parkway-Conditional Use (RX-3-PK-CU) to Neighborhood Mixed Use-4 stories-Conditional Use (NX-4-CU). Proposed zoning conditions prohibit three uses otherwise allowed in NX districts, and require a 15-foot landscape buffer along Louisburg Road if a street protective yard is not provided.

The subject site consists of two parcels on the north and south sides of Fox Road at its intersection with Louisburg Road, approximately midway between New Hope Road and Spring Forest Road. Both parcels are undeveloped, with little tree coverage, and very flat. There is a 10-foot landscaped easement running along the southeastern boundary of 4300 Fox Road and the southern boundary of 4301 Fox Road.

To the south and east of the site are 252 units spread among 11 three-story apartment buildings in the Wynslow Park Apartments. The Z-19-20 site is included in the RX zoning district covering the apartments (Z-26-2000). There are two zoning conditions that are relevant to the rezoning site:

1. The following uses shall be prohibited upon the property: library, art gallery, or museum - governmental; utility services and substation; bed and breakfast inn; recreational outdoor use-commercial; rooming house, lodging house or tourist home; outdoor stadium, outdoor theater, outdoor racetrack with more than 250 seats; outdoor movie theater; parking lot (lot, deck or garage) as a principal use; or telecommunication tower.
2. There shall be constructed no more than 264 residential units upon the property.

Because zoning conditions apply to an entire district (unless specifically stated otherwise) the condition limiting dwelling units to 264 is in effect for all 22 acres of the district. Since 252 units have already been developed, only 12 additional units in total can be constructed today on the two lots in the rezoning request. Approval of the request would therefore significantly increase the potential for residential development on the rezoning site, as well as add the commercial entitlement and uses, such as standalone restaurants and retail, allowed in NX districts.

To the northeast of the site is St. Matthews Baptist Church. To the northwest across Louisburg Road are detached houses and undeveloped land. Other nearby uses in the area are primarily detached residential, with a few small-scale commercial properties fronting Louisburg Road to the south of the site. Commercial nodes occur at Louisburg Road and Spring Forest Road, and at Louisburg Road and Capital Boulevard.

The subject site is designated as Office & Residential Mixed Use and Neighborhood Mixed Use on the Future Land Use Map. Land to the east of Louisburg Road, including the Wynslow Park Apartments, is Moderate Density Residential. Land to the west of Louisburg Road is Low Density Residential, with the exception of a church-owned undeveloped lot. There is Public Parks & Open Space designated along the Beaverdam Creek corridor.

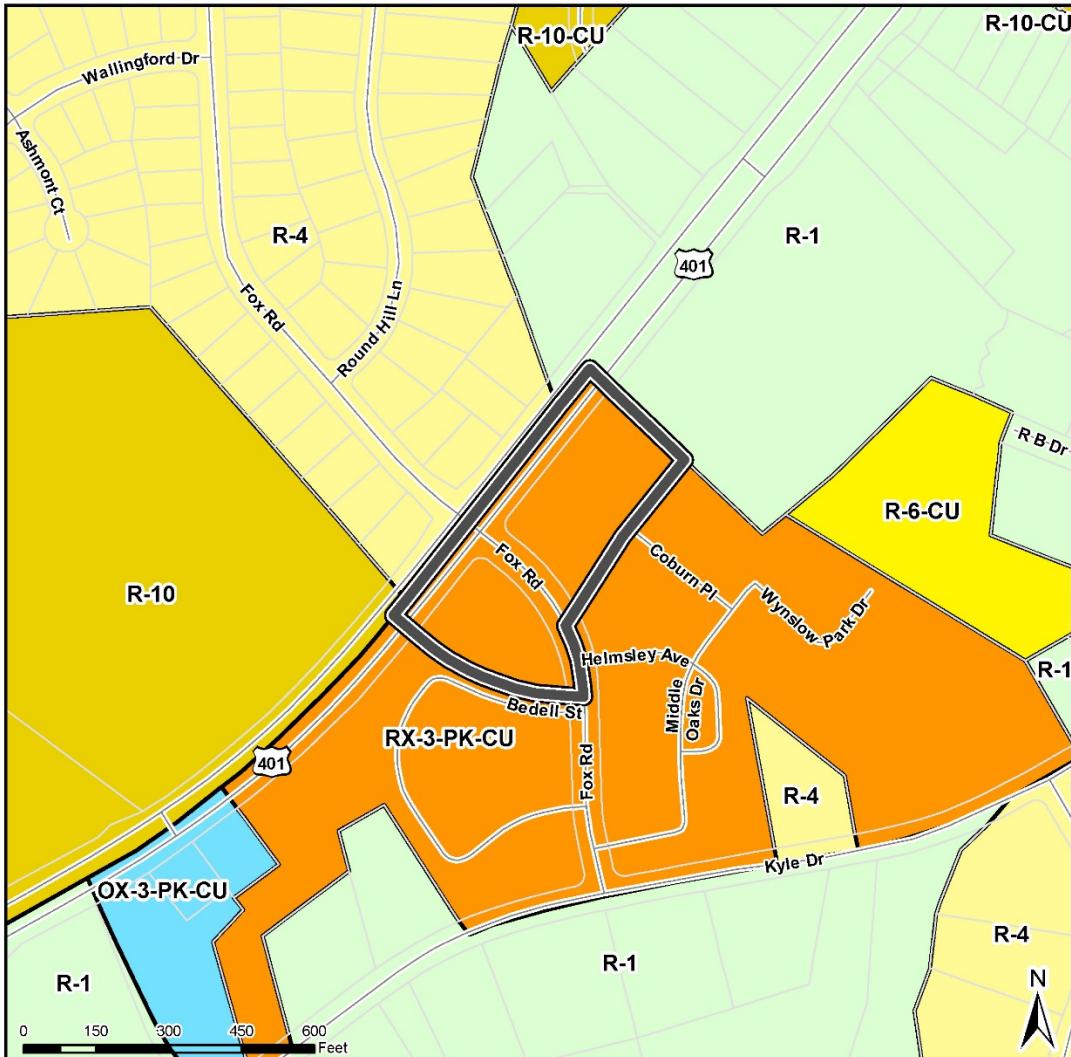
Louisburg Road is a Parkway Corridor on the Urban Form Map, which suggests a suburban approach to frontage. A frontage has not been included in the request.

OUTSTANDING ISSUES

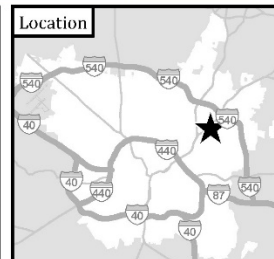
Outstanding Issues	1. None.	Suggested Mitigation	1. None.
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Existing Zoning

Z-19-2020



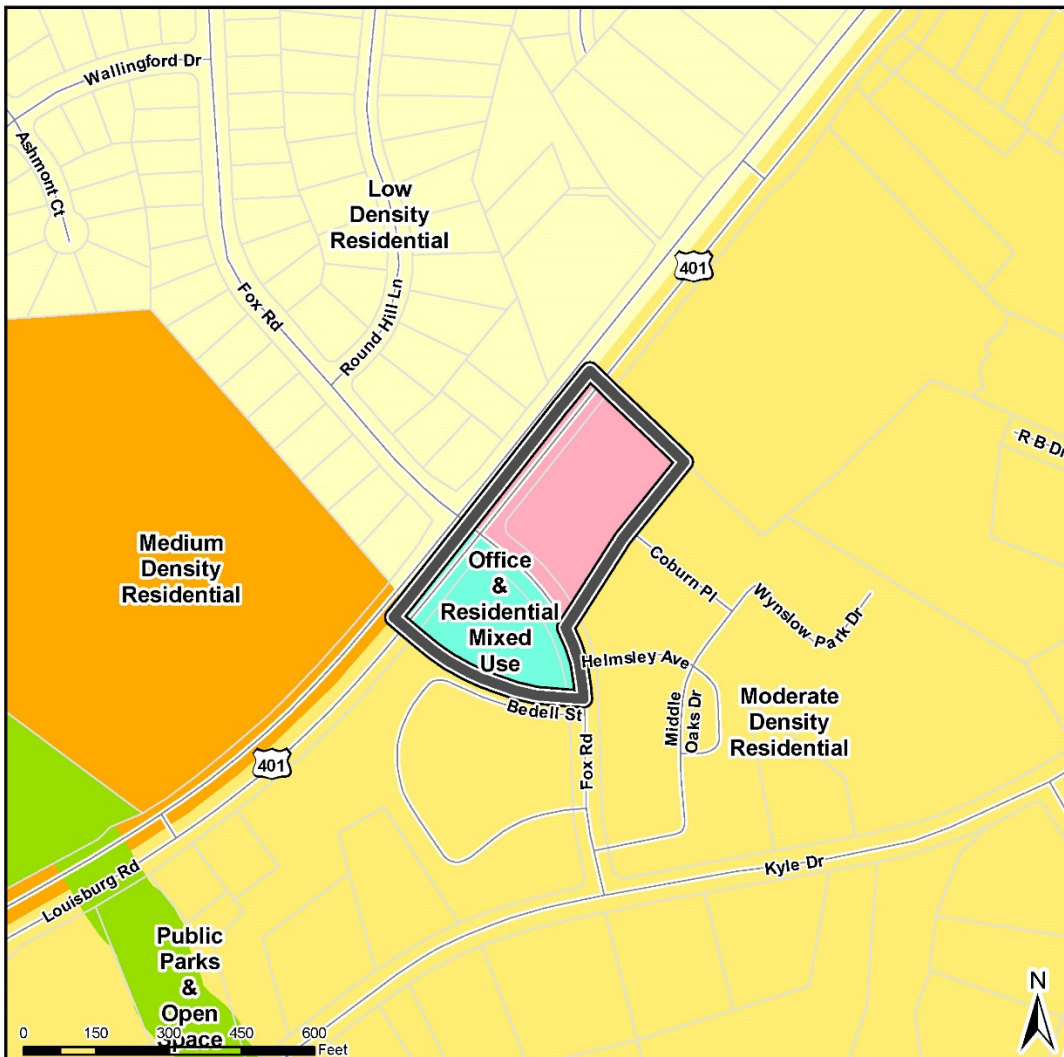
Property	4300 & 4301 Fox Rd
Size	2.95 acres
Existing Zoning	RX-3-PK-CU
Requested Zoning	NX-4-CU



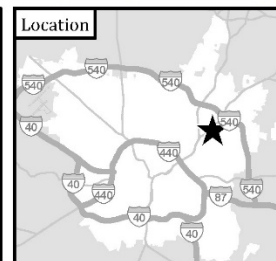
Map by Raleigh Department of City Planning (mansolf); 6/18/2020

Future Land Use

Z-19-2020



Property	4300 & 4301 Fox Rd
Size	2.95 acres
Existing Zoning	RX-3-PK-CU
Requested Zoning	NX-4-CU



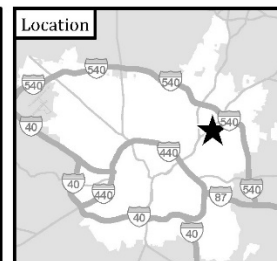
Map by Raleigh Department of City Planning (mansolf); 6/18/2020

Urban Form

Z-19-2020



Property	4300 & 4301 Fox Rd
Size	2.95 acres
Existing Zoning	RX-3-PK-CU
Requested Zoning	NX-4-CU



Map by Raleigh Department of City Planning (mansolf); 6/18/2020

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?

The request is consistent with the vision and themes in the Comprehensive Plan.

The request is consistent with the **Expanding Housing Choices** vision theme, which encourages expanding the supply of affordable housing. The request would permit up to 28 units per acre and permit townhouse and apartment building types on the entire site, which is a significant increase over the 4 units per acre permitted under the current zoning.

The request is consistent with the **Managing Our Growth** vision theme. This theme encourages integrated land uses and providing desirable spaces and places to live, work, and play. The request would permit a mixed use-development with commercial uses supporting new and nearby residential uses.

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

Partly. The northern parcel (4300 Fox Road) is classified as Neighborhood Mixed Use on the Future Land Use Map, which recommends the Neighborhood Mixed Use zoning district. The southern parcel (4301 Fox Road), however, is designated as Office & Residential Mixed Use, which recommends the Office Mixed Use zoning district. While some uses prohibited or limited in OX districts have been excluded via zoning condition, others such as personal service, eating establishment, retail, and fuel sales have not.

- 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?

The use can potentially be established without adversely altering the character of the area. The Louisburg Road corridor is generally characterized by a mix of uses ranging from detached houses to small-format retail to an anchor grocery. Additionally, immediately to the south is a three-story apartment complex with which neighborhood-serving commercial can be compatible.

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

Yes. Community facilities and streets appear to be sufficient to serve the proposed use.

Future Land Use

Future Land Use designation: Office & Residential Mixed Use, Neighborhood Mixed Use

The rezoning request is

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

☐ **Inconsistent**

The subject site is classified as Neighborhood Mixed Use and Office & Residential Mixed Use on the Future Land Use Map, which recommend the Neighborhood Mixed Use and Office Mixed Use zoning districts, respectively. Collectively, these designations point to moderate-intensity office and neighborhood-serving retail uses, which is consistent with the request for Neighborhood Mixed Use zoning. In addition, a proposed zoning condition prohibits some, though not all, of the more intense commercial uses permitted in NX districts to improve compatibility with the adjacent residential development. The recommended height for this location is three to four stories, which is consistent with the four-story request.

Urban Form

Urban Form designation: Parkway Corridor

The rezoning request is

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

☒ **Inconsistent**

Overview: The site is located on a Parkway Corridor, which suggests a suburban frontage, most likely Parkway (PK). The request does not include a frontage.

Impact: The Parkway frontage is intended to provide a heavily landscaped buffer between the roadway and adjacent development to ensure a continuous green corridor along the street right-of-way. The minimum setback in PK is 50 feet, which must be landscaped to SHOD-1 standards. Pedestrian access is required every 300 feet.

Compatibility: A proposed zoning condition requires a 15-foot wide landscaped area along Louisburg Road, and no setback increase above the 5-foot standard for NX districts. This is not comparable to the PK designation.

Compatibility

The proposed rezoning is

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

☐ **Incompatible.**

The request is generally compatible with the property and the surrounding area and can potentially be established without adversely impacting neighboring properties. Although the immediately adjacent use is residential, the permitted modest, neighborhood-oriented commercial development is appropriate at the edges of such areas. In addition, the request includes a condition which prohibits some of the commercial uses with the strongest negative impacts, namely bars and vehicle sales.

However, limiting other high-impact uses not mentioned in the zoning conditions, such as restaurants, retail, and gas stations, would enhance compatibility and mitigate potential adverse impacts further. As would enhanced buffering and transition requirements for the adjacent residential properties should uses such as these be built.

Public Benefits of the Proposed Rezoning

- The request will facilitate the infill development of vacant land that is compatible with the surrounding neighborhood character.
- The request could increase housing supply, and therefore improve affordability, in the area.

Detriments of the Proposed Rezoning

- The request would allow more intense commercial uses than envisioned by the Office & Residential Mixed Use FLUM category (namely standalone restaurants, standalone retail/personal service, and fuel sales) next to a residential development.

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.

- Overall, the request is consistent with the Future Land Use Map designations of Neighborhood Mixed Use and Office & Residential Mixed Use, which apply to neighborhood-oriented retail districts, and to mixes of residential and office use, respectively. However, limiting high-impact uses not mentioned in the zoning conditions, such as restaurants, retail, and gas stations, would improve consistency with the ORMU portion of the site.
- Although the request would permit more intense commercial uses than strictly envisioned on the Office & Residential Mixed Use half of the site, the request when viewed as a whole as applying to two corner lots at the intersection of a six-lane divided highway is still consistent with the FLUM.

Policy LU 7.1—Encouraging Nodal Development

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

- The location of the site at a street intersection with Louisburg Road is a more logical placement for commercial development when considering site access and curb cuts as compared to mid-block along the corridor. Additionally, new commercial uses on these two corner lots could serve the adjacent multi-family complex, potentially reducing vehicle trips.

Policy LU 7.4—Scale and Design of New Commercial Uses

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

Policy LU 8.12—Infill Compatibility

Vacant lots and infill sites within existing neighborhoods should be developed consistently with the design elements of adjacent structures, including height, setbacks, and massing through the use of zoning tools including Neighborhood Conservation Overlay Districts.

- A four-story building would not necessarily be incompatible with the surrounding context. Table LU-2 in the Comprehensive Plan recommends a maximum of four stories for an office mixed-use development, and three stories for a retail mixed-use development. Four stories would be comparable to the existing three-story apartment buildings.

Policy LU 8.10—Infill Development

Encourage infill development on vacant land within the city, particularly in areas where there are vacant lots that create “gaps” in the urban fabric and detract from the character of a commercial or residential street. Such development should complement the established character of the area and should not create sharp changes in the physical development pattern.

Policy LU 8.11—Development of Vacant Sites

Facilitate the development of vacant lots that have historically been difficult to develop due to infrastructure or access problems, inadequate lot dimensions, fragmented or absentee ownership, or other constraints. Explore lot consolidation, acquisition, and other measures that would address these.

- The subject site was included in a rezoning in 2000 that permitted the Wynslow Park Apartments, but has never itself been developed. The proposed rezoning would seek to renew site development activity by being more in-line with current market conditions.

Policy ED 1.2—Mixed-use Redevelopment

Promote mixed-use redevelopment strategies as a means of enhancing economic development in commercial corridors and creating transit- and pedestrian-friendly environments.

Policy ED 5.8—Supporting Retail Infill and Reinvestment

Ensure that land use patterns and zoning regulations support retail infill and do not push new retail to edge locations or promote the abandonment of existing retail centers.

- The request to permit commercial uses on the subject site is in keeping with the mixed-use character of the Louisburg Road corridor, which has mixed-use zoning districts ranging from OX-3 to CX-3.

Policy H 1.8—Zoning for Housing

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

- The rezoning request would increase the potential residential entitlement from 12 units to as much as 84 units, which would increase the availability and variety of housing stock in the area.

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

Policy LU 5.2—Managing Commercial Development Impacts

Manage new commercial development using zoning regulations and through the conditional use zoning and development review processes so that it does not result in unreasonable and unexpected traffic, parking, litter, shadow, view obstruction, odor, noise, and vibration impacts on surrounding residential areas.

Policy LU 7.5—High-impact Commercial Uses

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

Policy LU 10.3—Ancillary Retail Uses

Ancillary retail uses in residential and office developments located in areas designated High Density Residential, Office and Residential Mixed Use and Office/Research and Development should not be larger in size than appropriate to serve primarily the residents, employees, visitors, and patrons of the primary uses in the area; should preferably be located within a mixed-use building; and should be sited to minimize adverse traffic, noise, and visual impacts on adjoining residential areas.

- Although the request is for a NX zoning district, the proposed conditions limit some high-impact uses such bars and vehicle sales. However, other high-impact uses that are envisioned for the Neighborhood Mixed Use FLUM designation portion of the site but not the Office & Residential Mixed Use portion (namely standalone restaurants, standalone retail/personal service, and fuel sales) are not restricted. Additional use restrictions, restrictions on built character or operations, or some combination could enhance compatibility and mitigate potential adverse impacts further.

Policy UD 1.10—Frontage

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

- Both the Parkway Corridor urban form designations suggest a suburban frontage option. Many of the nearby properties with mixed-use zoning have a Parkway (PK). No frontage was included with this request, and the proposed conditions do not address all of the additional requirements that a PK frontage would bring.

HOUSING AFFORDABILITY & ENERGY EFFICIENCY ANALYSIS

Carbon Footprint: Transportation

	City Average	Site	Notes
Transit Score	30	0	There is no transit to speak of in the area.
Walk Score	30	24	The walk score for the site is slightly below the citywide 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: There is currently no existing transit service within walking distance of the site, and none is planned as part of the implementation of the Wake Transit Plan. Approval of the request would permit neighborhood-focused commercial uses, i.e. potential destinations, which would improve the local walkability.

Carbon/Energy Footprint: Housing

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

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

Summary: The proposed district would permit all possible housing types, including larger apartment buildings. Approval of this rezoning request would allow more energy-efficient housing units to be developed.

Housing Supply and Affordability

Does it add/subtract from the housing supply?	Adds	The potential residential entitlement will increase from 15 units to 84.
Does it include any subsidized units?	No	
Does it permit a variety of housing types beyond detached houses?	Yes	The proposed district would permit all possible housing types.
If not a mixed-use district, does it permit smaller lots than the average?*	N/A	The request is for a mixed-use district.
Is it within walking distance of transit?	No	There is currently no existing transit service within walking distance of the site.

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

Summary: The request would allow townhouse and apartment building types, which are generally more affordable than detached and attached units.

IMPACT ANALYSIS

Historic Resources

1. The site is not located within or adjacent to a National Register Historic District or Raleigh Historic Overlay District. It does not include any National Register individually-listed properties or Raleigh Historic Landmarks.
2. The site is adjacent to St. Matthews School, a designated Raleigh Historic Landmark and individually-listed National Register property.

Impact Identified: None.

Parks and Recreation

1. This site is not directly impacted by any existing or proposed greenway trails, corridors, or connectors.
2. Nearest existing park access is provided by Spring Forest Road Park (1.1 miles) and Marsh Creek Park (2 miles).
3. Nearest existing greenway trail access is provided by Spring Forest Greenway Trail (1.3 miles).
4. Current park access level of service in this area is graded a C letter grade.

Impact Identified: None.

Public Utilities

1. The proposed rezoning would add approximately 42,400 gpd to the wastewater collection and water distribution systems of the City.
2. There are existing sanitary sewer and water mains adjacent to the proposed rezoning area.
3. 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.
4. 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.

	Maximum Demand (current use)	Maximum Demand (current zoning)	Maximum Demand (proposed zoning)
Water	0	10,100	42,400
Waste Water	0	10,100	42,400

Impact Identified: None.

Stormwater

Floodplain	None
Drainage Basin	Beaverdam-E
Stormwater Management	Subject to stormwater regulations under Article 9 of UDO
Overlay District	None

Impact Identified: None.

Transit

1. The nearest transit service is on New Hope Church Road and Rolling Green Court, approximately one mile from the site.

Impact Identified: None.

Transportation

1. Location: The Z-19-20 site is in Northeast Raleigh at the intersection of Fox Road and Louisburg Road.
2. Area Plans: The Z-19-20 site is not located in an area with an adopted area plan (Map AP-1) in Comprehensive Plan.
3. Streets: Fox Road is designated at a 2-lane avenue, undivided in the Street Plan (Map T-1) in the Comprehensive Plan and is maintained by City of Raleigh. Louisburg Road designated as a 6-lane divided avenue and is maintained by NCDOT.

The Z-19-20 site is split by Fox Road and falls within two existing blocks. Existing block perimeter for the southern block, extending to Valley Stream Drive, site is approximately 5,275 feet. Development of land within this block is expected to improve the perimeter of this block. The northern block, extending to the intersection of Kyle Drive and Louisburg Road is approximately 8,800 feet. There are two existing streets stubbed within this block. Extension of R B Drive and/or Deah Way will break up this block into smaller blocks.

In accordance with UDO section 8.3.2, the maximum block perimeter for NX-4 zoning districts is 3,000 feet. The minimum site area for block perimeter standards to be in effect within NX-4 sites is 5 acres. The two parcels within the Z-19-20 site are both less than 5 acres.

4. **Pedestrian Facilities:** Sidewalks are complete on public streets near the site, except Fox Road is lacking a sidewalk on the north side between Louisburg Road and Kyle Drive. Frontage improvements, including sidewalks, are required for subdivision or site plan approval.
5. **Bicycle Facilities:** There are no existing bikeways near the Z-19-20 site. Fox Road and Kyle Drive are designated for bicycle lanes in the Long-Term Bike Plan (Map T-3 of the Comprehensive Plan); Louisburg Road is designated for a separated bikeway.
6. **Access:** Vehicle access to the subject site is via Fox Road. Vehicle access to Louisburg Road may be limited by NCDOT as well as city of Raleigh driveway spacing standards.
7. **Other Projects:** There is a City of Raleigh projects to fill in missing sidewalk gaps along Louisburg Road, between Fox Road and Perry Creek Road. It is currently in the right-of-way acquisition phase and is expected to be constructed in 2021.

There is also a City of Raleigh street improvement project on Fox Road, between Sumner Boulevard and Spring Forest Road. This project is currently under construction.

8. **TIA Determination:** Based on the Envision results, approval of case Z-19-20 would increase the amount of projected vehicular trips for the site as indicated in the table below. The proposed rezoning from RX-3-PK-CU to NX-4-CU is projected to have 86 new trips in the AM peak hour and 82 new trips in the PM peak hour. These values do not trigger a Traffic Impact Analysis based on the trip generation thresholds in the Raleigh Street Design Manual.

Z-19-20 Existing Land Use Vacant	Daily	AM	PM
	0	0	0
Z-19-20 Current Zoning Entitlements RX-3-PK-CU	Daily	AM	PM
	226	13	22
Z-19-20 Proposed Zoning Maximums NX-4-CU	Daily	AM	PM
	919	99	105
Z-19-20 Trip Volume Change (Proposed Maximums minus Current Entitlements)	Daily	AM	PM
	693	86	82

Impact Identified: None.

Urban Forestry

1. This rezoning will not impact the requirements of Urban Forestry.

Impact Identified: None.

Impacts Summary

The rezoning request is not anticipated to have major impacts on existing or planned infrastructure or services.

Mitigation of Impacts

No mitigation necessary.

CONCLUSION

This request is to rezone two parcels totaling approximately 2.95 acres from Residential Mixed Use-3 stories-Parkway-Conditional Use (RX-3-PK-CU) to Neighborhood Mixed Use-4 stories-Conditional Use (NX-4-CU). Proposed zoning conditions prohibit three uses otherwise allowed in NX districts, and require a 15-foot landscape buffer along Louisburg Road if a street protective yard is not provided.

The request is **consistent** with Comprehensive Plan overall; **consistent** with the Future Land Use Map; and **inconsistent** with the Urban Form Map.

The request is **consistent** with Comprehensive Plan policies regarding infill development, mixed-use development, and zoning for housing. The request is **inconsistent** with policies regarding the impact of certain commercial uses and frontages.

The request would support the Vision Themes of *Expanding Housing Choice* and *Managing Our Growth*.

CASE TIMELINE

Date	Action	Notes
6/15/2020	Submitted application	Application incomplete
7/31/2020	Submitted revised conditions	Application complete
8/8/2020	Planning Commission consent agenda	
10/13/2020	Planning Commission	

APPENDIX

SURROUNDING AREA LAND USE/ ZONING SUMMARY

SUBJECT PROPERTY		NORTH	SOUTH	EAST	WEST
Existing Zoning	RX-3-PK-CU	R-4	RX-3-PK-CU	R-1	RX-3-PK-CU
Additional Overlay	N/A	N/A	N/A	N/A	N/A
Future Land Use	Neighborhood Mixed Use; Office & Residential Mixed Use	Low Density Residential	Moderate Density Residential	Moderate Density Residential	Moderate Density Residential
Current Land Use	Vacant	Detached dwellings	Apartments	Church	Apartments
Urban Form	Parkway Corridor	Parkway Corridor	N/A	Parkway Corridor	Parkway Corridor

CURRENT VS. PROPOSED ZONING SUMMARY

	EXISTING ZONING	PROPOSED ZONING
Zoning	RX-3-PK-CU	NX-4-CU
Total Acreage	2.95	2.94
Setbacks:	(apartment building)	(mixed use building)
Front	5'	5'
Side (street / lot)	25' / 0' or 6'	3' / 0' or 6'
Rear	0' or 6'	0' or 6'
Residential Density:	4.07	28.47
Max. # of Residential Units	12	84
Max. Gross Building SF	20,600 (res. + retail)	98,955 (res. only)
Max. Gross Office SF	-	76,943 (office only)
Max. Gross Retail SF	8,000	39,973 (retail only)
Max. Gross Industrial SF	-	-
Potential F.A.R	0.16	0.77

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

CONDITIONAL USE DISTRICT ZONING CONDITIONS

Zoning Case Number **REZN-0019-2020**Date Submitted **10-14-20**Existing Zoning **RX-3-PK-CU** Proposed Zoning **NX-4-CU**

OFFICE USE ONLY

Rezoning Case #

Narrative of Zoning Conditions Offered

1. The following principal uses, if otherwise allowed in the NX district, shall be prohibited uses on the Property: bar, nightclub, tavern, lounge; vehicle sales/rental; detention center, jail, prison.

2. When a Street Protective Yard is not provided, an area having an average width of fifteen (15) feet along the Louisburg Road frontage of the property shall be landscaped with a minimum of four (4) shade trees and fifteen (15) shrubs per 100 lineal feet. Nothing in this condition shall be deemed as requiring the provision of a Street Protective Yard.

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.

DocuSigned by:

Property Owner(s) Signature

*Stephen F. Kenney*Print Name Stephen F. Kenney

7781094C52B8450...

RECEIVED**By Ira Mabel at 10:50 am, Oct 16, 2020**

Rezoning Application



RALEIGH
DEPARTMENT OF
CITY PLANNING



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

REZONING REQUEST			
<input type="checkbox"/> General Use <input checked="" type="checkbox"/> Conditional Use <input type="checkbox"/> Master Plan Existing Zoning Base District RX Height 3 Frontage PK Overlay(s) _____ Proposed Zoning Base District NX Height 4 Frontage _____ Overlay(s) _____ Click here to view the Zoning Map. Search for the address to be rezoned, then turn on the 'Zoning' and 'Overlay' layers.			OFFICE USE ONLY Rezoning Case # _____
If the property has been previously rezoned, provide the rezoning case number: Z-26-00			
GENERAL INFORMATION			
Date	Date Amended (1)	Date Amended (2)	
Property Address 4300 & 4301 Fox Rd.			
Property PIN 1726947046 and 1726935704		Deed Reference (book/page) 10806 / 2070	
Nearest Intersection Louisburg Rd. and Fox Rd.			
Property Size (acres) 2.95 acres	For Planned Development Applications Only:	Total Units	Total Square Footage
		Total Parcels	Total Buildings
Property Owner Name/Address Tiger Paw Ventures LLC 701 Exposition Pl., Ste. 101 Raleigh, NC 27615-3356		Phone	Fax
		Email	
Applicant Name/Address Lacy Reaves/Toby Coleman Smith Anderson 150 Fayetteville St., Ste. 2300 Raleigh, NC 27601		Phone 919-821-6778	Fax
		Email tcoleman@smithlaw.com	
Applicant* Signature(s) Stephen F. Kenney <small>DocuSigned by: 7781094C52B8450...</small>		Email	

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

RECEIVED

By JP Mansolf at 10:58 am, Jun 02, 2020

REZONING APPLICATION ADDENDUM #1	
Comprehensive Plan Analysis	OFFICE USE ONLY Rezoning Case #
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.	
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.	
<p>1. The request is for Neighborhood Mixed Use Zoning. About 60% of the subject site is classified as Neighborhood Mixed Use on the Future Land Use Map. (The remaining 40% of the site is classified as Office & Residential Mixed Use on the Future Land Use Map.) The primary corresponding zoning district for Neighborhood Mixed Use is NX.</p> <p>2. The request prohibits some of the more intense uses permitted in NX that are not permitted in OX, thereby ensuring that the NX zoning is compatible with both the Neighborhood Mixed Use and Office & Residential Mixed Use designations.</p> <p>3. Table LU-2 Recommended Height Designations recommends a maximum building height of 4 stories.</p> <p>4. The Urban Form Map identifies the site as being located along a Parkway Corridor (Louisburg Road), which recommends a suburban approach to frontage. The Comprehensive Plan provides that the suburban approach to frontage "emphasizes streetyard landscaping." The proposed conditions associated with the requested NX-4-CU would yield significant landscaped frontage.</p> <p>5. The request is consistent with the following policies contained within the 2030 Comprehensive Plan: LU 1.2 (Future Land Use Map and Zoning Consistency), LU 1.3 (Conditional Use District Consistency), LU 2.2 (Compact Development), LU 2.6 (Zoning and Infrastructure Impacts), LU 5.2 (Managing Commercial Development Impacts), LU 5.4 (Density Transitions), LU 5.5 (Transitional and Buffer Zone Districts), LU 7.5 (High-Impact Commercial Uses), LU 8.1 (Housing Variety), LU 8.10 (Infill Development), ED 2.1 (Neighborhood Reinvestment), H 1.8 (Zoning for Housing).</p>	
PUBLIC BENEFITS	
Provide brief statements explaining how the rezoning request is reasonable and in the public interest.	
<p>1. The proposed site lies within an Economic Development Priority Area. This designation refers to an underperforming area identified by the City of Raleigh that could benefit from economic development opportunities. The proposed rezoning could spur further investment and development in this area of the City.</p> <p>2. The request could provide greater housing choice and, by increasing supply, improve housing affordability.</p> <p>3. The request would add to a planned mixed-use area, proving employment, retail, and housing proximate to residential uses and other synergistic commercial uses.</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.

No historical resources on this Property.

PROPOSED MITIGATION

Provide brief statements describing actions that will be taken to mitigate all negative impacts listed above.

Not applicable.

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:</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:</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:</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:</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:</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:</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:</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:</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:</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:</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:</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:</p>

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

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:</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:</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:</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:</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:</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:</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:</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 checked="" type="checkbox"/>	<input 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 type="checkbox"/>			
2. Total number of units and square feet	<input type="checkbox"/>	<input type="checkbox"/>			
3. 12 sets of plans	<input type="checkbox"/>	<input type="checkbox"/>			
4. Completed application; submitted through Permit & Development Portal	<input type="checkbox"/>	<input type="checkbox"/>			
5. Vicinity Map	<input type="checkbox"/>	<input type="checkbox"/>			
6. Existing Conditions Map	<input type="checkbox"/>	<input type="checkbox"/>			
7. Street and Block Layout Plan	<input type="checkbox"/>	<input type="checkbox"/>			
8. General Layout Map/Height and Frontage Map	<input type="checkbox"/>	<input type="checkbox"/>			
9. Description of Modification to Standards, 12 sets	<input type="checkbox"/>	<input type="checkbox"/>			
10. Development Plan (location of building types)	<input type="checkbox"/>	<input type="checkbox"/>			
11. Pedestrian Circulation Plan	<input type="checkbox"/>	<input type="checkbox"/>			
12. Parking Plan	<input type="checkbox"/>	<input type="checkbox"/>			
13. Open Space Plan	<input type="checkbox"/>	<input type="checkbox"/>			
14. Tree Conservation Plan (if site is 2 acres or more)	<input type="checkbox"/>	<input type="checkbox"/>			
15. Major Utilities Plan/Utilities Service Plan	<input type="checkbox"/>	<input type="checkbox"/>			
16. Generalized Stormwater Plan	<input type="checkbox"/>	<input type="checkbox"/>			
17. Phasing Plan	<input type="checkbox"/>	<input type="checkbox"/>			
18. Three-Dimensional Model/renderings	<input type="checkbox"/>	<input type="checkbox"/>			
19. Common Signage Plan	<input type="checkbox"/>	<input type="checkbox"/>			

**SMITH, ANDERSON, BLOUNT,
DORSETT, MITCHELL & JERNIGAN, L.L.P.**

LAWYERS

OFFICES
Wells Fargo Capitol Center
150 Fayetteville Street, Suite 2300
Raleigh, North Carolina 27601

TOBY R. COLEMAN
DIRECT DIAL: (919) 821-6778
E-Mail: tcoleman@smithlaw.com

MAILING ADDRESS
P.O. Box 2611
Raleigh, North Carolina
27602-2611

TELEPHONE: (919) 821-1220
FACSIMILE: (919) 821-6800

May 7, 2020

Re: Notice of neighborhood meeting to discuss potential rezoning of land located at 4300 Fox Road, Raleigh, NC 27616 (PIN: 1726947046) and 4301 Fox Road, Raleigh, NC 27616 (PIN: 1726935704)(collectively, the "Property")

Dear Neighboring Property Owners:

We are writing to invite you to a Neighborhood Meeting to discuss a potential rezoning of the Property. The neighborhood meeting will be held on May 21, 2020 at 5p.m. The meeting will be held virtually. You can participate online or listen by telephone.

To participate online, please visit:

attendee.gotowebinar.com/register/4167048320932544779

OR

bit.ly/FoxRoadRezoning

To listen via telephone, please call:

1 (213) 929-4212

Access Code: 246-997-781

The Property is currently zoned Residential Mixed Use with a maximum height of 3 stories and parkway frontage ("RX-3-PK"). At the Neighborhood Meeting, we will discuss the potential to rezone the Property to Neighborhood Mixed Use with a maximum height of four stories and parking limited frontage ("NX-4-PL").

The rezoning is being proposed by the Property's current owner, Kenney Companies, a Raleigh-based, family-owned company with a strong history of developing high-quality apartment communities in the Triangle. Kenney Companies owns and operates the Wynslow Park Apartment Homes that adjoin the Property. Kenney Companies plans to build apartment communities consistent with Wynslow Park on the Property, and is seeking the rezoning as part of its efforts to

SMITH, ANDERSON, BLOUNT, DORSETT, MITCHELL & JERNIGAN, L.L.P.

develop on the Property. The rezoning is necessary to allow the Property to be developed as part of Wynslow Park.

As reflected on the attached map, the Property encompasses about 2.95 acres on the eastern side of Louisburg Road's intersection with Fox Road. The property is currently vacant.

At the Neighborhood Meeting, we will also discuss potential zoning conditions for the development of the Property. As reflected in the enclosed draft rezoning application, Kenney Companies will be offering up zoning conditions that impose additional restrictions and requirements on the Property, including a requirement that a landscaped buffer be installed along the Property's frontage with Louisburg Road.

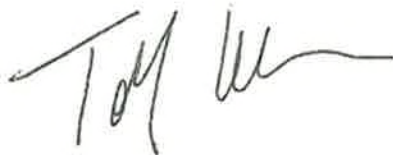
Prior to the submittal of any rezoning application, the City of Raleigh requires that a neighborhood meeting be held for all property owners within 500 feet of the property requested for rezoning. After the meeting, we will prepare a report for the Raleigh Planning Department regarding the items discussed at the meeting.

Information about the rezoning process is available online; visit www.raleighnc.gov and search for "Rezoning Process." If you have further questions about the rezoning process, please contact:

JP Mansolf
Raleigh Planning & Development
(919) 996-2180
JP.Mansolf@raleighnc.gov

If you have any concerns or questions about this potential rezoning, please do not hesitate to contact me. I can be reached via my office phone number at (919) 821-6778. My email address is tcoleman@smithlaw.com.

Sincerely,

A handwritten signature in black ink, appearing to read 'Toby R. Coleman', with a stylized flourish at the end.

Toby R. Coleman

enclosures

SUMMARY OF ISSUES

A neighborhood meeting was held on May 21, 2020 (date) to discuss a potential rezoning located at 4300 and 4301 Fox Rd. (property address).
 The neighborhood meeting was held at GoToWebinar (virtual meeting) (location).
 There were approximately 2 (number) neighbors in attendance. The general issues discussed were:

Summary of Issues:

Will traffic lights be added as a result of the proposed project--development team answered no new traffic lights are proposed

Concern about increased traffic as a result of rezoning.

Note: 2 City employees and 7 members of the development team attended the Neighborhood Meeting.

Registration Report

General Information

Webinar Name

Virtual Neighborhood Meeting: 4300 & 4301 Fox Road Rezoning

Scheduled Start Date

05/21/2020

Scheduled Start Time

05:00:00 PM EDT

Scheduled Duration (minutes)

120

Registrants

First Name

Donald
J
Jere
John
Jeffery
Stephen
David
Tyler
Steve
Rob (Smith Anderson)
Toby

GoToWebinar

Webinar ID

590-211-347

Registered

13

Opened Invitation

10

Clicked Registration Link

18

Last Name

Belk
Boyd
Buch
Anagnost
Chapman
Kenney
Lasley
Morris
Kenney
Baker
Coleman

Address

PO Box 590

3922 Bending Birch Drive
One Exchange Plaza
202 tuftin Drive

8522-204 Six Forks Road
3900 Merton Dr Ste 215

City

Raleigh
Raleigh
Raleigh
Raleigh
Durham

Raleigh
Raleigh

**SMITH, ANDERSON, BLOUNT,
DORSETT, MITCHELL & JERNIGAN, L.L.P.**

LAWYERS

OFFICES
Wells Fargo Capitol Center
150 Fayetteville Street, Suite 2300
Raleigh, North Carolina 27601

TOBY R. COLEMAN
DIRECT DIAL: (919) 821-6778
E-Mail: tcoleman@smithlaw.com

July 30, 2020

MAILING ADDRESS
P.O. Box 2611
Raleigh, North Carolina
27602-2611
TELEPHONE: (919) 821-1220
FACSIMILE: (919) 821-6800

Re: Notice of neighborhood meeting to discuss proposed rezoning Z-19-20 of land located at 4300 Fox Road, Raleigh, NC 27616 (PIN: 1726947046) and 4301 Fox Road, Raleigh, NC 27616 (PIN: 1726935704)(collectively, the "Property")

Dear Neighboring Property Owners:

We are writing to invite you to a Neighborhood Meeting to discuss proposed rezoning of the Property (Z-19-20). The neighborhood meeting will be held on August 11, 2020 at 5p.m. The meeting will be held virtually. You can participate online or listen by telephone.

To participate online, please visit:

attendee.gotowebinar.com/register/1546474508124000528

OR

<https://bit.ly/43004301FoxRdRezoning>

To listen via telephone, please call:

888-363-9082

Access Code: 3204260#

The Property is currently zoned Residential Mixed Use with a maximum height of 3 stories and parkway frontage ("RX-3-PK"). At the Neighborhood Meeting, we will discuss pending Rezoning Z-19-20, which seeks to rezone the Property to Neighborhood Mixed Use with a maximum height of four stories and parking limited frontage ("NX-4-PL").

The rezoning is being proposed by the Property's current owner, Kenney Companies, a Raleigh-based, family-owned company with a strong history of developing high-quality apartment communities in the Triangle. Kenney Companies owns and operates the Wynslow Park Apartment Homes that adjoin the Property. Kenney Companies plans to build apartment communities consistent with Wynslow Park on

the Property, and is seeking the rezoning as part of its efforts to develop on the Property. The rezoning is necessary to allow the Property to be developed as part of Wynslow Park.

As reflected on the attached map, the Property encompasses about 2.95 acres on the eastern side of Louisburg Road's intersection with Fox Road. The property is currently vacant.

At the Neighborhood Meeting, we will also discuss proposed zoning conditions for the development of the Property. As reflected in the enclosed rezoning application, Kenney Companies is offering up zoning conditions that impose additional restrictions and requirements on the Property, including a requirement that a landscaped buffer be installed along the Property's frontage with Louisburg Road.

Prior to consideration of the rezoning application by the Raleigh Planning Commission, the City of Raleigh requires that a neighborhood meeting be held for all property owners within 1,000 feet of the property requested for rezoning. After the meeting, we will prepare a report for the Raleigh Planning Department and the Raleigh Planning Commission regarding the items discussed at the meeting.

Information about the rezoning process is available online; visit www.raleighnc.gov and search for "Rezoning Process." If you have further questions about the rezoning process, please contact:

Ira Mabel
Raleigh Planning & Development
(919) 996-2652
ira.mabel@raleighnc.gov

If you have any concerns or questions about this potential rezoning, please do not hesitate to contact me. I can be reached via my office phone number at (919) 821-6778. My email address is tcoleman@smithlaw.com.

Sincerely,

A handwritten signature in black ink, appearing to read 'Toby R. Coleman', with a stylized flourish at the end.

Toby R. Coleman

enclosures

SUMMARY OF ISSUES

A neighborhood meeting was held on _____(date) to discuss a potential rezoning located at _____(property address).
The neighborhood meeting was held at _____(location).
There were approximately _____(number) neighbors in attendance. The general issues discussed were:

Summary of Issues:

Registration Report

General Information

Webinar Name

Virtual Neighborhood Meeting: 4300 & 4301 Fox Road Rezoning

Scheduled Start Date

08/11/2020

Scheduled Start Time

05:00:00 PM EDT

Scheduled Duration (minutes)

120

Registrants

First Name

Ira

Steve

Tyler

David

Rob

Toby

Stephen

Phone

GoToWebinar

Webinar ID

251-965-691

Last Name

Mabel

Kenney

Morris

Lasley

Baker

Coleman

Kenney

Users

Email

ira.mabel@raleighnc.gov

sk53@kenneyproperties.com

tmorris@ccrdu.com

david@piedmontlanddesign.com

rbaker@smithlaw.com

tcoleman@smithlaw.com

sakenney@kenneyrealtyservices.com

trcoleman77@hotmail.com

Registration Date

08/11/2020 04:54 PM EDT

08/11/2020 04:44 PM EDT

08/11/2020 04:41 PM EDT

08/11/2020 04:35 PM EDT

08/11/2020 04:32 PM EDT

08/11/2020 04:08 PM EDT

08/11/2020 03:59 PM EDT

07/28/2020 09:41 AM EDT

Address

3900 Merton dr

City

Raleigh



Pre-Application Conference

Meeting Record

Department of City Planning | One Exchange Plaza, Suite 300 | (919) 996-2682

Meeting Date: 4-3-20	
Attendees: John Anagnost, Matt Klem, JP Mansolf, Collette Kinane, David Lasley, Steve Kenney, Toby Coleman, Chris Pope,	
Site Address/PIN: 4200, 4201, 4300, 4301 Fox Road	
Current Zoning/Designation: RX-3-PK-CU	
Proposed Zoning/Designation: RX-3-PL-CU, modifications to conditions	
City Council District: B (David Cox)	
Notes: Expansion of existing apartment buildings. Looking to increase number of apartment units allowed, by another 75-80 units. Main reason for rezoning would be modifying frontage to Parking Limited Frontage. Haven't talked to Council members or neighbors yet. Would be sticking with 3 story height limit. From a policy standpoint, rezoning outparcels would not bring in the other parcel into the analysis. Policy doesn't discourage commercial uses. OX has standards for limiting commercial uses. OX for both give full residential component with flexibility for some commercial uses. In terms of height, 4 stories would be consistent with height guidance. More height could give more flexibility in layout. A condition to guarantee some kind of higher level of planting along Louisburg would be more consistent. Virtual neighborhood meeting guidance is forthcoming.	
Department & Staff	Notes
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Historic Preservation <input type="checkbox"/> Collette Kinane Collette.Kinane@raleighnc.gov 919-996-2649	

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