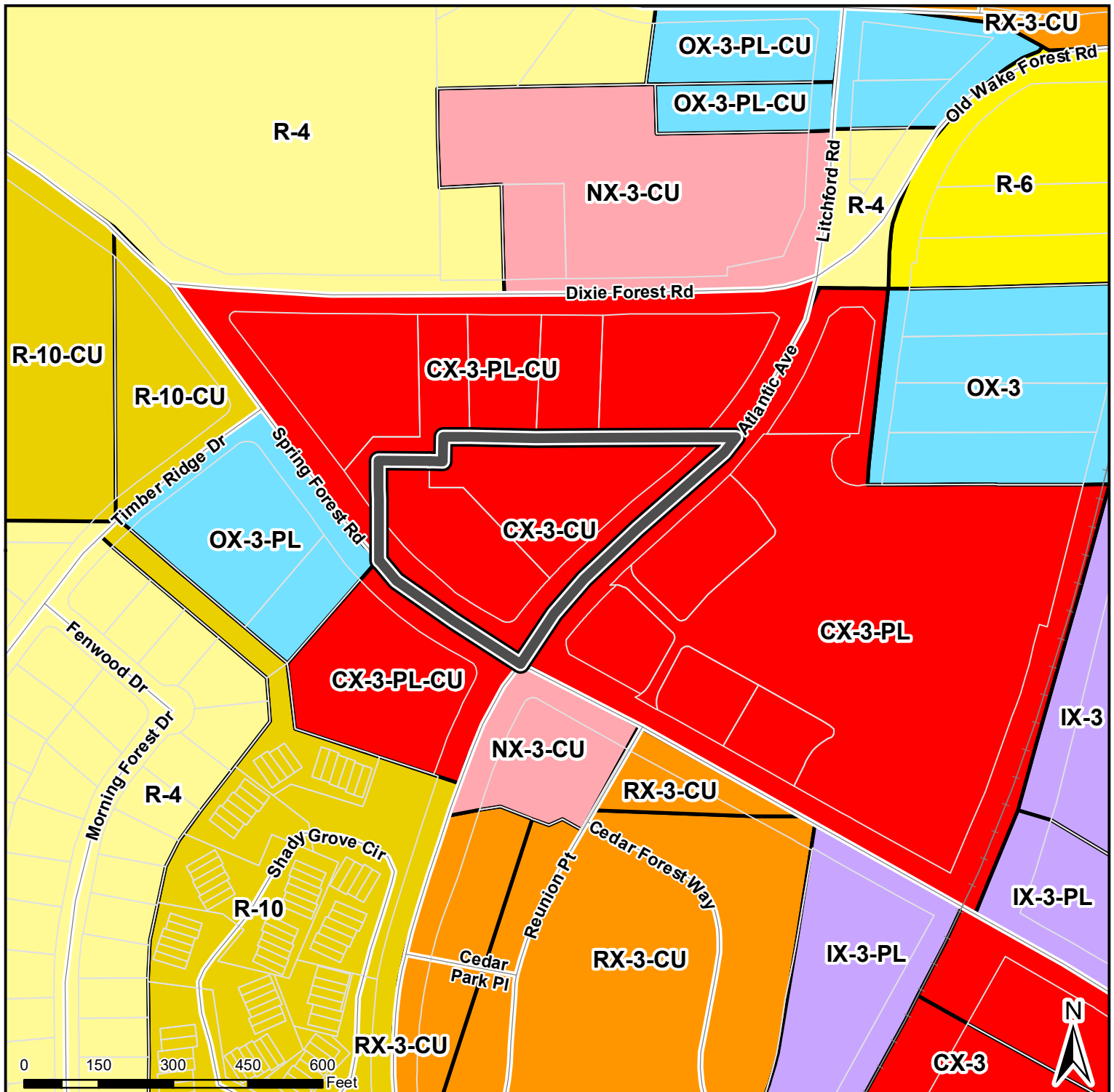


# Existing Zoning

# TCZ-2-2021



<b>Property</b>	5601 & 5621 Atlantic Ave
<b>Size</b>	3.24 acres
<b>Existing Zoning</b>	CX-3-CU
<b>Requested Zoning</b>	CX-3-CU (Amend Zoning Conditions)



To	Marchell Adams-David, City Manager
Thru	Patrick O. Young, AICP, Director
From	Carmen Kuan, Planner
Department	Planning and Development
Date	July 20, 2021
Subject	City Council agenda item for August 17, 2021 – Z-22-21 (TCZ-2-21) Atlantic Ave

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On July 6, 2021, City Council authorized the public hearing for the following item:

**Z-22-21 (TCZ-2-21) Atlantic Avenue**, approximately 3.16 acres located at 5601 and 5621 Atlantic Avenue.

Signed zoning conditions provided on June 25, 2021 would increase the maximum gross floor area for Commercial and Industrial land uses from 14,900 to 20,000 square feet. This increase of 5,100 square feet is approximate of one additional standard retail suite. The proposed conditions also prohibit the construction of new parking spaces between buildings and the street along Spring Forest Road and Atlantic Avenue.

**Current zoning:** Commercial Mixed Use – 3 Stories – Conditional Use (CX-3-CU)

**Requested zoning:** Commercial Mixed Use – 3 Stories – Conditional Use (CX-3-CU), amended conditions

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

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

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

The Planning Commission recommends approval of the request (7 - 0).

Attached are the final, signed zoning conditions, Planning Commission Certified Recommendation (including Staff Report), the Petition for Rezoning, and the Neighborhood Meeting Report.

Conditional Use District Zoning Conditions		
Zoning case #: Z-22-21	Date submitted: 4/27/21	<b>OFFICE USE ONLY</b> Rezoning case #
Existing zoning: CX-3-CU	Proposed zoning: CX-3-CU	

Narrative of Zoning Conditions Offered
<p>1. Development on the property shall be limited to a maximum of 20,000 square feet gross floor area of Commercial and Industrial land uses, as those principal uses are set forth in Table 6.1.4 "Allowed Principal Use Table", and as subject to the list of prohibited uses in Condition 4 of this zoning ordinance. No other uses shall be permitted on the rezoned land. Prior to recordation of a subdivision plat or the issuance of a building permit, whichever shall first occur, the owner of the property shall cause to be recorded in the Wake County Registry a restrictive covenant that allocates among the lots of record comprising the property the Commercial land use floor area permitted by this rezoning ordinance. Such restrictive covenant shall be approved by the City Attorney or his designee prior to recordation of the restrictive covenant. Such restrictive covenant shall provide that it may be amended or terminated only with the prior written consent of the City Attorney or his designee.</p> <p>2. Prior to recordation of a subdivision plat or issuance of a building permit for new development, two transit easements shall be deeded to the City and recorded in the Wake County Registry – one along Spring Forest Road and one along Atlantic Avenue. Prior to recordation of each transit easement, the dimensions (not to exceed 15 feet in depth or 20 feet in width) and location of each easement shall be approved by the Public Works Department and each easement document approved by the City Attorney's office. If, prior to issuance of the first building permit for new development, the Public Works Department requests installation of a shelter within one or both of the transit easement areas, an ADA accessible shelter shall be constructed prior to the first certificate of occupancy, with construction plans approved by the Public Works Department.</p> <p>3. Parking spaces constructed after the effective date of the ordinance for Zoning Case No. Z-22-21/TCZ-2-21 shall not be located between the buildings and the street along Spring Forest Rd. and Atlantic Ave.</p> <p>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.</p> <p>5. Low profile ground signs and medium profile ground signs are permitted. The maximum size of a medium profile ground sign is 7 feet in height and 85 square feet in area. High profile ground signs are prohibited.</p>

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

Property Owner(s) Signature:  EE2AA9A210B24EF...

Printed Name: YOUNG LIN

**RECEIVED**

By Carmen Kuan at 4:43 pm, Jun 24, 2021



# RALEIGH PLANNING COMMISSION CERTIFIED RECOMMENDATION

CR#13033

## CASE INFORMATION: Z-22-21 / TCZ-2-21 5601, 5621 ATLANTIC AVE

Location	North of the intersection of Atlantic Avenue and Spring Forest Road  Address: 5601 and 5621 Atlantic Avenue  PINs: 1716882877 and 1716884968  <a href="#">iMaps</a> , <a href="#">Google Maps</a> , <a href="#">Directions from City Hall</a>
Current Zoning	CX-3-CU
Requested Zoning	CX-3-CU (amended conditions)
Area of Request	3.16 acres
Corporate Limits	The subject site is inside Raleigh corporate limits.
Property Owner	Lins Capital LLC and Lin's Holding LLC
Applicant	Jennifer Ashton, Longleaf Law Partners
Council District	District A
PC Recommendation Deadline	September 20, 2021

## SUMMARY OF PROPOSED CONDITIONS

1. Not applicable – Proposal to amend existing conditions (Z-15-15).

## COMPREHENSIVE PLAN GUIDANCE

Future Land Use	Community Mixed Use
Urban Form	None identified.
Consistent Policies	Policy LU 1.2 Future Land Use Map and Zoning Consistency Policy LU 7.1 Encouraging Nodal Development Policy LU 7.6 Pedestrian-friendly Development
Inconsistent Policies	None identified.

## 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
March 24, 2021; 0 attendees	N/A	June 22, 2021	

## 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 consistent with Comprehensive Plan policies concerning Future Land Use Map consistency, nodal development along major corridors, and pedestrian-friendly development.
Change(s) in Circumstances	N/A
Amendments to the Comprehensive Plan	N/A
Recommendation	The Planning Commission recommends approval of Z-22-21/TCZ-2-21.
Motion and Vote	Motion: Rains Second: McIntosh In Favor: Bennett, Elder, Lampman, Mann, McIntosh, Miller, and Rains
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: June 22, 2021

Staff Coordinator: Carmen Kuan (919) 996-2235; [Carmen.Kuan@raleighnc.gov](mailto:Carmen.Kuan@raleighnc.gov)



# ZONING STAFF REPORT – CASE Z-22-21

## Conditional Use District

### OVERVIEW

The rezoning request is to amend zoning conditions associated with Z-15-15. The amended conditions would increase the allowable square footage of commercial or industrial gross floor area from 14,900 square feet to 20,000 square feet. This would allow for the addition of approximately one additional retail suite. Other amended conditions would prohibit the construction of parking spaces between buildings and public streets adjacent to the subject properties. This condition mimics an urban frontage designation, although there is no Urban Form designation for the subject properties. The streets adjacent to the subject properties are Spring Forest Road and Atlantic Avenue.

The subject properties are located north of the Spring Forest Road and Atlantic Avenue intersection. The properties are zoned Commercial Mixed Use- 3 stories height limit- with conditions (CX-3-CU). Directly to the north are existing commercial uses, including restaurant and vehicle service uses, zoned Commercial Mixed Use- 3 stories- with Parking Limited frontage and conditions (CX-3-PL-CU). Properties across Atlantic Avenue to the east include a shopping center and various retail, zoned Commercial Mixed Use- 3 stories- with Parking Limited frontage (CX-3-PL). The property to the south on the opposite corner of the intersection includes vehicle fuel sales, zoned NX-3-CU. Properties to the west across Spring Forest Road include a mix of office and commercial uses, zoned OX-3-PL and CX-3-PL-CU. Millbrook High School is an 8-minute walk northwest along Spring Forest Road. Millbrook Exchange Park is another public facility in the area located next to Millbrook High School.

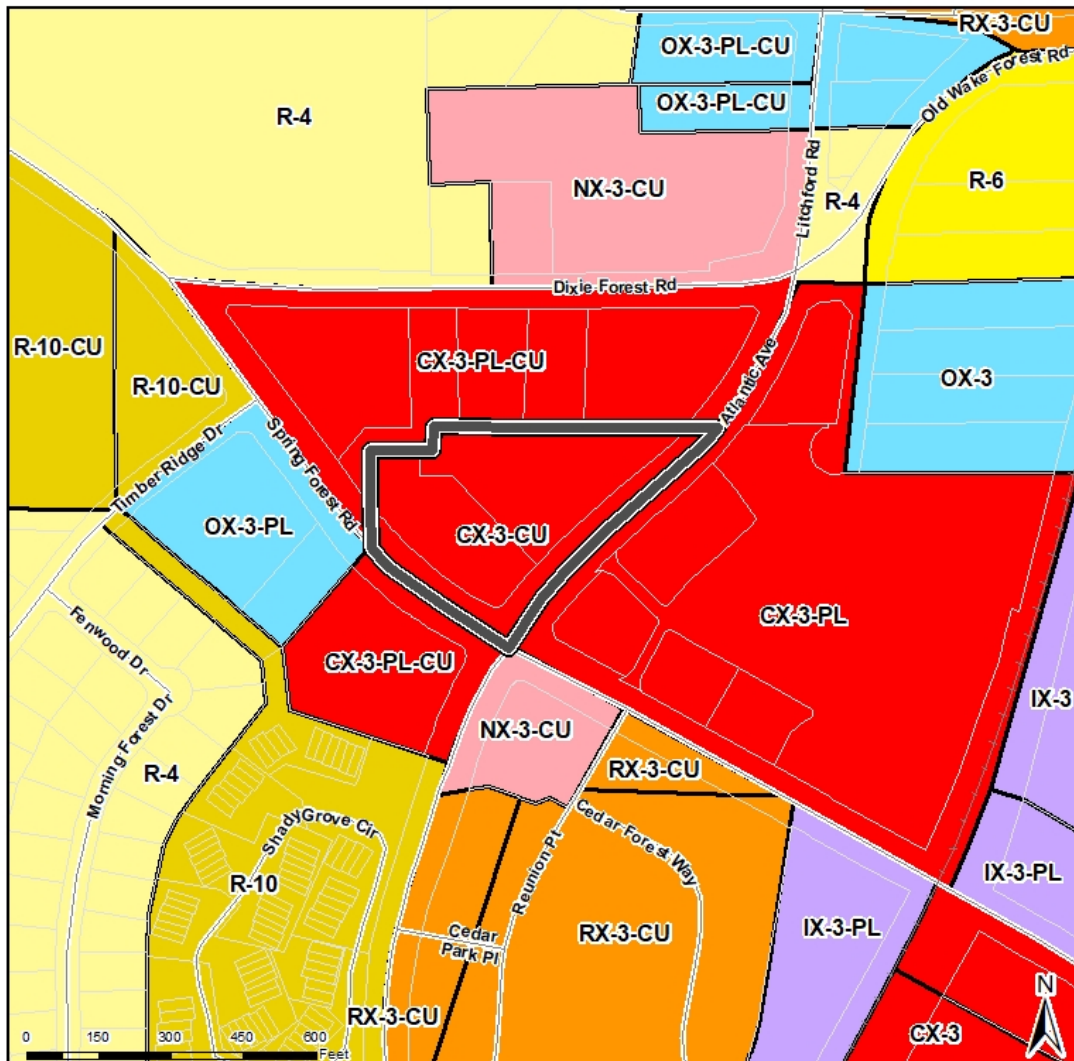
One of the subject properties, 5621 Atlantic Avenue, has an existing multi-tenant commercial building. The other subject property at 5601 Atlantic Avenue is currently vacant. The rezoning site is designated as Community Mixed Use on the Future Land Use Map. All surrounding properties directly to the north, east, south, and west are also designated as Community Mixed Use.

### OUTSTANDING ISSUES

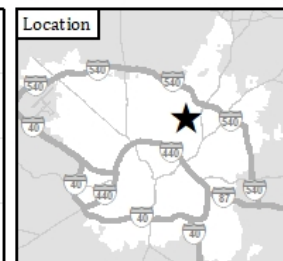
Outstanding Issues	1. None	Suggested Mitigation	1. N/A
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# Existing Zoning

# TCZ-2-2021



<b>Property</b>	5601 & 5621 Atlantic Ave
<b>Size</b>	3.24 acres
<b>Existing Zoning</b>	CX-3-CU
<b>Requested Zoning</b>	CX-3-CU (Amend Zoning Conditions)

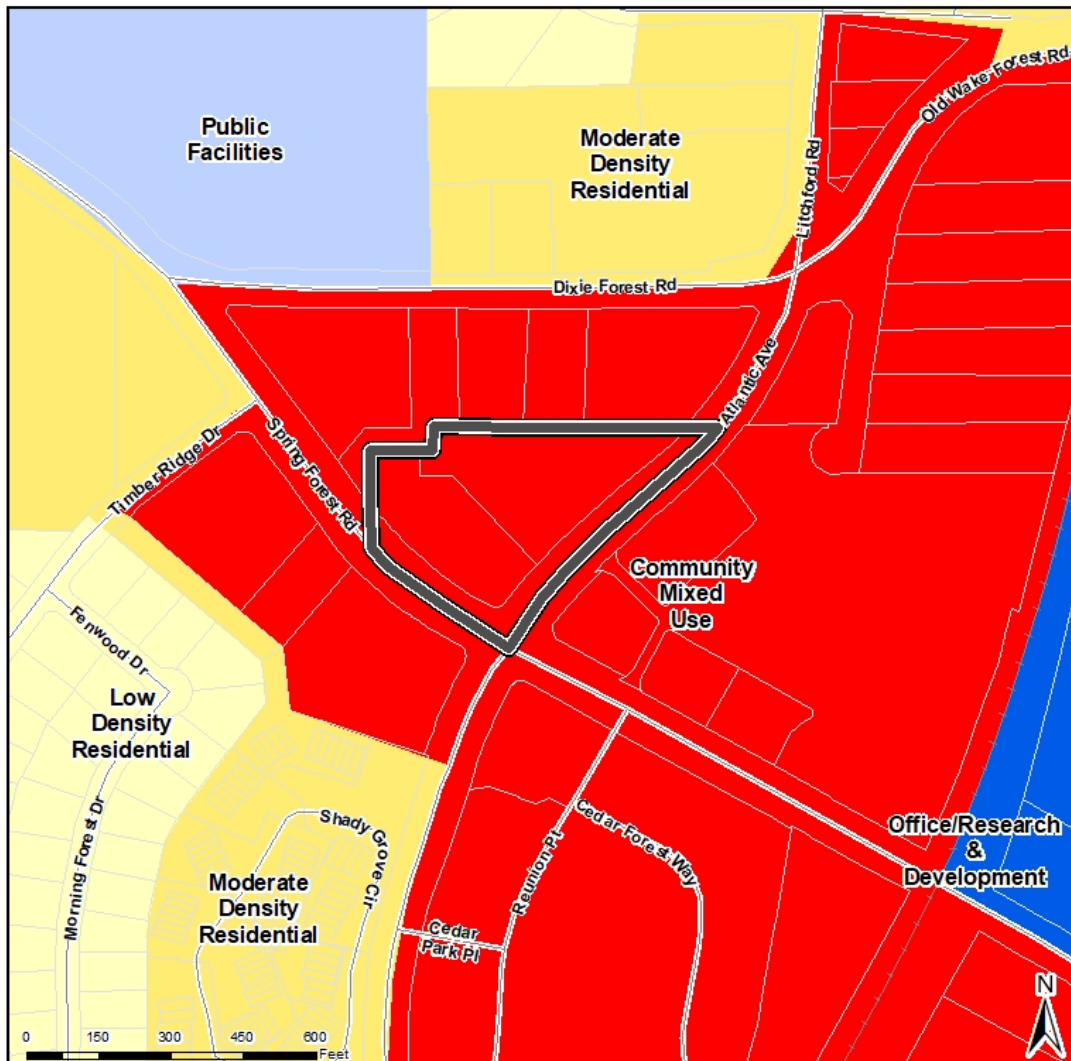


Map by Raleigh Department of Planning and Development (mansol@): 5/3/2021

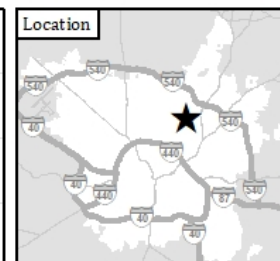


# Future Land Use

TCZ-2-2021



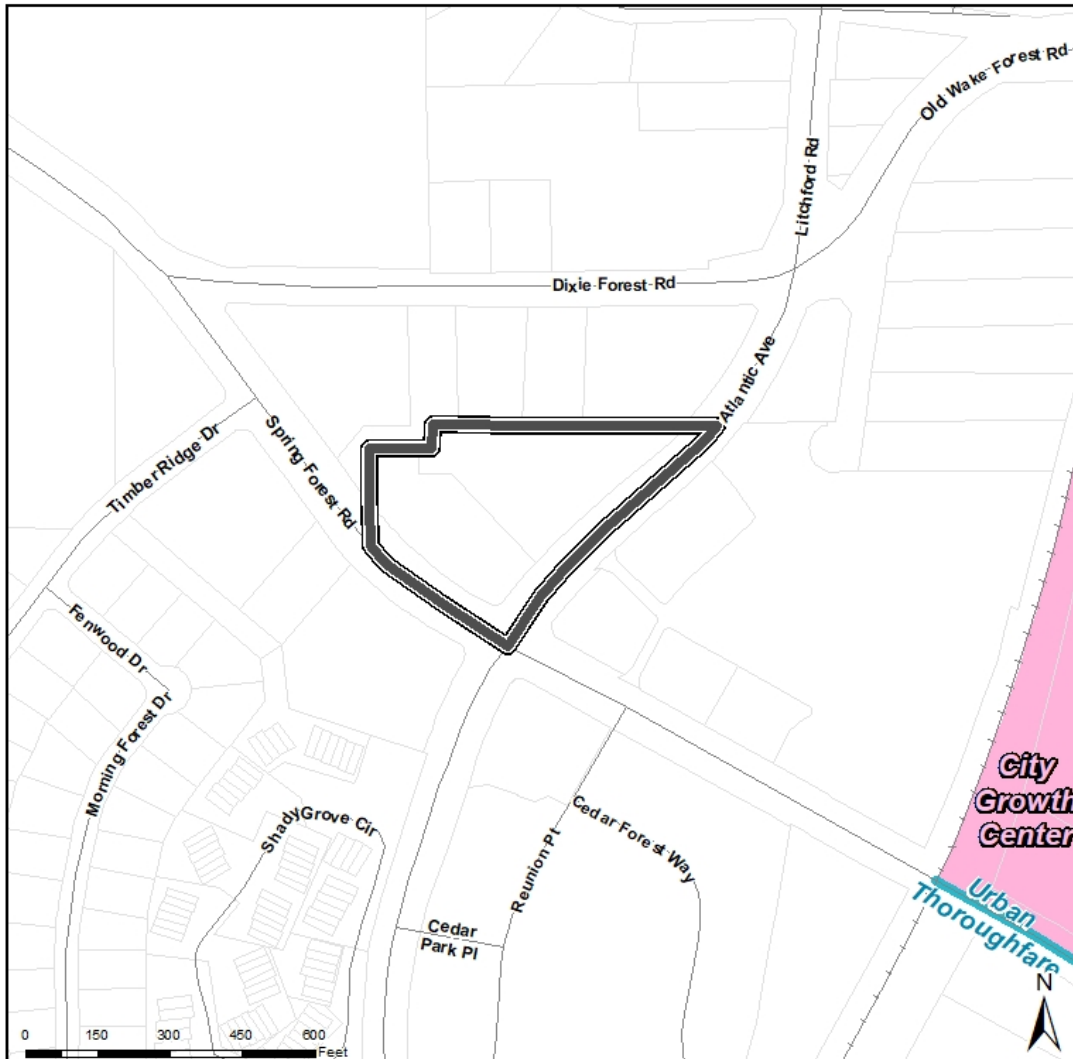
<b>Property</b>	5601 & 5621 Atlantic Ave
<b>Size</b>	3.24 acres
<b>Existing Zoning</b>	CX-3-CU
<b>Requested Zoning</b>	CX-3-CU (Amend Zoning Conditions)



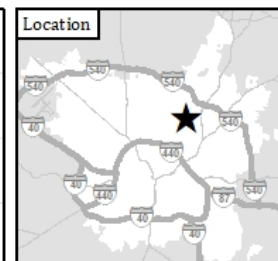
Map by Raleigh Department of Planning and Development (mansol@): 5/3/2021

# Urban Form

TCZ-2-2021



<b>Property</b>	5601 & 5621 Atlantic Ave
<b>Size</b>	3.24 acres
<b>Existing Zoning</b>	CX-3-CU
<b>Requested Zoning</b>	CX-3-CU (Amend Zoning Conditions)



Map by Raleigh Department of Planning and Development (mansd@): 5/3/2021

# COMPREHENSIVE PLAN

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

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

Yes, the proposal is consistent with the vision, themes, and policies contained in the Comprehensive Plan. The request will increase the allowed gross floor area for commercial and industrial uses on sites where commercial use currently exists, and in an area surrounded by existing commercial and industrial uses.

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

Yes, the use being considered is envisioned in the Future Land Use Map for this location.

- 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 proposal is consistent with the Future Land Use Map and with the uses of nearby properties.

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

Yes, there are community facilities and streets available at City standards to serve the subject properties based on the proposed conditions.

## Future Land Use

**Future Land Use designation:** Community Mixed Use

**The rezoning request is**

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

☐ **Inconsistent**

Community Mixed Use is applied to a variety of commercial areas from suburban auto-oriented shopping plazas to larger pedestrian-oriented retail districts. The designation envisions commercial uses with an option include residential uses, especially in transit rich areas. The designation also envisions a pedestrian-friendly relationship to the public realm. The request would allow greater gross floor area for uses that are envisioned within a Community Mixed Use designation.

## Urban Form

**Urban Form designation:** N/A

**The rezoning request is**

- ☐ **Consistent** with the Urban Form Map.
- ☐ **Inconsistent**
- ☒ **Other** (no Urban Form designation)

## Compatibility

**The proposed rezoning is**

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

The proposed amended conditions would increase the allowable gross floor area for commercial and industrial uses, and they would not allow the construction of parking spaces between buildings and the street along Spring Forest Road and Atlantic Avenue. There is an existing commercial structure on one of the subject properties, and there are commercial or industrial (carwash) uses on properties surrounding the site. The subject properties are not adjacent to any residential or residential mixed-use zoning districts.

## Public Benefits of the Proposed Rezoning

- The proposed amended conditions would increase the allowed gross floor area of commercial or industrial uses in an existing commercial area and services to nearby residents.

## Detriments of the Proposed Rezoning

- None identified.

## 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.*

### **Policy LU 1.3 Conditional Use District Consistency**

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

- The proposed conditions are consistent with the Future Land Use Map and other Comprehensive Plan policies. The request would allow greater gross floor area for commercial and industrial uses that are consistent with the Future Land Use Map, and the request includes conditions that support pedestrian-friendly policies within the Comprehensive Plan.

**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 requested amendments to zoning conditions would increase the maximum gross floor area of commercial and industrial uses from 14,900 square feet to 20,000 square feet. The subject properties for this rezoning request are contiguous to surrounding commercial uses, and they are not adjacent to residential areas.

**Policy LU 7.6 Pedestrian-friendly Development**

*New and redeveloped commercial and mixed-use developments should be pedestrian-friendly.*

- The requested amendments to zoning conditions would prohibit the construction of parking spaces between buildings and adjacent streets. By not allowing parking to be constructed between the street and the building, a building will abut the street and reduce the walking distance between the building and the sidewalk, which encourages people to walk.

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

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None identified.

**Area Plan Policy Guidance**

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

# EQUITY AND CLIMATE CHANGE ANALYSIS

## Transportation Cost and Energy Analysis

	City Average	Site	Notes
Transit Score	30	29	A few nearby public transportation options. The subject properties are nearby transit stops for the 25L Triangle Town Center GoRaleigh route.
Walk Score	30	60	Somewhat walkable.
Bike Score	41	51	Some bike infrastructure. There are segments of bike lanes on Spring Forest Road nearby the subject properties.
HUD Low Transportation Cost Index	[Not applicable, index is expressed as a percentile.]	84	
HUD Jobs Proximity Index	[Not applicable, index is expressed as a percentile.]	91	

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

## Housing Energy Analysis

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

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

## Housing Supply and Affordability

Does the proposal add or subtract from the housing supply?	Neither	The request does not change the possible number of housing units.
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Is naturally occurring affordable housing present on the site?	N/A	There are no housing units on the site.
Does it include any subsidized units?	No	N/A
Does it permit a variety of housing types beyond detached houses?	Yes	The request does not change the variety of housing types allowed on the site.
If not a mixed-use district, does it permit smaller lots than the average? *	N/A	N/A
Is it within walking distance of transit?	Yes	There are bus stops along Spring Forest Road and Atlantic Avenue that are within a few minutes walking distance from the subject properties. These stops are serviced by the 25L-Triangle Town Link GoRaleigh bus route.

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

### Demographic Indicators from EJSCREEN\*

Indicator	Site Area	Raleigh
Demographic Index** (%)	42	36
People of Color Population (%)	48	46
Low Income Population (%)	36	30
Linguistically Isolated Population (%)	1	3
Population with Less Than High School Education (%)	6	9
Population under Age 5 (%)	9	6
Population over Age 64 (%)	20	11
% change in median rent since 2015	13.1	20.3

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

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

### Health and Environmental Analysis

What is the life expectancy in this zip code tract? Is it higher	81 years
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or lower than the City average?		
Are there known industrial uses or industrial zoning districts within 1,000 feet?	Yes	A car wash is located nearby northwest to the site at the corner of Spring Forest Road and Dixie Forest Road. The subject properties are within 1,000 ft of Industrial Mixed-Use districts to the southeast on Spring Forest Road and to the east behind an adjacent shopping center.
Are there hazardous waste facilities are located within one kilometer?	Yes	CVS PHARMACY #2313 is located directly southwest of the subject properties across Spring Forest Road.
Are there known environmental hazards, such as flood-prone areas, that may directly impact the site?	No	
Is this area considered a food desert by the USDA?	No	

## Land Use History

When the property was annexed into the City or originally developed, was government sanctioned racial segregation in housing prevalent?*	No	The subject properties were annexed in two parts in 1971 and 1990.
Has the area around the site ever been the subject of an urban renewal program?*	No	No record of urban renewal program found.
Has the property or nearby properties ever been subject to restrictive covenants that excluded racial groups?*	No	No record of racially restrictive covenants found.
Are there known restrictive covenants on the property or nearby properties that restrict development beyond what the UDO otherwise requires?*	No	No record of restrictive covenants found.

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

## Analysis questions

1. Does the rezoning increase the site's potential to provide more equitable access to housing, employment, and transportation options? Does the rezoning retain or increase options for housing and transportation choices that reduce carbon emissions?



*Response: The request increases the capacity of potential commercial and industrial uses that can be located on the subject properties. The request does not change the housing options on site. The request has some impact on the ability to provide equitable access to employment, and minimal impact on the ability to provide equitable access to housing and transportation options.*

2. Is the rezoning in an area where existing residents would benefit from access to lower cost housing, greater access to employment opportunities, and/or a wider variety of transportation modes? Do those benefits include reductions in energy costs or carbon emissions?

*Response: The request is in an area with a proportion of residents who are lower income, older, and more racially diverse than the City at-large. The request is also in an area with higher access to jobs and lower cost of transportation than average. The request would not change the potential housing types and would not directly impact energy costs or carbon emissions.*

3. Have housing costs in this area increased in the last few years? If so, are housing costs increasing faster than the city average?

*Response: According to the U.S. Census Bureau, housing costs in the area nearby the request have increased by 13.1% for 2-bedroom rentals since 2015.*

4. Are there historical incidences of racial or ethnic discrimination specific to this area that have deprived Black, Indigenous, and People of Color (BIPOC) of access to economic opportunity, public services, or housing? If so, does the rezoning request improve any current conditions that were caused, associated with, or exacerbated by historical discrimination?

*Response: The request would increase the building potential of existing uses and would have marginal impacts on the access to economic opportunity, and minimal impacts on public services or housing.*

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

*Response: The request is near (within 1000 ft) a few industrial uses, but it does not have high exposure to environmental hazards. The site is not located in a food desert. The request would not impact these conditions.*

# IMPACT ANALYSIS

## Historic Resources

The site is not located within or adjacent to a National Register Historic District or Raleigh Historic Overlay District. It does not include nor is adjacent to any National Register individually listed properties or Raleigh Historic Landmarks.

**Impact Identified:** None.

## Parks and Recreation

This site is not directly impacted by any existing or proposed greenway trails, corridors, or connectors. Nearest existing park access is provided by Millbrook Exchange Park (0.5 miles) and Spring Forest Rd. Park (1.9 miles). Nearest existing greenway trail access is provided by the Spring Forest Greenway Trail (1.9 miles). Current park access level of service in this area is graded a C letter grade.

**Impact Identified:** None.

## Public Utilities

	Maximum Demand (current use)	Maximum Demand (current zoning)	Maximum Demand (proposed zoning)
Water	1,465	4,843	6,500
Waste Water	1,465	4,843	6,500

**Impact Identified:**

1. The proposed rezoning would add approximately 1,657 gpd to the wastewater collection and water distribution systems of the City. There are existing sanitary sewer and water mains adjacent to the proposed rezoning area.
2. At the time of development plan submittal, a Downstream Sewer Capacity Study may be required to determine adequate capacity to support the proposed development. Any improvements identified by the study would be required to be permitted prior to the issuance of Building Permit & constructed prior to release of a Certificate of Occupancy.
3. Verification of water available for fire flow is required as part of the Building Permit process. Any water system improvements recommended by the analysis to meet fire flow requirements will also be required of the Developer.

## Stormwater

<b>Floodplain</b>	None
<b>Drainage Basin</b>	Marsh
<b>Stormwater Management</b>	UDO 9.2
<b>Overlay District</b>	None

**Impact Identified:** Site subject to Stormwater regulations under UDO 9.2 for runoff and nitrogen. No floodplain exists onsite. No Neuse Buffers exist. No impacts identified.

## Transportation

### **Site and Location Context**

#### *Location*

The Z-22-21 site is in North Raleigh at the northwest corner of Atlantic Avenue and Spring Forest Road.

#### *Area Plans*

The Z-22-21 site is not located in an area with an adopted area plan (Map AP-1) in Comprehensive Plan.

### **Other Projects**

There are two City of Raleigh projects near the Z-22-21 site:

- Directly east of the site is the Spring Forest Road sidewalk project will be adding sidewalks along both sides of the road from McHines Place to Capital Boulevard. The project is anticipated to be completed in Summer 2022.
- Directly north of the site is the Old Wake Forest Road and Dixie Forest Road Improvement Project. This project will complete both streets from Spring Forest Road to Capital Boulevard. One side will have a sidewalk and the other side will have a shared-use path. Old Wake Forest Road will be widened to have two lanes in each direction. This project is currently in right-of-way acquisition and is scheduled to be completed in 2023.

### **Existing and Planned Infrastructure**

#### *Streets*

Atlantic Avenue and Spring Forest Road are both designated as divided four-lane avenues in the Street Plan (Map T-1) in the Comprehensive Plan. Atlantic is maintained by City of Raleigh. Spring Forest Road is maintained by NCDOT.

Existing block perimeter for the site is approximately 2,800 feet. In accordance with UDO section 8.3.2, the maximum block perimeter for CX-3 zoning districts is 3,000 feet.

#### *Pedestrian Facilities*

There are existing sidewalks on both Spring Forest Road and Atlantic Avenue. Missing sidewalks on nearby Dixie Forest Road and Old Wake Forest Road will be completed by the Old Wake Forest Road – North Improvement project.

#### *Bicycle Facilities*

There is a bike lane on some sections of Spring Forest Road near the Z-22-21. There is no bikeway on Atlantic Avenue. Atlantic Avenue and Spring Forest Road are both designated for separated bikeways in the Long-Term Bike Plan (Map T-3 of the Comprehensive Plan). The Old Wake Forest Road and Dixie Forest Road project will complete a shared use path from Spring Forest Road to Capital Boulevard along Dixie Forest Road and Old Wake Forest Road.

#### *Transit*

The Z-22-21 site is served by GoRaleigh Route 25L. This service connects Falls of Neuse Road at Spring Forest Road to Triangle Town Center, the North Wake Tech campus, and the WakeMed North Hospital. Service operates every 60 minutes. The site is roughly midway between more frequent GoRaleigh services on Falls of Neuse Road and Capital Boulevard; both are approximately 1.3 miles the site.

#### **TIA Determination**

Based on the Envision results, approval of case Z-22-21 would increase the amount of projected vehicular peak hour trips to and from the site as indicated in the table below. The proposed change to zoning conditions is projected to generate 6 new trips in the AM peak hour and 13 new trips in the PM peak hour. These values do not trigger a rezoning Traffic Impact Analysis based on the trip generation thresholds in the Raleigh Street Design Manual. In addition, a TIA is not expected to be required during site plan review.

Z-22-21 Existing Land Use	Daily	AM	PM
Retail	1,483	131	129
Z-22-21 Current Zoning Entitlements	Daily	AM	PM
Commercial Mixed Use	342	17	37
Z-22-21 Proposed Zoning Maximums	Daily	AM	PM
Commercial Mixed Use	459	23	50
Z-22-21 Trip Volume Change	Daily	AM	PM
(Proposed Maximums minus Current Entitlements)	<b>117</b>	<b>6</b>	<b>13</b>

**Impact Identified:** None.

#### Urban Forestry

Proposed conditions offered do not alter Tree Conservation Area requirements or street tree requirements of the UDO.

**Impact Identified:** None.

### Impacts Summary

The request would have minimal impacts on the site and surrounding area.

### Mitigation of Impacts

No mitigation is needed for Z-22-21 at the rezoning stage.

## CONCLUSION

Z-22-21/TCZ-2-21 is a text change to zoning conditions for two parcels located at the corner of Atlantic Avenue and Spring Forest Road. The proposed changes would increase the maximum gross floor area for commercial and industrial uses, and it would prohibit any new construction of parking spaces between buildings and Spring Forest Road or Atlantic Avenue.

The request is consistent with the Future Land Use Map designation for the parcels, Community Mixed Use, which envisions pedestrian-friendly commercial uses with an option include residential uses, especially in transit rich areas. The request is also consistent with Comprehensive Plan policies to encourage nodal development along major corridors (Policy LU 7.1) and to encourage pedestrian-friendly development (Policy LU 7.6). The request is consistent with both the Future Land Use Map and the Comprehensive Plan.

## CASE TIMELINE

Date	Action	Notes
5/7/2021	Application Submitted	
5/28/2021	Initial Staff Review Provided	
6/22/2021	Planning Commission Review	

# APPENDIX

## SURROUNDING AREA LAND USE/ ZONING SUMMARY

SUBJECT PROPERTY		NORTH	SOUTH	EAST	WEST
Existing Zoning	CX-3-CU	CX-3-PL-CU	NX-3-CU	CX-3-PL	CX-3-PL-CU, OX-3-PL
Additional Overlay	-	-	-	-	-
Future Land Use	Community Mixed Use	Community Mixed Use	Community Mixed Use	Community Mixed Use	Community Mixed Use
Current Land Use	Commercial, Vacant	Commercial, Vacant	Commercial	Commercial	Commercial
Urban Form	-	-	-	-	-

## CURRENT VS. PROPOSED ZONING SUMMARY

EXISTING ZONING		PROPOSED ZONING
Zoning	CX-3-CU	CX-3-CU
Total Acreage	3.16	3.16
Setbacks:		
Front	5' – 25'	5' – 25'
Side	0' or 6'	0' or 6'
Rear	0 or 6'	0 or 6'
Residential Density:	Not permitted	
Max. # of Residential Units	0	
Max. Gross Building SF	14,900	20,000
Max. Gross Office SF	14,900	20,000
Max. Gross Retail SF	14,900	20,000
Max. Gross Industrial SF	14,900	20,000
Potential F.A.R	0.11	0.15

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


# Rezoning Application and Checklist

Planning and Development Customer Service Center • One Exchange Plaza, Suite 400 | Raleigh, NC 27601 | 919-996-2500



Please complete all sections of the form and upload via the Permit and Development Portal ([permitportal.raleighnc.gov](http://permitportal.raleighnc.gov)). Please see page 11 for information about who may submit a rezoning application. A rezoning application will not be considered complete until all required submittal components listed on the Rezoning Checklist have been received and approved. For questions email [rezoning@raleighnc.gov](mailto:rezoning@raleighnc.gov).

Rezoning Request				
Rezoning Type	<input type="checkbox"/> General use	<input type="checkbox"/> Conditional use	<input type="checkbox"/> Master plan	OFFICE USE ONLY Rezoning case #
	<input checked="" type="checkbox"/> Text change to zoning conditions			
Existing zoning base district:	CX	Height: 3	Frontage:	Overlay(s):
Proposed zoning base district:	CX	Height: 3	Frontage:	Overlay(s):
<b>Helpful Tip:</b> <a href="#">View the Zoning Map</a> to search for the address to be rezoned, then turn on the 'Zoning' and 'Overlay' layers.				
If the property has been previously rezoned, provide the rezoning case number:				

General Information		
Date:	Date amended (1):	Date amended (2):
Property address: 5601 and 5621 Atlantic Avenue		
Property PIN: 1716882877 and 1716884968		
Deed reference (book/page): 016382/01981 and 017371/02113		
Nearest intersection: Spring Forest Road and Atlantic Ave		Property size (acres): 3.16
For planned development applications only:	Total units:	Total square footage:
	Total parcels:	Total buildings:
Property owner name and address: MPHK Capital LLC, and Lin's Holding LLC, 932 Hungerford Dr., Suite 34A, Rockville, MD 20850-1753		
Property owner email:		
Property owner phone:		
Applicant name and address: Jennifer Ashton, Longleaf Law Partners		
Applicant email: <a href="mailto:jashton@longleaflp.com">jashton@longleaflp.com</a>		
Applicant phone: 919-780-5433		
Applicant signature(s): 		
Additional email(s):		



Conditional Use District Zoning Conditions		
Zoning case #:	Date submitted:	<b>OFFICE USE ONLY</b> Rezoning case # _____
Existing zoning:	Proposed zoning:	

Narrative of Zoning Conditions Offered
<p>Zoning Conditions No. 1 and No. 3 from Z-15-15 (Spring Forest Road and Atlantic Avenue - Ordinance (2016) 543 ZC 724) are proposed to be amended as follows:</p> <ol style="list-style-type: none"> <li>1. Increase the maximum square feet gross floor area of Commercial and Industrial uses, as outlined in Condition No. 1, from 14,900 square feet to 20,000 square feet; and</li> <li>2. Delete Condition No. 3, and replace it with the following: Parking between the buildings and the street shall not be permitted.</li> </ol> <p>See attached redline copy of zoning conditions for more information.</p>

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



EE2AA9A210B24EF...

Property Owner(s) Signature: \_\_\_\_\_

Printed Name: YOUNG LIN \_\_\_\_\_

<b>RECEIVED</b> By JP Mansolf at 4:41 pm, May 06, 2021
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Rezoning Application Addendum #1	
Comprehensive Plan Analysis	<b>OFFICE USE ONLY</b> 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.	
Public Benefits	
Provide brief statements explaining how the rezoning request is reasonable and in the public interest.	

Rezoning Application Addendum #2	
Impact on Historic Resources	<b>OFFICE USE ONLY</b> Rezoning case # _____
The applicant is asked to analyze the impact of the rezoning request on historic resources. For the purposes of this section, a historic resource is defined as any site, structure, sign, or other feature of the property to be rezoned that is listed in the National Register of Historic Places or designated by the City of Raleigh as a landmark or contributing to a Historic Overlay District.	
Inventory of Historic Resources	
List in the space below all historic resources located on the property to be rezoned. For each resource, indicate how the proposed zoning would impact the resource.	
Proposed Mitigation	
Provide brief statements describing actions that will be taken to mitigate all negative impacts listed above.	

## Urban Design Guidelines

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

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

Urban form designation:

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

<b>1</b>	<p>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.</p> <p><b>Response:</b></p>
<b>2</b>	<p>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.</p> <p><b>Response:</b></p>
<b>3</b>	<p>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.</p> <p><b>Response:</b></p>
<b>4</b>	<p>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.</p> <p><b>Response:</b></p>
<b>5</b>	<p>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.</p> <p><b>Response:</b></p>
<b>6</b>	<p>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.</p> <p><b>Response:</b></p>

7	<p>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.</p> <p><b>Response:</b></p>
8	<p>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.</p> <p><b>Response:</b></p>
9	<p>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.</p> <p><b>Response:</b></p>
10	<p>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.</p> <p><b>Response:</b></p>
11	<p>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.</p> <p><b>Response:</b></p>
12	<p>A properly defined urban open space is visually enclosed by the fronting of buildings to create an outdoor "room" that is comfortable to users.</p> <p><b>Response:</b></p>
13	<p>New public spaces should provide seating opportunities.</p> <p><b>Response:</b></p>

<b>14</b>	<p>Parking lots should not dominate the frontage of pedestrian-oriented streets, interrupt pedestrian routes, or negatively impact surrounding developments.</p> <p><b>Response:</b></p>
<b>15</b>	<p>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.</p> <p><b>Response:</b></p>
<b>16</b>	<p>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.</p> <p><b>Response:</b></p>
<b>17</b>	<p>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.</p> <p><b>Response:</b></p>
<b>18</b>	<p>Convenient, comfortable pedestrian access between the transit stop and the building entrance should be planned as part of the overall pedestrian network.</p> <p><b>Response:</b></p>
<b>19</b>	<p>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.</p> <p><b>Response:</b></p>
<b>20</b>	<p>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.</p> <p><b>Response:</b></p>

21	<p>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.</p> <p><b>Response:</b></p>
22	<p>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.</p> <p><b>Response:</b></p>
23	<p>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.</p> <p><b>Response:</b></p>
24	<p>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.</p> <p><b>Response:</b></p>
25	<p>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.</p> <p><b>Response:</b></p>
26	<p>The sidewalks should be the principal place of pedestrian movement and casual social interaction. Designs and uses should be complementary to that function.</p> <p><b>Response:</b></p>

Rezoning Checklist (Submittal Requirements)					
To be completed by Applicant			To be completed by staff		
General Requirements – General Use or Conditional Use Rezoning	Yes	N/A	Yes	No	N/A
1. I have referenced this <b>Rezoning Checklist</b> and by using this as a guide, it will ensure that I receive a complete and thorough first review by the City of Raleigh					
2. Pre-application conference.					
3. Neighborhood meeting notice and report					
4. Rezoning application review fee (see <a href="#">Fee Guide</a> for rates).					
5. Completed application submitted through Permit and Development Portal					
6. Completed Comprehensive Plan consistency analysis					
7. Completed response to the urban design guidelines					
8. Two sets of stamped envelopes addressed to all property owners of area to be rezoned and properties with 500 feet of area to be rezoned.					
9. Trip generation study					
10. Traffic impact analysis					
<b>For properties requesting a Conditional Use District:</b>					
11. Completed zoning conditions, signed by property owner(s).					
<b>If applicable, see page 11:</b>					
12. Proof of Power of Attorney or Owner Affidavit.					
<b>For properties requesting a Planned Development or Campus District:</b>					
13. Master plan (see Master Plan submittal requirements).					
<b>For properties requesting a text change to zoning conditions:</b>					
14. Redline copy of zoning conditions with proposed changes.					
15. Proposed conditions signed by property owner(s).					



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

**Z-15-15 – Spring Forest Road and Atlantic Avenue**, northwest quadrant of the Spring Forest Road and Atlantic Avenue intersection, being Wake County PINs 1716884957, 1716881975, and 1716883767, approximately 3.24 acres rezoned to Commercial Mixed Use-3 stories-Conditional Use (CX-3-CU).

Conditions dated: January 25, 2016

1. Development on the property shall be limited to a maximum of ~~14,900~~ 20,000 square feet gross floor area of Commercial and Industrial land uses, as those principal uses are set forth in Table 6.1.4 “Allowed Principal Use Table”, and as subject to the list of prohibited uses in Condition 4 of this zoning ordinance. No other uses shall be permitted on the rezoned land. Prior to recordation of a subdivision plat or the issuance of a building permit, whichever shall first occur, the owner of the property shall cause to be recorded in the Wake County Registry a restrictive covenant that allocates among the lots of record comprising the property the Commercial land use floor area permitted by this rezoning ordinance. Such restrictive covenant shall be approved by the City Attorney or his designee prior to recordation of the restrictive covenant. Such restrictive covenant shall provide that it may be amended or terminated only with the prior written consent of the City Attorney or his designee.
2. Prior to recordation of a subdivision plat or issuance of a building permit for new development, two transit easements shall be deeded to the City and recorded in the Wake County Registry – one along Spring Forest Road and one along Atlantic Avenue. Prior to recordation of each transit easement, the dimensions (not to exceed 15 feet in depth or 20 feet in width) and location of each easement shall be approved by the Public Works Department and each easement document approved by the City Attorney’s office. If, prior to issuance of the first building permit for new development, the Public Works Department requests installation of a shelter within one or both of the transit easement areas, an ADA accessible shelter shall be constructed prior to the first certificate of occupancy, with construction plans approved by the Public Works Department.
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. Parking spaces constructed after the effective date of the ordinance for Zoning Case No. Z-22-21/TCZ-2-21 shall not be located between the buildings and the street along Spring Forest Rd. and Atlantic Ave.~~
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.
5. Low profile ground signs and medium profile ground signs are permitted. The

maximum size of a medium profile ground sign is 7 feet in height and 85 square feet in area. High profile ground signs are prohibited.

REZONING OF PROPERTY CONSISTING OF +/- 3.16 ACRES,  
LOCATED AT THE SPRING FOREST ROAD AND ATLANTIC AVENUE INTERSECTION,  
IN THE CITY OF RALEIGH

REPORT OF MEETING WITH ADJACENT PROPERTY OWNERS ON  
MARCH 24, 2021

Pursuant to applicable provisions of the Unified Development Ordinance, a meeting was held with respect to a potential rezoning with adjacent property owners on Wednesday, March 24, at 5:00 p.m. The property considered for this potential rezoning totals approximately 3.16 acres, and at the Spring Forest Road and Atlantic Avenue intersection, in the City of Raleigh, having Wake County Parcel Identification Numbers 1716-88-2877 and 1716-88-4968. This meeting was held virtually on Zoom with an option to call in by telephone. All owners and tenants of property within 500 feet of the subject property were invited to attend the meeting. Attached hereto as **Exhibit A** is a copy of the neighborhood meeting notice. A copy of the required mailing list for the meeting invitations is attached hereto as **Exhibit B**. A summary of the items discussed at the meeting is attached hereto as **Exhibit C**. Attached hereto as **Exhibit D** is a list of individuals who attended the meeting.

## EXHIBIT A – NEIGHBORHOOD MEETING NOTICE



To: Neighboring Property Owners and Tenants  
From: Michael Birch  
Date: March 9, 2021  
Re: Neighborhood Meeting for Text Amendment to Zoning Conditions of 5601 and 5621 Atlantic Avenue

You are invited to attend a virtual meeting to discuss the proposed Text Amendment to Zoning Conditions of 5601 and 5621 Atlantic Avenue. We have scheduled an informational meeting with surrounding neighbors on Wednesday, March 24<sup>th</sup> at 5:00 PM until 7:00 PM. Due to the COVID-19 Pandemic, this meeting will be held virtually. You can participate online or by telephone. To participate, visit:

To join with video:

<https://zoom.us/>

**Meeting ID:** 861 8409 5957

**Password:** 404058

To join by telephone:

**+1 646 558 8656**

**Meeting ID:** 861 8409 5957

**Password:** 404058

The purpose of this meeting is to discuss the proposed Text Amendment to Zoning Conditions of 5601 and 5621 Atlantic Avenue (with Property Identification Numbers (PINs) 1716-88-2877 and 1716-88-4968). The property totals approximately 3.16 acres in size, and is located at the intersection of Spring Forest Road and Atlantic Avenue.

The property is currently zoned Commercial Mixed Use with a 3-story height limit and zoning conditions (CX-3-CU). The purpose of the Text Amendment is to amend Condition No. 1 in order to increase the maximum square footage from 14,900 square feet to 18,500 square feet, and in order to eliminate Condition No. 3 given recent amendments to the City's Unified Development Ordinance.

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

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

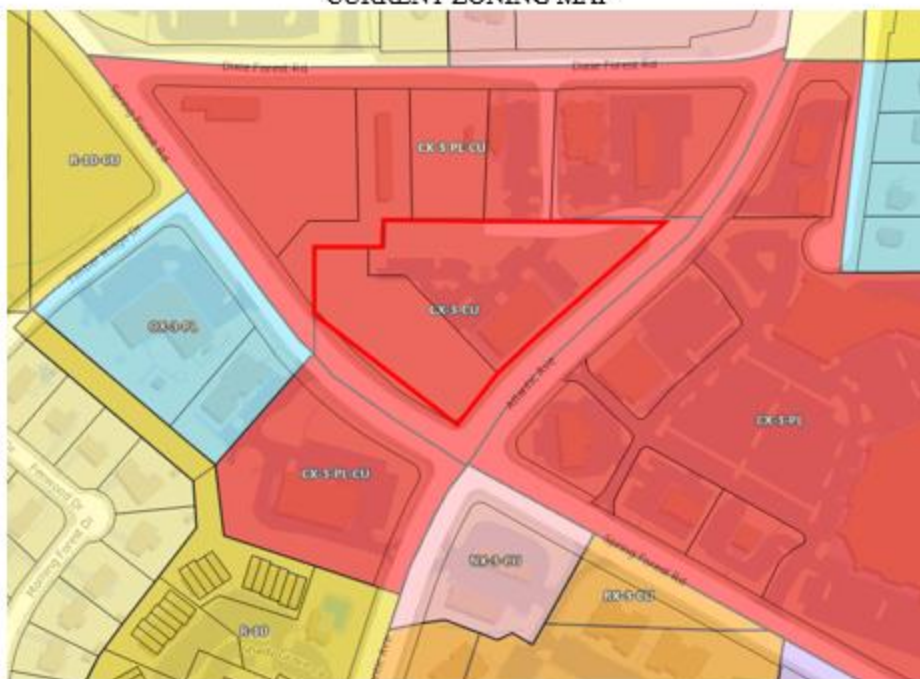
Attached to this invitation are the following materials:

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

CURRENT PROPERTY MAP



CURRENT ZONING MAP



# Rezoning Application and Checklist

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Please complete all sections of the form and upload via the Permit and Development Portal ([permitportal.raleighnc.gov](http://permitportal.raleighnc.gov)) Please see page 11 for information about who may submit a rezoning application. A rezoning application will not be considered complete until all required submittal components listed on the Rezoning Checklist have been received and approved. For questions email [rezoning@raleighnc.gov](mailto:rezoning@raleighnc.gov).

Rezoning Request			
Rezoning Type	<input type="checkbox"/> General use	<input type="checkbox"/> Conditional use	<input type="checkbox"/> Master plan
	<input checked="" type="checkbox"/> Text change to zoning conditions		
Existing zoning base district:	CX	Height: 3	Frontage:
Proposed zoning base district:	CX	Height: 3	Frontage:
Helpful Tip: <a href="#">View the Zoning Map</a> to search for the address to be rezoned, then turn on the 'Zoning' and 'Overlay' layers.			Overlay(s):
If the property has been previously rezoned, provide the rezoning case number:			

General Information		
Date:	Date amended (1):	Date amended (2):
Property address: 5601 and 5621 Atlantic Avenue		
Property PIN: 1716882877 and 1716884968		
Deed reference (book/page): 016382/01981 and 017371/02113		
Nearest intersection: Spring Forest Road and Atlantic Ave		Property size (acres): 3.16
For planned development applications only:	Total units:	Total square footage:
	Total parcels:	Total buildings:
Property owner name and address: Lin's Holding LLC and MPHK Capital LLC, 932 Hungerford Dr., Suite 34A, Rockville, MD 20850-1753		
Property owner email:		
Property owner phone:		
Applicant name and address: Michael Birch, Longleaf Law Partners		
Applicant email: <a href="mailto:mbirch@longleaflp.com">mbirch@longleaflp.com</a>		
Applicant phone: 919.645.4317		
Applicant signature(s):		
Additional email(s):		

Conditional Use District Zoning Conditions		
Zoning case #: <input type="text"/>	Date submitted: <input type="text"/>	OFFICE USE ONLY Rezoning case # <input type="text"/>
Existing zoning: <input type="text"/>	Proposed zoning: <input type="text"/>	

Narrative of Zoning Conditions Offered
<p>Zoning Conditions No. 1 and No. 3 from Z-15-15 (Spring Forest Road and Atlantic Avenue - Ordinance (2016) 543 ZC 724) are proposed to be amended as follows:</p> <p>See attached.</p>



**Z-15-15 – Spring Forest Road and Atlantic Avenue**, northwest quadrant of the Spring Forest Road and Atlantic Avenue intersection, being Wake County PINs 1716884957, 1716881975, and 1716883767, approximately 3.24 acres rezoned to Commercial Mixed Use-3 stories-Conditional Use (CX-3-CU).

Conditions dated: January 25, 2016

1. Development on the property shall be limited to a maximum of ~~14,900~~ 18,500 square feet gross floor area of Commercial and Industrial land uses, as those principal uses are set forth in Table 6.1.4 "Allowed Principal Use Table", and as subject to the list of prohibited uses in Condition 4 of this zoning ordinance. No other uses shall be permitted on the rezoned land. Prior to recordation of a subdivision plat or the issuance of a building permit, whichever shall first occur, the owner of the property shall cause to be recorded in the Wake County Registry a restrictive covenant that allocates among the lots of record comprising the property the Commercial land use floor area permitted by this rezoning ordinance. Such restrictive covenant shall be approved by the City Attorney or his designee prior to recordation of the restrictive covenant. Such restrictive covenant shall provide that it may be amended or terminated only with the prior written consent of the City Attorney or his designee.
2. Prior to recordation of a subdivision plat or issuance of a building permit for new development, two transit easements shall be deeded to the City and recorded in the Wake County Registry – one along Spring Forest Road and one along Atlantic Avenue. Prior to recordation of each transit easement, the dimensions (not to exceed 15 feet in depth or 20 feet in width) and location of each easement shall be approved by the Public Works Department and each easement document approved by the City Attorney's office. If, prior to issuance of the first building permit for new development, the Public Works Department requests installation of a shelter within one or both of the transit easement areas, an ADA accessible shelter shall be constructed prior to the first certificate of occupancy, with construction plans approved by the Public Works Department.
- ~~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.

5. Low profile ground signs and medium profile ground signs are permitted. The maximum size of a medium profile ground sign is 7 feet in height and 85 square feet in area. High profile ground signs are prohibited.

## EXHIBIT B – NOTICE LIST

PIN	Owner	Mail Address 1	Mail Address 2	Mail Address 3	Site Address
1717706320	WAKE COUNTY BOARD OF EDUCATION	RE SERVICES DIRECTOR	1551 ROCK QUARRY RD	RALEIGH NC 27610-4145	2201 SPRING FOREST RD
1717706320	RESIDENT/TENANT	2201 SPRING FOREST RD	RALEIGH NC 27615	RALEIGH NC 27610-4145	2201 SPRING FOREST RD
1717706320	RESIDENT/TENANT	2201 SPRING FOREST RD UNIT A	RALEIGH NC 27615	RALEIGH NC 27610-4145	2201 SPRING FOREST RD
1717706320	RESIDENT/TENANT	2201 SPRING FOREST RD UNIT B	RALEIGH NC 27615	RALEIGH NC 27610-4145	2201 SPRING FOREST RD
1717706320	RESIDENT/TENANT	2201 SPRING FOREST RD UNIT C	RALEIGH NC 27615	RALEIGH NC 27610-4145	2201 SPRING FOREST RD
1717706320	RESIDENT/TENANT	2201 SPRING FOREST RD UNIT D	RALEIGH NC 27615	RALEIGH NC 27610-4145	2201 SPRING FOREST RD
1717706320	RESIDENT/TENANT	2201 SPRING FOREST RD UNIT E	RALEIGH NC 27615	RALEIGH NC 27610-4145	2201 SPRING FOREST RD
1717706320	RESIDENT/TENANT	2201 SPRING FOREST RD UNIT F	RALEIGH NC 27615	RALEIGH NC 27610-4145	2201 SPRING FOREST RD
1716796168	AUSTIN FAMILY PROPERTIES LLC	5003 FALLS OF NEUSE RD	RALEIGH NC 27609-5500		2210 SPRING FOREST RD
1716890222	SXCW PROPERTIES, LLC	7935 COUNCIL PL STE 200	MATTHEWS NC 28105-1007		2224 DIXIE FOREST RD
1716890222	RESIDENT/TENANT	2224 DIXIE FOREST RD	RALEIGH NC 27615		2224 DIXIE FOREST RD
1716890222	RESIDENT/TENANT	2226 DIXIE FOREST RD	RALEIGH NC 27615		2224 DIXIE FOREST RD
1716890222	RESIDENT/TENANT	2301 SPRING FOREST RD	RALEIGH NC 27615		2224 DIXIE FOREST RD
1716788920	2300 SPRING FOREST LLC	701 E SIX FORKS RD	RALEIGH NC 27609-7831		2300 SPRING FOREST RD
1716788920	RESIDENT/TENANT	2300 SPRING FOREST RD	RALEIGH NC 27615		2300 SPRING FOREST RD
1716788920	RESIDENT/TENANT	2320 SPRING FOREST RD	RALEIGH NC 27615		2300 SPRING FOREST RD
1716891195	SXCW PROPERTIES, LLC	7935 COUNCIL PL STE 200	MATTHEWS NC 28105-1007		2304 DIXIE FOREST RD
1716789798	GORE, SAMUEL J GORE, MARJORIE W	405 MARTINDALE DR	RALEIGH NC 27614-9520		2310 SPRING FOREST RD
1716789798	RESIDENT/TENANT	2310 SPRING FOREST RD	RALEIGH NC 27615		2310 SPRING FOREST RD
1716892499	BARRESI, VINCENT A	120 HARINGEY DR	RALEIGH NC 27615-1956		2311 DIXIE FOREST RD
1716892499	RESIDENT/TENANT	2311 DIXIE FOREST RD	RALEIGH NC 27615		2311 DIXIE FOREST RD
1716894429	MISTHIOS, STANLEY	3021 JEHOSSEE ST APT 206	RALEIGH NC 27616-5955		2315 DIXIE FOREST RD
1716894429	RESIDENT/TENANT	2315 DIXIE FOREST RD	RALEIGH NC 27615		2315 DIXIE FOREST RD
1716893261	SXCW PROPERTIES, LLC	7935 COUNCIL PL STE 200	MATTHEWS NC 28105-1007		2316 DIXIE FOREST RD
1716894290	WAFFLE HOUSE INC	IVY IRWIN	933 GARRETT ST SE APT 206	ATLANTA GA 30316-6824	2320 DIXIE FOREST RD
1716894290	RESIDENT/TENANT	2320 DIXIE FOREST RD	RALEIGH NC 27615		2320 DIXIE FOREST RD
1716896610	RALEIGH ABBINGTON SQUARE LLC	LINDA C PITTS, ESQUIRE REA VENTURE	2964 PEACHTREE RD NW STE 200	ATLANTA GA 30305-2119	2321 DIXIE FOREST RD
1716881611	WEC 98H-7 LLC	ATTN: STORE ACCOUNTING	1 CVS DR # MC2320	WOONSOCKET RI 02895-6146	2340 SPRING FOREST RD
1716881611	RESIDENT/TENANT	2340 SPRING FOREST RD	RALEIGH NC 27615		2340 SPRING FOREST RD
1716885402	MDC NC1 LP LIMITED PARTNERSHIP	LEGAL DEPARTMENT	11995 EL CAMINO REAL	SAN DIEGO CA 92130-2539	2400 SPRING FOREST RD
1716885402	RESIDENT/TENANT	2400 SPRING FOREST RD	RALEIGH NC 27615		2400 SPRING FOREST RD
1716885402	RESIDENT/TENANT	5520 ATLANTIC AVE	RALEIGH NC 27615		2400 SPRING FOREST RD
1716897202	PTM LP	5700 6TH AVE	ALTOONA PA 16602-1111		2408 DIXIE FOREST RD
1716897202	RESIDENT/TENANT	2408 DIXIE FOREST RD	RALEIGH NC 27615		2408 DIXIE FOREST RD
1716897202	RESIDENT/TENANT	2308 DIXIE FOREST RD	RALEIGH NC 27615		2408 DIXIE FOREST RD
1716887576	AUTO MAX HOLDING LLC	1300 COOLMORE DR	RALEIGH NC 27614-9116		2411 SPRING FOREST RD
1716887576	RESIDENT/TENANT	2411 SPRING FOREST RD	RALEIGH NC 27615		2411 SPRING FOREST RD
1716887576	RESIDENT/TENANT	2407 SPRING FOREST RD	RALEIGH NC 27615		2411 SPRING FOREST RD
1716889407	GOODBERRY CREAMERY INC	PO BOX 58307	RALEIGH NC 27658-8307		2421 SPRING FOREST RD
1716889407	RESIDENT/TENANT	2421 SPRING FOREST RD	RALEIGH NC 27615		2421 SPRING FOREST RD
1716981713	AMERCO REAL ESTATE COMPANY	PO BOX 29046	PHOENIX AZ 85038-9046		2431 SPRING FOREST RD
1716981713	RESIDENT/TENANT	2431 SPRING FOREST RD	RALEIGH NC 27615		2431 SPRING FOREST RD

1716886007	PRCP-RALEIGH I LLC	ATTN DAVID KHOURY	525 OKEECHOBEE BLVD STE 1650 WEST PALM BEACH FL 33401-6327	5411 REUNION PT
1716886007	RESIDENT/TENANT	5411 REUNION PT	RALEIGH NC 27609	5411 REUNION PT
1716885696	AMERCO REAL ESTATE COMPANY	2727 N CENTRAL AVE	PHOENIX AZ 85004-1120	5600 ATLANTIC AVE
1716885696	RESIDENT/TENANT	5600 ATLANTIC AVE	RALEIGH NC 27615	5600 ATLANTIC AVE
1716882877	MPHK CAPITAL LLC	932 HUNGERFORD DR STE 34A	ROCKVILLE MD 20850-1753	5601 ATLANTIC AVE
1716887875	OREILLY AUTOMOTIVE INC	OREILLY AUTO PARTS STORE 2442	PO BOX 9167	SPRINGFIELD MO 65801-9167
1716887875	RESIDENT/TENANT	5610 ATLANTIC AVE	RALEIGH NC 27615	5610 ATLANTIC AVE
1716990129	SAMPSON BLADEN OIL CO INC	PO BOX 469	CLINTON NC 28329-0469	5620 ATLANTIC AVE
1716990129	RESIDENT/TENANT	5620 ATLANTIC AVE	RALEIGH NC 27615	5620 ATLANTIC AVE
1716884968	LIN'S HOLDING LLC	932 HUNGERFORD DR STE 34A	ROCKVILLE MD 20850-1753	5621 ATLANTIC AVE
1716884968	RESIDENT/TENANT	5621 ATLANTIC AVE	RALEIGH NC 27615	5621 ATLANTIC AVE
1716884968	RESIDENT/TENANT	5621 ATLANTIC AVE STE 101	RALEIGH NC 27615	5621 ATLANTIC AVE
1716884968	RESIDENT/TENANT	5621 ATLANTIC AVE STE 105	RALEIGH NC 27615	5621 ATLANTIC AVE
1716884968	RESIDENT/TENANT	5621 ATLANTIC AVE STE 107	RALEIGH NC 27615	5621 ATLANTIC AVE
1716884968	RESIDENT/TENANT	5621 ATLANTIC AVE STE 109	RALEIGH NC 27615	5621 ATLANTIC AVE
1716884968	RESIDENT/TENANT	5621 SPRING FOREST RD	RALEIGH NC 27615	5621 ATLANTIC AVE
1716787599	BLAND, LYSA A BLAND, EDWARD F JR	5700 FENWOOD DR	RALEIGH NC 27609-4117	5700 FENWOOD DR
1716787605	CHAPMAN, ELIZABETH A	5704 FENWOOD DR	RALEIGH NC 27609-4117	5704 FENWOOD DR
1716786740	SELLEK, JOSEPH M SELLEK, ARLEEN E	12316 CAMBERWELL CT	RALEIGH NC 27614-8932	5708 FENWOOD DR
1716786740	RESIDENT/TENANT	5708 FENWOOD DR	RALEIGH NC 27609	5708 FENWOOD DR
1716788409	DEVINE, DAVID J. DEVINE, HOLLY E.	5840 MORNING FOREST DR	RALEIGH NC 27609-4120	5840 MORNING FOREST DR
1716880238	PECAN TOWNES HOMEOWNERS ASSOCIATION	C/O KAREN G Z MACKLIN	PO BOX 2021	RALEIGH NC 27602-2021
1716788498	PECAN TOWNES HOMEOWNERS ASSOCIATION	C/O KAREN G Z MACKLIN	PO BOX 2021	RALEIGH NC 27602-2021
1716788492	MEHLICH, KARL R HEIRS	C/O CAROLYN MEHLICH ADMINISTRATRIX	4218 NORMAN RIDGE LN	RALEIGH NC 27613-5917
1716788492	RESIDENT/TENANT	5875 SHADY GROVE CIR	RALEIGH NC 27609	5875 SHADY GROVE CIR
1716789412	REECE, DEVA	3005 WESTON CT	BURLINGTON NC 27215-8120	5877 SHADY GROVE CIR
1716789412	RESIDENT/TENANT	5877 SHADY GROVE CIR	RALEIGH NC 27609	5877 SHADY GROVE CIR
1716789433	MEHLICH, KARL R HEIRS	C/O CAROLYN MEHLICH ADMINISTRATRIX	4218 NORMAN RIDGE LN	RALEIGH NC 27613-5917
1716789433	RESIDENT/TENANT	5879 SHADY GROVE CIR	RALEIGH NC 27609	5879 SHADY GROVE CIR
1716789492	KILBOURN, LAUREN	5883 SHADY GROVE CIR	RALEIGH NC 27609-4161	5883 SHADY GROVE CIR
1716880412	LUTZ, TRAVIS R. LUTZ, WILLIAMINA	5885 SHADY GROVE CIR	RALEIGH NC 27609-4161	5885 SHADY GROVE CIR
1716880421	YANG, FENG XING, JIJIAO	102 POPLAR KNOLL CT	CARY NC 27519-5611	5887 SHADY GROVE CIR
1716880421	RESIDENT/TENANT	5887 SHADY GROVE CIR	RALEIGH NC 27609	5887 SHADY GROVE CIR
1716880440	CURTIS, DIANA L	5889 SHADY GROVE CIR	RALEIGH NC 27609-4161	5889 SHADY GROVE CIR
1716880369	SCOTT, JOHN H	5891 SHADY GROVE CIR	RALEIGH NC 27609-4161	5891 SHADY GROVE CIR
1716880379	KELLEY, TODD M	5893 SHADY GROVE CIR	RALEIGH NC 27609-4161	5893 SHADY GROVE CIR
1716785777	KADICK, NICHOLAS ALEXANDER KADICK, ELIZABETH	5904 TIMBER RIDGE DR	RALEIGH NC 27609-4146	5904 TIMBER RIDGE DR
1716787753	PECAN TOWNES HOMEOWNERS ASSOCIATION	C/O KAREN G Z MACKLIN	PO BOX 2021	RALEIGH NC 27602-2021
1716993034	KOSAR LLC	1937 AMITY HILL CT	RALEIGH NC 27612-2863	6110 OLD WAKE FOREST RD
1716993034	RESIDENT/TENANT	6110 OLD WAKE FOREST RD	RALEIGH NC 27615	6110 OLD WAKE FOREST RD
1716993154	KOSAR LLC	1937 AMITY HILL CT	RALEIGH NC 27612-2863	6112 OLD WAKE FOREST RD
1716993154	RESIDENT/TENANT	6112 OLD WAKE FOREST RD	RALEIGH NC 27615	6112 OLD WAKE FOREST RD
1716993154	RESIDENT/TENANT	6108 OLD WAKE FOREST RD	RALEIGH NC 27615	6112 OLD WAKE FOREST RD
1716993274	KOSAR LLC	1937 AMITY HILL CT	RALEIGH NC 27612-2863	6116 OLD WAKE FOREST RD
1716993274	RESIDENT/TENANT	6116 OLD WAKE FOREST RD	RALEIGH NC 27615	6116 OLD WAKE FOREST RD
1716993394	KOSAR LLC	1937 AMITY HILL CT	RALEIGH NC 27612-2863	6120 OLD WAKE FOREST RD
1716993394	RESIDENT/TENANT	6120 OLD WAKE FOREST RD	RALEIGH NC 27615	6120 OLD WAKE FOREST RD

## **EXHIBIT C – ITEMS DISCUSSED**

1. None

## **EXHIBIT D – MEETING ATTENDEES**

1. Worth Mills
2. Ira Mabel



# Pre-Application Conference

## Meeting Record

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

<b>Meeting Date:</b> 3/19/2021	
<b>Attendees:</b> Jason Hardin, Sara Ellis, Carmen Kuan, Janet Boyer, Carter Pettibone, Michael Birch, Jennifer Ashton, Chris Bostic, Ilan Konover	
<b>Site Address/PIN:</b> 5601, 5621 Atlantic Ave (PINs 1716882877 and 1716884968)	
<b>Current Zoning/Designation:</b> CX-3-CU	
<b>Proposed Zoning/Designation:</b> TCZ - conditions 1 and 3	
<b>City Council District:</b> A – Patrick Buffkin	
<b>Notes:</b> Applicant is looking to increase the maximum retail square footage (condition 1) and modify condition 3 about PL frontage to as they move into next phases of development.  The use is consistent with the FLUM. Staff notes that the square footage restriction may have been in response to a TIA and changes may trigger a TIA. Staff recommends contacting Jason Myers and Anne Conlon (contact information below) to get clarification on whether a TIA will be required with the TCZ request.  A second neighborhood meeting will not be required. The rezoning timeline is likely to be not shorter than 6 months.	
<b>Department &amp; Staff</b>	<b>Notes</b>
<b>Transportation</b> <input type="checkbox"/> Jason Myers <a href="mailto:Jason.Myers@raleighnc.gov">Jason.Myers@raleighnc.gov</a> 919-996-2166  <input type="checkbox"/> Anne Conlon <a href="mailto:Anne.Conlon@raleighnc.gov">Anne.Conlon@raleighnc.gov</a> 919-996-2160  <input type="checkbox"/> Fontaine Burruss <a href="mailto:Fontaine.Burruss@raleighnc.gov">Fontaine.Burruss@raleighnc.gov</a> 919-996-2165	
<b>Historic Preservation</b> <input type="checkbox"/> Collette Kinane <a href="mailto:Collette.Kinane@raleighnc.gov">Collette.Kinane@raleighnc.gov</a> 919-996-2649	

<p><b>Parks, Recreation, &amp; Cultural Resources</b></p> <p><input type="checkbox"/> TJ McCourt  <a href="mailto:Thomas.McCourt@raleighnc.gov">Thomas.McCourt@raleighnc.gov</a>  919-996-6079</p> <p><input type="checkbox"/> Emma Liles  <a href="mailto:Emma.Liles@raleighnc.gov">Emma.Liles@raleighnc.gov</a>  919-996-4871</p>	
<p><b>Public Utilities</b></p> <p><input type="checkbox"/> John Sorrell  <a href="mailto:John.Sorrell@raleighnc.gov">John.Sorrell@raleighnc.gov</a>  919-996-3485</p> <p><input type="checkbox"/> Lorea Sample  <a href="mailto:Lorea.Sample@raleighnc.gov">Lorea.Sample@raleighnc.gov</a>  919-996-3484</p>	
<p><b>Urban Design Center</b></p> <p><input type="checkbox"/> Charles Dillard  <a href="mailto:Charles.Dillard@raleighnc.gov">Charles.Dillard@raleighnc.gov</a>  919-996-4631</p> <p><input type="checkbox"/> Lee Stevens  <a href="mailto:Lee.Stevens@raleighnc.gov">Lee.Stevens@raleighnc.gov</a>  919-996-4629</p>	
<p><b>Stormwater</b></p> <p><input type="checkbox"/> Gary Morton  <a href="mailto:Gary.Morton@raleighnc.gov">Gary.Morton@raleighnc.gov</a>  919-996-3517</p> <p><input type="checkbox"/> Charles Webb  <a href="mailto:Charles.Webb@raleighnc.gov">Charles.Webb@raleighnc.gov</a>  919-996-3519</p>	
<p><b>Current Planning</b></p> <p><input type="checkbox"/> Jermont Purifoy  <a href="mailto:Jermont.Purifoy@raleighnc.gov">Jermont.Purifoy@raleighnc.gov</a>  919-996-2645</p> <p><input type="checkbox"/> Mike Walters  <a href="mailto:Michael.Walters@raleighnc.gov">Michael.Walters@raleighnc.gov</a>  919-996-2636</p>	