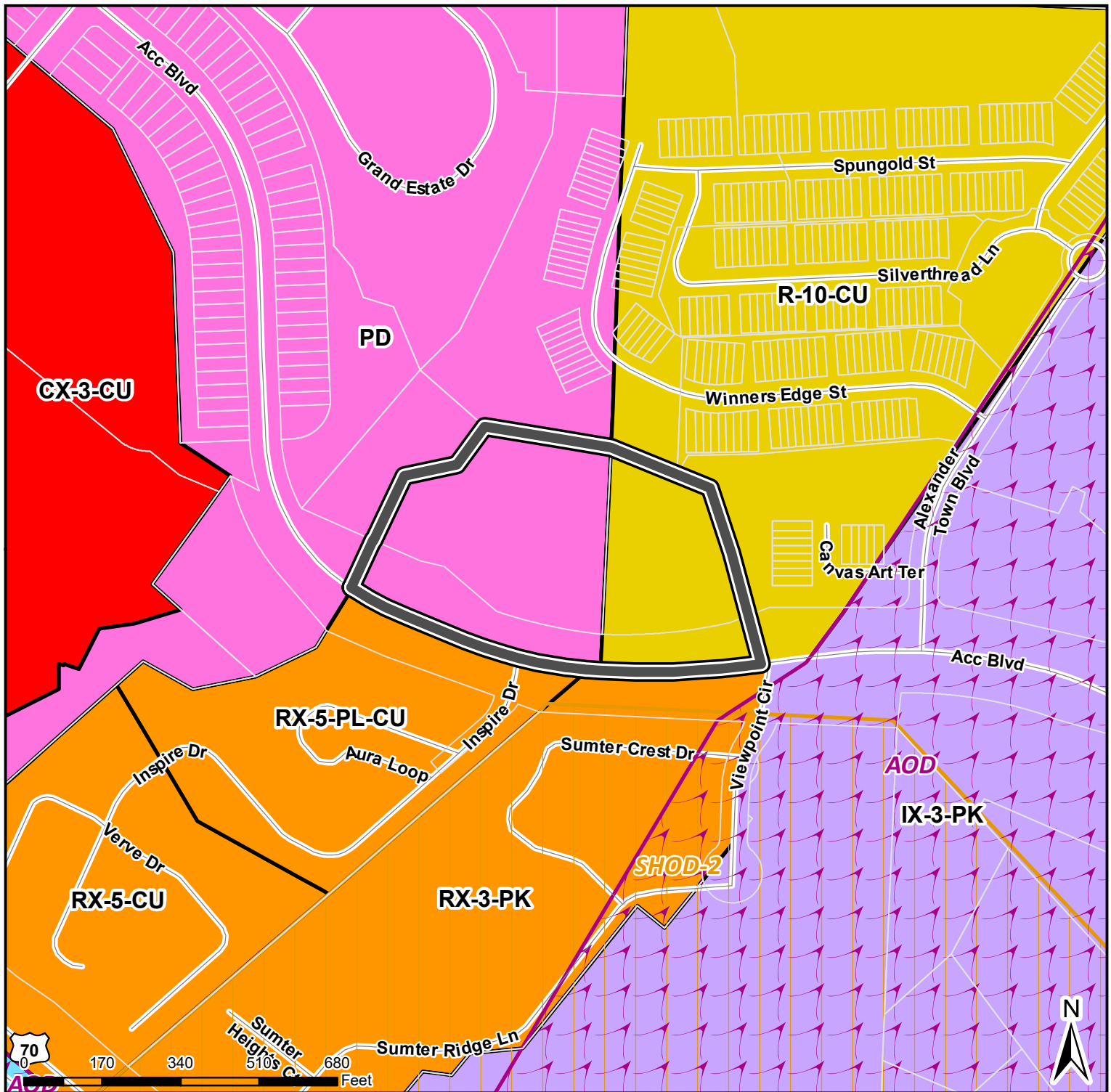
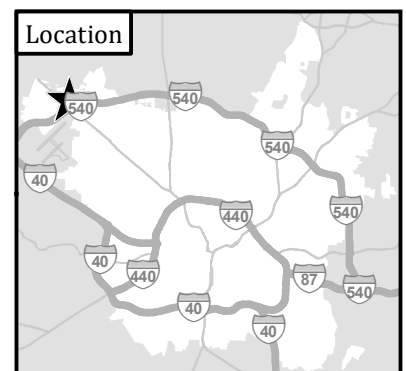


Existing Zoning

Z-41-2020



| | |
|------------------|----------------------|
| Property | 7630 & 7650 ACC Blvd |
| Size | 5.78 acres |
| Existing Zoning | R-10-CU & PD |
| Requested Zoning | R-10-CU |





Raleigh

MEMO

TO: Ruffin Hall, City Manager

THRU: Ken Bowers, AICP, Deputy Director

FROM: Hannah Reckhow, Senior Planner

DEPARTMENT: Planning and Development

DATE: February 4, 2021

SUBJECT: City Council agenda item for February 16, 2021 – Z-41-20

On January 5, 2021, City Council opened the public hearing for the following item and continued the hearing until February 2, 2021. At this meeting, Council closed the hearing and deferred the case to February 16 to allow the zoning conditions to be amended. Amended conditions were received on February 4.

Z-41-20 ACC Boulevard, approximately 5.78 acres located at [7650 and 7630 ACC Blvd.](#)

Signed zoning conditions provided on February 4, 2021 require a 10-foot planted buffer along the eastern property boundary and specify that the 100-year floodplain shall remain undisturbed by added fill.

Current zoning: Planned Development (PD) and Residential-10-Conditional Use (R-10-CU)

Requested zoning: Residential-10-Conditional Use (R-10-CU)

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

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

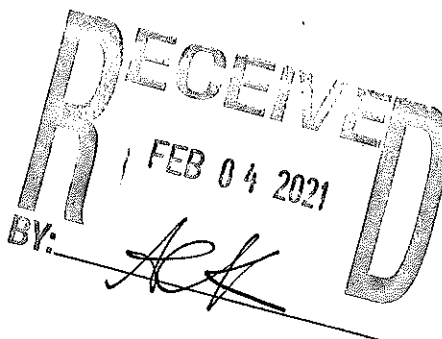
The Planning Commission recommends approval of the request (8 - 0).

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

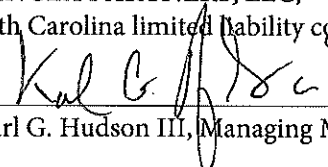
One Exchange Plaza
1 Exchange Plaza, Suite 1020
Raleigh, North Carolina 27601

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

| CONDITIONAL USE DISTRICT ZONING CONDITIONS | |
|---|------------------------|
| Zoning Case Number Z-41-20 | OFFICE USE ONLY |
| Date Submitted August 13, 2020; Revised September 23, 2020; Revised October 12, 2020; Revised February 5, 2021 | Rezoning Case # |
| Existing Zoning R-10-CU; Alexander Place PD Proposed Zoning R-10-CU | |
| Narrative of Zoning Conditions Offered | |
| <p>1. Along the eastern property line, in areas where there is no Neuse Riparian Buffer or tree conservation area, the development will include a ten-foot planted buffer between the subject property and the Alexander Place Townhome Association open space (PIN 0768776173; Deed Book 12189, Page 1305). The planted buffer shall include four shade trees per 100 lineal feet, three understory trees per 100 lineal feet, and 40 shrubs per 100 lineal feet.</p> <p>2. The 100-year floodplain shall remain undisturbed from added fill except for the installation of utilities, stormwater conveyance, greenway trails, fencing or other public improvements.</p> <div style="text-align: right; margin-top: 20px;">  </div> | |

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

Property Owner(s) Signature: **GREEN SEA PARTNERS, LLC,**
a North Carolina limited liability company

By: 
Karl G. Hudson III, Managing Member



RALEIGH PLANNING COMMISSION CERTIFIED RECOMMENDATION

CR# 12058

CASE INFORMATION: Z-41-20 ACC BLVD

| | |
|----------------------------|---|
| Location | North side, approximately 400 feet west of its intersection with Alexander Town Blvd Address: 7650, 7630 ACC Blvd PINs: 0768679147, 0768773039 iMaps , Google Maps , Directions from City Hall |
| Current Zoning | PD, R-10-CU |
| Requested Zoning | R-10-CU |
| Area of Request | 5.78 acres |
| Corporate Limits | The site is partially inside city limits. 7650 ACC Blvd is inside city limits and 7630 ACC Blvd is outside city limits but inside Raleigh ETJ. |
| Property Owner | Green Sea Partners LLC |
| Applicant | Isabel Mattox |
| Council District | E |
| PC Recommendation Deadline | January 25, 2021 |

SUMMARY OF PROPOSED CONDITIONS

1. Along the eastern property line, in areas where there is no Neuse riparian buffer and no tree conservation area, the development shall include a ten foot planted buffer between the subject property and the Alexander Place Townhome Association open space. The buffer shall include four shade trees, three understory trees, and 40 shrubs per linear feet.

COMPREHENSIVE PLAN GUIDANCE

| | |
|-----------------------|---|
| Future Land Use | Moderate Density Residential, Public Parks & Open Space |
| Urban Form | City Growth Center |
| Consistent Policies | Policy LU 1.2 Future Land Use and Zoning Consistency Policy LU 1.3 Conditional Use District Consistency Policy LU 8.10 Infill Development Policy EP 8.10 Airport Noise Protection for Residential Uses |
| Inconsistent Policies | Policy H 1.8 Zoning for Housing |

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 |
|----------------------------|-----------------------------|---------------------|--------------|
| 8/3/20; 3 attendees | 10/5/20; 9 attendees | 10/27/20; 11/10/20 | 11/17/20 |

PLANNING COMMISSION RECOMMENDATION

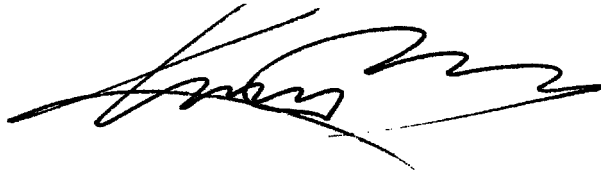
The rezoning case is **Consistent** with the Future Land Use Map and **Consistent** with the relevant policies in the Comprehensive Plan, furthermore **Approval** is reasonable and in the public interest because:

| | |
|--------------------------------------|--|
| Reasonableness and Public Interest | The request is consistent with Comprehensive Plan policies, including those regarding compatible infill development. |
| Change(s) in Circumstances | N/A |
| Amendments to the Comprehensive Plan | N/A |
| Recommendation | The Planning Commission recommends approval of Z-41-20. |
| Motion and Vote | Motion: Fox Second: Hicks In Favor: Bennett, Fox, Hicks, Lampman, McIntosh, 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:

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



ZONING STAFF REPORT – CASE Z-41-20

Conditional Use District

OVERVIEW

The request is to rezone approximately 5.78 acres from Planned Development (PD) and Residential – 10 – Conditional Use (R-10-CU) to Residential – 10 – Conditional Use. Proposed conditions would establish a 10-foot planted buffer along the southeastern property boundary.

The rezoning site is two parcels – 7650 and 7630 ACC Blvd – that are currently undeveloped and partially forested. A stream runs along the site's northern and western boundary. The site slopes down from ACC Blvd toward the stream with an approximate grade of 20 percent. One parcel 7630 ACC Blvd is currently outside city limits and annexation would be required to connect to city services.

The site is surrounded by residential uses. To the north and east are townhouses, zoned R-10-CU. To the north and west are apartment and single-unit residential uses located in the Alexander Place PD. To the south are apartment buildings, zoned RX-3-PK, and undeveloped land zoned RX-5-PL-CU. Farther west is a shopping center zoned CX-3-CU and farther east are commercial and light industrial uses zoned IX-3-PK.

The rezoning request would rezone the entire site to R-10-CU and would apply new conditions. The current PD entitlement for 7650 ACC Blvd includes office use, but also would permit residential uses if at densities greater than 15 units per acre and other commercial uses such as retail sales. The requested district R-10-CU would permit only residential uses, limited to 10 units per acre. This results in a net reduction of potential dwelling units on the site.

The portion of the parcel located in the Alexander Place PD is one subsection of the master plan – Tract 5-4. A significant portion of the original PD has been rezoned since 2000, including the shopping area at Brier Creek Pkwy and Glenwood Ave (Z-57-2000), areas entitled for office along T.W. Alexander Dr (Z-19-2015), and the 'Village Retail' area at Brier Creek Pkwy and T.W. Alexander Dr (Z-10-2018). Under the PD, the subject site is allocated entitlement as described above and is not implicated in other requirements of the PD.

The site is located near the Raleigh-Durham Airport and within the 60 average daily decibels contour area. Comprehensive Plan policies recommend that residential uses not be located within the 65 decibel level area, which is located to the southeast of the site. A zoning conditions that currently applies to the property zoned R-10-CU 7630 ACC Blvd requires that a statement be placed on any plats or deeds in the district noting the properties proximity to the 65 decibel noise contour area. Under the proposed condition, no such requirement would exist.

The site is designated as Moderate Density Residential on the Future Land Use Map, with Public Parks & Open Space applied along a stream buffer. Moderate Density Residential is a designation that recommends residential uses at densities between 6 and 14 units per acre.

The requested R-10-CU district would permit development that is consistent with the recommendation.

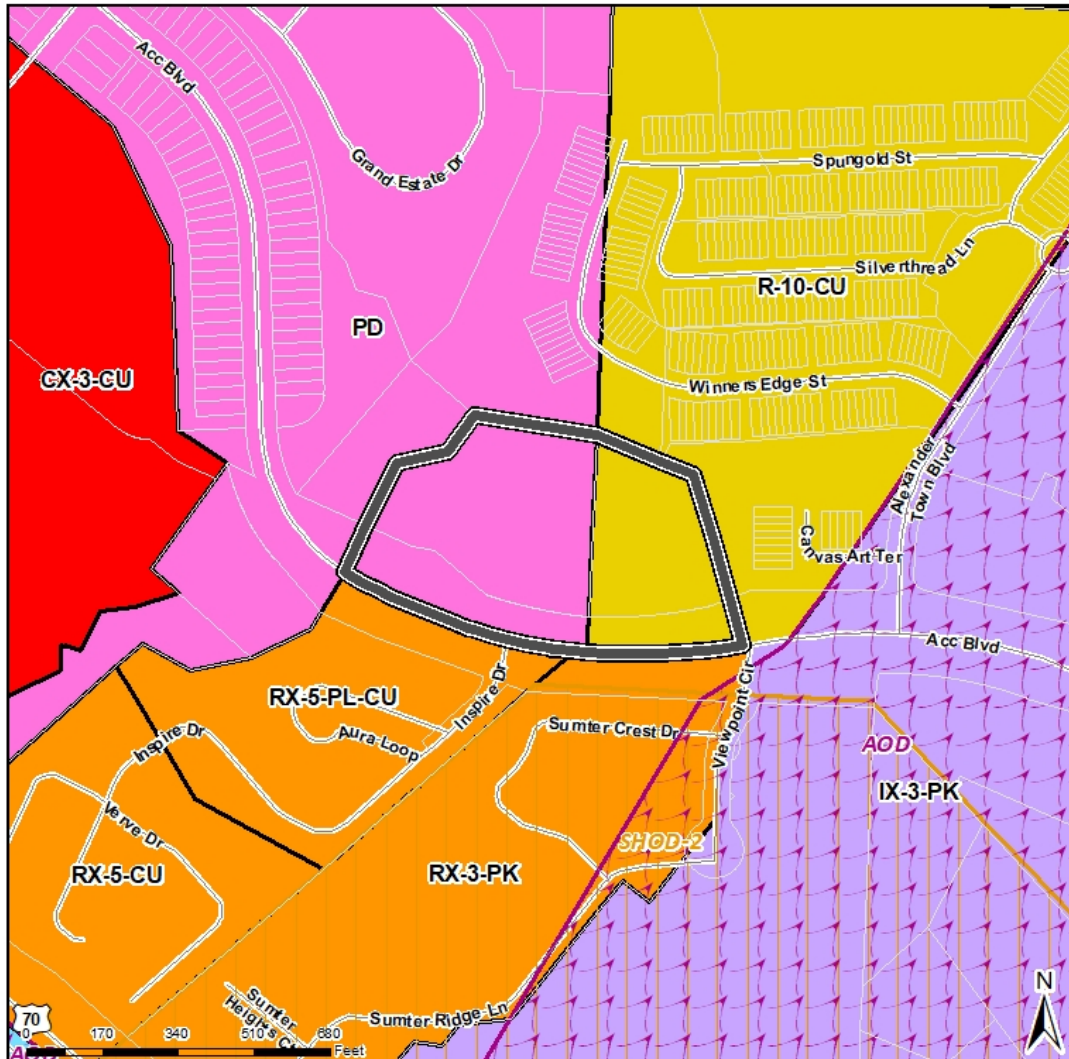
On the Urban Form Map, the site is part of a larger City Growth Center. This designation would recommend an urban or hybrid frontage be applied. However, the request is for a residential district and a frontage cannot be applied.

OUTSTANDING ISSUES

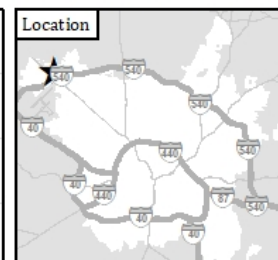
| | | | |
|-------------------------------|---------|---------------------------------|--------|
| Outstanding Issues | 1. None | Suggested Mitigation | 1. N/A |
|-------------------------------|---------|---------------------------------|--------|

Existing Zoning

Z-41-2020



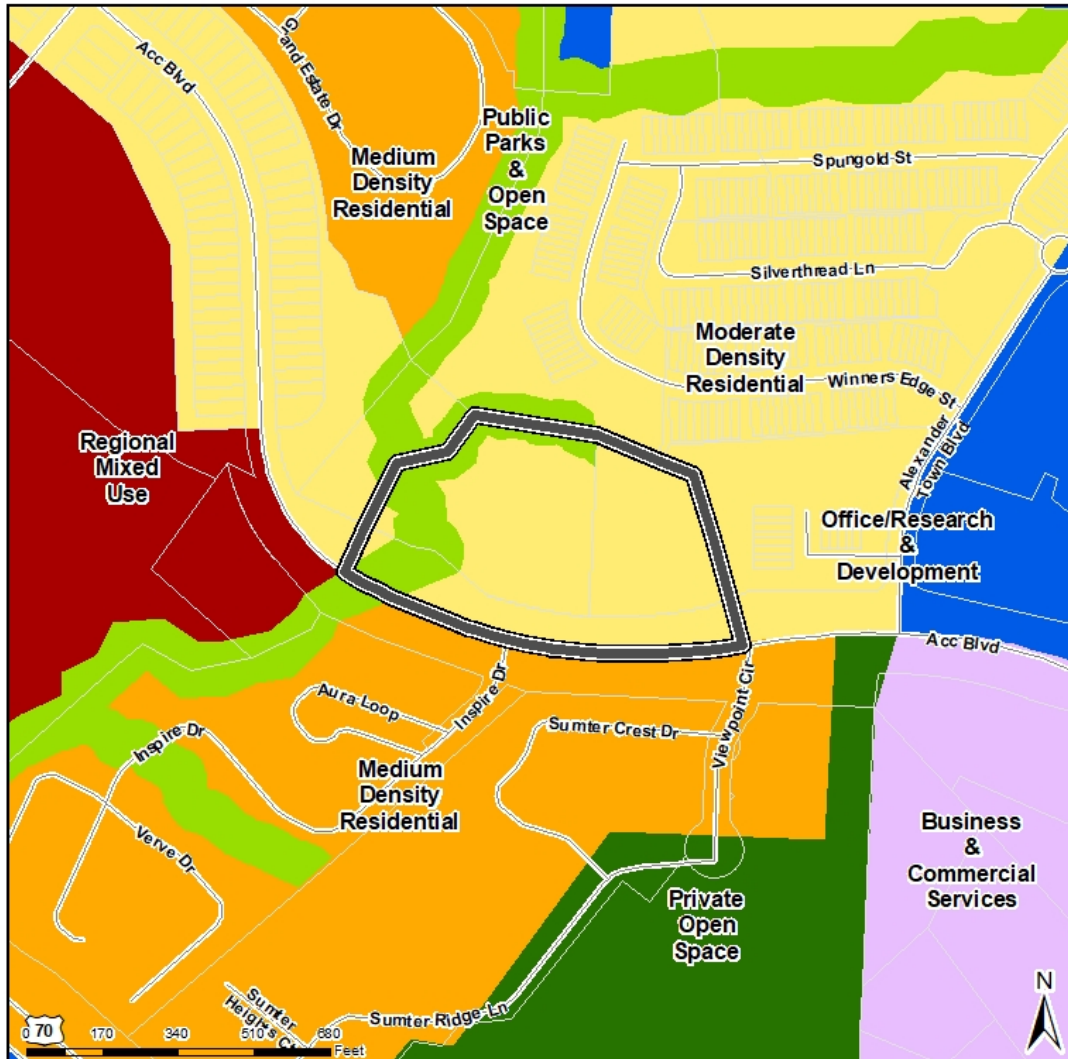
| | |
|-------------------------|----------------------|
| Property | 7630 & 7650 ACC Blvd |
| Size | 5.78 acres |
| Existing Zoning | R-10-CU & PD |
| Requested Zoning | R-10-CU |



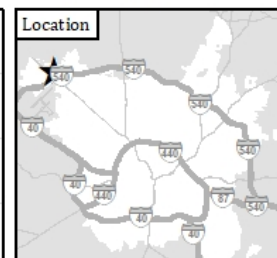
Map by Raleigh Department of City Planning (mansolf); 8/24/2020

Future Land Use

Z-41-2020



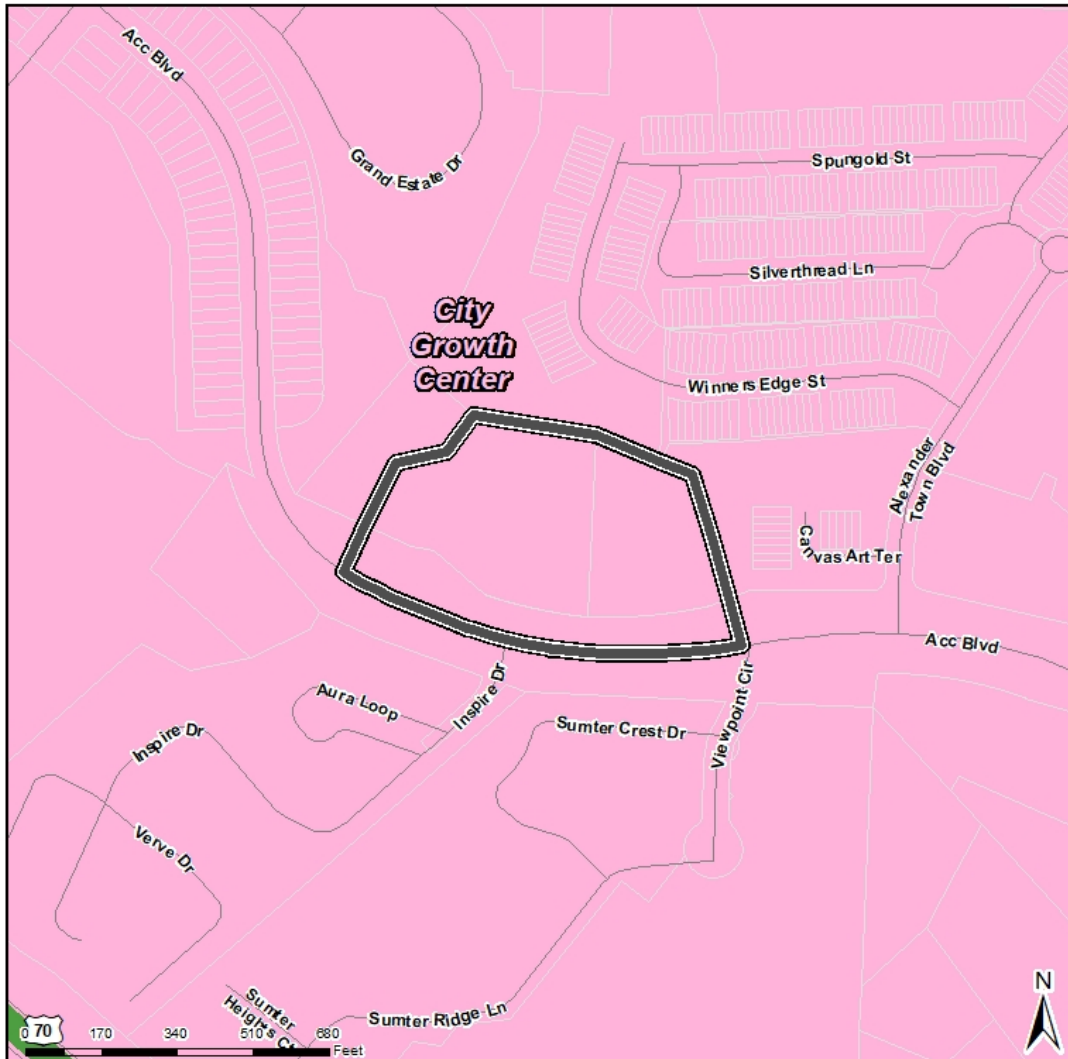
| | |
|-------------------------|----------------------|
| Property | 7630 & 7650 ACC Blvd |
| Size | 5.78 acres |
| Existing Zoning | R-10-CU & PD |
| Requested Zoning | R-10-CU |



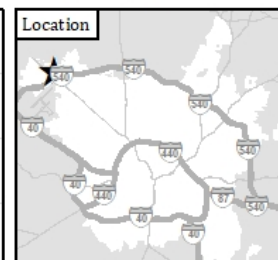
Map by Raleigh Department of City Planning (mansolf); 8/24/2020

Urban Form

Z-41-2020



| | |
|-------------------------|----------------------|
| Property | 7630 & 7650 ACC Blvd |
| Size | 5.78 acres |
| Existing Zoning | R-10-CU & PD |
| Requested Zoning | R-10-CU |



Map by Raleigh Department of City Planning (mansolf); 8/24/2020

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 policies contained in the 2030 Comprehensive Plan, including the Future Land Use Map designation of Moderate Density Residential and policies regarding infill development and location of residential uses near Raleigh-Durham Airport. In addition, the request is consistent with the vision theme of Managing Our Growth. The site is partially within city limits and partially within Raleigh ETJ. The development permitted in the requested district would likely require annexation of the parcel within Raleigh ETJ on a site that has ample infrastructure.

- 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 permitted in R-10-CU is specifically designated on the Future Land Use Map.

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

N/A

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

Yes, the community facilities and streets appear to be able to serve the proposed use.

Future Land Use

Future Land Use designation: Moderate Density Residential

The rezoning request is

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

☐ **Inconsistent**

The designation of Moderate Density Residential recommends residential uses at densities between 6 and 14 units per acre. The requested district would permit residential uses up to 10 units per acre. Furthermore, the portion of the site that is designated as Public Parks & Open Space coincides with the Neuse Riparian buffer to be established along the stream to the west and northwest of the site.

Urban Form

Urban Form designation: City Growth Center

The rezoning request is

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

☐ **Inconsistent**

☒ **Other**

The designation of City Growth Center recommends a hybrid or urban frontage be applied. The requested district does not include a zoning frontage. However, the requested district is a Residential district, to which a frontage cannot be applied.

Compatibility

The proposed rezoning is

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

☐ **Incompatible.**

While there is a mix of uses in the larger area around the rezoning site – including commercial and light industrial uses – the site is surrounded by similar residential uses. This includes townhomes to the north and east, apartments to the south, and single-unit residential to the northwest. The requested district would permit a similar variety and density of residential uses.

Public Benefits of the Proposed Rezoning

- The request could facilitate development on an infill site along a major road.

Detriments of the Proposed Rezoning

- The request would reduce the number of potential dwelling units on the site in a City Growth Center and an area with ample infrastructure available.

Policy Guidance

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

Policy LU 1.2 Future Land Use and Zoning Consistency

The Future Land Use Map shall be used in conjunction with the Comprehensive Plan policies to evaluate zoning consistency including proposed zoning map amendments and zoning text changes.

- The designation of Moderate Density Residential recommends residential uses at densities between 6 and 14 units per acre. The requested district would permit residential uses up to 10 units per acre. Furthermore, the portion of the site that is designated as Public Parks & Open Space coincides with the Neuse Riparian buffer to be established along the stream to the west and northwest of the site.

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 requested zoning conditions do not conflict with Comprehensive Plan policies.

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 areas and should not create sharp changes in the physical development pattern.

- The request would permit development that is similar and compatible with the surrounding area, which includes other residential uses including apartment, townhome, and single unit residential, on a currently undeveloped site.

Policy EP 8.10 Airport Noise Protection for Residential Uses

Rezoning of properties within the defined 65 decibel level of Raleigh Durham Airport Authority composite noise contour line and outside the Airport Overlay District, that propose to increase residential density or create new residential zoning is strongly discouraged. Exceptions to such rezoning may occur through a conditional use rezoning that adopts Raleigh Durham Airport Authority recommended noise mitigation measures.

- The rezoning site is located near but outside the 65 average daily decibel contour area. It is located within the 60 average daily decibel area.

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

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 site is partially within the Alexander Place PD, which would require residential development on the site to be no less than 15 dwelling units per acre. The

requested district would permit up to 10 dwelling units per acre, resulting in a net decrease of potential units on the site.

Area Plan Policy Guidance

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

HOUSING AFFORDABILITY & ENERGY EFFICIENCY ANALYSIS

Carbon Footprint: Transportation

| | City Average | Site | Notes |
|---------------|--------------|------|-------------------------------|
| Transit Score | 30 | 27 | Similar to city-wide average. |
| Walk Score | 30 | 17 | Lower than city-wide average. |

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

Summary: The rezoning site has similar access to transit as the city as a whole. The site is more car-dependent than the city as whole, although there are sidewalks in the area and commercial uses within walking distance.

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 rezoning request would permit a variety of housing types, including more affordable apartment type.

Housing Supply and Affordability

| | | |
|----------------------|-----------|---|
| Does it add/subtract | Subtracts | The current zoning would permit residential |
|----------------------|-----------|---|

| | | |
|---|-----|--|
| from the housing supply? | | at a higher density than the requested district. |
| Does it include any subsidized units? | No | |
| Does it permit a variety of housing types beyond detached houses? | Yes | |
| If not a mixed-use district, does it permit smaller lots than the average?* | Yes | |
| Is it within walking distance of transit? | No | |

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

Summary: The rezoning site current has two different zoning districts, once of which would require any residential use to be at least 15 dwelling units per acre. For that reason, the request of R-10-CU would lower the potential number of dwelling units across the two parcels. However, applying a single zoning district facilitates the development of the two parcels together. The requested district would permit a variety of housing types and smaller lots than average. However, there is no guaranteed subsidized units included in the zoning 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 Nation Register individually-listed properties or Raleigh Historic Landmarks.

Impact Identified: None

Parks and Recreation

1. The western parcel at 7650 ACC Blvd. contains a portion of the Crabtree Creek – Brier Creek Greenway Easement (BM2002 PG1289). No temporary or permanent encroachments (including but not limited to clearing, grading, fencing, and the installation of retaining walls or other structures) are permitted within the greenway easement area without prior approval by the City of Raleigh.
2. The eastern parcel at 7630 ACC Blvd. contains the Crabtree Creek – Brier Creek – Trib E Greenway Corridor. At the time of a subdivision or site plan, this corridor will require the dedication of a 50-foot wide greenway easement, measured from waterbody top of bank, along the entire length of the water body within the property boundary (UDO Sec. 8.6.1.B).
3. 3. Nearest existing park access is provided by Brier Creek Park (2.8 miles) and Strickland Park (5.0 miles).
4. Nearest existing greenway trail access is provided by Hare Snipe Creek Greenway Trail (7.2 miles).
5. Current park access level of service in this area is graded a F letter grade. However, there is an undeveloped park property at 6205 Mt Herman Rd (Mt. Herman Property) that is currently being planned for development as a park. This property is within 0.7 miles of the rezoning site, so park access level of service will greatly improve in the future.
6. The Greenway Master Plan in the City of Raleigh Comprehensive Plan proposes a greenway connector trail to be constructed within the greenway corridor on this site, connecting the greenway corridor to the public right of way along ACC Blvd.

Impact Identified: None

Public Utilities

| | Maximum Demand (current use) | Maximum Demand (current zoning) | Maximum Demand (proposed zoning) |
|-------------|---------------------------------|------------------------------------|-------------------------------------|
| Water | 24,750 | 24,750 | 14,250 |
| Waste Water | 24,750 | 24,750 | 14,250 |

Impact Identified:

1. The proposed rezoning would add approximately 10,500 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

| | |
|-----------------------|---|
| Floodplain | FEMA floodplain and possible Neuse River Buffer |
| Drainage Basin | Briar Creek |
| Stormwater Management | Subject to Article 9 |
| Overlay District | N/A |

Impact Identified: None

Transit

GoRaleigh Route 70X (Briar Creek Express) serves the Alexander Place Shopping Center approximately 0.15 miles west of the site. This route has four round trips each in the morning and afternoon peaks. There is no midday or evening service on this route. There is not existing transit near the site. None is planned in the Wake Transit Plan. GoDurham Route 2 stops on Briar Creek Parkway approximately 0.4 miles from the site. This route operates between Downtown Durham and Briar Creek every 30 minutes.

Impact Identified: None

Transportation

Site and Location Context

Location

The Z-41-20 Site is in Northwest Raleigh on ACC Boulevard, east of Brier Creek Parkway.

Area Plans

The Z-41-20 site is not located in an area of an adopted area plan (Map AP-1) in the Comprehensive Plan. It is more than one mile from the Brier Creek Village Area Plan.

Existing and Planned Infrastructure

Streets

ACC Boulevard is designated at a 3-lane avenue with parallel parking in the Raleigh Street Plan (Map T-1 in the Comprehensive Plan) and is maintained by NCDOT.

In accordance with UDO section 8.3.2, the maximum block perimeter for R-10 zoning districts is 2,500 feet and the maximum length for a dead-end street is 300 feet. Existing block perimeter for the site is extremely long due (approximately 21,000 feet) to undeveloped land. The completion of the planned extension of TW Alexander Drive will reduce the block perimeter to approximately 11,000 feet.

The standards of UDO Section 8.3.2 were modified by the text change TC-6-2019. Section 8.3.2 now includes exemptions that apply to this site. Sites are exempt from crossing a watercourse that has a drainage area greater than one square mile (UDO Section 8.3.2.A.1.b.vi.c). The creek on the western boundary of the site appears to meet this criterion. The existing townhome lots to the north and east of the subject site appear to meet the exemption requirements in UDO Section 8.3.2.A.1.b.vi.a (value of improvement on adjacent parcel) and 8.3.2.A.1.b.ix (attached or Detached building type on lots no larger than 2 acres).

Pedestrian Facilities

There is a sidewalk gap of approximately 730 feet on the north side of the ACC Boulevard near this site. A site plan requirement is to construct sidewalks along the site frontage, which makes up approximately 80 percent of the gap. The parcel to the west of the site along ACC Boulevard does not have a completed sidewalk.

Bicycle Facilities

There are no bikeways within ½ mile of the site. ACC Boulevard is designated for a bicycle lane in the Long-Term Bike Plan (Map T-3 of the Comprehensive Plan).

Access

The Z-37-20 Site is access by ACC Boulevard.

Other Projects in the Area

NCDOT has projects planned to widen or reconfigure interchanges on US-70 (Glenwood Avenue) and I-540 near the site. None of these projects directly impact the network around Z-41-20.

Traffic Impact Analysis (TIA) Determination

Based on the Envision results, approval of case Z-41-20 would decrease the amount of projected vehicular trips for the site as indicated in the table below. These values do not trigger a Traffic Impact Analysis based on the trip generation thresholds in the Raleigh Street Design Manual.

| | | | |
|--|-------------|------------|------------|
| Z-41-20 Existing Land Use Vacant | Daily | AM | PM |
| | 0 | 0 | 0 |
| Z-41-20 Current Zoning Entitlements Mixed Use | Daily | AM | PM |
| | 825 | 50 | 72 |
| Z-41-20 Proposed Zoning Maximums Multi-Family Residential | Daily | AM | PM |
| | 417 | 26 | 32 |
| Z-41-20 Trip Volume Change (Proposed Maximums minus Current Entitlements) | Daily | AM | PM |
| | -408 | -24 | -40 |

Impact Identified: None

Urban Forestry

Impact Identified: None

Impacts Summary

The request would have minimal impacts at the rezoning stage.

Mitigation of Impacts

No mitigation required at that rezoning stage.

CONCLUSION

The request would rezone approximately 5.78 acres from PD and R-10-CU to R-10-CU. The proposed conditions require a planted buffer along the eastern property boundary shared with the adjacent townhome community.

The request is consistent with the 2030 Comprehensive Plan, including the Future Land Use Map designation of Moderate Density Residential and policies regarding infill compatibility and location of residential uses near the Raleigh-Durham Airport. In addition, the request is consistent with the vision theme of Managing Our Growth, as it would facilitate development where infrastructure is in place and likely result in annexation of the parcel not currently within city limits.

CASE TIMELINE

| Date | Action | Notes |
|----------|-----------------------------------|-------|
| 8/14/20 | Application received | |
| 9/17/20 | Initial staff review provided | |
| 10/27/20 | Planning Commission review begins | |
| | | |

APPENDIX

SURROUNDING AREA LAND USE/ ZONING SUMMARY

| SUBJECT PROPERTY | | NORTH | SOUTH | EAST | WEST |
|--------------------|---|------------------------------|----------------------------|------------------------------|--|
| Existing Zoning | PD, R-10-CU | PD, R-10-CU | RX-5-PL-CU, RX-3-PK | R-10-CU, IX-3-PK | PD, CX-3-CU |
| Additional Overlay | - | - | SHOD-2, AOD | AOD | - |
| Future Land Use | Moderate Density Residential, Public Parks & Open Space | Moderate Density Residential | Medium Density Residential | Moderate Density Residential | Moderate Density Residential, Regional Mixed Use |
| Current Land Use | Undeveloped | Residential | Residential | Residential | Residential, Commercial |
| Urban Form | City Growth Center | City Growth Center | City Growth Center | City Growth Center | City Growth Center |

CURRENT VS. PROPOSED ZONING SUMMARY

| EXISTING ZONING | | | PROPOSED ZONING |
|-----------------------------|--------|----------|-----------------|
| Zoning | PD | R-10-CU | R-10-CU |
| Total Acreage | 3.58 | 2.2 | 5.78 |
| Setbacks: | | | |
| Front | 10' | 10' | 10' |
| Side | 5' | 0' or 6' | 0' or 6' |
| Rear | 10' | 20' | 20' |
| Residential Density: | 21.51 | 10.0 | 9.86 |
| Max. # of Residential Units | 77 | 22 | 57 |
| Max. Gross Building SF | 90,180 | 23,100 | 59,850 |
| Max. Gross Office SF | 20,350 | - | - |
| Max. Gross Retail SF | 33,299 | - | - |
| Max. Gross Industrial SF | - | - | - |
| Potential F.A.R. | 0.58 | 0.24 | 0.24 |

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

Rezoning Application



RALEIGH
DEPARTMENT OF
CITY PLANNING



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

REZONING REQUEST

☐ General Use ☒ Conditional Use ☐ Master Plan

Existing Zoning Base District **PIN 0768773039: R-10-CU** **PIN 0768679147: Alexander Place PD**

Proposed Zoning Base District **R-10-CU**

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-28-2002; Z-58-2000**

MP-1-2000

GENERAL INFORMATION

Date

Date Amended (1)

Date Amended (2)

Property Address **7630 & 7650 ACC Blvd., Raleigh, NC 27617**

Property PIN **0768773039; 0768679147**; Deed Reference (book/page) **17393/2535; 17393/2531**

Nearest Intersection **ACC Blvd. and Viewpoint Circle**

Property Size (acres) **5.78**

For Planned
Development
Applications Only:

Total Units **N/A**

Total Square Footage **N/A**

Total Parcels **N/A**

Total Buildings **N/A**

Property Owner Name/Address

**Green Sea Partners, LLC
2416 White Oak Road
Raleigh, NC 27609**

Phone

Fax

Email

Applicant Name/Address

**Green Sea Partners, LLC
C/O Isabel Worthy Mattox, Attorney
P.O. Box 946
Raleigh, NC 27602**

Phone **919-828-7171**

Fax

Email **Isabel@mattoxlawfirm.com**

Applicant* Signature(s)

Email

GREEN SEA PARTNERS, LLC,
a North Carolina limited liability company

By:

Karl G. Hudson III, Managing Member

CONDITIONAL USE DISTRICT ZONING CONDITIONSZoning Case Number **Z-41-20****OFFICE USE ONLY**

Date Submitted August 13, 2020; Revised September 23, 2020; Revised October 12, 2020

Rezoning Case #Existing Zoning R-10-CU; Alexander Place PD Proposed Zoning **R-10-CU****Narrative of Zoning Conditions Offered**

1. Along the eastern property line, in areas where there is no Neuse Riparian Buffer or tree conservation area, the development will include a ten-foot planted buffer between the subject property and the Alexander Place Townhome Association open space (PIN 0768776173; Deed Book 12189, Page 1305). The planted buffer shall include four shade trees per 100 lineal feet, three understory trees per 100 lineal feet, and 40 shrubs per 100 lineal feet.

RECEIVED
NOV 13 2020
BY: JP

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

Property Owner(s) Signature:

GREEN SEA PARTNERS, LLC,
a North Carolina limited liability company

By: Karl G. Hudson III

Karl G. Hudson III, Managing Member

REZONING APPLICATION ADDENDUM #1

| |
|------------------------------------|
| Comprehensive Plan Analysis |
|------------------------------------|

The applicant is asked to analyze the impact of the rezoning request and its consistency with the Comprehensive Plan. The applicant is also asked to explain how the rezoning request is reasonable and in the public interest.

| |
|---|
| <p>OFFICE USE ONLY</p> <p>Rezoning Case #</p> |
|---|

Rezoning Case #

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 | OFFICE USE ONLY 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.

- | | |
|-----------|---|
| 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 type="checkbox"/> | <input type="checkbox"/> | | | |
| 2. Pre-Application Conference | <input type="checkbox"/> | <input type="checkbox"/> | | | |
| 3. Neighborhood Meeting notice and report | <input type="checkbox"/> | <input type="checkbox"/> | | | |
| 4. Rezoning application review fee (see Fee Schedule for rate) | <input type="checkbox"/> | <input type="checkbox"/> | | | |
| 5. Completed application, submitted through Permit & Development Portal | <input type="checkbox"/> | <input type="checkbox"/> | | | |
| Completed Comprehensive Plan Consistency Analysis | <input type="checkbox"/> | <input type="checkbox"/> | | | |
| Completed Response to the Urban Design Guidelines | <input type="checkbox"/> | <input 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 type="checkbox"/> | <input type="checkbox"/> | | | |
| 7. Trip Generation Study | <input type="checkbox"/> | <input type="checkbox"/> | | | |
| 8. Traffic Impact Analysis | <input type="checkbox"/> | <input type="checkbox"/> | | | |
| For properties requesting a conditional use district: | | | | | |
| 9. Completed zoning conditions, signed by property owner(s) | <input type="checkbox"/> | <input type="checkbox"/> | | | |
| If applicable (see Page 11): | | | | | |
| 10. Proof of power of attorney or owner affidavit | <input type="checkbox"/> | <input 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 type="checkbox"/> | | | |
| For properties requesting an Accessory Dwelling Unit Overlay District (ADUOD): | | | | | |
| 15. Copy of ballot and mailing list | <input type="checkbox"/> | <input 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"/> | | | |

Pre-Application Conference

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



**DEVELOPMENT
SERVICES
DEPARTMENT**

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

PROCESS TYPE

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

* Optional conference

GENERAL INFORMATION

Date Submitted

Applicant(s) Name

Applicant's Mailing Address

Phone

Email

Property PIN #

Site Address / Location

Current Zoning

Additional Information (if needed) :

OFFICE USE ONLY

Transaction # :

Date of Pre-Application Conference :

Staff Signature

**Pre-Application Conference
Via Webex Meeting on May 13, 2020
with City of Raleigh Staff**

From: Walter, Bynum <Bynum.Walter@raleighnc.gov>
Sent: Monday, July 06, 2020 1:16 PM
To: Isabel Mattox <isabel@mattoxlawfirm.com>
Cc: Rametta, Justin <Justin.Rametta@raleighnc.gov>; Mansolf, JP <jp.mansolf@raleighnc.gov>
Subject: RE: ACC Blvd properties

I think that would be fine. FLUM there is Moderate Density Residential, which would likely support a request for a zoning district that allows townhouse development. Looks like the eastern of the two parcels will require annexation, too.

Sincerely – Bynum

Bynum Walter, AICP
919-996-2178

From: Isabel Mattox <isabel@mattoxlawfirm.com>
Sent: Monday, July 6, 2020 12:47 PM
To: Walter, Bynum <Bynum.Walter@raleighnc.gov>
Cc: Rametta, Justin <Justin.Rametta@raleighnc.gov>; Mansolf, JP <jp.mansolf@raleighnc.gov>
Subject: RE: ACC Blvd properties

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you verify that the attachment and content are safe. If you believe this email is suspicious, please click the 'Phish Alert' link in the banner to report this message.

All, My clients have decided to move ahead with a rezoning of the property we discussed on May 13. Can that discussion count as a preapplication meeting or do we have to schedule another one?

Thank you, Isabel

Please note that my e-mail address has recently changed to isabel@mattoxlawfirm.com

Isabel Worthy Mattox
Attorney at Law
127 West Hargett St., Suite 500
Raleigh, NC 27601
Ph: (919) 828.7171
Cell: (919) 624-3105
Fax: (919) 831.1205

From: Walter, Bynum <Bynum.Walter@raleighnc.gov>
Sent: Friday, May 08, 2020 2:53 PM
To: Isabel Mattox <isabel@mattoxlawfirm.com>
Cc: Rametta, Justin <Justin.Rametta@raleighnc.gov>
Subject: RE: ACC Blvd properties

Feel free to forward. Looking forward to seeing you.

Sincerely – Bynum

Bynum Walter, AICP
919-996-2178

From: Isabel Mattox <isabel@mattoxlawfirm.com>
Sent: Friday, May 8, 2020 2:08 PM
To: Walter, Bynum <Bynum.Walter@raleighnc.gov>
Cc: Rametta, Justin <Justin.Rametta@raleighnc.gov>
Subject: Re: ACC Blvd properties

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Bynum, I need to include my client and maybe some development team members. Can I forward this link or do you need to invite?

Sent from my iPad

On May 8, 2020, at 1:54 PM, Walter, Bynum <Bynum.Walter@raleighnc.gov> wrote:

Meeting Link: <https://cormp.webex.com/cormp/j.php?MTID=mfeb6bf586c74ab012a68ea20d6234588>

Meeting number: 474 224 189
Password: alexander
Join by phone: 1-650-479-3208 (use meeting number as access code)

From: Isabel Mattox <isabel@mattoxlawfirm.com>

Sent: Friday, May 8, 2020 12:31 PM

To: Walter, Bynum <Bynum.Walter@raleighnc.gov>

Cc: Rametta, Justin <Justin.Rametta@raleighnc.gov>

Subject: Re: ACC Blvd properties

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you verify that the attachment and content are safe. If you believe this email is suspicious, please click the 'Phish Alert' link in the banner to report this message.

Bynum, Thanks for your response. Although I agree a sketch plan would probably yield more comprehensive info, we are not nearly at the point of having a site plan/ sketch for this site. My clients are evaluating a purchase opportunity and need to understand what will be needed from an entitlement standpoint.

I reviewed Z-58 and saw a graphic that designated the subject for office but then saw language in the narrative which permitted it to be developed for residential with a minimum 15 unit/acre density. I know the City has made some rulings about attached sketches In PDs but this was not a sketch just a designation re office with express language allowing other uses. Also it is difficult to know what of the many commitments In the PD would be required here.

I have advised them that it would be cleaner to rezone both parcels but obviously that is an expense they would like to avoid if possible.

This is a long way of saying we would like a meeting (As opposed to a sketch plan) with one or both of you. My preference is to meet on the 13th at 10 if that still works. And please let me know if that would be by conference call, Microsoft Team, WEbex, Zoom or something new format.

Thank you,

Isabel

Sent from my iPad

On May 7, 2020, at 3:54 PM, Walter, Bynum
<Bynum.Walter@raleighnc.gov> wrote:

Isabel – Thanks for your message and I hope you are well.

Some additional information related to the parcels in question is attached. It looks like the exhibits and text don't agree. The exhibit suggests residential is not permitted, while the text indicates a minimum units/acre. As far as the R-10 portion, a quick search didn't show any plans previously submitted on that property. Ultimately, to answer your other questions, we'll need to verify that and research files for the adjacent developments, namely S-38-03. Another point that needs verifying is what commitments of the MP and rezoning remain unsatisfied (e.g. – open space) that may affect development on these parcels.

Justin and I are in agreement that requesting a sketch plan would be the best way to answer these questions and beneficial to your client. We are offering that service virtually and you can schedule an appointment online, <https://corexpressreview.acuityscheduling.com/schedule.php>. Also, we are willing to meet with you, if you think that would be helpful (Monday, 5/11 at 9; or Wednesday, 5/13 at 10).

Let me know how you would like to proceed.

Sincerely – Bynum

Bynum Walter, AICP
919-996-2178

From: Isabel Mattox <isabel@mattoxlawfirm.com>
Sent: Wednesday, May 6, 2020 12:53 PM
To: Rametta, Justin <Justin.Rametta@raleighnc.gov>; Walter, Bynum <Bynum.Walter@raleighnc.gov>
Subject: ACC Blvd properties

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you verify that the attachment and content are safe. If you believe this email is suspicious, please click the 'Phish Alert' link in the banner to report this message.

Justin and Bynum, I have a client who is seeking to acquire two parcels of property as shown on the attached map for a TH development. The 2 parcels are under 2 separate zonings: a PD and R-10. The Master Plan and conditions from those zonings are attached. I believe townhouses can be developed under both zonings but we need a better understanding about how some of the conditions and requirements would be

enforced. For instance, on the PD parcel, is there a minimum density required? Has any drawing or site plan ever been submitted which would be required to be complied with on this site? And on the R-10 zoning, has any of the specified parcel been designated as required open space? My clients and I would like to arrange a virtual or live meeting with one or both of you in the next week or so to discuss.

If neither of you are the appropriate parties at the City, please let me know whom I should contact.

Thank you, Isabel

Please note that my e-mail address has recently changed to Isabel@mattoxlawfirm.com

Isabel Worthy Mattox
Attorney at Law
127 West Hargett St., Suite 500
Raleigh, NC 27601
Ph: (919) 828.7171
Fax: (919) 831.1205

<Z-58-00-MP-1-00 EXHIBITS.PDF>

<Z-58-2000.pdf>

<mime-attachment.ics>

ATTESTATION STATEMENT

Rezoning Application
Notice of Meeting - August 3, 2020
Property: 7630 and 7650 ACC Boulevard
Applicant: Green Sea Partners, LLC

I, the undersigned, do hereby attest that the electronic verification document submitted herewith accurately reflects notification letters, enclosures, envelopes and mailing list for mailing the neighborhood meeting notification letters as required by Chapter 10 of the City of Raleigh UDO, and I do hereby further attest that that my firm did in fact deposit all of the required neighborhood meeting notification letters with the US. Postal Service on the 20th day of July, 2020 and 21st day of July, 2020. I do hereby attest that this information is true, accurate and complete to the best of my knowledge and I understand that any falsification, omission, or concealment of material fact may be a violation of the UDO subjecting me to administrative, civil, and/or, criminal liability, including, but not limited to, invalidation of the application to which such required neighborhood meeting relates.



Isabel Worthy Mattox, Applicant Representative

Date: July 21, 2020

MATTOX LAW FIRM

Telephone (919) 828-7171

Isabel Worthy Mattox
Isabel@mattoxlawfirm.com

July 20, 2020

TO ALL ADDRESSEES:

RE: **NOTICE OF MEETING** Regarding Potential Rezoning of:

7630 ACC Boulevard, Raleigh, NC 27617 (2.2 acres) (PIN 0768773039) Book 17393, Page 2535, owned by GREEN SEA PARTNERS, LLC, a North Carolina limited liability company; and

7650 ACC Boulevard, Raleigh, NC 27617 (3.58 acres) (PIN 0768679147) Book 17393, Page 2531, owned by GREEN SEA PARTNERS, LLC, a North Carolina limited liability company (collectively, the "Rezoning Property").

Dear Property Owners:

You are receiving this letter because you are the owner of property located in the vicinity of the Rezoning Property for which a rezoning is being contemplated. The applicant plans to file a rezoning application to rezone the property to RX-3-CU or a similar district permitting residential development (the "Rezoning Application").

In accordance with the requirements of the Raleigh Unified Development Ordinance, notice is hereby given to you as the owner of the Rezoning Property, or the owner of property within 500 feet of the Rezoning Property, of a meeting to discuss the prospective rezoning to be held remotely **via Zoom on Monday, August 3, at 6:00 PM.**

You can join the meeting in any of the following ways:

1. Type the following URL into your internet browser: **<https://us02web.zoom.us/j/77865723111>**
2. Email Matthew Carpenter at Matthew@mattoxlawfirm.com and receive an e-mail invitation.
3. Call in to the meeting at **+1 929 205 6099** and enter meeting ID: **77865723111**.

To ensure that we are able to address as many questions as possible, please submit questions via email to Matthew@mattoxlawfirm.com prior to the meeting. The meeting will include an introduction, answers to submitted questions, followed by a general question and answer session. To aid in your participation in the meeting, please find attached a GIS aerial photograph of the Rezoning Property, a zoning map of the Rezoning Property, and a draft of the Rezoning Application.

All Addressees
July 20, 2020
Page 2 of 2

Once the Rezoning Application is filed, it will be vetted by City of Raleigh staff over the next few weeks and referred to the Planning Commission for review. To follow this process, please consult the City's website at www.raleighnc.gov/planning. In addition, you may contact the Department of City Planning at (919) 996-2682 or by email at rezoning@raleighnc.gov. If you have any questions about the proposed Rezoning Application, either before our meeting of August 3, 2020, or at any time after our meeting, please contact me.

Yours very truly,

Isabel Mattox

Isabel Worthy Mattox

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:

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ATTENDANCE ROSTER

[illegible]

ATTESTATION STATEMENT

Rezoning Application
Notice of Meeting – October 5, 2020
Property: 7630 and 7650 ACC Boulevard
Applicant: Green Sea Partners, LLC

I, the undersigned, do hereby attest that the electronic verification document submitted herewith accurately reflects notification letters, enclosures, envelopes and mailing list for mailing the second neighborhood meeting notification letters as required by Chapter 10 of the City of Raleigh UDO, and I do hereby further attest that that my firm did in fact deposit all of the required second neighborhood meeting notification letters with the US. Postal Service on the 24th day of September, 2020. I do hereby attest that this information is true, accurate and complete to the best of my knowledge and I understand that any falsification, omission, or concealment of material fact may be a violation of the UDO subjecting me to administrative, civil, and/or, criminal liability, including, but not limited to, invalidation of the application to which such required neighborhood meeting relates.



Isabel Worthy Mattox, Applicant Representative

Date: September 24, 2020

MATTOX LAW FIRM

Telephone (919) 828-7171

Isabel Worthy Mattox
Isabel@mattoxlawfirm.com

September 24, 2020

TO ALL ADDRESSEES:

RE: **NOTICE OF MEETING – 2ND MEETING** Regarding Potential Rezoning of:

7630 ACC Boulevard, Raleigh, NC 27617 (2.2 acres) (PIN 0768773039) Book 17393,
Page 2535, owned by GREEN SEA PARTNERS, LLC, a North Carolina limited
liability company; and

7650 ACC Boulevard, Raleigh, NC 27617 (3.58 acres) (PIN 0768679147) Book 17393,
Page 2531, owned by GREEN SEA PARTNERS, LLC, a North Carolina limited
liability company (collectively, the “Rezoning Property”).

Dear Property Owners:

You are receiving this letter because you are the owner of property located in the vicinity of the Rezoning Property for which a rezoning has been filed. The application to rezone the Rezoning Property from R-10-CU and Alexander Place PD to R-10-CU on both parcels was filed on August 13, 2020 (the “Rezoning Application”). A copy of the Rezoning Application is attached.

In accordance with the requirements of the Raleigh Unified Development Ordinance, notice is hereby given to you as the owner of the Rezoning Property, or the owner of property within 1,000 feet of the Rezoning Property, of a meeting to discuss the pending rezoning to be held remotely **via Zoom on Monday, October 5, at 5:00 PM.**

You can join the meeting in any of the following ways:

1. Type the following URL into your internet browser: **<https://us02web.zoom.us/j/82682731515>**
2. Email Matthew Carpenter at Matthew@mattoxlawfirm.com and receive an e-mail invitation.
3. Call in to the meeting at **1 (929) 205-6099** and enter meeting ID: **826 8273 1515**.

To ensure that we are able to address as many questions as possible, please submit questions via email to Matthew@mattoxlawfirm.com prior to the meeting. The meeting will include an introduction, answers to submitted questions, followed by a general question and answer session. To aid in your participation in the meeting, please find attached a GIS aerial photograph of the Rezoning Property, a zoning map of the Rezoning Property, and a draft of the Rezoning Application.

All Addressees
September 24, 2020
Page 2 of 2

The Rezoning Application is currently being vetted by City of Raleigh. To follow this process, please consult the City's website at www.raleighnc.gov/planning. In addition, you may contact Hannah Reckhow at the Department of City Planning & Development at (919) 996-2622 or by email at Hannah.Reckhow@raleighnc.gov. If you have any questions about the pending Rezoning Application, either before our meeting of October 5, 2020, or at any time after our meeting, please contact me.

Yours very truly,

Isabel Mattox

Isabel Worthy Mattox

Enclosures

SUMMARY OF ISSUES

A neighborhood meeting was held on October 5, 2020 (date) to discuss a potential rezoning located at 7630 & 7650 ACC Blvd. (property address).
The neighborhood meeting was held at by Zoom video conference (location).
There were approximately 9 (number) neighbors in attendance. The general issues discussed were:

Summary of Issues:

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| Traffic generally |
| Neuse riparian buffer impacts/mitigation |
| Timeline for rezoning |
| Rezoning conditions - landscape buffer |
| Traffic - concerns re curve on Acc Blvd. & ingress/egress. |
| Existing zoning - Alexander Place PDD |
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| |

| ATTENDANCE ROSTER | |
|-------------------------------|---|
| NAME | ADDRESS |
| *Isabel Worthy Mattox | Mattox Law Firm, 127 W. Hargett St., Suite 500, Raleigh, NC 27601 |
| *Matthew J. Carpenter | Mattox Law Firm, 127 W. Hargett St., Suite 500, Raleigh, NC 27601 |
| *Whitt Cozart | Blue Heel Development, 3708 Forestview Rd., #103, Raleigh, NC 27612 |
| *Julie Gavaghan | Blue Heel Development, 3708 Forestview Rd., #103, Raleigh, NC 27612 |
| *Jonathan Allen | NV5 Engineers and Consultants, 3300 Regency Parkway, Cary, NC 27518 |
| +Hannah Reckhow | City of Raleigh - Planning Dept., PO Box 590, Raleigh, NC 27601 |
| Karyn Joy Rivera | 7740 Acc Blvd., Raleigh, NC 27617 |
| Lauren Boone | 7863 Spungold Street, Raleigh, NC 27617 |
| Elizabeth Pickett | 7614 Winners Edge Street, Raleigh, NC 27617 |
| Deborah Shirley | 7671 Winners Edge Street, Raleigh, NC 27617 |
| Emmanuel Wilder | 7818 Spungold Street, Raleigh, NC 27617 |
| Katie Hipp | 7873 Spungold Street, Raleigh, NC 27617 |
| Kyle Traner | 7608 Winners Edge Street, Raleigh, NC 27617 |
| Rebecca Welch | 7864 Spungold Street, Raleigh, NC 27617 |
| Brian Welch | 7864 Spungold Street, Raleigh, NC 27617 |
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| *development team member | |
| +City Planning representative | |
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