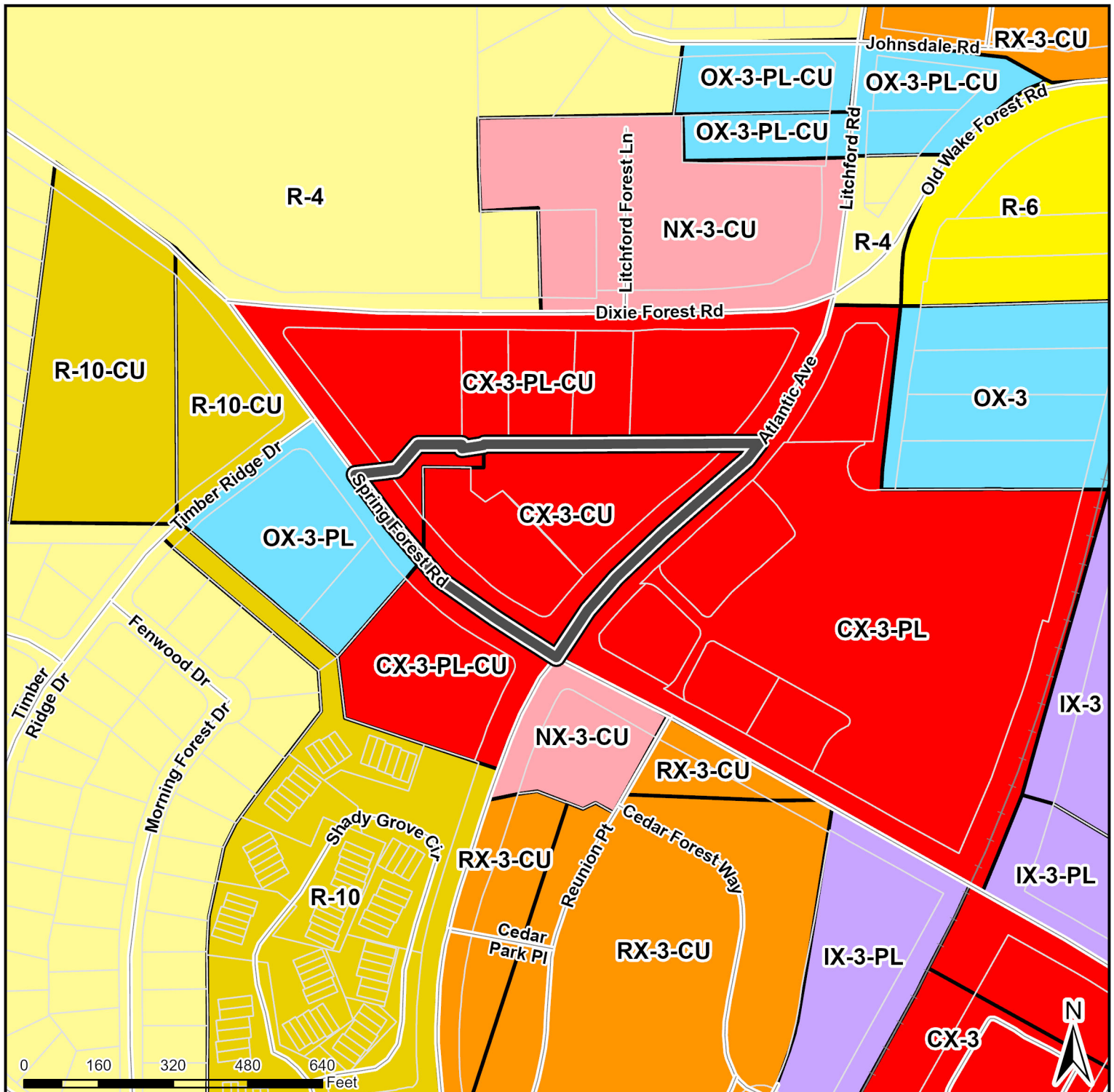


# Existing Zoning

# Z-57-2023



Property	2339 Spring Forest Rd; 0 & 5621 Atlantic Ave
Size	3.44 acres
Existing Zoning	CX-3-CU & CX-3-PL-CU
Requested Zoning	CX-3-CU






# 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 18 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	General Use	X Conditional Use	Master Plan	Office Use Only Rezoning case #
	Text change to zoning conditions			
Existing zoning base district: CX	Height: 3	Frontage: PL (Partial)	Overlay(s):	
Proposed zoning base district: CX	Height: 3	Frontage:	Overlay(s):	
<b>Helpful Tip:</b> View the Zoning Map 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: Z-13-10, Z-15-15, Z-22-21				

General Information		
Date:	Date amended (1):	Date amended (2):
Property address: 2339 Spring Forest Rd, 0 and 5621 Atlantic Ave.		
Property PIN: 1716883960, 1716882877, 1716884929		
Deed reference (book/page): Book 17371, Page 2113; Book 16382, Page 1981		
Nearest intersection: Spring Forest Rd/Atlantic Ave.		Property size (acres): 3.44
For planned development applications only	Total units:	Total square footage:
	Total parcels:	Total buildings:
Property owner name and address: Lin's Holding, LLC and Lin's Capital, LLC, 932 Hungerford Drive, Ste. 34A, Rockville, MD 20850		
Property owner email:		
Property owner phone:		
Applicant name and address: Toby Coleman, Smith Anderson, 150 Fayetteville St., Ste. 2300, Raleigh, NC 27601		
Applicant email: <a href="mailto:tcoleman@smithlaw.com">tcoleman@smithlaw.com</a>		
Applicant phone: 919-821-6778		
Applicant signature(s): 		
Additional email(s):		

**RECEIVED**

**By Robert Tate at 11:59 am, Nov 28, 2023**

**Conditional Use District Zoning Conditions**

Zoning case #:	Date submitted:	<b>Office Use Only</b> Rezoning case # _____
Existing zoning: CX-3-CU and CX-3-PL-CU	Proposed zoning: <b>CX-3-CU</b>	

**Narrative of Zoning Conditions Offered**

1. The following Principal uses as listed in UDO Section 6.1.4 that are permitted, limited, or special uses in the CX- district shall be prohibited: all residential land uses; civic land uses not otherwise listed in Section 6.1.4; cemetery; college, community college, university; school, public or private (K-12); telecommunication tower--all types; adult establishment; outdoor recreation – all types; overnight lodging; heliport – all types; bar, nightclub, tavern, lounge; pawnshop; vehicle fuel sales; vehicle sales/ rental; vehicle repair (major); detention center, jail, prison; light manufacturing; research & development.
2. No on-site parking or vehicular surface area constructed after the effective date of these zoning conditions is permitted between Spring Forest Road and the closest building to Spring Forest Road.
3. No on-site parking or vehicular surface area constructed after the effective date of these zoning conditions is permitted between Atlantic Avenue and the closest building to Atlantic Avenue.
4. 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.

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: 

Printed Name(s): Young Lin

**RECEIVED***By Robert Tate at 11:59 am, Nov 28, 2023*



**Rezoning Application Addendum #1****Comprehensive Plan Analysis****Office Use Only**Rezoning case #  

---

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

**Statement of Consistency**

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

1. The property is currently zoned CX-3 and would retain the CX-3 zoning under the proposed rezoning.
2. The property is designated as Community Mixed Use on the Future Land Use Map. The Comprehensive Plan provides that the CX zoning district is the primary corresponding zoning district for these areas.
3. The rezoning request is consistent with the following Comprehensive Plan policies: LU 1.2 (Future Land Use Map and Zoning Consistency); LU 7.1 (Encouraging Nodal Development); LU 7.6 (Pedestrian Friendly Development).

**Public Benefits**

Provide brief statements explaining how the rezoning request is reasonable and in the public interest.

The proposed rezoning would increase the allowed gross floor area of commercial or industrial uses in an existing commercial area, thereby providing services to nearby residents and the surrounding community.

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.	
N/A	
Public Mitigation	
Provide brief statements describing actions that will be taken to mitigate all negative impacts listed above.	
N/A	

## 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", "Mixed-Use Center", or "Transit Station Areas", 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.

### Policy UD 7.3:

The Design Guidelines in Table UD-1 shall be used to review rezoning petitions and development applications for mixed-use developments; or rezoning petitions and development applications along Main Street and Transit Emphasis Corridors or in City Growth, TOD and Mixed-Use Centers, including preliminary site plans and development plans, petitions for the application of Downtown Overlay Districts, Planned Development Districts, and Conditional Use zoning petitions.

The Applicant must respond to the **Downtown Urban Design Guidelines** contained in the 2030 Comprehensive Plan if:

- a) The property to be rezoned is within "Downtown" as shown on the Urban Form Map in the 2030 Comprehensive Plan.

### Policy DT 7.18:

The design guidelines in Table DT-1 shall be used to review rezoning, alternative means of compliance, special use permits, and planned development master plan applications in downtown.

Please [click here](#) to download the Design Guidelines Addendum if required.

Urban Form Designation: None

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

Please continue to the next page for the Rezoning Checklist Submittal Requirement.

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 Rezoning Checklist and by using this as a guide, it will ensure that I receive a complete and thorough first review by the City of Raleigh	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
2. Pre-application conference	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
3. Neighborhood meeting notice and report	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
4. Rezoning application review fee (see <a href="#">Development Fee Guide</a> for rates).	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
5. Completed application submitted through Permit and Development Portal	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
6. Completed Comprehensive Plan consistency analysis	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
7. Completed response to the urban design or downtown design guidelines	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
9. Trip generation study	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
10. Traffic impact analysis	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
For properties requesting a Conditional Use District:	Yes	N/A	Yes	No	N/A
11. Completed zoning conditions, signed by property owner(s)	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
If applicable, see page 18:	Yes	N/A	Yes	No	N/A
12. Proof of Power of Attorney or Owner Affidavit	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
For properties requesting a Planned Development or Campus District:	Yes	N/A	Yes	No	N/A
13. Master plan (see Master Plan submittal requirements)	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
For properties requesting a text change to zoning conditions:	Yes	N/A	Yes	No	N/A
14. Redline copy of zoning conditions with proposed changes	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
15. Proposed conditions signed by property owner(s)	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Please continue to the next page for the Master Plan Submittal Requirements checklist.



# LIMITED LIABILITY COMPANY ANNUAL REPORT

1/6/2022

NAME OF LIMITED LIABILITY COMPANY: Lin's Holding LLC

SECRETARY OF STATE ID NUMBER: 1546143

STATE OF FORMATION: NC

REPORT FOR THE CALENDAR YEAR: 2023

Filing Office Use Only  
E - Filed Annual Report  
1546143  
CA202314606286  
5/26/2023 11:30

☐ Changes

## SECTION A: REGISTERED AGENT'S INFORMATION

1. NAME OF REGISTERED AGENT: LI, JIN X

2. SIGNATURE OF THE NEW REGISTERED AGENT: \_\_\_\_\_

SIGNATURE CONSTITUTES CONSENT TO THE APPOINTMENT

3. REGISTERED AGENT OFFICE STREET ADDRESS & COUNTY 4. REGISTERED AGENT OFFICE MAILING ADDRESS

145 Industrial Avenue

145 Industrial Avenue

Greensboro, NC 27406 Wake County

Greensboro, NC 27406

## SECTION B: PRINCIPAL OFFICE INFORMATION

1. DESCRIPTION OF NATURE OF BUSINESS: REAL ESTATE

2. PRINCIPAL OFFICE PHONE NUMBER: (301) 675-9911

3. PRINCIPAL OFFICE EMAIL: Privacy Redaction

4. PRINCIPAL OFFICE STREET ADDRESS

5. PRINCIPAL OFFICE MAILING ADDRESS

932 Hungerford Dr ,Ste 34A

932 Hungerford Dr ,Ste 34A

Rockville, MD 20850

Rockville, MD 20850

6. Select one of the following if applicable. (Optional see instructions)

☐

The company is a veteran-owned small business

☐

The company is a service-disabled veteran-owned small business

## SECTION C: COMPANY OFFICIALS (Enter additional company officials in Section E.)

NAME: Young Lin

NAME: Vicky Lin

NAME: \_\_\_\_\_

TITLE: Managing Member

TITLE: Member

TITLE: \_\_\_\_\_

ADDRESS: \_\_\_\_\_

ADDRESS: \_\_\_\_\_

ADDRESS: \_\_\_\_\_

932 Hungerford Dr Ste 34A

932 Hungerford Dr Ste 34A

Rockville, MD 20850

Rockville, MD 20850

## SECTION D: CERTIFICATION OF ANNUAL REPORT. Section D must be completed in its entirety by a person/business entity.

Young Lin

5/26/2023

SIGNATURE

DATE

Form must be signed by a Company Official listed under Section C of This form.

Young Lin

Managing Member

Print or Type Name of Company Official

Print or Type Title of Company Official

This Annual Report has been filed electronically.

MAIL TO: Secretary of State, Business Registration Division, Post Office Box 29525, Raleigh, NC 27626-0525





# LIMITED LIABILITY COMPANY ANNUAL REPORT

1/6/2022

NAME OF LIMITED LIABILITY COMPANY: Lins Capital LLC

SECRETARY OF STATE ID NUMBER: 1405865 STATE OF FORMATION: NC

REPORT FOR THE CALENDAR YEAR: 2023

Filing Office Use Only  
E - Filed Annual Report  
1405865  
CA202314606340  
5/26/2023 11:30

## SECTION A: REGISTERED AGENT'S INFORMATION

☐ Changes

1. NAME OF REGISTERED AGENT: LI, JIN X

2. SIGNATURE OF THE NEW REGISTERED AGENT: \_\_\_\_\_

SIGNATURE CONSTITUTES CONSENT TO THE APPOINTMENT

3. REGISTERED AGENT OFFICE STREET ADDRESS & COUNTY 4. REGISTERED AGENT OFFICE MAILING ADDRESS

145 INDUSTRIAL AVENUE 145 INDUSTRIAL AVENUE

GREENSBORO, NC 27406 Mecklenburg County GREENSBORO, NC 27406

## SECTION B: PRINCIPAL OFFICE INFORMATION

1. DESCRIPTION OF NATURE OF BUSINESS: REAL ESTATE

2. PRINCIPAL OFFICE PHONE NUMBER: (301) 675-9911 3. PRINCIPAL OFFICE EMAIL: Privacy Redaction

4. PRINCIPAL OFFICE STREET ADDRESS 5. PRINCIPAL OFFICE MAILING ADDRESS

932 Hungerford Drive, Suite 34 A 932 Hungerford Drive, Suite 34 A

Rockville, MD 20850 Rockville, MD 20850

6. Select one of the following if applicable. (Optional see instructions)

☐

The company is a veteran-owned small business

☐

The company is a service-disabled veteran-owned small business

## SECTION C: COMPANY OFFICIALS (Enter additional company officials in Section E.)

NAME: VICKY LIN NAME: Young Lin NAME: \_\_\_\_\_

TITLE: Member TITLE: Manager TITLE: \_\_\_\_\_

ADDRESS: 932 HUNGERFORD DRIVE ADDRESS: \_\_\_\_\_ ADDRESS: \_\_\_\_\_

SUITE34A 932 Hungerford Dr Ste 34a \_\_\_\_\_

Rockville, MD 20850 Rockville, MD 20850 \_\_\_\_\_

## SECTION D: CERTIFICATION OF ANNUAL REPORT. Section D must be completed in its entirety by a person/business entity.

Young Lin 5/26/2023

SIGNATURE

DATE

Form must be signed by a Company Official listed under Section C of This form.

Young Lin Manager

Print or Type Name of Company Official

Print or Type Title of Company Official

This Annual Report has been filed electronically.

MAIL TO: Secretary of State, Business Registration Division, Post Office Box 29525, Raleigh, NC 27626-0525

*State of North Carolina  
Department of the Secretary of State*

SOSID: 1405865  
Date Filed: 2/24/2021 9:47:00 AM  
Elaine F. Marshall  
North Carolina Secretary of State  
**C2021 049 03114**

**Limited Liability Company  
AMENDMENT OF ARTICLES OF ORGANIZATION**

Pursuant to §57D-2-22 of the General Statutes of North Carolina, the undersigned limited liability company hereby submits the following Articles of Amendment for the purpose of amending its Articles of Organization.

1. The name of the limited liability company is: MPHK Capital LLC

2. The text of each amendment adopted is as follows (attach additional pages if necessary):

Name change from MPHK Capital LLC to Lins Capital LLC

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

3. (Check either a or b, whichever is applicable)

A. ☐ The amendment(s) was (were) duly adopted by the majority vote of the organizers of the limited liability company prior to the identification of initial members of the limited liability company.

B. ☒ The amendment(s) was (were) duly adopted by the unanimous vote of the members of the limited liability company or was (were) adopted as otherwise provided in the limited liability company's Articles of Organization or a written operating agreement.

4. These articles will be effective upon filing, unless a date and/or time is specified: \_\_\_\_\_

This the 18 day of February, 2021.

**MPHK Capital LLC**

*Name of Limited Liability Company*

*Young Lin*

*Signature*

**Young Lin, Manager**, Company Official

*Type or Print Name and Title*

**NOTES:**

1. Filing fee is \$50. This document must be filed with the Secretary of State.

BUSINESS REGISTRATION DIVISION  
(Revised July 2017)

P. O. BOX 29622

RALEIGH, NC 27626-0622  
(Form L-17)

SUMMARY OF ISSUES

A neighborhood meeting was held on November 15, 2023 (date) to discuss a potential rezoning located at 2339 Spring Forest Rd, 0 and 5621 Atlantic Ave. (property address). The neighborhood Meeting was held at Millbrook Exchange Community Center (location). There were approximately 5 (number) neighbors in attendance. The general issues discussed were:

Summary of Issues:

Neighbors asked about timeline of potential construction.
Question about stormwater/environmental impacts.
Question about potential retailers.
Discussion regarding traffic in area.

[illegible]



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

**LAWYERS**

**OFFICES**

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

**TOBY COLEMAN**

**DIRECT DIAL:** (919) 821-6778  
E-Mail: [tcoleman@smithlaw.com](mailto:tcoleman@smithlaw.com)

**MAILING ADDRESS**

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

November 2, 2023

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

Re: Notice of neighborhood meeting to discuss proposed rezoning of property located at 2339 Spring Forest Road, 0 Atlantic Avenue, and 5621 Atlantic Avenue, Raleigh, NC 27615 (PINs: 1716882877, 1716883960, and 1716884929) (the "Property")

Dear Neighbors:

We are writing to invite you to a Neighborhood Meeting to discuss proposed zoning changes to the Property. The neighborhood meeting will be held on November 15, 2023 at 6:00 p.m. at the Millbrook Exchange Community Center located at 1905 Spring Forest Road, Raleigh, North Carolina 27615.

The Property is currently zoned Commercial Mixed Use-3 with zoning conditions (CX-3-CU) and Commercial Mixed Use-3 with Parking Limited frontage and zoning conditions (CX-3-PL-CU). The Property is proposed to be rezoned so that the entire Property is zoned CX-3-CU. The enclosed maps show the location and current base zoning of the Property and surrounding parcels.


At the Neighborhood Meeting, we will discuss the proposed rezoning, including potential zoning conditions for the Property that would retain most of the existing zoning conditions that are currently in place on the bulk of the Property. One of the proposed zoning conditions will seek to revise a zoning condition currently on the Property that limits development on the Property to a maximum of 20,000 square feet of gross floor area. The proposed zoning change is being sought to facilitate the construction of commercial development on the Property with more than 20,000 square feet of gross floor area.

Prior to submitting the rezoning application to amend the Property's zoning conditions (referred to as a "Zoning Text Amendment"), the City of Raleigh requires that a neighborhood meeting be held for all property owners, residents, or tenants within 500 feet of the property requested for rezoning. After the meeting, we will prepare a report for the Raleigh Planning Department regarding the items discussed at the meeting. Information about the rezoning process is available online; visit [www.raleighnc.gov](http://www.raleighnc.gov) and search for "Rezoning Process." If you have further questions about the rezoning process, please contact:

Sean Stewart  
Raleigh Planning & Development  
(919) 996-2638  
[Sean.Stewart@raleighnc.gov](mailto:Sean.Stewart@raleighnc.gov)

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

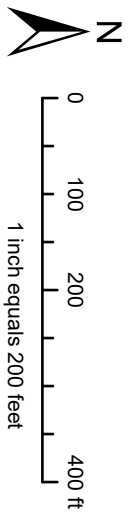
Sincerely,



Toby R. Coleman

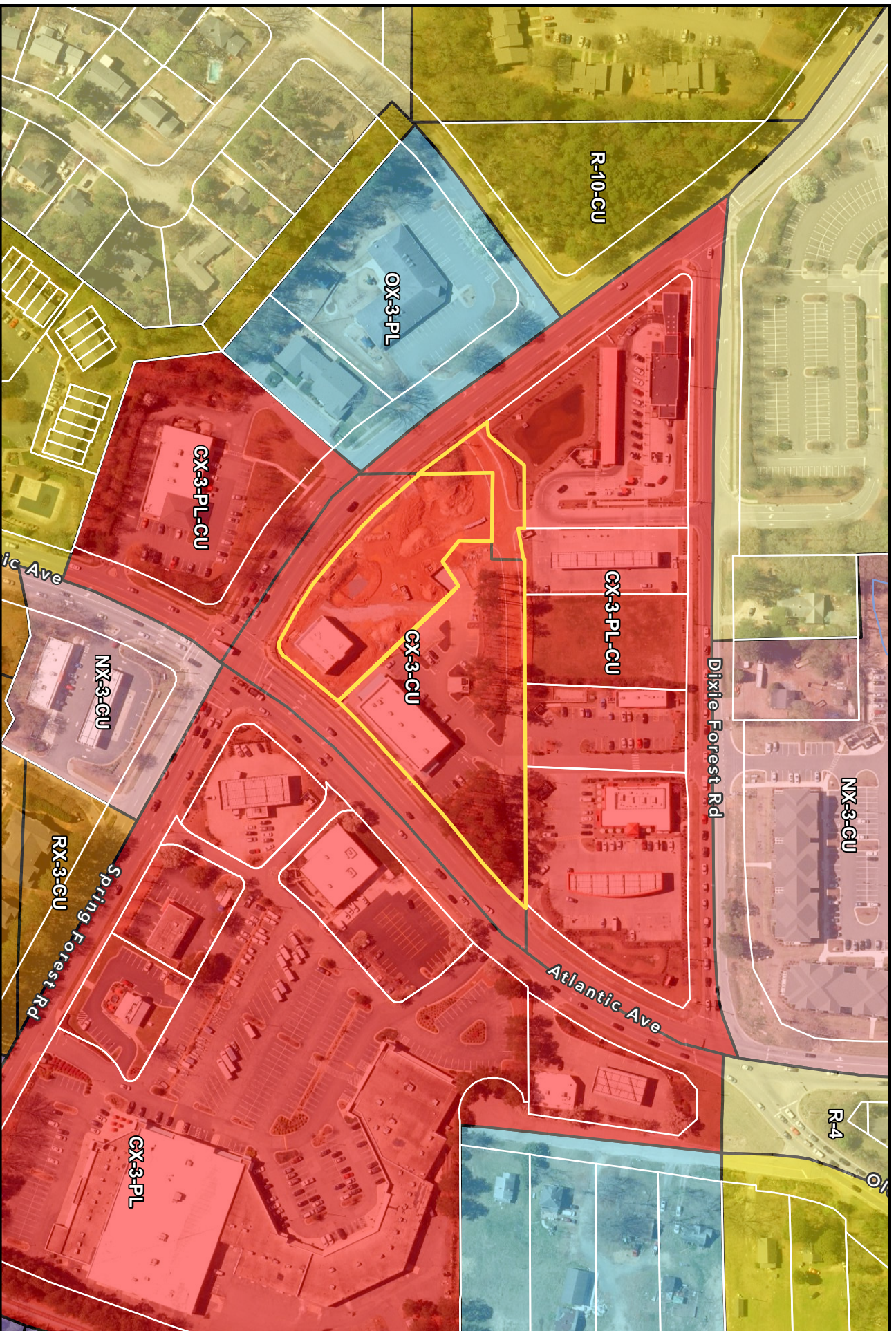
enclosures





**Disclaimer**  
iMaps makes every effort to produce and publish the most current and accurate information possible. However, the maps are produced for information purposes, and are **NOT** surveys. No warranties, expressed or implied, are provided for the data therein, its use, or its interpretation.



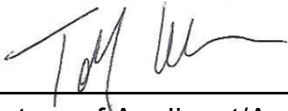


**Disclaimer**  
iMaps makes every effort to produce and publish the most current and accurate information possible. However, the maps are produced for information purposes, and are **NOT** surveys. No warranties, expressed or implied, are provided for the data therein, its use, or its interpretation.



## Attestation Statement

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 I did in fact deposit all of the required neighborhood meeting notification letters with the US. Postal Service on the 2nd day of November, 2023 and that all tenant notification signs on the 2nd day of November, 2023. 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.



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Signature of Applicant/Applicant Representative

11/20/23

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Date