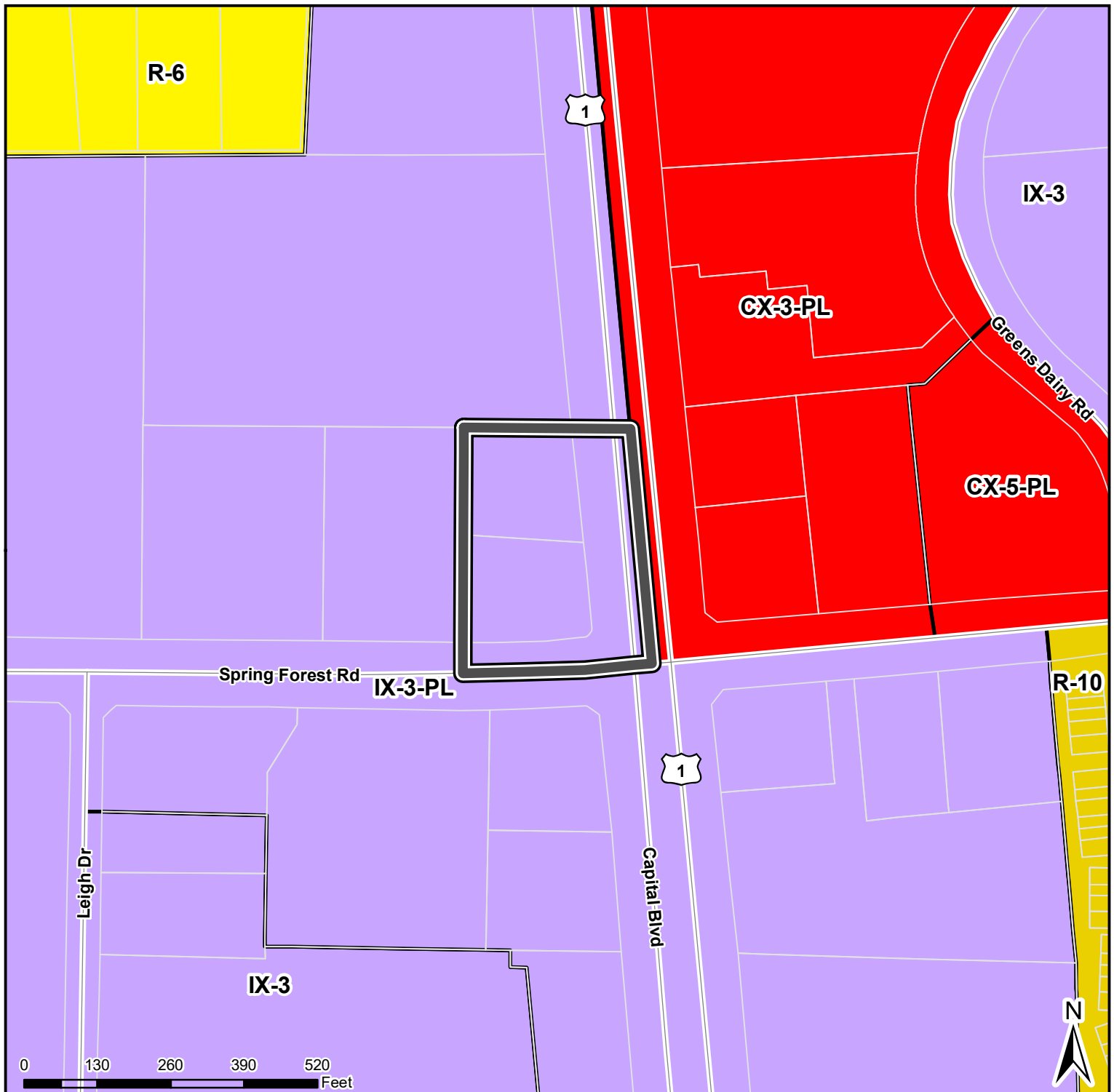
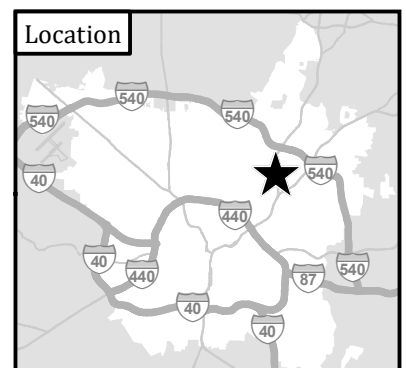


Existing Zoning

Z-63-2020



Property	5101 & 5105 Capital Blvd
Size	1.82 acres
Existing Zoning	IX-3-PL
Requested Zoning	IX-3-CU



To	Marchell Adams-David, City Manager
Thru	Patrick O. Young, AICP, Director
From	John Anagnost, Senior Planner
Department	Planning and Development
Date	April 6, 2021
Subject	Public Hearing Agenda Item: April 20, 2021 Meeting Rezoning Z-63-20 5101 & 5105 Capital Blvd

At its March 16, 2021 meeting, the City Council schedule a public hearing for the following item at its April 20, 2021 meeting:

Z-63-20 5101 & 5105 Capital Boulevard, at the northwest corner of its intersection with Spring Forest Road, being Wake County PINs 1726368594 & 1726368793. Approximately 1.82 acres is requested to be rezoned by Sampson-Bladen Oil Company, Inc. from Industrial Mixed Use-3 Stories-Parking Limited (IX-3-PL) to Commercial Mixed Use-3 Stories-Conditional Use (CX-3-CU). Conditions dated March 12 limit the locations of parking areas and buildings and require additional pedestrian amenities along Spring Forest Road.

Current zoning: Industrial Mixed Use-3 Stories-Parking Limited (IX-3-PL)

Requested zoning: Commercial Mixed Use-3 Stories-Conditional Use (CX-3-CU)

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

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

The **Planning Commission** voted 9-0 to recommend approval of the request.

Attached are the Planning Commission Certified Recommendation (including the Staff Report), Zoning Conditions, Petition for Rezoning, and Neighborhood Meeting Report.



RALEIGH PLANNING COMMISSION CERTIFIED RECOMMENDATION

CR# 12093

CASE INFORMATION: Z-63-20 5101 & 5105 CAPITAL BOULEVARD

Location	Capital Boulevard, at the northwest corner of its intersection with Spring Forest Road Address: 5101 & 5105 Capital Boulevard PINs: 1726368594 & 1726368793 iMaps , Google Maps , Directions from City Hall
Current Zoning	IX-3-PL
Requested Zoning	CX-3-CU
Area of Request	1.82 acres
Corporate Limits	The site is in the corporate limits and ETJ of Raleigh.
Property Owner	Sampson-Bladen Oil Company, Inc.
Applicant	Hayes Finley
Council District	District A
PC Recommendation Deadline	April 26, 2021

SUMMARY OF PROPOSED CONDITIONS

1. Limits parking between a principal building and Spring Forest Road.
2. Requires a principal building façade within 100 feet of Spring Forest Road.
3. Requires distinct paving material for a pedestrian connection between Spring Forest Road and a principal building.
4. Requires additional outdoor amenity treatments in the area between a principal building and Spring Forest Road.

COMPREHENSIVE PLAN GUIDANCE

Future Land Use	Community Mixed Use
Urban Form	City Growth Center, Transit Emphasis Corridor, Urban Thoroughfare
Consistent Policies	Policy LU 1.2—Future Land Use Map and Zoning Consistency Policy LU 4.9—Corridor Development Policy LU 6.1—Composition of Mixed Use Centers Policy LU 6.2—Complementary Land Uses and Urban Vitality Policy LU 7.6—Pedestrian-friendly Development Policy LU 11.4—Rezoning/Development of Industrial Areas

Inconsistent Policies

Policy UD 1.10—Frontage
Policy UD 7.3—Design Guidelines

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
9/24/2020 (0 attendees)	Not required	1/26/2021 (consent); 3/9/2021	

PLANNING COMMISSION RECOMMENDATION

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

Reasonableness and Public Interest	The request is reasonable and in the public interest because the request advances Comprehensive Plan policies regarding corridor development and complementary land uses.
Recommendation	Approval. City Council may now schedule this proposal for a public hearing or refer it to committee for further study and discussion.
Motion and Vote	Motion: O'Haver Second: Miller In Favor: Bennett, Fox, Lampman, Mann, McIntosh, Miller, O'Haver, Rains and Winters

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.

A handwritten signature in black ink, appearing to read 'Ken A. Bowers', with a stylized, flowing script.

Ken A. Bowers, AICP
Planning and Development Deputy Director

Date: 3/9/2021

Staff Coordinator: John Anagnost: (919) 996-2638; John.Anagnost@raleighnc.gov



ZONING STAFF REPORT – CASE Z-63-20

Conditional Use District

OVERVIEW

Rezoning is requested for two parcels at the northwest corner of Capital Boulevard and Spring Forest Road. The parcels are both roughly square in shape and equal in acreage at 0.91 acres each, rendering a total site size of 1.82 acres. The zoning request is for Commercial Mixed Use-3 Stories-Conditional Use (CX-3-CU). The zoning district currently mapped on the site is Industrial Mixed Use-3 Stories-Parking Limited (IX-3-PL). One condition is offered to prohibit the Adult Establishment use.

The rezoning site is developed with a gas station on the southern parcel and a car rental agency on the northern parcel. Each use has a separate principal structure and parking area. Planted landscape yards are present around the perimeter of the site, excluding driveways. Otherwise the two parcels are fully paved. The property is very flat with virtually no slope on its southern half and a 3% grade on the northern half falling toward the north. There are no stormwater controls for the existing development. Redevelopment that does not increase impervious cover would be exempt from adding stormwater control measures.

The area surrounding the rezoning property is fully developed with a mix of commercial uses. The character of these uses is primarily single-story buildings on large lots with surface parking between the building and the street. Outparcels with smaller commercial buildings are present on all four corners of Capital Boulevard and Spring Forest Road. A range of retail uses, including shopping centers and car dealerships, predominate the parcels near Capital Boulevard while office, warehouse, and light industrial uses occupy the land as one moves farther to the west and northeast.

A low density, detached neighborhood called Oak Forest Estates has its southeast corner 600 feet northwest of the site. Approximately 1,000 feet east of the site lies East Millbrook Magnet Middle School. Just beyond the school is the Spring Forest Road Park, a City of Raleigh park with active recreation elements and a comfort station but no community center. Multi-family developments are found 800 feet southeast in the southeast quadrant of the Capital Boulevard/Spring Forest Road intersection.

Capital Boulevard is also US Highway 1 in the area of the rezoning. Spring Forest Road is a major east-west thoroughfare which reaches Louisburg Road/US 401 to the east and multiple major streets to the west, notably Atlantic Avenue and Falls of Neuse Road. Taking into account both streets, the intersection where the rezoning site is located handles approximately 70,000 vehicle trips per day on average.

The zoning in the area around the rezoning property is mostly IX and a 3-story height limit with the Parking Limited frontage included for parcels fronting on Capital Boulevard and Spring Forest Road. The northeast corner of the intersection is mapped with Community Mixed Use-3 Stories-Parking Limited. Nearby residential areas are zoned Residential Mixed Use (RX), Residential-10 (R-10), and Residential-6 (R-6).

The zoning is somewhat reinforced by the Future Land Use Map. The Business & Commercial Services and Community Mixed Use designations are applied to most of the area. These designations generally correspond to the IX and CX zoning districts, respectively. The Future Land Use Map diverges from the existing zoning on the west side of Capital Boulevard north and south of Spring Forest Road.

In this area, the designation is Community Mixed Use, which encourages a transition to lower intensity commercial uses and integration of housing that are not fully supported by the IX zoning mapped there. The northeast corner of the intersection shows the opposite relationship, with the Business & Commercial Services category envisioning greater intensity and less opportunity for housing or mixed-use development as compared to the mapped CX zoning.

The Urban Form Map supports the transition toward a greater balance of uses and away from auto-oriented and light industrial development. A City Growth Center extends from Spring Forest Road north to encompass the area between the rail corridor on the west, I-540 on the north, and Fox Road on the east. This area includes the Triangle Town Center mall. Capital Boulevard is a Transit Emphasis Corridor on the Urban Form Map. Spring Forest Road is an Urban Thoroughfare.

The impact of the rezoning proposal, if approved, would be to remove the Parking Limited frontage and prohibit the Adult Establishment use. Other uses would be prohibited in CX that are currently allowed in IX. These include light industrial uses such as commercial vehicle repair and wholesale trade. The offered zoning conditions would require new development to be designed with aspects similar to a frontage, including limitations on building and parking placement. The conditions also require extra amenities and design features for pedestrian areas.

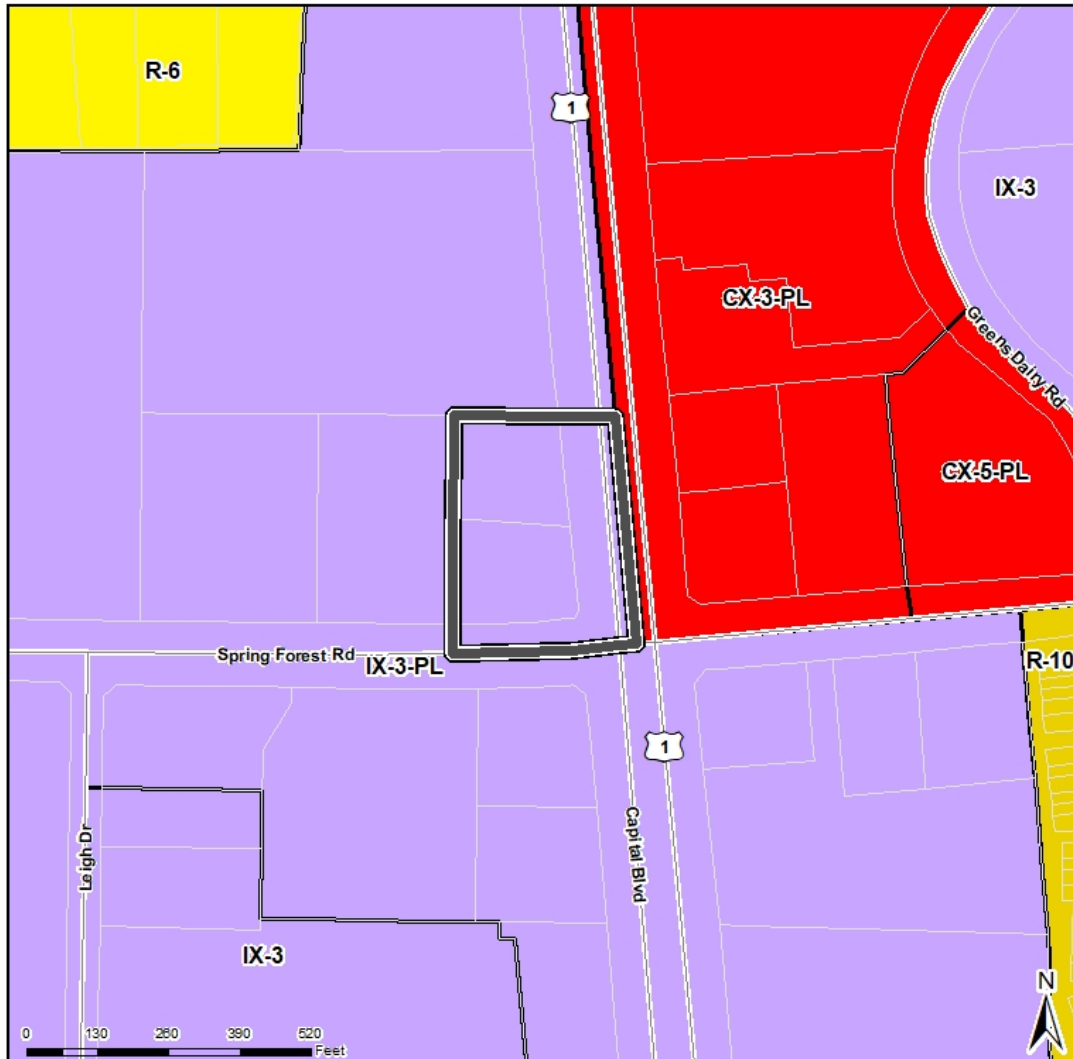
Update for March 9: The applicant has revised the conditions to limit parking between buildings and Spring Forest Road, require a building to be located within 100 feet of Spring Forest Road, and require additional pedestrian amenities in the area along Spring Forest Road. The inclusion of these requirements provides many of the same benefits of the Parking Limited frontage that is proposed to be removed. The request is now evaluated as consistent with the 2030 Comprehensive Plan.

OUTSTANDING ISSUES

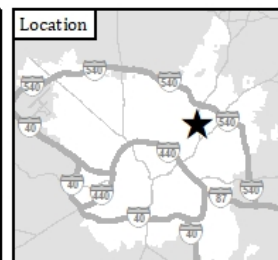
Outstanding Issues	1. None	Suggested Mitigation	1. N/A
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Existing Zoning

Z-63-2020



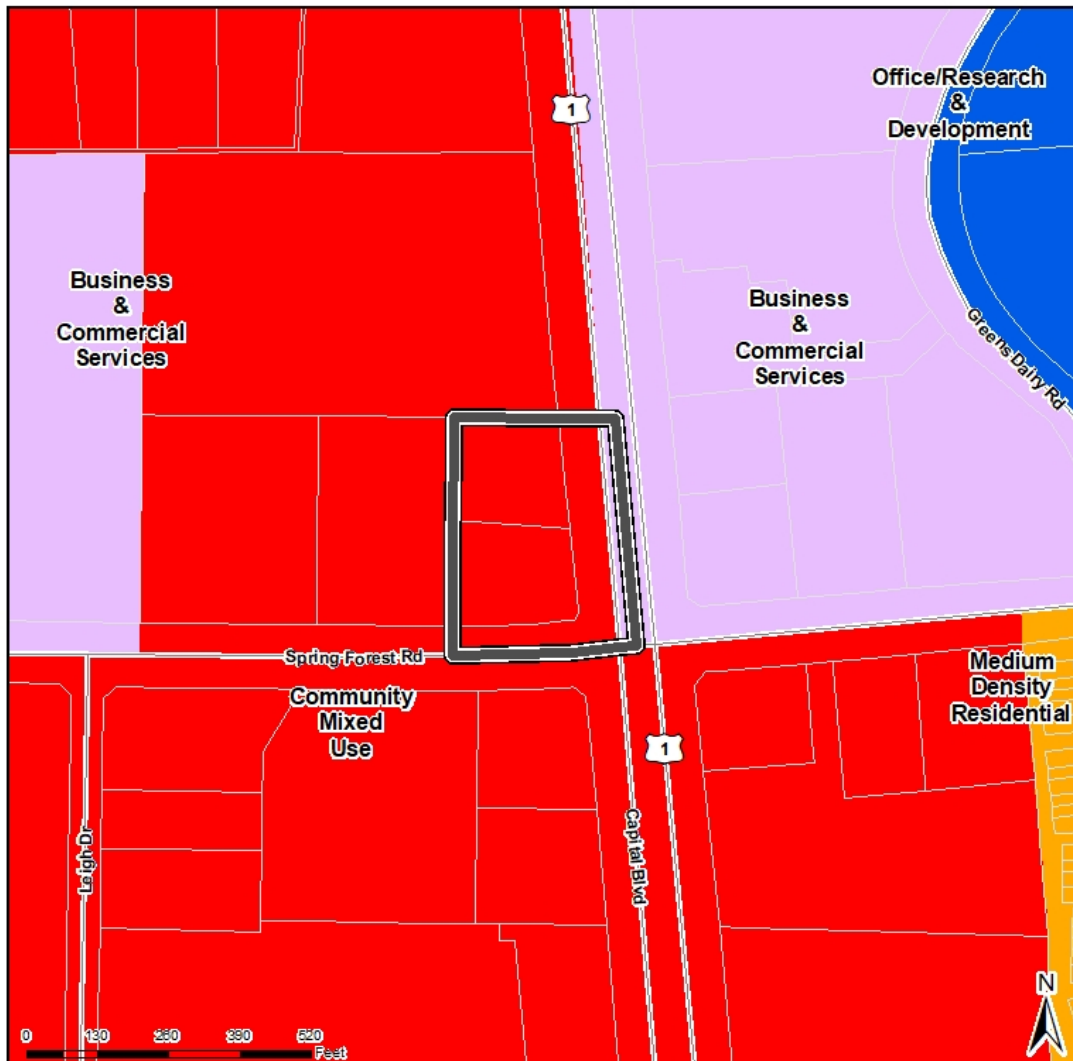
Property	5101 & 5105 Capital Blvd
Size	1.82 acres
Existing Zoning	IX-3-PL
Requested Zoning	IX-3-CU



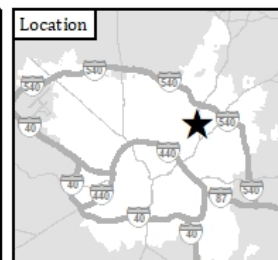
Map by Raleigh Department of City Planning (mansel@): 11/16/2020

Future Land Use

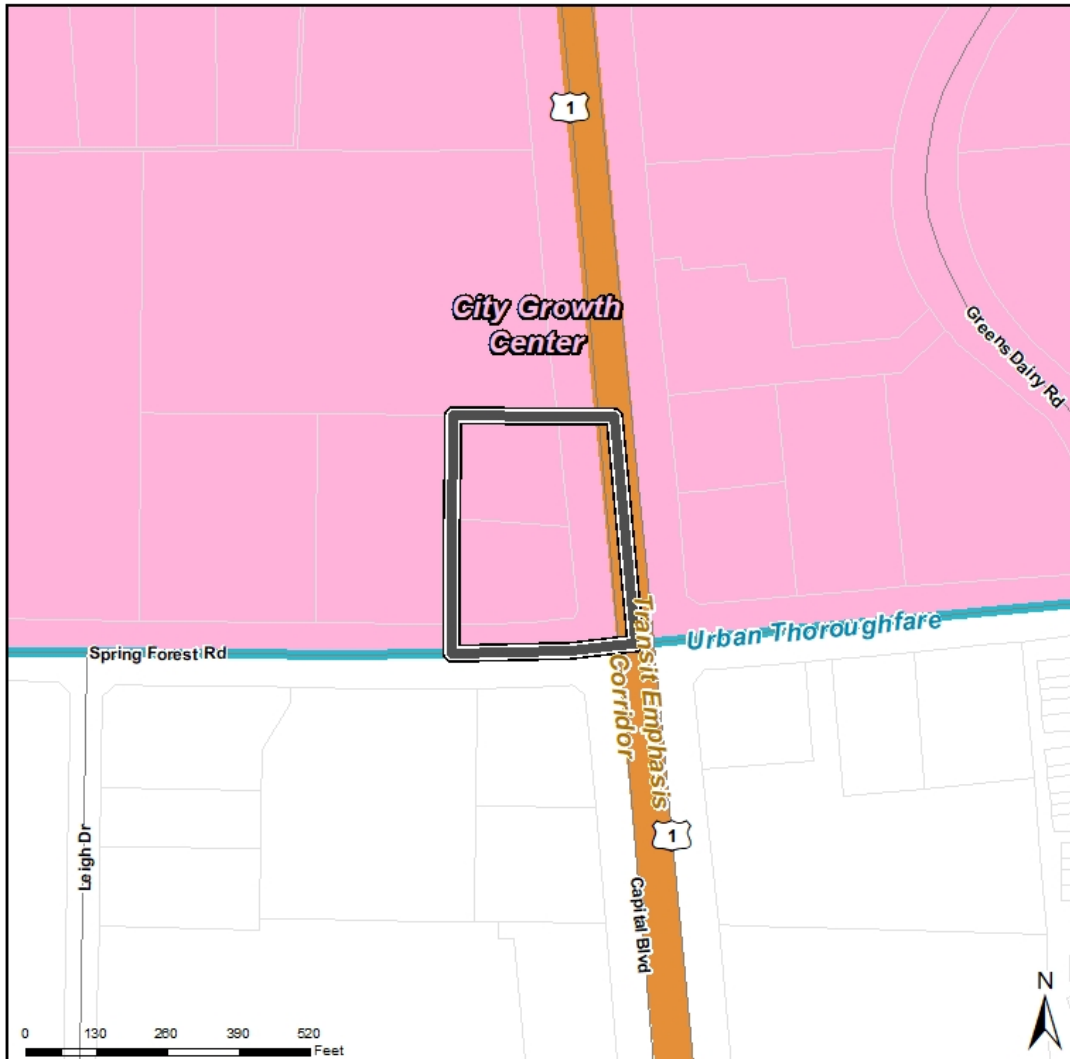
Z-63-2020



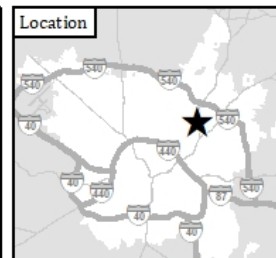
Property	5101 & 5105 Capital Blvd
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Map by Raleigh Department of City Planning (mansell): 11/16/2020



Property	5101 & 5105 Capital Blvd
Size	1.82 acres
Existing Zoning	IX-3-PL
Requested Zoning	IX-3-CU



Map by Raleigh Department of City Planning (mansell): 11/16/2020

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?

Yes, the request is consistent with the Managing Our Growth Vision Theme because it replaces the Parking Limited frontage with a set of zoning conditions which provide a similar level of pedestrian comfort. This change supports the Vision Theme's call for desirable spaces to live, work, and play. With the zoning conditions, new development on the site will provide an urban condition that is supportive of walking and transit use. The consistency is also helped by the request for the CX district, which encourages a mix of uses that is more aligned with a multi-modal growth center.

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

Yes, the Future Land Use Map designation of Community Mixed Use supports the blend of uses that are allowed in the proposed Commercial Mixed Use zoning district.

- 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?

Not applicable. The uses allowed by the requested zoning are specifically designated on the Future Land Use Map for this site

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

Yes, the development of the site under the proposed zoning would be well-served by existing City infrastructure and facilities.

Future Land Use

Future Land Use designation: Community Mixed Use

The rezoning request is

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

☐ **Inconsistent**

The Community Mixed Use designation of the Future Land Use Map recommends a variety of development types with building heights of up to 12 stories. Commercial uses are considered appropriate in this category, as are offices, apartments, and

mixed-use developments. The requested zoning would allow a similar range of uses as the designation recommends. Commercial Mixed Use is the zoning district most closely aligned with Community Mixed use in terms of allowed uses.

The proposal would limit building height to 3 stories. The height that would be permitted by the request is within the maximum height of 5 stories recommended by the Future Land Use Map designation. The rezoning is consistent with the Future Land Use Map because it would allow height and uses that are aligned with the map's recommendations.

Urban Form

Urban Form designation: City Growth Center, Transit Emphasis Corridor, Urban Thoroughfare

The rezoning request is

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

☒ **Inconsistent**

☐ **Other**

There are three Urban Form designations that apply to the rezoning parcels. They are City Growth Center, Transit Emphasis Corridor, and Urban Thoroughfare. The Urban Form categories indicate that the area around the rezoning is envisioned to have more integrated land uses, denser development, and a streetscape that is comfortable and inviting for pedestrians. The Transit Emphasis Corridor anticipates that the site is on a major thoroughfare where it may not be appropriate for buildings to front directly on the sidewalk due to the continued prevalence of private vehicle trips. The main impact of the rezoning is to remove the Parking Limited frontage that would require building and parking placement that serves the goals of the Urban Form Map. Zoning conditions are offered which require elements that provide a similar pedestrian experience to a frontage. These requirements include limitations on building and parking placement as well as pedestrian amenities along Spring Forest Road. The removal of the frontage is contrary to the Urban Form recommendations by allowing a building to be farther from Capital Boulevard with more parking in front than under the existing zoning. The request would be more consistent with the Urban Form Map if a frontage was requested or additional conditions were offered that require a similar approach to building placement in relation to Capital Boulevard.

Compatibility

The proposed rezoning is

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

☐ **Incompatible.**

The requested zoning would allow a wide range of commercial and light industrial uses. It would also prohibit or discourage many forms of residential development. The uses enabled by the requested zoning are compatible with the existing development in the area which is predominantly commercial and light industrial. The proposed use is a gas station, which is how the site has been used for several years without known compatibility issues.

Public Benefits of the Proposed Rezoning

- The request may facilitate the expansion and continue operation of an existing use that provides employment, goods, and services.

Detriments of the Proposed Rezoning

- The request may reduce the long-term suitability of the area for modes of travel other than private vehicles.

Policy Guidance

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

Policy LU 1.2—Future Land Use Map and Zoning Consistency

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

The proposal would apply the Commercial Mixed Use (CX) zoning to the site. This district allows many commercial uses including offices as well as all residential building types and mixed-use development. This profile of uses closely matches the recommended uses for the Future Land Use category on the site, Community Mixed Use. The requested height of 3 stories is lower than the maximum height recommendation of 5 stories for areas outside of or near the edge of mixed-use centers on the Urban Form Map that are not near low density residential neighborhoods.

Policy LU 6.1—Composition of Mixed Use Centers

Mixed-use centers should comprise a variety of integrated residential and commercial uses – mixed both vertically and horizontally - that have well planned public spaces that bring people together and provide opportunities for active living and interaction.

Policy LU 6.2—Complementary Land Uses and Urban Vitality

A complementary integration and mixture of land uses should be provided within all growth centers and mixed-use centers to maintain the city's livability, manage future growth, and provide walkable and transit accessible destinations. Areas designated for mixed-use development in the Comprehensive Plan should be zoned consistently with this policy.

The requested CX zoning allows more types of residential development than the existing IX zoning. This additional flexibility may lead to development that more closely matches the mix of uses called for in these policies. The use mix is beneficial to the use of high-frequency transit on Capital Boulevard and the transition of this area to a mixed-use center as envisioned on the Urban Form Map.

The removal of the zoning frontage is counter to these policies because it would allow for new development with a lower quality streetscape as well as building and parking placement that focuses on automobiles rather than pedestrians. While the proposal is generally consistent with these policies, it would be more consistent if it retained the frontage or provided zoning conditions to require a similar level of urban design. Such conditions may include requiring a build-to and/or requiring parking to be located behind buildings.

Policy LU 4.9—Corridor Development

Promote pedestrian-friendly and transit supportive development patterns along multi-modal corridors designated on the Growth Framework Map, and any corridor programmed for “transit intensive” investments such as reduced headways, consolidated stops, and bus priority lanes and signals.

Policy LU 7.6—Pedestrian-friendly Development

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

The proposal includes zoning conditions that limit parking between a building and Spring Forest Road, requiring a building façade within 100 feet of Spring Forest Road, and requiring additional improvements for pedestrian travel in that area. These elements would not create the same quality of interface between buildings and the street that a frontage would. That is because there is not a percentage of the parcel frontage within which a building must be located. The additional amenities for the pedestrian realm contribute to the overall quality of the pedestrian experience and may support use of transit. The request for CX also encourages a mix of uses that is more supportive of transit use in the area.

Policy LU 11.4 Rezoning/Development of Industrial Areas

Allow the rezoning and/or redevelopment of industrial land for non-industrial purposes when the land can no longer viably support industrial activities or is located such that industry is not consistent with the Future Land Use Map. Examples include land in the immediate vicinity of planned transit stations.

The Future Land Use Map designation for the site is Community Mixed Use. That designation indicates that this area should transition away from the light

manufacturing and warehouse uses that are present in much of the area to the west. Rezoning to CX as requested would encourage a less industrial blend of land uses that is more supportive of development that includes residential units. The proposal also prepares the site to better utilize the high-frequency transit service on Capital Boulevard.

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

Policy UD 1.10—Frontage

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

Policy UD 7.3—Design Guidelines.

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 the Pedestrian Business or Downtown Overlay Districts, Planned Development Districts, and Conditional Use zoning petitions.

The rezoning request would remove the Parking Limited frontage that currently applies to the site. The frontage requires buildings to be located close to the street, requires pedestrian entrances facing the street, and limits parking between the building and the street. These provisions ensure that future development will create a more comfortable pedestrian experience with convenient access between buildings and the street.

For this particular site, the frontage presents a challenge to developing the site because both Capital Boulevard and Spring Forest Road will be designated as primary streets for new development. These designations will impose a build-to for both streets such that building façades must occupy at least 50% of the parcel width on both streets and within 100 feet of the street edge. Because this is a corner lot, the build-to must also be met within 30 feet of the corner on both street faces.

In order to accomplish this, the building may have to be oddly shaped or have to be so large that it may be difficult to meet parking requirements with the remaining land area. The Design Adjustment process can provide relief for this issue. The applicant has chosen to pursue relief through the rezoning process. The request is made less inconsistent with these policies by zoning conditions that require some aspects of a frontage. These aspects limiting parking location and enhancing the pedestrian experience along Spring Forest Road.

Area Plan Policy Guidance

There is no area plan guidance for the rezoning site. The Capital Boulevard North corridor plan is anticipated to be adopted in mid-2021. The corridor plan does not propose to modify the Urban Form designations for the rezoning site. Capital Boulevard is proposed to be converted to a multi-way boulevard in the area of the rezoning proposal. This conversion would include a 12-foot wide sidewalk and a separation of local traffic from regional traffic. The corridor plan also prepares for the potential extension of bus rapid transit farther north on Capital Boulevard to Triangle Town Center. The combination of multi-way boulevard conversion and bus rapid transit is expected to make the area around the rezoning more comfortable and convenient for walking and transit use.

HOUSING AFFORDABILITY & ENERGY EFFICIENCY ANALYSIS

Carbon Footprint: Transportation

	City Average	Site	Notes
Transit Score	30	44	The site's Transit Score is higher than citywide average.
Walk Score	30	50	The site's Walk Score is higher than the citywide average.

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

Summary: The site is served by GoRaleigh Route 1 Capital Blvd and within walking distance of stops for GoRaleigh Route 24L North Crosstown Connector. Reaching the stops for Route 24L requires crossing both Capital Boulevard and Spring Forest Road. There are a number of employment and shopping destinations within walking distance though the development pattern is auto-oriented with large blocks, large parking fields, and limited pedestrian circulation within large-scale commercial developments.

Carbon/Energy Footprint: Housing

Housing Type	Average Annual Energy Use (million BTU)	Permitted in this project?
Detached House	82.7	No
Townhouse	56.5	No
Small Apartment (2-4 units)	42.1	No
Larger Apartment	34.0	Yes

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

Summary: The proposed IX zoning does not allow residential uses on the ground floor of buildings and prohibits the Detached, Attached, and Townhouse building types. Larger

apartments could be developed if the ground floor was used solely for commercial or accessory uses. The requested zoning is not supportive of housing in general.

Housing Supply and Affordability

Does it add/subtract from the housing supply?	Unchanged	The request would not change the number of housing units allowed on the site.
Does it include any subsidized units?	No	
Does it permit a variety of housing types beyond detached houses?	No	Residential uses are discouraged in the IX district unless associated with an employment use. The only feasible housing type in the requested district is apartment units in a Mixed Use building.
If not a mixed-use district, does it permit smaller lots than the average?*	N/A	Not a mixed-use district.
Is it within walking distance of transit?	Yes	Stops for GoRaleigh Route 1 and Route 24L are within walking distance.

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

Summary: The rezoning request would not change the number or types of housing allowed in the rezoning area.

IMPACT ANALYSIS

Historic Resources

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

Impact Identified:

Parks and Recreation

1. This site is not directly impacted by any existing or proposed greenway trails, corridors, or connectors.
2. Nearest existing park access is provided by Spring Forest Rd. Park (0.9 miles) and Green Rd. Park (1.3 miles).
3. Nearest existing greenway trail access is provided by Spring Forest Greenway Trail (1.6 miles).
4. Current park access level of service in this area is graded a C letter grade.

Impact Identified: None

Public Utilities

	Maximum Demand (current use)	Maximum Demand (current zoning)	Maximum Demand (proposed zoning)
Water	19,214	19,214	0
Waste Water	19,214	19,214	0

Impact Identified:

1. The proposed rezoning would add approximately 0 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	none
Drainage Basin	Perry
Stormwater Management	Subject to stormwater regulations under Article 9 of UDO.
Overlay District	none

Impact Identified: none

Transportation

Site and Location Context

Location

The Z-63-20 site is located in Northeast Raleigh on the northwest corner of Capital Boulevard and Spring Forest Road.

Area Plans

The Z-63-20 site is located across Capital Boulevard from the study area of the Triangle Town Center area plan in the Comprehensive Plan (Map AP-1), which is focused on developing the area into an urban center characterized by mixed-use development and strong pedestrian corridors. The site is within the study area of the *Capital Boulevard North Corridor Plan*, which is currently in development. The *Capital Boulevard North Corridor Study* will create a vision and specific policies to guide investment and development on Capital Boulevard between I-440 and I-540.

Existing and Planned Infrastructure

Streets

Capital Boulevard is designated as a 6-Lane Avenue, Divided in the Street Plan (Map T-1) in the Comprehensive Plan and is maintained by NCDOT. Spring Forest Road is designated as a 4-Lane Avenue, Divided in the Street Plan and is also maintained by NCDOT.

In accordance with UDO section 8.3.2, the maximum block perimeter for IX-3 zoning districts is 4,000 feet. The current block perimeter for this site is approximately 11,300 feet. This site is exempt from block perimeter standards under the existing and proposed zoning condition because of the site area (1.82 acres) per the table found in Sec. 8.3.2.A.2.b in the UDO.

Pedestrian Facilities

There are existing sidewalks along the site's frontage on Capital Boulevard and along its frontage with Spring Forest Road. Existing sidewalks are in place along both sides of Capital Boulevard in the site vicinity, but are missing heading westbound from the site on the north side of Spring forest Road and along the south side of Spring Forest Road. Frontage improvements, including sidewalks are required for subdivision or site plan approval.

Crosswalks and pedestrian signals are in place on three legs of the intersection of Capital Boulevard at Spring Forest Road. The north leg of the intersection is missing pedestrian crossing infrastructure.

Bicycle Facilities

There are existing intermittent bike lanes west of the site on Spring Forest Road, but they do not connect the site. Spring Forest Road is designated for bicycle lanes in the Long-Term Bike Plan and Capital Boulevard is designated for a separated bikeway in the Long-Term Bike Plan (Map T-3 of the Comprehensive Plan).

Transit

The site is served by GoRaleigh Route 1: Capital, which operates 15-minute peak hour service along Capital Boulevard to Downtown. The Wake Transit Plan proposes frequent all-day service along this route. The site is also within a quarter-mile of a GoRaleigh Route 24L: North Crosstown Connector bus stop. This route operates 30-minute peak hour service.

Other Projects

A sidewalk project will be adding sidewalks along both sides of Spring Forest Road from McHines Place to Capital Boulevard. The project will add the missing crosswalk across the north leg of the intersection of Capital Boulevard and Spring Forest Road. The project is anticipated to be completed in Summer 2022.

A SPOT safety project aimed at improving pedestrian safety along the Capital Boulevard corridor is under design. The project includes high visibility crosswalks and the reset of truncated domes in median refuge islands.

TIA Determination

Based on the Envision results, approval of case Z-63-20 would not result in any change to vehicular peak hour trips for the site, as indicated in the table below, and therefore does not trigger a rezoning Traffic Impact Analysis. A TIA may be required during site permit review.

Z-63-20 Existing Land Use	Daily	AM	PM
Retail – Gas station and car rental	2,160	147	184
Z-63-20 Current Zoning Entitlements	Daily	AM	PM
Industrial Mixed-Use	3,440	228	281
Z-63-20 Proposed Zoning Maximums	Daily	AM	PM
Industrial Mixed-Use	3,440	228	281
Z-63-20 Trip Volume Change (Proposed Maximums minus Current Entitlements)	Daily	AM	PM
	0	0	0

Impact Identified: None.

Urban Forestry

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

Impact Identified: None

Impacts Summary

No significant infrastructure impacts have been identified.

Mitigation of Impacts

No mitigation is recommended other than standard requirements to be applied as part of a site plan.

CONCLUSION

The zoning request is for a 1.82-acre site to be rezoned from IX-3-PL to CX-3-CU. The site is composed of two parcels located at the northwest corner of Capital Boulevard and Spring Forest Road. It is currently developed with a gas station and a car rental agency. The Future Land Use Map designates this site for Community Mixed Use, and there are three applicable Urban Form designations.

The requested zoning is consistent with the recommended land uses and building height for the Community Mixed Use designation. The proposal is aligned with other policies that encourage complementary land uses near transit and in mixed-use centers.

The removal of the frontage conflicts with the policy guidance of the Urban Form Map, which indicates a frontage should be included. The lack of a frontage is mitigated by offered conditions which increase the potential design quality and pedestrian experience for future development. These changes make the request consistent with other policies related to transit-supportive urban design along major transit corridors, of which Capital Boulevard is one.

The proposed zoning is consistent with the 2030 Comprehensive Plan due to the similar quality of urban design between the existing frontage and the offered zoning conditions. This consistency is also based on the more transit-supportive mix of uses allowed by the CX zoning. Consistency may be improved by applying a frontage or offering conditions to require a build-to as defined in the UDO.

CASE TIMELINE

Date	Action	Notes
9/24/2020	First neighborhood meeting	
11/24/2020	Application submitted	
12/15/2020	Application complete	
1/26/2021	Placed on Planning Commission agenda but not discussed	
3/9/2021	Placed on Planning Commission business agenda	Planning Commission recommends approval.

APPENDIX

SURROUNDING AREA LAND USE/ ZONING SUMMARY

SUBJECT PROPERTY		NORTH	SOUTH	EAST	WEST
Existing Zoning	IX-3-PL	IX-3-PL	IX-3-PL, IX-3	CX-3-PL, IX-3-PL	IX-3-PL
Additional Overlay	None	None	None	None	None
Future Land Use	Community Mixed Use	Community Mixed Use	Community Mixed Use	Business & Commercial Services, Office/Research & Development	Community Mixed Use, Business & Commercial Services
Current Land Use	Vehicle Fuel Sales, Vehicle Sale/Rental	Retail, Office	Retail, Office	Retail, Office	Office, Light Industrial
Urban Form	City Growth Center, Transit Emphasis Corridor, Urban Thoroughfare	City Growth Center, Transit Emphasis Corridor	Transit Emphasis Corridor, Urban Thoroughfare	City Growth Center, Transit Emphasis Corridor, Urban Thoroughfare	City Growth Center, Urban Thoroughfare

CURRENT VS. PROPOSED ZONING SUMMARY

EXISTING ZONING		PROPOSED ZONING
Zoning	IX-3-PL	CX-3-CU
Total Acreage	1.82	1.82
Setbacks:		
Front	5'	5'
Side	0' or 6'	0' or 6'
Rear	0' or 6'	0' or 6'
Residential Density:	22 dua.	22 dua.
Max. # of Residential Units	40	40
Max. Gross Building SF	200,000	200,000
Max. Gross Office SF	59,000	59,000
Max. Gross Retail SF	33,000	33,000
Max. Gross Industrial SF	200,000	200,000

Potential F.A.R	2.53	2.53
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*The development intensities for proposed zoning districts were estimated using an impact analysis tool. The estimates presented are only to provide guidance for analysis.

AGENDA ITEM (D) 4: Z-63-20 – 5101 & 5105 Capital Boulevard

This case is located on 5101 & 5105 Capital Boulevard, at the northwest corner of its intersection with Spring Forest Road.

Approximately 1.82 acres is requested to be rezoned by Sampson-Bladen Oil Company, Inc. from Industrial Mixed Use-3 Stories-Parking Limited (IX-3-PL) to Commercial Mixed Use-3 Stories-Conditional Use (CX-3-CU). Conditions dated February 26 limit the locations of parking areas and buildings and require additional pedestrian amenities along Spring Forest Road.

The request is consistent with the 2030 Comprehensive Plan.

The request is consistent with the Future Land Use Map.

A second neighborhood meeting is not required for this case. The case was placed on the consent agenda on January 26. This is the first meeting where it will be discussed. Legal notice was provided prior to this meeting. The deadline for the Planning Commission to make a recommendation is April 26, 2021

Planner Mabel presented the case.

Hayes Finley representing the applicant gave a brief overview of the case.

Mr. O'Haver made a motion to approve this case. Ms. Miller seconded the motion.

Commissioners how do you vote?

Bennett (Aye), Fox (Aye), Lampman (Aye), Mann (Aye), McIntosh (Aye), Miller (Aye), O'Haver (Aye), Rains (Aye), and Winters (Aye). The vote was unanimous 9-0.

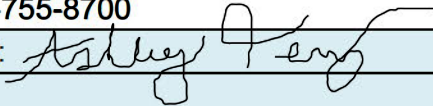
Rezoning Application and Checklist

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). Please see page 11 for information about who may submit a rezoning application. A rezoning application will not be considered complete until all required submittal components listed on the Rezoning Checklist have been received and approved. For questions email rezoning@raleighnc.gov.

Rezoning Request			
Rezoning Type	<input type="checkbox"/> General use	<input checked="" type="checkbox"/> Conditional use	<input type="checkbox"/> Master plan
	<input type="checkbox"/> Text change to zoning conditions		OFFICE USE ONLY Rezoning case # _____
Existing zoning base district: IX	Height: 3	Frontage: PL	
Proposed zoning base district: CX	Height: 3	Frontage: N/A	
			Overlay(s): N/A
			Overlay(s): N/A
Helpful Tip: 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-27B-2014			

General Information		
Date:	Date amended (1): 1/15/2021	Date amended (2):
Property address: 5101 & 5105 Capital Blvd.		
Property PIN: 1726368594 and 1726368793		
Deed reference (book/page):		
Nearest intersection: Capital Blvd. and Spring Forest Rd.		Property size (acres): 1.82
For planned development applications only:	Total units:	Total square footage:
	Total parcels:	Total buildings:
Property owner name and address: Sampson-Bladen Oil Company, Inc.		
Property owner email:		
Property owner phone:		
Applicant name and address: Sampson-Bladen Oil Co, Inc c/o Hayes Finley or Ashley Terrazas, Fox Rothschild LLP 434 Fayetteville St, Ste 2800 Raleigh, NC 27601		
Applicant email: hfinley@foxrothschild.com ; aterrazas@foxrothschild.com		
Applicant phone: 919-755-8700		
Applicant signature(s): 		
Additional email(s):		

LIMITED POWER OF ATTORNEY

NORTH CAROLINA

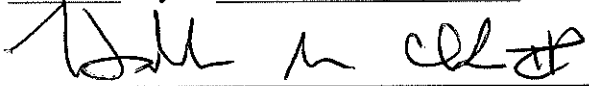
WAKE COUNTY

KNOW ALL MEN BY THESE PRESENTS, THAT I, Haddon Clark, a resident of Wake County, North Carolina, and the CEO of Sampson Bladen Oil Company, Inc., have made, constituted and appointed, and by these presents do make, constitute and appoint **Clyde Holt, Hayes Finley, and Ashley Terrazas** of Wake County, North Carolina ("Attorneys in Fact"), my true and lawful Attorneys in Fact, for me and in my name, place and stead for the purposes hereinafter set out.

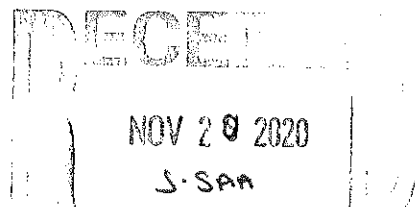
I hereby give and grant unto my Attorneys in Fact full authority and power for me in my name, place and stead to execute any and all applications and application documents in connection with the rezoning and permitting of real estate my company owns located at 5101 and 5105 Capital Boulevard, Raleigh, Wake County, North Carolina and more particularly described in Deed Book/Page Number 013305/02467, PINs 1726368594 and 1726368793, and to perform any other acts necessary to obtain rezoning and related permits.

It is my intention that this Power of Attorney shall continue in effect notwithstanding my subsequent incapacity or incompetency, until it shall be revoked.

IN WITNESS WHEREOF, I have hereunto set my hand and seal on and executed the foregoing Power of Attorney this 19th day of November, 2020.



Haddon Clark (SEAL)



*Prepared by: Ashley Honeycutt Terrazas of Fox Rothschild, LLP
434 Fayetteville Street, Suite 2800, Raleigh, NC 27601*

STATE OF NORTH CAROLINA

COUNTY OF WAKE

I certify that the following person personally appeared before me this day, acknowledging to me that he signed the foregoing document: **Haddon Clark**.

Today's Date: Nov. 19, 2020



[Affix Notary Seal in Space Above]

Cynthia R. Lorren
[Notary's signature as name appears on seal]

Cynthia R. Lorren
[Notary's printed name as name appears on seal]

My commission expires: 11/20, 2025

LIMITED POWER OF ATTORNEY

NORTH CAROLINA

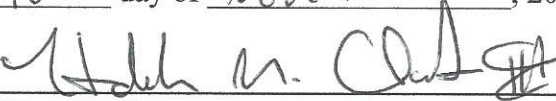
WAKE COUNTY

KNOW ALL MEN BY THESE PRESENTS, THAT I, Haddon Clark, a resident of Wake County, North Carolina, and the CEO of Sampson Bladen Oil Company, Inc., have made, constituted and appointed, and by these presents do make, constitute and appoint **Clyde Holt, Hayes Finley, and Ashley Terrazas** of Wake County, North Carolina ("Attorneys in Fact"), my true and lawful Attorneys in Fact, for me and in my name, place and stead for the purposes hereinafter set out.

I hereby give and grant unto my Attorneys in Fact full authority and power for me in my name, place and stead to execute any and all applications and application documents in connection with the rezoning and permitting of real estate my company owns located at 5101 and 5105 Capital Boulevard, Raleigh, Wake County, North Carolina and more particularly described in Deed Book/Page Number 013305/02467, PINs 1726368594 and 1726368793, and to perform any other acts necessary to obtain rezoning and related permits.

It is my intention that this Power of Attorney shall continue in effect notwithstanding my subsequent incapacity or incompetency, until it shall be revoked.

IN WITNESS WHEREOF, I have hereunto set my hand and seal on and executed the foregoing Power of Attorney this 10th day of November, 2020.



Haddon Clark (SEAL)

*Prepared by: Ashley Honeycutt Terrazas of Fox Rothschild, LLP
434 Fayetteville Street, Suite 2800, Raleigh, NC 27601*

STATE OF NORTH CAROLINA

COUNTY OF WAKE

I certify that the following person personally appeared before me this day, acknowledging to me that he signed the foregoing document: **Haddon Clark.**

Today's Date: 11/12, 2020

Mary Eloise Williams
[Notary's signature as name appears on seal]

Mary Eloise Williams
[Notary's printed name as name appears on seal]

My commission expires: Feb. 15, 2023

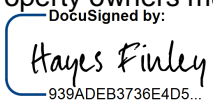


[Affix Notary Seal in Space Above]

Conditional Use District Zoning Conditions		
Zoning case #: Z-63-20	Date submitted: 11/10/2020	OFFICE USE ONLY Rezoning case #
Existing zoning: IX-3-PL	Proposed zoning: CX-3-CU	

Narrative of Zoning Conditions Offered
<p>1. There shall be no more than a single bay of vehicle parking between the principal building and Spring Forest Road.</p> <p>2. A principal building façade shall be located within 100 feet of Spring Forest Road.</p> <p>3. There shall be a pedestrian connection from the principal building to the Spring Forest sidewalk with a distinct paving material where it crosses a vehicle drive.</p> <p>4. If it is determined by the Planning and Development Department to be compatible with all other requirements in the UDO, additional pedestrian amenities will be provided between the principal building and Spring Forest Road, adjacent to Spring Forest Road; features to include but not be limited to additional bicycle parking, enhanced seating, and landscaping (e.g. amenities listed in UDO § 1.5.3.D.2).</p>

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

Property Owner(s) Signature:  939ADEB3736E4D5...

Printed Name: Hayes Finley

Certificate Of Completion

Envelope Id: B739F79618874C3E9CBCAEFE594CAC3B

Status: Completed

Subject: Please DocuSign: Conditions Page.PDF

Source Envelope:

Document Pages: 1

Signatures: 1

Envelope Originator:

Certificate Pages: 1

Initials: 0

Hayes Finley

AutoNav: Disabled

2000 Market Street

Envelopeld Stamping: Disabled

Philadelphia, PA 19103

Time Zone: (UTC-05:00) Eastern Time (US & Canada)

HFinley@Foxrothschild.com

IP Address: 174.99.27.26

Record Tracking

Status: Original

Holder: Hayes Finley

Location: DocuSign

3/12/2021 12:05:33 PM

HFinley@Foxrothschild.com

Signer Events

Hayes Finley

HFinley@Foxrothschild.com

Associate

Fox Rothschild LLP

Security Level: Email, Account Authentication
(None)

Signature

DocuSigned by:

Hayes Finley
939ADEB3736E4D5...

Signature Adoption: Pre-selected Style

Using IP Address: 174.99.27.26

Timestamp

Sent: 3/12/2021 12:05:47 PM

Viewed: 3/12/2021 12:05:52 PM

Signed: 3/12/2021 12:06:25 PM

Freeform Signing

Electronic Record and Signature Disclosure:

Not Offered via DocuSign

In Person Signer Events

Signature

Timestamp

Editor Delivery Events

Status

Timestamp

Agent Delivery Events

Status

Timestamp

Intermediary Delivery Events

Status

Timestamp

Certified Delivery Events

Status

Timestamp

Carbon Copy Events

Status

Timestamp

Witness Events

Signature

Timestamp

Notary Events

Signature

Timestamp

Envelope Summary Events

Status

Timestamps

Envelope Sent

Hashed/Encrypted

3/12/2021 12:05:47 PM

Certified Delivered

Security Checked

3/12/2021 12:05:52 PM

Signing Complete

Security Checked

3/12/2021 12:06:25 PM

Completed

Security Checked

3/12/2021 12:06:25 PM

Payment Events

Status

Timestamps

REZONING APPLICATION ADDENDUM #1**Comprehensive Plan Analysis****OFFICE USE ONLY**

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.

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.

The rezoning request is consistent with the future land use designation of "Community Mixed Use". The subject property will remain an IX zoning district under this rezoning request, which is the zoning district for the majority of the surrounding area. The subject property is located near other commercial uses, including large shopping stores and fuel centers, which makes the proposed rezoning consistent with the surrounding area and future land use designations. The proposed rezoning to remove Parking Limited will allow for redevelopment of the properties that are more consistent with the current and future land use designation.

The requested rezoning is consistent with many policies in the Comp Plan including: LU 1.3 Conditional Use District Consistency; LU 2.1 Placemaking: the proposed and potential redevelopment will create a "visually attractive, safe, accessible, and functional" use of the property; LU 4.4 Reducing Vehicle Miles Traveled Through Mixed Use: the potential for redevelopment will provide needed services within a short distance of nearby neighborhoods; T 7.1 Safety Improvements: the rezoning request will allow for improved and safe routes for motorists near an intersection; ED 5.3 Creating Attractive Development Sites: the rezoning request will allow redevelopment of the properties into attractive and functional sites with improved streetscapes.

The properties are in a City Growth Center. The 2030 Comprehensive plan acknowledges that "built conditions and site constraints may require alternative approaches" to frontage requirements. (2020 Comp Plan, 11-4). Such constraints exist on these properties necessitating this rezoning request to remove the PL frontage to allow for redevelopment.

PUBLIC BENEFITS

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

This rezoning request is reasonable and in the public interest because it allows for increased safety and connectivity in redeveloping the property at 5101 Capital Boulevard by creating space for safe movement through the property and increasing visibility for pedestrians and vehicles using the fuel pumps. The request is reasonable and in the public interest because it allows for redevelopment of 5101 Capital Boulevard that is otherwise constrained by the frontage requirements of PL. Redevelopment of both properties will result in improved site-scapes and accessibility, per the UDO. The redevelopment of the properties will also increase the tax base.

REZONING APPLICATION ADDENDUM #2	
Impact on Historic Resources The applicant is asked to analyze the impact of the rezoning request on historic resources. For the purposes of this section, a historic resource is defined as any site, structure, sign, or other feature of the property to be rezoned that is listed in the National Register of Historic Places or designated by the City of Raleigh as a landmark or contributing to a Historic Overlay District.	OFFICE USE ONLY Rezoning Case #
INVENTORY OF HISTORIC RESOURCES List in the space below all historic resources located on the property to be rezoned. For each resource, indicate how the proposed zoning would impact the resource.	
N/A	
PROPOSED MITIGATION Provide brief statements describing actions that will be taken to mitigate all negative impacts listed above.	
N/A	

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 City Growth Center

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: This rezoning request will accommodate retail establishments. A convenience store with minimal food sales is proposed for at least one of the parcels.</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: The properties are not adjacent to lower density neighborhoods.</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: There are no neighborhood roads to connect to the properties.</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: No new streets are contemplated.</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: No new streets are contemplated.</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: Building and parking placement, as well as cross-access, will be determined at site plan.</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: Building and parking placement will be determined at site plan.</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: Building and parking placement will be determined at site plan.</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: Outdoor amenities will be visible and accessible.</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: Outdoor amenities will be visible and accessible.</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: Outdoor amenities will be visible and accessible.</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: Outdoor amenity areas will be provided.</p>

13.	<p><i>New public spaces should provide seating opportunities.</i></p> <p>Response: Outdoor amenity areas will be provided.</p>
14.	<p><i>Parking lots should not dominate the frontage of pedestrian-oriented streets, interrupt pedestrian routes, or negatively impact surrounding developments.</i></p> <p>Response: The location of parking and cross-access will be determined at site plan.</p>
15.	<p><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></p> <p>Response: The location of parking will be determined at site plan.</p>
16.	<p><i>Parking structures are clearly an important and necessary element of the overall urban infrastructure but, given their utilitarian elements, can give serious negative visual effects. New structures should merit the same level of materials and finishes as that a principal building would, care in the use of basic design elements can make a significant improvement.</i></p> <p>Response: No parking structures are contemplated. Any parking or building design will be determined at Site Plan.</p>
17.	<p><i>Higher building densities and more intensive land uses should be within walking distance of transit stops, permitting public transit to become a viable alternative to the automobile.</i></p> <p>Response: There are no higher-building densities planned for the properties.</p>
18.	<p><i>Convenient, comfortable pedestrian access between the transit stop and the building entrance should be planned as part of the overall pedestrian network.</i></p> <p>Response: The right-of-way will accommodate a sidewalk. Any further access or design plans, as well as cross-access, will be determined at site plan.</p>
19.	<p><i>All development should respect natural resources as an essential component of the human environment. The most sensitive landscape areas, both environmentally and visually, are steep slopes greater than 15 percent, watercourses, and floodplains. Any development in these areas should minimize intervention and maintain the natural condition except under extreme circumstances. Where practical, these features should be conserved as open space amenities and incorporated in the overall site design.</i></p> <p>Response: The property is not located within a floodplain.</p>

20.	<p><i>It is the intent of these guidelines to build streets that are integral components of community design. Public and private streets, as well as commercial driveways that serve as primary pedestrian pathways to building entrances, should be designed as the main public spaces of the City and should be scaled for pedestrians.</i></p> <p>Response: Sidewalks will be provided.</p>
21.	<p><i>Sidewalks should be 5-8 feet wide in residential areas and located on both sides of the street. Sidewalks in commercial areas and Pedestrian Business Overlays should be a minimum of 14-18 feet wide to accommodate sidewalk uses such as vendors, merchandising and outdoor seating.</i></p> <p>Response: Sidewalks will be provided.</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: Street trees and landscaping will be provided in accordance with the UDO.</p>
23.	<p><i>Buildings should define the streets spatially. Proper spatial definition should be achieved with buildings or other architectural elements (including certain tree plantings) that make up the street edges aligned in a disciplined manner with an appropriate ratio of height to width.</i></p> <p>Response: The building design will be determined at Site Plan.</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: The building design will be determined at Site Plan.</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: The building design will be determined at Site Plan.</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: There are existing sidewalks along the property, and it is anticipated that new sidewalks will be provided per a site plan.</p>

REZONING APPLICATION SUBMITTAL REQUIREMENTS ("Rezoning Checklist")

TO BE COMPLETED BY APPLICANT			COMPLETED BY CITY STAFF		
General Requirements – General Use or Conditional Use Rezoning	YES	N/A	YES	NO	N/A
1. I have referenced this Rezoning Checklist and by using this as a guide, it will ensure that I receive a complete and thorough first review by the City of Raleigh	<input checked="" type="checkbox"/>	<input type="checkbox"/>			
2. Pre-Application Conference	<input checked="" type="checkbox"/>	<input type="checkbox"/>			
3. Neighborhood Meeting notice and report	<input checked="" type="checkbox"/>	<input type="checkbox"/>			
4. Rezoning application review fee (see <u>Fee Schedule</u> for rate)	<input checked="" type="checkbox"/>	<input type="checkbox"/>			
5. Completed application, submitted through Permit & Development Portal	<input checked="" type="checkbox"/>	<input type="checkbox"/>			
Completed Comprehensive Plan Consistency Analysis	<input checked="" type="checkbox"/>	<input type="checkbox"/>			
Completed Response to the Urban Design Guidelines	<input checked="" 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 checked="" type="checkbox"/>	<input type="checkbox"/>			
7. Trip Generation Study	<input type="checkbox"/>	<input checked="" type="checkbox"/>			
8. Traffic Impact Analysis	<input type="checkbox"/>	<input checked="" type="checkbox"/>			
For properties requesting a conditional use district:					
9. Completed zoning conditions, signed by property owner(s)	<input checked="" type="checkbox"/>	<input type="checkbox"/>			
If applicable (see Page 11):					
10. Proof of power of attorney or owner affidavit	<input checked="" 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"/>			

Who can initiate a rezoning request?

If requesting to down-zone property, the rezoning application must be signed by all of the property owners whose property is subject to the down-zoning. Down-zoning is defined as a zoning ordinance that affects an area of land in one of the following ways:

1. By decreasing the development density of the land to be less dense than was allowed under its previous usage.
2. By reducing the permitted uses of the land that are specified in a zoning ordinance or land development regulation to fewer uses than were allowed under its previous usage.

If requesting to rezone property to a conditional district, the rezoning application must be signed by all owners of the property to be included in the district. For purposes of the application only (not the zoning conditions), the City will accept signatures on behalf of the property owner from the following:

1. the property owner;
2. an attorney acting on behalf of the property owner with an executed power of attorney; or
3. a person authorized to act on behalf of the property owner with an executed owner's affidavit.

An owner's affidavit must be made under oath, properly notarized and, at a minimum, include the following information:

- The property owner's name and, if applicable, the property owner's title and organization name.
- The address, PIN and Deed Book/Page Number of the property.
- A statement that the person listed as the property owner is the legal owner of the property described.
- The name of the person authorized to act on behalf of the property owner as the applicant. If applicable, the authorized person's title and organization name.
- A statement that the property owner, as legal owner of the described property, hereby gives authorization and permission to the authorized person, to submit to the City of Raleigh an application to rezone the described property.
- A statement that the property owner understands and acknowledges that zoning conditions must be signed, approved and consented to by the property owner.
- The property owner's signature and the date the property owner signed the affidavit.

If requesting to rezone property to a general use district that is not a down-zoning, the rezoning application may be signed, for the purposes of initiating the request, by property owners or third-party applicants.

Temporary Option for Virtual Neighborhood Meetings

During times when in-person gatherings are restricted, this document consists of guidance and templates for conducting a virtual meeting that may satisfy the pre-submittal neighborhood meeting prerequisite for filing a rezoning request and, when required, the second neighborhood meeting prerequisite for Planning Commission review. All requirements related to notice and neighborhood meetings found in the UDO are still applicable and should be reviewed when preparing for a neighborhood meeting.

Raleigh Planning & Development staff are available to advise you in the preparation for virtual neighborhood meetings. For more information, contact JP Mansolf (919) 996-2180 or jp.mansolf@raleighnc.gov.

WHAT IS THE PURPOSE OF A NEIGHBORHOOD MEETING?

A neighborhood meeting is a required form of community outreach to receive community feedback regarding a rezoning prior to submittal to Raleigh Planning & Development or prior to Planning Commission review, per the standards found in UDO Ch. 10. The intention of the meeting is to facilitate neighbor communication; identify issues of concern early on; and provide the applicant an opportunity to address neighbors' concerns about the potential impacts of the rezoning request at key steps in the rezoning process.

GUIDANCE FOR VIRTUAL NEIGHBORHOOD MEETINGS

The virtual neighborhood meeting option is available to applicants on a temporary basis during times when in-person gatherings are restricted. Above and beyond the requirements for neighborhood meetings found in the UDO, the following practices are strongly encouraged for virtual neighborhood meetings:

Verification of mailed notice for virtual neighborhood meetings can be completed by USPS or Raleigh Planning & Development staff.

Neighborhood meeting notification letters can be verified in one of two ways for virtual neighborhood meetings:

- By using USPS in compliance with UDO Sec. 10.2.1.C.1.b.
- By coordinating with Raleigh Planning & Development staff.
 - When City of Raleigh facilities are open to the public, applicants may present stuffed, stamped, addressed, and unsealed neighborhood meeting notifications to Raleigh Planning & Development staff prior to the 10-day period for confirmation that the complete list of property owners is being noticed and that the notices contain adequate information to satisfy the requirements of the UDO and are in keeping with this guidance document.
 - When City of Raleigh facilities are closed to the public, applicants may present electronic documentation to city staff prior to the 10-day period for verification. Documentation should include: an electronic copy of the notification letter and any enclosures, the mailing list, photographs of the mailing that demonstrates the number of envelopes prepared for mailing, an attestation from the applicant that the mailing satisfies all UDO requirements and that acknowledges that false statements negate validity of the mailing.

The meeting should be held within specific timeframes and meet certain requirements.

The UDO requires that "the applicant shall provide an opportunity to meet with property owners of the development site and property owners within the mailing radius described in UDO Sec. 10.2.1.C.1. In order to provide meaningful opportunity, a virtual neighborhood meeting should follow these guidelines:

- Electronically via an interactive online video conferencing software such as Microsoft Teams, Zoom, WebEx, or any similar platform of the applicant's choice.
- The software must support a two-way conversation that allows for residents to ask questions and provide thoughts, as well as hear the applicant's presentation.
- The software should provide an option for an individual to participate exclusively by telephone.
- The meeting should be conducted for a minimum of two (2) hours, Monday through Thursday, during the 5:00 p.m. - 9:00 p.m. time period.
- The meeting should not be held on City of Raleigh or State of North Carolina recognized holidays.
- Just as with an in-person meeting, an attendance sheet must be completed to log known attendees of the virtual meeting. Note if no one attended.

Additional informational material should be provided by post to all invitees.

To help facilitate discussion during the meeting for all participants, especially those that may participate exclusively by telephone, informational material should be provided by post. A copy of all mailed materials should be included as part of the Neighborhood Meeting report required for the rezoning application. In addition to details required by UDO Sec. 10.2.1.C.1, the following information should be mailed with the meeting notice:

- The date, time, and detailed instructions for how to participate in the virtual meeting either online or by telephone.
- A current aerial photograph of the area.
- A current zoning map of the area.
- A draft of the rezoning petition to be submitted.
- For a rezoning request to a district that requires a master plan (UDO Art. 4.6 and 4.7) preliminary or schematic plans of the proposed master plan should be provided to help facilitate discussion.

The meeting agenda should describe the action to be requested and the nature of the questions involved.

This information should be addressed during the meeting:

- Explanation of the rezoning process.
- Explanation of future meetings (additional neighborhood meetings, if any; Planning Commission review; City Council public hearing).
- Explanation of the development proposal, including proposed uses and zoning conditions; explanation of any proposed master plan; and any public information available about the property owner or buyer, developer or builder, and/or likely tenant.
- Questions or concerns by virtual attendees and responses by the applicant.
- Report of any questions and concerns received by the applicant in correspondence or phone call in advance of the meeting, along with any applicant-provided responses.

The applicant shall be responsible for notifying any neighbors who request to be kept up-to-date of any additional neighborhood meetings and the actual submittal date to the City of Raleigh Development Portal.

NOTIFICATION LETTER TEMPLATE

Date:

Re: (SITE LOCATION)

Neighboring Property Owners:

You are invited to attend a neighborhood meeting on (MEETING DATE and TIME). The meeting will be held virtually. You can participate online or by telephone. To participate, visit:

(MEETING WEB ADDRESS)

Or call:

(MEETING PHONE NUMBER)

The purpose of this meeting is to discuss a potential rezoning of the property located at (SITE ADDRESS AND NEARBY LANDMARKS). This site is currently zoned (CURRENT ZONING DISTRICT) and is proposed to be rezoned to (PROPOSED ZONING DISTRICT). (ANY OTHER RELEVANT DETAILS OF THE REQUEST.)

Prior to the submittal of any rezoning application, the City of Raleigh requires that a neighborhood meeting be held for all property owners within 500 feet of the area requested for rezoning.

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

JP Mansolf

Raleigh Planning & Development

(919)996-2180

JP.Mansolf@raleighnc.gov

If you have any concerns or questions about this potential rezoning I (we) can be reached at:

(NAME)

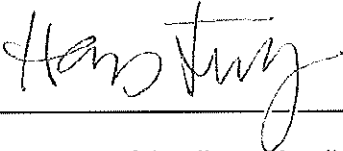
(CONTACT INFO)

Sincerely,

ATTESTATION TEMPLATE

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 14th, 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.



Signature of Applicant/Applicant Representative

September 14, 2020

Date

SUMMARY OF ISSUES

A neighborhood meeting was held on September 24, 2020 (date) to discuss a potential rezoning located at 5101 & 5105 Capital Blvd. (property address).

The neighborhood meeting was held at virtually, via WebEx (location).

There were approximately 0 (number) neighbors in attendance. The general issues discussed were:

Summary of Issues:

ATTENDANCE ROSTER

[illegible]



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HAYES FINLEY
Direct No: 919.755.8837
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September 14, 2020

Re: Notice of Neighborhood Meeting

Neighborhood Property Owners:

You are invited to attend a virtual neighborhood meeting on September 24, 2020. The meeting will begin at 6:00 p.m. You can participate online or by telephone. To participate via video, follow these instructions:

1. Go to www.webex.com.
2. In the top right corner of the page, click "Join."
3. In the "Enter Meeting Information" bar, type the meeting number: 171 335 3152.
4. Then enter the Password: capitalboulevard
5. Tips:
 - a. You may download the desktop app or join from your browser.
 - b. You can call in for audio or use your computer audio.
 - c. Call in a few minutes early to set up your audio and video.

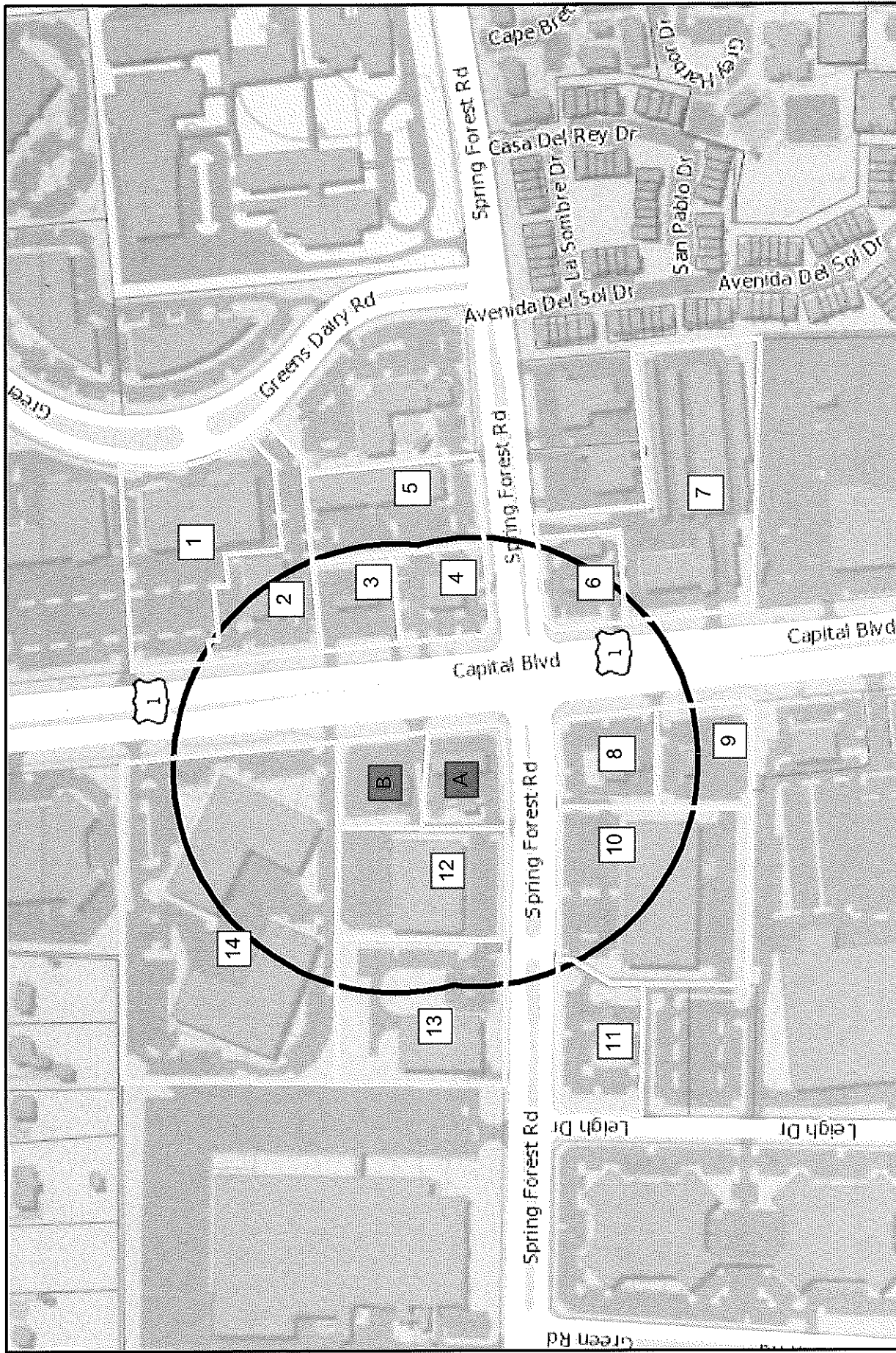
You may also join by phone:

+1-215-299-3000 US Toll
+1-800-598-1154 US Toll Free
Access code: 171 335 3152

The purpose of this meeting is to discuss a potential rezoning of the properties located at 5101 and 5105 Capital Boulevard, which are currently a Han-Dee Hugo convenience store and fueling station and an Enterprise Rental Car lot. The two lots are currently zoned IX-3-PL (meaning Industrial mixed use-3 story height maximum - Parking Limited street frontage) and are proposed to be rezoned to IX-3-CU (CU: Conditional Use). This rezoning request is to remove the Parking Limited element of the zoning district which will allow flexibility in building location when the two existing business are redeveloped. An updated convenience store and fueling station is proposed for the corner lot. While there are no immediate plans for the smaller Enterprise facility, replacement of the existing building is contemplated within the next few years.

A Pennsylvania Limited Liability Partnership

California	Colorado	Delaware	District of Columbia	Florida	Georgia	Illinois	Minnesota	Nevada
New Jersey	New York	North Carolina	Pennsylvania	South Carolina	Texas	Virginia	Washington	



5101 & 5105 Capital Boulevard 500-Foot Buffer

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