Existing Zoning

Z-72-2020



Map by Raleigh Department of City Planning (mansolfj): 1/4/2021

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Rezoning Application

RALEIGH DEPARTMENT OF CITY PLANNING



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

REZONING REQUEST					
General Use Conditional Use Master Plan Existing Zoning Base District CX Height 4 Frontage PL Overlay(s) Proposed Zoning Base District CX Height 4 Frontage GR Overlay(s) Click here to view the Zoning Map. 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-13-2013					
	GENERAL INFORMATION				
Date Dat	e Amended (1)		Date Amended (2)		
	v Bern Av	enue			
Property PIN 172422158	Property PIN 1724221587 Deed Reference (book/page) 7637/172				
	n Avenue	and Milburnie	Road		
Development Applications Only:		Total Units Total Parcels	Total Square Footage Total Buildings		
Property Owner Name/Address		Phone	Fax		
New Bern Crossing, LLC 300 Versailles Drive Cary, NC 27511		Email drbpatel11@gmail.com			
Applicant Name/Address Convenience Development Partners LLC		Phone	Fax		
365 Park Forest Drive Ponte Vedra, FL 32081		Email ewalton@cdpartners.net			
Applicant* Signature(s			net		

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



CONDITIONAL USE DISTRICT ZONING CONDITIONS			
Zoning Case Number	OFFICE USE ONLY		
Date Submitted	Rezoning Case #		
Narrative of Zoning Conditions Offered			
1. The ground floor of any building having a facade within the required bu Bern Avenue will contain a minimum of 3,500 square feet of retail space.	ild-to area along New		
2. A minimum of 10 linear feet of seating shall be provided within the build Bern Avenue.	ling setback along New		

conditions written above. All property owners must sign each condition page. This page may be photocopied if additional space is needed. additional space is needed.

Property Owner(s) Signature

ANS

Print Name Evan Walton

RECEIVED By JP Mansolf at 11:05 am, Dec 17, 2020

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.				
STATEMENT OF CONSISTENCY				
Provide brief statements regarding whether the rezoning request is consistent with the futu urban form map, and any applicable policies contained within the 2030 Comprehensive Pla				
With Green frontage and required ground-floor retail, the proposed zoning pedestrian-oriented retail uses contemplated in the Community Mixed Use proposed 4-story height is in conformance with the general buildings heigh proposal supports a number of Comprehensive Plan policies, including LU (Pedestrian-Friendly Development); ED 5.8 (Supporting Retail Infill and Re (Frontage); UD 3.7 (Parking Lot Placement); and UD 4.5 (Improving the S	e designation, while the nts suggested. The J 7.6 einvestment); UD 1.10			
PUBLIC BENEFITS				
Provide brief statements explaining how the rezoning request is reasonable and in the publi	c interest.			
The proposed rezoning would provide a more urban and pedestrian-friend while providing a mix of uses compatible with surrounding uses and with the beyond the planned terminus of bus rapid transit infrastructure and provide pedestrians, bus riders, and drivers, consistent with the multimodal character of the planned terminus of bus rapid transit infrastructure and provide pedestrians, bus riders, and drivers, consistent with the multimodal character of the planned terminus of bus rapid transit infrastructure and provide pedestrians, bus riders, and drivers, consistent with the multimodal character of the planned terminus of bus rapid transit infrastructure and provide pedestrians, bus riders, and drivers, consistent with the multimodal character of the planned terminus of the planned terminus of bus rapid transit infrastructure and provide pedestrians, bus riders, and drivers, consistent with the multimodal character of the planned terminus of terminus	he site's location just ing services to			

REZONING APPLICATION ADDENDUM #2				
Impact on Historic Resources	OFFICE USE ONLY			
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 proposed zoning would impact the resource.	resource, indicate how the			
PROPOSED MITIGATION				
Provide brief statements describing actions that will be taken to mitigate all negative impactions	ts listed above.			
N/A				

	URBAN DESIGN GUIDELINES
a) b)	applicant must respond to the Urban Design Guidelines contained in the 2030 Comprehensive Plan if:) The property to be rezoned is within a "City Growth Center" or "Mixed-Use Center", <u>or</u>) The property to be rezoned is located along a "Main Street" or "Transit Emphasis Corridor" shown on the Urban Form Map in the 2030 Comprehensive Plan.
	Urban Form Designation City Growth Center Click <u>here</u> to view the Urban Form Map.
1.	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. Response:
	Ground floor retail use is proposed together with an urban build-to requirement.
2.	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. Response: N/A
3.	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. Response: N/A
4.	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. Response: N/A
5.	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. Response: The existing block length does not exceed 660 feet.
6.	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. Response: Urban frontage is requested.

7.	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. Response:
	Urban frontage is requested.
8.	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. Response:
	Urban frontage is requested, requiring building placement at the intersection.
9.	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>Response:</i>
	Open space placement will be addressed during the site planning process.
10.	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. Response:
	Urban frontage is requested, and building design will be addressed during the site planning process.
11.	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. Response:
	To be determined during the site planning process.
12.	A properly defined urban open space is visually enclosed by the fronting of buildings to create an outdoor "room" that is comfortable to users. Response:
	To be determined during the site planning process.

13.	New public spaces should provide seating opportunities. Response:
	Seating along the New Bern frontage is a proposed requirement.
14.	Parking lots should not dominate the frontage of pedestrian-oriented streets, interrupt pedestrian routes, or negatively impact surrounding developments. Response:
	Urban frontage is proposed.
15.	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. Response:
	Urban frontage is proposed.
	Parking structures are clearly an important and necessary element of the overall urban infrastructure but, given their utilitarian
16.	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 cane make a significant improvement. Response:
	To be determined during site planning.
	Higher building densities and more intensive land uses should be within walking distance of transit stops, permitting public
17.	transit to become a viable alternative to the automobile. Response:
	Density to be determined during site planning.
	Convenient, comfortable pedestrian access between the transit stop and the building entrance should be planned as part of the
18.	overall pedestrian network. Response:
	The urban frontage will provide comfortable pedestrian access along the property frontage.
	All development should respect natural resources as an essential component of the human environment. The most sensitive
19.	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.
	Response:
	To be determined during the site planning process.

20.	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. Response:
	To be determined during the site planning process.
21.	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>Response:</i>
	Sidewalks will conform with UDO requirements.
22.	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. Response:
	Streetscapes will conform with UDO requirements.
23.	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. Response:
	To be determined during the site planning process.
24.	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. Response:
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	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. Response: The proposed urban frontage requires a primary street facing entrance, and design details will be determined during the site planning process.
	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. Response: The proposed urban frontage requires a primary street facing entrance, and design details will be determined during the site planning process. 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. Response:
25.	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. Response: The proposed urban frontage requires a primary street facing entrance, and design details will be determined during the site planning process. 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. Response: Facades will comply with UDO requirements. The sidewalks should be the principal place of pedestrian movement and casual social interaction. Designs and uses should be complementary to that function.

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	\checkmark				
2. Pre-Application Conference	\checkmark				
3. Neighborhood Meeting notice and report	\checkmark				
4. Rezoning application review fee (see Fee Schedule for rate)	$\mathbf{\overline{\mathbf{v}}}$				
5. Completed application, submitted through Permit & Development Portal	\checkmark				
Completed Comprehensive Plan Consistency Analysis	\checkmark				
Completed Response to the Urban Design Guidelines	\checkmark				
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	\checkmark				
7. Trip Generation Study		\checkmark			
8. Traffic Impact Analysis		\checkmark			
For properties requesting a conditional use district:					
9. Completed zoning conditions, signed by property owner(s)	\checkmark				
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If applicable (see Page 11):					
10. Proof of power of attorney or owner affidavit		\checkmark			
For more office, many office, a Diamond Development (DD) on Opments	[[
For properties requesting a Planned Development (PD) or Campus District (CMP):					
10. Master Plan (see Master Plan Submittal Requirements)		\checkmark			
For properties requesting an Accessory Dwelling Unit Overlay					
District (ADUOD):					
15. Copy of ballot and mailing list		√			

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

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 presubmittal 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 <u>UDO Ch. 10</u>. 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 <u>UDO Sec. 10.2.1.C.1.b.</u>
- 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 <u>UDO Sec.</u> <u>10.2.1.C.1.</u> 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 <u>UDO Sec. 10.2.1.C.1</u>, 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 (<u>UDO Art. 4.6</u> and <u>4.7</u>) 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 <u>www.raleighnc.gov</u> 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 _____, day of _____, 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

Date

SUMMARY OF ISSUES

A neighborhood meeting was held on November 19, 2020 (date) to discuss a potential
rezoning located at 3151 New Bern Avenue (property address).
The neighborhood meeting was held at [virtual meeting] (location).
There were approximately 1 (number) neighbors in attendance. The general issues
discussed were:
Summary of Issues:
The proposal was described in the context of applicable city plans.
The likely timeline for development was discussed.
The previous rezoning and lack of subsequent development was discussed.

ATTENDANCE ROSTER					
NAME ADDRESS					
Bill Martin	3000 New Bern Avenue				
Ira Mabel	City of Raleigh				