



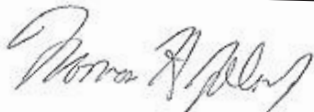
APPLICATION FOR CONDITIONAL REZONING MAP AMENDMENT

PART 1. DESCRIPTION OF REQUEST/PROPERTY		
Street Address of the Property: 1106 N Arendell Avenue		Acreage: 3.51 ac
Parcel Identification Number (NC PIN): 2705191832	Deed Book: 12-E-	Deed Page(s): 1688
Existing Zoning of the Property: Heavy Commercial (HC)	Proposed Zoning of the Property: Heavy Commercial-Conditional (HC-C)	
Existing Use of the Property: Vacant	Proposed Use of the Property: Convenience Store with gasoline sales	
Reason for Conditional Rezoning: <p>The conditional rezoning is being requested to facilitate a design-related adjustment for the convenience store with gasoline sales use proposed on the subject property which is already a permitted use in HC zoning. Under the applicable use-specific standards in UDO 4.3.5.Q.1.a., fuel pump islands may not be located between a building and any adjacent street rights-of-way. The subject parcel is adjacent to street rights-of-way on three sides. Due to the site constraints for this permitted use resulting from existing frontage on three different rights-of-way, the proposed conditional zoning with associated concept plan is being requested, as provided for under UDO Section 3.6, to modify this particular use-standard.</p>		

PART 2. APPLICANT/AGENT INFORMATION		
Name of Applicant/Agent: Thomas H. Johnson, Jr. (Attorney) / Williams Mullen, agent for C4 CStore Holdings III, LLC		
Street Address of Applicant/Agent: 301 Fayetteville Street, Suite 1700		
City: Raleigh	State: NC	Zip Code: 27601
Email of Applicant/Agent: tjohnson@williamsmullen.com	Telephone Number of Applicant/Agent: (919) 981-4006	Fax Number of Applicant/Agent:
Are you the owner of the property? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Are you the owner's agent? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Note: If you are not the owner of the property, you must obtain the Owner's consent and signature giving you permission to submit this application.

PART 3. PROPERTY OWNER INFORMATION		
Name of Property Owner: Carl Victor Tart, Jr; Connie Tart; Jenna Burlington Fitch; Miles Fitch, III; Robert T. Burlington; Sara Burlington		
Street Address of Property Owner: 7815 Roxboro Rd		
City: Bahama	State: NC	Zip Code: 27503-9045
Email of Property Owner:	Telephone Number of Property Owner:	Fax Number of Property Owner:

I hereby state that the facts related in this application and any documents submitted herewith are complete, true, correct, and accurate to the best of my knowledge.

Signature of Applicant: 	Print Name: Thomas H. Johnson, Jr.	Date: 3/1/2023
Signature of Owner: <i>* see attached page for property owner signatures</i>	Print Name: <i>* see attached page</i>	Date:



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LEGISLATIVE CONSIDERATIONS – CONDITIONAL REZONING

The applicant shall propose site-specific standards and conditions that take into account the following considerations, which are considerations that are relevant to the legislative determination of whether or not the proposed conditional zoning district rezoning is in the public interest. These considerations do not exclude the legislative consideration of any other factor that is relevant to the public interest. Failure to adequately address the findings below may result in denial of the application. Please attach additional pages if necessary. The petition is justified based on the facts as they relate to the Standards in Section 2.2.6.K of the UDO as follows:

1. Please explain how the proposed Conditional Rezoning advances the public health, safety, or welfare
See Exhibit A attached to this application.
2. Please explain how the proposed conditional rezoning is appropriate for its proposed location, and is consistent with the purposes, goals, objectives, and policies of the town’s adopted policy guidance;
See Exhibit A attached to this application.
3. Please explain how an approval of the conditional rezoning is reasonable and in the public interest;
See Exhibit A attached to this application.
4. Please explain how the concept plan associated with the conditional rezoning is consistent with this Ordinance; and
See Exhibit A attached to this application.
5. Please explain how the proposed conditional rezoning addresses any other factors as the Board of Commissioners may determine to be relevant. These include but are not limited to the proposed uses requested and any requested deviations and proposed alternative means of compliance.
See Exhibit A attached to this application.



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CONCEPT PLAN REQUIREMENTS

Every applicant requesting a Conditional Zoning Amendment shall submit **8 copies** and **1 pdf (e-mail or USB Drive)** of a concept plan drawing with the application for a Conditional Rezoning. The concept plan shall contain sufficient information to adequately determine the type of development being proposed. The concept plan drawing shall include, at a minimum, the following features unless otherwise specified by the Planning Department:

**CHECK IF
SUBMITTED**

ITEM

1.	Plot plan showing all existing and planned structures, building setback lines, perimeter boundaries, and easements.	<u> X </u>
2.	Elevation drawings of all buildings indicating the proposed exterior finish materials.	<u> X </u>
3.	Landscaping plan, lighting, fencing, screening, and walls, indicating all heights and locations.	<u> X </u>
4.	Location of all ingress and egress.	<u> X </u>
5.	Off-street parking and loading facilities, with calculations showing how the quantities were obtained.	<u> X </u>
6.	All pedestrian walks and open areas for use by residents, tenants, or the public.	<u> X </u>
7.	Proposed land uses indicating areas in square feet.	<u> X </u>
8.	The location and types of all signs, including lighting and heights, with elevation drawings.	<u> X </u>
9.	Existing and/or proposed street names.	<u> X </u>
10.	Proposed potable or reuse water, wastewater connections, and storm sewer line; proposed grading and drainage patterns; proposed water and sewer allocations.	<u> X </u>
11.	Such additional items and conditions, including design standards as the Planning Board and Board of Commissioners deems necessary.	<u> X </u>
12.	Trip generation data and TIA	<u> X </u>



APPLICATION FOR CONDITIONAL REZONING MAP AMENDMENT

PROPOSED CONDITIONAL USES

An application has been duly filed requesting that the property described in this application be rezoned from Heavy Commercial (HC) to Heavy Commercial-Conditional (HC-C). It is understood and acknowledged that if the property is rezoned as requested, the property described in this request will be perpetually bound to the use(s) authorized and subject to such conditions as imposed, unless subsequently changed or amended as provided for in the Unified Development Ordinance. It is further understood and acknowledged that final plans for any specific development to be made pursuant to any such Conditional Zoning shall be submitted for site or subdivision plan approval. Use additional pages as needed.

The Rezoned Lands may be used for, and only for, the uses listed immediately below. The permitted uses are subject to the limitations and regulations stated in the Use Table and any additional limitations or regulations stated below. For convenience, some relevant sections of the Unified Development may be referenced; such references do not imply that other sections of the Unified Development Ordinance do not apply.

1.	All uses permitted within the HC District in accordance with the UDO.	25.	
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APPLICATION FOR CONDITIONAL REZONING MAP AMENDMENT

PROPOSED DEVELOPMENT CONDITIONS

The applicant hereby requests that the Zebulon Board of Commissioners, pursuant Section 2.2.6 of the UDO approve the Conditional Zoning for the Conditional Zoning for the above listed use(s), subject to the following condition(s), requested deviations, and proposed alternative means of compliance. (Attach additional pages as needed)

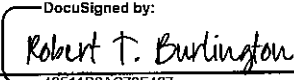
1. Development of the property for a convenience store with gasoline sales use shall be substantially as shown on the concept plan approved as part of this rezoning request and as shown on a site/development plan approved subsequent and pursuant to this rezoning. Development of the use on the property as described above shall not be subject to the use-specific standard in UDO 4.3.5.Q.1.a, more specifically this condition permits gasoline pump island to be located between the building and Jones Street as shown on the concept plan.

**ATTACHMENT TO
PAGES 3 & 8 OF APPLICATION FOR CONDITIONAL REZONING MAP
AMENDMENT
1106 N ARENDELL AVE (PIN: 2705191832)**

**OWNER'S CONSENT FORM:
OWNER'S AUTHORIZATION & CERTIFICATION OF PROPERTY OWNER**

Owner Signature: 
DocuSigned by:
C48E82508552489...
JENNA BURLINGTON FITCH

Owner Signature: 
DocuSigned by:
102ECEB394074E2...
MILES FITCH, III

Owner Signature: 
DocuSigned by:
43511B9AC79F427...
ROBERT T. BURLINGTON

Owner Signature: 
DocuSigned by:
E58B79523985404...
SARA BURLINGTON

Owner Signature: 
CARL VICTOR TART, JR.

Owner Signature: 
CONNIE TART

EXHIBIT A: APPLICANT'S NARRATIVE
CONDITIONAL REZONING REVIEW STANDARDS - UDO SECTION 2.2.6.K
Application for Conditional Rezoning Map Amendment
1106 N Arendell Ave (Wake County PIN: 2705191832)
C4 CStore Holdings III, LLC (Applicant)

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Below are the applicant's statements (bold text) in response to the Conditional Rezoning Review Criteria contained in UDO Section 2.2.6.K (shown below in italics).

1. *Please explain how the proposed Conditional Rezoning advances the public health, safety, or welfare.*

Applicant Response: The proposed conditional rezoning advances public health, safety and welfare by facilitating development of use already allowed by-right under current zoning at a location that utilizes an existing signalized intersection for controlled ingress and egress to the site. The location is within a commercially developed corridor and adjacent to major roadways (N Arendell Avenue and US 64 Highway) already being travelled for other destinations will potentially reduce the need for additional vehicle trips on other roads. The convenience store and gasoline sales use will be designed, constructed and operated consistent with current applicable regulations and incorporate improved technology, all focused on minimizing the potential for any impacts from the use.

2. *Please explain how the proposed conditional rezoning is appropriate for its proposed location, and is consistent with the purposes, goals, objectives, and policies of the town's adopted policy guidance.*

Applicant Response: The proposed conditional rezoning is appropriate in this location as it better facilitates development of a use already allowed by-right in HC zoning. The location utilizes an existing signalized intersection for controlled ingress and egress to the site, providing safer conditions and increased convenience for those using the site. The site is within a commercially developed corridor and adjacent to major roadways (N Arendell Avenue and US 64 Highway) already being travelled for other destinations.

The *Future Land Use and Character Map*, part of Zebulon's *Comprehensive Land Use Plan*, depicts the subject property within the General Commercial category. The majority of the parcel's boundary is both adjacent to and on the opposite side of streets from other properties also within the General Commercial category. The smaller remainder of the parcel boundary is separated by street right-of-way from land designated Suburban Commercial. A convenience store with gasoline sales is classified as "Commercial Use" under UDO Article 4. A Primary Land Use Type of the General Commercial category includes "*Automobile service-related enterprises (e.g., gas stations ...)*". The parcel's location within a major roadway corridor, along N. Arendell Ave and in close proximity to US 64 Highway and having increased accessibility via a signalized intersection are consistent with "Characteristics" of the General Commercial category. The proposed use/design supports multiple Plan policies, including:

- "*..., growth should first be directed toward vacant parcels and underutilized lands within the Town's existing incorporated area before extensive development is considered or encouraged within future growth areas beyond the Town limits.*" (Annexation and Growth Management: P.)

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- ***“Emphasize economic development pursuits that will further diversify the local economic and tax bases and avoid over-reliance on a few major businesses and employers.” (Economic Development: E.)***
- ***“Heavy commercial development should be concentrated in nodes at intersections and along major thoroughfares that are designed and constructed to accommodate higher traffic volumes.” (Heavy Commercial: H2.)***
- ***“Land uses should not detract from the enjoyment or value of neighboring properties.” (General: G1.)***

3. Please explain how an approval of the conditional rezoning is reasonable and in the public interest.

Applicant Response: Approval of the proposed conditional rezoning for the use as shown on the associated concept plan is reasonable and in the public interest as it facilitates establishment of a use already allowed by-right under the existing zoning for the site, which use provides a valuable and needed service to the community. The location utilizes an existing signalized intersection for controlled ingress and egress to the site, providing safer conditions and increased convenience for those using the site. The site is designed consistent with ordinance requirements and standards, including those pertaining to buffers, landscaping and preservation of existing mature vegetation. The site design/layout shown on the concept plan proposes locating the fuel pump island between the building and the adjacent street right-of-way with the least amount of vehicle traffic since it will not currently provide through access. This modification of the applicable UDO standard best maintains the use standard’s goal with the additional constraints it creates for this parcel due to the presence of three adjacent street rights-of-way.

4. Please explain how the concept plan associated with the conditional rezoning is consistent with this Ordinance.

Applicant Response: The development design shown on the proposed concept plan associated with this conditional rezoning request is consistent with all applicable requirements and standards of the UDO. The applicant is requesting conditional zoning for a site design-related adjustment to better facilitate consistency with a single UDO use-standard specific to the use of a convenience store with gasoline sales. All other elements of site design/development are consistent with the ordinance, including buffers, landscaping, parking, site ingress/egress, circulation, stormwater management, and building design.#

5. Please explain how the proposed conditional rezoning addresses any other factors as the Board of Commissioners may determine to be relevant. These include but are not limited to the proposed uses requested and any requested deviations and proposed alternative means of compliance.

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Applicant Response: The convenience store with gasoline sales use shown on the proposed concept plan associated with this conditional rezoning request is an allowed by-right use under the property's existing HC zoning. Due to the property having frontage on three existing street rights-of-way, the use shown on the concept plan is subject to additional UDO use standards that are not applicable to the same use throughout HC zoning. These additional standards constrain/reduce options and flexibility with site layout design. The use and layout as shown on the associated concept plan minimizes the degree of modification from the single use standard since the fuel pump island is located between the building and the adjacent street right-of-way (Jones Street) that will carry the least amount of vehicular traffic of all streets adjacent to this site. Currently the Jones Street right-of-way adjacent to this property is not built. As shown on the concept plan, the applicant is proposing to construct the required full width of the travel way within the right-of-way adjacent to the site's frontage.