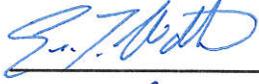


Durham City/County Planning Zoning Map Change Application			
Submittal Date:		Case Number:	
Requested Zone(s): (include overlay) MU		Existing Zone(s): (include overlay) OI	
PIN(s): 0823-16-84-0729; 0823-12-85-0016		Total Site Area: 3.782*	
Street Address or Frontage: 3208 & 3300 N. Duke St.		Jurisdiction: <input type="checkbox"/> County	
Project Name: Circle K/TND Partners Mixed Use		<input checked="" type="checkbox"/> City	
		<input type="checkbox"/> City and County	
Comprehensive Plan: (Tier) Suburban		(Land Use Designation) Office	
Summary of Proposed Development (types of uses, number and type of residential units, square footage in non-residential buildings, etc): Commercial, Office and Multifamily Residential. Up to 50 apartments and up to 15,000 square feet in commercial and office. One building will have vertical integration of uses.			
Applicant			
Contact Name AND Business Name if applicable: Evan Walton, Circle K Southeast & Bob Chapman, TND Partners		 EVAN WALTON	
Address: 2440 Whitehall Park Dr., Ste. 800/410 W. Geer St.			
City: Charlotte/Durham	State: NC/NC	Zip Code: 28273/27701	Applicant Signature  BOB CHAPMAN
Phone: 704-583-5715	Fax: bob.chapman@tndpartners.com		Email: EWalton1@CircleK.com
Agent (if any)			
Contact Name AND Business Name if applicable: Patrick Byker, Morningstar Law Group			
Address: 630 Davis Dr., Ste. 200			
City: Morrisville	State: NC	Zip Code: 27560	Agent Signature
Phone: 919-590-0384	Fax:		Email: pbyker@morningstarlawgroup.
Property Owner(s) (Attach a separate sheet if more space is necessary)			
Name: SunTrust Banks, Inc.		Phone: 804-782-7653	
Address: 919 E. Main Street, 14th Floor		Fax:	
City: Richmond	State: VA	Zip Code: 23219	Email: sarah.p.bagby@suntrust.com
Name:		Phone:	
Address:		Fax:	
City:	State:	Zip Code:	Email:
Name:		Phone:	
Address:		Fax:	
City:	State:	Zip Code:	Email:

Contacts (optional)

Development Plan prepared by: Coulter Jewell Thames, PA	Phone: 919-682-0368
	Email: djewell@cjtpa.com
Stormwater Impact Analysis prepared by: Coulter Jewell Thames, PA	Phone: 919-682-0368
	Email: djewell@cjtpa.com
Traffic Impact Analysis prepared by: VHB, Inc.	Phone: 919-334-5617
	Email: lovercash@vhb.com
Building Design Guidelines/Elevations prepared by: Cline Design	Phone: 919-833-6413
	Email: JohnF@clinedesignassoc.com
Resource Features Analysis prepared by: N/A	Phone:
	Email:

Application Checklist

Each item on the following submittal checklist is to be initialed by the Applicant and/or the Agent, indicating that:

- the item is part of the submittal package;
- the item is complete; and
- the information is accurate

A submittal package with items not initialed, or otherwise incomplete or inaccurate, **will not be accepted**. An application shall be considered to have been accepted for review only after it has been determined to be complete in accordance with Section 3.2.4 of the Unified Development Ordinance, not upon submission to the Planning Department.

I, the undersigned, acknowledge that the application is complete and that all information included is accurate to the best of my knowledge:


Signature

10/27/14
Date

Patrick Byker
Printed Name

APPLICATION ITEM	APPLICANT/AGENT INITIAL	STAFF ACCEPTANCE
1. Application		
2. Owner's Acknowledgement Form for each parcel – must include original signature for all owners of record Forms included: (#) _____		
3. Pre-Submittal Conference form		
4. Boundary Map of Area		
5. Legal Description		
6. Text Amendment Acknowledgement form		

If submitting with a development plan items 7 – 11 apply:		
7. Development Plan Checklist		
8. 12 Sets of Full Size Plans		
9. Legible Plan Reduction (11" X 17")		
10. Stormwater Checklist, 2 copies or memo from City or County Stormwater Management		
11. Traffic Impact Analysis, 3 copies -or- a memo from the City Transportation Division stating a TIA is not required.		
If applicable:		
12. Design Commitments. -required for applications that include a development plan and propose to allow nonresidential or multifamily (including townhouse) development		
13. Copy of Annexation Request Transmittal (if applicable; it must be filed prior to the zoning map change submittal)		
14. Has a Land Use Plan Amendment been filed? If so, case # _____ (to be completed at time of submittal)		
15. Neighborhood Meeting Materials (sign-up sheet from the meeting, summary of the issues raised, description of how the proposal addresses the issues, copy of meeting notification, list of those notified, copies of materials distributed)		
For all applications:		
16. Filing Fee: \$ (In addition to the Zoning Map Change fee, additional fees will be required if the request includes a Plan Amendment or Traffic Impact Analysis (TIA))		



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630 Davis Drive, Suite 200
Morrisville, NC 27560
919-590-0384
pbyker@morningstarlawgroup.com
www.morningstarlawgroup.com

Circle K & TND Partners Proposed Mixed Use (MU) Development
Request for Exception to Four (4) Acre Site Area

Under Unified Development Ordinance (UDO) Section 6.11.7.B.1.a, a site area of four (4) acres is required for a Mixed Use (MU) development unless appropriate justification is provided to allow a smaller area. The site that Circle K and TND Partners have proposed for a zoning map change to MU contains 3.782 acres, which is barely below the 4-acre threshold stated in UDO Section 6.11.7.B.1.a. This UDO section specifies three criteria upon which a smaller than four (4) acre site may be approved as an MU development. Given these criteria, the Circle K/TND proposal warrants approval as an MU site for the following reasons:

1. Location: The Circle K/TND proposal is situated along an important major thoroughfare, directly adjacent to six parcels located to the north, and these six parcels (all PINs starting with 0823-12: 86-4015; 85-4786; 85-0712; 75-9276; 85-0202; 85-0115) contain approximately 11.75 acres and three (3) office buildings. According to public records of the Durham County Tax Office, these three office buildings contain approximately 175,000 square feet, and based on a site visit as of the date of this application, it appears that these 175,000 square feet of office space are completely vacant. Since these six parcels are contiguous with the Circle K/TND proposal, we believe this proposed MU development can bring new activity to this section of Durham that appears to be experiencing significant disinvestment.
2. Topography: The Circle K/TND site and all six of the parcels referred to above are very flat, so there are no topographical obstacles whatsoever to future expansions of the MU district from the Circle K/TND site. Similarly, it appears there are no environmental constraints on the Circle K/TND site or the approximately 11.75 acres referred to above.
3. Compatibility: The approximately 11.75 acres described in paragraph 1 above are all zoned OI, which is readily compatible with the proposed MU development. Our team hopes that this MU development will inject new life into this somewhat economically-distressed area that has not experienced the type of new investment we have seen in Downtown and South Durham over the past 10-15 years.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Patrick L. Byker", is written over a horizontal line.

Patrick Byker, Morningstar Law Group
Project Attorney for Circle K & TND Partners



Zoning Map Change

Owner's Acknowledgement of Development Plan Submittal

Date Submitted:

Case Number:

This original form is required to be submitted with a zoning map change application that includes a development plan. Each property owner for each parcel included in the development plan must provide a signature and date.

Acknowledgement Statement

I(we), SunTrust Bank, owner(s) of the 3.782-acre property having Property Identification Number(s):

0823-16-84-0729

0823-12-85-0016

am(are) aware of the application for the MU zone and development plan that accompanies the zoning map change request. A development plan places significant limitations on the physical development of the land. The obligation to develop in accordance with an approved development plan runs with the land and is not dependent on this particular applicant. Changes to a development plan approved with a rezoning request may require a future zoning map change request.

[Signature]
Owner's Signature

10/23/14
Date

Owner's Signature Date

SARAH P. BAGBY
Owner's Printed Name
FIRST VICE PRESIDENT
SUNTRUST BANK

Owner's Printed Name

Disclaimer:

By signing this form, the owner acknowledges that he/she is party to the Zoning Map Change application and has waived the right to certified notification under GS153A-343.



ZONING MAP CHANGE/PLAN AMENDMENT
PRESUBMITTAL SUMMARY

This meeting used to satisfy UDO 3.2.2.B is valid for a period of six months.

Meeting Date: 9/29/14		Presubmittal #: ZP	
Applicant Contact Information			
Name: Patrick Byker		Phone:	
Business Affiliation: Morningstar Law Group		Email: pbyker@morningstarlawgroup.com	
Attendees			
Staff: Jacob Wiggins, Scott Whiteman		Others:	
Existing Site Information			
Street Address/location: 3208 N Duke Street		Current Jurisdiction: City <input type="checkbox"/>	Existing Zone(s): OI <input type="checkbox"/> <input type="checkbox"/>
PIN(s): 172376, 172380		Total Site Area: 3.782	Existing Overlay(s): F/J-B <input type="checkbox"/>
Adopted Development Tier: Suburban <input type="checkbox"/>		<input type="checkbox"/>	
Adopted Future Land Use: Office <input type="checkbox"/>		<input type="checkbox"/>	
Request/Proposal			
Project Description: Mixed Use - residential, commercial, office			
Requested Zone: MU <input type="checkbox"/>		<input type="checkbox"/>	
Requested Future Land Use:		<input type="checkbox"/>	
Adopted Plans Conditions			
<input type="checkbox"/> Proposed bicycle lane(s)	<input type="checkbox"/> Comprehensive Plan	<input type="checkbox"/>	
<input type="checkbox"/> Proposed Greenway/Trail	<input type="checkbox"/> Open Space Plan: _____	<input type="checkbox"/>	
<input type="checkbox"/> Proposed thoroughfare/collector Street	<input type="checkbox"/> Natural Inventory: _____	<input type="checkbox"/>	
<input type="checkbox"/> Bus and Rail Transit Plans	<input checked="" type="checkbox"/> Other: Neighborhood/Stakeholder feedback	<input type="checkbox"/>	
Policy Considerations See attachment entitled <i>Applicable Comprehensive Plan Policies for more information.</i>			
<input checked="" type="checkbox"/> Traffic	<input checked="" type="checkbox"/> Land Use	<input type="checkbox"/>	
<input checked="" type="checkbox"/> Public Infrastructure	<input type="checkbox"/> Environmental Protection	<input type="checkbox"/>	
<input type="checkbox"/> Community Services	<input type="checkbox"/> Open Space, Habitat, Wildlife	<input type="checkbox"/>	
DISCLAIMER: Upon formal submittal, thorough review and site visits will be conducted by several City/County departments. Other issues may arise that were not identified in this preliminary discussion.			

Requirements for submittal based on information provided at presubmittal conference			
Requirement	Staff Resource Contact	Fee	Account Codes
Zoning Map Change Application	Amy Wolff 919-560-4137 ext. 28235	Based on <u>4</u> acres \$5085.40	<u>813</u> (ZMC type) <u>802</u> (4% surcharge) <u>813</u> (Notification fee)
Development Plan	Amy Wolff 919-560-4137 ext. 28235	N/A	N/A
Design Commitments	Anne Kramer 919-560-4137 ext. 28271	N/A	N/A
Traffic Impact Analysis	Bill Judge 919-560-4366	May be required as per Mr. Judge	<u>4000</u> (small or large) <u>160</u> (4% surcharge)
Plan Amendment	Karla Rosenberg 919-560-4137 ext. 28259	N/A \$ _____ \$ _____ \$ _____	_____ (PA) _____ Notice _____ (4% surcharge)
Neighborhood Meeting	Karla Rosenberg 919-560-4137 ext. 28259	N/A	N/A
Annexation Application	Scott Whiteman 919-560-4137 ext. 28253	N/A	
Utility Annexation Agreement	Scott Whiteman 919-560-4137 ext. 28253	N/A	

Schedule the Submittal

The Zoning Map Change and associated applications **must be submitted in person by appointment only** (DROP-OFFs will NOT be accepted). Applications are batched monthly with the cycle deadline being the second and fourth Monday of each month at noon.

For appointments contact: Amy Wolff at 560-4137 ext. 28235 or Amy.Wolff@DurhamNC.gov

Notes

Existing Zones Continued:

OI

Zoning Map Change

Acknowledgement of In-Process Text Amendment that May Affect Requested Application

Date Submitted:	Case Number:
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The applicant or applicant's agent may sign this original form which is required to be submitted with a zoning map change application to acknowledge that staff is processing Text Amendments that may impact a proposed project. It is the applicant's (or agent's) responsibility to remain current on these developments and asses any potential impacts in consultation with staff. Due to the unknown life expectancy of an application, an updated list of Text Amendments may be found online: http://ldo.durhamnc.gov/durham/ldo_web/ldo_main.aspx.

Acknowledgement Statement

I, Patrick Byker, applicant or agent of the 3.782-acre property having Property Identification Number(s):

0823-16-84-0729

0823-12-85-0016

am authorized by the property owner(s) associated with this application for the MU zone.

The obligation to develop in accordance with all applicable ordinances when seeking development approvals is hereby acknowledged.


Authorized Signature

10/24/14
Date

PATRICK BYKER
Printed Name