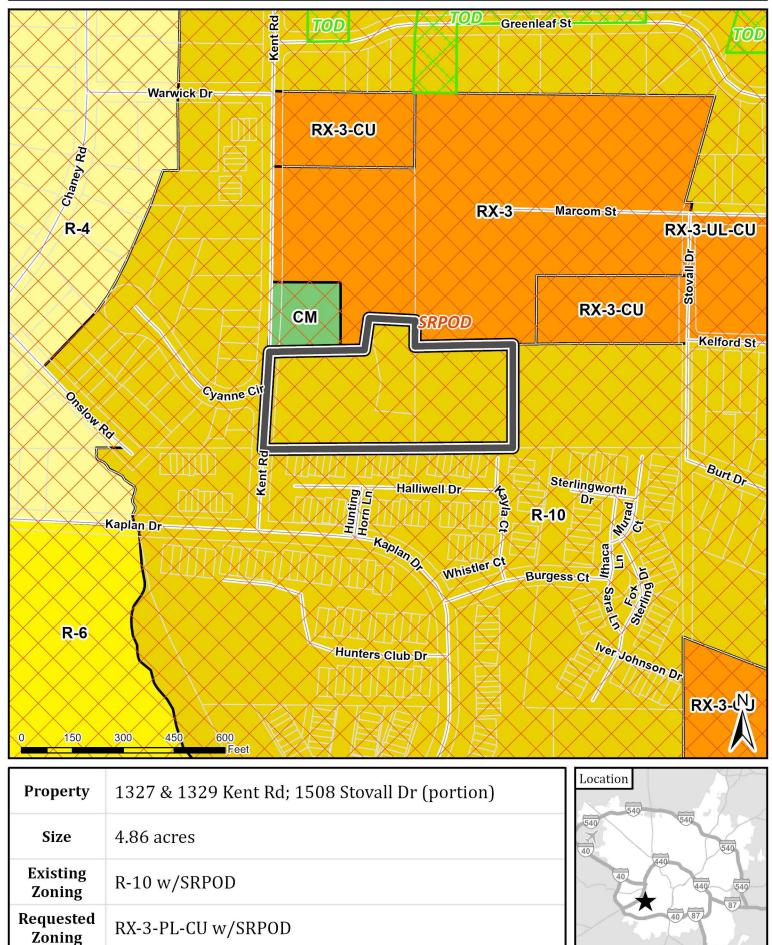
## **Existing Zoning**

# Z-11-2023



Map by Raleigh Department of Planning and Development (tater): 2/23/2023

### **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 18 for information about who may submit a rezoning application. A rezoning application will not be considered complete until all required submittal components listed on the Rezoning Checklist have been received and approved. For questions email <u>rezoning@raleighnc.gov</u>.

Rezoning Request							
Rezoning Gen		Use X Conditional Use Master Plan		Office Use Only Rezoning case #			
Туре	Text cha	hange to zoning conditions					
Existing zoning base district: R-10		Height:		Frontage:		Overlay(s): SRPOD	
Proposed zoning base district: RX		Height: 3 F		Fro	ontage: PL	Overlay(s): SRPOD	
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 bee	If the property has been previously rezoned, provide the rezoning case number:						

General Information						
Date:	Date amended (1):		Date amended (2):			
Property address: 1329 Kent Road; 1327 Kent Road; a portion of 1508 Stovall Drive						
Property PIN: 0793180200; 0793181370; 0793186220						
Deed reference (book/page): (019032/01929); (018719/00735); (018719/00729)						
Nearest intersection: Gyanne Circ	le and Kent Road	Property size (acr	res): 4.86			
For planned development	Total units:		Total square footage:			
applications only	Total parcels:		Total buildings:			
Property owner name and address: Attachment A						
Property owner email: Attachment A						
Property owner phone: Attachmer	nt A					
Applicant name and address: Blu	e Ridge Atlantic Developm	ent, LLC 160 Mine L	ake Ct Ste 200 Raleigh, NC 27615			
Applicant email:mstuart@morningstarlawgroup.com						
Applicant phone: 919-890 33 18cu Signed by:						
	et W. Weldon					
Additional email(s):	BA2F171430					

**RECEIVED** By Robert Tate at 12:56 pm, Feb 22, 2023

<b>Owner Name</b>	Address	Email	Phone
A SQUARED LLC	1410 HILLSBOROUGH ST RALEIGH NC 27605- 1829	joe@thealerciagroup.com	919-868-3972
NEIGHBORHOOD REDEVELOPMENT GROUP LLC	1 KILMAYNE DR STE 100 CARY NC 27511-7719	joe@thealerciagroup.com	919-868-3972

## Attachment A

### Attachment B

SITUATED IN THE CITY OF RALEIGH, WAKE COUNTY, NORTH CAROLINA AND MORE PARTICULARLY DESCRIBED AS FOLLOWS BEGINNING AT AN EXISTING IRON PIPE ON SOUTHEAST CORNER OF THE LOT SHOWN IN BOOK OF MAPS 1990, PAGE 883 OF THE WAKE COUNTY REGISTER OF DEEDS AND HAVING NORTH CAROLINA GRID COORDINATES OF N=738,050.29' AND E=2,091,225.05'; THENCE FROM THE POINT OF BEGINNING, NORTH 00° 09' 29" EAST FOR A DISTANCE OF 100.03 FEET TO AN EXISTING IRON PIPE; THENCE NORTH 00° 07' 23" EAST FOR A DISTANCE OF 200.03 FEET TO AN EXISTING IRON PIPE; THENCE NORTH 89° 53' 55" EAST FOR A DISTANCE OF 288.06 FEET TO A COMPUTED POINT; THENCE SOUTH 89° 53' 55" EAST FOR A DISTANCE OF 299.97 FEET TO COMPUTED POINT; THENCE SOUTH 89° 54' 08" WEST FOR A DISTANCE OF 99.34 FEET TO AN EXISTING IRON PIPE; THENCE SOUTH 89° 52' 14" WEST FOR A DISTANCE OF 189.72 FEET TO AN EXISTING IRON PIPE; THENCE SOUTH 89° 52' 14" WEST FOR A DISTANCE OF 189.72 FEET TO AN EXISTING IRON PIPE, SAID PIPE BEING THE POINT AND PLACE OF BEGINNING, AND CONTAINING 86,559 S.F. OR 1.9871 AC. DocuSign Envelope ID: FB582E4A-C196-4358-AC0E-54A30E8450EC

Conditional Use District Zoning Conditions				
Zoning case #:	Date submitted:	Office Use Only Rezoning case #		
Existing zoning: R-10(SRPOD)	Proposed zoning: RX-3-PL(SRPOD)	0		

#### Narrative of Zoning Conditions Offered

1. Rental fees for dwelling units on the property shall be affordable for households earning an average of 60% of the area median income or less for a period of no less than 30 years from the date of issuance of a certificate of occupancy on the property. The rent and income limits will follow the Affordable Housing Standards determined annually by the City of Raleigh Housing & Neighborhoods Department. An Affordable Housing Deed Restriction in a form approved by the City shall be filed and recorded in the property's chain of title by the property owner in the Wake County Register of Deeds prior to the project receiving a certificate of occupancy.

2. A City bikeshare station with no fewer than 8 docks, which shall be installed by the property owner, shall be built on a location on the property or adjacent right-of-way subject to approval of an encroachment agreement for such work by the City of Raleigh.

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.

Page <b>2</b> of <b>11</b>	RECEIVED		REVISION 06.02.22
Printed Name(s):	a	Samuel W. Weldon	
Property Owner(s) Signature:	Joseph Alercía 417FEE3T10B34B4	Samuel W. Weldon CEGAEBA2F171430	
· · · · ·	Docusigned by.	DocuSigned by:	

By Robert Tate at 12:56 pm, Feb 22, 2023

#### **OWNER'S AFFIDAVIT**

STATE OF North Carlina ) COUNTY OF Wate )

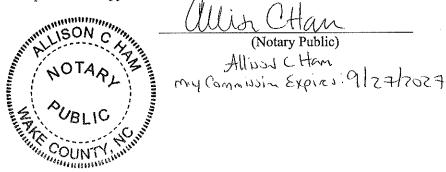
 $\frac{1}{2} \times \rho \lambda$  Alerticon behalf of A Squared LLC ("Owner"), the Owner of the premises located at 1329 Kent Road, Raleigh, North Carolina and having PIN 0793180200 (the "Property"), hereby acknowledges and agrees that Blue Ridge Atlantic Development, LLC ("Applicant"), as represented by Morningstar Law Group, intends to file a petition for rezoning of the Property with the City of Raleigh, and that Applicant, as represented by Morningstar Law Group, Mack Paul, Molly Stuart, or Keenan Conder, is authorized by Owner to undertake and prosecute such rezoning. Affiant acknowledges on behalf of Owner that zoning conditions must be signed, approved, and consented to by Owner.

AFFIANT:

Preig Name:

State of North Carling County of Wate

Subscribed and sworn to (or affirmed) before me on this  $15^{th}$  day of  $\underline{\text{fclruan}}$ , 2023, by  $\underline{\text{Joph}}$  Alercia, personally known to me or proved to me on the basis of satisfactory evidence to be the person who appeared before me.



#### **OWNER'S AFFIDAVIT**

STATE OF North Carlin COUNTY OF Wake ) )

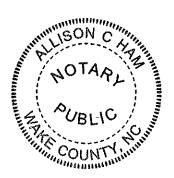
13 ph Alorison behalf of Neighborhood Redevelopment Group, LLC ("Owner"), the Owner of the premises located at 1327 Kent Road and 1508 Stovall Drive, Raleigh, North Carolina and having PINs 0793181370 and 0793186220 (the "Property"), hereby acknowledges and agrees that Blue Ridge Atlantic Development, LLC ("Applicant"), as represented by Morningstar Law Group, intends to file a petition for rezoning of all or part of the Property with the City of Raleigh, and that Applicant, as represented by Morningstar Law Group, Mack Paul, Molly Stuart, and Keenan Conder, is authorized by Owner to undertake and prosecute such rezoning. Affiant acknowledges on behalf of Owner that zoning conditions must be signed, approved, and consented to by Owner.

AFFIANT:

Joseph flercia Name:

State of North Carling County of Wake

Subscribed and sworn to (or affirmed) before me on this  $15^{h}$  day of <u>februan</u>, 2023, by <u>Jajeph</u> <u>Alerun</u>, personally known to me or proved to me on the basis of satisfactory evidence to be the person who appeared before me.



(Notary Public) Allison CHan My Commission Expires: 9/27/2027

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 w the urban form map, and any applicable policies contained within the 2030 Com	
ransit, RX-3 may be appropriate." Here, this area is within a frequer ous rapid transit corridor. This area is therefore well-served by high lev RX-3 zoning is appropriate here. The request is additionally consistent with several Comprehensive Pla Mixed-income Neighborhoods); Policy H 1.2 (Geographic Dispersal o Jnits); Policy H 1.5 (Scattered Site Infill); Policy H 1.9 (Housing Divers Housing around Transit); Policy H 2.13 (Transit Accessibility).	vels of transit and, consequen n policies, including Policy H <sup>-</sup> f Affordable
Public Benefits Provide brief statements explaining how the rezoning request is reasonable and	in the public interest
	In the public interest.
The need for affordable housing in the city is well-known, and the focu Raleigh efforts to ensure housing for those in need amid rising housing affordable residences in a frequent transit area and close to both a bus significant employment center, North Carolina State University, repres several of the city's goals, including providing dispersed and diverse h ncome levels, and encouraging utilization of public transit.	g costs. The potential to provid s rapid transit corridor and a ents a step toward fulfilling

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Rezoning Application Addendum #2	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							
Public Mitigation							
Provide brief statements describing actions that will be taken to mitigate all neg	pative impacts listed above.						
N/A							

#### **Design Guidelines**

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

- a) The property to be rezoned is within a "City Growth Center", "Mixed-Use Center", or "Transit Station Areas", OR;
- b) The property to be rezoned is located along a "Main Street" or "Transit Emphasis Corridor" as shown on the Urban Form Map in the 2030 Comprehensive Plan.

#### Policy UD 7.3:

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

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

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

Policy DT 7.18:

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

Please click here to download the Design Guidelines Addendum if required.

Urban Form Designation: Frequent Transit Area *Click <u>here</u> to view the Urban Form map.* 

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

Rezoning Checklist (Submittal Requirements)							
To be completed by Applicant					To be completed by staff		
General Requirements – General Use or Conditional Use Rezoning:	Yes	N/A	Yes	No	N/A		
1. I have referenced this Rezoning Checklist and by using this as a guide, it will ensure that I receive a complete and thorough first review by the City of Raleigh	$\checkmark$						
2. Pre-application conference	$\checkmark$						
3. Neighborhood meeting notice and report	$\checkmark$						
4. Rezoning application review fee (see <u>Development Fee Guide</u> for rates).							
5. Completed application submitted through Permit and Development Portal							
6. Completed Comprehensive Plan consistency analysis							
7. Completed response to the urban design or downtown design guidelines		$\checkmark$					
8. Two sets of stamped envelopes addressed to all property owners of area to be rezoned and properties with 500 feet of area to be rezoned	$\checkmark$						
9. Trip generation study		$\checkmark$					
10. Traffic impact analysis		$\checkmark$					
For properties requesting a Conditional Use District:	Yes	N/A	Yes	No	N/A		
11. Completed zoning conditions, signed by property owner(s)							
If applicable, see page 18:	Yes	N/A	Yes	No	N/A		
12. Proof of Power of Attorney or Owner Affidavit							
For properties requesting a Planned Development or Campus District:	Yes	N/A	Yes	No	N/A		
13. Master plan (see Master Plan submittal requirements)		$\checkmark$					
For properties requesting a text change to zoning conditions:	Yes	N/A	Yes	No	N/A		
14. Redline copy of zoning conditions with proposed changes		$\checkmark$					
15. Proposed conditions signed by property owner(s)		$\checkmark$					

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

**REVISION 06.02.22** 

Master Plan (Submittal Requirements)							
To be completed by Applicant					To be completed by staff		
General Requirements – Master Plan:	Yes	N/A	Yes	No	N/A		
1. I have referenced this 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 and 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 two 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 Zoning Request?

If requesting to down-zone property, the rezoning application must be signed by all the property owners whose property is subject to the downzoning. Downzoning 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 purpose of initiating the request, by property owners or third-party applicants.



olly M. Stuart, Partner 421 Fayetteville Street, Suite 530 Raleigh, North Carolina 27601 919-890-3318 mstuart@morningstarlawgroup.com www.morningstarlawgroup.com

February 3, 2023

Re: Neighborhood Meeting regarding Rezoning of 1329 Kent Road; 1327 Kent Road; a portion of 1508 Stovall Drive (collectively, the "Property")

Dear Neighbors:

You are invited to attend a neighborhood meeting on Wednesday, **February 16, 2023, from 7 pm to 8 pm**. The meeting will be held at Method Community Center, 514 Method Rd, Raleigh NC 27607.

The purpose of this meeting is to discuss a potential rezoning of the Property, located at 1329 Kent Road, 1327 Kent Road, and a portion of 1508 Stovall Drive. This Property is currently zoned Residential-10 with a Special Residential Parking Overlay District (R-10 w/SRPOD) and is proposed to be rezoned to Residential Mixed Use – 3 stories with a Special Residential Parking Overlay District (RX-3 w/SRPOD). The purpose of the zoning request is to permit affordable residential development of the site. Our goal is to gather comments through your participation in this neighborhood meeting or, alternatively, through your written comments to the City of Raleigh Planning Department. After the meeting, we will prepare a report for the Raleigh Planning Department regarding the items discussed. Any other person attending the meeting can submit written comments about the meeting or the request in general, but to be included in the Planning Commission agenda packet written comments must be received at least 10 days prior to the date of the Planning Commission meeting where the case is being considered.

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:

Sarah Shaughnessy Raleigh Planning & Development (919) 996-2234 Sarah.Shaughnessy@raleighnc.gov

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

Molly Stuart Morningstar Law Group 919-890-3318 mstuart@mstarlaw.com

Sincerely,

MS7

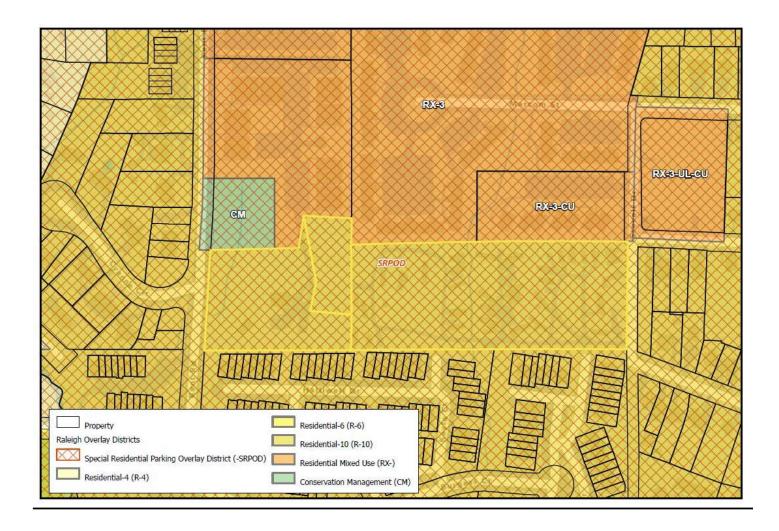
### **Neighborhood Meeting Agenda**

- I. Introductions
- II. The rezoning process
- III. The project
- IV. Question and answer period

#### <u>Aerial</u>



#### <u>Zoning</u>



### **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.

		OFFICE USE ONLY	
change to zoning co	Rezoning case #		
Height:	Frontage:	Overlay(s): SRPOD	
Height: 3	Frontage:	Overlay(s): SRPOD	
	Height: 3		

	Genera	al Information	
Date:	Date amended (1):		Date amended (2):
Property address: 1329 Kent Roa	ad; 1327 Kent Road; a	portion of 1508 S	Stovall Drive
Property PIN: 0793180200; 0793	3181370; 0793186220		
Deed reference (book/page): (0*	19032/01929); (01871	9/00735); (0187	19/00729)
Nearest intersection: Gyanne Cir	cle and Kent Road	Property si	ze (acres): 4.86
For planned development Total units:			Total square footage:
applications only:	Total parcels:		Total buildings:
Property owner name and addre	SS: A SQUARED LLC 1410 HILLSBOROU	IGH ST RALEIGH NC 27605-1829; M	VEIGHBORHOOD REDEVELOPMENT GROUP LLC 51 KILMAYNE DR STE 100 CARY NC 27511-
Property owner email:			
Property owner phone:			
Applicant name and address: B	lue Ridge Atlantic Dev	elopment, LLC 1	60 Mine Lake Ct Ste 200 Raleigh, NC 27615
Applicant email: mstuart@momin	ngstarlawgroup.com		
Applicant phone: 919-890-3318			
Applicant signature(s):			
Additional email(s):			

Page 1 of 15

REVISION 10.27.20

Conditional Use District Zoning Conditions				
Zoning case #:	Date submitted:	OFFICE USE ONLY Rezoning case #		
Existing zoning: R-10	Proposed zoning: RX-3			

#### Narrative of Zoning Conditions Offered

1. Rental fees for dwelling units on the property shall be affordable for households earning an average of 60% of the area median income or less for a period of no less than 30 years from the date of issuance of a certificate of occupancy on the property. The rent and income limits will follow the Affordable Housing Standards determined annually by the City of Raleigh Housing & Neighborhoods Department. An Affordable Housing Deed Restriction in a form approved by the City shall be filed and recorded in the property's chain of title by the property owner in the Wake County Register of Deeds prior to the project receiving a certificate of occupancy.

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

Property Owner(s) Signature:

Printed Name:

Page 2 of 15

**REVISION 10.27.20** 

SUMMARY OF ISS	UES
	date) to discuss a potential rezoning located at
1329 Kent Road; 1327 Kent Road; a portion of 1508 Stoval	I Drive (property address). The neighborhood
Meeting was held at Method Community Center	(location). There were approximately <u>30</u>
-	· · · · · · · · · · ·

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

Summary of Issues:

Affordable housing was discussed in detail
The request, RX-3-CU-PL (SHPROD)
The rezoning process
Whether there is enough space on this lot to provide sufficient parking for the development
Whether this development will increase traffic in the immediate vicinity
Whether this development will improve flooding in the area
How this affordable housing development will affect property values
How the RX district will change what is allowable on the site

At	endance Roster
Name	Address
Adriana Octiz	1701 mured Ct Baleigh, NC, 2760
Fiona Farrell	4320 Huntoo's Club DR NC 2760
Jerenijah Cookey	1314 Huntro - Out the NC 27606
Torena Farrell	1346 thurles The NR NC 21606
Lou Ann Buck	4344 Halliwell Dr 2760
THEA ROBAL 92	717 MERRIE RE 24606
Frank & MARCIA BENNETT	50. H-1515 8D 27606
FUNNY & TOE HARTMAN	5001 KAPLAN DR, KAL. 27606
Adrian Carking	1707 Kaula Pt
Kenn Steele	4316 Husters Club Dave NC
SAKAH PE AKSON	1210 Change Rd. 2760=
Barbary Scott	1321 Chancy Rd 27606
Brendon Corleny	4320 Hunters Club TGOB
JOSHUA GILL D	4413 SPIEDIE CT
BRHany Lewis	City of Rallia h
samuel turner	4204 Sterlingworth Drive
Mike Shurr	3814 Burt Pr.
John GRANDER	4905 KAPLAN DR RA ZTODO
LEN EMARY TRIPLETT	12 OTTANEY LD 27606
Crash Gregg.	402 Glennood 27603
JE REMIAA CONUM	4320 4316 4712 HUNTERS CLUB 4 8005 WAVENDON CT, RALFIGH 27615
JOHN SCHACTER	8005 WAVENDON CT, RAWRENT 27615
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**REVISION 06.02.22**