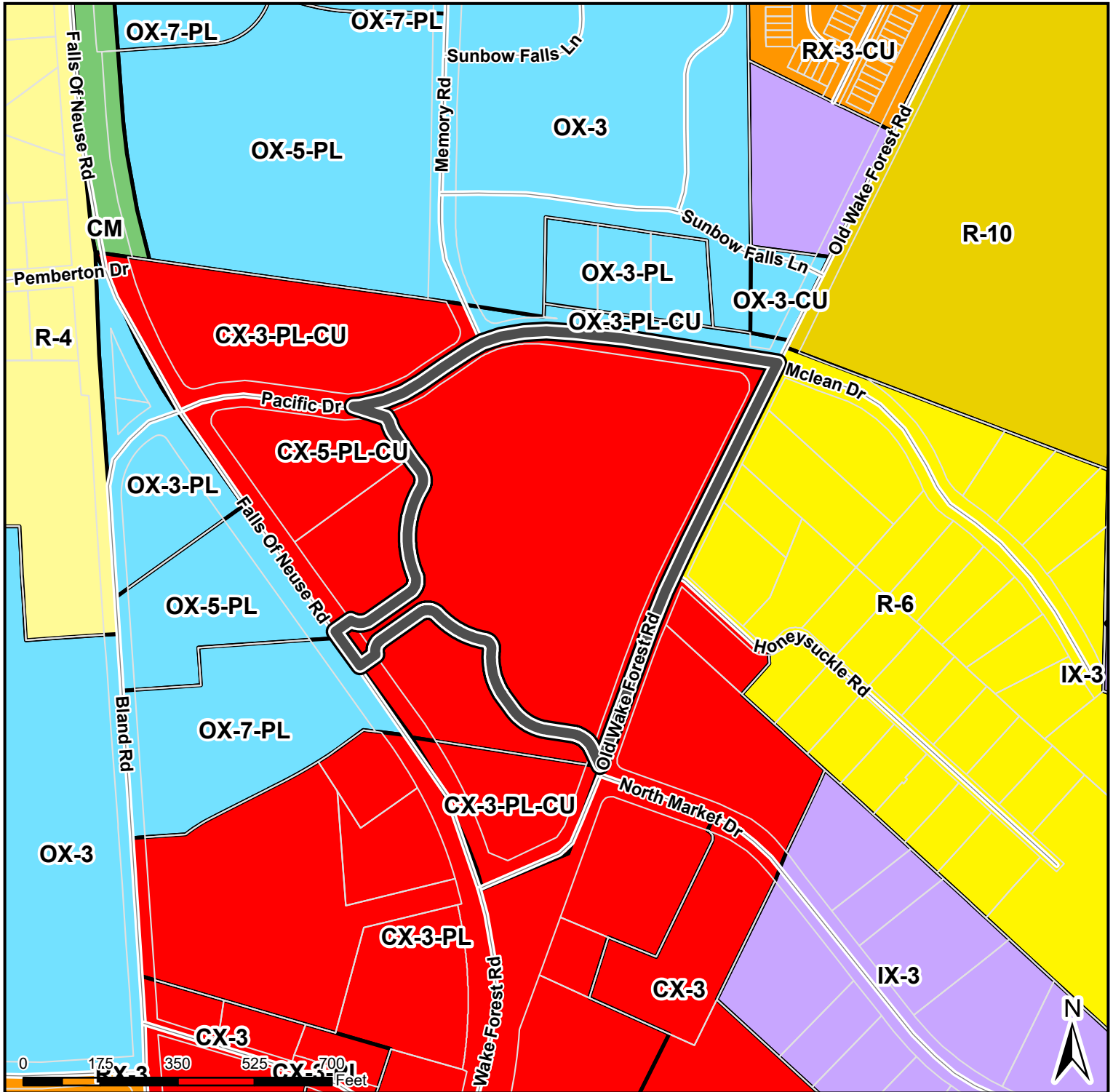
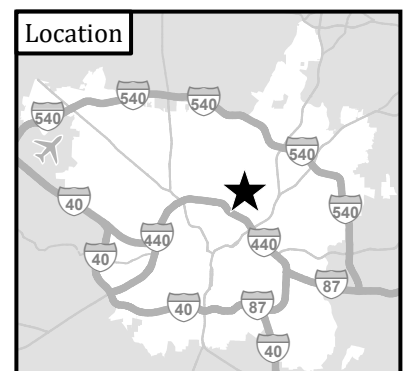


Existing Zoning

TCZ-61-2022



Property	4500 Falls of Neuse Rd
Size	10.75 acres
Existing Zoning	CX-5-PL-CU
Requested Zoning	CX-5-PL-CU (Amend Zoning Conditions)





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 rezoning@raleighnc.gov.

Rezoning Request				
Rezoning Type	General Use	Conditional Use	Master Plan	Office Use Only Rezoning case #
	X Text change to zoning conditions			
Existing zoning base district: CX	Height: 5	Frontage: PL	Overlay(s):	
Proposed zoning base district: CX	Height: 5	Frontage: PL	Overlay(s):	
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:				

General Information			
Date: 7/18/2022	Date amended (1):		Date amended (2):
Property address: 4500 Falls of Neuse Road			
Property PIN: 1716523039			
Deed reference (book/page): 10809/1698			
Nearest intersection: Falls of Neuse and Old Wake Forest Road		Property size (acres): 10.75	
For planned development applications only	Total units:		Total square footage:
	Total parcels:		Total buildings:
Property owner name and address: Sterling (The Falls) Limited Partnership; One North Clematis Street, Suite 305 West Palm Beach, FL 33401			
Property owner email: mstuart@morningstarlawgroup.com			
Property owner phone: 919-890-3318			
Applicant name and address: Sterling (The Falls) Limited Partnership; One North Clematis Street, Suite 305 West Palm Beach, FL 33401			
Applicant email: mstuart@morningstarlawgroup.com			
Applicant phone: 919-890-3318			
Applicant signature(s): <i>Vince Costello</i>			
Additional email(s):			

RECEIVED

By Robert Tate at 12:16 pm, Jul 22, 2022

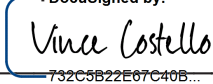
Conditional Use District Zoning Conditions

Zoning case #:	Date submitted: 7/18/2022	Office Use Only Rezoning case # _____
Existing zoning: CX-5-PL-CU	Proposed zoning: CX-5-PL-CU	

Narrative of Zoning Conditions Offered

1. Mixed Office and Retail Use: There may be mixed use of office and retail space not to exceed 240,000 square feet of total gross building space;
- a. There may be no more than 140,000 square feet of retail building space in one and/or two story structures;
- b. There may be no more than 100,000 square feet of gross building space for office use.

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:  _____
DocuSigned by: 732C5B22E67C40B...

Printed Name(s): Vince Costello

Rezoning Application Addendum #1**Comprehensive Plan Analysis****Office Use Only**Rezoning case #

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 future land use designation, the urban form map, and any applicable policies contained within the 2030 Comprehensive Plan.

The requested text change of zoning conditions eliminates conditions specifically related to previous rezoning case Z-42-91, rezoning the parcel to Shopping Center Conditional Use District and related to the initial construction of the shopping center and required roadway and frontage improvements.

The requested text change of zoning conditions is consistent with the Future Land Use Map Community Mixed Use designation that provides for typical commercial uses including large-format supermarkets and assorted commercial uses.

Urban Form Map designation: The proposal maintains the existing hybrid approach to frontage, as recommended by the Comprehensive Plan.

The proposed minor change permitting larger grocery stores supports policy ED 5.8 Supporting Retail Infill and Reinvestment, while otherwise permitting both existing uses as well as mixed-use redevelopment of the site as a whole.

Public Benefits

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

The requested text change of zoning conditions will permit development in line with the requirements of potential users and encourage productive reuse of a large, vacant space within an existing shopping center.

Rezoning Application Addendum #2	
Impact on Historic Resources	Office Use Only Rezoning case # _____
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 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 negative 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: Transit Emphasis Corridor

Click [here](#) to view the Urban Form map.

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



Molly Stuart | Partner
421 Fayetteville Street, Suite 530
Raleigh, NC 27601

919-890-3318
mstuart@morningstarlawgroup.com
www.morningstarlawgroup.com

To: Neighboring Property Owners and Tenants
From: Molly Stuart
Date: May 31, 2022
Re: Neighborhood Meeting for Text Change to Zoning Conditions for 4500 Falls of Neuse Road, Unit A 110

You are invited to attend a neighborhood meeting to discuss the proposed Text Change to Zoning Conditions for 4500 Falls of Neuse Road, Unit A 110. We have scheduled an informational meeting with surrounding neighbors on Tuesday, June 14, 2022, from 7pm to 8pm. The meeting will be held at 4500 Falls of Neuse Road, Unit A 110 (former Stein Mart).

The purpose of this meeting is to discuss the proposed Text Change to Zoning Conditions to zoning conditions for 4900 Falls of Neuse Road, Unit A 110, with Property Identification Number (PIN) 1716523039. The property totals approximately 10.75 acres in size, and is located near the intersection of Falls of Neuse Road and Old Wake Forest Road; and, Falls of Neuse Road and Pacific Drive. The property is currently zoned CX-5-PL-CU. The purpose of the Text Amendment is to allow for increased flexibility to permit a grocery store greater than 20,000 square feet.

The City of Raleigh requires that a neighborhood meeting involving the owners and tenants of property within 500 feet of the properties prior to filing a rezoning application. After the meeting, we will prepare a report for the Raleigh Planning & Development Department regarding the items discussed at the meeting. You can view the application materials, including the neighborhood meeting materials on the City's current text change cases page (<https://raleighnc.gov/SupportPages/text-change-cases>).

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@morningstarlawgroup.com

Sincerely,

A handwritten signature in blue ink, appearing to read "MS", is placed below the "Sincerely," text.

Aerial Photo



Zoning



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 rezoning@raleighnc.gov.

Rezoning Request				
Rezoning Type	General Use	Conditional Use	Master Plan	Office Use Only Rezoning case #
	Text change to zoning conditions			
Existing zoning base district: CX	Height: 5	Frontage: PL		Overlay(s):
Proposed zoning base district: CX	Height: 5	Frontage: PL		Overlay(s):
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:				

General Information			
Date:	Date amended (1):	Date amended (2):	
Property address: 4500 Falls of Neuse Road			
Property PIN: 1716523039			
Deed reference (book/page): 10809/1698			
Nearest intersection: Falls of Neuse and Old Wake Forest Road		Property size (acres): 10.75	
For planned development applications only	Total units:		Total square footage:
	Total parcels:		Total buildings:
Property owner name and address: Sterling (The Falls) Limited Partnership; One North Clematis Street, Suite 305 West Palm Beach, FL 33401			
Property owner email: mstuart@morningstarlawgroup.com			
Property owner phone: 919-890-3318			
Applicant name and address: Sterling (The Falls) Limited Partnership; One North Clematis Street, Suite 305 West Palm Beach, FL 33401			
Applicant email: mstuart@morningstarlawgroup.com			
Applicant phone: 919-890-3318			
Applicant signature(s):			
Additional email(s):			

4500 Falls of Neuse Zoning Conditions

~~1. Petitioner shall construct along the entire frontage a right turn lane for northbound traffic on Falls of the Neuse Road to exit onto Pacific Avenue; said lane to be constructed within the existing right of way and in accordance with the standards of the City of Raleigh and North Carolina Department of Transportation;~~

~~2. A fifty foot landscaped buffer strip shall be installed along the right of way of Falls of the Neuse Road, equivalent in intent to Code Section 10-2022 Conservation Buffer District, permitting all uses set forth in said section, except that such buffer strip SHALL NOT deprive the subject property of vehicular access to and from Falls of the Neuse Road; said buffer shall incorporate a berm, or berms, large trees and vegetation to restrict the view of parked cars from vehicular passengers on Falls of the Neuse Road at a minimum, meeting the standard set forth in section 10-2068.5(b)(2)d].~~

~~3. Petitioner shall dedicate a thirty five foot multi purpose easement (sidewalk, utility traffic control sign, etc.) parallel and adjacent to Falls of the Neuse Road.~~

~~4. Transportation improvements shall meet the requirements contained in the SC-5-90 approval documents, approved by Council on June 18, 1991.~~

~~5. Prohibited Uses: There may be all uses permitted in a Shopping Center District except for residential dwellings, automotive service and repair facilities, mini-warehouse storage facilities, grocery stores larger than 20,000 square feet, restaurants with drive-in, drive-through service, adult establishments, riding stables, movie theatres seating more than two hundred (200) persons, pool halls, game rooms or arcades, laundromats, or convenience food products stores with accompanying gas pumps.~~

~~6. Property fronting Falls of the Neuse Road shall be limited to one (1) right in, right out only access. Said access shall be designed to prohibit left turns onto and off of Falls of the Neuse Road.~~

~~7. Petitioner shall construct, at their cost, an additional lane off-site at the intersection with and south of the intersection of Old Wake Forest Road with Falls of the Neuse Road, as depicted by approved transportation improvements plans contained in SC-5-90. This lane shall be within right-of-way provided by the City of Raleigh and in accordance with the standards of the City of Raleigh and the North Carolina Department of Transportation. ORDINANCE NO. (1992) 919 ZC 304 Effective: 2-4-92 2~~

~~8~~

2. Mixed Office and Retail Use: There may be mixed use of office and retail space not to exceed 240,000 square feet of total gross building space; a. There may be no more than 140,000 square feet of retail building space in one and/or two story structures; b. There may be no more than 100,000 square feet of gross building space for office use, ~~in no more than five stones;~~ c. ~~If a parking structure is built, it will be partly subterranean and no more than three stones may be above ground level;~~

~~9. Storm Water Management Plan: Petitioner will prepare a storm water management plan, including an evaluation of the offsite, downstream drainageways and receiving facilities and have such plan reviewed by the Conservation Officer and incorporate specific conditions in development plans as necessary to alleviate potentially negative impact downstream.~~

Document comparison by Workshare 10.0 on Thursday, May 26, 2022 10:53:07 AM

Input:	
Document 1 ID	netdocuments://4885-6506-7041/1
Description	Zoning Conditions
Document 2 ID	netdocuments://4885-6506-7041/3
Description	Zoning Conditions
Rendering set	standard

Legend:	
<u>Insertion</u>	
Deletion	
Moved from	
<u>Moved to</u>	
Style change	
Format change	
Moved deletion	
Inserted cell	
Deleted cell	
Moved cell	
Split/Merged cell	
Padding cell	

Statistics:	
	Count
Insertions	1
Deletions	10
Moved from	0
Moved to	0
Style changes	0
Format changes	0
Total changes	11

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	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
2. Pre-application conference	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
3. Neighborhood meeting notice and report	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
4. Rezoning application review fee (see Development Fee Guide for rates).	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
5. Completed application submitted through Permit and Development Portal	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
6. Completed Comprehensive Plan consistency analysis	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
7. Completed response to the urban design or downtown design guidelines	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
9. Trip generation study	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
10. Traffic impact analysis	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
For properties requesting a Conditional Use District:	Yes	N/A	Yes	No	N/A
11. Completed zoning conditions, signed by property owner(s)	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
If applicable, see page 18:	Yes	N/A	Yes	No	N/A
12. Proof of Power of Attorney or Owner Affidavit	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
For properties requesting a Planned Development or Campus District:	Yes	N/A	Yes	No	N/A
13. Master plan (see Master Plan submittal requirements)	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
15. Proposed conditions signed by property owner(s)	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

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

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

SUMMARY OF ISSUES

A neighborhood meeting was held on June 14, 2022 (date) to discuss a potential rezoning located at 4500 Falls of Neuse Road (property address). The neighborhood

Meeting was held at 4500 Falls of Neuse Road (location). There were approximately 2 (number) neighbors in attendance. The general issues discussed were:

Summary of Issues:

Discussed rezoning process.
Discussed current zoning and the purpose of the text change and not a rezoning.
Discussed frontage of Parking Limited and no change to current frontage.

Discussed conditions and why the text change is asking to delete certain conditions.
Discussed why conditions need to be reevaluated from time to time.
Discussed the proposed zoning condition.

Participant asked if the grocery store that would come in is known at this time. Answer: We do not know what grocery store will be coming in at this time.
Participant expressed that he attended the meeting to be informed about what is going to happen.

Participant was provided contact information for attorney if he had any additional questions.

Attendance Roster