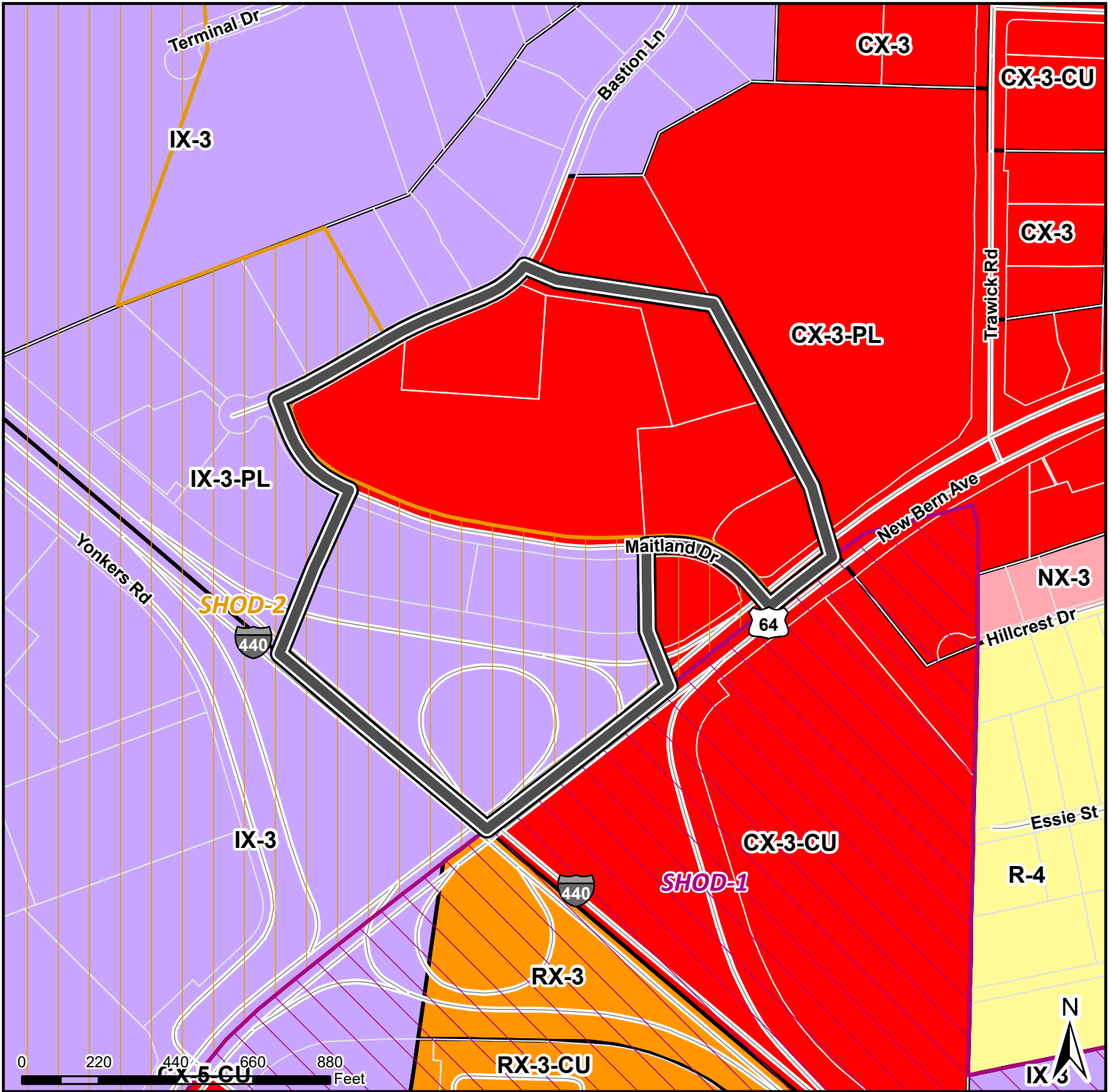


Existing Zoning

Z-73-2022



Property	3610, 3620 Bastion Ln; 3520, 3540, 3541, 3591 Maitland Dr
Size	22.97 acres
Existing Zoning	IX-3-PL w/SHOD-2 & CX-3-PL
Requested Zoning	CX-20-CU



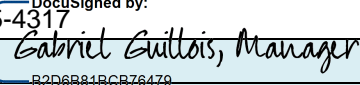


Rezoning Application and Checklist

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.

Rezoning Request			
Rezoning Type	<input type="checkbox"/> General use	<input checked="" type="checkbox"/> Conditional use	<input type="checkbox"/> Master plan
	<input type="checkbox"/> Text change to zoning conditions		
			OFFICE USE ONLY Rezoning case #
Existing zoning base district: CX/IX	Height: 3	Frontage: PL	Overlay(s): SHOD-2 (portion)
Proposed zoning base district: CX	Height: 20	Frontage:	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: See Attachment A		
Property PIN: See Attachment A		
Deed reference (book/page): See Attachment A		
Nearest intersection: New Bern Ave & Maitland Drive		Property size (acres): 22.97
For planned development applications only:	Total units:	Total square footage:
	Total parcels:	Total buildings:
Property owner name and address: New Bern Development LLC, PO Box 6309, Raleigh, NC 27628-6309		
Property owner email: gguillois@atlasstark.com		
Property owner phone: 919-656-4937		
Applicant name and address: Michael Birch, Longleaf Law Partners, 4509 Creedmoor Road, STE 302, Raleigh, NC 27612		
Applicant email: mbirch@longleaflp.com		
Applicant phone: 919-645-4317		
Applicant signature(s):	<small>DocuSigned by:</small>  <small>B2D6884BCB76479...</small>	
Additional email(s):		

RECEIVED

By Sarah Shaughnessy at 10:29 am, Sep 21, 2022

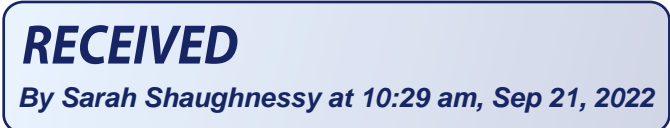
Conditional Use District Zoning Conditions		
Zoning case #:	Date submitted:	OFFICE USE ONLY Rezoning case #
Existing zoning: CX-3-PL and IX-3-PL	Proposed zoning: CX-20-CU	

Narrative of Zoning Conditions Offered
<p>1. The following Principal Uses as listed in UDO Section 6.1.4. that are permitted, limited, or special uses in the CX- District shall be prohibited: (i) cemetery.</p>

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: Gabriel Guillois, Manager
B2D6B81BCB76479...

Printed Name: Gabriel Guillois, Manager



ATTACHMENT A

Owner	PIN	Site Address	Deed Reference (Book/Page)	Current Zoning	Proposed Zoning	Acres
New Bern Development LLC	1724357639	3610 Bastion Ln	018375/02119	CX-3-PL	CX-20-CU	2.15
New Bern Development LLC	1724453752	3630 Bastion Ln	018375/02119	CX-3-PL	CX-20-CU	2.22
New Bern Development LLC	1724357468	3541 Maitland Dr	018375/02113	CX-3-PL	CX-20-CU	9.93
New Bern Development LLC	1724453338	3591 Maitland Dr	019081/01497	CX-3-PL	CX-20-CU	2.87
New Bern Development LLC	1724455199	3601 New Bern Ave	019081/01497	CX-3-PL	CX-20-CU	1.26
New Bern Development LLC	1724359035	3540 Maitland Dr	019038/01452	IX-3-PL (SHOD-2)	CX-20-CU	2.37
New Bern Development LLC	1724355019	3520 Maitland Dr	018902/00029	IX-3-PL (SHOD-2)	CX-20-CU	2.17

Total Acres: 22.97

ATTACHMENT B
REZONING APPLICATION ADDENDUM
NEW BERN AVENUE AND MAITLAND DRIVE ASSEMBLAGE

EXECUTIVE SUMMARY AND BACKGROUND

This request seeks to rezone approximately 22.97 acres of property fronting on New Bern Avenue, Maitland Drive, and Bastion Lane from its current split zoning designation of IX-3-PL and CX-3-PL to a unified CX-20-CU designation to maximize the possibilities for a unique mixed use development along one of the city's key transit corridors. The subject property is located along New Bern Avenue and makes up the southwestern portion of the Tower Shopping Center. Current uses on the property are strip retail, a motel, and surface parking.

This rezoning request seeks to capitalize on the property's key transit location in a manner that is consistent with the New Bern Avenue Station Area Plan. The property is uniquely situated within an Emerging Urban Center, just outside the I-440 Beltline along the New Bern Avenue Bus Rapid Transit route, and in close proximity to the future Trawick Road BRT station. Accordingly, the property falls under the guidance of New Bern Avenue Station Area Plan, which seeks to address affordability in the area by expanding housing choices near BRT stations, making walking safer and easier, attracting small businesses and future entrepreneurs, and telling the story of New Bern's history and culture boldly in the form of public art and placemaking.

In furtherance of the goals of the New Bern Avenue Station Area Plan, the City of Raleigh Planning Department has initiated a request to rezone numerous properties along New Bern Avenue to allow for more flexible mixed use development, increase allowed heights, and impose and Transit Overlay District (TOD) along the New Bern Avenue Corridor.

Although the city-initiated rezoning proposes a seven story height limit for all the properties along New Bern Avenue situated roughly between the I-440 Beltline and New Hope Church Road, including the subject property, there are strong reasons that the subject property is an appropriate location for heights up to 20 stories. First, increasing residential density and mixed-uses near I-440 and a planned BRT Station furthers the goals of expanding housing choices near BRT stations and making walking safer and easier overall. Second, a 20 story maximum height limit is supported by Comprehensive Plan policies for Emerging Urban Centers. Finally, this request presents an opportunity to beautify this portion of New Bern Avenue and create an inviting mixed-use development along a key corridor while contributing to the overall culture and value of New Bern Avenue in the form of placemaking.

This rezoning request further the goals of increasing housing supply, encouraging mixed-use development, and attracting businesses to this area while also spurring future development along this portion of the corridor. Therefore, the city-initiated rezoning and this rezone request are harmonious and mutually beneficial.

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.

1. The request is to maintain the CX- zoning designation currently existing on the majority of the property and to rezone the IX- portions to CX- to unify the entire assemblage under a single zoning district. The property is designated as Community Mixed Use on the Future Land Use Map, which allows for a mix of higher-density residential and commercial uses. Under the 2030 Comprehensive Plan, CX- is the closest corresponding zoning district for this land use designation. Therefore, the rezoning request to have the CX- District apply is consistent with this future land use designation.

2. The 2030 Comprehensive Plan provides that heights in the Community Mixed Use FLUM category can be as tall as 20 stories when located within Emerging Urban Centers. The subject property is located within an Emerging Urban Center and Bus Rapid Transit Area along one of the city's key transit corridors. The proposed height of 20 stories, therefore, is consistent with the Comprehensive Plan.

3. The property is uniquely situated along New Bern Avenue, within an Emerging Urban Center, and just outside the I-440 Beltline. The property sits along the New Bern Avenue Bus Rapid Transit route in close proximity to the future Trawick Road BRT station. The property's Urban Form designation, therefore, supports the proposed height. Although the request does not include a Transit Overlay District (TOD) designation, the request is consistent with the spirit and purpose of the TOD by encouraging attractive high density residential and mixed use along the BRT corridor. Section 11.3 of the Comprehensive Plan also discusses the need to improve the appearance and function of Raleigh's major corridors, including New Bern Avenue. This corridor serves as primary entry route for visitors to the city and the Plan stresses the importance of encouraging attractive development along these roadways in order convey a positive impression. This request will help fulfil the goals of Section 11.3 along this portion of New Bern Avenue, including Gateway Corridor Design Quality, Enhanced Sidewalks, Parking Lot Placement and Design, Screening of Unsightly Uses, and Planting Requirements.

6. Among others, the rezoning request is consistent with the following Comprehensive Plan policies:

LU 1.2 - Future Land Use Map and Zoning Consistency (the proposed use is consistent with the Community Mixed Use FLUM designation);

LU 2.1 - Placemaking (future development will provide visually attractive, safe, accessible, and functional mixed-use development that improves the character of the area);

LU 4.5 - Connectivity (future development will provide increased multi-modal connections through the large, existing block consistent with Raleigh Street Plan);

LU 4.7 - Capitalizing on Transit Access (request seeks to increase the allowed residential density and commercial options along key BRT route);

LU 6.3 - Mixed-Use and Multimodal Transportation (future development will provide multimodal transportation connections and convenient access by means other than car to residential and employment areas);

T 2.1 - Integration of Travel Modes and T 2.3 Eliminating Gaps (future development will provide increased multi-modal connections through the large, existing block in close proximity to BRT station);

ED 5.2 - Creating Investment Opportunities (future development of the site will provide investment opportunities for new housing and employment);

H 1.1 - Mixed-Income Neighborhoods (rezoning will allow for greater mix of housing options in close proximity to key transit corridors and BRT station);

H 1.8 - Zoning for Housing (rezoning will allow a greater variety of housing types that will contribute to housing supply in the city);

UD 3.1 - Gateway Corridor Design Quality (rezoning will promote high quality development along a major gateway corridor to improve aesthetics and encourage investment);

UD 3.3 - Strip Shopping Centers (rezoning will allow redevelopment of an existing strip shopping center into a high-quality mixed use development);

AP-SA 1 - Grow around Transit (proposed rezoning will allow increased density, which will improve housing affordability, housing choice, and environmental sustainability by allowing more people to live and work near BRT);

AP-SA 2 - Housing for All (future development will diversify housing options at all income levels along BRT corridors and reduce competition for existing housing by allowing more housing);

AP-SA 5 - Support Local Businesses and Entrepreneurs (future development will create more employment and entrepreneurship opportunities along BRT corridors where few currently exist);

AP-SA 7 - Connect People to Stations (future development will increase connectivity and improve pedestrian facilities in close proximity to BRT station).

PUBLIC BENEFITS

Provide brief statements regarding the public benefits derived as a result of the rezoning request.

1. The rezoning request is reasonable and in the public interest because it will increase the housing supply and variety along a major transit corridor and will increase employment opportunities within walking distance of a BRT station.
2. Future development will bring improvements to the infrastructure and connectivity of the area by providing new multi-modal connections through the large existing block and in close proximity to a BRT station.
3. The rezoning request will allow for an attractive mixed use development that will improve the appearance and function of the New Bern Avenue corridor and will create investment opportunities for new housing and employment in the area.

REZONING OF PROPERTY CONSISTING OF +/- 22.97 ACRES,
LOCATED AT NEW BERN AVENUE, MAITLAND DRIVE, AND BASTION LANE,
RALEIGH, NC

REPORT OF MEETING WITH ADJACENT PROPERTY OWNERS AND TENANTS ON
AUGUST 18, 2022

Pursuant to applicable provisions of the Unified Development Ordinance, a meeting was held with respect to a potential rezoning with adjacent neighbors on Thursday, August 18, 2022, at 5:30 p.m. The property considered for this potential rezoning totals approximately 22.97 acres and is located New Bern Avenue, Maitland Drive, and Bastion Lane, in the City of Raleigh, having the Wake County Parcel Identification Numbers listed below.

PIN	Site Address	Current Zoning	Proposed Zoning	Acres
1724357639	3610 Bastion Ln	CX-3-PL	CX-20-CU	2.15
1724453752	3630 Bastion Ln	CX-3-PL	CX-20-CU	2.22
1724357468	3541 Maitland Dr	CX-3-PL	CX-20-CU	9.93
1724453338	3591 Maitland Dr	CX-3-PL	CX-20-CU	2.87
1724455199	3601 New Bern Ave	CX-3-PL	CX-20-CU	1.26
1724359035	3540 Maitland Dr	IX-3-PL	CX-20-CU	2.37
1724355019	3520 Maitland Dr	IX-3-PL	CX-20-CU	2.17

Total Acres: 22.97

This meeting was held in-person at **Halifax Community Center, CC Multipurpose Room, 1023 Halifax Street, Raleigh, NC 27604**. All owners and tenants of property within 500 feet of the subject property were invited to attend the meeting. Attached hereto as **Exhibit A** is a copy of the neighborhood meeting notice. A copy of the required mailing list for the meeting invitations is attached hereto as **Exhibit B**. A summary of the items discussed at the meeting is attached hereto as **Exhibit C**. Attached hereto as **Exhibit D** is a list of individuals who attended the meeting.

EXHIBIT A – NEIGHBORHOOD MEETING NOTICE



To: Neighboring Property Owner and Tenants
From: Michael Birch
Date: August 5, 2022
Re: Neighborhood Meeting for Rezoning at New Bern Avenue, Maitland Drive, and Bastion Lane

You are invited to attend an informational meeting to discuss the proposed rezoning of the below listed properties. The meeting will be held on **Thursday August 18, 2022, from 5:30 PM until 6:30 PM**, at the following location:

**Halifax Community Center
Halifax CC Multipurpose Room
1023 Halifax Street, |
Raleigh, NC 27604**

The purpose of this meeting is to discuss the proposed rezoning of the following parcels:

PIN	Site Address	Current Zoning	Proposed Zoning	Acres
1724357639	3610 Bastion Ln	CX-3-PL	CX-20-CU	2.15
1724453752	3630 Bastion Ln	CX-3-PL	CX-20-CU	2.22
1724357468	3541 Maitland Dr	CX-3-PL	CX-20-CU	9.93
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1724359035	3540 Maitland Dr	IX-3-PL	CX-20-CU	2.37
1724355019	3520 Maitland Dr	IX-3-PL	CX-20-CU	2.17

Total Acres: 22.97

The property totals 22.97 acres in size and is located just outside the Beltline with frontage on the New Bern Avenue, Maitland Drive, and Bastion Lane. The property is currently split-zoned Commercial Mixed Use with a 3-story height limit and Parking Limited frontage (CX-3-PL) and Industrial Mixed Use with a 3-story height limit and Parking Limited frontage (IX-3-PL). The proposed zoning is Commercial Mixed Use with a 20-story height limit, Conditional Use (CX-20-CU). The purpose of the rezoning is to allow for future mixed use development.

The City of Raleigh requires a neighborhood meeting involving the owners and tenants of property within 500 feet of the property prior to filing the rezoning application. After the meeting, we will prepare a report for the Planning Department regarding the items discussed at the meeting.



There is also an upcoming city-initiated Transit Overlay District remapping of the area, which currently includes the subject property. The city-initiated TOD rezoning is separate than this rezoning being requested by the property owner.

Please do not hesitate to contact me directly if you have any questions or wish to discuss any issues. I can be reached at 919-645-4317 and mbirch@longleaflp.com. Also, for more information about the rezoning, you may visit www.raleighnc.gov or contact the Raleigh City Planner Sarah Shaughnessy at 919.996.2234 or sarah.shaughnessy@raleighnc.gov. If you would like to submit written comments or questions after the neighborhood meeting, please participate in the applicable rezoning case at www.publicinput.com/rezoning.

Attached to this invitation are the following materials:

1. Subject Property Current Aerial Exhibit
2. Subject Property Current Zoning Exhibit
3. A draft of the proposed Rezoning Application

CURRENT PROPERTY MAP



CURRENT ZONING MAP



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.

Rezoning Request			
Rezoning Type	<input type="checkbox"/> General use	<input checked="" type="checkbox"/> Conditional use	<input type="checkbox"/> Master plan
	<input type="checkbox"/> Text change to zoning conditions		
Existing zoning base district: CX/IX			Height: 3
Proposed zoning base district: CX			Height: 20
Frontage: PL			Overlay(s): SHOD-2
Frontage:			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: See Attachment A		
Property PIN: See Attachment A		
Deed reference (book/page): See Attachment A		
Nearest intersection: New Bern Ave & Maitland Drive		Property size (acres): 22.97
For planned development applications only:	Total units:	Total square footage:
	Total parcels:	Total buildings:
Property owner name and address: New Bern Development LLC, PO Box 6309, Raleigh, NC 27628-6309		
Property owner email: gguillois@atlasstark.com		
Property owner phone: 919-656-4937		
Applicant name and address: Michael Birch, Longleaf Law Partners, 4509 Creedmoor Road, STE 302, Raleigh, NC 27612		
Applicant email: mbirch@longleaflp.com		
Applicant phone: 919-645-4317		
Applicant signature(s):		
Additional email(s):		

EXHIBIT B – NOTICE LIST

3700 BASTION LLC
818 N WEST ST
RALEIGH NC 27603

520 STATE STREET LLC
2912 HIGHWOODS BLVD STE 100
RALEIGH NC 27604-1095

ADLER, MARK
3410 YONKERS RD
RALEIGH NC 27604-3656

B & L LEASING LLC
3701 BASTION LN
RALEIGH NC 27604-3857

BONEY, RICKEY L
3733 HILLCREST DR
RALEIGH NC 27610-1308

CHRIST WONDERFUL WORLD OUTREACH
3605 BASTION LN
RALEIGH NC 27604-3890

CURRENT RESIDENT
3500 MAITLAND DR
RALEIGH NC27610

CURRENT RESIDENT
3694 NEW BERN AVE
RALEIGH NC27610

CURRENT RESIDENT
3699 NEW BERN AVE
RALEIGH NC27610

CURRENT RESIDENT
3651 BASTION LN
RALEIGH NC27604

CURRENT RESIDENT
3625 NEW BERN AVE
RALEIGH NC27610

CURRENT RESIDENT
3560 MAITLAND DR
RALEIGH NC27610

CURRENT RESIDENT
3540 MAITLAND DR
RALEIGH NC27610

CURRENT RESIDENT
3520 MAITLAND DR
RALEIGH NC27610

CURRENT RESIDENT
3695 TRAWICK RD
RALEIGH NC27604

CURRENT RESIDENT
3601 BASTION LN
RALEIGH NC27604

CURRENT RESIDENT
3500 YONKERS RD
RALEIGH NC27604

CURRENT RESIDENT
3541 MAITLAND DR
RALEIGH NC27610

CURRENT RESIDENT
3591 MAITLAND DR
RALEIGH NC27610

CURRENT RESIDENT
3601 NEW BERN AVE
RALEIGH NC27610

HLR HOLDINGS LLC
3631 BASTION LN
RALEIGH NC 27604-3861

JUSTAY LLC
761 BISHOPS PARK DR UNIT 303
RALEIGH NC 27605-1265

LAKE WOODARD WAREHOUSE LLC
PO BOX 98895
RALEIGH NC 27624-8895

NEESE FAMILY HOLDINGS LLC
PO BOX 17944
RALEIGH NC 27619-7944

NEW BERN DEVELOPMENT LLC
PO BOX 6309
RALEIGH NC 27628-6309

P A PARTNERSHIP THE
PO BOX 464
RALEIGH NC 27602-0464

RALEIGH CITY OF
PO BOX 590
RALEIGH NC 27602-0590

RHODES & FARRAR LLC
6917 GUY JOHNSON LN
RALEIGH NC 27603-8385

RONG HUA LLC
4331 GRIFFINS GATE LN
GREENSBORO NC 27407-7950

SAKTI, LLC
3704 NEW BERN AVE
RALEIGH NC 27610-1337

SHORT-BRANCH BROTHERS PROPERTIES LLC
3600 DEWING DR
RALEIGH NC 27616-8975

SOLTANI, NASER FAZEL, RAHIL
1310 CAPSTONE DR
DURHAM NC 27713-5846

ST DAVIDS SCHOOL
3400 WHITE OAK RD
RALEIGH NC 27609-7621

STORAGE TRUST PROPERTIES L P
DEPT-PT-NC 28064
PO BOX 25025
GLENDALE CA 91221-5025

TOWER IMPROVEMENTS LLC
DLC MANAGEMENT CORP
565 TAXTER RD STE 400
ELMSFORD NY 10523-2379

URBAN MINISTRIES OF WAKE COUNTY INC
DR PETER MORRIS
1390 CAPITAL BLVD
RALEIGH NC 27603-1118

VIMAL LLC
3618 NEW BERN AVE
RALEIGH NC 27610-1233

WOLFPACK YONKERS LLC BYPASS YONKERS LLC
2475 WENDELL BLVD
WENDELL NC 27591-6903

ZINA CHRISTIAN CENTER INC
PO BOX 25729
RALEIGH NC 27611-5729

EXHIBIT C – ITEMS DISCUSSED

- 1.** Introductions
- 2.** Rezoning process
- 3.** Description of the property
- 4.** Current zoning of the property
- 5.** Policy guidance
- 6.** Proposed rezoning
- 7.** Background information about property owners
- 8.** Vision for the property
- 9.** Public benefits
- 10.** Housing affordability issues
- 11.** Relationship to rest of Tower Shopping Center
- 12.** Traffic issues and likelihood of TIA requirement
- 13.** Stormwater impacts
- 14.** Future Meetings

EXHIBIT D – MEETING ATTENDEES

1. Samuel Morris (Longleaf Law Partners)
2. Hunter Diefes (Atlas Stark)
3. Ira Mabel (City of Raleigh)
4. Robert Tate (City of Raleigh)
5. Bob Conner
6. Ryan Jennings
7. Fred Page
8. William Porter
9. Donna Porter
10. Harold Mallette
11. Armen Cauthen
12. Wanda B. Short