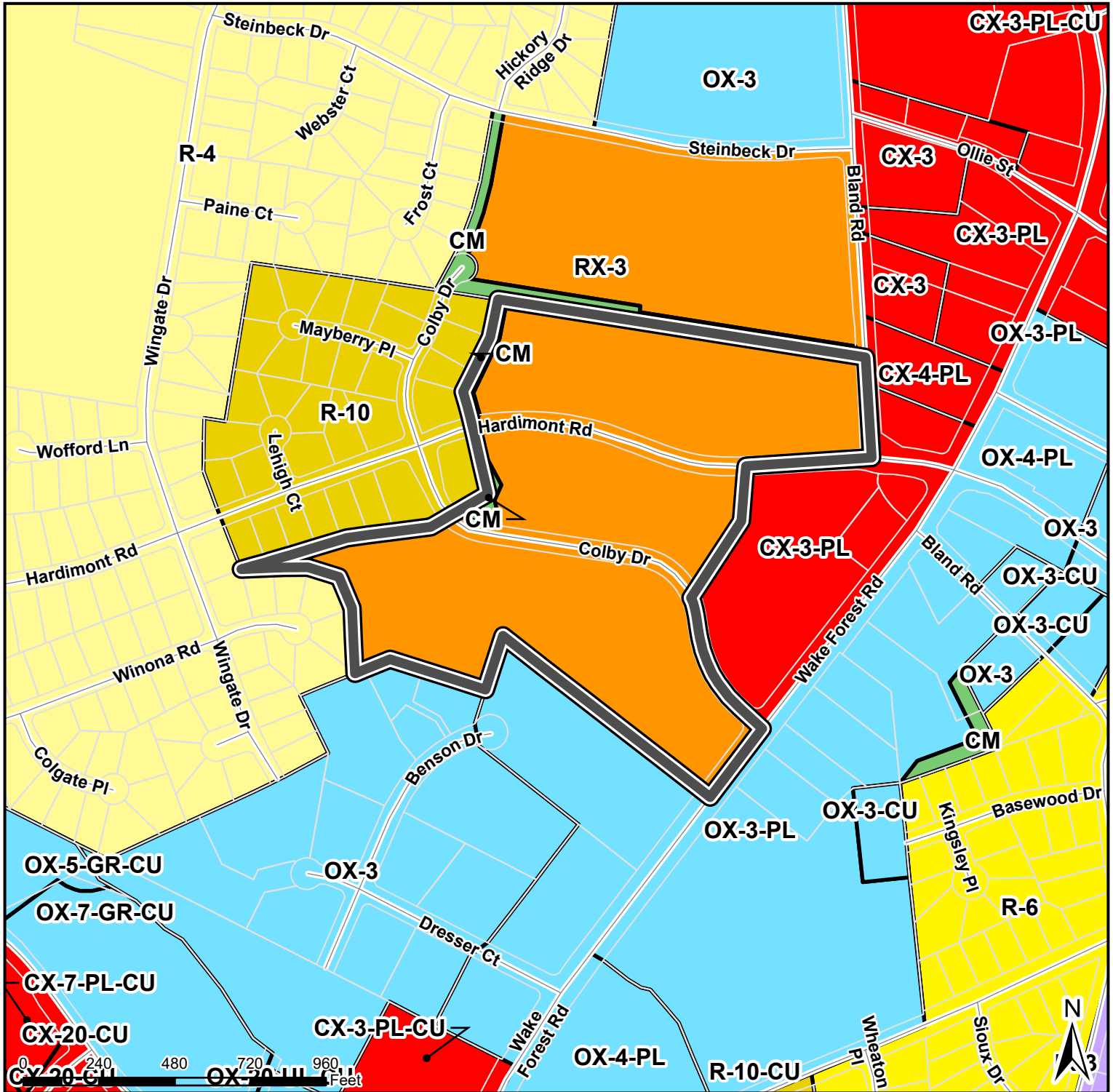
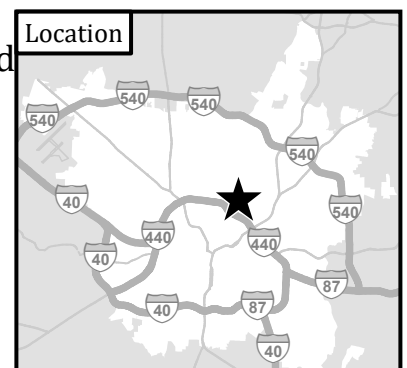


Existing Zoning

Z-88-2021



Property	3832 Colby Dr; 3939 Wake Forest Rd; 1313 Hardimont Rd
Size	27.879999 acres
Existing Zoning	RX-3, CM
Requested Zoning	RX-5





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	<input checked="" type="checkbox"/> General Use	<input type="checkbox"/> Conditional Use	<input type="checkbox"/> Master Plan	Office Use Only Rezoning case #
	Text change to zoning conditions			
Existing zoning base district: RX	Height: 3	Frontage:	Overlay(s):	
Proposed zoning base district: RX	Height: 5	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: 3832 Colby Drive; 3939 Wake Forest Road; 1313 Hardimont Road			
Property PIN: 1715394766; 1715393471; 1716306146			
Deed reference (book/page): 007817/00222; 007817/00222; 004592/00357			
Nearest intersection: Colby Rd and Hardimont Road		Property size (acres): 27.88	
For planned development applications only	Total units:	Total square footage:	
	Total parcels:	Total buildings:	
Property owner name and address: Montecito Company, LLC and West Montecito Company Limited Partnership, c/o Drucker & Falk Real Estate, 7200 Creedmoor Rd, Raleigh, NC, 27613			
Property owner email: mstuart@morningstarlawgroup.com			
Property owner phone: 919-890-3318			
Applicant name and address: West Montecito Company Limited Partnership, c/o Drucker & Falk Real Estate, 7200 Creedmoor Road, Raleigh, NC, 27613			
Applicant email: mstuart@morningstarlawgroup.com			
Applicant phone: 919-890-3318			
Signed by: <i>Kellie J. Falk</i>			
Applicant signature(s): <i>Kellie J. Falk</i>			
Additional email(s):			

RECEIVED

By JP Mansolf at 3:49 pm, Dec 02, 2021

Conditional Use District Zoning Conditions		
Zoning case #:	Date submitted:	Office Use Only Rezoning case # _____
Existing zoning:	Proposed zoning:	

Narrative of Zoning Conditions Offered	

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(s):

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 proposed RX-5 zoning district is compatible with a number of Comprehensive Plan policies, including LU 2.2 (Compact Development); LU 5.4 (Density Transitions); LU 5.5 (Transitional and Buffer Zone Districts); and H 1.8 (Zoning for Housing).

Public Benefits

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

The subject property has provided housing in a convenient location for five decades. Over that time, the city's population has quadrupled, and the need for increased housing supply is greater than ever. The proposed zoning designation will prepare the area to better meet the city's housing needs and open the door to redevelopment in conformance with development requirements far more stringent and protective than those in place at the time the properties were initially developed.

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.	
None.	
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: Main Street

Click [here](#) 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	<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 type="checkbox"/>	<input checked="" 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 type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
15. Proposed conditions signed by property owner(s)	<input type="checkbox"/>	<input checked="" 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"/>

Date: November 5, 2021

Re: Neighborhood Meeting regarding 3832 Colby Drive, 3939 Wake Forest Road, and 1313 Hardimont Road ("Properties")

Dear Neighbors:

You are invited to attend a neighborhood meeting on **November 22, 2021, from 5pm to 7pm**. The meeting will be held virtually. You can participate online or by telephone. Please note that the presentation is planned to begin at 5pm and will be followed by an opportunity for questions and answers. Depending on attendance, the programmed portion of the meeting is likely to end between 5:30 and 6pm. The additional time is intended to allow for a late start in the event of any technical issues related to the virtual meeting, and your flexibility is appreciated. Once the meeting has been successfully completed, the online meeting, including the telephone dial-in option, will remain open until 7pm, and we will be happy to review the proposal or answer additional questions during this time.

The purpose of this meeting is to discuss a potential rezoning of the Properties, located at 3832 Colby Drive, 3939 Wake Forest Road, and 1313 Hardimont Road. This Properties are currently zoned RX-3 and CM and are proposed to be rezoned to RX-5. The purpose of the zoning request is to permit residential mixed-use development of the site at a maximum height of 5 stories. Our goal is to gather comments through your participation in this virtual 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.

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:

Carmen Kuan
Raleigh Planning & Development
(919) 996-2235
Carmen.Kuan@raleighnc.gov

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

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

Sincerely,

A handwritten signature in blue ink, appearing to be 'M82' or similar, written in a cursive style.

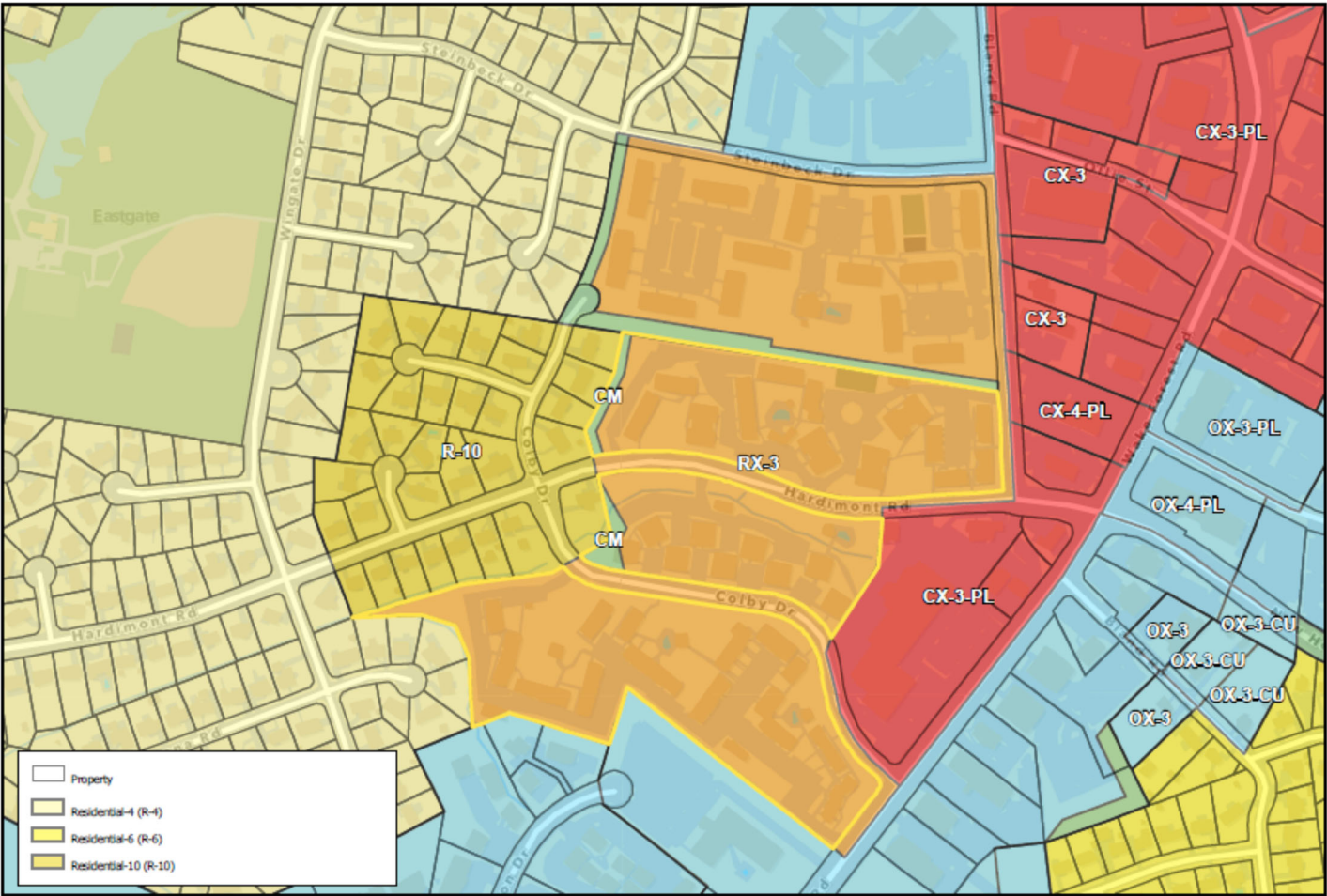
Neighborhood Meeting Agenda

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

Aerial Photo



Zoning





How to Participate in the November 22, 2021 Neighborhood Meeting
Re: 3832 Colby Dr, 3939 Wake Forest Rd, & 1313 Hardimont Rd

- To participate by PC, Mac, iPad, iPhone or Android device,
 - Go to morningstarlaw.group/11222021mtg to register for the meeting.
(Registration is necessary as we are required by the City of Raleigh to have a record of attendance.)
 - Upon registration, you will receive a confirmation email with instructions on how to access the meeting.
- To participate by phone,
 - Dial one of the following numbers:
 - +1 312 626 6799
 - +1 929 436 2866
 - +1 301 715 8592
 - +1 346 248 7799
 - +1 669 900 6833
 - +1 253 215 8782
 - Enter Webinar ID: 820 9628 3215
 - Enter password: 335608
 - *For attendance purposes as required by the City of Raleigh, individuals participating via telephone will be unmuted and asked to identify themselves including their name and address.*

If you have difficulty connecting or have technical difficulties during the meeting, you can email us at meetings@mstarlaw.com or call 919-590-0366.

You are encouraged to join the meeting via your computer or smartphone so that you will have access to Zoom Webinar's interactive features including Raise Hand and Chat.

During the meeting, participants will be muted by default. Also, participants' video will be off by default, i.e. only the presenters will be visible.

- If you are participating via your computer, iPhone or Android device, you can submit questions/comments by using the Raise Hand and/or Chat features. If you use Raise Hand, a panelist will either unmute you to allow you to speak or will chat with you to solicit your questions/comments.
- If you are participating via telephone, you can submit questions/comments prior to and during the meeting via email at meetings@mstarlaw.com. At the end of the Q&A period of the meeting, all callers will be unmuted to allow for questions/comments.



Rezoning Application and Checklist

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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	<input checked="" type="checkbox"/> General Use	Conditional Use	Master Plan	Office Use Only Rezoning case #
	Text change to zoning conditions			
Existing zoning base district: RX	Height: 3	Frontage:	Overlay(s):	
Proposed zoning base district: RX	Height: 5	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: 3832 Colby Drive; 3939 Wake Forest Road; 1313 Hardimont Road			
Property PIN: 1715394766; 1715393471; 1716306146			
Deed reference (book/page): 007817/00222; 007817/00222; 004592/00357			
Nearest intersection: Colby Rd and Hardimont Road		Property size (acres): 27.88	
For planned development applications only	Total units:	Total square footage:	
	Total parcels:	Total buildings:	
Property owner name and address: Montecito Company, LLC, c/o Drucker & Falk Real Estate, 7200 Creedmoor Road, Raleigh, NC, 27613			
Property owner email: mstuart@morningstarlawgroup.com			
Property owner phone: 919-890-3318			
Applicant name and address: Montecito Company, LLC, c/o Drucker & Falk Real Estate, 7200 Creedmoor Road, Raleigh, NC, 27613			
Applicant email: mstuart@morningstarlawgroup.com			
Applicant phone: 919-890-3318			
Applicant signature(s):			
Additional email(s):			

SUMMARY OF ISSUES

A neighborhood meeting was held on November 22, 2021 (date) to discuss a potential rezoning located at 3832 Colby Drive; 3939 Wake Forest Road; 1313 Hardimont Road (property address). The neighborhood Meeting was held at [virtual] (location). There were approximately 20 (number) neighbors in attendance. The general issues discussed were:

Summary of Issues:

The rezoning process, including filing and notification procedures were discussed.

Permitted uses in the RX district were summarized.

Neighborhood transitions will apply next to R-district zoning and will require both a buffer and a height st



There is no immediate plan to redevelop the property.

The Midtown plan to connect Benson Street through the site was discussed, and no changes to that pla



If the property is redeveloped any sufficiently significant increase in traffic will need to be addressed.

Stormwater detention requirements were summarized along with tree conservation requirements.

The existing Conservation Management buffer was compared with the Neighborhood Transition.

raleighnc.gov