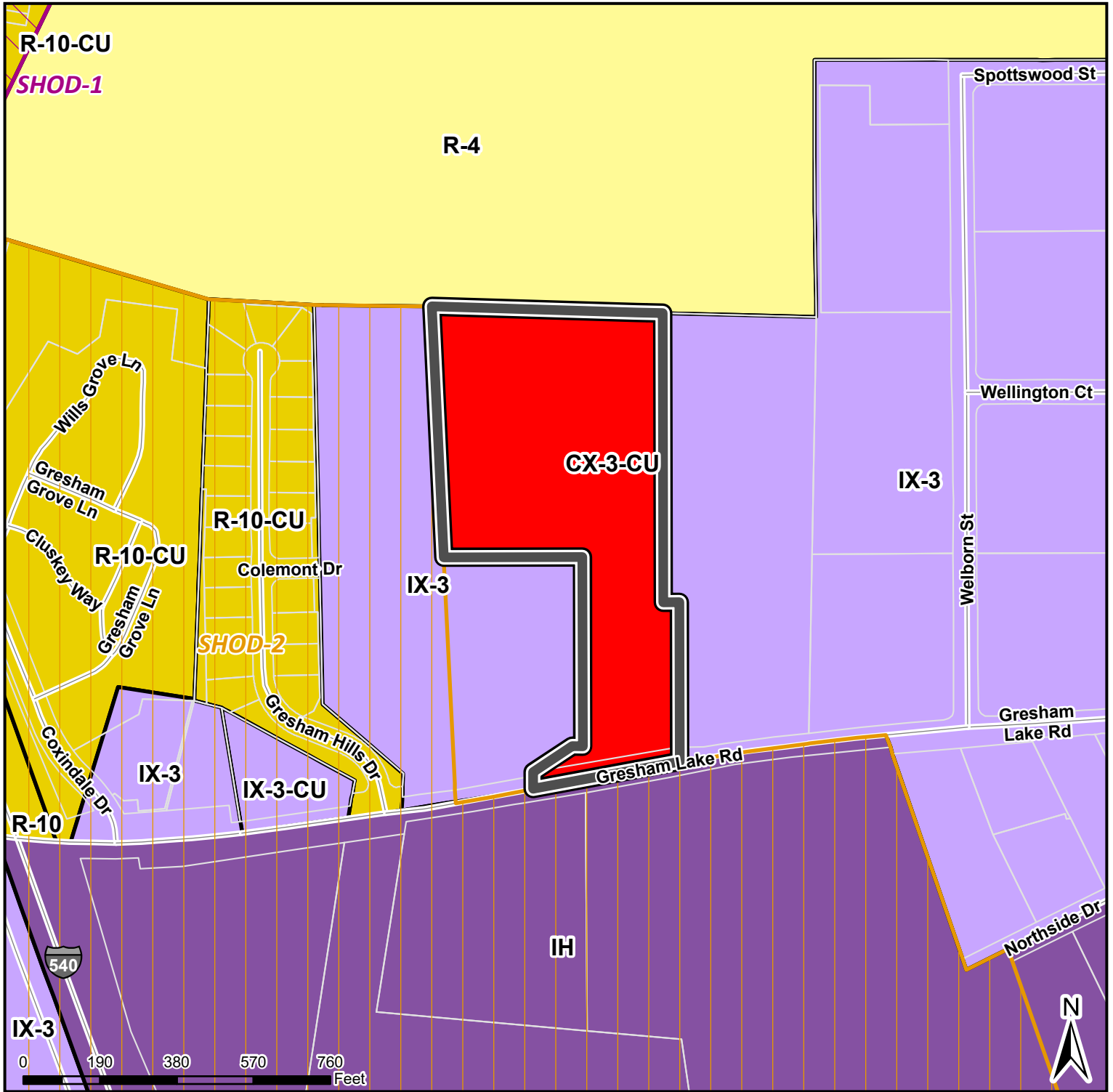
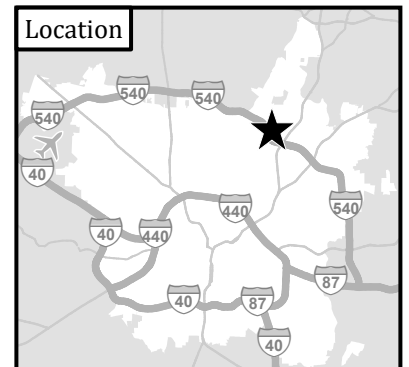


Existing Zoning

TCZ-19-2023



Property	3095 Gresham Lake Rd
Size	19 acres
Existing Zoning	CX-3-CU
Requested Zoning	CX-3-CU (Amend Zoning Conditions)



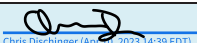


Rezoning Application and Checklist

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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	General Use	Conditional Use	Master Plan	Office Use Only Rezoning case #
	X Text change to zoning conditions			
Existing zoning base district: CX	Height: 3	Frontage:	Overlay(s):	
Proposed zoning base district: CX	Height: 3	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: Z-7-21				

General Information		
Date:	Date amended (1):	Date amended (2):
Property address: 3095 Gresham Lake Road		
Property PIN: 1727276820		
Deed reference (book/page): 17306/2335		
Nearest intersection: Gresham Lake Road and Gresham Hills Drive		Property size (acres): 10.51
For planned development applications only	Total units:	Total square footage:
	Total parcels:	Total buildings:
Property owner name and address: Gresham Lake Family LP, 1469 S. 4th Street, Louisville KY 40208		
Property owner email:		
Property owner phone:		
Applicant name and address: Gresham Lake Family LP, 1469 S. 4th Street, Louisville KY 40208		
Applicant email: tshapiro@morningstarlawgroup.com		
Applicant phone: (919) 590-0366		
Applicant signature(s):  <small>Chris Dischinger (April 13, 2023 14:39 EDT)</small>		
Additional email(s):		

RECEIVED
By Robert Tate at 12:12 pm, Apr 13, 2023


Conditional Use District Zoning Conditions

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

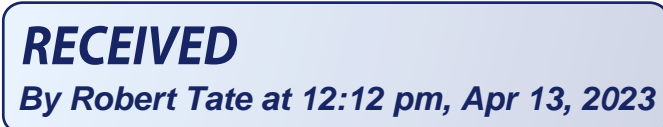
Narrative of Zoning Conditions Offered

1. The following uses shall not be permitted as principal uses on the property: single- unit living; two-unit living; and cottage court. Not more than 200 dwelling units shall be permitted on the property.
2. 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 25 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.
3. A public pedestrian access easement no less than 20 feet in width and having a paved surface no less than 10 feet in width shall be provided on the property and shall connect from Gresham Lake Road, or any public right of way directly or indirectly connecting to Gresham Lake Road, to the northern property line adjacent to the Durant Nature Preserve located on the parcel having PIN 1727399804 and conveyed by deed recorded in Book 5741 Page 364 of the Wake County Registry.

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:  Chris Dischinger (Apr 10, 2023 14:39 EDT)

Printed Name(s): Chris Dischinger



Rezoning Application Addendum #1

Comprehensive Plan Analysis

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.

Office Use Only

Rezoning case #

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 a zoning condition related to previous rezoning case Z-7-21, rezoning the parcel from Industrial Mixed Use up to three stories (IX-3) to Commercial Mixed Use up to three stories with conditions (CX-3-CU) and related to landscaping. Stormwater handling and landscaping requirements would be impacted and hindered by this condition, interfering with the intended barrier and/or render it useless.

The proposed minor change maintains the existing base zoning district and permits the intended affordable housing project to move forward, which is supported by many Comprehensive Plan policies, such as LU 2.5 (Healthy Communities), by providing direct access to both a park and an employment center, H 1.2 (Geographic Dispersal of Affordable Units), H 1.8 (Zoning for Housing); H 1.9 (Housing Diversity), H 2.5 (Removing Housing Barriers); H 2.6 (Long-Term Affordability).

Public Benefits

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

The proposed development of this site is currently hindered by an unworkable zoning condition. The need for affordable housing in the city is well known, and the focus of many City of Raleigh efforts to ensure housing for those in need amid rising housing costs. The potential to provide affordable residences adjacent to the Durant Nature Preserve and near an employment center represents a step toward fulfilling several of the city's goals, including providing dispersed and diverse housing for a wide range of income levels.

Rezoning Application Addendum #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.

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: N/A

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

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

Date: March 17, 2023

Re: Neighborhood Meeting regarding 3095 Gresham Lake Road (the “Property”)

Dear Neighbors:

You are invited to attend a neighborhood meeting on, **March 28, from 7pm to 8pm**. The meeting will be held at Millbrook Exchange Community Center, Community Room 1, 1905 Spring Forest Road, Raleigh, NC 27615.

The purpose of this meeting is to discuss a potential text change of zoning conditions for the Property, located at 3095 Gresham Lake Road. This Property is currently zoned Commercial Mixed Use, up to 3 stories, with conditions (CX-3-CU) and is proposed to retain this zoning designation, with a change to the applicable zoning conditions. The purpose of the request is to remove certain perimeter treatment requirements incompatible with necessary retaining walls, drainage swales, and/or slopes. 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 text change of zoning conditions application, the City of Raleigh requires that a neighborhood meeting be held for all property owners within 500 feet of the area requested to be subject to the change.

Information about the text change of zoning conditions process is available online; visit www.raleighnc.gov and search for “Text Change Process.” If you have further questions about the rezoning process, please contact:

Robert Tate
Raleigh Planning & Development
(919) 996-2235
Robert.Tate@raleighnc.gov

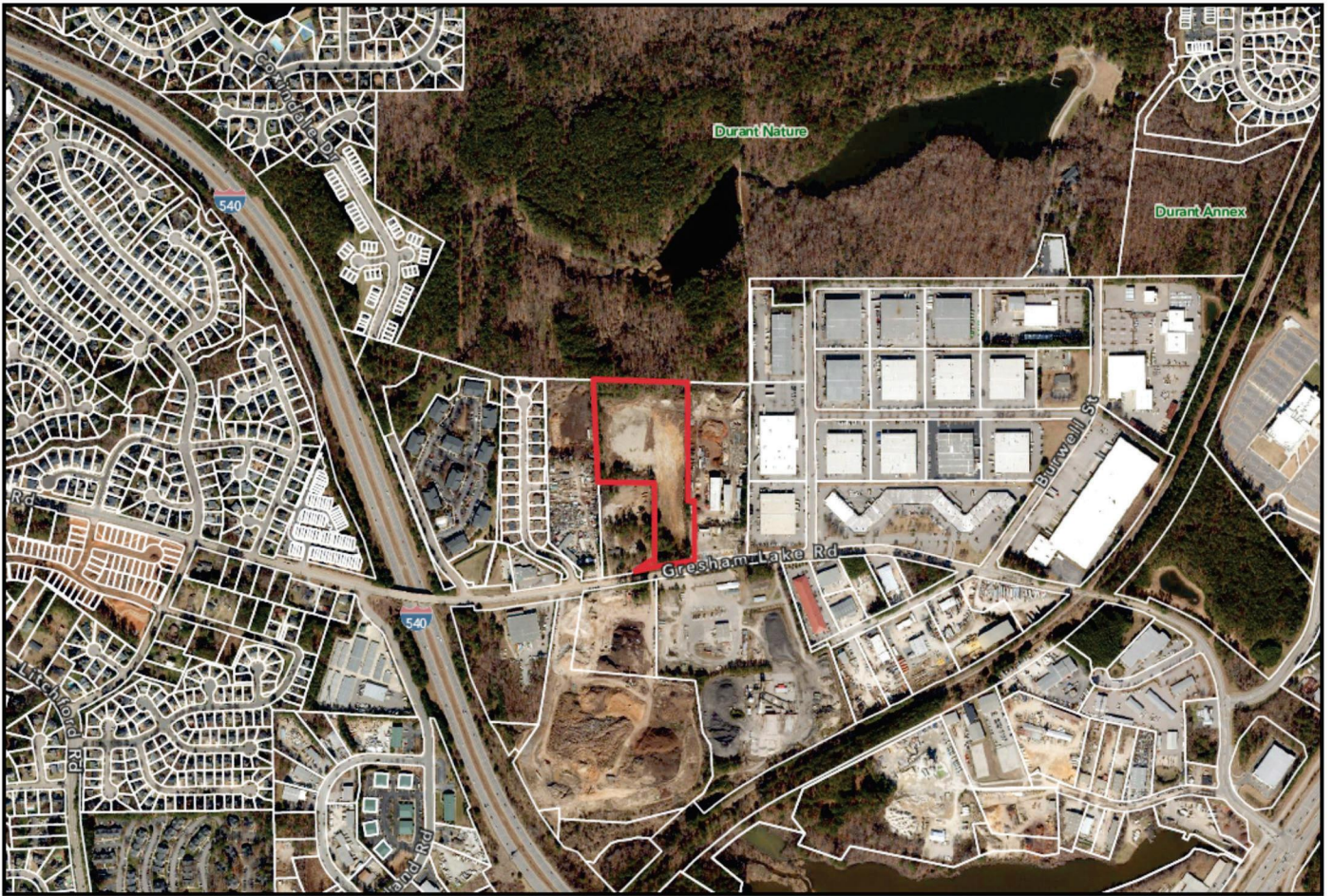
If you have any concerns or questions about this request I can be reached at:

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

Sincerely,



Aerial



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	General Use	Conditional Use	Master Plan	Office Use Only Rezoning case #
	X Text change to zoning conditions			
Existing zoning base district: CX	Height: 3	Frontage:	Overlay(s):	
Proposed zoning base district: CX	Height: 3	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: Z-7-21				

General Information			
Date:	Date amended (1):	Date amended (2):	
Property address: 3095 Gresham Lake Road			
Property PIN: 1727276820			
Deed reference (book/page): 17306/2335			
Nearest intersection: Gresham Lake Road and Gresham Hills Drive		Property size (acres): 10.51	
For planned development applications only	Total units:		Total square footage:
	Total parcels:		Total buildings:
Property owner name and address: Gresham Lake Partners LLC 1201 Edwards Mill Road, Suite 300 Raleigh, NC 27607			
Property owner email:			
Property owner phone:			
Applicant name and address: LDG Development, LLC, 1469 S. 4th Street, Louisville, KY 40208			
Applicant email: tshapiro@morningstarlawgroup.com			
Applicant phone: (919) 590-0366			
Applicant signature(s):			
Additional email(s):			

Zoning Conditions for 3095 Gresham Lake Road

1. The following uses shall not be permitted as principal uses on the property: single-unit living; two-unit living; and cottage court. Not more than 200 dwelling units shall be permitted on the property.
2. 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 25 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.

~~3. The area within 35 feet of the adjoining parcels listed below (the "Adjoining Parcels"), where not comprising part of any Tree Conservation Area on the property, shall contain (1) an opaque fence a minimum of 6 feet in height displaying information signs averaging no more than 300 feet apart along any individual fence, containing text in letters not less than 5 inches in height stating "NO TRESPASSING," (2) a berm with a minimum height of 2.5 feet, measured perpendicular to the center of the crown, (3) 4 shade trees per 100 lineal feet, (4) 3 understory trees per 100 lineal feet, and (5) 40 shrubs per 100 lineal feet. Additionally, no residential building shall be located within 10 feet of the Adjoining Parcels.~~

PIN	Address	Book	Page
1727271868	2917 Gresham Lake Road	17294	1887
1727275304	3011 Gresham Lake Road	17902	1286
1727370752	3109 Gresham Lake Road	1822	189

4.3. A public pedestrian access easement no less than 20 feet in width and having a paved surface no less than 10 feet in width shall be provided on the property and shall connect from Gresham Lake Road, or any public right of way directly or indirectly connecting to Gresham Lake Road, to the northern property line adjacent to the Durant Nature Preserve located on the parcel having PIN 1727399804 and conveyed by deed recorded in Book 5741 Page 364 of the Wake County Registry.

Rezoning Checklist (Submittal Requirements)					
To be completed by Applicant	To be completed by staff				
	Yes	N/A	Yes	No	N/A
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 type="checkbox"/>	<input checked="" 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 March 28, 2023 (date) to discuss a potential rezoning located at 3095 Gresham Lake Road (property address). The neighborhood Meeting was held at Millbrook Exchange Community Center (location). There were approximately 1 (number) neighbors in attendance. The general issues discussed were:

Summary of Issues:

The text change of zoning conditions process was described and the request summarized.
A confluence of factors resulted in this request, including title issues on adjoining property.
Stormwater handling and retaining walls will interfere with the intended barrier and/or render it useless.
Retaining walls would be constructed of segmental blocks.
LDG plans to build 156 affordable housing units.


Gresham Lake Road RezoningApplication_Text Change _FINAL


Final Audit Report


2023-04-10


Created:	2023-04-10
By:	Tish Shapiro (tshapiro@morningstarlawgroup.com)
Status:	Signed
Transaction ID:	CBJCHBCAABAAzbhsnWHuKJ8YRab7q9E7KwrEKmiv7tGk


"Gresham Lake Road RezoningApplication_Text Change _FINAL" History

 Document created by Tish Shapiro (tshapiro@morningstarlawgroup.com)
2023-04-10 - 5:11:27 PM GMT

 Document emailed to Chris Dischinger (cdischinger@ldgdevelopment.com) for signature
2023-04-10 - 5:12:31 PM GMT

 Email viewed by Chris Dischinger (cdischinger@ldgdevelopment.com)
2023-04-10 - 6:39:31 PM GMT

 Document e-signed by Chris Dischinger (cdischinger@ldgdevelopment.com)
Signature Date: 2023-04-10 - 6:39:43 PM GMT - Time Source: server

 Agreement completed.
2023-04-10 - 6:39:43 PM GMT

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By Robert Tate at 12:12 pm, Apr 13, 2023

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