



# Certified Recommendation of the City of Raleigh Planning Commission

**Case File:** Z-22-09 / MP-4-08 PDD Conditional Use; Six Forks Rd.

**General Location:** East side, northeast quadrant of its intersection with I-440

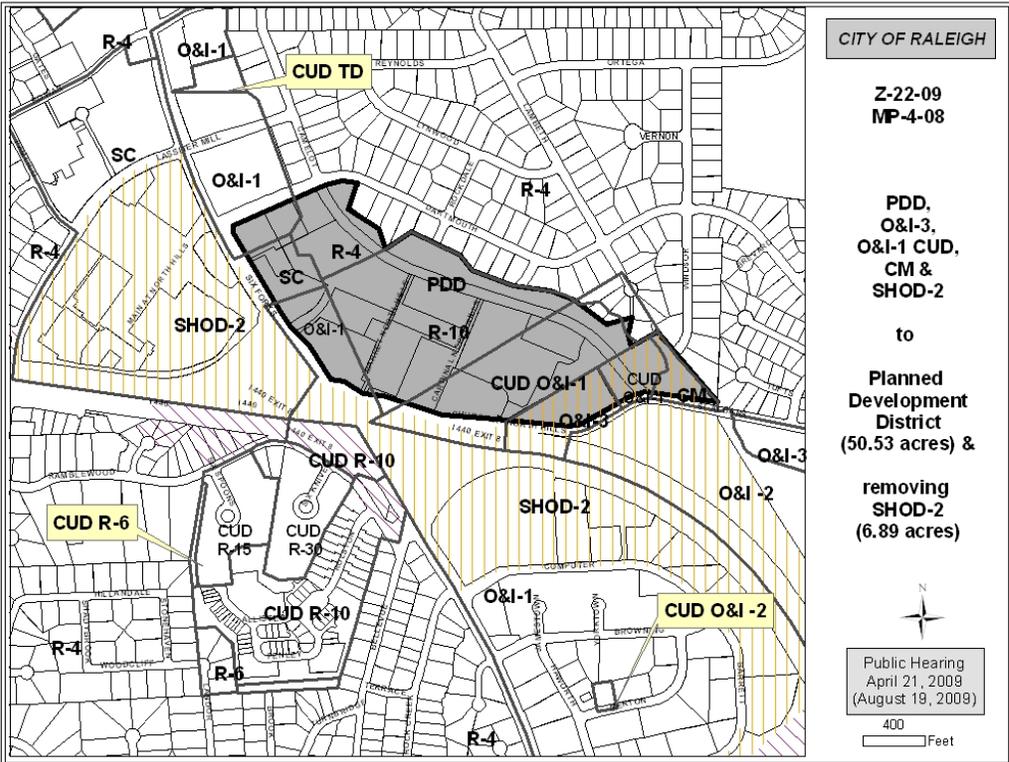
**Planning District / CAC:** North Hills/ Falls of Neuse

**Request:** Petition for Rezoning from PDD (over multiple base zoning districts), O&I-3, O&I-1 CUD & CM w/SHOD-2 to Amended PDD (over multiple base zoning districts removing SHOD-2).

**Comprehensive Plan Consistency:** The request is partly inconsistent with the Comprehensive Plan

**Valid Protest Petition (VSPP):** NO.

**Recommendation:** The Planning Commission finds that this request is partly inconsistent with the Comprehensive Plan. However, based on the findings and reasons stated herein, that this request be approved in accordance with zoning conditions dated December 18, 2008 and Master Plan document dated May 4, 2009.



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**CASE FILE:** **Z-22-09 / MP-4-08 PDD Conditional Use; Six Forks Rd.**

**LOCATION:** This site is located on the east side of Six Forks Road, northeast of its intersection with I-440.

**REQUEST:** This request is to rezone approximately 50.53 acres, currently zoned PDD (over multiple base zoning districts), O&I-3, O&I-1 CUD & CM w/SHOD-2. The proposal is to rezone the property to Amended PDD (over multiple base zoning districts removing SHOD-2).

**COMPREHENSIVE PLAN CONSISTENCY:** **The request is partly inconsistent with the Comprehensive Plan.**

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**RECOMMENDATION:** **The Planning Commission finds that this request is partly inconsistent with the Comprehensive Plan. However, based on the findings and reasons stated herein, that this request be approved in accordance with zoning conditions dated December 18, 2008 and Master Plan document dated May 4, 2009.**

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**FINDINGS  
AND REASONS:**

- (1) That majority of the request intended for mixed uses is consistent with the recommendations of the Comp Plan; that potential retail uses on the newly added tracts would be the only element lending part inconsistency with the Comp Plan.
- (2) That circumstances have so changed since the original adoption of the Wake Forest Road Small Area Plan in 1987 that revisions to the land use recommendations for this area are warranted. Redevelopment, new construction and population growth within and adjacent to this City Focus Area, as well as a proven acceptance of alternative living style within a mixed-use environment, support the changes to the land use recommendations for this quadrant of the Six Forks Road / I-440 intersection. The rezoning request proposes an expansion of the mixed-use commercial area currently designated by the small area plan and is justified based on its compatibility and adjacency to the existing PDD boundary.
- (3) That the Master Plan conditions offered in terms of height, mix of uses, densities, buffers & screening successfully transitions the proposed development from high intensity uses along the Six Forks Road corridor to the existing low density residential neighborhoods located to the north and east.
- (4) Notwithstanding the finding of inconsistency with the Comprehensive Plan, the proposal serves as a benefit to the community at large and in the public interest by redeveloping 50.53 acres of low intensity office and mixed uses into a cohesive, integrated urban mixed-use development which will provide alternative living and work environments less dependent on the automobile and may potentially support a greater use of public transportation in the future.
- (5) That although the proposal introduces higher office intensity, the retail square footage remains the same as previously approved at 450,000 sq.ft., thereby eliminating any adverse impacts to the surrounding uses.

(6) That for the reasons and findings stated above, the subject request appears to be reasonable and in serving the public interest and therefore, the Planning Commission recommends approval of the same.

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**To PC:** 5/12/09

**Case History:** 4/28/09 PC applicant requested deferral.

**To CC:** 5/19/09

**City Council Status:** \_\_\_\_\_

**Staff Coordinator:** Dhanya Sandeep

**Motion:** Holt  
**Second:** Bartholomew  
**In Favor:** Bartholomew, Butler, Chambliss, Fleming, Haq, Harris Edmisten, Holt, Mullins, Smith, Vance  
**Opposed:**  
**Excused:** Gaylord

This document is a true and accurate statement of the findings and recommendations of the Planning Commission. Approval of this document incorporates all of the findings of the Staff Report attached.

**Signatures:** (Planning Dir.) (PC Chair)

\_\_\_\_\_  
date: \_\_\_\_\_

\_\_\_\_\_  
date: 5/13/09



## Zoning Staff Report: Z-22-09 PDD Conditional Use

**LOCATION:** This site is located on the east side of Six Forks Road, northeast of its intersection with I-440.

**AREA OF REQUEST:** 50.53 acres

**PROPERTY OWNER:** North Hills East Master Developer LLC, Duke/Kane LLC, HCRI NC Properties, North Hills East Retail I LLC, Church of Apostles

**CONTACT PERSON:** Eric Braun, 743-7315  
Michael Birch, 743-7314

**PLANNING COMMISSION  
RECOMMENDATION  
DEADLINE:** August 19, 2009

**ZONING:** Current Zoning

Multiple zoning districts, O&I-3,  
O&I-1 CUD, CM

Current Overlay District

PDD & SHOD-2

Proposed Zoning

No changes are being proposed  
to the underlying zoning districts.

Proposed Overlay District

PDD (removing SHOD-2)

**ALLOWABLE  
DWELLING UNITS:**

Current Zoning

PDD: 1563 units  
O&I-3: 0 units  
O&I-1 CUD (0.72 acres): 18 units  
CM (1.89 acres): allowable transfer of  
35 units to 1.18 acres O&I-1CUD  
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**TOTAL: 1616 units**

Proposed Zoning

**PDD: 2021 units**

**ALLOWABLE OFFICE/  
INSTITUTIONAL SQUARE  
FOOTAGE:**

Current Zoning

PDD: 1,490,000 sq.ft.  
O&I-1 CUD (1.9 acres @ 0.33 FAR):  
27,312 sq.ft.  
O&I-3 (3.1 acres @ 0.33 FAR):  
44,562 sq.ft.  
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**TOTAL: 1,561,874 sq.ft.**

Proposed Zoning

**PDD: 1,503,500 sq.ft.**

**ALLOWABLE RETAIL  
SQUARE FOOTAGE:**

**Current Zoning**

PDD: 450,000 sq.ft.

**Proposed Zoning**

Not to exceed a total of 450,000 sq.ft.  
per conditions

**ALLOWABLE  
GROUND SIGNS:**

**Current Zoning**

Uniform sign criteria

**Proposed Zoning**

Uniform sign criteria

**SETBACKS:**

No minimum front, side or rear setbacks.

**RETAIL  
ALLOCATION:**

Within a Planned Development District, no more than 10% of the gross land area shall be devoted to retail uses unless evidence is provided upon which the City Council may make a finding that additional retail use allows the development to better achieve the purposes of the Planned Development District (i.e. promote transit usage, more usable open space, affordable housing, facilitate the more economic arrangement of buildings, preserve roadway corridors from strip development, contain innovative architectural elements and design, provide for community-wide public services and amenities).

The Master Plan proposes that a maximum of 450,000 square feet of the Master Plan development (50.53 acres) may be devoted to commercial/retail uses. This equates to approximately 20.44% of the total development. This same amount of retail was originally approved by the City Council under the old North Hills East PDD conditions.

**CIRCULATION:**

Access to and from the public street system shall be limited to following access points: one on Six Forks Road, three on Dartmouth Road, nine on St. Albans Drive and three on the public street segment of Church at North Hills Street.

**OPEN SPACE:**

Minimum 15% reserved as open space, which includes green spaces, tree conservation areas and plazas. May be shifted and reallocated between tracts with City Administration consent.

**TRAFFIC IMPACT  
ANALYSIS:**

Updated Trip Generation data submitted.

**PARKING:**

At least 51% will be provided by parking structures. A reduction of 34 percent to the parking required by Code is justified in the Master Plan document.

**SIGNAGE:**

Unified sign criteria submitted with the Master plan.

**DESIGN  
GUIDELINES:**

Key elements addressed in the Master Plan.

**LAND USE  
INTENSITY:**

See North Hills East Maximum Height and Use Chart. Land use intensities subject to meeting trip generation capacities.

**MAXIMUM HEIGHT AND USE CHART**

<u>Tract</u>	<u>Acreage</u>	<u>Height from lowest FFE</u>	<u>Height per City Code</u>		<u>Retail sf</u>	<u>Residential units</u>	<u>Office sf</u>	<u>Hotel rooms</u>	<u>Congregate Care units</u>	<u>Church sf</u>
B	1.09	250	260		50,000	200	-	200		
C	2.75	285	305		40,000	100	300,000	-		
D	2.35	250	270		50,000	400	-	-		
H	0.98	95	100		10,000	100	-	-		
I	1.5	95	100		10,000	100	-	-		
J	1.95	95	100		80,000	150	-	-		
K	2.07	95	105		50,000	250	-	325		
M	5.95	30	35		-	-	-	-		
P	3.07	35	45		-	-	-	-		

<u>Tract</u>	<u>-</u>	<u>Height</u>	<u>Height</u>	<u>Option</u>	<u>Retail sf</u>	<u>Residential units</u>	<u>Office sf</u>	<u>Hotel rooms</u>	<u>Congregate Care units</u>	<u>Church sf</u>
A	1.19	285	300	I	70,000	-	350,000	250		
				II	70,000	500		250		
				III	70,000	250	200,000	250		

E	5.32	340	365	I	100,000	100	500,000	325		
				II	100,000	1,800		325		
				III	100,000	800	300,000	325		

F	7	285	295	I	70,000	750		325		
				II	70,000	-	350,000	325		
				III	70,000	600	250,000	325		

G	2.4	285	350	I	20,000	750		325		
				II	20,000	-	350,000	325		
				III	20,000	300	250,000	325		

L	9.09	195	225	I	20,000	0			350	
				II	50,000	1,500				

N	3.1	75	85	I			75,000			
				II						100,000
				III	10,000	100				

O	0.72	100	115	I	25,000		100,000			
				II	25,000					100,000
				III	25,000	100				
				IV	25,000			225		

1. Heights cannot shift between tracts. Height will be measured by the Code, and the FFE height is for illustrative purposes only.
2. Overall development intensity will be limited by the PM trip generation budget contained in the TIA submitted with this masterplan.
3. Subject to Section 10(D) of this Master Plan, overall residential density shall be determined by applicable provisions of the Raleigh City Code in effect at the time of site plan approval.
4. Per this master plan, in no event shall retail square footage be permitted exceed 450,000 square feet.

- 5. Tracts A, E, F, G, L,N, and O can independently change from one scenario to another (i. e. - Tract E can be changed to scenario 2 while Tract F stays in scenario 1)
- 6. Subject to the other provisions of this Master Plan, Developer reserves the right to construct exclusively retail buildings in the development.
- 7. Tract size and configuration subject to change in accordance with the Master Plan.

**ZONING HISTORY:** A major portion of this property was zoned with an overlay - PDD in 2006 (Z-16-06/MP-6-05). The subject rezoning includes 3 new parcels to the previously adopted PDD boundary and refines the Master Plan language.

- Existing Conditions of O&I-1 CUD (1.9 acres) of the subject property – Z-5-88:
- 1. The Conservation Buffer area will be conveyed without compensation to the City of Raleigh as a greenway.
  - 2. The maximum building height of all improvements shall not exceed 55 feet above existing grade elevation of 277.33 feet.
  - 3. No occupancy permit for any improvements constructed on the subject property will be used until a construction contract is awarded to extend New Hope Church Road from its existing terminus behind the Hilton Hotel on Wake Forest Road to St. Albans Drive, and until the portions of said road abutting the subject property are substantially complete.
  - 4. The floor area ratio and maximum building lot coverage of improvements constructed on the subject property shall not exceed O&I-III restrictions.

**SURROUNDING ZONING:**  
 NORTH: Residential-4  
 SOUTH: R-30 CUD, R-10 CUD, O&I-1 w/ SHOD-2  
 EAST: R-4 CUD, O&I-2 w/ PDD, SHOD-2  
 WEST: SC, O&I-1

**LAND USE:** Mixed Use Center – Planned Development District

**SURROUNDING LAND USE:**  
 NORTH: Residential  
 SOUTH: Residential, office  
 EAST: Residential, office  
 WEST: Shopping center

**DESIGNATED HISTORIC RESOURCES:** *None*

**EXHIBIT C AND D ANALYSIS:**

**COMPREHENSIVE PLAN SUMMARY TABLE:**

In addition to the various systems plans (i.e. Transportation Plan, Parks and Recreation Plan, etc.) that are part of the City’s adopted Comprehensive Plan the following table summarizes the other comprehensive plan elements that have been adopted by the City Council.

Element	Application to case
Planning District	North Hills
Urban Form	City Focus Area
Specific Area Plan	Wake Forest Road SAP (North)
Guidelines	Retail Use

**1. Consistency of the proposed rezoning with the Comprehensive Plan and any applicable City-adopted plan(s).**

The subject request is partly inconsistent with the Comprehensive Plan. The site is located in the North Hills Planning District within the North Hills City Focus area. Specific land use polices are included in the Wake Forest Road Small Area Plan. A large portion (45 acres) of the subject property was rezoned in 2006 (Z-16-06/ MP-6-05) with a Planned Development District Overlay and an approved Master Plan. The approved Master Plan provides for a pedestrian-oriented, mixed-use development including residential, recreation, open space, office and institutional, retail, and other commercial uses. As part of that rezoning approval, a Comprehensive Plan amendment was concurrently adopted to designate the 45 acres of the PDD area for mixed uses within the Wake Forest Road SAP- North section. That portion of the subject property which falls within the mixed use area approved in 2006 is consistent with the Comprehensive Plan.

The inconsistency stems from the addition of approximately 6.89 acres to this PDD. These three new parcels (tracts N, O and P) are currently designated for office and institutional uses by the Wake Forest Road SAP. The retail allocation on tracts N & O would be inconsistent with the Comprehensive Plan. It should be noted, however, that the proposed amendment does not change the maximum 450,000 sq.ft. of retail approved as part of the earlier PDD, thereby maintaining consistency with the Retail Use Guidelines of the Comprehensive Plan.

**2. Compatibility of the proposed rezoning with the property and surrounding area.**

The subject property is bordered to the north by largely low density residential uses and by office and institutional uses to the east, southeast, northwest and west. Across Six Forks Road, to the west of the subject property is the North Hills shopping center and mixed use development. To the southeast, across Interstate 440, are more office and institutional uses, while the property to the immediate east remains vacant while zoned for office uses. Single family homes are located to the northeast and north of the subject property.

The proposed zoning request intends to add three new parcels to an existing PDD boundary, while refining the language and clarifying certain conditions of the previously approved PDD. The overall Trip generation budget and maximum development intensities are not being changed from those approved originally in Z-16-06 & MP-6-05 cases. Retail uses retain the originally approved maximum of 450,000 sq.ft. to maintain consistency with the Retail Use Guidelines applicable to City Focus areas. The PDD intends to create transitions from the development to the existing residential uses. Maximum building heights have been established so the shorter buildings will be located along Camelot Drive (closer to residential uses). Tracts M & P create additional transition areas between the shortest buildings and the existing residences along the northern edge of the project by providing a large public open space, where only recreational activities and associated structures less than 35 feet in height can be built.

The property, with the exception of the three subject parcels, is currently under construction. The three new parcels to be added are immediately adjacent to the existing PDD boundary and are located with the focus area limit. They are bounded by St. Albans Street and I-440, thereby functioning as an appropriate edge to define the mixed uses designation within this focus area. The request is compatible with the suitability of this area for a pedestrian-oriented, mixed use, infill development. A portion of the subject property outside of the PDD is already developed as a church. The incorporation of the three parcels into the Planned Development District would be more compatible with the emerging mixed-use development pattern in this area.

**3. Public benefits of the proposed rezoning**

The applicant notes that the proposed rezoning would allow the landowner to add three parcels to the existing PDD and master plan, incorporate them into the mixed use development, thereby permitting the development of the property for its highest and best use. That the proposed map amendment benefits the surrounding community by permitting the landowner to pursue a mixed use, infill

development that can provide the surrounding community with needed amenities, additional housing opportunities, and private employment opportunities.

Staff assessment indicates that the three new parcels to be added are immediately adjacent to the existing PDD boundary and the only remaining parcels outside the PDD in the subject block that falls within the focus area limit. Of the three newly added tracts, one tract adjacent to the residential uses will be maintained as open space. Thus, the rezoning request will provide opportunities for a more unified and coordinated development in the area, while providing an appropriate transition to the surrounding residential properties.

**4. Detriments of the proposed rezoning**

There are no perceived detriments associated with this request. Given the existing planned development district and approved master plan, the addition of three parcels will have minimal impacts on its surrounding properties.

**5. The impact on public services, facilities, infrastructure, fire and safety, parks and recreation, etc.**

**TRANSPORTATION:** Six Forks Road is classified as a secondary arterial (2007 ADT - 49,000 vpd) and exists as a 6-lane undivided road with an 84-foot back-to-back curb section with sidewalks on both sides within 100-feet of right-of-way. City standards call for Six Forks Road to be constructed as a multi-lane facility within a minimum 110-foot right-of-way. St. Albans Drive is classified as a collector street and is constructed to City standards with a 41-foot back-to-back curb and gutter section with sidewalk on one side within a 60-foot right-of-way. Dartmouth Road is also classified as a collector street and is constructed to City standards as a multi-lane curb and gutter section with sidewalks on both sides within a variable right-of-way.

**TRANSIT:** NA

**HYDROLOGY:** FLOODPLAIN: no FEMA, some alluvial soils  
 DRAINAGE BASIN: Big Branch and Crabtree  
 STORMWATER MANAGEMENT: Part 10 Chapter 9 Stormwater Regulations would apply. There are some Neuse River Buffers present on site.

**PUBLIC UTILITIES:**

	Maximum Demand on Current Zoning	Maximum Demand on Proposed Zoning
Water	Approx. <u>631,625</u> gpd	Approx. <u>631,625</u> gpd
Waste Water	Approx. <u>631,625</u> gpd	Approx. <u>631,625</u> gpd

The proposed rezoning would not impact the wastewater or water treatment systems of the City. There are existing sanitary sewer and water mains in place which could serve the rezoning site.

**PARKS AND RECREATION:**

This property is adjacent to Tributary A of Big Branch. The applicant has previously dedicated greenway along this corridor. The subject property is sufficiently served by existing park facilities. There are no additional park search areas in this area.

**WAKE COUNTY  
PUBLIC SCHOOLS:**

The maximum number of dwelling units permitted under the proposed zoning would be 2021, while the current zoning permits 1616. This would result in the following increase in school enrollment: 56 elementary, 34 middle and 24 high school. Base school assignments would be to the following schools, operating at the capacities indicated:

**Impacts on School  
Capacity**

School name	Current enrollment	Current Capacity	Future Enrollment	Future Capacity
Douglas	624	98.9%	680	107.8%
Carroll	714	83.9%	748	87.9%
Sanderson	1,876	98.8%	1,900	100.1%

**IMPACTS SUMMARY:** The rezoning would result in potential increase of 114 student enrollment.

**OPTIONAL ITEMS OF DISCUSSION**

1. **An error by the City Council in establishing the current zoning classification of the property.**

N/A

2. **How circumstances (land use and future development plans) have so changed since the property was last zoned that its current zoning classification could not be property applied to it now were it being zoned for the first time.**

N/A

**APPEARANCE  
COMMISSION:**

This request has been reviewed by the Appearance Commission and the recommendations noted.

**CITIZENS'  
ADVISORY COUNCIL:**

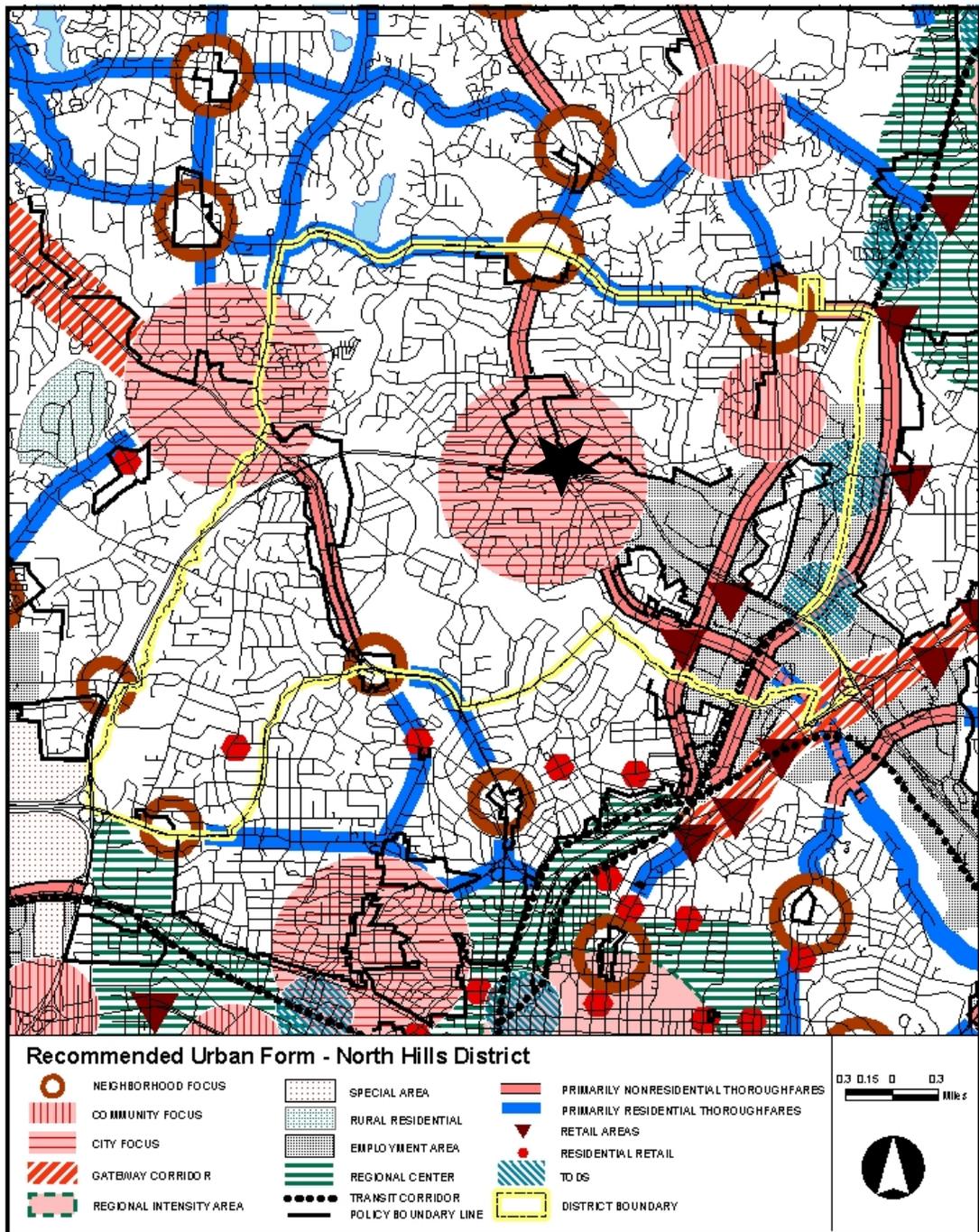
DISTRICT: Falls of Neuse  
CAC CONTACT PERSON: Alan Wiggs, 872-5819

**SUMMARY OF ISSUES:**

**COMPREHENSIVE PLAN / COMPATIBILITY / ADVERSE IMPACTS:**

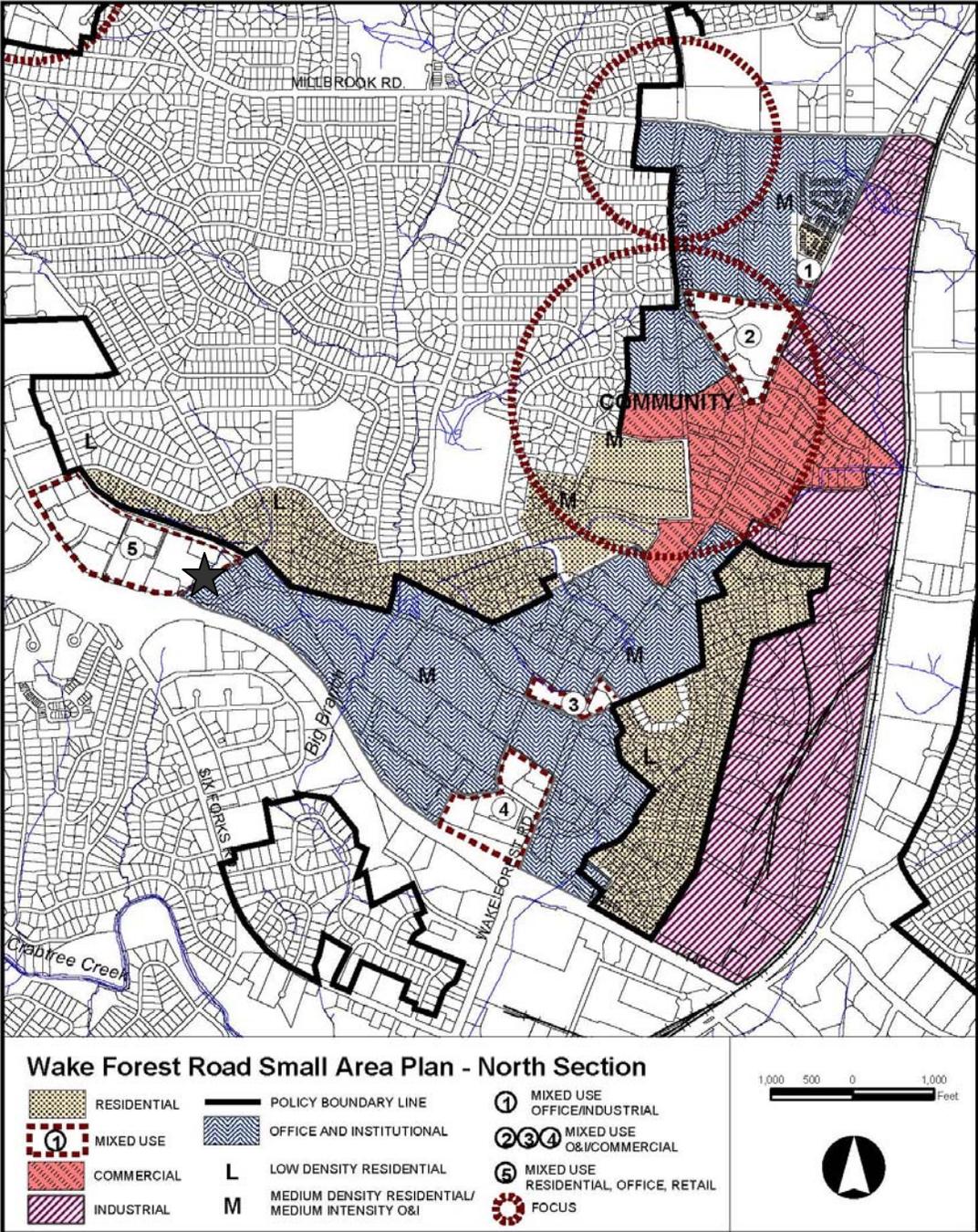
1. **Outstanding issues**

- The request is partly inconsistent with the Comprehensive Plan in that a portion of the site (new Tracts N&O), proposed for potential retail uses is designated for office and institutional uses in the Wake Forest Road SAP- North.



8/05 Raleigh Comprehensive Plan

North Hills District 5-6.F



1/09 Raleigh Comprehensive Plan

Wake Forest Road Small Area Plan 11-16.3