

Submittal Date

6/16/2014

Request:

1.58 acres from

R-4

**to OX-3-PL-CU (1.34 acres)
and RX-3-CU (0.24 acres)**

VICINITY MAP





Certified Recommendation

Raleigh Planning Commission

CR# 11652

Case Information: Z-20-14 - Six Forks Road

<i>Location</i>	Six Forks Road, east side, at its intersection with Northwood Drive Address: 4824 and 4830 Six Forks Road; 509 Northwood Drive PINs: 1706535376, 1706535466 & 1706537432
<i>Request</i>	Rezone property from Residential-4 (R-4) to Office Mixed Use-3 stories-Parking Limited-Conditional Use (OX-3-PL-CU) & Residential Mixed Use-3 stories-Parking Limited-Conditional Use (RX-3-CU)
<i>Area of Request</i>	1.58 acres
<i>Property Owners</i>	Sallie E. Harris and Joseph S. Harris, as trustees for the Sallie E. Harris Revocable Trust & Joseph S. Harris Revocable Trust 3006 NC Highway 96 Franklinton, NC 27525 Kevin O'Neal Gilbert & Victoria A. Gilbert 509 Northwood Drive Raleigh, NC 27609
<i>Applicant</i>	Michael Birch: Morningstar Law Group: (919) 590-0388, mbirch@morningstarlawgroup.com
<i>Citizens Advisory Council (CAC)</i>	Midtown– Patrick Martin, Chair: acemar@aol.com
<i>PC Recommendation Deadline</i>	November 9, 2015

Comprehensive Plan Consistency

The rezoning case is **Consistent** **Inconsistent** with the 2030 Comprehensive Plan.

Future Land Use Map Consistency

The rezoning case is **Consistent** **Inconsistent** with the Future Land Use Map.

Comprehensive Plan Guidance

<i>FUTURE LAND USE</i>	Low Density Residential (up 6 dwellings per acre)
<i>URBAN FORM</i>	Center: None Corridor: Transit Emphasis (Six Forks Road)
<i>CONSISTENT Policies</i>	Policy LU 4.9 - Corridor Development Policy LU 5.4 - Density Transitions Policy LU 5.6 - Buffering Requirements Policy LU 6.4 - Bus Stop Dedication Policy LU 7.3 - Single Family Lots on Thoroughfares Policy T 4.15 - Enhanced Rider Amenities Policy UD 1.10 - Frontage Policy UD 7.3 - Design Guidelines
<i>INCONSISTENT Policy</i>	Policy LU 1.2 - Future Land Use Map and Zoning Consistency

Summary of Proposed Conditions

<ol style="list-style-type: none"> 1. Certain uses prohibited. 2. Driveway access from Six Forks Road prohibited (if TC-8-15 is adopted). 3. Transit easement/ shelter offered. 4. Solid waste hours of operation limited. 5. Traffic calming measures on Northwood Drive offered. 6. Minimum proximity of solid waste facilities to Northwood Drive specified. 7. Light fixture design and height specified. 8. Street protective yard width and plantings on Northwood Drive specified. 9. Maximum fenestration on Northwood Drive and east façades specified. 10. Ground-mounted lighting of building prohibited. 11. Maximum square footage for non-residential uses specified. 12. Allocation covenant for non-residential square footage required. 13. Use in RX limited to single unit living; transition yard width, fence, and plantings along RX lot line specified. 14. Maximum building height within 170 feet of east lot line specified. 15. Cross access to parcel on south offered. 16. Stormwater discharge limited. 17. Construction vehicle travel on Northwood Drive limited. 	<i>--as amended 11/5/15</i>
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Public Meetings

<i>Neighbor Meeting</i>	<i>CAC</i>	<i>Planning Commission</i>	<i>City Council</i>	<i>CPC</i>	<i>Public Hearing</i>
6/11/14	2/3/15; 6/15/15: Y- 6, N- 11	8/11/15 (recommended approval)	9/1/15 (referred to CPC); 9/15/15; 11/17/15	9/9/15	10/7/15 (held open); 10/20/15 (held open); 11/3/15 (closed)

Valid Statutory Protest Petition (filed 10/1/15)

Attachments

1. Staff Report
2. Traffic Study Worksheet

Planning Commission Recommendation

<i>Recommendation</i>	<p>Approve with conditions. City Council may now schedule this proposal for Public Hearing, or refer it to committee for further study and discussion.</p>
<i>Findings & Reasons</i>	<ol style="list-style-type: none"> 1. While the proposal is inconsistent with the Future Land Use Map of the Comprehensive Plan, it is consistent with the Urban Form Map. The proposal recognizes economic challenges to single-unit living on the subject section of Six Forks Road. 2. The proposed rezoning is reasonable and in the public interest. Conditions limit permitted uses and intensity of site redevelopment, promote transit use, and propose traffic calming measures. 3. The proposal is compatible with the surrounding area. Conditions limit scale and design of potential redevelopment, restrict location and operational hours of solid waste service, limit lighting design, and provide for vegetated buffers toward Northwood Drive and existing residences.

<i>Motion and Vote</i>	Motion: Braun Second: Whitsett In Favor: Braun, Fluhrer, Schuster, Swink and Whitsett Opposed: Buxton and Hicks
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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 attached Staff Report.

_____ Planning Director	_____ Planning Commission Chairperson
Date	8/11/15 Date

Staff Coordinators: Doug Hill: (919) 996-2622; doug.hill@raleighnc.gov;



Zoning Staff Report – Z-20-14

Conditional Use District

Case Summary

Overview

The proposed rezoning seeks to allow higher-density housing and/ or office uses. The three subject parcels, which comprise roughly an acre and a half, form the southeast quadrant of the intersection of Six Forks and Northwood, at the entrance to the Northwood subdivision. Each of the lots is currently occupied by a single-family residence. Single-family houses are also located immediately north and east, on lots zoned R-4. The parcel to the south contains a series of 2-story office condominium buildings; zoning there is O&I-3, which prohibits residential uses. To that parcel's south, on a tract zoned O&I-2, stands Capital Towers, a 12-story senior apartment complex. To the west across Six Forks Road is a church campus; other churches are located north and south of that church. All are zoned R-4.

The site is marked by a significant change in topography from the west and south. Site grade drops off some 24 feet from Six Forks Road to 509 Northwood Drive, the easternmost parcel of the rezoning area; the same lot is some 12 feet lower than the office condominium property to the south. At present, the two western lots are directly accessed from Six Forks Road. The corner property also maintains access from Northwood Drive; 509 Northwood is solely accessed from that street.

The Future Land Use map designates all three properties for Low Density Residential uses. On the Urban Form map, Six Forks Road is designated as a Transit Emphasis Corridor; the requested "hybrid" frontage, Parking Limited, is consistent with that corridor designation.

Under the request, buildings up to 3 stories/ 50 feet in height could be constructed across the site. Given the change in grade, an added story might otherwise be possible downslope (per [UDO Sec. 1.5.7.A.3.](#)), but the case is conditioned such that only 3 stories would be permitted within 170 feet of the adjoining residential property to the east. (The rezoning site's overall, composite length is approximately 340 feet.) Other conditions provide further measures for increasing compatibility with the surrounding area (e.g., prohibition of retail sales and square footage cap on other non-residential uses; provision of traffic-calming methods; lighting limitations). Staff notes, though, that some conditions require further refinement.

The adjacent section of Six Forks Road is included in the City-initiated [Six Forks Road Corridor Study](#), now in progress. The draft study document foresees future widening of Six Forks Road claiming much of the existing front yard area of the two site properties fronting that street. The same two properties are listed in the Study as being among those considered "Redevelopment Opportunities," with note that "Given their direct access on to Six Forks Road, these could be potential redevelopment lots or acquired to provide a linear park parallel to Six Forks Road" (p. 73). The easternmost property of the rezoning request is not within the Corridor Study area.

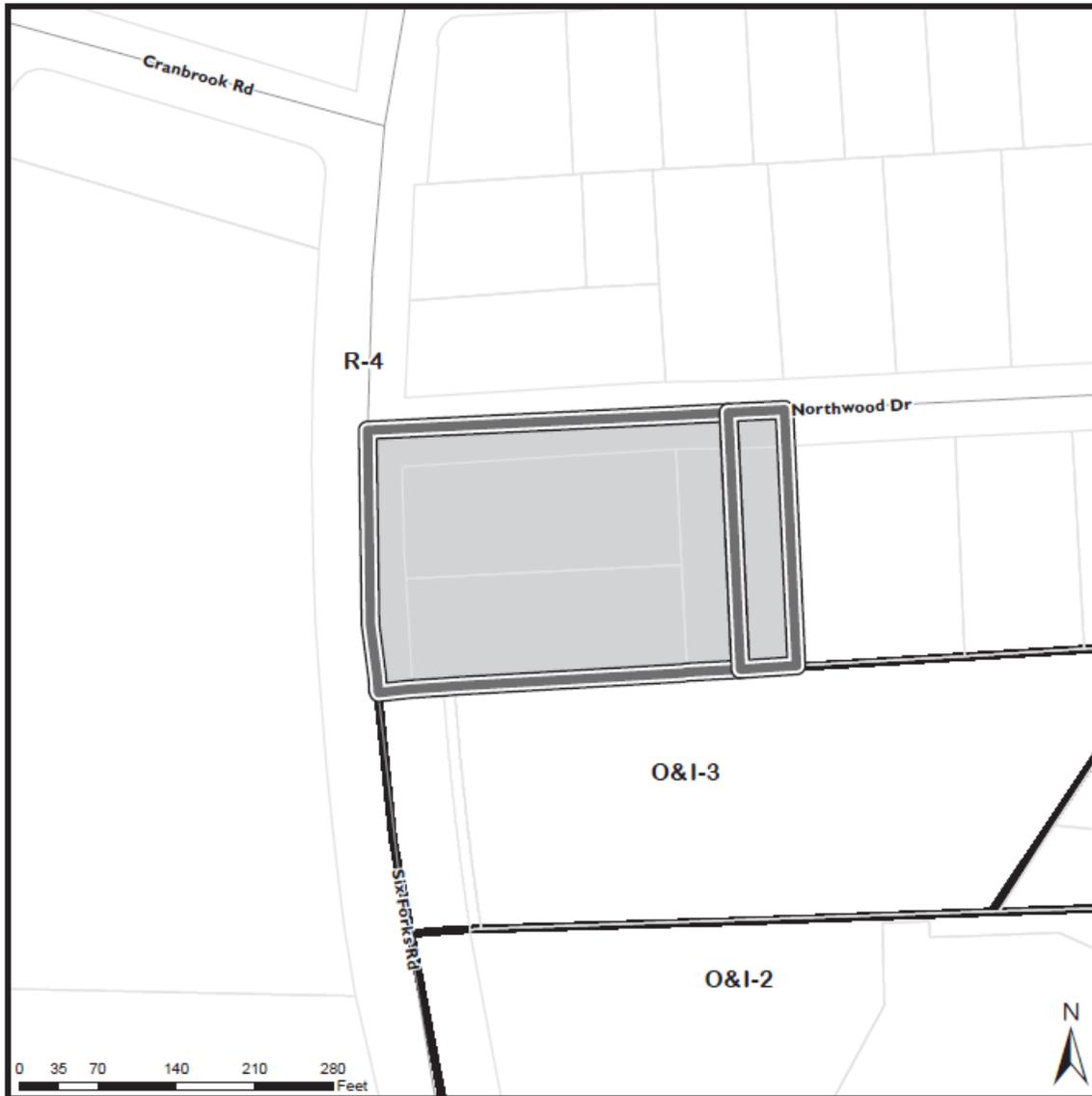
The two properties facing Six Forks Road have been the subject of two previous rezoning requests, both of which sought to permit office uses on the site. Rezoning request [Z-91-00](#) was found to be inconsistent with the Comprehensive Plan and eventually was denied (at the request of applicant). Case Z-41-07 was withdrawn before being reviewed by the Planning Commission.

Outstanding Issues

<i>Outstanding Issues</i>		<i>Suggested Mitigation</i>	
	1. Sewer and fire flow matters may need to be addressed upon development.		1. Address sewer and fire flow capacities at the site plan stage.

Existing Zoning Map

Z-20-2014

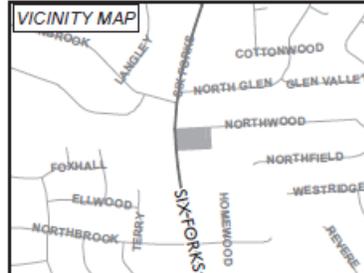


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1.57 acres from
R-4
to OX-3-PL-CU (1.34 acres)
and RX-3-CU (0.23 acres)



Rezoning Case Evaluation

1. Compatibility Analysis

1.1 Surrounding Area Land Use/ Zoning Summary

	Subject Property	North	South	East	West
<i>Existing Zoning</i>	R-4	R-4	O&I-3	R-4	R-4
<i>Additional Overlay</i>	N/A	N/A	N/A	N/A	N/A
<i>Future Land Use</i>	Low Density Residential	Low Density Residential	Office and Residential Mixed Use	Low Density Residential	Institutional
<i>Current Land Use</i>	Single unit living	Single unit living	Offices	Single unit living	Church campus
<i>Urban Form (if applicable)</i>	Transit Emphasis Corridor	Transit Emphasis Corridor	Transit Emphasis Corridor	N/A	Transit Emphasis Corridor

1.2 Current vs. Proposed Zoning Summary

	Existing Zoning	Proposed Zoning
<i>Residential Density:</i>	3.8 dwellings per acre (up to 6 units total)	29.75 dwellings per acre (up to 47 units total)
<i>Setbacks:</i> <i>Front:</i> <i>Side:</i> <i>Rear:</i>	30 feet 10 feet 30 feet	<i>Per Parking Limited Frontage:</i> Min. 50% of building w/n 100 feet Min. 25% of building w/n 100' feet 50 feet (per Transition Zones)
<i>Retail Intensity Permitted:</i>	(not permitted)	(not permitted, per conditions)
<i>Office Intensity Permitted:</i>	(not permitted)	30,000 sf (per conditions)

1.3 Estimated Development Intensities

	Existing Zoning	Proposed Zoning*
<i>Total Acreage</i>	1.58	1.58
<i>Zoning</i>	R-4	OX-3-PL-CU
<i>Max. Gross Building SF</i>	n/a	60,300
<i>Max. # of Residential Units</i>	6	47
<i>Max. Gross Office SF</i>	(not permitted)	30,000 (per conditions)
<i>Max. Gross Retail SF</i>	(not permitted)	(not permitted, per conditions)
<i>Potential F.A.R</i>	n/a	0.88

*The development intensities for proposed zoning districts were estimated using an impact analysis tool. The estimates presented are only to provide guidance for analysis.

The proposed rezoning is:

Compatible with the property and surrounding area.

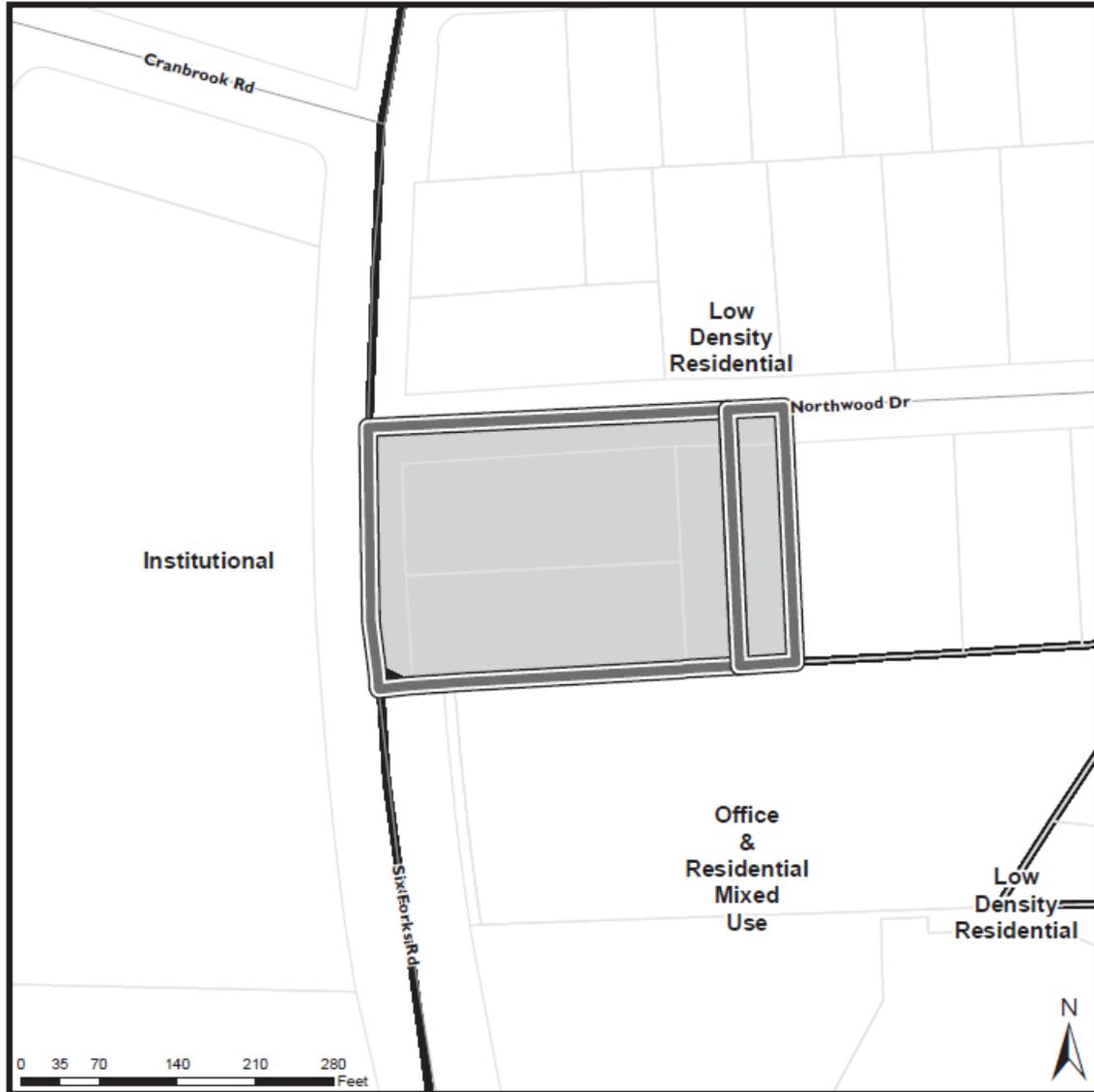
Incompatible.

Analysis of Incompatibility:

(N/A)

Future Land Use Map

Z-20-2014



Submittal
Date

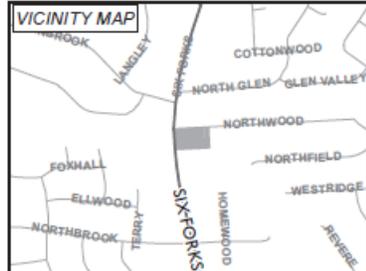
6/16/2014

Request:

1.57 acres from

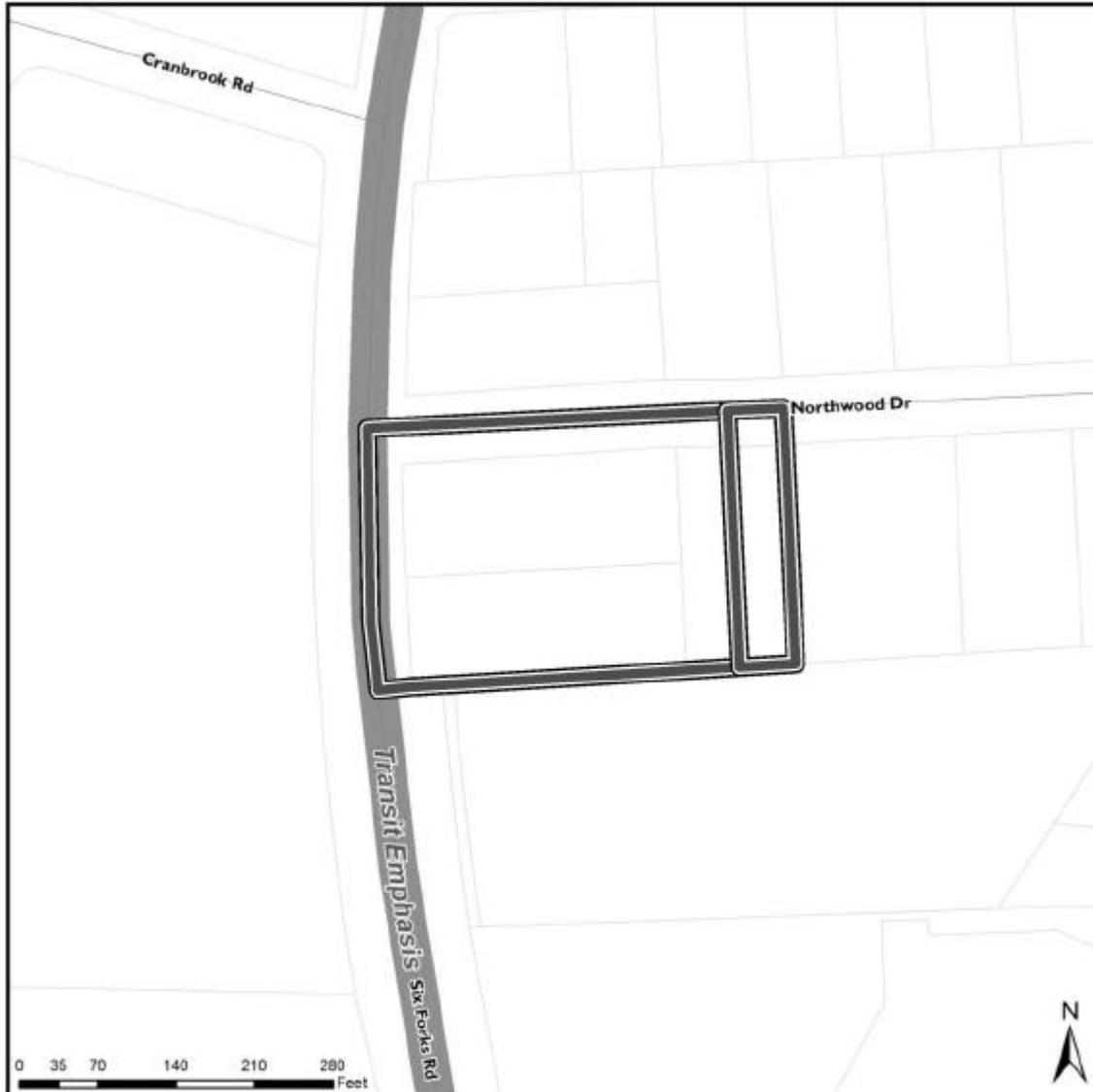
R-4

to OX-3-PL-CU (1.34 acres)
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Urban Form Map

Z-20-2014



Submittal Date
6/16/2014

Request:
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R-4
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and RX-3-CU (0.24 acres)



2. Comprehensive Plan Consistency Analysis

2.1 Comprehensive Plan

Determination of the conformance of a proposed use or zone with the Comprehensive Plan includes consideration of the following questions:

- Is the proposal consistent with the vision, themes, and policies contained in the Comprehensive Plan?
- Is the use being considered specifically designated on the Future Land Use Map in the area where its location is proposed?
- If the use is not specifically designated on the Future Land Use Map in the area where its location is proposed, is it needed to service such a planned use, or could it be established without adversely altering the recommended land use and character of the area?
- Will community facilities and streets be available at City standards to serve the use proposed for the property?

The proposal is inconsistent with the Future Land Use Map, which foresees the three tracts remaining Low Density Residential properties.

However, Vision Theme "Growing Successful Neighborhoods and Communities" provides that "Growth and new development will be accommodated within Raleigh through creative solutions that conserve our unique neighborhoods while allowing for growth and expanding our local businesses. The City will have healthy and safe older neighborhoods that are conserved and enhanced through careful infill development that complements existing character and responds to natural features..." The proposal is consistent with most pertinent Comprehensive Plan policies, and is conditioned with a range of restrictions designed to respond to the site's existing context. The proposal is also consistent with the Urban Form map in providing a "hybrid" frontage, and conditioning bus transit amenities.

Existing community facilities and streets appear sufficient to accommodate redevelopment possible under the proposed rezoning.

2.2 Future Land Use

Future Land Use designation: Low Density Residential

The rezoning request is:

Consistent with the Future Land Use Map.

Inconsistent

Analysis of Inconsistency:

Under the proposal, site redevelopment could achieve a density of nearly 30 dwelling units per acre. The Future Land Use map designates the site for Low Density Residential uses, at a maximum density of 6 units per acre. The rezoning would also permit non-residential uses. Low Density Residential designation foresees exclusively residential uses.

2.3 Urban Form

Urban Form designation: Transit Emphasis Corridor; no Center designation

Not applicable (no Urban Form designation)

The rezoning request is:

Consistent with the Urban Form Map.

Inconsistent

Analysis of Inconsistency:

2.4 Policy Guidance

The rezoning request is **inconsistent** with the following policy:

Policy LU 1.2—Future Land Use Map and Zoning Consistency

The Future Land Use Map shall be used in conjunction with the Comprehensive Plan policies to evaluate zoning consistency including proposed zoning map amendments and zoning text changes.

The proposal is inconsistent with the Future Land Use Map. The Map foresees site use as remaining low-density, single-family residences, rather than the high-density and non-residential uses possible under the rezoning request.

2.5 Area Plan Policy Guidance

No area plan has been prepared for this vicinity. Completion of the Six Forks Road Corridor Study, however, is currently pending.

3. Public Benefit and Reasonableness Analysis

3.1 Public Benefits of the Proposed Rezoning

- Greater intensity of potential site use could bolster transit on Six Forks Road.
- Potential reduction/ elimination of the two existing driveway cuts on Six Forks Road.
- Conditioned traffic calming measures could address existing problems.

3.2 Detriments of the Proposed Rezoning

(None identified.)

4. Impact Analysis

4.1 Transportation

Six Forks Road is classified as a major street and as a priority transit corridor according to the 2030 Comprehensive Plan. The Six Forks Road Corridor Improvements project will install a median between North Glen Drive and Northbrook Drive. The project will be funded in FY 2017. Upon completion, Northwood Drive will be limited to Right-In/Right-Out access

onto Six Forks Road. Cross access to the adjacent properties will be determined during site plan review. A traffic impact analysis report is not required for Z-20-2014.

Impact Identified: None.

4.2 Transit

This location is served by GoRaleigh Route 8 Six Forks and it is anticipated that service will continue. The City of Raleigh Short Range Transit Plan and the Wake County 2040 Transit Study identify Six Forks Rd for enhanced transit service.

Impact Identified: None. Additional density will create additional demand for transit. The offer of a transit easement and shelter will advance Policy LU6.4 and Policy T4.15 and mitigate this impact.

4.3 Hydrology

<i>Floodplain</i>	No FEMA floodplain present.
<i>Drainage Basin</i>	Big Branch
<i>Stormwater Management</i>	Development on the site will be subject to Part 10, Chapter 9
<i>Overlay District</i>	None

Impact Identified: None.

4.4 Public Utilities

	<i>Maximum Demand (current)</i>	<i>Maximum Demand (proposed)</i>
<i>Water</i>	3,160 gpd	29,375 gpd
<i>Waste Water</i>	3,160 gpd	29,375 gpd

The proposed rezoning could add up to 26,215 gpd to the wastewater collection and water distribution systems of the City. There are existing sanitary sewer and water mains adjacent to the proposed rezoning area.

Impact Identified: At the time of development plan submittal, a downstream sewer capacity study may be required to determine the adequacy of capacity to support the proposed development. Any required improvements identified by the study would be required to be permitted and constructed prior to the issuance of a building permit.

Verification of available for water fire flow is required as part of the building permit process. Any water system improvements required to meet fire flow requirements will also be required of the developer.

4.5 Parks and Recreation

The site is not adjacent to existing greenway trail or proposed greenway corridor or greenway connector. Park services are available for this site at North Hills Park, 1.25 mile distant.

Impact Identified: None.

4.6 Urban Forestry

The combined lots are less than 2 acres in size; therefore, UDO Article 9.1 will not apply.

Impact Identified: None.

4.7 Designated Historic Resources

The site does not include and is not within 1,000 feet of any Raleigh Historic Landmarks or properties listed on the National Register of Historic Places.

Impact Identified: None.

4.8 Community Development

This site is not located within a redevelopment plan area.

Impact Identified: None.

4.10 Impacts Summary

- Sewer and fire flow matters may need to be addressed upon development.

4.10 Mitigation of Impacts

- Address sewer and fire flow capacities at the site plan stage.

5. Conclusions

The proposal is inconsistent with the Future Land Use Map, which designates the site for continued Low Density Residential uses. It is consistent, however, with the Urban Form map and multiple Comprehensive Plan policies. Proposed conditions seek to enhance redevelopment compatibility.

Staff Comments: Z-20-14 Conditions *(as amended 7/31/15)*

Condition 1

- Delete the slash mark (“/”) at the end of the condition.

Condition 2

- **Delete.** Conflicts with UDO Sec. 10.2.4.E.2.f.: “No condition shall be submitted that proposes to...prohibit cross-access or public street connections or extensions...”

Condition 3

- Rewrite the last sentence to insert the underlined words:
“...Prior to issuance of a certificate of occupancy for new development on any of these properties, a transit shelter (free-standing or incorporated into a building façade), with construction plans approved by the Public Works Department, shall be constructed by the property owner.”

Condition 5

- **Delete.** Conflicts with the policies established for the [Neighborhood Traffic Management](#) program and cannot be used to mitigate impacts from the proposed rezoning

Condition 8

- In the second sentence, indicate the minimum landscaped area width (per UDO Section 7.2.4.B., 10 feet).

Condition 9

- The transparency requirement is less stringent than UDO sections 3.2.5 and 3.2.6 (in OX, the UDO requires a minimum of 20% for General Use or Mixed Use buildings). Zoning conditions cannot be less stringent than the UDO. Amend accordingly.

Condition 13

- Replace the word “fence” with “wall,” or amend the minimum width to “twenty (20) feet.” The UDO does not permit installation of a fence if Transition Zone A is less than 20 feet in width; a 10-foot yard requires a masonry wall.
- Delete the words “from the rear property line to at least a point perpendicular to the front wall of the single-family detached dwelling”. Rear and front may not always be the condition on the ground; for example, there could be side yards at that location.
- Add shrubs in addition to the specified shade and understory trees. Shrubs are required in Type 1 protective yards per UDO section 3.5.3.A.2.d.

Condition 14

- Per UDO Section 3.3.2., add “/fifty (50) feet” after “three (3) stories.”

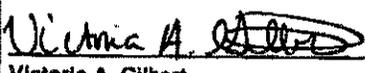


Planning & Development

**Development Services
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One Exchange Plaza
1 Exchange Plaza, Suite 400
Raleigh, North Carolina 27601
Phone 919-996-2495
Fax 919-516-2685

Rezoning Application

Rezoning Request	OFFICE USE ONLY
<input type="checkbox"/> General Use <input checked="" type="checkbox"/> Conditional Use <input type="checkbox"/> Master Plan Existing Zoning Classification: Residential-4 Proposed Zoning Classification Base District: OX-3-PL-CU and RX-3-CU (only the eastern-most fifty (50) feet of Lot 37 on plat recorded in Book of Maps 1954, Page 043) If the property has been previously rezoned, provide the rezoning case number. Not Applicable Provide all previous transaction numbers for Coordinated Team Reviews, Due Diligence Sessions or Pre-Submittal Conferences. 397636 (pre-submittal conference for rezoning)	Transaction Number

GENERAL INFORMATION		
Property Address: 4824 and 4830 Six Forks Road and 509 Northwood Drive		Date: September 10, 2015
Property PIN: 1706-53-5376, 1706-53-5466 and 1706-53-7432	Deed Reference (Book/Page): Book 9969, Page 1266, Book 9969, Page 1268 and Book 11108, Page 1018; Lots 37, 38 and 39 on plat recorded in Book of Maps 1954, Page 43	
Nearest Intersection: Six Forks Road and Northwood Drive		Property size (In acres): 1.58 ac
Property Owner/Address: Sallie E. Harris and Joseph S. Harris, as trustees for the Sallie E. Harris Revocable Trust and Joseph S. Harris Revocable Trust 3006 NC Highway 96, Franklinton, NC 27525 Kevin O'Neal Gilbert and Victoria A. Gilbert 509 Northwood Drive Raleigh, NC 27609	Phone	Fax
	Email	
Project Contact Person/Address: Michael Birch, Morningstar Law Group, 630 Davis Drive, Suite 200, Morrisville, NC 27560	Phone: 919.580.0388	Fax
	Email: mbirch@morningstarlawgroup.com	
Owner/Agent Signature:  Kevin O'Neal Gilbert	Email	
 Victoria A. Gilbert		



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Conditional Use District Zoning Conditions		OFFICE USE ONLY
Zoning Case Number: Z-20-14		Transaction Number
Date Submitted: November 5, 2015		
Existing Zoning: R-4	Proposed Zoning: OX-3-PL-CU and RX-3-CU	

NARRATIVE OF ZONING CONDITIONS OFFERED	
1.	For the portion of the property zoned OX-3-PL-CU, the following principal uses, as listed in Section 6.1.4 "Allowed Principal Use Table", shall be prohibited on the property: (i) Outdoor recreation – all types; (ii) Overnight lodging – all types; (iii) Eating Establishment; (iv) Food Truck; (v) Retail Sales – all types; and (vi) Detention center, jail, prison.
2.	In the event text change TC-8-15 is adopted, there shall be no driveway access point along the properties' frontage along the Six Forks Road public right-of-way.
3.	Prior to recordation of a subdivision plat or issuance of a building permit for new development on any of those two parcels fronting along Six Forks Road (Lots 38 and 39 on plat in Book of Maps 1954, Page 043), as may be recombined, a transit easement shall be deeded to the City and recorded in the Wake County Registry. Prior to recordation of the transit easement, the dimensions (not to exceed 15 feet in depth or 20 feet in width) and location of the easement along Six Forks Road shall be approved by the Public Works Department and the easement document approved by the City Attorney's Office. This transit easement shall be coordinated with any public sidewalk access easement if such access easement is required. Prior to issuance of a certificate of occupancy for new development on these properties, a transit shelter (free-standing or incorporated into a building façade), with construction plans approved by the Public Works Department, shall be constructed by the property owner.
4.	Trash and recycling facility service will be only allowed between the hours of 7:00 AM to 7:00 PM.
5.	Upon the filing of the first site review application for a use other than single-unit living, the site review applicant shall request from City Council prioritization of a traffic calming project on Northwood Drive as a top ranked project and initiation of the process outlined in Section 3.6 of the "City of Raleigh Neighborhood Traffic Management Program," contingent upon planned site access to Northwood Drive. Only after (i) completion of a successful petition of support and (ii) approval of the first site review application for a use other than single-unit living with access from Northwood Drive, the site review applicant shall post a security instrument in an amount of \$20,000.00 for the construction of traffic calming devices and with surety and conditions satisfactory to the City, providing for and securing to the City the actual construction and installation of improvements. This security instrument shall be posted prior to construction drawing approval by the City related to the first approved site review application for a use other than single-unit living. The traffic calming improvements shall be installed by the site review applicant within six (6) months of City Council approval of the design of the traffic calming improvements, but in no event prior to the issuance of the first certificate of occupancy for a use other than single-unit living. The surety shall be released by the City upon the completion and the City's acceptance of the traffic calming improvements, or City Council's denial or withdrawal of the traffic calming project.
6.	Any trash and recycling dumpsters not located within a building shall be located at least seventy-five (75) feet from the Northwood Drive public right-of-way.
7.	All lights in the parking lot areas will have fixtures of full cutoff (shielded) design, on poles a maximum height of twenty (20) feet, unless a more restrictive standard is required by the UDO.

These zoning conditions have been voluntarily offered by the property owner. All property owners must sign each condition page. This page may be photocopied if additional space is needed.

Owner/Agent Signature	Print Name
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Conditional Use District Zoning Conditions		OFFICE USE ONLY
Zoning Case Number: Z-20-14		Transaction Number
Date Submitted: November 5, 2015		
Existing Zoning: R-4	Proposed Zoning: OX-3-PL-CU and RX-3-CU	

8.	In the event a portion of the property subject to this rezoning is developed for a use other than single-unit living, and so long as the UDO does not require a higher standard or a more restrictive street protective yard under UDO chapters 6 or 7 or both, this condition shall apply to that portion of the property developed for a use other than single-unit living. A landscaped area averaging fifteen (15) feet in width and with a minimum width of five (5) feet shall be provided along the property's frontage on Northwood Drive, except for those portions of the frontage used for driveway access points to and from Northwood Drive. This street protective yard shall be planted at the following rates: four (4) shade trees, four (4) understory trees and fifteen (15) shrubs per one hundred (100) linear feet, exclusive of areas used for driveway access points. The landscaping required by this condition shall comply with UDO section 7.2.7, except that 100% of the plant material required by this condition shall be evergreen species.
9.	For any building containing a use other than single-unit living, the following standard shall apply to (i) the building elevation facing Northwood Drive and the (ii) east-facing building elevation: building fenestration (windows and doors) shall represent no greater than 60% of the total elevation area on each side.
10.	No ground-mounted flood lamps aimed at the building for the purpose of illuminating the building shall be permitted.
11.	A maximum of 30,000 square feet gross floor area of non-residential uses shall be permitted on the property.
12.	Prior to recordation of a subdivision plat or the issuance of a building permit, whichever shall first occur, the owner of the property shall cause to be recorded in the Wake County Registry a restrictive covenant that allocates among the lots of record comprising the property the non-residential gross floor area permitted by Condition 11 of this rezoning ordinance. Such restrictive covenant shall be approved by the City Attorney or his designee prior to recordation of the restrictive covenant. Such restrictive covenant shall provide that it may be amended or terminated only with the prior written consent of the City Attorney or his designee.
13.	That portion of the property zoned RX-3-CU shall be limited to single-unit living. Unless a more stringent standard is required by the UDO, the following landscaping standard shall apply along the common property line of the portion of the property containing a use other than single-unit living and the portion of the property limited to single-unit living. Within an area measuring at least ten (10) feet in width as measured along the common property line referenced above, (i) a 6.5-foot high fence shall be provided for the length of the common property line from the rear property line to at least a point perpendicular to the front wall of the to-be-constructed single-family detached dwelling, (ii) at least four (4) shade trees and at least four (4) understory trees per one-hundred (100) linear feet shall be provided along the common property line, and (iii) all fencing and landscaping shall be located on the portion of the property containing a use other than single-unit living.
14.	Notwithstanding UDO section 1.5.7., for any building containing a use other than single-unit living, that portion of the east-facing building elevation within one-hundred and seventy (170) feet of the common property line with that parcel described in deed recorded in Book 1650, Page 65, Wake County Registry, shall be a maximum three (stories) in height and fifty (50) feet in height.

These zoning conditions have been voluntarily offered by the property owner. All property owners must sign each condition page. This page may be photocopied if additional space is needed.

Owner/Agent Signature	Print Name
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Planning & Development

**Development Services
Customer Service Center**
 One Exchange Plaza
 1 Exchange Plaza, Suite 400
 Raleigh, North Carolina 27601
 Phone 919-996-2495
 Fax 919-516-2685

Conditional Use District Zoning Conditions		OFFICE USE ONLY
Zoning Case Number: Z-20-14		Transaction Number
Date Submitted: November 5, 2015		
Existing Zoning: R-4	Proposed Zoning: OX-3-PL-CU and RX-3-CU	

15.	Prior to issuance of a building permit for development on the property zoned OX-3-PL-CU for a use other than single-unit living, the owner of such portion of the property shall record an offer of cross-access in favor of that parcel identified as Lot 1 on plat recorded in Book of Maps 1999, Page 1890 (North Forks Professional Center) and that parcel identified as Tract 1 on plat recorded in Book of Maps 1992, Page 1396 (Capital Towers), and such offer of cross-access shall conform with UDO section 8.3.5.D.5. Additionally, this offer of cross-access shall include a provision that obligates the owner of the portion of the property zoned OX-3-PL-CU and being developed for a use other than single-unit living to contribute a minimum of \$5,000.00 total toward improvements related to cross-access on those lots identified as Lot 1 on plat recorded in Book of Maps 1999, Page 1890 (North Forks Professional Center) and Tract 1 on plat recorded in Book of Maps 1992, Page 1396 (Capital Towers).
16.	Subject to the other provisions of UDO section 9.2.2., the peak stormwater leaving the site for the 2-year, 10-year and 25-year storms shall be no greater at every point of discharge for post development conditions than pre-development conditions.
17.	During site development and building construction on the property, no vehicles associated with such site development and building construction shall (i) access the property from that portion of Northwood Drive located east of the property, and (ii) egress the property by heading east-bound on Northwood Drive.

These zoning conditions have been voluntarily offered by the property owner. All property owners must sign each condition page. This page may be photocopied if additional space is needed.

Owner/Agent Signature	Print Name
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PUBLIC BENEFITS

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

1.	The rezoning request benefits the public by facilitating the redevelopment of the subject properties, which are no longer appropriate for single-family dwellings. The redevelopment of these properties for office use will benefit the public by increasing the tax value of the properties, providing a transitional yard adjacent to single-family dwellings, and by providing office uses in close proximity to residential uses so as to reduce vehicle miles traveled along Six Forks Road.
2.	The rezoning request is reasonable because of the properties front along Six Forks Road. The subject properties front along Six Forks Road, a major north/south arterial (secondary arterial/avenue 6-lane divided). Office development is more appropriate than single-family development along this type of street.
3.	The rezoning request is reasonable because of the changing character of Six Forks Road. Since these properties were zoned in the 1950s, multiple single-family lots fronting along Six Forks Road have been recombined and redeveloped for office uses. For example, the properties at 5041 and 5061 Six Forks Road (2003 & 2007), 5121 and 5161 Six Forks Road (2005), 5830 and 5836 Six Forks Road (1998) and 5900 Six Forks Road (2008).
4.	The rezoning request is reasonable and in the public interest because it is consistent and compatible with the zoning and uses of the surrounding properties along Six Forks Road. The properties to the immediate south are developed for office uses or residential uses permitted under the legacy Office & Institution zoning district. Also, as noted above, many of the single-family lots fronting along Six Forks Road have been rezoned and redeveloped for office uses.
5.	The rezoning request would benefit the public by facilitating development that could reduce the number of driveway cuts on to Six Forks Road.

URBAN DESIGN GUIDELINES

If the property to be rezoned is shown as a "mixed use center" or located along a Main Street or Transit Emphasis Corridor as shown on the Urban Form Map in the Comprehensive Plan, the applicant must respond to the Urban Design Guidelines contained in the 2030 Comprehensive Plan.

1.	<p><i>All Mixed-Use developments should generally provide retail (such as eating establishments, food stores, and banks), and other such uses as office and residential within walking distance of each other. Mixed uses should be arranged in a compact and pedestrian friendly form.</i></p> <p>Response: The rezoning request permits residential, office and ancillary retail uses, consistent with this guideline.</p>
2.	<p><i>Within all Mixed-Use Areas buildings that are adjacent to lower density neighborhoods should transition (height, design, distance and/or landscaping) to the lower heights or be comparable in height and massing.</i></p> <p>Response: The proposed maximum building height is consistent with the Comprehensive Plan, and the neighborhood transition regulations require a transition consistent with this guideline.</p>
3.	<p><i>A mixed use area's road network should connect directly into the neighborhood road network of the surrounding community, providing multiple paths for movement to and through the mixed use area. In this way, trips made from the surrounding residential neighborhood(s) to the mixed use area should be possible without requiring travel along a major thoroughfare or arterial.</i></p> <p>Response: The properties have frontage along Northwood Drive, which is a neighborhood street, and it is likely that the properties will maintain access to Northwood Drive.</p>
4.	<p><i>Streets should interconnect within a development and with adjoining development. Cul-de-sacs or dead-end streets are generally discouraged except where topographic conditions and/or exterior lot line configurations offer no practical alternatives for connection or through traffic. Street stubs should be provided with development adjacent to open land to provide for future connections. Streets should be planned with due regard to the designated corridors shown on the Thoroughfare Plan.</i></p> <p>Response: No streets are contemplated as part of this development.</p>
5.	<p><i>New development should be comprised of blocks of public and/or private streets (including sidewalks). Block faces should have a length generally not exceeding 660 feet. Where commercial driveways are used to create block structure, they should include the same pedestrian amenities as public or private streets.</i></p> <p>Response: No new streets are proposed as part of this development, and the properties are located at the intersection of established blocks.</p>
6.	<p><i>A primary task of all urban architecture and landscape design is the physical definition of streets and public spaces as places of shared use. Streets should be lined by buildings rather than parking lots and should provide interest especially for pedestrians. Garage entrances and/or loading areas should be located at the side or rear of a property.</i></p> <p>Response: The proposed Parking Limited frontage and the required neighborhood transitions will force the location of the building closer to the public right-of-way and parking to the side and behind the building, consistent with this guideline.</p>
7.	<p><i>Buildings should be located close to the pedestrian-oriented street (within 25 feet of the curb), with off-street parking behind and/or beside the buildings. When a development plan is located along a high volume corridor without on-street parking, one bay of parking separating the building frontage along the corridor is a preferred option.</i></p> <p>Response: The proposed Parking Limited frontage and the required neighborhood transitions will force the location of the building closer to the public right-of-way and parking to the side and behind the building, consistent with this guideline.</p>
8.	<p><i>If the site is located at a street intersection, the main building or main part of the building should be placed at the corner. Parking, loading or service should not be located at an intersection.</i></p> <p>Response: This guideline can be better addressed at the site plan stage due to the steep grade along Six Forks Road, the unknown locations of access points and the potential for cross access being required to the property to the south.</p>
9.	<p><i>To ensure that urban open space is well-used, it is essential to locate and design it carefully. The space should be located where it is visible and easily accessible from public areas (building entrances, sidewalks). Take views and sun exposure into account as well.</i></p> <p>Response: An outdoor amenity area will be provided in accordance with the UDO.</p>
10.	<p><i>New urban spaces should contain direct access from the adjacent streets. They should be open along the adjacent sidewalks and allow for multiple points of entry. They should also be visually permeable from the sidewalk, allowing passersby to see directly into the space.</i></p> <p>Response: An outdoor amenity area will be provided in accordance with the UDO.</p>
11.	<p><i>The perimeter of urban open spaces should consist of active uses that provide pedestrian traffic for the space including retail, cafés, and restaurants and higher-density residential.</i></p> <p>Response: An outdoor amenity area will be provided in accordance with the UDO.</p>
12.	<p><i>A properly defined urban open space is visually enclosed by the fronting of buildings to create an outdoor "room" that is comfortable to users.</i></p> <p>Response: An outdoor amenity area will be provided in accordance with the UDO.</p>
13.	<p><i>New public spaces should provide seating opportunities.</i></p> <p>Response: An outdoor amenity area will be provided in accordance with the UDO.</p>
14.	<p><i>Parking lots should not dominate the frontage of pedestrian-oriented streets, interrupt pedestrian routes, or negatively impact surrounding developments.</i></p> <p>Response: The proposed Parking Limited frontage and the required neighborhood transitions will force the location of the building closer to the public right-of-way and parking to the side and behind the building, consistent with this guideline.</p>

15.	<p><i>Parking lots should be located behind or in the interior of a block whenever possible. Parking lots should not occupy more than 1/3 of the frontage of the adjacent building or not more than 64 feet, whichever is less.</i></p> <p>Response: The proposed Parking Limited frontage, the depth and grade of the lot and the neighborhood transition requirements will force the location of the building closer to the public right-of-way and parking to the side and behind the building, consistent with this guideline.</p>
16.	<p><i>Parking structures are clearly an important and necessary element of the overall urban infrastructure but, given their utilitarian elements, can give serious negative visual effects. New structures should merit the same level of materials and finishes as that a principal building would, care in the use of basic design elements can make a significant improvement.</i></p> <p>Response: No parking structures are contemplated as part of this development.</p>
17.	<p><i>Higher building densities and more intensive land uses should be within walking distance of transit stops, permitting public transit to become a viable alternative to the automobile.</i></p> <p>Response: The properties are located along CAT Route 8. A bus stop with bench is located just south of the properties at the driveway for Capital Towers, and a bus stop is located just north of the properties at the south side of the intersection of Six Forks Road and North Glen Drive. Both stops are within walking distance to the properties.</p>
18.	<p><i>Convenient, comfortable pedestrian access between the transit stop and the building entrance should be planned as part of the overall pedestrian network.</i></p> <p>Response: The proposed Parking Limited frontage requires a pedestrian access from the public sidewalk to the building entrance, and there are sidewalks connecting the site to the existing bus stops, all consistent with this guideline.</p>
19.	<p><i>All development should respect natural resources as an essential component of the human environment. The most sensitive landscape areas, both environmentally and visually, are steep slopes greater than 15 percent, watercourses, and floodplains. Any development in these areas should minimize intervention and maintain the natural condition except under extreme circumstances. Where practical, these features should be conserved as open space amenities and incorporated in the overall site design.</i></p> <p>Response: There appear to be no environmentally sensitive areas on the property.</p>
20.	<p><i>It is the intent of these guidelines to build streets that are integral components of community design. Public and private streets, as well as commercial driveways that serve as primary pedestrian pathways to building entrances, should be designed as the main public spaces of the City and should be scaled for pedestrians.</i></p> <p>Response: No new streets are contemplated as part of this development.</p>
21.	<p><i>Sidewalks should be 5-8 feet wide in residential areas and located on both sides of the street. Sidewalks in commercial areas and Pedestrian Business Overlays should be a minimum of 14-18 feet wide to accommodate sidewalk uses such as vendors, merchandising and outdoor seating.</i></p> <p>Response: There is an existing sidewalk along the properties' frontage on Six Forks Road, and any additional sidewalk area will be provided as may be required by the applicable street typology or UDO requirements.</p>
22.	<p><i>Streets should be designed with street trees planted in a manner appropriate to their function. Commercial streets should have trees which complement the face of the buildings and which shade the sidewalk. Residential streets should provide for an appropriate canopy, which shadows both the street and sidewalk, and serves as a visual buffer between the street and the home. The typical width of the street landscape strip is 6-8 feet. This width ensures healthy street trees, precludes tree roots from breaking the sidewalk, and provides adequate pedestrian buffering. Street trees should be at least 6 1/4" caliper and should be consistent with the City's landscaping, lighting and street sight distance requirements.</i></p> <p>Response: No new streets are planned as part of this development. Street yard landscaping will be provided in accordance with the UDO requirements.</p>
23.	<p><i>Buildings should define the streets spatially. Proper spatial definition should be achieved with buildings or other architectural elements (including certain tree plantings) that make up the street edges aligned in a disciplined manner with an appropriate ratio of height to width.</i></p> <p>Response: The proposed Parking Limited frontage, the depth and grade of the lot and the neighborhood transition requirements will force the location of the building closer to the public right-of-way and parking to the side and behind the building, consistent with this guideline.</p>
24.	<p><i>The primary entrance should be both architecturally and functionally on the front facade of any building facing the primary public street. Such entrances shall be designed to convey their prominence on the fronting facade.</i></p> <p>Response: The proposed Parking Limited frontage requires a primary building entrance facing the public right-of-way, consistent with this guideline.</p>
25.	<p><i>The ground level of the building should offer pedestrian interest along sidewalks. This includes windows entrances, and architectural details. Signage, awnings, and ornamentation are encouraged.</i></p> <p>Response: The general building type in the OX district requires transparency along the front building façade, consistent with this guideline.</p>
26.	<p><i>The sidewalks should be the principal place of pedestrian movement and casual social interaction. Designs and uses should be complementary to that function.</i></p> <p>Response: Sidewalks will be provided in accordance with the applicable street typology and UDO requirements.</p>

REZONING OF PROPERTY CONSISTING OF +/- 1.14 ACRES
LOCATED IN THE SOUTHEAST QUADRANT OF THE INTERSECTION OF SIX FORKS
ROAD AND NORTHWOOD DRIVE, IN THE CITY OF RALEIGH

REPORT OF MEETING WITH ADJACENT PROPERTY OWNERS
ON JUNE 11, 2014

Pursuant to applicable provisions of the Unified Development Ordinance, a meeting was held with respect to a potential rezoning with adjacent property owners on Wednesday, June 11, 2014, at 6:00 p.m. The properties considered for this potential rezoning total approximately 1.14 acres and are located in the southeast quadrant of the intersection of Six Forks Road and Northwood Drive, in the City of Raleigh, having Wake County Parcel Identification Numbers 1706-53-5376 and 1706-53-5466. This meeting was held in the classroom at the Anne Gordon Center for Active Adults, near the Millbrook Exchange Park Community Center, at 1901 Spring Forest Road, Raleigh, NC 27615. All owners of property within 100 feet of the subject properties 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 C is a list of individuals who attended the meeting.

EXHIBIT A

NEIGHBORHOOD MEETING NOTICE



R. Michael Birch, Jr. | Attorney
630 Davis Drive, Suite 200
Morrisville, NC 27560

919-590-0388
mbirch@morningstarlawgroup.com
www.morningstarlawgroup.com

To: Neighboring Property Owner

From: Michael Birch

Date: May 30, 2014

Re: Notice of meeting to discuss potential rezoning of two parcels located at the southeast corner of the intersection of Six Forks Road and Northwood Road, containing approximately 1.14 acres, with the addresses of 4824 and 4830 Six Forks Road and having Wake County Parcel Identification Numbers 1706-53-5376 and 1706-53-5466 (the "Property").

We are counsel for a developer which is considering rezoning the above-captioned Property. The Property is currently zoned Residential-4, and the proposed zoning district is Office Mixed Use (OX) Conditional Use, which permits office uses.

You are cordially invited to attend a meeting to discuss the potential rezoning. We have scheduled a meeting with surrounding property owners on Wednesday, June 11, 2014 at 6:00 p.m. This meeting will be held in the classroom at the Anne Gordon Center for Active Adults, near the Millbrook Exchange Park Community Center, at 1901 Spring Forest Road, Raleigh, NC 27615.

This meeting is required by the City of Raleigh and is intended to afford neighbors an opportunity to ask questions about the potential rezoning and for the owners to obtain suggestions and comments you may have about it. You are not required to attend, but are certainly welcome. After the meeting, we will prepare a report for the Raleigh Planning Department regarding the items discussed at the meeting.

Please do not hesitate to contact me directly should you have any questions or wish to discuss any issues. I can be reached at (919) 590-0388 or mbirch@morningstarlawgroup.com.

EXHIBIT B

LIST OF PROPERTY OWNERS TO WHOM NOTICES WERE SENT

INVESTIRE LTD PTNRP
PO BOX 58067
RALEIGH NC 27658-8067

NORTH FORKS PROFESSIONAL
CNTR CNDO
PO BOX 58067
RALEIGH NC 27658-8067

TRINITY BAPTIST CHURCH OF
RALEIGH
4815 SIX FORKS RD
RALEIGH NC 27609-5205

KATZ, MICHAEL D JENNETTE, A
DOUGLAS
4816 SIX FORKS RD STE 104
RALEIGH NC 27609-5250

HTA PROPERTIES LLC
4816 SIX FORKS RD STE 204
RALEIGH NC 27609-5250

LEGAL INVESTMENT FUND LLC
4816 SIX FORKS RD STE 202
RALEIGH NC 27609-5250

HENDRICKSON, KURK M
PO BOX 58067
RALEIGH NC 27658-8067

KHS PROPERTIES LLC
4818 SIX FORKS RD STE 204
RALEIGH NC 27609-5255

4822 SIX FORKS PROPERTIES LLC
4418 LOUISBURG RD
RALEIGH NC 27616-4335

HOBBS, LORENZO
4900 SIX FORKS RD
RALEIGH NC 27609-5208

ALLEN, WILLIAM ROBERT
505 NORTHWOOD DR
RALEIGH NC 27609-5242

GREEN, JOHN M JR GREEN,
TRACY W
508 NORTHWOOD DR
RALEIGH NC 27609-5243

DONN, SUSAN MARGRET
512 NORTHWOOD DR
RALEIGH NC 27609-5243

HARRIS, SALLIE E TRUSTEE
HARRIS, JOSEPH S TRUSTEE
3006 NC HIGHWAY 96
FRANKLINTON NC 27525-7668

AMNL LLC
2048 HOPETON AVE
RALEIGH NC 27614-7304

ZIGLAR PROPERTIES LLC
6915 FERNHILL LN
RALEIGH NC 27612-6804

ECKENRODE, LAURIE F FENNELL, PATRICIA A
4909 OLD ELIZABETH RD
RALEIGH NC 27616-5414

CARTER WEATHERLY LLC
4820 SIX FORKS RD
RALEIGH NC 27609-5268

YEHIA, SAMIHT T YEHIA, REBECCA A
2428 SUNNYSTONE WAY
RALEIGH NC 27613-6082

GILBERT, KEVIN O'NEAL GILBERT, VICTORIA A
509 NORTHWOOD DR
RALEIGH NC 27609-5242

EXHIBIT C

SUMMARY OF DISCUSSION ITEMS

On Wednesday, June 11, 2014, at 6:00 p.m., the applicant held a neighborhood meeting for the property owners adjacent to the parcels subject to the proposed rezoning. The following items were discussed:

1. Uses permitted in OX district
2. Proposed height
3. Neighborhood transition requirements
4. Landscape requirements
5. Fence requirements
6. Type of proposed use
7. Location of building
8. Location of parking
9. Drainage issues with properties to east
10. Size of proposed building
11. Slope of properties
12. Stormwater and erosion control requirements
13. Location of access points
14. Lighting standards
15. Traffic on Northwood Drive
16. Likelihood of traffic signal at intersection
17. Traffic calming measures on Northwood Drive
18. Location of dumpster
19. Privacy of backyard along rear of properties
20. Maintenance of buffer area
21. Height of fence
22. Building materials

EXHIBIT D

NEIGHBORHOOD MEETING ATTENDEES

1. Kevin Gilbert
2. Victoria Gilbert
3. Susan Donn
4. Mike Savitt
5. Chuck Milian
6. Marie Allen
7. Kim Milian
8. John Green