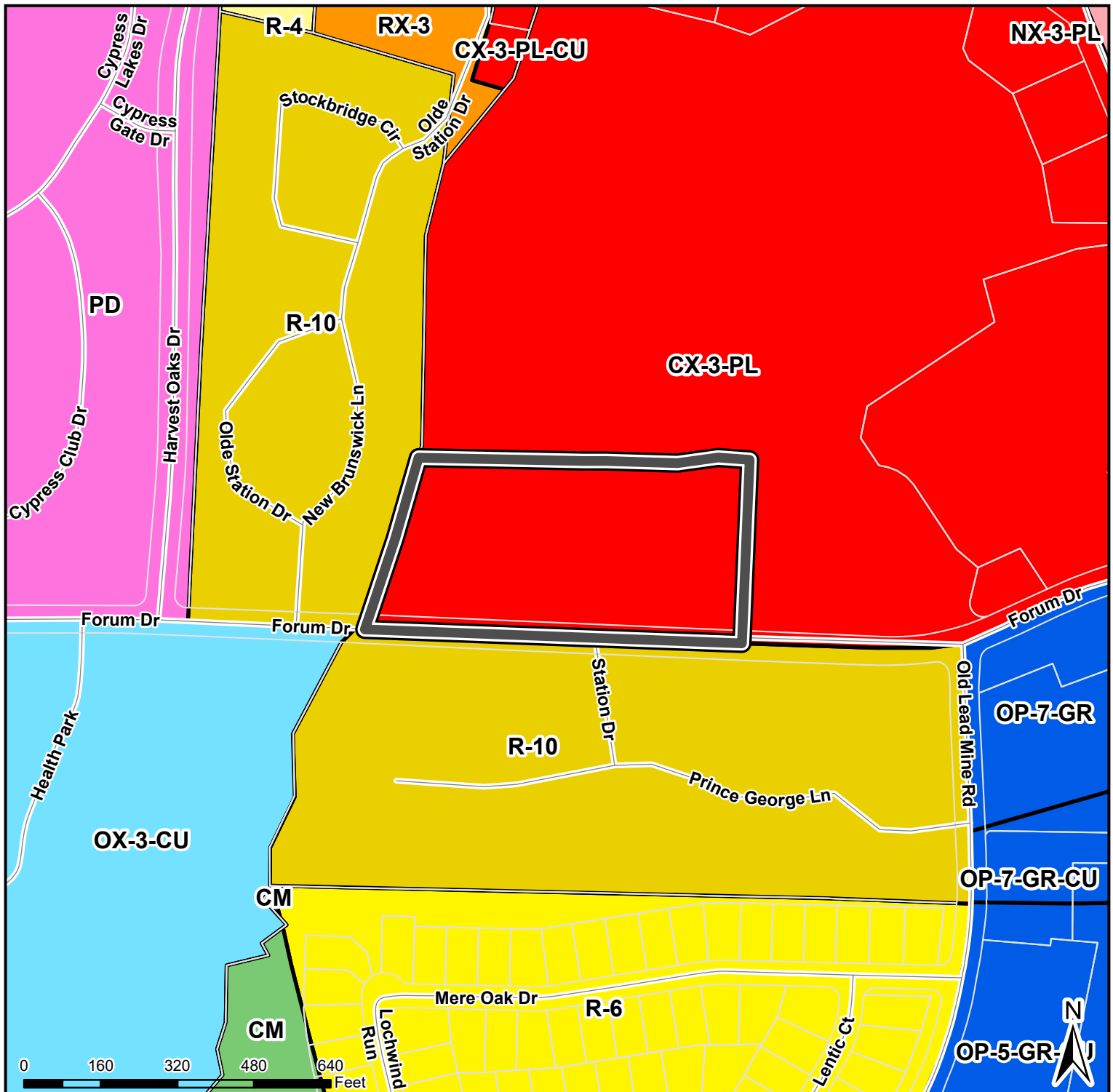
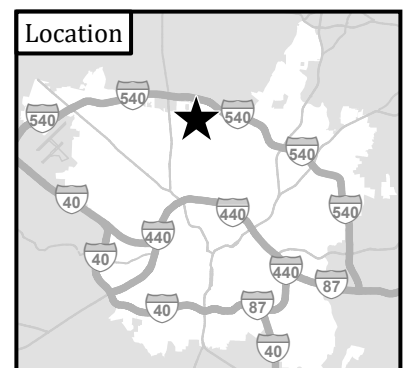


Existing Zoning

Z-80-2021



Property	9500 Forum Dr
Size	5.73 acres
Existing Zoning	CX-3-PL
Requested Zoning	CX-12-CU





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	<input checked="" type="checkbox"/> Conditional Use	Master Plan	Office Use Only Rezoning case #
	Text change to zoning conditions			
Existing zoning base district: CX		Height: 3	Frontage: PL	Overlay(s):
Proposed zoning base district: CX		Height: 12	Frontage:	Overlay(s):
Helpful Tip: View the Zoning Map to search for the address to be rezoned, then turn on the 'Zoning' and 'Overlay' layers.				
If the property has been previously rezoned, provide the rezoning case number:				

General Information		
Date: 9/14/21	Date amended (1):	Date amended (2):
Property address: 9500 Forum Drive		
Property PIN: 1708-11-8836		
Deed reference (book/page): 1830 / 2470		
Nearest intersection: Forum Drive and Harvest Oaks Drive		Property size (acres): 5.73
For planned development applications only	Total units:	Total square footage:
	Total parcels:	Total buildings:
Property owner name and address: Lead Mine Company Company LLC		
Property owner email:		
Property owner phone:		
Applicant name and address: Michael Birch, Longleaf Law Partners		
Applicant email: mbirch@longleaflp.com		
Applicant phone: 919.645.4317		
Applicant signature(s): <i>Mason Williams</i>		
Additional email(s):		

RECEIVED

By JP Mansolf at 11:10 am, Nov 10, 2021

Conditional Use District Zoning Conditions

Zoning case #:	Z-80-21	Date submitted: September 1, 2022	Office Use Only Rezoning case # _____
Existing zoning:	CX-3-PL	Proposed zoning: CX-12-CU	

Narrative of Zoning Conditions Offered

1. The following Principal Uses as listed in UDO Section 6.1.4. that are permitted, limited, or special uses in the CX- district shall be prohibited: (i) adult establishment; (ii) detention center, jail, prison; (iii) telecommunications tower (all types); and (iv) animal care (all types).
2. The maximum building height of any building on the property shall be nine (9) stories.
3. For the purpose of obtaining building permits, the total AM peak hour and total PM Peak hour trips generated on the property shall be no more as follows, as determined by the ITE Trip Generation Manual, 11th Edition:
AM Peak Hour: 366 total trips
PM Peak Hour: 446 total trips
4. There shall be a build-to range along Forum Drive, measuring five feet (5') to 30 feet (30') from the right-of-way of Forum Drive. At least fifty percent (50%) of the lot width shall be occupied by building façade within this build-to range. The method of calculating the build-to and the permitted reductions of the build-to percentage set forth in UDO section 1.5.6.C. apply to the build-to standards in this condition.
5. There shall be no surface parking permitted between the right-of-way of Forum Drive and the front facade of any building located within the build-to area.
6. For each building located within the build-to range along Forum Drive, there shall be at least one building entrance that either (i) faces Forum Drive, or (ii) is located within the build-to area.
7. Any building story above the seventh story shall be stepped back at least 25 feet from the front facade of the building closest to Forum Drive. This setback can occur at any point above the second story and below the eighth story.
8. Within that portion of the property that is both within 100 feet of Forum Drive and within 125 feet of the eastern boundary of the property, the maximum height shall be 5 stories entirely above grade, as measured at the front elevation of this portion of the building along Forum Drive.
9. This condition shall apply to that area of the property located within 100 feet of the right-of-way of Forum Drive (as measured perpendicularly from the Forum Drive right-of-way). There shall be no more than 380 linear feet of building wall length (as measured along the building elevation most parallel and closest to Forum Drive, for a depth of up to 100 feet from Forum Drive) that is greater than five (5) stories entirely above grade (as measured from post-development grade along the building elevation most parallel and closest to Forum Drive).
10. There shall be at least one outdoor amenity area on the property that: (i) is at least 750 square feet in contiguous area, (ii) is located at the ground level, and (ii) is contiguous to the right-of-way of Forum Drive.

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: Mason Williams

Printed Name(s): Mason Williams

RECEIVED

By Jason Hardin at 10:08 am, Sep 02, 2022

Rezoning Application Addendum #1	
Comprehensive Plan Analysis	Office Use Only Rezoning case # _____
The applicant is asked to analyze the impact of the rezoning request and its consistency with the Comprehensive Plan. The applicant is also asked to explain how the rezoning request is reasonable and in the public interest.	
Statement of Consistency	
Provide brief statements regarding whether the rezoning request is consistent with the future land use designation, the urban form map, and any applicable policies contained within the 2030 Comprehensive Plan.	
<p>1. The Future Land Use Map designates the property as Community Mixed-Use, which supports residential, office and retail land uses. CX is the primary corresponding zoning district, and therefore the rezoning request's retention of the CX base district is consistent with the Future Land Use Map.</p> <p>2. The property is located within a Mixed-Use Center, has frontage along an Urban Thoroughfare (Forum Drive), and is less than 0.25 mile with connecting sidewalk from a Transit Emphasis Corridor (Six Forks Road), all as shown on the Urban Form Map. The Mixed-Use Center designation supports a more walkable and mixed-use development pattern, and is often located along a Transit Emphasis Corridor, such as Six Forks Road. The Urban Thoroughfare designation also supports pedestrian-oriented development. The Transit Emphasis Corridor designation designates streets programmed for higher levels of bus service and a more complete pedestrian network. The proposed height of nine stories is consistent with the Urban Form Map guidance because it facilitates redevelopment of the property in a more walkable pattern with uses and intensity supportive of transit and the surrounding office and retail uses.</p> <p>3. The Community Mixed Use category description notes that building height of up to 12 stories would be appropriate in mixed-use centers. The property is located within a Mixed-Use Center, and within walking distance to a Transit Emphasis Corridor. Also, the property is adjacent to multi-family uses and a shopping center. Table LU-2 and the preceding discussion of heights in mixed use areas acknowledges that buildings in a mixed-use center but near moderate density residential can be taller than in edge locations but not as tall as core locations. The proposed height of nine stories is less than the 12-story guidance for core locations, and is consistent with the Table LU-2 guidance and compatible with the surrounding area.</p> <p>4. The proposed rezoning is consistent with the following Comprehensive Plan policies: (i) LU 1.2, LU 1.3, LU 2.2, LU 4.4, LU 4.5, LU 4.9, LU 5.6, LU 6.1, LU 6.2, LU 6.3, LU 7.1, LU 7.2, LU 7.4, and LU 7.6.</p>	
Public Benefits	
Provide brief statements explaining how the rezoning request is reasonable and in the public interest.	
<p>1. The proposed rezoning would facilitate redevelopment of an underutilized property located within an area targeted for increased intensity by City policies.</p> <p>2. The proposed rezoning would locate additional housing opportunities within walking distance to significant food/retail services, employment opportunities (The Forum and The Colonnade offices), and bus transit service to/from Midtown & Downtown, all of which promote the reduction of vehicle trips and the increase of alternative mobility options.</p> <p>3. The proposed rezoning would add to the housing supply and increase housing variety in the immediate area. As shown on the Urban Form Map, the mixed-use center is approximately 200 acres in size. Only 14.5 acres - approximately 7% of this mixed-use center - are in residential use (Wykoff on Monument Lane and portion of Six Forks Station Apartments). Facilitating redevelopment of this property for more dense residential use accommodates the city's population growth in a way that increases the mix of uses in the immediate area, locates more people within walking distance to existing employment opportunities and retail services, and locates more people in proximity to transit options that provide access to Midtown and Downtown without the use of a car.</p>	

Rezoning Application Addendum #2	
Impact on Historic Resources	Office Use Only Rezoning case # _____
The applicant is asked to analyze the impact of the rezoning request on historic resources. For the purposes of this section, a historic resource is defined as any site, structure, sign, or other feature of the property to be rezoned that is listed in the National Register of Historic Places or designated by the City of Raleigh as a landmark or contributing to a Historic Overlay District.	
Inventory of Historic Resources	
List in the space below all historic resources located on the property to be rezoned. For each resource, indicate how the proposed zoning would impact the resource.	
There are no known historic resources located on the property.	
Public Mitigation	
Provide brief statements describing actions that will be taken to mitigate all negative impacts listed above.	
Not applicable.	

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: Mixed Use Center

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

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

Urban Design Guidelines Addendum

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Urban 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.

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Urban Form Designation: Mixed Use Center

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

1

All mixed-use developments should generally provide retail (such as eating establishments, food stores, and banks), and other uses such as office and residential within walking distance of each other. Mixed uses should be arranged in a compact and pedestrian-friendly form.

Response: The proposed rezoning would allow for a mix of office, residential and retail uses, consistent with this guideline.

2

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.

Response: The proposed rezoning is not adjacent to lower density neighborhoods, but does provide a transition in height from that recommended in a core location (12 stories), consistent with this guideline.

3

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 street. Preferred and discouraged street networks.

Response: The property fronts along Forum Drive and within a defined block. The property also has vehicular access to the adjacent commercial parcels.

4

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 Street Plan. Streets should connect adjacent developments.

Response: No new streets are proposed with this rezoning.

5	New development should be composed 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.
	Response: No new streets are proposed with this rezoning.
6	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.
	Response: The proposed rezoning permits buildings close to the street, consistent with this guideline.
7	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.
	Response: The proposed rezoning permits buildings close to the street, consistent with this guideline.
8	If the site is located at a street intersection, the main building of a complex or main part of a single building should be placed at the corner. Parking, loading, or service should not be located at an intersection.
	Response: The property is not located at a street intersection.
9	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.
	Response: The proposed development will provide outdoor amenity area consistent with the UDO.
10	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.
	Response: The proposed development will provide outdoor amenity area consistent with the UDO.
11	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.
	Response: The proposed development will provide outdoor amenity area consistent with the UDO.
12	A properly defined urban open space is visually enclosed by the fronting of buildings to create an outdoor “room” that is comfortable to users.
	Response: The proposed development will provide outdoor amenity area consistent with the UDO.

13	New public spaces should provide seating opportunities.
	Response: The proposed development will provide outdoor amenity area consistent with the UDO.
14	Parking lots should not dominate the frontage of pedestrian-oriented streets, interrupt pedestrian routes, or negatively impact surrounding developments.
	Response: The proposed rezoning permits buildings in close proximity to the street, consistent with this guideline.
15	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.
	Response: The proposed rezoning permits buildings in close proximity to the street, consistent with this guideline.
16	Parking structures are clearly an important and necessary element of the overall urban infrastructure, but, given their utilitarian elements, can have 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.
	Response: The proposed rezoning permits buildings in close proximity to the street, with parking to the rear of the site, consistent with this guideline.
17	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.
	Response: The site is served by Raleigh Bus Route 8 and the higher density proposed by this rezoning is within walking distance to bus stops for this route.
18	Convenient, comfortable pedestrian access between the transit stop and the building entrance should be planned as part of the overall pedestrian network.
	Response: There are existing sidewalks between the site and nearby bus stops.
19	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.
	Response: The development will comply with the UDO regulations for protection of environmentally sensitive areas.
20	All development should incorporate high-quality, productive landscapes that serve multiple functions. Such functions include noise mitigation and absorption; capturing and cleaning of particulate matter; collection and filtering of stormwater; and reduction of the urban heat island effect. Strategies include green walls, trellises, carefully planted trees, green infrastructure, and green roofs.
	Response: The development will comply with all stormwater regulations.

21	<p>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.</p> <p>Response: The proposed development anticipates compliance with this guideline.</p>
22	<p>Sidewalks should be 5-8 feet wide in residential areas and located on both sides of the street. Sidewalks in commercial areas and other areas where walkability is a focus should be a minimum of 14-18 feet wide to accommodate sidewalk uses such as vendors, merchandising, and outdoor seating.</p> <p>Response: The proposed development anticipates compliance with this guideline.</p>
23	<p>Streets should be designed with street trees planted in a manner appropriate to their function. Commercial streets should have trees that complement the face of the buildings and that shade the sidewalk. Residential streets should provide for an appropriate tree 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 ¼" caliper and should be consistent with the city's landscaping, lighting, and street sight distance requirements.</p> <p>Response: The proposed development will comply with streetscape requirements.</p>
24	<p>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.</p> <p>Response: The proposed rezoning permits buildings along the street, consistent with this guideline.</p>
25	<p>The primary entrance should be both architecturally and functionally on the front facade of any building facing the primary public street. Such entrances should be designed to convey their prominence on the fronting facade.</p> <p>Response: The proposed rezoning anticipates conformity with this guidance.</p>
26	<p>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.</p> <p>Response: The proposed rezoning permits development consistent with this guideline.</p>
27	<p>The sidewalks should be the principal place of pedestrian movement and casual social interaction. Designs and uses should be complementary to that function.</p> <p>Response: Sidewalks will be provided consistent with the UDO.</p>

REZONING OF PROPERTY CONSISTING OF +/- 5.73 ACRES,
LOCATED ON THE NORTH SIDE OF FORUM DRIVE, BETWEEN OLD LEAD MINE
ROAD AND HARVEST OAKS DRIVE, IN THE CITY OF RALEIGH

REPORT OF MEETING WITH ADJACENT PROPERTY OWNERS ON
JULY 8, 2021

Pursuant to applicable provisions of the Unified Development Ordinance, a meeting was held with respect to a potential rezoning with adjacent property owners and tenants on Thursday, July 8, at 5:00 p.m. The property considered for this potential rezoning totals approximately 5.73 acres, and is located on the north side of Forum Drive, between Old Lead Mine Road and Harvest Oaks Drive, in the City of Raleigh, having Wake County Parcel Identification Number 1708-11-8836. This meeting was held virtually on Zoom with an option to call in by telephone. All owners and tenants of property within 500 feet of the subject property were invited to attend the meeting. Attached hereto as **Exhibit A** is a copy of the neighborhood meeting notice. A copy of the required mailing list for the meeting invitations is attached hereto as **Exhibit B**. A summary of the items discussed at the meeting is attached hereto as **Exhibit C**. Attached hereto as **Exhibit D** is a list of individuals who attended the meeting.

EXHIBIT A – NEIGHBORHOOD MEETING NOTICE



To: Neighboring Property Owners and Tenants
From: Michael Birch
Date: June 28, 2021
Re: Neighborhood Meeting for Rezoning of 9500 Forum Drive

You are invited to attend a virtual meeting to discuss the proposed rezoning of 9500 Forum Drive. We have scheduled an informational meeting with surrounding neighbors on Thursday, July 8th at 5:00 PM until 7:00 PM. Due to the COVID-19 Pandemic, this meeting will be held virtually. You can participate online or by telephone. To participate, visit:

To join with video:

<https://zoom.us/>
Meeting ID: 895 2380 6045
Passcode: 118151

To join by telephone:

+1 646 558 8656
Meeting ID: 895 2380 6045
Passcode: 118151

The purpose of this meeting is to discuss the proposed rezoning of 9500 Forum Drive (PIN 1708-11-8836). The property is approximately 5.73 acres in size, is located on the north side of Forum Drive between Old Lead Mine Road and Harvest Oaks Drive, and was most recently home to the Six Forks Cinema movie theater.

The property is currently zoned Commercial Mixed Use with a 3-story height limit and parking limited frontage (CX-3-PL). The proposed zoning designation is Commercial Mixed Use with a 12-story height limit and zoning conditions (CX-12-CU). The purpose of the rezoning is to permit additional building height.

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

Please do not hesitate to contact me directly if you have any questions or wish to discuss. I can be reached at 919.645.4317 and mbirch@longleaflp.com. For more information about the rezoning, you may visit www.raleighnc.gov or contact the Raleigh City Planning Department at 919.996.2682 or rezoning@raleighnc.gov.

Attached to this invitation are the following materials:

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

CURRENT PROPERTY MAP



CURRENT ZONING MAP



EXHIBIT C – ITEMS DISCUSSED

1. Uses permitted in CX district.
2. Expected type of residential units (for sale or for rent)
3. Expected traffic impact analysis as part of the rezoning request
4. The current owner of the property and the development group
5. Water runoff and the nearby creek that flows to a dam
6. Stormwater runoff along Monument Drive
7. Required green space for redevelopment
8. Potential silting concerns for Shaw Lake
9. Potential for affordable housing if developed as apartments
10. The anticipated maximum building height
11. The Falls Watershed boundaries
12. The expected removal of the movie theater
13. Potential impacts to traffic entering the shopping center
14. Neighbors' ability to view traffic impact analysis
15. The anticipated date of completion of the traffic impact analysis
16. Potential second neighborhood meeting dates and the notification procedures
17. Potential impacts to the nearby school
18. This development is not expected to become a part of any existing HOA community
19. The anticipated percentage of impervious surface
20. Expected prohibited uses otherwise allowed in the CX base zoning district
21. Nearby erosion from stormwater
22. The estimated height of the Highwoods buildings along Forum Drive
23. Potential impacts to Forum Drive
24. Potential for ground-level retail below residential dwelling units
25. The potential ability of the development to blend into surrounding area
26. Anticipated parking structure for residents; no on-street parking
27. Anticipated rental price of apartments
28. The rezoning process generally, and the opportunity for public comment
29. How traffic impact analyses take into account future development
30. The expected target market for the apartment units
31. The expected style of the apartments
32. Potential for setting a precedent for taller buildings along Forum Drive and/or the Forum Drive and Six Forks Road intersection
33. Potential for charging stations for electric vehicles
34. Potential for a swimming pool

EXHIBIT D – MEETING ATTENDEES

1. Bob McDevitt
2. Charles Zimmerlein
3. Charles Shaver
4. Curtis Beeson
5. Elaine Bowen
6. Hal and Tina Marcus
7. Herb Dascombe
8. Jim and Sue Major
9. Joel Nance
10. John Hogge
11. Kathy Anderson
12. Margaret Townsend
13. Kurt Faxon
14. Mark Andrews
15. Mary Gerrard
16. Nadine Tolman
17. Daniel Saylor
18. Kathy Godfrey
19. Phyliss Miller
20. Richard Gardner
21. Ron Hester
22. Louis Fogleman
23. Anita Adelson
24. Jeff Crane
25. Ronald Munk
26. Bill and Linda Bestimt
27. Carole B
28. Dana Robinson
29. Mary Cichocki
30. Rick
31. Phyllis Rosenbaum
32. Deborah Stagner
33. Beth
34. Colleen Remein
35. Patricia Robertson
36. Gail
37. Nancy Coor
38. Vivian
39. Sheila and Cliff Disbrow
40. Sara Ellis (City of Raleigh)