



memo

| | |
|------------|--|
| To | Marchell Adams-David, City Manager |
| Thru | Patrick O. Young, AICP, Director |
| From | JP Mansolf, AICP, Senior Planner |
| Department | Planning and Development |
| Date | November 1, 2022 |
| Subject | City Council agenda item for November 15, 2022 – Z-90-21 |

On November 1, 2022, City Council authorized the public hearing for the following item:

Z-90-21 Falls of Neuse and E Millbrook Roads, approximately 23.51 acres located at
[5200 Falls of Neuse Road, 1401 E Millbrook Road.](#)

Signed zoning conditions provided on October 14, 2022 limit entitlement so it will generate trips equal to or less than at least one of five specified development scenarios and require notice is provided to existing tenants at least 180 days prior to redevelopment of the site.

Current zoning: Residential-Mixed Use-3 stories (RX-3).

Requested zoning: Office Mixed Use-5 stories-Parking Limited with zoning conditions (OX-5-PL-CU).

The request is **consistent** with the 2030 Comprehensive Plan.

The request is **consistent** with the Future Land Use Map.

The request is **consistent** with the Urban Form Map.

The Planning Commission recommends approval of the request (6 - 0).

Attached are the Planning Commission Certified Recommendation (including Staff Report), the Zoning Conditions, the Petition for Rezoning, and the Neighborhood Meeting Report.



Raleigh

RALEIGH PLANNING COMMISSION CERTIFIED RECOMMENDATION

CR#13203

CASE INFORMATION: Z-90-21 FALLS OF NEUSE RD & E MILLBROOK RD

| | |
|-----------------------------------|--|
| Location | At the northeast corner of the intersection of Falls of Neuse Road and E Millbrook Road Address: 5200 Falls of Neuse Road, 1401 E Millbrook Road PINs: 1716456459, 1716446886 Link to iMaps |
| Current Zoning | RX-3 |
| Requested Zoning | OX-5-PL-CU |
| Area of Request | 23.51 acres |
| Corporate Limits | The site is within and surrounded by the corporate limits of the city. |
| Property Owner | Q R Realty Company LLC |
| Applicant | Q R Realty Company LLC, as represented by Molly Stuart |
| Council District | A |
| PC Recommendation Deadline | December 24, 2022 |

SUMMARY OF PROPOSED CONDITIONS

1. Entitlement is limited so it will generate trips equal to or less than at least one of five specified development scenarios.
2. Existing tenants will receive notice at least 180 days prior to redevelopment of the site.

COMPREHENSIVE PLAN GUIDANCE

| | |
|---|--|
| Future Land Use | Office & Residential Mixed Use (ORMU), Neighborhood Mixed Use (NMU) |
| Urban Form | Transit Emphasis Corridor |
| Consistent Policies <i>Key policies are marked with a dot (●)</i> | <ul style="list-style-type: none">● Policy LU 1.2 Future Land Use Map and Zoning Consistency● Policy LU 6.2 Complementary Land Uses and Urban Vitality● Policy LU 7.1 Encouraging Nodal Development● Policy LU 10.3 Ancillary Retail Uses● Policy H 1.8 Zoning for Housing● Policy LU 1.10 Frontage |
| Area Specific Guidance <i>policies are marked with a square (□)</i> | |

Inconsistent Policies
● Key Policy
□ Area Specific Guidance

- LU 5.7 Building Height Transitions

FUTURE LAND USE MAP CONSISTENCY

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

COMPREHENSIVE PLAN CONSISTENCY

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

PUBLIC MEETINGS

| First Neighborhood Meeting | Second Neighborhood Meeting | Planning Commission | City Council |
|----------------------------|-----------------------------|---------------------|--------------|
| 11/30/2021 36 attendees | 8/24/2022 17 attendees | 10/25/2022 | |

REZONING ENGAGEMENT PORTAL RESULTS

| Views | Participants | Responses | Comments |
|-------|--------------|-----------|----------|
| 274 | 1 | 5 | 2 |

Summary of Comments: One commenter expressed dissatisfaction with no specific development plan being presented.

PLANNING COMMISSION RECOMMENDATION

The rezoning case is ##### with the Future Land Use Map and ##### with the relevant policies in the Comprehensive Plan, furthermore ##### is reasonable and in the public interest because:

| | |
|---|--|
| Reasonableness and Public Interest | |
| Recommendation | |
| Motion and Vote | |
| Reason for Opposed Vote(s) | |

ATTACHMENTS

1. Staff report
2. Original conditions
3. Rezoning application

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 and Comprehensive Plan Amendment Analysis.



Travis Crane

Date: 10-25-22

Planning and Development Assistant Director

Staff Coordinator: JP Mansolf: (919) 996-2692; jp.mansolf@raleighnc.gov



ZONING STAFF REPORT – CASE Z-90-21

Conditional Use District

Raleigh

OVERVIEW

The request seeks to rezone two parcels totaling 23.51 acres from Residential Mixed Use-3 Stories (RX-3) to Office Mixed Use-5 Stories-Parking Limited frontage with zoning conditions (OX-5-PL-CU). Zoning conditions limit entitlement so it will generate trips equal to or less than at least one of five specified development scenarios and require notice is provided to existing tenants at least 180 days prior to redevelopment of the site.

The site is located on the east side of Falls of Neuse Road with E Millbrook Road forming the southern boundary of the site and Quail Ridge Road forming the northern boundary of the site. The site is currently occupied by an apartment community that totals 246 units.

According to data provided by Triangle J Council of Governments, of those 246 units, 221 currently are affordable to households that make less than 80% of the Area Median Income, and are considered naturally occurring affordable housing (NOAH). To the south of the site is a 4-story office building and the Quail Corners shopping center. West of the site are one-story office buildings along E Millbrook Road. Several of those office buildings will be demolished and replaced with a new three-story office building as approved in ASR-0041-2020. Detached residential homes are located to the west across Falls of Neuse Road and to the north across Quail Ridge Road. East of the site is a mix of townhomes, apartments, and one-to-two-story office buildings. The site is currently served by GoRaleigh Route 2 (30-minute all day frequency) and 23L (30-minute peak-hour frequency).

The surrounding zoning to the west consists of properties along Falls of Neuse Road and E Millbrook Road zoned Commercial Mixed Use (CX) and Office Mixed Use (OX) that quickly transition to residential neighborhood zoned R-6. To the south of the site is mostly OX zoning except for Millbrook Elementary school which is zoned R-6. To the north zoning is OX and R-10 along Quail Ridge Road and quickly transitions to R-4 further north. To the east is a mix of R-10, R-6, and OX zoning that transitions to Industrial Mixed Use (IX) zoning further east towards Old Wake Forest Road.

Falls of Neuse Road is designated as a Transit Emphasis Corridor on the Urban Form Map, which recommends a hybrid frontage for the site. A Parking Limited frontage is included with the request. The mixed use properties north and south of the site all include a Parking Limited frontage, which is consistent with the Transit Emphasis Corridor designation on the Urban Form Map.

The request would increase potential building height from three to five stories and increase residential, office, and retail entitlement.

CURRENT VS. PROPOSED ZONING ENTITLEMENT*

| | EXISTING ZONING | PROPOSED ZONING |
|-------------------------------------|------------------------------------|------------------------------------|
| Zoning | RX-3 | OX-5-PL-CU |
| Total Acreage | 23.51 | |
| Maximum Height | 3 stories/ 45' | 5 stories/ 80' |
| Setbacks (Apartment Building Type): | | |
| Front | 5' | 5' |
| Side | 5' (street) 0' or 6' (lot line) | 5' (street) 0' or 6' (lot line) |
| Rear | 0' or 6' | 0' or 6' |
| Max. # of Residential Units | 920 | 1,109 |
| Max. Gross Office SF | 8,000 | 765,247 |
| Max. Gross Retail SF | 8,000 | 167,076 |
| Max. Gross Industrial SF | Not permitted | Not permitted |

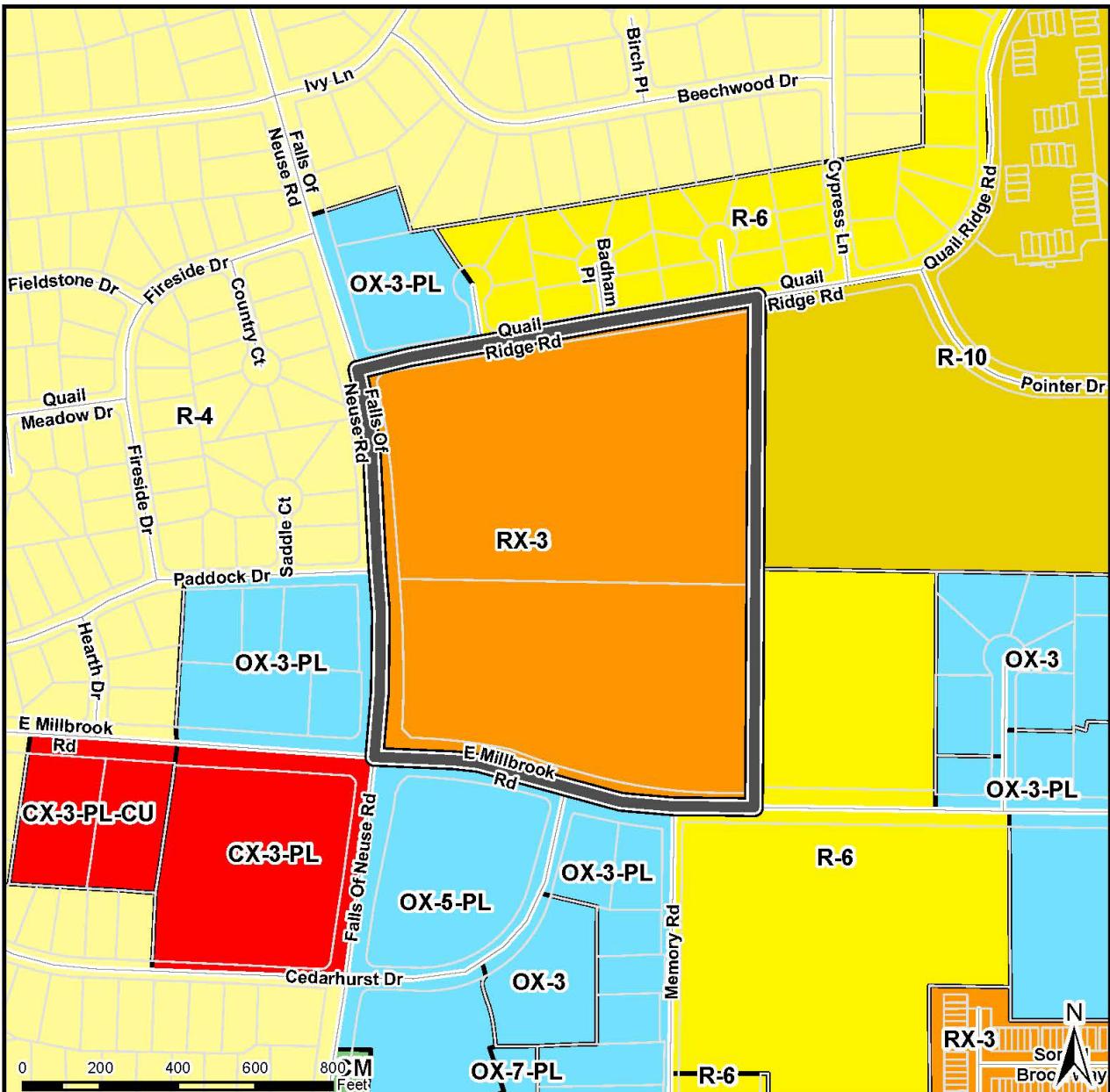
*These are estimates presented to provide context for analysis.

OUTSTANDING ISSUES

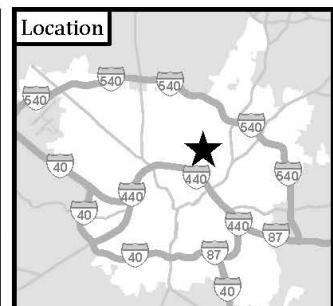
| | | | |
|--------------------|--------------------------|----------------------|--------|
| Outstanding Issues | 1. No outstanding issues | Suggested Mitigation | 1. n/a |
|--------------------|--------------------------|----------------------|--------|

Existing Zoning

Z-90-2021



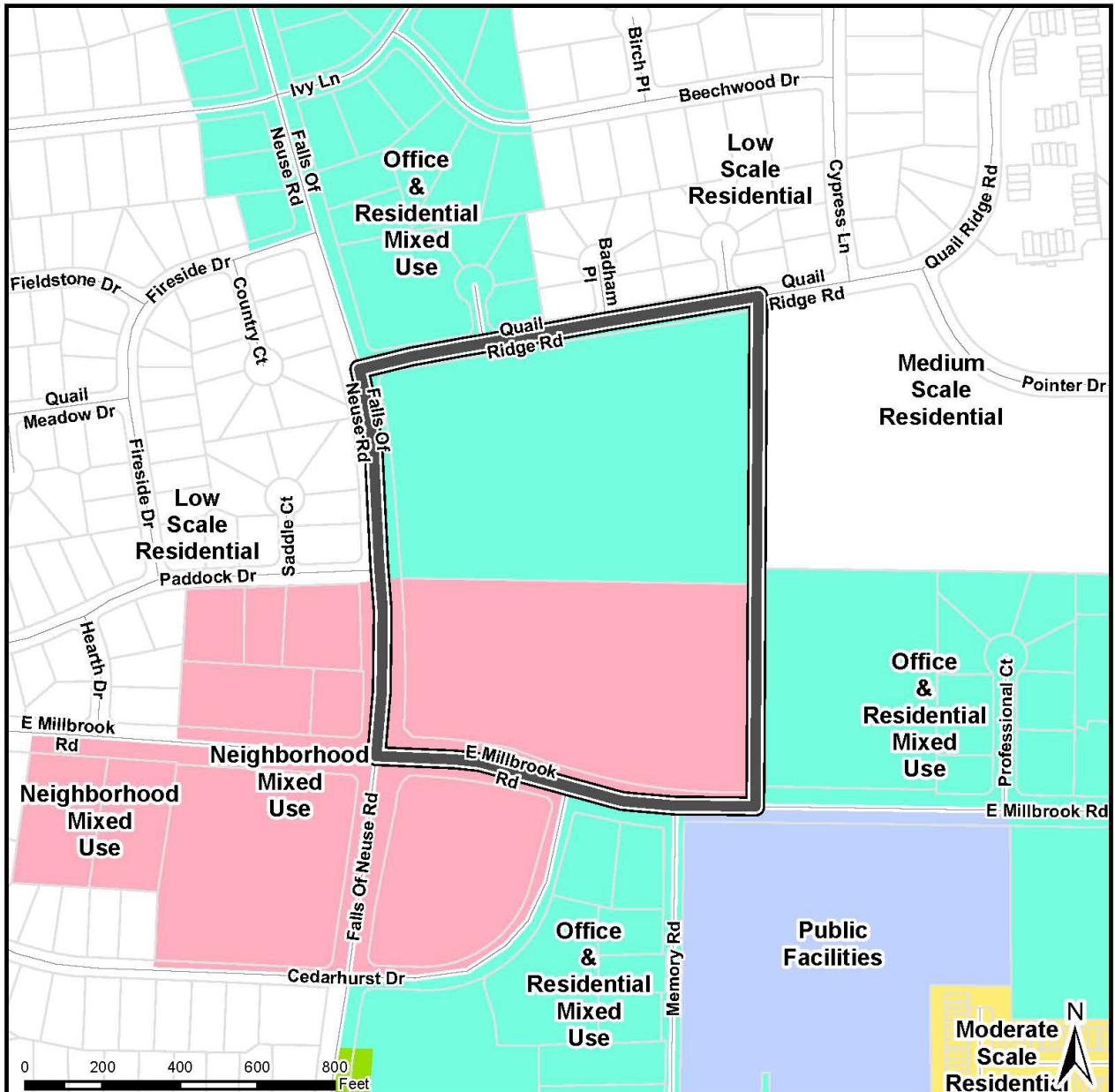
| | |
|-------------------------|---|
| Property | 5200 Falls of Neuse Rd; 1401 E Millbrook Rd |
| Size | 23.51 acres |
| Existing Zoning | RX-3 |
| Requested Zoning | OX-5 |



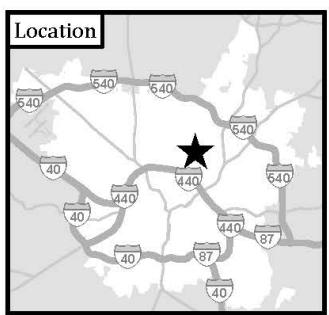
Map by Raleigh Department of Planning and Development (kuanc): 1/6/2022

Future Land Use

Z-90-2021



| | |
|-------------------------|---|
| Property | 5200 Falls of Neuse Rd; 1401 E Millbrook Rd |
| Size | 23.51 acres |
| Existing Zoning | RX-3 |
| Requested Zoning | OX-5 |



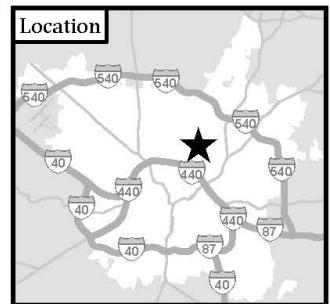
Map by Raleigh Department of Planning and Development (kuanc); 1/6/2022

Urban Form

Z-90-2021



| | |
|-------------------------|---|
| Property | 5200 Falls of Neuse Rd; 1401 E Millbrook Rd |
| Size | 23.51 acres |
| Existing Zoning | RX-3 |
| Requested Zoning | OX-5 |



Map by Raleigh Department of Planning and Development (kuanc) 1/6/2022

COMPREHENSIVE PLAN ANALYSIS

Section 3: Land Use in the Comprehensive Plan describes how zoning proposals should be evaluated. Determination of the consistency with the Comprehensive Plan includes consideration of the following topics.

Comprehensive Plan Consistency

The request is: **Consistent** **Inconsistent** with the 2030 Comprehensive Plan.

The request is consistent with policies encouraging increasing housing supply, consistency with the Future Land Use Map, and limiting retail in areas designated as Office and Residential mixed use.

Vision Themes

The request is:

| Consistency | Vision Theme | Analysis |
|-------------|---------------------------|---|
| Consistent | Expanding Housing Choices | This theme encourages expanding the supply of housing opportunities in the city. The request would increase the potential housing supply on the site. |
| Consistent | Managing Our Growth | This theme encourages integrated land uses and providing desirable spaces and places to live, work, and play. The request would permit a mixed use-development with commercial uses supporting new and nearby residential uses. |

Future Land Use

Future Land Use designation: Office and Residential Mixed Use, Neighborhood Mixed Use

The request is: **Consistent** **Inconsistent** with the Future Land Use Map.

The site has two Future Land Use designations: Office and Residential Mixed Use for the northern parcel and Neighborhood Mixed Use for the southern parcel, which recommend Office Mixed Use and Neighborhood Mixed Use zoning districts, respectively. In general, both of these designations recommend moderate-intensity Office and Residential uses, while Neighborhood Mixed Use recommends larger neighborhood serving retail in contrast to the limited retail recommended by Office and Residential Mixed Use. The land uses allowed by the requested OX- district is consistent with both of these designations. The requested five-story height is slightly taller than the recommended height for the Future Land Use designations, which is four stories for the southern parcel designated Neighborhood Mixed Use, and 4-5

stories for the northern parcel designated Office and Residential Mixed Use. Additionally, there is some edge context in the northwestern corner of the site that would recommend a maximum of three stories across from the low- and moderate-scale residential to the north.

Infrastructure

Will community facilities and streets be available at City standards to serve the use proposed for the property? Yes No

Community facilities appear to be sufficient to serve the proposed use. Conditions limit trip generation to rates that are below what would require a Traffic Impact Analysis.

Urban Form

Urban Form designation: Transit Emphasis Corridor

The request is: **Consistent** **Inconsistent** with the Urban Form Map.

Other

Overview: The site is located on a Transit Emphasis Corridor which recommends a Hybrid or Urban frontage. The request includes a Parking Limited frontage which is consistent with the Urban Form Map.

Impact: A hybrid or urban frontage is intended to encourage a more walkable form that is compatible with existing transit and future transit investments. The request includes

Compatibility: The parcels located at the Falls of Neuse and Millbrook Road intersection all have zoning that includes a -PL (hybrid) frontage. The parcels at northwest and southeast corners of that intersection also have a built form that conforms to -PL requirements. Generally, parcels with mixed use zoning along Falls of Neuse Road include a -PL frontage.

Public Benefits of the Proposed Rezoning

- The request would increase the housing supply in the area, potentially supporting the relative affordability of housing.

Detriments of the Proposed Rezoning

- The request may accelerate the redevelopment of naturally occurring affordable housing (NOAH).

Policy Guidance

The rezoning request is **consistent** with the following policies:

| Consistent Policies | |
|---|--|
| <i>Key policies are marked with a dot (●)</i> | ● Policy LU 1.2 Future Land Use Map and Zoning Consistency |
| | ● Policy LU 6.2 Complementary Land Uses and Urban Vitality |
| | ● Policy LU 7.1 Encouraging Nodal Development |
| | ● Policy LU 10.3 Ancillary Retail Uses |
| | ● Policy H 1.8 Zoning for Housing |
| | ● Policy LU 1.10 Frontage |

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

Key policies are directly related to changes in zoning and are used to evaluate rezoning request consistency. They are marked with an orange dot (●). Area Specific Guidance policies are marked with a square (□).

● **Policy LU 5.7 Building Height Transitions**

When a mixed-use or nonresidential area contemplated for building heights in excess of seven stories abuts an area designated for low- or moderate-scale on the future land use map, building heights should not exceed a 45-degree plane starting 10 feet from the adjoining lower-density area. When any mixed-use or non-residential area is separated from an area of low- or moderate-scale by an intervening street other than a Major Street, building faces along the frontage facing the residential area should not exceed three stories

- The requested mixed-use district's frontage on Quail Ridge Road is partly across from an area of low- or moderate-scale residential and Quail Ridge is not a major street. This policy would suggest 3 stories across from low- or moderate- scale residential.

EQUITY AND CLIMATE CHANGE ANALYSIS

Transportation Cost and Energy Analysis

| | City Average | Site | Notes |
|-----------------------------------|--|------|---|
| Walk Score | 31 | 58 | The walk score for the site is higher than the citywide average. |
| Transit Score | 30 | 36 | The transit score is slightly higher than the citywide average. GoRaleigh Route 2 stops directly adjacent to the site on Falls of Neuse Road. This service operates every 30 minutes during mid-day and peak periods and every 60 minutes in evening hours after 7:00 pm. |
| Bike Score | 41 | 61 | The bike score for the site is higher than the citywide average. |
| HUD Low Transportation Cost Index | [N/A, index is expressed as a percentile.] | 88 | The site has relatively low transportation costs |
| HUD Jobs Proximity Index | [N/A, index is expressed as a percentile.] | 93 | The site has good access to jobs. |

Source: [Walk Score](#) is a publicly available service that measures pedestrian friendliness by analyzing population density and road metrics such as block length and intersection density. The higher the Transit Score or Walk Score, the greater the percentage of trips that will be made on transit or by walking, and the smaller the carbon footprint. HUD index scores are percentiles indicating how well the subject tract performs compared to all other census tracts in the United States. A higher percentile for Low Transportation Cost or Jobs Proximity indicates a lower the cost of transportation and higher access to jobs in the nearby area, respectively.

Housing Energy Analysis

| Housing Type | Average Annual Energy Use (million BTU) | Permitted in this project? |
|-----------------------------|--|----------------------------|
| Detached House | 82.7 | Yes |
| Townhouse | 56.5 | Yes |
| Small Apartment (2-4 units) | 42.1 | Yes |
| Larger Apartment | 34.0 | Yes |

Source: U.S. Energy Information Administration, 2015 survey. Statistics for residential structures in the South.

Housing Supply and Affordability

| | | |
|--|--------|---|
| Does the proposal add or subtract from the housing supply? | Adds | Increasing allowable building height allows for more potential housing units. |
| Is naturally occurring affordable housing present on the site? | Likely | There are existing apartments that likely rent for less than what is affordable to a household that makes less than or equal to 80% of the Area Median Income. |
| Does it include any subsidized units? | No | |
| Does it permit a variety of housing types beyond detached houses? | Yes | All housing types would be allowed with the request. |
| If not a mixed-use district, does it permit smaller lots than the average? * | N/A | |
| Is it within walking distance of transit? | Yes | GoRaleigh Route 2 stops directly adjacent to the site on Falls of Neuse Road. This service operates every 30 minutes during mid-day and peak periods and every 60 minutes in evening hours after 7:00 pm. |

*The average lot size for detached residential homes in Raleigh is 0.28 acres.

Demographic Indicators from EJSCREEN*

| Indicator | Site Area | Raleigh |
|---|-----------|---------|
| Demographic Index** (%) | 42 | 37 |
| People of Color Population (%) | 48 | 46 |
| Low Income Population (%) | 36 | 29 |
| Linguistically Isolated Population (%) | 1 | 3 |
| Population with Less Than High School Education (%) | 6 | 8 |
| Population under Age 5 (%) | 9 | 6 |
| Population over Age 64 (%) | 20 | 11 |
| % change in median gross rent since 2015 | 13.1 | 26.9 |

*Environmental Justice Screening and Mapping Tool from the Environmental Protection Agency (<https://www.epa.gov/ejscreen>)

**The Demographic Index represents the average of the percentage of people who are low income and the percentage of people who are minorities

Health and Environmental Analysis

| | | |
|---|----------|---|
| What is the life expectancy in this census tract? Is it higher or lower than the city average*? | 81 years | The site's census tract has a higher life expectancy than the citywide average of 79.9 years. |
| Are there known industrial uses or industrial zoning districts within 1,000 feet? | No | |
| Are there hazardous waste facilities located within one kilometer? | No | |
| Are there known environmental hazards, such as flood-prone areas, that may directly impact the site? | No | |
| Is this area considered a food desert by the USDA? | No | |

*Raleigh average = 79.9; Wake County average = 80.3

Land Use History

| | | |
|--|------------|--|
| When the property was annexed into the City or originally developed, was government sanctioned racial segregation in housing prevalent?* | No | The subject properties were annexed in two parts in 1968 and 1971 after the Fair Housing Act was passed in 1968. |
| Has the area around the site ever been the subject of an urban renewal program?* | No | |
| Has the property or nearby properties ever been subject to restrictive covenants that excluded racial groups?* | None found | |
| Are there known restrictive covenants on the property or nearby properties that restrict development beyond what the UDO otherwise requires?* | None found | |

*The response to this question is not exhaustive, and additional information may be produced by further research. Absence of information in this report is not conclusive evidence that no such information exists.

Analysis Questions

1. Does the rezoning increase the site's potential to provide more equitable access to housing, employment, and transportation options? Does the rezoning retain or increase options for housing and transportation choices that reduce carbon emissions?

Response: The request would allow for additional housing and employment opportunities by allowing a mix of office, residential, and limited retail uses. Nearby residents could benefit from closer proximity to these opportunities. Additionally, more residents at this location would be within walking distance of the Quail Ridge shopping center and be able to access the commercial uses along Falls of Neuse Road by transit, which could reduce car trips and carbon emissions.

2. Is the rezoning in an area where existing residents would benefit from access to lower cost housing, greater access to employment opportunities, and/or a wider variety of transportation modes? Do those benefits include reductions in energy costs or carbon emissions?

Response: The area currently has relatively low transportation costs and high access to jobs. Adding housing and employment opportunities would strengthen these positive factors for existing residents.

3. Have housing costs in this area increased in the last few years? If so, are housing costs increasing faster than the city average?

Response: Housing costs in the area have increased at a slower rate than the city average.

4. Are there historical incidences of racial or ethnic discrimination specific to this area that have deprived Black, Indigenous, and People of Color (BIPOC) of access to economic opportunity, public services, or housing? If so, does the rezoning request improve any current conditions that were caused, associated with, or exacerbated by historical discrimination?

Response: None found.

5. Do residents of the area have disproportionately low life expectancy, low access to healthy lifestyle choices, or high exposure to environmental hazards and/or toxins? If so, does the rezoning create any opportunities to improve these conditions?

Response: Residents in the area have a comparatively high life expectancy and do not have high exposure to environmental hazards or toxins.

TRADE REVIEWS

Staff from various departments review every rezoning case when it is submitted. If a reviewer has identified a potential negative impact that might result from the proposed rezoning, it is noted here.

Review Summary

The following reviewers identified no potential negative impacts specific to this request:

- | | | |
|--|---|--|
| <input checked="" type="checkbox"/> Current Planning | <input checked="" type="checkbox"/> Raleigh Parks | <input checked="" type="checkbox"/> Stormwater |
| <input checked="" type="checkbox"/> Historic Resources | <input checked="" type="checkbox"/> Raleigh Water | <input checked="" type="checkbox"/> Urban Forestry |

Transportation & Transit Review

Site and Location Context

Location

The Z-90-21 site is in North Raleigh at the northeast quadrant of the intersection of Falls of Neuse Road and Millbrook Road.

Area Plans

The Z-90-21 site is located within the Walkable Midtown Plan. This area plan made several amendments to transportation maps the comprehensive plan.

Other Projects in the Area

There are several active transportation projects in the area:

- The City of Raleigh has sidewalk projects in design on Latimer Road, Reynolds Road, Lambeth Drive, and West Rowan Street. These projects were initiated by petition. These projects are entering the construction phase and are estimated to be completed by the end of 2023.
- The City of Raleigh has a sidewalk project in right-of-way acquisition on East Millbrook Road. The project will complete sidewalks between Capital Boulevard and Atlantic Avenue.
- The City of Raleigh Six Forks Road improvement project will improve Six Forks Road from Rowan Street to Lynn Road. The project will result in a median and a consistent six lane cross section. It will also include a separated bikeway between the curb and sidewalk and “protected” intersections to facilitate safe and comfortable movements by those on bike and scooter. This project is currently in design.
- The North Carolina Department of Transportation (NCDOT) plans to upgrade the interchange between I-440 and Wake Forest Road. This is project I-5708 in the State Transportation Improvement Program (STIP) and will construct a diverging diamond interchange. Changes to Wake Forest Road are expected as far north as St. Albans Street.
- NCDOT has a project to grade separate Millbrook Road from the S-Line railroad. This project is in right-of-way acquisition.

Existing and Planned Infrastructure

Streets

Millbrook Road is designated as a 4-lane divided avenue in the Raleigh Street Plan (Map T-1 in the Comprehensive Plan) and Falls of Neuse Road is designated as a 6-lane divided avenue. Both streets are maintained by NCDOT.

Existing block perimeter for the site is approximately 6,000 feet. In accordance with UDO section 8.3.2, the maximum block perimeter for OX-5-PL zoning districts is 2,500 feet and the maximum length for a dead-end street is 300 feet. The block perimeter of the site could be reduced through providing a connection through the site. The perimeter of the Z-90-21 site is approximately 4,000 feet.

Pedestrian Facilities

Sidewalks are complete on the Millbrook Road and Falls of Neuse Road.

Bicycle Facilities

Many sections of Falls of Neuse Road have a shared use path on one side. This bikeway connects to the Neuse River Trail approximately seven miles north of the Z-90-21 site. Street standards for both Falls of Neuse Road and Millbrook Road include separated bikeways.

Transit

GoRaleigh Route 2 Falls of Neuse operates on Falls of Neuse Road with a stop along the site's frontage; this route operates every 30 minutes between downtown Raleigh and Strickland Road. GoRaleigh Route 23L Millbrook Connector operates on Millbrook Road with a stop along the site's frontage.

Access

The Z-90-21 site has access to Millbrook Road and Falls of Neuse Road, subject to driveway spacing standards.

Traffic Impact Analysis (TIA)

Determination

Based on the Envision results, approval of case Z-90-21 would increase the amount of projected vehicular peak hour trips to and from the site as indicated in the table below. The applicant provided a trip generation letter establishing trip generation thresholds that would be below the trigger for a TIA at rezoning, which was approved by City staff. These thresholds were used to create a zoning condition limiting the peak hour trips permitted for the proposed development to be 499 AM peak hour trips and 625 PM peak hours trips. A TIA may be required for site permit review.

| Z-90-21 Existing Land Use | Daily | AM | PM |
|-------------------------------------|-------|-----|-----|
| | 1,334 | 82 | 105 |
| Z-90-21 Current Zoning Entitlements | Daily | AM | PM |
| | 5,072 | 307 | 382 |

| | Daily | AM | PM |
|--|--------------|-----------|-----------|
| Z-90-21 Proposed Zoning Maximums | 9,512 | 792 | 1,023 |
| Z-90-21 Trip Volume Change (Proposed Maximums minus Current Entitlements) | Daily | AM | PM |
| | 4,441 | 485 | 641 |

Impact Identified: With the condition limiting trip generation included, there is no impacts identified.

Potential Mitigation: n/a

July 27, 2022

JP Mansolf, AICP
City of Raleigh Planning and Development Department
1 Exchange Plaza, Suite 300
Raleigh, NC 27601
P: 919.996.2692
[Sent via Email]

Subject: Z-90-21 Quail Ridge Trip Generation
Raleigh, North Carolina

Dear Mr. Mansolf:

This letter provides a summary of the trip generation associated with the rezoning of property as part of case Z-90-21 Quail Ridge in Raleigh. The purpose of this letter is to establish trip generation thresholds for the proposed zoning that would not trigger a Traffic Impact Analysis (TIA) requirement as part of the rezoning.

Existing zoning on the property is RX-3 as shown in Table 1 below. The City of Raleigh utilized *Envision Tomorrow* to determine potential development scenarios of the property under existing zoning. The potential maximum densities for residential, office, or retail uses in existing zoning provided by the City of Raleigh are shown in Table 1.

Table 1: Zoning Maximum Development Potential

| | Existing Zoning | Proposed Zoning |
|------------------------------------|-----------------|-----------------|
| Total Acreage | 23.51 | 23.51 |
| Zoning | RX-3 | OX-5 |
| Max. Gross Building SF | 1,081,787 | 1,304,980 |
| Max. # of Residential Units | 920 | 1,109 |
| Max. Gross Office SF | 8,000 | 765,247 |
| Max. Gross Retail SF | 8,000 | 167,076 |
| Potential F.A.R | 1.06 | 1.27 |

rameykemp.com

Transportation
Consulting
that moves us
forward.

Per coordination with the City, residential units with office or retail space would be allowed in existing zoning. For the residential + office scenario, a total of 909 residential units would be allowed with a maximum of 8,000 s.f. of office space. For the residential + retail scenario, a total of 906 residential units would be allowed with a maximum of 8,000 s.f. of retail space. The trip generation potential of the existing zoning development scenarios are provided in Table 2. The *ITE Trip Generation Manual*, 11th Edition was used to generate weekday daily, AM peak hour, and PM peak hour trips for each existing zoning build out scenario.

Table 2: Existing Zoning Trip Generation

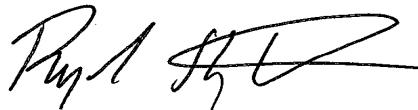
| Land Use (ITE Code) | Intensity | Daily Traffic (vpd) | AM Peak Hour Trips (vph) | PM Peak Hour Trips (vph) |
|---|------------|------------------------|--------------------------------|-----------------------------|
| | | | Total | Total |
| Residential Scenario | | | | |
| Multi-Family (220) | 920 units | 5,976 | 350 | 421 |
| Residential + Office Scenario | | | | |
| Multi-Family (220) | 909 units | 5,902 | 305 | 411 |
| Office (710) | 8,000 s.f. | 129 | 19 | 20 |
| Scenario Total | | 6,031 | 324 | 431 |
| Residential + Retail Scenario | | | | |
| Multi-Family (220) | 906 units | 5,883 | 304 | 410 |
| Retail (822) | 8,000 s.f. | 567 | 25 | 66 |
| Scenario Total | | 6,450 | 329 | 476 |
| Trip Threshold (Existing Zoning Maximum + 149 Trips) | | | 499 | 625 |

As shown in Table 2, the residential only development scenario would generate the highest number of trips under existing zoning in the AM peak hour (350 AM peak hour trips). The residential + retail scenario would generate the highest number of trips in the PM peak hour (476 PM peak hour trips). The highest AM peak hour trips (from the residential scenario) and PM peak hour trips (from residential + retail scenario) were increased by 149 to remain below the trip generation threshold for requiring a TIA as part of the proposed rezoning.

As shown in Table 2, the trip generation for the proposed zoning is 499 AM peak hour trips and 625 PM peak hour trips to remain under the threshold for requiring a TIA report as part of the rezoning. A TIA report may be required for the development in the future as part of the site plan or permit approval process.

If you should have any questions or comments regarding this letter, please feel free to contact me at rstephenson@rameykemp.com or by phone at 919-872-5115.

Sincerely,



Rynal Stephenson, P.E.
Director of North Carolina
Infrastructure Consulting Services, Inc.
dba
RAMEY KEMP ASSOCIATES



7/27/22

NC Corporate License #F-1489

cc: Molly Stuart, Morningstar Law Group



Rezoning Application and Checklist

Planning and Development Customer Service Center • One Exchange Plaza, Suite 400 | Raleigh, NC 27601 | 919-996-2500

Please complete all sections of the form and upload via the Permit and Development Portal (permitportal.raleighnc.gov). Please see page 18 for information about who may submit a rezoning application. A rezoning application will not be considered complete until all required submittal components listed on the Rezoning Checklist have been received and approved. For questions email rezoning@raleighnc.gov.

| Rezoning Request | | | | |
|--|----------------------------------|---|-------------|---|
| Rezoning Type | General Use | <input checked="" type="checkbox"/> Conditional Use | Master Plan | Office Use Only Rezoning case # <hr/> |
| | Text change to zoning conditions | | | |
| Existing zoning base district: RX | Height: 3 | Frontage: | Overlay(s): | |
| Proposed zoning base district: OX | Height: 5 | Frontage: PL | 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: 12/14/21 | Date amended (1): 4/28/22 | | Date amended (2): | |
| Property address: 5200 Falls of Neuse Road; 1401 E. Millbrook Road | | | | |
| Property PIN: 1716456459, 1716446886 | | | | |
| Deed reference (book/page): 007817/00228; 007817/00228 | | | | |
| Nearest intersection: Falls of Neuse Rd; Quail Ridge Rd; E Millbrook Rd | | Property size (acres): 23.51 | | |
| For planned development applications only | | Total units: | | Total square footage: |
| | | Total parcels: | | Total buildings: |
| Property owner name and address: Qr Realty Company, LLC, c/o Drucker & Falk Real Estate, 7200 CreedmoorRoad, Raleigh, NC, 27613 | | | | |
| Property owner email: mstuart@morningstarlawgroup.com | | | | |
| Property owner phone: 919-890-3318 | | | | |
| Applicant name and address: Qr Realty Company, LLC, c/o Drucker & Falk Real Estate, 7200 CreedmoorRoad, Raleigh, NC, 27613 | | | | |
| Applicant email: mstuart@morningstarlawgroup.com | | | | |
| Applicant phone: 919-890-3318 DocuSigned by: | | | | |
| Applicant signature(s):  | | | | |
| Additional email(s): | | | | |

RECEIVED

By JP Mansolf at 9:05 am, Dec 15, 2021

| Conditional Use District Zoning Conditions | | |
|--|-----------------------------|--|
| Zoning case #: Z-90-21 | Date submitted: 10/14/22 | Office Use Only Rezoning case # _____ |
| Existing zoning: RX-3 | Proposed zoning: OX-5-PL-CU | |

Narrative of Zoning Conditions Offered

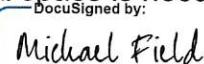
1. No site plan shall be approved for which projected total AM peak hour and total PM peak hour trips generated on the property shall be greater than all of the scenarios below, as determined by the ITE Trip Generation Manual, 11th Edition (i.e., projected trips must be equal to or less than at least one of the scenarios below):

- Scenario 1: 355,000 s.f. of office space, with no other uses on site
- Scenario 2: 1,160 multi-family residential units, with no other uses on site
- Scenario 3: 200,000 s.f. of retail space, with no other uses on site
- Scenario 4: 180,000 s.f. office space and 100,000 s.f. retail space, with no other uses on site
- Scenario 5: 100,000 s.f. office space and 140,000 s.f. retail space, with no other uses on site

2. The Property owner shall provide residential tenants of the Property with 180 days' written notice before termination of their lease due to redevelopment of the Property. With the submission of the application for subdivision or site plan approval, whichever is first, the owner of the Property, or their designee, shall provide the Planning and Development Staff with an affidavit confirming that the 180-day notice of lease termination was properly served. A rent roll and sample copy of the notification letter shall be attached to and referenced in the affidavit.



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:  DocuSigned by:
5ET87B8C4ED0492...

Printed Name(s): Michael Field

| 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>The proposed OX district is squarely supported by the Office and Residential Mixed Use designation on a portion of the site by the Future Land Use Map and significantly overlaps the goals of the Neighborhood Mixed Use designation on the southern portion of the site - where the proposed OX district mirrors those across both Fall of Neuse Road and E. Millbrook Road from the site.</p> <p>The site location at the major intersection of E. Millbrook Road with the Falls of Neuse Transit Emphasis Corridor supports additional density.</p> <p>The proposal is additionally supported by several Comprehensive Plan policies, including LU 2.2 (Compact Development); ED 1.2 (Mixed-Use Redevelopment); and H 1.8 (Zoning for Housing).</p> | |
| Public Benefits | |
| Provide brief statements explaining how the rezoning request is reasonable and in the public interest. | |
| <p>The subject property has provided housing in a convenient location for five decades. Over that time, the city's population has quadrupled, and the need for increased housing supply is greater than ever. The proposed zoning designation will prepare the area to better meet the city's housing needs through a modest densification, while permitting additional employment uses at this major intersection. The request opens the door to redevelopment in conformance with development requirements far more stringent and protective than those in place at the time the properties were initially developed.</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. | |
| None | |
| Public Mitigation | |
| Provide brief statements describing actions that will be taken to mitigate all negative impacts listed above. | |
| N/A | |

Design Guidelines

The Applicant must respond to the **Urban Design Guidelines** contained in the 2030 Comprehensive Plan if:

- a) The property to be rezoned is within a "City Growth Center", "Mixed-Use Center", or "Transit Station Areas", OR;
- b) The property to be rezoned is located along a "Main Street" or "Transit Emphasis Corridor" as shown on the Urban Form Map in the 2030 Comprehensive Plan.

Policy UD 7.3:

The Design Guidelines in Table UD-1 shall be used to review rezoning petitions and development applications for mixed-use developments; or rezoning petitions and development applications along Main Street and Transit Emphasis Corridors or in City Growth, TOD and Mixed-Use Centers, including preliminary site plans and development plans, petitions for the application of Downtown Overlay Districts, Planned Development Districts, and Conditional Use zoning petitions.

The Applicant must respond to the **Downtown Urban Design Guidelines** contained in the 2030 Comprehensive Plan if:

- a) The property to be rezoned is within "Downtown" as shown on the Urban Form Map in the 2030 Comprehensive Plan.

Policy DT 7.18:

The design guidelines in Table DT-1 shall be used to review rezoning, alternative means of compliance, special use permits, and planned development master plan applications in downtown.

Please [click here](#) to download the Design Guidelines Addendum if required.

Urban Form Designation: Transit Emphasis Corridor

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

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



Urban Design Guidelines Addendum

Planning and Development Customer Service Center • One Exchange Plaza, Suite 400 | Raleigh, NC 27601 | 919-996-2500

Urban Design Guidelines

The Applicant must respond to the Urban Design Guidelines contained in the 2030 Comprehensive Plan if:

- The property to be rezoned is within a "City Growth Center", "Mixed-Use Center", or "Transit Station Areas", OR;
- 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: Transit Emphasis Corridor | | <i>Click here to view the Urban Form map.</i> |
|---|---|---|
| 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 requested OX district permits a mix of residential and commercial use. |
| 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: Site layout will be determined upon site plan review for any future redevelopment. |
| 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: Upon any future redevelopment, all block perimeter and cross access requirements will apply. |
| 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: Upon any future redevelopment, all block perimeter and cross access requirements will apply. |

| | |
|----|---|
| 5 | <p>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.</p> <p>Response: Upon any future redevelopment, all block perimeter requirements will apply.</p> |
| 6 | <p>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.</p> <p>Response: Site layout will be determined upon site plan review for any future redevelopment.</p> |
| 7 | <p>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.</p> <p>Response: Site layout will be determined upon site plan review for any future redevelopment.</p> |
| 8 | <p>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.</p> <p>Response: Site layout will be determined upon site plan review for any future redevelopment.</p> |
| 9 | <p>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.</p> <p>Response: Site layout will be determined upon site plan review for any future redevelopment.</p> |
| 10 | <p>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.</p> <p>Response: Site layout will be determined upon site plan review for any future redevelopment.</p> |
| 11 | <p>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.</p> <p>Response: Site layout will be determined upon site plan review for any future redevelopment.</p> |
| 12 | <p>A properly defined urban open space is visually enclosed by the fronting of buildings to create an outdoor “room” that is comfortable to users.</p> <p>Response: Site layout will be determined upon site plan review for any future redevelopment.</p> |

| | |
|----|--|
| | New public spaces should provide seating opportunities. |
| 13 | Response: Site layout will be determined upon site plan review for any future redevelopment. |
| | Parking lots should not dominate the frontage of pedestrian-oriented streets, interrupt pedestrian routes, or negatively impact surrounding developments. |
| 14 | Response: Site layout will be determined upon site plan review for any future redevelopment. |
| | 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. |
| 15 | Response: Site layout will be determined upon site plan review for any future redevelopment. |
| | 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. |
| 16 | Response: Site layout will be determined upon site plan review for any future redevelopment. |
| | 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. |
| 17 | Response: All portions of the site are within walking distance of one or more bus stops. |
| | Convenient, comfortable pedestrian access between the transit stop and the building entrance should be planned as part of the overall pedestrian network. |
| 18 | Response: Site layout will be determined upon site plan review for any future redevelopment. |
| | 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. |
| 19 | Response: Site layout and design will be determined upon site plan review for any future redevelopment. |
| | 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. |
| 20 | Response: Site layout and design will be determined upon site plan review for any future redevelopment. |

| | |
|----|---|
| 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> |
| 21 | <p>Response: Site layout and design will be determined upon site plan review for any future redevelopment, and City street standards will be applicable.</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: Street sections will be determined by applicable City guidelines.</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 $\frac{1}{4}$" caliper and should be consistent with the city's landscaping, lighting, and street sight distance requirements.</p> <p>Response: Street trees will be planted in accordance with applicable UDO and Street Design Manual standards.</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: Site layout and design will be determined upon site plan review for any future redevelopment.</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: Site layout and design will be determined upon site plan review for any future redevelopment.</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: Site layout and design will be determined upon site plan review for any future redevelopment.</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: Site layout and design will be determined upon site plan review for any future redevelopment.</p> |

Date: November 12, 2021

Re: Neighborhood Meeting regarding 5200 Falls of Neuse Road and 1401 E Millbrook Road (“Properties”)

Dear Neighbors:

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

The purpose of this meeting is to discuss a potential rezoning of the Properties, located at 5200 Falls of Neuse Road and 1401 E Millbrook Road. The Properties are currently zoned RX-3 and are proposed to be rezoned to OX-5. The purpose of the zoning request is to accommodate multifamily and/or office development of the site at a maximum height of 5 stories. Our goal is to gather comments through your participation in this virtual neighborhood meeting or, alternatively, through your written comments to the City of Raleigh Planning Department. After the meeting, we will prepare a report for the Raleigh Planning Department regarding the items discussed.

Prior to the submittal of any rezoning application, the City of Raleigh requires that a neighborhood meeting be held for all property owners within 500 feet of the area requested for rezoning.

Information about the rezoning process is available online; visit www.raleighnc.gov and search for “Rezoning Process.” If you have further questions about the rezoning process, please contact:

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

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

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

Sincerely,

A handwritten signature in blue ink, appearing to read "M. M. Stuart".

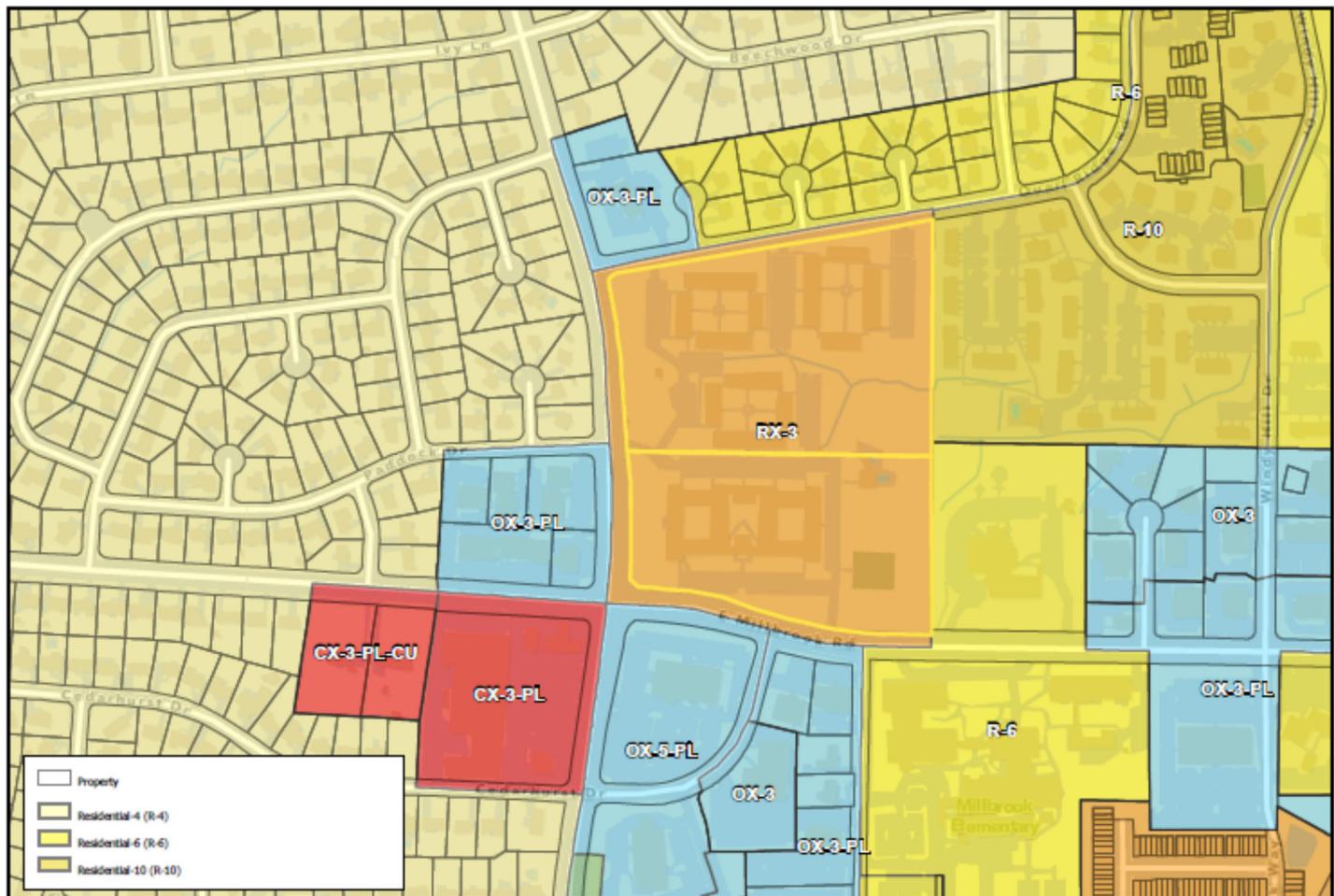
Neighborhood Meeting Agenda

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

Aerial Photo



Zoning





How to Participate in the November 30, 2021 Neighborhood Meeting

Re: 5200 Falls of Neuse Rd & 1401 E. Millbrook Rd

- To participate by PC, Mac, iPad, iPhone or Android device,
 - Go to morningstarlaw.group/11302021mtg to register for the meeting.
(Registration is necessary as we are required by the City of Raleigh to have a record of attendance.)
 - Upon registration, you will receive a confirmation email with instructions on how to access the meeting.
- To participate by phone,
 - Dial one of the following numbers:
 - +1 312 626 6799
 - +1 929 436 2866
 - +1 301 715 8592
 - +1 346 248 7799
 - +1 669 900 6833
 - +1 253 215 8782
 - Enter Webinar ID: 813 8674 7749
 - Enter password: 937211
 - *For attendance purposes as required by the City of Raleigh, individuals participating via telephone will be unmuted and asked to identify themselves including their name and address.*

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

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

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

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



Rezoning Application and Checklist

Planning and Development Customer Service Center • One Exchange Plaza, Suite 400 | Raleigh, NC 27601 | 919-996-2500

Please complete all sections of the form and upload via the Permit and Development Portal (permitportal.raleighnc.gov). Please see page 18 for information about who may submit a rezoning application. A rezoning application will not be considered complete until all required submittal components listed on the Rezoning Checklist have been received and approved. For questions email rezoning@raleighnc.gov.

| Rezoning Request | | | | |
|--|---|-----------------|-------------|---|
| Rezoning Type | <input checked="" type="checkbox"/> General Use | Conditional Use | Master Plan | Office Use Only Rezoning case # <hr/> |
| | Text change to zoning conditions | | | |
| Existing zoning base district: RX | Height: 3 | Frontage: | | Overlay(s): |
| Proposed zoning base district: OX | Height: 5 | Frontage: | | Overlay(s): |
| Helpful Tip: View the Zoning Map to search for the address to be rezoned, then turn on the 'Zoning' and 'Overlay' layers. | | | | |
| If the property has been previously rezoned, provide the rezoning case number: | | | | |

| General Information | | |
|---|------------------------------|-----------------------|
| Date: | Date amended (1): | Date amended (2): |
| Property address: 5200 Falls of Neuse Road; 1401 E. Millbrook Road | | |
| Property PIN: 1716456459, 1716446886 | | |
| Deed reference (book/page): 007817/00228; 007817/00228 | | |
| Nearest intersection: Falls of Neuse Rd; Quail Ridge Rd; E Millbrook Rd | Property size (acres): 23.51 | |
| For planned development applications only | Total units: | Total square footage: |
| | Total parcels: | Total buildings: |
| Property owner name and address: Qr Realty Company, LLC, c/o Drucker & Falk Real Estate, 7200 CreedmoorRoad, Raleigh, NC, 27613 | | |
| Property owner email: mstuart@morningstarlawgroup.com | | |
| Property owner phone: 919-890-3318 | | |
| Applicant name and address: Qr Realty Company, LLC, c/o Drucker & Falk Real Estate, 7200 CreedmoorRoad, Raleigh, NC, 27613 | | |
| Applicant email: mstuart@morningstarlawgroup.com | | |
| Applicant phone: 919-890-3318 | | |
| Applicant signature(s): | | |
| Additional email(s): | | |

SUMMARY OF ISSUES

A neighborhood meeting was held on November 30, 2021 (date) to discuss a potential rezoning located at 5200 Falls of Neuse Rd. and 1401 E. Millbrook Rd. (property address). The neighborhood

Meeting was held at [virtual] (location). There were approximately 36 (number) neighbors in attendance. The general issues discussed were:

Summary of Issues:

The rezoning process was summarized.

There are no current plans to redevelop, and the rezoning process is part of a longer term reassessmen

Additional signage was requested; mailing is the primary notification method.

Several attendees were concerned about future affordability at this location and asked about the current

Several questions were asked regarding the city's planning, development, and zoning processes.

| Attendance Roster | |
|---|---------------------------------|
| Name | Address |
| Tissapuella Brown | not provided |
| Dee. Dee | not provided |
| Ki McDaniels | 1401 E Millbrook Rd |
| Holly Pendergraft | not provided |
| Iesha Cobb | 404 Dorothea Dr., 404 |
| Leon Cooke | 1500 Whittington Drive |
| Hall Barnett | 2319 Lake Drive |
| Barbara Smalley-McMahan | not provided |
| Cassandra Massenburg | not provided |
| Clifford Raynor | 1600 Beechwood Dr |
| Jeremy Gilchrist | not provided |
| Jill Barrett | 5201 Saddle Court |
| Jonathan Lane | not provided |
| Shai X | not provided |
| Jason Hardin | not provided |
| Wanda Gilbert-Coker | not provided |
| Marchina Cotton | 1401 east millbrook rd, apt 148 |
| Melvyn Berman | not provided |
| Kevin Fielder | 5208 Falls of Neuse Rd Apt C |
| Kristen Hill | not provided |
| larry helfant | 1013 thoreau drive |
| Hwa Huang | 7401 Ebenezer Church Rd, 27612 |
| Kylie Marsh | 616 Nantahala Drive |
| byron laws | not provided |
| Wanda Hunter | not provided |
| Jeff Wilson | PO Box 31763 |
| Kari Littlejohn | 1401 E Millbrook Road |
| Yolanda Taylor | 720 Rockville Road |
| Nicole Kourie | not provided |
| Tim Kale | 5209 Badham Place |
| Haley Kinsler | 804 Gorman St. APT C |
| Plus five phone attendees whose names were not provided | not provided |
| | |
| | |
| | |
| | |
| | |

REZONING OF PROPERTY CONSISTING OF +/- 23.51 ACRES
LOCATED AT 5200 FALLS OF NEUSE ROAD AND 1401 E. MILLBROOK ROAD,
IN THE CITY OF RALEIGH

REPORT OF MEETING WITH ADJACENT PROPERTY OWNERS AND TENANTS ON
AUGUST 24, 2022

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, August 24, 2022, at 7:00 p.m. The property considered for this potential rezoning totals approximately 23.51 acres and is located at 5200 Falls of Neuse Road and 1401 E. Millbrook Road, in the City of Raleigh, having Wake County Parcel Identification Numbers, 1716456459 and 1716446886, respectively. This meeting was held at the Millbrook Exchange Community Center, 1905 Spring Forest Road, Raleigh Nc 27615. All owners and occupants of property within 1000 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**. Attached hereto as **Exhibit C** is a summary of the items discussed at the meeting and attached hereto as **Exhibit D** is a list of individuals who attended the meeting.

EXHIBIT A - NEIGHBORHOOD MEETING NOTICE



Molly Stuart | Partner
421 Fayetteville Street, Suite 530
Raleigh, NC 27601

919-890-3318
mstuart@morningstarlawgroup.com
www.morningstarlawgroup.com

To: Neighboring Property Owners and Tenants

From: Molly Stuart

Date: August 12, 2022

Re: Notice of meeting to discuss potential rezoning of certain property located at 5200 Falls of Neuse Road and 1401 E Millbrook Road (the "Property")

We are counsel for QR Realty Company ("QR Realty"), which plans to rezone the above-captioned Property. Currently, the Property is zoned Residential Mixed Use, up to three stories, (RX-3). QR Realty is considering rezoning the Property to Office Mixed Use, up to five stories, (OX-5). The purpose of the zoning request is to allow for office and residential mixed use at the site.

You are invited to attend a neighborhood meeting on **Wednesday, August 24, 2022, from 7 pm to 8 pm**. The meeting will be held at Millbrook Exchange Community Center, Millbrook Exchange CC Room 1, 1905 Spring Forest Road, Raleigh NC 27615. After the meeting, a report will be submitted to the Raleigh Planning and Development Department. Any other person attending the meeting can submit written comments about the meeting or the request in general, but to be included in the Planning Commission agenda packet, written comments must be received at least 10 days prior to the date of the Planning Commission meeting where the case is being considered.

After the submittal of certain rezoning applications, the City of Raleigh requires that a neighborhood meeting be held for all property owners within 1,000 feet of the area requested for rezoning. After the meeting, we will prepare a report for the Raleigh Planning & Development Department regarding the items discussed at the meeting. You can view the full application materials, including the first neighborhood meeting materials on the City's current zoning cases page (<https://raleighnc.gov/SupportPages/zoning-cases>). This rezoning application is filed under case no. Z-90-21.

If you have further questions about the rezoning process, please contact:

JP Mansolf
Raleigh Planning & Development
(919) 996-2692
jp.mansolf@raleighnc.gov

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

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

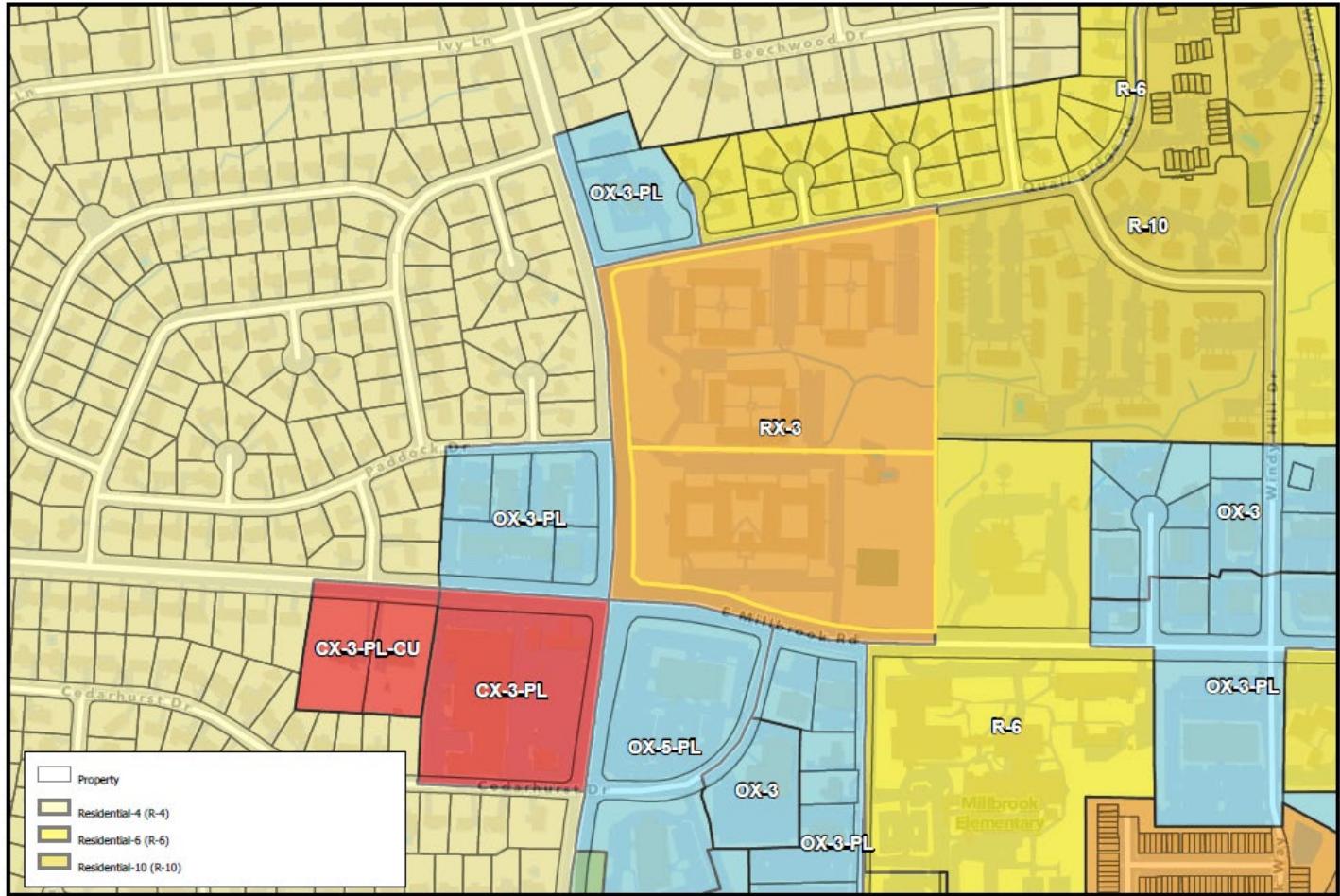
Sincerely,

A handwritten signature in blue ink, appearing to read "M. STUART".

Aerial Photo



Zoning





Rezoning Application and Checklist

Planning and Development Customer Service Center • One Exchange Plaza, Suite 400 | Raleigh, NC 27601 | 919-996-2500

Please complete all sections of the form and upload via the Permit and Development Portal (permitportal.raleighnc.gov). Please see page 18 for information about who may submit a rezoning application. A rezoning application will not be considered complete until all required submittal components listed on the Rezoning Checklist have been received and approved. For questions email rezoning@raleighnc.gov.

| Rezoning Request | | | | |
|--|----------------------------------|-------------------|-------------|---|
| Rezoning Type | General Use | X Conditional Use | Master Plan | Office Use Only Rezoning case # <hr/> |
| | Text change to zoning conditions | | | |
| Existing zoning base district: RX | Height: 3 | Frontage: | Overlay(s): | |
| Proposed zoning base district: OX | Height: 5 | Frontage: PL | 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: 12/14/21 | Date amended (1): 4/28/22 | Date amended (2): |
| Property address: 5200 Falls of Neuse Road; 1401 E. Millbrook Road | | |
| Property PIN: 1716456459, 1716446886 | | |
| Deed reference (book/page): 007817/00228; 007817/00228 | | |
| Nearest intersection: Falls of Neuse Rd; Quail Ridge Rd; E Millbrook Rd | Property size (acres): 23.51 | |
| For planned development applications only | Total units: | Total square footage: |
| | Total parcels: | Total buildings: |
| Property owner name and address: Qr Realty Company, LLC, c/o Drucker & Falk Real Estate, 7200 CreedmoorRoad, Raleigh, NC, 27613 | | |
| Property owner email: mstuart@morningstarlawgroup.com | | |
| Property owner phone: 919-890-3318 | | |
| Applicant name and address: Qr Realty Company, LLC, c/o Drucker & Falk Real Estate, 7200 CreedmoorRoad, Raleigh, NC, 27613 | | |
| Applicant email: mstuart@morningstarlawgroup.com | | |
| Applicant phone: 919-890-3318 | | |
| Applicant signature(s): | | |
| Additional email(s): | | |

| Conditional Use District Zoning Conditions | | |
|--|-----------------------------|--|
| Zoning case #: Z-90-21 | Date submitted: 8/4/22 | Office Use Only Rezoning case # _____ |
| Existing zoning: RX-3 | Proposed zoning: OX-5-PL-CU | |

Narrative of Zoning Conditions Offered

1. 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 than as follows, as determined by the ITE Trip Generation Manual, 11th Edition:

AM Peak Hour: 499 total trips

PM Peak Hour: 625 total trips

2. The property owner(s) shall provide tenants with 180 days' written notice before the termination of their leases due to redevelopment of the property, so long as said leases are in full force and effect and not in default. The applicant shall provide a letter to the City Clerk's Office confirming that the required notice has occurred.

The property owner(s) hereby offers, consents to, and agrees to abide, if the rezoning request is approved, the conditions written above. All property owners must sign each condition page. This page may be photocopied if additional space is needed.

Property Owner(s) Signature: _____

Printed Name(s): _____

| | | |
|--|------------------------|---------------|
| VESSA, AMANDA G | 1712 QUAIL RIDGE RD | RALEIGH 27609 |
| WAGHER, ROSS P | 5316 COUNTRY CT | RALEIGH 27609 |
| WAGNER, SUSAN R | 5200 FIRESIDE DR | RALEIGH 27609 |
| WAKE COUNTY BOARD OF EDUCATION | RE SERVICES DIRECTOR | RALEIGH 27609 |
| WALLACE, ERIC MCGLOTHLIN, RACHELL | 1715 SORRELL BROOK WAY | RALEIGH 27609 |
| WANG, CHONLY MCGOWAN, BRITTANY | 2353 LOWDEN ST | RALEIGH 27609 |
| WANG, XING YAN | 4012 VESTA DR | RALEIGH 27609 |
| WARD, JERRY LEE WARD, SHEENA M | 1718 QUAIL RIDGE RD | RALEIGH 27609 |
| WATSON, DEAN | 1112 CEDARHURST DR | RALEIGH 27609 |
| WEINSTOCK, ALICIA J | 1512 BEECHWOOD DR | RALEIGH 27609 |
| WILFONG, JOHN JAY | 1407 IVY LN | RALEIGH 27609 |
| WILLIAMSON, BENJAMIN NAPIER IV WILLIAMSON, ABBIE C | 3413 ELVIN CT | RALEIGH 27609 |
| WILSON, APRIL M | 1704 SORRELL BROOK WAY | RALEIGH 27609 |
| WILSON, FRANCES A | 1601 BEECHWOOD DR | RALEIGH 27609 |
| WILSON, JOSEPH W WILSON, ROSE C | 5323 CYPRESS LN | RALEIGH 27609 |
| Z PROPERTIES LLC | 5327 COLLINGSWOOD DR | RALEIGH 27609 |

EXHIBIT C – ITEMS DISCUSSED

1. Discussed rezoning process in depth – Discussed the matter is now at the second neighborhood meetings – Next steps – Public Hearings - Planning Commission and then City Council.
2. Discussed future letters from the City of Raleigh will be mailed to owners/tenants within 500ft.
3. Discussed neighbors can follow online on the City's website.
4. Showed aerial of parcels
5. Discussed current zoning – RX-3, Residential mixed use up to 3 stories
6. Discussed future land use map – Parcel to the north is Neighborhood Mixed Use and parcel to the south is Office and Residential Mixed Use.
7. Discussed proposed zoning – OX-5-CU – Discussed the proposed zoning is office mixed use up to five stories with conditional use.
8. Discussed frontage –Parking Limited- Goal is to be pedestrian friendly with some parking in front of the building. This is a hybrid frontage.
9. Discussed zoning conditions – Peak hour cap on trip generation and tenant notice of 180 days before termination of leases. Showed graph regarding trip generation.
10. Participant asked if neighbors will be able to get numbers from the manual used regarding trip generation. The trip generation condition is not final and is still being discussed now and yes, the information provided in the graph can be provided.
11. Participant firmly provided concern about affordable housing issues the rezoning may cause and issues with construction currently going on.
12. Participant asked if the rezoning request is approved, although it is now seeking 5 stories, will the approval allow the applicant to change height to something like 20 stories?
13. Participant discussed the magnet school and the potential density causing a negative effect on the school.
14. Participant asked why are we having this meeting. If there is no plan, what is the purpose? The purpose is to get community input. The current zoning allows the site to be redeveloped today. The owner does not need a rezoning to redevelop. We are here to discuss with you the City's plan for this area in the future and how the requested OX-5-CU could possibly shape the neighborhood.
15. Participant asked about what the peak hours are when discussing the trip generation numbers. There are no set hours, we assume it is peak rush hours in the am and pm.
16. Participant asked how it would affect the traffic. Traffic information is something the city will consider at the site plan phase.
17. Participant asked why trip generation would increase. An increase in housing will cause an increase in trip generation.
18. Participant asked who picks up the cost of the damage construction causes. Discussed property taxes – when value of property goes up, property taxes go up.
19. Participant asked why office mixed use? The city's Future Land Use Map calls for more office use in this area. This rezoning is not just about uses; it is also about the height.
20. Participant asked who dictates what goes into the application. The applicant does and you are welcome to send letters, emails, or call to discuss concerns you may have.
21. Participant asked if there is a staff review? There are staff comments that are not posted online but the City will give you a copy of the comments if requested.
22. Participant commented that the land is a beautiful piece of land and there are a lot of people who are coming here to live. She asked that when the applicant visits the idea of redeveloping or selling, to please think about preserving the quality of life that exists today. It would be wonderful to redevelop because the property has aged, we understand that, just redevelop in a way that preserves quality of life.
23. Response: Management company discussed that there is no intention to redevelop at this time. The owners are revising their estate plan and want to make sure they are preserving the property

in the best way possible for future generations. The property is updated as much as possible and the intention is to continue to provide for the community and to provide safe housing. That is what we will continue to do.

24. Participant asked if the new traffic trips trigger street improvements. This rezoning request does not trigger a traffic study, but when a traffic study is triggered the City will request a TIA and the applicant is responsible for required improvements.
25. Two participant got loud and shouted, "This is ridiculous," ... and other profanity and walked out of the meeting.
26. Participant asked about approval of speed bumps and if a rezoning could result in the speed bumps be taken away. There is a possibility that location could move, but they would not be taken away.
27. Participant asked about other rezoning and construction going on in the area and how would those numbers affect traffic? When you come in at the site plan phase, the city will conduct a study and take into account what is happening in the surrounding area.
28. Participant asked if there is anything in the zoning about where entrances will be. The city has restrictions on where entrances can be located. The goal is to keep entrances away from intersections and there are other requirements for entrances that will be based on a site plan. There is no plan for this rezoning.
29. Participant asked about density issues this rezoning and other rezoning taking place close by. Is there a way that this is looked at by the City and how it effects the overall traffic. City staff explained it depends on the timing, the two cases in the rezoning process. For instance, there may be another project already in the site plan phase and this is where density and traffic is looked at carefully by the city.
30. Participant expressed concern that the rezoning process is confusing, specifically regarding how far these changes allow the owner to go and neighbors are not given much information about where this is going and it is frustrating. We cannot get a handle on what is going on. City staff: I can give you my card before we leave if you have specific questions. Molly: As far as rezoning, this is a meeting about potential for the property. We will have to wait for a site plan before we get more information and that is public information you can follow online. There is still the public hearing process you can be involved in. Ultimately, it is City Council that will decide whether to approve the rezoning.
31. Participant asked about any other public forum regarding the rezoning? Public hearings at the Planning Commission and City Council meetings.
32. Participant asked for some indication about what is going to happen. We will provide the city with a report of this meeting and the matter will be set before the Planning Commission.
33. Participant discussed current construction blocks them in their neighborhood. The current construction does not involve this project.
34. Participant discussed he has been in the neighborhood for 30 years and he would like to see it get cleaned up.
35. Participant stated that she walks through the property and she feels safe.
36. Participant discussed the developer cut down the 50 year old tree. Management Company: The city cut down that tree, that was not part of any rezoning.
37. Participant discussed that neighbors are left out of the rezoning process. There is a lack of information and that is why I am opposing this rezoning.
38. Participant asked if the rezoning is approved what happens then. If the owners decide to redevelop, then the site plan phase will begin.
39. Participant expressed concern that if redevelopment, will everyone be displaced. There is a condition in the rezoning that will provide a 180 day notice to vacate.

EXHIBIT D – MEETING ATTENDEES

Quail Ridge

| Attendance Roster | |
|--------------------------|--------------------------------|
| Name | Address |
| Kelly Cates | 1792 Quail Ridge Rd |
| Marcia Erikson | 8230 New hill Rd. |
| Mike Sigma & Logan Fouts | 5204 Badham Place |
| Joe Mason | 5312 Cypress Ln |
| Susan Jeffreys | 1605 Beechwood Dr. |
| JANET PRUITT | 16119 Beechwood DR. |
| BARNETT ADLER | 5208 SADDLE CT |
| Spencer /Meredith Harris | 5200 Badham Place |
| Carey Austin | 5205 CHERRYWOOD CT |
| JP Mansolf | |
| MICHAEL VALENTINO | 5201 SADDLE CT |
| Jeff Wilson | 1305 Millbrook - Quail Commons |
| TRENTON HOWARD | 5201 Saddle Ct |
| Drew Johnson | 5209 Saddle Ct |
| Kevin Falcon- | 5208 Falls of Neuse |
| Rob Stanley | 1730 Quail Ridge |
| Nicole Stevens | 1416 Sorrell Brook Way |
| Jill Berrett | 5205 SADDLE CT |
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