



# Planning & Development

Zoning Division  
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## City of Raleigh Official Zoning Code Interpretation

Requested Interpretation		Case Number
Applicability of a zoning condition for case Z-10-02 as it relates to site plan GH-10-13 and subdivision S-36-13.		UI-01-2013
<b>Site Address/PIN:</b> 413 Sunnybrook Road (1723.37.7336); 417 Sunnybrook Road (1723.37.8299); 423 Sunnybrook Road (1723.37.7219 & 1723.37.8197); 503 Sunnybrook Road (1723.37.6197); and 3304 Pine Grove Road (1723.47.4286)		<b>GH-10-13</b> <b>S-36-13</b> <b>Z-10-02</b>
<b>Date Submitted:</b> November 14, 2013	<b>Date Issued:</b> December 5, 2013	<b>Code Sections Affected:</b> N/A

### STAFF ANALYSIS

The applicant has submitted a site plan (GH-10-13) and subdivision (S-36-13) for property on the east side of Sunnybrook Road, north of Winslow Ridge Drive. The subject property is approximately 13.31 acres in size. The property is zoned R-20 Conditional Use (11.48 acres) and R-6 (1.83 acres). The R-20 Conditional Use portion of the property was rezoned with Z-10-02 (Ordinance 2002 165 ZC 512). This zoning ordinance was approved with zoning conditions, one of which that restricts vehicular access to Sunnybrook Road. The condition reads:

“Vehicular access to the Property from Sunnybrook Road shall be limited to no more than one curb cut (with or without a median). In the event that the Property is recombined or subdivided, all resulting lots shall be provided access to Sunnybrook Road via such curb cut.”

The site plan shows a direct access point onto Sunnybrook Road on the southern end of the property. This access point connects to a proposed public street that runs north/south known as “Stoney Moss Drive”. Additionally, the property has the ability to gain access to Sunnybrook Road through cross access easements provided on the properties to the north. The properties directly to the north of the subject property have received site plan approval under SP-37-13. This approval provides a direct access point to Sunnybrook Road, and an opportunity for cross access to the subject property.

During the staff review of the site plan, the applicant was advised that access to Sunnybrook Road would only be permitted through the cross access point to the north and that two access points were not permitted given the zoning condition for Z-10-02.

### STAFF INTERPRETATION

The zoning condition applies solely to the property that was subject to Z-10-02. The site plan includes property directly adjacent to Sunnybrook Road that was not a part of the rezoning case, which is zoned R-6. While the condition specifically references the subdivision or recombination of the property, the zoning conditions do not transfer to those portions of the property that were not rezoned with Z-10-02. Even if the properties are recombined, the zoning condition does not apply to areas of the property not subject to the zoning action of Z-10-02.

### SIGNATORY

  
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 Travis R. Crane, Planning and Zoning Administrator