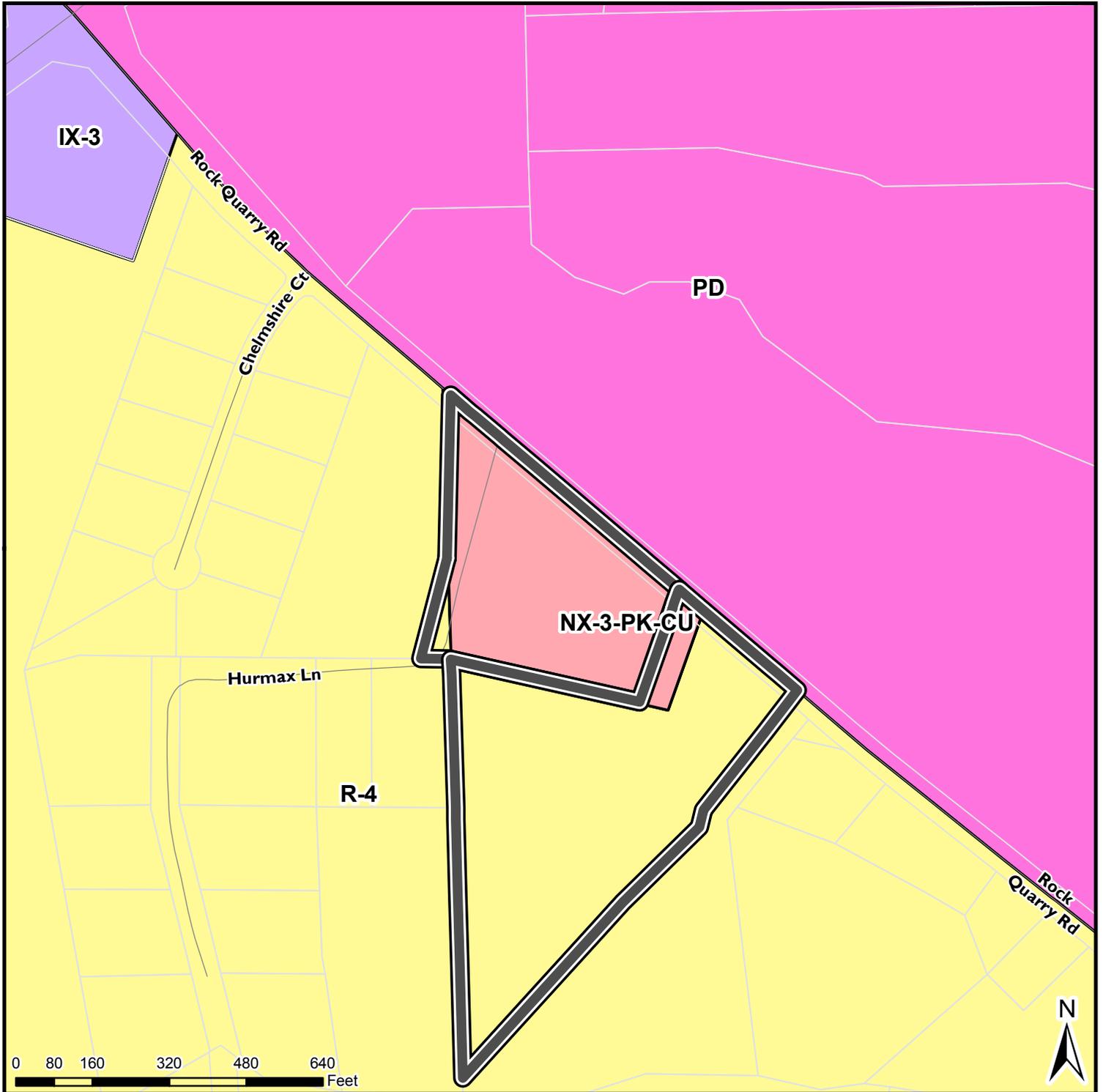


# Existing Zoning Map

# Z-5-2016

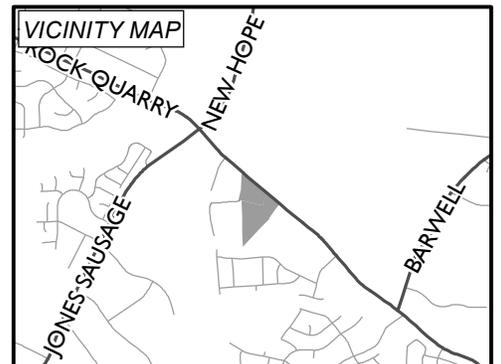


**Submittal Date**

1/21/2016

## Request:

**11.65 acres from  
NX-3-PK-CU & R-4  
to NX-3-CU**





# Certified Recommendation

Raleigh Planning Commission

CR#

## Case Information Z-5-16 Rock Quarry Road

|  |   |
|--|---|
| <i>Location</i>                        | South side, south of intersection with S. New Hope Rd.<br>Address: 5110 and 5020 Rock Quarry Road<br>PIN: 1722921638,1722839173 |
| <i>Request</i>                         | Rezone property from NX-3-PK-CU and R-4 to NX-3-CU and RX-3-CU-PL   |
| <i>Area of Request</i>                 | 11.65 acres   |
| <i>Property Owner</i>                  | Hurshel G. Stirckland<br>9686 NC Highway 210<br>Four Oaks, NC 27524   |
| <i>Applicant</i>                       | Chad Essick, Poyner Spruill LLP<br>301 Fayetteville St. Suite 1900<br>Raleigh, NC 27601   |
| <i>Citizens Advisory Council (CAC)</i> | South<br>Chairperson Norman Camp  |
| <i>PC Recommendation Deadline</i>      | 8/8/2016  |

## Comprehensive Plan Consistency

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

## Future Land Use Map Consistency

The rezoning case is  **Consistent**  **Inconsistent** with the Future Land Use Map.\*  
The proposed RX- property is consistent with the FLUM, but the proposed NX- parcel is inconsistent.

## Comprehensive Plan Guidance

|                                     |   |
|-------------------------------------|---|
| <b><i>FUTURE LAND USE</i></b>       | Moderate Density Residential  |
| <b><i>URBAN FORM</i></b>            | Transit Emphasis Corridor   |
| <b><i>CONSISTENT Policies</i></b>   | Policy LU 1.3 – Conditional Use District Consistency<br>Policy LU 2.6 – Zoning and Infrastructure Impacts<br>Policy LU 6.4 – Bus Stop Dedication<br>Policy UD 7.3 – Design Guidelines |
| <b><i>INCONSISTENT Policies</i></b> | Policy LU 1.2 – Future Land Use Map and Zoning Consistency  |

## Summary of Proposed Conditions

- |  |
|--|
| <ol style="list-style-type: none"> <li>Limits Density to 14 units per acre</li> <li>Establishes build-to and associated building placement percentage and limits parking to two bays with a single drive aisle.</li> <li>Establishes maximum development intensities for a number of potential development scenarios.</li> </ol> |
|--|

4. Provides for transit easement upon request by city transit staff.

## Public Meetings

| <i>Neighbor Meeting</i> | <i>CAC</i>               | <i>Planning Commission</i> | <i>City Council</i> | <i>Public Hearing</i> |
|-------------------------|--------------------------|----------------------------|---------------------|-----------------------|
| 10/28/2016              | South<br>(Y – 33, N – 0) | 5/10/2016                  |                     |                       |

**Valid Statutory Protest Petition (Date Filed: )**

Attachments:

1. Staff report
- 2.

## Planning Commission Recommendation

|                               |  |
|-------------------------------|--|
| <i>Recommendation</i>         |  |
| <i>Findings &amp; Reasons</i> |  |
| <i>Motion and Vote</i>        |  |

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

\_\_\_\_\_  
Planning Director

\_\_\_\_\_  
Date

\_\_\_\_\_  
Planning Commission Chairperson

\_\_\_\_\_  
Date

Staff Coordinator:

Charles Dillard: (919) 996-2651; [charles.dillard@raleighnc.gov](mailto:charles.dillard@raleighnc.gov)  
Vivian Ekstrom: (919) 996-2657; [vivian.ekstrom@raleighnc.gov](mailto:vivian.ekstrom@raleighnc.gov)  
Doug Hill: (919) 996-2622; [doug.hill@raleighnc.gov](mailto:doug.hill@raleighnc.gov)



## Zoning Staff Report – Case #

### Conditional/ General Use District

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## Case Summary

### Overview

The 11.65 acre subject site is in southeast Raleigh, on the south side of Rock Quarry Road, just south of that road's intersection with S. New Hope Rd/Jones Sausage Rd. The parcel at 5110 Rock Quarry Road is currently developed with one single family home; 5220 Rock Quarry Rd. is vacant, save for a driveway that provides access to lots adjacent to the west. A high-voltage power transmission line and associated easement runs along the western boundary of both properties, at a width of approximately 200 feet. The central portion of the site is wooded. The site slopes down generally away from Rock Quarry Road. A small stream, part of the Big Branch creek system, is located in the central portion of 5110 Rock Quarry Road.

The surrounding context is composed of a mix of low- to medium-density residential, industrial, and vacant property. Properties to the east, south and west of the site are zoned R-4, while the property to the north, across Rock Quarry Rd., is zoned PD. A large area of IX- and IH- zoning is located approximately 0.2 miles to the west of the site. Directly across Rock Quarry Road is the approved, but unbuilt, Olde Towne Planned Development. The closest Urban Form Map-designated Mixed Use Growth Center is located one mile to the south, at Rock Quarry Rd. and Battle Bridge Rd. the Barwell Rd. Community Center is located approximately 0.75 miles from the site. The Walnut Creek Greenway is located approximately 0.85 miles to the north, along S. New Hope Rd.

The site is designated Moderate Density Residential on the Future Land Use Map, a designation which recommends residential densities no greater than 14 units per acre. Furthermore, the Comprehensive Plan suggests R-6, R-10 and RX- zoning for such properties. The proposed RX- property is thus consistent with the Future Land Use Map, but the proposed NX- parcel is inconsistent, as it would allow greater office and/or retail intensities than what is envisioned in the Comprehensive Plan. The area currently does not provide many commercial services. The closest FLUM-designated Community Mixed Use area is in the unbuilt Olde Towne PD.

Conditions offered with this request would limit residential densities to an amount consistent with the Future Land Use Map designation for the site; establish building placement requirements to approximate the recommended Parking Limited Frontage; provide maximum development intensities for a number of scenarios; and provide a transit easement. The condition establishing build-to requirements for the proposed NX- parcel are provided to mimic Parking Limited frontage. This condition, however, requires that only 20% of the building width shall be placed in the 0'-100' build-to (as opposed to the UDO standard 50%). While such a condition is typically discouraged, the existing transmission easement on this property would make meeting the 50% requirement overly burdensome, or even infeasible.

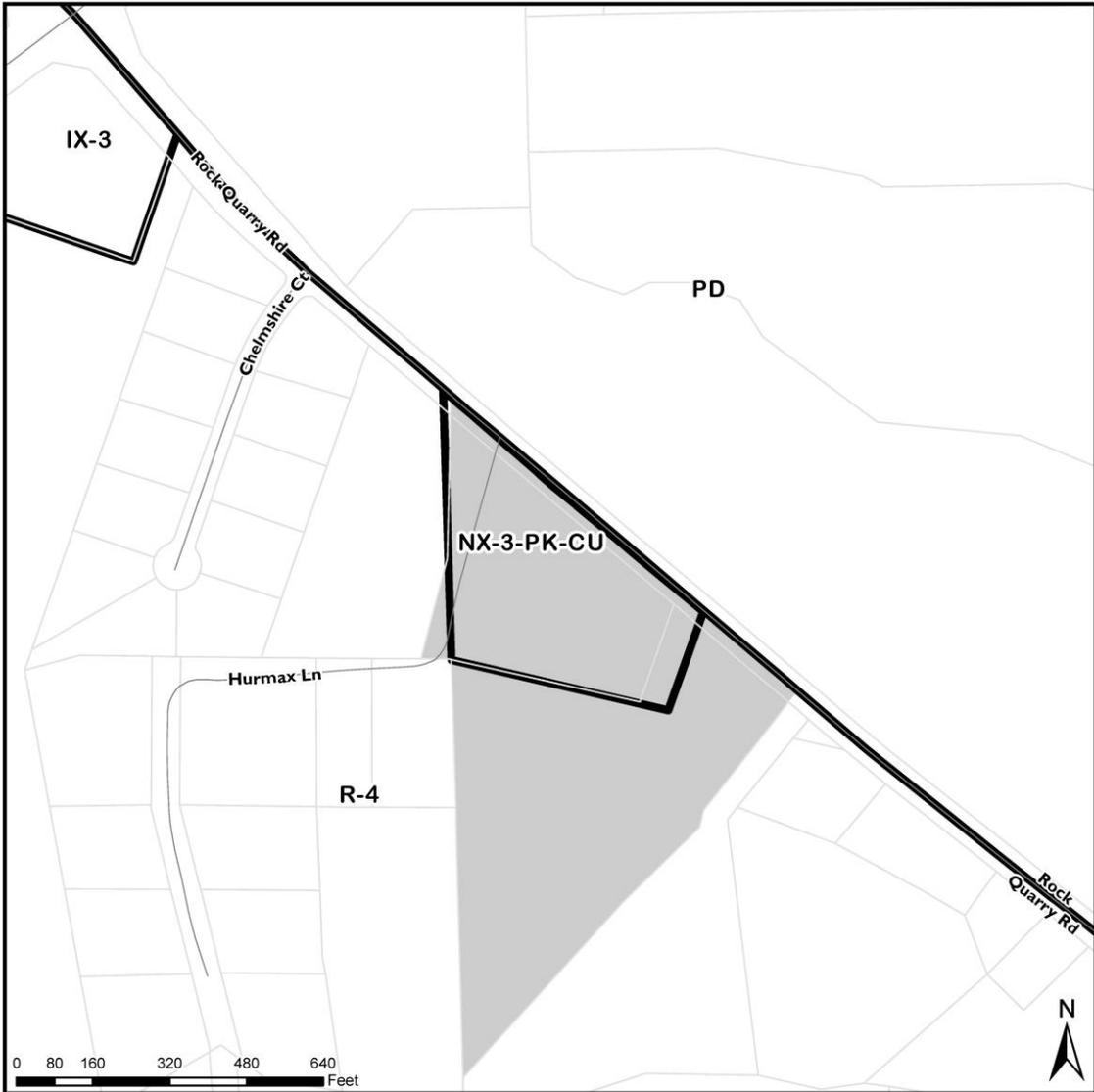
The South CAC voted 33-0 in support of the case. A number of those voting in favor of the case have submitted a written request that the City recognize existing traffic and transportation infrastructure problems in the area.

## Outstanding Issues

|                           |  |                             |   |
|---------------------------|--|-----------------------------|---|
| <i>Outstanding Issues</i> | 1. Transit shelter may be requested at site plan stage.<br>2. Neuse Riparian Buffers may exist on site.<br>3. Sewer and Fire Flow matters may need to be addressed at site plan stage. | <i>Suggested Mitigation</i> | 1. Provide transit pad at request of City staff at site plan stage.<br>2. Verify Neuse Riparian Buffers with NC Dept. of Water Resources<br>3. Address sewer and fire flow capacities at the site plan stage. |
|---------------------------|--|-----------------------------|---|

# ZONING REQUEST

## Existing Zoning Map Z-5-2016

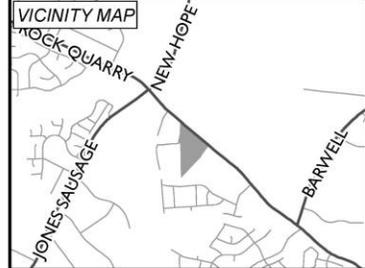


**Submittal Date**

1/21/2016

### Request:

**11.65 acres from  
NX-3-PK-CU & R-4  
to NX-3-CU**



Map Date: 4/1/2016

# Rezoning Case Evaluation

## 1. Compatibility Analysis

### 1.1 Surrounding Area Land Use/ Zoning Summary

|                                   | <b>Subject Property</b>      | <b>North</b>                 | <b>South</b>                 | <b>East</b>                  | <b>West</b>                  |
|-----------------------------------|------------------------------|------------------------------|------------------------------|------------------------------|------------------------------|
| <i>Existing Zoning</i>            | NX-3-PK-CU and R-4           | PD                           | R-4                          | R-4                          | R-4                          |
| <i>Additional Overlay</i>         | -                            | -                            | -                            | -                            | -                            |
| <i>Future Land Use</i>            | Moderate Density Residential |
| <i>Current Land Use</i>           | Vacant/Single Family Res.    | Vacant                       | Single Family Residential    | Single Family Residential    | Single Family Residential    |
| <i>Urban Form (if applicable)</i> | Transit Emphasis Corridor    | Transit Emphasis Corridor    | -                            | Transit Emphasis Corridor    | Transit Emphasis Corridor    |

### 1.2 Current vs. Proposed Zoning Summary

|                                    | <b>Existing Zoning</b>             | <b>Proposed Zoning</b> |
|------------------------------------|------------------------------------|------------------------|
| <i>Residential Density:</i>        | NX-3-PK-CU and R-4                 | NX-3-CU and RX-3-CU-PL |
| <i>Setbacks:</i>                   | *Detached House                    | *Apartment Building    |
| <i>Front:</i>                      | 20' (R-4 parcel) / 10' (NX-parcel) | 5'                     |
| <i>Side:</i>                       | 10' (R-4 parcel) / 5' (NX- parcel) | 0' or 6'               |
| <i>Rear:</i>                       | 30' (R-4 parcel) / 20'(NX- parcel) | 0' or 6'               |
| <i>Retail Intensity Permitted:</i> | Not Permitted                      | 19,000 sq. ft.         |
| <i>Office Intensity Permitted:</i> | 44,000 sq. ft.                     | 55,000 sq. ft.         |

### 1.3 Estimated Development Intensities

|   | <b>Existing Zoning</b> | <b>Proposed Zoning*</b> |
|---|------------------------|-------------------------|
| <i>Total Acreage</i>                          | 11.65                  | 11.65                   |
| <i>Zoning</i>                                 | NX-3-PK-CU and R-4     | NX-3-CU and RX-3-CU-PL  |
| <i>Max. Gross Building SF (if applicable)</i> | -                      | -                       |
| <i>Max. # of Residential Units</i>            | 95                     | 105                     |
| <i>Max. Gross Office SF</i>                   | 44,000                 | 55,000 sq. ft.          |
| <i>Max. Gross Retail SF</i>                   | -                      | 19,000 sq. ft.          |
| <i>Max. Gross Industrial SF</i>               | -                      | -                       |
| <i>Potential F.A.R.</i>                       | -                      | -                       |

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

The proposed rezoning is:

**Compatible** with the property and surrounding area.

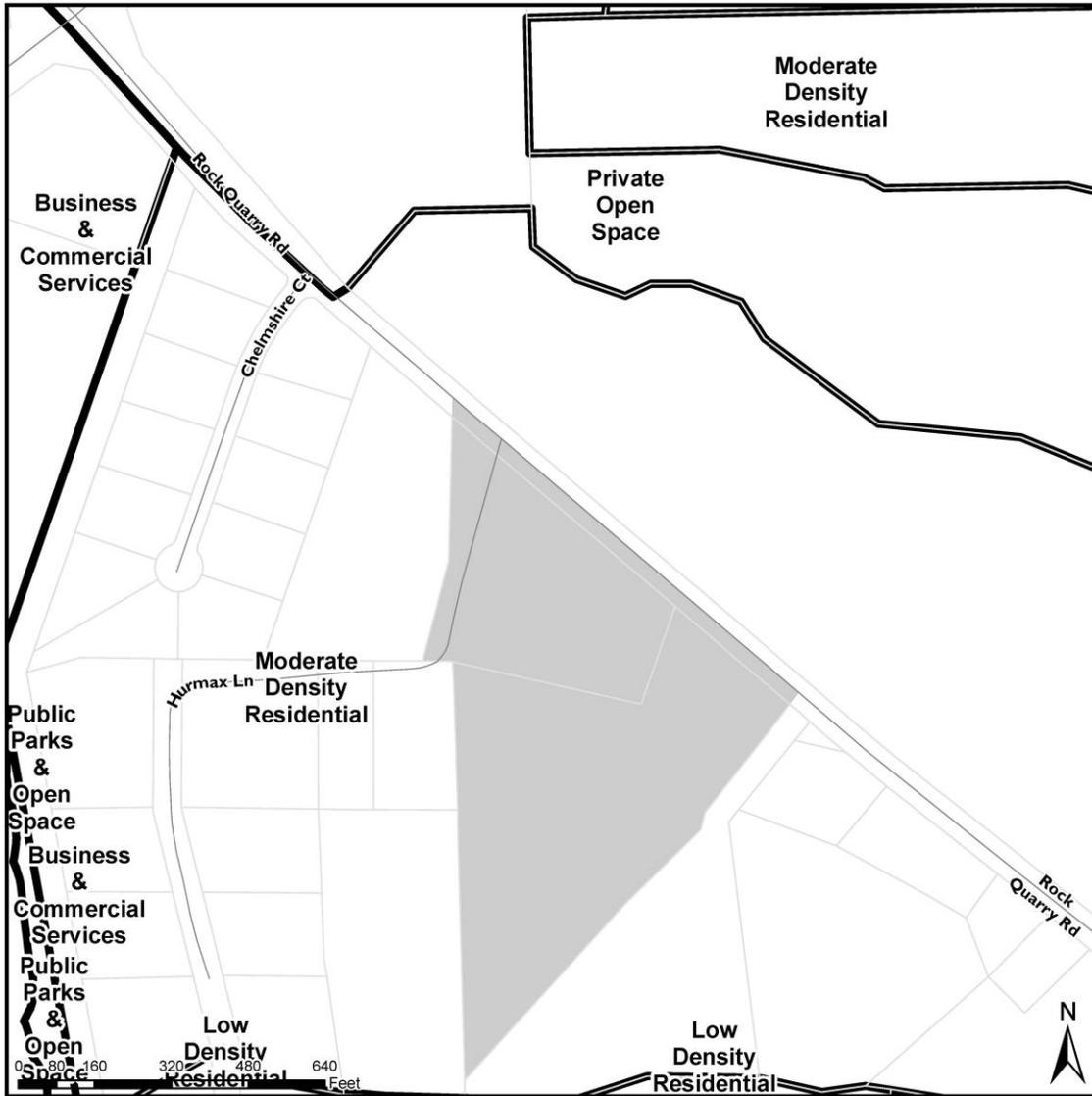
**Incompatible.**

Analysis of Incompatibility:

The proposal would permit residential densities recommended for this site within the Comprehensive Plan and the Future Land Use Map. While the proposed zoning would permit non-residential uses, this is an area of the city that lacks commercial services. The provision of frontage and equivalent frontage conditions support the city's long-term transit vision as well as the promotion of a more pedestrian-friendly development pattern.

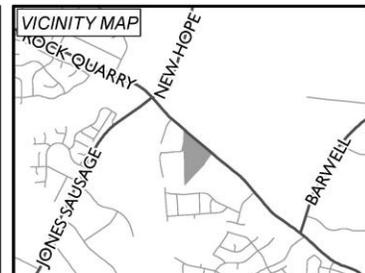
# FUTURE LAND USE MAP

## Future Land Use Map Z-5-2016



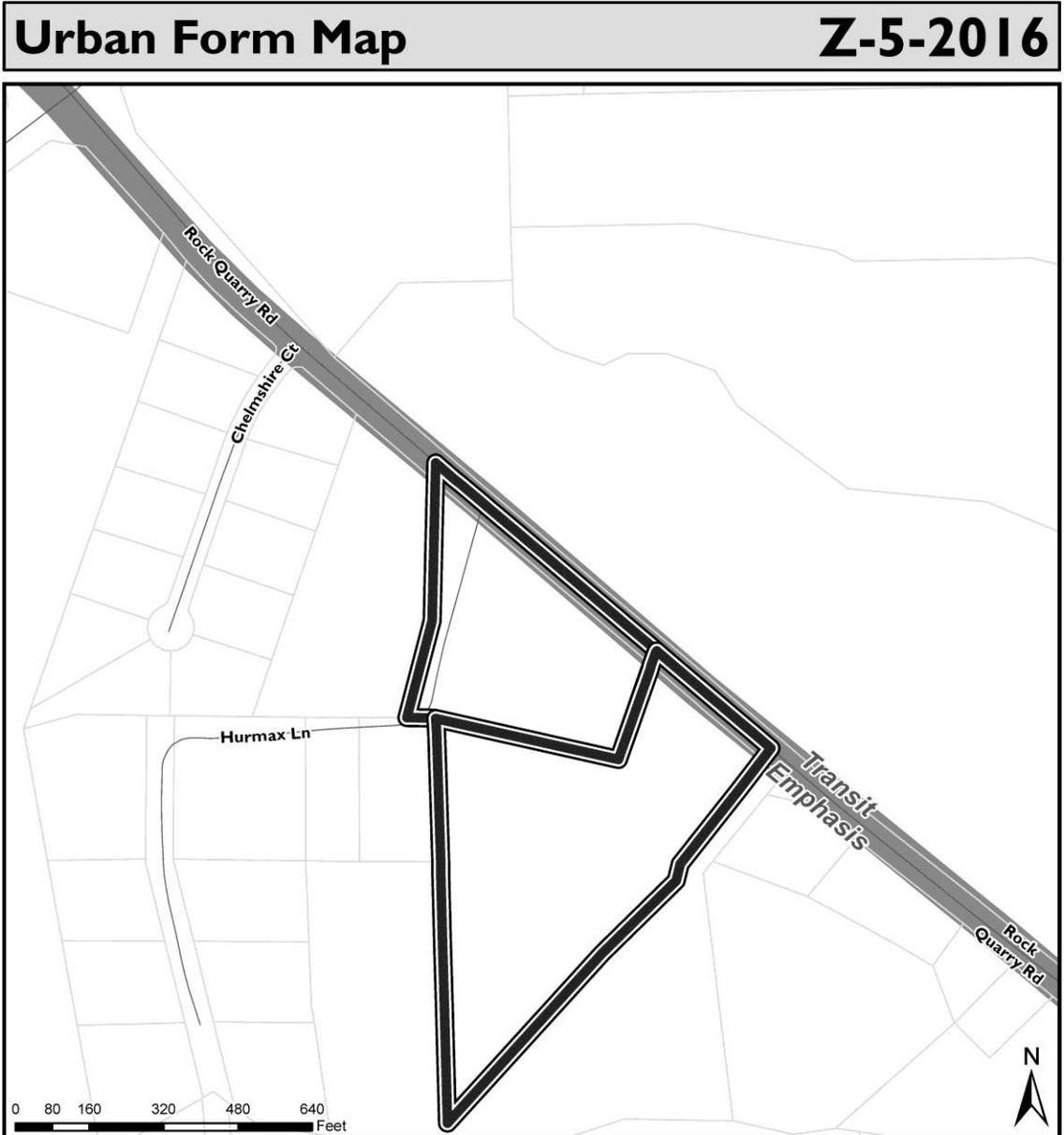

**Submittal Date**  
1/21/2016

**Request:**  
11.65 acres from  
NX-3-PK-CU & R-4  
to NX-3-CU



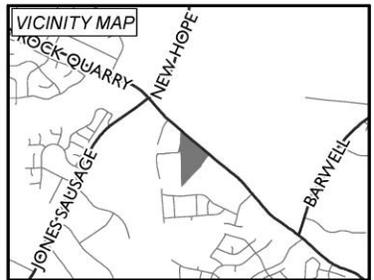
Map Date: 4/1/2016

# URBAN FORM MAP



**Submittal Date**  
1/21/2016

**Request:**  
11.65 acres from  
NX-3-PK-CU & R-4  
to NX-3-CU



## 2. Comprehensive Plan Consistency Analysis

### 2.1 Comprehensive Plan

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

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

The proposal can be considered consistent with the vision, themes, and policies contained in the Comprehensive Plan. Though partially inconsistent with the Future Land Use Map, the proposal does limit residential densities to amounts recommended in the comprehensive plan, and would also provide commercial services.

The proposal's inclusion of frontage and conditions to approximate recommended frontage promotes a more walkable development pattern, as well as the long-term transit plans for the area.

Community facilities and streets appear sufficient to accommodate the redevelopment possible under the proposed rezoning. Upon redevelopment, the property owner may be required to provide additional sanitary sewer analysis.

### 2.2 Future Land Use

**Future Land Use designation:**

**The rezoning request is:**

**Consistent** with the Future Land Use Map.

**Inconsistent\***

Analysis of Inconsistency:

The proposal to rezone 5020 Rock Quarry Rd. to NX- is inconsistent with the Moderate Density Residential designation. The proposal for 5110 Rock Quarry Rd. is consistent, as it limits residential density to no greater than 14 units per acre. The Comprehensive Plan includes RX- as a recommended base district in areas designated for Moderate Density Residential.

### 2.3 Urban Form

**Urban Form designation: Transit Emphasis Corridor**

**Not applicable** (no Urban Form designation)

**The rezoning request is:**

**Consistent** with the Urban Form Map.

**Inconsistent**

Analysis of Inconsistency:

The proposal includes an offer of a Transit Easement. The proposal's inclusion of PL- frontage and equivalent frontage conditions promote a more pedestrian-oriented development pattern, as well as safe and comfortable pedestrian passage from future transit infrastructure and any future development on site.

## **2.4 Policy Guidance**

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

### **Policy LU 1.2 – Future Land Use Map and Zoning Consistency**

1. Regarding Policy LU 1.2, the proposal is only partially inconsistent. Further analysis is provided above.

## **2.5 Area Plan Policy Guidance**

The rezoning request is **not** part of an area considered in an Area Plan

N/A

## **3. Public Benefit and Reasonableness Analysis**

### **3.1 Public Benefits of the Proposed Rezoning**

- The proposal provides permitted residential densities at levels recommended in the Comprehensive Plan.
- The proposal would permit commercial and office uses in an area of the city that currently lacks such services within close proximity.
- The proposal would provide a transit easement on Rock Quarry Road, a designated Transit Emphasis Corridor.
- The proposal would allow for a long-term plan for widening and improvements to Rock Quarry Road.

### **3.2 Detriments of the Proposed Rezoning**

- The proposal would permit uses not currently recommended on the Future Land Use Map.

- The proposal is located in an area of the city in which local residents are concerned about existing traffic problems.

## 4. Impact Analysis

[Assess impact on public services, facilities, infrastructure, fire and safety, parks and recreation, etc.]

### 4.1 Transportation

The site is located on the west side of Rock Quarry Road, approximately 1/4 miles south of New Hope Road. Rock Quarry Road (SR 2542) is maintained by the NCDOT. This segment of Rock Quarry Road currently has a two-lane, ribbon-paved cross section without curbs or sidewalks. Rock Quarry Road is classified as a major street in the UDO Street Plan Map (Avenue, 4-Lane, Divided). There is an unpaved private street (Hurmax Lane) that traverses parcel 1722-83-9173 and provides public street access to the adjacent parcels to the south. A 200-ft wide power line right-of-way also traverses parcel 1722-83-9173 along its western boundary line.

There are no state STIP projects planned for Rock Quarry Road in the vicinity of the Z-5-2016 site. This site lies within the area designated for City of Raleigh CIP project Rock Quarry Road – Part C but funding for Part C was not included in the current Capital Improvement Program.

Offers of cross access to adjacent parcels shall be made in accordance with the Raleigh UDO section 8.3.5.D: Internal vehicular circulation areas shall be designed and installed to allow for cross-access between abutting lots. If an abutting owner refuses in writing to allow construction of the internal vehicular circulation on their property, a stub for future cross-access shall be provided as close as possible to the common property line. If cross-access is waived by the Public Works Director in accordance with Sec. 8.3.6., bicycle and pedestrian connections shall be provided between abutting properties except where there is a perennial wet stream crossing greater than 15 feet in width that interferes with such access.

Site access will be provided via Rock Quarry Road. The subject parcels do not have frontage on any other public streets. In accordance with UDO section 8.3.2, the maximum block perimeter for NX-3 and CX-3 zoning is 3,000 feet. Street connectivity in this area of Raleigh is restricted by the presence of Big Branch creek. The block perimeter for Z-5-2016, as defined by the rights-of-way for Rock Quarry Road, Jones Sausage Road, Auburn Church Road and Wall Store Road, exceeds 36,000 feet. Case Z-5-2016 cannot meet the City's block perimeter standard.

A traffic impact analysis report is not required for Z-1-2016.

#### **Impacts Identified:**

Block perimeter exceeds 3,000 feet.

A Traffic Study is **not** required for Z-5-2016.

### 4.2 Transit

1. Rock Quarry Rd is designated as a transit emphasis corridor
2. Per Policy LU 6.4 please dedicate a 15x20' Transit Easement along Rock Quarry Rd
3. To advance Policy t 4.15 if requested by the Public Works Department please construct a pad, loading zone and ADA compliant bus shelter with standard amenities

**Impact Identified:**

Transit shelter and pad may be requested at site plan stage

**4.3 Hydrology**

|                              |                               |
|------------------------------|-------------------------------|
| <i>Floodplain</i>            | No FEMA Floodplain present.   |
| <i>Drainage Basin</i>        | Big Branch                    |
| <i>Stormwater Management</i> | Subject to Part 10, Chapter 9 |
| <i>Overlay District</i>      | None                          |

1. **Impact Identified:** Neuse Riparian Buffers may be located at the extreme southern point of the site, and can be verified with a stream determination through the Department of Water Resources.

**4.4 Public Utilities**

|                    | <i>Maximum Demand (current)</i> | <i>Maximum Demand (proposed)</i> |
|--------------------|---------------------------------|----------------------------------|
| <i>Water</i>       | 41,250 gpd                      | 101,875 gpd                      |
| <i>Waste Water</i> | 41,250 gpd                      | 101,875 gpd                      |

1. The proposed rezoning would add approximately 60,625 gpd to the wastewater collection and water distribution systems of the City. Sanitary sewer is available in Oak Marsh Drive and there is a water main in Forestville Road.
2. The developer may be required to submit a downstream sanitary sewer capacity study and those required improvements identified by the study must be permitted and constructed in conjunction with and prior to the proposed development being constructed.
3. Verification of available capacity for water fire flow is required as part of the building permit process. Any water system improvements required to meet fire flow requirements will also be required.

**Impact Identified:**

Sewer and fire flow capacity issues may need to be addressed at site plan stage.

**4.5 Parks and Recreation**

Site is not adjacent to existing or proposed greenway trail, corridor or connector. Nearest trail access is 0.92 miles, Walnut Creek Trail. Recreation services are provided by Barwell Road Community Center, 0.68 miles.

**Impact Identified:** None

**4.6 Urban Forestry**

1. The subject parcels are both larger than two acres and are subject to UDO Article 9.1. Tree Conservation.
2. Note that trees in the protected buffers around the property are protected prior to submittal of a development plan. Establishment of permanent tree conservation areas will be required upon submittal of a development plan.

**Impact Identified:**

**4.7 Designated Historic Resources**

There are no designated historic resources within 1,000 feet of the site.

**Impact Identified:** None

**4.8 Community Development**

The site is not located within a designated Redevelopment Plan area

**Impact Identified:**

**4.9 Impacts Summary**

1. Transit shelter may be requested at site plan stage.
2. Neuse Riparian Buffers may exist on site.
3. Sewer and Fire Flow matters may need to be addressed at site plan stage.

**4.10 Mitigation of Impacts**

1. Provide transit pad at request of City staff at site plan stage.
2. Verify Neuse Riparian Buffers with NC Dept. of Water Resources
3. Address sewer and fire flow capacities at the site plan stage.

## **5. Conclusions**

Though the proposal is only partially consistent with the Future Land Use Map, it is consistent with a number of policies and the Urban Form map. Residential density is limited to levels recommended in the Comprehensive Plan. Potential non-residential uses on the site could provide services and employment opportunities in an underserved area of the city. The inclusion of Parking Limited frontage will help to establish a more pedestrian-oriented development pattern in this auto-dominated part of the city.



# Planning & Development

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

JAN 21 2016 AM 10:14

## Rezoning Application

| Rezoning Request   | OFFICE USE ONLY   |
|--|---|
| <p>General Use                      <input checked="" type="checkbox"/> Conditional Use                      Master Plan</p> <p>Existing Zoning Classification: CUD TD (5020 Rock Quarry Road) and R-4 (5110 Rock Quarry Road)</p> <p>Proposed Zoning Classification Base District: NX-3-CU (5020 Rock Quarry Road) and RX-3-CU-PL (5110 Rock Quarry Road)</p> <hr/> <p>If the property has been previously rezoned, provide the rezoning case number. Z-34-91 (5020 Rock Quarry Road)</p> <hr/> <p>Provide all previous transaction numbers for Coordinated Team Reviews, Due Diligence Sessions or Pre-Submittal Conferences. 443467 (pre-submittal conference for rezoning)</p> | <p>Transaction Number</p> <p style="font-size: 2em; text-align: center;">Z-5-110<br/>443467</p> |

| GENERAL INFORMATION   |  |   |
|---|--|---|
| Property Address: 5020 Rock Quarry Road and 5110 Rock Quarry Road   |  | Date: <del>December 21, 2015</del><br>January |
| Property PIN: 1722-83-9173 and 1722-92-1638   | Deed Reference (Book/Page): Book of Maps 1991, Page 514 and Book of Maps 1992, Page 1038 |   |
| Nearest Intersection: Rock Quarry Road and S. New Hope Road   |  | Property size (in acres) +/- 11.65 ac         |
| Property Owner/Address:<br>Hurshel G. Strickland<br>9886 NC Highway 210<br>Four Oaks, North Carolina 27524                                | Phone<br>919-934-3023  | Fax   |
|   | Email  |   |
| Project Contact Person/Address:<br>Chad W. Essick, Poyner Spruill LLP, 301 Fayetteville Street, Suite 1900, Raleigh, North Carolina 27601 | Phone: 919.783.2896  | Fax: 919.783.1075                             |
|   | Email: ccessick@poynerspruill.com  |   |
| Owner/Agent Signature:<br><br>Hurshel G. Strickland   | Email  |   |

A rezoning application will not be considered complete until all required submittal components listed on the Rezoning Checklist have been received and approved.



# Planning & Development



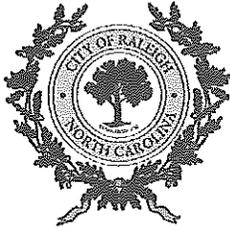
**Development Services  
Customer Service Center**  
One Exchange Plaza  
1 Exchange Plaza, Suite 400  
Raleigh, North Carolina 27601  
Phone 919-996-2495  
Fax 919-516-2685

| Conditional Use District Zoning Conditions     |   | OFFICE USE ONLY    |
|--|---|--------------------|
| Zoning Case Number: Z-5-2016<br><i>June 7,</i> |   | Transaction Number |
| Date Submitted: April 19, 2016                 |   |                    |
| Existing Zoning: NX-3-PK-CU and R-4            | Proposed Zoning: NX-3-CU and RX-3-PL-CU |                    |

| NARRATIVE OF ZONING CONDITIONS OFFERED |  |
|--|--|
| 1.                                     | Residential density on the NX Parcel (PIN No.1722-83-9173 as shown on Book of Maps 1991, Page 514) and the RX Parcel (PIN No.1722-92-1638 as shown on Book of Maps 1992, Page 1038) shall not exceed fourteen (14) dwelling units per acre.  |
| 2.                                     | With respect to the NX Parcel, the following shall apply: <ul style="list-style-type: none"> <li>(a) The building or buildings constructed on the NX Parcel shall have a maximum build-to, as that term is defined in Section 1.5.6.A of the Unified Development Ordinance ("UDO"), of 100 feet along Rock Quarry Road and the minimum building width in the build-to area along Rock Quarry Road shall be 20%.</li> <li>(b) There shall be no more than two (2) bays of on-site parking with a single drive aisle located between the principal building and the right-of-way for Rock Quarry Road and there shall be a street facing entrance with a direct pedestrian access from the public sidewalk to the street facing entrance of the principal building.</li> </ul>   |
| 3.                                     | <p>The maximum development intensities for the NX Parcel shall be one of the following scenarios, at the election of the property owner:</p> <ul style="list-style-type: none"> <li>a. 55,000 square feet of any use or uses set forth in the Commercial or Public &amp; Institutional land use categories (excluding Retail Sales); or</li> <li>b. 15,590 square feet of Retail Sales land uses and 23,000 square feet of Office/Medical land uses; or</li> <li>c. 55 residential dwelling units; or</li> <li>d. 24 residential dwelling units and 15,000 square feet of any use identified in the Commercial land use category (excluding Retail Sales); or</li> <li>e. 24 residential dwelling units and 19,000 square feet of Retail Sales land uses</li> </ul> <p>The maximum development intensities for the RX Parcel shall be one of the following scenarios, at the election of the property owner:</p> <ul style="list-style-type: none"> <li>a. 108 residential dwelling units; or</li> <li>b. 10,500 square feet of any use identified in the Public &amp; Institutional land use category; or</li> <li>c. 6,250 square feet of Daycare land use</li> </ul> <p>References to land uses in this condition shall have the meaning as ascribed in the Allowed Principal Use Table (UDO Section 6.1.4). Election of the specific scenario will occur prior to the issuance of the site plan, plot plan or the recording of a subdivision plat, whichever occurs first. However, this shall not preclude the subsequent election of another scenario so long as it complies with this condition. The election and any amendment thereto will be in writing and recorded with the Wake County Register of Deeds. The election of a scenario does not require the development of the maximum development intensity under the scenario or require the development of both uses in mixed use scenarios. The developer may choose to develop a lesser amount of residential dwelling units and/or square footage depending on the scenario elected. Any amendment to the initial election requires the consent of the City Planning Director, as evidenced by the signature of the City Planning Director on the recorded instrument, and which consent shall be given if the subsequent election complies with this condition. The owner of the NX Parcel may allocate to the RX Parcel any unused portion of a selected maximum development scenario that would otherwise be permitted as a use in the RX zoning district provided that such allocation is in writing and recorded with the Wake County Register of Deeds.</p> |

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

|   |                                   |
|---|-----------------------------------|
| Owner/Agent Signature<br><i>Hurshel G. Strickland</i> | Print Name: Hurshel G. Strickland |
|---|-----------------------------------|



# Planning & Development



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

| Conditional Use District Zoning Conditions    |   | OFFICE USE ONLY    |
|---|---|--------------------|
| Zoning Case Number: Z-5-2016<br><i>June 7</i> |   | Transaction Number |
| Date Submitted: <del>April 19</del> , 2016    |   |                    |
| Existing Zoning NX-3-PK-CU and R-4            | Proposed Zoning: NX-3-CU and RX-3-PL-CU |                    |

| NARRATIVE OF ZONING CONDITIONS OFFERED |  |
|--|--|
| 4.                                     | Prior to the issuance of a building permit for new development or recording of a subdivision plat, whichever occurs first, if requested by the City of Raleigh, a transit easement shall be deeded to the City and recorded in the Wake County Registry. Prior to recordation of the transit easement, the dimensions (not to exceed 15 feet in depth and 20 feet in width) and location of the easement along Rock Quarry Road shall be approved by the Public Works Department and then Property Owner, and the easement deed approved as to form by the City Attorney's Office. If, prior to the issuance of the first building permit for new development, transit is available to the NX Parcel or the RX Parcel and the Public Works Department requests installation of a transit pad within the transit easement area, a transit pad shall be constructed prior to the first certificate of occupancy, with plans approved by the Public Works Department. |
| 5.                                     |  |
| 6.                                     |  |
| 7.                                     |  |
| 8.                                     |  |
| 9.                                     |  |
| 10.                                    |  |

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

|   |                                   |
|---|-----------------------------------|
| Owner/Agent Signature<br><i>Hurshel G. Strickland</i> | Print Name: Hurshel G. Strickland |
|---|-----------------------------------|



## Rezoning Application Addendum

| Comprehensive Plan Analysis   | OFFICE USE ONLY   |
|---|---|
| <p>The applicant is asked to analyze the impact of the rezoning request. State Statutes require that the rezoning either be consistent with the adopted Comprehensive Plan, or that the request be reasonable and in the public interest.</p> | <p style="text-align: center;">Transaction<br/>Number<br/><b>443407</b></p> <p style="text-align: center;">Zoning Case<br/>Number<br/><b>Z-5-2010</b></p> |

| STATEMENT OF CONSISTENCY  |   |
|---|---|
| <p>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.  | <p>The Future Land Use Map designates both parcels as Moderate Density Residential. The rezoning request is consistent with this designation in that the larger parcel (7.7 acres) currently zoned R-4 is proposed to be rezoned RX-3-CU-PL with a zoning condition that there shall be no more than 14 dwelling units per acre. The smaller parcel currently zoned CUD TD (3.93 acres) was rezoned by the City of Raleigh pursuant to Z-27-14 to NX-3-CU-PK which will take effect on February 14, 2015 and will result in a down zoning of that parcel by restricting uses currently allowed under the existing CUD TD zoning. The proposed zoning district for this smaller parcel is NX-3-CU, which is consistent with Z-27-14, but removes certain antiquated zoning conditions and also limits the number of dwelling units to 14 units per acre.</p> |
| 2.  | <p>The Urban Form Map designates Rock Quarry Road as a Transit Emphasis Corridor which recommends a hybrid approach to frontage. The rezoning request is consistent with this guidance as the Parking Limited frontage is proposed for the larger RX parcel and zoning conditions have been proposed for the NX parcel that would limit the parking between the principal building and Rock Quarry Road to two bays with a single drive aisle as well as require a street facing entrance and direct pedestrian access to Rock Quarry Road. Furthermore, a 200 foot power line easement running along the western portion of both parcels is a significant site constraint that will force the construction of buildings closer to Rock Quarry Road.</p>  |
| 3.  | <p>The rezoning request is also consistent with, among others, the following Comprehensive Plan policies: LU 1.2 (Future Land Use Map and Zoning Consistency), LU 1.3 (Conditional Use District Consistency), Table LU-2 (Recommended Height Designations), LU 2.6 (Zoning and Infrastructure Impacts), LU 3.2 (Location of Growth), LU 4.5 (Connectivity), LU 4.9 (Corridor Development), LU 5.4 (Density Transitions), LU 8.11 (Development of Vacant Sites) and Policy UD 1.10 (Frontage).</p>   |

| PUBLIC BENEFITS  |  |
|--|--|
| <p>Provide brief statements regarding the public benefits derived as a result of the rezoning request.</p> |  |
| 1.   | <p>The rezoning request benefits the public by facilitating the development of the subject properties, which are no longer appropriate for low density residential and have been difficult to development given certain site constraints. The development of these properties will benefit the public by increasing the tax value of the properties and providing neighborhood oriented retail in closing proximity to more dense residential development along a Transit Emphasis Corridor.</p>                   |
| 2.   | <p>The rezoning request is reasonable because the properties front along Rock Quarry Road, a significant east/west major street designated as an Avenue 4-Lane, Divided on the City's Street Typology Map. Retail development has been approved and developed on the same side of Rock Quarry Road both to the east and west. The approved Old Towne Planned Unit Development is located directly across Rock Quarry Road and proposes a mix of uses, including retail and more dense residential development.</p> |
| 3.   | <p>The City's remapping of 5020 Rock Quarry Road from CUD TD to NX-3-CU-PK resulted in a down zoning of that property by prohibiting certain uses otherwise allowed in the TD zoning district. The rezoning request is reasonable and in the public interest because it would help mitigate those impacts by removing the zoning condition prohibiting any retail development on the 5020 Rock Quarry Road parcel while maintaining the same base district and height adopted by Z-27-14.</p>                      |

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**URBAN DESIGN GUIDELINES**

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

|     |  |
|-----|--|
| 1.  | <p><i>All Mixed-Use developments should generally provide retail (such as eating establishments, food stores, and banks), and other such uses as office and residential within walking distance of each other. Mixed uses should be arranged in a compact and pedestrian friendly form.</i></p> <p><b>Response:</b> The rezoning request permits residential, office and retail uses consistent with this guideline.</p>   |
| 2.  | <p><i>Within all Mixed-Use Areas buildings that are adjacent to lower density neighborhoods should transition (height, design, distance and/or landscaping) to the lower heights or be comparable in height and massing.</i></p> <p><b>Response:</b> The proposed maximum building height is consistent with the Comprehensive Plan, and the neighborhood transition regulations require a transition consistent with this guideline.</p>  |
| 3.  | <p><i>A mixed use area's road network should connect directly into the neighborhood road network of the surrounding community, providing multiple paths for movement to and through the mixed use area. In this way, trips made from the surrounding residential neighborhood(s) to the mixed use area should be possible without requiring travel along a major thoroughfare or arterial.</i></p> <p><b>Response:</b> The properties have frontage along Rock Quarry Road and 200 foot power line easement separates the properties from the residential development to the west and south.</p>   |
| 4.  | <p><i>Streets should interconnect within a development and with adjoining development. Cul-de-sacs or dead-end streets are generally discouraged except where topographic conditions and/or exterior lot line configurations offer no practical alternatives for connection or through traffic. Street stubs should be provided with development adjacent to open land to provide for future connections. Streets should be planned with due regard to the designated corridors shown on the Thoroughfare Plan.</i></p> <p><b>Response:</b> No streets are contemplated as a part of this development.</p>   |
| 5.  | <p><i>New development should be comprised of blocks of public and/or private streets (including sidewalks). Block faces should have a length generally not exceeding 660 feet. Where commercial driveways are used to create block structure, they should include the same pedestrian amenities as public or private streets.</i></p> <p><b>Response:</b> No streets are contemplated as a part of this development.</p>   |
| 6.  | <p><i>A primary task of all urban architecture and landscape design is the physical definition of streets and public spaces as places of shared use. Streets should be lined by buildings rather than parking lots and should provide interest especially for pedestrians. Garage entrances and/or loading areas should be located at the side or rear of a property.</i></p> <p><b>Response:</b> The proposed Parking Limited frontage on the RX parcel, the zoning conditions limiting parking to 2 bays with a single drive aisle on the NX parcel and the existing 200 foot power line easement will force the location of buildings closer to the public right of way and place parking to the side and behind buildings, consistent with this guideline.</p> |
| 7.  | <p><i>Buildings should be located close to the pedestrian-oriented street (within 25 feet of the curb), with off-street parking behind and/or beside the buildings. When a development plan is located along a high volume corridor without on-street parking, one bay of parking separating the building frontage along the corridor is a preferred option.</i></p> <p><b>Response:</b> The proposed Parking Limited frontage on the RX parcel, the zoning conditions limiting parking to 2 bays with a single drive aisle on the NX parcel and the existing 200 foot power line easement will force the location of buildings closer to the public right of way and place parking to the side and behind buildings, consistent with this guideline.</p>          |
| 8.  | <p><i>If the site is located at a street intersection, the main building or main part of the building should be placed at the corner. Parking, loading or service should not be located at an intersection.</i></p> <p><b>Response:</b> The properties are not located at a street intersection.</p>   |
| 9.  | <p><i>To ensure that urban open space is well-used, it is essential to locate and design it carefully. The space should be located where it is visible and easily accessible from public areas (building entrances, sidewalks). Take views and sun exposure into account as well.</i></p> <p><b>Response:</b> Any outdoor amenity areas will be provided in accordance with the UDO.</p>   |
| 10. | <p><i>New urban spaces should contain direct access from the adjacent streets. They should be open along the adjacent sidewalks and allow for multiple points of entry. They should also be visually permeable from the sidewalk, allowing passersby to see directly into the space.</i></p> <p><b>Response:</b> Any outdoor amenity areas will be provided in accordance with the UDO.</p>  |

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| 11. | <p><i>The perimeter of urban open spaces should consist of active uses that provide pedestrian traffic for the space including retail, cafés, and restaurants and higher-density residential.</i></p> <p><b>Response: Any outdoor amenity areas will be provided in accordance with the UDO.</b></p>   |
| 12. | <p><i>A properly defined urban open space is visually enclosed by the fronting of buildings to create an outdoor "room" that is comfortable to users.</i></p> <p><b>Response: Any outdoor amenity areas will be provided in accordance with the UDO.</b></p>   |
| 13. | <p><i>New public spaces should provide seating opportunities.</i></p> <p><b>Response: Any outdoor amenity areas will be provided in accordance with the UDO.</b></p>   |
| 14. | <p><i>Parking lots should not dominate the frontage of pedestrian-oriented streets, interrupt pedestrian routes, or negatively impact surrounding developments.</i></p> <p><b>Response: The proposed Parking Limited frontage on the RX parcel and the zoning conditions limiting parking to 2 bays with a single drive aisle on the NX parcel will limit the parking between the buildings and right-of-way, consistent with this guideline.</b></p>  |
| 15. | <p><i>Parking lots should be located behind or in the interior of a block whenever possible. Parking lots should not occupy more than 1/3 of the frontage of the adjacent building or not more than 64 feet, whichever is less.</i></p> <p><b>Response: The proposed Parking Limited frontage on the RX parcel and the zoning conditions limiting parking to 2 bays with a single drive aisle on the NX parcel will limit the parking between the buildings and right-of-way, consistent with this guideline.</b></p>  |
| 16. | <p><i>Parking structures are clearly an important and necessary element of the overall urban infrastructure but, given their utilitarian elements, can give serious negative visual effects. New structures should merit the same level of materials and finishes as that a principal building would, care in the use of basic design elements can make a significant improvement.</i></p> <p><b>Response: No parking structures are contemplated as part of this development.</b></p>   |
| 17. | <p><i>Higher building densities and more intensive land uses should be within walking distance of transit stops, permitting public transit to become a viable alternative to the automobile.</i></p> <p><b>Response: Upon information and belief, there are existing transit stops or transit easements within walking distance of the Property.</b></p>   |
| 18. | <p><i>Convenient, comfortable pedestrian access between the transit stop and the building entrance should be planned as part of the overall pedestrian network.</i></p> <p><b>Response: The proposed Parking Limited and zoning conditions requires pedestrian access from the public sidewalk to the building entrances, consistent with this guideline.</b></p>  |
| 19. | <p><i>All development should respect natural resources as an essential component of the human environment. The most sensitive landscape areas, both environmentally and visually, are steep slopes greater than 15 percent, watercourses, and floodplains. Any development in these areas should minimize intervention and maintain the natural condition except under extreme circumstances. Where practical, these features should be conserved as open space amenities and incorporated in the overall site design.</i></p> <p><b>Response: There appear to be no environmentally sensitive areas on the properties.</b></p>  |
| 20. | <p><i>It is the intent of these guidelines to build streets that are integral components of community design. Public and private streets, as well as commercial driveways that serve as primary pedestrian pathways to building entrances, should be designed as the main public spaces of the City and should be scaled for pedestrians.</i></p> <p><b>Response: No streets are contemplated as a part of this development.</b></p>   |
| 21. | <p><i>Sidewalks should be 5-8 feet wide in residential areas and located on both sides of the street. Sidewalks in commercial areas and Pedestrian Business Overlays should be a minimum of 14-18 feet wide to accommodate sidewalk uses such as vendors, merchandising and outdoor seating.</i></p> <p><b>Response: Any sidewalk area will be provided as may be required by the applicable street typology or UDO requirements.</b></p>  |
| 22. | <p><i>Streets should be designed with street trees planted in a manner appropriate to their function. Commercial streets should have trees which complement the face of the buildings and which shade the sidewalk. Residential streets should provide for an appropriate canopy, which shadows both the street and sidewalk, and serves as a visual buffer between the street and the home. The typical width of the street landscape strip is 6-8 feet. This width ensures healthy street trees, precludes tree roots from breaking the sidewalk, and provides adequate pedestrian buffering. Street trees should be at least 6 1/4" caliper and should be consistent with the City's landscaping, lighting and street sight distance requirements.</i></p> <p><b>Response: No streets are contemplated as a part of this development. Street yard landscaping will be provided in accordance with UDO requirements.</b></p> |

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| 23. | <p><i>Buildings should define the streets spatially. Proper spatial definition should be achieved with buildings or other architectural elements (including certain tree plantings) that make up the street edges aligned in a disciplined manner with an appropriate ratio of height to width.</i></p> <p><b>Response:</b> The proposed Parking Limited frontage on the RX parcel, the zoning conditions limiting parking to 2 bays with a single drive aisle on the NX parcel and the existing 200 foot power line easement will force the location of buildings closer to the public right of way and place parking to the side and behind buildings, consistent with this guideline.</p> |
| 24. | <p><i>The primary entrance should be both architecturally and functionally on the front facade of any building facing the primary public street. Such entrances shall be designed to convey their prominence on the fronting facade.</i></p> <p><b>Response:</b> The proposed Parking Limited frontage and zoning conditions require a primary building entrance facing the public right-of-way, consistent with this guideline.</p>   |
| 25. | <p><i>The ground level of the building should offer pedestrian interest along sidewalks. This includes windows entrances, and architectural details. Signage, awnings, and ornamentation are encouraged.</i></p> <p><b>Response:</b> The RX and NX zoning districts have certain transparency requirements under the UDO, consistent with this guideline.</p>  |
| 26. | <p><i>The sidewalks should be the principal place of pedestrian movement and casual social interaction. Designs and uses should be complementary to that function.</i></p> <p><b>Response:</b> Sidewalks will be provided in accordance with the applicable street typology and UDO requirements.</p>  |

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## PROPOSED REZONING

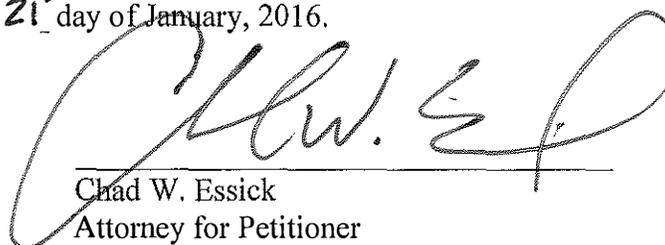
**+/-11.65 Acres – 5020 Rock Quarry Road and 5110 Rock Quarry Road**

### REPORT OF DECEMBER 1, 2015 NEIGHBORHOOD MEETING

In accordance with Section 10.2.4 of the Unified Development Ordinance, a neighborhood meeting was held with respect to this proposed rezoning case at 6:00 p.m. on December 1, 2015 at the office of Poyner Spruill LLP located at 301 Fayetteville Street, Suite 1900, Raleigh, NC. Attached as **Exhibit A** is a list of those persons and organizations contacted about the meeting. Those persons and organizations were mailed a letter of invitation concerning the meeting, a copy of which is attached as **Exhibit B**. The letters were mailed on or about November 10, 2015 via first class U.S. Mail. The applicant also mailed letters on or about October 12, 2015 and held a meeting on October 28, 2015, but those letters were returned undeliverable after the October 28 meeting. After consulting with City Planning Staff, the Petitioner decided to re-notice and conduct another neighborhood meeting on December 1, 2015.

Other than the attorney for Petitioner, no one attended the neighborhood meeting on October 28, 2015. Attached hereto as **Exhibit C** is a list of individuals who attended the meeting on December 1, 2015. A summary of the items discussed at the meeting is attached hereto as **Exhibit D**.

Respectfully submitted this the 21<sup>st</sup> day of January, 2016.



Chad W. Essick  
Attorney for Petitioner

2-5-2016  
447467

**EXHIBIT A**

**LIST OF PROPERTY OWNERS TO WHOM NOTICES WERE SENT**

THOMPSONS, DONNIE J THOMPSONS, TERESA S  
9702 NC 210 HWY  
FOUR OAKS NC 27524-8618

MCCOLLERS, EUGENE  
5012 ROCK QUARRY RD  
RALEIGH NC 27610-5314

STRICKLAND, HURSHEL G.  
9686 NC HIGHWAY 210  
FOUR OAKS NC 27524-8619

LAND HOLDING LLC  
HEMA RODRIGUEZ 942000015  
PO BOX 25999  
SHAWNEE MISSION KS 66225-5999

HAMMOND, YOLANDA  
5109 CARNELIAN DR  
RALEIGH NC 27610-6783

MACADIE PARK COMMUNITY ASSN INC  
C/O PINDELL-WILSON PROP MNGT CO  
PO BOX 20969  
RALEIGH NC 27619-0969

MCNEILL, ALLYSON S  
5120 ROCK QUARRY ROAD  
RALEIGH NC 27610-5312

JONES, CARRINGTON DOUGLAS  
1518 PLANTATION CIRCLE  
GARNER NC 27529-5912

2-5-2016  
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## EXHIBIT B

### NEIGHBORHOOD MEETING NOTICE

Poyner Spruill<sup>LLP</sup>

## MEMORANDUM

To: Neighboring Property Owners

From: Chad W. Essick

Date: November 10, 2015

Re: **Notice of meeting to discuss potential rezoning of properties located at: (1) 5020 Rock Quarry Road, containing approximately 3.92 acres and having a Wake County PIN No. of 1722-83-9173; and (2) 5110 Rock Quarry Road, containing approximately 7.73 acres and having a Wake County PIN No. of 1722-92-1638 ( collectively, the "Property")**

The owner of the above-referenced property, Hurshel Strickland, has authorized me to contact you regarding a potential request to rezone the Property. The Property is currently zoned Thoroughfare District Conditional Use and Residential-4. The proposed zoning districts being considered are Neighborhood Mixed Use (NX) and Residential Mixed Use (RX) – Conditional Use.

You are cordially invited to attend a meeting to discuss the potential rezoning. We have scheduled a meeting with surrounding property owners on December 1, 2015 at 6:00 p.m. This meeting will be held at the offices of Poyner Spruill LLP, 301 Fayetteville Street, Suite 1900, Raleigh, NC 27601. The office is located in the PNC Plaza building in downtown Raleigh. If you decide to attend, upon arrival, please advise the security desk in the lobby that you are attending the neighborhood meeting at Poyner Spruill.

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

Please do not hesitate to contact me directly should you have any questions or wish to discuss any issues. I can be reached at (919) 783-2896 or [cessick@poynerspruill.com](mailto:cessick@poynerspruill.com)

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**EXHIBIT C**

**NEIGHBORHOOD MEETING ATTENDEES**

1. Hurshel Strickland
2. Timothy Strickland
3. Donnie Thompkins

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## **EXHIBIT D**

### **SUMMARY OF DISCUSSION ITEMS**

On Tuesday, December 1, 2015, at 6:00 p.m., the applicant held a neighborhood meeting for property owners adjacent to the parcels subject to the proposed rezoning. The following items were discussed:

1. Proposed base zoning districts for both properties
2. Duration and steps in the rezoning process