

**Submittal
Date**

6/24/2016

Request:

**2.13 acres from
R-4
to R-10-CU**

VICINITY MAP





Certified Recommendation

Raleigh Planning Commission

CR#

Case Information Z-20-16 Jeffrey's Grove School Rd. & Creedmoor Rd.

<i>Location</i>	West side, west of intersection with Creedmoor Rd. Address: 5901 Jeffrey's Grove School Rd. and 5829 Creedmoor Rd. PIN: 0796492488; 0796493377
<i>Request</i>	Rezone property from R4 to R-10-CU
<i>Area of Request</i>	2.13 acres
<i>Property Owner</i>	Elmer T. Sprinkle, III 243 Deep Bay Dr. Newport, NC 28570
<i>Applicant</i>	Michael Birch Morningstar Law Group 1330 St. Mary's St., Ste. 460 Raleigh, NC 27605
<i>Citizens Advisory Council (CAC)</i>	Northwest Jay Gudeman, Chairperson jay@kilpatrickgudeman.com
<i>PC Recommendation Deadline</i>	November 7, 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.

Comprehensive Plan Guidance

<i>FUTURE LAND USE</i>	Medium Density Residential
<i>URBAN FORM</i>	n/a
<i>CONSISTENT Policies</i>	Policy LU 1.2 – Future Land Use Map and Zoning Consistency Policy LU 1.3 – Conditional Use District Consistency Policy LU 2.6 – Zoning and Infrastructure Impacts Policy LU 5.4 – Density Transitions
<i>INCONSISTENT Policies</i>	

Summary of Proposed Conditions

1. Prohibits a number of otherwise permitted uses

Public Meetings

<i>Neighborhood Meeting</i>	<i>CAC</i>	<i>Planning Commission</i>	<i>City Council</i>
April 21, 2016	August 9, 2016 (Yes-0, No-17)	August 9, 2016	

Attachments

1. Staff report
2. Conditions

Planning Commission Recommendation

<i>Recommendation</i>	
<i>Findings & 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:

Sophie Huemer: (919) 996-2652; Sophie.Huemer@raleighnc.gov



Zoning Staff Report – Z-20-16

Conditional Use District

Case Summary

Overview

The subject site is composed of two parcels totaling 2.13 acres on the west side of Jeffrey's Grove School Road at the intersection with Creedmoor Road. Each parcel is currently developed with one single family residence. Surrounding uses are exclusively residential with single family detached the predominant building type. To the south is a multi-family development.

Jeffrey's Grove School Road currently has a two-lane, ribbon-paved cross section without curbs or sidewalks; however the segment abutting the subject parcels does have curbing.

The site is currently zoned R-4, as are the surrounding properties to the north and west. There is RX-3 zoning adjacent to the south. Across Jeffrey's Grove School Road and Creedmoor Road there are parcels zoned OX-3-CU and R4. The proposed zoning has a condition that prohibits the apartment building type which would otherwise be allowed. In addition to allowing an increase in density (from 4 units an acre to 10 units an acre), the proposed zoning would allow smaller lot sizes and setbacks as well as the townhouse building type. To address compatibility with the abutting single family detached neighborhood along Jeffrey's Grove School Road and Ponderosa Road, conditions have been offered that limit the maximum building height to 2 stories and 35 feet, a minimum setback of 30 feet from the western abutting property and 20 feet from the R-4 property to the north.

North, south, and east of the subject site are Medium Density Future Land Use designations which envision gross residential densities from 6 to 14 units per acre. To the east across Jeffrey's Grove School and Creedmoor roads are Institutional and an Office and Residential Mixed Use Future Land Use designations. The proposed use is consistent both with the FLUM designation, as well as that of surrounding properties.

Outstanding Issues

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

Z-20-2016

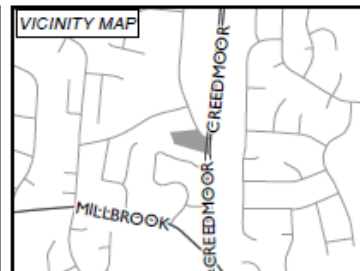


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to **R-10-CU**



Map Date: 7/12/2016

Rezoning Case Evaluation

1. Compatibility Analysis

1.1 Surrounding Area Land Use/ Zoning Summary

	Subject Property	North	South	East	West
<i>Existing Zoning</i>	Residential-4	Residential-4	Residential Mixed Use-3	Residential-4 and OX-3-CU	Residential-4
<i>Additional Overlay</i>	n/a	n/a	n/a	n/a	n/a
<i>Future Land Use</i>	Medium Density Residential	Medium Density Residential	Medium Density Residential	Institutional and Office & Residential Mixed Use	Medium Density Residential
<i>Current Land Use</i>	Single Family	Single Family	Multi-Family	Vacant and Single Family	Vacant
<i>Urban Form (if applicable)</i>	n/a	n/a	n/a	n/a	n/a

1.2 Current vs. Proposed Zoning Summary

	Existing Zoning	Proposed Zoning
<i>Residential Density:</i>	4 DUs/acre	10 DUs/acre
<i>Setbacks:</i>		
<i>Front:</i>	20'	10'
<i>Side:</i>	10'	5'
<i>Rear:</i>	30'	20'
<i>Retail Intensity Permitted:</i>	-0-	-0-
<i>Office Intensity Permitted:</i>	-0-	-0-

1.3 Estimated Development Intensities

	Existing Zoning	Proposed Zoning*
<i>Total Acreage</i>	2.13	2.13
<i>Zoning</i>	R-4	R-10
<i>Max. Gross Building SF (if applicable)</i>	n/a	n/a
<i>Max. # of Residential Units</i>	7	21
<i>Max. Gross Office SF</i>	Not Permitted	Not Permitted
<i>Max. Gross Retail SF</i>	Not Permitted	Not Permitted
<i>Max. Gross Industrial SF</i>	Not Permitted	Not Permitted
<i>Potential F.A.R</i>	.17	.19

*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.

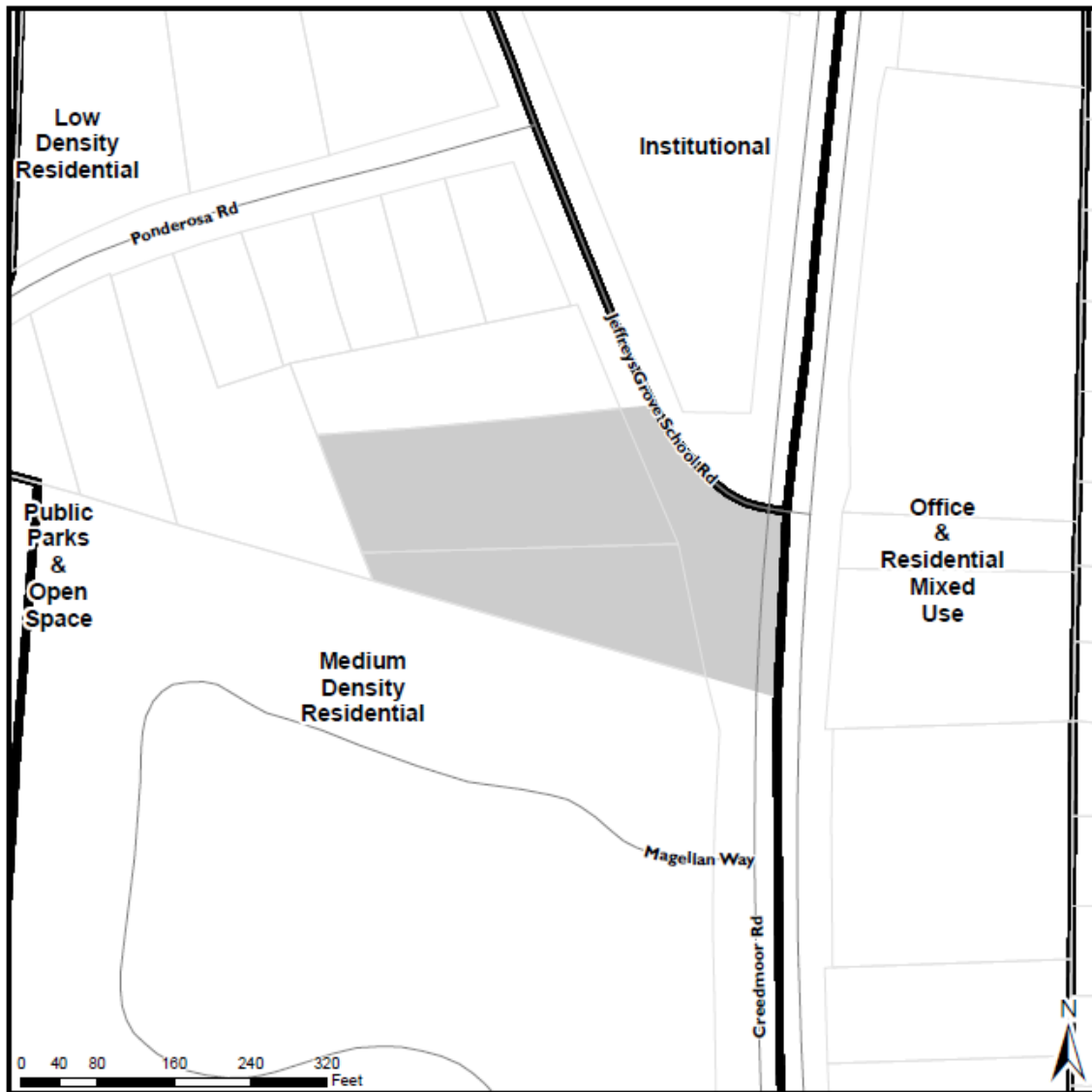
☐ **Incompatible.**

Analysis of Incompatibility:

The requested R-10 district would permit significantly smaller minimum lot sizes (10,000 sf versus 4,000 sf) and smaller setbacks in addition to townhome and multi-unit living. The proposal does have provisions that address design compatibility with the abutting Residential-4 zoning districts including increased setbacks from surrounding R-4 properties and by prohibiting the apartment building type and limiting the height of any other building type permitted in the R-10 zoning district.

Future Land Use Map

Z-20-2016



Submittal Date

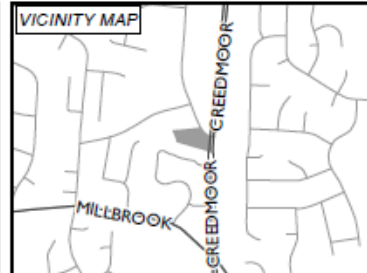
6/24/2016

Request:

2.13 acres from

R-4

to R-10-CU



Map Date: 7/12/2016

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 of the Comprehensive Plan, as well as the Future Land Use Map designation for the property. The Medium Density Residential Future Land Use category in the Comprehensive Plan calls for residential development within the range of 6 to 14 dwelling units per acre. The Residential-10 zoning district permits up to 10 DUs/acre.

City infrastructure and services appear sufficient to accommodate the redevelopment possible under the proposed rezoning. However, upon site plan review and prior to development, the developer may be required to submit a sanitary sewer capacity study, and will be required to verify water fire flow capacity.

2.2 Future Land Use

Future Land Use designation:

The rezoning request is:

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

☐ **Inconsistent**

Analysis of Inconsistency:

2.3 Urban Form

Urban Form designation:

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

The rezoning request is:

☐ **Consistent** with the Urban Form Map.

☐ **Inconsistent**

Analysis of Inconsistency:

2.4 Policy Guidance

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

2.5 Area Plan Policy Guidance

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

The location of the proposed zoning district is not an area studied in an Area Plan

3. Public Benefit and Reasonableness Analysis

3.1 Public Benefits of the Proposed Rezoning

- Provides the opportunity for additional housing.
- Consistent with the Future Land Use Map.
- Compatible in terms of density and building type with multi-family building type on the abutting southern RX-3.
- The conditions provided make the proposed zoning compatible in terms of density and building type with surrounding Residential-4 neighborhood pattern.

3.2 Detriments of the Proposed Rezoning

4. Impact Analysis

4.1 Transportation

This site is located in the southwest quadrant of Creedmoor Road and Jefferys Grove School Road. Both Creedmoor (NC 50) and Jefferys Grove School Road (SR 1825) are maintained by the NCDOT. Jefferys Grove School Road currently has a two-lane, ribbon-paved cross section without curbs or sidewalks; however the segment abutting the Z-20-2016 parcels does have curbing.

Creedmoor Road is classified as a major street in the UDO Street Plan Map (Avenue, 6-Lane, Divided). Jefferys Grove School Road is a Neighborhood street. There are no City of Raleigh CIP projects or state STIP projects planned for either street in the vicinity of the Z-20-2016 site.

There are no public street stubs abutting the eastern boundary of the Z-20-2016 parcels. Offers of cross access to adjacent parcels shall be made in accordance with the Raleigh UDO section 8.3.5.D. Site access will be provided in accordance with the Raleigh Street Design Manual and the NCDOT driveway manual.

In accordance with UDO section 8.3.2, the maximum block perimeter for R-10 zoning is 2,500 feet. The block perimeter for Z-20-2016, as defined by public rights-of-way for Creedmoor, W Millbrook Road, Ponderosa Road and Jefferys Grove School Road is approximately 5,600 feet.

The existing land contains two single-family dwellings which generate virtually no traffic. Approval of case Z-20-2016 would increase average peak hour trip volumes by 7 veh/hr in the AM peak and by 19 veh/hr in the PM peak; daily trip volume will increase by 160 veh/day. A traffic impact analysis report is not required for Z-20-2016.

Impact Identified: Block perimeter exceeds maximum for R-10 zoning

4.2 Transit

Creedmoor Rd is currently served daily by GoRaleigh Route 4 Rex Hospital, and both the City of Raleigh Short Range Transit Plan and the Wake County Transit Plan anticipate improved service along this corridor. The closest stop is on Creedmoor Rd, just north of Jeffrey's Grove Church Rd, in front of the Creedmoor Road Baptist Church. A condition placed on Z-34-14, 5901 Creedmoor Road, east of Jeffrey's Grove School Road and the subject site, offers a transit easement and/or a standard bus shelter on Creedmoor Road prior to issuance of a building permit or recordation of a subdivision plat, whichever event occurs first.

Impact Identified: Increased density will increase demand for transit but it is not expected to exceed the capacity of the current system

4.3 Hydrology

<i>Floodplain</i>	none
<i>Drainage Basin</i>	Haresnipe
<i>Stormwater Management</i>	Article 9.2 UDO
<i>Overlay District</i>	none

Impact Identified: No impacts identified.

4.4 Public Utilities

	<i>Maximum Demand (current use)</i>	<i>Maximum Demand (current zoning)</i>	<i>Maximum Demand (proposed zoning)</i>
<i>Water</i>	1,250 gpd	4,260 gpd	13,125 gpd
<i>Waste Water</i>	1,250 gpd	4,260 gpd	13,125 gpd

The proposed rezoning would add approximately 8,865 gpd to the wastewater collection and water distribution systems of the City. The development would extend sanitary sewer and water mains to serve the proposed rezoning area.

At the time of development plan submittal, a Downstream Sewer Capacity Study and a water main extension to the existing main in Creedmoor Rd may be required to determine adequate capacity to support the proposed development. Any improvements identified by the study would be required to be permitted prior to the issuance of Building Permit & constructed prior to release of a Certificate of Occupancy.

Verification of water available for fire flow is required as part of the Building Permit process. Any water system improvements recommended by the analysis to meet fire flow requirements will also be required of the Developer.

4.5 Parks and Recreation

Site is not on or adjacent to existing or proposed greenway trail, corridor, or connector. Nearest trail access is 1.0 mile, Hare Snipe Creek.

Recreation services are provided by Sertoma at Shelley Lake, 1.9 miles.

Impact Identified: None

4.6 Urban Forestry

The two subject parcels' combined acreage is 2.13 acres. Therefore, if submitted together as a development plan, the plan would be subject to UDO Article 9.1. Tree Conservation. Each parcel is smaller than two acres, and independent of the other is not subject to UDO Article 9.1.

The proposed rezoning from R-4 to R-10 with no frontages has no impact on the City's tree conservation requirements.

Impact Identified: None

4.7 Designated Historic Resources

Impact Identified: None

4.8 Community Development

Impact Identified: None

4.9 Impacts Summary

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

4.10 Mitigation of Impacts

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

5. Conclusions

The proposed rezoning is consistent with the Comprehensive Plan and the Future Land Use Map designation. It is also compatible with adjacent uses and development densities. The Medium Density Residential Future Land Use category calls for development within the range of 6 to 14 dwelling units per acre. The proposal does have provisions that address design compatibility with the abutting Residential-4 zoning districts including increased setbacks from surrounding R-4 properties and by prohibiting the apartment building type and limiting the height of any other building type permitted in the R-10 zoning district.

Rezoning Application



RALEIGH
DEPARTMENT OF
CITY PLANNING



Department of City Planning | 1 Exchange Plaza, Suite 300 | Raleigh, NC 27601 | 919-996-2626

REZONING REQUEST

☐ General Use ☒ Conditional Use ☐ Master Plan

Existing Zoning Classification: Residential-4

Proposed Zoning Classification Base District: Residential-10 Height: None Frontage: None

OFFICE
USE ONLY

Transaction #

If the property has been previously rezoned, provide the rezoning case number: Not Applicable

Provide all previous transaction numbers for Coordinated Team Reviews, Due Diligence Sessions, or Pre-Submittal Conferences:

465653

GENERAL INFORMATION

Property Address: 5901 Jeffrey's Grove School Road and 5829 Creedmoor Road

Date June 24, 2016

Property PIN: 0796-49-2488 and 0796-49-3377

Deed Reference (book/page): DB 14145, PG 1810 and DB 8342, PG 2194

Nearest Intersection: Creedmoor Road and Jeffrey's Grove School Road

Property Size (acres): 2.13 acres

Property Owner/Address:

Elmer T. Sprinkle, III
243 Deep Bay Drive
Newport, NC 28570

Phone

Fax

Email

Project Contact Person/Address:

Michael Birch, Morningstar Law Group
1330 St. Mary's Street, Suite 460
Raleigh, NC 27605

Phone: 919.590.0388

Fax

Email: mbirch@morningstarlawgroup.com

Owner/Agent Signature

Email

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

REZONING APPLICATION ADDENDUM	
<p align="center">Comprehensive Plan Analysis</p>	<p align="center">OFFICE USE ONLY</p> <p align="center">Transaction #</p> <p align="center">Rezoning Case #</p>
<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 align="center">STATEMENT OF CONSISTENCY</p>	
<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>	
<p>1. The property is designated "Medium Density Residential" on the Future Land Use Map (FLUM). The Comprehensive Plan states that residential density between 6 to 14 units per acre. For properties with a Medium Density Residential FLUM designation, the Comprehensive Plan suggests that townhomes, condominiums, or suburban style apartment complexes would be appropriate. The proposed rezoning is consistent with the Comprehensive Plan and the FLUM designation as the proposed R-10 base district allows for the type of residential development contemplated in the Comprehensive Plan for areas with a Medium Density Residential FLUM designation.</p>	
<p>2. The Comprehensive Plan also provides guidance that buildings on properties designated Medium Density Residential on the FLUM should be no more than four (4) stories in height. The proposed conditions restrict building height in a manner consistent with this guidance.</p>	
<p>3. The proposed rezoning is in line with the following policies of the Comprehensive Plan: LU 1.2 – Future Land Use Map Zoning Consistency; LU 1.3 – Conditional Use District Consistency; LU 2.1 – Placemaking; LU 2.2 – Compact Development; LU 5.4 – Density Transitions; LU 8.1 – Housing Variety; H 1.1 – Mixed-Income Neighborhoods.</p>	
<p>4. The property is not within a center or along any type of corridor designated on the Urban Form Map.</p>	
<p align="center">PUBLIC BENEFITS</p>	
<p>Provide brief statements regarding the public benefits derived as a result of the rezoning request.</p>	
<p>1. The proposed rezoning provides a public benefit of facilitating a development that can provide an alternative to the predominant pattern of single-family detached neighborhoods in this area.</p>	
<p>2. The rezoning will provide a development that will serve as an intensity transition between the Low Density Residential area to the west and the higher intensity Office & Residential Mixed Use area to the east.</p>	
<p>3.</p>	
<p>4.</p>	

Conditional Use District Zoning Conditions

Zoning Case Number: Z-20-16

Date Submitted: September 16, 2016

Existing Zoning: Residential-4

Proposed Zoning: Residential-10

OFFICE USE ONLY

Transaction #

NARRATIVE OF ZONING CONDITIONS OFFERED

1. The apartment building type shall be prohibited on the property.
2. The maximum building height shall be two (2) stories and thirty-five (35) feet, measured in accordance with UDO section 1.5.7.
3. A minimum building setback of thirty (30) feet shall be provided from that property to the west described as Lot 1 on plat recorded in Book of Maps 2014, Page 1769, Wake County Registry.
4. For so long as the property to the north (described in deed recorded in Book 16189, Page 386, Wake County Registry) is zoned Residential-4, a minimum building setback of twenty (20) feet shall be provided.
- 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

ELMER T. SPRINCLE III

Print Name

ELMER T. SPRINCLE III

REZONING OF PROPERTY CONSISTING OF +/- 2.13 ACRES
LOCATED ON THE WEST SIDE OF CREEDMOOR ROAD, SOUTH OF THE
INTERSECTION WITH JEFFREY'S GROVE SCHOOL ROAD, IN THE CITY OF RALEIGH

REPORT OF MEETING WITH ADJACENT PROPERTY OWNERS
ON APRIL 21, 2016

Pursuant to applicable provisions of the Unified Development Ordinance, a meeting was held with respect to a potential rezoning with adjacent property owners on Thursday, April 21, 2016, at 5:00 p.m. The property considered for this potential rezoning totals approximately 2.13 acres, located on the west side of Creedmoor Road, south of the intersection with Jeffrey's Grove School Road, in the City of Raleigh, having Wake County Parcel Identification Numbers 0796-49-3377 and 0796-49-2488. This meeting was held at the office of South Atlantic Construction located at 7101 Creedmoor Road, Suite 138, Raleigh, NC 27613. All owners of property within 100 feet of the subject properties were invited to attend the meeting. Attached hereto as **Exhibit A** is a copy of the neighborhood meeting notice. A copy of the required mailing list for the meeting invitations is attached hereto as **Exhibit B**. A summary of the items discussed at the meeting is attached hereto as **Exhibit C**. Attached hereto as **Exhibit D** is a list of individuals who attended the meeting.

EXHIBIT A

NEIGHBORHOOD MEETING NOTICE



Michael Birch | Partner
630 Davis Drive, Suite 200
Morrisville, NC 27560

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

To: Neighboring Property Owner

From: Michael Birch

Date: April 11, 2016

Re: Notice of meeting to discuss potential rezoning of property located on the west side of Creedmoor Road, south of the intersection with Jeffrey's Grove School Road, containing approximately 2.13 acres, with the addresses of 5829 Creedmoor Road and 5901 Jeffrey's Grove School Road, and having Wake County Parcel Identification Numbers 0796-49-3377 and 0796-49-2488 (the "Properties").

We are counsel for Skip Sprinkle, the owner of the Properties, who is considering rezoning the Properties. The Properties are currently zoned Residential-4, and Mr. Sprinkle is considering a rezoning to Residential-10.

You are cordially invited to attend a meeting to discuss the potential rezoning. We have scheduled a meeting with surrounding property owners on Thursday, April 21, 2016, at 5:00 PM at the offices of South Atlantic Construction located at 7101 Creedmoor Road, Suite 138, Raleigh, NC 27613.

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) 590-0388 or mbirch@morningstarlawgroup.com.

BHI-SEI MARINERS LLC H TAYLOR
5605 GLENRIDGE DR STE 1010
ATLANTA GA 30342-1381

COLANCO COMPANY
PO BOX 38
HOLLY SPRINGS NC 27540-0038

SPRINKLE, ELMER T III
243 DEEP BAY DR
NEWPORT NC 28570-9105

HAMMON, WALKER LEE
5905 JEFFREYS GROVE SCHOOL RD
RALEIGH NC 27612-2228

JTCIV LLC
PO BOX 38
HOLLY SPRINGS NC 27540-0038

SPRINKLE, ELMER T III
8412 SEAGATE DR
RALEIGH NC 27615-4433

WACHOVIA BANK N A
HOWARD E MANNING, CO-TRUSTEE
ATTN: PDS TAX SERVICE
PO BOX 13519
ARLINGTON TX 76094-0519

VERJOVSKY, ALEX
VERJOVSKY, BETTY
6120 PONDEROSA RD
RALEIGH NC 27612-2240

PHILIP, JEFFREY A
PHILIP, JENNIFER C
6124 PONDEROSA RD
RALEIGH NC 27612-2240

EXHIBIT C

SUMMARY OF DISCUSSION ITEMS

On Thursday, April 21, 2016, at 5:00 p.m., the applicant held a neighborhood meeting for the property owners adjacent to the parcels subject to the proposed rezoning. No items were discussed because there were no attendees.

EXHIBIT D

NEIGHBORHOOD MEETING ATTENDEES

There were no attendees.