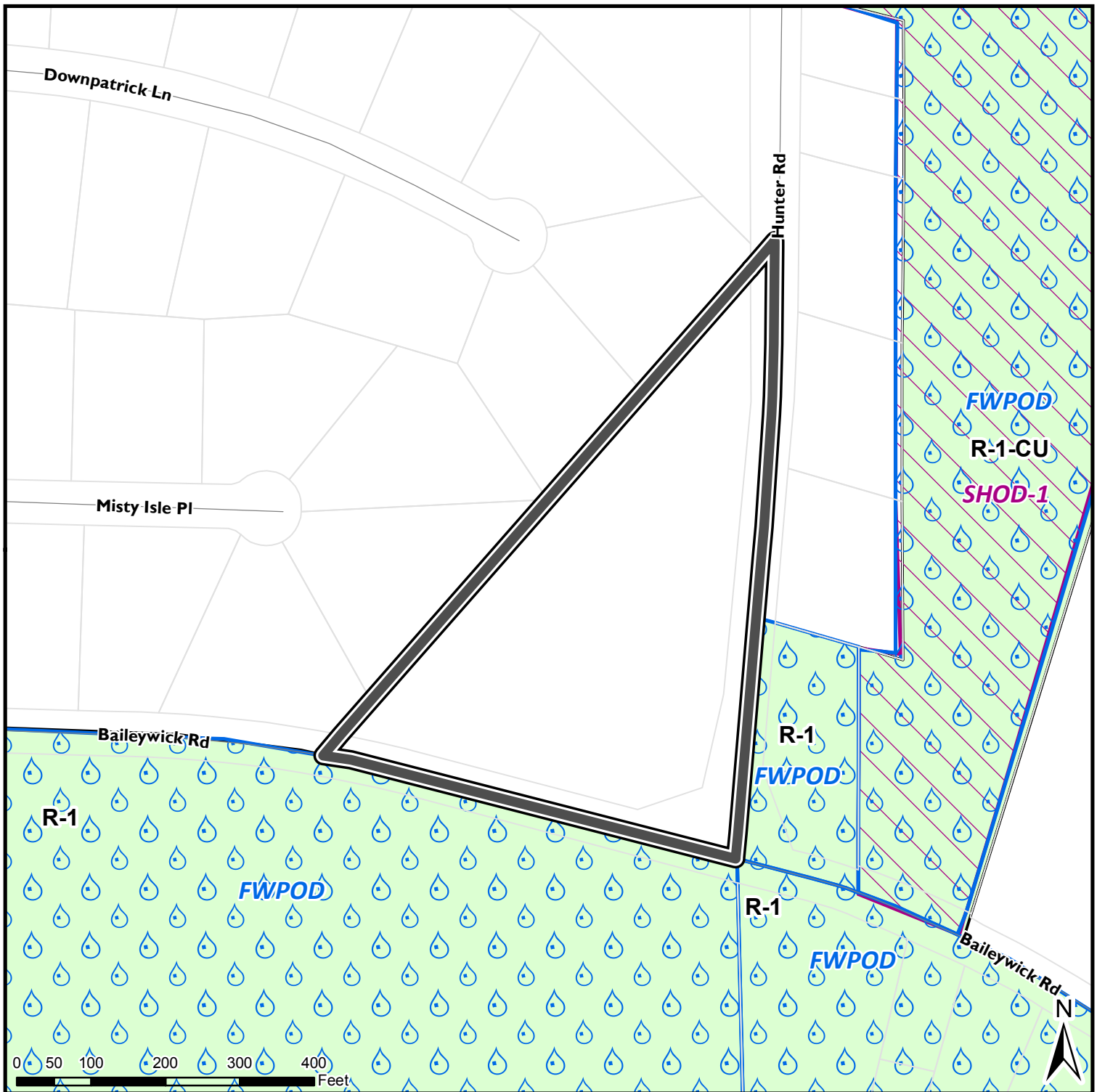


Existing Zoning Map

Z-48-2016



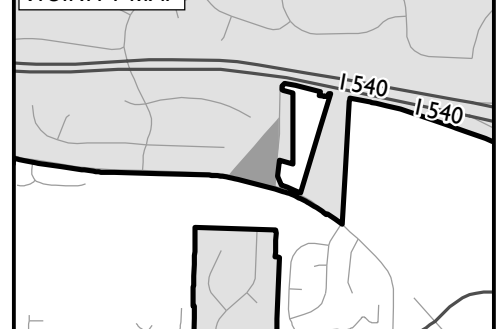
**Submittal
Date**

12/30/2016

Request:

**4.34 acres from
Wake County R-40W w/SHOD
to R-1**

VICINITY MAP



Map Date: 1/3/2017



Certified Recommendation

Raleigh Planning Commission

CR#

Case Information Z-48-16

<i>Location</i>	Baileywick Road, northwest quadrant of its intersection with Hunter Road. Address: 9404 Baileywick Road PIN: 0798967507
<i>Request</i>	Rezone property from R40W w/SHOD to R-1 w/ FWPOD
<i>Area of Request</i>	4.34 acres
<i>Property Owner</i>	Michael Huening Holy Transfiguration Orthodox Church Inc. 3491 Pleasant Grove Church Road Morrisville, NC 27560
<i>Applicant</i>	Glenn Zeblo Rhonda Brewington Alpha and Omega Group 4601 Lake Boone Trail, Suite 3C Raleigh, NC 27607
<i>Citizens Advisory Council (CAC)</i>	North CAC Chairperson: Michael O'Sullivan
<i>PC Recommendation Deadline</i>	June 5, 2017

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>	None-Wake County Jurisdiction
<i>URBAN FORM</i>	None
<i>CONSISTENT Policies</i>	Policy LU 1.2—Future Land Use Map and Zoning Consistency Policy LU 2.6—Zoning and Infrastructure Impacts Policy LU 3.5 – Watershed Management Policy EP 3.12—Mitigating Stormwater Impacts Policy PU 3.9 - Watershed-Based Planning
<i>INCONSISTENT Policies</i>	Policy PU 2.2 – Utility Extension Beyond Raleigh's Jurisdiction Policy AP-FL 1 - Falls Lake Watershed Zoning

Public Meetings

<i>Neighborhood Meeting</i>	<i>CAC</i>	<i>Planning Commission</i>	<i>City Council</i>
October 13, 2016	February 22, 2017 No Vote	March 7, 2017	

Attachments

1. Staff report

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 – Case Z-48-16

General Use District

Case Summary

Overview

The subject proposal seeks to rezone one 4.34 acre tract from Wake County Zoning Residential-40W w/ SHOD to City of Raleigh zoning district Residential-1 with Falls Watershed Protection Overlay District. The property is located at the northwest quadrant of the Baileywick Road and Hunter Road intersection, just south of I-540. The property is located outside of the City of Raleigh and its extraterritorial jurisdiction. Currently it is subject to Wake County zoning and subdivision control.

The property owner, in developing the property, wants to connect to City water and sewer services. Resolution 1993-208 requires that property owners outside the Raleigh City limits to submit an annexation petition before they can connect to City utilities. As the subject property is also outside of the City of Raleigh extraterritorial jurisdiction (ETJ), the property must be rezoned to a City of Raleigh zoning district. City policy (Resolution 2009-22) is not to accept annexation petitions for property outside the City's ETJ, except in limited circumstances. The 2009 resolution states that exceptions to the policy may be considered on a case by case basis for potential annexation sites outside of Raleigh's ETJ. One of those exceptions reads, "Property in that area between I-540 and Strickland Road/Falls of Neuse Road where development will meet Raleigh's Falls Lake watershed development policies." The subject proposal is located in the described area and is proposing to add the Falls Watershed Protection Overlay District. If the subject property is rezoned, it would be eligible for annexation.

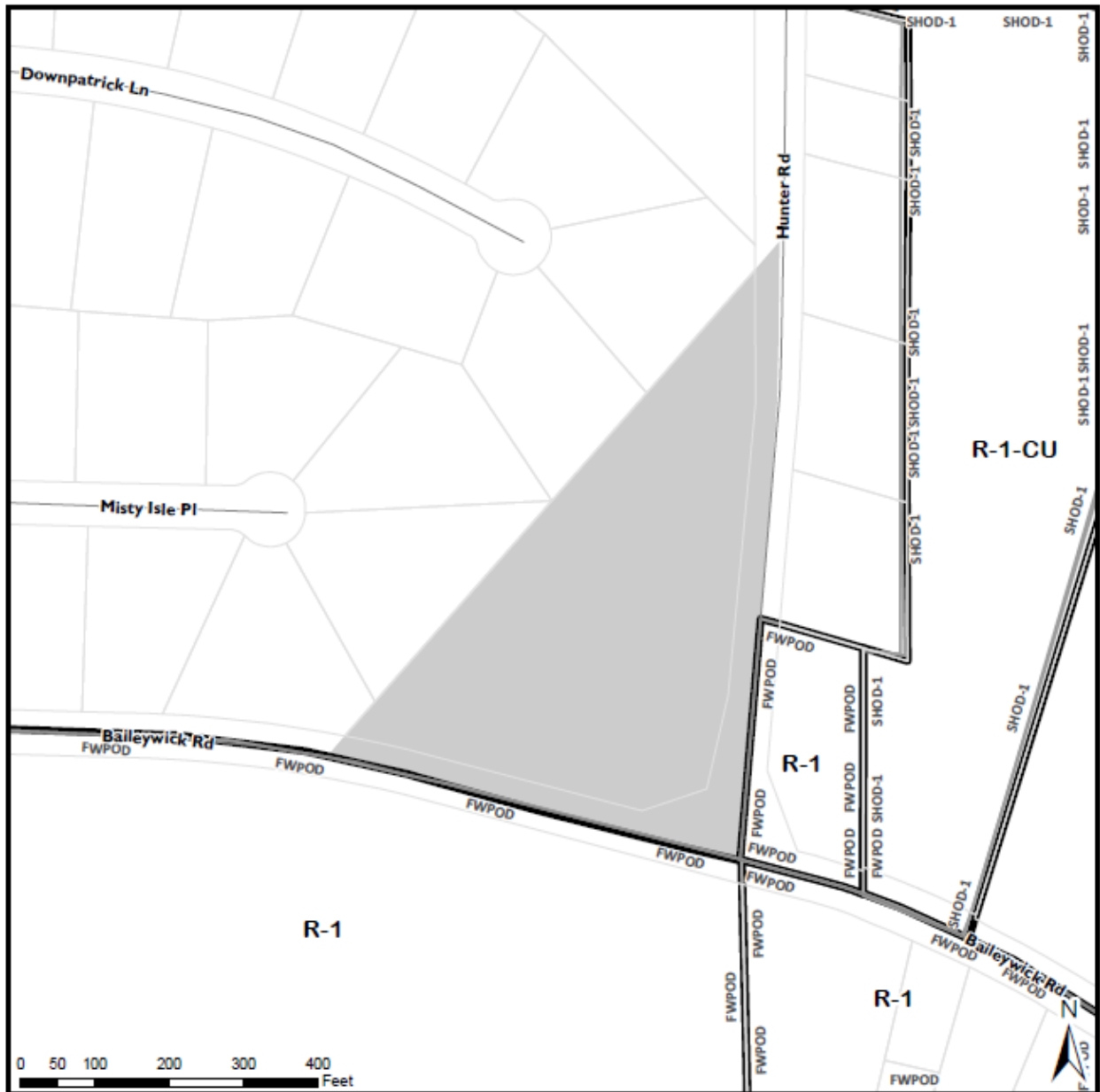
The property is currently zoned Residential-40W with a SHOD overlay under the Wake County Zoning. This zoning district is comparable to the R-1 zoning district for the City of Raleigh. While the subject property does not have a City of Raleigh Future Land Use designation, it is surrounded by Public Facilities and Institutional Future Land Use Designations.

Outstanding Issues

<i>Outstanding Issues</i>	None	<i>Suggested Mitigation</i>	N/A
---------------------------	------	-----------------------------	-----

Existing Zoning Map

Z-48-2016



Rezoning Case Evaluation

1. Compatibility Analysis

1.1 Surrounding Area Land Use/ Zoning Summary

	Subject Property	North	South	East	West
<i>Existing Zoning</i>	R-40W	R-40W	R-4	R-40W and R-1	R-40W
<i>Additional Overlay</i>	SHOD*	SHOD*	FWPOD	FWPOD	None
<i>Future Land Use</i>	NUA/WSW**	NUA/WSW**	Public Facilities	None/Institutional/ NUA/WSW**	NUA/WSW**
<i>Current Land Use</i>	Single Family Residential	Single Family Residential	Public School	Single Family Residential	Single Family Residential
<i>Urban Form (if applicable)</i>	None	None	None	None	None

*Wake County jurisdiction

**NonUrban Area/Water Supply Watershed (Land Use Classification)

1.2 Current vs. Proposed Zoning Summary

	Existing Zoning	Proposed Zoning
<i>Residential Density:</i>	4	4
<i>Setbacks:</i>		
<i>Front:</i>	30'	20'
<i>Side:</i>	15'	15'
<i>Rear:</i>	30'	30'
<i>Retail Intensity Permitted:</i>	Not Permitted	Not Permitted
<i>Office Intensity Permitted:</i>	Not Permitted	Not Permitted

1.3 Estimated Development Intensities

	Existing Zoning	Proposed Zoning*
<i>Total Acreage</i>	4.34	4.34
<i>Zoning</i>	R40W w/SHOD	R-1 w/ FWPOD
<i>Max. Gross Building SF (if applicable)</i>	9,900*	32,900*
<i>Max. # of Residential Units</i>	4	4
<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>	0.05*	0.17*

*Based on Civic Building type

*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.

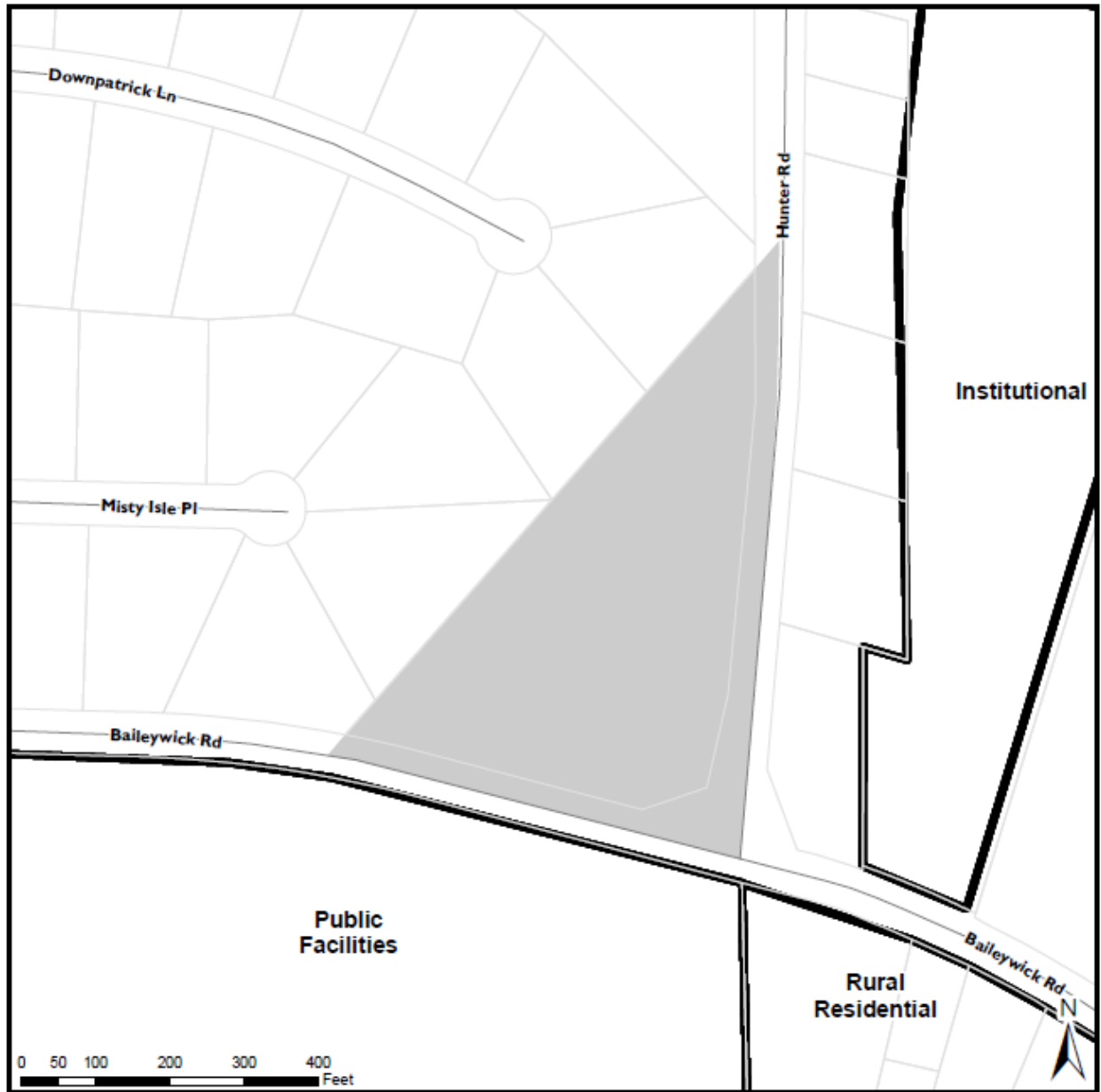
☐ **Incompatible.**

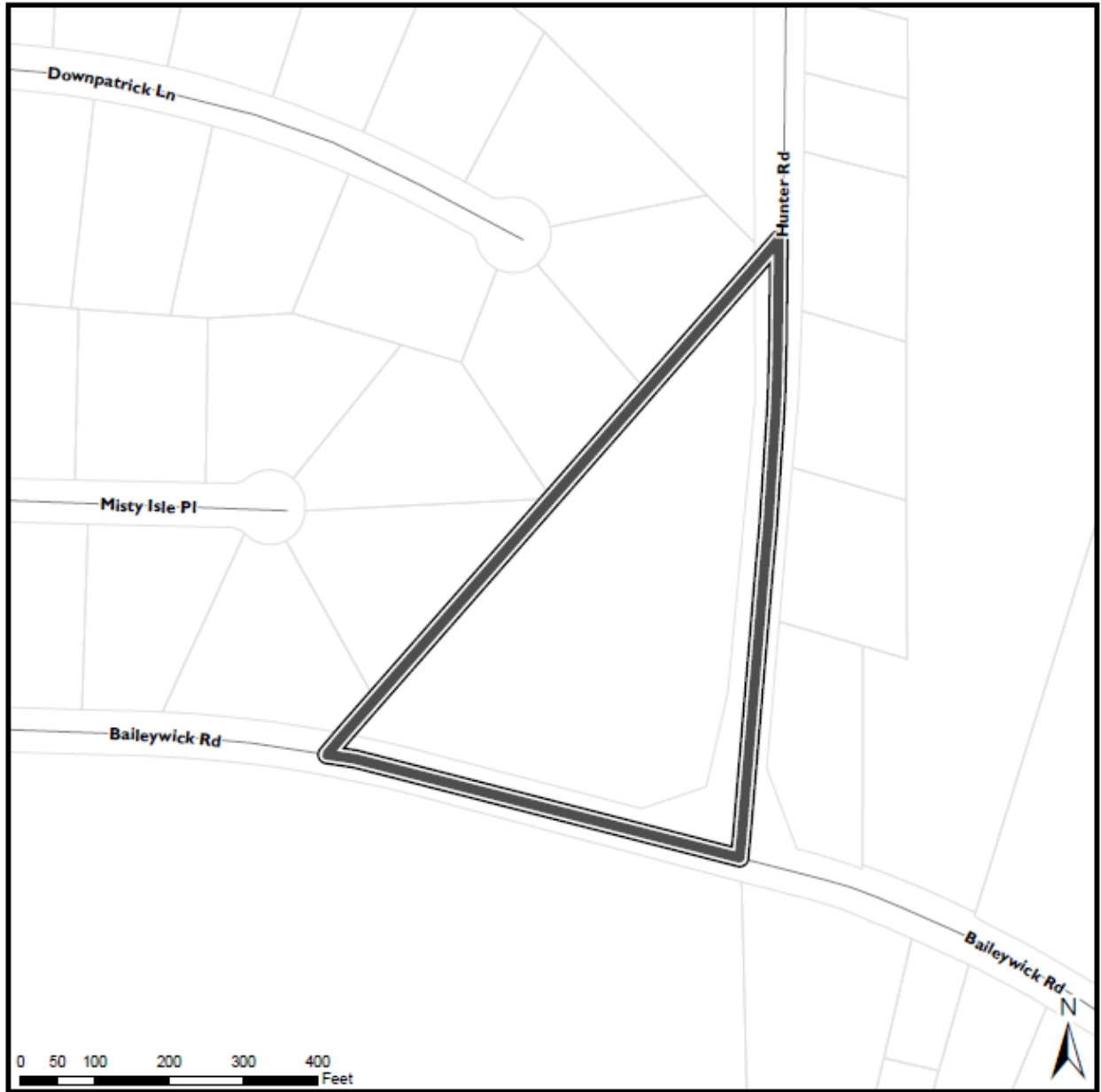
Analysis of Incompatibility:

R-1 density, setbacks, and building types are consistent with those established along Baileywick Road and Hunter Road.

Future Land Use Map

Z-48-2016





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:

- A. Is the proposal consistent with the vision, themes, and policies contained in the Comprehensive Plan?
- B. Is the use being considered specifically designated on the Future Land Use Map in the area where its location is proposed?
- C. 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?
- D. Will community facilities and streets be available at City standards to serve the use proposed for the property?

- A. The proposal is consistent with the vision, themes, and policies of the Comprehensive Plan, including Growing Successful Neighborhoods and Communities.
- B. N/A
- C. Establishing the proposed zoning district would not adversely alter the recommended land use or character. The subject property would be subject to all FWPOD and storm water regulations of the UDO.
- D. Community facilities and streets are available at City Standards to serve the proposed zoning district.

2.2 Future Land Use

Future Land Use designation:

The rezoning request is:

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

☐ **Inconsistent**

Analysis of Inconsistency:

Since the proposed rezoning is currently under the county jurisdiction there is no Future land Use Designation. The proposed R-1 zoning district would be consistent with the surrounding future land use designations.

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:

Policy PU 2.2 – Utility Extension Beyond Raleigh’s Jurisdiction

Limit the extension of Public Utilities outside of Raleigh’s jurisdiction to necessary cases.

While inconsistent with this Comprehensive Plan Policy, Resolution 2009-022 states that exceptions to the policy may be considered on a case by case basis for potential annexation sites outside of Raleigh’s ETJ. One of those exceptions reads, “Property in that area between I-540 and Strickland Road/Falls of Neuse Road where development will meet Raleigh’s Falls Lake watershed development policies.” The subject proposal is located in the described area and is proposing to add the Falls Watershed Protection Overlay District. If the subject property is rezoned, it would be eligible for annexation.

2.5 Area Plan Policy Guidance

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

Policy AP-FL 1 Falls Lake Watershed Zoning

In the Falls Lake Secondary Watershed Protection Area, no new nonresidential zoning or land uses should be permitted.

Residential-1 is not a nonresidential zoning district but does allow for civic uses and building types. As the subject property and owner of the rezoning petition is the Holy Transfiguration Orthodox Church, it is likely that this development will be for a civic use. The addition of the FWPOD, as well as stormwater regulations and urban forestry regulations under the UDO will protect the water supply from adverse effects.

3. Public Benefit and Reasonableness Analysis

3.1 Public Benefits of the Proposed Rezoning

- If developed, extension of utility service will provide potential utility service for residents on Hunter Road.
- Potential for Low-Density development subject to the FWPOD.

3.2 Detriments of the Proposed Rezoning

- Development of a nonresidential use is inconsistent with Area Plan policy.

4. Impact Analysis

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

4.1 Transportation

The site is located in the northwest quadrant of Baileywick Road and Hunter Road; it is directly across the street from Baileywick Elementary School. Baileywick Road (SR 1830) and Hunter Road are maintained by the NCDOT. Hunter Road currently has a two-lane, ribbon-paved cross section without curbs or sidewalks. Baileywick Road currently has a three-lane, ribbon-paved cross section without curbs or sidewalks. Baileywick Road is classified as a sensitive area parkway in the UDO Street Plan Map. Hunter Road is unclassified. There are no City of Raleigh CIP projects or state STIP projects planned for either street in the vicinity of the Z-48-2016 site.

Offers of cross access to adjacent parcels shall be made in accordance with the Raleigh UDO section 8.3.5.D. There are no public street stubs abutting the eastern boundary of the Z-48-2016 parcels. Given that the site is directly across from Baileywick Elementary School, access should be restricted to Hunter Road.

In accordance with UDO section 8.3.2, the maximum block perimeter for R-1 zoning is 8,000 feet. The block perimeter for Z-48-2016, as defined by public rights-of-way for Chandler Drive, Emerywood Drive, Lingford Drive, Sturbridge Road, Six Forks, Lead Mine and Baileywick Roads is over 17,000 feet. The site is hemmed in by I-540 and there are no opportunities to reduce the block perimeter by constructing new public streets.

The existing land is vacant and generates no traffic. Approval of case Z-48-2016 would increase average peak hour trip volumes by 36 veh/hr in the AM peak and by 34 veh/hr in the PM peak; daily trip volume will increase by 254 veh/day. These volumes are long-term averages and will vary from day to day. A traffic study is not needed for case Z-48-2016.

Impact Identified: Exceeds UDO block perimeter for R-1 zoning

4.2 Transit

1. Baileywick Road is not currently served by transit and neither the City of Raleigh Short Range Transit Plan nor the Wake County Transit plan calls for future service here.
2. There are no transit requests.

Impact Identified: None

4.3 Hydrology

<i>Floodplain</i>	None
<i>Drainage Basin</i>	Falls Lake
<i>Stormwater Management</i>	Article 9.2 UDO
<i>Overlay District</i>	Falls Watershed Protection Overlay District

Impact Identified: Site is subject to Stormwater regulations under Article 9.2 of the UDO. Site is located within the Falls Lake Watershed Overlay District and subject to regulations under 9.5.2 of the UDO. No buffers or floodplain exist on the site.

4.4 Public Utilities

	<i>Maximum Demand (current)</i>	<i>Maximum Demand (proposed)</i>
<i>Water</i>	0 gpd	2500 gpd
<i>Waste Water</i>	0 gpd	2500 gpd

Impact Identified: None

4.5 Parks and Recreation

1. There are no current or proposed greenway trails, corridors or connectors within or adjacent to the site. Nearest trail access is Baileywick Trail, 0.4 miles. Pedestrian access is limited due to lack of sidewalks along Baileywick Rd.
2. Recreation services are provided by Baileywick Park, 0.4 miles. Funding for design and construction of a community center at Baileywick is proposed for design in 2018 and construction in 2020.

Impact Identified:

4.6 Urban Forestry

1. The subject parcel is larger than two acres in size [4.4 acres] and will be subject to UDO Article 9.1 Tree Conservation if rezoned to Raleigh R1 zoning from County R40W zoning.
2. No other impact.

Impact Identified: None

4.7 Designated Historic Resources

None

Impact Identified: None

4.8 Community Development

None

Impact Identified:

4.9 Impacts Summary

None

4.10 Mitigation of Impacts

None

5. Conclusions

The subject proposal seeks to rezone one 4.34 acre tract from Wake County Zoning Residential-40W w/ SHOD to City of Raleigh zoning district Residential-1 with Falls Watershed Protection Overlay District. R-1 density, setbacks, and building types are consistent with those established

along Baileywick Road and Hunter Road. However, the potential development of a nonresidential use is inconsistent with Area Plan policy and the extension of utilities is inconsistent with Public Utilities Comprehensive Plan policies. However, the addition of the FWPOD, as well as stormwater regulations and urban forestry regulations under the UDO will protect the water supply from adverse effects.

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 R-40W, SHOD

Proposed Zoning Classification Base District R-1 Height 40 Frontage N/A

OFFICE
USE ONLY

Transaction #

If the property has been previously rezoned, provide the rezoning case number:

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

GENERAL INFORMATION

Property Address 9404 BAILEYWICK ROAD

Date 12/5/2016

Property PIN 0798-96-7507

Deed Reference (book/page) 016010/00710

Nearest Intersection BAILEYWICK ROAD/HUNTER ROAD

Property Size (acres) 4.34

Property Owner/Address

MICHAEL HUENING
HOLY TRANSFIGURATION ORTHODOX CHURCH INC.
3491 PLEASANT GROVE CHURCH ROAD
MORRISVILLE, NC 27560

Phone 919-949-9971

Fax

Email MICHAEL.HUENING@GMAIL.COM

Project Contact Person/Address

GLENN ZEBLO AND/OR RHONDA BREWINGTON
ALPHA & OMEGA GROUP
4601 LAKE BOONE TRAIL, SUITE 3C
RALEIGH, NC 27607

Phone 919-981-0310

Fax

Email TGZEBLO@AOGROUP.COM AND/OR RLBREWINGTON@AOGROUP.COM

Owner/Agent Signature

Email MICHAEL.HUENING@GMAIL.COM

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>The site doesn't currently fall into a specified future land use designation. However, based on nearby</p> <p>1. properties and the proposed zoning request of R-1, the site would be consistent with the Rural Residential future land use category.</p>	
<p>The site does not and will not fall into the urban form map, according to Sophie Huemer noted in a</p> <p>2. meeting with city staff on September 7, 2016.</p>	
<p>3.</p>	
<p>4.</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>REZONING THE SITE WILL ALLOW PUBLIC WATER AND SANITARY SEWER UTILITIES TO BE</p> <p>1. EXTENDED. THIS WILL CLOSE UTILITY GAPS TO PORTIONS OF SHANNON WOODS SUBDIVISION AND HUNTER ROAD.</p>	
<p>2.</p>	
<p>3.</p>	
<p>4.</p>	



ALPHA & OMEGA GROUP
CIVIL | STRUCTURAL | WATER RESOURCES

October 3, 2016

**Re: Holy Transfiguration Orthodox Church
9404 Baileywick Road
Raleigh, NC 27615**

Neighboring Property Owners:

You are invited to attend a neighborhood meeting on October 13, 2016 with members from the Holy Transfiguration Orthodox Church and engineers from Alpha & Omega Group. The meeting will be held at The Fountain of Raleigh, 9621 Six Forks Road, Raleigh, NC 27615 and will begin at 6pm.

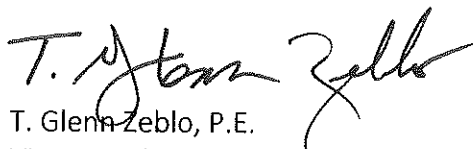
The purpose of this meeting is to discuss the rezoning of the property located at 9404 Baileywick Road. This site is currently zoned as R-40W in Wake County and is proposed to be rezoned to R-1 in the city of Raleigh.

The City of Raleigh requires that prior to the submittal of any rezoning application, a neighborhood meeting involving the property owners within 100 feet of the area requested for rezoning.

For more information on the rezoning process go to www.raleighnc.gov or contact the City of Raleigh at rezoning@raleighnc.gov or 919-996-2626.

If you have any concerns or questions, Glenn Zeblo with Alpha & Omega Group, can be reached at 919-981-0310, ext. 204.

Sincerely,
Alpha & Omega Group,


T. Glenn Zeblo, P.E.
Vice President

ATTENDANCE ROSTER

NAME	ADDRESS
LAURA DAVIS	9704 HUNTER ROAD
BILLIE JACKSON	9621 HUNTER ROAD
CAROLYN FOWLER	9708 HUNTER ROAD
JOSEPH FOWLER JR.	9708 HUNTER ROAD
SHAWN BURTON	9613 HUNTER ROAD
WADE HOMESLEY	612 MISTY ISLE PLACE
MARCIA STRANGE	601 MISTY ISLE PLACE
SUE PYLE	600 MISTY ISLE PLACE
GEORGE DELIC	HOLY TRANSFIGURATION ORTHODOX CHURCH
CHRIS PAPPAS	HOLY TRANSFIGUREATION ORTHODOX CHURCH
FLINT SWIGAST	HOLY TRANSIFURATION ORTHODOX CHURCH
MICHAEL HUENING	HOLY TRANSFIGURATION ORTHODOX CHURCH
TOM WELLS	DESIGNED DEVELOPMENT ARCHITECTS
RHONDA BREWINGTON	ALPHA & OMEGA GROUP
GLENN ZEBLO	ALPHA & OMEGA GROUP

SUMMARY OF ISSUES

A neighborhood meeting was held on OCTOBER 13, 2016 (date) to discuss a potential rezoning located at 9404 BAILEYWICK ROAD (property address).

The neighborhood meeting was held at 9621 SIX FORKS ROAD, RALEIGH, NC 27615 (location).

There were approximately 8 (number) neighbors in attendance. The general issues discussed were:

Summary of Issues:

CHURCH ENTRANCE- RESIDENTS WANTED TO KNOW IF THERE BE AN ENTRANCE ON BAILEYWICK, HUNTER OR BOTH ROADWAYS. MOST LIKELY BOTH. THE FIRST ACROSS FROM THE SCHOOL ON BAILEYWICK AND THE SECOND ON HUNTER ROAD.

CHURCH TRAFFIC- TRAFFIC/PARKING FROM THE MAGELLAN SCHOOL BACKS UP AND DOWN HUNTER ROAD DURING PICK UP HOURS SOMETIMES BLOCKING IN RESIDENTS. RESIDENTS' CONCERN IS THAT THE CHURCH WILL ADD TO THIS CONGESTION. THE CHURCH AND THE SCHOOL WILL NOT BE IN OPERATION AT THE SAME HOURS.

CHURCH GROWTH- RESIDENTS WERE CONCERNED ABOUT WHAT WOULD HAPPEN AS THE CHURCH OUTGREW THE SITE. THE CHURCH WILL BEGIN A NEW PARRISH IN A NEW LOCATION ONCE THEY BEGIN TO REACH THEIR MAXIMUM CONGREGATION SIZE OF 250. THE CHURCH DOES NOT PLAN TO EXCEED 250 PEOPLE.

LIGHTING- RESIDENTS FROM THE SHANNON WOODS NEIGHBORHOOD WERE CONCERNED ABOUT LIGHT POLUTION ON THEIR PROPERTY AT NIGHT. SITE LIGHTING WILL FOLLOW CITY ORDINANCE.

DRAINAGE- RESIDENTS WERE CONCERNED ABOUT THE REMOVAL OF THE STORMWATER PIPE AT THE SE CORNER OF THE SITE WHICH WOULD RESULT IN FLOODING. THIS WILL BE THE AREA THAT THE BIO-RETENTION POND WILL BE AND MOST OF THE WATER DRAINING TO THAT PIPE WILL GO TO THE POND.

TAX- RESIDENTS WERE CONCERNED THAT THE ADDITION OF THE CHURCH WOULD INCREASE THEIR PROPERTY TAXES.

TRAFFIC SIGNAL- RESIDENTS WANTED TO KNOW IF THE DEVELOPMENT OF THE SITE WOULD RESULT IN A TRAFFIC SIGNAL BEING ADDED AT THE INTERSECTION OF HUNTER ROAD AND BAILEYWICK ROAD.

TREE CONSERVATION- RESIDENTS WERE CONCERNED ABOUT THE PRIVACY LOST IF ALL THE TREES ARE CUT DOWN. RESIDENTS WERE INFORMED OF THE TREE CONSERVATION REQUIREMENTS AND TRANSIONAL BUFFERS AND HOW THAT WILL AFFECT THE DESIGN OF THE SITE. THE CHURCH WANTS TO INCORPORATE ITSELF INTO THE NEIGHBORHOOD.