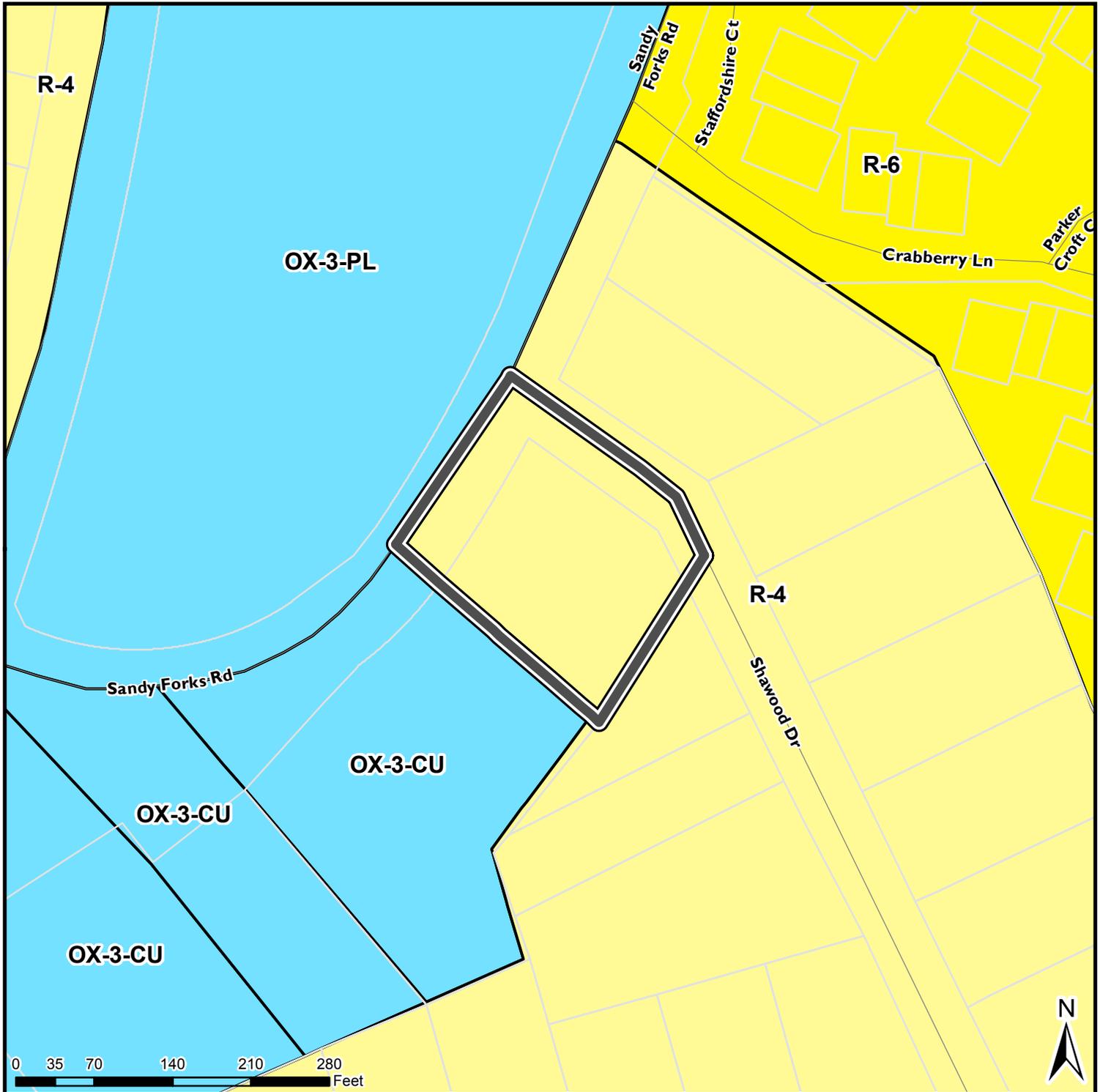


# Existing Zoning Map

# Z-9-2016

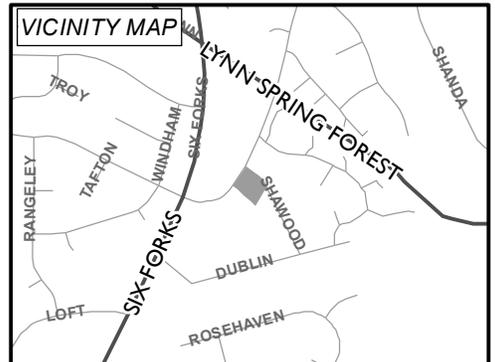


**Submittal Date**

4/11/2016

**Request:**

**0.69 acres from  
R-4  
to OX-3-CU**





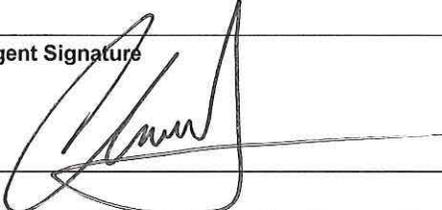
# Planning & Development



**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

## Rezoning Application

Rezoning Request	OFFICE USE ONLY
<input type="checkbox"/> General Use <input checked="" type="checkbox"/> Conditional Use <input type="checkbox"/> Master Plan  Existing Zoning Classification R-4 Proposed Zoning Classification Base District: OX    Height: -3    Frontage: N/A  <hr/> If the property has been previously rezoned, provide the rezoning case number.  <hr/> Provide all previous transaction numbers for Coordinated Team Reviews, Due Diligence Sessions or Pre-Submittal Conferences.	Transaction Number  <div style="font-size: 24pt; font-family: cursive;">462352.</div>

GENERAL INFORMATION		
Property Address 5932 Sandy Forks Rd	Date	April 11, 2016
Property PIN 1706-78-7771	Deed Reference (Book/Page) DB: 016342 PG: 297	
Nearest Intersection Sandy Forks Rd at Shawood Dr	Property size (in acres) 0.69	
Property Owner/Address Kimberly Development Group, LLC 7100 Six Forks Road Suite 100 Raleigh, NC 27615	Phone 919-271-6884	Fax
	Email Chad@kdgroupLLC.com	
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 href="mailto:Chad@kdgroupLLC.com">Chad@kdgroupLLC.com</a>  Chad Stelmok	

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

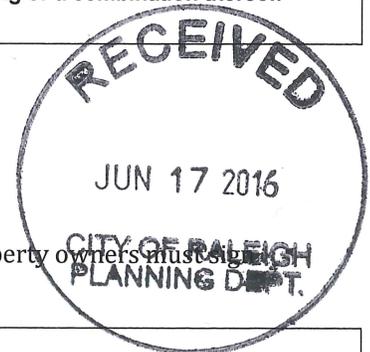


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Conditional Use District Zoning Conditions		OFFICE USE ONLY
Zoning Case Number: Z-9-16		Transaction Number
Date Submitted: June 7, 2016		
Existing Zoning R-4	Proposed Zoning OX-3-CU	

NARRATIVE OF ZONING CONDITIONS OFFERED	
1.	The following principal uses, as listed in Section 6.1.4 "Allowed Principal Use Table", shall be prohibited on the property: cottage court; emergency shelter – any types otherwise allowed in the OX district; cemetery; civic club; police, fire, EMS station; major utilities – any types otherwise allowed in the OX district; health club; outdoor recreation – any types otherwise allowed in the OX district; overnight lodging – any types otherwise allowed in the OX district; passenger terminal – any types otherwise allowed in the OX district; funeral home, funeral parlor, mortuary, undertaking establishment, crematorium, pet crematorium; eating establishment; retail sales – any types otherwise allowed in the OX district; personal services – any types otherwise allowed in the OX district; detention center, jail, prison.
2.	The maximum floor area ratio shall be 0.50. For the purpose of this condition, floor area ratio shall mean the numerical value obtained by dividing the floor area gross of the building by the gross lot area.
3.	The maximum density shall be six (6) units per acre.
4.	The maximum height for any principal building on the property shall be two stories and 40 feet.
5.	Any pole-mounted lighting fixtures shall be of full cut-off design, and, unless a more restrictive height is required by the Unified Development Ordinance, the maximum height of any pole-mounted lighting shall be 18 feet in height.
6.	The siding materials of any principal building shall be brick, stone, stucco, EIFS, fiber-cement siding or a combination thereof.



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 	Print Name CHAD STELMOK
--	----------------------------



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## Rezoning Application Addendum

<b>Comprehensive Plan Analysis</b>	<b>OFFICE USE ONLY</b>
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.	<b>Transaction Number</b> <span style="font-size: 1.5em; font-family: cursive;">462352</span> <b>Zoning Case Number</b>

STATEMENT OF CONSISTENCY	
Provide brief statements regarding whether the rezoning request is consistent with the future land use designation, the urban form map and any applicable policies contained within the 2030 Comprehensive Plan.	
1.	The Future Land Use Map classifies the subject property as Moderate Density Residential, which recommends residential uses with a density between 6 to 14 units per acre. However, the draft Six Forks Corridor Plan recommends that the property be designated "Office and Residential Mixed Use" on the Future Land Use Map (page 76) and that the property be rezoned to "Office Mixed Use" (page 78). The rezoning request permits office uses, which is inconsistent with the current Future Land Use Map designation but consistent with the recommended Future Land Use Map designation and recommended zoning district suggested by the draft Six Forks Corridor Plan. Also, as set forth below, the rezoning request is reasonable and in the public interest.
2.	The rezoning request is consistent with the following Comprehensive Plan policies: LU 4.4 "Reducing VMT Through Mixed-Use" because the proposed rezoning permits office uses in close proximity to residential uses; LU 5.1 "Reinforcing the Urban Pattern" because the adjacent properties that front Sandy Forks Road are similarly zoned; LU 5.4 "Density Transitions" because the proposed low-impact office use is an appropriate transition to low density residential uses; and LU 5.6 "Buffering Requirements" because the new development will have to comply with the neighborhood transition requirements of the UDO.

PUBLIC BENEFITS	
Provide brief statements regarding the public benefits derived as a result of the rezoning request.	
1.	The rezoning request benefits the public by facilitating the redevelopment of this property, which is no longer appropriate for a residence. The redevelopment of this property for office use will benefit the public by increasing the tax value of the property, providing a high-quality building, providing a transitional yard adjacent to single-family dwellings, and by providing office uses in close proximity to residential uses so as to reduce vehicle miles traveled.
2.	The rezoning request is reasonable because of the character of the adjoining road and the changing character of the area. The property fronts along Sandy Forks Road, a major connector (collector/avenue 2-lane, divided) between Six Forks Road and Falls of Neuse Road. Office development is more appropriate than single-family development along this type of street, especially in light of the City's widening and improvement project for Sandy Forks Road that will increase the commercial context of this area. Additionally, a new office building will be compatible with the existing office buildings immediately across the street and immediately south of the property.

REZONING OF PROPERTY CONSISTING OF +/- 0.69 ACRES  
LOCATED IN THE SOUTHEAST QUADRANT OF THE INTERSECTION OF SANDY  
FORKS ROAD AND SHAWOOD DRIVE, IN THE CITY OF RALEIGH

REPORT OF MEETING WITH ADJACENT PROPERTY OWNERS  
ON MARCH 2, 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 Wednesday, March 2, 2016, at 6:00 p.m. The property considered for this potential rezoning totals approximately 0.69 acres, located in the southeast quadrant of the intersection of Sandy Forks Road and Shawood Drive, in the City of Raleigh, having Wake County Parcel Identification Number 1706-78-7771. This meeting was held at the office of Kimberly Development Group, located at 7100 Six Forks Road, Suite 225, Raleigh, NC 27615. 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  
1330 St. Mary's Street, Suite 460  
Raleigh, NC 27605

919-590-0388  
[mbirch@morningstarlawgroup.com](mailto:mbirch@morningstarlawgroup.com)  
[www.morningstarlawgroup.com](http://www.morningstarlawgroup.com)

To: Neighboring Property Owner

From: Michael Birch

Date: February 18, 2016

Re: Notice of meeting to discuss potential rezoning of parcel located in the southeast quadrant of the intersection of Sandy Forks Road and Shawood Drive, containing approximately 0.69 acres, with the address of 5932 Sandy Forks Road and having Wake County Parcel Identification Number 1706-78-7771 (the "Property").

We are counsel for Kimberly Development Group ("KDG"), which is considering rezoning the above-captioned Property. The Property is currently zoned Residential-4, and KDG is considering rezoning the Property to Office Mixed Use (OX) Conditional Use, which permits office uses. A map highlighting the Property is on the back of this notice.

You are cordially invited to attend a meeting to discuss the potential rezoning. We have scheduled a meeting with surrounding property owners on Wednesday, March 2, 2016 at 6:00 p.m. This meeting will be held at the office of Kimberly Development Group, which is located at 7100 Six Forks Road, Suite 225, Raleigh, NC 27615, and which is situated at the intersection of Six Forks Road and Mine Lake Court, and accessed off Mine Lake Court.

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 owners 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](mailto:mbirch@morningstarlawgroup.com).

**EXHIBIT B**

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

KIMBERLY DEVELOPMENT GROUP LLC  
7100 SIX FORKS RD STE 100  
RALEIGH NC 27615-6260

GALLAGHER, THOMAS MICHAEL  
GALLAGHER, JUDITH N.  
1400 KINSDALE DR  
RALEIGH NC 27615-1165

FALLS LAKE VENTURES LLC  
PO BOX 17566  
RALEIGH NC 27619-7566

HOMESTEAD TRIANGLE INVESTMENTS  
LLC  
PO BOX 848  
WAKE FOREST NC 27588-0848

IMPERIAL CUSTOM HOMES INC  
5100 UNICORN DR STE 105  
WAKE FOREST NC 27587

GARDNER, MATTHEW  
5824 SHAWOOD DR  
RALEIGH NC 27609-3832

COMMONWEALTH PARTNERS, LLC  
320 WHITTINGTON PKWY STE 212  
LOUISVILLE KY 40222-4918

HANSEN, HANS K  
5816 SHAWOOD DR  
RALEIGH NC 27609-3832

PAGE, FONDA P  
5820 SHAWOOD DR  
RALEIGH NC 27609-3832

## **EXHIBIT C**

### **SUMMARY OF DISCUSSION ITEMS**

On Wednesday, March 2, 2016, at 6:00 p.m., the applicant held a neighborhood meeting for the property owners adjacent to the parcels subject to the proposed rezoning. There was no discussion because none of the notified parties attended the meeting.

**EXHIBIT D**

**NEIGHBORHOOD MEETING ATTENDEES**

There were no attendees.