



Board Meeting Agenda Abstract

Monday, October 5, 2026

Location:

Agenda Item

Zoning Map Amendment - M/I Homes of Raleigh, LLC - 0, 6921, & a portion of 6823 Sunset Lake Road - PINs 0667674582, 0667681140 & a portion of 0667589880 - REZ-2025-18 - (Davison) - Item 6.C

Item Explanation

The purpose of this agenda item is to consider a requested zoning map amendment for a total of 27.63 acres, located at 0, 6921 & a portion of 6823 Sunset Lake Road from the Residential Medium Density Conditional Zoning District (RMD-CZD) to the Planned Unit Development (PUD) Zoning District.

Staff Comments

PROPERTY INFORMATION: The subject properties total 27.63 acres and are located in the Town's Extraterritorial Jurisdiction (ETJ). Properties are wooded, with some land cleared for residential and farm uses. The properties are also part of the Jones-Johnson-Ballentine Historic District. There is a pond on the property that is scheduled for drainage. This pond is classified as a high-hazard dam and has received a violation notice from the North Carolina State Dam Safety Program. It is located approximately 15 feet above the adjacent Ballentine Dairy Road and is overgrown with large trees.

ZONING: The properties are currently zoned Residential Medium Density Conditional Zoning District (RMD-CZD) as part of REZ-12-07 in 2007. The properties were rezoned with the condition that they develop an open-space subdivision. Since the property was not developed and open-space subdivision is no longer a development option, the petitioner has opted to rezone to Planned Unit Development (PUD), the Town's equivalent of open-space-centered development.

The zoning map amendment petition requests approval of the PUD Zoning District. This zoning district is intended to permit variations and flexibility to create a plan for a unified high-quality overall development that would otherwise not be possible under the conventional development standards. This type of development encourages the conservation and more efficient use of open space, protection of sensitive environmental areas, enhanced recreation and activities for healthy living, a pedestrian friendly environment and a well-designed and coordinated street pattern. The regulations and performance standards of a PUD district offer flexibility in order to facilitate an integrated mix of housing types and or uses conveniently located close to each other. The PUD zoning district requires a master plan with zoning

approval, which is included herein.

The petitioner has requested that only the following uses be permitted at the subject properties:

- 1) Single Family Residential*
- 2) Accessory Dwelling Units*
- 3) Live/Work Unit*

Additionally, the petitioner has requested the following site-specific conditions be made applicable to the subject properties:

- 1) Vinyl siding is not permitted. Vinyl windows and trim, including shutters, soffits, and decorative elements, are permitted.*
- 2) The primary facade material on all exterior elevations will be one of the following:*
 - a) Fiber cement siding*
 - b) Wood siding*
 - c) Engineered wood*
- 3) A minimum of three of the following exterior decorative materials/elements shall be used on the front facade of each house:*
 - a) Shake*
 - b) Porch rails and posts*
 - c) Shutters*
 - d) 1"x4" window wrap*
 - e) Window pediments*
 - f) Recessed windows*
 - g) Window box or bay*
 - h) Gables, dormers, or cornices*
 - i) Board & batten*
 - j) Stone*
 - k) Brick*
- 4) No home can be constructed with either an exterior elevation (front Façade) or color palette that is in the same color family as the next home on either side or directly across the street (for all homes). A varied color palette shall be utilized on all homes throughout the subdivision and shall include siding, trim, shutters, and accent colors complementing the siding colors.*
- 5) Foundations of homes shall be monolithic slabs raised a minimum of 8 inches above finished grade. Any exposed foundation fronting public ROW (i.e., front or corner) shall be treated with brick or masonry or adorned with stucco/parged finish above finished grade.*
- 6) ROW Visibility: any side or rear face facing the public ROW shall have enhanced elements as follows:*
 - a) Side Facades shall provide enhanced fenestration and landscape treatments with a minimum of two (2) windows with decorative trim or shutters on each story.*
 - b) Foundation plantings consisting of evergreen shrubs or similar year-round vegetation shall be provided along a minimum of fifty percent (50%) of the facade.*
 - c) Rear Facades shall have a covered or enclosed rear deck.*
- 7) All garage doors shall contain at least one of the following: windows, decorative details, such as barn-style doors, trellis, and/or carriage-style adornments.*
- 8) All homes shall have a front door with a minimum of 25% glazing, transom, and/or door sidelights.*

- 9) All homes shall include architectural shingles, and the roof shall be pitched at 5:12 or greater (not including porches, bay windows, etc.).
- 10) All homes shall include a covered porch with columns at the front door.
- 11) All columns shall have a masonry or trim base and a trim capital.
- 12) Structures in the common areas will include a covered pavilion for mail kiosks and a covered pavilion/gathering area with outdoor sports features such as cornhole and horseshoes.
- 13) Monumentation at the entrance will emphasize a dairy theme. Accent fencing at the entry and common areas will include split rail fencing and/or brick columns.
- 14) Developer to add a three-rail vinyl fence north of the property boundary, abutting parcel ID 0667-58-9880. The fence will be located on parcel ID 0667-58-9880.
- 15) Upon approval of the first plat, the developer shall convey a parcel of land approximately 0.43 acres in size containing the James E. Ballentine house in its existing condition to a historical preservation organization. Within 30 days following Town Board approval of the Master Plan, but no later than submission of the minor subdivision plat creating the Ballentine House parcel, the developer shall execute a Land Donation Agreement with a historical preservation organization governing the donation of the house and property. The land donation agreement shall address the survey and final boundaries of the donated parcel, the timing and requirements for conveyance, utilities, vehicular access, and any subsequent preservation easement and rehabilitation agreement. The developer shall use commercially reasonable efforts to protect the house and its architectural materials associated with it from demolition, removal, or disturbance before conveyance. The developer shall provide a water and sewer service stub at the right-of-way of the parcel.
- 16) Developer shall grant members of the Friends of Museums from the Town of Fuquay-Varina reasonable access to the existing structures on-site upon the developer closing on the property (pin 0667681140) and allow collection of historical non-architectural artifacts. The Friends of Museums will be allowed no more than 3 weeks' time to collect any artifacts from a date selected by the developer. The collection of such artifacts will come at no cost or liability to the developer.
- 17) The developer will install a historic marker dedicated to the history of the Ballentine Dairy Farm at a location near the historic house, subject to the approval of such marker by the Town of Fuquay-Varina and any applicable authority.
- 18) The developer shall name at least one of the proposed streets in reflection of the history of the Ballentine Dairy Farm, subject to approval of such street name by Wake County.
- 19) The existing mature oak tree located on the approximately 0.43-acre James E. Ballentine House parcel shall be preserved as a Heritage Tree and shall be shown on all preliminary subdivision plans, construction drawings, grading plans, utility plans and final plats as "Heritage Tree - To Remain". The tree and its root system shall be protected from any construction-related activities. The limits of disturbance, utilities, access, and other improvements shall be designed and located to avoid adverse impacts to the tree. The tree shall not be removed unless it is determined by a certified arborist to be dead, dying, diseased, or to pose an imminent threat to public safety.
- 20) The Common Green lot south of the James E. Ballentine house parcel shall be maintained by the HOA as an open grass/play area without additional structures or amenities to preserve the historic view shed.

MASTER PLAN: The master plan is characterized by two (2) different-sized single-family lot types surrounded by activated common green. The associated master plan (narrative and related plans) identifies permitted uses, arrangement of uses, open space, thoroughfare network, utilities, pedestrian network, architectural design and standards, building layout, and

landscaping. The maximum allowed density in the PUD Zoning District is six (6) dwelling units/acre, and the master plan proposes a maximum density of 1.74 dwelling units/acre for a maximum of 48 units.

The master plan proposes a network of streets, with the development's main access off Sunset Lake Road and additional road stubs to the adjacent parcels to the north. All street sections will follow the Town's standard specifications. Both water and sewer will be extended as part of the development. The master plan notes that if major subdivision preliminary plat approval of Gallaway Crossing is not achieved before the start of construction of the Randall Farms Subdivision to the south, Gallaway Crossing will be responsible for extending a 12" waterline across their Ballentine Dairy Road frontage.

25% or 6.91 acres of open space is required for a PUD, and the master plan proposes 41.3% or 10.95 acres. 5% or 1.32 acres of activated common green is required, and the master plan proposes 5% or 1.33 acres. The common green incorporates amenities including benches, a play area, picnic tables, ADA accessible trail, and cornhole boards. The master plan also commits to the following required perimeter landscape buffers: a 30' Type A+ buffer along the northern development boundary and the portion of the western development boundary abutting 5300 Spence Farm Road (PIN 0657264102); a 15' Type B buffer along the remaining western development boundary; a 15' Type C buffer along the Ballentine Dairy Road frontage; and a 20' Type C Buffer along the Sunset Lake Road frontage. An Administrative Adjustment was granted to reduce the 30' Type A+ Buffer along just the northern edge of Lot 10 to 20' with supplemental fencing in order to accommodate a sewer force main easement.

Additionally, the master plan accommodates a separate 0.43 ac containing the James E. Ballentine home and grounds. This home will be preserved and dedicated to a historic preservation group after approval of the rezoning. The lot immediately to the south of the Ballentine house has been allocated as common green and will be preserved as open space/grass play area in perpetuity to preserve the historic view shed of the home. The developer has also agreed to install signage giving information related to the historic use of the properties as one of North Carolina's first and longest operating independent dairies.

The petitioner requests a design flexibility exception to the minimum standards for a single common green parcel for Common Green 2 to facilitate the preservation of the Historic James E Ballentine House and historic view shed in adjoining Common Green 3.

SURROUNDING USE: Surrounding properties are generally residential, with some wooded parcels and farm uses. More specifically, to the south is the Randall Farm Subdivision (under review by Town staff), and to the east are the Ballentine subdivision and Ballentine Elementary School. Ballentine Farms Riding Academy is to the north.

LAND USE PLAN: The 2040 Community Vision Land Use Plan (LUP) calls for the Single Family Neighborhood (SFN) and Mixed Residential Neighborhood (MRN) classifications at the subject properties. The SFN classification is defined as land formed as a neighborhood that includes one (1) housing type, single-dwelling detached, on different lot sizes that vary enough to provide a range of home choices in the same neighborhood. Homes are oriented toward streets with rear yards larger than front yards. Some Single-Family Neighborhoods may mix lot and house sizes on the same block or provide accessory dwelling units. Small blocks and a grid street network support a well-connected, cohesive community. New Single-Family Neighborhoods should include a comprehensive and connected network of open space

throughout the site to accommodate small parks, gathering spaces, and community gardens; preserve large tree stands; and help manage stormwater runoff. Internal streets and open space in new Single-Family Neighborhoods should be well-connected while capitalizing on opportunities to connect with existing or future nearby neighborhoods.

The MRN classification is defined as land formed as a neighborhood that includes several housing types, single dwelling detached, townhouse, condominium, apartment, and/or senior living, that provide a range of home choices (lot sizes and home types) in the same neighborhood. This mixed approach accommodates residents at all stages of life, with different housing needs and preferences, to live in a multi-generational community for a lifetime. The proposed PUD includes a combination of Large Lot Single-Family Dwellings (10,000sf) and Small Lot Single-Family Dwellings (8,000sf) consistent with the Single-Family Neighborhood (SFN) development goals across the entire project.

The requested zoning map amendment is consistent with the 2040 Community Vision Land Use Plan and is supports the following LUP policies:

- 1) Policy 3.1: Create a Comprehensive, Connected, and Continuous Network of Green Space*
- 2) Policy 7.1: Establish a Discernible Neighborhood Structure*
- 3) Policy 7.2: Encourage Transitional Uses and Intensities in and Around Project Boundaries*

UTILITIES: Public water is currently available to serve the subject properties. Public sewer will be extended by the developer with the development.

TRANSPORTATION: The subject properties are located along and has access to Ballentine Dairy Road and Sunset Lake Road. Sunset Lake Road is classified by the Town's 2040 Comprehensive Transportation Plan (CTP) as a 110-foot right-of-way and is identified as being a four (4)-lane, median-divided road with side paths and a future carrying capacity of 15,600 ADT. It is currently a two (2)-lane road with a center turn lane and a carrying capacity of 11,400 ADT. 2024 NCDOT traffic counts taken at subject properties indicated a volume of 14,500 ADT. Ballentine Dairy Road is classified as a local street in the Town's Comprehensive Transportation Plan (CTP). This road is NCDOT maintained and therefore traffic counts are available. 2024 traffic counts indicate a volume of 400 ADT.

This rezoning was submitted prior to the requirement for a Traffic Study to be submitted with a rezoning application; however, a Trip Generation Letter has been submitted in conjunction with the preliminary subdivision plan, which is under concurrent review. The Trip Generation Letter justified that a Traffic Impact Analysis was not warranted.

NEIGHBORHOOD MEETING INFORMATION: The petitioner held a neighborhood meeting via online Zoom on February 5, 2026. The meeting report is attached, and staff takes no position regarding its content.

RECOMMENDATION: Management and staff recommend approval of the proposed zoning map amendment as it is reasonable and in the best interest of the public for the following reasons:

- 1) The requested zoning district supports the Land Use Plan Policy 3.1: Create a Comprehensive, Connected, and Continuous Network of Green Space.*
- 2) The requested zoning district supports the Land Use Plan Policy 7.1: Establish a*

Discernible Neighborhood Structure.

3) The requested zoning district supports the Land Use Plan Policy 7.2: Encourage Transitional Uses and Intensities in and Around Project Boundaries.

4) The master plan and narrative included with the request ensure the future uses fit into the development context and demonstrate compliance with the zoning conditions offered and many of the goals of the 2040 Land Use Plan.

ADDITIONAL INFORMATION: At its regular meeting on July 20, 2026, the Planning Board unanimously recommended approval. At the August 18, 2026, regular meeting, the Town Board voted unanimously to table the request to the September 22, 2026, meeting, citing concerns about the historic nature of the property. The Town Board asked for staff and the developer to coordinate with the Fuquay-Varina Museum and Capital Area Preservation to confirm there are no historic elements that should be preserved due to the property's designation as part of the Jones-Johnson-Ballentine Historic District. Prior to the September 22, 2026, Town Board meeting, the petitioner submitted a request to table consideration of the item to the October 5, 2026, Town Board meeting. Since the August 18, 2026, regular meeting, the petitioner has worked with Town staff, the Fuquay-Varina Museum, and Capital Area Preservation to address concerns about the property's historic nature. Newly added conditions 15 through 20 specifically address this, as well as the proposed preservation of the historic home.

Fiscal Note

No

Recommendation

PUBLIC HEARING

MOTION TO: Approve REZ-2025-18, a zoning map amendment for 0, 6921 & a portion of 6823 Sunset Lake Road from the Residential Medium Density Conditional Zoning District (RMD-CZD) to the Planned Unit Development (PUD) Zoning District, as it is reasonable and in the best interest of the public for the reasons identified by management and staff.

ATTACHMENTS

[REZ-2025-18 Petition](#)

[REZ-2025-18 Master Plan](#)

[REZ-2025-18 Narrative](#)

[REZ-2025-18 Neighborhood Meeting Report](#)

[REZ-2025-18 Staff Map](#)

[REZ-2025-18 Rezoning Ordinance](#)

[Resolution of Support for James E. Ballentine House](#)