Certified Recommendation
Raleigh Planning Commission

CR# 11386

Case Information – Z-15-10

<table>
<thead>
<tr>
<th>Location</th>
<th>East side of Forestville Road, south of its intersection with Louisburg Road.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Size</td>
<td>1.55 acres</td>
</tr>
<tr>
<td>Request</td>
<td>Rezone property from Residential-4 to Residential-6</td>
</tr>
</tbody>
</table>

Comprehensive Plan Consistency

<table>
<thead>
<tr>
<th>Future Land Use Designation</th>
<th>Low Density Residential</th>
</tr>
</thead>
<tbody>
<tr>
<td>Applicable Policy Statements</td>
<td>Policy LU 7.3 – Single Family Lots on Thoroughfares</td>
</tr>
</tbody>
</table>

☒ Consistent ☐ Inconsistent

Summary of Conditions

| Submitted Conditions | Not applicable - General Use request |

Issues and Impacts

<table>
<thead>
<tr>
<th>Outstanding Issues</th>
<th>There are no outstanding issues associated with this case.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Impacts Identified</td>
<td>There are no known impacts associated with this case.</td>
</tr>
</tbody>
</table>

Suggested Conditions and Proposed Mitigation

<table>
<thead>
<tr>
<th>Suggested Conditions</th>
<th>N/A – general use case</th>
</tr>
</thead>
<tbody>
<tr>
<td>Proposed Mitigation</td>
<td>N/A</td>
</tr>
</tbody>
</table>

Public Meetings

<table>
<thead>
<tr>
<th>Neighborhood Meeting</th>
<th>Public Hearing</th>
<th>Committee</th>
<th>Planning Commission</th>
</tr>
</thead>
<tbody>
<tr>
<td>N/A</td>
<td>7/20/2010</td>
<td>Date</td>
<td>8/10/2010 Approval</td>
</tr>
</tbody>
</table>

☒ Valid Statutory Protest Petition
Planning Commission Recommendation

<table>
<thead>
<tr>
<th>Recommendation</th>
<th>The Commission finds that this case is consistent with the Comprehensive Plan, and recommends that the case be approved.</th>
</tr>
</thead>
</table>
| Findings & Reasons | • The proposal is consistent with the Future Land Use map which recommends low density residential for this site.  
    • This request is consistent and compatible with surrounding zoning and land use. The property is surrounded by Residential-6 Conditional Use zoning, with a large shopping center adjacent across Forestville Road. |
| Motion and Vote | Motion: Fleming  
Second: Mullins  
In Favor: Anderson, Bartholomew, Batchelor, Butler, Fleming, Harris Edmisten, Haq, Mullins, Smith, Sterling |

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: Stan Wingo stan.wingo@raleighnc.gov
Request

<table>
<thead>
<tr>
<th>Location</th>
<th>East side of Forestville Road, south of its intersection with Louisburg Road.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Request</td>
<td>Rezone property from Residential-4 to Residential-6</td>
</tr>
<tr>
<td>Area of Request</td>
<td>1.55 acres</td>
</tr>
<tr>
<td>Property Owner</td>
<td>Donald and Charlotte Thaxton</td>
</tr>
<tr>
<td>PC Recommendation</td>
<td></td>
</tr>
<tr>
<td>Deadline</td>
<td>November 17th, 2010</td>
</tr>
</tbody>
</table>

Subject Property

<table>
<thead>
<tr>
<th></th>
<th>Current</th>
<th>Proposed</th>
</tr>
</thead>
<tbody>
<tr>
<td>Zoning</td>
<td>Residential-4</td>
<td>Residential-6</td>
</tr>
<tr>
<td>Additional Overlay</td>
<td>None</td>
<td>None</td>
</tr>
<tr>
<td>Land Use</td>
<td>Mobile Homes</td>
<td>All Residential-6 land uses would be permitted</td>
</tr>
<tr>
<td>Residential Density</td>
<td>Up to 6 single family units</td>
<td>Up to 9 single or multi family dwelling units</td>
</tr>
</tbody>
</table>

Surrounding Area

<table>
<thead>
<tr>
<th></th>
<th>North</th>
<th>South</th>
<th>East</th>
<th>West</th>
</tr>
</thead>
<tbody>
<tr>
<td>Zoning</td>
<td>R-6 CUD</td>
<td>R-6 CUD</td>
<td>R-6 CUD</td>
<td>TD, TD CUD</td>
</tr>
<tr>
<td>Future Land Use</td>
<td>Low Density Residential</td>
<td>Low Density Residential</td>
<td>Low Density Residential</td>
<td>Neighborhood Mixed Use</td>
</tr>
<tr>
<td>Current Land Use</td>
<td>Single Family Residential</td>
<td>Single Family Residential</td>
<td>Single Family Residential</td>
<td>Retail – Shopping Center</td>
</tr>
</tbody>
</table>

Comprehensive Plan Guidance

<p>| | | | | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Future Land Use</td>
<td>Low Density Residential</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Area Plan</td>
<td>None</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Applicable Policies</td>
<td>Policy LU 7.3 – Single Family Lots on Thoroughfares</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
Overview
The request is to rezone approximately 1.55 acres from Residential-4 to Residential-6 General Use. The property is currently vacant and has been zoned Residential-4 since being brought into the City’s jurisdiction.

Exhibit C & D Analysis
Staff examines consistency with the Comprehensive Plan, compatibility with the surrounding area, public benefits and detriments of the proposal, and summarizes any associated impacts of the proposal.

1. Consistency of the proposed rezoning with the Comprehensive Plan and any applicable City-adopted plan(s)

1.1 Future Land Use
This site falls within an area designated as being appropriate for Low Density Residential. The proposal to rezone the subject property to Residential-6 is consistent with the Future Land Use designation.

1.2 Policy Guidance
The following policy guidance is applicable with this request

Policy LU 7.3
Single Family Lots on Thoroughfares
No new single-family residential lots should have direct vehicular access from thoroughfares, so as to minimize traffic impacts and preserve the long-term viability of these residential uses when located adjacent to thoroughfares.

The request would permit up to nine units on this property. If constructed as single-family structures, driveways could have direct access to Forestville Road. As this is proposed as a general use case, this issue cannot be addressed.

2. Compatibility of the proposed rezoning with the property and surrounding area

The current zoning on the subject property is Residential-4. The proposal to rezone the property to Residential-6 would introduce multifamily residential dwellings as a permitted use. The property is surrounded to the north, east and south by Residential-6 Conditional Use zoning, developed as a single family detached subdivision. The property across Forestville Road to the west is currently zoned Thoroughfare District Conditional Use and was recently developed as a shopping center.
3. **Public benefits of the proposed rezoning**
   There is very little public benefit associated with this request. The property has the ability to be developed consistent with the Comprehensive Plan as currently zoned at Residential-4.

4. **Detriments of the proposed rezoning**
   There are no known detriments associated with this case.

5. **The impact on public services, facilities, infrastructure, fire and safety, parks and recreation, etc.**

   **5.1 Transportation**
   Forestville Road is classified as a major thoroughfare (2007 ADT- 5,800 vpd) and is constructed as a 2-lane ribbon paved roadway within an 80-foot right-of-way. City standards call for Forestville Road to be constructed as a multi-lane curb and gutter section roadway with sidewalks and 4-foot striped bicycle lanes on both sides within a minimum 90-foot right-of-way. By the year 2030 traffic volumes along Forestville Road near the subject property are forecasted to increase to 25,290 vehicles per day and an increase of 336% over current traffic volume.

   NCDOT has a transportation improvement project (R-2814) to widen Louisburg Road to a multi-lane divided facility from Ligon Mill Road to north of Jonesville Road. The subject project is in the general vicinity of this improvement project but is not anticipated to be impacted.

   **5.2 Transit**
   There is no impact to transit facilities as a result of this request.

   Impact Identified: None

   **5.3 Hydrology**

<table>
<thead>
<tr>
<th>Floodplain</th>
<th>No FEMA Floodplain present</th>
</tr>
</thead>
<tbody>
<tr>
<td>Drainage Basin</td>
<td>Neuse</td>
</tr>
<tr>
<td>Stormwater Management</td>
<td>Subject to Part 10, Chapter 9</td>
</tr>
<tr>
<td>Overlay District</td>
<td></td>
</tr>
</tbody>
</table>

   Impact Identified: None

   **5.4 Public Utilities**

<table>
<thead>
<tr>
<th>Maximum Demand (current)</th>
<th>Maximum Demand (proposed)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Water 3,100 gpd</td>
<td>5,425 gpd</td>
</tr>
<tr>
<td>Waste Water 3,100 gpd</td>
<td>5,425 gpd</td>
</tr>
</tbody>
</table>

   The proposed rezoning will add approximately 2,325 gpd to the wastewater collection and water distribution systems of the City. There is an existing eight (8") inch sanitary sewer main terminating in the southeastern corner of the property and a...
sixteen (16") inch water main within the right-of-way of Forestville Road. The property would use these mains for connection to the City’s public utilities.

5.5 Parks and Recreation
There are no greenway corridors adjacent to this property. This rezoning will not impact the current level of service of Watkins Road Park (undeveloped).

Impact Identified: None

5.6 Urban Forestry
Applicable code sections – This rezoning case does not appear to have an impact on the tree conservation ordinances.

Impact Identified: None

5.7 Wake County Public Schools

<table>
<thead>
<tr>
<th>School name</th>
<th>Current enrollment</th>
<th>Current Capacity</th>
<th>Future Enrollment</th>
<th>Future Capacity</th>
</tr>
</thead>
<tbody>
<tr>
<td>Harris Creek</td>
<td>797</td>
<td>85.1%</td>
<td>798</td>
<td>85.3%</td>
</tr>
<tr>
<td>East Millbrook</td>
<td>1,116</td>
<td>95.3%</td>
<td>1,117</td>
<td>95.4%</td>
</tr>
<tr>
<td>Knightdale</td>
<td>1,800</td>
<td>90.9%</td>
<td>1,801</td>
<td>91.0%</td>
</tr>
</tbody>
</table>

Impact Identified: No significant impact.

5.8 Designated Historic Resources
This site is not located within a designated historic district and does not contain any historic landmarks.

Impact Identified: None

5.9 Impacts Summary
There are no known infrastructure impacts associated with this request.

6. Appearance Commission
This request is not subject to review by the Appearance Commission.

7. Conclusions
The request to rezone the property to Residential-6 is consistent and compatible with surrounding zoning and land use. The proposal is also consistent with the Future Land Use Map as being within the suggested range of Low Density Residential. There are no outstanding issues identified and no known impacts on surrounding infrastructure associated with this case.
Existing Zoning

CITY OF RALEIGH

Z-15-10
R-4 to R-6
1.55 acres

Public Hearing
July 20, 2010
(Note: November 17, 2010)

200 Feet
Public Hearing
July 20, 2010
(November 17, 2010)

1.55 acres

CITY OF RALEIGH

Z-15-10

R-4
to
R-6
EXHIBIT B. Request for Zoning Change

Please use this form only – form may be photocopied. Please type or print
See instructions, page 9

1) Petitioner(s):
Name(s)          Address          Telephone / E-Mail
Charlotte Thaxton  203 Wilson St  919-390-5358
                    Franklinton, NC  charlotte.thaxton@
                    27525                                    asl.com

2) Property Owner(s):
Name(s)          Address          Telephone / E-Mail
Donald J. Thaxton Jr (SAME)
Charlotte L. Thaxton

3) Contact Person(s):
Name(s)          Address          Telephone / E-Mail
Charlotte L. Thaxton (SAME)  919-390-5358
                                  919-266-7916

4) Property Description:
Wake County Property Identification Number(s) (PIN): 1747597962

General Street Location (nearest street intersections):
401 and Forestville Rd

5) Area of Subject Property (acres):
1.55 acres

6) Current Zoning District(s) Classification:
Include Overlay District(s), if Applicable
R4

7) Proposed Zoning District Classification:
Include Overlay District(s) if Applicable. If existing Overlay District is to remain, please state.
R6
Exhibit B, continued

8) Adjacent Property Owners

The following are all of the person, firms, property owners, associations, corporations, entities or governments owning property adjacent to and within one hundred (100) feet (excluding right-of-way) of (front, rear, all sides and across any street) the property sought to be rezoned.

Name(s): ____________________________ Street Address(es): ____________________________

City/State/Zip: ____________________________ Wake Co. PIN #’s: ____________________________

(Important: Include PIN Numbers with names, addresses and zip codes.) Indicate if property is owned by a condominium property owners association. Please complete ownership information in the boxes below in the format illustrated in the first box. Please use this form only – form may be photocopied – please type or print.

See attached

For additional space, photocopy this page.
EXHIBIT D. Petitioner’s Argument on Behalf of The Zoning Change Requested

Please use this form only – form may be photocopied – please type or print.

This section is reserved for the applicant to state factual information in support of the rezoning request.

Required items of discussion:

The Planning Department is instructed not to accept any application for amending the official zoning map without a statement prepared by the applicant analyzing the reasonableness of the rezoning request. This statement shall address the consistency of the proposed rezoning with the Comprehensive Plan and any other applicable City-adopted plan(s), the compatibility of the proposed rezoning with the property and surrounding area, and the benefits and detriments of the proposed rezoning for the landowner, the immediate neighbors and the surrounding community.

Recommended items of discussion (where applicable):

1. An error by the City Council in establishing the current zoning classification of the property.
2. How circumstances (land use and future development plans) have so changed since the property was last zoned that its current zoning classification could not properly be applied to it now were it being zoned for the first time.
3. The public need for additional land to be zoned to the classification requested.
4. The impact on public services, facilities, infrastructure, fire and safety, parks and recreation, topography, access to light and air, etc.

PETITIONER’S STATEMENT:

I. Consistency of the proposed map amendment with the Comprehensive Plan (www.raleighnc.gov).

A. Please state the recommended land use(s) for this property as shown on the Future Land Use Map and discuss the consistency of the proposed land uses:

   The Future Land Use Map for 3029 Forestrville Rd is R6. I would like to rezone the property from R4 to R6.

B. Please state whether the subject property is located within any Area Plan or other City Council-adopted plans and policies and discuss the policies applicable to future development within the plan(s) area.

   The City Council plans for the future are R6 for my property, therefore I would like to rezone it to R6.
C. Is the proposed map amendment consistent or inconsistent with the Comprehensive Plan and other City Council-adopted plans and policies? All references to Comprehensive Plan policies should include both the policy number (e.g. LU 4.5) and short title (e.g. “Connectivity”).

II. Compatibility of the proposed map amendment with the property and the surrounding area.

A. Description of land uses within the surrounding area (residential housing types, parks, institutional uses, commercial uses, large parking lots, thoroughfares and collector streets, transit facilities):

The land around my property is R6 - residential across the road is shopping center

B. Description of existing Zoning patterns (zoning districts including overlay districts) and existing built environment (densities, building heights, setbacks, tree cover, buffer yards):

The zoning pattern is single family homes on the east side of Forestville Rd and a shopping center on the west.

C. Explanation of how the proposed zoning map amendment is compatible with the suitability of the property for particular uses and the character of the surrounding area:

I have mobile homes on the property now, which is non-compliant with the zoning code that is R4. It would like to replace with allowable use in compliance with R6

III. Benefits and detriments of the proposed map amendment.

A. For the landowner(s):

The proposed rezoning will make the land more valuable.

B. For the immediate neighbors:

I have been told by neighbors “The mobile homes would be moved and houses would replace them.”

C. For the surrounding community:

Single family homes would enhance the area.
IV. Does the rezoning of this property provide a significant benefit which is not available to the surrounding properties? Explain:

No

Explain why the characteristics of the subject property support the proposed map amendment as reasonable and in the public interest.

It is also in the City Council's plans to have this property cleaned up and zoned R1e.

V. Recommended items of discussion (where applicable).

a. An error by the City Council in establishing the current zoning classification of the property.

b. How circumstances (land use and future development plans) have so changed since the property was last zoned that its current zoning classification could not properly be applied to it now were it being zoned for the first time.

This land was zoned many years ago before any houses were around and city water.

c. The public need for additional land to be zoned to the classification requested.

The public rather look at single homes than mobile homes.

d. The impact on public services, facilities, infrastructure, fire and safety, parks and recreation, topography, access to light and air, etc.

e. How the rezoning advances the fundamental purposes of zoning as set forth in the N.C. enabling legislation.
VI. Other arguments on behalf of the map amendment requested.

The overall community would look much neater with homes behind Lowe's, food and CVS than mobile homes.