



# Certified Recommendation

Raleigh Planning Commission

CR# 11386

## Case Information – Z-15-10

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

## Comprehensive Plan Consistency

<i>Future Land Use Designation</i>	Low Density Residential
<i>Applicable Policy Statements</i>	Policy LU 7.3 – Single Family Lots on Thoroughfares

Consistent

Inconsistent

## Summary of Conditions

<i>Submitted Conditions</i>	Not applicable - General Use request
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## Issues and Impacts

<i>Outstanding Issues</i>	There are no outstanding issues associated with this case.
<i>Impacts Identified</i>	There are no known impacts associated with this case.

## Suggested Conditions and Proposed Mitigation

<i>Suggested Conditions</i>	N/A – general use case
<i>Proposed Mitigation</i>	N/A

## Public Meetings

<i>Neighborhood Meeting</i>	<i>Public Hearing</i>	<i>Committee</i>		<i>Planning Commission</i>	
N/A	7/20/2010	Date	Action	8/10/2010	Approval

**Valid Statutory Protest Petition**



# Certified Recommendation

Raleigh Planning Commission

CR# 11386

## Attachments

1. Staff report
2. Existing Zoning/Location Map
3. Future Land Use

## Planning Commission Recommendation

<i>Recommendation</i>	<b>The Commission finds that this case is consistent with the Comprehensive Plan, and recommends that the case be approved.</b>
<i>Findings &amp; Reasons</i>	<ul style="list-style-type: none"><li>• The proposal is consistent with the Future Land Use map which recommends low density residential for this site.</li><li>• 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.</li></ul>
<i>Motion and Vote</i>	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](mailto:stan.wingo@raleighnc.gov)



## Zoning Staff Report – Z-15-10

### General Use District

#### Request

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

#### Subject Property

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

#### Surrounding Area

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

#### Comprehensive Plan Guidance

<i>Future Land Use</i>	Low Density Residential
<i>Area Plan</i>	None
<i>Applicable Policies</i>	Policy LU 7.3 – Single Family Lots on Thoroughfares

## Contact Information

<i>Staff</i>	Stan Wingo (919)516-2663 <a href="mailto:stan.wingo@raleighnc.gov">stan.wingo@raleighnc.gov</a>
<i>Applicant</i>	Charlotte Thaxton (919)390-5358
<i>Citizens Advisory Council</i>	Northeast CAC – Paul Brant (919)875-1114

## 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.

The request to rezone the property to Residential-6 is consistent and compatible with surrounding zoning and land use.

**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 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**

<i>Floodplain</i>	No FEMA Floodplain present
<i>Drainage Basin</i>	Neuse
<i>Stormwater Management</i>	Subject to Part 10, Chapter 9
<i>Overlay District</i>	

Impact Identified: None

**5.4 Public Utilities**

	<i>Maximum Demand (current)</i>	<i>Maximum Demand (proposed)</i>
<i>Water</i>	<b>3,100 gpd</b>	<b>5,425 gpd</b>
<i>Waste Water</i>	<b>3,100 gpd</b>	<b>5,425 gpd</b>

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 main 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**

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

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.

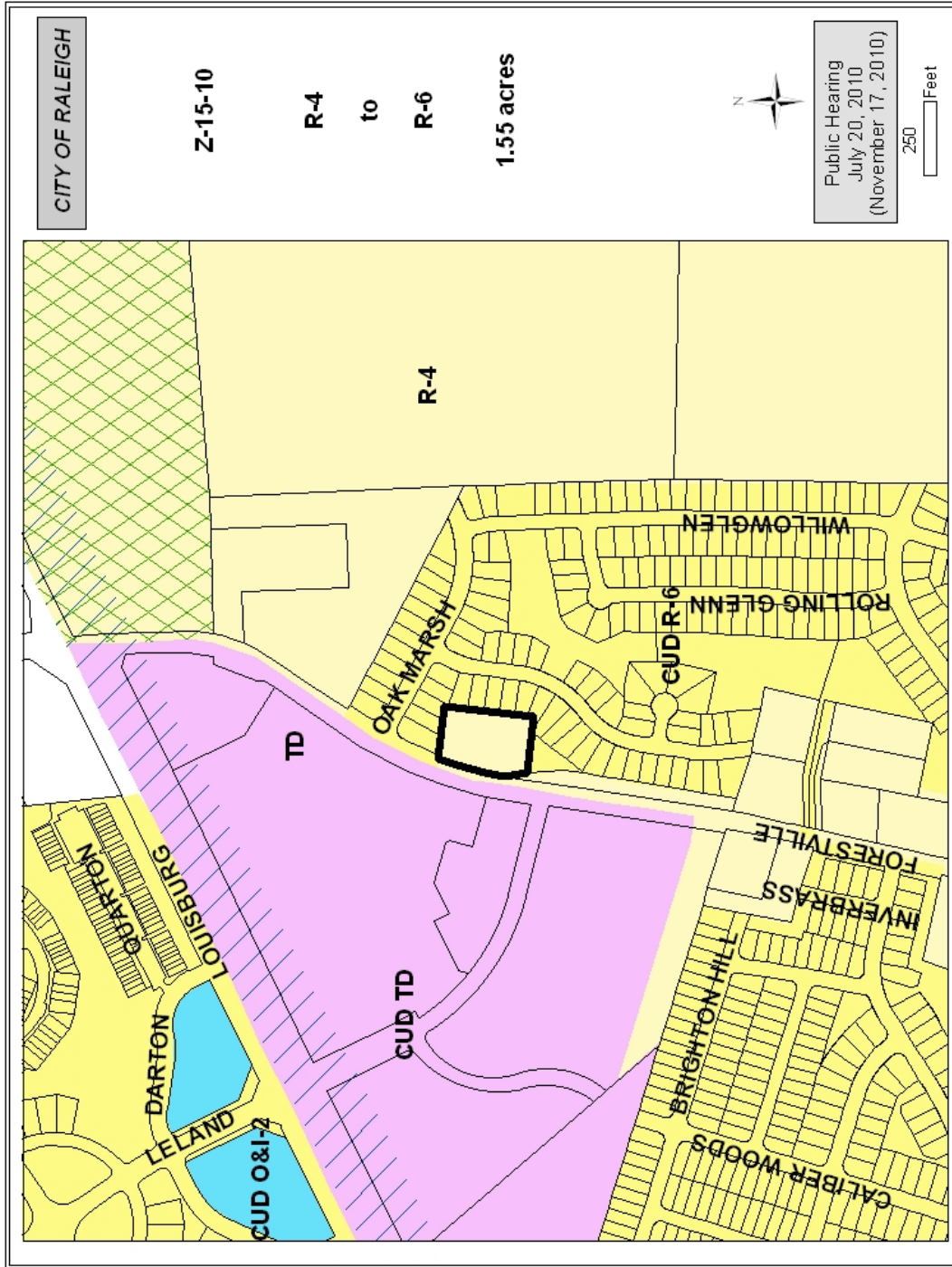
**6. Appearance Commission**

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

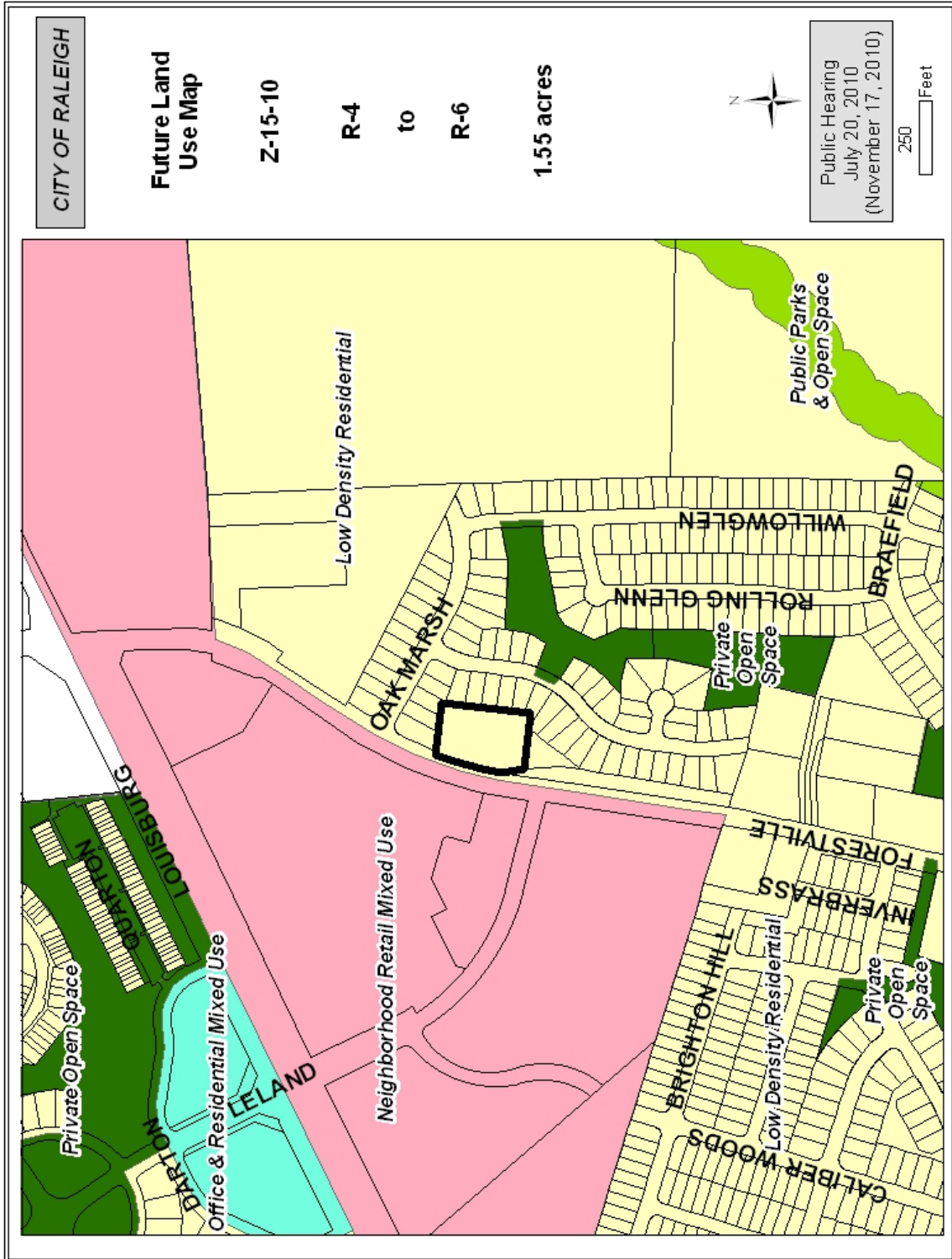
**7. Conclusions**

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

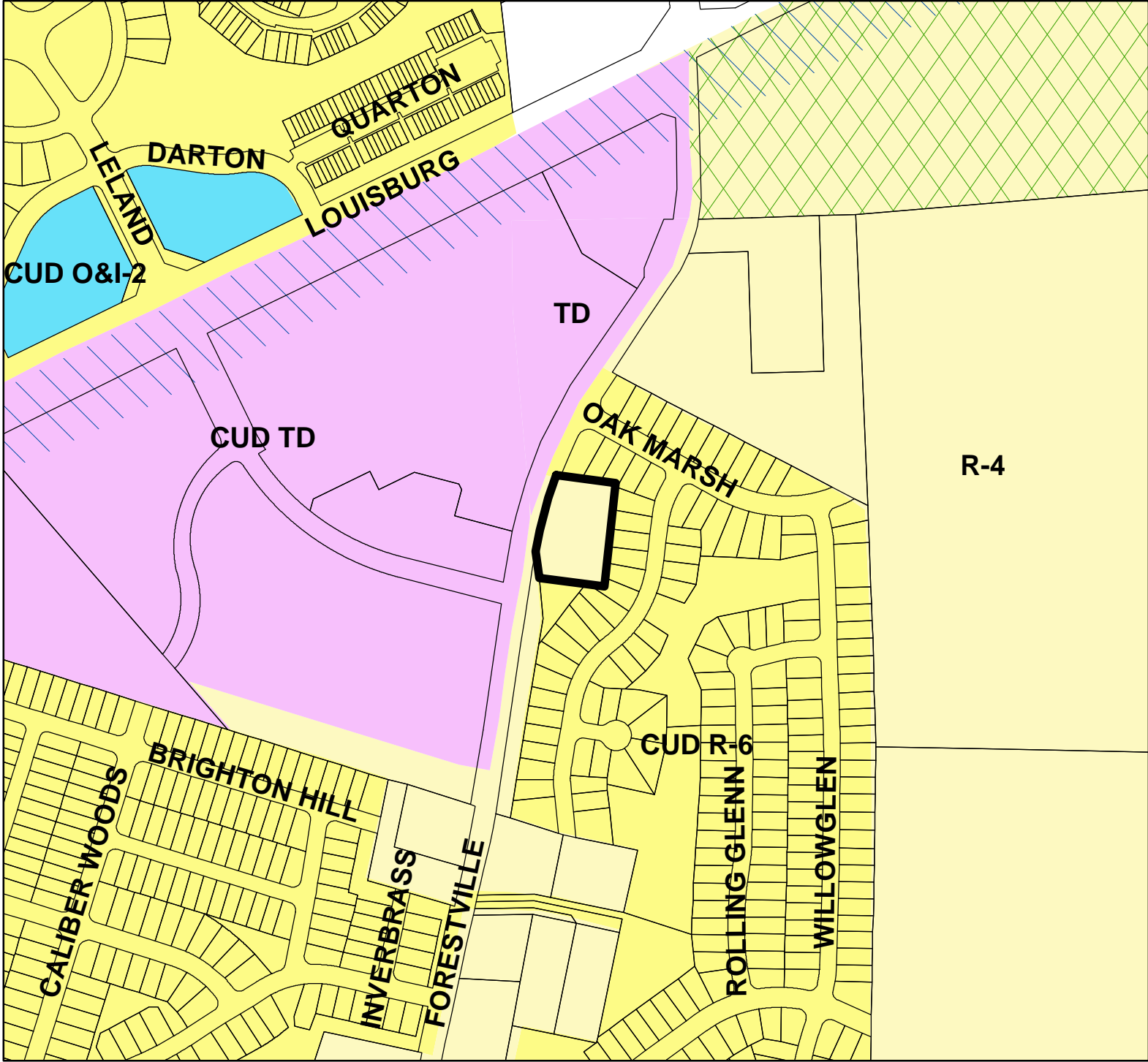


# Future Land Use





**CITY OF RALEIGH**



**Z-15-10**

**R-4**

**to**

**R-6**

**1.55 acres**



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

250

Feet

# EXHIBIT B. Request for Zoning Change

Office Use Only	
Petition No.	2-15-10
Date Filed:	3-19-10
Filing Fee:	pd 514.00 by check # 1012

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

See instructions, page 9

	Name(s)	Address	Telephone / E-Mail
1) Petitioner(s): Note: Conditional Use District Petitioner(s) must be owner(s) of petitioned property.	Charlotte Thaxton	203 Wilson St Franklinton, NC 27525	919-390-5358 charlotte-thaxton@aol.com

2) Property Owner(s):	Donald J. Thaxton Jr (SAME) Charlotte L. Thaxton		
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3) Contact Person(s):	Charlotte L. Thaxton (SAME)	919-390-5358 919-266-7966
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4) Property Description: Please provide surveys if proposed zoning boundary lines do not follow property lines.	Wake County Property Identification Number(s) (PIN):	1747597962
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General Street Location (nearest street intersections):  
401 and Forestville Rd

5) Area of Subject Property (acres):	1.55 acres
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6) Current Zoning District(s) Classification: Include Overlay District(s), if Applicable	R4
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7) Proposed Zoning District Classification: Include Overlay District(s) if Applicable. If existing Overlay District is to remain, please state.	R6
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PIN_NUM	OWNER	ADDR1	ADDR2	ADDR3
1747599829	HEBLEY, ALICE MARIE	8237 MARSHALL BRAE DR	RALEIGH NC 27616-3358	
1747690875	VINSON, LELAND	8238 MARSHALL BRAE DR	RALEIGH NC 27616-3357	
1747598860	POWELL, EUGENE M	8229 MARSHALL BRAE DR	RALEIGH NC 27616-3358	
1747590555	WIDEWATERS FORESTVILLE CO LLC	5786 WIDEWATERS PKWY	DE WITT NY 13214-1865	
1748508253	MATHIS, DARYL C & KHEERA	7706 OAK MARSH DR	RALEIGH NC 27616-8382	
1747599804	CLARK, JODY F & HEATHER M	8233 MARSHALL BRAE DR	RALEIGH NC 27616-3358	
1748509034	MANNING, CINDY C	8249 MARSHALL BRAE DR	RALEIGH NC 27616-3358	
1747599939	DAVIS, PAUL J SANTIAGO, ILEANA I	8245 MARSHALL BRAE DR	RALEIGH NC 27616-3358	
1747597772	LUCIANO, ROD	315 LOWNDES DR	SPARTANBURG SC 29307-2414	
1747598726	RODRIGUEZ, JOSE D & LAURA J	8225 MARSHALL BRAE DR	RALEIGH NC 27616-3358	
1748509149	JACKSON, GAIL R	7714 OAK MARSH DR	RALEIGH NC 27616-8382	
1748509196	THOMAS, SANDRA	7718 OAK MARSH DR	RALEIGH NC 27616-8382	
1747599924	KUNTZ, MATTHEW & ERICA STRAWN-KUNTZ	8241 MARSHALL BRAE DR	RALEIGH NC 27616-3358	
1747690701	HAUSER, DEREK A & STEPHANIE	8232 MARSHALL BRAE DR	RALEIGH NC 27616-3357	
1748509140	HESSLER, THILLO	4192 US HIGHWAY 158	OXFORD NC 27565-8473	
1748507295	MORGAN, RICHARD JR & SHIRLEY	7702 OAK MARSH DR	RALEIGH NC 27616-8382	
1747597812	BRAEFIELD OWNERS ASSN INC	C/O TALLIS MANAGEMENT GROUP	8305 FALLS OF NEUSE RD STE 200	RALEIGH NC 27615-3547
1748509201	MATTHEWS, TANZSWA A MATTHEWS, DEMENTRIC L	7710 OAK MARSH DR	RALEIGH NC 27616-8382	
1748503532	WIDEWATERS FORESTVILLE CO LLC	5786 WIDEWATERS PKWY	DE WITT NY 13214-1865	
1748503002	WIDEWATERS FORESTVILLE CO LLC	5786 WIDEWATERS PKWY	DE WITT NY 13214-1865	
1747691880	BRAEFIELD OWNERS ASSN INC	8305 FALLS OF NEUSE RD STE 200	RALEIGH NC 27615-3547	

Forestville Rd Adj

Office Use Only	
Petition No.	2-15-10
Date Filed:	

# 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](http://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 Forestrille 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 is 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. I 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 <sup>homes</sup> ~~would~~ 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 R6

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