



Certified Recommendation of the City of Raleigh Planning Commission

Case File: Z-19-09/ ETJ-2-09 General Use; Forestville Rd

General Location: West side of Forestville Road, Northwest quadrant of its intersection with Louisburg Road

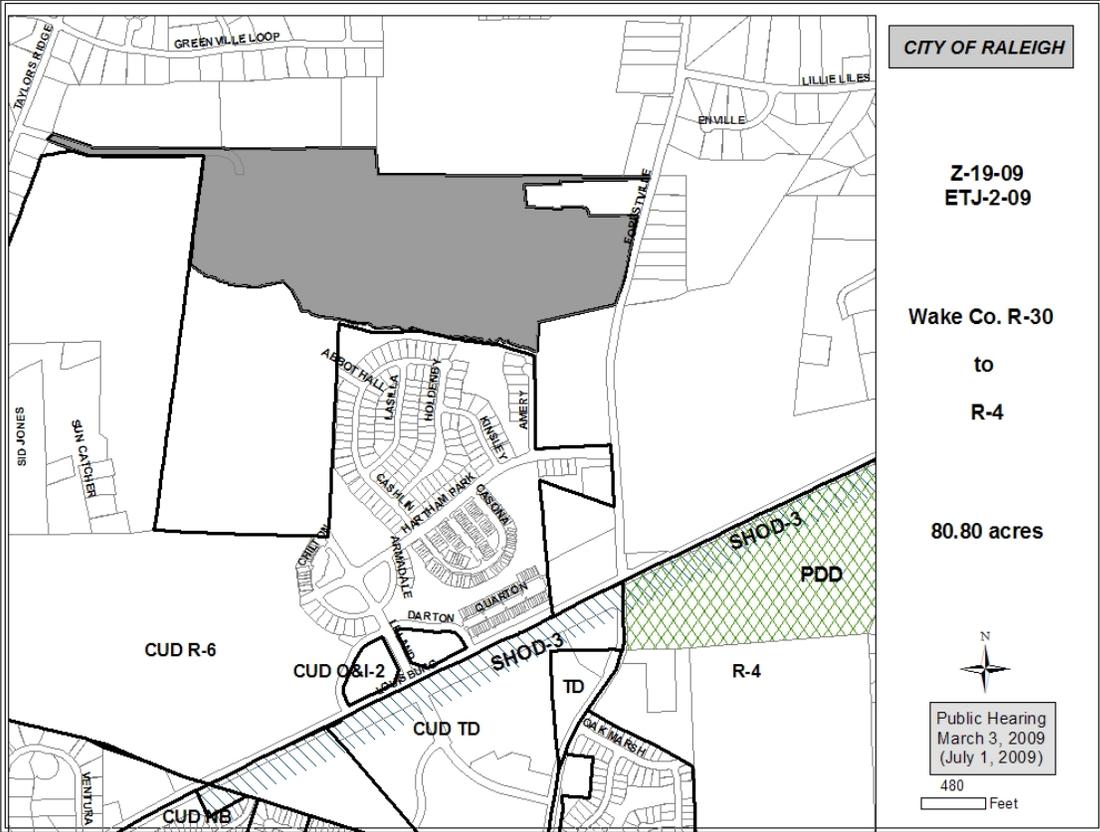
Planning District / CAC: Northeast / Northeast

Request: Petition for Rezoning from Wake County R-30 to Residential-4

Comprehensive Plan Consistency: The request is consistent with the Comprehensive Plan

Valid Protest Petition (VSPP): Due to the State-law requirement to place zoning on properties within 60 days of approval of a planning jurisdiction transfer, Statutory Protest Petitions are not applicable.

Recommendation: The Planning Commission finds that this request is consistent with the Comprehensive Plan and recommends that this request be approved.



CASE FILE: Z-19-09 General Use Forestville Rd

LOCATION: This site is located on the west side of Forestville Road, northwest quadrant of its intersection with Louisburg Road

REQUEST: This request is to rezone approximately 80.80 acres, currently zoned Wake County R-30. The proposal is to rezone the property to Residential-4.

COMPREHENSIVE PLAN CONSISTENCY: The request is consistent with the Comprehensive Plan

RECOMMENDATION: The Planning Commission finds that this request is consistent with the Comprehensive Plan and recommends that this request be approved.

FINDINGS AND REASONS:

- (1) That the request is consistent with the Comprehensive Plan that recommends in general, low density residential uses for this area to the north of Louisburg Road, which falls within the Northeast Planning District;
 - (2) That the proposed zoning district and its permitted uses appears to be compatible with all of the surrounding zoning and land uses that falls within the City of Raleigh, Wake County and Town of Wake Forest jurisdictional limits;
 - (3) That the rezoning request does not entail a substantial change, due to which traffic impact analysis discussion has been deferred to the site plan review process;
 - (4) That the preservation of the identified historic cemetery on site will be evaluated during the site plan review process;
 - (5) That the rezoning request being consistent, compatible and having minimal adverse impacts could be considered reasonable and in the public interest.
-

To PC: 3/10/09

Case History: 3/10/09 PC voted approval

To CC: 3/17/09

City Council Status: _____

Staff Coordinator: Dhanya Sandeep

Motion: Smith
Second: Haq
In Favor: Anderson, Butler, Fleming, Gaylord, Haq, Harris Edmisten, Smith, Vance
Opposed: Bartholomew
Excused: Chambliss

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 Staff Report attached.

Signatures: (Planning Dir.) _____ (PC Chair) _____

date: _____

date: 3/11/09



Zoning Staff Report: Z-19-09 General Use

LOCATION: This site is located on the west side of Forestville Road, northwest quadrant of its intersection with Louisburg Road

AREA OF REQUEST: 80.80 acres

PROPERTY OWNER: Wake County Board of Education

CONTACT PERSON: Betty L. Parker, 856-8290

**PLANNING COMMISSION
RECOMMENDATION
DEADLINE:** *July 1, 2009*

ZONING:	<u>Current Zoning</u>	<u>Proposed Zoning</u>
	Wake County R-30	Residential-4
	<u>Current Overlay District</u>	<u>Proposed Overlay District</u>
	None	None

ALLOWABLE DWELLING UNITS:	<u>Current Zoning</u>	<u>Proposed Zoning</u>
	117 Units @1.45 DU/acre density	323 Units

ALLOWABLE OFFICE SQUARE FOOTAGE:	<u>Current Zoning</u>	<u>Proposed Zoning</u>
	Subject to BOA approval	Not permitted

ALLOWABLE RETAIL SQUARE FOOTAGE:	<u>Current Zoning</u>	<u>Proposed Zoning</u>
	Subject to BOA approval	Not permitted

ALLOWABLE GROUND SIGNS:	<u>Current Zoning</u>	<u>Proposed Zoning</u>
	Wake County sign regulation	Tract ID sign

ZONING HISTORY: The subject property has been within Wake County jurisdictional limits for several years with WC R-30 zoning. It falls within Raleigh’s designated Urban Service Area, intended for subsequent annexation by the City. **R-30 zoning** is the prevailing zoning classification within the County’s jurisdiction. It is intended to accommodate **low-density residential development**, as either single-family detached dwellings or duplexes on separate lots. Most divisions of parcels into

separate building lots must be approved by the Planning Board as part of either a lot-by-lot subdivision - where each lot contains at least 30,000 square feet of land area - or a cluster subdivision - where lots may be reduced and area is set aside as permanent open space. Density is limited to 1.45 DU per acre.

Certain **nonresidential uses** are permitted in R-30 District with **no special review**. Such uses include: schools, colleges, libraries, museums, art galleries, and churches. Other nonresidential uses are permitted only if the Board of Adjustment first reviews and approves a Site Plan and Special Use Permit.

On February 17, 2009, the Raleigh City Council approved the annexation of the subject property with an effective date of March 31, 2009. From the effective date of the annexation, the City has a maximum of 60 days to place City of Raleigh zoning on the property. During this 60-day period the Wake County zoning remains in place until City of Raleigh zoning is approved. Following this 60-day period, if no action has been taken on the zoning request, the current Wake County zoning no longer applies and the property will be officially “unzoned”.

**SURROUNDING
ZONING:**

NORTH: Residential -30 (Wake County), CU R-8 & CU R-5 (Wake Forest)
SOUTH: Residential-6 CUD (Z-77-04), Wake County R-30
EAST: Residential-30 (Wake County)
WEST: Residential-6 CUD (Z-77-04), Wake County R-30

LAND USE:

The 80.80 acre tract consists of some undeveloped area, an old historic cemetery, and also has single family residences. A farmhouse currently operates on the site.

**SURROUNDING
LAND USE:**

NORTH: low density residential, undeveloped
SOUTH: low density residential, undeveloped
EAST: undeveloped, low density residential
WEST: low density residential

**DESIGNATED
HISTORIC
RESOURCES:**

There is a historic cemetery on a portion of the subject site, now surrounded by orange fencing, which encloses a buffer area in addition to the graves, that is similar to the ones built by African-American and Euro-American cemeteries in Piedmont, North Carolina. This cemetery was recorded, mapped and investigated by Micheal Trinkley, Phd and his staff from the Chicora Research Foundation. The North Carolina Department of Cultural Resources – Office of State Archaeology's survey findings has verified that Dr. Trinkley's delineation of the cemetery boundaries is appropriate. (See copy of attached letter dated February 27, 2009)

North Carolina state laws provide for the protection of cemeteries. If preservation in place is not possible, state law clearly sets out the procedures for removal and relocation of the graves.

A National Register site (Rogers-Whitaker-Haywood House) exists to the further south of the property; to the northwest quadrant of the intersection of Louisburg Road and Forestville Road. The site is also in the designation priorities list of the Wake County Historic Properties.

EXHIBIT C AND D ANALYSIS:

**COMPREHENSIVE
PLAN SUMMARY**

TABLE: In addition to the various systems plans (i.e. Transportation Plan, Parks and Recreation Plan, etc.) that are part of the City’s adopted Comprehensive Plan the following table summarizes the other comprehensive plan elements that have been adopted by the City Council.

Element	Application to case
Planning District	Northeast
Urban Form	NA
Specific Area Plan	Neuse River East SAP, Forestville VC Plan
Guidelines	NA

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

The request is consistent with the Comprehensive Plan. The property is located just in the Urban Service Area and immediately outside the Northeast Planning District boundary. Once this property is annexed into the City of Raleigh limits (as of March 31, 2009), it will fall within the Northeast Planning District limits. The property will also fall within the Neuse River East SAP limits. The SAP map designates the subject property for rural density residential uses (two dwellings or less). However, the SAP plan text recommends that "outside a designated Focus area, primarily low density residential uses are recommended". Given this discrepancy in the land use recommendations between the map and the text of the SAP, the text can be given higher priority. Therefore, it can be interpreted that the subject property, which is located outside a focus area, is appropriate for low density residential uses (6 dwellings or less). Additionally, once the property is annexed, the general guidance provided by the Forestville Village Center Plan indicates that all properties to the north of Louisburg Road (US 401) be developed for low to medium density residential uses. Therefore, the request to rezone the subject property to Residential-4 is consistent with the Comprehensive Plan that encourages primarily low density residential uses in this area.

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

The subject property is surrounded largely by low density residential uses and undeveloped land. To the immediate south, a large segment of the property boundary is bounded by Residential-6 CUD (Z-77-04) zoning and is currently being developed for single family residential uses (Highland Creek subdivision). The rest of the properties to the south outside of Raleigh's ETJ are undeveloped. A large tract to the immediate north is zoned by the Town of Wake Forest for low density residential uses. The current zoning for the subject property and other adjacent properties within the County jurisdiction are for low density residential uses, and these properties have been developed either for single family uses or remain undeveloped.

The subject property while not conditioned (since it is a general use case) for any use is intended to be used for locating an institutional use – a high school facility, as petitioned by the Wake County Board of Education. Schools are general permitted uses in all categories of residential zoning districts (within Raleigh, Wake County & Wake Forest limits), that surround the subject property. Therefore, the rezoning of the subject property to R-4 category appears to be compatible with the surrounding uses and zoning.

3. Public benefits of the proposed rezoning

The applicant notes that the location of a school within R-4 or similar low density residential areas provides neighborhood access to the school and an opportunity for building and associating a community identity with the school, as well as a forum for neighborhood activities. The existing

residential areas have created a current and/or projected need for an additional school in the area in an effort to address the projected growth of the area and to ease overcrowding at other locations, which is of significant benefit to the community. There are currently no other comparably suitable larger tracts available within the primary search area for the proposed school construction. The other schools in this area are over capacity and with new projected growth; the overcrowding situation is expected to worsen. There is significant need for expeditious location of a high school in this area to provide capacity for anticipated growth and to relieve overcrowding in the existing schools. The applicant notes that the subject site is well suited for development, easily accessible, and has good visibility, making it an ideal site for the proposed school project.

The applicant further notes that based on the ITRE/ORED Projection of Growth in Grades 9-12 from 2007 to 2012 based upon Municipal Planning Department projections of growth, it is estimated that by 2012 an additional 3,865 high school students will be located within this attendance area, and will likely add to the current overcrowding situation, which supports the need for a high school in this area. Also, a significant amount of preserved open space for passive recreation on the site will serve as an added amenity for the community.

Considering the above noted benefits rendered to the community at large, and upon recognizing the larger community need for additional school facilities in light of the current overcrowding of existing facilities, the subject rezoning request could be considered reasonable and in serving the larger public benefit.

4. Detriments of the proposed rezoning

The applicant notes that the only potential detriment may be increased traffic in the area. However, Forestville Road will be widened and additional offsite intersections improved to accommodate the anticipated needs. A collector street will be constructed to meet CAMPO requirements and distribute the school's traffic to other streets. The planned development of this property could likely result in improved connectivity of the transportation network. A traffic impact analysis will be deferred until site plan review.

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

TRANSPORTATION:

Forestville Road is classified as a major thoroughfare (2007 ADT- 4,200 vpd) and exists as a 2-lane ribbon paved roadway within a 60-foot right-of-way. City standards call for Forestville Road to be constructed as a multi-lane facility with a 65-foot back-to-back curb and gutter section with sidewalks on both sides within 90-feet of right-of-way. Taylors Ridge Road is within Wake County's jurisdiction and exists as a two-lane ribbon paved road within a 60-foot right-of-way. Canyon Drive is an unclassified road that exists as an unimproved roadway within 60 feet of right-of-way. Rainy Lake Street is within the Town of Wake Forest jurisdiction and is built to collector street standards.

The City's Comprehensive Plan and Thoroughfare Map calls for a collector street to be constructed along the eastern edge of the subject property connecting Rainy Lake Street to Leland Drive. Right-of-way dedication should be provided for this planned collector street per the City's Comprehensive Plan on the subject property.

NCDOT has a transportation improvement project (R-2814A) to widen Louisburg Road to a multi-lane divided facility from Ligon Mill Road to north of Jonesville Road. The R-2814 project is within a one-mile radius of the proposed H6 High School and is scheduled to be completed in 2011.

The subject property has been proposed for development of a future Wake County High School (H6). If the property is developed as such, the school is projected to generate 1,170 trips both entering and exiting during the AM peak

hour. A traffic impact analysis will be deferred until site plan review. This site will have access to Forestville Road, Taylors Ridge Road and Rainy Lake Street. Canyon Drive will also provide direct access to the property when it is improved to a public street.

TRANSIT: At the time of site plan approval, a transit easement may likely be requested.

HYDROLOGY: FLOODPLAIN: no FEMA, some alluvial soils
DRAINAGE BASIN: Tom's Creek
STORMWATER MANAGEMENT: Part 10 Chapter 9 Stormwater Regulations would apply. There is some Neuse River Buffer on site.

PUBLIC UTILITIES:

	Maximum Demand on Current Zoning	Maximum Demand on Proposed Zoning
Water	Approx. <u>101,000</u> gpd	Approx. <u>161,000</u> gpd
Waste Water	Approx. <u>101,000</u> gpd	Approx. <u>161,000</u> gpd

The proposed rezoning will add approximately 60,000 gpd to the wastewater and water treatment systems of the City. There is presently an existing water main in Forestville Road which would serve the proposed rezoning site. The petitioner is working with the Public Utilities Department in determining what is required for providing sanitary sewer to the proposed rezoning site.

PARKS AND RECREATION:

This property is not adjacent to any greenway corridors. A neighborhood park search area has been identified in this area to meet the recreational needs of the area.

WAKE COUNTY PUBLIC SCHOOLS:

The maximum number of dwelling units permitted under the proposed zoning would be 323 (if the property were developed for residential uses), while the current zoning permits 117. This would result in the following increase in school enrollment: 7 elementary, 16 middle and 6 high school. Base school assignments would be to the following schools, operating at the capacities indicated:

Impacts on School Capacity

School name	Current enrollment	Current Capacity	Future Enrollment	Future Capacity
Harris Creek	797	85.1%	804	85.9%
East Millbrook	1,116	95.3%	1,132	96.7%
Knightdale	1,800	90.9%	1,806	91.2%

IMPACTS SUMMARY: A traffic impact analysis will be deferred until site plan review.

The proposed rezoning will add approximately 60,000 gpd to the wastewater and water treatment systems of the City. The petitioner is working with the Public Utilities Department in determining what is required for providing sanitary sewer to the proposed rezoning site.

A neighborhood park search area has been identified in the Parks Plan to meet the recreational needs of the area.

At the time of site plan approval, a transit easement may likely be requested.

OPTIONAL ITEMS OF DISCUSSION

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

NA

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 be property applied to it now were it being zoned for the first time.

NA

**APPEARANCE
COMMISSION:**

This request is not subject to Appearance Commission review.

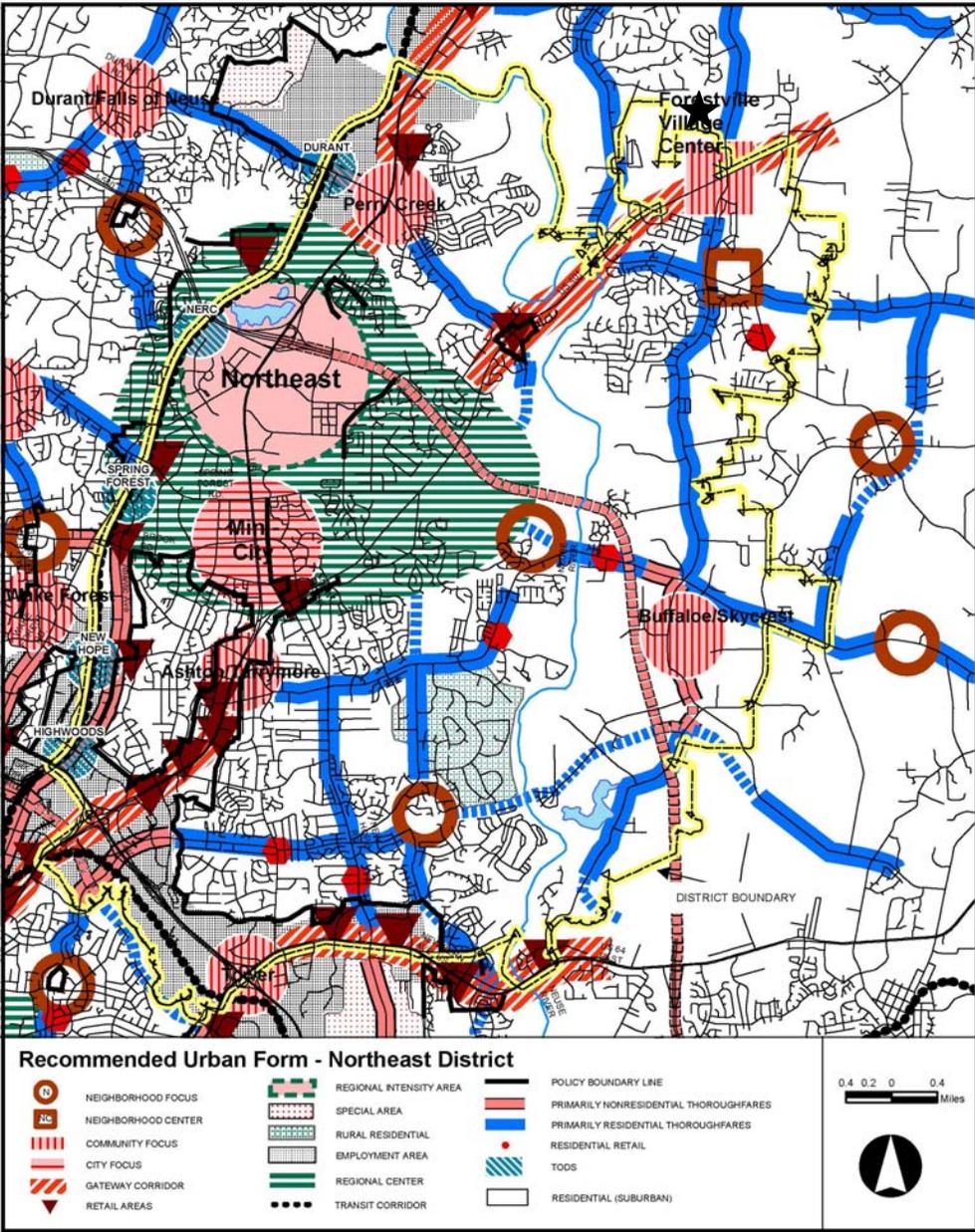
**CITIZENS'
ADVISORY COUNCIL:**

DISTRICT: Northeast
CAC CONTACT PERSON: Paul Brant, 875-1114
Candy Fuller, 231-2810
Christopher Allen, 414-3310

SUMMARY OF ISSUES:

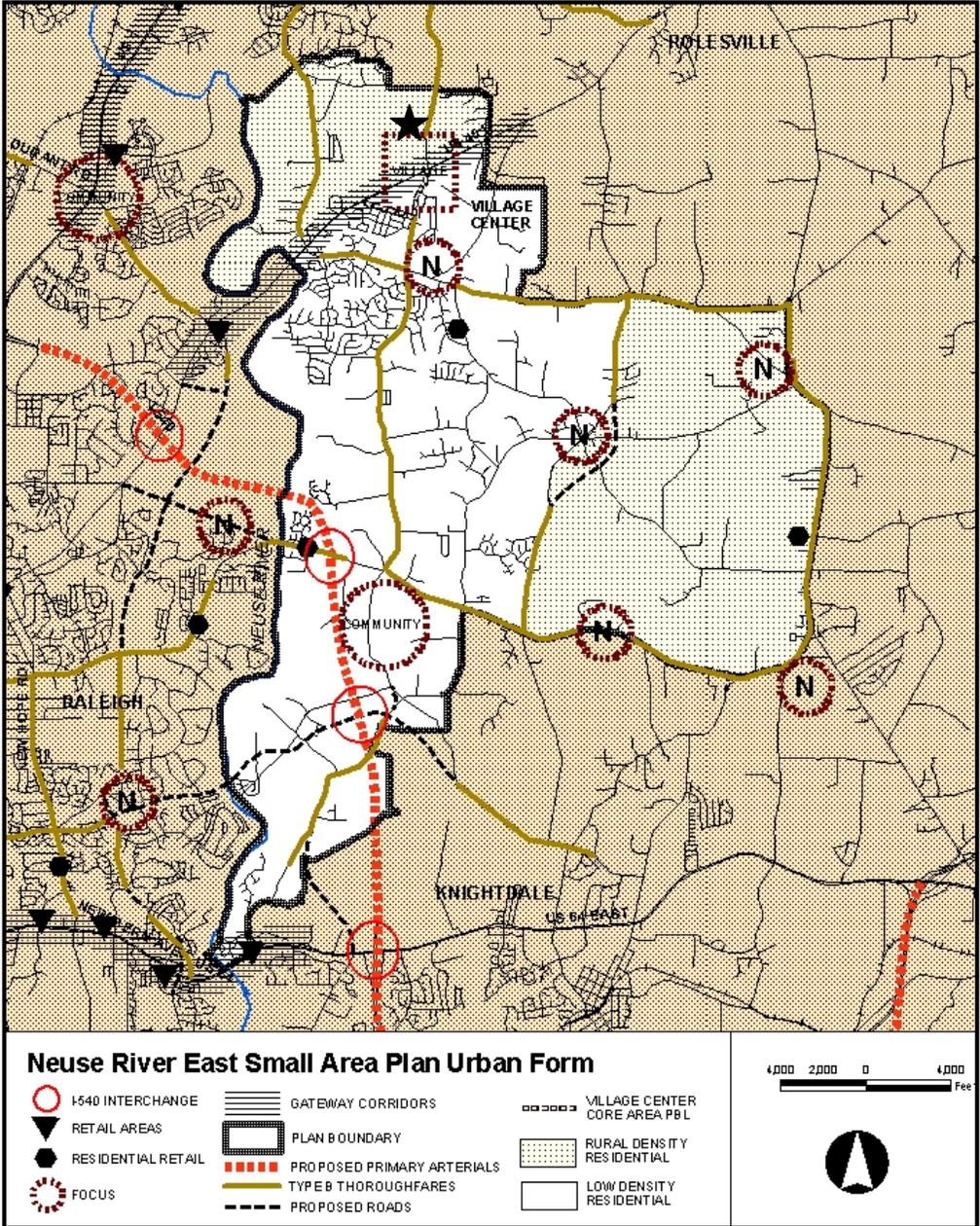
COMPREHENSIVE PLAN / COMPATIBILITY / ADVERSE IMPACTS:

- The request is consistent with the Comprehensive Plan.



6/06 Raleigh Comprehensive Plan

Northeast District 5-4.F



5/04 Raleigh Comprehensive Plan

Neuse River East Small Area Plan 11-26.7