



# Certified Recommendation of the City of Raleigh Planning Commission

**Case File:** Z-17-09 General Use; Rock Quarry Rd  
**General Location:** Rock Quarry Road, north side, east of Rockwood Drive

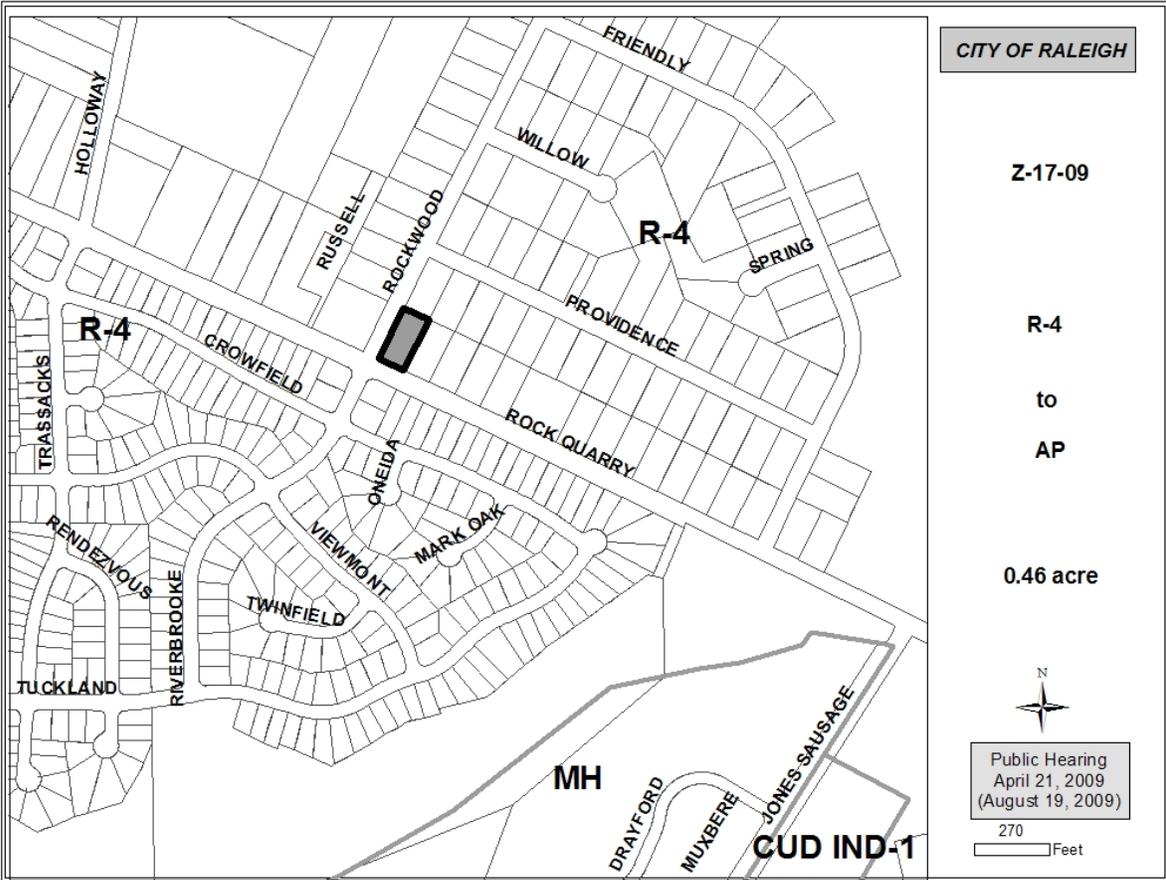
**Planning District / CAC:** Southeast / Southeast

**Request:** Petition for Rezoning from Residential-4 to Agricultural Productive.

**Comprehensive Plan Consistency:** This request is inconsistent with the Comprehensive Plan

**Valid Protest Petition (VSP):** Application deadline date: April 16, 2009

**Recommendation:** That this request be denied.



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**CASE FILE: Z-17-09 General Use Rock Quarry Rd**

**LOCATION:** This site is located on the north side of Rock Quarry Road, east of its intersection with Rockwood Drive.

**REQUEST:** This request is to rezone approximately 0.46 acres, currently zoned Residential-4. The proposal is to rezone the property to Agricultural Productive.

**COMPREHENSIVE PLAN CONSISTENCY:** This request is inconsistent with the Comprehensive Plan

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**RECOMMENDATION:** That this request be denied.

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**FINDINGS AND REASONS:** (1) The request is inconsistent with the Comprehensive Plan; and  
(2) The request is not compatible with the surrounding area.

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**To PC:** 4/28/09  
**Case History:**

**To CC:** 5/5/09 **City Council Status:** \_\_\_\_\_

**Staff Coordinator:** Alysia Bailey Taylor

**Motion:** Haq  
**Second:** Fleming  
**In Favor:** Butler, Chambliss, Fleming, Gaylord, Haq, Harris Edmisten, Holt, Mullins, Smith  
**Opposed:**  
**Excused:**

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: 4/29/09 \_\_\_\_\_



## Zoning Staff Report: Z-17-09 General Use

**LOCATION:** This site is located on the north side of Rock Quarry Road, east of its intersection with Rockwood Drive.

**AREA OF REQUEST:** 0.46 acres

**PROPERTY OWNER:** Darrell and Rachel Wolf

**CONTACT PERSON:** Alex Fisher, 832-746-0199

**PLANNING COMMISSION RECOMMENDATION DEADLINE:** August 19, 2009

<b>ZONING:</b>	<u><b>Current Zoning</b></u>	<u><b>Proposed Zoning</b></u>
	Residential-4	Agricultural Productive
	<u><b>Current Overlay District</b></u>	<u><b>Proposed Overlay District</b></u>
	N/A	N/A

<b>ALLOWABLE DWELLING UNITS:</b>	<u><b>Current Zoning</b></u>	<u><b>Proposed Zoning</b></u>
	1 unit ( <i>4 units per acre</i> )	0 units ( <i>0.54 units per acre</i> )

<b>ALLOWABLE OFFICE SQUARE FOOTAGE:</b>	<u><b>Current Zoning</b></u>	<u><b>Proposed Zoning</b></u>
	None	None

<b>ALLOWABLE RETAIL SQUARE FOOTAGE:</b>	<u><b>Current Zoning</b></u>	<u><b>Proposed Zoning</b></u>
	None	None

<b>ALLOWABLE GROUND SIGNS:</b>	<u><b>Current Zoning</b></u>	<u><b>Proposed Zoning</b></u>
	Tract ID	Tract ID

**ZONING HISTORY:** This property was rezoned to Residential-4 in 1989 (Z-36-89), and was annexed into the corporate limits of the city in 2005.

**SURROUNDING ZONING:**  
 NORTH: Residential-4  
 SOUTH: Residential-4  
 EAST: Residential-4  
 WEST: Residential-4

**LAND USE:** Single-family residential

**SURROUNDING**

**LAND USE:** NORTH: Single-family residential  
SOUTH: Single-family residential  
EAST: Single-family residential  
WEST: Single-family residential

**DESIGNATED HISTORIC RESOURCES:** N/A

**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.

<b>Element</b>	<b>Application to case</b>
Planning District	Southeast District
Urban Form	Suburban Residential
Specific Area Plan	Rock Quarry Road Corridor Plan
Guidelines	N/A

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

This proposal is inconsistent with the Comprehensive Plan. The site is designated as part of the Southeast District Plan with more specific recommendations in the Rock Quarry Road Corridor Plan. The District Plan recommends Suburban Residential (*six or fewer units per acre*), and the Corridor Plan recommends Residential development as well.

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

The subject property is surrounded by single-family homes on parcels of land smaller than one half acre. The applicant states that traffic and noise generated by Rock Quarry Road makes the subject property an unlikely residence.

Staff disagrees. This portion of Rock Quarry Road is lined on both sides with single-family homes. The proposed zoning district requires a minimum lot size of 80,000 square feet and is typically applied to areas around the City’s fringe. The subject property is approximately 20,037 square feet, well within the city limits, and surrounded by residential development consisting of lots that are 20,000 square feet or less. Allowing the requested rezoning would result in a non-conforming lot if continued to be used for residential purposes, and potentially a nonresidential use that is incompatible with the surrounding area.

**3. Public benefits of the proposed rezoning**

This rezoning singles out one small parcel for treatment different than that given to nearby and similarly situated properties. Under the enhanced scrutiny that should accompany such small-scale

rezonings, there should be a clear identification of a public benefit beyond the benefit to the landowner in order to show that the zoning is reasonable and in the public interest.

The petitioner has indicated that the proposed rezoning will provide a benefit because it will provide an opportunity for a small veterinary hospital in an area that currently does not have one within a several mile radius. The petitioner further explains that the veterinary hospital could potentially reduce diseases that are transferred from animal to man because animals will receive proper preventative care.

While there is potential to provide a use that may not be readily available in the immediate surrounding area, there should be some consideration made about how compatible the allowable uses within the requested zoning district will be to the surrounding single-family residential development. It should also be noted that the Agriculture Productive zoning districts provides a range of uses, and approval of this rezoning would allow the property to be used in accordance with any of these uses. While the petitioner states that the public benefit derived is gained from one specific use, the full complement of uses will be allowed once the property is rezoned.

**4. Detriments of the proposed rezoning**

The Agricultural Protective (AP) zoning designation requested requires setbacks of 150 feet in the front, 150 feet in the rear, and 150 feet on the sides. The subject property is approximately 200 feet deep and 100 feet wide. If the rezoning were approved the existing structure currently on the property would be rendered non-conforming and redevelopment of the property would necessitate multiple variances.

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

**TRANSPORTATION:** Rock Quarry Road is classified as a major thoroughfare (2007 ADT-14,000 vpd) and exists as a 3-lane curb and gutter section with sidewalk on the south side within a 75-foot right-of-way. City standards call for Rock Quarry 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 a 90-foot right-of-way. Rockwood Drive is classified as a collector street and exists as a 2-lane ribbon paved road within a 60-foot right-of-way. City standards call for Rockwood Drive to be constructed with a 41-foot back-to-back curb and gutter cross-section with sidewalk on a minimum of one side within the existing right-of-way.

The City has a funded capital improvement project to widen Rock Quarry Road to a five-lane curb and gutter section with sidewalks and streetlights on both sides. This improvement may have right-of-way impacts on the subject property between 15 to 20 feet. This additional right-of-way adjacent to the subject property will further exacerbate the lot size and setback non-conformity.

**TRANSIT:** N/A

**HYDROLOGY:** FLOODPLAIN: None  
DRAINAGE BASIN: Big Branch  
STORMWATER MANAGEMENT: Site is subject to Part 10, Chapter 9, Stormwater Control and Watercourse Buffer Regulations. Site may qualify for an exemption from these regulations under 10-9021(2).  
No Buffer. No WSPD.

**PUBLIC UTILITIES:**

**Maximum Demand  
on Current Zoning**

**Maximum Demand  
on Proposed Zoning**

<b>Water</b>	<b>Approx. <u>920</u> gpd</b>	<b>Approx. <u>288</u> gpd</b>
<b>Waste Water</b>	<b>Approx. <u>920</u> gpd</b>	<b>Approx. <u>288</u> gpd</b>

The proposed rezoning would not impact the wastewater or water treatment systems of the City. There are existing sanitary sewer and water mains in place which could serve the rezoning site.

**PARKS AND RECREATION:**

This property is not adjacent to any greenway corridors. This rezoning case will not affect the level of service for parks in the area.

**WAKE COUNTY PUBLIC SCHOOLS:**

Based on the Wake County data, students living in this area may be assigned to attend either: East Garner Elementary, West Lake Middle or Garner High. Development of the subject property at the requested rezoning could lead to a slight decrease in the projected number of students assigned to the schools listed.

<b>School name</b>	<b>Current enrollment</b>	<b>Current Capacity</b>	<b>Future Enrollment</b>	<b>Future Capacity</b>
East Garner	505	52.4%	504	52.3%
West Lake	1,362	98.7%	1,362	98.7%
Garner	2,269	99.8%	2,269	99.8%

**IMPACTS SUMMARY:** Required right-of-way dedication and the required setbacks of the requested zoning would create a non-conforming lot that would require variances from the Board of Adjustment if any new development were to occur on the property.

**OPTIONAL ITEMS OF DISCUSSION**

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

N/A

- 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 properly applied to it now were it being zoned for the first time.**

N/A

**APPEARANCE COMMISSION:**

This request is not subject to Appearance Commission review.

**CITIZENS' ADVISORY COUNCIL:**

DISTRICT: Southeast  
 CAC CONTACT PERSON: Bill Lynn, 919-231-8153

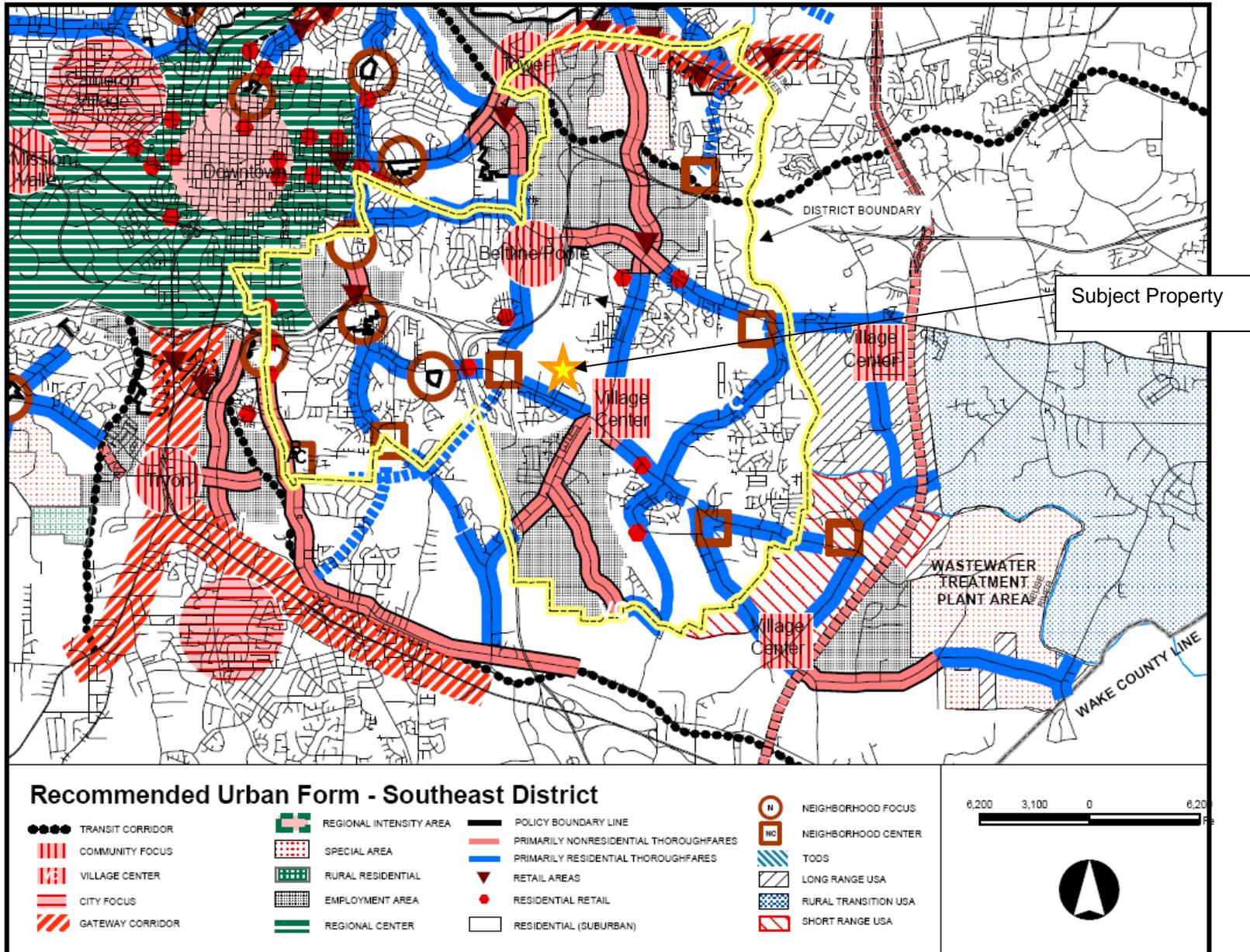
**SUMMARY OF ISSUES:**

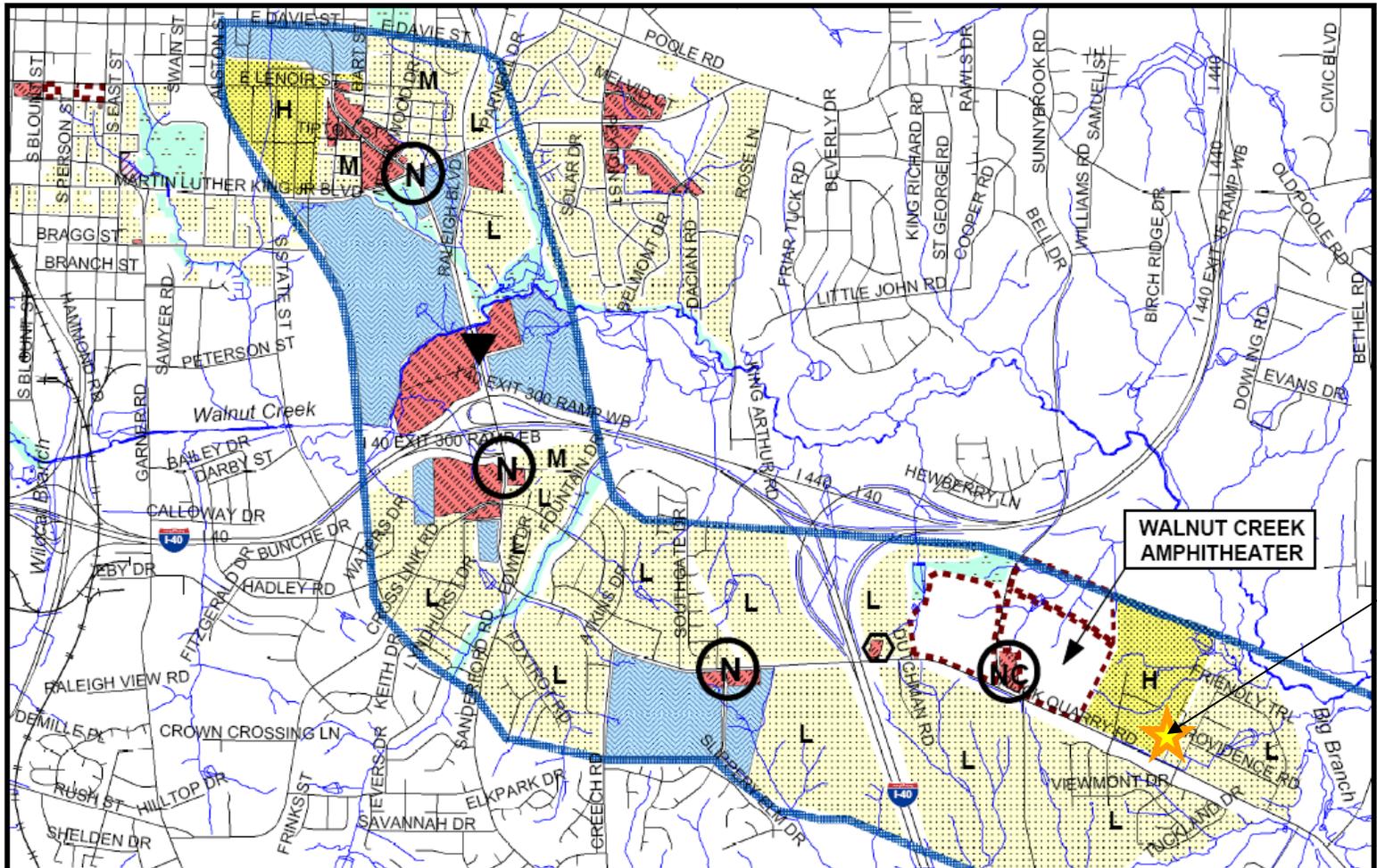
**COMPREHENSIVE PLAN / COMPATIBILITY / ADVERSE IMPACTS:**

- 1. Outstanding issues**

The Agricultural Protective (AP) zoning designation requested requires setbacks of 150 feet in the front, 150 feet in the rear, and 150 feet on the sides. The subject property is approximately 200 feet deep and 100 feet wide. If the rezoning were approved the existing structure currently on the property would be rendered non-conforming, and redevelopment of the property would necessitate multiple variances.

This rezoning singles out a single small parcel for treatment different than that given to nearby and similarly situated properties. Under the enhanced scrutiny that should accompany such small-scale rezonings, there should be a clear identification of a public benefit beyond the benefit to the landowner in order to show that the zoning is reasonable and in the public interest.





Subject Property

**Rock Quarry Road Corridor Plan - Phase I**

- |                    |                        |                          |   |
|--------------------|------------------------|--------------------------|---|
| MIXED USES         | NEIGHBORHOOD CENTER    | PARKS/GREENWAY           | <b>RESIDENTIAL DENSITIES</b><br>L LOW<br>M MEDIUM<br>H HIGH |
| RETAIL AREA        | RETAIL                 | RESIDENTIAL              |   |
| NEIGHBORHOOD FOCUS | OFFICE & INSTITUTIONAL | HIGH DENSITY RESIDENTIAL |   |

