



# Franklin County Communique to the Planning Board

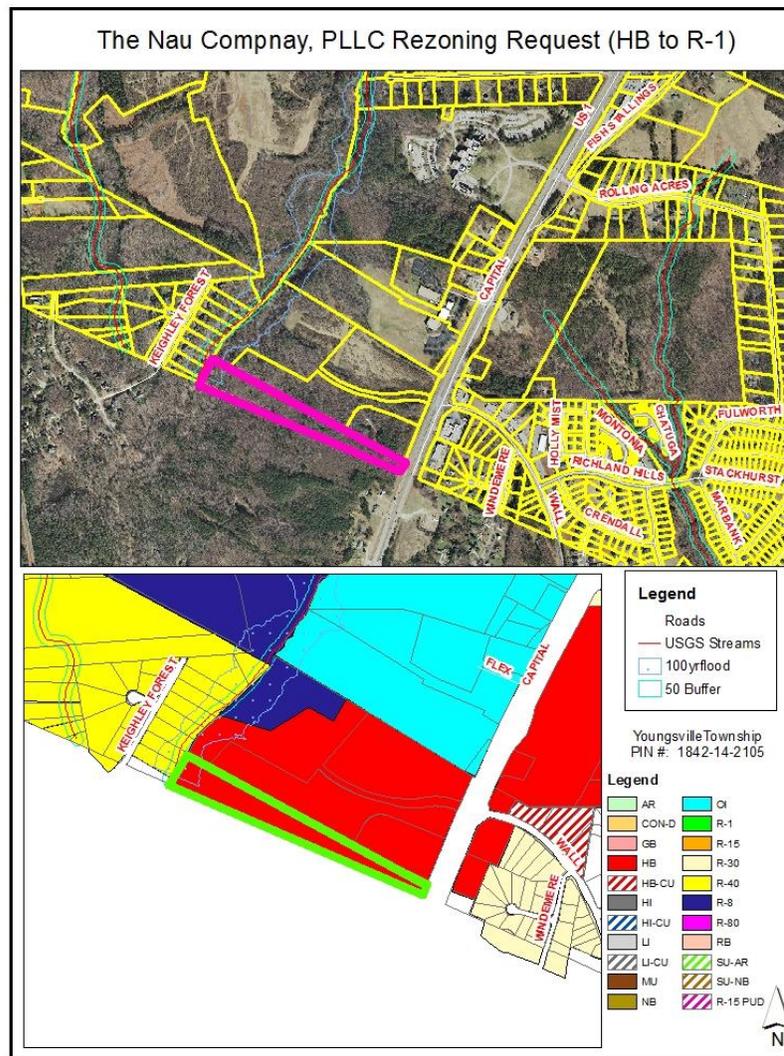
## REQUEST FOR REZONING 17-REZ-04 US 1 HWY

**PETITIONER(S):**

Name of Petitioner: The Nau Company  
Address: P.O. Box 810  
CityStateZip: Rolesville NC 27571

**OWNER(S):**

Name of Owner: Earl B Barefoot Family Limited Partnership  
Address: 825 13<sup>th</sup> Street  
CityStateZip: Erwin NC 28339



**LOCATION:**  
**ATTACHMENTS:**  
Rezoning Application  
Map

## PARCEL INFORMATION

OWNER	PARCEL #	ZONING	AREA
Earl B Barefoot Family Limited Partnership	1842-14-2105	HB	11.09
<b>TOTAL</b>			<b>11.09 Acres</b>

## ADJACENT PROPERTY SITE DATA

	ZONING	LAND USE
<b>Subject Property</b>	Highway Business (HB)	Vacant (Wooded)
<b>North</b>	HB	Wooded/Existing Cell tower
<b>South</b>	Wake County Zoning	Existing Berklee Phase I Subdivision and Proposed Phase II
<b>East</b>	HB	Commercial
<b>West</b>	R-40	Keighley Forest Subdivision

## STAFF ANALYSIS

### PROJECT OVERVIEW

**Zone Map Change Request:** The Nau Company, PLLC is requesting to rezone 11.09 acres off US 1 HWY in Youngsville Township from Highway Business (HB) to Residential-1 (R-1).

### PLANNING & ZONING

**Land Use Plan:** The Future Land Use plan indicates that this property is intended for Low-Medium Density Residential.

### Zone Map Change Analysis:

The Nau Company, PLLC is requesting to rezone 11.09 acres off US 1 HWY, Youngsville Township from Highway Business (HB) to Residential-1 (R-1).

The application states that this parcel is being developed as part of a second phase of the existing Berklee Subdivision. The subdivision is accessed entirely from Wake County. Phase I of the subdivision is located within Wake County in addition to most of the second phase. The application further states the zoning change would allow for the dimensional requirements of the lots in Franklin County to match those in the existing second phase within Wake County. The Highway Business (HB) and Residential-1 (R-1) zoning districts allow for single family dwellings as a permitted use. However, the Residential-1 (R-1) would be a more conducive zoning category for the proposed development than the Highway Business (HB) zoning category. Highway Business zoning allows for a wide range of uses that could have a negative impact within the proposed development. These uses include but not limited to bar/nightclub, contractors/heavy construction, and automobile sales.

Staff recommends that the Board use the provided rezoning checklist as a part of the decision making process. Board members are encouraged and required by general statute to consider all allowable uses under the district rather than only the proposed use as presented. In accordance with Section 26-8 (E) of the Unified Development Ordinance staff has sent mailed notices to the adjacent property owners.

Permitted Uses:

**(HB) Highway Business District Zoning**

***The purpose of this district shall be to provide for and encourage the proper grouping and development of roadside uses which will best accommodate the needs of the motoring public, the reduction of highway congestion and hazard, and the minimization of blight. The following standards are established for this district and designed to promote sound permanent commercial development, and to protect nearby areas from undesirable aspects of commercial development: (1) outside storage must be screen from public view by opaque fencing, screening, or landscaping; (2) outside storage shall be limited to the rear and side of principal building; (3) storage of unsafe (corrosive, flammable, or explosive materials) or hazardous material shall comply with any local, state or federal requirements; and (4) outside storage must be on the premises of the business.***

ABC Stores	X
Accessory Uses	X
Agricultural Production (crops)	X
Agricultural Production (livestock) except intensive livestock operations (ILO)	X
Agricultural Supply Sales	X
Animal Aquaculture	X
Animal Hospitals / Veterinarians	X
Antique Sales	X
Apparel and Accessory Sales	X
Appliance Store	X
Arts and Crafts	X
Assemblies (Coliseums, Gymnasiums and Similar Structures)	X
Auction	X
Automobile Junkyard (Including Automobile Graveyards)	S
Automobile Parts Sales (new only)	X
Automobile Repair Service	X
Automobile Service Station (including self-service gas pumps)	X
Automobile/Truck/Trailer Sales and Rental	X
Barber and Beauty Shops	X
Bar, Night Club, Tavern	X
Bed and Breakfast Inn (includes Boarding House and Tourist Homes)	C
Blacksmith or Horse Shoeing Services	X
Blueprinting and Photostatting Establishments	X
Boat Sales	X
Bookstore	X
Building Supply Sales	X
Bulk Mail and Packaging	X
Bus Terminal	X
Cabinet / Woodworking Shop	C
Car Washes	X

Catering Establishments	X
Church	X
Clothing Alteration and Repair	X
Club or Lodge, Public and Private	C
Cold Storage Plants	X
Communication or Broadcasting Facility	X
Computer Sales	X
Computer Services	X
Contractors, General Building	X
Contractors, Heavy Construction	X
Convenience Centers	C
Courier Service	X
Craft and Gift Shops	X
Daycare Center and Kindergarten	C
Department Stores	X
Drive-In Movies	X
Drugs, Legal Sales	X
Drug Store	X
Dry Cleaners and Laundries	X
Dwelling, Single-Family (one per lot)	X
Electrical Appliance Sales and Service	X
Emergency Shelter	X
Employment / Personnel Agency	X
Fabric or Piece Goods Store	X
Farm Equipment and Small Engine Repair	C
Feed and Grain Sales and Storage	X
Fertilizer Wholesale and Retail Sales	X
Financial Institutions (Bank, Savings and Loan, Credit Unions)	X
Flea Markets	X
Florist	X
Floor Coverings, Sales	X
Food Store	X
Forestry	X
Funeral Home	X
Furniture Store	X
Glass, Sales	X
Golf Course, Miniature	X
Golf Driving Range	X
Grocery and Convenience Stores	X
Grounds & Facilities For Open Air Games & Sporting Events	S
Hardware Stores	X
Heating, Equipment and Plumbing Fixtures	X
Home Furnishings, Miscellaneous	X
Homeless Shelter	S
Horse Shows	C
Industrial and Commercial Machinery, Sales	X
Jewelry Sales and Watch Repair	X
Kennel Operations, Care	C
Landscape and Horticultural Services	X

Laundromat, Coin-Operated	X
Law Enforcement Station	X
Locksmith, Gunsmith	X
Manufactured Home Sales but excluding any residential occupancy	X
Manufactured Home, Individual, For Office and Exhibition	C
Miscellaneous Retail Sales	X
Motels / Hotels	X
Motor Vehicle Sales (new and used)	X
Motorcycle Sales	X
Music Festival	S
Musical Instrument Sales	X
Neighborhood Business	X
Newsstand	X
Office for Business, Professional or Personal Services	X
Office Machine Sales	X
Optical Goods Sales	X
Outdoor Fruit and Vegetable Markets	X
Paint and Wallpaper Sales	X
Paper Products, Sales	X
Parks and Open Space, Public or Private	X
Pawnshop or Used Merchandise Store	X
Pest or Termite Control Services	X
Pet Cremation	X
Pet Store	X
Photocopying and Duplicating Services	X
Photographic Equipment	X
Plant Nurseries / Lawn and Garden Stores	X
Pottery and Related Products, Sales	X
Public Buildings	X
Public Recreation (grounds and facilities for open air games and sporting events)	X
Public Utility Stations (including electrical substations, water tanks/towers and telephone exchanges)	C
Record and Tape Store	X
Recreation Facility, Indoors	C
Recreational Vehicle Sales	X
Rest Homes	X
Restaurants and Grills	X
Restaurants (with drive-thru)	X
Restaurants (without drive-thru)	X
Salvage and Recovery Yards	S
School, Business, Professional and Art	X
Sexually Oriented Businesses	S
Shoe Sales and Repair	X
Shopping Centers / Commercial Group Development	X
Soap and Cosmetics, Sales	X
Sporting Goods Shop	X

Storage Facilities, Mini	X
Swimming Pools	X
Tattoo Shops	C
Taxidermist	X
Telecommunication Towers	X
Telephone Exchange Cabinets	X
Tire Sales	X
Tobacco Products, Sales	X
Travel Agency	X
Truck Stop	X
Truck / Trailer Repair	C
Veterinary Office / Hospitals	X
Utility Building Sales	X
Video Tape Rental and Sales	X
Warehouse (general storage, enclosed)	X

X = Permitted as use by right

S = Special Use Permit approved by Franklin County Board of Commissioners upon the recommendation by the Franklin County Planning Board

C= Conditional Use Permit approved by the Franklin County Board of Adjustment

## **(R-1) Residential District Zoning**

**This district is defined as low-density residential areas and additional open areas where similar development will be a viable land use. The uses permitted in district are designed to stabilize and protect the essential character of the area and to prohibit all activities of a commercial nature except certain home occupations controlled by specific limitations.**

Accessory Uses	X
Agricultural Production (crops)	X
Agricultural Production (livestock), except intensive livestock operations (ILO)	X
Animal Aquaculture	X
Church	X
Convenience Centers	C
Country Clubs, Private or Public	C
Customary Home Occupation	X
Day Care Center and Kindergarten	C
Dwelling, Single-Family (one per lot)	X
Emergency Shelter	X
Fire Station Operations	C
Golf Course	C
Law Enforcement Station	X
Music Festival	S
Parks and Open Space, Public or Private	X
Planned Unit Development	S
Public Recreation (grounds and facilities for open air games and sporting events)	X

School, Public or Private	X
Solar Energy Farms	S
Swimming Clubs	C
Swimming Pools	X
Telephone Exchange Cabinets	X

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**Setbacks and Lot Size:**

Zoning District	Min. Square Footage	Min. Road Frontage	Min. Front Setback	Min. Side Setback	Min. Rear Setback
<i>Existing Zoning</i> Highway Business	30,000	75	20	10	25
<i>Proposed Zoning</i> R-1 Residential	30,000	100	30	10	25

**Water/Sewer Service:** Public water is available to this site.

**Transportation:** The 2015 average daily traffic count along this section of US 1 HWY is approximately 35,000 vehicles per day.

**Environmental Issues:** The subject property is located within the Neuse River Basin and the WS IV watershed. There is a small area within the 100-year floodplain located on the western border of the property.

**REZONING GUIDE CHECKLIST**

(1) Does the proposed zoning classification conform to the County Land Use Plan

FINDING \_\_\_ Yes \_\_\_ No

(2) Is there a public need for additional land to be zoned for this use/district?

FINDING \_\_\_ Yes \_\_\_ No

(3) If there is a need for additional land to be zoned to this district, should it be in this area, or would the public interest be better served if the zoning were done in another area of the county?

FINDING \_\_\_ Yes \_\_\_ No

(4) The granting of the rezoning request will not impose serious hardships on adjacent property

owners in the form of noise, odors, signs, and/or other similar nuisances?

FINDING \_\_\_ Yes \_\_\_ No

- (5) The request does not raise any legal questions such as “spot zoning”, “violation of precedents”, and the rule of reasonableness?

FINDING \_\_\_ Yes \_\_\_ No

- (6) The granting of the rezoning request is of benefit to the general public and not solely for a private individual.

FINDING \_\_\_ Yes \_\_\_ No

- (7) The request will not result in the lessening the enjoyment of use of adjacent properties?

FINDING \_\_\_ Yes \_\_\_ No

- (8) The request would not have a serious impact on existing public facilities, such as schools, fire & rescue etc.

FINDING \_\_\_ Yes \_\_\_ No

#### **PLANNING STAFF RECOMMENDED PLANNING BOARD DISCUSSION ITEMS**

Review proposed map amendment, solicit comments or questions, and make a recommendation regarding the rezoning request.

Zoning Consistency Statement: The Future Land Use plan indicates that this property is intended for Industrial. The limited road frontage combined with the overall narrow width of this parcel would make it difficult to develop as commercial or industrial. This tract is also located within the WS IV watershed limiting the impervious surface area to 24%. The request is reasonable with adjacent development patterns and in the public interest.

#### **PLANNING STAFF RECOMMENDATION TO THE PLANNING BOARD**

Recommend approval of the requested rezoning based upon the reasons stated in the above narrative.