



Franklin County Communique to the Planning Board

REQUEST FOR REZONING

17-REZ-06

6018/6040 NC 96 HWY Mixed Use (MU) to Residential-8 (R-8)

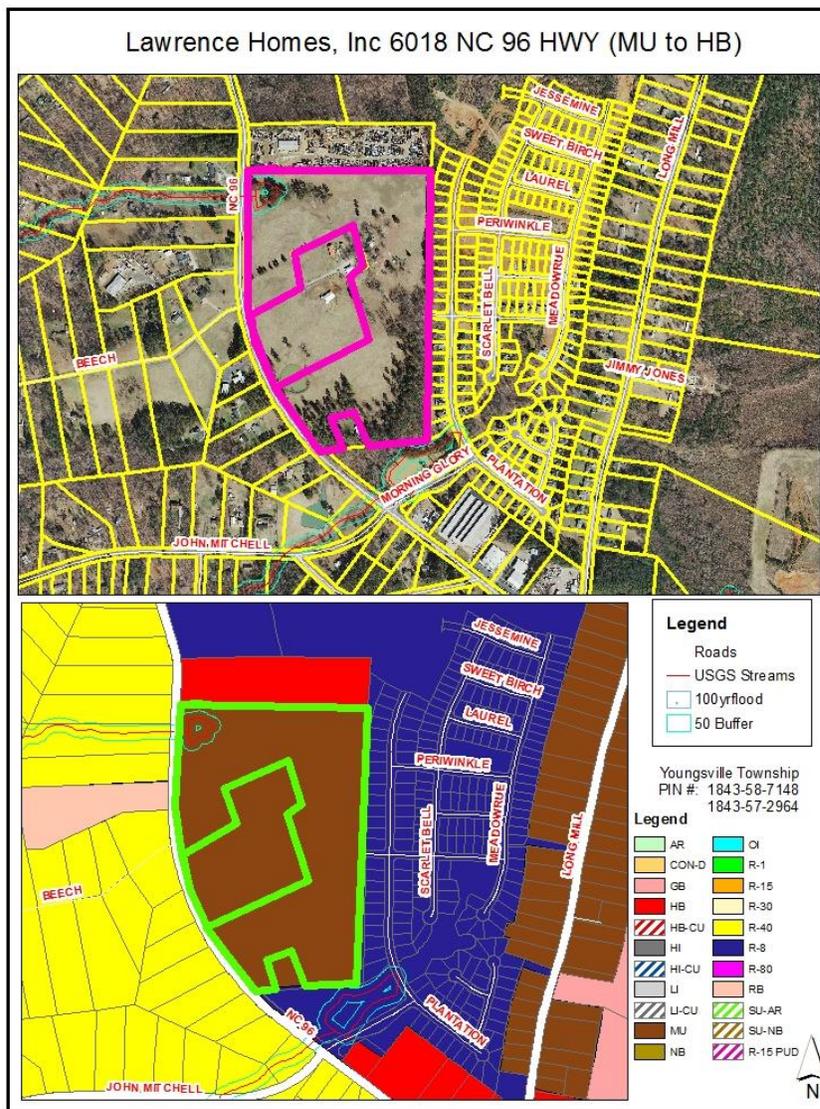
PETITIONER(S):

Name of Petitioner: Lawrence Homes, Inc.
Address: 3192 Brassfield Rd
CityStateZip: Creedmoor, NC 27522

OWNER(S):

Name of Owner: Deborah B. Freeman
Address: 6018 NC 96 HWY
CityStateZip: Youngsville, NC 27596

LOCATION:



ATTACHMENTS:

- Rezoning Application
- Map
- Metes and Bounds Description

PARCEL INFORMATION

OWNER	PARCEL #	ZONING	AREA
Deborah B. Freeman	1843-58-7148 1843-57-2964	R-8	49.2 Acres
TOTAL			49.2 Acres

ADJACENT PROPERTY SITE DATA

	ZONING	LAND USE
Subject Property	Mixed Use (MU)	Agricultural/Residential (Horse Farm)
North	Highway Business (HB)	Automobile Salvage Yard
South	R-8	Residential (Winston Ridge Subdivision)
East	R-8	Residential (Winston Ridge Subdivision)
West	R-40	Residential (North Raleigh Farms Subdivision)

STAFF ANALYSIS

PROJECT OVERVIEW

Zone Map Change Request: Lawrence Homes, Inc. is requesting to rezone 49.2 acres at 6040 NC 96 HWY in Youngsville Township from Mixed Use (MU) to Residential-8 (R-8).

PLANNING & ZONING

Land Use Plan: The Future Land Use plan indicates that this property is intended for Commercial Uses.

Zone Map Change Analysis:

Lawrence Homes is requesting to rezone 49.2 acres at 6018 NC 96, Youngsville Township from Mixed Use (MU) to Residential-8 (R-8).

The application states the availability of utility infrastructure in this area combined with the rezoning of nearby parcels to the R-8 designation, supports this application for rezoning. The application further states this request would allow for the zoning of the subject parcel to match the zoning of adjacent properties to the south and east while keeping the residential nature of the properties to the west. The subject property is adjacent to Winston Ridge Subdivision that is zoned Residential-8 (R-8). The subject property is within one (1) mile of Long Mill Elementary School. The R-8 district requested in this petition, specifically the associated cluster provisions, will allow much greater design flexibility with residential lot sizes and setbacks as noted on page 8 of this communiqué.

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:

(MU) Mixed Use District Zoning

This district is to provide a transition between residential and commercial zoning districts. This district is specifically designed to incorporate low-medium residential uses with moderate commercial development. The following standards are established for this district and designed to protect adjoining areas from undesirable aspects of commercial development.

- Shall apply to all nonresidential development and building groups.
- Miscellaneous Regulations
 - Maximum height 35'
 - Maximum gross floor area shall be as follows:

<u>Lot Area</u>	<u>GFA</u>
15,000 – 43,560 sq ft	4,000
43,561 – 100,000 sq ft	4,000 + .05 lot area over 43,561
Over 100,000 sq ft	9,000 + .01 lot area over 100,000
 - Twenty (20) percent of the total development shall remain as open space.
- Parking & Circulation
 - Parking shall be limited to fifty-four (54) spaces per development. Multi-family dwellings such as apartments, duplexes, and town houses will be limited to a maximum of one hundred and thirty-five (135) spaces per development. Developments that exceed the maximum parking restrictions shall reduce the size of the development to meet the parking standards. (Maximum occupant load according to the NC Building Code will be used to determine building occupancy.)
 - Parking shall face internal to the development and shall not be directed onto any residential lot.
 - No parking shall be located within ten (10) feet of any property line.
 - No development shall have more than two total points of access for ingress and egress per road frontage.
 - Trash receptacles shall be screened from public view.
- Outside Storage
 - Outside storage must be screened from public view by opaque fencing, screening, or landscaping.
 - Outside storage shall be limited to the rear and side of the principal building.
 - Storage of unsafe (corrosive, flammable, or explosive materials) or hazardous materials shall comply with any local, State or Federal requirements.
 - Outside storage must be on the premises of the business.
- Lighting
 - All outdoor lighting shall be designed and located such that the maximum illumination measured in foot-candles at the property line does not exceed 0.3 onto adjacent residential property.
 - Light sources shall be concealed and fully shielded from view off-site and shall feature sharp cut-off capability so as to minimize up-light, spill-light, glare and unnecessary diffusion on adjacent property.
 - Maximum height of light poles with a ninety (90) degree or less cutoff fixture, measured from the light stream to the ground, shall be thirty (30) feet. Maximum

height of light poles without a full ninety (90) degree or less cutoff fixture, measured from the light stream to the ground, shall be sixteen (16) feet.

- All exterior lighting, on or off the building, shall be either amber in color or turned off between 11:00 PM or one hour after closing, whichever is earlier, and 5:00 AM or one hour before opening, whichever is later, with the exception of low-wattage landscaping lighting, customer entrance, or service area lights aiming down and installed under a canopy of similar roof structure.
 - No flickering or flashing lights permitted.
- Signage
 - Signage shall follow the provisions of Article 17 and Table 17-3

Accessory Structure (See Note 4)	X
Accessory Uses – Incidental to any permitted use	X
Agricultural Production (crops)	X
Agricultural Supply Sales	C
Animal Hospitals/Veterinarians	S
Antique Sales	X
Apparel & Accessory Sales	X
Appliance Store	X
Arts and Crafts	X
Assemblies (Coliseums, Gymnasiums, & Similar Structures)	S
Automobile Parts Sales (New Only)	X
Automobile Repair Service	C
Automobile Service Station (including self-service gas pumps)	C
Bakeries & Food Product Production	X
Barber & Beauty Shops	X
Bed & Breakfast Inn (includes Boarding House & Tourist Homes)	C
Bona Fide Farms	X
Bookstore	X
Building Supply Sales	S
Cabinet/Woodworking Shop	C
Car Washes	C
Catering Establishments	X
Cemetery, Church & Family (See Note 6)	X
Church	X
Clinic Services, Medial & Dental	X
Clothing Alteration & Repair	X
Club or Lodge, Public or Private	C
Communication or Broadcasting Facility	C
Computer Services	X
Conference Center/Retreat Facilities	S
Convenience Centers	C
Country Clubs, Private or Public	C
Courier Service	C
Craft and Gift Shops	X
Customary Home Occupation (see Note 7)	X
Daycare Center & Kindergarten	C

Drug Store	C
Dry Cleaners & Laundries	C
Dwelling, Clustered Detached Single-Family	X
Dwelling, Multi-Family	X
Dwelling, Single-Family (one per lot)	X
Dwelling, Two-Family/Duplex	X
Emergency Shelter	X
Employment/Personnel Agency	X
Fabric or Piece Goods Store	X
Family Care Home (see Note 10)	X
Financial Institutions (Bank, Savings and Loan, Credit Unions)	X
Fire Station Operations	C
Flea Markets	C
Florist	X
Food Store	X
Funeral Home	X
Furniture Stores	X
Golf Course	C
Golf Course, Miniature	C
Golf Driving Range	C
Grocery and Convenience Stores	C
Group Care Facility	S
Grounds & Facilities for Open Air Games & Sporting Events	S
Hardware Stores	X
Home for the Aged	S
Home Furnishings, Miscellaneous	X
Homeless Shelter	S
Hospitals/Nursing Homes	S
Jewelry Sales & Watch Repair	X
Landscape & Horticultural Services	X
Laundromat, Coin-Operated	X
Law Enforcement Station	C
Locksmith, Gunsmith	X
Manufactured Home (Individual, For Office and Exhibition)	X
Manufactured Home (Individual, For Residential Occupancy)	X
Manufactured Home Park (but excl. any manufactured home sales)	C
Marina	C
Miscellaneous Retail Sales	X
Motels/Hotels	S
Music Festival	S
Musical Instrument Sales	C
Neighborhood Business	X
Newsstand	X
Off-Street Parking and Loading Facilities (in accordance with Article 16)	X

Office for Business, Professional or Personal Services	X
Office Machine Sales	X
Offices, Small/Low Impact	X
Optical Goods Sales	X
Orphanage	X
Outdoor Fruit and Vegetable Markets	X
Paint and Wallpaper Sales	X
Paper Products, Sales	X
Parks and Open Space, Public or Private	X
Photocopying & Duplicating Services	X
Planned Unit Development (In accordance with Article 11, Section 11-1)	S
Plant Nurseries/Lawn & Garden Stores	X
Post Office	C
Pottery & Related Products, Sales	X
Public Buildings	S
Public Utility Stations (including electrical substations, water tanks/towers, and telephone exchanges)	S
Record & Tape Store	X
Restaurants and Grills	C
Restaurants (with drive-thru)	C
Restaurants (without drive-thru)	C
Rural Family Occupation (see Note 12)	X
School, Business, Professional and Art	S
School, Public and Private	S
Shoe Sales and Repair	X
Shopping Centers/Commercial Group Development	S
Sporting Goods Shop	X
Storage Facilities, Mini	S
Swimming Clubs	X
Swimming Pools (see Note 14)	X
Tattoo Shops	S
Telecommunication Towers	C
Telephone Exchange Cabinets	X
Tire Sales	C
Townhouses	X
Travel Agency	X
Underground Electrical Power Distribution Lines; Water or Sewer Lines; Gas Distribution, and Liquid Fuel Transmission Lines	X
Veterinary Office/Hospitals	C
Video Tape Rental and Sales	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 Franklin County Board of Adjustments.

***Disclaimer:** Uses by right, Conditional Uses, and Special Uses are subject to change and you will have to check with the Franklin County Planning before beginning any type of construction on your property.

(R-8) Residential District Zoning

This district is defined as high density residential areas where single-family and multi-family dwellings are commingled and certain open areas where similar residential development will be a viable land use. The uses permitted in this district are designed to stabilize and protect the essential characteristics of the area and to prohibit all activities of a commercial nature except certain home occupations controlled by specific limitations.

Accessory Structure	X
Accessory Uses	X
Agricultural Production (crops)	X
Agricultural Production (livestock), except intensive livestock operations (ILO)	X
Animal Aquaculture	X
Bona Fide Farms	X
Cemetery, Church and Family	X
Church	X
Convenience Centers	C
Country Clubs, Private or Public	C
Customary Home Occupation	X
Day Care Center and Kindergarten	C
Dwelling, Clustered Detached Single-Family	X
Dwelling, Multi-Family	C
Dwelling, Single-Family (one per lot)	X
Emergency Shelter	X
Family Care Home	X
Fire Station Operations	C
Group Care Facility	S
Home for the Aged	C
Homeless Shelter	S
Law Enforcement Station	X
Parks and Open Space, Public or Private	X
Planned Unit Development	S
Public Buildings	C
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
Rural Family Occupation	X
School, Public or Private	C
Sewage/Water Pumping Stations	S
Swimming Clubs	C
Swimming Pools	X

Telephone Exchange Cabinets	X
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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

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> Mixed Use (MU)	10,000 Sq. Ft.	50	20	10	15
<i>Proposed Zoning</i> R-8 Residential (Cluster)	5,000 Sq. Ft.	40	15	6	10

Water/Sewer Service: Public water and sewer is adjacent to this site.

Transportation: The 2015 average daily traffic count along this section of NC 96 HWY is approximately 8,900 vehicles per day.

Environmental Issues: The subject property is located within the Tar-Pamlico basin and is required to meet nutrient regulations for nitrates and phosphates for new improvements exceeding one-half acre. Franklin County GIS maps indicate a small pond with riparian buffer in the northwest corner 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 requested zoning map amendment is in general conformity with the land use plan. The Future Land Use plan indicates that this property is intended for Commercial uses however, the current residential development patterns adjacent to this property support this request. Public water and sewer is adjacent to this site. 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.