

Proposed Zoning Map Amendment Staff Report

Board of Commissioners Hearing: June 6, 2016

Rezoning Petition #: ZP-884-14

Request: To rezone five parcels totaling 8.18 acres located at 9305 Fayetteville Road, 9401 Fayetteville Road, 9305 Daffodil Drive, 9312 Daffodil Drive, and 9316 Daffodil Drive. More specifically, the request is to rezone two parcels totaling 5.39 acres that are currently zoned Highway District (HD) and three parcels totaling 2.79 acres that are currently zoned Residential-30 (R-30), to Conditional Use-Office and Institutional (CU-O&I). The subject properties are shown on the attached map.

Note: A conditional use rezoning means that the petitioner has voluntarily offered certain conditions as part of the rezoning petition (e.g.—limiting the number and types of uses that would otherwise be permissible) in an attempt to mitigate the potential for negative impacts of the rezoning and subsequent development upon the surrounding properties. Please see the petitioner's proposed condition which references a number of uses that they have voluntarily excluded from future consideration on the subject properties. A list of all of the remaining possible uses in the CU-O&I zoning district is attached to this report. However, the petitioner's stated purpose is to allow for the construction of additional parking facilities, at some point in the future, to support the community college.

Location: The five lots are located in the vicinity of Fayetteville Road/US 401, Tech Road and Daffodil Drive, just south of the main Wake Tech campus and east of Fayetteville Road, and are identified as 9305 Fayetteville Road, 9401 Fayetteville Road, 9305 Daffodil Drive, 9312 Daffodil Drive, and 9316 Daffodil Drive.

Current Zoning: Highway District (HD) and Residential-30 (R-30)

Proposed Zoning: Conditional Use-Office and Institutional (CU-O&I)

Existing Land Uses: Informal (unpermitted) gravel parking lot, vacant wooded, single-family dwellings

Petitioner: Rachel Cotter

Design Firm: The McAdams Company

Owner: Dr. Stephen Scott, Secretary to the Board, on behalf of the Trustees of Wake Technical Community College

PINs: 0689608986, 0689608627, 0689703969, 0689701506, and 0689700490

Surrounding Land Uses and Zoning Districts

Direction	Land Use	Zoning District
North	Tech Road, main Wake Tech campus	Office and Institutional
East	Daffodil Drive, single-family dwellings, paved parking lot (part of main Wake Tech campus)	Residential-30, Office and Institutional
South	Vacant wooded, Duke Energy Progress electrical substation	Highway District, Town of Fuquay-Varina zoning (corporate limits)
West	Fayetteville Road, vacant wooded	Residential-10, Highway District, Town of Fuquay-Varina zoning (corporate limits)

Land Use/Zoning History

- 1973: General zoning was first applied to the southeastern portion of Wake County.
- 2004: Fuquay-Varina/Garner Area Land Use Plan was adopted and designated this site and the surrounding area as a 772-acre Regional Activity Center (RAC).

Wake County Land Use Plan

The Wake County Land Use Plan's General Classification map designates this area as Fuquay-Varina's Short-Range Urban Services Area (SRUSA). SRUSAs are defined as areas within the county's zoning jurisdiction that are intended to be urbanized—probably within the next ten years. Please see the discussions below under the “Input from the Town of Fuquay-Varina” and “Utilities” sections for information regarding coordination efforts with the Town of Fuquay-Varina.

The five subject properties, Wake Tech's main campus, and much of the surrounding area are located within a 772-acre Regional Activity Center (RAC) as designated on the Fuquay-Varina/Garner Area Land Use Plan. The RAC is the largest type of Wake County's three classifications of activity centers, allowing for the widest range of uses and for the most intensive types of uses. The RAC classification is intended for large-scale urban land uses that provide for a primary job base.

RACs are described in the Wake County Land Use Plan (Chapter III, page 14) as being serviced by major thoroughfares and municipal water and sewer. A few of the large-scale urban land uses listed as appropriate for an RAC are shopping malls, large hotel/motels, restaurants, large office parks, **community colleges**, industrial parks, research and development parks and employment centers.

Given the proposed zoning district for the subject lots (Conditional Use-Office and Institutional), the stated proposed use (parking facilities to support the community college), and the allowable range of possible uses, the requested rezoning would be

consistent with the Wake County Land Use Plan's Regional Activity Center designation. Furthermore, the primary use (community college), proximity to major thoroughfares (i.e.--Fayetteville Road/US 401 and the possible future NC-540 interchange), availability of utility services by the Town of Fuquay-Varina, and the employment base provided by Wake Technical Community College, comply with several of the Land Use Plan's goals. Among those goals are:

- Goal #1--To guide quality growth throughout the County in conjunction with affected local governments;
- Goal # 2--To encourage growth close to municipalities, to take advantage of existing and planned infrastructure, such as transportation, water and sewer facilities;
- Goal # 3--To encourage the development of communities which provide adequate land for anticipated demands, in a pattern which allows a mixture of uses; and
- Goal # 7--To ensure that the land use plan and transportation plan mutually support each other.

As noted above, the petitioner on behalf of the owner, Wake Tech Community College, has voluntarily offered a condition that limits the number and types of uses that would be permissible on the subject properties. The petitioner's condition has eliminated from future consideration four use categories (i.e.—household living, group living, animal services, and waste-related uses), which represent 16 use classifications. Please see the attached listing of the 25 remaining use classifications that would be permissible on one or more of these five lots (with the appropriate permit) if the Conditional Use-Office and Institutional zoning district were to be approved.

The stated proposed use is to allow for the construction of additional parking facilities to support the community college. However it should be noted that any decision on a rezoning petition must be based upon all possible uses. The requested Conditional Use-Office and Institutional zoning allows for a wide range of nonresidential uses that are generally consistent with the Land Use Plan's Regional Activity Center designation, and are reasonable, and appropriate for the area. Any future use on this property will have to be determined to be consistent with the Land Use Plan via a site-specific development plan before it can be approved.

The petitioner has indicated that the proposed rezoning to the Conditional Use-Office and Institutional district will "allow for implementation of infrastructure improvements necessary to support Wake Technical Community College (Wake Tech). Wake Tech currently provides public education opportunities and a robust employment base for surrounding communities. Adequate infrastructure is critical to day-to-day operations of the college". Such improvements "will enable Wake Tech to adequately serve growing educational and employment needs of the public and surrounding communities."

The petitioner has indicated that the rezoning is necessary because one of the subject properties is currently "being used as an overflow gravel parking lot during times of peak

use” and that the rezoning “will permit continued use of the lot as well as allow for future improvements that enhance safety and accessibility of parking facilities, and improved pedestrian access and traffic flow for students, faculty, and visitors to the college. Such improvements will enable Wake Tech to adequately serve growing educational and employment needs of the public and surrounding communities”.

The petitioner notes that it “is expected that such improvements will: facilitate improved vehicular circulation, access and safety for vehicles and pedestrians alike through dedicated vehicular and pedestrian travel routes; provide environmental protection through stream buffers (if required) and stormwater management facilities; and enhance aesthetics and sense of place through the use of materials of a consistent character. All of which advance public health, safety, and general welfare.”

In accordance with the North Carolina General Statutes and the Wake County Unified Development Ordinance, any proposed rezoning should be consistent with the Wake County Land Use Plan. It is the planning staff’s professional opinion that the rezoning petition for Conditional Use-Office and Institutional zoning, the stated proposed use, and the permissible range of uses would be consistent with the Land Use Plan, and are reasonable, and appropriate for the area.

Required Statement of Consistency with the Land Use Plan and Public Interest

North Carolina General Statute 153A-341 and Section 19-21 of the Wake County Unified Development Ordinance require that the Planning Board provides the Board of Commissioners with a statement of whether or not the proposed rezoning petition is consistent with the Land Use Plan, reasonable, and otherwise advances the public health, safety, and general welfare. In making a determination of whether or not to approve the rezoning petition, the Board of Commissioners must adopt a statement describing whether or not the proposed petition is consistent with the Land Use Plan, reasonable, and otherwise advances the public health, safety, and general welfare, or why it chose to deviate from the Land Use Plan and how that decision is reasonable and in the public interest.

The petitioner has provided several statements indicating (1) why they believe that the proposed rezoning and subsequent use is a public necessity, and (2) explaining its impact on the surrounding neighborhood and adjacent properties. They have also provided statements of (3) how the rezoning complies with the Land Use Plan; (4) how the rezoning benefits the adjacent and surrounding properties and (5) otherwise advances the public health, safety and general welfare. These statements are included in the attached petition package.

The planning staff has drafted a statement of consistency, reasonableness, and public interest for consideration by the Board of Commissioners (see attached draft statement).

Two-Step Conditional Use Rezoning Process

The Wake County Unified Development Ordinance establishes a two-step conditional use rezoning process. The first step is to obtain a conditional use rezoning from the Board of Commissioners. The second step requires that the Wake County Planning Board review and process a Planned Compliance Permit (PCP) for most uses (although some commercial uses could be approved administratively by staff if they were less than 2,500 square feet in size).

The petitioner has stated that the purpose of the rezoning is to permit the continued use of an existing informal parking lot and to “allow for future improvements that enhance safety and accessibility of parking facilities for students, faculty, and visitors to the college”. While this is their stated purpose, it is important to note that any rezoning decision must be based upon all possible uses of the subject properties as shown in the attached list.

The Planning Board acts as the permit issuing authority, via a public hearing process, for uses requiring a PCP (as per Section 19-22 of the Wake County Unified Development Ordinance). The PCP process requires the petitioner to submit a detailed site plan to the planning staff and Planning Board to demonstrate that the proposed project conforms with all regulations and standards generally applicable within the zoning district and specifically applicable to the particular type of PCP or class of PCPs. The planning staff and Planning Board will also ensure that any rezoning conditions are incorporated into the site plan. The Planning Board may impose additional “reasonable” conditions to address any impediments to the board reaching the required findings that are necessary for approval of the PCP.

A General Use Permit would be processed administratively by the planning staff for nonresidential uses of less than 2,500 square feet (except for those with gas sales) after demonstration of full compliance with all applicable regulations and standards.

Input from the Town of Fuquay-Varina

As part of the Wake County planning staff’s review of any rezoning request, a copy of the petition is forwarded to the relevant municipality who’s Urban Services Area that the subject property lies within. The subject lots are classified as the Town of Fuquay-Varina’s Short-Range Urban Services Area (SRUSA). Fuquay-Varina’s planning staff have indicated that they do not object to the rezoning petition, but had requested that Wake Tech Community College provide a sewer easement across another portion of the campus. The petitioner, and representatives of the community college, have met with the town’s planning and public utilities staffs to discuss the location and alignment of the requested sewer easement. It is our understanding that the town is agreeable to having the sewer easement located on the western side of the drainageway that runs through the eastern portion of the main campus where there is an existing sewer pump station.

Input from Neighboring Property Owners

As per our normal process, the planning staff mailed out letters to all property owners within 1,000 feet of the subject property, and posted public hearing notice signs on the corner of Fayetteville Road (US401) and Tech Road, and on Daffodil Drive. In response to those efforts to solicit neighborhood feedback, the planning staff has received two phone inquiries, but neither one objected to the rezoning request.

The petitioner held a neighborhood meeting on Thursday, January 29, 2015 to discuss the requested rezoning and the stated proposed parking facilities. Please see the attached materials related to the neighborhood meeting. It should be noted that this neighborhood meeting also covered a previously approved rezoning case related to two large tracts (totaling 16.14 acres) on the other side of the campus, next to the railroad tracks. It is our understanding that none of the neighbors in attendance at this meeting expressed any opposition to the requested rezoning.

Utilities

The subject property is classified as being in the Town of Fuquay-Varina's Short-Range Urban Services Area (SRUSA). The Wake County Land Use Plan defines SRUSAs as areas within the county's jurisdiction that are intended to be urbanized--probably within the next ten years. The Wake Tech main campus is currently served by Town of Fuquay-Varina water and sewer lines. As noted above in the "Input from the Town of Fuquay-Varina" section, the town has requested the provision of a sewer easement on the western side of the drainageway that runs through the eastern portion of the main campus. The petitioner has been working with the town's planning and public utilities staffs on the location and alignment of the requested sewer easement.

This coordination with the Town of Fuquay-Varina is consistent with the Wake County Land Use Plan's Goal # 2, which calls for the encouragement of growth close to municipalities, to take advantage of existing and planned infrastructure, such as transportation, water and sewer facilities. The requested rezoning, and the stated proposed parking that is in support of the community college, are consistent with the Regional Activity Center designation and the provision of public utilities to guide the type of development as set forth in the Wake County Land Use Plan.

Environmental Issues

There are no Federal Emergency Management Agency (FEMA) regulatory floodplains, Wake County flood hazard soils, protected/buffered drainageways, or regulatory wetlands on, or in close proximity to, the subject properties.

Transportation Plan

Fayetteville Road/US 401 is designated as a major thoroughfare in the Wake County 2025 Transportation Plan and the accompanying Corridor Profiles booklet. The existing right-of-way of 150 feet already complies with the prescribed width; therefore no additional right-of-way dedication will be required if and when these lots are developed. The existing four-lane cross-section with a grassed median is proposed to be widened

to a six-lane cross-section with a median and left-turn lanes, as needed, at driveways and intersections.

There is a possibility that the North Carolina Department of Transportation (NCDOT) may require a turn lane or other roadway improvement during their review of the subsequent site plan for development (e.g.—the stated proposed parking facilities) on the subject properties. Any roadway improvements and/or driveway permits will have to be coordinated with, and approved by NCDOT, during the site plan review process.

Traffic Volumes

The 2013 Average Annual Daily Traffic (AADT) counts available from NCDOT for Fayetteville Road/US 401 is 30,000 vehicles per day at a point just south of Ten Ten Road (about three-fourths of a mile north of the Wake Tech campus). The Wake County 2025 Transportation Plan and the accompanying Corridor Profiles booklet state that the current design capacity of this roadway is 31,500 vehicles per day, so the roadway is operating at 95% of its design capacity.

While the traffic volume is approaching the stated design capacity of this roadway, a majority of that traffic appears to correspond with the AM and PM peak hours of commuting traffic (i.e.—6:00 AM to 9:00 AM and 4:00 PM to 7:00 PM respectively). The staff is not aware of any significant issues with the traffic volume or accident rate (see below), or the functionality of this roadway.

Accident Report

NCDOT's Traffic Engineering Accident Analysis System report for the 5-year period from December 1, 2009 through November 30, 2014 indicated that there have been 146 accidents along the 0.759-mile section of Fayetteville Road/US 401 between Industry Drive and Old McCullers Road. During that five-year period there were 56 (38.4% of those 146 accidents) that occurred at, or in close proximity to, the intersection of Tech Road with Fayetteville Road/US 401. There were another 23 accidents (15.7%) that occurred at the intersection of Chandler Ridge Circle/Wake Tech Way with Fayetteville Road/US 401, and 22 accidents (15.1%) that occurred at the intersection of Donnybrook Road/Old McCullers Road and Fayetteville Road/US 401. Together these three intersections represent over two-thirds (69.2%) of the accidents that occurred during this five-year time period along this 0.759-mile section of highway.

There were no accidents involving a fatality during this time frame, but there were 36 accidents that resulted in injuries, with the remaining 110 accidents (75.3%) involving property damage only. There were 31 out of the 146 accidents that involved minor injuries, two (2) that resulted in moderate injuries, and three (3) that resulted in serious injuries.

The majority of the accidents (87, or 59.6%) occurred during daylight hours and dry weather conditions. Most of the accidents (92, or 63.0%) involved rear end-slow or stopped condition collisions that are characteristic of the heavy traffic volumes that are typical during busy AM and PM commuting periods. Given the traffic volume on this

major thoroughfare, an average accident rate of 29.2 accidents per year (or 2.4 per month) is not unusually high or problematic.

Traffic Impact Analysis

A Traffic Impact Analysis (TIA) is required by the Wake County Unified Development Ordinance, for any development, that generates more than 1,000 trips per day, or more than 100 peak-hour trips, as determined by the Institute of Transportation Engineers' Trip Generation Manual for specified proposed uses. Any required TIA must be submitted during the site plan approval process.

The stated purpose of the proposed rezoning is to allow for the construction of additional parking facilities to support the community college. The petitioner has indicated that a portion of parcel # 1 is already being used for parking--although not properly permitted--and that the proposal is to formalize this parking facility to "improve circulation, safety, and user experience" (and to bring it into compliance with the county regulations), as well as to allow for the expansion of the parking facility as needed.

The petitioner has stated that there are no proposed buildings to generate new traffic to the site and that the stated proposed parking facilities will not be used for a park-and-ride facility for the satellite campuses, nor for commercial parking. The petitioner has indicated that they "do not anticipate the proposed zoning district or development activities to inherently generate additional vehicular trips".

The petitioner indicated (and documented) that they had a meeting with representatives of NCDOT on October 31, 2014 to discuss possible road improvements and were advised by the NCDOT District Engineer's Office that they would not require a TIA since no additional traffic is being generated.

Therefore, for all of these reasons, Wake County planning staff is not requiring a TIA as part of the rezoning petition, but reserves the right to require one as part of the subsequent development if warranted by Sec. 15-12 of the Wake County Unified Development Ordinance.

Planning Staff Findings

1. The proposed Conditional Use-Office and Institutional rezoning and the permissible range of uses are consistent with the Land Use Plan's designation of this area as a Regional Activity Center and are reasonable and appropriate for the area.
2. More specifically, the Regional Activity Center allows for large-scale urban land uses that are served by major thoroughfares and municipal water and sewer and that provide for a primary job base.
3. The proposed rezoning complies with four (4) stated goals of the Land Use Plan (see discussion above).

4. The traffic volumes and accident reports from the North Carolina Department of Transportation do not indicate any significant traffic issues for Fayetteville Road/US 401.
5. A detailed site plan must be approved by the appropriate Wake County entity prior to future development on the subject properties to ensure compliance with all applicable regulations.
6. The Town of Fuquay-Varina's planning staff has indicated that they do not object to the rezoning petition.
7. The Wake County planning staff has received no objections from the surrounding property owners or the general public.

Planning Staff Recommendation

The planning staff recommends that the Board of Commissioners:

- (1) Adopts the attached consistency statement finding that the requested rezoning to Conditional Use-Office and Institutional, the stated proposed use, and the permissible range of uses are consistent with the Wake County Land Use Plan, reasonable, and in the public interest;

and by separate motion

- (2) Approves the rezoning request, ZP-884-14, as presented.

Draft Statement for Consideration by the Board of Commissioners

That the Board of Commissioners:

- 1) Finds that the requested rezoning to Conditional Use--Office and Institutional, the stated proposed use, and the permissible range of uses are:
 - a) Consistent with the Land Use Plan's designation of this area as a Regional Activity Center and is reasonable and appropriate for the area;
 - b) Consistent with the Regional Activity Center allowance for large-scale urban land uses that are served by major thoroughfares and municipal water and sewer and that provide for a primary job base;
 - c) Consistent with several of the stated goals of the Land Use Plan, more specifically:
 - i) Goal #1--to guide quality growth throughout the County in conjunction with affected local governments;
 - ii) Goal # 2--to encourage growth close to municipalities, to take advantage of existing and planned infrastructure, such as transportation, water and sewer facilities;

- iii) Goal # 3--to encourage the development of communities which provide for adequate land for anticipated demands, in a pattern which allows a mixture of uses; and
 - iv) Goal # 7--to ensure that the land use plan and transportation plan mutually support each other;
- d) Reasonable, and in the public interest because it would allow for improvements that would:
 - i) Facilitate improved vehicular circulation, access and safety for vehicles and pedestrians;
 - ii) Provide environmental protection through stormwater management facilities; and
 - iii) Enhance aesthetics and sense of place

All of which advance the public health, safety, and general welfare and enable Wake Tech to adequately serve growing educational and employment needs of the public.

- e) Reasonable, and in the public interest because various provisions in the Wake County Unified Development Ordinance and the established development review process with outside agencies such as the North Carolina Department of Transportation and other county departments, will ensure that there are no significant adverse impacts on the public health, safety and general welfare. For example, there are no significant traffic issues on Fayetteville Road/US 401, the subsequent development will comply with county requirements regarding buffering, stormwater and erosion control, and protection of environmentally sensitive areas.
- 2) That the Board of Commissioners approves the rezoning request, ZP-884-14, as presented.

Planning Board Recommendation

1) The Planning Board, at their Wednesday, May 4, 2016 meeting, recommended, by a vote of 8 to 0, that the Board of Commissioners finds that the requested rezoning to Conditional Use--Office and Institutional, the stated proposed use, and the permissible range of uses are:

- a) Consistent with the Land Use Plan's designation of this area as a Regional Activity Center and is reasonable and appropriate for the area;
- b) Consistent with the Regional Activity Center allowance for large-scale urban land uses that are served by major thoroughfares and municipal water and sewer and that provide for a primary job base;
- c) Consistent with several of the stated goals of the Land Use Plan, more specifically:

- i) Goal #1--to guide quality growth throughout the County in conjunction with affected local governments;
 - ii) Goal # 2--to encourage growth close to municipalities, to take advantage of existing and planned infrastructure, such as transportation, water and sewer facilities;
 - iii) Goal # 3--to encourage the development of communities which provide for adequate land for anticipated demands, in a pattern which allows a mixture of uses; and
 - iv) Goal # 7--to ensure that the land use plan and transportation plan mutually support each other;
- d) Reasonable, and in the public interest because it would allow for improvements that would:
- i) Facilitate improved vehicular circulation, access and safety for vehicles and pedestrians;
 - ii) Provide environmental protection through stormwater management facilities; and
 - iii) Enhance aesthetics and sense of place

All of which advance the public health, safety, and general welfare and enable Wake Tech to adequately serve growing educational and employment needs of the public.

- e) Reasonable, and in the public interest because various provisions in the Wake County Unified Development Ordinance and the established development review process with outside agencies such as the North Carolina Department of Transportation and other county departments, will ensure that there are no significant adverse impacts on the public health, safety and general welfare. For example, there are no significant traffic issues on Fayetteville Road/US 401, the subsequent development will comply with county requirements regarding buffering, stormwater and erosion control, and protection of environmentally sensitive areas.
- 2) The Planning Board then recommended, by a vote of 8 to 0, that the Board of Commissioners approve the rezoning request, as presented, based on the findings of Land Use Plan consistency, reasonableness, and the public interest.

**Uses Permissible Within the Proposed
Conditional Use-Office and Institutional Zoning District**

Business, trade, technical schools
All other colleges/universities
Cultural exhibits and libraries
Day care, including child care home and child care center
Public parks/recreation including assembly buildings
Parking, Park and Ride
Religious assembly
Governmental
School
Automated teller machine
All other financial services
Family burial grounds
Funeral home
Gas station
Bed and breakfast—homestay and residence
Hotel/motel
Office including conference center/retreat house and medical office, clinic or lab
Commercial parking
Neighborhood/convenience-oriented retail (with or without gas sales)
Forestry
Solar energy systems
Special Events
Static Transformer Stations, Radio/TV and Towers, Relay Station
Telecommunication Facilities—freestanding and collocated
Water towers

Please note that the uses listed above do not indicate that they are viable uses for the subject property in regards to such factors as lot area, the availability of utilities, and compliance with all regulatory requirements, or market demand. Rather this list merely indicates that these uses are available for future consideration. Some of the uses listed above would only be permissible via Planned Compliance Permits issued by the Planning Board after holding a public hearing and making positive findings of fact on several criteria.