

**PLG-RZ-002881-2021**  
**Proposed Zoning Map Amendment**  
**9101 Falls of Neuse Road**  
**June 21, 2022**



# Rezoning Request and Stated Purpose

- To rezone a 0.604-acre portion of this 2.934-acre property from R-40W to CU-R-40 to allow for a technical correction of the outermost watershed boundary based upon a field verified topographic survey, and to authorize staff to submit the requested change to the NCDEQ.
- Possible future uses that have been mentioned are a café with a drive-through window and a multi-tenant retail/personal services building (but any rezoning decision must be based upon all possible uses).
- The petitioner has voluntarily provided 6 conditions related to screening, placement of improvements, building height, lighting and limitations of future uses (20 eliminated) in an attempt to mitigate potential off-site impacts.

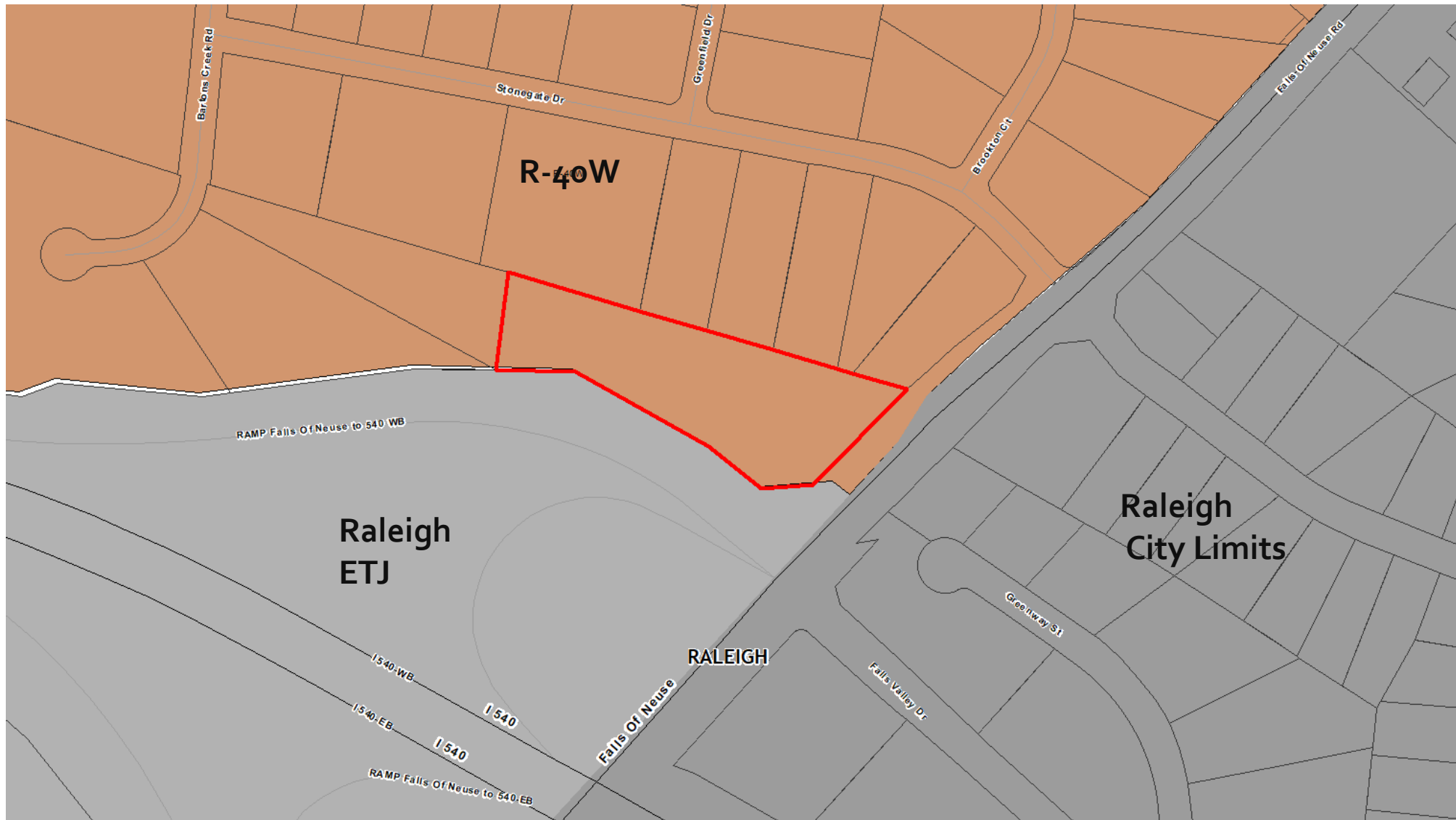
# Land Use Plan History

- 1970: General zoning was first applied to the northwestern portion of Wake County.
- 1984: Residential-40 Watershed and Residential-80 Watershed zoning districts were created and applied to the Falls Lake area (as well as to other water supply watershed areas within Wake County's zoning jurisdiction).
- The subject property is designated as Non-Urban Area/Water Supply Watershed on the Wake County General Classification Map.
- If the rezoning is approved by the BOC the designation for the 0.604-acre portion would be changed to Non-Urban Area.

# Water Supply Watershed Regulations

- For ease of administering water supply watershed regulations many planning jurisdictions use a roadway as the dividing line between watershed and non-watershed areas, even though the staff knows that the actual ridgeline may meander back and forth across the roadway.
- The thought is that the plus and minus areas on either side of the roadway/ridgeline generally net out and the overall watershed protection objectives are achieved.
- The planning staff has confirmed the acceptability of this philosophy with the state's water supply watershed protection program staff.
- Wake County complies with the state requirements via both a density provision and impervious surface limits, plus wider stream buffers.

# Zoning Map



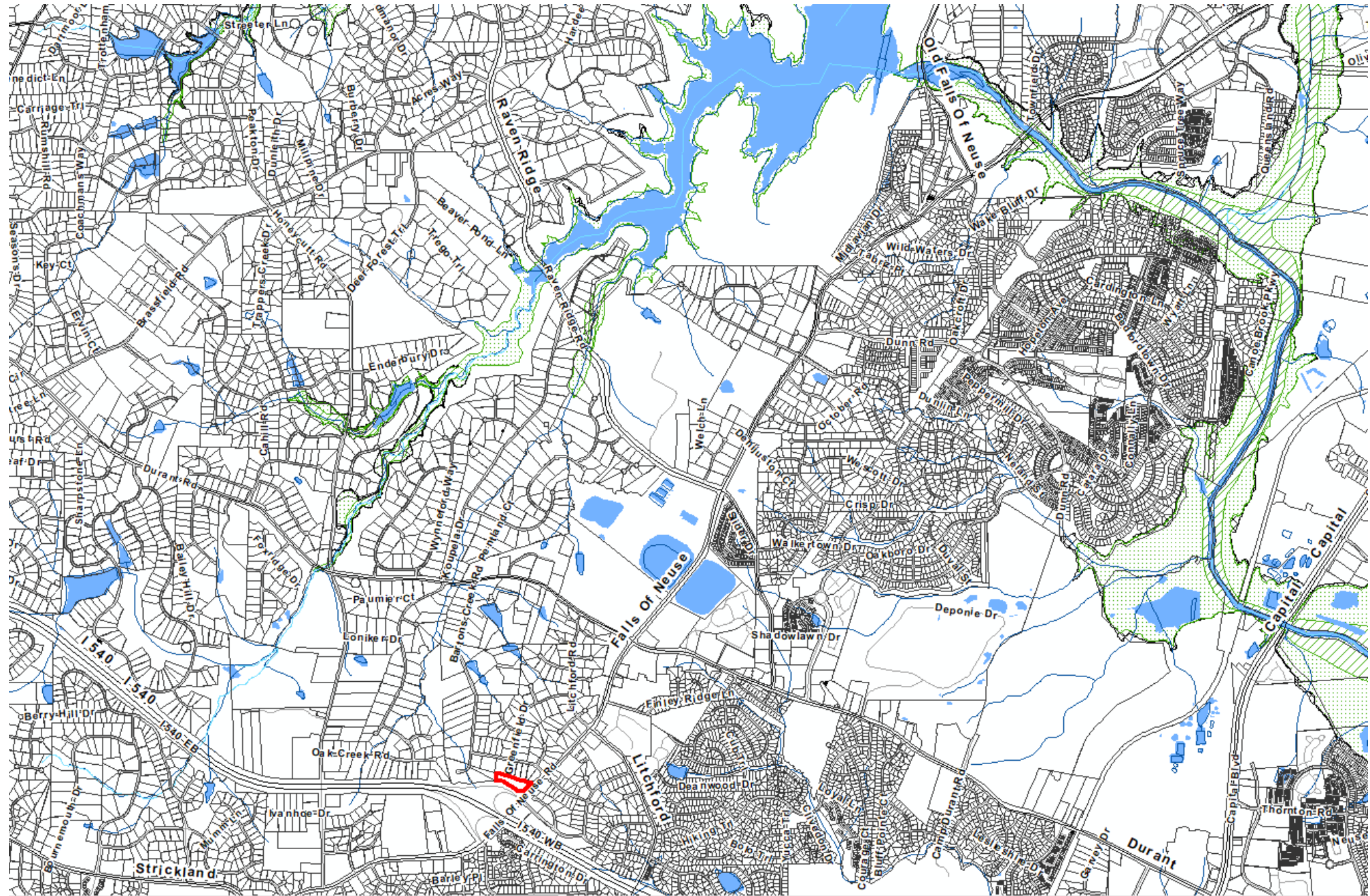


# Aerial- Location Map

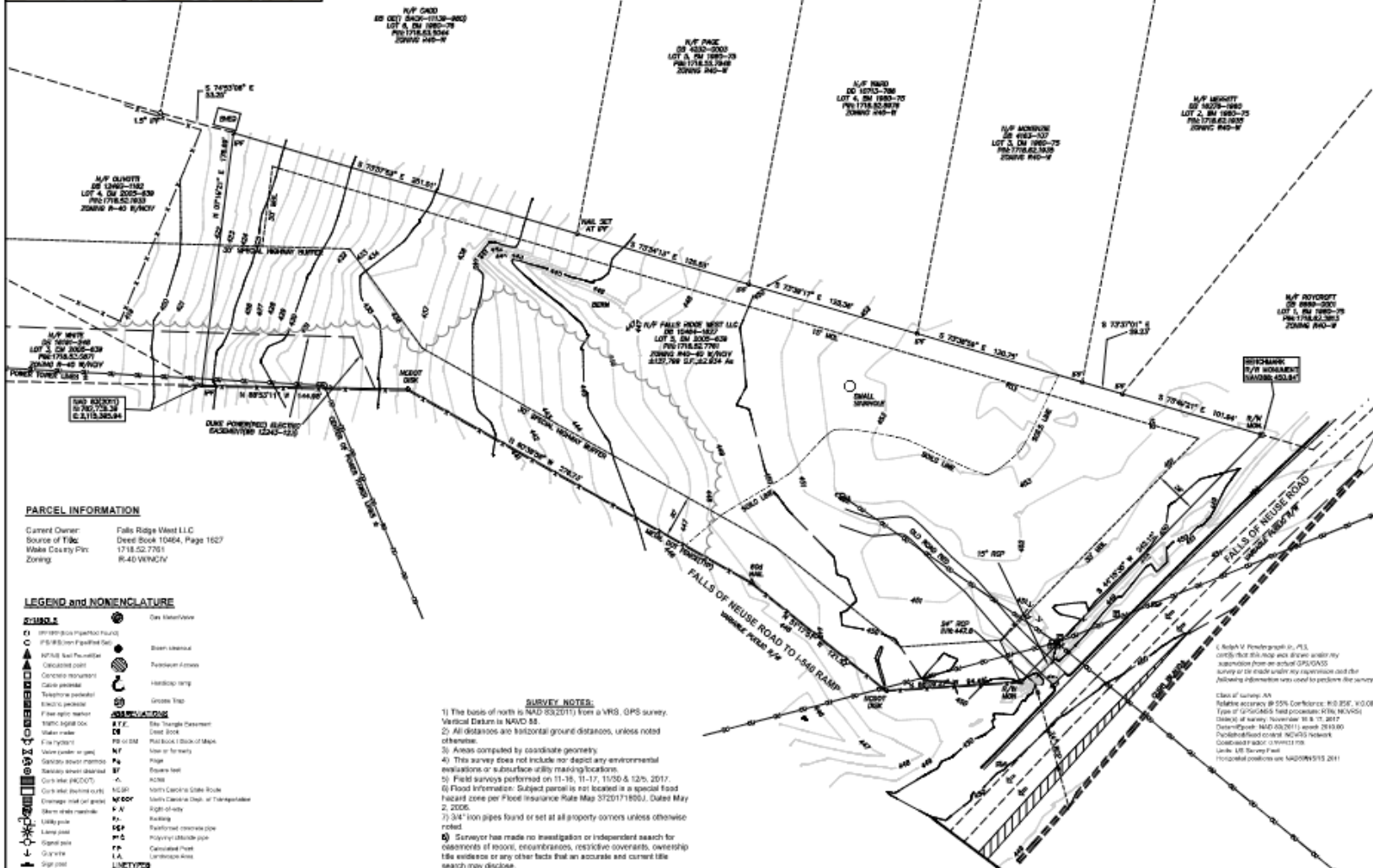




# Environmental Features Map







#### PARCEL INFORMATION

Current Owner: Falls Ridge West LLC  
Source of Title: Deed Book 10464, Page 1627  
Wake County P/z: 1718-02-7701  
Zoning: R-40 WINCIV

#### LEGEND and NOMENCLATURE

SYMBOL	DESCRIPTION	SYMBOL	DESCRIPTION
	Survey Point		Easement
	Boundary Line		Encroachment
	Right-of-Way		Flood Hazard
	Utility		Other

- SURVEY NOTES:**
- 1) The basis of north is NAD 83 (2011) from a VRS, GPS survey. Vertical Datum is NAVD 83.
  - 2) All distances are horizontal ground distances, unless noted otherwise.
  - 3) Areas computed by coordinate geometry.
  - 4) This survey does not include nor depict any environmental easements or subsurface utility marking locations.
  - 5) Field surveys performed on 11-16, 11-17, 11-20 & 12-5, 2017.
  - 6) Flood Information: Subject parcel is not located in a special flood hazard zone per Flood Insurance Rate Map 37201718001, dated May 2, 2006.
  - 7) 3/4" iron pipes found or set at all property corners unless otherwise noted.
  - 8) Surveyor has made no investigation or independent search for easements of record, encroachments, restrictive covenants, ownership title evidence or any other facts that an accurate and current title search may disclose.
  - 9) All easements, right-of-way's, buffers, setbacks and adjacencies, etc. referenced from Plat Book 2505, Page 639, unless otherwise noted.
  - 10) Raw horizontal radius of precision = 1:19,102 unbalanced and 1:23,862 balanced. Survey was balanced and adjusted using the compass rule method.
  - 11) The locations of underground utilities are based upon visible surface evidence. Utility marking was not performed for the survey. Additional utilities may be encountered. All underground utilities should be first located by the appropriate utility company prior to final design or any construction or excavation in the plan areas.
  - 12) Survey relied on 2005-2018 to reflect revised REC/Due Power Easement found at Deed Book 12243, Page 123. The platted power easement from 2005-2018 has been removed/revised.

NAD 83(2011)

GRAPHIC SCALE  
0 50 100  
1" = 100'  
1 cm = 40 m

REVISIONS	
1/2017	Added note from DE
10/2018	Revised D. As Power Easement

**Boundary & Topographic Survey of:**

**9101 Falls Of Neuse Road  
Raleigh, NC**

**Lot 5  
Falls Ridge West**

Book of Maps 2005, Page 639  
Deed Book 10464, Page 1627  
PIN: 1718.02.7701

**Barton's Creek Township  
Wake County, NC**

**Prepared for:**

**Pabst Design Group PA**

Contact: P. Don Pabst, PE  
9111 Pavestone Drive  
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Raleigh, NC 27615  
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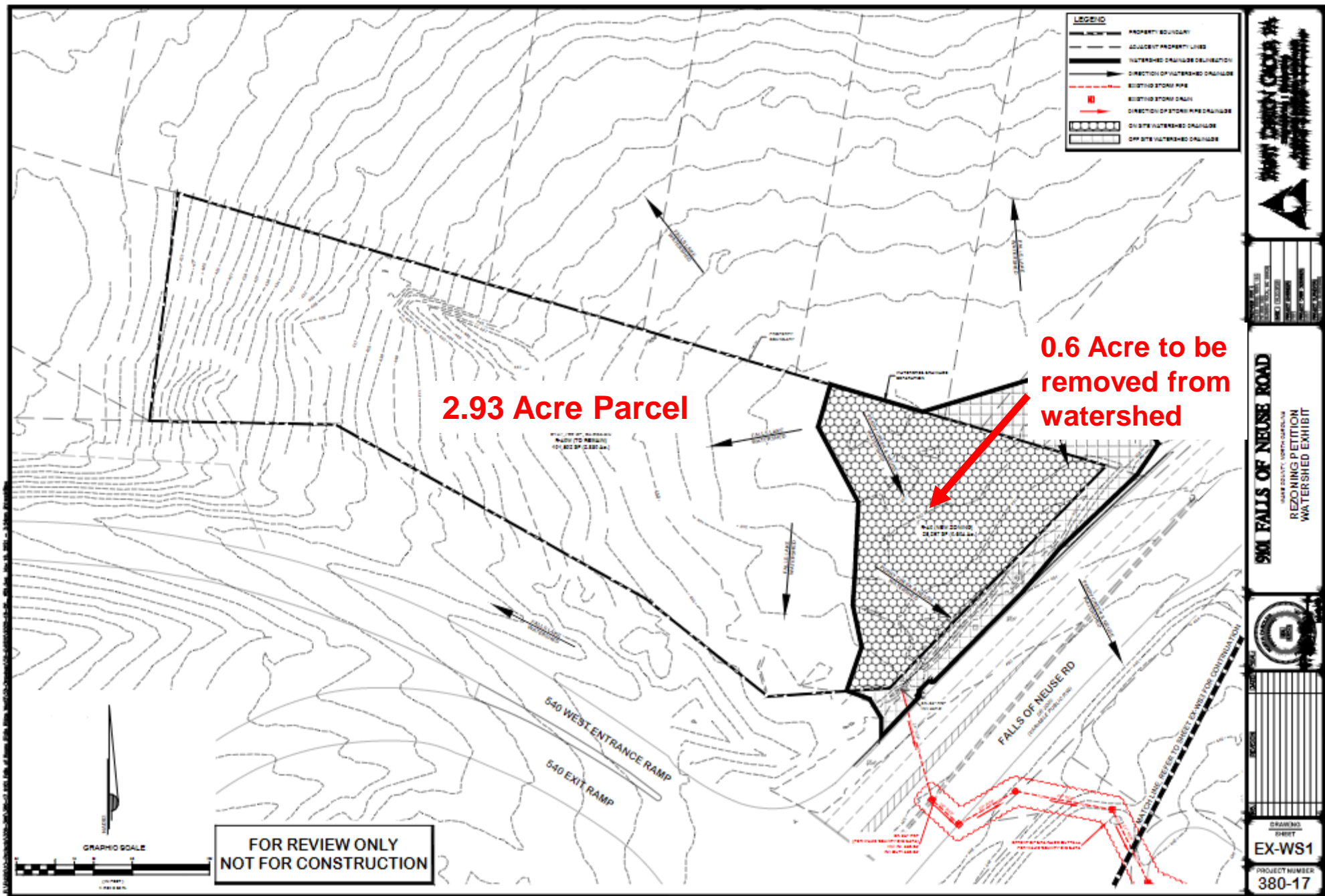
**PTS  
Land Surveying**

License # P-0458  
PO Box 728 • Apex, NC 27502  
Phone: (919) 625-5800  
www.ptsnc.com

**PROJ. # 17012**

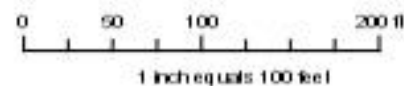
**December 6, 2017**







9101 Falls of Neuse Road, 1999 WC GIS Imagery



Disclaimer

Maps make every effort to produce and publish the most current and accurate information possible. However, the maps are produced for information purposes, and are NOT surveys. No warranties, expressed or implied, are provided for the data shown, discussed, or interpreted.



# Land Use Plan Consistency

- Since this survey represents a refinement of the data (i.e.—the watershed boundary) that is already represented on the General Classification Map, the staff has deemed that the rezoning petition is consistent with the Land Use Plan (would remain NUA).
- The permissible range of uses, if the watershed declassification rezoning is approved, are reasonable for the area (as evidenced by their listing in the Permissible Use Table of section 4-11 of the UDO).
- The petitioner noted that, in their opinion, they comply with 2 stated goals of the Land Use Plan and noted the public benefit of the possible future uses.



# Land Use Plan Consistency

- Goal # 2 “is to allow and “encourage growth close to municipalities” and discusses in the petition material the proximity of more intensive urban-type development across Falls of Neuse Road (a major arterial road).
- Goal # 10, “which is the County’s policy of “prevent[ing] contamination of and maintain[ing] the capacity of groundwater resources”.
- Possible future uses “would be consistent with the adjacent infrastructure, would create additional employment opportunities, and would provide goods and services that are needed and would be enjoyed by the surrounding properties”.

# Public Input / Outreach

- The City of Raleigh planning staff made no comments in response to a March 17, 2022 e-mail including the petition materials requesting feedback.
- The NC Department of Environmental Quality staff was sent the petition materials on March 16, 2022 and has not expressed any concerns.
- The petitioner held neighborhood meetings on November 13, 2019 and January 7, 2020 to discuss the proposed rezoning and possible subsequent development.
- County Planning staff sent notification letters to all property owners (91) within 1,000 feet of the subject property and posted a sign for the rezoning along the Falls of Neuse Road frontage.
- In response, staff has received a few additional phone calls or e-mails.

# Neighborhood Comments/Concerns

- Current traffic issues in the area and increased traffic from the development.
- Possible speculative development of the property.
- Development of parking lot in the watershed.
- Whether the entire property should remain in the watershed.
- Light pollution from the parking lot lights.
- Hours of operation for the business on the property.
- Noise from the development.
- Loss of trees and buffer for noise and adverse visual impacts from I-540.
- Opportunity to express opinion about the rezoning and development to the County.
- Water runoff from the property onto neighboring parcels.
- Abandoned wells on the site.
- The possible presence of contaminants on the site.
- Concerns about an underground storage tank on the site and possible continued contamination.



# Neighborhood Comments/Concerns

- At the May 4<sup>th</sup> Planning Board meeting, some of the neighbors also submitted an opposition petition signed by approximately 140 area residents.
- A copy of the opposition petition was included in BOC packets.
- While some of the petition signers were from the two adjacent subdivisions, there were also some signers from the broader area and included residents from the opposite side of Falls of Neuse Road.
- The planning staff has attempted to address the various concerns as they have been raised by the neighbors.
- The petitioner has offered 6 conditions in an attempt to address some of the concerns that have been raised by the neighbors.

# Other Considerations

- The site will be served by individual well and septic systems as Raleigh has indicated that they will not extend public water and sewer to the site, and they have no interest in annexing the site.
- A detailed traffic assessment was prepared and showed that traffic generation would be 828 trips per day, with an AM peak hour of 71 trips and a PM peak hour of 55 trips.
- No formal TIA is required, however NCDOT will require one at the site plan stage given its proximity to the I-540 westbound on-ramp.
- The 828 new trips is a 1.6% increase over existing traffic, however an on-going NCDOT Falls of Neuse Road widening project should help improve traffic conditions (especially if the I-540 ramp meters are not brought back into service).
- Most subsequent uses would first require a LUPA to create an activity center and then a SUP from the Board of Adjustment via a public hearing after a detailed site plan review by staff to ensure compliance with all applicable regulations.

# Reasonableness and Public Interest

- For all the reasons noted above, the proposed rezoning (a technical correction of the outermost watershed boundary), the retention of the NUA designation, and the stated proposed uses, are reasonable, and appropriate for the area and are in the public interest.



# Staff Findings

1. The proposed CU-R-40 zoning is a refinement of the data that is already represented on the General Classification Map (i.e.--the outermost water supply watershed boundary), therefore the staff has deemed that the rezoning petition is consistent with the Land Use Plan.
2. The petitioner noted that the proposed rezoning complies with two stated goals of the Wake County Land Use Plan.
3. A detailed traffic assessment statement prepared by a professional traffic engineer indicated that the proposed development would generate less traffic than the threshold for a formal Traffic Impact Analysis and would increase traffic on the adjacent roadway by only 1.6%.

# Staff Findings

4. There is an on-going NCDOT project to widen Falls of Neuse Road within this immediate area that should help improve traffic conditions.
5. Most subsequent uses of the subject property would require the petitioner to first obtain a Land Use Plan Amendment (LUPA) via a separate public hearing process to create a new activity center at this location and then a Special Use Permit (SUP) via a public hearing before the Board of Adjustment.
6. A detailed site plan must be approved by the appropriate county and state agencies prior to future development on the subject property to ensure compliance with all applicable regulations.
7. The City of Raleigh's planning staff has made no comment on the rezoning petition.

# Staff Findings

8. The Department of Environmental Quality staff has not indicated any issues or concerns with the proposed technical correction of the watershed boundary.
9. Wake County planning staff has received a number of concerns/objections from some of the surrounding property owners.



# Planning Staff Recommendation

That the Wake County Board of Commissioners adopts the statement of consistency, reasonableness, and in the public interest; approves the zoning map amendment as presented; and authorizes staff to submit it to NCDEQ.

# Planning Board Recommendation

The Planning Board voted unanimously at their May 6, 2022 meeting, that the zoning map amendment is consistent with the Land Use Plan, reasonable and in the public interest, and recommended that the Wake County Board of Commissioners adopts the zoning map amendment as presented and authorizes staff to submit it to NCDEQ.

# Public Hearing



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