

ORDINANCE APPROVING A STATEMENT OF LAND USE PLAN CONSISTENCY, REASONABLENESS, AND PUBLIC INTEREST REGARDING A REZONING REQUEST OF A 0.604-ACRE PORTION OF THE 2.934-ACRE PROPERTY LOCATED AT 9101 FALLS OF NEUSE ROAD FROM RESIDENTIAL-40 WATERSHED (R-40W) TO CONDITIONAL USE-RESIDENTIAL-40 AS A TECHNICAL CORRECTION OF THE OUTERMOST WATERSHED BOUNDARY, THE RETENTION OF THE NON-URBAN AREA DESIGNATION, AND THE PERMISSIBLE RANGE OF USES ARE CONSISTENT WITH THE LAND USE PLAN, REASONABLE, AND OTHERWISE ADVANCES THE PUBLIC HEALTH, SAFETY, AND GENERAL WELFARE; [PLG-RZ-002881-2021]

WHEREAS, the request is to rezone a 0.604-acre portion of the 2.934-acre property located at 9101 Falls of Neuse Road from Residential-40 Watershed (R-40W) to Conditional Use-Residential-40 (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 North Carolina Department of Environmental Quality for formal approval [PLG-RZ-002881-2021]; and

WHEREAS, the proposed Conditional Use-Residential-40 rezoning 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; and

WHEREAS, the requested rezoning is consistent with two stated goals of the Wake County Land Use Plan, more specifically:

- Goal # 2--To encourage growth close to municipalities, to take advantage of existing and planned infrastructure, such as transportation, water and sewer facilities.
- Goal # 10--To prevent contamination of and maintain the capacity of groundwater resources.

WHEREAS, 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); and

WHEREAS, 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% and an on-going NCDOT project to widen Falls of Neuse Road within this immediate area that should help improve traffic conditions; and

WHEREAS, 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; and

WHEREAS, 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; and

WHEREAS, the planning staff recommends that the requested rezoning, as presented, is consistent with the Land Use Plan, reasonable, and otherwise advances the public health, safety, and general welfare as outlined in the draft statement; and

WHEREAS, on May 4, 2022, the Wake County Planning Board voted unanimously to recommend to the Board of Commissioners that the proposed zoning map amendment, as presented, is consistent with the Land Use Plan, reasonable, and in the public interest as further described in the minutes of their meeting; and

WHEREAS, the Wake County Board of Commissioners held a duly-noticed public hearing on June 21, 2022 to consider adopting the staff's draft statement of consistency, reasonableness, and public interest regarding the requested zoning map amendment.

NOW, THEREFORE, BE IT ORDAINED BY THE WAKE COUNTY BOARD OF COMMISSIONERS:

SECTION I

The requested rezoning, is found to be consistent with the Land Use Plan, reasonable, and in the public interest, and otherwise promotes the public health, safety and general welfare, as outlined in the draft statement.

SECTION II

This statement of consistency, reasonableness, and public interest, is hereby adopted.

Commissioner _____ made a motion that the above ordinance be adopted. Commissioner _____ seconded the motion, and upon vote, the motion carried this 21st day of June 2022.

This Instrument Approved as to Form

Wake County Attorney

Date