

**Item Title:** Rezoning of a 7.16-Acre Parcel Located at 4040 South Smithfield Road from Residential-30 (R-30) to Conditional Use-Heavy Commercial (CU-HC) (Case ZP-888-15)

**Specific Action Requested:**

**That the Board of Commissioners considers rezoning petition ZP-888-15 and:**

- 1. Adopts the attached consistency statement finding that the requested rezoning to Conditional Use-Heavy Commercial, 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 as presented.**

**Item Summary:**

**BACKGROUND:** At their June 6, 2016 Board of Commissioners meeting the board held a public hearing on rezoning petition ZP-888-15 to receive public comment and then continued the public hearing until their July 5, 2016 meeting. During the intervening time period the Wake County planning staff spoke with the Town of Knightdale's planning director and offered them an opportunity to provide further comment on this rezoning petition. The town declined to provide anything in writing beyond what has already been included in the attached staff report (see the section entitled Input from the Town of Knightdale).

**PURPOSE:** To rezone a 7.16-acre parcel located at 4040 South Smithfield Road from Residential-30 (R-30) to Conditional Use-Heavy Commercial (CU-HC). The current use is a single-family home and the stated proposed use is to allow for the construction of a self-service storage facility. However, the rezoning decision must be based upon all possible uses as listed in the attached staff report.

**Location:** The subject property is located on the northwestern corner of the intersection of Poole Road and Smithfield Road, at 4040 Smithfield Road.

**Current Zoning:** Residential-30 (R-30)

**Proposed Zoning:** Conditional Use-Heavy Commercial (CU-HC)

**Petitioner:** Michael Birch, Morningstar Law Group

**Owner:** Nancy Anderson

**PINs:** 1762377713

## **Planning Staff Findings**

1. The proposed Conditional Use-Heavy Commercial rezoning, the stated proposed use, and the permissible range of uses are consistent with the Land Use Plan's designation of this area as a Community Activity Center, are reasonable, and appropriate for the area.
2. More specifically, the Community Activity Center allows for moderate-scale mixed-use development that allows for a combination of retail, personal services, civic, educational, and social uses that serve the needs of the surrounding neighborhoods.
3. The proposed rezoning complies with two (2) stated goals of the Wake County Land Use Plan and three (3) stated goals of the East Raleigh/Knightdale Area Land Use Plan (see discussion in the staff report).
4. The traffic volumes and accident reports from the North Carolina Department of Transportation do not indicate any significant traffic issues for Smithfield Road or Poole Road.
5. A detailed site plan must be approved by the appropriate Wake County entity prior to future development on the subject property to ensure compliance with all applicable regulations.
6. Any roadway improvements and/or driveway permits will have to be coordinated with, and approved by North Carolina Department of Transportation during the site plan review process.
7. The Town of Knightdale's planning staff has indicated that they do not support the requested rezoning because it would be inconsistent with their future land use plan for this area. This is currently Wake County's zoning jurisdiction, but it is designated as the town's Short-Range Urban Services Area and is anticipated to become part of the town at some point in the future. The town would prefer to see softer uses such as limited retail, offices and restaurants mixed with higher density residential uses (however the municipal sewer needed to support those uses is not available).
8. The Wake County planning staff has received two phone calls from neighboring property owners expressing a general opposition to the rezoning.

## **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-888-15, as presented.

## Planning Board Recommendation

1) The Planning Board, at their Wednesday, May 18, 2016 meeting, recommended, by a vote of 7 to 0, that the Board of Commissioners finds that the requested rezoning to Conditional Use—Heavy Commercial, 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 Community Activity Center, is reasonable and appropriate for the area;
- b) Consistent with the Community Activity Center designation which is intended for moderate-scale mixed-use development that allows for a combination of retail, personal services, civic, educational, and social uses that serve the needs of the surrounding neighborhoods;
- c) Consistent with two of the stated goals of the Land Use Plan, more specifically:
  - i) Goal # 2--to encourage growth close to municipalities, to take advantage of existing and planned infrastructure, such as transportation, water and sewer facilities;
  - ii) Goal # 3--to encourage the development of communities which provide adequate land for anticipated demands, in a pattern which allows a mixture of uses;
- d) Consistent with three of the stated goals of the East Raleigh/Knightdale Area Land Use Plan, more specifically:
  - i) Goal # 2-- Encourage growth that will take advantage of existing and planned infrastructure so that municipalities are able to provide basic public services in accordance with their adopted plans;
  - ii) Goal # 3-- Focus compact development in mixed-use activity centers that include housing, commercial services and employment opportunities designed with convenient pedestrian and vehicular access from surrounding development areas; and
  - iii) Goal # 5-- Ensure that the East Raleigh/Knightdale Area Land Use Plan takes advantage of, and reflects, the Capital Area's Transportation Plan
- e) Reasonable, and in the public interest because it would allow for subsequent development that would:
  - i) prohibit land uses that are incompatible with nearby residential uses and by limiting lighting impacts;
  - ii) permit uses compatible with the surrounding neighborhood and adjacent properties;
  - iii) meet a demand for the types of uses and services permitted by the proposed rezoning;
  - iv) provide uses and services that can serve as amenities for surrounding neighborhoods, which benefits the surrounding neighborhoods;
  - v) permit commercial uses within proximity to residential uses, thereby reducing the potential vehicle-miles-traveled for surrounding residents to access goods and services;
  - vi) not adversely impact adjacent properties from a stormwater perspective.

All of which advance the public health, safety, and general welfare.

- f) 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 the adjacent roadways, 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 7 to 0, that the Board of Commissioners approve the rezoning request, ZP-888-15, as presented, based on the findings of Land Use Plan consistency, reasonableness, and the public interest.

**Attachments:**

1. PowerPoint
2. Staff Report
3. Ordinance Regarding Statement of Consistency, Reasonableness. and Public Interest
4. Ordinance Approving Rezoning Petition as Presented
5. Petition
6. Maps
7. Neighborhood Meeting Information
8. Planning Board Minutes Excerpt