



REZONING APPLICATION

Submit required documentation to:
Wake County Planning, Development and Inspections
PO Box 550 Wake County Office Building
Raleigh, NC 27602-0550 336 Fayetteville Street Mall, Downtown Raleigh
Contact (919) 856-6335 for additional information

File #
Fee
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Rec'd Date
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Complete with required information (write "n/a" if information is not applicable to proposal).

Proposed Rezoning (include area for each current and proposed district)

From Residential-30 District
(current zoning district(s))
To Conditional Use Heavy Commercial District
(proposed zoning district(s))

Property

Parcel Identification Number (PIN): 1762-37-7713
Address: 4040 S Smithfield Road, Knightdale, NC 27545
Location: West side of S Smithfield Road, at/between
(north, east, south, west) (street)
north side of Poole Road and _____
(street) (street)
Total site area in square feet and acres: 312,027 square feet 7.1632 acres
Zoning District(s) and Overlay Districts (if any) and land area within each: All zoned R-30

Present land use(s): Single Family Residential

How is this proposed use a public necessity? See attached Exhibit A.

What is impact on surrounding neighborhood and adjacent properties?" See attached Exhibit A.

Property Owner

Name: Nancy M. Anderson
Address: 216 Cosgrove Avenue
City: Chapel Hill State: NC Zip Code: 27514
Telephone Number: 919.942.7018 Fax: _____
E-mail Address: lifeplans215@gmail.com

Applicant (person to whom all correspondence will be sent)

Name: Michael Birch, Morningstar Law Group
Address: 630 Davis Drive, Suite 200
City: Morrisville State: NC Zip Code: 27606
Telephone Number: 919.590.0388 Fax: _____
E-mail Address: mbirch@morningstarlawgroup.com Relationship to Owner: Attorney for Contract Purchaser

Site Information

Vehicular Access:

Name of adjacent street	Right-of-way width (ft)	Pavement width (ft)	No. of lanes	Paved? (Y or N)	Roadway design capacity	Traffic volume (ADT) ²
S Smithfield Road	60'	~22'	2	Y	12,000 VPD	12,000 VPD **
Poole Road	60'	~22'	2	Y	12,000 VPD	6,000 VPD **
** As per published NCDOT 2013 AADT figures						

¹ See NCDOT Highway Capacity Manual or Wake County Thoroughfare Plan Appendix

² See CAMPO web site (www.raleigh-nc.org/campo/trafent/98trfent.html) or contact NCDOT Traffic Survey Unit

³ Base on Institute of Transportation Engineers ratios - ratio used for estimate (e.g., x trips per y sf) _____

Utilities and Services:

Water supply provided by: () municipal system (_____)

() community system (_____) (x) Individual well(s)

Wastewater collection/treatment provided by: () municipal system (_____)

() community system - specify type _____ (x) individual on-site system

Solid waste collection provided by: Private Vendor - To Be Determined

Electrical service provided by: Duke Energy

Natural gas service provided by: To Be Determined

Telephone service provided by: To Be Determined

Cable television service provided by: To Be Determined

Fire protection provided by: Eastern Wake #1

Miscellaneous:

Generalized slope of site Slopes generally down from Poole and Smithfield, with low point in northwest corner

Valuable natural features (rare plant community, wildlife habitat, lake, stream, geology, etc.) on or adjoining site: See attached Exhibit A.

Valuable historic resources (homestead, mill, archeological site) on or adjoining site: _____

Captain Bailey Williamston house (circa 1850) is located on site, and designated as local interest historic site.

It appears that the site is not eligible for listing on the National Registry due to the additional of vinyl siding and other modifications.

Land Use Plan Classifications

General Classification (note associated municipality and/or watershed):

() Short-Range Urban Services Area/Water Supply Watershed _____

(x) Short-Range Urban Services Area Knightdale

() Long-Range Urban Services Area/Water Supply Watershed _____

() Long-Range Urban Services Area _____

() Non-Urban Area/Water Supply Watershed _____

() Non-Urban Area

Exhibit A to Rezoning Petition for 4040 S. Smithfield Road

Valuable natural features on or adjoining site?

Response: There are no known occurrences of protected plant or animal species or habitat. There are no FEMA floodplain, jurisdictional wetlands, Wake County flood hazard soils, or streams with Neuse River buffers on this site; however, there is a small drainageway in the northwestern corner of the property.

How is this proposed use a public necessity?

Response: The proposed rezoning permits commercial uses within a designated Community Activity Center in an urbanizing part of the County. The growing residential population in this part of the County is driving demand for the types of uses and services permitted by the proposed rezoning.

What is the impact on surrounding neighborhood and adjacent properties?

Response: The property is located at the intersection of two thoroughfares – Smithfield Road and Poole Road. It is bordered on the west by a twenty-acre parcel zoned HC-CU that is currently used for a trucking and grading business operation. To the north, there are a few residential structures fronting along Smithfield Road. There is a vacant parcel in the southwest quadrant of the intersection that is zoned GB-CU. On the east side of Smithfield Road, across from the property, there are agricultural lands. The Moorefields subdivision is located on the south side of Poole Road, to the southwest of the property. The applicant held a neighborhood meeting on January 21, 2016, and owners from this subdivision attended the meeting. In response to comments received at this meeting, the applicant prohibited additional uses and added a condition requiring full cut-off fixtures for pole-mounted lighting. See attached neighborhood meeting report for additional information. And, in the southeast quadrant of the intersection of Smithfield Road and Poole Road, there is a small convenience store with limited fuel sales. The proposed rezoning would permit uses compatible with the surrounding neighborhood and adjacent properties, particularly given the immediately adjacent industrial use to the west, the existing commercial use to the southeast, and the commercially-zoned parcel immediately south of the property. And, although there are two properties to the north with existing homes and a residential subdivision on the south side of Poole Road, the UDO requires adequate transitions and buffers between commercial and residential uses. Additionally, the proposed rezoning will provide uses and services that can serve as amenities for surrounding neighborhood, which benefits the surrounding neighborhood. Finally, because there are no significant environmentally sensitive areas on the property, development of the property will not adversely impact adjacent properties from a stormwater perspective.

How does the proposed use benefit the adjacent and surrounding properties?

Response: The proposed rezoning benefits the adjacent and surrounding properties by permitting commercial uses within proximity to residential uses, thereby reducing the potential vehicle-miles-traveled for surrounding residents to access goods and services. The UDO standards applicable to such uses ensure appropriate transitions to adjacent properties. Additionally, the conditions associated with the rezoning request benefit adjacent and surrounding properties by prohibiting land uses that are incompatible with nearby residential uses and by limiting lighting impacts.

Statement of Conformance with the Land Use Plan.

Response: The proposed rezoning is consistent with the Land Use Plan because the property is located within a Community Activity Center (per East Raleigh-Knightdale Area Land Use Plan), and the proposed rezoning permits uses encouraged by that designation and prohibits uses incompatible with the activity center designation. Additionally, the rezoning is consistent with several goals of the East Knightdale-Raleigh Area Land Use Plan and the County Land Use Plan.

Specifically, the rezoning request is consistent with Adopted Goals #2, #3, #5 of the area plan, which encourage growth to take advantage of existing and planned infrastructure, including the Capital Area's transportation plan, and focus development in activity centers that include opportunities for commercial, employment and housing uses. The rezoning request takes advantage of the existing and planned infrastructure by locating commercial uses at a major intersection. The rezoning request focuses commercial development in an activity center, and there is residential in the surrounding area – both existing and planned according to the land use plan. The rezoning request is also consistent with the area plan standards applicable to activity centers by permitting uses that can serve the day-to-day needs of the core area as well as the greater needs of people living in the general area.

The rezoning request is consistent with the goals and policies of the County Land Use Plan. Specifically, the request is consistent with Goals #2 and #3. The rezoning request permits growth close to Knightdale's boundaries to take advantage of the existing transportation infrastructure and future municipal utility services, and it locates commercial uses in an area with demand for such services and in an area planned for such services. Also, the rezoning request is consistent with the Plan's definition of an Urban Community Activity Center because it is accessed by major thoroughfares, will be served by municipal services in the future, and allows uses that address the needs and activities of the core area and surrounding residents, such as a self-storage use that is consistent with uses envisioned in such area.

Compliance with Transitional Urban Development Policies:

Finally, the proposed rezoning is consistent with the Transitional Urban Development policies given the urban intensities permitted by the rezoning and the proximity of municipal services, and consistent with those related standards in the UDO governing transportation and utility improvements. In the event of a subdivision, the applicant will be subject to such UDO standards governing transportation and utility improvements. Additionally, development is expected to comply with many of these standards at the time of a planned compliance permit, such as driveway access points, roadway improvements, and pedestrian and bicycle improvements.

Statement of How Rezoning Otherwise Advances Public Health, Safety and Welfare.

Response: The proposed rezoning advances the public health, safety and welfare by permitting commercial uses in close proximity to existing neighborhoods and in a quickly urbanizing area of the County, which can have the effect of reducing vehicle miles traveled. Also, the proposed rezoning advances the public health, safety and welfare by permitting uses consistent with the Land Use Plan guidance and by prohibiting those uses that are not compatible with the Land Use Plan and adjoining residential uses. Third, the rezoning advances the public health, safety and welfare by permitting a low traffic-generating use, with especially low trip generation in the morning and afternoon peak hours. Fourth, the rezoning advances the public health, safety and welfare by permitting development of property that will result in minimal impact on the environment because the property has no FEMA floodplain, jurisdictional wetlands, flood hazard soils or stream buffers on or adjoining the property. In summary, the rezoning request will facilitate development of the property with limited impacts – both on nearby properties, existing infrastructure, and the environment.

EXHIBIT B

Zoning Conditions:

1. The following principal uses, otherwise permitted in the zoning district, shall be prohibited:
 - a. parking, park and ride;
 - b. body art service;
 - c. bars and nightclubs;
 - d. pawnshop, currency exchange or payday loan;
 - e. lodging;
 - f. parking, commercial
 - g. recreation and entertainment, outdoor
 - h. recreation and entertainment, indoor
 - i. day camp;
 - j. mobile home sales;
 - k. sexually oriented business;
 - l. waste-related use – all types;
 - m. water tower – all types;
 - n. static transformer stations, radio/tv and towers, relay station
 - o. lodge or private club
 - p. kennel
 - q. animal shelter
 - r. forestry
2. All pole-mounted lighting shall be full cut-off design.

Exhibit C

The rezoning applicant hereby requests a waiver of a traffic impact analysis. This waiver request is based on the anticipated use of the property as a self-storage facility. This type of use is a low traffic generator, particularly in the morning and afternoon peak periods. Additionally, the trip generation associated with such use is well below the thresholds for a traffic impact analysis set forth in UDO sections 15-12-2 and 15-12-6(B). Finally, in the event the property develops for a use other than self-storage, a traffic impact analysis may be required at the time of a planned compliance permit for such other use, thereby assuring proper consideration of potential traffic impacts.