

**ORDINANCE APPROVING A STATEMENT OF LAND USE PLAN CONSISTENCY, RESONABLENESS, AND PUBLIC INTEREST REGARDING A REQUEST (ZP-888-15) TO AMEND THE WAKE COUNTY ZONING MAP BY REZONING A 7.16-ACRE PARCEL LOCATED AT 4040 SOUTH SMITHFIELD ROAD FROM RESIDENTIAL-30 (R-30) TO CONDITONAL USE-HEAVY COMMERCIAL (CU-HC)**

WHEREAS, the request is 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);

WHEREAS, the requested rezoning to Conditional Use-Heavy Commercial, 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;

WHEREAS, the requested rezoning is 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;

WHEREAS, the requested rezoning is 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;

WHEREAS, the requested rezoning is 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;

WHEREAS, the requested rezoning is 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;

WHEREAS, the requested rezoning is 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.

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;

WHEREAS, on May 18, 2016, the Wake County Planning Board voted 7 to 0 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 20, 2016 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, 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 20th day of June 2016.

This Instrument Approved as to Form

\_\_\_\_\_  
Wake County Attorney

\_\_\_\_\_  
Date