

**Proposed Zoning Map Amendment
Staff Report**

Board of Commissioners Hearing: June 20, 2016

Rezoning Petition #: ZP-888-15

Request: 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)

Note: A conditional use rezoning means that the petitioner has voluntarily offered certain conditions as part of the rezoning petition (e.g.—limiting the number and types of uses that would otherwise be permissible) in an attempt to mitigate the potential for negative impacts of subsequent development upon the surrounding properties. Please see the petitioner’s proposed conditions which includes a number of uses that they have voluntarily excluded from future consideration on the subject property. A list of all of the remaining possible uses in the CU-HC zoning district is attached to this report. However, the petitioner’s stated purpose is to allow for a self-service storage facility.

Location: The subject property is located at the northwestern corner of the intersection of South Smithfield Road and Poole Road and is addressed as 4040 South Smithfield Road.

Current Zoning: Residential-30 (R-30)

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

Existing Land Uses: Single-family dwelling

Petitioner: Michael Birch, Morningstar Law Group

Design Firm: None

Owner: Nancy Anderson

PIN: 1762377713

Surrounding Land Uses and Zoning Districts

Direction	Land Use	Zoning District
North	Single-family residential, vacant wooded	Residential-30
East	South Smithfield Road, agricultural lands, timber lands	Residential-30
South	Poole Road, vacant partially wooded, single-family residential	Conditional Use-General Business, Residential-30

Direction	Land Use	Zoning District
West	Grading contractor, vacant wooded	Conditional Use-Heavy Commercial

Land Use/Zoning History

- 1976: General zoning was first applied to the eastern portion of Wake County
- 2000: East Raleigh/Knightdale Area Land Use Plan was adopted and designated this property as part of a Neighborhood Activity Center (NAC)
- 2001: East Raleigh/Knightdale Area Land Use Plan was updated to expand this NAC to include the property at the southwestern corner of the Smithfield Road/Poole Road intersection
- 2011: This NAC was reconfigured and reclassified as a 128-acre Community Activity Center (CAC)

Wake County Land Use Plan

The Wake County Land Use Plan's General Classification map designates this area as Knightdale's Short-Range Urban Services Area (SRUSA). SRUSAs are defined as areas within the county's zoning jurisdiction that are intended to be urbanized—probably within the next ten years. Please see the discussions below under the “Input from the Town of Knightdale” and “Utilities” sections for information regarding feedback from the Town of Knightdale.

In addition to the general Wake County Land Use Plan, there were several area land use plans that were developed for different portions of Wake County. One of these area plans is the East Raleigh/Knightdale Area Land Use Plan which was adopted in 2000. The subject property is located within a 128-acre Community Activity Center (CAC) as designated on the East Raleigh/Knightdale Area Land Use Plan. The CAC is the mid-level type of Wake County's three classifications of activity centers, allowing for a wide range of uses. CACs are described in the East Raleigh/Knightdale Area Land Use Plan as being serviced by major thoroughfares and municipal water and sewer. The CAC classification 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.

Given the proposed zoning district for the subject parcel (Conditional Use-Heavy Commercial), the stated proposed use (a self-service storage facility), and the allowable range of possible uses (see attached list), the requested rezoning would be consistent with the Wake County Land Use Plan's Community Activity Center designation. Additionally, it complies with several of the goal statements of the Wake County Land Use Plan and the accompanying East Raleigh/Knightdale Area Land Use Plan. The relevant Land Use Plan goals that have been identified by the petitioner are:

- Goal # 2--To encourage growth close to municipalities, to take advantage of existing and planned infrastructure, such as transportation, water and sewer facilities;

- Goal # 3--To encourage the development of communities which provide adequate land for anticipated demands, in a pattern which allows a mixture of uses;

And the relevant goals of the East Raleigh/Knightdale Area Land Use Plan that have been identified by the petitioner are:

- 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;
- 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
- Goal # 5--Ensure that the East Raleigh/Knightdale Area Land Use Plan takes advantage of, and reflects, the Capital Area's Transportation Plan.

As noted above, the petitioner, on behalf of the potential buyer, Eric and Kurt Regensberger, has voluntarily offered a condition that limits the number and types of uses that would be permissible on the subject property. The petitioner's condition has voluntarily eliminated from future consideration 17 types of uses. Please see the attached listing of the 27 remaining types of uses that would be permissible on the subject property (with the appropriate permit) if the Conditional Use-Heavy Commercial zoning district were to be approved.

The petitioner has indicated that "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." He has stated that 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."

The petitioner has noted that "the proposed rezoning will provide uses and services that can serve as amenities for surrounding neighborhood[s], which benefits the surrounding neighborhood[s]". The petitioner also made the following statements regarding the reasonableness and public interest of the requested rezoning and the subsequent development. "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 growing residential population in this part of the County is driving demand for the types of uses and services permitted by the proposed rezoning". "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".

The stated proposed use is to allow for the construction of a self-service storage facility. However, it should be noted that any decision on a rezoning petition must be based upon all possible uses. The requested Conditional Use-Heavy Commercial zoning allows for a wide range of nonresidential uses that are generally consistent with the Land Use Plan's Community Activity Center designation, are reasonable, and appropriate for the area. Any future use on this property will have to be determined to be consistent with the Land Use Plan via a site-specific development plan before it can be approved.

In accordance with the North Carolina General Statutes and the Wake County Unified Development Ordinance, any proposed rezoning should be consistent with the Wake County Land Use Plan. It is the planning staff's professional opinion that the rezoning petition for Conditional Use-Heavy Commercial zoning, the stated proposed use of a self-service storage facility, and the permissible range of uses would be consistent with both the general Wake County Land Use Plan and the East Raleigh/Knightdale Area Land Use Plan, are reasonable, and appropriate for the area.

Required Statement of Consistency with the Land Use Plan and Public Interest

North Carolina General Statute 153A-341, and Section 19-21-6 (C) of the Wake County Unified Development Ordinance, require that the Planning Board provides the Board of Commissioners with a statement of whether or not the proposed rezoning petition is consistent with the Land Use Plan, reasonable, and otherwise advances the public health, safety, and general welfare. In making a determination of whether or not to approve the rezoning petition, the Board of Commissioners must adopt a statement describing whether or not the proposed rezoning petition is consistent with the Land Use Plan, reasonable, and otherwise advances the public health, safety, and general welfare, or why it chose to deviate from the Land Use Plan and how that decision is reasonable and in the public interest.

The petitioner has provided several statements indicating (1) why they believe that the proposed rezoning and subsequent use is a public necessity, and (2) explaining its impact on the surrounding neighborhood and adjacent properties. They have also provided statements of (3) how the rezoning complies with the Land Use Plan; (4) how the rezoning benefits the adjacent and surrounding properties and (5) how it otherwise advances the public health, safety and general welfare. These statements are included in the attached petition package.

The planning staff has drafted a statement of consistency, reasonableness, and public interest for consideration by the Planning Board (see attached draft statement).

Two-Step Conditional Use Rezoning Process

The Wake County Unified Development Ordinance establishes a two-step conditional use rezoning process. The first step is to obtain a conditional use rezoning from the Board of Commissioners. The second step requires that the Wake County Planning Board review and process a Planned Compliance Permit (PCP) for most uses (although

some commercial uses could be approved administratively by staff if they were less than 2,500 square feet in size).

The petitioner has stated that the purpose of the rezoning is to allow for a self-service storage facility. While this is their stated purpose, it is important to note that any rezoning decision must be based upon all possible uses of the subject property as shown in the attached list.

The Planning Board acts as the permit issuing authority, via a public hearing process, for uses requiring a PCP (as per Section 19-22 of the Wake County Unified Development Ordinance). The PCP process requires the petitioner to submit a detailed site plan to the planning staff and Planning Board to demonstrate that the proposed project conforms with all regulations and standards generally applicable within the zoning district and specifically applicable to the particular type of PCP or class of PCPs. The planning staff and Planning Board will also ensure that any rezoning conditions are incorporated into the site plan. The Planning Board may impose additional “reasonable” conditions to address any impediments to the board reaching the required findings that are necessary for approval of the PCP.

A General Use Permit would be processed administratively by the planning staff for nonresidential uses of less than 2,500 square feet (except for those with gas sales) after demonstration of full compliance with all applicable regulations and standards.

Input from the Town of Knightdale

As part of the Wake County planning staff’s review of any rezoning request, a copy of the petition is forwarded to the relevant municipality who’s Urban Services Area that the subject property lies within to allow them the opportunity to provide courtesy review comments. The subject parcel is classified as the Town of Knightdale’s Short-Range Urban Services Area (SRUSA).

Knightdale’s planning staff has provided courtesy review comments indicating “that a rezoning to a Heavy Commercial use would be inconsistent with the Town’s Comprehensive Plan. The Town’s Comprehensive Plan utilizes Design Districts and Activity Centers when designating future land uses. This property is located in an urban village design district and a secondary activity center. The most appropriate [Knightdale] zoning district in the urban village design district is Neighborhood Mixed Use (NMX). The NMX district is intended to provide pedestrian-scaled, higher density residential homes and opportunities for limited scale commercial activities along existing mixed-use corridors, in areas of transition, and at the functional center of new neighborhoods. Development in this district should encourage pedestrian activity through construction of mixed-use buildings and connections to adjacent neighborhoods.”

Please see the related discussion below under the section entitled Utilities regarding municipal utility availability, the timing thereof, and the effect upon future development of the subject property.

Input from Neighboring Property Owners

As per our normal process, the planning staff mailed out letters to all property owners within 1,000 feet of the subject property, and posted public meeting notice signs on South Smithfield Road and on Poole Road. In response to those efforts to solicit neighborhood feedback, the planning staff has received four phone inquiries, with two expressing a general opposition to the request.

The petitioner held a neighborhood meeting on Thursday, January 21, 2016 to discuss the requested rezoning and the stated proposed self-service storage facility. Please see the attached materials related to the neighborhood meeting. It is our understanding that none of the neighbors in attendance at this meeting expressed any opposition to the requested rezoning, but in response to their comments the petitioner voluntarily added some additional uses to the list of prohibited uses.

Two of the neighbors who were in attendance at the neighborhood meeting raised concerns about stormwater that was entering their yards from the property on the north side of Poole Road via a pipe under Poole Road. The petitioner advised those in attendance that the subject property does **not** drain toward Poole Road, and that the stormwater in question is coming off of the 20-acre tract that lies to the west of the subject property. Stormwater falling on the subject property flows to a small drainageway in the northwestern portion of the subject property. Please see the attached Environmental Features map that shows the drainage patterns for this area. [As a side note the county's Environmental Services staff required the owner of the 20-acre tract to construct a small berm to slow the stormwater flow off of that property and to help filter out sedimentation before it leaves that property.]

Utilities

The subject property is classified as being in the Town of Knightdale's Short-Range Urban Services Area (SRUSA). The Wake County Land Use Plan defines SRUSAs as areas within the county's jurisdiction that are intended to be urbanized--probably within the next ten years. The Town of Knightdale's planning staff has indicated that there is a water line within the right-of-way of Poole Road. There are no public sewer lines available in this area at this time, and based upon discussions with the town's staff there are no definitive plans regarding the timing of an extension of sewer lines into this area.

The stated proposed use of a self-service storage facility will not require any water and/or wastewater facilities--not even well or septic--unless it is to be staffed. Other types of development on the subject property will have to be served by an on-site wastewater (i.e.—septic) system until such time as public sewer becomes available.

There is a provision in the Wake County Unified Development Ordinance that will require that **if** the subject property is subdivided (since it is within a Short-Range Urban Services Area) that they contact the Town of Knightdale and seek permission to connect to any public water and/or sewer lines available at that time. That provision does **not** apply unless the property is subdivided. Any such connection to the town's

water and/or sewer lines will probably require annexation into the town, and then subsequent development would occur under the town's development regulations.

The Town of Knightdale has a similar provision that would require utility connection (and annexation) for properties within their SRUSA, however, the town's ordinance cannot be applied to the SRUSA as it is currently under Wake County's zoning authority. It should be noted that some of the uses that the Town of Knightdale would prefer to see occur on the subject property may not be viable options unless and until public sewer becomes available.

Environmental Issues

There are no Federal Emergency Management Agency (FEMA) regulatory floodplains, Wake County flood hazard soils, or streams with Neuse River protected buffers located on the subject property. As noted above, there is a small drainageway along the northwestern corner of the property that may be subject to a 30-foot wide buffer. Please see the discussion about stormwater drainage in the Input from Neighboring Property Owners section above. The Wake County Unified Development Ordinance includes provisions that would require the installation of stormwater control measures to mitigate any potential off-site impacts of the development.

Transportation Plan

The right-of-way of Smithfield Road, which is classified as a major thoroughfare in the Wake County Transportation Plan, is currently listed as being 60 feet wide along the frontage of the subject property. The Transportation Plan prescribes a 120-foot right-of-way for Smithfield Road, which would necessitate the dedication of up to an additional 30 feet of right-of-way along the subject property's road frontage upon redevelopment of the site. The Transportation Plan indicates that the Smithfield Road cross-section is proposed to be widened from its existing two-lane 24-foot roadway to a 70-foot four lane roadway with a landscaped median and a center turn lane in proximity to intersections.

The right-of-way of Poole Road, which is classified as a major thoroughfare in the Wake County Transportation Plan, is currently listed as being 60 feet wide along the frontage of the subject property. The Transportation Plan prescribes a 120-foot right-of-way for Poole Road, which would necessitate the dedication of up to an additional 30 feet of right-of-way along the subject property's road frontage upon redevelopment of the site. The Transportation Plan indicates that the Poole Road cross-section is proposed to be widened from its existing two-lane 22-foot roadway to a 70-foot four-lane roadway with a landscaped median and a center turn lane in proximity to intersections.

Any future redevelopment on this site will be required to comply with the requirements of the Wake County Unified Development Ordinance related to the provision of transportation facilities identified on the Wake County Transportation Plan. The North Carolina Department of Transportation (NCDOT) may require a turn lane or other roadway improvement during their review of the subsequent site plan for development. There is a possibility that NCDOT may not allow a commercial driveway connection

onto Smithfield Road. Any roadway improvements and/or driveway permits will have to be coordinated with, and approved by NCDOT, during the site plan review process.

Traffic Volumes

The 2013 Average Annual Daily Traffic (AADT) counts available from NCDOT for Smithfield Road is 12,000 vehicles per day at a point just north of its intersection with Poole Road. The Wake County Transportation Plan and the accompanying Corridor Profiles booklet state that the current design capacity of this roadway is 12,000 vehicles per day, so the roadway is currently operating at, or above, its design capacity.

This high traffic volume is a result of the opening of the US 64 Bypass around 2006, after which there had been a significant steady increase in traffic for several years as commuters from southeastern Wake County and from western Johnston County used Smithfield Road as a cut through to the US 64 Bypass. However, the traffic flow seems to have stabilized in the last couple of years and appears to have returned to a normal background traffic rate of increase of only 3% per year. Using the 3% growth factor and the published 2013 AADT figure, this would yield 12,922 vehicles per day by mid-2016. While the traffic volume is at, or above, the stated design capacity of this roadway, a majority of that traffic appears to correspond with the AM and PM peak hours of commuting traffic (i.e.—6:00 AM to 9:00 AM and 4:00 PM to 7:00 PM respectively).

The 2013 Average Annual Daily Traffic (AADT) counts available from NCDOT for Poole Road is 5,000 vehicles per day at a point just west of its intersection with Smithfield Road. The Wake County Transportation Plan and the accompanying Corridor Profiles booklet state that the current design capacity of this roadway is 12,000 vehicles per day, so this roadway is operating at only 41.7% of its design capacity.

Accident Report

NCDOT's Traffic Engineering Accident Analysis System report for the three-year period from January 1, 2013 through December 31, 2015 indicated that there have been 40 accidents along the 1.384-mile section of Smithfield Road between Poor Boy Farm Road and Grasshopper Road. During that three-year period there were 15 accidents (37.5%) that occurred at, or in close proximity to, the intersection of Smithfield Road with Poole Road.

There were no accidents on this section of Smithfield Road that resulted in a fatality during this three-year time frame, but there were 14 accidents (35%) that resulted in a total of 23 persons injured. The remaining 26 accidents (65%) involved property damage only. There were four accidents that involved moderate injuries (four persons injured), ten accidents that involved minor injuries (19 persons injured), and no accidents that resulted in serious injuries.

There were 14 accidents (35%) that occurred at night and seven (17.5%) that occurred in wet weather conditions. A quarter (ten) of the accidents on this segment of Smithfield Road involved vehicles that struck a fixed object, with another 15% (six) hitting animals.

Accidents involving rear end, slow or stopped conditions, accounted for only 17.5% (seven) of the 40 total accidents.

These rear end, slow or stopped condition collisions are characteristic of heavy traffic volumes that are typical during busy AM and PM peak hour commuting periods. A similar three-year accident report from 2007 through 2009 indicated that this type of accident then accounted for 36% of all accidents. The current accident report shows a 50% reduction in this type of accident on this segment of Smithfield Road, which appears to reflect a stabilization of commuting traffic in this area and improved driver understanding of the traffic conditions.

Given the traffic volume on this major thoroughfare, an average accident rate of 13.3 accidents per year (or 1.1 per month) is not unusually high or problematic. The installation of a traffic signal at the intersection of Smithfield Road and Sandy Run approximately one mile north of the subject property, approximately six months ago, should further improve traffic conditions on this roadway segment. The traffic signal will create breaks in the traffic flow allowing for safer vehicular left turn movements.

NCDOT's Traffic Engineering Accident Analysis System report for the three-year period from January 1, 2013 through December 31, 2015 indicated that there have been 22 accidents along the 1.021-mile section of Poole Road between Major Slade Road and Huntsboro Road. During that three-year period there were 16 (72.7%) that occurred at, or in close proximity to, the intersection of Poole Road with Smithfield Road.

There were no accidents on this section of Poole Road that resulted in a fatality during this three-year time frame, but there were 12 accidents (54.5%) that resulted in a total of 21 persons injured. The remaining ten (10) accidents (45.5%) involved property damage only. There were four accidents that involved moderate injuries (four persons injured), eight (8) accidents that involved minor injuries (17 persons injured), and no accidents that resulted in serious injuries.

There were eight accidents (36.4%) that occurred at night and five (22.7%) that occurred in wet weather conditions. There was no predominate type of accident on this section of Poole Road that would indicate any particular traffic issue.

Given the traffic volume on this major thoroughfare, an average accident rate of 7.3 accidents per year (or 0.61 per month) is not unusually high or problematic.

Traffic Impact Analysis

A Traffic Impact Analysis (TIA) is required by the Wake County Unified Development Ordinance, for any development, that generates more than 1,000 trips per day, or more than 100 peak-hour trips, as determined by the Institute of Transportation Engineers' (ITE) Trip Generation Manual for specified proposed uses. Any required TIA must be submitted during the site plan approval process.

The stated purpose of the proposed rezoning is to allow for the construction of a self-service storage facility. This type of facility has a very low traffic generation rate according to the ITE manual of only 2.5 trips per day per 1,000 square feet of storage facility. And it is expected that the majority of those trips would occur during off-peak (i.e.—non-commuting) hours. The anticipated traffic generation from the stated self-storage use would not come anywhere near the threshold levels that would trigger the requirement for a TIA as noted in the Wake County Unified Development Ordinance.

Although rezoning decisions must be based upon all possible uses, and some of the other possible uses would generate more traffic than the stated use, we have historically not required TIAs at the rezoning stage unless there were significant traffic issues--either volumes/Levels of Service or number of accidents. Rather, whether or not a TIA would be required should be a site plan specific determination. Ultimately, the staff did not see a compelling public safety issue with the requested rezoning that would adversely affect our support of this rezoning petition. There are sufficient measures to ensure the proper addressing of traffic matters during the more appropriate site plan review process--up to and including the denial of a PCP. Accordingly, we did not require the preparation of a TIA as part of the rezoning request, however, we reserve the right to require a TIA at the time of plan submittal for subsequent development of the subject property (which has historically been our standard practice).

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 above).
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. 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, office 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 draft consistency statement (see immediately below) 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, ZP-888-15, as presented.

Draft Statement for Consideration by the Board of Commissioners

MOTION FOR A FINDING OF CONSISTENCY WITH THE WAKE COUNTY LAND USE PLAN, REASONABLENESS, AND PUBLIC INTEREST (1ST MOTION)

The Board 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, are 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.

MOTION FOR APPROVAL (2ND MOTION)

That the Board of Commissioners 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 upon the findings of Land Use Plan consistency, reasonableness, and the public interest.

**Uses Permissible Within the Proposed
Conditional Use-Heavy Commercial Zoning District**

Upper story residence
Business, trade, technical schools
Cultural exhibits and libraries
Day care, including child care home and child care center
Adult day care facility
Public parks/recreation (including assembly buildings)
Botanical garden/arboretum
Religious assembly
Governmental
Veterinary
Eating and drinking establishments (including drive-through facilities, but excluding bars and nightclubs)
Financial services, (including drive-through facilities and freestanding Automated teller machines)
Funeral home
Gas station
Office (including conference center/retreat house and medical office, clinic or lab)
Neighborhood/convenience-oriented retail (with or without gas sales)
Outdoor sales/service, displays and/or storage
All other retail sales and service
Vehicle sales, leasing, and repair/service
Contractor's office (landscaping, grading, etc...)
Manufacturing (artisan and limited/light)
Self-service storage
Warehousing
Wholesale trade
Solar energy systems
Special Events
Telecommunication Facilities (freestanding and collocated)

Please note that the uses listed above do not indicate that they are viable uses for the subject property in regards to such factors as lot area, the availability of utilities, and compliance with all regulatory requirements, or market demand. Rather this list merely indicates that these uses are available for future consideration. Some of the uses listed above would only be permissible via Planned Compliance Permits issued by the Planning Board after holding a public hearing and making positive findings of fact on several criteria.