

**Proposed Zoning Map Amendment  
Staff Report**

**Board of Commissioners Meeting: September 6, 2016**

**Rezoning Petition #: ZP-890-16**

**Request:** To rezone a 3.65 acre parcel located on the 3600 block of Benson Road (NC Hwy 50) from Conditional Use-General Business (CU-GB) to Conditional Use-Heavy Commercial (CU-HC)

A conditional use rezoning means that the petitioner has voluntarily offered certain conditions as part of the rezoning petition (i.e. limiting the number and types of uses that would otherwise be permissible) in an attempt to mitigate potential negative impacts of subsequent development on the surrounding properties.

The petitioner has limited the proposed uses on this piece of property to Self-Service Storage and Vehicle Sales, Leasing or Rental. Both uses are permitted by right in the Heavy Commercial zoning district. The petitioner has also listed "masonry façade construction" as a condition of approval as well.

**Location:** The subject property is located at the southwestern corner of the intersection of Benson Road (NC 50) and Wakefield Lane and is currently addressed as 0 Benson Road.

**Current Zoning:** Conditional Use-General Business (CU-GB)

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

**Existing Land Uses:** Vacant

**Petitioner:** Ball Rentals LLC

**Design Firm:** None

**Owner:** TH Turner Farms Inc.

**PIN:** 1618 54 6225

## Surrounding Land Uses and Zoning Districts

Direction	Land Use	Zoning District
North	Multi-tenant building including auto service, convenience store with gas.	General Business
East	Single family homes, Turner Farms subdivision	Highway District
South	Retail, Dollar General	Conditional Use-General Business,
West	Single family dwellings	Residential-20 (R-20) and Residential-30 (R-30)

### BACKGROUND INFORMATION

The subject property was rezoned from Residential-20 (R-20) to Conditional Use General Business (CU-GB) in 2010. At that time conditions were placed on the property that limited the number of uses allowed. Although Self-Service Storage is allowed in the General Business district with a Special Use Permit the use was not included as part of the conditional use rezoning in 2010 and is therefore not allowed on the subject property without it being rezoned.

If the property was zoned GB without additional conditions, the applicant would also have to go through the Special Use Permit process. If the property was zoned Conditional Use General Business and included Self-Service Storage as a permissible use, the applicant would have to go through the Special Use Permit process as well as the Planned Compliance Permit process (detailed later in this report)

If the property is rezoned to Heavy Commercial (HC) as proposed, no Special Use Permit would be required; however, since this is a Conditional Use rezoning the Planned Compliance Permit process still applies.

At the time of the 2010 conditional use rezoning, the property was a 5.61 acre tract and included the area where the Dollar General is now located. The property was subdivided in 2011 yielding two tracts – the Dollar General tract and the subject parcel, now 3.65 acres.

Previous to the Conditional Use Rezoning, the subject parcel was part of a larger tract that received Special Use Permit approval in 1998 for a mini-storage facility. That facility is still in existence and is located at 3620 Wakefield Lane, northwest of the subject parcel.

### Land Use/Zoning

1973: General zoning was first applied to the southern portion of Wake County.

1998: This site was part of a larger 8.8 acre tract and was approved for a mini-storage facility (BA 1752).

- 2004: Fuquay-Garner Area Land Use Plan was adopted and designated this property as part of a Community Activity Center (CAC).
- 2010: The property was rezoned from Residential-20 to Conditional Use-General Business.
- 2011: The property was subdivided (from 5.61 acres) into two parcels – the one where the Dollar General now sits and the 3.65 acre subject parcel.

### **Wake County Land Use Plan**

The Wake County Land Use Plan's General Classification map designates this area as Garner's Long-Range Urban Services Area (LRUSA). LRUSAs are defined as areas within the county's zoning jurisdiction that are intended to be urbanized in the foreseeable future. Please see the discussions below under the "Input from the Town of Garner" and "Utilities" sections for information regarding feedback from the Town of Garner.

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 Fuquay-Garner Area Land Use Plan which was adopted in 2004. The subject property is located within a 218-acre Community Activity Center (CAC) as designated on the Fuquay-Garner 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. 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 (self-service storage and vehicle sales, leasing or rental), 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 Fuquay-Garner 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;

The relevant goals of the Fuquay-Garner 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 Fuquay-Garner Area Land Use Plan takes advantage of, and reflects, the Capital Area's Transportation Plan.

As noted, the petitioner has voluntarily limited the types of uses for this parcel of land to include only two possible uses - Self-Service Storage and Vehicle Sales, Leasing or Rental thus eliminating the other 69 types of uses allowed in the Heavy Commercial zoning district.

The petitioner stated, in their statement of conformance with the Land Use Plan, "The Fuquay-Varina/Garner Land Use Plan designates this area as an Existing Activity Center with a 'community' designation. This area is anticipated to see a significant amount of new residential development in the next few decades. "...This immediate area around the property is already developed as commercial which is consistent with the Land Use Plan, and the property is currently zoned commercial. The proposed multi story self-storage facility is consistent with a transitioning area responding to the need for personal and business storage as the population increases."

The petitioner states that due to the increasing residential density in the area a need for self-storage is created, and goes on to state, "Traditional rural mini storage patterns also were more spread out on larger tracts with all metal buildings. This rezoning and subsequent site plan proposes to provide a more transitional urbanized solution to storage with multi story storage and climate control options. With a community designation in place we believe the masonry façade building will blend in and be in harmony with the surrounding residents."

The stated proposed use is to allow for the construction of a self-service storage facility with moving truck rental. However, it should be noted that any decision on a rezoning petition must be based upon all possible uses which in this case is limited to two - Self-Service Storage and Vehicle Sales, Leasing or Rental. It is important to note that either or both of those uses could be located on this parcel.

A masonry façade has also been listed as a condition. The county does not have any design requirements that would yield this type of construction without the applicant voluntarily placing this condition on the approval.

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. Staff believes the proposed use of a self-service storage facility with vehicle sales, leasing or rental, and the permissible range of uses would be

consistent with both the general Wake County Land Use Plan and the Fuquay-Garner 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 as attachments to this report.

The planning staff has drafted a statement of consistency, reasonableness, and public interest for consideration (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 are 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. Again, the petitioner has limited those uses to Self-Service Storage and Vehicle Sales, Leasing or Rental. Since both of these uses would be allowed by right, either use, or a combination of the two uses could be located on the subject property.

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 non-residential 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 Garner**

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 Garner’s Long-Range Urban Services Area (LRUSA).

Garner staff deemed the rezoning request to be neutral on the issue of conformity with the town’s Comprehensive Growth Plan but offered suggestions on additional requirements that could be added to the Planned Compliance Permit.

It is important to note that only the petitioner can place conditions on a Conditional Use rezoning petition as these conditions are voluntary.

The Town of Garner’s comments are attached for your review.

### **Input from Neighboring Property Owners**

Planning staff mailed out letters to all property owners within 1,000 feet of the subject property prior to both the Planning Board and Board of Commissioners’ meetings. Public meeting notice signs were also placed on both Benson Road and on Wakefield Lane.

In response to those efforts to solicit neighborhood feedback, staff has received two phone calls and one email. One caller expressed opposition to having more self-storage facilities in the area. The email was from a resident of a nearby neighborhood and she was concerned about increased crime in the area.

The petitioner also mailed letters to all property owners within 1,000 feet of the property to notify them of two public meetings (July 12 and July 26) to be held at the Panther Branch Community Building. Each meeting was set for a two-hour period. The applicant had maps and architectural drawings available. No one attended either meeting except for the applicant and his staff. Mr. Ball did report that one neighbor contacted him prior to the July 12 meeting to talk about the proposal.

**Utilities**

There are no public water or sewer lines in the area at the current time. Development on the subject property will have to be served by an on-site septic system and individual well.

**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.

**Transportation Plan**

The right-of-way of Benson Road, which is classified as a major thoroughfare in the Wake County Transportation Plan, is currently 110 feet wide with an ultimate right-of-way requirement of 120 feet. The subject property dedicated the required 10 feet of additional right-of-way during a minor subdivision process in 2011. No further right-of-way dedication is required.

The Transportation Plan indicates this section of Benson Road will have four lanes with a landscaped median. NCDOT does not typically install or maintain landscaped medians however so it is unlikely that, even if the road is widened at some point, that the landscaped median will be installed while still in the County's jurisdiction.

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. 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 Benson Road are for the section from Ten Ten Road south to the intersection with Wakefield Lane. This section of road has an estimated count of 15,000 AADT.

The Wake County Transportation Plan states the current design capacity of this section of roadway is 18,000 vehicles per day based on its 25 foot pavement width therefore this section of road is operating at 83 percent of its projected capacity.

**Accident Report**

The NCDOT Traffic Engineering Accident Analysis System report for the three-year period from May 1, 2013 to April 30, 2016 indicated 18 accidents along the .32-mile stretch of NC 50/Benson Road from Turner Pond Drive and Golden Grain Road to Spanish Moss Lane.

Fourteen of the 18 accidents occurred in close proximity to the intersection of Benson Road and Wakefield Lane.

Of the 18 total accidents, half were rear-end collisions. The others were left-turn (4), angle (1), and sideswipe (2) accidents and two collisions with animals. Twelve accidents had either minor or moderate injuries with the other six being property damage only accidents. There were no accidents with fatalities during this time period.

Fifteen of the accidents were during clear weather with three during periods of rain. Fifteen of these accidents also happened during the daylight hours with only three happening at night.

The stretch of road in front of the subject parcel has an average rate of six accidents per year or .5 per month.

### **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 with rental truck leasing. 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 hours. The anticipated traffic generation from this use would not trigger the requirement for a TIA. Typically a TIA is not required at the rezoning stage; however, staff can still request a TIA if the site development plan reveals public safety issues that warrant the document.

The applicant has provided an email from a similar facility estimating about six customers per day. That email is provided as an attachment to this report.

### **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 Fuquay-Garner Area Land Use Plan.
4. The traffic volumes and accident reports from the North Carolina Department of Transportation do not indicate any significant traffic issues for Benson Road or Wakefield Lane.
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 the North Carolina Department of Transportation during the site plan review process.
7. The Town of Garner's planning staff has indicated they are neutral on the requested rezoning but asked that if approved the petitioner include additional conditions.
8. The Wake County planning staff has received two phone calls and one email about the requested rezoning.

#### **Planning Staff Recommendation**

The planning staff recommends approval of the requested zoning map amendment, ZP-890-16, as presented, and finds that the zoning map amendment is consistent with the Land Use Plan, reasonable, and otherwise advances the public health, safety and general welfare.

#### **Planning Board Recommendation**

The Planning Board voted unanimously to recommend approval of the rezoning request at its August 3, 2016 meeting.