

Item Title: Public Hearing on ZP-892-16 to Rezone two Tracts Totaling 116 Acres Located on the 7400 Block of Cleveland School Road from Residential-30 (R-30) with a Resource Conservation Overlay-2 (RCOD-2) to Conditional Use-Residential-15 (U-R-15) with a RCOD-2 Overlay

Specific Action Requested:

That the Board of Commissioners holds a public hearing to consider rezoning petition ZP-892-16 and:

- 1. Adopts the draft statement finding that the requested rezoning to Conditional Use-Residential-15 with a Resource Conservation Overlay-2, 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:

PURPOSE: To rezone two tracts totaling 116 acres located on the 7400 block of Cleveland School Road from Residential-30 (R-30) with a Resource Conservation Overlay-2 (RCOD-2) to Conditional Use-Residential-15 (CU-R-15) with a RCOD-2 overlay.

The petitioner has limited the proposed uses to single family detached residential dwellings with a density of up to 312 dwellings and recreation amenities. Both uses are permitted by right in the Residential zoning district. Subsequent to this rezoning the petitioner will submit a detailed subdivision plan for review by staff to determine compliance with all County development regulations.

Location: The subject property is located on the northern side of Cleveland School Road, north of its intersection with Belve Drive.

Current Zoning: Residential-30 (R-30) with a Resource Conservation Overlay-2 District (RCOD-2)

Proposed Zoning: Conditional Use-Residential-15 (CU-R-15) with a Resource Conservation Overlay-2 District (RCOD-2)

Petitioner: Jack Carlisle c/o Donnie Adams

Owner: Mimosa Farm LLC and KG Plaza LLC

PIN: 1627-29-2845 and 1627-29-6190

Planning Staff Findings

1. The proposed Conditional Use-Residential-15 rezoning (with a RCOD-2), and the stated proposed uses are consistent with the Fuquay-Varina/Garner Area Land Use Plan designation for medium-density residential uses of one to four dwelling units per acre for this area.
2. The proposed rezoning is consistent with the land use plan's objective 1.b which calls for the development of land use plans in conjunction with the relevant municipality.
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 Cleveland School Road.
5. A detailed subdivision 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 subdivision plan review process.
7. The Town of Garner's planning staff has indicated they are in agreement with conditions three and four of the rezoning petition as it relates to utilities and recreation amenities.
8. The Town of Garner's planning staff asked that sidewalks be located on both side of any street serving as a collector or future collector road instead of on one side as proposed by the applicant.
9. The Town of Garner's planning staff also noted that they require a 6" high curb along their roadways rather than a rolled curb or valley curb as proposed.
10. The proposed rezoning would be a similar density to the developments located just over the county line in Johnston County.

Planning Staff Recommendation

The planning staff recommends that the Board of Commissioners:

1. Adopts the attached draft statement finding that the requested rezoning to Conditional Use-Residential-15 with a Resource Conservation Overlay-2, 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;
 - a. and by separate motion
2. Approves the rezoning request, ZP-892-16, as presented.

Planning Board Recommendation

1. The Board finds that the requested rezoning to Conditional Use – Residential-15 with a Resource Conservation overlay-2, the stated proposed use, and the permissible range of uses are:

- a. Consistent with the Land Use Plan's designation for medium density residential uses of 1 to 4 dwelling units per acre for this area;
 - b. Consistent with the land use plan's objective 1.b which calls for the development of land use plans in conjunction with the relevant municipality;
 - 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 Fuquay-Garner 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
 - 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. Not adversely impact adjacent properties from a stormwater perspective.
 - f. All of which advance the public health, safety, and general welfare.
 - g. 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 10 to 0, that the Board of Commissioners approves the rezoning request, ZP-892-16, with the modification that the use will be limited to single family detached residential dwellings with a density of up to 312 dwellings, based on the findings of Land Use Plan consistency, reasonableness, and the public interest.

Attachments:

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