

**Proposed Zoning Map Amendment  
Staff Report**

**Board of Commissioners Meeting: April 3, 2017**

**Rezoning Petition #: ZP-892-16**

**Request:** 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.

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.

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.

**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)

**Existing Land Uses:** Agricultural

**Petitioner:** Jack Carlisle c/o Donnie Adams

**Design Firm:** Adams & Hodge Engineering, P.C.

**Owner:** Mimosa Farm LLC and KG Plaza LLC

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

**Surrounding Land Uses and Zoning Districts**

<b>Direction</b>	<b>Land Use</b>	<b>Zoning District</b>
North	Wooded	R-30 with RCOD-2
East	Single family dwellings, agricultural and wooded	Johnston County
South	Single family dwellings	R-30
West	Single family dwellings, agricultural and wooded	R-30 with RCOD-2

## **Land Use/Zoning**

1970: General zoning was first applied to the southern portion of Wake County.

2004: Fuquay Varina/Garner Area Land Use Plan was adopted and designated this property for residential densities of less than 1.5 dwelling units per acre.

2016: Fuquay Varina/Garner Area Land Use Plan was amended to designate this property for residential densities of 1 to 4 units per acre.

## **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, but probably not within the next 10 years or more. Please see the discussions below under the "Input from the Town of Garner" section for information regarding feedback from the Town of Garner.

The Fuquay Varina/Garner Area Land Use Plan, which was amended in 2016 via LUPA-02-16, designates this area for medium-density residential uses of 1 to 4 dwelling units per acre. The petitioner has indicated that they plan to develop the tracts as a residential subdivision. The requested Conditional Use-Residential-15 (CU-R-15) zoning with a Resource Conservation Overlay-2 District (RCOD-2) allows for medium-density residential development with a minimum lot size of 15,000 square feet, which equates to 2.90 dwelling units per acre-thus the allowable density will comply with the Land Use Plan. Given the proposed zoning district for the subject parcel (CU-R-15), and the allowable range of possible uses (residential use with recreational amenities), the requested rezoning would be consistent with the Wake County Land Use Plan designation.

Besides the proposed rezoning's residential density complying with that allowed by the Land Use Plan, one of the plan's stated objectives should also be referenced. Objective 1.b. of the Land Use Plan calls for the development of land use plans in conjunction with the relevant municipality, the designation of short- and long-range urban services areas (long range in this case), and using those plans as a guide for development. The requested rezoning is consistent with the planned density and timing of utilities to guide the type of development as set forth in the Wake County Land Use Plan.

The rezoning request also complies with two of the goal statements of the Wake County 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;
- 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 Varina/Garner Area Land Use Plan that has 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;

- Goal # 5--Ensure that the Fuquay-Garner Area Land Use Plan takes advantage of, and reflects, the Capital Area's Transportation Plan

The petitioner, Donnie Adams, has indicated that the conditions associated with the rezoning request will allow for a more condensed clustering of residential lots while leaving a generous amount of open green space to be enjoyed by the residents of the development. Also, the future development will be a pedestrian friendly, walkable community with sidewalks, greenway trails and a recreation area. The petitioner has also stated that although the area has a rural "flavor," a high-density development would not be out of character, and would be in line with the adjacent developments located just over the county line in Johnston County. He has noted that the tracts are located not far from the I-40/NC42 interchange, providing convenient access to major highways.

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-Residential-15 zoning (with a Resource Conservation Overlay-2) and the permissible densities and range of uses would be consistent with the Land Use Plan and 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 petitioner package.

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

#### **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's planning staff has provided courtesy review comments indicating that they would like a sidewalk on both sides of any street serving as a collector or future collector road and along Cleveland School Road. Garner's planning staff also noted that they currently do not allow for

rolled or valley curb. Garner has indicated they are in agreement with the petitioner's conditions 3 and 4 as shown on the petition.

The petitioner has stated in conditions 1 and 2 on their application that a sidewalk or a multi-use path will be located on one side of every street in this development to create a walkable community and that an urban streetscape with curb and gutter, rolled curb or valley curb will be located anywhere that a sidewalk is planned. Any areas where a multi-purpose path is planned may have a swale.

It is important to note that only the petitioner can place conditions on a Conditional Use rezoning petition as these conditions are voluntary. The petitioner, Donnie Adams, at the March 1, 2017 Planning Board meeting voluntarily added a 5<sup>th</sup> condition, limiting the tracts to residential use with no more than 312 lots.

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

As per our normal process, the Wake County planning staff mailed out notification letters for the public meeting to all property owners within 1,000 feet of the subject property, and posted a public meeting notice sign on the property on March 24, 2017 along Cleveland School Road.

In response to those efforts to solicit neighborhood feedback, staff has received three phone calls and emails from residents of a nearby neighborhood with concerns about increased traffic on the neighboring roads (Cleveland School Rd, Benson Rd and NC 42 Highway).

The applicant invited roughly 75 property owners surrounding the site to a community meeting on July 21, 2016 at the Turner Memorial Baptist Church located on NC 50. The meeting was organized to discuss the land use plan amendment as well as the proposed rezoning. One issue that came up from the meeting was traffic; the applicant stated they will be doing a traffic impact analysis as part of the subdivision review process.

### **Utilities**

The subject property is classified as the Town of Garner's LRUSA. The Wake County Land Use Plan defines LRUSAs as areas within the county's jurisdiction that are intended to be urbanized, but probably not within the next ten years. There are no municipal water or sewer lines currently within this area, but there is an existing Johnston County waterline along Cleveland Road that serves a subdivision south of the proposed properties. The subject parcels are not part of the agreement between Raleigh, Garner, Johnston County and Wake County to receive public water service provided by Johnston County. Garner has indicated that they have no plans to extend water and/or sewer lines into this area with the foreseeable future.

The applicant has stated that they plan to use a community well for water service and construct a package treatment plant for wastewater service. Prior to construction of a community well and community sewer systems the applicant must obtain approval from the North Carolina Department of Environmental Quality. The applicant has stated in condition number three that both the water and sewer system will be designed and installed to the Town of Garner, City of Raleigh and State of North Carolina standards.

The applicant has stated that fire suppression will be accomplished by making use of the existing Johnston County waterline that is located along Cleveland Road. The subject properties for which the rezoning is being requested are within the Garner Fire District; however the Cleveland Fire Station is less than one mile from the site and there are two fire hydrants located along the road frontage of the property. There's an automatic aid agreement that is in

place with the Cleveland Fire Station and Garner Fire Rescue to utilize the Johnston County fire hydrants if needed.

The requested rezoning is consistent with the Wake County Land Use Plan's objective 1.b, which calls for the development of land use plans in conjunction with the relevant municipality, the designation of short- and long-range urban services areas (long range in this case), and using those plans as a guide for development. The requested rezoning is consistent with the planned density and timing of utilities to guide the type of development as set forth in the Wake County Land Use Plan.

### **Environmental Issues**

There are no Federal Emergency Management Agency (FEMA) regulatory floodplains located on the property. There are Wake County flood hazard soils as well as a USGS blue line stream and several small drainageways on this property. There may also be 50-foot Neuse River riparian buffer and a 100-foot Wake County water supply watershed buffer along the USGS blue line stream. Various provisions of the Wake County Unified Development Ordinance (UDO) will restrict or prohibit development within these environmentally sensitive areas. All of these areas of concern will be addressed during the review of any subsequent development plans.

### **Transportation Plan**

The right-of-way of Cleveland School Road, which is classified as a major thoroughfare in the Wake County Transportation Plan, currently has a 60-foot width along the frontage of the subject tracts. The Transportation Plan prescribes an 80-foot right-of-way for Cleveland School Road, which would necessitate the dedication of an additional ten feet of right-of-way along the subject property's frontage upon development of the site.

Any future development 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 improvements during their review of the subsequent subdivision plan for development. Any roadway improvements and/or driveway permits will have to be coordinated with, and approved by NCDOT, during the subdivision plan review process.

### **Traffic Volumes**

The most recent available NCDOT average annual daily traffic (AADT) counts for this area are from 2014 & 2014

- 2014 AADT for NC 42 near the intersection with Interstate 40 of 28,000
- 2015 AADT for Cleveland School Road near the NC 50 intersection of 8,000
- 2015 AADT for NC 50 (Benson Road) north of Cleveland School Road of 15,000

The Wake County Transportation Plan states the current design capacity of this section of roadway is 18,000 vehicles per day based on its 22-foot pavement width therefore this section of road is operating at 42% of its projected capacity.

Wake County planning staff consulted with Capital Area Metropolitan Planning Organization (CAMPO) on future road improvements within the Cleveland School Road area. CAMPO staff highlighted the NC 42 widening projects that are expected to be completed in 2021. NC 42 will be four lanes from NC 50 to the US 70 Bypass. As part of the I-40 widening, the interchange with NC 42 will see improvements as well. NC 540 extension through this area is scheduled for 2020. At this time CAMPO does not have any funded improvements to NC 50, but they are hopeful for widening projects will come in future prioritization cycles.

### **Accident Report**

The NCDOT Traffic Engineering Accident Analysis System report for the three-year period from May 1, 2013 to April 30, 2016 indicated 8 accidents at the intersection NC 50/Benson Road and Cleveland School Rd, which is approximated 3,400 feet from the proposed site.

Of the eight total accidents, seven were rear-end collisions and one a sideswipe accident. Two 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.

This intersection west of the subject parcel has an average rate of two accidents per year or 0.2 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 subdivision plan approval process.

Although rezoning decisions must be based upon all possible uses, the petitioner has indicated that they intend to subdivide the 116 acres into approximated 312 residential lots. The intended proposed residential development would require a TIA to be submitted as part of a subdivision development plan. Typically a TIA is not required at the rezoning stage; however, the applicant has submitted a TIA in preparation for the pending subdivision plan submittal and is being reviewed by the County's consulting engineer and NCDOT. During the subdivision plan approval process the petitioner will be required by the UDO to install any necessary roadway improvements that may be recommended by the findings of the TIA and/or the County's consulting engineer who reviews TIA submittal. All roadway improvements are subject to coordination with, and approval by NCDOT.

### **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 1 to 4 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 3 and 4 of the rezoning petition.
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 do not allow for rolled curb or valley curb.
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 **approval** of the requested zoning map amendment, ZP-892-16, 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 by a vote of 10-0 to recommend approval of the rezoning request with the modification that the use will be limited to single family detached residential dwellings with a density of up to 312 dwellings at its March 1, 2017 meeting.