

Item Title: Public Hearing on ZP-889-16 to Rezone a 16.89-acre Portion of a 66.85-acre Parcel Located at 9927 Falls of Neuse Road from Residential-80 Watershed (R-80W) to Residential-40 Watershed (R-40W) as a Technical Correction of the Zoning Map

Specific Action Requested:

That the Board of Commissioners holds a public hearing to consider rezoning petition ZP-889-16 and:

- 1. Adopts the drafted statement finding that the requested rezoning to Residential-40 Watershed, the existing and proposed continued 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 a 16.89-acre portion of a 66.85-acre parcel located at 9927 Falls of Neuse Road from Residential-80 Watershed (R-80W) to Residential-40 Watershed (R-40W) as a technical correction of the zoning map based upon more accurate topographic data that was not available when the original watershed study, which created the R-80W zoning line, was developed in 1992. Please see the Background section below for additional information.

Location: The subject property is located at the northwestern corner of the intersection of Falls of Neuse Road and Durant Road and is addressed as 9927 Falls of Neuse Road

Current Zoning: Split zoned R-40W (42.12 acres) and R-80W (24.73 acres)

Proposed Zoning: Split zoned R-40W (59.01 acres) and R-80W (7.84 acres)

Petitioner: Loftee Smith, Withers and Ravenel Engineering

Owner: Children's Bible Ministries of North Carolina, Greg Burton, Executive Director

PIN: 1718768824

Background:

The petitioner's stated purpose for the rezoning is to allow for the reconstruction of a number of existing cabins that operate as a summer youth camp due to their age and deteriorated condition (and to make some ancillary site improvements). The petitioner has indicated that the State Building Code will necessitate that the replacement cabins must be larger than the existing cabins on a per occupant basis. The issue is that the

camp is already over the 6% impervious surface limit allowed under the County's R-80W zoning. The existing impervious surface coverage, approximately 9%, is legitimately grandfathered (i.e.—allowed to remain) because the cabins pre-dated the application of Wake County zoning to this area, but no new impervious surfaces can be added under the current zoning. The petitioner has indicated that this need for additional impervious surface allowance is what inspired them to investigate how the critical/noncritical zoning line was initially established in this area.

In other areas of the County's zoning jurisdiction the critical / noncritical (i.e.--R-80W / R-40W zoning) boundary line is set by measuring a half-mile **plus 300 feet** from the **flood** pool elevation of the relevant water body, versus the state's general requirement of a half-mile from the **normal** pool level of the water body. The critical area in this portion of the Falls Lake watershed, around the Lower Barton's Creek and Honeycutt Creek arms of Falls Lake, is even more restrictive. The reason that the County voluntarily choose to apply stricter water quality protection standards (i.e.--a wider critical area) around these two creeks is that they surround a peninsula where the City of Raleigh's water treatment plant's intake is located.

The County, in collaboration with the City of Raleigh--and at the City's request--established this self-imposed critical / noncritical boundary line in 1997 based upon a 1992 engineering study that established a 200-minute time-of-concentration line for water entering the lake from those two creeks.

The basis of the petitioner's rezoning request is the availability of much more accurate topographical information now versus what was available during the development of the 1992 study. The result of the more accurate mapping showed that the zoning line should be shifted 600 feet to the northwest of the current R-80W / R-40W zoning line (i.e.--towards the lake). The requested zoning line would still be almost a mile (i.e.--5,174 feet) from the closest point of Fall's Lake—nearly double the state's required critical area of a half-mile from the normal pool level of the lake.

The City of Raleigh's Public Utilities and Stormwater Management staffs have indicated that they agree with the results of the new study and that they support the rezoning petition. The State Department of Environmental Quality considers this rezoning request to be a minor, technical boundary adjustment, in part, because the adjustment is to Wake County's more restrictive, self-imposed critical area boundary and not to the state's required half-mile critical area boundary.

Planning Staff Findings

1. The proposed rezoning, the existing and proposed continued use, and the permissible range of uses, are consistent with the Land Use Plan's designation of this area as a Non-Urban Area/Water Supply Watershed, are reasonable, and appropriate for the area.
2. More specifically, the Non-Urban Area/Water Supply Watershed designation allows for limited nonresidential uses such as this summer youth camp.
3. The proposed rezoning also complies with three (3) stated goals of the Wake County Land Use Plan (see discussion above).
4. There are no environmental concerns, no anticipated increase in traffic to/from the site, or other issues that would be detrimental to the public interest.

5. A detailed site plan must be approved by Wake County prior to reconstruction of the existing cabins and/or to make ancillary site improvements to ensure compliance with all applicable regulations.
6. The City of Raleigh's Public Utilities and Stormwater Management staffs have indicated that they support the requested rezoning.
7. The North Carolina Department of Environmental Quality considers this a minor adjustment to the critical area and confirmed that the new critical area would continue to exceed the State's requirement.
8. The Wake County Planning Staff has received no objections from the surrounding property owners or the general public.

Planning Staff Recommendation

The planning staff recommends that the Board of Commissioners:

- (1) Adopts the attached draft statement finding that the requested rezoning to Residential-40 Watershed, the existing and proposed continued 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-889-16, as presented.

Planning Board Recommendation

The Planning Board, at their Wednesday, May 3, 2017 meeting, recommended, by a vote of 7 to 0, that the Board of Commissioners approves the rezoning request ZP-889-16, as presented, based upon the statement of Land Use Plan consistency, reasonableness, and the public interest.

Attachments:

1. PowerPoint
2. Staff Report
3. Ordinance Regarding Statement of Consistency, Reasonableness, and Public Interest
4. Ordinance Approving Rezoning Petition as Presented
5. Petition
6. Rezoning Survey Exhibit
7. Maps
8. Withers and Ravenel Memos
9. Planning Board Minutes Excerpt
10. E-mail from City of Raleigh Public Utilities and Stormwater Management Staff
11. E-mail from North Carolina Department of Environmental Quality
12. E-mail from Capital Area Preservation
13. Neighborhood Meeting Information