

## **Proposed Zoning Map Amendment Staff Report**

**Board of Commissioners Hearing: June 19, 2017**

**Rezoning Petition Case #: ZP-889-16**

**Request:** 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 based upon more accurate topographic data that was not available when the original watershed study that created the R-80W zoning line was developed in 1992.

**Note:** A list of the uses that are permissible in the R-40W zoning district, but not permissible in the R-80W zoning district, is attached to this report. However, the petitioner's stated purpose is to allow for the reconstruction of the deteriorated cabins on the New Life Camp site to current State Building Code standards for health and safety purposes.

**Location:** The subject property is located at the northwestern corner of the intersection of Falls of Neuse and Durant Roads 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)

**Existing Land Use:** New Life Camp—summer youth camp, after school care, academic enrichment classes, clubs, clinics, and home school athletic programs

**Petitioner:** Loftee Smith, Withers and Ravenel Engineering

**Design Firm:** Withers and Ravenel Engineering

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

**PIN:** 1718768824

### **Surrounding Land Uses and Zoning Districts**

<b>Direction</b>	<b>Land Use</b>	<b>Zoning District</b>
North	Raleigh water treatment plant	Raleigh City limit-Residential-1 (R-1)
East	Falls of Neuse Road, Wake Med hospital, Masonic Lodge	Raleigh City limits-Office Mixed-Use 5 (OX-5-CU)
South	Durant Road, single-family residential, Walgreens drug store	Wake Co. Residential-40 Watershed and Residential-40
West	Single-family residential	Wake Co. Residential-80 Watershed and Residential-40 Watershed

## Land Use/Zoning History

- 1970: General zoning was first applied to the northwestern portion of Wake County
- 1984: Residential-40 Watershed and Residential-80 Watershed zoning districts were created and applied to the Falls Lake area (as well as to other watershed areas within Wake County's zoning jurisdiction)
- 1997: Rezoning of 1,790 acres around Lower Barton's Creek and Honeycutt Creek to expand the critical area (i.e.—R-80W) near the Raleigh water treatment plant's intake to reflect a 200-minute time-of-concentration based upon the 1992 Black & Veatch study

## Background Information

### History of Wake County's Critical/Noncritical Zoning Boundary Near the Subject Property

As background information, the critical area that Wake County applies in all of the watersheds within the County's zoning jurisdiction differs from the State's general requirement in two regards as explained below. And the critical area that the County applies to this particular portion of the Falls Lake watershed is even more restrictive. 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. So the County's critical area includes the extra 300-foot offset **and** it is measured from the flood pool elevation versus the normal pool elevation of the relevant water body.

The subject property for this rezoning petition is New Life Camp (a summer youth camp), which is located at 9927 Falls of Neuse Road (PIN 1718768824). This portion of the Falls Lake watershed, around the subject property, is the lone exception to the County's general half-mile-plus-300-feet rule that was described above. More specifically, the exception to that rule is for the area around the Lower Barton's Creek and Honeycutt Creek arms of Falls Lake. 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 this portion of Falls Lake surrounds a peninsula where the City of Raleigh's water treatment plant's intake is located. Please see the attached map entitled "Honeycutt and Lower Barton's Creeks" for the relevant locations of these two creeks, Raleigh's intake, and the subject property.

The County, in collaboration with the City of Raleigh--and at the City's request--established this self-imposed critical/noncritical boundary line on September 15, 1997. This boundary line was 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 referenced 200-minute time-of-concentration line represents a series of contiguous points uphill from the lake's surface near the intake whereby it would take rainfall—or a contaminant—to travel to that location in a 200-minute time period. These points are not equidistant from the intake because the travel time is a function of slope and surface

conditions. This 1992 study, by the engineering firm Black & Veatch, is entitled "Watershed Study of Honeycutt and Lower Barton's Creek". Please see the attached "Original 1992 Study Map" that resulted from the Black and Veatch study.

This 200-minute time-of-concentration line extends much further inland from the lake than either the State's required half-mile distance (i.e.--2,640 feet from the lake's **normal** pool level) or even the County's higher standard of 2,940 feet from the lake's **flood** pool level). The Planning Staff calculated the distance from the widest point of Honeycutt Creek just above where it enters Falls Lake to the closest point of the subject property as approximately 4,400 feet. The County's current critical/noncritical zoning line (R-80W / R-40W), which is based upon the 1992 Black & Veatch study's 200-minute time-of-concentration line, measures at 5,774 feet (i.e.--1.09 miles) from that same point upstream of the lake surface.

### **Petitioner's Basis for Rezoning Petition**

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. More specifically, the petitioner used the most currently available LIDAR topographic data with far more accurate 2-foot contours versus the 1:24,000 scale USGS maps with 10-foot contours that were used for the 1992 study's original boundary determination. LIDAR stands for Light Detection and Ranging and is capable of providing far more accurate measurements of the topography of the land. A LIDAR survey is made by flying equipment over the subject site and bouncing a pulsed laser light off of the ground and measuring the reflected light with on-board sensors.

The attached map from the original 1992 study shows the vague, small-scale illustration that was the basis for establishing the 1992 critical/noncritical zoning boundary line in this area. Wake County applies a Residential-80 Watershed (R-80W) zoning district to the critical areas of the various watersheds in the County (regardless of how the critical area is determined) and a Residential-40 Watershed (R-40W) zoning district to the noncritical watershed areas.

The 1992 study's 200-minute time-of-concentration map was the basis for the R-80W / R-40W zoning line as shown on the attached Zoning Map. Wake County restricts nonresidential development, such as this youth camp use, to 6% impervious surface coverage in the R-80W critical area and to 12% in the R-40W noncritical area.

The petitioner has indicated that this rezoning petition for the 16.89-acre portion of this 66.85-acre New Life Camp parcel is intended to make a technical correction to the zoning boundary line that falls within the subject property to reflect a more accurate representation of the 200-minute time-of-concentration line from the 1992 Black & Veatch watershed study based upon the LIDAR topographical data. If the rezoning petition is approved, the R-80W zoning line would shift approximately 600 feet to the northwest and a net area of 16.89 acres would be reclassified from R-80W (critical area) to R-40W (noncritical area). The requested R-80W zoning line "correction" would still be

approximately 5,174 feet (i.e.--0.98 mile) from the point in Honeycutt Creek just above where it enters Falls Lake--almost double the State's minimum half-mile requirement.

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. The petitioner has indicated that various provisions of the State Building Code will necessitate that the replacement cabins must be larger than the existing cabins on a per occupant basis. The petitioner has indicated that there is no proposed increase in the number of campers at the facility, although they have mentioned making some minor, ancillary improvements such as sidewalks, improving emergency vehicle access, and a maintenance building. A detailed site plan review process will be required prior to reconstruction of the cabins or construction of any other site improvements.

Currently the majority of the New Life Camp cabins lie within the R-80W zoning area which is restricted to 6% impervious surface coverage. Please see the attached "Existing Zoning Map" and "Proposed Zoning Map" prepared by Withers and Ravel. These maps show the location of the various structures on the subject property relevant to the existing and proposed R-80W zoning lines. Some of these cabins were built in the 1930's, with 18 of the 19 cabins having been built prior to 1950. The New Life Camp Board of Directors has determined that all of the cabins will need to be replaced from a safety/liability point-of-view.

Phil Begany, a member of the New Life Camp Board of Directors explained that the replacement of the existing deteriorated cabins and the ancillary site improvements are "necessary for the camp to continue to provide a safe and fulfilling experience for the camp users and staff". The petitioner has stated that "The need to replace the existing cabins to meet current building code requirements is a matter of public safety and will require an increase in impervious area not allowed by the current zoning. This is not a condition created by the use of the camp, but a need to improve the camp".

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) as the cabins pre-dated the application of Wake County zoning to this area and replacing the cabins under the current State Building Code requirements will increase impervious surfaces on the site. If the rezoning of the requested area is approved, the impervious surface coverage limit for that area would be increased to 12%, which the petitioner has indicated would be sufficient to allow for the reconstruction of the exiting cabins and the ancillary site improvements.

The petitioner, Withers and Ravenel Engineering, 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, and after reviewing the 1992 Black & Veatch watershed study they initiated discussions with Wake County Planning Staff to consider a rezoning.

### **Re-creation of 1992 Study with LIDAR Topographic Data**

The petitioner, Withers and Ravenel Engineering, met with the Wake County Planning Staff, and members of the City of Raleigh's Public Utilities and Stormwater Management staffs, to discuss a possible rezoning petition based upon a re-creation of the original 1992 Black & Veatch study using currently available LIDAR topographical data. The participation of members of Raleigh's staff at the outset of the discussion was important because the original 1992 watershed study was done at the City's request to provide additional water quality protection around the City's water treatment plant's intake on the peninsula between Honeycutt Creek and Lower Barton's Creek.

It was agreed among all parties that Withers and Ravenel would recreate the original 1992 study as closely as possible, but would use the most recently available LIDAR topographical data to determine the accuracy of the original 1992 study's resultant critical/noncritical zoning line. As part of this discussion the Wake County Planning Staff directed that the petitioner's engineer and the City's stormwater engineer review and agree upon the basic assumptions and parameters that were used in the original 1992 Black & Veatch watershed study, and that would be used in the new study.

Hunter Freeman, the engineer with Withers and Ravenel who sealed the new study that created the resultant map, has stated that the new study was "done in a manner consistent with the previous [i.e.--original 1992] study" and noted that the "more accurate [topographic] data allows for a more detailed flow travel time analysis". The new study calculated the time-of-concentration from the downstream end of the pond that lies within the New Life Camp site to Falls Lake at 205 minutes (versus the 1992 study's 200-minute time-of-concentration line). The result was that the more accurate mapping of the 200-minute time-of-concentration line should be shifted 600 feet to the northwest of the current R-80W / R-40W zoning line (i.e.--towards the lake) as shown on the attached "New Life Camp Metes and Bounds". This is the official exhibit of the proposed rezoning, and it shows the existing R-80W / R-40W zoning line roughly bisecting the property near the center of the survey map and being shifted 600 feet to the left to the proposed R-80W / R-40W zoning line.

The petitioner has indicated that "This rezoning request is a technical correction of the existing zoning boundary that will allow the property owner to remove and replace unsafe structures. The need to replace existing cabins to meet current building code requirements is a matter of public safety and will require an increase in impervious area not allowed by the current zoning".

As noted, the requested R-80W zoning line would be almost a mile (i.e.--5,174 feet) from the closest point of Fall's Lake--well beyond 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 have no objection to the rezoning petition.

The Wake County Planning Staff considers this rezoning request to be a minor, technical, zoning boundary adjustment. The State Department of Environmental Quality

concur (see attached e-mail) based upon the provisions in the North Carolina Administrative Code and the State's Model Ordinance--especially since the boundary 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. The 16.89-acre requested rezoning area comprises one-tenth of one percent (i.e.--0.001%) of the Lower Barton's Creek and Honeycutt Creek basin area.

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

The Wake County Land Use Plan's General Classification map designates this area as Non-Urban Area/Water Supply Watershed (NUA/WSW). The Wake County Land Use Plan defines NUA/WSWs as areas within the County's jurisdiction that are not intended to be urbanized. Public utilities (i.e.--water and sewer) are generally not allowed to be extended into this watershed area except for public health and safety reasons (e.g.--contaminated groundwater or an unrepairable septic system).

The State law and the Wake County Unified Development Ordinance indicate that any rezoning should be consistent with the Land Use Plan. The subject property's current, and proposed, split zoning of R-80W and R-40W are both consistent with the Land Use Plan's General Classification map designation of this area as a Non-Urban Area/Water Supply Watershed (NUA/WSW). The NUA/WSW areas allow for low-density residential uses and a limited range of nonresidential uses--including outdoor recreational uses such as the New Life Camp youth camp and the related programs. Therefore, the requested rezoning of a 16.89-acre portion of this 66.85-acre parcel, the existing use as a summer youth camp and related programs, the proposed continued use of the property for those programs, and the possible range of permissible uses (see the attached list at the end of this report), are all consistent with the County's Land Use Plan.

The rezoning request also complies with three 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 # 4--To encourage maintenance of open space, scenic aspects of rural areas, entrance ways to urban areas, and transition areas between urban areas;
- Goal # 5--To encourage the conservation of environmentally significant areas and important natural and cultural resources;

In support of these goal statements, the petitioner has indicated that the existing and continued use of the subject property for a summer youth camp and related programs is "transitional in nature; meeting a public need while maintaining rural character at the City limits", and noted that the "scenic aspects of the camp present a counterpoint to the highly-developed character" of the surrounding properties and uses. The petitioner notes that the "heavily wooded site will remain as such for the benefit of the camp, and

the benefit of the adjacent properties, and to maintain the transitional land use character at the edge of the City of Raleigh”.

The petitioner states that the proposed improvements “will provide a location where visitors to the site are encouraged to interact with nature” and that the site/use will “provide an opportunity for campers to be exposed to nature and develop appreciation for similar natural resources”. The petitioner states that “continued access of the site by young people is important to the social health and environmental education of the region”. The petitioner states that the “continued use of this property as a camp provides a unique resource to local citizens” and that the watershed designation “will ensure the conservation of the site’s natural resources in the future”.

As noted above, the petitioner, on behalf of the owner, Children’s Bible Ministries of North Carolina, Greg Burton, Executive Director is requesting a general, or straight, rezoning (i.e.—no conditions that would limit the types of uses or otherwise place limitations beyond the applicable Unified Development Ordinance standards). The requested rezoning of a portion of the parcel from R-80W to R-40W, if approved, would, hypothetically, allow that portion of the subject property to be used for four additional nonresidential uses as noted in the list at the end of this report. Please note that all four of those uses would only be permissible via a Special Use Permit issued by the Board of Adjustment after holding a public hearing and making positive findings of fact on several criteria.

While the stated proposed (i.e.-- continued) use is to allow for the reconstruction of the deteriorated cabins and some ancillary site improvements to support the existing summer youth camp and related programs, it should be noted that any decision on a rezoning petition must be based upon all possible uses (including the four possible special uses noted above in the event that the site were to be redeveloped). The requested zoning allows for a very limited range of nonresidential uses that are consistent with the Land Use Plan’s Non-Urban Area/Water Supply Watershed designation, are reasonable, and appropriate for the area. Any future use on this property—including the reconstruction of the deteriorated cabins and ancillary site improvements--will have to be determined to be consistent with the Land Use Plan via a site-specific development plan before it can be approved.

The petitioner has noted that “since the proposed use of the site will remain as a youth camp and retain its original character in the landscape, the rezoning will not negatively affect surrounding properties. Rather, the adjacent and surrounding properties may benefit from the preservation of this existing green space and rural character. Views onto the site from surrounding properties will not change. The proposed facility upgrades will be no more visible to the surrounding properties than under current conditions, nor will they cause an appreciable change to the nature of the surrounding properties or traffic”.

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 this petition for rezoning a 16.89-acre portion of the 66.85-acre subject property from R-80W to R-40W, the stated proposed reconstruction of the existing cabins and ancillary site improvements to allow for the continued use of the site for a summer youth camp and related uses, and the permissible range of uses, would be consistent with the Wake County Land Use Plan, are reasonable, and appropriate for the area.

### **Required Statement of Consistency with the Land Use Plan, Reasonableness, 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 Board of Commissioners (see attached draft statement).

### **Input from the City of Raleigh**

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. In this case the Falls Lake area is designated as a Non-Urban Area/Water Supply Watershed on the Wake County General Classifications Map and therefore is not located within any municipality's Urban Services Area. However, the wider critical area (i.e.—R-80W zoning) in this portion of Falls Lake resulted from a request from the City of Raleigh to provide for an increased protective area around the City's water treatment plant intake as described above.

Accordingly, when the question about a possible rezoning in this area first arose, the Wake County Planning Staff promptly contacted the City of Raleigh Public Utilities staff (and by extension their Stormwater Management staff) and requested their participation



in the discussions. The City of Raleigh's Public Utilities and Stormwater Management staffs were directly involved in the rezoning discussions from the outset and they have reviewed the engineering files and the resultant map representing the collective work by the Withers and Ravenel engineers (i.e.--petitioner). The City's Public Utilities and Stormwater Management staffs concurred with the new study's engineering assumptions and findings and are supportive of this rezoning request to more accurately represent the 200-minute time-of-concentration line from the 1992 Black & Veatch study. It is the Wake County Planning Staff's understanding that the Raleigh staff has briefed their City Council on the requested rezoning and that the City Council is also supportive of this rezoning request.

### **Input from the North Carolina Department of Environmental Quality (DEQ)**

Ultimately, any modification of Wake County's watershed boundaries must be reviewed and approved by the North Carolina Department of Environmental Quality's (DEQ) Division of Energy, Mineral, and Land Resources (DEMLR). The Wake County Planning Staff provided a copy of the rezoning petition to DEQ staff to seek their input on the rezoning.

DEQ has provided comments in support of the rezoning petition (see attached e-mail). Julie Ventaloro, Environmental Senior Specialist and Coordinator of the Water Supply Watershed Protection Program for DEQ's Stormwater Permitting Program indicated that "the County can process this as a minor adjustment to the local watershed boundary" and acknowledged that "the local CA [critical area] boundary will continue to exceed the EMC's required 1/2 mile CA [critical area]". She closed in noting that they "don't anticipate any issues with our [DEQ] approval based on the information [that the County had] provided". Please see the attached e-mail.

Procedurally, NCDEQ cannot formally act upon this request unless and until the Wake County Board of Commissioners has acted upon it. If the rezoning petition is approved, the Wake County Planning Staff will forward the revised map to the State for formal incorporation into the State recognized Wake County watershed boundaries.

### **Input from Capital Area Preservation**

As part of the review of this rezoning petition, the Planning Staff consulted with the staff at Capital Area Preservation (CAP)--the County's consultant regarding historic resources. Jeremy Bradham, a Preservation Specialist with CAP, indicated that their records show the site listed as Edgerton Camp (apparently the name of the original facility) and noted that the site had been surveyed in 2007 as part of the Wake County Survey Update. [New Life Camp started in 1952 and has been in continuous operation for 65 years.]

Bradham noted (see attached e-mail) that the site was placed on the study list (in 2007) "which is essentially an elevated category of historic properties for potential listing on the National Register of Historic Places". He noted that the site "would need to be evaluated again before it could be listed" and that "there are no restrictions or official

designations” that apply to the subject property, “but a property on the Study List itself is considered to be elevated above other historic properties”.

As noted above, most of the cabins on this site were built prior to 1950, but their condition has deteriorated over the years and the camp’s Board of Directors has determined that the cabins must be replaced for health and safety reasons with new cabins that comply with the current State Building Code requirements.

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

As per the Planning Staff’s normal process, notification letters were mailed to all property owners within 1,000 feet of the subject property on May 26, 2017, and public hearing notice signs were posted along the subject property’s road frontages along Falls of Neuse Road and Durant Road on May 26, 2017. Legal notices were ran in the News and Observer newspaper on May 26<sup>th</sup> and May 29<sup>th</sup>. The Planning Staff has received two calls in response to those efforts to solicit neighborhood feedback. One call was just a general inquiry for background information and they had no opposition to the request. The second call was to express their strong support for the rezoning.

The petitioner and members of the camp’s Board of Directors held a neighborhood meeting on Tuesday, August 30, 2016 to discuss the requested rezoning and the proposed reconstruction of the existing cabins, as well as other improvements to support the existing New Life Camp. The petitioner mailed meeting notice letters on August 19, 2016 to the 99 property owners within 1,000 feet of the perimeter of the subject property (i.e.--the same notification area that the Planning Staff uses).

It is the Planning Staff’s understanding, based upon the petitioner’s materials (see attached), that six property owners attended this neighborhood meeting. The petitioner’s meeting summary indicates that most of the questions from the attending neighbors were “related to the preservation of the perimeter buffers and site features as well as the proximity of certain houses to the camp”. The petitioner’s meeting summary also notes that “When asked if any attendees had specific concerns or opposition to the movement of the zoning line and the camp improvements, all responses were favorable and no opposition or concerns were stated”.

### **Utilities**

The subject property is classified on the Wake County Land Use Plan’s General Classifications Map as being Non-Urban Area/Water Supply Watershed (NUA/WSW), which are defined as areas within the County’s jurisdiction that are not intended to be urbanized. Public utilities (i.e.--water and sewer) are generally not allowed to be extended into this watershed area except for public health and safety reasons (e.g.--contaminated groundwater or an unrepairable septic system). The existing summer youth camp and related facilities currently use on-site well and septic systems. It is the Planning Staff’s understanding that the replacement cabins will each have their own bathroom as opposed to the larger, central bathroom facility that is currently being used. Therefore, new septic systems will be installed in accordance with the current County and State wastewater management regulations.

### **Environmental Issues**

There are no Federal Emergency Management Agency (FEMA) regulatory floodplains or Wake County flood hazard soils on the subject property. There are two perennial streams and a 1.2-acre pond on the subject property, which the petitioner has indicated “benefits the downstream property owners as well as the environment by reducing the sediment and nutrients from site runoff as well as reductions in peak rates of runoff”. These water features have protective Neuse River buffers and water supply watershed buffers. The Wake County Unified Development Ordinance includes provisions that would require protection of the buffers and the installation of stormwater control measures to mitigate any potential off-site impacts of the increased impervious surface coverage and stormwater runoff.

### **Transportation Plan**

Falls of Neuse Road does not appear in the Wake County Transportation Plan’s Corridor Profiles--most likely because the majority of the road lies within the City of Raleigh’s zoning jurisdiction. The existing roadway has a 120-foot right-of-way width and a 6-lane, 90-foot roadway cross-section along the subject property’s frontage leading up to the intersection with Durant Road.

Durant Road, which is listed in the Wake County Transportation Plan as a major thoroughfare, has an existing 90-foot right-of-way width and a 70-foot, 5-lane cross-section at the intersection with Falls of Neuse Road, tapering back to a 36-foot, 3-lane cross-section further to the west. The Transportation Plan prescribes an 80-foot right-of-way with a 36-foot pavement width, therefore the existing roadway meets or exceeds the Transportation Plan requirements.

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 improvement during their review of the subsequent site plan. 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**

Falls of Neuse Road is not listed in the Wake County Transportation Plan’s Corridor Profiles, but comparable roadways are listed in the plan as having a design capacity of 49,200 vehicles per day. The 2015 Average Annual Daily Traffic (AADT) counts indicate that the existing roadway handles 36,000 vehicles per day, or approximately 73% of its design capacity.

Durant Road is listed in the Wake County Transportation Plan’s Corridor Profiles as having a design capacity of 18,000 vehicles per day and the 2015 AADT counts indicate that the existing roadway handles 8,000 vehicles per day, or approximately 44% of its design capacity.

The stated purpose of the rezoning is to allow for the reconstruction of the existing deteriorated cabins and to make some ancillary site improvements (e.g.--sidewalks, emergency vehicle access, maintenance building) for the continued use of the site for New Life Camp. The petitioner has indicated that "There will be no increase in the number of cabins or campers, [and] no change in the season, days or hours of use, and therefore no additional traffic generation.

### **Accident Report**

NCDOT's Traffic Engineering Accident Analysis System report for the five-year period from May 1, 2011 through April 30, 2016 indicated that there have been 59 accidents at, or near, the intersection of Falls of Neuse Road and Durant Road—an average of 11.8 accidents per year, or roughly 1.0 per month. The petitioner has indicated that "There will be no increase in the number of cabins or campers, [and] no change in the season, days or hours of use, and therefore no additional traffic generation. There should be no effect of the reconstruction of the deteriorated cabins and other internal site improvements (e.g.—sidewalks, emergency vehicle access, maintenance building) upon the accident rate on the adjacent roadways.

### **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 reconstruction of the existing deteriorated cabins and some ancillary site improvements to support the continued use of the existing New Life Camp facility. The petitioner has indicated that the requested rezoning and the proposed continued use "would not produce any significant increase in traffic and that a traffic impact analysis (TIA) would not be required per Section 15-12-2 of the Wake County Unified Development Ordinance". The petitioner has indicated that "There will be no increase in the number of cabins or campers, [and] no change in the season, days or hours of use, and therefore no additional traffic generation. According to Sec. 15-12-2 and 15-12-6 (B) of the Wake County Unified Development Ordinance, no traffic impact analysis is required". The County would reserve the right to require a TIA (as part of a site plan review process) if the subject property were to be redeveloped for some other permissible use.

### **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 staff 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 (see immediately below) 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.

### **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 (1<sup>ST</sup> MOTION)**

- 1) The Board finds that the requested rezoning of the 16.89-acres area to Residential-40 Watershed, the existing and proposed continued use, and the permissible range of uses are:
  - a) Consistent with the Land Use Plan's designation of this area as a Non-Urban Area/Water Supply Watershed, reasonable, and appropriate for the area;
  - b) Consistent with the Non-Urban Area/Water Supply Watershed designation, which allows for limited nonresidential uses such as this summer youth camp;
  - c) Consistent with three 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 # 4—To encourage maintenance of open space, scenic aspects of rural areas, entrance ways to urban areas, and transition areas between urban areas;
  - iii) Goal # 5--To encourage the conservation of environmentally significant areas and important natural and cultural resources;
- d) Reasonable, and in the public interest because it would allow for the reconstruction of the existing deteriorated cabins to meet the State Building Code, as well as ancillary site improvements, that would:
- i) Meet a public need by allowing the continuation of the summer youth camp and related programs;
  - ii) Preserve the open space, rural character, and scenic aspects of the camp at the transitional edge of the City of Raleigh;
  - iii) Preserve environmentally significant areas within the subject property;
  - iv) Ensure the continuation of the camp's operation and the conservation of the camp as a cultural resource;
  - v) Not create any adverse traffic impacts;
  - vi) Not adversely impact adjacent properties from a stormwater perspective.

All of which advance the public health, safety, and general welfare

- e) 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 (2<sup>ND</sup> MOTION)**

That the Board of Commissioners approves the rezoning request, ZP-889-16, as presented.

### **Planning Board Recommendation**

(1) The Planning Board at their Wednesday, May 3, 2017 meeting recommended, by a vote of 7 to 0, that the Board of Commissioners finds that the requested rezoning to Residential-40 Watershed, the existing and proposed continued use, and the permissible range of uses, are:

- a) Consistent with the Land Use Plan's designation of this area as a Non-Urban Area/Water Supply Watershed, reasonable, and appropriate for the area;
- b) Consistent with the Non-Urban Area/Water Supply Watershed designation, which allows for limited nonresidential uses such as this summer youth camp;
- c) Consistent with three 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 # 4—To encourage maintenance of open space, scenic aspects of rural areas, entrance ways to urban areas, and transition areas between urban areas;
  - iii) Goal # 5--To encourage the conservation of environmentally significant areas and important natural and cultural resources;
- d) Reasonable, and in the public interest because it would allow for the reconstruction of the existing deteriorated cabins to meet the State Building Code, as well as ancillary site improvements, that would:
  - i) Meet a public need by allowing the continuation of the summer youth camp and related programs;
  - ii) Preserve the open space, rural character, and scenic aspects of the camp at the transitional edge of the City of Raleigh;
  - iii) Preserve environmentally significant areas within the subject property;
  - iv) Ensure the continuation of the camp's operation and the conservation of the camp as a cultural resource;
  - v) Not create any adverse traffic impacts;
  - vi) Not adversely impact adjacent properties from a stormwater perspective.

All of which advance the public health, safety, and general welfare

- e) 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-889-16, as presented, based upon the findings of Land Use Plan consistency, reasonableness, and the public interest.



**Additional Uses permissible within the Residential-40 Watershed Zoning District  
that are not permissible within the Residential-80 Watershed Zoning District**

- Cultural exhibits/libraries
- Schools
- Conference center/retreat house
- Farm serving uses, class I

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 compliance with all applicable regulatory requirements or market demand. Rather this list merely indicates that these uses are available for future consideration. All four of the uses listed above would only be permissible via a Special Use Permit issued by the Board of Adjustment after holding a public hearing and making positive findings of fact on several criteria.