

Proposed Zoning Map Amendment Staff Report

Board of Commissioners Hearing: December 4, 2017

Rezoning Petition #: ZP-896-17

Request: To rezone two parcels totaling 1.994 acres located at 9317 and 9313 Daffodil Drive from Residential-30 (R-30) to Conditional Use-Office and Institutional (CU-O&I).

Note: A conditional use rezoning means that the petitioner has voluntarily offered certain conditions as part of the rezoning petition in an attempt to mitigate the potential for adverse impacts of the rezoning and subsequent development upon the surrounding properties. Please see the petitioner's proposed condition which references a number of uses that they have voluntarily excluded from future consideration on the subject properties. A list of all of the remaining possible uses in the Conditional Use-Office and Institutional zoning district is attached to this report. However, the petitioner's stated purpose is to allow for "an access road connection to the Wake Tech campus along US 401", at some point in the future, to support the community college.

Location: The two lots are located in the vicinity of Fayetteville Road/US 401, Tech Road and Daffodil Drive, just south of the main Wake Technical Community College campus and east of Fayetteville Road, and are identified as 9317 and 9313 Daffodil Drive.

Current Zoning: Residential-30 (R-30)

Proposed Zoning: Conditional Use-Office and Institutional (CU-O&I)

Existing Land Uses: Single-family dwelling and vacant lot

Petitioner: Charlie Yokley

Design Firm: The McAdams Company

Owner: Dr. Stephen Scott, Secretary to the Board, on behalf of the Trustees of Wake Technical Community College

PINs: 0689703357 and 0689703586

Surrounding Land Uses and Zoning Districts

Direction	Land Use	Zoning District
North	Single-family dwelling	Residential-30
East	Paved parking lot (part of the main Wake Tech campus)	Office and Institutional
South	Duke Energy Progress	Highway District

Direction	Land Use	Zoning District
	electrical substation	
West	Daffodil Drive, vacant lot, single-family dwelling	Residential-30, Conditional Use-Office and Institutional

Land Use/Zoning History

- 1973: General zoning was first applied to the southeastern portion of Wake County.
- 2004: Fuquay-Varina/Garner Area Land Use Plan was adopted and designated this site and the surrounding area as a 772-acre Regional Activity Center (RAC).

Wake County Land Use Plan

The Wake County Land Use Plan's General Classification map designates this area as Fuquay-Varina's Short-Range Urban Services Area (SRUSA). SRUSAs are defined as areas within the county's zoning jurisdiction that are intended to be urbanized—probably within the next ten years. Please see the discussions below under the "Input from the Town of Fuquay-Varina" and "Utilities" sections for information regarding coordination efforts with the Town of Fuquay-Varina.

The subject properties, Wake Technical Community College's main campus, and much of the surrounding area are located within a 772-acre Regional Activity Center (RAC) as designated on the Fuquay-Varina/Garner Area Land Use Plan. The RAC is the largest type of Wake County's three classifications of activity centers, allowing for the widest range of uses and for the most intensive types of uses. The RAC classification is intended for large-scale urban land uses that provide for a primary job base.

RACs are described in the Wake County Land Use Plan (Chapter III, page 14) as being serviced by major thoroughfares and municipal water and sewer. A few of the large-scale urban land uses listed as appropriate for an RAC are shopping malls, large hotel/motels, restaurants, large office parks, **community colleges**, industrial parks, research and development parks and employment centers.

Given the proposed zoning district for the subject lots (Conditional Use-Office and Institutional), the stated proposed use (an access road to support the community college), and the allowable range of possible uses, the requested rezoning would be consistent with the Wake County Land Use Plan's Regional Activity Center designation. Furthermore, the primary use (community college), proximity to major thoroughfares (i.e.--Fayetteville Road/US 401 and the pending future NC-540 interchange), availability of utility services by the Town of Fuquay-Varina, and the employment base provided by Wake Technical Community College, comply with several of the Land Use Plan's goals. Among those goals are:

- Goal #1--To guide quality growth throughout the County in conjunction with affected local governments;

- 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; and
- Goal # 7--To ensure that the land use plan and transportation plan mutually support each other.

As noted above, the petitioner on behalf of the owner, Wake Technical Community College, has voluntarily offered a condition that limits the number and types of uses that would be permissible on the subject properties. The petitioner's condition has eliminated from future consideration four use categories (i.e.—household living, group living, animal services, and waste-related uses), which represent 16 use classifications. Please see the attached listing of the 25 remaining use classifications that would be permissible on these lots (with the appropriate permit) if the Conditional Use-Office and Institutional zoning district were to be approved.

The stated proposed use is to allow for the construction of an access road to support the community college. However it should be noted that any decision on a rezoning petition must be based upon all possible uses. The requested Conditional Use-Office and Institutional zoning allows for a wide range of nonresidential uses that are generally consistent with the Land Use Plan's Regional Activity Center designation, and are reasonable, and appropriate for the area. Any future use on this property 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 indicated that the proposed rezoning to the Conditional Use--Office and Institutional district will allow for implementation of infrastructure improvements necessary to support Wake Technical Community College (Wake Tech). "Wake Tech currently provides public education opportunities and a robust employment base for surrounding communities. Adequate infrastructure is critical to day-to-day operations of the college". Such improvements "will enable Wake Tech to adequately serve growing educational and employment needs of the public and surrounding communities." The petitioner has indicated that the rezoning is necessary "to improve internal infrastructure and circulation allowing a safer and more efficient ingress and egress for students, faculty and visitors".

The petitioner notes that "it is expected that such improvements will: facilitate improved vehicular circulation, access and safety for vehicles and pedestrians alike through dedicated vehicular and pedestrian travel routes and wayfinding signage; provide environmental protection through stream buffers (if required) and stormwater management facilities; and enhance aesthetics and sense of place through the use of materials of a consistent character. All of which advance public health, safety, and general welfare."

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-Office and Institutional zoning, the stated proposed use, and the permissible 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, 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 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) 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).

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 were less than 2,500 square feet in size).

The petitioner has stated that the purpose of the rezoning is to permit the construction of "an access road connection to the Wake Tech campus along US 401" that will "improve internal infrastructure and circulation, allowing a safer and more efficient ingress and egress for students, faculty, and visitors". While this is their stated purpose, it is important to note that any rezoning decision must be based upon all possible uses of the subject properties as shown in the attached list.

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 nonresidential 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. The stated access road would be an accessory use to the existing community college and therefore would be approvable administratively by staff.

Input from the Town of Fuquay-Varina

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. The subject lots are classified as the Town of Fuquay-Varina’s Short-Range Urban Services Area (SRUSA). A copy of the petition materials was sent to the Fuquay-Varina planning staff, but they have not provided any courtesy review comments on this rezoning petition.

However, during another rezoning case (in 2016) for other lots on Daffodil Drive, the town’s planning staff indicated that they do not object to the rezoning petition, but had requested that Wake Tech Community College provide a sewer easement across another portion of the campus. The petitioner, and representatives of the community college, met with the town’s planning and public utilities staffs to discuss the location and alignment of the requested sewer easement. It is our understanding that the town is agreeable to having the sewer easement located on the western side of the drainageway that runs through the eastern portion of the main campus where there is an existing sewer pump station.

Input from Neighboring Property Owners

As per our normal process, the Planning staff mailed out letters to all property owners within 1,000 feet of the subject property and posted a public meeting notice sign at the subject properties on Daffodil Drive. In response to those efforts to solicit neighborhood feedback, the Planning staff has received one phone inquiry, but no opposition.

The petitioner held a neighborhood meeting on Wednesday, October 4, 2017 to discuss the requested rezoning and the stated proposed access road. Please see the attached materials related to the neighborhood meeting. It is our understanding that no one attended this meeting, or called, or e-mailed the petitioner to inquire about the rezoning or the subsequent use.

Utilities

The subject property is classified as being in the Town of Fuquay-Varina's Short-Range Urban Services Area (SRUSA). The Wake County Land Use Plan defines SRUSAs as areas within the county's zoning jurisdiction that are intended to be urbanized--probably within the next ten years. The Wake Technical Community College main campus is currently served by Town of Fuquay-Varina water and sewer lines. As noted above in the "Input from the Town of Fuquay-Varina" section, the town had previously requested the provision of a sewer easement on the western side of the drainageway that runs through the eastern portion of the main campus. The petitioner has been working with the town's planning and public utilities staffs on the location and alignment of the requested sewer easement.

This coordination with the Town of Fuquay-Varina is consistent with the Wake County Land Use Plan's Goal # 2, which calls for the encouragement of growth close to municipalities, to take advantage of existing and planned infrastructure, such as transportation, water and sewer facilities. The requested rezoning, and the stated proposed access road that is in support of the community college, are consistent with the Regional Activity Center designation as set forth in the Wake County Land Use Plan.

Environmental Issues

There are no Federal Emergency Management Agency (FEMA) regulatory floodplains, Wake County flood hazard soils, protected/buffered drainageways, or regulatory wetlands on, or in close proximity to, the subject properties.

Transportation Plan

Daffodil Drive does not appear on the Wake County Transportation Plan because it is a local dead-end public road. Likewise, Tech Road does not appear on the Wake County Transportation Plan because it is a private road for the majority of its length around the campus (only the first 500 feet between US 401 and Daffodil Drive is a public road).

Fayetteville Road/US 401 is designated as a major thoroughfare in the Wake County Transportation Plan and the accompanying Corridor Profiles booklet. The existing right-of-way of 150 feet already complies with the prescribed width; therefore no additional right-of-way dedication will be required if and when these lots are developed. The existing four-lane cross-section with a grassed median is proposed to be widened to a six-lane cross-section with a median and left-turn lanes, as needed, at driveways and intersections.

There is a possibility that 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 (e.g.—the stated proposed access road) on the subject properties. 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

No Average Annual Daily Traffic (AADT) figures are available for Daffodil Drive, because it is a local dead-end public road, or for Tech Road because it is a private road for the majority of its length around the campus (only the first 500 feet between Fayetteville Road/US 401 and Daffodil Drive is a public road).

The 2015 AADT counts available from NCDOT for Fayetteville Road/US 401 is 32,100 vehicles per day at a point just south of Ten Ten Road (about three-fourths of a mile north of the Wake Technical Community College campus). The Wake County Transportation Plan and the accompanying Corridor Profiles booklet state that the current design capacity of this roadway is 31,500 vehicles per day, so the roadway is operating slightly over its design capacity. [Please note that the stated purposed access road is not anticipated to generate any additional traffic to the community college.]

While the traffic volume is slightly over the stated design capacity of this roadway, a majority of that traffic appears to correspond with the AM and PM peak hours of commuting traffic (i.e.—6:00 AM to 9:00 AM and 4:00 PM to 7:00 PM respectively).

Accident Report

No accident report figures are available for Daffodil Drive because it is a local dead-end public road or for Tech Road because it is a private road for the majority of its length around the campus (only the first 500 feet between US 401 and Daffodil Drive is a public road).

NCDOT's Traffic Engineering Accident Analysis System report for the five-year period from September 1, 2012 through August 31, 2017 indicated that there have been 132 accidents along the 0.761-mile section of Fayetteville Road/US 401 between Industry Drive and Donny Brook Road. During that five-year period there were 42 accidents (31.8% of those 132 accidents) that occurred at, or in close proximity to, the intersection of Chandler Ridge Circle/Wake Tech Way with Fayetteville Road/US 401. There were another 37 (28%) that occurred at, or in close proximity to, the intersection of Tech Road with Fayetteville Road/US 401, and 21 accidents (15.9%) that occurred at the intersection of Donny Brook Road/Old McCullers Road with Fayetteville Road/US 401. Together these three intersections represent over three-fourths (75.7%) of the accidents that occurred during this five-year time period along this 0.761-mile section of highway.

There was one accident involving a fatality during this five-year period. There were 35 accidents that resulted in 69 injuries, with the remaining 96 accidents (72.7%) involving property damage only. There were 26 out of the 132 accidents that involved minor injuries, seven (7) that resulted in moderate injuries, and two (2) that resulted in serious injuries.

The majority of the accidents (76, or 57.6%) occurred during daylight hours and dry weather conditions, 36 (27.3%) occurred during wet weather conditions, and 14 (10.6%) occurred at night. Most of the accidents (76, or 57.6%) involved rear end-slow or

stopped condition collisions that are characteristic of the heavy traffic volumes that are typical during busy AM and PM commuting periods.

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' Trip Generation Manual for specified proposed uses. Any required TIA must be submitted during the site plan review process.

The stated purpose of the proposed rezoning is to allow for the construction of "an access connection to Wake Tech campus along US 401" to "allow for more efficient access to the campus" that will "improve circulation, safety, and user experience". The petitioner has stated that there are no proposed buildings to generate new traffic to the site and that the stated proposed access road will not be associated with a park-and-ride facility for the satellite campuses, nor for commercial parking. The petitioner has indicated that the proposed improvement "will not increase enrollment and, as such, no additional traffic will be generated".

The petitioner indicated (and documented) that they had a meeting with representatives of the NCDOT on October 31, 2014 to discuss possible road improvements and were advised by the NCDOT District Engineer's Office that they would not require a TIA since no additional traffic is being generated.

Therefore, for all of these reasons, Wake County Planning staff is not requiring a TIA as part of the rezoning petition, but reserves the right to require one as part of the subsequent development if warranted by Sec. 15-12 of the Wake County Unified Development Ordinance.

Planning Staff Findings

1. The proposed Conditional Use-Office and Institutional 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 Regional Activity Center and are reasonable and appropriate for the area.
2. The Regional Activity Center allows for large-scale urban land uses that are served by major thoroughfares and municipal water and sewer and that provide for a primary job base.
3. The proposed rezoning complies with four stated goals of the Land Use Plan.
4. The stated proposed use is not anticipated to generate any new traffic to the site, but is intended to improve circulation, safety, and user experience.
5. A detailed site plan must be approved by the appropriate Wake County entity prior to future development on the subject properties to ensure compliance with all applicable regulations.
6. The Town of Fuquay-Varina's planning staff had previously indicated that they did not object to a similar rezoning petition for other lots on Daffodil Drive.

7. 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 Conditional Use--Office and Institutional, 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 petition, ZP-896-17, 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 (1ST MOTION)

In the matter of ZP-896-17, I move that the Board of Commissioners adopts the following recommended statement of consistency, reasonableness, and public interest:

- 1) The Board finds that the requested rezoning to Conditional Use--Office and Institutional, the stated proposed use, and the permissible range of uses are:
 - a) Consistent with the Land Use Plan's designation of this area as a Regional Activity Center and are reasonable and appropriate for the area;
 - b) Consistent with the Regional Activity Center allowance for large-scale urban land uses that are served by major thoroughfares and municipal water and sewer and that provide for a primary job base;
 - c) Consistent with several of the stated goals of the Land Use Plan, more specifically:
 - i) Goal #1--To guide quality growth throughout the County in conjunction with affected local governments;
 - ii) Goal # 2--To encourage growth close to municipalities, to take advantage of existing and planned infrastructure, such as transportation, water and sewer facilities;

- iii) Goal # 3--To encourage the development of communities which provide for adequate land for anticipated demands, in a pattern which allows a mixture of uses; and
 - iv) Goal # 7--To ensure that the land use plan and transportation plan mutually support each other;
- d) Reasonable, and in the public interest, because it would allow for improvements that would:
- i) Facilitate improved internal infrastructure and circulation, allowing for a safer and more efficient ingress and egress for students, faculty and visitors;
 - ii) Provide environmental protection through stormwater management facilities; and
 - iii) Enable Wake Tech to adequately serve growing educational and employment needs of the public and surrounding communities.
- All of which advance the public health, safety, and general welfare and enable Wake Tech to adequately serve growing educational and employment needs of the public.
- 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, the subsequent development will comply with county requirements regarding buffering, stormwater and erosion control, and protection of environmentally sensitive areas.

MOTION FOR APPROVAL (2ND MOTION)

In the matter of ZP-896-17, I move that the Board of Commissioners approves the rezoning request as presented.

Recommendation by the Planning Board

(1) The Planning Board at their Wednesday, November 1, 2017 meeting recommended, by a vote of 7 to 0, that the Board of Commissioners finds that the requested rezoning to Conditional Use--Office and Institutional, the stated proposed use, and the permissible range of uses are:

- a) Consistent with the Land Use Plan's designation of this area as a Regional Activity Center, and are reasonable and appropriate for the area;

- b) Consistent with the Regional Activity Center allowance for large-scale urban land uses that are served by major thoroughfares and municipal water and sewer and that provide for a primary job base;
- c) Consistent with several of the stated goals of the Land Use Plan, more specifically:
 - i) Goal #1--To guide quality growth throughout the County in conjunction with affected local governments;
 - ii) Goal # 2--To encourage growth close to municipalities, to take advantage of existing and planned infrastructure, such as transportation, water and sewer facilities;
 - iii) Goal # 3--To encourage the development of communities which provide for adequate land for anticipated demands, in a pattern which allows a mixture of uses; and
 - iv) Goal # 7--To ensure that the land use plan and transportation plan mutually support each other;
- d) Reasonable, and in the public interest because it would allow for improvements that would:
 - i) Facilitate improved internal infrastructure and circulation, allowing for a safer and more efficient ingress and egress for students, faculty and visitors;
 - ii) Provide environmental protection through stormwater management facilities; and
 - iii) Enable Wake Tech to adequately serve growing educational and employment needs of the public and surrounding communities.

All of which advance the public health, safety, and general welfare and enable Wake Tech to adequately serve growing educational and employment needs of the public.

- 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, the subsequent development will comply with county requirements regarding buffering, stormwater and erosion control, and protection of environmentally sensitive areas.

(2) The Planning Board at their Wednesday, November 1, 2017 meeting recommended, by a vote of 7 to 0, that the Board of Commissioners approves of the rezoning request, ZP-896-17, as presented.

**Uses Permissible Within the Proposed
Conditional Use-Office and Institutional Zoning District**

Business, trade, technical schools
All other colleges/universities
Cultural exhibits and libraries
Day care, including child care home and child care center
Public parks/recreation including assembly buildings
Parking, Park and Ride
Religious assembly
Governmental
School
Automated teller machine
All other financial services
Family burial grounds
Funeral home
Gas station
Bed and breakfast—homestay and residence
Hotel/motel
Office including conference center/retreat house and medical office, clinic or lab
Commercial parking
Neighborhood/convenience-oriented retail (with or without gas sales)
Forestry
Solar energy systems
Special Events
Static Transformer Stations, Radio/TV and Towers, Relay Station
Telecommunication Facilities—freestanding and collocated
Water towers

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 lot area, the availability of utilities, and compliance with all regulatory requirements, or market demand. Rather this list merely indicates that these uses are available for future consideration. Some of the uses listed above would only be permissible via Planned Compliance Permits issued by the Planning Board after holding a public hearing and making positive findings of fact on several criteria.