

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

**Board of Commissioners Meeting: April 2, 2018**

**Case #: ZP-897-18**

**Request:** This request is to rezone an area consisting of 19.67 acres from Town of Garner zoning district SB C20 (Service Business Conditional Use) to Wake County zoning district R-40W (Residential 40 Watershed).

The Town of Garner has stated that they have no plans to annex this area. The Town determined that due to lack of water and sewer as well as street connectivity the area has no future urban development potential.

Garner Town Council relinquished extraterritorial jurisdiction for the subject property at its February 20, 2018 meeting. In accordance with General Statute 160A-360(f), the County has a period of 60 days to assign zoning to the relinquished parcels.

**Location:** The property is located northeast of the stub connection at the end of Inwood Forest Drive.

**Current Zoning:** SB C20 (Service Business Conditional Use)(Town of Garner Zoning)

**Proposed Zoning:** Residential-40 Watershed District (R-40W)(Wake County Zoning)

**Existing Land Uses:** Vacant wooded

**Petitioner:** Wake County

**Owner:** Jack Parker Properties NC, LLC

**PIN Number:** 0791980587

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

<b>Direction</b>	<b>Land Use</b>	<b>Zoning District</b>
North	Wooded & Industrial	R-1 & IH (Raleigh)
East	Norfolk-Southern Railroad	SB (Garner)
South	Wooded & Single-family residential	SB (Garner) & R-40W (Wake County)
West	Wooded & Agricultural	R-1 (Raleigh) & R-40W (Wake County)

## **Land Use/Zoning History**

- 1970: General Wake County zoning was first applied to the area west and south of the subject property
- 1983: Town of Garner extraterritorial jurisdiction established
- 1988: Subject site added to Town of Garner City Limits
- 1990: Wake County Board of Commissioners adopted the Swift Creek Land Management Plan
- 2017: Subject site was de-annexed by Session Law 2017-76 (Senate Bill 105)

## **Wake County Land Use Plan**

The subject site is located in the Swift Creek Watershed and is part of the Swift Creek Land Management Plan. The Swift Creek Land Management Plan identifies the area as a non-critical rural area which allows for a maximum density of up to one dwelling unit per acre.

The proposed Residential-40 watershed district zoning allows for very-low density residential development with a minimum lot size of 40,000 square feet and a maximum density of one dwelling unit per acre. The proposed R-40 watershed district also allows for a limited number of nonresidential uses upon receiving a special use permit issued by the Board of Adjustment such as churches, schools, and daycares. Please see the attached listing of all uses that are permissible within the R-40 watershed district. The requested R-40 watershed district allows for a residential density and a limited range of nonresidential uses that are consistent with the Land Use Plan and are reasonable and appropriate for the area. Any future use on the subject 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 proposed R-40 watershed district is consistent with Objective 9.a. of the Land Use Plan which strives to minimize pollutants from storm water runoff, protect drinking water, and protect water quality suitable for fishing, boating, and swimming by allowing only appropriate land uses and densities which meet or exceed applicable State water quality guidelines. The requested rezoning is consistent with the density and allowed land uses as set forth in the Wake County Land Use Plan.

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 to Residential-40 Watershed zoning 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 19-20-6 (E) of the Wake County Unified Development Ordinance require that the Planning Board provide the Board of Commissioners with a statement of whether or not the proposed rezoning petition is

consistent with the Land Use Plan 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 and otherwise advances the public health, safety, and general welfare, or why it chose not to follow the Land Use Plan and how that decision is reasonable and in the public interest--if that is the case.

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

### **Input from the Town of Garner**

Garner Town Council relinquished extraterritorial jurisdiction for the subject property at its February 20, 2018 meeting. The County has a period of 60 days to assign zoning to the relinquished parcels.

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

Planning staff mailed out letters to adjacent property owners and also posted a public meeting notice sign at the end of Inwood Forest Drive. The planning staff has not received any phone calls or letters in response to those efforts to solicit neighborhood feedback.

### **Utilities**

The subject property is located in the non-critical rural area of the Swift Creek Land Management Plan. The non-critical rural area prohibits the connection to municipal sewer unless it is necessary to protect public health in the event of a private system failure. The subject property will likely be developed with individual or community well and septic disposal systems.

### **Environmental Issues**

The subject property contains Wake County flood hazard soils and USGS blue line streams. 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 and permits.

### **Transportation**

The subject site is proposed to be accessed from a stub connection to Inwood Forest Drive. The segment of Inwood Forest Drive adjacent to the subject site is currently a 60 foot public right-of way.

Any future redevelopment 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. Any roadway improvements and/or driveway permits will have to be coordinated with, and approved by, the North Carolina Department of Transportation (NCDOT).

### **Traffic Impact Analysis**

A Traffic Impact Analysis (TIA) is required by the Wake County Unified Development Ordinance (UDO), 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 specific proposed uses. Any required TIA must be submitted during the development plan approval process.

### **Planning Staff Findings**

1. The proposed Residential-40 watershed rezoning and the permissible density and range of uses are consistent with the Land Use Plan's designation and are reasonable and appropriate for the area.
2. More specifically the R-40 watershed density allows for one dwelling unit per acre, which complies with the Land Use Plan's designation of one dwelling unit per acre.
3. The proposed rezoning complies with Land Use Plan objective 9.a. which strives to minimize pollutants from storm water runoff, protect drinking water, and protect water quality suitable for fishing, boating, and swimming by allowing only appropriate land uses and densities which meet or exceed applicable State water quality guidelines.
4. A detailed site plan must be approved by the appropriate Wake County entity prior to future redevelopment.
5. Garner Town Council relinquished ETJ for the subject site at its February 20, 2018 meeting.
6. In accordance with North Carolina General Statute 160A-360(f), the County has a period of 60 days to assign zoning to the relinquished property.

### **Planning Staff Recommendation**

The planning staff recommends approval of the requested zoning map amendment, ZP-897-18, as presented, and finds that the zoning map amendment is consistent with the Land Use Plan, and otherwise advances the public health, safety, and welfare.

### **Planning Board Recommendation**

The Planning Board voted by a vote of 8-1 to recommend approval of the rezoning request at its March 7, 2018 meeting.