

**Item Title:** Public Hearing on ZP-898-18 to Modify a Condition from a Previously Approved Conditional Use Rezoning Case in 2000

**Specific Action Requested:**

**That the Board of Commissioners holds a public hearing to consider rezoning petition ZP-898-18 and:**

- 1. Adopts the draft statement finding that the requested rezoning to modify a condition from a previously approved (2000) conditional use rezoning case to allow the impervious surface coverage to be increased from 30% to 50%, the existing and proposed continued zoning district for the subject property, the existing and proposed continued uses, and the allowable range of possible uses, would be consistent with the Wake County Land Use Plan's Neighborhood Activity Center designation, and would be reasonable, and appropriate, for the area;**

***and by separate motion;***

- 2. Approves the rezoning request as presented.**

**Item Summary:**

**Purpose:** The North Carolina General Statutes require that the Wake County Board of Commissioners holds a public hearing to modify a previously approved rezoning condition.

**Background:** This zoning request addresses impervious surface limits at a convenience store location at the northwestern corner of the intersection of Auburn-Knightdale Road and Battle Bridge Road. In 2000, a conditional use rezoning case limited the impervious surface coverage on the subject property to 30%. Due to an error on the original site for this convenience store with gas sales, and some unauthorized construction over the years by the previous owner, the existing site exceeds this 30% limit. Also for consideration, the petitioner may use some vacant store space to expand operations, which may necessitate additional parking spaces resulting in the need for additional impervious surface coverage.

The requested modification, if approved, would allow this limit to be increased from 30% to 50% in order to resolve these existing zoning violations and to allow for a possible moderate expansion of use within the vacant portion of the existing building.

**Board Goal:** This action supports routine County operations.

Fiscal Impact:           There is no fiscal impact related to this agenda item.

**Additional Information:**

Location: The 1.49-acre subject property is located at the northwestern corner of the intersection of Auburn-Knightdale Road and Battle Bridge Road and is identified as 3252 Auburn-Knightdale Road.

Current Zoning: Conditional Use-General Business (CU-GB)

Proposed Zoning: Zoning district will remain unchanged. This is a modification of a previously approved rezoning condition that limited impervious surface coverage to 30% of the lot area by allowing it to be increased to 50% of the lot area.

Petitioner: Jason Earliwine, Withers and Ravenel

Owner: AEM Properties, LLC, Chandan Kumar, President

PIN: 1741275282

**Planning Staff Findings**

1. This request, to modify a previously approved rezoning condition that limited the impervious surface coverage to 30% of the lot area by increasing it to 50%, is needed to resolve existing zoning violations and to allow for a possible moderate expansion of use within the vacant 20% of the existing building.
2. All other previously approved rezoning conditions will be unchanged and will remain valid and in effect.
3. The existing and proposed continued zoning district, the existing and proposed continued uses, and the allowable range of possible uses, are consistent with the Wake County Land Use Plan's Neighborhood Activity Center designation, and would be reasonable, and appropriate, for the area.
4. More specifically, the Neighborhood Activity Center allows for small-scale urban land uses that are served by major thoroughfares and municipal water and sewer, and the previously approved rezoning complies with two stated goals of the Land Use Plan.
5. There are no environmentally sensitive features on, or near, the subject property, and there is no indication of previous stormwater issues on the subject property.
6. Resolution of the site plan errors that necessitate the requested increase in impervious surface coverage will require the review and approval of a new site plan (as would any moderate expansion of use within the vacant 20% of the existing building) to ensure compliance with all applicable current standards with regards to, for example, stormwater management, which will ensure protection of the public health, safety and general welfare.
7. There are no traffic issues (e.g.—high traffic volume, high number of accidents) on the adjacent roadways, and the modification of the previously approved rezoning condition is not anticipated to generate any significant new traffic to the site.

8. The City of Raleigh's planning staff had no objection to the request to modify the previously approved rezoning condition to increase the allowable impervious surface limit to 50% and indicated that the uses are consistent with the City's Future Land Use Map.
9. 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 modify a condition from a previously approved (2000) conditional use rezoning case to allow the impervious surface coverage to be increased from 30% to 50%, the existing and proposed continued zoning district for the subject property, the existing and proposed continued uses, and the allowable range of possible uses, would be consistent with the Wake County Land Use Plan's Neighborhood Activity Center designation, and would be reasonable, and appropriate, for the area.

*and by separate motion*

- (2) Approves the rezoning petition, ZP-898-18, as presented.

### **Planning Board Recommendation**

(1) The Planning Board, at their Wednesday, December 5, 2018 meeting, recommended by a vote of 7 to 0 that the Board of Commissioners finds that:

- a. The requested rezoning, to modify a previously approved rezoning condition that limited the impervious surface coverage to 30% of the lot area by increasing it to 50%, is needed to resolve existing zoning violations and to allow for a possible moderate expansion of use within the vacant 20% of the existing building;
- b. All other previously approved rezoning conditions will be unchanged and will remain valid and in effect.
- c. The existing and proposed continued zoning district, the existing and proposed continued uses, and the allowable range of possible uses, are consistent with the Wake County Land Use Plan's Neighborhood Activity Center designation, and would be reasonable, and appropriate, for the area.
- d. More specifically, the Neighborhood Activity Center allows for small-scale urban land uses that are served by major thoroughfares and municipal water and sewer, and the previously approved rezoning complies with two stated goals of the Land Use Plan.
- e. There are no environmentally sensitive features on, or near, the subject property, and there is no indication of previous stormwater issues on the subject property.
- f. Resolution of the site plan errors that necessitate the requested increase in impervious surface coverage will require the review and approval of a new site plan (as would any moderate expansion of use within the vacant 20% of the existing building) to ensure compliance with all applicable current standards with

regards to, for example, stormwater management, which will ensure protection of the public health, safety and general welfare.

- g. The City of Raleigh's planning staff had no objection to the request to modify the previously approved rezoning condition to increase the allowable impervious surface limit to 50% and indicated that the uses are consistent with the City's Future Land Use Map.
- h. The Wake County Planning staff has received no objections from the surrounding property owners or the general public.

(2) The Planning Board at their Wednesday, December 5, 2018 meeting recommended by a vote of 7 to 0 that the Board of Commissioners approves of the rezoning request, ZP-898-18, as presented.

**Attachments:**

- 1. Presentation
- 2. Staff Report
- 3. Ordinance Regarding Statement of Consistency, Reasonableness, and Public Interest
- 4. Ordinance Approving Rezoning Petition as Presented
- 5. Petition Materials
- 6. Maps
- 7. Planning Board Minutes Excerpt