

## MEMORANDUM

To: Wake County Planning Department  
CC: Keith Lankford, AICP, CZO  
From: Jason Earliwine, Entitlement Specialist  
Date: 10/24/2018  
Project: 3252 Auburn-Knightdale Road Rezoning  
Subject: Rezoning Petition Summary

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The site, located at 3252 Auburn-Knightdale Road, was approved for a convenience store and gas sales in December 2000 and began construction in 2001. The site exceeded the impervious surface limit of 30% immediately following construction due to an error in the site plan. In 2006, the previous property owner added an ATM to the site. The permit (#0060661) was approved by the Wake County Building Permit Department, but the structure increased the impervious surface limit even further above the approved 30%. The addition of an ATM also required two additional parking spaces, which were not provided. These two spaces would require an additional 400 SF. Since that time, a 1,470 SF gravel parking area was added by the previous property owner to accommodate large vehicles and prevent any erosion damage to the grassy area adjacent to the paved parking areas. Many of the large vehicles that utilize the gravel parking area on this site are travelling to or from Wake County Convenience Center #5, located nearby on Battle Bridge Road. This gravel parking area further increased the impervious area above the maximum permitted. This site currently is facing multiple zoning violations which is necessitating this rezoning request for additional impervious surface coverage.

This site is currently non-compliant due to an excess of impervious surface associated with the existing use and is therefore in violation of the conditions set forth in rezoning case #ZP-813-01, which states: "The impervious surface ratio for the site shall not exceed 30%". The existing impervious surface of the site is currently about 37% and the property owner is requesting an increase in impervious surface allowance from 30% to 50% in order to resolve this overage and bring his property into a conforming status. All other zoning conditions shall remain as approved.

The community, and those traveling in the area, have become accustomed to and rely on the convenience and location of this this store and gas sales, which has been part of their community for over 15 years. The store, gas sales, and stand-alone ATM serve those that live and work in the area. The owner was previously considering a moderate expansion within the footprint of the existing building that is currently unused, but he has since decided to wait on that project. The proposed rezoning, if approved, would bring the site into compliance and allow for possible moderate expansion within the existing footprint. The original rezoning included a condition restricting the uses of the property to gas/food service/convenience store. The owner is not asking to alter any of the other originally approved conditions.

The gas sales, ATM, and store provide services to the local community where few commercial services exist. The request for a change in the zoning conditions will not generate additional vehicle trips, and the site continues to be served by City of Raleigh water and sewer. If the property owner does utilize a moderate expansion within the footprint of the unused portion of the existing building, there may be a need for additional parking spaces, but there should be relatively little new traffic generated to and from the site, and should not create any adverse impact to the neighboring properties, the general public, or the environment, as any new use in the vacant portion of the building will be geared toward the existing customer base. There are currently no stormwater issues with the site, however any impervious surface increases stemming from additional parking areas will meet the requirements of the Wake County UDO. In addition, there are no environmentally sensitive features on the site. By amending the impervious surface condition and bringing the existing site into compliance with the Wake County UDO, the property owner may continue to provide these convenience services to which the community and travelers in the area have become accustomed.



## REZONING APPLICATION

Submit required documentation to:

Wake County Planning, Development and Inspections  
PO Box 550 Wake County Office Building  
Raleigh, NC 27602-0550 336 Fayetteville Street Mall, Downtown Raleigh  
Contact (919) 856-6335 for additional information.

File #  
Fee  
Amt Paid  
Check #  
Rec'd Date  
Rec'd By

Complete with required information (write "n/a" if information is not applicable to proposal).

**Proposed Rezoning** (include area for each current and proposed district)

From CU-GB (previous rezoning cases ZP-791-00 and ZP-813-01)

(current zoning district(s))

To CU-GB (change condition #2 to increase the impervious surfaces coverage limit from 30% to 50%\*)

(proposed zoning district(s))

(\*Stormwater control measures shall be provided as required by the Wake County Unified Development Ordinance (UDO) to mitigate any increased stormwater runoff.)

**Property**

Parcel Identification Number (PIN): 1741 27 5282

Address: 3252 Auburn Knightdale Rd.

Location: West side of Auburn Knightdale Rd., at/between  
(north, east, south, west) (street)

Auburn Knightdale Rd. and Battle Bridge Rd

(street)

(street)

Total site area in square feet and acres: 65,293 square feet 1.499 acres

Zoning District(s) and Overlay Districts (if any) and land area within each: CU-GB

Present land use(s): Convenience store with gas sales and freestanding automated teller machine.

How is this proposed use a public necessity? Please see Attachment A.

What is impact on surrounding neighborhood and adjacent properties?" Please see Attachment A.

**Property Owner**

Name: AEM Properties, LLC, Chandan Kumar, President

Address: 862 Seastone St.

City: Raleigh State: NC Zip Code: 27603

Telephone Number: 919-749-7253 Fax: N/A

E-mail Address: bbggarner@gmail.com

**Applicant** (person to whom all correspondence will be sent)

Name: Jason Earliwine - WithersRavenel

Address: 137 S. Wilmington Street, Suite 200

City: Raleigh State: NC Zip Code: 27601

Telephone Number: 919-535-5126 Fax: 919-467-6008

E-mail Address: jearliwine@withersravenel.com Relationship to Owner: Planning Consultant



## Site Information

### Vehicular Access:

Name of adjacent street	Right-of-way width (ft)	Pavement width (ft)	No. of lanes	Paved? (Y or N)	Roadway design capacity	Traffic volume (ADT) <sup>2</sup>
Battle Bridge Rd	60'	24'	2	Y	12,000	1,500
Auburn Knightdale Rd	75'	24'	2	Y	12,000	3,900

<sup>1</sup> See NCDOT Highway Capacity Manual or Wake County Thoroughfare Plan Appendix

<sup>2</sup> See CAMPO web site ([www.raleigh-nc.org/campo/trafcnt/98trfent.html](http://www.raleigh-nc.org/campo/trafcnt/98trfent.html)) or contact NCDOT Traffic Survey Unit

<sup>3</sup> Base on Institute of Transportation Engineers ratios - ratio used for estimate (e.g., x trips per y sf) \_\_\_\_\_

### Utilities and Services:

Water supply provided by: (X) municipal system ( City of Raleigh )

( ) community system ( \_\_\_\_\_ ) ( ) individual well(s)

Wastewater collection/treatment provided by: (X) municipal system ( City of Raleigh )

( ) community system - specify type \_\_\_\_\_ ( ) individual on-site system

Solid waste collection provided by: Waste Industries

Electrical service provided by: Duke Energy

Natural gas service provided by: N/A

Telephone service provided by: Spectrum

Cable television service provided by: Spectrum

Fire protection provided by: Eastern Wake 1

### Miscellaneous:

Generalized slope of site Flat

Valuable natural features (rare plant community, wildlife habitat, lake, stream, geology, etc.) on or adjoining site: There are no FEMA regulatory floodplain areas, Wake County flood hazard soils, protected streams or drainageways, or rare plants or animals on the subject property.

Valuable historic resources (homestead, mill, archeological site) on or adjoining site: \_\_\_\_\_

There are no historic resources on the subject property.

### Land Use Plan Classifications

General Classification (note associated municipality and/or watershed):

( ) Short-Range Urban Services Area/Water Supply Watershed \_\_\_\_\_

(X) Short-Range Urban Services Area Raleigh

( ) Long-Range Urban Services Area/Water Supply Watershed \_\_\_\_\_

( ) Long-Range Urban Services Area \_\_\_\_\_

( ) Non-Urban Area/Water Supply Watershed \_\_\_\_\_

( ) Non-Urban Area

Neighborhood Activity Center as shown on the Wake County East Raleigh - Knightdale Area Land Use Plan

The proposed use(s) of the property must be identified by condition. How does the proposed use benefit the adjacent and surrounding properties? Please see Attachment A.

PLEASE SEE ATTACHMENT A.

This image shows a single sheet of white paper with horizontal blue or grey ruling lines. The lines are evenly spaced and run across the width of the page. There are approximately 20 lines visible. The paper appears to be a standard notebook page or a sheet of stationery. There is no handwriting or other markings on the page.

The undersigned property owner(s) hereby authorize the filing of this application (and any subsequent revisions thereto). The filing of this application authorizes the Wake County staff to enter upon the site to conduct relevant site inspections as deemed necessary to process the application.

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Signature: Jason Earliwine Date: 11/08/2018

09/11/2013 S:\Current Planning\Forms\Rezoning Application Packet\Rezoning Application.doc

## **Attachment A**

### **3252 Auburn Knightdale Road**

#### **How is this proposed use a public necessity?**

The community, and those traveling in the area, have become accustomed to and rely on the convenience and location of this store and gas sales, which has been part of their community for over 15 years. The store, gas sales, and stand-alone automated teller machine serve those that live, work and play in the area. The property owner was previously considering a moderate expansion within the footprint of the existing building that is currently unused, but he has since decided to wait on that project. Currently, there is an impervious surface zoning violation existing on the property. The property is over the impervious surface limit of 30%, therefore, the owner is asking to change the impervious condition of the original rezoning request to allow 50% impervious coverage, which will resolve the zoning violation and allow for additional parking related to possible moderate expansion within the footprint of the existing building. The original rezoning included a condition restricting the uses of the property to gas/food service/convenience store. That condition will not change. By amending the impervious surface condition and bringing the existing site into compliance with the Wake County Unified Development Ordinance, the property owner may continue to provide these convenience services to which the community and travelers in the area have become accustomed. The additional impervious surface allowance will also provide ample space for future parking needs should the property owner decide to utilize the empty space in his building, bringing additional convenience services to an area that is otherwise limited in this type of use.

#### **What is impact on surrounding neighborhood and adjacent properties?**

This convenience store with gas sales has been in operation since 2002 and has had no adverse effects on the surrounding properties. Those that live in the area, play golf at River Ridge Golf Club, and travel through the area have come to depend on the community store and gas sales. The site is adjacent to one single-family residence on the northern property line. River Ridge Golf Club borders the property to the west and north. The City of Raleigh owns property to the east and southeast, which is zoned R-4 and is currently used for agricultural purposes. The property to the south (across Auburn-Knightdale Road) is zoned R-30 for single-family residences. Vegetative buffers and screens were installed in compliance with the Wake County Unified Development Ordinance and have been maintained to ensure minimal impact to adjoining properties. Stormwater control measures shall be provided as required by the Wake County Unified Development Ordinance (UDO) to mitigate any increase in stormwater runoff.

#### **How does the proposed use benefit the adjacent and surrounding properties?**

The existing and proposed continued use of the property for the gas sales, convenience store and freestanding ATM provides services to the community and those traveling in this area that would otherwise not be available in this area. The approval of this rezoning request to increase the impervious surface coverage to 50% is needed to continue to be able to provide these services and to allow for a possible moderate expansion within the footprint of the existing building. It would be in the best interest of the property owner, the surrounding community, and Wake County to bring this property into conformity to allow for structured growth and responsible development.

This site is currently non-compliant due to an excess of impervious surface associated with the existing use and is therefore in violation of the conditions set forth in rezoning case #ZP-813-01, which states: "The impervious surface ratio for the site shall not exceed 30%". The existing impervious surface of the site is currently about 37% and the property owner is requesting an increase in impervious surface allowance from 30% to 50% in order to accommodate this overage and bring his property into a conforming status. All other zoning conditions shall remain as approved.



The site was approved for a convenience store and gas sales in December 2000 and began construction in 2001. The site exceeded the impervious surface limit of 30% immediately following construction due to an error in the site plan. In 2006, the previous property owner added an ATM to the site. The permit (#0060661) was approved by the Wake County Building Permit Department, but the structure increased the impervious surface limit even further above the approved 30%. The addition of an ATM also required two additional parking spaces, which were not provided. These two spaces would require an additional 400 SF (or approximately 0.61% impervious surface area). Since that time, a 1,470 SF (or approximately 2.25% impervious surface) gravel parking area was added by the previous property owner to accommodate large vehicles and prevent any erosion damage to the grassy area adjacent to the paved parking areas. Many of the large vehicles that utilize the gravel parking area on this site are travelling to or from Wake County Convenience Center #5, located nearby on Battle Bridge Road. This gravel parking area further increased the impervious area above the maximum permitted. This site currently is facing multiple zoning violations that must be rectified, which is necessitating this rezoning request for additional impervious surface coverage.

As stated earlier, the surrounding community has come to rely on the convenience of this gas sales, ATM, and store, which provide services to the local community where few commercial services exist. The request for a change in the zoning conditions will not generate additional trips, and the site continues to be served by City of Raleigh water and sewer. If the property owner does utilize a moderate expansion within the footprint of the unused portion of the existing building, there may be a need for additional parking spaces, but there should be relatively little new traffic generated to and from the site, and should not create any adverse impact to the neighboring properties, the general public, or the environment, as any new use in the vacant portion of the building will be geared toward the existing customer base. There are currently no stormwater issues with the site, however any impervious surface increases stemming from additional parking areas will meet the requirements of the Wake County UDO. In addition, there are no environmentally sensitive features on the site.

### **Statement of how rezoning complies with the Land Use Plan**

The requested zoning modification complies with the Wake County Land Use Plan Goals #2 and #3. Goal #2 states that the intent is *"to encourage growth close to municipalities, and to take advantage of existing and planned infrastructure, such as transportation, water and sewer facilities."* This request seeks to account for the current development conditions and allow for future uses that could be adapted to the existing building. Any impervious surface increase will meet the requirements of the Wake County UDO, and as stated earlier, stormwater control measures shall be provided as required by the Wake County UDO to mitigate any increase in stormwater runoff.

In addition, the nature of the project implies that the zoning modification would comply with Land Use Plan Goal #3, which states that it shall *"encourage the development of communities which provide adequate land for anticipated demands in a pattern which allows a mixture of uses."* The site is currently supporting gas sales, a convenience store, and an ATM, but the existing convenience store is underutilized. The outer 20 feet of the west side of the building is a vacant shell. If this portion of the building were to eventually house a moderate expansion within the footprint of the existing building, the site would support an even wider mix of uses to satisfy a growing demand for convenient services in this area where few services currently exist. The existing business is already connected to the City of Raleigh's water and sewer lines, and the site is located within an 11-acre Neighborhood Activity Center, as shown on the Wake County East Raleigh-Knightdale Area Land Use Plan. The request to increase the impervious surface allowance will bring the site into conformity with the current land use regulations, as well as provide ample impervious area for future parking needs should the property owner decide to utilize the empty space in his building.

### **Compliance with Transitional Urban Development Policies**

The existing and proposed continued use of the property shall comply with the Transitional Urban Development Policies as outlined in the Wake County Land Use Plan by receiving water supply and sanitary sewer service from the City of Raleigh. The subject property is located within a Neighborhood Activity Center, as shown on the Wake County East Raleigh-Knightdale Area Land Use Plan. The City of Raleigh has this area designated as Community Mixed Use as shown on the City of Raleigh 2030 Comprehensive Plan Future Land Use Map. The City of Raleigh Planning Staff stated that the "site is within the City's future urban services area, and is part of a larger area...designated 'Community Mixed Use' on the City's Future Land Use Map. The request appears to be consistent with that policy guidance". In addition, a turning lane on the southbound western side of Auburn-Knightdale Road was required by NCDOT and installed, as shown on the approved site plan.

### **Statement of How Rezoning Otherwise Advances Public Health, Safety, and General Welfare**

The existing and proposed continued use of the property as a convenience store with gas sales, and an ATM provides a mix of services in an area predominantly comprised of residential and agricultural uses. Due to the existing conditions of the property, a zoning violation has been filed with the Wake County Planning Department. The approved conditions of the original rezoning petition and certain regulations in the Wake County UDO cannot be met without the requested change to the previously approved condition imposing the 30% impervious surface coverage limit. It would be in the best interest of the property owner, the surrounding community, and Wake County to bring this property into conformity to allow for structured growth and responsible development.