

ORDINANCE APPROVING A REZONING REQUEST (ZP-898-18) (ZP-898-18) TO MODIFY A CONDITION FROM A PREVIOUSLY APPROVED (2000) CONDITIONAL USE REZONING CASE THAT CURRENTLY LIMITS THE IMPERVIOUS SURFACE COVERAGE ON THE SUBJECT PROPERTY TO 30% BY ALLOWING IT TO BE INCREASED TO 50% IN ORDER TO RESOLVE EXISTING ZONING VIOLATIONS AND TO ALLOW FOR A POSSIBLE FUTURE MODERATE EXPANSION OF USE WITHIN THE VACANT 20% OF THE EXISTING BUILDING.

WHEREAS, 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; and

WHEREAS, all other previously approved rezoning conditions will be unchanged and will remain valid and in effect; and

WHEREAS, 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; and

WHEREAS, 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; and

WHEREAS, 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; and

WHEREAS, 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; and

WHEREAS, 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; and

WHEREAS, 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; and

WHEREAS, the Wake County Planning staff has received no objections from the surrounding property owners or the general public; and

WHEREAS, on December 5, 2018, the Wake County Planning Board voted 7-0 to recommend that the Board of Commissioners approve the proposed zoning map amendment as presented; and

WHEREAS, the Wake County Board of Commissioners held a duly-noticed public hearing on January 22, 2019 to consider amending the zoning map by approving the requested modification of a previously approved rezoning condition to allow the impervious surface coverage on the subject property to be increased from 30% to 50% of the lot area.

NOW, THEREFORE, BE IT ORDAINED BY THE WAKE COUNTY BOARD OF COMMISSIONERS:

SECTION I

The proposed rezoning, is found to be consistent with the Land Use Plan, reasonable, and otherwise promotes the public health, safety and general welfare, therefore, the Wake County Zoning Map is hereby amended to modify a previously approved rezoning condition to allow the impervious surface coverage on the subject property to be increased from 30% to 50%;

SECTION II

This ordinance to amend the Wake County Zoning Map as petitioned shall become effective upon adoption.

Commissioner _____ made a motion that the above ordinance be adopted. Commissioner _____ seconded the motion, and upon vote, the motion carried this 22nd day of January 2019.

This Instrument Approved as to Form

Wake County Attorney

Date