

Proposed Zoning Map Amendment Staff Report

Board of Commissioners Hearing: February 18, 2019

Rezoning Petition #: ZP-899-18

Request: This rezoning request is to apply Wake County zoning to a total of approximately 134.49 acres of land much of which is located within relatively narrow portions of 36 separate parcels. Many of these parcels are currently split by the Wake County-Harnett County-Chatham County line. The proposed zoning map amendment would bring the Wake County Zoning Map into conformity with the more accurate representation of the actual location of the county boundary line that was established by the North Carolina Geodetic Survey (NCGS) and as jointly agreed upon by the Wake County and Harnett County Boards of Commissioners on October 15, 2018.

Location: The area affected by this mapping refinement is comprised of two separate areas and will extend the existing Wake County zoning from the old representation of the county line (gray dashed line on the attached maps) southward to the accurate representation of the Wake-Harnett County line as established by the North Carolina Geodetic Survey (solid green line). Please see the attached maps and rezoning table.

The first area extends, generally, from Bartley-Holleman Road in the west near Harris Lake, eastward past the tri-county common corner near the point where Cass Holt Road (aka Rollins Mill Road) crosses the county line, and continues eastward to a point just past Sweet Springs Road (aka Wade Stephenson Road).

The second area is southwest of Fuquay-Varina and extends, generally, from a point west of Buckhorn-Duncan Road (aka Cokesbury Road) eastward to just past Paul Ridge Lane.

Rezoning Details for First Area: This request is to rezone a total of approximately 70.66 acres of land within portions of seven (7) separate parcels. Many of these parcels are currently split by the Wake County-Chatham County-Harnett County line. This adjustment to the county line represents the actual location of the county line as determined by North Carolina Session Law 2018-62 (which established the location of the tri-county common corner) and the North Carolina Geodetic Survey's survey of the county line.

This rezoning would apply Wake County Residential-80 (R-80) zoning to the relative portions of each parcel in accordance with the zoning that already applies in that area.

Rezoning Details for Second Area: This request is to rezone a total of approximately 63.83 acres of land within portions of 29 separate parcels. Many of these parcels are currently split by the Wake County-Harnett County line. This adjustment to the county line represents the actual location of the county line as determined by the North Carolina Geodetic Survey and as approved by the Wake County and Harnett County Boards of Commissioners on October 15, 2018.

This rezoning would apply Wake County zoning to the relevant portions of each parcel in accordance with the zoning that already applies in that area. For the area just west of Buckhorn-Duncan Road (aka Cokesbury Road) the Wake County Residential-80 (R-80) zoning would be applied since that is what already exist in that area. Likewise, Wake County Residential-30 (R-30) zoning will be applied between Buckhorn-Duncan Road (aka Cokesbury Road) and a point approximately halfway between where OC Hester Road and West Academy Street (aka NC 42) cross the county line (see the attached map). From that point eastward to Barefoot Road (aka Christian Light Road) Wake County Highway District (HD) zoning will be applied. And from Barefoot Road to just east of Paul Ridge Lane, Wake County Residential-30 (R-30) zoning will be applied.

Proposed Zoning: The proposed zoning map amendment would apply Wake County zoning (as described above) to the narrow portions of each parcel in accordance with the zoning that already applies in that area—in effect extending the current zoning to fill the gap between the old representation of the county line and the more accurate representation of the county line as established by the North Carolina Geodetic Survey, which became effective January 1, 2019.

Existing Land Uses for First Area: Much of this first area, near Harris Lake, is owned by Duke Energy Progress and is preserved in association with the Shearon Harris Nuclear Plant and is actively used for game land, but there are some scattered low-density residential and agricultural uses closer to Cass Holt Road and Sweet Springs Road.

Existing Land Uses for Second Area: This second area has more residential development than the first area, but it is still low-density with agricultural uses.

Petitioner: Wake County Planning, Development & Inspections

Design Firm: Not Applicable

Owners: 31 different property owners

REIDs: 36 different Real Estate Identification Numbers

Land Use/Zoning History

1973: General zoning was first introduced to the southwestern portion of Wake County.

2007: Southwest Area Land Use Plan was adopted and designated this area for low-density residential uses.

Background

Historically there has been some uncertainty between Wake County, Harnett County, and Chatham County as to the exact location of the boundary between them, with some discrepancies being as much as several hundred feet. These discrepancies created issues with regards to tax assessment, property value, deed recordation, zoning, building permitting, public safety, board of elections, and the school system.

Current technology allows for a much more precise location of the county line than has previously been possible. It's important to note that the county line is not actually changing location, rather it is more of a matter of being more accurately represented. The counties worked with the North Carolina Geodetic Survey to conduct historical research and field work to determine the accurate location of the shared boundary line. During their work they discovered errors in the 1961 Wake County and Chatham County survey that had incorrectly located the common Wake/Chatham/Harnett county corner.

On April 16, 2018, the Wake County Board of Commissioners jointly agreed with the Harnett County and Chatham County Board of Commissioners to resolve discrepancies along the Wake, Harnett and Chatham County line by authorizing legislation to establish the correct location of the common corner shared by all three counties. Subsequently, on June 25, 2018, the North Carolina General Assembly ratified legislation, Session Law 2018-62, that corrects the common corner for Wake, Harnett, and Chatham Counties.

After the actual location of the tri-county common corner was correctly identified, Wake County and Harnett County staffs worked with the North Carolina Geodetic Survey who performed the necessary field work and prepared a plat showing where the Wake and Harnett County boundary line was actually located. Their conclusion is based on research of the 1855 survey of Harnett County, and the description of the land grant as recorded in the Chatham County and Harnett County Register of Deeds offices. In accordance with North Carolina General Statute 153A-18, both Wake County and Harnett County mutually agreed to establish this as the county boundary line.

The county staffs held two community meetings—on December 5, 2017 and on March 27, 2018 to advise property owners about the pending change and to answer any questions that they may have. All affected property owners have also been sent three separate letters detailing the impact on their property. The property owners that are affected by this rezoning were sent letters notifying them of the Planning Board meeting on January 16, 2019 and of this Board of Commissioners hearing. Several public hearing notification signs were posted in each of the rezoning areas described above.

Wake County Land Use Plan

The southwestern portion of Wake County around Harris Lake eastward to Buckhorn Duncan Road is designated as the Town of Holly Springs' Short-Range Urban Services Area (SRUSA). The area from Buckhorn Duncan Road eastward past the area of this rezoning is designated as the Town of Fuquay-Varina's SRUSA. SRUSAs are anticipated to be absorbed into the relevant municipal jurisdiction at some point in the future, perhaps within the next ten years, with the provision of public water and sewer as the area develops.

The area where this rezoning is occurring is covered by the Southwest Area Land Use Plan and is designated, primarily, for low-density residential uses. There are no activity centers (i.e.—areas deemed appropriate for commercial or mixed-use development) designated on the Land Use Plan within the area of this rezoning petition.

Future development within the subject area would be required to comply with the Land Use Plan's policies and all applicable standards of the Wake County Unified Development Ordinance.

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 (UDO) 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. As per Section 19-22-7 (E) of the UDO, 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 planning staff has determined that the proposed zoning map amendment would be consistent with the Land Use Plan, as well as the current zoning in that area because it will only be an extension of what Wake County already has applicable within the adjacent area. The proposed zoning map amendment would bring the Wake County Zoning Map into conformity with the county boundary line that was jointly agreed upon by the Wake County and Harnett County Boards of Commissioners on October 15, 2018.

The Planning staff has drafted (and the Planning Board has endorsed) a statement of consistency, reasonableness, and public interest for consideration by the Board of Commissioners (see attached draft statement).

Public Utilities

Any development within Wake County's jurisdiction would most likely be served by individual wells and septic systems, but there is a possibility of developments using a community water or wastewater system. As noted in the discussion about the Short-Range Urban Services Areas above, the towns of Holly Springs or Fuquay-Varina may choose to extend public water and/or sewer lines into their respective portions of this area in accordance with their growth and development plans.

It is also possible that public utilities could be extended into this area by the Harnett County utility district, however such utility extension can only occur after they reach an agreement with the relevant municipality regarding ownership and maintenance of any such utility lines and future revenue sharing. Once the parties reach an agreement, the Wake County Board of Commissioners would have final say on whether or not utility lines can be extended across the county line into Wake County as per Section 12-11-2 of the Wake County Unified Development Ordinance.

Environmental Issues

This general area is **not** located within a water supply watershed. This area is encumbered with some floodplains, flood prone soils, stream buffers, and wetland areas—especially near Harris Lake. While there are some environmental constraints within this area, significant areas remain for future development. The Wake County Land Use Plan, the correlating zoning districts, and various provisions of the Wake County Unified Development Ordinance adequately address development near these environmental constraints.

Transportation Issues

This general area is serviced by a network of secondary state-maintained roads that generally have 50-foot or 60-foot rights-of-way with 19-foot to 24-foot wide roadways. Some of the roads, especially in the western area within the Harris Lake game lands, are substandard. Development within this general area would be required to improve the roadways as needed and as directed by the North Carolina Department of Transportation. The roads in this area are lightly traveled with average daily traffic being only a few hundred to 2,000 trips per day. The exception is NC 42 (aka Academy Street), which is a state highway and is listed in the Wake County Transportation Plan as having a design capacity of 15,000 vehicles per day with a current estimated usage of approximately 3,600 vehicles per day. Adequate capacity is available to accommodate future growth.

Planning Staff Findings

1. This request, to rezone the subject areas described above by extending the existing Wake County zoning districts to the more accurate representation of the location of the county line as established by the North Carolina Geodetic Survey, is consistent with the Wake County Land Use Plan.

2. The existing and proposed extended zoning districts and the existing and allowable range of possible uses, are consistent with the Wake County Land Use Plan's designation, and would be reasonable, and appropriate, for the area.
3. The proposed zoning map amendment would bring the Wake County Zoning Map into conformity with the county boundary line that was jointly agreed upon by the Wake County and Harnett County Boards of Commissioners on October 15, 2018.
4. Provisions of the Wake County Unified Development Ordinance will ensure adequate protection of any environmentally sensitive features.
5. There are no traffic issues (e.g.—high traffic volumes, high number of accidents) on the area roadways, although some may need to be improved or upgraded to accommodate new development as it occurs.
6. Any new development in this area will be required to comply with any and all applicable standards of the Wake County Unified Development Ordinance and the county's development review process, which will ensure protection of the public health, safety and general welfare.
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 drafted statement (see attached) finding that the requested rezoning to extend the existing Wake County zoning districts to the more accurate representation of the location of the county line (as established by the North Carolina Geodetic Survey), the existing and proposed extended zoning districts, and the existing and allowable range of possible uses, are consistent with the Wake County Land Use Plan, and would be reasonable, and appropriate, for the area.

and by separate motion

- (2) Approves the rezoning petition, ZP-899-18, as presented.

Planning Board Recommendation

(1) The Planning Board, at their Wednesday, January 16, 2019 meeting, recommended, by a vote of 6 to 0, that the Board of Commissioners adopts the following recommended statement of Land Use Plan consistency, reasonableness, and public interest and finds that:

- a) This request, to rezone the subject areas described above by extending the existing Wake County zoning districts to the more accurate representation of the location of the county line as established by the North Carolina Geodetic Survey, is consistent with the Wake County Land Use Plan.

- b) The existing and proposed extended zoning districts and the existing and allowable range of possible uses, are consistent with the Wake County Land Use Plan's designation, and would be reasonable, and appropriate, for the area.
- c) The proposed zoning map amendment would bring the Wake County Zoning Map into conformity with the county boundary line that was jointly agreed upon by the Wake County and Harnett County Boards of Commissioners on October 15, 2018.
- d) Provisions of the Wake County Unified Development Ordinance will ensure adequate protection of any environmentally sensitive features.
- e) There are no traffic issues (e.g.—high traffic volumes, high number of accidents) on the area roadways, although some may need to be improved or upgraded to accommodate new development as it occurs.
- f) Any new development in this area will be required to comply with any and all applicable standards of the Wake County Unified Development Ordinance and the county's development review process, which will ensure protection of the public health, safety and general welfare.
- g) The Wake County Planning staff has received no objections from the surrounding property owners or the general public.

and by separate motion

(2) The Planning Board, at their Wednesday, January 16, 2019 meeting, recommended, by a vote of 6 to 0, that the Board of Commissioners approves the rezoning petition, ZP-899-18, as presented.