

Item Title: Public Hearing to Consider Rezoning PLG-RZ-002573-2020 of Approximately 227 Acres Located South of Tryon Road and to the East of Dover Farm Road from City of Raleigh Zoning Districts Residential-1 & Residential-10 to Wake County Residential-40 Watershed

Specific Action Requested:
That the Board of Commissioners:

- 1. Holds a public hearing and adopts the draft statement finding that the requested rezoning to Residential-40 Watershed is consistent with the Wake County Land Use Plan, reasonable, and in the public interest;**
and by separate motion;
- 2. Adopts the attached ordinance for the proposed rezoning as presented in PLG-RZ-002573-2020; and**
- 3. Directs county staff to continue receiving public comments on this item until January 20, 2021 at 5:00PM, and to place this item on the agenda of the February 1, 2021 Board meeting.**

Item Summary:

Purpose: State Statute requires the Board of Commissioners approve amendments to the Wake County zoning districts.

Background: This request is to rezone an area consisting of approximately 227.59 acres from City of Raleigh zoning districts R-1 (Residential-1)(226.09 acres) and R-10 (Residential-10) (1.5 acres) each with a Swift Creek Watershed Protection Overlay to Wake County zoning district R-40W (Residential 40 Watershed). The property is located south of Tryon Road and east of Dover Farm Road. The proposed land use classification and zoning are consistent with the direction of the proposed comprehensive land use plan.

Raleigh City Council relinquished extraterritorial jurisdiction (ETJ) for the subject properties at its October 6, 2020 meeting with an effective date of December 1, 2020. In accordance with General Statute 160D-202(h), the County has a period of 60 days to assign zoning to the relinquished parcels.

The City of Raleigh has stated that they have no plans to annex this area. The City utility extension policies and Swift Creek Land Management Plan do not allow municipal sewer and water services within a Water Supply Watershed unless a health and safety issue exists. Therefore, staff from the City and County agree that it is more

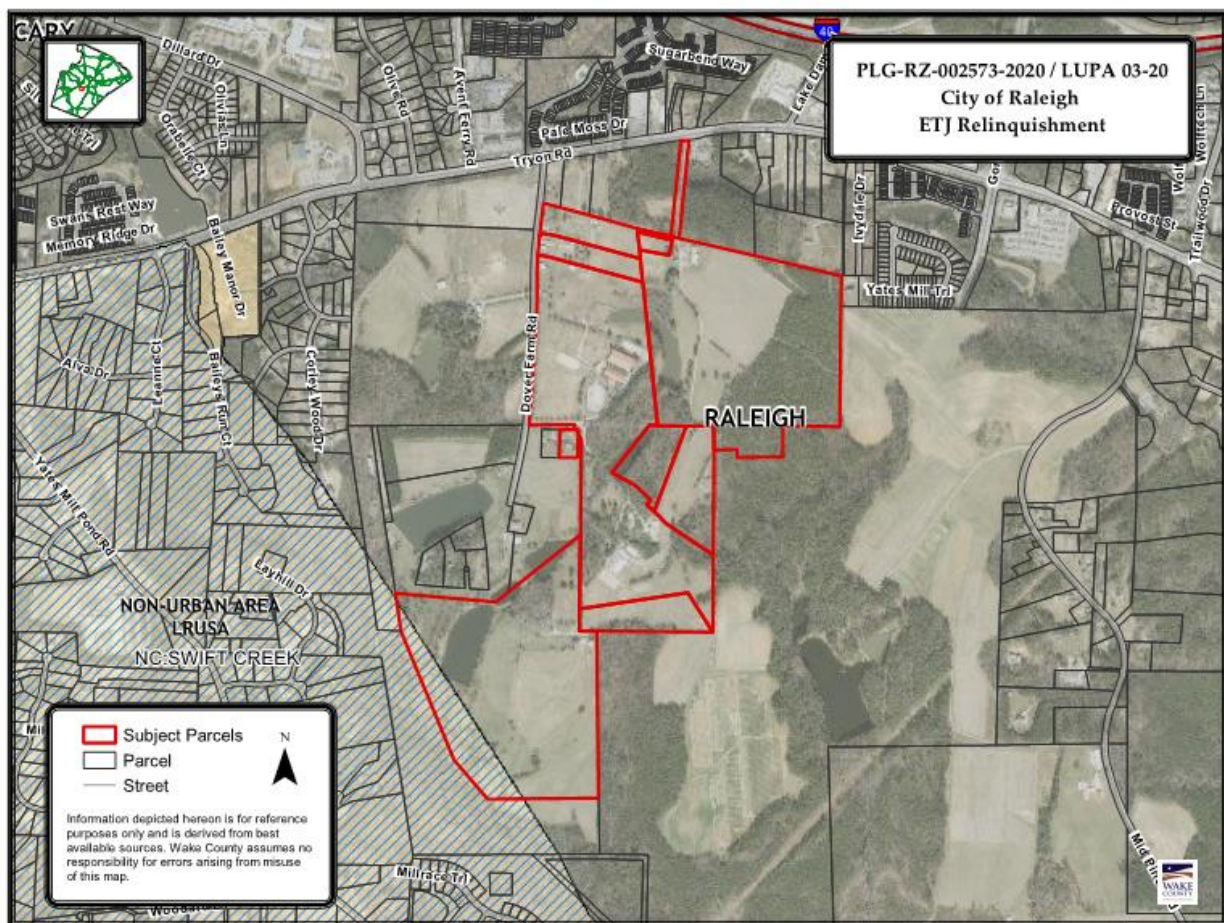
appropriate for these properties to be in the County's planning jurisdiction, thus removing them from the City's ETJ. Wake County Planning, Development & Inspections is the petitioner for this request to assign County zoning to the property. Property owners subject to this action have expressed support.

Board Goal: This action supports routine County operations

Fiscal Impact: This action has no fiscal impact

Additional Information:

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 226.09 acres of the area as a non-critical rural area which allows for a maximum density of up to one dwelling unit per acre. The remaining 1.5 acre parcel is identified as new urban and contains a 60 foot private access easement.



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 land use classification and zoning are consistent with the direction of the proposed comprehensive land use plan.

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.

Planning staff mailed out letters to adjacent property owners and also posted a public meeting notice signs on Tryon Road and Dover Farm Road. The planning staff has not received any phone calls or letters in response to those efforts to solicit neighborhood feedback.

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.

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 Residential-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. Raleigh City Council relinquished ETJ for the subject site at its October 6, 2020 meeting with an effective date of December 1, 2020.
6. In accordance with North Carolina General Statute 160D-202(h), the County has a period of 60 days, from the effective date, to assign zoning to the relinquished property.

Recommendations:

PLANING STAFF: The planning staff recommends approval of the requested zoning map amendment, PLG-RZ-002573-2020, 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: The Planning Board, at their Wednesday, December 2, 2020 meeting, recommended by unanimous vote, that the Board of Commissioners approve of the requested zoning map amendment, PLG-RZ-002573-2020, 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.

Attachments:

1. Presentation
2. Staff Report
3. Planning Board Minutes Excerpt
4. Statement of Consistency Resolution
5. Ordinance Approval
6. Motions Page