

Proposed Zoning Map Amendment Staff Report

Board of Commissioners Meeting: January 19, 2021

Case #: PLG-RZ-002573-2020

Request: 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 City of Raleigh has stated that they have no plans to annex this area. The City's utility extension policies do not allow municipal sewer and water services within a Water Supply Watershed unless a health and safety issue exists.

Raleigh City Council relinquished extraterritorial jurisdiction for the subject property 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 (from the effective date) to assign zoning to the relinquished parcels.

Location: The property is located south of Tryon Road and to the east of Dover Farm Road.

Current Zoning: City of Raleigh Zoning: Residential-1 (R-1) and Residential-10 (R-10) with a Swift Creek Watershed Protection Overlay District

Proposed Zoning: Wake County Zoning: Residential-40 Watershed District (R-40W)

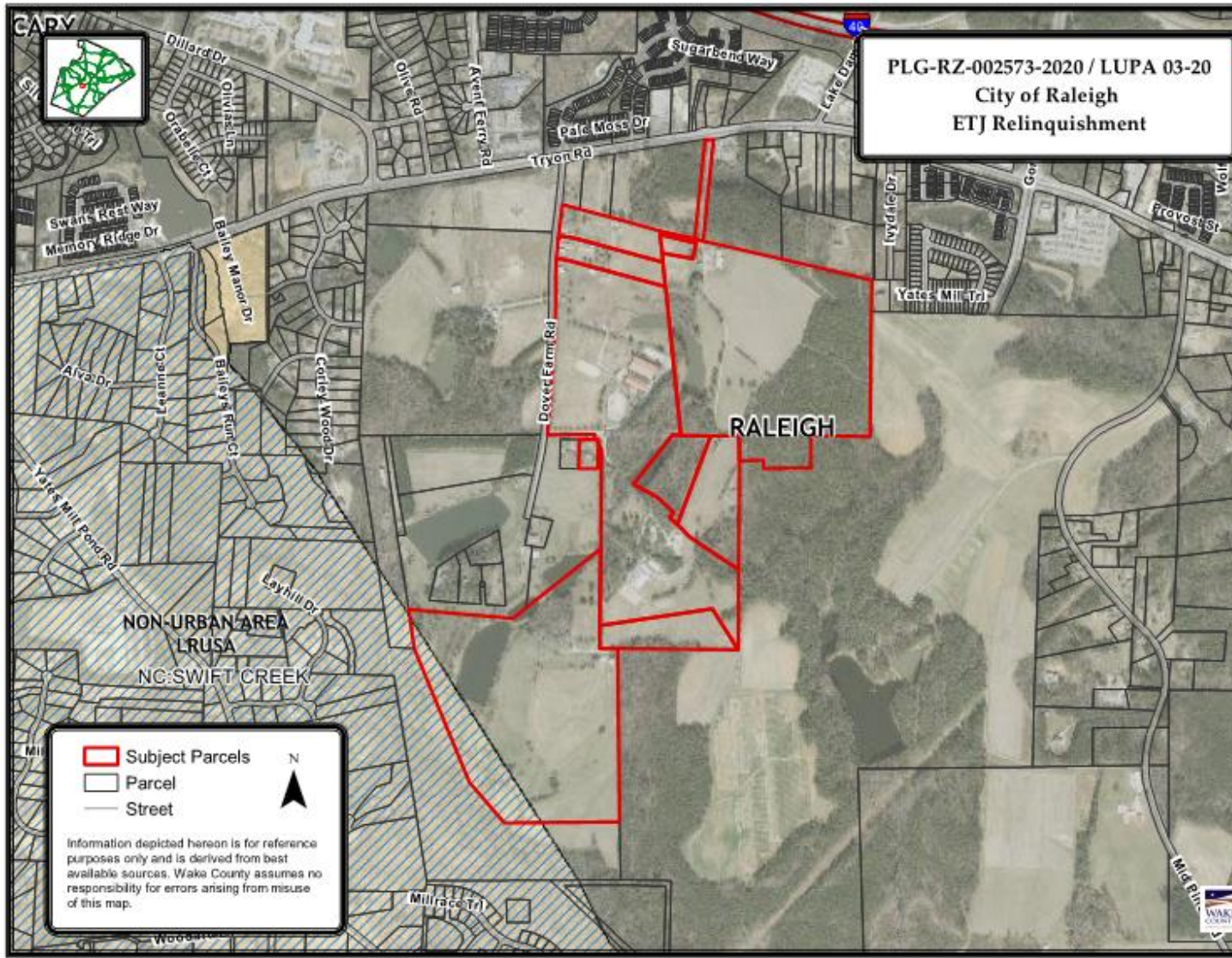
Existing Land Uses: Vacant, Farm, & Single-family Residential

Petitioner: Wake County

Owners: Alan MacNair Trustee & John Curtis Ager Trustee, Rock N K Ranch LLC, Henry K MacNair, & Rock'n K LLC

PIN Numbers: 0782576434, 0782478025, 0782564914, 0782661149, 0782468821, 0782459292, 0782543978, 0782547734, 0782533539, 0782421949, 0782456134

Map:



Surrounding Land Uses and Zoning Districts

Direction	Land Use	Zoning District
North	Single-family residential, vacant, child care center	R-1 & R-10 (Raleigh)
East	Vacant, single-family residential, & agricultural	R-1 & AP (Raleigh)
South	Vacant, agricultural & single-family residential	AP, R-1 (Raleigh) & R-40W (Wake County)
West	Vacant, single-family residential & agricultural	R-10, R-1 (Raleigh) & R-40W (Wake County)

Land Use/Zoning History

- 1970: General Wake County zoning was first applied to the area west and south of the subject property
- 1980: City of Raleigh extraterritorial jurisdiction established
- 1990: Wake County Board of Commissioners adopted the Swift Creek Land Management Plan

Wake County Land Use Plan

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 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.

In accordance with the North Carolina General Statutes and the Wake County Unified Development Ordinance (UDO), any proposed rezoning should be consistent with the Wake County Land Use Plan. It is the planning staff's professional opinion that the rezoning to Residential-40 Watershed zoning and the permissible densities and range of uses would be consistent with the Land Use Plan and are reasonable and appropriate for the area.

Required Statement of Consistency with the Land Use Plan and Public Interest

North Carolina General Statute 160D-604 and Section 19-20-6 (E) of the Wake County UDO require that the Planning Board provide the Board of Commissioners with a statement of whether or not the proposed rezoning petition is consistent with the Land Use Plan and otherwise advances the public health, safety, and general welfare. 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 and otherwise advances the public health, safety, and general welfare, or why it chose not to follow the Land Use Plan and how that decision is reasonable and in the public interest--if that is the case.

The planning staff has drafted a statement of consistency and public interest for consideration by the Planning Board (see attached).

Input from the City of Raleigh

Raleigh City Council relinquished extraterritorial jurisdiction for the subject property at its October 6, 2020 meeting with an effective date of December 1, 2020. The County has a period of 60 days, from the effective date, to assign zoning to the relinquished parcels.

Input from Neighboring Property Owners

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.

Utilities

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.

Environmental Issues

A portion of the subject property contains Wake County flood hazard soils and a USGS blue line stream. Various provisions of the Wake County UDO will restrict or prohibit development within these environmentally sensitive areas. All these areas of concern will be addressed during the review of any subsequent development plans and permits.

Transportation

The subject site has frontage on Tryon Road and Dover Farm Road. The segment of Tryon Road that serves as frontage to the subject site is currently a 90 foot public right-of-way. The segment of Dover Farm Road that serves as frontage of the subject site is currently a 60 foot public right-of-way.

Any future redevelopment on this site will be required to comply with the requirements of the Wake County UDO related to the provision of transportation facilities identified on the Wake County Transportation Plan. Any roadway improvements and/or driveway permits will have to be coordinated with, and approved by, the North Carolina Department of Transportation (NCDOT).

Traffic Impact Analysis

A Traffic Impact Analysis (TIA) is required by the Wake County UDO, for any development, that generates more than 1,000 trips per day, or more than 100 peak-hour trips, as determined by the Institute of Transportation Engineers' Trip Generation Manual for specific proposed uses. Any required TIA must be submitted during the development plan approval process.

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.

Planning Staff Recommendation

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 Recommendation

The Planning Board voted unanimously to recommend approval of the rezoning request at its December 2, 2020 meeting.