

To: Land Use Committee

From: Bryan Coates, Planner II

Subj: Land Use Plan Amendment #05-08

Date: 9-16-2009

Case#: LUPA 05-08

Process

Wake County Planning staff annually reviews revisions to the Wake County Land Use Plan that have been suggested by the Board of Commissioners or Planning Board or those that have been identified as needed for consideration by the Wake County Planning Staff. Planning staff reviews and processes land use plan amendment applications twice a year.

Applicant: David York of Smith Moore Leatherwood for the property owner.

Property Owner: James Jr. and Louise Goldston

Submittal Date: September 17, 2008; Amended March 10, 2009 & August 12, 2009

Wake County Land Use Committee Meetings were held on May 13th, 2009 and June 17th, 2009

Request: Amend the Wake County Land Use Plan Map to expand the existing 32.4-acre activity center to include the northwest corner (2.6 acres of the 10.38-acre parcel) at Old Creedmoor Road and NC Highway 98 as a Neighborhood Activity Center (NAC).

Location: This map amendment would apply to the 2.6-acres of parcel (PIN-0881959756) located in the northwest quadrant of the intersection of Old Creedmoor Road and NC Highway 98.

Background

The parcel is zoned R-40W and contains a single family residence and forests. The Land Use Plan classifies the land as Residential (less than 1 dwelling unit per acre). The Land Use Plan recommends these non-residential uses outside of activity centers: home occupations, daycare, parks, low intensity recreation, libraries, schools, churches, fire stations, nurseries, family care homes and telecommunication towers provided they would meet County policies and standards.

Adjacent Land Uses

The existing neighborhood activity center is located in the Falls Lake watershed non-critical area on the east side of Old Creedmoor Road.

East- Builders First Source lumber yard/building supply and several residential homes comprise the existing neighborhood activity center. The Builders First Source lumber

yard/building supply is a non-conforming use and once the use ceases operation, the site could be redeveloped according to current land use regulations.

West- Lake Falls subdivision abuts the property to the west.

North- A community well that serves part of the subdivision is located on the property.

South of Highway 98- A church and several residential properties occupy the land south of Highway 98.

Analysis:

In order to review and evaluate the Land Use Plan amendment request, the Planning staff gathered and reviewed information regarding the plans and policies adopted by Wake County for the area involved in the requested Land Use Plan amendment. Staff also gathered input from the City of Raleigh Public Utilities, Wake County Soil & Water Conservation District, and Wake County Environmental Services. Staff has also reviewed information provided by the applicant and neighborhood residents.

Wake County Land Use Plan- Neighborhood Activity Center General Guidelines

The goal of activity centers is to focus compact development in mixed use centers that include housing, commercial services and employment opportunities designed with convenient pedestrian and vehicular access from surrounding areas.

Activity Centers provide a full mix of goods, services, and housing types in concentrated areas close to public infrastructure (current and proposed). Activity centers should be located on transportation corridors that link rural areas with urban areas and allow for future transportation alternatives such as a bus, bicycle, or train. Activity Centers are generally located in areas where similar types of land use designations are found on adjacent municipal plans.

Non-Urban Activity Centers contain primarily convenience retail goods and personal services, or small-scale land uses typical of farm-serving uses. These uses are appropriate for the location relative to other development and environmental factors, imposing negative impacts on the surrounding community. Accessed by major thoroughfares, a non-urban neighborhood activity center should have small-scale development that focuses on serving the day-to-day needs and activities of the immediately surrounding neighborhood.

The general guidelines on the following page do not distinguish between urban and non-urban activity centers. The County's primary aims on size and spacing should be that activity centers will be compatible with neighborhoods' existing residences, road networks, and natural features and will not contribute to strip developments. The characters of existing residences, road networks, and natural features will differ by neighborhood and will evolve over time; thus, the County should consider activity center size and spacing in the context of each neighborhood at the times rezoning or special use applications are filed.

Generic guidelines on size and spacing will provide frameworks for tailoring activity center proposals to existing neighborhoods; thus, guidelines in the following tables should be used.

NEIGHBORHOOD ACTIVITY CENTER GUIDELINES

1) Size	Up to 35 acres
2) Maximum Distance that Non-residential Uses May Radiate Outwards from the Center of the Activity Center (along Roadways)	800 feet
1) Maximum Depth that Non-residential Uses Should Extend Back from Road Rights-of-way	500 feet
2) Minimum Separation from other Neighborhood Activity Centers	1 mile
3) Minimum Separation from Community or Regional Activity Centers	1.5 miles

- ▶ The applicant’s request of adding 2.6 acres to the existing neighborhood activity center would create a 35 acre activity center.

Sizing Guidelines

Wake County has eleven (11) neighborhood activity centers within the non-urban water supply watershed (Falls Lake & Little River). These eleven range in size from 5.3 acres to 40 acres. Generic guidelines on size and spacing will provide frameworks for tailoring activity center proposals to existing neighborhoods. (Attached table)

- ▶ The seven (7) neighborhood activity centers within the Falls Lake Water Supply Watershed range from 5.3 acres to 35.5 acres in size.
- ▶ A neighborhood activity center within Little River does not follow parcel lines and only part of a parcel is designated neighborhood activity center.
- ▶ One neighborhood activity is designated partially non-urban and Wendell Long Range Urban Service Area.
- ▶ No community or regional activity centers exist in the Falls Lake Water Supply Watershed, however a community activity center does exist in the Little River Water Supply Watershed.

Distance/Separation Guidelines

Minimum Separation from other Neighborhood Activity Centers is 1-mile between neighborhood activity centers.

The existing 15.5-acre neighborhood activity center at Norwood and Creedmoor Roads contains two gas/convenience stations and a CVS and is approximately 3 miles from the proposed neighborhood activity center expansion. A 35.5-acre neighborhood activity center along Route 50 north of the proposed expansion also contains a gas/convenience station and is approximately 4 miles from the proposed expansion.

(Note: a gas/convenience store (non-conforming/grandfathered use) exists 1-mile from the proposed expansion request, and is not located in an activity center)

Wake County Land Use Plan- Water Supply Watershed Protection Policies (see attached Chapter Five of the Wake County Land Use Plan)

- A. Water Quality Goal- To maintain and enhance the quality of public water resources, allowing no further degradation of water quality, while allowing limited development in water supply watersheds.**

The Wake County Land Use Plan states:

Non-Urban water supply watershed activity centers are designed to help protect water quality by limiting non-residential land uses to those with characteristics less likely to adversely affect water quality. Emphasis is placed on concentrating more intense non-residential development at intersections of major thoroughfares to ensure that the quality of public drinking water is protected. (See attached Chapter 5 of the Wake County Land Use Plan)

Chapter Five of the Wake County Land Use Plan encourages low-density residential uses in the county's water supply watersheds, along with the required water supply watershed protection measures (vegetated buffers and restrictions on impervious surface coverage).

Falls Lake serves as the primary source of drinking water for over three-fourths of Wake County's residents and businesses; there is a need to ensure the continued protection of the water quality of Falls Lake.

The City of Raleigh Public Utilities commented that Falls Lake is found on the Federal 303d list for impaired water bodies. Currently, part of Falls Lake is listed for impairment as a result of turbidity above Highway 50 and the entire lake is listed as a result of nutrient enrichment. Both stressors impairing the lake (turbidity and nutrients) have been directly linked to stormwater impacts and direct discharge impacts. The City Public Utilities commented on this proposed expansion and stated that it does not consider this incremental increase in activity center designation significant. Raleigh City Staff recommended no comment (either positive or negative) on the revised Land Use Plan Amendment.

Wake County Soil & Water Conservation thought the following information would be beneficial to both the petitioner and Wake County.

- 1) A site specific soil survey of the property done by a licensed soil scientist would indicate a location where a suitable building envelope(s) would occur. A report by a licensed soil scientist could also be helpful in determining the use of the property.
- 2) A wetland delineation verified by the (US Army Corps of Engineers) would be helpful to indicate where the wetlands are, along with drainage patterns and other site specific parameters.
- 3) A riparian buffer determination, verified by NC DENR's, would be helpful to indicate where building sites could be arranged outside the Neuse River regulated buffer or how much of the buffer could be impacted by the building process along with the need for mitigation.

Findings:

1. The parcel is classified as Planned Residential (less than 1 unit per acre) in Wake County's Land Use Plan.
2. The proposal is consistent with Neighborhood Activity Center Distance/Separation Guidelines within the Wake County Land Use Plan.
3. The proposal is consistent with the Neighborhood Activity Center Sizing Guidelines referenced in the Wake County Land Use Plan.
4. Twenty-three acres of the existing 32.4-acre neighborhood activity center contains a non-conforming use and is currently not serving the day to day needs of the surrounding neighborhoods.
5. Falls Lake has been recommended by the State of North Carolina to be listed as an impaired 303d waterbody, and this property drains into Falls Lake above Highway 50.
6. The applicant has proposed a 125' distance separation between the proposed activity center and neighboring properties.

Recommendation

That the Land Use Committee recommend approval of Land Use Plan Amendment 05-08 to expand the existing 32.4 acre neighborhood activity center at the intersection of Old Creedmoor Road and NC Highway 98 to include the 2.6 portion of the 10.38 acre parcel on the northwest quadrant including the 125ft distance separation.

(The proposed activity center expansion of 2.6 acres may not be adequate for non-residential development. Development opportunities may be limited by lot and building standards based the current regulations.)

Attachments:

- General Classifications Map of Old Creedmoor Road and NC Highway 98 - Wake County
- Aerial Map of Old Creedmoor Road and NC Highway 98 Wake County
- LUPA 05-08 Amended Application
- Wake County Land Use Plan- Activity Center Size and Spacing
- City of Raleigh Public Utilities Correspondence
- Wake County Soil & Water District Site Information
- Chapter 5 of the Wake County Land Use Plan
- May 13th and June 17th, 2009 Land Use Committee Meeting Notes
- Petitions Map
- 303d Definition