REZONING APPLICATION

WAKE COUNTY
NORTH CAROLINA

Submit required documentation to:
Wake County Planning, Development and Inspections
PO Box 550 — Wake County Office Building
Raleigh, NC 27602-0550 — 336 Fayetteville Street Mall, Downtown Raleigh
Contact (919) 856-6335 for additional information.

File #
Fee
Amt Paid
Check #
Rec'd Date
Rec'd By

Complete with required information (write "n/a" if information is not applicable to proposal).

Proposed Rezoning (include area for each current and proposed district)

From RESIDENTIAL-20 (R-20)
(current zoning district(s))

To CONDITIONAL USE – GENERAL BUSINESS (CU-GB)
(proposed zoning district(s))

Property

Parcel Identification Number (PIN): 1618 54 6148

Address: BENSON HIGHWAY (NC 50)

Location: WEST (north, east, south, west) side of BENSON HIGHWAY (NC 50) (street), at/between TURNER FARMS ROAD (street) and GOLDEN GRAIN ROAD (street)

Total site area in square feet and acres: 244,366 square feet 5.61 acres

Zoning District(s) and Overlay Districts (if any) and land area within each:
R-20 5.61 AC

Present land use(s): AGRICULTURAL

How is this proposed use a public necessity?
SEE ATTACHED EXHIBIT A

What is impact on surrounding neighborhood and adjacent properties?"
SEE ATTACHED EXHIBIT A

Property Owner

Name: T.H. TURNER FARMS, INC. C/O THE ADVISORY GROUP LLC

Address: 1122 OBERLIN ROAD

City: RALEIGH State: NC Zip Code: 27605

Telephone Number: 919-755-8368 Fax: 919-828-6095

E-mail Address: jwalker@tagps.com

Applicant (person to whom all correspondence will be sent)

Name: THE ADVISORY GROUP LLC ATTN. JIM WALKER

Address: 1122 OBERLIN ROAD

City: RALEIGH State: NC Zip Code: 27605

Telephone Number: 919-755-8368 Fax: 919-828-6095

E-mail Address: jwalker@tagps.com Relationship to Owner: MANAGER OF T.H. TURNER FARMS, INC

Site Information

Vehicular Access:

Name of adjacent street	Right-of-way width (ft)	Pavement width (ft)	No. of lanes	Paved? (Y or N)	Roadway design capacity[1]	Traffic volume (ADT)[2]
BENSON ROAD (NC HIGHWAY 50)	100	26	2	Y	18,000	11,000
WAKEFIELD LANE (30FT PRIVATE RIGHT-OF-WAY)	30	22	2	Y		

[1] See NCDOT Highway Capacity Manual or Wake County Thoroughfare Plan Appendix
[2] See CAMPO web site (www.raleigh-nc.org/campo/trafcnt/98trfcnt.html) or contact NCDOT Traffic Survey Unit
[3] Base on Institute of Transportation Engineers ratios - ratio used for estimate (e.g., x trips per y sf) _____

Utilities and Services:

Water supply provided by: ( ) municipal system (_____)

(X) community system (AQUA AMERICA (TURNER FARM SUBDIVISION)) ( ) individual well(s)

Wastewater collection/treatment provided by: ( ) municipal system (_____)

( ) community system - specify type _____ (x) individual on-site system

Solid waste collection provided by: PRIVATE PROVIDER (TO BE DETERMINED)

Electrical service provided by: PROGRESS ENERGY

Natural gas service provided by: PSNC ENERGY

Telephone service provided by: PRIVATE PROVIDER (TO BE DETERMINED)

Cable television service provided by: PRIVATE PROVIDER (TO BE DETERMINED)

Fire protection provided by: GARNER #2 VFD

Miscellaneous:

Generalized slope of site 0% - 2% GENTLE SLOPES

Valuable natural features (rare plant community, wildlife habitat, lake, stream, geology, etc.) on or adjoining site: NONE

Valuable historic resources (homestead, mill, archeological site) on or adjoining site: NONE

Land Use Plan Classifications

General Classification (note associated municipality and/or watershed):

( ) Short-Range Urban Services Area/Water Supply Watershed _____

( ) Short-Range Urban Services Area _____

( ) Long-Range Urban Services Area/Water Supply Watershed _____

(x) Long-Range Urban Services Area TOWN OF GARNER

( ) Non-Urban Area/Water Supply Watershed _____

( ) Non-Urban Area

Land Use Classification(s) (Note Area Land Use Plan, if applicable):

218-ACRE COMMUNITY ACTIVITY CENTER
(SOURCE: FUQUAY-VARINA/GARNER AREA LAND USE PLAN)

Conditional Use Zoning Conditions

The proposed use(s) of the property must be identified by condition. How does the proposed use benefit the adjacent and surrounding properties?

If conditional use zoning is being proposed, list the proposed conditions below:

SEE ATTACHED SHEET

All property owners must sign this application unless one or more individuals are specifically authorized to act as an agent on behalf of the collective interest of some or all of the owners (provide a copy of such authorization).

The undersigned property owner(s) hereby authorize the filing of this application (and any subsequent revisions thereto). The filing of this application authorizes the Wake County staff to enter upon the site to conduct relevant site inspections as deemed necessary to process the application.

Signature: James A. Wilson Date: 6-3-2010

~~Signature:~~ MANAGE T. H. TURNER FARMS, INC. Date:

The undersigned applicant hereby certifies that, to the best of his or her knowledge and belief, all information supplied with this application is true and accurate.

Signature: James A. Wilson Date: 6-3-2010

Notes: All documents and maps submitted as required become the property of Wake County.
The Wake County Unified Development Ordinance is on the web at www.wakegov.com.

Wake County
Rezoning Application
Property Owner: T.H. Turner Farms, Inc.
PIN: 1618.04.54.6148
Address: Benson Road (NC Hwy 50)

Exhibit A

How is this proposed use a public necessity?

This 5.6 acre tract of land is near the intersection of Benson Rd (NC Hwy 50) and the proposed I-540 interchange. The property is located within a Community Activity Center designation and is included in the Town of Garner's Long Range Urban Services Area.

The highest and best use of this parcel is general business as residential uses are undesirable with the significant traffic (15,000 cars per day) that already exist on NC Hwy 50, which will become much higher when the future interchange with I-540 is complete.

The surrounding neighborhoods will benefit from additional retail and service opportunities which will shorten drive times. The nearest retail locations are approximately 4.2 miles to the north at Timber Drive and NC Hwy 50 and approximately 3 miles to the south at NC Hwy 50 and NC Hwy 42.

What is the impact on surrounding neighborhoods and adjacent properties?

The addition of commercial services in this area will have minimal impact on the surrounding area and will create closer points of convenience for local consumers. This will reduce the necessity for longer commutes to find day to day consumer staples and other related services. The adjacent property to the south is currently used as a church, whose peak activity times (Sunday's) do not conflict with the peak times of commercial businesses. Located on the property to the north is a convenience store, auto repair, self storage and small office spaces. NC Hwy 50/Benson Road creates a buffer from a large portion of the surrounding neighborhood as do other open space areas. Directly across the street from this site is a tree nursery, that generates minimal traffic, but also serves as a buffer between the planned commercial areas and the residential development.

Conformance with the Land Use Plan:

Statement of how rezoning complies with the Land Use Plan:

The property is within a designated Community Activity Center within the Fuquay-Varina/Garner Area Land Use Plan. Community Activity Centers are mixed-use areas that include housing, commercial services and employment opportunities with convenient pedestrian and vehicular access from surrounding areas. These areas provide necessary non-residential uses for the surrounding residential neighborhoods to utilize. By rezoning the property to a General Business district, services that will be of benefit to the surrounding neighborhoods will be available in a centralized location with direct access to the primary highway route (NC Hwy 50/Benson Road) in the vicinity. The proposed conditions that will be placed on this property will define the uses which are deemed to be of primary benefit to the surrounding community, thus prohibiting those uses which could potentially create a nuisance or have a negative impact in the immediate area.

Compliance with Transitional Urban Development Policies:

The subject property is within a Long Range Urban Services Area. The Wake County Thoroughfare Plan calls for NC Highway 50 (Benson Highway) to have an ultimate right-of-way width of 120ft (60ft from the road centerline). The existing right-of-way line is located 50ft from the centerline of NC Highway 50/Benson Road; therefore, an additional 10ft of right-of-way along the property frontage is proposed to be dedicated to the NCDOT to reach the ultimate width on the subject property side of the road. Pursuant to recent conversations with NCDOT, significant thoroughfare improvements shall take place to satisfy NCDOT's requirements. The intended first phase of development (general retail use) has been specifically discussed with these NCDOT and the planned road improvements have been designed accordingly. Also per NCDOT, the trip generation for this type of project would yield 504 trips per weekday and 641 trips on Saturday. A Traffic Impact Analysis would not be required by NCDOT as long as the planned thoroughfare improvements were completed.

It is anticipated that future municipal utility system expansions will fall within the NCDOT right-of-way and additional easements will not be required. Municipal services do not cover this area at this time so water will be provided by Aqua America (from Turner Farm Subdivision) and sewer will be handled via septic system.

Statement of How Rezoning Otherwise Advances Public Health, Safety, and General Welfare:

The rezoning of the property to General Business (Conditional Use District) will be of benefit to the surrounding neighborhoods by providing commercial and other services that will be conveniently located to serve the day to day needs of the surrounding community. The location of the property directly on NC Highway 50/Benson Road, which is the primary thoroughfare for this area, will provide for ease of vehicular access to and from the property for the surrounding neighborhoods. Preliminary discussions with the North Carolina Department of Transportation have indicated that direct driveway access to NC Highway 50/Benson Road will be allowed for the subject property with the requirement that NC Highway 50/Benson Road be widened to provide a left turn lane for access into the property to ensure safe and efficient vehicular movements to and from the subject property.

Conditional Use Zoning Conditions:

Uses on the subject property shall be limited to the following:

1. Child care center
2. Adult care center
3. Veterinary
4. Drive-through restaurant
5. Gas station
6. Medical office, clinic, lab
7. Retail sales and service
8. Financial services (excluding pawn shops and payday loan businesses)
9. Neighborhood/convenience-oriented retail (with gas sales)
10. Neighborhood/convenience-oriented retail (without gas sales)
11. Vehicle repair/service (no outdoor storage of parts or junk vehicles permitted, all 'transitional' vehicles shall be stored behind the building)
12. All other vehicle repair/service (no outdoor storage of parts or junk vehicles permitted, all 'transitional' vehicles shall be stored behind the building)
13. Religious assembly
14. Office
15. Library
16. Government uses
17. Recreation and entertainment, indoor
18. Swimming pool, tennis club
19. Restaurant (excluding bars or nightclubs)

The following conditions shall apply to all allowed uses:

1. Trash dumpsters shall be screened with masonry enclosures
2. Internal connectivity shall be encouraged between different uses within Subject Property
3. All building facades facing (parallel to) Benson Road shall be masonry material