



REZONING APPLICATION

Submit required documentation to:
Wake County Planning Department/Current Planning Section
PO Box 550 Wake County Office Building
Raleigh, NC 27602-0550 336 Fayetteville Street Mall, Downtown Raleigh
Contact Current Planning at (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 R-30 and R-40
(current zoning district(s))
To CU-GB
(proposed zoning district(s))

Property

Parcel Identification Number (PIN): a portion of 1763306821 and a portion of 1763315586 *

Address: 3731 S. Smithfield Road

Location: East side of S. Smithfield Road, at/between
(north, east, south, west) (street)
Poor Boy Farm Road and King Farm Lane
(street) (street)

Total site area in square feet and acres: 293,318 square feet 6.733 acres

Zoning District(s) and Overlay Districts (if any) and land area within each: _____
R-30 4.03 AC and R-40 2.703 AC

Present land use(s): Vacant

How is this proposed use a public necessity? See Exhibit A, Item 1.

What is impact on surrounding neighborhood and adjacent properties?"
See Exhibit A, Item 2.

*as recombined pursuant to proposed "Recombination Plat for Reuben Broadwell", dated Oct. 8, 2009.

Property Owner

Name: Poor Boy Farms, Inc.
Address: 5821 Poor Boy Farm Road
City: Knightdale State: NC Zip Code: 27545-9302
Telephone Number: _____ Fax: _____
E-mail Address: _____

Applicant (person to whom all correspondence will be sent)

Name: Thomas C. Worth, Jr./Isabel Worthy Mattox
Address: P. O. Box 1799
City: Raleigh State: NC Zip Code: 27602
Telephone Number: (919) 831-1125/828-7171 Fax: (919) 831-1125
E-mail Address: curmudgtcw@earthlink.net Relationship to Owner: Attorney
isabel@mattoxfirm.com

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
South Smithfield Road						
Poor Boy Farm Road						

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 (_____)

() community system (_____) (X) individual well(s)

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

() community system - specify type Septic () individual on-site system

Solid waste collection provided by: Private Contractor

Electrical service provided by: Progress Energy

Natural gas service provided by: PSCNC

Telephone service provided by: Bell South

Cable television service provided by: _____

Fire protection provided by: Eastern Wake Fire District #2

Miscellaneous:

Generalized slope of site gently sloped

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

Valuable historic resources (homestead, mill, archeological site) on or adjoining site: None known.

Land Use Plan Classifications

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

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

(X) Short-Range Urban Services Area Knightdale

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

() Long-Range Urban Services Area _____

() Non-Urban Area/Water Supply Watershed _____

() Non-Urban Area

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

East Raleigh-Knightdale Area Land Use Plan
- low density residential

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? The proposed uses would provide gas and retail goods in a convenient location. If conditional use zoning is being proposed, list the proposed conditions below:

Please see the petitioner's revised conditions on the 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: POOR BOY FARMS, INC. Date: _____

Signature: By: Rayhem G. Broadwell Date: 10/21/09

Title: President

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: _____ Date: 10/27/09

Isabel Worthy Mattox, Attorney

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.

EXHIBIT A

1. How is this proposed use a public necessity?

The Applicant proposes to develop a “general store” on the subject property to serve the needs of the surrounding neighbors and businesses. The Applicant proposes to sell groceries, cleaning supplies, hardware, first aid supplies and various other convenience items and gasoline for automobiles. In addition, the Applicant proposes a grill to serve prepared foods. While many of these items are available miles away, the proposed rezoning will allow such items to be available closer to the residents, farms and businesses in the area. Such conveniences will result in gasoline savings and reduce traffic on some of the County’s thoroughfares and will enhance the quality of life for many people.

2. What is impact on surrounding neighborhood and adjacent properties?

The proposed use will have little, if any, impact on the surrounding neighborhood and adjacent properties, except to provide such neighbors and properties with new opportunities to conveniently obtain prepared food and other necessary goods. The site comprises 6.733 acres which will allow ample buffering on all sides of the proposed store while accommodating a store which consumes just over an acre in land area.

Statement of Justification

The proposed map amendment is reasonable and in the public interest as it will provide for needed goods and services along a major thoroughfare to serve residents, businesses and farms in the area. The proposed use will reduce the number and length of trips residents will need to make to obtain daily basic necessities. The site is located on a major road which can easily handle additional traffic. Public health, safety and welfare will be served by providing such goods and services in close proximity to nearby homes, businesses and farms. Moreover, the site contains almost seven acres of land which is more than adequate to provide generous buffers, septic fields and stormwater protection.

The subject property was recently added to the Knightdale Short Term Urban Services Area; however we are told by County Planning Staff that there are no plans for extension of Knightdale utility services at the present time. Therefore, this site initially will be served by a private well and septic system, best management practice drainage facilities, private garbage collection and a volunteer fire station.

The proposed use will give area residents the option to reduce the amount of time and traffic on the road for trips made to obtain groceries, prepared foods and other daily basic necessities and services, thereby saving time and gas. Public health, safety and welfare will be served by providing such goods and services in close proximity to nearby homes, businesses and farms by reducing the time residents spend in travel and by reducing traffic on thoroughfares in the area.

Written Statement of Conformance

Compliance with Land Use Plan

The proposed zoning map amendment does not currently comply with the Wake County Land Use Plan. Compliance would require the expansion of the Neighborhood Activity Center located at the intersection of South Smithfield and Poole Roads. This Activity Center is already oversized in terms of acreage and does not warrant expansion. The proposed map amendment, is however, reasonable and in the public interest as it will provide for needed goods and services along a major thoroughfare to serve residents, businesses and farms in the area. The proposed use will reduce the number and length of trips residents will need to make to obtain daily basic necessities. The site is located on a major road which can easily handle additional traffic. Public health, safety and welfare will be served by providing such goods and services in close proximity to nearby homes, businesses and farms. Moreover, the site contains almost seven acres of land which is more than adequate to provide generous buffers, septic fields and stormwater protection.

Compliance with Transitional Urban Development Policies

The subject property was recently added to the Knightdale Short Term Urban Services Area; however we are told by County Planning Staff that there are no plans for extension of Knightdale utility services at the present time. Therefore, this site initially will be served by a private well and septic system, best management practice drainage facilities, private garbage collection and a volunteer fire station.

Public Health, Safety, and General Welfare

The proposed use will give area residents the option to reduce the amount of time and traffic on the road for trips made to obtain groceries, prepared foods and other daily basic necessities and services, thereby saving time and gas. Public health, safety and welfare will be served by providing such goods and services in close proximity to nearby homes, businesses and farms by reducing the time residents spend in travel and by reducing traffic on thoroughfares in the area.

APR 22 2010

Revised Conditions, Wake County Rezoning Case No. ZP-872309
Planning, Development and Inspections

1. The following uses shall be permitted on the subject property:
 - a) Single family residential and agricultural uses;
 - b) Child and/or adult day care facilities;
 - c) Church or religious assembly;
 - d) Eating or drinking establishments other than bars and nightclubs;
 - e) Financial institutions, not including pawn shops or "pay-day" loan services;
 - f) Offices; and
 - g) Neighborhood convenience oriented retail with or without gas sale.
2. Flush mounted lighting fixtures, rather than drop-down fixtures, shall be used in any canopy installed over gasoline pumps.
3. No building or parking area shall be located closer than one hundred ten feet (110') to the common line of the subject property and the property of Lona J. Myrick (PIN 1763307430) and, further, a combination of a vegetative buffer and a solid fence or wall and/or a berm shall be provided in an area of not less than forty feet in width along such line.
4. No dumpster on the property shall be located closer than one hundred ten feet (110') from the common line of the subject property and the property of Lona J. Myrick (PIN 1763307430). All dumpster(s) shall be screened on three sides with solid walls at least seven feet (7') high and on the fourth side with an opaque gate, such enclosure(s) to be landscaped with evergreen trees or shrubs on any side which is visible from a public road or from the above referenced Myrick property.
5. Subject to the approval of the North Carolina Department of Transportation there shall be constructed a left turn lane within Smithfield Road to accommodate southbound traffic turning from Smithfield Road onto Poor Boy Farm Road.

6. Subject to the approval of the North Carolina Department of Transportation the southern entrance into the subject property shall be a driveway limited to right in and right out turning movements only for northbound traffic on Smithfield Road, with an appropriate deceleration area to assist ingress into the property.

Signature:

POOR BOY FARMS, INC.

By: Reuben G. Broadwell, President Date: 4-19-~~10~~, 2010
Reuben G. Broadwell, President

Isabel Worthy Mattox Date: 4-20-, 2010
Isabel Worthy Mattox, Attorney