



# Petition to Amend the Official Zoning Map

Before the City Council of the City of Raleigh, North Carolina

The petitioner seeks to show the following:

1. That, for the purposes of promoting health, morals, or the general welfare, the zoning classification of the property described herein must be changed.

2. That the following circumstance(s) exist(s):

☐ City Council has erred in establishing the current zoning classification of the property by disregarding one or a combination of the fundamental principles of zoning as set forth in the enabling legislation, North Carolina General Statutes Section 160A-381 and 160A-383.

☐ Circumstances have so changed since the property was last zoned that its current zoning classification could not properly be applied to it now were it being zoned for the first time.

☐ The property has not heretofore been subject to the zoning regulations of the City of Raleigh.

3. That the requested zoning change is or will be in accordance with the Raleigh Comprehensive Plan.

4. That the fundamental purposes of zoning as set forth in the N.C. enabling legislation would be best served by changing the zoning classification of the property. Among the fundamental purposes of zoning are:

- 1) to lessen congestion in the streets;
- 2) to provide adequate light and air;
- 3) to prevent the overcrowding of land;
- 4) to facilitate the adequate provision of transportation, water, sewerage, schools, parks, and other public requirements;
- 5) to regulate in accordance with a comprehensive plan;
- 6) to avoid spot zoning; and
- 7) to regulate with reasonable consideration to the character of the district, the suitability of the land for particular uses, the conservation of the value of buildings within the district and the encouragement of the most appropriate use of the land throughout the City.

Please check boxes where appropriate

THEREFORE, petitioner requests that the Official Zoning map be amended to change the zoning classification of the property as proposed in this submittal, and for such other action as may be deemed appropriate.

Signature(s)

Date:

*Mitchell Silver*

*8/15/08*

Please type or print name(s) clearly:

Mitchell Silver, AICP

Planning Director

DEPARTMENT OF CITY PLANNING

# EXHIBIT B. Request for Zoning Change

Office Use Only

Petition No. Z-53-08

Date Filed: 8/15/08

Filing Fee: N/A

Please use this form only – form may be photocopied. Please type or print

See instructions, page 6

## 1) Petitioner(s):

Note: Conditional Use District  
Petitioner(s) must be owner(s) of  
petitioned property.

Name(s)	Address	Telephone / E-Mail
DEPARTMENT OF CITY PLANNING	2410, P.O. Box 590	919-516-2626
	Raleigh, NC 27602	

## 2) Property Owner(s):

<u>See attached exhibits</u>		
<u>A and B property</u>		
<u>owner lists</u>		

## 3) Contact Person(s):

<u>Dhanya Sandeep</u>	<u>City Planning Department</u>	<u>919-516-2659</u>
<u>Stan Wingo</u>	<u>2410, P.O. Box 590</u>	<u>919-516-2663</u>
	<u>Raleigh, NC 27602</u>	

## 4) Property Description:

Please provide surveys if proposed  
zoning boundary lines do not follow  
property lines.

Wake County Property Identification Number(s) (PIN): 7,477 parcels, see Exhibit A

General Street Location (nearest street intersections): Upper Neuse River/  
Richland Creek Watershed Area, City of Raleigh portion to the north of Durant  
Road between Falls of Neuse Road and Capital Boulevard

## 5) Area of Subject Property (acres):

Approximately 5000 acres

## 6) Current Zoning District(s)

### Classification:

Include Overlay District(s), if  
Applicable

Several Zoning Districts (no changes proposed for existing underlying zoning)

## 7) Proposed Zoning District

### Classification:

Include Overlay District(s) if  
Applicable. If existing Overlay  
District is to remain, please state.

Urban Water Supply Watershed Protection Area Overlay District

The following are all of the person, firms, property owners, associations, corporations, entities or governments owning property adjacent to and within one hundred (100) feet (excluding right-of-way) of (front, rear, all sides and across any street) the property sought to be rezoned.

**(Important: Include PIN Numbers with names, addresses and zip codes.)** Indicate if property is owned by a condominium property owners association. Please complete ownership information in the boxes below in the format illustrated in the first box. Please use this form only – form may be photocopied – please type or print.

[illegible]**Rezoning Petition**  
Form Revised August 7, 2007

## EXHIBIT D. Petitioner's Argument on Behalf of The Zoning Change Requested

Please use this form only – form may be photocopied – please type or print.

This section is reserved for the applicant to state factual information in support of the rezoning request.

### **Required items of discussion:**

The Planning Department is instructed not to accept any application for amending the official zoning map without a statement prepared by the applicant analyzing the reasonableness of the rezoning request. This statement *shall* address the consistency of the proposed rezoning with the Comprehensive Plan and any other applicable City-adopted plan(s), the compatibility of the proposed rezoning with the *property* and surrounding area, and the benefits and detriments of the proposed rezoning for the landowner, the immediate neighbors and the surrounding community.

### **Recommended items of discussion (where applicable):**

1. An error by the City Council in establishing the current zoning classification of the property.
2. How circumstances (land use and future development plans) have so changed since the property was last zoned that its current zoning classification could not properly be applied to it now were it being zoned for the first time.
3. The public need for additional land to be zoned to the classification requested.
4. The impact on public services, facilities, infrastructure, fire and safety, parks and recreation, topography, access to light and air, etc.

### **PETITIONER'S STATEMENT:**

#### **I. Consistency of the proposed map amendment with the Comprehensive Plan ([www.raleighnc.gov](http://www.raleighnc.gov)).**

##### **A. Please state which District Plan area the subject property is located within and the recommended land use for this property:**

The subject watershed area within Raleigh's ETJ is located within the North Planning District and encompasses a City Focus Area (Wakefield Focus Area at the intersection of Falls of Neuse Road and Capital Boulevard), a Residential Community Focus Area (west of the City focus area), two Neighborhood Focus Areas and sections of an Employment Area along a Gateway Corridor (west of Capital Boulevard). The remaining areas are designated for low density residential uses. Specific land use recommendations are made in the US-1 Corridor Plan, the Wakefield Small Area Plan, the Falls of Neuse Corridor Plan and the Neuse River-Richland Creek Watershed Plan.

##### **B. Please state whether the subject property is located within any adopted Regional Center Plan, Small Area Plan, Corridor Plan, Neighborhood Plan, Watershed Plan, Streetscape Plan, Redevelopment Plan or other City Council-adopted plans and policies and discuss the policies applicable to future development within the plan(s) area.**

The subject watershed area within Raleigh's ETJ is located within the North Planning District. Specific land use recommendations are made in the US-1 Corridor Plan, the Wakefield Small Area Plan, the Falls of Neuse Corridor Plan and the Neuse River-Richland Creek Watershed

Plan. The US-1 Corridor Plan area is bordered by Sims Branch near the Cheviot Hills Golf Course; Durant Road and Perry Creek Road on the south; the Wake County Landfill on the west; and the Neuse River on the north and east. The Raleigh portion of the watershed that falls within this plan boundary is primarily designated as an employment area, while the area along the Neuse River is designated for conservation.

The Wakefield Small Area Plan applies to properties between the Neuse River and the Town of Wake Forest, in the North Planning District and the plan recommends specific land use and urban form designations (Wakefield City Focus, Residential Community Focus, employment area) for properties within the affected boundary. The Falls of Neuse Corridor Plan area includes properties fronting the Falls of Neuse corridor between Durant Road and the Neuse River and the area fronting New Falls of Neuse Boulevard planned extension to the planned New Falls of Neuse Boulevard Bridge. The plan provides guidance for future zoning and development along the corridor that will preserve the character of the corridor in connection to the Falls Lake Water Supply watershed, the Falls Lake Dam, parks, and the historic Falls Community.

The Neuse River-Richland Creek Watershed Plan, adopted in April of 2005, includes properties to the north and south of the Neuse River below the Falls Lake Reservoir and upstream of an existing water intake on the Neuse River west of Capital Boulevard. Richland Creek on the north and several tributaries on the south side of the Neuse River are included within a drainage area that is bounded within the City of Raleigh jurisdiction by Durant Road, Falls of Neuse Road, future NC-98 Bypass and Capital Boulevard. The State of North Carolina Environmental Management Commission reclassified the Neuse-Richland Watershed to a Class WS-IV NSW as of July 2004. Under the State of North Carolina reclassification, a Class WS-IV NSW water supply watershed includes a Critical Area within one-half mile upstream and draining to the river intake and a Protected Area within ten miles upstream and draining to the river intake. These areas are recommended for a mix of uses including residential, commercial, and industrial as recommended in the Area Plans for the North Planning Districts. Additionally, impervious surface coverage should not exceed 50% for critical areas and 70% for other protected areas. Developments with impervious surfaces exceeding 24% shall control the runoff from the first inch of rainfall. 100 foot natural resource buffer yards along perennial streams will be required to diffuse storm water flow and provide an area for pollutant filtration.

**C. Is the proposed map amendment consistent or inconsistent with the Comprehensive Plan and other City Council-adopted plans and policies?**

The request is consistent with the Comprehensive Plan's Neuse River - Richland Creek Watershed Plan. The State of North Carolina Environmental Management Commission reclassified the Neuse-Richland Watershed to a Class WS-IV NSW with an effective date of July 1, 2004. The reclassification occurred in response to a request by the Town of Wake Forest to establish a drinking water supply intake on the Neuse River. In August 2008, the State EMC issued a letter to the City of Raleigh, granting a 120-day time to attain full compliance with the State's Water Supply Watershed Protection Rules.

The request for the Watershed Overlay pursuant to this reclassification is in keeping with the Water Supply Watershed Protection Act that requires the City of Raleigh to adopt and implement land use ordinances that meet the minimum requirements of the State's water supply watershed protection rules. The intent is to establish regulations which meet the minimum standards for the designated Class-IV NSW as required by the EMC.

## **II. Compatibility of the proposed map amendment with the property and the surrounding area.**

### **A. Description of land uses within the surrounding area (residential housing types, parks, institutional uses, commercial uses, large parking lots, thoroughfares and collector streets, transit facilities):**

There are a variety of land uses in this heavily developed 5,000 acre area. Land uses include 3 major commercial centers, office complexes, a major industrial use, schools and institutional uses, a landfill, retirement facilities, and a large amount of single and multi family residential. Single and multi family residential being the primary land use in this area. The subject area includes large planned communities in Falls River, Bedford and Wakefield. A mix of residential uses is included in each development.

### **B. Description of existing Zoning patterns (zoning districts including overlay districts) and existing built environment (densities, building heights, setbacks, tree cover, buffer yards):**

There are several different zoning classifications in this area. Zoning districts include Low to Medium Density Residential, High Density Residential, Planned Development Districts, Office and Institution, Shopping Center, Neighborhood Business and Industrial Zoning. The majority of the subject area is developed and includes three large planned communities in Falls River, Bedford and Wakefield as well as three major commercial centers and industrial uses.

### **C. Explanation of how the proposed zoning map amendment is compatible with the suitability of the property for particular uses and the character of the surrounding area**

This proposal is a city initiated rezoning, which is being filed to bring the City of Raleigh in compliance with the Watersupply Watershed Act. With this area being classified as a Class WS-IV NSW, the Urban Watersupply Watershed standards are being proposed to comply with said classification as well as to ensure the appropriate quality standards for a public water supply.

## **III. Benefits and detriments of the proposed map amendment.**

### **A. For the landowner(s):**

The new regulations will apply only to new developments and expansions over a certain size. Replacement of existing structures with like structures that otherwise conform to the requirements of the underlying district are allowed. Above the threshold size, all additions, changes, expansions, and alterations to such existing structures, which exceed 24% impervious area, must comply with the regulations of the Watershed Overlay.

### **B. For the immediate neighbors:**

Proposal would help to ensure the appropriate quality standards for the public water supply.

### **C. For the surrounding community:**

Proposal would help to ensure the appropriate quality standards for the public water supply for future water supply customers.

**IV. Does the rezoning of this property provide a significant benefit which is not available to the surrounding properties? Explain:**

The rezoning of this property would not provide any benefits to the subject property owners above and beyond what is available to surrounding properties.

**Explain why the characteristics of the subject property support the proposed map amendment as reasonable and in the public interest.**

This proposal is a city initiated rezoning, which is being filed to bring the City of Raleigh in compliance with the Watersupply Watershed Act. With this area being classified as a Class WS-IV NSW, the Urban Watersupply Watershed standards are being proposed to comply with said classification as well as to ensure the appropriate quality standards for the public water supply.

**V. Recommended items of discussion (where applicable).**

- a. An error by the City Council in establishing the current zoning classification of the property.**

N/A

- b. How circumstances (land use and future development plans) have so changed since the property was last zoned that its current zoning classification could not properly be applied to it now were it being zoned for the first time.**

N/A

- c. The public need for additional land to be zoned to the classification requested.**

The State of North Carolina Environmental Management Commission reclassified the Neuse-Richland Watershed to a Class WS-IV NSW with an effective date of July 1, 2004. The reclassification occurred in response to a request by the Town of Wake Forest to establish a drinking water supply intake on the Neuse River. The request for the Watershed Overlay pursuant to this reclassification is in keeping with the Water Supply Watershed Protection Act that requires the City of Raleigh to adopt and implement land use ordinances that meet the minimum requirements of the State's water supply watershed protection rules. With this area being classified as a Class WS-IV NSW, the Urban Watersupply Watershed standards are being proposed to comply with said classification as well as to insure the appropriate quality standards for the public water supply.

- d. The impact on public services, facilities, infrastructure, fire and safety, parks and recreation, topography, access to light and air, etc.**

Current infrastructure and developed land in this area would be unaffected unless new impervious surfaces exceeding 24% of the land area are desired. When development exceeds a certain size, restrictions may apply to the amount of impervious surface coverage (rooftops, decks, pavements, driveways), along with requirements for on-site stormwater controls and increased natural buffer yards. These on-site controls may be simple bio-retention areas, rain gardens, or landscaping.



**VI. Other arguments on behalf of the map amendment requested.**

The State of North Carolina Environmental Management Commission reclassified the Neuse-Richland Watershed to a Class WS-IV NSW with an effective date of July 1, 2004. The reclassification occurred in response to a request by the Town of Wake Forest to establish a drinking water supply intake on the Neuse River. In August 2008, the State EMC issued a letter to the City of Raleigh, granting a 120-day time to attain full compliance with the State's Water Supply Watershed Protection Rules. This city-initiated request is necessary in order for the City of Raleigh to comply with the Water Supply Watershed Protection Act that requires the City of Raleigh to adopt and implement land use ordinances that meet the minimum requirements of the State's Water Supply Watershed Protection Rules. The proposed Urban Watersupply Overlay District meets these guidelines and would bring the City of Raleigh into compliance with State of North Carolina Regulations.



## Certified Recommendation of the City of Raleigh Planning Commission

**Case File:** **Z-53-08 General Use; Richland Creek**

**General Location:** Neuse River-Richland Creek watershed area generally bounded by Durant Road, Falls of Neuse Road, future NC-98 Bypass and Capital Boulevard.

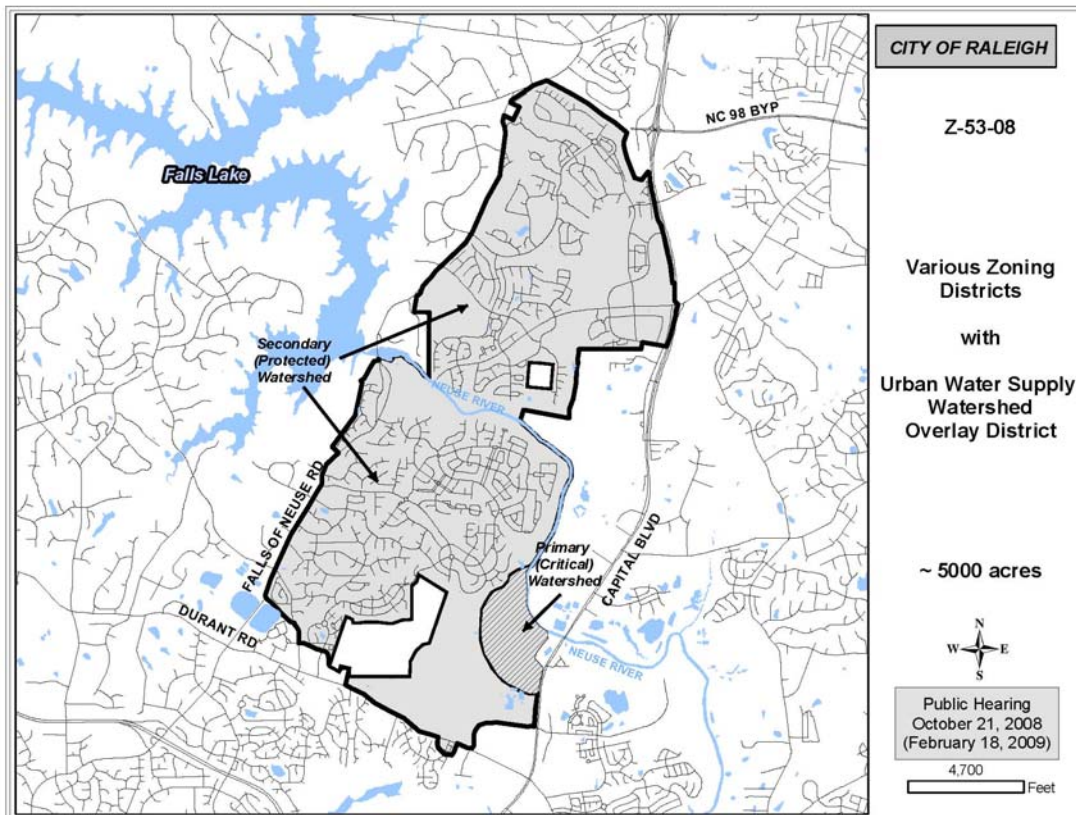
**Planning District  
/ CAC:** North / North

**Request:** Petition for adoption of **Urban Water Supply Watershed Protection Area Overlay District**.

**Comprehensive Plan  
Consistency:** The request is consistent with the Comprehensive Plan

**Valid Protest  
Petition (VSPP):** NO.

**Recommendation:** The Planning Commission finds that this request is consistent with the Comprehensive Plan and recommends that this request be approved.



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**CASE FILE:**     **Z-53-08 General Use**

**LOCATION:**     This site is located on the north side of Durant Road, within the Neuse River-Richland Creek watershed area generally bounded by Durant Road, Falls of Neuse Road, future NC-98 Bypass and Capital Boulevard.

**REQUEST:**     This request is to rezone approximately 5000 acres. The proposal is to adopt an **Urban Water Supply Watershed Protection Area Overlay District.**

**COMPREHENSIVE  
PLAN CONSISTENCY:**     **The request is consistent with the Comprehensive Plan**

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**RECOMMENDATION:**     **The Planning Commission finds that this request is consistent with the Comprehensive Plan and recommends that this request be approved.**

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**FINDINGS  
AND REASONS:**

- (1) The proposed rezoning is consistent with the recommendations of the Comprehensive Plan. The subject properties within Raleigh's planning jurisdiction are located within the Neuse River-Richland Creek Watershed Plan.
- (2) The rezoning would bring the City of Raleigh into compliance with the State Watersupply Watershed Act. Effective July 1, 2004 the General Assembly's delay on the Environmental Management Commission's 2001 reclassification of the Upper Neuse River-Richland Creek, and unnamed tributaries west of Capital Boulevard to a class WS-IV NSW (Water Supply, Nutrient Sensitive Waters) was lifted and the reclassification went into effect. Pursuant to this reclassification, the Water Supply Watershed Protection Act (NCGS 143-214.5) requires the City of Raleigh to adopt and implement land use ordinances that meet the minimum requirements of the State's Water Supply Watershed Protection Rules.
- (3) That with the adoption of TC-14-08, revising the City regulations to be no more restrictive than the State's minimum requirements, the majority of properties located within this overlay district will not be affected and those larger, undeveloped properties that may be required to comply with the watershed rules will be minimally impacted.

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**To PC:**     10/28/08

**To CC:**     11/4/08

**City Council Status:** \_\_\_\_\_

**Staff Coordinator:**     Greg Hallam, Dhanya Sandeep

**Motion:** Smith  
**Second:** Mullins  
**In Favor:** Anderson, Bartholomew, Butler, Chambliss, Harris Edmisten, Holt, Mullins, Smith  
**Opposed:**  
**Excused:**

This document is a true and accurate statement of the findings and recommendations of the Planning Commission. Approval of this document incorporates all of the findings of the Staff Report attached.

**Signatures:** (Planning Dir.) (PC Chair)

\_\_\_\_\_  
date: \_\_\_\_\_ date: 10/29/08



## Zoning Staff Report: Z-53-08 General Use

**LOCATION:** This site is located on the north side of Durant Road, within the Neuse River-Richland Creek watershed area generally bounded by Durant Road, Falls of Neuse Road, future NC-98 Bypass and Capital Boulevard.

**AREA OF REQUEST:** Approximately 5000 acres

**PROPERTY OWNER:** See attached list

**CONTACT PERSON:** Greg Hallam, 516-2636  
Dhanya Sandeep, 516-2659

**PLANNING COMMISSION  
RECOMMENDATION  
DEADLINE:** February 18, 2009

**ZONING:** Current Zoning  
Multiple Districts

Proposed Zoning  
Multiple Districts  
(underling zoning remains  
unchanged)

Current Overlay District

None

Proposed Overlay District

Urban Water Supply Watershed  
Protection Area Overlay

**ALLOWABLE  
DWELLING UNITS:** Current Zoning

No Changes

Proposed Zoning

No Changes

**ALLOWABLE OFFICE  
SQUARE FOOTAGE:** Current Zoning

No Changes

Proposed Zoning

No Changes

**ALLOWABLE RETAIL  
SQUARE FOOTAGE:** Current Zoning

No Changes

Proposed Zoning

No Changes

**ALLOWABLE  
GROUND SIGNS:** Current Zoning

No Changes

Proposed Zoning

No Changes

**ZONING HISTORY:** Effective July 1, 2004 the Environmental Management Commission reclassified the Upper Neuse River-Richland Creek, and unnamed tributaries west of Capital Boulevard to a class WS-IV NSW (Water Supply, Nutrient Sensitive Waters). The

reclassification occurred in response to a request by the Town of Wake Forest to establish a drinking water supply intake on the Neuse River. Pursuant to this reclassification, the Water Supply Watershed Protection Act (NCGS 143-214.5) requires the City of Raleigh to adopt and implement land use ordinances that meet the minimum requirements of the State's Water Supply Watershed Protection Rules. Subsequently, the Urban Water Supply Watershed Protection Area Overlay District regulations were prepared and adopted by the Raleigh City Council. However, per the City Ordinance, an Overlay District will not be effective until the Council adopts an Official Zoning Map amendment which establishes the Overlay District, following public notification of the proposal and a public hearing. The proposed overlay district will not affect the land uses of the underlying zoning districts. The rezoning would bring the City of Raleigh into compliance with the State Watersupply Watershed Act.

**On October 7, 2008 the Raleigh City Council approved an amendment to the previously adopted Urban Water Supply Watershed Protection Area Overlay. The amended ordinance (TC-14-08) enforces only minimum standards required by the State.**

**SURROUNDING  
ZONING:**

NORTH: Wake County zoning  
SOUTH: Various zoning districts  
EAST: Wake County zoning, Town of Wake Forest  
WEST: Wake County zoning, watershed protection

**LAND USE:**

There are a variety of land uses in this heavily developed 5,000-acre area. Land uses include 3 major commercial centers, office complexes, a major industrial use, schools and institutional uses, a landfill, retirement facilities, and a large amount of single and multifamily residential; single and multifamily residential being the primary land use in this area. The subject area includes large planned communities in Falls River, Bedford and Wakefield. A mix of residential uses is included in each development.

**SURROUNDING  
LAND USE:**

NORTH: Various land uses  
SOUTH: Various land uses  
EAST: Various land uses  
WEST: Low density residential

**DESIGNATED  
HISTORIC  
RESOURCES:**

*NONE.*

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**EXHIBIT C AND D ANALYSIS:**

**COMPREHENSIVE  
PLAN SUMMARY  
TABLE:**

In addition to the various systems plans (i.e. Transportation Plan, Parks and Recreation Plan, etc.) that are part of the City's adopted Comprehensive Plan the following table summarizes the other comprehensive plan elements that have been adopted by the City Council.

Element	Application to case
Planning District	North
Urban Form	Multiple (remains unchanged)
Specific Area Plan	Neuse-River Richland Creek Watershed Plan
Guidelines	Primary and Secondary Watershed regulations

**1. Consistency of the proposed rezoning with the Comprehensive Plan and any applicable City-adopted plan(s).**

The proposed rezoning is consistent with the recommendations of the Comprehensive Plan. The subject watershed area within Raleigh's planning jurisdiction is located within the North Planning District and encompasses a City Focus Area (Wakefield Focus Area at the intersection of Falls of Neuse Road and Capital Boulevard), a Residential Community Focus Area (west of the City Focus Area), two Neighborhood Focus Areas and sections of an Employment Area along a Gateway Corridor (west of Capital Boulevard). The remaining areas are designated for low density residential uses. Specific land use recommendations are made in the US-1 Corridor Plan, the Wakefield Small Area Plan, the Falls of Neuse Corridor Plan and the Neuse River-Richland Creek Watershed Plan. The proposed overlay district will not affect the land uses of the underlying zoning districts. The rezoning would bring the City of Raleigh into compliance with the State Watersupply Watershed Act.

The US-1 Corridor Plan area is bordered by Sims Branch near the Cheviot Hills Golf Course; Durant Road and Perry Creek Road on the south; the Wake County Landfill on the west; and the Neuse River on the north and east. The Raleigh portion of the watershed that falls within this plan boundary is primarily designated as an employment area, while the area along the Neuse River is designated for conservation.

The Wakefield Small Area Plan applies to properties between the Neuse River and the Town of Wake Forest and the plan recommends specific land use and urban form designations (Wakefield City Focus, Residential Community Focus, employment area) for properties within the affected boundary. The Falls of Neuse Corridor Plan area includes properties fronting the Falls of Neuse corridor between Durant Road and the Neuse River and the area fronting New Falls of Neuse Boulevard planned extension to the planned New Falls of Neuse Boulevard Bridge. The plan provides guidance for future zoning and development along the corridor that will preserve the character of the corridor in connection to the Falls Lake Water Supply watershed, the Falls Lake Dam, parks, and the historic Falls Community.

The Neuse River-Richland Creek Watershed Plan, adopted in April of 2005, includes properties to the north and south of the Neuse River below the Falls Lake Reservoir and upstream of an existing water intake on the Neuse River west of Capital Boulevard. Richland Creek on the north and several tributaries on the south side of the Neuse River are included within a drainage area that is bounded within the City of Raleigh jurisdiction by Durant Road, Falls of Neuse Road, future NC-98 Bypass and Capital Boulevard. The State of North Carolina Environmental Management Commission reclassified the Neuse-Richland Watershed to a Class WS-IV NSW as of July 2004. Under the State of North Carolina reclassification, a Class WS-IV NSW water supply watershed includes a Critical Area (Primary) within one-half mile upstream and draining to the river intake and a Protected Area (Secondary) within ten miles upstream and draining to the river intake. These areas are recommended for a mix of uses including residential, commercial, and industrial as recommended in the Area Plans for the North Planning Districts. Additionally, for those properties not exempt from the regulations, impervious surface coverage should not exceed 50% for critical areas and 70% for other protected areas. Developments with impervious surfaces exceeding 24% shall control the runoff from the first inch of rainfall. 100 foot natural resource buffer yards along perennial streams will be required to diffuse storm water flow and provide an area for pollutant filtration. The rezoning would bring the City of Raleigh into compliance with the State Watersupply Watershed Act.

## **2. Compatibility of the proposed rezoning with the property and surrounding area.**

The State of North Carolina Environmental Management Commission reclassified the Neuse-Richland Watershed to a Class WS-IV NSW with an effective date of July 1, 2004. The reclassification occurred in response to a request by the Town of Wake Forest to establish a drinking water supply intake on the Neuse River. The request for the Watershed Overlay pursuant to this reclassification is in keeping with the Water Supply Watershed Protection Act that requires the City of Raleigh to adopt and implement land use ordinances that meet the minimum requirements of the State's water supply watershed protection rules. The intent is to establish regulations which meet the standards for the designated Class-IV NSW as required by the EMC. The proposed overlay district would bring the City of Raleigh into compliance with the State Watersupply Watershed Act.

There are a variety of land uses in this heavily developed 5,000 acre area which includes 3 major commercial centers, office complexes, a major industrial use, schools and institutional uses, a landfill, retirement facilities, and a large amount of single and multi family residential. Single and multi family residential being the primary land use in this area. The subject area includes large planned communities in Falls River, Bedford and Wakefield. A mix of residential uses is included in each development.

There are several different zoning classifications in this area. Zoning districts include Low to Medium Density Residential, High Density Residential, Planned Development Districts, Office and Institution, Shopping Center, Neighborhood Business and Industrial Zoning. The majority of the subject area is developed and includes three large planned communities in Falls River, Bedford and Wakefield as well as three major commercial centers and industrial uses.

The proposed rezoning request will not affect the land uses of the underlying zoning districts. However, when development disturbs land area greater than one (1) acre, restrictions may apply to the amount of maximum impervious surface coverage (rooftops, decks, pavements, driveways), along with requirements for on-site stormwater controls (if impervious surfaces exceed 24%) and increased natural buffer yards. These on-site controls may be simple bio-retention areas, rain gardens, or landscaping. Replacement of existing structures with like structures that otherwise conform to the requirements of the underlying district are allowed. All additions, changes, expansions, and alterations to such existing structures, which exceed existing impervious area and/or disturb land area greater than one(1) acre, must comply with the regulations of the Watershed Overlay unless the Board of Adjustment in accordance with Sec.10-2146.3(a)(7) approves the request, as if the existing structure were made nonconforming by the Overlay District.

## **3. Public benefits of the proposed rezoning**

The City is required by State law to adopt ordinances to protect the watershed. If it fails to timely adopt the ordinances, the State will adopt the ordinances and fine the City. In August 2008, the State EMC issued a letter to the City of Raleigh, granting a 120-day time to attain full compliance with the State's Water Supply Watershed Protection Rules. The proposed Urban Water Supply Watershed Protection Area Overlay District would bring City of Raleigh into compliance with State of North Carolina Water Supply Watershed Protection regulations. Additionally, the regulations would help ensure appropriate quality standards for public water supply for future use. Control of stormwater run-off and pollutant filtration would ensure better water quality.

## **4. Detriments of the proposed rezoning**

The proposed rezoning request will not affect the land uses of the underlying zoning districts. However, when development exceeds a certain size, restrictions may apply to the amount of maximum impervious surface coverage (rooftops, decks, pavements, driveways), along with requirements for on-site stormwater controls (if impervious surfaces exceed 24%) and increased natural buffer yards. These on-site controls may be simple bio-retention areas, rain gardens, or landscaping. These watershed regulations will help reduce the stormwater run-off, increase pollutant filtration and increase the water quality. Therefore, there will be no adverse impacts on the infrastructure requirements due to this rezoning. The regulations would help ensure appropriate



quality standards for public water supply for present and future residents and bring City of Raleigh into compliance with State of North Carolina Water Supply Watershed Protection Act.

**5. The impact on public services, facilities, infrastructure, fire and safety, parks and recreation, etc.**

**TRANSPORTATION:** No new impacts.

**TRANSIT:** Not applicable to General Use District requests. Transit opportunities should be explored at the time of site plan and subdivision review.

**HYDROLOGY:** FLOODPLAIN: Yes  
DRAINAGE BASIN: Richland Creek  
STORMWATER MANAGEMENT: Development in this area will be subject to all applicable stormwater code requirements.

**PUBLIC UTILITIES:**

	Maximum Demand on Current Zoning	Maximum Demand on Proposed Zoning
Water	Approx. <u>N/A</u> gpd	Approx. <u>N/A</u> gpd
Waste Water	Approx. <u>N/A</u> gpd	Approx. <u>N/a</u> gpd

The proposed overlay rezoning would have no impact on the wastewater and water treatment systems on the City. As the individual properties within the area are petitioned for rezoning or developed for construction, the Public Utilities Department would evaluate the requests at that time.

**PARKS AND RECREATION:**

This rezoning case includes the Richland Creek corridor, a corridor of the Capital Area Greenway System. This rezoning may require the typical trail construction within this corridor. The resulting trail might require significantly higher operational costs to maintain because of the trail surfaces that may be required.

**WAKE COUNTY  
PUBLIC SCHOOLS:**

No direct impacts as the existing land uses and density will be unaffected.

**IMPACTS SUMMARY:** The request does not impact the land uses of the underlying zoning districts.

**OPTIONAL ITEMS OF DISCUSSION**

**1. An error by the City Council in establishing the current zoning classification of the property.**

The City is required by State law to adopt ordinances to protect the watershed. If it fails to timely adopt the ordinances, the State will adopt the ordinances and may fine the City. In August 2008, the State EMC issued a letter to the City of Raleigh, granting a 120-day timeframe to attain full compliance with the State's Water Supply Watershed Protection Rules. The proposed Urban Water Supply Watershed Protection Area Overlay District would bring City of Raleigh into compliance with State of North Carolina Water Supply Watershed Protection regulations.

**2. How circumstances (land use and future development plans) have so changed since the property was last zoned that its current zoning classification could not be properly applied to it now were it being zoned for the first time.**

Effective July 1, 2004 the Environmental Management Commission reclassified the Upper Neuse River-Richland Creek, and unnamed tributaries west of Capital Boulevard to a class WS-IV NSW (Water Supply, Nutrient Sensitive Waters). The reclassification occurred in response to a request by the Town of Wake Forest to establish a drinking water supply intake on the Neuse River. Pursuant to

this reclassification, the Water Supply Watershed Protection Act (NCGS 143-214.5) requires the City of Raleigh to adopt and implement land use ordinances that meet the minimum requirements of the State's Water Supply Watershed Protection Rules. Subsequently, the Urban Water Supply Watershed Protection Area Overlay District regulations were prepared and adopted by the Raleigh City Council. However, per the City Ordinance, an Overlay District will not be officially become effective until the Council adopts an Official Zoning Map amendment which establishes the Overlay District, following public notification of the proposal and a public hearing.

**APPEARANCE**

**COMMISSION:** This request is not subject to Appearance Commission review.

**CITIZEN'S**

**ADVISORY COUNCIL:** DISTRICT: North  
CAC CONTACT PERSON: Tom Slater, 846-0584;  
Ann Weathersbee, 876-1807

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**SUMMARY OF ISSUES:**

**COMPREHENSIVE PLAN / COMPATIBILITY / ADVERSE IMPACTS:**

- The request is consistent with the Comprehensive Plan.

**1. Outstanding issues**

None

**OTHER PLANNING NOTES:**

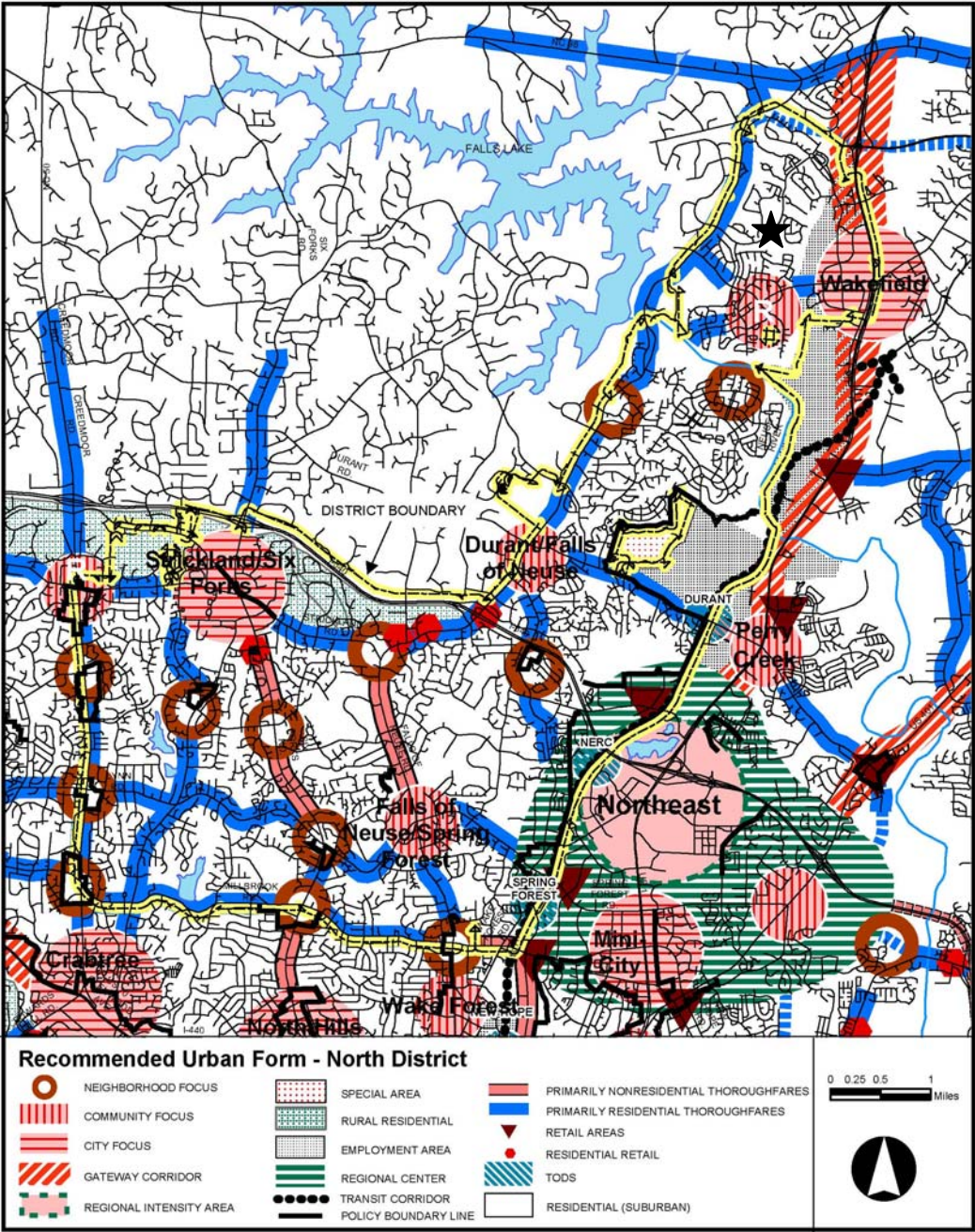
- For the past 2+ years, the City has withheld moving forward on the official rezoning of this watershed and was actively pursuing appeals to the State's Environmental Management Commission and the courts in regard to this watershed classification. All appeals were unsuccessful. The City is required by State law to adopt ordinances to protect the watershed. If it fails to timely adopt the ordinances, the State will adopt the ordinances and may fine the City.
- The City's minimum regulations are consistent with the State's minimum regulations in regard to maximum impervious surface and buffer yard requirements.

Per the State's minimum regulations, only new development activities that require an erosion/sedimentation control plan under State law or approved local government program are required to meet the provisions (one (1) acre of land disturbing activity).

Per the State's minimum regulations, structures on existing lots can be expanded without having to comply with the new restrictions unless the expansion triggers the requirement for an erosion/sedimentation control plan (one (1) acre of land disturbing activity).

Per the State's minimum regulations, impervious surfaces existing on a property prior to the effective date of any new rules could be exempted (grandfathered) from the sum calculation of impervious surfaces prior to requiring that the first one-inch of stormwater be detained. For example, under the State's minimum requirements, if a lot contains 30% impervious surfaces prior to the new rules taking effect, then the property owner may add an additional 24% impervious surface (for a total of 54%) prior to being required to detain any stormwater.

- On October 7, 2008 the Raleigh City Council approved an amendment to the previously adopted Urban Water Supply Watershed Protection Area Overlay. The amended ordinance (TC-14-08) enforces only minimum standards required by the State.

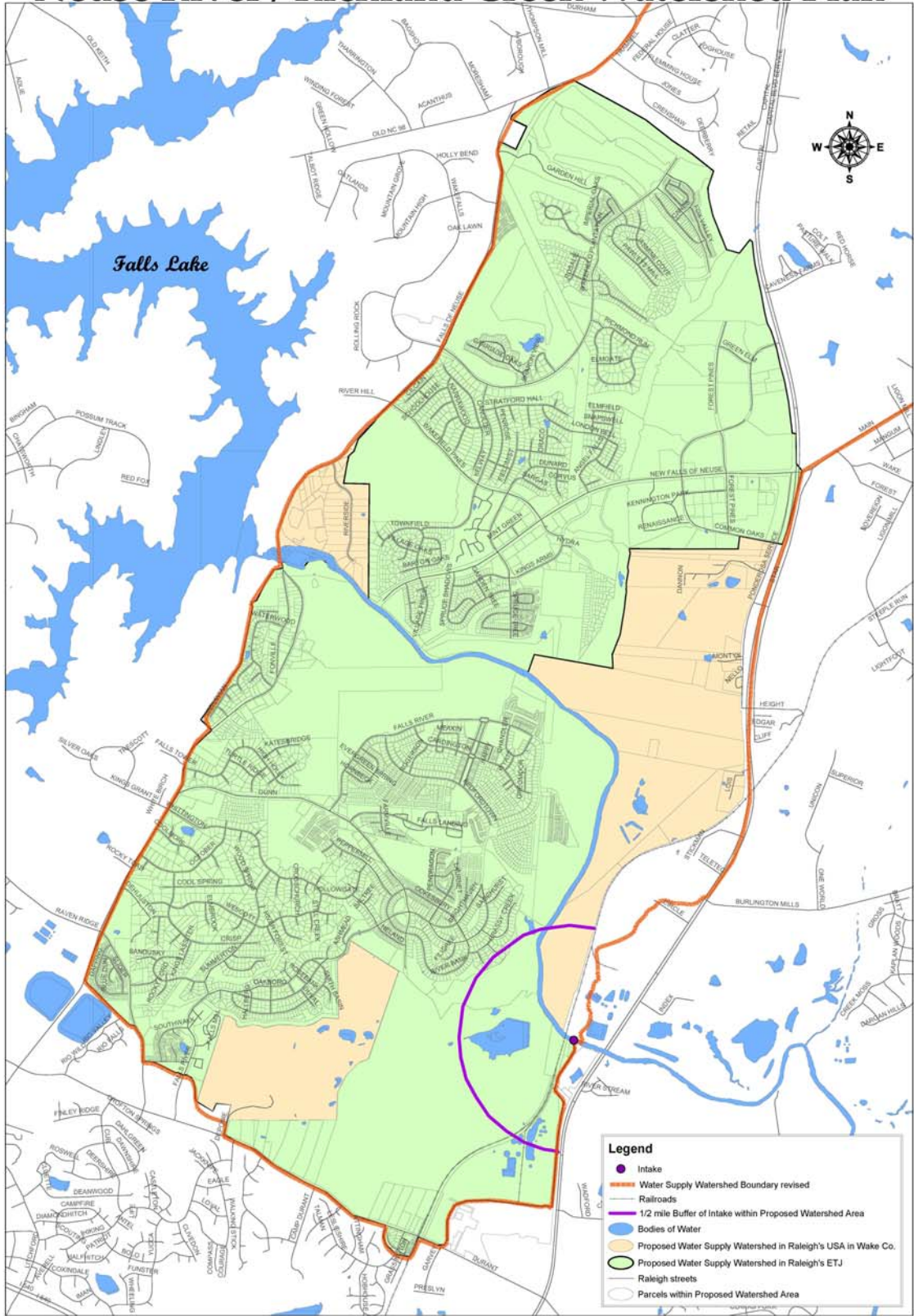


12/06 Raleigh Comprehensive Plan

North District 5-3.F



# Neuse River / Richland Creek Watershed Plan



Source: City of Raleigh Planning Department