

REZ-23-06
4124 Burlington Mills Road
1st Submittal
Planning/Zoning Comments

Project Background:

We have completed a review of the zoning map amendment (rezoning) application completed by Frank Pearce of the Rolesville Rural Fire Department, dated July 31, 2023. The application requests the subject property, 4124 Burlington Mills Road (PIN: 1749808870), be rezoned from **RL**, Residential Low District to **GI-CZ**, General Industrial-Conditional Zoning. Only the deed of record and a metes and bounds description has been included with the application; there is no concept plan provided or list of conditions. What the applicant has referred to as the list of conditions is actually on the Deed. We offer the following:

A. Traffic Impact Analysis

Regarding LDO 8.C., Traffic Impact Analysis/Applicability, with the declared only permitted use being a Public Safety Facility”, please provide a Trip Generation Analysis letter from a licensed Professional Engineer and/or traffic engineer that calculates the expected Peak and Daily trips anticipated to be generated. Those results will indicate if the thresholds for performing a Traffic Impact Analysis is required.

The TIA or applicant should also address the impacts of a Public Safety Facility, such as the ability to stop traffic when vehicles are exiting rapidly on a call, the provision of flashing lights/signals, etc. and how those are triggered.

B. Neighborhood Meeting

Per LDO Appendix A/2.3.D., the Applicant shall conduct a Neighborhood Meeting between the first and second review by the TRC and prior to the first meeting of the Planning Board at which the application will be considered. Please refer to Appendix A for what is required during the meeting process. This has timing requirement that must be met that in total will encompass a minimum of 20 days (there are two separate minimum of 10 day standards within the process). Staff cannot schedule the Application for a Planning Board Meeting until this requirement is met (or set in motion to be met).

C. Comprehensive Plan Consistency/FLUM

Appendix A, Section 2.3 of the LDO discuss the process for rezoning and specifically requires statements of consistency with the adopted Town Plans by both the Planning Board and the Governing Body, in accordance with the standards of NCGS 160D-604 and 605. It should be noted that if the map amendment is adopted and the action is deemed inconsistent with the adopted plan, the zoning amendment shall have the effect of also amending any future land-use map in the approved plan.

1. The proposed rezoning is inconsistent with the 2017 Comprehensive Plan and Future Land Use Map distinction which shows this parcel as **MEDIUM DENSITY RESIDENTIAL** on the FLUM.

Medium Residential is defined as predominately single-family residential uses with portions of duplex, townhouses or multifamily residential. These are lots or tracts at a density range of three to five dwelling units per gross acre including preserved open space areas along with limited non-residential uses under planned unit development or form base code provisions.

It should be noted that *Public Safety Facilities* are not permitted by right within the original district [RL], thus triggering the need for a rezoning. The Board should consider site elements like buffering, lighting, nuisances, and effect of property when reviewing this case given the inconsistency with the FLUM.

The applicant may want to consider rezoning to RH-CZ as this is closer in intensity to the surrounding area, much of which was recently rezoned to RM as a portion of the Pearce Farm rezoning earlier this month. Please note – the “Public Safety Center” use requires a Special Use Permit (SUP) be processed and approved within the RH District, so that would be an additional land use application to be conducted AFTER the Rezoning process

D. Review Comments:

1. Conditions of Approval – As a separate document, create a list of the proposed conditions should be provided with the next submittal. Conditions should be features that exceed the minimum that is required by the LDO. For example, additional buffering that would exceed the minimum amount required for a GI District adjacent an RM District (which is what the adjacent PIN 1748891680 was recently rezoned to) or RL District (both the adjacent PIN’s 1749817019 and 1749901404).

Presently, within the submitted Application, on the “Rezoning Justification” page, there is a brief statement of “Proposed Condition: Permitted Uses are Public Safety Facility”.

Staff notes that a Public Safety Facility would have to be developed in order to then build a separate, stand-alone Accessory Structure (ie vehicle storage). Staff suggests expanding the condition to limit the use of the property to TWO Zoning Specific Uses: 1.) Public Safety Facility, and 2.) Warehousing, based on conversation had with the Applicant..

Applicant may also wish to provide as specific as possible limitations on the “Warehousing” use, such as maximum number of buildings, maximum square footage of any building, maximum height of a building, and any other detail(s) that applicant is comfortable committing to so as to limit any questions or concerns upon further review.

2. Justification Statement - Within the justification statement, consider that the BOC makes their approval decision based upon the following:
 - a. *Is the application consistent with the Comprehensive Plan and other applicable adopted Town plans;*
 - b. *Is the application in conflict with any provision of the LDO or the Town Code of Ordinance;*
 - c. *Does the application correct any errors in the existing zoning present at the time it was adopted;*
 - d. *Does the application allow uses that are compatible with existing and allowed uses on surrounding land;*
 - e. *Would the application ensure efficient development within the Town, including the capacity and safety of the street network, public facilities, and other similar considerations;*
 - f. *Would the application result in a logical and orderly development pattern; and*
 - g. *Would the application result in adverse impacts on water, air, noise, storm water management, wildlife, vegetation, wetlands, and the natural functioning of the environment.*
 - h. *If a conditional rezoning, the BOC may also consider if the conditional rezoning addresses the impacts reasonably expected to be generated by the development or use of the site, can reasonably be implemented and enforced for the subject property, and if it will mitigate specific issues that would likely result if the subject property were zoned to accommodate all the uses and the minimum standards of the corresponding general zoning district.*

The applicant may wish to provide responses to these questions as part of their justification statement.