

PLANNING BOARD REPORT TO TOWN COUNCIL

Rezoning Case: 23CZ04 Castleberry Reserve PUD

Planning Board Meeting Date: July 10, 2023



Report Requirements:

Per NCGS §160D-604(b), all proposed amendments to the zoning ordinance or zoning map shall be submitted to the Planning Board for review and comment. If no written report is received from the Planning Board within 30 days of referral of the amendment to the Planning Board, the Town Council may act on the amendment without the Planning Board report. The Town Council is not bound by the recommendations, if any, of the Planning Board.

Per NCGS §160D-604(d), the Planning Board shall advise and comment on whether the proposed action is consistent with all applicable officially adopted plans, and provide a written recommendation to the Town Council that addresses plan consistency and other matters as deemed appropriate by the Planning Board, but a comment by the Planning Board that a proposed amendment is inconsistent with the officially adopted plans shall not preclude consideration or approval of the proposed amendment by the Town Council.

PROJECT DESCRIPTION:

Acreage: ±89.90 acres
PIN(s): 0723125145, 0723115892, 0723113507, 0723111191, 0723120194, 0723024085, 0723023450, and 0723026951
Current Zoning: Wake County Residential-80W (R-80W)
Proposed Zoning: Planned Unit Development-Conditional Zoning (PUD-CZ)
Current 2045 Land Use Map: Rural Density Residential

If rezoned as proposed, the 2045 Land Use Map Designation will change to: Low Density Residential

Town Limits: Outside Town Limits

Applicable Officially Adopted Plans:

The Board must state whether the project is consistent or inconsistent with the following officially adopted plans, if applicable. Applicable plans have a check mark next to them.

2045 Land Use Map
 Consistent Inconsistent Reason: If rezoning is approved, the

2045 Land Use Map will automatically be amended.

Apex Transportation Plan
 Consistent Inconsistent Reason: _____

Parks, Recreation, Open Space, and Greenways Plan
 Consistent Inconsistent Reason: _____

PLANNING BOARD REPORT TO TOWN COUNCIL

Rezoning Case: 23CZ04 Castleberry Reserve PUD

Planning Board Meeting Date: July 10, 2023



Legislative Considerations:

The applicant shall propose site-specific standards and conditions that take into account the following considerations, which are considerations that are relevant to the legislative determination of whether or not the proposed conditional zoning district rezoning request is in the public interest. These considerations do not exclude the legislative consideration of any other factor that is relevant to the public interest.

1. *Consistency with 2045 Land Use Plan.* The proposed Conditional Zoning (CZ) District use's appropriateness for its proposed location and consistency with the purposes, goals, objectives, and policies of the 2045 Land Use Plan.

Consistent Inconsistent Reason: _____

2. *Compatibility.* The proposed Conditional Zoning (CZ) District use's appropriateness for its proposed location and compatibility with the character of surrounding land uses.

Consistent Inconsistent Reason: _____

3. *Zoning district supplemental standards.* The proposed Conditional Zoning (CZ) District use's compliance with Sec. 4.4 *Supplemental Standards*, if applicable.

Consistent Inconsistent Reason: _____

4. *Design minimizes adverse impact.* The design of the proposed Conditional Zoning (CZ) District use's minimization of adverse effects, including visual impact of the proposed use on adjacent lands; and avoidance of significant adverse impacts on surrounding lands regarding trash, traffic, service delivery, parking and loading, odors, noise, glare, and vibration and not create a nuisance.

Consistent Inconsistent Reason: _____

5. *Design minimizes environmental impact.* The proposed Conditional Zoning District use's minimization of environmental impacts and protection from significant deterioration of water and air resources, wildlife habitat, scenic resources, and other natural resources.

Consistent Inconsistent Reason: _____

PLANNING BOARD REPORT TO TOWN COUNCIL

Rezoning Case: 23CZ04 Castleberry Reserve PUD

Planning Board Meeting Date: July 10, 2023



6. *Impact on public facilities.* The proposed Conditional Zoning (CZ) District use's avoidance of having adverse impacts on public facilities and services, including roads, potable water and wastewater facilities, parks, schools, police, fire and EMS facilities.

Consistent Inconsistent Reason: _____

7. *Health, safety, and welfare.* The proposed Conditional Zoning (CZ) District use's effect on the health, safety, or welfare of the residents of the Town or its ETJ.

Consistent Inconsistent Reason: _____

8. *Detrimental to adjacent properties.* Whether the proposed Conditional Zoning (CZ) District use is substantially detrimental to adjacent properties.

Consistent Inconsistent Reason: _____

9. *Not constitute nuisance or hazard.* Whether the proposed Conditional Zoning (CZ) District use constitutes a nuisance or hazard due to traffic impact or noise, or because of the number of persons who will be using the Conditional Zoning (CZ) District use.

Consistent Inconsistent Reason: _____

10. *Other relevant standards of this Ordinance.* Whether the proposed Conditional Zoning (CZ) District use complies with all standards imposed on it by all other applicable provisions of this Ordinance for use, layout, and general development characteristics.

Consistent Inconsistent Reason: _____

PLANNING BOARD REPORT TO TOWN COUNCIL

Rezoning Case: 23CZ04 Castleberry Reserve PUD

Planning Board Meeting Date: July 10, 2023



Planning Board Recommendation:

Motion: To recommend approval of the rezoning with added condition

Introduced by Planning Board member: Ryan Akers

Seconded by Planning Board member: Keith Braswell

Approval: the project is consistent with all applicable officially adopted plans and the applicable legislative considerations listed above.

Approval with conditions: the project is not consistent with all applicable officially adopted plans and/or the applicable legislative considerations as noted above, so the following conditions are recommended to be included in the project in order to make it fully consistent:

Condition to be worked out with staff to provide to Council to address the rural context section of Castleberry Road.

Denial: the project is not consistent with all applicable officially adopted plans and/or the applicable legislative considerations as noted above.

With 5 Planning Board Member(s) voting "aye"

With 3 Planning Board Member(s) voting "no"

Reasons for dissenting votes:

See attached from Reginald Skinner, Tina Sherman, and Sarah Soh.

This report reflects the recommendation of the Planning Board, this the 10th day of July 2023.

Attest:

Handwritten signature of Reginald Skinner

Reginald Skinner, Planning Board Chair

Dianne Khin

Digitally signed by Dianne Khin Date: 2023.07.10 18:45:21 -04'00'

Dianne Khin, Planning Director

PLANNING BOARD REPORT TO TOWN COUNCIL
Dissenting Member Comments



Planning Board Member Name: Sarah Soh

Meeting Date: 7/10/2023

Rezoning # 23CZ04

Long Range Plan amendment(s) _____

Other _____

Reason(s) for dissenting vote:

My reasons are aligned with the Township staff analysis, and additional listed below:

- neighboring new construction community homes are on larger size lots ranging from 1/3 acre to 1/2 acre plus with 4,000 to 6,000 sf size homes. Both areas "northern" and "southern" sites should be low density.

- additional new developments will need to be thoughtfully designed with the neighboring Jordan Lake environmental conditions and possible effects of water quality.

- larger buffers for at open space areas, esp. game lands area. This is a very active hunting area. Trucks park at American Tobacco Trail parking lot specifically for hunting. Hunting is part of the county/state culture, we are chipping at this open space area, hence taking a piece of culture away.

- insufficient space in schools. White Oak Elementary school was capped in February 2020. Children are bused to Davis Dr. which is heavily maximized as well. This is a huge concern for everyone in the catchment.

- traffic on Castleberry Road, which is currently a busy road. The proposed would add more traffic on this local "no outlet" road.

PLANNING BOARD REPORT TO TOWN COUNCIL
Dissenting Member Comments



Planning Board Member Name: Reginald Skinner

Meeting Date: 7/10/2023

Rezoning # 23C204

Long Range Plan amendment(s) _____

Other _____

Reason(s) for dissenting vote: It was not consistent with the 2045
Land use Plan.

PLANNING BOARD REPORT TO TOWN COUNCIL
Dissenting Member Comments



Planning Board Member Name: Tina Sherman

Meeting Date: 7/10/23

Rezoning # #23CZ04 Castleberry Reserve PUD

Long Range Plan amendment(s) _____

Other _____

Reason(s) for dissenting vote:

For all of the reasons why staff denied.