



Zoning Committee Recommendation

Rezoning Petition 2021-209

January 4, 2024

REQUEST

Current Zoning: N1-A (Neighborhood 1-A)
Proposed Zoning: NS (neighborhood services)

LOCATION

Approximately 0.99 acres located at the southeastern corner of the intersection of Steele Creek Road and Rigsby Road.

(Council District 3 - Brown)

PETITIONER

Coastal Acquisition Entity, LLC

ZONING COMMITTEE ACTION/ STATEMENT OF CONSISTENCY

The Zoning Committee voted 5-2 to recommend APPROVAL of this petition and adopt the consistency statement as follows:

To Approve:

This petition is found to be **inconsistent** with the *2040 Policy Map* (2022) based on the information from the staff analysis and the public hearing, and because:

- The *2040 Policy Map* recommends Community Activity Center place type for the site.

However, we find this petition to be reasonable and in the public interest, based on the information from the staff analysis and the public hearing, and because:

- The site is adjacent to Commercial place type to the north and east as well as to the west across Steele Creek Road.
- There are several existing and entitled drive-through establishments along this segment of Steele Creek Road.
- The petition commits to improving pedestrian infrastructure on the site's public street frontage with a 12' multi-use path along Steele Creek Road and an 8' planting strip and 8' sidewalk along Rigsby Road.
- The petition could facilitate the following *2040 Comprehensive Plan* Goals:
 - 1: 10 Minute Neighborhoods
 - 8: Diverse & Resilient Economic Opportunity

The approval of this petition will revise the recommended place type as specified by the *2040 Policy Map* (2022) from

Community Activity Center place type to Commercial place type for the site.

Motion/Second: Neeley / Winiker
Yeas: Neeley, Sealey, Welton, Whilden, Winiker
Nays: Russell, Lansdell
Absent: None
Recused: None

ZONING COMMITTEE DISCUSSION

Staff provided a summary of the petition and noted that it is inconsistent with the *2040 Policy Map*.

Commissioner Sealey asked if the use would be drive-through only. Staff replied that the site plan does not specify but that the size of the building would imply that there would be more than just food preparation area on the interior. The committee voted to suspend the rules to ask the petitioner. The petitioner's agent stated that it is intended to be a Dunkin' Donuts with interior seating. Commissioner Sealey asked the agent what access issues they had been navigating. The agent replied that NCDOT's widening project as well as transportation improvements associated with other nearby rezonings.

Commissioner Winiker asked if the improvements discussed would take place after the property is developed. CDOT staff replied that it is dependent on when the rezoning project moves forward. Whoever mobilizes first will be responsible for the right turn lane and frontage improvements.

Commissioner Russell asked for clarification on the queueing analysis. CDOT staff replied that with the uncertainty regarding many of the transportation improvements, CDOT would prefer that the analysis take place after construction for a more accurate representation of future conditions.

Chairman Welton asked for confirmation of which site plan is the most recent. Staff replied that the "changes since PH" slide is the most up to date.

MINORITY OPINION

Commissioner Lansdell stated that he is not favor of this petition based on the outstanding transportation issues and he would like to see the queueing analysis completed at the rezoning stage rather than in permitting. Commissioner Russell added that the petition does not improve connectivity to the surrounding properties.

PLANNER

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