

Wake County Planning Board Land Use Committee
Wednesday, September 16, 2009
11:30 a.m. Wake County Courthouse, Room 700
Raleigh, N.C.

Attendance:

<u>Name</u>	<u>Representing</u>
Amy Artrip	Lake Fall Subdivision
Brent Artrip	Lake Fall Subdivision
Brian Casto	Lake Fall Subdivision
Jim Birk	Lake Fall Subdivision
Margaret Wall	Lake Fall Subdivision
Steve Kanelakos	Lake Fall Subdivision
J.D. Goldston, Jr.	Property Owner
Tim Clark	Smith Moore Leatherwood
David York	Smith Moore Leatherwood, Applicant
Shelley Eason	Wake County Attorney's Office
Kathryn Hobby	Wake County Environmental Services Department
Calvin Pippin	Wake County Planning Board
Dale Bouldin	Wake County Planning Board
Graham Cawthorne	Wake County Planning Board
Joseph Springer	Wake County Planning Board
Brenda Coates	Wake County Planning Department
Bryan Coates	Wake County Planning Department
Celena Everette	Wake County Planning Department
Larry Morgan	Wake County Planning Department
Max Baker	Wake County Planning Department
Sharon Peterson	Wake County Planning Department
Steven Finn	Wake County Planning Department

Land Use Plan Amendment 05-08: Review the Wake County Land Use Plan Map to expand the existing 32.4-acre activity center to include the northwest corner (2.6 acres of a 10.38-acre parcel) at Old Creedmoor Road and NC Highway 98 as a Neighborhood Activity Center (NAC)

Mr. Bouldin called the meeting to order.

Mr. Coates presented the staff report. He referenced a statement from Kenny Waldroup of the City of Raleigh's Public Utilities Department. The City of Raleigh is neutral (neither positive nor negative) on the proposed Land Use Plan Amendment. He also read a statement from Mr. David Doak, a resident of the Lake Fall Subdivision, who was unable to attend the meeting. Mr. Doak's statement was as follows:

To the Members of the Land Use Committee and the Planning Board, and to other Concerned Parties:

While the Applicant's amended version of LUPA 05-08 appears to make an attempt to reduce the impact of the proposed Activity Center expansion upon the adjacent properties in the Lakefall neighborhood, we have been informed

by County Staff that there are actually no conditions placed upon usage of the 125-foot boundary. For example, the adjacent property owners have no guarantee that this boundary would not be clear-cut. In our view, this is unacceptable. While the Land Use Committee meetings may not be the proper venue to request binding documentation of impact to the buffer zone, or of the buffer type, without such binding documentation, the adjacent property owners in the neighborhood can only assume the worse case, and position themselves accordingly.

With regard to watershed impact, the amended proposal is substantially the same as the prior proposal. We have been informed by County Staff that this 2.6 acre "portion" of the 10.38 acre "parcel" is not subject to the 24% impervious surfaces rule by itself. Rather, the allowed impervious surface is calculated based upon the entire 10.38 acre parcel, such that 2.49 acres of the 2.6 acre "portion" could be impervious. The City of Raleigh formerly recommended against the LUPA 05-08, largely because of its potential negative impact upon the watershed. This potential negative impact has not been mitigated in the amended proposal. Thus, we do not understand why the City of Raleigh would now take a more neutral stance (recommending neither approval nor disapproval). It should be noted, however, that they still are not recommending approval.

Finally, I am concerned and disappointed that, by recommending approval of LUPA 05-08, the Land Use Committee Staff has decided to go against the wishes of the City of Raleigh, who recommended a neutral position. The Land Use Committee's report acknowledges the critical condition of the watershed (impaired 303d water body), acknowledges that the property in question drains directly into that water body, and recognizes the need for several engineering studies to determine the impact of development. Yet the Land Use Committee recommends approval. This does not seem a logical course of action. Studies should be performed and results analyzed before approval of the Amendment is made. If the land is not suitable for development which will not further impair the Falls Lake watershed, then the land should not be added to the Activity Center, because the sole purpose of the Activity Center designation is to allow for future development of the same.

*Respectfully,
David Doak*

The applicant, Mr. York, representing the property owner, Mr. Goldston, addressed the committee. He said that the amendment to his Land Use Plan Amendment Application (submitted 8/12/2009) addresses several concerns raised at previous meetings. The 2.6-acre addition to the activity center meets the size and spacing guidelines for Neighborhood Activity Centers in the Wake County Land Use Plan. He said that impervious surface on this property could be up to 30% for residential development or 24% for non-residential development. The approval or denial of this request would not have any impact on impervious surface; if it had any impact, it would encourage less impervious surface because it would allow more non-residential use which would have less impervious surface. Mr. York noted that the amended application includes a significant separation of the activity center from the existing residential neighborhood of

Lake Falls. He said that concerns regarding buffering would be addressed at the site plan stage. He said that there is no prohibition of foresting your property in this area. He said that there is no incentive to clear cut the area near the Lake Fall subdivision. Mr. York concluded that Mr. Goldston has heard the concerns of the staff, committee, and community and has amended his request appropriately to fit it within the guidelines of the county and community.

Ms. Coats clarified for the committee that a site plan with the 2.6-acre area as the limits of the site plan would require that the buffer be included within the 2.6 acres, not the 125-foot adjacent area. She said that this would depend on how the site plan looks, and it would be up to the Board of Adjustment to decide where the buffer needs to be.

Mr. Brian Casto, 7400 Heartland Drive, said that he is a relatively new owner in the Lake Fall subdivision. He thinks that the purpose of zoning is to give people a future view of what people will be living next to. He said that there is a tremendous burden on those who request a change to that to prove that the change is not contrary to the things that were expected when the landowners purchased the adjacent land. He said that he has not seen specifically what would be done on that land, and he has not seen the burden accomplished.

Mr. Jim Birk, 7404 Heartland Drive, said that he does not see any difference between the amended proposal (adding 2.6 acres of the 10.38 acre parcel to the activity center) and the old proposal (adding the entire 10.38-acre parcel to the activity center). He disagreed with Mr. York's statement that this proposal is not affecting neighboring property. He noted that there is a house that backs up to the subject parcel that has been on the market for over six months, and in his opinion it is not selling due to the proposal. Mr. Birk cited this as a sign that this proposal is affecting property values and sales of neighboring properties.

Mr. Brent Artrip, 1601 Great Woods Road, lives right behind the property in question. He has been approached by the real estate agent for the adjacent house for sale about the latest on this proposal. He questioned why the 32 acres across the street could not be the focus of development since it is not in use and would not be a detriment to the Lake Falls subdivision. He is concerned about the negative impact that developing this parcel will have on the lake. He is also concerned about the safety of the people in the subdivision who will be impacted by what would be built on the property.

Mr. York noted that this is not a rezoning; this is a Land Use Plan Amendment. The parcel is zoned R-40W and will be zoned R-40W regardless of any action on this proposal. He clarified his comments relating to the information that Ms. Coats presented. He noted that for any use that is done on the 2.6 acres that is required to be within the activity center, the entire development would need to be within the 2.6 acres including buffers. He did not mean to indicate that the 125-foot distance separation would be used as buffering. He added that they would not be able to achieve 24% impervious surface maximum on the 2.6 acres since that area would also need to include streetyards, buffering, sideyards, septic fields, and stormwater measures.

Mr. Cawthorne asked if the property owner could have offsite septic and stormwater for the 2.6 acres. He asked if it would all need to be contained within the 2.6 acres.

Ms. Hobby said that Environmental Services staff would need to review the site plan. Water Quality staff feels strongly that it would need to be one parcel without offsite stormwater management. She said that there are provisions that allow for offsite septic. She said that it depends on what the site plan looks like. She added that when the site plan is submitted, Environmental Services staff's recommendation would be to draw a property line subdividing the parcel.

Mr. Coates said that they do not need to subdivide the property at this time as part of this Land Use Plan Amendment.

Mr. Cawthorne asked if the property owner could designate additional buffers outside the 2.6 acre area.

Mr. Coates said that there have been cases for Special Use Permits in the past (the convenience store at Falls of the Neuse Road and Durant Road, in particular) that had buffers larger than what Wake County requires.

Mr. Cawthorne said that it is difficult to talk about a use without a site plan.

Mr. Coates noted that within the water supply watershed the UDO states that there shall be no buildings larger than 15,000 square feet.

Mr. Bouldin said that he thinks the committee needs to look at the requirements for the Land Use Plan Amendment and what has been submitted.

Mr. Springer noted that if the committee approves this proposal, this does not mean that the project would be approved down the road due to the other aspects that need to be studied.

Mr. Birk asked if the proposal was approved whether the property owner could develop the remaining 7 acres with the current guidelines.

Ms. Everette answered that development on the 2.6 acres does not eliminate the remainder of the property from being developed. It depends on what the property owner proposes. They could do something that does not need to be within an activity center.

Mr. Cawthorne asked what the minimum lot width would be for a residential lot in this zoning district if the parcel is subdivided.

Ms. Everette answered 110 feet.

Mr. Cawthorne asked if they subdivided the 2.6 acres whether they could place a house on the remainder of the property.

Ms. Everette said that it depends on what is proposed.

Mr. Coates also noted that it would depend on what the Board of Adjustment decides and whether they place any conditions on a Special Use Permit.

Mr. Pippin made a motion to recommend approval to the full Planning Board to expand the existing 32.4 acre Neighborhood Activity Center at the intersection of Old Creedmoor

and NC Highway 98 to include the 2.6 acre portion of the 10.38 acre parcel on the northwest quadrant including the 125ft distance separation. *(Note: The proposed activity center expansion of 2.6 acres may not be adequate for non-residential development. Development opportunities may be limited by lot and building standards based on the current regulations.)* Mr. Cawthorne seconded the motion. By a vote of 4-0, the motion passed.

Next steps: The full Planning Board is scheduled to consider LUPA 05-08 at the meeting on October 7, 2009 at 1:30p.m.