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REGULAR MEETING  
WAKE COUNTY PLANNING BOARD  
February 7, 2018

Alan Swanstrom declared the regular meeting  
of the Wake County Planning Board for  
Wednesday, February 7, 2018 adjourned at 2:44 p.m.

Respectfully Submitted:

A handwritten signature in black ink, appearing to read "Alan Swanstrom". The signature is fluid and cursive, with a large initial "A" and "S".

Alan Swanstrom  
Wake County Planning Board

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## Planning, Development & Inspections

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### MINUTES OF REGULAR MEETING

#### Wake County Planning Board

Wednesday, February 7, 2018 (1:30 p.m.)  
Wake County Justice Center  
300 S. Salisbury St., Room 2700  
Raleigh, North Carolina

#### Members Present:

(8) Mr. Alan Swanstrom (Chair), Mr. Thomas Wells, Mr. Jason Barron (Vice-chair), Mr. Phil Feagan, Mr. Donovan Amos Clark, Mr. Asa Fleming, Ms. Ashley Foxx, Mr. Wayne Maiorano

**Members Absent:** (2) Ms. Tara Kreider, Mr. Ted Van Dyk

**County Guests & Staff:** (11) Mr. Tim Maloney, Mr. Bryan Coates, Mr. Steven Finn, Ms. Jenny Coats, Mr. Adam Cook, Ms. Sharon Peterson, Ms. Celena Everette, Mr. Alex Terry, Ms. Regina Irizarry, Mr. Michael Haley, Wake County Economic Development

**County Attorney's Present:** (1) Mr. Ken Murphy (Senior Assistant County Attorney)

#### Meeting

1. **Call to Order** – Mr. Alan Swanstrom called the meeting to order at 1:33 p.m.
2. **Petition to Change the Order of the Agenda**
3. **Approval of the Minutes of the January 3, 2018.** Unanimous approval by acclamation.
4. **Presentation from Wake County Economic Development**

#### Discussion:

Mr. Al Swanstrom asked about the challenges that the Economic Development face. Many of the communities that we are compared to are larger in size and population such as Atlanta, Dallas, etc. When Wake County is compared to like size communities it scores very well. Transit is a challenge but Wake County is future focused and flexible.

Mr. Wayne Maiorano asked where the County stands on venture capital comparisons. The County is seeing a year over year increase and more innovative companies are moving to Wake County. The venture capitalists look for areas where they can utilize local Universities that produce new ideas as well as areas that they can scale up.

Mr. Al Swanstrom asked about the status of Amazon and that Wake is in the top 20 sites being considered for a new distribution center. The process is an exciting one for Economic Development and shows the value of the market.

5. **Text Amendment OA-02-17 Minor Limited Subdivision-** To amend the Unified Development Ordinance (UDO) to incorporate the changes of the new state law regarding the processing of a new type of subdivision class for plat recordation and to update the exempt subdivision standards.

**Staff report by Celena Everette:**

Currently the UDO provides for the processing of two classes of subdivisions when proposing to subdivide property for recordation. Those classes are a minor subdivision when no more than three lots are being created, and a regular subdivision when more than three lots are created or the proposed division of lots does not meet the criteria for a minor subdivision.

NC General Assembly's Session Law 2017-10 modified the definition of "Subdivision" (G.S. 153A-335) by making the following changes:

1. Added the criteria that 'the division of a tract into parcels in accordance with the terms of a probated will or in accordance with intestate succession under Chapter 29 of the General Statutes' is exempt from the definition of subdivision.
2. Created criteria for a new subdivision class that applies to the division of a tract or parcel of land in single ownership.

In order to incorporate the changes adopted by Session Law 2017-10, Article 8 and Article 19 will be updated to include the subdivision exempt criteria regarding division of a parcel into lots in accordance with the terms of a probated will. Article 19 will also be updated to add the criteria, process and procedures for the new subdivision class, which we are calling 'minor-limited'. Some of the criteria outlined for the new process are:

1. the tract of land has to be in single ownership;
2. only one of these types of subdivision will be allowed within a ten-year period;
3. no more than three lots can be created;
4. the tract to be divided is greater than five acres;
5. the resultant lots must comply with the applicable land use and zoning requirements; and
6. a permanent means of ingress and egress is recorded for each lot.

Currently the UDO allows the processing of no more than two minor subdivisions of a parent tract within a five-year period. With the proposed changes to add the new subdivision class, the proposed amendment will modify Article 8 to allow only one minor subdivision within a five-year period. Article 8 will also be updated to address the required improvements to the permanent means of ingress and egress as identify in the new subdivision criteria. If the permanent means of ingress and egress will serve as frontage for new lots that are part of another subdivision class then it must be built to the private road standards found in Section 8-32-5.

**Amendment Summary**

1. **Section 8-12-9** – add exempt subdivision criteria
2. **Section 8-32-5** – add improvement requirement for existing roads
3. **Section 9-20-3** – include the new subdivision 'minor-limited' in the impervious option
4. **Section 19-16** – add new subdivision 'minor limited' in summary table

5. **Section 19-30-2** – add exempt subdivision criteria
6. **Section 19-31** – add new subdivision class 'minor-limited' process
7. **Section 19-32-2**- update section to add one minor subdivision within a five year period
8. **Section 19-32-13** (formerly 19-31-13) – removes section 'limitation on further minor subdivision of same parent tract'

### **Board Discussion**

Mr. Jason Barron reported that the Code and Operations Committee reviewed the staff recommendation and that it was well presented with specific details of the changes. The Committee approved unanimously.

Mr. Wells asked if the staff would have recommended this change if it had not been mandated by the State. Ms. Everette responded that the County has sufficient provision in our local ordinance so that Wake County has never had an issue.

### **Motion for Consistency (Motion 1)**

Mr. Tom Wells moved that the Board finds that the adoption of the text amendment is consistent with the Wake County Land Use Plan and Wake County Unified Development Ordinance because:

- 1) The purpose of the Wake County Land Use Plan, and of the Unified Development Ordinance as seen in Article 1-11, is to promote a guide for the physical development of the County, preserve and enhance the overall quality of life of residents, and establish clear and efficient development review procedures.
- 2) The proposed text amendment is reasonable and in the public interest because it provides a clear review process for quasi-judicial proceedings by having all requests for variances from the UDO and all appeals from administrative decisions interpreting the UDO heard exclusively by the Board of Adjustment, whose members receive special training for quasi-judicial proceedings, and which is comprised of both regular and alternate members, which makes it easier to achieve the quorum required by State law to hear and grant variance requests.

Motion was seconded by Mr. Jason Barron and passed unanimously.

### **Motion for Approval (Motion 2)**

Ms. Ashley Foxx moved that in the matter of OA-02-17, the Board finds that the adoption of the text amendment is consistent with the Wake County Land Use Plan and Wake County Unified Development Ordinance and is reasonable and in the public interest and hereby make a motion to recommend approval of the proposed text amendment to the Wake County Board of Commissioners.

Motion was seconded by Mr. Tom Wells and passed unanimously.

### **Committee Reports**

The Code and Operations Committee met and approved OA-02-17.

## **Planning Development & Inspections Report**

Ms. Sharon Peterson reported that the public period to review the proposal for transit will be open until March 13, 2018. There are three ETJ requests that are coming forward in the next few months- staff anticipates multiple meetings. Ms. Peterson also reminded the Board that an orientation session for new members needed to be scheduled. The Chairman recommended that the orientation be at the regularly scheduled meeting on February 21, 2018 at 1:30 p.m.

Mr. Steven Finn reported that there are multiple projects under review for development sites in RTP. He also said that staff is 3-4 weeks out from scheduling re-submittal meetings- roughly 80% of projects go through the permitting process. Mr. Finn also announced that on April 5, 2018 from 1:00-4:30 the UNC School of Government will be on site to provide regional training. The County will extend invitations to municipalities as well as County staff. The County will cover registration fees of \$55.00 for the Planning Board members.

Tim Maloney reported staffing changes that included departing staff member Stacy Harper who is moving to another jurisdiction while Regina Irizarry has been promoted to a Planner 1. Mr. Maloney also announced that the Wake County Board of Commissioners approved the recommendation to move all quasi-judicial cases to the Board of Adjustment and that the BOC will review OA-02-17 on March 19, 2018.

Mr. Maloney also noted that at the next meeting the Planning Board will receive a water and sewer update from the City of Raleigh and the Town of Cary. He also informed the Board members that staff is in negotiations with consultants Clarion and Associates for the comprehensive land use plan update.

## **Chairman's Report**

Mr. Swanstrom announced that the Planning Board is losing two members and presented plaques to Mr. Wayne Maiorano and Ms. Ashley Foxx for their service to the Board.

Mr. Swanstrom announced that Bill Jenkins and Susan Sanford were appointed as new Planning Board members beginning with the March meeting.

Having no further announcements, the meeting was adjourned at 2:44 p.m.