WAKE COUNTY NORTH CAROLINA
Planning, Development & Inspections

TEL (PLANNING) 919 856 6310
TEL (INSPECTIONS) 919 856 6222

A Division of Community Services
P.O. Box 550 • Raleigh, NC 27602
www.wakegov.com

MINUTES OF REGULAR MEETING

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

Members Present: (9) Mr. Alan Swanstrom (Chair), Mr. Thomas Wells, Mr. Jason Barron (Vice-chair), Mr. Phil Feagan, Mr. Donovan Amos Clark, Mr. Asa Fleming, Mr. Bill Jenkins, Ms. Susan Sanford, Ms. Tara Kreider.
Members Absent: (1) Mr. Ted Van Dyk

County Staff: (9) Mr. Tim Maloney, Mr. Bryan Coates, Mr. Steven Finn, Ms. Jenny Coats, Mr. Adam Cook, Ms. Sharon Peterson, Ms. Terry Nolan, Ms. Regina Irizarry, Mr. Frank Cope

Guests: (2) Mr. Glen Harrell, Town of Cary, Mr. Kenny Waldroup, City of Raleigh

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

1. **Meeting Called to Order** – Mr. Alan Swanstrom called the meeting to order at 1:30 P.M.

2. **County Attorney Ken Murphy administered the Oath of Office** to new Planning Board members Mr. Bill Jenkins and Ms. Susan Sanford. New members introduced themselves at the request of the Chair.

3. **Petitions and Amendments** – None.

4. **Motion to approve minutes** of February 7, 2018 by Mr. Tom Wells, seconded by Mr. Bill Jenkins and approved unanimously.

5. **Land Use Plan Amendment 01-18 - Garner ETJ Relinquishment** presented by Mr. Bryan Coates. Case#: LUPA 01-18. Mr. Coates explained that that a relinquishment is a two-step process: 1) Approves the Land Use Plan Amendment 2) Assign zoning to the property within 60 days of acquiring the property.

   Applicant: Wake County Planning, Development, & Inspections
   Property Owner: Jack Parker Properties NC, LLC
   Request: Amend the Wake County Land Use Plan General Classifications Map to reclassify 19.67 acres from Garner ETJ to Wake County Non-Urban Water Supply Watershed (Swift Creek).
   Location: The subject property is located at the end of Inwood Forest Drive along the Norfolk Southern Railroad line off Lake Wheeler Road.

   Current Classification: Swift Creek Land Management Plan- Rural Classification & Town of Garner ETJ.

   Proposed Classification: Swift Creek Land Management Plan- Rural Classification & Wake County Non-Urban Water Supply Watershed.

Findings:

1. The parcels were part of an ETJ granted by the Board of Commissioners to Garner in 1983.
2. The Swift Creek Land Management Plan was adopted in 1990, establishing water quality protection measures including restrictions on public utilities.
3. The Town of Garner relinquished jurisdiction of the subject property on February 20, 2018.
4. The Town of Garner has stated that they have no plans to provide town services in this area.
5. The properties are surrounded by Raleigh ETJ, Garner ETJ and Town limits and Wake County jurisdiction.
6. The properties are located within the Rural Non-Critical Area of the Swift Creek Land Management Plan.
7. The Swift Creek Land Use Management Plan Interlocal Agreement was adopted by Wake County and its partners in December 2017.
8. In accordance with North Carolina General Statute 160A-360(f), the County has a period of 60 days to assign zoning to the relinquished property.

Recommendations

Planning Staff recommends that the 19.67 acres located at the end of Inwood Forest along the Norfolk Southern Railroad line be reclassified from Town of Garner ETJ to Wake County's Non-Urban Water Supply Watershed on the Wake County Land Use Plan General Classifications Map.

Background

The property was part of an ETJ request by the Town of Garner in 1983 and was annexed in 1988.

Later in the 1980s and early 1990s, Wake County, Raleigh, Cary, Garner and Apex jointly developed (with the North Carolina Division of Water Quality) and adopted the Swift Creek Land Management Plan as a guide to manage the types of development within the watersheds of Lake Wheeler and Lake Benson, to protect water quality. The Wake County Board of Commissioners adopted the Swift Creek Land Management Plan on April 19, 1990.

Session Law 1998-192, adopted by the North Carolina General Assembly on October 22, 1998, prohibits Wake County (and other parties to the Plan) from adopting any development ordinance or granting any development permit that would be inconsistent with the standards and provisions of the Swift Creek Land Management Plan adopted April 19, 1990.

North Carolina General Assembly Session Law 2017-76 removed the property from the Town of Garner's corporate limit with an effective date of June 30, 2017.

The Swift Creek Land Use Management Plan Interlocal Agreement was adopted by Wake County and its partners in December of 2017. The ILA addresses changes in jurisdiction amongst the partners as well as many aspects of environmental policies.

The 19.67 acres were relinquished from the Town of Garner ETJ February 20, 2018 by resolution of Town Council as it has no plans to provide municipal services to this area.

Analysis:

Wake County Land Use Plan

The subject parcels are located within the Swift Creek Watershed and is part of the Swift Creek Land Management Plan. The Swift Creek Land Management Plan identifies the area as non-critical rural area which allows for a maximum density of up to one dwelling unit per acre.

The Rural Non-Critical Classification within the Swift Creek Land Management Plan would allow up to 1 dwelling unit per acre and have a 12% impervious surface limit, however it could rise up to 30% if the first ½" of rainfall runoff is retained. Municipal sewer is prohibited within the Rural Non-Critical Classification.

The Area to the south is within Wake County's Jurisdiction and is classified as Rural Non-Critical and Classified as Non-Urban Water Supply Watershed within the General Classifications Map of the Wake County Land Use Plan. The Area to the north and west are within the City of Raleigh ETJ. The areas to the east of the railroad are within the Town of Garner ETJ and town limits.

Water Supply Watershed Protection Policies
WATER QUALITY GOAL: To maintain and enhance the quality of public water resources, allowing no further degradation of water quality, while allowing limited development in water supply watersheds.

Wake County protects water quality in water supply watersheds by applying land use and development regulations that are designed to keep impervious surface coverage low and to provide adequate infiltration of runoff water into the ground. They do so by limiting the density of residential development, limiting the impervious surface coverage of nonresidential development, requiring vegetated buffers along watercourses, limiting nonresidential land uses to those with characteristics less likely to adversely affect water quality, controlling the storage and use of hazardous materials, and applying design standards to minimize adverse water quality impacts. These land use and development regulations help to maintain water quality and direct more dense growth out of water supply watersheds and into the urbanizing areas.

The Swift Creek watershed, located in southern Wake County, is comprised of approximately 40,174 acres. Lakes Benson and Wheeler are the primary bodies of water within the Wake County Land Use that are classified as a Water Supply Watershed. Roughly 18,000 acres are within Wake County's jurisdiction.

Input from the Town of Garner
Garner Town Council relinquished extraterritorial jurisdiction for the subject property at its meeting February 20, 2018. The Town of Garner has stated that they have no plans to provide town services in the area west of the existing rail line. The property is adjacent to an area that the County rezoned in 2017 that was previously within the Town of Garner and City of Raleigh ETJ's.

The County has a period of 60 days to assign zoning to the relinquished parcels. As part of the assigning zoning the County needs to classify the parcel within its Land Use Plan.

Input from Neighboring Property Owners
Planning staff mailed out letters to the owner of property being reclassified as well as adjacent property owners and posted public meeting notice signs on Inwood Forest Drive. Planning staff has received one phone call in response to those efforts to solicit neighborhood feedback.

Board Discussion:
Mr. Swanstrom asked for public comment and having none then asked for Board discussion/questions. Mr. Wells asked how the General Assembly removed the property from the Town's corporate limit. Mr. Coates explained that the property owner asked for a local bill from the General Assembly for the change. The Town of Garner then decided to remove it from their ETJ based on the property owners request. Mr. Wells asked if the City of Raleigh had any interest in this property and Mr. Coates confirmed that they did not.

Having no further comment Mr. Swanstrom called for a motion. Mr. Jenkins moved to approve. Motion was seconded by Ms. Sanford and approved unanimously.

6. **Rezoning: ZP-897-17.** Presented by Mr. Adam Cook.

   Request: This request is to rezone an area consisting of 19.67 acres from Town of Garner zoning district SB C20 (Service Business Conditional Use) to Wake County zoning district R-40W (Residential 40 Watershed). The Town of Garner has stated that they have no plans to annex this area. The Town determined that due to lack of water and sewer as well as street connectivity the area has no future urban development potential.

Garner Town Council relinquished extraterritorial jurisdiction for the subject property at its February 20, 2018 meeting. In accordance with General Statute 160A-360(f), the County has a period of 60 days to assign zoning to the relinquished parcels.

Planning Staff Findings

1. The proposed Residential-40 watershed rezoning and the permissible density and range of uses are consistent with the Land Use Plan's designation and are reasonable and appropriate for the area.
2. More specifically the R-40 watershed density allows for one dwelling unit per acre, which complies with the Land Use Plan's designation of one dwelling unit per acre.
3. The proposed rezoning complies with Land Use Plan objective 9.a. which strives to minimize pollutants from storm water runoff, protect drinking water, and protect water quality suitable for fishing, boating, and swimming by allowing only appropriate land uses and densities which meet or exceed applicable State water quality guidelines.
4. A detailed site plan must be approved by the appropriate Wake County entity prior to future redevelopment.
5. Garner Town Council relinquished ETJ for the subject site at its February 20, 2018 meeting.
6. In accordance with North Carolina General Statute 160A-360(f), the County has a period of 60 days to assign zoning to the relinquished property.

Planning Staff Recommendation

The planning staff recommends **approval** of the requested zoning map amendment, ZP-897-18, as presented, and finds that the zoning map amendment is consistent with the Land Use Plan, and otherwise advances the public health, safety, and welfare.

Case #: ZP-897-18
Location: The property is located northeast of the stub connection at the end of Inwood Forest Drive.
Current Zoning: SB C20 (Service Business Conditional Use) (Town of Garner Zoning)
Proposed Zoning: Residential-40 Watershed District (R-40W) (Wake County Zoning)
Existing Land Uses: Vacant wooded
Petitioner: Wake County
Owner: Jack Parker Properties NC, LLC
PIN Number: 0791980587

Surrounding Land Uses and Zoning Districts Direction	Land Use	Zoning District
North	Wooded & Industrial	R-1 & IH (Raleigh)
East	Norfolk-Southern Railroad	SB (Garner)
South	Wooded & Single-family residential	SB (Garner) & R-40W (Wake County)
West	Wooded & Agricultural	R-1 (Raleigh) & R-40W (Wake County)

Planning Board Discussion: Mr. Swanstrom asked for public comment and hearing none opened Board discussion.

Mr. Barron asked why we were recommending residential R-40W when the site appears to be undevelopable because of flood hazard soils. Mr. Cook explained that the R-40W zoning is applied to adjacent property and many areas of Wake County's jurisdiction in the South and Southwest.

Mr. Wells asked if there are other zoning classifications that would be appropriate. Mr. Cook stated that the R-40W is the best fit to match the Land Use Plan and was the most consistent zoning in keeping with the surrounding areas. Mr. Barron asked if there is an open space zoning classification – Mr. Cook confirmed there is not.

Mr. Barron asked about the minimum lot size required for a cluster subdivision. Mr. Steven Finn confirmed that the lot size would need to have a minimum 10-acre site threshold with 20,000 square feet. This option does reduce the lot size and would take in consideration the sensitive soils. Mr. Cook confirmed that a cluster subdivision would require administrative approval through Wake County's Planning division.

Mr. Jenkins asked if there were streams that flow through the property and Mr. Cook confirmed that there were. Mr. Cook said that any development of the property would be subject to stream buffers.

Mr. Barron restated his concern about applying an R40-W zoning to an entire 19-acre plot of land that for the most part is undevelopable. Mr. Barron asked if there were development plans that had been submitted for the site and Mr. Steven Finn confirmed to his knowledge there are no current plans.

The County attorney reminded the Board that this item requires two motions: 1) Written recommendation that addresses plan consistency 2) motion to recommend approval to the Wake County Board of Commissioners. Having no further comments Mr. Swanstrom called for a motion to approve.

Motion #1:
Ms. Tara Kreider motioned that the Wake County Planning Board has reviewed the rezoning petition (ZP-897-18) for the 19.67-acre area located northeast of Inwood Forest Drive (PIN 0791980587) to rezone the property from SB C20 (Service Business Conditional Use) (Town of Garner Zoning District) to Residential-40 Watershed (R-40W). The Planning Board offers the following (1) statement of consistency, reasonableness and public interest:

1) The Planning Board finds that the requested rezoning to R-40W is: a) Consistent with the Wake County Land Use Plan's designated maximum residential density for this area of one dwelling unit per acre (R-40 watershed is also a maximum of one DU/acre);

b) Consistent with the permissible range of uses that are allowed throughout the Swift Creek Land Management Plan non-critical rural area, especially considering that most nonresidential uses would require a separate public hearing process for a Special Use Permit to ensure that their location and design is appropriate and will protect the public health, safety and general welfare;

c) Consistent with the land use plan's objective 9.a. which strives to minimize pollutants from storm water runoff, protect drinking water, and protect water quality suitable for fishing, boating, and swimming by allowing only appropriate land uses and densities which meet or exceed applicable State water quality guidelines;

d) Reasonable because it would allow for the same residential density and range of uses as would be permissible on all the surrounding properties in this area;

e) In the public interest because the future residential development of the site may meet a market need for additional housing opportunities;

f) Reasonable and in the public interest because various provisions in the Wake County Unified Development Ordinance and the established development review process with outside agencies such as the North Carolina Department of Transportation and other county departments, will ensure that there are no significant adverse impacts on the public health, safety and general welfare. For example, the subsequent development will comply with county requirements regarding buffering, stormwater and erosion control, and protection of environmentally sensitive areas.

Mr. Asa Fleming seconded the motion that passed unanimously.

2nd Motion:
Mr. Tom Wells motioned in the matter of ZP-897-18 that the Planning Board hereby recommends that the Board of Commissioners approve the rezoning request to R-40W as presented. The motion was seconded by Mr. Phil Feagan and passed with an 8-1 vote.

7. **Regional Utility Providers Presentations**

The Board was given a brief overview and history of water services provided by the Town of Cary and Raleigh.

a. Town of Cary - Glen Harrell
b. City of Raleigh - Kenny Waldroup

Cary Questions:

- Ms. Sanford: Is RDU a customer of the Town of Cary? Answer: Cary meters water going into the system and RDU distributes.
- Mr. Jenkins: Does Cary have excess capacity? Answer – yes.
- Mr. Fleming: Are you planning to extend to Holly Springs? Answer – Apex yes; Holly Springs no.
- Mr. Wells: What is the difference between reclaimed water and wastewater? Answer – Reclaimed is treated to the point that it can be put out to the streams; Treated water adds chlorine and can be put out into the system.
- Mr. Swanstrom: Do we take water out of Falls and Jordan Lakes? Answer – Cary does take water out of Jordan Lake. The only way to get water from Falls through the City of Raleigh.
- Ms. Sanford: Congratulated the Town on their AquaStar Smart System that allows customers to monitor their water usage. http://www.townofcary.org/services-publications/water-sewer/water/aquastar
- Ms. Sanford: Does the solar farm provide power for water treatment? Answer – not sure. Need to follow up.

Raleigh Questions:

- Mr. Asa Fleming: How is the construction of 540 impacting the planned the new future facility? Answer – 540 will be to the West of the facility.
- Mr. Amos Clark: The reallocation of the water supply pool/ reclaimed water pool– what impact does this have on the Neuse River between the Falls Lake discharge and the discharge point for the reclamation point? Answer – this is a controlled breach so the impact is so small it has been deemed unmeasurable.
- Mr. Al Swanstrom: The planned Little River reservoir sits on the NE side of the County and will have a long-time significant impact on the Land Use plan – are there updates? Answer: the decision makers have elected to preserve watersheds. The reservoir decision has been pushed down one generation.
- Ms. Susan Sanford: Does Raleigh have a plan for a meter reading smart system like the Town of Cary? Answer: Raleigh has been selecting meters that will be easier to transition in the future but a full cost/benefit analysis has not been completed that will be needed to bring this project to the forefront of the Raleigh capital plan.

8. **Committee Reports** – None.

9. **Planning Development & Inspections Report**

Ms. Sharon Peterson announced that as a follow up to the affordable housing presentation that she and Bryan Coates have presented information to the Town Councils at Zebulon and Garner about social economics statistics that deal with housing affordability.

Mr. Steven Finn reminded the Board that the UNC School of Government will be onsite on April 5th between 1- 4 P.M. to provide legislative case training for Planning Board members in the region. The cost is $55.00 per participant but the County will pay for registration for any Board member that would like to attend. Mr. Swanstrom asked staff to resend the email with all the details. Mr. Finn also announced that the Planning staff has seen an increase of zoning violations regarding performance standards. Most of these relate to noise and lighting.

Mr. Maloney announced that staff is reviewing the Comprehensive Plan consultant's proposal from Clarion. He also introduced new Planner III, Ms. Terry Nolan.

10. **Chairman's Report**

Mr. Swanstrom reminded the Planning Board that at the April 4, 2018 meeting the Board would elect a new Chair and Vice Chair. The Board will also make committee assignments for its three Planning Board committees.

Mr. Wells met with Mr. Mike Haley, Kathleen Henry and Sharon Peterson to get the updated 2017 Wake County economic development report. The latest report is available on the Board's FTP site. The 2017 shows Raleigh as the 2nd best economic metro area in the Country.

Having no further announcements, the meeting was adjourned at 3:19 P.M..

==========

REGULAR MEETING
WAKE COUNTY PLANNING BOARD
March 7, 2018

Alan Swanstrom declared the regular meeting
of the Wake County Planning Board for
Wednesday, March 7, 2018 adjourned at 3:19 p.m.

Respectfully Submitted:

Alan Swanstrom
Wake County Planning Board

==========