



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 January 16, 2019 (1:30 p.m.)

Wake County Justice Center

300 S. Salisbury St., Room 2700

Raleigh, North Carolina

Members Present: (6) Mr. Jason Barron (Chair), Mr. Thomas Wells (Vice-Chair), Mr. Phil Feagan, Mr. Bill Jenkins, Ms. Susan Sanford, Mr. Amos Clark

Members Absent: (3) Ms. Tara Kreider, Mr. Asa Fleming, Mr. Ted Van Dyk

County Staff: (6) Mr. Tim Maloney, Mr. Steven Finn, Ms. Sharon Peterson, Mr. Keith Lankford, Ms. Jenny Coats, Mrs. Loretta Alston

County Attorney Present: (1) Mr. Kenneth Murphy (Senior Assistant County Attorney)

1. **Meeting Called to Order** – Mr. Jason Barron called the meeting to order at 1:37 P.M.
2. **Petitions and Amendments** – None
3. **Motion to approve minutes of December 5, 2018** was made by Mr. Wells and seconded by Mr. Clark. The minutes were unanimously approved.
4. **ZP-899-18 Rezoning Request**

Mr. Keith Lankford, Planner III presented a presentation detailing information outlined in the staff report.

This request is to apply Wake County zoning to a total of approximately 136.2 acres located within portions of 37 separate parcels along the Wake County-Harnett County-Chatham County line.

The proposed zoning map amendment would bring the Wake County Zoning Map into conformity with the more accurate representation of the actual location of the county boundary line that was established by the North Carolina Geodetic Survey (NCGS) staff and as jointly agreed upon by the Wake County and Harnett County Boards of Commissioners on October 15, 2018.

Location: The area affected by this mapping refinement is comprised of two separate areas and will extend the existing Wake County zoning from the old representation of the county line (gray dashed line on the attached maps) southward to the accurate representation of the county line as established by the North Carolina Geodetic Survey (solid green line). Please see the attached maps.

The first area extends, generally, from Bartley-Holleman Road in the west, eastward past the tri-county common corner near the point where Cass Holt Road (aka Rollins Mill Road) crosses the county line and continues eastward to a point just past Sweet Springs Road (aka Wade Stephenson Road).

The second area is southwest of Fuquay-Varina and extends, generally, from a point west of Buckhorn-Duncan Road (aka Cokesbury Road) eastward to just past Paul Ridge Lane.

Rezoning Details for First Area: This request is to rezone a total of approximately 72.35 acres of land within portions of six (6) separate parcels. Many of these parcels are currently split by the Wake County-Chatham County-Harnett County line. This adjustment to the county line represents the actual location of the county line as determined by North Carolina Session Law 2018-62 (which established the location of the tri-county common corner) and the North Carolina Geodetic Survey staff of the county line.

This rezoning would apply Wake County Residential-80 (R-80) zoning to the relative portions of each parcel in accordance with the zoning that already applies in that area.

Rezoning Details for Second Area: This request is to rezone a total of approximately 63.84 acres of land within portions of 31 separate parcels. Many of these parcels are currently split by the Wake County-Harnett County line. This adjustment to the county line represents the actual location of the county line as determined by the North Carolina Geodetic Survey staff and as approved by the Wake County and Harnett County Boards of Commissioners on October 15, 2018.

This rezoning would apply Wake County zoning to the relevant portions of each parcel in accordance with the zoning that already applies in that area. For the area just west of Buckhorn-Duncan Road (aka Cokesbury Road) the Wake County Residential-80 (R-80) zoning would be applied since that is what already exist in that area. Likewise, Wake County Residential-30 (R-30) zoning will be applied between Buckhorn-Duncan Road (aka Cokesbury Road) and a point approximately halfway between where OC Hester Road and West Academy Street (aka NC 42) cross the county line (see the attached map). From that point eastward to Barefoot Road (aka Christian Light Road) Wake County Highway District (HD) zoning will be applied. And from Barefoot Road to just east of Paul Ridge Lane, Wake County Residential-30 (R-30) zoning will be applied.

Proposed Zoning: The proposed zoning map amendment would apply Wake County zoning (as described above) to the narrow portions of each parcel in accordance with the zoning that already applies in that area—in effect extending the current zoning to fill the gap between the old representation of the county line and the more accurate representation of the county line as established by the North Carolina Geodetic Survey staff, which became effective January 1, 2019.

Existing Land Uses for First Area: Much of this first area, near Harris Lake, is owned by Duke Energy Progress and is preserved in association with the Shearon Harris Nuclear Plant and is actively used for game land, but there are some scattered low-density residential and agricultural uses closer to Cass Holt Road and Sweet Springs Road.

Existing Land Uses for Second Area: This second area has more residential development than the first area, but it is still low-density with agricultural uses.

Petitioner: Wake County Planning, Development & Inspections

Design Firm: Not Applicable

Owners: 37 property owners

PINs: 37 different Parcel Identification Numbers (PINs)

Land Use/Zoning History:

1973: General zoning was first introduced to the southwestern portion of Wake County

2007: Southwest Area Land Use Plan was adopted and designated this area for low-density residential uses.

Background

Historically there has been some uncertainty between Wake County, Harnett County, and Chatham County as to the exact location of the boundary between them, with some discrepancies being as much as several hundred feet. These discrepancies can create issues with regards to tax assessment, property value, deed recordation, zoning, building permitting, public safety, board of elections, and the school system.

Current technology allows for a much more precise location of the county line than has previously been possible. It's important to note that the county line is not actually changing location, rather it is more of a matter of being more accurately represented. The counties worked with the North Carolina Geodetic Survey staff to conduct historical research and field work to determine the accurate location of the shared boundary line. During their work they discovered errors in the 1961 Wake County and Chatham County survey that had incorrectly located the common Wake/Chatham/Harnett county corner.

On April 16, 2018, the Wake County Board of Commissioners jointly agreed with the Harnett County and Chatham County Board of Commissioners to resolve issues with the boundary line by first authorizing legislation to establish the correct location of the common corner shared by all three counties. Subsequently, on June 25, 2018, the North Carolina General Assembly ratified legislation, Session Law 2018-62, that corrects the common corner for Wake, Harnett, and Chatham Counties.

After the actual location of the tri-county common corner was correctly identified, Wake County and Harnett County staffs worked with the North Carolina Geodetic Survey staff who performed the necessary field work and prepared a plat showing where the Wake and Harnett County boundary line was actually located. Their conclusion is based on research of the 1855 survey of Harnett County, and the description of the land grant as recorded in the Chatham County and Harnett County Register of Deeds offices. In accordance with North Carolina General Statute 153A-18, both Wake County and Harnett County mutually agreed to establish this as the county boundary line.

The county staffs held two community meetings—on December 5, 2017 and on March 27, 2018 to advise affected property owners about the pending change and to answer any questions that they may have. All affected property owners have also been sent three separate letters detailing the impact on their property. The property owners that are affected by this rezoning were sent another letter notifying them of this meeting and several public meeting notification signs were posted in both of the rezoning areas described above.

Staff received numerous inquiries, but no opposition to the rezoning request.

Wake County Land Use Plan

Mr. Lankford stated general zoning was first applied to the southwestern portion of Wake County in 1973. In 2003 the South was area land use plan was adopted and it designated surrounding areas for low density residential uses.

The southwestern portion of Wake County around Harris Lake eastward to Buckhorn Duncan Road is designated as the Town of Holly Springs' Short-Range Urban Services Area (SRUSA). The area from Buckhorn Duncan Road eastward past the area of this rezoning is designated as the Town of Fuquay-Varina's SRUSA. SRUSAs are anticipated to be absorbed into the relevant municipal jurisdiction at some point in the future, perhaps within the next ten years, with the provision of public water and sewer as the area develops.

The area where this rezoning is occurring is covered by the Southwest Area Land Use Plan Area Land Use Plan and is designated, primarily, for low-density residential uses. There are no activity centers (i.e.—areas deemed appropriate for commercial or mixed-use development) designated on the Land Use Plan within the area of this rezoning petition.

Future development within the subject area would be required to comply with the Land Use Plan's policies and all applicable standards of the Wake County Unified Development Ordinance.

Required Statement of Consistency with the Land Use Plan, Reasonableness, and Public Interest

North Carolina General Statute 153A-341 and Section 19-21-6 (C) of the Wake County Unified Development Ordinance require that the Planning Board provides the Board of Commissioners with a statement of whether or not the proposed rezoning petition is consistent with the Land Use Plan, reasonable, and otherwise advances the public health, safety, and general welfare. In making a determination of whether or not to approve the rezoning petition, the Board of Commissioners must adopt a statement describing whether or

not the proposed petition is consistent with the Land Use Plan, reasonable, and otherwise advances the public health, safety, and general welfare, or why it chose to deviate from the Land Use Plan and how that decision is reasonable and in the public interest.

The planning staff has determined that the proposed zoning map amendment would be consistent with the Land Use Plan, as well as the current zoning in that area because it will only be an extension of what Wake County already has applicable to the adjacent area. The proposed zoning map amendment would bring the Wake County Zoning Map into conformity with the county boundary line that was jointly agreed upon by the Wake County and Harnett County Boards of Commissioners on October 15, 2018.

The Planning staff has drafted a statement of consistency, reasonableness, and public interest for consideration by the Planning Board (see attached draft statement).

Public Utilities

Any development within Wake County's jurisdiction would most likely be served by individual wells and septic systems, but there is a possibility of developments using a community water or wastewater system. As noted in the discussion about the Short-Range Urban Services Areas above, the towns of Holly Springs or Fuquay-Varina may choose to extend public water and/or sewer lines into their respective portions of this area in accordance with their growth and development plans.

It is also possible that public utilities could be extended into this area by the Harnett County utility district, however such utility extension can only occur after they reach an agreement with the relevant municipality regarding ownership and maintenance of any such utility lines and future revenue sharing. Once the parties reach an agreement, the Wake County Board of Commissioners would have final say on whether or not utility lines can be extended across the county line into Wake County as per Section 12-11-2 of the Wake County Unified Development Ordinance.

Environmental Issues

This general area is encumbered with some floodplains, flood prone soils, stream buffers, and wetland areas—especially near Harris Lake. While there are some environmental constraints within this area, significant areas remain for future development. The Wake County Land Use Plan, the correlating zoning districts, and various provisions of the Wake County Unified Development Ordinance adequately address development near these environmental constraints.

Transportation Issues

This general area is serviced by a network of secondary state-maintained roads that generally have 50-foot or 60-foot rights-of-way with 19-foot to 24-foot wide roadways. Some of the roads, especially in the western area in the Harris Lake game lands, are substandard. Development within this area would be required to improve the roadways as needed and as directed by the North Carolina Department of Transportation. The roads in this area are lightly traveled with average daily traffic being only a few hundred to 2,000 trips per day. The exception is NC 42 (aka Academy Street), which is a state highway and is listed in the Wake County Transportation Plan as having a design capacity of 15,000 vehicles per day with a current estimated usage of approximately 9,000 vehicles per day. Adequate capacity is available to accommodate future growth.

Planning Staff Findings

1. This request, to rezone the subject areas described above by extending the existing Wake County zoning districts to the more accurate representation of the location of the county line as established by the North Carolina Geodetic Survey staff, is consistent with the Wake County Land Use Plan.
2. The existing and proposed extended zoning districts and the existing and allowable range of possible uses, are consistent with the Wake County Land Use Plan's designation, and would be reasonable, and appropriate, for the area.

3. The proposed zoning map amendment would bring the Wake County Zoning Map into conformity with the county boundary line that was jointly agreed upon by the Wake County and Harnett County Boards of Commissioners on October 15, 2018.
4. Provisions of the Wake County Unified Development Ordinance will ensure adequate protection of any environmentally sensitive features.
5. There are no traffic issues (e.g.—high traffic volumes, high number of accidents) on the area roadways, although some may need to be improved or upgraded to accommodate new development as it occurs.
6. Any new development in this area will be required to comply with any and all applicable standards of the Wake County Unified Development Ordinance and the county's development review process, which will ensure protection of the public health, safety and general welfare.
7. The Wake County Planning staff has received no objections from the surrounding property owners or the general public.

Planning Staff Recommendation

The Planning staff recommends that the Planning Board:

- (1) Adopts the attached drafted statement of Land Use Plan consistency, reasonableness and public interest (please reference the drafted statement in your motion for the record).

and by separate motion

- (2) Approves the rezoning petition, ZP-899-18, as presented.

Planning Board Discussion

Mr. Barron opened the floor for discussion. Board members discussed the following items:

Mr. Jenkins asked if the highway district zoning abutted by the R-30 will be a straight-line highway district down to the county line or will zoning be applied for each individual parcel? Mr. Lankford stated that the highway district zoning will follow those property lines to the county line but may angle so not to cross lot boundaries.

Ms. Sanford asked Mr. Lankford to explain further how the rezoning is not moving the County line but just communicating the line more accurately. Mr. Lankford stated that the County lines between Wake County and Harnett County were not accurately represented in previous years. With the more advance technologies that we have available – i.e. GPS, etc. – the North Carolina Geodetic Survey Office was able to definitively address the issue.

Mr. Maloney added that state statutes guide county lines. In 1961, Chatham and Wake (but not Harnett) agreed upon the Tri-County corner that was later discovered to be incorrect. A correction for this required Legislative action. The Wake-Harnett line posed a different problem in that different versions were continuously given to both Counties from surveyors creating problems jurisdictionally for both counties. To correct it, both Wake and Harnett agreed to work with the North Carolina Geodetic Survey Office and determine the line.

Ms. Sanford asked how landowners with split parcels would be addressed. Mr. Maloney explained split parcels will become split assessed. He further explained the portion of Wake is dictated by the general statutes; therefore, the landowner would get two tax bills.

Mr. Finn added to Mr. Maloney's response and stating for development purposes if a new building was constructed that was in two different counties each county would have to approve a site plan and then whichever jurisdiction has the greater percentage of square footage would issue the actual building permit.

Mr. Wells asked if there is any negative impact on any parcels where the line is changing, where the new (Wake County's) zoning would be more stringent, or a property owner may have a zoning currently in Harnett County or Chatham County that allows them to do things that with this new acquisition they would not be able to do. Mr. Lankford referenced West Buckhorn Duncan road where there is a little lower density but stated most of that land is owned by Duke Progress. He commented there may be some nonconformities created with regards to setbacks and things like that; however, the zoning districts, our R- 30, even the HD since it's not activity center, are comparable to their RA-30 and RA-40 that Harnett County has on their side. Mr. Barron asked if the impacted parcels were all residential. Mr. Lankford replied he was not aware of any commercial development.

For context, Mr. Maloney informed the Board we had 130 affected parcels when we corrected the line between the two counties which is a testament of the significant outreach good communication throughout the process. Letters were mailed to landowners over ten days in advance of the meeting.

Public Comments

There being no opposition, Mr. Barron asked for a motion.

MOTION FOR CONSISTENCY (1ST MOTION)

In the matter of ZP-899-18, Mr. Wells moved that the Planning Board offers to the Wake County Board of Commissioners the following recommended statement of consistency, reasonableness, and public interest:

1. This request, to rezone the subject areas described above by extending the existing Wake County zoning districts to the more accurate representation of the location of the county line as established by the North Carolina Geodetic Survey staff, is consistent with the Wake County Land Use Plan.
2. The existing and proposed extended zoning districts and the existing and allowable range of possible uses, are consistent with the Wake County Land Use Plan's designation, and would be reasonable, and appropriate, for the area.
3. The proposed zoning map amendment would bring the Wake County Zoning Map into conformity with the county boundary line that was jointly agreed upon by the Wake County and Harnett County Boards of Commissioners on October 15, 2018.
4. Provisions of the Wake County Unified Development Ordinance will ensure adequate protection of any environmentally sensitive features.
5. There are no traffic issues (e.g.—high traffic volumes, high number of accidents) on the area roadways, although some may need to be improved or upgraded to accommodate new development as it occurs.
6. Any new development in this area will be required to comply with any and all applicable standards of the Wake County Unified Development Ordinance and the county's development review process, which will ensure protection of the public health, safety and general welfare.
7. The Wake County Planning staff has received no objections from the surrounding property owners or the general public.

Mr. Jenkins seconded the motion. By a vote of 6 to 0, the Planning Board voted unanimously in favor of the motion.

MOTION FOR APPROVAL (2ND MOTION)

In the matter of ZP-899-18, Mr. Clark moved that the Planning Board offers to the Wake County Board of Commissioners a recommendation for approval of the rezoning request as presented. Mr. Jenkins seconded the motion. The motion passed unanimously with a 6-0 vote.

5. Fuquay-Varina ETJ Request Updates

Ms. Peterson gave an update on the ETJ request actual meeting process.

- Wake County Land Use Committee Meeting
 - Wednesday January 30th from 11:00am to 2:00pm, Room 2700
 - Wednesday February 20th from 11:00am to 2:00pm, Room 2700
- Property Owners Notification
 - 7,000 letters were mailed on 1/16/2019 to landowners in the requested areas.
 - Board members received a copy of the information for review of the geography involved.
 - Staff anticipates approximately 200 citizens attending the Committee Meeting.
 - Sign-up Sheet like what BOC use to better determine number of people for public comments
- Agenda - Flow of the meeting
 - Introduction of Planning Board (LUC) Members / Staff Introduction
 - Bryan Coates will provide a review of policy principles and statutes surrounding ETJ's
 - Staff Presentation
 - Public Comments - Up to one hour allowing a maximum of 3 minutes per person
 - Break - 15-20
 - LUC Discussion
 - Consider committee recommendation on ETJ Request Areas 1 – 3
 - Areas 4 – 5 are the larger ones to the east and to the south

Mr. Maloney shared the following comments regarding the ETJ.

- Communications – Planning staff, the Board of Commissioners, and the County Manager's Office are getting communications weekly from residents expressing concern and opposition to the Town of Fuquay-Varina's ETJ request. Some of those written concerns will be in the packets that sent to the Planning Board members.
- Security officers will be provided during the meeting.
- Public Comments – We typically do not have a public comment section, but we feel at this level it is appropriate that we do provide it throughout the process for transparency and openness.

6. Comprehensive Plan Update. Ms. Peterson announced that Phase I is wrapping up and the consultants are working on the end of the, "by the numbers" document that addresses the principles of growth and the reports the results of the initial stakeholders meetings. There will be an update about the process at the Feb. 4, 2019 Board of Commissioner's meeting. The Planning Board may be asked to participate again during Phase 2 of the project to serve as testers for the next series of survey questions.

7. Reports

- Committee Reports: No Report
- Staff reports:
 - Ms. Sharon Peterson announced that three board members have terms expiring on February 28, 2019 and that the Board of Commissioner's clerk would be contacting them for inquire about their interest in reappointment. The appointments will be included on the February 4, 2019 Board of Commissioner's meeting.
 - Mr. Maloney informed the Board that the following items would be considered by the Board of Commissioners on the January 22, 2019 meeting:
 - Approved Rezoning of Auburn Knightdale Road
 - Native Plant text amendment
 - Mr. Maloney asked that either the Planning Board Chair or an appointee attend the February 18th Board of Commissioner's meeting for the County line rezoning consideration.

- Mr. Finn advised he had two updates. He commented that the applications normally seen in December for preliminary subdivisions were unusually low; however, that has picked up in January. He explained the history of the “Minor-Limited” subdivision text amendment the Board reviewed and adopted in March of 2018. Prior to the amendment we had one occurrence which staff followed statute. Since the approval, we have processed 15 as the language is clear and process more efficient.

8. Chairman’s Report – Mr. Barron asked that in the April/May 2019 timeframe staff and the Planning Board review its policies associated with urban services as well as ETJ extensions as the County prepares for growth. Specifically, what are the policies, when were they adopted and a general assessment to whether they are still applicable. Mr. Clark concurred, and Mr. Maloney stated the timing would overlap nicely with the discussions surrounding the Comp plan.

Mr. Jenkins asked if a presentation/update from the Department of Transportation would be possible in the summer. The chair and staff agreed.

9. Adjournment: Having no further announcements, the meeting was adjourned at 2:33 p.m.

=====

REGULAR MEETING
WAKE COUNTY PLANNING BOARD
January 16, 2019

Jason Barron declared the regular meeting
of the Wake County Planning Board for
Wednesday, January 16, 2019 adjourned at 2:33 p.m.

Respectfully Submitted:



Jason Barron
Wake County Planning Board