MINUTES

WAKE COUNTY PLANNING BOARD

WEDNESDAY, JUNE 4, 1997

Members Present: Cliff Thomas (Chair), Richard Watkins (Vice-Chair), Derward Baker, Henry Campen, Mike Mitchell, Elwood Perry, Pennie Perry, Joe Thompson, Mike Weeks

Members Absent: Mary Smith-Morrison

Mr. Thomas called the meeting to order at 1:05 p.m., and invited petitions from Board members, staff, or the audience. There were none.

Consent Agenda

Mr. Thomas asked if any Board objected to unanimous consent approval of the four preliminary subdivision plans on the consent agenda subject to the conditions recommended by the Subdivision Administrator. Dr. Perry moved that the preliminary plans be so approved. Mr. Watkins seconded the motion, which passed by a 9-0 vote. The approved plans and conditions are described below:

S-24-97 Preliminary Subdivision Plan for Deer Creek Subdivision: Proposal to subdivide 20.75 acres of land on the north side of Old Milburnie Rd., just west of its intersections with Watkins Rd., into 16 lots (PIN 1756-29-4390) - Plan titled "Proposed Lot Design for Deer Creek Subdivision" and dated April 14, 1997 is approved subject to the following condition: On the record plat reference the remainder of the subject property south of Milburnie Road as lot #16, noting the acreage of this property.

S-25-97 Preliminary Subdivision Plan for Carroll Register Jackson: Proposal to subdivide 12.75 acres of land on the north side of Auburn-Knightdale Rd., just west of its intersection with Grasshopper Rd., into 10 lots (PIN 1752-15-2930) - Plan titled "Preliminary Subdivision Design for Carroll Register Jackson" and dated 04-16-97 is approved subject to the following condition: The typical street sections needs to show compliance with the NCDOT subdivision street standard rather than the Wake County private street standard.

S-27-97 Preliminary Subdivision Plan for Brack Place: Proposal to subdivide 35.5 acres of land on the west side of Brack Penny Rd., between its intersections with Jordan Rd. and the Wake/Johnston County Line, into 38 lots (PIN 1617-44-6329) - Plan titled "Brack Place" and dated 4/18/97 is approved subject to the following conditions:

1. Verify that the flood hazard soils conform to the topography at the time of record plat.
2. The small triangle of property across Brack Penny Road from Lot 1 needs to be recombined with the proposed acquisition of 22,350 sq. ft. of C.C. & M. Penny property prior to this subdivision plat being recorded.

S-30-97 Preliminary Subdivision Plan for Bartons Creek Bluffs 4: Proposal to subdivide 84 acres of land off the northeast side of Hickory Grove Church Rd. into 84 lots (PIN 0779-83-7662) - Plan titled "Preliminary Plat: Bartons Creek Bluffs 4" and dated 04/18/97 is approved subject to the following conditions:

1. Verify that drainage easements are provided at 4 acres of drainage or 4 lots of drainage.
2. Provide an access easement for the existing cemetery, or else submit a grave removal request to the Board of Commissioners.
3. Clarify the location of the watershed and drainageway buffers and setbacks from those buffers.
4. Correct the Site Data Table
   a. The amount of open space required (21 acres, not 20.75 acres).
   b. The number of lots proposed (84, not 85).
North Raleigh Quarry Special Use Permit: Petition for a mining special use permit on 431 acres of land on the west side of US 1 N, between its intersections with the Neuse River and US 1A, to authorize an existing aggregate mining operation and modifications to that operation.

Mr. Thomas opened the public hearing.

Larry Morgan of the Planning Department presented the staff report and recommendation, describing the request and the site and its relationship to surrounding zoning and development. The staff recommends approval of the petition with conditions, based on conclusions that the existing mining operations and proposed modifications would (1) comply with all standards expressly applied by the Wake County Code to mining special uses, (2) not substantially injure the value of adjoining property, (3) be in harmony with the area in which it is located, and (4) be consistent with the Wake County General Development Plan (GDP) - see attached Resolution A. Those conclusions are based on the staff's determinations that the existing operations (and possibly the proposed modifications) are authorized by a valid State Mining Permit, that the proposed buffers and use of existing vegetation (if confirmed to meet transitional bufferyard screening standards) meet applicable bufferyard requirements, that the current blasting operational measures comply with State vibration regulations, that neighboring development has occurred and is occurring with knowledge of the potential adverse impacts of existing mining operations, that the proposed reduction of spacing between the expanded pit and developing properties to the west is not enough to significantly increase whatever potential adverse impacts the existing mining operations have on those neighboring properties, that State regulations ensure prevention of physical hazards to neighbors, that the proposed modifications would not increase public water supply demands, that State regulations and current plans and measures for preventing and containing spills ensure the prevention of off-site water quality problems, that the GDP’s designation of the site as “existing use” should be interpreted as recognizing the continued use of the mining operations site for aggregate mining, and that the proposed modifications do not include expansion of mining activities beyond that already used for mining activities. The staff recommends that approval be subject to the conditions that, before issuance of a special use permit, modified plans or additional materials be approved by the Zoning Administrator as demonstrating compliance with the transitional bufferyard requirements, and a State Mining Permit consistent with the special use permit be approved by the State.

Mr. Perry asked if the staff has determined that the quarry complies with all applicable standards. Mr. Morgan replied that it seemed to. Stephen Sizemore of the Planning Department cautioned that, given the extremely short deadlines for submitting the petition to the Planning Board and Commissioners, the staff’s conclusions and determinations are based on a very cursory review of the petition and on the assumption that compliance with State regulations will occur and is sufficient to avoid physical hazards to neighbors and adverse impacts on water quality.

Don d’Ambrosi, representing the petitioner, noted that the petitioner, in planning to upgrade equipment at the existing facility, saw this as an opportune time to seek a special use permit representing the County’s recognition of the existing mining facility. The petitioner has a valid State Mining Permit authorizing mining of the entire property (not just the existing mining operations), and is not proposing any expansion beyond that authorized by the State Mining Permit. The proposed modifications only involve submittal of revised sedimentation and erosion control measures to the State.

Ward Nye, attorney for the petitioner, reiterated that the mining operation already exists and that the State Mining Permit already authorizes the proposed modifications. He then reviewed the mining operations in relationship to the requisite conclusions. The existing facility operates under State water, air, and mining permits. The proposed modifications would have no adverse traffic impact except possibly some minor impact during construction. The proposed reconstructed entrance from US 1 N would make access safer. The petitioner already has in place an Emergency Response Plan and Spill Prevention Control and Countermeasures Plan. Wash down water is sent through a oil/water separator, with oils and greases burned or recycled. Hydrologic evaluations of the site indicate no adverse impact to the water supply of neighboring property owners. The site is inspected several times a year, and has a good record of...
compliance with State regulations. The mining operations are subject to State requirements for mine safety measures and inspections, and has a good record of compliance. In the Mining Act of 1971, the General Assembly finds that the extraction of minerals is a basic and essential activity important to the economy and public interest. Whereas the State limit for vibrations is 1 inch per second, vibrations at the mining site measure only 0.15 inch per second. Whereas the State limit for air blasts is 128 decibels, air blasts at the mining site measure only 111 decibels.

Mr. d'Ambrosi then contended that aggregate mining at the site is a public necessity. Stone aggregate is needed for, among other things, concrete buildings and roads. Due to the costs of hauling stone, the effective service radius of an aggregate quarry is about 25 miles. Mr. d'Ambrosi then addressed the alternative conclusion that the mining operations will not injure property values. An appraisal of property values around the petitioner’s Crabtree aggregate quarry on Duraleigh Road showed no adverse impact. Several new businesses have recently located near the existing quarry. Nearby homes continue to be occupied and rented. New residential developments on adjoining properties (e.g., River Run, Wakefield) are being successfully marketed and sold. These indicate no adverse impact on area property values.

Mr. d'Ambrosi noted that he was a member of the task force that developed the County's joint land use plan applying to the site. That plan contemplated industrial development along US 1 N, and recognized the quarry.

Joel Keith, owner of properties immediately to the north of and across US 1 from the quarry entrance, spoke in favor of the petition. He has rented homes on these properties since before the quarry was established. and gets along fine with the petitioner. The quarry has been a good neighbor. The proposed modifications will move mining operations further from his property.

Mr. Thomas asked if anyone else in the audience wished to comment on the petition. There being none, he closed the hearing and invited discussion by Board members.

Mr. Campen moved that the Planning Board recommend that the Board of Commissioners adopt Resolution A granting a special use permit for North Raleigh Quarry subject to the conditions recommended by the Planning staff. Mr. Perry seconded the motion, which passed without discussion by a 9-0 vote.

Preliminary Subdivision Plans

**S-26-97 Phase 5A and 5B, Jones Dairy Farm:** Proposal to subdivide 29.79 acres of land off the east side of Jones Dairy Farm Rd. into 64 lots (PIN 1850-73-0703).

Randy Mundt, Subdivision Administrator, described the proposal. He stated that although his submitted staff report recommends that the Board deny the preliminary plan for failure to provide road extensions necessary for development of a local area road network, he has since changed his mind about the need for those extensions and now recommends that it approve the submitted preliminary plan subject to the following condition: The plat needs to note the acreage of land in this parcel that will be remaining for future development.

Mr. Watkins reported that the Subdivision Committee reviewed the plan earlier in the day and recommends that the Board approve it subject to the same condition recommended by the Subdivision Administrator.

[There no longer being anyone in the audience, Mr. Thomas skipped solicitation of comments from the applicant or audience.]

Mr. Watkins moved that the Planning Board approve the preliminary subdivision plan (titled "Phase 5A & 5B, Jones Dairy Farm" and dated January 23, 1997) subject to the condition recommended by the
Subdivision Administrator (see above). Mr. Mitchell seconded the motion, which passed without discussion by a 9-0 vote.

[Mr. Watkins reported that the Subdivision Committee did not complete its review of the preliminary subdivision plan for Sun Ridge Farm (S-28-97). Noting that its placement on the agenda was contingent on completion of the Committee’s review, Mr. Thomas went on to the next agenda item.]

**S-29-97 Elledge Farms:** Proposal to subdivide 48.5 acres of land on the southwest side of Yates Mill Pond Rd., just south of its intersection with Tryon Rd., into 11 lots (PIN 0772-94-5166).

[Mr. Watkins reported that the Subdivision Committee did not complete its review of the preliminary subdivision plan for Sun Ridge Farm (S-28-97). Noting that its placement on the agenda was contingent on completion of the Committee’s review, Mr. Thomas went on to the next agenda item.]

Mr. Mundt described the proposal. He stated that although his submitted staff report recommends that the Board deny the preliminary plan for failure to provide a road extension necessary for development of a local area road network, he has since changed his mind about the need for the extension and now recommends that it approve the submitted preliminary plan as submitted.

Mr. Watkins reported that the Subdivision Committee reviewed the plan earlier in the day and recommends that the Board approve it as submitted.

[There no longer being anyone in the audience, Mr. Thomas skipped solicitation of comments from the applicant or audience.]

Mr. Watkins moved that the Planning Board approve the preliminary subdivision plan (titled "Preliminary Plan for Elledge Farms" and dated 4-14-97) as submitted. Mr. Mitchell seconded the motion, which passed without discussion by a 8-0 vote.

**Frank Russell Bunn Subdivision Variance:** Request for a variance from the Subdivision Ordinance’s cul-de-sac length limit on land off of Bunn Farm Rd. (PIN unknown).

Jake Taylor of the Subdivision Administrator’s staff noted that the applicant requests a variance from the Subdivision Ordinance’s cul-de-sac length limit, then stated that the Subdivision Administrator recommends that the Board grant the variance.

[There no longer being anyone in the audience, Mr. Thomas skipped solicitation of testimony from the applicant or the audience.]

Mr. Watkins moved that the Planning Board grant the variance as requested. Mr. Mitchell seconded the motion, which passed without discussion by a 9-0 vote.

**Jean and Jesse Higgins Subdivision Variance:** Request for a variance from the Subdivision Ordinance’s general road layout standard and cul-de-sac length limit and design standards on land at the end of Meadow Lake Dr. (PIN 0679-41-5522).

Mr. Taylor noted that the applicant requests variances from the Subdivision Ordinance’s general road layout standard, its cul-de-sac length limit, and its cul-de-sac design standards, then stated that the Subdivision Administrator recommends that the Board grant the variance subject to the condition that the road easement, including necessary construction easements, be set up to allow its conversion to a public road to NCDOT specifications.

[There no longer being anyone in the audience, Mr. Thomas skipped solicitation of testimony from the applicant or the audience.]
Mr. Watkins moved that the Planning Board grant the variance with the condition recommended by the Subdivision Administrator (see above). Mr. Mitchell seconded the motion, which passed without discussion by a 9-0 vote.

Ken Rowland Subdivision Variance: Request for a variance from the Subdivision Ordinance’s definition of “subdivision” on land at the end of Ken Dr. (PIN 0677-96-7606).

Mr. Taylor noted that the applicant requests a variance from the Subdivision Ordinance’s definition of "subdivision," then stated that the Subdivision Administrator recommends that the Board grant the variance subject to the condition that the road easement, including necessary construction easements, be set up to allow its conversion to a public road to NCDOT specifications.

[There no longer being anyone in the audience, Mr. Thomas skipped solicitation of testimony from the applicant or the audience.]

Mr. Watkins moved that the Planning Board grant the variance with the condition recommended by the Subdivision Administrator (see above). Mr. Baker seconded the motion, which passed without discussion by a 9-0 vote.

Approval of Minutes for the May 21, 1997 Meeting: Mr. Thomas asked if Board members had any corrections to make to the Minutes. Mr. Campen moved that the Board approve the Minutes as submitted. Mr. Watkins seconded the motion, which passed by a 9-0 vote.

Reports

Planning Director's Report: Mike Jennings, Planning Director, summarized actions the Board of Commissioners took at its June 2, 1997 meeting: it again postponed action on a proposal to establish a moratorium on the expansion, change, or resumption of nonconforming uses, this time to its June 16 meeting (the same meeting at which the amendments on which the proposed moratorium is based will be presented to the Commissioners); it adopted a resolution authorizing the consolidation of area thoroughfare plans into one county-wide Thoroughfare Plan, but only after extensive discussion about why it shows the Duraleigh Rd. extension; and it scheduled a public hearing on the draft Land Use Plan recommended by the Planning Board for 3:30 p.m. to 5:00 p.m., Tuesday, June 24, 1997, in the Commons Building at the Wake County Office Park on Poole Road. Mr. Jennings noted that the Commissioners particularly invited Planning Board members to attend the hearing. He also noted that the Commissioners indicated that they do not plan to take action on the Plan at that meeting.

Subdivision Administrator’s Report: Mr. Mundt explained that, due to the recent resignations of several staff members, the County’s development review staff would be short-staffed until the departing staff members are replaced. He also noted that the quarterly meeting between County development review staff and representatives of the development community will take place at 8:00 a.m., Thursday, June 5, 1997 in the Public Safety Center Conference Room. Mr. Mundt also noted that relocation of the County’s Environmental Health staff to the Wake County Office Building had been completed.

Committee Reports: Mr. Thomas asked if any Committee Chairs had anything to report. None did.

Chair Report: Mr. Thomas encouraged Board members to attend the Commissioners’ public hearing on the draft Land Use Plan so as to show their support for the Plan.

Adjournment: Mr. Thomas noted that the Board had completed its agenda, and asked if there were any objection to adjournment of the meeting. There being none, he declared the meeting adjourned at 2:00 p.m.