Minutes of 6/6/2012 Planning Board Meeting [adopted]

Russ W O'Melia on 06/22/2012 at 10:34 AM
Category: Planning Board Minutes

MINUTES

Wake County Planning Board
Wednesday, June 6, 2012
1:30 P.M., Room 700
Wake County Courthouse
316 Fayetteville Street
Raleigh, N.C.

Members Present (9): Mr. Dale Bouldin, Mr. Joseph Springer, Mr. Matt Martin, Mr. Graham Cawthorne, Mr. Matthew Brubaker, Mr. Douglas Ball, Mr. Michael Birch, Ms. Michelle Muir, and Mr. Loftee Smith

Members Not Present (1): Ms. Nancy Szabados

Staff Members Present (8): Mr. Steven Finn (Land Development Administrator), Mr. Bryan Coates (Planner III), Ms. Sharon Peterson (Long Range Planning Administrator), Mr. Frank Cope (Community Services Director), Ms. Melinda Clark (Watershed Manager), Mr. Britt Stoddard (Water Quality Director), Mr. Keith Lankford (Planner III), and Mr. Russ O'Melia (Clerk to the Board)

County Attorneys Present (1): Mr. Kenneth Murphy

Board of Commissioner Members Present (0): None

1. Call to Order – Mr. Martin called the meeting to order at 1:32 p.m.

2. Petitions and Amendments – Mr. Martin amended the agenda to move the fracking presentation before ZP-879-12.

3. Approval of Minutes from the May 2, 2012 Planning Board Meeting –
Mr. Springer made a motion to approve the minutes. Mr. Bouldin seconded the motion. By a vote of 9-0, the minutes were approved.

4. OA 03-12: To incorporate State mandated stormwater rules for new development in accordance with the Falls Lake and Jordan Lake Nutrient Management Strategies

Ms. Clark presented the staff report to the board.

Amendment Summary:

Article 9 Stormwater Management, Section 9-21 – the amendment deletes existing text on Neuse Rules in Section 9-21 and replaces it with new text: Section 9-21 State Mandated Nutrient Management Strategy Rules, including those of the Neuse River Basin, Jordan Lake and Falls Lake. See attached Ordinance for proposed text.

Background: The proposed Unified Development Ordinance (UDO) amendment will

incorporate by reference the State mandated stormwater rules for new development for the Falls Lake and Jordan Lake Nutrient Management Strategies. The strategies aim to address current impairment of water quality and to attain the waters classified uses including: source of water supply for drinking water, aquatic life propagation and biological integrity (including fishing and fish), wildlife, primary and secondary recreation, and agriculture.

Environmental Services staff briefed the Board of Commissioners on options for compliance at their 07.11.2011 regular work session and followed this with the same presentation to the Planning Board on 08.04.2011. Staff recommended incorporation of the rules by reference in the Unified Development Ordinance (UDO). This is the method Wake County used to adopt the Neuse Rules. After the presentations to the Commissioners and the Planning Board, the County submitted its proposed compliance package to NC DENR for review by its staff and recommendation of approval by the Environmental Management Commission (EMC). A separate submittal was required for each Nutrient Management Strategy: (1) Falls and (2) Jordan. The EMC approved the County's proposal for compliance with the Falls Lake Rule on January 12, 2012 and the County's Jordan proposal was approved, May 10, 2012. Given the commonalties in amending the UDO to adopt both rules, these are being presented at the same time.

Analysis: The new development rules establish new nitrogen and phosphorous limits specific to Falls Lake and Jordan Lake. The nitrogen limits are more restrictive in Falls Lake than the Neuse Rules. For Jordan Lake, the nitrogen limits will be more restrictive in the Upper New Hope Arm and less restrictive in the Lower New Hope Arm than the Neuse Rules. The adoption of these rules will establish phosphorous limits for the 1st time in Wake County. The requirements will result in more structural stormwater management devices or BMPs (Best Management Practices) and the use of structural devices with higher nutrient removal rates. Developers will have the options of meeting some of their nutrient load reductions offsite by obtaining or buying credit for nutrient load reducing activities conducted by others.

Staff Findings:

The proposed amendment will:

1. Comply with the State mandated rules of the Falls Lake and Jordan Lake Nutrient Management Strategies;
2. Adopt the rules by reference with no additions;
3. Establish new nutrient limits for Falls Lake and Jordan Lakes; and
4. Consolidate State Nutrient Management Strategy stormwater rules under one Section of the UDO, Section 9-21.

Mr. Ball asked what the lakes were qualified as before they were designated for drinking water. Ms. Clark said that both Falls Lake and Jordan Lake were built with the intention to be public drinking water supplies.

Mr. Brubaker asked what would happen if the County chose to not adopt the amendment. Ms. Clark answered that the state can use civil penalties, criminal penalties, or adjunctive relief.

Ms. Muir made a motion to recommend approval of OA 03-12. Mr. Smith seconded the motion. Mr. Ball reported that the Code & Operations committee unanimously recommended approval of OA 03-12. By a vote of 9-0, the motion passed.

5. Fracking Presentation: Mr. Ted Feitshans, Extension Associate Professor, NCSU Agricultural and Resource Economics, came forward and delivered a presentation about

hydraulic fracturing.

The board discussed the environmental concerns regarding hydraulic fracturing. Mr. Brubaker asked if there is a safe way to do hydraulic fracturing in North Carolina. Mr. Feitshans answered that further study is needed. Mr. Brubaker asked if there is any data that shows that hydraulic fracturing would boost job production. Mr. Feitshans said that it is unlikely that there will be a significant amount of drilling until the price of gas increases.

Ms. Muir asked how many 640-acre tracts exist in Wake County. Mr. Cope answered that there is nothing under private ownership of that size.

6. ZP-879-12: Proposal to remove a condition from a previously approved conditional use rezoning case that currently limits storage uses on the subject 16.62-acre site to only 8.5 acres, and to clarify the types of storage allowed

Mr. Lankford presented the staff report to the board.

Request: This proposal is to **modify a condition of a previously approved conditional use rezoning case** that currently limits storage uses on the subject 16.62-acre site to only 8.5 acres, and to clarify the types of storage allowed (see the attached petitioner's conditions).

Note: A conditional use rezoning means that the petitioner offered certain conditions as part of the rezoning petition in an attempt to mitigate the potential for negative impacts of the rezoning and subsequent development upon the surrounding properties. All other conditions of the original rezoning petition (see attached) would remain valid and in effect.

Location: The subject property is near the northeastern corner of the intersection of New Hill-Holleman Road and Avent Ferry Road.

Present Zoning: Conditional Use-Industrial-2

Proposed Zoning: Unchanged--modification of a previously approved condition

Existing Land Uses: Mini-storage, outdoor storage of boats, recreational vehicles, mobile storage units and similar items

Petitioner: David Orringer

Design Firm: N/A

Owners: Harris Lake Boat Storage, LLC

PIN #: 0628700189

Surrounding Land Uses and Zoning Districts

Direction	Land Use	Zoning
North	CP&L game lands, Harris Lake, vacant, wooded	Residential-80 (R-80)
East	Vacant, wooded, single-family residential,	Residential-80 (R-80)
South	Avent Ferry Road, church, cemetery, vacant,	Residential-80 (R-80)

	wooded	
West	New Hill-Holleman Road, single-family residential, CP&L game lands, Harris Lake, vacant, wooded	Residential-80 (R-80)

Land Use/Zoning History

- 1973: General zoning was first applied to the southwestern portion of Wake County
- 1997: Area designated as either a Neighborhood or Community Activity Center
- 2006: Subject property was rezoned from Residential-80 to Conditional Use-Industrial-2 to allow for storage uses, but the petition included a condition that limited storage to 8.5 acres of the 16.62-acre site
- 2007: Southwest Wake Area Land Use Plan was adopted and designated this area as a 25.48-acre Neighborhood Activity Center (NAC)
- 2010: Harris Lake Study (included an update of the Southwest Area Land Use Plan via Land Use Plan Amendment 03/09)

Wake County Land Use Plan
The subject property is zoned Conditional Use-Industrial-2 (CU-I-2) as the result of a 2006 rezoning petition that was granted by the Board of Commissioners. The Wake County Land Use Plan's General Classifications Map designates this area as the Town of Holly Springs' Long-Range Urban Services Area (LRUSA). The subject property is located within a 25.48-acre Neighborhood Activity Center (NAC) as shown on the Southwest Area Land Use Plan.

The Land Use Plan's policies and goals, which have been adopted by the Board of Commissioners, address how development is to occur in the county so as to maintain and enhance the character of the area and the quality of life for its residents. These policies and goals direct more intensive uses to specified areas as identified on the Land Use Plan (such as activity centers). The Southwest Area Land Use Plan was jointly developed by the planning staffs of Wake County and the towns of Apex, Holly Springs and Fuquay-Varina and a community advisory committee, via an extensive public participation process.

Activity centers allow mixed-use development that includes residential, service, recreation, institutional, and small-scale retail uses that provide goods and services that meet daily needs of the neighborhood. Activity centers are focal points for activities like living, working, shopping, education, recreation, and cultural, civic, or spiritual activities. Activity centers are designed to concentrate mixed uses in a central location to avoid hazardous traffic movement and congestion generally associated with an excessive number of access points to commercial uses along a road.

In accordance with the North Carolina General Statutes and the Wake County Unified Development Ordinance, any proposed rezoning should be consistent with the Wake County Land Use Plan. The previous action by the Board of Commissioners in 2006 was based upon a determination that the original rezoning petition to CU-I-2 and the proposed uses (including the storage uses on up to 8.5 acres of this 16.62-acre site) was consistent with the Wake County Land Use Plan.

This current rezoning request is to remove the 8.5-acre limitation on the subject property that could be used for storage uses, and to clarify the types of storage uses allowed.

Any future use on this property will have to be determined to be consistent with the Land Use Plan via a site-specific development plan before it could be approved for development.

Town of Holly Springs Review Comments
As part of the Wake County planning staff's review of this rezoning request, a copy of the petition was forwarded to the Town of Holly Springs' planning staff since this site lies within their Long-Range Urban Services Area (LRUSA).

The Town of Holly Springs' planning staff has responded with review comments on this request to modify the previously approved rezoning condition (see attached). They noted that they "would like to express concern about the expansion of this use on behalf of the Town of Holly Springs. This use is not in keeping with our Future Land Use Plan for the area". They will have an opportunity to provide review comments during the site plan phase of any subsequent development proposal that would require a Planned Compliance Permit (if the rezoning gets approved).

Input from Neighboring Property Owners
As per our normal process the planning staff mailed out letters to all property owners within 1,000 feet of the subject property and also posted a public meeting notice sign on the subject property's frontage along New Hill-Holleman Road and Avent Ferry Road. The planning staff has received three phone calls in response to these notification efforts. The first two callers had no opposition to the petition to expand the area where storage could occur. One of those callers identified himself as representing the church in front of the subject property, and the other caller indicated that the owned the large tract across Avent Ferry Road.

The third caller, who owns the abutting property to the northeast, was not opposed to the rezoning, but wanted assurances that the previously approved Planned Compliance Permit (PCP) conditions would continue to apply to the site. Planning staff advised him that as part of the new PCP review process that a detailed site inspection would be conducted to ensure compliance with all applicable standards and conditions.

As background information, a review of the file from the 2006 rezoning petition indicated that there were no comments made by the public in either support or opposition to this rezoning request at either the Planning Board or the Board of Commissioners meeting/hearing. The planning staff has not received any complaints regarding this site in the intervening years.

Required Statement of Consistency with the Land Use Plan and Public Interest
North Carolina General Statute 153A-341 and Section 19-20-6 (E) of the Wake County Unified Development Ordinance require that the Planning Board provide the Board of Commissioners with a statement of whether or not the proposed rezoning petition is consistent with the Land Use Plan 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 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 petitioner has provided several statements indicating (1) why they believe that the proposed rezoning and subsequent use is a public necessity, explaining (2) its impact on the surrounding neighborhood and adjacent properties, and (3) how the proposed use will benefit the surrounding properties. They have also provided statements of (4) how the rezoning conforms with the Land Use Plan; and (5) how rezoning otherwise advances the public health, safety and general welfare. These statements are included in the attached petition package.

Two-Step Conditional Use Rezoning Process
The Wake County Unified Development Ordinance (UDO) establishes a two-step conditional use rezoning process. The first step is to obtain a conditional use rezoning from the Board of

Commissioners. The second step requires that the Wake County Planning Board review a Planned Compliance Permit (PCP) for **most** uses (although some commercial uses could be approved administratively by staff if they were less than 2,500 square feet in building size). Any commercial use with gas sales, regardless of building size, would require a PCP.

Any rezoning decision must be made based upon **all** possible uses of the subject property as listed in the attached rezoning conditions.

Previous Rezoning and Planned Compliance Permit History

A rezoning petition was approved by the Wake County Board of Commissioners in 2006. That rezoning petition included a condition that limited the storage uses on the property to 8.5 acres of the 16.62-acre site. This current rezoning petition seeks to remove that condition, which would allow for the entire site to be used for storage (subject to compliance with all other regulations such as buffers, setbacks, fire department access, etc….). This request also seeks to clarify that the types of storage uses that are allowed, which would include "mini-storage and outdoor storage including: boats, automobiles, trucks, trailers, campers, RVs [recreational vehicles], mobile storage units, etc….". All other conditions of the original rezoning petition (see attached) would remain valid and in effect.

A PCP was approved for storage within a portion of the subject property in 2007. If this new rezoning petition is approved, and the limiting condition is removed, then a new PCP will be required (as a major modification) to expand the storage uses into the remainder of the subject property.

Utilities

The property is proposed to be served by well and septic systems if the facility is ever staffed—currently it is unstaffed with gate access so no water or wastewater systems are needed. Development on this property will be supported by an individual well and septic system (if needed) unless and until municipal utility connections are provided by the Town of Holly Springs. Subsequent development proposals on the subject property would be required to connect to municipal water and/or sewer lines, in accordance with the provisions of Article 12 of the Wake County Unified Development Ordinance (UDO), if the town were to provide utility lines within this area.

Environmental Issues

There are no known Federal Emergency Management Agency (FEMA) regulatory floodplains or Wake County flood hazard soils on the subject property, but there are several drainageways that run into the property that will need to be addressed during the site plan review process. These drainageways may have some jurisdictional wetlands within their channels.

The more environmentally sensitive features in this area (i.e.—FEMA floodplain, blue line perennial streams, and large-scale wetlands) are located off-site within the area that was acquired by CP&L as game lands and buffering around Harris Lake. The area around Harris Lake is not a water supply watershed, and therefore not subject to the more restrictive water supply watershed standards. However, appropriate stormwater and erosion control regulations, as well as the state's Neuse River basin's protective measures, would apply to the subject property and should provide sufficient protection for Harris Lake and the wildlife habitats thereof.

Wake County Transportation Plan, Traffic Volumes, and Roadway Improvements for Future Development or Redevelopment

The subject property has frontage along New Hill-Holleman Road and Avent Ferry Road, which are classified as major thoroughfares in the Wake County Transportation Plan. The county's plan proposes that the rights-of-way of New Hill-Holleman and Avent Ferry Road be widened

from 60 feet to 80 feet. No additional right-of-way will be required from this property owner, because an additional 10 feet of right-of way was provided along each of their road frontages during the previous PCP site plan review process. The Wake County Transportation Plan indicates that New Hill-Holleman and Avent Ferry Road are proposed to be widened, respectively, from a 22-foot wide and a 19-foot wide, two-lane cross section to a 36-foot wide two-lane cross section (with a center turn lane in proximity to intersections).

New Hill-Holleman Road's and Avent Ferry Road's current two-lane cross-sections of 22 feet and 19 feet, respectively, have a design capacity of 12,000 Vehicle Trips per Day (VTD) (according to the Wake County Transportation Plan). There are no recently published Average Annual Daily Traffic (AADT) counts for this portion of New Hill-Holleman and Avent Ferry Road. The 2003 Wake County Transportation Plan lists AADT figures of 2,900 vehicles per day for New Hill-Holleman Road and 2,600 vehicles per day for Avent Ferry Road. NCDOT recently conducted a traffic count for New Hill-Holleman Road in response to the petitioner's discussion with them about the expansion of the storage uses. NCDOT's traffic count indicated that there are still less than 4,000 vehicles per day on New Hill-Holleman Road, which would be approximately 33.3% of its design capacities. There has not been any significant increase in traffic along Avent Ferry Road in the intervening years. NCDOT did not feel a traffic count was warranted on this road given its low traffic volume and there not being a driveway for this site on that road. Both roads have sufficient capacity remaining.

The petitioner has spoken to the District Engineer's office at North Carolina Department of Transportation (NCDOT) regarding the proposed expansion of their storage uses on this site. NCDOT has indicated that no turn lanes or other roadway improvements will be required due to the expansion of the storage uses on the subject property since the current traffic counts are less than 4,000 trips per day. NCDOT will require that the petitioner obtain a new driveway permit for the proposed expansion of storage uses on the subject property.

Accident Report

The North Carolina Department of Transportation's Traffic Engineering Accident Analysis System report for the three-year period from March 1, 2009 through February 29, 2012 listed five accidents on the one-mile section of New Hill-Holleman Road/Rex Road (the road changes names at the intersection). The study area extended one-half of a mile in each direction from the intersection with Avent Ferry Road. The three-year accident report indicated that there were no fatalities, and only one of these five accidents involved injuries. Four of the accidents were property damage only.

A similar three-year accident report was prepared for the one mile section of Avent Ferry Road/Bartley-Holleman Road (the road changes name at the intersection). The study area extended one-half of a mile in each direction from the intersection with New Hill-Holleman Road. This accident report listed four accidents. The three-year accident report indicated that there was one accident involving a fatality, and that the other accidents did not involve any injuries. Three of the accidents were property damage only. The fatal accident involved the vehicle leaving the roadway and striking a tree. There were no apparent contributory causes to that accident.

Traffic Impact Analysis

A Traffic Impact Analysis (TIA) would be required by the Wake County Unified Development Ordinance (UDO), during the site plan review process, for any development that generates more than 1,000 trips per day, or more than 100 peak-hour trips, as determined by the Institute of Transportation Engineers' Trip Generation Manual for specific proposed uses.

A TIA was prepared as part of the original Planned Compliance Permit (PCP) approval. That TIA indicated that the traffic generated from the site would be well below the threshold levels

where a TIA would be required by the UDO (less than 25% of the threshold level of 1,000 trips per day or 100 peak hour trips). The planning staff is not requiring a TIA at this time given the lack of significant traffic flow on these roads, as well as the relatively low number of accidents during the three-year study period. The planning staff reserves the right to require a TIA, if warranted, during the PCP review process (if the rezoning request is granted).

Existing Conditions with Modifications as Proposed by the Petitioner

1. Permitted Uses:

   (A) Mini-storage and outdoor ~~**boat**~~ storage~~**, not to exceed 8.5 acres of 16.62-acre tract**~~ **including: boats, automobiles, trucks, trailers [not mobile homes], campers, RVs [recreational vehicles], mobile storage units.**

   (B) Telecommunication towers as per Section 1-1-39(B)(6)(7)(a)(b) of the Wake County Zoning Ordinance.

2. Permitted Special Uses as per Section 1-1-39(C)(1)(2)(3) of the Wake County Zoning Ordinance.

3. The total impervious surface coverage of the property may exceed 30% of the area of the property only if on-site detention of sediment and storm water is provided for the runoff in excess of that which would occur with 30% impervious surface coverage.

4. Compliance with Transitional Urban Development Policies:

   Development on the property will comply with the County's Land Use Plan's Transitional Urban Development policies (TUDs), which requires that necessary easements for future installation of water and sewer lines be provided. Development on the property will comply with the TUDs policies that call for new development to provide for the types and levels of transportation facilities that accommodate vehicular, bicycle, pedestrian, transit, parks and recreation, greenway, or open space plan adopted by the County, and that are designed and constructed to the standards of the municipality associated with the Urban Service Area and the Wake County Thoroughfare Plan and North Carolina Department of Transportation standards.

All other conditions (i.e.—1 (B), 2, 3 and 4 are unchanged and will remain valid and in effect).

Planning Staff Findings

1. The request to modify the conditions of a previously approved Conditional Use-Industrial-2 rezoning—more specifically to remove the condition that limited the amount of land that could be used for storage uses to 8.5 acres and to clarify the types of storage uses allowed—is consistent with the Neighborhood Activity Center designation as shown on the Southwest Area Land Use Plan.
2. The traffic volumes and accident reports from the North Carolina Department of Transportation do not indicate any significant traffic issues on this segment of New Hill-Holleman Road and Avent Ferry Road.
3. A detailed site plan, or subdivision plan, must be approved by the appropriate Wake

County entity prior to future development.

4. The Town of Holly Springs' planning staff has indicated that they are opposed to the request to allow more storage on this site since it is not consistent with their land use plan for this area.
5. The planning staff has not received any opposition from the neighboring property owners or the general public.

Planning Staff Recommendation

The Planning Staff recommends approval of the requested zoning map amendment, ZP-879-12, as presented, and finds that the amendment is consistent with the Land Use Plan and otherwise advances the public health, safety, and general welfare, as required by UDO Section 19-21-6 (C).

Board Discussion

Mr. Cawthorne asked why the original request was for only 8.5 acres of storage instead of the full 16-acres. Mr. Lankford answered that the staff felt a need to ensure that the ultimate build out of the activity center would be mixed use. The activity center has some mix of uses: a church, a cemetery, houses in the area, and portions of the Harris Lake recreational land.

Mr. Cawthorne asked how far the site is from Holly Springs' ETJ. Mr. Lankford estimated that it would be no closer than 1.5 – 2 miles from the Holly Springs ETJ.

Mr. Brubaker asked if Holly Springs agreed that storage was an appropriate use on this land. Ms. Peterson said that Holly Springs agreed with the location of the activity center but not the storage use at this location. Mr. Coates said that Holly Springs has the land classified as business. Storage does not fit in with a business park use.

Ms. Muir asked what has changed since 2006 when the original rezoning was approved. Mr. Lankford said that staff has not received any complaints regarding this use at the site. The impact of this use has been absorbed by the community. Ms. Peterson added that the Southwest Area Land Use Plan was adopted by the Board of Commissioners in 2010. The Progress Energy land abutting the property was re-designated to utility preservation which limits concerns about buffering that property.

Mr. David Orringer and Mr. Paul Brewer of Harris Lake Boat Storage, LLC, 8712 Holly Springs Road, Apex, NC, came forward to address the board.

Mr. Smith expressed delight that Mr. Orringer and Mr. Brewer made the investment in the county and are doing well. Mr. Smith expressed disappointment with the appearance of the property since it lacks opaque fences and buildings to screen some of the views from offsite.

Mr. Orringer said that demand has changed since 2006. The front area has been rented out and it is full of boats, RVs, and other vehicles. He said he put up the green mesh opaque fencing and it never worked due to wind damage. He removed the green mesh on the back side of the land near the church last summer. He said that there was a landscape plan, but it was too intense.

Mr. Brewer said that the site has a lower elevation than the road, and they would need to plant tall trees or plants to screen the property.

Mr. Bouldin recalled that an opaque fence was a significant item affecting the board's decision on the Planned Compliance Permit in 2007. When the opaqueness of the fence is removed, something needs to be installed in its place.

Mr. Smith preferred that the proper planting and buffering of the site be a condition of the rezoning request or the owners bring the site into compliance before proceeding.

Mr. Bouldin said that he does not wish to put an expense burden on the business that would make it unprofitable, but he has a problem in that the requirements of the permit are not being met.

Mr. Lankford said that the condition of the Planned Compliance Permit required screening to the height of the fence, and the UDO requirements also need to be met which could involve intermittent visual obstruction. He said that there are not any violations of the rezoning, but there are issues with the Planned Compliance Permit that the petitioners have been made aware of.

Mr. Cawthorne expressed support for the petition though he thought the screening needs to be improved.

Mr. Smith asked what the location of the existing buildings are on the site.

Mr. Orringer said that there are two buildings on the retention pond portion of the site, but they have not received their certificates of occupancy yet. There is one building running near the empty lot in the back that is 110 feet long, and the building along the side of the retention pond is 110 feet long.

Ms. Muir stated that the topography of the land with the site below the road creates less burden on the petitioners for the screening of the site. She said that she would feel better if the screening was taken care of.

Mr. Birch asked how the enforcement of compliance with the current permit would be handled.

Mr. Finn said that there are two separate actions involved: the rezoning modification and the Planned Compliance Permit. He said that some of the issues that are not in compliance currently can be address with the new Planned Compliance Permit.

Mr. Smith said that the two items are not separate since the petitioners are not currently in compliance, and the board can perform some enforcement with their decision on the petition.

Mr. Ball said that the board cannot impose a landscape buffer on Avent Ferry Road that was beyond the original permit. He suggested that a condition of the rezoning could be reinstating the buffer behind the church.

Mr. Smith requested that the board sees what the Planned Compliance Permit and plans look like before deciding on the petition.

Mr. Cawthorne said that he is in favor of the rezoning, but the petitioners need to bring the site into compliance. Mr. Ball and Mr. Birch agreed. Mr. Birch added that the board has not addressed landscaping during a rezoning in the past. He said that the Planned Compliance Permit process will give the board leverage to ensure that the site is brought into compliance.

Mr. Cawthorne said that if there were complaints from the community about the site he would not be as supportive.

Mr. Bouldin asked to review the list of conditions on the Planning Compliance Permit. He thought that the buildings would act as a partial screening of the materials stored on the site. What he is seeing on the site currently is different from what he envisioned at the time of the prior permit process.

Ms. Muir made a motion that the board table ZP-879-12 until the board's next meeting for the purposes of gathering additional information for their decision making purposes. Mr. Smith seconded the motion.

The board requested copies of the site plans from the Planned Compliance Permit, the conditions of the Planned Compliance Permit, pictures of the site, and the minutes from the meetings when the previous rezoning and Planned Compliance Permit were discussed in the past.

Ms. Muir asked if there are any violations of the rezoning conditions set in 2006.

Mr. Lankford answered that there are not any violations of the rezoning conditions.

By a vote of 9-0, the motion passed, and ZP-879-12 was tabled.

7. Reports – Mr. Ball reported that the Code & Operations Committee is discussing the second group of amendments to the UDO.

8. Planning, Development, and Inspections Report – Mr. Finn reported that the Board of Commissioners approved the first set of UDO amendments with one minor change to allow Modular Sales Offices for four years instead of two years. He added that there were 25 general use permits in the month of May.

Ms. Peterson asked the board when they would like to meet to continue discussion of ZP-879-12. The board agreed to meet on June 20.

Mr. Cope spoke briefly regarding Wake County's complaint-driven enforcement policy.

9. Chairman's Report – There was no report.

10. Adjournment – With no other business, the meeting was adjourned at 3:45 p.m.