

MINUTES

**Wake County Planning Board
Wednesday, March 1, 2017
1:30 P.M., Room 2700
Wake County Justice Center
301 S. McDowell St.
Raleigh, N.C.**

Members Present (10): Mr. Alan Swanstrom (chair), Mr. Jason Barron (vice-chair), Mr. Thomas Wells, Mr. Asa Fleming, Ms. Tara Kreider, Mr. Amos Clark, Mr. Phil Feagan, Mr. Ted Van Dyk, Ms. Ashley Foxx and Mr. Wayne Maiorano

Members Not Present (0): None

Staff Members Present (8): Mr. Steven Finn (Land Development Administrator), Mr. Bryan Coates (Planner III), Mr. Tim Maloney (Planning, Development & Inspections Director), Ms. Sharon Peterson (Long Range Planning Administrator), Ms. Celena Everette (Planner II), Mr. Eric Green (Wastewater Management Manager), Mr. Frank Cope (Community Services Director), and Mr. Russ O'Melia (Clerk to the Board)

County Attorney Present (1): Mr. Kenneth Murphy

1. Call to Order – Mr. Swanstrom called the meeting to order at 1:30 p.m.

2. Petitions and Amendments – There were none.

3. Approval of Minutes of the December 21, 2016 Planning Board Meeting – Mr. Maiorano made a motion to approve the minutes from the December 21, 2016 meeting. Mr. Feagan seconded the motion. The motion passed unanimously.

4. Approval of Written Decision Granting Planned Compliance Permit in the matter of PCP-02-16 – Mr. Maiorano made a motion to approve the written decision granting Planned Compliance Permit in the matter of PCP-02-16. Mr. Barron seconded the motion. The motion passed unanimously.

5. ZP-892-16: To rezone two tracts totaling 116 acres located on the 7400 block of Cleveland School Road from Residential-30 (R-30) with a Resource Conservation Overlay-2 (RCOD-2) to Conditional Use-Residential-15 (CU-R-15) with a Resource Conservation Overlay-2 District (RCOD-2)

Mr. Coates presented the staff report to the board.

Request: To rezone two tracts totaling 116 acres located on the 7400 block of Cleveland School Road from Residential-30 (R-30) with a Resource Conservation Overlay-2 (RCOD-2) to Conditional Use-Residential-15 (CU-R-15) with a Resource Conservation Overlay-2 District (RCOD-2).

A conditional use rezoning means that the petitioner has voluntarily offered certain conditions as part of the rezoning petition (e.g.—limiting the number and types of uses that would otherwise be permissible) in an attempt to mitigate the potential for negative impacts of subsequent development upon the surrounding properties.

Location: The subject property is located on the northern side of Cleveland School Road, north of its intersection with Belve Drive.

Current Zoning: Residential-30 (R-30) with a Resource Conservation Overlay-2 District (RCOD-2)

Proposed Zoning: Conditional Use-Residential-15 (CU-R-15) with a Resource Conservation Overlay-2 District (RCOD-2)

Existing Land Uses: Agricultural

Petitioner: Jack Carlisle c/o Donnie Adams

Design Firm: Adams & Hodge Engineering, P.C.

Owner: Mimosa Farm LLC and KG Plaza LLC

PIN: 1627-29-2845 and 1627-29-6190

Surrounding Land Uses and Zoning Districts

Direction	Land Use	Zoning District
North	Wooded	R-30 with RCOD-2
East	Single family dwellings, agricultural and wooded	Johnston County
South	Single family dwellings	R-30
West	Single family dwellings, agricultural and wooded	R-30 with RCOD-2

Land Use/Zoning

1970: General zoning was first applied to the southern portion of Wake County.

2004: Fuquay Varina Garner Area Land Use Plan was adopted and designated this property for residential densities of less than 1.5 dwelling units per acre.

2016: Fuquay Varina Garner Area Land Use Plan was amended to designate this property for residential densities of 1 to 4 units per acre.

Wake County Land Use Plan

The Wake County Land Use Plan’s General Classification map designates this area as Garner’s Long-Range Urban Services Area (LRUSA). LRUSAs are defined as areas within the county’s zoning jurisdiction that are intended to be urbanized in the foreseeable future.

The Fuquay-Garner Area Land Use Plan designates this area for medium density residential uses of 1 to 4 dwelling units per acre. The petitioner has indicated that they plan to develop the tracts as a residential subdivision. The requested Conditional Use Residential-15 (CU-R-15) with a Resource Conservation Overlay-2 District (RCOD-2) zoning allows for medium density residential development with a minimum lot size of 15,000 square feet, which equates to 2.90 dwelling units per acre-thus the allowable density will comply. The proposed CU-R-15 with a RCOD-2 overlay zoning district also allow for a number of nonresidential uses such as churches, schools, parks and daycares. The requested CU-R-15 with a RCOD-2 overlay zoning allows for a residential development and a limited range of nonresidential uses that are consistent with the Land Use Plan and are reasonable and appropriate for the area.

Any future use on this property will have to be consistent with the Land Use Plan as determined by a site-specific development plan before it can be approved. Most of the permissible nonresidential uses would require a Planned Compliance Permit (PCP) that can only be issued if the Wake County Planning Board makes positive findings of fact on several different criteria via a public hearing process. The public hearing process for a PCP is intended to provide for an open public participation process to ensure that their location and design is appropriate and will protect the public health, safety and general welfare.

Besides the proposed rezoning's residential density complying with that allowed by the Land Use Plan, one of the plan's stated objectives should also be referenced. Objective 1.b. of the Land Use Plan calls for the development of land use plans in conjunction with the relevant municipality, the designation of short- and long-range urban services areas (long range in this case), and using those plans as a guide for development. The requested rezoning is consistent with the planned density and timing of utilities to guide the type of development as set forth in the Wake County Land Use Plan.

The rezoning request also complies with two of the goal statements of the Wake County Land Use Plan. The relevant Land Use Plan goals that have been identified by the petitioner are:

- Goal # 2--To encourage growth close to municipalities, to take advantage of existing and planned infrastructure;
- Goal # 3--To encourage the development of communities which provide adequate land for anticipated demands, in a pattern which allows a mixture of uses;

The relevant goals of the Fuquay-Garner Area Land Use Plan that has been identified by the petitioner are:

- Goal # 2--Encourage growth that will take advantage of existing and planned infrastructure so that municipalities are able to provide basic public services in accordance with their adopted plans;
- Goal # 3--Focus compact development in mixed-use activity centers that include housing, commercial services and employment opportunities designed with convenient pedestrian and vehicular access from surrounding development areas;

The petitioner has indicated that "the conditions associated with the rezoning request" will allow for a more condensed clustering of residential lots while leaving a generous amount of open and green space to be enjoyed by the residents of the development. Also, the future development will be pedestrian friendly, walkable community with sidewalks, greenway trails and a recreation area. The petitioner has also stated that although the area has a rural "flavor" a high density development would not be out of character but would be in line with the adjacent developments locate just over the county line in Johnston County and that the tracts are located not far from the I-40/NC42 interchange providing convenient access to major highways.

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. It is the planning staff's professional opinion that the rezoning petition for Conditional Use-Residential-15 with a Resource Conservation Overlay-2 zoning and the permissible densities and range of uses would be consistent with the Land Use Plan and are reasonable and appropriate for the area.

Required Statement of Consistency with the Land Use Plan 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 rezoning 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 petitioner has provided several statements indicating: (1) why they believe that the proposed rezoning and subsequent use is a public necessity; and (2) explaining its impact on the surrounding neighborhood and adjacent properties. They have also provided statements of; (3) how the rezoning complies with the Land Use Plan; (4) how the rezoning benefits the adjacent and surrounding properties; and (5) how it otherwise advances the public health, safety and general welfare.

Input from the Town of Garner

As part of the Wake County planning staff's review of any rezoning request, a copy of the petition is forwarded to the relevant municipality who's Urban Services Area that the subject property lies within to allow them the opportunity to provide courtesy review comments. The subject parcel is classified as the Town of Garner's Long-Range Urban Services Area (LRUSA).

Garner planning staff has provided courtesy review comments indicating that they would like a sidewalk on both sides of any street serving as a collector or future collector road and along Cleveland School Road. Garner's planning staff also noted that they currently do not allow for rolled curb or valley curb. Garner has indicated they are in agreement with the petitioner's conditions number three and four as shown on the petition.

The petitioner has stated in their conditions that a sidewalk or a multi-use path will be located on one side of every street in this development to create a walkable community and that an urban streetscape with curb and gutter, rolled curb or valley curb will be located anywhere that a sidewalk is planned. Any areas where a multi-purpose path is planned may have a swale.

Only the petitioner can place conditions on a Conditional Use rezoning petition as these conditions are voluntary.

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 posted a public meeting notice sign on the property on February 16, 2017 along Cleveland School Road.

The applicant notified roughly 75 property owners surrounding the site to a community meeting on July 21, 2016 at the Turner Memorial Baptist Church located on NC 50. The meeting was organized to discuss the land use plan amendment as well as a future rezoning. One issue that came up from the meeting was traffic; the applicant stated they will be doing a traffic impact analysis as part of the process.

Utilities

The subject property is classified as the Town of Garner's LRUSA. The Wake County Land Use Plan defines LRUSAs as areas within the county's jurisdiction that are intended to be urbanized, but probably not within the next ten years. There are no municipal water or sewer lines currently within this area, but there is an existing Johnston County waterline along Cleveland School Road that serves a subdivision south of the proposed properties. The subject parcels are not part of the agreement between Raleigh, Garner, Johnston County and Wake County to receive public water service provided by Johnston County. Garner has indicated that they have no plans to extend water and/or sewer lines into this area.

The applicant has stated that at this time they plan to use a community well for water service and construct a package treatment plant for wastewater service. Prior to construction of a community well and community sewer systems the applicant must obtain approval from the North Carolina Department of Environmental Quality. The applicant has stated in condition number three that both the water and sewer system will be designed and installed to the Town of Garner, City of Raleigh and State of North Carolina standards.

The applicant has stated that fire suppression will be accomplished by making use of Johnston County existing waterline that is located along Cleveland School Road. The proposed properties to be rezoned are within the Garner Fire District; however the Cleveland Fire Station is less than one mile from the site and there are two fire hydrants located along the road frontage of the property. There's an automatic aid agreement that is in place with the Cleveland Fire Station and Garner Fire Rescue to utilize the Johnston County fire hydrants if needed.

This is consistent with the Wake County Land Use Plan's objective 1.b, which calls for the development of land use plans in conjunction with the relevant municipality, the designation of short- and long-range urban services areas (long range in this case), and using those plans as a guide for development. The requested rezoning is consistent with the planned density and timing of utilities to guide the type of development as set forth in the Wake County Land Use Plan.

Environmental Issues

There are no Federal Emergency Management Agency (FEMA) regulatory floodplains located on the property. There are Wake County flood hazard soils as well as a USGS blue line stream and several small drainageways on this property. There may also be 100-foot wide riparian buffer and a 200-foot Wake County water supply watershed buffer along the USGS blue line stream. Various provisions of the Wake County Unified Development Ordinance (UDO) will restrict or prohibit development within these environmentally sensitive areas. All of these areas of concern will be addressed during the review of any subsequent development plans.

Transportation Plan

The right-of-way of Cleveland School Road, which is classified as a major thoroughfare in the Wake County Transportation Plan, currently has a 60 foot width along the frontage of the subject tracts. The Transportation Plan prescribes an 80 foot right-of-way for Cleveland School Road, which would necessitate the dedication of an additional ten feet of right-of-way along the subject property's frontage upon development of the site.

Any future redevelopment on this site will be required to comply with the requirements of the Wake County Unified Development Ordinance related to the provision of transportation facilities identified on the Wake County Transportation Plan. The North Carolina Department of Transportation (NCDOT) may require a turn lane or other roadway improvement during

their review of the subsequent site plan for development. Any roadway improvements and/or driveway permits will have to be coordinated with, and approved by NCDOT, during the site plan review process.

Traffic Volumes

The most recent available NCDOT average annual daily traffic (AADT) counts for this area are from 2014 & 2014

- ✓ 2014 AADT for NC 42 near the intersection with Interstate 40 of 28,000
- ✓ 2015 AADT for Cleveland School Road near the NC 50 intersection of 8,000
- ✓ 2015 AADT for NC 50 (Benson Road) north of Cleveland School Road of 15,000

The Wake County Transportation Plan states the current design capacity of this section of roadway is 18,000 vehicles per day based on its 22 foot pavement width therefore this section of road is operating at 42 percent of its projected capacity.

Accident Report

The NCDOT Traffic Engineering Accident Analysis System report for the three-year period from May 1, 2013 to April 30, 2016 indicated 8 accidents at the intersection NC 50/Benson Road and Cleveland School Rd.

Of the eight total accidents, seven were rear-end collisions and one a sideswipe accident. Two accidents had either minor or moderate injuries with the other six being property damage only accidents. There were no accidents with fatalities during this time period.

This intersection west of the subject parcel has an average rate of two accidents per year or .2 per month.

Traffic Impact Analysis

A Traffic Impact Analysis (TIA) is required by the Wake County Unified Development Ordinance, 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' (ITE) Trip Generation Manual for specified proposed uses. Any required TIA must be submitted during the site plan approval process.

Although rezoning decisions must be based upon all possible uses, the petitioner has indicated that they intend to subdivide the 116 acres into approximated 312 residential lots. The intended proposed residential development would require a TIA to be submitted as part of a site development plan. Typically a TIA is not required at the rezoning stage; however, the applicant has submitted a TIA in preparation for the pending subdivision plan submittal and is being reviewed by the County's consulting engineer and NCDOT. During the site plan approval process the petitioner will be required by the UDO to install any necessary roadway improvements that may be recommended by the findings of the TIA and/or the County's consulting engineer who reviews TIA submittal. All roadway improvements are subject to coordination with, and approvals by NCDOT.

Planning Staff Findings

1. The proposed Conditional Use-Residential-15 with a Resource Conservation Overlay rezoning, the stated proposed use, and the permissible range of uses are consistent

with the Fuquay-Garner Area Land Use Plan designation for medium density residential uses of 1 to 4 dwelling units per acre for this area.

2. The proposed rezoning is consistent with the land use plan's objective 1.b which calls for the development of land use plans in conjunction with the relevant municipality.
3. The proposed rezoning complies with two (2) stated goals of the Wake County Land Use Plan and two (2) stated goals of the Fuquay-Garner Area Land Use Plan.
4. The traffic volumes and accident reports from the North Carolina Department of Transportation do not indicate any significant traffic issues for Cleveland School Road.
5. A detailed site plan must be approved by the appropriate Wake County entity prior to future development on the subject property to ensure compliance with all applicable regulations.
6. Any roadway improvements and/or driveway permits will have to be coordinated with, and approved by the North Carolina Department of Transportation during the site plan review process.
7. The Town of Garner's planning staff has indicated they are in agreement with conditions 3 and 4 of the applicant petition, but asked that if approved the petitioner modify condition 1 of the petition and also note that they currently do not allow for rolled curb or valley curb.

Planning Staff Recommendation

The planning staff recommends approval of the requested zoning map amendment, ZP-892-16, as presented, and finds that the zoning map amendment is consistent with the Land Use Plan, reasonable, and otherwise advances the public health, safety and general welfare.

Mr. Swanstrom asked about the different kinds of curbs. Mr. Coates said that Wake County does not require any curbing within Wake County's jurisdiction.

Mr. Donnie Adams of Adams & Hodge Engineering came forward to address the board. He said that the valley or rolled curb handles water the same way except that it does not have the straight vertical back. He said that the valley or rolled curb makes for a nicer streetscape that would not require builders to do a curb cut when houses are built.

Mr. Feagan asked if there was an expectation that NCDOT would require a turn lane. Mr. Coates said that a consultant for Wake County is reviewing the traffic impact analysis (TIA), and NCDOT was still reviewing the TIA. Mr. Donnie Adams said that Ramey Kemp & Associates conducted the TIA. Mr. Rynal Stephenson of Ramey Kemp & Associates came forward and said that based on the amount of traffic on Cleveland School Road he would expect NCDOT to require a left turn lane. He said that the TIA was conducted based on 312 lots which would yield approximately 3,000 cars per day.

Mr. Barron asked about the county's authority to require offsite transportation improvements. Ms. Everette said that the UDO allows the county to require offsite improvements based on the impact of the proposed use. Mr. Murphy said that when the level of service of a road diminish below a certain level, improvements may be required.

Mr. Wells asked if the Town of Garner would receive a copy of the site plan during the site plan review phase. Mr. Coates answered that Garner would receive a copy of the site plan.

Ms. Tammie Jones, 7416 Cleveland School Road, came forward to address the board in opposition to the petition. She said that she lives across the street from the property that is

proposed to be rezoned. She expressed concern regarding the traffic which is already hectic. She said that other development in the area include apartments, senior living, townhomes, and single family houses. She asked if the roads will be expanded to handle the increased traffic.

Ms. Dolores Voss, 1308 Viola Place, came forward to address the board in opposition to the petition. She expressed concern regarding the traffic in the area and that the proposed development would add 3,000 more trips per day to the area roads. She said that current traffic conditions make a 15-minute trip to Clayton take an hour. She said that it is unlikely that Highway 42 or Highway 50 could be widened. She said that any time a farmer sells their land, more houses are built without consideration of the infrastructure in the area or the inconvenience to the residents around the area. Ms. Voss said that she did not desire to have traffic lights all the way up Cleveland Road.

Mr. Wells asked if there are other properties in the area zoned R-15. Mr. Coates said that the general area is all R-30, though there are other parts of the Fuquay-Garner Area Land Use Plan that have R-15 zoning. Mr. Wells asked if properties to the north would have to go through the proposed neighborhood to get to the property. Mr. Coates said that a stub to the properties may be required at the site plan review stage.

Mr. Van Dyk asked about the proposed increase in density. Ms. Everette said that approximately 138 homes would be allowed now; the proposed rezoning would allow for 360 homes based on the density.

Mr. Van Dyk asked how far the TIA goes into the future. Mr. Stephenson said that the TIA assumes that the land would be developed in 2021. The TIA does not consider I-540. He said that they studied from Highway 50 to Highway 42 near Glen Road.

Mr. Barron asked if any improvements are anticipated to the Cleveland School Road intersections with Highway 50 and Highway 42. Mr. Stephenson said that NCDOT will require an improvement on Highway 50 at Cleveland School Road to allow for more storage for left turn movements.

Mr. Van Dyk asked about the active recreation area. Mr. Adams said that the active recreation area will be approximate 1.5 – 2 acres. Mr. Van Dyk asked Mr. Adams if the Town of Garner's comments would be addressed. Mr. Adams said that they have communicated with the Town of Garner, and they would like to continue with the plan to have sidewalks on one side of the street which is an improvement over what is required. He said that they would like to continue with the rolled curb.

Mr. Fleming asked about the decision to have sidewalks on one side of the street. Mr. Adams said that it is a decision regarding the streetscape and how the developer wants the neighborhood to look.

Mr. Van Dyk asked whether the transit plan addresses this area in any way. Mr. Coates said that future NC-540 is expected to have express buses to employment centers. He said that there is a Johnston County express route from the 40/42 area to Raleigh as well as a Clayton express to downtown Raleigh.

Regarding the county's authority to require offsite transportation improvements, Mr. Murphy cited the UDO sections 8-32-8 and 15-12-3 (D):

8-32-8 Improvements Identified in Traffic Impact Analysis

(A) When a Traffic Impact Analysis (TIA) is required pursuant to Sec. 15-12, the subdivision must include those on- and off-site transportation improvements or other impact mitigation measures deemed necessary to ensure compliance with the Level of Service Standards of Sec. 15-12-3.

15-12-3 Level of Service Standards

(D) Failure to meet these standards may serve as a basis for denying the application, or for conditioning approval of the application on provision of improvements or other mitigation measures needed to correct deficiencies due to the proposed development's impacts.

Mr. Barron said that there are uses that would be allowed by the proposed rezoning that would be inappropriate and had not been removed by condition. He said that he would be more comfortable supporting the case if a condition were included to limit the zoning to single family residential with a capped density.

Mr. Adams said that he will add a condition to the petition to limit the zoning to single family detached residential dwellings with a density up to 312 units.

Ms. Foxx made a motion in the matter of ZP-892-16 that the Planning Board offers to the Wake County Board of Commissioners the following recommended statement of consistency, reasonableness, and public interest:

- 1) The Board finds that the requested rezoning to Conditional Use – Residential-15 with a Resource Conservation overlay, the stated proposed use, and the permissible range of uses are:
 - a) consistent with the Land Use Plan's designation for medium density residential uses of 1 to 4 dwelling units per acre for this area;
 - b) consistent with the land use plan's objective 1.b which calls for the development of land use plans in conjunction with the relevant municipality;
 - c) consistent with two of the stated goals of the Land Use Plan, more specifically:
 - i) Goal # 2 - To encourage growth close to municipalities, to take advantage of existing and planned infrastructure, such as transportation, water and sewer facilities;
 - ii) Goal # 3 - To encourage the development of communities which provide adequate land for anticipated demands, in a pattern which allows a mixture of uses;
 - d) consistent with three of the stated goals of the Fuquay-Garner Area Land Use Plan, more specifically:
 - i) Goal # 2 - Encourage growth that will take advantage of existing and planned infrastructure so that municipalities are able to provide basic public services in accordance with their adopted plans;
 - ii) Goal # 3 - Focus compact development in mixed-use activity centers that include housing, commercial services and employment opportunities designed with convenient pedestrian and vehicular access from surrounding development areas; and
 - e) reasonable, and in the public interest because it would allow for subsequent development that would:
 - i) prohibit land uses that are incompatible with nearby residential uses and by limiting lighting impacts;

- ii) permit uses compatible with the surrounding neighborhood and adjacent properties;
- iii) not adversely impact adjacent properties from a stormwater perspective.

All of which advance the public health, safety, and general welfare.

- 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, there are no significant traffic issues on the adjacent roadways, the subsequent development will comply with county requirements regarding buffering, stormwater and erosion control, and protection of environmentally sensitive areas.

Mr. Barron seconded the motion. By a vote of 10-0, the motion passed.

Mr. Barron made a motion in the matter of ZP-892-16 that the Planning Board offers to the Wake County Board of Commissioners a recommendation for approval of the rezoning request with the modification that the use will be limited to single family detached residential dwellings with a density of up to 312 dwellings. Mr. Clark seconded the motion. By a vote of 10-0, the motion passed.

6. Reports – Mr. Feagan said that the Transportation Committee will meet on March 15th.

7. Planning, Development, and Inspections Report – Ms. Peterson updated the board on the Fuquay-Varina Comprehensive Plan update.

Mr. Finn updated the board on recent development trends.

Mr. Maloney updated the board regarding the upcoming meeting of the Transportation Committee.

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

9. Adjournment – With no other business, the meeting was adjourned at 2:39 p.m.