

MINUTES

**Wake County Planning Board
Wednesday, March 11, 2015
1:30 P.M., Room 2700
Wake County Justice Center
301 S. McDowell St.
Raleigh, N.C.**

Members Present (9): Mr. Matt Martin, Ms. Michelle Muir, Ms. Tara Kreider, Mr. Douglas Ball, Mr. Michael Birch, Mr. Brian LiVecchi, Mr. Phil Feagan, Mr. Alan Swanstrom, and Mr. Thomas Wells

Members Not Present (1): Mr. Joseph Springer

Staff Members Present (7): Mr. Steven Finn (Land Development Administrator), Mr. Tim Maloney (Planning, Development and Inspections Director), Ms. Sharon Peterson (Long Range Planning Administrator), Mr. Keith Lankford (Planner III), Mr. Bryan Coates (Planner III), Mr. Frank Cope (Community Services Director), and Mr. Russ O'Melia (Clerk to the Board)

County Attorneys Present (1): Mr. Kenneth Murphy

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

2. Petitions and Amendments – Mr. Martin made a motion that the quasi-judicial hearing for SV-17-14 be continued to the April 1, 2015 Planning Board meeting at 1:30 p.m. in room 2700 of the Wake County Justice Center to give all parties the opportunity to formalize the agreement in principle between the applicant and the representatives of interested parties and to execute the documents necessary to remove the need for a variance. The motion passed by unanimous consent.

3. Oaths of Office - Mr. O'Melia delivered the oaths of office to the newly appointed members, Mr. Phil Feagan, Mr. Alan Swanstrom, and Mr. Thomas Wells.

Wake County Commissioner Matt Calabria came forward to address the board. He said that he is the designated liaison from the Board of Commissioners to the Planning Board. He expressed appreciation for the work done by the Planning Board so that Wake County will grow in a responsible way. He said that he and the commission welcome feedback from the board members so that they can get it right.

4. Approval of Minutes of February 4, 2015 Planning Board Meeting – Ms. Kreider made a motion to approve the minutes with the following changes:

On page 3, change "Mr. Barron testified that Elizabeth Crocker..." to "Mr. Barron ~~testified~~ said that Elizabeth Crocker..."

On page 8, add the sentence "The public hearing was closed." prior to the last paragraph.

Mr. Ball seconded the motion. The motion passed unanimously.

5. Approval of Minutes of February 18, 2015 Planning Board Meeting – Ms. Muir made a motion to approve the minutes. The minutes were approved by unanimous consent.

6. Approval of the Written Decision in case PB-A-02-14 Affirming the Planning Director's decision to approve the Bella Vista construction subdivision plan – Mr. Birch recused himself from consideration of this matter. Ms. Kreider made a motion to approve the written decision. Mr. Ball seconded the motion. The motion passed unanimously.

7. ZP-882-14: To rezone 15.5 acres located at 4301 Seclusion Park Road, off of Auburn-Knightdale Road, from Residential Mobile Home (RMH) to Residential-30 (R-30). This 15.5 acres is a portion of a much larger 127.9-acre tract (PIN 1742929242).

Mr. Lankford presented the staff report to the board.

Request: To rezone 15.5 acres located at 4301 Seclusion Park Road, off of Auburn-Knightdale Road, from Residential Mobile Home (RMH) to Residential-30 (R-30). This 15.5 acres is a portion of a much larger 127.9-acre tract (PIN 1742929242). The end result of the petition (if approved) will be that the entire 127.9-acre parcel will be zoned R-30. The petitioner has provided a survey with a metes and bounds description of the 15.5-acre RMH zoned area within the parent tract. This rezoning petition only applies to this 15.5-acre area.

The stated purpose is to allow for a residential subdivision of approximately 80 lots-- although the 15.5-acre area that is the subject of this rezoning petition would only contribute a maximum of 22 lots. A subdivision plan for the first phase has been received and is currently under review by the planning staff.

Location: The property is located at 4301 Seclusion Park Road on the southern side of Auburn-Knightdale Road, southwest of its intersection with Grasshopper Road.

Current Zoning: Residential Mobile Home (RMH)

Proposed Zoning: Residential-30 (R-30)

Existing Land Uses: Mobile home park, vacant wooded, agricultural

Petitioner: Johnny Edwards

Design Firm: John A. Edwards & Company Consulting Engineers

Owner: Louellen Francis estate—Georgianne Francis Batts, Mary Gail Francis Hutton, Glen Max Francis Trust

PIN #: A portion of 1742929242

Surrounding Land Uses and Zoning Districts

Direction	Land Use	Zoning District
North	Auburn-Knightdale Road, vacant wooded and agricultural	Residential-30

Direction	Land Use	Zoning District
East	Vacant wooded and agricultural	Residential-30
South	Vacant wooded	Residential-30
West	Vacant wooded	Residential-30

Land Use/Zoning History

- 1976: General zoning was first applied to the eastern portion of Wake County.
- 2000: East Raleigh-Knightdale Area Land Use Plan was adopted and designated the surrounding area for moderately low-density residential uses of less than 1.5 dwelling units per acre

Wake County Land Use Plan

The Wake County Land Use Plan’s General Classification map designates this area as Raleigh’s Long-Range Urban Services Area (LRUSA). LRUSAs are defined as areas within the county’s jurisdiction that are intended to be urbanized, but probably not within the next ten years. Please see the discussions below under the “Input from the City of Raleigh” and “Utilities” sections for information regarding coordination efforts with the City of Raleigh.

The East Raleigh-Knightdale Area Land Use Plan designates this area for moderately-low density residential uses of less than 1.5 dwelling units per acre. The petitioner has indicated that they plan to redevelop the existing mobile home park (as well as the balance of the 127.9-acre parent tract) as a residential subdivision. The requested Residential-30 zoning allows for moderately-low density residential development with a minimum lot size of 30,000 square feet, which equates to 1.45 dwelling units per acre—thus the allowable density will comply. The proposed R-30 zoning also allows for a number of nonresidential uses such as churches, schools, and daycares. The requested R-30 zoning allows for a residential density 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 determined to be consistent with the Land Use Plan via a site-specific development plan before it can be approved. This rezoning petition applies only to the subject 15.5 acres and not to the balance of the parent tract, which is already zoned R-30 (as is all of the surrounding area). All of the possible uses and the level of residential density that would be permissible on the subject 15.5-acre area, if the rezoning is approved, are already permissible on the balance of the parent tract and all of the surrounding properties. Most of the permissible nonresidential uses would require Special Use Permits (SUPs) that can only be issued **if** the Wake County Board of Adjustment makes positive findings of fact on several different criteria via a public hearing process. The public hearing process for a SUP 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 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.

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 Residential-30 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 19-20-6 (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 not to follow the Land Use Plan and how that decision is reasonable and in the public interest--if that is the case.

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; and (4) how the rezoning benefits the adjacent and surrounding properties and otherwise advances the public health, safety and general welfare.

Input from the City of Raleigh

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. The 15.5-acre subject area is classified as the City of Raleigh's Long-Range Urban Services Area (LRUSA).

Raleigh's planning staff has not indicated any objection to the rezoning petition. They indicated that their land use plan would yield a preference for a cluster-type subdivision with the preservation of a significant amount of open space (minimum 20%). While the petitioner has not committed, by condition, to doing a cluster subdivision, it would appear that the proposed rezoning, and the subsequent development, would comply with the city's general intent for this area since it will have to comply with various requirements of the Wake County Unified Development Ordinance (UDO) that would result in the preservation of environmentally sensitive areas.

For example, our UDO requires the preservation of a tree and vegetation protection zone around the perimeter of the property. Additionally, various UDO provisions restrict or prohibit development within the FEMA regulatory floodplain, Wake County flood hazards soils, 100-foot wide water quality buffers along perennial streams, 50-foot Neuse River riparian buffers, wetlands along the various streams and drainageways, and perhaps some narrower buffers along the secondary drainageways. These requirements will have the effect of meeting Raleigh's "resource conservation objectives", tree protection and lower effective density for this area. Additionally, the stated planned density of only 80 lots would be well within Raleigh's plan's designation.

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 Auburn-Knightdale Road. The planning staff has not received any phone calls or letters in

response to those efforts to solicit neighborhood feedback. The petitioner has indicated that the proposed developer of the subject property (if the rezoning is approved) has spoken to some of the adjacent property owners regarding the requested rezoning, and has indicated that they had no opposition to this request.

Utilities

The subject property is classified as the City of Raleigh's Long-Range Urban Services Area (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 gravity sewer lines currently within this area, but there is an existing sewer force main in the Auburn-Knightdale Road right-of-way, however, no utility connection can be made to force mains. There are no existing water lines within the area of the subject property. The city has indicated that they have no plans to extend water and/or gravity sewer lines into this area. Development on this property will have to be supported by individual wells and septic systems unless and until municipal utility connections are provided by the City of Raleigh.

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 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 is Federal Emergency Management Agency (FEMA) regulatory floodplain along the rear of this property abutting the Neuse River. There are also regulatory wetlands and Wake County flood hazard soils along the river as well as several small drainageways on this property. There may also be 100-foot wide riparian buffers along the Neuse River and/or 50-foot buffers along these secondary drainageways. 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 Auburn-Knightdale Road, which is classified as a major thoroughfare in the Wake County Transportation Plan, currently has a 60- to 65-foot width along the frontage of the subject RMH zoned area and the parent tract. The variable width appears to be the result of right-of-way dedication stemming from a previous subdivision development on the opposite side of Auburn-Knightdale Road, just north of the subject property. The Transportation Plan prescribes an 80-foot right-of-way for Auburn-Knightdale Road, which would necessitate the dedication of an additional ten (10) feet of right-of-way along the subject property's road frontage upon redevelopment of the site.

The Transportation Plan indicates that the Auburn-Knightdale Road roadway cross-section is proposed to be widened from its existing two-lane 19- to 22-foot roadway to a 36-foot two-lane roadway with a center turn lane in proximity to intersections. While the existing roadway cross-section is substandard when compared to the standard 24 feet of pavement for a typical roadway, none of the accident reports from NCDOT (see discussion below) indicated that the narrower roadway was a contributing factor to any of the accidents in this general area.

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. Any roadway improvements and/or driveway permits will have to be coordinated with, and approved by, the North Carolina Department of Transportation (NCDOT).

The Neuse River trail, an important pedestrian/bicycle facility is located on the opposite side of the Neuse River.

Traffic Volumes

The most recently available NCDOT average annual daily traffic (AADT) counts for Auburn-Knightdale Road, taken just south of its intersection with Grasshopper Road, was 3,100 vehicles per day in 2013. A standard 24-foot wide two-lane roadway design has a capacity of 12,000 vehicles per day. The narrower roadway, would intuitively, have a somewhat lower capacity, and while there is no listed design capacity, the planning staff has estimated it at 10,000 vehicles per day. Even at that estimated lower design capacity figure, there would still be sufficient capacity remaining, with the roadway operating at 31% of its estimated design capacity.

Accident Reports

The North Carolina Department of Transportation's Traffic Engineering Accident Analysis System report for the 5-year period from December 1, 2009 through November 30, 2014 indicated that there have been 25 accidents in the 2.09-mile section of Auburn-Knightdale Road between Grasshopper Road and La Costa Way. Five (5) of those 25 accidents occurred at, or in close proximity to, the Auburn-Knightdale Road/Grasshopper Road intersection, with only one (1) accident in proximity to Seclusion Park Road. Four (4) of the 25 accidents involved minor injuries, four (4) resulted in moderate injuries, and 17 resulted in property damage only.

Eight (8) of the 25 accidents occurred in wet weather conditions, and 12 occurred at night. Six (6) of the 25 accidents involved collisions with animals and ten (10) involved vehicles that ran off the road and/or struck a ditch, sign, tree, fence or some other object. An accident could fit into more than one of these categories.

This segment of Auburn-Knightdale Road is narrower than the standard 24-foot wide two-lane roadway. However, this segment of the roadway is generally straight and none of the accident reports from NCDOT indicated that the narrower roadway was a contributing factor to any of the accidents in this general area. Seven (7) of these ten accidents involved wet road conditions, two (2) involved ice on the road surface and four (4) occurred after dark. Only one (1) of these ten accidents were coded by the reporting officer as having a "road surface condition" as a contributing circumstance, but that was one of the two accidents that also listed ice as the road condition. Given the high percentage of the accidents (24%) that involved collisions with animals, it would not be unreasonable to speculate that at least some of the ten (10) accidents where a vehicle ran off the road and/or struck an object may have been related to an animal in the roadway.

Traffic Impact Analysis

A Traffic Impact Analysis (TIA) is required by the Wake County Unified Development Ordinance (UDO), 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. Any required TIA must be submitted during the site plan approval process.

The petitioner has indicated that they intend to subdivide the subject 15.5-acre area (as well as the balance of the parent tract) into residential lots of at least 30,000 square feet each. Actual lot sizes in the pending subdivision will be larger than that figure given the development's reliance upon individual wells and septic systems. The development potential of these 15.5 acres is only 22 lots—well below the thresholds that would trigger a TIA for this rezoning petition. Even the proposed 80-lots planned for the entire parent tract would be below the threshold for a TIA.

Planning Staff Findings

1. The proposed Residential-30 rezoning and the permissible density and range of uses are consistent with the Land Use Plan's designation and are reasonable and appropriate for the area.
2. More specifically the R-30 density allows for 1.45 dwelling units per acre, which complies with the Land Use Plan's designation of less than 1.5 dwelling units per acre.
3. The proposed rezoning complies with Land Use Plan objective 1.b. regarding the use of a jointly developed land use plan (with Raleigh) as a guide for development with regards to the allowable density and the availability of public utilities.
4. The traffic volumes and accident reports from the North Carolina Department of Transportation do not indicate any significant traffic issues for Auburn-Knightdale Road.
5. A detailed site plan must be approved by the appropriate Wake County entity prior to future redevelopment.
6. The City of Raleigh's planning staff has not indicated any objection to the rezoning petition.
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 **approval** of the requested zoning map amendment, ZP-882-14, as presented, and finds that the zoning map amendment is consistent with the Land Use Plan, and otherwise advances the public health, safety, and welfare.

Mr. Birch asked if the board needs to take two actions. Mr. Murphy said that the adoption of the consistency statement needs to come first. Mr. Lankford recommended that the board takes two steps.

Mr. Johnny Edwards, 333 Wade Avenue, Raleigh, NC came forward to address the board. He stated that he was the petitioner and was available to answer any questions.

Ms. Sara Hurley came forward to address the board. She said that she owns two of the mobile homes in the park. Most of the people in the park have been there for 27 or more years; two of the residents are elderly and one resident is in a wheelchair. Many of the residents have nowhere to go. Ms. Hurley said that she has the two newest trailers in the park, and many of the other mobile home parks in the area will not accept trailers if they are old. She said that if the residents are forced to move it could hurt a lot of people. If the residents are unable to move into a mobile home park, they would be required to put in a well and septic system which could cost more the \$10,000. She said that the residents should be given notice if they have to move.

Mr. Martin suggested that Ms. Hurley communicate with Mr. Edwards or the landowner regarding the issues she addressed.

Ms. Hurley added that she has experienced flooding and backups from the septic system.

Mr. Wells asked if the proposed zoning would preclude having mobile homes on it.

Mr. Lankford said that neither the UDO nor the state building code have restrictions on the movement of mobile homes. He said that any residential development would need a septic system based on the individual number of bedrooms in each house and a backup repair area. He said that you cannot have a mobile home park in the R-30 zoning district, but you can have an individual mobile home in the R-30 zoning district.

Mr. LiVecchi asked if there is any requirement to provide notice to tenants. Mr. Murphy said that the notice requirements involve mailing to properties within a distance from the rezoning site and the posting of signs which would be seen by tenants.

Mr. Martin said that the board does not have a place to be able to step in between the tenants and the property owner.

Mr. Birch said that this is a sensitive issue between the property owner and the tenants, and the property owner should deal with it sensitively.

Mr. Birch made a motion that the Planning Board find that the requested rezoning to R-30 is:

1. Consistent with the Wake County Land Use Plan;
2. Reasonable and in the public interest because it does provide for a residential density for this area of less than 1.5 dwelling units per acre (R-30 equates to 1.45 DU/acre);
3. Consistent with the permissible range of uses that are allowed throughout the surrounding R-30 zoned area;
4. Consistent with the Land Use Plan's objective 1.b. which calls for the development of land use plans in conjunction with the relevant municipalities (Raleigh and Knightdale), using those plans as a guide for development, and this would resolve a split zoning of the property.

Mr. Swanstrom seconded the motion. The motion passed unanimously.

Mr. Birch made a motion that the Planning Board recommends that the Board of Commissioners approve the rezoning request as presented based on the finding of consistency and reasonable and in the public interest. Mr. LiVecchi seconded the motion. The motion passed unanimously.

8. ZP-883-14: To rezone two parcels totaling 16.14 acres located at 8321 Old McCullers Road, between the main Wake Tech campus and the Norfolk Southern railroad tracks. More specifically, the request is to rezone a 7.89-acre parcel (PIN 0689819439) currently zoned Heavy Commercial (HC) and an 8.25-acre parcel (PIN 0689804752) that is currently zoned Residential-30 (R-30) to Office and Institutional (O&I)

Mr. Lankford presented the staff report to the board.

Request: To rezone two parcels totaling 16.14 acres located at 8321 Old McCullers Road, between the main Wake Tech campus and the Norfolk Southern railroad tracks. More specifically, the request is to rezone a 7.89-acre parcel (PIN 0689819439) currently zoned Heavy Commercial (HC) and an 8.25-acre parcel (PIN 0689804752) that is currently zoned Residential-30 (R-30) to Office and Institutional (O&I).

The stated purpose is to allow for the construction of additional parking areas to support the community college.

Location: The property is located at 8321 Old McCullers Road between the main Wake Tech campus and the Norfolk Southern railroad tracks.

Current Zoning: Heavy Commercial (HC) and Residential-30 (R-30)

Proposed Zoning: Office and Institutional (O&I)

Existing Land Uses: Informal (unpermitted) gravel parking lots, vacant wooded

Petitioner: Rachel Cotter

Design Firm: The McAdams Company

Owner: Dr. Stephen Scott, Secretary to the Board, on behalf of the Trustees of Wake Technical Community College

PIN #: 0689819439 and 0689804752

Surrounding Land Uses and Zoning Districts

Direction	Land Use	Zoning District
North	Auto mechanic school and storage yard	Office and Institutional
East	Norfolk Southern railroad tracks, vacant wooded	Residential-30
South	Vacant wooded, Duke Energy Progress electrical substation	Highway District
West	Vacant wooded, main Wake Tech campus	Office and Institutional

Land Use/Zoning History

- 1973: General zoning was first applied to the southeastern portion of Wake County.
- 2004: Fuquay-Varina/Garner Area Land Use Plan was adopted and designated this site and the surrounding area as a 772-acre Regional Activity Center (RAC). The RAC is the largest of the three types of Wake County activity centers and allows for the widest range of uses and the highest intensity uses.

Wake County Land Use Plan

The Wake County Land Use Plan's General Classification map designates this area as Fuquay-Varina's Short-Range Urban Services Area (SRUSA). SRUSAs are defined as areas within the county's jurisdiction that are intended to be urbanized—probably within the next ten years. Please see the discussions below under the "Input from the Town of Fuquay-

Varina” and “Utilities” sections for information regarding coordination efforts with the Town of Fuquay-Varina.

The two subject properties, Wake Tech’s main campus, and much of the surrounding area are located within a 772-acre Regional Activity Center (RAC) as designated on the Fuquay-Varina/Garner Area Land Use Plan. The RAC is the largest type of Wake County’s three classifications of activity centers, allowing for the widest range of uses and for the most intensive types of uses. The RAC classification is intended for large-scale urban land uses that provide for a primary job base.

RACs are described in the Wake County Land Use Plan (Chapter III, page 14) as being serviced by major thoroughfares and municipal water and sewer. A few of the large-scale urban land uses listed as appropriate for an RAC are shopping malls, large hotel/motels, restaurants, large office parks, community colleges, industrial parks, research and development parks and employment centers.

Given the proposed zoning district for the subject site, Office and Institutional, and the proposed use, parking areas that would be accessory to the community college, the proposed rezoning and land use would be consistent with the Wake County Land Use Plan’s Regional Activity Center designation. Furthermore, the primary use (community college), proximity to major thoroughfares (i.e.--Fayetteville Road/US 401 and the possible future NC-540 interchange), utility services by the Town of Fuquay-Varina, and the number of jobs provided by Wake Technical Community College, complies with several of the Land Use Plan’s goals. Among those goals are:

- Goal #1--to guide quality growth throughout the County in conjunction with affected local governments;
- Goal # 2--to encourage growth close to municipalities, to take advantage of existing and planned infrastructure, such as transportation, water and sewer facilities;
- Goal # 3--to encourage the development of communities which provide adequate land for anticipated demands, in a pattern which allows a mixture of uses; and
- Goal # 7--to ensure that the land use plan and transportation plan mutually support each other.

There is no condition to limit the uses allowed on the subject properties; however, the stated purpose is to allow for the construction of additional parking areas to support the community college. The requested O&I zoning allows for a wide range of nonresidential uses that are consistent with the Land Use Plan’s Regional Activity Center designation and are reasonable and appropriate for the area.

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 can be approved

These two parcels, totaling 16.14 acres, have been recombined with the main campus. As such, if the rezoning is approved, then the proposed parking lots would be considered to be an accessory use to the principal community college use. Without the rezoning, the zoning boundary would effectively serve as a lot line and the parking lots would have to be considered as separate principal uses. A stand-alone principal use of a parking lot would not be allowed within the Residential-30 (R-3) zoned tract, and would only be allowed on the Heavy Commercial zoned tract with a Special Use Permit from the Board of Adjustment. As an accessory use to the community college the parking lots would be approved administratively by the planning staff (if the rezoning is approved) upon demonstration of compliance with all applicable regulations.

The petitioner has indicated that the proposed rezoning to the Office and Institutional district will “allow for implementation of infrastructure improvements necessary to support Wake Technical Community College. Wake Tech currently provides public education opportunities and a robust employment base for surrounding communities. Adequate infrastructure is critical to day-to-day operations of the college. Such improvements will enable Wake Tech to adequately serve growing educational and employment needs of the public and surrounding communities.”

The petitioner has indicated that the rezoning is necessary because the subject properties are currently “being used as an overflow parking lot during times of peak use” and that the rezoning “will permit continued use of the lot as well as allow for improvements that enhance safety and accessibility of parking facilities, and improved pedestrian access and traffic flow for students, faculty, and visitors to the college. Such improvements will enable Wake Tech to adequately serve growing educational and employment needs of the public and surrounding communities. It is expected that such improvements will: facilitate improved vehicular circulation, access and safety for vehicles and pedestrians alike through dedicated vehicular and pedestrian travel routes; provide environmental protection through stream buffers and stormwater management facilities; and enhance aesthetics and sense of place through the use of way finding signage, materials of a consistent character, and use of a native and adaptive plant pallet. All of which advance public health, safety, and general welfare.”

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 Office and Institutional zoning and the permissible 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 19-20-6 (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 not to follow the Land Use Plan and how that decision is reasonable and in the public interest--if that is the case.

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; and (4) how the rezoning benefits the adjacent and surrounding properties and otherwise advances the public health, safety and general welfare.

Input from the Town of Fuquay-Varina

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. The subject site is classified as the Town of Fuquay-Varina’s Short-Range Urban Services Area (SRUSA). Fuquay-Varina’s planning staff does not object to the rezoning petition, but had requested that Wake Tech Community College provide a sewer

easement across the subject properties. The petitioner has met with the town's planning and public utilities staffs to discuss the location and alignment of the requested sewer easement. It is our understanding that the town is agreeable to having the sewer easement located on the opposite side of the drainageway that lies along the western border of the subject properties. There is an existing sewer pump station on that side of the drainageway.

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 Old McCullers Road. The planning staff has not received any phone calls or letters in response to those efforts to solicit neighborhood feedback. The petitioner held a neighborhood meeting on Thursday, January 29, 2015 to discuss the requested rezoning and the proposed parking lot construction. This neighborhood meeting also covered a second (pending) rezoning case related to several small parcels on the other side of the campus, next to Fayetteville Road/US 401. That separate rezoning case will be brought to the Planning Board within the next month or two. It is our understanding that none of the neighbors in attendance at this meeting expressed any opposition to the requested rezoning.

Utilities

The subject property is classified as being in the Town of Fuquay-Varina's Short-Range Urban Services Area (SRUSA). The Wake County Land Use Plan defines SRUSAs as areas within the county's jurisdiction that are intended to be urbanized--probably within the next ten years. The Wake Tech main campus is currently served by Town of Fuquay-Varina water and sewer lines. The town has requested the provision of a sewer easement in the area of the subject properties. The petitioner has been working with the town's planning and public utilities staffs on the location and alignment of the requested sewer easement.

This is consistent with the Wake County Land Use Plan's Goal # 1, 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 (short in this case), and using those plans as a guide for development. The requested rezoning and the proposed parking that is in support of the community college is consistent with the Regional Activity Center designation and the provision of public utilities to guide the type of development as set forth in the Wake County Land Use Plan.

Environmental Issues

There is no Federal Emergency Management Agency (FEMA) regulatory floodplain on the subject properties; however there are Wake County flood hazard soils and perhaps 50-foot wide riparian buffers along the perennial stream along the western border of the subject properties. There may also be regulatory wetlands along this 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

Old McCullers Road does not appear in the Wake County Transportation Plan or the accompanying Corridor Profiles book; therefore, there are no prescribed requirements for right-of-way dedication or roadway widening. However, there is a possibility that the North Carolina Department of Transportation may require a turn lane or other roadway improvement during their review of the subsequent site plan for development (e.g.—the proposed parking areas) on the subject properties. Any roadway improvements and/or

driveway permits will have to be coordinated with, and approved by, the North Carolina Department of Transportation (NCDOT).

The existing right-of-way is 60 feet wide and the existing roadway is 20 feet wide. The staff is not aware of any significant issues with the traffic volume or accident rate, or the function of this roadway.

The Orange Route, just one of several possible alignments of the proposed NC-540, is shown just north of the Wake Tech campus. The NC-540 project calendar indicates that the formal selection of the preferred route will not occur until the fall of 2015. Then the Final Environmental Impact Statement will need to be approved in the spring of 2016, followed by the Publication of the Record of Decision in the summer of 2016. Right-of-way acquisition would begin in the summer of 2017 and construction would begin in the spring of 2018. It is not expected that there would be any direct impacts to the Wake Tech campus if the orange route is chosen, but there may be some realignment of Old McCullers Road.

Traffic Volumes

There were no Average Annual Daily Traffic counts available from NCDOT for Old McCullers Road, but the staff is not aware of any significant issues with the traffic volume on Old McCullers Road. The existing roadway is 20 feet wide. A standard 24-foot wide two-lane roadway design has a capacity of 12,000 vehicles per day. The narrower roadway, would intuitively, have a somewhat lower capacity, and while there is no listed design capacity, the planning staff has estimated it at 10,000 vehicles per day. Old McCullers Road appears to function primarily as a service road to serve the rear of the Wake Tech campus and perhaps a couple dozen homes and businesses between its intersection with Ten Ten Road, down to the campus, and then westward out to Fayetteville Road/US 401 (approximately one mile total).

Accident Report

The North Carolina Department of Transportation's Traffic Engineering Accident Analysis System report for the 5-year period from December 1, 2009 through November 30, 2014 indicated that there have been 19 accidents in the 1.00-mile section of Old McCullers Road between Ten Ten Road and Fayetteville Road/US 401. Five (5) of those 19 accidents occurred at, or in close proximity to, the Old McCullers Road intersection with Fayetteville Road/US 401. There were four (4) accidents at the point where Old McCullers Road makes a 90-degree turn at the rear entrance to the subject properties. There is a stop sign at this turn/intersection of the two segments of Old McCullers Road. Two (2) of the 19 accidents involved minor injuries, one (1) resulted in moderate injuries, and 16 resulted in property damage only.

The majority of the accidents (13) occurred during the day and in dry weather conditions, with nearly half (9) of the 19 accidents involving rear end—slow or stopped collisions, and another three (3) resulting from left turns from different roadways. Most of these accidents occurred at, or near, the intersections of Old McCullers Road with Fayetteville Road/US 401, Ten Ten Road, the two segments of Old McCullers Road or the secondary drives into the campus—Tech Road or Winning Way.

Traffic Impact Analysis

A Traffic Impact Analysis (TIA) is required by the Wake County Unified Development Ordinance (UDO), 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. Any required TIA must be submitted during the site plan approval process.

The proposed rezoning is to allow for the construction of additional parking. The petitioner has indicated that portions of these parcels are already being used for parking--although not properly permitted--and that the proposal is to formalize those parking areas to "improve circulation, safety, and user experience" (and to bring them into compliance with the county regulations).

The petitioner has indicated that there are no proposed buildings to generate new traffic to the site and that the proposed parking lots will not be used for a park-and-ride facility for the satellite campuses, nor for commercial parking. The petitioner has indicated that they "do not anticipate the proposed zoning district or development activities to inherently generate additional vehicular trips".

The petitioner indicated (and documented) a discussion with NCDOT on October 31, 2014 to discuss possible road improvements and were advised by the NCDOT District Engineer's Office that they would not require a TIA "since no additional traffic is being generated".

Therefore, for all of these reasons, Wake County planning staff is not requiring a TIA as part of the rezoning petition, but reserves the right to require one as part of the subsequent development if warranted by Sec. 15-12 of the UDO.

Planning Staff Findings

1. The proposed Office and Institutional rezoning and the permissible range of uses are consistent with the Land Use Plan's designation of this area as a Regional Activity Center and are reasonable and appropriate for the area.
2. More specifically, the Regional Activity Center allows for large-scale urban land uses that are served by major thoroughfares and municipal water and sewer and that provide for a primary job base.
3. The proposed rezoning complies with four (4) stated goals of the Land Use Plan (see discussion above).
4. The traffic volumes, and accident reports from the North Carolina Department of Transportation, do not indicate any significant traffic issues for Old McCullers Road.
5. A detailed site plan must be approved by the appropriate Wake County entity prior to future development on the subject properties.
6. The Town of Fuquay-Varina's planning staff does not object to the rezoning petition.
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 approval of the requested zoning map amendment, ZP-883-14, as presented, and finds that the zoning map amendment is consistent with the Land Use Plan, and otherwise advances the public health, safety, and welfare.

Mr. LiVecchi asked if the current unpermitted use of the property as a parking lot is a violation. Mr. Lankford answered that it is a violation, and the rezoning is a step to resolving the violation. Mr. Finn noted that Planning staff has a passive code enforcement policy that responds to complaints that are brought to the staff's attention. He said that the goal is compliance, and the applicant is seeking compliance with the rezoning.

Ms. Rachel Cotter, 2905 Meridian Parkway, Durham, NC came forward to address the board. She said that she works for the McAdams Company, and she is the applicant in the case representing Wake Technical Community College. She said that she was available to answer any questions.

Mr. Birch made a motion that the Planning Board finds that the requested rezoning to Office and Institutional and the permissible range of uses are:

1. Consistent with the Land Use Plan's designation of this area as a Regional Activity Center as it is one of the uses expressly listed for this area;

2. Consistent with several of the stated goals of the Land Use Plan, more specifically:

Goal #1--to guide quality growth throughout the County in conjunction with affected local governments;

Goal # 2--to encourage growth close to municipalities, to take advantage of existing and planned infrastructure, such as transportation, water and sewer facilities;

Goal # 3--to encourage the development of communities which provide for adequate land for anticipated demands, in a pattern which allows a mixture of uses; and

Goal # 7--to ensure that the land use plan and transportation plan mutually support each other;

3. Reasonable and in the public interest because it would allow for improvements that would facilitate improved vehicular circulation and bring property used by a single owner into conformance with the other zoning for the property.

Ms. Muir seconded the motion. The motion passed unanimously.

Mr. Birch made a motion that the Planning Board recommend that the Board of Commissioners approve the rezoning request as presented based on the finding of consistency. Mr. LiVecchi seconded the motion. The motion passed unanimously.

9. Quasi-judicial hearing: SV-17-14: Variance request to allow building permits for five lots to be issued without posting a financial guarantee for the roads or having the roads accepted by NCDOT for maintenance as noted in the disclosure statement on the recorded plat for Old Farm Crossing Phase 2 Subdivision and in Section 3-3-11(E) of the Subdivision Ordinance

This hearing was continued to the April 1, 2015 Planning Board meeting. See agenda item #2 (Petitions and Amendments) for more information.

10. Wake Transit Strategy Update

Mr. Maloney gave a brief overview on the transit strategy that the county is undertaking to draft a transit plan. Mr. Maloney showed a 16-minute video with information regarding the Transit Choices Report. Mr. Martin asked how feedback is being collected. Mr. Maloney referred the board to the survey at waketransit.com, and there are index cards that have been distributed, including on the buses around Wake County.

11. Reports – Mr. Ball reported that the Code & Operations Committee met to discuss several new items.

12. Planning, Development, and Inspections Report – Ms. Peterson reported that the Land Use Committee will have a meeting on March 18th at 3:00 p.m. to discuss the Town of Angier's ETJ request.

Mr. Finn reported on the number of applications that staff has received for subdivisions and special use permits.

Mr. Maloney reported that the two rezonings will go to the Board of Commissioners on April 6th.

13. Chairman's Report – Mr. Martin reported that the board will elect a new chair and vice-chair at the April meeting. He thanked the board for their service during his last three years as chairman.

14. Adjournment – With no other business, the meeting was adjourned at 3:07 p.m.