MINUTES

Wake County Planning Board
Wednesday, March 15, 2017
1:30 P.M., Room 2700
Wake County Justice Center
301 S. McDowell St.
Raleigh, N.C.

Members Present (9): 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, and Ms. Ashley Foxx

Members Not Present (1): Mr. Wayne Maiorano

Staff Members Present (7): 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. Stacy Harper (Planner II), 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 March 1, 2017 Planning Board Meeting – Mr. Barron made a motion to approve the minutes from the March 1, 2017 meeting. Mr. Fleming seconded the motion. The motion passed unanimously.

4. *Quasi-judicial hearing*: PCP-03-16: Planned Compliance Permit to allow the construction and operation of a self-service storage facility

Before the case was heard, Mr. Murphy provided a brief overview of the procedures for quasi-judicial hearings.

Mr. Barron disclosed that the applicant in the case is a client of his law firm. He said that he has done work for the client on other properties, but he was not actively engaged on the property in question. Neither Mr. Murphy nor the board saw a conflict of interest in the matter.

Before the case was heard, Ms. Harper was duly sworn.

Ms. Harper submitted the staff report, application, and PowerPoint slides into evidence. Mr. Swanstrom accepted them into the record. Ms. Harper presented the staff report to the board.

<u>Documentary evidence</u>: staff report, PowerPoint slides, application, site plans, a video of the site, and Exhibit 1: documents that include:

1. An excerpt from the draft minutes of the March 14, 2017 meeting of the Wake County Historic Preservation Commission
2. A description of the Bailey Williamson House

3. Photographs of the Bailey Williamson House
4. A description of the Bailey Williamson House from the Wake County Architectural Survey
5. A copy of Capital Area Preservation's comments to the Technical Review Committee.

I. REQUEST: PCP 03-16
The petitioner is requesting planned compliance permit approval for the construction and operation of a Self-Service Storage facility on a 7.16 acre tract pursuant to Section 19-22 of the Wake County Unified Development Ordinance (UDO), and the approved conditional use rezoning conditions approved under the rezoning case number ZP 885-15.

II. PROJECT LOCATION
The site is located at the corner of Smithfield and Poole Roads.

III. PROJECT PROFILE

WAKE COUNTY PIN: 1762 37 7713

ZONING DISTRICT: Conditional Use Heavy Commercial (CU-HC)

LAND USE CLASSIFICATION: Town of Knightdale's Short Range Urban Services Area.

WATERSHED: Neuse

CROSS REFERENCE FILES: ZP-885-15

APPLICANT: Tony M. Tate Landscape Architecture, PA

PROPERTY OWNER: Poole Road Holdings LLC

PROPERTY SIZE: 7.16 acres

CURRENT LAND USE: Single family residential (to be removed)

PROPOSED LAND USE: Self-service storage facility

IV. PROJECT SETTING – SURROUNDING ZONING DISTRICTS AND LAND USES

DIRECTION	LAND USE	ZONING
North	Single family residential	Residential-30
East	Vacant	Residential-30
South	Single family residential	Residential-30
West	Non-residential	Conditional Use-Heavy Commercial

V. AERIAL MAP

VI. ZONING DISTRICT

The subject property is zoned Conditional Use-Heavy Commercial (CU-HC). The proposed use is permitted in the CU-HC zoning district with a planned compliance permit approval from the Wake County Planning Board.

The site was rezoned from Residential-30 (R-30) to Conditional Use-Heavy Commercial in July 2016 (ZP-885-15). The applicant at that time limited the uses available on the property. Self-service storage was one of the uses approved as part of the rezoning.

VII. BACKGROUND

A. CONDITIONAL USE REZONING

The site was rezoned from Residential-30 to Conditional Use-Heavy Commercial in July 2016. The condition placed on the rezoning was a limitation of available uses. Self-service storage was one of the uses approved as part of the rezoning. The owner also proposes to offer moving truck rentals. This use was also approved during the rezoning process.

After receiving a conditional use rezoning from the Board of Commissioners, a Planned Compliance Permit is required to be obtained from the Wake County Planning Board. The Planning Board acts as the permit issuing authority for uses requiring a Planned Compliance Permit (Section 19-22 of the Unified Development Ordinance). The Planned Compliance Permit process requires the petitioner to submit a detailed site plan to the Planning Board to demonstrate that the project conforms with all regulations and standards generally applicable within the zoning district and specifically applicable to the particular type of Planned Compliance Permit or class of Planned Compliance Permits.

The development proposal is for the construction of two self-service storage buildings. Building A, the building closest to Poole Road, is a two-story, 52,000 square foot building. Building B, toward the rear of the property, is a three-story, 81,000 square foot building.

Notification letters to adjoining property owners were mailed on March 1, 2017. Public hearing placards were placed on the site on March 2, 2017.

VIII. ZONING STANDARDS

A. LOT STANDARDS

There is no minimum lot size for Heavy Commercial zoning. This parcel is currently 7.16 acres.

Building setbacks for the lot are: Front, 50 feet; Corner side, 50 feet; Side, 25 feet; and Rear, 25 feet. All setbacks are being met.

B. STREETS

The site has access off both Smithfield Road and Poole Road. The site plan shows a right-in, right-out drive on Smithfield Road with a full-access drive on Poole Road.

The applicant has been working with NCDOT to ensure their requirements are being met. Driveway permits will also be required.

The site plan shows the Ultimate ROW of 120 feet on both Smithfield and Poole roads; however, no right-of-way dedication is required at this time.

C. UTILITIES

Water for the proposed use will be provided by private well. Wastewater for the proposed use will be provided by an individual septic system. A septic permit will be required from Wake County Environmental Services.

D. PARKING

Section 15-10 of the Wake County Unified Development Ordinance requires a minimum of one parking space per every 5,000 square feet of storage and one parking space for every 300 square feet of office space. A total of 31 parking spaces would be required while the site plan shows 33 parking spaces. The site plan is in compliance with Section 15-10.

E. STORMWATER MANAGEMENT/IMPERVIOUS SURFACE COVERAGE

A condition from the rezoning case requires that the property can exceed a total impervious surface coverage of 30 percent only if on-site detention of stormwater is provided for excess runoff. The site plan indicates that the proposed impervious surface coverage is 36.72 percent, which will require on-site detention. A stormwater management basin is shown on the site plan. The applicant will work with Wake County Environmental Services to ensure compliance with applicable stormwater regulations for the site.

F. EXTERIOR LIGHTING

Section 17-11-7 *Exterior Lighting* states that: "*all exterior lighting must be shielded or directed away from any adjacent use or lot or any adjacent public street. No exterior lighting may cause illumination in excess of one foot candle at the lot line of any use*".

A lighting plan will be required prior to the installation of pole-mounted lighting for the site.

G. LANDSCAPING AND BUFFERYARDS

The proposed plan qualifies the intended use of the property as high-intensity nonresidential.

Section 16-10-2 (D), *Landscaping and Bufferyards, Bufferyard Table,* requires a 10-foot Type F bufferyard along the rights-of-way of both Smithfield Road and Poole Road. Street front buffers are shown on the plan in accordance with section 16-10-2(D).

Since this is a high-intensity nonresidential use bordering low-density residential to the north an 80-foot Type A buffer will be required in that area.

A 20-foot Type E buffer is required between the subject parcel and the site to the west as that site is classified as a medium-intensity nonresidential site. The applicant plans to install a fence or berm along portions of the western border in order to decrease the 20 foot required width to 15 feet in those areas as permitted in Section 10-10-2(G).

Buffers are shown to be in compliance with the requirements of the UDO.

Parking lot perimeter and interior landscaping are demonstrated on the site plan and are in compliance with the requirements in UDO Article 16.

H. SIGNAGE

Parcels with Heavy Commercial zoning are allowed up to 100 square feet of signage total. The applicant can divide this allowable signage among all types available including wall signs, monument/pole signs, or electronic changeable message signs.

Any and all signage must meet the requirements of the UDO as part of the final sign package submitted to Staff prior to the issuance of any permits.

The site plan shows one sign proposed for each entrance.

IX. FINDINGS

Planned Compliance Permit Required Conclusions:

The Planning Board shall not approve a petition for a Planned Compliance Permit unless it first reaches each of the following conclusions based on findings of fact supported by competent, substantial, and material evidence. The Planning Board must make positive findings on the following findings of fact from Section 19-22-8 of the Wake County Unified Development Ordinance in order to approve or deny this planned compliance request:

(1) The proposed development will not materially endanger the public health or safety.

Considerations:

a. Traffic conditions in the vicinity, including the effect of additional traffic on streets, street intersections, and sight lines at street intersections and curb

cuts.

b. Provision of services and utilities, including sewer, water, electrical, garbage collections, fire protection.

c. Soil erosion and sedimentation.

d. Protection of public, community, or private water supplies, including possible adverse effects on surface waters or groundwater.

(2) The proposed development will comply with all regulations and standards generally applicable within the zoning district and specifically applicable to the particular type of Planned Compliance Permit or class of Planned Compliance Permit.

X. RECOMMENDATION

Staff recommends that the if the Planning Board reaches positive conclusions on all of the required findings, the Planned Compliance Permit be approved with the following staff recommended conditions:

1) The petitioner must obtain and complete appropriate building permits from the Wake County Planning, Development and Inspections division.

2) The petitioner must obtain driveway permits from NCDOT.

3) The petitioner must obtain approval for the wastewater system from Wake County Department of Environmental Services.

4) The petitioner must obtain and complete a stormwater permit from the Wake County Environmental Services Stormwater Division.

5) The petitioner must obtain and complete a sign permit for each sign from the Planning, Development and Inspections Division prior to the installation of any signage.

6) A final zoning site inspection to verify site plan compliance with all applicable standards of the Unified Development Ordinance must be performed by Wake County Planning before the issuance of a Certificate of Compliance.

7) The petitioner must record the Order of the Board in the Wake County Register of Deeds and return a copy to Planning.

Ms. Harper noted that there is a historic home on the property that is marked to be removed. The Wake County Historic Preservation Commission passed a resolution that recommended that the Planning Board require as a condition that the petitioner should submit a plan for the long term preservation of the Bailey Williamson House.

<u>Sworn witness in favor of the petition</u>:
Robin Clement, 3628 Tryon Road, Raleigh, NC 27606

Ms. Clement stated that she is a project manager with Security Self Storage. She said that they are interested in keeping the house and moving it to another location. She said that the company signed an agreement with the property owner that sold them the property that stipulates that they would move the house, and the house would not be torn down. Ms. Clement said that they have started the process of working with a mover to see what it will take to move the house.

Sworn witness in opposition to the request:
Gary Roth, 1101 Haynes Street, Raleigh, NC 27604

Mr. Roth stated that he is president of Capital Area Preservation, and he provides staffing services to the Wake County Historic Preservation Commission. Mr. Roth submitted Exhibit 1: documents that include:

1. An excerpt from the draft minutes of the March 14, 2017 meeting of the Wake County Historic Preservation Commission
2. A description of the Bailey Williamson House
3. Photographs of the Bailey Williamson House
4. A description of the Bailey Williamson House from the Wake County Architectural Survey
5. A copy of Capital Area Preservation's comments to the Technical Review Committee.

Mr. Swanstrom accepted Exhibit 1 into the record. Mr. Roth described the Bailey Williamson House as a rare pre-Civil War survival that is a good example of a vernacular Greek Revival house. He said that the house is on the Wake County Architectural Survey, it is called out in the Land Use Plan as a locally significant historic structure, and the importance of the structure had been discussed by the Planning Board during past meetings. On October 27, 2016, Capital Area Preservation provided comments to Wake County staff citing the significance of the Bailey Williamson House and a request to be consulted further concerning the property. Mr. Roth said that no consultation was ever requested by the applicant. He said that the Wake County Historic Preservation Commission believed that the house is worthy of preservation in the appropriate setting, and with certain modifications, such as removing the vinyl siding, the house would be an excellent candidate for listing on the National Register and designation as a Wake County Historic Landmark. Mr. Roth requested that the approval of the Planned Compliance Permit be conditioned based on the language of the resolution adopted by the Historic Preservation Commission: "That the petitioner must prepare a plan for the long-term preservation of the c. 1850 Bailey Williamson House and submit the plan to Staff for approval prior to the issuance of any permits."

Mr. Swanstrom asked what a plan would entail. Mr. Roth said that the plan would show where the house is going, what the setting would be, and what the plan for long-term preservation would be.

Ms. Foxx asked who would determine if a condition is met if a condition of approval regarding preservation of the historic home was added to the planned compliance permit approval. Mr. Murphy said that he was not aware of any authority that Planning staff would have in approving a plan involving the historic house. Mr. Roth suggested that the staff could follow the authority given by the Planning Board when attaching conditions to

approvals. Mr. Murphy said that the Historic Preservation Commission has the authority to make recommendations.

Mr. Barron said that the house appears to be one that they would want to keep. He said that preservation of a historic home is not contained within the considerations the board needs to take when approving or denying a planned compliance permit.

Mr. Fleming departed the meeting room at 1:58 p.m.

Mr. Swanstrom asked if staff would have criteria to determine compliance with a condition related to the historic home. Ms. Harper responded that it would depend on the wording of the condition. Staff could determine if a plan is submitted, but it would not be able to determine if it would be satisfactory to the Historic Preservation Commission.

Ms. Foxx asked about the agreement between Security Self Storage and the previous landowner. Ms. Clement said that they agreed to not demolish the house, but it did not state where it would be moved to.

Sworn witness opposed to the petition:
Sherry Prestwood, 4000 S. Smithfield Road, Knightdale, NC 27545

Ms. Prestwood stated that she has lived on the adjacent parcel for 20 years. She said that she had a signed contract to sell her home, but the contract was terminated due to the proximity to the proposed self-storage use. She said that she would like to see the whole project denied, or have the most stringent restrictions placed on the property. She expressed concerns about runoff, well water contamination, light pollution, noise pollution, traffic, and trash. She requested an 80-foot buffer between her property and the proposed use along with a fence or a wall. She said that 3-story building would not fit with the rural neighborhood. She expressed concern about the hours of operation for the facility.

Mr. Swanstrom closed the public hearing. Mr. Swanstrom re-opened the public hearing.

Mr. Van Dyk asked for a description of the buffer on the north side.

Sworn witness:
Jimmy Ashley, 5011 Southpark Drive, Suite 200, Durham, NC 27713

Mr. Ashley said that he is with Tony Tate Landscape Architecture, and he is the designer and project manager. He said that the northern buffer is a lush and dense buffer utilizing evergreens. There will be a six-foot opaque chain link fence with slats. It would meet the standards for a 60-foot type A buffer that was reduced from an 80-foot buffer since they are adding the fence consistent with the UDO standards.

Mr. Clark asked about the grading. Mr. Ashley said that everything has been addressed to ensure that the buffers would meet the requirements. He said that all onsite drainage would be handled by the detention pond, and there would be no runoff to the adjacent

properties. There would be discharge from the pond into the swale that leaves the site. He added that low level lighting will be utilized for the site. Ms. Clement said that all lighting will be on the buildings; there would be no poles.

Ms. Kreider asked about the hours of operations. Ms. Clement said that the office would be open from 9 a.m. until 6 p.m., and the gate access would be available from 7 a.m. until 10 p.m.

Mr. Barron asked when historic homes are identified during the process. He said that identification of the historic structure would have been helpful during the rezoning process. Mr. Roth said that Capital Area Preservation was first notified in October. They were not notified during the rezoning process.

Mr. Wells asked about how to make the house eligible for national historic landmark listing. Mr. Roth said that the vinyl siding would need to be removed in order for the house to be designated.

Ms. Foxx asked about increasing the height of the fence. Ms. Harper said that once a fence reaches seven feet a building permit would be required.

There was no one else wishing to speak in favor of or in opposition to the petition. Mr. Swanstrom closed the public hearing.

MOTION

Mr. Barron made a motion in the matter of PCP 03-16 that the Board find and conclude that the petition does meet the requirements of Article 19-22-8 of the Wake County Unified Development Ordinance and the special use permit be granted with the recommended staff conditions. Ms. Foxx seconded the motion. By a vote of 8-0, the motion passed, and the planned compliance permit was granted. So ordered.

FINDINGS OF FACT

A) The proposed development will not materially endanger the public health or safety; considering:

1) Traffic conditions in the vicinity, including the effect of additional traffic on streets and street intersections, and sight lines at the street intersection and curb cuts. There is no evidence that there are traffic conditions unique to the use that would materially endanger the public health or safety.
2) Provision of services and utilities, including sewer, water, electrical, garbage collections, fire protection. Provision of all services has been taking into consideration.
3) Soil erosion and sedimentation. The plan complies with county requirements for soil erosion and sedimentation.
4) Protection of public, community, or private water supplies, including possible adverse effects on surface waters or groundwater.

B) The proposed development will comply with all regulations and standards generally applicable within the zoning district and specifically applicable to the particular type of planned compliance permit or class of planned compliance permits. The plan complies with the Wake County Unified Development Ordinance.

CONCLUSIONS OF LAW

The proposed development will not materially endanger the public health or safety. The proposed development will comply with all regulations and standards generally applicable within the zoning district and specifically applicable to the particular type of Planned Compliance Permit or class of Planned Compliance Permit.

IT IS THEREFORE ORDERED:

1) The petitioner must obtain and complete appropriate building permits from the Wake County Planning, Development and Inspections division.

2) The petitioner must obtain driveway permits from NCDOT.

3) The petitioner must obtain approval for the wastewater system from Wake County Department of Environmental Services.

4) The petitioner must obtain and complete a stormwater permit from the Wake County Environmental Services Stormwater Division.

5) The petitioner must obtain and complete a sign permit for each sign from the Planning, Development and Inspections Division prior to the installation of any signage.

6) A final zoning site inspection to verify site plan compliance with all applicable standards of the Unified Development Ordinance must be performed by Wake County Planning before the issuance of a Certificate of Compliance.

7) The petitioner must record the Order of the Board in the Wake County Register of Deeds and return a copy to Planning.

The board took a brief recess. Mr. Fleming returned to the meeting room. Ms. Kreider and Ms. Foxx departed at 2:30 p.m. Mr. Van Dyk departed at 2:45 p.m.

5. Fuquay-Varina 2035 Community Vision Land Use Plan and 2035 Community Transportation Plan

Ms. Peterson provided an overview of the Town of Fuquay-Varina's planning jurisdiction, and she introduced Ms. Samantha Smith, Planning Director for the Town of Fuquay-Varina. Ms. Smith provided an overview of the town's 2035 Community Vision Land Use Plan and 2035 Community Transportation Plan. The Community Vision Land Use Plan has six general ideas:

1. Opportunities to build large, master-planned activity center

2. Opportunities to build large, mixed-use employment centers
3. Opportunities to build urban apartments in walkable centers
4. Opportunities to redevelop existing big box shopping centers
5. Opportunities to build mixed-density, open space neighborhoods
6. Opportunity to build a knowledge center at NC 540 near Wake Tech

6. Reports – Mr. Feagan said that the Transportation Committee met to discuss the fiscal year 2018 work plan for the Transit Plan.

7. Planning, Development, and Inspections Report – Ms. Peterson reported that the Town of Garner relinquished some of their ETJ area. The Planning Board will consider a rezoning in April for those properties.

Mr. Finn reported that land development activity remains active.

Mr. O'Melia reported that the board will hold elections of chair and vice-chair in April.

8. Chairman's Report – Mr. Swanstrom discussed the possibility of an update to the Land Use Plan and Transportation Plan in the near future.

9. Adjournment – With no other business, the meeting was adjourned at 3:03 p.m.

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REGULAR MEETING
WAKE COUNTY PLANNING BOARD
March 15, 2017

All petitions complete, Alan Swanstrom declared the regular meeting of the Wake County Planning Board for Wednesday, March 15, 2017 adjourned at 3:03 p.m.

Respectfully Submitted:

Alan Swanstrom
Wake County Planning Board

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