

## MINUTES

**Wake County Planning Board  
Wednesday, April 5, 2017  
1:30 P.M., Room 2700  
Wake County Justice Center  
301 S. McDowell St.  
Raleigh, N.C.**

**Members Present (8):** Mr. Alan Swanstrom (chair), Mr. Jason Barron (vice-chair), Mr. Thomas Wells, Ms. Tara Kreider, Mr. Amos Clark, Mr. Phil Feagan, Mr. Ted Van Dyk, and Ms. Ashley Foxx

**Members Not Present (2):** Mr. Wayne Maiorano and Mr. Asa Fleming

**Staff Members Present (6):** 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), Mr. Adam Cook (Planner II), 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 1:37 p.m.

**2. Election of Officers** – Mr. Murphy opened the floor for nominations for chair of the Planning Board. Mr. Feagan nominated Mr. Swanstrom for chair. There were no other nominations. Mr. Swanstrom was elected chair of the Planning Board by unanimous consent.

Mr. Swanstrom opened the floor for nominations for vice-chair of the Planning Board. Ms. Kreider nominated Mr. Barron for vice-chair. There were no other nominations. Mr. Barron was elected vice-chair of the Planning Board by unanimous consent.

**3. Petitions and Amendments** – Mr. Wells proposed adding an item to the agenda for a discussion of the board's priorities for the next year. Mr. Swanstrom said that the item would be added at the end of the agenda.

**4. Approval of Minutes of the March 15, 2017 Planning Board Meeting** – Ms. Kreider made a motion to approve the minutes from the March 15, 2017 meeting. Mr. Clark seconded the motion. The motion passed unanimously.

**5. Approval of the Written Decision Granting Planned Compliance Permit in the Matter of PCP-03-16**

Mr. Barron made a motion to approve the written decision granting planned compliance permit in the matter of PCP-03-16. Ms. Foxx seconded the motion. The motion passed unanimously.

**6. LUPA 01-17 - Amend the Wake County Land Use Plan General Classifications Map to reclassify 454 acres (69 parcels) from Garner ETJ to Wake County Non-Urban Water Supply Watershed**

Mr. Coates presented the staff report to the board.

**Applicant:** Wake County Planning, Development, & Inspections

**Property Owner:** Multiple Owners

**Request:** Amend the Wake County Land Use Plan General Classifications Map to reclassify **454** acres (69 parcels) from Garner ETJ to Wake County Non-Urban Water Supply Watershed.

**Location:** The subject properties are located along Inwood Road between Lake Wheeler Road and the Norfolk Southern Railroad line.

**Current Classification:** Swift Creek Land Management Plan- Rural Classification & Town of Garner ETJ.

**Proposed Classification:** Swift Creek Land Management Plan- Rural Classification & Wake County Non-Urban Water Supply Watershed.

**Background**

The 454 acres were relinquished from the Town of Garner ETJ on March 6, 2017 by resolution of Town Council.

In the late 1980s and early 1990s, Wake County, Raleigh, Cary, Garner and Apex jointly developed (with the North Carolina Division of Water Quality) and adopted the Swift Creek Land Management Plan as a guide to managing development in the watersheds of Lake Wheeler and Lake Benson, so as to protect water quality in those existing or potential water supply reservoirs. The Wake County Board of Commissioners adopted the Swift Creek Land Management Plan on April 19, 1990.

Session Law 1998-192, adopted by the North Carolina General Assembly on October 22, 1998, prohibits Wake County (and other parties to the Plan) from adopting any development ordinance or granting any development permit that would be inconsistent with the standards and provisions of the Swift Creek Land Management Plan adopted April 19, 1990.

The parcels identified for reclassification are currently zoned R-40 (Residential-40), OI (Office-Institutional), and I-1 (Light Industrial) by the Town of Garner. The parcels are proposed to be zoned R-40W (Residential - one dwelling unit per acre) Watershed within Wake County's jurisdiction.

The Town of Garner has stated that they have no plans to annex or provide town services in this area. The Town and City of Raleigh utility extension policies do not allow municipal sewer and water services within a Water Supply Watershed unless a health and safety issue exists.

**Analysis:**

**Wake County Land Use Plan**

The subject parcels are located in the Swift Creek Watershed and is part of the Swift Creek Land Management Plan. The Swift Creek Land Management Plan identifies the area as non-critical rural area and open space which both allow for a maximum density of up to one dwelling unit per acre.

The Rural Non-Critical Classification within the Swift Creek Land Management Plan would allow up to 1 dwelling unit per acre and have a 12% impervious surface limit, however it could rise up to 30% if the first ½" of rainfall runoff is retained. Municipal sewer is prohibited within the Rural Non-Critical Classification.

The Area to the south is within Wake County's Jurisdiction and is classified as Rural Non-Critical and Classified as Non-Urban Water Supply Watershed within the General Classifications Map of the Wake County Land Use Plan. The Area to the north and west are within the City of Raleigh ETJ. The areas to the east of the railroad are within the Town of Garner ETJ and town limits.

## **Water Supply Watershed Protection Policies**

### **WATER QUALITY GOAL**

To maintain and enhance the quality of public water resources, allowing no further degradation of water quality, while allowing limited development in water supply watersheds.

Wake County protects water quality in water supply watersheds by applying land use and development regulations that are designed to keep impervious surface coverage low and to provide adequate infiltration of runoff water into the ground. They do so by limiting the density of residential development, limiting the impervious surface coverage of nonresidential development, requiring vegetated buffers along watercourses, limiting nonresidential land uses to those with characteristics less likely to adversely affect water quality, controlling the storage and use of hazardous materials, and applying design standards to minimize adverse water quality impacts. These land use and development regulations help to maintain water quality and direct more dense growth out of water supply watersheds and into the urbanizing areas.

The Swift Creek watershed, located in southern Wake County, is comprised of approximately 40,174 acres. Lakes Benson and Wheeler are the primary bodies of water within the Wake County Land Use that are classified as a Water Supply Watershed. Roughly 17,500 acres are within Wake County's jurisdiction.

### **Input from the Town of Garner**

Garner Town Council relinquished extraterritorial jurisdiction for the subject property at its March 6, 2017 meeting. The Town of Garner has stated that they have no plans to annex or provide town services in this area. The County has a period of 60 days to assign zoning to the relinquished parcels.

### **Input from Neighboring Property Owners**

Planning staff mailed out letters to owners of property being reclassified as well as adjacent property owners and also posted public meeting notice signs on Lake Wheeler Road, Inwood Road, and Inwood Forest Drive. The planning staff has received one phone call in response to those efforts to solicit neighborhood feedback.

### **Findings:**

1. The parcels were part of an ETJ granted by the Board of Commissioners to Garner in 1983.

2. The Swift Creek Land Management Plan was adopted in 1990, establishing water quality protection measures including restrictions on public utilities.
3. The Town of Garner relinquished jurisdiction of the subject property on March 7, 2017.
4. The Town of Garner has stated that they have no plans to annex or provide town services in this area.
5. The properties are surrounded by Raleigh ETJ, Garner ETJ and Town limits and Wake County jurisdiction.
6. The properties are located within the Rural Non Critical Area of the Swift Creek Land Management Plan.
7. In accordance with North Carolina General Statute 160A-360(f), the County has a period of 60 days to assign zoning to the relinquished property.

### **Recommendations**

Planning Staff recommended that the 69 parcels totaling 454 acres located along Inwood Road between Lake Wheeler Road and the Norfolk Southern Railroad line be reclassified from Town of Garner ETJ to Wake County's Non-Urban Water Supply Watershed on the Wake County Land Use Plan General Classifications Map.

Ms. Kreider made a motion to recommend approval of LUPA 01-17. Mr. Van Dyk seconded the motion. The motion passed unanimously.

### **7. ZP-894-17: To rezone an area consisting of approximately 454 acres consisting of 69 parcels from Town of Garner zoning districts R-40 (Residential-40), OI (Office and Institutional), and I-1 (Light Industrial) to Wake County zoning district R-40W (Residential 40 Watershed)**

Mr. Cook presented the staff report to the board.

**Request:** This request is to rezone an area consisting of approximately 454 acres consisting of 69 parcels from Town of Garner zoning districts R-40 (Residential-40), OI (Office and Institutional), and I-1 (Light Industrial) to Wake County zoning district R-40W (Residential 40 Watershed).

The Town of Garner has stated that they have no plans to annex this area. The Town utility extension policies do not allow municipal sewer and water services within a Water Supply Watershed unless a health and safety issue exists.

Garner Town Council relinquished extraterritorial jurisdiction for the subject property at its March 6, 2017 meeting. In accordance with General Statute 160A-360(f), the County has a period of 60 days to assign zoning to the relinquished parcels.

**Location:** The subject properties are located along Inwood Road between Lake Wheeler Road and the Norfolk Southern Railroad line.

**Current Zoning:** The current zoning of the subject properties is R-40 (Residential-40), OI (Office and Institutional), and I-1 (Light Industrial) (Town of Garner Zoning)

**Proposed Zoning:** Residential-40 Watershed District (R-40W)(Wake County Zoning)

**Existing Land Uses:** Residential single-family, North Carolina State Agricultural Research, and vacant / undeveloped.

**Petitioner:** Wake County

**Owner:** Multiple Owners

**Surrounding Land Uses and Zoning Districts**

Direction	Land Use	Zoning District
North	Agricultural, single-family residential	R-1 (Raleigh ETJ)
East	Undeveloped, commercial and manufactured home park	SB, RMH (Garner Corporate Limits and ETJ)
South	Vacant wooded, single-family residential	R-40W (Wake County)
West	Agricultural	R-1 (Raleigh ETJ)

**Land Use/Zoning History**

- 1970: General Wake County zoning was first applied to the area west and south of the subject property.
- 1983 Garner extraterritorial jurisdiction is established
- 1990: Wake County Board of Commissioners adopted the Swift Creek Land Management Plan

**Wake County Land Use Plan**

The subject site is located in the Swift Creek Watershed and is part of the Swift Creek Land Management Plan. The Swift Creek Land Management Plan identifies the area as non-critical rural area and open space which both allow for a maximum density of up to one dwelling unit per acre.

The proposed Residential-40 watershed district zoning (county zoning) allows for very-low density residential development with a minimum lot size of 40,000 square feet and a maximum density of one dwelling unit per acre. The proposed R-40 watershed district also allows for a limited number of nonresidential uses upon receiving a special use permit issued by the Board of Adjustment such as churches, schools, and daycares. The requested R-40 watershed district 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 the subject 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.

The proposed R-40 watershed district is consistent with Objective 9.a. of the Land Use Plan which strives to minimize pollutants from storm water runoff, protect drinking water, and protect water quality suitable for fishing, boating, and swimming by allowing only appropriate land uses and densities which meet or exceed applicable State water quality

guidelines. The requested rezoning is consistent with the density and allowed land uses 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 to Residential-40 Watershed 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.

### **Input from the Town of Garner**

Garner Town Council relinquished extraterritorial jurisdiction for the subject property at its March 6, 2017 meeting. The County has a period of 60 days to assign zoning to the relinquished parcels.

### **Input from Neighboring Property Owners**

Planning staff mailed out letters to owners of property being rezoned as well as adjacent property owners and also posted public meeting notice signs on Lake Wheeler Road, Inwood Road, and Inwood Forest Drive.

### **Utilities**

The subject property is located in the non-critical rural area and open space area of the Swift Creek Land Management Plan. The non-critical rural area prohibits the connection to municipal sewer unless it is necessary to protect public health in the event of a private system failure. The subject property will likely be developed with individual or community well and septic disposal systems.

### **Environmental Issues**

There is Federal Emergency Management Agency (FEMA) regulatory floodplain located on the subject site. There are also regulatory wetlands and Wake County flood hazard soils located on the site. 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 and permits.

### **Transportation**

The subject site has frontage along Lake Wheeler Road and Inwood Road. The segments of Lake Wheeler Road and Inwood Road that serve as frontage to the subject site are currently a 2-lane streets.

Any future redevelopment on the subject property 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).

### **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 development plan approval process.

### **Planning Staff Findings**

1. The proposed Residential-40 watershed 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-40 watershed density allows for one dwelling unit per acre, which complies with the Land Use Plan's designation of one dwelling unit per acre.
3. The proposed rezoning complies with Land Use Plan objective 9.a. which strives to minimize pollutants from storm water runoff, protect drinking water, and protect water quality suitable for fishing, boating, and swimming by allowing only appropriate land uses and densities which meet or exceed applicable State water quality guidelines.
4. A detailed site plan must be approved by the appropriate Wake County entity prior to future redevelopment.
5. Garner Town Council relinquished ETJ for the subject site at its March 6, 2017 meeting.
6. In accordance with North Carolina General Statute 160A-360(f), the County has a period of 60 days to assign zoning to the relinquished property.

### **Planning Staff Recommendation**

The planning staff recommends approval of the requested zoning map amendment, ZP-894-17, 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. Barron asked about the current uses on the properties. Mr. Cook said that the OI land is state agricultural land, including a dairy farm. The I-1 properties are vacant. There are no uses on the properties that would become nonconforming with the rezoning.

Mr. Van Dyk asked why the state land is being rezoned. Mr. Cook said that since Garner relinquished the land, the county has 60 days to rezone it or that land would have no zoning. He said that R-40 zoning is consistent with the Swift Creek Land Management Plan and the Wake County Land Use Plan. Mr. Van Dyk asked about applying the one unit per acre density in a location not far from downtown Raleigh. Mr. Coates said that the Swift Creek Land Management Plan, which was adopted by state statute, allows only one unit per acre.

Ms. Foxx made a motion in the matter of ZP-894-17 that the Board finds that the requested rezoning to R-40W is consistent with the Wake County Land Use Plan and Wake County Unified Development Ordinance because the rezoning is:

- a) consistent with the Wake County Land Use Plan's designated maximum residential density for this area of one dwelling unit per acre (R-40 watershed is also a maximum of one DU/acre);
- b) consistent with the permissible range of uses that are allowed throughout the Swift Creek Land Management Plan non-critical rural area, especially considering that most nonresidential uses would require a separate public hearing process for a Special Use Permit to ensure that their location and design is appropriate and will protect the public health, safety and general welfare;
- c) consistent with the land use plan's objective 9.a. which strives to minimize pollutants from storm water runoff, protect drinking water, and protect water quality suitable for fishing, boating, and swimming by allowing only appropriate land uses and densities which meet or exceed applicable State water quality guidelines;
- d) reasonable because it would allow for the same residential density and range of uses as would be permissible on all of the surrounding properties in this area;
- e) in the public interest because the future residential development of the site may meet a market need for additional housing opportunities;
- 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, the subsequent development will comply with county requirements regarding buffering, stormwater and erosion control, and protection of environmentally sensitive areas.

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

Mr. Feagan made a motion in the matter of ZP-894-17 that the Board finds that the requested rezoning to R-40W is consistent with the Wake County Land Use Plan and Wake County Unified Development Ordinance and is reasonable and in the public interest and made a motion to recommend approval of the proposed rezoning to R-40W to the Wake County Board of Commissioners. Mr. Barron seconded the motion. The motion passed unanimously.

**8. LUPA 02-17 - Amend the Wake County Land Use Plan General Classifications Map to reclassify 15 acres (one parcel) from Raleigh ETJ to Wake County Non-Urban Water Supply Watershed**

Mr. Coates presented the staff report to the board.

**Applicant:** Wake County Planning, Development, & Inspections

**Property Owner:** William & Isabella Long

**Request:** Amend the Wake County Land Use Plan General Classifications Map to reclassify **15** acres (one parcel) from Raleigh ETJ to Wake County Non-Urban Water Supply Watershed.

**Location:** The property is located at the stub connection at the end of Inwood Forest Drive.

**Current Classification:** Swift Creek Land Management Plan- Rural Classification & City of Raleigh ETJ.

**Proposed Classification:** Swift Creek Land Management Plan- Rural Classification & Wake County Non-Urban Water Supply Watershed.

### **Background**

The 15 acres were relinquished by City Council from Raleigh ETJ's on March 21, 2017 by resolution.

In the late 1980s and early 1990s, Wake County, Raleigh, Cary, Garner and Apex jointly developed (with the North Carolina Division of Water Quality) and adopted the Swift Creek Land Management Plan as a guide to managing development in the watersheds of Lake Wheeler and Lake Benson, so as to protect water quality in those existing or potential water supply reservoirs. The Wake County Board of Commissioners adopted the Swift Creek Land Management Plan on April 19, 1990.

Session Law 1998-192, adopted by the North Carolina General Assembly on October 22, 1998, prohibits Wake County (and other parties to the Plan) from adopting any development ordinance or granting any development permit that would be inconsistent with the standards and provisions of the Swift Creek Land Management Plan adopted April 19, 1990.

The parcel is currently zoned R-1 (Residential-1) with a Swift Creek Watershed Protection Overlay District by the City of Raleigh. The parcels are proposed to be zoned R-40W (Residential - one dwelling unit per acre) Watershed within Wake County's jurisdiction.

The City of Raleigh has stated that they have no plans to annex this area. The City of Raleigh utility extension policies do not allow municipal sewer and water services within a Water Supply Watershed unless a health and safety issue exists.

### **Analysis:**

#### **Wake County Land Use Plan**

The subject parcels are located in the Swift Creek Watershed and is part of the Swift Creek Land Management Plan. The Swift Creek Land Management Plan identifies the area as non-critical rural area and open space which both allow for a maximum density of up to one dwelling unit per acre.

The Rural Non-Critical Classification within the Swift Creek Land Management Plan would allow up to 1 dwelling unit per acre and have a 12% impervious surface limit, however it could rise up to 30% if the first ½" of rainfall runoff is retained. Municipal sewer is prohibited within the Rural Non-Critical Classification.

The Area to the south is within Wake County's Jurisdiction and is classified as Rural Non-Critical and Classified as Non-Urban Water Supply Watershed within the General Classifications Map of the Wake County Land Use Plan. The Area to the north and west are within the City of Raleigh ETJ. The areas to the east of the railroad are within the Town of Garner ETJ and town limits. Areas to the south were relinquished by the Town of Garner and are in the process of being classified and rezoned with Wake County.

## **Water Supply Watershed Protection Policies**

### **WATER QUALITY GOAL**

To maintain and enhance the quality of public water resources, allowing no further degradation of water quality, while allowing limited development in water supply watersheds.

Wake County protects water quality in water supply watersheds by applying land use and development regulations that are designed to keep impervious surface coverage low and to provide adequate infiltration of runoff water into the ground. They do so by limiting the density of residential development, limiting the impervious surface coverage of nonresidential development, requiring vegetated buffers along watercourses, limiting nonresidential land uses to those with characteristics less likely to adversely affect water quality, controlling the storage and use of hazardous materials, and applying design standards to minimize adverse water quality impacts. These land use and development regulations help to maintain water quality and direct more dense growth out of water supply watersheds and into the urbanizing areas.

The Swift Creek watershed, located in southern Wake County, is comprised of approximately 40,174 acres. Lakes Benson and Wheeler are the primary bodies of water within the Wake County Land Use Plan it is classified as a Water Supply Watershed. Roughly 17,500 acres are within Wake County's jurisdiction.

### **Input from the City of Raleigh**

City Council relinquished extraterritorial jurisdiction for the subject property at its March 21, 2017 meeting. The County has a period of 60 days to assign zoning to the relinquished parcels.

### **Input from Neighboring Property Owners**

Planning staff mailed out letters to owner of property being reclassified as well as adjacent property owners and posted public meeting notice signs on Inwood Forest Drive. The planning staff has received no phone calls or letters in response to those efforts to solicit neighborhood feedback.

### **Findings:**

1. The parcels were part of an ETJ granted by the Board of Commissioners to Raleigh in 1980.
2. The Swift Creek Land Management Plan was adopted in 1990, establishing water quality protection measures including restrictions on public utilities.
3. The City of Raleigh relinquished jurisdiction of the subject property on March 21, 2017.

4. The City of Raleigh has stated that they have no plans to annex or provide municipal services in this area.
5. The properties are surrounded by Raleigh ETJ, Garner ETJ and Town limits and Wake County jurisdiction.
6. The properties are located within the Rural Non Critical Area of the Swift Creek Land Management Plan.
7. In accordance with North Carolina General Statute 160A-360(f), the County has a period of 60 days to assign zoning to the relinquished property.

### **Recommendations**

Planning Staff recommends that the parcel totaling 15 acres located at the stub connection at the end of Inwood Forest Drive be reclassified from City of Raleigh ETJ to Wake County Non-Urban Water Supply Watershed on the Wake County Land Use Plan General Classifications Map.

Mr. Clark made a motion to recommend approval of LUPA 02-17. Ms. Kreider seconded the motion. The motion passed unanimously.

### **9. ZP-895-17 - To rezone an area consisting of approximately 15 acres from City of Raleigh zoning district R-1 (Residential-1) with a Swift Creek Watershed Protection Overlay to Wake County zoning district R-40W (Residential 40 Watershed)**

Mr. Cook presented the staff report to the board.

**Request:** This request is to rezone an area consisting of approximately 15 acres from City of Raleigh zoning district R-1 (Residential-1) with a Swift Creek Watershed Protection Overlay to Wake County zoning district R-40W (Residential 40 Watershed).

The City of Raleigh has stated that they have no plans to annex this area. The Town utility extension policies do not allow municipal sewer and water services within a Water Supply Watershed unless a health and safety issue exists.

Raleigh City Council relinquished extraterritorial jurisdiction for the subject property at its March 21, 2017 meeting. In accordance with General Statute 160A-360(f), the County has a period of 60 days to assign zoning to the relinquished parcels.

**Location:** The property is located at the stub connection at the end of Inwood Forest Drive.

**Current Zoning:** Residential-1 (R-1) with a Swift Creek Watershed Protection Overlay District (City of Raleigh Zoning)

**Proposed Zoning:** Residential-40 Watershed District (R-40W)(Wake County Zoning)

**Existing Land Uses:** Vacant wooded

**Petitioner:** Wake County

**Owner:** William & Isabella Long

**PIN Number:** 0791883169

### **Surrounding Land Uses and Zoning Districts**

<b>Direction</b>	<b>Land Use</b>	<b>Zoning District</b>
North	Agricultural & wooded	R-1 (Raleigh)
East	Vacant Wooded	SB (Garner)
South	Single-family residential	R-40 (Garner)
West	Vacant wooded, single-family residential	R-40 (Garner) & R-1 (Raleigh)

### **Land Use/Zoning History**

- 1970: General Wake County zoning was first applied to the area west and south of the subject property
- 1980: City of Raleigh extraterritorial jurisdiction established
- 1990: Wake County Board of Commissioners adopted the Swift Creek Land Management Plan

### **Wake County Land Use Plan**

The subject site is located in the Swift Creek Watershed and is part of the Swift Creek Land Management Plan. The Swift Creek Land Management Plan identifies the area as a non-critical rural area which allows for a maximum density of up to one dwelling unit per acre.

The proposed Residential-40 watershed district zoning allows for very-low density residential development with a minimum lot size of 40,000 square feet and a maximum density of one dwelling unit per acre. The proposed R-40 watershed district also allows for a limited number of nonresidential uses upon receiving a special use permit issued by the Board of Adjustment such as churches, schools, and daycares. The requested R-40 watershed district 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 the subject 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.

The proposed R-40 watershed district is consistent with Objective 9.a. of the Land Use Plan which strives to minimize pollutants from storm water runoff, protect drinking water, and protect water quality suitable for fishing, boating, and swimming by allowing only appropriate land uses and densities which meet or exceed applicable State water quality guidelines. The requested rezoning is consistent with the density and allowed land uses 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 to Residential-40 Watershed 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.

### **Input from the City of Raleigh**

Raleigh City Council relinquished extraterritorial jurisdiction for the subject property at its March 21, 2017 meeting. The County has a period of 60 days to assign zoning to the relinquished parcels.

### **Input from Neighboring Property Owners**

Planning staff mailed out letters to adjacent property owners and also posted a public meeting notice sign at the end of Inwood Forest Drive.

### **Utilities**

The subject property is located in the non-critical rural area of the Swift Creek Land Management Plan. The non-critical rural area prohibits the connection to municipal sewer unless it is necessary to protect public health in the event of a private system failure. The subject property will likely be developed with individual or community well and septic disposal systems.

### **Environmental Issues**

A small portion of the northwest corner of the subject property contains Wake County flood hazard soils and a 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 and permits.

### **Transportation**

The subject site has a stub connection to Inwood Forest Drive. The segment of Inwood Forest Drive that serves as frontage to the subject site is currently a 60 foot public right-of-way.

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).

### **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 development plan approval process.

### **Planning Staff Findings**

1. The proposed Residential-40 watershed 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-40 watershed density allows for one dwelling unit per acre, which complies with the Land Use Plan's designation of one dwelling unit per acre.
3. The proposed rezoning complies with Land Use Plan objective 9.a. which strives to minimize pollutants from storm water runoff, protect drinking water, and protect water quality suitable for fishing, boating, and swimming by allowing only appropriate land uses and densities which meet or exceed applicable State water quality guidelines.
4. A detailed site plan must be approved by the appropriate Wake County entity prior to future redevelopment.
5. Raleigh City Council relinquished ETJ for the subject site at its March 21, 2017 meeting.
6. In accordance with North Carolina General Statute 160A-360(f), the County has a period of 60 days to assign zoning to the relinquished property.

### **Planning Staff Recommendation**

The planning staff recommends approval of the requested zoning map amendment, ZP-895-17, 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. Van Dyk voiced support for preserving some of the open space in the area, particularly the farm land.

Mr. Barron made a motion in the matter of ZP-895-17 that the Board finds that the requested rezoning to R-40W is consistent with the Wake County Land Use Plan and Wake County Unified Development Ordinance because the rezoning is:

- a) consistent with the Wake County Land Use Plan's designated maximum residential density for this area of one dwelling unit per acre (R-40 watershed is also a maximum of one DU/acre);
- b) consistent with the permissible range of uses that are allowed throughout the Swift Creek Land Management Plan non-critical rural area, especially considering that most nonresidential uses would require a separate public hearing process for a Special Use Permit to ensure that their location and design is appropriate and will protect the public health, safety and general welfare;
- c) consistent with the land use plan's objective 9.a. which strives to minimize pollutants from storm water runoff, protect drinking water, and protect water quality suitable for fishing, boating, and swimming by allowing only appropriate land uses and densities which meet or exceed applicable State water quality guidelines;
- d) reasonable because it would allow for the same residential density and range of uses as would be permissible on all of the surrounding properties in this area;
- e) in the public interest because the future residential development of the site may meet a market need for additional housing opportunities;

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, the subsequent development will comply with county requirements regarding buffering, stormwater and erosion control, and protection of environmentally sensitive areas.

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

Mr. Wells made a motion in the matter of ZP-895-17 that the Board finds that the requested rezoning to R-40W is consistent with the Wake County Land Use Plan and Wake County Unified Development Ordinance and is reasonable and in the public interest and made a motion to recommend approval of the proposed rezoning to R-40W to the Wake County Board of Commissioners. Mr. Clark seconded the motion. The motion passed unanimously.

**10. Reports** – There were no reports.

**11. Planning, Development, and Inspections Report** – Ms. Peterson reported that a UDO amendment crafted by staff, the board, and the Advocates for Health in Action involving farmers markets and local agricultural markets received an award from the City of Raleigh.

Mr. Finn reported to the board regarding recent development trends.

**12. Chairman's Report** – Mr. Swanstrom reported to the board regarding a Board of Commissioners hearing regarding a rezoning near the Wake County/Johnston County line. He also reported that the Transit Planning Advisory Committee developed their work plan for the 2018 fiscal year.

**13. Discussion Regarding the Board's Role and Priorities** – Mr. Wells suggested that the board discuss the board's priorities, how it relates to the Board of Commissioners, and what it could do better. After discussion, Mr. Swanstrom appointed a select committee comprised of Mr. Wells, Ms. Foxx, and Mr. Barron to create an agenda for the board to tackle in the near future.

**14. Adjournment** – With no other business, the meeting was adjourned at 2:51 p.m.