



Wake County Planning Board Meeting Agenda

Wednesday, May 5, 2021 – 1:30 p.m.
Online Meeting via WebEx

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1. Call to Order – Mr. Amos Clark, Chair
 2. Petitions and Amendments
 3. Approval of Minutes from April 7, 2021
 4. Rezoning Request PLG-RZ-001350-2019: Request to rezone 10.09 acres in eastern Wake County from R-30 to R-10
 5. Ordinance Amendment OA-01-21: Incorporate legislative changes to Chapter 160D of the N.C. General Statutes into the Unified Development Ordinance
 6. Reports
 - Committee Reports
 - Staff Reports
 7. Chairman's Report
 8. Adjournment

PUBLIC COMMENTS: Members of the public with comments on any of the agenda items, may sign up **by 1:00 p.m. on Wednesday, May 5.**

- For LIVE, AUDIO comments: Signup sheet here:
<https://gcc02.safelinks.protection.outlook.com/?url=https%3A%2F%2Fdocs.google.com%2Fspreadsheets%2Fd%2F1m6QvMYuRaqKkFfNPQ291XuJ0JchNySD6Gx5-e7s28lQ%2Fedit%23gid%3D0&data=04%7C01%7C1alston%40wakegov.com%7Ce6ef27e142304254af3508d905c1724c%7Cc5a412d13abf43a48c5b4a53a6cc0f2f%7C0%7C0%7C637547150675872330%7CUnknown%7CTWFpbGZsb3d8eyJWljiMC4wLjAwMDAiLCJQIjoiV2luMzliLCJBTil6lk1haWwiLCJXVCi6Mn0%3D%7C1000&sdata=DNuVS7Q3VPml%2Bvi2LjcTRrG935UfDBGLXgBi%2B54UzPg%3D&reserved=0>
- For WRITTEN comments: Email comments to cs.adminstaff@wakegov.com. You must include your name, address, and phone number. All comments should be limited to 500 words. Comments will be summarized during the meeting but provided in full as part of the meeting minutes.



Planning, Development & Inspections

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MINUTES OF REGULAR MEETING

Wake County Planning Board

Wednesday May 5, 2021, 1:30 p.m.

Online Meeting via WebEx

Members Present: (9) Mr. Amos Clark (Chair), Mr. Asa Fleming (Vice-Chair), Mr. Jason Barron, Ms. Brenna Booker-Rouse, Ms. Meredith Crawford, Mr. Bill Jenkins, Mr. Ted Van Dyk, Mr. Thomas Wells, Mr. Tony Yao

Members Absent: (1) Mr. Daniel Kadis

Participating County Staff: ((5) Mrs. Loretta Alston (Clerk to the Board), Mr. Steven Finn (Land Development Administrator), Mr. Keith Lankford (Planner III), Mr. Tim Maloney (Planning, Development, Inspections Director),), Ms. Sharon Peterson (Long Range Planning Administrator),

County Attorney: (1) Mr. Kenneth Murphy (Senior Assistant County Attorney)

Guests: (4) Mr. Andrew Petesch (Applicant, Petesch Law), Mr. Richard Stockett (Developer/Owner of Hughes Development LLC), Mr. Nate Bouquin (Ramey Kemp & Associates), Mr. Larry Stewart (Attendee)

1. **Meeting Called to Order:** Mr. Clark called the Planning Board meeting to order at 1:30 p.m.
2. **Petitions and Amendments:** None
3. **Approval of Minutes from April 7, 2021:** Motion to approve the minutes from April 7, 2021 was made by Mr. Wells and seconded by Mr. Jenkins. The minutes were unanimously approved.
4. **Rezoning Request PLG-RZ-001350-2019:**
Mr. Keith Lankford presented a proposed zoning map amendment to rezone 10.08-acre parcel located at 900 Knotts Hill Place from Residential-30 (R-30) to Conditional Use Residential-10 (CU-R-10), allowing construction of up to 40 single-family homes.

Mr. Lankford provided a brief history of the land use for the location, including (which is located at the northern end of Knotts Hill Place and at the eastern end of Rutledgeville Lane) aerial and zoning maps of the parcel, while detailing the surrounding land uses and zoning districts. The petitioner voluntarily provided a condition that prohibits any road connection to Knotts Hill Place "which will allow the natural buffer on either side of the perennial stream to be preserved and protected."

Mr. Lankford reminded the Board that the Land Use Plan amendment leading to this rezoning received a favorable vote at its April 7th meeting and is consistent with the amended Land Use Plan.

The petitioner has complied with the four applicable goals of the Wake County Land Use Plan, and two of the applicable goals of the East Raleigh/Knightdale Area Land Use Plan.

Wake County and the Town of Knightdale planning staffs held discussions and it is noted that the Town of Knightdale indicated that this request would be inconsistent with their comprehensive plan. Other outreach to the public included four neighborhood meetings in 2019 and 2020 held by the petitioner to discuss the proposed rezoning and subsequent development. County Planning staff sent 245 notification letters to property owners within 1,000 feet of the subject property and posted two signs at the site. Mr. Lankford stated that he has only received one phone call of general inquiry; no opposition has been noted.

Mr. Lankford cited the following points for consideration of this request, and for these reasons the proposed rezoning and proposed uses are reasonable and in the public interest:

- The environmentally sensitive area along the stream between the subject property and the Huntsboro subdivision to the south will be preserved and protected (with a condition of no road connection to Knotts Hill Place).
- The site will be served with available capacity in the community water and wastewater system that serves the adjacent Rutledge Landing development.
- A detailed traffic assessment statement was performed and found that the traffic from these 40 new homes would have minimal impact on the area roadways.
- The proposed development is comparable to existing surrounding developments.

Planning Staff Findings

1. The proposed CU-R-10, the stated proposed use, and the permissible range of uses are consistent with the Land Use Plan and are reasonable and appropriate for the area.
2. The proposed rezoning complies with the applicable goals of the Wake County Land Use Plan and two of the applicable goals of the East Raleigh/Knightdale Area Land Use Plan.
3. A detailed traffic assessment statement indicated that the proposed 40-lot development would have minimal impacts on the studied intersections.
4. A detailed subdivision plan must be approved by the appropriate county and state agencies prior to future development on the subject property to ensure compliance with all applicable regulations.
5. The Town of Knightdale's planning staff has indicated that the requested rezoning is inconsistent with their comprehensive plan.
6. The Wake County planning staff has received no objections from the surrounding property owners or from the public.

Planning Staff Recommendation

Planning staff recommends that the Planning Board:

1. Adopts the drafted statement of consistency with the Land Use Plan, reasonableness, and public interest; and
2. Recommends to the Board of Commissioners that they approve the rezoning petition, PLG-RZ-001350-2019, as presented.

Mr. Van Dyk asked staff what the Town of Knightdale deemed inconsistent with their Comprehensive Plan. Mr. Lankford stated that the area was currently planned to be a rural, lower density development. Ms. Peterson added that per discussion with the Town of Knightdale, the designation for that area is rural transition, and urban growth is untimely due to the lack of access to public water and sewage lines. Mr. Lankford clarified that they are not necessarily opposed to the rezoning, only stating that it is not consistent with their current plan.

Presentation from the Applicant

Mr. Andy Petesch, introduced himself on behalf of the applicant, and introduced Mr. Richard Stockett of Hughes Development LLC (developer of the property) and Mr. Nate Bouquin (Ramey Kemp traffic engineer). Mr. Petesch began by addressing the inconsistency with the Knightdale Comprehensive Plan and indicated that the Town expressed concerns that they cannot provide supportive services in the area required of higher density infrastructure. Mr. Petesch stated that there are supportive services through the neighboring community wastewater system.

Mr. Petesch shared early conceptual plans for the subdivision from 2019 containing 38 and 40 lots, and again reiterated that there will be no access from Knotts Hill Place. Current plans show 36-37 lots, matching the density of the neighboring subdivision, Rutledge Landing, and it will provide connectivity to Rutledgeville Lane and potentially to the community activity center on Smithfield and Poole Road. There will be a retained 25-foot wooded buffer area between the subdivision and the subdivision to the south.

Board Discussion

Mr. Clark opened the floor for Board discussion at 1:54pm.

Mr. Barron asked Mr. Petesch if he had knowledge of what development density the 'rural transition' designation by Knightdale would allow. Mr. Petesch replied that he did not but had included the Knightdale playbook approach as Exhibit B in the application if the Board had further interest. Ms. Peterson also shared the weblink to the Knightdale Comprehensive Plan.

Public Comments

Mr. Clark opened the floor for public comments at 2:07pm. There being no comments or discussion, Mr. Clark asked for a motion.

Motion for Consistency

In the matter of PLG-ZP-001350-2019, Mr. Barron moved that the Planning Board offers to the Wake County Board of Commissioners the following recommended statement of consistency with the Wake County Land Use Plan, reasonableness, and public interest:

- 1) The Board finds that the requested rezoning to Conditional Use-Residential-10, the stated proposed use, and the permissible range of uses are:
 - a) Consistent with the Land Use Plan (if the pending Land Use Plan Amendment, PLG-LUPA-01-21, is approved), is reasonable and appropriate for the area.
 - b) Consistent with the four applicable goals of the Land Use Plan, specifically:
 - i) To encourage growth close to municipalities, to take advantage of existing and planned infrastructure, such as transportation, water and sewer facilities.
 - ii) To encourage the development of communities which provide adequate land for anticipated demands, in a pattern which allows a mixture of uses.
 - iii) To ensure that the land use plan and transportation plan mutually support each other.
 - iv) To ensure that the County always protects the property rights of landowners.
 - c) Consistent with two applicable goals of the East Raleigh/Knightdale Area Land Use Plan, specifically:

- i) Encourage growth that will take advantage of existing and planned infrastructure so that municipalities are able to provide basic public services in accordance with their adopted plans.
 - ii) Focus compact development in mixed-use activity centers that include housing, commercial services and employment opportunities designed with convenient pedestrian and vehicular access from surrounding development areas.
- d) Reasonable, and in the public interest because it would allow for subsequent development that would:
- i) Meet an “ongoing market need for housing”, which is “generally accepted as a public necessity”.
 - ii) Will benefit adjacent and surrounding properties by prohibiting access through the Huntsboro Subdivision, which allows for the preservation of an environmentally sensitive natural area and providing a buffer along the lower-density Huntsboro subdivision.
 - iii) Extend a neighboring road through their property which will allow for further road extension/connection that provides for more efficient movement of traffic, dispersion of traffic, and routing of emergency response vehicles.
 - iv) Better utilize existing water and sewer capacity without directly impacting the capacity of public water and sewer services.
 - v) Have minimal impact on the area road network and studied intersections.

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

- e) Reasonable, and in the public interest because various provisions in the Wake County The Unified Development Ordinance and the established development review process with outside agencies such as the North Carolina Department of Transportation and other county departments, will ensure that there are no significant adverse impacts on the public health, safety and general welfare. For example, there are no significant traffic issues on the adjacent roadways, the subsequent development will comply with county requirements regarding buffering, stormwater and erosion control, and protection of environmentally sensitive areas.

The motion was seconded by Mr. Van Dyk and passed unanimously by the Board.

Motion for Approval

In the matter of PLG-RZ-001350-2019, Mr. Barron moved that the Planning Board offers to the Wake County Board of Commissioners a recommendation for approval of the rezoning request as presented. The motion was seconded by Mr. Wells and passed unanimously by the Board.

5. Ordinance Amendment OA-01-21

Ms. Celena Everette gave a brief presentation on the request to amend the Wake County Unified Development Ordinance (UDO) to be consistent with Chapter 160D of the N.C. General Statutes.

Ms. Everette gave a brief background of Chapter 160D, which was initially adopted by the General Assembly on July 11, 2019, and was amended with an effective date of July 1, 2021, clarified amendments, and incorporated minor changes.

Overview of text amendments of the Wake County UDO were presented:

1. Update references in G.S. Chapter 153A to indicate relevant provision in Chapter 160D.
2. Align ordinance with Chapter 160D terminology for conditional zoning and dwelling; and remove the term “special exception” and “conditional use district zoning”.
3. Clarify enforcement sections in the ordinance to comply with Chapter 160D.
4. Clarify permits exemption and validity of permits.

Planning Staff Findings

1. The proposed amendments will be consistent with and further the goals, policies, and objectives of the Wake County Comprehensive Plan and Unified Development Ordinance.
2. The proposed amendments will further the purposes of the Unified Development Ordinance and other ordinances and actions designed to implement the Comprehensive Plan.
3. The proposed amendments will align with the requirements of Session Law 2019-111, Chapter 160D.

Planning Staff Recommendation

Planning staff recommends that the Planning Board:

1. Recommend that the Board of Commissioners adopt the statement of consistency for Ordinance Amendment 01-21 as presented; and
2. Recommend that the Board of Commissioners adopts Ordinance Amendment 01-21 as presented.

Public Comments

Mr. Clark opened the floor for public comments at 2:22pm. There being no comments or discussion, Mr. Clark opened the floor for board discussion.

Board Discussion

Mr. Wells, Chair of the Code and Ops Committee, reported that the committee heard a similar presentation and determined that the amendments were straightforward in that the UDO changes align with legislative changes. The committee recommended the item for consideration of the full Board.

There being no further comments, Mr. Clark asked the Board to entertain a motion.

Motion for Consistency

In the matter of OA-01-21, Mr. Wells moved that the Planning Board adopt and offer to the Board of Commissioners the following recommended statement finding that the proposed text amendment is consistent with the Wake County Comprehensive Plan and Wake County Unified Development Ordinance:

- 1) The Planning Board finds that this proposed text amendment is consistent with the Wake County Comprehensive Plan and Wake County Unified Development Ordinance because the purpose of the Wake County Comprehensive Plan, and of the Unified Development Ordinance as seen in Article 1-11, is to promote a guide for the physical development of the County, preserve and enhance the overall quality of life of residents, and establish clear and efficient development review procedures. These purposes are advanced by text amendments to various section of the Wake County Unified Development Ordinance by updating applicable references, clarification of enforcement process and validity of permits that will align with applicable legislative rules updates.

- 2) The Planning Board finds that this proposed text amendment is reasonable and in the public interest because it will update the Wake County Unified Development Ordinance to be consistent with Chapter 160D, Session Law 2019-111 modifications.

The motion was seconded by Ms. Crawford and passed unanimously by the Board.

Motion for Approval

In the matter of OA-01-21, Mr. Wells moved that the Board finds that the adoption of the text amendment is consistent with the Wake County Comprehensive Plan and Wake County Unified Development Ordinance and is reasonable and in the public interest and here by make a motion to recommend approval of the proposed text amendment to the Wake County Board of Commissioners. The motion was seconded by Ms. Crawford and passed unanimously by the Board.

6. Committee Reports

There were no committee reports.

Mr. Van Dyk was excused from the meeting at 2:27pm.

Staff Reports

Mr. Maloney informed the Board that the following three items will be considered by the Board of Commissioners at their meeting next meeting on June 21, 2021 at 2:00pm. This will be an in-person meeting, and Mr. Maloney requested that either the Chair or Vice Chair attend.

- Rezoning Request PLG-RZ-001350-2019
- Land Use Plan Amendment PLG-LUPA-01-21
- UDO Ordinance Amendment OA-01-21

Mr. Maloney spoke briefly about the next steps for PLANWake, and that is coordinating a work plan that will detail work tasks, a timetable, and a strategy for completing all of the items and policies that are cascading from the plan into our UDO, special area plans, and land use policies. Mr. Maloney plans to share those work plans with the Board at the June meeting and how the Board and the Committees will be engaged with these next steps.

Ms. Peterson informed the Board the state's 2020 census count for population apportionment was announced last week, and North Carolina gained a new congressional seat. County-level data for the 2020 census will not be available until September, but the Census Bureau released county population estimates resulting from another report. Wake County remains the most populous county in North Carolina, the 40th most populous county in the nation, and continues to be the third fastest growing county with a population of at least one million people. Staff will update the Board as more information from the Census Bureau becomes available.

Mr. Finn noted that zoning enforcement, Freedom of Information Act requests, and minor or exempt plat submittals continue to trend upward. He specified this morning eight applications were received in the portal. In response to a question from Mr. Barron, Mr. Finn stated that the trend of complaints was driven by apparent neighbor disputes versus ongoing urbanization where nearby uses in municipalities conflict with County zoning standards. He added that the relevant policies were passive code enforcement responding to calls and a goal of compliance. He further indicated that we have not had an increase in any court cases that generally occur about two percent of the time when complaints are received.

7. Chairman's Report

Mr. Clark spoke briefly about the Board returning to in-person meetings. Having polled the Board, the desire to return to in-person meetings was not unanimous. Mr. Maloney clarified that the Board of Commissioners will be returning to in-person meetings beginning June 7th. Some measures that are in place in the board chambers include plexiglass barriers between board member seats, measures related to audience seating, rotating staff speakers, verbal attestations to being symptom-free, temperature checks, and wearing masks.

Mr. Murphy stated that the ability for this board to conduct remote hearings is only effective when there is a declared state of emergency by the Governor. Once the Governor rescinds his state of emergency declaration, the authorization ceases.

Mr. Clark agreed that if a meeting is planned to be informational only, without public participation, the Board would continue to meet virtually, with tentative plans to return to in-person meetings in July or August.

8. Adjournment

The meeting was adjourned at 2:47 p.m.

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REGULAR MEETING
WAKE COUNTY PLANNING BOARD
May 5, 2021

Chair Amos Clark declared the regular meeting
of the Wake County Planning Board for
Wednesday, May 5, 2021 adjourned at 2:47 p.m.

Respectfully Submitted:

Amos Clark
Wake County Planning Board

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