

## **MINUTES**

**Wake County Planning Board  
Wednesday, May 18, 2016  
1:30 P.M., Room 2700  
Wake County Justice Center  
301 S. McDowell St.  
Raleigh, N.C.**

**Members Present (8):** Mr. Phil Feagan, Mr. Thomas Wells, Mr. Asa Fleming, Ms. Tara Kreider, Mr. Alan Swanstrom, Mr. Jason Barron, Mr. Amos Clark, and Ms. Ashley Foxx

**Members Not Present (2):** Mr. Wayne Maiorano and Mr. Ted Van Dyk

**Staff Members Present (7):** Mr. Steven Finn (Land Development Administrator), Mr. Bryan Coates (Planner III), Ms. Sharon Peterson (Long Range Planning Administrator), Mr. Keith Lankford (Planner III), Mr. Tim Gardiner (Planner III), Mr. Andy Kuhn (Executive Assistant), and Mr. Russ O'Melia (Clerk to the Board)

**County Attorney Present (1):** Mr. Kenneth Murphy

**5. ZP-888-15: To rezone a 7.16-acre parcel located at the northwestern corner of the intersection of South Smithfield Road and Poole Road (4040 South Smithfield Road) from Residential-30 to Conditional Use-Heavy Commercial**

Mr. Barron recused himself from consideration of the case due to a conflict, and he exited the meeting room.

Mr. Lankford presented the staff report to the board.

Mr. Michael Birch of Morningstar Law Group came forward to address the board representing Eric and Kurt Regensberger who have the property under contract. He said that the property has been designated and planned for commercial uses for over fifteen years. The request is consistent with the East Raleigh/Knightdale Area Land Use Plan and its designation of the site as being in a Community Activity Center. The request is consistent with the goals of the Land Use Plan, and it is compatible with the surrounding zoning and uses. The site is at the intersection of two major thoroughfares that are planned for significant right-of-way dedication and construction improvements. Mr. Birch noted that the proposed restrictions on lighting make it compatible with surrounding properties. He said that they had a neighborhood meeting that was attended by three residents to the south. Mr. Birch said that the three residents did not want the site to drain to the south of Poole Road, which Mr. Birch said it would not. He said that the site is not within the Town of Knightdale's planning jurisdiction. Mr. Birch noted that Knightdale is calling for commercial uses in the area, but the inconsistency between Knightdale's plan and the proposal lies in the type, form, and intensity of the commercial uses. Regarding the two phone calls that staff received from the property

owners to the north, Mr. Birch noted that the UDO would require a 40-foot buffer along the north side of the property, and there are existing trees in the area.

Mr. Jason Brown, Senior Planner for the Town of Knightdale, came forward to address the board. He said that the request is inconsistent with Knightdale's Comprehensive Plan. A neighborhood mixed use design district would be more compatible with Knightdale's plan than a Heavy Commercial use. Mr. Brown said that if a water connection was requested, the applicant would need to request annexation into the Town of Knightdale; in that case they would need to develop according to the Town of Knightdale's standards.

Mr. Wells asked Mr. Brown what is allowed in the neighborhood mixed use district. Mr. Brown answered that some uses in that district include single-family homes, duplexes, townhomes, lodging, office uses, medical services, retail uses, and some entertainment/recreation uses. Self-storage facilities are not allowed. Mr. Wells asked about sewer in the area. Mr. Brown said that he could not say when sewer would be available in the area. Mr. Birch noted that many of the uses that are allowed in the Town of Knightdale's neighborhood mixed use district are also allowed in the zoning proposed in the request.

Mr. Swanstrom asked about why the activity center has the boundaries that it does. Mr. Lankford explained the history of the Planning staff converting the circle-based activity centers to parcel-based activity centers and how certain parcels were added to the activity center when the uses were compatible with activity center designation. Mr. Coates provided details regarding the three different types of activity centers in Wake County.

Mr. Feagan asked whether the Captain Bailey Williamston house (circa 1850) being near the site triggers any review from other agencies. Mr. Lankford said that the house is not eligible for national registry consideration. Mr. Coates said that the house is not in the county's historic preservation program, and it is not a historic landmark.

Mr. Clark asked if there is a County zoning designation that is consistent with both self-storage and what residential uses Knightdale envisions for the area. Mr. Lankford said that generally the residential uses are not allowable uses within the County's commercial zoning districts.

Mr. Wells made a motion in the matter of ZP-888-15 that the Planning Board offers to the Wake County Board of Commissioners the following recommended statement of consistency, reasonableness, and public interest:

- 1) The Board finds that the requested rezoning to Conditional Use—Heavy Commercial, the stated proposed use, and the permissible range of uses are:
  - a) consistent with the Land Use Plan's designation of this area as a Community Activity Center, is reasonable and appropriate for the area;

- b) consistent with the Community Activity Center designation which is intended for moderate-scale mixed-use development that allows for a combination of retail, personal services, civic, educational, and social uses that serve the needs of the surrounding neighborhoods;
- c) consistent with two of the stated goals of the Land Use Plan, more specifically:
  - i) Goal # 2--to encourage growth close to municipalities, to take advantage of existing and planned infrastructure, such as transportation, water and sewer facilities;
  - ii) Goal # 3--to encourage the development of communities which provide adequate land for anticipated demands, in a pattern which allows a mixture of uses;
- d) consistent with three of the stated goals of the East Raleigh/Knightdale Area Land Use Plan, more specifically:
  - i) Goal # 2-- Encourage growth that will take advantage of existing and planned infrastructure so that municipalities are able to provide basic public services in accordance with their adopted plans;
  - ii) Goal # 3-- Focus compact development in mixed-use activity centers that include housing, commercial services and employment opportunities designed with convenient pedestrian and vehicular access from surrounding development areas; and
  - iii) Goal # 5-- Ensure that the East Raleigh-Knightdale Area Land Use Plan takes advantage of, and reflects, the Capital Area's Transportation Plan
- e) reasonable, and in the public interest because it would allow for subsequent development that would:
  - i) prohibit land uses that are incompatible with nearby residential uses and by limiting lighting impacts;
  - ii) permit uses compatible with the surrounding neighborhood and adjacent properties;
  - iii) meet a demand for the types of uses and services permitted by the proposed rezoning;
  - iv) provide uses and services that can serve as amenities for surrounding neighborhoods, which benefits the surrounding neighborhoods;
  - v) permit commercial uses within proximity to residential uses, thereby reducing the potential vehicle-miles-traveled for surrounding residents to access goods and services;
  - vi) not adversely impact adjacent properties from a stormwater perspective.

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

- f) reasonable, and in the public interest because various provisions in the Wake County Unified Development Ordinance and the established development review

process with outside agencies such as the North Carolina Department of Transportation and other county departments, will ensure that there are no significant adverse impacts on the public health, safety and general welfare. For example, there are no significant traffic issues on the adjacent roadways, the subsequent development will comply with county requirements regarding buffering, stormwater and erosion control, and protection of environmentally sensitive areas.

Ms. Foxx seconded the motion. By a vote of 7-0, the motion passed.

Ms. Foxx made a motion in the matter of ZP-888-15 that the Planning Board offers to the Wake County Board of Commissioners a recommendation for approval of the rezoning request as presented. Mr. Clark seconded the motion. By a vote of 7-0, the motion passed.