

## **MINUTES**

**Wake County Planning Board  
Wednesday, September 7, 2016  
1:30 P.M., Room 2700  
Wake County Justice Center  
301 S. McDowell St.  
Raleigh, N.C.**

**Members Present (9):** Mr. Thomas Wells, Mr. Asa Fleming, Ms. Tara Kreider, Mr. Alan Swanstrom, Mr. Amos Clark, Mr. Wayne Maiorano, Mr. Jason Barron, Mr. Ted Van Dyk, and Ms. Ashley Foxx

**Members Not Present (1):** Mr. Phil Feagan

**Staff Members Present (5):** Mr. Steven Finn (Land Development Administrator), Mr. Bryan Coates (Planner III), Ms. Sharon Peterson (Long Range Planning Administrator), Mr. Tim Maloney (Planning, Development & Inspections 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 1:31 p.m.

**2. Petitions and Amendments** – Mr. Swanstrom said that he would begin a discussion with the board regarding transportation planning during the chairman's report.

**3. Approval of Minutes of the August 3, 2016 Planning Board Meeting** – Mr. Maiorano made a motion to approve the minutes from the August 3, 2016 meeting. Mr. Barron seconded the motion. The motion passed unanimously.

**4. LUPA 03-16: Land Use Plan Amendment to Amend the Wake County Land Use Plan Southwest Area Plan to expand the existing 95-acre Community Activity Center (CAC) to include an additional 5.5 acres near the intersection of Wade Drive and NC 55**

Mr. Coates presented the staff report to the board.

**Location:** This map amendment would apply to the parcels identified by PIN (0733659170) located in the Town of Cary Short-Range Urban Services Area within Jordan Lake Water Supply Watershed.

### **Background**

Public water utilities from Cary exist along NC 55 within the CAC, municipal sewer is located north of the CAC at the Turner Creek Elementary and east of the CAC in nearby residential neighborhoods. The Town of Apex provides sewer along Jenks Road at the southern end of the CAC.

The Southwest Area Land Use Plan classifies the subject parcel as Residential (1 dwelling unit per acre). The property resides to the north of the existing CAC. The Land Use Plan recommends the following non-residential uses outside of activity centers: home occupations, daycare, parks, low intensity recreation, libraries, schools, churches, fire

stations, nurseries, family care homes and telecommunication towers provided they meet County policies and standards.

### **Adjacent Land Uses**

The CAC currently contains residences, forests, vacant land, a church, sod/landscaping business, and indoor/outdoor storage facility. Wake County's Turner Creek Elementary School lies to the north in the Town of Cary. South of the CAC within the Town of Apex there is a grocery-anchored retail center and a Walgreens at the intersection with Jenks Road and NC 55.

All parcels within the current CAC are R40W, HD (Highway District), and CU-HC (Conditional Use-Heavy Commercial). The applicant's parcel is currently zoned HD. It is important to note that this area is within the Jordan Lake Water Supply Watershed; however the parcels can be annexed and developed to municipal standards unlike other Water Supply Watersheds within Wake County.

### **Analysis:**

To evaluate the Land Use Plan amendment request, planning staff gathered and reviewed applicable plans and policies adopted by Wake County. Staff also gathered input from the Town of Cary Planning Department.

### **Wake County Land Use Plan- Community Activity Center General Guidelines**

*The goal of activity centers is to focus compact development in mixed use centers that include housing, commercial services and employment opportunities designed with convenient pedestrian and vehicular access from surrounding areas. Land Use Plan Amendment 03-16 requests expansion of a community activity center in an urban growth area. A description of a urban community activity center follows;*

Urban Community Activity Center	Combination of retail and personal services, and local job base; moderate-scale urban commercial, office, institutional, industrial, and residential land uses. Accessed by major thoroughfares and public transportation, served by municipal water and sewer. A community activity center should have a core containing relatively medium-scale development that focuses on serving the day-to-day needs and activities of the core area occupants as well as the greater needs and activities of the populations of adjacent neighborhoods. In a community activity center, the mix of moderate-scale urban commercial, office, institutional, industrial, and residential land uses may include: grocery store, drug store, specialty shop, hotel/motel, restaurant, movie theater, medical or dental practice, offices, legal services, elementary or middle school, large day care center, church, community recreation, library, warehousing,
---------------------------------	--

	community distribution centers, post office, community center, government service branches, and housing such as single-family homes, duplexes, garden apartments, town homes, medium-rise apartments, and living-care facilities.
--	---

With regard to size and spacing of activity centers the County's primary goal is to maintain neighborhood character. The characters of existing residences, road networks, and natural features will differ by neighborhood and will evolve over time; thus, the County should consider activity center size and spacing in the context of each neighborhood.

Generic guidelines on size and spacing provide frameworks for tailoring activity center proposals to existing neighborhoods; thus, guidelines in the following table should be used.

#### **COMMUNITY ACTIVITY CENTER GUIDELINES**

Size	Up to 120 acres
Maximum Distance that Non-residential Uses May Radiate Outwards from the Center of the Activity Center (along Roadways)	1,600 feet
Maximum Depth that Non-residential Uses Should Extend Back from Road Rights-of-way	800 feet
Minimum Separation from Neighborhood Activity Centers	1.5 mile
Minimum Separation from Community or Regional Activity Centers	3 miles

- ▶ The addition of 5.5 acres to the existing 95-acre community activity center is within the guidelines.
- ▶ A 19 acre Neighborhood Activity Center exists along Green Level West and NC 540, roughly 2.4 miles to the Northwest.

A municipal waterline exists along NC 55 and development within the CAC could obtain access. Municipal sewer is not along NC 55, however the surrounding ridgelines nearby do have service. The CAC sits in a valley between the municipalities of Cary and Apex.

#### **Transportation**

The most recent available *NCDOT* average annual daily traffic (AADT) counts for this area are from 2013.

- ✓ 2013 AADT for NC 55 and US 64 intersection of 27,000
- ✓ 2013 AADT for NC 55 near Green Level West/High House Road of 26,000

- ✓ 2013 AADT Jenks Road near the intersection with Roberts Road of 3,600

Wake County Planning, Development and Inspections did not require a Traffic Impact Analysis (TIA) as part of the Land Use Plan Amendment. A traffic impact analysis may be required at a future development stage. A TIA would be triggered if a development created 1,000 trips a day or 100 trips in the peak hour.

All driveway access from NC 55 will need to obtain permits from NCDOT. NCDOT will determine if future developments are required to make any additional improvements along NC 55.

### **Town of Cary Planning Comments**

The 2004 Town of Cary Southwest Area Plan designates the subject parcel for Low Density Residential uses. Residential density range of 1-3 units per acre and would allow for institutional uses that are compatible and complementary to the surrounding neighborhood, uses such as churches, schools, libraries or daycares may be considered.

The 2040 Cary Community Plan classifies this parcel within the Classic Neighborhoods category. Primarily single family detached subdivisions with neighborhood scale non-residential uses might include gas station, c-store, bank, veterinary office, but with a lower frequency. Non-residential uses located at the edges of residential areas on sites of only a few acres or less.

SHAPE Policy 7: Provide opportunities for a limited set of non-residential uses outside of commercial centers. Discussion: The intent of this policy is to acknowledge the need for some businesses to be located outside of the three commercial categories (shopping centers, commercial mixed use centers, and destination centers). For example, some commercial uses such as dog kennels, auto body shops, furniture warehouses, landscaping businesses, etc. are not appropriate for these types of commercial centers. Instead, these establishments should be located along major road corridors and should be compatible with and buffered from residential neighborhoods and other lower intensity uses.

### **Recommendations**

The Land Use Committee recommended approval of Land Use Plan Amendment 03-16 to expand the existing 95 acre community activity center along NC 55 between Apex and Cary to include 5.5 acres located at 2117 NC 55. (PIN 0733659170)

That the Planning Staff recommends the Wake County Planning Board approve Land Use Plan Amendment 03-16 to expand the existing 95 acre community activity center along NC 55 between Apex and Cary to include 5.5 acres located at 2117 NC 55. (PIN 0733659170)

Mr. Van Dyk asked if the amendment contemplates all of the allowable uses within an activity center. Mr. Coates answered that the amendment contemplates all of the allowable uses in an activity center. The intention of the applicant to construct a self-storage facility did not weigh in on the staff's recommendation.

Mr. Wells asked if a rezoning would be appropriate. Mr. Coates said that one requirement of a rezoning would be that it would need to be consistent with the Land Use Plan. Rezoning the site to General Business or an industrial zoning would be challenging since the site is not within an activity center.

Mr. Barron said that the Land Use Committee recommended approval of the amendment.

Ms. Merrick Parrott, attorney with the Parker Poe law firm at 301 Fayetteville Street in Raleigh, came forward representing the applicant and developer. She said that the site on NC 55 is ideal for inclusion in the community activity center. The site is unlikely to be developed as residential, and the proposal would allow for a low intensity commercial use. The physical attributes of the parcel limit the intensity and density of development. There is a stream bisecting the property, and it is in a basin that makes pumping sewer difficult. The proposed use is low intensity which could easily be serviced with a septic system. There will be natural area on the property with a low percentage of impervious surface. Additional stormwater would most likely not be needed. Though the property is adjacent to some residential uses, there are other self-storage facilities in the area that are adjacent to residential uses. There will be buffering and low traffic impacts. Ms. Parrott said that the application complies with the Land Use Plan and the transitional urban development policies. She said that the application advances the public health, safety, and general welfare. A traffic impact analysis is not required with the application. Addition of the 5.5 acre parcel keeps the activity center within the size limitations specified in the Land Use Plan, and it meets the minimum separation requirements. Including the parcel within the activity center would help support the residential uses in the area which is one of the goals of activity centers. The proposed self-storage use would be accessed via a driveway pursuant to an NCDOT permit. Ms. Parrott estimated that the facility would generate 11 a.m. peak hour trips and 20 p.m. peak hour trips. She said that they have communicated with the public at the community meeting on April 14<sup>th</sup> and with those who did not attend the community meeting. A special use permit will be required in order to be developed.

Mr. Swanstrom asked if the proposal would be developed to Cary's standards since it is possible that the site could be annexed into Cary's jurisdiction. Mr. Tim Sivers, the applicant, said that they will look at the Town of Cary requirements as well as the Wake County requirements when the site is designed, and they will aim to meet both sets of requirements.

Ms. Kreider said that the Land Use Committee reviewed the proposal, and the committee unanimously recommended approval. It is a low intensity use for the area that will not generate traffic. There is demand in the area for this type of development. She said that the proposal is consistent with the Land Use Plan.

Mr. Barron said that the committee discussed that the site does not appear to be a long term residential site.

Ms. Kreider made a motion to recommend approval of LUPA 03-16 to the Board of Commissioners. Mr. Maiorano seconded the motion. By a vote of 9-0, the motion passed.

## **5. LUPA 04-16: Land Use Plan Amendment to Amend the Southwest Area Plan to expand the existing 95-acre Community Activity Center (CAC) to include an additional 15.5 acres near the intersection of Wade Drive and NC 55**

Mr. Coates presented the staff report to the board.

**Location:** This map amendment would apply to the parcels identified by PINS (0733638952, 0733649109, 0733648722, 0733740571, and 0733750404) located in the Town of Cary Short-Range Urban Services Area within Jordan Lake Water Supply Watershed.

### **Background**

Public water utilities from Cary exist along NC 55 within the CAC, municipal sewer is located north of the CAC at the Turner Creek Elementary and east of the CAC in nearby residential neighborhoods. The Town of Apex provides sewer along Jenks Road at the southern end of the CAC.

The Southwest Area Land Use Plan classifies the subject parcels as Residential (1 dwelling unit per acre). The properties reside to the north and west of the existing CAC. The Land Use Plan recommends the following non-residential uses outside of activity centers: home occupations, daycare, parks, low intensity recreation, libraries, schools, churches, fire stations, nurseries, family care homes and telecommunication towers provided they meet County policies and standards.

### **Adjacent Land Uses**

The CAC currently contains residences, forests, vacant land, a church, sod/landscaping business, and indoor/outdoor storage facility. Wake County's Turner Creek Elementary School lies to the north in the Town of Cary. South of the CAC within the Town of Apex there is a grocery-anchored retail center and a Walgreens at the intersection with Jenks Road and NC 55.

All parcels within the current CAC are R40W, HD (Highway District), and CU-HC (Conditional Use-Heavy Commercial). The subject parcels for consideration are zoned R40W and HD. It is important to note that this area is within the Jordan Lake Water Supply Watershed; however the parcels can be annexed and developed to municipal standards unlike other Water Supply Watersheds within Wake County.

### **Analysis:**

To evaluate the Land Use Plan amendment request, planning staff gathered and reviewed applicable plans and policies adopted by Wake County. Staff also gathered input from the Town of Cary Planning Department.

### **Wake County Land Use Plan- Community Activity Center General Guidelines**

*The goal of activity centers is to focus compact development in mixed use centers that include housing, commercial services and employment opportunities designed with convenient pedestrian and vehicular access from surrounding areas. Land Use Plan Amendment 03-16 requests expansion of a community activity center in an urban growth area. A description of an urban community activity center follows;*

Urban Community Activity Center	Combination of retail and personal services, and local job base; moderate-scale urban commercial, office, institutional, industrial, and residential land uses. Accessed by major thoroughfares and public transportation, served by municipal water and sewer. A community activity center should have a core containing relatively medium-scale development that focuses on serving the day-to-day needs and activities of the core area occupants as well as the greater
---------------------------------	---

	needs and activities of the populations of adjacent neighborhoods. In a community activity center, the mix of moderate-scale urban commercial, office, institutional, industrial, and residential land uses may include: grocery store, drug store, specialty shop, hotel/motel, restaurant, movie theater, medical or dental practice, offices, legal services, elementary or middle school, large day care center, church, community recreation, library, warehousing, community distribution centers, post office, community center, government service branches, and housing such as single-family homes, duplexes, garden apartments, town homes, medium-rise apartments, and living-care facilities.
--	--

With regard to size and spacing of activity centers the County's primary goal is to maintain neighborhood character. The characters of existing residences, road networks, and natural features will differ by neighborhood and will evolve over time; thus, the County should consider activity center size and spacing in the context of each neighborhood.

Generic guidelines on size and spacing provide frameworks for tailoring activity center proposals to existing neighborhoods. Refer to guidelines in the following table.

#### COMMUNITY ACTIVITY CENTER GUIDELINES

Size	Up to 120 acres
Maximum Distance that Non-residential Uses May Radiate Outwards from the Center of the Activity Center (along Roadways)	1,600 feet
Maximum Depth that Non-residential Uses Should Extend Back from Road Rights-of-way	800 feet
Minimum Separation from Neighborhood Activity Centers	1.5 mile
Minimum Separation from Community or Regional Activity Centers	3 miles

- ▶ The addition of 15.5 acres to the existing 95-acre community activity center is within the guidelines.
- ▶ A 19 acre Neighborhood Activity Center exists along Green Level West and NC 540, roughly 2.4 miles to the Northwest.
- ▶ LUPA 03-16 proposed to add 5.5 acres; the two proposals would create a 116 acre CAC which is under the sizing guidelines.

A municipal waterline exists along NC 55 and development within the CAC could obtain access. Municipal sewer is not along NC 55, however the surrounding ridgelines nearby do have service. The CAC sits in a valley between the municipalities of Cary and Apex.

### **Transportation**

The most recent available **NCDOT** average annual daily traffic (AADT) counts for this area are from 2013.

- ✓ 2013 AADT for NC 55 and US 64 intersection of 27,000
- ✓ 2013 AADT for NC 55 near Green Level West/High House Road of 26,000
- ✓ 2013 AADT Jenks Road near the intersection with Roberts Road of 3,600

Wake County Planning, Development and Inspections did not require a Traffic Impact Analysis (TIA) as part of the Land Use Plan Amendment. A traffic impact analysis may be required at a future development stage. A TIA would be triggered if a development created 1,000 trips a day or 100 trips in the peak hour.

All driveway access from NC 55 will need to obtain permits from NCDOT. NCDOT will determine if future developments are required to make any additional improvements along NC 55.

### **Town of Cary Planning Comments**

The 2004 Town of Cary Southwest Area Plan is designated for Low Density Residential uses. Residential density range of 1-3 units per acre and would allow for institutional uses that are compatible and complementary to the surrounding neighborhood, uses such as churches, schools, libraries or daycares may be considered.

The 2040 Cary Community Plan classifies this parcel within the Classic Neighborhoods category. Primarily single family detached subdivisions with neighborhood scale non-residential uses might include gas station, c-store, bank, veterinary office, but with a lower frequency. Non-residential uses located at the edges of residential areas on sites of only a few acres or less.

SHAPE Policy 7: Provide opportunities for a limited set of non-residential uses outside of commercial centers. Discussion: The intent of this policy is to acknowledge the need for some businesses to be located outside of the three commercial categories (shopping centers, commercial mixed use centers, and destination centers). For example, some commercial uses such as dog kennels, auto body shops, furniture warehouses, landscaping businesses, etc. are not appropriate for these types of commercial centers. Instead, these establishments should be located along major road corridors and should be compatible with and buffered from residential neighborhoods and other lower intensity uses.

### **Recommendations**

The Land Use Committee recommended approval of Land Use Plan Amendment 04-16 to expand the existing 95 acre community activity center along NC 55 between Apex and Cary to include 15.5 acres located at along NC 55 including PINS (0733638952, 0733649109, 0733648722, 0733740571, and 0733750404).

That the Planning Staff recommends the Wake County Planning Board approve Land Use Plan Amendment 04-16 to expand the existing 95 acre community activity center along NC



55 between Apex and Cary to include 15.5 acres located along NC 55 including PINS (0733638952, 0733649109, 0733648722, 0733740571, and 0733750404).

Mr. Swanstrom asked if the Town of Cary supports a community activity center at this location. Mr. Coates said that there are plenty of similar uses in the NC 55 corridor that had neighboring residential development.

Mr. Van Dyk said that single family residential is not an appropriate use in this area.

Ms. Kreider said that the Land Use Committee recommended approval of the proposal.

Mr. Van Dyk made a motion to recommend approval of LUPA 04-16 to the Board of Commissioners. Mr. Maiorano seconded the motion. By a vote of 9-0, the motion passed.

**6. Little River Interlocal Agreement** – Mr. Maloney delivered a presentation updating the board on the latest developments involved with updating the Little River Interlocal Agreement. The existing interlocal agreement calls for:

1. R-80W zoning in the critical area
2. R-40W zoning in the non-critical area
3. No extension of water or sewer lines into the watershed
4. No municipal annexation into the watershed
5. No non-residential development except in designated Activity Centers.

The proposed changes to the interlocal agreement are to:

1. Allow the following uses outside of an Activity Center: parks, fire/EMS/law enforcement stations, telecommunication facilities, and solar farms
2. Allow "Public/Civic" uses (located outside an Activity Center) that were established prior to the 2008 ILA, to expand their use (Ex: churches)
3. Prohibit the creation of new Activity Centers or the expansion of any existing Activity Center
4. Commit to studying municipal expansion into the watershed with the ILA partners

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

**8. Planning, Development, and Inspections Report** – Ms. Peterson reported that the Land Use Committee will meet on October 5<sup>th</sup>, October 19<sup>th</sup>, November 2<sup>nd</sup>, and November 16<sup>th</sup> to discuss the Garner ETJ request and other items.

Mr. Finn updated the board regarding recent development trends.

**9. Chairman's Report** – Mr. Swanstrom updated the board regarding discussions that he has had regarding updating the Transportation Plan. The board discussed what next steps

should be taken. The board decided to have a joint meeting of the Transportation and Land use Committees to continue the discussion.

**10. Adjournment** – With no other business, the meeting was adjourned at 3:25 p.m.