

MINUTES

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

Members Present (10): Mr. Alan Swanstrom (chair), Mr. Jason Barron (vice-chair), Mr. Thomas Wells, Mr. Asa Fleming, Ms. Tara Kreider, Mr. Amos Clark, Mr. Phil Feagan, Mr. Ted Van Dyk, Ms. Ashley Foxx and Mr. Wayne Maiorano

Members Not Present (0): None

Staff Members Present (8): Mr. Steven Finn (Land Development Administrator), Mr. Bryan Coates (Planner III), Mr. Tim Maloney (Planning, Development & Inspections Director), Ms. Sharon Peterson (Long Range Planning Administrator), Ms. Celena Everette (Planner II), Mr. Eric Green (Wastewater Management Manager), Mr. Frank Cope (Community Services Director), and Mr. Russ O'Melia (Clerk to the Board)

County Attorney Present (1): Mr. Kenneth Murphy

5. ZP-892-16: To rezone two tracts totaling 116 acres located on the 7400 block of Cleveland School Road from Residential-30 (R-30) with a Resource Conservation Overlay-2 (RCOD-2) to Conditional Use-Residential-15 (CU-R-15) with a Resource Conservation Overlay-2 District (RCOD-2)

Mr. Coates presented the staff report to the board.

Mr. Swanstrom asked about the different kinds of curbs. Mr. Coates said that Wake County does not require any curbing within Wake County's jurisdiction.

Mr. Donnie Adams of Adams & Hodge Engineering came forward to address the board. He said that the valley or rolled curb handles water the same way except that it does not have the straight vertical back. He said that the valley or rolled curb makes for a nicer streetscape that would not require builders to do a curb cut when houses are built.

Mr. Feagan asked if there was an expectation that NCDOT would require a turn lane. Mr. Coates said that a consultant for Wake County is reviewing the traffic impact analysis (TIA), and NCDOT was still reviewing the TIA. Mr. Donnie Adams said that Ramey Kemp & Associates conducted the TIA. Mr. Rynal Stephenson of Ramey Kemp & Associates came forward and said that based on the amount of traffic on Cleveland School Road he would expect NCDOT to require a left turn lane. He said that the TIA was conducted based on 312 lots which would yield approximately 3,000 cars per day.

Mr. Barron asked about the county's authority to require offsite transportation improvements. Ms. Everette said that the UDO allows the county to require offsite improvements based on the impact of the proposed use. Mr. Murphy said that when the level of service of a road diminish below a certain level, improvements may be required.

Mr. Wells asked if the Town of Garner would receive a copy of the site plan during the site plan review phase. Mr. Coates answered that Garner would receive a copy of the site plan.

Ms. Tammie Jones, 7416 Cleveland School Road, came forward to address the board in opposition to the petition. She said that she lives across the street from the property that is proposed to be rezoned. She expressed concern regarding the traffic which is already hectic. She said that other development in the area include apartments, senior living, townhomes, and single family houses. She asked if the roads will be expanded to handle the increased traffic.

Ms. Dolores Voss, 1308 Viola Place, came forward to address the board in opposition to the petition. She expressed concern regarding the traffic in the area and that the proposed development would add 3,000 more trips per day to the area roads. She said that current traffic conditions make a 15-minute trip to Clayton take an hour. She said that it is unlikely that Highway 42 or Highway 50 could be widened. She said that any time a farmer sells their land, more houses are built without consideration of the infrastructure in the area or the inconvenience to the residents around the area. Ms. Voss said that she did not desire to have traffic lights all the way up Cleveland Road.

Mr. Wells asked if there are other properties in the area zoned R-15. Mr. Coates said that the general area is all R-30, though there are other parts of the Fuquay-Garner Area Land Use Plan that have R-15 zoning. Mr. Wells asked if properties to the north would have to go through the proposed neighborhood to get to the property. Mr. Coates said that a stub to the properties may be required at the site plan review stage.

Mr. Van Dyk asked about the proposed increase in density. Ms. Everette said that approximately 138 homes would be allowed now; the proposed rezoning would allow for 360 homes based on the density.

Mr. Van Dyk asked how far the TIA goes into the future. Mr. Stephenson said that the TIA assumes that the land would be developed in 2021. The TIA does not consider I-540. He said that they studied from Highway 50 to Highway 42 near Glen Road.

Mr. Barron asked if any improvements are anticipated to the Cleveland School Road intersections with Highway 50 and Highway 42. Mr. Stephenson said that NCDOT will require an improvement on Highway 50 at Cleveland School Road to allow for more storage for left turn movements.

Mr. Van Dyk asked about the active recreation area. Mr. Adams said that the active recreation area will be approximate 1.5 – 2 acres. Mr. Van Dyk asked Mr. Adams if the Town of Garner's comments would be addressed. Mr. Adams said that they have communicated with the Town of Garner, and they would like to continue with the plan to have sidewalks on one side of the street which is an improvement over what is required. He said that they would like to continue with the rolled curb.

Mr. Fleming asked about the decision to have sidewalks on one side of the street. Mr. Adams said that it is a decision regarding the streetscape and how the developer wants the neighborhood to look.

Mr. Van Dyk asked whether the transit plan addresses this area in any way. Mr. Coates said that future NC-540 is expected to have express buses to employment centers. He said that there is a Johnston County express route from the 40/42 area to Raleigh as well as a Clayton express to downtown Raleigh.

Regarding the county's authority to require offsite transportation improvements, Mr. Murphy cited the UDO sections 8-32-8 and 15-12-3 (D):

8-32-8 Improvements Identified in Traffic Impact Analysis

(A) When a Traffic Impact Analysis (TIA) is required pursuant to Sec. 15-12, the subdivision must include those on- and off-site transportation improvements or other impact mitigation measures deemed necessary to ensure compliance with the Level of Service Standards of Sec. 15-12-3.

15-12-3 Level of Service Standards

(D) Failure to meet these standards may serve as a basis for denying the application, or for conditioning approval of the application on provision of improvements or other mitigation measures needed to correct deficiencies due to the proposed development's impacts.

Mr. Barron said that there are uses that would be allowed by the proposed rezoning that would be inappropriate and had not been removed by condition. He said that he would be more comfortable supporting the case if a condition were included to limit the zoning to single family residential with a capped density.

Mr. Adams said that he will add a condition to the petition to limit the zoning to single family detached residential dwellings with a density up to 312 units.

Ms. Foxx made a motion in the matter of ZP-892-16 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 – Residential-15 with a Resource Conservation overlay, the stated proposed use, and the permissible range of uses are:
 - a) consistent with the Land Use Plan's designation for medium density residential uses of 1 to 4 dwelling units per acre for this area;
 - b) consistent with the land use plan's objective 1.b which calls for the development of land use plans in conjunction with the relevant municipality;
 - 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 Fuquay-Garner 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
 - 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) 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.

Mr. Barron seconded the motion. By a vote of 10-0, the motion passed.

Mr. Barron made a motion in the matter of ZP-892-16 that the Planning Board offers to the Wake County Board of Commissioners a recommendation for approval of the rezoning request with the modification that the use will be limited to single family detached residential dwellings with a density of up to 312 dwellings. Mr. Clark seconded the motion. By a vote of 10-0, the motion passed.