



## Planning, Development & Inspections

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### MINUTES OF REGULAR MEETING

#### Wake County Planning Board

Wednesday July 18, 2018 (1:30 p.m.)  
Wake County Justice Center  
300 S. Salisbury St., Room 2700  
Raleigh, North Carolina

**Members Present:** (10) Mr. Alan Swanstrom (Chair), Mr. Jason Barron (Vice-chair), Mr. Donovan Amos Clark, Mr. Asa Fleming, Mr. Bill Jenkins, Ms. Tara Kreider, Ms. Susan Sanford, Mr. Ted Van Dyk, Mr. Thomas Wells, Mr. Phil Feagan

**Members Absent:** (0)

**County Staff:** (8) Mr. Tim Maloney, Mr. Steven Finn, Ms. Sharon Peterson, Ms. Terry Nolan, Mr. Bryan Coates, Ms. Jenny Coates, Mrs. Loretta Alston, Mr. Frank Cope

**Guests:** (2) Mr. Brad West - Town of Morrisville Planner II, Ms. Courtney Tanner -Town of Morrisville Planning Director

**County Attorney Present:** (1) Mr. Ken Murphy (Senior Assistant County Attorney)

1. **Meeting Called to Order** – Mr. Alan Swanstrom called the meeting to order at 1:31 P.M.
2. **Petitions and Amendments** – None.
3. **Approval of Minutes of June 6, 2018** – A motion was made and seconded to reflect that Mr. Feagan was present and Mr. Clark was absent. The minutes were unanimously approved as corrected.
4. **Town of Morrisville ETJ Expansion Request**

#### **Staff report presented by Staff Terry Nolan, Planner III**

**REQUEST:** Extend Town of Morrisville's Extraterritorial Jurisdiction by approximately 96 acres.

**PETITIONER:** Town of Morrisville

On April 24, 2018, the Morrisville Town Board adopted a resolution requesting that the Wake County Board of Commissioners consider granting extension of the town's Extraterritorial Jurisdiction (ETJ) by 96 acres. The request includes two tracts of land: Area A is bounded by Interstate Highways 147 and 540; Area B is bounded by Interstate 540 and Research Triangle Park.

#### **State Law**

By State law, a municipality of more than 10,000 but less than 25,000 in population may exercise ETJ over an area not more than two miles beyond its corporate limits. The area beyond the corporate limits is defined as extraterritorial jurisdiction (ETJ). In determining the population of a city for the purposes of this Article, the city council and the board of county commissioners may use the most recent annual estimate of population

as certified by the Secretary of the North Carolina Department of Administration. According to the State Demographics Branch of the North Carolina Office of State Budget & Management (OSBM), the **July 1, 2016 population estimate for the Town of Morrisville is 24,456.**

### **Requested Area**

The requested area is comprised of two parcels within the Town's short-range urban service area. The properties are currently zoned R-30, single family residential for densities of one (1) to four (4) units per acre. Both parcels lie within the Jordan Lake drainage basin. As seen in the attached map, the smaller of the two parcels (Area A) is roughly **35 acres** and lies along the northwest border of Morrisville and is bounded by Research Triangle Park and NC 147 to the west and the Kitts Creek Neighborhood to the north and east. The proposed ETJ extension area is directly connected to neighboring Kitts Creek via two points of roadway access. Kitts Creek contains a mix of single-family attached and detached housing units. If granted, Town staff recommend zoning the area Medium Density Residential (MDR), which is consistent with the pattern of development in Kitts Creek as well as the Town's future land use plan.

The largest area (Area B) is roughly **61 acres** and is connected to the Breckenridge Neighborhood via Louis Stephens Drive. If granted, the Town initially plans to zone the area Low Density Residential (LDR) to allow for a growth pattern similar to nearby Breckenridge to occur in this area. The Town has no intention to initiate annexation of these areas at this time.

### **Purpose**

ETJ allows a municipality to have its development policies, procedures and standards in place in advance of development. This provision proactively influences the character of development in an area that is expected to urbanize and be serviced by municipal utilities in the near future. This enables the municipality to plan for timely, efficient provision of development and associated infrastructure and urban services, and address code enforcement issues that might impair their development. Seven criteria have been developed to review ETJ expansion requests:

- 1) Classification as Urban Services Area
- 2) Commitment to Comprehensive Planning
- 3) Adoption of Special Regulations
- 4) Municipal Water and Sewer Service
- 5) Evidence of Feasibility for Urban Density Development
- 6) Annexation within Ten (10) Years
- 7) Existing ETJ

### **Background/History**

The Town of Morrisville Council adopted a resolution requesting an extension of the Town's extraterritorial planning jurisdiction (ETJ) on April 24, 2018. This item was on the April 10<sup>th</sup> Board agenda for discussion and public comment.

### **ANALYSIS:**

Staff has reviewed the Town of Morrisville's ETJ expansion request. The review is based on the County's criteria for evaluating ETJ requests.

### **ETJ CRITERIA**

#### **(1) Classification as Urban Services Area:**

*The area proposed for ETJ expansion should be classified as Urban Services Area associated with the municipality.*

All 96 acres are in the Town's Short Range Urban Services Area.

- ✓ The Town of Morrisville request complies with the criterion

**(2) Commitment to Comprehensive Planning:**

*The municipality should demonstrate a commitment to comprehensive planning, preferably including adopted land use, public facilities and transportation plans, engineering studies, and a capital improvements program (CIP) including funding to implement the CIP. This commitment must be demonstrated through official actions by the governing body.*

**A. Land Use Planning**

The Town of Morrisville adopted its current Land Use Plan in 2009, and is in the process of updating the plan.

**B. Transportation Planning**

The Town of Morrisville initiated an update to the 2009 Transportation Plan in 2015. The updated Transportation Plan is in draft form.

**C. Capital Investment Program**

The CIP spans a five-year period and is currently undergoing a comprehensive update for FY 2018.

✓ The Town of Morrisville request complies with the criterion

**(3) Adoption of Special Regulations:**

*Where the municipality proposed ETJ expansions along major transportation corridors designated by the County as Special Transportation Corridors, the municipality should have adopted and be willing to apply regulations comparable to those for Special Transportation Corridors.*

The County does not have a Special Transportation Corridor within the Town's requested ETJ expansion request. The Triangle Expressway (NC 147) and NC 540 both traverse through the areas included in the Morrisville ETJ extension request but are not designated Special Transportation Corridors. The Town of Morrisville's Unified Development Ordinance (UDO) requires a 100-foot undisturbed buffer along all full and limited-controlled access highways. Any development along NC 147 and NC 540 would be subject to the buffer requirement.

*Where the municipality proposed ETJ expansions within a water supply watershed, the municipality should have adopted, and be willing to apply, water supply watershed protection policies and provisions that meet or exceed the applicable State water supply watershed regulations or an adopted Plan for the water supply watershed.*

Morrisville's requested parcels fall outside of critical and non-critical areas of the Jordan Lake water supply watershed and no specific protection policies or Plan are in place. The Town of Morrisville's UDO contains stormwater management and riparian buffer standards in compliance with the Federal Water Pollution Control Act of 1972, the federal Phase II Stormwater Rules, and the rules of the North Carolina Environmental Management Commission.

✓ The Town of Morrisville request complies with the criterion

*For evaluating an ETJ expansion request, the municipality's application of such special regulations to its existing ETJ should be considered as evidence of its willingness to apply these special regulations.*

The Town of Morrisville applies special regulations consistent with Wake County's goals and regulations. Morrisville is a member of the Historic Preservation Commission and has four individually designated Wake County landmarks. Additionally, Morrisville has the Historic Crossroads Village District zoning district, which accommodates infill developments and redevelopment that are compatible with the character of the district.

The Town of Morrisville added a Transit-Oriented Development (TOD) overlay district to the Unified Development Ordinance (UDO) to encourage transit-supportive development types and intensities within convenient walking distance of a transit station.

- ✓ The Town of Morrisville request complies with the criterion

**(4) Municipal Water and Sewer Service:**

*The municipality should show how the area proposed for ETJ expansion would be served by water and sewer service within five (5) years of the effective date of ETJ extension. The systems should be designed with adequate treatment capacity and adequately sized major trunk line extensions to service the area proposed for ETJ extension. The municipality should include needed improvements in its capital improvements program (CIP).*

**Wastewater**

The Town of Morrisville's wastewater is treated at the Town of Cary's Western Wake Water Reclamation Facility (WWWRF). As of 2017, the facility treated an average of 4.5mgd of wastewater, which is well below the maximum capacity of 18mgd. The WWWWRF is expected to meet the wastewater treatment needs of customers in Morrisville and Morrisville's ETJ through 2030.

Sufficient sewer infrastructure has been established nearby and adjacent to the proposed ETJ extension areas, as shown in attachment 4. Any future development occurring within the proposed ETJ extension areas would be able to connect to the pre-established sewer infrastructure.

- ✓ The Town of Morrisville request complies with the criterion

**Water**

The Town of Morrisville's water is supplied by the Town of Cary. Jordan Lake is the primary water source used by the Town of Cary and is located within the Cape Fear River Basin. According to the 2015 Cary/Morrisville Utility Agreement, Morrisville holds an allocation of 3.5 percent of the water supply storage in Jordan Lake granted by the North Carolina Environmental Management Commission (EMC). This allocation is estimated to be able to meet the average annual water demands of 3.5mgd, which has been determined to be sufficient to supply customers in Morrisville and Morrisville's ETJ through 2045.

There are existing water mains in close proximity to the proposed ETJ extension areas. Any future development occurring within the proposed ETJ extension areas would be able to connect into the existing water distribution infrastructure.

- ✓ The Town of Morrisville request complies with the criterion

**(5) Evidence of Feasibility for Urban Density Development:**

*Areas proposed for ETJ extension by a municipality should be capable of being developed to an average density feasible for municipal annexation. This criterion is closely related to the ability of a municipality to serve the area with water and sewer service in accordance with its plan for development.*

The proposed ETJ extension areas are directly adjacent to Morrisville's two largest neighborhoods, Kitts Creek (Area A) and Breckenridge (Area B). The Kitts Creek neighborhood has two points of roadway access to Area A, and Area A will be zoned Medium Density Residential (MDR) to allow for a growth pattern similar to the adjacent neighborhood. The Breckenridge neighborhood is adjacent to Area B, and is zoned Low Density Residential (LDR). Area B will be zoned LDR to allow for a growth pattern similar to the adjacent neighborhood. The planned land uses are consistent with the Town's Future Land Use Map and are of sufficient density to be served by municipal water and sewer service.

- ✓ The Town of Morrisville request complies with the criterion

**(6) Annexation within Ten Years**

*ETJ extensions should only be granted for areas anticipated to be substantially developed and annexed within ten (10) years. The ten-year period projection should be used as a guideline, and is adopted with the understanding that actual progress in development and annexation of a given ETJ area may vary*



*from that originally projected at the time of ETJ extension. To determine the potential for annexation within ten (10) years the following should be considered: relevant County and Municipal plans and policies, past development experiences, and previous projections.*

The Town of Morrisville's annexation policy has long been to require voluntary annexation as a condition of the provision of municipal water and/or sewer service.

Morrisville has seen tremendous population growth in the last 15 years. Since 2000, Morrisville's population has more than quadrupled, and its growth rate continues to outpace Wake County and the state as a whole. Moreover, Morrisville has annexed and provided service to all but 600 acres of the ETJ granted to it in 1988.

Although the Town of Morrisville has no intention to initiate annexation of the proposed extension areas, the areas are highly attractive to development due to their adjacency to existing neighborhoods, roadway access, and ability to connect to existing water and sewer service.

- ✓ The Town of Morrisville request complies with the criterion

#### **(7) Existing ETJ:**

*When a municipality requests additional ETJ, the municipality must demonstrate its progress in annexing and supplying municipal services, especially water and sewer, through the entirety of its existing ETJ. For all areas of ETJ granted after May 2, 1988, the municipality must specifically address its progress in complying with the criteria under which that ETJ was originally granted. An ETJ expansion may be granted to a municipality only when it demonstrates substantial progress in meeting this criterion.*

The Town of Morrisville has not requested, nor has it received, any additional ETJ areas since May 2, 1988. At that time, Morrisville had approximately 4.21 square miles or almost 2,700 acres of ETJ. According to the North Carolina Secretary of State's land records, there have been 103 annexations of ETJ area, totaling almost 2,100 acres, within Morrisville since the May 2, 1988 ETJ extension criteria was adopted by Wake County.

All former ETJ areas annexed within the Town of Morrisville are currently supplied with municipal services, including water, sewer, residential trash pickup, police coverage, and fire coverage.

- ✓ The Town of Morrisville request complies with the criterion

#### **STAFF FINDINGS**

- The Town of Morrisville's request for 96-acre ETJ Extension is in accordance with North Carolina State Law 160A – 360 Article 19
- The Town of Morrisville's request complies with Wake County Land Use Plan's seven criteria for ETJ Extensions

#### **PLANNING BOARD DISCUSSION**

Mr. Swanstrom opened a public hearing request and asked for public comments. Hearing none, the public hearing was closed. Planning Board members followed with a Q&A Session. Highlights are as follows:

Mr. Van Dyk referred to criterion #5 (Evidence of Feasibility for Urban Density Development) and asked staff to clarify if the low density was that of the Town of Morrisville and asked for a breakdown on units per acre.

Ms. Nolan confirmed the low density was that of the Town of Morrisville. Mr. West/Town of Morrisville gave a breakdown on units per acre as follows: The low density is approximately 4, 4 ½ units per acre; medium

is 7.5 units per acre. Further, Ms. Nolan stated currently these parcels are zoned R-30 which is the county's planning jurisdiction and that is about 1 ½ units per acre.

Mr. Van Dyk asked if there are specific development plans for both sections (Area A and Area B). Ms. Nolan stated this request is not prompted by a specific development that Morrisville has on the horizon.

Mr. Barron commented that the request makes a lot of sense in that these are the last two items on the horizon for Morrisville expansion. He stated that he anticipates that when that construction occurs in 2020, the Area B – the Breckenridge Neighborhood via Louis Stephens Drive will be an area that carries a high volume of traffic. It is adjacent to I-540 and looks flat at least for a good portion of that. Mr. Barron expressed that he was disappointed that Morrisville, from a long-term planning standpoint, designated this area as low density residential. He stated that he thought that given its proximity to major roadways this area would be better for medium or high density residential.

Mr. Van Dyk asked if there are townhomes directly adjacent to parcel A. Mr. West responded that there is a townhome portion of that Breckenridge neighborhood adjacent to that parcel, and the Kitts Creek area has very high density narrow lot single family detached units.

Mr. Jenkins asked a follow-up to Mr. Barron's comment on the rationale for low density zoning of this area. Mr. West responded that this request is based on the Town's 2009 Land Use Plan which is being updated.

Mr. Swanstrom asked if it is reasonable to assume that RTP and Cary have been consulted and the Town has an interlocal agreement that defines where everybody is going to be, and they are okay with this?

Mr. West responded that there are no official agreements that define the boundaries, but that the Town of Morrisville has worked well with the Town of Cary staff historically determining their growth boundaries.

Mr. Swanstrom asked specifically if the Morrisville had talked to Cary about Area B. Mr. West responded that the Town has had preliminary talks with Cary about what their thoughts are on those adjacent parcels; we've informed them of this request and have also spoken with them about future ETJ. The infrastructure will include a 12-inch Cary water line, but no interchanges. Mr. West continued to explain that the area is in Morrisville's short-range service area and was mapped out in the 1999 (10-year) plan. He acknowledged the town is late making this request, but that the Town feels it is right for development.

Mr. Swanstrom asked for a motion. Ms. Sanford made a motion that the Board recommend approval of the Town of Morrisville's ETJ Extension request to the Wake County Board of Commissioners.

Mr. Barron seconded the motion to recommend approval, and it passed unanimously.

## **5. Committee Reports**

- Code and Ops: No Report.
- Land Use: Mr. Clark reported they did meet prior to Planning Board meeting and discussed the conversion of Fuquay-Varina's long range urban services area to short range urban services area. The committee voted unanimously to recommend to this Board approval of that.

## **6. Planning, Development, and Inspections Report**

Ms. Peterson gave an update on the Comprehensive Plan progress. Staff has interviewed seven of ten Planning Board members and three of the Board of County Commissioners. Staff will communicate opportunities in July/Aug via email to complete interviews for the remaining Planning Board members & Board of Commissioners. Ms. Peterson reported next steps for Comprehensive Plan include:

- Completing proposed list of suggested members of the plan's Advisory workgroup;
- Presenting list to Board of County Commissioners for them to review – no formal action required.
- Complete stakeholder/ inter jurisdictional meetings