



## Planning, Development & Inspections

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### MINUTES OF REGULAR MEETING

#### Wake County Planning Board

Wednesday December 5, 2018 (1:30 p.m.)  
Wake County Justice Center  
300 S. Salisbury St., Room 2700  
Raleigh, North Carolina

**Members Present:** (7) Mr. Jason Barron (Vice Chair), Mr. Phil Feagan, Mr. Thomas Wells, Mr. Bill Jenkins, Ms. Susan Sanford, Mr. Donovan Amos Clark, Mr. Ted Van Dyk

**Members Absent:** (2) Ms. Tara Kreider, Mr. Asa Fleming

**County Staff:** (6) Mr. Tim Maloney, Mr. Steven Finn, Ms. Sharon Peterson, Mr. Keith Lankford, Ms. Jenny Coats, Mrs. Loretta Alston

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

5. **ZP-898-18 Rezoning request to modify a condition from a previously approved (2000) conditional use rezoning case** that currently limits the impervious surface coverage on the subject property to 30% by allowing it to be increased to 50%. The rezoning will resolve some existing zoning violations and allow for a possible future moderate expansion of use within the vacant 20% of the existing building.

Mr. Keith Lankford, Planner III, presented the staff report and PowerPoint to the Planning Board.

#### Planning Board Discussion

Mr. Barron opened the floor for discussion. Board members discussed items as follows:

- Mr. Van Dyk asked if there is current water and sewer service or are they still well and sceptic. Mr. Lankford answered there is water and sewer and further explained that there are connections available.
- Mr. Van Dyk also asked for clarification about meeting all the site plan requirements if they expand into the existing 20%. Mr. Lankford explained if the BOC approves the increase in impervious surface area, a new site plan would be submitted and current standards would be applied.
- Mr. Clark asked why the original rezoning was limited to 30%. Mr. Lankford confirmed there was no problem or issue that the 30% limit was trying to resolve or address, but rather this condition was commonly applied to many rezoning cases during that time frame.

- Mr. Barron stated since we are accepting a condition as part of this case saying that the maximum impervious surface will be 50%, he suspects the UDO, if it didn't include that condition, will allow for a greater percentage than 50%. Mr. Lankford confirmed and explained the general business district and commercial districts have no regulatory cap on impervious surfaces.

### **Public Comments**

Mr. Jason Earliwine, Petitioner - Withers and Ravenel, spoke on behalf of the current property owner. Mr. Earliwine stated because this was a condition change, signs and notification letters were mailed to adjacent property owners and resulted in only one inquiry.

- Mr. Jenkins asked for confirmation that if this were a new zoning case there would be no impervious surface restrictions imposed. Mr. Lankford confirmed that the UDO does not have a limitation on impervious surface coverage but a new case would have to comply with strong stormwater management restrictions/rules.
- Mr. Clark asked for clarification whether there was an error or something wrong in the original site plan that pushed it over the limit, and if this is to get into compliance. Mr. Lankford said there was a miscalculation of the impervious surface area on the original site plan. Mr. Lankford explained that the request is twofold (1) to resolve the issue where the site exceeded the impervious surface limit of 30% immediately following construction due to an error in the site plan and (2) to allow for possible future expansion within existing building footprint.

Mr. Barron stated, under the circumstances, he does not have a problem with rezoning to cure the defects because overall the environmental side is better served by having stormwater controls designed pursuant to 2018 standards as opposed to those of 2000.

There being no further questions or comments, Mr. Barron asked for a motion.

### **MOTION FOR CONSISTENCY (1<sup>ST</sup> MOTION)**

In the matter of ZP-898-18, Mr. Feagan made a motion that the Planning Board offers to the Wake County Board of Commissioners the following recommended statement of consistency, reasonableness, and public interest as written in the staff report on page 9 and 10.

1. The Board finds that the requested rezoning, to modify a previously approved rezoning condition that limited the impervious surface coverage to 30% of the lot area by increasing it to 50%, is needed (1) to resolve some existing zoning violations and (2) to allow for a possible moderate expansion of use within the vacant 20% of the existing building;
2. All other previously approved rezoning conditions will be unchanged and will remain valid and in effect.
3. The existing and proposed continued zoning district, the existing and proposed continued uses, and the allowable range of possible uses, are consistent with the Wake County Land Use Plan's Neighborhood Activity Center designation, and would be reasonable, and appropriate, for the area.
4. More specifically, the Neighborhood Activity Center allows for small-scale urban land uses that are served by major thoroughfares and municipal water and sewer, and

the previously approved rezoning complies with two stated goals of the Land Use Plan.

5. There are no environmentally sensitive features on, or near, the subject property, and there is no indication of previous stormwater issues on the subject property.
6. Resolution of the site plan errors that necessitate the requested increase in impervious surface coverage will require the review and approval of a new site plan (as would any moderate expansion of use within the vacant 20% of the existing building) to ensure compliance with all applicable current standards with regards to, for example, stormwater management, which will ensure protection of the public health, safety and general welfare.
7. The City of Raleigh's planning staff had no objection to the request to modify the previously approved rezoning condition and increase the allowable impervious surface 10 limit to 50% and indicated that the uses are consistent with the City's Future Land Use Map.
8. The Wake County Planning staff has received no objections from the surrounding property owners or the general public.

Mr. Wells seconded the motion. By a vote of 7 to 0, the Planning Board voted unanimously in favor of the motion.

#### **MOTION FOR APPROVAL (2<sup>nd</sup> MOTION)**

In the matter of ZP-898-18, Mr. Wells made a motion that the Planning Board offers to the Wake County Board of Commissioners a recommendation for approval of the rezoning request as presented.

#### **Existing Conditions with Modification as Requested by the Petitioner**

(2) The impervious surface ratio for the site shall not exceed ~~thirty percent (30%)~~ **fifty percent (50%)**.

**All other conditions (i.e.—1, 3, 4, 5, 6, 7 and 8) are unchanged and will remain valid and in effect.**

Mr. Clark seconded the motion. By a vote of 7 to 0, the Planning Board voted unanimously in favor of the motion.