



Planning, Development & Inspections

A Division of Community Services
P.O. Box 550 • Raleigh, NC 27602
www.wake.gov

MINUTES OF REGULAR PLANNING BOARD - February 7, 2024

LOCATION: Wake County Justice Center, 301 S. Salisbury St., Room 2700, Raleigh, NC

MEMBERS PRESENT:

1. Mr. Thomas Wells (Chair)
2. Ms. Brenna Booker-Rouse (Vice-Chair)
3. Mr. David Adams
4. Mr. Amos Clark
5. Mr. Asa Fleming
6. Mr. Bill Jenkins
7. Mr. Daniel Kadis
8. Dr. Kamal Kolappa

MEMBERS ABSENT:

1. Mr. Jason Barron
2. Mr. Ted Van Dyk

COUNTY STAFF:

1. Mr. Steven Finn
2. Mr. Tim Gardiner
3. Mr. Josh McClellan
4. Mr. Timothy Maloney
5. Mr. Akul Nishawala
6. Ms. Terry Nolan
7. Ms. Liz Oliver
8. Ms. Sharon Peterson
9. Ms. Beth Simmons

GUESTS:

1. Mr. Donald Mial, Wake County Commissioner

COUNTY ATTORNEY:

1. Mr. Kenneth Murphy, Deputy County Attorney

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1. **Meeting Called to Order:** Mr. Wells called the meeting to order at 1:31 p.m. He took a moment to recognize the presence of Commissioner Mial, who represents the district being discussed in the Lower Neuse Area Plan.
 2. **Petitions and Amendments:** None.

3. **Approval of November 1, 2023, Minutes:** Mr. Fleming made a motion to approve the November 1, 2023, Minutes as submitted. Mr. Clark seconded the motion, and the Minutes were accepted unanimously.
4. **Approval of December 6, 2023, Minutes:** Dr. Kolappa made a motion to approve the December 6, 2023, Minutes as submitted. Mr. Fleming seconded the motion, and the Minutes were accepted unanimously.
5. **Lower Neuse Area Plan – Presentation by Tim Gardiner, Planner III.**

Mr. Gardiner presented CPA-01-24, a Comprehensive Plan Amendment to adopt the 2024 Lower Neuse Area Plan as an amendment to PLANWake. He noted that, should the Board decide to approve CPA-01-24 as presented, Planning Staff would present it to the Board of Commissioners at their March 18th, 2024, meeting. Mr. Gardiner noted that this presentation was intended to be the beginning of Staff's conversation about the proposed plan and welcomed comment from the Board and members of the public.

Mr. Gardiner noted that the Lower Neuse Area Plan was the smallest but most contiguous of the newly proposed area plans, and accordingly he felt that it provided the best opportunities for feedback from the public. He explained that the Lower Neuse Area covers a total of 32 square miles with 122 subdivisions and a population of 16,962. It includes 4 activity centers / Multi-Use Districts and 25 Voluntary Agricultural Districts that accounted for 1,478 acres. Mr. Gardiner explained that the goal in the Land Use Plan, particularly given the smaller size of Lower Neuse, was to meet the goals of PLANWake while preserving Open Space and engaging with the public.

Presenting a slide of current land use, Mr. Gardiner explained that 52% of the available land had potential use as rural districts. The Lower Neuse Area Plan action items for Board consideration would include new land use classifications and revised projections for land use area. He identified a new land use classification of "Open Space (Ownership)" that described land owned by the County or State that would always remain agricultural. These areas, combined with "Open Space (Floodplain)," account for 14% of the available area. Mr. Gardiner also noted that the "Agricultural" land use area accounted for another 11% of available space, and that although the intended use of that area was for agriculture, the possibility remained that this land had the option to become residential in the future if property owners desired.

Mr. Gardiner also identified an area to the southwest designated as "Utility Conservation" and explained that this area was owned by the City of Raleigh as part of the Neuse River Resource Recovery Center. Located near the Neuse River Greenway, Mr. Gardiner indicated that the County wished to convey to the City that while they own the property, it currently fits within PLANWake's goal of preserving rural area long term. Mr. Gardiner also added a proposed land use called "Institutional" for churches, places of worship, and some commercial areas designated as such in the expectation they would remain in place moving forward.

Mr. Gardiner also identified four legacy Activity Centers, explaining that they would be reclassified as Multi-Use Districts and that they were expected to develop within municipal rather than county jurisdiction. The first area, located at Smithfield and Poole Roads, had been a long-standing commercial use activity center and included property owned by Food Lion. Mr. Gardiner explained that the expectation from the County would be that the area would likely develop under the Town of Knightdale, but that they hoped to preserve some portion of it, depending on the municipal land use

plans. He explained that the current recommendation was to leave the Multi-Use District in place and to work with Knightdale to better define the edge as it developed.

The second Multi-Use District was located on Auburn Knightdale Road and Rock Quarry Road, located in the I-540 right-of-way, and the City of Raleigh had announced development plans for two subdivisions in the area. The third Multi-Use District was identified as being a convenience center to the north of the previous area, located on Auburn Knightdale Road and Battle Bridge Road. In collaboration with the City of Raleigh, Mr. Gardiner explained that the County anticipated that a potential neighborhood center was planned.

Mr. Gardiner introduced the final Multi-Use District located at Poole Road and Grasshopper Road. This district would remain within the County's jurisdiction and the recommendation was to move the boundaries into the southern portion, so as not to impede on Knightdale's development. Given the current use by a rural-oriented business, Staff felt it would best serve PLANWake to continue support of this activity.

Mr. Wells asked if the other Multi-Use Districts changed sizes in the new proposal, and Mr. Gardiner responded that only the boundaries of the final district presented along Poole Road / Grasshopper Road would be changed—the others would reflect their longstanding boundaries.

Mr. Gardiner moved on to the next component of the Land Use Plan, related to the Development Framework Map. He identified several changes in the area necessitating these changes, including an annexation of land in 2023 by the City of Raleigh that had originally been coded as "Community Reserve." He also noted that a Multi-Use District was originally located in a Rural coded area, and that the County felt that needed to be addressed. Mr. Gardiner also identified two areas currently coded for Community that landowners had expressed a desire to remain as Agricultural. The County would work to align the Development Framework map to match those designations.

Mr. Gardiner also identified smaller goals of the Lower Neuse Area Plan, including increased connections of trails and walkable areas near commercial and activity centers. He noted that the County would research best practice options and present them to municipalities as they move forward. Staff also reviewed existing land use to anticipate future commercial locations and Environmental Services had identified areas where the County could assist within non-municipal areas to prevent or limit contamination to wells, and to collaborate with municipalities as they assumed jurisdiction. He noted that wells are currently being tested, which would give the County a better idea which areas to prioritize.

Mr. Gardiner noted that community engagement began in June of 2023 with an online tool that provided citizens the ability to submit questions and comments regarding the proposed Plans. The County held three public meetings – one virtual and two in person in September 2023 and January 2024. Mr. Gardiner characterized the engagement as positive, particularly for Wake Soil and Water to create and maintain conversations with community members. Staff posted an article on The WIRE and worked to reach out via social media on X (Twitter), Nextdoor, and Facebook. Signs were posted along roadways, and Staff worked with municipalities to address questions and concerns.

Mr. Gardiner noted that Staff findings were that the proposed 2024 Lower Neuse Area Plan was consistent with the goals and visions set forth in PLANWake, that they received input from residents, municipal partners, and stakeholders, and that the Area Plan provided an update to the existing area land policies, development framework, and land use designations. Staff recommended that the Planning Board further recommend that the Board of Commissioners adopt the Lower Neuse Area Plan as an amendment to the Wake County Comprehensive Plan, PLANWake.

Mr. Gardiner closed his presentation by offering to answer any questions.

Hearing no questions from the Board, Mr. Wells opened the floor for Public Comment at 2:05 p.m.

Public Comment

Members of the Public present to speak in favor of or against CPA-01-24:

- 1) James Etchells, 9709 Poole Road
- 2) Debbie Cobb, 6032 King Farm Road
- 3) Bob Reed, 3604 S. Smithfield Road
- 4) Patricia Ann McCullers, 1209 Major Slade Road
- 5) Michael Goodson, 9813 Poole Road

Concerns expressed by the above members of the public included continued R-30/R-40 zoning for the Lake Myra watershed, traffic concerns along Smithfield Road, Poole Road, and Major Slade Road, water quality within the area, preservation of historical characteristics of the area, and continued participation in the Voluntary Agriculture program.

In response to a question regarding the duties of the Planning Board, Mr. Wells responded that their duties were to manage growth in the County and stay up to date on the demands and potential growth as they arise. Mr. Maloney added that the Planning Board was an advisory board to the Board of Commissioners.

Mr. Jenkins noted that, while not present for Public Comment, a concerned citizen had provided an email to Staff the morning of the meeting and asked if Mr. Gardiner could summarize it for the record. Mr. Gardiner explained that Staff received a letter from Brittany Marshburn, property owner at 10300 Poole Road, expressing concerns about the proposed Multi-Use District located at Smithfield and Poole Roads, and the potential for Knightdale to develop land in the area. She requested more time to discuss the size of the activity center and asked the Board to consider delaying any action on the Lower Neuse Area Plan.

Mr. Gardiner responded to some of the public comment, providing context regarding the watershed zoning and traffic concerns on Smithfield and Poole Roads. He noted that discussions with Johnston County and the DOT were ongoing regarding funding for a toll road that might accelerate improvements over the next 3-to-5 years. Mr. Maloney added that jurisdictional control over areas was contingent on annexation laws – State Law permits municipalities to annex land when property owners are willing. Mr. Kadis expressed some concern that their efforts were contingent on the municipalities' ability to annex land without notifying the County. Mr. Maloney clarified that PLANWake and the Area Plans were designed to be collaborative with the municipalities to better define the edges on a technical level.

Hearing no further public comment, Mr. Wells closed the floor to public comment at 2:46 p.m.

Board Discussion

Mr. Wells asked the Board for their thoughts on the presentation and discussion. Mr. Jenkins indicated that he did not feel comfortable making a recommendation to advance the Lower Neuse Area Plan to the Board of Commissioners at this time. He noted that there was a limit to what the Planning Board was able to do with property owned by another party, but asked Staff what steps could be taken or

explored. Mr. Gardiner responded that, with the Board's direction, Staff could investigate other options or explore the proposed Multi-Use Districts more closely. He also noted that they could communicate with the Town of Knightdale and verify their plans for the area.

Mr. Fleming also expressed some concerns regarding the Board's ability to make a recommendation that would not be ignored by a municipality in the future, especially regarding property that could be annexed. Mr. Clark asked Staff if they would be able to return with a more granular approach to the proposed changes to the Lower Neuse Area for the Board to review.

Mr. Adams noted that the right of property owners should be weighed in conjunction with County initiatives to preserve lands. Mr. Adams also noted that, sometimes, the public process can miss members that feel strongly about decisions being made near their property, and their input resonated with him. He indicated that he would be inclined to make a motion to table the decision until a later date. Mr. Kadis echoed his sentiments and, expanding on Mr. Clark's request, inquired if other parties like DOT or Johnston County would be able to weigh in with their thoughts or plans for the area.

Mr. Wells asked Mr. Gardiner if Staff had enough information from the Board to move forward, and Mr. Gardiner responded that he would include DOT's position and would make further efforts to reach out to property owners in preparation to present the Plan again in March.

Mr. Wells thanked the public for their input and indicated he would entertain a motion to table CPA-01-24 until the next meeting.

Motion on CPA-01-24

Mr. Jenkins moved that the Board table discussion, pending further information, until the March 6, 2024, Planning Board meeting. Mr. Adams seconded the motion, and it passed unanimously.

6. Non-Residential Review Update – Presentation by Terry Nolan, Wake County Planner III

Ms. Nolan began her presentation by explaining to the Board that the goal of Staff's Non-Residential Review was to ensure that regulations aligned with PLANWake, that they supported small business and entrepreneurship, improved access to goods and services, simplified, clarified, and streamlined language, modernized regulations to keep up with a changing economy, and promoted equity. Ms. Nolan clarified that their review would focus on Commercial Uses within the UDO.

Ms. Nolan explained that the section of the Non-Residential Review before the Board today focused on improving the current ordinance regarding Home Occupation. Staff drew inspiration from the American Planning Association's Practice Publication "Equitable Zoning for Home Occupations," and noted that it listed a three-tier structure of regulation:

- No Impact = No Permit Required,
- Small Impact = Permit Required, developed standards for signage, traffic, noise; and
- Heavier Impact = Permit Required, additional standard over and above what is required in Small Impact.

As examples, Ms. Nolan identified 'No Impact' as primarily work-from-home residents who do not interact with customers. 'Small Impact' home occupations include hair stylists or home tutoring, which may cause some noise disruption to other residences. 'Heavier Impact' would include home car repair. Staff determined that adding text in the UDO to identify where permits were not required was the best way to address the distinction. Existing text referring to signage or allowance of more

extensive uses did not require text changes, as more extensive uses were allowed through a Special Use Permit process.

Ms. Nolan noted that the standard regarding work vehicles would remain mostly the same but would add a size standard for Home Occupation Use, limited to no larger than a Class 3 light duty truck. She explained to the Board that a FHWA Truck Classification Light Duty Class 3 vehicle included a Gross Vehicle Weight Rating (GVWR) ranging from 10,001-14,000lbs. Examples of Class 3 Classifications included Dodge Ram 3500, GMC Sierra 3500, and a Ford F-350. Ms. Nolan explained that by using these classifications, Staff hoped it would be easily understandable by the public and limit any confusion.

Ms. Nolan also explained that today's presentation included minor adjustments to Agricultural language, including a revised definition for Bona Fide Farm provided by the Soil & Water Conservation Staff that conformed with state statute. Discussions about the Farm Serving Uses, particularly pertaining to Class One (feed storage) and Class Two (fuel storage specific to farm use) ended with a determination to remain unchanged. She also explained that the Use Table would be edited to add Agriculture and Horticulture to the existing Forestry Use classification.

She closed her presentation by noting that Agriculture Items would continue to evolve as they collaborated with Farmland Preservation, and that provisions regarding farm stands and farmers markets would be under consideration in the future. Ms. Nolan thanked the Board and offered to answer any questions they might have.

Mr. Jenkins asked if there would be considerations for addressing utility trailers, and Ms. Nolan noted that they would be considering this as the language evolved during review. Mr. Fleming asked for clarification about the UDO's standards with respect to HOA bylaws, and Ms. Nolan responded the UDO did refer residents to their HOA rules before starting home occupations. Mr. Adams asked if ordinances restricted the number of employees, and Ms. Nolan explained that there were limits to how many were allowed to work in a Home Occupation.

7. Committee Reports

Mr. Kadis reported that he and Mr. Wells had met with Staff members in Wake County's Housing Department to discuss ways the Planning Board might assist with Affordable Housing. He explained that Staff were appreciative of their interest and input, and was advised that there are already numerous committees and organizations - both public and private - working in this area. Therefore, it was his opinion that creating another committee or board effort at this time would not be beneficial. That being the case, he encouraged anyone who is interested to seek out any one of the many opportunities to get involved personally. Mr. Wells confirmed this report and expressed a desire to see collaboration between stakeholders, the County, and various municipalities.

8. Planning, Development, and Inspections Report

Ms. Peterson reported that the Wake County Agricultural Advisory Board met earlier in the day and their agenda included approval of eight applications for Voluntary Agricultural Districts, including one in the Lower Neuse Area. She also noted that the Board of Commissioners approved recent conservation easements in the area and identified Mr. Adams as being in attendance for the Advisory Board meeting. Ms. Peterson also announced a second community meeting for Lake Myra County Park was scheduled for February 13, 2024, at 4:00 p.m. Ms. Peterson invited any Board Members to join the Parks, Recreation & Open Space division in meeting with members of the public to discuss

Ms. Peterson also announced that the annual Keep the Farm workshop was scheduled for March 20, 2024. Mr. Adams added that any Board members interested in farmland preservation would be well served by attending the Keep the Farm workshop. Mr. Adams explained that he had been regularly attending over the past twenty years, and found it was the best way to discuss with property owners the issues they faced in maintaining voluntary preservation of open spaces and farms in the County. He noted that he would email any Board member interested in attending.

Mr. Finn reported that development activities were higher overall compared to last year, with administrative applications for zoning and subdivisions roughly divided 50/50. He noted that, per Ms. Nolan's presentation, that the last ordinance amendment relating to home occupations took place in 2009. Following the 2010 recession, Mr. Finn noted a consecutive 5-to-6-year period of increased applications for home occupations totaling nearly 100 annually. He explained that one of the major changes in the 2009 amendment was removing the prohibition of using accessory buildings or garages under home occupation standards. Mr. Finn explained that in the Non-Residential review, several standards were being examined in terms of current regulations, including adjacency issues in residential zoning and to streamline language to avoid conflicting information. He noted the square footage of signage, number of employees, and number of vehicles would be considered as companion features to Ms. Nolan's review. Mr. Finn closed his presentation by noting that many of the development issues along Smithfield Road and Poole Road / Shotwell were tied to the availability of good soils for septic and well water versus the availability of municipalities to provide services.

Mr. Maloney updated the Board on reappointments, noting that the Board of Commissioners voted to reappoint members at their Monday meeting. Members that were up for reappointment would receive notification from the Clerk's office via regular mail or email. Mr. Maloney acknowledged that Mr. Barron was not seeking reappointment and anticipated that the Commissioners would select a new member at their March meeting. Mr. Wells indicated that the Board would like to present him with a plaque during at the March 6, 2024, meeting.

Mr. Maloney announced that the NCDOT Turnpike Authority pilot planting project is currently underway at the interchange at NC Highway 54. He noted that Ms. Oliver was at the site earlier in the week with the Communications team to take media photos to highlight the County's efforts to provide low cost, low maintenance planting of a tree canopy. Mr. Maloney also noted that there was a meeting tomorrow with NCDOT Turnpike Authority to continue discussions on how to consistently limit tree canopy destruction during construction of new highways and replanting of new tree canopies when the opportunities present themselves.

Mr. Wells thanked the members of the public for attending and sharing their concerns with the Planning Board. He noted that he hoped they would be able to continue to hear from them, as public input and meetings were a valuable source of information in their process.

Ms. Booker-Rouse announced that, after receiving questions about property revaluations over the past month, Commissioner Calabria would be speaking at New Providence Missionary Baptist Church, 4813 Hilltop Needmore Rd, Fuquay-Varina, on February 22, 2024, to help address concerns about affordability in the area. She recommended that, if members of the Planning Board had similar questions from their neighbors, to reach out to the Commissioner representing their district and see if they would be able to talk to constituents.

Mr. Adams asked if it would be possible for the Planning Board to open meetings with the Pledge of Allegiance. Mr. Maloney responded that it would be appropriate and that adding it would be at the discretion of the Chair. Mr. Wells welcomed discussion and asked other Board members for their

input, and others approved. Mr. Murphy recommended that a motion be made to add the Pledge of Allegiance as a standing agenda item at the beginning of every meeting.

9. Addition of Pledge of Allegiance to Planning Board Meetings

Mr. Adams made a motion to open each Planning Board meeting with the Pledge of Allegiance. Dr. Kolappa seconded the motion, and it passed unanimously.

10. Chairman's Report

Mr. Wells thanked the members for their diligence at today's meeting.

11. Adjournment

The meeting was adjourned at 3:44 p.m.

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REGULAR MEETING
WAKE COUNTY PLANNING BOARD
February 7, 2024

Chair Thomas Wells declared the regular meeting
of the Wake County Planning Board for
Wednesday, February 7, 2024, adjourned at 3:44 p.m.

Respectfully Submitted:

A handwritten signature in black ink, appearing to read "Thomas Wells". The signature is written in a cursive style with a large initial "T" and "W".

Thomas Wells
Wake County Planning Board

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