



Planning, Development & Inspections

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

MINUTES OF REGULAR PLANNING BOARD - April 3, 2024

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

MEMBERS PRESENT:

1. Ms. Brenna Booker-Rouse (Vice-Chair)
2. Mr. David Adams
3. Mr. Asa Fleming
4. Mr. Bill Jenkins
5. Mr. Daniel Kadis
6. Dr. Kamal Kolappa
7. Ms. Sally Rice
8. Mr. Ted Van Dyk

MEMBERS ABSENT:

1. Mr. Thomas Wells (Chair)
2. Mr. Amos Clark

COUNTY STAFF:

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

COUNTY ATTORNEY:

- Mr. Kenneth Murphy, Deputy County Attorney

-
1. **Meeting Called to Order:** Ms. Booker-Rouse called the meeting to order at 1:33 p.m.
 2. **Pledge of Allegiance**
 3. **Swearing in of New Board Member Sally Rice – Kenneth Murphy, County Attorney:** Ms. Booker-Rouse introduced Sally Rice as the new appointee to the Planning Board. Mr. Murphy called Ms. Rice

to the lectern and administered the oath of office. Ms. Booker-Rouse welcomed her to the Planning Board.

4. Petitions and Amendments: None.

5. Approval of March 6, 2024, Minutes: Mr. Kadis made a motion to approve the March 6, 2024, minutes as presented. Mr. Van Dyk seconded the motion and the Board adopted unanimously.

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

Ms. Nolan addressed the Board and began by noting that her presentation would focus on turkey shoots and introduced Ms. Rice to the concept of staff's Non-Residential Review, centered around areas in the Unified Development Ordinance (UDO) that were relevant for updates or amendments to nonresidential uses. She noted that the review was split into two tracks: a short-term timeline, intended to be presented before the Board in the form of minor corrections to definitions and updates to use standards. Longer term plans included larger amendments, including allowable uses in watersheds and multi-use districts. The goals of the Non-Residential Review were to align regulations with PLANWake, support small business and entrepreneurship, improve access to goods and services, simplify, clarify, streamline, and modernize regulations to keep up with a changing economy, and to promote equity.

Ms. Nolan noted that, with respect to turkey shoots, obstacles arose due to the lack of clarification in County regulation. The UDO did not currently contain a definition or use standards for turkey shoots, nor were there use standards. Ms. Nolan explained that local jurisdictions do regulate turkey shoots, either through their Land Development Ordinances or through a Code of General Ordinances, generally pertaining to noise and discharge of firearms. The jurisdictional standards exist to regulate and promote the safe discharge of firearms.

Based upon jurisdictional ordinances, Ms. Nolan defined the common themes of a turkey shoot as follows: they are typically fundraising events held by a non-profit, operated around Thanksgiving, using low-powered guns to shoot at paper targets, for the purpose of contestants winning prizes, often a turkey or ham. Turkey shoots were generally short-term events, and weapons were limited in size, if not provided by the organization (along with ammunition). The County Code of Ordinances for Wake County already regulates the discharge of firearms, as well as noise related to turkey shoots. The UDO also contains applicable content related to special event standards and regulations pertaining to shooting ranges. The County Code of Ordinance regulations pertaining to the discharge of firearms prohibit any use within 300 yards of any dwelling, public building, or livestock, and backstop and time frame requirements. The County Code of Ordinances on Prohibited Noises, section 95.05 (N) states, 'the conducting of contests of "turkey shoots" where firearms are discharged in trials of skill and the contestants shoot for turkeys or other prizes, except during daytime hours.' Ms. Nolan stressed that, whatever changes are made to the UDO, they are in line with these provisions and the County Code of Ordinances.

Ms. Nolan presented a slide of UDO Special Events language that she felt would be relevant to turkey shoots, and noted the potential to include backstops and language on the direction of the firing range. Ms. Nolan pointed out that the existing language in the UDO on Firearms Range (4-40-1) states "(r)anges or clubs involving the use of firearms may not be interpreted to include that activity known as 'turkey shoots'" which created a loophole where a turkey shoot is exempt from firearms range regulation, despite there being no definition in the ordinance. Nuisance complaints related to firearms ranges have been countered by arguments that the event was a turkey shoot and was therefore not subject to regulation.

Ms. Nolan explained that the goal of the turkey shoot portion of the Non-Residential Review was to add a definition of turkey shoot, specifically as a special event for fundraising purposes. Use Standards would also be added, specifying safety standards (shooting distance, backstop) and time / duration limits. The County would also continue to consult with stakeholders like the Raleigh Moose Lodge, who Ms. Nolan noted conduct legitimate turkey shoots on their grounds. She indicated that their efforts would not negatively impact stakeholders already complying with the existing ordinances.

She presented a draft Turkey Shoot definition as “a fundraising event held by or on behalf of a non-profit or tax-exempt organization in which contestants compete for prizes by shooting at paper or similarly composed targets with projectiles fired from shotguns or similar devices.” Ms. Nolan explained that the draft language was not being proposed for review at this time, but was being presented to explain the general intent by staff. Proposed standards would be consistent with the General Use Ordinance and the UDO Special Events requirements.

Mr. Jenkins asked how many events during the year qualify as turkey shoots, and Ms. Nolan responded that the Raleigh Moose Lodge, which fell into unincorporated Wake County, conducts one yearly. She noted that the State Fair has been conducting shooting fundraisers for decades, although that fell within Raleigh’s jurisdiction and was not technically a turkey shoot. She explained that the current issue facing staff was that businesses were conducting non-fundraising events and creating a nuisance, but claiming it was a turkey shoot to bypass the County’s ability to enforce the ordinance.

Dr. Kolappa asked about the frequency of complaints, and Mr. Maloney responded that they had received several complaints from neighbors in one location regarding concerns about safety measures not being taken. Ms. Nolan added that Raleigh Moose Lodge meets all existing requirements and that mirroring their standards would be a good initial framework.

Mr. Adams suggested that staff consider caution when it came to the draft language pertaining to “fired from shotguns or similar devices,” suggesting that it might create an issue in the future, and that more specificity around “similar devices” would be desirable. Mr. Maloney noted the difficulty among staff in determining how descriptive versus broad the standards should be, but that they would continue discussions.

7. Capital Area MPO Southeast Area Study Update – Gaby Lawlor, CAMPO

Ms. Lawlor introduced herself as a member of the Capital Area Metropolitan Planning Organization, a government organization that coordinated with jurisdictions within their boundary to ensure that NCDOT improvements planned into the future were within harmony with municipal plans. Ms. Lawlor approached the Board to provide an update on the MPO’s Southeast Area Study, which was designed as a portion of their boundary land use plan to create an integrated approach to land use and transportation. She noted that the current SEAS was nearly complete and provided a refresher on the original goals of the update.

Ms. Lawlor explained that the report included an overview of the planning framework, how recommendations were developed, and a vision for how jurisdictions would develop and grow moving forward. She presented a regional snapshot of the jurisdictions included in the SEAS update, noting that updates to policies and recommendations were based on changes between 2017 and 2022. She also referred the Board towards slides related to Land Use and Scenario Planning, as well as Multimodal recommendations (roadway, intersection, truck, freight, rail, bicycle, pedestrian, and transit) included within the plan. At the end of the update, CAMPO provided an action plan with recommendations on prioritization processes, maps, and project tables.

Ms. Lawlor noted that part of the charge of the MPO was to plan across regions and ensure that there was coordination occurring across jurisdictional boundaries – roadways did not necessarily exist in only one jurisdiction. The Southeast Area study included areas in Wake and Johnston counties, as well as Raleigh, Clayton, Garner, and RPO jurisdictions. She explained that, once feedback and data had been gathered, the project prioritization process divided recommendations into near-term, mid-term, and long-term projects. Bicycle and pedestrian recommendations that filled gaps in networks and jurisdictions fell into near-term prioritization within towns and cities, with longer-term goals of completing regional multimodal systems. Ms. Lawlor presented similar slides with prioritization goals for transit, roadways, and intersection goals. Near-term goals would be prioritized immediately, with long-term goals stretching into a 30-year timeframe.

Ms. Lawlor explained that, with adoption of the plan, the recommendations would be added to the CAMPO 2055 Metropolitan Transit Plan. For recommendations to become official, they need to be recognized at the local level and endorsed by CAMPO member jurisdictions, with the hope that the RPO would also carry those recommendations forward in their own plan. She closed her presentation by offering a link to the study website and to answer any questions that the Board might have.

Mr. Van Dyk noted that Wake County Commissioners had asked all NCDOT projects within their jurisdiction to automatically consider any enhancement funds or other means to reforest along their corridors. He mentioned that, if possible, it would also be helpful for the SEAS update to include similar language, particularly due to CAMPO's role in transportation projects. Ms. Lawlor responded that, while the SEAS did not currently include that language, they were sensitive to more rural areas and ensuring preservation of natural resources when developing. Mr. Maloney added that staff might be able to assist with any language, based on their work with Mr. Van Dyk, the NCDOT and Turnpike Authority on the initiative to minimize tree loss during construction projects.

Mr. Adams asked if CAMPO had a ranking mechanism in place for prioritization, specifically related to cost sharing with municipalities. Ms. Lawlor responded that CAMPO actively participated in a cost share through a Locally Administered Projects Program (LAP). LAP comes from federal funds and CAMPO had the most direct control over how it was dispersed to member jurisdictions. She did note that LAP ranking was slightly different from the SEAS prioritization, but that criteria would include metrics similar to those used by DOT. She did note that the LAP program had been examining the best way to equitably disperse funds, including a developmental prioritization tool that was introduced during the SEAS update, but it was still being refined in the hopes of adding to the 2055 MTP.

Mr. Fleming asked how CAMPO balanced transit demands with congestion concerns, and Ms. Lawlor responded that they were generally prioritized separately, but that the MPO and its member jurisdictions had recognized that widening roads was limited in its effects to mitigate congestion. She explained that the SEAS also factored in comprehensive transportation networks across all modes and create a more holistic approach.

8. Western Wake Area Plan Introduction – Akul Nishawala, Planner III

Mr. Nishawala addressed the Board and presented the Western Wake Area Plan, for which staff was in the early stages of gathering information about the plan and that his presentation would serve as an introduction.

Mr. Nishawala informed the Board that the land use planning documents were designed for future growth while maintaining resources, the environment, public health, safety, and welfare. These documents were designed to be fluid and dynamic – living documents- available to be amended and updated. The original plans were adopted between 1997 and 1999, and the current version (PLANWake) was adopted in April of 2021. Mr. Nishawala explained that the Western Wake Area

Plan would be replacing the Southwest Wake Area Land Use Plan (adopted 2007, updated 2010) and the Fuquay/Garner Area Land Use Plan (adopted 2004). He noted that portions of the Fuquay/Garner plan had already been replaced by the Lower Swift Creek and Middle Creek Area Plans.

Mr. Nishawala explained that the Western Wake Area Plan (WWAP) presented different challenges from the Eastern counterparts, primarily in that it was more developed than other area plans. He presented a slide explaining that the first goal of the WWAP was to reduce the Area Plan boundary from 56,921 acres (90 square miles) to 28,117 acres (44 square miles) to reflect the unincorporated portions of the County. The County would be working with municipal partners (Fuquay, Apex, Holly Springs, and Cary), but that staff would be better served narrowing their research into strictly unincorporated jurisdiction.

Mr. Nishawala noted that within the PLANWake Development Framework, most of the WWAP was primarily rural, with sections of Community Reserve and Community. He clarified that Rural Areas were sections they did not expect to see municipal growth – the municipalities they contacted expressed no interest in expansion of ETJ or annexation of these rural areas. Community and Community Reserve might, on the other hand, see municipal expansion in the future. Mr. Nishawala explained that within the WWAP, most of the zoning was residential, including watershed districts with an overlay for additional protections. He identified much of the zoning as R-80, a low-density area that staff did not anticipate changing, although he did express a desire to identify nonresidential areas and be more prescriptive about land use regulations. Mr. Nishawala expressed a desire to meet community members and determine where neighbors sought growth, if at all. He also identified the Town of Apex's Western Big Branch Area Plan on the map of the WWAP, which comprised the neighborhoods of New Hill and Friendship. The Western Big Branch Area Plan was designed by the Town to address their 2045 Land Use and Transportation Plans, and the neighborhoods involved expressed a strong desire to maintain their residential and agricultural character. Mr. Nishawala noted that the Town of Apex was in the midst of community outreach and that County staff was attending meetings to work in conjunction as they developed their Area Plan.

Mr. Nishawala explained that the current timeline for the WWAP including the first round of public engagement from April to July, followed by a Community Meeting and Draft Plan late in the Summer. Based on the Draft Plan, the second round of public engagement would commence into the fall with a plan proposal in October and potential approval in the winter of 2024. He closed his presentation by offering to answer any questions that the Board might have.

Mr. Jenkins asked for clarification on Shearon Harris Lake – was it treated differently from Falls Lake as a watershed, and Mr. Maloney responded that it was not water supply watershed zoning, which was related to Jordan Lake. Shearon Harris was designed specifically for cooling the nuclear plant, and was zoned R-40, not water supply. Mr. Nishawala added that the presence of Shearon Harris provided the County with new stakeholders to contact for feedback.

A concerned citizen approached the Board with a request to help assist in any way that they could to help maintain the Historic Farmland qualities of their land in the Western Big Branch Area. Mr. Maloney did note to the Board that the previous area plans introduced a Farm Land Use, but that the request by the member of the public would be an additional step beyond. Mr. Nishawala added that the designation of historical would likely involve the local municipalities, Capital Area Preservation, or the Historic Preservation Commission. Previous attempts to strengthen residential use zoning were prohibited by State Statutes that determine that Farm designations were exempted from zoning regulations.

9. Committee Reports

There were no updates to report from the Committees.

10. Planning, Development, and Inspections Report

Ms. Peterson updated the Board on multi-modal transportation initiatives within the County, including an update to the Micro-Transit project. The Smart Ride Northeast service was scheduled to undergo a shift on July 1st as the zone configuration moved from Rolesville to Knightdale. Rolesville will continue service under a new partnership between Wake Forest and GoRaleigh. Ms. Peterson noted that with the increase of population between Rolesville and Knightdale (roughly 10,000) that demand would be monitored carefully by staff. She explained that they would maintain the existing vehicles. She also informed the Board that the funding source for the Micro-Transit project would be shifting from a federally funded pilot grant to the Wake Transit Plan, with additional sources from Knightdale, Zebulon, and Wendell.

Mr. Finn reported that development trends three quarters of the way into the Fiscal Year indicated a shift. He noted that, while they are not required, pre-submittal meetings are strongly encouraged by staff, and to date this fiscal year 50 meetings had taken place. Eighty-seven percent of pre-submittal projects for residential or nonresidential enter through the application process and are either approved ministerially (staff approval as a site plan) or as a Board related case. Mr. Finn noted that the shift he'd noticed involved the number of applications which were Board related – to date, staff had received and were processing 11 special use permit applications. Mr. Finn explained that 11 cases for special use permits was more than double the number of applications that staff historically received and felt it reflected well on the flexibility of the ordinance.

Mr. Finn also noted that appeals were high, noting 10 going back to January of 2023. Mr. Finn explained that the appeal requests were primarily related to zoning enforcement, and that there was potentially one heading to the Board of Adjustment that might result in an ordinance amendment for the Planning Board to consider. Relative to other cases, Mr. Finn noted that variance requests were considerably lower – typically around half a dozen – at two requests this fiscal year.

Mr. Finn added that the two most recent pre-submittal applications involved a total of 215 lots for separate subdivisions. This, he explained, was considerably higher than the average subdivision application, which averaged a 35-lot yield. He mentioned that these lots represented an outlier that staff reported seeing once or twice a year.

Mr. Kadis asked how many projects avoided the pre-submittal process, and Mr. Finn responded that close to 90%, but that of the 11 special use permit applications, he saw a direct correlation between requests and no pre-submittal meeting. He attributed some of this to newer developers and engineers that are not as familiar with County regulations.

Mr. Maloney thanked Ms. Booker-Rouse for representing the Board at the Commissioners meeting on April 1st, where the Lower Neuse Area Plan was adopted. He indicated that there were no current agenda items for May but that they did anticipate a June 5th meeting. Mr. Maloney noted that the July meeting, were it to be held, would not be on July 3rd as it is currently scheduled.

11. Chairman's Report

Ms. Booker-Rouse welcomed Ms. Rice again and looked forward to working with her on the Planning Board.

12. Adjournment

The meeting was adjourned at 3:02 p.m.

=====

REGULAR MEETING
WAKE COUNTY PLANNING BOARD
April 3, 2024

Vice Chair Brenna Booker-Rouse declared the regular meeting
of the Wake County Planning Board for
Wednesday, April 3, 2024, adjourned at 3:02 p.m.

Respectfully Submitted:

A handwritten signature in black ink, appearing to read 'Brenna Booker-Rouse', written in a cursive style.

Brenna Booker-Rouse
Wake County Planning Board