



## Planning, Development & Inspections

A Division of Community Services  
P.O. Box 550 • Raleigh, NC 27602  
[www.wake.gov](http://www.wake.gov)

### **MINUTES OF REGULAR PLANNING BOARD - August 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. Dr. Kamal Kolappa
7. Ms. Sally Rice
8. Mr. Ted Van Dyk

#### **MEMBERS ABSENT:**

1. Mr. Bill Jenkins
2. Mr. Daniel Kadis

#### **COUNTY STAFF:**

1. Mr. Adam Cook
2. Mr. Steven Finn
3. Ms. Theresa Furr
4. Mr. Loren Hendrickson
5. Mr. Josh McClellan
6. Mr. Timothy Maloney
7. Mr. Akul Nishawala
8. Ms. Terry Nolan
9. Ms. Liz Oliver
10. Ms. Beth Simmons

#### **COUNTY ATTORNEY:**

- Mr. Kenneth Murphy, Deputy County Attorney

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1. **Meeting Called to Order:** Mr. Wells called the meeting to order at 1:32 p.m.
  2. **Pledge of Allegiance**
  3. **Petitions and Amendments:** None.

4. **Approval of June 5, 2024, Minutes:** Mr. Clark made a motion to approve the June 5, 2024, minutes as presented. Dr. Kolappa seconded the motion and the Board adopted unanimously.

5. **PLG-RZ-005262-2024:**

Amendment to rezone nine parcels on Eddie Howard Road pursuant to North Carolina General Assembly House Bill 909 / Session Law 2024-20

**Presentation by staff: Adam Cook, Planner II**

Mr. Cook introduced the request to add Wake County residential R-30 zoning to nine parcels that consisted of approximately 27.85 acres, located on the north side of Eddie Howard Road, between Kennebec Road and Walter Myatt Road. He presented a slide of the parcels, which were removed from the town of Fuquay-Varina's corporate limits by North Carolina General Assembly House Bill 909 / Session Law 2024-20 on June 28<sup>th</sup>, 2024, with an effective date of June 30<sup>th</sup>. The parcels were formerly zoned Fuquay-Varina Residential Agricultural, and the rezoning request was to propose adding Wake County zoning of R-30.

Mr. Cook provided background for the parcels and concluded that the properties are in the Community Area on the Wake County Development Framework Map. Mr. Cook noted that the requested R-30 district allows for a residential density and limited range of nonresidential uses that are consistent with the Comprehensive Plan. Public Hearings signs were placed on the property and the owners of all nine parcels, as well as adjacent property owners, were notified by mail on July 26<sup>th</sup>. Mr. Cook explained that he received two phone calls and one email as a result of notification letters, all requesting more information about the rezoning request. The subject properties either already have individual well and septic disposal systems or would likely be developed with individual well and septic systems.

Mr. Cook informed the Board that the North Carolina General Statute 160D-604 and Section 19-20-6 (E) of the UDO require that the Planning Board provide the Board of Commissioners with a statement indicating whether or not the request is consistent with the Comprehensive Plan, is reasonable, and otherwise advances public health, safety, and general welfare. In making a determination whether or not to approve the rezoning petition, the Board of Commissioners must adopt a statement describing whether its action is consistent with the Comprehensive Plan, or explaining why their decision is reasonable and in the public interest. He noted that Planning staff had drafted a statement of consistency and public interest for consideration by the Board.

He indicated that Planning staff had reached the following findings:

- 1) The proposed Residential-30 rezoning and the permissible density and range of uses are consistent with the Comprehensive Plan's designation and are reasonable and appropriate for the area.
- 2) The proposed rezoning complies with the Comprehensive Plan's Development Framework Map classification of Community in that development of the Community areas should provide for predominantly residential uses that offer the scenic views and pastoral amenities of suburban living, while retaining close access to the benefits and cultural opportunities of the adjacent urban centers.
- 3) A detailed site plan must be approved by the appropriate Wake County entity prior to future redevelopment.
- 4) The properties were removed from the corporate limits of the Town of Fuquay-Varina by House Bill 909 / Session Law 2024-20 on June 28, 2024, with an effective date of June 30, 2024.

Mr. Cook explained that staff recommendation was that they recommend approval of the requested zoning map amendment, PLG-RZ-005262-2024, as presented, and finds that the amendment is consistent with the Comprehensive Plan, is reasonable, and otherwise advances public health, safety, and general welfare, as required by UDO Section 19-21-6 (C) and state law. The suggested



recommendation is that the Planning Board 1) adopts the drafted statement of consistency and 2) recommends approval of the rezoning petition, PLG-RZ-005262-2024 as presented. He offered to answer any questions the Board might have.

Mr. Adams asked if the property owners requested the secession from Fuquay-Varina, and what were the responses and communication he received, and Mr. Cook responded that he was uncertain how the State Law came about, but when the land was annexed by the Town of Fuquay-Varina in 2017, it was a voluntary annexation. He explained that two calls were from the parcel owners, and they were asking what the sign was regarding. Once he explained the purpose of the sign, they indicated they were aware of the request to rezone. The email was in relation to the sign and the purpose of the hearing. Mr. Adams asked if there was any opposition, and Mr. Cook responded that he heard none. Mr. Maloney added a bit more information on the State Law, explaining that the legislation was introduced in 2023 and sponsored by Erin Pare, who represents the area. He added they could only assume that the residents were behind initiating the law, but the County had no involvement in the legislation.

Mr. Wells asked where the parcels were relative to Fuquay-Varina's ETJ, and Mr. Cook responded it was on the eastern edge of their corporate limits. The adjacent properties were zoned R-30 for Wake County properties and Residential Agricultural for Fuquay-Varina, which are similar in lot size, setbacks, and allowable use. Mr. Maloney added that staff had spoken to the Tax Administrator because there were now tax implications after being removed from the Town's corporate limits.

### **Public Hearing**

Mr. Wells opened the floor to public comment at 1:44p.m. Hearing none, he closed public discussion.

### **Board Motion for Consistency**

Mr. Van Dyk made a motion in the matter of PLG-RZ-005262-2024, that the Board find that the requested zoning to R-30 is consistent with the Wake County Comprehensive Plan and Wake County Unified Development Ordinance because the rezoning is:

- a) Consistent with the permissible range of uses that are allowed throughout the Community Area of the Comprehensive Plan's Development Framework Map, especially considering that most nonresidential uses would require a separate public hearing process for a Special Use Permit to ensure that their location and design is appropriate and will protect the public health, safety, and general welfare;
- b) Consistent with the Comprehensive Plan's Development Framework Map classification of Community in that development of the Community areas should provide for predominantly residential uses that offer the scenic views and pastoral amenities of suburban living, while retaining close access to the benefits and cultural opportunities of the adjacent urban centers;
- c) Reasonable because it would allow for the same residential density and range of uses as would be permissible on all surrounding properties in this area;
- d) In the public interest because the future residential development of the site may meet a market need for additional housing opportunities;
- e) Reasonable and in the public interest because various provisions of the Wake County UDO 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, the subsequent developments will comply with county requirements regarding buffering, stormwater and erosion control, and protection of environmentally sensitive areas.

The motion was seconded by Mr. Adams and was approved unanimously.

### **Board Motion for Approval**

Mr. Adams made a motion in the matter of PLG-RZ-005262-2024, the Board find that the requested rezoning to R-30 is consistent with the Wake County Comprehensive Plan and Wake County Unified Development Ordinance and is reasonable and in the public interest and hereby make a motion to recommend approval of the proposed rezoning to R-30 to the Wake County Board of Commissioners.

The motion was seconded by Ms. Rice and was approved unanimously.

#### **6. Western Wake Area Plan Introduction – Akul Nishawala, Planner III**

Mr. Nishawala refreshed the Board on the Western Wake Area Plan; one of the seven Area Plans being considered for adoption. He noted that, since 2021, they had adopted Middle Creek, Lower Swift Creek, and Lower Neuse, and the Western Wake would be the fourth. He provided an update on Community Meetings, explaining that a Virtual Meeting was held on May 21<sup>st</sup> with around 20-30 participants, which yielded productive discussions. An in-person meeting was held at New Hill Community Center on June 12<sup>th</sup>, and while only 33 people signed in, Mr. Nishawala indicated that the attendance seemed much higher. He noted that staff set up various stations with information about different aspects of the area plan, converging on a section in the middle for them to provide their input.

Mr. Nishawala also noted that staff had been working with various stakeholders and partners, including Soil and Water, the Towns of Apex, Holly Springs, Fuquay-Varina, and Cary. He explained that the municipalities had been involved in discussions about their long-term plans for growth. He added that they had met with Chatham County, noting that decisions made by Wake County could affect them as well. Chatham County conversations were particularly helpful, as they have been developing their agricultural zoning, and Mr. Nishawala indicated that it would be an aspect Wake County would consider incorporating into their Land Use Plans moving forward. He presented photos from the meeting, including feedback and comments received from the public.

Mr. Nishawala reviewed the current use of the land and presented the Board with a slide of the area plan, noting the majority of it was owned and maintained by Duke Energy as the surrounding area of Shearon Harris Lake and the Harris Power Plant. He also identified an area owned by the Army Corp of Engineers and would likely never be developed since it served as a buffer between the flood areas and the Jordan Lake watershed. Mr. Nishawala noted that the Western Wake Area Plan was unique, in that there was considerably less area within the County's jurisdiction compared to the 2010 Area Plan.

Mr. Nishawala identified areas on the map where pockets of development existed, but explained most of the undeveloped rural and agricultural lands were towards the south, near the Harnett County line. In this part of the County, there was little to no commercial development, but that residents in the Western Wake Area preferred it that way. Proposals to add small-scale retail services / multi-use districts were generally met with indifference from long-term residents, but he did add that newer residents expressed some desire for those services. The water supply watershed encompassed the western portions of the boundary, as well as non-critical areas. He explained that the New Hill and Friendship area development framework plan amendment in place was half community and half rural, with the assumption that rural areas would remain in the County, and community would be expected to transition to municipal jurisdiction in the next decade. Mr. Nishawala indicated that he felt this part of the County would not change in the immediate future, which is why they intended to address them in the framework plan.



Mr. Nishawala identified existing MUDs, noting that many of them did not show any indication to make changes to their existing uses. Mr. Wells asked about a specific slide near Page Road, and Mr. Nishawala clarified that was within the corporate limits of Apex. Mr. Nishawala noted that the Western Big Branch Area Plan, conducted by the Town of Apex, was running parallel to the County's current area plan. Located around the Friendship / New Hill communities, it came about as Apex determined the area needed its own dedicated plan to address transportation corridors, greenways, and land uses. He explained that their area plan was in a draft stage and was open for public comment. The Town Planning Board would meet, followed by a Town Council meeting to consider adoption on August 24<sup>th</sup>. The County submitted comments and have been in communication with the County about what each party feels is appropriate moving forward. He recommended that the Planning Board review their website for information as it moves forward.

Mr. Nishawala indicated that the timeline for the Western Wake Area Plan was in the Draft stage, and the draft land uses would be uploaded for public comment after the conclusion of this meeting. He added that a mailer was scheduled soon for additional comments. The draft Area Plan was in process and Mr. Nishawala expressed a hope to have it ready for the Board to review in the coming months, potentially at the October meeting. The second community meeting will take place between the Town of Apex's Planning Board and Town Council meetings, on September 11<sup>th</sup> at the White Oak Community Center. He indicated that, by winter, staff hoped to have the Area Plan adopted by the Board.

Mr. Van Dyk asked about the potential for bike infrastructure in the area, and Mr. Nishawala responded that the Town of Apex had included it in their plan, but that the County was also looking to connect the ATT trail to Harris County Park. Mr. Adams thanked the staff for the level of engagement that they collect while working on area plans – it gave the communities a voice in the process in determining property uses.

## **7. Committee Reports**

Mr. Wells introduced the new Chair of Code and Operations, David Adams.

Mr. Adams updated the Board on the Code and Operations meeting held prior to the Regular Meeting, noting that many of the members were present. He thanked the members for their participation and respectful comments, noting that there were several issues discussed and differences of opinion, and praised the Board for their willingness to work through tough issues in the best interest of the County.

Mr. Wells noted that the new committee rosters had been submitted to the Clerk and made one additional change prior to Staff reports, moving Mr. Fleming from Land Use to Code and Operations.

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

Mr. Finn began by thanking Mr. Cook for his presentation today, noting that condensed rezonings were outside of the traditional technical review committee processes. During the last Fiscal Year, there were less cases, but due to working with newer design agencies, staff had been busier overall. He indicated that it was necessary, given the growth in design firms.

Mr. Finn noted that over the past calendar year that more discussions had taken place regarding utility towers than in previous years, which he attributed to growth and the need for infrastructure. The County had received two requests for towers over 200 feet, but primarily the success of the UDO was due to the encouragement of co-location. He added that permit requests were roughly split 50/50 between nonresidential and subdivision applications. Mr. Finn noted the quarry in Fuquay-Varina that

Mr. Nishawala mentioned, and added that had been expanded as a modification to its SUP, and was undergoing a State Review process.

Mr. Finn closed his update by discussing his presentation to the Farm Bureau Federation Policy Day, which centered on the Cluster Ordinance, or Open Space Subdivision ordinance. He reminded the Board that they adopted the ordinance in 2022 to encourage subdivisions to allow smaller lots and protect more environmentally sensitive land. He noted it continued to work well.

Mr. Van Dyk asked if the County had any specific definition for Electric Vehicle Charging stations, and Mr. Finn responded that they did not currently, but he had come across this question and would be discussing it with colleagues and would follow up with the Board moving forward. Mr. Maloney added that he typically saw it appear as an accessory use to a principal use, but that the County may need to consider it as its own use category.

Mr. Maloney updated the Board that there would be a Code and Operations Committee Meeting on September 4<sup>th</sup>, but would provide information about a full meeting to follow if agenda items appeared. He indicated that Mr. Wells would be called upon to speak to the Rezoning case at the September 16<sup>th</sup> Board of Commissioners meeting. He added that RDU Airport would be presenting an update at the November 6<sup>th</sup> meeting, noting that projects had continued to move rapidly as business currently exceeded pre-COVID levels.

Mr. Maloney also indicated that a representative from the Raleigh Convention Center and Red Hat Amphitheater would come before the Board sometime in the Fall to discuss their plans for expansion. Mr. Maloney indicated that staff had begun reviewing the Town of Garner ETJ request and that he anticipated the Land Use Committee would meet several times over the coming months to discuss. He closed his update by indicating that RTP would be approaching the Board with a UDO text amendment regarding the Wake County land they operated, designed to be more in line with their Durham County area. He noted that after meeting with RTP representatives, their goals were to change zoning to move away from Open Space and closer to Mixed-Use, transportation friendly walkable areas.

Mr. Van Dyk asked about the tree planting update, and Mr. Maloney responded that they were working on a donation of about 4,000 square feet for a pilot or pocket forest with a vendor. Staff had identified some areas of interest, ideally a turnpike on a new leg of I-540 that would open in August or September. Planting would occur in the winter, and he explained he would provide updates as they had them. Mr. Van Dyk asked about the first planting, and Mr. Maloney indicated they should go out and check to see how it looked.

Mr. Adams expressed an interest in collaborative discussions between County and Municipal Planning Boards to discuss goals and differences in the future.

#### **9. Chairman's Report**

Mr. Wells thanked the Board for their spirited discussion during the Committee Meeting and stressed the importance of finding common ground.

#### **10. Adjournment**

The meeting was adjourned at 2:35 p.m.

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REGULAR MEETING  
WAKE COUNTY PLANNING BOARD  
August 7, 2024

Chair Thomas Wells declared the regular meeting  
of the Wake County Planning Board for  
Wednesday, August 7, 2024, adjourned at 2:35 p.m.

Respectfully Submitted:

A handwritten signature in purple ink, appearing to read "T. Wells", is written above the printed name.

Thomas Wells  
Wake County Planning Board

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