



## 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 - October 2, 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. Bill Jenkins
6. Dr. Kamal Kolappa
7. Ms. Sally Rice
8. Mr. Ted Van Dyk

#### MEMBERS ABSENT:

1. Mr. Asa Fleming

#### COUNTY STAFF:

1. Mr. Frank Cope
2. Mr. Steven Finn
3. Mr. Josh McClellan
4. Mr. Timothy Maloney
5. Mr. Akul Nishawala
6. Ms. Terry Nolan
7. Mr. Matthew Roylance
8. 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 1:30 p.m.
  2. **Pledge of Allegiance**
  3. **Petitions and Amendments:** None.

Mr. Van Dyk spoke about the impacts of Hurricane Helene on western NC, and asked the Board members and staff to keep residents in their thoughts. He advocated anyone able to do so to assist in relief efforts and thanked those who were already helping.

4. **Approval of August 7, 2024, Minutes:** Mr. Jenkins made a motion to approve the June 5, 2024, minutes as presented. Dr. Kolappa seconded the motion and the Board adopted unanimously.

5. **OA-01-2024:**

Amendment to the Wake County Unified Development Ordinance (UDO) Article 4, and Article 21

**Presentation by staff: Terry Nolan, Planner III**

Ms. Nolan explained that OA-01-2024 requests amendments to Articles 4 (Use Standards) and 21 (Definitions and Measurements) of the Wake County Unified Development Ordinance. These minor modifications mainly reflect updates in State Law, market trends, and new terminology. The Code and Operations Committee reviewed these changes to align them with County goals. The amendments aim to enhance regulations in line with PLANWake, support small businesses, improve access to goods and services, and promote equity while streamlining and modernizing regulations.

She noted that OA-01-2024 is the first package of amendments presented to the Planning Board. The Committee recommended adjustments to standards for event venues, personal services (like massages and tattoos), and a ban on dry-cleaning operations in R-40W areas. Additionally, it proposed removing Special Use Permits for cemeteries and family burial grounds, clarifying Home Occupation standards, and updating agricultural items to comply with State Law. Changes to the Use Table will reflect these updates, and a definition for "Turkey Shoot" will be added to the UDO without further regulatory language for now.

Staff found the proposed amendments consistent with PLANWake policies, aligning non-residential provisions with best practices, current trends, the North Carolina Building Code, and other regulations. Ms. Nolan recommended that the Planning Board adopt this proposal as consistent with the Wake County Comprehensive Plan and reasonable for the public interest, motioning for approval from the Wake County Board of Commissioners.

Mr. Wells sought clarification on the definition of an adult day care home. Ms. Nolan clarified that it would be categorized as a day care facility, treated the same as licensed by the State and subject to applicable State laws. She emphasized the distinction between care facilities that serve as accessories to residential homes and primary use facilities, such as institutional buildings.

**Board Motion for Consistency**

Dr. Kolappa made a motion in the matter of OA-01-2024, that the Board adopt and offer to the Board of Commissioners the following recommended statements finding that the proposed text amendments are consistent with the Wake County Comprehensive Plan and the Wake County Unified Development Ordinance (UDO). The text amendments included herein accomplish as described in the following statements:

- 1) The purpose of the Wake County Comprehensive Plan, and of the Unified Development Ordinance, is to promote the health, safety, and general welfare of the citizens of Wake County. The amendment clarifies standards and regulations that protect health and safety.
- 2) The proposed text amendment is reasonable because it aligns the non-residential provisions with best practices, current and emerging trends, and is consistent with NC state law and NC building code.

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

**Board Motion for Approval**



Mr. Clark made a motion in the matter of OA-01-2024, the Board find that the adoption of the text amendment is consistent with the Wake County Comprehensive Plan and the Wake County Unified Development Ordinance and is reasonable and in the public interest and hereby make a motion to recommend approval of the proposed text amendment to the Wake County Board of Commissioners.

The motion was seconded by Ms. Booker-Rouse and was approved unanimously.

## **6. Garner ETJ Introduction – Terry Nolan, Planner III**

Ms. Nolan informed the Board that the Town of Garner had submitted an ETJ request, which would undergo a thorough review by Wake County. She emphasized that a key principle of PLANWake is to direct growth into municipalities and coordinate planning efforts. ETJs are vital for municipalities as they designate areas for anticipated growth, allowing towns to apply zoning and land use regulations, which helps align new construction with future land use plans and manage infrastructure expansion. State Law outlines the ETJ request process, including its allowable boundaries based on population, and residents in ETJ areas are not subject to municipal taxes.

Ms. Nolan noted that the County had approved various ETJ requests in the past 20 years, with sizes ranging from 55 to 22,000 acres. Garner's request is for 8,858 acres.

Dr. Kolappa asked about the appeals process if the approved area is smaller than requested. Mr. Maloney clarified that various proposals could be considered by the municipality, staff, and the Planning Board, ultimately submitted to the Board of Commissioners for public determination.

The ETJ expansion process starts with the municipality passing a resolution and submitting a report to the County. The town holds community meetings while the County reviews the request against its criteria, preparing a staff report for the Planning Board's Land Use Committee. The full Planning Board then conducts public hearings and recommends to the Board of Commissioners, which will review the request in a work session followed by a public hearing. Ms. Nolan mentioned that the staff report would be discussed in multiple sessions, incorporating feedback from affected residents.

Mr. Jenkins sought clarification on the coded areas in the presentation, and Ms. Nolan explained that these indicate areas within Garner's Planning Jurisdiction.

She outlined the County's criteria for reviewing ETJ requests, which include: 1) growth and development within the area, 2) location within a walkable center on the Development Framework Map of PLANWake, 3) alignment with the Municipal Comprehensive Plan, 4) alignment with the Municipal Capital Improvement Plan, 5) meaningful community engagement, and 6) a municipality's record in achieving county-wide comprehensive goals. This data-driven approach ensures adherence to best planning principles.

Common concerns from residents regarding ETJ requests include lack of representation, as they cannot vote for municipal officials, though they can serve on planning boards. Residents are subject to different zoning rules, although existing land uses cannot be negatively impacted. Ms. Nolan addressed fears that ETJs precede annexation, clarifying that annexation can only occur voluntarily. She noted concerns from the farming community regarding ETJ implications on planning and zoning, stating that staff is exploring ways to address these issues, including possibly including bona-fide farms in a farmland preservation program.

Ms. Nolan proposed a timeline for the Land Use Committee meetings on November 6th and December 4th, with a dedicated webpage for ETJ information and channels for public comments. She concluded her presentation by inviting questions from the Board.

Ms. Booker-Rouse asked if residents from previous ETJ requests would participate in public hearings. Ms. Nolan indicated that Theresa Furr from Soil and Water Conservation had been in contact with the farming community, and they would seek further engagement.

Mr. Wells inquired if any Town of Garner representatives were present. Jeff Triezenberg, Planning Director for Garner, introduced himself, noting his experience with previous ETJ requests. He emphasized the town's efforts to balance the needs of neighborhoods interested in joining the ETJ with those wishing to remain in the County.

Ms. Nolan requested that any public comments directed to the Board be sent to staff for addressing. Mr. Maloney mentioned that the Western Wake Area Plan would also be discussed during the Land Use Committee on November 6th, recommending full Board attendance. A full Planning Board meeting is scheduled for December 4th following the second ETJ discussion.

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

Mr. Nishawala updated the Board on the Western Wake Area Plan, noting that the recent in-person community meeting in Apex drew over 30 registrants, including many new participants. This meeting expanded outreach efforts and allowed staff to gather input from residents who had not attended previous sessions. Planning staff collaborated with Parks, Recreation & Open Spaces, Soil, Water & Housing, and Water Quality and Well & Septic to provide residents with comprehensive information. A key concern raised was about school assignments, and staff are communicating issues to the Wake County Public School System.

He also mentioned ongoing discussions with stakeholders, including the Towns of Apex, Holly Springs, Fuquay-Varina, and Cary, regarding their long-term growth plans. Meetings with Chatham County were beneficial, particularly as they develop agricultural zoning, which Wake County may incorporate into its Land Use Plans. Mr. Nishawala presented photos from the meeting, showcasing public feedback.

Feedback from Apex regarding the Western Wake Area Plan included recommendations for new commercial and office uses on New Hill Olive Chapel Road and development along Richardson Road. Apex also identified a mixed-use development opportunity near US-1 at the county line, aligning with the current County Land Use Map. A meeting is planned with the proprietor of the North Carolina Railway Museum to discuss potential expansions and connections to the ATT trails. Apex's residents have expressed a preference for lower residential densities, which aligns with the County's plans.

Mr. Nishawala outlined the adoption timeline: a Land Use Committee meeting on November 6th for recommendations, followed by a full Planning Board presentation on December 4th. If approved, the plan will be presented to the Board of Commissioners for adoption on January 6th, 2025. The full packet will be available for review before the November 6th meeting.

Mr. Wells inquired about anticipated public engagement during the December 6th meeting. Mr. Nishawala noted that feedback from community meetings was generally consistent, with longer-term residents favoring limited development to preserve area features, while newer residents



sought some amenities. Most discussions favored small-scale development, akin to corner stores rather than large commercial areas.

Mr. Jenkins asked about the overlap between the Big Branch Western Area Plan and the County's plan. Mr. Nishawala clarified that the New Hill/Friendship area falls within a growth area not yet under municipal jurisdiction but allowed for future expansion or annexation. Although Apex may eventually develop residential lots, residents have raised concerns about potential zoning changes to allow higher density. Currently, the County designates land for one residential unit per acre, aligning with existing land use. Staff have communicated potential inconsistencies to Apex, reflecting differences in development visions.

Mr. Wells expressed unfamiliarity with the area, and Mr. Nishawala encouraged him and other Board members to visit Western Wake to better understand its unique, fragmented development pattern. Mr. Van Dyk echoed this sentiment, noting that growth patterns can appear unusual. Mr. Nishawala added that most of the Western Wake Area Plan falls within a rural designation on PLANWake, which is not expected to change. Mr. Wells inquired about traffic patterns through US-1, to which Mr. Nishawala noted increased traffic from Chatham County. Mr. Adams predicted further development in Lee County as urban sprawl continues.

#### **8. Committee Reports**

Mr. Wells noted there were no current updates to report.

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

Mr. Maloney began by noting that the recommended Ordinance Amendment would be heard by the Board of Commissioners at their meeting on either November 4th or 18th, with Mr. Wells in attendance. He reported that the Board of Commissioners adopted the Fuquay-Varina rezoning recommendation in September. Mr. Maloney also announced that Daniel Kadis had stepped down, and the County Manager's office is working on appointing a replacement.

He concluded with an update on a 4,000-square-foot "pocket forest" donation from Leaf and Limb. Initial discussions considered a location near a turnpike, but Leaf and Limb suggested a site that could attract visitors and serve as a demonstration area. Staff are now exploring potential sites on County-owned properties, such as a park or conservation easement, to facilitate a "meadow demonstration." Mr. Maloney will provide further updates on this project.

Mr. Finn reported an increase in pre-submittal meetings, with 8 to 10 meetings in the past four months focused on group care facilities, as required by State law. He noted 4 to 5 meetings for private schools over two months, many of which are converting single-family homes for elementary-aged children (ages 4-10). Approximately 80% of non-residential pre-submittal meetings typically lead to applications, maintaining a consistent trend.

He mentioned that code enforcement activity had decreased after a busy year, leading to several appeals to the Board of Adjustment. The County strives to find common ground with applicants to ensure compliance. The October Board of Adjustment meeting has several cases scheduled, and in the past year, there have been 12 Special Use Permit applications, which is above average. The Board of Adjustment has also reviewed 6 appeal cases related to code enforcement.

Mr. Finn closed by informing the Board that staff will present changes to the impervious surface standards in response to a change in State Statute.

#### **10. Chairman's Report**

Mr. Wells asked the Board members to respond to meetings to ensure attendance when action items were on the agenda. He also reiterated a suggestion that Board members attend municipal Planning meetings, and noted that their respective calendars were available online. Mr. Wells noted that the next meeting would be after the election, so he recommended that everyone research candidates and vote.

Given Mr. Kadis' announcement, Mr. Wells reminded the members that several of them would be up for reappointment in 2025, and recommended that they please be timely in any decision moving forward. He also suggested that they share openings with members of their social and professional circles that might have an interest in serving.

Mr. Adams expressed some concern that members might be leaving after the new year, and Mr. Wells indicated that there was no necessary indication of members leaving, just a general reminder. Mr. Maloney added that there were no term limits to the Board, and he noted that from his perspective, he preferred consistency in the Board. He added that the Board of Commissioners valued consistency as well, particularly in reappointments.

#### **11. Adjournment**

The meeting was adjourned at 2:42 p.m.

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REGULAR MEETING  
WAKE COUNTY PLANNING BOARD  
October 2, 2024

Chair Thomas Wells declared the regular meeting  
of the Wake County Planning Board for  
Wednesday, October 2, 2024, adjourned at 2:42 p.m.

Respectfully Submitted:

A handwritten signature in dark ink, appearing to read "G. Thomas Wells", written in a cursive style.

Thomas Wells  
Wake County Planning Board

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