



## 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 - February 5, 2025

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

#### MEMBERS PRESENT:

1. Mr. Thomas Wells (Chair)
2. Ms. Brenna Booker-Williams (Vice-Chair)
3. Mr. David Adams
4. Mr. Asa Fleming
5. Ms. Suzanne Prince
6. Ms. Sally Rice

#### MEMBERS ABSENT:

1. Mr. Amos Clark
2. Mr. Bill Jenkins
3. Dr. Kamal Kolappa
4. Mr. Ted Van Dyk

#### COUNTY STAFF:

1. Ms. Teresa Furr
2. Mr. Keith Lankford
3. Mr. Timothy Maloney
4. Mr. Josh McClellan
5. Ms. Terry Nolan
6. Ms. Liz Oliver
7. Ms. Sharon Peterson
8. Mr. Matt Roylance
9. 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. **Swearing in of new Planning Board Member Suzanne Prince:** Mr. Murphy called Ms. Prince to the lectern and administered the oath of office.
  4. **Petitions and Amendments:** None.

5. **Approval of December 4, 2024, Minutes:** Ms. Rice made a motion to approve the December 4, 2024, minutes as presented. Ms. Booker-Williams seconded the motion, and the Board adopted unanimously.

6. **Garner ETJ Extension Request – Terry Nolan, Planner III**

Ms. Nolan explained to the Board that in May of 2024, the Garner Town Board passed a resolution and a request for the extension of extraterritorial jurisdiction (ETJ). After hosting several public informational sessions, the Town requested an initial 8,858 acres, divided into 3 sub-areas: Northwest (936 acres), Southern (5,973 acres), and Northeast (1,949 acres).

Ms. Nolan refreshed the Board on the purpose of an ETJ, which is an area outside of municipal limits where the town can apply its zoning and land use regulations, allowing them to effectively plan for infrastructure and regulate development. An ETJ allows the town to apply their own planning and zoning regulation, but not to collect municipal taxes. State Law authorizes municipalities the power to exercise ETJ within specific distances of their corporate limits based on population: Garner's is permitted within a 3-mile limit. Expansion of municipal ETJ must be approved by the County Board of Commissioners, with the recommendation of staff and the Planning Board.

Ms. Nolan provided background on Wake County's Comprehensive Plan, adopted in 2021. The four priorities of PLANWake were that significant change is needed to plan for growth, to protect open space and natural areas, to direct growth to towns, and to create walkable environments. This allowed the balance of robust growth with the protection of water supply watersheds, rural areas, and farms, by designating areas in which municipal growth is likely to occur. PLANWake also includes updated criteria to help guide the County in its review of future ETJ expansion requests.

During recent Land Use Committee Meetings, staff and Planning Board members have reviewed the criteria necessary to approve an ETJ request. The criteria is as follows: 1) Alignment with the County's Comprehensive Plan, 2) Progress of municipal development in existing ETJ, 3) County / Town plan alignment, 4) Readiness (Capital Improvement Plans), 5) Community Engagement, and 6) County-wide goals (affordable housing, accessibility, transportation). Municipal development in Garner's existing ETJ from 2016 revealed that roughly 1/3 of the area has either been annexed or was in the process. Ms. Nolan noted that annexation is now voluntary and that the towns rely exclusively on developers to extend public utility lines, a necessary component of municipal development. To ensure community involvement during the ETJ review process, both Wake County and Garner have provided the public with a website, dedicated phone line, and email address to foster communication. Additionally, County staff mailed public meeting notices.

PLANWake's Development Framework requires that the requested ETJ must be located in an area designated as Walkable Center or Community on the Framework Map. If not, the Comprehensive Plan must be amended accordingly. Garner's request includes areas which necessitate that the County revise its Development Framework Map.

**Staff recommendation #1** is to Establish a Voluntary Agricultural District (VAD) Deferment program for land within Farmland Preservation areas & associated designated residential properties. Per State Law, bona-fide farms are exempt from zoning, but the farming community raised concerns about ETJ and implications of being in the Town's planning and zoning jurisdiction. In order to protect parcels within a VAD that do not include the same name on the Deed as the VAD participants, staff developed a deferment for abutting parcels owned by family active in the operation of the VAD.

Staff's recommended VAD deferment: Eligibility will be based on enrollment in a farmland preservation program (VAD, EVAD, conservation easement), and will now include associated parcels



abutting a VAD, as determined by Wake County Soil & Water staff. The land must be in a preservation program at the time of approval by the Board of Commissioners. If land is withdrawn from a program, the entire area is subject to Garner's ETJ. Roughly 4,400 acres in the requested area are now in farmland preservation, and Ms. Nolan reported that more applications are expected.

**Staff recommendation #2** reduces the ETJ request from 8,855 acres to approximately 5,000 acres. The recommendation is based on proximity to public utilities, anticipated growth, plan alignment, and feedback from property owners and stakeholder input.

Ms. Nolan noted that during the last Land Use Committee meeting, the Board reviewed a recommendation of 5,610 acres. Since January, staff received further input and removed an additional 500 acres, ending with a recommendation of 5,083 acres. Rational included that most existing residential uses in the Northwest area, along with rural area to the north, is not intended to be served by municipal services. To the Northeast, staff excluded three mobile home communities, along with a TV tower south of US 70 (requested by the owner). To the South, staff excluded the Brack Penny Road area, two mobile park homes south of NC 540, the Juniper Level Botanic Garden, a property at 5316 Holland Church Road, and smaller areas along Ten-Ten and Jordan Roads.

**Staff recommendation #3** results from staff's ETJ Expansion Request recommendations, if the Board so chooses to advance the ETJ request, that they also approve resulting revisions needed to the PLANWake Development Framework Map.

Ms. Nolan identified areas that would need to be amended on the Development Framework Map: in the Northeast and Northwest areas, Rural areas would be adjusted to Community, consistent with Garner's development classifications. To the South, attempts were made to bring the County's plans in alignment with Garner's plan. Areas previously listed as Community Reserve would be reclassified to Community, while Garner's Mixed-Use area would be shifted from Community to Walkable Center. Additional smaller adjustments would be shifted to Walkable Center and Community mixes.

Staff findings are that the ETJ process has been transparent with meaningful public engagement and involvement of residents and other stakeholders. The proposed recommendation to defer land in a farmland preservation program from Garner ETJ supports Wake County's farmland preservation goals. The proposed ETJ boundary recommendation is consistent with the ETJ evaluation criteria set forth within the Comprehensive Plan, PLANWake. Amendments to the Development Framework Map are consistent with ETJ Criteria #1 requiring Community Reserve and/or Rural areas be amended to an appropriate category that supports municipal development.

Staff recommends that, in the matter of Comprehensive Plan Amendment 01-25, that the Planning Board make a motion to recommend approval to the Wake County Board of Commissioners as presented here: 1) the Garner ETJ Expansion Request February 2025 version of 5,038 acres, 2) Voluntary Agricultural deferments; and 3) amendments to the PLANWake Development Framework Map.

Ms. Nolan closed her presentation and offered to answer any additional questions. Mr. Fleming asked for clarification regarding the VAD deferment lots proposed by staff, and Ms. Nolan explained that if the property surrounding them withdrew from the VAD, they would be subject to ETJ requests by Garner. Ms. Booker-Williams asked staff whether Garner had made a reasonable request, and Mr. Maloney responded that they did not request the maximum amount possible.

Mr. Jeff Triezenberg, Planning Director for the Town of Garner, approached the lectern and thanked the Board for their deliberations and time and requested that they consider allowing the Town additional time to better respond to the latest proposal from County staff. Mr. Triezenberg noted that

he was on vacation during the most recent changes and did not feel he was personally prepared to address adjustments to the recommendations. The Town is fully supportive of the VAD amendments, and to continue working with Soil and Water to extend VAD deferments to interested parties. He expressed a desire to run utility distance calculations on areas within the Northeast, and that they would prefer more time to review changes to the Southern request area.

Mr. Wells asked staff if extending the hearing would impact timelines, and Mr. Maloney responded it would not impact the County, but that he could not speak to the Town of Garner's timeframe. Mr. Adams added that while he would support an extension, he did feel it was appropriate to allow the members of the public in attendance an opportunity to address the Board.

With no further questions or comment from the Board, Mr. Wells opened the floor for public comment at 2:18 p.m.

### **Public Comment**

Various members of the farming community in the Southern area of the ETJ request expressed concerns and strong opposition. They felt that traffic considerations had not been addressed, and that the rural character of the area would be removed in favor of heavier development. Many residents already felt that Ten Ten Road was too congested and felt unsafe leaving their homes and warned that development by the Town would make it nearly impossible. Others expressed concerns about farmland loss, even with VAD and deferments. Developers reported high costs in the extension of utilities into areas proposed for the ETJ, particularly ones that Garner would not serve and were cost prohibitive for the City of Raleigh.

Teresa Furr, Soil & Water Conservation Director for the County, approached the Board to advocate for the farmers, many of whom suffered during 2024, a devastating year for agriculture. Ms. Furr spoke highly of the resiliency of the farmers in this area and their desires to keep their land for future generations. She thanked staff for efforts to extend VAD areas and for the VAD deferment, but asked them to consider how the program would work in the future before making definitive decisions.

With no further comments, Mr. Wells closed the public hearing at 3:00 p.m.

### **Board Motion to Continue**

Ms. Booker-Williams made a motion that the Planning Board continue hearings for the Garner ETJ request until the March 5<sup>th</sup>, 2025, meeting to provide the Town of Garner more time to consider staff's proposed changes.

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

Mr. Maloney informed the Board that the Garner ETJ Request would be continued until 1:30pm on March 5<sup>th</sup>. The information would be posted on Wake County's website and materials would be posted along with contact information for the public.

## **7. Proposed Zoning Map Amendment - PLG-RZ-005297-2024**

Request to rezone two properties totaling 16.88 acres from Residential-30 (R-30), Highway District (HD) and Industrial (I-2) with a Special Highway Overlay District (SHOD) to Conditional Use-Industrial-2 (CU-I-2) with a Special Highway Overlay District (SHOD) to allow for a variety of industrial or commercial uses.



**Presentation by staff: Keith Lankford, AICP, CZO, Planner III**

Mr. Lankford began by explaining that conditional use rezoning involves voluntarily offered conditions that would apply to any subsequent development on the rezoned property. The offered conditions waive off (prohibits) six permitted or special uses that would otherwise be allowed under the requested zoning. The subject properties are located at 600 and 610 Three Sisters Road, south of Knightdale Boulevard and west of the I-87 southbound on-ramp. The property at 600 Three Sisters Road is currently zoned Industrial-2 (I-2) and Residential-30 (R-30) with a Special Highway Overlay District (SHOD). The property at 610 Three Sisters Road is currently zoned Highway District (HD) and Residential-30 with a Special Highway Overlay District. The petitioners are proposing a rezoning to Conditional Use-Industrial-2 (CU-I-2) with a Special Highway Overlay District.

Mr. Lankford explained that the properties are currently industrially developed or vacant. The surrounding area is developed, and the petitioner is requesting a reclassification for comparable use. Staff reviewed the area and determined that PLANWake designates it as a walkable center, which allows for transitional development. The current use does not fit the description of walkable center, particularly because it does not include public utilities. It could be redeveloped in the future if utilities became available.

In addition to PLANWake, the property is also governed by the Southeast Area Plan, which identifies Three Sisters Road as an Industrial / Major Employment Center. The petitioners indicate that their request is consistent with the PLANWake Comprehensive Plan and the Southeast Area Plan, and the goals outlined in both. The property is in the Knightdale Long Range Area and will eventually be incorporated by the municipality. Their comprehensive plan identifies the area as industrial and business park, which is consistent with Wake County plan designations. Copies of the petition materials were sent to Knightdale for feedback, and they responded that it was consistent with their plan designations and design standards that would apply if it were in their jurisdiction.

The petitioner held a voluntary neighborhood meeting on August 8<sup>th</sup>, 2024, and mailed notifications to all property owners within 1000 feet, consistent with Wake County's notice range. Staff also mailed out notification letters to all property owners within 1000 feet and posted a public hearing notice.

With respect to reasonableness and public interest, Mr. Lankford noted that the requested zoning and allowable uses would be consistent with the surrounding properties, and that there were no environmental concerns. Raleigh utilities has indicated that water and sewer are not available for Three Sisters Road, and they have no plans to extend water or sewer at this time. The County Transportation Plan shows no required improvements for Three Sisters Road, and there are no issues with the traffic volume or accident rate.

Staff finds that the requested CU-I-2 rezoning, and the permissible range of uses are consistent with PLANWake and the Southeast Area Land Use Plan designations and are reasonable and appropriate for the area, and in the public interest. The petitioner noted that the proposed rezoning complies with several stated goals of PLANWake and the associated Southeast Area Land Use Plan. Trip generation calculations indicated that any proposed development would generate less traffic than the threshold for a formal TIA and would have minimal impact on the operation of Three Sisters Road. A detailed site plan must be approved by the appropriate County agencies prior to future development on the subject properties to ensure compliance with all applicable regulations. The requested rezoning is consistent with the Town of Knightdale's designation of this area for industrial uses, and they were not opposed to this request. Wake County planning staff has received no opposition from the neighboring business owners or the general public regarding this rezoning petition.

Mr. Lankford reported that planning staff recommends that the Planning Board recommends to the Board of Commissioners that it 1) adopts the drafted statement of consistency, reasonableness, and public interest, and 2) approves the zoning map amendment as presented.

With no questions from the Board, Mr. Wells called the petitioner to the lectern.

**Presentation by Petitioner: Michael Birch, Longleaf Law Partners**

Mr. Birch introduced himself, along with property owner Doug Watson. Mr. Birch explained that the request was to amend the zoning in this area to be consistent with other developments on Three Sisters Road.

Mr. Wells asked what advantages would come from rezoning from R-30 to I-2, and Mr. Birch responded that it would be compatible and consistent with other uses on Three Sisters Road. The SHOD would be maintained, so all buffering to I-87 would remain in place. Several businesses on the site may desire to expand their operations, and it would not be allowed under current zoning. Restrictions were placed by the petitioner to prohibit incompatible and hazardous uses.

**Public Hearing**

Mr. Wells opened the floor for public comment and, hearing none, closed the floor at 3:15 p.m.

**Board Motion for PLG-RZ-005297-2024**

Mr. Adams 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, and that the Planning Board offer to the Wake County Board of Commissioners a recommendation for approval of the rezoning request as presented.

- 1) The requested Conditional Use-Industrial-2 rezoning, and the permissible range of uses are consistent with the PLANWake Comprehensive Plan and Southeast Area Land Use Plan designations and are reasonable and appropriate for the area.
- 2) The petitioner noted that the proposed rezoning complies with several stated goals of the Wake County Comprehensive Plan and the associated Southeast Area Land Use Plan.
- 3) Trip generation calculations prepared by the petitioner indicated that the proposed development would generate less traffic than the threshold for a formal Traffic Impact Analysis and would have a minimal impact on the operation of Three Sisters Road.
- 4) A detailed site plan must be approved by the appropriate county agencies prior to future development on the subject property to ensure compliance with all applicable regulations.
- 5) The City of Raleigh's utility staff has indicated that they have no plans to extend water, or sewer along Three Sisters Road at this time.
- 6) The requested rezoning is consistent with the Town of Knightdale's designation of this area for Industrial uses, and they were not opposed to this request.
- 7) The Wake County planning staff has received no opposition from the neighboring business owners or the general public regarding this rezoning petition.
- 8) The request is reasonable, and in the public interest because various provisions in the Wake County Unified Development Ordinance 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. The subsequent development will comply with county requirements regarding buffering, stormwater and erosion control, and protection of environmentally sensitive areas.

The motion was seconded by Ms. Booker-Williams and approved by the Board unanimously.



## **8. Committee Reports**

Mr. Adams informed the Board that the Code and Operations committee heard presentations from staff regarding proposed UDO text amendments to Bed and Breakfast Homestays and Stormwater management sections. The proposed changes would bring Bed and Breakfast Homestays into closer alignment with Airbnb/VRBO rental regulations. In response to new state laws, amendments were also discussed regarding the transfer of stormwater maintenance from a developer to an HOA, as well as changes regarding impervious surface standards.

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

Mr. Finn reminded the Board that the County practices a "passive code enforcement program" with a goal of compliance. Whenever possible, staff works with the public to educate and bring into compliance rather than pursue more traditional tenets of law enforcement. Code enforcement activity remains active, although Mr. Finn explained that was less so in volume, and more so in complexity of cases. Staff reports nearly 40% of cases moving forward for review by the Board of Adjustment, and 4 appeals reached the Board in 2024.

Mr. Maloney informed the Board that the March 11<sup>th</sup> meeting would include a Code and Operations Committee meeting at 12noon, along with the continued Garner ETJ Request at the regular meeting. The ordinance amendments discussed regarding stormwater management and bed and breakfast homestays would also be on the March agenda following the ETJ request. He added that the Board of Commissioners voted to reappoint all four Board members at their February 3<sup>rd</sup> meeting.

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

Mr. Wells thanked the Board members for their time and attention during the meeting. He noted the difficulty of finding consensus in divided times and commended them for seeking out common ground.

## **11. Adjournment**

The meeting was adjourned at 3:25 p.m.

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REGULAR MEETING  
WAKE COUNTY PLANNING BOARD  
February 5, 2025

Chair Thomas Wells declared the regular meeting  
of the Wake County Planning Board for  
Wednesday, February 5, 2025, adjourned at 3:25 p.m.

Respectfully Submitted:

A handwritten signature in dark ink, appearing to read "Thomas Wells", is centered on the page.

Thomas Wells  
Wake County Planning Board

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