



Planning & Development Services

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

MINUTES OF BOARD OF ADJUSTMENT March 10, 2026

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

MEMBERS PRESENT:

1. Mr. Jeffrey Goebel (Chair)
2. Ms. Britany Waddell (Vice Chair)
3. Mr. Joe Cebina
4. Mr. DeAntony Collins
5. Mr. Waheed Haq
6. Mr. Mark Spanioli
7. Mr. Russell Stephenson

MEMBERS ABSENT:

1. Ms. Irene Butler
2. Mr. Will Wingfield

COUNTY STAFF:

1. Mr. Adam Cook
2. Mr. Steven Finn
3. Mr. Heath Jones
4. Mr. Jason Jones
5. Mr. Timothy Maloney
6. Mr. Josh McClellan
7. Mr. Tommy Moorman
8. Mr. David Parks
9. Ms. Beth Simmons
10. Mr. Chris Snow
11. Ms. Becca Truluck
12. Mr. Joseph Vindigni

COUNTY ATTORNEY:

1. Mr. Kenneth Murphy, Deputy County Attorney

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1. **Meeting called to order:** Mr. Goebel called the meeting to order at 9:06 a.m.
 2. **Petitions and Amendments:** None.
 3. **Approval of Minutes of January 13, 2026, Meeting:** Mr. Goebel made a motion to approve the January 13, 2026, minutes as presented. The motion was seconded by Ms. Waddell, and the minutes were approved unanimously.
 4. **PLG-SU-006219-2025 (Mr. David Parks, Planner II)**

The petitioner is requesting Special Use Permit approval as required by section 4-11 of the Wake County Unified Development Ordinance (UDO) to modify an existing Special Use Permit for Creedmoor Commons to develop an existing outparcel with a bank and drive-through.

Voting Members

Five voting members were identified:

1. Mr. Jeffrey Goebel
2. Ms. Britany Waddell
3. Mr. Joe Cebina
4. Mr. DeAntony Collins
5. Mr. Waheed Haq

Location

WAKE COUNTY PIN: 0891152863

ZONING DISTRICT: Residential-40 Watershed (R-40W)

LAND USE CLASSIFICATION: Rural/Non-Urban Watershed

WATERSHED: Falls Lake

CROSS REFERENCE FILES: BA-922, BA-1126, BA-1517, BA-1690, BA-1694, and BA-SU-2122-10

APPLICANT: Bianca Buschor, Bohler Engineering

PROPERTY OWNER: Creedmoor Retail, LLC.

PROPERTY SIZE: 47.80 acres

CURRENT LAND USE: Retail Sales – anchor building, three additional retail buildings, and four lease area sites.

PROPOSED USE: Retail Sales – Proposed development of one of the four lease area sites

Documentary Evidence Accepted into Record

- Staff Report
- Staff Presentation
- Applicant's Application

TESTIMONY AND EVIDENCE PRESENTED

Testimony by David Parks

Mr. Parks and Mr. Finn were sworn in, and Mr. Parks presented the Staff Report, Presentation, and Applicant's Application, all of which were accepted into the record. Mr. Parks explained that the applicant is requesting a Special Use Permit to modify an existing SUP to develop an existing outparcel with a bank and drive-through. The site is located at 1428 Brogden Woods, Unit 101 in the Falls Lake Watershed and is zoned Residential 40 Watershed (R-40W).

Special Use approval was initially granted for the Creedmoor Commons retail development in December of 2010. The approval was through Special Use Permit to allow for the elimination and redevelopment of a nonconforming use into its current use of a large retail center. Article 4-59 of the UDO facilitates elimination and redevelopment of certain nonconforming uses and associated nonconforming development features within the R-40W zoning district under conditions that result in conformity with the provisions of the UDO, reduce nutrients in runoff, and otherwise improve water quality. It allowed certain commercial uses to be permitted on this site, such as retail sales and services, restaurants, and banks. It also prohibits more intense commercial uses, which are noted in Article 4-59-2. Furthermore, as part of the initial SUP approval, the site was limited to a certain

overall maximum impervious surface area of 24% (499,720 square feet). This included retail buildings and all future outparcel development. Another condition of approval required any development of an outparcel site to obtain a modification of the Special Use Permit.

The current request and first modification of the Special Use Permit is the proposed development of Outparcel A as identified in the site plan with a bank and drive-through. The proposed impervious surface area will be 29,420 square feet. The existing impervious surface area for the current retail sales buildings and one existing outparcel building is 126,617 square feet. The remaining impervious area allowed would be 343,683 square feet.

No change to utilities are proposed with this Special Use Permit request. The current water service to the overall site is provided by a community water system. The Special Use Permit, when approved in 2010, had a condition which limited that daily water supply to 24,000 gallons per day. The proposed use will be required to comply within those limits with water supply to the building. Wastewater for all uses is provided by an individual septic system which is located in the north and east section of the overall parcel. Approval through the appropriate agency will be required to ensure that all wastewater generated by this proposed site is in compliance with the overall development site.

The outparcel will be accessed from Old Creedmoor Road and through an existing internal road known as Brogden Woods Drive. There is no change proposed to the access of the site. Pursuant to section 15-10 of the UDO, off-street parking for a drive-through financial service facility is required to be provided at a rate of one (1) parking space per 300 square feet of building floor area plus stacking space for four (4) vehicles at each drive-through window, plus 2 spaces per each outdoor ATM. The minimum parking spaces required based on this amount would be 12 off-street parking spaces plus the 4 stacking spaces. The proposed site plan shows 40 off-street parking spaces plus the 4 stacking spaces. This site is in compliance with the provisions of section 15-10.

A 10-foot streetscape buffer yard is required along the southern and western edge of the outparcel site. Also, interior parking lot landscaping is required as outlined in Article 16 of the UDO. The proposed landscape plan meets the requirements of this section regarding the buffer yard and parking lot landscaping. The initial Special Use Permit established a master plan for stormwater management of the site and a maximum impervious surface area based on the 24% maximum coverage allowed for the Falls Lake Watershed. The development of this site will have to comply to the existing stormwater management guidelines within that master plan. This will be part of the overall site plan review at the time of the site's development review. The proposed impervious surface area is 29,420 square feet which is within the overall impervious surface area of the site at 499,720 square feet. With this development, the remaining impervious area allowed for the site is 343,683 square feet. The site is designated as Rural on the Wake County Comprehensive Plan's Development Framework Map. The proposed use is consistent with the Wake County Comprehensive Plan.

Notifications letters to adjoining property owners were mailed on February 23, 2026. A public hearing placard was placed on the site on February 26, 2026. Staff has not received any phone calls or emails regarding the application to date.

Staff recommends that, if the Board of Adjustment reaches positive conclusions on all the required findings, that it approves the request subject to the following conditions:

- 1) The petitioner must record the notarized form pertaining to the Order of the Board in the Wake County Register of Deeds and return a copy to the Current Planning Section of Wake County Planning.

- 2) The petitioner must obtain and complete appropriate permits from the Wake County Inspections Developments/Plans/Permits Division and Environmental Services.
- 3) An as-built site plan is required prior to the issuance of a Certificate of Occupancy.
- 4) Any previous conditions still apply

Mr. Haq asked if the site plan included a highway buffer, and Mr. Parks explained that the preliminary landscape plan submitted includes both buffers and the required internal parking lot landscaping. Mr. Stephenson asked if any part of this application goes outside the original master planning environmental conditions, and Mr. Parks responded that after reviewing the outparcel by planning staff, watershed management, and wastewater, the submitted plans are in compliance with the original conditions.

Ms. Waddell asked for clarification regarding the requirement for a Special Use Permit for any development, and Mr. Parks explained that a condition in the original SUP stated that any development of future outparcels beyond those originally approved required a necessary modification. There was no requirement that the conditions be modified, only that any additional development was subject to a modification of the Special Use Permit.

Applicant's Presentation

Testimony by:

- 1) Oliver Kaija, Bohler Engineering

Mr. Kaija was sworn in and submitted the statement of justification into evidence which was accepted into the record. He explained that he is the engineer of record for Petitioner Bianca Buschor and that his drawings were used for the Special Use Permit. He noted that the outparcel is being developed under a previously approved stormwater system, along with a master on-site septic system. The site design plan meets the requirements of the existing SUP and the Wake County UDO. The site is being developed for Chase Bank and is being designed to take advantage of the larger acreage. It will be an enhanced "above code" landscape to meet Chase Bank requirements, designed to meet their sustainability initiatives. The use of the outparcel is consistent with how the center was intended and Bohler's construction drawing set has been designed to be consistent with the shopping center, pending approval by staff review.

Mr. Goebel asked if the outparcel would include any additional curb cuts or driveways from either road, and Mr. Kaija explained that they would not seek additional approval from DOT – their access point is located off Brodgen Woods. Mr. Cebina asked if the original stormwater design was constructed to accommodate future development, or would the outparcel require additional measures, and Mr. Kaija noted that during the review process Bohler prepared a stormwater report citing the impervious allocation from the original development. He identified on the site plan two rain gardens located on the adjacent parcel (a cemetery). An existing swale leads to a drainage area in the southern rain garden. Because the size of the parcel is larger than Chase Bank traditionally works with, the proposed site is well under the allocated impervious surface area.

Mr. Goebel opened the floor for public hearing and with no respondents, closed for Board Discussion at 9:20 a.m.

Board Discussion

Mr. Goebel indicated that there were five elements the Board would need to make positive findings based on competent, substantial, and material evidence:

- 1) *The proposed development would not materially endanger public health or safety.*

Mr. Cebina noted that the stormwater mitigation measures, traffic conditions, and overall design seemed consistent with the intent of the original Special Use Permit. Ms. Waddell added that testimony indicated that the site already met established impervious area limitations and that the site included community well and septic. It will also comply with the stormwater master plan.

- 2) *The proposed development will comply with all regulations and standards generally applicable within the zoning district and specifically applicable to the particular type of special use or class of special uses.*

Mr. Cebina explained that the original developers designed the site to make it necessary for any additional development to meet existing standards.

- 3) *The proposed development will not substantially injure the value of adjoining property, or is a public necessity.*

Mr. Cebina identified the use of a bank on a commercial site which is consistent with the overall land use and would not adversely impact the community.

- 4) *The proposed development will be in harmony with the area in which it is located.*

Ms. Waddell noted that one of the development conditions was that the site would include enhanced landscaping, which would keep it in harmony with the surrounding area.

- 5) *The proposed development will be consistent with the Wake County Land Use Plan.*

Mr. Cebina noted staff testimony indicated that this finding was met.

Motion on PLG-SU-006219-2025

Mr. Cebina made a motion in the matter of PLG-SU-006219-2025 that the Board find and concludes that the petition does meet the requirements of Article 4 of the Wake County Unified Development Ordinance and the special use permit be granted with the recommended staff conditions. The motion to approve is based on the following findings of fact:

- 1) The proposed development will not materially endanger the public health or safety;
- 2) The proposed development will comply with all regulations and standards generally applicable within the zoning district and specifically applicable to the particular type of special use or class of special uses;
- 3) The proposed development will not substantially injure the value of adjoining property, or is a public necessity;
- 4) The proposed development will be in harmony with the area in which it is located and
- 5) The proposed development will be consistent with the Wake County Land Use Plan.

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

5. PLG-SU-006261-2025 (Mr. Adam Cook, Planner II)

The petitioner is requesting to amend a previously granted Special Use Permit for an Outdoor Recreation Use as required by section 4-11 of the Wake County Unified Development Ordinance (UDO).

Voting Members

Five voting members were identified:

1. Mr. Jeffrey Goebel
2. Ms. Britany Waddell
3. Mr. DeAntony Collins
4. Mr. Waheed Haq
5. Mr. Mark Spanioli

Location

WAKE COUNTY PINs: 1768-97-2676

ZONING DISTRICT: Residential-40 Watershed (R-40W)

LAND USE CLASSIFICATION: Non-Urban Area (Little River)

WATERSHED: Little River

CROSS REFERENCE FILES: BA-872; PLG-SU-003676 & PLG-SU-004966-2024

APPLICANT: Design Development, Jim Sherrer

PROPERTY OWNER: Leighton Ridge, LLC

PROPERTY SIZE: 95.96 acres

CURRENT LAND USE: Outdoor recreation

PROPOSED LAND USE: Outdoor recreation

Documentary Evidence Accepted into Record

- Staff Report
- Staff Presentation
- Applicant's Application

TESTIMONY AND EVIDENCE PRESENTED

Testimony by Adam Cook

Mr. Cook was sworn in and presented the Staff Report, Presentation, and Applicant's Application, all of which were accepted into the record. Mr. Cook explained that this is a request to amend a previously granted Special Use Permit for an Outdoor Recreation Use as required by section 4-11 of the Wake County Unified Development Ordinance (UDO). The site is located at 3601 Quarry Road and is zoned Residential-40 Watershed (R-40W).

The site is a former quarry and contains an approximately 60-acre lake. A Special Use Permit was issued (BA-872) in March of 1984 to allow for an outdoor recreation use for scuba diving. In 2022, a Special Use Permit was granted to expand the outdoor recreation use to allow for an inflated floating recreational structure to be placed on the site to allow for a maximum of 150 swimmers from 8:00 am to 12 pm and a maximum of 150 swimmers from 1:00 pm to 5:00 pm daily. In 2024, the existing SUP was amended to modify the hours of operation and maximum number of outdoor recreation users to be from 7:00 am to 7:00 pm, and the maximum number of users to 300. This request is to modify the maximum number of users at a time including both scuba and floating recreational structure users from 300 to 500.

Mr. Cook noted that the outdoor recreation use utilizes a portable toilet facility and that no new septic systems are proposed for the use. The property has frontage on Quarry Road and outdoor recreation will be accessed from the existing driveway. No changes to existing parking requirements are proposed. The site plan is in compliance with the off-street parking requirements of section 15-10. No changes to existing landscaping are proposed. The modification of the Special Use Permit will not result in any increase of impervious surface. Disturbance of greater than ½ acre is required to comply with the stormwater management regulations of Article 9. The site is located in non-urban

water supply water shed area (Little River) and the proposed use is consistent with the Wake County Comprehensive Plan.

Notification letters to adjoining property owners were mailed on February 19, 2026, and a public hearing sign was placed on the site on February 20th. To date, staff received five phone calls and one email from adjacent owners about the request.

Staff recommends that, if the Board of Adjustment reaches positive conclusions on all the required findings, that it approve the request subject to the following conditions:

- 1) The petitioner must record the notarized form pertaining to the Order of the Board in the Wake County Register of Deeds and return a copy to the Current Planning Section of Wake County Planning.
- 2) The petitioner must obtain and complete appropriate permits from the Wake County Inspections Development/Plans/Permits Division and Environmental Services.
- 3) Hours of operation for the floating recreational structure users are limited to 7:00 am to 7:00 pm.
- 4) The outdoor recreation use is limited to a maximum of 500 users at a time including both scuba and floating recreational structure users.

Applicant's Presentation

Testimony by:

- 1) Jim Sherrer, Design Development
- 2) Neil Gustafson, Appraiser
- 3) Rynal Stephenson, Chief Traffic Analysis Engineer, DRMP, Inc.
- 4) Daniel Cox, Owner/Operator, Fantasy Lake

Mr. Scherrer, Mr. Gustafson, Mr. Stephenson, and Mr. Cox were sworn in. Mr. Sherrer entered the appraiser's report and traffic analysis letter into the record. Mr. Sherrer explained that there are no new improvements on site, only a request to increase service to 500 people per session. He noted that Mr. Stephenson would testify to the public health and safety regarding traffic conditions, and explained that the roadway system servicing the quarry also serves a nearby high school, but that their schedules do not overlap. The season of operation for Fantasy Lake is from Memorial Day to Labor Day, when school is out of session.

The site already includes provision of utilities, water, sewer, and electricity, and an increase from 300 to 500 active users will not impact the adequate onsite facilities. There will be no change to the impervious area with this request, so soil erosion and sedimentation will not be affected. Wake County Division of Water quality checks the quality level of the quarry on a monthly basis, as addressed in the submittal provided in the application. The water park currently meets the requirements of the zoning districts and will not be materially changed by increased visitor capacity. Mr. Sherrer noted that Mr. Gustafson would testify to impacts to adjoining property, and provided a copy of his findings. Mr. Gustafson confirmed that the report was prepared by him, and Mr. Goebel accepted it into evidence. Mr. Sherrer noted that the site has been in operation since 2022 under a Special Use Permit and has remained in harmony with the area it is located in, and that it is still consistent with the Wake County Land Use Plan.

Mr. Goebel asked if a 66% increase in capacity would affect the traffic in and out of the facility, noting that the letter submitted identified only a 10% increase in trips. Mr. Sherrer indicated that Mr.

Stephenson would testify to their assertion that a Traffic Impact Analysis was unnecessary. Mr. Goebel asked if the hours of operation or number of lifeguards on duty would change, and Mr. Cox approached the Board. He explained that based on the existing floating structures in the park, there are specific points where lifeguards stand and monitor activity. They plan to add more floatation areas around the interior and surrounding the park for more lifeguards. Typically there are eight lifeguards on the water and four floating on the outside. They plan to increase the number when the floating “mushrooms” are added – they have been purchased but are not currently in use. Mr. Sherrer added that lifeguards are rotated every 20 minutes. Mr. Cox explained that 20 lifeguards are on site for the day rotating and that he prefers to over-staff for safety.

Mr. Goebel asked about the increase to scuba diving classes compared to the recreational swimmers, and Mr. Cox explained that dive course events typically include a combination of divers and attendees at the picnic shelters, anywhere from 25 to 30 people. He noted that it is difficult to determine how many attendees will be present, but that the request to increase capacity is to help accommodate the flexibility of sizes over their season.

Mr. Goebel asked staff if the site had received any complaints, and Mr. Cook responded that they had not received any complaints or violations concerning to the conditions of the SUP. Ms. Waddell asked if the facility or parking lot is currently underutilized, given the modification requests, and Mr. Sherrer responded that the existing facilities meet the requirements for 500 swimmers. Per standards, 500 swimmers would require 167 parking spaces, and the facility has 187. Restroom facilities onsite has one per twenty-five visitors, and the building code for recreation facilities is one per sixty. The facility is well equipped for 500 swimmers.

Mr. Haq asked about the required personnel assigned to scuba divers, and Mr. Cox explained that their classes are held by a certified instructor. They are required to sign in with staff and most of the teams that attend courses are first responders from municipalities. Additionally, all staff (including the lifeguards) are medically trained, but scuba classes include a certified instructor who acts as their de facto lifeguard. Mr. Stephenson asked if the safety requirements are mandated by County or State statute and expressed concern when Mr. Cook and Mr. Finn responded that they were unaware of any existing statute in the UDO or statewide mandating specific safety regulations. Mr. Sherrer added that they approached the Department of Labor to discuss the inflatable structures, and they indicated they would not be involved. Mr. Cox added that he requires any visitor who touches the water to wear a Coast Guard approved life jacket in addition to having the lifeguard staff.

Mr. Goebel asked if the park had any accidents, and Mr. Cox responded that accidents typically involved parents overexerting themselves on the floating park. Mr. Goebel asked if any accidents involved an ambulance, and Mr. Cox responded that over the three years of operation, they counted five. Mr. Spanioli asked if the septic system was approved as adequate for the increased capacity, and Mr. Sherrer responded it was.

Mr. Rynal Stephenson approached the Board to address Mr. Goebel’s question about DRMP’s traffic assessment, explaining that their decision regarding an impact study was based on the adequacy of the roads and the nature of the facility. He noted that time at the facility is limited to three sessions per day where visitors are actively in the water. At other times, they will be using the picnic facilities, checking in or out, or traveling into or out of the facility. The increase would not result in full capacity of 500 visitors entering the facility at one time – they would arrive in staggered periods, slowly trickling in and out of the parking lot. Mr. R. Stephenson and his team reviewed the number of vehicles arriving at the heaviest hour (multiple visitors per car, staggered arrival and departure) and determined it was not significant enough to merit a Traffic Impact Analysis. They did not find a significant increase in traffic on Quarry Road – particularly when school is out – at peak hours to be enough to require a study.

Mr. Goebel asked for clarification regarding the 10% increase, relative to a 66% increase in capacity, and Mr. R. Stephenson responded that his initial traffic impact analysis at the time of opening was perhaps overly conservative. When considering an increase in capacity, based on available data from the years of operation, he was able to arrive at a more realistic analysis, and determined that the increase in trips generated would be smaller than the increase might suggest. Mr. Goebel noted that the location of the parking lot would contribute to less back-up from Quarry Road, and Mr. R. Stephenson agreed it was unlikely to increase with a larger capacity. Mr. Goebel asked if DRMP had reviewed the history of traffic accidents in the area, and Mr. R. Stephenson indicated that he was not aware of any information from NCDOT, but that he would defer to Mr. Sherrer or Mr. Cox. He noted that the most recent count for Quarry Road was around 1,100 cars a day, which he estimated was 15% of its capacity.

Mr. Gustafson explained that he was semi-retired after working for Worthy and Walker real estate as an appraiser since 1977. Mr. Gustafson testified that the 95-acre tract is mostly covered by a pond that is below the grade of the surrounding land. An increase to 500 visitors per day would have minimal impact on the adjacent and abutting properties.

Mr. Collins asked, given the nature of the site as a former quarry, what the chances were of a rockslide taking place, and Mr. Cox noted that the park itself is blocked off by fencing with floating docks in the water. Unless an explosion took place, he did not feel there was any likelihood of rocks falling. Furthermore, the facility includes signage prohibiting the use of the quarry area which is enforced by staff and lifeguards.

Mr. Goebel opened the floor for public hearing and with no respondents, closed for Board Discussion at 10:06 a.m.

Board Discussion

Mr. Goebel indicated that there were five elements the Board would need to make positive findings based on competent, substantial, and material evidence:

- 1) *The proposed development would not materially endanger public health or safety.*

Mr. Goebel identified testimony and evidence regarding traffic conditions, provisions of services, and soil and protection of water supplies. Both the petitioner and staff testified that the public safety and health will not be endangered.

- 2) *The proposed development will comply with all regulations and standards generally applicable within the zoning district and specifically applicable to the particular type of special use or class of special uses.*

Mr. Goebel noted that staff stated the proposed development would comply with all standards applicable to the special use.

- 3) *The proposed development will not substantially injure the value of adjoining property, or is a public necessity.*

Mr. Goebel noted that Mr. Gustafson's testimony and statement indicated that it would not adversely impact adjoining properties.

- 4) *The proposed development will be in harmony with the area in which it is located.*

Mr. Goebel explained that the site will not change its use, only expand the number of visitors, and would remain in harmony with the area.

5) *The proposed development will be consistent with the Wake County Land Use Plan.*

Mr. Goebel noted that material from staff and testimony indicate that this criterion is met.

Mr. Goebel entertained a motion on PLG-SU-00006261-2025.

Motion on PLG-SU-006261-2025

Mr. Goebel made a motion in the matter of PLG-SU-006261-2025 that the Board find and conclude that the petition does meet the requirements of Article 19-23 of the Wake County Unified Development Ordinance, and that the special use permit be granted with the recommended staff conditions. The motion to approve is based on the following findings of fact:

- 1) The proposed development will not materially endanger public health or safety;
- 2) The proposed development will comply with all regulations and standards generally applicable within the zoning district and specifically applicable to the particular type of special use or class of special uses;
- 3) The proposed development will not substantially injure the value of adjoining property, or is a public necessity;
- 4) The proposed development will be in harmony with the area in which it is located and
- 5) The proposed development will be consistent with the Wake County Land Use Plan.

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

6. PLG-SU-006258-2025 (Adam Cook, Planner II)

The petitioner is requesting Special Use Permit approval as required by section 4-11 of the Wake County Unified Development Ordinance (UDO) to establish a public safety station that will be owned and operated by Wake County.

Voting Members

Five voting members were identified:

1. Mr. Jeffrey Goebel
2. Ms. Britany Waddell
3. Mr. DeAntony Collins
4. Mr. Waheed Haq
5. Mr. Russell Stephenson

Location

WAKE COUNTY PIN: 1786118243
ZONING DISTRICT: Residential-40 Watershed (R-40W)
LAND USE CLASSIFICATION: Rural (Non-Urban)
WATERSHED: Little River
CROSS REFERENCE FILES: None
APPLICANT: Frank Land Design, PC – Garrett Frank
PROPERTY OWNER: Wake County
PROPERTY SIZE: 562.79 acres / 6.8 acres Lease Area
CURRENT LAND USE: Nature Preserve
PROPOSED LAND USE: Public Safety Station

Documentary Evidence Accepted into Record

- Staff Report
- Staff Presentation
- Applicant's Application

TESTIMONY AND EVIDENCE PRESENTED

Testimony by Adam Cook

Mr. Cook was sworn in and presented the Staff Report, Presentation, and Applicant's Application, all of which were accepted into the record. Mr. Cook explained that the petitioner is requesting Special Use Permit approval as required by section 4-11 of the Wake County Unified Development Ordinance (UDO) to establish a public safety station that will be owned and operated by Wake County.

The proposed public safety station will be leasing a 6.8-acre area of a 562.79-acre parcel. The parcel also contains Wake County Sandy Pines Preserve. The fire station is proposing to have a driveway that connects to Riley Hill Road. The public safety station will consist of a 17,650 square foot building with associated driveways and parking area.

Mr. Cook noted that the public safety station will be served by individual well and septic systems. The property has frontage on Riley Hill Road and Doc Proctor Road. The fire station will be accessed from Riley Hill Road. An NCDOT driveway permit will be required prior to building permit approval. Pursuant to Section 15-10 of the UDO, 18 parking spaces are required for the station. The site plan shows a total of 44 spaces. A 40' Type C buffer yard is required along the western boundary of the site. A 10' Type F streetscape buffer yard is required along Riley Hill Road in accordance with UDO Section 16-10-2 (F) (4). The applicant will be using natural vegetation to meet a majority of the buffer yard requirements with supplemental plantings as needed to achieve the 40' Type C and 10' Type F requirements. A total of 75,749 square feet of impervious surface is proposed for the public safety station (1.6%). The maximum impervious coverage allowed for the site is 12%. Disturbance of greater than ½ acre is required to comply with UDO Article 9 stormwater management regulations. The site is located in a Rural Non-Urban area of the Wake County Comprehensive Plan's Development Framework Map. The proposed use is consistent with the Wake County Comprehensive Plan.

Notification letters to adjoining property owners were mailed on February 19, 2026, and a public hearing sign was placed on the site on February 20th. Staff has received one call seeking more information about the proposed station, but they did not express any opposition.

Staff recommends that, if the Board of Adjustment reaches positive conclusions on all the required findings, that it approve the request subject to the following conditions:

- 1) The petitioner must record the notarized form pertaining to the Order of the Board in the Wake County Register of Deeds and return a copy to the Current Planning Section of Wake County Planning.
- 2) The petitioner must obtain and complete appropriate permits from the Wake County Planning and Development Services Department.

Mr. Goebel asked the distinction between public safety station and fire station, and Mr. Cook explained that the proposed site will also house EMS services as well.

Applicant's Presentation

Testimony by:

- 1) Chad Essick, Attorney, Poyner Spruill
- 2) Joseph Vindigni, Interim Fire Services Director, Wake County Fire Service Operations
- 3) Tommy Moorman, Senior Facilities Project Manager, Wake County Facilities Design & Construction
- 4) Jason Jones, Deput Director of Wake County EMS
- 5) Jacob Lewis, Frank Land Design
- 6) Nick Kirkland, Kirkland Appraisals, LLC

Mr. Essick's witnesses were sworn in, and he identified himself as an attorney for Poyner Spruill representing Wake County Facilities, Design & Construction. Mr. Essick explained that the Special Use Permit request is for the proposed Wendell North Public Safety Center, which will relocate Wendell Fire Station Number 2 and co-locate Wake County EMS with Wendell Fire in one location. He noted that this was a similar request to an SUP for Sandy Plains Public Service Facility in 2025.

The request includes a 6.8-acre portion of a larger 571-acre tract known as the Sandy Pines Preserve along Riley Hill Road in Wendell, east of Lizard Lick Road. The proposed facility will be developed on a small portion of the northwest corner of the property with the balance of the site remaining undeveloped and used as open space trails and for equestrian purposes. Wake County Parks and Recreation have been supportive of this request and have a strong desire to have fire and EMS services in close proximity to the preserve. Wake County will continue to own the land to the south and east of the proposed facility. To the west is an 8-acre tract owned by Apolistic Tabernacle which houses a small, unoccupied commercial building. To the north there are lots comprised of vacant land, manufactured homes, and single-family residences.

Mr. Essick called Mr. Vindigni to testify, and he introduced himself as the Interim Director of Fire Service and Emergency Services for Wake County. He explained that in 2024, Fire Services, EMS, and Facility, Design & Construction met with Wake County Budget staff to discuss station projects with the goal of identifying opportunities to combine projects and save taxpayer dollars. One of these projects was the relocation of Wendell Fire Station 2, which is currently an EMS co-locate station. It was originally built as a volunteer fire station, and does not meet the current needs of the Wendell Fire Department. There were also concerns about the station's condition, lack of space, and the current location not meeting the travel time standards set forth by the Fire Commission. With EMS moving to a regional concept, this was also an opportunity to relocate the station to a better location and accommodate both the Wendell Fire Department's needs as well as EMS.

Mr. Vindigni provided a slide of the current Wendell Fire Station 2, located at 6529 Bethany Church Road. It is currently owned by Wendell Homes Rural Fire Department, Inc. The station was built in 1988 for the purpose of housing one fire engine and to serve the residents of the community at the time. The station was not built with the intention of housing full-time firefighters, as it was strictly a volunteer station. It currently houses four full-time firefighters and two EMS personnel 24 hours a day, 365 days a year. Wendell Fire Station 2 holds and maintains one ambulance, one fire engine, one tanker, and one brush truck. The total 6,700 square feet (expanded from its original size in 2007) is primarily base space. Living space is limited to 2,100 square feet for six personnel. Mr. Vindigni provided photos of the interior area, which houses the kitchen, living area, and office in one room. There are three bedrooms: one in the fire area and two in the EMS area. Two showers are on-site, although one is located in a bedroom. This poses challenges for the personnel, both in numbers and to accommodate male and female staff members.

In 2019, the Wake County Fire Commission Administrative Subcommittee was tasked to develop a standard for response in unincorporated areas of the County. Utilizing national standards and

industry best practices, Wake County adopted standards for fire response in 2021. The primary standard is travel time, which is 7 minutes or less for 90% of all calls. Mr. Vindigni provided a slide indicating that over a 6-month period, out of 445 calls, 70 had response times of over 7 minutes. Many of them were located in the area where the proposed public safety station will be located, which should address this issue. He provided slides with an overview of the area, including renderings of the proposed station, facing Riley Hill Road. The 17,000 square foot building will contain solar panels and dedicated areas for fire and EMS staff, along with common areas and drive through bays designed to house eight ambulances and four fire apparatus if necessary.

Mr. Vindigni noted that this proposed public safety station was a public necessity, not only meeting the needs of fire and EMS services, but will also significantly reduce response times in the area. The station is a drive-through which eliminates any apparatus stopping traffic to back into the station off Riley Hill Road, and the driveway is long enough for both fire and EMS vehicles to pull out of the station for inspection without impacting road traffic. All staff parking is located in the back of the building, with handicapped and visitor spaces available in the front for ease of access to the lobby.

Fire call volume in this area is around 600 calls a year, so staff estimates two calls a day fireside, with minimal EMS call volume, meaning that lights and sirens will be necessary only during critical patient or fire incidents. Staff conducted a community meeting on February 24th at Wendell Town Hall with 10 residents in attendance. If the SUP is granted, staff will select a construction manager at Risk Selection in April, with schematic design approval in April or May. Construction drawings are anticipated in August, with construction beginning in October. Staff anticipates completion by October or November 2027.

Ms. Waddell asked for clarification regarding the differences between a volunteer and full-time station, and Mr. Vindigni explained that the original Wendell Fire Station 2 began as a metal frame building with a truck inside, providing community or citizen volunteers to drive their vehicles to pick up the apparatus and take calls from their homes. Renovations were completed to accommodate full-time staff, but it is insufficient to meet the needs of a full-time station.

Mr. Haq asked for clarification regarding the public safety station being leased from Wake County, and Mr. Moorman approached the Board to better explain. Mr. Moorman explained that he is a Senior Project Manager with Wake County Facilities, Design & Construction, as well as a licensed North Carolina General Contractor. He clarified that this station is a co-location of a Wake County public safety station on a county park. The County will continue to own the underlying real estate, and will create a leasehold parcel of 6.8 acres. The County owns the land and the building, and will operate the building. The station will not have a formal lease like in the public sector. Mr. Moorman indicated it was better to think of it like a licensing agreement to operate on the site. Parks will be reimbursed for the property at an appraisal rate of approximately \$300,000.

Mr. Haq asked if medical staff would also be onsite, and Mr. Jones, Deputy Director of Wake County EMS explained that it would be staffed with EMTs and paramedics only. EMS facilities typically do not host any other medical specialties, but EMTs, paramedics, and fire support staff all operate at the EMT level.

Mr. Lewis approached the lectern and introduced himself as a licensed Civil Engineer with Frank Land Design. His team is responsible for the design and permitting of the site, and he was asked to testify to the finding that the project will not materially endanger the health, safety, or welfare of the public. Traffic on Riley Hill Road will be limited to staff and the calls Mr. Vindigni testified to, and the area would see minimal traffic impacts. The existing right-of-way on Riley Hill Road is 60 feet, and the site plan indicates they will dedicate 10 feet to meet the ultimate right-of-way on their section of the road. Water service will be provided by a well onsite, as will septic service. Mr. Lewis presented

the site plan, noting the precise location of the well is to be determined, but an environmental scientist has reviewed the site for suitable soils for onsite septic service to the south of the parking lot. The well will be tank-size to provide fire suppression service for the sprinkler system in the occupied portion of the building. NCDEQ will provide review and feedback regarding soil and sedimentation guidelines to meet erosion control. The site is located in the R-40W zoning district, which requires a maximum impervious area of 12%. The overall site currently contains 1.23%, and after impervious surfaces are installed in the station, it will only increase the overall percentage to 1.6%. Mr. Lewis stated that a dry attenuation basin is proposed to be in the southeastern corner to mitigate any off-site impact from stormwater. All proposals will go through review with Wake County staff.

Mr. Lewis noted that all site plans will be approved by Wake County to ensure they meet UDO standards, including the required setbacks and buffers along the parcel. The staff report notes that they currently meet the parking landscaping and stormwater requirements. The site is located in a Rural Non-Urban area of the Wake County Comprehensive Plan Development Framework Map, and the proposed use is consistent with the PLANWake. Ms. Waddell asked for clarification that the site plan does not include anticipated turn lanes, and Mr. Lewis noted that no road improvements were anticipated at this time, but it is undergoing review by NCDOT and that they would comply with any requests. The driveway is located in the northwest corner, and all emergency vehicles will circle in through the site into the rear of the building through the bays. There will be no need to back vehicles into the site from Riley Hill Road.

Mr. Haq asked about the locations of the water supply well and the septic field, and Mr. Lewis explained that the design for the on-site septic field must be permitted and that they drew the plan with approximate areas where it could be located. The current drawings include an area which could house a primary and secondary septic field if necessary. They intend to meet requirements for separation to the stormwater base. Mr. Lewis did note that because of the grade change on the site, a pump for the septic tank would be necessary to reach good soils.

Mr. Kirkland approached the lectern and explained to the Board that he worked with Kirkland Appraisals, LLC as a State certified general appraiser. He noted that the Board already heard testimony that the proposed site is a public necessity, but that he would provide evidence that it would not negatively impact adjoining properties. Mr. Kirkland reviewed other co-located facilities in the County, as well as volunteer or standalone fire departments. Kirkland Appraisals uses paired sales methodology, reviewing sales of existing homes next to similar facilities in the County and comparing them to homes not adjacent to this type of use. Mr. Kirkland testified that what they found was that at the distances proposed from building to dwelling do not show any impact based on measurable market indicators. This supports the finding that the proposed development would not impact adjoining property values in addition to being a public necessity.

Mr. Kirkland added that they were asked to consider whether the proposed facility would be in harmony with its surrounding area. Based on a review of externalities the facility would be associated with (noise, odor, traffic, appearances), there were no specific components that would cause it to be in disharmony from its proposed location. Given that similar facilities exist within the County at similar distances to existing residential dwellings with more intense use than the proposed site, Mr. Kirkland testified that this provided strong support that it would be in harmony with the surrounding area. He asked that his impact analysis be entered into record, and Mr. Goebel accepted it.

Mr. Essick noted that his witnesses addressed each finding and provided testimony as to why the petitioner meets each. He added that with respect to harmony standards, North Carolina law states that inclusion of a Special Use within a zoning district creates a presumption that it is in harmony

with the district, but that evidence presented by Mr. Kirkland and others also sufficiently met the finding.

Mr. Goebel opened the floor for public hearing and with no respondents, closed for Board Discussion at 10:49 a.m.

Board Discussion

Mr. Goebel indicated that there were five elements the Board would need to make positive findings based on competent, substantial, and material evidence:

- 1) *The proposed development would not materially endanger public health or safety.*

Mr. Goebel indicated that they received significant and undisputed testimony and materials to that effect, specifically to the traffic impacts. He added that it was an enhancement of public safety in health in the area.

- 2) *The proposed development will comply with all regulations and standards generally applicable within the zoning district and specifically applicable to the particular type of special use or class of special uses.*

Mr. Goebel noted that testimony and materials provided from petitioner and staff indicated that the site would be in compliance.

- 3) *The proposed development will not substantially injure the value of adjoining property, or is a public necessity.*

Mr. Goebel identified that both components of this finding were stated by staff and experts.

- 4) *The proposed development will be in harmony with the area in which it is located.*

Mr. Goebel explained that the surrounding area was not heavily populated, and that it met statutory presumptions.

- 5) *The proposed development will be consistent with the Wake County Land Use Plan.*

Mr. Goebel noted that staff testimony and materials met this criterion.

Mr. Goebel entertained a motion on PLG-SU-006258-2025.

Motion on PLG-SU-006258-2025

Mr. Goebel made a motion in the matter of PLG-SU-006258-2025 that the Board find and conclude that the petition does meet the requirements of Article 19-23 of the Wake County Unified Development Ordinance, and that the special use permit be granted with the recommended staff conditions. The motion to approve is based on the following findings of fact:

- 1) The proposed development will not materially endanger public health or safety;
- 2) The proposed development will comply with all regulations and standards generally applicable within the zoning district and specifically applicable to the particular type of special use or class of special uses;
- 3) The proposed development will not substantially injure the value of adjoining property, or is a public necessity;
- 4) The proposed development will be in harmony with the area in which it is located and

5) The proposed development will be consistent with the Wake County Land Use Plan.

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

7. Planning, Development & Inspections Report

Mr. Finn updated the Board that code enforcement remains active and that he anticipated several appeals to come before them this spring. He also provided some background information regarding the Creedmoor Commons Development, including the nature of the original Special Use Permit and the complicated history of its issuance. Creedmoor Commons is the closest development the County has to a municipality and is similar to RTP in that respect. Unlike RTP, which is serviced by municipalities, Creedmoor Commons has state-of-the-art engineering, rain gardens, and stormwater management. Their original nonconforming use was 86% impervious area between the batching plant and lumber yard and is now well within regulations. Mr. Goebel asked if the Creedmoor Commons Development was adjacent to the hardware store SUP approved in January, and Mr. Finn responded that it was, and that the area remains active with some undeveloped tracts under review.

Mr. Finn added anecdotally that the quarry site from the second case was originally created to build the Chesapeake Bay Bridge tunnel. He added that lessons taken from the Planning Board and Board of Adjustment are taken back to staff to aid in their development of UDO standards.

Mr. Maloney noted the approved reappointments of Mr. Collins and Mr. Haq by the Board of Commissioners. He reiterated that an April meeting was likely, with details to follow. On occasion staff receives requests for the Board members' emails, but they are hesitant to provide them for public events in case quorum is inadvertently reached.

Mr. Maloney closed by introducing Becca Truluck and Heath Jones to the Board as new members of the Planning and Development Services team.

8. Adjournment

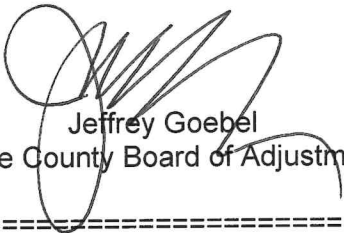
Mr. Goebel adjourned the meeting at 11:02 a.m.

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REGULAR MEETING
WAKE COUNTY
BOARD OF ADJUSTMENT
March 10, 2026

All petitions complete, Jeffrey Goebel declared the regular meeting of the Wake County Board of Adjustment for Tuesday, March 10, 2026, adjourned at 11:02 a.m.

Respectfully Submitted:


Jeffrey Goebel
Wake County Board of Adjustment

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