

TOWN OF FUQUAY-VARINA
PLANNING BOARD REGULAR MEETING
February 15, 2021

CALL TO ORDER

Vice-Chair Andy Petty called the regular meeting of the Fuquay-Varina Planning Board to order on February 15, 2021 at 6:00 p.m. This meeting was conducted using the Zoom media platform due to state mandates for social distancing to prevent the spread of the COVID-19 Novel Coronavirus.

Board Members Physically Present: Andy Petty (Vice Chair)
Jay Adcock
Jim Chandler
Michelle Peele
Barbara Marchioni
Alex Rickard

Board Members Absent: Ed Ridpath (Chair)
Tracy Watson

Others Physically Present: Planning Director Pam Davison
Assistant Town Manager Jim Seymour
IT Director Scott Clark

Others Remotely Present: Clerk Eva Mayfield
Long Range Senior Planner Allyssa Stafford
Town Attorney James Adcock

Virtual Meeting Instructions

Planning Director Pam Davison read aloud the virtual meeting protocol and instructions for public participation. She announced that anyone wishing to participate in the meeting would need to join using the Zoom media application or call into the Zoom meeting with the provided list of phone numbers on the Town's website.

APPROVAL OF THE MINUTES

Vice Chair Andy Petty asked if everyone had a chance to review the minutes from the January 12, 2021 Planning Board meeting and if so, does anyone have changes or corrections to be made? If no changes or corrections, he would entertain a motion.

Planning Board Members stated that there were no changes or corrections to be made.

Motion - Approve the minutes from the January 12, 2021 meeting of the Planning Board as presented and recommended.

MOTION: Jay Adcock
SECOND: Barbara Marchioni
MOTION RESULT: Minutes Approved Unanimously 6-0

PUBLIC HEARING

Agenda Item No. 4.A: Town Code Amendment - Town of Fuquay-Varina - Land Development Ordinance (LDO) Amendment #13 - CTA-2020-07

Purpose - The purpose of this agenda item is to consider a proposed text amendment to the Town Code of Ordinances, Part 9 Land Development Ordinance, Amendment #13 that addresses several areas for improvement.

Staff Comments – *Planning Director Pam Davison* entered the agenda abstract and supporting documents for this agenda item into the official record of the Town.

Recommendation – Recommend approval of CTA-2020-07 Amendment #13, an amendment to the Town Code of Ordinances, Part 9 Land Development Ordinance, as presented and recommended by Town staff. The text amendment improves upon the Land Development Ordinance and is reasonable and in the best interest of the public for the reasons identified by staff.

Vice Chair Andy Petty asked if anyone had any questions before the hearing was opened to the public?

Board Member Barbara Marchioni asked who was the Special Committee referred to in the Rec Fee section?

Planning Director Pam Davison answered that when the value of the recreation fee-in-lieu fee is challenged, the Special Committee is made up of an assessor picked by the town, an assessor picked by the petitioner or developer, and then those two assessors pick a third assessor.

Board Member Barbara Marchioni asked if the third person would be an outside assessor?

Planning Director Pam Davison confirmed yes, the third person would be an outside assessor.

Board Member Barbara Marchioni asked *Planning Director Pam Davison* why the allowed locations of places of worship are changing?

Planning Director Pam Davison explained there have been ongoing challenges with required design elements like cross-access as well as security concerns that places of worship encounter that do not impact general commercial development. *Planning Director Pam Davison* stated that in the past schools were relocated to the O&I district, which has been very successful. Since places of worship share many of the same design concerns with security and cross-access as educational facilities, it seemed appropriate to locate places of worship in a similar method as schools and educational facilities in the O&I district.

Vice Chair Andy Petty stated it seems to be consistent with what the Planning Board approved a few months ago with regards to cross-access. *Vice Chair Andy Petty* stated that he believed that the petitioner even made a comparison to schools at that time.

Board Member Jim Chandler asked Planning Director Pam Davison if Special Use Permits expire?

Planning Director Pam Davison explained that the petitioner has a year to initiate what has been approved as part of a Special Use Permit, but after that, they do not expire. Planning Director Pam Davison explained that recently St. Bernadette's Church proposed a SUP with multiple phases. They only need to start the first phase within a year to initiate the process and keep the Special Use Permit active and valid.

Board Member Jim Chandler asked if those improvements would be grandfathered in, and would they not need to continually update the Special Use Permit unless they wanted to add another addition and need to request an amendment to the Special Use Permit.

Planning Director Pam Davison agreed with Board Member Jim Chandler.

Vice Chair Andy Petty asked if churches that are currently in operation and wanted to make an amendment or expansion would still have an avenue to do so, within our Ordinance with the way that this amendment is written?

Planning Director Pam Davison explained that all churches in residential zoning districts would be able to do so. Planning Director Pam Davison explained that there are only four existing churches that are located in commercial districts. They will become nonconforming uses, but they may continue to operate as they do currently. However, if they wanted to expand, they would need to request a rezoning to the O&I district.

Vice Chair Andy Petty confirmed that they could not request a special use permit in the commercial districts.

Planning Director Pam Davison stated that existing places of worship in commercial zoning districts will need to rezone to O&I in order to expand in the future.

Vice Chair Andy Petty asked if anyone else had any questions for Planning Director Pam Davison?

The Planning Board members had no further questions.

Public Hearing – The public hearing was opened to speakers in favor of the petition.

John Adcock, 202 E Academy St, opened by thanking the Planning Staff for a great job presenting the text amendment. John Adcock stated that he felt the reallocation of churches across the jurisdiction is a jurisdiction wide downzoning of places of worship. There are currently places of worship permitted in 13 zoning districts out 18 total zoning districts. With this amendment, churches will only be permitted in two zoning districts. Mr. Adcock made the comparison to secular assembly uses and asked why they were not being subjected to the same downzoning. Mr. Adcock referenced the proposed section requiring existing structures being considered as a temporary place of worship needing to meet the N.C. Building Code for assembly uses. He felt that compliance with the State Building Code is required for every building and this requirement for the special use permit was an additional burden. Mr. Adcock also felt the parking requirements went over and above what was already established in the LDO, and questioned why the nonconformity standards applied only to churches in

residential zoning districts and not commercial zoning districts. He closed by thanking staff for their work on this amendment.

Vice Chair Andy Petty thanked John Adcock and requested that his comments be entered under opposition and not in favor.

The public hearing was closed with no additional speakers in favor or in opposition to the Text Amendment.

Vice Chair Andy Petty stated that he has a couple of questions in light of several points that Mr. Adcock made. *Vice Chair Andy Petty* asked how does the Town compare to some of our neighbors like Holly Springs or Apex as far as classification of churches and where they apply in the zoning? *Vice Chair Andy Petty* stated it makes sense to him that we are putting them in O&I, if that is how we are handling cross-access. That places of worship are in line with schools because of the safety and security issues and the operation times. *Vice Chair Andy Petty* stated we are hearing that there is concern about fairness.

Planning Director Pam Davison responded that several of our neighbors do permit places of worship in light industrial districts as this gives an opportunity to start up churches and churches that may not own their own property to rent space in a R&D or warehouse building. *Planning Director Pam Davison* also addressed the comments that Mr. Adcock made specifically about meeting the State building code and parking requirements for an assembly use. *Planning Director Pam Davison* explained existing building configuration and the parking required of the original use may not account for an assembly use. *Planning Director Pam Davison* stated that Mr. Adcock made a good point and suggested an adjustment to the language that can be in the resolution tonight, that meeting the building code requirements should be a condition of the special use permit and not a requirement at the time of SUP submittal. *Planning Director Pam Davison* stated that as a condition instead of a finding of fact, they will not be able to start operating as a church in that location until the building code requirements for an assembly use is met. *Planning Director Pam Davison* stated the concern is that we do not want to approve a Special Use Permit that implies someone can then go open as a place of worship, and they do not go through any of the additional steps to bring an existing building into compliance. *Planning Director Pam Davison* stated that many of our neighbors do allow places of worship in both residential and commercial districts as well as the Light Industrial areas. We are proposing the shift as a response to solve repeated challenges between places of worship and their commercially zoned neighbors.

Vice Chair Andy Petty asked if there was any reason why places of worship in the commercial districts could not just request a Special Use Permit. He asked if that is a solution for residential districts because there are so few located in the commercial districts?

Planning Director Pam Davison agreed that the numbers were so low and stated that staff would support a rezoning for existing places of worship so it seemed to be a cleaner solution.

Vice Chair Andy Petty stated that was going to be his next question. If someone requests a rezoning from a commercial district to O&I, is it going to go against the Land Use Plan or is there a reason why staff or the Board would not support the rezoning effort?

Planning Director Pam Davison responded that this will be a case-by-case basis but she believes in most instances, staff would support them continuing as a church.

Planning Director Pam Davison added in regard to John Adcock's comment concerning secular assembly uses that while those are also assembly uses, commercial assembly uses generally do not have issues complying with the connectivity requirements and do not have concerns about security or cross-access with other commercial properties.

The Planning Board had no further questions or comments.

Board Member Michelle Peele moved to make a motion to approve the text amendment per what was just discussed.

Planning Board Director Pam Davison stated that compliance with the Building Code requirements would be a condition vs. a finding of fact as explained earlier.

Board Member Michelle Peele agreed to a condition vs. finding of fact.

Motion – Recommend approval of CTA-2020-07 Amendment #13, an amendment to the Town Code of Ordinances, Part 9 Land Development Ordinance, with added language that a condition of the Special Use Permit be that churches will not be able to start operation in a particular location until the NC Building Code requirements for assembly use has been met, as presented, and recommended by Town staff. The text amendment improves upon the Land Development Ordinance and is reasonable and in the best interest of the public for the reasons identified by staff.

MOTION: Michelle Peele

SECOND: Barbara Marchioni

MOTION RESULTS: Motion Passed Unanimously 6-0

Agenda Item No. 4.B: Zoning Map Amendment - Wilbon Properties, LLC - 210 & 0 Coley Farm Road and 0 Longfellow Street - PINs 0656583491, 0656594461, & 0656690567 - REZ-2020-17

Staff Comments – *Planning Director Pam Davison* entered the agenda abstract and supporting documents for this agenda item into the official record of the Town.

Recommendation – Staff recommends approval of REZ-2020-17, a zoning map amendment at 210 & 0 Coley Farm Road and 0 Longfellow Street, from the Residential Agricultural (RA) and Residential Low Density (RLD) Zoning Districts to the Residential Mixed-Use (RMU), Neighborhood Mixed-Use (NMU), and Urban Mixed-Use (UMU) Zoning Districts, as it is reasonable and in the best interest of the public for reasons identified by staff.

Board Member Michelle Peele asked if there was a plan to connect Washington Street to Judd Parkway?

Planning Director Pam Davison responded that it is included in the CTP.

Vice Chair Andy Petty asked if restricting any proposed apartments to vertical mixed use was a result of the recent amendment requiring 3,000' of distance between apartment complexes?

Planning Director Pam Davison confirmed that it was. *Planning Director Pam Davison* clarified that she does not believe that they have specific plans for the nonresidential portions, but they clarified that in the conditions to make sure that it was on record.

Vice Chair Andy Petty stated that he believes that Bay Tree Apartments are getting close to 3,000' feet.

Planning Director Pam Davison stated that she has not measured it.

Vice Chair Andy Petty stated that he knows that this is a MUN on the Land Use Plan and has a boundary that extends beyond these properties. *Vice Chair Andy Petty* asked if there were some restrictions within that whole area within the Ordinance. *Vice Chair Andy Petty* asked if the individual areas were being kept track of pertaining to how they fit into the goal of the whole area? *Vice Chair Andy Petty* observed that this is the first one in this particular pod.

Planning Director Pam Davison stated that Mixed Use Neighborhood in the Land Use Plan is intended to be more residential than commercial, where both Employment Village and Commercial Village are the opposite, which is what staff is keeping track of. Staff hopes to address the differences in the form-based goals with a form-based update in the near future. *Planning Director Pam Davison* explained that the ordinance does not specifically speak to the three different types of form-based zoning and what the overall goals for those larger areas are. *Planning Director Pam Davison* stated that the Ordinance has the calculations based on the size of that parcel and that this project meets the guidelines for Mixed Use Neighborhood as laid out in both the Land Use Plan and the Ordinance.

Public Hearing – The public hearing was opened to speakers in favor of the petition.

Brian Duncan with Spaulding Group, 1501 Miranda Woods Ln. Mr. Duncan thanked staff for all their work for getting this project to this point. He explained that the overall intent for this project is to setup a high standard for development along this new stretch of Judd Parkway. He explained that they really want it to be something special and unique and believes that they have provided that with the various voluntary development conditions that presented in the written document and master plan. He highlighted several of the features to be included with the development and stated that he is proud of this proposal, is available for any questions, and advised that his partner Tom Spaulding is also available.

The public hearing was closed with no additional speakers in favor or in opposition to the petition.

Motion – Recommend approval of REZ-2020-17, a zoning map amendment at 210 & 0 Coley Farm Road and 0 Longfellow Street, from the Residential Agricultural (RA) and Residential Low Density (RLD) Zoning Districts to the Residential Mixed-Use (RMU), Neighborhood Mixed-Use (NMU), and Urban Mixed-Use (UMU) Zoning Districts, as it is reasonable and in the best interest of the public for reasons identified by staff.

MOTION: Barbara Marchioni
SECOND: Jay Adcock
MOTION RESULTS: Motion Passed Unanimously 6-0

Public Hearing: Item #4C: Zoning Map Amendment - Raleigh Home Group, LLC - 1994 NC 42 Highway - PIN 0687209783 - REZ-2020-21

Purpose - The purpose of this agenda item is to consider a requested zoning map amendment for a total of 0.66 acres, located at 1994 NC Highway 42 from the Residential Agricultural (RA) Zoning District to the Neighborhood Commercial Conditional (NC-CZD) Zoning District.

Staff Comments – *Planning Director Pam Davison* entered the agenda abstract and supporting documents for this agenda item into the official record of the Town.

Recommendation – Recommend approval of REZ-2020-21, a zoning map amendment at 1994 NC 42 Highway, from the Residential Agricultural (RA) Zoning District to the Neighborhood Commercial Conditional (NC-CZD) Zoning District. The proposed zoning map amendment is consistent with the 2035 Community Vision Land Use Plan and is reasonable and in the best interest of the public for the reasons identified by staff.

Public Hearing – The public hearing was opened to speakers in favor of the petition.

Preston Perry extended appreciation to the Town of Fuquay-Varina as they worked through this and looking forward to bringing their office to the Town and offered to answer any questions.

The public hearing was closed with no additional speakers in favor or in opposition to the petition.

Board Member Jim Chandler asked if the intersection was a part of the CAMPO study area, and does that play into rezoning this to commercial? He stated that he believed that this is one of the hot spots in the transportation plan looking to realign road?

Board Member Michelle Peele responded that proposed intersection improvements do not impact this parcel.

Planning Director Pam Davison explained that there is an existing building that the petitioner is interested in using as an office. It is a nonconforming use as currently zoned residential. This use will not trigger a site plan, which would trigger road improvements.

Board Member Jim Chandler explained that he was not concerned with commercial going along Hwy 42. However only wanted to ensure that there were no concerns with what CAMPO may want to do in the future with this.

Board Member Alex Rickard stated the Town's Comprehensive Transportation Plan has an extension of Hilltop Road over to Walter Myatt Road which is consistent with what the hotspot study showed. The project area goes behind this property and does not seem to impact it.

Planning Director Pam Davison stated there is no active plan currently in review that would trigger the CTP updates in this area.

Motion – Recommend approval of REZ-2020-21, a zoning map amendment at 1994 NC 42 Highway, from the Residential Agricultural (RA) Zoning District to the Neighborhood Commercial Conditional (NC-CZD) Zoning District. The proposed zoning map amendment is consistent with the 2035 Community Vision Land Use Plan and is reasonable and in the best interest of the public for the reasons identified by staff.

MOTION: Jay Adcock
SECOND: Michelle Peele
MOTION RESULTS: Motion Passed Unanimously 6 – 0

Public Hearing: Item #4D: Zoning Map Amendment & Land Use Plan Amendment - Fuquay Warehouse & Storage, LLC - 6109 S NC 55 Highway & 1206 NC 42 Highway - PINs 0677203753 & 0677208852 - REZ-2020-22

Purpose - The purpose of this agenda item is to consider a zoning map amendment. Staff recommends tabling consideration of a requested zoning map amendment for a total of 8.34 acres, located at 6109 S NC 55 Highway & 1206 NC 42 Highway, from the Heavy Industrial (HI) Zoning District to the Corridor Commercial Conditional (CC-CZD) Zoning District, and the corresponding land use plan amendment at 1206 NC 42 Highway from Employment Village (EV) to Light Industrial (LI).

Recommendation – Table consideration of REZ-2020-22, a zoning map amendment at 6109 S NC 55 Highway & 1206 NC 42 Highway, from the Heavy Industrial (HI) Zoning District to the Corridor Commercial (CC-CZD) Conditional Zoning District, and the corresponding land use plan amendment at 1206 NC 42 Highway from Employment Village (EV) to Light Industrial (LI) to the March 15, 2021 Planning Board meeting.

Motion – Table consideration of REZ-2020-22, a zoning map amendment at 6109 S NC 55 Highway & 1206 NC 42 Highway, from the Heavy Industrial (HI) Zoning District to the Corridor Commercial (CC-CZD) Conditional Zoning District, and the corresponding land use plan amendment at 1206 NC 42 Highway from Employment Village (EV) to Light Industrial (LI) to the March 15, 2021 Planning Board meeting.

MOTION: Alex Rickard
SECOND: Barbara Marchioni
MOTION RESULTS: Motion Passed Unanimously 6 – 0

Other Business

Agenda Item No. 5.A: Preliminary Subdivision Plat - Lakestone Tract 5 - SUB-PR-2020-09

Purpose - The purpose of this agenda item is to consider a preliminary subdivision plat submitted by George Finch/Boney and Associates, P.A., called Lakestone Tract 5, located at 635 Lakestone Commons Avenue.

Staff Comments – *Planning Director Pam Davison* entered the agenda abstract and supporting documents for this agenda item into the official record of the Town.

Recommendation – Recommend approval of the Lakestone Tract 5 preliminary subdivision plat SUB-PR-2020-09, as presented and recommended.

Vice Chair Andy Petty had a question relating to the stub street. He asked if there was a reason why the Town is approving stub streets that are not perpendicular to property lines? *Vice Chair Andy Petty* wanted to know if that was due to a gradient issue?

Planning Director Pam Davison responded that there are some extreme slopes in that area and those existing properties to the north have already been developed.

Vice Chair Andy Petty stated that he noticed that there are a lot of retaining walls in this area and was concerned that issues may arise when we begin stubbing streets out at odd angles as well as how pavement cut outs are left for the person next door, without seeing how it goes in the future.

Board Member Jim Chandler wanted to confirm that there are no sidepaths on that road currently, there are only sidewalks? He then asked if they are having to turn one side into a side path?

Planning Director Pam Davison stated that they will have to comply with the CTP requirements when the commercial parcels are submitted for site plan. If there is an existing 5-foot sidewalk and the CTP requires a sidepath, they can just add an additional five feet to the existing sidewalk. *Planning Director Pam Davison* explained that they have had this situation several times before on Judd Parkway.

Vice Chair Andy Petty asked to make it from a sidewalk to a side path would it be a concrete sidepath and not an asphalt sidepath.

Planning Director Pam Davison stated that it needs to be consistent with the same material. She stated they would have the option at that point to rip out the existing concrete and put a 10-foot asphalt path in if they wanted to or they could just add to the concrete sidewalk.

Board Member Jim Chandler asked if it would just get worked out at the CD stage?

Planning Director Pam Davison stated that it would be along Lakestone Commons, so this would be worked out with the site plan for those commercial properties.

MOTION TO: Recommend approval of the Lakestone Tract 5 preliminary subdivision plat SUB-PR-2020-09, as presented and recommended.

MOTION: Michelle Peele
SECOND: Barbara Marchioni
MOTION RESULTS: Motion Passed Unanimously 6-0

ADMINISTRATIVE REPORTS

Agenda Item No. 6.A: Planning Staff Report

Purpose – The purpose of this agenda item is to receive information on the disposition of the Planning Board's recommendations to the Town Board of Commissioners since the January 12, 2021 Planning Board meeting.

Recommendation – No Action Required – Receive as Information

ADJOURN

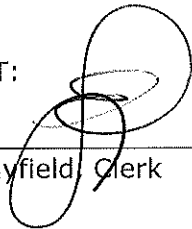
A motion was made to adjourn the meeting at 6:57 p.m.

MOTION: Jay Adcock
SECOND: Barbara Marchioni
MOTION RESULTS: Motion Passed Unanimously 6-0

FUQUAY-VARINA, NORTH CAROLINA



Ed Ridpath, Chair

ATTEST: 

Eva Mayfield, Clerk