

TOWN OF FUQUAY-VARINA
PLANNING BOARD REGULAR MEETING
June 20, 2022

CALL TO ORDER

Chair Andy Petty called the regular meeting of the Fuquay-Varina Planning Board to order on June 20, 2022, at 6:00 p.m. Attendees were participating both virtually and in person.

Board Members Physically Present: Andy Petty (Chairman)

- Ed Ridpath
- Jay Adcock
- Katherine Townsend
- Michelle Peele
- Alex Rickard

Board Member(s) Absent:

- Jim Chandler
- Barbara Marchioni

Other Virtually Present:

Assistant Town Manager Jim Seymour

Others Physically Present:

- Planning Director Pam Davison
- Town Attorney James Adcock
- Clerk Eva Mayfield
- IT Director Scott Clark
- Assistant Director Melissa Sigmund
- Senior Planner Allyssa Holman
- Senior Planner Josh Jurius
- Planner Slater Knox
- Planner Allison Wylie
- Planner Grant Vestal

PLEDGE OF ALLEGIANCE

Chair Andy Petty led the Pledge of Allegiance.

HYBRID MEETING INSTRUCTIONS

Planning Director Pam Davison read aloud the hybrid meeting protocol and instructions for public participation. She announced that attendees would be able to comment both in person and virtually via the zoom virtual meeting platform. Anyone wishing to participate in the meeting virtually would need to either join using the Zoom media application or call the Zoom meeting with the provided list of phone numbers on the Town's website.

APPROVAL OF THE MINUTES

Agenda Item No. 2. A: – Approval of the Minutes from the May 16, 2022, Planning Board Meeting.

Purpose - The purpose of this agenda item is to consider approval of the minutes from the Planning Board meeting on May 16, 2022.

Chair Andy Petty asked if everyone had a chance to review the minutes from May 16, 2022, Planning Board meeting and if any corrections were requested.

Mr. Petty requested corrections be made to page three, fourth paragraph down. He asked that the name Neil Motorparky be corrected to Neil Motorparthy.

Motion – Approve the minutes from the May 16, 2022, meeting of the Planning Board as corrected and recommended.

MOTION: Jay Adcock
SECOND: Ed Ridpath
MOTION RESULT: Minutes Approved Unanimously 6-0

Recusal

Chair Andy Petty requested a motion to recuse himself from Agenda Item 4.A. REZ-2022-04 and have *Vice Chair Jay Adcock* become the assumed Chair of Agenda Item 4.A.

Motion – Motion was made to recuse *Chair Andy Petty* from discussion and actions for REZ-2022-04.

MOTION: Ed Ridpath
SECOND: Alex Rickard
MOTION RESULT: Motion Passed 5-0

PUBLIC HEARING

Agenda Item No. 4.A: Zoning Map Amendment - The Curry Engineering Group, PLLC - 400 SW Judd Parkway - PIN 0656555207 - REZ-2022-04.

Purpose - The purpose of this agenda item is to consider a requested zoning map amendment for a total of 9.27 acres, located at 400 SW Judd Parkway, from the General Commercial Conditional Zoning District (GC-CZD) to the General Commercial Conditional Zoning District (GC-CZD).

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-2022-04, a zoning map amendment at 400 SW Judd Parkway, from the General Commercial Conditional Zoning District (GC-CZD) to the General Commercial Conditional Zoning District (GC-CZD). The proposed zoning map amendment is consistent with the 2040 Community Vision Land Use Plan and is reasonable and in the best interest of the public for the reasons identified by Staff.

Public Hearing – *Vice Chair Jay Adcock* opened the public hearing.

Mr. Adcock asked if anyone wished to speak in favor?

Don Curry with Curry Engineering, 205 South Fuquay Avenue, stated that he appreciated Staff's report and stated on behalf of the owner that they would appreciate the Board's consideration for approval of the rezoning. He closed by saying that if anyone had any questions, he would be happy to answer them.

There were no questions for the Petitioner.

Mr. Adcock asked if there was anyone else who would like to speak in favor or opposition of the agenda item either in person or virtually?

There were no more speakers in favor or opposition to the agenda item.

The public hearing was closed.

Vice Chair Jay Adcock asked the Board for discussion or a motion.

Motion – Recommend approval of REZ-2022-04, a zoning map amendment at 400 SW Judd Parkway, from the General Commercial Conditional Zoning District (GC-CZD) to the General Commercial Conditional Zoning District (GC-CZD). The proposed zoning map amendment is consistent with the 2040 Community Vision Land Use Plan and is reasonable and in the best interest of the public for the reasons identified by Staff.

MOTION: Alex Rickard
SECOND: Ed Ridpath
MOTION RESULTS: Motion Passed 5-0

OTHER BUSINESS

Agenda Item No. 5. A: Preliminary Subdivision Plat – Springwoods Townes Subdivision - SUB-PR-2021-03.

Purpose – The purpose of this agenda item is to consider a preliminary subdivision plat submitted by The Spaulding Group for Springwoods Townes located at 917 S Judd Parkway SE and 0 Award Street.

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

Planning Director Pam Davison stated that she wanted to make the Board aware that there was an error regarding the amount of existing linear footage of the roadway listed on the cover sheet and that the engineer has been made aware and it will be corrected.

Recommendation – Recommend approval of the Springwoods Townes preliminary subdivision plat SUB-PR-2021-03, as presented and recommended.

Mr. Petty asked if the Board had any questions for Staff.

Mr. Petty stated that there appeared to be a lot of environmental features on the site. He noted that it seemed that Staff is relaxing Town standards with the roadway design in order to allow this project to get approved. *Mr. Petty* stated that the Town typically does not allow “L” intersections, especially those not at 90 degrees, even though there is a stop sign. He wanted to know Staff’s thought process behind relaxing Town standards and if there were any discussions on how this project got to this point?

Planning Director Pam Davison stated that there are environmental features on the property including a portion of an existing pond and substantial wetlands, as shown on the site plan in the southeast corner of the property. She explained that Staff worked with the Petitioner concerning the turnaround at the end of the alley, and some of the road standards to do the best they could while minimizing impacts. It was important that impacts were perpendicular and not lateral across the roadway sections. *Mrs. Davison* stated that she had spoken with the Director of Engineering, Matt Poling and that Mr. Poling feels comfortable that compromises were made to get as close to the Town standard as possible, while minimizing the environmental impacts to the maximum ability. She stated that as far as the L shaped intersection, we have approved other developments with a similar configuration. In this case, the L shape serves to connect two existing roadways with a full stop going both directions. *Mrs. Davison* stated that Mr. Poling felt that the L was a better solution for future maintenance and traffic flow versus adding an elbows or cul-de-sac. *Mrs. Davison* stated sometimes when a cul-de-sac is introduced along a road, drivers are unclear whether it is part of a curve or a through street. She stated that Engineering felt that was the best solution for this situation.

Mr. Petty stated that he disagrees with Engineering and the truck turnaround on the plans doesn’t appear to meet the standards either. He stated that the bottom left corner seems to be very small and asked Staff if that was something to be concerned with or has the Fire Department give any indication that they could park on Judd Parkway?

Mrs. Davison stated that the Fire Department had reviewed these plans. She stated that the other thing to consider is that the alley length is not very long. *Mrs. Davison* said she believed that the turnaround was a question that had been asked. She stated that she did not know off-hand what the dimensions were but that the turnaround is an alley and not a public road

and that the turnaround, in this case, was a bonus. She stated that her understanding is that there are additional environmental impacts on the southern area shown on the plan. She explained that was another area that the Petitioner worked with both Fire and Engineering to come up with a compromise that they felt met the needs of the Town and was maintainable but did not make any additional impacts.

Mr. Petty stated that he appreciated the Staff's hard work on modifying standards and their intent to help development spur; however, he felt that many of the Town standards were being modified to get the project pushed through for approval. He stated that when he reviewed the proposed site plan and saw many open spaces and a dog park, he didn't know how you could access them. *Mr. Petty* stated that more development should happen with the plan before proceeding to the Town Board.

Mr. Petty asked if any other Board Members had any questions or comments for Staff?

Planning Board Member Ed Ridpath stated that he wanted to voice his concern about setting a precedent. He said he would hate to see this project be used as an example for future projects where someone could question why the Town standards were being bent for this project and not theirs. He then asked Staff if the Town standards were not bent or compromised, what would the Petitioner have provided instead of what was being presented to the Board? He wondered if it would have been impossible to do, or would they have had to give up some lots or the dog park in order to meet the Town standards? He stated that he wanted to understand what tradeoffs were asked of them in order to meet the Town's standards. He then stated that he remembered a similar situation to this property in the past.

Mrs. Davison responded to *Mr. Ridpath*, asking if he was referring to the Sugar Run Apartments project.

Mr. Ridpath confirmed that was correct. He stated that his question was if in bending these standards, was a precedent being set? He also stated that *Mrs. Davison* did not mention in the presentation of facts why the changes were made, why the Town standards were bent and why it would have been impossible to make the necessary changes to meet Town standards.

Mrs. Davison stated that she could not answer that question, because that's a financial question that the developer would have to address as one of the decisions that the developer would have to make is the cost of the infrastructure installation, the number of lots they are getting, and how those all balance out whether strictly meeting the code would be impossible or not. She continued that some changes were made specifically along Judd Parkway. Initially, the townhomes on the top end backed onto Judd Parkway and there was a public road there. She stated that one of the things Staff worked with them on was the Town's new standard that encourages them to front onto Judd Parkway some street trees. She stated that the introduction of the dog park would serve as active open space.

Mrs. Davison stated that the Engineering Department was strict on some standards. She then stated there are some substantial retaining walls on this site. Some of them are very close to the right-of-way and it had been noted that no tiebacks to any of those retaining walls could be in the public right-of-way. She explained that it is indicated on the plans, and they have been made aware. She stated that there were definitely some specific elements that the Town cannot negotiate on, the retaining walls being one of them.

Mrs. Davison stated because it is an infill development the developers are having to work with existing roadways and development. There are some drainage issues on the north side and there is another existing site plan that Staff has been working on, in cooperation with that Engineer, to ensure that neither development causes nor makes anything worse with the existing drainage situation. *Mrs. Davison* stated that from that point of view, the Town and the Engineering Department decided and prioritized those critical elements, those that they thought were a little more flexible to support an infill project on a challenging site.

Mr. Ridpath stated that in this situation, if Staff is not holding the developers to a standard, the Planning Board should be informed of the list of exemptions anytime staff deviates from the standards. He felt that a list with explanations of why there was a compromise on standards would help prevent these from being a recurring problem. He stated that he would want the developers to know if they want to differ from Town's standards and the justifications for those standards not being met will have to be presented to the Planning Board and Town Board. He felt that would deter developers from not meeting Town standards and he would rather the developer come forward with a plan that met the Town's standards and if they cannot meet the Town's standards, he would rather them have to explain why the Town standards cannot be met and provide another option of what they can do. He stated that he would like to see those comparisons so the Board can see what would work. *Mr. Ridpath* stated then the Board could see what they could do to meet the Town's standards and also see what they couldn't make work and what they did to make it work by bending the Engineering standards, for example, to make it work and getting an agreement on why they varied from the standards.

Mrs. Davison stated that Staff could incorporate that into the staff report moving forward.

Mr. Ridpath agreed that it would be something he would like to see in the Staff report if he sees Staff's recommendation to approve.

Mr. Petty stated that this proposal does not meet the Town's standard. He asked Staff if the other site plan mentioned earlier was another site plan connected to this site or in conjunction with this site plan?

Mrs. Davison stated that there is another site plan, but it is not in conjunction with this site plan, it is adjacent to this property.

Mr. Petty asked if those two (2) properties touched property lines?

Mrs. Davison stated that they do.

Mr. Petty asked if it was north of Judd Parkway?

Mrs. Davison stated that it is south of Judd Parkway and north of this property.

Mr. Petty asked if there was any interconnectivity between those two (2) projects?

Mrs. Davison stated that it was determined that connectivity was not necessary. She stated that there are some significant environmental features on the north end of Award Street and the Engineering Department made the determination that Award Street can end where it is.

Mr. Ridpath stated that the right of way was given away long ago.

Mr. Petty stated that this is a challenging site.

Mr. Rickard asked Staff if what was presented to the Board was the first draft?

Mrs. Davison responded that it was not.

Mr. Rickard asked Staff if there was a version that actually conforms to all the requirements?

Mrs. Davison responded no. She stated that they started with their proposal, and then compromises, revisions and edits were made through the subdivision review process to come up with what the Board is being presented with now. *Mrs. Davison* stated that through the review process, requests were made by Staff to meet those specific standards. The justification was given as to why those standards either could not be met or efforts were made to get closer.

Mr. Petty stated that it is clear why they could not meet the standards, they would lose units. He stated that it's the Planning Board's job to ask at what point is the precedent set and what point is the site just hard to work with? He stated that he thought it would be a good idea to note somewhere on the site plan if the LDO or Town Specs standard is not met. He stated that it is hard to meet Town Specs at this level because you're not fully engineering it, however, there are some things that the developer would know, like if there are curves or not, what type of streets you are doing, fire truck turnarounds, they would know if those were able to be met or not. He felt the Planning Board should be made aware of this, as it is hard to say yes to something when someone does not know those things. He closed by stating that overall, this project is not a dense project.

Mr. Ridpath stated that he was inclined to approve it as is but did want to make sure that the Board have those caveats for the future and also to share with the Town Board.

Mr. Rickard asked *Mr. Ridpath* if he was asking Staff if in future situations like this, they would provide a bulleted list?

Mr. Ridpath stated that these are exceptions to Town standards, and he would like for Staff to list them out so that the Planning Board members can research them and know if those tradeoffs were something that the Planning Board would recommend to Town Board. He stated that the list could help Planning Board members understand and answer the question of how the reduced standards impact the citizens and or neighbors.

Mr. Petty agreed with Mr. Ridpath and also stated it wouldn't be any different than if there were a fee-in-lieu request.

Mr. Petty asked the Board for a motion.

Motion – Recommend approval of the Springwoods Townes preliminary subdivision plat SUB-PR-2021-03, as presented and recommended.

Before the final vote, Mr. Petty asked the Board members if they had any more questions and understood what they would be voting for before taking the final vote.

Mr. Rickard asked if the request for Staff was a separate item? Then wondered if Staff could please add the list of justifications to the staff report moving forward?

Mrs. Davison stated that it had been noted.

Mr. Petty stated that he feels we are giving up too much for it and just wanted to express how he felt about it.

Mr. Petty then asked for a final vote.

MOTION: Ed Ridpath
SECOND: Michelle Peele
MOTION RESULTS: Motion Passed 4 in favor – 2 in opposition (Andy Petty and Katherine Townsend)

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 May 16, 2022, Planning Board meeting.

Recommendation – No Action Required – Receive as Information

Mr. Petty asked if anyone had any questions?

Mr. Ridpath stated that Town Board also tabled the Land Use Plan and the text amendment that affected it. He asked why they were delaying it?

Planning Director Pam Davison said they needed a little more time to read and review it.

Mr. Ridpath asked if Town Board was in the same shoes they were in when they first reviewed it?

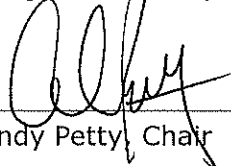
Planning Director Pam Davison responded that it was purely the Land Use Plan. The LDO amendment was tabled because it accompanied the LUP amendment.

ADJOURN


A motion was made to adjourn the meeting at 6:36 p.m.

MOTION: Ed Ridpath
SECOND: Michelle Peele
MOTION RESULTS: Motion Passed Unanimously 6-0

FUQUAY-VARINA, NORTH CAROLINA



Andy Petty, Chair

ATTEST:


Eva Mayfield, Clerk