



Fuquay-Varina Town Board Meeting

July 11, 2022

J. Blake Massengill, Mayor
Larry Smith, Mayor Pro-Tem
William H. Harris, Commissioner
Marilyn B. Gardner, Commissioner
Tracy Watson, Commissioner
Bryan Haynes, Commissioner
Adam G. Mitchell, Town Manager
Mark D. Matthews, Assistant Town Manager
James (Jim) E. Seymour, Assistant Town Manager
Rose H. Rich, Town Clerk
James S. Adcock, III, Town Attorney

The Regular Meeting of the Fuquay-Varina Town Board scheduled for Monday, July 11, 2022, at 7:00 p.m. was held at the Fuquay-Varina Town Hall, 134 N Main Street, Fuquay-Varina, NC.

In attendance were Mayor Blake Massengill, Mayor Pro-Tem Larry Smith and Commissioners William Harris, Marilyn Gardner, Tracy Watson, and Bryan Haynes. Also in attendance were Town Manager Adam Mitchell, Assistant Town Manager Jim Seymour, Assistant Town Manager Mark Matthews, Town Clerk Rose Rich, and IT Director Scott Clark. Town Attorney James Adcock was absent.

CALL TO ORDER

Mayor Massengill called the meeting to order at 7:01 pm.

INVOCATION AND PLEDGE

Mayor Pro-Tem Larry Smith provided the invocation and Rich Van Tassel led the Pledge of Allegiance.

VIRTUAL MEETING PROTOCOL

Town Manager Adam Mitchell reviewed the meeting protocol noting that the meeting was both in-person, via Zoom, and live streamed.

APPROVAL OF MINUTES

3A The June 6, 2022, minutes of the Town Board of Commissioners regularly scheduled meeting and April 12, 2022 Budget Workshop.

MOTION: Mayor Pro-Tem Smith

SECOND: Commissioner Gardner

MOTION RESULTS: Passed Unanimously (5-0)

PRESENTATIONS

4A Reveal and Presentation - Mayor's Coin

Purpose – For Mayor Massengill to reveal the "Mayor's Coin" as well as present the first coin to a special recipient.

Mayor Massengill revealed the Mayor's Coin and described its imprint, and he stated that the Mayor's Coin will be presented as informal recognition to honor people for outstanding performances and accomplishments and to commemorate special events. He stated that Jasmine Hicks, emerging local artist, and part-time Arts Center Support Staff, designed the Mayor's coin, and he asked her to come forward. He presented Ms. Hicks with the first Mayor's Coin and thanked her for her assistance in designing the coin. He also thanked Communications Director Susan Weis for her help to obtain the coins.

4B Recognition - James Mountford - Fuquay-Varina High School Athletic Director - 2022 High School OT Honors Athletic Director of the Year

Purpose – To recognize Fuquay-Varina High School Athletic Director, James Mountford, for having been awarded the High School OT Honors Athletic Director of the Year Award for 2022.

Mayor Massengill provided remarks and recognized Athletic Director Mountford for this achievement. He stated that the baseball and softball programs just wrapped up astounding seasons at Fuquay-Varina High School. He also presented Athletic Director Mountford with a Mayor 's Coin.

4C Recognition - Parks, Recreation and Cultural Resources Department - Staff Certification and Training Achievements

Purpose – To recognize Parks, Recreation and Cultural Resources Department staff who have obtained recent credentials and certifications.

Staff Comments – Parks and Recreation Director Jonathan Cox entered the agenda abstract and supporting documents for this agenda item into the official record of the Town. He then provided information about the agenda item by making the following remarks.

The Certified Youth Sports Administrator (CYSA) credential is issued through the National Alliance for Youth Sports (NAYS) and is earned upon successful completion of the Online Academy certification process. The CYSA credential is valid for two years and must be maintained by obtaining 10 hours of continuing education. As CYSAs, staff have access to a variety of tools, resources, and information that equip town staff to offer an engaging, well-managed and safe youth sports program. The CYSA credential allows youth sports administrators to demonstrate their professional connection to the field, while allowing them to network with other CYSAs from around the country and world. This certification provides a fundamental understanding of how quality youth sports programs operate and serves as a professional development opportunity and networking forum.

This credential has been a focus of the Town's Parks, Recreation, and Cultural Resources Department which now has 11 CYSAs on staff. Park and Recreation Director Cox recognized Adam Hairr, Thomas DeGruchy, Trey Baggett, Sidney Peterson, Gerard O'Connell, Tiffany

Trice, Leslie Poole, Chris Newsom, Mark Hassig, Anthony DiMarzio, and Jonathan Cox for obtaining their CYSA credentials.

The CPO® certification program is the world's leading education and certification program for keeping splash pads safer and keeping them open. Over 400,000 students have been trained since 1972. The CPO certification provides individuals with the knowledge, techniques, and skills required for proper operations. CPO training helps reduce risks in and around the water, maintain disinfection and water balance, and manage water problems. This training is important for the safe and reliable operation of the Town Splash Pad at South Park. CPOs must retake the exam every 5 years to maintain certification. All CPOs are also credentialed through Wake County. The Parks, Recreation, and Cultural Resources Department now has 10 CPOs on staff. Parks and Recreation Director Cox recognized Adam Hairr, Thomas DeGruchy, Trey Baggett, Mark Hassig, Sidney Peterson, Gerard O'Connell, Tiffany Trice, Leslie Poole, Chris Newsom, and Anthony DiMarzio for obtaining their CPO Certifications.

Employees of federal, state, county, or municipal governments who apply pesticides in the course of their jobs are required to be licensed by the Department of Agriculture of the State of North Carolina. Licensing is accomplished by earning a pesticide certification, a process that involves passing a core exam of pesticide handling and a second exam testing knowledge of a specific area of pesticide use. In Parks and Recreation, applicators earn a Turfgrass and Ornamentals license. To maintain certification, an applicator must complete 10 hours of continuing education within 5 years. The Parks, Recreation, and Cultural Resources Department now has 5 Licensed Pesticide Applicators on Staff. Parks and Recreation Director Cox recognized Anthony DiMarzio, Chris Newsom, Ian Cotton, James Mauldin, and Tyler Polk for obtaining their Pesticide Applicators Certifications.

The Certified Parks and Recreation Professional (CPRP) Certification is issued through the National Recreation and Parks Association. The CPRP certification is granted to individuals employed in the recreation, park resources and leisure services professions who meet the eligibility requirements—including a combination of higher education, work experience, and

passing the national CPRP examination. The examination tests knowledge in all aspects of general administration, programming and operations management for parks and recreation. CPRP certifications are valid for a period of two years, and professionals who wish to re-apply are required to complete a professional continuing education unit requirements or equivalent academic course work. Individuals certified as CPRPs meet high standards of education, expertise and experience established in the field for park and recreation professionals, and many agencies recommend or require CPRP certification when hiring for professional positions. The CPRP program is offered by the National Certification Board in coordination with NRPA and the CPRP Certification Committee. The 10 CPRPs on staff include Jonathan Cox, Anthony DiMarzio, Chris Newsom, Gerald O'Connell, Adam Hairr, Thomas DeGruchy, Trey Baggett, Sidney Peterson, Mark Hassig, and Leslie Poole. Parks and Recreation Director Cox recognized those individuals for obtaining this certification.

Mayor Massengill thanked everyone for taking the time to get these next level certifications and continuing to better themselves through education. He also thanked them for all their hard work during the July 1st Independence Day Celebration.

4D Mayoral Proclamation - Parks, Recreation and Cultural Resources

Purpose – For Mayor Massengill to present a Mayoral Proclamation recognizing the month of July 2022 as Parks and Recreation Month in the Town of Fuquay-Varina.

Mayor Massengill made brief remarks and presented the Mayoral Proclamation to the Parks, Recreation, and Cultural Resources staff.

4E Recognition - Public Utilities Department Staff

Purpose – To recognize Public Utilities employees for their recent certification achievements.

Staff Comments – Public Utilities Director Michael Wagner provided information about the agenda item by making the following remarks.

North Carolina requires more than thirty (30) certifications and grade levels to perform various operations and maintenance to water and wastewater systems. Certifications are achieved through experience, schooling, and examination and are maintained annually through continuing education credits. He then recognized Public Utility Department employees that obtained certification achievements in the first six (6) months of 2022.

Patrick Walsh obtained "B-Distribution" Water Distribution Operator Certification from the North Carolina Water Treatment Facility Operators Board of Certification.

Zachary Hall obtained "C-Distribution" Water Distribution Operator Certification from the North Carolina Water Treatment Facility Operators Board of Certification.

Troy King obtained Biological Wastewater Grade 4 Certification from NC Water Pollution Control System Operators Certification Commission.

Kyle Price obtained "C-Distribution" Water Distribution Operator Certification from the North Carolina Water Treatment Facility Operators Board of Certification.

James Patterson (who was absent) obtained "C-Distribution" Water Distribution Operator Certification from the North Carolina Water Treatment Facility Operators Board of Certification.

Mayor Massengill thanked the Public Utilities Staff for their willingness to get their certifications and continue their education.

4F Presentation - U-5751 NC 55 Extension

Purpose – To receive a presentation from NCDOT regarding proposed project U-5751, NC-55 Extension.

Staff Comments – Representatives from NCDOT presented information on the U-5751 NC 55 Extension Project status and next steps. Senior Project Manager Allison White with NCDOT introduced NCDOT Division Engineer Brandon Jones for Highway Division 5. She also introduced the consultants project team members Emily Love and Jeffrey Dayton with HDR Engineering who are working alongside NCDOT on this project.

Emily Love presented a PowerPoint presentation of the project whose purpose is to improve the intersections of US 401 with Highway 55 and 42 and to construct a new roadway connection. She stated that there will be three alternates for the project. The project needs are to address the existing and future connection, congestion, and intersections and to provide a connector from NC Hwy 55 to reach Judd Parkway. The project also seeks to realign Highway 55 bridging over US 401 and the Norfolk Southern Railroad with a 10-foot side path and five-foot sidewalks to be included. The road would include two 12-foot lanes in each direction with a 30-foot median and five-foot sidewalks on either side. The Highway 55 section would be 12-foot lanes on each direction with a 23-foot median and five-foot sidewalk on one side and a 10-foot multi-use path on the other side. The alternates are the same along the existing Judd Parkway while tracks one and two are the same continuing along to Judd Parkway until their new location sections. The further most north alternate will continue to a new location alignment south to the railroad crossing and then all three alternates will join there. All the alternates would be crossing the railroad by a bridge. Alternate two is the same existing Judd Parkway and then there's a little new location section at the railroad. Alternate three is the southern alternate that follows the existing Judd Parkway and then Products Road. She stated that they are expecting environmental documents and associated technical reports to be done in the fall of 2023, right away acquisition is currently scheduled for fiscal year 2029, and construction is scheduled for beyond 2030 per the current STIP from NCDOT. She stated that a virtual public meeting was

held in March of 2022 and had 183 attendees, 227 comments. They also had a month long comment period where they received 267 comments by 44 members of the public. They are working on summarizing those and responding back to the public at an upcoming meeting.

Mayor Massengill asked what the timeline would be for having a recommendation for the best alternate. NCDOT Senior Project Manager Allison White stated that it should be in November of this year, and she stated that all three alternates will be evaluated using environmental resources and technical studies. She also stated that they have a panel of stakeholders which include Federal agencies and other resources as well as CAMPO to assess and choose the best alternate.

Mayor Massengill asked once the recommendation has been made on which path is preferred who would get the recommendation. NCDOT Division Engineer Brandon Jones stated that it will go through a merger process. It will be a team made up of different agencies, federal and state. They will collect and look at all the data on all the alternates to come up with the best preferred alignment. This is the alignment that NCDOT would move forward with. As far as timeline they are looking at 2029 but the STIP does not have a construction date associated with this project and they are trying to get this preferred alternate set-in place so that property owners can start making decisions moving forward.

Mayor Massengill asked if property owners wanted to develop their land how does this impact them. NCDOT Division Engineer Brandon Jones stated that properties will not be held up from being developed.

Commissioner Harris asked if the residents that will be impacted have a voice in the outcome of alternate proposed. NCDOT Division Engineer Brandon Jones stated that it is still in the public input process but all of it will be part of the consideration and will be looked at by the merger team.

Town Manager Mitchell asked when the Town Board would receive information back on the alternates. NCDOT Division Engineer Brandon Jones stated that it should be November

which is concurrence point three, that's when the Town Board will receive the recommendation and be given an opportunity to weigh in on the matter.

PUBLIC COMMENTS

5A Daniel Frankel, Executive Manager of Generation II Carolina, LLC, 2012 Tory Drive, Yadkinville, NC, stated that he owns property on Products Road, and he is concerned about the traffic and the alternates being considered by NCDOT.

Jerry Gamble of 1901 Hillandale Road, Durham, stated that he was the Real Estate broker for the property on Products Road. He is concerned with the timeline from NCDOT. He stated that businesses cannot wait till 2029 to decide about development of the land. He stated that the primary concern is they have businesses interested in those lots, but they can't wait till November of 2029 to decide, and he asked that the Town Board choose another alternate than alternate three.

Lindsay Frost, 931 S. Judd Parkway, SE, stated that her house is right next to the road that will be widened for the townhouse project on Judd Parkway. She stated that there is already a lot of congestion on Judd Parkway, and she requested that the Town Board look at another alternate route.

Chad Gaskins, 931 S. Judd Parkway, SE, stated that there is going to be a roadway that is right next to his house and people are currently cutting through the roadway to bypass the stoplight. He stated that the road is going to be widened at Judd Parkway and 401 to stop the backup on Judd Parkway. He offered that the Phelps Point entrance is less than 200 yards away and it would be more beneficial for people to enter there to go to the townhomes. He also stated that he will lose frontage of his yard to widen the road, and there have been numerous accidents over the years at this intersection.

Julie Zalkind with Generation II Carolina, LLC stated that she is part owner with Daniel Frankel of property on Products Road. She stated that if alternate three is chosen then it would go

through the middle of Fuquay-Varina. She stated that she would like to see that the road be run on the far side of Smith Farms Subdivision. She stated that there has been some interest from prospective buyers in their property now and they have a contingent contract with a health care provider. She also stated that providing a second road on the outside as alternate one or two would be a much better and a chance that traffic will not back up.

Mayor Massengill thanked everyone for their comments. He stated that NCDOT made a presentation regarding Products Road and that NCDOT will make the final decision as to which route, they will choose. He stated that the Town Board will not make a recommendation until all the facts are in on the various routes.

Mayor Massengill stated that intersection improvements for Hwy 401 & Judd Parkway are on the agenda and that the property in question of development was originally zoned for higher density but has been changed to less density. He stated that the property could have been more units, which would have increased the traffic than what is proposed to be developed there now. He stated that when the Town Board gets a recommendation for development and it meets the state, federal, and town ordinances and guidelines, then the board would have no reason not to approve the plans. He stated that public right of way dictates access normally so that roads that are stub streets get connected.

ITEMS PREVIOUSLY TABLED

6A 2040 Community Vision Land Use Plan - Town of Fuquay-Varina - CTA-2022-03

Purpose – To consider a proposed amendment to the 2035 Community Vision Land Use Plan 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. She then provided information about the agenda item by making the following remarks.

The 2035 Community Vision Land Use Plan, adopted in 2017 is the current ordinance for future growth and development in Fuquay-Varina. It establishes a long-term vision for the community that extends over a planning horizon of 20 years. The Land Use Plan is a living document, meant to be revisited and amended as necessary as the community moves forward in growth. The LUP is a policy document that provides guidance to the Town in decisions for rezonings, describing the desired future land uses for all property within the Town's planning area. The Land Use Plan and the Future Land Use Map included within it, do not change the existing zoning or subdivision entitlements of a property.

The updated 2040 Community Vision Land Use Plan (2040 LUP) proposed in this amendment builds upon the vision, guiding principles, and recommendations of the current plan and provides more focus and clarity regarding the community's expectations for the character, quality, and mix of development in the Town's planning jurisdiction. The 2040 LUP also provides tools to achieve a more balanced tax base and maintain and enhance the high quality of life standards that the community expects.

Overarching concepts of the 2040 LUP:

Balance the ratio of residential to non-residential land uses

- The Town is seeking to increase the percentage of non-residential uses, with a target of a 60/40 balance of residential to non-residential uses in the planning area.
- Create new opportunities for non-residential uses that are needed in growing areas, along major transportation corridors

Provide quality housing choices

- The plan seeks to create character areas with a wide range of housing options and locate the different character areas to utilize the Town's existing infrastructure investments, to include the recently completed Judd Parkway. The placement of various character areas also seeks to take advantage of existing features such as access to environmental features and rural vistas, while enhancing and filling in the gaps between existing neighborhoods.
- The character areas balance the Town's housing portfolio and also create areas that support multi-generational neighborhoods where residents can find homes that suit

their lifestyles and life stages over time without having to leave the neighborhood. This variation within a neighborhood - whether through lot sizes or housing types also supports the different needs of multiple generations of one family living in the same neighborhood.

- Strengthening the expectations for mixed-use activity centers that integrate the non-residential uses that provides goods, services, and jobs in close proximity to housing creates more options for residents to access these amenities with less time and money spent on vehicle travel for necessities.

Key Plan Updates:

Chapter 1 Introduction:

- Background information, including demographic data has been updated.
- A high-level market forecast has been provided.

Chapter 2: Growth Framework

- The growth framework is based on the expected character of different areas throughout town, instead of focusing on use and intensity only. The guiding principles of the 2035 plan have been retained and expanded upon to convey the community's vision for its future. Topic includes the following:
 - Land Use
 - Transportation
 - Community Facilities & Services
 - Home Choices
 - Natural Environment
 - Parks & Recreation
 - Economic Vitality
 - Community Design
 - Performance
 - Communication

Chapter 3: Character Typology

- The heart of the plan is the Future Land Use Map and the supporting Character Area descriptions.
- Character Area Typologies provide greater detail on how different areas of the community should be developed in terms of their look, feel, and functionality. Illustrations and example site layouts are included to further explain the expectations for development.
- Character Areas include descriptions of the following elements and their relevant characteristics:
 - Street and Block Patterns – how developments are connected internally to each other with streets, sidewalks, and greenways.
 - Open Spaces & Natural Resources – the types and locations of open spaces appropriate for each character area and how they relate to the built environment.
 - Lot Size & Building Placement – building orientation and placement in relation to streets, property lines, and other buildings.
 - Building Types & Massing – identifies the general scale of buildings, as well as the types of building forms that are appropriate in each area.
 - Transportation Considerations – identifies areas where multi-modal transportation options are most critical, how properties should connect to or expand the road network, as well as public realm elements such as seating and bike racks.

Character Areas

The categories of Character Areas have corresponding elements from the previous 2035 Land Use Plan. Some areas have been combined, consolidated, or modified. All areas have been described in greater detail as follows along with key changes to the Character Area Typologies.

- Open Space is still Open Space and remains largely unchanged.
- Rural Residential is still Rural Residential and remains largely unchanged.

- Large-Lot Residential and Small-Lot Residential are now both Single Family Neighborhood. New Single Family Neighborhood developments will need to provide an integrated mix of lot sizes and a comprehensive and connected network of open space throughout the neighborhood.
- Mixed-Density Residential is now Mixed Residential Neighborhood. New Mixed Residential Neighborhoods will need to provide a central neighborhood park & smaller developed open spaces throughout the neighborhood with the smallest lot sizes around the center and the largest single family lots at the perimeter of the neighborhood.
- Townhome Community and Multifamily Residential are now both Multifamily Neighborhood. New Multifamily Neighborhoods are intended for small-scale developments only with larger townhome and apartment developments integrated into either a Mixed Residential Neighborhood or one of the mixed-use center designations.
- Small-Scale Commercial Center is now Neighborhood Commercial and will encourage low impact development practices such as sustainable stormwater designs.
- Highway Commercial and Regional Commercial Center are now both Suburban Commercial. New Suburban Commercial developments will need to create a center corridor such as a main street, park, square, or plaza.
- Suburban Office is still Suburban Office and will be expected to incorporate common greens and other public spaces into site designs.
- Light Industrial and Heavy Industrial are now both Industrial and remain largely unchanged.
- Civic & Institutional is still Civic & Institutional and remains largely unchanged.
- Town Center Residential is still Town Center Residential. Areas delegated to Town Center Neighborhood have been expanded to limited locations outside of the Judd Parkway loop where this traditional neighborhood design is appropriate.
- Mixed-Use Neighborhood is now Neighborhood Activity Center which will focus on the following attributes:
 - Residential uses are secondary to commercial and common green spaces.

- New developments will need to create a center/corridor such as a main street, park, square, or plaza.
- Non-residential uses should be 5,000 to 100,000 s.f. of building area over approximately 5 to 15 acres.
- Development will have a pedestrian-oriented design with buildings close to the street where applicable.
- Commercial Village is now Community Activity Center which will focus on the following attributes:
 - Residential uses are secondary to commercial and common green spaces.
 - New developments will need to create a center corridor such as a main street, park, square, or plaza.
 - Non-residential uses should be 100,000 to 250,000 s.f. of building area over approximately 15 to 45 acres.
 - Buildings should be constructed with a pedestrian-oriented design to the internal streets.
- Employment Village is now Regional Employment Center which will focus on the following attributes:
 - Residential Uses are secondary to non-residential uses and common green spaces.
 - New developments will need to create a central corridor such as a main street, park, plaza or square.
 - Non-residential uses at the core are employment uses such as office or industrial. Anchors could include corporate headquarters, higher education facilities, hotels, medical research facilities, or advanced manufacturing uses accommodating building areas of 500,000 s.f. or more, covering at least 45 acres.
 - Buildings should be constructed with a pedestrian oriented design to the internal streets.
- Downtown is still Downtown and remains largely unchanged.

Other Plan Enhancements:

- Site Plan Concepts
 - Illustrates key components and desired arrangements of buildings, streets, and open spaces in the Single-Family Neighborhood, Mixed Residential Neighborhood, Neighborhood Activity Center, Community Activity Center, and Regional Employment Center Character Areas.

- Character Areas Typology Crosswalk
 - Indicates appropriate zoning districts to implement for each Character Area. This tool is to be used in rezoning decisions.

- Building Typology Crosswalk
 - Identifies and illustrates the types of buildings (e.g. single family detached, duplex, neighborhood commercial) that are appropriate in each Character Area.

- Chapter 4: Supporting Infrastructure including Priority Investment Areas Map & Policies
 - Prioritizes the location of future Town infrastructure investments to promote strategic investments by the Town through enhanced economies of scale and a focus on supporting economic development goals.
 - Development can occur through all areas of Town's municipal and Extraterritorial Jurisdiction at any time, however the Town's contribution to extending and improving infrastructure will be focused in higher priority investment Tiers.

- Chapter 5: Town-Wide Initiatives
 - Development Compatibility & Site Transitions - Focus on site design that creates effective transitions between different uses, creating connections while minimizing the impacts of more intense uses on nearby less intense uses through building relationships and site design features.

- Comprehensive, Connected, & Continuous Open Space - Focus on a comprehensive approach to open space through both preservation and development with open space forms curated to support the sense of place created in each character area.

Public Input

A draft of the updated 2040 Land Use Plan and list of Character Area Typologies, as well as the full draft document presented at the April 18, 2022 Planning Board meeting have been posted on The Town's outreach platform, Let's Talk FV for public viewing and feedback.

Concurrently, information was posted on the Town's social media sites and website making information available to the public. Over 1,800 individuals have viewed the project on Let's Talk FV website, over 800 individuals have downloaded at least one of the draft documents, and nearly 40 members of the public have provided written comments regarding the draft plan. All comments received on or before May 20, 2022 have been included in the attachments for the Board's consideration. In addition to posting on the Town's social media sites, website, and Let's Talk FV platform, Town staff have met with various home builders/developers and stakeholders that include the Wake County Homebuilders Association and Triangle Community Coalition to review and discuss the proposed 2040 Land Use Plan.

The plan has been modified throughout the process in response to feedback received. In addition, the Town is including the Wake County Voluntary Agricultural Districts (VADs) in its mapping library in an effort to enhance the visibility of agricultural uses in the Town's planning area and ensure VADs are considered in development decisions such as rezonings.

Management and staff recommend approval of the proposed amendment to the 2035 Community Vision Land Use Plan. The proposed 2040 Community Vision Land Use Plan is reasonable and in the public's best interest, as it updates the Land Use Plan and further extends a long-term vision for the community.

This item was initially presented to the Planning Board at their regular meeting on April 18, 2022. The public hearing was continued to the May 16, 2022 meeting at the request of staff to allow more time to gather public feedback. At the May 16, 2022 regular meeting, the Planning Board unanimously voted to recommend approval.

Changes, revisions and updates were made to the plan document throughout the process to incorporate feedback from both residents and the development community, correct minor errors, and coordinate with other Town approved plans. Changes, which included revisions to the Future Land Use Map and refinement of the Character Areas, were presented to the Planning Board at the May 16, 2022 meeting. Additional updates to the Priority Investment Areas Map and the Summary of Impacts to Town Infrastructure Associated with the Future Land Use Map were received from the consultant after the Planning Board meeting along with further staff refinements resulting from additional public outreach were incorporated into the plan presented at the June 6, 2022 Town Board meeting.

At the June 6, 2022, regular meeting, the Town Board voted to open the public hearing and table consideration of the request for more time to consider the proposal. Since June 6, 2022, public and stakeholder group members who have commented or presented concerns regarding this proposal have contacted Town Management and Planning Staff. The Draft 2040 LUP is still available on Let's Talk FV for public comment, but no additional comments were received on this platform between June 6, 2022, and July 8, 2022. No changes or revisions have been made to the proposed plan since the June 6, 2022, Town Board Meeting.

Public Hearing – The public hearing was opened. No one spoke in favor of the 2040 Community Vision Land Use Plan. John Adcock, 202 East Academy Street, spoke in opposition to the proposed plan. He stated that he has raised objections before staff, the Planning Board, and the Town Board to the lack of due process involving the adoption of the amendments to the Land Use Plan and the Land Development Ordinance. He stated that if adopted in current form it will represent a dramatic change in the land use policies and regulations of the town. He stated that amendments like this will have wide ranging and significant impacts on the entire community and require a thorough and comprehensive

community engagement process that involves the town, key stakeholders, and members of the public. The process should include creative and diverse methods of public engagement and community vision. He requested that the Town Board withhold from taking action tonight on the amendments and adopt a process that involves thorough and comprehensive community engagement. The public hearing was closed.

Discussion – Commissioner Harris asked about the voluntary agricultural districts being identified on the map. Planning Director Davison stated that those could be added to the Town’s GIS online map. She stated that the families that participated in this Wake County program come and go, but it is publicly available information where those agricultural districts are.

Commissioner Harris stated that he hears what Mr. Adcock stated as far as an inclusive comprehensive plan that is very important to the community. He stated that he thinks it is important for the Town to try and be as inclusive as possible. He expressed that in the future the Town look at taking the steps to incorporate a wide variety of stakeholders as a group.

Commissioner Gardner stated that she would like to thank the Town Board for giving her the opportunity for extra time to fully understand the 2040 Community Vision Land Use Plan and the Land Development Ordinance Amendment. She stated that she is excited about some new innovated vision possibilities with the updated Land Use Plan. She also stated that she likes that the Land Development Ordinance is also being updated along with the Land Use Plan. She offered that she would like to see more attention paid to the value of historic properties, homes, businesses, and farms that play a part in contributing to the character and cultural of our area.

Recommendation – Approve CTA-2022-03, an amendment to the 2035 Community Vision Land Use Plan, (renamed 2040 Community Vision Land Use Plan) as presented and recommended by Town management and staff, as it improves upon the Land Use Plan, and is reasonable and in the best interest of the public for the reasons identified by management and staff.

MOTION: Mayor Pro-Tem Smith
SECOND: Commissioner Watson
MOTION RESULTS: Passed Unanimously (5-0)

6B Land Development Ordinance Amendment - 2040 Community Vision Land Use Plan - Town of Fuquay-Varina - CTA-2022-04 Amendment #19

Purpose – To consider a proposed amendment to the Land Development Ordinance 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. She then provided information about the agenda item by making the following remarks.

Town staff and the community have gained significant experience using the Land Development Ordinance (LDO) since its adoption in December 2016. As a result, this amendment seeks to utilize that experience in the form of clarifications and technical corrections to the LDO's language. In addition, this amendment seeks to update the LDO to bring it into conformity with recommendations made by the newly updated 2040 Community Vision Land Use Plan.

The proposed changes are as follows:

Section 1, Article A:

- Language has been added to this article to allow for development flexibility of Town owned buildings and properties.

Section 2, Article C:

- An update to terminology, Neighborhood Mixed Use (NMU) & Urban Mixed Use (UMU) to Commercial Mixed Use (CMU) & Employment Mixed Use (EMU). The Land

Use Plan establishes new labels for two (2) of the three (3) form-based districts to better describe their development effects. This terminology update has also been made in Articles E, F, G, J, L, M, N, O, P, Q, S, and Appendix B.

Section 3, Article D:

- The zoning district descriptions have been updated for the Residential Agricultural (RA), Residential Low Density (RLD), Residential Mixed Density (RMD), Residential High Density (RHD), Corridor Commercial (CC), General Commercial (GC), Research Light Industrial (RLI), and Heavy Industrial (HI) zoning districts to align them with changes proposed in the LUP.
- The Highway Corridor Overlay Zoning District (HCO) has been established to secure the main thoroughfares in Town for the most appropriate commercial and nonresidential uses.

Section 4, Article E:

- The zoning district descriptions have been updated for Town Center Residential (TCR), RMU, NMU, and UMU to align them with changes in the LUP.

Section 5, Article F:

- An update to terminology for zoning districts NMU & UMU to CMU & EMU.
- The permitted use table has been updated to address the amendments to the development projects section and the form based (RMU, NMU, UMU) sections.
Attachment A
- An exception has been added to the Place of Worship development standards that will allow for certain expansions of use within the Highway Corridor Overlay (HCO).
- The development type "mixed-use development" has been removed as a development option. Staff finds the variety of other mixed-use development options offered in the LDO are comprehensive, and "mixed-use development" as outlined in Article F does not produce the best or most creative mixed-use development opportunities.
- Updates to the Multi-Family section include:

- The separation requirement section has been clarified for ease of use, and language regarding building facade requirements has been added to the General Standards for multi-family development.
- The apartment development type has been amended to include a purpose and intent section, as well as a more thorough open space requirement.
- Townhouse development has been moved from the single-family development type section to the multi-family development type section. This brings the development type in line with the updates of the LUP. Previously townhouse development was its own section, but it is now a part of (2) Multi-Family.
- The Open Space Development section has been removed entirely and the Open Space development type has been incorporated into the Planned Unit Development section to align the LDO with recommendations made in the LUP update.
- The section on Townhouses, Detached has been renamed Row Houses and revamped to align with recommendations made in the LUP update.
- A reference in the zero-lot line development section has been updated to refer to a more appropriate section regarding common green areas.
- A reference to Open Space development has been removed from the Parks & Open Space section as Open Space Development has been removed as a development option.

Section 6, Article G:

- Updates have been made to the Dimensions & Setbacks table to align with updates elsewhere within the LDO. Attachment B
- A reference to Open Space development has been removed from the General Standards for Setbacks section as Open Space Development has been removed as a development option.

Section 7, Article H:

- A reference to the traditional mixed-use development has been removed as it is no longer a development option.

Section 8, Article I:

- References to Open Space developments within this Article have been removed and replaced with references to Planned Unit Developments.

Section 9, Article J:

- Row house has been added to the list of development types for which the recreation fee-in-lieu is applicable.
- The number for calculation of recreation dedication or fee-in-lieu has been amended to 1/20th of an acre from 1/30th of an acre. The reference for the fee has also been updated.
- Language regarding privately owned parks, recreational, open space, or greenway areas has been revamped to refer to common green areas.
- The dates for which permit choice may be applicable have been updated to align with this amendment.
- Row house has been added to an exemption in the mail kiosk section. Subdivisions under 30 lots may be exempted from this parking requirement.
- Language has been added to the construction guarantees section that provides an opportunity for nonresidential site plans to provide a fee-in-lieu, as major subdivisions currently do. Additionally, language has been amended to shift Town Board approval of the request to the construction drawings stage from the preliminary plans to better align with the engineering of the development.

Section 10, Article L:

- An update to terminology, NMU & UMU to CMU & EMU.

Section 11, Article M:

- References to Open Space developments within this Article have been removed and replaced with references to Planned Unit Developments.
- Language has been added to the section on public utility easements that allows Homeowners' Associations to grant easements through common areas owned by the HOA without the joinder of lot owners.

- Removal of the year on a reference to the 2035 Community Vision Land Use Plan.
- A reference to the traditional mixed-use development has been removed as it is no longer a development option.

Section 12, Article N:

- Language has been added to provide guidance for residential off-street parking and garages.

Section 13, Article O:

- A reference to plantings required for mixed-use developments has been removed, as traditional mixed-use development is no longer a development option.
- A reference to foundation plantings on single-family homes has been removed.
- Updates to the perimeter buffer requirements for form-based mixed-use developments have been made to clarify that perimeter buffers are required at the project boundary.
- Updates have been made to clarify that no lots within a subdivision shall contain any required buffer or open space.
- The Use Types list has been updated to include the updated form-based districts and to rearrange the intensities of some single-family and multi-family uses.
- Language has been added to the street tree buffers section that states street tree buffers may be included on lots and that street trees must be continued across nonresidential and open space lots.

Section 14, Article P:

- A reference to the traditional mixed-use development has been removed as it is no longer a development option.
- A reference to a Bicycle Master Plan has been removed. The Town applied for funding around completion of the 2017 LDO but funding was not awarded.

Section 15, Article Q:

- A reference to the traditional mixed-use development has been removed as it is no longer a development option.
- References to Open Space developments within this Article have been removed and replaced with references to Planned Unit Developments.
- The exemption for townhouses has been removed from site plan components as townhouses are now considered multi-family.
- A requirement for a neighborhood meeting has been added to Special Use Permits (SUP).
- Clarification has been added to the townhouse development section that the preliminary and construction drawings shall be submitted in accordance with the major plat standards.

Section 16, Article S:

- All outmoded definitions related to the newly updated Appendix B have been removed or altered to fit the new language.
- References to the traditional mixed-use development has been removed as it is no longer a development option.
- The multi-family definition has been clarified to include townhouses.
- The definition for Non-Residential Development has been clarified.
- The Subdivision and Minor Subdivision definitions have been edited to exclude the specifics that are already outlined in the respective Articles to avoid redundancy.
- The Townhouse and Townhouse Development definitions have been clarified for their new applications.

Section 17, Appendix B:

- This section has been entirely rewritten in response to recommendations from the 2040 Community Vision Land Use Plan. Now called Residential Mixed-Use, Commercial Mixed-Use, and Employment Mixed-Use, the three (3) mixed-use form-based districts now conform to the updated LUP and the appendix is now more user friendly. These three (3) form-based districts now respond to the LUP's new

established Neighborhood Activity Center, Community Activity Center, & Regional Employment Center classifications. Together, the LDO and LUP provide framework for vibrant, creative mixed-use developments as well as centers of commerce and lifestyle. Attachment C.

Section 18, Appendix C:

- Language has been added to this Appendix to state that the TCR zoning district is also applicable to the area immediately surrounding Judd Parkway loop.

Section 19, Appendix D:

- The PUD section has been revamped to become a more flexible and applicable zoning district. Standards have been outlined that once were not, allowing for greater ease of use.
- PUD project sizes have been expanded and the delineation of residential vs. nonresidential project area has been expanded.
- Table – PUD Zoning District Building Setback & Separation has been revamped to have greater building type flexibility. Attachment D• Standards have been added to the open space section to align with other open space development and encourage a higher quality open space product.

Section 20, Appendix E:

- References to Open Space developments within this Article have been removed and replaced with references to Planned Unit Developments.

Management and staff recommend approval of the proposed Town Code Amendment as it is reasonable and, in the public's best interest, as it improves upon the Land Development Ordinance's intent to modernize, provide sustainability, and allows for ease of use and enforcement, specifically concerning the Town's current development standards.

Staff requested tabling this item at the April 18, 2022, Planning Board to the May 16, 2022, Planning Board meeting, in order to provide more time to reflect on public comments and

goals for the Land Development Ordinance. Several adjustments were made to the proposed amendment in response to feedback received. The revisions were incorporated in the amendment presented to the Planning Board on May 16, 2022. At the May 16, 2022 regular meeting, the Planning Board unanimously voted to recommend approval.

At the June 6, 2022, regular meeting, the Town Board voted to open the public hearing and table consideration of the request for more time to consider the proposal. Since June 6, 2022, public and stakeholder group members who have commented or presented concerns regarding this proposal have contacted Town Management and Planning Staff. The Draft 2040 LUP and LDO amendments are still available on Let's Talk FV for public comment, but no additional comments were received on this platform between June 6, 2022, and July 8, 2022. No changes or revisions have been made to the proposed ordinance since the June 6, 2022, Town Board Meeting.

Public Hearing – The public hearing was opened. No one spoke in favor of the Land Development Ordinance Amendment - 2040 Community Vision Land Use Plan. Paul Kane with the Homebuilders Association of Wake County, 5580 Centerview Drive, Raleigh stated that they have been working to understand this amendment because this is a governing document on how the Town is going to develop. He stated that the association has engineers, builders and lawyers trying to figure out the amendment. He stated that the association needs more time to work through the document.

John Adcock of 202 East Academy Street, spoke in opposition to the amendment. He stated that it is important for the local government to disperse information to the community, but it is vitally important for the community to give feedback back to local government. He stated that one person had applied for a zoning permit over a year ago and paid the fees and after six months and spending close to \$100,000 on the process received information from the staff that a favorable recommendation was going to be provided to the Planning Board and Town Board, but within a matter of days it was withdrawn. He stated that it was not right and that they were told to stand down for an indefinite period of time. He stated that if this amendment passes tonight that the project that has been worked on for over a year will be

over. He stated that the Town Board needs to address projects that were put in the pipeline and did everything they were supposed to do and met the standards that were put in front of them and were then asked to stand down based on standards that they have no knowledge of and were not presented. The public hearing was closed.

Discussion – Commissioner Harris asked if this document can be revised in the future. Mayor Massengill stated that we have amended it in the past and are up to amendment #19. He stated that it is a fluid document that can be updated at any time. Town Manager Mitchell stated that there have been multiple amendments to the Land Use Plan and Land Development Ordinance since their adoption in 2016 and he thinks it is likely there will be amendments in the future as the Town has the opportunity to work the 2040 LUP and recommended LDO revisions.

Commissioner Haynes asked if the comments provided by the Home Builders Association change the recommendation of management and town staff. Town Manager Mitchell stated that in large part it did not and that he understands what the Home Builders Association is aiming to accomplish in terms of density and more developable property. He advised that there were some technical corrections that were addressed and stated that technical corrections are not uncommon. However, with respect to the goals of the Home Builders Association and the feedback received by residents in the community and planning jurisdiction; they are counter to each other and many of the requests made by the Home Builders Association were not a part of management and staff's recommendation.

Commissioner Haynes asked about buffers when it comes in the Town' waterways. Planning Director Davison stated that staff had received the same email and that Engineering Director Matt Poling is working with the individual and it does not have any influence on this document. Commissioner Haynes also asked about projects that were in the pipeline. Town Manager Mitchell stated that it had been discussed publicly at a Board meeting in February and that there were a few projects in the pipeline. Planning Director Davison stated that there were three projects that had been submitted for zoning applications. One was the Banks Farm PUD and that has already been approved. The other two applications were still

in the review process with staff when we asked them to pause. She stated that neither one of them had made it through the review process and received staff recommendation to move forward. One of the projects is now working with staff and has submitted a revised application using the new standards. The other one we have not heard back from yet. She stated that there were no projects that had received staff recommendation and were scheduled to move forward at that time.

Recommendation – Approve CTA-2022-04, an amendment to the Land Development Ordinance, as it is reasonable and in the best interest of the public for the reasons identified by management and staff.

MOTION: Mayor Pro-Tem Smith

SECOND: Commissioner Watson

MOTION RESULTS: Passed Unanimously (5-0) Ordinance No. PZ-22-03

PUBLIC HEARINGS

7A Water and Wastewater System Development Fee Analysis Report and Fee Schedule Ordinance

Purpose – To consider adoption of the Water and Wastewater System Development Fee Analysis prepared by Willdan Financial Services and consider adopting an ordinance amending the FY 2022-2023 Fee Schedule to reflect the recommended revised Water and Wastewater System Development Fees.

Staff Comments – Public Utilities Director Michael Wagner entered the agenda abstract and supporting documents for this agenda item into the official record of the Town. He then provided information about the agenda item by making the following remarks.

He stated that Willdan Financial Services recently conducted a Water and Wastewater System Development Study on behalf of the Town pursuant to NCGS § 162A, Article 8. The statute

specifies that a written analysis is to be performed to calculate System Development Fees (SDF) based upon prescribed criteria. To meet the requirement of the General Statute, the Town of Fuquay-Varina employed Willdan Financial Services, a professional financial consulting firm, to complete an SDF analysis. In its analysis dated March 22, 2022, Willdan calculated a maximum residential unit fee of \$3,030 for water and \$3,250 for wastewater. This calculation recommends a \$1,030 increase to the water SDF bringing the total water SDF to \$3,030 from its current rate of fee of \$2,000. No change was recommended for the sewer SDF.

Before considering adopting the professional analysis, House Bill 436 requires that a local governmental unit post the SDF analysis on its webpage for public review and comment for a minimum of 45 days. The analysis was posted on the Town's website on May 11, 2022, and no comments were received through the 45-day posting period ending on June 25, 2022. After the period for posting expires, a public hearing is required before adopting the SDF analysis with any modifications or revisions. This public hearing is scheduled for July 11, 2022, after which the Town Board may consider any potential modifications based on comments provided during the public hearing or adopt the analysis as presented. Therefore, management and staff recommend that the Town Board adopt the System Development Fee Analysis prepared by Willdan Financial Services and the associated ordinance amending the Fee Schedule to reflect the Town's updated SDF as presented and recommended. This proposed SDF increase is reflected in the Town's FY 2023 Budget adopted on June 6, 2022.

The Water and Wastewater System Development Fee Analysis conducted by Willdan Financial Services recommends an increase of \$1,030 to the 3/4 inch water line for residential dwelling units. This increase brings the current residential water SDF from \$2,000 to \$3,030 per dwelling unit. No change was recommended for the sewer SDF. The water SDF increase is estimated to bring an additional \$1.2 million in revenue annually to support the expansion of water utilities and infrastructure. SDFs are used to establish supplemental sources of funding for future capital projects. The implementation of SDF helps mitigate existing customers' need to pay for system expansions entirely through increased user rates.

Public Hearing – The public hearing was opened. No one chose to speak in favor of, or in opposition to the proposed Water and Wastewater System Development Fee Analysis Report and Fee Schedule Ordinance. The public hearing was closed.

Discussion – Mayor Massengill stated that the Town is going into a process to increase capacity on water and sewer facilities and extend new lines in development areas. He stated that a plan has been put in place that follow general assembly statues for funding this project. He stated that the cost would be split between rate users and new development. He asked how the water fee change from \$2,000 to \$3,000 compared to our surrounding Town’s. Town Manager Mitchell stated the Town is still one of the lowest, if not the lowest. He stated that the Town is looking at a \$250 million capital improvements in water and wastewater project in the next 10 years. The Town is going through the process of permitting for water plant expansion with multiple partners that will be in an excess of \$100 million. He stated that with the FY 23 budget the Town Board approved a user rate increase for water and sewer for all current ratepayers of 9.9 % on both sides and that is projected to carry forward over the next several years.

Recommendation – Adopt the Water and Wastewater System Development Fee Analysis and associated ordinance amending the FY 2022 – 2023 Fee Schedule as presented and recommended.

MOTION:	Commissioner Watson	
SECOND:	Commissioner Harris	Ordinance No. N-22-19
MOTION RESULTS:	Passed Unanimously (5-0)	Ordinance No. N-22-20

7B Zoning Map Amendment - The Curry Engineering Group, PLLC - 400 SW Judd Parkway - PIN 0656555207 - REZ-2022-04

Purpose – 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. She then provided information about the agenda item by making the following remarks.

The property totals 9.27 acres and is currently in the Town's corporate limits. The property is vacant and generally forested with a creek running north to south through the center of the property.

The property is currently zoned General Commercial Conditional Zoning District (GC-CZD). The zoning map amendment petition requests approval of the General Commercial Conditional Zoning District (GC-CZD). This zoning district is intended to permit a mix of high intensity nonresidential development of convenience services, retail, office, institutional, regional retail shopping, employment centers, and service uses. This property was rezoned as part of REZ-2017-34 that also included the Infinite Self Storage facility at 408 and 414 SW Judd Parkway. This rezoning petition is applicable only to 400 SW Judd Parkway and does not amend any of the zoning conditions on the adjacent properties. The purpose of this petition is to update the permitted and prohibited uses to match the Town's current permitted uses in the General Commercial Zoning District and to appropriately expand the permitted uses at the property in order to provide opportunity for a viable commercial and/or flex space development.

The following zoning conditions were approved as part of REZ-2017-34 and remain applicable as part of this updated amendment:

1. 25% of the land shall remain undisturbed.

2. There shall be no outdoor storage allowed on the site.
3. Type A landscape buffering shall be required on the southern and eastern boundaries of the project with 50 feet on the southern and 40 feet on the eastern side.
4. Lighting shall be no more than 20 feet in height and will contain full cutoff fixtures that emit light at 45 degrees or less to the ground.
5. Building materials shall be of neutral colors and materials used shall be in harmony with the Town's requirements per section 9-1356 of the LDO.

The petitioner is requesting the following uses be prohibited at the subject property. Those uses marked with an asterisk were previously prohibited as part of REZ-2017-34.

Parking Deck*

Transit Terminal*

Recycling Collection Station

Recycling Transfer Center

Water/Wastewater Treatment Facility, Private

Hotel/Motel/Extended Stay Facility*

Night Club/Dance Club*

Electronic Sweepstakes Gaming Operation*

Sexually Oriented Business*Tattoo & Body Piercing*

Beach Bingo*

Golf Course*

Convenience Store*

Funeral Home*

Pawnshop*

Shopping Center*

Tire Sales & Service*

Automotive Express Service

Automotive Paint/Body Shop

Automotive Repair

Car Wash/Auto Detailing

Car Wash, Temporary

Manufactured Home Sales & Service*
Kennel, Commercial Boarding/Breeding*
Bona Fide Farm
Place of Worship
Yard Sale
Live/Work Unit*Mixed-Use Development

The petitioner is requesting only the following uses be permitted at the subject property. A list of permitted uses was not included in REZ-2017-34 but those uses that were previously prohibited zoning conditions are marked with an asterisk.

Community Services
School, Trade/Vocational
Financial Institutions
Government Facilities & Services
Medical Offices & Facilities
Parks/Facilities, Open & Civic Space
Greenways
Bus Stop
Park & Ride
Broadcasting Station/Radio, Television, or Filming Studio
Small Wireless Facilities
Telecommunication Facilities/Services
Restaurants/Food Service & Sales
Restaurant, Mobile
Office, Business/Professional
Indoor Recreation
Game Room/Arcade
Outdoor Recreation
Retail Sales & Service
Accessory Buildings, Sale

Brew Pub/Bar* (previously prohibited as an adult use)
Dry Cleaning/Laundromat
Farmers Market
Health Club/Gym
Personal Service
Seasonal Outdoor Sales/Display
Specialized Repair Service
Small Engine Repair
Vehicle Parts & Accessories, Retail*
Construction Services* (previously prohibited Special Trade Contractor which falls under
Construction Services)
Brewery & Distillery
Research & Development
Accessory Uses
Business Incubator
Flex Space Vending Machines
Animal Hospital/Veterinary Clinic
Greenhouse/Nursery
Vehicle/Charter Services
Solar Energy Panels
Temporary Mobile Units
Day Care, Accessory
Day Care, Commercial
Private Utility Buildings/Use
Recreation Facility, Private
Vehicle, Boat, Equipment Sales &/or Rental - With Special Use Permit*
Drive-In Theatre - With Special Use Permit * (previously prohibited as an assembly use)
Place of Worship, Temporary

Surrounding properties are generally a mix of residential, commercial, and park/open space
uses. The Southview Pointe and Woodland Point subdivisions lie to the east and the

currently-under-construction Infinite Storage is to the southeast. To the south and southwest respectively are the Parker Pointe and Parkers Ridge Subdivisions. To the west and northwest of the property, directly across the Norfolk Southern rail line, is Fleming Loop Recreation Park.

The 2035 Community Vision Land Use Plan (LUP) calls for the Small-Scale Commercial Center (SSCC) classification at the subject property. This classification is defined as land supporting small-scale commercial centers that provide goods and services to surrounding neighborhoods. Their proximity to neighborhoods requires that operations be low-intensity, unobtrusive, and at a scale and design compatible with nearby residential development. The requested zoning map amendment is consistent with the 2035 Community Vision Land Use Plan. The Town is currently updating its 2035 Land Use Plan and the proposed updated 2040 Land Use Plan update recommends designating the property as Suburban Commercial which aligns with the current 2035 Land Use Plan land designation of Small-Scale Commercial Center (SSCC) classification. Public water and sewer services are available to serve the subject property.

The subject property is located along SW Judd Parkway. SW Judd Parkway is classified by the Town's 2035 Community Transportation Plan as a 100-foot right-of-way and identified as a three (3)-lane, median divided road with turn lanes and sidepaths, and a future carrying capacity of 18,300 ADT. SW Judd Parkway is currently a three (3)-lane, median divided road with turn lanes and sidepaths, however the portion of the road directly in front of the subject property is two lanes with no center turn lane as it approaches the railroad tracks. It has a current carrying capacity of 18,300 ADT. As this section of Judd Parkway has not yet been accepted by NCDOT, traffic counts have not been performed.

The petitioner held a neighborhood meeting on May 24, 2022, at Curry Engineering, 205 S Fuquay Avenue, Fuquay-Varina. The meeting report is attached, and the staff takes no position as to its content.

Management and staff recommend approval of the proposed zoning map amendment as it is consistent with the 2035 and 2040 Community Vision Land Use Plans and reasonable and in the best interest of the public for the following reasons:

1. The requested zoning map amendment is consistent with the 2035 Community Vision Land Use Plan's Recommendation CF.1 - Invest in Existing Growth Areas, which encourages the extension of utilities and growth of development in areas that are already in the growth process to maximize effectiveness.
2. The requested zoning map amendment is consistent with the proposed updated 2040 Community Vision Land Use Plan recommendation to designate the property as Suburban Commercial as this land use designation aligns with the 2035 Land Use Plan's Small-Scale Commercial Center classification.
3. Conditions proposed by the petitioner effectively limit future development to be compatible with the surrounding areas.

At the June 20, 2022 regular meeting, the Planning Board voted unanimously to recommend approval.

Public Hearing – The public hearing was opened. Don Curry of Curry Engineering Group, 205 S. Fuquay Avenue, spoke in favor to the zoning map amendment. No one chose to speak in opposition to the proposed zoning map amendment. The public hearing was closed.

Discussion – Commissioner Haynes stated that this property is a good place for restaurants and different things like that. He is excited to see this type of plan bring more commercial use to that area where we continue to provide a great quality of life.

Recommendation – Approve 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 management and staff.

MOTION: Commissioner Haynes
SECOND: Commissioner Watson
MOTION RESULTS: Passed Unanimously (5-0)

7C Fire Station #4 Construction and Financing - Guaranteed Maximum Price, Financing Resolution, Project Ordinance Amendment, and Interlocal Agreement with Wake County

Purpose – To hold a public hearing on financing of Fire Station #4, followed by consideration of a resolution in support of the financing, approval of a Guaranteed Maximum Price, Project Ordinance Amendment, and an Interlocal Agreement with Wake County.

Staff Comments – Town Manager Adam Mitchell entered the agenda abstract and supporting documents for this agenda item into the official record of the Town. He then provided information about the agenda item by making the following remarks.

On June 21, 2022 the Board approved a resolution of preliminary findings for the financing of the Fire station #4 project in the amount of \$8.5 million. In April 2011, the Board approved Bobbitt Construction, Inc as the Design Build contractor and approved a MOU with Wake County to share in the cost of design for a joint Fire and EMS facility in Fuquay-Varina (Fire Station #4). Bobbitt Construction, Inc. solicited bids in order to provide a guaranteed maximum price (GMP) for the construction of Fire Station #4 which came in at \$8,858,174. This amount exceeded the preliminary construction estimate and June 21, 2022 approved resolution. For this reason, a Revised Preliminary Findings resolution is attached for Board approval.

Also included was the Guaranteed Maximum Price (GMP) from Bobbitt Construction for Board approval contingent upon LGC approval at their August meeting. The total amount includes contractor, design, 90 day, and market contingencies to protect the Town from adverse schedule or financial risks presented by the unique labor and supply chain challenges in the current construction market. Additionally, the design-build delivery method

is intended to deliver the project in an expedient manner while minimizing conflict between designer and contractor, which further mitigates schedule and financial risks for the Town. While the (GMP) exceeds budget primarily due to higher than expected site development costs, management and staff have concluded that award of the bid at the current GMP is in the best interest of the Town, due to the high likelihood that rebidding the project will delay the project three months while exposing the Town to incurring additional labor and material price increases and interest rate escalation. This delay would be needed to solicit new installment financing proposals, contractor bids, and meet the Local Government Commission procedural and calendar deadlines.

With assistance from the Town's financial advisors, Davenport and Company, bids were solicited for financing the construction, administration, and cost of issuance. Of the bids received, the bid from Truist Financial Corp for 20 years at 3.41% is recommended to the Board for approval contingent upon LGC approval at their August meeting. It should be noted that the lowest interest rate response from Chase is not a valid option for the Town, as the Town was given a deadline to accept the proposal on the same day as the bid review meeting and this approval requires action by the Town Board.

Finally, an Inter-local agreement (ILA) with Wake County EMS and Wake County Fire was included for consideration. This agreement has been created with joint input from Wake County with the expectation of approval at their regular scheduled meeting on August 15, 2022. The Town and Wake County Board of Commissioners have planned for the construction of Fire Station #4 and participated in the joint design costs to bring all parts of the project for final approval prior to construction contingent upon LGC approval of debt issuance. Debt service and operational costs for Fire Station #4 were factored into the operating budget, and while the construction amount exceeds budget expectations for the total project, the favorable interest rate and interlocal agreement cost shares result in the debt service cost falling within budget throughout the Five Year Plan. If all recommended actions are approved by the Town Board at this meeting, construction notice to proceed is expected upon LGC approval August 2, 2022.

The total financing is not to exceed \$9.1 million which consists of GMP of \$8,858,174, cost of issuance estimated at 85,000, and 75,000 for owner testing and compliance. Bids were received from various financial institutions with the recommendation to proceed with Truist Financial Corporation for 20 years at 3.41%. Based upon the shaded footprint of space for EMS and Fire, 19% of debt service will be paid by Wake Co EMS. The remaining 81% will be paid split by 25.05% by Wake Co Fire and the Town at 74.95%, which equates a total project cost share of 19% EMS, 20.2905% Wake Fire, and 60.7095% Town of Fuquay-Varina. This cost share is applicable to shared design costs, owner-provided IT and furnishings cost, and in proportionate repayment of debt service costs consistent with the 20 year debt payment schedule.

Public Hearing – The public hearing was opened. No one spoke in favor of the proposed Fire Station #4 Construction and Financing. No one chose to speak in opposition to the proposed Fire Station #4 Construction and Financing. The public hearing was closed.

Discussion – Mayor Massengill thanked staff for their hard work on this project and he asked when the groundbreaking for Fire Station # 4 would take place. Fire Chief Anthony Mauldin stated that the groundbreaking would probably take place the first part of September 2022.

Recommendation – (1) Approve a revised Preliminary Resolution supporting the financing of Fire Station #4 due to the increased cost of construction. (2) Approve the Guaranteed Maximum Price (GMP) of \$8,858,174 with Bobbitt Construction. (3) Approve the Final Financing Resolution and Financing agreement with Truist Financial Corporation for 20 years at 3.41% interest. (4) Approve a Project Ordinance Amendment for construction funding for the Fire Station #4 project; (5) Approve an Interlocal Agreement (ILA) with Wake County for EMS and Fire Tax District shared cost in the project and debt service payments, subject to Town Attorney review as to form and non-substantive changes. 6) Authorize the Mayor, Town Manager and Finance Director to execute financing agreements, GMP documents, and the ILA upon approval by Wake County and Local Government Commission at their next scheduled meetings in August 2022.

MOTION:	Mayor Pro-Tem Smith	Resolution No. 22-1767
SECOND:	Commissioner Gardner	Resolution No. 22-1768
MOTION RESULTS:	Passed Unanimously (5-0)	Ordinance No. N-22-21

CONSENT AGENDA

8A. Budget Amendment - Compensation and Classification Final Adjustments - BA-23-01

Purpose – To consider budget amendment (BA-23-01) to transfer funding to departmental salary and benefit accounts from the central services account for compensation and classification study implementation funding.

Recommendation – Approve budget amendment (BA-23-01) to transfer funds between salary and benefit accounts, operating accounts, and the account where the estimated cost of the compensation and classification study was budgeted to implement the final stage of salary adjustments.

8B. Special Event Permit & Amplified Sound Permit Request - Oaklyn Springs Brewery - Anniversary Party Event - July 16, 2022

Purpose – To consider approval of a special event and amplified sound permit for Oaklyn Springs Brewery's Anniversary Event, scheduled for July 16, 2022.

Recommendation – Approve the special event and amplified sound permit for Oaklyn Springs Brewery's Anniversary Event scheduled for July 16, 2022, as presented and recommended.

8C Recreation Unit Fee-In-Lieu - Springwoods Townes Subdivision - SUB-PR-2021-03

Purpose – To consider acceptance of a fee-in-lieu for Recreation Unit Fees for Springwoods Townes Subdivision in the amount of \$75,250.50.

Recommendation – Approve the fee-in-lieu request for Springwoods Townes Subdivision in the amount of \$75,250.50 for Recreation Unit Fees as presented and recommended.

8D Roadway Fee-In-Lieu - Springwoods Townes Subdivision - SUB-PR-2021-03

Purpose – To consider approval of the fee-in-lieu for certain roadway improvements related to the Springwoods Townes Subdivision project in the amount of \$133,555.

Recommendation – Approve a total of \$133,555 as payment for fee-in-lieu for roadway improvements associated with the Springwoods Townes subdivision project as presented and recommended.

8E FY 2023 Capital Projects

Purpose – To recommend the approval of Project Ordinances and an associated Project Ordinance Amendment to establish new capital projects as outlined in the FY 2023 Adopted Budget Ordinance as presented and recommended by management and staff.

Recommendation – Approve Project Ordinances and an associated Project Ordinance Amendment to establish and allocate funding to capital projects as outlined in the FY 2023 Adopted Budget Ordinance.

Ordinance No. N-22-22
Ordinance No. N-22-23
Ordinance No. N-22-24

A motion was made to approve all Consent Agenda items 8A-8E.

MOTION Commissioner Gardner

SECOND: Commissioner Watson

MOTION RESULTS: Passed Unanimously (5-0)

ITEMS REMOVED FROM CONSENT

9A There were no items removed from the Consent Agenda for separate consideration.

Mayor Massengill recessed the Town Board meeting for a short break at 9:37 p.m.

Mayor Massengill reconvened the Town Board meeting at 9:44 p.m.

ADMINISTRATIVE REPORTS

10A Police Department - Limited Use Take-Home Fleet Policy

Purpose – To consider expanding the Fuquay-Varina Police Department Limited Use Take-Home Fleet Policy to allow police officers that live within 15 miles of the corporate limits of the Town of Fuquay-Varina to drive vehicles to their residences.

Staff Comments – Town Manager Mitchell entered the agenda abstract and supporting documents for this agenda item into the official record of the Town. He then provided information about the agenda item by making the following remarks.

Fuquay-Varina PD's current take-home vehicle program was instituted on August 10, 2012. The program allowed sworn law enforcement employees to have a take-home vehicle if they resided within the town limits.

On December 1, 2018, the take-home vehicle program was updated to allow employees to have a take-home vehicle if they resided within 10-miles of the town limits.

On May 16, 2022, staff conducted a survey of all law enforcement agencies within and/or surrounding Wake County pertaining to take-home vehicle programs and their distance limitations. Findings of the survey are summarized as follows:

Inside City Limits:

- Raleigh PD - Inside City limits; Employees must have 2 years of service and hold rank of First Class Officer.

10-mile radius

- Fuquay-Varina PD- 10 miles from city limits

15-mile radius

- Garner PD- 15 miles from town limits
- Holly Springs PD- 15 miles from town limits
- Rolesville PD - 15 miles of PD (Employees must complete field training program)
- Zebulon PD- 15 miles from the town limits. (Employees receive their take-home vehicle upon successful completion of the Field Training Program)

20-mile radius

- Angier PD- 20 miles from town limits.

30-mile radius

- Cary PD- 30 miles from Cary PD
- Knightdale PD- 30 roadway miles from Knightdale PD
- Wake Forest PD- 32 driving miles from Wake Forest PD. (Employees must complete field training program)

- Wendell PD- 30 miles from the town limits (Employees receive their take-home vehicle upon successful completion of the Field Training Program.)

No mileage restriction

- Apex PD (No mileage restriction if the residence is in Wake County or 35 air miles of the Apex Police Department if residence outside of Wake County)
- Morrisville PD - No mileage restriction. (Employees must complete field training program)

Based on the findings of this survey, and in order to strengthen the Town's competitiveness in recruitment and retention of law enforcement officers, management and staff recommend the take-home vehicle program be revised to allow employees to have a take-home vehicle if they reside within 15-miles of the town limits.

In addition to serving as a recruitment and retention tool, the revised take-home vehicle program as proposed has a number of other operational benefits which are summarized as follows:

1. Expediting after hours emergency response, as personnel with take-home vehicles are able to drive directly to the scene with most of the necessary equipment in their take-home vehicle.
2. Some day-to-day operational responsibilities do not always require staff to report back to the Police Department, meaning a take-home vehicle could save both paid and personal fuel and time which is a benefit to the Town and employee.
3. The program serves as a significant recruitment tool for officers, even as new personnel must first meet the qualifications and be assigned an available take-home vehicle.
4. Such an incentive may be an effective recruitment tool for qualified applicants who live within 15 miles of the city limits. Additionally, the practice may relieve financial or situational burdens for officers. For example, officers in single-car families (or officers with driving-age children) would likely welcome a take-home vehicle.

5. Advantages to the police agency include effectively having two shifts on the road during shift change, faster responses to emergencies, and simplification of routine callouts for a crime in the area.
6. Take-home vehicles are associated with reduced accidents and improved maintenance of the vehicles resulting from pride of ownership.
7. Increasing the mileage for our take-home vehicle program will aid in retaining tenured officers residing within the 10–15-mile range. There may be tenured officers possibly seeking employment elsewhere due to costs associated with their daily commute when they can find employment closer to their residence or fall within the take-home fleet mileage of another police agency.

Fuquay-Varina PD currently has 47 employees who have personally assigned take-home vehicles, and 40 of those employees live outside of the corporate Town Limits. At the current cost of fuel, the Town is paying \$17,588.48 annually for those 40 employees to drive their vehicles to and from work.

Fuquay-Varina PD currently has 3 employees who live within the 10-mile distance who do not have vehicles assigned to them.

If Fuquay-Varina PD were to extend the personally assigned/take-home program to 15-miles, the department will only have four current employees who would not qualify for a take-home vehicle. If FVPD were to extend the take-home radius to 15-miles for employees, the estimated additional cost would be \$7,895 annually, for a total cost of \$25,484 per year.

Management and staff recommend approval of the proposed take-home vehicle policy as presented. While there is an operational cost associated with implementation of any take-home vehicle program, improving the Fuquay-Varina Police Department's market competitiveness with respect to recruitment and retention more than justifies the implementation cost of this program.

The Fuquay-Varina Police Department is requesting to extend the current take-home vehicle policy from 10-miles to 15-miles. By extending the take-home policy to 15-miles, the department would ensure all current employees who live within the 15-mile range would be afforded a take-home vehicle.

To provide all current employees who fall in the 15-mile take-home vehicle policy, the Fuquay-Varina Police Department will need to purchase an additional four (4) fully equipped patrol vehicles at a cost of \$274,000.00.

The Fuquay Varina Police Department is requesting \$274,000 to be reappropriated in fiscal year 2023. This amount was returned to the general fund's fund balance at the end of fiscal year 2022, primarily from lapsed salaries and benefits. These funds will be used in fiscal year 2023 to purchase the additional four (4) fully equipped patrol vehicles at a cost of \$274,000.

These do not cover the four (4) new positions budgeted in FY 23. Those vehicles would be assigned to new employees who would meet the new 15-mile take-home range.

By extending the policy from 10 to 15 miles, all but four (4) of the department's current employees will have a take-home vehicle.

Below is a fuel cost summary with the current 10-mile and implementing a 15-mile take-home fleet:

Current take-home fuel consumption at 10 Miles:	\$17,588.48
Additional cost to extending to 15 miles:	\$ 7,895.49
Total take-home fuel consumption at 10 Miles:	\$25,483.97

While additional mileage is also likely to incur some incremental increases in maintenance cost, for example oil and tire changes, the experience of the Fuquay-Varina Police Department and other agencies has been that personally assigned vehicles (which includes take-home vehicles) are typically better cared for and maintained than shared vehicles. This

partially offsets the added maintenance associated with take-home vehicle mileage. It should also be noted that replacement of law enforcement vehicles is typically driven by age rather than mileage due the unique needs of patrol vehicles.

Discussion – Mayor Massengill asked that if this is approved and after the Town buys the four new cars would all sworn officers have a taken-home vehicle. Town Manager Mitchell stated all but four officers would have taken-home vehicles. There are four police officers that do not qualify. Town Manager Mitchell stated that it would require the purchase of four vehicles and that there is a budget plan which would reallocate funds that fell back into the town’s general fund in fiscal year 22 back into fiscal year 23.

Mayor Massengill asked if the four new hires would have take-home vehicles. Town Manager Mitchell stated that new vehicles for new officers was budgeted for in FY 23.

Mayor Massengill made the remark that this will help with retention, competitiveness, and recruiting new police officers. He stated that he likes seeing police cars driving down the road and in neighborhoods.

Mayor Pro-Tem Smith stated that when you look at the fuel mileage at \$25,000, that is a small amount to pay to have better retention and recruitment. He stated that when he was Police Chief, the take-home policy was much tighter and they risked losing good officers because of it.

Recommendation – Approve the Police Department Fleet Policy change as presented and recommended.

MOTION: Commissioner Watson

SECOND: Commissioner Harris

MOTION RESULTS: Passed Unanimously (5-0)

10B S. Judd Parkway and S. Main Street Intersection Operational Improvements Project (LAPP Project HL-0041) - NCDOT Supplemental Agreement

Purpose – To consider a project ordinance amendment adding \$400,000 in NCDOT Spot Mobility funds to the project for the S. Judd Parkway and S. Main Street Intersection Operational Improvements Project (LAPP Project HL-0041).

Staff Comments – Engineering Director Matt Poling entered the agenda abstract and supporting documents for this agenda item into the official record of the Town. He then provided information about the agenda item by making the following remarks.

In 2019, Town Staff secured funding for the S. Judd Parkway and S. Main Street Intersection Operational Improvements Project (LAPP Project HL-0041), with the Federal Highway Administration (FHWA) providing \$494,610 (80%) of the funding through the Locally Administered Projects Program grant program (LAPP). The Town's required match for this project is \$123,653 (20%).

Following the Town's adoption of the S. Judd Parkway and S. Main Street Intersection Operational Improvements Project, NCDOT programmed a Spot Mobility (SM) Project (SM-5705S) for additional improvements along the same intersection as the Town's roadway improvement project. The Town's project included the installation of a separated left turn lane from the westbound leg of the intersection on S Main Street (US-401) and the addition of approximately 1,500 feet of sidewalk along the south side of SE Judd Parkway which will close a key gap in the corridor pedestrian facilities. The Town's portion of the project also included some minor widening along each side of SE Judd Parkway and will include approximately 1,200 feet of new curb and gutter. NCDOT's SM Project improvements were primarily focused on signal timing and the widening of the northbound right turn lane (S. Main St). NCDOT's proposed improvements did not include curb and gutter, nor did it account for pedestrian accommodations. NCDOT and Town staff have proposed an agreement combining project scopes and budgets for efficiency. As a result, easement/ROW acquisition and construction management responsibilities will fall to Town Staff, while

NCDOT staff have agreed to complete the engineering design and finish preparing construction plans to cover the improvements from both projects. In addition, NCDOT has agreed to transfer the remaining \$400,000 of its SM project funding to the Town's project fund. This additional funding will replace the Town's original funding match obligation of \$123,653 (20%), which consisted of Powell Bill Funds. NCDOT's additional funding contribution of \$400,000 will increase the Town's total project to \$849,610 from \$618,263.

Town management and staff recommend the adoption of an amended project ordinance that replaces the Town's Powell Bill match of \$123,653 with \$400,000 of state funding resulting in a new total project budget of \$894,610. Town management and staff also recommend that the Town Manager be authorized to enter into a Supplemental Agreement with NCDOT to officially appropriate the addition of state funds to the project, subject to approval by the Town Attorney as to form.

On May 21, 2019, the Town Board passed Ordinance No. 19-28 establishing the local funding for the S. Judd Parkway and S. Main Street Intersection Operational Improvements Project. The ordinance included a total project budget of \$618,263 with the local required match of 20% totaling \$123,653 being allocated from the Town's Powell Bill fund. The recommended supplemental agreement will reallocate \$400,000 in State funds from an overlapping NCDOT Spot Mobility (SM) project (SM-5705S). The NCDOT Spot Mobility funds will fully fund the construction of the combined project and replace the Town's Powell Bill match with the State's money. The recommended action includes the adoption of an amended project ordinance replacing the Town's Powell Bill match of \$123,653, with State funds; and adding the remaining \$276,347 of NCDOT Spot Mobility funds resulting in a total project budget of \$894,610.

Discussion – Mayor Massengill stated that this intersection has been discussed in our community for a while. He stated that this project is going to help not just the citizens but also through traffic going to Harnett County tuning left. Mayor Massengill asked what the timeline would be for this project. Engineering Director Poling stated that it should be late

2022 or early 2023 when we break ground. He stated that once ground has been broken it will probably take 10 to 12 months until completion.

Commissioner Watson stated that the sidewalks are going to be a great addition for this project.

Recommendation – Approve a project ordinance amendment adding \$400,000 of NCDOT Spot Mobility funds to the S. Judd Parkway and S. Main Street Intersection Operational Improvements Project (LAPP Project HL-0041), replacing the Town’s previously required local match of \$123,653, and to authorize the Town Manager to enter into a Supplemental Agreement with the NCDOT subject to approval by the Town Attorney as to form.

MOTION: Commissioner Watson

SECOND: Mayor Pro-Tem Smith

MOTION RESULTS: Passed Unanimously (5-0) Ordinance No. N-22-25

10C Municipal Agreement and Project Ordinance - Southeast Judd Pedestrian Improvements (LAPP Project BL-0054)

Purpose – To consider authorizing the Town Manager to enter into a Municipal Agreement with NCDOT and establish a project ordinance for the Southeast Judd Pedestrian Improvements Project (BL-0054).

Staff Comments – Engineering Director Matt Polling entered the agenda abstract and supporting documents for this agenda item into the official record of the Town. He then provided information about the agenda item by making the following remarks.

In the most recent round of Locally Administered Projects Program (LAPP) grant awards, Town staff secured funding for the Southeast Judd Pedestrian Improvements Project for the Federal Fiscal Year 2022-2023. The Southeast Judd Pedestrian Improvements Project will

provide approximately 600 feet of new sidewalk along with curb and gutter to close a gap in corridor's pedestrian facilities along SE Judd Parkway between Barneswyck Drive and Holland Road.

The project will also include minor roadway pavement widening, curb and gutter, striping, and storm drainage improvements. Some minor right of way acquisition may be required to complete the project. The Town is now expected to execute the required municipal agreements and obligate its cost-share portion of the project's funds. After the execution of the agreement, grant funding will become available to obligate towards the design of the project at the beginning of the Federal Fiscal year (October 1, 2022). Town staff is requesting that the Town Board authorize the Town Manager to execute the agreement and return the agreement to the North Carolina Department of Transportation (NCDOT) for their governing Board's approval. The pending Municipal Agreement is like previous LAPP project funding agreements executed by the Town and has been reviewed by the Town's Attorney. Prompt execution of this agreement is necessary to expedite Federal Funding Obligations.

The recommended action includes establishing a project ordinance with a total project cost of \$723,960.00. The Federal Highway Administration (FHWA) is providing 80% (\$579,168.00) of the total project cost through the LAPP grant funding program that will require the Town to provide the remaining 20% (\$144,792.00) from Powell Bill funding. The Powell Bill funding will consist of \$123,653 formerly allocated to the S. Judd Parkway and S. Main Intersection Operational Improvements Project supplemented by an additional \$21,139 Transfer from General Fund Powell Bill reserves.

Discussion – Mayor Pro-Tem Smith expressed his excitement about the project and stated that he walked this area many times.

Recommendation – Authorize the Town Manager to enter into a Municipal Agreement with NCDOT for the Southeast Judd Pedestrian Improvements Project (BL-0054) subject to approval by the Town Attorney as to form and establish a project ordinance in the amount of \$723,960.00 as presented and recommended.

MOTION: Mayor Pro-Tem Smith

SECOND: Commissioner Harris

MOTION RESULTS: Passed Unanimously (5-0) Ordinance No. N-22-26

10D Preliminary Subdivision Plat – Springwoods Townes Subdivision - SUB-PR-2021-03

Purpose – To consider a preliminary subdivision plat submitted by The Spaulding Group, called Springwoods Townes, located at 917 S Judd PKWY 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. She then provided information about the agenda item by making the following remarks.

The submitted preliminary subdivision, Springwoods Townes Subdivision, is located at 917 S Judd PKWY SE and 0 Award Street on 6.623 acres in the Residential Medium Density Conditional Zoning District (RMD-CZD).

The following conditions are proposed site-specific standards for the subject property:

1. The minimum amount of open space provided shall be 20% of the total site.
2. Construction traffic will only access the site through Judd Parkway. Award Street will be barricaded during construction. The barricade shall be removed at the time the plat is recorded showing the connection to Award Street.
3. Roofline to not be in a single mass, must be broken up horizontally and vertically between units.
4. Front-loaded units shall utilize a covered porch/stoop area.
5. Garage doors shall contain either windows or carriage style adornments.
6. Required decorative features: each unit shall utilize either: a decorative front door (minimum 25% glazing), window transom, door sidelights, or door transom.

7. Materials: siding: at least two (2) of the following materials shall be used on each building: wood, fiber-cement, metal, masonry brick, brick veneer, masonry stone, stone veneer, or synthetic stone. The use of vinyl siding shall be prohibited: except for trim elements of the dwelling unit facade, instead, siding must be fiber cement siding featuring horizontal, shake, or board and batten design.
8. A minimum 10-foot Type B landscape buffer shall be provided adjacent to all existing single and multi-family residences.
9. Buildings shall not exceed 3 stories or 40' in height.

These zoning conditions were approved in August 2020 as part of REZ-2020-09 which down zoned the property from Residential High Density Conditional Zoning District and a Multi-Family Land Use Designation to the current Residential Medium Density Conditional Zoning District and Mixed-Use Residential Land Use Designation.

The preliminary subdivision plat proposes a townhouse development with 39 lots. The minimum allowable lot width is 18 feet and the minimum lot width provided is 20 feet with the average lot size of 1,944 square feet. In compliance with Zoning Condition 1, a minimum 20% open space or 1.32 acres is required and 60% or 3.97 of open space is provided.

Vehicular access to the project area is provided via SE Judd Parkway and an extension of Award Street to the project entrance. SE Judd Parkway is classified by the Town's 2035 Community Transportation Plan as a 100-foot right-of way and identified as a three (3) lane, median divided with turn lanes and side path. S Judd Parkway SE is currently a two lane road. The current carrying capacity for SE Judd Parkway is 12,700 average daily trips (ADT). 2020 NCDOT traffic analysis approximately 1/2 a mile east of the subject properties and traffic counts for SE Judd Parkway indicate a volume of 9,800 ADT. Since State Spot Mobility Project SM-5705S and Town LAPP Project HL-0041 incorporates the subdivision frontage along Judd Parkway, this development is requesting a fee-in-lieu of roadway improvements along its frontage as directed by the Land Development Ordinance and has coordinated their on-site storm drainage to accommodate the NCDOT project.

Award Street is classified as a local street by the Town's 2035 Community Transportation Plan with a 45-foot right-of way, two (2) lanes and a sidewalk. As a local road, traffic counts are not available.

Public water and sewer are available to serve the subject property. Utility infrastructure will be installed by the developer and, by raising the overall site grade, the developer worked with the Town's Utility Department to provide gravity sewer to the units and avoid the addition of a public pump station. Raising the site did result in the necessity for several retaining walls, but as noted on the plans, the Stone Strong wall systems will provide the wall structures to minimize environmental impacts while ensuring no tie backs encroach into the public right-of-way.

The proposed preliminary subdivision plat meets all Town requirements, as such management and staff recommend approval. At the June 20, 2022 regular meeting, the Planning Board found the subdivision plat consistent with Town requirements and voted four to two to recommend approval. The dissenting votes focused on concerns about the proposed development not meeting the Town's design specifications. Given the site's environmental challenges, Town staff worked with the developer on the infrastructure design to allow the project to move forward in accordance with allowable Town design specifications.

The Engineering Director supports the reduction in the minimum road radius and tangent distance between the curves in order to minimize environmental impacts on a challenging infill site. Since the Planning Board meeting, the plans were revised and resubmitted to correct an error in the length of public street, add additional landscaping to screen the dog park from Judd Parkway, and additional language was added to the HOA Covenants to provide for pedestrian ingress and egress across the private alleyway for access to the community dog park.

Discussion – Mayor Massengill asked, when the property was zoned two years ago, was it a requirement to have access on to Judd Parkway. Planning Director Davison stated that it was

a requirement to keep construction traffic away from Award Street. She also stated that there was an existing right-of-way and that was a logical place to have it.

Mayor Massengill asks how many units would be developed on the property and how many acres. Planning Director stated that there would be 39 units and there was 6.6 acres. Mayor Massengill stated that the maximum allowed was 16 units per acres if the zoning had not changed and so there is only half of the units that could have been built if it would have been a higher density.

Recommendation – Approve the Springwoods Townes preliminary subdivision plat SUB-PR-2021-03, located at 917 S Judd PKWY SE, as presented and recommended.

MOTION: Commissioner Gardner

SECOND: Commissioner Haynes

MOTION RESULTS: Passed Unanimously (5-0)

OTHER BUSINESS

11A Manager's Report

Town Manager Mitchell thanked all the staff that worked at the July 1st Independence Day Celebration namely Parks & Recreation, Fire, Police, and Public Works.

Town Manager Mitchell thanked the Town Board for their vote of confidence to allow the Town to move forward with the Land Use Plan and the Land Development Ordinance. He also thanked management and staff for the time that was put into development of the amendments. He then asked Assistant Town Manager Seymour to say a few words.

Assistant Town Manager Seymour thank Planning Director Davison for a wonderful job and that he is extremely proud of her and her department for their work on these plans and ordinances. He also thanked Assistant Planning Director Melissa Sigmond and Senior Planner Alyssa Holman for all their hard work. Mayor Massengill echoed the statements

made by Assistant Town Manager Seymour regarding the Land Use Plan and the Land Development Ordinance and he stated that there were a lot of meetings with a lot of different stakeholders and citizens for input. He thanked everyone for their input and stated that this is going to yield some good products in our community and the development community will be happy in the end and proud of what they get to build here in Fuquay-Varina.

Town Manager Mitchell gave an update on the following:

Public Utilities – The Public Utilities Department recently hired Brian Shane Cook as the Public Utilities Engineer and he will start on July 18th.

Planning Department – The Planning Department job posting for the Development Liaison position closes this Friday, July 15, 2022.

Arts Center – The Arts Center camps are going very well this summer. The theater season is opening for ticketing very soon with the community play Tuesday's with Morrie which will be held July 21-23rd.

Parks & Recreation – The Parks & Recreation Department had several register thus far for fall youth sports.

- 11B Project Status Report – July 2022
- 11C REMINDER: July 19, 2022 Town Board Meeting - CANCELLED
- 11D Ice Cream Social - Sunday July 17, 2022 - 4:00 - 6:00 pm - Fuquay Mineral Spring Park
- 11E National Night Out Against Crime - Fuquay-Varina Police Department Open House - Tuesday, August 2, 2022 - 5:00 - 7:00 pm

11F Police Department - Junior Police Academy Camp - Week of August 15th

11G Police Department - Junior Forensic Camp - August 24th

BOARD MEMBER COMMENTS

Commissioner Gardner stated that two of her favorite events happen in July, the Independence Day Celebration, and Ice Cream Social. She stated that these wonderful events represent the diversity of our community and families having a good time.

Commissioner Harris stated that he was so grateful to be allowed the time to review the Land Use Plan. He stated that it was well written and that he learned a lot from it. He reported that the core message and the direction had been thought out well on how the Town was going to grow and how to address the issues of growth. He stated that he is excited about the future as far as planning and he likes the idea of a working document. He thanked staff for the hard work that everyone has put into the document.

Commissioner Haynes echoed the statements made by Commissioner Harris, and he thanked staff for fielding all the questions, phone calls and hard work on the Land Use Plan. He stated that he heard a lot of good comments from citizens that attended the Church Safety Training that Police Chief Medina and the Police Department hosted. He reported that a lot of churches are looking at how they can improve their security systems and safety for their parishioners. He also stated that the July 1st celebration was amazing and thanked all the staff that was involved for their work on the event. He loved seeing the Fire Department pass out glow sticks and meeting all the new citizens that have just moved into town. He reported that he and Commissioner Harris met a gentlemen who plays football for the Canadian Football League who just moved to Fuquay-Varina and would like to help do a camp or something in the Town of Fuquay-Varina. Commissioner Haynes also stated that he met a lot of Ft. Bragg soldiers who have moved to Town over the last month. He gave a shout out to Church Alive who have been doing a Serve the City program and they fed the Police and Fire Departments about a week ago and he was privileged to attend. He also thanked them for letting

him speak on Sunday. He stated the Town is really becoming a proactive town in all aspects and it is great seeing and being proactive on many different things for our future.

Commissioner Watson stated that she attended the July 1st Independence Day Celebration, and it was a great event, and everyone had so much fun. She thanked staff for all their hard work on the event and the clean up afterwards. She reported that she attended the ribbon cutting for Ace Handyman Services. She thanked all the staff members recognized tonight for their continued educational training. She stated that they do it to better themselves which in turn betters the department and that betters the Town. She reported that she attended Coffee with a Cop at Starbucks.

Mayor Pro-Tem Smith stated that he was out of Town and missed the July 1st Independence Day Celebration, Coffee with a Cop and the last ribbon cutting. He reported that he, along with Police Chief Medina, attended the 100-year Anniversary Celebration for the American Legion Post 116 on behalf of Mayor Massengill. He stated that the American Legion Post #116 started in 1922 with 15 members and now they have 1,032 members and are the largest club in the nation. He reported that he always likes recognizing the employees that receive additional training/certifications and that helps them to better themselves and better serve the community.

Mayor Massengill stated the July 1st Independence Day Celebration was a record turnout. He thanked all the departments that were involved and what all goes into putting on an event like this. He reported that he attended a luncheon with the Metro Mayor's Association at the Governor's Mansion. He reported that he and Commissioner Harris attend Fuquay-Varina Baptist Church for Patriot Service. There were Police and Fire staff that were also in attendance at the church service.

The following items are Mayor Massengill's past and future events:

Past Events

6/23 – InServ Building Star Award Ceremony

6/26 – FV Baptist Church – Patriot Service

6/29 – Metro Mayors Meeting

Upcoming Events

7/14 – Installation of Officers at the American Legion Post 116

7/18 – Police Swearing In

7/20 – Chamber Board Meeting

7/20 – CAMPO Executive Meeting

6/26 – FV Baptist Church – Patriot Service

6/29 – Metro Mayors Meeting

ADJOURNMENT

A motion was made to adjourn the meeting at 10:40 p.m.

MOTION: Mayor Pro-Tem Smith
SECOND: Commissioner Haynes
MOTION RESULT: Passed Unanimously (5-0)

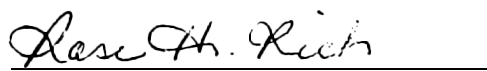
The minutes from the July 11, 2022, Town Board of Commissioners regularly scheduled meeting are adopted this 1st day of August in the year 2022 in Fuquay-Varina, North Carolina.

FUQUAY-VARINA, NORTH CAROLINA


J. Blake Massengill, Mayor

ATTEST

(TOWN SEAL)


Rose H. Rich, Town Clerk

