

TOWN OF FUQUAY-VARINA
PLANNING BOARD REGULAR MEETING
September 23, 2019

CALL TO ORDER

Chair Ed Ridpath called the regular meeting of the Fuquay-Varina Planning Board to order on September 23, 2019 at 7:00 p.m.

Board Members Present: Ed Ridpath (Chair)
Jay Adcock
Jim Chandler
Barbara Marchioni
Michelle Peele
Andy Petty
Alex Rickard (Alternate)

Board Member Absent: None

Others Present: Planning Director Samantha Smith
Jessica Crenshaw
Pam Davison
Tennielle Hawkins
Josh Jurius
Slater Knox
Natalie McKinney
Akul Nishawala
Allyssa Stafford
Asst Town Manager Mark Matthews
Town Attorney James Adcock

PLEDGE OF ALLEGIANCE

Chair Ed Ridpath led the Pledge of Allegiance.

APPROVAL OF THE MINUTES

Motion - Approve the minutes from the August 19, 2019 meeting of the Planning Board as presented.

MOTION: Jay Adcock
SECOND: Barbara Marchioni
MOTION RESULT: Minutes Approved Unanimously 7-0

Chair Ed Ridpath continued the meeting by stating that public hearings are a time for petitioners to present requests and for the public to state their concerns and voice opinions in favor of or opposition to these requests. If you wish to speak, please come to the podium, sign in on the sheet provided, and state your name and address for the record before speaking regarding the request.

PUBLIC HEARING

Agenda Item No. 4.A: Zoning Map Amendment - Mark Doble - 607 and 609 North Street - PINs 0667107978 and 0667210121

Purpose - The purpose of this agenda item is to consider a requested zoning map amendment for a total of 5.22 acres, located at 607 and 609 North Street, from the Office & Institutional (O&I) and Heavy Industrial (HI) Zoning Districts to the Neighborhood Mixed-Use (NMU) and Urban Mixed-Use (UMU) Zoning Districts.

Staff Comments - Senior Planner Pam Davison presented general information about the zoning request and entered the agenda abstract and supporting documents for this agenda item into the official record of the Town.

Recommendation - Staff recommends approval of the proposed zoning map amendment. It is consistent with the 2035 Community Vision Land Use Plan and are 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 designation of Commercial Village and allows for the proposed uses.
- 2) The master plan included with the petition fulfills the intent of the 2035 Community Vision Land Use Plan by establishing viable, nonresidential areas along North Street and by creating an opportunity for nonresidential uses to serve residents in a walkable environment.
- 3) Transitions are proposed between existing and future development, with higher intensity uses located along major thoroughfares and lower intensity uses located adjacent to existing development to improve compatibility.
- 4) An appropriate internal transportation network is provided throughout the entire development. There are several access points for multiple means of ingress and egress to the subject property, and also an adequate network of internal streets that connect each district within the proposed master plan, through a variety of street types and sizes to adequately carry anticipated traffic, and to provide reasonable vehicular and pedestrian traffic accommodations.

Chair Ed Ridpath questioned how the number of zoning districts were established because of the definition of form-based zoning.

Planning Director Samantha Smith explained the discussions that took place that eventually established the appropriate zoning. The size of the project area was used to establish the criteria of the zoning, and this particular project qualified by meeting the minimum requirements. The petitioner wants to build a campus-type venue and form-based development provided the most flexibility to accomplish this. She added that this will also allow a more pedestrian feel throughout the development.

Chair Ed Ridpath questioned if this is something you would expect to see downtown.

Planning Director Samantha Smith replied that DC-1 and DC-2 Zoning Districts are focused mostly on commercial and the brewery/distillery would be a permitted use.

Planning Board Member Alex Rickard asked what the current use is for the two (2) adjacent parcels not included in the zoning petition.

Planning Director Samantha Smith confirmed the two (2) properties were both residential and if she had to guess, as the property turned over, the current or future owners would rezone to a conforming district.

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

Mark Doble – 5504 Caleb Knowles Drive – stated that the idea for this project was to bring the current brewery closer to downtown to create more of an epicenter, which people will migrate to. He added that his desire is to combine a restaurant, bar, coffee shop, and distillery into one complex.

Public Hearing – The public hearing was closed with no speakers in opposition to the petition.

Motion – Recommend approval of REZ-2018-19, a zoning map amendment at 607 and 609 North Street, from the Office & Institutional (O&I) and Heavy Industrial (HI) Zoning Districts to the Neighborhood Mixed-Use (NMU) and Urban Mixed-Use (UMU) Zoning Districts. The proposed zoning map amendment is consistent with the 2035 Community Vision Land Use Plan and reasonable and in the best interest of the public for the reasons identified by staff.

MOTION: Andy Petty
SECOND: Barbara Marchioni
MOTION RESULTS: Motion Passed Unanimously 7-0

Agenda Item No. 4.B: Stephens Road Partners, LLC - 7650 Truelove Road - PIN 0675152846 - REZ-2019-20

RECUSAL: Jim Chandler
MOTION: Andy Petty
SECOND: Barbara Marchioni
MOTION RESULTS: Motion Passed Unanimously 6-0

Purpose - The purpose of this agenda item is to consider a requested zoning map amendment for a total of 36.113 acres, located at 7650 Truelove Road, from the Wake County R-30 District to the Residential Medium Density Conditional Zoning District (RMD-CZD).

Staff Comments – Senior Planner Akul Nishawala presented general information about the zoning request and entered the agenda abstract and supporting documents for this agenda item into the official record of the Town.

Recommendation – Staff recommends approval of the proposed zoning map amendment. It is consistent with the 2035 Community Vision Land Use Plan 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 designation of Small-Lot Residential (SLR).
- 2) An annexation petition, ANX-2019-09, is under review of the Town Board for the subject property and includes provisions for connection to public water and sewer. Annexation of the subject property necessitates application of the Town's zoning, and access to public water and sewer warrants the requested RMD-CZD Zoning District.
- 3) Conditions proposed by the petitioner effectively limit future development so that it is compatible with the surrounding areas.

Chair Ed Ridpath stated that this project looks like it will cross some floodplain area in order to construct collector streets.

Planning Director Samantha Smith replied that, for the sake of this petition, we have identified the collector streets, but later in the agenda, there is a CTP Amendment that will resolve this.

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

Glenn Futrell – 150 Towerview Court – stated he did not have an official comment and he would remain available for questions.

Public Hearing – The public hearing was closed with no speakers in opposition to the petition.

Motion - Recommend approval of REZ-2019-20, a zoning map amendment at 7650 Truelove Road, from the Wake County R-30 District to the Residential Medium Density Conditional Zoning District (RMD-CZD). The proposed zoning map amendment is consistent with the 2035 Community Vision Land Use Plan and reasonable and in the best interest of the public for the reasons identified by staff.

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

Agenda Item No. 4.C: Town Code Amendment - Bartlett Engineering & Surveying, PC - Batching Plant Setbacks - CTA-2019-03

Purpose - The purpose of this agenda item is to consider a proposed text amendment to the Town Code of Ordinances, Part 9 Land Development Ordinance, Article F Use Standards, Section 9-1255, to revise language pertaining to setbacks associated with concrete and asphalt batching plants.

Staff Comments – Planning Director Samantha Smith presented general information about the zoning request and entered the agenda abstract and supporting documents for this agenda item into the official record of the Town.

Recommendation – Staff recommends denial of the petitioner's proposal of CTA-2019-03, an amendment to the Town Code of Ordinances, Part 9 Land Development Ordinance, as it is unreasonable and not in the best interest of the public for reason

identified by staff. The proposal is overly specific and does not support the intent of the LDO.

Alternative recommendation - Staff recommends approval of the staff proposal of CTA-2019-03, an amendment to the Town Code of Ordinances, Part 9 Land Development Ordinance as presented and recommended by Town staff as it is reasonable and in the best interest of the public. The text amendment proposed by staff improves upon the Land Development Ordinance's intent to modernize, provide sustainability, and allow for ease of use and enforcement, specifically about the Town's current standards.

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

Robert Bartlett - 1906 Nash Street North - provided background information about how the current standards became a problem for the petitioner. He stated that he tried to put an amendment together that would not be difficult to enforce. Mr. Bartlett's core concern is the unnecessary restrictions for the concrete plant, specifically asphalt, hoppers, conveyors, and batching. The setbacks for the plant affect where other buildings on the same property are located. He closed by stating he understood the concerns but feels the restrictions are unnecessary and he would be available for questions.

Public Hearing - The public hearing was closed with no speakers in opposition to the petition.

Chair Ed Ridpath requested clarification of the special treatment for batching plants and potentially heavy industrial areas.

Planning Director Samantha Smith replied that, from a function perspective, our role as the governing agency means that we try not to get too deep into the process of how a business operates. Staff picked out this particular use intentionally when the LDO was updated because it does have more of an effect on the neighbors. Another consideration was business creep and how the needs of a buildings changes as a company grows. The amendment that staff is proposing is a provision that is adjacent to railroads. This is because the three (3) concrete plants that exist all currently are adjacent to a railroad. This amendment allows for a significantly more usable area on the property for the entirety of the use and does not limit it to one (1) or two (2) uses.

Chair Ed Ridpath clarified that the Town's alternative proposal is to leave the setbacks as they are with the exception to the railroad right-of-way, correct?

Planning Director Samantha Smith explained that the setbacks along the railroad right-of-way is going from 100 feet to the underlying setback. In this case, the text amendment applies to all situations and not this specific case. The proposed setback is 40 feet, which provides an additional 60 feet on the entire length of the railroad right-of-way.

Planning Board Member Andy Petty stated his concern that the petitioner should have the ability to present to the Board of Adjustment and that you should not have a code amendment to address specific issues.

Planning Director Samantha Smith replied that the petitioner does have the right and the ability to go before the Board of Adjustment. She explained the difficulty of proving

the finding of facts and that the petitioner had a better chance of success by going through this current process of the text amendment.

Planning Board Member Andy Petty reminded staff of the purpose of the Board of Adjustment and felt this petition is why the Board of Adjustment exists.

Planning Director Samantha Smith agreed with Board Member Andy Petty and explained that the petitioner must meet certain criteria as well as prove a hardship.

Planning Board Member Andy Petty replied that hardship is subjective and that he understands the difficulty of the growing business. He closed by stating he felt the petitioner should have the opportunity to address the Board of Adjustment.

Planning Director Samantha Smith confirmed that the petitioner could go before the Board of Adjustment. She emphasized that she doesn't want to see them waste their time, money, and energy to end up where they started. Planning Director Smith reminded the Board that the process of the text amendment is to work with the petitioner and come up with a language that both sides can be supportive of. She explained that the petitioner chose not to move the needle resulting in the alternate recommendation.

The Board continued the discussion followed by a motion.

Motion - Recommend denial of the petitioner's proposal of CTA-2019-03, an amendment to the Town Code of Ordinances, Part 9 Land Development Ordinance, as it is unreasonable and not in the best interest of the public for reason identified by staff. Recommend approval of the staff proposal of CTA-2019-03, an amendment to the Town Code of Ordinances, Part 9 Land Development Ordinance as presented and recommended by Town staff. The text amendment proposed by staff improves upon the Land Development Ordinance; and is reasonable and in the best interest of the public for the reasons identified by staff.

MOTION: Andy Petty
SECOND: Barbara Marchioni
MOTION RESULTS: Motion Passed Unanimously 7-0

Agenda Item No. 4.D: Community Transportation Plan Amendment - Stephens Road Partners, LLC - CTA-2019-04

RECUSAL: Alex Rickard
MOTION: Jim Chandler
SECOND: Barbara Marchioni
MOTION RESULTS: Motion Passed Unanimously 6-0

Purpose - The purpose of this agenda item is to consider a proposed text amendment to the Community Transportation Plan that addresses several areas for improvement.

Staff Comments – Planning Director Samantha Smith presented general information about the zoning request and entered the agenda abstract and supporting documents for this agenda item into the official record of the Town.

Recommendation – Staff recommends approval of CTA-2019-04, a proposed amendment to the 2035 Community Transportation Plan. It is reasonable and in the

best interest of the public, as it improves upon the 2035 Community Transportation Plan's intent to plan for the future of transportation and growth in the Town.

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

Glenn Futrell – 150 Towerview Court - stated that he was glad to see all the changes coming. Normally, review for a municipality is once a year or every two (2) to three (3) years because it is the best method of planning that a town has.

Public Hearing – The public hearing was closed with no speakers in opposition to the petition.

Motion - Recommend approval of CTA-2019-04, an amendment to the Community Transportation Plan, as presented and recommended by Town staff. The amendment improves upon the Community Transportation Plan and is reasonable and in the best interest of the public for the reasons identified by staff.

MOTION: Andy Petty
SECOND: Jay Adcock
MOTION RESULTS: Motion Passed Unanimously 6-0

OTHER BUSINESS

Agenda Item No. 5.A: Discussion of Regularly Scheduled Planning Board Meeting Time

Purpose - The purpose of this agenda item is to continue discussion related to the Planning Board's interest in consideration of moving the regularly scheduled meeting time.

Staff Comments – Planning Director Samantha Smith presented general information about the interest in moving the regularly scheduled meeting time and entered the agenda abstract and supporting documents for this agenda item into the official record of the Town.

The Board discussed options and expressed their desires followed by a motion.

Motion - Recommend approval to amend the Planning Board by-laws with the effect of changing the regular meeting time beginning in the 2020 calendar year.

MOTION: Andy Petty
SECOND: Jay Adcock
MOTION RESULTS: Motion Passed Unanimously 7-0

ADMINISTRATIVE REPORTS

Agenda Item No. 6.A: Introduction of New Staff

Purpose - The purpose of this agenda item is to introduce the Planning Board to the new staff in the Planning Department.

Staff Comments – Senior Planner Akul Nishawala introduced Tennielle Hawkins and Jessica Crenshaw.

Agenda Item No. 6.B: October Meeting Location and Town Hall Update

Purpose - The purpose of this agenda item is to update the Planning Board as to the location of the regularly scheduled October meeting, as well as to the status of the new Town Hall construction project.

Staff Comments – Planning Director Samantha Smith explained the current status of the move to the new Town Hall location.

Agenda Item No. 6.C: Planning Staff Report

Chair Ed Ridpath encouraged all the board members to review the staff report.

ADJOURN

A motion was made to adjourn the meeting at 8:22 p.m.

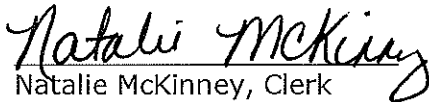
MOTION: Jay Adcock
SECOND: Barbara Marchioni
MOTION RESULTS: Motion Passed Unanimously 7-0

FUQUAY-VARINA, NORTH CAROLINA



Ed Ridpath, Chair

ATTEST:


Natalie McKinney, Clerk