

**YOUNGSVILLE
PLANNING BOARD MEETING
Youngsville Community House, 115 W. Main Street
April 3, 2018
6:00 P.M.**

Chairman Donnie Tharrington called the Planning Board Meeting of the Town of Youngsville to order at 6:00 p.m.

In attendance was Chairman Donnie Tharrington, Vice-Chairman Mark Hurt, Members John Cyrus, Hank Lindwall, Janice Pearce and Scott Anderson. Mr. Bob Clark Planning, Zoning and Subdivision Administrator, Mr. Andy Thomas, Senior Planner, and Kathryn Tucker, Administrative Assistant were also in attendance. Member Robert Martin was not in attendance.

Chairman Tharrington stated the first order of business is to approve the Minutes from the Planning Board meeting held on March 6, 2018.

With no discussion, the following motion was made by Vice-Chairman Mark Hurt, seconded by Member Janice Pearce and passed unanimously.

MOTION: APPROVE THE MINUTES OF THE MARCH 6, 2018 YOUNGSVILLE PLANNING BOARD MINUTES AS PRESENTED

Item #3 on agenda is Meadow Park Villas, an 80-unit Senior Housing Complex.

Mr. Andy Thomas, Senior Planner, presented the following information to the Planning Board.

Item: Consider an application #180216 filed by W. Dennis Tharrington for Mission Development, LLC to request a Special Use Permit for property on NC HWY 96 at the Sirchie campus (Tax Parcel Numbers 027594, 027595, 027596, 028221, 024355) to construct an 80-unit senior housing complex.



The preceding aerial view (2013) shows the subject of the Special Use Permit request, portions of five parcels that combine for a total of approximately 10.0 acres (around 435,00 square feet) west of Hunter Place and adjacent to the industrial park on the south side of NC 96.

Request:

The applicant, W. Dennis Tharrington (on behalf of Mission Development, LLC) is requesting a Special Use Permit to build an 80-unit multi-family building that will serve a population of 55 and over on an approximate 10-acre tract.

See Exhibit A: Application dated 2/14/2018 with Site Plan.

Pre-application Conferences

The applicant conferred with the Town of Youngsville Planning and Zoning Administrator prior to submission of the application. Comments from Planning Staff are provided below for your information. The applicant presented several designs to the Planning Staff. The most recent version of the site plan was revised to accommodate suggestions by staff.

Surrounding Land Uses and Zoning:

The site is surrounded by mixed use zoning. The mixed-use district allows a variety of uses including: day cares, offices, agricultural uses, petroleum storage under 5000 gallons, LP Gas distribution centers less than 10,000 pounds, shopping centers, hotels motels, retail, wholesale, financial institutions, assembly halls, mini-storage, churches, temples, synagogues and multi-family development.

North-Vacant, Industrial, Multi-Family

South- Vacant

East- Forensics Laboratory and Manufacturing

West- Industrial Park

Technical Review Committee Comments:

Comments from NCDOT

If they attach to Park Avenue opposite Wolfpack Lane, they will have to construct a left-turn lane. This means they would have to provide some storage for Wolf Pack Lane as well.

Hunter Place shows a stub they chose not to utilize. Even if they were to attach to Hunter Place, we would want to see a left-turn lane on NC HWY 96 at that intersection.

Trip Gen (software) shows that for an attached Elderly Housing use we are looking at 306 trips per weekday and 221 trips on Saturday. There are not a significant number of trips during the peak hour, but given the current ADT on NC HWY 96, and additional trips being added in the future when the remainder of the adjacent parcels develop, a left-turn lane is needed.

Comments from Franklin County Public Utilities

They have indicated that utilities will be available in 2019 which fits into the construction timing of the project.

Comments from Youngsville Fire Department

1. The current sketch plan does not show 360 access via roadway around the proposed structure. This creates an access issue of concern to fire-rescue. **AN AMENDED PLAN WITH A CIRCULAR DRIVE HAS BEEN RESUBMITTED TO ADDRESS THIS**

2. Will the hydrant system be a private system on a loop from the water main on 96 Highway? We like to ensure that if we utilize multiple hydrants in the event of a fire emergency, that we aren't robbing from the other hydrants in use due to limited water supply.

3. We have concerns about the encroachment of this development of potentially sensitive population residents on the property line of an industrial area including several chemicals using and producing companies that have long been established in Youngsville, one of which is the direct western neighbor. Some of the chemical used and produced in that area of town which is primarily industrial are of risk to the public should they be involved in a spill/release, or in a fire. Either scenario described could likely result in the need to shelter residents of the proposed development in place or completely evacuate them, if that is able to be successfully completed in

quick enough time by the fire department or a specialized hazmat team, which the Youngsville Fire Department isn't. We cannot go into specifics publicly of what chemicals are in use or manufactured in these facilities in an effort to protect their trade and to maintain site security. This information is available however as public record and can be requested through the Franklin County Local Emergency Planning Committee or the State Division of Emergency Management. Wake County has been conducting a significant amount of encroachment prevention planning after allowing sensitive populations (schools, day cares, senior living, nursing homes, hospitals) to encroach on existing industry that utilizes chemicals or produces chemicals that if released or involved in fire, could pose a significant threat to the nearby community. They have a significant issue because it was allowed in so many cases. Sensitive populations are typically populations or gatherings of people that cannot quickly and readily evacuate an area or may have conditions that impede their ability to escape danger in a very rapid manner. Due to these reasons, we would recommend against this proposed use at this location based on public safety concerns solely.

Comments from Planning Staff:

1. The Technical Review Committee made comments on the sketch plan. If the Special Use Permit is approved, then the applicant will prepare a detailed construction plan for review.
2. Since the lot is required to front on a public street, it is recommended that it be a condition of approval, that a public street shall be constructed from the proposed rear of the development property to NC HWY 96 as depicted on the current site plan and subject to the approval of NCDOT and Franklin County Public Utilities.
3. The mixed-use district contains a lot of allowable uses. The Board needs to weigh the concern of the elderly population and the emergency access against the presence of industrial chemicals nearby. An emergency only drive could be considered to Hunter Place which would increase access in case of a situation. The board may want to have input from the Fire Department, developer and Sirchie Acquisition Company in regards to an emergency access.

The Planning Board is requested to make any findings of fact and comments to relate to the Board of Adjustment. The Planning Board can recommend approval, approval with conditions or denial of the request along with rationale for the action.

Mr. Thomas stated there is a representative present from the Fire Department should you have any questions and the applicant is also present.

Chairman Tharrington asked Mr. Justin Graney, Youngsville Fire Department Chief, even though he could not publicly identify the hazardous chemicals stored in the adjacent building, if the Fire Department was aware of what these chemicals are.

Mr. Graney said he does know but federal law prohibits him identifying those chemicals publicly. What the site in question to the westerly border of the proposed site makes is newspaper plates. The applicant is very versed in this because he used to be in the business. We discussed this on the phone when I discussed my concerns with him.

The other two concerns that staff spoke of have since been cleared up. The concern we still have is the encroachment we still have to the westerly border. That being said, the board needs to understand there are risks everywhere in our community, from the trains coming through to the trucks coming through. So, what the fire department does is look at nothing but public safety factors. We don't look at economic benefits, we don't look at housing benefits, our job as the contracted Fire Department for the Town of Youngsville is to provide this body and our elected officials with a public safety perspective so that you guys can make a decision based on all the facts. In that, we looked at that facility and based on the chemical quantities and amounts that are in there and the types of chemicals in that facility and how they would react in a release situation or spill or fire situation, in our opinion there is a higher than normal risk than other places in town. That's why we decided to speak out this time. The company in question has been in operation since 1994 with no hazardous materials issues. It is a safe community partner and provides jobs to our community. That being said, we would speak out against that company building in a residential community, therefore, we find it fitting that we speak out about a residential community encroaching on an industrial area.

In our assessment, we look at fire detection systems, fire suppression systems, water supply issues, exposures, compatible land use (from a public safety standpoint only), and what are the occupancy challenges to public safety. You heard where he spoke about sensitive populations...I'll be honest, we would speak out about any multi-family project being in this location. It does heighten us a little bit that this is a senior living community and we would be even more heightened if it was a nursing community or a charter school that does not have adequate transportation to quickly evacuate people from that area. We ran several scenarios using Federally accepted guides, like emergency response guides put out by the DOT. Youngsville Fire Department is not a specialized hazmat team. Our Fire Department is at hazmat operation level; if you have a gasoline leak on the car, we can clean that up, we can evacuate people and detect that there is a hazard present but suiting up into Level A Hazmat Suits, which most of these chemicals would require, Youngsville is not qualified to do. The largest evacuation area would be a mile and that would be from a catastrophic event. Again, you have to weight the risk, and the risk is present. However, it is a low probability, based on their record since 1994. But, should it occur, we have concerns on our ability to adequately and quickly evacuate people in that area while trying to get others out.

Questions staff posed to me in our meeting regarding this was, is there adequate fire protection for that facility. Again, the facility has been in safe operation since 1994. However, could we respond to a fire at the facility? Yes, we could. But most likely, if it was involving hazardous materials, we would try to contain it to that facility and then conduct evacuations while a specialized hazmat team was called in from Raleigh or elsewhere if they were unavailable. That is our assessment looking at it from a public safety standpoint only.

Chairman Tharrington said, as it stands right now prior to consideration of the applicant's intent, if there is a problem at the facility, you're saying that to adequately contain it, a unit from Raleigh has to come out? Mr. Graney said the yes, if it is involving some of their hazardous materials they have on site, then, yes, a team from Raleigh has to come out. Dealing directly with those chemicals is beyond the scope of the Youngsville Fire Department's training. The only hazmat team in the area is the State Hazmat Team which is housed in Raleigh. The next

closest is in Durham and may respond county-to-county mutual aid. Beyond that would be Williamston or Raleigh. So our job at an operations level, would be to contain that emergency, evacuate people, and create a safe zone (one mile radius) while we wait for the specialized team. Again, we have not had that occur here because they have good safety practices in place.

Member Hank Lindwall asked Mr. Graney if he could speak to the nature of the public concern; are we talking about toxic gasses, are we talking about fire or what else? Mr. Graney said our biggest concern would be the vapors around the incident. Sometimes direct water is not the solution because it can create other explosive gasses.

Member Lindwall said the Fire Department's main problem is not being able to get in to evacuate the residents. Graney said any multi-family area would be a challenge for the Youngsville Fire Department. The County does have a Code Red system that could be activated, but mostly it would be door-to-door from the Fire Department and the Police Department.

Vice-Chairman Hurt said a one-mile radius would take in the whole town. Graney said that it would and again that is the worst-case scenario.

Member Scott Anderson asked what could be done to adequately prepare the site for this project? Graney said he did not know of anything that could be in place to adequately notify everyone in a worst-case scenario. Multiple egress would be helpful but would not change our position.

Member Lindwall asked if we have a similar situation anywhere else in town where we have similar types of materials near multi-family residences or is this the only such case? Graney said we have some situations that involve single-family homes but no multi-family. The closest area would be Hampton Village Apartments which is located just on the other side of Hwy 96.

Member Lindwall asked if there were other businesses that have the same kind of chemicals? Graney said yes there are. Lindwall asked if we had an incident today, what would be the plan of action? Graney said depending on the time of day, they would go to the center of the incident and start branching out from there and call for mutual aid from elsewhere to build a perimeter. Lindwall said so basically this makes the problem a lot harder to solve with elderly residents. Graney said it could exacerbate the problem. Lindwall asked if he felt this was an unusual type of risk or is the Fire Department having to implement an abundance of caution here? Graney said, with all due respect, our job is an abundance of caution. We assess it to be a higher risk.

Lindwall asked if Wake Forest has the same type problems. Graney said Wake County has an encroachment problem. For example, in northern Wake County there was a nitrogen release one Sunday morning which encapsulated a Charter School. Luckily, it was a Sunday morning, but they allowed a Charter School to build on the fence of a facility that could potentially remove the oxygen from the air. These situations are occurring. It is Youngsville Fire Department's position to inform the Board of these possibilities.

Lindwall asked if Youngsville had considered raising their hazmat capabilities. Graney said the level of expert training that goes into becoming a hazmat technician and the equipment involved, there is no feasible way we could do that. Lindwall said, in your expert opinion, that Raleigh

would have that capability and smaller towns around would not have this capability. Graney that is a reasonable assumption. Lindwall asked what a reasonable drive time from Raleigh would be. Graney said depending on the time of day 30 minutes or greater.

Chairman Tharrington asked if the Fire Department was given notice if something was coming down the railroad. Graney said no, they were not. There are concerns with the railway, like I said there are risks everywhere in town its just weighing what you put near those risks.

Member Scott Anderson asked would a non-residential business be permitted to build there? Graney said in his opinion it would be more fitting than where people are residing and would be more in keeping with the industrial area. The adjoining plant has employees there 24 hours a day and that makes it somewhat safer than others.

Member Lindwall asked Graney to speak to the proximity of the hazardous materials to this project. Graney said the lowest 1000 ft evacuation area includes this property. For a small spill the including most of these chemicals the DOT ERG recommends an initial isolation area of 1000 ft. If the spill happened on the back-loading dock on the fence it would include into the proposed use. These are adjoining properties.

Member Anderson asked if elevation plays a part. Graney said the way chemicals react depends on weather conditions, atmospheric conditions, the chemical and what its properties are, whether it's lighter than air or heavier than air. It has many variables.

Mr. Mark McArn, 403 N. Cheatham Street. I thought that was some really good information from the Fire Department. Like he said, it's about risk and evaluating this risk. Let me say I represent the landowner and there is certainly some concern that this information could certainly hurt the value of the property, hurt the range of folks we can market the property to. Right now Sirchie has quite a bit of extra land on this campus and right now what's hot in the market is residential. We're not only looking at multi-family on this property we're looking at single family too on this property. I'm here hopefully to shed some light on how this might be a lower risk than you're thinking now.

Southern Lithoplate has plates for printed papers. I can disclose the acid that is there. Larry Padgett, the CEO, I've had a conversation with him. The bulk of the acid being used there is sulfuric acid. Some of you may have cleaned concrete with it and it's something you can buy at the hardware store. Now, I'm no expert, but I'm sure the concentration at the plant is much higher than what we buy at the hardware store. I do know that sulfuric acid is not flammable. The sulfuric acid at Southern Lithoplate are in two 10,000-gallon tanks in a concrete tub so if there is a problem, the safety measures are in place. They are also inspected often. The CEO said if his industry would have been a threat the he would have needed a larger parcel of property where he would be further away from other structures. The only other thing I would like to mention is that this is going to be a residence for people 55 years and older. However, they are going to be active seniors, not someone needing assistance. That's really what I wanted to share. Again my purpose here is marketing other properties in this area. Thank you.

Mr. Dennis Tharrington, the developer of this project, said 25 years he ran a newspaper at Southern Lithoplate. We printed the Wake Weekly, Franklin County Times, and other papers. I've been in that plant and bought a lot of plates from them and it never crossed my mind that there were any hazardous chemicals. I do respect what the fire department is saying. Now I'm a developer and primarily develop elderly housing. I thought that was a great site. There are several things you want to have available for the elderly; a grocery store, pharmacy, and other shopping. And you hope to be in a place that has pleasant surroundings. What you find is the people who live there, 55 and over, will work and have moved into this type building for several reasons; not having a yard to maintain, general maintenance, etc. and they form communities and help one another. I understand what he is saying and his job is to tell you worst case scenario and I don't want to build anywhere where there is a possibility of worst case scenario. We do everything we can in the structure of this building, it's all sprinkled, all wired for alarms. We prefer to have two egress/access points; however, we were told this road, the one you see on the plans, was going to be build and we were advised that that's what they wanted us to do but we were to also seek to get an egress through Hunter Place. At any rate, if the facility is allowed to be there, it will be a nice place to live. We will certainly do everything we could to protect the residents. If something catastrophic happened it would take in the shopping center up the road and there is also a dance studio next door to the property. I don't want to build something that is truly in a dangerous place. However, I think the chances of a meteor hitting the building are greater than something happening at Southern Lithoplate. I really believe that. I'll be glad to answer any questions you may have.

Vice-Chairman Mark Hurt asked if they were planning to build the road to come out directly across from Wolfpack Lane. Mr. Tharrington said yes that is correct. He also stated the County has a 60' right-of-way that goes up the whole west side of the property all the way to Wolfpack Lane and there is a sewer pipe, a force main, that goes from the back of the property to Wolfpack Lane. We went and talked to Franklin County Public Utilities Director and asked about this and apparently, we can pave right over the top of this sewer pipe. The owner of Sirchie have agreed to give some land for construction of the road and the 60' ROW and additional 40-45' of land so that the paved road would not be over the force main. Hurt asked if the access road from 96 into the facility would line up with Wolfpack Lane. Hurt said he is familiar with the force main and at one time Southern Lithoplate had a line that the chemicals were so toxic that it eats the lines up going to US 1 more than once. So, they abandoned that force main and ran it across Hwy 96 to Wolfpack, which I'm the developer over there. We have gravity flow just on the other side of 96 in anticipation of further development. Mr. Tharrington said this development would gravity flow toward Holden Road.

There were no further questions of Mr. Dennis Tharrington.

Chairman Tharrington asked for discussion from the board.

Member Hank Lindwall asked for comments/concerns from the Planning Staff.

Mr. Bob Clark said one of the things in putting this together is more than just an exercise. It's one that makes you think about context, what the developer wants to do, what the permanent neighbor is going to be, issues of compatibility, i.e., noise, traffic and certainly looking for ways

to buffer. We have some standards that are in our ordinance and the site plan meets those requirements. This board knows we don't have a comprehensive plan, but we do have a county wide hazard mitigation plan that speaks to some of this. The site otherwise meets all the standards in our zoning ordinance. When the Board of Adjustments is receiving the Planning Board recommendations and findings from staff, it will include the info here and your comments and recommendations.

I would like to read specifically for the Board the conditions the staff would like the Board to consider. The Planning Board may make recommendations to try to mitigate some issues. It appears with the changes that have been discussed, road alignment, DOT allowances, a second point of access, potential for extending road to the southwest that opens up additional property for future development, have all been addressed. The basic conditions, i.e., height, setbacks, parking, all appear to be in line. The two conditions we recommend are extending the street to Hwy 96 and also to the back of the property for future access and secondly, another point of access. I understand there has already been some conversations about an emergency access.

We are in the process of starting comprehensive planning and I suspect there will be many of these areas in the Mixed-Use area where there will be recommendations for policy changes that will affect the Zoning Map in terms of relationships.

Second point is access roads and drives will be suitable in size and properly located to ensure automotive and pedestrian safety. At this point, pedestrian is internal to the project. We currently do not have in our bicycle pedestrian plan does not have a sidewalk plan for the front of this property.

Off street parking, utilities, schools, fire, police and other necessary public and private facilities and services will be adequate to handle the proposed use. It's this particular one that has come up in conversation tonight.

The location and arrangement of the use on the site, screening, buffering, landscaping and pedestrian ways harmonize with adjoining properties and the general area and minimize adverse impacts. These requirements would be met.

I think the staff is in a perplexing situation because we want to see in-fill development and this would be brought into the city in terms of housing and proximity of density is helpful to the infrastructure internally, and proximity to industry and making sure there is not something that will cause problems with industry. I'm not an expert when it comes to fire code at all and I think you need to consider that. The other conditions have been satisfied.

There was another project similar to this that had similar issues and that was surrounded by industry on all sides.

Member Lindwall asked if that was the last time he could remember a public safety concern being raised? Clark stated yes and actually that was working with DOT on turn lanes and fire department wanting a secondary access. That idea of a secondary access is something we always recommend.

Vice Chairman Hurt said his understanding is the Planning Staff is recommending approval of this project. Clark said yes, with the two conditions and take in consideration the recommendations from the fire department. Some of our recent projects could be occupied by seniors also and this information did not come up during the presentation of those projects.

Vice Chairman Hurt said he has built 346 units across the street and this subject with the fire department has never been mentioned.

Chairman Tharrington said living, in general, is dangerous and if it is an issue now why wasn't it an issue back then. It's not a clear call. Member Anderson said you can do your best to avoid and prepare however unforeseen things happen. You just can't prepare for everything.

Vice Chairman Hurt asked Mr. Graney with the fire department if the statement of 150' perimeter was the standard. Graney said no, that there were several chemicals on the site of that facility if they encountered a small spill that you would start at 150'.

Member Anderson said the 150' would already be encroaching on the property. Graney said depending where the spill would be on the property.

Mr. Dennis Tharrington said it would encroach on the property but not the building. Mr. Thomas said there is a 60' ROW, then a 50' buffer, then the building is setback approximately 20' from that so there will be at least 130' perimeter. Mr. Clark said this is where the second access comes into play. Again, the developer and owner of the property can, hopefully, come to an agreement about secondary access.

Vice Chairman Hurt asked if this board turns down the request will it still go before the Board of Adjustments for consideration? Mr. Clark stated yes. This Planning Board only makes a recommendation and suggest conditions for the project if needed.

Member John Cyrus said it should be considered that Southern Lithoplate has been at that location since 1994 and has had no accidents. Obviously, they have good safety practices in place.

Vice Chairman Hurt asked Mr. Graney with the fire department if there was any other kind of barrier that could be added on to the buffer. Graney said it depends on environmental conditions, what chemicals are mixed, what is the humidity, temperature, etc.

Member Anderson asked if he could confirm the internal safety containment of the chemicals in the industry. Graney said no he could not. It is our job to bring worst case scenario to the board to educate you. It's my job to bring matters of public safety to the board.

Member Anderson asked Vice Chairman Hurt, the developer of Hampton Village, if he knew about this issue would he still build in that area today. Hurt said yes, he would.

With no further discussion, the following motion was made by Member John Cyrus, seconded by Member Scott Anderson, and passed with 5 yes, and 1 abstention.

MOTION: TO RECOMMEND APPROVAL OF THE SPECIAL USE PERMIT APPLICATION FOR MEADOW PARK VILLAS LOCATED ON THE SIRCHIE CAMPUS OFF HIGHWAY 96 WITH THE FOLLOWING CONDITIONS:

- 1. CONSTRUCT A PUBLIC STREET FROM THE PROPOSED REAR OF THE DEVELOPMENT TO HIGHWAY 96**
- 2. HAVE A SECOND EMERGENCY ACCESS TO HUNTER PLACE WHICH WOULD INCREASE ACCESS IN CASE OF A SITUATION**

With no comments from the public and no more discussion from the Planning Board the meeting was adjourned at 7:20 p.m.