

# **MINUTES**

**MARCH 10, 2011**

## **PUBLIC HEARING**

### **PETITION FOR ZONING AMENDMENT**

**DAVID B MOSS**

### **PROPERTY LOCATED ON THE NORTH SIDE OF EAST WINSTON STREET**

Mayor Samuel Hardwick called the Public Hearing to order at 7:00 p.m. In attendance were Commissioners Catherine Redd, Joseph Johnson, Graham Stallings, Marvin Roberts, and Leelan Woodlief. Also in attendance were Town / Zoning Administrator Brenda Robbins, Town Clerk Emily Hurd, Administrative Assistant Kathryn Tucker, Police Chief Daren Kirts, and Town Attorney Pete Tomlinson. Representatives from The Wake Weekly and the Franklin Times were also present. The purpose was to hear comment from the public about the Petition for Zoning Amendment from David B Moss concerning the property located on the north side of East Winston Street.

David Moss read a statement that was included in his application (see information included in the Petition for Zoning Amendment) to the Board about why he wished to rezone this property. Greg Bowman stated that he lived near that property and was opposed to this change. He stated that he felt this would adversely affect property values of the homes already in the area, increase noise pollution, and would also include social issues depending on what type of residential and commercial that was put on the property in question. Carolyn Palmer asked for clarification on the location of the property and Mayor Hardwick explained the location. Mr. Moss stated that his daughter went to school in Apex and there was a development near the school and he was trying to build a community like that one. At this time, Mr. Moss distributed a flyer showing this community. He stated that he wished to do a smaller version of this with residential and light commercial including things such as daycares and a few office types of buildings. He stated that he did not have any finite plans at this point and he was looking down the road about 5 – 10 years for this community. Mr. Moss stated that anything he built would be of high quality. He explained that he felt this would enhance the community. Mr. Bowman stated that he did not want the problems that Apex had brought into the Youngsville community. Mr. Moss stated that he would make adjustments compared to the one in Apex, with a lower density with larger lots. Mr. Bowman asked if Mr. Moss could be more specific in what he wanted to develop and Mr. Moss stated that it would be 5 – 10 years down the road. Stephen Huegal stated that was not an answer and wanted to know what the specific plan was. Mr. Moss stated residential development with a potential of offices and retail included in with the residential. Mr. Moss stated that he could not adequately describe the picture in his head but that he was working on it and later down the road he would have a formal plan drawn up. Commissioner Woodlief

asked him why he didn't wait until later down the road when he had the plans ready. Mr. Bowman stated that he had lived on Fleming Road for 18 years and enjoys living here. He stated that he felt these changes would be for the worse. Mrs. Bowman stated that she felt it was a sorry idea especially seeing how Apex turned out. Mr. Moss stated that his would be a positive quality development. He was trying to be sensitive to the needs of the Youngsville Community. Mr. Huegal stated that he was an adjoining property owner as of only a year and a half and he did not want a business park in his back yard. He stated that he was strongly opposed. Mrs. Palmer asked Mr. Moss what he was trying to do and Mayor Hardwick explained that Mr. Moss was trying to rezone the property from Residential Single Family (RSF) to Mixed Use (MU) and recapped this previous conversation quickly for her. Mrs. Palmer asked if he could choose to put in a development and Mayor Hardwick stated that the property fronting East Winston Street would stay RSF. Robbins explained that this was a large piece of property and that the portion at the top was already zoned MU and the bottom half was zoned RSF. Phillip Edwards stated that he moved into Anderson Park only a few months ago and was opposed to this as well. Brian Hood stated that his biggest concern was the traffic on East Winston Street that ran in front of his house. Traffic is already very heavy and fast on this road and adding more development would make things worse. Mr. Edwards asked why Mr. Moss was doing this now if the plans were for 5 – 10 years down the road. He stated that he felt that there was something already in the works for him to start doing this so soon. Mr. Edwards stated that he moved to Youngsville in October of 2010 because it was "off the beaten path". He stated that when something MU gets put in like Mr. Moss describes, crime tends to increase, such as traffic violations, shoplifting and break-ins. He stated that this would put more strain on the Youngsville Police Department. Mr. Edwards stated that he did not want Youngsville to become like Apex, and the Board needed to keep its vision of Youngsville in mind. Mr. Moss stated that he takes back the 10 year comment. He stated that if the market were to change, he might be able to do this earlier than that. He explained that he was trying to project the future economic growth for when he would be able to start this project. Mr. Moss explained that he grew up in Youngsville and that his family had been here for generations. He stated that he has built nice homes over the past 20 years and is a licensed contractor. He stated that he was not out to make a quick buck but wanted to be sensitive to the needs of the Youngsville Community and what they needed. Mrs. Bowman stated that no one was for this development. Bryan Batton stated that his concerns mirrored Mr. Hood's on the traffic this would create. He asked if maybe Mr. Moss could make the area a bit further back from East Winston Street. Mr. Moss stated that he could go farther back on the residential portion on East Winston Street. He explained that he wanted everyone to be happy with the communities he builds. Bette Batton asked Mr. Moss why he was rushing if things may or may not happen for years. Sally Huegal stated that purchasing their home was based on the residential feel of the neighborhood. She asked if there were any stipulations concerning barriers or precautions when MU met up against residential neighborhoods. Mayor Hardwick explained that the Zoning Ordinance had strict regulations concerning buffers that would have to be met when MU met up against residential. He explained to Mrs. Huegal that the property Mr. Moss owned connected to hers was already zoned MU. Robbins explained that the set backs were 50 feet for front, back and sides. Plus there would also have to be a 16 foot planting of fast growing trees

in at least 2 rows. Commissioner Johnson stated that he also lived on East Winston Street and stated that he agreed with Mr. Batton and Mr. Hood about the traffic problems this may create. He also stated that looking at the map, the area in question seemed to be land blocked and asked where the streets would be cut out at. Mr. Moss stated that he owned another tract of 20 acres on Fleming Road that connected to the property in question that could be used as access. He stated that this property was not connected to Anderson Park. Commissioner Johnson stated that he could see the Bowman's concerns as the 20 acre tract would affect them. He stated that he did not want to see an increase in an area that already had traffic problems. Mr. Moss brought up that there was a proposed bypass for this area that would also help traffic if it could get built. Mrs. Batton stated that she felt the bypass would not help the traffic on East Winston Street. She stated that all of their traffic issues were coming from the people that lived on North Nassau Street and Fleming Road trying to bypass the stoplights on Main Street / Highway 96. Mr. Bowman stated that putting in something like apartments would make traffic even more hazardous with the increased volume. Robbins stated that if this property was rezoned to MU, anything that was considered Commercial or Light Industrial could go there. If for instance something happened to Mr. Moss or the property changed hands, there was no guarantee of what would be put in there. Commissioner Redd asked if he was just putting in homes, why would he want to change the zoning? Mr. Moss stated that he wanted mostly homes with a few commercial businesses included. Commissioner Redd asked what would be the benefit and Mr. Moss explained that a small section of the community would maybe have a daycare. He stated he was pushing mostly towards residential but some small offices for hair salons, insurance and that type of thing. He reiterated that it would be a quality development. Commissioner Redd asked if he would use Nassau Street / Fleming Road for access and Mr. Moss stated that he could. He explained that he could have potential access on North Nassau / Fleming Road by that 20 acre tract, the intersection at North Cross Street and East Winston Street by a small strip of land he owned there, and also on the lot in question could have possible access to East Winston Street. Commissioner Redd stated that she did not like the idea of the East Winston Street access and Mr. Bowman stated that the North Nassau / Fleming Road access would be by his property. Commissioner Redd stated that she still felt that he was getting ahead of himself by petitioning so early in the process. She stated she liked Youngsville the way it was and felt that this change was a bit premature. Mr. Edwards stated that once Mr. Moss got his logistics worked out, he could come back with a plan that everyone would be able to understand. Mr. Hood agreed that a plan would help people to understand what his ideas were. Mrs. Huegal agreed as well, stating that a finished plan may put peoples' minds at ease.

The Public Hearing was closed at 7:28 p.m.