

**TOWN OF YOUNGSVILLE
PLANNING BOARD MEETING
Youngsville Community House -- 115 East Main Street
April 2, as Continued to April 16, 2019
6:00 P.M.**

April 2, 2019:

Vice-Chairman Mark Hurt called the meeting to order at 6:00 P.M.

In attendance were Vice-Chairman Hurt; Members John Cyrus, Janice Pearce, Scott Anderson, Hank Lindwall, and Bob Martin; and Board Clerk Sandi Fleming. Joining as well were Town Administrator Phillip Cordeiro and Zoning Administrator Bob Clark. Due to otherwise-scheduled commitments, Chairman Donnie Tharrington and Senior Planner Andy Thomas were not present.

Vice-Chairman Hurt welcomed all attendees and addressed the Minutes transcribed at the Board's regular meeting held on March 5, as continued to March 19, 2019.

Without additional discussion, the following Motion was made by Member Hank Lindwall, seconded by Member Janice Pearce, and unanimously carried:

MOTION: The Minutes of the Planning Board meeting held on March 5, as continued to March 19, 2019, are approved, as presented.

Attention was then directed to N-Focus representative Rick Flowe, who immediately opened the floor to Member feedback from review of YDO Articles 13, 14, 15, and 16, copies of which were distributed at the continuance of last month's meeting on March 19. It was noted that, although ordinances typically comingle the topics of streets and subdivisions, the YDO intentionally gives to each a stance of its own, key being that, under any circumstances, road infrastructure must adequately support layout of the land.

Efficiency within a neighborhood, be it residential or commercial, is the byproduct of interconnectivity. Streets and sidewalks are not only the network to success for local business but also the core of interaction and convenience among community residents. Without proper design, however, action can defeat cause. Illustration was shared of two neighbors whose homes are constructed within a few feet of one another. So happens, ironically, that each of those families resides on a different street, both terminating at a common vista. Mere footsteps apart; yet, backing from one driveway and entering the other by car entails a seven (7)-mile traffic loop. Clearly, common sense took little priority in the planning stages of that particular development.

The streets of Youngsville are public spaces annexed and accepted by the Board of Commissioners and maintained and scaled by Town staff, all for the safety and pleasure of motorists, bicyclists, and pedestrians, alike. With the exception of rural roads, alleys, lanes, and undeveloped edges of neighborhood parkways, together with exclusion of commercial avenues and designated Main Street and Agricultural District rights-of-way, all such roadways shall be bordered, on both sides, by publicly dedicated sidewalks of at least five (5) feet in width. Street trees, maintained within eight (8)-foot, typically, planting strips, will also line both sides, and lighting, placed at intervals of no more than one hundred eighty (180) feet, will illuminate at least one side and all intersections of each said accessway. Zoning Administrator Clark pointed out that these YDO specifications will not affect already-existing streets but apply, instead, to new construction or redevelopment. He further mentioned that right-of-way-and-planting strip combinations, though they have minimal impact on developer cost, have proven to significantly increase homeowner enjoyment and security.

Generally, on-street parking will be parallel, with a standard space width of seven (7) to eight (8) feet, and design speeds shall not exceed 30 miles per hour. Petitions for Town maintenance will, in fact, include a request for designation of not more than 25 miles per hour. In addition, all cul-de-sacs shall contain a ten (10)-foot-wide, minimum, pedestrian access easement, connecting to the nearest public space, street right-of-way, or common area.

Sidewalk width accommodating commercial streets shall be at least six (6) feet. Along Main Street, a minimum width of fourteen (14) feet, with tree grates or cut-outs, shall be required, and similar minimum-nine (9)-foot-wide walkways will line the first fifty percent (50.0%) of block depth of all intersecting side streets.

Angled street parking will be allowed only where and if necessitated as a design element, specifically for retail centers. Intersection placement is governed by usage; right-of-way width and block size, by location. All these factors, as is reducing sidewalk requirements in Agricultural subdivisions to preserve water quality and supply, stem from Planning logic. It takes persistent monitoring by our Zoning Administrator, Board, and staff to resolve drainage and utility issues, update signage and traffic signals, and schedule railroad crossing repair – only through forethought is Town pavement autographed by function and character.

Upon unanimous acceptance, subject to proposed revision, of draft Article 13, Mr. Flowe skipped forward to review of the meat and potatoes of subdivision regulation. These standards, set forth in Article 16, promote orderly growth, control infrastructure, reserve essential utility and right-of-way easements, and create public land records that officially establish the boundaries of the Town of Youngsville. Surveyed lot lines and easements are professionally reflected on plats, reviewed, approved, and signed by Planning staff and duly recorded in the office of the Franklin County Register of Deeds.

Only if a division of land meets the following criteria is it exempt from subdivision regulation and, thus, labeled as such in the Registry:

1. Combination or reconfiguration of portions of previously subdivided and recorded tracts where the total number of lots is not increased;
2. Division of land into parcels greater than ten (10) acres each, where no street right-of-way dedication is involved;
3. Public acquisition of strips of property for the widening or opening of streets or for public transportation system corridors;
4. Division of a single-ownership parcel with an area no greater than two (2) acres into not more than three (3) lots, if no street right-of-way is entailed;
5. Subdivision or recombination of land for public utilities; and/or
6. Land officially designated by Declaration as a Planned Community, consisting of more than twenty (20) residential dwelling units with a Homeowners' Association that maintains the community's private infrastructure and common areas.

No property located within the Town of Youngsville or its ETJ can be subdivided without proper conformation and Zoning approval, nor can it be sold or transferred by reference to an unapproved map or metes and bounds description. Pre-sale or lease contracts based upon approved preliminary maps are allowed; however, those transactions are not effective until the final plat is of record. Violation of these standards is a misdemeanor offense punishable by law.

Improvements to or new construction of street, sidewalk, water, sanitary sewer, and stormwater facilities cannot proceed without review and approval of not only Planning staff (who, where appropriate, solicit review, comment, and approval from Franklin County Public Utilities and the Youngsville Fire Department) but also of the State Department of Environmental Quality ("DEQ") and the North Carolina Department of Transportation ("NCDOT"). Such construction will be inspected by Zoning personnel, and, if incomplete at the time of recordation of the final plat, a performance guarantee in an amount equal to one hundred twenty-five percent (125.0%) of estimated cost shall be delivered by the vested owner of the property to the Zoning Administrator. If construction isn't completed within a year of date of acceptance of such guarantee, the Town itself may use those proceeds to ensure completion.

Maintenance of common areas and facilities within a subdivision is a developer responsibility, until such time as that obligation is legally transferred to the Homeowners' Association or other relevant entity. It isn't uncommon that construction within the development be performed in a series of phases. In that event, proposed extended streets are stubbed, sufficient infrastructure is accepted, and a final plat is recorded of each separate segment.

The red tape of subdivision law entangles a multitude of specifications with which Planning and Zoning personnel must be thoroughly familiar. Permit issuance includes accountability for verification of compliance of numerous factors, including lot area and setbacks, required frontage, building envelope, and access. Lot boundaries shall coincide with natural and pre-existing topography to the extent practicable and must not extend into areas classified as below Base Flood Elevation, Buffer Zones, and/or Wetlands. They should be contiguous with street right-of-way and shall not extend to the centerline thereof. Residential lots are not allowed access to and from major thoroughfares, and no more than four percent (4.0%) of the lots in a subdivision can be flag parcels.

Block configuration should be finalized during the site plan review stage, but landscaping and buffering are physically inspected at time of COC (“Certificate of Compliance”) request. Street names, as approved by County personnel, are assigned, and posted, by the developer; addresses, on the other hand, are coordinated between Planning staff and Franklin County GIS and 911 and assigned by staff prior to initial issuance of a compliance permit. Septic and/or well approval for lots without public water and sewer comes from the Environmental Division of the Franklin County Health Department.

Article 16 was unanimously accepted as a work-in-progress draft, and focus was shifted to Articles 14 and 15 – “Flexible Development Standards” and “Special Events and Temporary Structures”:

Youngsville’s Zoning Administrator is allowed to deviate from prescribed standards only where warranted by extenuating circumstances, but, in those types of situations, he can reduce required lot area, building coverage, and frontage by up to ten percent (10.0%). No variances are allowed with regard to deviation from development specification.

Administrator Clark raised potential for deletion of the above-described ten percent (10.0%) leeway. Mr. Flowe responded by cautioning Members that doing so will abolish flexibility, asking that they give it thoughtful consideration and revisit prior to final YDO recommendation.

Article 15 provides a straightforward listing of allowed special events and temporary structures, specifying maximum duration and frequency, as well as applicable Zoning District, within which each shall be permitted. Special events (including public interest gatherings, defined as congregations of one hundred (100) or more persons) may encroach onto building setbacks but not onto buffers, streets, and tree-planting or other landscaping strips. Temporary structures, to the contrary, must adhere to setback requirements. Neither may reoccur within a minimum interval of forty (40) days.

Following acceptance of draft Articles 14 and 15, and concise introduction by Mr. Flowe of Articles 11, 12, 17, and 21, now distributed for review, Vice-Chairman Hurt offered the floor to Town Administrator Phil Cordeiro, who introduced, from Governor Roy Cooper's ongoing Hometown Strong Program, representatives Diane Young and Bruce Naegelen. Ms. Young, Economic Development Specialist with the North Carolina Department of Commerce, was invited to conduct, during joint session of the Planning Board and the Board of Commissioners, a group discussion of how the State can accommodate Downtown revitalization efforts.

Pursuant to motion by Member Hank Lindwall, seconded by Member Scott Anderson, the meeting was briefly recessed and reconvened in joint session. Attached hereto and incorporated herein by reference are the Minutes of that session, as prepared by Town Clerk Emily Hurd.

In conjunction with conclusion of Ms. Young's presentation, and in the absence of further comment or report, Vice-Chairman Hurt, by proper motion and consent, continued the meeting of the Planning Board to . . .

April 16, 2019:

The meeting was called to order by Chairman Tharrington at 6:00 P.M.

In attendance were Chairman Tharrington; Vice-Chairman Mark Hurt; Members John Cyrus, Janice Pearce, Scott Anderson, and Hank Lindwall, and Board Clerk Sandi Fleming. Accounted for as well was Zoning Administrator Bob Clark. Member Bob Martin, Town Administrator Phil Cordeiro, and Senior Planner Andy Thomas were otherwise committed and, thus, unable to participate.

The floor was resumed by Mr. Flowe and promptly opened to Board comment stemming from review of YDO Articles 11, 12, 17, and 21. He announced that our efforts are now sliding into third base, and that, after the next two, or so, upcoming meetings, the Board will be able to center its concentration on the rhyme and reason of the YDO as a whole and better acquaint itself with the basic neighborhood formulas that, in aggregate, comprise this community.

The goal of Article 11 of the Ordinance is to reduce tree canopy loss and implement urban forest management improvements through requirements for tree protection, preservation, planting, and maintenance. Good fortune shares with us a Zoning Administrator who's extremely knowledgeable in the field of arboriculture and brings much to the table when it comes to drafting and enforcing landscaping regulation. "And it is he," commented Mr. Flowe, "who has the pleasure of negotiating with over-zealous residents determined to remove historical trees without valid cause."

The intent of landscaping is to benefit the Town, aesthetically, economically, and environmentally. Trees are the one mechanism that naturally absorbs harmful effects of carbon dioxide and replaces them with life-sustaining oxygen. They reduce soil erosion; increase rainwater infiltration; provide shade; screen us from noise, dust, glare, and visual intrusions; alleviate wildfire risk; and serve as animal habitats. As Albert Einstein concluded, “Look deep into nature, and then you will understand everything better.”

Though few, exemptions from landscaping and tree protection regulations, are as follows:

1. Properties within and abutting the Main Street (“MS”) District are not required to comply with buffer and conservation regulations but are not exempt from street tree and parking lot landscaping requirements;
2. Railroad rights-of-way;
3. Land abutting utility easements in excess of sixty (60) feet in width;
4. Property lines adjoining dedicated street rights-of-way that have remained unopened for a period of at least fifteen (15) years;
5. Zoning Administrator-approved tree removal on an area of three thousand (3,000) square feet or less, subject, however, to watershed and soil erosion requirements; and/or
6. Property covered by an active forestry management plan prepared by a North Carolina Registered Forester, and approved by the Zoning Administrator.

Buffering standards prescribed by the YDO have been engineer-tested, and the correlations of development districts with applicable width and plant type set forth in this Article are guaranteed to work. In addition to buffer yards, boundaried Tree Conservation Areas (“TCA’s”) shall apply to new construction projects.

Tree credits are reward incentives for developers who salvage existing stands. The crafty developer who yields timber rights to the prior owner of the property in exchange for land clearance is, in reality, violating the Ordinance.

Common sense, of course, plays a major role in landscaping. Weather, planting seasons, and root systems, even, are impelling controls. The ordinance that portends to cover every context is presumptive and dictatorial, and this is an area of Planning in which wiggle room is advantageous. Still, but for the handful of hereinafter-listed exceptions, without applying for and obtaining a Tree Disturbance Permit in the Town of Youngsville, it will be unlawful to

(1) remove, excessively prune, apply harmful chemicals to, or in any way disturb a tree, or the soil within its critical root zone; (2) clear vegetation from any site; and/or (3) excavate, fill, or remove soil from any site. Denoted exceptions are limited to the following: (1) routine maintenance of existing vegetation outside public right-of-way; (2) removal of dead and disease-diagnosed trees and shrubs; (3) removal of soil or vegetation from undeveloped land to allow for non-commercial open space no larger than one-fourth (1/4) acre; (4) normal land disturbance associated with occupancy of a single- or two-family dwelling; and/or (5) land disturbance for construction or expansion, with a building permit, of a single- or two-family dwelling where such disturbance consists of less than ten thousand (10,000) square feet.

There shall be no decorating of or posting on any tree planted within a public right-of-way or area. Interference of trees from adjoining properties (i.e., overhanging branches or limbs) shall be the responsibility of the relevant contiguous landowners.

Inasmuch as parking and landscaping technique go hand-in-hand, off-street parking, stacking, and loading areas are one of the most important elements of site-plan approval for public and commercial facilities. Parking lots shall be, wherever practicable, located behind buildings; must be paved as prescribed under the YDO; must meet the North Carolina Building Code handicap provisions; and are subject, with alternative, to a five percent (5.0%) bicycle standard, including racks and locks. Spaces and stacking lanes shall be clearly marked and properly designed with curbing or wheel guards. The minimum space dimension is nine (9) by eighteen (18) feet, and number of spaces, governed generally by usage, square footage of gross floor area, and magnitude of employment, shall be as specifically stated in Article 12 of the Ordinance. The MS District, solely, affords an option of fee-in-lieu when it comes to provision of off-street parking. All fees so collected shall be used for Town maintenance.

Single-family dwellings consisting of less than three (3) bedrooms must provide at least one (1) space for off-street parking – two (2) spaces are required for larger residences. There must be one (1) space per unit for multi-family housing with two (2) bedrooms or less and two (2) spaces per unit for three (3) bedrooms or more. An accessory dwelling shall require a single space.

Allowance for emergency access offers little to no front parking on residential lots. Whether or not enclosed, parking on low- and medium-density lots, of between sixty (60) and one hundred twenty (120) feet in width, should be recessed at least three and one-half (3.5) feet behind the primary front plane of the residence. On high-density lots, of less than sixty (60) feet in width, alley access by private easement is required. Under certain circumstances, front parking may be allowed on high-density lots, but only with alley access in the event of abutting spaces.

No parking is permitted within the public right-of-way, but it is allowed along public streets, except inside bicycle lanes, within eight (8) feet of driveway aprons, closer than fifteen (15) feet to a fire hydrant, or within designated no-parking zones. No vehicle shall be left parked along a street for an extended period of time, and commercial vehicles, but for those making deliveries, must be parked at the rear of the residence. No more than two (2) unenclosed and/or unlicensed vehicles can be stored at a residence, it being noted that said vehicles must be parked behind the house, within side setbacks, and no closer than five (5) to the rear property line.

Detached garages must be constructed within the existing building envelope, and to the side or rear of the primary residence. Except for residential lots within the Agricultural District, requirement is that paved vehicular access exist to a public right-of-way.

Acceptance was acknowledged of draft Articles 11 and 12, and discussion moved to Article 21 and its in-depth description of open space. Chairman Tharrington noted that, although we typically think of “open space” as a greenway or a park or recreational area, the largest such designated space in Youngsville, and in many other towns, is the cemetery. The minimum open square footage allowed by the Ordinance is five hundred (500); maintenance thereof is the responsibility of the owner or lessee of said property; and, in specified scenarios, a fee-in-lieu option is available.

Open space requirements (to which only the MS District is exempt) are as follows: (1) initial residential development containing eight (8) or more units; (2) redevelopment or additional development adding eight (8) or more such units; (3) initial non-residential or mixed-use development exceeding 0.6 acre; and (4) redevelopment or additional development, within a period of thirty-six (36) months, adding twenty-five percent (25.0%) more floor area to said property. Single-family and duplex subdivisions must contribute to open space eleven and one-half percent (11.5%) of total area; other residential subdivisions, the greater of five hundred (500) square feet per dwelling unit or nine percent (9.0%) of lot area. For all other districts, the standard is seven and one-half percent (7.5%) of lot area. These regulations are, in essence, requirements for preservation of the aesthetics and the water and air quality belonging to our neighborhoods.

The next topic on the Agenda is encountered far more often than the reservation of open space. A day’s work in nearly any Zoning and Planning office includes issuance of at least one (1) sign permit. That was an easier task prior to decision of the Federal Supreme Court that signage can no longer be classified by content. Under the new neutralized umbrella, regulation is based upon measurement rather than message.

Article 17 sets forth an itemized listing of the types and dimensions for sign usage to promote business, inform the public, and characterize our Town. Upon formal enactment of the YDO, existing signs described in the Ordinance as “prohibited” shall, within ten (10) days of notification, be removed. Nonconforming off-premises billboards can be disassembled and replaced under a new permit.

Specific items, such as the United States, North Carolina, or Town of Youngsville flag, will now be classified as “exempt,” meaning that, so long as the flag does not exceed fifty (50) square feet in size and no more than three (3) (on a site consisting of less than an acre) or five (5) (on a site larger than an acre) of them are mounted on a pole not exceeding forty-eight (48) feet in height, no permit is required, unless, of course, the applicant intends to spotlight them. In that event, an electrical permit may be required from the County, and, if so, initial permitting from the Town is necessary.

A permanent sign that is nonconforming under the YDO is grandfathered (deemed a vested right) until removed, physically altered, relocated, or damaged or destroyed, at which time it must be brought into compliance under new permitting. Signs identifying discontinued occupancies are considered “abandoned,” they constitute violation of the Ordinance, and removal is mandatory.

“Feather signs” are a hot topic around Town, as, although the Board of Commissioners has voted repeatedly to prohibit them within our Zoning jurisdiction, surrounding jurisdictions have not followed suit. Local citizens are, thus, somewhat confused and dismayed by the ban.

It was brought to the Board’s attention that the allowed dimension of company or business flags is sixty (60) square feet. Suggestion followed for revision to correspond with the permitted sizes of governmental flags.

With motion and consent that draft Article 17 be accepted, subject to proposed revision, copies of Articles Nos. 2, 9, and 10 were distributed for review, and, with no additional comments or reports, Chairman Tharrington adjourned the meeting at 8:50 P.M.