

**TOWN OF YOUNGSVILLE  
PLANNING BOARD MEETING  
Youngsville Community House -- 115 East Main Street  
August 6, 2019  
6:00 PM**

Chairman Donnie Tharrington called the meeting to order at 6:03 PM.

In attendance were Chairman Tharrington; Members John Cyrus, Janice Pearce, Hank Lindwall, and Scott Anderson; Planning and Zoning Administrator Bob Clark; Town Administrator Phillip Cordeiro; Planning and Zoning Officer Erin Klinger; and Board Clerk Sandi Fleming. Vice-Chairman Mark Hurt, Member Bob Martin, and Senior Planner Andy Thomas were not present.

Chairman Tharrington welcomed all attendees and addressed Minutes prepared of the Joint Work Session on Branding, conducted by the Board of Commissioners, the Planning Board, and the ABC Board held on June 24, 2019.

Without further discussion, the following Motion was made by Member Hank Lindwall, seconded by Member Scott Anderson, and unanimously carried:

**MOTION: The Minutes of the Joint Work Session on Branding held on June 24, 2019, are approved, as presented.**

Chairman Tharrington then addressed Minutes prepared of the meeting of the Board held on July 2, 2019.

Without further discussion, the following Motion was made by Member Scott Anderson, seconded by Member Janice Pearce, and unanimously carried:

**MOTION: The Minutes of the Planning Board meeting held on July 2, 2019, are approved, as presented.**

Prior to continuing with the third item on the Agenda, Chairman Tharrington paused to welcome Ms. Klinger to the Town.

The floor was passed to N-Focus Representative Rick Flowe. In keeping with the Agenda, Mr. Flowe turned to a discussion of the revisions made to the Ordinance starting with Article 1, which he stated was reprinted almost in its entirety. Most of the changes occurred on page 2 as a result of discussions in the North Carolina State Legislature regarding the reorganization of planning legislation. A court ruling clarified the North Carolina General Statutes and the new law incorporates that interpretation. The State Bar Association set an effective date for this new law as the end of 2020; therefore, January 1, 2021, the new statutes will be enforced, and the old statutes will be repealed. Mr. Flowe stated that this change is reflected in the ordinance at the bottom of page 2. Here, the new Ordinance uses the authority of the current statutes, but also incorporates the new legislation, so that the Town is not cited for noncompliance. However, the Ordinance will still contain references to the old statutes as the new legislation has not yet taken effect.

Mr. Flowe then stated that the last page of Article 1 was not yet complete as it refers to the zoning map which is still under revision and which the Board will be discussing later in the evening.

The Board's attention was then pointed towards the amendment made to Article 3, page 10, where the definition of density credit had been rewritten. The new statute clarifies that this definition must be in the Ordinance. Mr. Flowe changed the definition so that it was clearer as to what was referenced when using the term elsewhere in the Ordinance. He continued by stating that the concept of density credit is usually impacted by DOT projects, such as when they remove right-of-way from a property, to make it clear that any density that that property would have had may still be applied elsewhere on said property.

The other change to Article 3 was on page 44, where Mr. Flowe added a definition for zoning permit. This change was made because of the way the language in the new statute was written, to make it clearer as to what document the definition referred to as well as the fact that it is a written decision. It must also indicate on the permit document that the project is compliant with the Ordinance.

The next edit was in Article 7, on page 34. The change was in the section on Development Agreements, where the language was replaced with "differ from" to ensure that the Town retained the ability to reduce or increase density – depending on what is negotiated with the developer – rather than simply to reduce density.

Changes were also made to Article 8, beginning on page 11. Language was added to the table to simplify the differences in single family residences between attached and detached housing in the Residential Main Street Transition (RMST) District. The added text more clearly defines minimum lot width for townhouse lots as 16 feet on center.

The next alteration in Article 8 was on page 17. Similar language as to that in the RMST zoning was added, only this time for a different district. This is where multifamily appears again in the Mixed Use (MU-1 and MU-2) districts.

Changes in Article 8 continued on page 28, when explaining the regulations in the TNDO district. There was a reduction in width from 59 to 49 feet or less before the need for rear alleys is triggered. Mr. Flowe stated that in examining different lot sizes and scenarios, he thought the Town would receive pushback if the amount remained at 59 feet.

Edits were also seen on page 29, where it was clarified that there is no minimum lot size, width, or setbacks in the TNDO District. Mr. Flowe wanted to make it clear that the TNDO is more of a design-based district. He continued by saying that because the application of this overlay would be a legislative process (a rezoning), if the Board did not like what a developer proposed, they did not have to have evidence or a reason to not recommend the development proceed, which would force the Board of Commissioners to deny the rezoning. The decision of the Board to not approve it would have no basis for challenge in court as it would have been a legislative decision. The situation would be different if the project were a conditional or special use, as those decisions must be linked with evidence as to why the Board rejected the development.

The second page of the use table at the end of Article 8 was modified as well; specifically, the section referencing Outdoor Storage and Building Supply Sales. This change arose when the Town was working on the zoning maps and examining some of the existing developments within the Town. Mr. Flowe stated that to keep these developments from being at a disadvantage, he and Mr. Clark thought a change should be made to be more consistent with the current ordinance. This section was revised so that a Building Supply Sales use would be the same regardless of whether the business' storage area was inside or outside. Under the new Ordinance, this use would no longer be allowed in some districts, including Main Street and Mixed Use-2. In the C-1 and the Industrial districts, this use was changed from a listed use to a use with supplemental standards. Mr. Flowe then walked around to show the Board members the changes in the table in order to make the revision clearer.

In Article 14, Mr. Flowe stated he added a description of density credit, the definition of which was discussed earlier in the evening. Page 2 describes how this credit is to be applied.

The last of the updates appeared in Article 17. On page 4, the wording was changed from "having a duration of" to "posted for." On page 5, new language was added pertaining to fence wraps. Mr. Flowe used an example of large construction sites in downtown Raleigh that have fence wraps describing what's coming to the site, as well as the name of the construction company, to illustrate that this form of signage was now exempt from regulation per the State Legislature, as long as the message on it is affiliated with the project.

Mr. Flowe concluded his run-through of the Ordinance amendments by asking if any of the Board members saw anything that they have questions about or that necessitated further conversation.

The discussion then turned to the next item on the Agenda, a review of Article 19 of the Ordinance. This Article lays the groundwork for the Town to create a Stormwater utility. Mr. Flowe asked the Board members to recall their previous discussion about Falls Rules, which were adopted approximately a decade ago. The Town of Youngsville received an exemption from said rules in 2006. Director Clark stated that exemption was based on population and a 2012 deadline and that an extension was granted that will likely expire with the advent of the 2020 Census. Mr. Flowe expressed that the Town is trying to anticipate this expiration by researching regional stormwater facilities, so that instead of developments building isolated and ineffective facilities, they will instead participate in a municipal utility that will give them more yield on developable property and will also be more cost-effective and better for the environment. This Article would allow the Board of Commissioners to establish this new utility. The Town will also be working on an implementation plan for what the stormwater facilities will look like and where they will need to be located.

Chairman Tharrington asked whether the Tar River was a factor in the above discussion. Mr. Flowe replied that the Tar River does not have the same level of rules. Prior to the Falls Rules, the State crafted the Jordan Rules. The Falls Rules were an attempt at trying to fix what the State learned from the Jordan Rules. The rules for the next group of basins, including the Yadkin River, should be implemented soon; however, Mr. Flowe couldn't remember if this group would include the Tar River.

Mr. Flowe then requested that everyone review the draft markup of the zoning map. He began by directing the Board's attention to the area at the Town's southern boundary that is shared with the northern edge of Wake Forest. The Town currently has extraterritorial jurisdiction (ETJ) in this area; however, Mr. Flowe stated that the ETJ line doesn't agree with the utility service area. Therefore, the new zoning map relinquishes ETJ in areas that, while presently under the Town's authority, will be ceded to Wake County as soon as they develop because of the utility requirement. Director Clark mentioned that this boundary agreement has been in place since 2007 and that the new arrangement makes sense in terms of what the Town and Franklin County can service versus what Wake County can service. Similar situations were seen in other areas. An example was given of a subdivision in the northeast area of town where the ETJ boundary crossed through the middle of the development.

Mr. Flowe pointed out that areas on the map near US-1 and Wake Forest are zoned in anticipation of future development. Larger areas and other areas to the east where there are "mini estates" on larger lots will still be zoned Agricultural. The benefit of this is that the area will remain at a low density.

There was a question about the proposed zoning in the area near Youngsville Road. Mr. Flowe stated that the zoning district boundaries here are proposed to be set along a high-voltage overhead power transmission line that will split the zoning on the property in question.

It was mentioned that there is a truck route in the future land use plan that will place an interchange in the area near the southern portion of Town. Mr. Flowe explained that, as development begins to occur, this corridor should be protected so that trucks and other motorists will drive through Youngsville instead of around. Director Clark mentioned that Wake Forest has a route connector for this corridor in their draft Comprehensive Transportation Plan.

Zoning for existing development was preserved so that nonconformities under the new ordinance were limited. In underdeveloped or undeveloped areas, proposed zoning was based on how the area fits into the comprehensive plan. Mr. Flowe said the blue areas on the map represented civic and Town-owned properties, which will help the Town comply with RLUIPA, the Religious Land Use and Institutionalized Persons Act by setting the same development standards for all buildings in the Civic district, including churches. The new map also separates industrial areas from mixed use zoning. Mr. Flowe stated that industrial uses are not typically desired in mixed-use zoning and that mixed-use zoning is usually reserved for "people and the services that support those people." Mr. Clark then mentioned several potential developments that have been discussed in some of these areas.

Commercial districts are located around the US-1 corridor. Mr. Flowe expressed that staff tried to craft the districts around the character of the area. Member Lindwall asked if there was an overlay for medical. Mr. Flowe responded that medical could locate in mixed use, downtown, and commercial zoning, but that there was not a specific overlay for it.

Chairman Tharrington questioned whether the Board members would be finalizing the map tonight. Mr. Flowe replied that this was a decision for the Board and asked if the members saw anything on the map that they thought should be changed. Mr. Clark mentioned that staff would be looking at the map further on Thursday.

Mr. Flowe mentioned he had a few more items on the agenda to which he wanted to direct the Board's attention. He reminded the Board that there were several sections in the Ordinance that may still need consideration. The first of these is on the first page of Article 1, where the Town needs to provide the dates the previous ordinances were adopted, as these will be repealed once the new Ordinance is approved. Another item needing attention was in Article 5 pertaining to conditional zoning. Mr. Flowe let the Board know that he included this option in the Ordinance as he believes the Town will need it in the future; however, it doesn't mean that it must be used and its inclusion in the Ordinance gave the Town the option of being able to use it if desired. He asked the Board if conditional zoning was something they wanted left in the Ordinance and recommended that it remained in the text. Member Anderson wanted to ensure that this was a tool that was used on an as-needed basis and that the Board didn't need a reason to reject a conditional zoning application; Mr. Flowe assured him that this was the case and Member Anderson responded that he therefore did not see a problem with keeping it in the Ordinance.

Mr. Flowe's next question concerned Article 10 and the conditional use of telecommunication towers. The array of districts to which this section applies was chosen for coverage purposes. Mr. Flowe was particularly concerned with the downtown area and mentioned that there is a height limit for towers in this district of 150 feet.

Attention was then directed to Article 22, which deals with nonconformities. These traditionally fall into two categories: nonconforming uses and nonconforming structures or lots. Questions arise involving the discontinuation of a nonconforming use. The new Ordinance states that a person has 730 days to bring the use into compliance if there was "no good faith effort to reestablish the use"; 1095 days even if they attempted to bring the use or property into compliance; and 730 days for nonconforming conditional uses that have been discontinued. However, manufactured home replacement is limited to a period of one year.

Director Clark pointed out Section 22-5, which is concerned with the replacement of manufactured homes located in a manufactured home park. Replacement of a unit in a nonconforming manufactured home park would be prohibited under the new Ordinance. Member Anderson asked Mr. Clark to clarify that if a unit is damaged, it can't be replaced. Mr. Flowe said that this is correct if the unit is in a manufactured home park. Member Anderson brought up the example of Youngsville Estates, an existing nonconforming manufactured home park. He was uncomfortable with the idea that homeowners could not replace their homes if they were damaged. Member Lindwall inquired as to what made the park nonconforming. Mr. Clark responded that many manufactured home parks have dirt streets, small lots, and were lacking recreation areas. Over time, he said, the question is whether manufactured home parks themselves should be phased out and replaced with other development opportunities. Mr. Flowe stated that if the park were to bring the property into compliance with the Ordinance, the homes could remain; and the goal of the Town should be to urge the owners of the development to do as such. He summarized the conversation by saying that the parks could stay, but individual units could not be replaced if damaged or destroyed. There was no further discussion or disagreement regarding this topic.

Continuing with the Agenda, Mr. Flowe called the Board's attention to the Statement of Consistency and Reasonableness. State law requires Planning Boards to include this statement with any recommendations they make. This resolution was drafted expressly for recommending

the draft of the Youngsville Development Ordinance to the Board of Commissioners. Mr. Flowe then told Chairman Tharrington that the decision was in his hands whether to recommend adoption of the Ordinance and that the Chairman needed to make a motion recognizing the Statement of Consistency and Reasonableness.

Chairman Tharrington wanted to confirm that the Board was finished with the Ordinance, excepting forms and supplemental materials. Mr. Flowe responded that forms would be completed at the staff level and could just be inserted into the Board's copies of the Ordinance, while supplemental materials, such as the Technical Standards and Specifications Manual, were being completed for the Town by an engineer.

Chairman Tharrington thanked Mr. Flowe with his assistance in drafting the Ordinance. Without further discussion, the following motion was made by Member Anderson, seconded by Member Cyrus, and unanimously carried:

**MOTION: The Youngsville Development Ordinance is approved and moved forward.**

Mr. Flowe requested a second motion that approved the Statement of Consistency and Reasonableness since that was not specifically stated as part of the original motion. The following motion was thus made by Member Cyrus, seconded by Member Pearce, and unanimously carried:

**MOTION: The Statement of Consistency and Reasonableness is accepted, as presented.**

Chairman Tharrington indicated that he would sign the statement after the meeting concluded and then solicited closing comments. Member Lindwall thanked Mr. Flowe for the effort he put forth in drafting the Ordinance. Director Clark again mentioned the meeting with Wake Forest where he learned of their planned route connector. He also disclosed that Wake Forest had requested that watershed regulations be removed from the lake in southern Franklin County, which would open up the area for additional higher-density development. Mr. Clark also welcomed Ms. Klinger as the Town's first full-time Planning staff, in addition to Ms. Fleming, who assists the Town with zoning. Ms. Fleming mentioned the issues that had recently arisen with DOT and the Main Street project.

With no further discussion, Chairman Tharrington thanked everyone for the work they've done with regards to drafting the Ordinance, and the meeting was adjourned at 8:19 PM.