

**TOWN OF YOUNGSVILLE
PLANNING BOARD VIRTUAL MEETING
Microsoft Teams Teleconference
December 1, 2020
6:00 PM**

Chairman Mark Hurt called the meeting to order at 6:00 PM.

In attendance were Chairman Hurt; Members Scott Anderson, Robert Martin, Keith Tew, and Ben Rupert; Planning and Zoning Administrator Erin Klinger; and Planning and Zoning Officer Bob Clark. Vice-Chairman John Cyrus and Town Administrator Phil Cordeiro were not present.

Chairman Hurt then requested a motion to approve the Minutes prepared of the Planning Board meeting held on November 10, 2020. Without further discussion, the following motion was made by Member Ben Rupert, seconded by Member Keith Tew, and unanimously carried.

MOTION: The Minutes of the Planning Board meeting held on November 10, 2020, are approved, as presented.

The next item on the Agenda was the public comment period. Ms. Klinger reviewed procedure. She stated that Chairman Hurt would recognize speakers in the order they had signed up to speak. Since speakers were limited to five minutes each, for a total of thirty minutes, she mentioned that they would be timed and alerted when their time was up. She added that if there was still time left over after the last person spoke, she would run through the list of phone numbers of those who were on the call to see if anyone additional wished to speak. She explained that all participants would be muted until it was their turn to speak and that they would need to press *6 on their phones to unmute themselves or hit the unmute button if dialed in via Microsoft Teams. Ms. Klinger advised everyone to keep their microphone muted to ensure that the proceedings remained courteous. She also noted that if participants wished to speak during the public comment period at future meetings, including January's Board of Commissioners meeting, they would need to sign up in advance. Ms. Klinger concluded her remarks and informed Chairman Hurt that he could begin going through the list.

The first two enrollees, Mr. Harry Scoggins of 220 Paddy Lane and Ms. Kimberlee Languasco of 120 Stephens Way, were not yet available to speak. A representative for Mr. Scoggins stated he would not be home for approximately half an hour, and Ms. Klinger informed them that the public comment period would likely be over by that point but that they could circle back at the end of the item and see if Mr. Scoggins was on the call. Mr. Brad Holliday of 50 Paddy Lane spoke on behalf of the Stephen's Glen Homeowners' Association. He stated that there were five main reasons the residents did not support the rezoning petition before the Planning Board that evening. These included traffic and safety, flooding, property values, concerns over trespassing, and the proposed fence. He stated that Hicks and Cedar Creek Roads already saw heavy traffic, and this would only get worse once Youngsville Academy was back in session. He also expressed concerns regarding ongoing flooding in the subdivision and thought that this new development would only exacerbate existing issues. He added that the residents worried their property values would decrease if a townhome development was built in their backyard. They

were also concerned that residents of the townhome property would trespass at the Stephen's Glen clubhouse, using the swimming pool and other amenities they did not pay for. Mr. Holliday finished by expressing concerns over the type of fence that would be installed between the townhome development and the Stephen's Glen property.

Mr. Curtis White of 762 NC Hwy 96 East was not available for comment. Ms. Kelly Osborne of 145 Paddy Lane was the next to speak. She agreed with Mr. Holliday's comments. She observed that the number of townhomes and the number of parking spaces in the proposed development did not seem to mesh with one another. She was concerned that residents or visitors at the townhome development would park at the Stephen's Glen clubhouse and walk to their residences. Ms. Osborne concluded by reiterating Mr. Holliday's concerns about flooding. Since Ms. Osborne was the last person signed up for the public comment period, Chairman Hurt returned to the top of the list. Mr. Scoggins still was not available. Ms. Kimberlee Languasco, of 120 Stephens Way, expressed her concerns over the type of fencing that the applicants were proposing and questioned what type of barrier would be installed at the stubout of Innisfree Court. She echoed Mr. Holliday's and Ms. Osborne's concerns about the flooding potential and the traffic issues.

Following Ms. Languasco's comments, Ms. Klinger read through the list of people participating in the call to see if any of them wished to make a comment. Mr. Dave Bower was the first to speak and shared similar concerns about the flooding potential and about the type of fencing that would be installed between the townhome development and Stephen's Glen. Ms. Debbie Smith agreed with the concerns over infrastructure, and Mr. Dennis Shipley echoed those concerns as well. Several of the residents expressed a desire for some sort of natural barrier or buffer between the townhomes and Stephen's Glen in addition to the fence the developers had proposed. Ms. Lynette Pierce was the final resident to speak and she reiterated the previous concerns over traffic, water, and drainage.

The next item on the Agenda was consideration of an application and recommendation to the Board of Commissioners for a Petition for Zoning Amendment for property located on Hicks Road (a portion of PIN 1853-92-4364) to rezone the property from Single-Family Residential-3 (SFR-3) to Mixed Use-1 (MU-1) for purposes of locating a new townhome development. Ms. Klinger introduced the item. She stated she and Mr. Clark had met with the developers at the end of August to discuss the proposal. The developers intended to locate Phase Two of the Wiggins Townhomes development on the subject property, as Phase One was currently located across the street. Ms. Klinger mentioned that the developers held a neighborhood meeting on October 29, at which several concerns were voiced by residents in the surrounding neighborhoods, including Stephen's Glen. These concerns were taken into consideration and changes were reflected in the revised preliminary plan she had included in the Planning Board's packet. She interjected that there was a representative for the developer on the call that evening and asked Mr. Christopher Lewis of FLM Engineering if he had anything to add.

Mr. Lewis thanked Ms. Klinger for the introduction. He reiterated that a neighborhood meeting was held at the end of October during which Stephen's Glen residents expressed concerns, similar to what the Planning Board had heard that evening. He summarized some of those concerns and addressed how the developers had adjusted their proposal in response to the comments heard at the neighborhood meeting. Chief among the complaints were issues

regarding traffic and safety. Mr. Lewis mentioned that while NCDOT was not going to require a full traffic impact analysis for this project, they would be conducting a signal warrant analysis at the intersection of Hicks and Cedar Creek Roads to see whether a stoplight needed to be installed. The residents of Stephen's Glen also took issue with the proposed connection from the townhome development to Stephen's Glen via Innisfree Court. Mr. Lewis pointed out that that connection had been removed from the plans and that the developers were now also proposing to install a fence between the two developments so as to further eliminate trespassing concerns. In response to concerns over drainage and flooding, Mr. Lewis revealed that contour lines showed water flowing from north to south away from the Stephen's Glen community rather than towards it.

Ms. Klinger thanked Mr. Lewis for his comments. She continued her staff report, stating that the subject property was bounded by SFR-3 zoning on all sides except the east and south, all of which were compatible with the proposed zoning. She added that MU-1 zoning also provided a good transition between the SFR-3 zoning to the north and the CIV-zoned property to the south where Youngsville Academy would be locating their new high school. She also stated that this did not constitute spot zoning as there were other residential developments in the area.

In response to some of the residents' concerns, and echoing several of Mr. Lewis's comments, Ms. Klinger stated that the plans showed a minimum 25-foot wide Type "B" buffer was required between the subject parcel and any adjacent parcels zoned SFR-3 so as to provide proper screening from this use. She pointed out that the proposed fence may not exceed eight feet in height and must be made of decorative materials in lieu of wire fencing. She reiterated Mr. Lewis's comments that NCDOT was not requiring a traffic impact analysis due to the low number of units proposed, and she mentioned that as there would likely be another apartment complex going in at the corner of Hicks and Cedar Creek Roads, the district engineer for NCDOT suggested the developers of the two projects discuss conducting a joint signal warrant analysis for that intersection.

Ms. Klinger concluded by stating that the rezoning request was consistent with both the Comprehensive Land Use Plan and the Future Land Use map. She declared that planning staff supported the requested due to its consistency with the aforementioned documents and because the proposed zoning is harmonious with the existing zoning of the surrounding parcels. She added that the Board of Commissioners would be holding a public hearing on this matter in January and asked the Planning Board members if they had any comments or questions.

Chairman Hurt thanked the residents of Stephen's Glen for their input. He affirmed that the Planning Board had worked very hard on drafting both the comprehensive plan and the development ordinance. He mentioned that those meetings had been open to the public for them to provide comment on the new regulations. Chairman Hurt stated that if staff said the rezoning is consistent with the comprehensive plan and future land use map, the board needs to follow their guidance.

Member Tew echoed Chairman Hurt's thanks and said he appreciated the public's participation. He mentioned that he visited the Stephen's Glen subdivision and recognized that it was quite a large subdivision with at least one hundred lots. He observed that there are two residential lots, along with the clubhouse, that border the subject property, adding that if one were to look at the

overall parent tract, there were twenty lots plus the amenities that border the larger tract. Of those twenty lots, so far only one house has been built, which Mr. Tew saw as a notable consideration for the Planning Board. He saw three recurring themes in the public comments: traffic, flooding, and water and sewer. He reiterated that as the roads are state maintained, it would fall under the purview of NCDOT as to whether a traffic study was required. He added that traffic studies typically come up as a condition after a preliminary plan is approved. He stated that traffic problems are not unique to this townhome development and added that any potential traffic issues could be worse if the parent tract was built out as currently zoned. Mr. Tew also agreed with the project engineer regarding the flooding concerns. The site does generally drain in a southwesterly direction and would appear to present no flooding issues to the Stephen's Glen subdivision. He noted the developers showed a stormwater management device on the site plan, which meant they must attenuate flows to the pre-developed condition. Lastly, Mr. Tew brought up Franklin County Public Utilities. He conveyed that they allocate water in fifty unit-per-year increments so they can control the rate at which projects are built out so that existing customers are not adversely impacted. He reiterated that he appreciated the citizens participating that evening.

Member Anderson also thanked the residents for joining and voicing their concerns. He mentioned his initial concerns were also the flooding potential and the issues with source water, adding that he was not as concerned over the type of fence, as he did not think it was meant to be a security fence. He said traffic is an ongoing issue in the area since the town was experiencing rapid growth. The county and state were monitoring the situation and knew that growth was happening faster than anyone was prepared for. He added that while changes were not required for this specific project, he believed the issues would get addressed in due time. He said that, based on the project engineer's comments, it sounded like the concerns voiced during the neighborhood meeting had been addressed by the developer. It seemed to him that the developer had done everything they could to not only meet but exceed the requirements that would be necessary to address the neighbors' concerns. Given the fact that these issues had been addressed in a positive, proactive way spoke volumes to the intent of the developer. He echoed Chairman Hurt, Member Tew, and Mr. Lewis's comments.

Chairman Hurt asked if any of the other members had comments. Member Rupert stated that everything in his notes had been addressed, so he did not need to belabor the issue further. Chairman Hurt asked planning staff what the Board's options were that evening. Ms. Klinger responded that the Board could either recommend approval of the petition or recommend denying it and asked Mr. Clark to confirm that this was correct. Mr. Clark added there were two parts to considering the rezoning: consistency with the town's 2040 plan for the overall zoning in the area and a recommendation for approval or denial. If the recommendation were to deny, it would be incumbent upon the Planning Board to refer to the comprehensive plan and indicate which portions were not consistent with it, or, if they felt it was consistent, any other reasons why they would not recommend the rezoning. Mr. Clark said it's helpful for the Board of Commissioners to understand the Planning Board's thinking, which would certainly be reflected in the actions they took that evening as well as the minutes of the meeting, including the staff reports and the comments they would hear from the public. He reiterated that tonight was an opportunity for the Planning Board to make that recommendation. Chairman Hurt questioned whether the applicants had met all the requirements of the comprehensive plan and both Ms. Klinger and Mr. Clark responded that this was indeed the case. Mr. Clark added the site-specific

details of the concept plan were a separate matter that may be continued to be studied. Ultimately, if the rezoning is approved, those plans could move forward. Chairman Hurt asked what the opinion of the Planning Board was and whether they had a motion to approve or deny the rezoning. Mr. Tew said that he kept hearing the project referred to as rental property. In his experience, townhomes were ownership properties and he asked if that was true in this case. He said the proposed rental rates for this project exceeded that of a typical mortgage payment. Ms. Klinger replied that it was her understanding that they would be rental townhomes. Mr. Clark added that the project would also involve the recording of a plat that would enable the units to be sold individually or rented. For example, the County's tax mapping website showed the lots across the street as individually owned. He observed that any houses or townhomes could be rented and that it would be up to the owners of the development whether those lots were rented or owned individually. Mr. Tew thanked Mr. Clark for his feedback. Mr. Anderson asked if the motion they were making had anything to do with what was being built other than that they were recommending the zoning be allowed to change. Ms. Klinger responded that this was correct, adding that if the rezoning was approved by the Board of Commissioners, there would be additional meetings for the development agreement to approve the plan itself. Mr. Anderson thanked Ms. Klinger for the clarification.

Chairman Hurt again asked for a motion from the Planning Board. Member Anderson made the following motion, which was seconded by Member Tew and unanimously carried:

MOTION: To accept the planning staff report and recommend the Board of Commissioners approve the requested rezoning of the applicant's property from SFR-3 to MU-1 because: (1) the zoning map amendment is harmonious with the surrounding zoning in the area and (2) the proposed amendment is consistent with several of the goals of the Town Plan 2040 – Comprehensive Land Use Plan, among them "Plan for Growth".

Chairman Hurt turned everyone's attention to the next item on the Agenda, a continued discussion of Youngsville Development Ordinance Sections 9.2-2(A)(6) and 9.3-2(A)(5), mass grading and crawlspace construction techniques. Ms. Klinger mentioned that, in her research, she had difficulty finding other jurisdictions whose ordinances addressed the issues in question. She disclosed that the draft text amendments included in the Planning Board's packet were borrowed directly from Apex's ordinance, which she knew had been mentioned in their previous discussions, with additional language included from Knightdale's. The amendments would allow mass grading only under certain conditions and would permit slab foundations only if they were turn-down slabs as had been discussed previously. Applicants would now also be required to submit a land disturbing and erosion control plan that would lay out how stormwater would be handled on site, the existing and proposed grades, any required erosion control measures, the limits of disturbance, offsite drainage, and any stockpile areas. Grading would also be allowed to be staged. Ms. Klinger explained all the provisions she just mentioned would apply to single-family housing, duplexes, and townhomes. She informed the Planning Board that they were welcome to vote on the draft amendments that evening, but that she thought they would rather discuss what she had drafted first and see if there was any language they would like her to change.

Member Tew told Ms. Klinger he appreciated her putting the draft amendments together for the Board and said he thought it was best not to put them to a vote that evening. He asked her to

clarify the difference between Sections 2.14(A) and 2.14(B), the difference between mass grading and staged grading. He said it appeared that all the subpoints were the same except that section 2.14(A) also had number 7 and 8 subsections, which required additional landscaping and tree save areas. Mr. Tew wanted to confirm what the distinction was between the two outside of the two bullet points he mentioned. Ms. Klinger expressed that that was a good question and she was not quite sure of the difference. She added that she was in a bit of a rush putting together the packet during the short Thanksgiving week, and thanked Mr. Tew for pointing it out, adding that one of the reasons they were having this discussion was to receive feedback so they could fine-tune the draft. Mr. Tew responded that this was understandable. He then brought up the provision in Article 9 that read "No slab on grade foundations are permitted. Foundations around the principle structure shall be fully enclosed." He asked if that verbiage exclude crawlspace construction from being acceptable, as he did not believe that to be the Board's intent. Ms. Klinger answered that the wording did not specifically disallow crawlspace construction, but that she could add language to Mr. Tew's point stating that crawlspaces are still permissible. Lastly, Mr. Tew recalled that someone at their last meeting had said that maybe a threshold for allowing mass grading could be a function of the lot density. He asked if Apex or Knightdale had any provisions in their codes that would tie mass grading to lot density or zoning threshold. Ms. Klinger responded that they did not. The only portion she saw that addressed that issue was the part that said mass grading cannot exceed twenty acres per stage. She added that all of Article 2 that was newly drafted came directly from Apex's code. Mr. Tew said he brought that up for consideration because some of the subdivisions in Youngsville have Franklin County water but not sewer, meaning they have septic systems, which automatically called for larger lots. Therefore, the concept of crawlspace construction becomes more valuable with larger lots as opposed to smaller ones.

Ms. Klinger told Mr. Tew she appreciated his feedback. Mr. Tew remembered that Mr. Clark previously mentioned that the crawlspace requirement was intended for the downtown district and asked if that was still something the town wanted to preserve. Mr. Clark said that requirement was not included in the ordinance specifically for that district, but that it would have been a primary consideration for infill development on vacant lots. The thought was there was already established grades and topography in the area around the downtown. He thought the other consideration was that there was some concern about the potential for mass grading to overwhelm the capability of the various systems that handle drainage. He thought the draft did address some of those issues. He also said that at the time the ordinance was originally drafted, the town did not yet have much experience with large-scale developers and the thought was to try to replicate some of the existing housing patterns in the area. He recalled there was not a cost-benefit or financial impact assessment done in terms of the effect these provisions might have on the price of housing. He mentioned the town did have some issues with slab construction in a few locations where yard flooding was problematic but that that was not the case everywhere.

Chairman Hurt asked if there were any more comments from the Planning Board. He inquired as to whether they wanted to table the discussion on the Youngsville Development Ordinance requirements for mass grading and crawlspaces. Ms. Klinger acknowledged that that was the general consensus. She added she would revise the draft to accommodate the comments she had heard from the Board that evening and then would bring the draft back before the Board for a vote at January's meeting. Mr. Clark told the Planning Board to make sure they took a look at the exemptions included in the draft, which would allow for single-family residential grading as well

as traditional neighborhood developments. He added that he was not sure if that language was specifically in the ordinance but explained that traditional neighborhood developments typically had more raised foundations. Mr. Tew asked Mr. Clark to elaborate on what a TND was. Mr. Clark gave the example of Seaside, Florida, a styled development where the homes are typically closer to the street and sidewalks were often found on both sides of a street. There oftentimes will be an alley or a common area to the rear of the homes and garages are usually set back substantially more. He added that NCDOT had recognized traditional neighborhood developments for their planning purposes as well, allowing somewhat narrower streets that would slow down traffic. Ms. Klinger informed Mr. Tew that there was more information in the latter part of Article 8 of the YDO that spoke to what exactly a TND would look like.

Chairman Hurt asked if there were any more comments. Mr. Clark asked if the Planning Board's intention was to table the discussion or to continue the matter to the next meeting. Chairman Hurt asked if this would need a motion. Mr. Clark responded that that would be the case either way. Ms. Klinger replied that the board did wish to continue the discussion at their next meeting. Chairman Hurt said they would use that verbiage to continue the discussion at the next meeting and Mr. Clark again said this would need a motion. Without further discussion, the following motion was made by Member Tew, seconded by Member Martin, and unanimously carried:

MOTION: To continue the investigation of Youngsville Development Ordinance Sections 9.2-2(A)(6) and 9.3-2(A)(5) and refine the draft.

Following the vote, Chairman Hurt solicited comments from the Planning Board. Mr. Tew asked if Member Rupert had to recuse himself on the vote four item four as he did not hear Mr. Rupert vote. Ms. Klinger confirmed that Mr. Rupert had voted and stated he did not have to recuse himself from the matter. When there were no other comments, Chairman Hurt asked for staff to provide the Around-the-Town report. Ms. Klinger said that, at a future meeting, they would have a rezoning petition and a development agreement for the apartment complex she mentioned earlier in the meeting. This complex would be located at the corner of Hicks and Cedar Creek Roads and would move forward pending approval of the annexation petition as the parcel was currently under county jurisdiction. She added it looked like the text amendments would be heard at January's meeting. She recalled that she had mentioned the Main Street project at last month's meeting and disclosed that unfortunately NCDOT had instructed the town to pull the advertisement for construction due to changes in the project scope. The town hoped the construction bid phase would be back underway by late winter or early spring. She also mentioned she would be having knee surgery the following week and would be away from her email and phone from the 10th through the 15th and would be working remotely for several weeks after that. Finally, she added that she hoped everyone had a great holiday season. Ms. Klinger asked Mr. Clark if he wanted to add anything. He said Ms. Klinger had been involved in most of the development activities and mentioned the Board would be hearing more later about the Northeast Area Study, emphasizing that traffic was one of the key considerations of this study.

Chairman Hurt thanked the Planning Board for listening to everyone's opinions that evening and hoped that everybody was staying safe. He wished everyone a merry Christmas and adjourned the meeting at 7:49 pm.