

TOWN OF FUQUAY-VARINA  
PLANNING BOARD REGULAR MEETING  
May 16, 2022

CALL TO ORDER

*Chair Andy Petty* called the regular meeting of the Fuquay-Varina Planning Board to order on May 16, 2022, at 6:00 p.m. Attendees were participating both virtually and in person.

Board Members Physically Present: Andy Petty (Chairman)

Ed Ridpath  
Jay Adcock  
Barbara Marchioni  
Katherine Townsend  
Michelle Peele  
Alex Rickard

Board Member(s) Absent: Jim Chandler

Other Virtually Present: Assistant Town Manager Jim Seymour

Others Physically Present: Planning Director Pam Davison  
Town Attorney James Adcock  
Clerk Eva Mayfield  
IT Director Scott Clark  
Assistant Director Melissa Sigmund  
Senior Planner Allyssa Holman  
Senior Planner Josh Jurius  
Planner Slater Knox  
Planner Allison Wylie  
Planner Jessica Crenshaw  
Planner Grant Vestal

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PLEDGE OF ALLEGIANCE

*Chair Andy Petty* led the Pledge of Allegiance.

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HYBRID MEETING INSTRUCTIONS

*Planning Director Pam Davison* read aloud the hybrid meeting protocol and instructions for public participation. She announced that attendees would be able to comment both in person and virtually via the zoom virtual meeting platform. Anyone wishing to participate in the meeting virtually would need to either join using the Zoom media application or call the Zoom meeting with the provided list of phone numbers on the Town's website.

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APPROVAL OF THE MINUTES

**Agenda Item No. 2. A: – Approval of the Minutes from the April 18, 2022, Planning Board Meeting.**

Purpose - The purpose of this agenda item is to consider approval of the minutes from the Planning Board meeting on April 18, 2022.

*Chair Andy Petty* asked if everyone had a chance to review the minutes from the April 18, 2022, Planning Board meeting and asked if there were any corrections requested.

Motion – Approve the minutes from the April 18, 2022, meeting of the Planning Board as corrected and recommended.

MOTION: Jay Adcock  
SECOND: Alex Rickard  
MOTION RESULT: Minutes Approved Unanimously 7-0

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ITEMS TABLED FROM PREVIOUS MEETINGS

**Agenda Item No. 3. A: 2040 Community Vision Land Use Plan - Town of Fuquay-Varina - CTA-2022-03**

Purpose - The purpose of this agenda item is to consider a proposed amendment to the 2035 Community Vision Land Use Plan that addresses several areas for improvement.

Staff Comments – Assistant Planning Director Melissa Sigmund entered the agenda abstract and supporting documents for this agenda item into the official record of the Town.

Recommendation – Recommend approval of CTA-2022-03, an amendment to the 2035 Community Vision Land Use Plan, (renamed 2040 Community Vision Land Use Plan) as presented and recommended by Town staff. The amendment improves upon the Land Use Plan and is reasonable and in the best interest of the public for the reasons identified by staff.

Public Hearing - The public hearing was opened

There were no speakers in favor.

Johnathan Bassi, Trademark Properties, 323 Anterbury Drive, Apex - spoke in opposition on behalf of a property owner that has owned a farm for over 100 years, located on the corner of Highway 42 and Old Stage Road. He explained that the parcel of land sits in proximity to 540 and Bluff County Park which is a \$17 million Park approved for construction this year. He explained that the current plan downgrades the property to Rural Residential, unless it was changed, as Staff said it would be, before this meeting.

Mr. Bassi explained that he had done some research on where sewer lines are in relation to the parcel and believes that the property is not far from being developed. He advised that the parcel of land is currently in the Urban Service Area (USA) of Wake County and being in the USA allows the property to be developed in Wake County or Fuquay-Varina. He felt the Town would benefit from the current land use designation of Mixed Density Residential over the proposed future designation of Rural Residential because it will not encourage anyone to develop into the Town. Mr. Bassi then asked if it can be confirmed if the property was still Rural Residential? Or was it changed?

*Chair Andy Petty* responded to Mr. Bassi by explaining that this is not a time for questions and also, that this was not a time to get into specific properties, but the Board is able to take feedback and relay it to the Town Board.

Mr. Bassi then requested that the Planning Board request that the Town Staff go back and look at some of these specific properties because this plan will go to 2040 and will guide what gets developed. Mr. Bassi stated he was involved in the property across from Wake Technical Community College, off of Highway 401, which was a similar situation where future land use called for a certain density or certain type of use. He explained that it is important that properties located in the ETJ, and the USA are looked at closely. Mr. Bassi closed by stating that his recommendation would be to look at this more and make sure the land use is appropriate for these properties.

Neil Motorparthy, 105 Capitol Drive, Goldsboro, stated that he was the contracted buyer for the property that Johnathan Bassi spoke about. Mr. Motorparthy stated that he wanted to echo Mr. Bassi's sentiments. He stated that he felt it does not make sense for this property to be downzoned [*Clerk's note: the zoning of the property will not be affected by this amendment*].

Paul Quinn, 4737 Shady Greens Drive, Fuquay-Varina, explained that he works for a regional home builder. Mr. Quinn advised that as he went through the 2035 Community Vision Land Use Plan, he was shocked that he did not see any mention of affordability, except in a historic context. Mr. Quinn stated that regulations are being added that will add cost to every building that is built. He advised that the proposal is not considering who houses are being built for and who is going to be able to afford those houses. Mr. Quinn stated that residents in the community like Police Officers, Firemen, Nurses, and Teachers are not going to be able to afford the dozens of additional regulations as presented in the LUP update.

The Public Hearing was closed with no other speakers in opposition or in favor.

*Chairman Petty* stated that it would be helpful to for the Board to talk through some of the points made by the public without getting into specific properties.

*Mr. Petty* stated that it is important to look at the map that is being presented and have Staff explain the rationale behind the designation of the property as Rural Residential versus Single-Family Neighborhood and how it correlates to the USA jurisdiction. *Mr. Petty* stated that he is aware that we have long-term USA and short-term USA jurisdictions and would like to hear how that correlated.

*Planning Director Pam Davison* responded to *Mr. Petty* in reference to those specific properties on Old Stage Road, that they had been changed from Rural Residential to Single-Family Neighborhood, per public outreach feedback. Since the April Planning Board, staff made some revisions to the map as a result of public feedback that had been received.

*Mr. Petty* stated that it does look like the map clusters the Rural Residential on the outsides of the Town's jurisdiction. He stated that Single-Family Neighborhood gives people some options, if they want to extend the utilities, they can, however, if they can't, then they have the option to go with the Rural Residential designation, where they can have 20,000 square foot lots, in order to be compatible with our neighbors in Wake County and the Willow Spring area.

*Mrs. Davison* stated that the Land Use Plan and the priority map area is based on current knowledge. She explained that this is a living document, and if utilities are extended, and development moves out, as it is happening south on Purfoy Road and Highway 55, there may be an opportunity to justify an amendment to the Land Use Plan, or even potentially an update to the plan in the future.

*Mr. Petty* asked Town Staff to discuss why the Land Use Plan Amendment is needed.

*Mrs. Davison* responded to *Mr. Petty* that the updated Land Use Plan did not necessarily add more regulations, but it added more clarification. There were a lot of vague statements that were up for interpretation, both by the development community and staff. However, in this Land Use Plan, through additional language and bullet points, a lot more information about what development should look like and what the Town is looking for have been added, which will guide development in the future. *Mrs. Davison* stated that in addition, the update added quite a few more development options, which can be applied towards affordable housing. She explained that the Town has opened up the mixed residential neighborhood and the Town is encouraging generational developments, something that people could live at from first time home buyers and renters up through grandmas and grandpas, in the same neighborhood. *Mrs. Davison* stated that the range of available building typology speaks to a lot of different housing choices. She closed by stating that the Town is hoping that this vision and the expanded use types will create more housing opportunities.

*Board Member Ed Ridpath* asked *Mrs. Davison* regarding the mapping of the existing map versus the new map, he wanted to know if there was a one-to-one correlation? *Mr. Ridpath* wanted to confirm his understanding of the process was that in general, the Town and Staff have clarified things on the Land Use Plan map. *Mr. Ridpath* also wanted to confirm that

this Land Use Plan update was not changing anyone's zoning. However, there are instances where the Land Use Plan designation may change for someone's parcel. If that were to happen and they are looking to develop their parcel, then they can still request a rezoning and, if required for that property, they can request a Land Use Plan Amendment as well.

*Mrs. Davison* responded to *Mr. Ridpath* that developed land was not changed as there was no reason to change it. She explained that Staff did do some shifting on both ends. There have been conflicts during rezonings between developers and established residential development in some of the Town's ETJ areas. *Mrs. Davison* stated that there was some adjustment to the designations in those areas so that new development will be a more appropriate neighbor based on the road systems, available utilities, and the character of that area. She then stated that the market analysis showed that the Town's balance of residential to non-residential uses is off, and with the surge in residential development, Staff felt that this was an opportune time to preserve and protect some of those areas that might be in the future, if not soon, prime commercial and non-residential development. *Mrs. Davison* explained that all the people moving into town need somewhere to shop, go to the doctor's and offices, etc. so some of those undeveloped areas that are at prime nodes and intersections, may now be preserved for nonresidential development in the future.

*Planning Board Member Alex Rickard* asked Staff if it had been determined how this proposed Land Use Plan change differs from what's currently adopted? He explained he was referring to the proposed Land Use map on page 29. He asked if it is possible to filter out everything but what is being changed?

*Mrs. Davison* stated that it is possible to filter the map, however, that is not something that Staff has available at this time for presentation. Staff has seen a map of only parcels proposed to be changed and has used it in their research. *Mrs. Davison* explained that Staff took what the consultant provided and requested the IT department create a map that highlighted what changed. She explained that Staff then went back and confirmed whether they agreed with the changes from the Consultant. Some of the changes Staff challenged the Consultant on, requesting that they justify why those changes were made.

*Mr. Rickard* asked *Mrs. Davison* if from that map, can it be determined how the profile of the Town will change? Are you able to see how much more multifamily capacity, commercial capacity, industrial capacity, and jobs are being added? How does this plan differ from what the Town currently has?

*Mrs. Davison* responded that there is a focus on adding more non-residential uses. She stated that because the Town is opening a lot of the residential areas to various residential uses it is hard to necessarily nail down numbers. However, the Land Use Plan speaks to creating a better balance between our non-residential uses and our residential uses.

*Mr. Rickard* stated that because there is a parcel-based system, it is possible to define how many acres fall into each of the categories.

*Mr. Petty* stated that it is difficult for Staff to quantify the difference between a single family versus a townhome. He explained that a given zoning district may have two (2) uses within it which would make it difficult to quantify by parcel. For example, you may have 40 acres, but how much of each use type is what poses the difficulty to determine that exact number.

*Mr. Rickard* stated that he is trying to get any information that can help the Board understand what the differences are between what is current and what has been updated.

*Mr. Petty* asked *Mr. Rickard* if what he was asking was how do we fix the ratio between residential and nonresidential?

*Mr. Rickard* answered yes, and that he also wanted to know what Staff is proposing. Has Staff done any analysis on how the new proposed plan with the new categories and maps impact transportation? Is there any modeling of how that looks?

*Assistant Planning Director Melissa Sigmund* stated that she would suggest that it is less a map-based consideration and more about the plan's requirements for the character areas in terms of connectivity and aspects of that nature. So regardless of what the designation is, the plan does outline ways that there should be connectivity. *Mrs. Sigmund* then asked *Mr. Rickard* if he was talking about the intensity of uses and where they're located as related to the transportation system?

*Mr. Alex Rickard* stated that Staff said there is a greater emphasis on non-residential in this plan. Where are those non-residential uses going? And does that differ from what's currently been studied for transportation? Because yes, putting in more jobs in other places, the traffic pattern will change. *Mr. Rickard* stated that he suspects it's a good thing, which is why he was asking.

*Mrs. Davison* stated that there are a couple of items that are still being fine-tuned between now and the Town Board meeting. While the latest updates have been done to the map, the Consultant is still working on the final build out numbers. They are in the Land Use Plan right now, but they will be upgraded one (1) more time before the Plan is taken before the Town Board. *Mrs. Davison* stated that the final build out ratios and goals are listed in the Land Use Plan for what the uses and different categories will be. *Mrs. Davison* stated that Staff cannot incorporate future plans like the Highway 55 extension and the 401 Bypass at this point, because decisions have not been made for those alignments. However, Staff did put in the existing the Fuquay-Varina Parkway, which lead to more commercial development nodes just like along US 401 corridor, Highway 55, and Purfoy Road. *Mrs. Davison* explained that looking at the plan, you can see identified pivotal points that will be important in the future for non-residential development like along Highway 55 where it intersects with the proposed Fuquay-Varina Parkway.

*Mr. Rickard* asked *Mrs. Davison* based on this new Land Use category, how many zoning districts will conflict with the new plan? He stated that Staff said they are changing the

Land Use Plan but are not changing the zoning. So how many zoning districts will conflict with this proposal?

*Mrs. Sigmund* asked *Mr. Rickard* if he meant individual properties where the zoning wouldn't match the land use designations?

*Mr. Rickard* clarified his question by providing an example. He stated when someone comes in and requests a rezoning. The rezoning cannot be approved because it conflicts with the Land Use Plan. That is when a Land Use Plan Amendment is requested along with the rezoning request. *Mr. Rickard* stated that right now the Land Use Plan is changing, and he wanted to know how many zoning districts would conflict with the updated Land Use Plan Proposal?

*Mrs. Sigmund* stated that the goal of the Land Use Plan is to have a long-term vision that may not match with the current zoning of the property. It may very well be the case that there is a difference because that is the long-term vision versus the current status, which would be an expected condition.

*Mr. Petty* stated that one of the problems with the existing Land Use Plan is it was difficult to look at a zoning district and correlate it to the Land Use Plan. He then stated to *Mr. Rickard* that if the current zoning doesn't match what the Land Use Plan shows currently, when a rezoning request comes in the updated Land Use Plan is eliminating the need to do a Land Use Plan Amendment, which is what has been occurring on many cases that have come through. He then stated that when reviewing and considering this update, the Board members should ask themselves if this update corrects that issue.

*Mrs. Davison* responded to *Mr. Petty's* question regarding whether the Land Use Plan update will fix the issue of constant Land Use amendments. *Mrs. Davison* stated that hopefully this amendment can guide development to the vision that the Town wants it to be and by clearly showing staff and development community what the goal is and what it looks like, more future development will be harmonious with the vision.

*Mr. Ridpath* asked if someone wanted to do a development, the current zoning would be what should be amended and not the Land Use Plan?

*Mr. Petty* stated that what has been happening is that people are customizing their own zonings and Land Use Plan classifications according to what they want to do. Which is not the correct procedure.

*Mr. Ridpath* stated that with this update the Planning Board and the Town Board are making a commitment, more so than what has been done in the past, to use the Land Use Plan as a guide, and it should be unusual to change the Land Use Plan versus changing the zoning.

*Mr. Rickard* stated that is partly why he is confused. He provided an example of where US 401, Highway 55, and Highway 42 are, there was an industrial property that was recently rezoned.

*Mr. Petty* if that property was located on the corner with the old sports complex?

*Mr. Rickard* confirmed that was the location.

*Mr. Petty* stated that is the project that was zoned Research Light Industrial, and the Board approved it to be Corridor Commercial zoning district.

*Mr. Rickard* confirmed that was correct, but stated his confusion was that this Land Use Plan update indicated it should be Industrial.

*Mrs. Davison* stated that the previous permitted use table amendment addressed a conflict of permitted uses in the industrial districts. In that specific case, uses were allowed that were not appropriate for industrial spaces and Amendment 16, which was approved by the Town Board on June 2nd, cleaned up those uses. She stated that hopefully, we will no longer have those odd uses merged in where they don't belong and now there's a much cleaner organization of what uses belong in what zoning district. *Mrs. Davison* stated that was a specific situation where indoor recreation was allowed in the industrial zoning district, but a place of worship was not.

*Mr. Rickard* asked if in that situation would a rezoning even need to take place?

*Mrs. Davison* responded by stating that in this case indoor recreation should never have been allowed in the industrial use to begin with.

*Mr. Rickard* asked what would the request be today in the case of the church?

*Mrs. Davison* responded to take another step back from that and ask, was indoor recreation something that should have been permitted years before the church request even came in as an industrial use.

*Mr. Petty* stated that he believes that the Board just disagreed with the limited restriction of uses. He explained that they might have had the Land Use Plan designated as light industrial, but in some cases, we were still allowing commercial uses. He stated that there were multiple options of what zoning district certain uses were allowed. He explained because at that time there was not this proposed typology table that laid things out clearly. He stated that there are two (2) zoning districts that were applicable in that Land Use designation. He then explained that Staff was not able to go through every single individual property in the town, which is why we may have some that come through that don't make sense. He further explained that looking at something that is this global would take a very long time to go through each and every individual property as opposed to addressing those occasional one-off properties that do not make sense. He stated that the Board has to consider that the Consultant and Staff have done their due diligence in looking at this



globally so that the Board can agree on the majority of the updated Land Use Plan map. He closed by stating that we also don't want to get into approving a Land Use Plan Amendment with every rezoning, which would defeat the whole purpose of the update.

*Mr. Rickard* agreed with *Mr. Petty*.

*Mr. Petty* added that you can see on the map where the clusters of things are more natural. He explained that looking at the map you can see where commercial and nonresidential areas are along the highway district. This plays into the next agenda item where we have the Highway Corridor Overlay Zoning District map, but that's not part of the Land Use Plan, which can be a little confusing.

*Planning Board Member Michelle Peele* stated in the past when looking at a crosswalk, we would see dots all over the place and now everything is consolidated.

*Mr. Petty* asked *Mr. Rickard* if that helped answer his questions?

*Mr. Rickard* responded yes. He then stated that he doesn't remember all the details about the case he brought up as an example earlier.

*Mrs. Davison* explained that that case was not a Land Use Plan Amendment. That was just a rezoning. She explained as *Mr. Petty* mentioned there was a much broader range of uses different land use categories. She explained that at that point, it was determined that the General Commercial zoning district was appropriate in the Light Industrial land use classification.

*Mr. Rickard* thanked *Mrs. Davison* for explaining and that it now made sense. He explained that he was confused initially thinking it was zoned industrial and it was approved to be rezoned and now it is changing back to industrial.

*Mrs. Davison* stated the Land Use Plan was never modified.

*Mrs. Peele* asked how does the transportation plan correlate with this plan? Are we expecting changes now to our transportation plan to support these new uses?

*Mrs. Davison* responded yes, and it is in the Planning budget to do a CTP update this summer. She stated that they are also hoping that the NC Highway 55 extension and the US 401 corridor study will be completed and can be integrated into an updated CTP.

*Mr. Ridpath* stated that five (5) years ago the Town did the original 2035 plan, and the LDO, Transportation Plan, and the Pedestrian Plan beforehand. He explained with that being the first time doing those plans there was a lot of community outreach and community comments received. However now with these updates and with COVID that has probably impacted the amount of outreach that the Town would have liked to do. He stated that moving forward with these types of updates and plans he would like to see more opportunities taken for community outreach and community input than there were for this

update. He stated that he doesn't feel that there was enough community outreach and allowance for public input as we have done in the past for these types of changes and updates. He stated that we did use social media platforms like Twitter and Facebook, however, platforms like LinkedIn were not utilized, and a lot of commercial businesses follow the Town of Fuquay-Varina. He stated that he thinks that staff should reach out to businesses that are impacted by these changes.

*Mr. Petty* asked the Board Members if they had a chance to look at the public comments that were received for this update. In looking at the comments, he noticed a lot of comments about tennis courts and things that were off topic. He stated that sometimes we have to balance things out. He explained that public comments are the reason this update is happening - the Public made comments about roads being congested and a lot of high-density development and demanded something should be done. He then asked *Mrs. Davison* if she would like to speak on the matter.

*Mrs. Davison* stated it is important to realize that when the Consultant was brought on board, Staff communicated to them the values and some of the important changes Staff thought were necessary based on Town Board feedback, resident feedback, builder feedback, and developer feedback. She stated that was all taken into consideration at the beginning of the process and rolled into the resulting update.

*Mr. Petty* stated that the Land Use Plan update is great as a document as a whole. He explained that this is a good starting point since there were lots of things that were identified that were not identified before and that will generate positive changes. He then commented on what a great job Staff did putting the Land Use Plan update together and making it cohesive and now the LUP and the LDO talk to each other.

*Mr. Petty* had a question regarding the Residential Medium Density (RMD) for projects less than five (5) acres. What if the project is between five (5) and 10 acres? Because a PUD is a minimum of 10 acres, so if you're in that five (5) to 10 acres, are you stuck doing a conventional subdivision? *Mr. Petty* stated that there may be some folks that may have eight (8) or nine (9) acres with a bunch of wetlands on it, or a bunch of streams or a bunch of unusable soils. He explained that those situations may require an amendment to help with those types of situations as well as those that have properties with infill type situations.

*Mrs. Davison* stated that those are situations that Staff can fine tune through the LDO, not the LUP update.

*Mr. Petty* stated that the two (2) have to talk to each other. He explained that the update having changes of this magnitude it is difficult to get it perfected all the way down to detailed specifics. *Mr. Petty* stated that this is a situation where we all have to be open to identifying what is working and what is not working.

*Mr. Ridpath* made a statement regarding affordable housing in Fuquay-Varina. He stated that at one time, Fuquay-Varina was known as the affordable place to live in Wake County,

however, housing prices in Fuquay-Varina are becoming more and more unaffordable. He stated that it may be too late for it to be included in this Land Use Plan Update, but he mentioned that he would like to see either a stand-alone affordable housing plan or the next update should include a specific section that addresses the affordable housing plan directly.

*Mr. Ridpath* continued that it is important to have some sort of plan that will address what the Town of Fuquay-Varina's plan is for affordable housing because there is not a lot of affordable housing available at this time.

*Mrs. Davison* stated that Staff is working on that independent of this update. She also stated that Staff is also talking to Wake County and some of our neighboring communities to learn and share ideas for solutions.

*Mr. Ridpath* stated that it would be interesting to see a plan like that come to the Planning Board and the Town Board.

*Mr. Petty* stated that there could be some things done in the LDO to incentivize some economy housing within a development that incentivizes a developer to allocate some areas for affordable housing.

Motion – Recommend approval of CTA-2022-03, an amendment to the 2035 Community Vision Land Use Plan, (renamed 2040 Community Vision Land Use Plan) as presented and recommended by Town staff. The amendment improves upon the Land Use Plan and is reasonable and in the best interest of the public for the reasons identified by staff.

MOTION: Ed Ridpath  
SECOND: Barbara Marchioni  
MOTION RESULTS: Motion Passed 7-0

**Agenda Item No. 3. B:** Land Development Ordinance Amendment - 2040 Community Vision Land Use Plan - Town of Fuquay-Varina - CTA-2022-04 Amendment #19.

Purpose - The purpose of this agenda item is to consider a proposed amendment to the Land Development Ordinance that addresses several areas for improvement.

Staff Comments – Planning Director Pam Davison entered the agenda abstract and supporting documents for this agenda item into the official record of the Town.

Recommendation – Recommend approval of CTA-2022-04, an amendment to the Land Development Ordinance, as it is reasonable and in the best interest of the public for the reasons identified by staff.

*Planning Director Pam Davison* addressed some developer concerns in the Home Builders Association after entering the agenda abstract and supporting documents into the official record of the Town.

*Mrs. Davison* stated that the Staff adjusted some of the standards the HBA communicated were problematic from a building perspective. She stated that Staff continues to encourage builders to deemphasize front loaded garages but there are no restrictions other than the ones that were already in the form-based district. The open space requirements for 25% open space have been incorporated into the Planned Unit Development process now. Rezoning will be coming forward with a master plan, just as form-based and PUDs come to the rezoning process with a master plan. *Mrs. Davison* stated that the bonus for the development community is once they have the Town Board approval of a master plan, unless there are any amendments or changes to that master plan, the preliminary plans and construction documents may be approved administratively without any additional Town Board approvals.

*Mrs. Davison* stated that currently there are three (3) different types of open space developments: 10%, 18%, and 25%. The 10% and 18% are underutilized and most of the proposals have substantial environmental features. The benefit of the 25% open space and the smaller lot sizes are a more flexible development. She explained that as part of the whole simplification process, staff questioned the need for three (3) separate percentages.

*Mr. Petty* stated once a master plan is approved by the Town Board, it does not then go back to Town Board once the preliminary subdivision plan is approved unless there is a change. He then asked *Mrs. Davison* how do you deal with flood hazard soils in the floodplain? He explained his question further, by stating that if you have flood hazard soils, typically a flood study is not done until CD level, not at the master plan level. He asked does that now mean that it needs to be done at the master plan level or do you choose to put lots on flood hazard soils, hoping that your floodplain is going to be shrunk when you do your flood study? Then you would have to go back and do an amendment because your master plan shows flood hazard soils? *Mr. Petty* clarified his question by asking if the developers are going to have to sink more money in at the master plan level or will there be a more defined list of what necessitates that kind of change?

*Mrs. Davison* responded to *Mr. Petty's* question that the LDO updates made as part of Chapter 160D last year gave very clear language for both master plans and preliminary subdivisions as to what constitutes a major and a minor change. She stated that those elements are the amount of open space, the number of lots, and the minimum lot size, the road configuration, and the average lot size. As long as revisions don't significantly alter these five (5) specific items, there will be the opportunity for administrative approvals and developers will not have to go back to the Town Board for approval.

#### Public Hearing

The public hearing was opened and closed with no speakers in favor of or in opposition to the petition.

*Chair Andy Petty* asked if the Board had any questions or a motion.

*Mr. Petty* stated that he is not sure how a townhome development or a zero-lot line development would be constructed under this amendment. How can someone do a townhome only development if they are not zoned RHD and did not have any conditions?

*Mrs. Davison* stated that the Land Use Plan speaks to the RHD zoning district, both townhouse and multifamily developments being more of a small-scale infill development. If a developer wishes to do a larger development, it could be incorporated in either the form-based development, which would be a portion of the residential component in that form-based development, or as a PUD. It could be one (1) of the two (2) housing types.

*Mr. Petty* asked could it be a townhouse-only development?

*Mrs. Davison* responded to *Mr. Petty* no, and that the key element here is a variety of housing types. She explained that the Town would like to see a blend of that generational housing, and a variety of housing types being offered.

*Mr. Petty* asked if the intention was to eventually do away with the standalone townhouse development?

*Mrs. Davison* responded to *Mr. Petty* no. The Land Use Plan speaks to creating transitions to existing developments which are often made up of single-family detached homes. A potential development would ideally have a core of open space with townhouses or smaller lots around the core and then single-family detached homes on the ring serving as a transition to the existing neighborhoods.

*Mr. Petty* asked how that would be different from a PUD?

*Mrs. Davison* stated that it would be a PUD.

*Mr. Petty* stated that when he read the townhouse development portion, he understood it to mean that it is only townhomes, meaning there are no other uses permitted. So, what is the difference between a townhome development and a PUD?

*Mrs. Davison* stated that mixed residential developments, which are not conventional subdivisions, will be a PUD.

*Mr. Petty* stated this may add some complexity because, when reading the townhome development section, it has a different open space requirement than what the PUD section requires.

*Mrs. Davison* stated that is only if it's being developed as a freestanding or RHD townhome development.

*Mr. Petty* asked if that was the only way you could do that is in that zoning?

*Mrs. Davison* stated that multifamily and townhomes can both be integrated with both the form-based development and the PUD. However, they would then follow the PUD standards. She stated that the only time the RHD multifamily would be applicable is when it's an isolated townhome or apartment development.

*Mr. Petty* stated that he couldn't find where you could do a townhome development or a zero-lot line unless it was already zoned RHD. He stated that he did not think that there were too many areas that were automatically zoned RHD from what he could see or tell. *Mr. Petty* then stated regarding the point of open space, he understood how Staff arrived at 25% for the PUD zoning district. He asked why are there different thresholds for zero lot lines and townhomes? Why are they 15% as opposed to 25%?

*Mrs. Davison* responded with that was what they were previously, and they haven't changed.

*Mr. Petty* stated is there is an advantage to one versus the other outside of the zoning?

*Mrs. Davison* stated that the 15% is considered primarily activated open space. In the PUD zoning district, the 25% includes primary, secondary and common green. She explained that the primary is going to be things like environmental features which are wetlands, steep slopes, and stream buffers. The secondary can be things like stormwater, and the amenity center. The common green area would be the activated open space, which would be things like the playground, cornhole, and open field. Townhomes are not required to provide separate delineation of those three different open space types. Instead, they are basically expected to concentrate the area as active open space.

*Mr. Petty* stated that the transition from the open space developments into the PUD where that common green percentage was 5% of the 25% total. If he did his math correctly and considered that the minimum for common green is 10,000 square feet. If you have a 20-acre tract, you would be doing 10,000 square feet, because it doesn't calculate correctly until you get to 20 acres when calculating 5% of 25%. He then asked *Mrs. Davison* to confirm his understanding of that.

*Mrs. Davison* stated that the minimum common green also has to be 75 feet wide, and 100 feet deep.

*Mr. Petty* stated that it only states a minimum of 10,000 square feet.

*Mrs. Davison* stated that the PUD open space standards are directly out of the open space subdivision requirements and are not new standards.

*Mr. Petty* stated that an open space development had your thresholds of the open space, and I thought that the common green was 20% of that. He then stated that this one looks like it's 5% of the 25%, is that correct?

*Mrs. Davison* clarified and stated that it was 5% of the entire development area.

*Mr. Petty* stated that he recommended that some of the clarity on that portion be worked out between now and the Town Board meeting.

*Mrs. Davison* stated that Staff specifically simplified that because a fraction of a fraction was confusing, so Staff will make sure that that language reads clearly. But the intent there was, is that is 5% of the whole for common green and 25% of the whole for total open space.

*Mr. Petty* stated does that mean that it is 30% then of what would be required in a PUD?

*Mrs. Davison* clarified stating that the common green can be part of your 25%. She explained that the 25% is going to include common green, primary, and secondary open space.

*Mr. Petty* asked if that meant that you have to have 5% of the whole property as the common green, then stated that he understood. He then stated that he still felt that some more clarity should be worked into the language to ensure that the math works out properly.

*Mrs. Davison* agreed and stated that people were confused by that wording as well. She explained that was one of the reasons why Staff worked on simplifying it. So that you don't have to do two (2) calculations. She explained you will have 25% of your whole and 5% of your whole but yes, that 5% can be inclusive of the 25%.

*Senior Planner Allyssa Holman* stated in response to *Mr. Petty's* question, that if somebody wanted to do an all-townhome development, they could rezone and do a LUP amendment, which would then go before the Planning Board and Town Board.

*Mrs. Davison* stated that we've talked tonight about the potential for future nonresidential development. That would be a key element if nonresidential development went in and there were some core shopping areas and other things. It might be logical to have higher density housing nearby, that would be justification in the future for a LUP amendment.

*Mr. Petty* stated that overall, there are some things that need some clarity. He stated for instance, where it references cottage home developments, it is not possible to do what that figure shows, based on the rules. He stated that the common green area is not big enough, it doesn't meet the thresholds and meet the dimensional requirements. He stated those are some of the things that should be clarified.

*Mr. Ridpath* stated that the old requirements are being recycled.

*Mr. Petty* stated that that seems to be the case on some things, however not on the newer requirements. He then stated that where it is required to be 75 feet, but the figure is showing 60 feet it can add to confusion. There was a mention of furniture along the roadway, and it just says at regular intervals, but he was not able to find what those

intervals are, so how does the developer go through and create a budget for a project? Does he put 15 benches in, or does he put in two (2) benches?

*Mr. Rickard* asked Staff if they could speak to the comment that was pointed out to maybe remind us why we are doing both the Land Use Plan and the Land Development Ordinance at the same time. How many developments and projects are being held up waiting for us to complete this?

*Mrs. Davison* stated that there are a handful of developers that are generously putting their projects on pause to wait for the results of this update. She explained that was one of the reasons that Staff felt that it was important to put them through together. She explained that Staff could approve the LUP, and that would give us this vision, but Staff still wouldn't have any tools in the toolbox to make it work. She stated that by putting them through together, Staff thinks there's a lot of consistency. She stated that people have been very patient when we ask them to take this pause and staff felt it was of the utmost importance to try to tighten that timeframe as much as we could so we can get things rolling again.

*Mr. Petty* stated that there have been some zoning cases that have come along since January and February, which have been put on pause this far and the Board owed it to the public to revise these maps to get them more in line and hear what they had to say. He stated that we also owed it to the people that are developing and creating housing to not hold them up, because of something that was outside of their control.

*Chair Andy Petty* asked the Board for a motion.

Motion – Recommend approval of CTA-2022-04, an amendment to the Land Development Ordinance, as it is reasonable and in the best interest of the public for the reasons identified by staff.

MOTION: Ed Ridpath  
SECOND: Jay Adcock  
MOTION RESULTS: Motion Passed 7-0

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PUBLIC HEARING

**Agenda Item No. 4. A:** Town Code Amendment - Town of Fuquay-Varina - Land Development Ordinance (LDO) Amendment #20 - National Flood Insurance Program (NFIP) Updates for Flood Damage Prevention Regulations - CTA-2022-05.

Purpose - The purpose of this agenda item is to consider a proposed amendment to the Land Development Ordinance that addresses several areas for improvement.

Staff Comments – *Senior Planner Allyssa Holman* entered the agenda abstract and supporting documents for this agenda item into the official record of the Town.



Recommendation – Recommend approval of CTA-2022-05, an amendment to the Town Code of Ordinances, Part 9 Land Development Ordinance, as presented and recommended by Town staff. The text amendment improves upon the Land Development Ordinance and is reasonable and in the best interest of the public for the reasons identified by staff.

*Planning Board Ed Ridpath* asked Staff what was the actual impact of this? He asked if this was just a matter of us making sure that the language is the same as what they are expecting or were there any material or substantive changes to our regulations or how we do things as a result of the requirements from the NFIP?

*Mrs. Holman* stated that the amendment updates the current flood damage regulations that currently exist and incorporates the new Flood Insurance Rate Maps (FIRM). The state of North Carolina was remapped and now it is Fuquay-Varina's turn for new FIRMs.

*Mr. Ridpath* stated that when he first reviewed the agenda item, he thought that the update was because of the new FEMA updates and now the Town has to do a bunch of new things or do things better than what was being done before the update in order to keep rating for Fuquay-Varina's citizens, but it sounds more like it is aligning with what the Town was already doing. *Mr. Ridpath* asked Staff if there was an impact on either somebody developing something new or if there was an impact on the existing homeowners and property owners out there?

*Mrs. Holman* responded with no, it was a lot of terminology and date changes. She stated that there were not any substantial changes.

*Mr. Ridpath* stated that there were already some FEMA changes, which seemed that things were already up to date in terms of what FEMA would normally require. He re-stated that this is only matching up the Insurance Institute for the new maps, it is mapping out the FEMA work that was already completed.

*Mrs. Davison* stated that the maps themselves are going to influence development and this is an update to coordinate that. She stated that it is the application of the maps.

*Mr. Ridpath* stated that he understood, and he felt this is not something that the Board could not necessarily approve.

*Mr. Petty* stated that FEMA regulations require the maps to be updated or changed. He explained that if you want to change or if you feel that something's done in error, there's a process to change that. He stated that FEMA had issued preliminary maps and now those preliminary maps are becoming effective.

*Mrs. Davison* agreed with *Mr. Petty's* explanation of *Mr. Ridpath's* questions and concerns about what the proposed update was.

*Mr. Petty* stated that he knows that there have been some issues with fire flow in the Town, which has impacted insurance rates and things. He stated as a result it is required to submit fire flow analysis at annexation. He asked if this changes anything for people's insurance rates or does it help?

*Mrs. Davison* responded that she was not sure about the effects on insurance rates. However, she knows that several developers are excited about the update because it will change the mapping in their developments.

*Mr. Petty* stated that some of the preliminary maps shrink and some grow. He stated that it just depends on where you are and where the stream is and what the tributary looks like to it.

*Mrs. Holman* stated that she believes that fire insurance rating is separate from flood insurance rating.

*Mr. Petty* stated that he was wondering from an insurance perspective.

*Mrs. Holman* stated that the Town is not a Community Rating System (CRS) community. She explained that CRS is a ranking system for different communities and the number of programs they have in place for their flood insurance rating. She explained that applies to mostly coastal communities that are subject to impact from coastal flooding.

*Mr. Petty* stated that this does not impact our existing residence unless, for instance, you sell a home and somebody buys the home, and that map changed. If the floodplain is updated, a homeowner may need to get flood insurance if it shows their home is now affected.

*Mrs. Holman* agreed and stated that it is an update to the map, and it would definitely help things.

*Mr. Ridpath* asked if this update would be incorporated into the Town's GIS system?

*Mrs. Holman* stated that this would get updated at the State level GIS system, but this is not available on the Town's GIS map.

*Mr. Petty* stated that he believes the Town's GIS map does have it available.

*Mrs. Holman* corrected her statement and confirmed that it is available on the Town's GIS map.

*Mr. Petty* asked if the Town will be required to match the update on the Town's GIS map?

*Mrs. Holman* confirmed that the Town's GIS map would reflect the update as well.

Public Hearing - The public hearing was opened and closed with no speakers in favor of or opposition to the petition.

*Chair Andy Petty* asked the Board for a motion.

Motion – Recommend approval of CTA-2022-05, an amendment to the Town Code of Ordinances, Part 9 Land Development Ordinance, as presented and recommended by Town staff. The text amendment improves upon the Land Development Ordinance and is reasonable and in the best interest of the public for the reasons identified by staff.

MOTION: Alex Rickard  
SECOND: Barbara Marchioni  
MOTION RESULTS: Motion Passed 7-0

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ADMINISTRATIVE REPORTS

**Agenda Item No. 6. A:** Planning Staff Report

Purpose – The purpose of this agenda item is to receive information on the disposition of the Planning Board's recommendations to the Town Board of Commissioners since the April 18, 2022, Planning Board meeting.

Recommendation – No Action Required – Receive as Information

*Planning Board Member Alex Rickard* asked if the Transportation Plan update was expected this summer?

*Planning Director Pam Davison* responded that it is in the budget starting July 1, and staff are hoping to incorporate the NC 55 extension and the US 401 plans as soon as they are available.

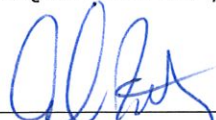
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ADJOURN

A motion was made to adjourn the meeting at 7:19 p.m.

MOTION: Barbara Marchioni  
SECOND: Jay Adcock  
MOTION RESULTS: Motion Passed Unanimously 7-0

FUQUAY-VARINA, NORTH CAROLINA



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Andy Petty, Chair

ATTEST:



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Eva Mayfield, Clerk