

TOWN OF FUQUAY-VARINA
PLANNING BOARD REGULAR MEETING
January 11, 2022

CALL TO ORDER

Chair Andy Petty called the regular meeting of the Fuquay-Varina Planning Board to order on January 11, 2022, at 6:00 p.m. Attendees were participating both virtually and in person.

Board Members Physically Present: Andy Petty (Chair)
Ed Ridpath
Jay Adcock
Barbara Marchioni
Jim Chandler
Katherine Townsend

Board Members Virtually Present: Michelle Peele

Board Member(s) Absent: Alex Rickard

Others Physically Present: Planning Director Pam Davison
Town Attorney James Adcock
Assistant Town Manager Jim Seymour
Clerk Eva Mayfield
Senior Planner Josh Jurius
IT Specialist Jason Miller

Others Virtually Present: IT Director Scott Clark
Assistant Director Melissa Sigmund
Senior Planner Allyssa Stafford
Planner Slater Knox
Planner Allison Wylie
Planner Jessica Crenshaw
Planner Grant Vestal

HYBRID MEETING INSTRUCTIONS

Planning Director Pam Davison read aloud the hybrid meeting protocol and instructions for public participation. She announced that attendees will 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 into the Zoom meeting with the provided list of phone numbers on the Town's website.

APPROVAL OF THE MINUTES

Agenda Item No. 2.A: – Approval of the Minutes from the December 20, 2021 Planning Board Meeting.

Purpose - The purpose of this agenda item is to consider approval of the minutes from the Planning Board meeting on December 20, 2021.

Chair Andy Petty asked if everyone had a chance to review the minutes from the December 20, 2021, Planning Board meeting and asked if there were any corrections requested.

Planning Board Member Barbara Marchioni requested two (2) corrections to the minutes:

1. Under Agenda Item 4.B. CTA-2021-05 where she asked *Planner Allyssa Holman* to elaborate on Section 4 Article K concerning churches be added to the minutes; and
2. Under Agenda Item 4.B. CTA-2021-05 she requested to add the portion of the meeting where Assistant Town Manager Jim Seymour made a statement on how Staff and *Mr. Seymour* worked together on Land Development Ordinance (LDO) Amendment #16 and requested to also note how he thanked *Planning Director Pam Davison* and *Senior Planner Allyssa Stafford* for their hard work.

Planning Director Pam Davison explained that *Assistant Town Manager Jim Seymour* provided a summary of the Land Use Plan update. However, the Clerk would go back and look at the recording to verify that his portion was entered into the minutes.

Motion – Approve the minutes from the November 15, 2021, meeting of the Planning Board as corrected and recommended.

MOTION: Barbara Marchioni
SECOND: Jay Adcock
MOTION RESULT: Minutes Approved Unanimously 7-0

Motion – Motion was made to recuse Jim Chandler from discussion and actions for 8537 Lake Wheeler Road – REZ-2021-10

MOTION: Barbara Marchioni
SECOND: Ed Ridpath
MOTION RESULT: Motion Passed Unanimously 6-0

ITEMS TABLED FROM PREVIOUS MEETINGS

Agenda Item No. 3.A: Zoning Map Amendment & Land Use Plan Amendment - Gray Methven, Wakefield Development - 8537 Lake Wheeler Road - Portion of PIN 0689455964 - REZ-2021-10.

Purpose - The purpose of this agenda item is to consider a requested zoning map amendment for a total of 35.49 acres, located at a portion of Lake Wheeler Road, from the Residential Agricultural (RA) Zoning District to the Planned Unit Development (PUD) Zoning District and the corresponding Land Use Plan amendment from Mixed Use Neighborhood (MUN) to Mixed-Density Residential (MDR).

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 denial of REZ-2021-10, a zoning map amendment at a portion of 8537 Lake Wheeler Road, from the Residential Agricultural (RA) Zoning District to the Planned Unit Development (PUD) Zoning District and the corresponding Land Use Plan amendment from Mixed Use Neighborhood (MUN) to Mixed-Density Residential (MDR), as it is not reasonable or in the best interest of the public for reasons identified by staff.

There were no questions from the Planning Board.

Public Hearing - The public hearing was opened for speakers in favor of the petition.

John Adcock, Adcock Law Firm, 202 East Academy Street - spoke in favor on behalf of the applicant. He explained that in this rezoning and Land Use Plan amendment case, he wanted to provide the Planning Board a packet of documents that he would like to go over with them. He stated that Gray Methven & Matthew Danielson with Wakefield Development, and Kelly Race with BGE Engineering were his clients and with him in the audience. Mr. Adcock stated that the packet he provided was broken down into several parts and the first page was a timeline of the process of the rezoning and Land Use Plan amendment case. The next page was a letter dated November 5th, 2021, which represented the first round of responses to comments from the Town Staff. He stated there was also a document dated December 3, 2021, which is the response of the Petitioner to the second round of comments from Town Staff. He explained that there was also a printed GIS Map and advised that towards the back of the packet there was a printed version of the Land Use Plan map for the members' review. Mr. Adcock stated this process started in April of 2021 and that his client has a contract with the property owner with timelines that are critical and very difficult to amend. He indicated that *Planning Director Pam Davison* and her staff are responsive and do a very good job.

He stated that on the second page of the document packet there is a document from Planning Department staff dated December 6, 2021, that stated the project had staff support. Then on December 10, 2021, the recommendation was changed to denial. He explained to his and his client's knowledge there was no change in conditions or anything that they were made aware of that occurred in those three (3) or four (4) day period that would cause the change in recommendation.

Mr. Adcock continued that under state law, local governments cannot require architectural standards for one (1) and two (2) family dwellings. He stated that his clients have been negotiating conditions with staff for the past 7-9 months. He advised that both he and his client agree that there's the need for a vision to the Land Use Plan and understand the need

for the update. Mr. Adcock stated that he did not understand how the petitioner can get so deep in the process with the Town and then have the recommendation change completely in a matter of days. Mr. Adcock made the statement that his clients were only proposing residential uses and not a mixed that include both residential and non-residential.

Mr. Adcock stated that the Land Use Plan was adopted in June of 2017, and in July of 2017 there were 2216 new listings in the Triangle MLS, and in November of 2021 there were 1530 new listings. The average sales price of a home in July 2017 according to Triangle MLS was approximately \$327,000 and this past November it was \$477,000. Additionally, the days-on-market in July of 2017 was 33 days and as of November of 2021 days-on-market for new single-family homes is 10 days. The inventory of homes on the market in July of 2017 was 3830, in November of 2021 it was 1,005 and the months of supply of single-family residences according to Triangle MLS in this market in July of 2017 was 2.2 months. In November of 2021 it was half a month. Mr. Adcock stated this is a changing situation and that the housing market has a huge demand and low inventory. He advised that these are the variables that need to be considered when reviewing this matter regarding the required commercial component.

Mr. Adcock stated that we are still in the middle of a global pandemic where everyone is working remotely, and we also have the evolution of e-commerce, and the construction of I-540. Mr. Adcock indicated the Land Use Plan map and stated that there is no interchange at the intersection of Lake Wheeler Rd and I-540, as may have been originally intended and hence, why this parcel was designated at Mixed-Use Neighborhood by the Land Use Plan (LUP) originally. He stated that in 2020, the property owner deeded over six (6) acres of land to NCDOT for the I-540 right-of-way and indicated that a map provided in the packet to Board members showed the I-540 impact, leaving a small triangle of land, not included in this petition. Mr. Adcock stated that because of this dedication and the loss of some linear frontage, this property is now very different than it was when the LUP was adopted in 2017.

Mr. Adcock continued by stating that a little over a mile from this property there was an area of commercial, and that he felt this property was not appropriate for commercial, and any commercial constructed here would not be successful.

Mr. Adcock then directed the Planning Board to the last page of the packet he provided for a copy of the Land Use Plan map. He stated that he identified 11 nodes of the MUN designation, then explained that the numbers seen on the map are his edits. He directed the Planning Board Members to look at number one (1) which is the subject property where 540 crosses Lake Wheeler Road and number two (2) which was located on Ten Ten Road. He stated that the MUN designation is at major interchanges or along heavily traveled roads that are more appropriate for commercial development and that this was not the case with this property, as it was not near a significant interchange.

Mr. Adcock went on to state that this property was part of the extraterritorial jurisdiction (ETJ) expansion in 2019. He explained that this is not a situation where someone came in and requested to be annexed into the Town of Fuquay-Varina's jurisdiction, but instead a situation where the Town went out and without consent of the landowner annexed their

property into the ETJ. [*Staff Editor's Note: an ETJ expansion is not an involuntary annexation. No property was annexed as a part of the ETJ expansion process. This petitioner has submitted a concurrent request to the Town Board for annexation, ANX-2021-08.*] He explained that the Wake County Board of Commissioners has a set of seven (7) criteria of evaluating an ETJ expansion. He explained that one (1) is the commitment to the comprehensive planning, another is a commitment to provide municipal water and sewer within five (5) years of the effective date of ETJ expansion. He then explained that another is that the property should be capable to of being developed to an average density feasible for municipal annexation with annexation most likely to occur within 10 years. Mr. Adcock continued that he has had some comments related to a utility and capacity issue. He explained that this property was taken into the ETJ with the commitment from the Town to provide full water and sewer availability within five (5) years. He advised that by the time the entitlement process is complete, you are already two (2) plus years into the process, and not far from the five (5) year requirement.

Mr. Adcock continued that he agreed with staff undertaking a Land Use Plan update but did not agree with the advice staff has given his client to stand down and wait for completion of the update that has an undefined end date. He stated that he had not been made aware of any public participation. He explained that his client has a contract, spending a lot of money in the entitlement process and is being told to just hold and delay their project and felt that was unfair.

Mr. Adcock explained that the property has some environmental constraints, there was a blue-line stream, and the property is surrounded by residential uses. The density was proposed at 3.38 per acre which he felt was very low and under the MDR LUP classification, the density can be between four (4) and eight (8) units per acre. There was another requirement of 20% open space to be dedicated with development and this project has proposed 40%.

Mr. Adcock then closed by stating he understood and supported updating the Land Use Plan, and he understood why there was a recommendation for denial by staff. He then asked if the LUP update consultant is willing to work with the petitioner and Town staff on a solution, then they are willing to set this request aside for another month to see what the consultant thought of the proposal. However, he was not willing to wait for an undefined amount of time and felt this was a fair offer. He explained to his knowledge that there is no significant opposition to what is being proposed.

Mr. Adcock continued that one of the guiding principles of the Land Use Plan was to offer more affordable housing options, and their plan proposes a mixture of housing types and that he felt commercial was not suitable for the site. He then stated that he and his clients were available to answer any questions.

The video recording ended at approximately 6:35 p.m. *Planning Board Member Michelle Peele* and planners that were attending virtually were no longer present for the meeting. Audio

was being recorded by *Clerk Eva Mayfield*. The Planning Board meeting was hosted at the Fuquay-Varina Arts Center and due to another Town public meeting beginning at 6:30 pm, audio visual equipment was discontinued due to the Town's limited broadcasting abilities.

Chair Andy Petty asked if the Board Members had any questions for John Adcock.

Board members had no questions.

Chair Andy Petty asked Mr. Adcock what happened between April 29th and September 28th? He stated that in the packet Mr. Adcock provided, a five (5) month period between the pre-development meeting and when the project was submitted, and he was trying to piece together what happened during that time.

John Adcock stated that the timeline states April 29th and July 21st.

Chair Andy Petty said that the timeline stated there was a meeting on July 21st to discuss sewer capacity, however, there was still some time unaccounted for and perhaps some dialogue happened with staff during that time that brought them to submittal?

Kelly Race with BGE located at 5440 Wade Park Boulevard - stated that during this time period, there were talks with NCDOT about the property.

Chair Andy Petty asked if those conversations changed anything in their submittal?

Kelly Race responded that they were not involved with the initial pre-submittal meeting, but that was always the intention. She then advised that it was stated in that meeting that may need to do a PUD and that commercial was not intended to be constructed here.

Chair Andy Petty asked if anyone else wanted to speak in in favor.

Matthew Danielson, petitioner with Wakefield Development - stated the easy question to ask here is whether or not the Planning Board thinks commercial belongs on the site. If they do, then that's a different discussion. He stated that the petitioner does not believe commercial belongs on the site. The interchange with the 2035 Plan was approved prior to I-540 having a final design. He stated that he understood why this would be a MUN designation, but now that there's no longer interchange there, commercial does not make sense in his opinion. Mr. Danielson stated that if the Board had the opportunity to drive down Lake Wheeler, it would feel like commercial does not quite belong there.

Mr. Danielson stated that the document that the *Planning Director Pam Davison* wrote states that in a typical mixed density residential neighborhood, the range is between four (4) to eight (8) dwelling units per acre. He stated that they understood that and explained that they are under the guidelines of what the Town would like to see for a development. He then

asked rhetorically where should a commercial use be located on the property and how would it survive? Including commercial would mean they would have to sacrifice residential. He explained that he was aware the Town did not prefer townhouse development, but they would be forced to plan for more townhouses if commercial was required as part of the project. He stated that he felt commercial development will not work at this location and that he can bring in commercial brokers that will explain to the Board that in their professional opinion commercial development will not work on this site.

Mr. Danielson stated to the Planning Board that if they agree with him, his next question was what would make this proposal work? He felt they would encourage higher density near I-540 and that some of the townhouses proposed had larger lots. He stated that staff asked the petitioner to include larger buffers, which they had, they'd planned 50-foot buffers and held neighborhood meetings. He stated that there was no support from the neighbors for commercial at this location.

Matthew Danielson stated that they had planned some transitional lots in the middle of the project area. Mr. Danielson asked several more rhetorical questions about how the petitioner had "played the game" and that he felt it was fair that the proposal be approved. He continued that not only were the petitioners required to follow the Land Development Ordinance (LDO), but they also voluntarily offered 17 site specific conditions.

Mr. Danielson said on December 6th, they were told the project had staff support and he felt it was a great project. He then explained that for some reason, the staff did not support the project and he suspected that was because of the Land Use Plan consultant. He said that the staff had done a great job, but that the decision was unfair as they had done everything they were asked to do. He continued that he felt good government was to have a plan available for everyone to use. He stated that this would be helpful to them.

Mr. Danielson asked *Town Attorney James Adcock* if the Town had imposed a moratorium?

Town Attorney James Adcock responded that there was no moratorium.

Mr. Danielson explained that if there were a moratorium, he could get a delay per the contract, but since that's not the case, they could not get a delay which is why they were pushing for approval. He concluded that he believed their submittal was a good plan, and hopefully the Planning Board and Land Use Plan consultant would agree. He understood that voting against Town Staff recommendation was difficult, he understands that as he was a former member of the Wake County Planning and Zoning Board. He felt that approving the request was the right decision and he stated that he hoped staff would agree and thanked the Planning Board for their time.

Chair Andy Petty asked if anyone else wanted to speak in favor? He then asked if *IT Director Scott Clark* had anyone online that would like to speak in favor?

Planning Director Pam Davison stated that we were no longer online and being recorded virtually.

Chair Andy Petty asked if *Planning Board Member Michelle Peele* who was attending the meeting virtually was still online and being a part of the Planning Board meeting?

Planning Director Pam Davison and *Clerk Eva Mayfield* confirmed that no one was online attending meeting as of 6:35 P.M.

Planning Director Pam Davison addressed the Planning Board by saying that continuing the meeting was their call to make. She did mention that Capital Area Preservation was not able to attend this meeting but had provided a statement regarding the project. She asked the Planning Board if they wanted her to read the statement.

Chair Andy Petty stated that he is never really in favor of tabling agenda items on the Planning Board, as it delays the process for the petitioner, but he felt that in this particular case, considering being in a different location, not having all of the Planning Board Members present, and having one Planning Board Member recused from this agenda item, and in lieu of all of the items presented by John Adcock, it might be a good idea to table the item.

Chair Andy Petty continued that he was having a hard time understanding the timeline. There was a five (5) month gap in between the pre-development and pre-submittal meeting which presents some difficulty in understanding the timeline, along with reviewing the November 5th letter and saw that they talked about justification not being strong enough. He then referred to the December letter item number four (4) which states the issues with I-540 that the petitioner had mentioned. He explained that he would be in favor of tabling this item. He continued that the Board was trying to wait and see what the Land Use Plan consultant comes up with. *Chair Andy Petty* asked if the plans are being forwarded to the Land Use Plan consultant to look at and review as we are going through it, as this is a moving document, and if so then there may be an opportunity to get some feedback from the Land Use Plan consultant?

Assistant Town Manager Jim Seymour responded yes. He then stated that as he explained at the last Planning Board meeting, they are in a transitional period, since September, and there are several projects going through this transition with the Town. *Mr. Seymour* stated that he believed to be the most fair and equitable as they go forward is to treat all projects the same, and not recommend the Planning Board move forward because they would require a Land Use Plan amendment, as noted in the recommendation.

Assistant Town Manager Seymour stated that staff are working with the Land Use Plan consultant and continue to get information. He then referenced the argument that the petitioner made regarding commercial uses being inappropriate at the subject property. He stated that the original Land Use Plan recommended commercial at this location, meaning the consultant felt it was appropriate. He indicated another parcel below I-540 that was also designated MUN and stated that the LUP is supposed to consider all the properties and its functionality and what it would look like built out. He stated although the petitioner says commercial will not be viable today, the goal of Land Use Plan is to be the best plan for the future. He then stated that staff is in a transitional period and only get one chance to get it

right. As such, he stated that staff cannot in good conscience recommend moving forward with this project, knowing that it may conflict with what the Land Use Plan consultant ultimately recommends.

Mr. Seymour advised that staff is relying on the consultant for guidance on this project and a few others similar projects that have been in review by the Town since the LUP update began. He stated that if guidance is received from the consultant on these projects, it will be shared with the petitioners.

Assistant Town Manager Jim Seymour advised that he is not comfortable with John Adcock's suggestion of returning in 30 days because staff does not know what timetable the consultant is on and that he doesn't want to rush any recommendation for the LUP. He stated that hopefully staff will have the LUP update by Spring.

Assistant Town Manager Jim Seymour stated for any other project that's being submitted by to the Town that they believe does not fit our Land Use Plan we are treating them all the same. He explained that they have requested the Petitioner to hold off on this request until Staff and the Town has received further guidance. He stated that the Town has asked the Petitioner to delay their petition but the Petitioner still decided to move forward. He advised that the Town's position is firm and believes that it is not in the Town's best interest to move forward with their proposed project, hence the reason why Staff is recommending denial at this time. *Assistant Town Manager Jim Seymour* stated that they will gladly provide any updates they can and better guidance to any Petitioner that has a project currently under review by the Town staff. .

Planning Board Member Barbara Marchioni asked *Assistant Town Manager Jim Seymour* if there was a timeline that the Consultant is giving to report in every two weeks or every month or any at all?

Assistant Town Manager Jim Seymour responded that they speak with the Consultant on a regular weekly basis, and the target for completion is the middle of March but is reluctant to say specifically what day it will be. He advised that they hope to have guidance before then for these transitional projects, because we understand they are in a difficult position but stated that the staff does not believe that they should be making recommendations at this time while the Land Use Plan is being updated and knowing they only get one chance to get it right.

Chair Andy Petty stated that the transparency is what is needed and that they are hearing two (2) different things. He understood that the flip flopping of recommendations from one day to the next is difficult for the petitioner. He stated that he believed the LUP needed to be updated, though.

Assistant Town Manager Jim Seymour stated that they are treating all projects the same. He explained that that the projects that are coming in they are asking to wait but if they chose not to, Staff is recommending denial if the Petitioner's decided to move forward, because Staff wants that clear guidance from the consultant and that staff is not singling out this project.

Assistant Town Manager Jim Seymour stated that yes, back in April, when staff started working with the petitioner, they were having different conversations, there were the trends of development that were coming in and although the rate of growth was fast there were concerns about density and changes to the Land Use Plan. He explained that the Land Use Plan update process began in early fall timeline.

Chair Andy Petty said that he thought petitioners would like to get feedback from the consultant prior to the end of the LUP update.

Assistant Town Manager Jim Seymour responded that was the goal if it was possible in relation to the consultant's timeframe to complete the Land Use Plan updates.

Chair Andy Petty asked *Planning Director Pam Davison* if the statement from Capital Area Preservation was in favor of or in opposition to this request?

Planning Director Pam Davison responded by saying that they were in opposition.

Planning Board Member Katherine Townsend asked *Assistant Town Manager Jim Seymour* if there was another situation where they recommended approval then recommended denial?

Assistant Town Manager Jim Seymour responded by saying that there are six (6) or seven (7) projects that came in around the same time, around spring or summer. He then stated that he wanted to be very clear about this, Town staff do not approve projects. Town staff recommends projects to the Town Board or Planning Board for approval. He explained that Town Staff was giving guidance, which may or may not have seemed favorable to the developer that led them down that course. He explained that ultimately, Town staff decided it would be in the best interest for the community to delay making recommendations until the Land Use Plan was updated. Town staff reviews the project for how it affects all properties throughout the Town, its functionality, and its integration into all uses and all property. *Mr. Seymour* then stated that there are several similar projects where Town staff has had similar conversations where it was explained to them by stating that Town staff is sorry that this is the situation we are in, and Town staff believes that it is in the best interest of the public that they hold their submittal or the petitioner has the ability to move forward with Town staff's recommendation for denial.

Planning Board Katherine Townsend asked if that has been the case with any petitions that have come in since this has started? She then asked if anything that has come in since then, if it has all been treated the same way?

Assistant Town Manager Jim Seymour responded yes.

Planning Board Member Katherine Townsend stated that she understands the waiting period. She explained that she grew up in Fuquay-Varina and has seen this turn from tobacco fields to commercial use. She then stated that she has seen where this Board has failed in some situations and not planning for the future. She explained that she understands the need for

wanting to really take the future into consideration. She then said that she also understands that there are implications to waiting and she wanted to be as fair as possible.

Chair Andy Petty stated if there are no more questions, would *Planning Director Pam Davison* to read the statement in opposition that she had? He stated that they would then open the floor to other speakers in opposition and close for Board discussion.

Planning Director Pam Davison read: "Capital Area preservation is strictly opposed to the model home and feels that it should be placed more appropriately, as it is in the view shed of the historical home under renovation across the street." Capital Area Preservation has requested that the model home location shown on that blue lot on the map be removed because the historic home is directly across the street.

Chair Andy Petty asked *Planning Director Pam Davison* if that was their only concern on the opposition?

Planning Director Pam Davison stated that it was their only concern.

The public hearing was closed with no further speakers in favor or in opposition. The Planning Board went into discussion.

Chair Andy Petty stated that there are a lot of things to consider with this request and it was the first of its kind. He stated that he preferred if the Board could meet on this under normal circumstances and did not understand why the meeting was no longer being broadcast virtually where the public and *Planning Board Member Michelle Peele* could participate.

Assistant Town Manager Jim Seymour explained that there was another meeting taking place at Town Hall for the 401 Bypass with NCDOT and the technology was limited as far as broadcasting from two places at once, however, he stated it was still being recorded and meets the criteria for a public meeting.

Chair Andy Petty stated that he understands the circumstances and he opened the floor for discussion.

Planning Board Member Ed Ridpath stated he felt the Board should table it and asked if the Board was able to table an item without the petitioner's permission.

Town Attorney James Adcock responded that the Planning Board can table the item.

Planning Board Member Ed Ridpath asked if the item could be table one more time?

Town Attorney James Adcock stated that they can table the item one more time.

Chair Andy Petty stated that the petitioner can table it indefinitely, however, the Planning Board can only table the item one more time.

Planning Board Member Ed Ridpath reiterated that the item can be tabled at the petitioner's request and Planning Board has option to table it one more time. He explained that he would like more information on the LUP update and that he doesn't like tabling requests for the same reason *Chair Andy Petty* stated earlier.

Chair Andy Petty agreed that he is not a fan of tabling items either, but this case would set a precedent. He asked if there was some way forward for the petitioner?

Assistant Town Manager Jim Seymour stated that the position of staff and management will not change until they have updates from the Land Use Plan consultant, so if they do not have an update within 30 days then Town staff and management's position still stands.

Chair Andy Petty responded that he understood. He then asked the Board if anyone had any questions and if not was there a motion?

Planning Board Member Ed Ridpath made a motion to table item to the February 21st Planning Board meeting.

Chair Andy Petty asked if there was a second to that motion.

John Adcock asked if he could make a comment before Board votes?

Chair Andy Petty replied that he was not able to make a comment.

Planning Board Member Barbara Marchioni requested that John Adcock wait.

John Adcock continued making his comment without the direction or approval of Planning Board. He wanted to make sure the Town would take the project before the consultant within 30 days for feedback, and there were hundreds of thousands of dollars on the line. Mr. Adcock continued that there needs to be a timeline to make it fair. He explained that they were just told Town staff and management is not going to change their position until they receive a complete report from the Land Use Plan consultant. He stated that is not fair to the petitioner and anybody else is seeking to invest money in this property in Fuquay-Varina. He stated that it needed to be conditional that the Land Use Plan consultant had the opportunity to review the project and give comments back.

Chair Andy Petty stated he understood Mr. Adcock's points, but he did not think they are going to place that condition, because they cannot guarantee what the Land Use Plan consultants can do, they may not be able to provide feedback in the next month, and the Board still needed to make a decision. He explained that the packet Mr. Adcock handed out was large and the Board members needed time to review it and he had already noticed some inconsistencies from both parties. He advised that he understands Mr. Adcock's frustration at the project being given support one day, and denial the next. *Chair Andy Petty* stated that he felt there was miscommunication on both sides, but he did not feel they could support that condition.

He continued that there was a motion and a second on the floor for tabling the case to February. He stated that when the case was taken up again in February, they would be required by law to make a decision regardless of whether anything on the project has changed.

Assistant Town Manager Jim Seymour stated that staff have already submitted this project to their Land Use Plan consultant to review, but land use planning must take the whole Town into consideration. *Assistant Town Manager Jim Seymour* wanted to reiterate a statement he made earlier and wanted the record to reflect the following statement. He stated as soon as staff gets information prior to a complete study being adopted and approved, they promised to bring whatever information to all of them in real time. If something was received within 30 days, it would be shared with the petitioner, but staff cannot guarantee that they will have information within 30 days, the feedback will be given to the petitioner when it is received by staff.

Planning Board Member Ed Ridpath wanted to respond to the petitioner's statement regarding what will change. He explained that Town Staff may hold their position, however this Planning Board had a little bit more time and more information to think about it. He then stated that his reason for making that statement was not about staff. He stated that staff knows that he makes motions that give you actions if there's actions for you to do. He then explained that this tabling motion has no action for Town staff, the actions are for this Planning Board to be ready in 30 days, to make a firm decision in the best interest of the public.

Chair Andy Petty explained that the petitioner should understand that in 30 days, they may not get any more information, but will have some time to digest it.

Planning Board Member Barbara Marchioni asked Town staff if anything changes, would the Planning Board get that information?

Planning Director Pam Davison responded saying that Town staff would update the agenda item for the February Planning Board meeting.

Assistant Town Manager Jim Seymour stated that they would first alert the petitioner, but they would include the information for the Planning Board as well.

John Adcock asked if he could make the request to table the item?

Chair Andy Petty responded that Mr. Adcock can request to table for the petitioner.

Town Attorney James Adcock stated that the petitioner can request to table since the motion made earlier had not been voted upon yet.

Chair Andy Petty stated that Planning Board must withdraw the motion made earlier in order for petitioner to request to table.

Planning Board Member Ed Ridpath withdrew his motion.

Chair Andy Petty asked *Town Attorney James Adcock* if he had to re-open the public hearing in order for the petitioner to enter their request to table the item.

Town Attorney James Adcock asked John Adcock if he was making a request to table the consideration?

John Adcock responded to *Town Attorney James Adcock* that he wanted the request to be made from the petitioner and not the Planning Board. He then made the formal request on behalf of the petitioner that the item be tabled to the February 21, 2022 Planning Board meeting.

Planning Board Member Ed Ridpath asked *Town Attorney James Adcock* if he then needed to withdraw or amend the motion he made earlier.

Town Attorney James Adcock stated that he just needed to withdraw it.

Planning Board Member Ed Ridpath withdrew his motion and entered a new motion to table the item at the Petitioner's request to the February 21, 2022 Planning Board meeting.

Motion – Continue the public hearing and table consideration of REZ-2021-10, a zoning map amendment at a portion of 8537 Lake Wheeler Road, from the Residential Agricultural (RA) Zoning District to the Planned Unit Development (PUD) Zoning District and the corresponding Land Use Plan amendment from Mixed Use Neighborhood (MUN) to Mixed-Density Residential (MDR), as presented by Town staff, per the request of the petitioner to the February 21, 2022 Planning Board meeting.

MOTION: Ed Ridpath
SECOND: Jay Adcock
MOTION RESULTS: Motion Passed Unanimously 6-0

Agenda Item No. 3.B: Town Code Amendment - WJB Partners, LLC - Multi-Family Infill Development - CTA-2021-06 - ITEM TO BE TABLED

Purpose - The purpose of this agenda item is to consider a proposed text amendment to the Town Code of Ordinances, Part 9 Land Development Ordinance that addresses multi-family infill development.

Motion – Recommend continuing the public hearing and tabling consideration of CTA-2021-06, an amendment to the Town Code of Ordinances, Part 9 Land Development Ordinance, as presented by Town staff, per the request of the petitioner to the February 21, 2022 Planning Board meeting.

MOTION: Jim Chandler
SECOND: Barbara Marchioni

MOTION RESULTS: Motion Passed Unanimously 6-0

OTHER BUSINESS

Agenda Item No. 5.A: Election of Planning Board Vice-Chair 2022.

Purpose - The purpose of this agenda item is to elect a new Vice-Chair to the Board.

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

Board Member Discussion

Chair Andy Petty stated that he would entertain a nomination. He explained that the only Planning Board Member that could not be elected is *Planning Board Member Alex Rickard*, who is the Planning Board alternate. He then advised that *Planning Board Member Barbara Marchioni* would like to be excluded from being nominated, as she has other commitments. He explained that the Board Members up for election are *Jay Adcock, Jim Chandler and Michelle Peele*.

Planning Board Member Katherine Townsend requested that she not be considered as this is her first year serving.

Planning Board Member Barbara Marchioni nominated *Planning Board Member Jay Adcock* for Vice Chair.

Chair Andy Petty asked *Planning Board Member Jay Adcock* if he accepted that motion?

Planning Board Member Jay Adcock accepted.

MOTION TO: Elect *Jay Adcock* to serve as Vice-Chair for the term lasting through December 2022.

MOTION: Barbara Marchioni
SECOND: Ed Ridpath
MOTION RESULTS: Motion Passed Unanimously 6-0

Agenda Item No. 5.B: Discussion of 2022 Planning Board Workshop

Purpose - The purpose of this agenda item is to discuss potential dates and times for the 2022 Planning Board Workshop.

Staff Comments - *Planning Director Pam Davison* entered the agenda abstract and supporting documents for this agenda item into the official record of the Town. She stated that Staff proposes Monday, January 24, 2022, 6:00 PM to 8:00 PM. If members determine that this date does not work, an alternative date will need to be considered.

Board Member Discussion - Discussion took place on the time and content of a Planning Board workshop. *Chair Andy Petty* asked if anyone had any issues with the date of Monday January 24, 2022.

Planning Board Member Katherine Townsend stated that she has a conflict with Monday January 24, 2022. She explained that she is a member of the Town Choir, and they meet every Monday evening. They do not allow anyone missing Choir practices. She asked if there was an alternative date.

Planning Board Member Ed Ridpath asked Town Staff if there was an alternative date?

Planning Director Pam Davison responded with the date of January 25, 2022.

Planning Board Member Jim Chandler stated that he would not be able to attend the January 25, 2022 meeting date.

Chair Andy Petty asked Town Staff if they have developed an agenda for the workshop training meeting or is this just a refresher? If recorded, it would not be an issue for *Planning Board Member Jim Chandler* as he had attended last year's training.

Planning Director Pam Davison stated that she can definitely make sure that the meeting is recorded and accessible.

Chair Andy Petty stated that he would like for the date to be January 25, 2022 and would accept a motion.

MOTION TO: Motion for Planning Board Workshop Training on Tuesday January 25, 2022.

MOTION: Ed Ridpath
SECOND: Jay Adcock
MOTION RESULTS: Motion Passed Unanimously 6-0

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 December 20, 2021, Planning Board meeting.

There were no questions from the Planning Board.

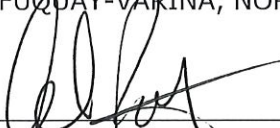
Recommendation – No Action Required – Receive as Information

ADJOURN

A motion was made to adjourn the meeting at 7:10 p.m.

MOTION: Barbara Marchioni
SECOND: Jay Adcock
MOTION RESULTS: Motion Passed Unanimously 6-0

FUQUAY-VARINA, NORTH CAROLINA



Andy Petty, Chair

ATTEST:



Eva Mayfield, Clerk

