

TOWN OF FUQUAY-VARINA
PLANNING BOARD REGULAR MEETING
September 21, 2020

CALL TO ORDER

Chair Ed Ridpath called the regular meeting of the Fuquay-Varina Planning Board to order on September 21, 2020, at 6:00 p.m. This meeting was conducted using the Zoom media platform due to state mandates for social distancing to prevent the spread of the COVID-19 Novel Coronavirus.

Board Members Physically Present: Ed Ridpath (Chair)
Jay Adcock
Jim Chandler
Barbara Marchioni
Andy Petty
Michelle Peele
Tracy Watson
Town Attorney James Adcock

Others Physically Present: Planning Director Pam Davison
IT Director Scott Clark

Others Remotely Present: Natalie McKinney
Allyssa Stafford

Virtual Meeting Instructions

Planning Director Pam Davison read aloud the virtual meeting protocol and instructions for public participation. She announced that anyone wishing to participate in the meeting 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

Motion - Approve the minutes from the August 17, 2020 meeting of the Planning Board as presented and recommended.

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

Public Comment

Macey Ruble - 6108 Bramlette Ct. Wanted to discuss Rowland's Grant subdivision property. He stated that developers plan to drain a pond that he and three other neighbors share. Acknowledging that developers own 25% of the pond and 50% of the

dam, he claimed the pond being drained is to increase their profit margin. Mr. Ruble explained how this will happen at his expense and the expense of his neighbors by reducing the property value. Mr. Ruble stated that Wake County tax records and his home appraisal shows he has partial ownership of this pond. Mr. Ruble explained the value the pond brings to his property, the pond's necessity to his permaculture garden, and lastly the \$25,000 paid for the property because of the pond. Mr. Ruble explained that the loss of the pond could cause him to relocate but feels he would lose money on his home if he tried to sell. He feels that is it indisputable that draining the pond would destroy his home value and requested the board require that the pond not be drained.

Jennifer Norris – 6112 Bramlette Ct stated that she has lived on Bramlette Court for over 23 years and moved there for the pond, adding that the deed reflects her part ownership of the pond. She stated that she has maintained the pond, paid higher property taxes, and more for her property because of the pond which supports that this pond adds value to her home. Ms. Norris explained the views and what the pond means to her and her family. She explained her concerns of the environmental effects that may result from draining the pond. Mrs. Norris was informed in August of 2018 that tampering with the pond would negatively affect her well. After communicating this information to the developers, she was told that she and the other neighbors do not have rights to the pond. She closed by asking the Planning Board to stand by the LDO, force responsible growth, and place the condition that the developer not be allowed to drain the pond.

Michelle West - 6109 Bramlette Ct. stated that she was also concerned about the draining of the pond and had purchased the home because of the pond. She said she had an engineer evaluate the pond and her well because her property backs up to the wetlands and the engineer stated their well will be affected if the pond is drained. She added that she and the other neighbors tried to work with the developer, voice their opinions and concerns to no avail. Ms. West explained that she would not be able to sell her home if it is drained as well the pond has become a refuge for her daughter's rescued turtles. She closed by saying that she has no problem with the development but does not want the pond to be drained.

Bryan Brice – 127 West Hargett Street, Raleigh - Environmental Attorney stated the homeowners requested that he review the legality of the issues presented as a part of the pond being drained. Mr. Brice stated that he has provided a letter to the Town explaining the stance that the homeowners have on the ownership and financial interest. He feels that there is an existing case that is similar to these owners', and that that case was won by the owners. Mr. Brice explained the similarities of the case and its results. He closed by stating that the devaluation of the property violates the owner's interest and asked that the development be taken up in a manner that does not cause destruction or devaluation. He asked that the Board take a stance on requiring the pond to stay as part of the development requirements.

ITEMS TABLED FROM PREVIOUS MEETING

Agenda Item No. 4.A: Preliminary Subdivision Plat - Rowland's Grant - SUB-PR-2020-03

Purpose - The purpose of this agenda item is to consider a preliminary subdivision plat submitted by the firm, The Nau Company, called Rowland's Grant Subdivision, located at 5840 Hilltop Road.

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 - The proposed preliminary subdivision plat meets all Town requirements, and therefore, staff recommends approval.

Chair Ed Ridpath asked for clarification on the block length issue mentioned in the report.

Planning Director Pam Davison explained that the Town has an 800 foot maximum block length, the entrance from Hilltop Road features wetlands and the developer owns just a narrow stretch. A stub road to the south was provided, however, they were over, at close to 1000 feet due to the configuration of land and wetlands. An administrative Adjustment was sought and approved. The rest of the subdivision is now in compliance with the regulation.

Chair Ed Ridpath asked if the subdivision has a dependency on the pond being drained.

Planning Director Pam Davison replied that the layout does not vary at all due to the pond's presence. She added that the Town does not have jurisdiction over dam regulations and the developer identified that there would be a cost involved in taking an agricultural pond and placing homes and roadways south of it which could cause a high hazard dam situation leading to both maintenance and liability issues.

Chair Ed Ridpath asked if the pond or dam made a difference in the approval of the subdivision.

Planning Director Pam Davison replied that regardless if the pond remains or is drained, the area will remain open space. The removal of the pond will not increase the amount of lots in the subdivision.

Chair Ed Ridpath asked if there were any other requirements from a planning and zoning perspective regarding the removal of the pond.

Planning Director Pam Davison stated that it is a private property issue, and does not affect the layout of this subdivision.

Board Member Barbara Marchioni asked if the pond was a part of the green space.

Planning Director Pam Davison replied that it is currently open space.

Vice-Chair Andy Petty asked for clarification concerning the statement from Bryan Brice, concerning the Planning Board's authority to impose a condition to keep the pond.

Planning Director Pam Davison replied that her understanding is the Town does not have the authority to regulate dams.

Vice-Chair Andy Petty also questioned if this condition would be allowed because this is something that is required at the rezoning level.

Planning Director Pam Davison replied that at this time we are confirming that the proposed subdivision meets the subdivision regulations and this is not an appropriate time to add conditions.

Town Attorney James Adcock reminded the board that per NCGS, they have an obligation to approve a plat that meets the ordinance.

Motion - Recommend approval of the Rowland's Grant preliminary subdivision plat SUB-PR-2020-03, as presented and recommended.

MOTION: Andy Petty
SECOND: Jay Adcock
MOTION RESULTS: Motion Passed Unanimously 7-0

PUBLIC HEARING

Chair Ed Ridpath continued the meeting by stating that public hearings are a time for petitioners to present requests and for the public to state their concerns and voice opinions in favor of or opposition to these requests.

Agenda Item No. 5.A: Zoning Map Amendment & Land Use Plan Amendment - Carolina Land Group, LLC - 1408, 1409, 1420, 1501, 1520, 1524, 0, & 0 Rogers Road - PINs 0665245656, 0665341690, 0665144948, 0665148249, 0665142122, 0665258696, 0665340146, and a portion of 0665049250 - REZ-2020-14

Purpose - The purpose of this agenda item is to consider a requested zoning map amendment for a total of 105.41 acres, located at 1408, 1409, 1420, 1501, 1520, 1524, 0, & 0 Rogers Road, from the Residential Agricultural (RA) Zoning District to the Residential Medium Density Conditional Zoning District (RMD-CZD), and the corresponding land use plan amendment from Small-Lot Residential (SLR), Large-Lot Residential (LLR), and Mixed Density Residential (MDR) to Small-Lot Residential (SLR) and Mixed Density Residential (MDR). The proposed zoning map amendment, with corresponding land use plan amendment, is consistent with the 2035 Community Vision Land Use Plan and both are reasonable and in the best interest of the public for the reasons identified by staff.

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 - Staff recommends approval of the proposed zoning map amendment with the corresponding land use plan amendment. It is consistent with the 2035 Community Vision Land Use Plan and is reasonable and in the public's best interest for the following reasons:

- 1) Although the requested zoning map amendment is not consistent with the 2035 Community Vision Land Use Plan classification of Large-Lot Residential, the petitioner has opted to request a change of the Land Use Plan to Small-Lot Residential and Mixed-

Density Residential, which are more appropriate to the surrounding use, proposed use, and location.

2) The requested zoning map amendment is consistent with the 2035 Community Vision Land Use Plan's recommendations CF.1 - Invest in Existing Growth Areas and H.1 - Provide Mixed Housing & Diversity.

3) The requested zoning map amendment would better conform to the surrounding uses and provide the ability to develop the property for its proposed use.

Planning Director Pam Davison reminded attendees that if they would like to speak, they could do so by raising their hand and that could be done by pressing the "raise your hand" button or if participating via phone they would need to press *9.

Chair Ed Ridpath questioned the zoning condition number seven (7) that duplexes are not permitted however triplexes and quadplexes still are.

Planning Director Pam Davison replied that is correct, they did not exclude them from the conditions.

Vice-Chair Andy Petty asked why the small lot was designated Large-Lot Residential (LLR) by the LUP, but the other larger lots were not similarly designated.

Planning Director Pam Davison replied that during the ETJ expansion changes were applied like for like, so this lot was likely designated as a large-lot use in Wake County's jurisdiction.

Board Member Jim Chandler asked if the density and LUP designation is being pushed because of the proximity to the Fuquay-Varina Parkway?

Planning Director Pam Davison replied that it is what the petitioner requested.

Public Hearing – The public hearing was opened to speakers in favor of the petition.

Peter Clossen - Jones Clossen Engineering, 221 N Salem St, Apex as the petitioner, stated that they were in support of the petition, thanked staff for their help and reiterated some points on the staff report. Offered to answer any additional questions.

The public hearing was opened to speakers in opposition to the petition with no speakers, Chair Ed Ridpath closed the public hearing.

Chair Ed Ridpath asked about the parcel that enters the Harnett County jurisdiction.

Planning Director Pam Davison replied that the Town cannot provide services into Harnett County.

Chair Ed Ridpath asked about the ability for a subdivision to cross into county lines.

Planning Director Pam Davison replied that we do not have jurisdiction in Harnett County.

Board Member Michelle Peele asked if this moves forward, will the Board be asked to approve anything in Harnett County?

Planning Director Pam Davison replied we cannot approve anything in Harnett County, and they can show a road stub to the county line it would be an adjacent property.

Vice-Chair Andy Petty stated that he understands the medium density request is because of the parkway, however, there is one parcel that extends into Harnett County. Should there be a provision to buffer the neighbors from smaller proposed lots butting up to larger lots in Harnett County?

Planning Director Pam Davison stated that the property that butts up to this project is their property, so technically they would require the same perimeter buffer.

Chairman Ed Ridpath asked if this area was in a PGA.

Planning Director Pam Davison answered that no, it is not, but it is in the area to the south of Town that is experiencing growth.

Board Member Jim Chandler asked how small the lots could get down to considering the open space?

Planning Director Pam Davison replied that it depended on the type of open space development, but in RMD 10% open space a lot could get down to 8,000 square feet, 18% open space could be 7,000 square feet and 25% open space could get down to 5,000 square feet lot.

Motion - Recommend approval of REZ-2020-14, a zoning map amendment at 1408, 1409, 1420, 1501, 1520, 1524, 0, & 0 Rogers Road, from the Residential Agricultural (RA) Zoning District to the Residential Medium Density Conditional Zoning District (RMD-CZD), and the corresponding land use plan amendment from Small-Lot Residential (SLR), Large-Lot Residential (LLR), and Mixed Density Residential (MDR) to Small-Lot Residential (SLR) and Mixed Density Residential (MDR). The proposed zoning map amendment, with corresponding land use plan amendment, is consistent with the 2035 Community Vision Land Use Plan and both are reasonable and in the best interest of the public for the reasons identified by staff.

MOTION: Michelle Peele
SECOND: Barbara Marchioni
MOTION RESULTS: Motion Passed 6-1 (Jim Chandler in opposition)

ADMINISTRATIVE REPORTS

Agenda Item No. 6.A: Staff Report

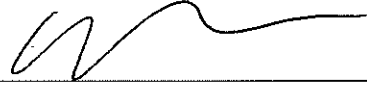
Chair Ed Ridpath pointed out that the staff report reflects the Town Board of Commissioners approved all petitions as recommended by the Planning Board.

ADJOURN

A motion was made to adjourn the meeting at 6:57 p.m.

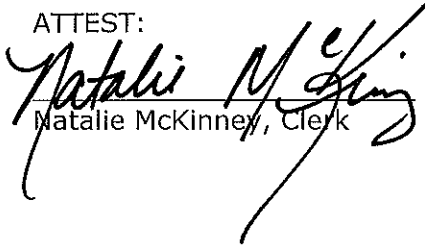
MOTION: Jay Adcock
SECOND: Barbara Marchioni
MOTION RESULTS: Motion Passed Unanimously 7-0

FUQUAY-VARINA, NORTH CAROLINA



Ed Ridpath, Chair

ATTEST:



Natalie McKinney, Clerk