

**TOWN OF YOUNGSVILLE
PLANNING BOARD MEETING
Youngsville Community House -- 115 East Main Street
March 5, as Continued to March 19, 2019
6:00 P.M.**

March 5, 2019:

Chairman Donnie Tharrington called the meeting to order at 6:00 P.M.

In attendance were Chairman Tharrington; Members John Cyrus, Janice Pearce, Scott Anderson, Hank Lindwall, and Bob Martin; and Board Clerk Sandi Fleming. Joining as well were Town Administrator Phillip Cordeiro and Zoning Administrator Bob Clark. Due to otherwise-scheduled commitments, Vice-Chairman Mark Hurt and Senior Planner Andy Thomas were not present.

Chairman Tharrington welcomed all attendees and addressed the Minutes transcribed at the Board's regular meeting held on February 5, 2019.

Without additional discussion, the following Motion was made by Member John Cyrus, seconded by Member Janice Pearce, and unanimously carried:

MOTION: The Minutes of the Planning Board meeting held on February 5, 2019, are approved, as presented.

Attention was then directed to N-Focus representative Rick Flowe, who immediately opened the floor to Member feedback from review of YDO Articles 1, 3, 4, 5, and 6, distributed at last month's meeting. Zoning Administrator Clark briefly discussed the merits of States of Emergency Section 1.15, stating that it lends to staff much-welcomed clarification in the compliance maze of temporary RV housing.

Chairman Tharrington pointed out in Article 3 the number of definitions surrounding floodplain regulation. Although storms in our state during the past year have alerted many residents to FEMA requirements, few truly comprehend the designations "500- and 100-Year Flood Zones." It's common misconception that a 500-year flood is an event that occurs once every 500 years. Realistically, that term is used to label an area that has a 1-in-500 (or 0.2%) chance of flooding in ANY given year. In a 100-Year Flood Zone, probability increases to 1 in 100 (or 1.0%). To qualify for federal disaster assistance, State law stipulates flood insurance coverage of properties constructed within those plains. The Town of Youngsville does contain such realty, and local staff has begun noting applicable permits with flood certification standards. This section of the zoning arena will likely be more closely monitored now that FEMA operates under the umbrella of Homeland Security.

Member Hank Lindwall raised concern about distinction between family members and lodgers in the Article's description of "bed-and-breakfast" inns. Consensus is that "family" holds no bearing in the equation. A "lodger" is "any person" who rents a room in a private residence for fewer than 30 days. Such a residence owned or operated, and resided in, by an innkeeper who rents sleeping accommodations in 14 or fewer rooms is deemed a bed-and-breakfast establishment, with breakfast, of course, being discretionary.

As stated in Article 4, the two bodies responsible for carrying out the duties of the YDO are the Planning Board and the Board of Adjustment. Further emphasized is the fact that our Town is a political subdivision of the State of North Carolina. "Rules of procedure" change from time to time and, thus, stand outside the Ordinance itself – either Board may create its own bylaws and rules, but, in doing so, neither shall violate State directive or guidelines adopted by the Board of Commissioners.

Mr. Flowe strongly advocates a Board of Adjustment unique and separate from the Board of Commissioners. In response to inquiries from Member Scott Anderson, he agreed that the number of serving members on either panel can be adjusted – staggered terms, however, are mandatorily prescribed by State law. Not only is it vital that both the Town and its ETJ be aptly represented, but it's also important to recognize the status of an ETJ member on equal level with that of a Town member.

The purpose of the Planning Board is to review and advise – that of the Board of Adjustment, on the other hand, is to hear and decide, in a quasi-judicial capacity. A four-fifths vote is officially required to grant a variance – for all other matters, simple majority is sufficient.

No member of the Board of Adjustment can participate or vote in a manner that violates an applicant's constitutional right to impartial decision-making. In small towns, especially, conflicts of interest are possible. The Board of Commissioners has authority to appoint alternate members to fill temporary disqualifications or absences as necessary. Currently, Youngsville has no alternate members, which is a situation that may well warrant reconsideration.

Article 5 is a precise outline of legal procedures for YDO text or zoning map amendment. Neighborhood meetings, as specified, though to some degree optional, are extremely informative and helpful. This step in the process is the direct responsibility of the developer, not of staff, and it serves as a public venting agent that can often alleviate tension from Board review.

Conditional zoning is a flexibility tool for "appropriately" determining compatibility. Although certain towns rely upon it heavily, it isn't a typical go-to strategy and is best utilized cautiously and conservatively.

There are times, of course, when strict application of the Ordinance imposes undue hardship that can prohibit reasonable land use. That's when variances, administered solely by the Board of Adjustment, come into play. The Board considers the evidence, draws a line between necessity and convenience, and renders its decision to so grant or deny. If dissatisfied, the property owner or other person in lawful standing has 30 days within which to appeal. Article 6 of the YDO provides a legal road map to be followed by staff throughout that process.

Each Member agreed to accept drafts of the above-discussed articles, pending suggested revisions, and Mr. Flowe proceeded with condensed introduction of the next "bucket" of review -- consisting of Articles 7, 18, 20, 22, and 23. He pointed out increased stringencies in permitting under the new guidelines; touched on the benefits of Development Agreements; placed emphasis on the importance of obtaining, wherever possible, all applicable certifications; and requested, in conclusion, concentration on discords such as mobile home replacements and nonconforming usage.

In keeping with the Agenda, Chairman Tharrington turned to Zoning Administrator Bob Clark for presentation of a final subdivision plat of Phase 4, Holden Creek Preserve. The map, dated November 28, 2018, as last revised on February 18, 2019, and prepared by Taylor Land Consultants, PLLC, reflects development of 28 additional lots, all bordering Holden Creek and/or Richlands Cliff Drives, both of which are already-existing rights-of-way.

Motion was made by Member Hank Lindwall, seconded by Member Janice Pearce, and unanimously carried, as follows:

MOTION: The final plat for Phase 4, Holden Creek Preserve, dated November 28, 2018, as last revised on February 18, 2019, and prepared by Taylor Land Consultants, PLLC, is approved for recordation, as drawn.

From "Around the Town," Mr. Clark reported that staff is awaiting plans for two new multi-family projects, one to be constructed along South College Street, and the other constituting, generally speaking, an expansion of the Hampton Downs Apartments complex, off Wolfpack Lane. He also mentioned completion of the new turn lane to accommodate traffic to and from Cedar Creek and Hicks Roads. Building has begun in the last phase of that area's Stephens Glen Subdivision, and, this time, absent erosion control dilemmas of the past. These are but a handful of the signs of progress evident among us.

Without further comment, Chairman Tharrington commended the quality and quantity of time being expended to set the new Ordinance in place and, by motion unanimously carried, at 8:25 P.M., continued those efforts to . . .

March 19, 2019:

The meeting was called to order by Chairman Tharrington at 6:05 P.M.

In attendance were Chairman Tharrington; Members John Cyrus, Janice Pearce, Scott Anderson, Hank Lindwall, and Bob Martin; and Board Clerk Sandi Fleming. Accounted for as well were Town Administrator Phillip Cordeiro and Senior Planner Andy Thomas. Both Vice-Chairman Mark Hurt and Zoning Administrator Bob Clark were otherwise committed and, thus, unable to participate.

The floor was resumed by Mr. Flowe and promptly opened to Board comment stemming from review of YDO Articles 7, 18, 20, 22, and 23. Article 7, alone, outlines transitions that will inevitably necessitate updated forms and fee schedule(s).

Going forward, Special Events Permits will be issued by Zoning staff rather than by the Chief of Police, and required sketches or plans attached for approval will be considerably more detailed. Typical Zoning Compliance (including Change and Extension of Use) Permits will not vary drastically, but they do entail significant increase in requirements for written authorization and verification of standing, licensing, and entity registration.

At this point in time, a Special Use application, subsequent to adequate notification, posting, and publication, goes to the Planning Board for review and recommendation and to the Board of Adjustment for approval – a Rezoning application is similarly presented to the Planning Board for review and recommendation and to the Board of Commissioners for approval. Henceforth, rezoning, apparently, will follow the guidelines of zoning map amendment, and, but for the new Additional Standards Permit, which can be issued upon mere approval by Zoning Administration, “Special” is being integrated into “Conditional” Use (a totally separate venue, it should be noted, from Conditional Zoning). The issuance we refer to today as a Conditional Use Permit, administered by the Board of Adjustment, will, pursuant to Section 7.8 of Article 7 of the YDO, go, instead, to public hearing before the Board of Commissioners for approval. If approved, it will run with the affected land and, thus, be recorded with the Franklin County Register of Deeds.

Signage Permits under the new Ordinance will retain accustomed format but are being reconfigured to include verification of sign contractors’ licenses and corresponding dates of expiration. Currently, this type of issuance is transmitted to Franklin County only when electrical work is involved. It is that office that issues, in addition to building, electrical and plumbing permits, as well as Certificates of Occupancy (“CO’s”). Local staff will continue to inspect and provide a Certificate of Compliance (“COC”) prior to County issuance of the CO.

Unless properly extended, Special Event and Temporary Zoning Permits are valid only for the dates stated therein; Sign Permits, for six months; and Zoning Permits, generally, for one year. It is only by virtue of development plan or preliminary subdivision plat approval with “vested rights” that a developer is allowed two years within which to commence construction. This particular procedure is an undertaking to which staff must become more thoroughly acquainted.

Major and minor site development plan and plat review will continue to be performed by Planning staff, in corroboration with the North Carolina Department of Transportation, the Youngsville Fire Department, and Franklin County Public Utilities. Mr. Flowe highly recommends the formation of a formal Technical Review Committee (“TRC”), consisting of representatives from each of said groups, and incorporation of that joinder, as needed, into regularly scheduled Board meetings.

Classification between major and minor plans and plats is typically determined by gross floor area or number of units. Major includes commercial buildings exceeding 1,000 square feet in size, office or institutional buildings containing more than 2,400 square feet, and any development consisting of more than four individual units. Less than those limits would be considered minor. Properties located within 1,500 feet of one another, and under common ownership and/or development during a period of three years or less, are considered and reviewed as a single development.

Town Plan 2040 visualizes and directs – the YDO implements. One of the most successful implementation tools available, according to Mr. Flowe, is the Development Agreement. This instrument spells out terms and conditions such that both sides of the table are uniform, comfortable, and fully aware. Stipulation is that it be a part of any applications submitted for development projects within the Traditional Neighborhood Development Overlay, Main Street, or Mixed Use Districts, and for any major subdivision where new street infrastructure is needed. The document is drafted by staff; reviewed by the Planning Board for formal recommendation; and, after proper notification and publication, presented at public hearing to the Board of Commissioners. If determination is that said agreement is in the best interest of the Town, the Board may adopt an ordinance authorizing execution by the Mayor. The fully executed original will then be filed of record with the Franklin County Registry.

Planning personnel who review site plans must strictly adhere to State findings of fact and requirements designated, in Article 18, for flood protection and, in Article 20, for erosion control. Applicable driveway permits, flood certifications, and environmental reports are to be obtained from appropriate State agencies prior to plan approval.

Per Article 22, wherever possible, legal nonconformities should be made, wholly or incrementally, conforming. Never can they be allowed to expand or enlarge in any manner whatsoever that increases the extent of nonconformity.

It's a given that mobile homes are consistently a point of zoning contention. Replacement of one nonconforming structure with another inside a manufactured home park is clearly prohibited under the YDO. Outside the mobile home park, replacement is allowed only IF (1) the unit meets HUD standards, (2) no new dimensional nonconformity is created, (3) it's placed in the same location as the prior home, (4) it conforms to related development standards set forth in the Ordinance, and (5) replacement occurs within 365 days of last occupancy.

Zoning violations are civil matters that, following proper citation and failure to cure, accumulate monetary fines. Once the enforcement officer has exhausted resolution efforts, Town Administration may seek avenues of legal recourse, including, in some cases, a lien upon the underlying property.

Review discussion transposed into brief introduction of the next "bucket" in sequence – consisting of Articles 13, 14, 15, and 16 -- and the session concluded with unanimous acceptance, subject to suggested revisions, of Articles 7, 18, 20, 22, and 23.

Town Administrator Phil Cordeiro requested time on the upcoming April 2, 2019, Agenda for group discussion of Governor Cooper's Downtown Strong Program. Guest speaker will be Diane M. Young, Downtown Economic Development Specialist, North Carolina Department of Commerce.

Chairman Tharrington acknowledged Senior Planner Andy Thomas for recap of staff's March 5 Around-the-Town Report. Mr. Thomas commented that the two pending multi-family projects previously mentioned contain a combined total of 160 units; informed the Board that the Timberlake Preserve Subdivision, off South Cross Street, will be breaking ground in the near future; and shared with them spreadsheet data recently provided to North Carolina State University as a segment of its ongoing vicinity development research. Copies of that information are being distributed to Members upon request.

With no additional comments, the meeting was, by motion unanimously carried, adjourned at 8:35 P.M.