

**TOWN OF ANGIER  
PLANNING BOARD  
AGENDA  
August 8, 2017  
7:00 P.M.  
Municipal Building  
28 North Raleigh Street  
Angier, North Carolina 27501**

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1. Opening
2. Pledge Of Allegiance
3. Invocation
4. Approval Of The June 13, 2017 Joint Planning Board/Town Board Minutes
5. Consideration Of The Agenda
6. Items For Discussion And Recommendation:
  - 6a. **Consideration of the Comprehensive Land Use Plan**
    - If The Plan Receives A Favorable Recommendation, It Will Go Before The Board Of Commissioners For A Public Hearing On September 12<sup>th</sup>
  - 6b. **Rezoning Request**
    - Application Submitted By K & H Developers To Rezone The 10.92 Acre Parcel At The End Of Whetstone Drive From R-10 To R-6 (PIN: 0674-95-4224.000)
7. Other Business
8. Adjournment

**TOWN OF ANGIER  
BOARD OF COMMISSIONERS  
SPECIAL CALLED MEETING  
Tuesday, June 13, 2017, 7:00 P.M.  
Angier Municipal Building  
28 North Raleigh Street  
Minutes**

The Town of Angier convened during a Special Called Joint Board of Commissioners and Planning Board meeting Tuesday, June 13, 2017, in the Board Room inside the Municipal Building at 28 North Raleigh Street.

**Members Present:** Mayor Lewis W. Weatherspoon  
Mayor Pro-Tem/Commissioner Bob Smith  
Commissioner Jerry Hockaday  
Commissioner Craig Honeycutt  
Commissioner Alvis McKoy

**Planning Board:** Chairman, Everett Blake, III  
Vice Chairman Thomas Taylor  
Lee Marshall  
Wayne Oakes  
Paul Strohmeyer  
Junior Price  
Danny Honeycutt

**Staff Present:** Town Manager Coley Price  
Planning and Permitting Technician, Sean Johnson

1. **Call to Order:** Mayor Weatherspoon presided, calling the Special Called meeting to order at 7:00 p.m.
2. **Pledge of Allegiance:** Mayor Weatherspoon led the pledge of allegiance.
3. **Invocation:** Mayor Pro-Tem/Commissioner Smith offered the invocation.
4. **Approval of the May 9, 2017 Planning Board Minutes:** The Planning Board approved the May 9, 2017 Planning Board Minutes.

**Board Action:** The Planning Board unanimously approved the May 9, 2017 Planning Board Minutes as presented.

**Motion:** Junior Price

**Second:** Paul Strohmeyer

**Vote:** Unanimous, 7-0

5. **Approval of the June 13, 2017, meeting agenda:** The Town Board approved the agenda as presented.

**Board Action:** The Town Board unanimously approved the June 13, 2017 meeting agenda as presented.

**Motion:** Mayor Pro-Tem/Commissioner Smith

**Second:** Commissioner Honeycutt

**Vote:** Unanimous, 7-0

6. **Items for Discussion and Recommendation:** *The following items were tabled for further discussion by the Planning Board at their May 9, 2017 meeting.*

- A. **Text Amendment – Staff recommends revising the Commercial Façade requirements found in Chapter 5, Section 5.4 of the Unified Development Ordinance (UDO), Removing Alternative Design Variance – Section 5.5**

Sean Johnson presented proposed revisions of Chapter 5, Section 5.4 of the UDO.

*Section 5.4. – Nonresidential buildings.*

*5.4.1.1 Materials and Color.*

- A. *Front facades shall be entirely covered by brick, decorative concrete block, stucco, stone, fiber cement siding, or other materials similar in appearance and durability (as approved by the administrator). All other exterior walls shall be at least 50 percent covered by an approved material. For every ten percent increase in approved material on exterior walls, a ten percent break in setback requirements shall be given, not to exceed 50 percent of the total setback.*

*5.4.2 Building design in all other locations.*

- A. *Front facades shall be at least 50 percent brick, decorative concrete block, stucco, stone, fiber cement siding, or other materials similar in appearance and durability (as approved by the administrator).*

Jimmy Johnson, 350 Woodcroft Drive, stated it would be incredibly expensive to provide 100% in the front of the building and 50% on the sides to fulfill the new requirements.

Judy Wheeler, 1797 Chalybeate Springs Road, distributed an article from the News & Observer and stated in 2015 the General Assembly prevented local governments from regulating exteriors on buildings.

Mayor Weatherspoon explained to Ms. Wheeler the article is referring to residential buildings not commercial.

Judy Wheeler asked the Board what General Statute regulates the Town's UDO.

Town Manager Coley Price explained that Benchmark Consulting, a certified consulting firm, prepared the UDO that was adopted by the Board of Commissioners.

Mayor Pro-Tem/Commissioner Smith stated that prior to 1972, there was no authority for municipalities to regulate on the basis of aesthetics of appearance in commercial buildings. However, a Supreme Court case in 1972 changed that, allowing the Town to use Police Power to put in place broad regulations for aesthetic reasons only.

Tom Taylor stated he likes the idea of letting current developments develop at the highest standard that's already in place.

There was a discussion about concerns with the development and/or property located along or within 200 feet of Highway 55, Highway 210, or the town center land use classification along with the 100% front façade requirements and 50% side and back façade requirements.

Sean Johnson explained the Board may make changes as they see fit.

It was the consensus of the Board to apply the new façade requirements, but remove the 50% façade requirements to the rear of the building, while increasing landscaping requirements around buildings.

Also, the Board recommended to include the following under Section 5.4.2:

*c. Façade colors shall be of low reflectance earth tone, muted, subtle, or neutral colors. Building trim may feature brighter colors, but neon tubing is not allowed as an accent material. The use of high-intensity, metallic, fluorescent or neon colors shall be prohibited. Variations in color schemes are encouraged in order to articulate entryways, architectural features, and public amenities so as to give greater recognition to these features.*

**Board Action:** The Planning Board voted to recommend the text amendments with the previously mentioned changes, and to eliminate the Building Design Alternatives; Section 5.5

**Motion:** Tom Taylor

**Second:** Wayne Oakes

**Vote:** Opposed (1) Junior Price; 6-1 motion passed

**B. Text Amendment – Staff recommends revising the Water and Sewer Connection requirements found in Chapter 9, Section 9.2 of the UDO.**

Sean Johnson presented the staff report for the proposed text amendment revising the Water and Sewer Connection Requirements.

*Section 9.2. – Water, sewer, and fire hydrants.*

*B. Any property seeking connection to the Town of Angier public sewer system must first receive voluntary annexation approval. If the property is annexed, the property owner shall be responsible for installing any infrastructure necessary for connection to the sewer system, and all infrastructures shall be turned over to the Town upon final acceptance from the Town.*

*C. Connection to Town of Angier public water and/or sewer systems is required when a proposed nonresidential structure or development is located within 1,000 feet of an existing town owned and operated system. The property owner shall be responsible for extending water or sewer to the proposed structure or development, and all extensions shall be turned over to the Town upon final acceptance by the Town.*

Sean Johnson stated in order to receive water and sewer connection, the property must be voluntarily annexed into the Town.

**Board Action:** The Planning Board voted to recommend denial of the text amendment as written.

**Motion:** Tom Taylor

**Second:** Everett Blake III

**Vote:** Opposed (5) Danny Honeycutt, Wayne Oakes, Paul Strohmeyer, Junior Price, Lee Marshall; 5-2 motion failed

**Board Amended Action:** The Planning Board voted to recommend approval of the revised text amendment with the following modification: to allow one lot per 200 feet to tap onto water/sewer connection.

**Motion:** Everett Blake III

**Second:** Junior Price

**Vote:** Opposed (1) Danny Honeycutt; 6-1 motion passed

**C. Text Amendment – Staff recommends revising the Nonresidential Sidewalk requirements found in Chapter 9, Section 9.2 of the UDO.**

Sean Johnson presented the staff report for the proposed text amendment revising the Nonresidential Sidewalk Requirements.

*Section 9.1. – Street Standards.*

*9.1.4.2 Sidewalks*

*C. Sidewalks shall be required along the right-of-way of a nonresidential development when the street is identified for future need by the Angier Pedestrian Plan. The sidewalk shall extend the entire length of the street frontage and stub out to each adjacent property.*

*F. The Town Board may waive the sidewalk requirement, along one side of a street when a development is located within the watershed. In order for a waiver to be considered the applicant or developer must propose an alternative including pedestrian trails that meet all local and state requirements.*

*G. Installation of all sidewalks in residential subdivisions shall be completed at such time that a building permit has been issued on 50 percent of all recorded lots or within 2 years of the date of final plat approval, whichever occurs first.*

**Board Action:** The Planning Board voted to recommend approval to revise the Nonresidential Sidewalk requirements found in Chapter 9, Section 9.2 of the UDO.

**Motion:** Everett Blake III

**Second:** Paul Strohmeyer

**Vote:** 7-0, Unanimous

**7. Other Business:** Draft Public Works Policy Manual

Town Manager Coley Price presented the Town Board with the Draft Public Works Policy Manual and asked the Board to review the manual for discussion for the June 27, 2017 meeting.

**8. Adjournment:** The Town Board voted unanimously to adjourn the meeting at 9:00 p.m.

**Motion:** Mayor Pro-Tem/Commissioner Smith

**Second:** Commissioner McKoy

**Vote:** Unanimous, 4-0

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Lewis W. Weatherspoon, Mayor

Attest:

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Veronica Hardaway, Town Clerk



# APPLICATION FOR ZONING CHANGE

Planning Department  
55 N. Broad Street W.

P.O. Box 278

Angier, NC 27501

Phone: (919)-639-2071 Fax: (919) 639-6130

*For Planning Department Use Only*

Case Number: 2017-000222

Date Received: 7/25/17

Fee Paid: \$400

Planning Board Mtg. 8/8/17

Town Board Mtg. 9/12/17

## Applicant Information:

### Owner of Record:

Name: K AND H DEVELOPERS  
Address: 204 SCHOLL STREET  
City/State/Zip: FURQUAY - VARINA NC  
Phone: 919-669-4707 27526  
E-mail: \_\_\_\_\_  
Fax: \_\_\_\_\_

### Applicant:

Name: K AND H DEVELOPERS  
Address: 204 SCHOLL STREET  
City/State/Zip: FURQUAY - VARINA, NC 27526  
Phone: 919-669-4707  
E-mail: \_\_\_\_\_  
Fax: \_\_\_\_\_

## Property Description:

PIN(S): 0674-95-4224

Acreage: 10.92 Acres

Tax Parcel ID: 040674 0070

Address: WHETSTONE DRIVE ANGIER, NC

Directions from Town Hall: HEAD NORTH ON BROAD STREET  
TURN RIGHT ONTO JUNNY ROAD. TURN RIGHT ONTO  
KERRYLANE DRIVE. TURN RIGHT ONTO WHETSTONE DRIVE  
PROPERTY IS AT END  
OF STREET.

Deed Book: 3195 Page: 0835

Plat Book: 2000 Page: 29

## Zoning Request:

Existing zoning: R-10

Requested zoning: R-6

## Attachments:

- Written description of property from recorded deed
- Recorded map of property at scale of not less than one (1) inch = 200 feet
- Explanation of why the zoning change is requested, addressing applicable portions of Section 14.3 of the Unified Development Ordinance.



### Signatures:

The undersigned applicant hereby certifies that, to the best of his or her knowledge and belief, all information supplied with this application is true and accurate:

 7-25-17  
\_\_\_\_\_  
Property Owner Signature                      Date

\_\_\_\_\_  
Authorized Agent Signature                      Date

### Requirements for Consideration:

The Planning Board shall consider and make recommendation to the Town Board of Commissioners concerning each proposed zoning district. The following policy guidelines shall be followed by the Planning Board concerning zoning districts and no proposed zoning district will receive favorable recommendation unless:

1. The proposal will place all property similarly situated in the area in the same category, or in appropriate complementary categories.
2. There is convincing demonstration that all uses permitted under the proposed district classification would be in the general public interest and not merely in the interest of the individual or small group.
3. There is convincing demonstration that all uses permitted under the proposed district classification would be appropriate in the area included in the proposed change. (When a new district designation is assigned, any use permitted in the district is allowable, so long as it meets district requirements, and not merely used which applicants state they intend to make of the property involved.)
4. There is convincing demonstration that the character of the neighborhood will not be materially and adversely affected by any use permitted in the proposed change.
5. The proposed change is in accordance with the comprehensive plan and sound planning practices.

# WHESTONE REZONING AREA

NOT FOR LEGAL USE



## LEGEND

 Recycle\_Center

 Landfills

 Surrounding County Boundaries

 Federal Property

GIS/E-911 Addressing

July 25, 2017



1 inch = 300 feet

**Rezoning Statement regarding the consistency of the request with  
adopted Town Plans and the surrounding area**

The current area of Whetstone referenced as "Reserved For Future Development" as shown in Plat Book 2000 Page 29 consists of 10.92 acres. While this area is currently zoned R-10, it is respectfully requested that this parcel be rezoned to R-6.

The proposed R-6 zoning is compatible with the Town of Angier Land Use Plan in that an R-6 zoning is residential. The proposed R-6 zoning will be for single family residential development. The R-6 zoning is being requested to allow for the development of the 10.92-acre tract and to accommodate the area of permanently preserved recorded wetland area. The resulting R-6 zoning will result in a developed residential parcel that will fit into the Town's Land Use Plan of residential density of 1-3 units per acre.



# REZONING STAFF REPORT

File #: 2017-000222

Sean Johnson

sjohnson@angier.org

(919) 331-6702

Planning Board: August 8, 2017

Public Hearing: September 12, 2017

## Requesting Rezoning From R-10 to R-6

### Applicant Information

#### Owner of Record:

Name: K & H Developers

Address: 204 Scholl Street

City/State/Zip: Fuquay-Varina, NC 278526

#### Applicant:

Name: K & H Developers

Address: 204 Scholl Street

City/State/Zip: Fuquay-Varina, NC 278526

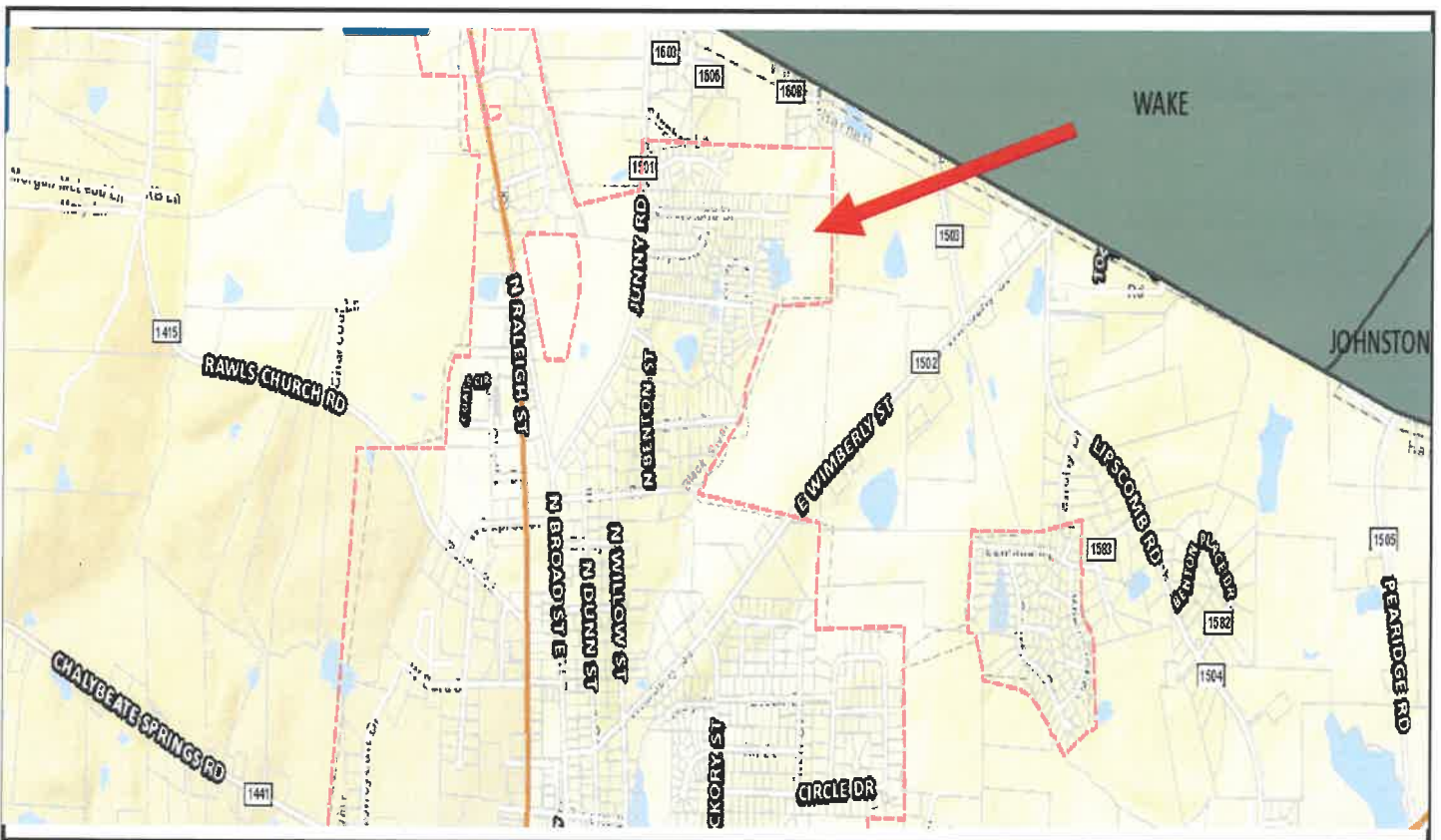
### Property Description

PIN(s): 0674-95-4224

Acreage: 10.92 Acres

Address: Vacant Parcel at the End of the Whetstone Drive Extension

### Vicinity Map





## Zoning District Compatibility



Zoning Map

	CURRENT	REQUESTED
	R-10	R-6
Parks & Rec Facilities	<b>P</b>	<b>P</b>
Detached Single Family	<b>P</b>	<b>P</b>
Townhomes/Condos	<b>S</b>	<b>S</b>
Multi-Family	<b>S</b>	<b>S</b>
Professional Offices		
Retail Uses		
Eating Establishments		
Governmental Uses	<b>P</b>	<b>P</b>
Distribution		
Manufacturing Uses		

**P=Permitted Use S=Special Use**

## Physical Characteristics



Aerial Photograph (2013)

**Site Description:** The property is currently wooded and contains a large wetlands section along the western edge.

**Surrounding Land Uses:** Surrounding Land Uses Include Agricultural as well as Low & Medium Density Residential.

## Services Available

Water:

- ☒ Public  
☐ Private (Well)  
☐ Other: Unverified

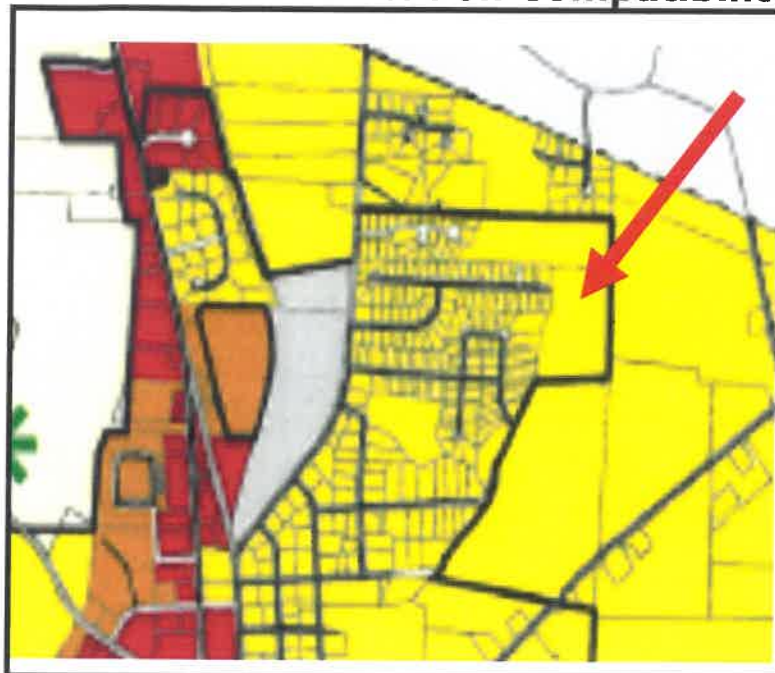
Sewer:

- ☒ Public  
☐ Private (Septic Tank)  
☐ Other: unverified

Transportation:

Whetstone Dr.

## Land Use Classification Compatibility



Future Land Use Map (2017)

	REQUESTED ZONING	LAND USE
	<b>R-6</b>	<b>MDR</b>
Parks & Rec Facilities	<b>P</b>	<b>P</b>
Detached Single Family	<b>P</b>	<b>P</b>
Semi-Detached	<b>P</b>	<b>P</b>
Townhomes	<b>S</b>	<b>S</b>
Multi-Family	<b>S</b>	<b>S</b>
Non-Traditional Residential	<b>S</b>	<b>S</b>
Professional Offices		
Retail Uses		
Eating Establishments		
Governmental Uses		
Distribution		
Manufacturing Uses		

**2017 Land Use Plan: Medium Density Residential: 3-6 Units per Acre**  
**Requested R-6 District: 6,000 sq. ft. min. lot size**

**The Proposed Rezoning Is In Compliance With The New Land Use Plan To Be Adopted In September 2017**

### Evaluation

- ☒ **Yes** ☐ No The IMPACT to the adjacent property owners and the surrounding community is reasonable, and the benefits of the rezoning outweigh any potential inconvenience or harm to the community.  
REASONING: The additional impact caused by a few more homes to the surrounding properties will be minimal.
- ☒ **Yes** ☐ No The requested zoning district is COMPATIBLE with the existing Land Use Classification.  
REASONING: The Land Use Map to be adopted in September designates the property as Medium Density Residential. The requested zoning would allow for lots as small as 6,000 sq. ft., which fits the density suggested by the map.
- ☒ **Yes** ☐ No The proposal does ENHANCE or maintain the public health, safety and general welfare.  
REASONING: The additional impact caused by a few more homes to the surrounding properties will be minimal.
- ☐ Yes ☒ **No** The request is for a SMALL SCALE REZONING and should be evaluated for reasonableness  
REASONING: The rezoning will not change the allowed use of the property, just the density.

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## Suggested Statement-of-Consistency (Staff concludes that...)

The requested rezoning to General Commercial is compatible with all Town of Angier regulatory documents, would not have an unreasonable impact on the surrounding community, and will not harm the public health, safety, and general welfare for the reasons stated in the evaluation. It is recommended that this rezoning request be **APPROVED**.

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## Standards of Review and Worksheet

### STANDARDS OF REVIEW

The Planning Board shall consider and make recommendations to the Town Board of Commissioners concerning this proposed conditional zoning district. The following policy guidelines shall be followed by the Planning Board concerning zoning districts and no proposed zoning district will receive favorable recommendation unless:

- ☐ Yes   ☐ No   A.    The proposal will place all property similarly situated in the area in the same category, or in appropriate complementary categories.
- ☐ Yes   ☐ No   B.    There is convincing demonstration that all uses permitted under the proposed district classification would be in the general public interest and not merely in the interest of the individual or small group.
- ☐ Yes   ☐ No   C.    There is convincing demonstration that the character of the neighborhood will not be materially and adversely affected by any use permitted in the proposed change.
- ☐ Yes   ☐ No    C.    The proposed change is in accordance with the comprehensive plan and sound planning practices.

### ☐ **GRANTING THE REZONING REQUEST**

Motion to grant the rezoning upon finding that the rezoning is reasonable based on **All** of the above findings of fact A-E being found in the affirmative and that the rezoning advances the public interest.

### ☐ **DENYING THE REZONING REQUEST**

Motion to deny the rezoning upon finding that the proposed rezoning does not advance the public interest and is unreasonable due to the following:

- ☐ The proposal will not place all property similarly situated in the area in the same category, or in appropriate complementary categories.
- ☐ There is not convincing demonstration that all uses permitted under the proposed district classification would be in the general public interest and not merely in the interest of the individual or small group.
- ☐ There is not convincing demonstration that all uses permitted under the proposed district classification would be appropriate in the area included in the proposed change. (When a new district designation is assigned, any use permitted in the district is allowable, so long as it meets district requirements, and not merely uses which applicants state they intend to make of the property involved.)
- ☐ There is not convincing demonstration that the character of the neighborhood will not be materially and adversely affected by any use permitted in the proposed change.
- ☐ The proposed change is not in accordance with the comprehensive plan and sound planning practices.
- ☐ The proposed change was not found to be reasonable for a small scale rezoning

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## Attachments

☒ Original Rezoning Application