

**Town of Angier Planning Board
Minutes
Monday, March 7, 2016, 7 pm
Municipal Building
28 North Raleigh Street
Angier, North Carolina 27501
Agenda**

The Angier Planning Board met in regular session Monday, March 7, 2016*, inside the Municipal Building Board Room, 28 N. Raleigh Street. Chairman Everett Blake, III, presided, calling the meeting to order at 7:00 p.m. *The Planning Board meeting was rescheduled from Tuesday, March 8, 2016, to the evening prior due to a conflict with the Chamber of Commerce's annual Chamber Banquet scheduled for March 8, 2016.

Members Present: Chairman Everett Blake, III
Vice-Chairman Thomas Taylor
Wayne Oakes
Tristan Scott
Paul Strohmeyer

Members Absent: Danny Honeycutt
Lee Marshall

Staff Present: Town Manager, Coley Price
Public Works Director, Jimmy Cook
Town Engineer, Bill Dreitzler
Planning and Permitting Technician, Sean Johnson
Town Clerk, Kim Lambert

Others Present: Mayor Lewis Weatherspoon
Commissioner Craig Honeycutt
Commissioner Alvis McKoy

2. **Pledge of Allegiance:** Chairman Blake led the pledge of allegiance.

3. **Invocation:** Tristan Scott offered the invocation.

4/5. **Approval of the March 7, 2016, Planning Board Agenda:**

The Planning Board approved the January 12, 2016, Planning Board Meeting Minutes.

Motion: Paul Strohmeyer
Seconded: Tristan Scott
Vote: Affirmatives, 5;

Chairman Blake told the audience that the Staff would first present information regarding the rezoning request and would then allow members of the public to come forward to express their concerns or to pose questions.

6. Items for Discussion and Recommendation

► A Conditional Rezoning Request – The Pendergraph Companies, LLC.

Planning and Permitting Technician Sean Johnson presented the background information for the Conditional Rezoning Request for a 19.85-acre property located at 742 S. Raleigh Street. The requested zoning would change the property from R-15 (flexible, medium density) to CZ-R6-2 Conditional (specific for multi-family, residential use). The owner of the property is currently Barbara Butts from Fuquay-Varina. Mr. Johnson said the reason for the rezoning request was to construct a multi-level, 68-unit apartment complex. He said what differentiates a Conditional Rezoning from a Standard Rezoning is the Board's ability to impose or delete additional specifications. Mr. Johnson said the proposed site is vacant agricultural land with a wooded portion and small pond along its western side. The surrounding land uses include low- and medium-density residential. Public water and sewer services are available on the property.

Mr. Johnson said that the review and consideration by the Board of the rezoning request should include:

1. A specified use; 2. Development Layout; 3. Overall Design; 4. Building Elevations; and 5. Building Color. (If approved, the Board may impose additional stipulations. If the conditional zoning petition is approved, review for compliance with the Ordinance of standard improvements (i.e., parking areas or landscaping) may be assessed by the Planning staff during site plan approval. The zoning district would be a stand-alone district, CZ-R6-2.

The staff said the impact to adjacent property owners and surrounding community would be minimal. Mr. Johnson said that – while the proposed multi-family use is not compatible with the Town's current Future Land Use Map – the staff expects the Tippet Road corridor between Highway 210 and Highway 55 to see medium- to high-density development in the future. The staff intends to update the Future Land Use Map and expects this area to change from its current low density classification to allow for medium- and high-density uses. He said the proposed complex would enhance public health, safety and general welfare, providing an additional housing option.

The Applicant, Mike Weaver, Executive Vice-President of The Pendergraph Companies, LLC, who resides at 3924 Browning Place, Raleigh, said that he joined his sister, Frankie Pendergraph, and helped develop The Cottages at Twin Oaks, located behind Carlie C's in Angier. He said they were proud of the property and considered the apartment complex a tremendous asset to the Town of Angier which meets the needs of its tenants. Together Mr. Weaver and Ms. Pendergraph have developed and continue to manage more than 7,000 apartments in North and South Carolina.

The Applicant presented a slide show explaining how The Pendergraph Companies, LLC, manages income-restrictive apartments. Mr. Weaver said they conduct a national criminal background check, a national inquiry from former landlords, they search utility payments and conduct a national employment search before determining the prospective tenant's eligibility. Among the properties they manage include two- to three-story apartments in Shelby; senior units in Kings Mountain; Oxford Plantation in Goldsboro; Lancaster, South Carolina; and 96 senior units in

Brier Creek. He describes theirs as a strict lease, allowing only those who sign the lease to live in the unit.

At the proposed site along Tippet Road, Mr. Weaver said amenities would include a large community center, which may be used by the community, local businesses and churches for meetings and Bible studies; off-site social services visits including eye care, diabetes and wellness; a gazebo with picnic tables; a courtyard; a library; well-manicured lawns, an outdoor grill and a large children's playground. He is proposing to construct (8) 1-bedroom, (36) 2-bedroom apartments; and (24) 3-bedroom apartments ranging from approximately \$ 600, \$ 700 - \$ 730, to \$ 844 per month, respectively. Mr. Weaver said there are no plans to include a basketball or tennis court, pool or garages at the proposed Angier site nor will the entire 19.88 acres ever be developed by The Pendergraph Companies, LLC.

Chairman Blake allowed the Planning Board to pose questions to the Applicant. The chairman said that The Cottages at Twin Oaks were an asset to the Town, and that the landlords had only received one call from the local police department regarding an incident since its inception. Mr. Weaver said the matter was resolved immediately following a call from Police Chief Hallman.

When asked, the Applicant said that – although their plans were to purchase all 20 acres and that they did not intend to develop the entire acreage -- The Pendergraph Companies, LLC, "have frequently provided for the community, donating land to use for their services," suggesting Angier may be in need of a "senior center or a possible park with walking trails." When asked, the Applicant said there is currently no buffer indicated between the acreage and surrounding Windsor Subdivision, but that Planning officials may stipulate more extensive landscape requirements including a berm, buffer, or potential privacy fence. When questioned, Mr. Weaver said Buildings C and D nearer to the north would house (12) 2-bedroom units and (8) 1-bedroom units, respectively. He said, during the Technical Review Committee meeting, he expects officials to impose buffering restrictions. The Applicant said he didn't expect to take possession of the property until December, 2016, or early 2017.

7. The Chairman allowed members of the public to voice their concerns regarding the conditional rezoning request, closing the regular meeting and opening a Public Input Session.

Gary Spriggs of 198 Clearfield Drive in Clearfield Estates, Angier, and (Ret.) US Navy, stated that according to the UDO, a public hearing was "the only vehicle for citizens to bring their grievances to the Town Board." He cited Section 14.5.3-B, Paragraph 3, claiming that Town officials were required to post a Rezoning Request sign 10 days prior to "a public hearing." Town officials were quick to clarify Mr. Spriggs' statement explaining that the meeting that evening was a Planning Board meeting, which required no official "public hearing or public input." They stated that a public hearing would be required, however, at the next regularly scheduled Board of Commissioners' meeting Tuesday, April 5, 2016, at 7 PM. Mr. Spriggs recommended the Planning Board consider an alternate site for the proposed complex 1,000 to 1,500 feet down Highway 55 where he alleged the zoning would better facilitate the housing complex. He also questioned the validity of creating a new zoning, CZ-R6-2, claiming the proposed rezoning violates the Land Use Plan.

Jim Kreeger of 52 Clearfield Drive in Clearfield Estates, Angier, and a 20-year resident in Angier, said that The Cottages at Twin Oaks were well executed at their

location behind Carlie C's IGA. He said, however, he was concerned that the proposed Tippet Place complex could devalue his property and have a negative impact on the surrounding community.

Johnny Dickens from the Windsor subdivision asked if the current infrastructure had the capability to provide water service to the complex and whether Angier-Black River Fire officials could properly extinguish a three-story fire in case of emergency.

Planning Board Chairman Blake said that the Town has been upgrading its current infrastructure and is currently able to provide an adequate water supply to the proposed site.

Melinda Spence of 84 Windsor Drive, Angier, told the Planning Board she was a licensed realtor and feared the apartment complex would cause adjoining land values to plummet. She said she had read studies where property depreciates if adjacent to apartment complexes and would provide the Planning Board with statistics.

Planning Board Vice-Chair Thomas Taylor questioned the validity of Ms. Spence's claim that apartments devalue adjacent property. He also told Ms. Spence that only three or four homes within the Windsor subdivision actually backed up to the proposed site.

TJ Lynch of 40 Fairfield Court, Angier, said he preferred seeing a single housing development at the Tippet Road site and was concerned about the added traffic from Tippet Road onto Highway 55 and 210. He suggested the Planning Board conduct a Transportation Study to assess the onset of more vehicles at that site.

Chrystina (Heather) Sheppard of 54 Windsor Drive, Angier, said she had three children ages 7, 3, and 2 and was concerned about the impact of more students at school facilities including North Harnett Primary. She said, as a realtor, she feared the location of Tippet Place was too close to her single-family home. She said that property values "would diminish with apartment buildings in her back yard."

Vice-Chair Taylor said that he believed single-family homes would have the same impact as the proposed apartment complex.

Billy Surles of 4053 Sippihaw Drive, Fuquay-Varina, said as a Century21 independent real estate broker, he was representing the Roy Adams Family Estate. He said that the developer, Mike Weaver, had established an excellent complex at The Cottages at Twin Oaks, claiming there was "not a nicer apartment complex in this Town or in Harnett County." He said local law enforcers stated they had not responded to any issues at The Cottages at Twin Oaks. Mr. Surles said the Town of Angier may experience increased growth as a result of "spillover from Southern Wake County and Northwest Harnett County." He said the Town must be prepared to upgrade its infrastructure with anticipated growth and will need to generate revenue in lieu of raising Town tax rates. He suggested increasing the Town tax base with additional residential and commercial growth.

Town Engineer Bill Dreitzler assured the Planning Board that the currently available infrastructure within the Town of Angier would be adequate for Tippet Place.

Virginia Weiss of 956 E. Wimberly Street, Angier, said she represented the seller of the property, her mother, as power of attorney. Mrs. Weiss verified with the Applicant, Mr. Weaver, that Tippet Place would not be considered "a low income, Section 8 housing development." Mr. Weaver clarified that the proposed complex would be considered an income restrictive, B+ complex, where all tenants must be gainfully employed. Mrs. Weiss said that her family – who owned a building, a lot and a home nearby – supported the proposed complex.

The Applicant said he was a licensed broker-in-charge, his sister, Frankie Pendergraph, was an ex-captain in the Navy, and that they were hands-on managers who would monitor the property aggressively.

8. Chairman Blake closed the Public Input Session, reopening the regular Planning Board meeting. He then directed the Planning Board to specifically address issues pertaining to the rezoning request by Pendergraph Companies, LLC. Sean Johnson told the Planning Board that the requested rezoning to Conditional Zoning R-6 for multi-family housing is considered compatible with Town of Angier regulatory documents, he said it would not have an unreasonable impact on the surrounding community, and would enhance the general welfare.

The Standards of Review included four questions relating to the request.

- A. *The proposal would place all property similarly situated in the area in the same category, or in appropriate complementary categories.*

Planning Board Action: The Planning Board voted 4-to-1, attesting that the proposal would place all property similarly as stated in the aforementioned Item A.

Vote: 4-to-1: Affirmatives: Chairman Blake, Vice-Chairman Taylor, T. Scott and W. Oakes
Dissenting: P. Strohmeyer

- 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.*

Planning Board Action: The Planning Board voted unanimously, attesting that the proposed district classification would be in the general public's interest.

Vote: 5-to-0: Affirmatives: Chairman Blake, Vice-Chairman Taylor, W. Oakes, T. Scott, and P. Strohmeyer
Dissenting: None.

- 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.*

Planning Board Action: The Planning Board voted unanimously, attesting that the character of the neighborhood would not be materially and adversely affected by any use permitted in the proposed change.

Vote: 5-to-0: Affirmatives: Chairman Blake, Vice-Chairman Taylor, W. Oakes, T. Scott, and P. Strohmeyer
Dissenting: None.

D. The proposed change is in accordance with the comprehensive plan and sound planning practices.

Planning Board Action: The Planning Board voted 4-to-1, attesting that the proposed change is in accordance with the comprehensive plan and sound planning practices.

Vote: 4-to-1: Affirmatives: Chairman Blake, Vice-Chairman Taylor, W. Oakes, and T. Scott
Dissenting: P. Strohmeyer

Chairman Blake then entertained a motion to recommend approval of The Pendergraph Companies, LLC, rezoning request from R-15 to CZ-R6-2. He stated that Planning Board officials could also impose restrictions on the rezoning request during the time of voting. Planning Board member Paul Strohmeyer suggested Town officials have a Traffic Analysis Study be conducted due to the high volume of traffic within the area of the proposed complex.

Planning Vice-Chair Thomas Taylor made a motion that the Planning Board recommend approval with the following conditions stipulated: That the buffering for all four sides of the proposed site be in accordance with the Town's UDO; that the buffering proposed for the far south-end of the property be placed instead across the bottom of the property just behind Building C; that there be a Landscaping Plan developed and presented to the Angier Town Board with appropriate landscape noted; there be a walking trail developed allowing residents to exercise (an exercise trail); and that there be an Agreement with the Town of Angier that, at the time of approval by the Town Board, that the buildings would be all under one water meter (one per building) rather than individual meters at each unit. The motion would include a Traffic Analysis Study be conducted, as well. Planning Board member Wayne Oakes seconded the motion with the additional stipulations stated above.

Planning Board Action: The Planning Board voted 4-to-1, recommending approval of The Pendergraph Companies, LLC, rezoning request and with the additional stipulations.

Vote: 4-to-1: Affirmatives: Chairman Blake, Vice-Chairman Taylor, W. Oakes, and T. Scott
Dissenting: P. Strohmeyer

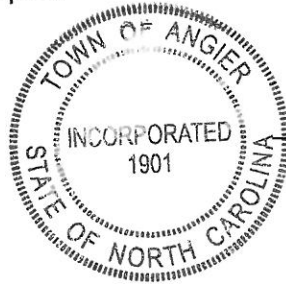
Chairman Blake told the Planning Board that the recommendation would now go before the Board of Commissioners' Public Hearing during its April 5, 2016, meeting.

9. **Other Business:** No other business items were discussed.
10. **Adjournment:** Chairman Blake entertained a motion to adjourn the meeting.

Planning Board Action: The Planning Board voted to adjourn the March 7, 2016, meeting at 8:42 p.m.


Motion: Vice-Chair Taylor
Seconded: T. Scott
Vote: Unanimous, 5-0

With there being no further business to discuss, the Planning Board meeting was adjourned at 8:42 p.m.




Everett Blake, III, Chairman

ATTEST:


Kim Lambert, Town Clerk