

**TOWN OF ANGIER
PLANNING BOARD
Tuesday, March 8, 2022, 6:30 P.M.
Angier Board Room
28 N. Raleigh Street
Minutes**

The Angier Planning Board met in regular session on Tuesday, March 8, 2022 inside the Angier Board Room at 28 N. Raleigh Street. Chairman Christina Kazakavage called the meeting to order at 6:35 p.m.

Members Present: Chairman Christina Kazakavage
Myron Patterson
Haley Plumley
Lee Marshall
Robert Frey
Courtney Jusnes

Members Absent: None

Staff Present: Planning Director Sean Johnson
Administrative Assistant Donna DiMambro
Community Development Coordinator Heather Keefer

Others Present: Commissioner Jim Kazakavage
Commissioner Loru Hawley

2. **Pledge of Allegiance:** Chairman Christina Kazakavage led the pledge of allegiance.
3. **Invocation:** Chairman Christina Kazakavage offered the invocation.
4. **Approval of the February 8, 2022 Planning Board Minutes:** The consensus of the Board is to approve the February 8th meeting minutes at the following Planning Board meeting.

Motion: Robert Frey
Vote: Unanimous, 5-0

5. Consideration of The Agenda:

Motion: Robert Frey
Vote: Unanimous, 5-0

7. New Business

A. Rezoning Request – Easley Properties, LLC

Applicant: Meritage Homes

Property in Question: 57.38 Acres on NC 55W/ Old Buies Creek Rd

Current Zoning: R-30

Requested Zoning: CZ R-6

Sean Johnson, Planning & Inspections Director, addressed the Board. He stated that the rezoning request submitted by Meritage Homes, which had been denied by Board of Commissioners in January, have revised their plans and are resubmitting their rezoning proposal for reconsideration.

Mr. Johnson elaborates that the only use will be single family lots, and a revised total of 152 lots are proposed.

The property was annexed into the Town in January and has access to water and sewer services. Mr. Johnson states that the requested rezoning of CZ R-6 does fall within the medium density range called for by the Land Use Plan; similar to that of surrounding properties.

Mr. Johnson directed the Planning Board to the previous rezoning plan and offered a comparison to the plan currently being considered. The new plan reduced the lot count from 162 lots to 152 lots. Of the 152 lots, 28 of them have been enlarged to 10,000 square feet or more.

While reviewing the proposed conditions list, items listed are much of the same from the original request with a few exceptions. The setbacks will be in line with the R-6 standards, there will be ample open space, and there will be turn lanes serving each entrance to the subdivision. There will be 19 acres of open space with 20 foot street buffers on HWY 55, Old Buies Creek Road, and Ennis Road.

Planning Board member Robert Frey asked Mr. Johnson whether the draft conditions had changed. Mr. Johnson stated that the number of 10,000sqft lots had changed and the open spaced was reduced to accommodate the larger lots. All of the feedback from the Board of Commissioners have been fulfilled.

Sarah Shirley, representative of Meritage Homes, spoke to the Planning Board stating that there are a mix of lot sizes to meet the request from that of the Board of Commissioners. Ms. Shirley restates the reduction of the amount of lots and, and that measures will be taken to address drainage concerns from the adjoining property owner.

After reviewing the Standards and Review, the Planning Board approved all provisions have been met; and recommending approval of the proposed rezoning with the conditions presented. This rezoning will be heard by the Board of Commissioners on April 5, 2022.

Motion: Christina Kazakavage

Vote: Unanimous, 5-0

8. Old Business

A. Junkyard Screening Ordinance Discussion

Chairman Christina Kazakavage brings to the Planning Board's attention an Ordinance, pertaining to junk yards and the verbiage within, to be re-written at the request of the Commissioners

Planning Director, Sean Johnson, relays the history of the matter to the Planning Board. This Ordinance was looked at back in 2020. The amendment was tabled for a year due to business impacts caused by the pandemic, and then brought back up in 2021 and adopted on June 1st, 2021.

As adopted, properties meeting the Ordinance definition of a junkyard had six months to comply, after which the Code Enforcement Officer pursued a couple properties to enforce compliance. Prior to enforcement regarding fencing, during a recent Board of Commissioners meeting there was a request to cease all action until language within the ordinance changes.

To do so, there is a formal process, which requires the Planning Board's recommendation in reviewing the working draft of the ordinance with the goal of not only Board of Commissioner adoption, but enforcement as well. Mr. Johnson continues, while directing attention to the working draft, stating there are definitions that need to be altered to address the Board's concerns.

Three specific definitions to be assessed are "junk", "junked motor vehicles", and "junk yard". Mr. Johnson points to the NC Statutes related definitions document, within which speaks to the aforementioned language in question. Mr. Johnson advised that he spoke with the Town Attorney, who recommended that the Ordinance should maintain the same language as the State; or at least not be contradictory to the State.

The question arose as to why this topic is being brought before the Planning Board, to which Mr. Johnson replied that at the February Board of Commissioners Workshop, property owners expressed dissatisfaction with the "junkyard" language and wished to see the ordinance change accordingly. Mr. Johnson stated that the proposed alternative words for consideration are "storage yards" rather than "junk yards".

Mr. Johnson emphasized that, when redefining this specific ordinance verbiage, it is important to understand that this definition will include any property that a will have more than three unregistered non-functional vehicles. Mr. Johnson asks the Planning Board if the condition still satisfies the Town's agenda, or should it be altered.

After much discussion, The Planning Board could not come to a full consensus regarding the number of junked vehicles that would trigger the "storage yard" definition. The proposed amendment will remain as written – *"more than three unregistered and nonfunctional motor vehicles"*.

The consensus of the Planning Board was in favor of replacing "junked vehicles" with "unregistered non-functional vehicles" in the Ordinance.

Motion: Christina Kazakavage

Vote: Unanimous, 5-0

Regarding the timeframe of enforcement, being six months from first notice, Mr. Johnson requests a consensus from the Planning Board regarding the time frame for compliance.

The consensus of the Planning Board was in favor of establishing a time frame of sixty days for compliance.

Motion: Christina Kazakavage

Vote: Unanimous, 5-0

Mr. Johnson requested a consensus regarding chain link fencing as an option for the required screening.

The Planning Board came to a consensus to not allow chain link fencing as an option to screen properties meeting the definition of a "storage yard".

Motion: Christina Kazakavage

Vote: Unanimous, 5-0

The Planning Board then voted to recommend the approval of the proposed Ordinance amendment with the changes discussed.

Motion: Christina Kazakavage

Vote: Unanimous, 5-0

9. Adjournment: The Planning Board meeting adjourned at 7:35 PM


Christina Kazakavage, Chairman

Attest:


Donna DiMambro, Administrative Assistant