

**TOWN OF ZEBULON
JOINT PUBLIC HEARING
OCTOBER 9, 2017**

Matheny: Robert S. Matheny, Mayor
Beck: Dale Beck, Commissioner
Bumgarner: Don Bumgarner, Commissioner
Clark: Beverly Clark, Commissioner
Strickland: Curtis Strickland, Commissioner
York, G: Glenn York, Commissioner
Jones: Darrell Jones, Planning Board Chair
Waldroup: Kenny Waldroup, Planning Board Vice Chairman
Baxter: Shannon Baxter, Planning Board
Blount: Gene Blount, Planning Board
Ray: Larry Ray, Planning Board
Johnson: Laura Johnson, Planning Board
Spriggs: Julie Spriggs, Town of Zebulon Senior Planner
Markland: Lisa Markland, Town Clerk
Moore: Joe Moore, Town Manager
Hampson: Toby Hampson, Town Attorney

Wheeler: Whit Wheeler, Assistant Director, Raleigh Public Utilities Department
Futrell: Glenn Futrell, Petitioner, Weavers Pond, LLC
York: David York, Petitioner Attorney, Smith Moore Leatherwood
Schneider: Mike Schneider, Piedmont Land Design
Finch: Gail Finch, Surrounding Property Owner
Kemp: Ramey Kemp, Ramey Kemp & Associates
Lewis: David Lewis, Dickinson, Lewis & Associates
Lasley: David Lasley, Piedmont Land Design
M/F: Male/Female Speaker

[INAUDIBLE]

Matheny: Good evening. We'll call the meeting to order, and welcome everyone here this evening. This is a joint meeting with the planning board seated in the front here, and the town board seated here. We have the town attorney seated adjacent to me, and he is the parliamentarian for this evening. So I want to explain just a little bit about this type of public hearing.

It's known as a quasi-judicial hearing, which you can compare to a court of law, and it's very similar to the court proceedings. I kind of use the example that I'm the judge, and these people here are the jurors. That may not be exact, but to kind of give you an idea. It's different from a standard public hearing. All persons wishing to speak must be sworn in, so you need to come to the microphone. Our clerk will swear you in. You need to state your name, address, and then be sworn in or affirmed.

And decisions are made on the evidence, so it is an evidentiary hearing. So if you're coming to speak, you need to be presenting evidence, not just personal unsubstantiated opinion. And if you do give personal unsubstantiated opinion, it will not be considered in the decision. As I say, it is an evidentiary hearing just like a court of law.

After each speaker has finished, I will first ask if there are any questions from either of these boards up here. And once that's been completed, I'll ask if any interested party has a question to ask of the speaker. Once the hearing's been closed, there's no further evidence that can be presented, no further research by any of the board members. And again, the planning board will study the issue, make a recommendation back to this board at their time pleasure. It might be tonight. It might not be. But they're usually very good about not dragging their feet on that. So we'll get that information back, and then this board, and then this board will make a decision in the future.

And I will tell you that there also cannot be any ex parte communication, so we're not allowed to talk to you about this. It's just, again, like a court case,

where we cannot have private discussions with anyone concerning this matter until the final decision's been made. So I need to ask these questions, if any board member has an ethics conflict—and I'm talking about either of these boards—relevant evidence or ex parte conversation that you need to share with us at this time?

Waldroup: Mr. Mayor, I need to make the board aware that I'm currently employed by the City of Raleigh Public Utilities Department—

Matheny: Okay.

Waldroup: —who will likely be providing testimony tonight.

Matheny: Okay.

Waldroup: And I was also a staff person with the town when these original conditions were written.

Matheny: Okay.

Waldroup: As such, I'm aware of a conversation between Raleigh staff and Zebulon staff this morning in preparation for their attendance today.

Matheny: Okay, all right.

Waldroup: I have talked with our attorney, and I do not believe that this a conflict of interest, and I have an open mind toward any testimony offered tonight.

Matheny: Okay.

Hampson: And yes, I guess, just for the record, that's—you have no fixed opinion on the matter and are willing to listen to the evidence presented by a party in this matter.

Waldroup: I am.

Matheny: Okay. And to further pick up on that, ask any board member if you have a fixed opinion on this matter, if you do have any undisclosed ex parte communications—which Mr. Waldroup just was telling us about—well, that he was aware of anyway—any close familial business, or other association, or relationship with the applicant, any financial interest in the outcome? And I don't know that anyone would need to be recused, so is everybody okay with that? And no one has any other problems? Okay. Okay. Again, anyone wishing to present evidence will come to the microphone. We'll start with a staff report, so I'll ask for that now.

Spriggs: All right, that's me. Hello.

Matheny: Okay.

Spriggs: Evening. I'm sitting over here for anybody trying to see who's speaking. It's me. So if you can't hear me, let me know. But yes, we'll swear me in, first.

Markland: Do you swear to tell the truth, the whole truth, and nothing but the truth so help you God?

Spriggs: I do.

Markland: State your name, please.

Spriggs: I am Julie Spriggs with this planning department, 1003 North Arendell Avenue, Zebulon, North Carolina. And again, if you can't hear, just let me know, and I'll try to repeat or speak up. I'll try to focus my mouth into the microphone for you tonight. So the first case—the only case on the agenda tonight is the special use for Weavers Pond, and we do have some handouts over on the table. We have the proposed conditions list, and we have a copy of the front page of the agenda for

anybody who would like. It's over by Lisa. She can help you if you would like that, to move along.

So the first order of business after that is the staff report and the agenda, plus any attachments that are part of the agenda packet or are handed out tonight are to be entered into the record for this hearing.

And for the case, it's SU-2108-02 Weaver's Pond. It's a residential subdivision located at Pippin Road. This is the chart we used to show the request by the property owner, the site address, the parcel number, the acreage of the parcel, the current use of the parcel, the existing zoning of the parcel, and the proposed use, which will not change. And the existing zoning will not change as part of this special-use amendment, and will keep R-13-SUD, and it will still be a resident subdivision. And that trips generated by the request for the additional density is less than 100, so a TIA is not required by the town ordinance. I have a little bit more on the TIA. We'll get to that in a little bit during the transportation part of my presentation.

NOTE: Gene Blount came in and was seated with the Planning Board

So tonight we have some properties, just to give you a location of where the surrounding properties are. So we have some vacant land to the north, it's R-40W, which is the watershed. We have some vacant land to the east, which is R-30. We have some vacant land to the south, which is R-20. And we have some agricultural farming land to the west, and that is also R-40W, part of the watershed.

So this is an aerial of the request. We have this parcel and this parcel here, which is part of the special-use permit, and that is part of the amendment tonight. The rest of these parcels that are included in the subdivision are platted and have different parcel numbers, therefore individual lots. So what we're really looking at is the request for the rest of this subdivision.

So this is the master plan for the subdivision. It's a little bit tight, but you can see how it's built out. This is where the houses are currently. This is the vacant land. This is the master plan on how it intends to develop to the north and to the west. And you can see to the south, on the eastern side of the pond down here, the other phase. So for town plans or policies, the application complies with all of these town plans or policies, the findings of fact, the zoning, the land use, the transportation, the greenway plan, the water and sewer allocation, the recreation amenities, the ordinances, and the proposed conditions. So everything does comply as part of the application packet.

The application required finding of facts as the Board of Commissioners shall not approve a special-use-permit unless the board makes the following findings of fact based upon evidence submitted at the hearing, and the mayor went over some of this. But the proposed special use will not materially endanger the public health, safety, or welfare. The proposed special use will not substantially injure the value of adjoining or abutting property. It will be in harmony with the area in which it is to be located and will be in general conformity with the ordinances, policies, land-use plan, thoroughfare plan, or any other plan officially adopted by the Board of Commissioners.

The applicant bears the burden of presenting evidence sufficient to enable the Board of Commissioners to make the decision for the findings of fact. And those in opposition to the issue, and so this special-use-permit, bear their burden of presenting evidence that a standard set out above will not be—excuse me—will not be met.

For the staff report tonight, for the zoning this is an amendment to an existing special use—the existing special use 2013-03. It was included in the board packet as one of the attachments. Most of the surrounding properties are zoned residential, and the remaining parcels are zoned heavy business. There's only a few parcels that are zoned heavy business to the south. The resident districts are designed for residential uses, and for the people who reside there to live in a comfortable, healthy, safe, and pleasant environment.

Heavy business zoned districts are designed to accommodate the widest range of commercial activities, and the proposed special-use district is located on a parcel and surrounded by parcels zoned for such a use. And I have the zoning map here. This is the area of request; that is the hatched. The orangey color here that you see is the rest of the zoning for the R-13-SUD. This is part of Weaver's Pond. This is part of the Taryn Lakes and Taryn Meadows subdivisions. And this is the heavy business I was talking about, which is on the corner of the North Arendell Road or Zebulon Road and Pippin corner.

For the land-use plan, the comprehensive plan was adopted before the ETJ expansion occurred, and does not contain most of the surrounding areas of the requested area in this report. The comprehensive plan suggests the parcels in

surrounding areas should be used as a medium-density residential. Medium-density residential areas do include residential areas that are served by the city water and sanitary sewage systems. And it is for housings of approximately three to four units per acre, and can include single-family detached homes, but also include duplexes, townhomes, and multi-family dwellings. The housing units may either be owner or renter occupied. The proposed special-use district conforms to the intent of the comprehensive plan. And this is the map of the land-use plan again. The hatched area here and the pink colors are all medium density, so you've got your Weaver's Pond subdivision, your Taryn Lakes subdivision, and your Taryn Meadows subdivision here.

Important limitations on imposing conditions. The ordinance must provide authority and set a process to impose conditions. The ordinance must include standards the conditions will address. Substantial evidence in the record must support conditions actually imposed. And conditions that impose an exaction must be reasonably related and proportionate to the impact of the development. A condition cannot be imposed just because a council thinks it would be a good idea or because it is desired by neighbors. Any condition that is imposed must be purposed to bring the permit into compliance with standards that are included in the ordinance. And all conditions must be based on meeting a relevant standard in the ordinance, and the conditions must reasonably rate to that standard. Did I do that twice? I don't know.

The agenda and all the attachments were made available in the Planning Department office, online, and emailed to anyone who asked for the link. It was

posted on Nextdoor. So the community of Nextdoor was able to get the links several different ways for the agenda tonight. This PowerPoint will highlight the proposed conditions, but not go over each one individually in the interest of time. There are 66. The proposed conditions list has been provided tonight as an audience handout for this very purpose. As I was saying before, they are over by Lisa is you'd like to look at that tonight. If members of either board, public, or staff would like to discuss a proposed condition not provided in this report, please announce it, and we'll discuss it. I'm open to that. It's just not—we would—just won't have a PowerPoint slide for it.

For the transportation, the multi-modal transportation plan shows no improvements to the section of Pippin Road near the proposed site. The increase in density requested will not add over 100 trips during a weekday peak hour. The trip generation comparison has been provided by Ramey Kemp & Associates and is supplied as Attachment 9. And a third-party analysis of the trip generation was provided by Mike Surasky of WSP, and it is included as Attachment 10.

NCDOT is requiring an updated driveway permit agreement. A TIA is required by NCDOT as a condition of the driveway permit. NCDOT, town staff, and staff's transportation engineer from WSP, and staff from Ramey Kemp & Associates did meet on September 28th to discuss the scope of the TIA. The NCDOT will review the TIA and require necessarily improvements based on the findings of the TIA. Town staff will work with the developer and NCDOT to build a timeline for the design, construction, and completion of the required

improvements. And that timeline will be built into the updated driveway permit and enforced by the town and NCDOT.

For the greenway, and bicycle, and pedestrian master plan, the town's adopted greenway, bicycle, and pedestrian master plan shows greenway Corridor 1 from the Taryn Meadows subdivision connecting to Weaver's Pond with a loop around Hendricks Pond, which is Weaver's Pond Phase 1. The town and the developer have a greenway agreement approved on September 6, 2016, and it is included as Attachment 13. Condition 20 in the proposed conditions list, Attachment 14, states that if the townhomes were built in Phase 6, which is east side of the pond, of Hendricks Pond, that a minimum of five—sorry—of the northern pond are built that a minimum five-foot paved private trail will be completed on the eastern side of the pond north of Golden Plum Lane. The developer agrees to this condition.

So if there are single-family dwellings in Phase 6, the trail will not be completed. If there are townhomes in Phase 6, the private trail will be completed. Since they will be increasing density in the area, they will be increasing their recreation amenity as part of that increased density tradeoff.

So this is Corridor 1. This is Taryn Meadows here. It would come across and come up around the pond here. This portion is already done here of the pond—of the greenway as part of the Phases 2-D 1, 2, 3, and 4. And then here's Phase 6. This portion of the greenway is done. That was part of 2-D 1 and 2, 3, and 4. It will continue up along this way as part of the greenway agreement. If this part becomes townhomes, the loop around the pond will be built with a five-

foot paved trail. If this stays single-family, this portion of the trail will only be an easement dedicated to the town for future development by town as part of the greenway developer's agreement.

Water and sewer allocation policy. The approved special-use-permit was granted allocation for 677 single-family dwellings. The approved special permit has waived the Beaverdam Creek Sewer Outfall for the first 217 homes built. Right now they are currently at 193 building permits in the area. The industry standard for water and sewer usage for a two-bedroom single-family home is 250 gallons per day. The water and sewer allocation requested by the applicant for additional 99 homes is 24,750 gallons per day.

Staff is proposing water and sewer allocation requests be handled at the time of final plat approval process, not to exceed an amount of 200 dwelling units per final plat. Limiting the allocation approve—approval ensures the town reserves allocation for other requests, prevents over-allocation, and allows better tracking of allocation versus actual usage.

Staff proposes the fee for the Beaverdam Creek Sewer Outfall project be applied to any home built after the first 217 homes. And we—again, we are tracking the building permits at this time. And again, they are at 193 as of this afternoon. Staff proposes granting the allocation increase as requested by the applicant with unused allocation returned to the town during the site plan approval process.

For the recreation amenities, the approved special-use-permit required an active recreation area with a pool, a bathhouse, a tot lot, soccer goals, playground

equipment, and a parking lot. And the approved special-use-permit required some of the pocket parks to have a tot lot, playground equipment to serve ages two through five years old, and 5 through 12 years old. And those did transfer over from master plan to master plan, so those are still being proposed on top of what has already been built as part of the existing subdivision.

In June of 2015, the state passed legislation that says that we cannot apply any state building design elements to any structure subject to regulation except in—they are voluntary consented by the property owners. And in the course of seeking development approval as a special use, we are allowed to apply some of those design elements as conditions. The exemptions for those conditions are to local historic districts, the Register of Historic Places, individually designated historic landmarks, safety building code, and the flood plan insurance program.

So building design elements are exterior building color, the type or style of exterior cladding material, the roof structures or porches, the non-structural architectural ornaments, the styling of windows and doors, including garage doors, the number and types of rooms, and the interior layout of rooms.

For the architecture portion of the conditions, staff is proposing a condition for the permit that no portion of any lot shall contain wetlands, riparian buffers, flood plain, or floodway. Staff is proposing a condition for exterior building materials to be brick, stone, veneer, or vinyl, or fiber cement. And staff is proposing a condition that 50% of all homes must have a front façade composed of brick or stone. The developer has agreed to all these conditions.

Staff is proposing a condition that foundations be on slab, grade, or— and/or a crawlspace. The heated square footage for single-family dwellings shall be a minimum of 1,200 square feet. The heated square footage for townhomes should be a minimum of 1,300 square feet. And staff is proposing a condition for all homes to have at least a one-stall garage. The developer agrees to all these conditions.

Staff has proposed 66 conditions for the development, 37 conditions were in the special-use permit 2013-03. Thirty-seven carried over with no changes or were amended to update to current plans and policies and consistency with the recently approved subdivision permit language. The developer agrees to these conditions—the 37 that were carried over. Twenty-eight are new conditions, and the developer agrees to those conditions as well. One condition the developer and staff could not resolve before this meeting tonight, and that's Condition 60, which is about the water booster pumps.

The other proposed conditions have the topics of the development, homeowners' association, setbacks, recreation, greenways, transportation, landscaping and buffers, architecture, environment, utilities, mailbox kiosks, and fire code, and blasting. It is about nine pages' worth of conditions of the 66. Again, if you have any questions about any of these, we can talk about them. But in the interest of time, I'm just kind of rolling right through.

For Condition 60, the original condition for the special-use permit 2013-03 said that the individual water booster pump and individual water booster pump must be installed for all lots created after the adoption of the special-use permit

and for existing undeveloped lots in Phases 1 and 2. The developers propose a condition tonight as an individual water booster pump must be installed for all lots created after the adoption of the special-use permit, and for existing undeveloped lots in Phases 1 and 2. This requirement may be waived if testing from a licensed professional dis—demonstrates adequate pressure, as determined by the Town of Zebulon, to be present prior to construction of any homes in each phase of the development.

Staff is proposing that there is no change from the original language. Condition #60 continued, Hazen memo dated April 10, 2017. I believe, Mark, can you start handing that out as the—it's an additional attachment, so it'll be an exhibit tonight. I've bullet-pointed some of this for the boards, since it'll be the first time you're seeing it. Hazen and Sawyer used the most recent City of Raleigh water distribution system model. They assumed a C-factor of 130, conservative for ductile iron pipes. New nodes were added for intersections, dead ends, and hydrants. Ground elevations assigned to each node based on the NCDOT topo-digital map. New demands were added into the model, and a total average daily demand of 0.06 million gallons per day were estimated.

The model ran a 24-hour dynamic simulation. Fire hose simulations were run individually for each hydrant under the worst-case scenario. The maximum demand with water levels at 462 pressure zone, elevated tanks at low operating limits, predicted minimum peak hour pressures, and available fire flow shown in the next map, which would be on the next slide, and the model results show peak

hour pressures at the main to be 33 to 43 PSI. Desired pressure at the main is 40 PSI, and recommended minimum pressure is 35 PSI.

So this is the map showing the different fire flow in red and the PSI in the lighter colors. On the handout you might be able to see it better. I did try to blow this up as—best as I could, but you can see that the PSIs are anywhere between 33 and 43, which is below the recommended minimum amounts at street level.

This map was in your packet, which shows that the water pressure less than 50 PSI at elevations of 300, 360 feet—336 feet, sorry, when the tank is three-quarter full. And it shows the area that we are talking about tonight in blue, which means that it does not have the water pressure, which is needed to reasonably run a household. This map is just a little bit lower in the PSI. This is the 50 PSI. The green is now a 45 PSI, and it shows a little bit less of an area, but most of the area is still at a necessary level for the individual water booster pumps to be required.

For Condition #60, continued pressure is lost at the meter, and pressure is lost as the water goes up to the second floor. And staff suggests the condition for requiring individual water booster pumps remain as written in the special-use permit for 2013-03. At this time, I'm going to turn it over to Whit Wheeler from City of Raleigh. I know I went through that very fast. I'm sure you have some questions, as it's the first time you're seeing this information. And he'll be better able to explain what is going on with the water pressure, so—and you'll need to swear yourself in.

Wheeler: Okay.

Markland: Left hand on the Bible, right hand up, please.

Wheeler: In accordance with Matthew 5, I want to affirm.

Markland: That's fine.

Wheeler: Thank you.

Markland: So I haven't affirmed in a long time. Do you affirm to tell the truth, the whole truth, and nothing but the truth?

Wheeler: I do.

Markland: Thank you. State your name and address, please.

Wheeler: Whit Wheeler. My address is 9751 Kennebec Road in Willow Springs, North Carolina.

Spriggs: You need me to go back up to this map to kind of explain what's going on?

Wheeler: Yes, we can do that. I just—I did want to make sure that it was understood that our consultant—Hazen and Sawyer, who maintains our hydraulic model for our entire water system, they provide the modeling for all our planning and design efforts in the City of Raleigh. And they were asked to review this situation back in 2005, which you have a copy. And you just—you have shown that there is a copy from the most recent application from April 2017.

Hampson: And Mr. Wheeler if I could, just for the record, ask you to kind of state your position with the City of Raleigh and give some background—[OVERLAPPING]

Wheeler: Yes. My position is I'm the assistant director of the Raleigh Public Utilities Department. And my responsibility is for operations of the water system.

Hampson: Thank you, sir.

Wheeler: I did want to make one clarification on one of the maps that you had shown about the tank being three-quarter full. We do operate the tank at less than three-quarter full routinely, because it is necessary in this area to minimize water age for water quality reasons. So we do try to utilize the range of that tank so that that—the static pressures will actually be lower than what’s available at three-quarter full, from time to time.

Spriggs: Thank you.

Wheeler: I’ll be happy to answer any specific questions you have about the report.

Matheny: Questions from any of the board? I do have one. I’m concerned that we even have the authority to grant that request. And I know that staff is recommending against it, but it’s not our utility system. It’s the City of Raleigh’s utility system, so I do have those concerns. And I’m assuming that the water pressure is taken at the meter to determine—if this were granted—to determine the adequacy of pressure. But I still have concerns that we are not in the utility business, therefore it’s not our call. It would be the City of Raleigh’s call.

Wheeler: Well, the City of Raleigh does provide the utility system, but the City of Raleigh does not perform plumbing inspections. And so the North Carolina plumbing code would come into effect in relation to what is required inside the home. The plumbing code does have required water flows that are necessary for individual fixtures and flowing water pressures that are required. And that would be up to a plumbing code official, I would think, to make that judgment.

Matheny: But the determination is the water pressure. That’s the way I read this, and that is at the meter, I would assume. And at that point, it’s still your system.

Wheeler: It is a City of Raleigh system up to the meter box, correct.

Matheny: Correct. So that being the point of measurement, I'm assuming that that's where it would be measured, is at the meter, would be where you would make that determination. So, I mean, it may be a simple thing that the City of Raleigh says, "Yes, it's okay," or, "No, it's not okay," assuming it passes. And I understand that staff is not recommending it. But a lot of water pressure out there has been a conversation for a lot of years.

Wheeler: I can say the water pressure actually inside the house will vary based on the design of the plumbing system inside the house. The plumbing code speaks to that. And beyond the water meter, the City of Raleigh has no control over that system. I will say that the plumbing code—the North Carolina plumbing code does say that if there's not adequate water pressure from the city main, a booster pump is to be provided for the building. That's in the—well, at least in the commercial plumbing code.

Matheny: Okay, so—but your people then would determine the adequacy of the pressure, I assume.

Wheeler: What we are relying on is what our consultant has provided in this report, and the first report indicated a pressure of 40 PSI was what was required. That's—and I'm just referencing what's in the 2005 report.

Matheny: The other concern that I have is that if today the pressure is 40 or whatever—pick a number—when more is added on later on, then that pressure will decrease depending on the draw down the line. And an analogy for that would be if you're in your house and you're running a shower, then at the same time you can't wash

dishes, or water the lawn, or whatever the case may be. Would that be a possibility in this situation?

Wheeler: It would. The updated memo from April 10, 2017 is a dynamic model that uses water demand predictions that build out to simulate a peak-hour event. And so that's the purpose of that memo.

Matheny: Okay, all right. That's the only question I have. Anybody else have any questions? Yes.

Baxter: I do.

Matheny: Need to identify yourself, Shannon.

Baxter: [INDISCERNIBLE] [LAUGHTER] I'll have just—okay, there we go. Shannon Baxter. So I need a little bit of clarification, how the boosters are going to affect the rest of the town population. Is that going—by increasing the number of boosters on one side of town, is the other side of town going to be negatively impacted as those boosters pull from the tanks?

Wheeler: No.

Baxter: Okay. And then you're talking about needing 40 PSI at three-quarters tank capacity, but you also mentioned that regularly our tanks run at less than three-quarter tank. So are we not going to be able to achieve 40 PSI?

Wheeler: The 40 PSI is—that's the recommended in the report for supply to the home. That's—[OVERLAPPING]

Baxter: Right, are we going to be able to achieve that with less than three-quarter tank?

Wheeler: Right, and the—based on the model, it shows at elevation 350 is a—that’s what the model says is a break-even point for where that would be—it would fall below 40. That’s the way I understand the report.

Matheny: So elevation 350 is what capacity in the tank?

Wheeler: It does not—it’s irrespective, 350 is at the draw-down level in the tank, 20 feet down.

Matheny: Okay, that answers—[OVERLAPPING]

Wheeler: Yeah.

Spriggs: So not to cut anybody else off, but we do have an update, if I may. The developer has changed their mind, and they agree to staff’s proposal of the condition not changing. So we can continue with the questions, but they do want to pull their language from—as the proposed condition. So they now agree to have the original condition as stated. So I don’t know if that will change where we go with the next question or not, but if—we do have an update from the developer saying that he agrees that the water—[OVERLAPPING]

Matheny: All right. Let me repeat that to be sure we got it right. For clarification, the petitioner has pulled that request from—

Spriggs: Yes, it has—they—this condition here, # 60, they have pulled this language and are agreeing to keep the language as in the original condition.

Matheny: Okay, thank you.

Hampson: And I guess we’ll just—for the record, just if we can, ask the applicant to just confirm that just so we don’t unnecessarily or unintentionally cut off the debate.

Futrell: That’s correct. We’ve agreed to—

Matheny: Glenn, could we swear you in, please? Could we swear you in, please?

[LAUGHS] Thank you.

Markland: Put your left hand on the Bible, please. Do you swear to tell the truth, the whole truth, and nothing but the truth so help you God?

Futrell: I do.

Markland: State your name, please.

Futrell: Glenn Futrell. I live at 9407 Barton Creek Road, Raleigh.

Matheny: Now the floor is yours.

Futrell: And we originally asked for that to try to have some flexibility in the event that if we do have adequate pressures in the future by—maybe Raleigh adding additional water line or whatever. But the staff was very much opposed to it, so we relented and agreed to just leave it as is.

Matheny: Thank you, sir. Kenny?

Waldroup: Condition 61, is that still necessary? Was that condition not fulfilled a number of years ago by the previous developer?

Spriggs: That was not fulfilled by a previous developer, and they're planning to paint it as the final plats come in. So once the total is paid—and if it was already paid in full, there's a lot of conditions that we just kept from the original permit to carry over for historic purposes, to show that the conditions were there. But a lot of them have been fulfilled, such as the sidewalk on Pippin Road and the boardwalk across the—it's now a sidewalk, but it said for a sidewalk or boardwalk in one of the conditions for the other side of Pippin Road. So a lot of it was just carried over historically so that we have the record.

Waldroup: Just for clarification thought, the—this revision envisions any credit that had applied would be recognized.

Spriggs: Yes, yes.

Matheny: I have another question unless somebody else has one.

Ray: I do.

Matheny: Okay.

Ray: The water allocation mentioned in here talks about two-bedroom single-family homes. Is that the size of these homes, or is that an average?

Spriggs: It's an average, and so it's the industry standard. And what we do is we take the industry standard, and it's pulled from the state legislature for the industry standards for a single-family dwelling, and for townhomes, and for duplexes. So it's a residential—

Ray: With the majority of these being single-family homes, do you have a percentage, like how many are going to be three-bedroom versus two-bedroom?

Spriggs: At this time, no. But there are not going to be the larger homes with the minimum square footage of 1,200 square feet. We don't expect the houses to be in the line of five or six bedrooms. Once you start getting into the four- or five-bedroom homes, above five-bedroom and beyond, is when we would really start looking at that gallons-per-day figure and adding in for the other bedrooms.

Ray: Well, I mean, I'm assuming that the minimum for all these is going to be two-bedroom, but there will be some three-bedroom. So the average is actually going to be more than two-bedroom?

Spriggs: Yes, but the conservative 250 gallons is very conservative. Most houses are not using the full 250 gallons. They're using significantly less, and that's one of the reasons why it's the industry standard, so that you can make an allocation assumption without really running into the problems of either over-allocating or under-allocating for a subdivision of this size.

Ray: Okay, thanks.

Matheny: Other questions? My question has to do with 51, minimum heated square footage, 1,200. I'm assuming that does not include garage.

Spriggs: It does not. Heated square footage is only the living space. It does not include garages.

Matheny: The other part of that question is that, if my memory serves me correctly—and it may not—it was 1,400, is what we had standard in our ordinance?

Spriggs: Fourteen hundred, I don't believe, is a standard in our ordinance. We had 1,400 in the last special-use permit. I do not believe we have square footage built into anything for special use. We have minimum lot sizes. We have minimum setbacks for those houses, but I do not believe we have a minimum square footage for those houses.

Matheny: Okay. Well, I was assuming we did. And so my question was, how does that affect other developers?

Spriggs: At this time with a special use, special use goes case by case. And we have allowed 1,200 square feet for other subdivisions, so we have case-by-case law to back us up on this.

Matheny: Yeah, I just want to be sure we were not creating a problem for ourselves in the future.

Spriggs: I do not believe so. And with the minimum being set, that is the lowest they can go, but they can always go above and beyond.

Matheny: Okay. All right, thank you.

Spriggs: You're welcome.

Matheny: Other questions from either board? Questions from any interested party? Okay. Hearing none, then I will ask for any evidence to be presented by the petitioner.

York: Good evening. We have several witnesses. And would it make sense to have—you want to do them one at a time?

Matheny: No, we want—yeah, one at a time.

York: Just thought I'd ask, okay.

Matheny: All right.

York: Thank you.

York: Do you want the attorney to be sworn in?

Hampson: Yes, please. Thank you.

Markland: Do you swear to tell the truth, the whole truth, and nothing but the truth so help you God?

York: I do.

Markland: State your name and address, please.

York: Name's David York with Smith Moore Leatherwood, 434 Fayetteville Street, Raleigh 27601. Good evening. With the boards' permission, we have several folks who we're going to call up. With me tonight is Glenn Futrell, who you've

already met, and David Berry with Weaver Pond Development; David Lasley and Mike Schneider with Piedmont Land Design. They're the land planners and the engineers. Ramey Kemp with Ramey Kemp & Associates, the traffic engineer; David Lewis with Dickinson, Lewis & Associates, as an appraiser; and Charles Hassinger with Hassinger Consultants. Everybody's available to answer any questions.

But I won't be asking everyone to testify initially, but at first, I'd like to ask Mr. Futrell if he would come up and answer a few questions. With the boards' indulgence, what I'd like to do in the interest of time is ask direct and leading questions to get the necessary evidence into the record. Please interrupt us at any time if you would like a question expounded upon. Mr. Futrell? You've already stated your name and address for the record, but if you would, just provide your credentials and explain to the extent necessary, your involvement in this project.

Futrell: Again, my name is Glenn Futrell. In terms of credentials, I graduated from NC State with a bachelor's degree in civil engineering, and then got a master's degree in civil engineering from NC State. I was in the engineering consulting business for about 25 years. I started a firm in Raleigh called "Soil & Material Engineers." Later changed the name to SME, and we grew it to about 1,000 people. And I sold the company in the late '80s. And I've been developing real estate since that time. So I've spent about 25 years in the engineering consulting business, and then the last 25 years, I've been in real estate development. And in terms of my

involvement, we own the project. We bought the project in 2012 from the bank, BB&T. My family owns the entire project and I'm the major stockholder.

Matheny: ok

York: Thank you. Julie went through, in, I think, good detail, the full request that you're making. But if you would, please explain to the board why you're asking for these changes to the special-use permit and what your vision is for the remainder of the Weaver's Pond development.

Futrell: We actually, when we started this process, we felt like the requested changes were fairly minor. There's no change in the overall concept of the project. You've seen the master plan. There's been a few changes on the master plan, but we consider those minor. And again, the changes that we've requested were really to give us some flexibility more than changing what we build or how we build it. The first one was a setback. The current requirements in the SUP is that we have a setback of 7 ½ feet. That was established by—or put in by the first development—developer. The problem we have is most of our lots are 55 feet in width, and the builder's typically have a 40-foot-wide footprint is—was commonly used. So there's no—absolutely no room for error when you've got a 40-foot print and you got a 7 ½, 15-foot setback.

So—and then some of our lots, the property lines are not parallel, particularly in a cul-de-sac. So that gets to be very difficult when the builder—where he places a house to maintain those setbacks. So that was the reason for asking for—just to change those setbacks from 7 ½ feet to 5. We think five is more commonly used in the area. Don't know why the original developer picked

7.5. And on a lot which—most of the majority of our lots are 55 feet. We did have some previously that were 65. And we also do have some now that are 60 feet. We have a small area in the 3-B section that's 45 feet, and that was approved previously.

So we just simply picked the 40-foot number. We don't know if we'll ever have a lot that's not wider than 40 feet, but we just wanted that in the event that down the road there's a—the market calls for a smaller house. I think that's unlikely, but—we have 45 right now. It's already been approved by staff. So that's what we were asking for in regards to the single-family homes. We asked for a change on the requirements for townhomes when that was approved previously, when we had an amendment. And actually, I was asked at that time what it—what kind of width and square footage should we have. And I gave them 22 feet in width, 1,600 square feet in total area, just not really thinking that that would be an absolute number you had to abide by, but that's what it turned out to be based on the interpretation of the staff.

So we—as we get closer to building some townhomes, our builder has a particular design that's 20 feet in width. It is actually 16 feet—1,600 square feet in area, but we're asking for this change just to give us flexibility. We ask that the minimum width be reduced to 18 feet and the width—the square footage be reduced to 13. Unlikely that we're going to those dimensions, but if we should have a design that we want to use, we couldn't do it without coming back through this process.

We also have requested an increase in the number of units from 667 to seven—776, with an increase of 99 units. The reason we need that is by adding—possibly adding some more townhomes, we just in this Area 6, we're only asking that it be approved as an option to be single-family or townhomes. We don't know at this time which way we'll go. But if we do go to townhomes, we have to have this number increase. So we've requested that the total number be increased by 99 units in the project. And some of that's coming in with we are decreasing some. We're having more 55-foot lots. We probably won't have any more 65-foot lots. That's just where the market is in this area. And some of our competition, particularly in Wendell Falls, has got much, much smaller lots. Some of those, you get down to about 30 feet. So that's a trend that's going on.

We've already talked about water pressure thing, which we've accepted the recommendation of the staff, and that's really it. There's a number of other changes in the SUP, but they were mostly made—all the elements were made by staff. So when we opened this thing up, we were warned that people know that changes could be made, and we got plenty of them too. I'm not criticizing it. We're okay with that.

Matheny: Just the way it is. [LAUGHTER]

Futrell: Pardon?

Matheny: It's just the way it is.

Futrell: Yeah, I know that's the way it works. The last thing I'd like to say, it's been very gratifying to work with the staff here. We don't get that in all locations. And we've had some issues where we disagree, but we're able to work it out. And I

really think you have a great staff, and I've enjoyed working with them. And particularly your town manager has sat in on a number of our meetings and participated, which is unusual. And I really appreciate that, too.

Moore: Thank you.

Matheny: Just a minute. Are there any questions from either board? Any questions from any interested party? Thank you, sir.

York: Thank you. Now, I'd like to ask Mike Schneider if he can come up and answer just a few questions.

Markland: Do you swear to tell the truth, the whole truth, and nothing but the truth so help you God?

Schneider: I do.

Markland: State your name and address, please.

Schneider: Mike Schneider with Piedmont Land Design, 8522 Suite 204, Raleigh, North Carolina 27615.

York: Please describe your credentials and explain your involvement in this project.

Schneider: Regarding my qualifications, I have a bachelor's degree in civil engineering. I'm a registered professional engineer here in North Carolina with roughly 15 years' experience. Regarding my involvement, our firm, Piedmont Land Design, is the civil engineer for the project.

York: Thank you. I'd like to offer up Mr. Schneider as an expert in all civil engineering issues. Now we'll get into the leading questions, so bear with me. Mr. Schneider, are you familiar with the proposed Weaver's Pond master plan development,

including the existing special-use permit and the proposed SUP amendment request?

Schneider: Yes.

York: Are you familiar with the location, general vicinity of the project?

Schneider: Yes.

York: Are the uses surrounding the project residential, agricultural in nature, including a school and park?

Schneider: Yes.

York: Is it your professional opinion as a professional engineer that the requested amendment to the existing special-use permit will not impede the orderly development and improvement of surrounding properties?

Schneider: Yes.

York: Are you familiar with the town's land-use plan, thoroughfare plan, and other officially adopted plans as it relates to this property?

Schneider: Yes.

York: Is it your professional opinion that, based upon your experience as a professional engineer, that the requested changes to the existing special-use permit are in general conformity with the town's land-use plan, thoroughfare plan, and other adopted plans?

Schneider: Yes.

York: Are you familiar with the town's ordinance and polices applicable to the development as it relates to the special-use permit and the residential development?

Schneider: Yes.

York: Is it your professional opinion, based upon your experience as a professional engineer, that the requested change to the existing special-use permit are in general conformity with the town's ordinance and policies applicable to this development?

Schneider: Yes.

York: Are you familiar with the transportation facilities, the water, sewer supply, fire and police protection, and similar municipal services, facilities in the area of the property?

Schneider: Yes.

York: Is your professional opinion, based upon your experience as a professional engineer, that the property subject to the proposed amendments to this existing special-use permit is appropriately located with respect to transportation facilities, water and sewer supply, fire and police protection, and similar municipal services and facilities?

Schneider: Yes.

York: The nature of the proposed use is residential, correct?

Schneider: That's correct.

York: And as such, is it your professional opinion that the proposed use will not be noxious or offensive by reason of vibration noise, odor, dust, smoke, or gas?

Schneider: Yes.

York: As a professional engineer, you take issues such—you take in issue such matters as public health, safety, and welfare into account with your designs, correct?

Schneider: Correct.

York: And is it your professional opinion, based upon your experience as a professional engineer, that the amendments requested to the existing special-use permit will not materially endanger the public health, safety, and welfare?

Schneider: Yes.

York: In your professional opinion, are there adequate utilities, access roads, drainage, or other necessary facilities being provided to serve the Weaver's Pond master plan development?

Schneider: Yes.

York: During construction, were the eroding control measures being maintained in accordance with N.C.—with state land quality requirements?

Schneider: Yes, they were.

York: I have no further questions at this time.

Matheny: Thank you. Questions from either board? Questions from any interested party? Yes, ma'am. You need to come up and be—

Finch: Yeah, I have question on—[OVERLAPPING]

Matheny: You have to come up and be sworn in, ma'am.

Hampson: Be sworn in.

Matheny: Sorry. [LAUGHS] Just the way it is.

Finch: Okay. All right, my name is Gail Finch. I live at 2512 Zebulon Road, Zebulon, North Carolina 27597.

Markland: Left hand on the Bible, and raise your right hand. Do you swear to tell the truth, the whole truth, and nothing but the truth so help you God?

Finch: I do.

Markland: Thank you.

Finch: The corner of our property is going to be—it backs up to where the development is. So my first question is, one, is it—there going to be a fence? Or is it—what's the plan for bordering that property there, it's in the very corner? And the second question is, you know, my land currently is zoned RW40, and you know, that's under the watershed. So it's—you know, I'm having a hard time understanding how that piece of land, and land surrounding that, how something right at the corner of my lot, all of a sudden, can be rezoned, or where that line for the RW40 stops and ends for the watershed. So I don't know if anybody can address that and talking about it. I'm at the very corner right there. My property—yeah, back on this side. Come down.

Spriggs: This way?

Finch: No.

Matheny: Do you have someone to answer that?

Finch: Yeah. One, just what's going to be up there? You know, is there going to be a fence?

York: [INDISCERNIBLE] what's going to be—[OVERLAPPING]

Finch: In that corner.

York: —in that corner.

Finch: Yeah.

York: The—

Spriggs: This corner here?

York: —westernmost corner there?

Finch: Yeah, that westernmost corner.

York: You or David Lasley. You're already sworn in go ahead.

Futrell: Well, on our master plan we show single-family homes, and we have no plans to put up a fence.

Finch: Yeah, so there is no plan, no buffer?

York: There is—[OVERLAPPING]

Futrell: There is a buffer. The town requires a 30-foot buffer around the entire property.

Finch: Okay.

Matheny: Okay, other questions by an interested party? Okay, thank you.

York: Thank you, Mike. I'd now like to call up Mr. Ramey Kemp.

Kemp: My name is Ramey Kemp with Ramey Kemp & Associates, where our primary office is in Raleigh at 5808 Faringdon Place, 27609.

Markland: Let me swear you in first, please. Let me swear you in.

Kemp: Yes.

Markland: Left hand on the Bible, raise your right hand. Do you swear to tell the truth, the whole truth, and nothing but the truth?

Kemp: Yes, I do.

Markland: Thank you.

York: Thank you, Mr. Kemp. If you would, describe your credentials and explain your involvement with this project.

Kemp: I'm a graduate of NC State University with a bachelor degree in civil engineering and a master's degree in civil engineering. I've been a practicing engineer for 45 years.

York: What's your involvement with this project?

Kemp: The owner approached us about preparing a traffic impact study and report. We have gone in and looked at the study that was just completed by Accelerated Engineering for some adjacent development. We have gone in and looked at a preliminary—a previous study that was prepared by Kimley-Horn and Associates. So after we got involved and realized that we might need some additional counts, we went out and counted Pippin Road at N.C. 96 for, I think, a 12- to 14-hour period. And we're currently—well, that was before we met with NCDOT and the town about the scope. They asked us to look at the intersection of Pippin Road and Pearces, to add that to the study. So we've done some additional counts there, and we're in the process of analyzing that traffic.

York: At this point, I'd like to offer Mr. Kemp as an expert as to all traffic engineering issues. Thank you. And I'm going to be asking some similar questions, so bear with me. Mr. Kemp, are you familiar with the proposed Weaver's Pond master plan development, including the existing special-use permit and then this request?

Kemp: Yes, I've reviewed it.

York: And are you familiar with the location and general vicinity of the project?

Kemp: Yes.

York: Okay. Are you familiar with the town's thoroughfare plan, transportation plan, road requirements, and so forth?

Kemp: Yes.

York: Are you familiar with NCDOT's road requirements and standards?

Kemp: Yes.

York: Are you familiar with the road layout, traffic circulation, and access points shown on the master plan?

Kemp: Would you—

York: Are you familiar with the road layout, the traffic circulation, and access points shown on the master plan?

Kemp: Yes.

York: Are you familiar with the current traffic patterns and road configurations of the property in the vicinity?

Kemp: Yes.

York: Okay. Is it your professional opinion that the road layout, traffic circulation, and access points shown on the master plan either exceed the requirements of the town or NCDOT?

Kemp: Yes.

York: The amendment is requesting an increase of 99 homes, correct?

Kemp: Correct.

York: And as a part of the original special-use permit and NCDOT-issued driveway permits, you've been asked to perform this traffic impact analysis, correct?

Kemp: Correct.

York: And are—as a part of that analysis, are you taking into consideration the additional 99 dwelling units that could be approved with this special-use permit amendment?

Kemp: Yes.

York: Okay. Briefly, could you just explain what the purpose of a TIA is?

Kemp: Well, it's to evaluate the impact of the additional traffic that was—that is being created. And we go through the procedure that is required by the national organization that controls our process. So we go through a—procedure that is both nationally given to us and agreed to at the state, NCDOT level.

York: Okay. So the TIA will result in conclusions as to what improvements, if any, will be needed to assure safe traffic circulation for this development, correct?

Kemp: Yes. It will evaluate the impact of the additional traffic to whatever intersection we're requested to review, and take a look at what needs to be done to mitigate any impacts.

York: Okay. Is it your professional opinion, as a professional traffic engineer, that the road improvements that are currently in place, proposed on behalf of the master plan and would result from your TIA, will adequately handle the traffic impacts of this development, including the requested increase in dwelling units?

Kemp: Yes, and it's based on a preliminary review of the traffic and the projected numbers that were already provided to the town and approved through Accelerated Engineering where there's about—projected 9,000 cars a day on the N.C. 96. At peak hour, it's a certainly a number that maybe gives everybody a little concern, but that's true around every section of the state.

So if you look at the cars on Pippin Road, we're looking about 3,000 cars a day. All those are with—well within the limits of a two-lane roadway. So I think that my preliminary indication is that there is not going to be any additional problem created with the additional 99 units of residential development.

York: Okay. Is it your professional opinion, as a professional traffic engineer, that the proposed amendment to the existing special-use permit will not cause undo traffic congestion or create a traffic hazard?

Kemp: Yes.

York: Is it your professional opinion that the proposed amendment to the existing special-use permit will not materially endanger the public health, safety, and welfare?

Kemp: Yes.

York: I have no further questions for Mr. Kemp.

Matheny: Questions from either board?

OK

[INAUDIBLE]

Ray: I'm just curious, what day or days of the week—did you perform the traffic counts that are listed here?

Kemp: I don't have those specific numbers with me, but I can tell you that typically the guideline is that we can count after Monday at noon and up until Friday at noon. We can't count from Friday at noon until Monday at noon. That period is out unless you request us to do a Saturday traffic study.

Ray: Well, that's interesting because—I'm curious because Friday afternoons, that area currently is very congested out there. So, just to comment.

Matheny: Okay, other questions? I have one sort of along those lines. The evaluation of the interchange of Pippin Road and Zebulon Road, you know at some point—I'm not sure we're there—but at some point, there's going to need to be a traffic signal there. Did anything you looked at give any indication of when that might be?

Kemp: I can tell you that that is one of the alternatives we are looking at.

Matheny: Okay.

Kemp: And the developer has agreed to work with us on the alternatives that we come up with.

Matheny: Yeah, I agree that I've seen a lot of traffic stacked. And I mean, I realize with growth comes traffic, so it's just a matter of management, but.

Kemp: Well, personally—my personal feeling is always want to see those queues reduced down to a minimum.

Matheny: I understand.

Kemp: So that's where I start looking. And we will have that in our study. That will be included. Those numbers will be included in our report.

Matheny: Thank you, sir. Any other questions from either board? Questions from an interested party?

Finch: Living at 2512 Zebulon Road and trying to access it morning or—it doesn't matter if it's early morning or late, it is very difficult to get out onto the highway in that area. The other problem that I see is that, you know, the speed limit stops being 45 right there at the school, and it goes back to 55 miles an hour in an area

that's very, very congested. And that concerns me, just trying to get in and out of a driveway. And also, the speed limit being 55 right until you get up until the— where the school is, especially during the _____. So that's a concern.

But the traffic has increased dramatically coming up 96, so just as someone who travels there every day, and a concern for the speed not being reduced in that area.

Matheny: Thank you. We have, in other occasions, requested that DOT take a look at speed limits in areas, and your report may imply that that needs to be done. I don't know how far you will go, but it's certainly something that we could look at in the future, I would think.

Kemp: Normally—we do speed studies for NCDOT. Normally, that's what we would do to take a look at what is happening out there. And certainly, during the school hours, it's a policing matter. You need to get the police out there during those school hours when the buses are coming and going. You know, we—I guess we have studied over half of the schools—the new schools in Wake County. And that's always a concern, is that speed limit through—the speed zone through a school.

Matheny: Right. Other questions? Yes?

Jones: Just one other question. It does regard to the school. What considerations do you take into factor to not only the additional units in the subdivision, but also the increased traffic at the school, with those school buses and parents dropping off their kids? I mean, certainly, that has to be taken into the consideration.

Kemp: I don't know that we've got a bus drop off on Pippin Road. If we do, we were not asked to look at it. So—but I guess those bus drop off points are pretty much controlled by the school. And, you know, they've got the arm that goes out that we are all supposed to obey, and I hope that that's what we're doing. But there again, it's a policing matter.

Baxter: Shannon Baxter. So you have not taken into consideration the—what I believe my interpretation of what Darrell is asking is that there's going to be increased traffic because there's going to be an increased number of students going to that school. And have you taken into account those increased traffic numbers during the times of day, because that's going to naturally increase slowdowns and traffic issues with more people living in that residential area?

Kemp: That is taken into account. Your peak period in the morning is when you have the bus traffic, the school bus traffic. And the p.m. peak usually occurs from 4:30 to 6:30, somewhere in that time frame. That's not typically the peak hour of the school operation. So it is factored in in the mornings. It's not necessarily factored in in the evenings.

Matheny: Other questions? Thank you, sir.

York: Now I'd like to ask David Lewis if he would come up.

York: You need to be sworn in by the clerk.

Markland: Do you swear to tell the truth, the whole truth, and nothing but the truth so help you God?

Lewis: I do.

Markland: State your name and address, please.

Lewis: David Lewis with Dickinson, Lewis & Associates, 4016 Barrett Drive Suite 202, Raleigh 27609.

York: Please describe your credentials and involvement with this project.

Lewis: I have a BA in political science from the University of North Carolina. I am a commercial real estate appraiser, certified in the State of North Carolina. I did an appraisal for the developer on the subdivision existing lots, as well as proposed, as well as excess land in May of 2016. I've also done appraisals in the area over the years. I did appraise the land when it was vacant and being farmed as a cucumber farm, so very familiar with it.

York: I'd like to offer up Mr. Lewis as an expert as to impacts on property values.

Hampson: Please continue.

York: Are you familiar with the proposed Weaver's Pond development, including the existing special-use permit and this SUP amendment request?

Lewis: Yes.

York: And have you inspected the subject property and the surrounding properties as a part of your evaluation?

Lewis: Yes.

York: And did you find that the general area is currently used for residential and agricultural purposes, including a school and a public park?

Lewis: Yes.

York: With your training, and experience, and familiarity with the property and surrounding vicinity, were you able to render an opinion as to whether or not the

proposed amendment to the extent—existing special-use permit would be in harmony with the area in which it's located?

Lewis: Yes.

York: Is it your professional opinion, as a license real estate appraiser, that the proposed amendment would be in harmony with the area in which it's located?

Lewis: Yes.

York: Does your research indicate that after construction residential development, such as the Weaver's Pond master plan development, are not noxious or offensive by reason of vibration noise, odor, dust, smoke, or gas?

Lewis: Yes.

York: And is it your professional opinion that the proposed amendment to the existing special use will not be noxious or offensive by those same reasons?

Lewis: Yes.

York: Does your research indicate that any aspect of the proposed amendment to the existing special-use permit would impede the orderly development or improvement of surrounding properties?

Lewis: Yes.

York: It does or does not?

Lewis: I'm sorry. Repeat the question.

York: Does your research indicate that any aspect of the proposed amendment to the existing special-use permit would impede the orderly development or improvement of the surrounding properties?

Lewis: Apologies, it will not.

York: Did you prepare, in accordance with the professional standards, a report to support your testimony today?

Lewis: Yes.

York: Okay. Does your familiarity with the request, the subject property, the surrounding properties, as well as preparations of the report, provide you a sufficient basis to render a professional opinion as to the proposed amendment to the—excuse me—as to the proposed amendment to the special-use permits impacts on surrounding property values?

Lewis: Yes.

York: Based upon your training, research, and experience, and as summarized in your report, is it your professional opinion that the proposed amendment to the existing special-use permit will not substantially injure the value of adjoining or abutting properties and that the—that's the question.

Lewis: Yes.

York: Okay. I have no further questions of Mr. Lewis.

Matheny: Okay. Questions from either board? Questions from any interested party? Thank you, sir.

Lewis: Thank you.

York: And I have one last witness. I will try to be brief. Mr. Lasley?

Lasley: My name is David Lasley, Piedmont Land Design, 8522, Suite 204, Six Forks Road, Raleigh, North Carolina 27615.

Markland: Do you swear to tell the truth, the whole truth, and nothing but the truth so help you God?

Lasley: I do.

Markland: Thank you.

York: Please describe your credentials and explain your involvement with the project.

Lasley: I'm a 1983 graduate of Kansas State University, where I obtained my bachelor of science degree in architectural engineering. Upon graduation, I had an opportunity to come to Raleigh. And for the next 17 years, I worked with architectural engineering firm of EnviroTech. I left there in 2000 as executive vice president and started my own firm, and that's where I am now, at Piedmont Land Design. We practice engineering, landscape architecture, and land planning. Over the course of my 34-year career here in the Triangle, I've designed hundreds of projects for the area, and have provided expert testimony for all those that it's requiring.

York: I'd like to offer up Mr. Lasley as an expert land planner and site designer. Mr. Lasley, you're familiar with the Weaver's Pond special-use permit, including the master plan?

Lasley: Yes.

York: Are you familiar with the special-use permit amendment request, which is before the boards tonight?

Lasley: Yes.

York: Are you familiar with the subject property as well as the surrounding properties?

Lasley: Yes.

York: Is it your professional opinion, based upon your experience as a professional land planner, that the requested change to the existing special-use permit will be in harmony with the area in which it's located?

Lasley: Yes.

York: Are you familiar with the town's land-use plan, thoroughfare plan, and other officially adopted plans as they relate to the property?

Lasley: Yes, sir.

York: Is it your professional opinion that this request is in general conformity with the town's land-use plan, thoroughfare plan, and other officially adopted plans?

Lasley: Yes.

York: Are you familiar with the town's ordinance and policies applicable to the development as it relates to this special-use permit and the amendment?

Lasley: Yes.

York: Is it your professional opinion, based upon your experience as a professional land planner, that the requested changes to the existing special-use permit are in general conformity with the town's ordinance and policies applicable to the development?

Lasley: Yes.

York: As a professional land planner, do you take into concern such things as public health, safety, and welfare when you are doing your designs, correct?

Lasley: Yes.

York: Is it your professional opinion, based upon the experience—your experience as a professional land planner, that the amendments requested to the existing special-use permit will not materially endanger the public health, safety, and welfare?

Lasley: Yes.

York: Is it your professional opinion, based upon your experience as a professional land planner, that the request before the board is reasonably necessary for the public health and general welfare, and will enhance the successful operation of the surrounding area and its basic function as a community?

Lasley: Yes.

York: I have no further questions for Mr. Lasley.

Matheny: Okay, questions from either—from the boards? Mr. White.

Waldroup: [INDISCERNIBLE] I'll try to be quick. This can be fielded by staff or the current witness. Phase 4 is a townhome phase with additional side parking envisioned. Phase 6 is an option between townhomes and single-families. Does our land-use plans and the conditions allow for flexibility in terms of requiring additional parking at that time that decision is made?

Lasley: Is that question for me or for—

Waldroup: Staff. I asked it to the group.

Waldroup: That's a particular problem with townhomes, is the need for additional parking because of limited parking that's available for the townhome. And that's obviously in—incorporated in Phase 4. Phase 6 is kind of an optional phase that a decision will be made later, as I read it.

Lasley: Julie, I'd be glad answer that.

Spriggs: You can answer.

Lasley: One thing is on this—in the Phase 4 development plan that we see up here on the south side of Pippin Road, on the east side of the—[OVERLAPPING]

Spriggs: Here it is.

Lasley: There is an additional parking lot there. That parking lot is there—

Spriggs: Here .

Lasley: —more for the park area that is associated with that development. There will be additional parking within the development that's not shown on this particular plan. That'll be something that we'll get into the details of when we submit a site plan for that particular development. But there will be additional parking in there to accommodate the need, just as you mentioned.

York: And if I could add, it's my understanding—and Julie, correct me if I'm wrong—that the code provides a minimum number of parking spaces, but not necessarily a maximum. And so it could work out additional parking?

Spriggs: Correct. For townhomes, apartments, I think, it's 1.5 parking spaces, so there will be someone additional parking. And we'll look at the ordinances and make sure that the parking requirements are met as part of TRC, which is the Technical Review Committee.

Matheny: Thank you. Other questions from the boards? Okay, any questions from an interested party? Thank you, sir.

York: As I say, that concludes our case in chief. I feel like we have presented sufficient evidence for the boards to make the necessary findings to approve this. I know that's several steps from now. I anticipate there may be other members of the

public who wish to speak, so I'd like to reserve some time to address anything they may _____.

Matheny: Thank you. Is there anyone else who would like to speak, presenting evidence in favor of this request? Okay, anyone that wishes to speak, providing evidence in opposition to this request? Okay. Hearing none, we will proceed to wrap things up then. I want to, before I quit talking, to remind the boards that only evidentiary testimony can be considered. Personal opinion, hearsay, and statements not relevant to specific issues cannot be considered in making the decision. Also, personal investigation by a board member cannot be considered. The decision must be made based solely upon the substantiated evidence presented in the public hearing tonight. And again, no quasi—not quasi, but ex parte communications until the final decision is made by this board. So you can talk to each other in your meeting, obviously, [LAUGHS] but outside, that's it. You cannot. Did you have anything else, Julie?

Spriggs: I do have one thing that staff talked about today, and it's just a minor thing that we will need to be adjusting before it comes back before the board. If this section develops as townhomes, these parcels right here, as you can see, they are already platted. If we want to add them as townhomes, we do need to include these parcel numbers listed here on the special-use permit application. They are owned by the development—the developer that you've met tonight, Glenn Futrell and his company, or by a builder. They will need to be added if this does develop as townhomes, unless these are going to be developed as single-family and left out

of the townhome subdivision. That way they're included under the special-use permit.

Matheny: So that would come back as part of the recommendation of the planning board?

Spriggs: Yeah. It'll be just a quick amendment just to make sure that we're covered. It's a—just a process thing.

Matheny: Okay. Is that it? Yeah?

Spriggs: That's it.

Matheny: Okay, thank you. [LAUGHS] All right, well, thank y'all for coming tonight. With that, I will close the public hearing and refer the matter to the planning board for their recommendation back to this board, and I ask for a motion to adjourn.

York, G: Motion.

Matheny: Second? Is there a second?

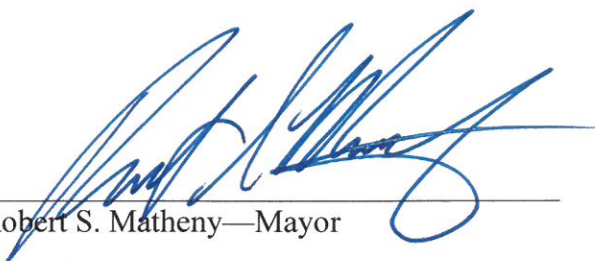
Clark: Second.

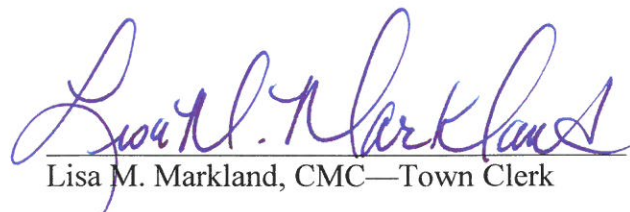
Matheny: We're adjourned, thank you.

[END RECORDING]

12/12/17




Robert S. Matheny—Mayor


Lisa M. Markland, CMC—Town Clerk