



Town of Youngsville

Board of Adjustment

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MINUTES BOARD OF ADJUSTMENT

FEBRUARY 6, 2020
7:00PM

YOUNGVILLE COMMUNITY HOUSE

Chairman Fonzie Flowers called the meeting of the Town of Youngsville Board of Adjustment to order at 7:00 pm. Chairman Flowers initiated a roll call. In attendance were Chairman Fonzie Flowers, Members Terry Hedlund, Larry Wiggins, Scott Brame, and Catherine Redd, Town Administrator Phillip Cordeiro, Town Attorney Edward Bartholomew, Planning / Zoning Administrators Bob Clark and Erin Klinger and Town Clerk Emily Hurd. Member Joseph Johnson was not in attendance. A representative of the Franklin Times was also present.

The first item on the agenda was to approve the minutes from the May 2, 2019 Board of Adjustment Meeting.

MOTION: TO APPROVE THE MINUTES FROM THE MAY 2, 2019 BOARD OF ADJUSTMENT MEETING

The motion was made by Member Hedlund and was seconded by Member Redd. The motion passed unanimously.

The next item on the Agenda was Old Business. There was no Old Business.

The next item on the Agenda was New Business. The first item under New Business was a Special Use Application for Washington Manor on S College Street.

Chairman Flowers asked Attorney Bartholomew to give an outline of hearing conduct. Attorney Bartholomew explained the Board sits as a quasi-judicial unit, meaning they sit as judges, to determine if the Conditional Use Permit is something that can be done under the current ordinances. Anyone wishing to testify will need to have standing in the case, such as adjacent property or be directly affected by this decision. People with no standing will not be allowed to testify. Once all the information has been presented, the Board will discuss the case before moving on to the vote. Approval or denial of the Conditional Use Permit will be based on the answers to questions in the Findings of Fact. Attorney Bartholomew noted Chairman Flowers will not have a vote, as he facilitates the hearing.

Town Clerk Hurd swore in those wishing to testify; Bob Clark, Erin Klinger, and Michael J Hurt.

Klinger gave a preliminary statement to describe the case before the Board. She stated the Board was here to consider a Special Use Permit application for property located on S College Street for a request to construct a 144-unit multi-family apartment complex on two tracts that total approximately 11 acres.

Klinger read Staff Findings into the record.

Item: Consider an application #191119 filed by Hurt and Coggins, LLC, to request a Special Use Permit for property on South College Street (Tax Parcel Numbers 005293 and 044911) to construct a 144-unit multi-family apartment complex.



The preceding aerial view (2017) shows the subject of the Special Use Permit request, two parcels that combine for a total of approximately 11 acres (around 479,000 square feet) east of South College Street and west of the CSX railroad.

Request:

The applicant Hurt and Coggins, LLC, is requesting a Special Use Permit to build a 144-unit multi-family apartment complex on two tracts that total approximate 11 acres.

See Exhibit A: Application date 11/19/2019 with Site Plan.

Pre-application Conferences:

The applicant conferred with the Town of Youngsville Planning Department prior to submission of the application. Comments from Planning Staff are provided below for your information. The applicant presented several designs to Planning Staff over the course of review. The most recent version of the site plan was revised to accommodate suggestions by staff and the Technical Review Committee.

Surrounding Land Uses and Zoning:

The site is surrounded by single-family zoning of varying densities, with the northern boundary of the site bordered by Town-owned property.

North – Vacant, Civic

South – Vacant, Single-Family Residential-3

East – Vacant, Single-Family Residential-3

West – frontage on South College Street – Single-Family Residential-2

Technical Review Committee Comments:

Comments from NCDOT:

An eastbound left turn lane with 50 feet of full storage and appropriate tapers as well as an eastbound right turn lane with 100 feet of full storage with appropriate tapers will be required on Holden Road at College Street. **THIS WILL BE INCORPORATED INTO THE CONSTRUCTION DESIGN PLANS ONCE THE SPECIAL USE PERMIT HAS BEEN APPROVED.**

Comments from Franklin County Public Utilities:

Water and sewer are not available currently for the proposed Washington Manor Apartments. Plans and Engineer’s water system analysis will have to be submitted to FCPU for review in order to provide water and sewer to the proposed site. A water allocation application will need to be submitted as well. **THE ENGINEER HAS INDICATED THAT ONCE THE SPECIAL USE PERMIT HAS BEEN APPROVED, THEY WILL MEET WITH FCPU IN ORDER TO DETERMINE THE BEST SOLUTION FOR PROVIDING WATER AND SEWER TO THIS PROJECT.**

Comments from Youngsville Fire Department:

K-Flex USA is within 3000 feet of the proposed project which is of concern and should be considered as a potential hazard, should their chemical inventories have off-site consequences if released. The facility is required by federal law to maintain risk management plans to effectively manage off-site consequences and exercise those plans; however, residential encroachment on industrial properties is never advisable by YFD. Additionally, we would like to see a fire hydrant installed in each parking lot proposed for a total of 2 fire hydrants. We would also respectfully ask the developer to consider installation of sprinkler systems in the apartment homes to include a common attic space. **AN AMENDED PLAN WITH A FIRE HYDRANT IN THE NORTHERN PARKING LOT HAS BEEN RESUBMITTED TO ADDRESS THIS COMMENT.**

Comments from Planning Staff:

The Technical Review Committee made comments on the preliminary plan and those comments have been addressed. If the Special Use Permit is approved, then the applicant will prepare a full set of detailed construction plans for review.

Planning Board Action:

The Planning Board met January 14, 2020 in consideration of the Special Use Permit application. The board passed the following motion: **TO MAKE A FAVORABLE RECOMMENDATION TO THE BOARD OF ADJUSTMENT TO APPROVE A SPECIAL USE PERMIT APPLICATION (SUP-191119) MADE BY HURT AND COGGINS, LLC TO CONSTRUCT A MULTI-FAMILY APARTMENT COMPLEX ON SOUTH COLLEGE STREET, YOUNGSVILLE, NC, PROVIDED THAT ADJUSTMENTS RECOMMENDED BY NCDOT AND FRANKLIN COUNTY PUBLIC UTILITIES ARE MET.**

The motion was made by Member Scott Anderson, seconded by Member Janice Pearce, and unanimously approved.

Chairman Flowers polled the Board as to any conflicts of interest or bias. The Board answered no, unanimously, to not having a fixed opinion prior to hearing the matter that is not susceptible to change. Chairman Flowers asked the Board if there had been any undisclosed ex parte communications and the Board answered no, unanimously. The Board answered no, unanimously, to having a close familial, business, or other associational relationship with an affected person or entity; or a financial interest in the outcome of the matter.

The Special Use Permit Application and Staff Findings were entered into evidence as Washington Manor 1 (WM-1). *Note: later in the hearing it was decided to separate the two items as the Special Use Permit Application as Washington Manor 1 (WM-1) and the Staff Findings as Washington Manor 2 (WM-2).

Chairman Flowers opened the floor for the applicant to present evidence for his application. Michael J Hurt of Danco Builders, and representing Hurt and Coggins LLC, explained they have been working on this project for two years. He felt this project would be a valuable asset to the community and its citizens. Mr. Hurt stated he was excited to make a positive contribution to Youngsville and looked forward to getting started.

Chairman Flowers opened the floor to ask questions of the applicant. He asked that anyone speaking identify themselves and their relationship to the property.

Member Redd asked how the project would be a valuable addition to the community. Mr. Hurt stated the complex would be a permanent revenue stream through taxation, thus allowing the Town to make more capital improvements such as sidewalks, streetlights, and landscaping.

Mr. Hurt stated it would also open affordable housing for the citizens of Youngsville as the target rent was approximately \$800 - \$1,000. He stated that not everyone could afford the new homes in Youngsville as most of the newer homes started around \$300,000. Mr. Hurt stated they

had a good track record in Youngsville as well as other communities. He noted their duplexes in Hampton Downs were renting fast and explained they do background checks on tenants. Mr. Hurt stated this complex will also benefit local businesses like the restaurants and pubs.

Member Redd expressed concerns about traffic, as it was already overwhelming. Adding 144 more cars at the 5-Points intersection does not seem like a good idea. Mr. Hurt explained NC DOT was requiring them to add two turn lanes, right and left, to the 5-Points intersection where Holden Road merges to NC Highway 96. Having them install the turn lanes expedites the improvements that NC DOT wants to make to that intersection. Mr. Hurt stated they may have to bear the brunt of the costs though they were hoping NC DOT would help fund the project. Member Redd noted the 5-Points intersection was difficult to enter with the existing traffic problems. She stated she had real concerns about adding this much extra traffic. Mr. Hurt explained NC DOT will leave the right yield at W Main Street. He stated the proposed roundabout would be the ideal solution. He stated NC DOT did a traffic study which is why they were requesting the two turn lanes to keep traffic from stacking up.

Member Redd asked about connectivity to the downtown area, such as sidewalks and lighting. She worried that not everyone would have access to a vehicle, or they may just want to walk around town. Mr. Hurt stated there would be sidewalks in the community and an existing walking trail that will not be disturbed. He noted this may be a good opportunity for the Town to connect walking paths for a greenway. Mr. Hurt felt it would be wonderful to figure out a way to run sidewalks from this community and tie it into downtown.

When asked, Mr. Hurt explained where the property was located. He explained it backed to the railroad and noted that sewer goes up the back of the property. Mr. Hurt explained the property was originally zoned as Mixed Use before the rezoning changed it into residential. Member Redd asked about building apartments close to a manufacturing company like K-Flex and Mr. Hurt stated there were already residential properties in the area. As safety is a factor, they did add additional fire hydrants as requested. Member Hedlund inquired about sprinklers and Mr. Hurt stated they already planned on installing sprinklers per state regulations. Mr. Hurt explained they were looking to increase the water supply, possibly looping around, and connecting to S Cross Street. He noted this may help the community as well with water quality and an increase to pressure. Chairman Flowers asked if they would require a pump station and Mr. Hurt stated they would use one to tie into the Franklin County pump station behind the property.

Chairman Flowers noted that Franklin County has a limited water supply and asked what they would do if they were denied water allocation. Mr. Hurt stated they were vested in this project and would probably re-apply if originally denied. He was confident they will get allocation passed with their original application. Based on his previous experience, Mr. Hurt felt they met the guidelines. He stated this complex would be a plus for Youngsville based on increased tax base and the extended water and sewer lines. Mr. Hurt explained this complex was classified as commercial, so it will not affect residential allocations. Cordeiro clarified the complex would be drawing from a different allocation pool as it was considered a commercial enterprise and will not compete with subdivisions.

Member Hedlund asked for clarification about emergency vehicle access and Mr. Hurt showed the locations on the map, which was included in the application. Mr. Hurt explained how emergency vehicles would enter and move around the complex. He stated they would leave as many of the natural trees as they can and showed the existing walking path on the map.

Member Redd noted the cemetery was across the street and Mr. Hurt explained the complex would have buffering. Member Redd felt Mr. Hurt would do a good job based on their other properties in Youngsville. She stated that 144 apartments just felt like a lot.

Chairman Flowers loved the idea of keeping the walking path and inquired about the buffer. Mr. Hurt stated the buffer would be natural. He explained there was a portion of the property that was undevelopable due to a stream.

Chairman Flowers also expressed concerns about traffic. He inquired about traffic entering onto US 1A and ways to alleviate the stress on town streets. Mr. Hurt stated they had mentioned expanding the road outward and possibly connecting to S Cross Street, as it could possibly act as a bypass. He stated NC DOT seemed to feel comfortable with the amount of traffic on the road and the design of the road as is. Member Wiggins stated he understood they would be adding turn lanes but inquired about morning traffic with people trying to get to Highway #1. He expressed concerns about the traffic coming from the existing subdivisions and the narrowness of the roadways. Member Redd agreed, especially when you included traffic from Youngsville Elementary School. She stated that it was a good place to develop, and the tax revenue would be very helpful, but the traffic was a real issue. The turn lanes would help traffic on Holden Road but the morning traffic from all other directions would still be a problem. Cordeiro stated a potential future option the Board can consider as other parcels in the area are developed would be to extend S College Street to S Cross Street and/or Highway 96. He felt this would be great for the community. Cordeiro stated they could eventually use future development to help improve the roads. There was a brief discussion regarding the proposed truck route in the Comprehensive Development Plan. Clark noted NC DOT had noted there were only two ways out and felt most traffic would be on S College Street. Because of this, NC DOT did not feel there was a need for another turn lane since there was already one on US 1A. The traffic pattern will stay the same. Clark explained NC DOT did not require a traffic study for traffic heading towards Wake Forest on the east side of town. NC DOT also did not require an impact study, nor did our Ordinance require one to be done. Mr. Hurt stated they did their own report and NC DOT engineers have review it. The decision for two turn lanes was based on this report. Clark stated NC DOT did look at Oak Street and they told him the amount of traffic and future projections did not warrant a light or turn lane at this time.

Member Redd asked if all the buildings would be built at the same time and Mr. Hurt answered yes. He explained the building process would take approximately twelve months from beginning to the end. Mr. Hurt stated they yielded to NC DOT's recommendations. He stated they will provide what is necessary to proceed. Chairman Flowers asked who would install the turn lanes and Mr. Hurt explained their organization had the capability to do that in-house and would entertain handling that phase of the work. Mr. Hurt stated they will investigate the most cost-effective way to install the turn lanes. Member Brame inquired about the layout of the turn lanes and Mr. Hurt stated he would have to find out as he has not seen the final report. He stated the

final draft from NC DOT noted it need to have left and right turn lanes. Mr. Hurt stated he would investigate the layout and report back to the Board. Member Brame asked when the twelve-month time frame would start. Mr. Hurt explained it started on the day they broke ground, noting the whole process would take approximately one and half to two years from now, depending on the permitting process.

Chairman Flowers opened the floor to any persons in support of the application that would like to present evidence. There were no comments.

Chairman Flowers noted Klinger had presented the Staff Findings during her preliminary statement and asked if there was any further information. After a brief discussion, it was decided to break the Application and Staff Findings into two separate pieces of evidence. The application was considered as Washington Manor 1 (WM-1) and the Staff Findings was now considered Washington Manor 2 (WM-2). Applicant Testimony would be entered as Washington Manor 3 (WM-3).

Clark explained the Special Use Application was filed before the Youngsville Development Ordinance (YDO) was adopted. The developer was given the option of following the prior ordinance or the YDO and the applicant chose to proceed under the prior ordinance. Clark stated the application is correct and complies with the prior ordinance, the plans have been reviewed, and all existing standards of the prior ordinance for apartments applies. He stated Mr. Hurt was in full compliance with the prior ordinance. Clark explained the parking requirements and noted the applicant was proposing 218 parking spaces at 1.5 spaces per unit. The starting point in the prior ordinance was 2.5 spaces per unit but the prior ordinance did provide flexibility. The proposed units are two bedrooms and, based on other projects in town, Staff recommends the reduction of parking. This will reduce the impervious area and run off. That one standard was the only change from the basic standards provided in the prior ordinance. The complex will include open space, trees, sidewalks, lighting, and a mail kiosk, among other things. Staff and the Planning Board did approve the plan as presented. The State permits for erosion control for the stormwater requirements all come under the State rules.

Clark noted S College Street was a Town street. He explained the Town had a study done by Summit Engineering which shows the current condition of S College Street. Clark recommended requiring a study of the street conditions so the applicant can return the street to its current condition. The study would cost approximately \$800 to \$1,000 and Mr. Hurt stated he did not have a problem funding the study. Chairman Flowers asked if this should be a condition and Clark stated yes. Mr. Hurt inquired if the study would include before and after conditions and Clark explained the process. Mr. Hurt wanted to clarify they would only have to bring the street back to the condition it was before construction and Clark stated that was correct. Member Redd asked what happened if there was damage and Cordeiro explained the developer would be financially responsible for repairs. Hurd asked if the repairs would be included in their bond, and Clark stated no. As this was not a “street construction” it would not be a bond issue.

Chairman Flowers asked if there were any other conditions, noting Mr. Hurt has accepted all proposed conditions at this time. Clark clarified the hydrants were a standard condition and Chairman Flowers clarified there was no need to add an additional condition as the fire hydrants

were included in the design of the complex. Clark explained it would be good to include it as a condition as it was referred to. He noted it would be standard and not an additional requirement.

Clark noted the sidewalk in front of the property will be installed by the developer as a segment for the Town's sidewalk. He noted the sidewalk will ultimately become the Town's responsibility.

Clark's testimony was added into evidence as Washington Manor 4 (WM-4).

Chairman Flowers opened the floor to any persons opposed to granting the application that would like to present any evidence.

Chairman Flowers opened the floor for rebuttals to opposing testimony. There were no rebuttals.

When asked, Hurd noted Washington Manor 1 (WM-1) was the application, Washington Manor 2 (WM-2) was Staff Findings, Washington Manor 3 (WM-3) was Michael Hurt's testimony and Washington Manor 4 (WM-4) was Bob Clark's testimony. Cordeiro noted Washington Manor 2, the Staff Findings, will need to be amended to place financial responsibility on the developer for a pavement condition analysis before and after the project and responsibility for any additional damage done to the pavement during the construction as indicated by the study.

Chairman Flowers asked if there were any other conditions the Board would like to include. Clark also wanted to include authorization for reducing the parking spaces from 2.5 spaces to 1.5 spaces per unit. When asked for clarification, Clark stated it could be added to Staff Findings instead of becoming a separate condition.

Attorney Bartholomew and Hurd went through the evidence; Washington Manor 1 (WM-1) was the application, Washington Manor 2 (WM-2) was amended Staff Findings, Washington Manor 3 (WM-3) was Michael Hurt's testimony and Washington Manor 4 (WM-4) was Bob Clark's testimony. Amendments to Staff Findings included the pavement condition analysis before and after construction, with any damage to be repaired, at the developer's expense, and the authorization of reducing parking from 2.5 spaces to 1.5 spaces per unit.

MOTION: TO ACCEPT FOUR ITEMS OF EVIDENCE: WASHINGTON MANOR 1 WAS THE APPLICATION, WASHINGTON MANOR 2 WAS AMENDED STAFF FINDINGS, WASHINGTON MANOR 3 WAS MICHAEL HURT'S TESTIMONY AND WASHINGTON MANOR 4 WAS BOB CLARK'S TESTIMONY

The motion was made by Member Redd and was seconded by Member Brame. The motion passed unanimously.

Chairman Flowers noted both conditions were added as amendments to Staff Findings and inquired if there were additional conditions. There were no other conditions.

Chairman Flowers asked if there was any more discussion or questions.

MOTION: TO CLOSE THE COLLECTION OF EVIDENCE PORTION OF THE HEARING.

The motion was made by Member Wiggins and was seconded by Member Hedlund. The motion passed unanimously.

Chairman Flowers opened the deliberation section of the Hearing for the Board. Attorney Bartholomew asked if there were any other conditions to be deliberated and there were none.

Member Redd inquired about the increase to the tax base and Mr. Hurt stated the development would be valued at approximately \$20,000,000. Cordeiro noted that would translate to approximately \$109,000 of annual tax revenue. Hurd noted revenue based on population would also increase.

Chairman Flowers noted previous conditions had been added to Staff Findings and adopted into evidence as Washington Manor 2 (WM-2).

Conditions:

There were no additional conditions other than the amendments to Staff Findings, Washington Manor 2 (WM-2).

Attorney Bartholomew read the Findings of Facts.

1. 710.1.1 The proposed use will comply with all of the dimensional and other standards which this ordinance applies to all users? 4 ayes / 0 nays
2. 710.1.2 Access roads or entrance and exit drives are or will be suitable in size and properly located to ensure automotive and pedestrian friendly safety and convenience, traffic flow, and control and access in case of fire or other emergency. 4 ayes / 0 nays
3. 710.1.3 Off-street parking, loading, refuse, and other service areas are located so as to be safe, convenient, allow for access in case of emergency, and to minimize economic glare, odor, and other impacts on adjoining properties in the general neighborhood. 4 ayes / 0 nays
4. 710.1.4 Utilities, schools, fire, police and other public and private facilities and service will be adequate to handle the proposed use. 4 ayes / 0 nays
5. 710.1.5 The location and arrangement of the use of the site, screening, buffering, landscaping, and pedestrian ways harmonize with adjoining properties and the general area and minimize adverse impacts. 4 ayes / 0 nays

6. 710.1.6 The type, size and intensity of the proposed use, including such consideration as hours of operation and number of people who are likely to utilize or be attracted to use, will not have significant adverse impact on adjoining properties or the neighborhood. 4 ayes / 0 nays

Attorney Bartholomew stated the Special Use Permit for Washington Manor has been approved.

The Board of Adjustment took a small break before hearing the next case.

The second item under New Business was a Special Use Application for Hampton Village on NC Highway 96.

Town Clerk Hurd swore in those wishing to testify; Bob Clark, Erin Klinger, and Michael J Hurt.

Klinger gave a preliminary statement to describe the case before the Board. She explained the Board was here to consider a Special Use Permit for property on NC Highway 96 to construct a 48-unit addition to an existing multi-family apartment complex.

Klinger read Staff Findings into the record.

Item: Consider an application #191119-2 filed by Hurt and Coggins, LLC, to request a Special Use Permit for property on Highway 96 (Tax Parcel Numbers 034130 and 028165) to construct a 48-unit addition to an existing multi-family apartment complex.



The preceding aerial view (2017) shows the subject of the Special Use Permit request, two parcels that combine for a total of approximately 3 acres (around 131,000 square feet) northeast of Highway 96 and adjacent to the existing Hampton Village apartment complex.

Request:

The applicant, Hurt and Coggins, LLC, is requesting a Special Use Permit to build a 48-unit addition to an existing multi-family apartment complex on two tracts that total approximately 3 acres.

See Exhibit A: Application dated 11/19/2019 with Site Plan.

Pre-application Conferences:

The applicant conferred with the Town of Youngsville Planning Department prior to submission of the application. Comments from Planning Staff are provided below for your information. The applicant presented several designs to Planning Staff over the course of review. The most recent version of the site plan was revised to accommodate suggestions by staff and the Technical Review Committee.

Surrounding Land Uses and Zoning:

The site is bordered by the existing Hampton Village apartment complex and Youngsville Fire Department to the north and commercial development across Wolfpack Lane. The lot to the east is vacant. The Sirchie campus is to the south across Highway 96.

North – Vacant, Civic

South – frontage along Highway 96 – Mixed-Use-2

East – frontage along Wheaton Avenue – Mixed-Use-2

West – frontage along Wolfpack Lane – Mixed-Use-2

Technical Review Committee Comments:

Comments from NCDOT:

An eastbound left turn lane with 100 feet of full storage and appropriate tapers on NC 96 at Wolfpack Lane is required. **THIS WILL BE INCORPORATED INTO THE CONSTRUCTION DESIGN PLANS ONCE THE SPECIAL USE PERMIT HAS BEEN APPROVED.**

Comments from Franklin County Public Utilities:

Water and sewer are available for the proposed Hampton Village Apartments. No water allocation has been approved by Franklin County for this project. **THE ENGINEER HAS NOTED THAT THE DEVELOPER IS CURRENTLY WORKING ON THEIR ALLOCATION APPLICATION.**

Comments from Youngsville Fire Department:

Like the Meadow Park Villas project (Sirchie land) in early 2018, we would advise against adding any further residential occupancies along the industry on Jeffrey Way, specifically Southern Lithoplate, due to the hazards associated with the chemicals used on site. Additionally, we would like to see a fire hydrant installed on the proposed water main between the two building on the north side of the property. We would also respectfully ask the developer to consider installation of sprinkler systems in the apartment homes to include a common attic space. **AN AMENDED PLAN WITH A FIRE HYDRANT ADDED WHERE THE FIRE DEPARTMENT REQUESTED HAS BEEN RESUBMITTED TO ADDRESS THIS COMMENT.**

Comments from Planning Staff:

The Technical Review Committee made comments on the preliminary plan and those comments have been addressed. If the Special Use Permit is approved, then the applicant will prepare a full set of detailed construction plans for review.

Planning Board Action:

The Planning Board met January 14, 2020 in consideration of the Special Use Permit application. The board passed the following motion: **TO MAKE A FAVORABLE RECOMMENDATION TO THE BOARD OF ADJUSTMENT TO APPROVE A SPECIAL USE PERMIT APPLICATION (SUP-191119-2) MADE BY HURT AND COGGINS, LLC FOR THE EXPANSION OF THE EXISTING HAMPTON VILLAGE APARTMENT COMPLEX ON THE CORNER OF HIGHWAY 96 AND WOLFPACK LANE.**

The motion was made by Member Janice Pearce, seconded by Member Hank Lindwall, and unanimously approved.

Chairman Flowers polled the Board as to any conflicts of interest or bias. The Board answered no, unanimously, to not having a fixed opinion prior to hearing the matter that is not susceptible to change. Chairman Flowers asked the Board if there had been any undisclosed ex parte communications and the Board answered no, unanimously. The Board answered no, unanimously, to having a close familial, business, or other associational relationship with an affected person or entity; or a financial interest in the outcome of the matter.

The application was assigned Hampton Village 1 (HV-1) and Staff Findings, as read by Klinger, was assigned Hampton Village 2 (HV-2).

Chairman Flowers opened the floor for the applicant to present evidence for his application. Michael J Hurt, representing Hurt and Coggins LLC, explained the proposed development was a continuation of Hampton Village Apartments and will only contain two buildings. He noted they will have to add a turn lane on NC Highway 96 and there will also be an entrance on Wheaton Avenue. Mr. Hurt stated there was a need for apartments in the community as evidenced by the rental rate of both Hampton Downs Duplexes and Hampton Village Apartments. He stated they were trying to continue to grow the Hampton Village community, improve the quality of life in the area, and provide economic growth for the community.

Chairman Flowers opened the floor to ask questions of the applicant. He asked that anyone speaking identify themselves and their relationship to the property.

Chairman Flowers noted the buildings would not be stacked and will have road frontage and Mr. Hurt stated that was correct. Chairman Flowers also clarified there was an entrance from Wheaton Avenue and Mr. Hurt stated yes.

Member Wiggins inquired about public sidewalks on NC Highway 96. Both Mr. Hurt and Clark stated there would be sidewalks and Chairman Flowers noted where they were in the design. Mr. Hurt showed the location of the sidewalks on the plans and noted they took parking spaces into account. He explained these plans follow the zoning ordinance and allow for access all the way around the facility. Chairman Flowers stated full access around the complex is something the Youngsville Fire Department had previously requested for complexes.

Chairman Flowers opened the floor to any persons in support of the application that would like to present evidence. There were no comments.

Chairman Flowers noted Klinger had presented the Staff Findings during her preliminary statement and asked if there was any further information. Clark explained there was a slight reduction in parking spaces per unit, from 2.5 spaces per unit to 2.06, noting there was underutilized parking at Hampton Village. He noted Wolfpack Lane already had issues with “alligator” cracking. Clark recommended a study of the street conditions prior to construction and after construction has been completed, with the developer bringing the road back to the condition it was before construction began.

Clark explained the application was received under the prior ordinance, noting the stormwater, as shown on the plans, is towards the back of the property and there were no changes needed. He also noted the site did not include garbage collection as there was a compactor at Hampton Village that serves the existing apartments. Clark stated the developer meets all the standards and it was recommended by both the Planning Board and Staff, accepting the State standards are also met.

Mr. Hurt inquired if they could do both pavement analysis studies at the same time and Clark stated that it would be easier and less expensive. Chairman Flowers asked Cordeiro to move forward with the study.

When asked, Hurd listed the evidence. The application was assigned Hampton Village 1 (HV-1) and Staff Findings, amended to include the pavement condition analysis before and after construction, with any damage to be repaired, at the developer’s expense, and the authorization of reducing parking from 2.5 spaces to 2.06 spaces per unit, was assigned Hampton Village 2 (HV-2). Mr. Hurt’s testimony was assigned Hampton Village 3 (HV-3) and Mr. Clark’s testimony was assigned Hampton Village 4 (HV-4).

Clark explained the original Special Use Permit was issued around 2002 and noted this application was a technical amendment of the previous Special Use Permit. He noted all

standards have been met. Attorney Bartholomew requested the original Special Use Permit and approval be included in the record as part of this Special Use Permit.

Chairman Flowers opened the floor to any persons opposed to granting the application that would like to present any evidence.

Chairman Flowers opened the floor for rebuttals to opposing testimony. There were no rebuttals.

Chairman Flowers asked for a motion to enter all evidence into the record.

MOTION: TO ACCEPT FOUR ITEMS OF EVIDENCE: HAMPTON VILLAGE 1 WAS THE APPLICATION, HAMPTON VILLAGE 2 WAS AMENDED STAFF FINDINGS, HAMPTON VILLAGE 3 WAS MICHAEL HURT'S TESTIMONY AND HAMPTON VILLAGE 4 WAS BOB CLARK'S TESTIMONY

The motion was made by Member Redd and was seconded by Member Brame. The motion passed unanimously.

Chairman Flowers asked if there was any more discussion or questions.

MOTION: TO CLOSE THE COLLECTION OF EVIDENCE PORTION OF THE HEARING.

The motion was made by Member Redd and was seconded by Member Wiggins. The motion passed unanimously.

Chairman Flowers opened the deliberation section of the Hearing for the Board. As there was no additional discussion, Chairman Flowers moved onto the Findings of Fact.

Conditions:

There were no additional conditions requested.

Attorney Bartholomew read the Findings of Facts.

1. 710.1.1 The proposed use will comply with all of the dimensional and other standards which this ordinance applies to all users? 4 ayes / 0 nays
2. 710.1.2 Access roads or entrance and exit drives are or will be suitable in size and properly located to ensure automotive and pedestrian friendly safety and convenience, traffic flow, and control and access in case of fire or other emergency. 4 ayes / 0 nays
3. 710.1.3 Off-street parking, loading, refuse, and other service areas are located so as to be safe, convenient, allow for access in case of emergency, and to minimize economic glare,

odor, and other impacts on adjoining properties in the general neighborhood. 4 ayes / 0 nays

4. 710.1.4 Utilities, schools, fire, police and other public and private facilities and service will be adequate to handle the proposed use. 4 ayes / 0 nays
5. 710.1.5 The location and arrangement of the use of the site, screening, buffering, landscaping, and pedestrian ways harmonize with adjoining properties and the general area and minimize adverse impacts. 4 ayes / 0 nays
6. 710.1.6 The type, size and intensity of the proposed use, including such consideration as hours of operation and number of people who are likely to utilize or be attracted to use, will not have significant adverse impact on adjoining properties or the neighborhood. 4 ayes / 0 nays

Attorney Bartholomew stated the Conditional Use Permit for Hampton Village has been approved.

The next item on the agenda was Reports and Other Business. Hurd noted the next quarterly meeting of the Board of Adjustment was on the same day as the Board of Commissioners' meeting. She noted the date may need to be changed if they had a case come in.

Attorney Bartholomew noted he would modify the paperwork and Findings of Fact based on the new YDO.

The meeting adjourned at 8:40 pm.