

Planning Board Meeting

June 17, 2019

Minutes

Members Present: Victoria Curtis, Joe DeLoach, Lloyd Lancaster, Terry Allen Swaim, and Ryan Zakany

Members Absent: Jonathan Olson

Staff Present: Planning Director David Bergmark, Jeannine Ngwira, & Linda Barbour

Guests Present: Lucius Jones and TJ Mack

1. Meeting Called to Order

Chairman Terry “Allen” Swaim called the meeting to order at 7:01 pm and recognized that a quorum (minimum of 5 members) was present.

2. Welcome and Recognition of Guests

Chairman Swaim welcomed guests in attendance.

3. Chairman and Board Members’ Comments

Mr. Swaim said the he was glad that they had a heated discussion during the last meeting.

4. Adjustment and Approval of Agenda

There were none.

5. Public Comments

Lucius Jones said he has been developing properties for 50 years and the process was to first go through Planning Board and Town Board then the Technical Review Committee. He said recently the attorney said that the town could not approve his development because it did not go to the Technical Review Committee prior to bringing it to the Town Board.

- Lloyd asked what order he wanted to follow?
- Lucius said he would like to change the UDO to make the order Planning Board approval, & Town Board approval, then Technical Review Committee approval.
- David clarified that apartments go to the Technical Review Committee first and that we are checking with other towns to see what their order they use.

6. Approval of Minutes

Chairman Swaim referred the members of the Planning Board to the minutes that the staff had prepared and asked if there were any needed revisions. – **On page 21 the minutes stated Chairman Swaim made a motion it should have read Chairman Swaim asked for a motion. Also, the minutes showed Ryan Zakany making a motion and Joe DeLoach seconding it.**

It should have stated *Joe DeLoach made the motion and that Ryan Zakany seconded the motion. Ryan Zakany asked that his name be listed consistently in the minutes going forward. These errors in the minutes will be corrected.*

Chairman Swaim asked for a motion to approve the revised minutes. Joe DeLoach made a motion and Lloyd Lancaster seconded, and they were approved unanimously.

7. Discussion, Consideration, and Action on the Following Items:

Item # 7A

A. Discussion and action on a Zoning Map Amendment request to rezone 2 parcels totaling 2.73 acres [1.31 acres for PIN #1784551118 and 1.42 acres for PIN #1784551064] located at 1027 and 1011 Marshburn Rd from Rural Agricultural (RA) to Highway Commercial (CH).

Jeannine Ngwira, Planner 1, presented the following staff report and background information shown in *italics* below.

Specific Action Requested:

- *That the Planning Board consider the proposed rezoning request and make a recommendation to the Board of Commissioners, to include a statement of comprehensive plan consistency.*

Applicant: *Thomas Mak*

Petition:

The applicant has requested a change in zoning classification for property located at 1027 Marshburn Rd (PIN #1784551118) and 1011 Marshburn Rd (PIN #1784551064) from Rural Agricultural (RA) to Highway Commercial (CH).

Item Summary:

These properties are currently located within the extraterritorial jurisdiction (ETJ) of the Town of Wendell and are zoned RA. These parcels are the location of an existing landscape supply business, known as Wendell Landscape Supply. The owner wishes to add the sales of vehicular trailers to his business.

While the Residential Agricultural (RA) zoning district allows Outdoor Storage as a primary use, the sale of merchandise which is stored outside is more retail in nature than storage. The Town has an existing use category for 'Heavy Equipment/RV Sales/Farm Equipment Sales/Mobile

Home Sales' that would allow for the owner's desire for vehicular trailer sales. This use is permitted in the Highway Commercial (CH) zoning district but is not permitted in the Residential Agricultural (RA) zoning district.

Thus, the requested rezoning (from RA to CH) better reflects the existing use of the site (as a landscape supply business), as well as supports the owner's desire to sell vehicular trailers on site.

Justification:

The applicant lists the following reasons for rezoning the property from RA to CH:

“The two parcels we are trying to get rezoned are already an established business. Rezoning to allow trailer sales will not increase traffic flow. We plan on having a limited selection to cater to the existing customer base. Also, with the property directly behind these two lots being rezoned to allow the development, it should not affect the neighbors in any way. To the left of the property is a field and to the right is a wooded lot. Directly across the street is the owner Matthew Privette, so there should not be any issues with surrounding properties.”

Project Profile

PROPERTY LOCATIONS:	1027 Marshburn Rd, 1011 Marshburn R
WAKE COUNTY PIN:	1784551118 & 1784551064
ZONING DISTRICT:	Proposed CH/ Current RA
CROSS REFERENCES:	N/A
PROPERTY OWNER:	Matthew & Melanie Privette 1020 Marshburn Rd Wendell, NC 27591
APPLICANT:	Thomas Mak 508 N Kennelman Cir Wendell, NC 27591
PROPERTY SIZE:	2.73 acres
CURRENT LAND USE:	Agricultural
PROPOSED LAND USE:	Commercial

Project Setting – Surrounding Districts and Land uses:

<i>DIRECTION</i>	<i>LANDUSE</i>	<i>ZONING</i>
<i>North</i>	<i>Agricultural</i>	<i>RA</i>
<i>South</i>	<i>Agricultural</i>	<i>RA</i>
<i>East</i>	<i>Residential</i>	<i>RA</i>
<i>West</i>	<i>Agricultural</i>	<i>RA</i>

Zoning District:

These properties are currently located within the town’s extraterritorial jurisdiction and are zoned RA. While the surrounding properties are currently zoned RA, it is anticipated that the properties to the west and south of this site will eventually obtain a more commercial zoning designation as the Village of Wendell (Food Lion shopping center) develops over time.

Jeannine referred to our current zoning map showing location of the Requested Property to be Rezoned.

Comprehensive Plan:

The Wendell Comprehensive Plan defines this section as S-4 “Controlled Growth Sector”.

The Comprehensive Plan states the S-4 sector typically consists of “lands that are typically close to thoroughfares and at key cross-road locations. This sector is where moderate intensity new development is appropriate and where the majority of the community’s new growth should occur. The typically envisioned community type for S-4 is a traditional neighborhood development (TND), which includes neighborhood serving commercial and civic uses surrounded by a mix of housing types that decrease in density as they get farther away from the commercial area.”

The following community types and uses are appropriate in the S-4 sector: traditional neighborhood developments, neighborhood centers, single-family and multifamily residential, neighborhood-serving commercial uses (retail and office), civic uses and industrial uses.

Jeannine referred to the Framework Plan Map & Legend (included the Agenda Packet)

Staff Recommendation:

Staff recommends approval of this rezoning request based on the following factors:

- *The requested zoning map amendment for the parcel within the rezoning area identified as ZM19-03 from RA to CH is consistent with the recommendation of the Wendell Comprehensive Land Use Plan and is reasonable given the expected future land use of the surround area, and the existing use of this site.
(Statement of Comprehensive Plan Consistency)*
- *The purpose of the rezoning request is to support the existing use at this site.*



Discussion following Jeanine's presentation:

Jeanine introduced TJ Mack

- Mr. Mack spoke about his relationship with Mr. Privette. Mr. Mack said he already has a business selling trailers, but he wants to do it in this new location.
- Ryan asked if the change in zoning would require a change in standards.
- David answered no.
- Lloyd made a motion to approve the requested zoning amendment, including the prepared statement of plan consistency and reasonableness.
- Victoria seconded the motion.
- All voted in favor and motion was approved unanimously.

Item # 7B

Item Title:

Discussion and Action on an amendment to the Arterial and Collector Street Plan and to Chapters 9 and 17 of the UDO as they relate to Infrastructure Improvement and Transportation Impact Analysis (TIA) requirements.

David Bergmark, Planning Director presented the information shown in italics below.

Specific Action Requested:

- *The planning board is asked to review and make a recommendation on an amendment to the Arterial and Collector Street Plan and to Chapters 9 and 17 of the UDO as they relate to Infrastructure Improvement and Transportation Impact Analysis (TIA) requirements.*

Item Summary:

In early 2019, the Town engaged the NC Main Street & Rural Planning Center to facilitate an Economic Development Assessment of Wendell. This assessment included 4 engagement sessions with different stakeholders and regions of the town to identify economic strengths, weaknesses, opportunities, and threats. One such engagement session focused on the Wendell Falls Parkway Strategic corridor – specifically property owners of large undeveloped tracts.

During the Wendell Falls Parkway engagement session, staff sought feedback from property owners and real estate agents on what types of development impediments they were encountering. One comment repeatedly received was that the Town’s infrastructure improvement requirements for Wendell Falls Parkway (which is identified as a 4-lane divided roadway section for much of its extent) put too high a financial strain on prospective developers. This sentiment appears to be largely supported by the location of recently submitted and approved developments, which are choosing locations with lesser road improvements (such as S. Hollybrook Rd) rather than areas that would otherwise appear more desirable and appropriate for development (such as Wendell Falls Parkway).

Due to this feedback, the Town is considering amendments to its Arterial and Collector Street Plan and infrastructure improvement requirements to reduce the financial burden on developers seeking to build along arterial or collector roads. While the Town still intends to ensure that developers pay their fair share of roadway improvements (since their ventures are increasing traffic along these roadways), it is staff’s belief that amendments are needed to make the cost burden more balanced between developers and future tax-payers.

*To achieve a more balanced mix of improvement costs and apply a more rational nexus for determining developer’s infrastructure improvement obligations, staff proposes the following changes to the Town’s regulations. Amendments to the ACS plan are visually represented in **Attachment A**. ACS plan amendments are also being proposed to reduce impacts on environmentally sensitive areas by removing or realigning roads. Proposed road realignments are not impacting any new property owners.*

- 1. **Reduce the infrastructure improvement requirement along existing roads identified as future 4-lane divided cross-sections, such that developers are only responsible for installing a 3-lane undivided cross-section (rather than 4-lane divided).** Developers would still be required to dedicate the full 4-lane road right-of-way so that the Town could build a 4-lane road in the future and would construct the sidewalk in its ultimate location. However, this represents a significant cost savings for the developer.*
- 2. **Change all 2-lane median-divided Cross-sections (86’ ROW) in the ACS Plan to 3-lane undivided cross-sections (79’ ROW).***
 - a. The cost of constructing these cross-sections for a new road is very similar, but the cost of changing an existing 2-lane road to a 2-lane median-divided cross-section is much higher. Additionally, the proposed change would save the developer from dedicating an extra 7’ of road ROW.*

3. *To balance the reduced improvement requirements described in Amendment #1 and #2, staff suggests **reducing the threshold for when a Transportation Impact Assessment (TIA) would be required from 150 peak hour trips to 100 peak hour trips.** The TIA would identify only those improvements (typically turn lanes and signal improvements) which directly relate to the trips generated by proposed development*
 - a. *A Single-family home typically generates, on average, ~ 1 trip during the PM peak hour (4-6 PM). A multi-family dwelling typically generates, on average, ~ 0.6 trips during the peak hour. For example, the Edwards Property subdivision submittal included 273 single-family dwellings and was estimated to generate 266 PM peak hour trips. PM peak hour trips are higher than AM peak hour trips.*
 - b. *If desired, language could be added to allow the Planning Director discretion in requiring TIAs for development meeting a lower threshold (such as 80 peak hour trips), based on case-specific determining factors. These determining factors could include urban context (i.e. downtown apartments will generate less trips than suburban), previously approved but not yet constructed development in the vicinity (which will contribute trips in the future), or the lack of pedestrian and bicycle facilities (which reduces viable alternative to vehicular trips).*
4. **Delete minor collectors (as shown in Attachment A) which impact Turnipseed Preserve and Robertson Mill Pond Preserve, and which serve no critical function.**
 - a. *Now that Wake County has developed these natural parks and protected them with perpetual conservation easements, there is no real possibility of these properties being developed. Thus, there is no need to show roadways traversing these areas.*
5. **Delete the Minor Thoroughfare (4-lane divided road) shown crossing Rolesville Road and running parallel to Weathers Rd.**
 - a. *This road is a future connection shown in CAMPO's long-range transportation plans. It is ultimately attempting to connect Buffalo Rd to the west with Doc Proctor Rd and Riley Hill Rd to the east. This would require crossing floodplains and building extensive amounts of new road mileage. Removing this road from the Town's plan would not eliminate the need for the developer to reserve road ROW for this future road, but it would eliminate the need to construct improvements.*
6. **Realign eastern-most leg of future 2-lane collector connecting Eagle Rock Road to Jake May Drive (to align with Horseman Park Place and to avoid Buffalo Creek).**
7. **Realign the future 4-lane divided road on the eastern side of Town such that its connection point to Wendell Blvd avoids the floodplain.**

David spoke about meeting with people who had vacant land and why it has not been developed. He wants to make amendments to the UDO.

David pulled up a map to show what we currently have planned for two lane divided roads.

He suggests that we transition to 3 lane roads with dedicated Right of Way just in case we need it in the future, instead of insisting that developers put in 4 lane roads.

- Chairman asked if there was a developer interested in this?
- David replied that he had a meeting at the Community Center for Wendell Falls Parkway in which staff met with owners and or their agents of larger undeveloped tracts along the parkway.
- Chairman Swaim asked how many people showed up.
- David said there were probably 20-30 people in attendance.
- Ryan asked about how much of the road the developer would be responsible for?
- David replied: The developer is responsible for their half of the road along their frontage.
- Ryan asked if the Town has to change it into a 4 lane road later would the tax payers have to pay for it?
- David said most likely, yes.
- Joe said his church spoke about putting in a 4-lane road and said it would be expensive. The 3- lane would be a better solution.
- Lucius said that the current transportation plan makes no sense and developers can't afford it.
- Lloyd asked Lucius what he thinks would be a better plan.
- Lucius said to allow DOT to decide if a turning lane is needed.
- Lloyd said he never saw a builder and the government agree that a reduction in the current standard is needed.

David continued to present the changes and showed a map of where staff proposed changes to street cross-sections. He said that since some of the areas now have conservation restrictions in place, the expanded roads shown on the current transportation plan are no longer needed here.

- David said there is a 4-lane road that crosses over Buffalo Creek on the Campo Plan that he suggested be removed from the town plan. We can still get Right of Way since it is on the Campo Plan.

- Ryan asked who pays for TIA if two developments combined create the need for one.
- David replied the 2nd one as the first one was already approved as is.
- Ryan asked how much a TIA costs.
- Lucius said his last one he saw the cost \$6000.00
- Ryan questioned if the town was losing any facilities by reducing the Right of Way from 86 to 79 on certain collectors.
- David said it takes up more room for the construction of the median in the 86 right of way and both have sidewalks. He said the change did not result in the loss of any facilities.
- Chairman Swaim asked if there were any other questions.
- Lucius said shouldn't we asked the residents.
- David said there would be a public hearing prior to adoption of any changes.
- Chairman asked for a motion.
- Joe wanted to know are we trying to encourage & attract development to fill in vacant land and if this is done and it does not pan out can it be changed?
- David replied Yes.
- Ryan compared town roads to DOT roads and if a TIA calls for a turning lane would we have to do it?
- David replied that DOT will address the need for turning lanes typically on any development. He said a TIA (if required) would also address turning lanes.
- Lloyd said we want to try to go in the right direction. He said 3 years ago we wanted to put in 4 lane roads and now we may have killed the market. Let's try letting the market dictate what we do.
- David reminded the Board that we do need to plan ahead as we currently have around 2000 lots approved or seeking approval at this time.
- Chairman Swaim asked Victoria what her opinion is.

- Victoria said she agreed with Lloyd about letting the market dictate but we also need a plan to keep it logical and not uproot people in the future. We need a happy medium.
- Ryan said what if there were no 4-lane but instead we retain a right of way for the future. He said that Right of Ways are dedicated to preserve for the future in case the need for additional lanes becomes necessary.
- Chairman said there is a difference between what we can do and what we should do. We need to make sure we look out for our citizens. He gave what happened in Savannah as an example and said we don't need to turn this town into another Cary.
- Joe said transportation decisions impacts each individual and they want to know how it will affect them.
- Lloyd said he thinks a TIA is a step in the right direction and he liked that Ryan thought we should think through road expansion though.
- Ryan made a motion to approve staff's proposed changes to Section 9.10B (TIA). Lloyd seconded the motion and it was approved unanimously.
- David asked about deleting roads that are in environmentally sensitive areas.
- Lloyd made a motion to accept the staff's proposed changes to items 4-7, which address roads in environmentally sensitive areas. Victoria seconded the motion and it passed unanimously.
- Chairman asked if there was a motion for approval of the remaining proposed changes to the ACS Map. Ryan made said motion and Lloyd seconded the motion and it was approved unanimously.
- Lloyd questions the placement of the sidewalks for expanded roads. David said the sidewalks would typically be placed in their ultimate location, so that future widening would not require the removal of the sidewalk.
- Chairman Swaim said the existing sidewalks in town are in rough shape.
- Chairman Swaim inquired can a builder ask for a variance?
- David said someone could propose an amendment through a conditional district and they could also request a fee-in-lieu of building a road.
- Chairman Swaim asked how much would it be for a 3-lane road?
- David said the fee-in-lieu would be based on an engineering estimate that their engineer provides, and our engineer approves.

- David said the estimate for a new 3 lane road from the Town's ACS Plan was \$2000.00 per linear ft (this is from November 2016)
- Lloyd asked if a builder is currently building along a 2 lane road changing to a 3 lane can he request a fee-in-lieu?
- David replied yes.
- Chairman Swaim asked for a motion to approve item # 1 [*Reduce the infrastructure improvement requirement along existing roads identified as future 4-lane divided cross-sections, such that developers are only responsible for installing a 3-lane undivided cross-section (rather than 4-lane divided)*] Lloyd made such a motion, Victoria seconded the motion it was approved unanimously.
- Lloyd Lancaster made a motion to adjourn, Ryan Zakany seconded the motion.

Meeting was adjourned at 8:30 PM