

**Planning Board Meeting
July 15, 2019
Minutes**

Members Present:, Victoria Curtis, Joe DeLoach, Jonathan Olson, and Ryan Zakany, Michael Firstbrook, Levin Jones, Jimmena Huffman-Hall, and Brett Hennington

Members Absent:

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

Guests Present: Tony Tate & Chris Rurkowski from TMTLA Associates & many guests comprised of property owners residing near the proposed R-7 Conditional District at Rollsville & Davidtown Roads.

1. Meeting Called to Order

Madam Vice Chair, Victoria Curtis 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

All guests who were in attendance were welcomed.

3. New Planning Board Members were Sworn in the following order by Town Clerk Megan Howard:

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|-------------------------|---------------------|
| 1) Jimmena Huffman-Hall | 3) Levin Jones |
| 2) Michael Firstbrook | 4) Brett Hennington |

4. Chairman and Board Members' Comments

Ryan Welcomed new members and thank Lloyd Lancaster for his service.

5. Adjustment and Approval of Agenda

Jonathan Olson made a motion to wait on item 6 until after 9A was completed. Joe DeLoach seconded the motion and motion pass unanimously.

6. Election of Planning Board Chairperson and Vice Chairperson (Postponed until item 9A was completed)

7. Public Comments

Madam Vice Chair, Victoria Curtis asked if anyone other than the Rolesville Road folks was present? If not, she asked if the public comments could wait until after the presentation of Item 9b.

8. Approval of Minutes

Chairman Swaim asked for a motion to approve the minutes. Ryan Zakany made a motion and Jonathan Olson seconded, and the minutes were approved unanimously.

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

- A. Planning Board Training (Power Point Attached) – Staff will provide training to new and existing members on Planning Board duties, responsibilities, and tasks.

- A. **Planning Board Training** – David Bergmark, Planning Director proceeded to give the Power Point presentation while the new and existing members followed along.

David said that a conditional district was on the agenda for this evening and he explained what it is and how it can be approved or denied.

When he was through with the training presentation he asked if there were any questions. There were no questions.

Chairman Swaim explained why he was late, and he had rushed to get to this meeting. He also said that it was good to see a crowd and he hoped that this is a good thing.

Chairman Swaim was given the gavel from Madam Vice Chair and proceeded to agenda item 6.

6. Election of Planning Board Chairperson & Vice Chairperson

- Voting shall be conducted using a verbal nomination, followed by written ballot in which each member indicates whether they are in favor of the nomination.
- A candidate may nominate themselves or be nominated by others.
- The Chair and Vice-Chair serve 1-year terms but may be re-elected. Both positions may vote on all items.

Joe DeLoach nominated Terry Allen Swaim for Chairperson. Jonathan Olsen seconded the motion. No other nominations were received. Mr. Swaim's nomination was voted in favor unanimously.

Joe DeLoach nominated Victoria Curtis for Vice Chairperson, Terry Allen Swaim seconded the motion. No other nominations were received and it was passed unanimously.

9B. Discussion and Action on an R-7 Conditional District request for properties located at 4501 Rolesville Rd, 0 Davistown Road and 1401 Davistown Road, respectively.

Public Comments: Since there were so many speakers Chairman Swaim stated that he will call names in the order of the sign in sheet and that each person shall be limited to 3-5 minutes of speaking.

Public Comment Questions:

- David Cozart said he did not consider R7 to be a compatible with the surrounding land use density. He said the proposed development was not adjacent to the existing corporate limits. Mr. Cozart said that a 4-lane thoroughfare supported the Wendell Falls development, but that there was no similar proposal here. He said that this development did not have commercial development nearby to support it.
- Chad Winslow said he was concerned about noise, light pollution, and the height of the buffer between the proposed development and the existing homes on Rolesville Rd. He said he was worried about teenagers trespassing on adjacent property and increases in crime. He also was worried about the effect on the existing equestrian population.
- Latoya Brothers said they wanted the land to be more rural. She said she was concerned about traffic on Rolesville Road. Latoya said she had heard that there was a sewer easement going behind her property.
- Georgette Pico said she was concerned this would have an extensive impact on the Robertson Pond Preserve.
- Frank Braswell said this project would result in a lot of homes facing a soybean field. He said he was concerned about the density and that he did not think Rolesville Road could handle the traffic. He said the high school was a mile down the road, they already deal with a lot of inexperienced drivers and he was concerned over the impact the development would have on the police department. He thinks this proposed subdivision would encompass too many people and he pleaded with the planning board not to pass this. He was given applause from the other residents.
- Brandon Strickland asked to be moved to the end of the list.
- Aubrey Wood said this could be the starting point for more annexations. That she and her neighbors do not want. They like being in the ETJ because of the freedom that the town limits does not allow them and they do not want to pay the higher taxes.
- Darrell Lumley said he was concerned about traffic. He said he had talked with someone at DOT and was told each unit would generate 2-3 trips per day. He said he was concerned that traffic count numbers did not capture school traffic. He said the felt like there should be road improvements and widening required.
- Audrey Crawford said she had been there for 48 years. She said that she was concerned over the impact of radon on slab homes, she said there is no safe level for radon.
- Jim Griffin said he was concerned about runoff from the homes and roads negatively impacting the area, and Robertson pond specifically. He said he was afraid drainage changes would stop water from going into an existing pond that is used for irrigation of crops and livestock hydration.

- Ben Weathers said he was 73 years old and had been raised on his property. He said he was afraid of losing the farming community. Ben said he was worried the proposed project would negatively impact property values, he was concerned about the homes in this new development would eventually become rentals and that would decrease the value of the existing homes the folks own now.
- Jimmy Parker said he has lived in his home there since 1973 he left Raleigh because he wanted to raise his family in the country. He is concerned that the sediment ponds will not be kept in good condition once the homes are in place that water will become polluted and who will be responsible for this in the long run?
- Steve Ellington said he was born on Davistown Rd and has lived there for 73 years. He is concerned that the project land slopes and he is worried about this drainage, as well as the future maintenance of stormwater control measures.
- Brandon Strickland was born in Wendell and lived in the area for most of his life he said he was worried about he is overcrowding of schools and issue with Radon. He said crawlspace homes allow radon to escape through the vents, but slab homes did not work this way. He referenced the Wake County Comprehensive Plan and stated that this development was not in line with that plan. He said he thought this location should be limited to a zoning of R3, with larger homes of higher value.
- Citizen asked if there would be section 8 homes in this development.
- Joe DeLoach replied no as this question was posed and answered at the recent meeting in the Community Center.

David Bergmark, Planning Director, elaborated with some additional information shown in italics below.

Conditions of R7 base for town homes will be followed, but builder will make single family homes lots 50 ft wide and 5500 sq. ft in size instead of the required 3500 sq. ft.

David referenced a map showing entry points on Rolesville Rd and Davistown.

He said out of the 35 acres 29% would remain open space. Builders are asking for concessions for landscaping requirements and a fee in Liu for roads and to pay only half of road repairs.

David Bergmark, Planning Director, presented the following staff report and background information shown in italics below.

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Specific Action Requested:

- *That the Planning Board discuss and consider making their recommendation to the Town Board on a proposed R-7 conditional district request.*

Applicant: *Chris Rurkowski of TMTLA Associates*

Petition:

The applicant has requested to create a R7 conditional district for approximately 119.6 acres of property within the parcels identified by PIN #1765852510, PIN #1765962276 and PIN #1765856251. The proposed conditional district consists of 266 single family homes and 161 Townhomes (427 units total), with associated open space, amenities, and infrastructure.

Item Summary:

The applicant's proposed conditional district has a mix of single-family homes and townhomes, with an overall density of 3.58 dwellings units per acre. This project is located just northwest of East Wake High School, along Rolesville Road.

The R-7 district was chosen as the base district because it is the only residential district which permits townhomes (outside of a Conditional District). However, the applicant's single-family homes are not as small as the R-7 district would permit. The R-7 district allows single family homes 3,500 square feet in size. The applicant has included a condition that all single-family homes have a minimum lot width of 50 feet, and a minimum lot area of 5,500 square feet.

Amenities include a clubhouse, Jr. Olympic pool, picnic and grill area, dog park, and a disc golf course.

The Overall Site Plan is included as Attachment A (with a link to the full Master Plan for download).

Based on comments received at the Planning Board Introduction meeting, the applicant voluntarily conducted a Neighborhood Meeting with adjacent property owners. A summary of that neighborhood meeting (as provided by the applicant), is included as Attachment B.

The attached plans (Attachment A) have gone through two rounds of review by the Technical Review Committee (TRC) and will be reviewed at least one more prior to a public hearing.

Purpose of a Conditional District:

The purpose of the Conditional Districts (CD) is to provide an alternative means of land development and an alternative zoning procedure that may be used to establish residential, commercial, and industrial Conditional Districts at appropriate locations and in accordance with the planning and development objectives of the Town.

A CD may depart from the strict application of the requirements of the town's general zoning districts. The CD alternative may allow uses which are not specifically allowed in standard

zoning districts. A primary purpose of this section is to provide standards by which such flexibility may be achieved while maintaining and protecting the public health, safety and welfare of the citizens. In this case, no alternative uses or lot dimensional standards have been proposed by the applicant.

A second purpose of the conditional district is to establish a more complete living and working environment through the application of enlightened and imaginative approaches to community planning and property design. A CD should provide a variety of natural features and scenic areas, efficient and economical land use, improved amenities, orderly and economical development, and the protection of existing and future adjacent development.

The provisions of the CD Master Plan shall replace all conflicting development regulations set forth in this Ordinance which would otherwise apply to the development site. The Planning Board may recommend, and the Board of Commissioners may attach reasonable and appropriate conditions including, but not limited to, the location, nature, hours of operation, and extent of the proposed use(s). Conditions and site-specific standards shall be limited to those that address conformance of the development and use of the site to this Ordinance and officially adopted plans and those standards and conditions that address the impacts reasonably expected to be generated by the development and use of the site.

Location and History:

This property is currently located outside in Wake County's jurisdiction and is zoned Residential-40 (R-40). Annexation must be approved by the Wendell Board of Commissioners for the conditional district to take effect.

Project Profile:

PROPERTY LOCATIONS: 4501 Rolesville Rd, 0 Davistown Rd, 1401 Davistown Rd
WAKE COUNTY PINS: 1765852510, 1765962276, 1765856251
CURRENT ZONING DISTRICT: Wake County R-40
CROSS REFERENCES: N/A
PROPERTY OWNERS: Amy Weathers Nuttall & John J Nuttall III
4501 Rolesville Rd
Wendell, NC 27591

Eva Weathers Herring
1800 Eastwood Rd, Apt 219
Wilmington, NC 28403

APPLICANT: Chris Rurkowski
5011 Southpark Dr, Ste 200
Durham, NC 27713

PROPERTY SIZE: 119.6 acres
CURRENT LAND USE: Vacant
PROPOSED LAND USE: Residential

Project Setting – Surrounding Districts and Land uses:

<u>DIRECTION</u>	<u>LANDUSE</u>	<u>ZONING</u>
North	Residential/Agricultural	R-40
South	Residential/Agricultural	R-30/R-40
East	Residential/Agricultural	R-40
West	Residential/Agricultural	R-30

David referred to the current zoning map

Proposed Conditional District Conditions:

The applicant is proposing 11 conditions for the proposed CD, as follows:

1. **[Improvement]** *The developer proposed to preserve a minimum of 35 acres (29% of net acreage) as open space. Development shall still meet all open space requirements as prescribed in Chapter 7 of the Unified Development Ordinance.*
2. **[Concession]** *UDO Section 2.7.B.2- The maximum number of townhomes shall not exceed 40% of the total number of units.*
 - **Staff Note** – *The R7 would typically limit to 30%.*
3. **[Clarification]** *UDO Section 9.3.C- Sidewalks shall only be required on one side of the street adjacent to the Single Family ' House ' building.*
4. **[Concession]** *UDO Section 9.7.A- The connectivity index requirement for the proposed R7-CD district shall be a minimum of 1.3.*
5. **[Concession]** *UDO Section 9.7.E – Two (2) cul de sacs may have a length greater than 300' but not longer than 600'.*

6. **[Improvement]** UDO Section 5.9.C – All single family lots shall have a minimum lot width of 50’.
7. **[Concession]** UDO Section 8.7.B.1/2 – Street trees shall be planted at a minimum size of 2.5” caliper in lieu of front yard plantings.
8. **[Concession]** UDO Section 8.7.B.3- Abutting rear yards shall be planted at a rate of 1 canopy tree per 40 linear feet and 1 shrub per 15 linear feet. In instances where drainage easements conflict with the rear buffer, landscaping material may be placed on an adjacent lot.
9. **[Clarification]** Street trees required for Rolesville Rd shall be located in a 10’ Street yard behind the right of way.
10. **[Clarification]** The developer proposes to pay a fee in lieu for the Weathers Road and apply the rural road cross section as described on MP-4 of the master plan.
11. **[Clarification]** To allow for building articulation of townhomes, parking in rear drives shall be measured from the edge of pavement in the alley to the rear of the building and shall be a minimum of 18’ in length.

Applicant’s Justification:

4501 Rolesville Rd, 1401 Davistown Rd, and 0 Davistown Rd, commonly referred to as Weather’s Property, is requesting rezoning to R7-CD as well as annexation into the Town of Wendell’s ETJ. We are seeking a rezoning to R7-CD to allow flexibility for the development of this property which would allow appropriate lot sizes, slight variations to the street cross sections, and a modification that would allow the maximum number of townhomes to increase from 30% as permitted by the UDO to 40%, as requested in the conditions above. The conditional district allows the design to take into account environmental barriers, wetlands, topography, and the parcel shape and allow for design flexibility to appropriately accommodate and utilize these features as amenities to the residents. Any conditions not herein modified or expressly stated shall defer to the Town of Wendell UDO standards for the R7 zoning district.

Included in this submittal is a Master Plan document which will define the general layout, configuration and quantity of lots, amenities, open space, park space, preliminary utility locations, and street cross sections. All elements of the Master Plan are subject to minor changes, as deemed so by the Town of Wendell Planning Department. The town framework plan indicates these parcels as S5, Intended Growth Area [**STAFF NOTE: Parcels are actually located in S3 Restricted Growth Area**]. The development of this project is limited by the sewer capacity of the proposed offsite sewer extension to the nearest sewer location located at East Wake High School.

This project will have no negative impacts on surrounding properties. The property will be buffered appropriately from all developed or vacant surrounding parcels and recommended road improvements per the Traffic Impact Analysis (TIA) shall be constructed or a payment in lieu shall be made to the Town of Wendell until such time as it is appropriate to make the road improvements. The Comprehensive Land Use Plan does not include the parcels that are to be

rezoned so consistency with the Comprehensive Land Use Plan cannot be assessed. Impacts on all other public and governmental services have been analyzed with the guidance of Town of Wendell Staff or the appropriate governing body to verify that there are no negative impacts and no capacities are exceeded.

Parking:

Off-street parking shall be required for any active open space areas. The applicant is showing a total of 61 off-street parking spaces to serve their Pool/Amenity Center, Dog Park, and Disc Golf course.

The applicant is also showing on-street parking on some of the proposed internal road cross-sections adjacent to the Townhomes. Bump-outs are used for on-street parking on Street B, next to the pool and amenity area.

Open Space:

The applicant is required to provide 14.35 acres of passive open space and 3.6 acres of park space (with 1.2 acres of the park space being fully active). The applicant is providing well above the total amount of open space required (46.35 acres of open space is being provided). The applicant is providing 1.33 acres of fully active open space, comprised of a junior Olympic pool and disc golf course.

While the applicant lists the calculations of park space amenities which will be provided, the plan does not clearly delineate which open spaces are 'passive' vs. park. Park space is a maintained, primarily grassy area with basic amenities like benches and trash cans. Passive open space is simply land which is not developed. While some areas logically make sense to be Park Space (such as the area surrounding their Pool amenity) the Master Plan should be amended to make it clear through symbology which open space areas are considered 'Park' space.

Public Utilities:

Development of this site will require extension of utilities along Rolesville Road from the High School site.

Streets:

The Town's Arterial and Collector Street Plan calls for widening and improvements to Rolesville Rd (4-lane divided), Davistown Road (2-lane undivided), and Weathers Road (4-lane divided). The applicant is requesting as part of the conditional district to provide the full ROW for a future 4-lane Weathers Rd, but to pay a fee in lieu of building their portion of a rural road cross-section. The 4-lane classification for Weathers Rd is based on and dependent upon CAMPO's long-range transportation plan and would require crossing Buffalo Creek to come to fruition.

The applicant's typical street sections are included on page 6 of their Master Plan. These sections include an 'Urban Street' with a center median, as well as a one-way street section. Both of these sections are not typical sections included within the Town's cross-sections and would be specific to this development.

In staff's opinion, on-street parking should be shown as prohibited on the one-way street cross-section (part of Avenue I forming a loop), unless parking spaces are incorporated into the large planted median to secure there is sufficient clearance for emergency vehicles.

The applicant is also showing a different alley cross-section, which has a 16' paved drive within a 20 ft easement.

Traffic Impact Assessment (TIA)

The number of proposed dwelling units required the developer to prepare a Traffic Impact Assessment (TIA) report. This report is reviewed by NC-DOT, as well as the Town contracted engineer. Since all impacted roads are DOT maintained, they would determine what if any improvements are required, based on the additional traffic being generated by this site. These improvements typically involve the addition of turn lanes, striping improvements, or signal improvements (when applicable).

Initial DOT recommended improvements for this project include:

- *A Right-Turn lane on Rolesville Rd into the new site's entrance.*
- *A Right-Turn lane on Rolesville Rd to turn onto Davistown Rd*
- *Right and Left-turn lanes on Davistown Rd to enter the site*
- *Striping Improvements at the intersection of Keiths Rd and Business 64.*

Landscaping:

All landscaping shall meet the requirements as set forth in the UDO at the time of the Final Development Plan, unless otherwise specified through the approved Master Plan. The applicant has included 3 conditions related to landscaping.

- *To move the Rolesville Rd Street Trees within a Street Yard Buffer behind the ROW.*
- *To reduce the abutting rear yard planting rate from 1 tree every 15 feet to 1 tree every 40 feet.*
- *To eliminate the requirement for front yard tree plantings, since street trees are present.*

In response to comments received at the Planning Board Introduction meeting, the applicant has included a Type B landscape buffer between the lots along Rolesville Rd which back up to the proposed development (owned by Oliver Winslow and Efren Castro). A Type B Buffer is a 20' wide easement with 1 Tree planted every 25 ft, and 1 shrub planted every 6 feet. They have also incorporated open space between their proposed lots and these existing lots, to create some additional separation. The applicant should clarify whether this open space is 'passive' vs. 'Park' open space.

Phasing:

The applicant has identified 3 phases of development. The clubhouse and pool are included in Phase 1.

Comprehensive Plan:

The Wendell Comprehensive Plan defines the subject properties as being completely within the S-3 “Restricted Growth Sector”.

The Comprehensive Plan states that “although not a formal open space sector, S-3 is intended for very limited development under tightly controlled conditions.” This sector is generally classified as lands that are not proximate to thoroughfares and that are not projected to be high growth areas due to limited access to the transportation network and utilities. Generally, the S-3 areas are outside of the short-range urban service area for water and sewer service and are close to S-1 and S-2 areas.”

The Comprehensive Plan lists the following uses as appropriate land uses/development types within this sector: low density cluster developments or hamlets (a clustering of buildings around a rural crossroad), single family residential development, very limited convenience retail uses, civic uses (parks, schools, religious and government uses), and some industrial uses.

The proposed development on the site consists of single-family detached home and townhomes, with an overall density of 3.58 DUA. The S-2 sector to the east is buffered from the proposed development with the inclusion of the disc golf course. The densest portion of the development (Townhomes) are clustered close to Rolesville Road, which is to be widened to a 4-lane road.

Statement of Plan Consistency and Reasonableness

- *Any recommended change to the zoning map should be accompanied by a statement explaining how the change is consistent with the comprehensive plan and is reasonable in nature.*
 - *In Staff’s opinion, the requested conditional district is generally consistent with the recommended uses and development types outlined in the Wendell Comprehensive Land Use Plan for the S-3 sector and reasonable due to its location along Rolesville Rd.*

Technical corrections:

1. *Label with symbology Park Space vs. Passive Open Space on Master Plan*

2. *Remove on-street parking from the typical cross-section provided on your one-way street (and label that on-street parking is not permitted along this section), unless on-street parking is incorporate it into the median (to ensure clearance for emergency vehicles).*

Staff Recommendation:

- *Staff recommends approval of the proposed Weathers Property Master Plan, with the technical corrections referenced.*
- *The applicant is exceeding the Town’s open space requirements, both in terms of total dedication and improvements. In exchange, they are seeking some concessions related to landscaping, street connectivity, and cul-de-sac length.*
- *Proposed lot size notably smaller than surrounding properties (which are served by well and septic), but overall project density is 3.58 dwelling units per acre, which is less than what would normally be allowed in the R4 zoning district. Due to the inclusion of Townhomes, the applicant chose the R7 district as their base district.*

Comments/Questions following the presentation:

- Allen Swaim thanked the applicant for responding to the concerns the planning board expressed at their introductory meeting. He thanked the community members for showing up to be a part of this process. Allen Swaim asked those in attendance to show if they were for or against the project by a show of hands.
- Victoria asked how much of the open space is wetland?
- David responded that he would ask the applicant to explain.
- Victoria inquired as to the home prices for the proposed development. The applicant stated the Townhomes would start at around \$200,000 and the detached homes would be priced in the mid-200s.
- Joe DeLoach thanked the applicant for voluntarily holding a neighborhood meeting. He said the key question for him was density, and how to manage growth in a reasonable manner.
- Mr. Olson said the question was how to deal with change. He said the market drives density and some people don’t want yards. He said growth was coming.
- A Planning Board member asked what the acreage was for the Townhome section. David Bergmark said he knew the number of units, but that the acreage was not delineated by unit type.
- Allen Swaim asked if the developer had reached out and made purchase offers to the 3 homes located on Rolesville Road that this site surrounded. David Bergmark said he knew their addresses were included in those that received notice of the neighborhood meeting.
- A representative of the applicant said they had been in touch with some of them, but that one of the property owners they had not been able to reach.
- Ryan Zakany posed the question of how this development would look if the Townhome component was removed.

- The applicant responded that they would have to look into that, but that the proposal brought before the Planning Board was what they considered the best plan.
- A Citizen asked if the proposed product mix was an experiment.
- The applicant answered no, they have built these types of developments in other municipalities but not here. He said the plan is to build the town homes closer to the transportation and build the single-family homes in the rear near the open space where it would be quieter.
- Ryan said the homes values and price points are going to be driven by the Market. He said his home value has risen considerably since it was built 4 years ago.
- Jimmena Huffman-Hall said it was 2019, and change was coming. She asked if there was a reason the Townhomes were located on the front of the development, along Rolesville Rd.
- The applicant responded that there was a lower impact on the wetlands, and that the higher density was purposefully located closer to the transportation corridor best able to serve it.
- Allen Swaim asked what the density would be if you removed the wetlands from the calculation, as well as the disc golf course.
- David Bergmark said he would have to make that calculation. Mr. Bergmark said it would be good to know how much of the acreage came from wetlands, as that is not buildable land. He said he did not think it was useful to do the calculation without the entire disc golf area, as that was not unbuildable land.
- Michael Firstbrook referenced his experience growing up in Silicon Valley before it became Silicon Valley. He said he did not think this was the best location for a development of this type.
- The applicant said this would be a working-class community with larger lots of 5.8 units per acre and 3.4 acres of wetlands there were not to be used. However, the Disc Golf is partially on a wet area. He also said that they were not using Weathers road as an entrance and they do want to work with the neighbors and address their concerns.
- Chairman asked David what does he want from the Planning Board?
- David replied that he wanted to know if the board wants to make a decision tonight.
- Joe DeLoach said the Board had 4 new members sworn in tonight walking into a hot topic item.
- Ryan Zakany agreed with Joe.
- Joe DeLoach made a motion to move this item to their next meeting in order to allow the new Planning Board members more time to digest what was presented tonight and ask questions as needed. Victoria Curtis seconded the motion. The motion passed unanimously.

Chairman Swaim asked for a motion to adjourn, Jonathan Olson made a motion. Victoria Curtis seconded the motion and it was passed unanimously.