

**Planning Board Meeting
August 19, 2019
Minutes**

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

Members Absent: None

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

Guests Present: Tony Tate & Chris Rurkowski and several others associated with the Weather’s project & many guests comprised of property owners residing near the proposed R-4 Conditional District at Rolesville & Davistown Roads.

1. Meeting Called to Order

Chairman Swaim called the meeting to order at 7:00 pm and recognized that a quorum (minimum of 5 members) was present.

2. Adjustment and Approval of Agenda

Joe DeLoach made a motion to approve the agenda, Victoria Curtis seconded the motion and motion passed unanimously.

3. Approval of the Minutes

Chairman Swaim referred to the members of the Planning Board as to the minutes that the staff had prepared and asked if there were any revisions needed, then he stated that on page 2 of the minutes it was stated that “Chairman Swaim *took* the gavel from Madam Vice Chair” it should have read that “Chairman Swaim was *given* the gavel.”

This error in the minutes will be corrected. Chairman Swaim asked for a motion to approve the revised minutes. Jon Olson made the motion, Levin Jones seconded the motion and they were approved unanimously.

4. Administrative Report

4a. CD19-4 - Introduction to a CMX Conditional District for property located at 1500 Wendell Blvd.

David Bergmark, Planning Director presented the following report to the Board shown in *italics* below.

Item Title:

CD19-04 – Introduction to a CMX Conditional District for property located at 1500 Wendell Blvd.

Specific Action Requested:

- That the Planning Board receive information on a proposed CMX conditional district request and provide feedback to the applicant.
 - No action beyond initial feedback is requested by the Planning Board. This item will return to the Planning Board at their September meeting, seeking a recommendation. This will permit the applicant to make corrections identified by the TRC, as well as any necessary adjustments based on Planning Board comments.

Applicant:

SPC Mechanical Headquarters, LLC

Petition:

The applicant has requested to create a CMX conditional district for approximately 20 acres of property within the parcel identified by PIN #1774-66-5953. The proposed conditional district consists of an office complex with professional, personal and/or financial services with associated infrastructure.

Item Summary:

The applicant's proposed conditional district has an office complex featuring a 27,000 square foot Office Headquarters, as well as 6 additional buildings totaling 40,000 square feet. This project is located at the southwest corner of the intersection of Old Battle Bridge Road and Wendell Blvd.

The CMX Conditional District is being proposed to initiate the office headquarters building. Additional buildings would be constructed in later phases of the project and would help fund the headquarters project if sold to other users. All uses within this conditional district would be limited to those permitted in the Town's use table for the CMX zoning district.

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

David explained the Purpose of a Conditional District.

Location and History:

This property is currently located in the extraterritorial jurisdiction and is zoned Corridor Mixed-Use (CMX) and will need to be annexed into the Town of Wendell.

Project Profile:

PROPERTY LOCATION: 1500 Wendell Blvd.
WAKE COUNTY PIN: 1774665953
CURRENT ZONING DISTRICT: CMX
CROSS REFERENCES: N/A
PROPERTY OWNERS: BW & G Group LLC
PO Box 980
Wendell, NC 27591
APPLICANT: SPC Mechanical Headquarters, LLC
PO Box 3006
Wilson, NC 27895
PROPERTY SIZE: 20.03 acres
CURRENT LAND USE: Vacant
PROPOSED LAND USE: Office/Service

David referenced a site map of project showing the Surrounding Districts and Land Uses
Proposed Conditional District Conditions:

The applicant is proposing 3 conditions for the proposed CD, as follows:

1. Excess parking & required pervious paving:
 - o Per Wendell UDO Section 10.4.K excess parking over 150% of the required minimum requires the use of pervious paving.

Excess Parking Provided	Required Pervious Paving
>150-200% of minimum required parking	20% of excess spaces up to 200%
>200% of minimum required parking	All spaces in excess of 200% of minimum (in addition to the 20% required above)

- o We are requesting a conditional district variance on this section of code. We are proposing the pervious paving requirement be waived for any excess parking provided above the minimum requirement. We are providing two wet ponds that

will be designed to treat all stormwater quantity and quality requirement for both the county and state requirements.

2. *Parking located in front of buildings:*

- *Per Section 2.17.D.4.b of the Wendell UDO (Gateway Overlay District), Up to 40 percent of required parking or 20 spaces, whichever is greater, may be located in the front yard on Gateway streets.*
- *We are requesting a conditional district variance on this section of code. The buildings have been designed in a campus layout and present a visual barrier to the internal parking layout from both Wendell Boulevard and Old Battle Bridge Road; which we believe is the intent of the code.*

3. *Wet Pond located inside 100 Year Floodplain:*

- *Per Wendell UDO Section 8.5.A.2; all vegetation and soil to remain undisturbed inside the 100-year floodplain.*
- *We are requesting a conditional district variance on this section of code. We are proposing an impact inside the 100-year floodplain with wet pond #1, located at the south east corner of the site. The wet pond will blend well with the natural & visual feel of the floodplain and additional plantings will be added to offset any disturbance to the vegetation inside the floodplain. We have discussed this with Wake County, and this will be allowed pending a flood impact study and riprap stabilization of the pond bank inside the floodplain.*

Applicant's Justification:

The proposed use for the SPC Mechanical Headquarters is office, professional and personal services and financial services. Additional uses would be permitted that fall under the CMX zoning of Table C (Use Matrices) that are either (P) permitted, (PS) permitted subject to Additional Standards in Chapter 3 or (SUP) Special Use Permit Required (See Chapter 3 and Chapter 15).

We do not expect any large impacts to government services. There will be minor impacts to the water and sewer capacity for the City of Raleigh public utilities since office use is not a high demand use for these utilities. There will be a minor impact to police protection services since office use generally does not produce additional crime related problems (the proposed bank will present a greater impact to required police protection services). The project proposes road improvements for both Wendell Boulevard and Old Battle Bridge Road which will improve traffic conditions for those roads. The project will also provide a stable long-term tax revenue for the town.

Public Utilities:

Development of this site will require connection to city water and sewer which will necessitate annexation.

Streets:

The Town’s Arterial and Collector Street Plan calls for widening and improvements to Wendell Blvd. (4-lane divided) and Old Battle Bridge Road (3-lane undivided). This would necessitate some widening and improvements along their frontage.

Phasing:

The applicant has identified 4 phases of development.

Comprehensive Plan:

The Wendell Comprehensive Plan defines the subject property as being within the S-5 Intended Growth Area, the Wendell Blvd Gateway Corridor and a neighborhood center.

The Comprehensive Plan states that “S-5 lands are typically within 1/2 mile of high-capacity regional thoroughfares, such as Wendell Boulevard and the US 64 Bypass. Appropriate development types are higher density mixed-use centers of employment, commerce, and residential uses. The future Wendell Falls development and the area around the US 64/Wendell Boulevard interchange were classified as S-5 for the purposes of this plan, as well as some areas along Wendell Boulevard.

The Comprehensive Plan lists the following uses as appropriate land uses/development types within this sector: traditional neighborhood developments, neighborhood centers, village/town centers, single-family and multifamily residential, neighborhood-serving commercial uses (retail and office), civic uses and industrial uses.

The proposed uses at the SPC Mechanical Headquarters office complex are office, professional and personal services and financial services which is in accordance with the S-5 Sector of the Comprehensive Plan.

David referenced the Framework Plan from our Comprehensive Plan.

Staff Comments:

- *Staff supports the proposed conditions. The applicant’s second condition should be modified to exempt them from parking location standards required by the CMX zoning district as well (rather than just the Gateway Overlay standard). This item will come back before the Planning Board in September for potential action.*

Attachments:

- A. *Overall Site Plan (SPC Mechanical)*

Full Master Plan Link: <http://www.townofwendell.com/files/spc-mechanical-headquarters>

Comments & Questions following the presentation:

- Applicant said they would subdivide unusable property and donate to the conservancy.
Said that they want to become part of the community.
- Jonathan Olson asked if the building will be multi-story?
- Applicant said that the plans for the Headquarters were for a two-story building.
- Victoria asked about the wet pond.
- Applicant said Wake County has looked at the site and there is a small stormwater pond along the edge of the floodplain.

David referred to the site plan and showed the building location.

- Victoria asked about the building front facing a parking lot.
- Applicant said yes it would.
- Joe DeLoach asked about water & sewer connection.
- Applicant said they will connect.
- Victoria said she did not want the loading doors to be facing the street as it would not be good to look at.
- Applicant said no, that even the back of the building will be architecturally pleasing.
- Chairman said he liked the idea of this location for this type of use.

Item # 5a

Jeannine Ngwira, Planner I, presented the following report to the Board shown in *italics* below.

Item Title:

ZTA19-07 – Discussion and Action on a Zoning Text Amendment to Sections 2.3 and 19.3 of the UDO to create a new Commissary Kitchen use.

Specific Action Requested:

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

Applicant:

Mark Vasbinder/Cool Hand Holdings

Petition:

The applicant is requesting to amend the UDO Sections 2.3 and 19.3 to create a new Commissary Kitchen use in order to start the same business in the Town of Wendell. He is proposing to add the definition of Commissary Kitchen to Section 19.3 and list it as a permitted use in the CH, CMX and M&I districts in the Tables of Permitted Uses in Section 2.3.

Item Summary:

At this time, commissary kitchen does not exist as a use in the UDO. Since the applicant desires to open a commissary kitchen at 450 Old Wilson Rd, the use needs to be added to the UDO in order to be permitted.

Per the proposed definition, a 'commissary kitchen' is a licensed commercial kitchen where food trucks and other food services may prepare and store food. This type of use can serve as home base for food trucks or caterers to produce and pick up food. It can also be used by entrepreneurs looking to start a business or running a side business, who do not have the capital or time to run a retail establishment or restaurant (such as someone that sells cakes/cupcakes). This type of establishment allows these types of users to operate their business model within a permitted commercial kitchen setting in adherence with health code requirements.

It is important to note that these establishments are NOT restaurants or retail establishments serving the public directly from the commissary kitchen location.

Proposed Amendments (by Applicant):

- 1. To amend Section 2.3 (Use Categories and Tables of Permitted Uses) to modify the Use Matrix titled Manufacturing/Wholesale/Storage to include Commissary Kitchen which will be permitted in the CH, CMX, and M&I districts.*

Jeannine showed the tables below: **Use Categories and Tables of Permitted Uses**

(New text is underlined>)

BASE DISTRICT	OSC	PUD	RA	RR	R2	R3	R4	R7	NC	CMX	CC	DMX	MH	CH	M&I	TND
Manufacturing/Wholesale/Storage																
Agriculture	P	P*	P	P	-	-	-	-	-	-	-	-	-	-	P	-
<u>Commissary Kitchen</u>	-	-	-	-	-	-	-	-	-	<u>P</u>	-	-	-	<u>P</u>	<u>P</u>	-
Laundry, dry cleaning plant	-	P*	-	-	-	-	-	-	-	-	-	-	-	P	P	-
Manufacturing, Light	-	P*	-	-	-	-	-	-	-	PS	-	SUP	-	PS	P	-
Manufacturing, Neighborhood	-	P*	-	-	-	-	-	-	PS	PS	PS	SUP	-	PS	P	PS
Manufacturing, Heavy	-	P*	-	-	-	-	-	-	-	-	-	-	-	-	P	-
Media production	-	P*	-	-	-	-	-	-	-	P	P	P	-	P	P	-
Metal products fabrication, machine or welding shop	-	P*	-	-	-	-	-	-	-	P	-	SUP	-	P	P	-
Micro-Distillery/Micro-Brewery/Micro-Winery	-	P*	-	-	-	-	-	-	PS	PS	PS	PS	-	PS	PS	PS
Mini-Warehouses	-	P*	-	-	-	-	-	-	-	PS	-	-	-	PS	PS	-
Research and Development	-	P*	-	-	-	-	-	-	-	SUP	SUP	SUP	-	PS	P	P
Storage— Outdoor as a primary use	-	P*	P	-	-	-	-	-	-	-	-	-	-	P	P	-
Storage— Warehouse, indoor storage	-	P*	-	-	-	-	-	-	-	PS	-	PS	-	-	P	-
Wholesale Distribution	-	P*	-	-	-	-	-	-	-	-	-	-	-	P	P	-

2. To amend Section 19.3 (Definitions) to include the definition for Commissary Kitchen.
(New text is underlined>)

19.3 - Definitions

Commissary Kitchen means a licensed commercial kitchen where food trucks and other food services may prepare and store food.

Staff Proposal

- *Staff would recommend excluding the Corridor Mixed Use (CMX) zoning district from the list of permitted zoning districts for the Commissary Kitchen use. Since the CMX district is intended to be a mixed-use, pedestrian oriented zone, the frequent deliveries generated by this use and the fact that it does not provide a direct service to the public (i.e. It's more manufacturing than retail), makes it a better fit for the Highway Commercial (CH) and Manufacturing and Industrial (M&I) zoning districts.*
- *If there was a strong desire to include this use within the CMX zoning district, staff would recommend that it be Permitted with additional Standards (PS) in the CMX district, with the following standard to apply (taken from the Town of Apex's Commissary Kitchen standards):*
 - *Food truck and carts shall be parked to the side or rear of the building and shall not be visible from a public right-of-way.*
 - *NOTE – the applicant is aware of staff's recommendation and has also proposed a map amendment request to rezone this property to Highway Commercial (CH).*

Statement of Plan Consistency and Reasonableness

- *Any recommended change to the zoning text 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 zoning text amendment is consistent with Principle # 4 of the Wendell comprehensive plan and is reasonable to diversify and increase the per capita tax base by providing more opportunities for business.*
 - *Principle # 4: Diversify and increase the per capita tax base. Provide for a diverse workforce with a broad range of skills, making Wendell a more self-sustaining community.*

Staff Recommendation:

Staff recommends approval of Staff's version of the text amendment request. The applicant proposed to also permit the commissary kitchen use in the CMX district, but staff feels that it should be limited to the CH and M&I districts. Alternatively, if it were permitted in the CMX then staff feels it should be permitted with standards.

Comments & Questions following the presentation:

- Jeannine introduced the Owner/Applicant, Carnessa Ottelin of Cool Hand Holdings. She described what the purpose and use of a Commissary Kitchen is.
- Chairman Swaim said he likes the idea.
- Joe talked about the other locations of these kitchens and thinks the proposed location would be good for this type of business.
- Chairman asked for a motion.
- David Bergmark pointed out that there are two choices:
One is the staff recommendation and the other is the applicant's request.

At that point Levin Jones made a motion to approve the Staff's Recommendation and Michael Firstbrook seconded the motion and it was passed by the board unanimously.

Item 5b

Jeannine Ngwira, Planner I, presented the following report to the Board shown in *italics* below.

Item Title:

ZM19-04– Zoning Map Amendment request to rezone 3 acres (PIN #1784-90-8357) located at 450 Old Wilson Rd from Corridor Mixed-Use (CMX) to Highway Commercial (CH).

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:

Mark Vasbinder/Cool Hand Holdings

Petition:

The applicant has requested a change in zoning classification for property located at 450 Old Wilson Rd (PIN #1784-90-8357) from Corridor Mixed-Use (CMX) to Highway Commercial (CH).

Item Summary:

This property is located within the city limits of the Town of Wendell and is zoned CMX (Corridor Mixed-Use). There is currently a large warehouse on the site where the owner wishes to start a Commissary Kitchen.

The Corridor Mixed Use (CMX) zoning district is meant to be more pedestrian oriented. Since this type of use will include more frequent access by trucks, vans and cars, staff felt that the Highway Commercial (CH) zoning district would be a better fit for this use. Furthermore, the proposed CH zoning district would serve as a transition between the CMX zoning district and the adjacent Manufacturing and Industrial (M&I) zoning district.

Justification:

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

“In working with the Planning Department at the city of Wendell we feel the commissary kitchen would work under the existing CMX but might be a better fit if it was CH zoned.”

Project Profile:

<i>PROPERTY LOCATION:</i>	<i>450 Old Wilson Road</i>
<i>WAKE COUNTY PIN:</i>	<i>1784 90 8357</i>
<i>ZONING DISTRICT:</i>	<i>Proposed CH/ Current CMX</i>
<i>CROSS REFERENCES:</i>	<i>N/A</i>
<i>PROPERTY OWNER:</i>	<i>Cool Hand Holdings LLC</i>
	<i>2221 Watkins Street</i>
	<i>Raleigh, NC 27604</i>
<i>APPLICANT:</i>	<i>Mark Vasbinder</i>
	<i>6634 Winding Trl</i>
	<i>Raleigh, NC 27612</i>
<i>PROPERTY SIZE:</i>	<i>3 acres</i>
<i>CURRENT LAND USE:</i>	<i>Industrial</i>
<i>PROPOSED LAND USE:</i>	<i>Commercial</i>

Project Setting – Surrounding Districts and Land uses:

<u><i>DIRECTION</i></u>	<u><i>LANDUSE</i></u>	<u><i>ZONING</i></u>
<i>North</i>	<i>Commercial/Institutional</i>	<i>CMX</i>
<i>South</i>	<i>Residential</i>	<i>R3</i>
<i>East</i>	<i>Industrial</i>	<i>M&I</i>
<i>West</i>	<i>Commercial/Residential</i>	<i>CMX/NC-CU</i>

Zoning District:

This property is located within the town's city limits and is zoned CMX. The surrounding properties are currently zoned CMX, M&I, R3 and NC. While the section of Old Wilson leading from the west of this site is zoned CMX is predominantly zoned CMX, the uses present are not oriented to pedestrians. Further to the east along Old Wilson Road, the current land use is fully industrial. Even if the commercial sites closer to Wendell Blvd were to become more pedestrian oriented in the future with connections to adjacent neighborhoods, the proximity to the M&I district will prevent this area from fully becoming a pedestrian-scaled corridor.

Jeannine showed the requested property on the Current Zoning Map

Comprehensive Plan:

The Wendell Comprehensive Plan defines this section as S-4 "Controlled Growth Sector" in a Neighborhood Center.

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." Neighborhood Centers are intended to be mixed-use, serving surrounding neighborhoods with retail services, civic uses and higher density housing.

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 referenced the Framework Plan & used the Legend to show the that the proposed use is suitable for that area according to the Comp Plan.

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 zoning map amendment is consistent with the recommended uses outlined in the Wendell Comprehensive Land Use Plan for the S-4 Sector and is reasonable in order to provide a transition between the industrial uses to the east and the proposed neighborhood center to the west.*

Staff Recommendation:

Staff recommends approval of this rezoning request.

Comments & Questions following the presentation:

- Chairman asked if there were any questions?
- Ryan Zakany said it was a good idea.
- Joe asked how many food trucks they would be servicing?
- Carnessa Ottelin said she was not sure exactly how many.

Chairman asked for a motion, Ryan Zakany made a motion to approve Staff Recommendation, Jon Olson seconded the motion and it was passed unanimously.

Item #6a

Item Title:

CD19-03 – Discussion and Action on an R-4 Conditional District request for properties located at 4501 Rolesville Rd, 0 Davistown Road and 1401 Davistown Road, respectively.

David Bergmark, Planning Director presented the following report to the Board shown in *italics* below.

Specific Action Requested:

- *That the Planning Board discuss and consider making their recommendation to the Town Board on a proposed R-4 conditional district request.*
 - *Note – Following the last meeting, the applicant revised their request to be a R-4 Conditional District request, rather than a R-7 CD. This also resulted in small changes to their proposed conditions.*

Applicant:

Chris Rurkowski of TMTLA Associates

Petition:

The applicant has requested to create a R4 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.

Following the July Planning Board meeting, the applicant amended their request to an R4 Conditional District (instead of an R-7 Conditional District) to better reflect the detached single-family lot sizes. This change did result in some amendments to their proposed conditions. The R-7 district was originally chosen as the base district because it is the only residential district which normally permits townhomes (outside of a Conditional District). The minimum lot size of the R4 zoning district is 6,000 square feet (compared to 3,500 square feet for the R7).

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 multiple rounds of review by the Technical Review Committee (TRC) and will be reviewed at least once more prior to a public hearing.

David went over the purpose of a Conditional District

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] Townhomes shall be allowed by right. The maximum number of townhomes shall not exceed 40% of the total number of units.
3. [Concession] UDO Section 5.9.C – The minimum front setback shall be 20’. Corner lots shall have a minimum front setback from it’s primary frontage of 20’ and a minimum setback from the secondary street shall be 15’.

- *Staff note – The R4 district would normally call for a 25’ front setback, which would also apply to the corner side as well. Staff has no objections to this modification.*
4. *[Clarification] UDO Section 9.3.C- Sidewalks shall only be required on one side of the street adjacent to the Single Family ' House ' building.*
 5. *[Concession] UDO Section 9.7.A- The connectivity index requirement for the proposed R4-CD district shall be a minimum of 1.3.*
 - *Staff note – The R4 district would normally call for a connectivity index of 1.4 or greater. However, there are environmental site conditions which prevent increased connectivity.*
 6. *[Concession] UDO Section 9.7.E – Two (2) cul de sacs may have a length greater than 300’ but not longer than 600’.*
 - *Staff note – Environmental site conditions warrant this deviation.*
 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.*
 - *Staff note – the abutting rear yard planting rate would normally be 1 canopy tree per 15 linear feet.*
 9. *[Clarification] Street trees required for Rolesville Rd shall be located in a 10’ Streetyard 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 R4-CD as well as annexation into the Town of

Wendell's ETJ. We are seeking a rezoning to R4-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 R4 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), as well as much more improved open space than what is required. The applicant is providing 4.19 acres of fully active open space (1.2 acres required), comprised of a junior Olympic pool and disc golf course. Additionally, the applicant is providing 4.19 acres of Park Space (2.4 acres required).

Approximately 5 acres of the passive open space falls within wetlands or riparian buffers.

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.

Staff recommends that 'No Parking' signs be shown on the plans for the one-way street cross-section (part of Avenue I forming a loop).

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.

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 Road and its proximity to I-87.*

Technical corrections:

1. *Add 'No-Parking' signs along the one-way street for clarity.*

Staff Recommendation:

- *Staff recommends approval of the proposed Weathers Property Master Plan, with inclusion of the 1 technical correction referenced.*
 - *The applicant is far exceeding the Town's open space requirements, both in terms of total dedication and improvements. In exchange, they are seeking concessions related to landscaping, street connectivity, setbacks, and cul-de-sac length.*
 - *Proposed lot size is 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.*
 - *This site is located less than a mile from an Interstate, on a future 4-lane thoroughfare, near an existing high school, with access to municipal water and sewer. None of these factors support this area being 'rural'.*
 - *Concerns were expressed by neighbors that the proposed development would negatively impact property values. Staff analyzed all single-family homes within $\frac{3}{4}$ mile of the site (which captures Ridge Haven and Candlewick subdivisions to the north), and the average building value was \$122,305, with an average land value for half acre lots at \$32,000 (for a total value of \$154,305).*

Comments & Questions following the presentation:

- Chairman Swaim said that David should state the changes 1st and shape the argument.
- David went over the changes between the original proposed R7 revised to R4 saying it would impact the lot size and make it bigger. Instead of 5500 sq. ft. minimum, the new required minimum is 6000 sq. ft. but the proposed average lot size will be 6987 sq. ft. (1/6 of an acre).
- David went over proposed conditional district conditions-highlighting changes and concessions requested such as sidewalks on one side of street only and cul-de-sacs longer than 300 ft this is because of the wetlands preventing the streets from connecting. David said that the applicant will give more than double the amount of open space. He said only 5 acres are unbuildable. The utilities will be extended which will allow existing homes to have closer access and be able to tie in to them.
- Chairman Swaim said that 12 people have signed up to speak, he asked that they speak, then be done talking as there will be no back & forth tonight. He asked for a vote from the residents to see who was for and against this item.

All voted against.

- Chairman Swaim asked that everyone who was standing in the hallway please come into the room.
- Chairman Swaim introduced Mr. Braswell
- Mr. Brasswell said he had a list of things he wanted to ask
 1. Is this plan reasonable?
 2. How does this improve our quality of life?
 3. Is the UDO outdated? -A checklist does not dictate what should be done.
 4. Don't set a precedent.
 5. 2.3 miles with 8 subdivisions with 389 homes with none less than .48 of an acre each. Proposed are homes on 1/6th of an acre.
 6. 266 single family homes and 161 town homes. There are no neighborhoods near us like that.
 7. The increase in and around Rolesville Rd is projected to be 3661 trips per day this additional traffic will be a lot for kids who attend the high school and are new inexperienced drivers having to deal with all of this increased traffic.
 8. Any new developments should be put on a shelf until we have a 4-lane highway.
- David Cozowt said our neighbors are here to vote against this development. This plan we heard about tonight does not coincide with the existing plan for density. We want the density to be ½ acre lots.
- Brandon Strickland said the changes represent a small concession made by the builders, our concerns were not met. They are only offering more open space because that land is not deemed buildable space. This plan will bring more people and less connectivity, they

are asking for too many concessions with only one improvement. An S-3 is not a low density development. Growth is a coming and we know that this type of growth should be controlled. Wendell is a great place to live, so let's keep it that way. If it happens here it will happen everywhere. Let's not settle for this. Think about yourselves in our place.

- Patrick Sheldon gave handouts to the Board members. He said it showed a 3-mile distance from corporate limits and we should have a licensed professional verify this distance.
- Jimmy Parker said he lives on Weathers Rd., the first section comes by his pond, what will be done to address these problems about sediment ponds? Once they remove top soil the water will fly off and run down. Roads and bigger cul-de-sacs built on slabs will wreak havoc on water issues. Pond is about 3 acres and one acre is sediment and they won't be able to control water running down. He said that these builders aren't the first ones to come along and they won't be the last.
- Sam Parker, a resident farmer, spoke about how he ships food from here to FL, GA etc. he has 300 acres of land being farmed. He said that David Bergmark is promoting Eastern Wake County. He said that we like how rural our area is and that Farming is the biggest industry in NC. He said he often has to move large pieces of farming equipment and he will be slowing down traffic in the road. This is not the place for a development, go build it in a big city.
- Dennis Townsend has lived there for 4 years, one-time Davistown Rd was closed for 1 week and Rolesville Road was a constant traffic jam. If this development comes in Wendell will have to pay the costs to have more fire and EMTs. He said he left Apex to come here and now he is worried that Wendell will end up like Apex was.
- Ms. Wood said her home is 500 yards from this development. She used to live here but her husband was in the military and she moved 13 times in 26 years, she came back here to settle down. She said she studied the map looking at developments and there is nothing as dense as what is being proposed. She fears that once the development is built the builders will be long gone. They could build on 50 acres and build higher end homes, they need a new plan.
- Jason Ryder said he has lived there all his life. He said that cheaply built houses are not right, he said he bets that the builders don't live in this type of community. He said that what was proposed is so different from anything in the area now. He questioned why do we have a UDO if we are changing it?
- Chairman Swaim thanked everyone for coming, speaking and behaving.
- Tony Tate, Landscape Architect and Chris Rurkowski said that the Planning Board had recommended that they meet with the neighbors and they did hold a neighborhood meeting. At the last meeting they presented their proposal, but the new Planning Board members needed more time. We are back again this time and we have made some changes to the original plan, added more open space to help neighbors who are nearby, we have changed to an R4 and now the smallest lot is just under 6500 sq. feet. He said that he hoped these changes will help. He said that they have been trying to listen to the residents and he

referred to a picture of the proposed townhomes showing open space of 46 acres and he showed pictures of the amenities and the signs. He said that the residents of this development will have lots of things to do in the confines of the development and will not have to leave as often. He said there will be more active open space provided because out of 46 acres there is only 5 acres of unusable space. He said that change is going to happen.

- At this point one of the residents in the room tried to speak and Chairman Swaim said “NO” (adhering to what he stated at the beginning of the public comments that this would not be a time for back and forth)
- Jonathan Olson asked David about traffic TIA it does it include widening? Is annexation not dependent on that 3-mile line from corporate limits? David said it will have to be reviewed by the attorney & approved.
- Ryan asked if the development was going to be connected to municipal water and not an existing well?
- David replied that the new development would be connected to municipal water.
- Joe asked will there be 2 entrances in and out, could they add an extra one?
- David replied that there are 3 including Shady View.
- Joe asked if emergency services are ok with the increase?
- David replied yes, Technical Review Committee said OK.
- Joe asked the Builder about amenities and when they would be built.
- Builder replied that there are 3 phases and the pool, cabana & grilling area are in Phase 1.
- Jonathan said that the two townhomes at the entrance seemed larger than the others.
- The Builder said all the townhomes are the same size, but those front lots are a little larger than the others in the subdivision.
- Jonathan said that they looked closer to the road.
- The Builder replied they are closer than the others.
- Joe asked in reference to street B coming in, could there be an additional entrance road with a right turn lane, closer to the Davistown and Rolesville intersection?
- The Builder said they would look into it.
- Jimmena asked if the increase in open space has decreased the number of homes to be built?
- The Builder replied no the same number of homes will still be built it just modified the size of the lots.
- Chairman Swaim asked for a motion, Joe made a motion to approve the requested R4 with staff recommendations, Brett Hennington seconded the motion.
- Chairman Swaim asked for a discussion. He said that the other day he sat in traffic for a long time at East Wake High School. He thinks that town homes are not a good fit for this community. He commended the builders on trying to work with the residents but said we could do better, and we can. Chairman Swaim voted against the motion.

- Joe said he made a motion a month ago to push this decision off, Joe stated that he is a realtor and he said that the lot size is ok, the values are good, and 6987 sq. ft. is average and even bigger than some.
- Chairman Swaim said he appreciated the feedback and asked for a show of hands vote.

The Board voted 4- in favor (Ryan Zakany, Joe DeLoach, Levin Jones, Brett Hennington) and 5 opposed (Terry “Allen” Swaim, Victoria Curtis, Jimmena Huffman-Hall, Jonathan Olson, Michael Firstbrook).

- David Bergmark explained what this means for the Town Board. The item will move forward to the Town Board but without the Planning Board’s approval, they will need a super-majority in favor to pass the item. David also said they could decide not to vote at the first meeting, and it could then go on to a second meeting.
- Jonathan Olson asked David about the process and procedure change in direction of the attorney concerning the special use permit process.
- David said that different rules apply to multi-family and that the staff checked other municipalities to see how they handled it, TRC first or Town Board first. Changes to process and order are being reviewed.

Chairman Swaim asked for a motion to adjourn, Jonathan Olson made the motion and Victoria Curtis seconded the motion. The meeting was adjourned at 9:15 PM