

# **Planning Board Meeting October 21, 2019 Minutes**

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

**Members Absent:** Chairman Swaim - Brett Hennington had to leave at 7:45 pm

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

**Guests Present:** Lucius Jones, Amanda Mann, Ashley Anderson, Richard Hibbits, and Wyatt Bone.

## **1. Meeting Called to Order**

Madam Vice Chair, Victoria Curtis called the meeting to order at 7:00 pm and recognized that a quorum (minimum of 5 members) was present.

## **2. Swearing in of Planning Board Member**

## **3. Adjustment and Approval of Agenda**

Madam Vice Chair Curtis asked for an adjustment to the Agenda to skip item # 2 - Swearing-in of Planning Board Member Chairman Terry Allen Swaim, Jr., as he was not in attendance for this meeting. Jonathan Olson made a motion to approve the adjusted agenda, Joe DeLoach seconded the motion and it passed unanimously.

## **4. Approval of the Minutes**

Madam Vice Chair Curtis 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. There were none.

Madam Vice Chair asked for a motion to approve the minutes. Brett Hennington made the motion, Michael Firstbrook seconded the motion and minutes were approved unanimously.

## **5. Administrative Reports**

Madam Vice Chair asked if there were any Administrative Reports?  
David replied that there were none.

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

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**6a**            *ZTA19-08 Discussion and Action on a Zoning Text Amendment to Sections 15.6 and 15.15 of the UDO regarding the Town of Wendell's Special Use Permit (SUP) Procedural Requirements.*

**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:**

*Town of Wendell*

**Petition:**

*Staff is requesting to amend the UDO Sections 15.6- Site Plans and 15.15- Special Use Permits as it relates to the procedural requirements for a Special Use Permit.*

**Item Summary:**

*In response to a recent inquiry, staff has evaluated Wendell's current regulations which require multi-family development proposals to have Technical Review Committee (TRC) approval before granting of the Special Use Permit by the Board of Commissioners (BOC).*

*For uses other than multi-family, the UDO does not prescribe the order of the review process (i.e. should the SUP approval or the TRC approval occur first). Staff's practice has been to require TRC review to begin prior to the SUP public hearing for new development proposals, but not necessarily require that the TRC review be fully completed prior to the public hearing.*

*Based on staff's preliminary research, local municipalities address the combination of TRC reviews and Special Use Permits in various ways. Staff researched eight local municipalities and compiled a chart (see attachment) that highlights how each addresses the review and approval process. The results of the peer review were mixed, with no clear prevailing practice.*

***Four options were derived from reviewing local municipalities;***

- 1) *Full TRC review and approval before BOC considers Special Use Permit. (current process for multi-family in the Town of Wendell)*
- 2) *Begin TRC review with full plans before Special Use Permit considered by BOC*

- 3) *Reduced Site Plan for Special Use Permit by BOC; if approved, full plans submitted to TRC*
- 4) *Full Plans required for Special Use Permit by BOC; if approved full plans submitted to TRC*

*Having been presented the four options on September 9<sup>th</sup>, the Town Board expressed a preference for option #3. Therefore, staff has based the following text amendment on Option 3 which allows for a reduced site plan for a Special Use Permit. Option 3 allows an applicant to obtain an answer from the Town Board on the site’s zoning approval before expending significant funds on detailed site plans. If the Town Board approves the Special Use Permit, then the full Master Plan would still be reviewed by the TRC. A list of those items which must be included in the full Master Plan is provided in Attachment B. As can be seen, the reduced site plan requirements represent approximately half of the full Master Plan requirements.*

**Proposed Amendments:**

1. *To amend Section 15.6 (Site Plans) to modify the Town’s SUP procedural requirements. (Deleted text is ~~stricken through~~ and new text is underlined)*

**15.6 - Site Plans**

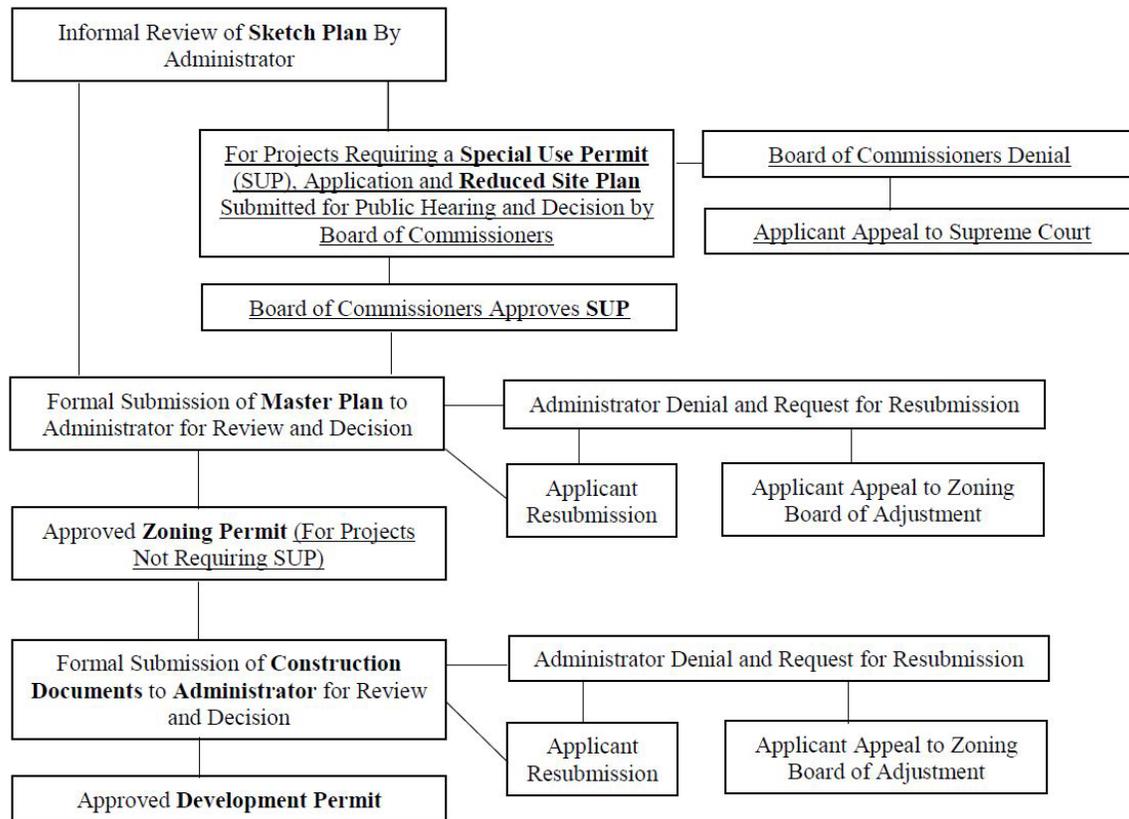
**A. Minor Site Plans**

**1. Applicability:**

- a. *Duplexes\**
- b. *Multi-family with four or fewer units\**
- c. *Non-residential Development with structures totaling less than 10,000 square feet*

**2. Procedure:**

APPLICATION	REVIEWING AUTHORITY	ACTION TO BE TAKEN	APPEAL AUTHORITY
Sketch Plan (16.4)	Administrator	Non-Binding Review Only	n/a
<u>Reduced Site Plan (if Special Use Permit is required) (15.15)*</u>	<u>Board of Commissioners</u>	<u>Public Hearing to Approve or Deny Special Use Permit</u>	<u>Superior Court</u>
Master Plan (16.5) w/ Environmental Survey (16.3)	Administrator	Review for Completeness & Ordinance Compliance Zoning Permit Issued -or- Denial and Request for Resubmission	Zoning Board of Adjustment
Construction Documents (16.6) (if applicable) w/ Environmental Survey (16.3)	Administrator	Review for Completeness & Ordinance Compliance Development Permit Issued -or- Denial and Request for Resubmission	Zoning Board of Adjustment



*\*Multi-family projects shall require a Special Use Permit (SUP), per the requirements of Chapter 2.*

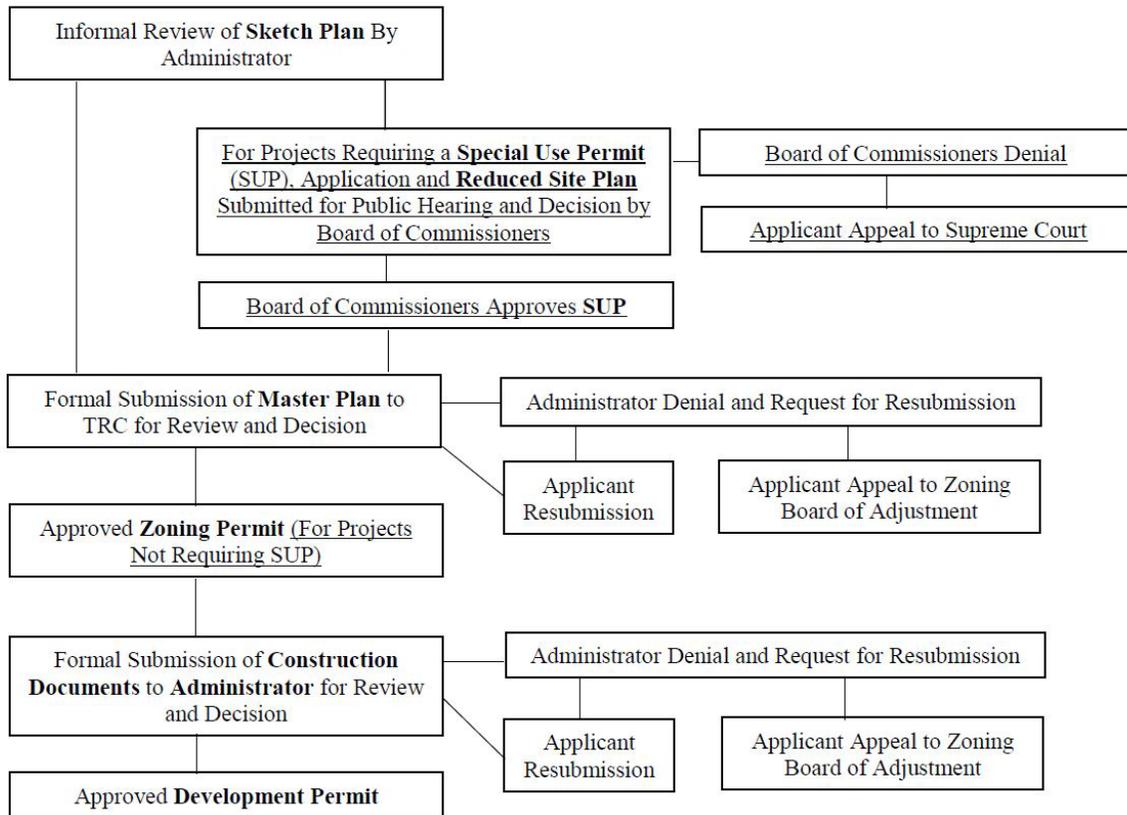
**B. Major Site Plans**

**1. Applicability:**

- a. *Multi-family buildings with more than four units\**
- b. *Non-residential Development 10,000 square feet or greater*
- c. *Industrial Development*

**2. Procedure**

APPLICATION	REVIEWING AUTHORITY	ACTION TO BE TAKEN	APEAL AUTHORITY
Sketch Plan (16.4)	Administrator	Non-Binding Review Only	n/a
<u>Reduced Site Plan (if Special Use Permit is required) (15.15)*</u>	<u>Board of Commissioners</u>	<u>Public Hearing to Approve or Deny Special Use Permit</u>	<u>Superior Court</u>
Master Plan (16.5) w/ Environmental Survey (16.3)	Technical Review Committee (TRC)	Review for Completeness & Ordinance Compliance Zoning Permit Issued -or- Denial and Request for Resubmission	Zoning Board of Adjustment
Construction Documents (16.6) w/ Environmental Survey (16.3)	Administrator	Review for Completeness & Ordinance Compliance Development Permit Issued -or- Denial and Request for Resubmission	Zoning Board of Adjustment



*\*Multi-family projects shall require a Special Use Permit (SUP), per the requirements of Chapter 2. Following the issuance of an SUP, the applicant may proceed directly to the Construction Documents phase of the Major Site Plan approval process.*

- To amend Section 15.15 (Special Use Permits) to modify the Town's procedural requirements. (Deleted text is ~~stricken through~~ and new text is underlined)*

### ***15.15 - Special Use Permits***

#### *H. Procedure:*

APPLICATION	REVIEWING AUTHORITY	ACTION TO BE TAKEN	APPEAL AUTHORITY
Special Use Permit w/ <u>Master Plan (16.5) Reduced Site Plan (15.15, I. Reduced Site Plan Requirements)*</u>	Administrator	Review submittal procedures and requirements. Review for completeness & code compliance. Issue Staff Report	n/a
	Board of Commissioners	Public Hearing	n/A
	Board of Commissioners	Approval of Special Use Permit -or- Denial and Request for Rehearing	Superior Court

\*The Reduced Site Plan is for Special Use Permit (SUP) approval only. A full Master Plan is required for TRC review after SUP approval, as a Minor or Major Site Plan or Subdivision. A change in use which does not require or involve any site improvements shall not require a site plan to be submitted meeting the reduced site plan/master plan criteria as part of the SUP application (i.e. a new use in an existing building space, where the change in use does not result in the need for additional parking, landscape buffers, infrastructure or utility improvements or extensions, changes to ingress/egress, etc.).

I. Reduced Site Plan Requirements:

The Reduced Site Plan for Special Use Permit shall be drawn to the following specifications and shall contain or be accompanied by the information listed below. All plans shall be submitted at a scale not less than one inch = 50 feet unless otherwise authorized by the Administrator. No processing or review of a Reduced Site Plan for Special Use Permit will proceed without all of the information required below:

- A. Plat book or deed book references.
- B. Names of adjoining property owners (or subdivision or developments of record) with plat book and/or deed book reference.
- C. The boundary, as determined by survey, of the area to be developed with:
  1. All bearings, curve data and distances on outside boundaries and street centerlines;
  2. Street centerlines tied to the boundary;
  3. The location within the area, or contiguous to it, of any existing streets, railroad lines, perennial streams, wetlands, easements or other significant features of the tract.
  4. At least one corner tied to the NC grid with grid coordinates provided where at least one of two control monuments needed are within 2,000 feet of the boundary. Otherwise, boundary should be tied to the nearest street intersections.
  5. Locations of intersecting property boundary lines of adjoining properties.
- D. Site calculations including total acreage of tract, acreage in recreational open space and other non-residential uses, total number and acreage of parcels, and the total number of housing units.
- E. Building elevations required for all Major Site Plans.
- F. The location of:
  1. Proposed buildings
  2. Parking and loading areas
  3. Streets and alleys with total right-of-way dimensions
  4. Sidewalk and Greenway locations
  5. Property lines and minimum building setbacks
  6. Building restriction areas (i.e., flood hazard and riparian buffer areas)
- G. Conceptual Landscape Plan showing general location of proposed landscape material.
- H. Traffic Impact Analysis (if applicable; see [Section 16.11](#), Traffic Impact Analysis).

**Questions to Consider:**

1. *Can an applicant submit a Master Plan for the TRC at their own risk, while waiting for the SUP approval or do they need to wait for the SUP decision first before they submit the Master Plan?*
2. *Should the Traffic Impact Analysis be required with the SUP Reduced Site Plan, or is it preferred that this be required with the Master Plan going to TRC (AFTER the SUP hearing).*

**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 # 5 of the Wendell comprehensive plan and is reasonable to promote Wendell's attractiveness to business by simplifying the special use permit process.*
    - *Principle # 5: Promote Wendell's attractiveness to business and people of all walks of life. Emphasize the strengths of the Town's diverse population.*

**Staff Recommendation:**

*Staff recommends approval of the text amendment.*

**Comments/Questions following this presentation:**

- Victoria asked is question # 1 an administrative preference.
- David asked if the board has a preference. He said he mainly wanted clarity in the language.
- Jonathan asked if all these items would be put together into one motion, or separate motions.
- Jonathan asked at what point the applicant would know what the traffic impact would truly be. He said he wanted to make sure the traffic outcome is determined at the point the Town is saying it is required.
- Ryan asked what municipalities were considered in the peer comparison.
- David spoke about the procedure used by Morrisville, Apex, Rolesville, Cary, Clayton, Wake Forest, and Zebulon.
- Joe asked from a town stand point what did we think.
- David said there were trade-offs of each approach, but he had no real preference. He said he would mainly like clarity.
- Joe asked if approved, moving forward, what the chain of command would be.

- Ryan asked about the process if there was a significant change between the time of the reduced site plan and the full site plan.
- David said if staff determined that a significant change had occurred, the request would have to go back to the Town Board for an amendment to the Special Use permit approval.
- Victoria asked if Mr. Jones wanted to speak.
- Lucius Jones addressed the board and said that Wendell had some antiquated rules that they needed to change. He said that this is a move in the right direction, and he likes option #3.
- Ryan asked Lucius about where the TIA should go in this new process.
- Lucius said it does not need to be done prior to the SUP approval but a TIA will be done at some point.
- Jonathan agreed it is ok if they wait for the TIA.
- Victoria asked for a motion.
- Jonathan asked if staff's questions #1 & #2 needs to be in the same motion.
- David replied no.
- Ryan asked for a motion on staff question #1.

Jonathan made a motion to approve and Levin seconded it. It was passed unanimously.

- Jonathan asked for a motion on staff question #2.

Ryan made the motion to approve and Michael Firstbrook seconded it. It was approved unanimously.

- Jonathan Olson made a motion to approve staff's text amendment as written, with the removal of the TIA requirement. Ryan Zakany seconded the motion. The motion was approved unanimously.

**At 7:45 Brett Hennington had to leave for an emergency**

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

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*6b. ZM19-05– Zoning Map Amendment request to rezone 50.63 acres (PIN #1774-72-4863) located at 0 Eagle Rock Road from Rural Residential (RR) to Residential-2 (R-2).*

*David clarified that this was not a Conditional District but a traditional rezoning from RR to R2 in the ETJ.*

**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:**

*Amanda S. Mann*

**Petition:**

*The applicant has requested a change in zoning classification for property located at 0 Eagle Rock Road (PIN #1774-72-4863) from Rural Residential (RR) to Residential-2 (R-2).*

**Item Summary:**

*This property is located within the extraterritorial jurisdiction of the Town of Wendell and is currently zoned RR (Rural Residential). Previously, there was a conditional district request proposed at this location that was recommend for denial by the Planning Board. The rezoning request now before you is a traditional map amendment (i.e. there is no accompanying development plan, which would be attached to a conditional district). Due to challenges with access to this site, the new applicant has proposed R-2 zoning, which is a less dense zoning category than some surrounding developments which have R3 or R4 zoning.*

**Justification:**

*The applicant lists the following reasons for rezoning the property from RR to R-2:*

*“As Wendell continues to experience population growth, this rezoning will provide for a range of housing opportunities with reasonable access to the Town's downtown core. While density would increase, this rezoning is not expected to unreasonably impact the level of available Town services and is expected to diversify and increase the Town's tax base. By providing additional residential opportunities, we expect the rezoning to promote Wendell's attractiveness to business and people. Open space in accordance with the Town ordinances will preserve the Town's natural resources and amenities. While this property appears to be designated as "industrial" pursuant to the Town's 2007 future land use map, we would note that industrial uses are perhaps disfavored over time and this use would likely be perceived as less impactful to neighboring properties. We would also note that per state statute, the future land use map would automatically be amended as part of the rezoning process if the rezoning is approved.”*

**Project Profile:**

<i>PROPERTY LOCATION:</i>	<i>0 Eagle Rock Road</i>
<i>WAKE COUNTY PIN:</i>	<i>1774 72 4863</i>
<i>ZONING DISTRICT:</i>	<i>Proposed R-2/ Current RR</i>
<i>CROSS REFERENCES:</i>	<i>N/A</i>
<i>PROPERTY OWNER:</i>	<i>520 State Street, LLC</i>

APPLICANT:

2912 Highwoods Blvd, Suite 100  
Raleigh, NC 27604  
Amanda S. Mann  
421 Fayetteville Street, Suite 530  
Raleigh, NC 27601

PROPERTY SIZE:

50.63 acres

CURRENT LAND USE:

Agricultural

PROPOSED LAND USE:

Residential

**Project Setting – Surrounding Districts and Land uses:**

<u>DIRECTION</u>	<u>LANDUSE</u>	<u>ZONING</u>
North	Agricultural	RR
South	Residential/Vacant	RR/RA
East	Residential/Vacant	RA
West	Residential	R-3/R-30

**Zoning District:**

*This property is located within the town’s extraterritorial jurisdiction and is zoned RR. The surrounding properties are currently zoned RR, RA, R3, R4 and Wake County R-30. The RR district allows a minimum lot size of 25,000 sq. ft. and the R2 minimum lot size is 15,000 sq. ft. Just north of this property is the Anderson Subdivision which is zoned R-4 with a minimum lot size of 6,000 sq. ft. and directly west is a subdivision that is zoned R-3 with a minimum lot size of 10,000 sq. ft.*

**David referred to the current Zoning Map with the requested property outlined**

**Comprehensive Plan:**

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

**David referenced the Framework Plan Map & Legend**

**Statement of Plan Consistency 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 to balance consistency with adjoining zoning districts with limited access concerns.*

**Staff Recommendation:**

*Staff recommends approval of this rezoning request. Due to the challenging access of this site, staff feels that the more limited density permitted in the R-2 zoning district is appropriate.*

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**Comments/Questions following this presentation:**

- Amanda Mann, the applicant, said she represents the owner of the land. She also said that the original developer for this land is now out of the picture. Amanda said that she talked to the owner of the property to see what made sense for this property. The new plan is for 42 single family lots, this is based on what is consistent with this area and the town plan.
- Joe DeLoach asked that we give the new board members some history concerning what happened last time when a developer wanted to build a subdivision on this property.
- David Bergmark explained what had happened before with the R-4 conditional district request and that the current proposal was only for rezoning, at a lesser density than the original conditional district request.
- Ashley Anderson who lives on Old Battlebridge Road introduced her family adviser Mr. Richard Hibbits, a realtor.
- Mr. Hibbits commented on how pleasant our board was compared to Apex and Cary. He talked about what happened the last time and why this is different. He thinks residential development would work well with the town's plans. He has consulted engineers as to how to deal with the traffic near the railroad intersection and they would like to do a traffic assessment.
- Mr. Hibbits gave a handout to the board listing desired conditions, such as planting buffers, a traffic study and infrastructure changes.
- David said he recommends that the adjacent property owner work with the applicant, as this is strictly a rezoning – not a development proposal. He said the Town would not

require a TIA at this time, nor would a subsequent residential development of 40 or so lots require one. David said there are no conditions attached to this rezoning request.

- Victoria said she prefers it when the owners and developers are working together.
- Amanda said she understand how important speaking to the neighbors is, she said that this project is scaled down compared to what was previously proposed and a TIA would not be required.
- Amanda asked the board to make comments because they are on a timeline.
- Mr. Hibbits said the Anderson family wants a traffic study.
- David clarified that this is just a rezoning. We can address other issue later when a development submittal is made. He said that the proposed development could even be denser and still not require a traffic study.
- Victoria asked for questions or comments from the board.
- Ryan asked about deeded Right of Way.
- David replied he had talked to the Town Attorney, who had also spoken with the applicant. He said the attorney informed him that the deed includes a requirement for the adjacent property owner to provide road access and Right-of-way to access Eagle Rock Rd.
- Ryan says he understands there is a timeline and asked why developers were not present at the meeting.
- Amanda said she was representing the owner and has tried to be up front with everyone.
- Jonathan Olson asked for clarification that this is just a rezoning and if approved the developer still has to go through the full development review process.
- David said yes.
- Victoria asked for a motion.
- Ryan said he has concerns and wants to table this for now. He said he thinks the applicant needs to talk to the Andersons.
- Joe said the major concern with the previous petition was density, and that we are just looking at rezoning only right now.
- Jonathan said plans would still have to be submitted even if the rezoning passes.

- David said this was not a conditional district and they would still have to meet the standards of an R2 district.
- Michael Firstbrook asked if the Andersons are willing to work with the applicant.
- Richard Hibbits, the Andersons representative, said if the Board approves the rezoning they won't have to come back again and can do anything the zoning allows.
- Amanda said they will also have to meet any DOT requirements.
- Ryan made a motion to table this until developer speaks with the Andersons. Jonathan seconded the motion and it passed unanimously.

Jeannine Ngwira, Planning Director presented the following report to the Board shown in *italics* below

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***6c. ZTA19-08 Discussion and Action on a Zoning Text Amendment to Section 12.7 of the UDO regarding Wall Signage Requirements.***

**Report to the Planning Board:**

***Monday, October 21, 2019***

**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:**

***Town of Wendell***

**Petition:**

***Staff is requesting to amend the UDO Section 12.7- Permitted Principal Use Signs as it relates to wall signage area for buildings over 25,000 sq. ft.***

**Item Summary:**

*Currently the Wendell Unified Development Ordinance (UDO) provides 3 primary categories of permanent commercial signage: 1) Monument sign, 2) Suspended Single Post Signs, and 3) Wall, Canopy, or Projecting Signs. The types and amount of signage permitted vary based on the size and location of the building. For wall signage, applicants are permitted 1 sq. foot of signage per linear ft of store frontage, with a maximum of 100 sq. ft. Using this standard, a 50 ft wide building can receive up to 50 square feet of signage total, comprised of 1 or more signs. Corner lots may receive additional signage based on the linear frontage of their corner side, but the 100 sq. foot maximum still applies (i.e. The 50' wide building could receive up to 50' more signage for their corner side).*

*While these regulations have generally met the Town's needs, Wendell has not experienced much large-scale commercial or industrial development since their implementation. As commercial development begins in Wendell Falls, staff identified the need to address the signage needs for larger commercial buildings. The most immediate need is for the proposed Wendell Falls grocery store, but these regulations would address other future needs throughout town.*

*Staff researched other municipalities to determine how they address wall signage and the consensus was to use a percentage of the façade as the maximum allowable signage area. For buildings with multiple frontages, generally a lower percentage was used on the side and rear façades. Some municipalities capped the total wall signage per building or per façade. A summary of municipal wall signage regulations is provided below.*

**Jeannine referenced a table showing this information.**

*Based on this comparative analysis, staff created a proposed amendment to permit additional signage (based on a percentage of the façade) for buildings over 25,000 square feet in size. Buildings below this threshold would continue to use the Town's current regulations, which are simpler to calculate and enforce. The 25,000 square foot size would generally capture any larger department store, grocery store, or manufacturing facility which have greater signage needs, but would not include stand-alone restaurants, pharmacies, hardware stores, etc.*

**Proposed Amendments:**

1. To amend Section 12.7 (Permitted Principal Use Signs) to modify the Town's wall signage requirements. (New text is **underlined**)

**Jeannine referred to a table with the changes**

**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 # 5 of the Wendell comprehensive plan and is reasonable to promote Wendell's attractiveness to business by allowing for wall signage that is appropriate for a larger building with multiple frontage.*
  - *Principle # 5: Promote Wendell's attractiveness to business and people of all walks of life. Emphasize the strengths of the Town's diverse population.*

**Staff Recommendation:**

*Staff recommends approval of the text amendment.*

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**Comments/Questions following this presentation:**

- The Planning Board asked what grocery store is coming in.
- David said all he could say was a “Wendell Falls Grocery Store”
- Jonathan asked how someone could get a bigger sign under the current rules.
- David said it would have to be a conditional district. He said that the grocery store wants 2 signs on the front of building totaling 140 sq. ft. and two on the side totaling 125 sq. ft.

Jonathan made a motion to approve the text amendment as written. Levin seconded the motion and it was approved unanimously.

Ryan said the everyone should vote and wished all the candidates good luck including Joe DeLoach.

Victoria hoped that Brett's emergency was not too bad and asked for a motion to adjourn.

Joe made a motion and Jonathan seconded the motion was passed unanimously.

The meeting was adjourned at 8:30 PM