

# **Planning Board Meeting November 18, 2019 Minutes**

**Members Present:** Chairman Swaim, Victoria Curtis, Jonathan Olson, Michael Firstbrook, Levin Jones, Ryan Zakany and Brett Hennington

**Members Absent:** Jimmena Huffman-Hall

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

**Guests Present:** Brian Dunkin, Amanda Mann, Richard Hibbits, Wyatt Bone, Tony Tate, Chris Rurkowski, Kevin Dean, Mike Reynolds and many guests comprised of property owners residing near the proposed R-4 Conditional District at Rollsville Rd, Davistown Rd & Yancey Dr.

## **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) were present.

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

Chairman Terry Allen Swaim was sworn in by affirmation. He was handed the gavel from Victoria and resumed his duties as Chairman for the Planning Board.

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

Chairman Swaim asked for approval of the Agenda. Jonathan Olson made a motion to approve the agenda. Brett Hennington seconded the motion and it passed unanimously.

## **4. 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. There were none.

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

## **5. Administrative Reports**

Chairman Swaim asked if there were any Administrative Reports.

David replied Introduction to Spalding & Norris Eagle Rock Road Project.

Bryan Coates, Assistant Planning Director presented the following report to the Board shown in *italics* below

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**5a**                    *CD19-5 – Introduction to an R-4 Conditional District for property located at 1425 Eagle Rock Road.*

**Specific Action Requested:**

- *That the Planning Board receive information on a proposed R-4 conditional district request and provide feedback only to the applicant.*
  - ***No action beyond initial feedback is requested by the planning Board.*** *This item will return to the Planning Board at their December meeting, seeking a recommendation. This will permit the applicant to make corrections identified by the TRC. As well as any necessary adjustment based on Planning Board comments.*

**Applicant:**

*Laura Holloman, The Spaulding Group, PA*

**Petition:**

*The applicant has requested to create an R-4 conditional district for 38.99 acres of property within the parcel identified by PIN #1773-88-6927. The proposed conditional district consists of a residential subdivision featuring a mix of both single-family and townhome dwelling units.*

**Item Summary:**

*The applicant’s proposed R-4 Conditional district will feature 83 single family homes and 85 townhomes. This project is located on Eagle Rock Road, about a quarter mile north of Wendell Falls Parkway. The R-4 Conditional District is being proposed to fit in with the surrounding community, while at the same time, allowing for more diverse housing types.*

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

**Brian went over the purpose of a Conditional District.**

**Location and History:**

*This property is currently located in the extraterritorial jurisdiction and is zoned Rural Agricultural (RA) and will need to be annexed into the Town of Wendell.*

**Project Profile:**

<i>Property Location:</i>	<i>1425 Eagle Rock Road</i>
<i>Wake County PIN:</i>	<i>1773886927</i>
<i>Current Zoning District:</i>	<i>RA</i>
<i>Property Owners:</i>	<i>G&amp;F Properties, LLC</i>
	<i>PO Box 767</i>
	<i>Wendell, NC 27591-0767</i>
<i>Applicant:</i>	<i>Laura Holloman, the Spaulding</i>
	<i>1611 Jones Franklin Road, Suite 101</i>
	<i>Raleigh, NC 27606</i>
<i>Property Size:</i>	<i>38.99 acres</i>
<i>Current Land Use:</i>	<i>Vacant</i>
<i>Proposed Land Use:</i>	<i>Residential</i>

**Brian referred to the Current Zoning Map to show the Project Setting and the surrounding districts & land uses which are all currently zoned RA or RR.**

**Proposed Conditional District Conditions:**

*The applicant is proposing 7 conditions for the proposed CD, as follows:*

- 1. UDO Section 2.3 A. - Multifamily dwellings (limited to townhomes only) shall be a permitted use in R-4 (CD).*
- 2. Townhome buildings shall provide detailed design along all primary elevations and elevations facing a public street or open space. Detailed design shall be provided by using at least (3) of the following architectural features as appropriate for the proposed building type and style (may vary features on rear/side/front elevations): Dormers, gables, recessed entries, covered porch or stoop entry, cupolas or towers, pillars or posts, eaves (minimum 10" projection which may include gutter), off-sets in building face or roof (minimum 12"), bay windows, balconies, and decorative patterns on exterior finish (e.g. scales/shingles, wainscoting, and similar features). Sufficient wall articulation is also required to avoid large unbroken expanses of roof or wall planes including the stepping of units and the use of bays and gables where appropriate.*
- 3. Garage doors shall either contain windows or carriage style adornments.*
- 4. The use of vinyl-siding shall be prohibited, except for trim elements of the dwelling unit façade.*
- 5. UDO Section 2.7 B. 2. - The maximum number of townhomes shall not exceed 51% of the total number of units.*

6. UDO Section 2.7 B. 1. - The minimum lot size for single-family shall be 4,400 sq. ft.
7. UDO Section 5 - Front-loaded single-family lots shall have a minimum allowed lot width of 40 feet.

**Applicant's Justification:**

*The proposed rezoning request consists of approximately 38.99 acres and is located near the intersection of Eagle Rock Road and Wendell Falls Boulevard. The subject parcel is currently zoned Rural Agricultural (RA), which is intended to be rural, extremely low dense development. The proposed rezoning request is to rezone the subject property to R-4 Conditional District. The developer is seeking a Condition Use district as necessary to create greater flexibility in lot sizes and front-loaded residential product in exchange for architectural commitments which ensure high quality development that the Town has come to expect.*

*The minimum lot size in this district is one acre and developments of more than five acres are not permitted. However, the UDO does state in Chapter 2.5 that RA "is intended to reserve developable areas until utility infrastructure can be installed to allow for planned growth." The current zoning of RA was never envisioned to be the 'highest and best use' of the property.*

*So just what is the planned growth for this parcel? Adopted in 2007, the Town of Wendell's Comprehensive Plan contains several defined development sectors, which dictate appropriate densities and land uses. The Comprehensive Plan designates the subject property as 'S-4 Controlled Growth Area'. As stated in the Plan, "This sector is intended to feature modern intensity new development and where the majority of the community's new growth should occur." This is evident in the recent residential growth that has occurred in Wendell. Just down Wendell Falls Boulevard, Wendell Falls has continued to flourish and develop through its residential development phases. This proposed rezoning of R-4 (CD), will show similar diverse and high-quality housing types as Wendell Falls, while providing active open space for its residents. Open space requirements will be met by providing several pocket parks throughout the neighborhood, which allows the residents to get to know their neighbors and allow everyone to live within a reasonable distance to an amenity.*

*So, although the immediate adjacent residential properties remain vacant, the developer does not see any adverse impacts of this future subdivision to other properties. This developer will be required to extend utilities to the property. Public sanitary sewer will be extended from the Foxborough Crossing subdivision, which will require an easement through the property between the subdivision and the subject parcel. This opens up additional vacant or under-developed parcels to be ripe for development which is a very positive impact for the surrounding area. Additionally, public water will also be extended along Eagle Rock Road to the subject property frontage, allowing the infrastructure vision in the area to be a lot clearer.*

*One of the general principles contained within the Comprehensive Plan is "Provide for a range of housing opportunities." The proposed rezoning to R-4 Conditional Use District allows that*

*housing diversity to occur. This is supported by both single-family and multifamily development being identified as appropriate in the 5-4 sector. The Town of Wendell's demographics are changing. More families are opting to live in multifamily dwellings like townhomes in addition to single-family, that feature maintenance-free yards and elevations and walkable amenities. The town has long since realized this, as this was an original goal within the Comprehensive Plan since the plan was first adopted in 2007. The proposed subdivision will consist of both single-family as well as townhomes, which will allow for diversity within the same neighborhood. Families can evolve and not have to move out of their community depending on what stage of life they are currently in.*

*It is important to note that Wake County public schools require all proposed residential development to submit a residential notification form that outlines the number of units and the year breakdown that they will be completed in. At the time of master plan submittal, this project submitted this form and clearly indicated the proposed units, complete with bedroom breakdowns.*

*Developers also plan for community facilities such as police, fire and EMS when designing a development. All interior streets are required to be designed to accommodate the largest emergency response vehicle. The turning template is then submitted and reviewed by staff to ensure that the vehicle can safely maneuver through all access points and amenity parking areas. Existing emergency response facilities are located within close proximity and no issues are perceived with regards to insufficient response time.*

*The proposed subdivision will be a pedestrian-friendly one. This project will have sidewalk on both sides of its interior streets. Additionally, the transportation plan also calls for the collector road through the proposed subdivision. Designed and shown on the proposed master plan, this collector will allow for future interconnectivity through this subdivision and into Foxborough Crossing, which will allow for alternate routes for both pedestrians and automobiles, reducing traffic and potential safety concerns on the major thoroughfares of Eagle Rock Road and Wendell Falls Boulevard.*

*The Eagle Road rezoning and master plan request meets both the Comprehensive Plan. When developed, this project will offer a walkable, thoughtful residential concept that will be a welcomed part of Wendell.*

**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 Eagle Rock Road (4-lane divided). This would necessitate some widening and improvements along their frontage.*

**Phasing:**

*The applicant has not indicated that there will be phasing on this project.*

**Comprehensive Plan:**

*The Wendell Comprehensive Plan defines the subject property as being within the S-4 Controlled Growth Area and a neighborhood center.*

*The Comprehensive Plan states that S-4 areas “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 activity centers serving surrounding neighborhoods with retail, services, civic uses, and higher density housing.”*

*The proposed development on the site meets the appropriate uses.*

**Brian showed a map of the adopted framework from the comprehensive plan.**

*Staff Comments: Staff supports the proposed conditions*

**Comments/Questions following this presentation:**

- Ryan asked if a 4-lane road improvement would be required all the way down to Wendell Falls Parkway.
- Bryan said no - just along the road frontage.
- Jonathan asked what the mix of townhomes and single-family homes is.
- Bryan said 51% will be townhomes and 49% will be single-family homes.
- Chairman Swaim said he does not like townhomes but understand that this generation does.
- Jonathan asked will this item be back next month or in the future
- David said yes it will be on next month’s agenda.
- Chairman Swaim asked who the builder was.
- Bryan said the applicant is The Spaulding Group and introduced Brian Dunkin the representative of the developer.
- Chairman Swaim thanked him for coming to the meeting.

**At this point Chairman Swaim said he has sent an email to Joe DeLoach, resigning Planning Board Member, thanking him for serving on the Planning Board and wishing him luck in the future.**

**6. New Business**

No new Business this month

**7. Old Business**

7a. Discussion and Action on a 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 Bergmark, Planning Director presented the following report to the Board shown in *italics* below

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*7a. 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).*

**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>
	<i>2912 Highwoods Blvd, Suite 100</i>
	<i>Raleigh, NC 27604</i>
<i>APPLICANT:</i>	<i>Amanda S. Mann</i>
	<i>421 Fayetteville Street, Suite 530</i>
	<i>Raleigh, NC 27601</i>
<i>PROPERTY SIZE:</i>	<i>50.63 acres</i>
<i>CURRENT LAND USE:</i>	<i>Agricultural</i>
<i>PROPOSED LAND USE:</i>	<i>Residential</i>

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

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

**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 & attorney on behalf of the owner, said that the other builder who proposed a development here had a plan with lots of density and that she has spoken to the representative of the surrounding neighbors to let them know that there is no plan in place at this time. There is only an idea to build single-family homes. She said they will work with the neighbors. She said she met with DOT and traffic engineers and they spent some time on the property.
- Chairman Swaim asked about a site triangle by the railroad and the two other properties.
- Wyatt Bone, Traffic Engineer, said that an easement would most likely be necessary from DOT and he will have to address this. Wyatt will design the site once it is approved.
- Citizen asked Wyatt where the driveway would go.
- Wyatt said there could be an access easement on the northwest corner.

- Richard Hibbitts, a realtor and the representative of the Andersons met with an engineer & a surveyor as well as the other representative for the owner. He said that the access point would have to meet sight restrictions. He also said that an access point has not been agreed upon yet and that an action from the planning board should require more in-depth research.
- Chairman Swaim asked about the shortage of road front.
- Richard Hibbitts said this has not been resolved yet.
- Ron Stephenson, the engineer, said the access point is 60 ft wide so the sight triangle will be outside of it.
- Chairman Swaim asked about the train tracks.
- Amanda said NC Dot has to provide access, engineers are working on what needs to be done.
- Mr. Hibbitts said the issue was the road coming in from the triangle to the north. The Anderson property has access that may work but it has to be worked out and it will take time.
- Amanda said they need to see some progress prior to doing more studies etc. and want to keep moving forward.
- **Jonathan Olson mad a motion to approve the rezoning request.** Levin Jones seconded the motion.
- Chairman Swaim asked if there was any discussion on the motion.
- Ryan asked if the request would move on to the Town Board with or without the Planning Board's recommendation of approval.
- Chairman Swaim asked for Clarification for this process.
- David explained that it would move forward after two action meetings.

Chairman asked for a Vote.

In Favor: Brett Hennington, Jonathan Olson, Levin Jones, Ryan Zakany & Victoria Curtis

Opposed: Chairman Swaim and Michael Firstbrook. **Motion Passed 5 to 2.**

- 7b. Discussion and Action on an R-4 Conditional District request for properties located at 4501 Rolesville Rd, 0 Davistown Road, 1401 Davistown Road and 6021 Yancey Drive.

**POTENTIAL ACTION:** Recommendation to the Town Board.

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

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**Item Title:**

*#7b CD19-03 – Discussion and Action on an R-4 Conditional District request for properties located at 4501 Rolesville Rd, 0 Davistown Road, 1401 Davistown Road and 6021 Yancey Drive.*

**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 include additional land, requiring a second review by the Planning Board. The applicant also made additional revisions in response to comments received.*

**Applicant:**

*Chris Rurkowski of TMTLA Associates*

**Petition:**

*The applicant has requested to create a R4 conditional district for approximately 129.59 acres of property within the parcels identified by PIN #1765852510, PIN #1765962276, PIN #1765856251 and PIN #1775042139. The new proposed conditional district consists of 275 single family homes and 99 Townhomes (374 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 2.88 dwellings units per acre. This project is located just northwest of East Wake High School, along Rolesville Road.*

*Following the August Planning Board meeting, the applicant amended their R4 conditional district request to include a 10-acre portion of the Yancey property in order to meet the 3-mile rule established by general statute for satellite annexations. They also made the following amendments in response to comments received from the Planning Board and broader community:*

1. *Total unit count was reduced to 374 (from 427) with an overall density of 2.88 DUA.*
2. *The number of Townhomes was reduced to 99 (from 161)*

3. *The average lot size of single-family home lots was increased to 8,462 (6,000 is required)*
4. *Additional open space was added with the Yancey Property, as well as a public green in the townhome section along Street B.*
5. *Along Rolesville Rd, they expanded the street yard from 20 ft wide to 50 ft wide, with double the plantings required. This also effectively pushed the Townhomes further back from Rolesville Rd.*
6. *The townhome layout was revised south of Avenue 'A' to reduce the number of townhomes and meet the connectivity index (eliminating this as a condition).*
7. *The lots bordering Shady View drive have been changed from Townhomes to Single Family homes to create a more gradual transition for neighboring homes. A Type B buffer was still maintained between abutting property.*
8. *Requests for concessions to front yard and rear yard planting requirements were removed from their conditional district submittal.*
9. *Schedules for installation of amenities have been included as conditions*

*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.*

**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.*

**David went over the purpose of a Conditional District.**

**Project Profile:**

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

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

George Yancey  
3632 Willow Bluff Drive  
Raleigh, NC 27604

APPLICANT: Chris Rurkowski  
5011 Southpark Dr, Ste 200  
Durham, NC 27713  
PROPERTY SIZE: 129.59 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 detailed below. Only 2 of the 11 conditions represent concessions. The developer is offering 4 improvements beyond what the UDO requires.

1. **[Improvement]** The developer proposed to preserve a minimum of 45 acres (35% 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 the lesser of one hundred (100) or 30% of the total number of units.
3. **[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.
4. **[Concession]** There shall be two (2) cul de sacs allowed a length greater than 300' but not longer than 425'.
  - **Staff note – Environmental site conditions warrant this deviation.**
5. **[Clarification]** The developer shall complete Rolesville Road improvements for 1/2 of the ultimate 110' cross section of Rolesville Rd prior to the 1<sup>st</sup> CO for the project.
  - **Staff note – a bond would also be required by staff in order to approve the final plat. This note is for clarification. This is an existing requirement and does not have to be included within their condition language.**

6. **[Clarification]** *The developer shall complete the pool and pool house prior to the issuance of the 75<sup>th</sup> CO of Phase 1.*
7. **[Clarification]** *The developer shall complete the dog park prior to the 25<sup>th</sup> CO of Phase 2.*
8. **[Clarification]** *The developer shall complete the disc golf course prior to the 25<sup>th</sup> CO of Phase 3.*
9. **[Improvement]** *The developer proposes a 50' wide street yard buffer planted at a minimum rate of four (4) canopy trees and sixteen (16) shrubs per 100 linear feet along the project's frontage along Rolesville Rd in lieu of the required 20' wide street yard buffer planted at a rate of two (2) canopy trees and eight (8) shrubs per 100 linear feet.*
10. **[Improvement]** *The developer proposes a 35' wide Type 'B' perimeter buffer along the southern project boundary between Rolesville Rd and Shady View Dr.*
  - **Staff note** – *the UDO would allow an abutting rear yard buffer, which can be included within the SFD lot boundaries.*
11. **[Improvement]** *The developer proposes a 20' wide Type 'B' perimeter buffer along the project boundary bordering the K&J (PIN 1765-74-8520), Winslow (PIN 1765-84-0581), and Castro (PIN 1765-84-0246) properties.*

**Applicant's Justification:**

*“4501 Rolesville Rd, 1401 Davistown Rd, and 0 Davistown Rd and 6201 Yancey Dr, 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 a maximum of 100 townhomes in the R4-CD district, 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 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 13.31 acres of passive open space and 3.33 acres of park space (with 1.11 acres of the park space being fully active). The applicant is providing well above the total amount of open space required (49.37 acres of open space is being provided), as well as much more improved open space than what is required. The applicant is providing 3.9 acres of fully active open space (1.11 acres required), comprised of a junior Olympic pool and disc golf course. Additionally, the applicant is providing 5.4 acres of Park Space (2.5 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), and Davistown Road (2-lane undivided). The applicant is showing additional ROW dedication for Weathers road per Capital Area Metropolitan Planning Organization (CAMPO) ‘s transportation plans but plans on requesting the Town Board to pay a fee in lieu of building their portion of a rural road cross-section, which is what is required by the Town.*

*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).

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 (#9-11) improving the site's landscaping beyond what is required.

### **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.*

## **David referred to Framework Plan Map from the Comprehensive 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 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 cul-de-sac length and to permit Townhomes.*
  - *Proposed lot size is notably smaller than surrounding properties (which are served by well and septic), but overall project density is 2.88 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 staying 'rural'.*
  - *Concerns were expressed by neighbors that the proposed development would negatively impact property values. Staff analyzed all single-family homes within ¾ 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 this presentation:**

- Chairman Swaim asked about the 2.88 dwelling units per acre and the actual density, he also wanted to know if the Yancey property had been purchased.
- David said yes, the 2.88 is the actual density as correctly calculated and what Chairman Swaim is looking for is not how density is calculated. He also said that the Yancey property is under contract.
- Applicant Chris Rurkowski handed out a map of the revised site plan to the Planning Board. Tony Tate referenced a map saying that the traffic engineer & developers went over their proposal. They have added the land purchase, reduced number of lots and townhomes, moved the location of the townhomes, and increased the 20 ft buffer from Rollsville Rd to a 50 ft buffer. They backed up the location of the home from the entrance drive. They have increased the size of the buffer and will add a privacy fence. He said they are working with the homeowners and with the additional property they can make more open space and they will help with the annexation. He said that the minimum lot size would be 6000 sq. ft. and the average lot size would be about 8000 sq. ft. The reduction of the number of lots will impact the amount of traffic.
- Kevin Dean, traffic engineer did a traffic study per the standards of the town and DOT. The new study shows less traffic, but they are still planning to make some improvements like striping roads, turning lanes and widening frontage road. These will be done before Phase 1.
- Chairman Swaim asked about a stop light.
- Applicant said this development will not warrant it.
- Chairman Swaim asked about the traffic plan.
- Kevin Dean said it already exists.
- David Cozart, he said that he is an accountant, and that this plan is not that different from the original one. There is still too much density and there are still Townhomes on the plan. Swamp land is what was purchased to add space for the rezoning and the High School is not in town. He added that a remote annexation will bring the town down and that Wendell will not benefit from this, but the developers, builders and realtors will benefit. Payback for the town will take about 10 years. He thinks that the Planning Board and the Town should reject this proposal. Wendell can do better!
- Frank Braswell said there is an acute turn with a blind spot near the entrance of this development.
- The applicant's Traffic Engineer said DOT will assess this.
- Frank said these are 125 quality acres and there have been 5 proposals submitted on the 4<sup>th</sup> proposal they finally realized they needed 3 more miles and are now are adding more property to meet the requirement. He thinks the plan is still too dense and the developers are not well informed. He said a condition is an exception. The number of units barely meeting the 6000 sq. ft minimum is still very high, & 99 lots with Townhomes are still in the plans. Reject this radical, extreme development, nothing has really changed so it should be rejected again. Instead they should build restaurants and shops. My friend who lives in on 2.5 acres in this area will be surrounded by 8 single family lots and all they are offering him is a privacy fence.

- Shamra Braswell was introduced and asked “why are we here again? There is a safety concern and traffic impact with this proposal, as it will be located less than ½ a mile from East Wake High School so there will be many drivers with limited driving experience and there will be 96% more trips on Rolesville and Puryear road. What will happen when all traffic is trying to get out and come back at the same time with the blind spot to deal with? There would need to be a 4-lane road with traffic lights before any development comes in. School buses use Roberson Pond Road and if roads are not safe people will not buy homes here.
- Carol Dean agreed that there are safety concerns, and this is not a good idea.
- Regina Harmon said she was against this proposal. She said there is no need to annex this property, as it will not help downtown. They want to annex it to fall under Wendell rules.
- Jimmy Parker said we need to consider fresh clean water from the Roberson Rd stream and other ponds. Weathers farm filters this water and the development will disrupt this irrigation process. We need to monitor and keep the water clean. Who will maintain the sediment ponds after the developer is gone? I think about my grandchildren and I want them to continue to thrive on this property. We are asking a developer to give us a quality neighborhood and not a dense neighborhood.
- Jason Righter asked what qualifies a property for general annexation? This property does not meet UDO requirement and neither does the Yancey property.
- Darlene Righter said I am one more face who is against this.
- Chad Winslow said that the Planning Board suggested that the developers talk to the homeowners and this is what they discuss:
  - 1) We asked for an 8 ft privacy fence and trees. The developer said no trees if we put up a fence. We have concerns about quality of this fence and the long-term maintenance of it.
  - 2) We asked that 5 lots, 181-185 to be moved from near him to across the street and they said that they can’t because of the storm water device.
  - 3) We asked that they submit an offer that would be fair to this homeowner.

The developers are profiting from Wendell. Is this the way we want to grow our town?

- Ben Weathers asked if everyone was aware that Wendell is the 2<sup>nd</sup> poorest community in the area? Family who buy these houses will not go to Wendell to spend their money they will go elsewhere. The Planning Board should help Wendell not Raleigh. Families live in rural areas because they like it that way. Lights, noise and traffic will scare livestock.
- Jon Carroll said he grew up in Raleigh and he moved to this area for a quiet life and he will move to another area if this development happens.
- Sam Parker said he has a farm in the area and needs to transport his produce. This is the wrong project in the wrong place at the wrong time. This will hinder his business, traffic will be a major issue.
- Greg Jones is a life-long resident and was with the fire department for 50 years. He is concerned about why Wendell is growing but not in the way it was in the guidelines. Wendell should not accept this type of development. Voluntary annexation is to get water & sewer. When the property is developed, they can have a seat at the table, but we won’t.

I challenge the Board to read 112.sec 1-commissioner rules and responsibilities. People rule not Government!

- Chairman Swaim said that proportional to the Town's population, the planning board will always have ETJ members.
- Brandon Strickland said that zoning land use planning should not create a nuisance. The Urban Transit model calls for transition in density. On Plan sector-1 through sector -6 Rolesville Rd is sector-3 except near the Sheetz. Appropriate development should be low density. Why should we override the town plan for low density? We should plan, prepare, and make the best choices. We want responsible growth. Development did not listen to the homeowners at the meeting they held.
- Judy, a realtor talked about environmental issues and the water quality. She said that development can be a good thing but not this one. She is against townhomes. She also said a traffic light could be done in advance by the developers. Who will maintain this development and who will take care of the 49 acres of open space?
- Chairman Swaim asked if there was a motion from one of the Planning Board members. Levin Jones asked if there could be further discussion. Chairman Swaim said it would be appropriate to have discussion after the motion.

Levin Jones made a motion to approve the conditional district request.

Brett Hennington seconded the motion. He said after hearing the improvements to the project he is in favor of it.

- Chairman Swaim asked if there was any discussion by the Board on the motion.

Michael Firstbrook challenged the board to consider the decisions they were making.

Victoria Curtis said she appreciates the changes made, but still votes no.

- Jonathan Olson asked if there would be any section 8 homes?
- The developer answered no - the average single-family home would be sold for \$275,000 and the townhomes would sell for \$230,000.
- Jonathan said then it would be similarly priced to Wendell Falls, and he said that the challenge is to separate fact from emotion. Developments will bring in more business and if this one dies another one will come.
- Levin commended the homeowners for being there and he said that emotions and tensions are high. This development may not be another Wendell Falls the one may be a workforce community. He said when he and his family moved here, they purchased a home within their means. These homes will be affordable - these citizens should accept and welcome their new neighbors.
- Michal Firstbrook said the schools are already overtaxed. Where will these new resident's children go.
- Chairman Swaim said he does think that this plan with less density is better but does not think it fits the character of the area. He also said he went to the development in Zebulon and he was not impressed with the character of the home and that they were not as nice as

Wendell. He thinks that being near a school could be a factor in city development and this plan is not a good fit for this country area.

Chairman Swaim votes no and asks for a show of hands.

Voting in Favor of recommending approval: Brett Hennington, Levin Jones, Jonathan Olson and Ryan Zakany.

Voting Against the recommendation of approval: Victoria Curtis, Michael Firstbrook and Chairman Swaim

Motion was approved 4 to 3

7c. Discussion an Action on a Zoning Map Amendment request to rezone approximately 20 acres (PIN #1775-04-2139) located at 6021 Yancey Drive from Wake County Residential-40 (R-40) to Rural Agricultural (RA).

**POTENTIAL ACTION:** Recommendation to the Town Board.

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

\*\*\*\*\*

#7c

**Item Title:**

*ZM19-06– Zoning Map Amendment request to rezone approximately 20 acres (PIN #1775-04-2139) located at 6021 Yancey Drive from Wake County Residential-40 (R-40) to Rural Agricultural (RA).*

**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:**

*Chris Rurkowski*

**Petition:**

*The applicant has requested a change in zoning classification for a portion of the parcel located at 6021 Yancey Drive from Wake County Residential-40 (R-40) to Rural Agricultural (RA).*

**Item Summary:**

*This property is located in Wake County within the Urban Service Area for the Town of Wendell and is currently zoned Wake County R-40 (Residential-40). The applicant is in the process of annexing this parcel along with 3 other parcels that comprise the Weathers property. Any area annexed into the Town must be given a Wendell zoning designation. Since the 20-acre portion of this parcel is not included in the Weathers Conditional District and there are no plans for development, the applicant has proposed that it be given the Town's Residential Agricultural (RA) zoning designation. The area in question currently contains one single family dwelling.*

**Justification:**

*The applicant lists the following reasons for rezoning the property from R-40 to RA:*

*"An approximately 20 acre portion of 6021 Yancey Dr, commonly referred to as Yancey Property, is being requested an initial zoning of Rural Agricultural (RA) as well as annexation into the Town of Wendell's ETJ. We are seeking an initial zoning to RA to translate this site from its current R-40 (Wake County) zoning into its equivalent within the Town of Wendell, RA zoning.*

*The town framework plan indicates these parcels as 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 and the minimum lot size of 1 acre in the RA zoning district. The future land use map also indicates this area as low density residential (1-4 du/ac) which the RA zoning district aligns with.*

*This project will have no negative impacts on surrounding properties as the zoning is equivalent to the existing zoning. Impacts on all other public and governmental services will be none since the effective zoning of the parcel will not be changed and is the equivalent of the current potential for development."*

**Project Profile:**

**PROPERTY LOCATION:**

6021 Yancey Drive

**WAKE COUNTY PIN:**

1775 04 2139

ZONING DISTRICT:  
 CROSS REFERENCES:  
 PROPERTY OWNER: George Yancey  
 3632 Willow Bluff Dr.  
 Raleigh, NC 27604  
 APPLICANT:

Proposed RA/ Current R-40  
 N/A

Chris Rurkowski- TMTLA Associates  
 5011 Southpark Dr, Suite 200  
 Durham, NC 27713  
 20 acres

PROPERTY SIZE:

CURRENT LAND USE:  
 PROPOSED LAND USE:

Residential/Agricultural  
 Residential/Agricultural

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

<u>DIRECTION</u>	<u>LANDUSE</u>	<u>ZONING</u>
North (Proposed)	Residential	R4-CD
South	Residential/Agricultural	R-40
East	Residential/Agricultural	R-40
West (Propose)	Residential	R4-CD

**Zoning District:**

*This property is located in Wake County within the town’s Urban Service Area and is zoned Wake County R-40. The properties to the north and west are part of the Weathers Property proposed R-4 Conditional Districts and the properties to the east and south are zoned Wake County R-40.*

**David referenced the current Zoning Map outlining the requested property**

**Comprehensive Plan:**

*The Wendell Comprehensive Plan defines the subject property as being 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.*

## **David referenced the Framework Plan Map**

### *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-3 Sector and is reasonable due to sensitive environmental features on site.*

### *Staff Recommendation:*

*Staff recommends approval of this rezoning request.*

### *Comments/Questions following this presentation:*

- Jonathan asked for clarification on the boundary of the rezoning.
- An area resident asked how many homes allowed on an acre?
- David replied 1 home per acre. He also said this property now has 1 house and 1 pond
- Chairman Swaim asked why we are rezoning to RA.
- David said Wake County zoned it R40, so RA is the equivalent to that zoning in Wendell.

Ryan made a motion to approve the item.

Brett Hennington second the motion

Motion was passed 6 in favor – one against.

Voting in Favor: Victoria Curtis, Jonathan Olson, Levin Jones, Brett Hennington, Ryan Zakany, and Chairman Swaim

Voting Against the motion - Michael Firstbrook

Brett Hennington made a motion to adjourn

Levin Jones seconded the motion and it was approved unanimously

Meeting adjourned at 10 PM