

Planning Board Meeting

January 21, 2020

Minutes

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

Members Absent: None

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

Guests Present:

1. Meeting Called to Order

Chairman Swaim called the meeting to order at 7:05 pm and recognized that a quorum (minimum of 5 members) was present.

2. Adjustment and Approval of Agenda

David Bergmark said that items 4b and 5d will be tabled to be presented at a future meeting and the agenda should be adjusted to reflect this. Chairman Swaim asked for approval of the Adjusted Agenda. Jonathan Olson made a motion to approve the agenda. Jimmena Huffman-Hall seconded the motion and it passed unanimously.

Chairman Swaim made a motion to start saying the pledge of Allegiance at the beginning of Planning Board meetings starting tonight and going forward. Victoria Curtis approved this motion, Brett Hennington seconded this motion and it was approved unanimously.

The Pledged of Allegiance was recited.

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. There were none.

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

4. Administrative Reports

Chairman Swaim asked if there were any Administrative Reports.

Bryan Coates replied there was an Introduction to a R-4 Conditional District for property located at 815 Old Zebulon Road and that there is no action required at this time.

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

4a Introduction to an R4 Conditional District for properties located at 815 Old Zebulon Rd

Specific Action Requested:

- *That the Planning Board receive information on a proposed R4 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 a subsequent 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:

Brian Duncan of the Spaulding Group

Petition:

The applicant has requested to create an R4 Conditional District for 68.55 within 5 parcels along Old Zebulon Rd (currently zoned R3 and RA).

The proposed conditional district consists of a mix of both single-family and townhome dwelling units.

The applicant proposed R4 conditional district will feature 170 single family homes and 146 townhomes.

Bryan went over the purpose of a Conditional District and referenced a current map showing the surrounding districts and land uses.

Proposed Conditional District Conditions:

- 1. The applicant is proposing 6 conditions for the proposed CD, as follows:
UDO Section 2.3 A. - Multifamily dwellings (limited to townhomes only) shall be a permitted use in R-4 and shall not exceed 50% of the total number of units - UDO 2.7 B.
a. Such multifamily dwellings may be front-loaded - UDO 5.10 B.*
- 2. In order to promote variation in home appearance, no single-family home can be constructed with an exterior elevation (front façade) or color palette that is identical to the home on either side or directly across the street from it, to provide an anti--monotony development.*
- 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. 1.-The minimum lot size for single-family shall be 4,600 sq. ft.*
6. *UDO Section 5 - Front-loaded single-family lots shall have a minimum allowed lot width of 40 feet.*

Bryan showed a map of the proposed site plan for the development.

Public Utilities:

Development of this site will require connection to city water and sewer which is available nearby. The parcels that are not already in the city limits will need to be annexed.

Streets:

The applicant will be responsible for making the required improvements to Old Zebulon Road which include sidewalk, landscape area and curb and gutter.

Phasing:

The applicant has indicated that there will be phasing on this project, but the current plan does not show phasing.

Comprehensive Plan:

The Wendell Comprehensive Plan defines the subject property as being within the S-4 Controlled Growth Sector.

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 following development types and uses are appropriate for the S-4 sector: traditional neighborhood developments, neighborhood centers, single-family and multi-family residential, neighborhood-serving commercial uses (retail and office), civic uses and industrial uses

Bryan showed a Comprehensive Plan Map of the Area

Staff Comments:

The Town’s Technical Review Committee (TRC) needs additional information on the open space and improved park space elements, block and cul-de-sac length of some proposed streets, building elevations for the townhomes, and transportation improvements.

Staff has some concerns regarding the traffic impact from this number of units on the Wendell Blvd/Old Zebulon Rd intersection, given its proximity to the Selma Road intersection and the limited ability for improvement.

Comments/Questions following this presentation:

- Chairman Swaim asked if there were any questions.
- Jonathan asked if this area had previously been considered for development and for traffic improvements
- David said the town would like to have improvements made to this area in the future. Staff thinks minor work from this development company is not enough.
- Ryan asked about parking in the development.
- Bryan said some guest parking is available.
- Victoria asked where the parking is.
- Bryan said there may be some parking spots at the Amenity Center and at each end of the townhome sections.
- Victoria said with the lack of parking someone having a party would create havoc.
- Chairman Swaim said he does not like dense neighborhoods with townhomes and the Board is here to protect the future of the town.
- Ryan asked if anyone else wanted to speak and if the applicant held a neighborhood meeting.
- Mr. Duncan said yes, they invited neighboring properties to a meeting, and traffic is a concern.
- Ryan applauded the developer for reaching out to neighbors.
- Chairman Swaim asked Mr. Duncan about the size of the lots. He said he remembered another area that was built in the 1980's that seemed small at the time but these lots are even smaller.
- Mr. Duncan said he thinks that people like smaller homes and townhomes.
- Ryan asked about the size of the lots
- Mr. Duncan replied 40 and 50 ft wide lots.
- Chairman asked how close the side lots are to each other.
- Mr. Duncan said 5 ft setbacks on each side.
- Victoria asked about storm water runoff.
- Mr. Duncan replied they the area they are going to build on is out of the Flood Plain and the 100-year area and that the homes will be 20ft from the flood plain and will have grass and landscaping that might actually reduce the runoff.
- Brett asked about what kind of buffer there would be.
- Mr. Duncan said a 20 ft. type B.
- Mr. Swaim introduced Mr. Ronnie Mizell and asked that anyone who speaks limits their time and that they don't repeat what the people before them said.
- Ronnie Mizell thanked the Board for reciting the Pledge of Allegiance and said he lives on the East side of the development on Wendell Blvd. He said he and his neighbors have raised their kids there and their grandchildren live there, and he wants them to continue to

spend their lives there. They are a village and they are concerned about the area and they don't want this type of development and they hope and pray that this does not happen. It is too dense, and he doesn't feel the roads can handle the traffic. He said this would be a bad precedent and hopes that the Board thinks of these residents when they are deciding. He thanked the Board for their service to the community.

- Ryan Downey of Old Zebulon Rd said he has lived here for one year and when he moved here, he knew that the town was growing but the density can't be handled by the current roads with two small intersections for access. There must be another way to build up the town in a different area with less density.
- Chairman Swaim said that Mr. Downey already has issues dealing with the traffic in the area and he agrees with him and doesn't want it to get worse.
- Jessie Downey said she is not against a neighborhood coming in but is overwhelming and she worries about the safety of all the small children. The Developers do not realize how bad it is now and people are speeding all the time. Road improvements and speed bumps are needed, and one access point should be moved.
- Daryl Carver said he moved here in 1976 and he is a teacher and a coach, he loves Wendell and he brought his wife here and they raised their children and grandchildren here. This is their home and he is not opposed to growth, but he is concerned about the safety of the children in this new development. There will be 3 ponds and there is already a large creek that gets high when it rains a lot. He would ask that the board not allow minimum borders but ask for more boarders. "Do what we would do."
- Stuart Shearin said he has lived here for 32 years raised his children and grandchildren here. He feels that the numbers in the traffic study are wrong and that it will be more like 2757 more trips daily. He said it is inconceivable because this will cause Mack Todd , Little River & Old Zebulon roads to have traffic delays this will affect everyone in Wendell.
- Jennifer Batzel said she has a daughter who just started driving and she is worried about this neighborhood and concerned about others coming in and the roads are already a concern. Traffic will turn into a huge issue for everyone. We need to make road improvements before we build more developments. Some people may think they are not going to be getting a neighborhood near them but eventually they will.
- Chairman Swaim asked for comments from the board.
- Michael Fastbrook said as a Planning Board member he wanted to have planning duties instead of being part of this process of developers against residents. The members of the Planning Board should be planning. The town is not equipped for this type of growth.
- Victoria said growth is inevitable, we are at the point where it is time to set standards and adhere to them. Density needs to be controlled, we must decide are we willing to accept this or something better and smaller. She said she does not support this development.
- Jimmena said she agrees with Victoria. She is in the medical field and she is concerned about getting to people who need emergency help.
- Brett talked about traffic in the area and thinks the town needs to upgrade roads before adding neighborhoods, he said we need to set a standard.
- Levin said traffic is a concern and the TIA should address these concerns. Buffering needs to be more detailed and not as abstract. More information is needed.
- Jonathan said he feels like Bill Murray in Groundhog Day! This is the 6th proposition of a dense development. He thinks that the town should spend money to improve the roads.
- Ryan addressed the town staff as to what is the future for our roads.

- Brian said that NC DOT congestion management is under review.
- Ryan asked if in the future they could look at the TIA prior to a developer coming before the board and asked when we would get a new comp plan.
- Bryan said a new one would be completed in 2021.
- Ryan asked about any plans to widen the roads.
- David said DOT focuses on areas that have bigger needs. Turning lane improvements or traffic signals. He said the CAMPO LAPP program is going to add lights & make pedestrian improvements.
- Ryan said it seems like we can't get improvements until we have more people, but more people will make the roads worse. We need to revisit the UDO. He said he is not opposed to townhomes.
- Chairman Swaim said diversity is ok but the same proposals are constantly coming before the board and to him it is like 40 lbs. of fertilizer in a 10 lb. bag! They are not following the plan, and they are always waning conditional districts. We can do better! Nicer homes on nicer lots. A 40 ft by 120 ft lots are almost like a mobile home park, it's not fair and he doesn't like it.

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

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Item 5a CD19-05 – Discussion and Action on an R-4 Conditional District for property located at 1425 Eagle Rock Road.

Specific Action Requested:

That the Planning Board consider the proposed R-4 conditional district request and make a recommendation to the Town Board to include a statement of comprehensive plan consistency and reasonableness.

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.

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:

*PROPERTY LOCATION: 1425 Eagle Rock Road
WAKE COUNTY PINS: 1773886927
CURRENT ZONING DISTRICT: RA
CROSS REFERENCES: N/A
PROPERTY OWNERS: G&F Properties, LLC
PO Box 767
Wendell, NC 27591-0767*

*APPLICANT: Laura Holloman, The Spaulding Group, PA
1611 Jones Franklin Road, Suite 101
Raleigh, NC 27606*

*PROPERTY SIZE: 38.99 acres
CURRENT LAND USE: Vacant
PROPOSED LAND USE: Residential*

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

Proposed Conditional District Conditions:

The applicant is proposing 6 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), and the maximum number of townhomes shall not exceed 51% of the total number of units- UDO Section 2.7 B.2.*
- 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. 1. - The minimum lot size for single-family shall be 4,400 sq. ft.*
6. *UDO Section 5 - Front-loaded single-family lots shall have a minimum allowed lot width of 40 feet.*
7. *UDO Section 9.7.E.4 – Maximum cul-de-sac length shall exceed 300’ on street ‘F’ only as necessary to preserve environmental and topographic features.*

Applicant’s Justification:

Bryan referred the Board to the Applicants Justification included in packet as Attachment B

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 (ultimately a 4-lane divided road; developers responsible for improving to 3-lane undivided section). This would necessitate some widening and improvements along their frontage. They will dedicate the full R-O-W and construct the required road improvements along Eagle Rock Road. The development plan also includes a minor collector that includes bike lanes and sidewalks from Eagle Rock Rd to the stub on the eastern side of the property.

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.”

Brian referred to a framework map showing that the proposed development on the site meets the appropriate uses.



Staff Comments:

- Staff supports the proposed conditional district, with the following technical corrections
 - Technical Correction- Add hammerhead or turnaround at the western end of street ‘G’
 - Technical Correction- Based on the proposal, fee in lieu would not be required, note needs to be removed.
 - Technical Correction- Confirm water meter and cleanout placement per the City of Raleigh Water.

Comments/Questions following this presentation:

- Jimmena asked if there was only one outlet.
- Bryan replied yes.
- Bryan said we are excited for a turning lane from Wendell Falls Pkwy to southbound Eagle Rock Road as it is very much need.
- Mr. Duncan said the intention is not to give us a regret, instead they want to create something to be proud of in years to come. The layout and transitions are good, with a

wide main road to help with emergency vehicle access and it will add water services to other neighboring residents as well as widening the road to help with traffic.

- Chairman asked about a neighborhood meeting.
- Mr. Dunkin said we did plan one and there was no response. He said the development will be 80 ft away from any adjacent property.
- Ryan said that the exit shows future roadways
- Mr. Dunkin said for now there is only one way in and one way out. He also said that the entrance will have left and right turning lanes.
- Ryan asked about a TRC
- Bryan said that it went through the TRC process.
- Victoria said parking should be a concern in every development.
- Bryan said that is true for all neighborhoods.
- Michael said other neighborhoods have less homes.
- Chairman Swaim asked about the size of the homes & are the townhomes 3 stories.
- Mr. Dunkin said the townhomes will range from 1500 to 2500 sq. ft. and the single-family homes will be up to 3000 sq. ft.
- Chairman said the applicant keeps saying diversity, but he does not know what he means by that.
- Ryan said this seems like more and more of the same. Small lots and small homes and it's not the applicant's fault but no diversity exists. Ryan would like a bigger home someday.
- Jonathan asked when a landowner comes to them to sell is this what they ask for? What makes developers decide on these layouts?
- Mr. Duncan said their goal is to work with everyone to make something we can all be proud of in 10 years
- Chairman asked if anyone showed up at the meeting and whose opinions they got.
- Dunkin said the staff, the TRC and the Landowner.
- Bryan said this was the third revision taken to the TRC.
- Dunkin said no neighborhood feedback
- Ryan asked how the developer asks for the town's feedback.
- David said our Comp Plan is old and we are trying to improve it through conditional districts in appropriate locations, and that the town also did not like the first proposal .
- Ryan said until we have a new Comp Plan, we know that we would like something different and we need to take a step up for the residents of Wendell.
- Victoria agrees that we need more choices with bigger homes.
- Ryan about the UDO and the Town Board.
- David said we could ask the Town Board and that larger homes could be a condition.
- Ryan said we can do that.
- David said they could ask.
- Jonathan said conditions 5 & 6
- Citizen spoke about traffic and does like the 3 lanes exit that is being added. She mentioned that she added an addition to her existing home. She said she knows lots of homes are coming into the area and thinks that this area would be a good choice for this development but not Old Zebulon Road. She said people want diversity so a mix of homes would be good and larger lot sizes are better.
- Chairman asked why she built an addition

- Citizen replied that she and her family could not afford a larger home, so they added on to their existing home.
- Ryan Downey said that parking where they lived before was bad . He and his wife were renting and moved out of a development where there were townhomes and most of them were rentals and he feels townhomes will mostly end up being rentals.
- Chairman asked if someone could build an addition on to a home in this development.
- Bryan replied that probably not and because most HOA's would not allow an addition.
- Chairman said you can't build an addition onto a townhome.

Ryan made a motion to approve this item with staff comments as is,

Jonathan seconded the motion. Chairman asked for discussion

Brett said he was in favor

Levin said there is space for other types of developments, and he has lived in all types of homes and things that these options are good, and he is in favor.

Jimmena said she had no comments. Victoria said although she is concerned with parking she was in favor. Michael does not like these types of communities as they become inclusive and homeowners keep to themselves.

- Chairman asked David how they get in touch with the neighbors.
- David said there would be more letters and signs posted when this goes before the Town Board.
- Chairman made a motion to modify with the condition that neighbors be contacted.
- Chairman asked if the Harris house was part of the land grant from 1889, part of reconstruction?
- Jonathan seconded the motion; all were in favor and it passed unanimously.

At 9:05 Chairman asked for a recess

At 9:17 Meeting resumed

- Chairman Swaim asked about Tom Strickland
- Joy Strickland said he isn't well. She said she lives on 313 N. Pine St. and gave a brief summary and history of the property then said she would like to have it rezoned to allow a business to operate there.

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

5b ZM19-07– Zoning Map Amendment request to rezone two parcels totaling .61 acres [.21 acres (PIN #1784-71-2467) located at 313 N. Pine Street and .4 acres (PIN #1784-71-1388) located at 230 N. Main Street] from Residential-2 (R2) to Downtown Mixed-Use (DMX).

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:

Mrs. Joy Strickland

Petition:

The applicant has requested a change in zoning classification for properties located at 313 N. Pine Street (PIN #1784-71-2467) and 230 N. Main Street (PIN #1784-71-1388) from Residential-2 (R2) to Downtown Mixed-Use (DMX).

Item Summary:

These properties are located within the city limits of the Town of Wendell and are currently zoned R2. There is a service garage located at 313 N. Pine Street that was an auto repair business owned and operated by the Strickland family for many years before the Town adopted the UDO. After it's adoption, the property was zoned R2, which does not permit an auto repair shop, but the existing business was grandfathered in as a legal nonconforming use. Mr. Strickland continued to operate the auto shop for many years until he lost his sight and was not able to work anymore.

At this time, Mr. & Mrs. Strickland would like to rent out their service garage to a local mechanic to operate a small auto repair business, but since the nonconforming use has been abandoned for several years, the UDO will not allow a non-conforming use to be re-established. In order for the auto repair shop to conduct business again, they will need to rezone the property to a zoning district that allows that use. On the same block as the service garage, Wendell Baptist Church is zoned DMX-CU. Due to the proximity of the DMX zoning district, Mrs. Strickland is requesting to rezone her property at 313 N. Pine Street and the adjacent property at 230 N. Main Street, which is also owned by Wendell Baptist Church, to DMX. This will create a continuous DMX zone.

Justification:

The applicant lists the following reasons for rezoning the property from R2 to DMX:

"We have a financial need due to the fact that my husband is now in need of 24-hour care. Thomas ran an electrical automotive business at 313 N. Main Street before he lost his eyesight. The business had been grandfathered in, but this is no longer valid since he couldn't work and keep it going. The Planning Department recommended to rezone the property in order to start the business again."

Location and History:

This property is currently located in the Town of Wendell’s extraterritorial jurisdiction and is zoned Rural Agricultural (RA).

Project Profile:

<i>PROPERTY LOCATION:</i>	<i>313 N. Pine Street & 230 N. Main Street</i>
<i>WAKE COUNTY PIN:</i>	<i>1784-71-2467 & 1784-71-1388</i>
<i>ZONING DISTRICT:</i>	<i>Proposed DMX/ Current R2</i>
<i>CROSS REFERENCES:</i>	<i>N/A</i>
<i>PROPERTY OWNERS:</i>	<i>Thomas & Joy Strickland 240 N. Main Street Wendell, NC 27591 Wendell Baptist Church PO Box 187 Wendell, NC 27591-0187</i>
<i>APPLICANT:</i>	<i>Joy Strickland 240 N. Main Street Wendell, NC 27591</i>
<i>PROPERTY SIZES:</i>	<i>.21 & .4 acres</i>
<i>CURRENT LAND USE:</i>	<i>Storage & Institutional</i>
<i>PROPOSED LAND USE:</i>	<i>Commercial & Institutional</i>

Zoning District:

These properties are located within the town’s city limits and are zoned R2. The surrounding properties are currently zoned R2, R3 and DMX-CU. The DMX zoning district permits vehicle services- minor maintenance/repair with the following additional standards:

1. All vehicles, materials or equipment shall be stored within an enclosed building or outdoor storage with opaque fence or wall and restricted to the rear yard.
2. Storage yards shall be set back a minimum of 50 feet from any residential district. No stored vehicles may be visible from any property line.
3. Any operation which results in the creation of noxious vibrations, odors, dust, glare or sound is prohibited.
4. No vehicle may be kept or used for parts for other vehicles.
5. No vehicles may be stored for more than 30 calendar days without repair work.
6. Car washes must be approved by the City of Raleigh Public Utilities Department.

David referred to the Current Zoning Map to show requested Properties.

Comprehensive Plan:

The Wendell Comprehensive Plan defines this section as S-6 “Infill/Redevelopment Sector” in a Village Town Center.

The Comprehensive Plan states the “Existing urban/suburban development” with a fairly dense street grid are classified as S-6. This includes most of the built-out areas of Wendell around the historic downtown core. These areas are already urbanized and well served with infrastructure (roads, utilities, etc.), and access to services and amenities. Because these areas are already well provided for in terms of urban services, they are the most efficient and most attractive areas for redevelopment of underutilized sites or infill of vacant parcels.

The following community types and uses are appropriate in the S-6 sector: neighborhoods, downtowns, single-family and multifamily residential, commercial uses (retail and office), civic uses and light industrial uses.

David showed a Framework Plan Map.

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-6 Sector and is reasonable since the properties are adjacent to the DMX zoning district.*

Staff Recommendation:

Given the history of this site and the long-time non-residential use that was present until recent years, staff has no objections to the rezoning request. However, staff asks the Planning Board to keep in mind ALL uses which may be permitted in the DMX zoning district (beyond a vehicle service shop). A list of uses permitted in the DMX zoning district is included as Attachment B.

Comments/Questions following this presentation

- Michael asked if the church was okay this the rezoning.
- Victoria stated that she is a member of this church but is not involved with the rezoning.
- Chairman said he knows the past history of the applicants.

Jonathan made a motion to approve the item, Victoria seconded the motion all were in favor and the motion passed.

5c ZM19-08– Zoning Map Amendment request to rezone 23 acres (PIN #1784-69-5299) located at 0 Marshburn Road from Wake County Residential-40 (R-40) to Rural Agricultural (RA).

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

5d. 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:

Joshua Furr

Petition:

The applicant has requested a change in zoning classification for property located at 0 Marshburn Road (PIN #1784-69-5299) 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. The applicant is in the process of annexing this parcel and the adjacent parcel to the south. Any area annexed into the Town must be given a Wendell zoning designation. Since the adjacent parcel is zoned RA, the applicant is requesting to rezone the subject property to RA as well.

Justification:

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

“My goal is to:

- 1. Annex the land at 0 Marshburn to be in Wendell’s jurisdiction.*
- 2. Change the zoning at 0 Marshburn to conform with the same zoning as the adjacent property I own at 1408 Marshburn.*
- 3. Combine my two parcels into one.*
- 4. I would like to Connect to city water which is located in front of my house at 1408 Marshburn, I do not want the primary source to be a well.*

For the next few years my goal for this property is beautification and landscaping for my own enjoyment.”

Project Profile:

PROPERTY LOCATION: 0 Marshburn Road
WAKE COUNTY PIN: 1784 69 5299
ZONING DISTRICT: Proposed RA/ Current Wake County R-40
CROSS REFERENCES: N/A
PROPERTY OWNER: Joshua Furr
1408 Marshburn Rd
Wendell, NC 27591

APPLICANT: Same as Owner
PROPERTY SIZE: 23 acres
CURRENT LAND USE: Agricultural
PROPOSED LAND USE: Agricultural

Project Setting – Surrounding Districts and Land uses:

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

Zoning District:

This property is located in Wake County within the Town’s Urban Service Area and is zoned Wake County R-40. The surrounding.

David referenced a current Zoning Map

Comprehensive Plan:

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

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

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

David referenced the Framework plan for the area.

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 be consistent with the adjacent parcel with a Wendell zoning designation.*

Staff Recommendation:

Staff recommends approval of this rezoning request. The RA zoning district is the most comparable district to the County's R-40 zoning district.

Comments/Questions following this presentation

- David stated that the applicant is not in attendance as his wife had just given birth to their child.
- Chairman asked why they want to rezone this property.
- David replied to connect to water and the applicant may want to open a wedding venue in the future.
- Chairman asked will this affect other surrounding properties.
- Victoria asked would this force the town to get run sewer lines.
- David replied no, normally someone has to connect to both, if both are available, since sewer is not available at this time he can just connect to water.

Victoria made a motion in favor of this item; Jonathan seconded the motion and it was approved unanimously

5 e. Discussion and Action on the Stone Arbor Final Development Plan

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

Item Title:

Discussion and Action on the Stone Arbor Final Development Plan.

David said this is the final plan for Stone Arbor, David explained why it is coming back to them.

Specific Action Requested:

- That the Planning Board discusses and takes action on the proposed Final Development Plan for the previously approved Conditional District.

Applicant:

Arnold Huerta

Petition:

In accordance with the UDO, a Conditional District Final Development Plan must be approved by the Planning Board. The purpose of this approval is for the Planning Board to confirm that the Final Development Plan is in substantial agreement with the approved Master Plan and all its applicable conditions, following TRC's review. The Stone Arbor project, which would create 101 Townhome units just south of the Town Park, has reached this stage and is seeking approval.

Location and History:

This property is located within the corporate limits of the Town of Wendell and is zoned as a Neighborhood Center Conditional District (NC-CD).

On February 18, 2019 the Planning Board recommended approval for the Master Development Plan as part of the Conditional District. The Board of Commissioners granted approval of the Master Development Plan on June 24, 2019. The approval of the master development plan allowed the developer to proceed, under the conditions proposed by the developer and the Town. The full list of approved conditions is provided below.

Following approval of the Conditional District rezoning and the Master Plan by the Board of Commissioners, the applicant must submit a Final Development Plan to the Planning Board for approval. A final plan shall consist of a detailed set of construction plans that fully demonstrate compliance with all applicable construction regulations and provisions of the Town of Wendell and with all applicable performance criteria, conditions, and other requirements of the enacting Conditional District zoning ordinance. Following Final Development Plan approval, permits for the installation of infrastructure only (streets, utilities, etc.) may be issued for development of the site.

Approved Conditional District Conditions:

The approved Master Development Plan created 12 conditions, as follows:

1. Development will be in accordance with the approved site development plan.
2. All structures must be in compliance with the dimensional standards provided in the approved site development plan.

3. *Alley Section shown in approved site plan (20' edge to edge, inverted crown, in a 20' public access easement) shall be used within the development (privately owned and maintained).*
4. *Parking spaces located within the public right-of-way shall be maintained by the homeowner's association.*
5. *A recorded plat of recombination and all necessary city of Raleigh utility easements and right-of-way dedication shall be required prior to the approval of building permits.*
6. *Construction of public water, public sewer, private water, and private sewer main approval required prior to construction plan approval.*
7. *NCDOT minimum sight triangle for a stop condition of 70' x 10' shall be used where indicated on the preliminary site development plan.*
8. *Grading in the special flood hazard area will be permitted to allow for future connection to public utilities.*
9. *Townhomes shall be a permitted use within the proposed conditional district (No separate SUP required).*
10. *Townhomes units shall have a maximum front setback of 16' (30' for those that front along Wendell Falls Parkway).*
11. *On-street parking shall only be permitted within marked spaces, as noted on the Master Plan. Signage stating this requirement shall be provided along all entrances (existing and future) of the development.*
12. *The full right-of-way dedication for the extension of Landing View Drive shall occur prior to approval of the Final Development Plan for Phase 1 (to the northern property boundary).*

Staff Comments:

TRC has completed their review. Staff recommends approval of the Final Development Plan with the following condition:

1. *A street lighting plan for Wendell Falls Parkway (to be approved by NCDOT and Duke Energy) shall be provided to the Town of Wendell prior to Final Plat approval. The full right-of-way dedication for the extension of Landing View Drive shall occur prior to staff's approval.*

Comments/Questions following this presentation

- Ryan asked about the playground.
- David said it needs to be submitted.
- Ryan asked did they take care of the issue with the dumpster.
- David replied that it was settled.

- Chairman asked if it backed up to the park.
- David replied yes
- Victoria asked if it is ok for a playground to be near a storm water control area.
- David said we can ask for a fence which is usually standard anyway.

Ryan made a motion to approve this item with staff recommendations.
 Brett seconded the motion and it was approved unanimously.

5 f. Zoning Text Amendment to modify Chapter 12 of the Unified Development Ordinance (UDO) as it relates to requirements for murals.

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

Item Title:

Zoning Text Amendment to modify Chapter 12 of the Unified Development Ordinance (UDO) as it relates to requirements for murals.

Specific Action Requested:

- *The Planning Board is asked to review and consider making a recommendation on proposed amendments to Chapter 12 of the UDO as it relates to mural requirements.*

Applicant:

Town of Wendell

Item Summary:

In 2014, regulations for Murals were added to the Section 12.8Q of the UDO, based on a review of other municipalities' standards (including Cary, NC; Conway, SC; Durham, NC; Knightdale, NC; Los Angeles, CA; Matthews, NC; Portland, OR; Raleigh, NC; and Sanford, NC).

One such standard relates to the placement of murals. Currently, murals are not permitted on the primary façade of the building. The intent of this standard is to make the primary façade focused on the business use and direct any murals to side or rear facades. However, the Wendell Appearance Commission's work plan calls for the Commission to explore small mural projects aiming to give visual interest to mundane streetscape objects (see Attachment A for examples).

Staff does not wish to preclude these smaller art projects from being placed on a front façade. For this reason, staff is proposing to amend Section 12.8Q of the UDO to clarify that while front façade murals are generally discouraged, the Town Board may permit murals on the front façade of a structure so long as they are no more than 32 sq. ft in size.

Existing Mural Regulations:

Murals or Wall Art: A mural as defined in Chapter 19 of this ordinance is subject to the following regulations:

- 1. No mural shall be added to the primary facade of the building.*
- 2. Murals are not intended to be placed on residential structures or their accessory structures.*
- 3. The mural shall not extend more than six inches from the plane of the wall upon which it is tiled or painted or to which it is affixed.*
- 4. If the name of any business within the town's jurisdiction is included, it will be counted as a sign and must meet the regulations for signage.*
- 5. The proposed mural must be recommended by the Appearance Commission and the final decision made by the Board of Commissioners prior to any paint being added to the building to review for appropriateness. A certificate of appropriateness will be issued by the administrator if approved by the Board of Commissioners.*

Proposed Text Amendment

To Amend Chapter 12.8Q1 to read as follows (amended section is underlined):

“Signs Not Requiring a Permit – 12.8Q:

Murals:

A mural as defined in Chapter 19 of this ordinance is subject to the following regulations:

- 1. Murals are generally discouraged from being placed on the primary façade of a building. However, the Town Board reserves the right to approve a primary façade mural if it does not exceed 32 sq. ft in size.*
- 2. Murals are not intended to be placed on residential structures or their accessory structures.*
- 3. The mural shall not extend more than six inches from the plane of the wall upon which it is tiled or painted or to which it is affixed.*
- 4. If the name of any business within the town's jurisdiction is included, it will be counted as a sign and must meet the regulations for signage.*
- 5. The proposed mural must be recommended by the Appearance Commission and the final decision made by the Board of Commissioners prior to any paint being added to the building to review for appropriateness. A certificate of appropriateness will be issued by the administrator if approved by the Board of Commissioners.*

Statement of Plan Consistency and Reasonableness

- *Any recommended change, if deemed necessary, should be accompanied by a statement explaining how the change is consistent with the comprehensive plan, and is reasonable in nature.*
- *Such statements could refer to the general principles of the Comprehensive Plan, including but not limited to:*
 - o *Principle Number 1: “Preserve the small-town feel and historic character of the community.” OR*

- o Principle Number 2: “Protect and enhance the strengths of the downtown core, making the area a place to experience” OR*
- o Principle Number 5: “Promote Wendell’s attractiveness to businesses and people of all walks of life.”*

Staff Recommendation:

Staff recommends approval of the proposed zoning text amendment.

Comments/Questions following this presentation

- David said he wanted to amend the UDO to allow mural up to 32 ft.
- Chairman asked why 32 ft.
- Jonathan asked what defines a mural
- Michael asked would they still be approved on an individual basis
- Victoria asked could it be bigger
- David said it could be 50 ft
- Ryan said it could be a percentage of the facade of the space.

Victoria made a motion to approve the amendment but to allow up to 50 ft.
Jimmena seconded the motion. It was approved unanimously.