

**Planning Board Meeting
May 4, 2020
Minutes**

Members Present: Chairman Swaim, Jonathan Olson, Jimmena Huffman-Hall, Michael Firstbrook, Brett Hennington and Ryan Zakany, & Deans Eatmon.

Members Absent: Victoria Curtis & Levin Jones

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

Virtual Guests: Patrick Barbeau, John Callahan, Travis Tyboroski & Clyde Holt

1. Meeting Called to Order

Chairman Swaim called the meeting to order at 7:03 pm and recognized that a quorum (minimum of 5 members) was present.

Pledge of Allegiance was recited.

2. Adjustment and Approval of Agenda

Chairman Swaim asked for a motion to approve the Agenda
Jonathan Olson made said motion and Brett Hennington seconded the motion the Agenda was approved unanimously.

3. Approval of the Minutes

Chairman Swaim referred to the members of the Planning Board as to the minutes that the staff had prepared and asked if there were any revisions needed. There were none.

Chairman Swaim asked for a motion to approve the minutes Brett Hennington 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, Assistant Planning Director presented the following Administrative report to the Board
shown in *italics* below

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4a *CD19-09 – Introduction to a revised R4 Conditional District for properties located at 1320 & 1201 S. Hollybrook Road.*

Specific Action Requested:

- *That the Planning Board receive information on a proposed R4 conditional district request and provide feedback to the applicant.*
 - o *No action beyond initial feedback is requested by the Planning Board. This item will return to the Planning Board at a future 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:

Smith Edwards, LLC

Petition:

The applicant has requested to create an R4 Conditional District for 99.9872 acres of property within the parcels identified by PIN #1783-83-7560, PIN #1783-92-1299, PIN #1783-94-6022, PIN #1793-02-0954 and PIN #1793-03-4587. The proposed conditional district consists of a 290 single-family home subdivision, including club, pool and associated improvements, to be known as The Glen and The Meadows.

Item Summary:

On November 26, 2018, the Wendell Board of Commissioners approved a Conditional District Master Plan submitted by Fred Smith along S. Hollybrook Rd, for up to 310 single family homes. Following Master Plan approval, the project engineers (John A. Edwards And Company) began preparing Construction Drawings. However, based upon various factors including but not limited to wetland impacts, the developer chose to approach the town with a revised Master Plan rather than continuing with the existing one.

The revised Master Plan would remove approximately 23 acres of property from the western portion of the project and add an additional 7.45 acre parcel and connecting drive on the eastern side of the project. As proposed, the applicant's revised R4 conditional district would feature 290 single family homes (instead of 310). The effect of these changes is to reduce wetland and riparian buffer impacts and reduce road improvement requirements for the developer. The portion of the development north of S. Hollybrook Rd would gain an additional access point to Hollybrook but would lose the connection to Groves of Deerfield (this connection required a stream crossing). Outside of these changes, the development proposal is substantially similar to the approved master plan.

If the revised plan is approved, the applicant would seek to rezone the 23-acre portion that has been removed from the conditional district application to Residential-3 (R3) zoning district.

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

Bryan went over the purpose of a Conditional District.

Location and History:

Four of these properties are currently located in the corporate limits of the Town of Wendell and are zoned R4-CD, with the remaining 1 property located in the Town’s extraterritorial jurisdiction and is zoned Rural Agricultural (RA). An annexation request for the property in the ETJ has been submitted.

Project Profile:

PROPERTY LOCATION: 1320 S. Hollybrook Rd

WAKE COUNTY PINS: 1783837560, 1783921299, 1783946022, 1793020954, 1793034587

CURRENT ZONING DISTRICT: R4-CD/RA

CROSS REFERENCES: N/A

PROPERTY OWNERS: Smith-Edwards LLC
2505 Wendell Road
Wendell, NC 27591

Franeline Price
1425 S. Hollybrook Road
Wendell, NC 27591

APPLICANT: Smith-Edwards, LLC
2505 Wendell Road
Wendell, NC 27591

PROPERTY SIZE: 99.9872 acres

CURRENT LAND USE: Residential/Agricultural

PROPOSED LAND USE: Residential

Project Setting – Surrounding Districts and Land uses:

DIRECTION	LANDUSE	ZONING
North	Residential/Agricultural	R3/RA
South	Residential/Agricultural	RA
East	Residential/Agricultural	RA
West	Residential	R3/RA

Brian referenced the current Zoning Map

Proposed Conditional District Conditions:

The applicant is proposing to keep the approved zoning conditions 1-9 with new lot number references to be added (the subject lot numbers are highlighted). Zoning condition 10 was removed and replaced with a maximum lot count of 300 in keeping with the intent of the original approval. The 10 conditions for the proposed CD are as follows:

- 1. All single-family dwellings shall have a 5 ft. minimum side setback.*
- 2. A parking ratio shall be applied to the club house amenity site of 1/1,000 SF + 1/75 SF of water surface for the pool.*
- 3. Approval of the subject Conditional District is contingent upon formal acceptance and annexation of the subject parcels into the Town of Wendell. Absent annexation acceptance the Conditional District application will not be approved.*
- 4. All single-family dwellings shall have a 55 ft. minimum lot width (rather than 50 ft.)*
- 5. The development shall provide a minimum of 2,500 sq. ft. of open space per dwelling (rather than 1,750 sq. ft. of open space)*
- 6. That the club house lot amenities be completed prior to Phase 3 of the development plan.*
- 7. That the proposed Pump Station be screened from view from lot 293 and 294 with a Type A buffer (with the exception of an access drive). Existing vegetation may be counted towards this requirement.*
- 8. That a high visibility crosswalk and pedestrian crossing signs be installed to allow pedestrians to safely cross Hollybrook Rd, in adherence with any required DOT standards for the crossing design.*
- 9. That the subdivision planting requirement for abutting rear yards (described in Section 8.7 of the UDO) be applied to lots 299 through 307, which abut that 3.76 acre tract identified by PIN 1783816842.*
- 10. There shall be a maximum lot count of 300.*

Applicant's Justification:

Applicants Justification Statement added as Attachment

Public Utilities:

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

Streets:

The applicant will be responsible for making the required road improvements which include sidewalk, bike lanes, landscape area and curb and gutter.

Phasing:

The applicant has indicated that there will be 5 phases on this project. Phasing timelines will need to be updated

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

Bryan showed a Comprehensive Plan Map of the Area

Staff Comments:

- The applicant will need to revise their open space to meet the Town’s Active Open Space requirements (currently some sections are shown as fully active which don’t meet the Town’s standards for this category).*
- As proposed, the revised plan would reduce the amount of road improvements the Town would receive through this development.*
- The Town is now under contract with Smith Edwards, LLC for purchasing the western properties removed from the revised Conditional District for use as a public park.*

Comments/Questions following this presentation:

- Chairman Swaim asked if the applicant or a representative was present.
- Bryan replied that John Callahan, Clyde Holt and Travis Tyboroski are attending virtually.
- Jonathan said he wants to see parcel that the town will turn into a park on the North side of Hollybrook.
- Ryan said it abuts the playground in his development in Deerfield.
- Jonathan asked what the huge parcel in the middle on street is East of the Amenity Center.
- Applicant answered that there was a large house that would remain on the property.

- Bryan showed the parcel that was being annexed, Francine Price property.
- Ryan asked if the Amenity Center to be completed in phase 3 would be at the beginning or the end of this phase?
- Applicant replied that it depends, and he is not sure at this time.
- Chairman Swaim said he was happy that there are no townhomes in this proposed development.

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

Item 5a

Item Title:

CD19-05 – Discussion and Action on an R7 Conditional District for property located at 1425 Eagle Rock Road.

Specific Action Requested:

That the Planning Board considers the proposed R7 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 R7 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:

This is the second time that the applicant has come before the Planning Board for this project. At the January 2020 meeting, the Planning Board recommended approval of the R4 Conditional District. Due to the determination that a condition of a conditional district cannot allow a use that is not permitted in the base zoning district in some fashion, the applicant has resubmitted their request as an R7 Conditional District instead of R4. The only other changes to this project are that the number of single family homes went from 83 to 82 and the townhomes went from 85 to 90. The master plan and its associated conditions establish specific minimum lot sizes and widths. Thus, the reclassification to R7 does not impact the layout or design of the project in any way.

The applicant’s proposed R7 Conditional District will feature 82 single family homes and 90 townhomes. This project is located on Eagle Rock Road, about one quarter mile north of Wendell Falls Parkway. The R7 Conditional District is being proposed to be consistent with the comprehensive plan as an area where moderate intensity new development is appropriate and to allow for more housing options.

Bryan 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:	<i>1425 Eagle Rock Road</i>
WAKE COUNTY PIN:	<i>1773886927</i>
CURRENT ZONING DISTRICT:	<i>RA</i>
CROSS REFERENCES:	<i>N/A</i>
PROPERTY OWNERS:	<i>G&F Properties, LLC PO Box 767 Wendell, NC 27591-0767</i>
APPLICANT:	<i>Laura Holloman, The Spaulding Group, PA 1611 Jones Franklin Road, Suite 101 Raleigh, NC 27606</i>
PROPERTY SIZE:	<i>38.99 acres</i>
CURRENT LAND USE:	<i>Vacant</i>
PROPOSED LAND USE:	<i>Residential</i>

Project Setting – Surrounding Districts and Land uses:

DIRECTION	LANDUSE	ZONING
North	<i>Residential/Agricultural</i>	<i>RA</i>
South	<i>Residential/Agricultural</i>	<i>RA</i>
East	<i>Residential/Agricultural</i>	<i>RA</i>
West	<i>Residential/Agricultural</i>	<i>RR</i>

Brian referenced the current Zoning Map:

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 R7 (CD), and the maximum number of townhomes shall not exceed 53% 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:

Applicants Justification Statement added 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; developer is 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. The TIA is requiring a 250 ft. right turn lane from Wendell Falls Parkway onto Southbound Eagle Rock Road.

Phasing:

The applicant has indicated that there will be three phases 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 use

Bryan referenced Framework Plan Map.

TRC Review:

- *The applicant has addressed all Technical Review Comments identified to date. If the master plan is approved, the TRC would also review the subsequent final development plan (construction drawings).*

Staff Comments:

- *Staff supports the proposed conditional district.*

Comments/Questions following this presentation:

- Ryan asked about the cutout property and if the owners have been notified. Bryan said yes, they have been notified twice.
- Chairman Swaim said he is not a fan of townhomes.
- Jonathan asked at what phase will the road improvements be made. Bryan replied that they would be done before any building work will be taking place.

Jonathan made a motion to approve the rezoning from R4 to R7
Ryan seconded the motion.

Chairman said he does not think we should keep building townhomes and said he will vote no.

Jonathan Olson, Ryan Zakany, Brett Hennington, Jimmena Huffiman Hall & Deans Eatman voiced YES
Michael Firstbrook and Chairman Swaim voted NO.

Motion was passed 5 to 2

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

Item 5b

Item Title:

Discussion and Action on the Charthouse Self-Storage Final Development Plan.

Specific Action Requested:

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

Applicant:

Charthouse Holdings, LLC

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 Charthouse Drive Self-Storage project 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 Commercial Highway Conditional District (CH-CD).

On January 22, 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 6 conditions, as follows:

- 1. Section 8.11.E.11-Curbing/bioretenion options; no curb and gutter on proposed parking areas/islands for lot 4. Wheel stops shall be provided for all parking spaces and landscape islands.*
- 2. The Wendell Boulevard frontage requirements shall be determined at the time of the final development plan for lot 4. A 6' sidewalk will be installed at the edge of the ultimate right of way. Any additional right-of-way improvements along Wendell Boulevard (to include, but not limited to: curb and gutter, additional travel lanes, and bike lanes) shall be*

determined at the time of the final development plan for lot 4. Based upon approved plans in place at that time.

- 3. *Outdoor storage as a primary use shall be prohibited within lot*
- 4. *No on-street parking is allowed.*
- 5. *Section 2.2- Context Zone 2; Front Setback (Maximum) 100'. Eliminate the 100' maximum front setback requirement.*
- 6. *Section 2.3.A Streetscape Standards- Planting Strip. Eliminate the planting strip requirement along Wendell Blvd due to conflicts with NCDOT clear zone requirements.*

Staff Comments:

TRC has completed their review and the applicant has addressed all TRC comments. In staff's opinion, the final development plan is in substantial compliance with the approved Master Plan. As such, staff recommends approval of the Charthouse Self-Storage Final Development

Comments/Questions following this presentation:

- Bryan said that in the future they might eliminate this step he gave a history of the approval steps that this project. He said the fee in lieu has been paid to the town and the TRC has been approved.

Chairman Swaim asked if there were any questions.
There were none.

Michael Firstbrook made a motion to approve as written, Jimmena Huffman Hall seconded the motion. It was voted on and passed unanimously.

Item 5c.

Jeannine Ngwira, Planner I, presented the following report to the Board

Shown in italics below.

Item Title:

ZTA20-02– Discussion and action on a Zoning Text Amendment to Sections 2.3, 3.3 and 19.3 of the UDO to create a new Nursery & Garden Center use.

Specific Action Requested:

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

Applicant:

Town of Wendell

Item Summary:

Currently, a Nursery & Garden Center use does not exist in the Town's UDO. Since we have received an inquiry regarding where a Nursery & Garden Center would be permitted in the Town of Wendell, staff is proposing a text amendment to add this use and the zoning districts in which it can operate. The closest classification currently in place would be 'general retail' and 'outdoor storage as a primary use'.

Per the proposed definition, a 'Nursery & Garden Center' is an establishment primarily engaged in the retail sale of plants, flowers, sod, shrubs and trees, that may be grown in greenhouses or field grown, in addition to garden accessories and materials such as mulch and decorative stone intended for ornamental or landscaping purposes. This use may include a retail sales structure for the purpose of selling garden supplies and accessories. As proposed, the following additional standard will apply to all of the permitted zoning districts:

1. *Any outdoor storage of bulk items or aggregate materials (including but not limited to soil, sand, mulch, stone, landscape timbers, fertilizers, etc.) shall be located in a side or rear yard and be fully screened from view from any street right-of-way with plantings, walls or fences.*

Proposed Amendments:

1. *To amend Section 2.3 (Use Categories and Tables of Permitted Uses) to modify the Use Matrix titled Retail/Restaurants to include Nursery & Garden Center which will be permitted with additional standards in the RA, CH and M&I districts. (New text is underlined)*

Jeannine referenced the Use Categories & Tables of Permitted Uses

2. *To amend Section 3.3 (Additional Standards by Use) to include an additional standard for Nursery & Garden Center. (New text is underlined)*

3.3 - Additional Standards by Use

FF. Nursery & Garden Center (RA, CH, M&I)

1. Any outdoor storage of bulk items or aggregate materials (including but not limited to soil, sand, mulch, stone, landscape timbers, fertilizers, etc.) shall be located in a side or rear yard and be fully screened from view from any street right-of-way with plantings, walls or fences.

3. To amend Section 19.3 (Definitions) to include the definition for Nursery & Garden Center. (New text is **underlined**)

19.3 - Definitions

Nursery & Garden Center means an establishment primarily engaged in the retail sale of plants, flowers, sod, shrubs and trees, that may be grown in greenhouses or field grown, in addition to garden accessories and materials such as mulch and decorative stone intended for ornamental or landscaping purposes. This use may include a retail sales structure for the purpose of selling garden supplies and accessories.

Statement of Plan Consistency and Reasonableness

- Any recommended change to the zoning text should be accompanied by a statement explaining how the change is consistent with the comprehensive plan and is reasonable in nature.
 - In staff's opinion, the requested zoning text amendment is consistent with Principle # 4 of the Wendell comprehensive plan and is reasonable to diversify and increase the per capita tax base by providing more opportunities for business.
 - Principle # 4: Diversify and increase the per capita tax base. Provide for a diverse workforce with a broad range of skills, making Wendell a more self-sustaining community.

Staff Recommendation:

Staff recommends approval of the proposed text amendment request.

Comments/Questions following this presentation:

- Chairman Swaim said that we have two of these businesses now will they have to conform to these rules? Jeannine replied that Bridgers and Wendell Landscape Supply are not nursery and garden centers. This is just for the new ones.
- Ryan asked about the complete screening from the road. Bryan said we are open to suggestions.
- Jonathan said it will be challenging to have the products be fully screened or hidden from view.
- Chairman Swaim asked do we have an interest from someone for this type of business now? Bryan replied yes.
- Deans asked if this was not approved would they just be considered general retail? Bryan replied a specific use would be best.
- Michael asked if this was for commercial clients or homeowners. Bryan said one of each is interested.
- Michael said depending on the location screening would not be necessary.
- Chairman Swaim asked about the lady who sells flowers across from McDonalds. Bryan said she is considered a temporary use and not a nursery or garden center.
- Ryan said the verbiage should be changed to take out “fully screened”
- Chairman Swaim said he doesn’t want us to be Cary.

Ryan made a motion to approved with the definition change from fully screened to partially screened. Jonathan seconded the motion and it was approved unanimously.

Item 5d

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

Item Title:

ZTA20-03 Discussion and Action on a zoning text amendment to section 15.13 of the Unified Development Ordinance as it relates to the approval process for Final Development Plans.

Specific Action Requested:

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

Item Summary:

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

Conditional districts combine a map amendment request with an associated subdivision or site plan in a manner which supports flexibility and trade-offs. Procedurally, the marriage of the rezoning request with the subdivision plan means that conditional district development plans receive review and approval by the Planning Board and Board of Commissioners. When traditional map amendments are pursued rather than conditional districts, neither board participates in the review of the subdivision plan, since all aspects of the plan must confirm with the Town's adopted development standards.

Section 15.13 of the UDO outlines the procedures governing conditional district approval. Currently Conditional District Master Plans (referred to as a Preliminary Plan outside of a conditional district request) are reviewed by both the Technical Review Committee and the Planning Board, prior to Town Board approval. Once the Master Plan has been approved by the Town Board, the developer is free to begin developing a Final Development Plan (referred to as Construction drawings outside of a conditional district request).

A final development plan consists 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 approved master plan.

In order to streamline the review process (which has been highlighted by the difficulties in holding public meetings during the COVID-19 pandemic), staff recommends that the approval authority for the final development plan be changed to the Administrator, rather than the Planning Board. In this format, the Planning Director would evaluate the final development plan to determine if it is substantially similar to the approved Master Plan, much like the Administrator approves Construction Drawings after the Technical Review Committee has approved the Preliminary Plan (for development operating outside of a conditional district).

If the administrator determines that there are substantial changes (many of which are specifically outlined in Section 15.13 of the UDO), then the applicant would need to resubmit a revised Master Plan for the Planning Board and Town Board to approve.

Proposed Amendment:

*In order to permit administrative approval of final development plans, staff recommends amending section 15.13 to read as follows (Deletions are shown with strike-throughs. Additions are **bolded** and underlined).*

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

A Conditional District (CD) established according to the provisions of this section may depart from the strict application of the requirements of the town's general zoning districts, as outlined in Section 2.18, Conditional Districts. The CD alternative may allow uses which are not currently defined or contemplated by the Code. A primary purpose of this section is to provide standards by which such flexibility may be achieved while maintaining and protecting the public health, safety and welfare of the citizens.

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

B. General Requirements:

1. Applicant: Conditional District classification shall only be considered upon the request of the owners and/or their representatives of all the property to be included. A CD shall consist of land under unified control which may be planned and developed as a single development or as an approved programmed series of development phases by multiple developers. "Unified control" means that all land to be included within a CD shall be owned or otherwise under the legal control of the person or legal entity which has applied for a Conditional District. Such person or entity shall be legally capable of providing a commitment to the town that the CD development will comply with all documents, plans, standards and conditions ultimately approved by the town.

2. Standards of District to be Met: Within an approved Conditional District, no use shall be permitted except pursuant to the conditions imposed by the applicant on the Conditional District in the approval of the rezoning. The Board of Commissioners may impose additional reasonable and appropriate conditions or safeguards to serve the purpose and intent of this Section, and to preserve public welfare, and justice.

3. Content of Application:

a. A Conditional District shall consist of the CD Master Development Plan, individually, or in combination with a CD Final Development Plan; as well as any other plans, drawings, renderings, elevations, maps and documents specifically included as development documents for approval by the Board of Commissioners. The Master Plan, as a site specific Conditional Zoning Plan, is itself a condition of the Conditional District rezoning.

b. Master Development Plan: The development concept of all land areas encompassed by a Conditional District shall be adequately described by a Master Development Plan comprised of scaled drawings and associated reports. At a minimum, the Master Development Plan shall adequately describe:

i. The overall boundary and area of the district, including underlying zoning districts;

ii. *The general location, orientation and size of principal structures and associated parking areas; landscape and buffer areas; open space areas; the location, size and general treatment of environmentally sensitive areas; the general location and size of existing and proposed water mains and sewer trunk lines required to service the development; and general traffic routes (external and internal) to and from the development with major access points identified;*

iii. *Tabular data, including the range and scope of proposed land uses, proposed densities, floor area ratios or impervious surface ratios as applicable to development type; and land areas devoted to each type of general land use and phase of development;*

iv. *Full list of proposed uses consistent in character with the underlying zoning district;*

v. *A proposed development schedule if the project is to be phased.*

c. *Final Development Plan: All Final Development Plans shall conform to the general development concept of an approved Master Development Plan. 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.*

d. *In addition to the Master Plan, the applicant shall provide the exact land use classifications proposed for the Conditional District. Such use classifications may be selected from any of the uses, whether permitted, by right or conditional, allowed in the general zoning district upon which the Conditional District is based. Uses not otherwise permitted within the general zoning district shall not be permitted within the Conditional District.*

4. *Fair and Reasonable Conditions: The provisions of the CD Master Plan shall replace all conflicting development regulations set forth in this Ordinance which would otherwise apply to the development site. The Planning Board may recommend and the Board of Commissioners may attach reasonable and appropriate conditions including, but not limited to, the location, nature, hours of operation, and extent of the proposed use(s). Conditions and site-specific standards shall be limited to those that address conformance of the development and use of the site to this Ordinance and officially adopted plans and those standards and conditions that address the impacts reasonably expected to be generated by the development and use of the site. The applicant will have a reasonable opportunity to consider and respond to any additional requirements proposed by either the Planning Board or the Board of Commissioners prior to final action.*

5. *Decisions: Decisions by the Board of Commissioners shall be by majority vote, unless a valid Protest Petition in accordance with Section 15.19.C has been filed, in which case, a three-fourths majority vote of eligible members shall be required for approval.*

C. *Ability to Proceed: The applicant may proceed with development only after approval of the Conditional District Master Plan by Board of Commissioners. A simple majority vote of the Board of Commissioners is required when the Conditional District Master Plan receives a favorable recommendation from the Planning Board. When the Planning Board recommends against the Conditional District Master Plan, a supermajority, or four-fifths, vote from the Board of Commissioners is required for approval. A Conditional District*

Final Development Plan must also be approved by the ~~Planning Board~~ Zoning Administrator and the applicable plat must be recorded with the Wake County Register of Deeds. The development and use of all land within the Conditional District shall be in keeping with the approved Master Plan and all applicable provisions therein.

D. Approval Process:

1. The procedure for approval of the Master Plan shall follow the procedure outlined in the table in subsection H below and in Section 15.12, Map Amendments (Rezoning).

2. Following approval of the Conditional District rezoning and the Master Plan by the Board of Commissioners, the applicant shall submit a Final Development Plan to the ~~Planning Board~~ Zoning Administrator for approval. The Final Development Plan shall implement the Master Plan with any changes, additions and conditions required and approved by the Board of Commissioners. Following Final Development Plan approval, permits for the installation of infrastructure only (streets, utilities, etc.) may be issued for development of the site.

E. Final Approval by Stages: If so reflected on the Master Plan, the Board of Commissioners may allow the staging of final development. Each phase of development shall adhere to all applicable provisions and standards of this section and the applicable CD Master Plan.

F. Substantial Changes: Any substantial change to a Master Plan as noted below shall be reviewed by the Planning Board and approved or denied by the Board of Commissioners as an amended Conditional District.

1. The following changes to a CD Master Plan or subsequent Final Plan shall require approval by the Board of Commissioners:

a. Land area being added or removed from the Conditional District.

b. Modification of special performance criteria, design standards, or other requirements specified by the enacting ordinance.

c. A change in land use or development type beyond that permitted by the approved Master Plan.

d. When there is introduction of a new vehicular access point to an existing street, road or thoroughfare not previously designated for access.

e. When there is an increase in the total number of residential dwelling units originally authorized by the approved Master Plan.

f. When the total floor area of a commercial or industrial classification is increased more than ten percent beyond the total floor area last approved by Board of Commissioners.

2. All other changes to a CD Master Plan or subsequent Final Plan shall receive approval by the Planning Board Zoning Administrator. However, if in the judgment of the Planning Board Zoning Administrator, the requested changes alter the basic development concept of the CD, the ~~Planning Board~~ Zoning Administrator may require review and recommendation by the Planning Board, followed by ~~concurrent~~ approval by the Board of Commissioners.

G. Rescission of Conditional Districts: The Applicant shall secure a valid building or construction permit(s) within a 12-month period from date of approval of the Conditional

District unless otherwise specified. If such project is not complete and a valid building or construction permit is not in place at the end of the 12-month period, the Administrator shall notify the applicant of either such finding. Within 60 calendar days of notification, the Administrator shall make a recommendation concerning the rescission of the Conditional District to the Board of Commissioners. The Board of Commissioners may then rescind the Conditional District or extend the life of the Conditional District for a specified period of time.

H. Procedure:

APPLICATION	REVIEWING AUTHORITY	ACTION TO BE TAKEN	APPEAL AUTHORITY
Conditional District: Rezoning w/ Master Plan (16.5)	Administrator	Review submittal procedures and requirements. Review for completeness & code compliance. Issue Staff Report.	n/a
	Planning Board	Courtesy hearing, if requested	n/a
	Planning Board	Review and recommendation of Conditional District application	n/a
	Board of Commissioners	Public hearing	n/a
	Board of Commissioners	Grant Conditional District - or - Denial and Request for Rehearing	Superior Court
	<u>Planning Board Administrator</u>	Approve Final Development Plan	n/a

(Ord. No. 16-2016, § 2, 7-11-2016)

Statement of Plan Consistency:

- *Any recommended change to the zoning text should be accompanied by a statement explaining how the change is consistent with the comprehensive plan and is reasonable in nature.*
 - o *In staff's opinion, the requested zoning text amendment is consistent with Principle #5 of the Wendell comprehensive plan and is reasonable to streamline the development review process.*
 - *Principle #5: Promote Wendell's attractiveness to business and people of all walks of life. Emphasize the strengths of the Town's diverse population.*

Staff Recommendation:

Staff recommends approval of the proposed water allocation policy amendments, which would streamline the development process and permit board action for infill development during states of emergency.

Comments/Questions following this presentation:

- Jonathan asked what the original intent for the UDO process? Bryan said he was not sure, but it is redundant, if there are no changes, we should just skip this step.
- Deans asked if there was ever an instance where something like this has come before the Planning Board and had changed? Bryan replied no.
- Michael asked would there be more changes on zoning commissioners.
- Bryan said if other issues came up who would make the call?
- Chairman Swaim asked who is the Zoning Administrator? Bryan said he is for now but will change to the Planning Director when a new one is hired.
- Chairman Swaim said this takes the power away from the Planning Board and gives it to Zoning Administrator. It is Legislative to Administrative.
- Jimmena asked does this give builders chances to change things?
- Jonathan asked what was the impetus for this? Bryan said wait was already long and people are waiting even longer for this final step and if they make major changes they would come back to the board.
- Ryan said normally the process is not that long if there is a change. Bryan said major changes would bring it back regardless
- Jimmena asked for confirmation of who decides. Bryan replied, the UDO contains a list of things that are major changes. Zoning Administer can make decisions if other changes are significant.

Chairman made a motion to vote against this. Michael Firstbrook said no, Jonathan said no Deans said sound ok, Jonathan said he sees it as a safeguard and there is not a compelling reason to make this change. Michael Firstbrook said this will give too much power to one person and that it is a minor step and should be left in. Chairman Swaim said it is not necessary for this to change.

Motion to deny was approved:
Vote was 6 to 1

Chairman Swaim, Ryan Zakany, Jonathan Olson, Brett Hennington, Jimmena, Huffman- Hall, Michael Firstbrook Voted No

Deans Eatmon voted Yes

Item # 5e

Jeannine Ngwira, Planner 1, presented the following report to the Board
Shown in italics below.

Item Title:

Discussion and Action on the SPC Mechanical Final Development Plan.

Specific Action Requested:

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

Applicant:

SPC Mechanical Headquarters, LLC

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 SPC Mechanical project has reached this stage and is seeking approval.

Location and History:

The approved Corridor Mixed Use (CMX) conditional district master plan covers 20.03 acres of property within the parcel identified by PIN #1774-66-5953.

The approved Master Plan has approximately 10 acres of development with an office complex featuring a 27,000 square foot Office Headquarters, as well as 6 additional buildings totaling 40,000 square feet and 10 acres of protected wetland/open space. This project is located at the southwest corner of the intersection of Old Battle Bridge Road and Wendell Blvd.

On September 16, 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 December 9, 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 2 conditions, as follows:

- 1. Parking (modification to UDO Sec. 2.17 and 10.3):*
 - 1.1 Allow “Campus” Parking Layout (as shown on the Master Plan)*
- 2. Impacts within 100-year floodplain (UDO Sec. 8.5):*
 - 1.2 Permanent stormwater control measure(s) (“SCM”) are allowed within the 100-year floodplain in substantial compliance with the SCM boundaries shown on the accompanying Master Plan provided that any fill within the floodplain is compacted and protected from erosion and scour via an approved bank stabilization plan. The SCM is protected from the 100-year flood.*

Staff Comments:

TRC has completed their review and the applicant has addressed all TRC comments. In staff’s opinion, the final development plan is in substantial compliance with the approved Master Plan. As such, staff recommends approval of the SPC Mechanical Final Development Plan.

Comments/Questions following this presentation:

- Chairman Swaim asked why the change in moving the rubber stops?
- Patrick Barbeau (applicant) said they would only be removed is a large truck had to get through there.
- Chairman Swaim said he does not see a curb & gutter and asked Patrick what his thoughts were about this.
- Patrick said it is not as pleasing as cement, but the rubber bumpers are easier.
- Chairman said if they are approved than that will be ok.
- Bryan said there would help provide access for public works.

- Chairman asked if there were any questions for Patrick. He also asked if there were any other comments concerning the pond which is in the flood plain.
- Patrick said that SPC had to go to the state and they approved the pond. He said that rest is still the same, other than the dumpster being moved.
- Chairman Swaim said he rode his bike by the site and he was happy with the site. He saw that the fences followed the county's guidelines.
Brett Hennington made a motion to approve and Michael Firstbrook seconded the motion it was approved unanimously.
- Ryan asked about the staff supplying a count of how many townhomes have been approved in Wendell.?
- Bryan said we are less than 100 at this time and currently 96% of homes are single family dwellings. He also said that even after all that is proposed is build there will still be less than 15% townhomes.
Bryan also mentioned that they can't turn down developments for the size or the cost of housing in the plan.
- Ryan said his decisions are not based on the cost.

Bryan said the next Planning Board meeting is scheduled for May 18th and he went over the process of future meetings and that there is a backlog of development plans needing to go before the planning board. Bryan said some developers would like to use PowerPoint presentations. He also said that we do have some major items coming up

- Jonathan said he likes this format and we can have a small number of citizens here at a time.
- Chairman said he likes the public to be involved and wants to have people here in person.
- Bryan said it would be hard to manage a group of people outside waiting for a turn to come in.

Jonathan made a motion to adjourn,
Ryan seconded the motion. It was approved unanimously.
The meeting ended at 8:45.