

SPECIAL NOTICE

Due to the Declared State of Emergency in response to the COVID-19 Virus, the Town of Wendell has altered the traditional meeting process to accommodate and encourage positive public health practices. The Town is incorporating virtual meeting practices to continue the work of the Boards while taking proactive measures to maintain transparency and provide for public comment.

The public is encouraged to remain home and listen to the Planning Board meeting live by calling (919) 375-6880. No direct access to Town Hall will be allowed.

Any public comments for the June 1, 2020 Planning Board meeting shall be organized in advance. The public can submit their public comment to the Planning staff via email to bcoates@townofwendell.com or jngwira@townofwendell.com or submit a request to call in and teleconference during the Planning Board meeting by sending their name, address, and phone number to the planning staff via email or phone at 919-365-4448 by Friday, May 29th at 5 p.m.

Planning Board Meeting June 1, 2020 Minutes

Members Present: Chairman Swaim, Jonathan Olson, , Michael Firstbrook, Brett Hennington, Ryan Zakany, & Deans Eatman.

Members Absent: Jimmena Huffman-Hall, Victoria Curtis & Levin Jones

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

Virtual Guests:

On Item 5a. Brian Duncan from Spaulding Group PA
and Kirby LaForce of Carolina Land Group

Sid Baynes Property Owner and Chuck Corbett Representative of Betty Ray

For Item 5b: Applicants: Clyde Hoylt, Jon Callahan & Travis Tyboraski

1. Meeting Called to Order

Chairman Swaim called the meeting to order at 7:04 pm and recognized that a quorum (minimum of 5 members) was present.

2. Adjustment and Approval of Agenda

Chairman Swaim asked for a motion to add the Pledge of Allegiance to the Agenda & approve it. Ryan Zakany made the motion and Brett Hennington seconded the motion the updated Agenda was approved unanimously.

Pledge 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 Ryan Zakany made the motion, Deans Eatman seconded the motion and minutes were approved unanimously.

4. Administrative Reports

Chairman Swaim asked if there were any Administrative Reports.

There were none.

5. New Business

- 5a. Discussion and action on an R7 Conditional District for properties located at 815 Old Zebulon Road.

POTENTIAL ACTION: Recommendation to the Town Board.

- 5b. Discussion and action a revised R4 Conditional District for properties located at 1201 & 1320 S. Hollybrook Road.

POTENTIAL ACTION: Recommendation to the Town Board.

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

- 5a CD19-08 – Discussion and action on an R7 Conditional District for properties located at 815 Old Zebulon Road.*

Specific Action Requested:

- That the Planning Board consider 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:

Brian Duncan, The Spaulding Group, PA

Petition:

The applicant has requested to create an R7 Conditional District for 68.55 acres of property within the parcels identified by PIN #1794-15-7657, PIN #1794-05-6758, PIN #1794-25-6786, PIN #1794-16-1410, PIN #1794-05-2762 and PIN #1794-06-6233. The proposed conditional district consists of a mix of both single-family and townhome dwelling units.

Item Summary:

The applicant's proposed R7 conditional district will feature 174 single family homes and 146 townhomes. Based on their application, the applicant is proposing the R7 Conditional District in order to be consistent with one of the general principles in the Comprehensive Plan that says, "Provide for a range of housing opportunities." The applicant also references the Town's Framework Plan that identifies the area as located in the S-4 sector, where both single-family and multi-family development are considered appropriate.

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 the included properties are currently located in the corporate limits of the Town of Wendell and are zoned R3. The remaining two properties are in the Town's extraterritorial jurisdiction and are zoned Rural Agricultural (RA).

Project Profile:

PROPERTY LOCATION:

815 Old Zebulon Rod

WAKE COUNTY PINS:

*1794157657, 1794056758, 1794256786, 1794161410,
1794052 & 1794066233*

CURRENT ZONING DISTRICT:

R3/RA

CROSS REFERENCES:

N/A

PROPERTY OWNERS:

Aubrey Sidney Baynes & Ann Knott Baynes

PO Box 968

Wendell, NC 27591

Olde Heritage Builders & Realty, Inc.

PO Box 40

Zebulon, NC 27597

APPLICANT:

Brian Duncan, The Spaulding Group, PA

1611 Jones Franklin Road, Suite 101

Raleigh, NC 27606

PROPERTY SIZE:

68.55 acres

CURRENT LAND USE:

Vacant

PROPOSED LAND USE:

Residential

Project Setting – Surrounding Districts and Land uses:

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

Brian referenced the current Zoning Map Showing the Properties Outlined in Yellow

Proposed Conditional District Conditions:

The applicant is proposing 13 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 shall not exceed 45% of the total number of units - UDO 2.7 B.
a. Such multifamily dwellings may be front-loaded - UDO 5.10 B.*
- 2. UDO Section 9.7.E.4.- Maximum block length shall exceed 800' on Street 'C' as necessary to preserve environmental features.*
- 3. 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.*
- 4. Garage doors shall either contain windows or carriage style adornments.*
- 5. The use of vinyl-siding shall be prohibited, except for trim elements of the dwelling unit façade.*
- 6. UDO Section 2.7 B. 1.-The minimum lot size for single-family shall be 4,600 sq. ft.*
- 7. UDO Section 5 - Front-loaded single-family lots shall have a minimum allowed lot width of 40 feet.*
- 8. Adjacent to all existing single-family lots, a six-foot tall wooden privacy fence shall be installed, at the developer's expense. This fence will be maintained in perpetuity by the Homeowners' Association.*
- 9. A Type 'B' landscape buffer shall be installed along the eastern property line, more specifically adjacent to the following Wake County PIN(s): 1794352900; 1794350547; and 1794350314. This buffer area shall be owned and maintained by the Homeowners' Association in perpetuity and shall be thirty feet in width.*

10. A Type 'B' landscape buffer shall be installed adjacent to all existing single-family residences that face Old Zebulon Road. This buffer area shall be owned and maintained by the Homeowners' Association in perpetuity and shall be twenty feet in width.

11. UDO Section 9.7.E.4- Maximum cul-de-sac length shall exceed 300' on street 'B' as necessary to preserve environmental and topographic features.

12. McKenzie Ridge will have a Homeowners Association. The HOA will be responsible for the townhome's roofs, yard maintenance, and pest control.

13. The Town requires, pursuant to N.C.G.S § 160A-372, the dedication and construction of streets and rights of way, as shown in the approved Wendell Transportation Plan and Wendell Pedestrian Plan, to create conditions essential to public health, safety, and the general welfare. The developer recognizes this and would like to voluntarily offer a one-time contribution of \$100,000 to the Town of Wendell to be used in accordance with recommended improvements as outlined in the aforementioned Wendell Transportation Plan and Wendell Pedestrian Plan.

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 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 road improvements to Old Zebulon Road which include sidewalk, bike lanes, landscape area and curb and gutter.

A Transportation Impact Assessment was required for this project. The TIA recommendation from NCDOT congestion management recommends a left turn lane from Wendell Boulevard onto Old Zebulon Road.

Phasing:

The applicant has indicated that there will be phasing on this project, the current plan shows four phases.

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 referred to the Framework Map

Technical Review Committee (TRC) Comments:

The Technical Review Committee had comments on the street length, open space/amenity center details, buffers, site triangles and landscaping. TRC members had concerns that most of the traffic will converge at the intersection of Old Zebulon Road and Wendell Boulevard.

The applicant responded to the TRC comments by adding additional guest parking spaces, increased buffers, privacy fencing, landscaping, details on the proposed amenities and aligned a new entrance/exit on Old Zebulon Road that will align with a future road that will extend west to Marshburn Road.

The TIA recommendation from NCDOT congestion management has a left turn lane from Wendell Boulevard onto Old Zebulon Road.

Statement of Plan Consistency and Reasonableness:

Any recommended change to the zoning map should be accompanied by a statement explaining how the change is consistent with the comprehensive plan and is reasonable in nature.

In Staff’s opinion, the requested conditional district is generally consistent with the recommended uses and development types outlined in the Wendell Comprehensive Land Use Plan for the S-4 sector and is reasonable as it is consistent with Principle #6: “Provide for a range of housing opportunities including upscale housing, senior housing, and downtown living choices”.

Staff Comments:

- *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.*
- o *The turn lane improvement along Wendell Boulevard recommended by DOT*
- *The applicant has a total of 44 on-street parking spaces on either side of the Townhome section (146 TH units).*

Comments/Questions following this presentation:

- Bryan said the project was proposed as R4 but now it is proposed as R7 because of the Townhomes, attorney interpretation concluded that any project with a mix of townhomes and single -family homes need to request R7 zoning.
- Deans asked Bryan about the phasing for the project
- Bryan replied showing phases with a mix of Townhomes and Single-Family homes in each phase.
- Chairman asked for questions.
- Ryan asked about the Disc Golf Course
- Bryan referred this question to the applicant.
- Brian Duncan replied that the TRC had concerns about there not being enough space for this, so it was removed from the proposal.
- Chairman asked about the property decreasing in density.
- Brian Duncan said this area will be dense, but the outlying area will be less dense.
- Deans asked about the Type B Buffer.
- Bryan Coates explained that a type buffer contains a mix of trees and shrubs.
- Deans said it looks like an alley on the plans.
- Brian Duncan replied that it is buffer between the backyards of the townhomes.
- Chairman Swaim asked for the PowerPoint presentation
- Brian Duncan presented the PowerPoint, went over the conditions, spoke about the high-quality plans and the HOA for this development.
- Brian Duncan said the HOA will be responsible for the Townhomes and spoke about the demographic of a Town Home buyer and the positives of having townhomes in a development, he said the cost for one will be about \$252,000. He also said the they have made improvements and concessions such as additional parking, buffers and they have added an additional entrance for emergency vehicles. They are also making a \$100,000 contribution for additional future road improvements. He then asked if there were any questions.
- Chairman Swaim mentioned that he thinks a crosswalk costs about \$32,000 and that \$100,000 will not go that far.
- Chairman Swaim asked that the emails the Board received be part of the record.
- Mr. Baynes said that this property will be developed at some point, he lived in Wendell and he loves Wendell. He said he has had many offers for his property and that this one is the best. It offers higher-end homes as well as buffers and open space and that higher density is more efficient that sprawling development. He asked that the Board make their decision based on facts and not feelings. He asked if there were any questions for him.
- Ryan asked if the home sizes are still the same.
- Brian Dunacna replied Townhomes will be 1800 to 2700 sq. ft. and the Single-Family Homes would be 2000 to 3000 plus sq. ft.
- Chairman Swaim asked what is the median square footage of a Townhome in Wake County?

- Bryan Duncan said he did not know the answer to that question.
- Ryan said the developers will be building sidewalks on the property that abuts Old Zebulon Road, correct?
- Bryan confirmed that they will only construct sidewalks along the property of the proposed development.

Chairman asked for a short recess at 7:42 pm

Meeting was back in session at 7:50 pm

- Ryan asked if utility work would encroach on the existing property.
- Bryan replied the plans show the utilities using the existing ROW and accessing the property from the south.
- Jon asked if a right turn lane should be installed.
- Bryan replied that the TIA shows a left turn lane from Wendell Blvd onto Old Zebulon Road.
- Chuck Corbett, Representative of Betty & Chad Ray, said he said he thinks this is a good project for Wendell and think that the developer has a good plan, this the right fit for this parcel. He asked if anyone had questions for him.
- Chairman asked Chuck if he is a relator and if he is the one for this project? He said he should disclose this up front.
- Mr. Corbett said yes and that Wendell downtown is doing good this will be the right push for it.
- Chairman asked for motions.

Ryan made a motion to approve. Brett seconded this motion.

- Ryan said they have increased the parking; he likes the amenities and that they will be done during Phase One and it works with the density.
- Brett said it is nice to have a development near downtown. This will help with transportation improvements.
- Jon said he is concerned about the traffic, but he likes that turning lane and he asked when that will happen?
- Bryan said it will happen before the building permits are issued.
- Jon said that will help traffic.
- Michael said he does not understand how this prevents sprawl.
- Bryan replied that density reduces the pressure for land further out of town from being converted from farmland to development.
- Chairman said he believes someone should be able to do what they want with their land, but he is not a fan of little bitty houses on small lots.

Vote count was: 4 – Yes (Ryan Zakany, Jon Olson, Brett Hennington & Deans Eatman)
 1 – No (Michael Firstbrook)
 1 – Abstain (Chairman Swaim)

Staff originally thought the motion failed, but after consulting the Town Attorney it was determined that the motion passed.

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

Item 5b

Item Title:

CD19-09 – Discussion and action a revised R4 Conditional District for properties located at 1201 & 1320 S. Hollybrook Road.

Specific Action Requested:

- *That the Planning Board consider the proposed R4 Conditional District request and make a recommendation to the Town Board to include a statement of comprehensive plan consistency and reasonableness.*

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 road crossing that would impact wetland and riparian buffers. 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).

The Overall Site Plan is included as Attachment A (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:

<i>PROPERTY LOCATIONS:</i>	<i>1320 S. Hollybrook Rd</i>
<i>WAKE COUNTY PINS:</i>	<i>1783837560, 1783921299, 1783946022, 1793020954, 1793034587</i>
<i>)</i>	
<i>CURRENT ZONING DISTRICT:</i>	<i>R4-CD/RA</i>
<i>CROSS REFERENCES:</i>	<i>N/A</i>
<i>PROPERTY OWNERS:</i>	<i>Smith-Edwards LLC 2505 Wendell Road Wendell, NC 27591</i>
	<i>Franceline Price 1425 S. Hollybrook Road Wendell, NC 27591</i>
<i>APPLICANT:</i>	<i>Smith-Edwards, LLC 2505 Wendell Road Wendell, NC 27591</i>
<i>PROPERTY SIZE:</i>	<i>99.9872 acres</i>
<i>CURRENT LAND USE:</i>	<i>Residential/Agricultural</i>
<i>PROPOSED LAND USE:</i>	<i>Residential</i>

Project Setting – Surrounding Districts and Land uses:

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

Bryan referenced a Current Zoning Map

Proposed Conditional District Conditions:

The applicant is proposing to keep the approved zoning conditions 1-9 with new lot number references added. 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 interior lot single-family dwellings shall have a 54 ft. minimum lot width and all corner lots shall have a minimum 60ft. 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 229 and 230 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 242 through 250, 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 B.

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 Referenced a Framework Plan Map

Technical Review Committee (TRC) Comments:

The Technical Review Committee has completed their review of the applicant’s Master Plan and the applicant has made corrections based on their comments. Additional review would occur upon submittal of construction drawings (final development plan for conditional districts).

Statement of Plan Consistency and Reasonableness:

- *Any recommended change to the zoning map should be accompanied by a statement explaining how the change is consistent with the comprehensive plan and is reasonable in nature.*
 - *In Staff's opinion, the requested conditional district is generally consistent with the recommended uses and development types outlined in the Wendell Comprehensive Land Use Plan for the S-4 sector and reasonable due to its consistency with the surrounding residential zoning districts.*

Staff Comments:

- *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:

- Ryan asked if they would lose connection to the Groves, what can be done in the future? Any designs for the park at this time?
- Bryan said no design park plans yet, and a connection to the groves neighborhood is not part of the revised plan.
- Chairman Swaim asked that the emails they received be part of the record.
- Chairman Swaim asked if Travis, the applicant, had anything to say.
- Travis said he thanks the town for working with them as far as the TRC and other planning resources. He thinks this is a good plan for the area.
- Ryan asked what size the proposed homes would be.
- Travis said the intended size of the homes would be 1300 to 1800 Sq. Ft.
- Chairman asked if the lot sizes would be 55 ft.
- Travis replied 54-60 ft lots.
- Chairman asked about 23-acre parcel.
- Bryan replied that the Town is under contract for the 23 acre future park land.

- Ryan asked if they already saw this proposal in May.
- Bryan said that was an introduction at the meeting on May 4th. He also said that a similar plan was approved in 2018.
- Chairman said there is a lot they do not know about this and asked when the next meeting will be.
- Jon asked what is our issue?
- Ryan said 1300 sq. ft. homes and he is not crazy about that.
- Chairman said there is a lot we don't know.
- Bryan said 23 acres to the West 1300 sq. ft. or larger and to the East 1800 sq. ft. or larger.
- Michael said the infrastructure around town concerns him, he lives on Hollybrook and the road is already not safe, and this will take away walkability. We need to improve the infrastructure first. Why don't we have sidewalks all the way down Hollybrook?

- Bryan said we are working to get sidewalks and bike lanes throughout Town, but it is very expensive.
 - Michael thinks we should make the town better before adding more people.
 - Brett said we need a developer to help pay for these improvements. As the town grows, we will get more money for improvements.
 - Bryan said we are looking for ways to make improvements.
 - Deans said putting improvements before reasons to improve is backwards.
 - Chairman talked about during the Blizzard of 1993 his wife wanted to take their baby for a walk but there were not sidewalks that was 26 years ago and there are still no sidewalks.
 - Chairman said there is a lot we don't know, lets table this until our next meeting.
 - Brett seconded this.
 - Jon asked if there were any questions.
 - Ryan said he wanted some clarity on the Covenants.
 - Jon said the draft of the transportation plan needs a road to Eagle Rock and he thinks it is time for the town to focus on our infrastructure.
- Vote was called to table this until next meeting and it passed unanimously.

Chairman asked if there was any unfinished business and asked for his gavel back.
 Michael asked when we will go back to regular meetings.
 Bryan replied that he did not know.

Jonathan Olson made a motion to adjourn
 Michael Firstbrook seconded the motion.

Motion passed unanimously.

The meeting was adjourned at 8:41 pm.

Bryan Coates

From: Sid Baynes <baynesandcompany@nc.rr.com>
Sent: Friday, May 29, 2020 4:21 PM
To: Bryan Coates; Jeannine Ngwira
Cc: Kirby LaForce
Subject: Planning Board Letter Carolina Land Group Project

Please use this letter as the earlier one contains a typo. Thanks.

Sid

May 29, 2020

Aubrey Sidney Baynes
3900 Wendell Blvd.
P. O. Box 968
Wendell, NC 27591

Planning Board
Town of Wendell
15 E. Fourth Street
Wendell, NC 27591

Dear Chair and Board Members:

My name is Sid Baynes. My wife Ann and I live at 3900 Wendell Boulevard and own two of the tracts that are included in the proposed McKenzie Ridge development located on Old Zebulon Road. As background for your discussion and decision, I thought that it would be helpful to explain why we decided to sell our property for the purpose of development and why we chose Carolina Land Group and the proposal before you.

This property has been in Ann's family for about eighty years. She and I grew up in Wendell, have spent between six and seven decades living here, and do not plan to leave. For many years my dream was to build a large home on a large lot in the middle of this property and surround it by other such homes and lots. My life experiences, education, and studies of development patterns have led me to understand that this dream is in many ways impractical and not in the best interest of Wendell, the town I love. I am now a firm believer in compact, sustainable development rather than the unsustainable sprawl associated with my early dream.

Compact and sustainable developments are simply those that allow growth in general to continue for long periods of time. They benefit all aspects of the economy and population, are much more environmentally sound, and do not fill up the landscape with disjointed sprawl that cannot be sustained. Sprawl on the other hand is less well planned across the community, eats up much more living space per person, is more dependent on automobiles and travel, creates more traffic problems, destroys more natural habitat and farmland, takes potential customers away from downtowns, and greatly increases costs to homeowners and municipalities.

I have had these facts verified through my studies to obtain three degrees in various areas of natural resources conservation and over thirty years as a professional natural resources researcher, manager, educator, and administrator. Also, I was elected to the Wendell Town Board on a platform of sustainable development. Among other involvements, I served as chair of the UDO revision committee which expanded sustainable growth regulations, served on the Wake County Stormwater Management Task Force which developed the ordinance that we now use, and served on the Wake County Rural Traffic Study Group which looked at the area's future traffic needs, and the Wendell Housing Diversity Task Force which concluded that the town needs more developments like the one being proposed by Carolina Land Group.

After having been contacted by a surprisingly large number of developers over the past few years and fifteen months ago finding three serious proposals on my desk at one time, Ann and I felt that we should consider a sale of the property. (We continue to get offers even though the property is under contract.) Also, we knew that this land is now infill because it has been surrounded by development; that with its being zoned RA, the UDO indicates that it is really in a holding pattern for future development because it no longer exists on a perimeter of the town; that the infrastructure already exists to connect the property to the town; and that adjacent properties have already been approved for development and annexed into the town. Therefore, the question was no longer whether or not our lands would be developed, but when and how. We chose to move forward while we had some control over the process.

Carolina Land Group became our developer of choice. We chose them because their proposal meets our desire to see a new type of family and environmentally friendly neighborhood. Elements we considered were their interest in compact and sustainable development, the fact that they are a local company with local control, local funding, and a commitment to local subcontractors. They were willing to promise quality homes that will be above Wendell's current per home value. Additionally, they promised buffers and fencing to protect existing property owners, protections for open space and natural areas, and numerous amenities. Also, Kirby LaForce, a partner with this group and the individual handling this development, proved to know our area well and be honest in his dealings regarding this matter.

While I sincerely appreciate your concerns regarding the best interests of Wendell, I am just as sincere in my conviction that the proposed development on this property will be very good for Wendell. I think that the problems that you perceived at the last meeting were premature. Please study this proposal in view of the location of this property, the surrounding developments, the elements of the project, and the value of compact and sustainable development. As you do this, I believe your concerns will be satisfied. Also, Wendell must continue to grow the historic portion of the town in addition to outlying areas or we could easily reach a situation where both the tax base and political base of the town are out of balance. Without such balance the town could realize the fear of becoming two Wendells, with citizen rivalries and dissatisfactions creating great problems. Also, please consider that the task before you should not be measured by your personal likes and dislikes, but by the limits and parameters of Wendell's UDO and plans. This development meets or exceeds all of these established standards. To require more will go against the intent that these documents have for providing fairness and equality to citizens, landowners, and developers. In addition it could shut the door on future development and progress here.

In conclusion, those who chose to clear land and develop or move into an area and then depend on the benevolence and undeveloped lands of their neighbors to supply their buffers and personal recreation must consider this as temporary and should not be surprised or overly upset when the development they began comes to the neighbor's lands. I understand the desire for a place of

solitude and “get away”. We began to lose ours thirty some years ago when we suddenly found our granite outcroppings, small pond, woods, and beaver pond in the backyards of our new neighbors whose cleared yards extended right up to our boundaries. We welcomed these new neighbors graciously, considered them friends, and have shared our lands with them. Our best option now is to let our lands be developed by Carolina Land Group in the manner proposed, and we trust you to help us by approving this project and moving it along to the Town Board. This new neighborhood will not only benefit my children and grandchildren, but also the entire future of Wendell.

Thank you for your favorable consideration.

Sid

Sid Baynes

Town of Wendell Planning Board

Meeting Monday, June 1, 2020

5. New Business

5b. Discussion and action a revised R4 Conditional District for properties located as 1201 & 1320 S. Hollybrook Rd.

By letter dated May 11, 2020, the South Hollybrook Road Property Owners received a letter from Clyde Holt of Fox Rothschild, LLP, stating that on behalf of Smith-Edwards, LLC, owner of the planned Meadows and Glen at Hollybrook residential community on South Hollybrook Road, he was advising owners that a master plan for the community was approved by Wendell in 2018, with which I disagree. I attended the Board Meeting on November 13, 2018, and per the minutes, conditions were stated before approval, i.e. setbacks; parking spaces for pool; specific requirements for buffers on specific lots; and a minimum 55 ft. lot width (rather than 50 ft.), among other conditions.

The new submitted plan removes a 23-acre tract and it is replaced by a 7-acre parcel that is not owned by Smith-Edwards, LLC, but is apparently under contract with the current owner, possibly contingent on the approval of the new subdivision. Per the minutes of the November 26, 2018, Board Meeting, "Fred Smith stated that the 310-lot plan is subject to staff approval of lot layouts. Smith stated there would be minor changes." The ACTION: of this meeting "Mover: Mayor Pro Tem Jon Lutz moved to approve the R-4 Conditional District based on the extending of the buffer along the property discussed, reducing the lot size, number of lots to 310, with the general layout remaining the same. If not, it will be brought back before the Board, contingent upon the motion for the approval of annexation, Planning Board and Staff review. Vote: Unanimous." That was the last action on this plan that I have been made aware of until now with all these major changes being submitted for approval referencing the original plan.

I do not think replacing this new plan with the old one, where lots are so different you cannot even match up buffer requirements from the original plan, are minor changes. I think the letter we received was misleading and many recipients will not even question the facts stated in the letter. He is stating the new plan has 16 fewer acres but only reduced the number of homes by 10, but is actually 20 less lots with the new Master Plan showing a total of 290 lots, which is still way too many additional homeowners. He also stated "The addition of the eastern acreage allows for an expanded recreation area . . . "when actually the new club lot contains 64,382 square feet and the original club lot contained 151,791 square feet – even though the actual pool and club house may be larger. Parking seems minimal with larger facilities to accommodate more people and the inclusion of the mail kiosk to be located on this property. "The new entrance is further from the 90 degree curve on Hollybrook than was originally designed" but he

states that the 23 acre tract that was in the original plan is under contract for the Town to purchase as a public park this summer or fall – will the entrance for the new park be on Hollybrook Road?

Traffic was a major issue in the previous meetings and even though at least 10 less homes are being proposed for the Meadows and Glen at Hollybrook, at least 35 new homes have closed in Deerfield since November 1, 2018, all using Hollybrook as a means of ingress/egress. The only way for all these new homeowners to get through Wendell is to take Wendell Boulevard or to snake through East Haywood, or possibly Forestville, to Cypress, West First Street to get over to Wendell Falls Boulevard, and now we are also adding a park. How safe will it be for children to have access to the park in the 90 degree curve at Angleview? Enough cannot be said regarding the traffic impact that will be created in the town, not to mention the additional proposed 300+ new homes being considered on Old Zebulon Road.

Mr. Holt states that substituting the 23 acres for the 7 acres “would minimize disruption of the natural riparian area and allow for a meaningful “buffer” between residential neighborhoods developed at differing densities.” He does not mention that putting the backyards of now 6 homes (it was 5 in the first draft we received) beside our home that was built by my father, Jimmie Greene, on my grandmother’s farm, Daisy Wootton, established in 1985, where we raised our children will definitely disrupt the use of our property and devalue it immensely. I cannot find a subdivision around Wendell that has the back of that many homes adjoining an established home, not to mention that the width of some of the lots are only 54’, not the 55’ as required by the condition stated in the minutes dated November 13, 2018, and as shown on the Master Plan dated October 22, 2018. We were assured by Town Attorney Cauley at this meeting that the restrictive covenants on the original tract purchased from Robert Price by Deed recorded in Book 11890, Page 1155, with covenants being repeated in the subsequent deed from Randy L. Edwards and wife, to Smith-Edwards, LLC recorded in Book 12538, Page 1623, requiring “all residences constructed to the east of said branch shall contain and minimum of 1,800 square feet of heated living area” would remain in place. Fred Smith stated that the covenants allow for a minimum of 1,300 square feet up to over 1,800 square feet. Some of the new proposed lots in the land mentioned above are only 6022 square feet (.138 acre) and will require the 1,800 minimum square feet of heated living area. He also confirmed at this meeting that the developer is actually Fred Smith Company and the Owner is Smith-Edwards, LLC.

As I discussed with Mr. Holt on the phone on Thursday, May 21st, at his request, I understand that this property was purchased to develop, but that as expressed by the Board in the January 21, 2020, Planning Board Meeting Minutes on another proposed development, density needs to be controlled in Wendell, the roads need to be upgraded or new roads built to accommodate all the additional traffic and nicer homes need to be built on larger lots. Homes need to be set back from Hollybrook, not built right up to the right of way and if you will look at the plan, the current home on the land on a 140.2 foot +/- lot to potentially be acquired by Smith-Edwards, LLC is surrounded by two 55’ lots. What are the minimum setback requirements for a detached garage in the Town of Wendell that is currently located on the established lot?

I will never be happy with the current plan and the six lots backing up to our home. This was never in the first plan reviewed by the Planning Board nor the Board of Commissioners, since this 7-acre tract was not originally included. Mr. Holt offered to meet with us to discuss buffers, fences, etc. so that we would not be looking into five back yards which has now turned into six lots, Lots 22 - 27. I declined during our initial conversation and this first meeting has been scheduled only a little over a week from that discussion. As stated in the November 26, 2018, minutes by the then Planning Director, David Bergmark, when I questioned the lack of any type of berm connecting all the lots that are adjoining my dad's (Jimmie Greene) 30 +/- acres, he stated that it did not meet the requirement for a berm. He further stated; "There is generally no requirement for a buffer between residential and residential, with the exception of the rear-yard to rear-yard." Not that I would be satisfied with only that adjustment in this plan, I see nothing proposed at the back of all these lots adjoining our home to be used as a means of screening of any type. I sincerely hope that the Planning Board does not agree with Mr. Holt that these 290 lots are already approved by the Town (he and I did agree that we disagreed on this point) and that time and research will go into consideration of the new subdivision that has been recreated by Smith-Edwards, LLC and submitted for approval as a revision.

I think it is a good idea for developers to run their proposed subdivision plans by the Boards prior to actually purchasing the property, which is apparently what Smith-Edwards, LLC has done in this case, with regard to the 7-acre tract, still owned by Franceline Price. Attached to Mr. Holt's letter was a map showing that her property is "To Be Annexed", which application has to be completed by the owner and submitted to the Town Manager (the Planning Board does not make recommendation for annexation requests). After submission by the owner, the Commissioners will receive information from the Town Clerk, Planning Department Staff and applicant and all shall be reviewed at a public hearing of the Board of Commissioners. I assume the current owner has not started this process yet.

Respectfully submitted,

David and Judy Arnold
1429 South Hollybrook Road
Wendell, NC 27591

From: [Josette Downey](#)
To: [Bryan Coates](#); [Jeannine Ngwira](#)
Subject: Public Comments
Date: Monday, June 1, 2020 8:25:13 AM

Dear Planning Board

I ask that you do not approve the rezoning for 815 Old Zebulon. The reason why I am asking is I do not want any parts of the Baynes Subdivision to go forward.

I do not believe the developers are ones that can be trusted and are obviously putting profit a head of the citizens. As a voter, I ask that you take in the needs of your current citizens and tax payers before any future residents.

It is obvious that the developers do not care about the comfort or quality of life for the Wendell residents. Their plans still involve jamming as many houses as they can behind the residents of Old Zebulon. This will increase traffic problems, and cause safety issues. There are no sidewalks or speed bumps on Old Zebulon. During the pandemic I have come to understand the importance of both. My family has taken to walking around the neighborhood and have encountered speeding cars constantly. Allowing this subdivision to be built will increase the amount of speeding cars on our roads. Thus, putting my family at an increase risk. The developer is not offering to build sidewalks on Old Zebulon. He is not offering to add speed bumps. No he only want to add cars.

Increase traffic, will also increase the necessity of widening the road. Which means the current residents of Old Zebulon will be asked to forfeit parts of their property for such a project. It will not be the developer. A Cary company. It won't be the residents of Baynes Subdivision. No it will once again the residents of Old Zebulon who will lose out.

Also, the developer has shown a complete lack of respect for the residents of Old Zebulon. During the pandemic, I had to deal with surveyors congregating right up against my fence, putting my family at risk- keeping my family from being able to walk into our backyard. These surveyors were smoking and blowing such smoke into my yard, potentially spreading the virus. They were not practicing any social distancing guidelines. If these developers can't even show any concern to the residents during a major health crises, it is obvious they will take no considerations for our wellbeing.

Will they be demanding to tear up our yards to connect their power lines? Sewer systems? Will they show us any respect during the construction project? We voiced so many concerns to these developers during the meeting and they took not one of our concerns into consideration. No, this Cary company only cares about money.

So please tell these Cary Developers No.

Josette Downey

Bryan Coates

From: Kirby LaForce <CarolinaLandGroup@outlook.com>
Sent: Monday, June 1, 2020 10:50 AM
To: Bryan Coates
Subject: RE: Public Comments

Thanks Bryan. Please note that Ms. Downey's fence encroaches twenty-six (26') feet into Betty Ray's property.

Kirby LaForce
Partner
Carolina Land Group, LLC
341 Kilmayne Drive
Ste. 201
Cary, NC 27511
Mobile: (704) 608-3085
Email: CarolinaLandGroup@outlook.com

From: Bryan Coates <bcoates@townofwendell.com>
Sent: Monday, June 1, 2020 10:37 AM
To: Brian Duncan <brian@spaulding-group.com>; Kirby Laforce (carolinalandgroup@outlook.com) <carolinalandgroup@outlook.com>
Subject: FW: Public Comments

FYI

From: Josette Downey <jmd0131@hotmail.com>
Sent: Monday, June 1, 2020 8:25 AM
To: Bryan Coates <bcoates@townofwendell.com>; Jeannine Ngwira <JNgwira@townofwendell.com>
Subject: Public Comments

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