

Planning Board Meeting
July 20, 2020
Minutes

Members Present: Chairman Swaim, Levin Jones, Jimmena Huffman-Hall, Brett Hennington, Ryan Zakany, Jonathan Olson & Deans Eatman.
Cande Killian Wood- attended virtually.

Members Absent: Michael Firstbrook

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

Virtual Guests: On Item 5a. Tom Spaulding, of Spaulding & Norris-Applicant

For Item 6a. Charlie Yokely of DR Horton
& David Arnold of Nau Company

For Item 6b. Amanda Bambrick- Applicant
Wyatt Bone-Applicant

Ashley Anderson & Richard Hibbits

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.

Welcome New Planning Board Member
Cande Killian Wood (Via Teams)

Pledge of Allegiance was recited.

2. Swearing in of Jonathan Olson

3. Adjustment and Approval of Agenda

Chairman Swaim asked for a motion to approve the Agenda. Jonathan Olson made the motion and Deans Eatman seconded the motion, the Agenda was approved unanimously.

4. Approval of the Minutes

4a From Planning Board Meeting – May 18, 2020
4b. From Planning Board Meeting – June 1, 2020

Chairman asked if all had read the minutes Jon Olson made a motion to approve the minutes that staff had prepared, Ryan Zakany seconded the motion and they were approved unanimously.

**Amanda Bambrick asked if she could present her own PowerPoint presentation?
Bryan replied yes.**

**Chairman Swaim introduced Cande and she gave a brief history, stating she has been involved with Charter School for 8 years.
Chairman said he & his wife started one years ago.**

5. Administrative Reports

Chairman Swaim asked if there were any Administrative Reports.

Bryan replied yes,

Item 5a.– Introduction to an R7 Conditional District for Harper’s Glen located between Morphus Bridge Road and Lions Club Road.

6. New Business

6a. Discussion and action a revised R4 Conditional District for Harmony Landing located along Edgemont Road.

POTENTIAL ACTION: Recommendation to Town Board

6b. Discussion and action on a Zoning Map Amendment request to rezone 50.63 acres (PIN #1774-72-4863) located at O Eagle Rock Road from Rural Residential (RR) to Residential-3 (R3)

POTENTIAL ACTION: Recommendation to the Town Board.

7. Old Business

7a. Blueprint Wendell 2030 Update.

Bryan Coates presented the following Administrative report to the Board shown in *italics* below.

Item Title:

5a

CD20-02 – Introduction to an R7 Conditional District for Harper’s Glen located between Morphus Bridge Road and Lions Club Road.

Specific Action Requested:

- *That the Planning Board receive information on a proposed R7 conditional district request and provide feedback to the applicant.*

- *No action beyond initial feedback is requested by the Planning Board. This item will return to the Planning Board at a subsequent meeting, seeking a recommendation. This will permit the applicant to make corrections identified by the TRC, as well as any necessary adjustments based on Planning Board comments.*
- *recommendation. This will permit the applicant to make corrections identified by the TRC, as well as any necessary adjustments based on Planning Board comments.*

Applicant:

Brian Duncan, The Spaulding Group, PA

Petition:

The applicant has requested to create an R7 Conditional District for 88.15 acres of property within the parcels identified by PIN #1793-27-0810, PIN #1793-29-4123, PIN #1793-17-7440 and PIN #1793-38-0878. The proposed conditional district will feature a mix of both single-family and townhome dwelling units.

Item Summary:

The applicant’s proposed R7 conditional district, Harper’s Glen, will feature 191 townhomes and 259 single family homes. Based on their application, the applicant is proposing the R7 Conditional District in order to be consistent with the general principal in the Town of Wendell Comprehensive Plan that states “Provide for a range of housing opportunities.” This community will give families the option of single family or townhome dwellings that feature maintenance-free yards and walkable amenities within the same neighborhood. This will allow a family to evolve without having to move out of their community regardless of the stage of life in which they currently find themselves.

Harper’s Glen will feature a variety of amenities including a pool, cabana, volleyball court, tot lot, playground and a dog park. According to the UDO, the open space requirement is 10.02 acres but the applicant is providing 18.50 acres of open space.

Bryan went over the purpose of a Conditional District.

Location and History:

The subject properties are located in Town of Wendell’s extraterritorial jurisdiction (ETJ) and are zoned R3CU, RA and R4. Annexation is required.

Project Profile:

PROPERTY LOCATION:

745 Lions Club Road, 753 Lions Club Road, 929 Jo Jo Drive, 0 Morphus Bridge Road

WAKE COUNTY PINS: 1793-27-0810, 1793-29-4123, 1793-17-7440 and 1793-38-0878
CURRENT ZONING DISTRICT: R4/R3CU/RA
CROSS REFERENCES: N/A
PROPERTY OWNERS: White Brothers of Wendell, LLC
 PO Box 980
 Wendell, NC 27591-0980
 Mayberry Investments, LLC
 1122 Oberlin Rd
 Raleigh, NC 27605-1137
 Rosa Allen
 c/o Clara Evans
 10140 Shanaclear Ave
 Concord, NC 28027-7906
APPLICANT: The Spaulding Group, PA
 1611 Jones Franklin Road, Suite 101
 Raleigh, NC 27606
PROPERTY SIZE: 88.15 acres
CURRENT LAND USE: Vacant/Agricultural
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>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/Agricultural</i>	<i>RA</i>

Bryan referred to the current Zoning Map

Proposed Conditional District Conditions:

The applicant is proposing 4 conditions for the proposed CD, as follows:

- 1. In order to promote variation in home appearance, no 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.*

Roofline shall be broken up horizontally and vertically along front façade, such that no roofline is in a single mass. No two adjacent homes shall have the same roofline.

- 2. Garage doors shall either contain windows or carriage style adornments.*
- 3. The use of vinyl-siding shall be prohibited, except for trim elements of the dwelling unit façade.*
- 4. The community will have a Homeowners Association. The HOA will be responsible for yard maintenance, pest control and exterior maintenance of all Townhome lots and structures.*

Applicant's Justification:

Applicant's Justification Statement is 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 Morphus Bridge Road and Lions Club Road which include sidewalk, bike lanes, landscape area and curb and gutter.

Phasing

The current plan does not show any phasing on this project.

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*
- industrial uses.*

The proposed development on the site meets the appropriate uses.

Bryan referred to a Framework Map

Staff Comments:

- *The applicant's plans are being reviewed by the Technical Review Committee (TRC). Per TRC comments, we are anticipating the submittal of a revised plan that shows more details on emergency turnarounds, site triangles and additional on-street parking.*

After Bryan's presentation he reminded the Board that no action is needed at this time and that this item will come back to them after the TRC.

Comments/Questions following this presentation:

- **Jonathan asked about TIA and the intersection of Selma & Old Wilson Rd.**
- **Tom said that this was not addressed at the time.**
- **Bryan said it was.**
- **Tom said they will do whatever the TIA says.**
- **Jonathan said residents will go out through the light instead of the stop sign.**
- **The replacement of railway bridge will negate people using 3rd Street.**
- **Ryan asked about the size of the units.**
- **Brian Duncan said he was not sure at this time, but they would be different types.**
- **Jon asked about the two property owners in the area and if they have met with the neighbors.**
- **Tom said not yet but they will.**
- **Chairman said near the Lions Club and the Church that the residents already don't like the traffic.**
- **Tom said they talked about fixing up the ball fields at the church.**
- **Chairman asked if they have talked to the Lions Club and the Church**
- **Tom said that his associate Paul White, has spoken to Lions Club.**
- **Brett asked about townhouses and that this one has more, and he wanted to know what our current ratio is?**
- **Bryan said 1% at this time and that 15% is allowed.**
- **Chairman asked about the density**
- **Bryan said ours is measured differently than his.**
- **Deans said that Bryan should share all that was said with Tom Spaulding in case he missed anything, as he is attending this meeting virtually.**

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

Item 6a

Item Title:

CD20-01 – Discussion and action on an R4 Conditional District for Harmony Landing located along Edgemont 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:

Charlie Yokley of DR Horton- Central Carolina

Petition:

The applicant has requested to create an R4 Conditional District for 70.43 acres of property within the parcels identified by PIN #1775-51-9103, PIN #1775-50-6528, PIN #1775-60-5484, PIN #1775-70-5201, PIN #1775-71-4047 and PIN #1775-70-5631. The proposed conditional district consists of single-family dwelling units.

Item Summary:

The applicant’s proposed R4 conditional district, Harmony Landing, will feature 202 single family homes on 70 acres. Based on their application, the applicant is proposing the R4 Conditional District in order to be consistent with the adjacent Edgemont Subdivision to the south. Even though Harmony Landing will be developed by DR Horton, who also developed Edgemont Landing, Harmony Landing will be a separate subdivision with its own amenities and HOA. According to the UDO, the open space requirement is 8.1 acres, but the applicant is providing 24.7 acres of open space.

Bryan went over the purpose of a Conditional District.

Location and History:

One of the properties is located in the corporate limits of the Town of Wendell and is zoned R3. The other five properties are located in Wake County’s jurisdiction and are zoned Residential-30

(R-30). Annexation must be approved by the Wendell Board of Commissioners for the conditional district to take effect.

Project Profile:

PROPERTY LOCATION: 0 US 64 Hwy E, 0 Merganzer Rd, 0 Edgemont Rd, 1213 Edgemont Rd and 1129 Edgemont Rd

WAKE COUNTY PINS: 1775-51-9103, 1775-50-6528, 1775-60-5484, 1775-70-5201, 1775-71-4047 and 1775-70-5631

CURRENT ZONING DISTRICT: R3/R-30

CROSS REFERENCES: N/A

*PROPERTY OWNERS: Frank G. Liles
612 Colon Rd
Sanford, NC 27330-7919*

*Marie Liles Karageorge & Teresa Lynn Clemmons
7940 Docks Landing
Wake Forest, NC 27587-8823*

*Donald H. Kline & Lou G. Kline
2440 Springmoor Cir
Raleigh, NC 27615-5724*

*The Estate of Mary Elizabeth Cross Lies
Alice L. Smith Executor
117 Buckden Pl.
Cary, NC 27518-9003*

*Larry Bruce Liles & Linda Louise Liles
PO Box 220
Wendell, NC 27591-0220*

*APPLICANT: Charlie Yokley, DR Horton- Central Carolina
2000 Aerial Center Parkway, Suite 110
Morrisville, NC 27560*

PROPERTY SIZE: 70.43 acres

CURRENT LAND USE: Vacant

PROPOSED LAND USE: Residential

Project Setting – Surrounding Districts and Land uses:

DIRECTION	LANDUSE	ZONING
North	Institutional/Vacant	NC/R-30
South	Residential	R4-CD
East	Industrial/Vacant	MI-CU/R-30
West	Industrial	I-2

Bryan referred to the Current Zoning Map

Proposed Conditional District Conditions:

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

- 1. A five-foot (5') streetscape buffer shall be provided along Edgemont Road similar to that provided with Phase 1.*
- 2. Development will be in accordance with the approved site development plan.*
- 3. The rezoned parcels may be used for, and only for, single family detached dwelling units.*
- 4. Improvements recommended by the Traffic Impact Analysis and comments by NCDOT shall be coordinated with NCDOT and constructed per NCDOT final requirements.*
- 5. The front and corner setbacks shall be reduced to 20'.*
- 6. All structures must be in compliance with the dimensional standards provided in the approved site development plan.*
- 7. Parking in the public right-of-way shall be maintained by the homeowner's association.*

Applicant's Justification:

"We wish to request a conditional rezoning for the Edgemont 3 [Harmony Landing] subdivision. It is requested that the proposed property be rezoned from R30 to R4-CD. This request is consistent with Phase 1 and 2 of the Edgemont Subdivision, south of the proposed site."

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. An application for annexation was submitted by the applicant.

Streets:

The applicant will be responsible for making the required road improvements to Edgemont Road which include sidewalk, bike lanes, landscape area and curb and gutter. Duet Drive, which is the main road in and out of the development, will be 29 ft. instead of 27 ft. There will be no on-street parking, but guest parking will be provided at the parks and at each area of the development.

Traffic Impact Analysis (TIA):

The TIA calls for widening of Edgemont Road to 75 feet and adding a left turn lane from Edgemont Road turning onto Duet Drive. Also, there will be a 150 ft. right turn lane at Edgemont Road turning onto NC 97.

Phasing:

The current plan shows that there will be 2 phases on this project. Phase 1 will have r

Comprehensive Plan:

The Wendell Comprehensive Plan defines the subject property as being within the S-3 Restricted Growth Sector.

The Comprehensive Plan states that S-3 areas are “intended for very limited development under tightly controlled conditions. This sector is generally classified as lands that are not proximate to thoroughfares and that are not projected to be high growth areas due to limited access to the transportation network and utilities. Generally, the S-3 areas are outside of the short range urban service area for water and sewer service and are close to S-1 and S-2 areas.”

The community types and land uses appropriate for this sector are:

- *low density cluster developments or hamlets (a clustering of buildings around a rural crossroad)*
- *single family residential development*
- *very limited convenience retail uses*
- *civic uses (parks, schools, religious and government uses)*
- *some industrial uses*

Bryan referred to a Framework Map

Technical Review Committee (TRC) Comments:

The Technical Review Committee had comments on guest parking and details needed on open space. Per TRC comments, two feet of pavement were added to Duet Drive as it is the main road in and out of the development.

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.*
- o *In Staff’s opinion, the requested conditional district is generally consistent with the recommended uses and development types outlined in the Wendell Comprehensive Land Use Plan for the S-3 sector and 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:

Since the applicant has addressed all TRC comments, staff recommends approval of the proposed conditional district.

Comments/Questions following this presentation:

- **Bryan said that the applicants are online.**
- **Ryan said Edgemont 3 is not part of existing Edgemont new development it will be Harmony Landing. He also asked about the parcel in the middle.**
- **Charlie said they talked to the owners of the cell tower and they are working out an access agreement.**
- **Ryan asked about phasing**
- **Bryan replied they will have the mail kiosk and some open space in phase one.**
- **Ryan asked what kind of open space?**
- **Applicant said a tot lot, and a park near the greenway along the pond as well as a walking path and benches.**
- **Brett asked will there be a buffer or sound proofing for 141-259 where it seems like 64 and 87 are abutting.**
- **Applicant said no, but there is extra open space there.**
- **Brett asked about a right of way for I87, will this have any impact on this project?**
- **Applicant said he talked to DOT and they did not mention it.**
- **Chairman Swaim asked if they talked to the other folks who own the property where the cell tower is located.**
- **The applicant said there will be a clean path to the cell tower.**
- **Chairman asked how they plan to clean out all the trees?**
- **The applicant it might happen in the future.**
- **Chairman is concerned about a land locking a parcel of land that belongs to the Liles Heirs.**

Levin made a motion to approve, Ryan seconded the motion. There was no discussion. Vote was called and motion passed unanimously.

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

Item 6b

Item Title:

ZM20-02– Zoning Map Amendment request to rezone 50.63 acres (PIN #1774-72-4863) located at 0 Eagle Rock Road from Rural Residential (RR) to Residential-3 (R3).

Specific Action Requested:

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

Applicant:

Amanda S. Mann

Petition:

The applicant has requested a change in zoning classification for property located at 0 Eagle Rock Road (PIN #1774-72-4863) from Rural Residential (RR) to Residential-3 (R3).

Item Summary:

This property is located within the extraterritorial jurisdiction of the Town of Wendell and is currently zoned RR (Rural Residential). Previously, there was a conditional district request proposed at this location that was recommend for denial by the Planning Board. Then in November 2019, the Planning Board approved a request to rezone the property to R2. The rezoning request now before you is a traditional map amendment (i.e. there is no accompanying development plan, which would be attached to a conditional district). Since the prior challenges with access to this site have been resolved, the applicant has proposed R3 zoning, which is consistent with the surrounding developments which have R3 or R4 zoning.

Justification:

The applicant lists the following reasons for rezoning the property from RR to R3:

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

Project Profile:

PROPERTY LOCATION: 0 Eagle Rock Road
WAKE COUNTY PIN: 1774 72 4863
ZONING DISTRICT: Proposed R3/ Current RR
CROSS REFERENCES: N/A
PROPERTY OWNER: 520 State Street, LLC
2912 Highwoods Blvd, Suite 100
Raleigh, NC 27604
APPLICANT: Amanda S. Mann
421 Fayetteville Street, Suite 530
Raleigh, NC 27601
PROPERTY SIZE: 50.63 acres
CURRENT LAND USE: Agricultural
PROPOSED LAND USE: Residential

Project Setting – Surrounding Districts and Land uses:

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

Zoning District:

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

Bryan referred to the Current Zoning Map

Comprehensive Plan:

The Wendell Comprehensive Plan defines this section as S-4 “Controlled Growth Sector” and partly in a Neighborhood Center.

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

Centers are intended to be mixed-use, serving surrounding neighborhoods with retail services, civic uses and higher density housing.

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

Bryan referred to the Framework Map

Statement of Plan Consistency Reasonableness:

- *Any recommended change to the zoning map should be accompanied by a statement explaining how the change is consistent with the comprehensive plan and is reasonable in nature.*
 - *In staff's opinion, the requested zoning map amendment is consistent with the recommended uses outlined in the Wendell Comprehensive Land Use Plan for the S-4 Sector and is reasonable to be consistent with adjoining zoning districts.*

Staff Recommendation:

Staff recommends approval of this rezoning request.

Comments/Questions following this presentation:

- **Bryan gave a brief history concerning the prior developers and the new ones.**
- **Chairman asked who the speakers would be?**
- **The applicant, Amanda Bambrick, said she would show a PowerPoint presentation then others could speak when she was through.**
- **Amanda said she was happy to be here and also said there is hard copy of the PowerPoint she was about to present.**
- **She said this plan is higher density, with 58 single family homes and that there is 26 acres available because of the Flood Plains. They are prepared to go through the town and a TRC. They have submitted the fee for annexation. They have met with DOT and will make improvements to create access as it is limited. If the rezoning passes they will work with DOT to create access. No TIA is required because of the size but they will work with DOT.**
- **Applicant addressed neighbors' comments this past weekend, there are oppositions.**
- **One neighbor has been opposed. She discussed the signatures on a petition and said many were not even Wendell residents. One neighbor requested a TIA and addressed 100 acres and other land for future development.**
- **Applicant went over letter saying they need the rezoning first. DOT has visited the property and feel it can be safe if DOT agrees.**

- Applicant said no one can plan for the future and that there are many steps and they know they have to work with DOT.
- Bryan asked for question for the applicants.
- Bryan said Ashley Anderson & Richard Hibbits are present.
- Ashley Anderson said she did not know about this until Friday at 5pm she heard there were 560 names on a petition.
- The attorney is not here tonight. The attorney contacted the applicant and they did not respond. DOT does not mean it is safe. There is a lack of communication from the applicants.
- Richard Hibbits could not understand what the applicant said, but the site of adjacent R3 & R4 do not have the access issue that this one does. He has tried to meet with various applicants, and they did not respond. They would like to work with the applicants, the town and DOT. He said they made the application without their knowledge, they say increase property and fix problems later, he wants the Board to give them time to talk to the applicant before approving this. They want to be part of negotiations.
- Ashley said they need conditional rezoning instead of straight rezoning where they can do anything.
- Deans asked if current rezoning is approved what are the buffer requirements?
- Bryan said in R3 no buffers are required it is residential to residential.
- Chairman asked if they could build townhomes and Bryan said no.
- Chairman asked about the use of easement.
- Amanda said the easement was deeded to the Anderson family, elimination is not in the deed, the small road will be abandoned.
- The engineer said DOT can give them access to the driveway, DOT wants a turning lane and Martin Pond Rd. will be abandoned.
- Once property has been rezoned, they will address other issues, they can't do anything yet.
- Chairman asked Amanda if they talked to neighbors.
- She said she had talked to them in the fall, but now this has not been successful. Amanda thinks they want too much.
- Chairman asked Bryan was if there was a fatal car wreck on that road last November Bryan said that he didn't know. Then Chairman asked that since this item was dropped in December, don't they have to wait a year?
- Bryan said no, this is a different class of zoning than before.

Chairman called a t recess at 8:41.

Meeting resumed at 8:46.

- Ryan asked if rezoned from R2 to R3 how many more homes can they build if it goes from 15,000 Sq. Ft. lots to 10,000 Sq. Ft. lots they have 24 buildable acres correct?
- Bryan said yes.
- Ryan said in November the Board approved R2 now if they deny R3 can they go back to R2?
- Bryan said no.

Motion and Discussion:

Leven made a motion to approve the rezoning. Brett seconded the motion.

- **Jonathan said they have heard this proposal 3 times concerning the disagreement of this land and how it can be used, all parties need to come up with a way to use this easement. Jonathan said he hoped that there would be a collective a collaboration and he thinks they need to work something out together.**
 - **Brett said he does have concerns about the access and thinks DOT should have a chance to come up with a plan.**
 - **Cande asked if a rezoning was needed to develop this land?**
 - **Bryan said they will still need DOT approval.**
 - **Chairman said there is friction between the landowners, the easement was probably not meant for 50 cars. The parties need to work this out before we can make a decision.**
 - **Amanda said that she found the Anderson Deed language if the board is interested.**
 - **Bryan said that the board is interested in hearing the deed language.**
 - **Amanda said that this was recorded on 10/11/2001 and that she will be happy to email it to Bryan if it will help. It is from Grantor Samuel G. Anderson. Jr. Executor of the Estate of Samuel G. Anderson; Samuel G. Anderson Jr. and Wife, Ramona M’Lou Anderson; Angela Anderson Bateman and Husband, Ronald Bruce Anderson to Grantee Angela Anderson Bateman. It defines Tract One and Tract Two, and Tract 2 containing 50.632 acres and the granting of Tract 2 says this (she said that she is reading this verbatim): “It is anticipated that the Grantee, or Grantee’s heirs or assign, will subdivide Tract 2 and develop it as a residential subdivision. In that event, it is specifically understood and agreed by the Grantor that all owners of any lot developed within Tract 2 shall have the same perpetual easement of ingress, egress and regress over the said 60 foot wide easement as is granted to the Grantee. If in the future, the Grantee or the Grantee’s heirs or assigns, might desire to have any road or street installed over the 60 foot wide easement area dedicate to the public and taken over for maintenance by the appropriate governmental authority, that such action shall be permitted. This shall in no way limit Grantor, or Grantor’s heirs or assigns, rights to use or improve the easement area.”**

- **Bryan asked her to email it to him and he will share it with the Planning Board.**
- **Jimmena asked if upgrades will be done by the developers?**
- **Bryan said 60 ft. easement can be a street.**

Jonathan called to question.

Mr. Hibbits tried to speak.

Chairman interrupted him and said that it's been "called to question" and once a question has been called, all discussion has been ended and now it needs a second.

Ryan seconded.

The board voted on the "Call to Question" which means that they were voting to end the discussion and vote on the motion; the Call to Question passed 5 - 2.

Chairman called for a vote on the motion to approve the rezoning.

Voted in favor: Levin Jones, Jimmena Huffman-Hall, Brett Hennington, Ryan Zakany, Jonathan Olson, Deans Eatman, & Cande Killian Wood

Voted against: Chairman Swaim

Motion passed 7 to 1.

Chairman asked if there was any more business?

Bryan Coates, Assistant Planning Director, gave an update on Blueprint Wendell 2030

Bryan spoke about the survey for the 2030 Blueprint Wendell and said we are looking for outreach members, young people, HOA's, walkability and bike paths.

Jonathan Olson made a motion to adjourn, Deans Eatman seconded the motion.

Motion was approved unanimously.

The meeting was adjourned at 9:09 pm.