

**Planning Board Meeting
January 19,2021
Minutes**

Members Present: Chairman Jonathan Olson, Terry Allen Swaim, Levin Jones, Ryan Zakany and Deans Eatman. Cande Killian Wood attended via Zoom.

Members Absent: Jimmena Huffman-Hall and Michael Firstbrook

Staff Present: Bryan Coates, Assistant Planning Director, Jeannine Ngwira & Linda Barbour. Niki Jones, Planning Director, attended virtually.

1. Meeting Called to Order

Chairman Olson called the meeting to order at 7:00 pm and recognized that a quorum (minimum of 5 members) was present. Chairman Olson announced that Brett Hennington is resigning from the Planning Board because he is relocating, and the town will find a replacement for him.

Pledge of Allegiance was recited.

2. Adjustment and Approval of Agenda

Chairman Olson said that he would like to change the order of the items to have item 5b. presented before item 5a. He asked for a motion to approve the revised agenda. Mr. Swaim made the motion and Deans Eatman seconded the motion. The adjusted agenda was approved unanimously.

3. Approval of the Minutes

3a. Wendell Planning Board minutes from December 21, 2020. Chairman Olson asked if all had a chance to review these minutes. Deans Eatman made a motion to approve & Mr. Swaim seconded the motion, all were in favor and the minutes were approved unanimously.

4. Administrative Reports

There were none.

5. New Business- (reflects approved, adjusted agenda)

5b. ZTA20-04 Text Amendment for Modification to the Town of Wendell Arterial and Collector Street Plan.

POTENTIAL ACTION: Recommendation to the Town Board.

5a. CD20-03 – Watson Tract R4 Conditional District

POTENTIAL ACTION: Recommendation to the Town Board.

5c. ZTA21-01-Text Amendments for Chapter 160D of the NC General Statutes

POTENTIAL ACTION: Recommendation to the Town Board.

6. Old Business

6a. Blueprint Wendell 2030 Update.

*Technical difficulties with Zoom held up the start of the meeting until 7:10 PM
Jeannine Ngwira said she would email the power point to Cande Killian Wood.*

Niki Jones presented the following to the Board Via Zoom shown in *italics* below.

5b. Item Title:

ZTA20-04 Discussion and Action on an amendment to the Arterial and Collector Street Plan and the Transportation Plan Map as it relates to the approval process for Final Development Plans.

Specific Action Requested:

The Planning Board is asked to review and make a recommendation on an amendment to the Arterial and Collector Street Plan and the Transportation Plan Map as it relates to the approval process for Final Development Plans.

Item Summary:

In September 2015, the Town adopted the Arterial and Collector Street Plan. The adoption of this plan provided standards for design and articulated the Town's vision on future roadway connections. When the plan was created, staff and the consultants aimed to make future connections that made sense at the time. Many of those connections were shown as "new facilities" and did not have the right-of-way to construct the new roads shown on the map.

Due to community feedback in 2019, the Town amended the Arterial and Collector Street Plan and infrastructure improvement requirements to reduce the financial burden on developers seeking to build along arterial or collector roads. At this time, the Transportation Plan Map was not impacted.

The 2019 amendment was recognition that staff understood that financing was an important consideration as it relates to road construction and transportation improvements. The financing of road construction is more than labor and material costs. Other key factors to consider are environmental and topographical challenges. Several of the proposed roads in the Transportation

Plan Map would need to overcome these challenges. One of those proposed roads is between Wendell Boulevard and Morphus Bridge Road. This segment is proposed to be a Minor Thoroughfare (4-lane divided).

David Bergmark of McAdams submitted a Text Amendment application to the Town's Planning Department and requested the following:

- 1. Delete the Proposed Minor Thoroughfare (4-lane divided road) shown crossing Old Quarry Road on the Transportation Plan Map. This facility connects to Wendell Boulevard to the north and Morphus Bridge Road to the south.***

This road is shown as a future connection in CAMPO's long-range transportation plans. The intent of this road is to connect Wendell Boulevard and Morphus Bridge Road which would provide a future traffic movement to the south. This would require crossing two floodplains, a railroad track, and navigating around a rock quarry (See Attachment C). Therefore, there are environmental challenges that would have to be overcome and a very high financial hurdle to jump.

Minor thoroughfares are intended to connect smaller activity centers, allow greater access, and as such, permit lower traveling speeds. Large residential areas are envisioned to be connected by minor thoroughfares.

Statement of Plan Consistency and Reasonableness:

- The proposed amendment could be found to be consistent with the following principles of the comprehensive plan and deemed reasonable and desirable in order to ensure that the Town acknowledges sustainable development practices.*
 - General Principle #9: "Protect and preserve Wendell's natural resources and amenities, including its streams, lakes, wetlands, and hardwood forests while balancing private property rights.*
 - Key Principle #6: Preserve Open Space, Farmland, Natural Beauty, and Critical Environmental Areas.*

Staff Recommendation:

- Staff recommends approval of the proposed change to the Arterial and Street Collector Plan. Specifically, the deletion of a proposed road on the Transportation Plan Map (Appendix C to the UDO).*

Comments/Questions following this presentation:

- Mr. Swaim if we are going to get a beltline replacement.
- Chairman Olson asked what are we going to do instead?
- Niki replied that the proposed road was associated with flood plains & railroad tracks.
- Chairman Olson asked what will replace this?
- Niki said we will try to connect to Morphus Bridge. We might go further East.
- Ryan asked if this straight deletion of the requirement of a road. Is there a fee in lieu?
- Niki replied no.
- Bryan said we have been in touch with Zebulon and Knightdale and possibly there could be a merger in the future.
- Mr. Swaim asked why would we delete this road with no plan to replace it? He said it seems odd to him.

Chairman Olson asked for a motion.

Deans Eatman made a motion to approve

Levin Jones seconded the motion

- Deans said we will work on something bigger and better in the future with a collaboration with other counties and communities. There is no funding for this current road, remove this road plan from the map to help this new development, then work on a road plan in the future.
- Mr. Swaim said he is not in favor of changing this without input from the public.
- Ryan said if we delete this road and the developer is not offering a better plan lets vote on this item.

Item was called to vote:

Chairman Olson, Ryan Zakany and Mr. Swaim voted against.

Levin Jones, Deans Eatman, and Cande Killian Wood voted in favor.

Motion fails and will move to Board of Commissioners.

- Chairman Olson said he wants an alternative plan before removing the current one.
- Niki said they will work on a future road plan.

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

Item Title:

CD20-03 – This request is to rezone approximately acres 47.42 from MI (Manufacturing/Industrial) to R4 (Residential-4) Conditional District for the Watson Tract located off Wendell Blvd. near the junction of Old Zebulon Road.

Specific Action Requested:

The Planning Board is being asked to consider the proposed rezoning request and make a recommendation to the Board of Commissioners, to include a statement of comprehensive plan consistency.

Item Summary:

The applicant has requested to create an R4 Conditional District for 47.42 acres of property currently located in the town’s extraterritorial jurisdiction (ETJ). The applicant’s proposed R4 conditional district will feature 89 single family homes. The applicant is providing 17.25 acres of open space which is 13.67 acres above the 3.58 acres required by the UDO. Additionally, the applicant is required to provide .89 acres of park space and is providing 1.9 acres of park space.

The applicant has also applied for a Text Amendment to modify the Arterial and Collector Street Plan.

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

Property Information Summary	
Location	Off Wendell Blvd. near the junction of Old Zebulon Road Addresses: 5060 Wendell Blvd. PIN: 1794-55-1682
Current Zoning	M&I
Requested Zoning	R4-CD
Area of Request	47.42 acres
Corporate Limits	Town of Wendell ETJ- will need to annex to receive utilities
Property Owner(s)	Watson Family II LLC
Applicant	David Bergmark of McAdams

Project Setting – Surrounding Districts and Land uses:

<i>DIRECTION</i>	<i>LANDUSE</i>	<i>ZONING</i>
<i>North</i>	<i>Residential/vacant/Commercial</i>	<i>M&I/CH</i>
<i>South</i>	<i>Vacant/Agricultural</i>	<i>RA</i>
<i>East</i>	<i>Residential/Agricultural</i>	<i>RA/R-40</i>
<i>West</i>	<i>Industrial/Vacant</i>	<i>M&I/CH</i>

Zoning District:

The subject property is currently located in the Manufacturing & Industrial (M&I) zoning district. The surrounding properties are zoned RA and CH, M&I and R-40. The RA district allows a minimum lot size of 1 acre. CH and M&I are commercial zoning districts and R-40 is Wake County. The Residential-4 zoning district allows for single-family with a minimum lot size of 6,000 square feet.

Bryan referenced the current Zoning Map showing the property. He also went over the purpose of a Conditional District.

Proposed Conditional District Conditions:

The applicant is proposing 10 Conditions for the proposed CD, as follows:

- 1. Permit 1 cul-de-sac to exceed 300' length*
- 2. Permit 1 street segment to exceed 800' block length max (loop road ~ 1200)*
- 3. Provide natural overlook with gazebo/covered area bordering the Little River.*
- 4. Provide a minimum of 75,000 sq. ft of improved park space (38,938 SF required for 89 units)*
- 5. Provide access easement along Little River for potential future greenway.*
- 6. Decorative garage doors shall be utilized within the Development and shall include carriage hardware and/or windows.*
- 7. Vinyl siding materials used on building facades shall be of high quality, show texture, and have a minimum thickness of 0.045 inches.*
- 8. No SFD home shall have a front exterior elevation that is identical to homes on either side or directly across the street.*
- 9. All homes shall use roof eaves which extend at least 6 inches from the façade plane.*
- 10. 100% of homes shall be Energy Star Certified, and shall include the following green standards:*
 - a. High Performance Toilets*
 - b. Water-Efficient Faucets & Flow-Smart Showerheads*
 - c. ENERGY STAR® Certified Appliances*
 - d. Advanced Framing & Thermostats*
 - e. Minimum MERV 8 HVAC Filtration*
 - f. Thermal Breaks*
 - g. Conditioned Attics*
 - h. Spray Foam Insulation*
 - i. UV-Blocking Windows: Low-E Windows*

- j. *Sealed Insulated Ducts*
- k. *Low-to-Zero VOC Materials, Paints, Stains & Adhesives*
- 11. *Sidewalk shall be provided on both sides of the road (UDO only requires 1-side)*
- 12. *Foundations: Top of slabs shall be elevated a minimum of 8m inches above finished grade. Finished grade shall fall a minimum of 6 inches within the first 10 feet away from the structure to ensure positive drainage.*

Public Utilities:

Development of this site will require connection to city water and sewer which is available nearby. Parcel will need to be annexed and the applicant has filed an annexation petition.

Streets:

The applicant will be responsible for making the required road improvements to Wendell Blvd. which include a 3-lane undivided right-of-way that contains curb & gutter, 5-foot bike lanes, 6-foot sidewalks and street trees.

Phasing:

The applicant is proposing one phase for the proposed development plan.

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 showed a 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.

- *The requested zoning map amendment is consistent with the uses outlined in the Wendell Comprehensive Land Use Plan for the S-4 Sector and is reasonable in that it supports Principle #9: “Protect and preserve Wendell’s natural resources and amenities including its streams, lakes, wetlands, and hardwood forests while balancing private property rights.”*

Applicant’s Justification:

See Attachment C.

Technical Review Committee (TRC) Comments:

The Technical Review Committee had comments on the street length, open space/lot details, buffers, site triangles and landscaping. TRC also discussed not having street “B” extend to the property to the west as it contains floodplain and a connection would not occur. The applicant has addressed all TRC concerns.

Staff Comments:

Staff recommends approval of the request

Bryan said that David Bergmark was in attendance virtually to answer questions on conditions.

David Bergmark went over some details and the revised conditions. He spoke about the home sizes being 2000 to 2500 square feet. He said that the vinyl siding materials used on building facades shall be of high quality, show texture and have a minimum width of 5 inches and a minimum thickness of 0.046 inches. He also said that they will provide sidewalks on both sides of the road even though the UDO only requires sidewalks to be on one side of the road. He also stated that the foundations will be elevated a minimum of 8 inches above finished grade. Finished grade shall fall a minimum of 6 inches with the first 10 feet away from to structure to ensure positive drainage.

Comments/Questions following this presentation:

- Deans Eatman said that the dead-end street B that does not connect as far as the property line. He also said that it will not connect because of the flood plain and it is less than 150 ft. so no turn lane is required.
- Mr. Swaim said a property off the VFW could be nice.
- Bryan Coates said the entrance could be nice.
- David said there will be 900 ft of improvements on Wendell Blvd.
- Mr. Swaim said the bridge needs to be widened.

Mr. Swaim made a motion to approve.
Deans Eatman Seconded the Motion.
Vote was unanimous and motion was approved.

Jeannine Ngwira presented the following to the Board shown in *italics* below.

Item Title:

ZTA21-01 This is a request for multiple zoning text amendments to the Town of Wendell Code of Ordinances and Unified Development Ordinance (UDO) to comply with the new updates associated with the North Carolina General Statutes- Chapter 160D.

Specific Action Requested:

The Planning Board is being asked to consider the proposed text amendment requests and make a recommendation to the Board of Commissioners to include a statement of Comprehensive Plan consistency.

Item Summary:

Chapter 160D of the North Carolina General Statutes consolidates current city- and county-enabling statutes for development regulations (now in Chapters 153A and 160A) into a single, unified chapter. Chapter 160D places these statutes into a more logical, coherent organization. While the new law does not make major policy changes or shifts in the scope of authority granted to local governments, it does provide many clarifying amendments and consensus reforms that are required to be incorporated into the Town's UDO.

Chapter 160D is effective now, but local governments have until July 1, 2021 for the development, consideration, and adoption of necessary amendments to conform local ordinances to this new law. All city and county zoning, subdivision, and other development regulations, including unified-development ordinances, will need to be updated by that date to conform to the new law.

The first of the proposed text amendments are related to terminology and citations. We are required to update any references to provisions in G.S. Chapter 160A or 153A to indicate relevant provisions in Chapter 160D. We must align past ordinance terminology with Chapter 160D terminology for conditional zoning and special use permits; must delete the terms conditional use permit, special exception, conditional use district zoning, and special use district zoning. Lastly, we must ensure that ordinance definitions for the following terms are not inconsistent with definitions provided in state law and regulation: building, dwelling, dwelling unit, bedroom, and sleeping unit.

Also, while reviewing the reference to 160A in Section 26.3 of the Code of Ordinances regarding annexation required when service requested, staff determined that, due to the fact that the ordinance pre-dates the Town's agreement with The City of Raleigh, the information is no longer valid. Staff is therefore proposing to remove all of Section 26.3.

Jeannine said the Board could refer to the packet to see the changes. These changes need to be changed by law.

Jeannine highlighted Section 6-1 and section 26-3 of the code of ordinance that will be removed entirely.

Comments/Questions following this presentation:

- **Deans Eatman asked about future changes, he wanted to know if they will be part of the framework if something was simple and easy to change and if it is not obvious, we will go back to it later?**
- **Bryan Coates replied after the Comp Plan is accepted, we will discuss future UDO amendments, we do have a list of them.**
- **Chairman Olson asked if we could use color coding in the future to differentiate mandatory changes vs. suggestions.**
- **Mr. Swaim said he likes things crossed out.**
- **Chairman Olson asked what the difference between a Special Use and a Conditional District vs Conditional Use.**
- **Bryan replied: Conditional Zoning and Special Use is required and that is how we do it.**

Chairman Olson asked if there were any further questions?

Ryan Zakany made a motion to approve.

Levin Jones seconded the motion.

All voted in favor.

6a. Bryan presented an update on the Blueprint Wendell 2030. He said that on February 2nd, the Steering Committee will be meeting, and he will give a full update at the next Planning Board meeting.

- **Chairman Olson suggested that they fill the Planning Board vacancy from Brett's resignation with a member of the Steering Committee if possible.**

Mr. Swaim made a motion to adjourn.

Ryan Zakany seconded the motion.

All were in favor.

The meeting adjourned at 8:00 PM.