

**Planning Board Meeting
June 21, 2021
Minutes**

Members Present: Chairman Jonathan Olson, Terry Allen Swaim, Ryan Zakany, Deans Eatman, Jimmena Huffman-Hall, Cande Killian Wood and Michael Firstbrook.

Members Absent: Levin Jones

Staff Present: Bryan Coates Planning Director, Jeannine Ngwira, Planner II & Linda Barbour.

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.

Pledge of Allegiance was recited.

2. Adjustment and Approval of Agenda

Chairman Olson asked for a motion to approve the agenda. Deans Eatman made the motion and Jimmena Huffman-Hall seconded the motion. The agenda was approved unanimously.

3. Approval of the Minutes

3a. Wendell Planning Board minutes from May 17, 2021. Chairman Olson asked if all had a chance to review these minutes.

Deans Eatman made a motion to approve & Michael Firstbrook seconded the motion; all were in favor and the minutes were approved unanimously.

4. Administrative Reports

None

5. New Business-

5a. CD21-02 – Cayden Cove Conditional District

POTENTIAL ACTION: Recommendation to the Town Board.

5b. CD21-03 – The Glennon Conditional District

POTENTIAL ACTION: Recommendation to the Town Board.

5c. ZM21-03 – 450 Old Wilson Road Rezoning

POTENTIAL ACTION: Recommendation to the Town Board

5d. ZTA21-07 - 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

Bryan Coates Planning Director presented the following information shown in *italics* below.

Item Title:

CD21-02 – This request is to rezone approximately 88.07 acres from Wake County Residential-40 (R-40) & Residential-20 to Town of Wendell R4 (Residential-4) Conditional District for the Cayden Cove Subdivision located off NC 97.

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 plan consistency and reasonableness.

Item Summary:

The applicant has requested to create an R4 Conditional District for 88.07 acres of property currently located in the town’s urban services area. The applicant’s proposed R4 conditional district, will feature 222 single-family homes.

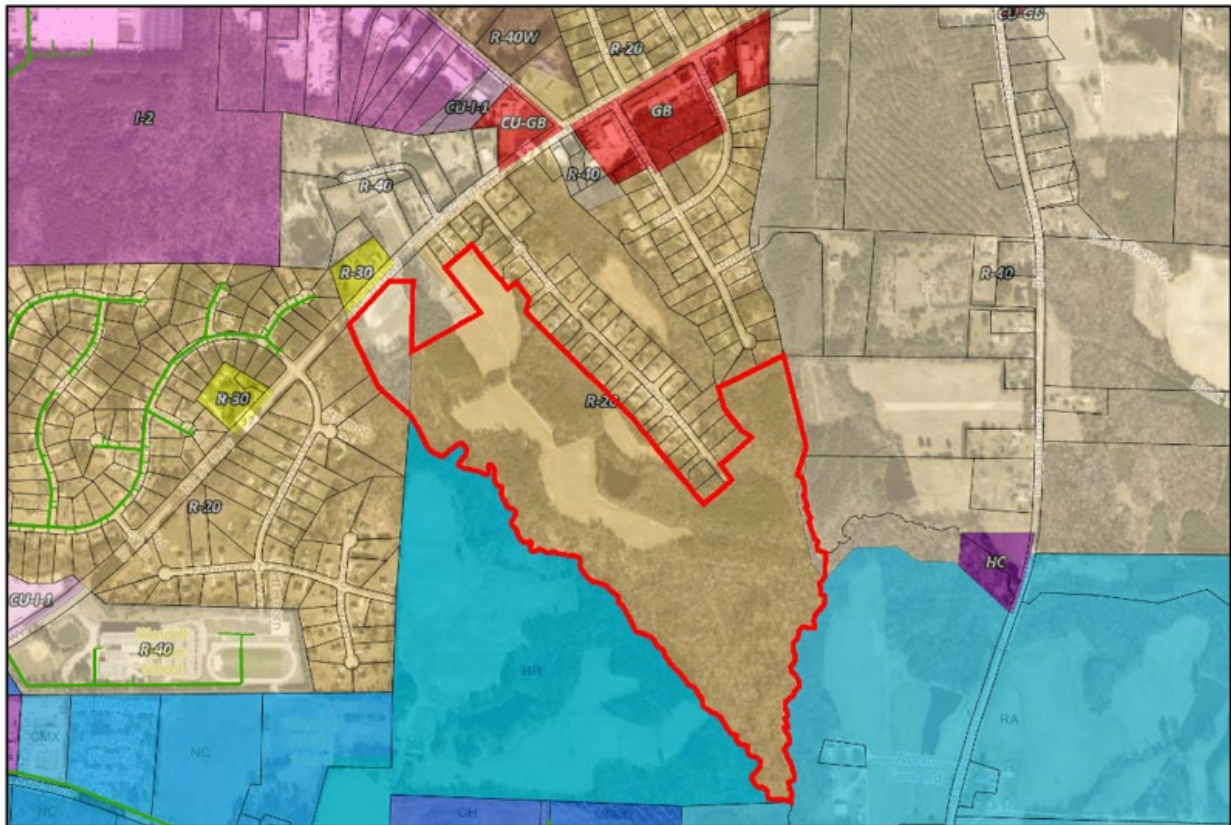
The Overall Site Plan is included as Attachment B (Along with a link to the full Master Plan for download).

Property Profile	
Location	NC 97 Addresses: 2909 NC 97 Highway PIN: 1784299215
Current Zoning	Wake County Residential-40 & Residential-20
Requested Zoning	R4-CD
Area of Request	88.07 acres
Corporate Limits	Applicant has submitted annexation request
Property Owner(s)	Sandra Driver
Applicant	David Bergmark, McAdams

Project Setting – Surrounding Districts and Land uses:

DIRECTION	LANDUSE	ZONING
North	Residential/Industrial	R30-R-40/I-2
South	Residential/Agricultural	R20-RR
East	Residential/Agricultural	R20-R40
West	Residential/Agricultural	R20

Aerial (Subject Property Outlined in Red):



Zoning District:

The request of Residential-4 Conditional District (R4-CD) has a minimum lot size of 6,000 sq.ft.

- The applicant is proposing a minimum lot size of 4,800 sq ft and an average lot size of 6,038 sq.ft within the proposed development plan.

The lot dimensions required for single-family homes by the Unified Development Ordinance and those proposed by the applicant are below.

R-4 UDO Required Dimensions

Proposed Dimensions by the Applicant

Lot Width- 50ft.
Lot Depth- 100ft.
Front Setback- 25ft.
Side Setback- 10% each side
Rear Setback- 20ft.
Corner Setback-25ft

Lot Width- (41ft, 51ft & 61ft)
Lot Depth- 120ft.
Front Setback- 25ft.
Side Setback- 5ft.
Rear Setback- 20ft.
Corner Setback- 15ft

Proposed Conditional District Conditions:

The applicant is proposing 17 Conditions for the proposed CD, as follows:

- 1. In order to promote variation in home appearance, no home can be constructed with a front exterior elevation (front façade) or color palette that is identical to the home on either side or directly across the street from it.*
- 2. Garage doors shall either contain windows or carriage style adornments.*
- 3. The community will have a homeowner's association.*
- 4. The rezoned parcel may be used for, and only for, single-family detached units, accessory dwelling units, and accessory uses.*
- 5. Foundation shall be raised monolithic slabs with a minimum of 8" of exposed concrete adorned with stucco/parged finish above finished grade.*
- 6. Development will be in accordance with the approved site development plan.*
- 7. Improvements recommended by the traffic impact analysis and comments by NCDOT shall be coordinated with NCDOT and constructed per NCDOT final requirements if right-of-way can be acquired. If required right-of-way cannot be acquired, applicant will pay a fee-in-lieu for improvements.*
- 8. On-street parking shall only be permitted in designated spaces.*
- 9. The corner setback for this development shall be 15 feet (rather than 25'). All structures shall comply with sight triangle requirements.*
- 10. The side setback for this development shall be a standard 5 feet (rather than a variable 10% of lot width).*
- 11. A minor collector road (typical 67' row) shall be provided within the subject property to support a future connection to Marshburn Road from NC 97 (rather than as an extension of Raybon Drive as indicated on the Town's ACS plan). This improvement will negate the need to widen the existing Raybon Drive to bring it to minor collector standards, and shall reduce traffic impacts on existing Raybon Drive residents.*
- 12. No lots less than 50' wide may have driveway access to the portion of street "A" designed as a minor collector (west of the traffic circle).*

13. *All dwelling units shall have an outdoor deck, patio, or porch a minimum of 64 square feet.*
14. *If used, all vinyl siding shall be a minimum .046 gauge.*
15. *The minimum lot size for this development shall be 4800 sq. Ft (rather than 6000 sq. Ft) to permit 41'x120' lots. The development shall also include a mix of lots with 51' and 61' widths.*
16. *Permit 1 cul-de-sac to exceed 300' length.*
17. *The approximately 5.7-acre portion of land on the eastern side of the riparian buffer (toward Marshburn Road) shown on the existing conditions page as being owned by Sandra R. Driver falls outside of the existing subject parcel per title/survey research. However, in order to eliminate concerns regarding the presence of a non-conforming lot (without road frontage), the applicant hereby commits to recombine this land area with the parcel containing SCM a on the western side of the riparian buffer. This ~5.7-acre area is not included in the rezoning or annexation boundary, but will be made a conforming lot through this process.*

Public Utilities:

Development of this site will require connection to city water and sewer which is available nearby. The parcel will need to be annexed and the applicant has filed an annexation petition to gain access to municipal utility services.

Environmental:

The applicant will need to obtain stormwater and sedimentation-erosion control permits from Wake County Environmental Services before any site work can commence. The proposed development plan will need to meet the requirements of the UDO. Wake County provides stormwater, sedimentation, and erosion control services for the Town of Wendell.

- *The proposed plans show two stormwater ponds located in the southern portion of the development plan. The site does not contain any floodplain, however the applicant has identified wetlands along Fall Branch which is the western border of the property. The applicant is providing the 50' Neuse River buffer along Fall Branch.*

Buffers- UDO Section 8.6.A requires a Type B buffer between R4 and other residential zoning districts where a more intense proposed use abuts any existing single family residential use.

- *The applicant is providing a Type B buffer along the eastern edge abutting the homes along Raybon Drive.*

A type B buffer has a minimum planting of one tree every 25ft and 1 shrub every 6 feet.

Open Space- UDO Section 7.5 requires 1,750 sq. ft. of open space per single-family dwelling units. UDO Section 7.4 requires that 75% of the required open space be passive and 25% be improved park space of which 1/3 needs to be considered active.

- *The applicant is required to provide 8.9 acres of open space. The development plan is providing 40 acres of open space.*
- *The applicant is providing 1.48 acres of fully active park space and 2.75 acres of improved park space. The active open space contains a tot lot and community clubhouse with a pool.*

Streets:

The applicant will be responsible for making the required road improvements to NC 97 Highway which is a future 4-lane divided right-of-way that contains curb & gutter, 5-foot bike lanes, 6-foot sidewalks and street trees. The property contains roughly 400ft of road frontage along NC 97 Highway.

The Town of Wendell Arterial and Collector Street Plan shows a 67' 2-lane minor collector running north/south through the site. The applicant is providing the required minor collector 2-lane roadway with curb & gutter and sidewalks.

The Town of Wendell UDO requires a street connectivity index requirement of 1.4 within the R4 zoning district. The applicant's design is providing an index of 1.55 which is higher than required. The street layout contains one access point each to NC 97 & Raybon Drive and 3 stub connections to neighboring properties. The internal streets are well connected to each other and the collector road.

The applicant is providing off street parking spaces at the tot lot and the community pool/mail kiosk area.

Traffic Impact Analysis (TIA)

The Traffic Impact Analysis has been completed for the development plan and NCDOT is requiring a eastbound turn lane on NC 97 of 75' onto the new minor collector road at the community entrance.

Phasing:

The current plan contains three phases for the development plan. Phase one includes the community pool, tot lot and two parks. Phases three includes a park as well.

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.

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 #6: “Provide for a range of housing opportunities including upscale housing, senior housing, and downtown living choices.”*

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).

Staff Comments:

The proposed development plan is consistent with the Wendell Comprehensive Land Use Plan and staff recommends approval of the conditional district rezoning.

Comments/Questions following this presentation:

- Chairman Olson asks if there were questions from the Board.
- Deans asked concerning condition 7 about the Right of Way not being able to be acquired is that common?
- Bryan said not usually.
- Deans asked if the developer can't get Right of way what other options do they have?
- Bryan said it's up to Town Council to approve a Fee in Lieu. This is a small frontage 400 ft of road improvement if it were bigger we would try to get more but it's ½ of 3 lane undivided road not ½ of a 4 lane divided because the transportation plan got amended in 2019 it would get us roughly half a lane and bike lane, curb & cutter sidewalk & street trees for a small amount of frontage.
- Deans said the condition says DOT final requirements if right of way can't be acquired. David Bergmark mentioned they plan to build the town required road improvements, but the NCDOT portion may require obtaining right of way from a neighboring property.
- Ryan asked who gets the fee in Lieu, the town or the DOT?
- Bryan said the town for town required improvements.
- Mr. Swaim talked about the pond and said it is a concern.
- David Bergmark, the applicant said the pond will be drained and it's not protected, it will be drained and become part of the open space.
- Ryan asked about an additional buffer for the area along NC 97?
- David said extended open space will be passive open space, the builder Lennar could have added a road and more lots but they did not.
- David shared some information from the neighborhood meeting. He said all of the homes will be single family dwellings, no townhomes, plenty of open space, parks, tot lot and buffers & gathering spot. He also said they did not extend Raybon Drive and use as a collector road extension to minimize the impact on the existing residents. He said instead the developer internalized the traffic flow with a collector road located in the new neighborhood instead and with the roundabout that will slow traffic a bit as well.
- Chairman Olson asked what the four products were.
- David said there are three different lot sizes, and front and alley loaded homes.
- Deans asked if the streets will be built to the property line?
- Bryan said if they don't connect there will be a fee in Lieu
- Deans understands the concept and attempt to limit the traffic on Raybon Drive, but why are we building around it and not through it to provide connectivity? Was this because of what the existing neighbors wanted?
- David said some was preempted and some was from neighbor's feedback. Wendell wants a connection to Raybon Dr. but did not want to promote this route.

- Deans said it helps with the maintenance for Raybon Dr. and wondered if in the future could they work with DOT to abandon the right of way and divide up the road space between the property owners?
- Jimmena asked about the price point for the homes in this development?
- Charley Yokley said he doesn't have an exact number, but the small homes on rear lots that are alley loaded would most likely start in the 280,000's and the prices for the larger homes will go up from there.
- David said depending on the economy it could go up.
- Chairman Olson and Ryan asked if there were any speakers for 5a?
- Bryan replied no.
- David gave his response to the email that was received from Mr. Fox, saying we will have to go through Wake County standard storm water and drainage as part of the building process.
- Deans asked if there could be other connections to Raybon Dr.
- David said they could look into it if it is the will of the Town.
- Chairman Olson asked could Raybon Rd be connect to a cul-de-sac nearby to help with the amount of traffic.
- Bryan said NCDOT roads are built to a different standard than town roads they are not designed to handle lots of traffic.
- Ryan asked if the right of way could be dedicated to open up connectivity in the future?
- David said we could look at that if it were some sort of condition by the town.
- Chairman asked Ryan about where the right of way should be?
- Ryan said it should have been an option in the future.
- Chairman Olson asked David can there be a right of way to Raybon drive instead of a cul-de-sac in the neighborhood?
- David replied there might not be enough room as there will be a maintenance access around the stormwater pond and said we could look at a right of way preservation for the future as an option.

Ryan Zakany made a motion that the rezoning be approved with consideration to reserve right of way at the end of cul-de-sac to connect to Raybon Drive in the future.

Jimmena Huffman-Hall seconded the motion.

Chairman Olson asked if there was any discussion on the motion.

Michael Firstbrook said he would like to have less homes and bigger lots and have it look more like Raybon Drive.

Mr. Swaim said he likes to hear the word home and not have it called a product. People don't want to raise their family in a product, and he agrees with Michael about the size of the homes and lots.

Voted For: Chairman Olson, Ryan Zakany, Jimmena Huffman-Hall,

Deans Eatman and Cande Killian-Wood.

Voted Against: Mr. Swaim & Michael Firstbrook

Motion was passed 5 to 2.

Bryan Coates, Planning Director presented the following information in *italics* below.

Item Title:

CD21-03 – This request is to rezone approximately 55.51 acres from Wake County Highway District (HD) & Residential-30 (R-30) to Town of Wendell Corridor Mixed Use Conditional District (CMX-CD) located on the northwest corner of I-87 & Rolesville 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 plan consistency and reasonableness.

Item Summary:

The applicant has requested to create an CMX Conditional District for 55.51 acres of property currently located in Wake County’s jurisdiction but within the Town of Wendell’s Urban Services Area. The applicant’s proposed CMX conditional district, contains 50,000 square of commercial square footage in three buildings, 312 multi-family apartments, and 225 townhomes.

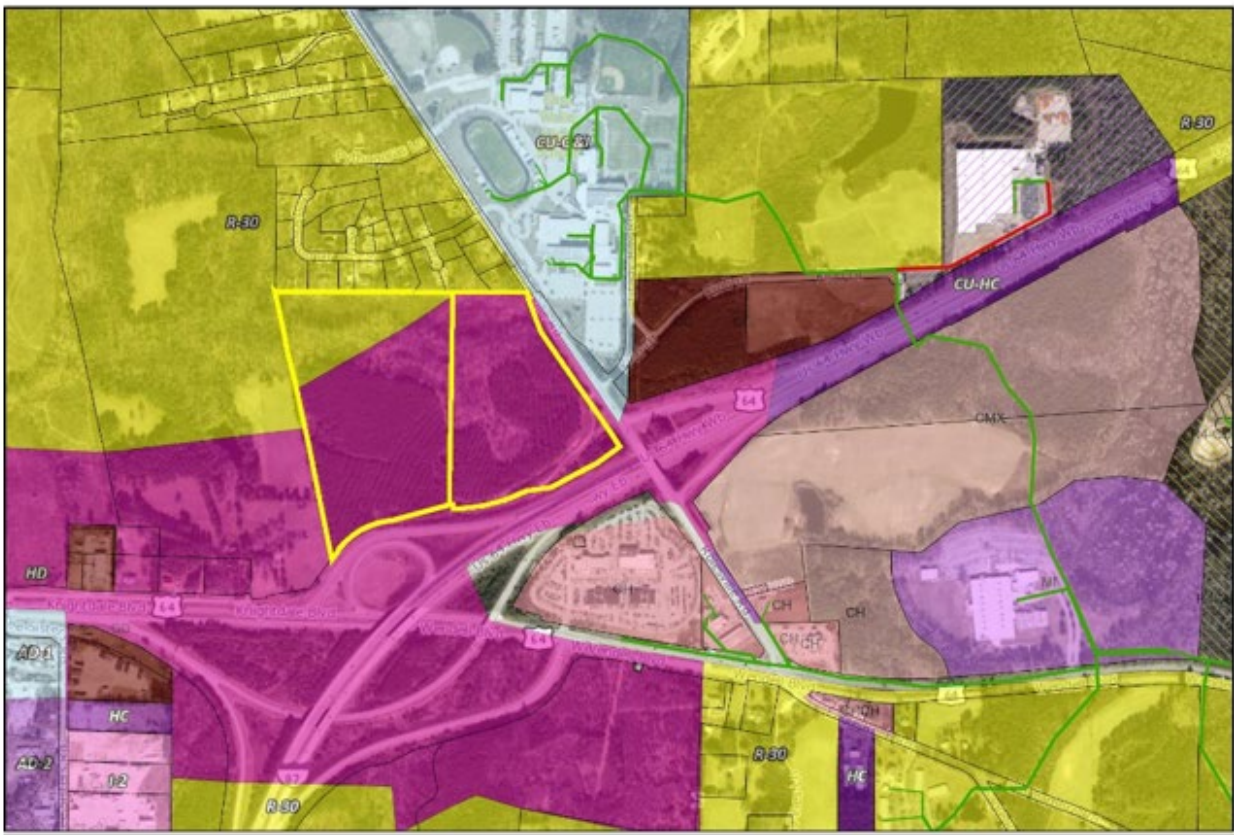
The proposed rezoning is roughly 700 feet northwest of the future Wake Tech Wendell campus and sits adjacent to the Rolesville Road interchange of Interstate 87.

Property Profile	
Location	<i>I-87 & Rolesville Road</i> <i>Addresses: 0 Rolesville Road & 9021 US 64 Highway East</i> <i>PINs: 1774093559, 1764995253</i>
Current Zoning	<i>Highway District (HD) & Residential-30 (R-30)</i>
Requested Zoning	<i>CMX-CD</i>
Area of Request	<i>55.51 acres</i>
Corporate Limits	<i>Town of Wendell Urban Services- Annexation has been requested</i>
Property Owner(s)	<i>Bypass Properties LLC</i>
Applicant	<i>Craig Duerr- Stewart</i>

Project Setting – Surrounding Districts and Land uses:

<i>DIRECTION</i>	<i>LANDUSE</i>	<i>ZONING</i>
North	<i>Residential</i>	<i>Wake County R-30</i>
South	<i>Vacant/Car Dealership/Interstate</i>	<i>Wake County Highway District & R-30, Town of Wendell Commercial Highway</i>
East	<i>Vacant/East Wake High School Wake Tech Campus</i>	<i>Wake County Office & Institutional, Town of Wendell Community Center (CC) & Corridor Mixed Use (CMX)</i>
West	<i>Vacant/Woodlands</i>	<i>Wake County Highway District & R-30</i>

Aerial (Subject Property Outlined in Yellow):



Zoning District:

The subject properties are currently located in the Wake County’s zoning districts of Highway District (HD) & Residential-30 (R-30). The surrounding properties contain a variety of zoning from both Wake County and Town of Wendell. The applicant has requested Corridor Mixed Use Zoning.

The purpose and intent of the Corridor Mixed-Use District is coded to provide pedestrian-scaled higher density residential and neighborhood-serving commercial activities along existing mixed-use corridors. Developments in this district should encourage pedestrian use through connections

to adjacent neighborhoods and the construction of mixed-use buildings. Depending on the presence of on-street parking, buildings may be set close to the street and may be larger in form.

The lot dimensions required for townhomes by the Unified Development Ordinance and those proposed by the applicant are below.

CMX UDO Required Dimensions

Lot Width- 16ft.
Front Setback- 0ft.
Side Setback- 5ft-10ft. (btwn)
Rear Setback- 0ft.

Proposed Dimensions by the Applicant

Lot Width- 20ft.
Front Setback- 10ft. (20ft for garages)
Side Setback- 5ft. (20ft between bldgs.)
Rear Setback- 15ft.
Lot Depth- 85ft.

Proposed Conditional District Conditions:

The applicant is proposing 12 Conditions for the proposed CD, as follows:

1. Amenities will include, but are not limited to, one (1) pool for the apartments and one (1) pool for the townhomes.
2. One (1) gateway entry monument will be installed at the intersection of the Collector and Rolesville Road subject to relocation of the existing OHE and/or an encroachment agreement with Duke Energy. The gateway monument shall exceed the size requirements of a tall monument by at least 50 percent. In addition, two (2) monuments each will be allowed along Rolesville Road and the Collector
3. A maximum of 350 multi-family units (i.e., apartments), 250 single family attached units (i.e., townhomes), and 30,000 square feet of non-residential shall be permitted. Any increase or decrease in these densities shall be allowable if an Engineer's certification is provided to confirm trip generations and sewer demands do not exceed maximum volumes included in the Traffic Impact Analysis and Preliminary Sewer Analysis for the project.
4. Front-loaded garages shall be permitted for Townhomes if a visual relief from monotony and a diversity of housing types are provided with at least two (2) different series of product (i.e., widths, garages, square footage) and at least two (2) of the following architectural treatments: front façade elevations with variations in roof lines and materials, covered stoops, and garages with window or other decorative features.
5. To allow for a diversity of housing types and preservation of riparian buffers, minimum lot dimensions and setbacks shall be as follows:
 - Lot Width: 20-feet
 - Lot Depth: 85-feet
 - Front Setback: 10-feet (20-feet for garages)

- *Side Setback: 5-feet (20-feet between buildings)*
 - *Rear Setback: 15-feet*
6. *Any single family or multi-family residential dwellings constructed with vinyl siding shall be accented with at least 30 percent brick, stone, stucco, or other decorative materials on the front façade. Vinyl siding shall be a minimum 0.046 gauge.*
 7. *Individual residential driveways shall be prohibited along Rolesville Road and the Collector.*
 8. *One (1) transit stop with bus shelter will be provided along Rolesville Road at a location to be determined at the time of construction drawings to allow for a 10% reduction in the overall parking requirements for a transit-oriented development.*
 9. *To prevent a surplus of parking and maximize aesthetic appeal, up to 25 percent of visitor parking for townhomes and up to 50 percent of parking for future commercial uses may be shared with the apartments subject to execution of a private shared use parking agreement.*
 10. *Mini-circles with minimum 30-foot radii or other similar traffic calming measures shall be allowable at north and south entrances to the apartments and future commercial.*
 11. *To promote pedestrian and bicycle connectivity, a 10-foot multi-use path shall be provided on the north side of the Collector in lieu of 5-foot sidewalks on both sides and along the property frontage on Rolesville Road. Subject to NCDOT approval, a high-visibility crosswalk will be provided at the proposed signalized intersection of the Collector and Rolesville Road for future pedestrian connectivity to East Wake High School and the planned Wake Tech East Campus by others. The 10-foot multi-use path along Rolesville Road will not continue across the Collector to the South due to topographic site constraints.*
 12. *To enhance the Gateway Overlay Buffer and preservation of natural vegetation along US64, the required 40-foot buffer width shall be increased to an average 50-foot buffer with an additional 10-foot landscape easement to allow for grading and re-vegetation along the south side of the Collector.*

Public Utilities:

Development of this site will require connection to city water and sewer which is available nearby. The parcel will need to be annexed and the applicant has filed an annexation petition to gain access to municipal utility services.

Environmental:

The applicant will need to obtain stormwater and sedimentation-erosion control permits from Wake County Environmental Services before any site work can commence. The proposed development plan will need to meet the requirements of the UDO. Wake County provides stormwater, sedimentation, and erosion control services for the Town of Wendell.

- The proposed plans show two stormwater ponds located in the northern and central portions of the development plan. The site does not contain any floodplain; however, the site does have a stream that requires a 50' Neuse River Buffer. The applicant has identified a small area of wetlands on site.

Buffers- UDO Section 8.6.A requires a Type B buffer between CMX and adjacent residential zoning districts where a more intense proposed use abuts any existing single family residential use.

- The applicant is providing a 20ft Type B buffer along the western boundary.
- The applicant is providing a 15ft Type B buffer with a fence along the northern boundary.

A type B buffer has a minimum planting of one tree every 25ft and 1 shrub every 6 feet.

Gateway Overlay Buffer- UDO Section 2.17 requires a 20ft. buffer between the future commercial buildings and Rolesville Road. A 40ft. buffer is required between I-87 and the residential component of the development plan.

- The applicant is providing the 20ft required buffer.
- The applicant is providing a buffer that averages 50' along I-87.
- The gateway overlay buffer requires three canopy trees or six understory trees and 12 shrubs per 100 linear feet.

Open Space- UDO Section 7.5 requires 500 sq. ft. of open space per multi-family dwelling units and 1,000 sq. ft. per townhome unit. UDO Section 7.4 requires that 75% of the required open space be passive and 25% be improved park space of which 1/3 needs to be considered active.

- The applicant is required to provide 8.75 acres of open space. The development plan is providing 9 acres of open space.
- The applicant is providing 3.29 acres of improved and fully active park space. The active open space contains two community pools, one clubhouse, dog park, three pocket parks, and a large community gathering space.

Streets:

The Town of Wendell UDO requires a street connectivity index requirement of 1.5 within the CMX zoning district. The applicant's design is providing an index of 1.57 which is higher than

required. The street layout contains three access points to Rolesville Road, three to the future collector road and two stub connections to neighboring properties on the western boundary. The internal streets are well connected to each other and the collector road.

The applicant is providing off street parking spaces throughout the community near the amenities and has zoning conditions related to the on-site parking. The applicant is required to provide 1,120 spaces and is providing 1,164.

The applicant will be responsible for making the required road improvements to Rolesville Road which is a 4-lane divided right-of-way that contains curb & gutter, 5-foot bike lanes, 6-foot sidewalks and street trees. The property contains roughly 1,100 of road frontage along Rolesville Road.

- The applicant is providing a 10ft. multi-use path along Rolesville Road and a future transit shelter instead of the required 6ft. sidewalk.

The applicant is providing a 67' Collector Road that connects Rolesville Road/I-87 to properties to the west. The collector road would be extended as development occurs. A collector road contains two travel lanes, bike lanes, 6-foot sidewalks and street trees.

- The applicant is providing a 10ft. multi-use path along the northside of the collector road.

Traffic Impact Analysis (TIA)

The Traffic Impact Analysis has been completed for the development plan and includes a series of road improvements. The following requirements are listed below:

- Site Access Drive #1 (Collector Road)- Signalized and lined up with I-87 off ramp. Turn lanes added in three directions.
- Site Access Drive #2- Right In-Right Out.
- Site Access Drive #3- Turn lanes into the site.
- Southbound Rolesville Road onto Business 64 East- Extend Turn Lane (350ft.)
- US 64 Business onto Rolesville Road North- Extend Turn Lane (350ft.)

Phasing:

The development plan contains four proposed phases. Phase one includes townhomes and a pocket park, phase two includes the apartments with clubhouse and pool, dog park, two pocket parks and community gathering space. Phase three includes the remaining townhomes with clubhouse and pool. Phase four includes the three commercial buildings.

Comprehensive Plan:

The Wendell Comprehensive Plan defines the subject property as S-5 Intended Growth Sector within a Village/Town Center.

The Comprehensive Plan states that S-5 areas “are typically within ½ mile of high-capacity regional thoroughfares, such as Wendell Boulevard and the US 64 Bypass. Appropriate development types are higher density mixed-use centers of employment, commerce, and residential uses.

The following development types and uses are appropriate for the S-5 sector:

- traditional neighborhood developments
- neighborhood centers
- village/town centers
- single-family and multi-family residential
- neighborhood-serving commercial uses (retail and office)
- civic uses
- industrial uses

Village/Town Centers are described as mixed-use activity centers with employment and commercial uses that attract people from beyond the immediate neighborhoods and from surrounding communities. These centers are appropriate for the area’s highest density housing. The area of these centers is based on a ½-mile radius (a typical 10-minute walk)—the larger circles on the map. Village/Town centers are envisioned as locations for regional commercial and employment development as well as higher density housing. These centers are also logical locations for future mass transit station areas as they will provide the highest concentrations of residential and employment in the Plan area.

The proposed development on the site meets the appropriate uses.

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.

- The requested zoning map amendment is consistent with the uses outlined in the Wendell Comprehensive Land Use Plan for the S-5 Sector and is reasonable in that it supports **Principle #6**: “Provide for a range of housing opportunities including upscale housing, senior housing, and downtown living choices”, and **Principle #3** “Increase downtown and in-town retail, dining, and residential options; likewise, continue the tradition of local business.”

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).

Staff Comments:

The proposed development plan is consistent with the Wendell Comprehensive Land Use Plan and staff recommends approval of the conditional district rezoning.

Comments/Questions following this presentation:

- **Chairman Olson asked for questions from the board.**
- **Ryan said 1100 ft of road improvements on Rolesville close to 1200.**
- **Bryan replied yes.**
- **Deans spoke about traffic study and asked as we think about the future is this an area that we can make future improvements on our own, is this the best way for us to go?**
- **Bryan went over other plans and said this will be the best plan and this will get the traffic off Rolesville Rd. Bryan spoke about Eagle Rock Rd & Wendell Valley Blvd, Wendell Falls and collectors from Anderson neighborhood, he said there is only so much room to widen Eagle Rock Rd.**
- **Chairman Olson asked is NCDOT ok with not having a collector road?**
- **Mr. Duerr, the applicant, spoke about the DOT improvements and how they have had multiple meetings on the proposed plans. NCDOT is agreeable to the proposed access and road improvements.**
- **Michael complained about traffic on Rolesville Rd and where SECU and the ABC are, he said it is hard to make a left turn.**
- **Bryan said the Bannon Place Road will be a full main entrance to Wake Tech Campus and turn lanes will be extended and there will also be additional ones and more signals. This project is ahead of Wake Tech but Wake Tech will also be making improvements based on the large amount of trips that and their improvements will be significant.**
- **Mr. Swaim said turning left out of East Wake High was dangerous.**
- **Ryan asked the applicant what the plan is for East Wake High.**
- **Mr. Duerr said now it is a 4 way intersection and once you get past Kioti Drive it starts to tapers off we will be extending this up to 3rd access point and will have a full left turning lane. There will be very few people using the northern entrance.**
- **Chairman Olson asked about the future vision for retail in this area.**
- **Mr. Duerr said maybe a daycare or medical office over retail. Flexibility in parking will be important. He said they will continue to address the current neighbors' concerns with good buffers including fences and trees.**
- **Bryan said the town staff wants more commercial and he spent time with the developers for over a year to get this project with retail.**
- **Chairman Olson asked about the future of having a community within a community, and wanted to know if the apartments would be 3 stories?**
- **Mr. Duerr replied yes, 3 stories.**
- **Mr. Swaim said he likes site for this type of development, this is the right space for apartments and townhomes, he still has traffic concerns for East Wake High.**

- Chairman Olson likes the addition of the signal to slow traffic down.
- Chairman Olson asked if there were any speakers on this item?
- Thomas Vestal introduced himself and said he is opposed to this rezoning, he does not like the traffic, and he worries about the safety of the students at East Wake High School. He thinks 500 units will have a great impact on traffic and with Wake Tech coming he feels his rural neighborhood will be turning into a hub and we will require more services, fire and police. This will turn into a college town and renters who live in the apartments won't care about the area. He said townhomes are not a good fit instead they should build rural single-family homes with townhomes behind them, he would rather see townhomes in place of apartments and single-family homes in place of the townhomes as well as no commercial buildings. He said he is not against development but not this.
- Dave Beck lives off of Cedarwood Dr. and said there is lots of traffic every day when the High School lets out. When they add more lanes, it will just make more traffic, "You're going to pull 4 lanes and bottleneck it right back in. It is hard to turn into my street, Cedarwood Dr, now these traffic problems need to be addressed."
- Deans asked out of curiosity as development happens the north side of Rolesville Rd. who is in charge of the law enforcement?
- Bryan replied a majority of Rolesville road is DOT and the Wake County Sheriff is in charge. Once we have annexed, we will be responsible.
- Deans said maybe making it busier will calm people down, rather than them having more space to speed, maybe a speed reduction would help.
- Bryan replied DOT won't do a speed reduction until the development is built, they need to see the traffic and assess the situation at that time.
- Mr. Duerr said he was impressed with the fact that the Chief of Police is a part of the TIA and he was very involved in the discussion. He also said that apartments will bring in taxes and will help provide more police and other services. He said this will not be a college town he said these will be good places for the teacher to live and maybe some students but also people who work in downtown Raleigh.

**Mr. Swaim made a motion to approve the rezoning as written.
Ryan Zakany seconded the motion.**

**Michael Firstbrook spoke about the state he grew up and how this happened there, and we are rushing down a road that will end badly.
"Are we not still a small town with big charm?"**

Voted For: Mr. Swaim, Ryan Zakany, Chairman Olson, Jimmena Huffman-Hall, Deans Eatman and Cande Killian-Wood.

Voted Against: Michael Firstbrook

Motion was passed 6 to 1.

Jeannine Ngwira, Planner II presented the following information in *italics* below.

Item Title: *ZM21-03 – Rezoning request for 450 Old Wilson Road from Highway Commercial (CH) to Manufacturing & Industrial (M&I).*

Specific Action Requested:

The Planning Board is asked to review the rezoning request and provide a recommendation to the Town Board that includes a statement of plan consistency and reasonableness.

Item Summary:

The applicant is requesting to rezone a parcel located on the south side of Old Wilson Road from Highway Commercial (CH) to Manufacturing & Industrial (M&I). This parcel was rezoned in 2019 from Corridor Mixed-Use (CMX) to CH in order to allow for a commissary kitchen. The property owner has stated that the market conditions have changed since the rezoning in 2019 and would like to rezone to M&I in order to align with their current tenant demographic. The businesses that have expressed interest in leasing the warehouse would be using it for storage and office, but since the CH zoning district does not allow storage, the applicant is requesting to rezone to M&I. Adjacent and nearby warehouses are zoned M&I and contain similar uses.

All potential tenants are required to submit a zoning compliance application with associated site plan and apply for all applicable building permits before occupying the warehouse.

This type of rezoning allows for all permitted uses within the M&I zoning district (see attachment B).

<i>Project Profile</i>	
<i>Location</i>	<i>Addresses: 450 Old Wilson Road PIN: 1784-90-8357</i>
<i>Current Zoning</i>	<i>Highway Commercial (CH)</i>
<i>Requested Zoning</i>	<i>Manufacturing & Industrial (M&I)</i>
<i>Area of Request</i>	<i>3 acres</i>
<i>Corporate Limits</i>	<i>Within Corporate Limits</i>
<i>Current Land Use</i>	<i>Industrial</i>
<i>Proposed Land Use</i>	<i>Industrial</i>
<i>Property Owner</i>	<i>Cool Hand Holdings LLC</i>

Project Setting – Surrounding Districts and Land uses:

<i>DIRECTION</i>	<i>LANDUSE</i>	<i>ZONING</i>
<i>North</i>	<i>Institutional/Commercial</i>	<i>CMX</i>
<i>South</i>	<i>Residential</i>	<i>R3</i>
<i>East</i>	<i>Industrial</i>	<i>M&I</i>
<i>West</i>	<i>Residential/Commercial</i>	<i>NC-CD/CMX</i>

Jeannine referred to an Aerial view of the zoning map that includes this parcel.

Zoning District:

The subject property is currently located in the CH zoning district. The surrounding properties are zoned Neighborhood Center - Conditional District (NC-CD), CMX and M&I.

The UDO states that the Manufacturing & Industrial District is coded to permit the development and operation of light or heavy industrial or flex-space buildings and uses that are typically too large in scale to fit within a neighborhood environment and that should be buffered from surrounding neighborhood uses. In the interest of economic development, this District is reserved for non-residential uses only to preserve adequate opportunities for future relocation and expansion of employment-based uses.

Parking Requirements:

Manufacturing/Wholesale/Storage requires .25 spaces per 1,000 sq. ft. of non-office space. Since the warehouse is 34,048 sq ft., the applicant will need to provide 9 parking spaces.

Comprehensive Plan:

The Wendell Comprehensive Plan defines the area of the proposed rezoning as S-4 Controlled Growth Area within a Neighborhood Center.

The S-4 Sector is 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.

Appropriate Land Uses/Development Types:

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
- industrial uses

Neighborhood Centers are intended to be mixed-use activity centers serving surrounding neighborhoods with retail, services, civic uses, and higher density housing. A neighborhood center should not contain more than 80,000 to 120,000 square feet of retail uses. A grocery anchored mixed-use development is a typical use for a neighborhood center.

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.

- 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 Town Center and is reasonable to be consistent with adjacent zoning districts.

Staff Comments:

Staff recommends approval of the requested rezoning application.

Deans Eatman made a motion to approve.

Mr. Swaim seconded the motion.

All voted in favor and the motion was passed.

Jeannine Ngwira, Planner II presented the following information in *italics* below.

Item Title:

ZTA21-06 Zoning text amendments to comply with Chapter 160D of the NC General Statutes

Specific Action Requested:

The Planning Board is being asked to consider the proposed text amendment request 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 is a new chapter that consolidates current city- and county-enabling legislation for development regulations into a single, unified chapter. Chapter 160D creates a more logical organization of the regulations. The new law does not make major policy changes or shifts in the scope of authority granted to local governments. The changes do provide many clarifying amendments and consensus reforms that are required to be incorporated into the Town's UDO and Code of Ordinances. Chapter 160D is effective now but local governments have until July 1, 2021 for adoption of text amendments to comply with State law.

This sixth round of proposed text amendments deal with Quasi-Judicial Decisions, Administrative Decisions, Vested Rights and Permit Choice. The following items are included in the proposed amendments:

- ***Must** provide development approvals in writing; may provide in print or electronic form; if electronic form is used, then it must be protected from further editing. (G.S. 160D-403(a).)*
- ***Must** provide that applications for development approvals must be made by a person with a property interest in the property or a contract to purchase the property. (G.S. 160D-403(a).)*
- ***Must** not make an applicant wait for final action on the proposed change before proceeding if the applicant elected determination under prior rules. (G.S. 143-755; G.S. 160D-108(b).)*
- ***Must** provide written notice of determination by personal delivery, electronic mail, or first-class mail to the property owner and party seeking determination, if different from the owner. (G.S. 160D-403(b).)*
- ***Must** require the official who made the decision (or his or her successor if the official is no longer employed) to appear as a witness in the appeal. (G.S. 160D-406.)*
- ***Must** recognize multi-phase developments—long-term projects of at least 25 acres—with vesting up to seven years, except for specified exceptions (160D-108(c))*

Proposed Amendments:

*To comply with Chapter 160D of the North Carolina General Statutes, staff recommends amending the following sections of the Town of Wendell Code of Ordinances and Unified Development Ordinance to read as follows (Changes have been highlighted. Deletions are shown with strike-throughs. Additions are **bolded and underlined**).*

- ***Must** provide development approvals in writing; may provide in print or electronic form; if electronic form is used, then it must be protected from further editing. (G.S. 160D-403(a).)*

- *Must provide that applications for development approvals must be made by a person with a property interest in the property or a contract to purchase the property. (G.S. 160D-403(a).)*
- *Must not make an applicant wait for final action on the proposed change before proceeding if the applicant elected determination under prior rules. (G.S. 143-755; G.S. 160D-108(b).)*

Town of Wendell Unified Development Ordinance

Chapter 15 – ADMINISTRATION

15.2 – General Applicability

- A. *The provisions of this Chapter shall be applicable to all development activity under the jurisdiction of the Town of Wendell.*
- B. *No land shall be used or occupied and no structures shall be erected, moved, extended, or enlarged, nor shall any excavation or filling of any lot for the construction of any building be initiated until the Administrator has issued a zoning permit which will certify that the proposed work is in conformity with the provisions of this chapter.*

C. No person shall commence or proceed with development without first securing a development approval from the Town of Wendell.

- **The development approval shall be in writing and may be issued in print or electronic form. Any development approval issued exclusively in electronic form shall be protected from further editing once issued.**
- **Applications for development approvals may be made by the landowner, a lessee or person holding an option or contract to purchase or lease land, or an authorized agent of the landowner. An easement holder may also apply for development approval for such development as is authorized by the easement.**

D. If an application made in accordance with this ordinance is submitted for a development approval required pursuant to subsection C. above and a development regulation changes between the time the application was submitted and a decision is made, the applicant may choose which version of the development regulation will apply to the application. If the development permit applicant chooses the version of the rule or ordinance applicable at the time of the permit application, the development permit applicant shall not be required to await the outcome of the amendment to the rule, map, or ordinance prior to acting on the development permit. This section applies to all development approvals issued by The Town of Wendell.

- *Must provide written notice of determination by personal delivery, electronic mail, or first-class mail to the property owner and party seeking determination, if different from the owner. (G.S. 160D-403(b).)*
- *Must require the official who made the decision (or his or her successor if the official is no longer employed) to appear as a witness in the appeal. (G.S. 160D-406.)*

Town of Wendell Unified Development Ordinance

Chapter 15 – ADMINISTRATION

15.3 - Administrator

- A. *General Responsibilities: The various provisions of this Ordinance shall be administered by the Town of Wendell Planning Department under the primary direction of the Planning Director. For purposes of the administration of this Ordinance, the Planning Director and subordinate staff are collectively referred to as the Administrator. **The Administrator has the authority to determine the interpretation of this ordinance. Any person may request an interpretation by submitting a written request to the Administrator, who shall respond in writing within 30 calendar days to the party who sought the determination, if different from the owner. The written notice shall be delivered by personal delivery, electronic mail, or by first-class mail. The notice shall be delivered to the last address listed for the owner of the affected property on the county tax abstract and to the address provided in the application or request for a determination. The Administrator shall keep on file a record of all written interpretations of this ordinance.***

15.16 - Administrative Appeals

E. Appeals

- 5. The official who made the decision or the person currently occupying that position, if the decision maker is no longer employed by the Town, shall be present at the evidentiary hearing as a witness.**

-
- *Must recognize multi-phase developments—long-term projects of at least 100 acres— with vesting up to seven years, except for specified exceptions (160D-108(c)).*

Town of Wendell Unified Development Ordinance

Chapter 15 – ADMINISTRATION

15.14 – Vested Rights

C. Duration

2. *Notwithstanding the provisions of subsection C.1 above, the approval authority may provide that rights shall be vested for a period exceeding two years but not exceeding five years where warranted in light of all relevant circumstances, including, but not limited to, the size of the development, the level of investment, the need for or desirability of the development, economic cycles, and market conditions. **A multiphase development shall be vested for the entire development with the zoning regulations, subdivision regulations, and unified development ordinances in place at the time a site plan approval is granted for the initial phase of the multiphase development. This right shall remain vested for a period of seven years from the time a site plan approval is granted for the initial phase of the multiphase development. For purposes of this subsection, "multiphase development" means a development containing 100 acres or more that (i) is submitted for site plan approval for construction to occur in more than one phase and (ii) is subject to a master development plan with committed elements, including a requirement to offer land for public use as a condition of its master development plan approval.***

These determinations shall be in the sound discretion of the approval authority at the time the site specific development plan is approved.

Statement of Plan Consistency:

Any recommended change to the zoning text should be accompanied by a statement explaining how the change is consistent with the comprehensive plan.

- *The proposed ordinance amendment is consistent with the Comprehensive Plan since it supports **Key Principle # 9: Make development decisions predictable, fair, and cost effective.***

Staff Recommendation:

Staff recommends approval of the proposed 160D text amendments.

Comments/Questions following this presentation:

- **Ryan asked if it is 7 years vested from the time of approval?**
- **Jeannine replied, yes.**
- **Deans said he wanted to understand vested, but if it is going through the school of government that is ok.**
- **Jeannine said yest it will be.**

Deans Eatman made a motion to approve.

Cande Killian-Wood seconded the motion.

All voted in favor and the motion was passed.

Bryan Coates gave a update on Blueprint 2030.

He said they had an in-person community meeting last week where people could give their opinions on what they wanted for the town's future. held at the Community Center.

Our consultants are working on what the areas will look like in the future in areas like Wendell Falls, Wendell Blvd., Rolesville Rd area with Wake Tech and Business 64.

The Survey is still online and it will help make decisions easier for the planning board to make recommendations as they will have more information from the public as to what they want.

Chairman Olson has been impressed by what he has seen so far, he likes to see some apartments and places where people can live and work in Wendell.

Bryan said there are mixed use images that create a new space in enhancing our town but keep the same vibe of a traditional downtown.

Mr. Swaim stated that this is his last meeting and he realized he has been on the board longer than this current staff has been here. Planning board used to be dour but now everyone smiles, and we say the Pledge of Allegiance at the start of the meetings, motions come from the board and not the Chairman. Going

forward he told the board don't settle, demand more, keep the government from stepping on our land. In Mexico you can't even buy land you can only rent it. Go with your heart, we have a lot of history and reconstruction property here. My wife and I are moving down the road, but we will still be around town.

Chairman Olson said Thank you for your service Mr. Swaim, We are looking for an ETJ member if anybody knows someone, please tell them to apply. He also said that Benjamin Griffin will be filling the remaining Brett Hennington's position on the Board. He also said it was nice to have people here in person tonight.

**Ryan Zakany made a motion to adjourn.
Jimmena Huffman-Hall seconded the motion.**

All were in favor and the meeting adjourned at 9:13 pm.