



**2018 TOWN OF WENDELL
SPECIAL USE PERMIT
APPLICATION PACKET**



Town of Wendell Planning Department
15 E. Fourth St.
Wendell, NC 27591

Phone: 919.365.4448
Fax: 919.365.1462
www.townofwendell.com

**ACKNOWLEDGEMENT OF SPECIAL USE PETITION
INFORMATION**

I, _____, acknowledge the receipt of the following
items pertaining to the Special Use request for the property located at

Wendell Falls PUD, 6133 Taylor Road, Wendell, North Carolina 27591

- X Application
- X Submittal Schedule
- X Site Plan Requirements
- X Required Findings of Fact
- X Special Use Procedures

Submittal Deadline Date: July 20, 2018

NASH Wendell Falls, LLC
Applicant

July 20, 2018
Date



TOWN OF WENDELL SPECIAL USE PERMIT APPLICATION

Date of Application: July 20, 2018 Application Number: _____

Location of Property: 6133 Taylor Road Wendell, North Carolina 27591

Current Zoning District: _____ Wake Co. PIN: _____

Applicant's Name: NASH Wendell Falls, LLC

Applicant's Mailing Address: 6133 Taylor Road Wendell, North Carolina 27591

City/State/ZIP: _____

Phone: _____ Email: mscisciani@newlandco.com

Property Owner's Name: Same as Applicant

Property Owner's Address: _____

City/State/ZIP: _____

Phone: _____ Email: _____

Type of Special Use/Reason for Special Use (cite the code section to which this Special Use applies):

PUD Amendment per UDO, including Section 2.19

Intended use of property, building or structure as a Special Use (describe below):

As a Planned Unit Development

Is this a modification of a previously-issued SUP? Yes No

Other information: See Attached

The following information MUST be included before the application will be accepted and processed:

- Attachment A – A list of adjacent property owners (including across public right-of-ways) and their mailing and physical addresses. **Planning Staff to provide.**
- Attachment B – write up with the following questions numbered, listed, and answered: **See attached narrative.**
 1. Are there any variances being requested? If so, list each one. **See attached narrative.**
 2. Will utilities, fire, police, and other necessary public and private facilities and services be adequate to handle the proposed use? Please explain how they will or will not be adequate. **Yes, see 2015 PUD application incorporated by reference.**
 3. How will the proposed use affect the health and safety of the residents and workers of Wendell? **See attached narrative.**
 4. Will the proposed use affect the use or development of adjacent properties or other uses? **See attached.**
 5. Will the proposed use constitute a nuisance or hazard because of the number of persons who will attend or use the facility, vehicular movement, noise, or fume generation or type of activity? Explain. **No. See attached narrative.**
 6. What are the hours of operation? **N/A**
 7. How many work shifts will there be? **N/A**
 8. How many employees will work per shift? _____ Full-time _____ Part-time **N/A**

The undersigned property owner hereby authorizes the filing of this application and any subsequent revisions thereto. The filing of this application authorizes the Town of Wendell staff to enter upon the site to conduct relevant site inspections as deemed necessary to process the application.

NASH Wendell Falls, LLC

Signature:  Date: July 20, 2018

As the applicant, I agree that this permit, if granted, is issued on the presentation made herein and that this permit may be revoked in the event of any breach of representation or non-compliance of conditions of the permit. It is further understood that if the Special Use as requested herein is not started within twelve (12) months from the date of issuance, that the permit shall become invalid. Fees are nonrefundable. The applicant is responsible for presenting their case to the town.

NASH Wendell Falls, LLC

Signature:  Date: July 20, 2018

OFFICE USE ONLY

Fee Paid: _____ Check # _____ Recvd By: _____ Date: _____

BOARD OF COMMISSIONERS Date of Public Hearing: _____ Date Sign Erected: _____

Dates Public Hearing Advertised (#1) _____ in _____ (#2) _____ in _____

Town Board Recommendation Approval Denial

Conditions _____

Town Clerk Signature Date

Mayor's Signature Date



**TOWN OF WENDELL 2018
SPECIAL USE APPLICATION
SUBMITTAL SCHEDULE**



PLANNING DEPARTMENT
15 E. Fourth St.
Wendell, NC 27591
Phone: 919.365.4448
Fax: 919.366.1462

Pre Application Submittal Meeting*	Special Use Application Submittal Deadline (\$500.00 Fee Due)**	Public Hearing	Board of Commissioners Action***
January 5, 2018	January 12, 2018	February 12, 2018	March 12, 2018
February 2, 2018	February 9, 2018	March 12, 2018	April 9, 2018
March 2, 2018	March 9, 2018	April 9, 2018	May 14, 2018
April 6, 2018	April 13, 2018	May 14, 2018	June 11, 2018
May 4, 2018	May 11, 2018	June 11, 2018	July 9, 2018
June 1, 2018	June 8, 2018	July 9, 2018	August 13, 2018
July 6, 2018	July 13, 2018	August 13, 2018	September 10, 2018
August 3, 2018	August 10, 2018	September 10, 2018	October 8, 2018
August 31, 2018	September 7, 2018	October 8, 2018	November 12, 2018
October 5, 2018	October 12, 2018	November 12, 2018	December 10, 2018
November 2, 2018	November 9, 2018	December 10, 2018	January 14, 2019
December 7, 2018	December 14, 2018	January 14, 2019	February 11, 2019
January 4, 2019	January 11, 2019	February 11, 2019	March 11, 2019
February 1, 2019	February 8, 2019	March 11, 2019	April 8, 2019

* Pre Application meeting shall be held prior to deadline. No pre application meetings shall be held on the deadline date.
 ** Incomplete/incorrect applications will be returned to applicant. Future submittal will be based on next submittal date.
 *** Applicant may submit written request to Board of Commissioners for action to be taken the same night as the public hearing. Applicant will receive recommendation from Staff prior to Town Board meeting.

15.15 Special Use Permits

- A. Purpose:** Special uses are land uses that are generally compatible with the land uses permitted by right in a zoning district, but which require individual review of their location, design, and configuration so as to evaluate the potential for adverse impacts on adjacent property and uses. Special uses ensure the appropriateness of the use at a particular location within a given zoning district.
- B. General Requirements:**
- 1.** Only those uses enumerated as Special Uses in a zoning district shall be authorized by the Board of Commissioners.
 - 2.** The evaluation and approval of the Special Use Permit shall be governed by quasi-judicial proceedings, which are based upon the sworn testimony and evidence presented at the hearing relevant to the following standards:
 - a.** That the proposed use does not affect adversely the general plans for the physical development of the town as embodied in this Ordinance and in any plan or portion thereof adopted by the Board of Commissioners;
 - b.** The proposed use will not be contrary to the purposes stated for these regulations;
 - c.** The proposed use will not adversely affect the health and safety of residents and workers in the town;
 - d.** The proposed use will not be detrimental to the use of development of adjacent properties or other neighborhood uses;
 - e.** The proposed use will not be affected adversely by the existing uses;
 - f.** The proposed use will be placed on a lot of sufficient size to satisfy the space requirements of the use;
 - g.** The proposed use will not constitute a nuisance or hazard because of the number of persons who will attend or use the facility, vehicular movement, noise, or fume generation or type of physical activity;
 - h.** The standards set forth for each particular use/project for which a permit may be granted have been met;
 - i.** The Board may impose or require such additional restrictions and conditions as may be necessary to protect the health and safety of

works and residents in the community, and to protect the value and use of property in the general neighborhood;

- j. The proposed use shall be subject to the minimum area, setback, and other location requirements of the zoning district in which it will be located; and
- k. The proposed use shall be subject to the off-street parking and service requirements of these regulations; provided, however, that an approved PUD Plan document may include modifications of such requirements.
- l. Wherever the Board shall find, in the case of any permit granted pursuant to the provisions of this chapter, that any of the terms, conditions, or restrictions, on which such permit was granted are not being complied, the Board shall rescind and revoke the permit after giving due notice to all parties concerned and granting full opportunity for a public hearing.

C. Procedures:

- 1. The processing of a Special Use Permit shall be conducted by the Board of Commissioners. During the public hearing, all parties presenting testimony and evidence shall be duly sworn. Testimony both in favor and against the Special Use Permit application shall be presented and will be considered in formulating the findings-of-fact required for a decision.
- 2. The Board of Commissioners may attach reasonable and appropriate conditions on the location, nature, and extent of the proposed use. The applicant shall have up to 30 calendar days to consider and respond to any additional requirements prior to approval or denial by the Board of Commissioners.
- 3. A notice of each public hearing shall be published in a newspaper of general circulation in the town, at least one time a week for two consecutive weeks prior to the public hearing.

D. Effect of Approval: If an application is approved, the Special Use Permit that is established and all conditions which may have been attached to the approval are binding on the property. All subsequent development and use of the property shall be in accordance with the approved plan and conditions. The applicant shall record the approved Special Use Permit with the Register of Deeds and submit a copy to the Town. The authorization of the Board of Commissioners for a Special Use Permit and all supporting documentation shall become a part of the certificate of occupancy.

E. Substantial Changes: Any substantial change to a Special Use Permit that results in the increase of the intensity, density, or character of the use shall be approved or denied by the Board of Commissioners as an amended Special Use

Permit. Minor field alterations or minor revisions to approved Special Use Permits may be approved by the Administrator if the Special Use still meets the intent of the standards established with the original approval.

F. Appeal: The determination of the Board of Commissioners shall be conclusive and final and there shall be no further appeal to the Zoning Board of Adjustment or any other administrative board or commission except the State Superior Court. A request for a review may be made in the same manner as an original request. Evidence in support of the request shall initially be limited to that which is necessary to enable the Board of Commissioners to determine whether there has been a substantial change in the facts, evidence, or conditions in the case. It shall thereupon treat the request in the same manner as the original request. Otherwise, the Board of Commissioners may terminate any further consideration of such request. The Board of Commissioners may, however, review its authorization and the conditions thereof and after such review may modify or change the conditions of the Special Use Permit or may terminate the Special Use Permit only upon agreement with one or more of the criterion set forth in 15.15.G.3, below. Any appeal for administrative review concerning the enforcement of a Special Use Permit shall be to the Board of Commissioners.

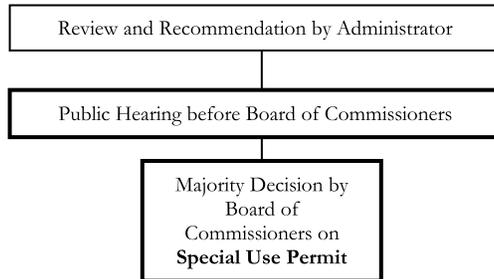
G. Rescission of Special Use Permits:

1. The applicant shall secure a valid building permit within a 12 month period from date of approval of the Special Use Permit unless otherwise specified.
2. If such project is not complete and a valid building permit is not in place at the end of the 12 month period, the Administrator shall notify the applicant of either such finding. Within 30 calendar days of said notification, the Administrator shall make a recommendation concerning the rescission of the Special Use Permit to the Board of Commissioners. The Board of Commissioners may then rescind or extend the Special Use Permit, for a specified period of time.
3. Other criterion for which a Special Use Permit may be rescinded or terminated shall be as follows:
 - a. Non-compliance with adopted conditions.
 - b. Expressed diminution of value of surrounding properties that may only be found during the evidentiary hearing and made a part of the Findings of Fact.
 - c. Expressed negative impacts related to the general safety, health, and welfare of the surrounding community, which may only be found during the evidentiary hearing and made a part of the Findings of Fact.
 - d. Recorded and repeated Code violations.

- e. Any non-conformity created by amortization of the permitted use which would only be established as a condition of the permit.
- f. Any zoning map amendment to a zoning district that would create a nonconformity between the district and associated permit.

H. Procedure:

APPLICATION	REVIEWING AUTHORITY	ACTION TO BE TAKEN	APPEAL AUTHORITY
Special Use Permit w/ Master Plan (16.5)	Administrator	Review submittal procedures and requirements. Review for completeness & code compliance. Issue Staff Report	n/a
	Board of Commissioners	Public hearing	n/a
	Board of Commissioners	Approval of Special Use Permit – or – Denial and Request for Rehearing	Superior Court



Master Plan Requirements

All new development requiring a Special Use Permit must submit a Master Plan as part of the Special Use Permit application, per the specifications provided in section 16.5 of the Unified Development Ordinance (provided below). Where a new use is proposed in an existing facility, the administrator may exempt the applicant from some or all of the requirements of this section where it is determined that such requirements are not warranted.

16.5 Master Plan/Preliminary Plan Requirements

The Master Plan (or Preliminary Plan for Major Subdivisions) shall be drawn to the following specifications and shall contain or be accompanied by the information listed below. All plans shall be submitted at a scale not less than 1 inch = 50 feet (for Site Plans) or 1 inch = 200 feet (for Subdivisions) unless otherwise authorized by the Administrator. No processing or review of a Master Plan or Preliminary Plan will proceed without all of the information required for Sketch Plan review in addition to the information listed below:

- A.** Plat book or deed book references.
- B.** Names of adjoining property owners (or subdivision or developments of record) with plat book and/or deed book reference.
- C.** The boundary, as determined by survey, of the area to be developed with:
 - 1.** All bearings, curve data, and distances on outside boundaries and street centerlines;
 - 2.** Street centerlines tied to the boundary;
 - 3.** The location within the area, or contiguous to it, of any existing streets, railroad lines, perennial streams, wetlands, easements or other significant features of the tract.
 - 4.** At least one corner tied to the NC grid with grid coordinates provided where at least one of two control monuments needed are within 2,000 feet of the boundary. Otherwise, boundary should be tied to the nearest street intersections.
 - 5.** Locations of intersecting property boundary lines of adjoining properties;
- D.** Site calculations including total acreage of tract, acreage in recreational open space and other non-residential uses, total number and acreage of parcels, and the total number of housing units.
- E.** Original contours at intervals of not greater than 2 feet for the entire area to be subdivided/developed and extending into adjoining property for a distance of 100 feet at all points where street rights-of-way connect to the adjoining property and 10 feet at all other points of common project boundaries. At least two contours per

map should be labeled. Wake County or Town of Wendell digital topography may be used to satisfy this requirement but should be field-verified by the applicant's consultant to ensure accuracy. This requirement may be waived by the Administrator for developments smaller than 1 acre or where insufficient topographic changes warrant such information.

- F.** Building elevations required for all Major Site Plans, but not for subdivisions (commercial or residential).

- G.** The location of:
 - 1.** proposed buildings
 - 2.** parking and loading areas
 - 3.** streets and alleys with total right-of-way dimensions; right-of-way width dimensions from center lines of existing public streets; and existing and proposed street names
 - 4.** lots
 - 5.** detailed plans of parks, recreation and open space
 - 6.** site reservations (e.g., school sites)
 - 7.** property lines and building setback lines
 - 8.** tentative lot dimensions
 - 9.** building restriction areas (i.e. flood hazard areas, buffer locations, watershed protection districts, and/or jurisdictional wetlands)
 - 10.** location, dimension, and type of all easements (existing and proposed)
 - 11.** proposed size of utility mains, extensions and services

- H.** Environmental Survey Requirements in accordance with Section 16.3.

- I.** Calculations of proposed impervious cover.

- J.** Typical cross-sections of proposed streets and alleys. Cross-sections shall include the following information: right-of-way widths, pavement widths, curb and gutter profile, planting strip widths and locations, sidewalk widths and locations, underground utilities' widths and locations, and building setbacks.

- K.** The proposed limits of construction for all proposed development activity.

- L.** Illustrative Landscape/Tree Plan showing general location and massing of proposed landscape material.
- M.** Phase lines (if applicable).
- N.** Certification statements.
- O.** Floodplain Development Permit and Certification application with supporting documentation as required by the Wendell Flood Damage Prevention Ordinance (if applicable; see Chapter 6). (Application must be prepared for review, although not necessarily approved at the time of submittal of the Master Plan/Preliminary Plan documents.)
- P.** Certificate of Appropriateness for historic properties (if applicable).
- Q.** Traffic Impact Analysis (if applicable; see Section 16.13, Traffic Impact Analysis).

WENDELL FALLS 2018 AMENDED PUD
JULY 2018

I. INTRODUCTION: A SUMMARY OF THIS PROPOSED AMENDMENT

This proposed amendment seeks to amend the PUD Plan Document approved on November 9, 2015 (the “2015 PUD Plan Document”). Since the 2015 amendment, the Wendell Falls development has proceeded at a strong pace with over +/- 594 total residential lots sold, and 406 total homes occupied. In addition, commercial lots have been sold with improvements underway. The recent years of experience and market analysis have prompted the modifications to the PUD Document (the “2018 Amended PUD Plan”).

The Applicant, NASH Wendell Falls, LLC (“Applicant”), based on four years of market experience with the project, now seeks to make a limited number of changes to the 2015 PUD Plan Document, summarized as follows:

- A. Amend PUD Lot Building Standards as set forth on revised matrix below in Section II.
- B. Amend maximum building heights (for apartments/condos, commercial buildings and mixed- use buildings) in Zones 2 and 3 from three stories to five stories, as shown on the revised tables below in Section II.
- C. Modify the Wendell Falls Residential Design Guidelines attached as Exhibit E to the Development Agreement (Fifth Amendment) to address 4/5 story apartment buildings if located adjacent to single family residential uses on the same side of a street.
- D. Change the allowed mix of housing types so as to treat apartment units as a different type from attached townhome units and modify the cap. Under the 2015 PUD Plan Document, apartment units and townhome units are lumped together under the “multi-family” category and capped at 1,400 total multi-family units. The proposal, as explained below, seeks to de-couple townhomes from apartment units such that the 2018 Amended PUD will allow up to 1,200 apartment units and up to 750 townhome units.
- E. Modify Master Plan Map A-1 to refine Zone boundaries in accordance with current plans.
- F. Eliminate Map A-2 (Comparison of old PUD Pods to 2015 Master Plan). No longer needed.
- G. Combine Map A-3 (Revised Open Space Plan) with Map A-4 (Revised Circulation Plan).

To the extent the 2015 PUD Plan Document is not changed by this 2018 Amended PUD Plan, the 2015 PUD Plan Document will continue in force in accordance with its terms.

II. DETAILED DESCRIPTION OF REQUESTS

Applicant offers the following detailed explanation for each of the requests enumerated above:

A. **PUD Lot Building Standards.** The chart on p. 14 of the current PUD Document established residential building standards within the Wendell Falls PUD. Among other things, the chart established 12' as the maximum setback for single family alley-loaded lots. Applicant seeks to revise that chart, as shown below in red so as to increase the maximum allowed setback for single family alley-loaded lots from 12' to 15'. The proposed revised chart is set forth here:

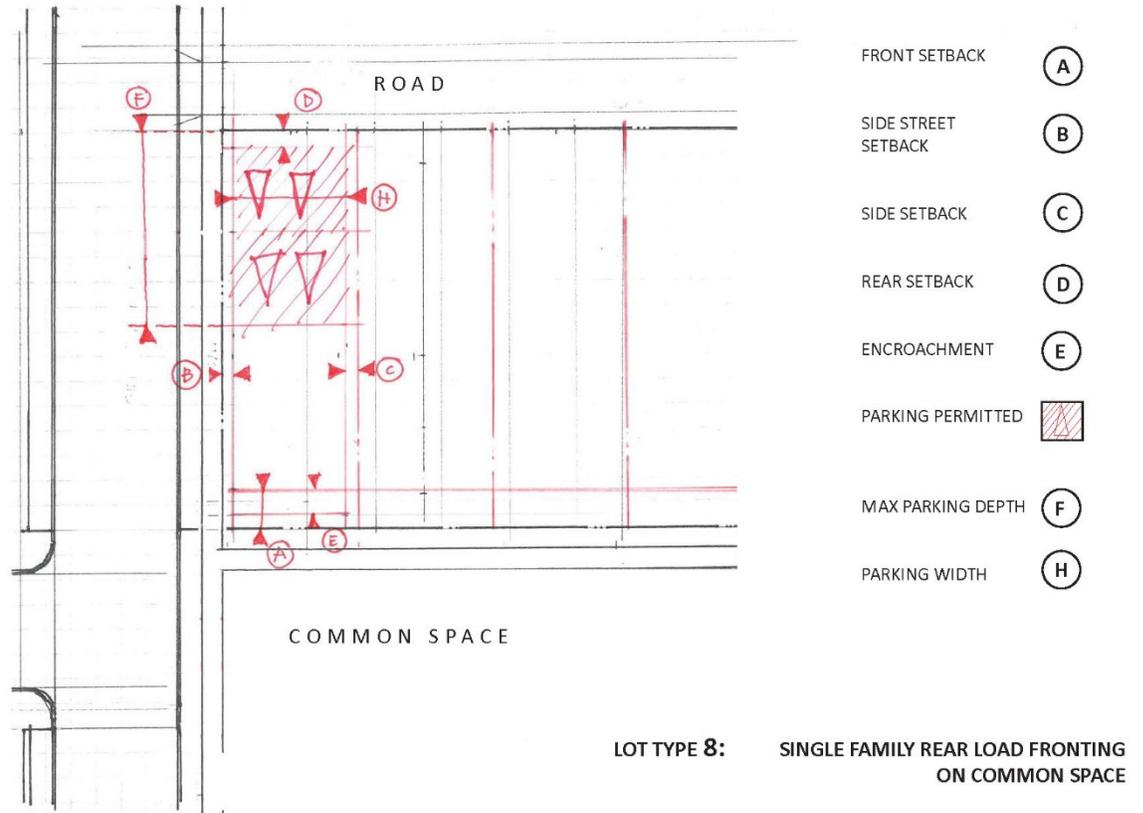
Wendell Falls PUD Lot/Building Standards - Revised July, 2018										
	TYPE	LOT DIMENSIONS		SETBACKS				ENCROACHMENTS	PARKING	
		WIDTH	DEPTH	FRONT	SIDE STREET	SIDE	REAR		PARKING PERMITTED	PARKING WIDTH
I	TOWNHOUSE, FRONT LOAD	18' MIN	60' MIN	BTL	6' MIN	0'	0' MIN	NONE	TANDEM OR SIDE-BY-SIDE	20' MAX
II	TOWNHOUSE, ALLEY LOAD	18' MIN	60' MIN	BTL	6' MIN	0'	0' MIN	NONE	SIDE-BY-SIDE GARAGE AND/OR PARKING PAD	32' MAX
III	TOWNHOUSE, INTEGRAL GARAGE	18' MIN	60' MIN	BTL	6' MIN	0'	0' MIN	NONE	SIDE-BY-SIDE GARAGE AND/OR PARKING PAD	32' MAX
IV	ZERO LOT LINE/SIDEYARD	18' MIN (*3)	60' MIN	4' MIN, 8' MAX	0' AGGREGATE	10' MAX	0' MIN (*4)	NONE	SIDE-BY-SIDE GARAGE AND/OR	32' MAX
V	SINGLE FAMILY, ALLEY LOAD	24' MIN	60' MIN	8' MIN, 15' MAX	6' MIN	3' MIN	0' MIN	8' MAX PORCHES/STOOPS	SIDE-BY-SIDE GARAGE AND/OR PARKING PAD	32' MAX
VI	SINGLE FAMILY, FRONT LOAD (<69')	35' MIN	60' MIN	10' MIN, 25' MAX	6' MIN	3' MIN	20' MIN	8' MAX PORCHES/STOOPS	SIDE-BY-SIDE	65% OF HOUSE WIDTH MAX
VII	SINGLE FAMILY, FRONT LOAD (>70')	70' MIN	60' MIN	10' MIN, 35' MAX	7' MIN	5' MIN	20' MIN	8' MAX PORCHES/STOOPS	SIDE-BY-SIDE, COURT	36' MAX
NOTES 1. Rear setback indicates the rear minimum allowable distance between the property line and a building or other structure on the lot. A rear setback of 0' is meant to maximize useable rear yard.										
2. All front load homes will have a minimum of 17.5' setback to face of garage or face of building for homes with a parking pad and no garage										
*3. 18' minimum for an attached duplex or 24' minimum for detached zero lot line product										
*4. 20' rear setback requirement for a front load product										

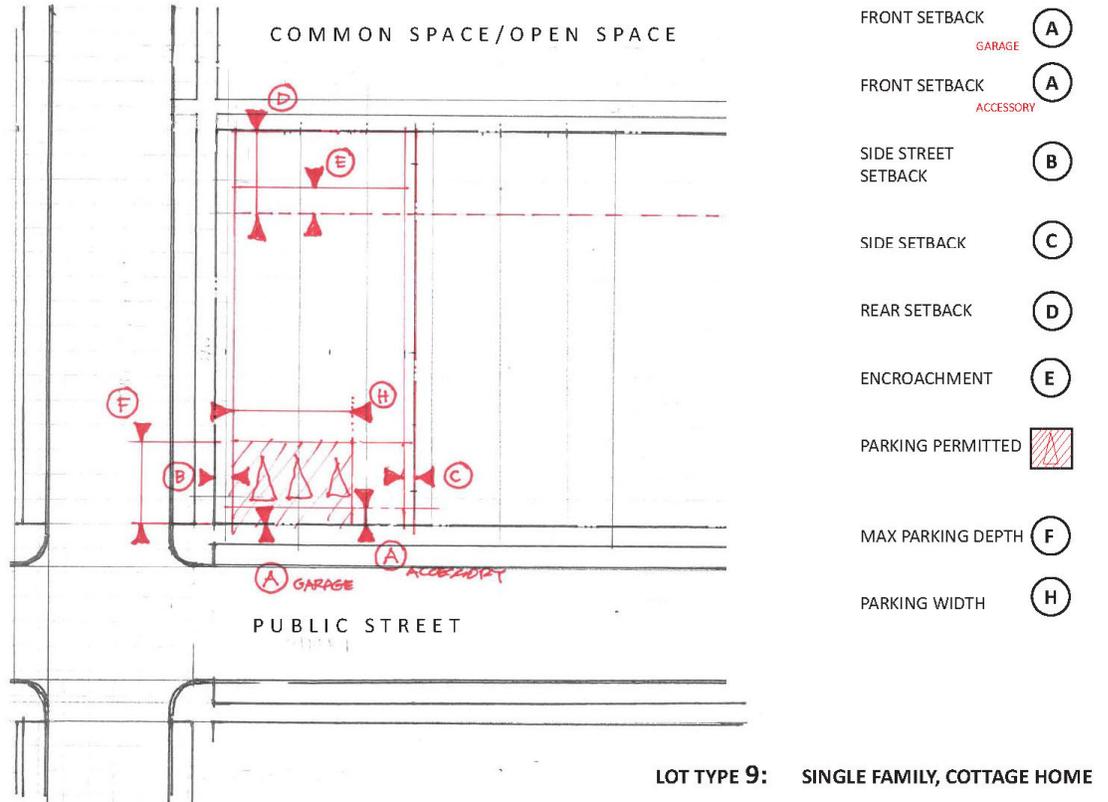
In addition, applicant seeks to add two new Lot/Building type categories (Single Family Rear-Load Fronting on a Common Space and Single Family Cottage Home <69'). These two building types differ from typical building types allowed under the UDO in that the home structure faces a common area rather than a street. Accessory structures on the lot will be set back from the applicable lot line, per the attached chart. This category is a category that will be unique to Wendell Falls. As such, Applicant seeks to clarify that to the extent these building standards differ from the requirements of Sections 4.2 (Basic Lot Standards) and 4.4 (Accessory Structures and Uses), the building standards set forth in this PUD Document will prevail.

WENDELL FALLS PUD LOT/BUILDING STANDARDS - Revised July, 2018

	TYPE	LOT DIMENSIONS		SETBACKS			ENCROACHMENTS	PARKING		
		WIDTH	DEPTH	ROAD SETBACK	SIDE STREET	SIDE		OPEN SPACE SETBACK	PARKING PERMITTED	PARKING WIDTH
VIII	SINGLE FAMILY, REAR LOAD FRONTING ON COMMON SPACE	24' MIN	60' MIN	0' MIN	6' MIN	3' MIN	8' MIN, 15' MAX	8' MAX PORCHES/STOOPS	SIDE-BY-SIDE GARAGE AND/OR PARKING PAD	32' MAX
IX	SINGLE FAMILY, COTTAGE HOME (<69')	35' MIN	60' MIN	15' MIN	6' MIN	3' MIN	10' MIN 35' MAX	8' MAX PORCHES/STOOPS	SIDE-BY-SIDE GARAGE AND/OR PARKING COURT	36' MAX
	**GARAGE			0' MIN	6' MIN	3' MIN	N/A			
	**ACCESSORY STRUCTURE			5' MIN	6' MIN	3' MIN	5' MIN			
	** Garages can encroach into 5' Street Tree Easement									
	** Accessory Structures shall be subject to Wendell Falls design standards and review									

Section IV.E.2 of the PUD Document sets out diagrams of the typical single family residential building types. Two new diagrams are proposed to be added to that section in order to incorporate the “Single Family, Rear Load – Fronting on Common Space” and the “Single Family, Cottage Home” categories.





B. Maximum Building Heights. The charts on pp. 15-17 of the current PUD Document establish building dimensional standards for certain categories of buildings in certain PUD zones. Applicant seeks to modify the charts simply to allow 5 story building heights for apartments/condos, commercial buildings and mixed use buildings within Zones 2 and 3. Research in the marketplace has revealed that allowing this minimal change will significantly enhance the likelihood of generating apartment buildings, commercial buildings and mixed use buildings that are consistent and compatible with the established quality and character of Wendell Falls. The chart revisions to allow the building height changes are as follows:

Apartment/Condo Dimensional Standards by Zoning District

	Zone 2 & 3	Zone 1 & 5
Lot Width (<i>Minimum</i>)	NA	30 ft
Front Setback (<i>Minimum</i>)	0 ft	0 ft
Front Setback (<i>Maximum</i>)	none	none
Front Yard Encroachment (<i>a</i>)	8 ft	8 ft
Side Setback (<i>Minimum</i>)	6 ft between buildings	0 ft or 4 ft
Rear Setback (<i>Minimum</i>)	0 ft	0 ft or 4 ft
Rear Setback from Alley (<i>Minimum</i>)	15 ft from centerline	0 ft
Accessory Structure Side/Rear Setback (<i>Minimum</i>)	Zone 2: 0 ft Zone 3: 3 ft	0 ft
Maximum Height	5 stories	5 stories
Minimum Height	NA	2 stories or 20 ft

Notes:

- (a) *Balconies, stoops, stairs, chimneys, open porches, bay windows, and raised doorways are permitted to encroach into the front setback. Upper story balconies may encroach into the right-of-way (over the sidewalk only) with permission from the Administrator.*

Mixed-Use Building Dimensional Standards by Zoning District

	Zone 1 & 5	Zone 2
Lot Width (<i>Minimum</i>)	25 ft	25 ft
Front Setback (<i>Minimum</i>)	0 ft	0 ft
Front Setback (<i>Maximum</i>)	none	none
Front Yard Encroachment (<i>a</i>)	8 ft	8 ft
Side Setback (<i>Minimum</i>)	0 ft within development, otherwise 5 ft	0 ft within development, otherwise 5 ft
Rear Setback (<i>Minimum</i>)	0 ft	0 ft
Rear Setback from Rear Lane/Alley (<i>Minimum</i>)	0 ft	0 ft
Accessory Structure Side/Rear Setback (<i>Minimum</i>)	Zone 2: 0 ft Zone 3: 3 ft	0 ft
Maximum Height	5 stories	5 stories
Minimum Height	None	None

Notes:

- (a) *Balconies, stoops, stairs, chimneys, open porches, bay windows, and raised doorways are permitted to encroach into the front setback. Upper story balconies may encroach into the right-of-way (over the sidewalk only) with permission from the Administrator.*

Commercial Building Dimensional Standards by Zoning District

	Zone 2 & 3	Zone 1 & 5
Lot Width (<i>Minimum</i>)	32 ft	25 ft
Lot Depth (<i>Minimum</i>)	none	none
Front Setback (<i>Minimum</i>)	0 ft	0 ft
Front Setback (<i>Maximum</i>)	none	none
Front Yard Encroachment (a)	8 ft	8 ft
Side Setback (<i>Minimum</i>)	0 ft within development, otherwise 5 ft	0 ft within development, otherwise 5 ft
Rear Setback (<i>Minimum</i>)	0 ft	0 ft
Rear Setback from Rear Lane/Alley (<i>Minimum</i>)	0 ft	0 ft
Accessory Structure Side/Rear Setback (<i>Minimum</i>)	Zone 2: 0 ft Zone 3: 3 ft	0 ft
Maximum Height	5 stories	160'
Minimum Height	none	none

Notes:

(a) *Balconies, stoops, stairs, chimneys, open porches, bay windows, and raised doorways are permitted to encroach into the front setback. Upper story balconies may encroach into the right-of-way (over the sidewalk only) with permission from the Administrator.*

C. Landscaping between 4/5 Story Apartment Structures and Single Family Dwellings.

Applicant will modify the Wendell Falls Residential Design Guidelines attached as Exhibit E to the Development Agreement (Fifth Amendment) to address 4/5 story apartment buildings if located adjacent to single family residential uses on the same side of the street by adding the following language: “Buffer yard required between apartment building greater than 3 stories and a single family detached or attached townhome adjacent on the same side of the street must be 25’ in width and may be comprised of a Type C landscape buffer and may include a public/private road.”

D. Modification to Apartment/Townhome Entitlement.

Under the current PUD Document (Section IV.E.6. on p.18) the maximum number of “multi-family” units allowed in Wendell Falls is 1,400. That number is derived from the calculation of 35% of the entire residential entitlement of 4,000 residential units. The PUD, however, makes no distinction between multi-family apartment buildings and multi-family townhome structures. The proposed amendment seeks to break out the two different categories (apartments and townhomes) and establish separate caps for each.

In Wendell Falls, apartments and townhomes are very different categories of dwellings. Townhomes in Wendell Falls are more like single family residences in that (1) they are a part of the residential homeowners association (with each townhome counting as a unit just like a single family residence), (2) the townhomes are subject to the 10% overall rental cap just like single family residences and (3) the townhome residents have access to the community amenities such as the pool and clubhouse, just like the residents of single family homes. In Wendell Falls, as a mixed use community, the Townhomes are likely to be found mixed among the single family detached residences, even on the same street. The only thing that distinguishes the townhomes from the other single family homes in Wendell Falls is that they are attached to another townhome.

Apartments in Wendell Falls, on the other hand, are not a part of the residential HOA, they are all rental units and they will have their own amenities.

Applicant seeks to change the entitlement allowance such that the maximum number of allowed apartments will be 1,200. Since the current PUD allows up to 1,400 multi-family units, this could effectively be a reduction in the amount of apartment units from a possible 1,400 apartment units to 1,200. Essentially, this reduces the potentially allowed amount of apartments from 35% of the overall residential mix to 30% of the overall residential mix.

As a protection against excessive townhome units, Applicant seeks to simultaneously impose a new, separate cap on the number of Townhomes at 750. Thus if all of the maximums were built, Wendell Falls would have 2,050 single family detached dwellings and no more than 750 attached townhomes, all of which will be integrated into the residential fabric of the community.

- E. **Modify Master Plan Map A-1 to refine Zone boundaries in accordance with current plans.** The proposed, modified Master Plan Map is attached hereto as Exhibit A. This modification seeks to incorporate the segmentation that three years of marketing and sales efforts have shown to be necessary as far as dividing lines between the allowed Zones. Exhibit B, entitled "Map A-1 Explanation," is attached to show the areas into which the red Zone 2 has expanded.
- F. **Eliminate Map A-2 (Comparison of old PUD Pods to 2015 Master Plan).** No longer needed.
- G. **Combine Map A-3 (Revised Open Space Plan) with Map A-4 (Revised Circulation Plan).** Maps A-3 and A-4 are proposed to be combined for coherence and renamed as "Map A-2." See attached, revised Map A-2, attached hereto as Exhibit C. The only changes are to conform the map to be consistent with the current and updated land plans.

III. SPECIAL USE PERMIT GENERAL REQUIREMENTS

In order to be approved, a Special Use Permit must be enumerated as an allowed use in the zoning district (UDO Section 15.15B(1)) and must meet the 12 standards set out in Section 15.15B(2) of the UDO. No new uses are proposed and all existing uses are allowed in this PUD zoning district. The Wendell Falls PUD was determined in 2015 to meet all of the 12 findings below for Special Use Permits in Wendell. Nothing in the proposed amendments changes any of those findings and conclusions. The 2015 PUD Plan Document and the approval of the same are incorporated by reference into this 2018 PUD Plan Amendment application and are supplemented as follows.

(A) The proposed use does not affect adversely the general plans for the physical development of the town as embodied by this Ordinance and in any plan or portion thereof adopted by the Board of Commissioners.

The Wendell Falls PUD The Project is comprised of a variety of land uses that will ultimately define the community as a place where all of its residents can access all of their daily needs in a short walk or drive. The approved Wendell Falls plan represents an attempt to achieve a balance among community goals, market dynamics and the adopted design philosophy for the development. Wendell Falls is consistent with the Town's Comprehensive Land Use Plan and Greenway Plan. Ultimately, Wendell Falls will provide a model for future development not only in the Town of Wendell, but for all of Wake County.

The changes proposed by this 2018 PUD Plan Amendment impact the Wendell Falls development but not the Town as a whole. The changes are compliant with the concept of a large master-planned Planned Unit Development and, hence, consistent with the UDO and the adopted plans of the Town.

(B) The proposed use will not be contrary to the purposes stated for these regulations.

The Wendell Falls Project has established a trajectory that demonstrates accomplishment of the intent and purposes of the UDO as set forth in Chapter 1 of the UDO. The Project facilitates the accomplishment of the many of the items enumerated as the purpose and intent of the UDO, including:

- i. Provide a range of housing opportunities;
- ii. Diversify and increase the per capita tax base;
- iii. Promote Wendell's attractiveness to business and people from all walks of life;
- iv. Increase community amenities such as parks, schools, medical facilities and the like
- v. Protection and preservation of natural resources and amenities

Wendell Falls will continue to provide a safe, convenient, and attractive place for citizens of the Town to live, work, and play. Wendell Falls will continue to be developed to the high quality architectural and design standards featured by successful developments in the region in order to promote and contribute to the health, prosperity, and general welfare of the Town. The result will be a development that will enhance the Town's standing as one of the area's most desirable communities.

(C) The proposed use will not adversely affect the health and safety of residents and workers in the town.

Wendell Falls will continue to contain a mix of residential, civic, office, institutional, and commercial uses. These uses are not of the nature that would threaten the health and safety of the Town's residents or workers in any way. In fact, Wendell Falls will continue to enhance the health and safety of the Town's citizens by providing open space, parks, and greenways to promote healthy living. Wendell Falls is being developed in an environmentally-sound manner, taking into account topography and other natural features. The high quality development is also likely to attract health care providers and services to the Town. Wendell Falls will continue to boost the local tax base and allow the Town to invest more money in law enforcement and social services.

(D) The proposed use will not be detrimental to the use or development of adjacent properties or other neighborhood uses.

It is anticipated that the high quality of the Project, including the changes proposed in this 2018 PUD Plan Amendment will only serve to benefit adjacent properties and enhance property values of neighboring parcels. The residential uses contained in Wendell Falls, as amended, are consistent or complementary with other existing residential uses in the area.

(E) The proposed use will not be affected adversely by the existing uses.

The vast majority of the parcels that make up Wendell Falls are currently undeveloped. The residential uses contained in Wendell Falls are consistent with other existing residential uses in the area. No existing uses in the vicinity of Wendell Falls will adversely affect the development of this project, as amended.

(F) The proposed use will be placed on a lot of sufficient size to satisfy the space requirements of the use.

Wendell Falls is being and will be developed on over 1,300 acres. This is sufficient area to accommodate the Project's anticipated land use needs and the UDO's requirements for development, roads, parks, and open space.

(G) The proposed use will not constitute a nuisance or hazard because of the number of persons who will attend or use the facility, vehicular movement, noise, or fume generation or type of physical activity.

Wendell Falls will continue to contain a mix of residential, civic, office, institutional, and commercial uses. The proximity of these uses to one another will reduce reliance on automobiles within Wendell Falls and minimize traffic congestion. The development's proximity to US64/264 increases the likelihood that most residents will use this route for travel to Raleigh and Research Triangle Park. The only

other impacts anticipated by the development of Wendell Falls are those that would be expected of a large residential development. Any other impacts, particularly those associated with the requested amendments, will be de minimus. Attached hereto as Exhibit D is a letter from Kimley Horn traffic engineers.

- (H) The standards set forth for each particular use/project for which a permit may be granted have been met.**

Wendell Falls intends to meet or exceed all requirements imposed by the Town's Board of Commissioners in accordance with the UDO.

- (I) The Board may impose or require such additional restrictions and conditions as may be necessary to protect the health and safety of workers and residents in the community, and to protect the value and use of property in the general neighborhood.**

Wendell Falls has, and intends to continue to, cooperate with the Town to the fullest extent possible to formulate adequate conditions and restrictions that will protect the health and safety of workers and residents, and the value and use of property in the general neighborhood. The proposed amendments are consistent with that goal.

- (J) The proposed use shall be subject to the minimum area, setback, and other location requirements of the zoning district in which it will be located.**

Wendell Falls will comply with the minimum area, setback, and location requirements imposed by the PUD Plan Document and the proposed amendments as approved.

- (K) The proposed use shall be subject to the off-street parking and service requirements of these regulations; provided, however, that an approved PUD Plan document may include modifications of such requirements.**

Wendell Falls will comply with the off-street parking and service requirements imposed by the PUD Plan document, approved by the Town's Board of Commissioners, as amended hereby.

- (L) Whenever the Board shall find, in the case of any permit granted pursuant to the provisions of this Chapter, that any of the terms, conditions, or restrictions, on which, on which such permit are not being complied, the Board shall rescind and revoke the permit after giving due notice to all parties concerned and granting full opportunity for a public hearing.**

Wendell Falls will comply with the approved permit and will cooperate with the Town and the Board to address concerns that may arise as to the same.

IV. CONCLUSION

NASH Wendell Falls, LLC respectfully affirms that the amendments to the Wendell Falls PUD Document sought herein will be beneficial to the development and to the Town as a whole. Applicant respectfully requests that the amendments sought be approved as requested.

LIST OF ATTACHED EXHIBITS

- | | |
|------------|--|
| EXHIBIT A: | MODIFIED MASTER PLAN MAP (Map A-1 2018) |
| EXHIBIT B: | MAP A-1 EXPLANATION MAP |
| EXHIBIT C: | MAP A-2 REVISED OPEN SPACE/CIRCULATION PLAN (2018) |
| EXHIBIT D: | KIMLEY HORN TRAFFIC UPDATE LETTER (2018) |

NOTES:

1. All dividing lines between Zones are approximate and may be reasonably adjusted to accommodate particular uses at the time a subdivision plat is approved.
2. The neighborhood business areas depicted across Wendell Falls Parkway from Douglas Falls Dr. and at Daniel Ridge Rd. are intended to be intersection, neighborhood commercial areas. Each shall have lot size limitations as follows: Douglas Falls Drive area (depicted by a quarter circle) shall have a three (3) acre aggregate and maximum lot size. Daniel Ridge Dr. area (depicted as a half circle) shall have a six (6) acre aggregate maximum and a four (4) acre lot size maximum.

Legend

 Zone 1*	 Collector Road (Approximate Location)
 Zone 2*	 Multi-use Path
 Zone 3*	 Public greenway
 Zone 4*	 Neighborhood Business Area
 Zone 5*	

*See permitted use table (APPROVED PUD 2015)

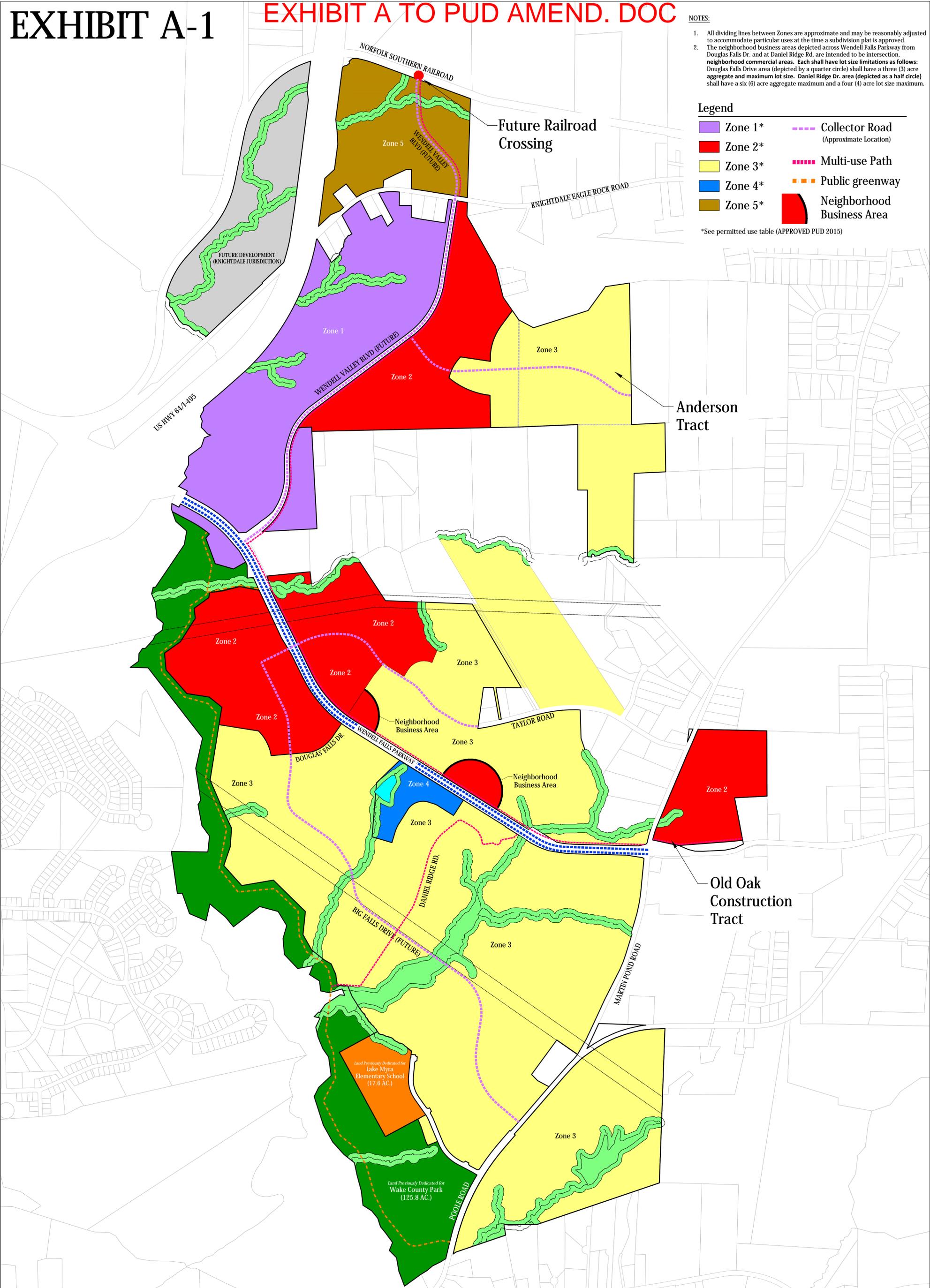


EXHIBIT A-1 EXPLANATION

The cross-hatched area represents the area where Applicant seeks to convert Zone 3 property to Zone 2 property

EXHIBIT B TO PUD AMEND. DOC

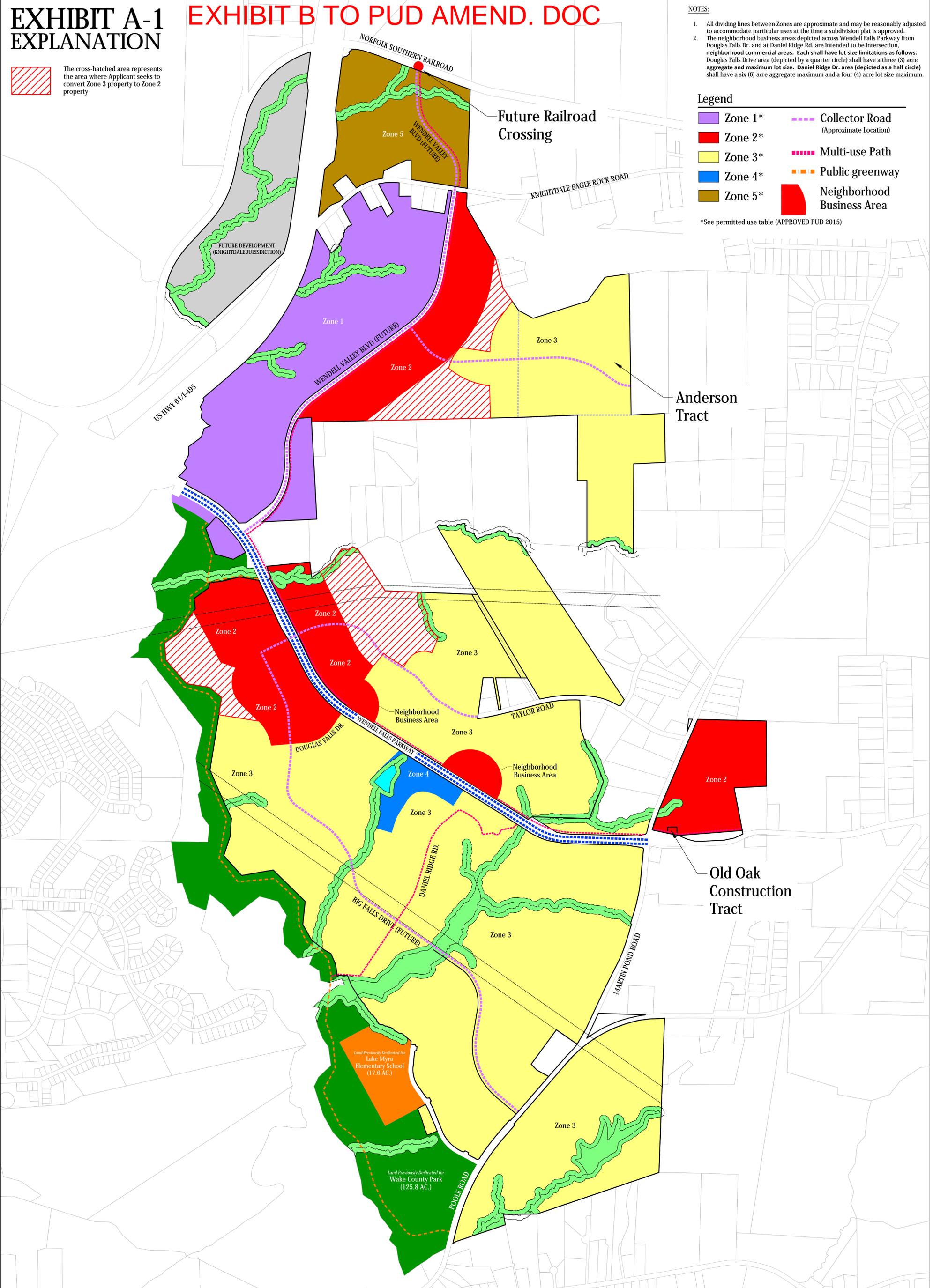
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Legend

- Zone 1*
- Zone 2*
- Zone 3*
- Zone 4*
- Zone 5*
- Collector Road (Approximate Location)
- Multi-use Path
- Public greenway
- Neighborhood Business Area

*See permitted use table (APPROVED PUD 2015)



WENDELL FALLS®

by
Newland COMMUNITIES

2018 REVISED P.U.D. MAP

SCALE: 1" = 500'
0 250 500 1000

DATE: 7.16.2018



1730 Varsity Drive, Suite 500
Raleigh, North Carolina 27606
Tel: (919) 233-8091 Fax: (919) 233-8031
www.mckimcreed.com



All information furnished regarding this property is from sources deemed reliable. However, McKim & Creed has not made an independent investigation of these sources and no warranty or representation is made by McKim & Creed as to the accuracy thereof and same is submitted subject to errors, omissions, land plan changes, or other conditions. This land plan is conceptual in nature and does not represent any regulatory approval. Map is for illustration purposes only, based upon current development concepts, which are subject to change without notice. Any unit count total variances are subject to change and future commercial areas have potential for additional multi-family units. No guarantee can be made that development of the Community will proceed as described. The developer has reserved the right, without notice, to make changes to this map and other aspects of the development to comply with governmental requirements and to fulfill its marketing objective.

NOTES:

1. Refer to applicable PUD sections for specific design criteria.
2. Collector widths will be provided based approved typical sections.
3. Residential streets to be located at time of preliminary plat submittal.
4. Public greenway is by others and may be subject to change.
5. Multi-Use Path layout and location to be determined at specific parcel preliminary plat submittal.
6. Driveway or street connection nodes to be determined

Legend

- Homeowner Recreation
- Open Space & Greenways
- Land dedicated for Wake County Park
- Land dedicated for Lake Myra Elementary School
- ▬▬▬▬ Major Thoroughfare
- ▬▬▬▬ Collector Road
- ▬▬▬▬ Multi-use Path
- - - - Public Greenway
- ▬▬▬▬ 20' Perimeter Buffer

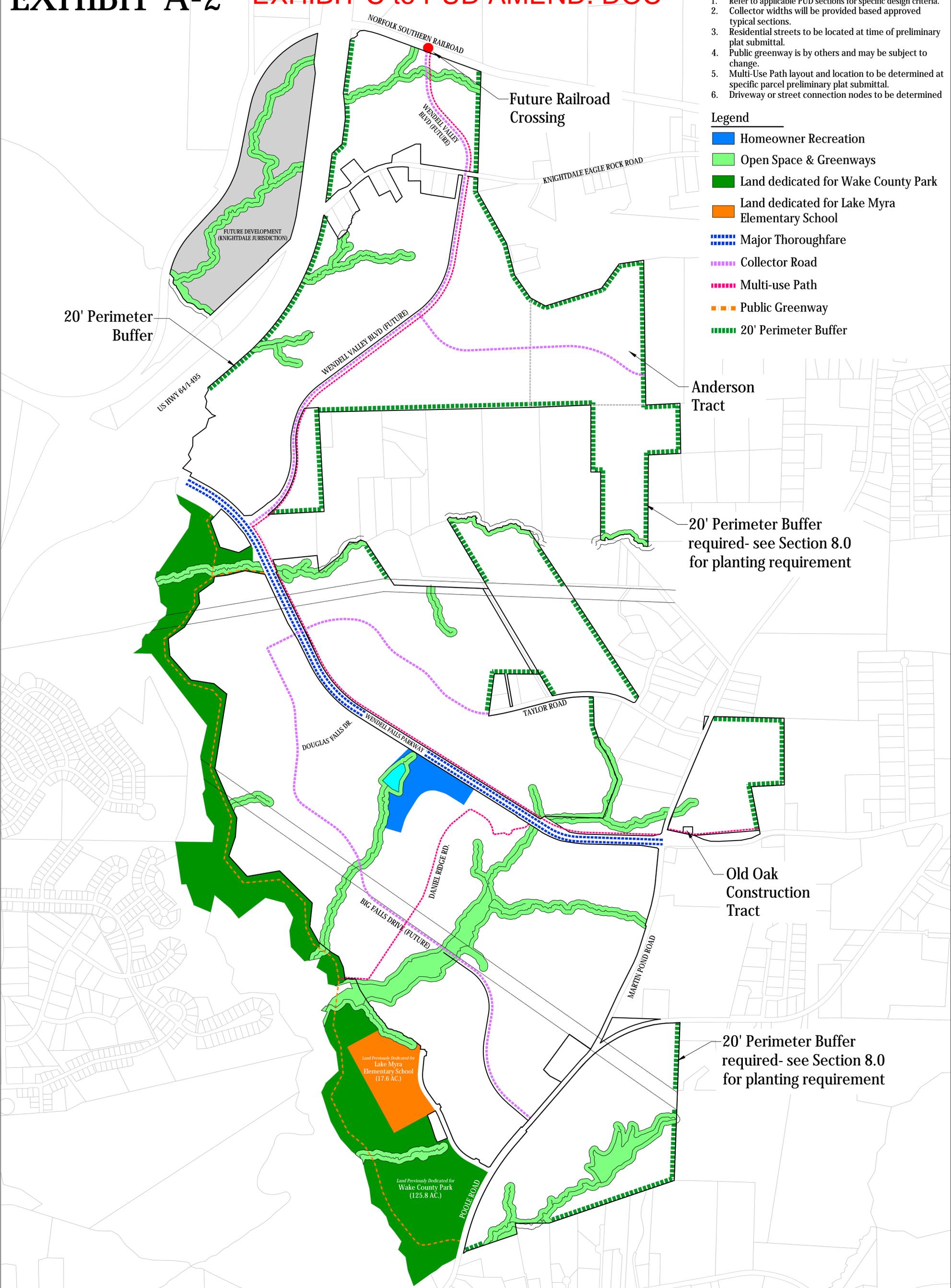


EXHIBIT D TO PUD AMEND. DOC



KIMLEY-HORN AND ASSOCIATES, INC
NC License #F-0102

July 20, 2018

Lee Bowman
NASH Wendell Falls, LLC
6133 Taylor Road
Wendell, North Carolina 27591



Dear Mr. Bowman:

7/20/2018

Per your request, we have reviewed the potential development scenario for Wendell Falls with a proposed change in the mix of residential uses, without increase in total residential units, compared to the previous July 2015 PUD plan document, and the impact of this change on the traffic conditions for the development. For reference, the previous July 2015 PUD plan document proposed a maximum of 4,000 residential units, with an anticipated mix of approximately 1,400 townhomes and 2,600 single-family homes. The anticipated mix of residential units for this 2018 update would still consist of a maximum of 4,000 residential units, with no more than 750 townhomes, 1,200 apartments, and 2,050 single-family homes.

It should be noted that the maximum allowed trip generation in the 2015 PUD update and the 2018 proposed PUD update would be exactly the same since single-family generates the most trips per unit of all the allowed residential units, and the proposed and previous PUD documents have the same maximum number of allowed single-family homes (4,000 units). However, the likely development scenario would involve a mix of single and multi-family homes. Accordingly, we calculated the trip generation potential for the development as a whole with the revised residential mix, while all other uses in the development were projected to remain consistent with the 2015 trip generation calculations. As the trip generation potential for the revised mix of uses was determined using *ITE Trip Generation Manual* (10th Edition, 2017), we also re-calculated the trip generation potential of the uses in the 2015 PUD document for consistency.

Based on our review of the calculations for the anticipated uses from 2015 and the likely development scenario proposed, it is our opinion that the revised mix of residential units (and same combination of commercial uses) would result in generally lower trip generation for the daily, AM peak hour, and PM peak hour scenarios. These findings are expected given the shift to lower traffic-generating residential uses in the proposed plan, with no change in other uses. Additional details on trip generation calculations are available upon request.

Also, for the worst-case scenario (assuming all residential is built as single-family), the 2015 PUD update and 2018 proposed PUD plan land uses are exactly the same, and accordingly would have the exact same trip generation results.

Please let me know if you have any questions or require any further information.

Very truly yours,

KIMLEY-HORN AND ASSOCIATES, INC.

A handwritten signature in black ink, appearing to read "Richard C. Adams". The signature is fluid and cursive, with the first name being the most prominent.

Richard C. Adams, P.E.
Senior Vice President