

**TOWN OF WENDELL  
BOARD OF COMMISSIONER MEETING MINUTES  
JANUARY 09, 2017**

The Wendell Town Board of Commissioners held their regularly scheduled meeting on Monday, January 09, 2017, in the Town Board Room, Wendell Town Hall, 15 East Fourth Street.

**PRESENT:** Mayor Virginia Gray; Mayor Pro Tem Jon Lutz; Commissioners: John Boyette, David Myrick, Ben Carroll, and Jason Joyner.

**STAFF PRESENT:** Town Manger Teresa Piner, Town Attorney Jim Cauley, Special Assistant to the Manger-Town Clerk Sherry Scoggins, Finance Director Butch Kay, Planning Director David Bergmark, Planner Patrick Reidy, Parks & Recreation Director Jeff Polaski, Public Works Director Alton Bryant, IT Administrator Tamah Hughes, and Police Chief Bill Carter.

**CALL TO ORDER:**

Mayor Gray called the meeting to order at 7:00 p.m. and welcomed attendees.

**PLEDGE OF ALLEGIANCE:**

Chief Bill Carter led the Pledge of Allegiance.

**INVOCATION:**

Mr. Bennie Collins of Wendell Baptist Church provided the invocation.

**1. ADJUSTMENT AND APPROVAL OF THE AGENDA:**

Mayor Gray requested to add as Item 6a, Discussion of Fee in Lieu of Sidewalk Construction Policy.

**ACTION**

Mover: Mayor Pro Tem Lutz moved to approve the agenda with the addition of Item 6a.  
Vote: Unanimous.

**2. PUBLIC COMMENT PERIOD (*one hour time limit in total*):**

Mr. Sid Baynes stated his thanks for support for Jake May in the attempt to induct him into the North Carolina Sports Hall of Fame. This year over 200 people were nominated and seven were selected. He requested consideration of ways to promote the great athletes from Wendell with major league careers – Jake May, Chuck Rowland and Fred Henry.

**3. CONSENT AGENDA**

The Board of Commissioners uses a Consent Agenda to act on non-controversial and routine items quickly. The Consent Agenda is acted upon by one motion and vote of the Board. Items may be removed from the Consent Agenda and placed on the Regular Agenda at the request of the Mayor or a Commissioner. The Consent Agenda contains the following items:

- a. Approval of the Minutes from the December 12, 2016, regular meeting.

b. Wake County – December 2016 Tax Report.

**ACTION**

Mover: Mayor Pro Tem Lutz moved to approve the consent agenda as presented.

Vote: Unanimous.

**Public Hearing Guidelines:**

- Case is announced
- Staff presentation
- Applicant presentation
- Public hearing is opened; citizens will follow the same rules as Public Comment Period and will have five minutes to speak
- Close public hearing
- Board members ask questions
- Board may take action

**4a. Public Hearing: Text amendments to Chapter 6 of the UDO relating to Low Impact Development (LID) stormwater requirements.**

**SPEAKER: David Bergmark, Planning Director**

**ACTION: Public hearing; Board may take action.**

*[Staff Report]*

**Item Summary:**

*In 2006, representatives from Wake County and each municipality in the county formed a task force to address stormwater issues. The task force met seventeen times over twenty months and produced a report that includes nine major recommendations and a five-year implementation plan. Part of these recommendations included the creation of a collaborative stormwater ordinance for interested towns.*

*The stormwater task force asked that the draft stormwater ordinance include: 1) water quality requirements that at least meet the minimum requirements for the municipal NPDES Phase II requirements; 2) water quality requirements that include control of the 10-year, 24 hour storm; and 3) encouragement of Low Impact Design (LID) standards.*

*Members of the Stormwater Implementation Team included: Wendell Commissioner Sid Baynes, Zebulon Mayor Bob Matheny, Zebulon Planner Mark Hetrick, Rolesville Planner Bryan Hicks and Wendell Planning Director Teresa Piner.*

*Members of the team who served as resources were: Knightdale Engineer Keith Gifford, Wendell resident Betsy Rountree, NCDENR-DWQ representative Bill Diuguid, Wake County Environmental Services Director Tommy Esqueda, Knightdale Planner Stephen Morgan, Home Builder Association representative Suzanne Harris, AMEC Earth and Environmental Engineer Keith Readling, Wake Forest Engineer Scott Mills, Neuse River Keeper Dean Naujoks, AMEC Earth and Environmental Engineer Henrietta Locklear, Danny Bowden with the City of Raleigh, Wake County Planning Board Member Mike Golder, Wake County Environmental Service Representative Britt Stoddard, CORPUD representative Robert Massengill, and Wake County representative Hunter Freeman.*

*The stormwater implementation team's discussion of the draft stormwater ordinance was completed in November of 2008, and these recommendations were incorporated into Wendell's*

*Unified Development Ordinance in 2009.*

*As part of the Town's stormwater regulations, no development or redevelopment shall contribute a nitrogen export load exceeding 3.6 pounds per acre per year unless they achieve classification as a Low Impact Development (LID), as described in Section 6.N.2.5 of the UDO. Under the original language created as part of the stormwater ordinance, developments had the option to buy down their nitrogen export load by paying monies to the North Carolina Riparian Buffer Restoration Fund. However, when the first developments were submitted which would be subject to these regulations, the Town learned that this fund could not legally accept monies from the Town. As a result, this buy down option had to be removed from the UDO. However, the LID requirement remained for those developments which did not meet the 3.6 pounds per acre limit. Since its original adoption, staff has had ongoing discussions with the Town's Stormwater Administrator (Wake County) and other industry professionals and has come to the conclusion that minor adjustments to Chapter 6 may be warranted. Staff has now had the opportunity to see how stormwater regulations have been implemented in a variety of residential and commercial projects and has determined that the Town and the development community would benefit from two modifications to Chapter 6.*

**Proposed Amendments:**

*At the December 12, 2016 Board meeting, staff proposed two amendments to the Town Board. The first modification staff proposed related to small residential infill projects. As the Town continues to grow, the Town will likely see increasing numbers of small undeveloped properties proposed between existing subdivisions. These smaller parcels represent areas that are ideal for service and development from a municipal standpoint, but which will have greater difficulty absorbing the cost and land requirements needed to satisfy the Town's current stormwater regulations, especially as it relates to Low Impact Development (LID) standards. As a result, staff proposed that Chapter 6 be modified to include an exception to the nitrogen export requirement for smaller residential infill development which meet specific criteria. Incorporating such language would be in line with a similar exemption included in the recently adopted water allocation policy. These regulations are designed to accommodate small infill development which does not have the potential to be part of a larger development, while preventing developers from circumventing the Town's stormwater regulations by submitting the first phase of their development independently as a subdivision of less than 20 acres.*

**Amendment 1:**

*Amend Section 6.5,M,1,d to include the phrase 'With the exception of Residential Infill Development', to read as follows.*

- d. With the exception of Residential Infill Development, no Development or Redevelopment shall contribute a nitrogen export lead exceeding 3.6 pounds per acre per year, unless it achieves classification as an LID Project in accordance with Section N.2.5. In calculating the nitrogen export, the applicant must use the known footprint method.*

*Amend Section 6.5,M,4,c to include the phrase 'With the exception of Residential Infill Development', to read as follows.*

- c. With the exception of Residential Infill Development, no Development or Redevelopment shall contribute a nitrogen export lead exceeding 3.6 pounds per acre per year, unless it achieves classification as an LID Project in accordance with Section N.2.5. In calculating the nitrogen export, the applicant must use the know footprint method.*

*Amend Section 6.5,E (Definitions) to include the following definition for 'Residential Infill Development:*

*“Residential Infill Development” Residential development which is 1) located within the primary corporate limits or adjacent to the primary corporate limits, and 2) Less than 20 acres in size, and 3) Has no vacant or underdeveloped land of 10 acres or more in size adjacent to the project which could be feasibly added to the development to create a larger subdivision.*

*The second modification staff proposed relates to the criteria for qualifying as a Low Impact Development (LID). Sections 6.5N5c through 6.5N5e list the current techniques which must be used to achieve LID classification. In the course of staff’s review, staff has noticed consistent difficulty in development projects meeting section 6.5N5e below, which requires two additional LID techniques to be incorporated into the project. Some of the options listed in this section are not feasible for a typical residential or commercial project. For example, most commercial property would not be able to retain 50 percent of the project area as vegetated space. Similarly, many commercial projects do not have any stream buffers on their property to expand. Finally, while staff supports the use of vegetated roofs and reclaimed water systems, these techniques are expensive and are rarely applied, even in larger municipalities. The most common technique which has been chosen by commercial developers has been the installation of rain cisterns.*

*Current language of Section 6.5N5c through 6.5N5e*

*c. The following techniques must be used to achieve LID classification:*

- i. natural site design in consultation with the Town;*
- ii. site buildings, roads, and other disturbance in the least environmentally sensitive areas, pursuing steep slopes, naturally well-draining soils, and other hydrologically valuable features undisturbed.*

*d. In addition, one of the following two techniques must be used to achieve LID classifications:*

- i. bio-retention systems;*
- ii. on-site infiltration;*

*e. In additions, at least two of the following techniques must be used to achieve LID*

- i. retention of 50 percent of vegetated area, including open space, landscaping, or forests:*
- ii. use of Permeable pavement for all private driveways, private roads, sidewalks, and parking areas in accordance with the North Carolina Stormwater Best Management Practices Design Manual;*
- iii. installation of one rain cistern per lot or three rain barrels per lot;*
- iv. installation of vegetated roofs;*
- v. increasing all buffers in the Riparian Buffer Zone of the Flood Protection Zone, whichever is greater, by 50 feet, in accordance with Section M.1 for Low-Density Development and Ultra Low Density projects and Section M.4 for High-Density Projects*

**vi.** *use of reclaimed water for all buildings in accordance with State and local laws.*

**vii.** *use of innovative LID techniques subject to the approval of the Town.*

*Staff proposed that Section 6.5N5e be amended to only require ‘one’ additional LID technique (rather than two) and to reduce the number of rain barrels required per lot to two rain barrels, which must remain in place for at least 2 years. This would require builders to install rain barrels and would give homeowners the opportunity to explore the benefits of rain barrel use. Water from rain barrels should not be used for drinking, but it is ideal for watering garden or lawns, washing cars or pets, and can even be used for flushing toilets. If the homeowner finds no use for them, the rain barrels may be removed after two years, eliminating long term enforcement requirements by the town or the stormwater administrator.*

**Amendment 2:**

*Amend Section 6.5.N.5.e. to read as follows:*

**e.** *In additions, at least **one** of the following techniques must be used to achieve LID*

**i.** *retention of 50 percent of vegetated area, including open space, landscaping, or forests;*

**ii.** *use of Permeable pavement for private driveways, private roads, or parking areas in accordance with the North Carolina Stormwater Best Management Practices Design Manual;*

**iii.** *installation of one underground rain cistern per lot or two rain barrels per lot (rain barrels may only be used for residential projects and must be retained on site for a minimum of 2 years);*

**iv.** *installation of vegetated roofs;*

**v.** *increasing all buffers in the Riparian Buffer Zone of the Flood Protection Zone, whichever is greater, by 50 feet, in accordance with Section M.1 for Low-Density Development and Ultra Low Density projects and Section M.4 for High-Density Projects*

**vi.** *use of reclaimed water for all buildings in accordance with State and local laws.*

**vii.** *use of innovative LID techniques subject to the approval of the Town. For residential projects, this could include such things as additional stormwater measures in common areas (such as impervious surface pavers in a clubhouse parking lot, or rain gardens incorporated into passive open space).*

**Additional Alternatives (a draft ordinance is provided for each alternative):**

1. *Adopt the proposed changes recommended by the Planning Board, except change the rain barrel retention requirement from 2 years to 6 months.*

2. *Remove rain barrels as a LID option, but include within section 6.5.N.5.e the following additional LID techniques, to provide developers more options:*

*a. Install Tree-box filters for all residential street trees*

*i. NOTE – This system redirects water from the street into a tree-box behind the curb using what visually looks similar to an additional gutter. It may*

- be difficult for the town to avoid taking over maintenance for these however, as they are located in the road right-of-way.*
- b. *Install driveway runners instead of fully paved driveways for all residential driveways.*
    - i. *NOTE – You could verify installation and not require retention if a future homeowner decided to pave it fully. This would avoid any future enforcement or maintenance issues.*
  - c. *Install a Disconnected Impervious Surface (DIS) system on all residential lots in adherence with the NCDENR Stormwater BMP manual, with all yards fully sodded. Installation shall be confirmed prior to certificate of occupancy, but no easement shall be required.*
    - i. *NOTE – Disconnected Impervious Surface is the practice of directing stormwater (via gutter downspout extensions) to properly sized, vegetated pervious surfaces.*
3. *Make section 6.5.N.5.e. only apply to projects including non-residential development.*
  - a. *This would mean residential subdivisions not meeting the 3.6 pounds per acre nitrogen limit would have to:*
    - i. *1) control the volume of their runoff (this is required regardless of nitrogen), and*
    - ii. *2) make one of their stormwater BMP's a bioretention or on-site infiltration system.*
  - b. *However, they would not have to apply any additional LID techniques from the list provided in section 6.5.N.5.e.*

**Planning Board Recommendation:**

*At their November 21, 2016 meeting, the Planning Board voted 5-3 In favor of the proposed text amendment (Attachment A). Those voting against the proposal voiced concern with both requiring homeowners to retain rain barrels on site for 2 years if this option were selected by the developer, as well as having rain barrels as an option at all. One member supported removing the nitrogen requirement entirely for residential projects.*

***Voting to approve:*** Ashley Anderson, Errol Briggerman, Kathe Schaecher, Allen Swaim, Gilda Wall

***Voting to deny:*** Victoria Curtis, Ruth Van der Grinten, Lloyd Lancaster

***Absent:*** Harold Broadwell

**Staff Recommendation:**

*Staff recommends the Town Board adopt Alternative 2 (listed as Attachment C). This option avoids any health concerns associated with above-ground rain barrels, while providing additional lower-cost options to developers.*

**Statement of Plan Consistency and Reasonableness**

- *Any recommended change, if deemed necessary, should be accompanied by a statement explaining how the change is consistent with the comprehensive plan, and is reasonable in nature.*
- *Such statements could refer to the general principles of the Comprehensive Plan, including but not limited to:*
  - *Principle Number 9: “Protect and preserve Wendell’s natural resources and amenities, including its streams, lakes, wetlands, and hardwood forests while balancing private property rights.”*

Board Meeting Minutes  
January 09, 2017

Planning Director Bergmark provided an overview of text amendments to Chapter 6 of the UDO as it relates to Low Impact Development (LID) stormwater requirements; staff report included above in italics.

Mayor Gray opened the public hearing at 7:21 p.m. No one came forward to speak. Mayor Gray closed the public hearing at 7:21 p.m.

Mayor Pro Tem Lutz moved to approve the staff recommendation with alternative two.

Commissioner Joyner questioned the change between what is currently required and alternative option three. Planning Director Bergmark stated alternative three maintains the controlled run-off and the bio-retention and does not require picking an additional LID technique from the list. He stated this is the most open of the alternatives.

Commissioner Joyner stated that is his preferred route as it gives the most options.

Mayor Pro Tem Lutz stated his motion is to approve the staff recommendation with alternative number two. This requires small extras to help with the water run-off.

**ACTION**

Mover: Mayor Pro Tem Lutz moved to approve the staff recommendation with alternative number two.

Vote: Unanimous.

**4b. Public Hearing: Zoning Map Amendment request to rezone 18.94 acres of land (excluding ROW) located south of the Town Park along Wendell Falls Parkway from R3 and RA to NC.**

**[This action would include formally rescinding the previously approved Parkview PUD.]**

**SPEAKER: David Bergmark, Planning Director**

**ACTION: Public hearing; Board may take action.**

[Staff Report]

**Applicants:**

*Wendell Partners, LLC*

**Petition:**

*The applicants have submitted a request for a change in zoning classification for four properties totaling approximately 18.94 acres (identified by PIN #'s 1783388411, 1783385088, 1783387100, and 1783389601). This area is currently zoned Residential Agricultural (RA) and Residential-3 (R3) and is being requested to be rezoned Neighborhood Center. The applicant's request originally sought to rezone the property to Corridor Mixed Use (CMX), but following the June 20<sup>th</sup> meeting the applicants amended their request in response to the Planning Board's concerns. The applicant also amended their request following the Town's purchase of approximately 36 acres of the Parkview property to exclude those acres now owned by the Town of Wendell.*

*This property was previously approved as a Planned Unit Development (PUD) in 2009. There*

*has been no action to advance the plan as shown in the PUD. As a result of no action being taken on the PUD plan, and the Town purchasing 36 acres of the Parkview tract to be used for conservation purposes, the Town Board is also being asked to formally rescind the PUD as part of this approval.*

*The applicants have no current development plans for this property, but desire to rezone it to NC to allow for residential or limited commercial development, while not locking the property into the requirements of the PUD, which would no longer be appropriate.*

**Location and History:**

*The proposed rezoning area is not currently located within the Town's corporate limits. The property at 616 Wendell Falls Parkway (0.69 acres) contains an existing single family dwelling. The property identified by PIN 1783 38 9601 (0.12 acres) contains a small cemetery. All other properties are currently undeveloped and heavily wooded. Road frontage is provided along Wendell Falls Parkway.*

**Justification:**

*The applicants provided the following justification as part of their request:*

*“Wendell Partners, LLC is under contract to sell thirty-six of its fifty-five acres to the Conservation Fund, who will then transfer ownership of those thirty-six acres to the Town of Wendell. The Town of Wendell plans to incorporate that acreage into their adjacent Parks and Recreation property as open space, trails, etc.*

*With the sale of the thirty-six acres, we are told that the PUD approved for the full fifty-five acres would no longer be valid and that the remaining nineteen acres would revert to its original R-3 zoning (See Attachment B). After speaking with Town of Wendell staff members and understanding their desires for the potential development of the nineteen acres, we believe a NC zoning will provide the greatest flexibility for residential, retail, civic, or commercial uses, or some combination of these four uses.*

*The rezoning to NC coincides with the Comprehensive Land Use Plan. There should be no impact of the proposed rezoning to the adjacent or surrounding properties compared to the impact of the PUD. Likewise, there should be no impact on government services with this rezoning compared to that of the PUD.”*

**Project Profile:**

<b>PROPERTY # 1 LOCATION:</b>	<i>0 Wendell Falls Parkway</i>
<b>WAKE COUNTY PIN:</b>	<i>1783 38 8411</i>
<b>ZONING DISTRICT:</b>	<i>RA</i>
<b>CROSS REFERENCES:</b>	
<b>PROPERTY OWNER:</b>	<i>Wendell Partners LLC</i>
<b>APPLICANT(s):</b>	<i>same</i>
<b>PROPERTY SIZE:</b>	<i>17.58 acres</i>
<b>CURRENT LAND USE:</b>	<i>Vacant</i>
<b>PROPOSED LAND USE:</b>	<i>Commercial or Residential</i>
<b>PROPERTY # 2 LOCATION:</b>	<i>0 Wendell Falls Parkway</i>
<b>WAKE COUNTY PIN:</b>	<i>1783 38 5088</i>
<b>ZONING DISTRICT:</b>	<i>RA</i>
<b>CROSS REFERENCES:</b>	
<b>PROPERTY OWNER:</b>	<i>Wendell Partners LLC</i>
<b>APPLICANT(s):</b>	<i>same</i>
<b>PROPERTY SIZE:</b>	<i>0.55 acres</i>

Board Meeting Minutes  
January 09, 2017

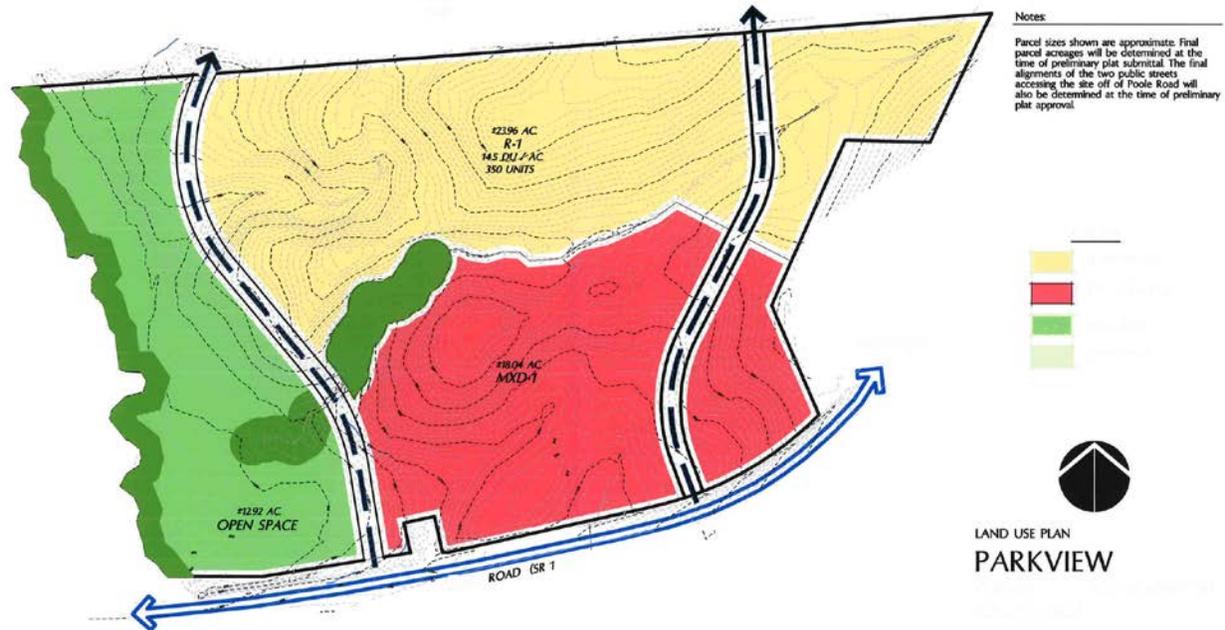
**CURRENT LAND USE:** Vacant  
**PROPOSED LAND USE:** Commercial or Residential  
**PROPERTY # 3 LOCATION:** 616 Wendell Falls Parkway  
**WAKE COUNTY PIN:** 1783 38 7100  
**ZONING DISTRICT:** RA  
**CROSS REFERENCES:**  
**PROPERTY OWNER:** Wendell Partners LLC  
**APPLICANT(s):** same  
**PROPERTY SIZE:** 0.69 acres  
**CURRENT LAND USE:** Residential  
**PROPOSED LAND USE:** Commercial or Residential  
**PROPERTY # 4 LOCATION:** 0 Wendell Falls Parkway  
**WAKE COUNTY PIN:** 1783 38 9601  
**ZONING DISTRICT:** RA  
**CROSS REFERENCES:**  
**PROPERTY OWNER:** Wendell Partners LLC  
**APPLICANT(s):** same  
**PROPERTY SIZE:** 0.12 acres  
**CURRENT LAND USE:** Vacant  
**PROPOSED LAND USE:** Commercial or Residential

**Project Setting – Surrounding Districts and Land uses:**

<u>DIRECTION</u>	<u>LANDUSE</u>	<u>ZONING</u>
North	Recreational (Park)	RA, R3
South	Residential/Vacant	R3, RA
East	Residential	R2, R3
West	Residential	R3

**Zoning District:**

The properties are currently zoned Residential-3 (R3) and Residential Agricultural (RA). The overwhelming majority of the site has the R3 zoning designation. In addition to these underlying zoning designations, this site was approved as a Planned Unit Development (PUD) prior to the Unified Development Ordinance (UDO) being developed. The PUD designation applies an overriding layer of zoning regulations. In general, the PUD for the Parkview property (as it is known) divided the property into three sections: 18 acres of commercial development along Wendell Falls Parkway, 24 acres of residential development (350 units) backing up to the park, and 13 acres of open space on the western property boundary along Buffalo Creek. A concept map of the PUD is shown on the following page. The portion of the PUD requested for rezoning aligns with the 18 acres designated for commercial development.



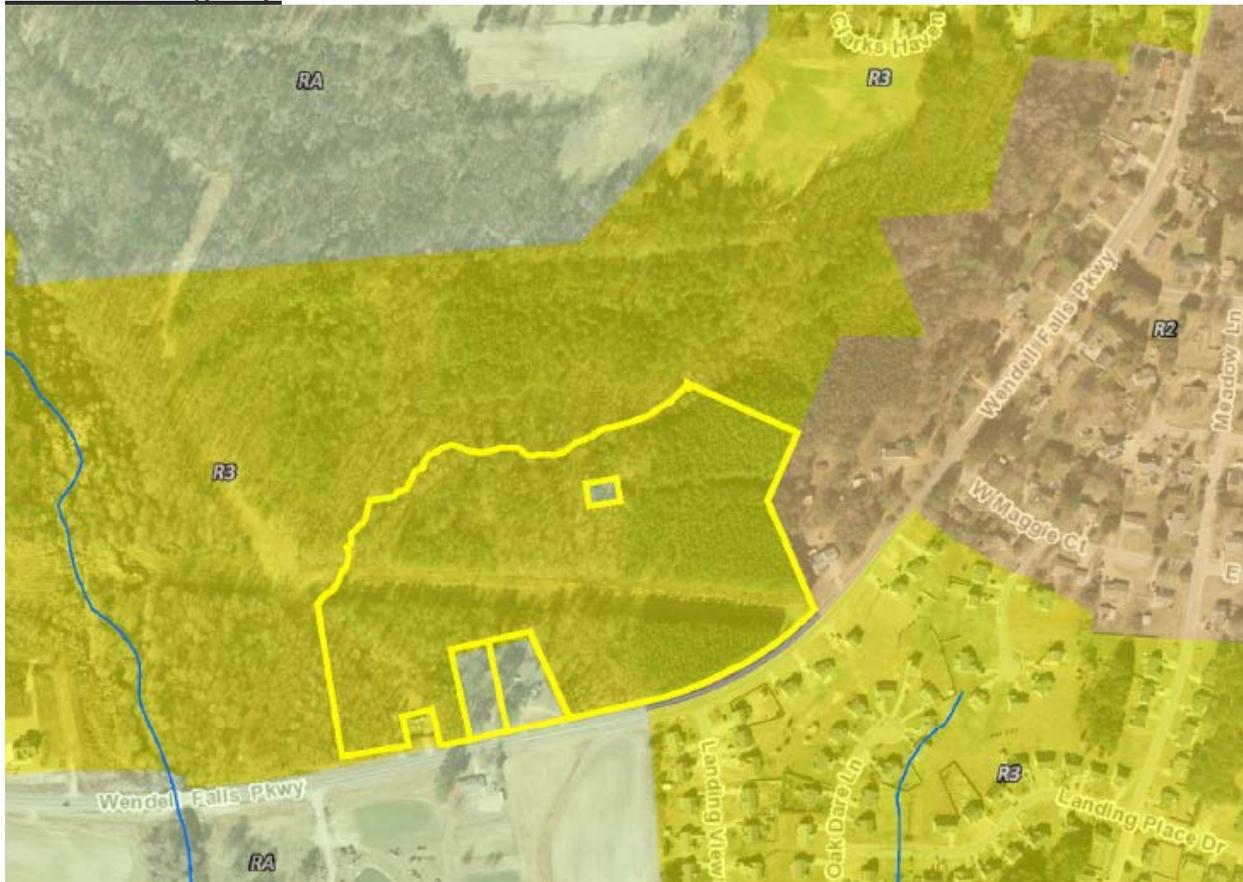
The PUD governing this area included its own Permitted Use table and architectural standards. Furthermore, it required a minimum of 50,000 square feet of non-residential development. That amount of development is roughly equivalent to the food lion shopping center. In addition to the fact that the Town has now acquired the areas roughly shown in yellow and green for the purpose of conservation and water quality control, the applicant believes that the PUD requirement for 50,000 square feet of non-residential development is unrealistic. As a result, he is requesting to simply rezone the portion of this property fronting Wendell Falls Parkway as Neighborhood Center (NC) to allow for residential and limited commercial development, while not tying it to such a strict requirement that it becomes unmarketable. The Town Board is being asked to formally rescind the PUD as part of their approval process at the Public Hearing since it can no longer be advanced as originally proposed.

The Neighborhood Center district is coded to provide for areas for residential and mixed-use development in close proximity to existing and planned neighborhood centers. The intent is to create higher density residential areas that complement commercial districts with physical proximity and pedestrian connectivity. Development in this district should encourage pedestrian use through connections to adjacent neighborhoods and the construction of mixed-use buildings. Areas available for retail uses are limited to the first story of buildings radiating from corner locations where one of the front streets is a thoroughfare.

While the NC district does allow for limited commercial use, it excludes some additional commercial uses considered less conducive to pedestrian access and mixed-use principles, which would be permitted in the CMX zoning district originally proposed.

A portion of this property also falls within the Gateway Overlay (GO) zoning district. The Gateway Overlay district implements additional development standards related to parking, building setbacks, and buffering, but does not impact permitted uses.

**Current Zoning Map:**



**Off-Street Parking:**

*At the time of development, parking spaces shall be provided in the amount specified by Chapter 10 of the Unified Development Ordinance (UDO).*

**Lighting:**

*Lighting shall be in accordance with the lighting requirements in place at the time of permitting.*

**Public Utilities:**

*Development of this site would require connection to municipal water and sewer.*

**Streets:**

*All streets and drives shall meet the requirements as set forth in the UDO at the time of development.*

**Landscaping:**

*Landscaping shall be required to meet the requirements as set forth in the UDO at the time of development.*

**Stormwater Management:**

*Development of this site would be required to meet the stormwater standards contained in the UDO at the time of site plan submission.*

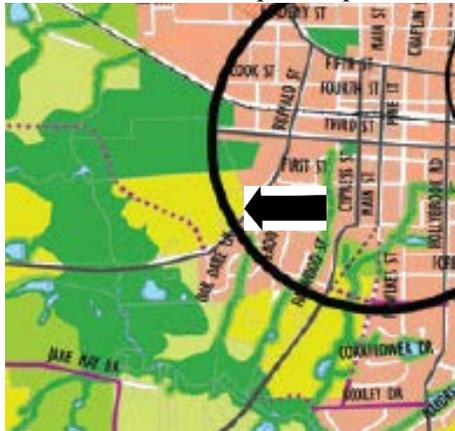
**Comprehensive Plan:**

*The Wendell Comprehensive Plan defines this area as falling primarily within the S4 "Controlled Growth Area".*

*The Comprehensive Plan states the S4 sector is generally close to thoroughfares and key cross-road intersections. It is intended for moderate intensity new development. The Comprehensive*

*Plan highlights the following land uses as compatible for this sector: traditional neighborhood developments, neighborhood centers, single-family and multi-family residential, neighborhood-serving commercial uses (retail and office), civic uses, and industrial uses.*

*The eastern edge of this property also falls within a Village/Town Center, which is prioritized for more intense development patterns.*



FRAMEWORK PLAN LEGEND	
PLAN BOUNDARY	S1 PRESERVED OPEN SPACE
Railroad	S2 RESERVED OPEN SPACE
COLLECTOR STREET PLAN	
EXISTING COLLECTOR	S3 RESTRICTED GROWTH AREA
PROPOSED COLLECTOR	S4 CONTROLLED GROWTH AREA
CAMPO THOROUGHFARE PLAN	
EXISTING THOROUGHFARE	S5 INTENDED GROWTH AREA
PROPOSED THOROUGHFARE	S6 INFILL/REDEVELOPMENT AREA
WATER BODIES	VILLAGE/TOWN CENTER
	NEIGHBORHOOD CENTER
	WENDELL BLVD GATEWAY CORRIDOR

**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 Planning Board found the requested zoning map amendment to be consistent with the recommended uses and development types outlined in the Wendell Comprehensive Land Use Plan for the S4 sectors and is reasonable due to its location along Wendell Falls parkway, its relation to the Town Park, and its proximity to the downtown core. All portions of this site are within 1 mile of the center of downtown (Main St/Third St).

**Planning Board Recommendation:**

At their July 18, 2016 meeting, the Planning Board voted 6-0 in favor of the requested zoning map amendment.

***Voting in Favor:*** Chairman Harold Broadwell, Vice Chairperson Ashely Anderson, Ruth Van der Grinten, Lloyd Lancaster, Victoria Curtis, and Errol Briggerman.

***Voting to Abstain:*** None

***Voting in Opposition:*** None

***Absent:*** Gilda Wall & Kathe Schaecher

**Staff Recommendation:**

*Staff recommends approval of this rezoning request.*

Planning Director Bergmark provided an overview of a zoning map amendment request to rezone 18.94 acres of land, excluding right-of-way, located south of the Town Park along Wendell Falls Parkway from R3 and RA to NC; staff report included above in italics. He stated the applicant was unable to attend tonight's meeting.

Mayor Gray opened the public hearing at 7:34 p.m. No one came forward to speak. Mayor Gray closed the public hearing at 7:34 p.m.

**ACTION**

Mover: Mayor Pro Tem Lutz moved to approve the rezoning request of 18.94 acres from R3 and RA to NC and to rescind the special use permit that established the Parkview PUD.

Vote: Unanimous.

**4c. PUBLIC HEARING: ZONING TEXT AMENDMENT TO MAKE CLERICAL CORRECTIONS TO CHAPTERS 3, 5, 6, 8, 12, AND 15 OF THE UNIFIED DEVELOPMENT ORDINANCE.**

**SPEAKER: David Bergmark, Planning Director**

**ACTION: Public hearing; Board may take action.**

*[Staff Report]*

**Item Summary:**

*Town staff maintains a running log of potential text amendments which may be required to make the UDO better accommodate the needs of the Town. In 2015, the Town Board reviewed and made recommendations on a number of such changes. However, smaller clerical corrections were never brought before the Town Board during the last round of review.*

*This report includes a number of clerical corrections which should be made in order to make the UDO read correctly. These amendments do not constitute substantive changes. Details of the specific amendments proposed are included below.*

**Proposed UDO Amendments:**

1. Amend Section 12.8.G to make the text read “shall be flown” rather than “shall not be flown”, to read as follows:

**Governmental Flags, Banners, Signs, and Insignias.** *Flags of the United States, the State, the Town, foreign nations having diplomatic relations with the United States, and any other flag adopted or sanctioned by an elected legislative body of competent jurisdiction, provided that such a flag shall not exceed 60 square feet in area and shall be flown from a safe and properly-installed pole, the top of which is more than 45 feet in height. All flags must be flown in accordance with protocol established by the Congress of the United States for the Stars and Stripes.*

2. Amend Section 5.9C (note f) to say “Where garages are allowed see 5.9D1b” (rather than 5.9E4).
3. Amend Section 3.3Z1 to say “The Manufacture Home shall meet the architectural standards of Sections 5.8 and 5.9E” (rather than just 5.8).
4. Amend Section 6.7G1a to refer to the Special Flood Hazard Area and Neuse River Buffers rather than ‘Flood Hazard’ and ‘Buffer Zone’. ‘Flood Hazard’ and ‘Buffer Zone’ are not defined terms, while ‘Special Flood Hazard Area’ and ‘Neuse River Buffers’ are. The amended section would read as follows:
  - a. No development or redevelopment is permitted within the Special Flood Hazard Area or Neuse River Buffer Zone except for stream bank or shoreline restoration or stabilization, water dependent structures, and public or private projects such as greenways, parks, and their accessory uses.
5. Amend the last sentence in Section 8.4A1 to reference Section 16.8 (rather than 16.10).
6. Amend Section 15.11C (Text Amendment Procedure) to reference within the text the same 4/5 Supermajority requirement referred to in the associated chart, to read as follows:

**C. Procedure:** All petitions to amend this Ordinance shall be directed to the Administrator, who shall transmit them to the Town Planning Board for review and

Board Meeting Minutes  
January 09, 2017

*recommendation. If the Planning Board recommends denial of a text amendment, a 4/5 supermajority decision by the Board of Commissioners shall be required to approved the text amendment.*

7. *Amend Section 15.12C (Map Amendment Procedure) to reference within the text the same 4/5 Supermajority requirement referred to in the associated chart, to read as follows:*

*C. Procedure: All petitions to amend this Ordinance shall be directed to the Administrator, who shall transmit them to the Town Planning Board for review and recommendation. If the Planning Board recommends denial of a map amendment, a 4/5 supermajority decision by the Board of Commissioners shall be required to approved the map amendment.*

8. *Amend Section 15.10E to reference section 16.14 (rather than 16.9).*

**Planning Board Recommendation:**

*At their September meeting, the Planning Board voted 7-0 in favor of approving the proposed text amendments.*

***Voting in Favor:** Chairman Harold Broadwell, Vice Chairperson Ashley Anderson, Ruth Van der Grinten, Errol Briggerman., Kathe Schaecher, Allen Swaim, Lloyd Lancaster*

***Voting Against:***

***Absent:** Victoria Curtis, Gilda Wall*

**Staff Recommendation:**

*Staff recommends approval of the proposed text amendment.*

**Statement of Plan Consistency and Reasonableness**

- *Any recommended change, if deemed necessary, should be accompanied by a statement explaining how the change is consistent with the comprehensive plan, and is reasonable in nature.*
- *At their September 19, 2016 meeting, the Planning Board recommended the following statement of plan consistency and reasonableness.*
  - *The proposed text amendments to Chapters 3, 5, 6, 8, 12, and 15 are not substantive in nature and thus are found to maintain the existing consistency with the comprehensive plan. The propose amendments are reasonable in that they implement clerical corrections to various sections of the UDO.*

Planning Director Bergmark provided an overview of a text amendment to make clerical corrections to Chapters 3, 5, 6, 8, 12, and 15 of the Unified Development Ordinance; staff report included above in italics.

Mayor Gray opened the public hearing at 7:37 p.m. No one came forward to speak. Mayor Gray closed the public hearing at 7:37 p.m.

**ACTION**

Mover: Mayor Pro Tem Lutz moved to approve the clerical corrections to chapters 3, 5, 6, 8 12, and 15 of the UDO.

Vote: Unanimous.

**4d. PUBLIC HEARING: CONDITIONAL DISTRICT REQUEST FOR OLDE WENDELL PHASE 2, TO REZONE APPROXIMATELY 16 ACRES FROM R2-CU TO R2-CD.**

**SPEAKER: Patrick Reidy, Planner**

**ACTION: Public hearing; Board may take action.**

*[Staff Report]*

**Applicant:**

*Marlowe Builders*

**Petition:**

*The applicant has requested to create a R2 conditional district for approximately 16.19 acres of property within the parcels identified by PIN#s 1794223959 and 1794324805. The proposed conditional district consists of 33 lots for single family development, as shown on the Master Development Plan.*

**Purpose of a Conditional District:**

*The purpose of the Conditional Districts (CD) is to provide an alternative means of land development and an alternative zoning procedure that may be used to establish residential, commercial, and industrial Conditional Districts at appropriate locations and in accordance with the planning and development objectives of the Town.*

*A CD may depart from the strict application of the requirements of the town's general zoning districts.*

*The CD alternative may allow uses which are not specifically allowed in standard zoning districts. A primary purpose of this section is to provide standards by which such flexibility may be achieved while maintaining and protecting the public health, safety and welfare of the citizens. In this case, no alternative uses or lot dimensional standards have been proposed by the applicant.*

*A second purpose of the conditional district is to establish a more complete living and working environment through the application of enlightened and imaginative approaches to community planning and property design. A CD should provide a variety of natural features and scenic areas, efficient and economical land use, improved amenities, orderly and economical development, and the protection of existing and future adjacent development. In this case, the proposed district does not contain any residential uses or their corresponding amenities.*

*The provisions of the CD Master Plan shall replace all conflicting development regulations set forth in this Ordinance which would otherwise apply to the development site. The Planning Board may recommend and the Board of Commissioners may attach reasonable and appropriate conditions including, but not limited to, the location, nature, hours of operation, and extent of the proposed use(s). Conditions and site-specific standards shall be limited to those that address conformance of the development and use of the site to this Ordinance and officially adopted plans and those standards and conditions that address the impacts reasonably expected to be generated by the development and use of the site.*

**Location and History:**

*The proposed conditional district encompasses what was intended to be a future phase of the Olde Wendell subdivision. This property is located within the extraterritorial jurisdiction (ETJ) of the Town of Wendell and is zoned R2 Conditional Use (R2CU). The intent of this application is to alter certain standards from the UDO to the area identified in Attachment B. A conditional use rezoning was approved in 2006 and a preliminary plan was approved in 2007. Due to the*

Board Meeting Minutes  
January 09, 2017

*economic downturn, installation of infrastructure never occurred, and the preliminary plan expired in May 2015. The applicant is proposing to develop the remaining land in the Olde Wendell subdivision using very similar plans compared to what was previously approved.*

*The following conditions were approved as part of the rezoning in 2006:*

- 1. All single family dwellings shall have exterior materials consisting of brick, stone, stucco, wood or Hardiplank siding. Under no circumstances shall vinyl siding be permitted.*
- 2. All single family dwellings shall be at least 1800 square feet (finished and heated area).*
- 3. All single family dwellings shall have a two car garage.*
- 4. Each dwelling shall be landscaped with a minimum of four trees in the front yard, and shrubs along the foundation of the house spaced 3 feet apart.*
- 5. All mailboxes shall be uniform and consistent with Phase I of Olde Wendell.*
- 6. Streetlights shall be uniform and consistent with Phase I of Olde Wendell.*
- 7. The parcels shall not be clear cut during the development process.*

*The applicant has included the existing zoning conditions in the conditional district request, so all previous conditions will remain with this conditional district. Condition 2 and 3 is proposed to have a higher standard added to the existing condition.*

*The preliminary plat also had notes that a fee-in-lieu of 2,465 linear feet of sidewalk was approved; fee-in-lieu of open space would be paid by the developer at the time of development; the developer was to request a variance from Wendell Boulevard widening; and the developer would request a variance for the length of the cul-de-sac extension due to topography preventing a tie-in with Wendell Boulevard. These variance requests were subsequently approved.*

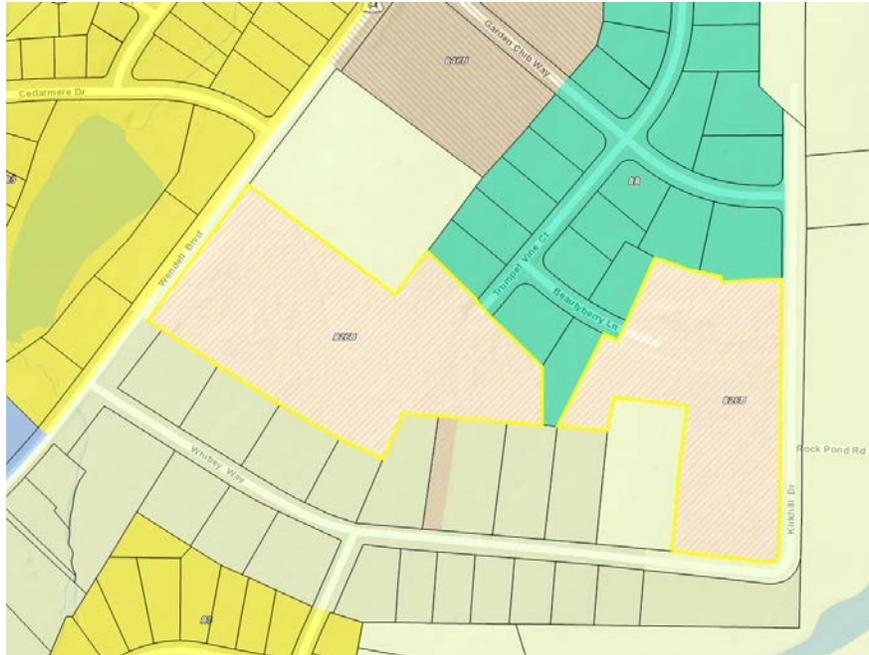
**Project Profile:**

<i>PROPERTY LOCATION:</i>	<i>0 Trumpet Vine Court and 0 Kirkhill Drive</i>
<i>WAKE COUNTY PIN:</i>	<i>1794223959 and 1794324805</i>
<i>CURRENT ZONING DISTRICT:</i>	<i>R2CU</i>
<i>CROSS REFERENCES:</i>	<i>N/A</i>
<i>PROPERTY OWNER:</i>	<i>Stonebriar Inc</i>
<i>APPLICANT:</i>	<i>Marlowe Builders</i>
	<i>3700 Computer Drive, Suite 280</i>
	<i>Raleigh, NC 27609</i>
<i>PROPERTY SIZE:</i>	<i>16.19 acres</i>
<i>CURRENT LAND USE:</i>	<i>Vacant</i>
<i>PROPOSED LAND USE:</i>	<i>Single Family Residential</i>

**Project Setting – Surrounding Districts and Land uses:**

<i>DIRECTION</i>	<i>LANDUSE</i>	<i>ZONING</i>
<i>North</i>	<i>Residential</i>	<i>RA and RR</i>
<i>South</i>	<i>Residential</i>	<i>RA</i>
<i>East</i>	<i>Residential</i>	<i>RA</i>
<i>West</i>	<i>Residential</i>	<i>RA, RR, and R3</i>

**Current Zoning Map:**



**Proposed Conditional District Conditions:**

*The applicant is proposing 13 conditions for the proposed CD, as follows:*

- 1. Fee-in-lieu for sidewalk along Wendell Boulevard due to severe topography is allowed.*

*Staff Comment: The applicant is proposing to pay a fee in lieu of the installation of the sidewalk along Wendell Boulevard due to steep topography. On March 9, 2015, the Wendell Board of Commissioners approved a sidewalk fee-in-lieu for Wendell Boulevard (just north of subject property) for Olde Wendell Phase 3A and 3B. The Town Board recently adopted a sidewalk fee in lieu policy, which the applicant is having an engineer determine the estimated installation costs. That cost has not been made available to staff at the time of publishing this report.*

*If a sidewalk were to be installed, any future widening of Wendell Boulevard would most likely require the sidewalk to be demolished and reinstalled. A street view photo of the topography of the subject property along Wendell Boulevard is below for reference.*

*Staff finds that the request is acceptable; however, staff recommends tabling action until the fee amount has been submitted by the applicant or approve the request contingent upon the fee being evaluated and approved the Town Engineer.*

*Planning Board Recommendation: The Planning Board accepted the applicant's proposed condition.*



2. Waiver of sidewalks within the subdivision. This is an older subdivision and there are not currently sidewalks within the subdivision.

*Staff Comment:* Staff recommends that sidewalks be installed along the frontages of Kirkhill Drive and Whitley Way so that future development on the other side of Kirkhill Drive could tie in to the provided sidewalk. Staff also recommends that the requested waiver of sidewalks be approved for other internal roads to provide consistency with previously developed lots where sidewalks do not exist along interior lots adjoining this phase.

*Planning Board Recommendation:* The Planning Board recommended that sidewalks be waived for the internal roads and Kirkhill Drive and Whitley Way. Staff still recommends that sidewalk be provided along Kirkhill Drive and Whitley Way.

3. Phase II is subject to existing recorded covenants of Olde Wendell, Phase I.

*Staff Comment:* Using the same restrictive covenants as Phase I of Olde Wendell will help ensure that appropriate protections are in place for making sure that the future of the community will be harmonious to the existing homes in Olde Wendell.

Staff finds that the request is acceptable.

*Planning Board Recommendation:* The Planning Board accepted the applicant's proposed condition.

4. Fee-in-lieu for Open Space.

*Staff Comment:* Based on the 33 lots being proposed, a total of 57,750 square feet, or 1.32 acres, of open space is required. The fee-in-lieu would be approximately \$59,000. The applicant is required to submit appraisals prior to the so that an exact amount of fee-in-lieu could be determined. The appraisals have not been made available to staff at the time of publishing this report.

The Town of Wendell was recently given 1.30 acres of land at 4031 Wendell Boulevard (vacant property at the intersection of Wendell Boulevard, N. Selma Road, and Old Wilson Road). Staff has determined that the proposed fee-in-lieu could be used to help develop a neighborhood park at this location. The location of this park would be more accessible to a greater number of residents than one located at the back of Olde Wendell.

*Staff finds the request acceptable; however, staff recommends tabling action until the fee amount has been submitted by the applicant for the Town's review or*

*approve the request contingent upon the fee being evaluated and approved by Town staff.*

*Planning Board Recommendation: The Planning Board accepted the applicant's proposed condition.*

5. *All single family dwellings shall have exterior materials consisting of brick, stone, stucco, wood, and hardiplank. Under no circumstances shall vinyl siding be used.*

*Staff Comment: This condition was previously approved with the prior rezoning. Staff finds that the request is acceptable.*

*Planning Board Recommendation: The Planning Board accepted the applicant's proposed condition.*

6. *All single family dwellings shall be at least 1,900 square feet (finished and heated areas).*

*Staff Comment: The prior rezoning approved the same condition, but with a minimum of 1,800 square feet. The applicant is proposing to add an additional 100 square feet to the minimum house size.*

*Staff finds that the request is acceptable.*

*Planning Board Recommendation: The Planning Board accepted the applicant's proposed condition.*

7. *All single family dwelling shall have a two car garage. If the two car garage is a front load, it shall not extend past the main building wall more than 7 feet. This rule does not apply to a side loaded garage.*

*Staff Comment: The prior rezoning approved the same condition, but did not require a maximum garage projection. The maximum project ensures that the front loaded garage will be the dominating façade of the house creating a "snout house".*

*Staff finds that the request is acceptable.*

*Planning Board Recommendation: The Planning Board accepted the applicant's proposed condition.*

8. *If stem-walls (or crawl spaces) are used, the builder shall be required to have at least 2 masonry steps going into the residence from existing grade.*

*Staff Comment: Staff believes that as a benefit to the Town, the developer should be required to use a stem wall or crawl space on all houses. The language leaves open the option of slab on grade. The maximum height of a residential step is 8.25". A minimum of 3 steps at a minimum of 6 inches each should be required to provide at least a total of 18 inches above grade.*

*Staff recommends the following change to the condition "Each house shall use a stem-wall or crawl space, with a minimum of 3 steps at least 6 inches in height for a total of at least 18 inches above grade".*

*Planning Board Recommendation: The Planning Board accepted the staff's proposed change to the condition. The applicant also accepted staff's revision during the December Planning Board meeting.*

9. *The parcels shall not be clear cut during the development process.*

*Staff Comment: This condition was previously approved with the prior rezoning. The intention is that existing trees will remain to add a buffer between every house at the side and rear as provided in Phase 1.*

*Staff finds that the request is acceptable.*

*Planning Board Recommendation: The Planning Board accepted the applicant's*

*proposed condition.*

10. Each dwelling shall be landscaped with a minimum of four trees in the front yard, and shrubs along the foundation of the house spaced 3 feet apart.

*Staff Comment: The applicant has proposed to keep the same condition that was approved with the prior rezoning. This is an increase in landscaping compared to what is required by the UDO.*

*Staff finds that the request is acceptable.*

*Planning Board Recommendation: The Planning Board accepted the applicant's proposed condition.*

11. Waiver of UDO stormwater requirements to use old requirements approved for previous preliminary plan.

*Staff Comment: The applicant has proposed to develop the lots using the standards that were in place prior to the UDO. The Wendell Board of Commissioners is scheduled to review a zoning text amendment of the UDO (prior to this case's public hearing) to create a nitrogen load exemption for small residential infill projects.*

*If the zoning text amendment is approved by the Town Board, staff finds that the applicant should develop the subdivision using the proposed amendment that exempts them from nitrogen reduction regulations. The existing ditches in Olde Wendell have a history of erosion issues. The increased flow from the new lots would cause an increase in erosion if stabilization is not added. Staff recommends that the applicant be responsible for correcting any erosion problems with the existing ditches that will be used to tie in to for drainage.*

*Planning Board Recommendation: The Planning Board accepted the staff's proposed change to the condition. The applicant also accepted staff's revision during the December Planning Board meeting.*

12. All mailboxes shall be uniform and consistent with Phase 1 of Olde Wendell.

*Staff Comment: This condition was previously approved with the prior rezoning. The United States Postal Service requires that new subdivisions use cluster mailbox units. Based on this requirement, the developer shall provide a cluster mailbox unit that is consistent with style and color of the mailboxes in Phase 1. Staff finds that the request is acceptable as noted for the provision of mailboxes being cluster unites.*

*Planning Board Recommendation: The Planning Board accepted the staff's proposed change to the condition. The applicant also accepted staff's revision during the December Planning Board meeting.*

13. Streetlights shall be uniform and consistent with Phase 1 of Olde Wendell.

*Staff Comment: This condition was previously approved with the prior rezoning.*

*Staff finds that the request is acceptable.*

*Planning Board Recommendation: The Planning Board accepted the applicant's proposed condition.*

14. **Staff recommended condition 14** – Staff recommends that curb and gutter is required along Whitley Way and Kirkhill Drive frontages. The R2 zone allows for the developer to choose if they will provide curb and gutter along a road or if they will use a ditch section. There is a large tract of land on the east side of Kirkhill Drive that could be developed. If developed, a high number of vehicles would use Kirkhill Drive and Whitley Way. Based

*on the recommended sidewalks on Kirkhill Drive and Whitley Way in Condition 2, the curb and gutter would help provide a safety measure for pedestrians using the sidewalks.*

*Planning Board Recommendation:* *The Planning Board accepted the staff's proposed condition.*

*As previously stated one purpose of the conditional district is to establish a more complete living and working environment through the application of enlightened and imaginative approaches to community planning and property design. A CD should provide a variety of natural features and scenic areas, efficient and economical land use, improved amenities, orderly and economical development, and the protection of existing and future adjacent development.*

*While conditional districts do allow an applicant to ask for exemptions from certain types of standards as part of their application, those exemptions are intended to be offset by other improvements which go above and beyond what is required. This process allows for creative trade-offs that can result in a better overall product.*

*As currently proposed, the Master Development Plan has a mixture of improvements and exemptions being sought. The applicant is proposing to pay a higher fee in lieu of open space (which could be used to develop a more centrally located small park), add an increase of 100 square feet in the minimum house size, include a recessed garage requirements, no vinyl allowed on any houses, raised entrances, additional landscaping, and consistency for mailboxes and streetlights with the existing phase of Olde Wendell. All other proposed changes, such as not requiring internal sidewalks, reduced stormwater requirements, and a fee-in-lieu for sidewalk along Wendell Boulevard, constitute reductions in design and site standards.*

**Additional site plan conditions/changes recommended by staff:**

- 1. Update the Master Development Plan to incorporate the conditions of the Master Development Plan Approval (sidewalks, open space, landscaping, stormwater, etc.).*
- 2. Update the total open space area required for dedication to the Site Data.*

*Staff Comment:* *All of the proposed changes are technical in nature and are items that are required on any site plan.*

*Planning Board Recommendation:* *The Planning Board accepted the staff's proposed site plan changes.*

**Off-Street Parking:**

*No off street parking is required for single family dwellings.*

**Lighting:**

*Lighting shall meet the requirements as set forth in the UDO at the time of development and use light fixtures consistent with Phase 1 as proposed in Condition 13.*

**Public Utilities:**

*Public water and sewer will be extended at the time of development. Per the adopted Water Allocation Policy, this project is exempt due to its acreage and the fact that it is not located adjacent to other vacant property that could be incorporated into the project.*

**Streets:**

*At the time of construction of all new roads, the standards are to be met as specified by Chapter 12 of the UDO. The applicant has proposed the extension of two local street right-of-ways (60 foot wide).*

*In 2007, a Subdivision Variance (SV07-02) was approved to eliminate the requirement to widen Wendell Boulevard. A variance runs with the land and does not expire. Therefor this project is exempt from having to widen Wendell Boulevard. The applicant is still required to provide the required 9.5 feet of ROW dedication along Wendell Boulevard.*

*All drives shall meet the requirements as set forth in the UDO at the time of development. As recommended in Conditions 1 and 2, the sidewalk for Wendell Boulevard would not be required to be installed since fee-in-lieu is proposed. The sidewalk installation along Kirkhill Drive and Whitley Way is recommended to be required by staff instead of waiving the requirement. The applicant is requesting to waive the sidewalk requirement along the new sections of Trumpet Vine Court and Beautyberry Lane.*

**Landscaping:**

*All landscaping shall meet the requirements as set forth in the UDO and the proposed conditions at the time of development.*

**Stormwater Management:**

*If the relevant Zoning Text Amendment is approved by the Town Board, staff finds that the development of this site would meet the exemption from nitrogen load requirements. This project would be reviewed by Wake County as it relates to post-development runoff analysis.*

**Phasing:**

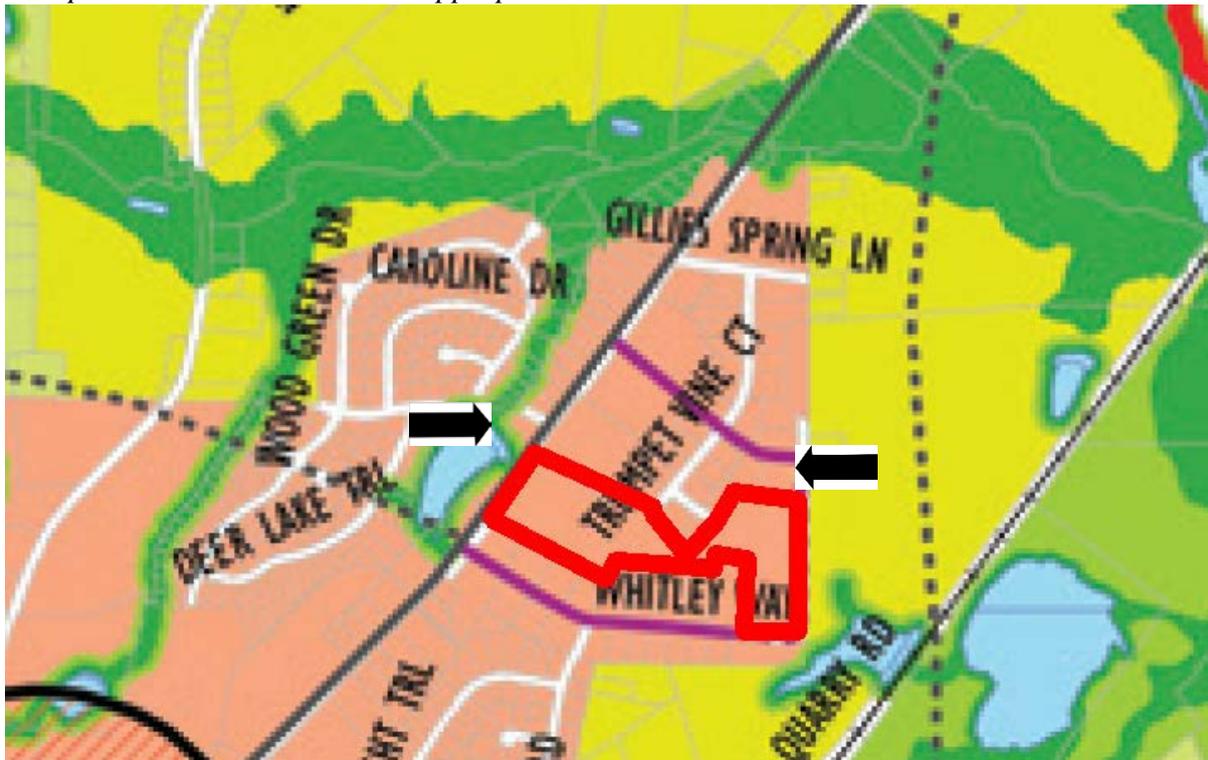
*No phasing is being proposed.*

**Comprehensive Plan:**

*The Wendell Comprehensive Plan defines the subject properties as being completely within the S-6 “Infill/Redevelopment Sector”.*

*The Comprehensive Plan states that S-6 “areas are already urbanized and well served with infrastructure (roads, utilities, etc.), and access to services and amenities. Because these areas are already well provided for in terms of urban services, they are the most efficient and most attractive areas for redevelopment of underutilized sites or infill of vacant parcels.”*

*The Comprehensive Plan lists the following uses as appropriate land uses/development types within this sector: neighborhoods, downtowns, single-family and multifamily residential, commercial uses (retail and office), civic uses, and light industrial uses. 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.*
  - *At their December 19<sup>th</sup> meeting, the Planning Board recommended the following statement of plan consistency and reasonableness:*
    - *The proposed conditional district is found to be consistent with the recommended uses and development types outlined in the Wendell Comprehensive Land Use Plan for the S-6 sector and is reasonable due to its relation to the existing Olde Wendell subdivision.*

**Planning Board Recommendation:**

*At its December 19, 2016 meeting, the Wendell Planning Board voted 6-1 to recommend approval of the proposed Conditional District with the modification to Condition 2 to remove the sidewalk requirement along Kirkhill Drive and Whitley Way.*

***Voting in Favor:*** *Chairman Harold Broadwell, Ruth Van der Grinten, Errol Briggerman, Gilda Wall, Lloyd Lancaster, Victoria Curtis*

***Voting Against:*** *Allen Swaim*

**Staff Recommendation:**

*Staff recommends approval of the proposed Conditional District for Olde Wendell, Phase 2 with the 14 conditions as recommended by the Planning Board with modification as recommended by staff for Condition 2. Staff recommends including the requirement for sidewalks along Kirkhill Drive and Whitley Way.*

*Due to the sidewalk fee in lieu amount and the open space fee in lieu amounts not being received, the Town Board is requested to either table action until the fee amounts are submitted and reviewed or to approve the request with the condition that the fee amounts are received, evaluated and approved by staff and the Town Engineer.*

Planner Patrick Reidy provided an overview of a conditional district request for Olde Wendell Phase 2 to rezone approximately 16 acres from R2-CU to R2-CD; staff report included above in italics. He added the applicant was unable to attend tonight's meeting but asked staff to proceed with the public hearing.

Commissioner Carroll questioned how the applicant will address fixing the eroding ditches. Planner Reidy stated the applicant and Public Works Director will and evaluate prior to construction.

Commissioner Boyette questioned in the future, if the erosion in the ditches continues who is responsible. Planner Reidy stated when accepted by the Town, the Town would be responsible.

Commissioner Boyette stated he heard the existing section has erosion in the ditches and questioned if the Town has had to make repairs. Planer Reidy stated the Town has been out in the past.

Commissioner Boyette stated to him that means the new sections needs curb and gutter. If curb and gutter are in place, questioned if this would run to the storm sewer. Planner Reidy stated yes and the site is required to meet the pre and post run-off requirements of the UDO.

Board Meeting Minutes  
January 09, 2017

Commissioner Boyette stated he heard concern about run-off from the new portion could impact the existing neighborhood. Planner Reidy stated once stabilization is performed to the tie-ins the concern would be lessened.

Town Manager Piner stated at the time Olde Wendell was received, it was to be constructed in phases. The downturn of the economy and the death of the owner did not provide for those areas to be tied in.

Mayor Gray is hearing this developer is willing to tie in to the existing. Town Manager Piner stated this developer is willing to do that.

Commissioner Boyette questioned why the extension of Trumpet Vine will not go to Wendell Boulevard. Planner Reidy stated in 2007 NCDOT expressed concern with the number of driveways, the off-setting of road connections, and the steep topography.

Commissioner Boyette was asking from the connectivity stand point. He noted that three of the lots will back up to Wendell Boulevard. He questioned if the existing neighborhood is well-maintained. Planner Reidy stated this is a higher priced neighborhood.

Mayor Pro Tem Lutz questioned there are no sidewalks in the neighborhood now. Planner Reidy stated correct. He added there will be sidewalks added in Phases 3A and 3B.

Mayor Pro Tem Lutz requested clarification for where staff is recommending that sidewalk be installed. Planner Reidy stated there are three lots on Whitley Way and six lots on Kirkhill. The applicant would have to widen Kirkhill by two feet as it does not presently meet Town standards for a local road. When the road is widened, the curb and gutter and sidewalk would be installed.

Mayor Gray questioned the goal is to finish the neighborhood. Planner Reidy stated yes.

Mayor Pro Tem Lutz questioned on Whitley Way, there is no sidewalk along Whitley Way. Planner Reidy stated no.

Commissioner Joyner requested the names of the streets where there will be no curb and gutter and sidewalk. Planner Reidy stated Trumpet Vine and Beautyberry.

Commissioner Myrick questioned if there is sidewalk. Planner Reidy stated there is no sidewalk on Trumpet Vine or Beautyberry.

Commissioner Boyette questioned the applicant is not proposing to add sidewalk or curb and gutter to finishing either of those cul-de-sacs. Planner Reidy stated correct.

Commissioner Boyette stated he does not want the neighborhood to wash away. He believes sidewalk and curb and gutter along Kirkhill and Whitley Way are a good compromise.

Planner Reidy stated infill projects are challenging because it is not a raw piece of land.

Mayor Gray opened the public hearing at 8:03 p.m.

Charles Cannon of 913 Trumpet Vine stated he is in support of this request with the staff recommendations.

Mayor Gray closed the public hearing at 8:05 p.m.

Planner Reidy stated the Board may continue action until such time the Town has appraisals for the open space fee in lieu or approve the request with the understanding that the fee in lieu amounts are received, reviewed and approved by staff.

Commissioner Joyner questioned sidewalks will be on Whitley Way and Kirkhill and Garden Club. Planner Reidy stated yes, but Garden Club is a separate project.

Commissioner Joyner requested clarification on sidewalks along Garden Club. Planner Reidy stated the only sidewalk proposed on Garden Club is on both sides for five lots and then nothing else internally.

Commissioner Joyner sees two different sets of sidewalks.

Commissioner Boyette stated Garden Club is not in today's request. Planner Reidy stated that was approved in another phase.

Mayor Gray stated it is important to her that the neighborhood have continuity throughout and that as new homes are built the existing homes do not look like the "old" part because they do not have sidewalk.

Commissioner Joyner thanked staff for putting this together and this looks like a good blended plan. He would like to see that moving forward, this is the standard for the Town.

**ACTION**

Mover: Mayor Pro Tem Lutz moved to approve the conditional district request for Olde Wendell Phase 2 to rezone 16 acres from R2-CU to R2-CD and contingent upon the open space fee in lieu final numbers received and approved by staff and sidewalk and curb and gutter along Kirkhill and Whitley Way.

Vote: Unanimous.

**5. REQUEST BY THE EAST WAKE EDUCATION FOUNDATION FOR FEE WAIVER TO HOST THE SWEETHEARTS BALL AT THE WENDELL COMMUNITY CENTER.**

**SPEAKER: Parks & Recreation Director Jeff Polaski**

**ACTION: Board may take action.**

*[Staff Report]*

**Item Summary:**

Board Meeting Minutes  
January 09, 2017

*The East Wake Education Foundation, EWEF, is a non-profit education program serving Eastern Wake County. EWEF does not charge for their services. The EWEF receives support from Wake County, the towns of Zebulon, Wendell and Knightdale and over 40 businesses. On Friday, February 10, 2017, the EWEF would like to host the Sweethearts Ball fundraiser event at the Wendell Community Center from 10:00am to 11:00pm. This event is open to the public and is a fund raising event for EWEF.*

**Recommendation:**

*It is the recommendation of the Recreation Commission to waive the rental fees but not the cleaning fee or the police officer fee.*

Parks and Recreation Director Jeff Polaski provided an overview of the request by the East Wake Education Foundation for the fee waiver to host the Sweethearts Ball at the Wendell Community Center; staff report included above in italics. The applicant was unable to attend tonight's meeting.

**ACTION**

Mover: Mayor Pro Tem Lutz moved to approve the request for the East Wake Education Foundation for a fee waiver for the Sweethearts Ball at the Community Center.

Vote: Unanimous.

**6. DISCUSSION OF PROPOSED POLICY FOR USE OF THE TOWN BOARD ROOM; TABLED AT THE 12/12/2016 BOARD MEETING.**

**SPEAKER: Teresa Piner, Town Manager.**

**ACTION: Board may take action.**

*[Staff Report]*

**Item Summary:**

*The Town of Wendell recently updated Town Hall facilities to better utilize the space available in Town Hall for Board and staff meetings. Due to the room's size, the room is in demand to be used by civic groups and other organizations. Due to the cost of the upgrades, and particularly the electrical equipment it was determined that a policy would assist in prioritizing and clarifying to users expectation for the room. Staff is asking for input into the policy for the use of the facility from outside organizations.*

Town Manager Teresa Piner provided an overview of the amended proposed policy for use of the Town Board room; staff report included above in italics.

Commissioner Myrick stated for number of five, if a Town employee is staying past 5 p.m., that is costing the Town and to include as a cost. Town Manager Piner stated that can be added.

**ACTION**

Mover: Mayor Pro Tem Lutz moved to approve the proposed policy for use of the Town Board with the amendment proposed by Commissioner Myrick for staff staying after-hours.

Vote: Unanimous.

**6a. DISCUSSION OF FEE IN LIEU OF SIDEWALK CONSTRUCTION POLICY.  
[Added under Adjustment of the Agenda.]**

Mayor Gray stated it was brought to her attention that the language in the policy make this difficult to implement. Depending on what is required for sidewalk installation because the actual cost is burdensome. She suggested adopting a dollar amount of \$25 per linear foot. The actual cost at this time is \$22.34 per linear foot with no grading. This is fair as most sites require some grading.

Commissioner Joyner questioned the actual cost of the proposed sidewalk in Olde Wendell. Planner Reidy stated the amount was well over \$30,000.

Planner Reidy stated for a six-foot sidewalk, Raleigh charges \$16.60 a square foot and there is a separate piece for grading. The Public Works Director was consulted and he felt the amount proposed is in-line with sidewalk installation.

Mayor Gray believes having an amount simplifies the process.

Commissioner Boyette stated he does not have a problem with the amount; however, if the amount of concrete were to go up or down, then it would need to be evaluated periodically.

**ACTION**

Mover: Commissioner Boyette moved to approve the fee in lieu sidewalk construction cost policy and to remove actual cost and replace with the \$25 per linear foot.

Vote: Unanimous.

**7. UPDATE ON BOARD COMMITTEE(S) BY TOWN BOARD MEMBERS:  
 Capital Area Metropolitan Planning Organization [CAMPO] – Mayor Gray**

Mayor Gray stated there was no CAMPO meeting.

** Wendell Fire Department Board of Directors [Commissioner Joyner]**

Commissioner Joyner stated the Wendell Fire Department met and discussed upcoming budgetary needs and the new station.

**8. COMMISSIONERS' REPORTS.**

Commissioner Joyner thanked the Town staff for the work put in December as well as the winter storm.

Commissioner Boyette thanked the Town staff for the long hours and hard work for this past weekend's storm. He thanked the citizens for staying off of the roads as this kept the number of wrecks down.

Commissioner Myrick and Mayor Pro Tem Lutz stated no report.

Commissioner Carroll thanked the Town staff for all the work and negotiations for tonight's agenda. He understood there was a lot of discussion and negotiations. The Town has a good development.

**9. MAYOR'S REPORT.**

Mayor Gray thanked the Town employees and proud of what has been done for the Town. She heard from citizens about how friendly our Public Works crew was during the winter weather.

Mayor Gray was invited to Wendell Middle School to review a project for a theme park that involved writing, math and presentation skills by sixth graders. She stated it was a wonderful morning with the students and all did a great job. She thanked them for including her.

Mayor Gray questioned if there is a way to include Jake May, Chuck Rowland, and Fred Henry into our park programs.

**10. CLOSED SESSION.**

**ACTION: Closed Session will be called if necessary.**

No closed session called.

**11. ADJOURN.**

**ACTION: Meeting adjourned at 8:26 p.m.**

Duly adopted this 23rd day of January 2017, while in regular session.

**ATTEST:**

\_\_\_\_\_  
Virginia R. Gray, Mayor

\_\_\_\_\_  
Sherry L. Scoggins, MMC; Town Clerk