



**Wendell Town Board of Commissioners
Board Room
15 E. Fourth Street, Wendell, NC 27591
Town Board Meeting Agenda
Monday, April 08, 2019 @ 7:00 PM**

CALL TO ORDER

- Welcome by Mayor Virginia R. Gray
- Pledge of Allegiance by Stalin Wences student at Carver Elementary School
- Invocation by Wendell Council of Churches

1. ADJUSTMENT AND APPROVAL OF THE AGENDA

2. PUBLIC COMMENT PERIOD [one-hour time limit in total]

The Public Comment Period is your opportunity to share comments with the Town Board on any topic as long as it is not an item scheduled for public hearing. During Public Comment, the Town Board receives comments and refrains from speaking.

Thanks to everyone in the audience for respecting the business meeting by abstaining from speaking from the audience, applauding speakers, or other actions that distract from the meeting.

Anyone wanting to speak during Public Comment Period should do the following:

- *Sign up prior to the beginning of the meeting. The sign-up period will begin 20 minutes prior to the start of the meeting and will end when the meeting begins.*
- *When the Public Comment Period is announced, come to the podium and state your name and address for the record.*
- *Be concise and limit your comments to three minutes or less. Designate a spokesperson for large groups. Direct comments to the full Town Board and not to an individual Town Board member.*

3. CONSENT AGENDA

The Board of Commissioners uses a Consent Agenda to act on non-controversial items unanimously recommended for approval or have been discussed at previous meetings. The Consent Agenda is acted upon by one motion and vote of the Board. Any individual board member may pull items from the Consent Agenda for further discussion. Items pulled will be handled with the "OTHER BUSINESS" agenda topic.

- 3a. Approval of the Wake County Tax Report for the Town of Wendell.
- 3b. Approval of the amended 2019 Board of Commissioners Meeting Schedule to include a Special Called Budget Work Session on Monday, April 29, 2019 at 7 PM at Wendell Town Hall, 15 E Fourth St.

4. RECOGNITIONS, REPORTS, AND PRESENTATIONS

- 4a. Recognition of Carver Elementary School teacher: Ms. Aryn Kontos
Speaker: Mayor Virginia Gray
- 4b. Recognition of the Youth Winter Basketball All-Star State 15-18 boys' team for winning the State Championship.
Speaker: Athletics Program Supervisor Director Tim Kay
- 4c. Presentation of the upcoming Spring Into the Arts Walk and request for temporary street closures.
Speaker: Parks & Recreation Director Jeff Polaski

5. PUBLIC HEARINGS

Public hearings are legislative. Persons wishing to speak will have five-minutes to speak.

QUASI-JUDICIAL [EVIDENTIARY] PUBLIC HEARINGS - *Quasi-judicial hearings are different than regular public hearings in that they resemble a court hearing where testimony is presented. The Town Board refrains from "ex parte communication" about these cases, as they must make a decision based solely on the written and oral evidence actually presented at the hearing itself. This means that the Town Board refrains from receiving any information about these cases outside the hearing, including emails, phone calls, letters, etc. The Town Board also refrains from conducting meetings about these issues outside the hearing. These same prohibitions do not apply to staff. Staff welcomes inquiries from the public about any of these cases.*

Public Hearing Guidelines:

- Case is announced
 - Staff presentation
 - Public hearing is opened
 - Applicant presentation
 - 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
-

- 5a. **PUBLIC HEARING** for a map amendment request to rezone 17 acres located behind Industrial Drive, accessed by Church Street (PIN #1784326835; addressed as 0 Wendell Blvd.) from Manufacturing & Industrial (M&I) to Corridor Mixed Use (CMX). The Wendell Board of Commissioners reserves the right to change the existing zoning classification of the area in question or any part or parts thereof to a more restrictive general zoning classification without the necessity of withdrawal or modification of the petition. [Item 5b is contingent

upon adoption of item 5a.]
Speaker: Planning Director David Bergmark.

Evidentiary (Quasi-Judicial) Hearing Guidelines:

- *Case is announced*
 - *Town Attorney provides rules of procedure for an evidentiary hearing*
 - *Disclosure*
 - *Town Clerk provides oath for persons wishing to present testimony*
 - *Staff presentation*
 - *Applicant presentation*
 - *Opposition presentation*
 - *Applicant rebuttal*
 - *Opposition rebuttal*
 - *Staff closing comments*
 - *Board inquiry*
 - *Board called into deliberation*
 - *Board discussion of the findings of fact:*
 - *Approve*
 - *Approve with conditions*
 - *Deny (must include reason)*
-

- 5b. **EVIDENTIARY HEARING** for a special use request to construct an 84-unit apartment complex on 17 acres located behind Industrial Drive, accessed by Church Street (PIN #1784326835; addressed as 0 Wendell Blvd.) [described in item 5a].

Speaker: Planning Director David Bergmark

- 5c. **EVIDENTIARY HEARING** for a special use request by Marcus A Scott of The Way Church of God and True Holiness to permit a church at 2493 Wendell Blvd located at Knott Square Shopping Center, PIN # 1784-16-5487.

Speaker: Planning Director David Bergmark.

Public Hearing Guidelines:


- *Case is announced*
 - *Staff presentation*
 - *Public hearing is opened*
 - *Applicant presentation*
 - *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*
-

- 5d. **PUBLIC HEARING** for annexation petition A-19-03 for 11.64 acre tract located off of Charthouse Drive and adjacent to Knott Square Shopping Center; PIN # 1784-17-7071.
Speaker: Planning Director David Bergmark
- 5e. **PUBLIC HEARING** for a zoning text amendment to chapter 6.5 of the UDO as it relates to exemptions for private property owners for stormwater runoff provisions. This text amendment is in accordance with NC GS 143-214.7(b3).
Speaker: Planning Director David Bergmark

6. ADMINISTRATIVE ITEMS

No Administrative Items.

7. OTHER BUSINESS (any item pulled from the CONSENT AGENDA [item 3 on this agenda] will be discussed during this portion of the agenda)

- 7a. Snap Shot.
- 7b. Update on board committee(s) by Town board members:
 Wendell Fire Board [Commissioner Joyner]

8. COMMISSIONERS' REPORTS / COMMENTS

9. MAYOR'S REPORTS / COMMENTS

10. CLOSED SESSION

Closed session will be called if necessary.

11. ADJOURN



Board of Commissioners
P.O. Box 550 • Raleigh, NC 27602

TEL 919 856 6160
FAX 919 856 5699

JESSICA N. HOLMES, CHAIR
GREG FORD, VICE-CHAIR
VICKIE ADAMSON
MATT CALABRIA
SUSAN P. EVANS
SIG HUTCHINSON
JAMES WEST

March 19, 2019

Sherry L. Scoggins
Special Assistant to the Manager
Town of Wendell
15 East Fourth Street
Wendell, NC 27591

Dear Ms. Scoggins:

The Wake County Board of Commissioners, in regular session on March 18, 2019, approved and accepted the enclosed tax report for the Town of Wendell.

The attached adopted actions are submitted for your review; no local board action is required.

Sincerely,

A handwritten signature in cursive script that reads "Denise Hogan".

Denise Hogan
Clerk to the Board
Wake County Board of Commissioners

Enclosure(s)

Rec'd 3-21-2019
- DRS -



Wake County Revenue Department

Rebate Details

01/01/2019 - 01/31/2019

WENDELL

DATE 02/04/2019
TIME 1:02:07 PM
PAGE 1

REBATE NUMBER	PROPERTY	CITY TAG	LATE LIST	BILLED INTEREST	TOTAL REBATED	PROCESS DATE	ACCOUNT NUMBER	TAX YEAR	BILLING YEAR	OWNER
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INDIVIDUAL
PROPERTY ACCOUNTS

717235	36.37	20.00	0.00	0.00	56.37	01/03/2019	0006850744	2018	2017 000000	FOX, TIMOTHY JAMES
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SUBTOTALS FOR INDIVIDUAL PROPERTY ACCOUNTS	36.37	20.00	0.00	0.00	56.37	1	Properties Rebated
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TOTAL REBATED FOR WENDELL	36.37	20.00	0.00	0.00	56.37	1	Properties Rebated for City
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Item Title:

Approval of the amended 2019 Board of Commissioners Meeting Schedule to include a Special Called Budget Work Session on Monday, April 29, 2019 at 7 PM at Wendell Town Hall, 15 E Fourth St.

Specific Action Requested:

Approval.

Item Summary

The Wendell Town Board of Commissioners will have a special called budget work session meeting on Monday, April 29, 2019 at 7 PM at Wendell Town Hall, 15 E Fourth Street. The purpose of the special called budget work session is to receive the fiscal year [FY] 2020 proposed budget. [A fiscal year is July 1 through June 30.] This is an open meeting and the public is welcome to attend to hear the business conducted by the Wendell Town Board of Commissioners.

Amendment of the Town Board of Commissioner's 2019 meeting schedule is in keeping with NC GS 143-318.12, Public notice of official meetings.

Attachments:

- A. Resolution – 2019 Board of Commissioners Meeting Schedule



TOWN OF WENDELL

NORTH CAROLINA

**RESOLUTION – 2019 BOARD OF COMMISSIONERS MEETING SCHEDULE
R-09-2019**

WHEREAS, the Wendell Board of Commissioners meetings are held the second and fourth Monday of the month at 7:00 PM in the Board Room of the Town hall, unless otherwise noted; and

WHEREAS, each meeting of the Wendell Board of Commissioners is open to the public, unless otherwise provided by NC GS 143-318.11; and

WHEREAS, the Wendell Board of Commissioners may amend the yearly meeting schedule in accordance with NC GS 143-318.12:

**TOWN OF WENDELL
2019 BOARD OF COMMISSIONERS MEETING CALENDAR**

January 14, 2019 & January 28, 2019

February 11, 2019 & February 25, 2019

Saturday, February 23, 2019 [primary]

Clayton Center - 111 E Second Street, Clayton, NC

9 AM to 3 PM

March 11, 2019 & March 25, 2019

April 8, 2019 & April 22, 2019

April 29, 2019 at 7 PM, Budget Work Session

May 13, 2019 & May 28, 2019 (Tuesday)

June 10, 2019 & June 24, 2019

July 8, 2019 & July 22, 2019

August 12, 2019 & August 26, 2019

September 9, 2019 & September 23, 2019

October 14, 2019 & October 28, 2019

November 12, 2019 (Tuesday) & November 25, 2019

December 9 2019 – One meeting in December

NOW THEREFORE BE IT RESOLVED that the Board of Commissioners of the Town of Wendell adopts the amended 2019 Board of Commissioners meeting calendar as presented.

Duly adopted this 8th day of April 2019, while in regular session.

Virginia R. Gray, Mayor

ATTEST:

Sherry L. Scoggins, MMC; Town Clerk

Item Title:

Recognition of Carver Elementary School teacher: Aryn Kontos.

Specific Action Requested:

Recognition.

Item Summary

Ms.Kontos-

This is Aryn's first year of teaching at Carver Elementary. She graduated from East Carolina University with a bachelors in Elementary Education. She is teaching third grade and she looks forward to many more years of teaching! She is working hard to learn about Carver and teaching in a classroom. We have enjoyed adding her to the staff.

Attachments:

None

Item Title:

Recognition of the Youth Winter Basketball All-Star State 15-18 boys team for winning the State Championship.

Specific Action Requested:

Recognition.

Item Summary

This year's Youth Winter Basketball All-Stars was a stellar season for the 15-18 boys team! Through team work and solid performances, these young men won the State Championship!

- Friday, March 22nd 2019 Wendell 63 vs Knightdale 54
- Saturday, March 23rd 2019 Wendell W vs Spring Hope Forfeit
- Saturday, March 23rd 2019 Wendell lost to Henderson. However, Henderson used illegal players and was disqualified. Wendell advanced to Sunday's Championship game.
- Sunday, March 24th 2019 Wendell 77 vs Wake Forest 70

Congratulations State Championship Youth Winter Basketball All-Star State 15-18 boys team!!

Attachment



2018-2019 STATE CHAMPIONS



Item Title:

Presentation of the upcoming Spring Into the Arts Walk and request for temporary street closures.

Specific Action Requested:

Presentation.








Item Summary

Spring Into the Arts Walk – Saturday, May 11th, 9 AM to 3 PM




FREE day-long community event of visual, fine and performing arts!

Young artists will have their art work from school on display showcasing Wendell's youthful talent at Southern Charm Door Hangers. Kids art activities offer creative engagements for budding artistes. Explore arts and crafts vendors along Main Street. Acoustic sounds of bluegrass will emanate in Downtown Wendell beginning at 10 AM with the GrassStreet Band followed at 1 PM by the Counterclockwise Band. Car enthusiasts can "ooh" and "awe" over vehicles at the Classic Car Show. Aromas of yummy eats from local restaurants and food trucks will waft in the air as you stroll Downtown Wendell. See artists creating masterpieces throughout Wendell's Historic District that will be available for auction at Wine and Beer 101 on Main Street. Reception begins at 6:30 PM and a live auction commences at 7 PM. Proceeds from the auction will be used for projects recommended by the Wendell Appearance Commission.

New for the 2019 Spring Into the Arts Walk:

-  Family and children activities on Third Street at Pine Street
-  Vendors on Main Street between railroad and Third Street in the parking slips
-  Bands on Main Street at the railroad facing Third Street
-  Food trucks on MainStreet between railroad ad Fourth Street
-  Classic Car Show on Main Street between Wendell Boulevard and Fourth Street
-  Fourth Street will remain OPEN
-  Parking available in the Park and Ride lot on Fourth Street, Woman's Club Lot at Third and Cypress Streets and the paved parking lot at Agave's Mexica Restaurant

Staff is before the Board of Commissioners with the following temporary street closure requests for this year's Spring Into the Arts Walk:

-  Main Street between Wendell Boulevard and Fourth Street
-  Main Street between Fourth Street and Third Street
-  Depot Street would be reserved for vendor parking

Attachments:



Spring into the Arts Walk

Saturday, May 11 9am-3pm

Live music on stage north end of Main Street

10am **GrassStreet** (Bluegrass) 1pm **Counterclockwise String Band** (Bluegrass)

Arts and Crafts Vendors (Main Street) **Sidewalk Chalk Artists** (Third Street)

Food Trucks (Main Street) **Classic Car Show** (Universal Chevrolet)

Artists Reception & Auction (6:30pm WNB101) **BBQ Plate Fundraiser** (Grillbillies)

Kids' Art Walk (Southern Charm Door Hangers)

Face painting • Interactive art • Scavenger hunt • Caricatures • and more...

Townofwendell.com/SpringintotheArtsWalk

 FIND US ON
FACEBOOK

#whereinthedell

Item Title:

Public Hearing - Zoning Map Amendment request to rezone 17 acres located at 0 Wendell Blvd. (PIN # 1784326835; behind Industrial Drive) from MI to CMX.

Report to the Board of Commissioners:

- Monday, April 8, 2019

Report to the Planning Board:

- Monday, March 18, 2019

Specific Action Requested:

- That the Town Board hold a public hearing and take action on a map amendment request.
 - Action could consist of adopting the attached ordinance for adoption, which includes a statement of reasonableness and plan consistency.

Petition:

The applicant has requested a change in zoning classification for 17 acres of property located at 0 Wendell Blvd. The request area is located within the extraterritorial jurisdiction (ETJ) of the Town of Wendell and is zoned MI (Manufacturing & Industrial). The applicant has submitted a map amendment petition to request that this property be given the zoning designation of CMX (Corridor Mixed-Use) in order to allow for a potential two-story, 84 unit apartment complex.

Project Profile:

PROPERTY LOCATION:	0 Wendell Blvd.
WAKE COUNTY PIN:	1784326835
ZONING DISTRICT:	Proposed CMX/ Current MI
PROPERTY OWNER:	Wendell/Larue, LLC
APPLICANT:	James A. Harrell, III
PROPERTY SIZE:	17 acres
CURRENT LAND USE:	Vacant
DESIRED LAND USE:	Multi-Family Residential

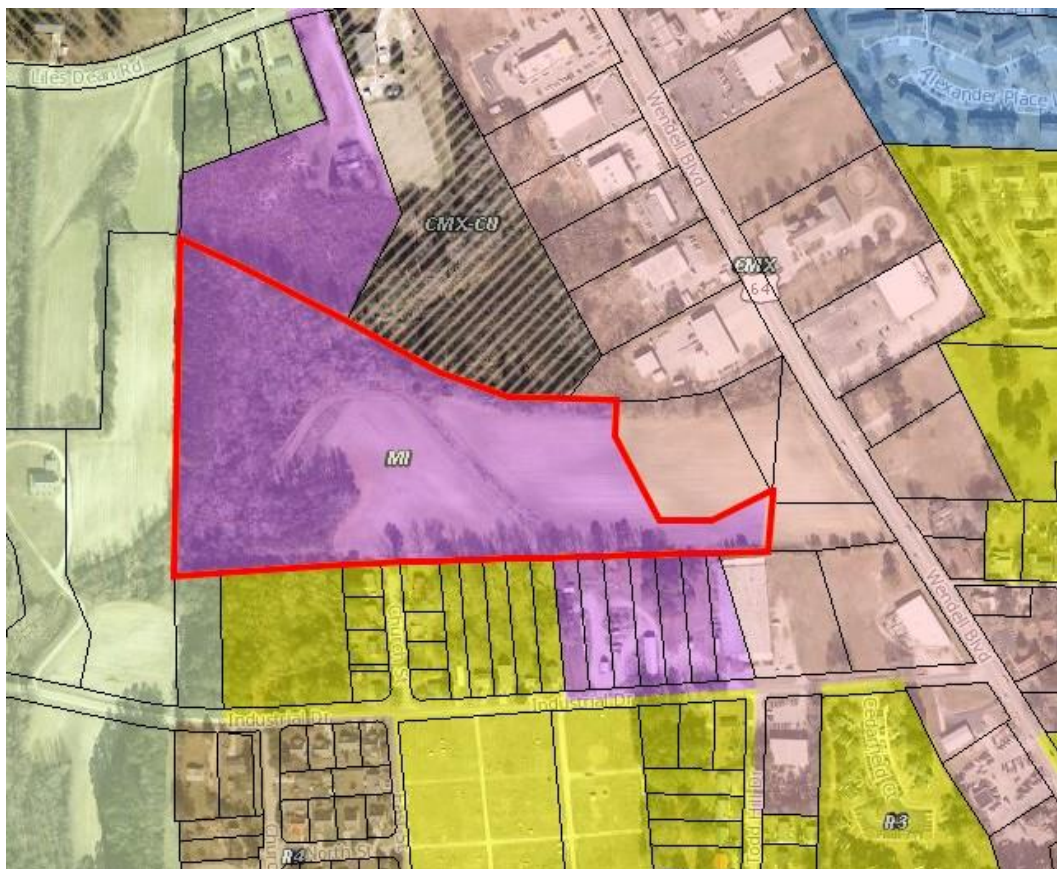
Zoning District:

The property included within this request is currently zoned MI (Manufacturing & Industrial). The MI district is coded to permit the development and operation of light or heavy industrial or flex-space buildings and uses that are typically too large in scale to fit within a neighborhood environment and that should be buffered from surrounding neighborhood uses. It is intended to accommodate the most intense uses in the Town's code, which could include uses like dry cleaning plants, heavy manufacturing, and welding shops.

The applicant has indicated a desire to rezone the property to CMX (Corridor Mixed-Use), with the intent of permitting a proposed two-story, 84 unit apartment complex. The CMX District was designed to provide pedestrian-scaled higher density residential and neighborhood-serving commercial activities along existing mixed use corridors.

However, the Board should keep in mind that the developer would have the right to pursue any of the uses allowed in the CMX zoning district (beyond multi-family). Many of the adjacent properties along Wendell Boulevard are currently zoned CMX. This property is also adjacent to existing residential properties along Industrial Drive. A copy of those uses allowed in the CMX & M&I zoning district is included as Attachment A.

Current Zoning Map & Surrounding Land Uses:



Subject Property Outlined in Red

Public Utilities:

Gravity sewer lines and manholes currently exist on the property and water lines are located adjacent to the site.

Comprehensive Plan:

















The Wendell Comprehensive Plan defines this section as S6 “Infill/Redevelopment Area”.

The Comprehensive Plan describes the S-6 Infill/Redevelopment Sector in the following manner: “Existing urban/suburban development with a fairly dense street grid are classified as S-6. This includes most of the built-out areas of Wendell around the historic downtown core. These 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 identifies the community types and land uses appropriate for this sector as:

- Neighborhoods
- Downtowns
- Single family and Multi-family residential
- Commercial uses (retail and office)
- Civic uses (parks, schools, religious and government uses)
- Light industrial uses



FRAMEWORK PLAN LEGEND	
	PLAN BOUNDARY
	Railroad
COLLECTOR STREET PLAN	
	EXISTING COLLECTOR
	PROPOSED COLLECTOR
CAMPO THOROUGHFARE PLAN	
	EXISTING THOROUGHFARE
	PROPOSED THOROUGHFARE
	WATER BODIES
	S1 PRESERVED OPEN SPACE
	S2 RESERVED OPEN SPACE
	S3 RESTRICTED GROWTH AREA
	S4 CONTROLLED GROWTH AREA
	S5 INTENDED GROWTH AREA
	S6 INFILL/REDEVELOPMENT AREA
	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.
 - At their March meeting, the Planning Board found the requested zoning map amendment to be consistent with the recommended uses outlined in the Wendell Comprehensive Land Use Plan for the S-6 Sector and to be reasonable in order to provide greater protection to existing, adjacent single family uses from those more intense uses allowed in the M&I zoning district.

Staff Recommendation:

Staff recommends approval of the rezoning request.

Attachments:

- A. Table of Uses (CMX & M&I zoning districts)
- B. Ordinance for Adoption

Town of Wendell, NC
Manufacturing & Industrial (M&I) Zoning District
Land Use Chart

PERMITTED USES	PERMITTED WITH ADDITIONAL STANDARDS	SPECIAL USES (Requires Board Approval)
Agriculture ATM Business Support Services Cultural or Community Facility Equipment Rental General Retail - 10,000 sf or less Government Services Laundry, dry cleaning plant Manufacturing, Heavy Manufacturing, Light Manufacturing, Neighborhood Media Production Meeting Facilities Metal products fabrication, machine or welding shop Personal Services Post Office Professional Services Public Safety Station Recreation Facilities, Indoor Recreation Facilities, Outdoor Research and Development Restaurant Schools - Vocational/Technical Storage - Outdoor as a primary use Storage - Warehouse, indoor storage Studio - Art, Music Studio - Dance, Martial Arts Wholesale Distribution	Adult Entertainment Animal Services Cemetery Child/Adult Day Care Center (more than 8 persons) Heavy Equipment/RV/Farm Equipment/Mobile Home Sales Mini-Warehouses Outdoor Kennels/Equine Facilities Transit Station - Passenger Utilities - Class 1 Utilities - Class 2 Utilities - Class 3 Vehicle Sales Vehicle Services - Major Repair/Body Work Vehicle Services - Minor Maintenance/Repair Wireless Telecommunication Facility - Stealth Wireless Telecommunication Facility - Tower	Airport Colleges/Universities Religious Institutions

Town of Wendell, NC
Corridor Mixed Use (CMX) Zoning District Land Use Chart

PERMITTED USES	PERMITTED WITH ADDITIONAL STANDARDS	SPECIAL USES (Requires Board Approval)
ATM	Alcoholic Beverage Sales Store	Bar/Tavern/Night Club
Auto Parts Sales	Amusements, Indoor	Billiard/Pool Hall
Banks, Credit Unions, Financial Services	Amusements, Outdoor	Colleges/Universities
Bed and Breakfast Inns	Animal Services	Dwelling - Multifamily
Business Support Services	Car Wash - Stand Alone, Self Service	Event Venue, Outdoor
Community Service Organization	Cemetery	Hospital
Cultural or Community Facility	Child/Adult Day Care Center (more than 8 persons)	Religious Institutions
Dwelling-Single Family	Child/Adult Day Care Home (8 or less persons)	Research and Development
Equipment Rental	Drive Thru Service	Residential Treatment Facility
Funeral Homes	Drive-Thru Retail/Restaurant	Shooting Range, Indoor
General Retail - 10,000 sf or less	Dwelling-Secondary	Theater, Live Performance, Outdoor
General Retail - 10,001 - 50,000 sf	Family Care Home (6 or fewer residents)	Wireless Telecommunication Facility - Stealth
Government Services	Gas Station	Wireless Telecommunication Facility - Tower
Home Occupation	General Retail - Greater than 50,000	
Hotels/Motels/Inns	Group Care Facility (More than 6 residents)	
Housing Services for the Elderly	Live-Work Units	
Laundry Services	Manufacturing, Light	
Media Production	Manufacturing, Neighborhood	
Medical Services - Clinic, Urgent Care Center	Micro-Distillery/Micro-Brewery/ Micro-Winery	
Medical Services - Doctor Office	Mini-Warehouses	
Meeting Facility/Indoor Event Venue	Parking Structure - Primary Use	
Metal products fabrication, machine or welding shop	Rooming or Boarding House	
Personal Services	Storage - Warehouse, Indoor Storage	
Post Office	Transit Station - Passenger	
Professional Services	Utilities - Class 1	
Public Safety Station	Utilities - Class 2	
Recreation Facilities, Indoor	Vehicle Sales	
Recreation Facilities, Outdoor	Vehicle Services -	
Restaurant	Major Repair/Body Work	
Schools - Elementary & Secondary	Vehicle Services -	
Schools - Vocational/Technical	Minor Maintenance/Repair	
Shopping Center - Community Center		
Shopping Center - Neighborhood Center		
Studio - Art, Music		
Studio - Dance, Martial Arts		
Theater, Live Performance, Indoor		
Theater, Movie		



TOWN OF WENDELL

NORTH CAROLINA

O-04-2019

**AN ORDINANCE AMENDING THE ZONING MAP
OF THE TOWN OF WENDELL**

WHEREAS a petition has been filed with the Board of Commissioners of the Town of Wendell requesting an amendment to the Zoning Map of the Town of Wendell to include in the Corridor Mixed-Use (CMX) zoning district the property described below, said property formerly being zoned Manufacturing and Industrial (MI); and

WHEREAS said property is owned by Wendell/Larue, LLC.; and

WHEREAS the Planning Board of the Town of Wendell reviewed the proposed change(s) and made a recommendation thereupon; and

WHEREAS notice of a public hearing to consider the proposed change was published in accordance with law in the Zebulon Times, a local newspaper, as required by Section 38-717 of the Wendell Code of Ordinances and by Section 160A-364 of the General Statutes; and

WHEREAS a notice of the proposed zoning classification action was mailed to the owner(s) of the parcel(s) of land involved, as shown on the County Tax Listings, and to the owners of all parcels of land abutting that (those) parcel(s) of land, as shown on the County Tax Listings, by depositing a copy of the same in the United States Mail, first class postage paid, as required by Section 38-717 of the Wendell Code of Ordinances and by Section 160A-384 of the General Statutes; and

WHEREAS, the Wendell Board of Commissioners reserves and exercised the right to change the existing zoning classification of the area in question or any part or parts thereof to a more restrictive general zoning classification without the necessity of withdrawal or modification of the petition.

WHEREAS the said public hearing was actually conducted at 7:00 p.m. on April 8, 2019 in the board room at Wendell Town Hall and wherein a reasonable opportunity was given to all those in attendance to speak either in favor or against the said change or to make relevant comments:

THEREFORE, after duly considering the matter, THE TOWN OF WENDELL DOES HEREBY ORDAIN;

SECTION 1. That the Zoning Map of the Town of Wendell is hereby amended to include in the Corridor Mixed-Use (CMX) zoning district 17 acres located behind Industrial Drive, accessed by Church Street (PIN #1784326835; addressed as 0 Wendell Blvd.).

SECTION 2. The requested zoning map amendment for the parcel within the rezoning area identified as ZM19-02 from MI to CMX is found to be reasonable and consistent with the recommended uses and development types outlined in the Wendell Comprehensive Land Use Plan for the S6 sector.

SECTION 3. That if any section, sentence, clause, or phrase of this Ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance.

SECTION 4. That this ordinance shall become effective immediately upon its adoption.

DULY ADOPTED the 8th Day of April, 2019

(Town Seal)

Virginia R. Gray, Mayor

ATTEST:

APPROVED AS TO FORM:

Sherry L. Scoggins, Town Clerk

James P. Cauley III, Town Attorney

Item Title:

Evidentiary Hearing on a Special Use request by James A. Harrell, III on behalf of Wendell/Larue, LLC for a two-story, 84 unit apartment complex at 0 Wendell Blvd (PIN #1784326835; behind Industrial Drive).

Report to the Board of Commissioners:

- Monday, April 8, 2019

Specific Action Requested:

- The Board of Commissioners is asked to hold a public hearing and consider taking action on a Special Use Permit request for property described herein.

Item Summary:

James A. Harrell, III, on behalf of Wendell/Larue, LLC, has requested a Special Use Permit for a two-story, 84 unit apartment complex at 0 Wendell Blvd (Behind Industrial Drive).

The proposed special use request would allow for the development of a multi-family apartment complex on a portion of a 17 acre tract, located at 0 Wendell Blvd. The applicant is pursuing tax credits for this multi-family project and is seeking to obtain the necessary entitlements to apply through the tax credit program.

Town standards normally require that a preliminary plan which has been reviewed by the Technical Review Committee (TRC) accompany the Special Use Permit request. Due to timing constraints to meet the Tax Credit application period, the applicant is requesting a variance to allow SUP action prior to TRC review and has suggested specific development standards which a SUP approval would establish as conditions. Those conditions are listed within the 'Applicant's Justification' section on the following page.

All other aspects of the site plan would be subject to TRC review and approval following the SUP approval, if approved.

Applicant's Justification:

The applicant's justification and SUP responses are included within Attachment C.

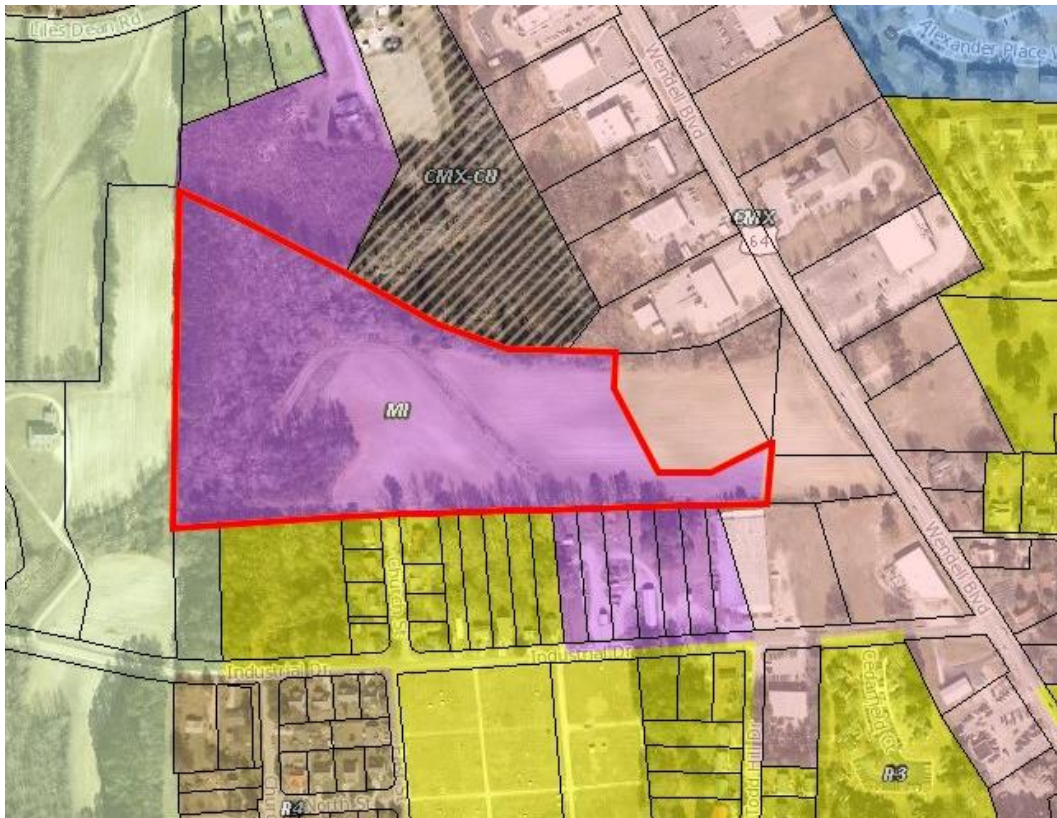
The applicant has asked for 1 variance, as follows:

Variance Requested: Due to timing constraints, the applicant is asking for a variance to allow SUP approval in advance of a full preliminary plan being reviewed by the TRC. As such, we understand and agree to the stipulation that the SUP approval would only approve the proposed use (multi-family apartments), intensity (in terms of # of units), building height (2 story), and proposed exterior building setbacks (25-35 feet). All other aspects of Site Plan approval will occur and be contingent upon the Town's typical development review procedures (preliminary plan and construction documents to be reviewed by the Technical Review Committee for conformance with Town standards).

Project Profile:

PROPERTY LOCATION:	0 Wendell Blvd. (Behind Industrial Drive)
WAKE COUNTY PIN:	1784 32 6835
ZONING DISTRICT:	MI currently; Proposed CMX
PROPERTY SIZE:	17 ac.
CURRENT LAND USE:	Vacant
PROPOSED LAND USE:	Multi-family
PROPERTY OWNER:	Wendell/Larue, LLC 9101 Glenwood Avenue Raleigh, NC 27617-7507
APPLICANT:	James A. Harrell, III 2600 Fairview Road, Suite 200 Raleigh, NC 27608

Existing Zoning Map:



Zoning District:

This site is located in a Manufacturing and Industrial (MI) Zoning District. A rezoning request to change the zoning district to Corridor Mixed-Use (CMX) has been submitted as well.

Off Street Parking:

The parking requirement for residential use is 1 space per bedroom, up to 2 per unit. Using this standard, the proposed 84 unit apartment complex will require 154 parking spaces. The applicant's concept map shows 170 new parking spaces. However, parking design is not being approved as part of this Special Use Permit. The applicant will be required to meet all Wendell Parking Standards at the time of preliminary plat approval.

Public Utilities:

Gravity sewer lines and manholes currently exist on the property and water lines are located adjacent to the site.

Buffering:

The applicant has proposed a 35 foot setback along the south property boundary and 25 foot setback along the west, north and east property boundaries. The south and west property boundaries abut residential uses and would require a Type B Buffer Yard. The applicant plans to use existing vegetation along the majority of the western property boundary to act as a buffer. Existing or newly planted landscaping that meets Type B Buffer Yard, as outlined in Chapter 8 of the UDO, will be required along the remainder of the western and southern boundaries that abut residential uses.

Stormwater Management:

The proposed site changes will require review by Wake County for conformity with the Town's stormwater regulations. While the concept plan does show a stormwater device, the final stormwater plan could vary from what is shown based on review of the Construction Drawings.

Staff Comments:

- This property is located within the area designated as the S-6 Section in the Towns' Comprehensive Plan, which is identified as the most efficient and most attract area for redevelopment of underutilized sites or infill of vacant parcels. Thus, a dense residential development, due to its proximity to the downtown and existing services, would align with the goals of the Comprehensive Plan.

- Staff does have some concerns regarding traffic and access for this site. Currently this parcel is only accessed by the northern extension of Church St (incorrectly labeled 'East street' on the applicant concept plan). The UDO would require one additional stub street, but that street stub would not have to connect to an existing street at the time of development. Furthermore, this project would not meet the minimum threshold (150 peak hour trips) to automatically require a Transportation Impact Assessment (TIA) per the UDO.

Attachments:

- A. Section 15.15B2 - When conditional or special uses may be granted.
- B. Type B Buffer requirements
- C. Application – SU19-02 (with the applicant's responses to SUP questions)
- D. Concept Plan

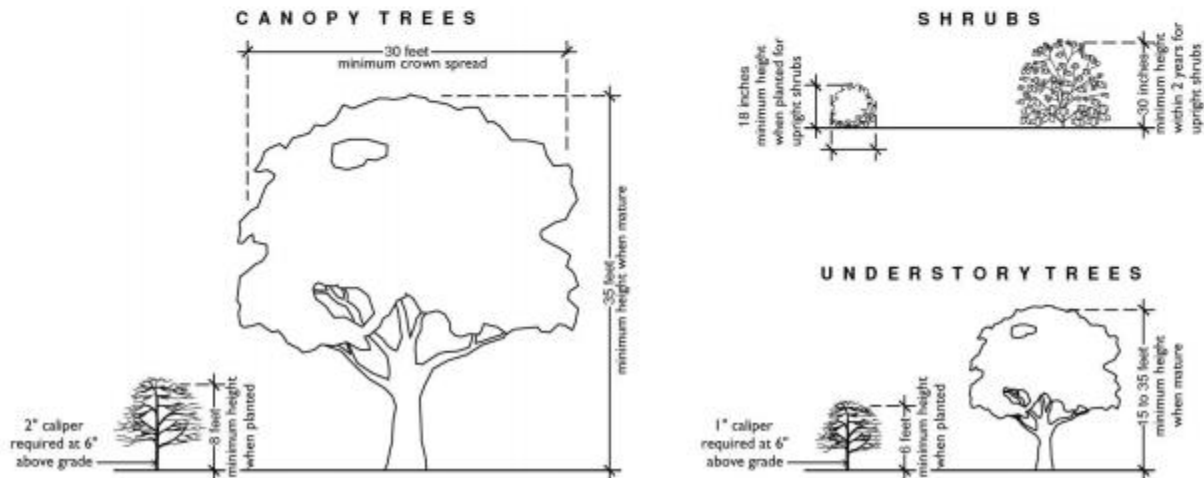
B. General Requirements:

- 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 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.
- 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.

2. Type B Buffer Yard	
a. Description	A Type B buffer is medium density screen which is intended to create a visual separation between uses and zoning districts.
b. Minimum Width	20 feet
c. Minimum Plantings	Trees: 1 tree every 25 feet Shrubs: 1 shrub every 6 feet

A. Plant Material Classifications and Standards:

1. **Canopy (Large Shade) Trees:** Canopy trees must be a locally adapted species with an expected mature height of 35 feet or greater and an expected mature crown spread of 30 feet or greater. Canopy trees, existing or planted, must be a minimum of 8 feet high, and have a minimum caliper of 2 inches measured 6 inches above grade. Multi-stemmed trees shall have at least 3 stalks and be at least 8 feet in height.
2. **Understory (Small) Trees:** Understory trees must be a minimum of 6 feet high and 1-inch in caliper, measured 6 inches above grade when planted. When mature, understory trees should have an expected height of 15 to 35 feet.
3. **Shrubs:** All shrubs shall be a minimum of 1½ feet in height when planted. All shrubs shall reach a height of 36 inches and a minimum spread of 30 inches within two years of planting.
4. **Groundcover:** All required groundcover type plants must be a minimum of 1-1/2 to 2-1/2 inch pots with a 4 inch minimum length. Groundcover must be planted with on-center spacing equivalent to the average mature spread for each particular species.





TOWN OF WENDELL SPECIAL USE PERMIT APPLICATION

Date of Application: 2-11-19 Application Number: 5019-02

Location of Property: CHURCH STREET, WENDELL, NC 27591 PIN # 1784326835

Current Zoning District: MI Wake Co. PIN: 1784326835

Applicant's Name: JAMES A. HARRELL, III

Applicant's Mailing Address: 2600 FAIRVIEW ROAD, SUITE 200

City/State/ZIP: RALEIGH, NC 27608

Phone: 919-771-6605 Email: jim@bodeharrell.com

Property Owner's Name: WENDELL/LARVE, LLC

Property Owner's Address: 9101 GLENWOOD AVENUE

City/State/ZIP: RALEIGH, NC 27617-7507

Phone: 919-571-5074 Email: dhudson@anderson-auto.net

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

DISTRICT PROVISIONS 2 C. USE METRICES DWELLING - MULTIFAMILY
CMX DISTRICT REQUIRES SPECIAL USE PERMIT

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

TO DEVELOP A MULTIFAMILY COMMUNITY

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

Other information: REZONING REQUEST TO CMX

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.
- ☒ Attachment B – write up with the following questions numbered, listed, and answered:
 1. Are there any variances being requested? If so, list each one.
 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.
 3. How will the proposed use affect the health and safety of the residents and workers of Wendell?
 4. Will the proposed use affect the use or development of adjacent properties or other uses?
 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.
 6. What are the hours of operation?
 7. How many work shifts will there be?
 8. How many employees will work per shift? 2 Full-time _____ Part-time

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.

WENDELL/LARUE, LLC BY: NOWELL FARM VENTURES, LLC, ITS MANAGER

Signature: [Signature] Date: 2/13/19

BY: MICHAEL ANDERSON, MANAGER

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.

Signature: [Signature] Date: 2-11-19

OFFICE USE ONLY

Fee Paid: \$550 Check # 2063 Recvd By: [Signature] Date: 2-12-19

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 _____

Attachment B

1. Due to timing constraints, we are asking for a variance to allow SUP approval in advance of a full preliminary plan being reviewed by the TRC. As such, we understand and agree to the stipulation that the SUP approval would only approve the proposed use (multi-family apartments), intensity (in terms of # of units), building height (2 story), and proposed exterior building setbacks (25-35 feet). All other aspects of Site Plan approval will occur and be contingent upon the Town's typical development review procedures (preliminary plan and construction documents to be reviewed by the Technical Review Committee for conformance with Town standards).
2. Water and sewer availability and capacity have been verified with the city which will service the property and provide adequate fire protection flow. There will be fire protection and fire sprinkler system onsite and the fire department is adjacent to the proposed site. Police will have adequate access to easily monitor the property with proper lighting throughout. The full time manager will develop a strong relationship with local law enforcement and town officials to ensure the safety of the community and residents.
3. The proposed community will not negatively affect the health and or safety of anyone in Wendell. The community will provide additional safe and healthy living options that will benefit the citizens of Wendell.
4. The proposed use will positively affect the development potential of surrounding properties for additional quality housing, commercial development and or park opportunities.
5. The proposed use will not be a nuisance and or hazard to anyone in Wendell. The new development will be an asset to the town and community.
6. The community will have a full time manager and maintenance employee that will be onsite 40 hours a week 8am-5pm with 24 hour emergency call availability.
7. Work shifts are 40 hours a week Monday-Friday 8am-5pm.
8. 2 full time employees.

Property Description Wendell Place Apartments

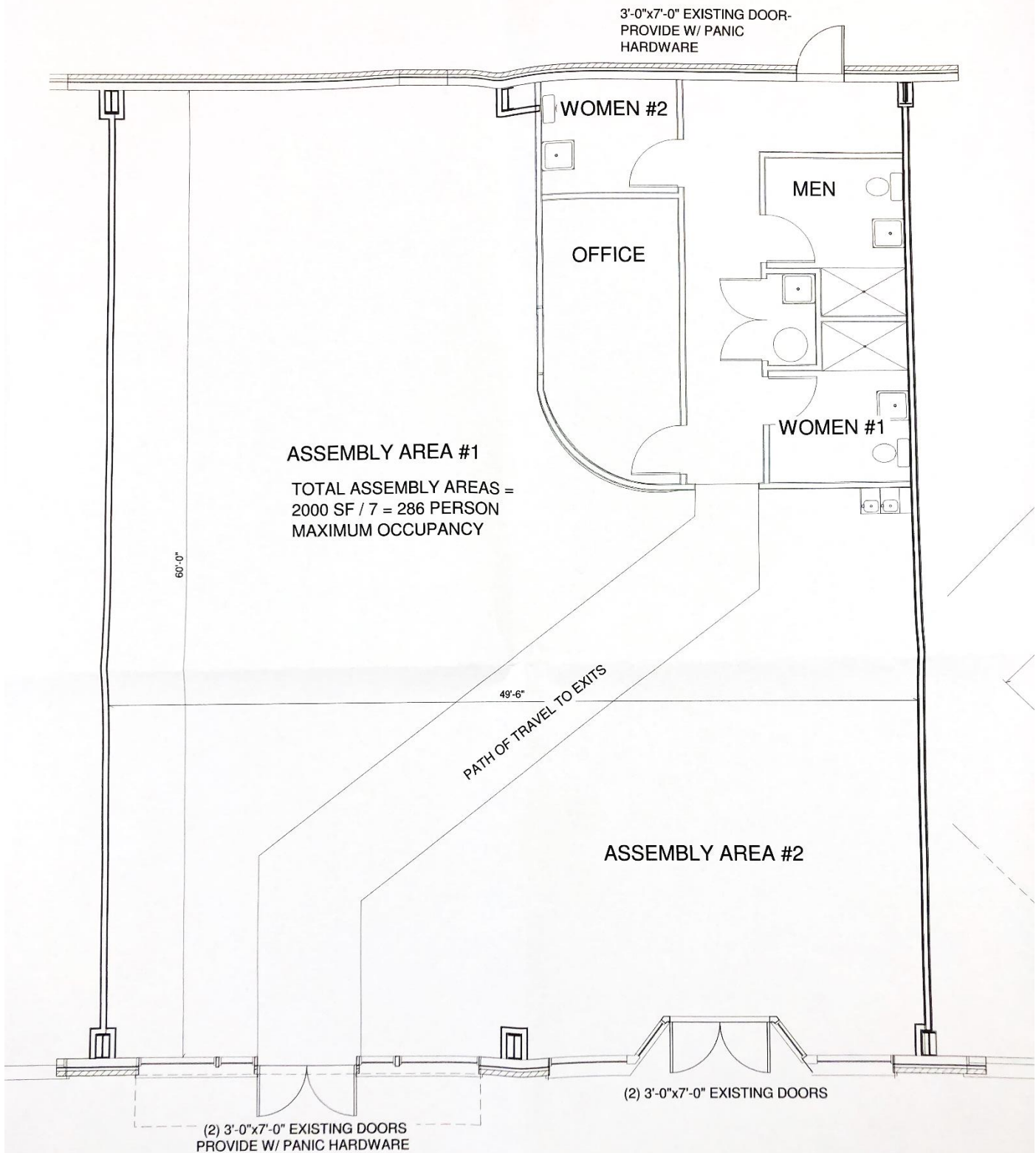
ALL that certain piece, parcel or tract of land lying and being in the City of Wendell, Marks Creek Township, Wake County, North Carolina, and being more particularly described as follows:

BEGINNING at a point in the northwest corner of Hugh D. Ayscue, either now or formerly, as described in instrument recorded in Deed Book 7297, Page 896, in the Wake County Registry, and having parcel no. 102821 ("The Hugh Ayscue Property"), said point also being in the eastern line of Betty P. Ayscue, either now or formerly, as described in instrument recorded in Deed Book 6374, Page 571, in the Wake County Registry, and having parcel no. 02900 ("The Betty P. Ayscue Property"); and running thence from the **Point of Beginning**, along the eastern line of The Betty P. Ayscue Property, the following two (2) courses and distances: (i) North 01 deg. 25 min. 07 sec. West 369.37 feet to a point; (ii) North 02 deg. 05 min. 34 sec. East 484.52 feet to a point in the southwest corner of Thomas D. Dixon and Lorraine H. Dixon, either now or formerly, as described in instrument recorded in Deed Book 13909, Page 2383, in the Wake County Registry, and having parcel no. 150854 ("The Dixon Property, Parcel no. 150854"); thence with the southern line of The Dixon Property, Parcel no. 150854 the following two (2) courses and distances: (i) South 64 deg. 46 min. 13 sec. East 152.05 feet to a point; (ii) South 62 deg. 33 min. 13 sec. East 319.24 feet to a point in the southwest corner of Thomas D. Dixon and Lorraine H. Dixon, either now or formerly, as described in instrument recorded in Deed Book 7316, Page 622, in the Wake County Registry, and having parcel no. 70996 ("The Dixon Property, Parcel no. 70996"); thence with the southern line of The Dixon Property, Parcel no. 70996 the following four (4) courses and distances: (i) South 62 deg. 36 min. 06 sec. East 85.52 feet to a point; (ii) South 61 deg. 18 min. 34 sec. East 182.75 feet to a point; (iii) South 71 deg. 09 min. 17 sec. East 184.87 feet to a point; (iv) South 87 deg. 42 min. 13 sec. East 151.01 feet to a point in the southwest corner of Wendell Holmes Rural Fire Department, Inc., either now or formerly, as described in instrument recorded in Deed Book 3081, Page 678, in the Wake County Registry, and having parcel no. 124901 ("The Wendell Holmes Property"); thence with the southern line of The Wendell Holmes Property, South 87 deg. 42 min. 38 sec. East 120.76 feet to a point in the northwest corner of Wendell / Larue, LLC, either now or formerly, as described in instrument recorded in Deed Book 15225, Page 1478, in the Wake County Registry, and having parcel no. 416140 ("The Wendell/ Larue Property, Parcel no. 416140"); thence with the western line of The Wendell / Larue Property, Parcel no. 416140 the following two (2) courses and distances: (i) South 01 deg. 55 min. 03 sec. West 89.28 feet to a point; (ii) South 27 deg. 19 min. 51 sec. East 243.38 feet to a point; thence in a new line in the property of Wendell / Larue, LLC, either now or formerly, as described in instrument recorded in Deed Book 15225, Page 1478, in the Wake County Registry, and having parcel no. 60380 ("The Wendell/ Larue Property, Parcel no. 60380"), South 32 deg. 39 min. 21 sec. East 105.46 feet to a point in the northeast corner of Deans Oil Company, Inc., either now or formerly, as described in instrument recorded in Deed Book 4361, Page 428, in the Wake County Registry, and having parcel no. 17353 ("The Deans Oil Company Property"); thence with the northern line of The Deans Oil Company Property, Parcels 17353, 17352 and 24027, South 88

deg. 02 min. 20 sec. West a total distance of 196.28 feet to a point in the northeast corner of Steven S. Sanderson and Lisa Sanderson, either now or formerly, as described in instrument recorded in Deed Book 10778, Page 2113, in the Wake County Registry, and having parcel no. 48299 ("The Sanderson Property"); thence with the northern line of The Sanderson Property South 88 deg. 39 min. 42 sec. West 60.13 feet to a point in the northeast corner of Kathleen Battle, either now or formerly, as described in instrument recorded in Deed Book 3871, Page 721, in the Wake County Registry, and having parcel no. 5026 ("The Battle Property"); thence with the northern line of The Battle Property South 88 deg. 39 min. 42 sec. West 60.13 feet to a point in the northeast corner of Heather Evans, either now or formerly, as described in instrument recorded in Deed Book 14858, Page 1266, in the Wake County Registry, and having parcel no. 16895 ("The Evans Property"); thence with the northern line of The Evans Property South 88 deg. 09 min. 31 sec. West 60.13 feet to a point in the northeast corner of James Lee Woodward, Jr., either now or formerly, as described in instrument recorded in Deed Book 16137, Page 1397, in the Wake County Registry, and having parcel no. 21032 ("The Woodward Property"); thence with the northern line of The Woodward Property South 88 deg. 09 min. 31 sec. West 60.00 feet to a point in the northeast corner of a unknown property owner, Parcel no. 186632; thence with the northern line of a unknown property owner, Parcel no. 186632 South 88 deg. 09 min. 31 sec. West 49.00 feet to a point in the northeast corner of Geraldine R. Herndon, either now or formerly, as described in instrument recorded in Deed Book 4244, Page 082, in the Wake County Registry, and having parcel no. 14004 ("The Herndon Property"); thence with the northern line of The Herndon Property South 88 deg. 09 min. 31 sec. West 100.00 feet to the northeast terminus of Church Street, a variable public right-of-way; thence with the northern line of the Church Street terminus, the following two (2) courses and distances: (i) South 88 deg. 09 min. 31 sec. West 26.80 feet to a point; (ii) South 86 deg. 49 min. 51 sec. West 23.20 feet to a point, the northeast corner of Robin S. Parrish and Percy D. Parrish, either now or formerly, as described in instrument recorded in Deed Book 15898, Page 1485, in the Wake County Registry, and having parcel no. 64646 ("The Parrish Property"); thence with the northern line of The Parrish Property South 86 deg. 49 min. 51 sec. West 100.00 feet to the northeast corner of Wake County, either now or formerly, as described in instrument recorded in Deed Book 1868, Page 1675, in the Wake County Registry, and having parcel no. 186621 ("The Wake County Property"); thence with the northern line of The Wake Property South 86 deg. 49 min. 51 sec. West 313.87 feet to the northeast corner of The Hugh Ayscue Property; thence with the northern line of The Hugh Ayscue Property South 86 deg. 49 min. 51 sec. West 115.61 feet to the **Point and Place of Beginning** and containing 15.06 acres, more or less, as shown on that certain property exhibit entitled "Wendell Place Apartments" prepared by Borum, Wade and Associates, P.A. dated February 14, 2019.

PROPERTY EXHIBIT FOR:
DELL PLACE APARTMENTS
MENDELL BLVD.
MARKS CREEK TOWNSHIP, MAKE COUNTY
MENDELL, NORTH CAROLINA

[illegible]



SUITE 2493 FLOOR PLAN 1/4"=1'-0"

Item Title:

Public Hearing on a non-contiguous annexation petition for 11.67 acres [11.21 for parcel and .46 for r-o-w] located on Wendell Boulevard behind Knott Square Shopping Center.

Report to the Board of Commissioners:

- April 8, 2019
- March 25, 2019
- March 11, 2019

Specific Action Requested:

- That the Board of Commissioners hold a public hearing and consider taking action on an annexation petition for 11.67 acres [11.21 for parcel and .46 for r-o-w] located on Wendell Boulevard behind Knott Square Shopping Center.
 - Action could consist of approving the attached ordinance for adoption.

Item Summary:

Berridge Properties Inc. has submitted an annexation request for 11.67 acres [11.21 for parcel and .46 for r-o-w] of property located behind Knott Square identified by PIN Number 1784-17-7071. The owner has submitted construction plans to develop a new manufacturing facility at this location, but in order gain access to needed utilities, annexation is required. This request is for land which is adjacent to an existing satellite annexation area (Knott Square), but is still considered non-contiguous.

The Town Clerk has certified the sufficiency of the annexation petition.

Zoning District:

The property is located within the Highway Commercial (CH) zoning district. The Town Board rezoned this property from Manufacturing and Industrial (M&I) to Highway Commercial in March of 2018 at the request of the same applicant.

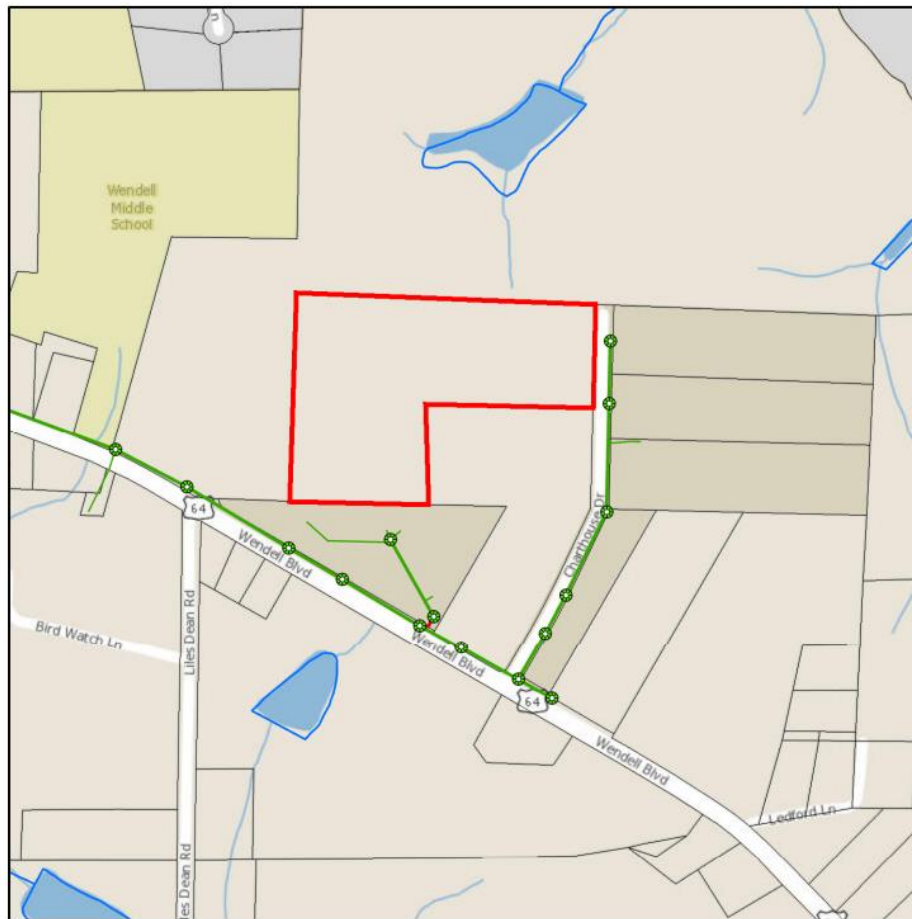
Public Utilities:

Both water and sewer are available to the property.

Tax Information:

Annual Tax Revenue - \$3527 (As undeveloped property. Developed Tax revenue TBD)

Location Map:



Berridge Manufacturing Annexation Site



Police & Public Works & Utility Service:

- The proposed annexation area would require services from the Town's Police and Public Works Departments if annexed. Both departments currently serve nearby property along Wendell Boulevard and Charthouse Drive.

Staff Recommendation:

Staff recommends approval of the request.

Attachments:

- A. Ordinance for Adoption

Return Address: David Bergmark, Planning Director
Town of Wendell
15 E. Fourth Street
Wendell, NC 27591

A19-03

ORDINANCE NO. O-05-2019
AN ORDINANCE TO EXTEND THE CORPORATE LIMITS OF
THE TOWN OF WENDELL, NORTH CAROLINA

WHEREAS, the Board of Commissioners has been petitioned under G.S. 160-58.1, as amended, to annex the area described herein; and

WHEREAS, the Board of Commissioners has directed the Town Clerk to investigate the sufficiency of said petition; and,

WHEREAS, the Town Clerk has certified the sufficiency of said petition and a public hearing on the question of this annexation was held at the Wendell Courtroom at 7:00 p.m. on the 8th day of April, 2019, after due notice by publication on the 28th day of March, 2019.

WHEREAS, the Board of Commissioners finds that the area described therein meets the standards of G.S. 160A-58.1(b) to wit:

- a. The nearest point on the proposed satellite corporate limits is not more than three miles from the corporate limits of the Town;
- b. No point on the proposed satellite corporate limits is closer to another municipality than to the Town;
- c. The area described is so situated that the Town will be able to provide the same services within the proposed satellite corporate limits that it provides within the primary corporate limits;
- d. No subdivision, as defined in G.S. 160A-376, will be fragmented by this proposed annexation:

WHEREAS, the Board of Commissioners further finds that the petition has been signed by all the owners of real property in the area who are required by law to sign; and

WHEREAS, the Board of Commissioners further finds that the petition is otherwise valid, and that the public health, safety and welfare of the Town and of the area proposed for annexation will be best served by annexing the area described;

NOW, THEREFORE, BE IT ORDAINED by the Board of Commissioners of the Town of Wendell, North Carolina:

Section 1. By virtue of the authority granted by G.S. 160A-58.2, the property identified by PIN # 1784177071 and also shown as the 11.21 acre tract located off of Charthouse Drive and adjacent to Knott Square Shopping Center (and 0.46 acres of associated ROW) on the below identified survey plat is hereby annexed and made part of the Town of Wendell, North Carolina, as of the date of adoption of this Ordinance on April 8, 2019. The survey plat that describes the annexed territory is that certain survey plat entitled "Annexation Plat, Satellite Extension of Corporate Limits of the Town of Wendell" and recorded in Book of Maps Book Number _____, Page Number _____, Wake County Registry.

Section 2. Upon and after the adoption of this ordinance, the attached described territory and its citizens and property shall be subject to all debts, laws, ordinances, and regulations in force in the Town of Wendell and shall be entitled to the same privileges and benefits as other parts of the Town of Wendell. Said territory shall be subject to municipal taxes according to G.S. 160A-58.10.

Section 3. The Mayor of the Town of Wendell shall cause to be recorded in the Office of the Register of Deeds of Wake County, and in the Office of the Secretary of State at Raleigh, North Carolina, an accurate map of the annexed territory, described in Section 1 hereof, together with a duly certified copy of the ordinance. Such map shall also be delivered to the County Board of Elections as required by G.S. 163.228.1.

Duly adopted the 8th day of April, 2019.

(Town Seal)

Virginia R. Gray, Mayor

ATTEST:

APPROVED AS TO FORM:

Sherry L. Scoggins, Town Clerk

James P. Cauley III, Town Attorney

Page 2

STATE OF NORTH CAROLINA
COUNTY OF WAKE

CLERK'S CERTIFICATION

I, **SHERRY L. SCOGGINS**, Town Clerk of the Town of Wendell, North Carolina, do hereby certify that the attached is original ordinance **O-05-2019**, as adopted by the Wendell Board of Commissioners on the 8th day of April, 2019 for property owned by **Berridge Properties, Inc.**, and is approved for recording in the Wake County Register of Deeds.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official Seal of the Town of Wendell, North Carolina this _____ day of _____, 2019.

[TOWN SEAL]

Sherry L. Scoggins, Town Clerk

Item Title:

ZTA19-01 – Public Hearing and Action on a Zoning Text Amendment to Section 6.5 of the UDO as it relates to exemptions for private property owners from Stormwater Runoff Provisions.

Report to the Board of Commissioners:

- Monday, April 8, 2019

Report to the Planning Board:

- Monday, March 18, 2019

Specific Action Requested:

- The Board of Commissioners is asked to hold a public hearing and consider taking action on the proposed amendment to Section 6.5 of the UDO as it relates to exemptions for private property owners from Stormwater Runoff Provisions.
 - Action could consist of adopting the attached ordinance.

Petition:

Chapter 6.5 of the UDO contains the Town's general provisions for stormwater management. On December 27, 2018, Senate Bill 469 (Session Law 2018-145) was passed by veto override. This bill made impervious surface requirements in G.S. 143-214.7(b3) applicable to all local governments, effective December 27, 2018. We are required by state law to incorporate the following language into the Town's UDO.

"(b3) Stormwater runoff rules and programs shall not require private property owners to install new or increased stormwater controls for (i) preexisting development or (ii) redevelopment activities that do not remove or decrease existing stormwater controls. When a preexisting development is redeveloped, either in whole or in part, increased stormwater controls shall only be required for the amount of impervious surface being created that exceeds the amount of impervious surface that existed before the redevelopment."

The proposed text amendment includes this language to adhere to new legislation.

Proposed Amendment:

The proposed text amendment provides an exemption for private property owners from installing or increasing stormwater controls as it pertains to preexisting development or redevelopment activities that do not remove or decrease existing stormwater controls. However, if during redevelopment, the amount of impervious surface area exceeds that of pre-development, then increased stormwater controls shall be required. The proposed new sub-section 6.5F2e is provided below (modified language shown in red). The complete language of Section 6.5F with the new language incorporated is included as Attachment A. This text amendment is required by state law per G.S. 143-214.7(b3).

6.5 - Stormwater Runoff Provisions: Post-Construction Stormwater Ordinance

F. Applicability and Jurisdiction.

2. Exemptions:

e. Stormwater runoff rules and programs shall not require private property owners to install new or increased stormwater controls for (i) preexisting development or (ii) redevelopment activities that do not remove or decrease existing stormwater controls. When a preexisting development is redeveloped, either in whole or in part, increased stormwater controls shall only be required for the amount of impervious surface being created that exceeds the amount of impervious surface that existed before the redevelopment.

Planning Board Recommendation:

At their March 18, 2019 meeting, the Planning Board voted unanimously to amend section 6.5 of the UDO to comply with the state law which provides an exemption for private property owners as it relates to stormwater runoff.

Voting in favor: Errol Briggerman, Joe DeLoach, Ryan Zakany, Terry Allen Swaim, Michael Clark, Lloyd Lancaster and Jonathan Olsen

Voting against: None

Absent: Victoria Curtis

Statement of Plan Consistency and Reasonableness

1. At their March 18, 2019 meeting, the Wendell Planning Board found the proposed text amendment to be reasonable in order to ensure that stormwater controls occur while still considering the rights of private property owners. Furthermore, they considered the proposed amendments to be consistent with the following principle of the Comprehensive Plan:
 - o 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.

2. A statement of reasonableness and consistency has been incorporated into the draft ordinance.

Staff Recommendation:

Staff recommends approval of the text amendment request.

Attachments:

- A. Section 6.5 of the UDO with amendment included
- B. Ordinance for Adoption

6.5 - Stormwater Runoff Provisions: Post-Construction Stormwater Ordinance

F. Applicability and Jurisdiction.

2. Exemptions:

a. Development that cumulatively disturbs less than 20,000 square feet and is not part of a larger common plan of development or sale is exempt from the provisions of this ordinance. This exemption does not relieve any development from Neuse Buffer Rules or other applicable federal, state or local laws.

b. Redevelopment that cumulatively disturbs less than 20,000 square feet and is not part of a larger common plan of development or sale is exempt from the provisions of this ordinance. This exemption does not relieve any development from Neuse Buffer Rules or other applicable federal, state or local laws.

c. Development and redevelopment that disturb less than 20,000 square feet are not exempt if such activities are part of a larger common plan of development or sale, even though multiple, separate or distinct activities take place at different times on different schedules.

d. Activities that are exempt from permit requirements of Section 404 of the federal Clean Water Act, as specified in 40 CFR 232 (primarily, ongoing farming and forestry activities) are exempt from the provisions of this ordinance.

e. Stormwater runoff rules and programs shall not require private property owners to install new or increased stormwater controls for (i) preexisting development or (ii) redevelopment activities that do not remove or decrease existing stormwater controls. When a preexisting development is redeveloped, either in whole or in part, increased stormwater controls shall only be required for the amount of impervious surface being created that exceeds the amount of impervious surface that existed before the redevelopment.



TOWN OF WENDELL

NORTH CAROLINA

ORD # O-06-2019

**AN ORDINANCE TO AMEND SECTION 6.5 OF THE
TOWN OF WENDELL UNIFIED DEVELOPMENT ORDINANCE
AS IT RELATES TO EXEMPTIONS FOR PRIVATE PROPERTY
OWNERS FROM STORMWATER RUNOFF PROVISIONS**

WHEREAS, Section 6.5 of the UDO contains the Town's general provisions for stormwater runoff and the management thereof as it pertains to development and redevelopment; and

WHEREAS, the Town has initiated a petition to amend Section 6.5 in order to satisfy the state law requirement per G.S. 143-214.7(b3), to incorporate language into the Town's UDO that exempts private property owners from installing or increasing stormwater controls as it pertains to preexisting development or redevelopment activities that do not remove or decrease existing stormwater controls except when during redevelopment, the amount of impervious surface area exceeds that of pre-development; and

WHEREAS, the Town of Wendell Unified Development Ordinance Section 15.11 establishes uniform procedures for amending the text of the Ordinance;

NOW, THEREFORE BE IT ORDAINED by the Town Board of the Town of Wendell, North Carolina:

SECTION 1. That Section 6.5 be amended to include a new sub-section 6.5F2e to read as follows:

6.5 - Stormwater Runoff Provisions: Post-Construction Stormwater Ordinance

F. Applicability and Jurisdiction.

2. Exemptions:

e. Stormwater runoff rules and programs shall not require private property owners to install new or increased stormwater controls for (i) preexisting development or (ii) redevelopment activities that do not remove or decrease existing stormwater controls. When a preexisting development is redeveloped, either in whole or in part, increased stormwater controls shall only be required for the amount of impervious surface being created that exceeds the amount of impervious surface that existed before the redevelopment.

SECTION 2. That all laws and clauses of law in conflict herewith are hereby repealed to the extent of said conflict.

SECTION 3. That if this ordinance or application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions of this ordinance which can be given separate effect and to the end the provisions of this ordinance are declared to be severable.

SECTION 4. That the proposed text amendment to Section 6.5 is found to be consistent with Principle # 9 of the Wendell Comprehensive Plan and reasonable in nature in order to ensure that stormwater controls occur while still considering the rights of private property owners.

- 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.”

SECTION 5. That this ordinance has been adopted following a duly advertised public hearing of the Town Board and following recommendation by the Planning Board.

SECTION 6. That this ordinance shall be enforced as provided in G.S. 160A-175 or as provided for in the Wendell Town Code.

SECTION 7. That this ordinance shall become effective upon its adoption by the Wendell Board of Commissioners.

DULY ADOPTED the 8th day of April, 2019.

(Town Seal)

Virginia R. Gray, Mayor

ATTEST:

APPROVED AS TO FORM:

Sherry L. Scoggins, Town Clerk

James P. Cauley III, Town Attorney

Date: April 8, 2019

Item # 7a

Item Title:

Snap Shot.

Specific Action Requested:

- Information. The Board may take action by directing staff to amend the Project/Punch List and/or Service Priorities.

Item Summary:

Snap Shot will be available in the first monthly meeting agenda packet.

**The Fund Balance and Debt Balance information is retrieved from the Town's audit. The auditor will deliver the audit information to the Board in November and the Fund Balance and Debt Balance posted on the Snap Shot will be updated at that time.*

Attachment:

- Attachment A – Snap Shot



Town Board Snap Shot

Where are we at financially?	Revenues	Expenditures
April 1, 2019	\$5,782,378.85	\$4,396,861.21

As of 4/03/2017, Town's dashboard available at:

<https://broker.edmundsassoc.com/Dashboard/?municipalId=WENDNC>

Fund Balance				
Date	Allocated %	Available %	Allocated \$\$	Available \$\$
Audit report 6/30/2018 and Budget 2019	0.04% (\$245,800/\$6,309,570)	95.57% (\$6,030,012/\$6,309,570)	\$245,800	\$5,784,212

Debt Balance (Ratio)				
Date	Allocated %	Available %	Allocated \$\$	Available \$\$
Audit report 6/30/2018 and Budget 2019	7.24% (\$456,500/\$6,309,570)	88.25% (\$37,016,705/\$41,944,722)	\$456,500 (\$149,500 Powell Bill and \$307,000 General Fund)	\$41,944,722

*Any significant debt policy projection, if applicable

As a Board of Commissioners, we:

- **Strive for efficiency** in the way we handle business. We are hard-working, and attend all meetings.
- Keep the **best interests of the Town** uppermost in our minds.
- Consider all aspects of a situation and make **thorough, deliberate, and well-reasoned decisions**.
- **Explore all viewpoints**. We are open to hearing from others, learning from them and compromising, when needed.
- **Stay cohesive, collaborative, collegial, and connected** to the manager and to each other.
- **Demonstrate respect for all opinions**, especially in public. And we support the decisions of the board. Once decisions are made by the majority, we support that decision.
- Tackle **new and novel ideas** and processes.



Town Board Goals, Priorities & Strategies		
PROJECT / PUNCH-LIST	PROJECTED COSTS	STATUS OF C.I.P.
TRANSPORTATION FUNDS [Fee in lieu]		
Street Fee in Lieu (Berridge; 9/10/18)	\$204,000.00	<i>Pending; collected at time building permit issuance</i>
Sidewalk Fee in Lieu (4/9/18)	\$3,062.00	Prioritize potential sites. Sidewalk Petition Policy approved at the 1/14/2019 meeting.
Comprehensive report w/City of Raleigh for the water & sewer; progress on pro-forma		2-25-2019 – CORPUD staff presented merger options to the Town Board of Commissioners. The information was received, and staff was directed to continue working with CORPUD on the issue.
Review of Town Charter by Town Attorney	\$3,500	At its July 23, 2018 meeting, the Town Board approved the Town Attorney reviewing the Town's Charter. Staff forwarded comments of Chapter 2 of the Town Code of Ordinances and Suggested Rules of Procedure of the Town Board to the Town Attorney for his review.
Battle Bridge Road Bridge Project	NCDOT Project	August 2016 Town of Wendell requested and received funding for the Battle Bridge Road Bridge Project from the State Legislature. FY 19 the project was under design for let in June 2019. Due to complication of a 24" main running beside the bridge, the let is slated for March 2020 with construction to take 9 months from that date.

Capital Improvement Project (C.I.P.) Priorities –

Top projects as chosen by the Town Board; Include projected costs; One or two sentences on status of C.I.P; Include a date for every action

Service Information

Any options for savings (i.e. technology, equipment)

Short and to the point!

Items remain on the list until the Town Board takes action.

Date: April 8, 2019

Item # 7b

Item Title:

Update on board committee(s) by Town Board members.

Specific Action Requested:

None

Attachments:

None

Date: April 8, 2019

Item # 8

Item Title:

Commissioners' Reports.

Specific Action Requested:

None

Attachments:

None

Date: April 8, 2019

Item # 9

Item Title:

Mayor's Report.

Specific Action Requested:

None

Attachments:

None

Item Title:

Closed Session [NC GS 143-318.11].

Specific Action Requested:

Will be called if necessary for one or more of the following within NC GS 143-318.11(a):

- (1) To prevent the disclosure of information that is privileged or confidential pursuant to the law of this State or of the United States, or not considered a public record within the meaning of Chapter 132 of the General Statutes.
- (2) To prevent the premature disclosure of an honorary degree, scholarship, prize, or similar award.
- (3) To consult with an attorney employed or retained by the public body in order to preserve the attorney-client privilege between the attorney and the public body, which privilege is hereby acknowledged. General policy matters may not be discussed in a closed session and nothing herein shall be construed to permit a public body to close a meeting that otherwise would be open merely because an attorney employed or retained by the public body is a participant. The public body may consider and give instructions to an attorney concerning the handling or settlement of a claim, judicial action, mediation, arbitration, or administrative procedure. If the public body has approved or considered a settlement, other than a malpractice settlement by or on behalf of a hospital, in closed session, the terms of that settlement shall be reported to the public body and entered into its minutes as soon as possible within a reasonable time after the settlement is concluded.
- (4) To discuss matters relating to the location or expansion of industries or other businesses in the area served by the public body, including agreement on a tentative list of economic development incentives that may be offered by the public body in negotiations, or to discuss matters relating to military installation closure or realignment. Any action approving the signing of an economic development contract or commitment, or the action authorizing the payment of economic development expenditures, shall be taken in an open session.
- (5) To establish, or to instruct the public body's staff or negotiating agents concerning the position to be taken by or on behalf of the public body in negotiating (i) the price and other material terms of a contract or proposed contract for the acquisition of real property by purchase, option, exchange, or lease; or (ii) the amount of compensation and other material terms of an employment contract or proposed employment contract.
- (6) To consider the qualifications, competence, performance, character, fitness, conditions of appointment, or conditions of initial employment of an individual public officer or employee or prospective public officer or employee; or to hear or investigate a complaint, charge, or

grievance by or against an individual public officer or employee. General personnel policy issues may not be considered in a closed session. A public body may not consider the qualifications, competence, performance, character, fitness, appointment, or removal of a member of the public body or another body and may not consider or fill a vacancy among its own membership except in an open meeting. Final action making an appointment or discharge or removal by a public body having final authority for the appointment or discharge or removal shall be taken in an open meeting.

(7) To plan, conduct, or hear reports concerning investigations of alleged criminal misconduct.

(8) To formulate plans by a local board of education relating to emergency response to incidents of school violence or to formulate and adopt the school safety components of school improvement plans by a local board of education or a school improvement team.

(9) To discuss and take action regarding plans to protect public safety as it relates to existing or potential terrorist activity and to receive briefings by staff members, legal counsel, or law enforcement or emergency service officials concerning actions taken or to be taken to respond to such activity.

(10) To view a recording released pursuant to G.S. 132-1.4A.

Attachments:

None