



**Wendell Town Board of Commissioners  
Board Room  
15 E. Fourth Street, Wendell, NC 27591  
Town Board Meeting Agenda  
Monday, December 9, 2019  
Organizational Meeting: 7:00 PM  
Regular Meeting: 7:45 PM**

## **Organizational and Regular Meeting**

### **CALL TO ORDER**

- Welcome by Mayor Virginia R. Gray
- Pledge of Allegiance by Fidel Castro student at Wendell Elementary School
- Invocation by Wendell Council of Churches: Wendell United Methodist Church
- Recognition of Wendell Elementary School Teacher Callie Ferrell.

### **1. OATHS OF OFFICE**

- 1a. Administration of oath of office to Virginia Gray, Mayor, by Judge Phil Berger, Jr.
- 1b. Administration of oath of office to Philip Tarnaski, Commissioner, by Judge Phil Berger, Jr.
- 1c. Administration of oath of office to Joe DeLoach, Commissioner, by Judge Charles M. Vincent.

### **2. ELECTION OF A MAYOR PRO TEMPORE**

- 2a. Mayor Virginia Gray will state the duties of Mayor Pro Tempore and open the floor for nominations.
- 2b. Administration of oath of office to Mayor Pro Tempore performed by Mayor Virginia Gray.

*This concludes the Organizational Meeting. There will be a recess with a reception, which the public is invited to attend. The Regular Meeting will begin at 7:45 pm.*



### **3. ADJUSTMENT AND APPROVAL OF THE AGENDA**

### **4. 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.*

### **5. 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.*

- 5a. Minutes from the November 12, 2019 regular Town Board Meeting.
- 5b. Resolution appointing Bryan Coates as a Review Officer for the Town of Wendell.
- 5c. Resolution directing the Town Clerk to investigate a Non-contiguous Annexation for a 20.03 Parcel addressed as 1500 Wendell Boulevard and identified by PIN Number 1774-66-5953.
- 5d. Resolution directing the clerk to investigate a non-contiguous annexation for 23 acres located at 0 Marshburn Rd and identified by PIN Number 1784-69-5299.

### **6. RECOGNITIONS, REPORTS, AND PRESENTATIONS**

None

### **7. PUBLIC HEARINGS**

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***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*
- 

- 7a. **PUBLIC HEARING:** Consider the Zoning Map Amendment request (ZM19-05) to rezone 50.63 acres (PIN #1774-72-4863) located at 0 Eagle Rock Road from Rural Residential (RR) to Residential-2 (R2).  
Speaker: Planning Director David Bergmark
- 7b. **PUBLIC HEARING:** Public Hearing on a CMX Conditional District request for property located at 1500 Wendell Blvd.  
Speaker: Planning Director David Bergmark
- 7c. **EVIDENTIARY HEARING:** Special Use Request by Rob & Ginger Lee of Expressions of Worship Dance Studio to permit an Expansion of a Dance Studio operating at 32 N Main Street.  
Speaker: Planning Director David Bergmark

## 8. ADMINISTRATIVE ITEMS

- 8a. Fee-in-lieu request of Active Open Space (Beach Volleyball Court) for Groves of Deerfield Phases 3 & 4.  
Speaker: Planning Director David Bergmark
- 8b. Adoption of the 2019 Town of Wendell Parks & Recreation Master Plan  
Speaker: Town Manager Marc Collins

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

- 9a. Update on board committee(s) by Town board members:  
 Wendell Volunteer Fire Dept., Board of Directors [ Commissioner Joyner ]

## 10. COMMISSIONERS' REPORTS / COMMENTS

## 11. MAYOR'S REPORTS / COMMENTS

## 12. CLOSED SESSION

*Closed session will be called if necessary.*

**13. Adjourn.**

*Next meeting is January 13, 2020.*



**TOWN OF WENDELL**

**NORTH CAROLINA**

## **Oath of Office**

“I, Virginia Gray, do solemnly swear that I will support and maintain the Constitution and laws of the United States, and the Constitution and laws of North Carolina not inconsistent therewith, and that I will faithfully discharge the duties of my office as Mayor, so help me God.”

---

Virginia Gray, Mayor

Sworn to and subscribed before me,  
this 9<sup>th</sup> day of December 2019.

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Phil Berger, Jr., Associate Judge  
NC Court of Appeals

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Megan Howard, Town Clerk

(Seal)

**TOWN OF WENDELL**



**NORTH CAROLINA**

**Oath of Office**

“I, Philip Tarnaski, do solemnly swear that I will support and maintain the Constitution and laws of the United States, and the Constitution and laws of North Carolina not inconsistent therewith, and that I will faithfully discharge the duties of my office as Commissioner, so help me God.”

---

Philip Tarnaski, Commissioner

Sworn to and subscribed before me,  
this 9<sup>th</sup> day of December 2019.

---

Phil Berger, Jr., Associate Judge  
NC Court of Appeals

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Megan Howard, Town Clerk

(Seal)

**TOWN OF WENDELL**



**NORTH CAROLINA**

**Oath of Office**

"I, Joe DeLoach, do solemnly swear (or affirm) that I will support and maintain the Constitution and laws of the United States, and the Constitution and laws of North Carolina not inconsistent therewith, and that I will faithfully discharge the duties of my office as Commissioner, so help me God."

---

Joe DeLoach, Commissioner

Sworn to and subscribed before me,  
this 9<sup>th</sup> day of December 2019.

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The Honorable Charles M. Vincent, Judge

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Megan Howard, Town Clerk

(Seal)

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**Item Title:**

Nomination and Selection of the Mayor Pro Tempore

**Specific Action Requested:**

The Town Board is asked to provide Commissioner nominations for the election of the Mayor Pro Tempore.

**Item Summary:**

At the organizational meeting, the Board of Commissioners shall elect from among its members a mayor pro tempore to serve at the Board of Commissioners' pleasure. Mayor Virginia Gray will state the duties of Mayor Pro Tempore and open the floor for nominations.

**Attachments:**

- A. Rules of Procedure: Office of the Mayor Pro Tempore



**RULE 15. Office of the Mayor Pro Tempore**

At the organizational meeting, the Board of Commissioners shall elect from among its members a mayor pro tempore to serve at the Board of Commissioners' pleasure.

**[Charter Sec. 3.4 of the Code of Ordinances; also NC General Statute § 160A-70 and § 160A-71]**

A Board of Commissioners member who serves as mayor pro tempore shall be entitled to vote on all matters and shall be considered a Board of Commissioners member for all purposes, including the determination of whether a quorum is present. In the mayor's absence, the Board of Commissioners may confer on the mayor pro tempore any of the mayor's powers and duties. If the mayor should become physically or mentally unable to perform the duties of his or her office, the Board of Commissioners may by unanimous vote declare that the mayor is incapacitated and confer any of the mayor's powers and duties on the mayor pro tempore. When a mayor declares that he or she is no longer incapacitated, and a majority of the Board of Commissioners concurs, the mayor shall resume the exercise of his or her powers and duties. If both the mayor and the mayor pro tempore are absent from a meeting, the Board of Commissioners may elect from among its members a temporary chairman to preside at the meeting.

**[NC GS 160A-70]**

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**Item Title:**

Administration of Oath of Office to Mayor Pro Tempore

**Specific Action Requested:**

The Mayor Pro Tempore will take the oath of office.

**Item Summary:**

The elected Mayor Pro Tempore will be sworn in or affirmed by Mayor Gray.

**Attachments:**

- A. Oath of Office: Mayor Pro Tempore



**TOWN OF WENDELL**

**NORTH CAROLINA**

## **Oath of Office**

State of North Carolina  
Town of Wendell

I, \_\_\_\_\_, do solemnly and sincerely swear that I will support the Constitution and laws of the United States; that I will be faithful and bear true allegiance to the State of North Carolina, and to the constitutional powers and authorities which are or may be established for the government thereof; that I will endeavor to support, maintain and defend the Constitution and laws of said State, not inconsistent with the Constitution of the United States, to the best of my knowledge and ability; and that I will faithfully discharge the duties of my office as a Mayor Pro Tempore for the Town Wendell, so help me God.

\_\_\_\_\_

Sworn to and subscribed before me,  
this 9th day of December 2010.

\_\_\_\_\_  
Virginia Gray, Mayor

\_\_\_\_\_  
Megan Howard, Town Clerk

(Seal)

**TOWN OF WENDELL  
BOARD OF COMMISSIONER MEETING MINUTES  
NOVEMBER 12, 2019**

The Wendell Town Board of Commissioners held their regularly scheduled meeting on Tuesday, November 12, 2019, in the Town Board Room, Wendell Town Hall, 15 East Fourth Street.

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

**ABSENT:** Commissioner David Myrick

**STAFF PRESENT:** Town Manager Marc Collins, Town Clerk Megan Howard, Town Attorney Jim Cauley, Finance Director Butch Kay, Planning Director David Bergmark and Police Chief Bill Carter.

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

Carver Elementary Student Andrew Vargas led the Pledge of Allegiance.

Bruce Tarnaski of the Wendell Council of Churches provided the invocation.

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

#### **ACTION**

Mover: Mayor Pro Tem Jon Lutz moved to approve the agenda.

Vote: 4-0

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

There were no public comments at this meeting.

### **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.*

#### **ACTION**

Mover: Mayor Pro Tem Jon Lutz moved to approve the Consent Agenda as presented.

Vote: 4-0

3a. Minutes from the October 14, 2019 regular Town Board Meeting

3b. Minutes from the October 28, 2019 regular Town Board Meeting

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- 3c. Approval of Resolution directing the Clerk to investigate a non-contiguous annexation for 4 parcels totaling 151.81 acres [12.28 for PIN # 1765-85-2510, 50.16 for PIN #1765-96-2276, 57.16 for PIN #1765-85-6251 and 32.21 for PIN #1775-04-2139] located at 4501 Rolesville Road, 0 Davistown Road, 1401 Davistown Road and 6021 Yancey Drive.

#### **4. RECOGNITIONS, REPORTS, AND PRESENTATIONS**

- 4a. Recognition of Carver Elementary School Teacher, Amber Wise  
Speaker: Mayor Virginia Gray

Mayor Gray presented the following teacher recognition, below in italics:

*Amber Wise is a fifth-grade teacher at Carver Elementary. She is currently in her eighth year of teaching. Amber is a part of the leadership team, Media and Technology Advisory Committee, and Digital Portfolios Team at Carver Elementary. She is also a member of the WCPSS Science Core Leadership Team where she is working with district leadership to enhance science instruction. This November, Amber had the opportunity to present at the NCCTM State Math Conference in Greensboro, NC. She loves working with children, and she hopes to make a difference in education!*

Amber Wise thanked Mayor Gray and the Board for having her at this meeting. She said that volunteers and donations are always welcomed at Carver Elementary.

- 4b. Presentation of the Town of Wendell Fiscal Year 2019 Audit Report  
Speaker: Phyllis Pearson of Petway Mills and Pearson, PA

Phyllis Pearson presented the following report, below in italics:

***Item Summary:***

*The Local Government Budget and Fiscal Control Act requires all municipalities to prepare an annual audit for submittal to the State. The annual audit for the Town of Wendell was conducted by Petway Mills and Pearson for the fiscal year 2018-2019 (July 1 to June 30). Prior to the board meeting of November 12th, the audit committee met with the audit firm to discuss the details of the audit. A summary of the audit committee meeting will be presented to the public and the full Board of Commissioners by Phyllis Pearson of Petway Mills and Pearson.*

*Staff is recommending that the 2019 audit report be approved.*

\*A Copy of the Audit Report is available on the Town's website at  
<https://www.townofwendell.com/hifi/files/departments/finance/Audit-Reports/FY2019-Audit-Report.pdf>

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**5. PUBLIC HEARINGS**

***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. **EVIDENTIARY HEARING:** Special Use Request by Westerlund and Schearer Hospitality LLC to permit a Bar/Taproom at 1 North Main Street.  
Speaker: Planning Director David Bergmark

Planning Director David Bergmark presented the following staff report, below in italics:

***Item Summary:***

*Westerlund and Schearer Hospitality LLC has requested a Special Use Permit to operate a Bar/Taproom at 1 North Main Street (PIN #1783698823).*

*The proposed special use request would allow the tenant to operate a bar/tap room at the location. Since the proposed operation includes on-site alcohol consumption and does not meet the definition of a restaurant, the applicant is required to request a Special Use Permit as a bar/taproom. Per their application, the hours of operation would be:*

<i>Initial Hours:</i>	<i>Future Planned Lunch Hours:</i>
<i>Sunday: 4:00 pm – 8:00 pm</i>	<i>11:00 am – 2:00 pm</i>
<i>Monday: 5:00 pm – 9:00 pm</i>	<i>11:00 am – 2:00 pm</i>
<i>Tuesday: 4:00 pm – 9:00 pm</i>	<i>11:00 am – 2:00 pm</i>
<i>Wednesday: 4:00 pm – 10:00 pm</i>	<i>11:00 am – 2:00 pm</i>
<i>Thursday: 4:00 pm – 10:00 pm</i>	<i>11:00 am – 2:00 pm</i>
<i>Friday: 11:00 am – 12:00 am</i>	<i>11:00 am – 2:00 pm</i>
<i>Saturday: 12:00 pm – 12:00 am</i>	<i>11:00 am – 2:00 pm</i>

*As mentioned in the applicant's justification statement, this business would operate as a private club. Per North Carolina ABC rules, if the establishment's food sales do not exceed 30% or more of the venue's overall sales, it must be classified as a private club. This does not mean there is any desire to be exclusive, but rather is a requirement to be compliant with ABC rules based on anticipated food sales.*

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***Applicant's Justification:***

*Our operations at Farmers & Merchants will be that of a "Private Club" for use by members of Farmers & Merchants and their guests. Members will be required to pay a nominal annual fee for said membership and have access to Farmers & Merchants during business hours.*

*Farmers & Merchants will have a full kitchen with a full menu and we will begin by serving appetizers and dinner and shortly thereafter will add lunch based on market demand.*

*David J. Schearer and Sigurd Westerlund are the owners of Farmer & Merchants and serve as the board members for the club. We will be obtaining a Mixed Beverage Permit as a Private Club through the NC ABC Commission for the purpose of serving/selling alcoholic beverages to our members and their guests.*

***Project Profile:***

PROPERTY LOCATION:	1 N Main Street, A
WAKE COUNTY PIN:	1783698823
ZONING DISTRICT:	DMX
CROSS REFERENCES:	N/A
PROPERTY OWNER:	1 North Main Street LLC 201 Turquoise Creek Dr. Cary, NC 27513-3498
APPLICANT:	Westerlund and Schearer Hospitality LLC 201 Turquoise Creek Drive Cary, NC 27513
PROPERTY SIZE:	0.04 ac
CURRENT LAND USE:	Commercial
PROPOSED LAND USE:	Commercial

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**Existing Zoning Map:**



**Zoning District:**

*This site is located in the Downtown Mixed Use (DMX) Zoning District. A bar/tavern is permitted with a Special Use Permit in the DMX district, and is subject to the following additional standard:*

- 1. No such facility shall be located within 300 feet of the property line of any lot containing a church or school or any residential district (RA, RR, R2, R3, R4, R7).*

*The subject property meets the 300 ft separation requirement.*

**Off Street Parking:**

*The occupancy of the establishment is 49 seats. Based on these preliminary estimates, this would require the use of 13 downtown on-street parking spaces if filled to capacity. Like most downtown properties in this area, this parcel does not include any off-street parking.*

**Site Improvements:**

*The applicant is performing significant renovations to the interior and exterior of the building and was a recipient of a Downtown Façade Grant. No site improvements are proposed beyond the building envelope.*

**Staff Comments:**

- The submitted application has been deemed complete, and staff has not identified any violations of the general requirements needed to approve a special use permit.*



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Attorney Jim Cauley presented the following guidelines required for an Evidentiary Hearing:

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.

Mayor Gray said that anyone who would be giving testimony or comment would need to be sworn in by the Town Clerk.

Town Clerk Megan Howard swore in those giving testimony.

Applicant David Schearer, owner of First Street Tavern in Clayton, said that he’s been in the restaurant industry for over 27 years. He said that he’s here for any questions that the Board might have about the operations or what Westerlund and Schearer Hospitality LLC is trying to do.

Mayor Gray asked the Board if anyone had any questions for the applicant.

Mayor Pro Tem Jon Lutz asked Mr. Schearer to explain the process involved in the private club aspect of the business regarding a nominal fee.

Mr. Schearer said that the ABC Commission requires a business that doesn’t have 30% of food sales, it classifies a business as a private club. He said that it would require the business to charge an annual fee of any amount that requires an email address and member number to be assigned. Mr. Schearer says that First Street Tavern has an application that people fill out, giving the member the opportunity to say anything they might want the business to incorporate, which is kept on file. The business issues a membership card and members can bring guests without requiring additional memberships. Since this kind of business is new to Wendell, Mr. Schearer said that he doesn’t know what kind of food sales its going to be at. He said that at First Street Tavern in Clayton, he’s always teetering at that 30% mark on food sales, so that is why they are deciding to go with this route initially. Mr. Schearer said once they start serving during lunch hours, they could go back to the ABC Commission for reclassification.

Commissioner Jason Joyner asked how this business would differentiate from Wine and Beer 101 or Everest.

Mr. Schearer said that Wine and Beer 101 is more of a package store, requiring them to operate under a retail permit.

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Planning Director David Bergmark said that Wine and Beer 101 is a bottle shop and it is also based on on-site consumption versus off-site consumption. He said that the bottle shops are selling a lot more six-packs or growlers that aren't consumed on-site, which are treated differently than a bar or taproom where you consume alcohol on-site rather than taking it with you.

Mayor Gray asked if anyone wished to speak in opposition to the Special Use Request. No one spoke in opposition.

Commissioner Ben Carroll recused himself from the vote.

**ACTION**

Mover: Mayor Pro Tem Jon Lutz moved to approve the Special Use Request by Westerlund and Schearer Hospitality LLC to permit a Bar/Taproom at 1 North Main Street.

Vote: 3-0

- 5b. **PUBLIC HEARING:** Zoning Text Amendment to Sections 15.6 and 15.15 of the UDO regarding the Town of Wendell's Special Use Permit (SUP) Procedural Requirements.

Speaker: Planning Director David Bergmark

Planning Director David Bergmark presented the following staff report, below in italics:

**Item Summary:**

*Following a discussion by the Board of Commissioners in September 2019, staff evaluated Wendell's current regulations which require multi-family development proposals to have Technical Review Committee (TRC) approval before granting of the Special Use Permit by the Board of Commissioners (BOC).*

*For uses other than multi-family, the UDO does not prescribe the order of the review process (i.e. should the SUP approval or the TRC approval occur first). Staff's practice has been to require TRC review to begin prior to the SUP public hearing for new development proposals, but not necessarily require that the TRC review be fully completed prior to the public hearing.*

*Based on staff's preliminary research, local municipalities address the combination of TRC reviews and Special Use Permits in various ways. Staff researched eight local municipalities and compiled a chart (see Attachment C) that highlights how each addresses the review and approval process. The results of the peer review were mixed, with no clear prevailing practice.*

***Four options were derived from reviewing local municipalities;***

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- 1) *Full TRC review and approval before BOC considers Special Use Permit. (current process for multi-family in the Town of Wendell)*
- 2) *Begin TRC review with full plans before Special Use Permit considered by BOC*
- 3) *Reduced Site Plan for Special Use Permit by BOC; if approved, full plans submitted to TRC*
- 4) *Full Plans required for Special Use Permit by BOC; if approved full plans submitted to TRC*

*Having been presented the four options on September 9<sup>th</sup>, the Town Board expressed a preference for option #3. Therefore, staff has based the following text amendment on Option 3 which allows for a reduced site plan for a Special Use Permit. Option 3 allows an applicant to obtain an answer from the Town Board on the site's zoning approval before expending significant funds on detailed site plans. If the Town Board approves the Special Use Permit, then the full Master Plan would still be reviewed by the TRC. A list of those items which must be included in the full Master Plan is provided in Attachment B. As can be seen, the reduced site plan requirements represent approximately half of the full Master Plan requirements.*

**Proposed Amendments:**

1. To amend Section 15.6 (Site Plans) to modify the Town's SUP procedural requirements. (Deleted text is ~~stricken through~~ and new text is **underlined**)

**15.6 - Site Plans**

**A. Minor Site Plans**

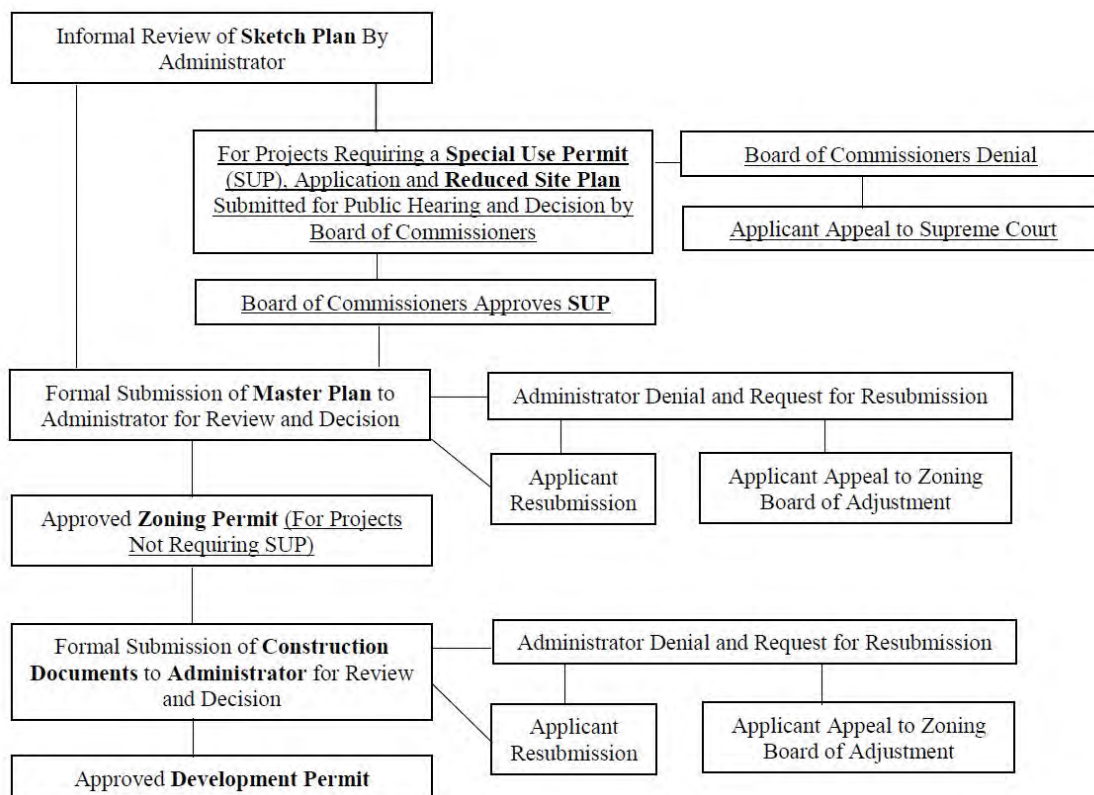
**1. Applicability:**

- a. *Duplexes\**
- b. *Multi-family with four or fewer units\**
- c. *Non-residential Development with structures totaling less than 10,000 square feet*

**2. Procedure:**

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APPLICATION	REVIEWING AUTHORITY	ACTION TO BE TAKEN	APPEAL AUTHORITY
Sketch Plan (16.4)	Administrator	Non-Binding Review Only	n/a
<u>Reduced Site Plan (if Special Use Permit is required) (15.15)*</u>	<u>Board of Commissioners</u>	<u>Public Hearing to Approve or Deny Special Use Permit</u>	<u>Superior Court</u>
Master Plan (16.5) w/ Environmental Survey (16.3)	Administrator	Review for Completeness & Ordinance Compliance Zoning Permit Issued -or- Denial and Request for Resubmission	Zoning Board of Adjustment
Construction Documents (16.6) (if applicable) w/ Environmental Survey (16.3)	Administrator	Review for Completeness & Ordinance Compliance Development Permit Issued -or- Denial and Request for Resubmission	Zoning Board of Adjustment



*\*Multi-family projects shall require a Special Use Permit (SUP), per the requirements of Chapter 2.*

**B. Major Site Plans**

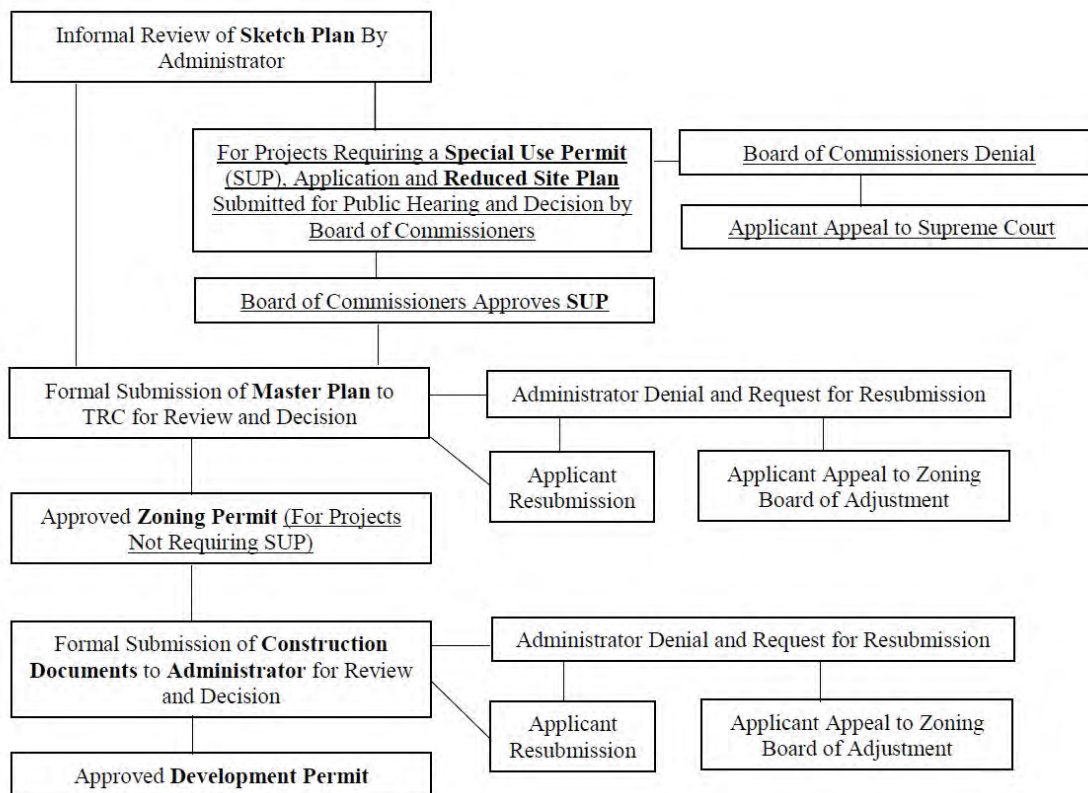
**1. Applicability:**

- a. Multi-family buildings with more than four units\*
- b. Non-residential Development 10,000 square feet or greater

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*c. Industrial Development*  
**2. Procedure:**

APPLICATION	REVIEWING AUTHORITY	ACTION TO BE TAKEN	APPEAL AUTHORITY
Sketch Plan (16.4)	Administrator	Non-Binding Review Only	n/a
<u>Reduced Site Plan (if Special Use Permit is required) (15.15)*</u>	<u>Board of Commissioners</u>	<u>Public Hearing to Approve or Deny Special Use Permit</u>	<u>Superior Court</u>
Master Plan (16.5) w/ Environmental Survey (16.3)	Technical Review Committee (TRC)	Review for Completeness & Ordinance Compliance Zoning Permit Issued -or- Denial and Request for Resubmission	Zoning Board of Adjustment
Construction Documents (16.6) w/ Environmental Survey (16.3)	Administrator	Review for Completeness & Ordinance Compliance Development Permit Issued -or- Denial and Request for Resubmission	Zoning Board of Adjustment



*\*Multi-family projects shall require a Special Use Permit (SUP), per the requirements of Chapter 2. Following the issuance of an SUP, the applicant may proceed directly to the Construction Documents phase of the Major Site Plan approval process.*



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2. To amend Section 15.15 (Special Use Permits) to modify the Town's procedural requirements. (Deleted text is ~~stricken through~~ and new text is underlined)

**15.15 - Special Use Permits**

*H. Procedure:*

APPLICATION	REVIEWING AUTHORITY	ACTION TO BE TAKEN	APPEAL AUTHORITY
Special Use Permit w/ <del>Master Plan (16.5)</del> <u>Reduced Site Plan (15.15, I. Reduced Site Plan Requirements)*</u>	Administrator	Review submittal procedures and requirements. Review for completeness & code compliance. Issue Staff Report	n/a
	Board of Commissioners	Public Hearing	n/A
	Board of Commissioners	Approval of Special Use Permit -or- Denial and Request for Rehearing	Superior Court

\*The Reduced Site Plan is for Special Use Permit (SUP) approval only. A full Master Plan is required for TRC review after SUP approval, as a Minor or Major Site Plan or Subdivision. A change in use which does not require or involve any site improvements shall not require a site plan to be submitted meeting the reduced site plan/master plan criteria as part of the SUP application (i.e. a new use in an existing building space, where the change in use does not result in the need for additional parking, landscape buffers, infrastructure or utility improvements or extensions, changes to ingress/egress, etc.).

*I. Reduced Site Plan Requirements:*

The Reduced Site Plan for Special Use Permit shall be drawn to the following specifications and shall contain or be accompanied by the information listed below. All plans shall be submitted at a scale not less than one inch = 50 feet unless otherwise authorized by the Administrator. No processing or review of a Reduced Site Plan for Special Use Permit will proceed without all of the information required below:

- A. Plat book or deed book references.
- B. Names of adjoining property owners (or subdivision or developments of record) with plat book and/or deed book reference.
- C. The boundary, as determined by survey, of the area to be developed with:
  1. All bearings, curve data and distances on outside boundaries and street centerlines;
  2. Street centerlines tied to the boundary;
  3. The location within the area, or contiguous to it, of any existing streets, railroad lines, perennial streams, wetlands, easements or other significant features of the tract.

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4. At least one corner tied to the NC grid with grid coordinates provided where at least one of two control monuments needed are within 2,000 feet of the boundary. Otherwise, boundary should be tied to the nearest street intersections.
5. Locations of intersecting property boundary lines of adjoining properties.
- D. Site calculations including total acreage of tract, acreage in recreational open space and other non-residential uses, total number and acreage of parcels, and the total number of housing units.
- E. Building elevations required for all Major Site Plans.
- F. The location of:
  1. Proposed buildings
  2. Parking and loading areas
  3. Streets and alleys with total right-of-way dimensions
  4. Sidewalk and Greenway locations
  5. Property lines and minimum building setbacks
  6. Building restriction areas (i.e., flood hazard and riparian buffer areas)
- G. Conceptual Landscape Plan showing general location of proposed landscape material.

**Questions to Consider:**

1. Should the Traffic Impact Analysis be required with the SUP Reduced Site Plan, or is it preferred that this be required with the Master Plan going to TRC (AFTER the SUP hearing)?
  - a. Based on the Planning Board's recommendation, the language for adoption does not currently include a TIA as a requirement for the reduced site plan.

**Planning Board Recommendation:**

At their October 21, 2019 meeting, the Planning Board voted unanimously to amend sections 15.6 and 15.15 of the UDO regarding the Town of Wendell's Special Use Permit (SUP) Procedural Requirements.

The Planning Board also voted unanimously to recommend the following:

- An applicant not be allowed to submit a Master Plan for TRC review until Special Use Permit Approval has been obtained
- The Reduced Site Plan not include a Traffic Impact Analysis as a requirement.

**Voting in Favor:** Victoria Curtis, Joe DeLoach, Ryan Zakany, Jimmena Huffman-Hall, Michael Firstbrook, Jonathan Olson, Levin Jones and Brett Hennington

**Voting against:** None

**Absent:** Allen Swaim

**Statement of Plan Consistency and Reasonableness:**

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*The proposed text amendment to Chapter 15 is found to be reasonable in order to promote Wendell's attractiveness to business by simplifying the special use permit process. Furthermore, the proposed amendments are found to be consistent with the following principle of the Comprehensive Plan:*

- *Principle Number 5: "Promote Wendell's attractiveness to business and people of all walks of life. Emphasize the strengths of the Town's diverse population."*

**Staff Recommendation:**

*Staff recommends approval of the text amendment, with clarity from the Town Board regarding when a TIA (if applicable) would be required.*

Mr. Bergmark offered to answer any questions that the Board might have.

Mayor Gray opened the Public Hearing and recognized that there wasn't an applicant presentation.

Mayor Pro Tem Jon Lutz said that this is a way of planning and getting plans in front of the Board early without the applicant having to invest as much time and money into it. Dr. Lutz said that he knows those are expensive and this gives the Board the chance to add some critique. Dr. Lutz said that he liked it and thought that the idea for the traffic analysis would be more important to him after the reduced plan has been submitted but before the master plan, like the Planning Board recommended. Dr. Lutz said that, in the past, they've discussed traffic problems and that this would give them a chance to make recommendations on that.

Commissioner Jason Joyner said that he agrees with Dr. Lutz and that nothing prevents the applicant from walking in with the reduced planning of TIA or coming in with the full plan. He said it gives them an option so that's a risk/reward scenario that they need, and nothing prevents the Board from telling them that the Board is not ready to weigh in on their Special Use Permit until the Board sees a traffic plan based on the comments received that night. He said it seems like a quicker way to get people that might not have the assets or equity to blow the whole idea not knowing whether or not the political winds are going to shift.

Attorney Jim Cauley said that he would recommend some language that reserves to the Board the possibility that it might require a TIA based on what's presented to them. Mr. Cauley said that these are Special Use Permit proceedings, so they won't be influenced by political wins, they will be based on the evidence presented. He said that if the Board had opposition to a plan based on traffic, the Board may not want to deny that plan at that point. The Board may want to see a Traffic Impact Analysis.



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If the Town's code didn't require it, then the Board couldn't compel the applicant to bring it and therefore the Board wouldn't have one to look at. Mr. Cauley said that he would allow some language that allows the court to observe the right to require that based on what's presented to the Board at the hearing. He said if the Board doesn't want it required on the front end, at least reserve the right to require it as part of the process, before the Board gets to the point of making the decision on the permit. Mr. Cauley recommended to require it before the Board were to make that decision in the process.

Commissioner John Boyette asked if Mr. Cauley thought that the Board should reserve that right for any type of technical analysis, such as an environmental impact.

Mr. Cauley said that the thing about traffic is that there's specific language in the statute that speaks to expert testimony on traffic issues.

Mayor Gray asked if anyone would like to speak in favor or opposed at the public hearing.

No one spoke in favor or opposition.

Mayor Gray and Commissioner Joyner said that they agreed with the Attorney's recommendation.

Town Manager Marc Collins said that the Commission can incorporate that wording into the text amendment at present and pass the amendment with the added wording.

**ACTION**

Mover: Mayor Pro Tem Jon Lutz moved to approve the Zoning Text Amendment to Sections 15.6 and 15.15 of the UDO regarding the Town of Wendell's Special Use Permit (SUP) Procedural Requirements with the incorporated right for the Board to require a Traffic Impact Analysis before an approval is made.

Vote: 4-0

5c. **PUBLIC HEARING:** Zoning Text Amendment to Section 12.7 of the UDO regarding Wall Signage Requirements.  
Speaker: Planning Director David Bergmark

Planning Director David Bergmark presented the following staff report, below in italics:

**Item Summary:**

*Currently the Wendell Unified Development Ordinance (UDO) provides 3 primary categories of permanent commercial signage: 1) Monument sign, 2) Suspended Single Post Signs, and 3) Wall, Canopy, or Projecting Signs. The types and amount of signage permitted vary based on the size and location of the building. For wall signage, applicants*

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*are permitted 1 sq. foot of signage per linear ft of store frontage, with a maximum of 100 sq. ft. Using this standard, a 50 ft wide building can receive up to 50 square feet of signage total, comprised of 1 or more signs. Corner lots may receive additional signage based on the linear frontage of their corner side, but the 100 sq. foot maximum still applies (i.e. The 50' wide building could receive up to 50' more signage for their corner side).*

*While these regulations have generally met the Town's needs, Wendell has not experienced much large-scale commercial or industrial development since their implementation. As commercial development begins in Wendell Falls, staff identified the need to address the signage needs for larger commercial buildings. The most immediate need is for the proposed Wendell Falls grocery store, but these regulations would address other future needs throughout town.*

*Staff researched other municipalities to determine how they address wall signage and the consensus was to use a percentage of the façade as the maximum allowable signage area. For buildings with multiple frontages, generally a lower percentage was used on the side and rear façades. Some municipalities capped the total wall signage per building or per façade. A summary of municipal wall signage regulations is provided below.*

<b>Municipality</b>	<b>Front Façade Percentage</b>	<b>Other Façade Percentage</b>	<b>Maximum Sq. Ft.</b>	<b>Maximum Number</b>
Apex	10%	10	200 sf per front façade, 100 sf per sign	2 per street frontage
Chapel Hill	5%	5%	250 sf per sign	1 per street frontage
Garner	7% (Buildings < 100,000 sf) 10% (Buildings > 100,00 sf)	n/a	60 sf/Lot 100 sf/Lot	3 4
Knightdale	10%	5%	150 sf per sign	n/a

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*Based on this comparative analysis, staff created a proposed amendment to permit additional signage (based on a percentage of the façade) for buildings over 25,000 square feet in size. Buildings below this threshold would continue to use the Town's current regulations, which are simpler to calculate and enforce. The 25,000 square foot size would generally capture any larger department store, grocery store, or manufacturing facility which have greater signage needs, but would not include stand-alone restaurants, pharmacies, hardware stores, etc.*

**Proposed Amendments:**

3. To amend Section 12.7 (Permitted Principal Use Signs) to modify the Town's wall signage requirements. (New text is **underlined**)

**12.7 – Permitted Principal Use Signs**

*C. Mixed-Use, Primarily Commercial, and Industrial Districts (NC, CMX, CC, DMX, CH, M&I) AND Permitted Civic/Institutional Uses in any district.*

Permitted Sign Type(s)	Specific Applicability	Maximum Area	Maximum Height	Maximum Number
Low Monument		50 sq. ft. per sign face	8 ft.	1 per street frontage
Tall Monument	See Section 12.6E7	120 sq. ft. per sign face	13 ft.	1 per street frontage
Suspended Single Post Signs	See Section 12.6A	See Section 12.6A	5 ft.	1 per street frontage
*Wall ( <u>Under 25,000 sf building</u> ), Canopy, or Projecting	1 sq. ft. of signage per linear foot of building frontage/tenant space	100 sq. ft.	n/a	n/a
<u>Wall (25,000 sf building or greater)</u>	<u>Maximum 10% of the front building façade or 5% of side or rear façade facing ROW.</u>	<u>200 sq. ft. per façade facing ROW</u>	<u>n/a</u>	<u>n/a</u>

*\*On corner lots, the secondary façade may receive an additional one sq. ft. of signage per linear foot of secondary building frontage/tenant space (100 sq. ft. maximum for the building/tenant space still applies).*

**Planning Board Recommendation:**

*At their October 21, 2019 meeting, the Planning Board voted unanimously to amend section 12.7 of the UDO regarding Wall Signage Requirements.*

***Voting in Favor:*** Victoria Curtis, Joe DeLoach, Ryan Zakany, Jimmena Huffman-Hall, Michael Firstbrook, Jonathan Olson and Levin Jones

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***Voting against:*** None

***Absent:*** Allen Swaim and Brett Hennington

**Statement of Plan Consistency and Reasonableness:**

*The proposed text amendment to Chapter 12 is consistent with Principle # 5 of the Wendell Comprehensive Plan and is reasonable to promote Wendell's attractiveness to business by allowing for wall signage that is appropriate for a larger building with multiple frontages.*

- *Principle # 5: Promote Wendell's attractiveness to business and people of all walks of life. Emphasize the strengths of the Town's diverse population.*

**Staff Recommendation:**

*Staff recommends approval of the text amendment.*

Mayor Gray opened the public hearing and asked if there were any citizens that would like to speak.

No one spoke.

Mayor Gray closed the public hearing and asked if the Board had any questions.

Commissioner Jason Joyner asked which Wendell Falls grocery store Mr. Bergmark was speaking of in his example.

Mr. Bergmark said that their application said, "grocery store."

Commissioner Jon Lutz said that in every other section of the amendment, the Town has a maximum number per street frontage. He asked if that was discussed at all for setting a maximum number on that.

Mr. Bergmark said that it was discussed at the Planning Board level and they did not choose to incorporate that because it does raise the question of, if it's a big enough building are you comfortable with there potentially being a 150 square foot sign on the front of your building? He said that some municipalities limited it, others didn't. The example the Planning Board had with the Wendell Falls grocery store's sign was shown as being 140 square feet. He said he thought it did not look too large or out of scale based on what he was shown.

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Commissioner John Boyette asked how large the Food Lion sign was, as a point of reference.

Mr. Bergmark said that would be under a previous code and that he didn't know, offhand.

Mr. Boyette said he thought it had to be over 150 square feet, but that he didn't think it was oversized, due to its distance from the road.

**ACTION**

Mover: Mayor Pro Tem Jon Lutz moved to approve the Zoning Text Amendment to Section 12.7 of the UDO regarding Wall Signage Requirements.

Vote: 4-0

**6. ADMINISTRATIVE ITEMS**

6a. Appointment to the Town of Wendell Tree Board: Lewis D. Piner  
Speaker: Town Clerk Megan Howard

Town Clerk Megan Howard presented the following staff report, below in italics:

**Item Summary:**

*Staff received the application for appointment to the Tree Board for Lewis D. Piner on October 30<sup>th</sup>. Since the initial public outreach in Spring 2019, applications to the Tree Board were provided to East Wake High School and community groups starting in June 2019. Staff has received no other applications to date.*

*Lewis Piner is currently an ex-officio member of the Tree Board, with a term ending June 30, 2020. Mr. Piner would fill an open spot on the Tree Board as a regular member, with a term ending June 30, 2022.*

*The Tree Board has 3 current members with no terms expiring this year.*

Board	Name	In-Town or ETJ	Term Begins	Term Ends	Term Number	Term Length	Term Limit	Appt Date
Tree Board		0		6/30/2021	0	3 years	none	
Tree Board		0		6/30/2022	0	3 years	none	
Tree Board	Lewis Piner	In-town / ex-officio	7/1/2017	6/30/2020	0	3 years	none	5/8/2017
Tree Board	Warren Boyette	In-town	7/1/2017	6/30/2020	0	3 years	none	
Tree Board	Marriott L. Sheldon	Out-of-town	10/9/2017	6/30/2020	1st term	3 years	none	10/9/2017
Tree Board		0		6/30/2020	0	3 years	none	1/0/1900

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*The Town Clerk will provide ballots for voting on the appointment.*

**ACTION**

Action: Ballots were passed out to all 4 Commissioners in attendance and votes were counted.

Vote: Lewis D. Piner was unanimously voted to the tree board as an officio member.

**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. Update on board committee(s) by Town board members:



Wendell Volunteer Fire Dept., Board of Directors [ Commissioner Joyner ]

Commissioner Jason Joyner said that the Fire Department reviewed their audit and they continued to move forward in scaling up on personnel, trucks and other various items for the opening of Station 3.



East Wake Senior Center [ Commissioner Myrick ]

Commissioner David Myrick was absent at this meeting. He will provide an update on the East Wake Senior Center at the November 25, 2019 Town Board Meeting.

**8. COMMISSIONERS' REPORTS / COMMENTS**

None of the Commissioners had any comment.

**9. MAYOR'S REPORTS / COMMENTS**

Operation Christmas Child's National Collection Week begins on Sunday, November 17<sup>th</sup> at Wendell Baptist Church. Citizens can stop by, pick up a box and fill it up with toys for less fortunate children around the world for Christmas.

Wendell Wonderland will be Friday, December 6<sup>th</sup> from 5 p.m. to 9 p.m. There will be a Toys for Tots donation drive as well as Santa, Food Trucks, a Holiday Market, Lake Myra Lights show, a cookie walk, and a Christmas Cantata. Mayor Gray said to check out the promo that was filmed and it looked like a lot of fun.

**10. CLOSED SESSION**

*No Closed Session was called.*

**11. ADJOURN**

**TOWN OF WENDELL  
BOARD OF COMMISSIONER MEETING MINUTES  
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**ACTION:**

Mover: Mayor Pro Tem Jon Lutz moved to adjourn at 7:49 p.m.

Vote: 4-0

Duly adopted this 9th day of December 2019, while in regular session.

**ATTEST:**

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

\_\_\_\_\_  
Megan Howard,  
Town Clerk

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**Item Title:**

Request for the Town Board to appoint Bryan Coates as a Review Officer for the Town of Wendell.

**Report to the Board of Commissioners:**

Monday, December 9, 2019

**Specific Action Requested:**

The Town Board is asked to approve the resolution appointing Bryan Coates as a Review Officer for the Town of Wendell.

**Background:**

State Law 1997-309 establishes procedures for recording maps and plats. The main purpose of the law is to transfer the responsibility for reviewing plats to determine whether they meet recording requirements from the Register of Deeds to a Review Officer.

**Item Summary:**

NC GS 47-30.2 requires the Board of County Commissioners in each County, by resolution, to appoint a person to serve as a Review Officer to review each plat before it is recorded and certify that it meets the statutory requirements for recording. It is the desire of the Town of Wendell to ensure an expeditious review of all maps and plats as required by NC GS 47-30.2 before they are presented to the Wake County Register of Deeds for recording. As a result, staff is requesting the Board appoints Assistant Planning Director Bryan Coates to perform all responsibilities as required for Review Officers under the appropriate North Carolina General Statutes for all plats and maps within the Town of Wendell's jurisdiction. Once approved, a copy of this Resolution designating the Review Officers be forwarded to the Wake County Register of Deeds Office.

**Attachments:**

R-21-2019



**TOWN OF WENDELL  
RESOLUTION APPOINTING BRYAN COATES AS A REVIEW OFFICER  
R-21-2019**

**WHEREAS**, State Law 1997-309 establishes procedures for recording maps and plats;

**WHEREAS**, the main purpose of the law is to transfer the responsibility for reviewing plats to determine whether they meet recording requirements from the Register of Deeds to a Review Officer;

**WHEREAS**, NC GS 47-30.2 requires the Board of County Commissioners in each County, by resolution, to appoint a person to serve as a Review Officer to review each plat before it is recorded and certify that it meets the statutory requirements for recording;

**WHEREAS**, it is the desire of the Town of Wendell to ensure an expeditious review of all maps and plats as required by NC GS 47-30.2 before they are presented to the Wake County Register of Deeds for recording.

**NOW THEREFORE, BE IT RESOLVED**, effective December 9, 2019, that Bryan Coates in the Wendell Planning Department is hereby appointed to perform all responsibilities as required for Review Officers under the appropriate North Carolina General Statutes for all plats and maps within the Town of Wendell's jurisdiction.

**BE IT FURTHER RESOLVED** that a copy of this Resolution designating the Review Officers be forwarded to the Wake County Register of Deeds Office.

Duly resolved this 9th day of December 2019 while in regular session.

[ATTEST]

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

\_\_\_\_\_  
Megan Howard, Town Clerk

**Item Title:**

Approval of resolution directing the clerk to investigate a non-contiguous annexation for a 20.03 parcel addressed as 1500 Wendell Boulevard and identified by PIN Number 1774-66-5953.

**Report to the Board of Commissioners:**

December 9, 2019

**Specific Action Requested:**

- That the Board of Commissioners directs the Town Clerk to certify the sufficiency of annexation petition A19-06 by approving the attached resolution.

**Item Summary:**

SPC Mechanical Headquarters has submitted an annexation request for a 20.03 acre parcel located at 1500 Wendell Boulevard and identified by PIN Number 1774-66-5953. The owner has submitted plans to build a headquarters and office complex at this location, but in order gain access to needed utilities, annexation is required. This request is for land which is adjacent to existing satellite annexation areas but is still considered non-contiguous.

A public hearing will be set by the Town Board for this item following the Town Clerk's certification of the petition's sufficiency.

**Zoning District:**

The property is currently located within the Commercial Mixed-Use (CMX) zoning district and the owner is proposing a CMX Conditional District. The proposed use is permitted in the CMX zoning district.

**Location Map:**



**Attachments:**

- A. Resolution Directing the Clerk to Satisfy the Sufficiency of the Petition



**TOWN OF WENDELL**

**NORTH CAROLINA**

**RESOLUTION DIRECTING THE CLERK TO INVESTIGATE  
A PETITION RECEIVED UNDER NC G.S. 160A-58.1**

**RESOLUTION NO.: R-22-2019**

**WHEREAS**, a petition requesting annexation of an area described in said petition was received on November 27, 2019, by the Wendell Town Board of Commissioners; and

**WHEREAS**, NC G.S. 160A-58.2 provides that the sufficiency of the petition shall be investigated by the Town Clerk before further annexation proceedings may take place; and

**WHEREAS**, the Town Board of Commissioners of the Town of Wendell deems it advisable to proceed in response to this request for annexation.

**NOW THEREFORE, BE IT RESOLVED** by the Town Board of Commissioners of the Town of Wendell that:

The Town Clerk is hereby directed to investigate the sufficiency of the below described petition and to certify as soon as possible to the Town of Wendell the result of her investigation.

Duly resolved this 9<sup>th</sup> day of December 2019, while in regular session.

ATTEST:

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Virginia R. Gray  
Mayor

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Megan Howard  
Town Clerk

**A-19-06 – SPC Mechanical Headquarters [20.03 acre non-contiguous parcel]:**  
1500 Wendell Blvd, PIN # 1774-66-5953

**Item Title:**

Approval of resolution directing the clerk to investigate a non-contiguous annexation for 23 acres located at 0 Marshburn Rd and identified by PIN Number 1784-69-5299.

**Report to the Board of Commissioners:**

December 9, 2019

**Specific Action Requested:**

- That the Board of Commissioners directs the Town Clerk to certify the sufficiency of annexation petition A19-07 by approving the attached resolution.

**Item Summary:**

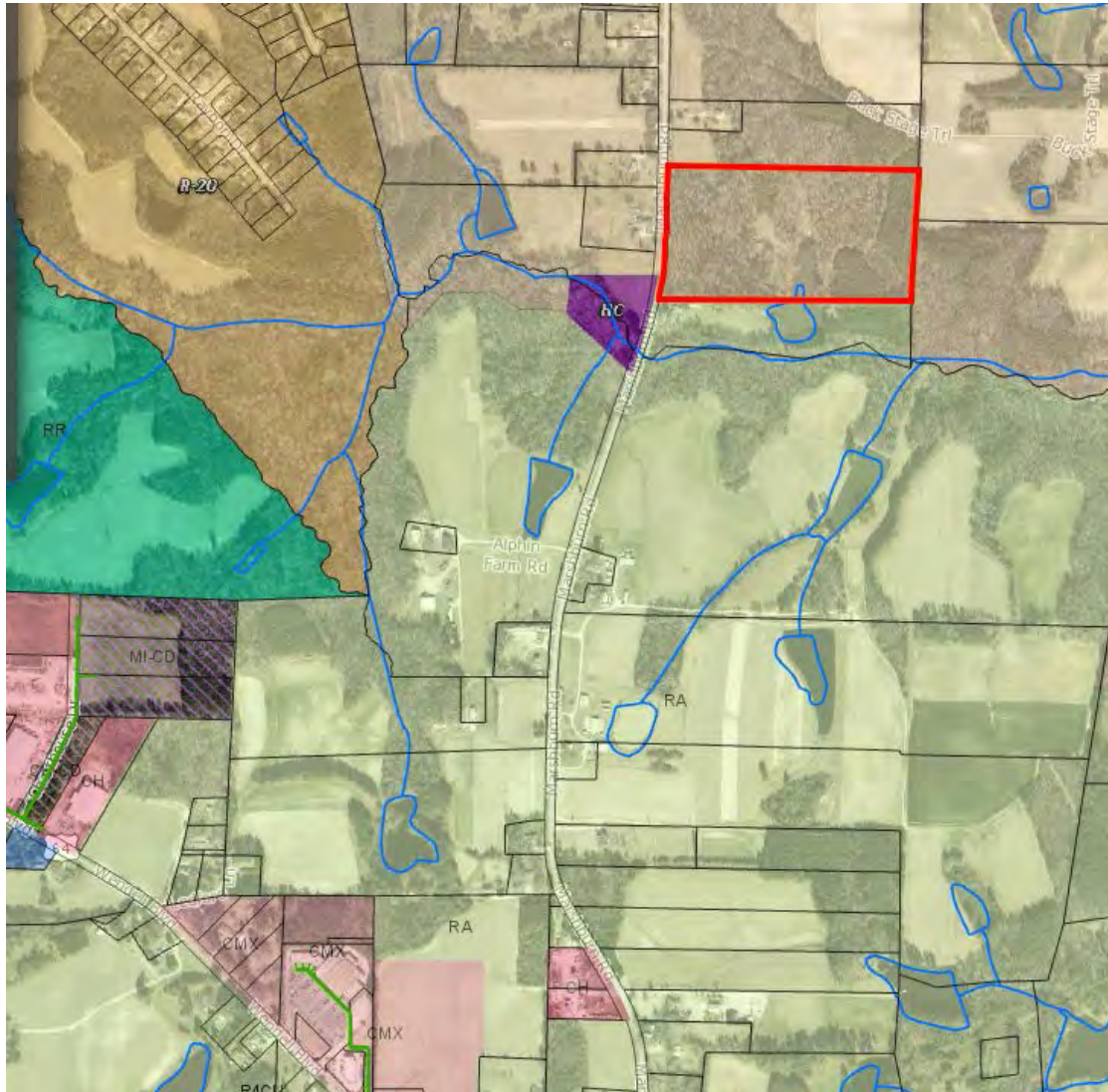
Joshua E. Furr has submitted an annexation request for 23 acres located at 0 Marshburn Rd and identified by PIN Number 1784-69-5299.

A public hearing will be set by the Town Board for this item following the Town Clerk's certification of the petition's sufficiency.

**Zoning District:**

The property is currently located within the Wake County R-40 zoning district and will need to be rezoned to a Wendell zoning designation.

**Location Map:**



**Attachments:**

- A. Resolution Directing the Clerk to Satisfy the Sufficiency of the Petition



**TOWN OF WENDELL**

**NORTH CAROLINA**

**RESOLUTION DIRECTING THE CLERK TO INVESTIGATE  
A PETITION RECEIVED UNDER NC G.S. 160A-58.1**

**RESOLUTION NO.: R-23-2019**

**WHEREAS**, a petition requesting annexation of an area described in said petition was received on November 22, 2019, by the Wendell Town Board of Commissioners; and

**WHEREAS**, NC G.S. 160A-58.2 provides that the sufficiency of the petition shall be investigated by the Town Clerk before further annexation proceedings may take place; and

**WHEREAS**, the Town Board of Commissioners of the Town of Wendell deems it advisable to proceed in response to this request for annexation.

**NOW THEREFORE, BE IT RESOLVED** by the Town Board of Commissioners of the Town of Wendell that:

The Town Clerk is hereby directed to investigate the sufficiency of the below described petition and to certify as soon as possible to the Town of Wendell the result of her investigation.

Duly resolved this 9<sup>th</sup> day of December 2019, while in regular session.

ATTEST:

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Virginia R. Gray  
Mayor

---

Megan Howard  
Town Clerk

**A-19-07 – 1 non-contiguous parcel totaling 23 acres:**  
0 Marshburn Rd, PIN # 1784-69-5299

**Item Title:**

Public Hearing on a Zoning Map Amendment request (ZM19-05) to rezone 50.63 acres (PIN #1774-72-4863) located at 0 Eagle Rock Road from Rural Residential (RR) to Residential-2 (R2).

**Report to the Board of Commissioners:**

- Monday, December 9, 2019 (Public Hearing)

**Report to the Planning Board:**

- Monday, November 18, 2019
- Monday, October 21, 2019

**Specific Action Requested:**

- That the Town Board hold a public hearing and consider taking action on the proposed rezoning request.
  - Action could consist of approving the attached ordinance.

**Applicant:**

Amanda S. Mann

**Petition:**

The applicant has requested a change in zoning classification for property located at 0 Eagle Rock Road (PIN #1774-72-4863) from Rural Residential (RR) to Residential-2 (R-2).

**Item Summary:**

This property is located within the extraterritorial jurisdiction of the Town of Wendell and is currently zoned RR (Rural Residential). Previously, there was an R-4 conditional district request proposed at this location that was recommend for denial by the Planning Board. That application was subsequently withdrawn.

The rezoning request now before you is a traditional map amendment (i.e. there is no accompanying development plan). Due to challenges with access to this site and the planning board's concerns with the previous submittal, the new applicant has proposed R-2 zoning, which is a less dense zoning category than many surrounding developments which have R3 or R4 zoning.



**Justification:**

The applicant lists the following reasons for rezoning the property from RR to R-2:

“As Wendell continues to experience population growth, this rezoning will provide for a range of housing opportunities with reasonable access to the Town's downtown core. While density would increase, this rezoning is not expected to unreasonably impact the level of available Town services and is expected to diversify and increase the Town's tax base. By providing additional residential opportunities, we expect the rezoning to promote Wendell's attractiveness to business and people. Open space in accordance with the Town ordinances will preserve the Town's natural resources and amenities. While this property appears to be designated as "industrial" pursuant to the Town's 2007 future land use map, we would note that industrial uses are perhaps disfavored over time and this use would likely be perceived as less impactful to neighboring properties. We would also note that per state statute, the future land use map would automatically be amended as part of the rezoning process if the rezoning is approved.”

**Project Profile:**

PROPERTY LOCATION:	0 Eagle Rock Road
WAKE COUNTY PIN:	1774 72 4863
ZONING DISTRICT:	Proposed R-2/ Current RR
CROSS REFERENCES:	N/A
PROPERTY OWNER:	520 State Street, LLC 2912 Highwoods Blvd, Suite 100 Raleigh, NC 27604
APPLICANT:	Amanda S. Mann 421 Fayetteville Street, Suite 530 Raleigh, NC 27601
PROPERTY SIZE:	50.63 acres
CURRENT LAND USE:	Agricultural
PROPOSED LAND USE:	Residential

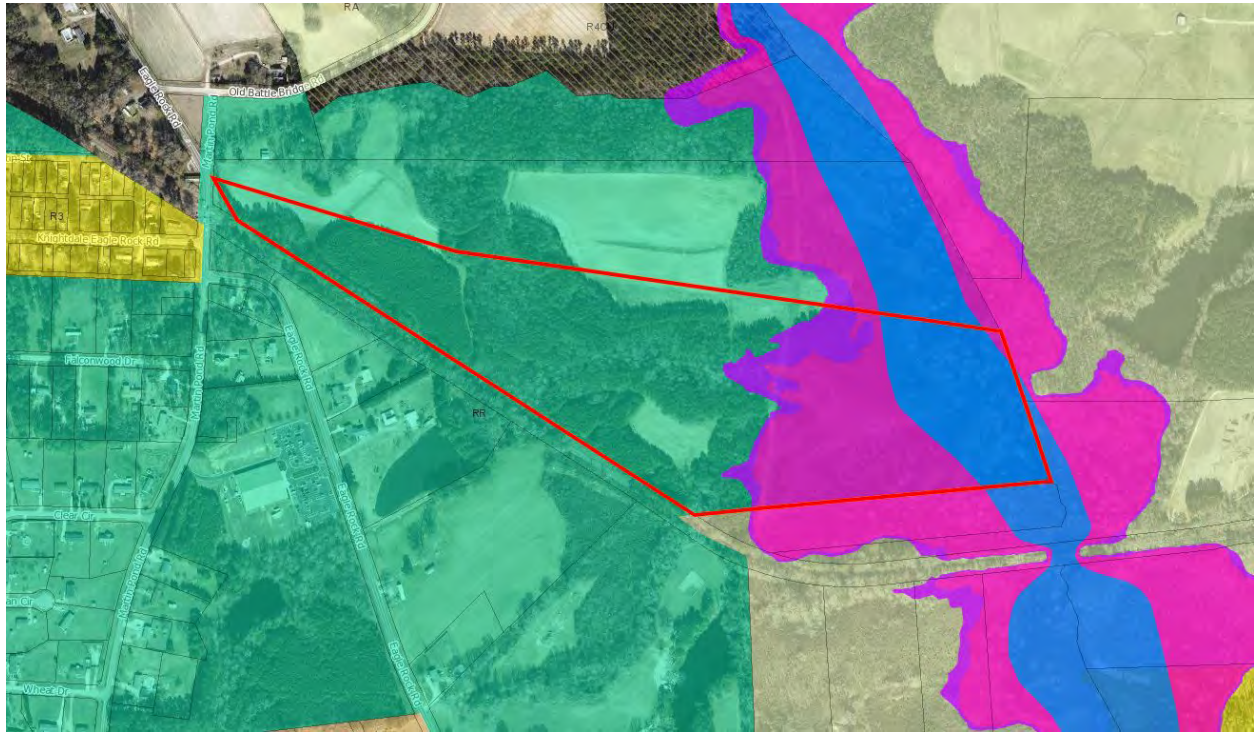
**Project Setting – Surrounding Districts and Land uses:**

<u>DIRECTION</u>	<u>LANDUSE</u>	<u>ZONING</u>
North	Agricultural	RR
South	Residential/Vacant	RR/RA
East	Residential/Vacant	RA
West	Residential	R-3/R-30

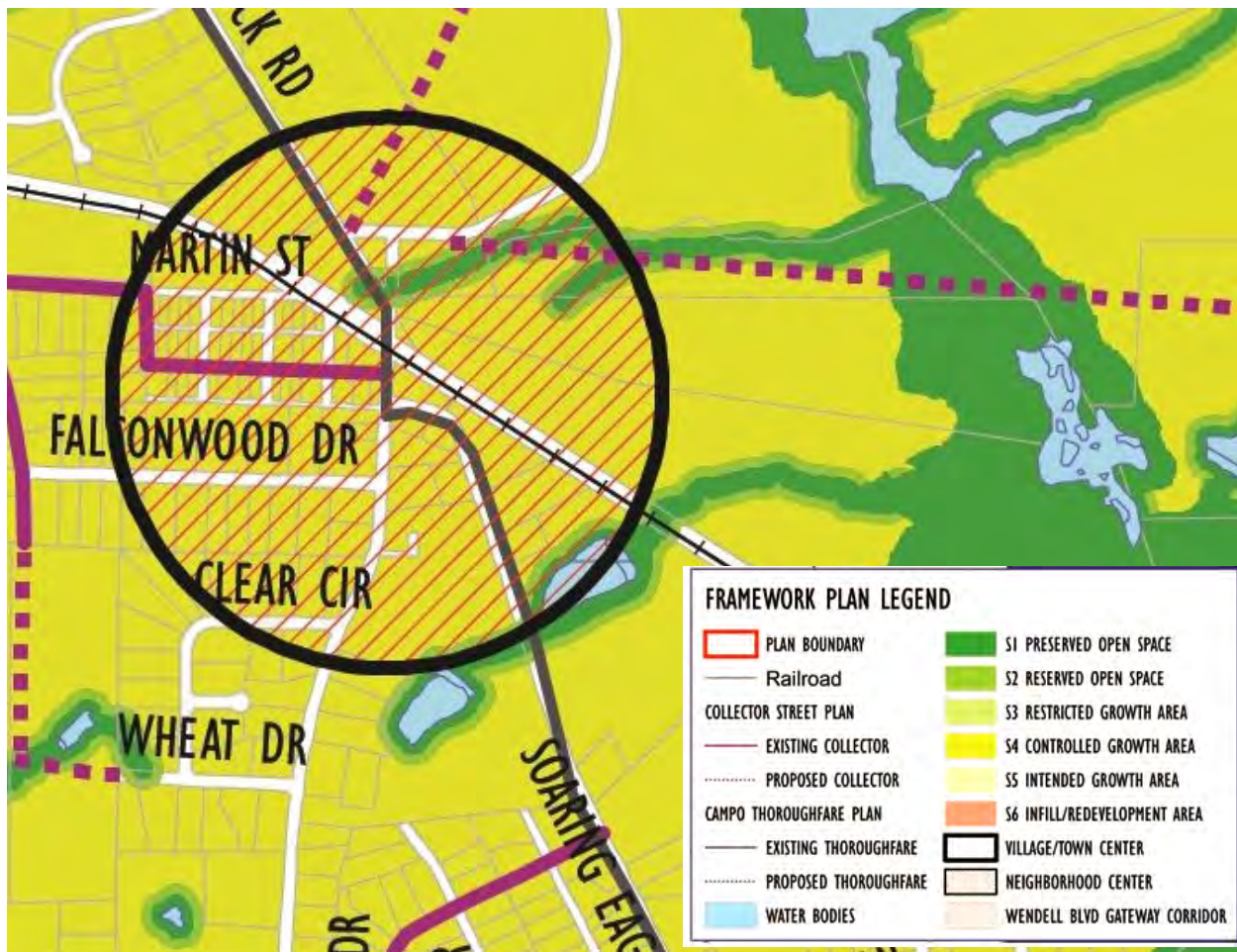
**Zoning District:**

This property is located within the town's extraterritorial jurisdiction and is zoned RR. The surrounding properties are currently zoned RR, RA, R3, R4 and Wake County R-30. The RR district allows a minimum lot size of 25,000 sq. ft. and the R2 minimum lot size is 15,000 sq. ft. Just north of this property along Old Battle Bridge Road is the Anderson Subdivision which is

**Current Zoning Map (Requested Property outlined in red):**



The following community types and uses are appropriate in the S-4 sector: traditional neighborhood developments, neighborhood centers, single-family and multifamily residential, neighborhood-serving commercial uses (retail and office), civic uses and industrial uses.



#### **Statement of Plan Consistency Reasonableness:**

The proposed zoning map amendment is found to be consistent with the recommended uses outlined in the Wendell Comprehensive Land Use Plan for the S-4 Sector and is reasonable to balance consistency with adjoining zoning districts with limited access concerns. Furthermore, the proposed amendments are found to be consistent with the following principle of the Comprehensive Plan:

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

#### **Planning Board Recommendation:**

At their November 18, 2019 meeting, the Planning Board voted 5-2 in favor of the requested zoning map amendment.

**Voting in Favor:** Victoria Curtis, Ryan Zakany, Jonathan Olson, Brett Hennington and Levin Jones

**Voting Against:** Michael Firstbrook and Allen Swaim

**Absent:** Jimmena Huffman-Hall

**Staff Recommendation:**

Staff recommends approval of this rezoning request. Due to the challenging access of this site, staff feels that the more limited density permitted in the R-2 zoning district is appropriate.

**Attachments:**

- A. R-2 Zoning District Land Use Chart
- B. Ordinance for Adoption

Town of Wendell, NC  
Residential (2) Zoning District  
Land Use Chart

PERMITTED USES	PERMITTED WITH ADDITIONAL STANDARDS	SPECIAL USES (Requires Board Approval)
Bed and Breakfast Inns Dwelling-Single Family Government Services Schools - Elementary & Secondary	Animal Services Cemetery Child/Adult Day Care Home (8 or less persons) Cultural or Community Facility Dwelling-Secondary Family Care Home (6 or fewer residents) Home Occupation Meeting Facility/Indoor Event Venue Recreation Facilities, Indoor Recreation Facilities, Outdoor Transit Station - Passenger Utilities - Class 1 Utilities - Class 2	Public Safety Station Religious Institutions Wireless Telecommunication Facility - Stealth Wireless Telecommunication Facility - Tower



O-26-2019

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 Residential 2 (R2) zoning district the property described below, said property formerly being zoned Rural Residential (RR); and

WHEREAS said property is owned by 520 State Street, 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 Wake Weekly, 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 December 9, 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 **Residential 2 (R2)** zoning district 50.63 acres of land located at 0 Eagle Rock Road (PIN # 1774-72-4863).

SECTION 2. The requested zoning map amendment for the parcel within the rezoning area identified as ZM19-05 from Rural Residential (RR) to **R2** is found to be reasonable in order to balance consistency with adjoining zoning districts with limited access concerns and is consistent

with the recommended uses and development types outlined in the Wendell Comprehensive Land Use Plan for the S4 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 9th Day of December 2019

(Town Seal)

---

Virginia R. Gray, Mayor

ATTEST:

APPROVED AS TO FORM:

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Megan Howard, Town Clerk

---

James P. Cauley III, Town Attorney

**Item Title:**

CD19-04 – Public Hearing on a CMX Conditional District request for property located at 1500 Wendell Blvd.

**Report to the Board of Commissioners:**

Monday, December 9, 2019 – Public Hearing and Decision

**Report to the Planning Board:**

Monday, September 16, 2019 – Public Hearing  
Monday, August 19, 2019 - Presentation

**Specific Action Requested:**

Holds a public hearing on the proposed CMX conditional district request and take action on the attached ordinance to rezone the described area, subject to conditions and in conformance with the associated Master Plan.

**Applicant:**

SPC Mechanical Headquarters, LLC

**Petition:**

The applicant has requested to create a Corridor Mixed Use (CMX) conditional district for 20.03 acres of property within the parcel identified by PIN #1774-66-5953. The property is currently zoned CMX. The proposed conditional district consists of an office complex with professional, personal and/or financial services with associated infrastructure.

**Item Summary:**

The applicant's proposed conditional district has approximately 10 acres of development with an office complex featuring a 27,000 square foot Office Headquarters, as well as 6 additional buildings totaling 40,000 square feet and 10 acres of protected wetland/open space. This project is located at the southwest corner of the intersection of Old Battle Bridge Road and Wendell Blvd.

The CMX Conditional District is being proposed to initiate the office headquarters building. Additional buildings would be constructed in later phases of the project and would help fund the headquarters project if sold to other users. All uses within this conditional district would be limited to those permitted in the Town's use table for the CMX zoning district.

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



### **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.

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:**

This property is currently located in the extraterritorial jurisdiction and is zoned Corridor Mixed-Use (CMX) and will need to be annexed into the Town of Wendell.

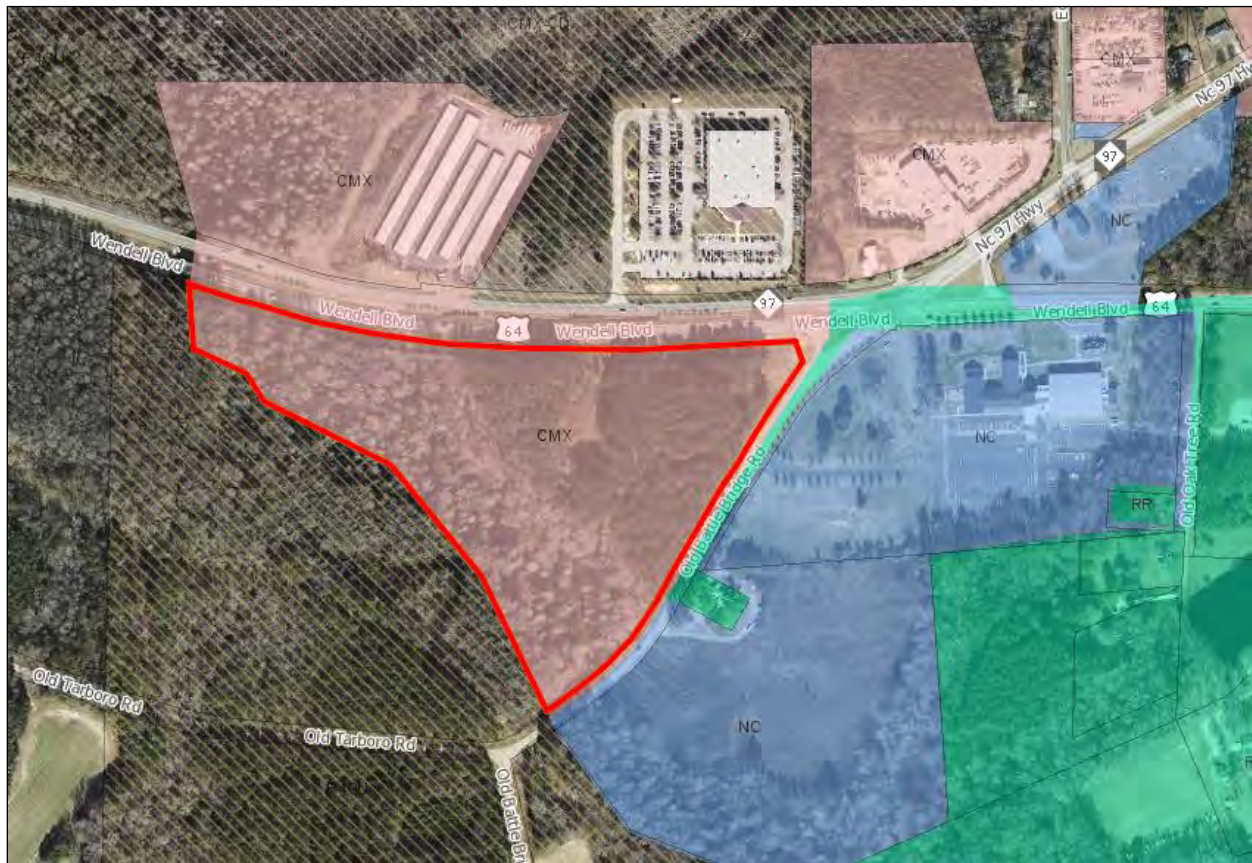
### **Project Profile:**

PROPERTY LOCATION:	1500 Wendell Blvd.
WAKE COUNTY PIN:	1774665953
CURRENT ZONING DISTRICT:	CMX
CROSS REFERENCES:	N/A
PROPERTY OWNERS:	F D A EAT LLC
	8358-104 Six Forks Rd
	Raleigh, NC 27615
APPLICANT:	SPC Mechanical Headquarters, LLC
	PO Box 3006
	Wilson, NC 27895
PROPERTY SIZE:	20.03 acres
CURRENT LAND USE:	Vacant
PROPOSED LAND USE:	Office/Service

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

DIRECTION	LANDUSE	ZONING
North	Commercial	CMX/CMX-CD
South	Residential/Agricultural	R4-CU
East	Residential/Agricultural/Institutional	RR/NC
West	Residential/Agricultural	R-30

### **Current Zoning Map:**



### **Proposed Conditional District Conditions:**

The applicant is proposing 2 conditions for the proposed Conditional District.

1. Parking (modification to UDO Sec. 2.17 and 10.3):
  - 1.1 Allow “Campus” Parking Layout (as shown on the Master Plan)
2. Impacts within 100-year floodplain (UDO Sec. 8.5):
  - 1.2 Permanent stormwater control measure(s)(“SCM”) are allowed within the 100-year floodplain in substantial compliance with the SCM boundaries shown on the accompanying Master Plan provided that any fill within the floodplain is compacted and protected from erosion and scour via an approved bank stabilization plan. The SCM is protected from the 100-year flood.

Originally, the applicant proposed the following additional condition, but due to the recent changes to the parking requirements in the UDO, it became unnecessary for this project.

**1. Excess parking & required pervious paving:**

- a. Per Wendell UDO Section 10.4.K excess parking over 150% of the required minimum requires the use of pervious paving.

<b>Excess Parking Provided</b>	<b>Required Pervious Paving</b>
>150-200% of minimum required parking	20% of excess spaces up to 200%
>200% of minimum required parking	All spaces in excess of 200% of minimum (in addition to the 20% required above)

- i. We are requesting that the pervious paving requirement be waived for any excess parking provided above the minimum requirement. We are providing two wet ponds that will be designed to treat all stormwater quantity and quality requirement for both the county and state requirements.

**Applicant's Justification:**

The proposed use for the SPC Mechanical Headquarters is office, professional and personal services and financial services. Additional uses would be permitted that fall under the CMX zoning of Table C (Use Matrices) that are either (P) permitted, (PS) permitted subject to Additional Standards in Chapter 3 or (SUP) Special Use Permit Required (See Chapter 3 and Chapter 15).

We do not expect any large impacts to government services. There will be minor impacts to the water and sewer capacity for the City of Raleigh public utilities since office use is not a high demand use for these utilities. There will be a minor impact to police protection services since office use generally does not produce additional crime related problems (the proposed bank will present a greater impact to required police protection services). The project proposes road improvements for both Wendell Boulevard and Old Battle Bridge Road which will improve traffic conditions for those roads. The project will also provide a stable long-term tax revenue for the town.

**Public Utilities:**

Development of this site will require connection to city water and sewer which will necessitate annexation. An annexation petition has been submitted.

**Streets:**

The Town's Arterial and Collector Street Plan calls for widening and improvements to Wendell Blvd. (4-lane divided) and Old Battle Bridge Road (3-lane undivided). This would necessitate some widening and improvements along their frontage, as shown on their Master Plan.

A Transportation Impact Assessment report was created and submitted to DOT and the Town of Wendell. The attached Master Plan includes all improvements warranted by the TIA.

**Phasing:**

The applicant has identified 4 phases of development.

### **Comprehensive Plan:**

The Wendell Comprehensive Plan defines the subject property as being within the S-5 Intended Growth Area, the Wendell Blvd Gateway Corridor and a neighborhood center.

The Comprehensive Plan states that “S-5 lands are typically within 1/2 mile of high-capacity regional thoroughfares, such as Wendell Boulevard and the US 64 Bypass. Appropriate development types are higher density mixed-use centers of employment, commerce, and residential uses. The future Wendell Falls development and the area around the US 64/Wendell Boulevard interchange were classified as S-5 for the purposes of this plan, as well as some areas along Wendell Boulevard.

The Comprehensive Plan lists the following uses as appropriate land uses/development types within this sector: traditional neighborhood developments, neighborhood centers, village/town centers, single-family and multifamily residential, neighborhood-serving commercial uses (retail and office), civic uses and industrial uses.

The proposed uses at the SPC Mechanical Headquarters office complex are office, professional and personal services and financial services which is in accordance with the S-5 Sector of the Comprehensive Plan.



### **TRC Review:**

The Technical Review Committee has completed their review of the attached Master Plan, which has been modified to address their comments.

### **Planning Board Recommendation:**

At their September 16, 2019 meeting, the Planning Board voted 8-0 in favor of the requested Conditional District with the following change to Condition #2:

- The applicant's second condition should be modified to exempt them from parking location standards required by the CMX zoning district in Section 10.3 of the UDO as well (rather than just the Gateway Overlay standard).
- **STAFF NOTE** – This change has been incorporated into their condition.

**Voting in Favor:** Victoria Curtis, Joe DeLoach, Jonathan Olson, Michael Firstbrook, Allen Swaim, Brett Hennington, Jimmena Huffman-Hall and Levin Jones

**Voting Against:** None

**Absent:** Ryan Zakany

### **Statement of Plan Consistency:**

The proposed Conditional District is found to be consistent with the recommended uses outlined in the Wendell Comprehensive Land Use Plan for the S-5 Sector and is reasonable to allow for an attractive office complex that will increase the tax base and provide jobs for residents. Furthermore, the proposed amendments are found to be consistent with the following principle of the Comprehensive Plan:

- Principle Number 4: "Diversify and increase the per capita tax base. Provide for a diverse workforce with a broad range of skills, making Wendell a more self-sustaining community."

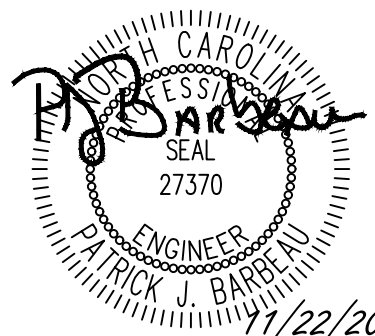
### **Staff Recommendation:**

Staff recommends approval of the proposed conditional district subject to TRC technical corrections.

### **Attachments:**

- A. Overall Site Plan (SPC Mechanical)
  - a. Full Master Plan Link: <https://www.townofwendell.com/files/spc-mechanical-headquarters-4>
    - i. If link does not open when clicked, copy link and paste into web browser.
- B. Ordinance for Adoption





THIS DRAWING PREPARED AT THE  
**RALEIGH OFFICE**  
5410 Trinity Road, Suite 102 | Raleigh, NC 27607  
TEL 919.866.4951 FAX 919.833.8124 www.timmons.com

YOUR VISION ACHIEVED THROUGH OURS.

REVISION	DESCRIPTION
REVISION PER WENDELL CORPUD, NCDOT COMMENTS	
REVISION PER WENDELL CORPUD, WAKE COUNTY COMMENTS	
REVISION PER WENDELL CORPUD, WAKE COUNTY COMMENTS	

DATE	DATE
09/26/2019	09/10/2019
10/24/2019	
11/22/2019	

DRAWN BY	DESIGNED BY	CHECKED BY	SCALE
J. DOOLEY	P. BARBEAU	P. BARBEAU	AS SHOWN

**TIMMONS GROUP**

NORTH CAROLINA LICENSE NO. C-1652

**SPC MECHANICAL HEADQUARTERS**

TOWN OF WENDELL - WAKE COUNTY - NORTH CAROLINA

**SITE PLAN**

JOB NO.	SHEET NO.
43807	C2.0

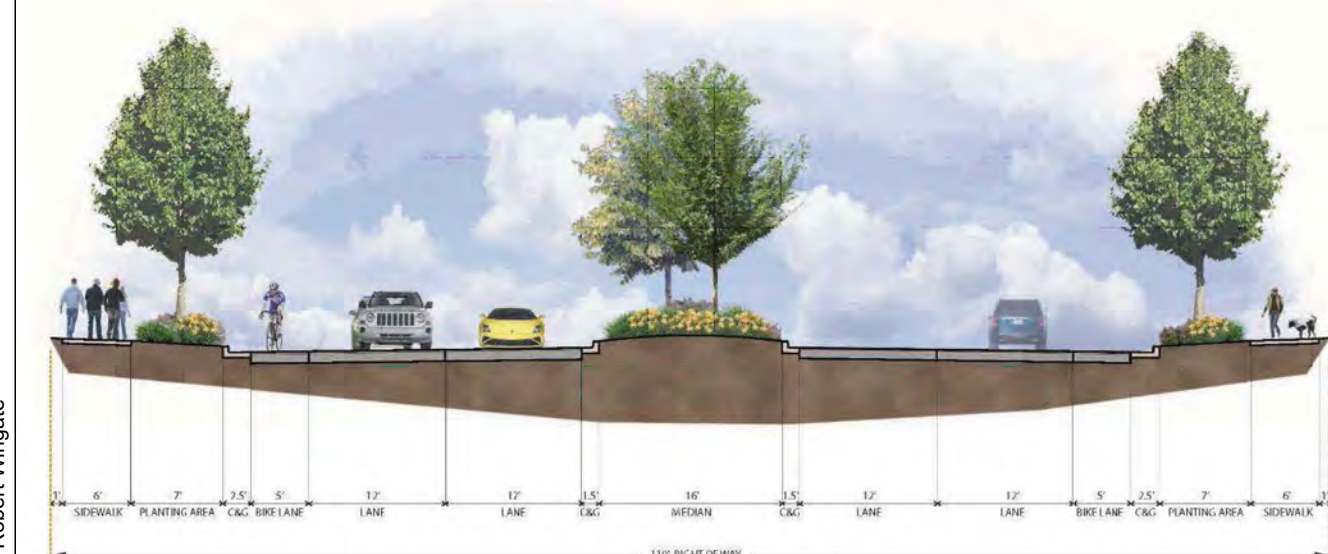
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SITE LAYOUT KEYNOTES	
NUMBER	DESCRIPTION
S01	RIGHT-OF-WAY (TYP.)
S02	PROPERTY BOUNDARY (TYP.)
S03	RIGHT-OF-WAY DEDICATION (8,255 SF)
S05	24" CONCRETE CURB & GUTTER; REFER TO DETAIL
S06	TRANSITION FROM 30" CURB AND GUTTER TO 24" CURB AND GUTTER OVER 10'
S07	24" MOUNTABLE CURB & GUTTER
S08	24" FLUSH CURB
S09	SIDEWALK RAMP @ 8.33% MAXIMUM (TYPICAL - PER ADA AND LOCAL CODES)
S10	6" CONCRETE PARKING BLOCK
S11	24" CONCRETE FLUME
S12	INVERTED "U" BICYCLE RACK
S17	CONCRETE ADA STALL (TYP.)
S22	DUMPSTER PAD & ENCLOSURE; REFER TO ARCHITECTURAL PLANS
S25	4' TALL GREEN OR BLACK VINYL COATED CHAIN LINK FENCE
S27	STRIPING PER NCDOT STANDARDS (TYP.)
S28	EXISTING ROAD CENTERLINE
S32	RETAINING WALL WITH SAFETY RAILING AT LEAST 42" IN HEIGHT WHERE WALL EXCEEDS 30" (DESIGN BY OTHERS)
S35	ROAD WIDENING FOR RIGHT TURN LANE
S36	TURN LANE STRIPING PER NCDOT STD DETAIL 1205.05
S41	PARKING STALL STRIPING PER LOCAL CODES (TYP.)
S44	10' X 70' SIGHT DISTANCE TRIANGLE (TYP.)
S49	ACCESSIBLE PARKING SIGN (TYPICAL - PER ADA AND LOCAL CODES); R7-8A (MUTCD)
S50	VAN ACCESSIBLE PARKING SIGN (TYPICAL - PER ADA AND LOCAL REQUIREMENTS); R7-8A (MUTCD)
S51	ADA ACCESSIBLE PARKING SPACE STRIPING AND SYMBOL OF ACCESSIBILITY (TYPICAL - PER ADA AND LOCAL CODES)
S52	"STOP" SIGN; R1-1 (MUTCD)
S53	"RIGHT TURN ONLY" SIGN; R3-5 (MUTCD)
S54	"DO NOT ENTER" SIGN; R5-1 (MUTCD)
S56	HIGH VISIBILITY PEDESTRIAN CROSSWALK STRIPING (PER LOCAL CODES)
S57	STD. VISIBILITY PEDESTRIAN CROSSWALK STRIPING (PER LOCAL CODES)
S58	STEPS: 6" TALL
S59	30" CURB & GUTTER IN NCDOT RIGHTS-OF-WAY
S60	5' TYPICAL RADIUS UNLESS NOTED OTHERWISE.
S61	DIRECTIONAL TRAFFIC FLOW ARROW (NOT STRIPING ARROW)
S62	PHASE LINE: SEE LINE LABELS ON PLAN
S63	EXISTING BILLBOARD TO REMAIN
P1	PHASE 1
P2	PHASE 2
P3	PHASE 3
P4	PHASE 4

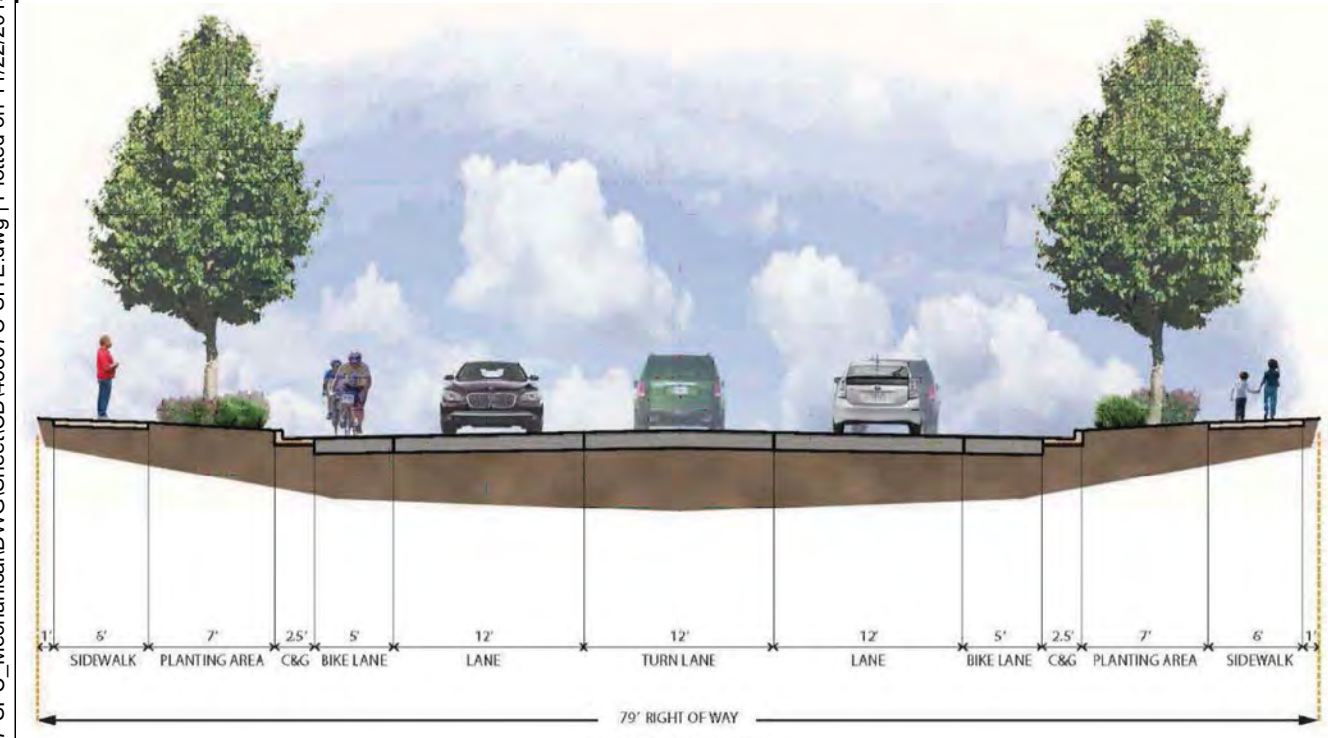
LEGEND	
— CLR —	LIMITS OF CONSTRUCTION
— — — — —	PHASE LINES

**SITE LAYOUT NOTES**

- ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH TOWN OF WENDELL AND NCDOT STANDARDS AND SPECIFICATIONS.
- ALL DIMENSIONS ARE TO FACE OF CURB, EDGE OF PAVING, BUILDING WALL FACE OR PROPERTY LINE UNLESS OTHERWISE NOTED.
- CONTRACTOR SHALL FIELD VERIFY ALL DIMENSIONS, UTILITIES AND GRADES PRIOR TO CONSTRUCTION. CONTRACTOR SHALL NOTIFY THE ENGINEER OF ANY EXISTING DISCREPANCIES PRIOR TO COMMENCING ANY RELATED CONSTRUCTION.
- AT LEAST 72 HOURS PRIOR TO CONSTRUCTION OR EXCAVATION THE CONTRACTOR SHALL NOTIFY "NORTH CAROLINA ONE CALL" (811) OR (1-800-632-4949) TO HAVE EXISTING UTILITIES LOCATED.
- PARKING SPACES ARE 9.0' WIDE X 18' LONG MINIMUM EXCEPT HANDICAP SPACES WHICH ARE 8.0' WIDE MINIMUM WITH 8.0' VAN ACCESS AND 5.0' STANDARD ACCESS AISLES.
- REFER TO ARCHITECTURAL DRAWINGS FOR DIMENSIONS OF THE BUILDING.
- CONTRACTOR SHALL NOTIFY THE ENGINEER OF ANY DIMENSIONAL CONFLICTS PRIOR TO THE BEGINNING OF CONSTRUCTION.
- ALL CURB AND GUTTER ONSITE SHALL BE 24" WIDE. ALL CURB AND GUTTER IN THE PUBLIC RIGHT OF WAY SHALL BE 30" WIDE.
- TRANSITION FROM 30" TO 24" CURB AND GUTTER IS TO OCCUR ON-SITE. THIS TRANSITION SHALL BE 10' LONG IMMEDIATELY ADJACENT TO PUBLIC RIGHT OF WAY OR AS DIRECTED IN THE PLAN.
- ALL DISTURBED CURB & GUTTER AND ASPHALT SHALL BE REPLACED PER TOWN OF WENDELL OR NCDOT STANDARDS AND SPECIFICATIONS.
- ALL DRIVEWAY DESIGN AND CONSTRUCTION MUST COMPLY WITH NCDOT AND TOWN OF WENDELL. DRIVEWAYS SHALL BE PERMITTED SEPARATELY.
- NO SIGHT OBSTRUCTING OR PARTIALLY OBSTRUCTING WALL, FENCE, FOLIAGE, BERMING, PARKED VEHICLES OR SIGN BETWEEN THE HEIGHTS OF TWENTY-FOUR (24) INCHES AND EIGHT (8) FEET ABOVE THE CURB LINE ELEVATION, OR THE NEAREST TRAVELED WAY IF NO CURBING EXISTS, SHALL BE PLACED WITHIN A SIGHT TRIANGLE OF A PUBLIC STREET, PRIVATE STREET OR DRIVEWAY CONTAINED EITHER ON THE PROPERTY OR ON AN ADJOINING PROPERTY.



WENDELL BLVD. PROPOSED ROADWAY SECTION



OLD BATTLE BRIDGE RD. PROPOSED ROADWAY SECTION

PRELIMINARY - NOT RELEASED FOR CONSTRUCTION

ALL CONSTRUCTION TO BE IN ACCORDANCE WITH TOWN OF WENDELL, WAKE COUNTY, NCDEQ AND NCDOT STANDARDS, SPECIFICATIONS, AND DETAILS



**ORD # 0-25-2019**  
**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 create the CMX Corridor Mixed-Use Conditional District (CMX-CD19-04) for the property described below, said property formerly being zoned Corridor Mixed-Use (CMX); and

WHEREAS said property is owned by BW & G Group, 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 Wake Weekly, 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 160A-384 of the General Statutes; and

WHEREAS the said public hearing was actually conducted at 7:00 p.m. on December 9, 2019 at the 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 the CMX Corridor Mixed-Use Conditional District (CMX-CD19-04) 20.03 acres of property identified by PIN #1774665953.

SECTION 2. The requested zoning map amendment for the parcel within the rezoning area identified as CD19-04 from CMX to CMX-CD19-04, due to the nature of the surrounding land uses and its consistency with the types and nature of uses described in the S-5 Sector, is found to be reasonable and consistent with the recommendation of the Wendell Comprehensive Land Use Plan.

SECTION 3. That the application is approved with the following zoning/site plan conditions:

1. Parking (modification to UDO Sec. 2.17 and 10.3):
  - 1.1 Allow "Campus" Parking Layout (as shown on the Master Plan)
2. Impacts within 100-year floodplain (UDO Sec. 8.5):
  - 1.2 Permanent stormwater control measure(s)("SCM") are allowed within the 100-year floodplain in substantial compliance with the SCM boundaries shown on the accompanying Master Plan provided that any fill within the floodplain is compacted and protected from erosion and scour via an approved bank stabilization plan. The SCM is protected from the 100-year flood.

SECTION 4. 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 5. That this ordinance shall become effective immediately upon its adoption.

DULY ADOPTED the 9<sup>th</sup> Day of December 2019

(Town Seal)

---

Virginia Gray, Mayor

ATTEST:

APPROVED AS TO FORM:

---

Megan Howard, Town Clerk

---

James P. Cauley III, Town Attorney



**Item Title:**

Evidentiary Hearing on a Special Use Request by Rob & Ginger Lee of Expressions of Worship Dance Studio to permit an Expansion of a Dance Studio operating at 32 N Main Street.

**Report to the Board of Commissioners:**

Monday, December 9, 2019

**Specific Action Requested:**

Hold a public hearing and take action on a Special Use Permit request for property described herein.

**Item Summary:**

Rob & Ginger Lee of Expressions of Worship Dance Studio have requested a Special Use Permit to expand a dance studio operating at 32 N Main Street (PIN #1784609094).

Per their application, the applicants have been operating as a dance studio at their location in the DMX district for 27 years. In the DMX district, dance studios are required to have a Special Use Permit. Since this use predated the requirement for a Special Use Permit, this is not considered an amendment to any existing SUP. The proposed special use request would allow the applicant to expand their dance studio by adding a second floor (2240 sq. ft) for additional studio space, while modifying the ground floor to permit some related retail space. The current hours of operation are Monday – Friday 4:00 pm – 9:00 pm, Saturday 9:00 am – 12:00 pm. In the future they are hoping to expand their Monday – Thursday hours from 12:00 noon – 10:00 pm.

**Applicant's Justification:**

The business has serviced the community of Wendell for the last 27 years and hope to continue in the future. With growing numbers, the business needs a bigger space, which is why the business would like to add a second floor. This would allow for retail space for apparel on the street front, a dance studio in the back of the lower level and 3 dance studios on the second floor.

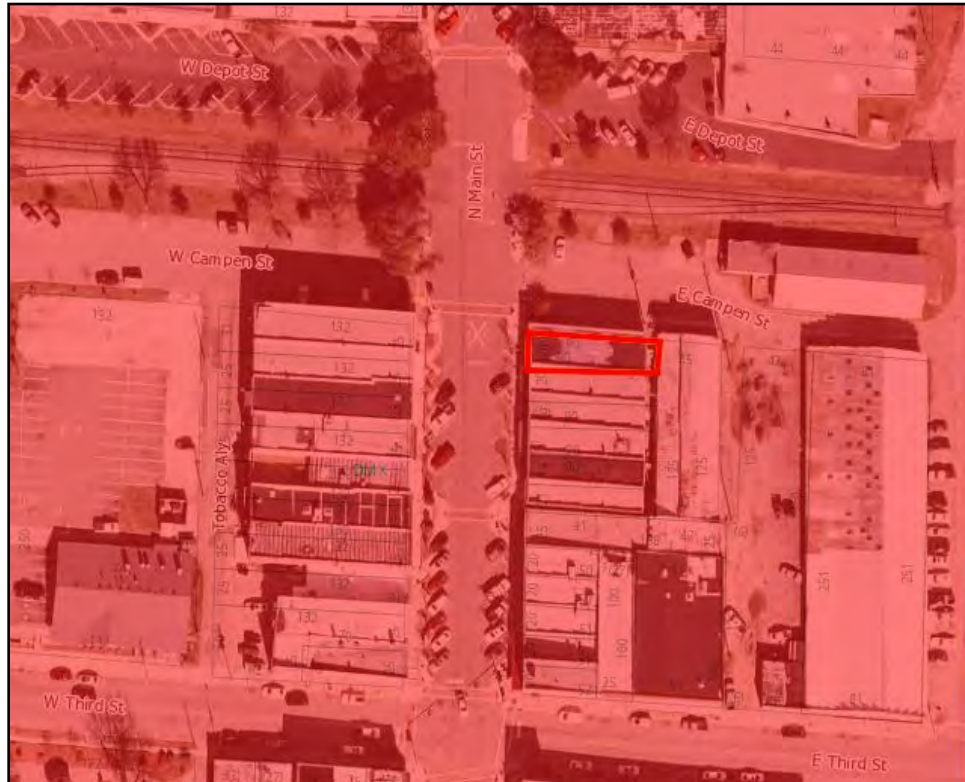
**Project Profile:**

PROPERTY LOCATION:	32 N Main Street
WAKE COUNTY PIN:	1784 60 9094
ZONING DISTRICT:	DMX
CROSS REFERENCES:	N/A
PROPERTY OWNER:	Robert & Ginger Lee

APPLICANT:  
PROPERTY SIZE:  
CURRENT LAND USE:  
PROPOSED LAND USE:

PO Box 1734  
Wendell, NC 27591-1734  
Same as Owner  
0.05 ac  
Commercial  
Commercial

**Existing Zoning Map:**



**Zoning District:**

This site is located in the Downtown Mixed Use (DMX) Zoning District. A dance studio is permitted with a Special Use Permit in the DMX district.

**Off Street Parking:**

The 2<sup>nd</sup> floor addition would generate the need for 3 parking spaces. Like most downtown properties in this area, this parcel does not include any off-street parking and would rely on existing on-street parking.

**Site Improvements:**

The applicant is proposing to add a second floor to the current building which will create enough area for retail space for apparel on the street front, a dance studio in the back of the lower level and 3 dance studios on the second floor.

**Staff Comments:**

The submitted application has been deemed complete, and staff has not identified any violations of the general requirements needed to approve a special use permit.

**Attachments:**

- A. Section 15.15 - When conditional or special uses may be granted.
- B. SUP Application – SU19-06

## **Attachment A**

### **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.



## TOWN OF WENDELL SPECIAL USE PERMIT APPLICATION

Date of Application: 11-8-19 Application Number: \_\_\_\_\_

Location of Property: 32 North Main Street

Current Zoning District: OMX Wake Co. PIN: 1784609094

Applicant's Name: Rob & Ginger Lee / Expressions of Worship Dance Studio

Applicant's Mailing Address: 340 Tarragon Trail

City/State/ZIP: Wendell, NC 27591

Phone: 919-410-0198 Email: rlee@brooksmachine.com

Property Owner's Name: Rob & Ginger Lee

Property Owner's Address: 340 Tarragon Trail

City/State/ZIP: Wendell, NC 27591

Phone: 919-410-0198 Email: rlee@brooksmachine.com

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

Retail / Dance Studio  
Wendell UDP - 2.3

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

Retail space for apparel on street front  
back lower level one dance studio, upstairs 3 dance studios

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

Other information: \_\_\_\_\_

We have serviced the community of Wendell  
for the last 27 years and hope to continue  
in the future. With growing numbers we need  
a bigger space, that is why we would like to  
add a 2nd floor.



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? \_\_\_\_\_ 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.*

Signature: Rm lan Date: 11-8-19

*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: Rm lan Date: 11-8-19

#### OFFICE USE ONLY

Fee Paid: \_\_\_\_\_ Check # \_\_\_\_\_ Recvd By: \_\_\_\_\_ Date: \_\_\_\_\_

BOARD OF COMMISSIONERS Date of Public Hearing: 12-9-19 Date Sign Erected: \_\_\_\_\_

Dates Public Hearing Advertised (#1) \_\_\_\_\_ in \_\_\_\_\_ (#2) \_\_\_\_\_ in \_\_\_\_\_

Town Board Recommendation ☐ Approval ☐ Denial

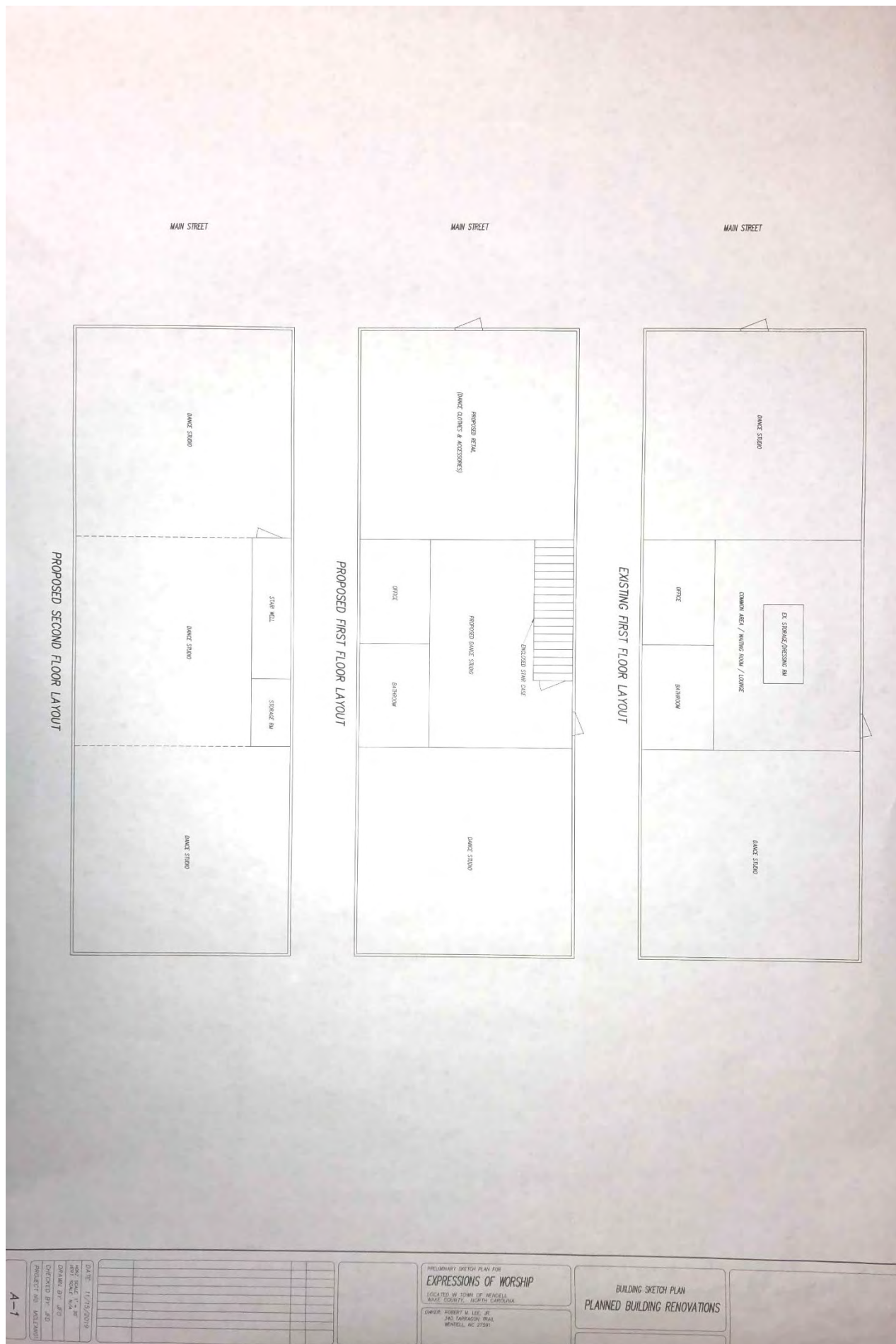
Conditions \_\_\_\_\_

Town Clerk Signature \_\_\_\_\_ Date \_\_\_\_\_

Mayor's Signature \_\_\_\_\_ Date \_\_\_\_\_

## Attachment B

1. **Are there any variances being requested?** No variances are being requested.
2. **Will utilities, fire, police, and other necessary public and private facilities and services be adequate to handle the proposed use?** These services will be adequate. We have never had to use these services in 27 years of business. Utilities are adequate for current and future use.
3. **How will the proposed use affect the health and safety of the residents and workers of Wendell?** There will be no adverse health or safety affects on the residents or workers of Wendell.
4. **Will the proposed use affect the use or development of adjacent properties and uses?** No
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?** Because of growth in population and interest in our program we would like to expand our facility. We do not expect to be a nuisance in the downtown area. There will be an increase in parking and foot traffic, but this should be beneficial to other retailers in Wendell.
6. **What are the hours of operations?** Monday – Friday 4:00pm to 9:00pm, Saturday 9:00am to 12:00pm *future could expand to 12 noon to 10:00pm (RMC)*
7. **How many shifts will there be?** One shift
8. **How many employees will per shift?** 4 Part Time 2 Full Time





**Item Title:**

Fee-in-lieu request of Active Open Space (Beach Volleyball Court) for Groves of Deerfield Phases 3 & 4.

**Board of Commissioner Meeting:**

Monday, December 9, 2018

**Specific Action Requested:**

Discuss and take action on a fee-in-lieu request related to Active Open Space required as part of the Groves of Deerfield subdivision (Phases 3 & 4).

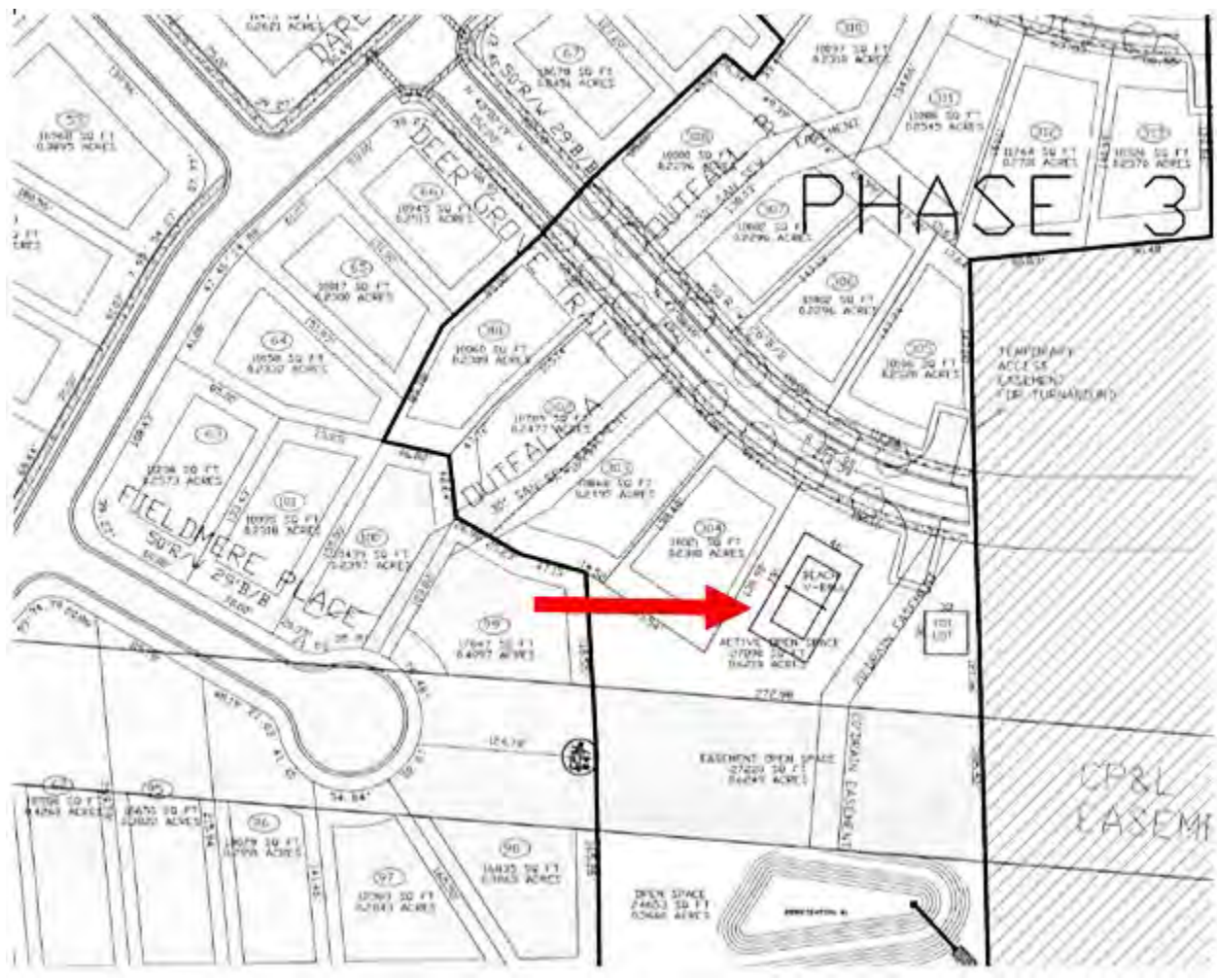
**Item Summary:**

On March 2, 2017, construction drawings were approved for the Groves of Deerfield Phases 3 and 4. To satisfy the Town's open space requirements, a Tot Lot and Beach Volleyball court were shown in the development plan along Deer Grove Trail. The Tot Lot is in the process of being completed, but the developer (Lucius Jones) approached staff to inquire if a fee in lieu payment could be accepted in the place of the beach volleyball court.

Beach Volleyball courts are not costly to install, but the applicant has expressed concerns over the long-term maintenance responsibilities of this type of active open space, given the absence of a Home Owners Association (HOA) for this subdivision. As a result, he is requesting the town to accept a \$5,000 fee in lieu of installing the beach volleyball court, to be used elsewhere by the Town for recreational purposes. All fee in lieu requests must be reviewed and approved by the Town Board. If approved, the area in question would remain open space, but would not be improved with a beach volleyball court.

If approved, the fee in lieu of the volleyball court installation would be due prior to the Town signing the final plat.

The location and layout of the beach volleyball court is shown on the following page.



**Staff Recommendation:**

Staff shares the applicant's concern regarding the long-term maintenance of the volleyball court, given the fact that no HOA exists. Staff researched volleyball installation costs and determined the \$5000 cost figure to be reasonable for a simple beach volleyball installation (i.e. flat land with no associated lighting, seating, etc.). Based on these factors, staff recommends approval of a fee-in-lieu request, so that these funds could be used by the Town to enhance recreational opportunities elsewhere in the Town in a more sustainable manner.

**Item Title:**

*Adoption of the 2019 Town of Wendell Parks & Recreation Master Plan*

**Report to the Board of Commissioners:**

December 9, 2019      Adoption of the Parks & Recreation Master Plan  
October 28, 2019      Presentation of the Parks & Recreation Master Plan

**Specific Action Requested:**

Adopt the proposed parks and recreation master plan.

**Item Summary:**

The *2019 Town of Wendell Comprehensive System-wide Parks & Recreation Master Plan* (Master Plan) provides the framework for guiding the Board and staff to plan for and implement parks and recreation facilities and services for the next 10-year period. The recommended actions established by the consultant, McGill Associates, were derived from an evaluation of existing programs and facilities, professional standards set by the State and profession, and comparative practices and facilities by other municipalities. In addition to professional analysis, the process relied on significant public input from the community using a survey and visual preference interviews at two special events attended by parks and recreation users. Staff and stakeholder outreach were also used in development of the plan.

The Master Plan provides a guide to implement parks and recreation programs and facilities for the growing community and to meet existing needs such as;

- Renovating existing facilities currently owned by the Town,
- Exploring the possibility of developing new facilities,
- Developing facilities and programming for future parks and greenways, and
- Updating policy and ordinances to meet community needs.

The Master Plan provides for the following key recommendations needed to provide recreation services and facilities over the next 10-year period.

- Accessibility – Facilities should be design and improved to meet the needs of all users and meet current standards of the Americans with Disabilities Act (ADA).
- Design and Maintenance – Facilities should be designed to appeal to the public and designed to for sustainable maintenance.
- Walkable Communities – Greenways and open space should be provided to encourage walkable communities that are connected to neighborhoods.

- Property acquisition – Properties should be identified and pursued to meet Master Plan recommendations for new parks, greenways, and open space preservation.
- The Greenway Master Plan should be implemented.
- Intergovernmental and partnerships should be maximized.
- Updates and improvements should be planned and budgeted for the existing Town Park.
- New and existing park facilities should be evaluated for the proper facilities recommended by the plan to meet existing and future use needs.
- Begin planning, acquisition, and design for new parks to provide opportunities to access parks in all areas of town to include micro-parks, neighborhood parks, and community parks as recommended by the Master Plan.

Funding and implementation of the recommendations will be planned in the Budget process through long-term capital improvement planning and are limited by the resources available to the Town over time.

**Attachments:**

- A. [Link to the 2019 Town of Wendell Parks & Recreation Master Plan](#)

**Date: December 9, 2019**

**Item # 9a**

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**Item Title:**

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

**Specific Action Requested:**

None

**Attachments:**

None

**Date: December 9, 2019**

**Item # 10**

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**Item Title:**

Commissioners' Reports.

**Specific Action Requested:**

None

**Attachments:**

None

**Date: December 9, 2019**

**Item # 11**

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**Item Title:**

Mayor's Report.

**Specific Action Requested:**

None

**Attachments:**

None

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**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