

**TOWN OF WENDELL
BOARD OF COMMISSIONER MEETING MINUTES
APRIL 22, 2019**

The Wendell Town Board of Commissioners held their regularly scheduled meeting on Monday, April 22, 2019, in the Town Board Room, Wendell Town Hall, 15 East Fourth Street.

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

ABSENT: Commissioner Ben Carrol

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

CALL TO ORDER

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

Tamara Simms, student at Wendell Middle School, led the Pledge of Allegiance.

Chris Hilliard of Wendell Baptist Church provided the invocation.

1. ADJUSTMENT AND APPROVAL OF THE AGENDA

ACTION

Mover: Mayor Pro Tem Jon Lutz moved to remove Item 3c from the consent agenda and move to Item 5.

Vote: 4-0

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

Mary Webb stated she represents the petitioner as an attorney from Ragsdale Liggett. She reminded the Board that this is a Conditional Use Approval for multi-family housing and the zoning has already been approved. She added that any testimony that may be heard as rebuttal had to relate to the statute about lay witnesses and what they can and can't offer. Webb offered to discuss what is usable at the end of William Guillet's evidence, or at the end of the community's evidence.

Mayor Gray stated the rezoning has not been approved, yet. Mayor Gray stated that Webb's opportunity to speak would best be served once it has been approved.

William Guillet said that he spoke with staff and it was decided that it would be best for him to speak during the Public Hearing.

Kathy Dara, 3512 Coach Lantern Avenue in Wake Forest, stated she owns several businesses in Wendell and that she is known in the community. Her comments are

about previous item 3c, which has been moved to Item 5. Her first issue with the rezoning of the 17 acres is that Wendell needs more industry. Industry brings jobs, jobs bring people who are interested in employment. By changing that property from industry to the CMX or something other than industry removes another parcel of land that can build our community and our economic standard. She's been told that there is a concern with manufacturing or industry that could possibly have trucks coming and going on the main road. Ms. Dara suggested that if it were rezoned, what we are in fact opening up the door to could be worse in the future. Hypothetically since we're not at 5a yet, that if an apartment complex were to come in, we're talking about 150-200 vehicles in and out of that neighborhood on that single road. She said that would have more of a road impact, not to mention the negative environmental impact. Her concern is to continue to move our town forward, both economically and socially—so, we need to consider changing that parcel of land when there's other parcels of land where building that apartment complex can already be approved. By changing over a parcel of land that is not approved for it is adding to that. She mentioned having emailed the town and is assuming that the Commissioners received it. If not, she stated that she has copies. She said that this is the US Census Bureau information taken off of their website. Ms. Dara stated that they have the poverty level in Wendell being 18.3 which is a point higher than what Zebulon is and is three times higher than Knightdale, Rolesville, and Wake Forest so this is something to consider.

Commissioner Joyner stated that he did not receive the information that Kathy Dara spoke about (US Census Bureau website). Town Manager Collins said that Staff received an email request from Ms. Dara earlier and that he chose not to print it because if the Board is considering a Special Use Permit—the Commissioners heard from the Attorney last time and Manager Collins is enforcing—affordable housing and economic status are not a permissible consideration in making that land use decision for item 5a. That specific use is a use on a table used for rezoning. Manager Collins did not want to put the Commissioners in a situation that would put them in jeopardy of talking about something that would either be discriminatory or illegal.

Tyler Ayscue, 839 Industrial Drive in Wendell, asked the Commissioners if they received his email from last night. His biggest concern is the Church Street access, which is a narrow road in a quiet neighborhood. Church Street is on the other side of a blind hill. If a lot of people are entering and exiting the proposed property from that point, he sees some major safety concerns. He stated there's 49 residential homes going in across the cemetery from the proposed apartment complex. He would love to see this parcel of land kept as Manufacturing and Industrial to bring jobs and give people places to work close to home. He stated that he drives to Wilson every day to work. His wife drives to the other side of Raleigh to work. With increased jobs, nice residential stuff will follow. He proposed letting the other project across the cemetery get finished before revisiting the rezoning for apartment complexes. He proposed leaving this parcel of land as Manufacturing and Industrial in hopes that manufacturing would come and be able to purchase the front part of this property to exit directly on Wendell Blvd with clean access to the highway right out of town and not have to come by the cemetery and by resident's homes for entrance and exits.

Connell Herndon, 230 Church Street in Wendell, has lived there over 60 years. His concern is what everyone else has been saying—the traffic. He would prefer to get jobs in Wendell—some industry. He said that there's already Industry right down the road from where he lives. Mr. Herndon used to work at the place where Douglas is located. His concern is maintaining what we have—manufacturing and industrial. He said he understands about the CMX but stated that we need some other things in our community. Most residents in that area enjoy the nice, tranquil peace that they have coming down their street. That street is not designed for 175-200 cars coming in and out of there. As Mr. Ayscue said, that street needs to be looked at as it currently stands. The road's in bad shape and there are blind spots coming in and out of there—turning out of Church Street onto Industrial. He would appreciate the Commissioners looking at this proposed rezoning and saying, 'It needs to maintain Manufacturing and Industry.' It's one thing if you've been here and seen how this town has been for a long time and you enjoy a quiet place. He is all about progress, but let's make good use of this land and get some jobs in here. He invited the Commissioners to come on over to his street—he looked all over for the last week or two and nobody came by.

Geraldine Herndon, 230 Church Street in Wendell, stated for the 84-unit apartment building, it would not be the right thing to put there. She would rather the property remain zoned as it is because of jobs instead of changing it for CMX.

Anitra Wiggins, owner of 215 Church Street in Wendell, stated she grew up in Wendell in that home. Mrs. Wiggins agreed with the Herndons and the Ayscues as it relates to changing the zoning of the property. She's fearful as Connell said, that if you open it up to an apartment complex that there would be heavy traffic. As Mr. Herndon stated, the road is tiny—it's not wide enough—the houses or properties are wider than they are deep so even with an easement, you're going to cut off half of someone's property trying to widen the road to make room for all that traffic. She stated that as a resident, she would like to leave that street nice and quiet while leaving the property as Industrial.

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 Lutz moved to approve the Consent Agenda as amended.
Vote: 4-0

- 3a. Appointment of Megan Howard as Town Clerk and Sherry Scoggins as Deputy Town Clerk.
- 3b. Schedule public hearing for the Town of Wendell FY 2020 budget on Monday,

May 13, 2019 at 7 PM.

- 3c. ~~Second reading of a map amendment request to rezone 17 acres located behind Industrial Drive, accessed by Church Street (PIN #1784326835; addressed as 0 Wendell Blvd.) from Manufacturing & Industrial (M&I) to Corridor Mixed Use (CMX). [Public hearing and first vote occurred on 4/8/2019; NC GS 160A-75].~~
Moved to Item 5.
- 3d. Approval of temporary street closure of Third Street between Cypress and Pine Streets for the Saturday, May 11, 2019 Spring Into the Arts Walk.

4. RECOGNITIONS, REPORTS, AND PRESENTATIONS

- 4a. Recognition of Wendell Middle School teacher: Michael Howes
Speaker: Mayor Virginia Gray

[Staff Report]

Item Summary

Teacher, Michael Howes. Written by Robert Morrison

Mr. Howes has a Bachelor of Science Degree in Physical Education and Health from James Madison University. After graduation he had a tryout with the New York Jets. He began his career teaching elementary school in Orange, Virginia. There were a couple of stops along the way, including a tryout with the Washington Redskins. He moved to our area to be on the staff to open Wendell Middle School. At Wendell Middle Coach Howes has been a jack of all trades. He has been our Athletic Director on two separate occasions and has coached almost every sport we offer. This winter, he started an intramural soccer program. This was a huge success as he regularly had over 25 students stay after school to play soccer in some very cold weather.

Coach Howes is our morning greeter at the bus loop. Every student gets a handshake and a "good morning" as they depart their bus. Coach Howes takes a great interest in our students and is a preacher of quality character and models all we want our students to be. His constant message to our students is to do the right thing. No one is a stranger to Coach Howes. He makes everyone around him better.

As Coach Howes enters retirement in June our community will surely miss him. He has spent his entire career working to make the lives of children better. His constant smile and outgoing character also makes our staff better. If you are between the ages of 11 and 25 in our area there is a good chance you know Coach Howes. He has made our community better. He plans to continue as a soccer referee and spending more time with his grandchildren as he transitions to the retirement life. When asking Mrs. Howes about her husband's retirement she responded, "I hope his retirement does not become my full time job!". We wish him a long and enjoyable retirement, he has earned it!

Mayor Gray recognized Michael Howes; staff report included above in italics.

Michael Howes stated that he hears people in the room who say they want more industry and jobs in Wendell and there will be one job available as he's entering retirement. He thanked his administrators and teachers and children at the school. He gave a special thanks to the Wendell Community Center because the school originally didn't have an athletic field to play on and Wendell Community Center was generous enough to let them use it. He said it's been great having worked 30 years in Virginia and

then coming to Wendell and working another 12 years. Coach Howes stated that he and his wife built a home in Foxborough Crossing and they absolutely love it. Coach Howes thanked the Board for the recognition.

- 4b. Introduction of new Town of Wendell employee: Town Clerk Megan Howard
Speaker: Town Manager Marc E. Collins

[Staff Report]

Item Summary:

Megan Howard joined the Town of Wendell on Friday, April 12.

Megan is a graduate of UNC Chapel Hill with a degree in communications. Prior to joining the Town, Megan was a PR & Marketing Assistant with the Asheville Convention and Visitors Bureau. She also has experience with INDY Week as a News Reporter.

Megan has hit the ground running! She is working on the Citizen Advisory Board Recruitment. She also has an eye for photography and we are looking forward to new photos for our Town's website and social media sites.

Town Manager Marc Collins introduced Megan Howard, staff report included above in italics.

5. PUBLIC HEARINGS

5. Second reading of a map amendment request to rezone 17 acres located behind Industrial Drive, accessed by Church Street (PIN #1784326835; addressed as 0 Wendell Blvd.) from Manufacturing & Industrial (M&I) to Corridor Mixed Use (CMX). [Public hearing and first vote occurred on 4/8/2019; NC GS 160A-75].
Formerly Item 3c of the Consent Agenda.

[Staff Report]

Petition:

This rezoning petition was presented to the Board of Commissioners at the April 8th meeting. It received a simple majority vote for approval, which necessitated a second reading and vote. A simple majority vote is sufficient to approve the request at the second reading.

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

Project Profile:

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

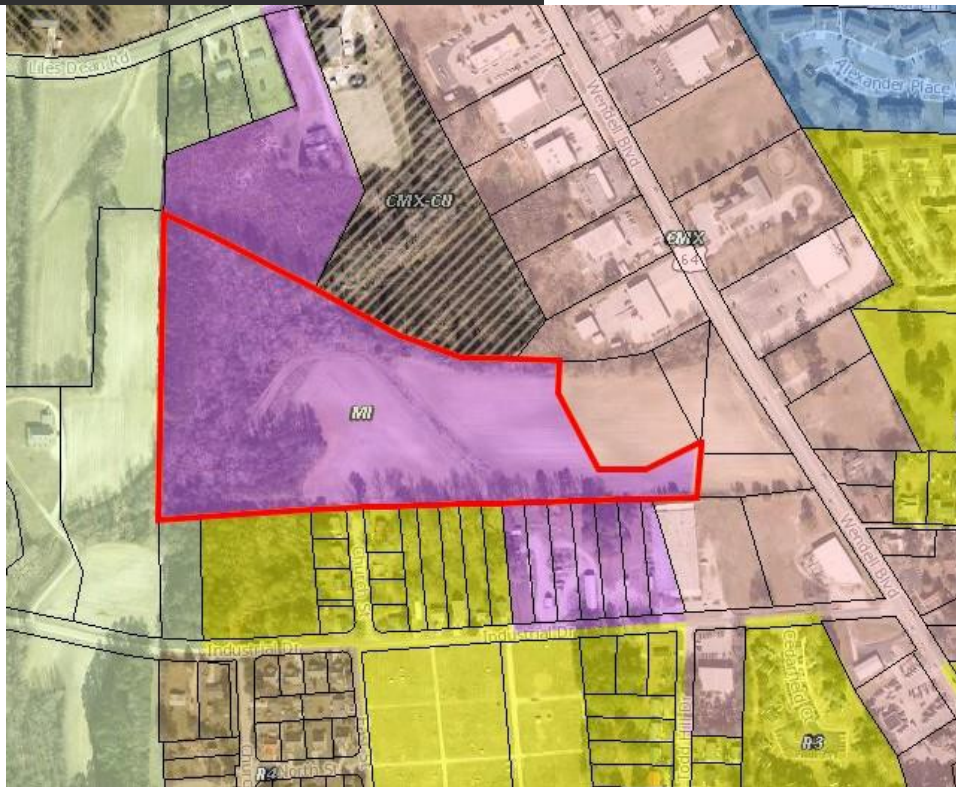
Zoning District:

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

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

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

Current Zoning Map & Surrounding Land Uses:



Subject Property Outlined in Red

Public Utilities:

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

Comprehensive Plan:

The Wendell Comprehensive Plan defines this section as S6 "Infill/Redevelopment Area". The Comprehensive Plan describes the S-6 Infill/Redevelopment Sector in the following manner: "Existing urban/suburban development with a fairly dense street grid are classified as S-6. This includes most of the built-out areas of Wendell around

the historic downtown core. These areas are already urbanized and well served with infrastructure (roads, utilities, etc.) and access to services and amenities. Because these areas are already well provided for in terms of urban services, they are the most efficient and most attractive areas for redevelopment of underutilized sites or infill of vacant parcels.

The Comprehensive Plan identifies the community types and land uses appropriate for this sector as:

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



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

Statement of Plan Consistency and Reasonableness

- Any recommended change to the zoning map should be accompanied by a statement explaining how the change is consistent with the comprehensive plan, and is reasonable in nature.
 - o At their March meeting, the Planning Board found the requested zoning map amendment to be consistent with the recommended uses outlined in the Wendell Comprehensive Land Use Plan for the S-6 Sector and to be reasonable in order to provide greater protection to existing, adjacent single family uses from those more intense uses allowed in the M&I zoning district.

Staff Recommendation:

Staff recommends approval of the rezoning request.

Planning Director David Bergmark provided an overview of the Zoning Map Amendment request to rezone 17 acres located at 0 Wendell Blvd (PIN # 1784326835; behind Industrial Drive) from MI to CMX; staff report included above in italics.

Mayor Pro Tem Lutz stated that he opposed this at the last meeting due to the effect that it would have with some of the decisions the Board has in this town and the

homeowners. He wanted to make sure that he has the opportunity to vote and show his opposition.

Commissioner Boyette questioned for manufacturing industrial, would a ready-mix concrete plant be allowed.

Planning Director David Bergmark stated yes. Pretty much any kind of industrial or manufacturing facility or any industrial use would be permitted. It would still be subject to any other state regulations that may apply.

Commissioner Myrick asked if the zoning was not downgraded and an industrial facility went in there, would Church Street be the access point as it currently sits.

Planning Director Bergmark said that it could be. Staff would have to see what kind of development plan came in line. Currently, the Town does not have any standards that would require another access point. The Town does have stub requirements, meaning one might have to stub to the adjacent property, but it doesn't mean one would have to connect all the way to another street. Depending on how many trips this proposed industrial or manufacturing use might have, it could trigger a traffic impact analysis [TIA] which could call for a secondary access point.

Commissioner Myrick asked to confirm that there's no other easements—there's no plans to take away anything from those property owners. Planning Director Bergmark confirmed that there are no such plans.

Mayor Gray asked if there are several other M&I uses right along in there. Planning Director Bergmark stated in the affirmative along Industrial Drive.

Mayor Gray stated that she just doesn't like the concept of 'What ifs?'. She stated that if you want to play 'What ifs,' more than likely it would be something very similar to what's already there that would add a dozen jobs and not be much of an imposition on the area.

Commissioner Myrick stated that the 'What if game' has been played specifically with this community for going back at least four years when they were going to bring in small houses to that area and they said no to small houses and it was something else. Commissioner Myrick stated that in government and in an economy that is moving the way that this economy is moving, he thinks you do have to play "What ifs" and that if we want community to stay closer to a neighborhood center, then CMX is the next step down from industrial. Commissioner Myrick stated that they wouldn't get to vote for the Hardees and that everyone's seen it going up on the other side. Commissioner Myrick stated that the reason that they never saw a vote before this Board for that is because it's by right. Commissioner Myrick stated that they just went straight up and there's no input, so for that reason he will make a motion as he did last time to approve the rezoning request so that the Board can get to the substance of the next portion.

A motion to approve the rezoning request was made by Commissioner Myrick.

Mayor Gray asked if there's any discussion on the motion.

Commissioner Boyette said that he has some discussion on the motion and apologized for not being at the previous meeting. He's confused because most of the time when rezoning comes up is when someone wants to rezone something to allow for "heavier" use than what's currently allowed. This is a more restricted use. Right now, it is zoned Manufacturing and Industrial, but the map he's looking at—it abuts basically two parcels that are also Manufacturing and Industrial. One of them doesn't have anything on it and the other one has a propane plant. The other side of it is CMX and its going to be RA on the east side. It's not going to be an island in the middle of the manufacturing and industrial. Commissioner Boyette stated that if a user came in and wanted to put in something that fit into the MI zoning, he feels like we'd be getting backlash about it. He stated that everybody says 'we want to bring in more jobs,' and he agrees with that. He stated that he looks at some of the uses that have been put in things like AAA Louvers being built back off Charthouse Drive, the Wendell Builder Supply... those create way more trips by way of heavy trucks than residential ever would, whether it's houses or apartments or anything else. Commissioner Boyette stated that if their only access is Church Street, then it's going to be heavy trucks and cement trucks. He realizes that that's not what's happening now and no one said that's what's going to happen, but that it's just a little bit confusing to him—the pushback, when so many varied uses could be on this property and we're taking it to something quiet or something residential. He does understand the concern about traffic and the concern about neighborhoods. He's surprised it's not been moved to a more restrictive use, sooner. He remembers a discussion a few weeks ago about metal fabrication coming into town and that's why it's a little confusing to him. He understands people's hesitancy about change, but this is a more restricted use. Commissioner Boyette stated that he realizes in the short term, it doesn't seem that way because we're talking about something that's open fields and woodlands being converted into something that's not open fields and woodlands, but in the grand scheme of things he doesn't see a problem with changing this to CMX.

ACTION

Mover: Commissioner Myrick moved to approve the rezoning request as presented.

Vote: 3-1 (Jon Lutz voted against, Ben Carroll not in attendance)

Evidentiary (Quasi-Judicial) Hearing Guidelines:

- *Case is announced*
- *Town Attorney provides rules of procedure for an evidentiary hearing*
 - *Disclosure*
- *Town Clerk provides oath for persons wishing to present testimony*
- *Staff presentation*
- *Applicant presentation*
- *Opposition presentation*
- *Applicant rebuttal*
- *Opposition rebuttal*
- *Staff closing comments*

- Board inquiry
 - Board called into deliberation
 - Board discussion of the findings of fact:
 - Approve
 - Approve with conditions
 - Deny (must include reason)
-

5a. **EVIDENTIARY HEARING** continued from the April 8, 2019, meeting for a special use request to construct an 84-unit apartment complex on 17 acres located behind Industrial Drive, accessed by Church Street (PIN #1784326835; addressed as 0 Wendell Blvd.) [Item 5a is contingent upon approval of Item 3c].
Speaker: Planning Director David Bergmark

[Staff Report]

Item Summary:

This item was tabled during the April 8th Board of Commissioners meeting as the rezoning of the same parcel was not yet approved, due to a simple majority vote requiring a second vote. James A. Harrell, III, on behalf of Wendell/Larue, LLC, has requested a Special Use Permit for a two-story, 84-unit apartment complex at 0 Wendell Blvd (Behind Industrial Drive).

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

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

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

Applicant's Justification:

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

The applicant has asked for 1 variance, as follows:

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

Project Profile:

PROPERTY LOCATION:	0 Wendell Blvd. (Behind Industrial Drive)
WAKE COUNTY PIN:	1784 32 6835
ZONING DISTRICT:	MI currently; Proposed CMX
PROPERTY SIZE:	17 ac.
CURRENT LAND USE:	Vacant
PROPOSED LAND USE:	Multi-family

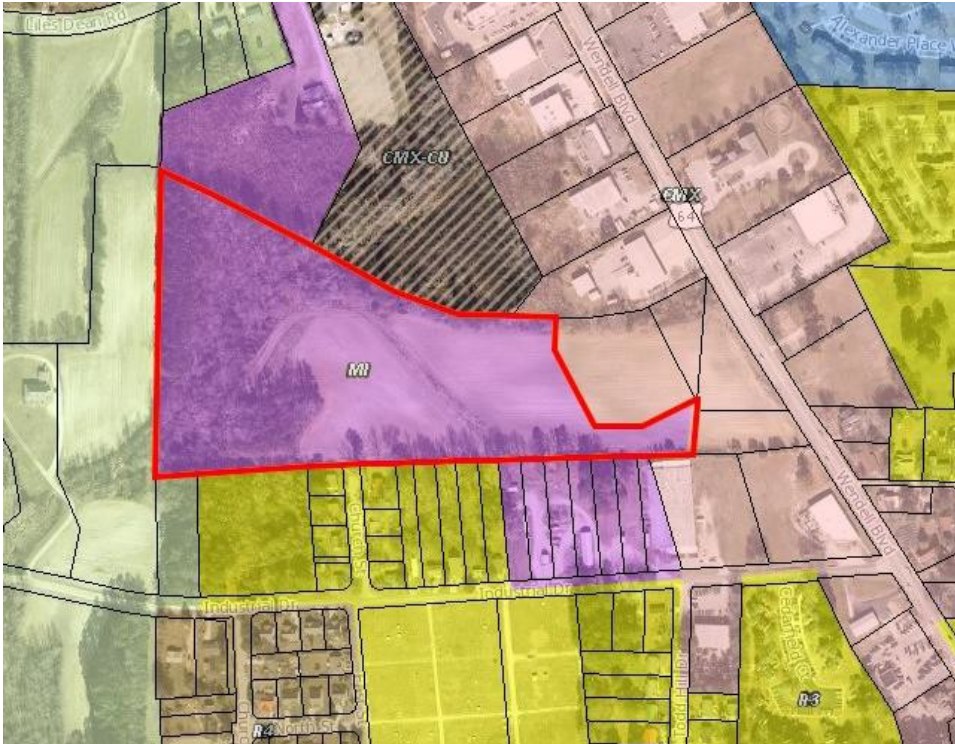
PROPERTY OWNER:

Wendell/Larue, LLC
9101 Glenwood Avenue, Raleigh, NC 27617-7507

APPLICANT:

James A. Harrell, III,
2600 Fairview Road, Suite 200, Raleigh, NC 27608

Existing Zoning Map:



Zoning District:

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

Off Street Parking:

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

Public Utilities:

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

Buffering:

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

Stormwater Management:

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

Staff Comments:

- *This property is located within the area designated as the S-6 Section in the Towns' Comprehensive Plan, which is identified as the most efficient and most attractive area for redevelopment of underutilized sites or infill of vacant parcels. Thus, a dense residential development, due to its proximity to the downtown and existing services, would align with the goals of the Comprehensive Plan.*
- *Staff does have some concerns regarding traffic and access for this site. Currently this parcel is only accessed by the northern extension of Church St (incorrectly labeled 'East street' on the applicant concept plan). The UDO would require one additional stub street, but that street stub would not have to connect to an existing street at the time of development. Furthermore, this project would not meet the minimum threshold (150 peak hour trips) to automatically require a Transportation Impact Assessment (TIA) per the UDO.*

Mayor Gray stated that Item 5a is an Evidentiary Hearing on a Special Use Request by James Herald III on behalf of Wendell LaRue LLC for a two-story, 84-unit Apartment Complex at 0 Wendell Blvd. Mayor Gray called David Bergmark to speak.

Mayor Gray requested Attorney Jim Cauley provide the rules of speaking at an Evidentiary Hearing.

Attorney Cauley addressed that these hearings are called Quasi-Judicial Proceedings that are more in the nature of a court hearing than in the nature of a legislative rezoning. Testimony is sworn. The Commissioners' decision has to be supported by competent evidence. The Statute provides that competent evidence does not include opinion testimony of lay witnesses regarding property valuation and traffic. With matters that would generally be the subject of expert testimony, there is an opportunity for cross-examination of witnesses. If the Commissioners have been lobbied or contacted ex parte, that should be disclosed. The applicant and those opposed are entitled to a fair and impartial decision-making, therefore everyone needs to proceed with an open mind.

Mayor Gray disclosed that she received two emails regarding the hearing.

Attorney Cauley asked if those emails have caused Mayor Gray to form an opinion or whether Mayor Gray can proceed with the hearing with an open mind.

All four Commissioners disclosed being contacted by phone calls and emails, but that it will not impact their opinion and they can continue with an open mind.

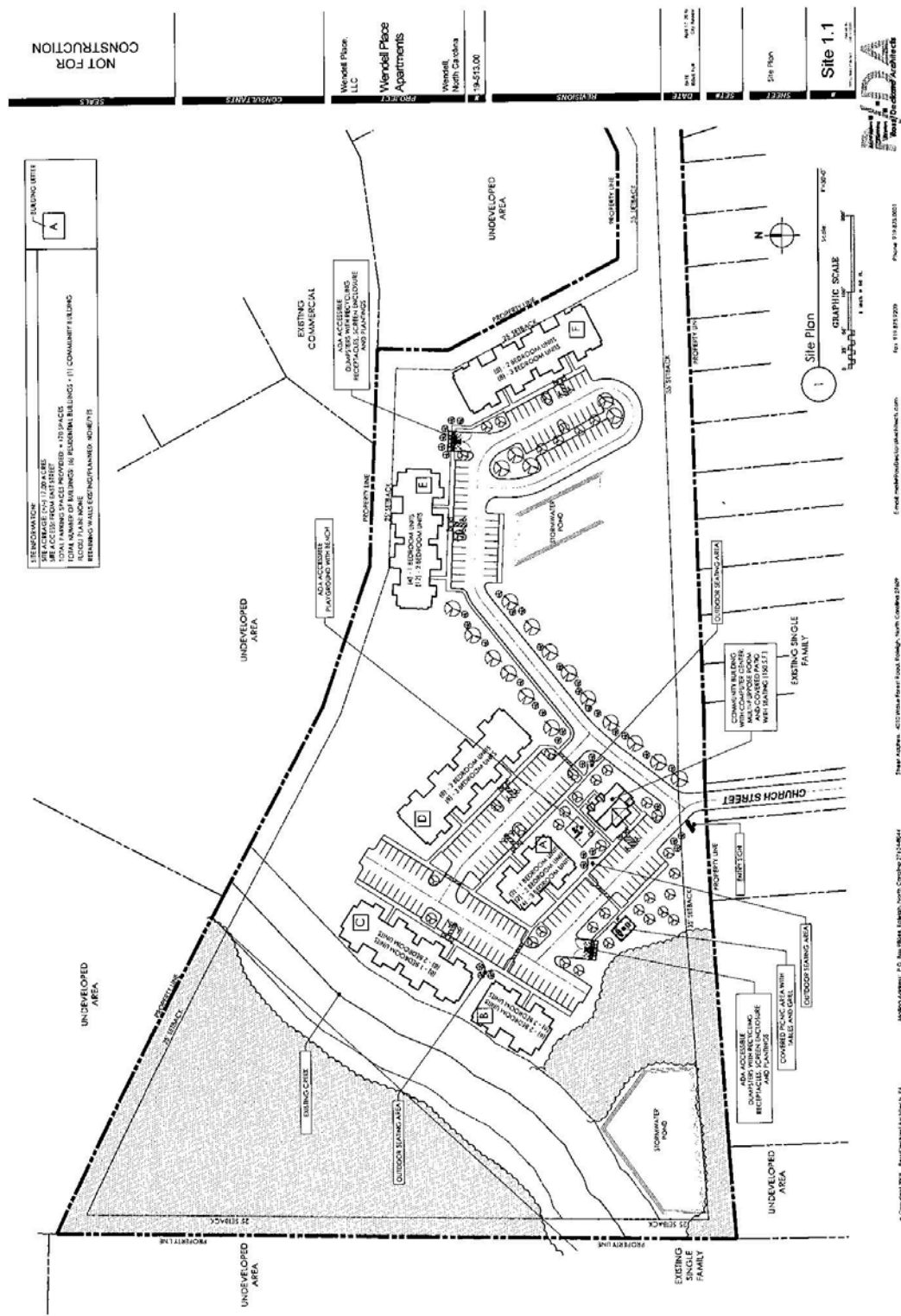
Attorney Cauley stated that those who are opposed or in favor of the application would have an opportunity to ask the Commissioners and Mayor Gray about any of those contacts being made.

Mayor Gray stated that anyone who would like to present testimony needed to be sworn

in.

Town Clerk Megan Howard swore in those presenting testimony.

Planning Director David Bergmark stated that this item was tabled in the April 8 Board meeting as they proceeded with the zoning, which required a second reading. James Herald III is the applicant on behalf of Wendell LaRue, LLC. Mr. Herald III made this request for an 84-unit Apartment Complex behind Industrial Drive on a 17-acre tract. He stated that the applicant is pursuing tax credits for this multifamily project and is seeking to obtain the necessary entitlements to apply through that tax credit program. Mr. Bergmark stated that, as a result, there is a variance request due to the timing constraints of applying for those tax credits. He stated that the applicant is asking for a variance to allow the SUP approval in advance and that the full preliminary plan will be reviewed by the Technical Review Committee [TRC] and as such they understand and agree to some stipulations as part of that special use permit approval: that it would only approve the proposed use, being the multifamily apartments, the intensity in terms of the number of units, the building height which is two-story, and the proposed exterior building setbacks 25 to 35 feet. Mr. Bergmark stated that, although they have a conceptual plan, all other elements of that would not be locked in by the special use permit and it would still be reviewed by the Technical Review Committee following this hearing, if approved. Mr. Bergmark presented the current layout, which the Commissioners have seen as part of the rezoning. A copy of the Revised Sketch was passed out for reference and is incorporated as an attachment to these minutes.



Planning Director Bergmark explained that on the conceptual map, the applicant provided a note that would only be locking in those items previously mentioned (use, number of units, building height, building setbacks). Otherwise, in terms of parking or orientation, layout, where stormwater is, landscaping and lighting—all those elements would be reviewed when this goes before the TRC, if the Board approves the Special Use Permit Request. The tax credits are not public housing, but it's also not necessarily market rate—there are some conditions where the rents have income requirements based on the area median income being Wake County's median income, which is \$76,000. Mr. Bergmark stated that there are thresholds at certain percentages of units can't exceed 30% of that Wake County income. For example, on this request, 25% of the units can't be more than 30% of the Wake County income, 40% can't be more than 50% of the Wake County income. Mr. Bergmark stated that this works out to different permitted rents. In terms of off-street parking, public utility, gravity sewer lines and manholes exist on the property. Water lines are nearby. Off-street parking or stormwater would all be reviewed at the time this went before the TRC, if applicable. In terms of buffering, the applicant has proposed building setbacks—not to be confused with a landscape buffer—of 35 feet along the south property boundary, 25 feet along the western boundary and the north and east property boundaries. He said that is one of the items that would be, if this is approved, carried as part of that approval. The south and west property lines abut residential uses and would require a type B Buffer. He said that anywhere this parcel abuts an existing single-family dwelling use, the Town's code would call for a Type B Buffer. That's not something that would have to be included as part of this approval, that's just part of our UDO standards. This property is located within the S six sector of the Town's comprehensive plan, which identifies the most efficient and attractive area for infill development and redevelopment of underutilized sites. A denser residential development—due to the proximity to downtown, the existing services in place—would align with the goals of the Comprehensive Plan. Staff does have some concerns regarding traffic and access to this site and that currently, the parcel is only accessed by the northern extension of Church Street. He said the UDO would require one additional street stub, but that's just stubbing to another property—it doesn't mean it's connecting to another existing street. This project would not meet the Town's minimum threshold for a transportation impact assessment—it would not be generating 150 peak hour trips. Thus, no TIA would be required outright by the Town's UDO for this project. Planning Director Bergmark also referenced an attachment—the general standards for reviewing and approving a special use permit as an attachment to the Commissioners' report. Mr. Bergmark also mentioned that he has some slides that he can bring up, when the time arises/if needed.

Attorney Jim Cauley asked if the stub street being required on the concept plan is shown? Mr. Bergmark said that it is not shown on the concept plan, so that would still have to come when they go to the TRC. Mr. Bergmark stated that's not one of the entitlements that they are laying out as a stipulation that they would only have to have the one access point. Mr. Bergmark stated that that, as well as any other standards that aren't one of those kinds of five things listed, would still be required at the time of technical review committee review.

Mayor Gray called the applicant to present his case.

William Guillett, 1391 Sandpiper Court in Raleigh, is representing the development team that has put together this proposal and request. First, Mr. Guillet discussed the site itself, saying that the team is proposing to do 84 multifamily units mixed of 1, 2, and 3 bedrooms in a two-story building. Mr. Guillett said there will be a community center located at the Apartment complex, at the very beginning coming in off of Church Street, which will house a computer room. He said that is where the full-time manager and full-time maintenance person will be managing this facility, 40 hours a week. Mr. Guillett stated that the company builds multifamily developments all around the state. Mr. Guillett said that they come in on the front end, as he is with the development team, trying to get everything ready, working with the towns. Then, the company hires a local manager and maintenance person that takes care of the property for the company in the long haul. He said the company does have a construction company that it works with regularly. Mr. Guillett said that the life of a property is generally 30-35 years. In answering the community's questions as to "why are you here?" Mr. Guillett responded with the fact that he does all of the marketing and site selection for the development team all over the state and that it's his job to find where there is need. Mr. Guillett stated that Wendell is growing at a rate of 25% increase in population over the next three to four years. He said the company did an in-depth independent market study conducted by the North Carolina Housing Finance Agency. He said they wanted to ensure that the tax credits need was there. He said there are over 1100 units of what the company is proposing needed in Wendell, and they're only proposing 84. Mr. Guillett said that calculates out to a 7% capture rate and that's as good as you're going to see anywhere in the state. Mr. Guillett said it's expected that they'll lease the apartments in four to six months, whereas it usually takes nine months. He said the development team has also heard some concerns related to their proposal. In order to work with the community, Mr. Guillet said that their site plan can be moved and adjusted. He said the team heard concerns from the neighbors at the end of Church Street that they did not like the buildings and would like to see a larger buffer. He explained that between the site plan initially proposed and today's meeting, the development team has moved building F and E from Church Street and put it on the residual land in the right corner of the map. He said the land in between would make the setback off the end of Church Street go all the way up to that first building in E. Mr. Guillett said that the development team has worked with the town and others to create the parking lot seen above building F that would go away, giving a 284-foot buffer between the first building and the property to the rear. He said that all of that property would stay wooded and the stormwater pond would be the only thing going in there and by state regulation you would have to have vegetation and aquatic wetland things all through there which maps with the existing stream and the sewer line. Mr. Guillett said that the development team feels like it has tried to alleviate some of these concerns. He said the team has heard the community's concerns about traffic, so the development team went and hired a professional engineering firm to do a TIA and the firm is also in attendance to share their findings related to the traffic. Mr. Guillett stated that David Bergmark did bring up the Area Median Incomes for tax credits and one thing that the development team is happy about is that it is the first time that

the NC Housing Finance Agency is allowing what's called Income averaging, which allows the team to introduce 80% units into your mix. An 80% unit four-person AMI here could make up to 67/68,000 dollars a year, according to Mr. Guillett. He said there are 20 80% units being put into this mix, which will raise the incomes of everything considerably.

Commissioner Joyner asked if building A and building F were being moved to where the circle is on the old sketch.

Mr. Guillet said yes and that David Bergmark is handing out the revised sketch for Commissioner Joyner to look at [Attached page 14]. Mr. Guillet stated that they use typical processes and procedures—they come in and understand that the TRC is going to have to review everything. He said that they're just committing to the neighbors and the community that they're willing to move those buildings over there, now.

Commissioner Lutz posed a question about the aforementioned statement that 20 of the units 80% of the AMI income. Commissioner Lutz asked if there is a minimum number. Mr. Guillett said that these are not subsidized units. The only subsidy comes in on the front end in the form of equity and the tax credits. He said that they're run as market rate apartments and that there's restriction on initial move-in—you cannot be over the certain threshold of the 80% AMI. After that, you can make as much money as you want to make and stay in the unit, according to Mr. Guillett. He said that's the only requirement and that this is the only time the NC Housing Finance Agency is doing that because they didn't want to be that restrictive.

Commissioner Lutz confirmed that 20 of these units cannot be above that 80% upon initial move-in and asked about the setup of the other 64 units. Mr. Guillett said that it's a combination of 30's, 50's, 60's and 80's. Whereas prior, they weren't able to do any 80's. 60 was the max.

Commissioner Lutz asked is it approximately 20 on each one. Mr. Guillett confirmed.

Kevin Dean, a Civil Engineer with Kimley Horn Associates at 300 West Morgan Street in Durham, stated he graduated from NC State with a bachelor's degree in civil engineering. Mr. Dean stated that he's a professional engineer and has been doing traffic studies for about eight years. Mr. Dean said that a TIA wasn't required to the site, but Kimley Horn Associates has performed an assessment because they wanted to look at the impacts of the site and be able to answer any questions that the Commissioners might have. When doing the assessment, Kimley Horn Associates looked at the intersections of Wendell Blvd. at Industrial, as well as Industrial Drive at Church Street with that being the access point. Like other traffic studies, Kimley Horn Associates collected traffic counts. Then, Kimley Horn Associates accounted for specific growth in the area, as well as ambient growth that they'd expect. Mr. Dean said that specific growth would be the Wendell Crossing Project that's currently under construction on Academy Street and they accounted for the traffic that this project will generate. Kimley Horn Associates looks at how traffic volumes are growing in the area, because volumes

increase as populations increase. He said that if one looks at traffic volume data on the DOT website, volumes on Wendell Blvd. have decreased over the last 4-6 years. Mr. Dean imagined that this has something to do with Wendell Falls Parkway being constructed and having that extra access point out to the highway. He said that even though the traffic on Wendell Blvd is lower, Kimley Horn Associates assumed a growth rate of 3% a year, which is standard in a lot of municipalities, while making sure it's a conservative analysis. Mr. Dean said that his company doesn't ever want to assume that traffic is going to decrease, so they increased traffic annually for 3%, then added traffic in from the Wendell Crossing Development and added the site traffic that the apartment development is expected to generate. Mr. Dean stated that trip generation is done using the Institute of Transportation Engineers' trip generation manual, which is based on decades of research on specific land uses. He said that it's DOT and the Town's standard for doing trip generation and that's the basis for all traffic studies that are done in the state. Mr. Dean stated that Kimley Horn Associates added all that traffic together, performed an analysis and found that the intersection of Wendell Blvd at Industrial Drive and Industrial Drive at Church Street are expected to operate acceptably with this traffic in place and there aren't any improvements that are needed to accommodate that traffic. He said there were questions about whether or not Church Street would need to be widened to accommodate traffic volumes. He said that Kimley Horn Associates didn't find that to be the case and if there was a need for turn lanes at the intersection, that would be the primary driver for widening the road. Mr. Dean said that Kimley Horn Associates found that there isn't a need for that and with the traffic in place, Mr. Dean's team didn't see any issues with capacity or long queues. Mr. Dean said that this plan will not cause undue traffic congestion.

Commissioner Joyner asked to confirm that it's Wendell Blvd and Industrial as well as Industrial and Church Street. Mr. Dean confirmed, saying that they assumed that those will be the primary access points. He said Kimley Horn Associates knows that you can access Academy going out a little bit further, but for traffic trying to go north on Wendell Blvd., that's the most direct route to get out to it.

Commissioner Joyner asked to confirm that Mr. Dean accounted for this development with 3% growth and Wendell Crossing. Mr. Dean confirmed and said that it's on the other side of the cemetery that a 49 single-family home lot is currently being created.

Mayor Gray opened the floor for anyone who would like to speak in opposition.

Planning Director David Bergmark spoke in clarification of a point that was raised in the applicant's testimony. He said that they handed out the updated site plan and he wanted to remind the Board that the site plan itself wasn't being approved as a conceptual plan. He said there were specific elements of that site plan that would be approved as stated. Mr. Bergmark stated that the original plan that the Commissioners had as a part of their attachment had that information noted on it as a notation on the plan, while the revised plan does not. He said if the revised document was going to be taken, the information on the original should be added to it. He stated that, as it relates to the moving of buildings, the location of those buildings wasn't one of those five items

that was going to be locked in under the current language. Language could be added about the location of buildings A and F, or there could be a change to the language about setbacks to increase the setback along the southern property boundary because the setbacks were one of the items that were going to be locked in as a part of the approval, if approved.

Attorney Stephon Bowens, 1130 Situs Courts Suite 240 Raleigh, stated that he is speaking on behalf of Ms. Geraldine Herndon, who lives at 230 Church Street. Mr. Bowens stated that one thing that is important that this Commission should consider in making a determination as it relates to whether or not to approve both the variance request and the special use permit is number one—whether or not the applicant has met the standard with respect to hardship as it relates to the variance, itself. In this case, the party Mr. Bowens represents would argue that the request for the variance does not meet the Statutory requirement or the Ordinance requirement under UDO 15.17C5C, which specifically excludes issues of economic hardship as a basis for which to grant a variance. Attorney Bowens stated that, in this case, the petitioners or the applicants have requested a variance based on their ability to achieve tax credits. He said this in and of itself is not a basis for granting a variance that would allow the Town to move forward under its own Ordinance, with respect to allowing the applicant to proceed outside of the normal realm. Attorney Bowens stated that without the applicant going first through the TRC Committee and through the normal, formal process that has been adopted by this Board and by this body as it relates to its processes. Attorney Bowens stated that this is not an issue of unnecessary hardship—this is something that they have created themselves and it is not an issue of a matter that is specifically related to the land, which is one of the requirements. Attorney Bowens specifically directed the Board and this Council to *Williams vs. North Carolina Department of Environment and Natural Resources* 144 NC at 479 or 548 SC 2nd 793 2001 for North Carolina Court of Appeals decision, as well as *Turk vs. Town of Surf City* 182 North Carolina at 427, 642 SC 2nd 251 2007 decision. The hardship in this case is a hardship that is self-inflicted. Attorney Bowens stated that he is a professional providing evidentiary testimony as it relates to whether or not a hardship in this case is, in fact, in place for which this Board would be authorized to hear the variance on the Special Use Permit and on the Town's Ordinance processes. As the applicant had previously stated in his presentation—the basis for the variance was in fact the tax credits and that that would be an economic benefit that would be derived down the road as it relates to the development of the property from North Carolina Housing Finance Corporation. Attorney Bowens stated that he has dealt with NC Housing Finance Corporation in land use, zoning and development work for more than 21 years and would remind the Board again that this is not a variance for which the Board could move forward. If it did in fact move forward, Mr. Bowens and his party would respectfully submit that the Board might in fact be buying itself a lawsuit. Attorney Bowens stated that while it's all well and good that the applicant has chosen to change the location of two primary buildings, it still does not alleviate or overcome the standard as it relates to the basis upon which a variance can be approved—both by the Town's Ordinance and by Statutes of North Carolina. As a result, Attorney Bowens respectfully asked that the Board deny the variance request and deny the Special Use Permit at this stage.

Commissioner Lutz requested Attorney Bowens to repeat the UDO number. Attorney Bowens stated that the UDO number is 15.17C5C and that this UDO specifically precludes economic hardship as a basis for the granting of a variance. He said that, more generally, that's just one provision of the Town's Ordinance, but the general rule is—with respect to variances—that there has to be something that is site-specific. This is not site-specific. The variance is not related to—for example—something unusual about the land that would cause it to technically not meet the requirements of the zoning and that's not the case, here. He said that there's nothing uncommon. The only issue in this case is that the applicant failed to get their application in within sufficient time in order to take advantage of a particular type of tax credit and whether those tax credits would be available at another time is not germane to this argument. Attorney Bowens stated that, in fact, because of the basis that the applicant has identified, they have not demonstrated any hardship for which this particular variance could be approved.

Mayor Gray invited anyone else who would like to speak in opposition to the request.

Regina Harmon, 6616 Tales Branch Road of Wendell, stated she owns two businesses in Wendell. She reached out to the Commissioners and only spoke to a few as a means of being up front about the issue earlier that the Commissioners voted on and that they passed. Mrs. Harmon said that she couldn't separate the two and shared it with the Commissioners to which they replied that they couldn't talk about one, but that the Commissioners could talk about the other issue because the other was not brought up yet. Mrs. Harmon wanted to make it clear that those of the Commissioners she spoke to did tell her that and that she thanked them for speaking with her on the matter. Mrs. Harmon affirmed that the Commissioners have a hard job on what they have to do to balance what's good for the Town, the growth of the Town, the direction we need to take, whether it's the downtown DMX that is currently being worked on or rezoning a piece of property to potentially bring in a larger number of homes to the community. She respected that the applicant is trying to take into consideration the individuals that live out there. Mrs. Harmon appreciated the traffic study being done and would want a second traffic study, because those citizens who live in Wendell have driven down that road multiple times would say that it is a small road, it has issues coming down to Wendell Blvd., it has issues on Church Street down Industrial. She said that the development that is already there will bring in 50 homes which is going to be another hundred in addition to what's already there. Then, with the Apartment complex, another 150-200 cars being added would create a lot of traffic coming in and out without having anything being done to that road based on their traffic study. Mrs. Harmon said that she isn't saying that Mr. Dean who conducted the traffic study isn't correct, she is saying that it's hard to believe with that road. Mrs. Harmon also mentioned the applicant's proposal of moving the buildings and mentioned concern about runoff during construction coming down the property. Mrs. Harmon brought up the fact that she lives off of Poole Road, right across from Central Baptist Church, which came to the Commissioners and wanted to rezone the property in order to put in a larger building. Mrs. Harmon stated that the church installed a diversion contraption where the runoff water goes. However, they put it up high, rather than low. As a result, Mrs. Harmon said

that all the runoff water came into her farm, where the runoff ditch was once ½ an inch deep and is now 5-15 feet deep. Mrs. Harmon stated that if the Apartment Complex is built, making sure that any runoff water is going to go to a part that is adjacent is important. Mrs. Harmon asked the Board to really consider the legality issues that Attorney Bowens mentioned earlier when making their decision. Mrs. Harmon recognized that the community and the Commissioners won't always agree but is grateful that the discussion is there. She stated that the Board has been given testimony by a lawyer, who has given them some promising things to look at. She stated that before the Board votes tonight, they should probably look those things up that Mr. Bowens referenced.

Town Manager Collins confirmed with Mayor Gray that Opposition for the Evidentiary Hearing is limited to five minutes. Mayor Gray confirmed.

Kathy Dara, 3512 Coach Lantern Drive, wanted to ask something of the gentleman that spoke earlier. She stated that from her research, the 42 tax credit program is every year you have to re-certify and you cannot be above the limit.

Town Manager Collins reminded Mrs. Dara that she has to address the Board in her opposition, not the applicant.

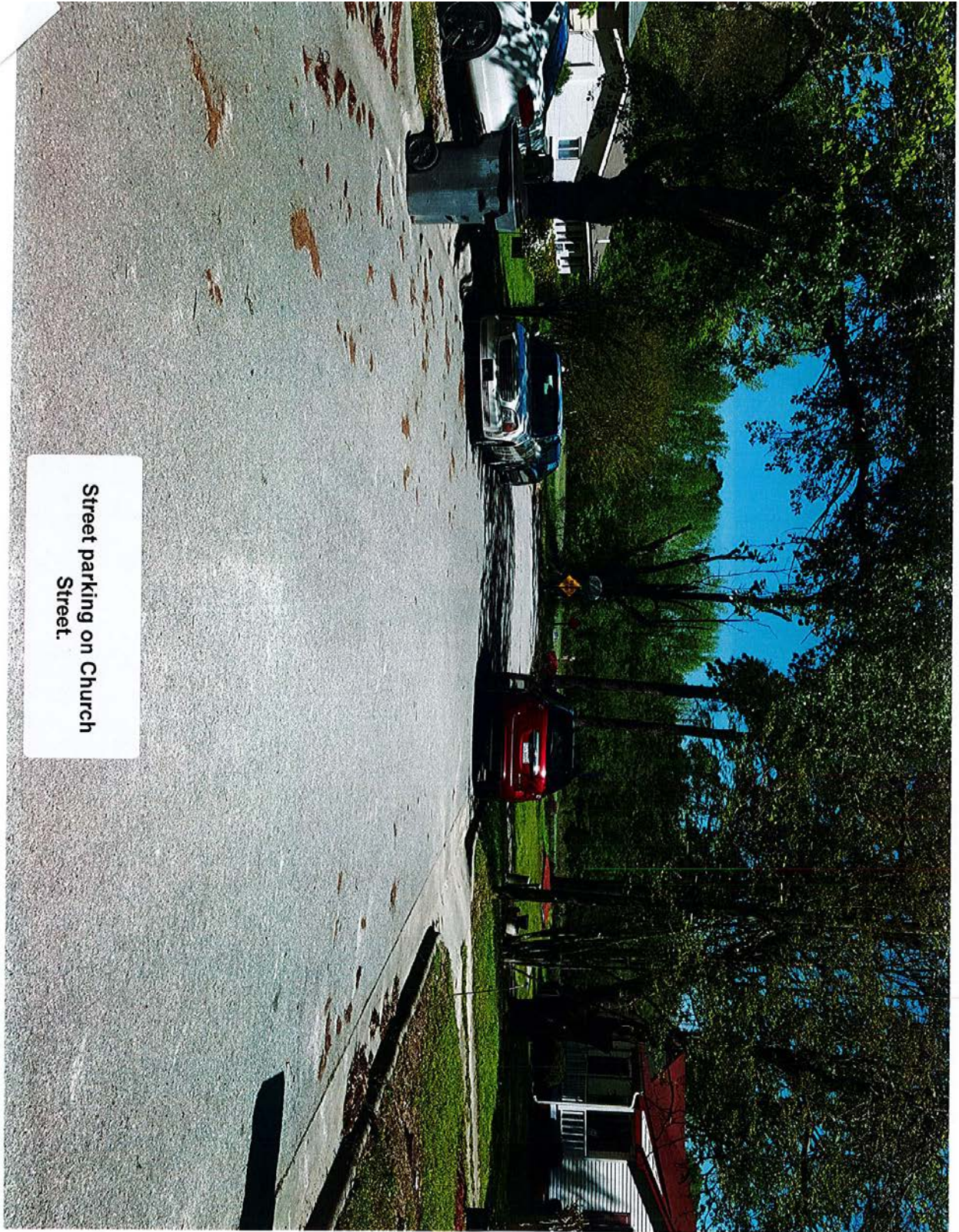
Mrs. Dara stated to the Board that the applicant said that once residents begin to move in, the limits are required upon move-in, but that it doesn't matter what they make. From Mrs. Dara's research, that isn't the case—each year you have to re-certify. She does believe that the Town needs some apartment complexes and would like to see some, as most residents of Apartments end up moving into homes. She added that she does not think that this is the right location for an apartment complex, because there's a lot of traffic and that there are real concerns of the current residents of Church Street. Mrs. Dara's second concern was from things that have been said by the Board of Commissioners and the Planning Board—that it isn't their place to tell people what to do with their property. Mrs. Dara posed the question to the Board, "Then, why do we have a Board if their job is not to tell people what to do with their property?" Mrs. Dara stated that she owns a coffee shop and that the Health Department comes in twice a year to tell them what to do and how to do it. Mrs. Dara said that these regulations are an issue of Public Safety in keeping the community safe. Mrs. Dara stated that she thinks it is the Board's job to do what's best for the community. She said that the community that currently lives on Church street has paid taxes and sown into Wendell and is telling the Board that they don't want the Apartment Complex. She thinks the Town has the responsibility to listen to the people who put the Commissioners in their seats.

Connell Herndon, 230 Church Street, said that over the last few days of conducting research, listening to some of the things that have been said, and what the applicant has stated, there's a reason why the Town has a Technical Review Committee. He said that the applicant came and said the development team conducted an analysis, of which he did not provide any report to the Board. Therefore, he said that the applicant's word is no more reliable than his own. He has lived in Wendell for over 60 years and it is

already difficult for him to get in and out of his street, get to Wendell Blvd, and leave at specific times in the morning. He stated that he was born and raised in Wendell and has talked to the community because the people that live here travel in and out of that street and know how things go. He has been a manager/supervisor for many corporations. He stated that he goes and listens to his employees so that he can best make his area and the production of his group better. He stated that he is all for progress, but that this would change the characteristics of his community.

Tyler Ayscue questioned the legitimacy of the traffic study that was conducted. He said that it was done during one day in the previous week on a holiday week when most schools were out. The crew was at Church Street and Industrial Drive as they stated. He stated that at a quarter after 5 in the afternoon, he got to that intersection at Industrial Drive and Wendell Blvd. and it took him three minutes before he could get out, with five cars behind him. He stated that in reality, the number of vehicles traveling up and down is not as important as the spacing between them because one can't get out. He stated that the community has tractor trailers coming in, with some of them belonging to him and others belonging to a lot of businesses that are on that street and a lot of them are going to have issues, as it is already difficult to get the vehicles in and out. He stated that if more vehicles are added to it, the community is going to have problems. He reiterated that this is an 84-unit, low-income apartment complex. He said that he has the applicant's preliminary tax credit application and that the application says "Wendell Place Apartments, 14 one-bedroom, one-bathroom; 44 two-bedroom, two-bathroom; and 26 three-bedroom, two-bathroom units on 15 acres. As proposed, 25% of the units will serve residents earning less than 30% of the area median income, 40% will be less than 50% of the area median income. Ultimately, 100% of the units will be affordable for those earning under 60% of the area median income. There will also be 10 fully-accessible units for impaired, disabled, or homeless populations in the area." Mr. Ayscue stated that, as he read online, that this would put the apartment complex in the low to very low-income housing category. He stated that this will give the applicant substantial tax credits—if one were to look, it is shocking how much money has been made through low-income housing. He stated that the good of the people doesn't matter because this is a money-making deal. He has a 2018 study in front of him that was done in Wendell, stating that 12.3% of government-subsidized— Mr. Ayscue recognize that this property isn't government-subsidized, he just wants to give the Commissioners a picture of what they're dealing with—12.3% government-subsidized, compared to other houses that are in Wendell. He said that the county average is 4.1%. He stated that the Town has a problem and it seems like everybody's flocking here now because the Town is allowing this to happen. He stated that the Town already has one at the end of Industrial Drive, there's one by the Post Office. He stated that we need jobs and nicer homes that people would be proud to live in. He is also concerned about the runoff on the property and the stormwater retention pond. When thunderstorms came through the area last week, the water was about a foot below the level of his dirt road leading into his farm. This means that his farm will have problems—asphalt doesn't hold water, dirt does. He has some pictures and asked if he can share them with the Board, of Church Street and Industrial Drive. A copy of these photos was passed to Commissioners for reference and have been incorporated into the minutes as attachments:







**Deteriorating road going
toward Wendell Boulevard
from Church Street.**

Mayor Gray instructed Mr. Ayscue to hand the photos to Town Clerk Howard, who passed them to the Board.

Mr. Ayscue stated that one of the photos will show the blind hill as one approaches Church Street, up and over, another shows the condition of Industrial Drive's potholes, and the third photo shows the width and why the residents are concerned about the 50-foot right-of-way on Church Street. He stated that also, this low-income housing that's coming in is just going to be a draw for more. The town has 49 homes being built nearby. He stated that the town should allow that to happen, then reevaluate and have a proper traffic impact analysis done over a period of time that takes more parameters into account. He hopes that the Commissioners will side with the community because he feels like they've been very courteous and they respect the Commissioners' decision, but they also love their neighborhood.

As no one else provided oppositional testimony, Mayor Gray invited the applicant to provide rebuttal.

Mr. Guillett stated, in answering the lady's question about certifications, the income caps are on the initial move-in. He said that what you're certifying is that that person that moved into this unit met that threshold, that move-in and you're certifying that that same applicant is still in that unit. Any new tenants that come in have to meet that initial threshold. He stated that what you're certifying is that those initial tenants that were qualified that still live on the property are still there and they can make as much money. It's not that they're certifying an additional income level. The reading from his preliminary application from the North Carolina Finance Agency—all the market studies, market revisions—all that has changed and since then the 80% units have been added in since that preliminary application and will be reflected in the final application that his team has agreed to with the agency. Anything that was on that preliminary application is just that—a preliminary application that was put in back in January. He worked on adjusting that with the Market Analyst, the Housing Finance Agency over the last three months. The latest versions of what he has presented is the reality and the preliminary application is no longer relevant.

Mr. Guillett's attorney stated that he has not been sworn in and needs to be sworn in. Town Clerk Howard swore in Attorney Jim Purrell.

Jim Purrell, 2005 Caminos Drive in Raleigh, stated that procedurally, it would probably be better for staff to explain on the variance discussion. He stated that yes—utilizing section 42 tax credit—the way that process works would not allow for (and Mr. Purrell stated that he does not know of anyone there doing master plans...) Because of the time and money that goes into it, he thinks that it would preclude development, utilizing those credits as far as other showings it's consistent with the intent of the ordinance. The applicant has secured public safety with the traffic study and he thinks that it achieves substantial justice. He stated that they did not create that hardship and he thinks that the Board would acquire a Master Plan in order to avoid that variance. He thinks that the Board would be eliminating these developments.

Kevin Dean apologized to the Board for the oversight and that the copies given are the copies of the traffic study, which is now incorporated in the minutes as the following attachment:

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

MEMORANDUM

To: Mr. James A. Harrell, III
From: Kevin Dean, P.E.
Kimley-Horn and Associates, Inc.
Date: April 19, 2019
Subject: Wendell Place – Traffic Assessment



Kimley-Horn has performed a Traffic Assessment for the proposed Wendell Place residential development located on the north side of Industrial Drive at Church Street in Wendell, North Carolina. As currently envisioned, the development will include 84 apartments and is proposed to be accessed via the extension of Church Street. The development has a projected build-out year of 2021.

This report presents trip generation, distribution, traffic analyses, and recommendations for transportation improvements required to meet anticipated traffic demands in conjunction with the proposed development in the 2021 study year. The site location and proposed site plan are shown on **Figures 1 and 2**, respectively.

Existing and Background Traffic

AM and PM peak hour turning movement counts were collected on April 17, 2019 at the following intersection:

- Wendell Boulevard (US 64 Business) at Industrial Drive
- Industrial Drive at Church Street

The existing AM and PM peak hour turning movement volumes are shown on **Figures 3 and 4**, respectively, and the count data is attached. It should be noted that these turning movement counts were collected while Wake County Public Schools were not in session due to constraints in the project timeline. However, the relative impact of site traffic on the study intersections is expected to be consistent, and the reported percent impact of site traffic relative to the total build-out volume would decrease if existing volumes increased in other conditions.

Historic daily traffic volumes indicate that volumes along Wendell Boulevard in the vicinity of Industrial Drive have decreased since 2013, which generally aligns with the construction of Wendell Falls Parkway and the interchange on US-264 Bypass/I-87. However, to present a conservative analysis, an annual growth factor of 3% was applied to the existing traffic volumes up to the year 2021 to calculate background traffic volumes. Additionally, site traffic from the approved nearby 49-unit Wendell Crossing residential development was also included in this analysis as background traffic. While no traffic study was performed for that development, site traffic was generated using the ITE *Trip Generation Manual* and distributed to the roadway network. To be conservative, it was assumed that development would be fully constructed and occupied prior to the build-out of this development. Peak hour background traffic volumes, which include historic growth traffic and approved development traffic, are shown on **Figures 3 and 4**.

Trip Generation

The trip generation potential of the development was determined using the traffic generation rates published in the *ITE Trip Generation Handbook* (Institute of Transportation Engineers, Tenth Edition, 2017). The trip generation for the development is summarized in [Table 1](#). For reference, based on the proposed 2-story building height and guidance from ITE and the North Carolina Department of Transportation (NCDOT) related to trip generation for multifamily housing developments, the analysis was performed using the "Multifamily Housing (Low-Rise)" land use (LUC 220).

Table 1 ITE Traffic Generation (Vehicles)									
Land Use Code	Land Use	Intensity		Daily		AM Peak Hour		PM Peak Hour	
				In	Out	In	Out	In	Out
220	Multifamily Housing (Low-Rise)	84	d.u.	297	297	9	31	32	19

The proposed Wendell Place project is expected to generate 594 new daily trips, 40 new trips in the AM peak hour and 51 new trips in the PM peak hour.

Trip Distribution and Assignment

The proposed generated trips were assigned to the surrounding roadway network. The directional distribution and assignment were based on land uses and existing travel patterns in the area.

- 80% to/from the north on Wendell Boulevard (US 64 Business)
- 20% to/from the south on Wendell Boulevard (US 65 Business)

The site traffic distribution and percent assignment for the net new site trips are shown on [Figure 5](#).

The attached [Figures 6](#) and [7](#) show the AM and PM peak hour site traffic volumes at the study intersections, respectively, as well as the total build-out peak hour traffic volumes.

Existing peak hour factors (PHF) were used for all of the traffic conditions.

Capacity Analysis

Capacity analyses were performed using Synchro Version 10 software. Synchro intersection level-of-service (LOS) reports are attached. The LOS for the study intersections are summarized in [Table 2](#).

Table 2 Level-of-Service Summary		
Condition	AM Peak Hour LOS (Delay)	PM Peak Hour LOS (Delay)
Wendell Boulevard at Industrial Drive (Unsignalized)		
Existing (2019) Traffic	EB – C (20.6) NBL – A (8.2)	EB – D (25.2) NBL – A (9.7)
Background (2021) Traffic	EB – D (26.9) NBL – A (8.3)	EB – D (34.9) NBL – B (10.0)
Build-out (2021) Traffic	EB – D (34.6) NBL – A (8.3)	EB – E (45.1) NBL – B (10.2)
Industrial Drive at Church Street (Unsignalized)		
Existing (2019) Traffic	NB – A (8.9) SB – A (8.9) EBL – A (7.2) WBL – A (7.3)	NB – A (8.9) SB – A (8.9) EBL – A (7.3) WBL – A (7.2)
Background (2021) Traffic	NB – A (8.7) SB – A (9.0) EBL – A (7.2) WBL – A (7.3)	NB – A (8.8) SB – A (9.3) EBL – A (7.3) WBL – A (7.3)
Build-out (2021) Traffic	NB – A (8.7) SB – A (9.4) EBL – A (7.3) WBL – A (7.3)	NB – A (8.9) SB – A (9.6) EBL – A (7.3) WBL – A (7.3)

Analysis indicates that the intersection of Wendell Boulevard at Industrial Drive is expected to operate with moderate delays on the minor street approach (Industrial Drive) at project build-out. However, it is typical for stop sign controlled side streets and driveways intersecting major streets to experience moderate to long delays during peak hours, while the majority of the traffic moving through the intersection on the major street experiences little or no delay. Synchro 95th percentile queue lengths on the minor street approach increase by only 33' in the AM peak hour and 23' in the PM peak hour with the addition of site traffic, and SimTraffic simulations confirm that no queueing issues are expected at project build-out. Additionally, site traffic is expected to account for approximately 4% of the total intersection traffic at project build-out.

At the intersection of Industrial Drive at Church Street/East Street, analyses indicate that the intersection is expected to operate with short delays and queues in each of the studied traffic conditions with only minor increases in delay associated with the addition of site traffic.

Preliminary Signal Warrant Analysis

Using the peak hour turning movement counts collected as part of this analysis, a preliminary signal warrant analysis was performed at the intersection of Wendell Boulevard at Industrial Drive. That analysis indicates that volumes do not meet MUTCD thresholds for the peak hour or 4-hour warrants, and do not meet more than 3-hours (of the 4-hours in which counts were collected) of the 8-hour warrant. As such, a traffic signal is not expected to be warranted at build-out of this project.



Recommendations

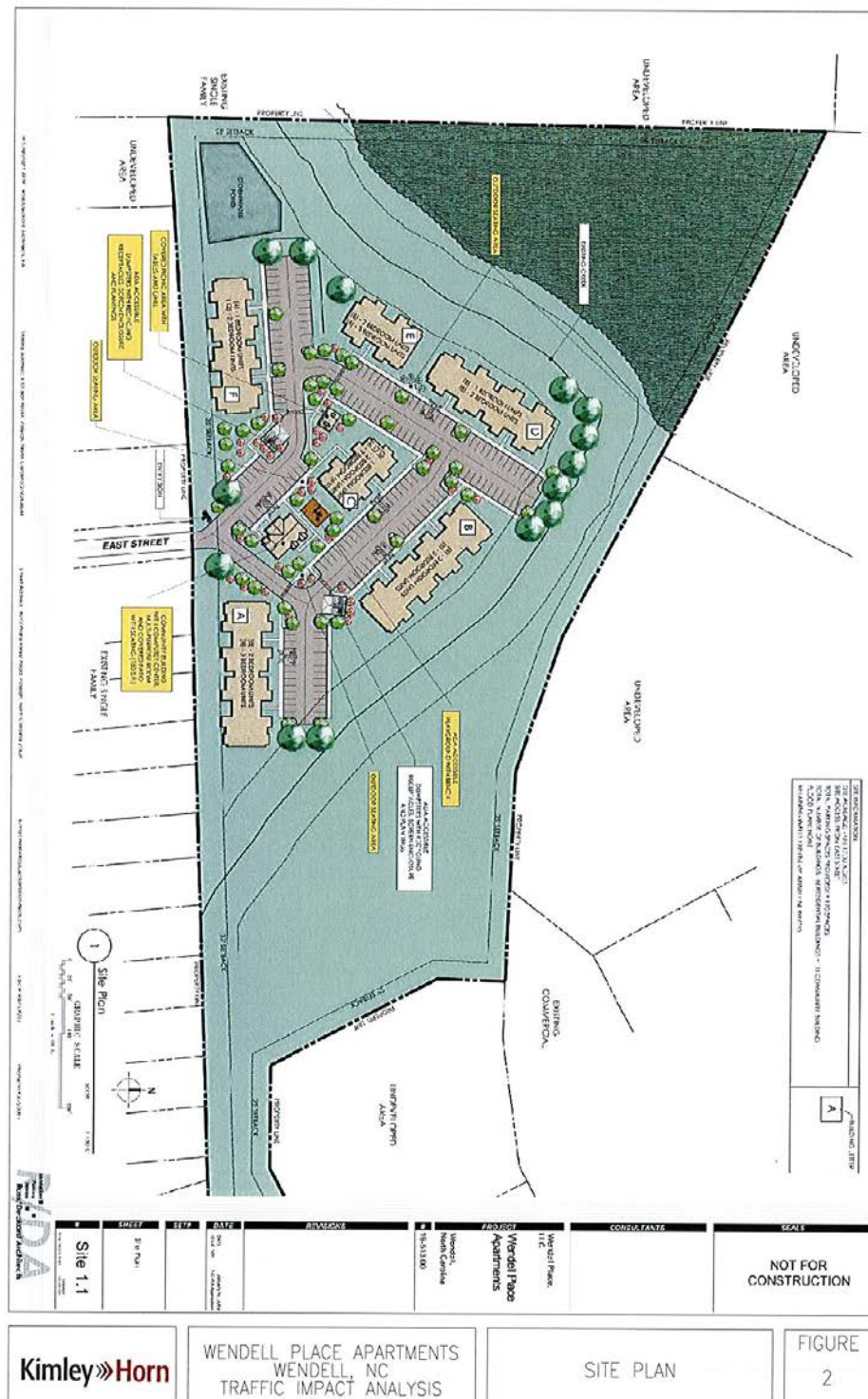
As both study intersections are expected to operate with short to moderate delays at project build-out, and as the addition of site traffic results in only minor increases in intersection delays and queues, no roadway improvements are recommended to be performed to accommodate projected site traffic.

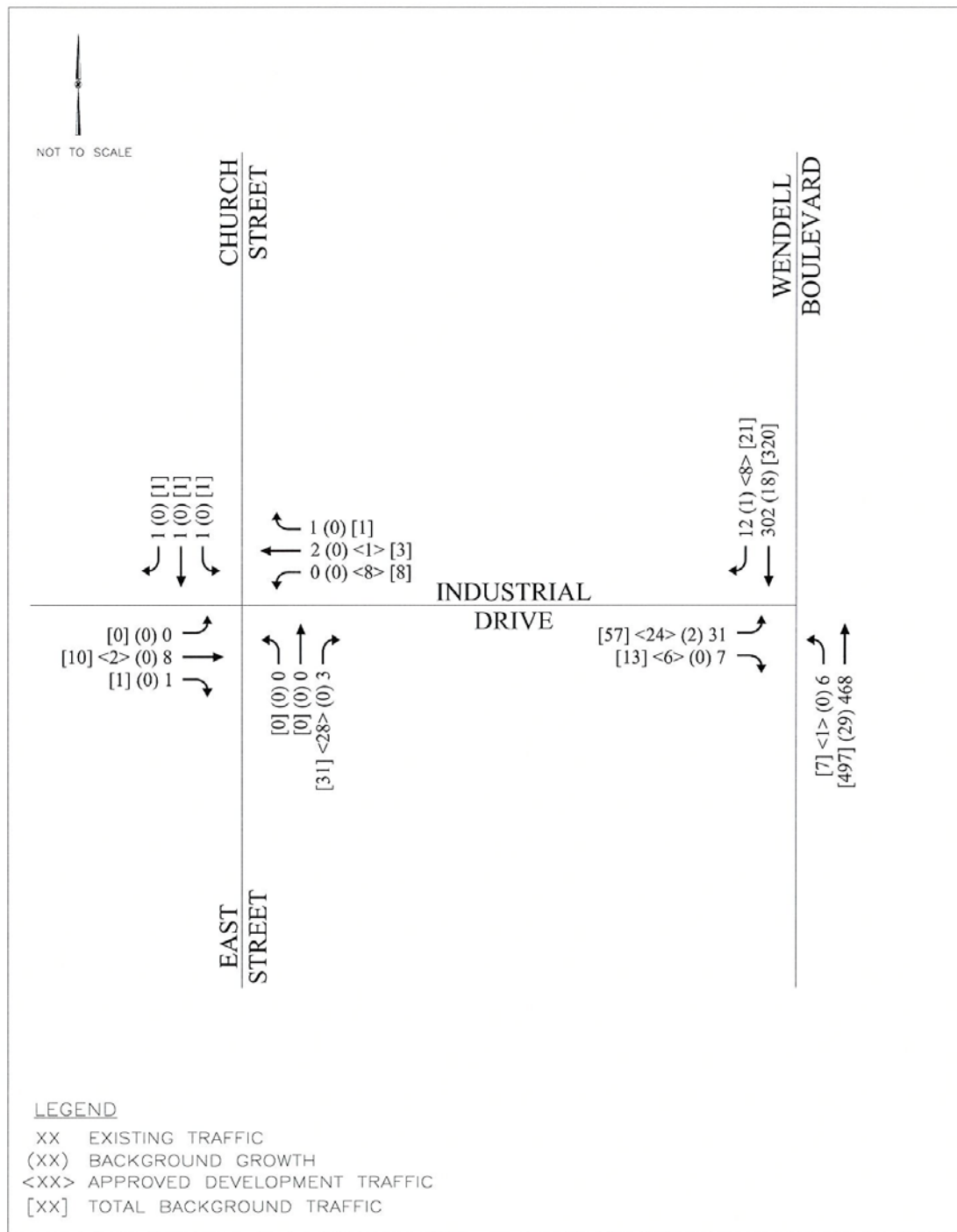
Should you have any questions or comments, please do not hesitate to contact me at (919) 653-2948 or kevin.dean@kimley-horn.com.

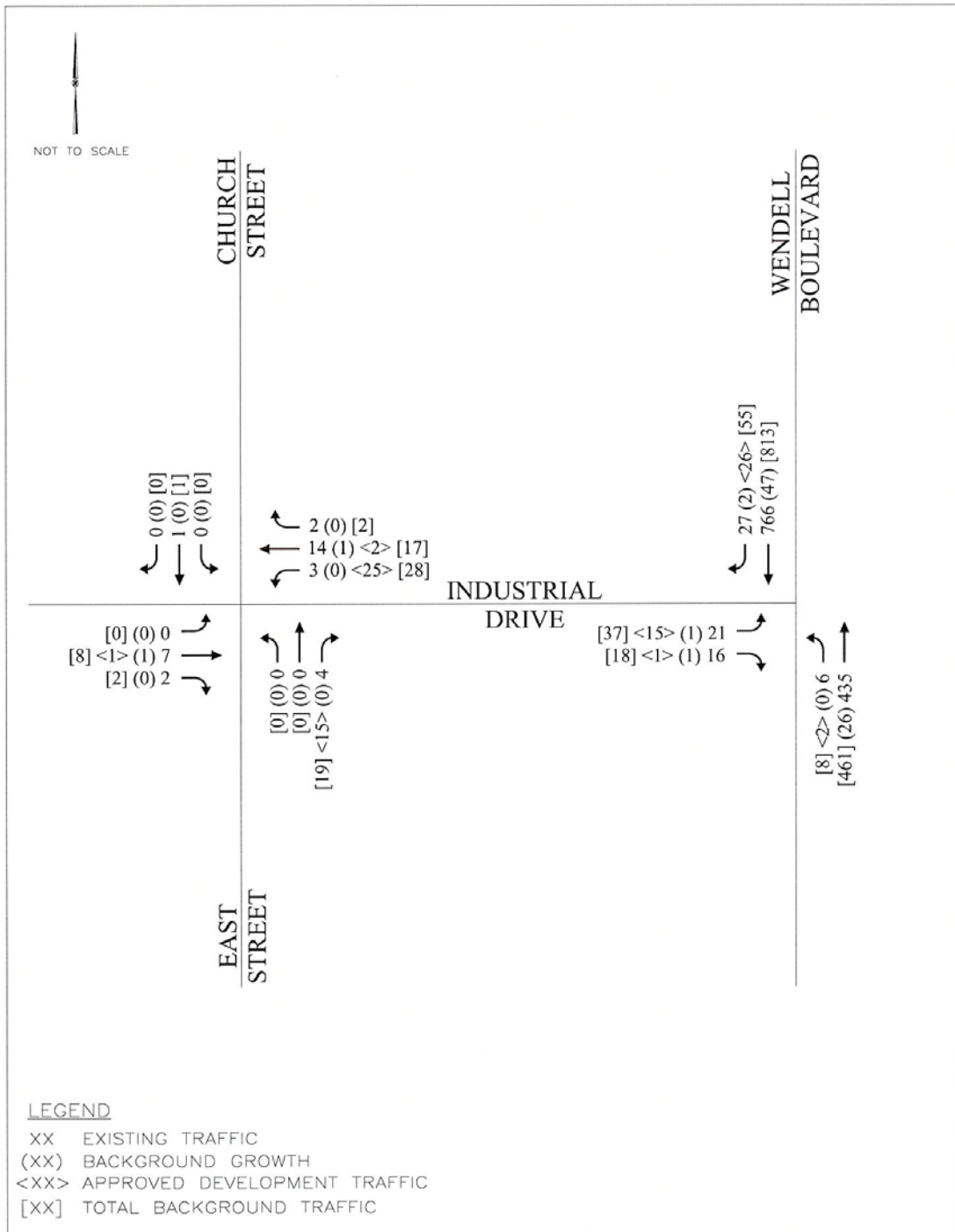


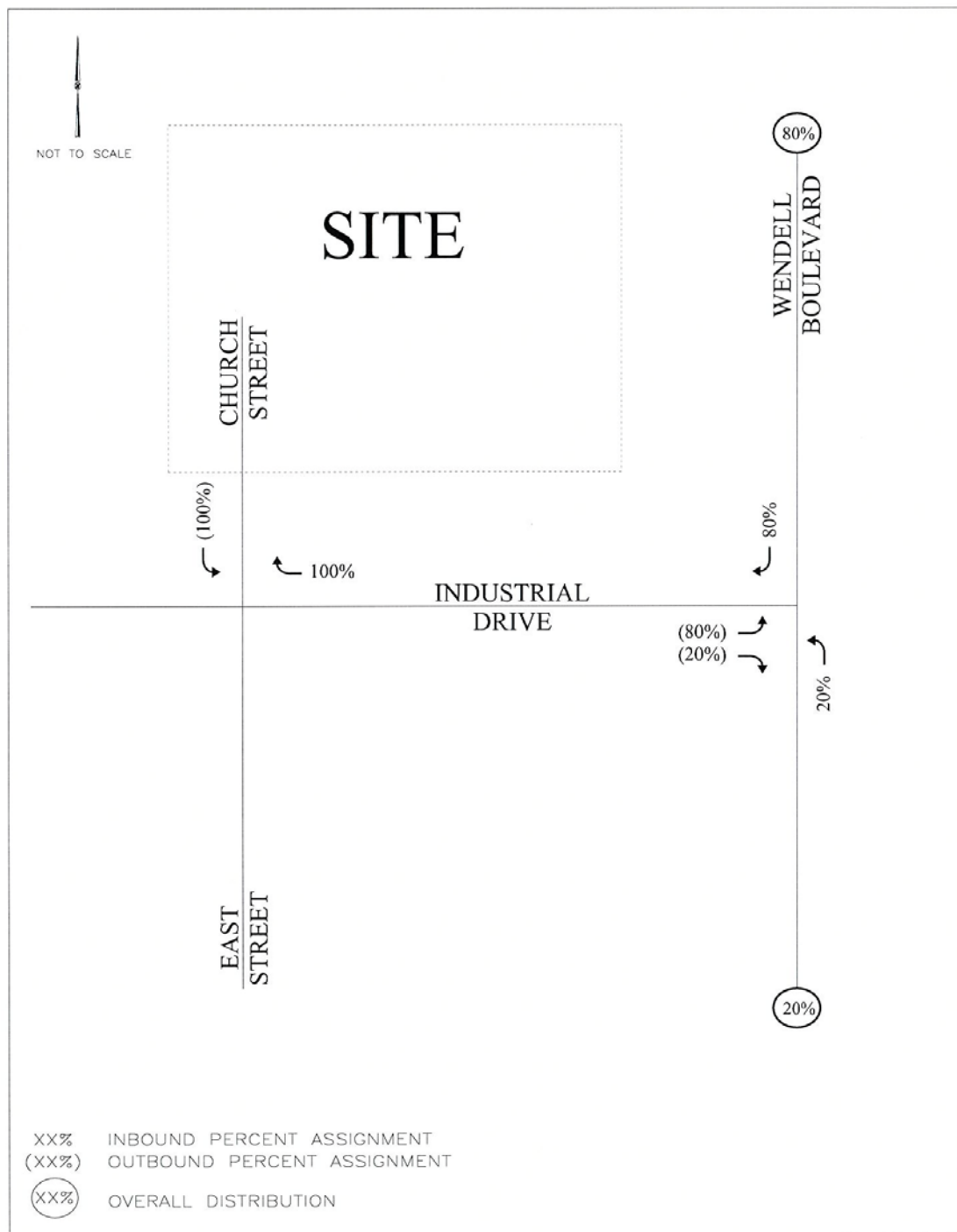
	WENDELL PLACE APARTMENTS WENDELL, NC TRAFFIC IMPACT ANALYSIS	SITE LOCATION	FIGURE 1
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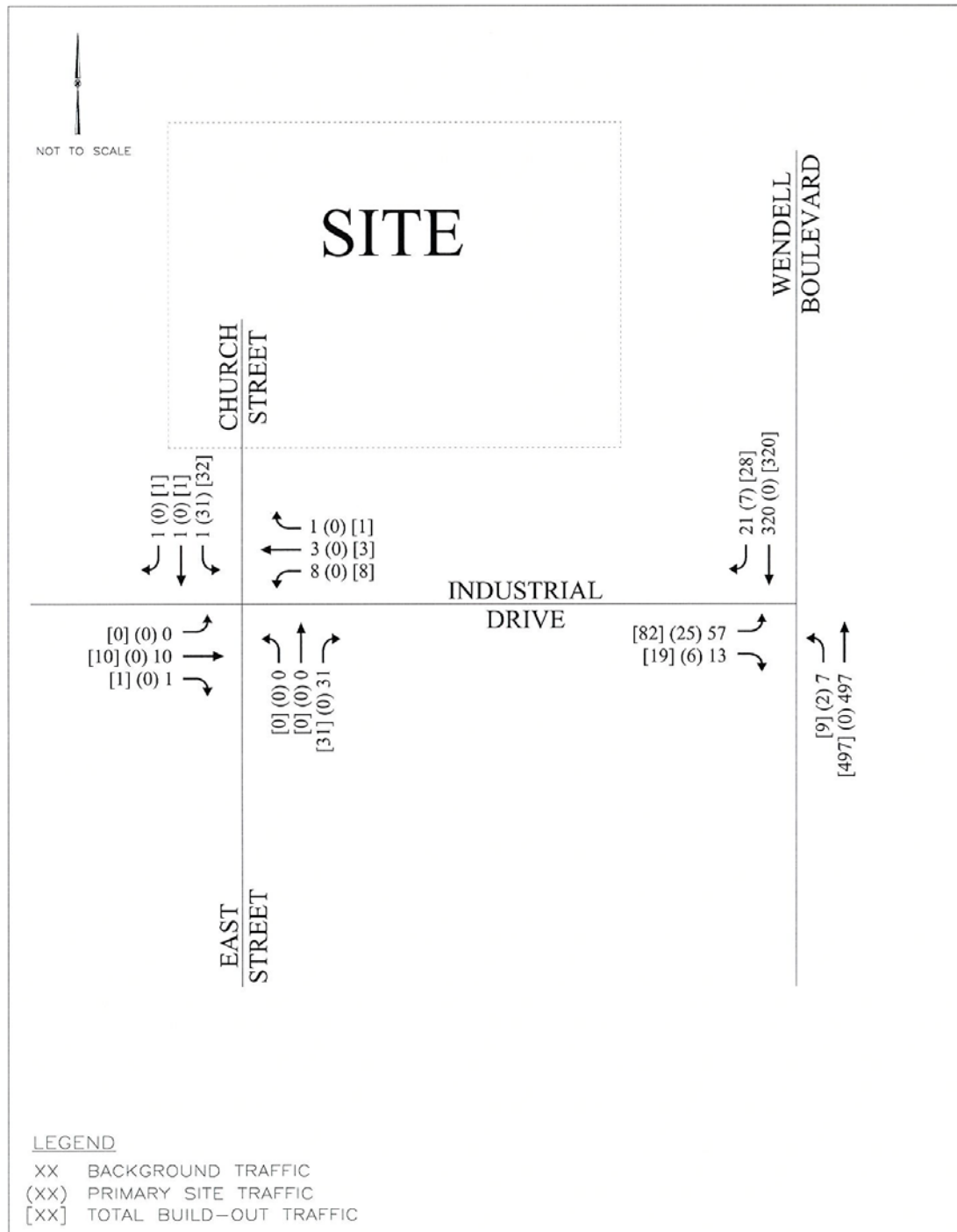
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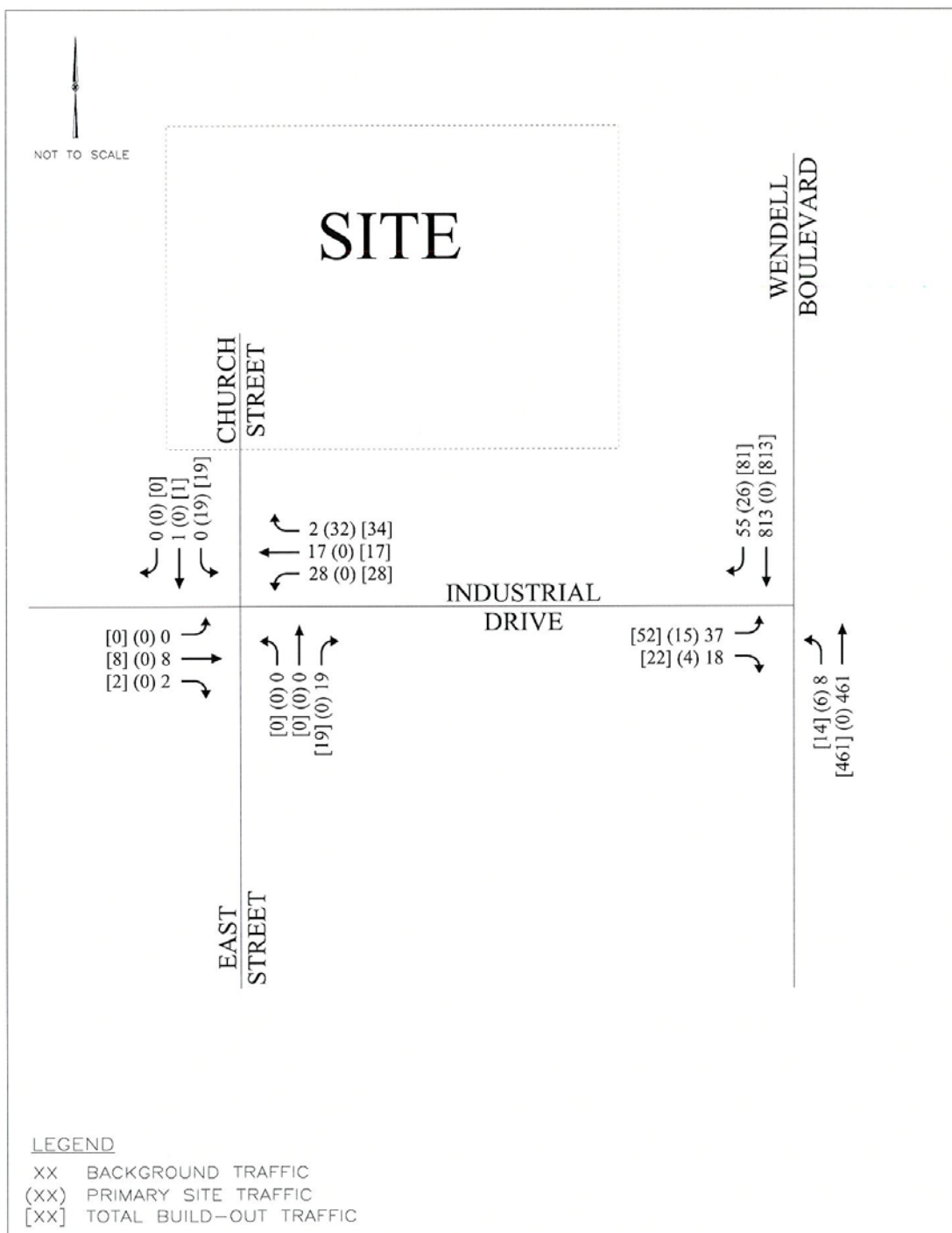












Traffic Sueuey Services, Inc.

7909 Old Stage Rd.
Raleigh, NC 27603

We are your eyes in the field

Industrial Dr. @ Wendell Blvd.
Wendell, NC
Counter:JCG
Weather: Clear

File Name : IndustrialWendell
Site Code : 00019131
Start Date : 4/17/2019
Page No : 1

Groups Printed- Vehicles

Start Time	Wendell Blvd. From North				From East App. Total	Wendell Blvd. From South				App. Total	Industrial Dr. From West				Int. Total
	Right	Thru	Left	App. Total		Right	Thru	Left	App. Total		Right	Thru	Left	App. Total	
07:00 AM	2	42	0	44	0	0	145	0	145	0	0	5	5	5	194
07:15 AM	1	51	0	52	0	0	117	0	117	1	0	7	8	8	177
07:30 AM	1	46	0	47	0	0	128	1	129	1	0	2	3	3	179
07:45 AM	7	84	0	91	0	0	121	1	122	1	0	5	6	6	219
Total	11	223	0	234	0	0	511	2	513	3	0	19	22	22	769
08:00 AM	4	63	0	67	0	0	98	0	98	0	0	3	3	3	168
08:15 AM	3	69	0	72	0	0	106	2	108	2	0	10	12	12	192
08:30 AM	2	58	0	60	0	0	120	2	122	1	0	9	10	10	192
08:45 AM	3	112	0	115	0	0	144	2	146	4	0	9	13	13	274
Total	12	302	0	314	0	0	468	6	474	7	0	31	38	38	826
*** BREAK ***															
04:00 PM	8	195	0	203	0	0	101	2	103	4	0	5	9	9	315
04:15 PM	6	191	0	197	0	0	92	1	93	3	0	5	8	8	298
04:30 PM	7	178	0	185	0	0	96	4	100	2	0	6	8	8	293
04:45 PM	7	171	0	178	0	0	95	6	101	5	0	6	11	11	290
Total	28	735	0	763	0	0	384	13	397	14	0	22	36	36	1196
05:00 PM	6	193	0	199	0	0	103	3	106	7	0	5	12	12	317
05:15 PM	7	213	0	220	0	0	113	1	114	5	0	5	10	10	344
05:30 PM	8	177	0	185	0	0	103	1	104	3	0	5	8	8	297
05:45 PM	6	183	0	189	0	0	116	1	117	1	0	6	7	7	313
Total	27	766	0	793	0	0	435	6	441	16	0	21	37	37	1271
Grand Total	78	2026	0	2104	0	0	1798	27	1825	40	0	93	133	133	4062
Apprch %	3.7	96.3	0			0	98.5	1.5		30.1	0	69.9			
Total %	1.9	49.9	0	51.8	0	0	44.3	0.7	44.9	1	0	2.3	3.3		

Traffic Sueuey Services, Inc.

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Industrial Dr. @ Wendell Blvd.
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Counter:JCG
Weather: Clear

File Name : IndustrialWendell
Site Code : 00019131
Start Date : 4/17/2019
Page No : 2

	Wendell Blvd. From North				From East	Wendell Blvd. From South				Industrial Dr. From West				
Start Time	Right	Thru	Left	App. Total	App. Total	Right	Thru	Left	App. Total	Right	Thru	Left	App. Total	Int. Total
Peak Hour Analysis From 07:00 AM to 11:45 AM - Peak 1 of 1														
Peak Hour for Entire Intersection Begins at 08:00 AM														
08:00 AM	4	63	0	67	0	0	98	0	98	0	0	3	3	168
08:15 AM	3	69	0	72	0	0	106	2	108	2	0	10	12	192
08:30 AM	2	58	0	60	0	0	120	2	122	1	0	9	10	192
08:45 AM	3	112	0	115	0	0	144	2	146	4	0	9	13	274
Total Volume	12	302	0	314	0	0	468	6	474	7	0	31	38	826
% App. Total	3.8	96.2	0			0	98.7	1.3		18.4	0	81.6		
PHF	.750	.674	.000	.683	.000	.000	.813	.750	.812	.438	.000	.775	.731	.754
Peak Hour Analysis From 12:00 PM to 05:45 PM - Peak 1 of 1														
Peak Hour for Entire Intersection Begins at 05:00 PM														
05:00 PM	6	193	0	199	0	0	103	3	106	7	0	5	12	317
05:15 PM	7	213	0	220	0	0	113	1	114	5	0	5	10	344
05:30 PM	8	177	0	185	0	0	103	1	104	3	0	5	8	297
05:45 PM	6	183	0	189	0	0	116	1	117	1	0	6	7	313
Total Volume	27	766	0	793	0	0	435	6	441	16	0	21	37	1271
% App. Total	3.4	96.6	0			0	98.6	1.4		43.2	0	56.8		
PHF	.844	.899	.000	.901	.000	.000	.938	.500	.942	.571	.000	.875	.771	.924

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Raleigh, NC 27603

We are your eyes in the field

Industrial Dr. @ Church/East St.
Wendell, NC
Counter: JG/JE
Weather: Clear

File Name : industrialeast
Site Code : 00019132
Start Date : 4/17/2019
Page No : 1

Groups Printed- Vehicles

Start Time	Church St. From North				Industrial Dr. From East				Church St. From South				Industrial Dr. From West				Int. Total
	Right	Thru	Left	App. Total	Right	Thru	Left	App. Total	Right	Thru	Left	App. Total	Right	Thru	Left	App. Total	
07:00 AM	0	0	0	0	0	0	0	0	0	0	0	0	1	2	0	3	3
07:15 AM	0	0	1	1	0	0	0	0	2	0	0	2	0	3	0	3	6
07:30 AM	0	1	0	1	0	1	0	1	1	0	0	1	0	2	0	2	5
07:45 AM	1	0	0	1	1	1	0	2	0	0	0	0	0	1	0	1	4
Total	1	1	1	3	1	2	0	3	3	0	0	3	1	8	0	9	18
08:00 AM	0	0	0	0	0	1	0	1	0	0	0	0	0	1	0	1	2
08:15 AM	0	0	0	0	0	2	0	2	1	0	0	1	0	2	0	2	5
08:30 AM	0	0	0	0	0	1	0	1	1	0	0	1	0	2	0	2	4
08:45 AM	0	0	0	0	0	1	1	2	2	0	0	2	0	1	0	1	5
Total	0	0	0	0	0	5	1	6	4	0	0	4	0	6	0	6	16
*** BREAK ***																	
04:00 PM	0	0	0	0	0	1	1	2	0	1	1	2	0	1	0	1	5
04:15 PM	0	0	0	0	1	3	0	4	0	0	0	0	0	2	0	2	6
04:30 PM	0	1	0	1	1	4	1	6	1	0	0	1	0	1	0	1	9
04:45 PM	0	0	0	0	0	3	2	5	2	0	0	2	1	2	0	3	10
Total	0	1	0	1	2	11	4	17	3	1	1	5	1	6	0	7	30
05:00 PM	0	0	0	0	0	4	0	4	1	0	0	1	1	2	0	3	8
05:15 PM	0	0	0	0	1	0	2	3	1	0	0	1	0	2	0	2	6
05:30 PM	0	0	0	0	1	2	3	6	1	0	0	1	0	0	0	0	7
05:45 PM	0	0	0	0	0	3	2	5	1	0	1	2	0	2	0	2	9
Total	0	0	0	0	2	9	7	18	4	0	1	5	1	6	0	7	30
Grand Total	1	2	1	4	5	27	12	44	14	1	2	17	3	26	0	29	94
Apprch %	25	50	25		11.4	61.4	27.3		82.4	5.9	11.8		10.3	89.7	0		
Total %	1.1	2.1	1.1	4.3	5.3	28.7	12.8	46.8	14.9	1.1	2.1	18.1	3.2	27.7	0	30.9	

Traffic Ssurvey Services, Inc.

7909 Old Stage Rd.
Raleigh, NC 27603

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Industrial Dr. @ Church/East St.
Wendell, NC
Counter: JG/JE
Weather: Clear

File Name : industrialeast
Site Code : 00019132
Start Date : 4/17/2019
Page No : 2

	Church St. From North				Industrial Dr. From East				Church St. From South				Industrial Dr. From West				
Start Time	Right	Thru	Left	App. Total	Right	Thru	Left	App. Total	Right	Thru	Left	App. Total	Right	Thru	Left	App. Total	Int. Total
Peak Hour Analysis From 07:00 AM to 11:45 AM - Peak 1 of 1																	
Peak Hour for Entire Intersection Begins at 07:00 AM																	
07:00 AM	0	0	0	0	0	0	0	0	0	0	0	0	1	2	0	3	3
07:15 AM	0	0	1	1	0	0	0	0	2	0	0	2	0	3	0	3	6
07:30 AM	0	1	0	1	0	1	0	1	1	0	0	1	0	2	0	2	5
07:45 AM	1	0	0	1	1	1	0	2	0	0	0	0	0	1	0	1	4
Total Volume	1	1	1	3	1	2	0	3	3	0	0	3	1	8	0	9	18
% App. Total	33.3	33.3	33.3		33.3	66.7	0		100	0	0		11.1	88.9	0		
PHF	.250	.250	.250	.750	.250	.500	.000	.375	.375	.000	.000	.375	.250	.667	.000	.750	.750
Peak Hour Analysis From 12:00 PM to 05:45 PM - Peak 1 of 1																	
Peak Hour for Entire Intersection Begins at 04:15 PM																	
04:15 PM	0	0	0	0	1	3	0	4	0	0	0	0	0	2	0	2	6
04:30 PM	0	1	0	1	1	4	1	6	1	0	0	1	0	1	0	1	9
04:45 PM	0	0	0	0	0	3	2	5	2	0	0	2	1	2	0	3	10
05:00 PM	0	0	0	0	0	4	0	4	1	0	0	1	1	2	0	3	8
Total Volume	0	1	0	1	2	14	3	19	4	0	0	4	2	7	0	9	33
% App. Total	0	100	0		10.5	73.7	15.8		100	0	0		22.2	77.8	0		
PHF	.000	.250	.000	.250	.500	.875	.375	.792	.500	.000	.000	.500	.500	.875	.000	.750	.825

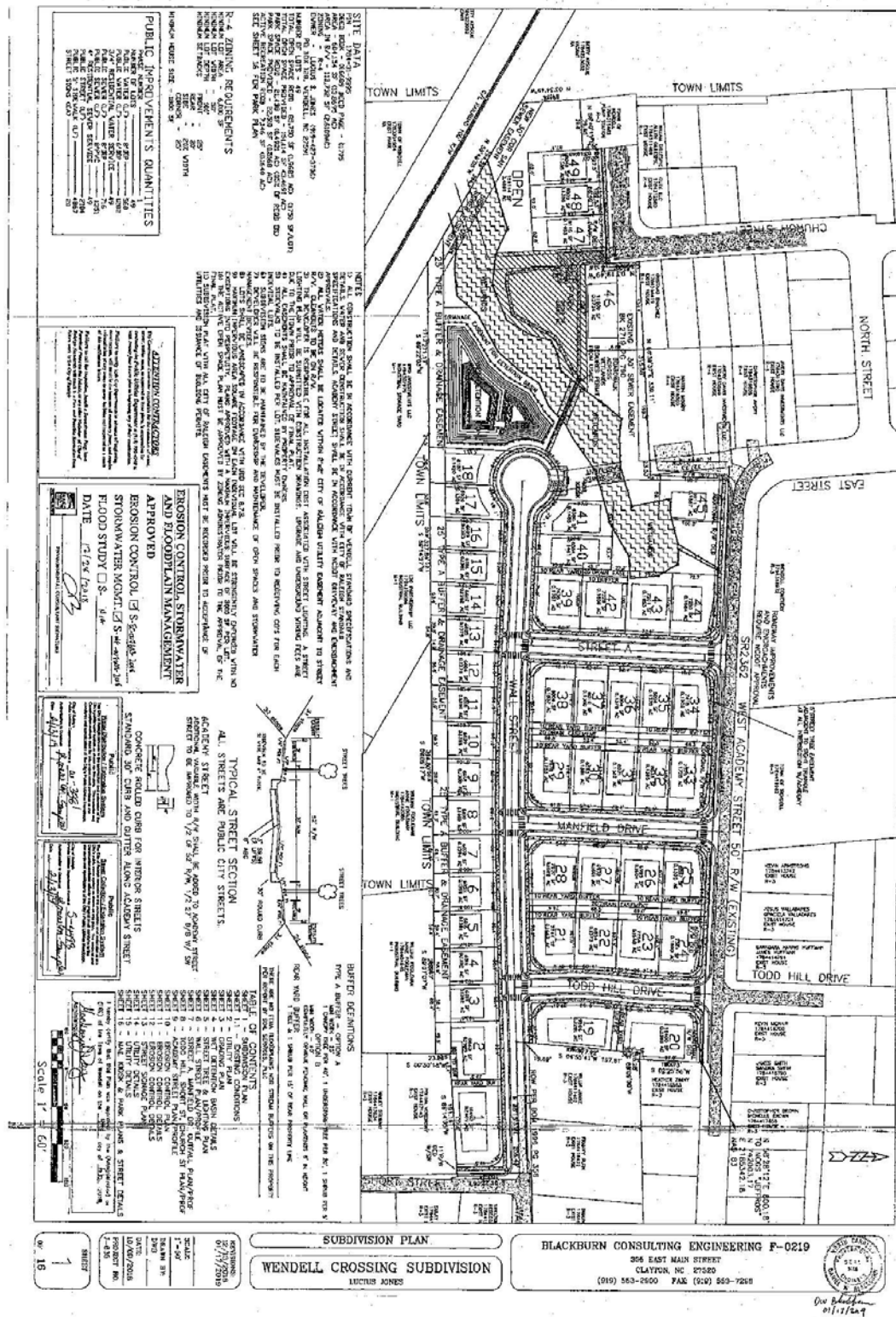
Wendell Place - Historic Growth							
	ADT				Growth Rate		
	2017	2015	2013	2011	2015-2017	2013-2017	2011-2017
Wendell Boulevard S of Academy	14000	15000	16000	15000	-3.39%	-3.28%	-1.14%
Marshallburn N of Academy	2100	2000	2000	2100	2.47%	1.23%	0.00%
Industrial W of Wendell Boulevard*	810	840	750	700	-1.80%	1.94%	2.46%
Academy W of Wendell Boulevard*	340	370	300	340	-4.14%	3.18%	0.00%
Wendell Boulevard E of Cypress	13000	13000	13000	13000	0.00%	0.00%	0.00%
Wendell Boulevard W of Liles Dean	12000	13000	14000	13000	-3.92%	-3.78%	-1.33%

*Provided volumes from 2015, 2013, 2011, 2009

Approved Development Trip Generation - Wendell Crossing											
Table A - Trip Generation											
Land Use	Intensity	Daily			AM Peak Hour			PM Peak Hour			
		Total	In	Out	Total	In	Out	Total	In	Out	
210 Single Family Detached Housing	49 d.u.	540	270	270	40	10	30	51	32	19	

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4/19/19



Wendell Place Apartments										
Table 1 - Trip Generation										
Land Use	Intensity	Daily			AM Peak Hour			PM Peak Hour		
		Total	In	Out	Total	In	Out	Total	In	Out
220 Multifamily Housing (Low-Rise)	84 d.u.	594	297	297	40	9	31	51	32	19

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4/19/19

INTERSECTION ANALYSIS SHEET

Project: Wendell Place Apartments
Location: Wendell, NC
Ct. Date: 4/17/2019
N/S Street: Wendell Boulevard (US 64 Bus.)
E/W Street: Industrial Drive

	AM In	AM Out	PM In	PM Out
Net New Trips:	9	31	32	19
Pass-By Trips:	0	0	0	0

Annual Growth Rate:	3.0%	Existing Year:	2019
Growth Factor:	0.0609	Buildout Year:	2021

AM PEAK HOUR AM PHF = 0.75

	Industrial Drive Eastbound			Industrial Drive Westbound			Wendell Boulevard (US 64 Bus.) Northbound			Wendell Boulevard (US 64 Bus.) Southbound		
Description	Left	Through	Right	Left	Through	Right	Left	Through	Right	Left	Through	Right
2019 Traffic Count	31	0	7	0	0	0	6	468	0	0	302	12
Count Balancing	0	0	0	0	0	0	0	0	0	0	0	0
2019 Existing Traffic	31	0	7	0	0	0	6	468	0	0	302	12
Growth Factor (0.03 per year)	0.061	0.061	0.061	0.061	0.061	0.061	0.061	0.061	0.061	0.061	0.061	0.061
2021 Background Growth	2	0	0	0	0	0	0	29	0	0	18	1
Committed Projects												
Wendell Crossing	24	0	6	0	0	0	1	0	0	0	0	8
Total Committed Traffic	24	0	6	0	0	0	1	0	0	0	0	8
2021 Background Traffic	57	0	13	0	0	0	7	497	0	0	320	21
Project Traffic												
Percent Assignment Inbound	0%	0%	0%	0%	0%	0%	20%	0%	0%	0%	0%	80%
Inbound Project Traffic	0	0	0	0	0	0	2	0	0	0	0	7
Percent Assignment Outbound	80%	0%	20%	0%	0%	0%	0%	0%	0%	0%	0%	0%
Outbound Project Traffic	25	0	6	0	0	0	0	0	0	0	0	0
Total Project Traffic	25	0	6	0	0	0	2	0	0	0	0	7
2021 Buildout Total	82	0	19	0	0	0	9	497	0	0	320	28
Percent Impact (Approach)	30.7%			-			0.4%			2.0%		
Overall Percent Impact	4.2%											

PM PEAK HOUR PM PHF = 0.92

Description	Industrial Drive Eastbound			Industrial Drive Westbound			Wendell Boulevard (US 64 Bus.) Northbound			Wendell Boulevard (US 64 Bus.) Southbound		
	Left	Through	Right	Left	Through	Right	Left	Through	Right	Left	Through	Right
2019 Traffic Count	21	0	16	0	0	0	6	435	0	0	766	27
Count Balancing	0	0	0	0	0	0	0	0	0	0	0	0
2019 Existing Traffic	21	0	16	0	0	0	6	435	0	0	766	27
Growth Factor (0.03 per year)	0.061	0.061	0.061	0.061	0.061	0.061	0.061	0.061	0.061	0.061	0.061	0.061
2021 Background Growth	1	0	1	0	0	0	0	26	0	0	47	2
Committed Projects												
Wendell Crossing	15	0	1	0	0	0	2	0	0	0	0	26
Total Committed Traffic	15	0	1	0	0	0	2	0	0	0	0	26
2021 Background Traffic	37	0	18	0	0	0	8	461	0	0	813	55
Project Traffic												
Percent Assignment Inbound	0%	0%	0%	0%	0%	0%	20%	0%	0%	0%	0%	80%
Inbound Project Traffic	0	0	0	0	0	0	6	0	0	0	0	26
Percent Assignment Outbound	80%	0%	20%	0%	0%	0%	0%	0%	0%	0%	0%	0%
Outbound Project Traffic	15	0	4	0	0	0	0	0	0	0	0	0
Total Project Traffic	15	0	4	0	0	0	6	0	0	0	0	26
2021 Buildout Total	52	0	22	0	0	0	14	461	0	0	813	81
Percent Impact (Approach)	25.6%						1.3%			2.9%		
Overall Percent Impact	3.5%											

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4/19/19

INTERSECTION ANALYSIS SHEET

Project: Wendell Place Apartments
Location: Wendell, NC
Ct. Date: 4/17/2019
N/S Street: East Street/Church Street
E/W Street: Industrial Drive

	AM In	AM Out	PM In	PM Out
Net New Trips:	9	31	32	19
Pass-By Trips:	0	0	0	0

Annual Growth Rate:	3.0%	Existing Year:	2019
Growth Factor:	0.0609	Buildout Year:	2021

AM PEAK HOUR AM PHF = 0.75

Description	Industrial Drive Eastbound			Industrial Drive Westbound			East Street Northbound			Church Street Southbound		
	Left	Through	Right	Left	Through	Right	Left	Through	Right	Left	Through	Right
2019 Traffic Count	0	8	1	0	2	1	0	0	3	1	1	1
Count Balancing	0	0	0	0	0	0	0	0	0	0	0	0
2019 Existing Traffic	0	8	1	0	2	1	0	0	3	1	1	1
Growth Factor (0.03 per year)	0.061	0.061	0.061	0.061	0.061	0.061	0.061	0.061	0.061	0.061	0.061	0.061
2021 Background Growth	0	0	0	0	0	0	0	0	0	0	0	0
Committed Projects												
Wendell Crossing	0	2	0	8	1	0	0	0	28	0	0	0
Total Committed Traffic	0	2	0	8	1	0	0	0	28	0	0	0
2021 Background Traffic	0	10	1	8	3	1	0	0	31	1	1	1
Project Traffic												
Percent Assignment Inbound	0%	0%	0%	0%	0%	100%	0%	0%	0%	0%	0%	0%
Inbound Project Traffic	0	0	0	0	0	9	0	0	0	0	0	0
Percent Assignment Outbound	0%	0%	0%	0%	0%	0%	0%	0%	0%	100%	0%	0%
Outbound Project Traffic	0	0	0	0	0	0	0	0	0	31	0	0
Total Project Traffic	0	0	0	0	0	9	0	0	0	31	0	0
2021 Buildout Total	0	10	1	8	3	10	0	0	31	32	1	1
Percent Impact (Approach)		0.0%			43.9%			0.0%			91.2%	
Overall Percent Impact	41.5%											

PM PEAK HOUR PM PHF = 0.83


Description	Industrial Drive Eastbound			Industrial Drive Westbound			East Street Northbound			Church Street Southbound		
	Left	Through	Right	Left	Through	Right	Left	Through	Right	Left	Through	Right
2019 Traffic Count	0	7	2	3	14	2	0	0	4	0	1	0
Count Balancing	0	0	0	0	0	0	0	0	0	0	0	0
2019 Existing Traffic	0	7	2	3	14	2	0	0	4	0	1	0
Growth Factor (0.03 per year)	0.061	0.061	0.061	0.061	0.061	0.061	0.061	0.061	0.061	0.061	0.061	0.061
2021 Background Growth	0	0	0	0	1	0	0	0	0	0	0	0
Committed Projects												
Wendell Crossing	0	1	0	25	2	0	0	0	15	0	0	0
Total Committed Traffic	0	1	0	25	2	0	0	0	15	0	0	0
2021 Background Traffic	0	8	2	28	17	2	0	0	19	0	1	0
Project Traffic												
Percent Assignment Inbound	0%	0%	0%	0%	0%	100%	0%	0%	0%	0%	0%	0%
Inbound Project Traffic	0	0	0	0	0	32	0	0	0	0	0	0
Percent Assignment Outbound	0%	0%	0%	0%	0%	0%	0%	0%	0%	100%	0%	0%
Outbound Project Traffic	0	0	0	0	0	0	0	0	0	19	0	0
Total Project Traffic	0	0	0	0	0	32	0	0	0	19	0	0
2021 Buildout Total	0	8	2	28	17	34	0	0	19	19	1	0
Percent Impact (Approach)		0.0%			40.4%			0.0%			95.0%	
Overall Percent Impact	39.7%											

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4/19/19

Wendell Place Apartments
1: Wendell Boulevard (US 64 Business) & Industrial Drive

Existing AM
04/18/2019

						
Lane Group	EBL	EBR	NBL	NBT	SBT	SBR
Lane Configurations	↔	↔	↔	↔	↔	↔
Traffic Volume (vph)	31	7	6	468	302	12
Future Volume (vph)	31	7	6	468	302	12
Ideal Flow (vphpl)	1900	1900	1900	1900	1900	1900
Storage Length (ft)	0	0	35			0
Storage Lanes	1	0	1			0
Taper Length (ft)	25		100			
Lane Util. Factor	1.00	1.00	1.00	1.00	1.00	1.00
Frt	0.976				0.995	
Flt Protected	0.961		0.950			
Satd. Flow (prot)	1747	0	1770	1863	1853	0
Flt Permitted	0.961		0.950			
Satd. Flow (perm)	1747	0	1770	1863	1853	0
Link Speed (mph)	30			30	30	
Link Distance (ft)	1526			850	1140	
Travel Time (s)	34.7			19.3	25.9	
Peak Hour Factor	0.75	0.75	0.75	0.75	0.75	0.75
Adj. Flow (vph)	41	9	8	624	403	16
Shared Lane Traffic (%)						
Lane Group Flow (vph)	50	0	8	624	419	0
Enter Blocked Intersection	No	No	No	No	No	No
Lane Alignment	Left	Right	Left	Left	Left	Right
Median Width(ft)	12			12	12	
Link Offset(ft)	0			0	0	
Crosswalk Width(ft)	16			16	16	
Two way Left Turn Lane				Yes		
Headway Factor	1.00	1.00	1.00	1.00	1.00	1.00
Turning Speed (mph)	15	9	15			9
Sign Control	Stop			Free	Free	
Intersection Summary						
Area Type:	Other					
Control Type:	Unsignalized					
Intersection Capacity Utilization 34.6%	ICU Level of Service A					
Analysis Period (min) 15						

Wendell Place Apartments

2: East Street/Church Street & Industrial Drive













Existing AM

04/18/2019

Lane Group	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Lane Configurations												
Traffic Volume (vph)	4	8	4	4	4	4	4	4	4	4	4	4
Future Volume (vph)	4	8	4	4	4	4	4	4	4	4	4	4
Ideal Flow (vphpl)	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900
Lane Util. Factor	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
Frt		0.968			0.955			0.955			0.955	
Flt Protected		0.988			0.984			0.984			0.984	
Satd. Flow (prot)	0	1781	0	0	1750	0	0	1750	0	0	1750	0
Flt Permitted		0.988			0.984			0.984			0.984	
Satd. Flow (perm)	0	1781	0	0	1750	0	0	1750	0	0	1750	0
Link Speed (mph)		30			30			30			30	
Link Distance (ft)		523			1526			470			421	
Travel Time (s)		11.9			34.7			10.7			9.6	
Peak Hour Factor	0.75	0.75	0.75	0.75	0.75	0.75	0.75	0.75	0.75	0.75	0.75	0.75
Adj. Flow (vph)	5	11	5	5	5	5	5	5	5	5	5	5
Shared Lane Traffic (%)												
Lane Group Flow (vph)	0	21	0	0	15	0	0	15	0	0	15	0
Enter Blocked Intersection	No	No	No	No	No	No	No	No	No	No	No	No
Lane Alignment	Left	Left	Right	Left	Left	Right	Left	Left	Right	Left	Left	Right
Median Width(ft)		0			0			0			0	
Link Offset(ft)		0			0			0			0	
Crosswalk Width(ft)		16			16			16			16	
Two way Left Turn Lane												
Headway Factor	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
Turning Speed (mph)	15		9	15		9	15		9	15		9
Sign Control		Free			Free			Stop			Stop	
Intersection Summary												
Area Type:	Other											
Control Type:	Unsignalized											
Intersection Capacity Utilization	13.3%											
Analysis Period (min)	15											
ICU Level of Service A												

















Wendell Place Apartments
1: Wendell Boulevard (US 64 Business) & Industrial Drive

Existing PM
04/18/2019

						
Lane Group	EBL	EBR	NBL	NBT	SBT	SBR
Lane Configurations						
Traffic Volume (vph)	21	16	6	435	766	27
Future Volume (vph)	21	16	6	435	766	27
Ideal Flow (vphpl)	1900	1900	1900	1900	1900	1900
Storage Length (ft)	0	0	35			0
Storage Lanes	1	0	1			0
Taper Length (ft)	25		100			
Lane Util. Factor	1.00	1.00	1.00	1.00	1.00	1.00
Frt	0.943				0.995	
Flt Protected	0.972		0.950			
Satd. Flow (prot)	1707	0	1770	1863	1853	0
Flt Permitted	0.972		0.950			
Satd. Flow (perm)	1707	0	1770	1863	1853	0
Link Speed (mph)	30			30	30	
Link Distance (ft)	1526			850	1140	
Travel Time (s)	34.7			19.3	25.9	
Peak Hour Factor	0.92	0.92	0.92	0.92	0.92	0.92
Adj. Flow (vph)	23	17	7	473	833	29
Shared Lane Traffic (%)						
Lane Group Flow (vph)	40	0	7	473	862	0
Enter Blocked Intersection	No	No	No	No	No	No
Lane Alignment	Left	Right	Left	Left	Left	Right
Median Width(ft)	12			12	12	
Link Offset(ft)	0			0	0	
Crosswalk Width(ft)	16			16	16	
Two way Left Turn Lane				Yes		
Headway Factor	1.00	1.00	1.00	1.00	1.00	1.00
Turning Speed (mph)	15	9	15			9
Sign Control	Stop			Free	Free	
Intersection Summary						
Area Type:	Other					
Control Type:	Unsignalized					
Intersection Capacity Utilization 52.0%	ICU Level of Service A					
Analysis Period (min) 15						











Wendell Place Apartments
2: East Street/Church Street & Industrial Drive

Existing PM
04/18/2019

												
Lane Group	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Lane Configurations												
Traffic Volume (vph)	4	7	4	4	14	4	4	4	4	4	4	4
Future Volume (vph)	4	7	4	4	14	4	4	4	4	4	4	4
Ideal Flow (vphpl)	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900
Lane Util. Factor	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
Frt		0.962			0.975			0.955			0.955	
Flt Protected		0.986			0.991			0.984			0.984	
Satd. Flow (prot)	0	1767	0	0	1800	0	0	1750	0	0	1750	0
Flt Permitted		0.986			0.991			0.984			0.984	
Satd. Flow (perm)	0	1767	0	0	1800	0	0	1750	0	0	1750	0
Link Speed (mph)		30			30			30			30	
Link Distance (ft)		523			1526			470			421	
Travel Time (s)		11.9			34.7			10.7			9.6	
Peak Hour Factor	0.83	0.83	0.83	0.83	0.83	0.83	0.83	0.83	0.83	0.83	0.83	0.83
Adj. Flow (vph)	5	8	5	5	17	5	5	5	5	5	5	5
Shared Lane Traffic (%)												
Lane Group Flow (vph)	0	18	0	0	27	0	0	15	0	0	15	0
Enter Blocked Intersection	No	No	No	No	No	No	No	No	No	No	No	No
Lane Alignment	Left	Left	Right	Left	Left	Right	Left	Left	Right	Left	Left	Right
Median Width(ft)		0			0			0			0	
Link Offset(ft)		0			0			0			0	
Crosswalk Width(ft)		16			16			16			16	
Two way Left Turn Lane												
Headway Factor	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
Turning Speed (mph)	15		9	15		9	15		9	15		9
Sign Control		Free			Free			Stop			Stop	
Intersection Summary												
Area Type:	Other											
Control Type:	Unsignalized											
Intersection Capacity Utilization 13.3%	ICU Level of Service A											
Analysis Period (min) 15												

















Wendell Place Apartments
1: Wendell Boulevard (US 64 Business) & Industrial Drive

Background AM
04/18/2019

						
Lane Group	EBL	EBR	NBL	NBT	SBT	SBR
Lane Configurations						
Traffic Volume (vph)	57	13	7	497	320	21
Future Volume (vph)	57	13	7	497	320	21
Ideal Flow (vphpl)	1900	1900	1900	1900	1900	1900
Storage Length (ft)	0	0	35			0
Storage Lanes	1	0	1			0
Taper Length (ft)	25		100			
Lane Util. Factor	1.00	1.00	1.00	1.00	1.00	1.00
Frt	0.975				0.992	
Flt Protected	0.961		0.950			
Satd. Flow (prot)	1745	0	1770	1863	1848	0
Flt Permitted	0.961		0.950			
Satd. Flow (perm)	1745	0	1770	1863	1848	0
Link Speed (mph)	30			30	30	
Link Distance (ft)	1526			850	1140	
Travel Time (s)	34.7			19.3	25.9	
Peak Hour Factor	0.75	0.75	0.75	0.75	0.75	0.75
Adj. Flow (vph)	76	17	9	663	427	28
Shared Lane Traffic (%)						
Lane Group Flow (vph)	93	0	9	663	455	0
Enter Blocked Intersection	No	No	No	No	No	No
Lane Alignment	Left	Right	Left	Left	Left	Right
Median Width(ft)	12			12	12	
Link Offset(ft)	0			0	0	
Crosswalk Width(ft)	16			16	16	
Two way Left Turn Lane				Yes		
Headway Factor	1.00	1.00	1.00	1.00	1.00	1.00
Turning Speed (mph)	15	9	15			9
Sign Control	Stop			Free	Free	
Intersection Summary						
Area Type:	Other					
Control Type:	Unsignalized					
Intersection Capacity Utilization	36.8%			ICU Level of Service A		
Analysis Period (min)	15					

Wendell Place Apartments
2: East Street/Church Street & Industrial Drive

Background AM
04/18/2019

												
Lane Group	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Lane Configurations												
Traffic Volume (vph)	4	10	4	8	4	4	4	4	31	4	4	4
Future Volume (vph)	4	10	4	8	4	4	4	4	31	4	4	4
Ideal Flow (vphpl)	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900
Lane Util. Factor	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
Frt		0.971			0.968			0.891			0.955	
Flt Protected		0.989			0.974			0.995			0.984	
Satd. Flow (prot)	0	1789	0	0	1756	0	0	1651	0	0	1750	0
Flt Permitted		0.989			0.974			0.995			0.984	
Satd. Flow (perm)	0	1789	0	0	1756	0	0	1651	0	0	1750	0
Link Speed (mph)		30			30			30			30	
Link Distance (ft)		523			1526			470			421	
Travel Time (s)		11.9			34.7			10.7			9.6	
Peak Hour Factor	0.75	0.75	0.75	0.75	0.75	0.75	0.75	0.75	0.75	0.75	0.75	0.75
Adj. Flow (vph)	5	13	5	11	5	5	5	5	41	5	5	5
Shared Lane Traffic (%)												
Lane Group Flow (vph)	0	23	0	0	21	0	0	51	0	0	15	0
Enter Blocked Intersection	No	No	No	No	No	No	No	No	No	No	No	No
Lane Alignment	Left	Left	Right	Left	Left	Right	Left	Left	Right	Left	Left	Right
Median Width(ft)		0			0			0			0	
Link Offset(ft)		0			0			0			0	
Crosswalk Width(ft)		16			16			16			16	
Two way Left Turn Lane												
Headway Factor	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
Turning Speed (mph)	15		9	15		9	15		9	15		9
Sign Control		Free			Free			Stop			Stop	
Intersection Summary												
Area Type:	Other											
Control Type:	Unsignalized											
Intersection Capacity Utilization	13.3%											
Analysis Period (min)	15											
	ICU Level of Service A											


Wendell Place Apartments
1: Wendell Boulevard (US 64 Business) & Industrial Drive

Background PM
04/18/2019

Lane Group	EBL	EBR	NBL	NBT	SBT	SBR
Lane Configurations	LT	LT	LT	LT	LT	LT
Traffic Volume (vph)	37	18	8	461	813	55
Future Volume (vph)	37	18	8	461	813	55
Ideal Flow (vphpl)	1900	1900	1900	1900	1900	1900
Storage Length (ft)	0	0	35			0
Storage Lanes	1	0	1			0
Taper Length (ft)	25		100			
Lane Util. Factor	1.00	1.00	1.00	1.00	1.00	1.00
Frt	0.955				0.991	
Flt Protected	0.968		0.950			
Satd. Flow (prot)	1722	0	1770	1863	1846	0
Flt Permitted	0.968		0.950			
Satd. Flow (perm)	1722	0	1770	1863	1846	0
Link Speed (mph)	30			30	30	
Link Distance (ft)	1526			850	1140	
Travel Time (s)	34.7			19.3	25.9	
Peak Hour Factor	0.92	0.92	0.92	0.92	0.92	0.92
Adj. Flow (vph)	40	20	9	501	884	60
Shared Lane Traffic (%)						
Lane Group Flow (vph)	60	0	9	501	944	0
Enter Blocked Intersection	No	No	No	No	No	No
Lane Alignment	Left	Right	Left	Left	Left	Right
Median Width(ft)	12			12	12	
Link Offset(ft)	0			0	0	
Crosswalk Width(ft)	16			16	16	
Two way Left Turn Lane				Yes		
Headway Factor	1.00	1.00	1.00	1.00	1.00	1.00
Turning Speed (mph)	15	9	15			9
Sign Control	Stop			Free	Free	
Intersection Summary						
Area Type:	Other					
Control Type:	Unsignalized					
Intersection Capacity Utilization 56.1%	ICU Level of Service B					
Analysis Period (min) 15						


Wendell Place Apartments
2: East Street/Church Street & Industrial Drive

Background PM
04/18/2019

												
Lane Group	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Lane Configurations		↔			↔			↔			↔	
Traffic Volume (vph)	4	8	4	28	17	4	4	4	19	4	4	4
Future Volume (vph)	4	8	4	28	17	4	4	4	19	4	4	4
Ideal Flow (vphpl)	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900
Lane Util. Factor	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
Frt		0.966			0.989			0.906			0.955	
Flt Protected		0.988			0.972			0.992			0.984	
Satd. Flow (prot)	0	1778	0	0	1791	0	0	1674	0	0	1750	0
Flt Permitted		0.988			0.972			0.992			0.984	
Satd. Flow (perm)	0	1778	0	0	1791	0	0	1674	0	0	1750	0
Link Speed (mph)		30			30			30			30	
Link Distance (ft)		523			1526			470			421	
Travel Time (s)		11.9			34.7			10.7			9.6	
Peak Hour Factor	0.83	0.83	0.83	0.83	0.83	0.83	0.83	0.83	0.83	0.83	0.83	0.83
Adj. Flow (vph)	5	10	5	34	20	5	5	5	23	5	5	5
Shared Lane Traffic (%)												
Lane Group Flow (vph)	0	20	0	0	59	0	0	33	0	0	15	0
Enter Blocked Intersection	No	No	No	No	No	No	No	No	No	No	No	No
Lane Alignment	Left	Left	Right	Left	Left	Right	Left	Left	Right	Left	Left	Right
Median Width(ft)		0			0			0			0	
Link Offset(ft)		0			0			0			0	
Crosswalk Width(ft)		16			16			16			16	
Two way Left Turn Lane												
Headway Factor	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
Turning Speed (mph)	15		9	15		9	15		9	15		9
Sign Control		Free			Free			Stop			Stop	
Intersection Summary												
Area Type:	Other											
Control Type:	Unsignalized											
Intersection Capacity Utilization	15.5%											
Analysis Period (min)	15											
	ICU Level of Service A											

















Wendell Place Apartments
1: Wendell Boulevard (US 64 Business) & Industrial Drive

Build AM
04/18/2019

						
Lane Group	EBL	EBR	NBL	NBT	SBT	SBR
Lane Configurations	↔	↔	↔	↔	↔	↔
Traffic Volume (vph)	82	19	9	497	320	28
Future Volume (vph)	82	19	9	497	320	28
Ideal Flow (vphpl)	1900	1900	1900	1900	1900	1900
Storage Length (ft)	0	0	35			0
Storage Lanes	1	0	1			0
Taper Length (ft)	25		100			
Lane Util. Factor	1.00	1.00	1.00	1.00	1.00	1.00
Frt	0.975				0.989	
Flt Protected	0.961		0.950			
Satd. Flow (prot)	1745	0	1770	1863	1842	0
Flt Permitted	0.961		0.950			
Satd. Flow (perm)	1745	0	1770	1863	1842	0
Link Speed (mph)	30			30	30	
Link Distance (ft)	1526			850	1140	
Travel Time (s)	34.7			19.3	25.9	
Peak Hour Factor	0.75	0.75	0.75	0.75	0.75	0.75
Adj. Flow (vph)	109	25	12	663	427	37
Shared Lane Traffic (%)						
Lane Group Flow (vph)	134	0	12	663	464	0
Enter Blocked Intersection	No	No	No	No	No	No
Lane Alignment	Left	Right	Left	Left	Left	Right
Median Width(ft)	12			12	12	
Link Offset(ft)	0			0	0	
Crosswalk Width(ft)	16			16	16	
Two way Left Turn Lane				Yes		
Headway Factor	1.00	1.00	1.00	1.00	1.00	1.00
Turning Speed (mph)	15	9	15			9
Sign Control	Stop			Free	Free	
Intersection Summary						
Area Type:	Other					
Control Type:	Unsignalized					
Intersection Capacity Utilization 38.5%	ICU Level of Service A					
Analysis Period (min) 15						


Wendell Place Apartments
2: East Street/Church Street & Industrial Drive

Build AM
04/18/2019

												
Lane Group	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Lane Configurations												
Traffic Volume (vph)	4	10	4	8	4	10	4	4	31	32	4	4
Future Volume (vph)	4	10	4	8	4	10	4	4	31	32	4	4
Ideal Flow (vphpl)	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900
Lane Util. Factor	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
Frt		0.971			0.939			0.891			0.987	
Flt Protected		0.989			0.981			0.995			0.961	
Satd. Flow (prot)	0	1789	0	0	1716	0	0	1651	0	0	1767	0
Flt Permitted		0.989			0.981			0.995			0.961	
Satd. Flow (perm)	0	1789	0	0	1716	0	0	1651	0	0	1767	0
Link Speed (mph)		30			30			30			30	
Link Distance (ft)		523			1526			470			421	
Travel Time (s)		11.9			34.7			10.7			9.6	
Peak Hour Factor	0.75	0.75	0.75	0.75	0.75	0.75	0.75	0.75	0.75	0.75	0.75	0.75
Adj. Flow (vph)	5	13	5	11	5	13	5	5	41	43	5	5
Shared Lane Traffic (%)												
Lane Group Flow (vph)	0	23	0	0	29	0	0	51	0	0	53	0
Enter Blocked Intersection	No	No	No	No	No	No	No	No	No	No	No	No
Lane Alignment	Left	Left	Right	Left	Left	Right	Left	Left	Right	Left	Left	Right
Median Width(ft)		0			0			0			0	
Link Offset(ft)		0			0			0			0	
Crosswalk Width(ft)		16			16			16			16	
Two way Left Turn Lane												
Headway Factor	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
Turning Speed (mph)	15		9	15		9	15		9	15		9
Sign Control		Free			Free			Stop			Stop	
Intersection Summary												
Area Type:	Other											
Control Type:	Unsignalized											
Intersection Capacity Utilization	18.9%											
Analysis Period (min)	15											
	ICU Level of Service A											

















Wendell Place Apartments
1: Wendell Boulevard (US 64 Business) & Industrial Drive

Build PM
04/18/2019

						
Lane Group	EBL	EBR	NBL	NBT	SBT	SBR
Lane Configurations	W		W	U	U	
Traffic Volume (vph)	52	22	14	461	813	81
Future Volume (vph)	52	22	14	461	813	81
Ideal Flow (vphpl)	1900	1900	1900	1900	1900	1900
Storage Length (ft)	0	0	35			0
Storage Lanes	1	0	1			0
Taper Length (ft)	25		100			
Lane Util. Factor	1.00	1.00	1.00	1.00	1.00	1.00
Frt	0.960				0.988	
Flt Protected	0.966		0.950			
Satd. Flow (prot)	1727	0	1770	1863	1840	0
Flt Permitted	0.966		0.950			
Satd. Flow (perm)	1727	0	1770	1863	1840	0
Link Speed (mph)	30			30	30	
Link Distance (ft)	1526			850	1140	
Travel Time (s)	34.7			19.3	25.9	
Peak Hour Factor	0.92	0.92	0.92	0.92	0.92	0.92
Adj. Flow (vph)	57	24	15	501	884	88
Shared Lane Traffic (%)						
Lane Group Flow (vph)	81	0	15	501	972	0
Enter Blocked Intersection	No	No	No	No	No	No
Lane Alignment	Left	Right	Left	Left	Left	Right
Median Width(ft)	12			12	12	
Link Offset(ft)	0			0	0	
Crosswalk Width(ft)	16			16	16	
Two way Left Turn Lane				Yes		
Headway Factor	1.00	1.00	1.00	1.00	1.00	1.00
Turning Speed (mph)	15	9	15			9
Sign Control	Stop			Free	Free	
Intersection Summary						
Area Type:	Other					
Control Type:	Unsignalized					
Intersection Capacity Utilization 58.6%	ICU Level of Service B					
Analysis Period (min) 15						

Wendell Place Apartments
2: East Street/Church Street & Industrial Drive

Build PM
04/18/2019

												
Lane Group	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Lane Configurations												
Traffic Volume (vph)	4	8	4	28	17	34	4	4	19	19	4	4
Future Volume (vph)	4	8	4	28	17	34	4	4	19	19	4	4
Ideal Flow (vphpl)	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900
Lane Util. Factor	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
Frt		0.966			0.942			0.906			0.980	
Flt Protected		0.988			0.982			0.992			0.966	
Satd. Flow (prot)	0	1778	0	0	1723	0	0	1674	0	0	1763	0
Flt Permitted		0.988			0.982			0.992			0.966	
Satd. Flow (perm)	0	1778	0	0	1723	0	0	1674	0	0	1763	0
Link Speed (mph)		30			30			30			30	
Link Distance (ft)		523			1526			470			421	
Travel Time (s)		11.9			34.7			10.7			9.6	
Peak Hour Factor	0.83	0.83	0.83	0.83	0.83	0.83	0.83	0.83	0.83	0.83	0.83	0.83
Adj. Flow (vph)	5	10	5	34	20	41	5	5	23	23	5	5
Shared Lane Traffic (%)												
Lane Group Flow (vph)	0	20	0	0	95	0	0	33	0	0	33	0
Enter Blocked Intersection	No	No	No	No	No	No	No	No	No	No	No	No
Lane Alignment	Left	Left	Right	Left	Left	Right	Left	Left	Right	Left	Left	Right
Median Width(ft)		0			0			0			0	
Link Offset(ft)		0			0			0			0	
Crosswalk Width(ft)		16			16			16			16	
Two way Left Turn Lane												
Headway Factor	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
Turning Speed (mph)	15		9	15		9	15		9	15		9
Sign Control		Free			Free			Stop			Stop	
Intersection Summary												
Area Type:	Other											
Control Type:	Unsignalized											
Intersection Capacity Utilization	18.8%											
Analysis Period (min)	15											
ICU Level of Service A												

Wendell Place Apartments
TRAFFIC SIGNAL VOLUME WARRANT ANALYSIS

INTERSECTION NAME: Wendell Boulevard at Industrial Drive

COUNT DATE: 17-Apr-19

INTERSECTION CONDITION: Existing

MAJOR STREET: Wendell Boulevard
MINOR STREET: Industrial Drive

OF APPROACH LANES: 1
OF APPROACH LANES: 1

ISOLATED COMMUNITY WITH POPULATION LESS THAN 10,000 (Y OR N): Y
85TH PERCENTILE SPEED GREATER THAN 40 MPH ON MAJOR STREET (Y OR N): N

THRESHOLD VALUES	MAJOR ST BOTH APPROACHES	HIGHEST HOUR HIGHEST APPROACH	WARRANT 1, Condition A		WARRANT 1, Condition B		WARRANT 1, Condition A		WARRANT 1, Condition B		WARRANT 2	WARRANT 3
			MAJOR STREET	MINOR STREET	MAJOR STREET	MINOR STREET	MAJOR STREET	MINOR STREET	MAJOR STREET	MINOR STREET		
06:00 AM TO 07:00 AM	747	22	Y	105	Y	53	Y	84	Y	42		
07:00 AM TO 08:00 AM	788	38	Y		Y		Y		Y			
08:00 AM TO 09:00 AM	0	0					Y					
09:00 AM TO 10:00 AM	0	0										
10:00 AM TO 11:00 AM	0	0										
11:00 AM TO 12:00 PM	0	0										
12:00 PM TO 01:00 PM	0	0										
01:00 PM TO 02:00 PM	0	0										
02:00 PM TO 03:00 PM	0	0										
03:00 PM TO 04:00 PM	0	0			Y				Y			
04:00 PM TO 05:00 PM	1,160	36	Y		Y		Y		Y			
05:00 PM TO 06:00 PM	1,234	37	Y		Y				Y			
06:00 PM TO 07:00 PM	0	0										
07:00 PM TO 08:00 PM	0	0										
08:00 PM TO 09:00 PM	0	0										
09:00 PM TO 10:00 PM	0	0										
10:00 PM TO 11:00 PM	3,929	133										
			0		0		0		0		0	0
			8 HOURS NEEDED NOT SATISFIED		8 HOURS NEEDED NOT SATISFIED		8 HOURS OF BOTH COND. A AND COND. B NEEDED NOT SATISFIED		4 HRS NEEDED NOT SATISFIED		1 HR NEEDED NOT SATISFIED	

WARRANT 1 -- Eight-Hour Vehicular Volume Warrant

Condition A : Minimum Vehicular Volume

Condition B : Interruption of Continuous Traffic

Combination : Combination of Condition A and Condition B

WARRANT 2 -- Four-Hour Vehicular Volume Warrant

WARRANT 3 -- Peak Hour Warrant

K:\COURT\JULY\Wendell Place Apartments 4 - 4/17/19\Wendell Pl@Industrial Drive\Signal Volume Warrant

4/19/2019 11:18

Wendell Place Apartments TRAFFIC SIGNAL VOLUME WARRANT ANALYSIS

INTERSECTION NAME: Wendell Boulevard at Industrial Drive

COUNT DATE: 17-Apr-19

INTERSECTION CONDITION: No-Build

MAJOR STREET: Wendell Boulevard
MINOR STREET: Industrial Drive

OF APPROACH LANES: 1
OF APPROACH LANES: 1

ISOLATED COMMUNITY WITH POPULATION LESS THAN 10,000 (Y OR N): Y
85TH PERCENTILE SPEED GREATER THAN 40 MPH ON MAJOR STREET (Y OR N): N

THRESHOLD VALUES	MAJOR ST BOTH APPROACHES	HIGHEST HOUR MINOR ST HIGHEST APPROACH	WARRANT 1, Condition A		WARRANT 1, Condition B		WARRANT 1, Condition A		WARRANT 1, Condition B		WARRANT 2	WARRANT 3
			MAJOR STREET	MINOR STREET	MAJOR STREET	MINOR STREET	MAJOR STREET	MINOR STREET	MAJOR STREET	MINOR STREET		
06:00 AM TO 07:00 AM	751	35	Y	105	Y	53	Y	84	Y	42	Y	
07:00 AM TO 08:00 AM	797	64	Y		Y	Y	Y				Y	
08:00 AM TO 09:00 AM	8	21										
09:00 AM TO 10:00 AM	8	15										
10:00 AM TO 11:00 AM	9	13										
11:00 AM TO 12:00 PM	10	13										
12:00 PM TO 01:00 PM	12	12										
01:00 PM TO 02:00 PM	12	13										
02:00 PM TO 03:00 PM	15	14										
03:00 PM TO 04:00 PM	19	14										
04:00 PM TO 05:00 PM	1,182	50	Y		Y		Y		Y	Y		
05:00 PM TO 06:00 PM	1,261	53	Y		Y	Y	Y		Y	Y		
06:00 PM TO 07:00 PM	20	12										
07:00 PM TO 08:00 PM	14	11										
08:00 PM TO 09:00 PM	12	8										
09:00 PM TO 10:00 PM	10	5										
	4,140	353	0		2		0		3		1	0
			8 HOURS NEEDED NOT SATISFIED		8 HOURS NEEDED NOT SATISFIED		8 HOURS OF BOTH COND. A AND COND. B NEEDED NOT SATISFIED		4 HRS NEEDED NOT SATISFIED		1 HR NEEDED NOT SATISFIED	

WARRANT 1 -- Eight-Hour Vehicular Volume Warrant
Condition A: Minimum Vehicular Volume
Condition B: Interruption of Continuous Traffic
Combination: Combination of Condition A and Condition B
WARRANT 2 -- Four-Hour Vehicular Volume Warrant
WARRANT 3 -- Peak Hour Warrant

4/20/2019 11:19

Wendell Place Apartments TRAFFIC SIGNAL VOLUME WARRANT ANALYSIS

INTERSECTION NAME: Wendell Boulevard at Industrial Drive

COUNT DATE: 17-Apr-18

INTERSECTION CONDITION: Build

MAJOR STREET: Wendell Boulevard
MINOR STREET: Industrial Drive

OF APPROACH LANES: 1
OF APPROACH LANES: 1

ISOLATED COMMUNITY WITH POPULATION LESS THAN 10,000 (Y OR N): Y
85TH PERCENTILE SPEED GREATER THAN 40 MPH ON MAJOR STREET (Y OR N): N

THRESHOLD VALUES	MAJOR ST BOTH APPROACHES	HIGHEST HOUR MINOR ST HIGHEST APPROACH	WARRANT 1, Combination Warrant												WARRANT 2	WARRANT 3
			WARRANT 1, Condition A		WARRANT 1, Condition B		CONDITION A				CONDITION B					
			MAJOR STREET	MINOR STREET	MAJOR STREET	MINOR STREET	BOTH STREET MET	MAJOR STREET	MINOR STREET	BOTH STREET MET	MAJOR STREET	MINOR STREET	BOTH STREET MET	MAJOR STREET		
0600 AM TO 0700 AM	756	52	Y			Y			Y			Y			Y	
0700 AM TO 0800 AM	806	95	Y			Y		Y			Y				Y	
0800 AM TO 0900 AM	19	48														
0900 AM TO 1000 AM	19	34														
1000 AM TO 1100 AM	21	29														
1100 AM TO 1200 PM	23	30														
1200 PM TO 0100 PM	28	28														
0100 PM TO 0200 PM	28	30														
0200 PM TO 0300 PM	34	32														
0300 PM TO 0400 PM	43	33														
0400 PM TO 0500 PM	1,211	69	Y			Y		Y	Y	Y	Y	Y	Y	Y	Y	Y
0500 PM TO 0600 PM	1,283	72	Y			Y		Y	Y	Y	Y	Y	Y	Y	Y	Y
0600 PM TO 0700 PM	45	27														
0700 PM TO 0800 PM	32	26														
0800 PM TO 0900 PM	27	18														
0900 PM TO 1000 PM	22	12														
	4,407	635	0		3		1				4				3	0
			6 HOURS NEEDED NOT SATISFIED		8 HOURS NEEDED NOT SATISFIED		8 HOURS OF BOTH COND. A AND COND. B NEEDED NOT SATISFIED				4 HRS NEEDED NOT SATISFIED		1 HR NEEDED NOT SATISFIED			

WARRANT 1 -- Eight-Hour Vehicular Volume Warrant
Condition A : Minimum Vehicular Volume
Condition B : Interruption of Continuous Traffic
Combination : Combination of Condition A and Condition B
WARRANT 2 -- Four-Hour Vehicular Volume Warrant
WARRANT 3 -- Peak Hour Warrant

Copies of the traffic study were provided to the Board.

Mayor Gray informed the audience that the Board would take a five-minute recess to review the documents given. The Board reconvened at 8:35 PM.

Mayor Gray called the Board meeting back to order and asked if there's anything else the applicant would like to share with the Board.

Mary Webb stated that, as a closing statement, the petitioner requests approval of the Special Use Permit and the Variance. She stated that there has not been competent evidence offered by any experts in opposition to their petition. The only defense presented was lay witness testimony. Mrs. Webb stated that, as the Town Attorney has already stated and Mrs. Webb has stated earlier—lay witnesses are not allowed to testify regarding the increased traffic, or how the property may affect the value of their property under the Statute 160A. She stated that her team believes there's a huge need for this project. Mr. Guillett demonstrated that there's only a 7% capture rate as how much Wendell needs this project. The petitioner has been really flexible and has gone over and above what they needed to do. The team has agreed to move buildings and has done a traffic study. She stated that the traffic study shows that there would not be any increased traffic that would affect the safety. Mrs. Webb contended that they have met the requirements for the variance and request that the Special Use Permit be approved.

Mayor Gray opened the floor to the Opposition Rebuttal.

Regina Harmon, 6616 Tales Branch Road in Wendell, stated that she owns two businesses in town and has lived here for over 20 years. She wants to read something because the Board said that you had to have documentation. She said that from the housinglink.org, Subsidized Housing-42 over the section 42 tax credit program. She's reading this because the applicant came up and said that after they get it they don't ever have to do it again.

Attorney Jim Cauley stated that he doesn't think this information is relevant to this Board's decision.

Mrs. Harmon stated that she just wanted to rebut what he said, since what he said is different than what is on the sheet of paper that she has.

Mayor Gray thanked Mrs. Harmon and continued to the next opposition.

Attorney Stephon Bowens stated that he is here on behalf of Ms. Geraldine Herndon who lives at 230 Church Street. He reiterated that there has been no additional evidence offered by the applicant that would afford this or the opportunity to move forward with the variance. Therefore, as such, Attorney Bowens and Ms. Herndon respectfully requested that either A) The application be denied or B) it be referred to the TRC committee as is required under the Town's current UDO. Attorney Bowens stated

that in this case, his party does not believe that the application can properly move forward under Chapter 160A or under the provisions of the Town's own UDO, provided in Section 1520.7. He added that the applicant or LaRue actually owns all of the adjacent properties and has a way of access off of Wendell Blvd. that the Board could, if it so chose, put a condition in the Special Use Permit to require that their access point be from Wendell Blvd. He stated that, presumably, if they have to do a stub from the adjacent property, they would move/use one of their adjacent properties as well.

Mayor Gray asked to hear from staff and the town attorney and called Planning Director Bergmark to speak.

Commissioner Myrick stated he has a question about the pictures that Mr. Tyler Ayscue provided the Board. He asked if parking is allowed on Church Street. Mr. Bergmark stated that yes, the Town doesn't have anything that prohibits it.

Commissioner Myrick asked that, if this project went in on this tract of land, would parking still be allowed on the street, if this road was the access point for this project?

Mr. Bergmark stated that it would be an access point, that he can't say conclusively that there'd be another one, but it would be *an* access point, yes. He stated that this project would not create a change in the parking standards for existing Church Street.

Commissioner Myrick stated that they talked about—in the rezoning road issue, there—and there was nothing. He stated that he didn't realize that this would be the access point to the neighborhood.

Mayor Gray stated that, at this time, that's the only access.

David Bergmark stated that that's the only current access point to the lot.

Commissioner Myrick stated that it's basically one lane if people are parked on the street. Planning Director Bergmark clarified that if they're parked on both sides, yes.

Mayor Gray stated either that or, at some point, she could foresee the Board not allowing parking on the street because of that.

Commissioner Joyner asked if this Board retains the authority to control street parking. Planning Director Bergmark stated that yes, it does—or to control the ordinances that control it, yes.

Commissioner Joyner stated that he's a private property rights person before anything else. He stated that the street is never considered private property. So, part of alleviating any traffic concerns has to include that the Town is paving streets and then allowing them to become smaller by—for lack of a better term—not exercising their right to control the public right-of-way on the streets. If that's a concern, it rests completely on the Board because they have the authority to change it.

Mayor Gray stated that she would like to hear from Attorney Jim Cauley.

Attorney Cauley asked if the Mayor could close the Public Hearing.

Mayor Gray closed the Public Hearing.

Attorney Jim Cauley stated that he has been reviewing some of the TRC and UDO requirements in light of the testimony that's been given. Attorney Cauley stated that, often, it's the case with local government where it's a matter of choosing the lawsuit. To have one threatened tonight, it doesn't come across very well, but that is often the position that Commissioners will find themselves in as a governing body is which lawsuit do they want to defend. In his opinion—having reviewed the UDO requirement—there is a clear requirement with multifamily buildings with more than four units go through a TRC review with a Master Plan and an Environmental Survey. In his opinion, the Board doesn't have the authority to waive or vary that requirement. Attorney Cauley stated that he doesn't think this permit application is ripe for a decision at this time—it could be denied for failing to meet the requirements, or it could be delayed allowing it time to go through the UDO-required process.

Mayor Gray asked if any of the Commissioners has a question for Mr. Cauley.

Commissioner Boyette stated that he has a motion.

Commissioner Joyner asked if the Commissioners are going to be able to have cross-examination of others.

Mayor Gray stated that the public hearing is closed.

Commissioner Joyner asked if he can execute his authority to ask questions. He said that, if the Board is making a decision to deny or referring to the TRC, some of his questions are pertinent to that.

Attorney Cauley stated that, at this point, it would require the Board to agree to reopen the public hearing.

Commissioner Joyner then asked if he can make a couple of comments, then.

Town Manager Collins stated that the process, if Commissioner Joyner wanted to reopen would be that he make a motion to reopen the public hearing.

ACTION
Mover: Commissioner Joyner moved to reopen the Public Hearing on item 5a.
Vote: 4-0

Commissioner Joyner asked if Attorney Stephon Bowens would allow him to ask a

question. Commissioner Joyner stated that he knows the last time when the Board had the conversation about rezoning, that there was concern about buffers, density, property line, what we're going to see out the back door, and he understands that there has been changes made to this one. He asked if the argument Attorney Bowens made is purely process-related? He stated that he doesn't think that they got to the Special Use part of the argument and that Attorney Bowens started and ended with the variance. He's trying to make sure that he understands what everyone's asking for and what the future is if sending this to a TRC alleviates those concerns? He stated that the Board has been advised that that's likely. Last time, Commissioner Joyner stated that it seemed as if all of the discussion was on Special Use with no variance concern. This time, it seems all variance and no Special Use concerns. He asked if the Special Use concerns still exist and, if so, why or why not?

Attorney Stephon Bowens stated that, as a practical matter, he would say that the Board never reached the Special Use Permit, last time, that the last hearing was a hearing based solely on the map amendment request. Mr. Bowens stated that one of the things that they asked for, with respect to the map amendment request, was—under the Commissioners authority—to zone that property down to make it more consistent with the adjacent community, i.e. R3. He stated that the Board chose not to do that through a motion and the Board moved non-unanimously to move forward with the map amendment, as requested, and then to move forward tonight with approving that map amendment. It is Mr. Bowens and his party's position that the residents of Church Street are entitled to fundamental fairness and due process. He said that, as a part of that, that does include procedural due process. The mere fact that this Variance and Special Use Permit did not go through the appropriate process which leads them to believe that the appropriate action would be for the Board to deny the variance and thereby deny the Special Use Permit. He stated that if the applicant chooses to bring a new application, so be it. However, at this point, his client's position is that the Board should move to deny the variance and therefore, the Board won't reach the issue of the Special Use Permit.

Commissioner Joyner asked if the moving of the buildings adjustment doesn't—he feels like they're not addressing what the Commissioners are being asked to address is the variance piece. One, Commissioner Joyner said he would have loved to know about everything earlier. Two, he asked if sending this to TRC would satisfy. Because submitting to the TRC and waiting for the TRC to come in—if the Board chose to send it to the TRC, would that satisfy all concerns?

Attorney Bowens stated that it would not necessarily satisfy all concerns. It is his position that his clients are not in favor of the granting of the Special Use Permit and are not in favor of the issuance of the variance. He stated that there are other concerns in their perspective with respect to the issues of the variance in and of itself which he was not able to reach at the previous meeting as it relates to notice of the variance, because the variance itself was buried in the application and was not a part of the Board agenda. He stated that his party contends that it would be the application itself that was fundamentally flawed because it did not give the procedures for which moving forward

with a Special Use Permit went forward were fundamentally flawed. Therefore, he said that the Board could not have effectively voted on them, anyway. Having said that, he stated that “we are where we are tonight” and at this stage, the clients are not in agreement with the Special Use Permit. Mr. Bowens said there have been discussions between Attorney Harrell and himself and he’s telling the Board that, in good faith, they will continue to have those discussions. Attorney Bowens stated that his client is not in the position to state that they are going to be supportive of the Special Use Permit.

Commissioner Joyner stated that he appreciates what Attorney Bowens stated, and that he would never ask him to weigh in on future events. He stated that he is asking what would satisfy and it appears that now, denial is the only thing that would satisfy.

Attorney Bowens stated that it is their position that the Special Use Permit and the variance were both brought inappropriately forward to the Board and therefore should be denied. Attorney Bowens said that he can’t say any more than that.

Commissioner Joyner thanked Attorney Bowens.

Commissioner Joyner stated that his second question was for Mr. Ayscue. He asked—the creek portion, the same piece, moving any of that away it seems like moving some of that away. Commissioner Joyner asked: would anything Mr. Ayscue has seen tonight remove any objection in his mind, at all, as far as the creek is concerned?

Mr. Ayscue stated that his main thing was that the Stormwater Retention Pond wasn’t moved. He said that they moved the buildings around Church Street and the back end of the property, but what’s catching runoff on that one side of the property is directly where it was before. Mr. Ayscue said that was his main concern with the zoning.

Commissioner Joyner stated that his other question is: in reading the deeds, he recognized Mr. Ayscue has a piece of land there. He asked, what’s prohibited the past from development, here? What hasn’t gone in there, before and what would Mr. Ayscue see going in there?

Mr. Ayscue stated that as far as this parcel of land is concerned, the owner wanted too much money for it, which is what kept it from getting developed. Mr. Ayscue stated that it could have been developed at any time—industry could have come in.

Commissioner Joyner asked if the use that Mr. Ayscue’s family has at the backside of the parcel of property that is residential as well as agricultural as a working farm. He asked, how is that related to the tractor trailer piece?

Mr. Ayscue said that they also own a trucking company and tractor trailers also haul grain in and out of the farm. He stated that there are also businesses up the road that do that, as well.

Commissioner Joyner said his questions have been answered.

Mayor Gray closed the public hearing.

Commissioner Boyette moved to deny the variance.

Mayor Gray asked if there was any discussion to be had on the motion.

Commissioner Boyette stated that he has discussion on the motion. The hearing is closed and that he is not certain on what constitutes expert testimony, so he's not going to sit and say he's an expert anything. He stated that the Town has a TRC for a purpose. He said that there is already an 84-unit apartment complex in Wendell that has one entrance and exit. He stated that it is not easy to get in and out of it. He said if and when evacuations have been needed in the past, trying to get people out one exit while fire trucks go in is not easy. The fact that there is only one entrance and exit on this complex of what amounts to an alley or side street—he would really like to hear the Technical Review Committee's opinion on this. He was born and raised in Wendell and has lived here his whole life and that the town has grown not necessarily by people who were born-and-raised here, but by people who moved in. He said the issue of tax credits and low-income is absolutely irrelevant to this entire discussion. He said that $\frac{3}{4}$ of the rents were higher than the mortgage paid on his house. He has issue with only one entrance that goes in and out of the proposed complex, located behind 30,000 gallons of propane. Commissioner Boyette stated that even with the revised sketch plan, there's a second part off to the side that is additionally only accessible by one street. He reiterated that he would like to hear what the TRC has to say on the matter before approving or denying.

ACTION

Mover: Commissioner Boyette moved to deny the variance.

Vote: 4-0

Commissioner Boyette moved to table the Special Use Permit until it has been given enough time to be seen by the Technical Review Committee.

Mayor Gray asked if there is any discussion to be had on the motion. There was none.

ACTION

Mover: Commissioner Boyette moved to table the Special Use Permit until it has been seen by the TRC.

Vote: 4-0

Commissioner Joyner asked when the Technical Review Committee meets. Planning Director David Bergmark stated that the TRC meets the second Thursday of every month.

Commissioner Joyner stated that it seems like the Board has hit a roadblock that somebody should have caught. Commissioner Joyner stated that getting the Special

Use Permit to the TRC with all due diligence and speed would be an appropriate action.

Commissioner Boyette asked that, just for information's sake—the TRC meets on the second Thursday of every month if there's something to review. Commissioner Boyette asked if the meeting will be May 9th and if those meetings will be open to the public? Mr. Bergmark said that the meetings are open to the public but are not open for Public Comment.

Commissioner Boyette asked where those meetings are held. Mr. Bergmark stated that they're typically held in the Town Hall's conference room, depending on the amount of public present, it can be moved.

Commissioner Boyette confirmed that the meeting will be held May 9th in Town Hall with no public comment allowed. Mr. Bergmark affirmed and stated that it starts at 9:30 AM. He doesn't know how much comment will be given on this item given the short timeline, but he will put it on the agenda and see what comments staff gets back. He stated that normally, the TRC would have 30 days to review the item.

Attorney Jim Cauley asked if Mr. Bergmark has what is required to be presented to the TRC. Mr. Bergmark replied that no, they don't have a master plan in hand.

Attorney Cauley asked if there is a deadline to receive the Master Plan in advance of the TRC meeting. Mr. Bergmark responded that the TRC has a time deadline to receive materials 30 days prior to the TRC meeting.

Commissioner Boyette stated that June meeting it is for revisiting the Special Use Permit. Planning Director Bergmark affirmed that it would be the June meeting in order to receive the application and the master plan submitted 30 days prior to that June meeting date [June 13th meeting]

6. ADMINISTRATIVE ITEMS

6a. Façade Grant request for 1 North Main Street.

Speaker: Planning Director David Bergmark

[Staff Report]

Item Summary:

On January 11, 2019, an application was submitted to the Town of Wendell Planning Department by property owner Sigurd Westerlund for the expanded downtown façade grant program, in the amount of \$45,000. The application includes the removal of the existing metal siding on the corner building located at 1 N Main Street, as well as comprehensive exterior renovations to restore the building to its former appearance. The property is located in the center of the Downtown Mixed-Use (DMX) zone at the corner of Main Street and Third Street.

The proposed exterior renovations include window replacement, new decorative cornice, masonry repair, and new exterior lighting fixtures. Quotes for all work beneath the metal paneling could not be obtained until the paneling was removed. The applicant is also performing extensive additional building renovations to make the space commercially available, but the items below represent those costs which are eligible for façade grant funds.

The total estimated cost for exterior façade improvements is \$103,327, broken down as follows:

- Removal of existing metal paneling/siding: \$4000
- Replacement of all exterior windows and doors: \$38,350
- Cornice replacement & Installation: \$25,512.5
- Masonry Repair: \$34,000
- Outdoor Lighting: \$1464.74

The amount applied for by the applicant for the expanded downtown façade grant program is \$45,000. The eligible grant amount is dependent upon the availability of façade grant match funds, based on 50-50 match. The total match provided by the Town for all expanded façade grants approved through June 1, 2019 may not exceed \$45,000. The \$45,000 figure represents the balance of the \$50,000 the Town received from NC Commerce to be used for downtown revitalization projects.

These matching funds may be applied towards a single grant request, or multiple requests, at the sole discretion of the Town Board. Grant approvals in excess of \$10,000 shall be reserved for prominent downtown projects which will result in significant increased property valuation, job development, or substantial aesthetic improvements in a prominent location.

The project includes eligible improvements and was deemed complete with project costs indicated and project details provided. The applicant has begun work, which is permitted under the program guidelines.

Pictures of the existing façade (prior to removal of the metal paneling) and the proposed façade (based on historic photos of the building) are provided on the following page.

Staff Comments:

- In Staff's opinion, the proposed project meets the qualifications to exceed a \$10,000 grant award, as it includes substantial aesthetic improvements in a prominent downtown location and will result in increased property valuation.
- This request represents the only application the Town has received for the expanded façade grant program. In order to ensure that all State Funding is put to use, the Town's Expanded Downtown Façade Grant program has an open application period through June 1, 2019.

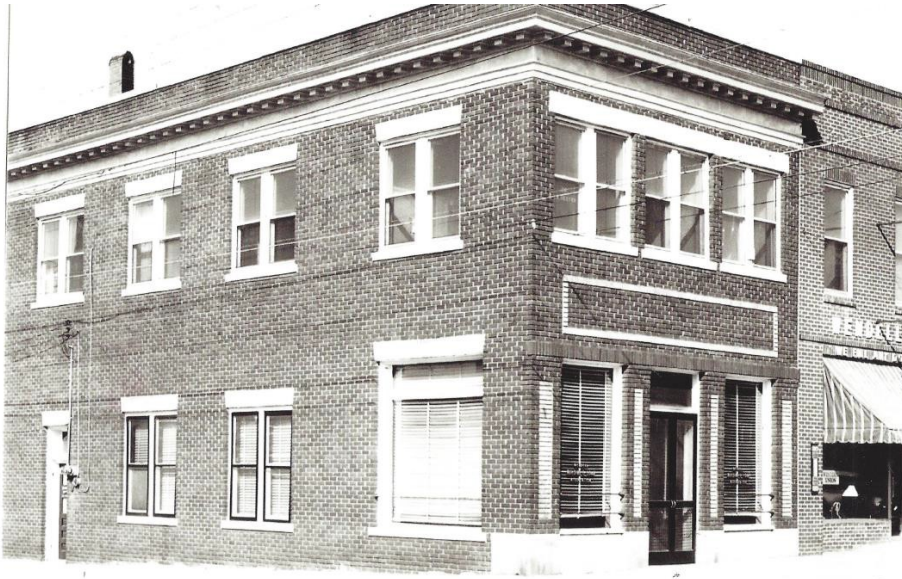
Appearance Commission Recommendation:

- At their April meeting, the Wendell Appearance Commission unanimously recommended approval of the expanded façade grant request, in the full amount (\$45,000).

Existing Façade (Prior to Removal of metal paneling):



Proposed (to restore the building back to its historic/traditional façade)



Planning Director David Bergmark provided an overview of the façade grant request for 1 North Main Street; staff report included above in italics.

Commissioner Lutz asked if these funds have been received from the NC Department of Commerce. Town Manager Collins confirmed it is the remaining \$45,000.00 received from the NC Department of Commerce after subtracting the \$5,000.00 for legal work to establish a downtown event group.

Commissioner Lutz asked if it's normal protocol when they have these applications to have formal quotes of the work that's being done? Mr. Bergmark stated yes, they have

to provide the quotes and that yes, he did receive the quotes from professional contractors in those dollar amounts.

Commissioner Joyner asked if that initial pot of money isn't a recurring pot of money—it was a one-time allocation from the General Assembly to the Department of Commerce to pass to Wendell. He asked if the Board has thoughts on Commerce. He said that the Façade Grant Program was cut out two budgets ago and brought back last budget and asked if the Board has an idea moving forward on how they will continue such a program? Commissioner Joyner stated that it seems like they're spending all of the budget and he's asking, in light of having a conversation with Senator Barefoot again—and Senator Barefoot is no longer Senator in the State—that funding is going to have to come from outside? He said that the Town no longer has a new commerce program. He stated that the best thing to come out of this is that the relationship the Town has with the Department of Commerce. He asked if Commerce would recommend the Board doing this?

Town Manager Collins stated that Commerce has told the Town that it is free to use the money as it sees fit to improve downtown. Town Manager Collins said that they did review how the town intended to use the money. He said this proposal being posed is consistent with that use. He stated that it's likely to see a town-funded Façade Grant Program at a lower amount in a recommended budget.

Commissioner Lutz asked Mr. Bergmark to confirm the deadline set by the NC Department of Commerce, thinking it is July 1st.

Mr. Bergmark stated that he believes its next fiscal year to spend all the funds the town set our deadline for application through June 1st because we had a fallback if we did not receive Façade Grant requests, the town was looking at doing some downtown electrical improvements. He said that it was the general thought of the Board that if we could do it through this use, that would be preferred and he wanted to set that up as the initial strategy and then only use the other one as a fallback.

ACTION:

Mover: Commissioner Joyner moved to approve the Façade Grant Request at 1 N. Main St.

Vote: 4-0

- 6b. Update on Citizen Advisory Boards.
Speaker: Town Clerk Megan Howard

[Staff Report]

Item Summary:

The following Town of Wendell citizen advisory boards have vacancies:

- *Planning Board – 1 in-town member and 1 ETJ member [both terms expire June 2020]*
- *Tree Board – 2 members [one term expires June 2020; one term expires June 2021]*
- *Appearance Commission – 1 member [term expires June 2020]*

Citizen advisory boards in Wendell are very active! A notice of the vacancies was posted on the

Town's website, social media sites and with local media.

Town of Wendell

- Want to be involved in our growing and charming community?
- Consider serving on a Town of Wendell Citizen Advisory Board!
- The following Town of Wendell Citizen Advisory Boards have vacancies:
 - Planning Board
 - Tree Board
 - Appearance Commission
- Application and information about what each Citizen Advisory Board does for Wendell is available at:
<http://www.townofwendell.com/government/citizen-boards>



Small Town. Big Charm.

Applicants requesting consideration for a citizen advisory board would complete the unexpired term. Terms begin on July 1 and end June 30.

Town of Wendell continues to be in need of volunteers to serve on citizen advisory boards. Open recruitment for citizen advisory boards launches Tuesday, April 23, 2019 and wraps up on Thursday, May 23, 2019. Citizens may visit the Town's website – www.townofwendell.com – for an overview of what each citizen advisory board does for the Town of Wendell and an application. Applications may be returned to Town Hall, 15 E Fourth Street, Wendell, Attention Town Clerk Megan Howard or remitted via email to mhoward@townofwendell.com

Town Clerk Megan Howard stated the applications attached in the Commissioners' Agenda packets were received to date for current vacancies. She said that the Board is not required to take action this evening. Ms. Howard stated that recruitment will be launched tomorrow, April 23rd and the deadline for applications will be May 23rd. She said that open recruitment information will come back at the first June Board Meeting [June 10, 2019]. She asked the Board if they wanted to take action at their next Board meeting or wait until the June 10 meeting to take action to fill the vacancies.

Mayor Gray stated that she would rather wait until they had everything before taking action.

Commissioner Joyner stated that all sitting members of each Board should be contacted that have a term expiring and that they should reapply.

Town Manager Collins stated that on the Planning Board appointments it states that one In-Town Member and one ETJ member terms expire in June 2020. He said the Planning Department received population statistics from the County and there are

statutory requirements about ETJ representation on the Planning Board and Board of Adjustment. Manager Collins requested that the planning staff and the attorney go through those numbers.

Mayor Gray stated that this is all the more reason to wait and that there are five empty seats right now. She said that it is the responsibility of the staff liaison to remind members at the meetings of whose terms are expiring and who was eligible to reapply.

ACTION: It was the consensus of the Board of Commissioners to wait until the June 10th meeting to take action on Citizen Advisory Boards.

- 6c. Discussion and decision for the lease of the property located at 122 W Second Street as a museum by the Wendell Historical Society.
Speaker: Town Manager Marc Collins

[Staff Report]

Item Summary:

The Wendell Historical Society, LLC (WHS) requests to lease the Town owned structure at 122 Second Street for the purpose of establishing and operating a historic museum with typical accessory uses to promote the history of Wendell.

The Town purchased the property in January 2019 and recombined the lot with the remainder of the block already in the ownership of the Town. While the purchase and sale agreement is no longer in force, the Commission requested staff to negotiate a lease with the WHS for the use as a public museum. The Town Attorney provided a base lease document and staff drafted the initial document. The draft lease was provided to WHS for review and two rounds of edits were made. A summary of the lease document is as follows:

- *The lease is effectively a 20-year lease with rent set for \$1 per year.*
- *The WHS accepts the structure as-is for establishing and operating a public museum. And may operate a gift shop and/or use the premises for fundraising.*
- *The WHS will provide an annual maintenance plan and proof of regular maintenance to the Town for review. The WHS is responsible for all repairs and maintenance.*
- *The WHS is responsible for all utilities, mowing, and services for the premises and keep the property in a good, clean, and sanitary condition.*
- *Any alterations or improvements to the premises are the responsibility of WHS with prior approval by the Town Manager and a right to appeal to the Town Commission.*
- *The WHS is required to maintain insurance for the property and name the Town as an additional insured.*
- *Early termination of the lease is permitted by either party in writing at least 120 days in advance of the termination of the lease. The WHS has three (3) options in such an event beyond just leaving the premises; (1) offer to purchase the premises at the price the Town expended; (2) relocate the structure to another site at WHS expense; or (3) participate in an agreement for an alternative public use of the property.*
- *The WHS may not occupy the premises until the terms of the lease are met (i.e. have plans for renovations, use, landscaping approved and insurance in place).*
- *The WHS must obtain all permits and maintain compliance with the law and lease. Annual reports demonstrating compliance will be provided to the Town Manager.*
- *The Town retains ownership of the premises with the ability to consider other uses in the future as needed.*

Staff recommends that the commission approve the Lease of the 122 Second Street premises to the Wendell Historical Society.

Town Manager Marc Collins provided an overview of the lease of the property located at 122 W Second Street as a museum by the Wendell Historical Society; staff report included above in italics.

ACTION:

Mover: Mayor Pro Tem Lutz moved to approve the amended lease at 122 W Second Street as a museum by the Wendell Historical Society.

Vote: 4-0

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:



Capital Area Metropolitan Planning Organization [CAMPO] – Mayor Gray



East Wake Senior Center Auxiliary – Commissioner Myrick

Update on board committee(s) provided.

8. COMMISSIONERS' REPORTS / COMMENTS

Mayor Pro Tem Lutz stated that when the Town has applicants who are requesting grants, his preference is the applicant present at Board Meetings to speak on their request.

9. MAYOR'S REPORTS / COMMENTS

Mayor Gray provided the following:



Citizen Advisory Board Recruitment starts Tuesday, April 23rd and wraps up on May 23rd and encouraged people to apply.



Opening Day at the Wendell Park will be Saturday, April 27th



National Day of Prayer is May 2nd



Public Safety Day is May 4th



Spring into the Arts is May 11th.



Mayor Gray thanked the Passage Church and Wendell Baptist Church for such a great Easter Egg Hunt. She also thanked Public Works, Police and the Parks and Recreation staff.

10. CLOSED SESSION

10a. *Closed session will be called if necessary.*

ACTION: No Closed Session was called.

11. ADJOURN

ACTION:

Mover: Mayor Pro Tem Lutz moved to adjourn.

Vote: 4-0

Duly adopted this 10 day of June 2019, while in regular session.

ATTEST:

Virginia R. Gray,
Mayor

Megan Howard,
Town Clerk