

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

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

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

ABSENT: Commissioner David Myrick

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

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

Carver Elementary Student Andrew Vargas led the Pledge of Allegiance.

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

1. ADJUSTMENT AND APPROVAL OF THE AGENDA

ACTION

Mover: Mayor Pro Tem Jon Lutz moved to approve the agenda.
Vote: 4-0

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

There were no public comments at this meeting.

3. CONSENT AGENDA

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

ACTION

Mover: Mayor Pro Tem Jon Lutz moved to approve the Consent Agenda as presented.
Vote: 4-0

- 3a. Minutes from the October 14, 2019 regular Town Board Meeting
- 3b. Minutes from the October 28, 2019 regular Town Board Meeting

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

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

4. RECOGNITIONS, REPORTS, AND PRESENTATIONS

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

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

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

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

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

Phyllis Pearson presented the following report, below in italics:

Item Summary:

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

Staff is recommending that the 2019 audit report be approved.

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

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

5. PUBLIC HEARINGS

Public Hearing Guidelines:

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

- 5a. **EVIDENTIARY HEARING:** Special Use Request by Westerlund and Schearer Hospitality LLC to permit a Bar/Taproom at 1 North Main Street.
Speaker: Planning Director David Bergmark

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

Item Summary:

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

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

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

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

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

Applicant's Justification:

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

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

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

Project Profile:

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

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

Existing Zoning Map:



Zoning District:

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

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

Off Street Parking:

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

Site Improvements:

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

Staff Comments:

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

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

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

Quasi-judicial hearings are different than regular public hearings in that they resemble a court hearing where testimony is presented. The Town Board refrains from “ex parte communication” about these cases, as they must make a decision based solely on the written and oral evidence actually presented at the hearing itself. This means that the Town Board refrains from receiving any information about these cases outside the hearing, including emails, phone calls, letters, etc. The Town Board also refrains from conducting meetings about these issues outside the hearing.

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

Town Clerk Megan Howard swore in those giving testimony.

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

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

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

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

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

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

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

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

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

Commissioner Ben Carroll recused himself from the vote.

ACTION

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

Vote: 3-0

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

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

Item Summary:

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

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

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

Four options were derived from reviewing local municipalities;

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

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

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

Proposed Amendments:

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

15.6 - Site Plans

A. Minor Site Plans

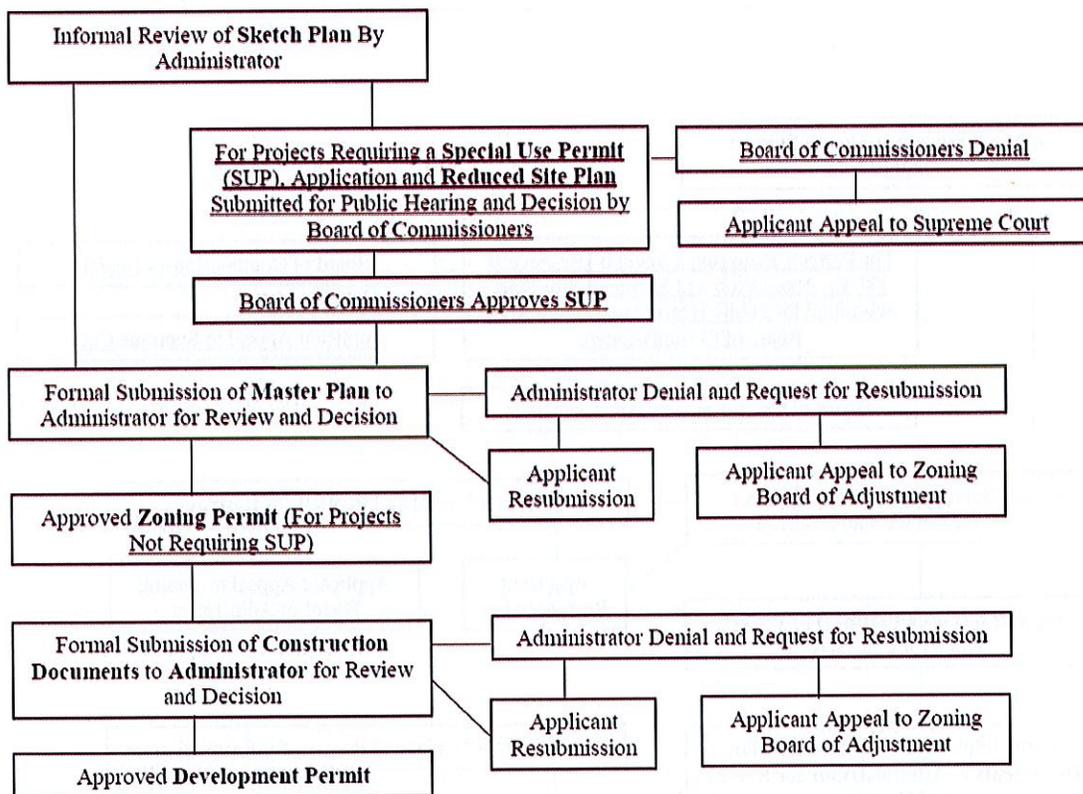
1. Applicability:

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

2. Procedure:

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

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



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

B. Major Site Plans

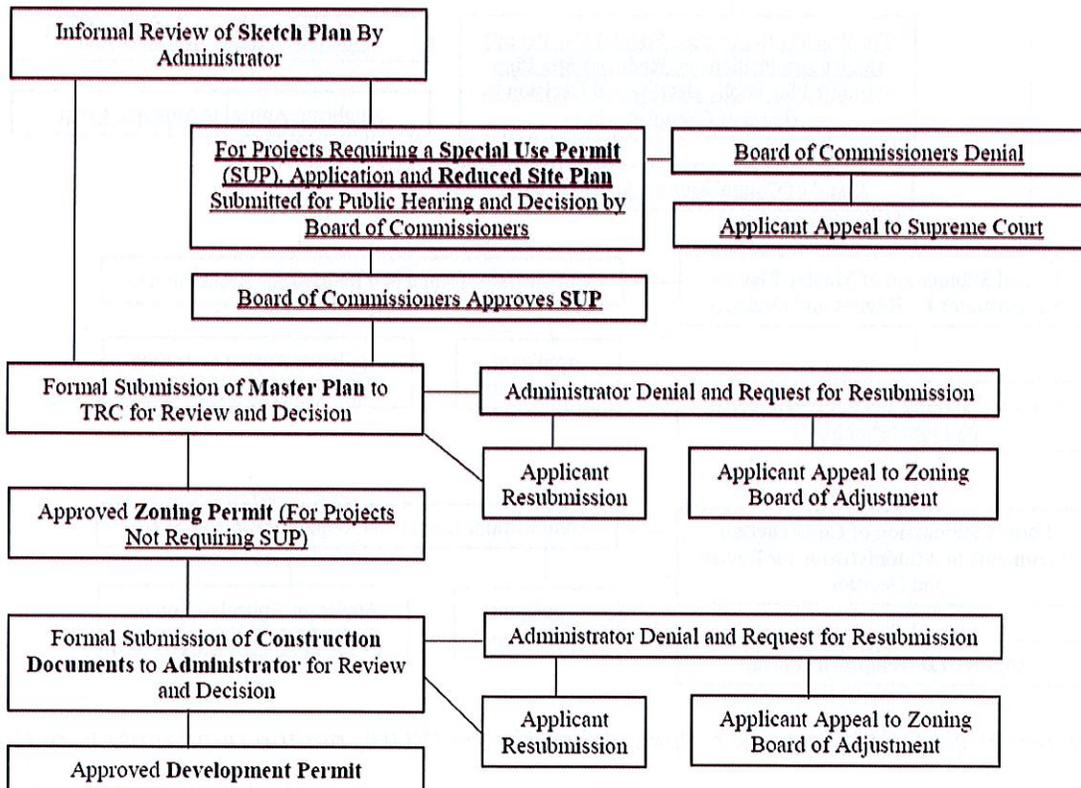
1. Applicability:

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

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

c. Industrial Development
2. Procedure:

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



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

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

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

15.15 - Special Use Permits

H. Procedure:

APPLICATION	REVIEWING AUTHORITY	ACTION TO BE TAKEN	APPEAL AUTHORITY
Special Use Permit w/ Master Plan (16.6) Reduced Site Plan (15.15.1. Reduced Site Plan Requirements)*	Administrator	Review submittal procedures and requirements. Review for completeness & code compliance. Issue Staff Report	n/a
	Board of Commissioners	Public Hearing	n/A
	Board of Commissioners	Approval of Special Use Permit -or- Denial and Request for Rehearing	Superior Court

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

I. Reduced Site Plan Requirements:

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

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

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

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

Questions to Consider:

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

Planning Board Recommendation:

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

The Planning Board also voted unanimously to recommend the following:

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

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

Voting against: None

Absent: Allen Swaim

Statement of Plan Consistency and Reasonableness:

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

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

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

Staff Recommendation:

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

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

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

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

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

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

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

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

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

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

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

No one spoke in favor or opposition.

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

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

ACTION

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

Vote: 4-0

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

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

Item Summary:

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

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

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

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

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

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

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

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

Proposed Amendments:

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

12.7 – Permitted Principal Use Signs

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

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

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

Planning Board Recommendation:

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

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

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

Voting against: None

Absent: Allen Swaim and Brett Hennington

Statement of Plan Consistency and Reasonableness:

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

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

Staff Recommendation:

Staff recommends approval of the text amendment.

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

No one spoke.

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

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

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

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

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

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

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

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

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

ACTION

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

Vote: 4-0

6. ADMINISTRATIVE ITEMS

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

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

Item Summary:

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

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

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

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

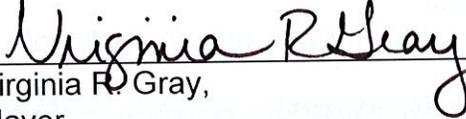
**TOWN OF WENDELL
BOARD OF COMMISSIONER MEETING MINUTES
NOVEMBER 12, 2019**

ACTION:

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

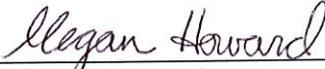
Vote: 4-0

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



Virginia R. Gray,
Mayor

ATTEST:



Megan Howard,
Town Clerk



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

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

ACTION

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

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

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

7a. Update on board committee(s) by Town board members:

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

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

 East Wake Senior Center [Commissioner Myrick]

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

8. COMMISSIONERS' REPORTS / COMMENTS

None of the Commissioners had any comment.

9. MAYOR'S REPORTS / COMMENTS

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

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

10. CLOSED SESSION

No Closed Session was called.

11. ADJOURN