



**Wendell Town Board of Commissioners**

**Board Room**

**15 E. Fourth Street, Wendell, NC 27591**

**Town Board Meeting Agenda**

**Tuesday, May 26, 2020 @ 7:00 PM**

**SPECIAL NOTICE**

Due to the Declared State of Emergency in response to the COVID-19 Virus, the Town of Wendell has altered the traditional meeting process to accommodate and encourage positive public health practices. The Town is incorporating virtual meeting practices to continue the work of the Board of Commissioners while taking proactive measures to maintain transparency and provide for public comment.

The public is encouraged to remain home and watch the business meeting on Facebook Live, or after it is posted to the Town website, or by calling (919) 375-6880 and listening to the meeting. No direct access to Town Hall will be allowed.

Public Comment period for the May 26, 2020 Board of Commissioners meeting shall be organized in advance. The public can submit their public comment to the Town Clerk via email to [mhoward@townofwendell.com](mailto:mhoward@townofwendell.com) or submit a request to call in and teleconference during the Board of Commissioners meeting by emailing their name, address, and phone number to the clerk via email by Friday, May 22<sup>nd</sup> at 5 p.m.

**CALL TO ORDER**

- Welcome – Mayor Virginia Gray
- Pledge of Allegiance – Police Chief Bill Carter
- Invocation – Pastor Wallace Johnson of Wendell United Methodist Church

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

**2. PUBLIC COMMENT PERIOD**

- The Public Comment period for the May 26, 2020 Board of Commissioners meeting shall be organized in advance. The public can submit their public comment to the Town Clerk via email to [mhoward@townofwendell.com](mailto:mhoward@townofwendell.com) by Friday, May 22<sup>th</sup> at 5 p.m.

or

- Submit a request to speak over the phone during the Board of Commissioners meeting by emailing their name, address, and phone number to the clerk via email by Friday, May 22<sup>th</sup> at 5 p.m. The Clerk will provide the call-in phone number and provide three (3) minutes to speak on any non-public hearing item or topic.
- Questions or comments regarding specific agenda items may be directed to the contact person provided for the individual items on the agenda below for additional information before or after the 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.*

3a. Wake County Tax Reports March 2020 and April 2020

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

No recognitions, reports, and presentations.

### **5. PUBLIC HEARINGS**

**PLEASE NOTE:** Due to the current State of Emergency and in the interest of public health, the following accommodations will be made to allow public participation in public hearings, but no public attendance at Town Hall will be permitted. No Board action on public hearing items will occur if a virtual meeting is used to conduct the public hearing. The item will be continued and the public will have 24 hours from the end of the meeting to provide comments on the public hearing item.

- Public participation for public hearing items on the agenda for the May 26<sup>th</sup>, 2020 Board of Commissioners meeting shall be organized in advance. The public can submit their public hearing comments to the Town Clerk via email to [mhoward@townofwendell.com](mailto:mhoward@townofwendell.com) by Wednesday, May 27<sup>th</sup> at 10 p.m. Please provide your name, address, and the agenda item number with your comments. Copies of the written comments received by Friday, May 22 at 5pm will be provided to the Board of Commissioners at the meeting, read at the meeting, and included in the minutes of the meeting. Comments will be received for 24 hours after the meeting and provided to the Board prior to action.

Or

- Submit a request to speak over the phone during the Board of Commissioners meeting by emailing their name, address, phone number, and item number they wish to speak on to the clerk via email by Friday, May 22<sup>th</sup> at 5 p.m. The Clerk will provide the call-in phone number and provide five (5) minutes to speak on any non-public hearing item or topic. Comments made by phone will be recorded and transcribed to maintain the public record.
- If you have questions regarding an agenda item, please email the staff contact directly in advance of the meeting. If preferred, you may call Town Hall at (919) 365-4450 to be directed to speak with the staff contact for the agenda item(s) of interest. Communications of this type will not be included in the meeting minutes.

5a. PUBLIC HEARING: Public Hearing on an R7 Conditional District for property located at 1425 Eagle Rock Road

Staff Contact: Assistant Planning Director Bryan Coates  
[bcoates@townofwendell.com](mailto:bcoates@townofwendell.com)

5b. PUBLIC HEARING: Public Hearing on a non-contiguous annexation for 1 parcel totaling 38.99 acres [PIN #1773-88-6927] located at 1425 Eagle Rock Road

Staff Contact: Assistant Planning Director Bryan Coates  
[bcoates@townofwendell.com](mailto:bcoates@townofwendell.com)

5c. PUBLIC HEARING: Public Hearing on a Zoning Text Amendment to Sections 2.3, 3.3 and 19.3 of the UDO to create a new Nursery & Garden Center use

Staff Contact: Assistant Planning Director Bryan Coates  
[bcoates@townofwendell.com](mailto:bcoates@townofwendell.com)

5d. PUBLIC HEARING: Public Hearing on a Zoning Text Amendment to section 15.13 of the Unified Development Ordinance as it relates to the approval process for Final Development Plans

Staff Contact: Assistant Planning Director Bryan Coates  
[bcoates@townofwendell.com](mailto:bcoates@townofwendell.com)

## 6. ADMINISTRATIVE ITEMS

6a. Appointments to the Town of Wendell Planning Board and Economic Development Committee

Staff Contact: Town Clerk Megan Howard  
[mhoward@townofwendell.com](mailto:mhoward@townofwendell.com)

6b. Adoption of the Fiscal Year 2020-2021 Budget and Fee Schedule

Staff Contact: Town Manager Marc Collins  
[mcollins@townofwendell.com](mailto:mcollins@townofwendell.com)

6c. Waiver of Building Permit Fees for Operation Coming Home Project Sponsored by the Homebuilders Association of Raleigh-Wake County.

Staff Contact: Assistant Planning Director Bryan Coates  
[bcoates@townofwendell.com](mailto:bcoates@townofwendell.com)

6d. Recurring Minor Street Closing on West Campen Street for the Wendell Farmers Market on Saturdays from May 16, 2020 to October 3, 2020.

Staff Contact: Assistant to the Manager Stephanie Smith  
[ssmith@townofwendell.com](mailto:ssmith@townofwendell.com)

**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:

- Mayor Virginia Gray – Capital Area Metropolitan Planning Organization (CAMPO)
- Mayor Pro Tempore John Boyette – Technical Review Committee (TRC)

**8. COMMISSIONERS' REPORTS / COMMENTS**

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

**10. CLOSED SESSION**

*Closed session will be called if necessary.*

**11. ADJOURN**



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

TEL 919 856 6180  
FAX 919 856 5699

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

March 17, 2020

Ms. Megan Howard  
Town Clerk  
Town of Wendell  
15 East Fourth Street  
Wendell, NC 27591

Dear Ms. Howard:

The Wake County Board of Commissioners, in regular session on March 16, 2020, approved and accepted the enclosed tax report for the Town of Wendell.

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

Sincerely,

A handwritten signature in black ink that reads "Denise Hogan".

Denise Hogan  
Clerk to the Board  
Wake County Board of Commissioners

Enclosure(s)



Wake County Revenue Department

Rebate Details

01/01/2020 - 01/31/2020

**WENDELL**

PAGE

10:00:21 AM

1

DATE

02/04/2020

TIME

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

746440	220.50	0.00	0.00	0.00	220.50	01/10/2020	0000272699	2019	2019 000000	GONZALEZ, LUIS G
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1 Properties Rebated

SUBTOTALS FOR INDIVIDUAL REAL ESTATE ACCOUNTS

220.50	0.00	0.00	0.00	220.50
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TOTAL

REBATED FOR WENDELL

220.50	0.00	0.00	0.00	220.50
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1 Properties Rebated for City



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

TEL 919 856 6180  
FAX 919 856 5699

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

April 7, 2020

Ms. Megan Howard  
Town Clerk  
Town of Wendell  
15 East Fourth Street  
Wendell, NC 27591

Dear Ms. Howard:

The Wake County Board of Commissioners, in regular session on April 6, 2020, approved and accepted the enclosed tax report for the Town of Wendell.

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

Sincerely,

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

Denise Hogan  
Clerk to the Board  
Wake County Board of Commissioners

Enclosure(s)



**Wake County Revenue Department**

Rebate Details

02/01/2020 - 02/29/2020

**WENDELL**

DATE: 03/04/2020  
 TIME: 9:45:34 AM  
 PAGE: 1

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

750194	1,368.30	0.00	136.83	0.00	1,505.13	02/28/2020	0006819849	2019	2019 000000	ARG FOOD LLC
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SUBTOTALS FOR BUSINESS ACCOUNTS: 0.00 136.83 0.00 1,505.13 1 Properties Rebated

**BUSINESS REAL ESTATE ACCOUNTS**

748191	2.21	0.00	0.00	0.00	2.21	02/06/2020	0000433212	2019	2019 000000	WENDELL FALLS COMMUNITY ASSC INC
748193	2.94	0.00	0.00	0.00	2.94	02/06/2020	0000441606	2019	2019 000000	WENDELL FALLS COMMUNITY ASSC INC
748192	2.94	0.00	0.00	0.00	2.94	02/06/2020	0000441597	2019	2019 000000	WENDELL FALLS COMMUNITY ASSC INC

SUBTOTALS FOR BUSINESS REAL ESTATE ACCOUNTS: 8.09 0.00 0.00 8.09 3 Properties Rebated

TOTAL REBATED FOR WENDELL: 1,376.39 0.00 136.83 1,513.22 4 Properties Rebated for City

**Item Title:**

Public Hearing on an R7 Conditional District for property located at 1425 Eagle Rock Road.

**Report to the Board of Commissioners:**

Tuesday, May 26, 2020

**Report to the Planning Board:**

Monday, May 4, 2020

Tuesday, January 21, 2020

Monday, November 18, 2019

**Specific Action Requested:**

Holds a public hearing on the proposed R7 Conditional District request and consider adopting the attached ordinance to rezone the described area subject to conditions and in conformance with the associated Master Plan.

**Applicant:**

Brian Duncan, The Spaulding Group, PA

**Petition:**

The applicant has requested to create an R7 conditional district for 38.99 acres of property within the parcel identified by PIN #1773-88-6927. The proposed conditional district consists of a residential subdivision featuring a mix of both single-family and townhome dwelling units.

**Item Summary:**

The applicant's proposed R7 Conditional District will feature 82 single family homes and 90 townhomes. This project is located on Eagle Rock Road, about one quarter mile north of Wendell Falls Parkway. The R7 Conditional District is being proposed to be consistent with the Comprehensive Plan as an area where moderate intensity new development is appropriate and to allow for more housing options.

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

**Purpose of a Conditional District:**

The purpose of the Conditional Districts (CD) is to provide an alternative means of land development and an alternative zoning procedure that may be used to establish residential, commercial, and

industrial Conditional Districts at appropriate locations and in accordance with the planning and development objectives of the Town.

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

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

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

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

**Location and History:**

This property is currently located in the extraterritorial jurisdiction and is zoned Rural Agricultural (RA) and will need to be annexed into the Town of Wendell.

**Project Profile:**

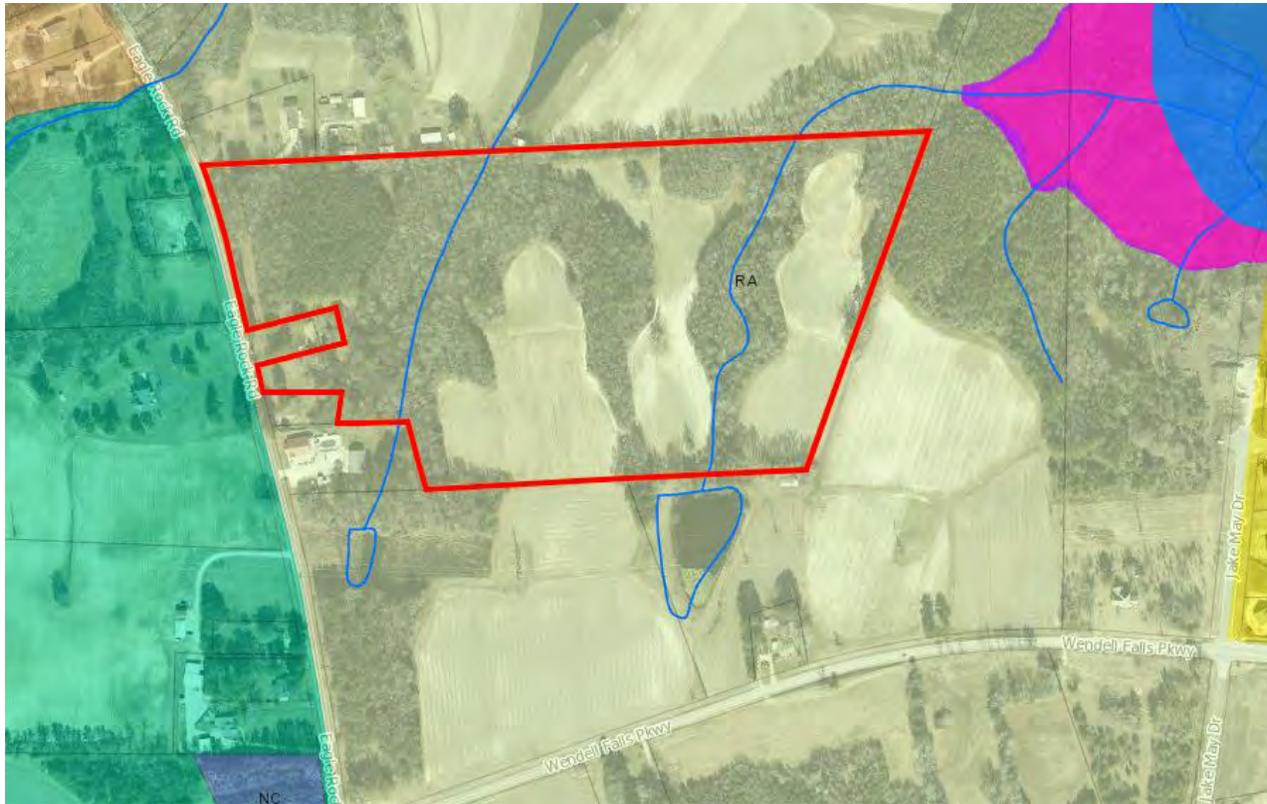
PROPERTY LOCATION:	1425 Eagle Rock Road
WAKE COUNTY PIN:	1773886927
CURRENT ZONING DISTRICT:	RA
CROSS REFERENCES:	N/A
PROPERTY OWNERS:	G&F Properties, LLC PO Box 767 Wendell, NC 27591-0767
APPLICANT:	Brian Duncan, The Spaulding Group, PA 1611 Jones Franklin Road, Suite 101 Raleigh, NC 27606
PROPERTY SIZE:	38.99 acres
CURRENT LAND USE:	Vacant
PROPOSED LAND USE:	Residential

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

DIRECTION	LANDUSE	ZONING
North	Residential/Agricultural	RA

<b>South</b>	Residential/Agricultural	RA
<b>East</b>	Residential/Agricultural	RA
<b>West</b>	Residential/Agricultural	RR

**Current Zoning Map:**



**Proposed Conditional District Conditions:**

The applicant is proposing 7 conditions for the proposed CD, as follows:

1. UDO Section 2.3 A. – Multifamily dwellings (limited to townhomes only) shall be a permitted use in R7 (CD), and the maximum number of townhomes shall not exceed 53% of the total number of units- UDO Section 2.7 B.2.
2. Townhome buildings shall provide detailed design along all primary elevations and elevations facing a public street or open space. Detailed design shall be provided by using at least (3) of the following architectural features as appropriate for the proposed building type and style (may vary features on rear/side/front elevations): Dormers, gables, recessed entries, covered porch or stoop entry, cupolas or towers, pillars or posts, eaves (minimum 10” projection which may include gutter), off-sets in building face or roof (minimum 12”), bay windows, balconies, and decorative patterns on exterior finish (e.g. scales/shingles, wainscoting, and similar features). Sufficient wall articulation is also required to avoid large unbroken expanses of roof or wall planes including the stepping of units and the use of bays and gables where appropriate.

3. Garage doors shall either contain windows or carriage style adornments.
4. The use of vinyl-siding shall be prohibited, except for trim elements of the dwelling unit façade.
5. UDO Section 2.7 B. 1. – The minimum lot size for single-family shall be 4,400 sq. ft.
6. UDO Section 5 – Front-loaded single-family lots shall have a minimum allowed lot width of 40 feet.
7. UDO Section 9.7.E.4 – Maximum cul-de-sac length shall exceed 300’ on street ‘F’ only as necessary to preserve environmental and topographic features.

**Applicant’s Justification:**

Applicants Justification Statement added as Attachment B.

**Public Utilities:**

Development of this site will require connection to city water and sewer which will necessitate annexation.

**Streets:**

The Town’s Arterial and Collector Street Plan calls for widening and improvements to Eagle Rock Road (ultimately a 4-lane divided road; developer is responsible for improving to 3-lane undivided section). This would necessitate some widening and improvements along their frontage. They will dedicate the full R-O-W and construct the required road improvements along Eagle Rock Road. The development plan also includes a minor collector that includes bike lanes and sidewalks from Eagle Rock Rd to the stub on the eastern side of the property. The TIA is requiring a 250 ft. right turn lane from Wendell Falls Parkway onto Southbound Eagle Rock Road.

**Phasing:**

The applicant has indicated that there will be three phases on this project.

**Comprehensive Plan:**

The Wendell Comprehensive Plan defines the subject property as being within the S-4 Controlled Growth Area and a neighborhood center.

The Comprehensive Plan states that S-4 areas “are typically close to thoroughfares and at key cross-road locations. This sector is where moderate intensity new development is appropriate and where the majority of the community’s new growth should occur. The typically envisioned community type for S-4 is a traditional neighborhood development (TND), which includes neighborhood serving commercial and civic uses surrounded by a mix of housing types that decrease in density as they get farther away from the commercial area.”

Neighborhood centers are “intended to be mixed-use activity centers serving surrounding neighborhoods with retail, services, civic uses, and higher density housing.”

The proposed development on the site meets the appropriate uses.



**TRC Review:**

- The applicant has addressed all Technical Review Comments identified to date. If the master plan is approved, the TRC would also review the subsequent final development plan (construction drawings).

**Planning Board Recommendation:**

At their May 4, 2020 meeting, the Planning Board voted 5-2 in favor of the requested Conditional District.

**Voting in Favor:** Ryan Zakany, Jonathan Olson, Brett Hennington, Jimmena Huffman-Hall and Deans Eatman

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

**Absent:** Victoria Curtis and Levin Jones

**Statement of Plan Consistency:**

The proposed Conditional District is found to be consistent with the recommended uses outlined in the Wendell Comprehensive Land Use Plan for the S-4 Sector/Neighborhood Center and is reasonable to allow for diversity in housing options. Furthermore, the proposed amendments are found to be consistent with the following principle of the Comprehensive Plan:

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

**Staff Comments:**

Staff supports the proposed conditional district.

**Attachments:**

- A. Overall Site Plan (Spaulding & Norris Eagle Rock Road Property)
  - a. Full Master Plan Link:  
<https://nmcndn.io/e186d21f8c7946a19faed23c3da2f0da/3834b95a93b14b3689a528c1f97c5d69/files/Eagles-Rise-Subdivision-4-28-20.pdf>
- B. Applicant’s Justification Statement
- C. Ordinance for Adoption



## THE SPAULDING GROUP, PA

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### Attachment 'C': Eagle Rock Subdivision Master Plan Narrative

The proposed rezoning request consists of approximately 38.99 acres and is located near the intersection of Eagle Rock Road and Wendell Falls Boulevard. The subject parcel is currently zoned Rural Agricultural (RA), which is intended to be rural, extremely low dense development. The proposed rezoning request is to rezone the subject property to R-7 Conditional District. The developer is seeking a Condition Use district as necessary to create greater flexibility in lot sizes, and front-loaded residential product in exchange for architectural commitments which ensure high quality development that the Town has come to expect.

The minimum lot size in this district is one acre and developments of more than five acres are not permitted. However, the UDO does state in Chapter 2.5 that RA "is intended to reserve developable areas until utility infrastructure can be installed to allow for planned growth." The current zoning of RA was never envisioned to be the 'highest and best use' of the property.

So just what is the planned growth for this parcel? Adopted in 2007, the Town of Wendell's Comprehensive Plan contains several defined development sectors, which dictate appropriate densities and land uses. The Comprehensive Plan designates the subject property as 'S-4 Controlled Growth Area'. As stated in the Plan, "This sector is intended to feature modern intensity new development and where the majority of the community's new growth should occur." This is evident in the recent residential growth that has occurred in Wendell. Just down Wendell Falls Boulevard, Wendell Falls has continued to flourish and develop through its residential development phases. This proposed rezoning of R-7, will show similar diverse and high-quality housing types as Wendell Falls, while providing active open space for its residents. Open space requirements will be met by providing several pocket parks throughout the neighborhood, which allows the residents to get to know their neighbors and allow everyone to live within a reasonable distance to an amenity.

So, although the immediate adjacent residential properties remain vacant, the developer does not see any adverse impacts of this future subdivision to other properties. This developer will be required to extend utilities to the property. Public sanitary sewer will be extended from the Foxborough Crossing subdivision, which will require an easement through the property between the subdivision and the subject parcel. This opens up additional vacant or under-developed parcels to be ripe for development which is a very positive impact for the surrounding area. Additionally, public water will also be extended along Eagle Rock Road to the subject property frontage, allowing the infrastructure vision in the area to be a lot clearer.

One of the general principles contained within the Comprehensive Plan is "Provide for a range of housing opportunities." The proposed rezoning to R-7 Conditional Use District allows that housing diversity to occur. This is supported by both single-family and multifamily development being identified as appropriate in the S-4 sector. The Town of Wendell's demographics are changing. More families are opting to live in multifamily dwellings like townhomes in addition to single-family, that feature



## THE SPAULDING GROUP, PA

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maintenance-free yards and elevations and walkable amenities. The town has long since realized this, as this was an original goal within the Comprehensive Plan since the plan was first adopted in 2007. The proposed subdivision will consist of both single-family as well as townhomes, which will allow for diversity within the same neighborhood. Families can evolve and not have to move out of their community depending on what stage of life they are currently in.

It is important to note that Wake County public schools require all proposed residential development to submit a residential notification form that outlines the number of units and the year breakdown that they will be completed in. At the time of master plan submittal, this project submitted this form and clearly indicated the proposed units, complete with bedroom breakdowns.

Developers also plan for community facilities such as police, fire and EMS when designing a development. All interior streets are required to be designed to accommodate the largest emergency response vehicle. The turning template is then submitted and reviewed by staff to ensure that the vehicle can safely maneuver through all access points and amenity parking areas. Existing emergency response facilities are located within close proximity and no issues are perceived with regards to insufficient response time.

The proposed subdivision will be a pedestrian-friendly one. This project will have sidewalk on both sides of its interior streets. Additionally, the transportation plan also calls for the collector road through the proposed subdivision. Designed and shown on the proposed master plan, this collector will allow for future interconnectivity through this subdivision and into Foxborough Crossing, which will allow for alternate routes for both pedestrians and automobiles, reducing traffic and potential safety concerns on the major thoroughfares of Eagle Rock Road and Wendell Falls Boulevard.

The Eagle Road rezoning and master plan request meets both the Comprehensive Plan. When developed, this project will offer a walkable, thoughtful residential concept that will be a welcomed part of Wendell.

**ORD # 0-11-2019**  
**AN ORDINANCE AMENDING THE ZONING MAP**  
**OF THE TOWN OF WENDELL**

WHEREAS a petition has been filed with the Board of Commissioners of the Town of Wendell requesting an amendment to the Zoning Map of the Town of Wendell to create the R7 Residential 7 Conditional District (R7-CD19-05) for the property described below, said property formerly being zoned Rural Agricultural (RA); and

WHEREAS said property is owned by G&F Properties, LLC; and

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

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

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

WHEREAS the said public hearing was actually conducted at 7:00 p.m. on May 26, 2020 at the Wendell Town Hall and wherein a reasonable opportunity was given to all those in attendance to speak either in favor or against the said change or to make relevant comments:

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

SECTION 1. That the Zoning Map of the Town of Wendell is hereby amended to include the R7 Residential 7 Conditional District (R7-CD19-05) 38.99 acres of property identified by PIN #1773886927.

SECTION 2. The requested zoning map amendment for the parcel within the rezoning area identified as CD19-05 from RA to R7-CD19-05, due to the nature of the surrounding land uses and its consistency with the types and nature of uses described in the S-4 Sector, is found to be reasonable and consistent with the recommendation of the Wendell Comprehensive Land Use Plan.

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

1. UDO Section 2.3 A. – Multifamily dwellings (limited to townhomes only) shall be a permitted use in R7 (CD), and the maximum number of townhomes shall not exceed 53% of the total number of units- UDO Section 2.7 B.2.
2. Townhome buildings shall provide detailed design along all primary elevations and elevations facing a public street or open space. Detailed design shall be provided by using at least (3) of the following architectural features as appropriate for the

proposed building type and style (may vary features on rear/side/front elevations): Dormers, gables, recessed entries, covered porch or stoop entry, cupolas or towers, pillars or posts, eaves (minimum 10” projection which may include gutter), off-sets in building face or roof (minimum 12”), bay windows, balconies, and decorative patterns on exterior finish (e.g. scales/shingles, wainscoting, and similar features). Sufficient wall articulation is also required to avoid large unbroken expanses of roof or wall planes including the stepping of units and the use of bays and gables where appropriate.

- 3. Garage doors shall either contain windows or carriage style adornments.
- 4. The use of vinyl-siding shall be prohibited, except for trim elements of the dwelling unit façade.
- 5. UDO Section 2.7 B. 1. – The minimum lot size for single-family shall be 4,400 sq. ft.
- 6. UDO Section 5 – Front-loaded single-family lots shall have a minimum allowed lot width of 40 feet.
- 7. UDO Section 9.7.E.4 – Maximum cul-de-sac length shall exceed 300’ on street ‘F’ only as necessary to preserve environmental and topographic features.

SECTION 4. That if any section, sentence, clause, or phrase of this Ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance.

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

DULY ADOPTED the 26<sup>th</sup> Day of May 2020

(Town Seal)

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

ATTEST:

APPROVED AS TO FORM:

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

\_\_\_\_\_  
James P. Cauley III, Town Attorney

**Item Title:**

Public Hearing on a non-contiguous annexation for 1 parcel totaling 38.99 acres [PIN #1773-88-6927] located at 1425 Eagle Rock Road.

**Report to the Board of Commissioners:**

May 26, 2020- Public Hearing  
March 23, 2020 - Receive Certificate of Sufficiency and set Public Hearing  
January 27, 2020 - Direct Clerk to Certify Annexation Request

**Specific Action Requested:**

Hold a public hearing and consider approval of the ordinance for the annexation petition for 38.99 acres located at 1425 Eagle Rock Road.

**Item Summary:**

Edward J. Gehrke, II has submitted an annexation request for 1 non-contiguous parcel totaling 38.99 acres [PIN #1773-88-6927] located at 1425 Eagle Rock Road. Plans have been submitted to develop a new residential subdivision at this location, but in order gain access to needed utilities, annexation is required.

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

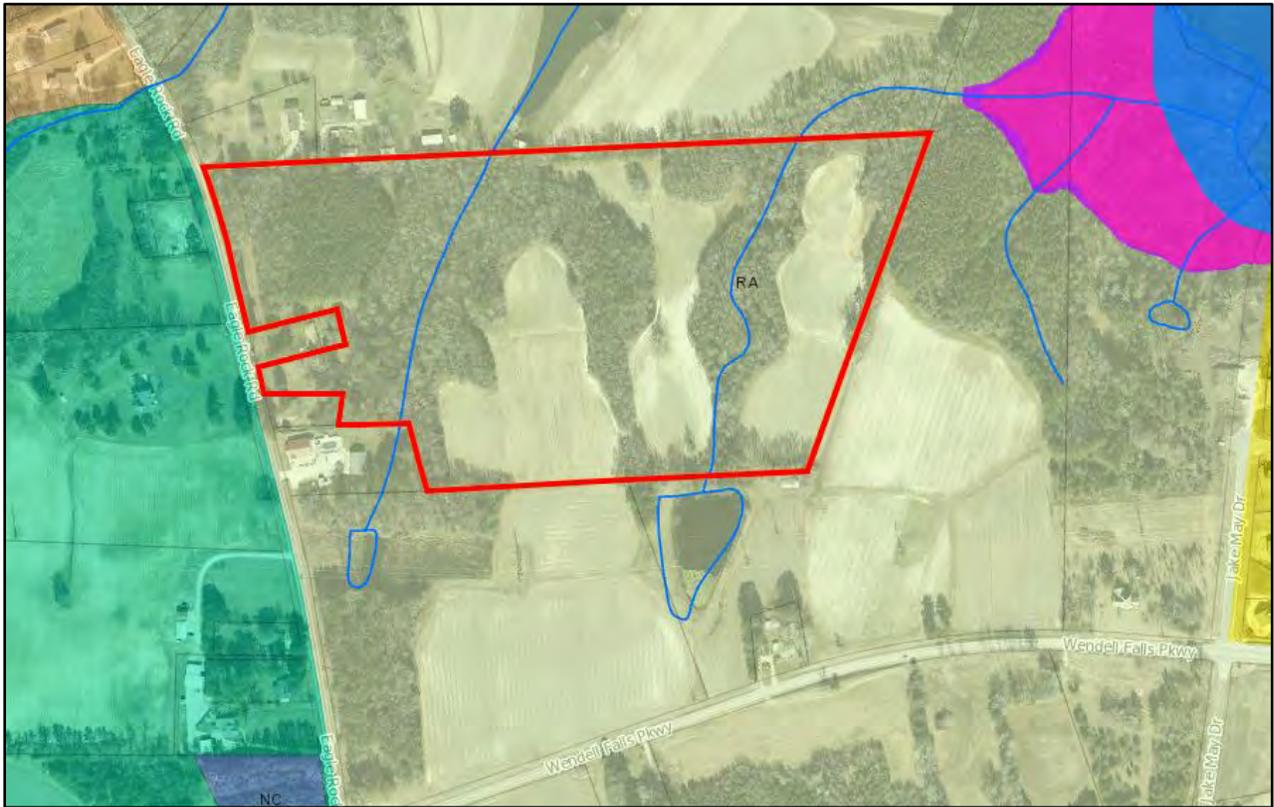
**Zoning District:**

The property is currently located within the Residential Agricultural district. The applicant has also submitted an R7 Conditional District rezoning request for this property.

**Police & Public Works & Utility Service:**

The proposed annexation area would require services from the Town's Police and Public Works Departments if annexed.

**Location Map:**



**Staff Recommendation:**

Staff recommends approval of the request.

**Attachments:**

- A. Ordinance for Adoption

Return Address: Bryan Coates, Assistant Planning Director  
Town of Wendell  
15 E. Fourth Street  
Wendell, NC 27591

A20-01

**ORDINANCE NO. 0-12-2020  
AN ORDINANCE TO EXTEND THE CORPORATE LIMITS OF  
THE TOWN OF WENDELL, NORTH CAROLINA**

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

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

WHEREAS, the Town Clerk has certified the sufficiency of said petition and a public hearing on the question of this annexation was held at the Wendell Courtroom at 7:00 p.m. on the 26<sup>th</sup> day of May, 2020, after due notice by publication on the 14<sup>th</sup> day of May, 2020.

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

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

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

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

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

Section 1. By virtue of the authority granted by G.S. 160A-58.2, the property identified by PIN # 1773886927, also shown as the 38.99 acre tract located at 1425 Eagle Rock Road on the below identified survey plat is hereby annexed and made part of the Town of Wendell, North Carolina, as of the date of adoption of this Ordinance on May 26, 2020. The survey plat that describes the annexed territory is that certain survey plat entitled "Annexation Plat, Satellite Extension of Corporate Limits of the Town of Wendell" and recorded in Book of Maps Book Number \_\_\_\_\_, Page Number \_\_\_\_\_, Wake County Registry.

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

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

Duly adopted the 26th day of May, 2020.

(Town Seal)

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

ATTEST:

APPROVED AS TO FORM:

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

\_\_\_\_\_  
James P. Cauley III, Town Attorney

Page 2

STATE OF NORTH CAROLINA  
COUNTY OF WAKE

**CLERK’S CERTIFICATION**

I, **MEGAN HOWARD**, Town Clerk of the Town of Wendell, North Carolina, do hereby certify that the attached is original ordinance #0-\_\_\_\_-2020, as adopted by the Wendell Board of Commissioners on the 10<sup>th</sup> day of February, 2020 for property owned by **Joshua E. Furr/Furr Property Investments LLC**, and is approved for recording in the Wake County Register of Deeds.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official Seal of the Town of Wendell, North Carolina this \_\_\_\_\_ day of \_\_\_\_\_, 2020.

[TOWN SEAL]

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

**Item Title:**

Public Hearing on a Zoning Text Amendment to Sections 2.3, 3.3 and 19.3 of the UDO to create a new Nursery & Garden Center use.

**Board of Commissioners Meeting:**

Tuesday, May 26, 2020

**Report to the Planning Board:**

Monday, May 4, 2020

**Specific Action Requested:**

Hold a public hearing and take action on the ordinance with amendments to Sections 2.3, 3.3 and 19.3 of the UDO to create a new Nursery & Garden Center use.

**Applicant:**

Town of Wendell

**Item Summary:**

At this time, a Nursery & Garden Center use does not exist in the Town’s UDO. Since we have received an inquiry regarding where a Nursery & Garden Center would be permitted in the Town of Wendell, staff is proposing a text amendment to add this use and the zoning districts in which it can operate. The closest classification currently in place would be ‘general retail’ and ‘outdoor storage as a primary use’.

Per the proposed definition, a ‘Nursery & Garden Center’ is an establishment primarily engaged in the retail sale of plants, flowers, sod, shrubs and trees, that may be grown in greenhouses or field grown, in addition to garden accessories and materials such as mulch and decorative stone intended for ornamental or landscaping purposes. This use may include a retail sales structure for the purpose of selling garden supplies and accessories. As proposed, the following additional standard will apply to all of the permitted zoning districts:

1. Any outdoor storage of bulk items or aggregate materials (including but not limited to soil, sand, mulch, stone, landscape timbers, fertilizers, etc.) shall be located in a side or rear yard and be fully screened from view from any street right-of-way with plantings, walls or fences.

**Proposed Text Amendments:**

- To amend Section 2.3 (Use Categories and Tables of Permitted Uses) to modify the Use Matrix titled Retail/Restaurants to include Nursery & Garden Center which will be permitted with additional standards in the RA, CH and M&I districts. (New text is **underlined**)

**2.3 - Use Categories and Tables of Permitted Uses**

C. Use Matrices.

BASE DISTRICT	OSC	PUD	RA	RR	R2	R3	R4	R7	NC	CMX	CC	DMX	MH	CH	M&I	TND
<b>Retail/Restaurants</b>																
Alcoholic Beverage Sales Store	-	P*	-	-	-	-	-	-	SUP	PS	PS	PS	-	PS	-	PS
Auto Parts Sales	-	P*	-	-	-	-	-	-	P	P	P	P	-	P	-	-
Bar/Tavern/Night Club	-	P*	-	-	-	-	-	-	SUP	SUP	SUP	SUP	-	SUP	-	SUP
Car Wash—Stand Alone, Self Service	-	P*	-	-	-	-	-	-	-	PS	PS	-	-	PS	-	PS
Drive-Thru Retail/Restaurants	-	P*	-	-	-	-	-	-	-	PS	-	-	-	PS	-	-
Gas Station	-	P*	-	-	-	-	-	-	-	PS	PS	SUP	-	PS	-	PS
General Retail—10,000 sf or less	-	P*	-	-	-	-	-	-	PS	P	P	P	-	P	P	P
General Retail—10,001-50,000 sf	-	P*	-	-	-	-	-	-	SUP	P	P	P	-	P	-	P
General Retail—Greater than 50,000 sf	-	P*	-	-	-	-	-	-	-	PS	PS	PS	-	PS	-	PS
<b><u>Nursery &amp; Garden Center</u></b>	-	<b><u>P*</u></b>	<b><u>PS</u></b>	-	-	-	-	-	-	-	-	-	-	<b><u>PS</u></b>	<b><u>PS</u></b>	-
Restaurant	-	P*	-	-	-	-	-	-	P	P	P	P	-	P	P	P
Shopping Center—Neighborhood Center	-	P*	-	-	-	-	-	-	SUP	P	P	-	-	P	-	P
Shopping Center—Community Center	-	P*	-	-	-	-	-	-	-	P	P	-	-	P	-	-
Vehicle Sales	-	P*	-	-	-	-	-	-	-	PS	PS	PS	-	PS	PS	-
Heavy Equipment/RV Sales/ Farm Equipment Sales/Mobile Home Sales	-	P*	-	-	-	-	-	-	-	-	PS	-	-	PS	PS	-

2. To amend Section 3.3 (Additional Standards by Use) to include an additional standard for Nursery & Garden Center. (New text is **underlined**)

### **3.3 - Additional Standards by Use**

#### **FF. Nursery & Garden Center (RA, CH, M&I)**

1. Any outdoor storage of bulk items or aggregate materials (including but not limited to soil, sand, mulch, stone, landscape timbers, fertilizers, etc.) shall be located in a side or rear yard and be fully screened from view from any street right-of-way with plantings, walls or fences.
3. To amend Section 19.3 (Definitions) to include the definition for Nursery & Garden Center. (New text is **underlined**)

### **19.3 - Definitions**

Nursery & Garden Center means an establishment primarily engaged in the retail sale of plants, flowers, sod, shrubs and trees, that may be grown in greenhouses or field grown, in addition to garden accessories and materials such as mulch and decorative stone intended for ornamental or landscaping purposes. This use may include a retail sales structure for the purpose of selling garden supplies and accessories.

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

At their May 4, 2020 meeting, the Planning Board voted 7-0 in favor of the requested zoning text amendment with the following modifications to text amendment proposed by staff in Section 3.3-Additional Standards by Use, FF. Nursery and Garden Center:

1. Replace “fully screened” with “partially screened”
2. Instead of “shall be located in a side or rear yard” replace with “shall be located in a rear yard”

**Voting in Favor:** Ryan Zakany, Jimmena Huffman-Hall, Jonathan Olson, Brett Hennington, Allen Swaim, Michael Firstbrook and Deans Eatman

**Voting Against:** None

**Absent:** Victoria Curtis and Levin Jones

#### **Statement of Plan Consistency and Reasonableness**

The proposed zoning text amendment is found to be reasonable in order to diversify and increase the per capita tax base by providing more opportunities for business. Furthermore, the proposed amendments are found to be consistent with the following principle of the Comprehensive Plan:

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

**Staff Recommendation:**

Staff recommends approval of the proposed text amendment request.

**Attachments:**

- A. Ordinance for Adoption

Attachment A

**ORD # 0-13-2020**  
**AN ORDINANCE TO AMEND SECTIONS 2.3, 3.3 AND 19.3 OF THE**  
**TOWN OF WENDELL UNIFIED DEVELOPMENT ORDINANCE**  
**TO CREATE A NEW NURSERY & GARDEN CENTER USE**

WHEREAS, Sections 2.3, 3.3 and 19.3 of the UDO contains the Town’s use categories and tables of permitted uses, additional standards and definitions; and

WHEREAS, there is a desire to permit Nurseries and Garden Centers in the Town of Wendell; and

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

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

SECTION 1. That Section 2.3 of the UDO be amended to read as follows:

**2.3 - Use Categories and Tables of Permitted Uses**

C. Use Matrices.

BASE DISTRICT	OSC	PUD	RA	RR	R2	R3	R4	R7	NC	CMX	CC	DMX	MH	CH	M&I	TND
<b>Retail/Restaurants</b>																
Alcoholic Beverage Sales Store	-	P*	-	-	-	-	-	-	SUP	PS	PS	PS	-	PS	-	PS
Auto Parts Sales	-	P*	-	-	-	-	-	-	P	P	P	P	-	P	-	-
Bar/Tavern/Night Club	-	P*	-	-	-	-	-	-	SUP	SUP	SUP	SUP	-	SUP	-	SUP
Car Wash—Stand Alone, Self Service	-	P*	-	-	-	-	-	-	-	PS	PS	-	-	PS	-	PS
Drive-Thru Retail/Restaurants	-	P*	-	-	-	-	-	-	-	PS	-	-	-	PS	-	-
Gas Station	-	P*	-	-	-	-	-	-	-	PS	PS	SUP	-	PS	-	PS
General Retail—10,000 sf or less	-	P*	-	-	-	-	-	-	PS	P	P	P	-	P	P	P
General Retail—10,001-50,000 sf	-	P*	-	-	-	-	-	-	SUP	P	P	P	-	P	-	P
General Retail—Greater than 50,000 sf	-	P*	-	-	-	-	-	-	-	PS	PS	PS	-	PS	-	PS
<u>Nursery &amp; Garden Center</u>	-	<u>P*</u>	<u>PS</u>	-	-	-	-	-	-	-	-	-	-	<u>PS</u>	<u>PS</u>	-
Restaurant	-	P*	-	-	-	-	-	-	P	P	P	P	-	P	P	P
Shopping Center—Neighborhood Center	-	P*	-	-	-	-	-	-	SUP	P	P	-	-	P	-	P

Shopping Center— Community Center	-	P*	-	-	-	-	-	-	-	-	P	P	-	-	P	-	-
Vehicle Sales	-	P*	-	-	-	-	-	-	-	-	PS	PS	PS	-	PS	PS	-
Heavy Equipment/RV Sales/ Farm Equipment Sales/Mobile Home Sales	-	P*	-	-	-	-	-	-	-	-	-	PS	-	-	PS	PS	-

SECTION 2. That Section 3.3 be amended to read as follows:

**3.3 - Additional Standards by Use**

**FF. Nursery & Garden Center (RA, CH, M&I)**

1. Any outdoor storage of bulk items or aggregate materials (including but not limited to soil, sand, mulch, stone, landscape timbers, fertilizers, etc.) shall be located in a side or rear yard and be fully screened from view from any street right-of-way with plantings, walls or fences.

SECTION 3. That Section 19.3 be amended to read as follows:

**19.3 - Definitions**

**Nursery & Garden Center** means an establishment primarily engaged in the retail sale of plants, flowers, sod, shrubs and trees, that may be grown in greenhouses or field grown, in addition to garden accessories and materials such as mulch and decorative stone intended for ornamental or landscaping purposes. This use may include a retail sales structure for the purpose of selling garden supplies and accessories.

SECTION 4. That all laws and clauses of law in conflict herewith are hereby repealed to the extent of said conflict.

SECTION 5. That if this ordinance or application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions of this ordinance which can be given separate effect and to the end the provisions of this ordinance are declared to be severable.

SECTION 6. That the proposed text amendment to Sections 2.3, 3.3 and 19.3 of the UDO are found to be consistent with Principle # 4 of the Wendell comprehensive plan and is reasonable in order to diversify and increase the per capita tax base by providing more opportunities for business.

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

SECTION 6. That this ordinance has been adopted following a duly advertised public hearing of the Town Board and following recommendation by the Planning Board.

SECTION 7. That this ordinance shall be enforced as provided in G.S. 160A-175 or as provided for in the Wendell Town Code.

SECTION 8. That this ordinance shall become effective upon its adoption by the Wendell Board of Commissioners.

DULY ADOPTED the 26th day of May 2020.

(Town Seal)

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

ATTEST:

APPROVED AS TO FORM:

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

\_\_\_\_\_  
James P. Cauley III, Town Attorney

**Item Title:**

Public Hearing on a Zoning Text Amendment to section 15.13 of the Unified Development Ordinance as it relates to the approval process for Final Development Plans.

**Board of Commissioners Meeting:**

Tuesday, May 26, 2020

**Planning Board Meeting:**

Monday, May 4, 2020

**Specific Action Requested:**

Hold a public hearing and take action on the proposed text amendment to section 15.13 of the Unified Development Ordinance as it relates to the approval process for Final Development Plans.

**Item Summary:**

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

Conditional districts combine a map amendment request with an associated subdivision or site plan in a manner which supports flexibility and trade-offs. Procedurally, the marriage of the rezoning request with the subdivision plan means that conditional district development plans receive review and approval by the Planning Board and Board of Commissioners. When traditional map amendments are pursued rather than conditional districts, neither board participates in the review of the subdivision plan, since all aspects of the plan must confirm with the Town's adopted development standards.

Section 15.13 of the UDO outlines the procedures governing conditional district approval. Currently Conditional District Master Plans (referred to as a Preliminary Plan outside of a conditional district request) are reviewed by both the Technical Review Committee and the Planning Board, prior to Town Board approval. Once the Master Plan has been approved by the Town Board, the developer is free to begin developing a Final Development Plan (referred to as Construction drawings outside of a conditional district request).

A final development plan consists of a detailed set of construction plans that fully demonstrate compliance with all applicable construction regulations and provisions of the Town of Wendell

and with all applicable performance criteria, conditions, and other requirements of the approved master plan.

Under the current process, the Town's Technical Review committee reviews the final development plan for compliance, but the Town's code calls for the Planning Board to be the approving body for the final development plan. Thus, once the Technical Review Committee has finished all aspects of its review of the final development plan, the plan is taken to the Planning Board for a vote. However, since all technical aspects of the plan have already been reviewed and the conditions are already set, the only role at this point for the Planning Board is to confirm that the final development plan is substantially similar to the approved Master Plan. If it were not substantially similar, then the applicant would be required to submit a revised Master Plan.

In order to streamline the review process (which has been highlighted by the difficulties in holding public meetings during the COVID-19 pandemic), staff recommends that the approval authority for the final development plan be changed to the Administrator, rather than the Planning Board. In this format, the Planning Director would evaluate the final development plan to determine if it is substantially similar to the approved Master Plan, much like the Administrator approves Construction Drawings after the Technical Review Committee has approved the Preliminary Plan (for development operating outside of a conditional district).

If the administrator determines that there are substantial changes (many of which are specifically outlined in Section 15.13 of the UDO), then the applicant would need to resubmit a revised Master Plan for the Planning Board and Town Board to approve.

**Proposed Amendment:**

In order to permit administrative approval of final development plans, staff recommends amending section 15.13 to read as follows (Deletions are shown with strike-throughs. Additions are **bolded and underlined**).

**15.13 - Conditional Districts**

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

A Conditional District (CD) established according to the provisions of this section may depart from the strict application of the requirements of the town's general zoning districts, as outlined in Section 2.18, Conditional Districts. The CD alternative may allow uses which are not currently defined or contemplated by the Code. A primary purpose of this section is to provide standards by which such flexibility may be achieved while maintaining and protecting the public health, safety and welfare of the citizens.

A second purpose of this section is to establish a more complete living and working environment through the application of enlightened and imaginative approaches to community planning and property design. A CD should provide a variety of natural features and scenic

areas, efficient and economical land use, improved amenities, orderly and economical development, and the protection of existing and future adjacent development.

B. General Requirements:

1. Applicant: Conditional District classification shall only be considered upon the request of the owners and/or their representatives of all the property to be included. A CD shall consist of land under unified control which may be planned and developed as a single development or as an approved programmed series of development phases by multiple developers. "Unified control" means that all land to be included within a CD shall be owned or otherwise under the legal control of the person or legal entity which has applied for a Conditional District. Such person or entity shall be legally capable of providing a commitment to the town that the CD development will comply with all documents, plans, standards and conditions ultimately approved by the town.
2. Standards of District to be Met: Within an approved Conditional District, no use shall be permitted except pursuant to the conditions imposed by the applicant on the Conditional District in the approval of the rezoning. The Board of Commissioners may impose additional reasonable and appropriate conditions or safeguards to serve the purpose and intent of this Section, and to preserve public welfare, and justice.
3. Content of Application:
  - a. A Conditional District shall consist of the CD Master Development Plan, individually, or in combination with a CD Final Development Plan; as well as any other plans, drawings, renderings, elevations, maps and documents specifically included as development documents for approval by the Board of Commissioners. The Master Plan, as a site specific Conditional Zoning Plan, is itself a condition of the Conditional District rezoning.
  - b. Master Development Plan: The development concept of all land areas encompassed by a Conditional District shall be adequately described by a Master Development Plan comprised of scaled drawings and associated reports. At a minimum, the Master Development Plan shall adequately describe:
    - i. The overall boundary and area of the district, including underlying zoning districts;
    - ii. The general location, orientation and size of principal structures and associated parking areas; landscape and buffer areas; open space areas; the location, size and general treatment of environmentally sensitive areas; the general location and size of existing and proposed water mains and sewer trunk lines required to service the development; and general traffic routes (external and internal) to and from the development with major access points identified;
    - iii. Tabular data, including the range and scope of proposed land uses, proposed densities, floor area ratios or impervious surface ratios as applicable to development type; and land areas devoted to each type of general land use and phase of development;
    - iv. Full list of proposed uses consistent in character with the underlying zoning district;

- v. A proposed development schedule if the project is to be phased.
  - c. Final Development Plan: All Final Development Plans shall conform to the general development concept of an approved Master Development Plan. A final plan shall consist of a detailed set of construction plans that fully demonstrate compliance with all applicable construction regulations and provisions of the Town of Wendell and with all applicable performance criteria, conditions, and other requirements of the enacting Conditional District zoning ordinance.
  - d. In addition to the Master Plan, the applicant shall provide the exact land use classifications proposed for the Conditional District. Such use classifications may be selected from any of the uses, whether permitted, by right or conditional, allowed in the general zoning district upon which the Conditional District is based. Uses not otherwise permitted within the general zoning district shall not be permitted within the Conditional District.
4. Fair and Reasonable Conditions: The provisions of the CD Master Plan shall replace all conflicting development regulations set forth in this Ordinance which would otherwise apply to the development site. The Planning Board may recommend and the Board of Commissioners may attach reasonable and appropriate conditions including, but not limited to, the location, nature, hours of operation, and extent of the proposed use(s). Conditions and site-specific standards shall be limited to those that address conformance of the development and use of the site to this Ordinance and officially adopted plans and those standards and conditions that address the impacts reasonably expected to be generated by the development and use of the site. The applicant will have a reasonable opportunity to consider and respond to any additional requirements proposed by either the Planning Board or the Board of Commissioners prior to final action.
  5. Decisions: Decisions by the Board of Commissioners shall be by majority vote, unless a valid Protest Petition in accordance with Section 15.19.C has been filed, in which case, a three-fourths majority vote of eligible members shall be required for approval.
- C. Ability to Proceed: The applicant may proceed with development only after approval of the Conditional District Master Plan by Board of Commissioners. A simple majority vote of the Board of Commissioners is required when the Conditional District Master Plan receives a favorable recommendation from the Planning Board. When the Planning Board recommends against the Conditional District Master Plan, a supermajority, or four-fifths, vote from the Board of Commissioners is required for approval. A Conditional District Final Development Plan must also be approved by the ~~Planning Board~~ **Zoning Administrator** and the applicable plat must be recorded with the Wake County Register of Deeds. The development and use of all land within the Conditional District shall be in keeping with the approved Master Plan and all applicable provisions therein.
- D. Approval Process:
1. The procedure for approval of the Master Plan shall follow the procedure outlined in the table in subsection H below and in Section 15.12, Map Amendments (Rezoning).
  2. Following approval of the Conditional District rezoning and the Master Plan by the Board of Commissioners, the applicant shall submit a Final Development Plan to the ~~Planning Board~~ **Zoning Administrator** for approval. The Final Development Plan shall implement

the Master Plan with any changes, additions and conditions required and approved by the Board of Commissioners. Following Final Development Plan approval, permits for the installation of infrastructure only (streets, utilities, etc.) may be issued for development of the site.

- E. Final Approval by Stages: If so reflected on the Master Plan, the Board of Commissioners may allow the staging of final development. Each phase of development shall adhere to all applicable provisions and standards of this section and the applicable CD Master Plan.
- F. Substantial Changes: Any substantial change to a Master Plan as noted below shall be reviewed by the Planning Board and approved or denied by the Board of Commissioners as an amended Conditional District.
  - 1. The following changes to a CD Master Plan or subsequent Final Plan shall require approval by the Board of Commissioners:
    - a. Land area being added or removed from the Conditional District.
    - b. Modification of special performance criteria, design standards, or other requirements specified by the enacting ordinance.
    - c. A change in land use or development type beyond that permitted by the approved Master Plan.
    - d. When there is introduction of a new vehicular access point to an existing street, road or thoroughfare not previously designated for access.
    - e. When there is an increase in the total number of residential dwelling units originally authorized by the approved Master Plan.
    - f. When the total floor area of a commercial or industrial classification is increased more than ten percent beyond the total floor area last approved by Board of Commissioners.
  - 2. All other changes to a CD Master Plan or subsequent Final Plan shall receive approval by the ~~Planning Board~~ **Zoning Administrator**. However, if in the judgment of the ~~Planning Board~~ **Zoning Administrator**, the requested changes alter the basic development concept of the CD, the ~~Planning Board~~ **Zoning Administrator** may require **review and recommendation by the Planning Board, followed by** ~~concurrent~~ approval by the Board of Commissioners.
- G. Rescission of Conditional Districts: The Applicant shall secure a valid building or construction permit(s) within a 12-month period from date of approval of the Conditional District unless otherwise specified. If such project is not complete and a valid building or construction permit is not in place at the end of the 12-month period, the Administrator shall notify the applicant of either such finding. Within 60 calendar days of notification, the Administrator shall make a recommendation concerning the rescission of the Conditional District to the Board of Commissioners. The Board of Commissioners may then rescind the Conditional District, or extend the life of the Conditional District for a specified period of time.
- H. Procedure:

APPLICATION	REVIEWING AUTHORITY	ACTION TO BE TAKEN	APPEAL AUTHORITY
Conditional District: Rezoning w/ Master Plan (16.5)	Administrator	Review submittal procedures and requirements. Review for completeness & code compliance. Issue Staff Report.	n/a
	Planning Board	Courtesy hearing, if requested	n/a
	Planning Board	Review and recommendation of Conditional District application	n/a
	Board of Commissioners	Public hearing	n/a
	Board of Commissioners	Grant Conditional District - or - Denial and Request for Rehearing	Superior Court
	<del>Planning Board</del> <u>Administrator</u>	Approve Final Development Plan	n/a

( [Ord. No. 16-2016, § 2, 7-11-2016](#) )

**Planning Board Recommendation:**

At their May 4, 2020 meeting, the Planning Board voted to deny the requested zoning text amendment.

**Voting in Favor:** Deans Eatman

**Voting Against:** Ryan Zakany, Jimmena Huffman-Hall, Jonathan Olson, Brett Hennington, Allen Swaim, and Michael Firstbrook

**Absent:** Victoria Curtis and Levin Jones

**Statement of Plan Consistency:**

Any recommended change to the zoning text should be accompanied by a statement explaining how the change is consistent with the comprehensive plan and is reasonable in nature. In staff's opinion, the requested zoning text amendment is consistent with Principle #5 of the Wendell comprehensive plan and is reasonable to streamline the development review process. 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 proposed text amendment

**Attachments:**

A. Ordinance for Adoption

## Attachment A

**ORD # 0-14-2020**  
**AN ORDINANCE TO AMEND SECTION 15.13 OF THE**  
**TOWN OF WENDELL UNIFIED DEVELOPMENT ORDINANCE**  
**AS IT RELATES TO THE APPROVAL PROCESS FOR FINAL**  
**DEVELOPMENT PLANS.**

WHEREAS, Section 15.13 of the UDO contains the Town's general provisions for the process of Final Development Plan approval; and

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

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

SECTION 1. That Section 15.13 of the UDO be amended to read as follows:

**15.13 - Conditional Districts**

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

A Conditional District (CD) established according to the provisions of this section may depart from the strict application of the requirements of the town's general zoning districts, as outlined in Section 2.18, Conditional Districts. The CD alternative may allow uses which are not currently defined or contemplated by the Code. A primary purpose of this section is to provide standards by which such flexibility may be achieved while maintaining and protecting the public health, safety and welfare of the citizens.

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

- B. General Requirements:

1. Applicant: Conditional District classification shall only be considered upon the request of the owners and/or their representatives of all the property to be included. A CD shall consist of land under unified control which may be planned and developed as a single development or as an approved programmed series of development phases by multiple developers. "Unified control" means that all land to be included within a CD shall be owned or otherwise under the legal control of the person or legal entity which has applied for a Conditional District. Such person or entity shall be legally capable of providing a commitment to the town that the CD development will comply with all documents, plans, standards and conditions ultimately approved by the town.
2. Standards of District to be Met: Within an approved Conditional District, no use shall be permitted except pursuant to the conditions imposed by the applicant on the Conditional District in the approval of the rezoning. The Board of Commissioners may

impose additional reasonable and appropriate conditions or safeguards to serve the purpose and intent of this Section, and to preserve public welfare, and justice.

3. Content of Application:
  - a. A Conditional District shall consist of the CD Master Development Plan, individually, or in combination with a CD Final Development Plan; as well as any other plans, drawings, renderings, elevations, maps and documents specifically included as development documents for approval by the Board of Commissioners. The Master Plan, as a site specific Conditional Zoning Plan, is itself a condition of the Conditional District rezoning.
  - b. Master Development Plan: The development concept of all land areas encompassed by a Conditional District shall be adequately described by a Master Development Plan comprised of scaled drawings and associated reports. At a minimum, the Master Development Plan shall adequately describe:
    - i. The overall boundary and area of the district, including underlying zoning districts;
    - ii. The general location, orientation and size of principal structures and associated parking areas; landscape and buffer areas; open space areas; the location, size and general treatment of environmentally sensitive areas; the general location and size of existing and proposed water mains and sewer trunk lines required to service the development; and general traffic routes (external and internal) to and from the development with major access points identified;
    - iii. Tabular data, including the range and scope of proposed land uses, proposed densities, floor area ratios or impervious surface ratios as applicable to development type; and land areas devoted to each type of general land use and phase of development;
    - iv. Full list of proposed uses consistent in character with the underlying zoning district;
    - v. A proposed development schedule if the project is to be phased.
  - c. Final Development Plan: All Final Development Plans shall conform to the general development concept of an approved Master Development Plan. A final plan shall consist of a detailed set of construction plans that fully demonstrate compliance with all applicable construction regulations and provisions of the Town of Wendell and with all applicable performance criteria, conditions, and other requirements of the enacting Conditional District zoning ordinance.
  - d. In addition to the Master Plan, the applicant shall provide the exact land use classifications proposed for the Conditional District. Such use classifications may be selected from any of the uses, whether permitted, by right or conditional, allowed in the general zoning district upon which the Conditional District is based. Uses not otherwise permitted within the general zoning district shall not be permitted within the Conditional District.
4. Fair and Reasonable Conditions: The provisions of the CD Master Plan shall replace all conflicting development regulations set forth in this Ordinance which would otherwise apply to the development site. The Planning Board may recommend and the Board of Commissioners may attach reasonable and appropriate conditions including, but not limited to, the location, nature, hours of operation, and extent of the proposed use(s).

Conditions and site-specific standards shall be limited to those that address conformance of the development and use of the site to this Ordinance and officially adopted plans and those standards and conditions that address the impacts reasonably expected to be generated by the development and use of the site. The applicant will have a reasonable opportunity to consider and respond to any additional requirements proposed by either the Planning Board or the Board of Commissioners prior to final action.

5. Decisions: Decisions by the Board of Commissioners shall be by majority vote, unless a valid Protest Petition in accordance with Section 15.19.C has been filed, in which case, a three-fourths majority vote of eligible members shall be required for approval.
- C. Ability to Proceed: The applicant may proceed with development only after approval of the Conditional District Master Plan by Board of Commissioners. A simple majority vote of the Board of Commissioners is required when the Conditional District Master Plan receives a favorable recommendation from the Planning Board. When the Planning Board recommends against the Conditional District Master Plan, a supermajority, or four-fifths, vote from the Board of Commissioners is required for approval. A Conditional District Final Development Plan must also be approved by the Zoning Administrator and the applicable plat must be recorded with the Wake County Register of Deeds. The development and use of all land within the Conditional District shall be in keeping with the approved Master Plan and all applicable provisions therein.
- D. Approval Process:
1. The procedure for approval of the Master Plan shall follow the procedure outlined in the table in subsection H below and in Section 15.12, Map Amendments (Rezoning).
  2. Following approval of the Conditional District rezoning and the Master Plan by the Board of Commissioners, the applicant shall submit a Final Development Plan to the Zoning Administrator for approval. The Final Development Plan shall implement the Master Plan with any changes, additions and conditions required and approved by the Board of Commissioners. Following Final Development Plan approval, permits for the installation of infrastructure only (streets, utilities, etc.) may be issued for development of the site.
- E. Final Approval by Stages: If so reflected on the Master Plan, the Board of Commissioners may allow the staging of final development. Each phase of development shall adhere to all applicable provisions and standards of this section and the applicable CD Master Plan.
- F. Substantial Changes: Any substantial change to a Master Plan as noted below shall be reviewed by the Planning Board and approved or denied by the Board of Commissioners as an amended Conditional District.
1. The following changes to a CD Master Plan or subsequent Final Plan shall require approval by the Board of Commissioners:
    - a. Land area being added or removed from the Conditional District.
    - b. Modification of special performance criteria, design standards, or other requirements specified by the enacting ordinance.
    - c. A change in land use or development type beyond that permitted by the approved Master Plan.
    - d. When there is introduction of a new vehicular access point to an existing street, road or thoroughfare not previously designated for access.

- e. When there is an increase in the total number of residential dwelling units originally authorized by the approved Master Plan.
  - f. When the total floor area of a commercial or industrial classification is increased more than ten percent beyond the total floor area last approved by Board of Commissioners.
2. All other changes to a CD Master Plan or subsequent Final Plan shall receive approval by the Zoning Administrator. However, if in the judgment of the Zoning Administrator, the requested changes alter the basic development concept of the CD, the Zoning Administrator may require review and recommendation by the Planning Board, followed by approval by the Board of Commissioners.
- G. Rescission of Conditional Districts: The Applicant shall secure a valid building or construction permit(s) within a 12-month period from date of approval of the Conditional District unless otherwise specified. If such project is not complete and a valid building or construction permit is not in place at the end of the 12-month period, the Administrator shall notify the applicant of either such finding. Within 60 calendar days of notification, the Administrator shall make a recommendation concerning the rescission of the Conditional District to the Board of Commissioners. The Board of Commissioners may then rescind the Conditional District, or extend the life of the Conditional District for a specified period of time.

H. Procedure:

APPLICATION	REVIEWING AUTHORITY	ACTION TO BE TAKEN	APPEAL AUTHORITY
Conditional District: Rezoning w/ Master Plan (16.5)	Administrator	Review submittal procedures and requirements. Review for completeness & code compliance. Issue Staff Report.	n/a
	Planning Board	Courtesy hearing, if requested	n/a
	Planning Board	Review and recommendation of Conditional District application	n/a
	Board of Commissioners	Public hearing	n/a
	Board of Commissioners	Grant Conditional District - or - Denial and Request for Rehearing	Superior Court
	Administrator	Approve Final Development Plan	n/a

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

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

SECTION 4. That the proposed text amendment to Section 15.13 of the UDO is found to be consistent with Principle # 5 of the Wendell comprehensive plan and is reasonable in order to streamline the development review process.

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.”

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

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

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

DULY ADOPTED the 26th day of May 2020.

(Town Seal)

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

ATTEST:

APPROVED AS TO FORM:

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

\_\_\_\_\_  
James P. Cauley III, Town Attorney

**Item Title:**

Appointments to the Town of Wendell Planning Board and Economic Development Committee

**Specific Action Requested:**

Take action to appoint citizens to serve on vacant positions for the Planning Board and Economic Development Commission.

**Item Summary:**

Recruitment for the Town of Wendell's Citizen Advisory Boards began in February 2020 and closed at the end of April . Communication efforts included the following:

- Advertising posted on the Town's website's calendar, News Feed, Events, and Citizen Advisory Board Pages.
- An E-Board Post on Wendell Blvd.
- Social Media Marketing launched throughout the months on Facebook and Instagram.
- A PSA video posted on the Town's Social Media pages.
- Advertising posted in *When in the Dell*

The Citizen Advisory Board recruitment process was adjusted to provide safe social distancing at Town Hall during COVID-19. Staff requested on Tuesday, May 12, 2020 that the Board of Commissioners review the applications sent via email for the Planning Board and Economic Development Committee and follow up with applicants on any questions concerning their application.

The Planning Board has two vacancies; one (1) in-Town vacancy with a term lasting for three (3) years and one (1) extra-territorial jurisdiction (ETJ) vacancy with a term lasting for two (2) years. The Economic Development Committee has five (5) vacancies with terms lasting for two (2) years.

The upcoming Citizen Advisory Boards will be filled at the upcoming Town of Wendell Town Board of Commissioners Meetings:

June 8<sup>th</sup>, 2020: Appearance Commission and Board of Adjustment

June 22<sup>nd</sup>, 2020: Parks and Recreation Commission and the Tree Board.

The same process will be used as for the appointments considered at this meeting. The Clerk will inquire with applicants not appointed if they would like to be considered on subsequent available boards at the next Board meeting date.

**Attachments:** None

**Item Title:**

Fiscal Year (FY) 2020-2021 Town of Wendell Budget and Fee Schedule

**Board of Commissioners Meeting:**

Saturday, February 29, 2020	Budget Retreat
Monday, April 27, 2020	Budget Work Session
Wednesday, May 6, 2020	Presentation of Proposed Budget
Monday, May 11, 2020	Budget Public Hearing
Tuesday, May 26, 2020	Adoption of FY 2021 Budget

**Specific Action Requested:**

The Board is asked to take three (3) actions on the FY 2020-2021 Town of Wendell Budget.

1. Motion to adopt the FY 2021 Town of Wendell Budget
2. Motion to approve the FY 2021 Budget Ordinance
3. Motion to approve the FY 2021 Fee Schedule

**Item Summary:**

The Town of Wendell Budget for Fiscal Year (FY) 2021 for the period of July 1, 2020 through June 30, 2021 is prepared and submitted in accordance with the Local Government Budget and Fiscal Control Act. Consideration of the budget includes the (1) adoption of the budget document to establish the budget policy, (2) approval of the budget ordinance as required by July 1 by Statute, and (3) approval of the fee schedule for FY 2021.

**The FY 2021 Budget Document**

The FY 2021 Budget document is a primary policy document that connects fiscal appropriations and the levy of revenues with the strategic goals of the governing board and the performance measures of the operating departments. The document is intended to provide information in a clear, concise, and organized manner that identifies the services provided by the Town of Wendell and the connection of those services to funding.

The FY 2021 Budget meets the budget priorities established and advances strategic initiatives. The document includes a 5-year capital improvement plan that maintains compliance with the 40-percent fund balance policy. Additional transparency and detail connecting revenue trends and operating expenses is included. A staffing needs analysis and population growth projection are provided to guide position and service needs for the growing community. Additionally, performance goals and measures are provided for the operating departments.

Five (5) new positions are proposed in the budget to include a two (2) police officers, a stormwater program manager, a public works specialist, and an accountant. Additional personnel highlights include a 3% salary in-range adjustment to reduce compression, implementation of the compensation and classification study, and provides for a 15% increase in health care costs. Investing in our staff includes increases in training necessary for employees to meet service and job requirements.

The capital budget for FY 2021 is \$11,270,724 and include a \$4,122,704 investment in transportation and infrastructure projects, \$431,000 in vehicles, equipment, and technology, \$6,225,520 in building, grounds, and land, and \$90,000 in economic and community development.

#### FY 2021 Budget Ordinance

The FY 2021 Budget ordinance is provided for approval to recognize revenues, authorize expenditures, and levy taxes for the period of July 1, 2020 through June 30, 2021. The proposed budget is balanced with total fund allocations of \$20,007,171. The Budget includes two accounting funds that are also balanced; the General Fund (\$19,507,171) and the Water and Sewer Fund (\$500,000).

The Ad Valorem tax levy is reduced from forty-nine cents (\$0.49) per one hundred-dollar (\$100) valuation of taxable property in FY 2020 to forty-seven cents (\$0.47) in FY 2021. This rate is based upon an estimated county assessed valuation of \$945,000,000 and an estimated collection rate of 98.64%. The revenue neutral rate established by Wake County was forty-one cents (\$0.41) during the 2020 Revaluation. Revenues are budgeted by major source and include ad valorem taxes, licenses and permits, intergovernmental revenues, permits and fees, sales and services, and other revenues.

The FY 2021 Budget appropriates \$744,618 of fund balance to provide for capital project expenditures. The appropriated fund balance is made consistent with adopted financial policies with a calculated fund balance remaining equivalent to 91.4% of the general fund operating non-capital budget. This exceeds the 40% fund balance policy level.

The Budget Ordinance provides for the aggregate appropriations for each department. Additional line item detail and analysis is provided in the FY 2021 Budget document. Total expenses equal the sum of revenues and appropriated fund balance.

Statute requires the appropriation of the full amount estimated to be required for debt service during the fiscal year. The total debt service descriptions are provided for streets, general expenses, water, and sewer and total \$891,200.

The proposed Budget was presented on May 6, 2020 and a budget hearing was held on May 11, 2020. The budget has been available for public review and comment for greater than ten (10) days as required by Statute and is eligible for approval by the Board of Commissioners.

### FY 2021 Fee Schedule

The fee schedule is prepared in the form of an ordinance and sets forth the charges and fees for the Town for the FY 2021 period extending from July 1, 2020 through June 30, 2021. The fee rates provide for administrative fees, parks and recreation fees, and planning and development fees.

The fee schedule remains largely unchanged from last year except a \$10 increase to the returned check fee to match the bank charge and minor consolidation of special event fees.

### **Attachments:**

- A. Town Manager's Budget Message and link to FY 2021 Budget  
<https://nmcdn.io/e186d21f8c7946a19faed23c3da2f0da/3834b95a93b14b3689a528c1f97c5d69/files/government/Proposed-Annual-Budget-PDF-FY-2021-Final-Compiled.pdf>
- B. Town of Wendell Fiscal Year 2020-2021 Budget Ordinance
- C. Town of Wendell Fiscal Year 2020-2021 Fee Schedule



15 E Fourth St, Wendell NC 27591 919.365.4450  
www.townofwendell.com

Honorable Mayor and Board of Commissioners:

Pursuant to Section 159-11 of the North Carolina General Statutes, I am honored to submit the Fiscal Year 2020-2021 (FY 2021) budget for your consideration. The submitted budget is balanced and in compliance with the Local Government Budget and Fiscal Control Act and the Financial Policies of the Town of Wendell. While the growth of the built environment and improvements in quality of life are highly visible to the community, the increased effort to link the strategic initiatives adopted by the Board of Commissioners to the resources appropriated by this document are major and often go unnoticed. The FY 2021 Budget document continues the new format to provide transparency and information to the public.

The FY 2021 budget totals \$19,507,171, which represents a 159.1% increase over FY 2020 due to over \$11 million in planned capital expenses. In response to the Wake County revaluation completed in FY 2020, the Town Budget proposes a reduced property tax rate of \$0.47 per \$100 of taxable values, a reduction of 2 cents from the current FY 2020 rate. The Wake County Property Appraiser revenue neutral rate is \$0.41 per \$100 of taxable value.

While the Raleigh Utilities water and sewer rate increases by 5% as required by the Merger Agreement, the Town will work to complete the Merger in FY 2021 as soon after the first quarter (October 2020) as utility revenues allow for retiring the remaining expenses. This early Merger retains capacity and requires additional payment by the Town but will reduce rates approximately 40% for residents. The reduced property tax rate and utility merger will result in a net savings for most residents in FY 2021.

The solid waste fee remains \$22 per month, but will include the outsourcing of a portion of leaf and limb service for weekly cart pickup by Waste Industries instead of the Town. The fee schedule remains largely unchanged with an increase of the returned check fee from \$25 to \$35 to reflect the bank charge to the Town. Special event fees are simplified to reflect the consolidated process in the special event policy developed in FY 2020.

The budget maintains comparative tax rates and fees to other area communities given the valuation of assessed property and fiscally conservative policy approach to reduce the impact of taxation on residents. In addition to maintaining fiscal controls, the Town of Wendell is experiencing steady growth evidenced by approximately \$85.3 million in new development being assessed for FY 2021 (compared to \$75 million in FY 2020) and increasing residential and commercial development rates

reflected in planning and permitting programs. Despite continued growth, the development of the budget in FY 2021 is cautious due to uncertainties with revenues due to COVID-19.

### **Budget Priorities**

The development of the FY 2021 Budget was particularly challenging due to the following ten (10) challenges that staff has worked to make opportunities for the Town:

#### **1. Wake County Property Revaluation**

Wake County completed the revaluation of property in FY 2020 that takes effect in FY 2021. The Wake County Property Appraiser revenue neutral rate is \$0.41 per \$100 of taxable value. For Wendell, the total valuation increased from \$690.2 million to \$867.7 million, a 26% increase. Residential property, which represents 80% of Wendell, experienced a 22% average increase and commercial property (20%) experienced a 40% increase on average. Lower value residences and multi-family properties experienced value increases due to affordability of housing challenges in Wake County driving the resale market in recent years. The additional value occurs at a time that many of the neighborhoods that are experiencing this growth need investments in infrastructure improvements for road resurfacing, curb and gutter, sidewalks, and accessible crosswalks. The Budget establishes a Neighborhood Improvement Project of \$1,093,540 to make a concentrated infrastructure investment in a neighborhood west of Downtown (Zone 1). The investments will rotate through neighborhoods in future years to reinvest in neighborhood infrastructure, parks, and housing improvements in partnership with Wake County Housing Department and community partners.

#### **2. Solid Waste Contract Extension**

The contract for solid waste was due to expire on June 30, 2020. Staff negotiated a five (5) year extension for service that maintains current service for trash (once per week) and recycling (every other week) and adds a curbside container service for yard waste (once per week). While some costs of the service contract increase, the rates are held the same for two (2) years before increasing 2% per year the final three (3) years of the extension. The processing fee increases from \$0.75 to \$1.27 (charged to the Town) to reflect increased recycling costs. Despite the service increase and additional costs, efficiencies in Public Works operations by outsourcing yard waste collection allow the Solid Waste Fee to remain the same in FY 2021 at \$22 per month.

#### **3. Sustainable Leaf & Limb Service**

Currently the Town provides weekly, unbundled yard waste service to all residential properties in a rapidly growing community. The service is not sustainable and would require significant investments in staff, equipment, and vehicles. The current service is unreliable due to growth pressures and competing work priorities. The outsourcing of weekly yard waste service to Waste Industries allows Public Works resources to be redirected to stormwater, streets, and sidewalk maintenance while still providing seasonal leaf service and scheduled pick-up for bulk yard waste. The elimination of on the ground service and starting rollout container service also reduces nutrients and fecal coliform from entering the stormwater system. The additional cost of the service revision is offset by reduced operations expenses in Public Works.

#### **4. Growth Impacts on Staffing**

Added residential growth continues at a fast past in Wendell necessitating additional staff to maintain current service levels. The FY 2021 budget addresses this challenge by adding five (5) new positions

and reclassifying one (1) position. Additional residences and lane miles require additional law enforcement officers to patrol, respond to service calls, and enforce the law. The budget provides two (2) new officers to advance the goal of increasing the number of officers per shift to five (5) for two of the four shifts. Public Works receives two (2) new positions to address the development of the stormwater program (Stormwater Program Manager) and a Public Works Specialist to replace a position that was assigned to code enforcement to assist with inspections. Increased positions, purchases, residents, and projects results in a significant increase in accounts-payable. The Budget provides an Accountant I to assist Finance in maintaining internal and external customer service. The addition of greenways and new parks necessitates additional staff for parks maintenance in future budgets. In preparation of the expanded parks system, the Budget reclassifies a Parks Maintenance Technician position to a Parks Maintenance Supervisor position.

#### 5. Market Salary Comparison

The Town completed a Pay Plan and Position Classification Study for all positions in FY 2020 with the assistance of HR consultants from the Piedmont Triad Regional Council. The primary concerns identified in the study were below market compensation for competitive and senior level positions and corrections needed to the pay scale. The recommendations of the study are implemented in the Budget to correct the pay grades and salary ranges and sets pay at the comparative market average. An additional 3% in-range adjustment is provided to employees to reduce compression as the organization grows and adds new employees.

#### 6. Capital Facility and Infrastructure Needs

While many areas in Wendell are recently developed with “new” infrastructure, there are an equal number of older neighborhoods that have aging infrastructure or did not have infrastructure installed when areas developed. The infrastructure in these areas need replacement or significant repairs due to maintenance being deferred in the past due to funding constraints. The FY 2021 Budget initiates an overdue investment in facilities and infrastructure by providing for the replacement of Town Hall that is no longer a compliant work environment and does not have office space to handle the growing organization. New and repaved road projects are included in the capital plan for W. Academy Street, Landing View park entrance, and park drives and parking. Intersection improvements are provided on Wendell Boulevard at Wendell Falls Parkway (signalization), Wall Street (closure for safety), and Marshburn (realign and add pedestrian safety features). Significant investment in sidewalks that includes Wendell Boulevard to connect Wendell Elementary to the Food Lion shopping center, W. Academy Street, Cook Street, Wall Street, Todd Street, Landing View park entrance, and W. Third Street to the park entrance. Curb and gutter are added to a portion of West Academy Street and Cook Street. The first greenway is added on the undeveloped S. Main Street right-of-way that connects Downtown to Buffalo Creek at Lake Glad Road. Drainage improvements are made at the intersection of Wendell Boulevard and Wall Street in coordination with the sidewalk improvements.

#### 7. Maintain Structural Balance

The FY 2021 Budget includes a new feature for the Town of Wendell in the development of a five (5) year operating budget projection. With the Wake County revaluation in FY 2020, the operating budget projects assisted staff and elected officials determine rates that would maintain requested service levels over time. The projections demonstrated the ability to reduce the property tax rate from \$0.49 to \$0.47 in FY 2021. Additionally, the projections assisted with capital project planning to demonstrate that proposed investments would maintain the budgetary fund balance over 40%. The

budgetary fund balance in FY 2021 increases to 91.4% from 88.5% in FY 2020 and maintains a healthy percentage above the policy level throughout the five-year plan.

#### 8. Uncertainty of COVID-19 Impacts

A continued uncertainty remains with the potential impacts of COVID-19 on Town revenues and expenses that are extensions of the challenges faced by many residents and businesses. Current proposed revenues in the FY 2021 budget remain relatively flat in comparison to the population and valuation increases experienced in Wendell. Further, development activity continues to hold strong into May 2020 with permits for residential and commercial projects continuing to be submitted and issued. Many of the municipal revenues are tied to growth in Wendell and the anticipated increases in expenditures are also growth dependent. The Town maintains a fiscally conservative approach in developing revenue estimates for the budget that do not necessitate drastic reductions at this time. If needed, staff has identified the following actions in FY 2021 if revenues underperform; delay hiring new positions, delay capital projects not tied to the bank loan, delay non-capital equipment purchases, limit travel and training, delay maintenance and repairs on non-safety items, suspend the façade grant, limit economic development contract services, and freeze filling open, non-public safety positions until conditions improve.

#### 9. Complete Merger with Raleigh Utilities

The Town of Wendell entered into a Utility System Merger Agreement with the City of Raleigh in 2006 and was delayed in completing the merger due to reduced revenues due to the Recession and legislation that eliminated developer fees used by other communities to pay merger costs. The merger provides for an automatic 5% increase in Wendell water and sewer rates until the merger is completed. The escalation over a number of years has resulted in Wendell residents paying utility rates approximately 67% higher on average than the Raleigh system rates paid by the merged communities. The approximate cost to complete the merger on June 30, 2020 is \$4.7 million. Without taking any action, the Town is expected to complete the merger at the end of FY 2021 (June 30, 2021). Staff proposes to complete the merger effective October 1, 2020 (9 months early) if utility revenues allow by taking the following actions; appropriate \$2 million in funds set aside to purchase additional capacity, \$1 million in revenue above projections in FY 2020, and \$1.7 million in utility revenue for the first quarter of FY 2021 to be collected by Raleigh Utilities.

#### 10. Achieve a Net Savings to Citizens

A desired outcome communicated by the Board of Commissioners at their FY 2021 Budget Retreat was the importance of providing a net savings to citizens considering tax rates, utility mergers, and other user fees. No fee increases are proposed in FY 2021 to impact the amount paid by citizens. Staff developed scenarios to determine net savings to residents based on residential property value, the tax rate, the amount of water used, and the date of the merger. For example, an average home value of \$170,000 in FY 2020 increases to \$212,500 after revaluation. By reducing the tax rate to \$0.47 this lowers the tax liability but results in an increase from \$833.00 to \$998.75 (\$165.75 net increase). If the same house uses the average amount of water (5 CCF), completing the merger in October 2020 results in a net annual savings of \$378.32. The combined net savings for the property would be \$212.57 in FY 2021 for this example. As such, the FY 2021 Budget reduces the tax rate \$0.02 per \$100 valuation and works to complete the utility merger early to provide a net saving to the citizens of Wendell in FY 2021.

## **General Fund**

### Revenues

Total revenues for FY 2021 are \$19,507,171. Revenues include a bank borrowing for capital projects of \$8,500,000 (44% of revenue) ad valorem (property) tax of \$4,392,196 (22% of revenue), unrestricted intergovernmental revenues of \$1,937,500 (10% of revenue), restricted intergovernmental revenues of \$2,199,507 (11% of revenue) for anticipated grants represent the largest four sources of revenues. Revenues tied to development and population growth reflected positive growth overall in developing the FY 2021 budget. Despite the uncertainty of Covid-19 on revenues, overall revenues are anticipated to grow, but perhaps at a slower or flatter rate than would otherwise occur in a high-growth community.

### Expenses

Total expenses for the FY 2021 budget are \$19,507,171 including a fund balance appropriation of \$744,618 for capital expenses.

Operating expenses of \$2,739,047 accounts for 14% of the total budget and reflect the investment in supplies, training, and equipment needed to maintain existing services and infrastructure in a growing community. Further, the increases reflect the budget priorities established by the Commission and regulatory requirements related to stormwater and accessibility. Continued increases in future years are anticipated consistent with growing revenues to keep pace with demand for municipal services.

### Personnel

The proposed budget increases the number of positions from 55 to 60 in FY 2021. The five (5) new positions include a two (2) Police Officers (starting January 1, 2021), a Public Works Specialist, a Stormwater Program Manager, and an Accountant I. The new staff reflects the necessary investment for a sufficient workforce to maintain service levels understanding that continued growth places additional strain on staff. In addition to Town staff, the budget provides for increased contract services for an after-hours attorney for the Police Department, an increase of \$8,000 for additional economic development consultant assistance, and eliminates the shared public information officer through East Wake Television from FY 2020.

In addition to positions, the budget provides for a 3% increase and implements the recommendations of the Pay Plan prepared in FY 2020. In addition to salary increases, part-time funding increases are provided in Parks and Recreation. Overtime compensation lines are continued in the budget for Public Works and Police. Benefit costs are increasing in FY 2021 with an anticipated 16% increase in health care costs due to the organization having a high claims experience during the past year. The additional benefits provided in FY 2020 for an employee assistance program (EAP) for counselling services (included in insurance at no additional cost) and a wellness benefit for police officers for reimbursement of monthly gym costs (\$6,000) are continued in FY 2021. Personnel costs (salary, FICA, and retirement) total \$5,106,200 and represent 26% of expenses in the FY 2021 budget.

### Capital Expenditures

The capital budget for FY 2021 is \$11,270,724 with revenues matching expenditures. Highlights of the capital budget include a \$4,122,704 investment in transportation and infrastructure projects, \$431,000 in vehicle, equipment, and technology, \$6,225,520 in buildings, grounds and land, and \$90,000 in economic and community development in FY 2021. Please see the capital improvement

project descriptions in the long-range financial sections for specific details of the existing investments.

The five-year capital improvement program identifies both revenues and expenses for FY 2021 through FY 2025 for a total expenditure of \$17,277,589. The capital improvement program includes planning for revenue growth to offset the use of fund balance, needed road and sidewalk improvements, a new town hall, vehicle and equipment replacement, and new parks and community spaces. However, years two through five are for planning purposes only and will be evaluated regularly to reflect community growth, adopted plans, and economic conditions.

#### Debt Management

A new issuance of debt is recommended in the FY 2021 budget in the amount of \$8.5 million for the design and construction of a new Town Hall and significant infrastructure and park investment. \$255,000 is allocated to retire principal and interest of past debt. The net debt of the Town is \$10,508,100 and the legal debt margin (amount legally available) is \$49,499,708. Debt service represents 2% of the FY 2021 budgeted expenses.

#### Fund Balance

The FY 2021 budget appropriates \$744,618 from the fund balance to fund capital expenditures. The remaining fund balance of 91.4% exceeds the suggested minimum of the Local Government Commission (8%) and the fiscal policy of the Town of Wendell (40%). The fund balance remains healthy and available if needed.

#### **Water and Sewer Funds**

The two enterprise funds of the Town of Wendell are the Water Fund and the Sewer Fund. Since the Merger Agreement with the City of Raleigh for the provision of water and sewer service in 2006, the Water and Sewer Funds are used to account for the retirement of past utility debt. Debt service payments are determined annually and paid by the Town. The City of Raleigh provides a like payment to the Town to offset the debt payment. For FY 2021, the Water Fund revenue and expense is \$50,000. The Sewer fund revenue and expense is \$450,000.

#### **Budget Summary**

The FY 2021 budget represents a significant investment in infrastructure, facilities, and public spaces while working to achieve a net savings to the residents of Wendell through a tax rate decrease and completing the utility merger earlier than end of fiscal year. The document bridges the vision to keep Wendell's motto of "Small Town, Big Charm" alive as the town grows into the vibrant, welcoming community of tomorrow. Given the attention to transparency and accountability, connection of resource allocation to the budget priorities of the Board of Commissioners, investment in community, and reduced property tax rate, I trust the budget document will provide the materials needed to work together toward adoption of our FY 2021 Budget.

Respectfully submitted,

*Marc Collins*

Marvin "Marc" Collins  
Town Manager

**TOWN OF WENDELL**  
**FISCAL YEAR 2020-2021 BUDGET ORDINANCE**  
**O-10-2020**

**BUDGET ORDINANCE:** BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF THE TOWN OF WENDELL, NORTH CAROLINA THAT:

Section 1: The following accounts are hereby appropriated to the fund set forth for the operation of the town government and its activities for the fiscal year beginning July 1, 2020, and ending June 30, 2021, in accordance with the chart of accounts heretofore established for this town:

CODE	GENERAL FUND	AMOUNT
10-410	Governing Body	\$ 93,700
10-420	Administration	\$ 561,900
10-430	Information Technology	\$ 166,760
10-440	Finance	\$ 448,450
10-450	Economic Development	\$ 62,300
10-490	Community Development/Planning	\$ 551,450
10-500	Public Buildings & Ground	\$ 10,872,594
10-510	Police - Law Enforcement	\$ 2,336,057
10-530	Fire Services	\$ 4,900
10-560	Public Works	\$ 2,318,435
10-570	Powell Bill	\$ 180,000
10-620	Parks and Recreation	\$ 914,925
10-660	Non-Departmental	\$ 993,200
10-690	Special Appropriations	\$ 2,500
<i>FUND SUBTOTAL</i>		<u>\$ 19,507,171</u>
<b>WATER and SEWER FUND</b>		
30-660	Non-Departmental	\$ 50,000
32-660	Non-Departmental	\$ 450,000
<i>FUND SUBTOTAL</i>		<u>\$ 500,000</u>
<b>TOTAL FUND ALLOCATIONS</b>		<u><b>\$ 20,007,171</b></u>

Section 2: It is estimated, and therefore appropriated, that the following revenues will be made available to the respective funds for the fiscal year beginning July 1, 2020 and ending June 30, 2021, as follows:

CODE	FUND	AMOUNT
10	General Fund	\$ 19,507,171
30 & 32	Water and Sewer Fund	\$ 500,000
<b>TOTAL FUND ALLOCATIONS</b>		<u><b>\$ 20,007,171</b></u>

**TOWN OF WENDELL  
FISCAL YEAR 2020-2021 BUDGET ORDINANCE  
O-10-2020**

Section 3: That found included in Section 1 of this ordinance are appropriations in an amount of \$391,200 from the General Fund; \$50,000 from the Water Fund and \$450,000 from the Sewer Fund which are payments for the following long-term capital debt service payments during FY 2020-21:

ACCOUNT	DEBT SERVICE DESCRIPTION	AMOUNT
10-570-4400	Street and Drainage Improvement Projects	\$ 136,200
10-660-9100	Open Space, Equipment and Facility Improvements	\$ 255,000
30-660-9100	Water Bond and Clean Water Loan	\$ 50,000
32-660-9100	Sewer Bond and Buffalo Creek Loan	\$ 450,000
<b>TOTAL \$</b>		<b><u>891,200</u></b>

Section 4: There is hereby levied an Ad Valorem Tax of forty-seven cents (\$0.47) per one hundred dollar (\$100) valuation of taxable property for the purpose of raising a portion of the revenue listed in the General Fund appropriation in Section 2 of this Ordinance. This rate is based upon an estimated county assessed valuation of \$945,000,000 for the Town of Wendell and an estimated collection rate of 98.64%.

Section 5: Community Development/Planning fees are remitted to the Town at the time application is submitted for consideration.

Section 6: Parks and Recreation fees are to be remitted prior to participation in the program.

Section 7: Fees related to removal of solid waste will be charged on a monthly or case by case basis dependent upon the type of materials involved with payments remitted in accordance with the approved fee schedule.

Section 8: Copies of this Budget Ordinance and accompanying document shall be furnished to the Town Clerk, Budget Officer, and other Department Heads of the Town of Wendell to be kept on file by them for their direction in the disbursement of funds.

Upon introduction of this Ordinance by Commissioner \_\_\_\_\_ this ordinance is hereby adopted this 26th day of May, 2020.

Ayes:	
Nays:	
Absent:	

\_\_\_\_\_  
Virginia Gray - Mayor

\_\_\_\_\_  
Megan Howard - Town Clerk

\_\_\_\_\_  
James P. Cauley, III - Town Attorney



## Town of Wendell Legislative & Administrative Fee Schedule

### Legislative

**Filing Fee:**

	<b>Mayor or Commissioner</b>
Filing fee for elected office for Town of Wendell Board of Commissioners*	\$25

**Reference(s):**

Town of Wendell Resolution – R-18-77 (6/30/1977); NC GS 163A-1620(e)

*\*Filing fee is collected by the Wake County Board of Elections when candidate files for placement on ballot as Mayor or Town Board of Commissioner.*

### Administrative

**Check Return Fee:**

	<b>Cost</b>
Check Return Fee	\$ 35

NC GS 25-3-506

**Town Beer & Wine License:**

	<b>Cost</b>
Beer or Wine on Premises [NC GS 105-113.77]	\$ 15 each \$ 30 for both
Beer off Premises [NC GS 105-113.77]	\$ 5
Wine off Premises [NC GS 105-113.77]	\$ 10
Wholesale Dealer – Beer or Wine Only [NC GS 105-113.79]	\$ 37.50
Wholesale – Beer and Wine Under Same License [NC GS 105-113.79]	\$ 62.50

**Golf Cart Fees:**

	<b>Cost</b>
Yearly registration fee	\$100
Transfer of registration to new golf cart replacing an older currently- registered golf cart held by the same owner.	\$ 20
Lost and/or stolen decal fee	\$ 20

Town of Wendell Code of Ordinances; Sec. 24-155

**Vehicle License Tax:**

	<b>Cost</b>
Vehicle License Tax	\$ 20

Town of Wendell Code of Ordinances; Sec 24-131

**Reservation of Board Room:**

	<b>Cost</b>
Reservation of Board Room [outside normal business hours]	\$ 35 per hour

Town of Wendell Code of Ordinances; Sec 2-334; Policy 106



## Town of Wendell Parks & Recreation Fee Schedule

**Wendell Community Center, 601 West Third Street**

**Wendell Resident** is defined as a person who lives within the Wendell Corporate Limits.

**Visitor** is defined as anyone who resides outside the Wendell Corporate Limits.

**Open Space** is defined as open land that is undeveloped (has no buildings or other built structures) and is accessible to the public.

### Registration Fees:

	<b>Cost</b>
Youth T-ball/Girls Volleyball	Resident: \$25 Visitor: \$45
Tiny Basketball	\$30
Youth Athletics	Resident: \$50 Visitor: \$70
Track –Out Camp	\$ \$30 per day
Adult Church Softball	\$500 per team
Adult Co-Ed Softball	\$400 per team
Adult Basketball (25 and older)	\$450 per team
Adult Co-Ed Volleyball	\$300 per team
Adult Beach Volleyball	\$100 per team
Adult Fast Pitch Softball	\$450 per team
Soccer	\$60 – 3 to 6, \$80 – 7 to 10
Wiffleball	\$25 per person
Kickball	\$25 per person
Community Garden	\$15 per person
Weight Room	\$10 per person
CPR/First Aid/Babysitting Classes	\$25/\$25/\$35 or \$60 for all 3

<b>Facility Rental Fees</b>
-----------------------------

**Athletic Fields (Non-Tournament)**

<b>Activity</b>	<b>Cost</b>
Deposit	<b>\$30 and non-refundable</b>
Field Use	\$30 per hour
Parks & Recreation Staff	\$35 per hour
Lining (baseball/softball)	\$50 per event
Lining (soccer)	\$75 per event
Lights (baseball/softball/multi-purpose field)	\$30 per hour
Mowing	\$30 per event
Cross Country / Open Space	\$30 per hour (2 hour minimum)

**Athletic Fields (Tournament)**

<b>Activity</b>	<b>Cost</b>
Deposit	<b>\$50 and non-refundable</b>
Field Use	\$200 per field per day (includes lights)
Field #3	\$100 per day (no lights)
Disc Golf Course Tournaments	\$100, Monday – Friday (no lights)
Staff	\$250 per day
Field Dry Mix	\$10 per bag

**Outdoor Rental**

<b>Activity</b>	<b>Cost</b>
Large Shelter - Deposit	<b>\$20 and non-refundable</b>
Large Shelter - Rental	\$20 per hour
Small Shelter - Deposit	<b>\$15 and non-refundable</b>
Small Shelter – Rental	\$15 per hour
Beach Volleyball – Rental	\$10 per hour

**Community Center**

<b>Activity</b>	<b>Wendell Resident</b>	<b>Wendell Resident – After Hours</b>	<b>Visitor</b>	<b>Visitor – After Hours</b>
Deposit	Equal to one hour Wendell Resident rate			
Conference Room				
Activity Room A	\$15 per hour	\$35 per hour	\$40 per hour	\$60 per hour
Activity Room B	\$25 per hour	\$45 per hour	\$50 per hour	\$70 per hour
Gym (and Stage)	\$65 per hour	\$85 per hour	\$80 per hour	\$100 per hour
Youth Birthday Party (12 years and younger)	\$120 (2 hours)	n/a	\$140 (2 hours)	n/a
Entire Facility – First four hours	\$125 per hour	n/a	\$150 per hour	n/a
Entire Facility – After initial four hours	\$175 per hour	n/a	\$200 per hour	n/a
+Entire Facility – First four hours HOLIDAY RATE	n/a	\$175 per hour	n/a	\$200 per hour
+Entire Facility – After initial four hours HOLIDAY RATE	n/a	\$225 per hour	n/a	\$250 per hour
Entire Facility and Serving Alcohol – 3 p.m. to 12 a.m.	\$2,500* Flat fee includes: parks and recreation staff, police officers, security, insurance, dumpster and clean-up fees.		\$3,000* Flat fee includes: parks and recreation staff, police officers, security, insurance, dumpster and clean-up fees.	
Set-up and/or break down	n/a	\$20 per hour	n/a	\$20 per hour
Dumpster Fee	\$125			
Insurance Fees	\$200; waived if certificate of liability is provided to Parks & Recreation staff.			
Port-o-John Rental	Event coordinator to contact rental facility. Event coordinator to provide information to Parks & Recreation staff.			

+Holidays are defined as those recognized by the Town of Wendell. No event shall be schedule during the recognized Town holidays of Thanksgiving and Christmas.

\* Fee schedule is subject to change upon approval by the Wendell Town Board of Commissioners. Actual cost for the use of the entire facility will be based upon the date of the event. If the increased cost is more than the renter is willing to pay, a refund will be made and the reservation cancelled.

<b>Facility Cleaning Rate (Gym and/or Entire Facility)</b>
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Number of Participants	Cost
Up to 100 (no alcohol)	\$125
101 or more persons	\$250
Event serving alcohol	\$250

<b>Facility Staffing</b>
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Expected Participants	Less than 250	250-500
No Alcohol	1 P&R supervisor	1 police officer & 2 P&R supervisors
~With Alcohol	1 police officer & 1 P&R supervisor	2 police officers & 2 P&R supervisors

~Code of Ordinance Section 14-21; Parks and Recreation Policies and Procedures



## Town of Wendell Special Event Fee Schedule

***Space for special event request is reserved upon receipt and approval of a Special Event Permit Application and all applicable special event fees. The Special Event Permit Application must be submitted with***

Fee Description	Cost
Public Space Use Deposit for Special Event [Includes all downtown areas]	\$100 and non-refundable
Public Space Use Fee	\$25 per hour of use
Street Closing Fee* [Includes cones and/or barricades]	\$40 and non-refundable

Does not apply to Town sponsored or co-sponsored events.

\*Does not apply to NCDOT maintained roads

### Special Events Staffing

***The Town of Wendell will determine the minimum staffing levels for each event.***

Staffing Fees	
Includes Parks & Recreation, Police Officer and Public Works staff	\$35 per hour



## Town of Wendell Planning / Development Fee Schedule

**Effective July 1, 2019:** All fees are to be remitted prior to processing and/or action being taken by the Town on behalf of the applicant. Fee schedule is subject to change upon approval by the Wendell Town Board of Commissioners.

Building Permit and Inspections Fee Schedule is subject to change based on fees established by the Wake County Board of Commissioners.

Development Infrastructure Fee Schedule is subject to change based on fees set by the City of Raleigh and Duke Energy.

### Development Infrastructure Submittal Fees

#### Duke Energy Underground Service Charge

*See separate Duke Energy Fee Schedule available in the Wendell Planning Dept.*

#### Wireless Communication Fees

Collocations/Modifications	\$1,000 plus 3 <sup>rd</sup> party fee
New Structure	\$2,500 plus 3 <sup>rd</sup> party fee
Project Requiring Special Use (plus 3 <sup>rd</sup> party fee)	\$2,500 plus 3 <sup>rd</sup> party fee and Special Use fee

#### Residential Solid Waste and Recycling

Solid Waste Fees* ( <i>Chapter 18, Town Code of Ordinances</i> )	\$22 per month *Shown on Raleigh Utility Bill
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#### City of Raleigh

##### Residential: Water, Sewer and Other System Fees

*See separate City of Raleigh Fee Schedule available in the Wendell Planning Dept.*

##### Commercial:

*See separate City of Raleigh Fee Schedule available in the Wendell Planning Dept.*

Development Submittal Fees	
<b>Residential Building Permit Processing</b>	
New Dwelling/Addition/Renovation	\$100
Detached Garage/Secondary Dwelling/Pool	\$100
Unheated Storage Building/Unenclosed Deck/Stairs/Ramp	\$0
Commercial Building Permit Processing:	
New Structure/Addition/Renovation	\$100
<b>Administration - Other</b>	
Demolition Permit Processing Fee	\$25
Trade Permit Processing Fee	\$20
Contractor Change Form Fee	\$60 or up to max of \$180 per occurrence
<b>Zoning Compliance Permits</b>	
Residential Compliance	\$25
Accessory Structure / Deck	\$25
Residential New Structure	\$100
Multi-Family New Structure	\$100
Commercial Zoning Compliance Only	\$50
Commercial Addition or Renovation	\$50
Commercial New Structure	\$250
<b>Signage</b>	
Window / Sign Face Replace	No Charge
Wall Awning Sign	\$ 30
Monument Sign	\$ 50
Two or more of any type	\$ 60
Temporary Signs (for profit only)	\$ 20
<b>Zoning Related Hearing Items</b>	
Annexation	\$350
Zoning Text Amendment	\$550
Special Use Request Application	\$550
Variance Application	\$550
Zoning Map Amendment / Conditional District Request	\$550
Rezoning Application	\$550
Appeal of Zoning Administrator or Board of Adjustment	\$300
<b>Plan Review</b>	
Sketch Plan	\$150
Preliminary Plat – Minor Subdivision / Recombination:	\$150
Preliminary Plat – Major Subdivision / Master Plan	\$400 (plus \$5/lot)
Commercial Site Plan / Preliminary Plat	\$400
Final Plat – Major Subdivision	\$200 (plus \$5/lot)
Re-submittal fees – (beginning with 3 <sup>rd</sup> submittal)	½ original submittal fee

<b>Cemetery</b>	
In-Town Applicant	\$1,200
Out-of-Town Applicant	\$2,400
Monument Deposit*	\$600 *refundable fee
<b>Printed Maps / Document</b>	
Comprehensive Master Plan – 8.5 x 11 size (B & W)	\$20 (bound)
Unified Development Ordinance – 8.5 x 11 size (B & W)	\$60 (bound)
Zoning Map or Future Development Map – 24 x 36 size (color)	\$25
Printed Customized Map – 24 x 36 size	\$25 (+ additional customization administrative fee)
Printed Customized Map/Document – 36 x 48 size or larger	\$30 (+ additional customization administrative fee)
Other Documents and Plans (3-ring)	\$ 40
Printing 8.5 x 11 (B & W)	\$0.20 per page (Min. 3 copies)
Printing 8.5 x 11 (color)	\$0.40 per page (Min. 3 copies)
Printing 11 x 17 (B & W)	\$0.50 per page (Min. 2 copies)
Printing 11 x 17 (color)	\$1 per page (Min. 2 copies)
<b>Miscellaneous Fees</b>	
Zoning Penalty/Working Without A Permit	\$100 per day
Engineering Fees (Non-Refundable & <i>Prepaid at time of application submittal</i> )	\$1,000 (additional engineering fees billed separately)
Development Agreement (new or amendment)	\$400
Water/Sewer Capacity Reservation Fee	Paid for when/if vested rights are extended
Solid Waste Fees*	\$22 per month *Shown on Raleigh Utility Bill
Sidewalk and/or Driveway Inspection <i>[A re-inspection fee is charged for each extra trip (beyond 2 total trips for sidewalks and/or Driveways combined) necessary to approve a required inspection. Must be paid prior to scheduling a re-inspection.]</i>	<ul style="list-style-type: none"> <li>• Initial and first re-inspection – \$60</li> <li>• Second and subsequent re-inspections - \$60 each</li> </ul>
Storm Drainage Inspection – If performed by Town Charged to the developer <i>[A re-inspection fee is charged for each extra trip necessary to approve a required inspection. Must be paid prior to scheduling a re-inspection.]</i>	<ul style="list-style-type: none"> <li>• \$1 per linear foot.</li> <li>• Re-inspections shall be charged \$1 per linear foot for the affected area.</li> </ul>

Town of Wendell	
Fee in Lieu of Installation	
Sidewalk Fee in Lieu	\$25 per linear foot
Open Space Fee in Lieu for Multi-family (excluding Townhome)	\$2500 per unit
All other Fee in Lieu requests must submit cost estimates of required improvements for review.	

Duly adopted this \_\_\_\_\_ day of \_\_\_\_\_, while in regular session.

**ATTEST:**

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

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

\_\_\_\_\_  
James P. Cauley III,  
Town Attorney

**Item Title:**

Waiver of Building Permit Fees for Operation Coming Home Project Sponsored by the Homebuilders Association of Raleigh-Wake County

**Report to the Board of Commissioners:**

Tuesday, May 26, 2020

**Specific Action Requested:**

Approve the waiving of building permit fees totaling \$260 for the Operation Coming Home project sponsored by the Home Builders Association of Raleigh-Wake County.

**Item Summary:**

In 2007 a group of local veterans and members from the Home Builders Association of Raleigh-Wake County (HBA) decided to establish a project for severely wounded veterans. The mission of this project is to aid a local military service member who was severely wounded in combat, by fulfilling his/her family desire to live the American Dream of home ownership – thus the creation of Operation: Coming Home (OCH). The program relies on donations and sponsorships of individuals and companies as well as labor and supplies to make this program a success.

The HBA has identified its next OCH project in Wendell. This will be the 22<sup>nd</sup> home that OCH is building free and clear for the family of a deceased veteran. The home is for the family of Sergeant First Class Elis A. Barreto Ortiz, a 34-year-old soldier in the 82<sup>nd</sup> Airborne Division's Third Brigade stationed at Fort Bragg. Tragically, Sgt. Barreto was killed in combat on the eastern side of Kabul, Afghanistan.

The home will be located at 1604 Stagecoach Trail in the Wendell Falls neighborhood. On average, a little over one home a year is built through this program in Wake County. The builder, Garmin Homes, is requesting the Town of Wendell and Wake County waive the building permit fees for this project. As a reminder, Wake County performs the building inspections for the Town of Wendell through a mutual agreement. The fee rate structure for building permits is set by the Town of Wendell and the Wake County Board of Commissioners.

The Town of Wendell building permit fees for 1604 Stagecoach Trail are \$260 and the Wake County fees total \$711. The Wake County Board of Commissioners will take action on the fee waiver request on Monday June 1<sup>st</sup>, 2020.

**Attachments:**

None

**Item Title:**

Minor Street Closing for Wendell Farmers Market on Campen Street

**Report to the Board of Commissioners:**

Tuesday, May 26, 2020

**Specific Action Requested:**

Approve the recurring minor street closing permit for the use of Campen Street between Main Street and Tobacco Alley for the Wendell Farmers Market.

**Item Summary:**

The Town of Wendell is working with area farmers and craft vendors to continue the Wendell Farmers Market on Campen Street between Main Street and Tobacco Alley. Approval by the Board of Commission for the minor street closure is necessary due to the recurring nature of the event. Authorization is requested for the Farmers Market to occupy the location on Saturdays from 9:00 am until 1:00 pm starting on May 16, 2020 and extending through October 3, 2020. The Town will provide barricades and staff the event to ensure only registered vendors are setting up and using the space provided. The Town will also market the events and provide notification of when the market is closed due to weather, holiday, or other cause. Vendors will be responsible for their own tents and tables.

**Attachments:**

- A. Minor Street Closing Application
- B. Exhibit A – Map Description of Permit Area



## Town of Wendell Street Closing Application

**CONTACT INFORMATION**

Name of Organization: <i>Town of Wendell</i>	Name of Event Coordinator: <i>Stephanie Smith</i>
Email Address: <i>ssmith@townofwendell.com</i>	Phone Number: <i>919-366-0893</i>
Address: <i>15 E fourth St.</i>	City, State, Zip Code: <i>Wendell, NC, 27591</i>

**EVENT INFORMATION:**

What is the event: <i>Wendell farmers Market</i>		
Types of activities during the event: <i>Sale of produce &amp; crafts by registered vendors</i>		
Date of Closure: <i>Saturdays</i>	Set-up Time Begins: <i>8am</i>	Time Event Begins: <i>9am</i>
Time Event Ends: <i>1pm</i>	Clean-up time Ends: <i>2pm</i>	Estimated Attendance: <i>varied</i>
Requirement of Town barricades and/or cones are at the discretion of staff. If required, an additional \$25 fee will be due for approval. <i>Barricades / cones are provided</i>		

**EVENT LOCATION:**

Street(s): <i>Campers Street</i>	Block: <i>Main St to Tobacco Alley</i>
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**Street Closing Requirements:**

The Town of Wendell is committed to supporting the activities among residents, provided certain guidelines are observed to ensure the safety of participants and to preserve the Town's ability to protect its citizens and assets. The following guidelines are established to achieve these goals:

- W Review of the request begins when a completed application, \$15 application fee, and \$25 cone fee [if applicable] are received.
  - o Application fee is non-refundable.
  - o Upon approval of request, the barricades and cones will be scheduled for delivery.
- W Event organizer is responsible for contacting and receiving permission from adjoining businesses or neighbors adjacent to the request.
- W Sound permit is required for the amplification of music and sound, including mega-phones.
- W Approval may be required for all commercial food vendors by Wake County Environmental Services. Contact 919-856-6609 for details.
- W Alcohol is prohibited on outdoor Town property without special permission from the Town of Wendell Board of Commissioners. Permission may be granted by the Town Manager placing an item on the agenda for an upcoming Board Meeting for Board action. Police attendance, additional insurance and all associated fees are required for any event serving alcohol.
- W Event organizers must maintain a fourteen (14) foot lane on all blocked streets for emergency vehicle access.
- W Weights such as water barrels or cement buckets must be used for anchoring temporary tents. **Stakes are not permitted.**
- W All trash and recycling must be promptly removed at the conclusion of the event.
- W All barricades must be monitored. Event organizers shall be required to move barricades in the case of an emergency.
- W Major street closures will require Board approval at a regularly scheduled Board Meeting.

**Event Organizer Certification:**

I hereby certify that I have read and understand the above requirements for this Street Closing Request; the information given in this application is correct to the best of my knowledge. Event organizer agrees to indemnify and hold harmless the Town of Wendell for any and all liability arising from the event.

Signed: SAF Date: 5/18/20

Print Name: Stephanie Smith

**Please submit completed application and application fee payment to:**

Town of Wendell  
 Attn: Assistant to the Town Manager Phone: 919.365.4450  
 15 E Fourth Street Fax: 919.366.1462  
 Wendell, NC 27592

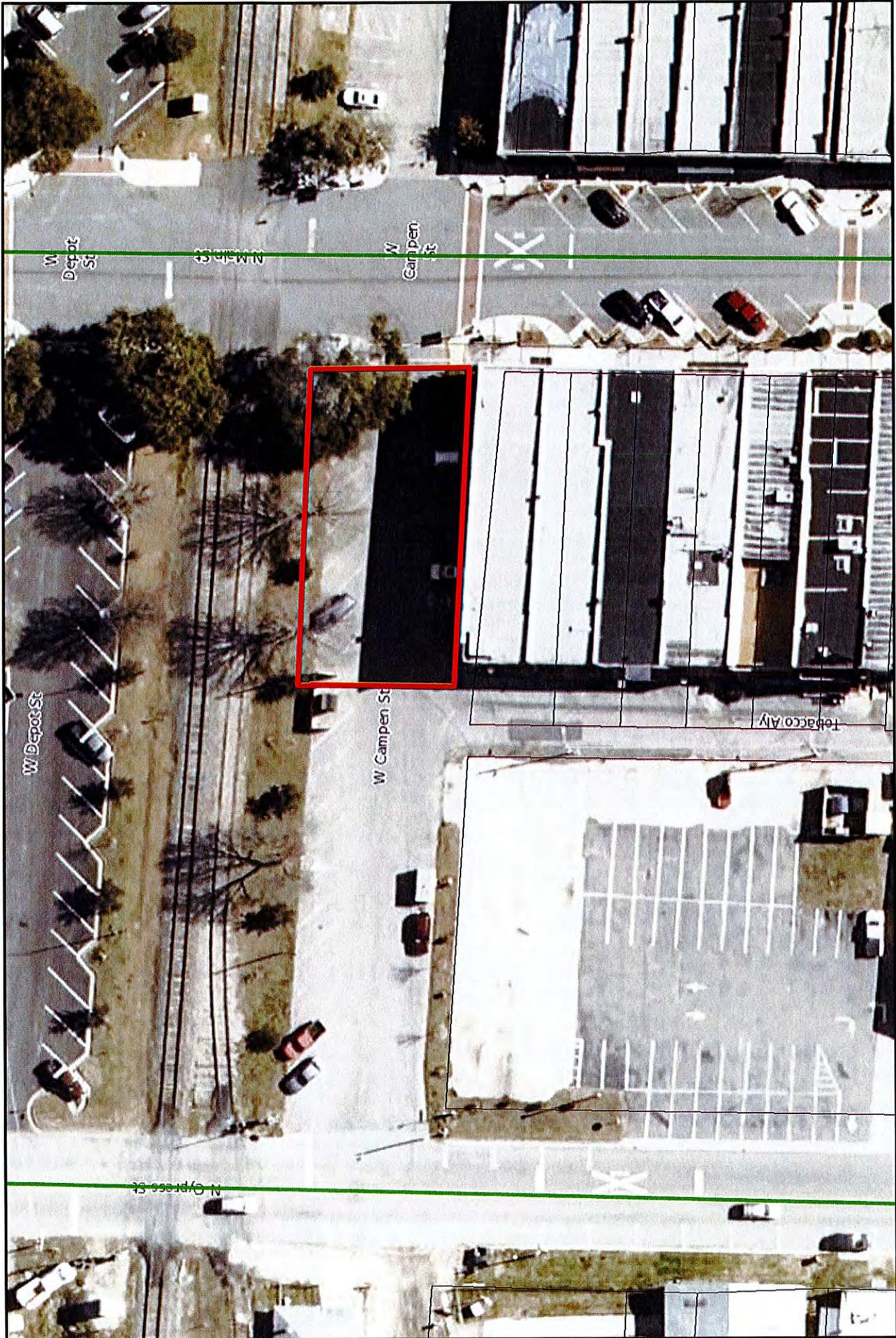
**You will be notified when the permit is approved or denied.**

**Staff Use**

Payment received by: NA Amount of Payment: NA Date: N/A

 Town Manager	Approved:	Note(s):
	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Date: <u>5/18/2020</u>	<u>MINOR STREET CLOSING w/ MULTIPLE DATES</u>

Date of Notifications:  Police  Public Works  Finance  Event Organizer



**Disclaimer**

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**Item Title:**

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

 Capital Area Metropolitan Planning Organization (CAMPO) – Mayor Virginia Gray

 Technical Review Committee (TRC) – Mayor Pro Tempore John Boyette

**Specific Action Requested:**

None

**Attachments:**

None

**Item Title:**

Commissioners' Reports.

**Specific Action Requested:**

None

**Attachments:**

None

**Item Title:**

Mayor's Report.

**Specific Action Requested:**

None

**Attachments:**

None

**Item Title:**

Closed Session [NC GS 143-318.11].

**Specific Action Requested:**

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

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

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

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

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

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

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

**Attachments:**

None