

**TOWN OF WENDELL  
BOARD OF COMMISSIONER MEETING MINUTES  
AUGUST 10, 2020**

The Wendell Town Board of Commissioners held their virtual, regular meeting on Monday, August 10, 2020, in the Town Board Room, Wendell Town Hall, 15 East Fourth Street.

**PRESENT:** Mayor Virginia Gray; Mayor Pro Tem John Boyette (virtually);  
Commissioners: Jason Joyner, Joe DeLoach, Jon Lutz, and Philip Tarnaski

**ABSENT:**

**STAFF PRESENT:** Town Manager Marc Collins, Town Clerk Megan Howard, Town Attorney Jim Cauley, Assistant to the Manager Stephanie Smith, Planner I Jeannine Ngwira, and Police Chief Bill Carter.

**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 August 10, 2020 Board of Commissioners meeting shall be organized in advance. The public can submit their written 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, August 7<sup>th</sup> at 5 p.m.

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

Police Chief Bill Carter led the Pledge of Allegiance.

Errol Briggerman of Wendell Baptist Church provided the invocation.

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

**ACTION**

Mover: Commissioner Jon Lutz made a motion to approve the agenda, as presented.  
Ayes: Commissioners Jason Joyner, Joe DeLoach, Jon Lutz, Philip Tarnaski, John Boyette  
Nays: None.  
Vote: 5-0

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**2. PUBLIC COMMENT PERIOD**

- The Public Comment period for the August 10, 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, August 7<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, August 7<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.

The following call-in public comment was provided to the Board of Commissioners through the Uber Conference line:

Amy Nuttall, 4501 Rolesville Road, Wendell NC 27591, expressed her support on items 6a and 6b, asking the Board to vote yes for the development.

**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. Town of Wendell Board of Commissioners Rules of Procedure Adoption

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

3b. Approval of Resolution Directing the Clerk to Investigate a Non-Contiguous Annexation for 61.43 acres located at 1129 Edgemont Road (9 acres) identified by PIN# 1775-70-5631; 1213 Edgemont Road (11 acres) identified by PIN# 1775-71-4047; 0 Edgemont Road (13 acres) identified by PIN# 1775-60-5484; 0 Merganzer Road (20.62 acres) identified by PIN# 1775-50-6528; and 0 US 64 HWY E, (7.81 acres) identified by PIN# 1775-51-9103

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

**ACTION**

Mover: Commissioner Lutz made a motion to approve the consent agenda.  
Ayes: Commissioners Joyner, DeLoach, Lutz, Tarnaski, and Boyette  
Nays: None.  
Vote: 5-0

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

No presentations scheduled.

**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 August 10<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) up to 24 hours after the public hearing is held. Please provide your name, address, and the agenda item number with your comments. Copies of the written comments received by Friday, August 7<sup>th</sup> 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 and will be included in the minutes.

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, August 7<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 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.

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- 5a. **PUBLIC HEARING:** for a non-contiguous annexation for a portion of a parcel totaling 10.272 acres located at 0 Eagle Rock Road as a part of PIN# 1774-55-1916.

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

Planner I Jeannine Ngwira presented the following staff report, below in italics:

**Item Title:**

*Public Hearing on a non-contiguous annexation petition for 10.272 acres located within the parcel addressed as 0 Eagle Rock Rd and identified by [PIN #1774-55-1916].*

**Report to the Board of Commissioners:**

*August 10, 2020- Public Hearing*

*July 27, 2020 - Receive Certificate of Sufficiency and set Public Hearing*

*March 23, 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 10.272 acres located at 0 Eagle Rock Road.*

**Item Summary:**

*520 State Street, LLC has submitted an annexation request for a 10.272 acre portion of the parcel addressed as 0 Eagle Rock Rd and identified by PIN# 1774-55-1916 (highlighted below). The annexation area represents the 10.272 portion south of Old Tarboro Road (of the 23.29 acre parcel). The applicant plans to subdivide the tract and develop the southern piece.*

**Zoning District:**

*The property is currently located within Wake County and is zoned R-30. The applicant has submitted a request to rezone to R4 Town of Wendell Zoning District.*

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

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

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**Location Map:**



**Staff Recommendation:**

*Staff recommends approval of the request*

**Attachments:**

- A. *Ordinance for Adoption* \*Please note the attachments to this item are located in the agenda packet for the August 10, 2020 Town Board Meeting on the Town's website.

Mrs. Ngwira offered to answer any questions that the Board might have and said that the applicant is available, as well.

Mayor Gray opened the Public Hearing at 7:11 p.m. and asked the applicant if she had anything she would like to add.

Penny Sekadlo, 9220 Fairbanks Drive, Suite 220, Raleigh, NC, 27613, said she would prefer to provide her comments on the next public hearing for the rezoning item.

Mayor Gray said that nobody else was signed up to speak and asked if there were any questions from the Board. No questions were asked. Mayor Gray closed the public hearing at 7:12 p.m. subject to the 24-hour public comment period.

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- 5b. PUBLIC HEARING:** on a Zoning Map Amendment request to rezone 10.272 acres located within the parcel addressed as 0 Eagle Rock Road (off of Old Tarboro Rd).

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

Planner I Jeannine Ngwira presented the following staff report, below in italics:

**Item Title:**

*Public hearing on a Zoning Map Amendment request to rezone 10.272 acres located within the parcel addressed as 0 Eagle Rock Road (off of Old Tarboro Rd).*

**Report to the Board of Commissioners:**

- *Monday, August 10, 2020*

**Report to the Planning Board:**

- *Monday, May 18, 2020*

**Specific Action Requested:**

*Holds a public hearing on the proposed rezoning request and consider adopting the attached ordinance, which includes a statement of comprehensive plan consistency and reasonableness.*

**Applicant:**

*Phoenix Land Venture*

**Petition:**

*The applicant has requested a change in zoning classification for property located at 0 Eagle Rock Road (PIN #1774-55-1916) from Wake County R-30 to Town of Wendell R4. The applicant has submitted a request to annex 10.272 acres of the parcel.*

**Item Summary:**

*This property is located within Wake County's jurisdiction and is currently zoned R-30. The rezoning request is a traditional map amendment (i.e. there is no accompanying development plan, which would be attached to a conditional district). This property abuts the Anderson Farm Subdivision that is currently under construction.*

**Project Profile:**

PROPERTY LOCATION:

*0 Eagle Rock Road*

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WAKE COUNTY PIN: 1774 55 1916

ZONING DISTRICT: *Proposed R4/ Current Wake County R-30*

CROSS REFERENCES: N/A

PROPERTY OWNER: 520 State Street, LLC  
2912 Highwoods Blvd  
Raleigh, NC 27604

APPLICANT: *Phoenix Land Venture*  
PO Box 90427  
Raleigh, NC 27604

PROPERTY SIZE: 10.272 acres

CURRENT LAND USE: *Agricultural*

PROPOSED LAND USE: *Residential*

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

<u>DIRECTION</u>	<u>LANDUSE</u>	<u>ZONING</u>
North	<i>Residential/Vacant</i>	<i>R4CU</i>
South	<i>Agricultural</i>	<i>R-30</i>
East	<i>Residential/Vacant</i>	<i>R4CU</i>
West	<i>Residential/Agricultural</i>	<i>R-30</i>

**Zoning District:**

*This property is located within Wake County's jurisdiction and is zoned R-30. The surrounding properties are currently zoned R4CU and Wake County R-30. The R4 district allows a minimum lot size of 6,000 sq. ft. North and east of this property is the Anderson Subdivision which is zoned R4CU with a minimum lot size of 6,000 sq. ft.*

*The R4 zoning district has the following minimum dimension standards;*

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- 50ft Lot Width
- 25ft Front Setback
- 20% of lot width combined
- 20ft rear setback
- 3 stories, maximum height

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



**Applicant's Justification:**

*Applicants Justification Statement added as Attachment C.*

**Comprehensive Plan:**

*The Wendell Comprehensive Plan defines this section as S-4 "Controlled Growth Sector" and partly in a Neighborhood Center.*

*The Comprehensive Plan states the S-4 sector typically consists of "lands that 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."*

*The following community types and uses are appropriate in the S-4 sector: traditional neighborhood developments, neighborhood centers, single-family and multifamily*

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*residential, neighborhood-serving commercial uses (retail and office), civic uses and industrial uses.*



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

**Planning Board Recommendation of Denial:**

*At their May 18, 2020 meeting, the Planning Board voted 7-2 to deny the requested zoning map amendment.*

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***Voting in Favor of Denial:*** Victoria Curtis, Jonathan Olson, Jimmena Huffman-Hall, Levin Jones, Deans Eatman, Michael Firstbrook and Allen Swaim

***Voting Against Denial:*** Ryan Zakany and Brett Hennington

***Absent:*** None

**Technical Review Committee (TRC):**

*The applicant would submit preliminary development plans if the proposed rezoning is approved. The preliminary development plan would need to meet all Town of Wendell Unified Development Ordinance regulations. TRC would review and approve any preliminary development plans for the property.*

**Statement of Plan Consistency and Reasonableness:**

- *Any recommended change to the zoning map should be accompanied by a statement explaining how the change is consistent with the comprehensive plan and is reasonable in nature.*
  - *In staff's opinion, the requested zoning map amendment is consistent with the recommended uses outlined in the Wendell Comprehensive Land Use Plan for the S-4 Sector and is reasonable to balance consistency with adjoining zoning districts.*

**Staff Recommendation:**

*Staff recommends approval of this rezoning request.*

**Attachments:** \*Please note that the following attachments can be found in the August 10, 2020 Agenda Packet located on the town's website.

- A. *Ordinance for Adoption*
- B. *Anderson Farm Site Plan*
- C. *Applicant's Justification*

Mrs. Ngwira offered to answer any questions that the Board might have and said that the applicant was available for answering questions, as well.

Commissioner Boyette asked what the discussion was at the Planning Board meeting, because the 7-2 to deny a request like this seemed odd.

Mrs. Ngwira said that because it's adjacent to the Anderson Farm subdivision, that subdivision was in the process of being sold and developed and the Planning Board was concerned of the possibility that it wouldn't be developed. Now, it has been sold and everything is moving forward with construction.

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Commissioner DeLoach said that that was his understanding and the concern was over the gravel road that existed there before development existed.

Commissioner Lutz asked when that Planning Board meeting took place.

Mrs. Ngwira said that it took place on May 18, 2020.

Commissioner Joyner said that there might be an email that would be forwarded to the applicant about buffers on the southern part of that property line. He said he did see the other areas developing around the property and that buffers are a good idea. He asked to know the applicant's thoughts on additional buffers.

Mayor Gray opened the public hearing at 7:20 p.m.

Civil Engineer and Land Planner Penny Sekadlo of Penny Engineering Design, 9220 Fairbanks Drive, Suite 220, Raleigh, NC, 27613, said the applicant is willing to speak with the surrounding neighbors. She said that there are some natural features on the west side of the property that will be buffered, and they would be willing to extend that and add open space. Mrs. Sekadlo said that the reason that it is not a Conditional Use Rezoning is because it is a small tract of land being bisected by a thoroughfare and there's not a lot of flexibility with the design. She said that there has been ample review with staff and the town's development regulations can take all of this into consideration. She said that this development plan is pretty standard to a R4 Development Plan.

Commissioner Joyner said that he appreciates the developer working with adjoining property owners and asked the applicant to work on the proposed buffers before the item comes back for a vote in two weeks.

Mrs. Sekadlo said that this has been a different review and that they are matching the property to the east with lot sizes. She said she would appreciate the Board's consideration for an R4 Rezoning.

Mayor Gray said that a few people had signed up to speak during the public comment period and announced the following people to speak:

Ashley Anderson, 813 Eagle Rock Road, Wendell, NC, 27591, expressed her concerns on the rezoning and asked the Board to consider a buffer through a conditional use or by working with the applicant. She said that their lawyer was signed up to speak after her.

Brady Herman, Esq., The Brough Law Firm, 1526 E Franklin St. #200, Chapel Hill, NC, 27514, addressed the applicant's mention on buffers and said that he's representing the Anderson family for their farm, which is located southwest of the proposed development. He expressed the closeness of the Anderson family's property. He addressed the Anderson's concern about the rezoning and future development in the area. He asked the Board to consider the development in a thoughtful manner, moving forward and requested a conditional rezoning for

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the property with a buffer requirement between the properties. He offered to answer any questions that the Board might have. No questions were asked.

Melissa Anderson, 313 Old Battle Bridge Road, Wendell, NC, 27591, said that her mother who was signed up after her is unable to speak, but she has similar sentiments to the rest of the family that has spoken this evening. She expressed her concerns about the development and asked the Board for a conditional buffer.

Mayor Gray asked if there were any questions from the Board.

Commissioner Lutz said he echoes Commissioner Joyner's sentiments and that it's nice that the Andersons are expressing their concerns clearly to the developer before it is brought back to the Board for action. He asked for the agreements between both parties be brought back to the Board before the next meeting.

Mayor Gray closed the public hearing subject to the 24-hour written public comment period at 7:32 p.m.

## **6. ADMINISTRATIVE ITEMS**

- 6a. Motion on a for a non-contiguous annexation for 4 parcels totaling 151.81 acres [12.28 for PIN #1765-85-2510, 50.16 for PIN #1765-96-2276, 57.16 for PIN #1765-85-6251 and 32.21 for PIN #1775-04-2139] located at 4501 Rolesville Road, 0 Davistown Road, 1401 Davistown Road and 6021 Yancey Drive.

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

Planner 1 Jeannine Ngwira presented the following staff report, below in italics:

**Item Title:**

*Motion on a non-contiguous annexation for 4 parcels totaling 151.81 acres [12.28 for PIN #1765-85-2510, 50.16 for PIN #1765-96-2276, 57.16 for PIN #1765-85-6251 and 32.21 for PIN #1775-04-2139] located at 4501 Rolesville Road, 0 Davistown Road, 1401 Davistown Road and 6021 Yancey Drive.*

**Report to the Board of Commissioners:**

*August 10, 2020- Item for Decision*

*July 27, 2020- Public Hearing*

*June 22, 2020- Receive Certificate of Sufficiency and set Public Hearing*

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*February 10, 2020*

*January 13, 2020*

*November 12, 2019- Direct the Clerk to Investigate Sufficiency for the Annexation*

**Specific Action Requested:**

*Hold a public hearing and consider approval of the ordinance for the annexation petition for 4 parcels totaling 151.81 acres located at 4501 Rolesville Road, 0 Davistown Road, 1401 Davistown Road and 6021 Yancey Drive.*

**Item Summary:**

*Chris Rurkowski had originally submitted an annexation request for 3 non-contiguous parcels totaling 119.6 acres [12.28- PIN #1765-85-2510, 50.16- PIN #1765-96-2276 and 57.16- PIN #1765-85-6251] located at 4501 Rolesville Rd, 0 Davistown Road and 1401 Davistown Road, respectively. In order to satisfy the 3-mile requirement for satellite annexation, another parcel totaling 32.21 acres [PIN #1775-04-2139] located at 6021 Yancey Drive has been added to the annexation request. All these parcels are located in Wake County and are currently in the Residential-40 (R-40) Zoning District.*

**Zoning District:**

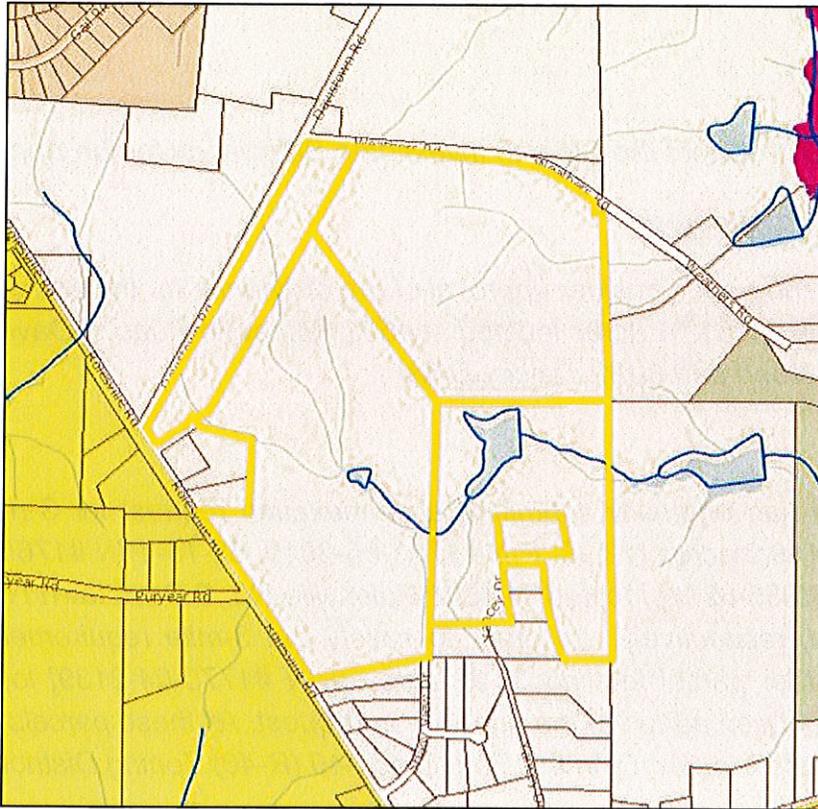
*The properties are located within the Wake County R-40 zoning district. 129.59 acres are contained within a R4 Conditional District request. The remaining acreage has been requested to be rezoned Rural Agricultural (RA).*

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

*The proposed annexation area would require services from the Town's Police and Public Works departments if annexed. The closest service area for the Police is at Kioti Drive to the south. The closest residential area served by Public Works is Edgemont Landings and the recently approved Anderson Farm subdivision.*

**Location Map:**

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**Staff Recommendation:**

*Staff recommends approval of the request*

**Attachments:** \*Please note that the following attachments can be found in the August 10, 2020 Agenda Packet on the town's website.

- A. *Ordinance for Adoption*
- B. *Written Public Comment Submitted within the 24-hour period of the Public Hearing on July 27, 2020*

Mrs. Ngwira said staff is available to answer any questions, as is the applicant.

Commissioner DeLoach said he appreciates everyone that has weighed in over this process and said that he's spoken with many people about the item. He said there has been ample time for all parties to address concerns throughout the process. Mr. DeLoach said that it's boiled down to whether this property should be part of the town or a part of the county, long-term. He said his decision is for the future of Wendell, years down the road. He said there would be transportation, utility, and architectural design improvements that would ensure the best possible development at the developer's expense. He said it would create a space for a park for the town. He said that the county would not do this and addressed the property's closeness to the interchange and

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the future Wake Tech campus. He said that the positives outweigh the negatives and that he does support the annexation and the proposed development.

Commissioner Lutz said he doesn't feel like this project was ever a bad project, but that he has a problem with annexing an area that is this far to the town's limits in a lower-density area. He said that he understands that growth is coming to the area, but he has an issue with annexing it, now. He said that the residents in the area didn't have the chance to vote on the Board of Commissioners and that he has a hard time with the town reaching out this far to put something in their neighborhood that residents didn't want there. He said that he is not in favor of this annexation.

Commissioner Joyner said he's spent a lot of time considering this item, as it involves a lot of people and involves a variety of ideas. He said he appreciates Commissioner Lutz' comments. He said he supports the private property rights of the property owner and that it is within the 3-mile rule from the town limits. Mr. Joyner described his experience in moving to town and purchasing a home next to another lot that was eventually developed and moved in new neighbors. He explained the development abilities that private property rights allowed. Mr. Joyner said that he trusts the process and explained this to people he spoke to about the project and said that it's good government when property owners and developers can work together to come to an agreement. He explained his experience in Rocky Mount in its annexation history and how it became a divisive issue at the time. Mr. Joyner said that satellite annexations became the norm and said that not all development and annexations are bad. He described a past county school system proposal that involved negotiations with citizens and how the ending vote encouraged people to get involved in the discussion. Mr. Joyner said that the developer has made concessions based on citizen input and described the public safety concerns involved and how growth contributes to a growth in public safety resources. He described the increase in access to water that the annexation would bring and the safety issues involved with digging small wells rather than extending city water. Mr. Joyner expressed his support for the annexation, saying that this area is right for growth as Kioti will continue to expand and there will be a future Wake Tech campus located there.

Commissioner Boyette said that he's not concerned with the quality of the project's product as it has been given a lot of attention. He said that he's not concerned about density and he thinks density is more economical. He said he is concerned about how far away from the town's corporate limits the development is and the direction it is located in. Mr. Boyette said that it doesn't seem to fit in the area that the town is trying to push growth into. As a fireman, he said he's worked out at station 2 and that it would be nice to see water and sewer extended out to the area. He said that the best way to get water to these areas would be if Wake County had a proper water authority instead of letting the City of Raleigh determine where to extend water and sewer. Mr. Boyette said that waiting for a developer to bring water to rural areas undercuts a lot of communities that have existed in unincorporated areas for a long time and shortchanges a lot of lower income communities that don't have developers who will be

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willing to bring water to them, which is the only way for them to receive water right now. He said that he thinks one day Wake County will have countywide water. He said that developers build dense communities because that's how they make money, and nobody can fault them for that. He said that he's tasked with doing what's best for the citizens of the town and he thinks the project is going to pull resources away from downtown, such as police and public works. Mr. Boyette said that the intersection has parcels that are near the highway that are vacant and that he doesn't see a lot of infilling in between the area proposed. He said that he didn't support the project and that property rights argument is defensible, but within reason when it comes to thoughtful zoning. He said that the property owners can still develop the property under the county's rules if the annexation is denied. He said that there's other land that the town needs to fill in.

Mayor Gray said she was concerned about the distance from the town's city limits and that it's three miles from town, with the development extending beyond three miles. She said that it puts the town in a position to have a lot of backfilling to do. She said the goal should be to fill in the center of the town, growing out, as it is a strategic goal to fill in between downtown and Wendell Falls. She said it would dilute the town's resources and that is the natural thing that happens with growth. As the town grows, so will staff growth and resources, but she said that at this time it is too big of a jump.

Commissioner Joyner said that the way that the town does growth with resources growing simultaneously is what the town will do and has done. He said that regardless of the development, when the town grows, it's the responsibility of the Board to respond to that whether it's convenient or not. He said that the Board should allow growth to happen naturally. He said that the town is going to double in the next ten years and the market trends include response from builders. He said that he thinks the town needs to be prepared and have a plan for that growth that is coming. Mr. Joyner encouraged citizens to remain at the table when working with developers to develop a plan as the town grows in the future.

Mayor Gray said that the town is capable of allocating resources appropriately as the town grows. She said that at this time, she doesn't see this annexation to be in the town's best interest.

**ACTION**

Mover: Commissioner DeLoach made a motion to approve the non-contiguous annexation for 4 parcels totaling 151.81 acres [12.28 for PIN #1765-85-2510, 50.16 for PIN #1765-96-2276, 57.16 for PIN #1765-85-6251 and 32.21 for PIN #1775-04-2139] located at 4501 Rolesville Road, 0 Davistown Road, 1401 Davistown Road and 6021 Yancey Drive  
Ayes: Commissioners Joyner and DeLoach  
Nays: Commissioners Lutz, Tarnaski, and Boyette  
Vote: 2-3

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6b. ~~Motion on a request by Chris Rurkowski of TMTLA Associates to rezone approximately 129.59 acres of property along Rolesville Rd within the parcels identified by PIN #1765852510, PIN #1765962276, PIN #1765856251 and PIN #1775042139 to an R4 Conditional District.~~

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

Mayor Gray and Attorney Jim Cauley said that due to the fact that item 6a did not pass, item 6b cannot be considered because municipalities don't have the authority to pass zoning on land that is not incorporated into the town's jurisdiction. No action is required on item 6b.

6c. Motion on a request by Brian Duncan of the Spaulding Group, PA to rezone approximately 68.55 acres of property along Old Zebulon Rd within the parcels identified by PIN #1794-15-7657, PIN #1794-05-6758, PIN #1794-25-6786, PIN #1794-16-1410, PIN #1794-05-2762 and PIN #1794-06-6233 to an R7 Conditional District.

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

Planner I Jeannine Ngwira presented the following staff report, below in italics:

**Item Title:**

*Motion on a R7 Conditional District for properties located at 0 & 815 Old Zebulon Road.*

**Report to the Board of Commissioners:**

- *Monday, August 10, 2020- Item for Decision*
- *Monday, July 27, 2020- Public Hearing*

**Report to the Planning Board:**

- *Monday, June 1, 2020*
- *Tuesday, January 21, 2020*

**Specific Action Requested:**

*Make a motion 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. The public hearing was held for this item on Monday, July 27, 2020.*

**Applicant:**

*Brian Duncan, The Spaulding Group, PA*

**Petition:**

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*The applicant has requested to create an R7 Conditional District for 68.55 acres of property within the parcels identified by PIN #1794-15-7657, PIN #1794-05-6758, PIN #1794-25-6786, PIN #1794-16-1410, PIN #1794-05-2762 and PIN #1794-06-6233. The proposed conditional district consists of a mix of both single-family and townhome dwelling units.*

**Item Summary:**

*The applicant's proposed R7 conditional district will feature 174 single family homes and 146 townhomes. Based on their application, the applicant is proposing the R7 Conditional District in order to be consistent with one of the general principles in the Comprehensive Plan that says, "Provide for a range of housing opportunities." The applicant also references the Town's Framework Plan that identifies the area as located in the S-4 sector, where both single-family and multi-family development are considered appropriate.*

*Amenities include a pool, cabana, beach volleyball court, tot lot, dog park in a central location in Phase 1A and a playground located in Phase 1B. The amenities are being proposed in the early phases of development. The proposed plan requires 10.34 acres of open space, the applicant is providing 19.87 acres of open space. The amenities and open space would be maintained by a homeowners association (HOA).*

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

*The applicant provided additional buffers as well as a wooden privacy fence bordering all existing residential properties based on feedback from neighbors.*

**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. 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 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 economic development, and the protection of existing and future adjacent development.*

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The provisions of the CD Master Plan shall replace all conflicting development regulations set forth in the UDO 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 the UDO 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:**

Four of the included properties are currently located in the corporate limits of the Town of Wendell and are zoned R3. The remaining two properties are in the Town's extraterritorial jurisdiction and are zoned Rural Agricultural (RA).

**Project Profile:**

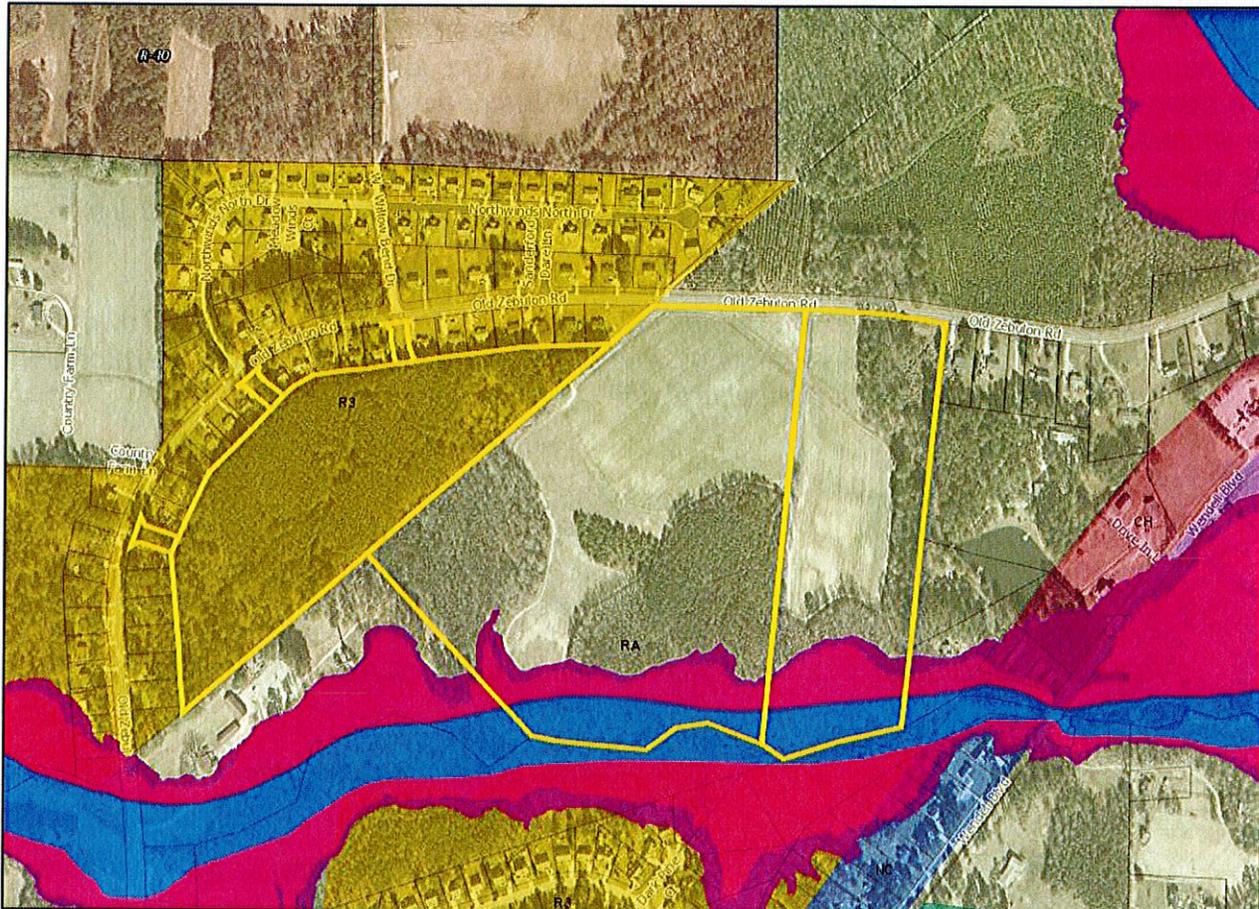
PROPERTY LOCATION:	815 Old Zebulon Road
WAKE COUNTY PINS:	1794157657, 1794056758, 1794256786, 1794161410, 1794052762 & 1794066233
CURRENT ZONING DISTRICT:	R3/RA
CROSS REFERENCES:	N/A
PROPERTY OWNERS:	Aubrey Sidney Baynes & Ann Knott Baynes PO Box 968 Wendell, NC 27591 Olde Heritage Builders & Realty, Inc. PO Box 40 Zebulon, NC 27597
APPLICANT:	Brian Duncan, The Spaulding Group, PA 1611 Jones Franklin Road, Suite 101 Raleigh, NC 27606
PROPERTY SIZE:	68.55 acres
CURRENT LAND USE:	Vacant
PROPOSED LAND USE:	Residential

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

DIRECTION	LANDUSE	ZONING
North	Residential/Agricultural	R3/RA
South	Residential/Agricultural	R3RA
East	Residential	RA
West	Residential	R3

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**Current Zoning Map (Subject Properties Outlined in Yellow:**



**Proposed Conditional District Conditions:**

The applicant is proposing 13 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 shall not exceed 45% of the total number of units - UDO 2.7 B.
  - a. Such multifamily dwellings may be front-loaded - UDO 5.10 B.
2. UDO Section 9.7.E.4.- Maximum block length shall exceed 800' on Street 'C' as necessary to preserve environmental features.
3. In order to promote variation in home appearance, no single-family home can be constructed with an exterior elevation (front façade) or color palette that is identical to the home on either side or directly across the street from it, to provide an anti-monotony development.

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4. *Garage doors shall either contain windows or carriage style adornments.*
5. *The use of vinyl-siding shall be prohibited, except for trim elements of the dwelling unit façade.*
6. *UDO Section 2.7 B. 1.-The minimum lot size for single-family shall be 4,600 sq. ft.*
7. *UDO Section 5 - Front-loaded single-family lots shall have a minimum allowed lot width of 40 feet.*
8. *Adjacent to all existing single-family lots, a six-foot tall wooden privacy fence shall be installed, at the developer's expense. This fence will be maintained in perpetuity by the Homeowners' Association.*
9. *A Type 'B' landscape buffer shall be installed along the eastern property line, more specifically adjacent to the following Wake County PIN(s): 1794352900; 1794350547; and 1794350314. This buffer area shall be owned and maintained by the Homeowners' Association in perpetuity and shall be thirty feet in width.*
10. *A Type 'B' landscape buffer shall be installed adjacent to all existing single-family residences that face Old Zebulon Road. This buffer area shall be owned and maintained by the Homeowners' Association in perpetuity and shall be twenty feet in width.*
11. *UDO Section 9.7.E.4- Maximum cul-de-sac length shall exceed 300' on street 'B' as necessary to preserve environmental and topographic features.*
12. *McKenzie Ridge will have a Home Owners Association. The HOA will be responsible for the townhome's roofs, yard maintenance, and pest control.*
13. *The Town requires, pursuant to N.C.G.S § 160A-372, the dedication and construction of streets and rights of way, as shown in the approved Wendell Transportation Plan and Wendell Pedestrian Plan, to create conditions essential to public health, safety, and the general welfare. The developer recognizes this and would like to voluntarily offer a one-time contribution of \$100,000 to the Town of Wendell to be used in accordance with recommended improvements as outlined in the aforementioned Wendell Transportation Plan and Wendell Pedestrian Plan.*

**Applicant's Justification:**

*Applicants Justification Statement added as Attachment B.*

**Parking**

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*Off-street parking shall be required for any active open space areas. The applicant is showing a total of 45 off-street parking spaces to serve their Pool/Cabana Center, Dog Park, Tot Lot, and Playground. They are also providing 44 off-street parking spaces within the townhome section of the proposed master plan.*

**Open Space**

*The applicant is required to provide 10.34 acres of open space, they are providing 19.87 acres of open space. The applicant is providing a full range of active open space comprised of a pool, cabana, beach volleyball court, tot lot, dog park and playground.*

**Public Utilities:**

*Development of this site will require connection to city water and sewer which is available nearby. The parcels that are not already in the city limits will need to be annexed.*

**Streets:**

*The applicant will be responsible for making the required road improvements to Old Zebulon Road which include sidewalk, bike lanes, landscape area and curb and gutter.*

**Traffic Impact Assessment (TIA)**

*The number of proposed dwelling units required the developer to prepare a Transportation Impact Assessment (TIA) report. This report is reviewed by NCDOT, as well as the Town contracted engineer. Since all impacted roads are DOT maintained, they would determine what if any improvements are required, based on the additional traffic being generated by this site. These improvements typically involve the addition of turn lanes, striping improvements, or signal improvements when applicable.*

*Recommended improvements for this project include:*

- *A dedicated 100' Left-Turn lane from Wendell Boulevard onto Old Zebulon Road.*

**Landscaping:**

*All landscaping shall meet the requirements as set forth in the UDO at the time of the Final Development Plan, unless otherwise specified through the approved Master Plan. The applicant has included 3 conditions (#8-10) improving the site's landscaping beyond what is required.*

**Phasing:**

*The applicant has indicated that there will be phasing on this project, the current plan shows four phases. Phases 1A-1B include the amenities planned for the neighborhood.*

**Comprehensive Plan:**

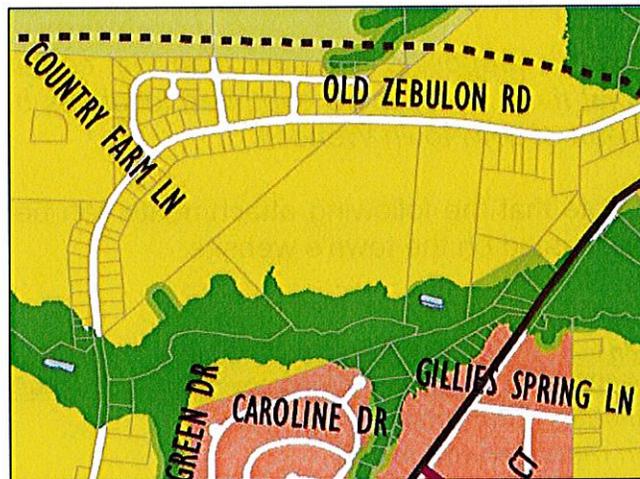
*The Wendell Comprehensive Plan defines the subject property as being within the S-4 Controlled Growth Sector.*

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*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.”*

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

*The proposed development on the site meets the appropriate uses.*



**Technical Review Committee (TRC) Comments:**

*The Technical Review Committee has completed their review of the applicant’s Master Plan and the applicant has made corrections based on their comments. Additional review would occur upon submittal of construction drawings (final development plan for conditional districts).*

**Planning Board Recommendation:**

*At their June 1, 2020 meeting, the Planning Board voted 4-1-1 in favor of the requested Conditional District.*

***Voting in Favor:*** Ryan Zakany, Jonathan Olson, Brett Hennington and Deans Eatman

***Voting Against:*** Michael Firstbrook

***Abstained from Voting:*** Allen Swaim

***Absent:*** Victoria Curtis, Jimmena Huffman-Hall and Levin Jones

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**Statement of Plan Consistency and Reasonableness:**

*The proposed Conditional District is found to be generally consistent with the recommended uses and development types outlined in the Wendell Comprehensive Land Use Plan for the S-4 Sector and is reasonable as it is 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 recommends approval of the proposed McKenzie Meadows Master Plan.*
  - *The applicant has included numerous conditions improving buffers and landscaping, open space and architectural standards. In exchange, they are seeking the ability to permit front loading townhomes and exceed the length related to cul-de-sac length.*
  - *The applicant is proposing a master plan that contains a strong amenity package that rivals many more suburban locations but is within 1.3 miles from the heart of downtown Wendell.*

**Attachments:** \*Please note that the following attachments can be found in the August 10, 2020 Agenda Packet located on the town's website.

A. *Overall Site Plan*

a. *Full Master Plan Link:*

<https://nmcldn.io/e186d21f8c7946a19faed23c3da2f0da/3834b95a93b14b3689a528c1f97c5d69/files/2020-03-06---McKenzie-Meadows-Subdivision---Master-Plan.pdf>

B. *Applicant's Justification Statement*

C. *TIA – Congestion management report*

D. *Ordinance for Adoption*

E. *Written Public Comment Submitted within the 24-hour period of the Public Hearing on  
July 27, 2020*

Mrs. Ngwira offered to answer any questions that the Board might have, and that the applicant was available to answer questions, as well.

Commissioner Lutz said that the Board received an email from a citizen that lives next to the property regarding buffering and the location of the fence. He said that he understood that there was more discussion between the property owner and the developer. He asked if Mrs. Ngwira or the applicant could address the discussion and what was decided.

Brian Duncan, Spaulding Group, PA, 1611 Jones Franklin Road, Suite 101, Raleigh, NC, 27606, said that they did address that concern with reference to the privacy fence and where that fell within the buffer. He said that the neighbor was concerned that the privacy fence was too close to their property line and offered little-to-no screening. Mr.

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Duncan said that they adjusted the fence location, added some screening in front of the fence to soften the appearance of the privacy fence, and ended up doing that on all of the buffers.

**ACTION**

Mover: Commissioner Lutz made a motion to approve the request by Brian Duncan of the Spaulding Group, PA to rezone approximately 68.55 acres of property along Old Zebulon Rd within the parcels identified by PIN #1794-15-7657, PIN #1794-05-6758, PIN #1794-25-6786, PIN #1794-16-1410, PIN #1794-05-2762 and PIN #1794-06-6233 to an R7 Conditional District.

Ayes: Commissioners Joyner, DeLoach, Lutz, Tarnaski, and Boyette

Nays: None

Vote: 5-0

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

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



Wendell Volunteer Fire Department Board of Directors – Commissioner Jason Joyner

Commissioner Joyner said that the Wendell Volunteer Fire Department Board of Directors met last Thursday and he said that they're taking all due precautions to keep firefighters safe during this time. He said they're thankful for the firefighters and discussed growth at the meeting, particularly out at station 3. Mr. Joyner said that call volume increased last month, due to the fire station's location to Highway 87.

**8. COMMISSIONERS' REPORTS / COMMENTS**

Commissioner Joyner said that he enjoyed visiting Bearded Bee Brewing and encouraged citizens to check it out, as it is a beautiful, historic building in Wendell. He said it's also been great to see the artist painting the mural across the street. He said that, in addressing Rolesville Road, he appreciates the Board and everyone expressing their views on the matter. He's happy to see applicants and neighboring property owners work things out and expressed his sentiments on the project's outcome of the proposal.

Commissioner DeLoach said that golf cart registration event will occur on Tuesday from 6 to 8 p.m. at Wendell Falls. He said that this coming Friday, he and his wife will be in a podcast at Eastern Wake Senior Center at 3:30 p.m. He said that he will have a report at the next meeting from the Senior Center.

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Commissioner Lutz echoed Mr. Joyner's comments on the Bearded Bee, saying that it's a beautiful building and mural. He said that the improvements have made the lower half of downtown look great. He expressed his sentiments on the Rolesville Road project and thanked people for participating in the process.

Commissioner Boyette said that the Board can still disagree and get along and expressed his sentiments on the Rolesville Road project. He thanked everyone for putting in their input and said that good government is when it listens to the people. He said that he had visited the Bearded Bee and said that it will be a great benefit to the town.

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

Mayor Gray said that there's been a lot of openings lately in town and there's more to come. She said the Bearded Bee is beautiful with a historic sentiment from its mule days. She said she's happy to see something from the past preserved in such a way. She encouraged citizens to visit and wear a mask and socially distance. She said the mural has made beautiful progress and encouraged people to check it out. Regarding the Rolesville Road project, she said that it was nice to hear from a lot of citizens and the Board appreciates that.

**10. CLOSED SESSION**

*Closed session will be called if necessary.*

**11. ADJOURN**

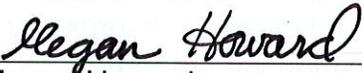
**ACTION:**

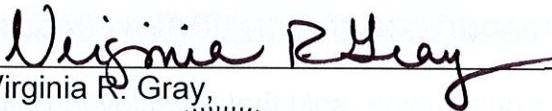
Mover: Mayor Gray moved to adjourn at 8:28 p.m.

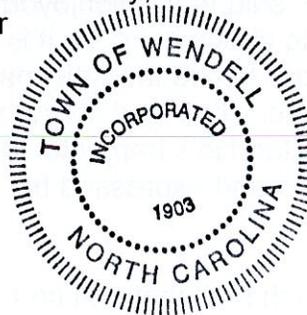
Vote: 5-0

Duly adopted this 14 day of September 2020, while in regular session.

**ATTEST:**

  
Megan Howard,  
Town Clerk

  
Virginia R. Gray,  
Mayor



Appendix A: Public Notices for this meeting published in *The Wake Weekly*

**Public Notice**

The public will take notice that the Wendell Board of Commissioners has scheduled a public hearing on Monday, August 10, 2020 at 7:00 p.m. in the Wendell Town Hall to consider a Zoning Map Amendment request to rezone 10.272 acres located within the parcel addressed as 0 Eagle Rock Road and identified by PIN #1774-55-1916 from Wake County R-30 to Town of Wendell R4.

Interested parties and citizens shall have opportunity to speak and may obtain additional information on request from the Town of Wendell Zoning Administrator, 15 E. Fourth Street, Wendell, North Carolina 27591. Please go to [www.townofwendell.com](http://www.townofwendell.com) and refer to the meeting agenda for public input options.

Megan Howard  
Town Clerk

*The Wake Weekly:*  
7/30/20; 8/08/20

**Public Notice**

Pursuant to NC GS 160A-58.2, the public will take notice that the Wendell Town Board of Commissioners has scheduled a VIRTUAL public hearing on Monday, August 10, 2020 at 7:00 PM in the Wendell Town Hall, 15 East Fourth St. The purpose of the public hearing is to consider an annexation for the Town of Wendell for the following described territory:

A 10.272-acre tract located off Eagle Rock Road addressed 0 Eagle Rock Road, as a portion of PIN # 1774-55-1916 and is available in Deed Book 16956, Pages 1017-1021, Wake County Registry; Citizens may speak and may obtain additional information from the Town of Wendell Zoning Administrator, 15 E. Fourth Street, Wendell, North Carolina 27591.  
Megan Howard  
Town Clerk

**Public Notices**

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