

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

The Wendell Town Board of Commissioners held their regularly scheduled meeting on Monday, February 10, 2020, in the Town Board Room, Wendell Town Hall, 15 East Fourth Street.

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

**ABSENT:**

**STAFF PRESENT:** Town Manager Marc Collins, Assistant to the Manager and Deputy Clerk Stephanie Smith, Town Attorney Jim Cauley, Planning Director David Bergmark, Public Works Director Brian Bray, Parks and Recreation Director Jeff Polaski, and Police Chief Bill Carter.

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

Lake Myra Elementary Student, Jordan Allen led the Pledge of Allegiance.

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

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

**ACTION**

Mover: Mayor Pro Tem John Boyette moved to put Items 5f, 5g, and 5h ahead of Item 5a under Public Hearings.

Vote: 5-0

**ACTION**

Mover: Mayor Pro Tem John Boyette moved to approve the Agenda, as amended.

Vote: 5-0

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

*The Public Comment Period is your opportunity to share comments with the Town Board on any topic as long as it is not an item scheduled for public hearing. During Public Comment, the Town Board receives comments and refrains from speaking.*

*Thanks to everyone in the audience for respecting the business meeting by abstaining from speaking from the audience, applauding speakers, or other actions that distract from the meeting.*

*Anyone wanting to speak during Public Comment Period should do the following:*

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- *Sign up prior to the beginning of the meeting. The sign-up period will begin 20 minutes prior to the start of the meeting and will end when the meeting begins.*
- *When the Public Comment Period is announced, come to the podium and state your name and address for the record.*
- *Be concise and limit your comments to three minutes or less. Designate a spokesperson for large groups. Direct comments to the full Town Board and not to an individual Town Board member.*

### **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. Approval of the January 13, 2020 Town Board Meeting Minutes
- 3b. Approval of the January 25, 2020 Town Board Organizational Retreat Minutes
- 3c. Approval of the January 27, 2020 Town Board Meeting Minutes
- 3d. Town of Wendell Interlocal Agreement with PEG Media Partners

#### **ACTION**

Mover: Mayor Pro Tem John Boyette moved to approve the Consent Agenda, as amended.

Vote: 5-0

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

- 4a. Recognition of Lake Myra Elementary School Teacher, Phillip Solano  
Speaker: Mayor Virginia Gray

Mayor Virginia Gray presented the following recognition:

Phillip Solano graduated from NC State University as a North Carolina Teaching Fellow in Elementary Education with a concentration in Science. After 3 years as a fourth-grade teacher, Phillip found himself at Lake Myra Elementary as the Cross Categorical Resource Instructional Assistant. Phillip founded the Serving Otters Club at his school, a group dedicated to serving the local community. Mr. Solano and his club have had two successful drives, collecting blankets for local animal shelters, as well as toys for Zach's Toy Chest, a charity that provides toys for children in hospitals. Mr. Solano has been selected as Lake Myra's instructional assistant of the year and is also one of the ten finalists for WCPSS for the instructional assistant of the year. We can also count on Mr. Solano to bring creativity and humor to everything he does. We are so grateful to have him in our school community.

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Mr. Solano thanked the Town for the recognition and invited the public to a book fair at Lake Myra Elementary School at the end of February. He asked citizens to thank a teacher for all the hard work that they do.

**5. PUBLIC HEARINGS**

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***Public Hearing Guidelines:***

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

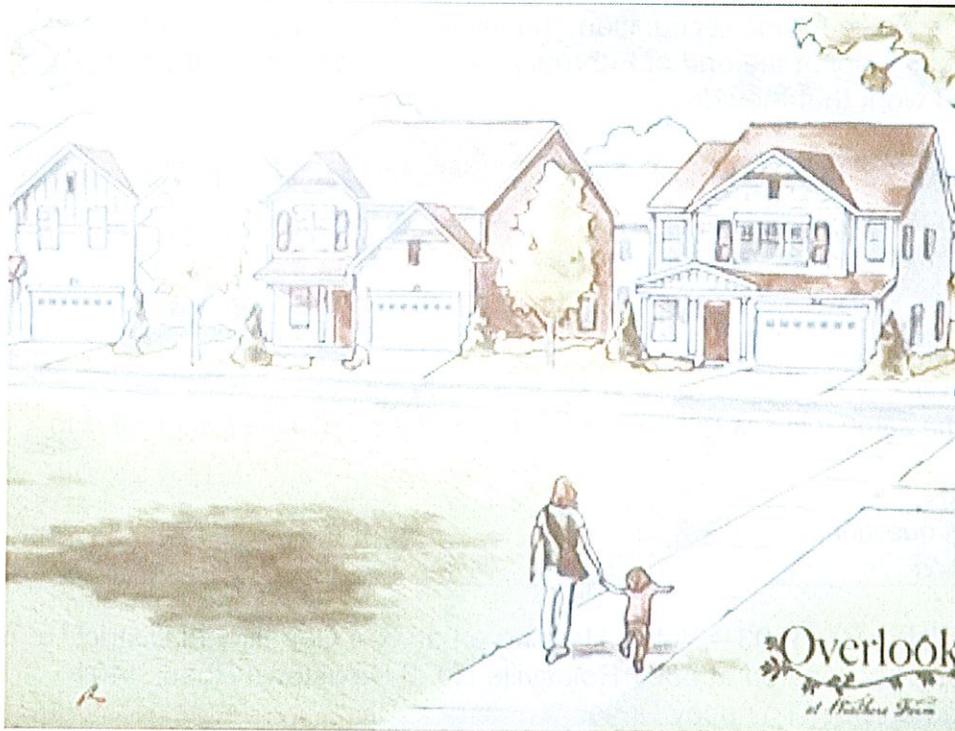
- 5f. PUBLIC HEARING:** CD19-03 – Public Hearing on an R-4 Conditional District request for properties located at 4501 Rolesville Rd, 0 Davistown Road, 1401 Davistown Road and 6021 Yancey Drive.  
Speaker: Planning Director David Bergmark

Mayor Gray opened the Public Hearing and asked to hear from the applicant.

Tony Tate, Landscape Architect and Planner with TMTLA Associates, of 5011 South Park Drive, Suite 200 in Durham said that he has members of the building development team with him: Mike Reynolds, Bob Mischler and Wrenn Raymond Rinkler. Mr. Tate said that he also had with him Don Sever with Summit Engineering who is their civil engineer. Kevin Dean, who is their traffic engineer, Jessica Rossey, who is their fiscal analyst and Chris Rokowski who is also an architect were all expressed to be present at this meeting by Mr. Tate. He said that all of his team is excited about Overlook at Weathers Farm.

Mr. Tate presented the following image to the Board, saying that this is an image that will give them an idea of what the neighborhood will look like:

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Mr. Tate said that the neighborhood's location would be bound by Rolesville Road, Davistown Road, and Weathers Road, within a mile of the Regional Activity Center and lots of other activity where the Town will eventually expand to. Mr. Tate said that the total project area is 151 acres and the development area is 119 acres with 39 acres of open space. He said that there is also an additional 32 acres of land which will be dedicated to a future Town Park.

Mr. Tate said that there would be 275 Single Family Homes and 99 Townhomes for a total of 374 homes. He said that the average lot size is greater than 8,300 square feet, with 66% of the lots having between 6,000 and 8,000 square feet; 11% having between 8,000 and 10,000 square feet, and 23% will have 10,000 or more square feet. He said that a majority of the 6,000 square foot lots will be concentrated towards the center of the project. Mr. Tate said there is a lot of shared open space that the lots will be able to enjoy.

Mr. Tate expressed that a lot of standards and conditions were made for this project after many meetings with stakeholders. The architectural conditions are as follows:

- Vinyl siding is prohibited
- All units shall be designed with at least two of the following materials on the front/primary facade facing the public street or open space: cultured stone, brick, lap siding, shakes, or board and batten.
- Roof eaves shall have a minimum 10' overhang.

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- Create a 10' landscape easement along the rear property line of lots on Davistown Rd, containing the planting requirements of a Type B Buffer.
- Front-loaded garages shall feature windows or carriage style adornments.
- All townhome units shall be rear-loaded with garages facing the alley.
- All residential lots shall have Bermuda sod on the front, sides, and at least 25' beyond the rear of the primary structure.
- The neighborhood shall be governed by a Homeowner's Association (HOA) that shall maintain all open space that is dedicated to the HOA.
- The HOA shall be guided by a Declaration of Covenants, Conditions, and Restrictions.
- Architectural Guidelines shall be included in the HOA documents that restrict and monitor landscaping, additions, outbuildings, fences, and maintenance.
- All townhome lots shall be maintained by the HOA to include mowing, turf treatments, pruning, and mulch.

Mr. Tate listed the following amenities that the neighborhood plans to have:

- A 6-lane Junior Olympic pool
- A pool house
- Grills and covered picnic seating areas
- A Dog Park
- A Playground
- Walking Trails and Sidewalks
- 3 Common Green, nearly 2 football fields in size
- Disc Golf Course
- 39 Acres Community Open Space
- 32 Acres for a future Town Park.

Mr. Tate asked Mr. Kevin Dean of McKinley Horn, 421 Fayetteville Street in Raleigh to come up and present the findings of the traffic study.

Mr. Dean said that the process for conducting a Traffic Study involved starting by scoping the site with the Town and NCDOT to discuss methodology and assumptions that are going to be used. He said they collect traffic counts and look at how traffic is going to grow in the area, and take site traffic into account. Mr. Dean said that the initial development plan listed a higher number of homes than they're currently proposing. He said that when they conducted the study, they assumed that more homes were going to be in place than they're proposing now. Mr. Dean said that when they develop the improvements in the future that would be required to accommodate that traffic, there would be a lower intensity than was expected, previously. The list of improvements included:

- Turn lanes into the site driveway on Rolesville Road.
- Building a right turn lane from Rolesville Road onto Davistown Road.

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Mr. Dean said that two groups from NCDOT reviewed this traffic study: the district office, and NCDOT congestion management office which is under the Transportation Mobility Safety Group. After this was done, the Town's independent consultant reviewed the study and found it to be sufficient to mitigate the site traffic that the development is adding to the network. Mr. Dean said this was at the intersection-level of the study, while also conducting studies during peak travel hours.

Mr. Dean said that they also looked at daily capacity, which determines how much traffic a segment of roadway can carry. For a two-lane road like Rolesville Road, NCDOT indicated that the capacity is between 11-14,000 vehicles, a day. After reviewing current traffic, traffic in the next 7 years, and adding the site traffic on top of that, Mr. Dean said they're at the 50-60% build-out volumes of what the road can handle.

Mr. Dean said they would also conduct thoroughfare widening, which involves widening to meet the ultimate section of the roadway and will increase capacity.

Senior Planner and Economist Jessica Rossey, 200 South Tryon Street in Charlotte said that she performed the fiscal benefits program for this project. She said that she looked at the gross revenue that the project would generate for the Town of Wendell through buildout of the property and to find out what it would look like at full buildout. Mrs. Rossey noted that when talking about the property in its entirety, the fiscal study only looked at the 119 acres of developable land, assuming that the 32-acre park would be Town property and not on the tax roll. So they didn't include the 32-acre park in the fiscal study.

Mrs. Rossey said that they calculated a total value for the property at over \$99 million at full buildout. Based on the Town's 2019-2020 tax rates, both for real property tax and for fire, the total annual revenue to the Town of Wendell would be over \$580,000 per year, which would grow over time as the property is annexed in and reaches full buildout in 2025. Mrs. Rossey said that, based on the Town's current budget, this would represent about a 15% increase over those revenue sources as they stand, today.

Mr. Tate went over the project modifications that TMTLA Associates had done after receiving feedback.

- Increased total Project Area from 119 acres to 151 acres.
- Reduced total homes from 428 to 374.
- Moved townhomes an additional 50' off Rolesville Road and doubled the planting requirements.
- Donated 32 acres of land for a Town Park.
- Substantial Voluntary Architectural Conditions.
- Increased buffer, planting, and privacy fence for adjacent parcels on Rolesville Road.
- Added a 10' Type B Buffer on the lots along Davistown Road.
- Street sections were modified to exceed the Town Standards;

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- One-way street at the Common Green is restricted to no parking.
- Main entrance street is median-divided and wider than required.
- Alleys are 4' wider than Town Standards.
- Voluntarily added Bump Outs for On Street Parking.

Mr. Tate thanked the Board for the time to present and said he and his staff would be available for any questions they might have.

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

***Item Summary:***

*The applicant's proposed conditional district has a mix of single-family homes and townhomes, with an overall density of 2.88 dwellings units per acre. The 2.88 DUA figure only includes 10 acres of the 32-acre Yancey property within the Conditional District. The 2.88 DUA figure does not account for an additional 22 acres of open space within the Yancey property, which is now offered to the Town in its entirety as public open space. The remainder of the Yancey Property would be rezoned to Residential Agricultural (RA) at a subsequent meeting if the Conditional District is approved.*

*This project is located just northwest of East Wake High School, along Rolesville Road.*

*Following the August Planning Board meeting, the applicant amended their R4 conditional district request to include a 10-acre portion of the Yancey property in order to meet the 3-mile rule established by general statute for satellite annexations. They also made the following amendments in response to comments received from the Planning Board and broader community:*

1. *Total unit count was reduced to 374 (from 427) with an overall density of 2.88 DUA.*
2. *The number of Townhomes was reduced to 99 (from 161)*
3. *The average lot size of single-family home lots was increased to 8,462 (6,000 is required)*
4. *Additional open space was added with the Yancey Property, as well as a public green in the townhome section along Street B.*
5. *Along Rolesville Rd, they expanded the street yard from 20 ft wide to 50 ft wide, with double the plantings required. This also effectively pushed the Townhomes further back from Rolesville Rd.*
6. *The townhome layout was revised south of Avenue 'A' to reduce the number of townhomes and meet the connectivity index (eliminating this as a condition).*
7. *The lots bordering Shady View drive have been changed from Townhomes to Single Family homes to create a more gradual transition for neighboring homes. A Type B buffer was still maintained between abutting property.*

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8. *Requests for concessions to front yard and rear yard planting requirements were removed from their conditional district submittal.*
9. *Schedules for installation of amenities have been included as conditions*

*Amenities include a clubhouse, a 6-lane Jr. Olympic pool, picnic and grill area, dog park, a small playground, a 9-hole disc golf course, and 32 acres within the Yancey Property offered to the Town as dedicated parkland.*

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

*Based on comments received at the Planning Board Introduction meeting, the applicant voluntarily conducted a Neighborhood Meeting with adjacent property owners.*

***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.*

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**Location and History:**

*This property is currently located outside in Wake County's jurisdiction and is zoned Residential-40 (R-40). Annexation must be approved by the Wendell Board of Commissioners for the conditional district to take effect.*

**Project Profile:**

**PROPERTY LOCATIONS:** 4501 Rolesville Rd, 0 Davistown Rd, 1401 Davistown Rd and 6021 Yancey Drive (portion)

**WAKE COUNTY PINS:** 1765852510, 1765962276, 1765856251, & 1775042139 (portion)

**CURRENT ZONING DISTRICT:** Wake County R-40

**CROSS REFERENCES:** N/A

**PROPERTY OWNERS:** Amy Weathers Nuttall & John J Nuttall III  
4501 Rolesville Rd  
Wendell, NC 27591

Eva Weathers Herring  
1800 Eastwood Rd, Apt 219  
Wilmington, NC 28403

George Yancey  
3632 Willow Bluff Drive  
Raleigh, NC 27604

**APPLICANT:** Chris Rurkowski  
5011 Southpark Dr, Ste 200  
Durham, NC 27713

**PROPERTY SIZE:** 129.59 acres

**CURRENT LAND USE:** Vacant

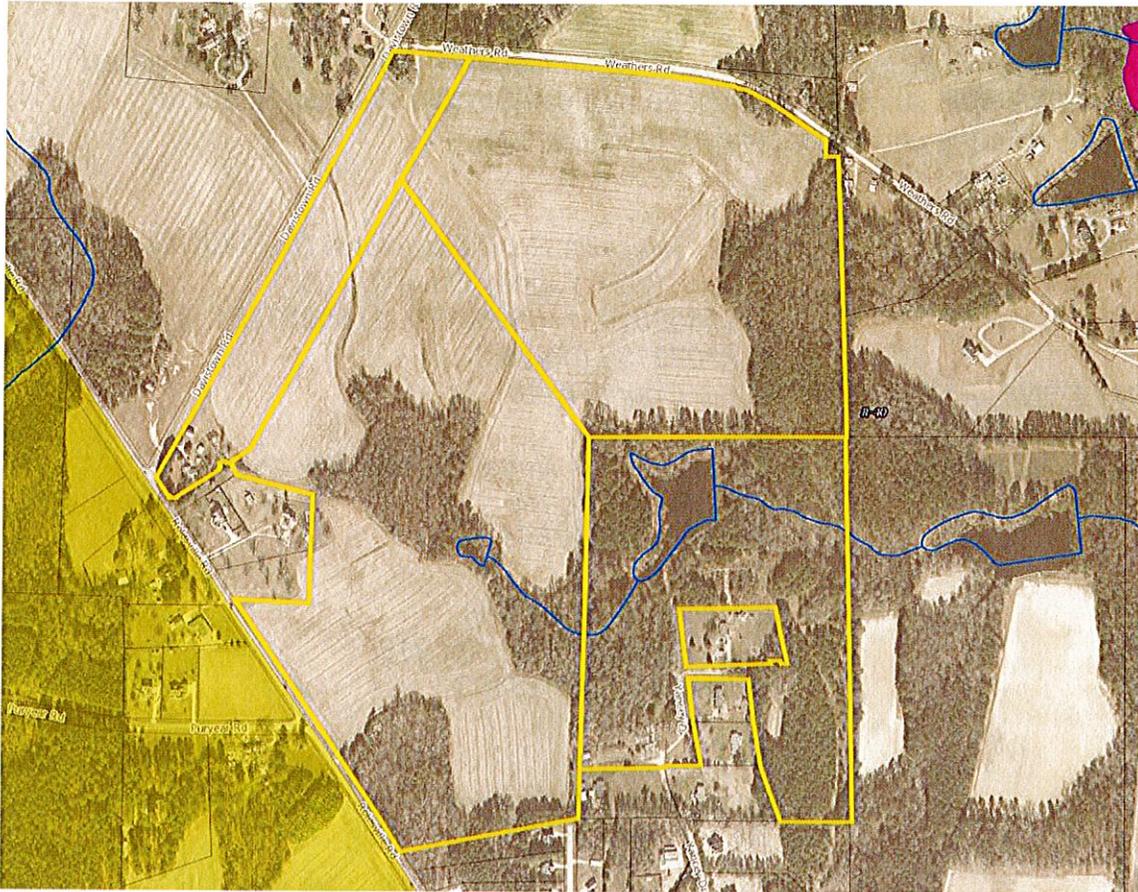
**PROPOSED LAND USE:** Residential

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

<u>DIRECTION</u>	<u>LANDUSE</u>	<u>ZONING</u>
North	Residential/Agricultural	R-40
South	Residential/Agricultural	R-30/R-40
East	Residential/Agricultural	R-40
West	Residential/Agricultural	R-30

**Current Zoning Map:**

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***Proposed Conditional District Conditions:***

*The applicant is proposing 26 conditions for the proposed CD, as detailed below. Only 2 of the 26 conditions represent concessions. The remaining 24 conditions are clarifications or represent improvements beyond what the UDO requires. Conditions added following the Planning Board action meeting are underlined.*

1. *[Improvement] The developer proposed to preserve a minimum of 35 acres as open space. The development shall exceed all open space requirements as prescribed in Chapter 7 of the Unified Development Ordinance (UDO).*
2. *[Improvement] The developer shall dedicate approximately 32 contiguous acres of land (PIN 1775042139) to the Town for a future Town park prior to the recording of the plat for Phase 1. This dedication brings the total open space and dedicated land to approximately 65 acres. This dedication will include a minimum of 2 access points to public streets.*
3. *[Improvement] The use of vinyl siding shall be prohibited. Trim Elements such as windows, eaves, fascia, columns, and soffits may be vinyl or aluminum.*

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4. *[Improvement] All units shall be designed to provide for a combination of at least two of the following materials on the front/primary façade facing the public street or open space: cultured stone, brick, lap siding, shakes, or board and batten, unless the front elevation is entirely brick or cultured stone.*
5. *[Improvement] Roof eaves shall have a minimum 10" overhang.*
6. *[Improvement] Front-loaded garage doors shall either contain windows or carriage style adornments.*
7. *[Clarification] The maximum number of townhomes shall not exceed one hundred (100).*
8. *[Clarification] All townhome units shall be rear loaded with garages facing the alley.*
9. *[Improvement] All residential lots shall have Bermuda sod on the front, sides, and up to 25' beyond the rear line of the primary structure.*
10. *[Clarification] The neighborhood shall be governed by a Homeowner's Association (HOA) that shall maintain all open space that has been dedicated to the HOA.*
11. *[Clarification] The HOA shall be guided by a Declaration of Covenants, Conditions, and Restrictions.*
12. *[Clarification] Architectural Guidelines shall be included in the HOA documents that restrict and monitor landscaping, additions, outbuildings, fences, parking, and maintenance.*
13. *[Clarification] The Townhome lots shall be maintained by the HOA to include mowing, turf treatments, pruning, and mulch.*
14. *[Improvement] The developer shall complete the amenity area to include a 6 lane Jr. Olympic pool, poolhouse, bathrooms, covered seating area, and grilling area prior to the issuance of the 75th CO of Phase 1.*
15. *[Improvement] The developer shall construct a playground to include a central play structure and benches prior to the issuance of the 75th CO of Phase 1.*
16. *[Improvement] The developer shall complete the dog park to include a fenced mulch area, benches, and water station prior to the issuance of the 25th CO of Phase 2.*
17. *[Improvement] The developer shall complete a gravel walking trail connecting the dog park area and Phase 2 to the amenity center and Phase 1 prior to the 25th CO of Phase 2.*
18. *[Improvement] The developer shall construct an approximately 200 yard by 30 yard common green area to include a seating area, gazebo, walkway, and plantings in the median area of Avenue 'I' prior to the issuance of the 25th CO of Phase 3.*
19. *[Improvement] The developer shall construct a 9-hole disc golf course in the northeast open space area prior to the issuance of the 25th CO of Phase 3.*
20. *[Improvement] The developer shall add 30' to the required 20' buffer to create a 50' wide streetyard buffer along the project's frontage along Rolesville Rd. This buffer shall be planted at double the required 20' streetyard buffer design and contain a minimum of four (4) canopy trees and sixteen (16) shrubs per 100 linear feet.*

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21. *[Improvement] The developer shall construct a 35' wide Type 'B' perimeter buffer along the southern project boundary between Rolesville Rd and Shady View Dr.*
22. *[Improvement] The developer shall construct a 40' wide Type 'B' perimeter buffer along the project boundary bordering the N/F K&J Construction (PIN 1765-74-8520), N/F Oliver Winslow (PIN 1765-84-0581), and N/F Efren Castro (PIN 1765-84-0246) properties.*
23. *[Improvement] The developer shall construct a 6' privacy fence along the back of the project lots bordering with properties N/F Oliver Winslow (Wake County PIN 1765-84-0581) and N/F Efren Castro (Wake County PIN 1765-84-0246).*
24. *[Clarification] The developer shall pay a fee in lieu for ½ of improvements to Weathers Road for the rural road cross section as described on MP-4 of the Master Plan.*
25. *[Concession] There shall be two (2) cul de sacs allowed a length greater than 300' but not longer than 425'.*
  - Staff note – Environmental site conditions warrant this deviation.*
26. *[Clarification] The developer shall complete Rolesville Road improvements for ½ of the ultimate 110' cross section of Rolesville Rd prior to the 1st CO for the project.*
  - Staff note – a bond would also be required by staff in order to approve the final plat. This note is for clarification. This is an existing requirement and does not have to be included within their condition language.*

**Condition Amendments Recommended by Staff:**

1. *Amend Condition #7 to request Townhomes to be permitted by right (not to exceed 100 units). This would be considered a concession of the conditional district request.*

**Applicant's Justification:**

*"4501 Rolesville Rd, 1401 Davistown Rd, and 0 Davistown Rd and 6201 Yancey Dr, commonly referred to as Weather's Property, is requesting rezoning to R4-CD as well as annexation into the Town of Wendell's ETJ. We are seeking a rezoning to R4-CD to allow flexibility for the development of this property which would allow appropriate lot sizes, slight variations to the street cross sections, and a modification that would allow a maximum of 100 townhomes in the R4-CD district, as requested in the conditions above. The conditional district allows the design to take into account environmental barriers, wetlands, topography, and the parcel shape and allow for design flexibility to appropriately accommodate and utilize these features as amenities to the residents. Any conditions not herein modified or expressly stated shall defer to the Town of Wendell UDO standards for the R4 zoning district.*

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*Included in this submittal is a Master Plan document which will define the general layout, configuration and quantity of lots, amenities, open space, park space, preliminary utility locations, and street cross sections. All elements of the Master Plan are subject to minor changes, as deemed so by the Town of Wendell Planning Department. The town framework plan indicates these parcels as S3, Restricted Growth Area. The development of this project is limited by the sewer capacity of the proposed offsite sewer extension to the nearest sewer location located at East Wake High School.*

*This project will have no negative impacts on surrounding properties. The property will be buffered appropriately from all developed or vacant surrounding parcels and recommended road improvements per the Traffic Impact Analysis (TIA) shall be constructed or a payment in lieu shall be made to the Town of Wendell until such time as it is appropriate to make the road improvements. The Comprehensive Land Use Plan does not include the parcels that are to be rezoned so consistency with the Comprehensive Land Use Plan cannot be assessed. Impacts on all other public and governmental services have been analyzed with the guidance of Town of Wendell Staff or the appropriate governing body to verify that there are no negative impacts and no capacities are exceeded.”*

**Parking:**

*Off-street parking shall be required for any active open space areas. The applicant is showing a total of 61 off-street parking spaces to serve their Pool/Amenity Center, Dog Park, and Disc Golf course.*

*The applicant is also showing 78 on-street parking spaces within their Townhome section, utilizing bump-outs for increased safety.*

**Open Space:**

*The applicant is required to provide 13.31 acres of passive open space and 3.33 acres of park space (with 1.11 acres of the park space being fully active). The applicant is providing well above the total amount of open space required (49.35 acres of open space is being provided within the conditional district boundary and ~20 more acres within the remainder of the Yancey Property offered to the Town), as well as much more improved open space than what is required. The applicant is providing 2.54 acres of fully active open space (1.11 acres required), comprised of a junior Olympic pool and clubhouse, playground, and 9-hole disc golf course. Additionally, the applicant is providing 4 acres of Park Space (2.5 acres required).*

*Approximately 5 acres of the passive open space falls within wetlands or riparian buffers.*

**Public Utilities:**

*Development of this site will require extension of utilities along Rolesville Road from the High School site.*

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**Streets:**

*The Town's Arterial and Collector Street Plan calls for widening and improvements to Rolesville Rd (4-lane divided), and Davistown Road (2-lane undivided). The applicant is showing additional ROW dedication for Weathers road per Capital Area Metropolitan Planning Organization (CAMPO) 's transportation plans, but plans on requesting the Town Board to pay a fee in lieu of building their portion of a rural road cross-section, which is what is required by the Town.*

*The applicant's typical street sections are included on page 6 of their Master Plan. These sections include an 'Urban Street' with a center median, as well as a one-way street section. Both of these sections are not typical sections included within the Town's cross-sections and would be specific to this development.*

*Staff recommends that 'No Parking' signs be shown on the construction drawings for the one-way street cross-section (part of Avenue I forming a loop).*

*The applicant is also showing a different alley cross-section, which has a 16' paved drive within a 20 ft easement.*

**Traffic Impact Assessment (TIA)**

*The number of proposed dwelling units required the developer to prepare a Traffic Impact Assessment (TIA) report. This report is reviewed by NC-DOT, 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 Right-Turn lane on Rolesville Rd into the new site's entrance.*
- *A dedicated Right-Turn lane on Rolesville Rd to turn onto Davistown Rd*
- *Striping Improvements at the intersection of Keiths Rd and Business 64.*

*The applicant's plans also show a dedicated left turn lane on Rolesville Rd into the new site's entrance.*

**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 4 conditions (#20-23) improving the site's landscaping beyond what is required.*

**Phasing:**

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*The applicant has identified 3 phases of development. The clubhouse and pool are included in Phase 1. The applicant's conditions detail when each amenity would be completed.*

**Comprehensive Plan:**

*The Wendell Comprehensive Plan defines the subject properties as being completely within the S-3 "Restricted Growth Sector".*

*The Comprehensive Plan states that "although not a formal open space sector, S-3 is intended for very limited development under tightly controlled conditions." This sector is generally classified as lands that are not proximate to thoroughfares and that are not projected to be high growth areas due to limited access to the transportation network and utilities. Generally, the S-3 areas are outside of the short range urban service area for water and sewer service and are close to S-1 and S-2 areas."*

*The Comprehensive Plan lists the following uses as appropriate land uses/development types within this sector: low density cluster developments or hamlets (a clustering of buildings around a rural crossroad), single family residential development, very limited convenience retail uses, civic uses (parks, schools, religious and government uses), and some industrial uses.*

*The proposed development on the site consists of single-family detached home and townhomes, with an overall density of 2.88 DUA. The S-2 sector to the east is buffered from the proposed development with the inclusion of the disc golf course. The densest portion of the development (Townhomes) are clustered close to Rolesville Road, which is to be widened to a 4-lane road.*

**TRC Review:**

*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 November 18, 2019 meeting, the Planning Board voted 4-3 in favor of the requested Conditional District.*

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

*Voting Against: Michael Firstbrook, Allen Swaim and Victoria Curtis*

*Absent: Jimmena Huffman-Hall*

**Statement of Plan Consistency and Reasonableness**

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- *Any recommended change to the zoning map should be accompanied by a statement explaining how the change is consistent with the comprehensive plan and is reasonable in nature.*
  - o *In Staff's opinion, the requested conditional district is generally consistent with the recommended uses and development types outlined in the Wendell Comprehensive Land Use Plan for the S-3 sector and reasonable due to its location along Rolesville Road and its proximity to I-87.*

**Technical corrections:**

1. *Add 'No-Parking' signs along the one-way street for clarity.*

*Staff Recommendation:*

- *Staff recommends approval of the proposed Weathers Property Master Plan, with inclusion of the 1 technical correction referenced and the amendment to Condition #7.*
  - o *The applicant has included numerous conditions improving buffers, open space, public park land, and architectural standards. In exchange, they are seeking concessions related to cul-de-sac length and to permit Townhomes.*
  - o *Proposed lot size is notably smaller than surrounding properties (which are served by well and septic), but overall project density is 2.88 dwelling units per acre, which is less than what would normally be allowed in the R4 zoning district.*
  - o *This site is located less than a mile from an Interstate, on a future 4-lane thoroughfare, near an existing high school, with access to municipal water and sewer. All of these factors support a growth pattern other than 'rural'.*
  - o *Concerns were expressed by neighbors that the proposed development would negatively impact property values. Staff analyzed all single-family homes within ¾ mile of the site (which captures Ridge Haven and Candlewick subdivisions to the north), and the average building value was \$122,305, with an average land value for half acre lots at \$32,000 (for a total value of \$154,305).*

Planning Director David Bergmark asked Parks and Recreation Director Jeff Polaski to speak about the future park space.

Mr. Polaski said that the proposed park has value to the Town and Parks and Recreation department. He said it speaks to the Parks and Recreation Master Plan need for more neighborhood parks in the Town that is passive in nature, without ballparks or large crowds. He said that the connectivity to the Town is important and this future park is close to Roberson Mill Pond, which Wake County plans to build a greenway through in the future. This future park would get the Town 1 parcel away from the county property that is adjacent to Green Mill Run. Mr. Polaski said that the appraisal value of the land of half of a million dollars would allow him to write a parks and recreation trust fund grant similar to the grant that the Town received a couple of years ago. This grant is a matching grant, where donations are acceptable for the Town's payment. With that land being donated to the Town, it would allow the Town to qualify for this grant to use for the project.

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Mayor Virginia Gray asked if any members of the public would like to speak for or against this project.

David Kozart, 6324 Weathers Road, said that appropriate management of development in the Town and the surrounding area is an important issue because land and water are precious, limited resources. Mr. Kozart expressed that a part of the development would not be a part of the Town's tax base and that there would be no commercial development proposed in this project. Mr. Kozart said he disapproves of the development due to its density and asked the Board to deny the rezoning and annexation request.

Brandon Strickland, 4428 Rolesville Road, said he's lived in Wendell his whole life and has been an active community member with his family in the Town. He said that the developer chose this land for the project because it's a cheaper plot of land. Mr. Strickland said that they should have bought land closer to downtown that was already zoned for this use. Mr. Strickland asked the Board to vote while considering what's best for the Town and its residents.

Frank Braswell, 4116 Rolesville Road, said that the latest maps show that the density list the houses at 2.88 and said that the density should be 5.62 units. Mr. Braswell said there was nothing wrong with a developer wanting to build homes on small lots, but there is no similarity with this development to other developments like Wendell Falls, because this development has surrounding homes and developments nearby. Mr. Braswell said that he would prefer that each lot be on a quarter of an acre of land.

Mike Strickland, 6213 Robertson Pond Road, said he's been a long-time resident of Wendell and said that he's concerned about Townhomes. Mr. Strickland voiced his concerns about infills and police response time of getting to that area of Wendell. He said he's also concerned about traffic impacts and East Wake High School's young drivers. Mr. Strickland expressed walkability issues with new residents having the ability to walking to local stores.

Darlene Rider, 2409 Davistown Road, spoke about the traffic impacts of the new development. Mrs. Rider voiced her concern that the traffic will be higher due to stay-at-home moms taking their kids to school and running errands. She said that East Wake High school also has buses dropping kids off during the time when people leave their homes for work. She said there's a visibility issue with Rolesville Road and Davistown Road and she's concerned about speeding. Mrs. Rider said that the additional entrances will make it more difficult for people to turn on these roads. Mrs. Rider asked the Board to deny the development.

Tyler Ayscue, 839 Industrial Drive, asked the Board to discontinue a development he thinks is disastrous to the community. Mr. Ayscue said that 6 houses to an acre is too dense.

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Jason Rider, 2409 Davistown Road, said there's been a lot of proposed changes to the development, but not to properties A, B, and C, which he said are not within Wendell's corporate limits and therefore cannot be annexed into the Town.

Lori Massey, 2133 Davistown Road, asked how far down Davistown Road the Town planned on annexing. Mrs. Massey said that she moved to the county to stay out of a city and she would like to continue living in the county. She voiced her concerns about traffic with buses and tractors during farm season. Mrs. Massey said that she didn't think the schools could handle the added density of children.

Audrey Weathers Crawford, Davistown Road, said that she's the fourth generation to live on Davistown Road. She said that Wendell Falls is different from this development, due to the added town amenities such as a fire department. Mrs. Weathers Crawford said that this development has no commercial development plans which will not help repave the roads. She said that Wendell residents will have an increase in taxes to maintain the proposed satellite property. Mrs. Weathers Crawford asked the Town Board to say no to this proposed development.

Pat Shellington, 133 Candlewick Drive, expressed his concern about water hookups to the development. He said the maximum fire hydrant flow at East Wake High School wouldn't be able to accommodate the same flow rate to the development, due to elevation differences. He said there would be a friction loss through the pipes. Mr. Shellington said additional studies must be done before approving the development.

Jimmy Parker, 6317 Weathers Road, expressed his concern about clean water and the runoff the development could create after pulling off the topsoil. He said that runoff could potentially contaminate their irrigation ponds and Robertson Mill Pond. Mr. Parker said the park land has flooding issues. He said the map provided didn't show the water issues the development would potentially have.

Judy Compton, 119 Parka Disara Place, Clayton, said she has great concerns. Mrs. Compton said that the developers don't understand the community's needs. She mentioned the narrow roads creating a traffic hazard for residents and the number of police officers being able to take care of residents. Mrs. Compton voiced her concerns about water contamination.

Greg Jones, 6141 Robertson Pond Road, said he's a lifelong resident of Wendell. Mr. Jones said he disapproves of the development, as he is concerned about the density impact on the community. Mr. Jones said he doesn't believe that this development achieves any of the Town's policy goals. He voiced his concern about depending on grants in order to meet funding needs. Mr. Jones asked the Town Board to deny the development.

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Ben Weathers, 1625 Davistown Road, said that he lives across the street from the proposed development. Mr. Weathers said that the second proposed entrance comes out in front of his house. Mr. Weathers said he doesn't want to see lights pulling in and out from his home. He said that he's concerned about the wetlands being acquired to meet the 3-mile required distance for annexation. Mr. Weathers said that affordable housing already exists in Wendell and he doesn't think Wendell needs any more.

Andy Pettish of Pettish Law, 127 W Hargett Street, Raleigh, said he was present on behalf of Joy Davis, 1729 Davistown Road. Mr. Pettish said that he has analyzed the application and the Town's UDO and concludes that it would be unlawful for the Board to approve the annexation and rezoning. Mr. Pettish presented the following memorandum to the Town Board:

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**Petesch Law**

127 W. Hargett St., Ste 500 • Raleigh, NC 27601  
T: 919-747-8611 • F: 888-848-9605  
E: andy@peteschlaw.com

**MEMORANDUM**

Date: February 10, 2020

To: Wendell Town Board of Commissioners  
15 E. Fourth Street  
Wendell NC 27591

Re: CD19-03 (Application for Conditional District Rezoning)

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This rezoning application (CD19-03; hereinafter, the "Application") seeks to bring approximately 130 acres of land zoned R-40 in Wake County's planning jurisdiction into the Town of Wendell via annexation as a Conditional District with a base zoning of R-4. The Application's conditions show that the purpose of this request is to develop a residential subdivision comprised of 275 single family homes and 99 Townhomes. After analyzing the Application and the Town of Wendell's Unified Development Ordinance ("UDO"), it is my conclusion and legal opinion that the Application does not comply with the black letter requirements of the UDO and would be unlawful if approved for the reasons outlined in this memorandum.

I. Foundational Elements

The Application seeks approval to include townhomes within the proposed conditional district. According to the UDO, townhomes are considered a "Multifamily Dwelling," which is defined as:

a dwelling unit that is part of a structure containing more than one unit. Each unit has a separate entrance from the outside or through a common vestibule. Multi-family dwellings may include triplexes, or fourplexes (buildings under one ownership with two to four dwelling units in the same structure), as well as townhouses (a type of structure that has at least three or more separate dwelling units divided vertically, and each unit has separate entrances to a front and rear yard), and apartments.

(See UDO § 19.3 (emphasis added)).

The UDO establishes sixteen (16) base zoning districts in the Town's planning jurisdiction. (UDO §§ 2.1. & 2.2). The UDO's Table of Permitted Uses provides a chart which clearly shows which uses are allowed in each base zoning districts. (UDO § 2.3.C). Uses are separated into one of eight categories, which includes a residential category. (UDO § 2.3.A.1). The UDO also provides rules for reading and interpreting the Table of Permitted Uses. (UDO § 2.3.B). Of note in this case, UDO § 2.3.B.1 states "[u]ses not listed as

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permitted (P); permitted with additional standards (PS); or requiring a special use permit (SUP) **are presumed to be prohibited** from the applicable zoning district." (emphasis added). The Table of Permitted Uses legend also indicates that a "—" within the use matrix means a use is "Not Permitted" in that zoning district. (See UDO § 2.3.C).

The UDO plainly prohibits Multifamily Dwellings in R4 zoning districts.

C. Use Matrices.

BASE DISTRICT	OSC	PUD	RA	RR	R2	R3	R4	R7	NC	CMX	CC	DMX	MH	EXPAND
<b>Residential</b>														
Dwelling- Single Family	P	P <sup>A</sup>	P	P	P	P	P	P	P	P	P	P	P	P
Dwelling- Multifamily		P <sup>A</sup>						SUP	SUP	SUP	SUP	SUP		SUP

II. Even in Conditional Districts, the Town Board of Commissioners Does Not Have Authority to Permit a Use in a Zoning District in Which It Is Otherwise Prohibited

The UDO provides for the creation of conditional districts:

Where lands are classified in a conditional zoning district, any conditions approved by the Board of Commissioners shall apply in addition to the regulations governing development in the corresponding base zoning district. The procedure for the establishment of these districts is found in Section 15.13. See Section 2.18, Conditional Districts, for additional details. Each District has a corresponding Conditional District.

(UDO § 2.1.D; see also UDO § 2.18). As discussed further below, the Board of Commissioners are permitted to approved conditions in addition to the UDO's standard regulations, but that authority does not extend to adding uses otherwise prohibited in the base zoning district.

The purpose and intent of conditional districts is to provide for both an "orderly and flexible development" option under the UDO "without the constraints of some of the prescribed standards guiding by-right development. Because Conditional District developments are constructed in a comprehensive manner, **they establish their own building, street, block, and lot pattern** which may be unique from other surrounding blocks or neighborhoods." (UDO § 2.18.A (emphasis added)).

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However, the UDO makes clear there is a material difference between adding allowable uses within a base district and altering the UDO's development requirements and standards. UDO § 2.18.C expressly states that "[w]ithin a Conditional District (CD), **all permitted uses of the corresponding Base District must be met.**" (emphasis added). UDO § 2.18 goes on to provide that it "shall be the Board of Commissioner's final decision to grant approval or denial of the zoning amendment **in light of the revised development standards** presented to the Town Board." (emphasis added). The limitation with respect to adding uses otherwise prohibited in a base zoning district is further illustrated in a chart showing portions of the UDO that may be modified as part of a conditional district request:

CH	Title	Exception to modifications:
2	District Provisions	Uses permitted may not be added unless the use proposed is not currently defined or contemplated by the Code. The manner of approval (i.e., permitted by right, special use permit required, etc.) may be modified as part of the Conditional District request.

(See UDO § 2.18).

The distinctions between existing uses, undefined uses, uses not contemplated, and general developmental standards is also highlighted in the UDO's administrative chapter. (See UDO § 15.13). For example:

- 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. (UDO § 15.13.A).
- 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. (UDO § 15.13.B.2).

The limitation against adding a defined, yet otherwise prohibited use to a base zoning district is again stated with clarity in UDO § 15.13.B.3.d, which provides:

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.**

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**SECTION B103  
MODIFICATIONS**

**B103.1 Decreases.**

The fire chief is authorized to reduce the fire-flow requirements for isolated buildings or a group of buildings in rural areas or small communities where the development of full fire-flow requirements is impractical.

**B103.2 Increases.**

The fire chief is authorized to increase the fire-flow requirements where conditions indicate an unusual susceptibility to group fires or conflagrations. An increase shall not be more than twice that required for the building under consideration.

**B103.3 Areas without water supply systems.**

For information regarding water supplies for fire-fighting purposes in rural and suburban areas in which adequate and reliable water supply systems do not exist, the fire code official is authorized to utilize NFPA 1142 or the *International Wildland-Urban Interface Code*.

**SECTION B104  
FIRE-FLOW CALCULATION AREA**

**B104.1 General.**

The fire-flow calculation area shall be the total floor area of all floor levels within the exterior walls, and under the horizontal projections of the roof of a building, except as modified in Section B104.3.

**B104.2 Area separation.**

Portions of buildings which are separated by fire walls without openings, constructed in accordance with the *International Building Code*, are allowed to be considered as separate fire-flow calculation areas.

**B104.3 Type IA and Type IB construction.**

The fire-flow calculation area of buildings constructed of Type IA and Type IB construction shall be the area of the three largest successive floors.

Exception: Fire-flow calculation area for open parking garages shall be determined by the area of the largest floor.

**SECTION B105  
FIRE-FLOW REQUIREMENTS FOR BUILDINGS**

**B105.1 One- and two-family dwellings, Group R-3 and R-4 buildings and townhouses.**

The minimum fire-flow and flow duration requirements for one- and two-family dwellings, Group R-3 and R-4 buildings and townhouses shall be as specified in Tables B105.1(1) and B105.1(2).

**TABLE B105.1(1)  
REQUIRED FIRE-FLOW FOR ONE- AND TWO-FAMILY DWELLINGS, GROUP R-3 AND R-4 BUILDINGS AND TOWNHOUSES**

FIRE-FLOW CALCULATION AREA (square feet)	AUTOMATIC SPRINKLER SYSTEM (Design Standard)	MINIMUM FIRE-FLOW (gallons per minute)	FLOW DURATION (hours)
0-3,600	No automatic sprinkler system	1,000	1
3,601 and greater	No automatic sprinkler system	Value in Table B105.1(2)	Duration in Table B105.1(2) at the required fire-flow rate
0-3,600	Section 903.3.1.3 of the <i>International Fire Code</i> or Section P2904 of the <i>International Residential Code</i>	500	1/2
3,601 and greater	Section 903.3.1.3 of the <i>International Fire Code</i> or Section P2904 of the <i>International Residential Code</i>	1/2 value in Table B105.1(2)	1

60,000 gallons  
Total

For SF: 1 square foot = 0.0929 m<sup>2</sup>, 1 gallon per minute = 3.785 L/min.

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TABLE B105.1(2)  
REFERENCE TABLE FOR TABLES B105.1(1) AND B105.2

FIRE-FLOW CALCULATION AREA (square feet)					FIRE-FLOW (gallons per minute) <sup>b</sup>	FLOW DURATION (hours)
Type IA and IB <sup>a</sup>	Type IIA and IIIA <sup>a</sup>	Type IV and V-A <sup>a</sup>	Type IIB and IIIB <sup>a</sup>	Type V-B <sup>a</sup>		
0-22,700	0-12,700	0-8,200	0-5,900	0-3,600	1,600	2
22,701-30,200	12,701-17,000	8,201-10,900	5,901-7,900	3,601-4,800	1,750	
30,201-38,700	17,001-21,800	10,901-12,900	7,901-9,800	4,801-6,200	2,000	
38,701-48,900	21,801-24,200	12,901-17,400	9,801-12,600	6,201-7,700	2,250	
48,901-59,000	24,201-33,200	17,401-21,900	12,601-15,400	7,701-9,400	2,500	
59,001-70,900	33,201-39,700	21,901-25,500	15,401-18,400	9,401-11,900	2,750	
70,901-83,700	39,701-47,100	25,501-30,100	18,401-21,800	11,901-13,400	3,000	
83,701-97,700	47,101-54,900	30,101-35,200	21,801-25,900	13,401-15,600	3,250	
97,701-112,700	54,901-63,400	35,201-40,600	25,901-29,300	15,601-18,000	3,600	
112,701-128,700	63,401-72,400	40,601-46,400	29,301-33,500	18,001-20,600	3,750	
128,701-145,900	72,401-82,100	46,401-52,500	33,501-37,900	20,601-23,300	4,000	
145,901-164,200	82,101-92,400	52,501-59,100	37,901-42,700	23,301-26,300	4,250	
164,201-183,400	92,401-103,100	59,101-66,000	42,701-47,700	26,301-29,300	4,500	
183,401-203,700	103,101-114,600	66,001-73,300	47,701-53,000	29,301-32,500	4,750	
203,701-225,200	114,601-126,700	73,301-81,100	53,001-58,600	32,501-36,000	5,000	
225,201-247,700	126,701-139,400	81,101-89,200	58,601-65,400	36,001-39,600	5,250	
247,701-271,200	139,401-152,600	89,201-97,700	65,401-70,600	39,601-43,400	5,500	
271,201-295,900	152,601-166,500	97,701-106,600	70,601-77,000	43,401-47,400	5,750	
295,901-Greater	166,501-Greater	106,501-115,800	77,001-83,700	47,401-51,500	6,000	4
—	—	115,801-125,500	83,701-90,600	51,501-55,700	6,250	
—	—	125,501-135,500	90,601-97,900	55,701-60,200	6,500	
—	—	135,501-145,800	97,901-106,800	60,201-64,800	6,750	
—	—	145,801-156,700	106,801-113,200	64,801-69,600	7,000	
—	—	156,701-167,000	113,201-121,300	69,601-74,600	7,250	
—	—	167,001-179,400	121,301-129,600	74,601-79,800	7,500	
—	—	179,401-191,400	129,601-138,300	79,801-85,100	7,750	
—	—	191,401-Greater	138,301-Greater	85,101-Greater	8,000	

540,000 gal/hr  
7-1/2 hr

For SI: 1 square foot = 0.0929 m<sup>2</sup>, 1 gallon per minute = 3.785 L/min, 1 pound per square inch = 6.895 kPa.

- a. Types of construction are based on the *International Building Code*.
- b. Measured at 20 psi residual pressure.

**B105.2 Buildings other than one- and two-family dwellings, Group R-3 and R-4 buildings and townhouses.**

The minimum fire-flow and flow duration for buildings other than one- and two-family dwellings, Group R-3 and R-4 buildings and townhouses shall be as specified in Tables B105.2 and B105.1(2).

**TABLE B105.2  
REQUIRED FIRE-FLOW FOR BUILDINGS OTHER THAN ONE- AND TWO-FAMILY DWELLINGS, GROUP R-3 AND R-4 BUILDINGS AND TOWNHOUSES**

AUTOMATIC SPRINKLER SYSTEM (Design Standard)	MINIMUM FIRE-FLOW (gallons per minute)	FLOW DURATION (hours)
No automatic sprinkler system	Value in Table B105.1(2)	Duration in Table B105.1(2)
Section 903.3.1.1 of the <i>International Fire Code</i>	25% of the value in Table B105.1(2) <sup>a</sup>	Duration in Table B105.1(2) at the reduced flow rate
Section 903.3.1.2 of the <i>International Fire Code</i>	25% of the value in Table B105.1(2) <sup>b</sup>	Duration in Table B105.1(2) at the reduced flow rate

For SI: 1 gallon per minute = 3.785 L/min.

- a. The reduced fire-flow shall be not less than 1,000 gallons per minute.
- b. The reduced fire-flow shall be not less than 1,500 gallons per minute.

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\*supplement provided  
by applicant  
(David should have  
copy)

The Overlook at Weathers Farm additional conditions

- The developer shall create a 10' landscape easement along the rear property line of lots on Davistown Road containing the planting requirements of a Type B Buffer.
- #7 revised as follows to include "by right"
  - Townhomes shall be allowed by right. The maximum number of townhomes shall not exceed one hundred (100).

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III. Conclusion

The Application requests a Conditional District with a R-4 base zoning district, which would allow both single family and multifamily dwellings. Multifamily dwellings are a contemplated and defined use, which the UDO prohibits in R4 districts. The UDO does not grant the Board of Commissioners authority to add uses that are contemplated and defined by the UDO, but otherwise prohibited in a base zoning district as part of a conditional district application.

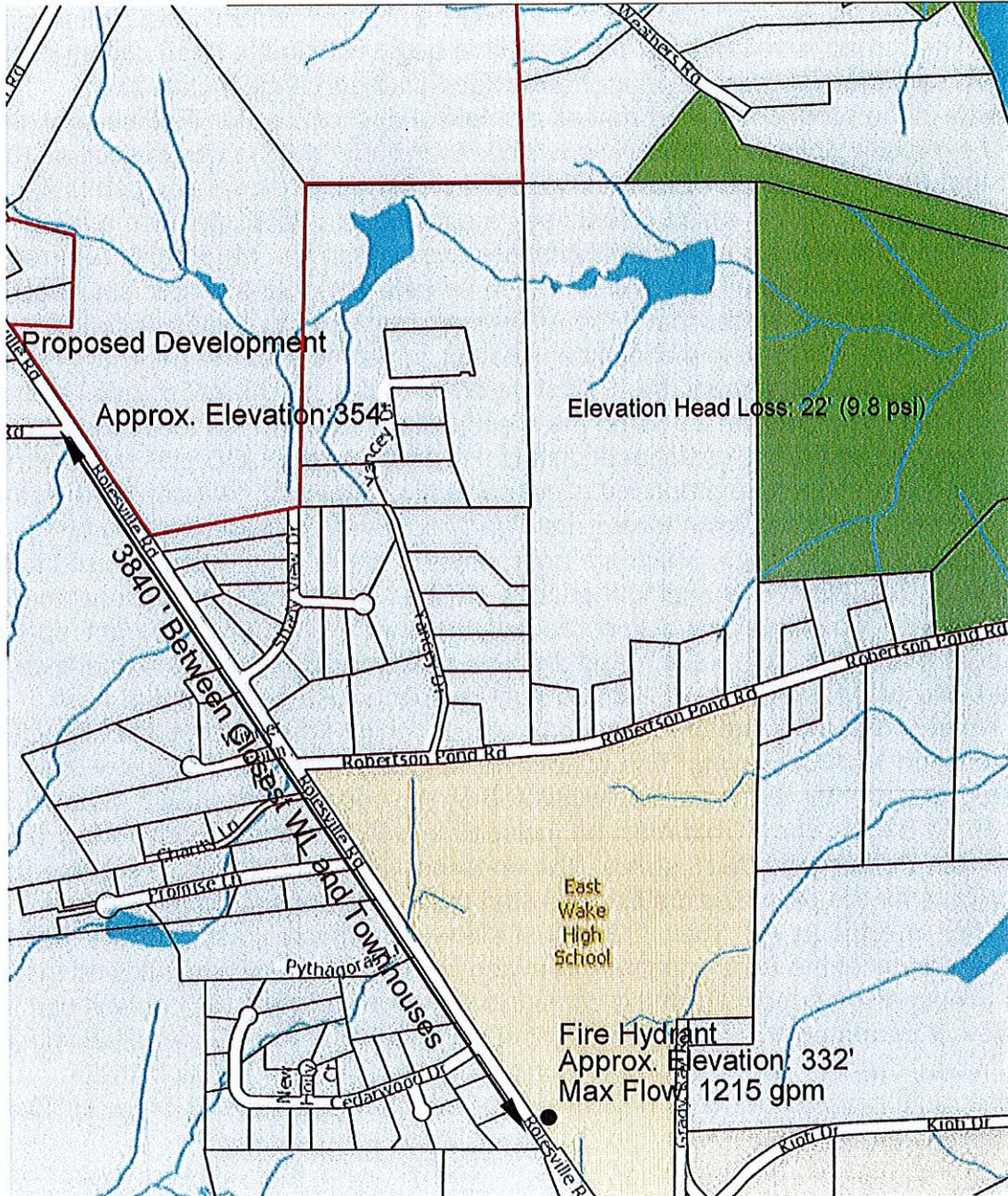
Therefore, approval of this Application would be in violation of the UDO and unlawful. The Application must be denied.

Yours truly,



Andrew J. Petesch

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Mr. Pettish said that the Town's providing a zoning for this property is a legislative process, subject to the strict compliance with regulations in the UDO. Mr. Pettish referenced Mr. Bergmark's presentation, specifically condition #7, saying that the application was changed to be permitted by right instead of going through Special Use Permit requirements. He said that this would only be allowed under the UDO if it could have been permitted with a Special Use Permit to begin with in the base zoning district. Mr. Pettish said that the memorandum he provided states that the inclusion of townhomes in the proposal is what makes it unlawful application. Mr. Pettish said that the UDO expressly defines multifamily dwellings to include townhomes in section 19.3. He said that Chapter 2 of the UDO discusses the districts and provides a use table, which shows that the R4 in which it describes a conditional use district with a base zoning district of R4 does not permit multifamily dwellings in R4. Mr. Pettish referred to page 3 of the memorandum he provided, which he said gets into the specifics about how the UDO expressly states that if the underlying zoning district does not allow a use, that use cannot be included in a conditional district, which he said the applicant is doing with this proposed development. Mr. Pettish referred to the specific standards regarding conditional districts in section 2.18 and the modifications listed with exceptions as to what can be modified in the conditional district. He said that the UDO states "Uses may not be added unless the use proposed is not currently defined or contemplated by the code." Mr. Pettish said that townhomes are clearly contemplated and defined by the UDO as multifamily dwellings, which are not permitted in R4. Mr. Pettish referred to Mr. Bergmark's presentation referencing the UDO, saying "The manner of approval may be modified as part of a conditional district request, whether it's permitted by right, special use, or permit required." Mr. Pettish said that this presumes that there is some level of permitted use, whether that's permitted by right or special use permit in that base district. He said that there are other sections which highlight this distinction in the UDO, such as section 15.13.A, saying "The conditional district alternative may allow uses which are not currently defined or contemplated by the code..." and then it goes on in section 15.13.B3D to show what must be included in a Master Plan submitted by the applicant. Mr. Pettish said that it states, "the applicant shall provide the exact land use classifications for the proposed district." He said that this proposed development's classification is listed as R4. The UDO further states, "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 (R4,) unless use is otherwise not permitted within the general zoning district shall not be permitted within the conditional district." Mr. Pettish said that it is the law that this use as R4 with townhome multifamily dwellings is not consistent with the requirements of the UDO and therefore must be denied.

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Dan Edwards, 155 Luton Lane, said he doesn't live in the Wendell city limits. Mr. Edwards said that at the Planning Board meeting in November, the chairman of the board, Mr. Swaim, described this project as a "gerrymandered piece of land" when the 10 acres were added to the project to make it comply with the legal requirements of the 3-mile limit. Mr. Edwards said that Mr. Swaim also pointed out that 94% of the property wasn't even within the 3-mile limit and that no homes would be built within the 3-mile limit. Mr. Edwards said that the applicant was seeking water and sewer from the town for a high-density project in a rural area. He mentioned the Town taking a water allocation from the city of Raleigh in the past that has increased water bills for Town residents. Mr. Edwards asked the Board not to use that allocation for a project that's 3 miles from town.

Dennis Lane, 301 Rose Place, asked the Board to put aside emotions regarding this project and consider what's practical. He said there's 347 residents in that neighborhood and the engineers don't travel that road like people who have lived in that neighborhood. He said he considered 2,000 more vehicles will be added to that road. Mr. Lane said that what concerns him is where the main entrance comes out, where he expected there to be a lot of accidents. Mr. Lane said he felt the same way about Davistown Road coming into Wendell due to the site distance. He said he didn't believe the infrastructure could handle the development on a police department level.

Jamie Pursley, 5705 Quail Cubby Lane, said he moved into his home to get out of the city. He asked what the interest of the Town is to have a satellite development. Mr. Pursley referred to the roads that were available to empty out the traffic coming out of that development. He said he was concerned about traffic safety with the amount of traffic. Mr. Pursley said that his family moved there for a reason and that they were in disapproval of the development.

Mayor Gray closed the public hearing and asked the board if there were any questions.

Commissioner Joyner asked to take a 5-minute recess.

**ACTION**

Mayor Gray ordered to take a 5-minute recess at 9:02 PM.

**ACTION**

Mayor Gray called the meeting back to order at 9:16 PM.

Applicant Tony Tate, Landscape Architect and Planner with TMTLA Associates, of 5011 South Park Drive, Suite 200 in Durham, asked the Town Board for a deferral to have their legal team consult with the Town's legal team to make sure that their proposal is legal.

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Mayor Gray asked if 30 days would be enough time.

Mr. Tate confirmed.

**ACTION**

**Mover:** Mayor Pro Tem John Boyette moved to table the CD19-03—~~Public Hearing on~~  
~~an~~ R-4 Conditional District request for properties located at 4501 Rolesville Rd,  
0 Davistown Road, 1401 Davistown Road and 6021 Yancey Drive for 30 days.

**Vote:** 5-0

**ACTION**

**Mover:** Mayor Pro Tem John Boyette moved to table item 5g annexation petition A-19-  
04 for a 12.28-acre tract located off Rolesville Road, PIN # 1765-85-2501; a  
50.16-acre tract located off Davistown Road, PIN # 1765-96-2276; a 57.76-acre  
tract located on Davistown Road, PIN # 1765-85-6251; and a 32.21-acre tract  
located on Yancey Drive, PIN # 1775-04-2139 for 30 days.

**Vote:** 5-0

Town Attorney Jim Cauley said that 30 days would be the first meeting in March.

Mayor Gray said that the Town would be taking items 5f and 5g back up at the first meeting in March on March 9, 2020.

~~5g. **PUBLIC HEARING:** for annexation petition A-19-04 for a 12.28-acre tract located off Rolesville Road, PIN # 1765-85-2501; a 50.16-acre tract located off Davistown Road, PIN # 1765-96-2276; a 57.76-acre tract located on Davistown Road, PIN # 1765-85-6251; and a 32.21-acre tract located on Yancey Drive, PIN # 1775-04-2139~~

~~Speaker: Planning Director David Bergmark~~

**Item 5g has been postponed until the March 9, 2020 Town Board Meeting.**

**5h. EVIDENTIARY HEARING:** Special Use request by James A. Harrell, III on behalf of Wendell/Larue, LLC for a two-story, 84-unit apartment complex at 0 Wendell Blvd (PIN #1784326835; behind Industrial Drive).

Speaker: Planning Director David Bergmark

Town Attorney Jim Cauley went over the Quasi-Judicial hearing guidelines and Deputy Clerk Stephanie Smith swore in all who planned to provide testimony.

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

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**Item Summary:**

James A. Harrell, III, on behalf of Wendell/Larue, LLC, has requested a Special Use Permit for a two-story, 84-unit apartment complex at 0 Wendell Blvd (Behind Industrial Drive).

This item was tabled during the April 22, 2019 Board of Commissioners meeting in order to address procedural requirements related to development review. Following the April 22nd meeting, a text amendment was approved by the Town Board permitting Special use Permit applications to be reviewed and approved by the Board in advance of review by the Town's Technical Review Committee (TRC). Under this new procedure, applicants may submit Special Use Permit requests with a reduced site plan for Town Board review. If the Town Board approves the Special Use request, then applicants must submit a full development plan for review and approval by the Town's TRC. The applicant has revised their special use permit application to satisfy the Town's new Special Use Permit procedure.

The proposed special use request would allow for the development of a multi-family apartment complex on a 17 acre tract located at 0 Wendell Blvd. In order to address access concerns expressed at the last board meeting, the applicant's site plan includes roadway access to Wendell Boulevard through the adjacent lot at 3030 Wendell Boulevard under common ownership. This connection would need to be included as a condition of approval, if the SUP request is approved.

**Applicant's Justification:**

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

**Project Profile:**

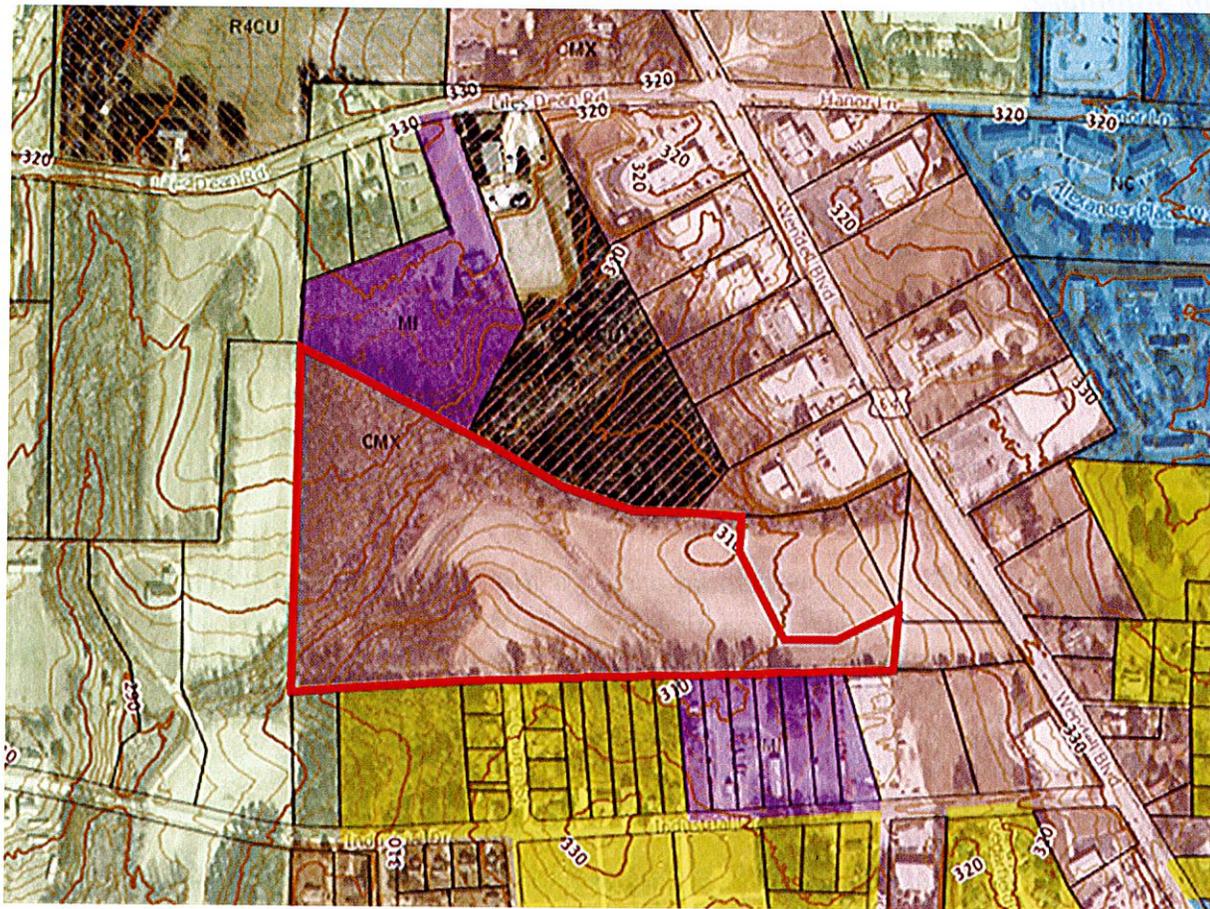
PROPERTY LOCATION:	0 Wendell Blvd. (Behind Industrial Drive)
WAKE COUNTY PIN:	1784 32 6835
ZONING DISTRICT:	CMX
PROPERTY SIZE:	17 ac.
CURRENT LAND USE:	Vacant
PROPOSED LAND USE:	Multi-family

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

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

**Existing Zoning Map:**

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**Zoning District:**

*This site is located in the Corridor Mixed Use (CMX) Zoning District. Multifamily dwellings require Special Use Permit approval within the CMX district.*

**Off Street Parking:**

*The parking requirement for residential use is 1 spaces per bedroom, up to 2 per unit. Using this standard, the proposed 84-unit apartment complex will require 154 parking spaces. The applicant's concept map shows 170 new parking spaces. The applicant will be required to meet all Wendell Parking Standards at the time of preliminary plat approval.*

**Public Utilities:**

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

**Buffering:**

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

**Stormwater Management:**

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

**Staff Comments:**

- *This property is located within the area designated as the S-6 Section in the Towns' Comprehensive Plan, which is identified as the most efficient and most attractive area for redevelopment of underutilized sites or infill of vacant parcels. Thus, a dense residential development, due to its proximity to the downtown and existing services, would align with the goals of the Comprehensive Plan.*
- *The proposed driveway connection to Wendell Boulevard significantly improves access concerns. However, the applicant is proposing the Church Street connection as an 'emergency entrance/exit'. Staff does not support this limited access to Church Street. To facilitate access and the flow of traffic, Church Street should be extended to connect to the internal private roads without the limitation of being for emergency access.*
- *An 84-unit apartment complex does not generate enough peak hour trips to automatically require a Transportation Impact Analysis (TIA). However, per Section 15.15 of the UDO, the Town Board reserves the right to require a TIA for any Special Use Permit when they believe it is warranted.*
- *If the SUP request is approved, inclusion of the access drive to Wendell Boulevard should specifically be listed as a condition of approval, as it is an off-site improvement.*

Mr. Bergmark pulled up the site map for reference and mentioned that some units had been moved from one side of the berm/drainage area. Mr. Bergmark offered to answer any questions that the Board might have.

Commissioner Jon Lutz asked about the exit at Church Street and if it's been blocked out.

Mr. Bergmark said that they had it labeled as emergency entry/exit, meaning it would likely be blocked with ways for only emergency services to get into, which is not something that staff would support.

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Dr. Lutz asked why staff didn't support it.

Mr. Bergmark said that, for better circulation, you want to have multiple connection points. He said you don't want to force everything through one entry point for residents and their guests.

Mayor Gray asked to hear from the applicant.

Brady Herman with Brough Law Firm, 1526 E Franklin St, Chapel Hill, said he was present on behalf of applicant Jim Harrell and Wendell/Larue, LLC. Mr. Herman said that the Town's UDO provides certain standards that help guide the Board's decision, based on competent, substantial, and material evidence. Mr. Herman said he would have Mr. Harrell and Billy Gillette testify to the standards of the project. He said he would ask them additional questions to help build the record.

Mr. Harrell thanked the Board and said that he's hopeful that the new main entrance and what they're proposing provides an opportunity for direction from the Town. Mr. Harrell said that if the Town would prefer that the development have two entrances, that they would be willing to proceed with that direction. He said that they had located the structures so that there would be a lot of green space and adequate buffering. Mr. Harrell said that there would be 6 two-story residential buildings with a community center with a combination of 1-, 2-, and 3-bedroom units. He said the community center is proposing to have a computer lab, laundry room, and community space with a small kitchen for residents. He said that the community center would have a full-time manager and maintenance staff with 24/7 emergency response responsibilities. Mr. Harrell said that they had a lighting consultant that ensures safety and they are willing to work with the Town on any emergency services. He said there is also a playground and tot lot proposed with a covered picnic area and benches. All residents in the development are required to have a parking pass, with designated parking spots for visitors for a certain amount of time, with parking being monitored. Mr. Harrell said he would let Mr. Gillette speak next and then would follow with the traffic study expert.

Mr. Gillette offered to answer any questions that the Board might have. No questions were asked.

Mr. Herman said that one of the standards of the Town UDO is that the proposed use will not adversely affect the health and safety of the residents in the area and asked Mr. Harrell to speak more to that and how this project meets that standard.

Mr. Harrell said that the project is in full compliance with all laws as far as health, safety and welfare. Mr. Harrell said that he believes they have gone above and beyond by paying attention to open space and traffic, particularly with the emergency exit with maneuvering within the facility which he is more than happy to change, if needed.

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Mr. Herman said that another standard of the Town's UDO is that the proposed use will not be detrimental to the use and development of the adjacent properties in the surrounding area. He asked Mr. Harrell to explain how this proposal meets that standard.

Mr. Harrell said that they started this project as a down-zoning and said that he thinks the use fits for Wendell Boulevard.

Mr. Herman asked Mr. Harrell to go over the parking requirements and the setback and how this project conforms to the other general requirements under the ordinance.

Mr. Gillette said that they're well over the required parking by 40 parking spots and the setbacks meet all of the Town's requirements according to the ordinance and that they will comply with the Technical Review Committee site plan review.

Mr. Herman called Kevin Dean from Kimley-Horn Associates, Inc. to speak to the Board about the Traffic Assessment. Mr. Dean provided the following memorandum to the Town Board:

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

**MEMORANDUM**

To: Mr. James A. Harrell, III  
From: Kevin Dean, P.E.  
Kimley-Horn and Associates, Inc.  
Date: February 10, 2020  
Subject: Wendell Place – Traffic Assessment



Kimley-Horn has performed an updated Traffic Assessment for the proposed Wendell Place residential development located on the north side of Industrial Drive at Church Street in Wendell, North Carolina. As currently envisioned, the development will include 84 apartments and is proposed to be accessed via a driveway on Wendell Boulevard north of Industrial Drive. The development has a projected build-out year of 2022.

This report presents trip generation, distribution, traffic analyses, and recommendations for transportation improvements required to meet anticipated traffic demands in conjunction with the proposed development in the 2022 study year. The site location and proposed site plan are shown on Figures 1 and 2, respectively.

**Existing and Background Traffic**

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

- Wendell Boulevard (US 64 Business) at Industrial Drive

The existing AM and PM peak hour turning movement volumes are shown on Figures 3 and 4, respectively, and the count data is attached. It should be noted that while peak hour turning movement counts at Industrial Drive were collected while Wake County Public Schools were not in session, volumes were balanced with counts at an adjacent intersection on Wendell Boulevard (at Wendell Falls Parkway) when schools were in session to be conservative.

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

40 trips a.m.  
53 trips p.m.

**TOWN OF WENDELL  
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**Trip Generation**

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

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

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

**Trip Distribution and Assignment**

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

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

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

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

Existing peak hour factors (PHF) were used for all of the traffic conditions at the intersection of Wendell Boulevard at Industrial Drive, while a PHF of 0.90 was used per NCDOT Congestion Management Guidelines at the new site driveway intersection.

**Capacity Analysis**

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

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<b>Table 2 Level-of-Service Summary</b>		
<b>Condition</b>	<b>AM Peak Hour LOS (Delay)</b>	<b>PM Peak Hour LOS (Delay)</b>
<b>Wendell Boulevard at Industrial Drive (Unsignalized)</b>		
Existing (2019) Traffic	EB – C (18.6) NBL – A (8.2)	EB – C (18.2) NBL – A (9.7)
Background (2021) Traffic	EB – C (23.7) NBL – A (8.3)	EB – C (22.0) NBL – B (10.2)
Build-out (2021) Traffic	EB – C (23.9) NBL – A (8.3)	EB – C (22.2) NBL – B (10.2)
<b>Wendell Boulevard at Site Driveway (Unsignalized)</b>		
Build-out (2021) Traffic	EB – C (17.2) NBL – A (8.1)	EB – C (21.2) NBL – B (10.4)

Analysis indicates that the study intersections are expected to operate with short delays at project build-out with only minor increases in delays and queues with the addition of site traffic.

**Recommendations**

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

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

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BOARD OF COMMISSIONER MEETING MINUTES  
FEBRUARY 10, 2020



**Kimley»Horn**

WENDELL PLACE APARTMENTS  
WENDELL, NC  
TRAFFIC IMPACT ANALYSIS

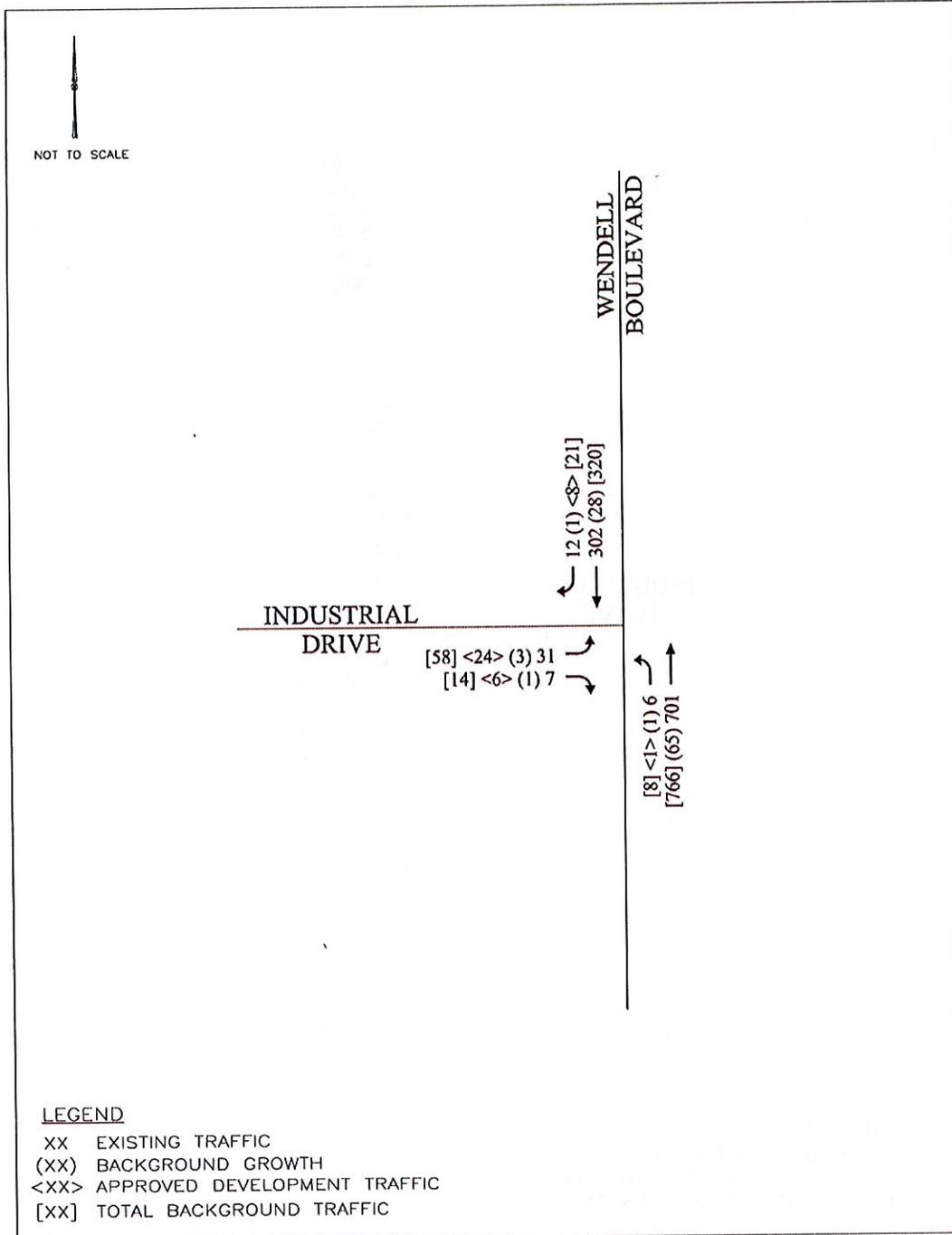
SITE LOCATION

FIGURE  
1

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**TOWN OF WENDELL  
BOARD OF COMMISSIONER MEETING MINUTES  
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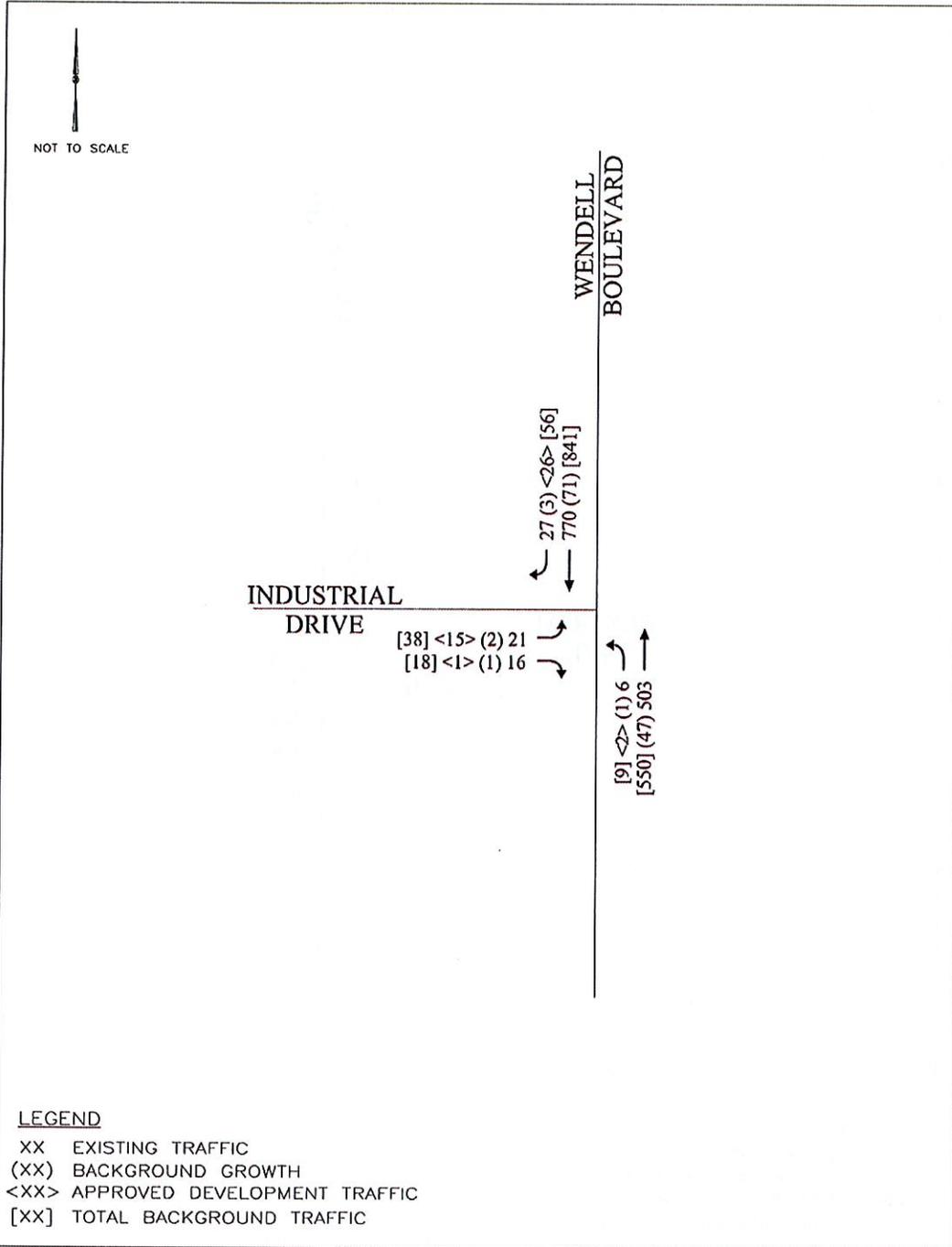
WENDELL PLACE APARTMENTS  
WENDELL, NC  
TRAFFIC IMPACT ANALYSIS

EXISTING AND PROJECTED  
(2022) BACKGROUND AM PEAK  
HOUR TRAFFIC VOLUMES

FIGURE  
3

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



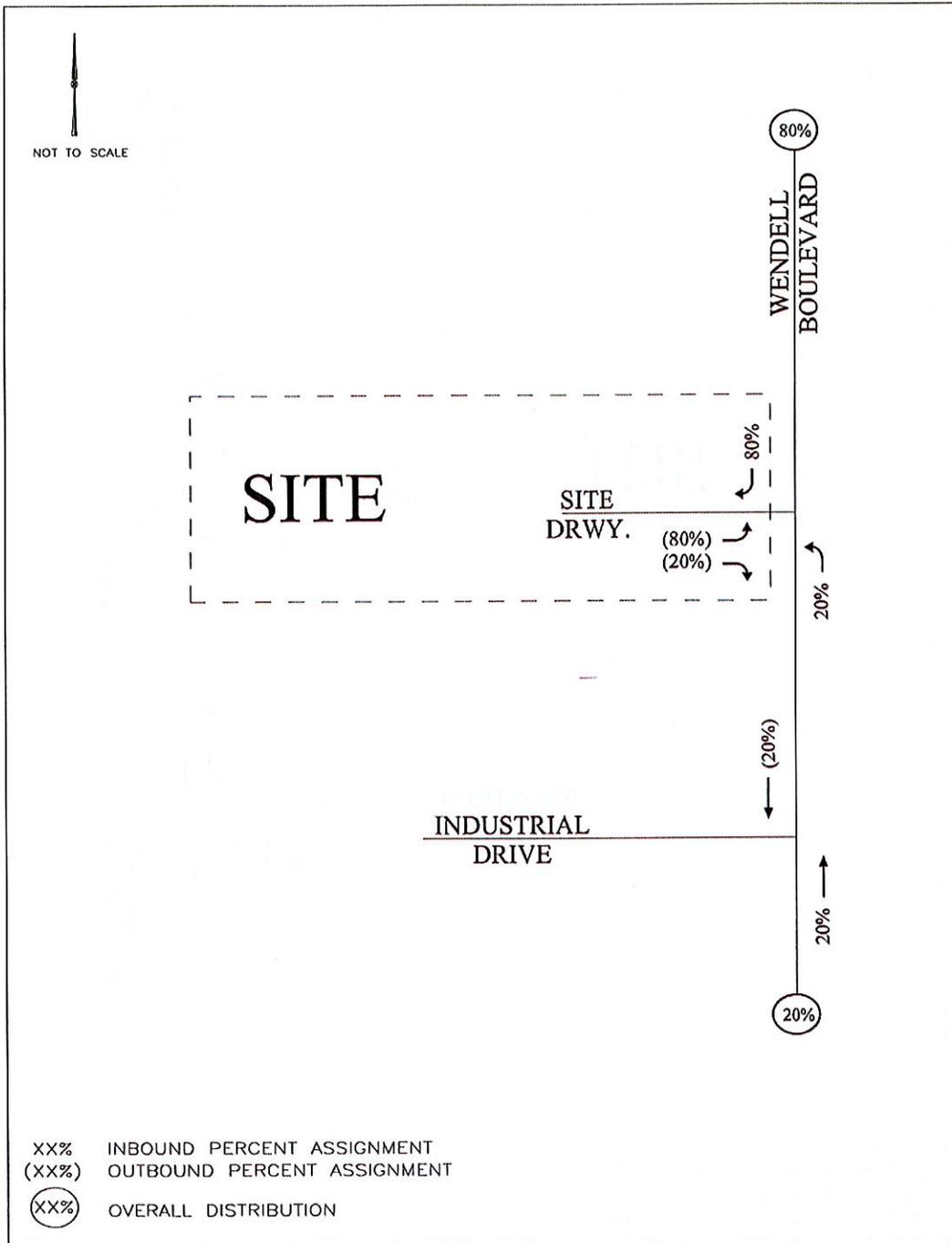
WENDELL PLACE APARTMENTS  
WENDELL, NC  
TRAFFIC IMPACT ANALYSIS

EXISTING AND PROJECTED  
(2022) BACKGROUND PM PEAK  
HOUR TRAFFIC VOLUMES

FIGURE  
4

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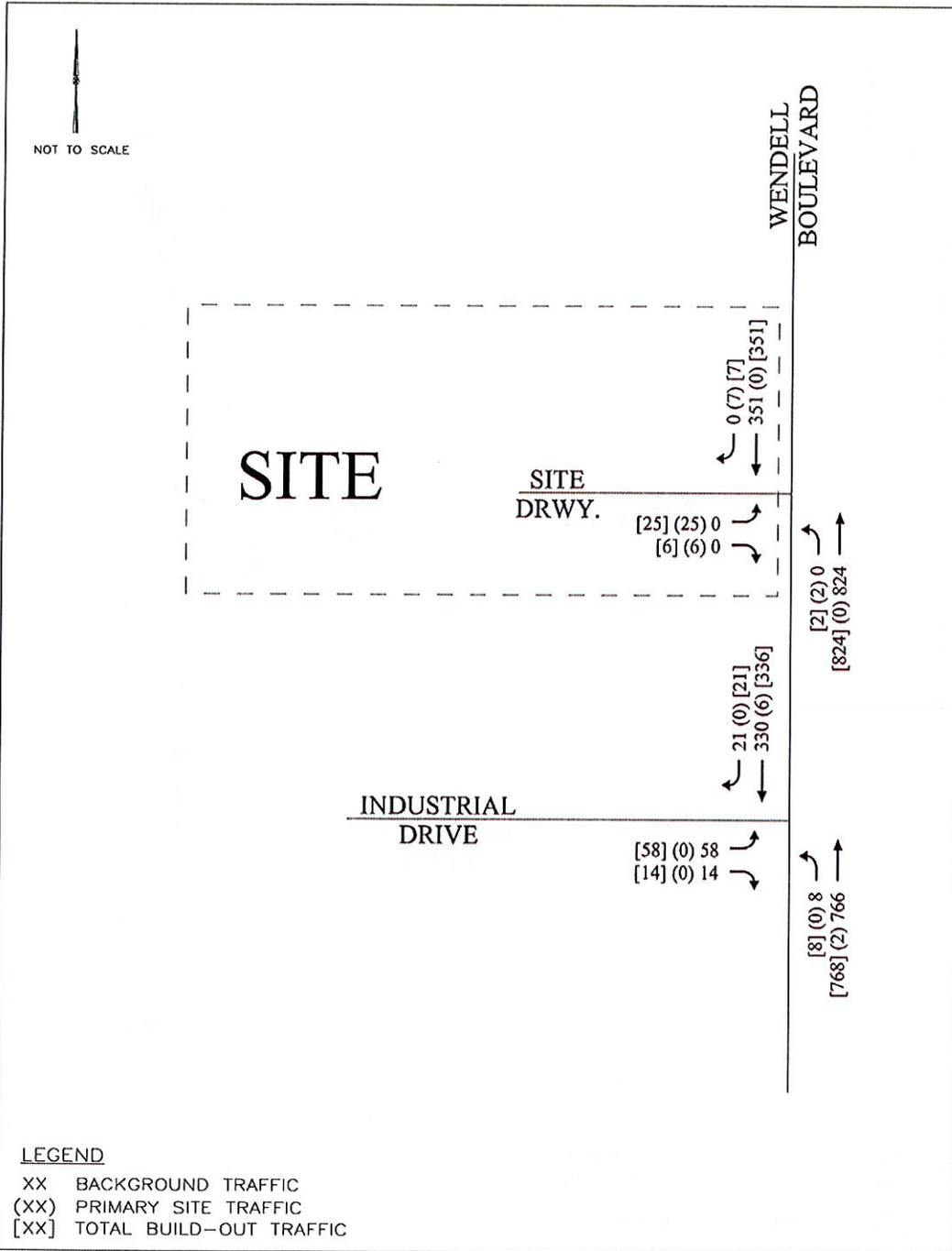
**TOWN OF WENDELL  
BOARD OF COMMISSIONER MEETING MINUTES  
FEBRUARY 10, 2020**



<b>Kimley»Horn</b>	WENDELL PLACE APARTMENTS WENDELL, NC TRAFFIC IMPACT ANALYSIS	SITE TRAFFIC DISTRIBUTION AND PERCENT ASSIGNMENT	FIGURE 5
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**TOWN OF WENDELL  
BOARD OF COMMISSIONER MEETING MINUTES  
FEBRUARY 10, 2020**



**Kimley»Horn**

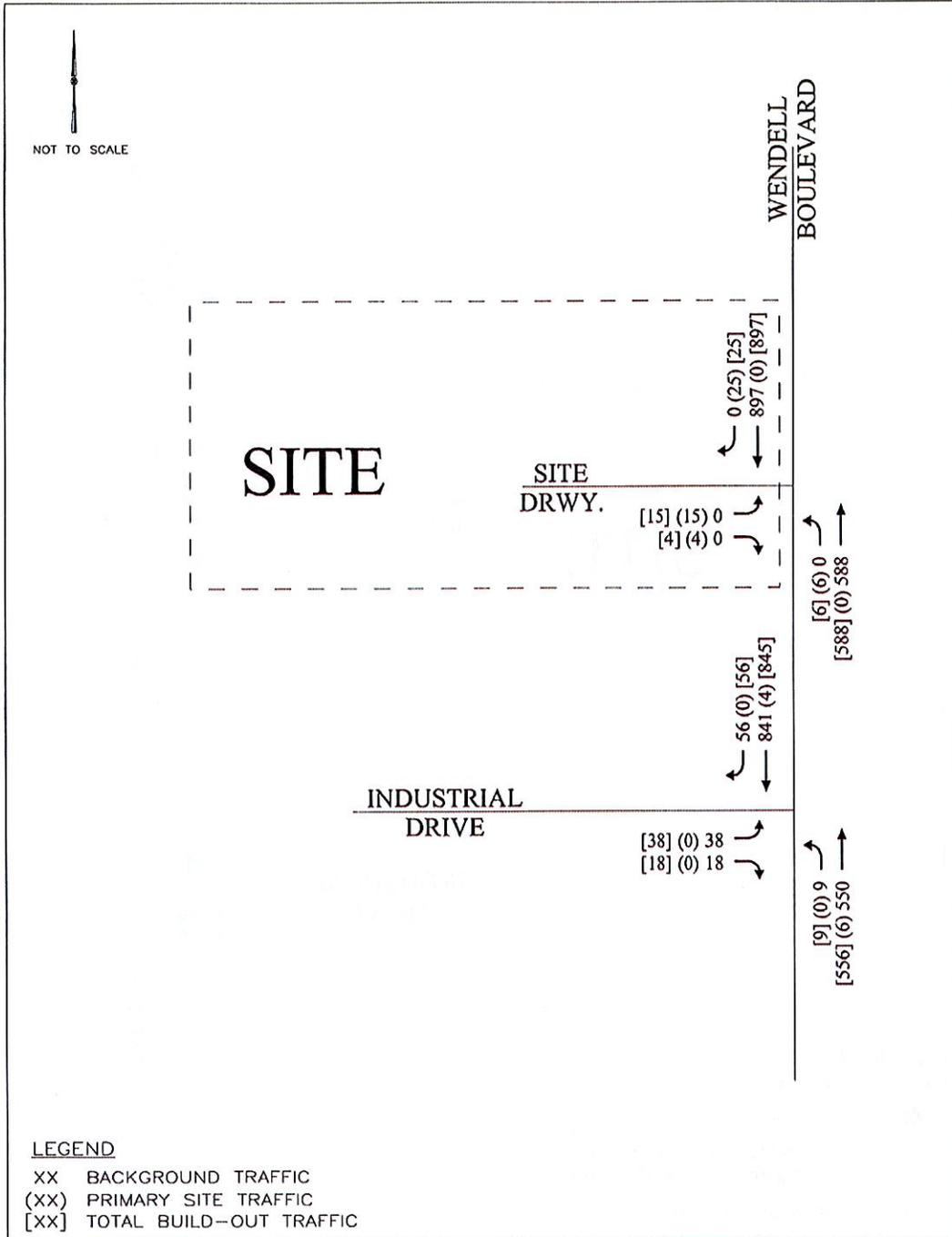
WENDELL PLACE APARTMENTS  
WENDELL, NC  
TRAFFIC IMPACT ANALYSIS

PROJECTED (2022) BUILD-OUT  
AM PEAK HOUR  
TRAFFIC VOLUMES

FIGURE  
6

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



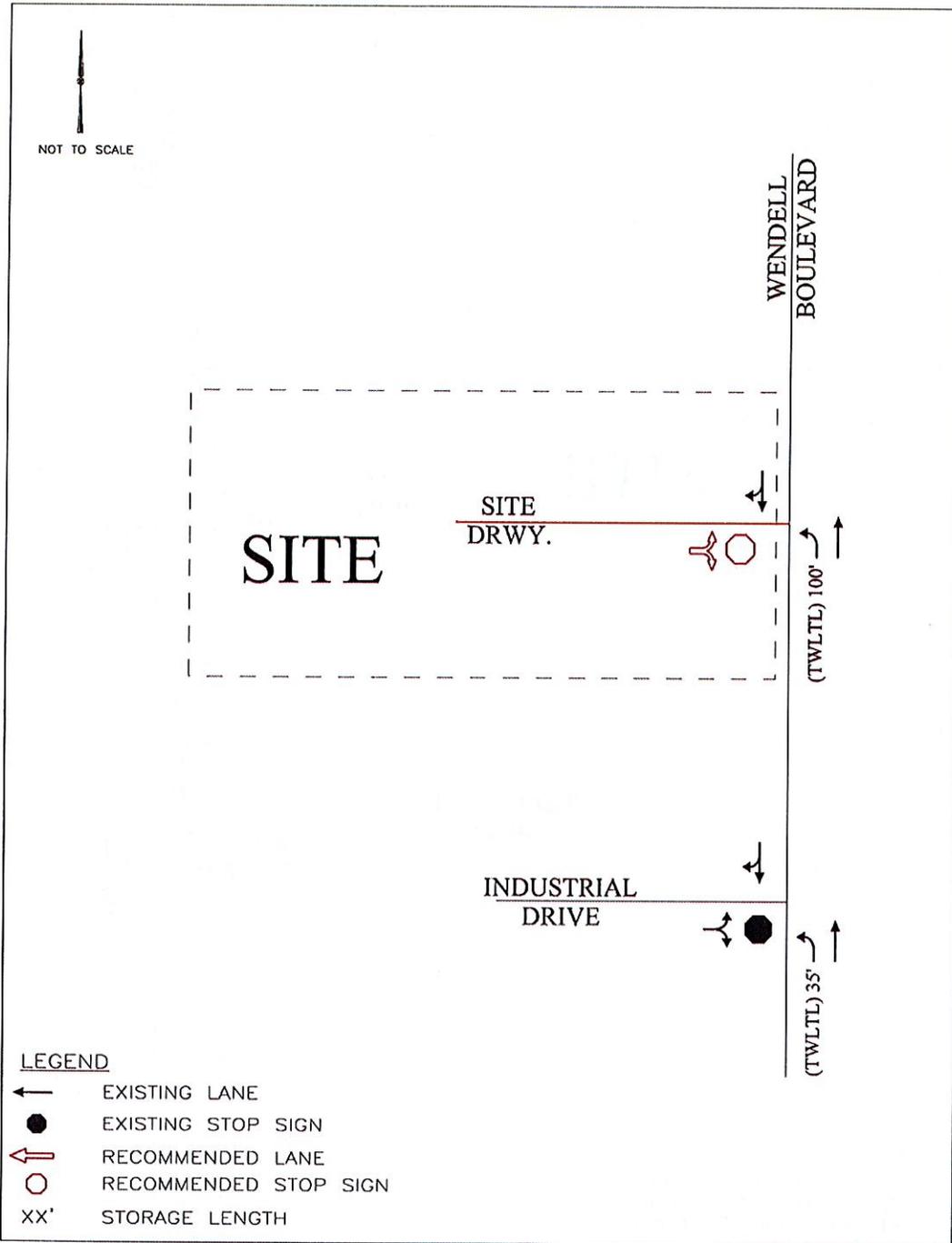
WENDELL PLACE APARTMENTS  
WENDELL, NC  
TRAFFIC IMPACT ANALYSIS

PROJECTED (2022) BUILD-OUT  
PM PEAK HOUR  
TRAFFIC VOLUMES

FIGURE  
7

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FEBRUARY 10, 2020**



<b>Kimley»Horn</b>	WENDELL PLACE APARTMENTS WENDELL, NC TRAFFIC IMPACT ANALYSIS	RECOMMENDED ROADWAY LANEAGE	FIGURE 8
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FEBRUARY 10, 2020**

*Traffic Survey Services, Inc.*

7909 Old Stage Rd.  
Raleigh, NC 27603

*We are your eyes in the field*

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

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

**Groups Printed- Vehicles**

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

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

*Your Company Name Here*

Wendell Blvd. @ Wendell Falls Pkwy./Wall  
Wendell, NC  
Counter:JG/LV/JF  
November7, 2019

File Name : WwendellBLvd  
Site Code : 00001942  
Start Date : 11/7/2019  
Page No : 1

**Groups Printed- Vehicles**

Start Time	Wall St. Eastbound					Wendell Blvd Westbound					Wendell Falls Pkwy. Northbound					Wendell Blvd Southbound					InL Total
	Left	Thru	Right	Peds	App. Total	Lt. Wall	Lt. Falls	Thru	Peds	App. Total	Left	Thru	Right	Peds	App. Total	Thru	Rt. Falls	Rt. Wall	Peds	App. Total	
06:00 AM	3	0	1	0	4	0	21	100	0	121	9	0	3	0	12	24	4	7	0	35	172
06:15 AM	0	0	1	0	1	0	18	102	0	120	10	0	7	0	17	33	5	0	0	38	176
06:30 AM	2	0	1	0	3	0	20	147	0	167	11	0	5	0	16	33	11	0	0	44	230
06:45 AM	0	0	0	0	0	0	27	152	0	179	16	0	5	0	21	44	7	0	0	51	251
Total	5	0	3	0	8	0	86	501	0	587	46	0	20	0	66	134	27	7	0	168	829
07:00 AM	2	0	0	0	2	0	29	186	0	215	15	0	7	0	22	53	14	2	0	69	308
07:15 AM	0	0	1	0	1	0	30	141	0	171	12	0	8	0	20	55	14	2	0	71	263
07:30 AM	0	0	1	0	1	1	11	140	0	152	21	0	13	0	34	61	14	0	0	75	262
07:45 AM	0	0	0	0	0	1	27	174	0	202	18	0	6	0	24	81	11	0	0	92	318
Total	2	0	2	0	4	2	97	641	0	740	66	0	34	0	100	250	53	4	0	307	1151
08:00 AM	0	0	0	0	0	1	6	93	0	100	18	0	6	0	24	97	38	1	0	136	260
08:15 AM	1	0	0	0	1	0	15	100	0	115	19	0	11	0	30	69	36	0	0	105	251
08:30 AM	1	0	1	0	2	1	16	122	0	139	22	0	10	0	32	78	24	0	0	102	275
08:45 AM	0	0	3	0	3	1	18	109	0	128	20	0	11	0	31	87	26	0	0	113	275
Total	2	0	4	0	6	3	55	424	0	482	79	0	38	0	117	331	124	1	0	456	1061
09:00 AM	0	0	0	0	0	3	18	125	0	146	11	0	15	0	26	82	20	0	0	102	274
09:15 AM	2	0	0	0	2	1	15	99	0	115	8	0	6	0	14	78	17	0	0	95	226
09:30 AM	2	0	0	0	2	0	10	87	0	97	11	0	7	0	18	63	18	1	0	82	199
09:45 AM	0	0	1	0	1	2	6	93	0	101	11	0	8	0	19	80	9	1	0	90	211
Total	4	0	1	0	5	6	49	404	0	459	41	0	36	0	77	303	64	2	0	369	910
10:00 AM	0	0	3	0	3	3	12	91	0	106	10	0	8	0	18	73	10	0	0	83	210
10:15 AM	0	0	0	0	0	0	10	81	0	91	13	0	14	0	27	65	16	0	0	81	199
10:30 AM	2	0	1	0	3	0	15	78	0	93	11	0	10	0	21	84	14	1	0	99	216
10:45 AM	1	0	0	0	1	2	9	95	0	106	8	0	11	0	19	67	10	0	0	77	203
Total	3	0	4	0	7	5	46	345	0	396	42	0	43	0	85	289	50	1	0	340	828
11:00 AM	0	0	0	0	0	1	5	94	0	100	10	0	7	0	17	86	13	1	0	100	217
11:15 AM	0	0	0	0	0	1	15	99	0	115	14	0	12	0	26	75	9	0	0	84	225
11:30 AM	0	0	0	0	0	1	6	90	0	97	13	0	8	0	21	96	19	0	0	115	233
11:45 AM	0	0	0	0	0	1	10	89	0	100	7	0	8	0	15	96	19	0	0	115	230
Total	0	0	0	0	0	4	36	372	0	412	44	0	35	0	79	353	60	1	0	414	905
12:00 PM	0	0	0	0	0	1	18	118	0	137	8	0	10	0	18	100	19	0	0	119	274
12:15 PM	1	0	3	0	4	1	9	87	0	97	10	0	7	0	17	109	23	0	0	132	250
12:30 PM	0	0	1	0	1	2	12	107	0	121	6	0	7	0	13	101	12	7	0	120	255
12:45 PM	2	0	2	0	4	2	7	101	0	110	16	0	9	0	25	98	13	0	0	111	250
Total	3	0	6	0	9	6	46	413	0	465	40	0	33	0	73	408	67	7	0	482	1029
01:00 PM	0	0	2	0	2	3	11	105	0	119	12	0	15	0	27	91	18	0	0	109	257
01:15 PM	1	0	0	0	1	0	10	109	0	119	19	0	11	0	30	102	18	1	0	121	271
01:30 PM	1	0	0	0	1	3	7	96	0	106	18	0	15	0	33	101	19	1	0	121	261
01:45 PM	1	0	1	0	2	2	12	106	0	120	14	0	8	0	22	117	10	1	0	128	272
Total	3	0	3	0	6	8	40	416	0	464	63	0	49	0	112	411	65	3	0	479	1061
02:00 PM	1	0	0	0	1	0	9	85	0	94	8	0	12	0	20	100	16	2	0	118	233
02:15 PM	1	0	0	0	1	1	5	85	0	91	11	0	7	0	18	115	12	1	0	128	238
02:30 PM	3	0	2	0	5	0	11	87	0	98	13	0	9	0	22	109	25	1	0	135	260
02:45 PM	0	0	0	0	0	0	10	107	0	117	21	0	6	0	27	99	23	2	0	124	268
Total	5	0	2	0	7	1	35	364	0	400	53	0	34	0	87	423	76	6	0	505	999
03:00 PM	0	0	2	0	2	1	7	92	0	100	20	0	10	0	30	123	27	0	0	150	282
03:15 PM	0	0	0	0	0	1	15	107	0	123	11	0	13	0	24	121	37	0	0	158	305
03:30 PM	0	0	3	0	3	0	14	91	0	105	14	0	12	0	26	132	22	0	0	154	288
03:45 PM	3	0	2	0	5	1	19	123	0	143	16	0	9	0	25	155	28	3	0	186	359
Total	3	0	7	0	10	3	55	413	0	471	61	0	44	0	105	531	114	3	0	648	1234
04:00 PM	2	0	1	0	3	1	18	111	0	130	14	0	10	0	24	184	30	2	0	216	373

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

*Your Company Name Here*

Wendell Blvd. @ Wendell Falls Pkwy./Wall  
Wendell, NC  
Counter:JG/LV/JF  
November7, 2019

File Name : WwendellBLvd  
Site Code : 00001942  
Start Date : 11/7/2019  
Page No : 3

Start Time	Wall St. Eastbound					Wendell Blvd Westbound					Wendell Falls Pkwy. Northbound					Wendell Blvd Southbound					Int. Total
	Left	Thru	Right	Peds	App. Total	Lt. VVol	Lt. Falls	Thru	Peds	App. Total	Left	Thru	Right	Peds	App. Total	Thru	Rt. Falls	Rt. VVol	Peds	App. Total	
Peak Hour Analysis From 04:00 PM to 05:45 PM - Peak 1 of 1																					
Peak Hour for Entire Intersection Begins at 04:00 PM																					
04:00 PM	2	0	1	0	3	1	18	111	0	130	14	0	10	0	24	184	30	2	0	216	373
04:15 PM	1	0	1	0	2	1	9	122	0	132	14	0	17	0	31	175	30	2	0	207	372
04:30 PM	0	0	0	0	0	1	11	90	0	102	14	0	13	0	27	164	22	1	0	187	316
04:45 PM	1	0	0	0	1	0	18	132	0	150	12	0	14	0	26	165	22	0	0	187	364
Total Volume	4	0	2	0	6	3	56	455	0	514	54	0	54	0	108	688	104	5	0	797	1425
% App. Total	66.7	0	33.3	0		0.6	10.9	88.5	0		50	0	50	0		86.3	13	0.6	0		
PHF	.500	.000	.500	.000	.500	.750	.778	.862	.000	.857	.964	.000	.794	.000	.871	.935	.867	.625	.000	.922	.955

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

*Traffic Suvvey Serwices, Inc.*

7909 Old Stage Rd.  
Raleigh, NC 27603

*We are your eyes in the field*

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

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

Start Time	Church St. From North				Industrial Dr. From East				Church St. From South				Industrial Dr. From West				Int. Total	
	Right	Thru	Left	App. Total	Right	Thru	Left	App. Total	Right	Thru	Left	App. Total	Right	Thru	Left	App. Total		
Peak Hour Analysis From 07:00 AM to 11:45 AM - Peak 1 of 1																		
Peak Hour for Entire Intersection Begins at 07:00 AM																		
07:00 AM	0	0	0	0	0	0	0	0	0	0	0	0	0	1	2	0	3	3
07:15 AM	0	0	1	1	0	0	0	0	2	0	0	2	0	0	3	0	3	6
07:30 AM	0	1	0	1	0	1	0	1	1	0	0	1	0	2	0	2	4	5
07:45 AM	1	0	0	1	1	1	0	2	0	0	0	0	0	0	1	0	1	4
Total Volume	1	1	1	3	1	2	0	3	3	0	0	3	1	8	0	9	18	
% App. Total	33.3	33.3	33.3		33.3	66.7	0		100	0	0		11.1	88.9	0			
PHF	.250	.250	.250	.750	.250	.500	.000	.375	.375	.000	.000	.375	.250	.667	.000	.750	.750	

Peak Hour Analysis From 12:00 PM to 05:45 PM - Peak 1 of 1																		
Peak Hour for Entire Intersection Begins at 04:15 PM																		
04:15 PM	0	0	0	0	1	3	0	4	0	0	0	0	0	0	2	0	2	6
04:30 PM	0	1	0	1	1	4	1	6	1	0	0	1	0	1	0	1	9	
04:45 PM	0	0	0	0	0	3	2	5	2	0	0	2	1	2	0	3	10	
05:00 PM	0	0	0	0	0	4	0	4	1	0	0	1	1	2	0	3	8	
Total Volume	0	1	0	1	2	14	3	19	4	0	0	4	2	7	0	9	33	
% App. Total	0	100	0		10.5	73.7	15.8		100	0	0		22.2	77.8	0			
PHF	.000	.250	.000	.250	.500	.875	.375	.792	.500	.000	.000	.500	.500	.875	.000	.750	.825	

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

**Wendell Place - Historic Growth**

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

\*Provided volumes from 2015, 2013, 2011, 2009

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

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



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

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

K:\DUR\_LDEV\Wendell Place Apartments\T4 - Analysis\WendellPlaceApts-TIA Data.xls\Trip Gen

4/19/19

# TOWN OF WENDELL BOARD OF COMMISSIONER MEETING MINUTES FEBRUARY 10, 2020

## INTERSECTION ANALYSIS SHEET

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

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

Annual Growth Rate:	3.0%	Existing Year:	2019
Growth Factor:	0.092727	Buildout Year:	2022

### AM PEAK HOUR AM PHF = 0.75

Description	Industrial Drive Eastbound			Industrial Drive Westbound			Wendell Boulevard (US 64 Bus.) Northbound			Wendell Boulevard (US 64 Bus.) Southbound		
	Left	Through	Right	Left	Through	Right	Left	Through	Right	Left	Through	Right
2019 Traffic Count	31	0	7	0	0	0	6	468	0	0	302	12
Count Balancing	0	0	0	0	0	0	0	233	0	0	0	0
2019 Existing Traffic	31	0	7	0	0	0	6	701	0	0	302	12
Growth Factor (0.03 per year)	0.093	0.093	0.093	0.093	0.093	0.093	0.093	0.093	0.093	0.093	0.093	0.093
2022 Background Growth	3	0	1	0	0	0	1	65	0	0	28	1
Committed Projects												
Wendell Crossing	24	0	6	0	0	0	1	0	0	0	0	8
Total Committed Traffic	24	0	6	0	0	0	1	0	0	0	0	8
2022 Background Traffic	58	0	14	0	0	0	8	766	0	0	330	21
Project Traffic												
Percent Assignment Inbound	0%	0%	0%	0%	0%	0%	0%	20%	0%	0%	0%	0%
Inbound Project Traffic	0	0	0	0	0	0	0	2	0	0	0	0
Percent Assignment Outbound	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	20%	0%
Outbound Project Traffic	0	0	0	0	0	0	0	0	0	0	6	0
Total Project Traffic	0	0	0	0	0	0	0	2	0	0	6	0
2022 Buildout Total	58	0	14	0	0	0	8	768	0	0	336	21
Percent Impact (Approach)		0.0%						0.3%			1.3%	
Overall Percent Impact	0.7%											

### PM PEAK HOUR PM PHF = 0.92

Description	Industrial Drive Eastbound			Industrial Drive Westbound			Wendell Boulevard (US 64 Bus.) Northbound			Wendell Boulevard (US 64 Bus.) Southbound		
	Left	Through	Right	Left	Through	Right	Left	Through	Right	Left	Through	Right
2019 Traffic Count	21	0	16	0	0	0	6	435	0	0	766	27
Count Balancing	0	0	0	0	0	0	0	68	0	0	4	0
2019 Existing Traffic	21	0	16	0	0	0	6	503	0	0	770	27
Growth Factor (0.03 per year)	0.093	0.093	0.093	0.093	0.093	0.093	0.093	0.093	0.093	0.093	0.093	0.093
2022 Background Growth	2	0	1	0	0	0	1	47	0	0	71	3
Committed Projects												
Wendell Crossing	15	0	1	0	0	0	2	0	0	0	0	26
Total Committed Traffic	15	0	1	0	0	0	2	0	0	0	0	26
2022 Background Traffic	38	0	18	0	0	0	9	550	0	0	841	56
Project Traffic												
Percent Assignment Inbound	0%	0%	0%	0%	0%	0%	0%	20%	0%	0%	0%	0%
Inbound Project Traffic	0	0	0	0	0	0	0	6	0	0	0	0
Percent Assignment Outbound	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	20%	0%
Outbound Project Traffic	0	0	0	0	0	0	0	0	0	0	4	0
Total Project Traffic	0	0	0	0	0	0	0	6	0	0	4	0
2022 Buildout Total	38	0	18	0	0	0	9	556	0	0	845	56
Percent Impact (Approach)		0.0%						1.1%			0.4%	
Overall Percent Impact	0.7%											

# TOWN OF WENDELL BOARD OF COMMISSIONER MEETING MINUTES FEBRUARY 10, 2020

## INTERSECTION ANALYSIS SHEET

Project:	Wendell Place Apartments
Location:	Wendell, NC
Ct. Date:	4/17/2019
N/S Street:	Wendell Boulevard (US 64 Bus.)
EAV Street:	Site Driveway

AM In	AM Out	PM In	PM Out	
Net New Trips:	9	31	32	19
Pass-By Trips:	0	0	0	0
Annual Growth Rate:	3.0%	Existing Year:	2019	
Growth Factor:	0.092727	Buildout Year:	2022	

### AM PEAK HOUR AM PHF = 0.90

Description	Site Driveway Eastbound			Site Driveway Westbound			Wendell Boulevard (US 64 Bus.) Northbound			Wendell Boulevard (US 64 Bus.) Southbound		
	Left	Through	Right	Left	Through	Right	Left	Through	Right	Left	Through	Right
2019 Traffic Count	0	0	0	0	0	0	0	0	0	0	0	0
Count Balancing	0	0	0	0	0	0	0	233	0	0	314	0
2019 Existing Traffic	0	0	0	0	0	0	0	233	0	0	314	0
Growth Factor (0.03 per year)	0.093	0.093	0.093	0.093	0.093	0.093	0.093	0.093	0.093	0.093	0.093	0.093
2022 Background Growth	0	0	0	0	0	0	0	68	0	0	29	0
Committed Projects												
Wendell Crossing	0	0	0	0	0	0	0	24	0	0	8	0
Total Committed Traffic	0	0	0	0	0	0	0	24	0	0	8	0
2022 Background Traffic	0	0	0	0	0	0	0	824	0	0	351	0
Project Traffic												
Percent Assignment Inbound	0%	0%	0%	0%	0%	0%	20%	0%	0%	0%	0%	80%
Inbound Project Traffic	0	0	0	0	0	0	2	0	0	0	0	7
Percent Assignment Outbound	80%	0%	20%	0%	0%	0%	0%	0%	0%	0%	0%	0%
Outbound Project Traffic	25	0	6	0	0	0	0	0	0	0	0	0
Total Project Traffic	25	0	6	0	0	0	2	0	0	0	0	7
2022 Buildout Total	25	0	6	0	0	0	2	824	0	0	351	7
Percent Impact (Approach)	100.0%						0.2%			2.0%		
Overall Percent Impact	3.3%											

### PM PEAK HOUR PM PHF = 0.90

Description	Site Driveway Eastbound			Site Driveway Westbound			Wendell Boulevard (US 64 Bus.) Northbound			Wendell Boulevard (US 64 Bus.) Southbound		
	Left	Through	Right	Left	Through	Right	Left	Through	Right	Left	Through	Right
2019 Traffic Count	0	0	0	0	0	0	0	0	0	0	0	0
Count Balancing	0	0	0	0	0	0	0	521	0	0	797	0
2019 Existing Traffic	0	0	0	0	0	0	0	521	0	0	797	0
Growth Factor (0.03 per year)	0.093	0.093	0.093	0.093	0.093	0.093	0.093	0.093	0.093	0.093	0.093	0.093
2022 Background Growth	0	0	0	0	0	0	0	49	0	0	74	0
Committed Projects												
Wendell Crossing	0	0	0	0	0	0	0	15	0	0	26	0
Total Committed Traffic	0	0	0	0	0	0	0	15	0	0	26	0
2022 Background Traffic	0	0	0	0	0	0	0	588	0	0	897	0
Project Traffic												
Percent Assignment Inbound	0%	0%	0%	0%	0%	0%	30%	0%	0%	0%	0%	80%
Inbound Project Traffic	0	0	0	0	0	0	6	0	0	0	0	25
Percent Assignment Outbound	80%	0%	20%	0%	0%	0%	0%	0%	0%	0%	0%	0%
Outbound Project Traffic	15	0	4	0	0	0	0	0	0	0	0	0
Total Project Traffic	15	0	4	0	0	0	6	0	0	0	0	25
2022 Buildout Total	15	0	4	0	0	0	6	588	0	0	897	25
Percent Impact (Approach)	100.0%						1.0%			2.7%		
Overall Percent Impact	3.3%											

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

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

Existing AM  
02/07/2020

Lane Group	EBL	EBR	NBL	NBT	SBT	SBR
Lane Configurations	↔		↔	↑	↑	
Traffic Volume (vph)	31	7	6	701	302	12
Future Volume (vph)	31	7	6	701	302	12
Ideal Flow (vphpl)	1900	1900	1900	1900	1900	1900
Storage Length (ft)	0	0	35			0
Storage Lanes	1	0	1			0
Taper Length (ft)	25		100			
Lane Util. Factor	1.00	1.00	1.00	1.00	1.00	1.00
Frt	0.976				0.995	
Flt Protected	0.961		0.950			
Satd. Flow (prot)	1747	0	1770	1863	1853	0
Flt Permitted	0.961		0.950			
Satd. Flow (perm)	1747	0	1770	1863	1853	0
Link Speed (mph)	30			30	30	
Link Distance (ft)	1526			850	533	
Travel Time (s)	34.7			19.3	12.1	
Peak Hour Factor	0.75	0.75	0.75	0.75	0.75	0.75
Adj. Flow (vph)	41	9	8	935	403	16
Shared Lane Traffic (%)						
Lane Group Flow (vph)	50	0	8	935	419	0
Enter Blocked Intersection	No	No	No	No	No	No
Lane Alignment	Left	Right	Left	Left	Left	Right
Median Width(ft)	12			12	12	
Link Offset(ft)	0			0	0	
Crosswalk Width(ft)	16			16	16	
Two way Left Turn Lane				Yes	Yes	
Headway Factor	1.00	1.00	1.00	1.00	1.00	1.00
Turning Speed (mph)	15	9	15			9
Sign Control	Stop			Free	Free	
<b>Intersection Summary</b>						
Area Type:	Other					
Control Type:	Unsignalized					
Intersection Capacity Utilization	46.9%			ICU Level of Service A		
Analysis Period (min)	15					

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

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

Existing AM  
02/07/2020

Intersection						
Int Delay, s/veh	0.7					
Movement	EBL	EBR	NBL	NBT	SBT	SBR
Lane Configurations	↔		↔	↑	↑	
Traffic Vol, veh/h	31	7	6	701	302	12
Future Vol, veh/h	31	7	6	701	302	12
Conflicting Peds, #/hr	0	0	0	0	0	0
Sign Control	Stop	Stop	Free	Free	Free	Free
RT Channelized	-	None	-	None	-	None
Storage Length	0	-	35	-	-	-
Veh In Median Storage, #	0	-	-	0	0	-
Grade, %	0	-	-	0	0	-
Peak Hour Factor	75	75	75	75	75	75
Heavy Vehicles, %	2	2	2	2	2	2
Mvmt Flow	41	9	8	935	403	16

Major/Minor	Minor2	Major1	Major2		
Conflicting Flow All	1362	411	419	0	0
Stage 1	411	-	-	-	-
Stage 2	951	-	-	-	-
Critical Hdwy	6.42	6.22	4.12	-	-
Critical Hdwy Stg 1	5.42	-	-	-	-
Critical Hdwy Stg 2	5.42	-	-	-	-
Follow-up Hdwy	3.518	3.318	2.218	-	-
Pot Cap-1 Maneuver	163	641	1140	-	-
Stage 1	669	-	-	-	-
Stage 2	375	-	-	-	-
Platoon blocked, %				-	-
Mov Cap-1 Maneuver	162	641	1140	-	-
Mov Cap-2 Maneuver	284	-	-	-	-
Stage 1	664	-	-	-	-
Stage 2	375	-	-	-	-

Approach	EB	NB	SB
HCM Control Delay, s	18.6	0.1	0
HCM LOS	C		

Minor Lane/Major Mvmt	NBL	NBTEBLn1	SBT	SBR
Capacity (veh/h)	1140	-	316	-
HCM Lane V/C Ratio	0.007	-	0.16	-
HCM Control Delay (s)	8.2	-	18.6	-
HCM Lane LOS	A	-	C	-
HCM 95th %tile Q(veh)	0	-	0.6	-

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

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

Existing PM  
02/07/2020

Lane Group	EBL	EBR	NBL	NBT	SBT	SBR
Lane Configurations	↔		↔	↑	↓	
Traffic Volume (vph)	21	16	6	503	770	27
Future Volume (vph)	21	16	6	503	770	27
Ideal Flow (vphpl)	1900	1900	1900	1900	1900	1900
Storage Length (ft)	0	0	35			0
Storage Lanes	1	0	1			0
Taper Length (ft)	25		100			
Lane Util. Factor	1.00	1.00	1.00	1.00	1.00	1.00
Frt	0.943				0.995	
Flt Protected	0.972		0.950			
Satd. Flow (prot)	1707	0	1770	1863	1853	0
Flt Permitted	0.972		0.950			
Satd. Flow (perm)	1707	0	1770	1863	1853	0
Link Speed (mph)	30			30	30	
Link Distance (ft)	1526			850	533	
Travel Time (s)	34.7			19.3	12.1	
Peak Hour Factor	0.92	0.92	0.92	0.92	0.92	0.92
Adj. Flow (vph)	23	17	7	547	837	29
Shared Lane Traffic (%)						
Lane Group Flow (vph)	40	0	7	547	866	0
Enter Blocked Intersection	No	No	No	No	No	No
Lane Alignment	Left	Right	Left	Left	Left	Right
Median Width(ft)	12			12	12	
Link Offset(ft)	0			0	0	
Crosswalk Width(ft)	16			16	16	
Two way Left Turn Lane				Yes	Yes	
Headway Factor	1.00	1.00	1.00	1.00	1.00	1.00
Turning Speed (mph)	15	9	15			9
Sign Control	Stop			Free	Free	
<b>Intersection Summary</b>						
Area Type:	Other					
Control Type:	Unsignalized					
Intersection Capacity Utilization	52.2%			ICU Level of Service A		
Analysis Period (min)	15					

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

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

Existing PM  
02/07/2020

Intersection						
Int Delay, s/veh	0.5					
Movement	EBL	EBR	NBL	NBT	SBT	SBR
Lane Configurations	¶		¶	↑	↑	
Traffic Vol, veh/h	21	16	6	503	770	27
Future Vol, veh/h	21	16	6	503	770	27
Conflicting Peds, #/hr	0	0	0	0	0	0
Sign Control	Stop	Stop	Free	Free	Free	Free
RT Channelized	-	None	-	None	-	None
Storage Length	0	-	35	-	-	-
Veh In Median Storage, #	0	-	-	0	0	-
Grade, %	0	-	-	0	0	-
Peak Hour Factor	92	92	92	92	92	92
Heavy Vehicles, %	2	2	2	2	2	2
Mvmt Flow	23	17	7	547	837	29

Major/Minor	Minor2	Major1	Major2		
Conflicting Flow All	1413	852	866	0	0
Stage 1	852	-	-	-	-
Stage 2	561	-	-	-	-
Critical Hdwy	6.42	6.22	4.12	-	-
Critical Hdwy Stg 1	5.42	-	-	-	-
Critical Hdwy Stg 2	5.42	-	-	-	-
Follow-up Hdwy	3.518	3.318	2.218	-	-
Pot Cap-1 Maneuver	152	359	777	-	-
Stage 1	418	-	-	-	-
Stage 2	571	-	-	-	-
Platoon blocked, %				-	-
Mov Cap-1 Maneuver	151	359	777	-	-
Mov Cap-2 Maneuver	285	-	-	-	-
Stage 1	414	-	-	-	-
Stage 2	571	-	-	-	-

Approach	EB	NB	SB
HCM Control Delay, s	18.2	0.1	0
HCM LOS	C		

Minor Lane/Major Mvmt	NBL	NBT	EBLn1	SBT	SBR
Capacity (veh/h)	777	-	313	-	-
HCM Lane V/C Ratio	0.008	-	0.128	-	-
HCM Control Delay (s)	9.7	-	18.2	-	-
HCM Lane LOS	A	-	C	-	-
HCM 95th %tile Q(veh)	0	-	0.4	-	-

# TOWN OF WENDELL BOARD OF COMMISSIONER MEETING MINUTES FEBRUARY 10, 2020

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

Background AM  
02/07/2020

Lane Group	EBL	EBR	NBL	NBT	SBT	SBR
Lane Configurations	↖		↗	↑	↘	
Traffic Volume (vph)	58	14	8	766	330	21
Future Volume (vph)	58	14	8	766	330	21
Ideal Flow (vphpl)	1900	1900	1900	1900	1900	1900
Storage Length (ft)	0	0	35			
Storage Lanes	1	0	1			0
Taper Length (ft)	25		100			
Lane Util. Factor	1.00	1.00	1.00	1.00	1.00	1.00
Frt	0.973				0.992	
Flt Protected	0.961		0.950			
Satd. Flow (prot)	1742	0	1770	1863	1848	0
Flt Permitted	0.961		0.950			
Satd. Flow (perm)	1742	0	1770	1863	1848	0
Link Speed (mph)	30			30	30	
Link Distance (ft)	1526			850	533	
Travel Time (s)	34.7			19.3	12.1	
Peak Hour Factor	0.75	0.75	0.75	0.75	0.75	0.75
Adj. Flow (vph)	77	19	11	1021	440	28
Shared Lane Traffic (%)						
Lane Group Flow (vph)	96	0	11	1021	468	0
Enter Blocked Intersection	No	No	No	No	No	No
Lane Alignment	Left	Right	Left	Left	Left	Right
Median Width(ft)	12			12	12	
Link Offset(ft)	0			0	0	
Crosswalk Width(ft)	16			16	16	
Two way Left Turn Lane				Yes	Yes	
Headway Factor	1.00	1.00	1.00	1.00	1.00	1.00
Turning Speed (mph)	15	9	15			9
Sign Control	Stop			Free	Free	
<b>Intersection Summary</b>						
Area Type:	Other					
Control Type:	Unsignalized					
Intersection Capacity Utilization	51.0%			ICU Level of Service A		
Analysis Period (min)	15					

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

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

Background AM  
02/07/2020

Intersection						
Int Delay, s/veh	1.5					
Movement	EBL	EBR	NBL	NBT	SBT	SBR
Lane Configurations	↖		↖	↑	↗	
Traffic Vol, veh/h	58	14	8	766	330	21
Future Vol, veh/h	58	14	8	766	330	21
Conflicting Peds, #/hr	0	0	0	0	0	0
Sign Control	Stop	Stop	Free	Free	Free	Free
RT Channelized	-	None	-	None	-	None
Storage Length	0	-	35	-	-	-
Veh in Median Storage, #	0	-	-	0	0	-
Grade, %	0	-	-	0	0	-
Peak Hour Factor	75	75	75	75	75	75
Heavy Vehicles, %	2	2	2	2	2	2
Mvmt Flow	77	19	11	1021	440	28
Major/Minor	Minor2	Major1		Major2		
Conflicting Flow All	1497	454	468	0	-	0
Stage 1	454	-	-	-	-	-
Stage 2	1043	-	-	-	-	-
Critical Hdwy	6.42	6.22	4.12	-	-	-
Critical Hdwy Stg 1	5.42	-	-	-	-	-
Critical Hdwy Stg 2	5.42	-	-	-	-	-
Follow-up Hdwy	3.518	3.318	2.218	-	-	-
Pot Cap-1 Maneuver	135	606	1094	-	-	-
Stage 1	640	-	-	-	-	-
Stage 2	339	-	-	-	-	-
Platoon blocked, %				-	-	-
Mov Cap-1 Maneuver	134	606	1094	-	-	-
Mov Cap-2 Maneuver	255	-	-	-	-	-
Stage 1	634	-	-	-	-	-
Stage 2	339	-	-	-	-	-
Approach	EB	NB		SB		
HCM Control Delay, s	23.7	0.1		0		
HCM LOS	C					
Minor Lane/Major Mvmt	NBL	NBT	EBLn1	SBT	SBR	
Capacity (veh/h)	1094	-	287	-	-	
HCM Lane V/C Ratio	0.01	-	0.334	-	-	
HCM Control Delay (s)	8.3	-	23.7	-	-	
HCM Lane LOS	A	-	C	-	-	
HCM 95th %tile Q(veh)	0	-	1.4	-	-	

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

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

Background PM  
02/07/2020



Lane Group	EBL	EBR	NBL	NBT	SBT	SBR
Lane Configurations	W		W	↑	↑	
Traffic Volume (vph)	38	18	9	550	841	56
Future Volume (vph)	38	18	9	550	841	56
Ideal Flow (vphpl)	1900	1900	1900	1900	1900	1900
Storage Length (ft)	0	0	35			0
Storage Lanes	1	0	1			0
Taper Length (ft)	25		100			
Lane Util. Factor	1.00	1.00	1.00	1.00	1.00	1.00
Frt	0.956				0.992	
Flt Protected	0.987		0.950			
Satd. Flow (prot)	1722	0	1770	1863	1848	0
Flt Permitted	0.987		0.950			
Satd. Flow (perm)	1722	0	1770	1863	1848	0
Link Speed (mph)	30			30	30	
Link Distance (ft)	1526			850	533	
Travel Time (s)	34.7			19.3	12.1	
Peak Hour Factor	0.92	0.92	0.92	0.92	0.92	0.92
Adj. Flow (vph)	41	20	10	598	914	61
Shared Lane Traffic (%)						
Lane Group Flow (vph)	61	0	10	598	975	0
Enter Blocked Intersection	No	No	No	No	No	No
Lane Alignment	Left	Right	Left	Left	Left	Right
Median Width(ft)	12			12	12	
Link Offset(ft)	0			0	0	
Crosswalk Width(ft)	16			16	16	
Two way Left Turn Lane				Yes	Yes	
Headway Factor	1.00	1.00	1.00	1.00	1.00	1.00
Turning Speed (mph)	15	9	15			9
Sign Control	Stop			Free	Free	

**Intersection Summary**

Area Type: Other

Control Type: Unsignalized

Intersection Capacity Utilization 57.7%

ICU Level of Service B

Analysis Period (min) 15

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

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

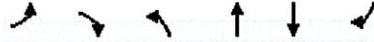
Background PM  
02/07/2020

Intersection						
Int Delay, s/veh	0.9					
Movement	EBL	EBR	NBL	NBT	SBT	SBR
Lane Configurations	W		W	↑	↑	
Traffic Vol, veh/h	38	18	9	550	841	56
Future Vol, veh/h	38	18	9	550	841	56
Conflicting Peds, #/hr	0	0	0	0	0	0
Sign Control	Stop	Stop	Free	Free	Free	Free
RT Channelized	-	None	-	None	-	None
Storage Length	0	-	35	-	-	-
Veh In Median Storage, #	0	-	-	0	0	-
Grade, %	0	-	-	0	0	-
Peak Hour Factor	92	92	92	92	92	92
Heavy Vehicles, %	2	2	2	2	2	2
Mvmt Flow	41	20	10	598	914	61
Major/Minor	Minor2	Major1	Major2			
Conflicting Flow All	1563	945	975	0	-	0
Stage 1	945	-	-	-	-	-
Stage 2	618	-	-	-	-	-
Critical Hdwy	6.42	6.22	4.12	-	-	-
Critical Hdwy Stg 1	5.42	-	-	-	-	-
Critical Hdwy Stg 2	5.42	-	-	-	-	-
Follow-up Hdwy	3.518	3.318	2.218	-	-	-
Pot Cap-1 Maneuver	123	318	707	-	-	-
Stage 1	378	-	-	-	-	-
Stage 2	538	-	-	-	-	-
Platoon blocked, %	-	-	-	-	-	-
Mov Cap-1 Maneuver	121	318	707	-	-	-
Mov Cap-2 Maneuver	254	-	-	-	-	-
Stage 1	373	-	-	-	-	-
Stage 2	538	-	-	-	-	-
Approach	EB	NB	SB			
HCM Control Delay, s	22	0.2	0			
HCM LOS	C					
Minor Lane/Major Mvmt	NBL	NBT	EBLn1	SBT	SBR	
Capacity (veh/h)	707	-	272	-	-	
HCM Lane V/C Ratio	0.014	-	0.224	-	-	
HCM Control Delay (s)	10.2	-	22	-	-	
HCM Lane LOS	B	-	C	-	-	
HCM 95th %tile Q(veh)	0	-	0.8	-	-	

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

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

Build AM  
02/07/2020



Lane Group	EBL	EBR	NBL	NBT	SBT	SBR
Lane Configurations	W		W	↑	↓	
Traffic Volume (vph)	58	14	8	768	336	21
Future Volume (vph)	58	14	8	768	336	21
Ideal Flow (vphpl)	1900	1900	1900	1900	1900	1900
Storage Length (ft)	0	0	35			0
Storage Lanes	1	0	1			0
Taper Length (ft)	25		100			
Lane Util. Factor	1.00	1.00	1.00	1.00	1.00	1.00
Frt	0.973				0.992	
Flt Protected	0.961		0.950			
Satd. Flow (prot)	1742	0	1770	1863	1848	0
Flt Permitted	0.961		0.950			
Satd. Flow (perm)	1742	0	1770	1863	1848	0
Link Speed (mph)	30			30	30	
Link Distance (ft)	1526			850	533	
Travel Time (s)	34.7			19.3	12.1	
Peak Hour Factor	0.75	0.75	0.75	0.75	0.75	0.75
Adj. Flow (vph)	77	19	11	1024	448	28
Shared Lane Traffic (%)						
Lane Group Flow (vph)	96	0	11	1024	476	0
Enter Blocked Intersection	No	No	No	No	No	No
Lane Alignment	Left	Right	Left	Left	Left	Right
Medlan Width(ft)	12			12	12	
Link Offset(ft)	0			0	0	
Crosswalk Width(ft)	16			16	16	
Two way Left Turn Lane				Yes	Yes	
Headway Factor	1.00	1.00	1.00	1.00	1.00	1.00
Turning Speed (mph)	15	9	15			9
Sign Control	Stop			Free	Free	

Intersection Summary	
Area Type:	Other
Control Type:	Unsignalized
Intersection Capacity Utilization	51.2%
ICU Level of Service	A
Analysis Period (min)	15

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

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

Build AM  
02/07/2020

Intersection						
Int Delay, s/veh	1.5					
Movement	EBL	EBR	NBL	NBT	SBT	SBR
Lane Configurations	Y		Y	↑	↑	
Traffic Vol, veh/h	58	14	8	768	336	21
Future Vol, veh/h	58	14	8	768	336	21
Conflicting Peds, #/hr	0	0	0	0	0	0
Sign Control	Stop	Stop	Free	Free	Free	Free
RT Channelized	-	None	-	None	-	None
Storage Length	0	-	35	-	-	-
Veh In Median Storage, #	0	-	-	0	0	-
Grade, %	0	-	-	0	0	-
Peak Hour Factor	75	75	75	75	75	75
Heavy Vehicles, %	2	2	2	2	2	2
Mvmt Flow	77	19	11	1024	448	28
Major/Minor	Minor2	Major1	Major2			
Conflicting Flow All	1508	462	476	0	-	0
Stage 1	462	-	-	-	-	-
Stage 2	1046	-	-	-	-	-
Critical Hdwy	6.42	6.22	4.12	-	-	-
Critical Hdwy Stg 1	5.42	-	-	-	-	-
Critical Hdwy Stg 2	5.42	-	-	-	-	-
Follow-up Hdwy	3.518	3.318	2.218	-	-	-
Pot Cap-1 Maneuver	133	600	1086	-	-	-
Stage 1	634	-	-	-	-	-
Stage 2	338	-	-	-	-	-
Platoon blocked, %				-	-	-
Mov Cap-1 Maneuver	132	600	1086	-	-	-
Mov Cap-2 Maneuver	253	-	-	-	-	-
Stage 1	628	-	-	-	-	-
Stage 2	338	-	-	-	-	-
Approach	EB	NB	SB			
HCM Control Delay, s	23.9	0.1	0			
HCM LOS	C					
Minor Lane/Major Mvmt	NBL	NBT	EBLn1	SBT	SBR	
Capacity (veh/h)	1086	-	285	-	-	
HCM Lane V/C Ratio	0.01	-	0.337	-	-	
HCM Control Delay (s)	8.3	-	23.9	-	-	
HCM Lane LOS	A	-	C	-	-	
HCM 95th %tile Q(veh)	0	-	1.4	-	-	

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

Wendell Place Apartments  
2: Wendell Boulevard (US 64 Business) & Site Driveway

Build AM  
02/07/2020



Lane Group	EBL	EBR	NBL	NBT	SBT	SBR
Lane Configurations	↖		↖	↑	↓	
Traffic Volume (vph)	25	6	4	824	351	7
Future Volume (vph)	25	6	4	824	351	7
Ideal Flow (vphpl)	1900	1900	1900	1900	1900	1900
Storage Length (ft)	0	0	100			0
Storage Lanes	1	0	1			0
Taper Length (ft)	25		100			
Lane Util. Factor	1.00	1.00	1.00	1.00	1.00	1.00
Frt	0.973				0.997	
Flt Protected	0.962		0.950			
Satd. Flow (prot)	1744	0	1770	1863	1857	0
Flt Permitted	0.962		0.950			
Satd. Flow (perm)	1744	0	1770	1863	1857	0
Link Speed (mph)	25			30	30	
Link Distance (ft)	535			533	606	
Travel Time (s)	14.6			12.1	13.8	
Peak Hour Factor	0.90	0.90	0.90	0.90	0.90	0.90
Adj. Flow (vph)	28	7	4	916	390	8
Shared Lane Traffic (%)						
Lane Group Flow (vph)	35	0	4	916	398	0
Enter Blocked Intersection	No	No	No	No	No	No
Lane Alignment	Left	Right	Left	Left	Left	Right
Median Width(ft)	12			12	12	
Link Offset(ft)	0			0	0	
Crosswalk Width(ft)	16			16	16	
Two way Left Turn Lane				Yes	Yes	
Headway Factor	1.00	1.00	1.00	1.00	1.00	1.00
Turning Speed (mph)	15	9	15			9
Sign Control	Stop			Free	Free	
<b>Intersection Summary</b>						
Area Type:	Other					
Control Type:	Unsignalized					
Intersection Capacity Utilization	53.4%			ICU Level of Service A		
Analysis Period (min)	15					

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

Wendell Place Apartments  
2: Wendell Boulevard (US 64 Business) & Site Driveway

Build AM  
02/07/2020

Intersection						
Int Delay, s/veh	0.4					
Movement	EBL	EBR	NBL	NBT	SBT	SBR
Lane Configurations	Y		Y	↑	↑	
Traffic Vol, veh/h	25	6	4	824	351	7
Future Vol, veh/h	25	6	4	824	351	7
Conflicting Peds, #/hr	0	0	0	0	0	0
Sign Control	Stop	Stop	Free	Free	Free	Free
RT Channelized	-	None	-	None	-	None
Storage Length	0	-	100	-	-	-
Veh in Median Storage, #	0	-	-	0	0	-
Grade, %	0	-	-	0	0	-
Peak Hour Factor	90	90	90	90	90	90
Heavy Vehicles, %	2	2	2	2	2	2
Mvmt Flow	28	7	4	916	390	8
Major/Minor	Minor2	Major1	Major2			
Conflicting Flow All	1318	394	398	0	-	0
Stage 1	394	-	-	-	-	-
Stage 2	924	-	-	-	-	-
Critical Hdwy	6.42	6.22	4.12	-	-	-
Critical Hdwy Stg 1	5.42	-	-	-	-	-
Critical Hdwy Stg 2	5.42	-	-	-	-	-
Follow-up Hdwy	3.518	3.318	2.218	-	-	-
Pot Cap-1 Maneuver	173	655	1161	-	-	-
Stage 1	681	-	-	-	-	-
Stage 2	387	-	-	-	-	-
Platoon blocked, %				-	-	-
Mov Cap-1 Maneuver	172	655	1161	-	-	-
Mov Cap-2 Maneuver	295	-	-	-	-	-
Stage 1	679	-	-	-	-	-
Stage 2	387	-	-	-	-	-
Approach	EB	NB	SB			
HCM Control Delay, s	17.2	0	0			
HCM LOS	C					
Minor Lane/Major Mvmt	NBL	NBT	EBLn1	SBT	SBR	
Capacity (veh/h)	1161	-	330	-	-	
HCM Lane WC Ratio	0.004	-	0.104	-	-	
HCM Control Delay (s)	8.1	-	17.2	-	-	
HCM Lane LOS	A	-	C	-	-	
HCM 95th %tile Q(veh)	0	-	0.3	-	-	

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

Build PM  
02/09/2020



Lane Group	EBL	EBR	NBL	NBT	SBT	SBR
Lane Configurations	↔		↔	↑	↑	
Traffic Volume (vph)	38	18	9	556	845	56
Future Volume (vph)	38	18	9	556	845	56
Ideal Flow (vphpl)	1900	1900	1900	1900	1900	1900
Storage Length (ft)	0	0	35			0
Storage Lanes	1	0	1			0
Taper Length (ft)	25		100			
Lane Util. Factor	1.00	1.00	1.00	1.00	1.00	1.00
Frt	0.956				0.992	
Frt Protected	0.967		0.950			
Satd. Flow (prot)	1722	0	1770	1863	1848	0
Frt Permitted	0.967		0.950			
Satd. Flow (perm)	1722	0	1770	1863	1848	0
Link Speed (mph)	30			30	30	
Link Distance (ft)	1526			850	533	
Travel Time (s)	34.7			19.3	12.1	
Peak Hour Factor	0.92	0.92	0.92	0.92	0.92	0.92
Adj. Flow (vph)	41	20	10	604	918	61
Shared Lane Traffic (%)						
Lane Group Flow (vph)	61	0	10	604	979	0
Enter Blocked Intersection	No	No	No	No	No	No
Lane Alignment	Left	Right	Left	Left	Left	Right
Median Width(ft)	12			12	12	
Link Offset(ft)	0			0	0	
Crosswalk Width(ft)	16			16	16	
Two way Left Turn Lane				Yes	Yes	
Headway Factor	1.00	1.00	1.00	1.00	1.00	1.00
Turning Speed (mph)	15	9	15			9
Sign Control	Stop			Free	Free	

**Intersection Summary**

Area Type: Other

Control Type: Unsignalized

Intersection Capacity Utilization 57.9%

ICU Level of Service B

Analysis Period (min) 15

**TOWN OF WENDELL  
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Wendell Place Apartments  
1: Wendell Boulevard (US 64 Business) & Industrial Drive

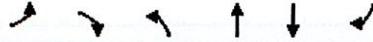
Build PM  
02/09/2020

Intersection						
Int Delay, s/veh	0.9					
Movement	EBL	EBR	NBL	NBT	SBT	SBR
Lane Configurations	↔		↔	↑	↓	
Traffic Vol, veh/h	38	18	9	556	845	56
Future Vol, veh/h	38	18	9	556	845	56
Conflicting Peds, #/hr	0	0	0	0	0	0
Sign Control	Stop	Stop	Free	Free	Free	Free
RT Channelized	-	None	-	None	-	None
Storage Length	0	-	35	-	-	-
Veh In Median Storage, #	0	-	-	0	0	-
Grade, %	0	-	-	0	0	-
Peak Hour Factor	92	92	92	92	92	92
Heavy Vehicles, %	2	2	2	2	2	2
Mvmt Flow	41	20	10	604	918	61
Major/Minor	Minor2	Major1	Major2			
Conflicting Flow All	1573	949	979	0	-	0
Stage 1	949	-	-	-	-	-
Stage 2	624	-	-	-	-	-
Critical Hdwy	6.42	6.22	4.12	-	-	-
Critical Hdwy Stg 1	5.42	-	-	-	-	-
Critical Hdwy Stg 2	5.42	-	-	-	-	-
Follow-up Hdwy	3.518	3.318	2.218	-	-	-
Pot Cap-1 Maneuver	121	316	705	-	-	-
Stage 1	376	-	-	-	-	-
Stage 2	534	-	-	-	-	-
Platoon blocked, %				-	-	-
Mov Cap-1 Maneuver	119	316	705	-	-	-
Mov Cap-2 Maneuver	252	-	-	-	-	-
Stage 1	371	-	-	-	-	-
Stage 2	534	-	-	-	-	-
Approach	EB	NB	SB			
HCM Control Delay, s	22.2	0.2	0			
HCM LOS	C					
Minor Lane/Major Mvmt	NBL	NBT	EBLn1	SBT	SBR	
Capacity (veh/h)	705	-	270	-	-	
HCM Lane V/C Ratio	0.014	-	0.225	-	-	
HCM Control Delay (s)	10.2	-	22.2	-	-	
HCM Lane LOS	B	-	C	-	-	
HCM 95th %tile Q(veh)	0	-	0.8	-	-	

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Wendell Place Apartments  
2: Wendell Boulevard (US 64 Business) & Site Driveway

Build PM  
02/09/2020



Lane Group	EBL	EBR	NBL	NBT	SBT	SBR
Lane Configurations	T		T	T	T	
Traffic Volume (vph)	15	4	6	588	897	26
Future Volume (vph)	15	4	6	588	897	26
Ideal Flow (vphpl)	1900	1900	1900	1900	1900	1900
Storage Length (ft)	0	0	100			0
Storage Lanes	1	0	1			0
Taper Length (ft)	25		100			
Lane Util. Factor	1.00	1.00	1.00	1.00	1.00	1.00
Frt	0.974				0.996	
Flt Protected	0.961		0.950			
Satd. Flow (prot)	1744	0	1770	1863	1855	0
Flt Permitted	0.961		0.950			
Satd. Flow (perm)	1744	0	1770	1863	1855	0
Link Speed (mph)	25			30	30	
Link Distance (ft)	535			533	606	
Travel Time (s)	14.6			12.1	13.8	
Peak Hour Factor	0.90	0.90	0.90	0.90	0.90	0.90
Adj. Flow (vph)	17	4	7	653	997	29
Shared Lane Traffic (%)						
Lane Group Flow (vph)	21	0	7	653	1026	0
Enter Blocked Intersection	No	No	No	No	No	No
Lane Alignment	Left	Right	Left	Left	Left	Right
Median Width(ft)	12			12	12	
Link Offset(ft)	0			0	0	
Crosswalk Width(ft)	16			16	16	
Two way Left Turn Lane				Yes	Yes	
Headway Factor	1.00	1.00	1.00	1.00	1.00	1.00
Turning Speed (mph)	15	9	15			9
Sign Control	Stop			Free	Free	

Intersection Summary	
Area Type:	Other
Control Type:	Unsignalized
Intersection Capacity Utilization	58.8%
ICU Level of Service	B
Analysis Period (min)	15

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Wendell Place Apartments  
2: Wendell Boulevard (US 64 Business) & Site Driveway

Build PM  
02/09/2020

Intersection						
Int Delay, s/veh	0.3					
Movement	EBL	EBR	NBL	NBT	SBT	SBR
Lane Configurations	↔		↔	↑	↓	
Traffic Vol, veh/h	15	4	6	588	897	26
Future Vol, veh/h	15	4	6	588	897	26
Conflicting Peds, #/hr	0	0	0	0	0	0
Sign Control	Stop	Stop	Free	Free	Free	Free
RT Channelized	-	None	-	None	-	None
Storage Length	0	-	100	-	-	-
Veh In Median Storage, #	0	-	-	0	0	-
Grade, %	0	-	-	0	0	-
Peak Hour Factor	90	90	90	90	90	90
Heavy Vehicles, %	2	2	2	2	2	2
Mvmt Flow	17	4	7	653	997	29
Major/Minor	Minor2	Major1	Major2			
Conflicting Flow All	1679	1012	1026	0	-	0
Stage 1	1012	-	-	-	-	-
Stage 2	667	-	-	-	-	-
Critical Hdwy	6.42	6.22	4.12	-	-	-
Critical Hdwy Stg 1	5.42	-	-	-	-	-
Critical Hdwy Stg 2	5.42	-	-	-	-	-
Follow-up Hdwy	3.518	3.318	2.218	-	-	-
Pot Cap-1 Maneuver	104	290	677	-	-	-
Stage 1	351	-	-	-	-	-
Stage 2	510	-	-	-	-	-
Platoon blocked, %	-	-	-	-	-	-
Mov Cap-1 Maneuver	103	290	677	-	-	-
Mov Cap-2 Maneuver	233	-	-	-	-	-
Stage 1	347	-	-	-	-	-
Stage 2	510	-	-	-	-	-
Approach	EB	NB	SB			
HCM Control Delay, s	21.2	0.1	0			
HCM LOS	C					
Minor Lane/Major Mvmt	NBL	NBT	EBLn1	SBT	SBR	
Capacity (veh/h)	677	-	243	-	-	
HCM Lane V/C Ratio	0.01	-	0.087	-	-	
HCM Control Delay (s)	10.4	-	21.2	-	-	
HCM Lane LOS	B	-	C	-	-	
HCM 95th %tile Q(veh)	0	-	0.3	-	-	

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Kevin Dean, Civil Engineer of Kimley-Horn, 421 Fayetteville Street, Raleigh, said he got his civil engineering degree from NC State and has been conducting traffic studies for 9 years. Mr. Dean said that the amount of traffic generated by this project isn't sufficient to meet Town or NCDOT standards/threshold for a traffic study. However, Mr. Dean said knowing that they needed to evaluate the impacts on traffic congestion, they performed an assessment. He said that the last time this project was presented to the Board, they had all of the traffic coming out through Church Street to get to Industrial, with that traffic going from Industrial to Wendell Boulevard. He said that most of the traffic from this site is expected to go north on Wendell Blvd. Mr. Dean said that this would take a considerable amount of traffic from this site off of Industrial Dr. Mr. Dean said that this development would generate 40 total trips in the morning, and 51 total trips in the afternoon. He said that traffic on Wendell Blvd has been decreasing due to Wendell Falls Parkway opening up. Mr. Dean said that they're expecting acceptable levels of service. Mr. Dean noted that they analyzed this as a single-access point only out to Wendell Blvd. He offered to answer any questions that the Board might have.

Commissioner Jon Lutz asked Mr. Dean to clarify that the only entrance that they included in their study was based off of the main entrance to the development.

Mr. Dean said they only looked at the main entrance and that their previous analysis looked at all of the traffic going out of Church Street going out to Industrial Drive also showed minimal impacts given how little additional traffic this development is going to generate.

Mayor Gray asked if any citizens would like to speak for or against the proposed development.

Attorney Stephan Bowens, 555 Fayetteville Street, Suite 300, Raleigh, said he was speaking on behalf of Geraldine Herndon and Carnell Herndon, 230 Church Street of Wendell. Attorney Bowens said he would like to make an opening statement before calling Mr. Herndon to speak. He said since this is an Evidentiary Hearing, he would be permitted to ask questions of Mr. Herndon as it relates to the proposal. With respect to the application, Attorney Bowens said that it appeared that the applicant has rested their case and therefore cannot come back before the Board with additional evidence. He said that under *Kenan vs. Board of Adjustment* Court of Appeals case, the applicant has failed to provide substantial evidence as it relates to a couple of areas that are required for the Board to grant the Special Use Permit. The four areas that the Court of Appeals case looked at are: 1) whether or not the proposed use does not materially create a danger to the public health or safety; 2) whether or not the proposed use meets all required conditions and specifications of the local government's ordinance; 3) whether the proposed use will not substantially injure the value of adjoining property or the proposed use is a public necessity; and 4) the proposed use will be in harmony with the area in which it is to be located or otherwise is in general conformity with the local government comprehensive plan. Attorney Bowens said that, in this case, two of those four factors have not been met and called attention to the sparsity of the application,

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itself. He said that in the applicant's responses under Attachment B, the responses are insufficient to meet the statutory requirements. Attorney Bowens said that merely stating that water and sewer are available and are able to service the property as a means to meet the requirements for health and safety is insufficient under Attachment B number 2 for their listing of the questions that were proposed by the council to the applicant. Attorney Bowens said that the statement of the proposed community will not negatively affect the health and safety of anyone in Wendell and that it will provide additional safe and healthy living options that will benefit the citizens of Wendell is not substantial evidence and is in fact no evidence of whether or not the applicant has met the requirements of the statute. Regarding the statement that the proposed development states that it will positively affect the potential of surrounding properties for additional quality housing, commercial development and/or park opportunities, one of the requirements under *Kenan vs. Board of Adjustment* is that the proposed use will not substantially injure the value of adjoining properties. Attorney Bowens said there was no competent evidence offered by the applicant such as evidence from an appraiser, which the applicant didn't provide. Therefore, he would contend that the requirement hasn't been met for approval of the Special Use Permit. Attorney Bowens cited the Town's Ordinance, which says whether or not the proposed use will create a nuisance. He said that the applicant's response to this question was simply "no" without providing competent evidence. Attorney Bowens said that Mr. Dean's traffic analysis and the application was not provided for review prior to the hearing. He said that his office had contacted the town on Friday, February 7<sup>th</sup>, to confirm that no additional traffic analysis had been submitted in advance of the hearing for the project and was told that nothing in addition to the application itself, a copy of some renderings of the apartment units and a site plan were provided. **Attorney Bowens asked that the testimony of Mr. Dean be stricken from the record.** He said that another item in question was whether or not ample notice was required. Under the Town's ordinance and state law, notice must be provided to all residents adjacent or who abut the property. In this case, the notice included in the application does not include the address of Mr. Herndon at 210 Church Street as an adjacent property owner. He said that in this case, a mere statement from the applicant for the record is not sufficient enough for the Town Board to make the evidentiary finding that's necessary for substantial evidence. Attorney Bowens said that the Board has the authority to impose reasonable and appropriate conditions to safeguard the community with respect to the purpose of the permit. He said that one of the safeguards would be to keep the entrance and exit as an emergency on Church Street. Attorney Bowens said that it would make more sense to have the ingress and egress on Wendell Boulevard, alone. Attorney Bowens asked Mr. Herndon to come to the podium so that he could ask him a few questions.

Attorney Jim Cauley asked for clarification that this was the Mr. Carnell Herndon that did not receive notice.

Attorney Bowens confirmed. He asked Mr. Herndon to state where he lived.

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Mr. Herndon said that he lives at 230 Church Street and owns property at 210 Church Street.

Attorney Bowens asked Mr. Herndon, with respect to the proposed use, does his mother reside with him and how old she was.

Mr. Herndon said that his mother lived with him and she is 83 years old.

Attorney Bowens asked if she crosses the street.

Mr. Herndon confirmed that she does.

Attorney Bowens asked if his mother was nimble enough to navigate traffic.

Mr. Herndon said she's had two hip replacements.

Attorney Bowens asked if she's able to negotiate Church Street traffic, currently.

Mr. Herndon confirmed.

Attorney Bowens asked, if traffic on Church Street were to increase, would his mother still be able to cross the street?

Mr. Herndon said that she would not.

Attorney Bowens said that with increased traffic comes increased noise and noted that the traffic engineer cited that the increase would be 40 trips in the morning and 50 in the afternoon, an increase of at least 90 trips, not including what occurred in between peak hours and in the late evening. Mr. Bowens asked if that increase be a substantial increase for Church Street.

Mr. Herndon said that it would.

Attorney Bowens said that they don't have any information on the traffic analysis that was submitted for the record related to the specific wait times for the impact from Church Street to Industrial would be and asked if Mr. Herndon would confirm that.

Mr. Herndon confirmed.

Attorney Bowens asked, based on Mr. Herndon's knowledge of how many trips would currently occur on Church Street, would he believe that the increase from anywhere from 40 to 90 trips per day would adversely impact his use and enjoyment of his property.

Mr. Herndon confirmed.

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Attorney Bowens asked if Mr. Herndon had anything else he would like to say about this project.

Mr. Herndon said that he has lived in this town for over 55 years and has lived in a very quiet neighborhood. He's not opposed to progress, but the safety of his neighbors concerns him. Mr. Herndon pointed out that there aren't any sidewalks and is worried about the health and welfare of his neighborhood.

Attorney Bowens asked, in conclusion, if Mr. Herndon could read a statement as it relates to Attachment C of the application.

Mr. Herndon said "as the applicant, I agree that this permit—if granted—is issued on the presentation made herein."

Attorney Bowens said that, if he's understanding that to be the case, the presentation made herein with respect to the application are those sparse, unsubstantiated statements that are in the application for the Special Use Permit, itself. Attorney Bowens asked Mr. Herndon to confirm if this was the case.

Mr. Herndon confirmed.

Attorney Bowens asked if those were the statements that he referenced earlier.

Mr. Herndon confirmed.

Attorney Jim Cauley asked if Mr. Herndon got his mail at PO Box 811.

Mr. Herndon confirmed that it was.

Attorney Cauley said that this address was listed.

Attorney Bowens asked if Mr. Herndon's name was listed.

Attorney Cauley said no, it was under Geraldine Herndon's name.

Attorney Bowens said that since Mr. Herndon's name wasn't listed, it does not submit to the requirement of providing notice. The notice itself was deficient, meaning at a minimum, it would be necessary to defer this hearing to a later date so that proper service could be administered.

Attorney Cauley disagreed with this analysis.

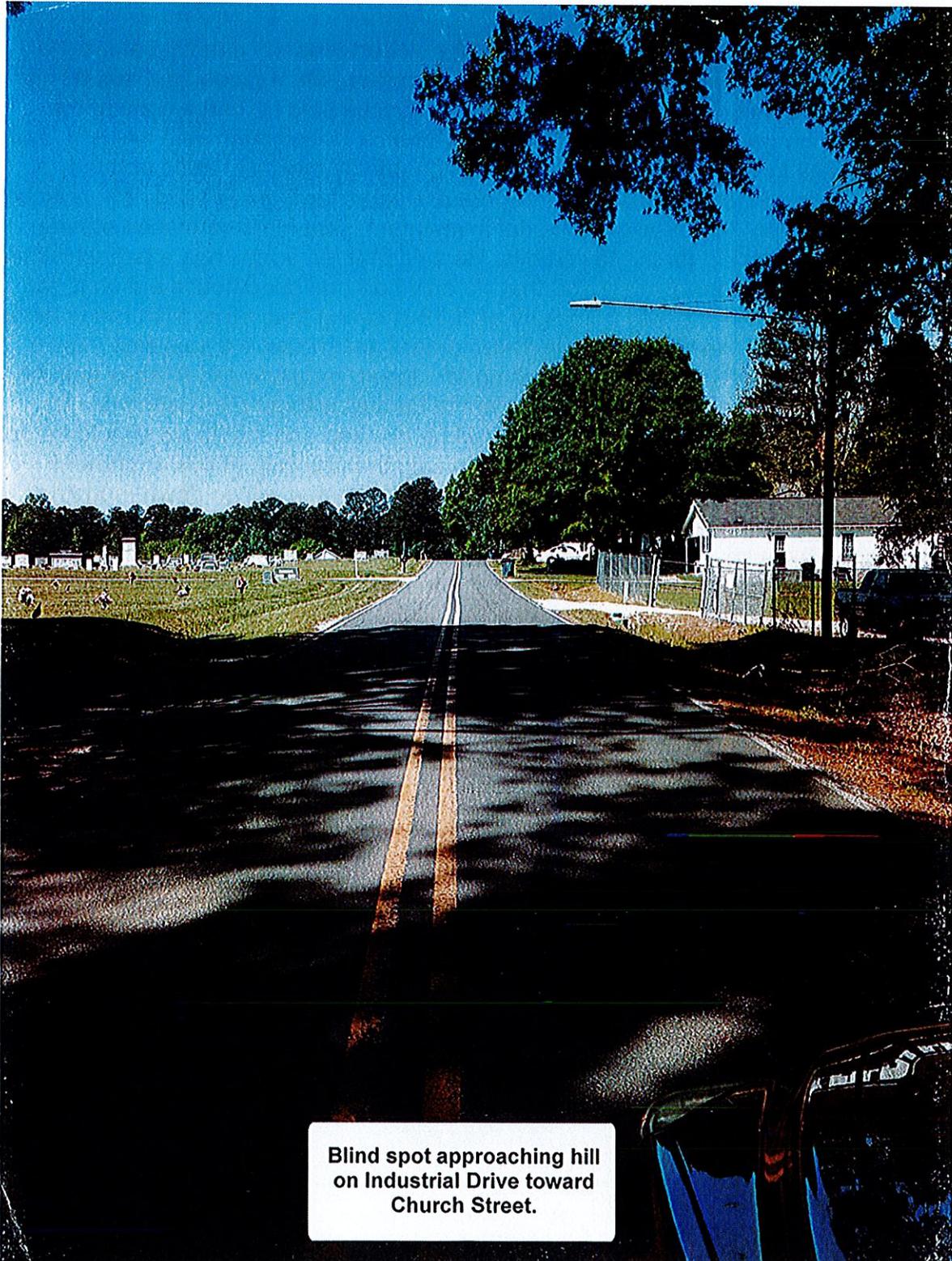
Attorney Bowens thanked the Board and said it could be dealt with in a different way.

Mayor Gray asked if anyone else that was sworn in wished to speak.

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Tyler Ayscue, 839 Industrial Drive, said his family owned property directly behind the proposed development's property and it is used as a farm. Mr. Ayscue said that this is an 84-unit, low-income housing rental project. Mr. Ayscue said he had a copy of the application and he got in contact with the North Carolina Housing Finance Agency, that issues tax credits to project like this that are designated as low-income so that the builders can obtain lending easier and it's more profitable for them to build. Mr. Ayscue said that Chris Alston, the director of Rental Investment, sent him information stating that Lucius Jones applied for the tax credits. He said that Mr. Jones has a project within a few hundred yards of this project and that it's only had one spec-house bid on it. Mr. Ayscue said that he has a photo from April of 2019 showing that, other than roads being put in on this property, no differences in development are shown. He said that there's supposed to be over 40 houses being built on Mr. Jones' property. Mr. Ayscue said he didn't see how the Board can allow one project to be built without completing the first one. Mr. Ayscue said that Church Street should be blocked and that there should be no access coming in or out from Church Street. He said that the bulk of this apartment complex is at the back of this property and that people leaving will go down Industrial Drive. Mr. Ayscue said that they still didn't know what the traffic impact of Mr. Jones' development will cause. He said that he foresees many traffic issues with both developments on Industrial and Church Street. Mr. Ayscue showed his photographs to the Board.

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Blind spot approaching hill  
on Industrial Drive toward  
Church Street.

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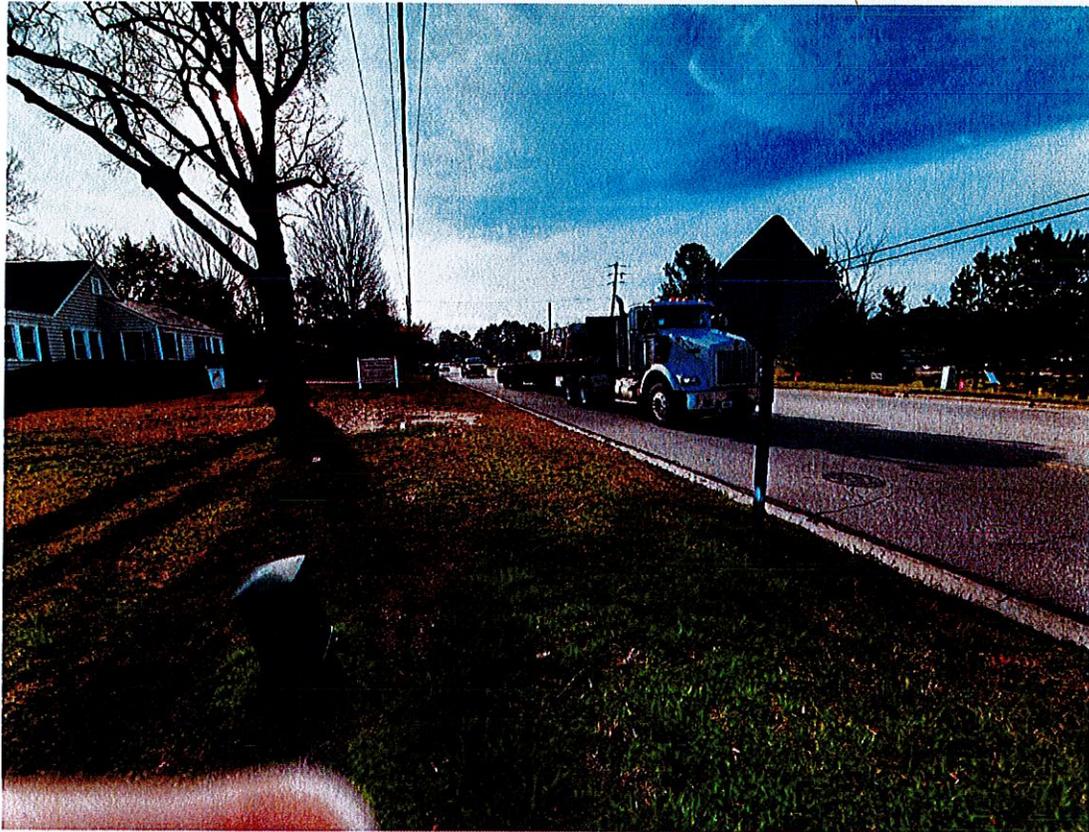


2/10/2020 Mail - Margaret Ayscue - Staff - WendellMS - Outlook

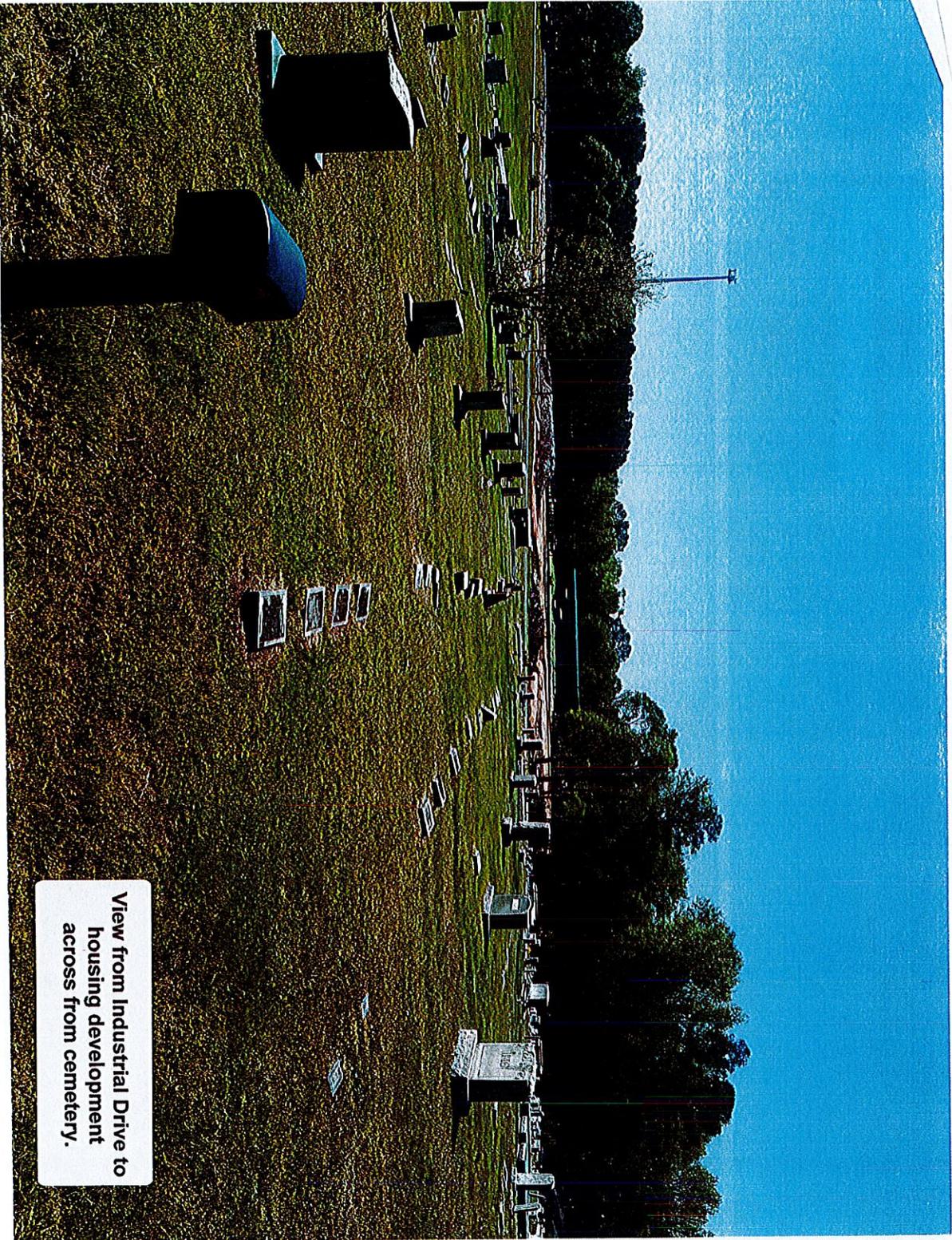
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2/10/2020

Mail - Margaret Ayscue \_ Staff - WendellMS - Outlook

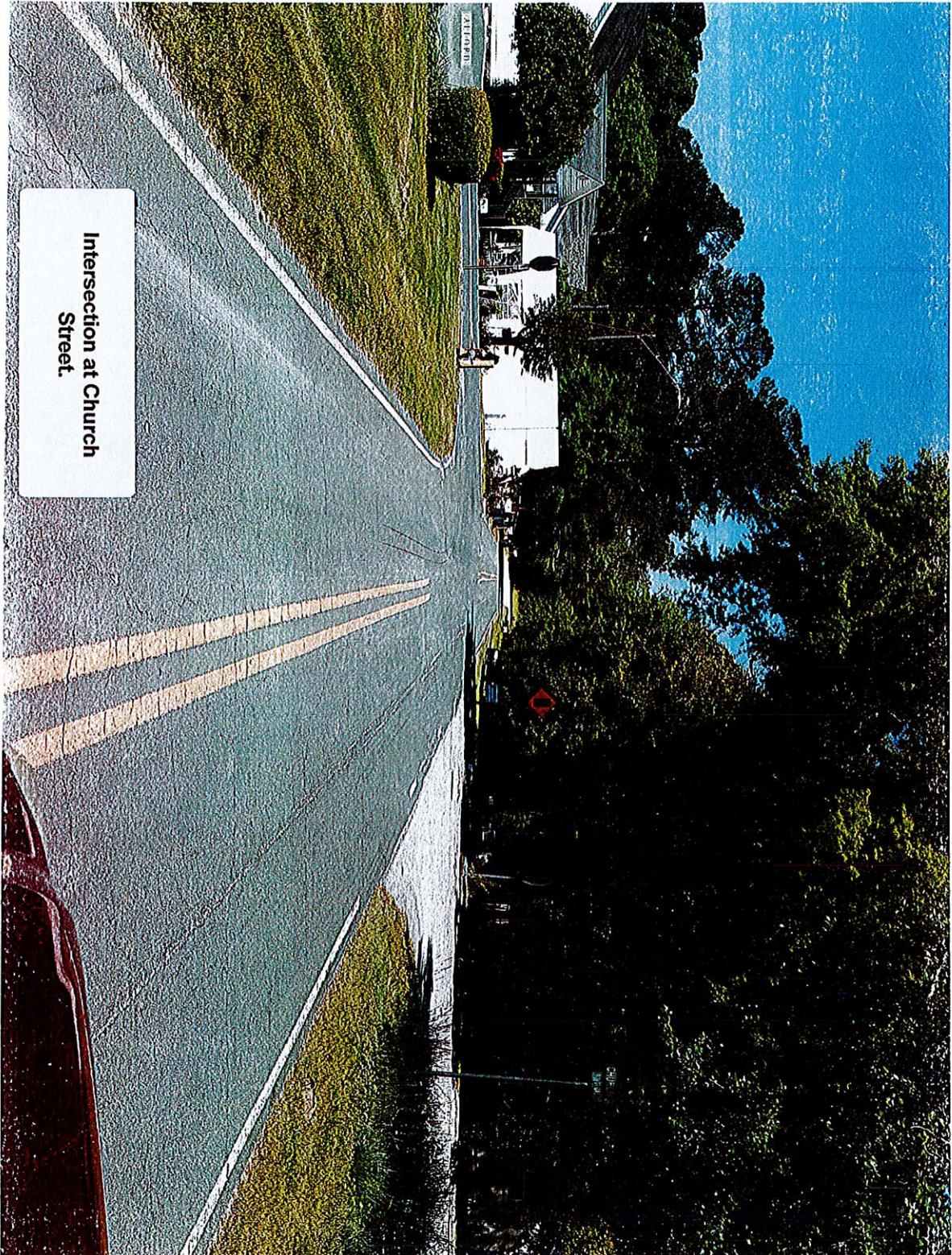


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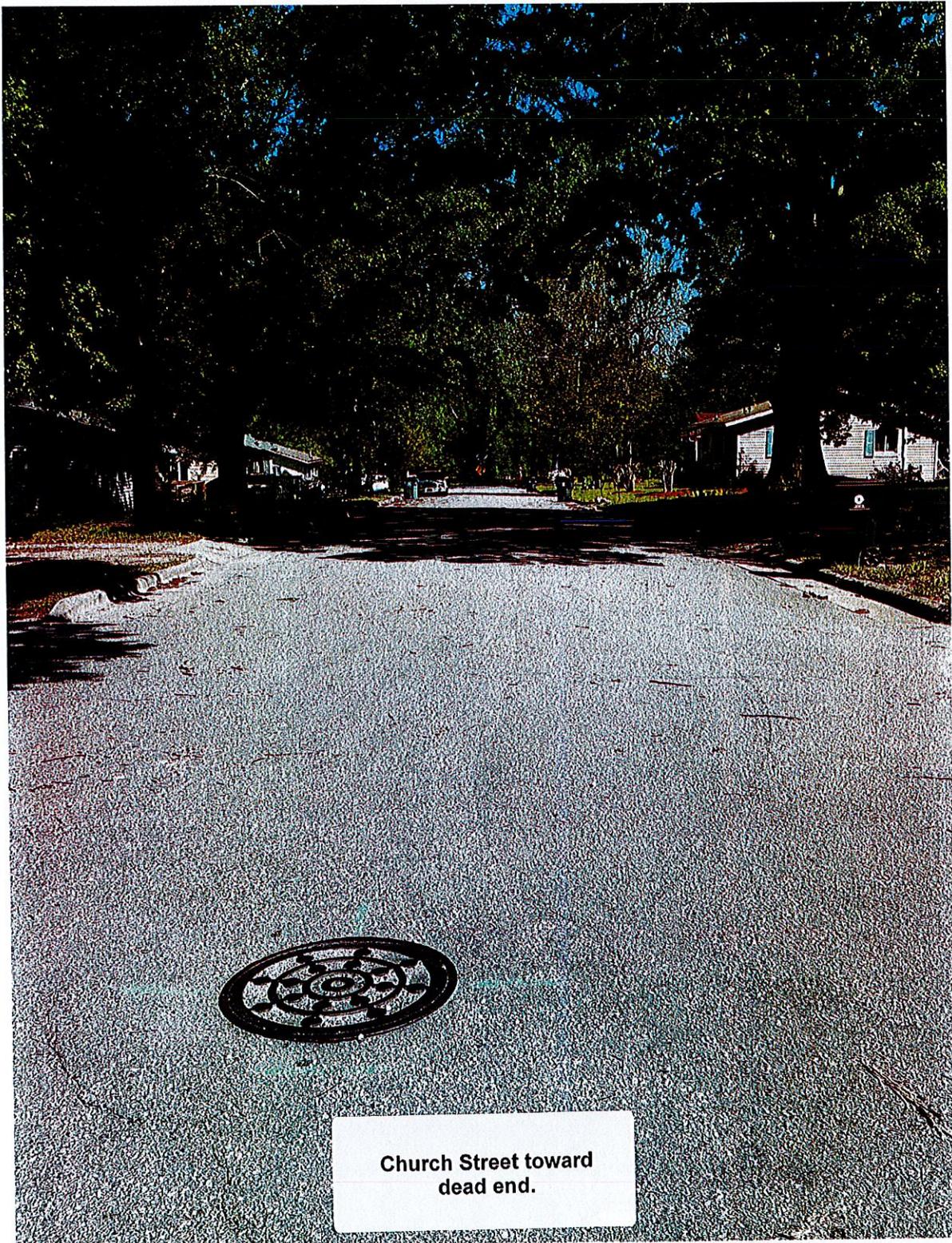
View from Industrial Drive to housing development across from cemetery.

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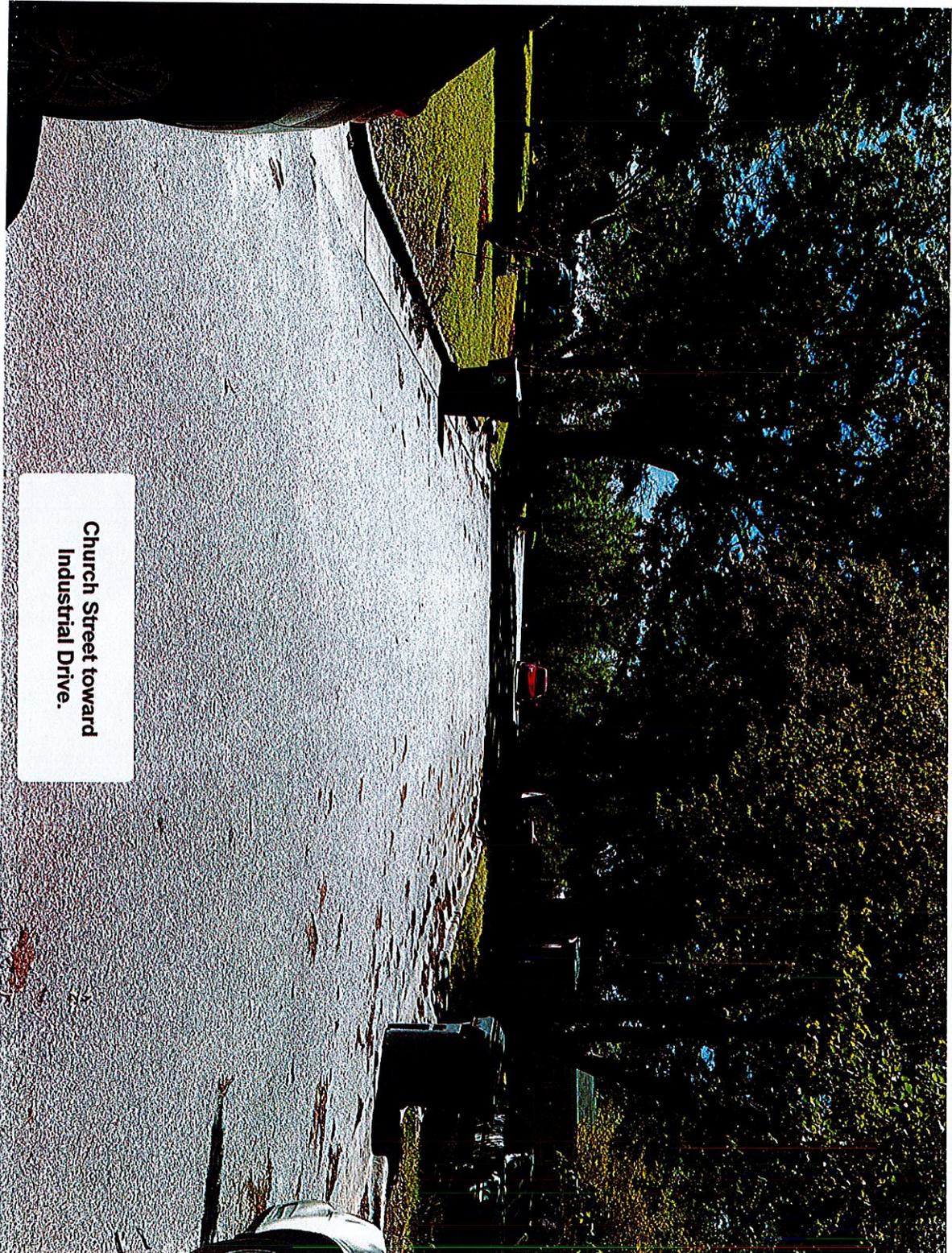
Intersection at Church  
Street.

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Church Street toward  
dead end.

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**Deteriorating road going  
down  
Industrial Drive toward  
Church Street.**

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Dead end at Church Street.

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Street parking on  
Church Street.

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

Commissioner Jason Joyner asked someone to speak to the terms of brevity about this project and the lack of explanation on the behalf of the applicant. Mr. Joyner asked Mr. Bergmark to clarify the conditional requirements.

Planning Director David Bergmark said that he had a rebuttal he wanted to clarify in response to Attorney Bowens. He said at the April meeting aforementioned, Town staff did not advocate for Church Street to be the only connection. Town staff informed the Board that the UDO did not require a connection to Wendell Boulevard and that it only required the minimum number of street stubs to the boundary of that parcel. He said that now that the applicant is proposing a connection to Wendell Blvd, that does not negate Town requirements to connect to existing stubs. Church Street is an existing stub and per section 9.7d of the UDO states that new developments shall connect to existing streets stubs from adjacent properties. Mr. Bergmark said that this is not a change in staff position and that this is a clarification of Town regulatory requirements based on changes to the application, itself.

Attorney Bowens said that, with respect to that, staff said unequivocally that it recommended approval of the site in April of 2019 as a result of the plan that was submitted which had only one ingress and egress. Mr. Bowens said that, as a condition, this board could approve the site with the condition that it still have the additional ingress/egress, but only for emergency purposes, while making that a condition of the grant of the special use permit.

Applicant Jim Harrel said that they feel confident in their application. He said they can show the Board the space that's provided and asked that his council be allowed time for a rebuttal.

Attorney Stephen Bowens said that he would object with respect to rebuttal that the council has rested.

Mayor Virginia Gray said that he reserved the opportunity for that, previously.

Mr. Bowens said that he reserved that opportunity for the end of Mr. Harrel and Mr. Gillet's opportunities to speak.

Town Attorney Jim Cauley said that if the Board wanted to hear further from the applicant's council that they could.

Attorney Brady Herman said that Mr. Herndon's attorney has not demonstrated that Mr. Herndon has standing to be a party opposing this SUP application and said that, under the law in NC G.S. 160A-393, in order to have standing as a party to oppose an SUP

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application at a quasi-judicial hearing, one must be those who suffer special damages as a result of the decision. Mr. Herman said that here, special damages means damages that are distinct from the rest of the community and there is no competent evidence that was given by Mr. Herndon's attorney that he will suffer special damages distinct from the rest of the community. Mr. Herman said that even if his testimony was regarding traffic safety and the number of traffic trips that would go on Church Street, that type of testimony under 160A-393 requires competent evidence. Mr. Herman said that lay opinion testimony as to whether vehicular traffic would pose a danger to the community must be provided by expert testimony, rather than lay opinion testimony. Referring to the standard that Mr. Bowens and Mr. Herndon had suggested, Mr. Herman said that the applicant has addressed all of the issues that are listed in the general requirements to guide this Board's decision. He said that, under the Town's Ordinance as it's written, it says "which are based upon the sworn testimony and evidence presented at the hearing, relevant to the following standards." He said that, in other words, not every single standard has to be met in this list in order for the Special Use Permit to be issued. Mr. Herman contested respectfully that the Kenan Standard that the opposing council has suggested uses a standard that says "will not substantially impair the adjoining property values" is not listed in the Town's Ordinance as written. Mr. Herman argued that the opposing party has not provided any competent evidence regarding any decrease in property values. He said that Zoning Ordinances are construed in the favor of free use of property. Regarding the notice requirement, Mr. Herman said that it is clear in the application that the notice was sent to Mr. Herndon's address at his PO Box.

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Mr. Herman respectfully asked that the applicant has met all of the standards under the Ordinance and that the Board approve his application.

Attorney Bowens said that the standard of whether or not the proposed use “will not substantially injure the value of the adjoining property or the proposed use is a public necessity” is essentially the same as “will the proposed use affect adjacent properties or other uses” as number four and number five in the Town’s ordinance questions, stating “will the proposed use constitute a nuisance or hazard to a number of persons who will attend or use the facility of vehicular movement, noise, fume, generation of type and activity.” Mr. Bowens said that, in this case, there was no explanation in the application and with respect to the proposed use and the impact on adjacent property owners, the only evidence—much like the applicant said—that the requirement for competent evidence is to use a traffic engineer, an appraiser or a licensed person that can speak to the impact. Mr. Bowens said that the Kenan case speaks to this, as it is the seminal case in North Carolina as to how Boards would review such actions. Mr. Bowens thanked the Board for their time.

Mayor Gray asked if anyone else wanted to speak.

No one else spoke.

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

Commissioner Jason Joyner said that he likes this map better than previous ideations, specifically to the Church Street area. He said that the conversation that was had about this development at the first April meeting is why there’s a second entrance, now.

Mayor Virginia Gray asked if Church Street was an emergency exit, what’s going to make it strictly for emergency vehicles.

Planning Director David Bergmark said that the applicant has not specified that level of detail yet, but it could be something with a lockbox key that fire and emergency services would have access to.

Mayor Gray asked if that’s the typical process for handling emergency exit/entrances.

Mr. Harrell III said that they have seen and done emergency exits like this and there are two options that could be taken: the lockbox, or they can put posts up that emergency vehicles can go over but other vehicles would have to stop.

Mayor Gray said that she was bothered by the fact that the Traffic Analysis hadn’t been attached to the original application and was instead given to the Board the night of the meeting. Mayor Gray also voiced her concerns over the density of this space, due to the

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Board being in the middle of the Comp update, which allows for citizens to contribute to those types of plans such as the ones that voiced their concerns over this development.

Mayor Pro Tempore John Boyette asked the opposing council, Attorney Bowens, what changes could be made to this project that would make it palatable to his client.

Attorney Bowens said his clients are opposed to the project as a whole, but if the project were to be approved with the condition that the entrance and exit on Church Street would only be for emergency personnel as a condition of the issuance of the special use permit, that would go a long way in causing his clients to accept the project as submitted.

Mayor Gray asked Mr. Bergmark if this project has been submitted to the Technical Review Committee.

Mr. Bergmark said not yet per the new procedural requirements for the SUP. He said that the project would be submitted after the Board meeting, if it was approved.

Commissioner Jon Lutz said that the first page of the traffic analysis shows the peak turning point times and that there are some new sites listed and he asked if these were recommended early on in the project development.

Mr. Dean said that they collected those accounts on April 17, 2019 and updated the accounts due to the Lapp Funds that are upcoming. They updated volumes and increased them by 3% to project future volumes with site traffic and industry data added. He said that the neighboring development Wendell Crossing traffic was also included in this study.

Commissioner Lutz said that the check on those accounts was done on a day when school was out of session back in April. He reiterated the importance of including school day traffic in this study.

Mr. Dean said that they included the additional school traffic in their updates. He said that these plans have been reviewed and approved by DOT as to the validity of the counts in this analysis.

Commissioner Lutz said that the narrowness of Church Street and the back entrance gave him cause for concern for the people who lived in the area. He said a lot of people would leave out that entrance due to it being close to the clubhouse.

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**ACTION**

**Mover:** Mayor Pro Tem John Boyette moved to approve the Special Use Request by James A Harrell III on behalf of Wendell/Larue, LLC for a two-story, 84-unit apartment complex at 0 Wendell Blvd (PIN #1784326835; behind Industrial Drive) with the condition that the access between Church Street and the parking area at the rear of the proposed plan is designated as an emergency entrance and exit only.

**Vote:** 4-1

- 5a. PUBLIC HEARING:** for annexation petition A-19-06 for a 20.03-acre tract located off of Wendell Boulevard; PIN # 1774-66-5953  
Speaker: Planning Director David Bergmark

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

**Item Summary:**

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

**Public Utilities:**

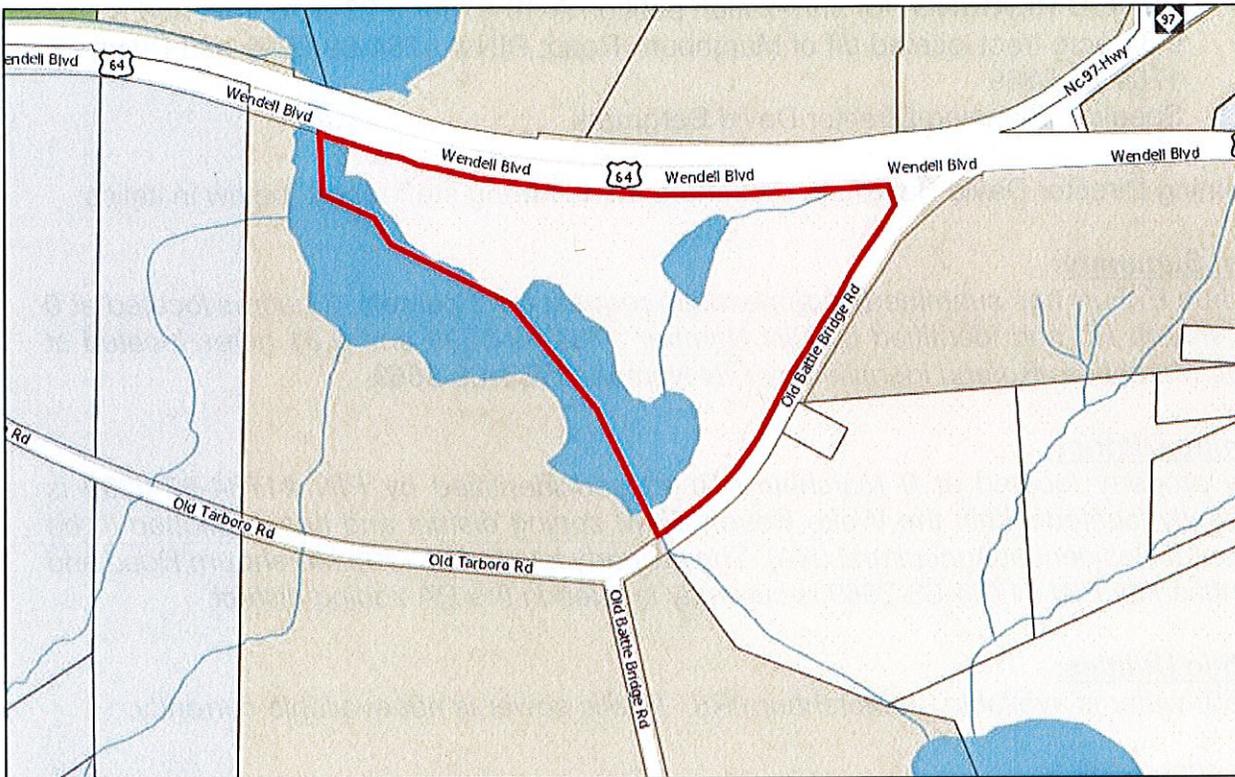
*Public water and sewer are available.*

**Tax Information:**

*Currently, the property is vacant with a total assessed value of \$1,021,221. At the current tax rate of 49 cents, annexation of this property "as-is" would result in approximately \$5000 in annual tax revenue for the Town. This figure will increase substantially as the parcel is developed for a future 27,000 sq. foot headquarters and ancillary office buildings.*

**Location Map:**

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Mayor Gray opened the Public Hearing and asked to hear from the applicant.

Patrick Barbo, Project Engineer at the Timmons Group, 5410 Trinity Road in Raleigh, said that he's available to answer any questions that the Board might have concerning the project.

No questions were asked and Mayor Gray asked if any citizens wanted to speak in favor or opposition.

No citizens spoke and Mayor Gray closed the public hearing.

**ACTION**

**Mover:** Commissioner Jon Lutz moved to approve the annexation petition A-19-06 for a 20.03-acre tract located off of Wendell Boulevard; PIN # 1774-66-5953

**Vote:** 5-0

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- 5b. PUBLIC HEARING:** for annexation petition A-19-07 for a 23-acre tract and a 9.31-acre tract located off of Marshburn Road; PIN # 1784-69-5299 and PIN # 1784-68-2669  
Speaker: Planning Director David Bergmark

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

**Item Summary:**

*Joshua E. Furr has submitted an annexation request for 2 parcels: 23 acres located at 0 Marshburn Rd and identified by PIN Number 1784-69-5299 and 9.31 acres located at 1408 Marshburn Rd and identified by PIN Number 1784-68-2669.*

**Zoning District:**

*The property located at 0 Marshburn Road and identified by PIN #1784-69-5299 is currently located within the Wake County R-40 zoning district and has petitioned to be rezoned Residential Agricultural (RA). The property located at 1408 Marshburn Road and identified by PIN #1784-68-2669 is currently located in the RA zoning district.*

**Public Utilities:**

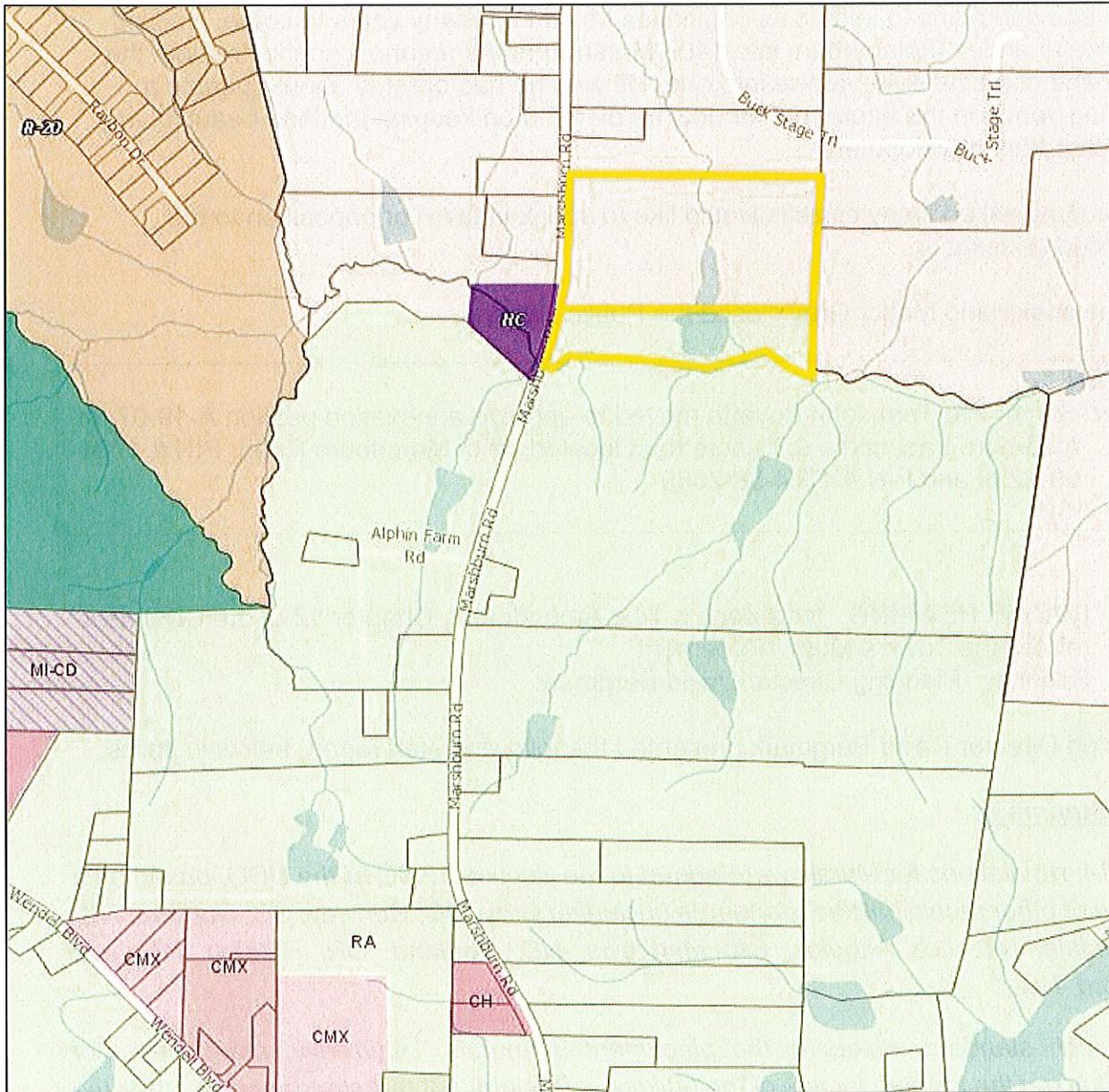
*Public water is available on Marshburn Rd. Public sewer is not available currently.*

**Tax Information:**

*Currently, the two properties contain 1 dwelling, with a total assessed value of \$726,669. At the current tax rate of 49 cents, annexation of this property "as-is" would result in approximately \$3561 in annual tax revenue for the Town.*

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Location Map:



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Mayor Gray asked to hear from the applicant.

Joshua Furr, 1408 Marshburn Road, 0 Marshburn Road, said he bought the property years ago and plans to keep it as original as he can for many years to come. He said he'd like to annex 0 Marshburn into 1408 Marshburn and rezone it so they're both the same and combine both parcels into one. He said he had dreams about opening a wedding venue in the future, but for now he planned on keeping the land beautiful and protected from development.

Mayor Gray asked if any citizens would like to speak in favor or opposition to the proposed annexation.

No one spoke and Mayor Gray closed the Public Hearing.

**ACTION**

**Mover:** Mayor Pro Tem John Boyette moved to approve annexation petition A-19-07 for a 23-acre tract and a 9.31-acre tract located off of Marshburn Road; PIN # 1784-69-5299 and PIN # 1784-68-2669

**Vote:** 5-0

- 5c. PUBLIC HEARING:** for a Zoning Text Amendment, Chapter 12 of the UDO as it relates the Town's Mural Agreement  
Speaker: Planning Director David Bergmark

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

**Item Summary:**

*In 2014, regulations for Murals were added to the Section 12.8Q of the UDO, based on a review of other municipalities' standards (including Cary, NC; Conway, SC; Durham, NC; Knightdale, NC; Los Angeles, CA; Matthews, NC; Portland, OR; Raleigh, NC; and Sanford, NC).*

*One such standard relates to the placement of murals. Currently, murals are not permitted on the primary façade of the building. The intent of this standard is to make the primary façade focused on the business use and direct any murals to side or rear facades. However, the Wendell Appearance Commission's work plan calls for the Commission to explore small mural projects aiming to give visual interest to mundane streetscape objects (see Attachment A for examples).*

*Staff does not wish to preclude these smaller art projects from being placed on a front façade. For this reason, staff is proposing to amend Section 12.8Q of the UDO to clarify that while front façade murals are generally discouraged, the Town Board may permit*

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*murals on the front façade of a structure so long as they are no more than 50 sq. ft in size.*

**Existing Mural Regulations:**

*Murals or Wall Art: A mural as defined in Chapter 19 of this ordinance is subject to the following regulations:*

- 1. No mural shall be added to the primary facade of the building.*
- 2. Murals are not intended to be placed on residential structures or their accessory structures.*
- 3. The mural shall not extend more than six inches from the plane of the wall upon which it is tiled or painted or to which it is affixed.*
- 4. If the name of any business within the town's jurisdiction is included, it will be counted as a sign and must meet the regulations for signage.*
- 5. The proposed mural must be recommended by the Appearance Commission and the final decision made by the Board of Commissioners prior to any paint being added to the building to review for appropriateness. A certificate of appropriateness will be issued by the administrator if approved by the Board of Commissioners.*

**Proposed Text Amendment**

*To Amend Chapter 12.8Q1 to read as follows (amended section is underlined):*

**“Signs Not Requiring a Permit – 12.8Q:**

**Murals:**

*A mural as defined in Chapter 19 of this ordinance is subject to the following regulations:*

- 1. Murals are generally discouraged from being placed on the primary façade of a building. However, the Town Board reserves the right to approve a primary façade mural if it does not exceed 50 sq. ft in size.*
- 2. Murals are not intended to be placed on residential structures or their accessory structures.*
- 3. The mural shall not extend more than six inches from the plane of the wall upon which it is tiled or painted or to which it is affixed.*
- 4. If the name of any business within the town's jurisdiction is included, it will be counted as a sign and must meet the regulations for signage.*

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5. *The proposed mural must be recommended by the Appearance Commission and the final decision made by the Board of Commissioners prior to any paint being added to the building to review for appropriateness. A certificate of appropriateness will be issued by the administrator if approved by the Board of Commissioners.*

**Planning Board Recommendation:**

*At their January 21, 2020 meeting, the Planning Board voted 8-0 in favor of the requested text amendment.*

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

***Voting Against:*** *None*

***Absent:*** *None*

**Statement of Plan Consistency and Reasonableness**

- *Any recommended change, if deemed necessary, 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 text amendment is consistent with principle number 2 of the comprehensive plan (below) and is reasonable in order to allow flexibility to enhance visual interest in small ways without detracting from the character of the downtown.*
- *Principle Number 2: "Protect and enhance the strengths of the downtown core, making the area a place to experience"*

**Staff Recommendation:**

*Staff recommends approval of the proposed zoning text amendment.*

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

No questions were asked and Mayor Gray opened the public hearing, asking if there were any citizens who would like to speak in favor or opposition of the proposed zoning text amendment.

No citizens spoke for or against.

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**ACTION**

**Mover:** Mayor Pro Tem John Boyette moved to adopt the Zoning Text Amendment, Chapter 12 of the UDO as it relates the Town's Mural Agreement

**Vote:** 5-0

- 5d. PUBLIC HEARING:** Rezoning for Furr Property Investments, LLC at 0 Marshburn Road for 23 acres  
Speaker: Planning Director David Bergmark

**Item Summary:**

*This property is located in Wake County within the Urban Service Area for the Town of Wendell and is currently zoned Wake County R-40. The applicant has requested annexation of this parcel and the adjacent parcel to the south. Any area annexed into the Town must be given a Wendell zoning designation. Since the adjacent parcel is zoned Residential Agricultural (RA), the applicant is requesting to rezone the subject property to RA as well.*

**Justification:**

*The applicant lists the following reasons for rezoning the property from R-40 to RA:  
"My goal is to:*

- 1. Annex the land at 0 Marshburn to be in Wendell's jurisdiction.*
- 2. Change the zoning at 0 Marshburn to conform with the same zoning as the adjacent property I own at 1408 Marshburn.*
- 3. Combine my two parcels into one.*
- 4. I would like to Connect to city water which is located in front of my house at 1408 Marshburn, I do not want the primary source to be a well.*

*For the next few years my goal for this property is beautification and landscaping for my own enjoyment."*

**Project Profile:**

PROPERTY LOCATION:	0 Marshburn Road
WAKE COUNTY PIN:	1784 69 5299
ZONING DISTRICT:	Proposed RA/ Current Wake County R-40
CROSS REFERENCES:	N/A
PROPERTY OWNER:	Furr Property Investments LLC (Joshua Furr) 1408 Marshburn Rd Wendell, NC 27591
APPLICANT:	Same as Owner
PROPERTY SIZE:	23 acres

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CURRENT LAND USE:            *Agricultural*  
PROPOSED LAND USE:        *Agricultural*

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

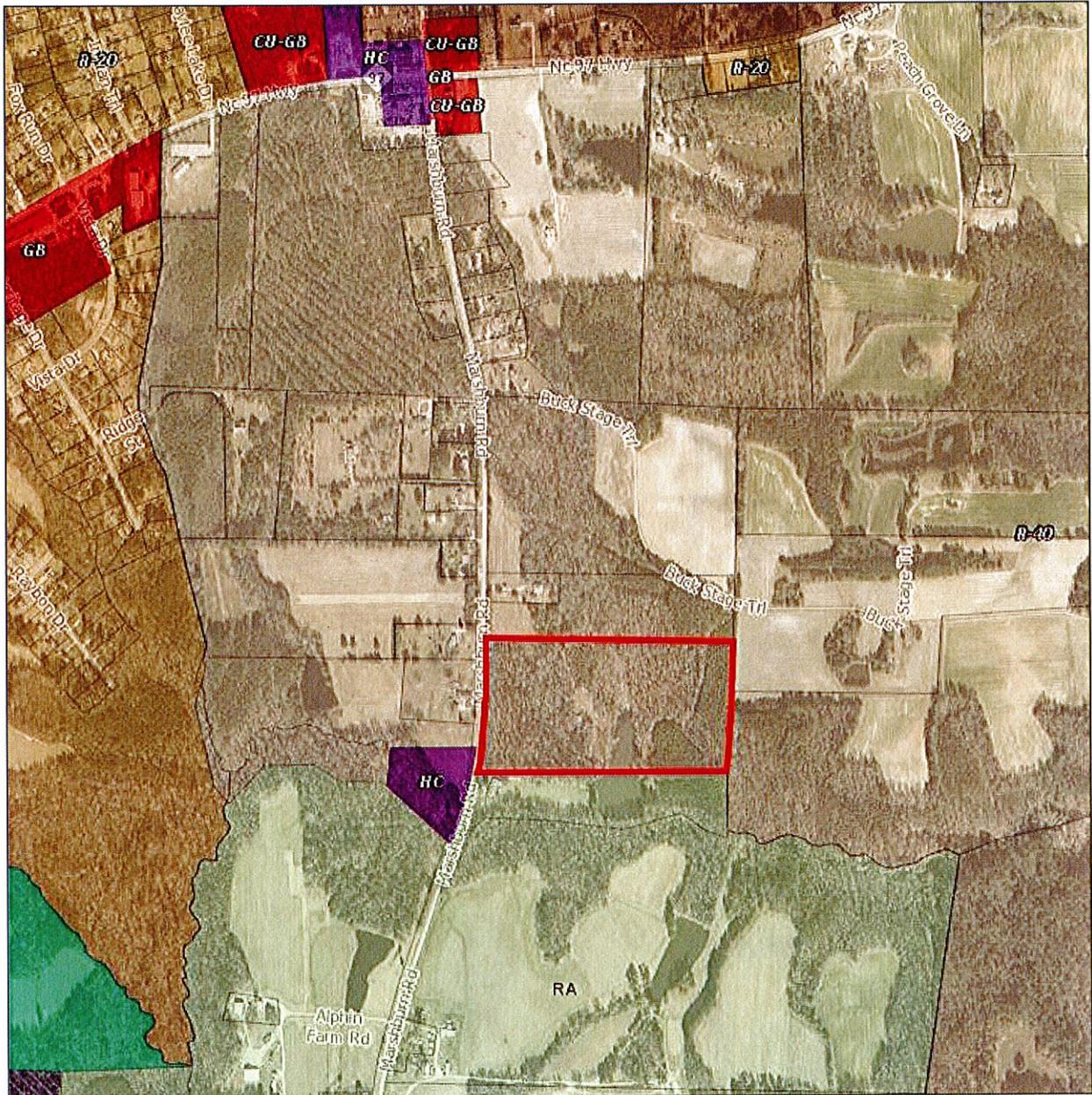
<u>DIRECTION</u>	<u>LANDUSE</u>	<u>ZONING</u>
<i>North</i>	<i>Agricultural</i>	<i>R-40</i>
<i>South</i>	<i>Residential</i>	<i>RA</i>
<i>East</i>	<i>Residential/Agricultural</i>	<i>R-40</i>
<i>West</i>	<i>Residential</i>	<i>R-40</i>

**Zoning District:**

*This property is located in Wake County within the Town's Urban Service Area and is zoned Wake County R-40. The surrounding properties are currently zoned RA and Wake County R-40.*

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

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**Comprehensive Plan:**

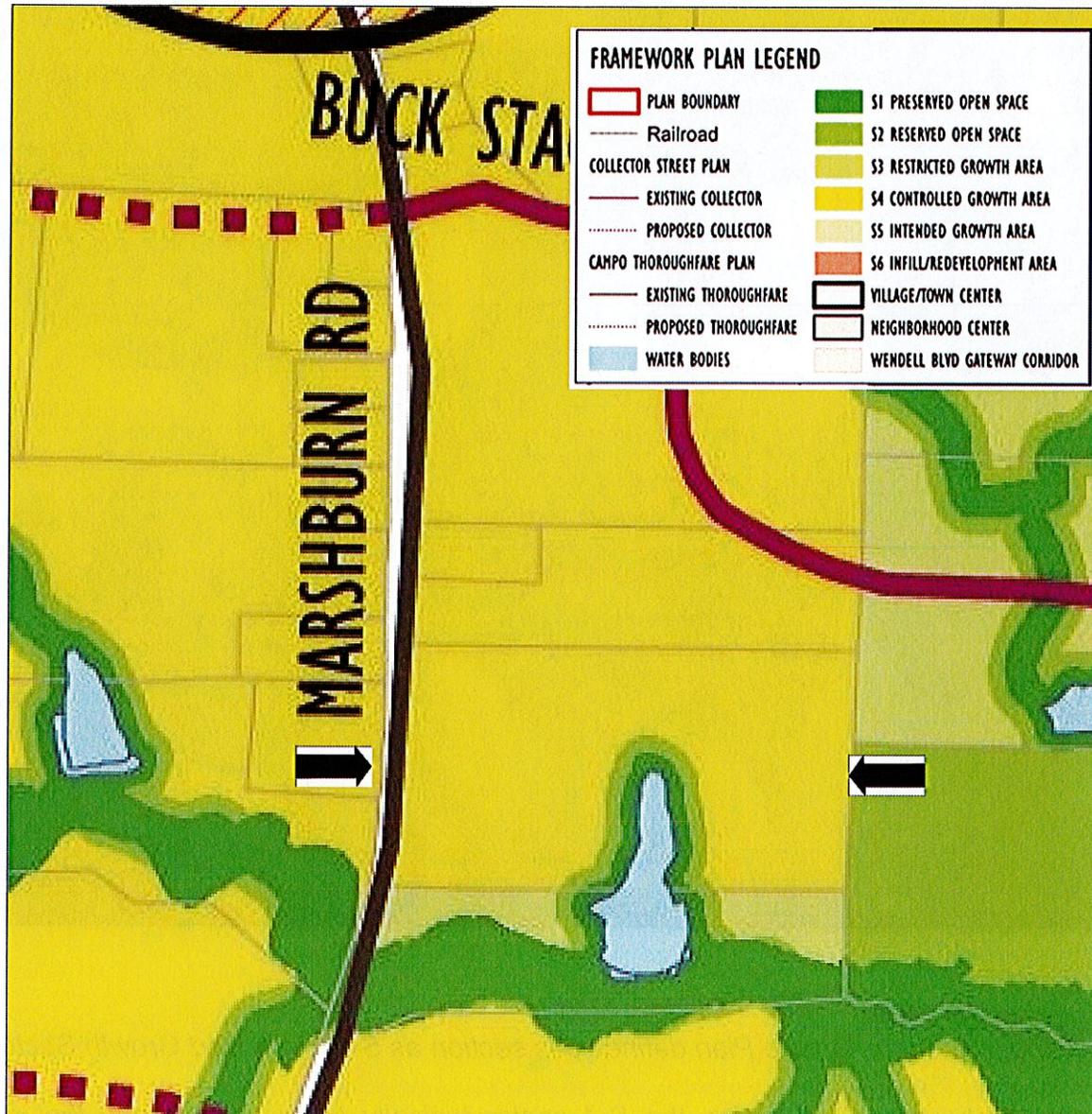
*The Wendell Comprehensive Plan defines this section as S-4 Controlled Growth Sector.*

*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*

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



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**Statement of Plan Consistency 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 be consistent with the adjacent parcel with a Wendell zoning designation. Furthermore, the proposed amendments are found to be consistent with the following principle of the Comprehensive Plan:
- Principle Number 1: "Preserve the small-town feel and historic character of the community."

**Planning Board Recommendation:**

*At their January 21, 2020 meeting, the Planning Board voted 8-0 in favor of the requested zoning map amendment.*

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

***Voting Against:*** None

***Absent:*** None

**Staff Recommendation:**

*Staff recommends approval of this rezoning request. The RA zoning district is the most comparable district to the County's R-40 zoning district which currently applies.*

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

Mayor Gray opened the public hearing and asked if there were any citizens who wanted to speak for or against the proposed rezoning. No one spoke and Mayor Gray closed the public hearing.

**ACTION**

**Mover:** Mayor Pro Tem John Boyette moved to approve the Zoning Map Amendment request for Furr Property Investments, LLC at 0 Marshburn Road for 23 acres

**Vote:** 5-0

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- 5e. PUBLIC HEARING:** Zoning Map Amendment request to rezone two parcels totaling .61 acres [.21 acres (PIN #1784-71-2467) located at 313 N. Pine Street and .4 acres (PIN #1784-71-1388) located at 230 N. Main Street] from Residential-2 (R2) to Downtown Mixed-Use (DMX).  
Speaker: Planning Director David Bergmark

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

**Item Summary:**

*These properties are located within the city limits of the Town of Wendell and are currently zoned R2. There is a service garage located at 313 N. Pine Street that was an auto repair business owned and operated by the Strickland family for many years before the Town adopted the UDO. After its adoption, the property was zoned R2, which does not permit an auto repair shop, but the existing business was grandfathered in as a legal nonconforming use. Mr. Strickland continued to operate the auto shop for many years until he lost his sight and was not able to work anymore.*

*At this time, Mr. & Mrs. Strickland would like to rent out their service garage to a local mechanic to operate a small auto repair business, but since the nonconforming use has been abandoned for several years, the UDO will not allow a non-conforming use to be re-established. In order for the auto repair shop to conduct business again, they will need to rezone the property to a zoning district that allows that use. On the same block as the service garage, Wendell Baptist Church is zoned DMX-CU. Due to the proximity of the DMX zoning district, Mrs. Strickland is requesting to rezone her property at 313 N. Pine Street and the adjacent property at 230 N. Main Street, which is also owned by Wendell Baptist Church, to DMX. This will create a continuous DMX zone. Wendell Baptist Church is aware of the request and has submitted a letter of support to staff.*

**Justification:**

*The applicant lists the following reasons for rezoning the property from R2 to DMX:*

*“We have a financial need due to the fact that my husband is now in need of 24-hour care. Thomas ran an electrical automotive business at 313 N. Main Street before he lost his eyesight. The business had been grandfathered in, but this is no longer valid since he couldn’t work and keep it going. The Planning Department recommended to rezone the property in order to start the business again.”*

**Project Profile:**

PROPERTY LOCATIONS:	313 N. Pine Street & 230 N. Main Street
WAKE COUNTY PIN:	1784-71-2467 & 1784-71-1388
ZONING DISTRICT:	Proposed DMX/ Current R2
CROSS REFERENCES:	N/A

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PROPERTY OWNERS:	Thomas & Joy Strickland 240 N. Main Street Wendell, NC 27591 Wendell Baptist Church PO Box 187 Wendell, NC 27591-0187
APPLICANT:	Joy Strickland 240 N. Main Street Wendell, NC 27591
PROPERTY SIZES:	.21 & .4 acres
CURRENT LAND USE:	Storage & Institutional
PROPOSED LAND USE:	Commercial & Institutional

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

<u>DIRECTION</u>	<u>LANDUSE</u>	<u>ZONING</u>
North	Residential	R2
South	Institutional	DMX-CD
East	Residential	R2
West	Residential	R3

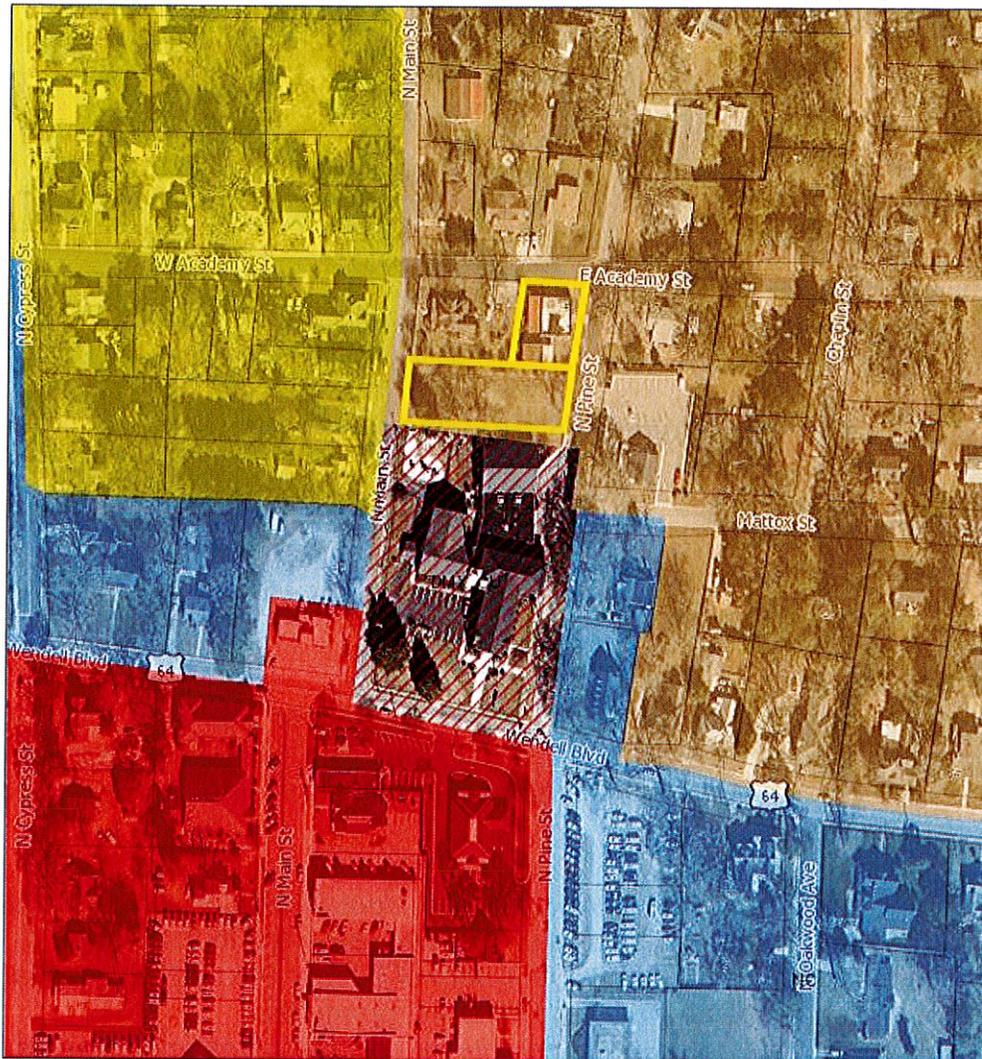
**Zoning District:**

These properties are located within the town's city limits and are zoned R2. The surrounding properties are currently zoned R2, R3 and DMX-CU. The DMX zoning district permits vehicle services- minor maintenance/repair with the following additional standards:

1. All vehicles, materials or equipment shall be stored within an enclosed building or outdoor storage with opaque fence or wall and restricted to the rear yard.
2. Storage yards shall be set back a minimum of 50 feet from any residential district. No stored vehicles may be visible from any property line.
3. Any operation which results in the creation of noxious vibrations, odors, dust, glare or sound is prohibited.
4. No vehicle may be kept or used for parts for other vehicles.
5. No vehicles may be stored for more than 30 calendar days without repair work.
6. Car washes must be approved by the City of Raleigh Public Utilities Department.

**Current Zoning Map (Requested Properties outlined in yellow):**

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**Comprehensive Plan:**

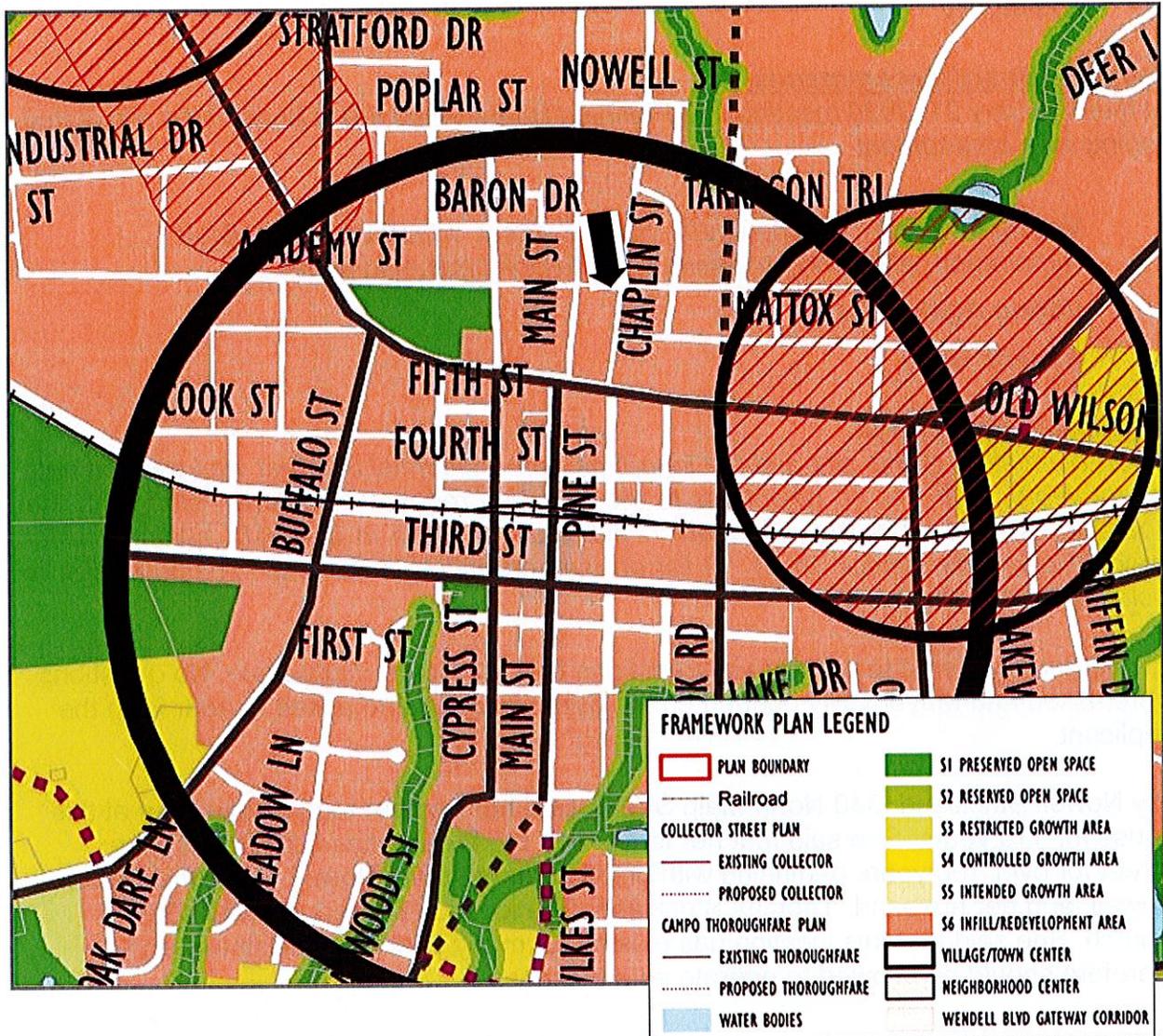
*The Wendell Comprehensive Plan defines this section as S-6 "Infill/Redevelopment Sector" in a Village Town Center.*

*The Comprehensive Plan states the "Existing urban/suburban development" with a fairly dense street grid are classified as S-6. This includes most of the built-out areas of Wendell around the historic downtown core. These areas are already urbanized and well served with infrastructure*

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

*The following community types and uses are appropriate in the S-6 sector: neighborhoods, downtowns, single-family and multifamily residential, commercial uses (retail and office), civic uses and light industrial uses.*

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**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-6 Sector and is reasonable since the properties are adjacent to the DMX zoning district. Furthermore, the proposed amendments are found to be consistent with the following principle of the Comprehensive Plan:

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- *Principle Number 1: "Preserve the small-town feel and historic character of the community."*

**Planning Board Recommendation:**

*At their January 21, 2020 meeting, the Planning Board voted 8-0 in favor of the requested zoning map amendment.*

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

***Voting Against:*** *None*

***Absent:*** *None*

**Staff Recommendation:**

*Given the history of this site and the long-time non-residential use that was present until recent years, staff has no objections to the rezoning request. However, staff asks the Board to keep in mind ALL uses which may be permitted in the DMX zoning district (beyond a vehicle service shop). A list of uses permitted in the DMX zoning district is included as Attachment B.*

Mr. Bergmark offered to answer any questions that the Board might have. No questions were asked and Mayor Gray opened up the public hearing and asked to hear from the applicant.

Joy Nowell Strickland, 340 North Main Street, said her and her family have lived at this house for 110 years. She said that her family has run businesses from 314 N Pine Street for over 100 years beginning with her grandfather, Jim Nowell, her father, Glenn Nowell, and her husband, Thomas Strickland. The location borders Wendell Baptist Church. She said that this location has existed for many years as a business and therefore should be allowed to operate as a business.

Mayor Gray asked if any citizens wanted to speak in favor or against the rezoning request.

Deans Eatman, 4 W Academy Street, said that he was in favor of the rezoning as a neighbor to the business' location.

Errol Briggerman, 14 Forest Lane, said he agrees with the rezoning of Mrs. Strickland's property, as he is a member of the neighboring Wendell Baptist Church.

Mayor Gray closed the public hearing.

Commissioner Jon Lutz said he's always driven by the business and believed that it was never a nuisance to the neighborhood.

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**ACTION**

**Mover:** Commissioner Jon Lutz moved to approve the Zoning Map Amendment request to rezone two parcels totaling .61 acres [.21 acres (PIN #1784-71-2467) located at 313 N. Pine Street and .4 acres (PIN #1784-71-1388) located at 230 N. Main Street] from Residential-2 (R2) to Downtown Mixed-Use (DMX).

**Vote:** 5-0

**The Following Public Hearings were moved to be presented before Item 5a.**

~~5f. **PUBLIC HEARING:** CD19-03— Public Hearing on an R-4 Conditional District request for properties located at 4501 Rolesville Rd, 0 Davistown Road, 1401 Davistown Road and 6021 Yancey Drive.~~

~~———— Speaker: Planning Director David Bergmark~~

~~5g. **PUBLIC HEARING:** for annexation petition A-19-04 for a 12.28-acre tract located off Rolesville Road, PIN # 1765-85-2501; a 50.16-acre tract located off Davistown Road, PIN # 1765-96-2276; a 57.76-acre tract located on Davistown Road, PIN # 1765-85-6251; and a 32.21-acre tract located on Yancey Drive, PIN # 1775-04-2139~~

~~———— Speaker: Planning Director David Bergmark~~

~~5h. **EVIDENTIARY HEARING:** Special Use request by James A. Harrell, III on behalf of Wendell/Larue, LLC for a two-story, 84-unit apartment complex at 0 Wendell Blvd (PIN #1784326835; behind Industrial Drive).~~

~~———— Speaker: Planning Director David Bergmark~~

**6. ADMINISTRATIVE ITEMS**

No Administrative Items Scheduled

**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:

 Jason Joyner met with the Volunteer Fire Department Board of Directors and said that they discussed the grand opening of the new Wendell Falls Fire Station to be open soon.

**8. COMMISSIONERS' REPORTS / COMMENTS**

Commissioner Joe DeLoach congratulated Errol Briggerman on receiving the Mayor's Award and said the Chamber Banquet was a great success. He thanked everyone for their patience at this night's meeting.

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

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

Mayor Gray said that she was pleased to award Errol Briggerman with the Mayor's Award, as he is always available to provide the invocation at Town Board meetings when needed.

Tuesday, February 18<sup>th</sup> at 7 PM is the State of the Town meeting.

Mayor Gray said she was invited to East Wake High School's Career Academy for Life Sciences. She said it has a career path that goes to pre-med or pre-vet and was a result of a rigorous application process. Mayor Gray thanked the principal for going after this initiative.

**10. CLOSED SESSION**

*Closed session will be called if necessary.*

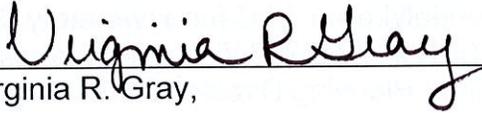
**11. ADJOURN**

**ACTION:**

Mover: Mayor Pro Tem John Boyette moved to adjourn at 11:00 p.m.

Vote: 5-0

Duly adopted this 11th day of May 2020, while in regular session.

  
Virginia R. Gray,  
Mayor

**ATTEST:**

  
Megan Howard,  
Town Clerk

