

**Planning Board Meeting  
January 22, 2019  
Minutes**

**Members Present:** Terry “Allen” Swaim, Errol Briggerman, Michael Clark, Victoria Curtis, Grace Walter, Jonathan Olson, and Ryan Zakany

**Members Absent:** Lloyd Lancaster and Joseph DeLoach

**Staff Present:** Planning Director David Bergmark, Mackenzie Day, and Linda Barbour

**Guests Present:** Steven Sanderson & Taylor Blakely

**1. Meeting Called to Order**

Chairman Terry “Allen” Swaim called the meeting to order at 7:05 pm and recognized that a quorum (minimum of 5 members) was present.

**2. Welcome and Recognition of Guests**

Chairman Swaim welcomed everyone in attendance.

**3. Chairman and Board Members’ Comments**

Chairman Swaim recognized the accomplishments of his children.

**4. Adjustment and Approval of Agenda**

Chairman Swaim asked if there were any adjustments to the agenda; as there were none, he then asked for a motion to approve. Michael Clark made a motion to approve the agenda; Jonathan Olson seconded the motion, which was unanimously approved.

**5. Public Comments**

No public comments were made.

**6. Approval of Minutes**

Chairman Swaim referred the members of the Planning Board to the minutes that staff had prepared and asked if there were any needed revisions. There being none, he asked for a motion to approve the minutes. Michael Clark made a motion to approve the minutes of the previous (November 19, 2018) meeting as submitted by staff. Victoria Curtis seconded the motion. The motion passed unanimously.

**7. Discussion, Consideration, and Action on the Following Items:**

- A. Request to rezone property located at 719 Marshburn Road from Residential-3 (R3) to Neighborhood Center (NC).**

Chairman Swaim introduced this case and Mr. Bergmark, Planning Director, presented the following staff report and background information shown in *italics* below.

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**Item Title:**

ZM19-01– Zoning Map Amendment request to rezone 5.38 acres located at 719 Marshburn Rd (PIN # 1784532377) from Residential-3 (R3) to Neighborhood Center (NC).

**Report to the Planning Board:**

- Tuesday, January 22, 2019

**Specific Action Requested:**

- That the Planning Board consider the proposed rezoning request and make a recommendation to the Board of Commissioners, to include a statement of comprehensive plan consistency.

**Applicant:**

Volunteers of America National Services

**Petition:**

The applicant has requested a change in zoning classification for property located at 719 Marshburn Rd (PIN # 1784532377) from Residential-3 (R3) to Neighborhood Center (NC).

**Location and History:**

This property is currently located within the corporate limits of the Town of Wendell and is zoned R3. This site is the location of an existing apartment complex, known as Crestfield Apartments. Per the application, “Crestfield Apartments is an existing project-based Section 8, 55 and older senior multifamily development. The 5.38-acre site contains one single-story leasing office building and ten, one -story residential buildings housing 40 units. The project was originally constructed in 1988 and is currently 100% occupied. The project is located were built in 1985 and include 41 residential units. The project is located in a quiet residential neighborhood but is within a quarter mile of a grocery store, post office, fire station, shopping, and restaurants.”

When the Unified Development Ordinance was passed in July of 2010, multi-family dwelling units became prohibited in the R3 zoning district. As a result, Crestfield Apartments is considered an existing non-conforming use. As further explained in the ‘Justification’ section of this report, the applicant is seeking to rezone their property to place this project within a zoning district designation which does not prohibit multi-family dwellings. This would be an important step in the event that this property was ever significantly damaged and required reconstruction.

**Justification:**

*The applicant lists the following reasons for rezoning the property from R3 to NC:*

*“The site is zoned R-3...which allows for multifamily uses with a special permit from the city. Minimum lot size is 10,000 square feet in the R3 zoning district. Maximum building height is three stories. Multifamily development is approved on a case by case basis, and according to the zoning office, this development likely predates this zoning designation. Thus, the site is a grandfathered use. The site conforms to parking requirements at 62 parking spaces, meeting the minimum 40 parking spaces requirement. The parcel adjacent north of the site is Alexander Place Apartments, which was recently rezoned to NC, Neighborhood Center. It was further approved for its multifamily use and density as it exists when it underwent renovation. Thus, because there is a new precedent set with the adjacent property Alexander Place, the owners of the Crestfield Apartments site are seeking rezoning designation from R-3 to NC.”*

**Zoning District:**

- *The property is currently located within the town’s corporate limits and is zoned R3. When the Unified Development Ordinance was passed in July of 2010, multi-family dwelling units became prohibited in the R3 zoning district. As a result, Crestfield Apartments is considered an existing non-conforming use. Chapter 13 of the UDO outlines the standards for nonconforming uses and structures.*
- *Existing non-conforming uses may continue their use and even be enlarged or altered, so long as any enlargement or alteration is in compliance with all yard requirements and other regulations. If a nonconforming use is abandoned for 180 consecutive calendars days or more, the use shall not be allowed to be re-established, except in conformance with the town’s regulations. Furthermore, should a nonconforming structure be destroyed by any means to an extent of more than 65 percent of its appraised value at time of destruction, it shall not be reconstructed except in conformity with the provisions of the UDO.*
- *In order to allow this use to be re-established in the event of a severe natural disaster or fire, the applicant is requesting that the property be rezoned from R3 to Neighborhood Commercial (NC). Multi-family dwellings are permitted with a special use permit in the NC district. Under the UDO, multi-family dwellings are only allowed with Board approval through the special use permit process.*
- *Currently the site is bordered by an existing Neighborhood Commercial (NC) district to the north. The Alexander Place Apartments to the north was rezoned from R3 to NC in*

2012 for the same reason as this request. The rezoning of the requested property would constitute an extension of that existing district.

- As stated in section 2.8 of the UDO, the purpose and intent of the Neighborhood Commercial (NC) District is to “...provide for areas for residential and mixed-use development in close proximity to existing and planned neighborhood centers. The intent is to create higher density residential areas that compliment commercial districts with physical proximity and pedestrian connectivity. Different housing types and lot styles are encouraged.”

**Comprehensive Plan:**

The Wendell Comprehensive Plan defines this section as S6 “Infill/Redevelopment Area”.

The Comprehensive Plan states the S6 sector typically consists of “areas already urbanized and well served with infrastructure 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. Appropriate land uses listed for the S6 sector are neighborhoods, downtowns, single-family and multifamily residential, commercial uses (retail and office), civic uses, and light industrial uses.

**Staff Recommendation:**

Staff recommends approval of this rezoning request based on the following factors:

- The requested zoning map amendment for the parcel within the rezoning area identified as ZM19-01 from R3 to NC is consistent with the recommendation of the Wendell Comprehensive Land Use Plan. (**Statement of Comprehensive Plan Consistency**)
- The purpose of the rezoning request is to support the existing use at this site.

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At the conclusion of his presentation, Mr. Bergmark answered questions and received comments from the Board, as follows:

Chairman Swaim stated that there is an older gentleman who plants vegetables in a space behind the area to be rezoned and hopes that he will continue to be able to do so. David Bergmark said the rezoning decision would have no impact on that.

Ryan Zakany asked if this zoning issue was a common occurrence. David Bergmark said there have not been many.

Chairman Swaim asked when the property was originally built. John Kirkland stated that it was in 1983.

Jonathan Olsen made a motion to accept the proposed rezoning. Michael Clark seconded the motion. The motion passed unanimously.

**B. Request to amend a Commercial Highway Conditional District along Charthouse Drive (CD16-02).**

Chairman Swaim introduced the request and Mr. Bergmark, Planning Director, presented the following staff report and background information shown in *italics* below.

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**Specific Action Requested:**

*That the Planning Board consider the proposed conditional district amendment request and make a recommendation to the Board of Commissioners, to include a statement of comprehensive plan consistency and reasonableness.*

**Applicant:**

*Charthouse Holdings, LLC*

**Petition:**

*The applicant has requested to amend the existing conditional district CD16-02 regulating the property with an updated master plan proposing a multi-level climate controlled self-storage facility and new conditions on the parcel identified by PIN# 1784263321. The property is located at the northeast corner of Wendell Blvd and Charthouse Dr.*

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

**Location and History:**

*The property was rezoned by CD16-02 to a Commercial Highway (CH) conditional district designation. CD16-02 was submitted to create 5 lots along a newly created road to be named 'Charthouse Drive'. The back three lots (lots 1 -3) were given a Manufacturing and Industrial (M&I) designation, while the front 2 lots (labeled as lots 4 & 5 on the approved Master Plan) were given a Commercial Highway (CH) designation.*

Land developed as part of a conditional district must adhere to the Master Plan that is adopted with the ordinance to amend the zoning map. The master plan adopted with CD16-02 did not detail proposed uses or structures for the subject property (lots 4 & 5). Development within a conditional district requires a master plan approved by the Board of Commissioners; thus, the applicant is petitioning to update the original master plan as it applies to the subject property to provide the necessary site plan information for the commercial highway lots. Lots 4 & 5 as originally shown in the 2016 Master Plan (Attachment E) are being combined into one lot for this application.

The purpose of the CH standards is to allow the traffic of Wendell Blvd to determine the suitable intensity of commercial development for this property. Regulations and development in the CH district should facilitate convenient access, minimize traffic congestion, and reduce the visual impact of excessive signage and parking lots. The property is also located within Context Zone 2 of the Gateway Overlay District. The Gateway Overlay District is established to ensure the attractiveness of uses will in turn contribute and enhance trade, tourism, capital investment, and general welfare.

To review the plans digitally, you may click on the following link:

<http://www.townofwendell.com/files/2018-charthouse-drive-cd-amendment>

**Proposed Conditional District Conditions:**

The applicant is proposing 6 conditions. Conditions 1-4 are existing; approved with CD16-02. The applicant is requesting that they are maintained in the amendment. Conditions 5-6 are new conditions requested based on the new proposed master plan.

1. **(Previously Approved in CD16-02)** Section 8.11.E.11-Curbing/bioretenion options; no curb and gutter on proposed parking areas/islands for lot 4. Wheel stops shall be provided for all parking spaces and landscape islands.
2. **(Previously Approved in CD16-02)** The Wendell Boulevard frontage requirements shall be determined at the time of the final development plan for lot 4. A 6' sidewalk will be installed at the edge of the ultimate right of way. Any additional right-of-way improvements along Wendell Boulevard (to include, but not limited to: curb and gutter, additional travel lanes, and bike lanes) shall be determined at the time of the final development plan for lot 4. Based upon approved plans in place at that time.

*Staff Comment:* Approved roadway improvements at Wendell Builders Supply located at 2505 Wendell Blvd are currently in the process of being installed. Because the timeline of these installations is currently unclear, roadway improvements and conditions at the time of development for the subject property are difficult to predict. Staff and the town engineer will be able to better access needed improvements once the current development activity at the intersection is complete.

3. **(Previously Approved in CD16-02)** – Outdoor storage as a primary use shall be prohibited within lot 4.

*Staff Comment:* Supplemental use standards related to mini-warehouses in the CH district do not allow for outdoor storage of any “goods or materials” as a primary or accessory use.

4. **(Previously Approved in CD16-02)** – No on-street parking is allowed.
5. **(Requesting Concession)** – Eliminate the 100' maximum front setback requirement for Context Zone 2 of the Gateway Overlay District.
6. **(Requesting Concession)** – Eliminate the requirement for planting street trees in a planting strip within the right-of-way of Wendell Blvd.

*Staff Comment:* Modifications to tree protection and landscape requirements are not permitted through the conditional district process. The property owner may

submit a request to for an administrative design adjustment to the Zoning Administrator. The applicant has expressed concerns that street trees will interfere with sight triangles and traffic visibility. In similar cases, administrative design adjustments have been approved to move street trees behind the sidewalk and/or within private easements along the right-of-way to prevent them from interfering with sight triangles.

**Technical Corrections which would impact design (to be made prior to approval):**

1. **Staff Correction # 1** – Standards placed on the development of a mini-warehouse facility require that all areas be screened from any residence or offsite view from a public street by a Type C Buffer with a minimum width of 10 feet. A Type C Buffer consists of 1 tree every 40' and 1 shrub every 8'.
2. **Staff Correction # 2** – General design requirements for commercial buildings require that at least 80% of facades consist of brick or glazed brick, wood, cementitious fiber board, stone, cast stone, stone masonry units, architectural concrete block, metal composite panels, glass, marble or similar material.

Concrete masonry units (CMU), Exterior insulation finishing systems (EIFS), split face block, concrete (pre-cast or cast in place), or concrete block may comprise 20% of the façades.

Currently the façade facing Charthouse Drive is comprised of 32% Concrete Masonry Units (CMU), 8% Exterior insulation finishing systems (EIFS), and 15 % metal garage doors (for a total of 55% of materials which would be limited to the 20% category per Section 5.12E of the UDO). The treatment of garage doors is not directly addressed in Section 5.12E, but staff's interpretation is that if metal doors do not contain glass windows, they would not qualify towards the 80% requirement.

The applicant would need to either revise the proposed building materials or submit as a condition that the proposed materials contained within their building elevations be accepted as submitted.

3. **Staff Correction # 3** – Sidewalk around building and from parking lot should connect to the public sidewalk along Charthouse Dr.

As currently proposed, the Master Development Plan seeks conditions previously approved as a part of CD16-02 and an increase setback allowance. The requested street tree condition cannot be granted through the conditional district process but may be resolved with an administrative design adjustment. Staff has no objections to pulling the street trees behind the sidewalk. A change in materials or an additional condition may need to be requested to allow for the proposed elevations.

**Off-Street Parking:**

The applicant has instead requested that all parking have wheel stops as was approved in CD16-02

**Streets:**

The property is located at the northeast corner of Wendell Blvd and Charthouse Dr.

*Per the Town's Arterial and Collector Street Plan (ACS), the bordering section of Wendell Blvd is to be a Major Thoroughfare with four lanes of traffic divided by a center median. Some roadway improvements are already required as part of the Wendell Builders Supply expansion. The applicant has requested that roadway improvements for this development be determined at the time of final development plan rather than master plan (as indicated in the original Master Plan approval). This gives time for neighboring improvements to be finalized to better determine what improvements are needed. No additional right-of-way dedication is required on the north side of Wendell Blvd to satisfy the requirements of the ACS.*

*All drives shall meet the requirements as set forth in the UDO at the time of development.*

**Comprehensive Plan:**

*The Wendell Comprehensive Plan defines the subject property as being within the S-4 "Controlled Growth Sector". It also places the property within a "Neighborhood Center" and the "Wendell Blvd Gateway Corridor."*

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

*The Comprehensive Plan lists the following uses as appropriate land uses/development types within this sector: traditional neighborhood developments, neighborhood centers, single-family and multifamily residential, neighborhood-serving commercial uses (retail and office), civic uses, and industrial uses. The proposed development on the site meets the appropriate uses.*

*Neighborhood centers are "intended to be mixed-use activity centers serving surrounding neighborhoods with retail, services, civic uses, and higher density housing." "Professional office and service uses and some high-density residential uses" are recommended for the Wendell Blvd Gateway Corridor. While the proposed use does not easily fall into any of the categories listed, it is a commercial use that would serve surrounding commercial and residential uses. It's location on the outer edge of the neighborhood center also lends itself to commercial uses outside of the grocery-anchored mixed-use development that is called for as the typical use for a neighborhood center. The applicant has request relief from the 100' maximum setback of the Gateway Overlay district that was established from Comprehensive Plan recommendations for the Wendell Blvd Gateway Corridor.*

**Statement of Plan Consistency and Reasonableness**

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



**Staff Comments:**

- *Staff included no recommended conditions and 3 technical corrections within the ‘Proposed Conditional District Conditions’ section of this report.*
- *The building elevations as currently submitted do not meet the minimum commercial design standards of the UDO and will have to be modified or listed as an additional condition granted to the applicant to allow the elevations as proposed.*
- *Staff recommends the Planning Board make a positive recommendation to the Board of Commissioners, given that the applicant makes the corrections listed by staff. This proposal will undergo further review by the Technical Review Committee (TRC).*

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At the conclusion of his presentation, Mr. Bergmark answered questions and received comments from the Board, as follows:

Jonathan Olson asked if boats would be stored at the facility. David Bergmark replied that the only storage available would be inside the units, so the answer would be no.

Ryan Zakany asked the distance of the front setback. David Bergmark answered 230 ft.

Chairman Swaim asked will the sidewalks be jogged. David Bergmark replied the sidewalk would have to jog to connect due to different right-of-way widths.

Chairman Swaim asked if it will be a 3-story building. Steven Sanderson answered yes.

Jonathan Olson asked the height of the building. Steven Sanderson replied roughly 32 ft.

Chairman Swaim asked if there were residents living nearby. David Bergmark replied no.

Ryan Zakany asked about the condition regarding materials used to construct. Steven Sanderson replied he thinks the current standard will be met as they are using architectural concrete and black brick to construct, but he did not object to the condition

Chairman Swaim stated that the board can make conditional recommendations.

Michael Clark made a motion to recommend approval of the proposed conditional district, with the condition that the building materials shown within the plan submitted by architect Tony Johnson be approved by town council. Jonathan Olsen seconded the motion. The motion was passed unanimously.

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**C. Request to create an NC Conditional District for property located at 616 Wendell Falls Pkwy.**

Cha introduced the request and Mackenzie Day, Planner II presented the following staff report and background information shown in *italics* below.

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**Specific Action Requested:**

- *That the Planning Board consider the proposed conditional district request and make a recommendation to the Board of Commissioners, to include a statement of comprehensive plan consistency and reasonableness.*

**Applicant:**

*Arnold Huerta*

**Petition:**

*The applicant has requested to create a NC conditional district for approximately 19 acres of property within the parcels identified by PIN# 1783385088, PIN# 1783387100, PIN# 1783389601 and PIN# 1783388411. The proposed conditional district consists of 118 townhome units, an active recreation area, and a dog park. The requested properties are located along the northside of Wendell Falls Pkwy across from the existing Jones Landing Subdivision. A link to view the submitted Master Plan is included as Attachment A.*

*The applicant is not currently proposing separate phases, which would require separate Final Development Plan submittals.*

**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 have been proposed by the applicant.*

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

*The provisions of the CD Master Plan shall replace all conflicting development regulations set forth in this Ordinance which would otherwise apply to the development site. The Planning Board may recommend, and the Board of Commissioners may attach reasonable and appropriate conditions*

including, but not limited to, the location, nature, hours of operation, and extent of the proposed use(s). Conditions and site-specific standards shall be limited to those that address conformance of the development and use of the site to this Ordinance and officially adopted plans and those standards and conditions that address the impacts reasonably expected to be generated by the development and use of the site.

**Location and History:**

All the requested properties are currently located within the corporate limits and zoned Neighborhood Center (NC). The NC zone is coded to provide for areas of residential and mixed-use development near existing and planned neighborhood centers. The intent is to create higher density residential areas that compliment commercial districts with physical proximity and pedestrian connectivity.

To review the complete set of plans, please download the file at:

<http://www.townofwendell.com/files/huerta-townhome-cond-district-616-wendell-falls-pkwy>

**Proposed Conditional District Conditions:**

The applicant has proposed 2 conditions. Staff has suggested an additional condition, as well as noted in the Technical corrections 3 corrections which may necessitate additional conditions.

1. Townhomes to be allowed as part of the Conditional District in lieu of approval under a Special Use Permit.

*Staff Comment: This request allows for the applicant to receive authorization to develop townhomes as part of the Conditional District without applying for a separate Special Use Permit, which would likely be redundant. Townhomes are permissible in the NC district with a Special Use Permit.*

2. **(Requesting Concession)** [Street A] to be approved as proposed on Development Plan using a 54' R/W with 27' back to back street and on street parallel parking on one side. Street trees to be planted behind the sidewalk.

*Staff Comment: Street A where parallel parking is located along the street is classified as a Residential Main St in the UDO with a 64' R/W and 35' of pavement from curb to curb. Street trees would also be planted between the sidewalk and curb rather than behind the sidewalk.*

*Staff would recommend clarifying that this request is only for the portion of Street A that runs east-west as the north-south portion of the street has a lesser right-of-way and would need to be requested as a condition or corrected. If a cross section for any street is proposed to deviate from what is required in the UDO a proposed cross section should be submitted.*

3. **Staff Recommended Condition 1** – That the proposed extension of Landing View Dr be permitted to be a 60' R/W with 6' sidewalks on both sides, two 12' travel lanes, two 5' bike lanes, and curb and gutter. This condition originates from the restrictive covenants placed on the park property to

the north that apply to a future access road connecting to Landing View Dr. The restrictive covenants limit the access road to a 2-lane road with natural drainage rather than curb and gutter.

**Technical Corrections which would impact design (to be made prior to approval):**

*Please note that 3 staff corrections could result in additional conditions to be requested.*

1. **Staff Correction # 1** – No development is permitted within the Special Flood Hazard Areas or Neuse River Buffer Zone with few exemptions that do not apply to this plan. Grading is considered development. The applicant should request an additional condition to allow limited development activity within the 100-year floodplain for the sanitary sewer connection. Additional grading in protected areas should be eliminated or requested as a condition.
2. **Staff Correction # 2** – Parking areas should have a semi-opaque screen of shrubs at least 3.5 feet in height to prevent car lights or glare from shining into residences, surrounding properties, and passing drivers' eyes.
3. **Staff Correction # 3** – Detailed plans of parks, recreation and open space are required as part of the Master Plan. More detailed plans and description for the active open space area is required prior to final approval of the Master Plan.
4. **Staff Correction # 4** – Any future use of the northeast parking area for dumpsters must comply with the screening and landscaping requirements for open storage, above ground utilities, and dumpsters in the UDO. The UDO requirements do not call for dumpsters in this area. As such, the note regarding potential future use as dumpsters should be removed, or the applicant should include this request as a condition with a note that the area would have to be modified to meet all applicable UDO standards pertaining to dumpsters.
5. **Staff Correction # 5** – Provide cross sections for proposed streets and alleys. Cross-sections should include right-of-way widths, pavement widths, curb and gutter profile, planting strip widths and locations, sidewalk widths and locations, underground utilities' widths and locations, and building setbacks. As currently proposed streets and alleys do not match permitted street sections in the UDO or the Arterial and Collector Street Plan. This should be corrected to match existing cross-sections, or proposed as a condition, with all required information submitted.

*As previously stated one 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.*

*While conditional districts do allow an applicant to ask for exemptions from certain types of standards as part of their application, those exemptions are intended to be offset by other improvements which go above and beyond what is required. This process allows for creative trade-offs that can result in a better overall product.*

*As currently proposed, the Master Development Plan seeks to permit townhomes through the legislative conditional district process and allow for a modification of street requirements. Additional conditions may also need to be requested to allow for development activity in the Special Flood Hazard Area and additional deviations from street requirements.*

**Off-Street Parking:**

*Off-street parking and loading for townhomes is required to be in the rear and accessed by alleys. The applicant is providing this. The applicant is also providing additional 60 off-street and on-street overflow and amenity parking spaces for residents and guests.*

**Open Space:**

*The applicant is required to dedicate a minimum of 2.71 acres of open space, with a minimum of 0.677 acres of Park Space, as set forth in the UDO. Of those 0.677 acres of Park Space, 0.226 acres must be designed for active recreational purposes.*

*The applicant is proposing to dedicate 1.93 acres as park space with 1.04 acres being proposed as active space. The amount of proposed active space will likely decrease once a detailed plan for how active recreation will be provided is submitted. Part of what is now being included as active open space is defined as an open lawn area. Open lawn areas qualify as park space, but do not meet the minimum requirements for active open space unless the area is graded, striped, and maintained as a sports field.*

*Per Chapter 7 of the UDO, up to one-half of the total open space land required may be located within areas of special flood hazard, including the 100-year floodplain. Approximately 30% of the total proposed open space falls within the special flood hazard area. Easements or areas for public utility transmission lines shall not receive credit as open space. Property within a sanitary sewer easement and a Duke Power easement are currently counted as passive open space on the development plan. Correcting the open space calculation brings the passive open space to approximately 1.55 acres and the total open space to approximately 3.47. Similarly, dry detention structures may not be towards open space calculations.*

*The master development plan does not appear to designate any of the area within the riparian buffer as open space. These areas may be considered passive open space, but are also undevelopable per the UDO, and thus don't truly represent an improvement or benefit which the applicant is providing in exchange for other concessions.*

**Public Utilities:**

*Public water and sewer will be extended at the time of development. Per the adopted Water Allocation Policy, this project has 38 base points and must provide 12 bonus points. The applicant must detail what items are being provided over and above the UDO or Standards and Specifications.*

*A 30' sanitary sewer easement already runs through the property. The applicant will need to detail how and where they plan to tie into existing sanitary sewer and water lines.*

**Streets:**

*At the time of construction of all new roads, the standards are to be met as specified by Chapter 12 of the UDO unless special requests are made as conditions.*

*Per the Town's Arterial and Collector Street Plan (ACS), the applicant will be responsible for minor widening along the north side Wendell Falls Pkwy, for the road to meet the Town's standard for a Minor*

*Collector (2 lane undivided) with 67' of R/W. These improvements are reflected in their plan and will involve 3.5 feet of additional right-of-way dedication on the north side of Wendell Falls Pkwy.*

*The ACS also calls for the extension of Landing View Dr to also be a Minor Collector with 67' of R/W. As previously stated, staff recommends a condition allowing the extension to have a 60' R/W with 6' sidewalks on both sides, two 12' travel lanes, two 5' bike lanes, and curb and gutter.*

*Street A is requested as a condition to have a 54' R/W with parking on one side. Additional clarification is needed for this as the north-south portion of Street A is currently shown to have a 50' R/W with parking on one side. This request differs from the town's standard street sections. Residential Main Streets allow for on-street parking on both sides with a 64' R/W. Local Streets have no parking and a 52' R/W. The town does not have a standard street type that only has parking on one side.*

*Six new alleys are proposed in the development. The town's standard residential alley has a 20' easement and 12' of pavement that includes a 1' wide concrete band on both sides. It is difficult to ascertain whether proposed alleys comply with the town standard without cross sections provided.*

*All drives shall meet the requirements as set forth in the UDO at the time of development.*

**Comprehensive Plan:**

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

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

*The Comprehensive Plan lists the following uses as appropriate land uses/development types within this sector: traditional neighborhood developments, neighborhood centers, single-family and multifamily residential, neighborhood-serving commercial uses (retail and office), civic uses, and industrial uses. The proposed development on the site meets the appropriate uses*

**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 conditional district is consistent with the recommended uses and development types outlined in the Wendell Comprehensive Land Use Plan for the S-4 sector.

**Staff Comments:**

- Overall, staff is supportive of the general intent of the plan. However, there are additional details
- Staff included 1 recommended condition and 5 technical corrections within the 'Proposed Conditional District Conditions' section of this report.
- Staff has some concerns about the proposed northeast parking area being used for dumpsters based on screening requirements. Staff's recommendation would be to remove the note stating "these spaces may be used for dumpsters in future if needed"
- Staff is unable to ascertain whether the amenities to be provided will meet active open space standards without further details. The proposed development does meet the requirements for total open space acreage.
- Staff requires detailed information on the proposed street cross-sections to determine if they will function appropriately. For example, staff questions where dry utilities will be run. In some cases, there is no grass verge between the sidewalk and the road, and the street trees are being proposed within an easement behind the sidewalk. It is possible the intention is to run dry utilities in the alleys. However, if they are intended to be within the road right-of-way, it is not clear that there is enough space to accommodate them as proposed.

*The Townhome buildings along Wendell Falls Parkway are oriented to face Wendell Falls parkway with rear alley access in order to create a more appealing streetscape*

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Chairman Swaim asked if sewer connection was going to be in the floodplain. Mr. Taylor Blakely responded to this by stating he is trying to work things out at this point it may have to go through Floodplain.

Michael Clark asked about the Duke Energy Right of Way and how it would affect the space. Mr. Taylor Blakely replied he was in contact with Duke Energy, and he thinks they will permit his proposal.

Michael Clark asked about why 60 guest parking spots were needed. Mr. Taylor Blakely stated that each home would have two parking spots for residents, but all guests would have to park in these additional spots. The spots along the alleys will not have curb and gutter per builder.

Michael Clark inquired as to if there has been a transportation analysis done for this proposed development. Mr. Blakely said it would not impact traffic enough to trigger a TIA.

Chairman Swaim inquired about the existing neighbors and how they feel about this new development. Chairman Swaim then made a motion to table this proposal to the next meeting to see if the residents would approve of the proposed item.

Michael Clark seconded this motion. Victoria Curtis agreed that more information and guarantees on staff conditions are needed. The motion was passed unanimously.

Jonathan Olson asked if the residents of this new community would have roller cans for the disposal of rubbish as opposed to using dumpsters. Mackenzie answered yes they will have roller cans. Jonathan Olson asked how to notify residents about a public hearing. David Bergmark explained the difference between a public hearing vs. a planning board meeting. He stated that currently notices were only sent out in advance of public hearings.

#### **8. Adjourn to Next Regularly Scheduled Meeting**

At the conclusion of the previous discussion, Chairman Swaim asked for a motion to adjourn. Jonathan Olson made a motion to adjourn the meeting; Michael Clark seconded the motion. The motion passed unanimously, and the meeting adjourned at approximately 8:20 pm.