

**Planning Board Meeting
February 18, 2019
Minutes**

Members Present: Terry “Allen” Swaim, Errol Briggerman, Michael Clark, Joe DeLoach, Lloyd Lancaster, Grace Walter, Jonathan Olson, and Ryan Zakany

Members Absent: Victoria Curtis

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

Guests Present: Calvin Ramsey & Taylor Blakely

1. Meeting Called to Order

Chairman Terry “Allen” Swaim called the meeting to order at 7:03 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 stated that there were no comments

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. Jonathan Olson made a motion to approve the agenda; Errol Briggerman seconded the motion, which was unanimously approved.

5. Public Comments

Calvin Ramsey, Real Estate Consultant commended the board concerning the growth of our town and how he felt that the Planning Dept. and Planning Board have been doing a great job with handling the growth of Wendell. He also spoke on behalf of the developer that he has worked with in the past.

6. Approval of Minutes

Chairman Swaim referred the members of the Planning Board to the minutes that the 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 (January 22, 2019) meeting as submitted by staff. Errol Briggerman seconded the motion. The motion passed unanimously.

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

A. Discussion and Action on a Conditional District request to rezone 19 acres of property located on Wendell Falls Parkway, south of the Town Park from Neighborhood Center (NC) to Neighborhood Center Conditional District (NC-CD).

Chairman Swaim stated that the agenda item that was tabled at the last meeting. If tabled again it would proceed as a “yes” by default to the Board of Commissioners (BOC). He asked staff for clarification on this. David Bergmark explained that after 45 days of a request being presented to the Planning Board the BOC may choose to consider the request without the recommendation of the Planning Board. The lack of a Planning Board recommendation would be considered as a favorable recommendation.

Mr. Bergmark, Planning Director, introduced Mackenzie Day, Planner 2, to present the following staff report and background information shown in *italics* below.

.....
Property Address: 616 Wendell Falls Parkway

Property Size: 19 acres (4 parcels)

Current Zone: NC

Requested Zone: NC-CD18-02

Specific Action Requested:

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

Applicant: Arnold Huerta

Jurisdiction: Wendell Corporate Limits

Property Address: 616 Wendell Falls Parkway

Property Size: 19 acres (4 parcels)

Current Use: Single Family & Vacant

Proposed Use: Townhome Development

Current Zone: NC

Requested Zone: NC-CD18-02

Requested Conditions: 2

The purpose of the Conditional Districts (CD) is to provide an alternative means of land development and an alternative zoning procedure, in accordance with the planning and development objectives of the Town.

A CD should still maintain and protect “the public health, safety and welfare of the citizens”

The second purpose of a CD is to establish a more complete living and working environment.

The Planning Board may recommend, and the Board of Commissioners may attach reasonable and appropriate conditions.

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.

Mackenzie reviewed the location and history of the project.

Stating that the Current Zone is a Neighborhood Center (NC) used for residential and mixed-use development near existing and planned neighborhood centers.

She referred to the map showing surrounding areas and their current uses and then went over the proposed conditional district conditions.

- 1. Townhomes to be allowed as part of the Conditional District in lieu of approval under 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.*

Mackenzie went through a list of comparisons between the **UDO Residential Main Street** cross-section, and the applicant's proposed cross-section for **street A**.

- 3. **(Requesting Concession)** Limited development activity to be allowed in the 100-year floodplain for the sanitary sewer connection to existing sanitary sewer main and for grading along alleys.*
- 4. **(Landing View Condition)** The proposed extension of Landing View Dr be permitted to be a 60' R/W in accordance with the cross section in the proposed Master Plan.*

The restrictive covenants on the park property to the north limit the access road to a 2-lane road with natural drainage rather than curb and gutter, so a Minor Collector cross-section could not be continued to the north.

Mackenzie went over the Technical Corrections as follows:

- 1. Detailed plans of parks, recreation and open space are required as part of the Master Plan.*

Applicant should specify what active open space is provided with dimensions of each use or request a condition. The applicant has provided some additional information, but not all that is required.

- 2. Proposed alley cross section does not match the permitted street section in the UDO or Standards & Specs.*

Applicant should revise cross sections or request that the alternative alley design be accepted by staff through a condition.

Mackenzie went over a list of comparisons between the UDO Residential Alley – Standards & Specs Alley – and The Proposed Residential Alley. She then continued with additional Technical Corrections as follows:

- 3. Plant understory street trees in the overhead utility easements at an average of 25' on-center.*
- 4. Remove all easements and dry detention ponds from any open space calculations. Add riparian buffer area into passive open space total.*
- 5. The exit of Alley D and the entrance of Alley B are too close to not be aligned.*

Align alleys or move driveways far enough apart to no longer interfere with one another.

- 6. Phase 1 cannot be constructed without access to mailbox kiosks.*

Construct mailbox kiosks with Phase 1.

Staff also requests that a portion of amenities also be constructed with Phase 1.

Mackenzie then summarized the conditions & corrections.

CDs allow for creative trade-offs and the Board must decide if what the applicant is proposing results in a better overall outcome.

Applicant's Conditions:

- 1. Townhouses legislatively*
- 2. Modification of street requirements*
- 3. Limited development in Special Flood Hazard Area*

Major Items to Address:

- 1. Active open space amenities – provide additional active or request a fee in lieu of additional active.*

2. *Alley cross section – modified cross-section requested*
3. *Phasing – Mail-box kiosks required to be included in phase 1
No open space currently shown with phase 1.*

Street Parking:

*Parking & loading in rear
60 off-street and on-street overflow and amenity
parking spaces for residents and guests.*

Landscaping:

*Chinese elm trees are shown as street trees
Understory street trees should be added under Duke Power Progress easements.*

Open Space:

The applicant is required to dedicate a minimum of 118,000 square feet of open space, with a minimum of 29,500 square feet of Park Space, as set forth in UDO Chapter 7. Of the 29,500 square feet of Park Space, 7,375 square feet must be designed for active recreational purposes.

The applicant is proposing to dedicate 83,961 square feet as park space with 45,336 square feet being labeled active space. The amount of proposed active space will likely decrease once a more 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.

Staff has been able to determine that the currently proposed items provide approximately 3,600 square feet of active open space. These measurements are estimates that used the general area shown as a tot lot and swings and the exact measurements of the sand volleyball court. This still leaves 3,775 square feet of active open space unaccounted for and staff will need the applicant to provide area measurements for the swings and tot lot to not rely on estimates.

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 67,518 square feet and the total open space to approximately 151,153 square feet. 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.

Utilities:

Water Allocation-

The Water Allocation Policy gives the project 38 base points. The project must then obtain 12 bonus points.

Bonus points are obtained by providing items over and above the UDO or Standards and Specifications Manual requirements.

S-4 "Controlled Growth Sector" uses list

*Traditional Neighborhood Developments as well as
Single Family & Multi Family Residential*

The proposed development on the site meets the appropriate uses.

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 intent of the plan. However, there are some additional details to work out prior to final approval.

Staff included 1 recommended condition and 6 technical corrections within the 'Proposed Conditional District Conditions' section of this report.

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 and appears to provide more 'park' space than required.

Discussion following staff report:

Jon Olson asked for clarification concerning the width of the proposed alleys.

Mr. Taylor Blakely replied that he preferred wider pavement on the alleys, and he could add two additional feet to the alley easement, but he wasn't sure what that would really add to the project.

Lloyd Lancaster said it appeared the applicant was providing over 40,000 acres of active open space, but staff was saying they weren't meeting their requirement for 7350 square feet. He asked for clarification.

Mackenzie stated that the plan labeled areas as active open space that did not meet the UDO definition of active open space. She said the vast majority of that area proposed would be considered park space.

Lloyd Lancaster said Duke Energy recently took down a lot of trees in his neighborhood for being within their easement. He asked why Wendell would require the developer to place trees within the easement if Duke is just going to take them out.

Michael Clark said that the trees Duke removed likely weren't approved to be located within the easement.

Allen Swaim asked for clarification on where the alleys were located that needed to be aligned.

Mackenzie Day brought up the map to show the current alignment of the proposed alleys.

Lloyd Lancaster asked where staff wanted the Mail Kiosks to go, and if the new phasing shown would create a problem?

David Bergmark said their location was up to the developer. He also stated that the applicant could leave them in their current location, but he would have to amend Phase 1 to provide access to them. He said, alternatively, they could locate them closer to their proposed Phase 1.

Taylor Blakely said the proposed phasing was desirable in order to be able to start the project along Wendell Falls Parkway, where utilities were already available. He also said they would look at relocating the mail kiosks.

Taylor Blakely said he could align the alleys, add more active open space elements to the plan, and could probably add the concrete band to the alleys if that was desirable, or widen the alley easement.

Allen Swaim inquired as to what type of action the planning staff was seeking?

Mackenzie Day said staff was recommending approval of the proposed conditional district request, contingent upon staff making the technical corrections brought up in this presentation.

Michael Clark made a motion to recommend approval of the proposed conditional district request, contingent upon staff making the technical corrections brought up in this presentation. Jonathan Olson seconded the motion. The motion passed unanimously.

8. Adjourn to Next Regularly Scheduled Meeting

Chairman Swaim asked for a motion to adjourn. Lloyd Lancaster made a motion to adjourn the meeting, Ryan Zakany seconded the motion. The motion passed unanimously, and the meeting adjourned at approximately 8:05 PM.