

Planning Board Meeting – January 19, 2016 Minutes

Members Present: Harold Broadwell, Ruth Van der Grinten, Errol Briggerman, Kathe Schaecher, Ashley Anderson, Billy Bryant, and Gilda Wall.

Members Absent: Judy Silver

Staff Present: Planning Director David Bergmark, Planner Patrick Reidy

Guests Present: Lucius Jones and Rick Baker (applicants), Commissioner Ben Carroll

1. Meeting Called to Order

Mr. Broadwell called the meeting to order.

2. Welcome and Recognition of Guests

Mr. Broadwell welcomed the public.

3. Chairman and Board Members' Comments

There were no comments from the Chairperson or any Board Members.

4. Adjustment and Approval of Agenda.

Mr. Briggerman made a motion to approve the agenda. Ruth Van der Grinten seconded it. The motion passed.

5. Public Comments

There were no comments from the public.

6. Approval of Minutes

Kathe Schaecher made a motion to approve the December 21, 2015 minutes. Gilda Wall seconded it. The motion passed.

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

Item 7A – Discussion and Action on a Request to Create an R-3 Conditional District for property along West Academy Street (Addressed as 245 Short Street) to be developed as ‘Housing Services for the Elderly’.

Mr. Reidy said the applicant, Lucius Jones, had requested to create an R-3 conditional district for approximately 5.51 acres of property within the parcel identified by PIN # 1784 31 9395. This consisted of the development of 48 units of housing for the elderly, as shown on the Master Development Plan. He said with Town Board approval, the applicant sought to obtain tax credits through Wake County for this project. Under the tax credit program, all residents would pay rent, but at least 40 percent of the residents would pay a reduced rent (the rental rate for these 40% would be based on an acceptable rental rate for an individual or family making 60% of

median area income). He said property taxes would be based on the total rental income of the property.

Mr. Reidy said the purpose of the Conditional Districts (CD) was 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.

Mr. Reidy said a CD may depart from the strict application of the requirements of the town's general zoning districts. He said the CD alternative may allow uses which were not specifically allowed in standard zoning districts. A primary purpose of this section was to provide standards by which such flexibility may be achieved while maintaining and protecting the public health, safety and welfare of the citizens. Mr. Reidy said in this case, no alternative uses or lot dimensional standards had been proposed by the applicant.

Mr. Reidy said a second purpose of the conditional district was to establish a more complete living and working environment through the application of enlightened and imaginative approaches to community planning and property design. He said 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.

Mr. Reidy said the provisions of the CD Master Plan should replace all conflicting development regulations set forth in this Ordinance which would otherwise apply to the development site. He said 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 should 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.

Mr. Reidy said this property was located within the corporate limits of the Town of Wendell and was zoned R3. He said the intent of this application was to alter certain standards from the UDO to the area identified in Attachment A. He said in 2015, a rezoning application was submitted to rezone the entire 12.75 acre parcel from R3 to R4 for single family development. The application was denied by the Board of Commissioners.

Mr. Reidy said the applicant had proposed six conditions for the proposed CD, as follows:

- 1. Section 9.4 – Permitted Street Sections; Dedicate required right-of-way but not construct road widening or sidewalk along property frontage.**

Mr. Reidy said the UDO required a 50 foot wide right-of-way along W. Academy Street, Wall Street, and Short Street. This cross section included 22 feet of pavement width, curb and gutter, and a five foot sidewalk on one side of the street. He said W. Academy Street was already 50 feet wide; however the pavement was only approximately 14 feet wide. He said the applicant

was responsible for improvements of their half of the right of way; which would require four additional feet of pavement, curb and gutter, and a five foot wide sidewalk along the south side of W. Academy Street.

Mr. Reidy said Wall Street was currently 18 feet wide with no substantial pavement. The applicant was responsible for improvements of the right of way; which would require 22 feet of pavement, curb and gutter, and a five foot wide sidewalk along the south side of Wall Street. An additional 25 feet of right-of-way was required; however the applicant was showing dedication to create the full 50 foot right-of-way.

Mr. Reidy said Short Street was already 30 feet wide; however the pavement was only approximately 20 feet wide. The applicant was responsible for improvements of their half of the right of way; which would require two additional feet of pavement, curb and gutter, and a five foot wide sidewalk along the west side of Short Street. An additional 10 feet of right-of-way dedication was required.

Mr. Reidy said that Staff found that a fee-in-lieu payment request would be appropriate for this minimal amount of road frontage along Short Street. Any fee-in-lieu recommendation would be considered by the Board of Commissioners. Staff recommended the remaining road improvements would be provided, thus eliminating the proposed condition.

2. Section 10.4.A – Parking Requirements; Reduce the required number of parking spaces from 73 to 58.

Mr. Reidy said the UDO required 1 parking space per bedroom with a max of 2 spaces per unit and 1 parking space per 1,000 square feet of office area. The applicant requested that they install 1 parking space per unit and provide the one required space for office area plus an additional four visitor spaces. Staff recommended approval of the proposed condition.

3. Section 3.3.X.3 – Additional Standards for the Housing Service for the Elderly; Remove the requirement that the housing service for the elderly use front on a road with no less than a collector street class in the R3 zone.

Mr. Reidy said the UDO required that the housing service for the elderly use in the R3 zone front on no less than a collector street and that ingress and egress shall be provided directly onto that collector or to a neighborhood street within 150 feet to the collector. He said the applicant was asking that the standard be waived for this project. Staff recommended approval of the proposed condition with the following modification: “This project shall be exempt from Section 3.3.X.3 of the UDO”.

4. Section 5.11.D.2 – Porches and Stoops; Modify the requirement for 30% of the front façade be useable porches and stoops to allow for Juliet balconies to be used in place of porches and balconies for a total of 23% of the front façade.

Mr. Reidy said since this development consisted of one building instead of multiple apartment buildings, the addition of porches and balconies on any façade could create an undesired

appearance. He said the proposed building elevation did provide a main entry porch that was 10 feet deep.

- 5. Section 5.11.D.4 – Building Elevations; Modify the requirement that 60% of the front elevation comprise of doors, porches, balconies, and/or windows to allow for building wall offsets greater than 3 feet deep be allowed as an elevation feature for a minimum of 60% of the front façade.**

Mr. Reidy said if the building wall offsets were not allowed, the current design of doors, porches, balconies, and/or windows only totaled 44% of the front façade. If building walls offsets of greater than 3 feet deep were allowed as an elevation detail, the total amount of the front façade would be 60%. Staff recommended approval of the proposed condition.

- 6. Section 5.11.D.5 – Raised Entrances; Removed the requirement that the front entrance be raised a minimum of 1 ½ feet above the finished grade.**

Mr. Reidy said since the proposed development was restricted to residents 55 years old and older, ease of access in to the building for handicap residents should be considered. Staff recommended approval of the proposed condition.

- 7. Staff recommended condition – Along the eastern property line, the applicant shall provide a 20 foot wide undisturbed vegetative buffer to screen the development from the adjacent single family dwellings.**

Mr. Reidy said the applicant had shown the requested buffer on the site plan and staff recommended the buffer be included as a condition to make clear that it will be required.

Mr. Reidy said the applicant submitted an additional request since writing the report to the Planning Board, to be permitted to use vinyl as siding on the façade of the building. He said the UDO does not allow for vinyl on apartment buildings, so the applicant submitted the following request:

- 8. Vinyl is used in conjunction with brick and small areas of fiber cement at the porch and porte cochere columns. Areas of vinyl shall be limited to less than 44% of the front façade and less than 54% of all other facades. To offset the vinyl, areas of brick shall be at least 37% of the front façade and at least 55% of all other facades.**

Mr. Reidy said the UDO currently did not allow vinyl to be used on apartment buildings. State building code does allow for vinyl on apartment buildings if they meet certain building requirements.

Mr. Reidy said as previously stated one purpose of the conditional district was 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.

Mr. Reidy said while conditional districts do allow an applicant to ask for exemptions from certain types of standards as part of their application, those exemptions were intended to be offset by other improvements which went above and beyond what was required. This process allowed for creative trade-offs that could result in a better overall product.

Mr. Reidy said as currently proposed, the only improvement suggested as part of this conditional district request that would go beyond the UDO requirements was the 20 foot wide undisturbed vegetative buffer along the eastern property boundary. All other proposed changes constituted reductions in design and site standards. He said one small gazebo and a 4'x20' raised planter bed were proposed to meet the active open space requirement, but that amenity alone did not fulfill the required 9,000 square feet of active open space.

Mr. Reidy said that at the January 11, 2016 Board of Commissioners meeting, multiple commissioners expressed concern over the proposal to not upgrade the roads and with the lack of amenities for the residents. Staff recommended that the Planning Board provide input to possible uses to fulfill the active open space requirement for the Board of Commissioners consider as a condition.

Mr. Reidy showed the Planning Board pictures of several products the developer had already built. Ms. Van der Grinten asked if there was space for residents to sit. Mr. Reidy said there was a 10' porch on the front façade facing Academy Street, as well as an upstairs balcony.

Mr. Reidy said normally, at the time of construction of any new building, parking spaces would be provided in all districts in the amounts specified by Chapter 10 of the Unified Development Ordinance (UDO). As previously stated in proposed condition 2, the applicant was seeking a reduction in parking spaces required from 73 spaces to 53 parking spaces (1 per living unit and 5 additional guest spaces). As proposed, there are no spaces for employees provided. Staff recommended requiring a total of 58 parking spaces to accommodate five spaces for employees. Mr. Reidy said that since the report was written, the applicant agreed to provide 58 parking spaces as proposed.

Mr. Reidy said all landscaping should meet the requirements as set forth in the UDO at the time of development. Landscaping was not required to be shown on the Master Development Plan. He said no landscaping buffers were required between adjacent residential zoning districts; however staff proposed an undisturbed 20 foot wide buffer along the eastern property line.

Mr. Reidy said the Wendell Comprehensive Plan defined this section as S6 "Infill/Redevelopment Area". He said the Comprehensive Plan stated that "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". Mr. Reidy said the comprehensive plan listed the following uses as appropriate land uses/development types within

this sector: neighborhoods, downtowns, single-family and multifamily residential, commercial uses (retail and office), civic uses, and light industrial uses.

Mr. Reidy said any recommended change to the zoning map should be accompanied by a statement explaining how the change was consistent with the comprehensive plan, and was reasonable in nature. In staff's opinion, the requested conditional district was consistent with the recommended uses and development types outlined in the Wendell Comprehensive Land Use Plan for the S-6 sector.

Mr. Reidy said staff suggested the following site plan changes be added as a condition of approval of the Master Development Plan:

1. Provide a 50 foot-wide right-of-way dedication to extend East Street to provide frontage for the existing lots. No road improvements should be made by the applicant. Delineate the dedication width on the plan.
2. Label the proposed parcels as "Parcel A", "Parcel B", and "Parcel C".
3. Delineate the right-of-way dedication width of Wall Street on the plan.
4. Revise the legend to match the labels with the correct shading.
5. Add bearings & distances to the property lines.
6. Delineate the width of all drive aisles.
7. Identify any proposed entrance sign locations.
8. Add existing water and sewer lines to the plan with the size of the pipes.

Ms. Van der Grinten said she was concerned that all of the apartment complexes in Wendell were either low income or subsidized. She asked if this project would increase that percentage. Mr. Reidy said it would increase the percentage. He said in 2012 the Town Board set a policy that told Wake County the Town didn't want any more unless the Town specifically gave the authorization to allow it in Wendell. He said the Town Board would need to give their formal blessing to Wake County to give tax credits to this project. Mr. Bergmark said everyone would pay rent, but at least 40% would pay a reduced amount. Mr. Jones said this wasn't subsidized housing. Mr. Jones said the tax credit went to the developer so that they could build a better product where they may not otherwise afford to build.

Kathe Schaecher asked if this project would be good for the neighborhood. She said that she didn't know that it would, since people who ordinarily couldn't afford the rent would be living there. Harold Broadwell said he disagreed with Kathe. He said this was a distressed area and he thought this project would improve the neighborhood. Ms. Schaecher said she was concerned over the use of tax credits and the impact it would have on the Town's tax base. David Bergmark said he had looked at the taxes nearby homes paid. He said several nearby homes only paid approximately \$900 in taxes annually. He said if you took the 5.5 acres and assumed you could fit 15-20 homes in that space, the amount of taxes generated would not be much different than the amount of taxes you would anticipate from this project.

Ashley Anderson said she had some experience with housing for the elderly. She said one comment she had heard from elderly men in these homes was that they missed having a place to work on a car. She said perhaps this project could include some type of garage or workspace for this purpose.

Ruth Van der Grinten asked if this project could include a walking path in addition to the sidewalks for the residents to use, with benches. She said she also liked the idea of horseshoe pits, bocce ball, and shuffle board.

Ms. Anderson asked if age restricted housing was planned for Wendell Falls. Mr. Reidy said the developers had discussed it, and it was allowed, but they have not submitted any plans with age-restricted housing.

Lucius Jones said there were a lot of communities out there actively competing to get these types of projects. Ms. Anderson said the communities that actively sought these projects were likely the ones that didn't already have ones for seniors. Mr. Jones said Garner got a senior project six months ago and were seeking another.

Gilda Wall asked where was this proposal in relation to the other rezoning the Planning Board had seen recently. Mr. Broadwell said this proposal was in the same location as the one they recently heard.

Ms. Van der Grinten said she thought Academy Street actually had some nice smaller craftsman homes. She said she thought this proposal was a nice compromise.

Billy Bryant asked if this was independent living. Lucius Jones said it was independent living. Mr. Bryant said that the applicant was asking for a lot of exceptions to conditions without giving a lot in return. Mr. Bergmark said the only area where the applicant offered something more was for the buffer. Mr. Bergmark said specific conditions could be made for the active open space as well. Mr. Bryant said he had concerns over the active recreational area fronting on Academy Street. He said he could see it becoming an eyesore and would prefer some amount of buffer or vegetation along the street. He said he would like to see the landscaping and amenities specifically detailed on the Master Plan. David Bergmark said this area was currently vegetated and the active open space stopped short of the right-of-way, so it would presumably remain vegetated.

Mr. Bryant said he would not be in favor of vinyl being used on the building. He asked if the applicant could do shake siding without doing vinyl. He said he would leave that up to the Board, but he thought another material would be better. Mr. Bryant agreed that moving the active open space next to the BMP would be better.

Mr. Briggerman made a motion to recommend the map amendment for approval to the Town Board with the addition of more active recreational uses, such as a walking path, horseshoe pits, shuffle board, a workshop, and/or bocce ball and the possible relocation of the active open space to the east of the proposed BMP. Ruth Van der Grinten seconded the motion. The motion passed 6-1, with Ashley Anderson voting against the motion.

8. Adjourn to Next Regularly Scheduled Meeting

At 8:30 PM, a motion was made to adjourn the meeting. The motion passed unanimously.