

Planning Board Meeting – January 20, 2015 Minutes

Members Present: Harold Broadwell, Ruth Van der Grinten, Errol Briggerman, Larry Vaughan, Ashley Anderson

Members Absent: Charles Kramer, Judy Silver, Joseph Sparacia, Billy Bryant

Others Present:

Staff Present: Planning Director David Bergmark, Planner Allison Rice

1. Meeting Called to Order

Mr. Broadwell called the meeting to order.

2. Welcome and Recognition of Guests

Mr. Broadwell welcomed all guests.

3. Chairman and Board Members' Comments

Ms. Van der Grinten wished all in attendance a Happy New Year. There were no comments further from the Board.

Mr. Broadwell said that he had been attending Technical Review Committee meetings. He said at the last meeting the Committee looked at a preliminary plat of two small developments that will be built along Wendell Blvd, near Olde Wendell. He said, according to the UDO, the developers will be required to put in sidewalks which won't connect to anything, since the connecting neighborhood doesn't have sidewalks. Mr. Bergmark said that there are portions along that section of Wendell Boulevard that aren't developed yet, and that when it is they would require sidewalks to be built that would connect to the new developments.

Mr. Broadwell said this could discourage developers from coming in to Wendell, when developers would be required to build sidewalks for what was essentially infill development. He said that he wished Wendell had more sidewalks, but that if that was really what the town wanted, the Town should pay to have sidewalks built everywhere instead of requiring developers built sidewalks piecemeal. Mr. Bergmark said that if the developers were only putting in 2 or 3 lots then they would not be required to build sidewalks.

Mr. Broadwell said that the Federal State of the Union was being aired later that night, and suggested the Board work to be completed by that time.

4. Adjustment and Approval of Agenda.

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

5. Public Comments

There were no public comments.

6. Approval of Minutes

Mr. Briggerman made a motion to approve the minutes. Ms. Van der Grinten seconded the motion. It was passed unanimously.

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

Item 7A - Discussion and Action on Potential Text Amendments to Chapter 7 of the Unified Development Ordinance as it Relates to Open Space Requirements.

Mr. Bergmark said at their September 8th meeting, the Town Board directed staff to take the complete list of UDO comments to the Planning Board and to have the Planning Board begin making recommendations based on the comments in batches. He said this report related to two comments received regarding open space requirements. The first comment, received by Richard Stockett requested that the Town review “the required amount of open space require [to determine if it is] in-line with other Wake County areas”. The second comment, received by Sara Merz supported the Town’s open space requirements and asked the Town to “consider adding active open spaces” as a requirement for new development. He said staff’s UDO log also noted the need to remove any remaining references to non-residential open space dedication requirements. Mr. Bergmark said this requirement was removed by a previous text amendment. Mr. Bergmark provided the following information on the current language of the UDO:

Item # 1: Open Space Dedication requirement

- Current Language of the UDO (7.2):

Applicability

- A.** All residential development classified as major subdivisions shall be required to dedicate open space. Developers may, as an alternative and with proper justification, elect to pay a fee in lieu of land dedication with approval of the Board of Commissioners. (Amended 7-8-13)
 - B. Exemptions:** Developments in OSC and RA districts are required to conserve open space by their base district standards (see Chapter 2). These districts are therefore exempt from the dedication requirements of this Chapter.
 - Staff Comment: In July of 2013, the Town Board approved an amendment which removed the requirement for non-residential development to dedicate open space. Non-residential development was removed from the ‘Applicability’ section. However, language was not removed from Section 7.5 (Open Space Dedication). All reference to non-residential development open space dedication requirements should be removed from Section 7.5 as well.
- Current Language of the UDO (7.5):

7.5 Open Space Dedication

Open space dedication is required for both residential and non-residential development.

A. Residential

Calculations for open space requirements for all residential development shall be at the rate of 500 square feet of open space per bedroom within a development considered a major subdivision.

B. Non-Residential

Calculations for open space requirements for non-residential development shall be 0.15 acres of open space per every 1 acre of land within the development.

C. Dedication Calculations

1. Determine average number of bedrooms per dwelling unit (good faith estimate): For the purposes of good faith estimation, all single family developments will dedicate open space at a rate of 3.5 bedrooms per unit unless otherwise stipulated by the development plan. All multi-family developments will dedicate open space at a rate of 2 bedrooms per unit unless otherwise stipulated by the development plan.
2. Multiply number of bedrooms by the number of housing units to get to the estimated number of bedrooms.
3. Multiply the estimated number of bedrooms by 500 square feet.
4. Because the open space dedication requirements are based upon preliminary estimations of bedroom units in a given development, changing market conditions and final build-out of a project may yield a different bedroom count. In order to accommodate for variations, this code will permit variations to the estimated number of bedrooms up to 10 percent. Variations of less than 10 percent may allow a payment in lieu of additional dedication. Variations in excess of 10 percent will require the dedication of additional open space. (Amended 9-26-11)

Item # 1 Summary:

Mr. Bergmark said the Town of Wendell’s current open space dedication regulations require, on average, 1750 square feet of open space to be dedicated per single family dwelling. He said for reference, a subdivision the size of Pepper Point (57 lots) would be required to dedicate 2.28 acres of open space. Up to half of the open space may be located in flood hazard areas (undevelopable land). He said Table 1 showed the results of staff’s analysis of other jurisdiction’s open space dedication requirements. Mr. Bergmark said in order to demonstrate how each municipality’s standards would influence a given development, staff calculated how many acres of open space each would require the Pepper Point development to dedicate if it was located in its jurisdiction. He said Wendell’s dedication requirements were in line with other jurisdiction’s standards. Mr. Bergmark said many other jurisdictions also charge a recreational impact fee, in addition to their open space dedication requirements. These impact fees are used to offset the cost of additional park and recreation needs created by new development. A municipality must have approval by the legislature in order to have the authority to issue impact fees. Mr. Bergmark said currently Wendell does not have such authority.

Table 1.

Municipality	Dedication Requirement	Pepper Point Ex.	Active Req.	Rec. Impact Fee
Wendell	500 sq. ft per bedroom (avg. 3.5 bdrm)	2.28 acres	None	N/A
Knightdale	Varies by density & prox. To open space	2.38 acres	50% active	N/A
Wake Forest	12.5 % of total development area	2.25 acres	20% active	\$1086 per unit
Rolesville	10 % of total development area	1.8 acres	None	\$2000 per unit
Garner	10 % passive + .0345 acre per unit Active	3.7 acres	~ 50% active	unknown

Apex	# units x 1/30 an acre or 1/20 ac, floodplain	1.9 acres	None	\$3187 per unit
Zebulon	10 % of total development area	1.8 acres	50% active	N/A

Proposed Text Amendment (Proposed by Staff):

- Delete the sentence preceding 7.5A, which references non-residential development.
- Delete 7.5B (Non-Residential), as open space dedication requirements no longer apply to non-residential development.

Mr. Bergmark said that staff recommended approval of the proposed text amendments listed above, which removed some remaining language related to a non-residential open space dedication. Non-residential open space dedication was removed as a requirement by a previous text amendment.

He said staff recommended that residential open space dedication requirements remain unchanged, as the current standard was consistent with neighboring jurisdictions.

Mr. Broadwell asked if Mr. Bergmark’s intention was to delete the sentence “Open space dedication is required for both residential and non-residential development”. Mr. Broadwell said he would rather keeping a sentence that read “Open space dedication is required for residential development”. Mr. Bergmark said he had no objection to that.

Mr. Briggerman made a motion to change the sentence preceding 7.5A to “Open space dedication is required for residential development” and to delete 7.5B (Non-Residential). Mr. Vaughan seconded the motion. The motion passed unanimously.

Item # 2: Active vs. Passive Open Space Requirements

Mr. Bergmark said staff received one comment which requested that the Town consider incorporating standards which would require a portion of the open space provided within a residential development to be designed for active uses, such as playgrounds, ball courts, or ball fields. He said current language of the UDO (shown below) has no such requirement. As a result, developers can opt to have all of their required open space as unimproved land in order to save money. He said while this strategy does protect land from development, it puts an increasingly large burden on the Town Park by limiting other planned recreational opportunities. Chapter 6 of the UDO already protects environmentally sensitive areas, by prohibiting development or platting of lots within the 100 year floodplain and Neuse River buffers. As can be seen in Table 1, Zebulon, Garner, Knightdale, and Wake Forest all currently have active open space requirements.

Mr. Bergmark said including a requirement that a set portion of open space must be used for active purposes would result in additional playgrounds and fields being incorporated into new development. He said this amendment would help alleviate the burden on the existing Town Park, as well as create more accessible locations for kids to play within their own neighborhoods. Mr. Bergmark provided the following information on the current language of the UDO:

Current Language of the UDO:

7.4 Open Space Types

Open Space land shall be classified in accordance with this Chapter. Open space, not classified under these types, shall not be counted toward the dedication requirement of this Ordinance.

A. Types

- 1. Park and Recreational Areas**
- 2. Conservation and Natural Areas**
- 3. Historic and Scenic Areas**

B. Common Area Open Space

Common, open space lands are designed to serve the residents of the immediate block or neighborhood. Ownership and maintenance of such common areas shall be in fee simple title to a homeowners association or similar organization.

C. Public Open Space

Public Open Space lands shall be dedicated to the Town of Wendell, Wake County, or a non-profit conservancy organization for ownership and maintenance. Public open space shall be open to the public. Hours of access may be restricted in accordance with health and safety guidelines. Open space lands dedicated to the Town of Wendell shall be in accordance with an Open Space Land Master Plan or other adopted plan and approved by the Board of Commissioners for ownership and maintenance.

Proposed Text Amendment:

Mr. Bergmark said staff proposed that Section 7.4A (Open Space Types) be amended to require that a minimum of 25 percent of dedicated open space be used for an active purpose. He said this standard would require all development to incorporate a minimum amount of active recreational land for use as a playground, ball court, ball field, etc. However, it would still leave the developer a significant amount of flexibility to program more passive recreation aimed at the conservation and enjoyment of cultural or natural resources. He said using Pepper Point as an example, the developer would be required to program at least 0.57 of the 2.28 acres of open space as ‘active open space’. Mr. Bergmark said, for reference, 0.57 acres could accommodate two tennis courts with parking, a large playground (20,000 sq. ft. max), or a mini-park (less than 1 acre by design). Mr. Bergmark said the amended text for Section 7.4 would read as follows:

7.4 Open Space Types

Open Space land shall be classified in accordance with this Chapter. Open space, not classified under these types, shall not be counted toward the dedication requirement of this Ordinance.

A. Type

- 1. Passive Recreation:** Up to 75 percent of the park, recreation, and open space lands shall be provided for passive recreation purposes such as walking, jogging, cycling, relaxation, etc. Preservation of cultural or natural resources such as steep slopes, rock outcroppings, mature woodlands or water resources may also be counted towards

passive recreation provided there is some method for public enjoyment and appreciation of such resources.

2. **Active Recreation:** At least 25 percent of the park, recreation, and open space land shall be provided for active recreation purposes such as playgrounds, tennis courts, ball fields, volleyball courts, etc. In addition, constructed multi-use paths (paved; min. 8 ft. wide) within greenway easements required by the *Open Space and Greenway Master Plan*, while passive in nature, shall be credited as active recreational open space for the area of the public greenway easement.

Mr. Bergmark said 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. He said such statements could refer to the general principles of the Comprehensive Plan, including but not limited to:

- o Principle Number 7: “Increase community amenities such as parks, schools, medical facilities, golf course(s), and higher education opportunities”

Mr. Broadwell said he kept looking at the definition of passive recreation to make sure it included scenic, natural, and cultural conservation areas. He said he wanted to be sure those types of spaces could be protected. Mr. Bergmark said these areas would apply, as long as these areas were accessible by the public in some way. Mr. Briggerman said there should be a path or a trail leading up to or surrounding the area. He suggested that developers needed to establish some kind of trail or amenity, instead of just leaving a bunch of trees out with no way to enjoy them. Mr. Bergmark said there wasn't a requirement that said there had to be a paved trail. He said there only needed to be a method of enjoying the space or accessing it. Mr. Bergmark said it was a little open-ended, but he said he would rather be flexible than accidentally prohibit a creative use.

Mr. Briggerman asked if the developer would submit a plan for the open space to staff. Mr. Bergmark said yes. Mr. Broadwell said he would prefer adding language that said “provided there is access for public enjoyment and appreciation of such resources” instead of “some method of enjoyment”. Ms. Anderson said she agreed with the suggested language.

Mr. Vaughan asked if there was a difference between public open space and private or semi-private open space. Mr. Bergmark said this would apply to any kind of open space, whether dedicated to the town or kept by the home owners association.

Ms. Anderson asked how the 25% minimum was derived at. She said she noticed most of the other municipalities had 50% minimum requirements for active open space. Mr. Bergmark said the Board had already voted down a recommendation a few years ago to require a 50% minimum of active open space, so he decided to come back with a lower amount that may be more acceptable to the Board. He said that, for very large subdivisions, the 50% requirement would create an active space area so large that it would almost create a complex. Ms. Van der Grinten asked if open space areas were maintained by homeowner's fees. Mr. Bergmark said they were unless that open space was dedicated to the Town. Ms. Van der Grinten said the 25% minimum would minimize the fees that homeowners would have to pay to maintain the area.

Ms. Van der Grinten made a motion that the Planning Board delete Section 7.4 A and replace it with the suggested language. Mr. Vaughan seconded that motion. The motion passed unanimously. The Board approved of the suggested Statement of Consistency.

Item 7B - Discussion and Action on Potential Text Amendments to Chapter 2 and Chapter 9 of the Unified Development Ordinance as they relate to Pedestrian Facilities.

Mr. Bergmark said at their September 8th meeting, the Town Board directed staff to take the complete list of UDO comments to the Planning Board and to have the Planning Board begin making recommendations based on the comments in batches. This report relates to staff notes and public comments received regarding pedestrian facilities. He said the Town received two UDO comments from the public on this topic. The first comment was made by Sara Merz, who stated the UDO’s “sidewalk requirements, and...multi-use paths and bike parking” were “good for health and mobility for residents”. The second comment was made by Richard Stockett, who asked the town to “look at the environmental impact and cost of sidewalks on both sides of the road”.

Mr. Bergmark said staff’s log of potential UDO issues referenced the need to consider revising section 9.3C of the UDO, which calls for multi-use paths rather than sidewalks in the R2 zoning district. The staff log also noted the need to revise the Wendell Boulevard cross-sections in Chapter 2 to include sidewalks, curb and gutter in all context zones.

Item # 1: General Requirements for Pedestrian Facilities (Sidewalks and Multi-use paths)

- Mr. Bergmark presented the following current language of the UDO for section 9.3C:

A. Sidewalks Sidewalks, shall be constructed along streets (including cul-de-sacs) as indicated by the cross sections in Section 9.4 and the table below. The following standards shall apply:

Zoning Districts	OSC	RA, RR, R2 MHO	R3	MH	R4, R7 NC	CMX CC	DMX	CH, M&I, TND, GO
Sidewalk req'mt	Not req'd	Multi-use path	5 ft; one side	5-8 ft; one or both sides	5-16 ft; both sides	6-16 ft; both sides	8-16 ft; both sides	5-16 ft; both sides

1. Sidewalks shall have a minimum width of 5 feet.
2. Sidewalks shall be required on both sides of all roads except where:
 - a. Net residential densities of developed areas are three dwelling units per acre or less, in which case sidewalks shall only be required on one side;
 - b. Sidewalks may only be required on one side in R3 and are not required in OSC.
3. Developments in Rural Agriculture (RA) districts shall provide a multi-use pathway of a minimum 8 feet in width, constructed of asphalt or similar material along one side of thoroughfare or collector road frontages or as designated on an adopted plan.
4. Sidewalks along thoroughfares, collector streets, and/or streets with fronting commercial and/or multi-family uses shall have a minimum width of 6 feet.
5. Unless otherwise specified by an adopted area plan, street frontages with mixed-use or commercial buildings having setbacks of 10 feet or less from the right-of-way and ground floor commercial space, shall be constructed with sidewalks a minimum of 8 feet in width. Where there is also on-street parking and retail uses along the street frontage, the minimum sidewalk width shall be 16 feet with trees in tree wells or other tree protection as approved by the Administrator.

6. Sidewalks shall be placed far enough from the curb to accommodate the minimum planting strip width required in Section 8.8, Street Trees.
7. All sidewalks shall be paved with broom-finished concrete, paving brick or concrete pavers. Similar materials may be permitted by the Administrator on a case-by-case basis, in compliance with ADA standards.

Item # 1 Summary: Mr. Bergmark said the Town of Wendell’s current standards essentially require a sidewalk or multi-use path in all new development. He said the only exception is in the Open Space Conservation (OSC) district. The OSC district is intended to protect areas that are permanently conserved through government ownership or private easements as natural, environmentally, or recreationally significant lands. He said a ‘conservation neighborhood’ may be created within the OSC district, but the development must be at least 40 acres in size, has a maximum density of 1 unit/20 acres, and a maximum of 6 dwelling units. Currently no property is zoned ‘OSC’.

Mr. Bergmark said the standards for pedestrian facilities (sidewalk vs. multi-use path, width, one-side vs. both sides of the road) vary according to the zoning district and whether or not there is on-street parking or a ground-floor commercial use. The 16 ft. sidewalk requirement only applies in those cases where street trees within tree-wells are called for within the sidewalk area. He said multi-use paths are required instead of sidewalks in the Residential Agricultural (RA), Rural Residential (RR) and R2 zoning districts. Mr. Bergmark said sidewalk was only required on one side of the street in the R3 zoning district. He said in order to evaluate how Wendell’s standards compare to other nearby towns, staff created a summary table of municipal sidewalk standards (Table 1).

Table 1. Municipal Sidewalk Standards

Municipality	Sidewalk Requirement	Width
Wendell	Sidewalk or Paved trail on 1 side in RA,RR,R2, and R3. Both sides elsewhere.	5 -16 ft
Knightdale	All cross-sections call for sidewalk on both sides of the road	5 - 13.5 ft
Wake Forest	Sidewalk required on both sides of the road	5 - 16 ft
Rolesville	Sidewalk on at least 1 side of the road	5 ft min.
Garner	Required on 1 side for 'local streets' and both sides for higher classifications	5 ft min.
Apex	Sidewalk on at least 1 side within a subdivision (2 sides for collector roads)	5 ft min.
Zebulon	Sidewalk on at least 1 side on local and residential collector streets	5 ft min.

Mr. Bergmark said Wendell’s sidewalk standards represent a balance between those standards used by the six other municipalities evaluated. He said ,in general, Knightdale and Wake forest required sidewalk on both sides of the road for all new subdivisions. He said Rolesville, Garner, Apex, and Zebulon generally did not require sidewalk on both sides of the road. Mr. Bergmark said Wendell’s standard only required sidewalk on both sides of the road for those developers seeking to obtain higher density (4 dwelling units per acre or higher). He said ,as shown in the Wendell Zoning Map, the only existing subdivisions zoned R4, R7, or NC are Edgemont Landings and a portion of Wendell Falls.

Mr. Bergmark said based on the municipal standards included in Table 1, staff did not recommend changing the Town’s sidewalk standards as it relates to when sidewalk is required on both sides of the road. He said staff’s UDO log noted that the Town should consider changing the type of pedestrian facility required in the R2 zoning district. He said currently, new subdivisions in the R2 zoning district are required to install a multi-use trail instead of curb, gutter, and sidewalk. Lots in the R2 district must be at least 15,000 square feet (0.34 acres). Mr. Bergmark said in staff’s opinion, this density is not low enough to warrant using multi-use trails instead of curb, gutter and sidewalk. Thus, staff recommends changing the requirement to require sidewalk on one side of the road in the R2 zoning district.

Proposed Text Amendment:

- Amend the chart in Section 9.3C (Sidewalks) to list sidewalks as required on one side of the road (5 ft. min.) in the R2 zoning district.
- Amend the chart in Section 9.3G (Drainage) to list the R2 zoning district as generally requiring curb and gutter (by placing it in the same column as R3, R4, MH, and MHO).
 - Staff Comment: Requiring sidewalk will necessitate using curb and gutter instead of a drainage ditch.
- Amend the chart in Section 2.2 (Form-Based Standards by Zoning District) to list the R2 district as requiring “Closed/LID” drainage options instead of open swales and to require sidewalks on at least one side (R2 – 5-8 ft. one/both sides).

Staff Recommendation:

Mr. Bergmark said staff recommends approval of the proposed text amendments, which would require sidewalk (and generally curb and gutter) instead of a multi-use trail in the R2 zoning district. He said based on an evaluation of nearby municipal standards, staff did not find justification for changing sidewalk standards in regards to when sidewalk would be required on one side of the road vs. both sides of the road.

Item # 2: Pedestrian Facilities along Wendell Boulevard: Mr. Bergmark said when the UDO was adopted, it incorporated street cross-sections for Wendell Boulevard that were developed as part of the Comprehensive Plan. He said these cross-sections were not updated to reflect the higher overall standards of the UDO as it related to pedestrian facilities. He said the UDO called for sidewalk or a multi-use trail on virtually all streets. He said, in the Comprehensive Plan, the Wendell Boulevard corridor is broken into 5 context zones. Of the 5 context zones, only zones 3 and 4 show sidewalk. Mr. Bergmark said in staff’s opinion, the Town should not apply a lower standard along one of Wendell’s primary gateway corridors. Mr. Bergmark said the way Section 2.17 of the UDO (Gateway Overlay) read, the adopted Wendell Boulevard cross-sections would override other standards of the UDO. He said ultimately it would be to the Town’s benefit to have these and other cross-sections updated as part of a comprehensive Transportation Plan. He said however, in order to ensure that pedestrian facilities are not lost in the meantime, staff recommends amending the language of Section 2.17 to require sidewalk, curb, and gutter along all portions of Wendell Boulevard.

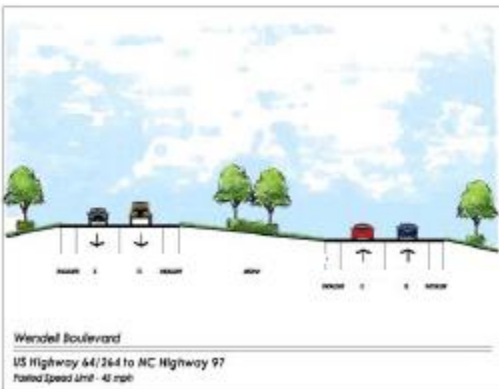
Mr. Bergmark said, while amending this section, staff also recommended amending Section 2.17D3d to clarify that the maximum building setback of development along Wendell Boulevard shall be increased, when needed, to accommodate any required street yard buffer. He said in some rare cases, the maximum building setback could be less than the 20 foot street yard buffer called for in this section. Mr. Bergmark provided the following current language of Section 2.17D:

D. Development Standards

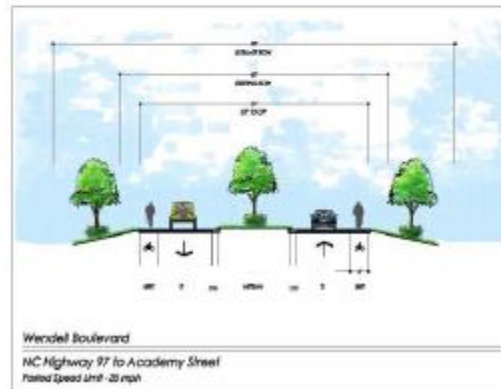
The development of land or structures within the Gateway Overlay shall comply with the development regulations applicable to the underlying zoning district, except that the following regulations shall apply wherever they are more restrictive than those underlying zoning district. The standards in this section shall apply to the entire GO zone unless specific standards for various land use and transportation context zones have been established by an adopted plan.

1. Context Zones: Wendell Boulevard

The Town Board-adopted *Town Plan of Wendell* includes typical cross-sections for five different sections of the Wendell Boulevard corridor. These cross sections represent five different zones where the existing and proposed transportation infrastructure and the land use and form of development provide unique contexts for development. Development standards for building setbacks and streetscape treatments are keyed to these various context zones. Plans for improvements to Wendell Boulevard will be reviewed and approved by NCDOT.



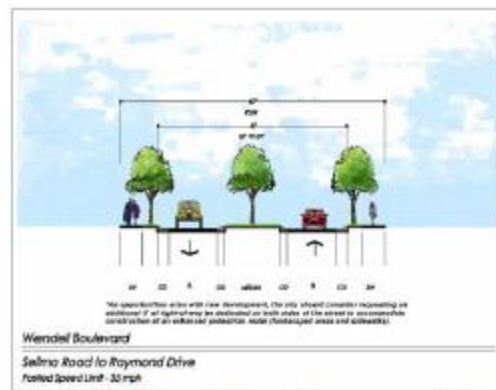
1. US Hwy 64/264 to NC Hwy 97



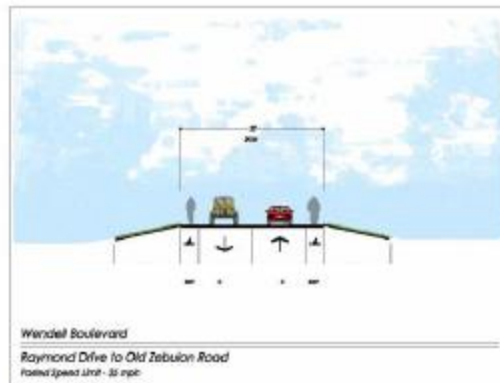
2. NC Hwy 97 to Academy St



3. Academy St to Selma Rd



4. Selma Rd to Raymond Dr



5. Raymond Dr to Old Zebulon Rd

2. Dimensional Standards:

	Context Zones 1 & 5	Context Zones 2	Context Zones 3 & 4
Front Setback (<i>Minimum</i>)	25 ft	10 ft	10 ft
Front Setback (<i>Maximum</i>)	None	100 ft	75 ft
Streetyard Buffer (<i>Minimum width</i>)	40 ft min* (20 ft min.**)	n/a	n/a
Internal Building Setbacks (<i>Minimum</i>)	0 ft or 4 ft	0 ft or 4 ft	0 ft or 4 ft
Maximum Building Height	As determined by underlying district		

* Where the underlying zoning is a residential district and the principal use, either existing or proposed, is residential, the minimum width of the bufferyard shall be 40 feet, measured from the edge of the thoroughfare's ultimate right-of-way.

** For all non-residential uses, the minimum width of the bufferyard shall be 20 feet, measured from the edge of the thoroughfare's ultimate right-of-way.

3. Streetscape Standards:

Unless specified in an adopted street section or streetscape plan, all new development shall provide the following across all street frontages:

	Context Zones 1 & 5	Context Zones 2, 3, 4
Pedestrian Facilities	6 ft sidewalk or 8 ft multi-use path	6 ft sidewalk; Both sides
Landscaping	Streetyard buffer	Street trees in planting strip and Planting Yard
Drainage	Swales	Curb & gutter

- a. **Planting strip:** 8-foot landscape strip between the curb and sidewalk (for replacement of existing sidewalk or for new construction only, otherwise for repair and infill the existing dimension varies. A NCDOT encroachment is required.)
- b. **Curb and Gutter:** Curb and gutter shall be required unless otherwise specified in an adopted street section or streetscape plan.
- c. **Sidewalk:** 6-foot wide minimum or as shown in adopted street sections for context zones.
- d. **Street Yard:** 10-foot (minimum) landscape strip behind the right-of-way (within the front setback). The street yard along Wendell Boulevard will be a minimum of 20-feet in width. (Amended 11-12-13)
- e. **Street Trees:** Where street trees are required, canopy trees shall be planted 35 feet on-center in the planting strip between the sidewalk and curb. (Where aerial utility lines prohibit the installation of canopy trees, small maturing trees may be substituted with permission of the Town of Wendell). All trees planted within the right-of-way shall require approval by NCDOT.

- f. **Utility Service Lines:** New service lines are to be placed underground.

Proposed Text Amendment:

Staff proposes to amend Section 2.17D3 to read as follows (*those sections amended by staff are highlighted in yellow*):

3. Streetscape Standards:

Notwithstanding the Wendell Boulevard cross-sections shown in section 2.17D1 of the UDO and within the Wendell Comprehensive Plan, all new development shall provide the following across all street frontages:

	Context Zones 1 & 5	Context Zones 2, 3, 4
Pedestrian Facilities	6 ft sidewalk or 8 ft multi-use path; Both sides	6 ft sidewalk; Both sides
Landscaping	Streetyard buffer	Street trees in planting strip and Planting Yard
Drainage	Curb & gutter	Curb & gutter

- a. **Planting strip:** 8-foot landscape strip between the curb and sidewalk (for replacement of existing sidewalk or for new construction only, otherwise for repair and infill the existing dimension varies. A NCDOT encroachment is required.)
- b. **Curb and Gutter:** Curb and gutter shall be required unless otherwise specified in an adopted street section or streetscape plan. The Wendell Boulevard cross-sections shall be amended (and the right-of-way proportionally increased) to accommodate curb and gutter.
- c. **Sidewalk:** 6-foot wide minimum or as shown in adopted street sections for context zones. The Wendell Boulevard cross-sections shall be amended (and the right-of-way proportionally increased) to accommodate the pedestrian facilities identified for each context zone in Section 2.17D3.
- d. **Street Yard:** 10-foot (minimum) landscape strip behind the right-of-way (within the front setback). The street yard along Wendell Boulevard will be a minimum of 20-feet in width. Any development subject to a maximum building setback of less than 20 feet along those context zones which require a street yard shall have their maximum setback increased to accommodate the required street yard width.

(Amended 11-12-13)

- e. **Street Trees:** Where street trees are required, canopy trees shall be planted 35 feet on-center in the planting strip between the sidewalk and curb. (Where aerial utility lines prohibit the installation of canopy trees, small maturing trees may be substituted with permission of the Town of Wendell). All trees planted within the right-of-way shall require approval by NCDOT.
- f. **Utility Service Lines:** New service lines are to be placed underground.

Staff Recommendation: Mr. Bergmark said recommended approval of the proposed text amendments, which would require sidewalk, curb, and gutter along all portions of Wendell Boulevard. He said when budgeting allows, these cross-sections (as well as others) should be comprehensively evaluated and updated as part of a Transportation Plan. He said the proposed changes would help ensure that adequate pedestrian facilities are provided until such an update can occur.

Mr. Bergmark said 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. He said such statements could refer to the general principles of the Comprehensive Plan, including but not limited to:

- o Principle Number 8: “Ensure local and regional transportation interconnectivity and options while also maintaining and enhancing Wendell as a walkable community.

Mr. Vaughan asked what the dimensions of the right of way were on the cross sections on page 5. Mr. Bergmark said cross section 2 was 90 feet across, sections 3 and 4 were 60 feet, section 5 was 32 feet across, and section 1 didn’t have the width listed. Mr. Bergmark said that he believed the intent at the time was to preserve a rural feel on Wendell Blvd with an agricultural view-shed. He said, however, that businesses have already been built along the road that had changed its rural atmosphere. Mr. Bergmark said that Sheetz and the Credit Union, when they were built, put in curb and gutter. Mr. Bergmark said he was trying to close a loophole to the best of his ability.

Mr. Vaughan said it was difficult to understand the proposed changes since they were so complicated. Mr. Bergmark said in a nutshell, because of the context zones in the UDO, developers did not have to provide the extra pedestrian and right of way facilities for most of Wendell Boulevard. He said he was proposing to add language that said even though the facilities aren’t shown on the context zones, developers would still have to provide things like curb and gutter, sidewalks, and dedicate the extra bit of right of way to accommodate that.

Mr. Broadwell said he understood the intent of the proposed change, but he was trying to understand the reality of how this would work. He said he did not like that different sections of the UDO said different things, and that made things confusing. Mr. Bergmark said that confusion currently existed in the UDO, and that most people probably didn’t realize that they could likely avoid providing curb and gutter because of the confusing language. He said this had come up with the Hephzibah Baptist church expansion when someone noticed the loophole.

Mr. Bergmark said that this wasn’t his preferred language, but despite its sloppiness it does resolve the problem until they were able to fund a transportation plan. He said a transportation plan would resolve this problem more cleanly and clearly.

Mr. Broadwell suggested that they delete the sentence “Development standards for building setbacks and streetscape treatments are keyed to these various context zones” on page 5 (Section 2.17D.1). He said this

might help cut back on the confusion of which language to go by. Mr. Bergmark said he didn't have a problem with that.

Mr. Vaughan said he was used to looking at a set of dimensions that would provide clear guidelines and measurements of what was needed. Mr. Bergmark said he would prefer that as well, and that is what a transportation plan would provide. He said that was not something planning staff would be able to update on the spot. He said this proposed fix would make sure there weren't any gaps in the sidewalk until that time.

Ms. Van der Grinten said she was willing to go on Mr. Bergmark's recommendation. Mr. Briggerman said he believed Mr. Bergmark was trying to clarify the requirements. Mr. Bergmark said that was true, and the proposed changes would make sure Wendell Boulevard had the same standards as the rest of the roads in Wendell, since they currently were being held to a lesser standard. Mr. Briggerman made a motion to accept Mr. Bergmark's recommendation, including the deletion of the sentence on page 5. Mr. Vaughan seconded the motion. The motion passed unanimously. The Planning Board accepted the proposed statement of consistency.

8. Adjourn to Next Regularly Scheduled Meeting

Ms. Van der Grinten made a motion to adjourn. The motion passed unanimously.