

Planning Board Meeting November 19, 2018 Minutes

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

Members Absent: Jonathan A. Olson

Staff Present: Planning Director David Bergmark

Guests Present: Manager Marc Collins.

1. Meeting Called to Order

Chairman Terry “Allen” Swaim called the meeting to order at 7:00 pm and recognized that a quorum (minimum of 5 members) was present.

2. Welcome and Recognition of Guests

Chairman Swaim recognized Manager Marc Collins and asked him to introduce himself.

Mr. Collins said he had a history in the Planning field, as did his father. He thanked the Planning Board for their service and emphasized the need to be proactive rather than reactive. Mr. Collins said he welcomed any questions the Planning Board may have.

Mr. Swaim welcomed Mr. Collins and said he was glad to have him with the Town of Wendell.

3. Chairman and Board Members’ Comments

The Planning Board members thanked Mr. Collins for being present.

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; Victoria Curtis 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 (September 17, 2018) meeting as submitted by staff. Joe DeLoach seconded the motion. The motion passed unanimously.

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

A. Request to Create an R-3 Conditional District for property located at 1320 S. Hollybrook Rd

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

Item Title:

ZTA18-04 – Discussion and Action on a Zoning Text Amendment to Chapter 9 of the UDO as it relates to exemptions to road improvement requirements for the construction of a single family dwelling.

Report to the Planning Board:

- *Monday, November 19, 2018*

Specific Action Requested:

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

Applicant:

Town of Wendell

Petition:

Chapter 9 of the UDO contains the Town’s general provisions for street design, including street types, connectivity standards, and infrastructure improvement requirements. Infrastructure improvement requirements are meant to ensure that road improvements occur as development occurs. This is necessary for the Town since it does not have the authority to assess impact fees as an alternative means of funding transportation improvements over time. Requiring infrastructure improvements with development also prioritizes more significant investment along the Town’s primary roadways and reduces the occurrence of single family homes fronting directly on collector or arterial roads, which in greater numbers can have negative traffic impacts due to numerous driveways and access points.

However, the Town did include some exemptions to the infrastructure improvement requirements related to replacement homes, family subdivisions, and the construction of a single home on a very large, otherwise vacant lot. The existing language for Section 9.3 is provided below, with the text under consideration for amendment underlined.

Existing Language for Section 9.3 of the UDO (General Provisions for Street Design)

“New development or redevelopment with frontages on existing publicly-maintained streets shall be required to upgrade all street frontages to meet the standards of this Ordinance including sidewalks, street trees, curb and gutter, and right-of-way dedication. Payment in lieu of physical improvements may be permitted by the Board of Commissioners.

Replacement of a single family dwelling shall not require roadway infrastructure improvements unless said property is within 300 feet of an existing sidewalk on the same side of the street, in which case the property owner shall be responsible for installing sidewalk, curb, and gutter along their frontage.

Family Subdivisions and development which consists solely of the construction of one single-family dwelling on a tract of land which is ten acres or more in size and which contains no existing residences shall not be required to construct the street to the standard section and shall not be required to pay a fee in lieu of such street construction. Dedication of right-of-way along existing roads and reservation of right-of-way along future streets shall be required.”

Proposed Amendment:

*The current text of 9.3 includes an exemption for the construction of one single-family dwelling on a tract of land which is ten (10) acres or more in size. While acknowledging the intent of the ordinance and the importance of retaining a size threshold for an exemption, one of the Town Board members **has requested that the Town consider reducing the size threshold for the exemption from ten (10) acres to five (5) acres in size.***

The proposed change would still protect against the likelihood of someone subdividing a stretch of a collector or arterial road into numerous single family lots fronting on the road. At the same time, reducing the threshold to 5 acres would provide some relief to those existing lots between 5 and 10 acres in size.

This particular change was brought to staff’s attention due to an existing lot along Old Zebulon road that is 6 acres in size, which the new owner wishes to build a home on. The Town Board has suggested that there are other changes they would like to explore related to the Town’s Transportation Plan and associated improvement standards, but staff is seeking to arrive at a decision for this particular change ahead of other considerations in order to provide more immediate closure to the property owner and any other owners who may find themselves in a similar situation.

Statement of Plan Consistency and Reasonableness

- *Any recommended change to the zoning text should be accompanied by a statement explaining how the change is consistent with the comprehensive plan, and is reasonable in nature.*

- *In staff's opinion, the requested zoning text amendment is consistent with Principle # 8 of the Wendell comprehensive plan and is reasonable in order to ensure transportation improvements occur over time without constraining the ability to use larger tracts for a single dwelling/homestead.*
 - *Principle # 8: Ensure local and regional transportation interconnectivity and options while also maintaining and enhancing Wendell as a walkable community.*

Staff Recommendation:

Staff recommends approval of the text amendment request.

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

Errol Briggerman asked if the proposed amendment helped or hurt the citizen that brought this item to light. David Bergmark said the proposed amendment was more lenient in the favor of property owners.

Lloyd Lancaster asked if the town exemption was based on the total lot or the road frontage. Mr. Bergmark said the exemption was based on total acreage.

Joe DeLoach said he believed he was familiar with the property which brought this up.

Lloyd Lancaster made a motion to accept the proposed text amendment as submitted. Michael Clark seconded the motion. The motion passed unanimously.

- **Voting in Favor:** Victoria Curtis, Michael Clark, Lloyd Lancaster, Grace Walter, Ryan Zakany, Joe DeLoach, Allen Swaim, and Errol Briggerman.

8. Adjourn to Next Regularly Scheduled Meeting

At the conclusion of the previous discussion, Chairman Swaim asked for a motion to adjourn. Lloyd Lancaster made a motion to adjourn the meeting; Grace Walter seconded the motion. The motion passed unanimously and the meeting adjourned at approximately 7:21 pm.