

# **Planning Board Meeting November 20, 2017 Minutes**

**Members Present:** Michael Clark, Lloyd Lancaster, Jonathan A. Olson, Terry “Allen” Swaim, Kathe Schaecher, Victoria Curtis, Errol Briggerman, and Gilda Wall.

**Members Absent:** Ashley Anderson

**Staff Present:** Planning Director David Bergmark and Wyatt McGhee

**Guests Present:** John Oglesby

## **1. Meeting Called to Order**

Vice-Chairman Michael Clark called the meeting to order at 7:00 pm and recognized that a quorum was present.

## **2. Welcome and Recognition of Guests**

Vice-Chairman Clark welcomed the public.

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

No comments were made.

## **4. Adjustment and Approval of Agenda.**

Vice-Chairman Clark 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.

## **5. Public Comments**

Vice-Chairman Clark asked if anyone signed up for public comments; there were no public comments.

## **6. Approval of Minutes**

Vice-Chairman Clark indicated that an amendment to the draft minutes [from the October 2017 meeting] might be needed. Lloyd Lancaster directed the Board to the last paragraph of page 6 of the proposed minutes where he indicated that his recollection was that Michael Clark’s motion did not pass. Jonathan Olson then made a motion to amend the minutes of the previous (October 16, 2017) meeting to reflect that the motion at the bottom of page 6 failed with two members (Clark & Wall) voting for, and six members (Olson, Swaim, Lancaster, Anderson, Briggerman, Curtis and Schaecher) voting against. Errol Briggerman seconded the motion. The motion passed unanimously.

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

### **7A. Discussion and Action on a Zoning Map Amendment (ZM17-03) request to rezone 7.43 acres of land (excluding ROW) located at 2505 Wendell Boulevard from MI to CH.**

Vice-Chairman Clark introduced this case and Mr. Bergmark presented the staff report shown in *italics* below.

\*\*\*\*\*

**Item Title:**

ZM17-03 – Zoning Map Amendment request to rezone 7.43 acres of land (excluding ROW) located at 2505 Wendell Boulevard from MI to CMX.

**Report to the Planning Board:**

- Monday, November 20, 2017

**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 and reasonableness.

**Applicants:**

John Oglesby, PE, on behalf of Goldsboro Builders Supply Co, Inc. (7.43 acres)

**Petition:**

The applicant has requested a change in zoning classification for approximately 7.43 acres of property within the parcel identified by PIN # 1784260578. This property is addressed as 2505 Wendell Boulevard and is situated to the east and north of the Knott Square shopping center. The parcel in question is currently zoned Manufacturing and Industrial (MI) and is being requested to be rezoned to Highway Commercial (CH). The property owner directly to the north of this parcel (owned by Ver Dar Properties LLC and comprised of 10.96 acres) has indicated he may petition for rezoning as well, but had not submitted his request at the time this report was produced.

**Location and History:**

The property located at 2505 Wendell Boulevard contains an existing 42,570 square foot warehouse and was recently acquired by Goldsboro Builders Supply Co, Inc. This property is not located within the corporate limits of the Town of Wendell. Goldsboro Builders Supply Co, Inc. has indicated a desire to construct additional storage buildings on site.

**Justification:**

*The applicant has initiated the rezoning petition in order to better fit his intended use of the property and remove the more significant buffer requirement (100 ft.) which exists in the Manufacturing and Industrial District.*

**Project Profile:**

<i><u>PROPERTY # 1 LOCATION:</u></i>	<i>2505 Wendell Boulevard</i>
<i>WAKE COUNTY PIN:</i>	<i>1784260578</i>
<i>ZONING DISTRICT:</i>	<i>Proposed CH/ Current MI</i>
<i>CROSS REFERENCES:</i>	
<i>PROPERTY OWNER:</i>	<i>Goldsboro Builders Supply CO., Inc.</i>
<i>APPLICANT:</i>	<i>John Oglesby, PE / Goldsboro Builders Supply CO., Inc.</i>
<i>PROPERTY SIZE:</i>	<i>7.43 acres</i>
<i>CURRENT LAND USE:</i>	<i>Storage/Distribution</i>
<i>PROPOSED LAND USE:</i>	<i>Storage/Distribution</i>

**Project Setting – Surrounding Districts and Land uses:**

<u>DIRECTION</u>	<u>LANDUSE</u>	<u>ZONING</u>
<i>North</i>	<i>Vacant</i>	<i>RR</i>
<i>South</i>	<i>Commercial/Residential</i>	<i>CH/RA</i>
<i>East</i>	<i>Manufacturing/Vacant</i>	<i>MI-CD/CH-CD</i>
<i>West</i>	<i>Commercial/Vacant</i>	<i>CH/RR</i>

**Zoning District:**

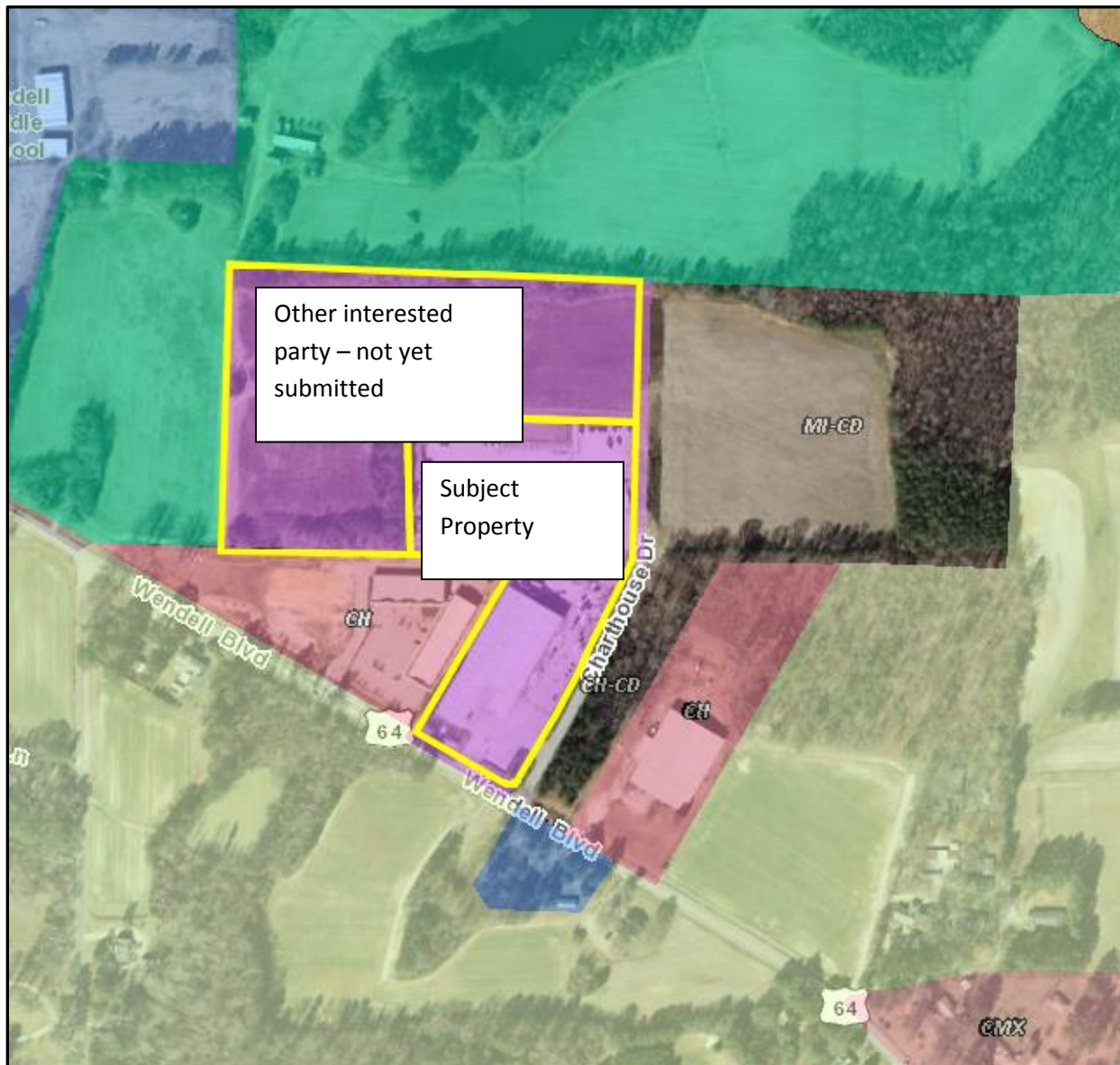
*The property included within this request is currently zoned Manufacturing and Industrial (MI). The applicant has indicated a desire to construct additional storage buildings on his property, which is currently used for storage/distribution. In order to protect adjacent properties from the more intense manufacturing uses allowed in the Manufacturing and Industrial District, a 100 ft. buffer is applied from any structure within the district to the exterior of the zoning district's boundary.*

*By rezoning this property to Commercial Highway, the applicant could still develop light industrial uses if he chose to without the requirement for a 100 foot district buffer. Only heavier*

*industrial uses would be prohibited. Light and Heavy manufacturing uses differ in their design, frequency of use, and exterior impacts. Light manufacturing facilities are typically designed to look and generate impacts like a typical office building, but rely on special power water, or waste disposal systems for operation. Additionally, Light Manufacturing uses contain all noise, odor, and dust within their site, insofar as practical. Heavy manufacturing uses house complex operations, some of which might be continuous (operated 24 hours a day, seven days a week).*

*A copy of those uses allowed in each zoning district is included as Attachment A.*

**Current Zoning Map:**



**Off-Street Parking:**

*At the time of development, parking spaces shall be provided in the amount specified by Chapter 10 of the Unified Development Ordinance (UDO).*

**Lighting:**

*Lighting shall be in accordance with the lighting requirements in place at the time of permitting.*

**Public Utilities:**

*Water and sewer is available at this site.*

**Streets:**

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

**Landscaping:**

*Landscaping shall be required to meet the requirements as set forth in the UDO at the time of development.*

**Stormwater Management:**

*Development disturbing more than 20,000 square feet of land would be required to meet the stormwater standards contained in the UDO at the time of site plan submission.*

**Comprehensive Plan:**

*The Wendell Comprehensive Plan defines this section as S4 “Controlled Growth Area”. This area is also within a planned ‘Village/Town Center’.*

*The Comprehensive Plan states the S4 sector is where moderate intensity new development is appropriate and where the majority of the community’s new growth should occur. 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, commercial uses, civic uses, and industrial uses.*



FRAMEWORK PLAN LEGEND	
PLAN BOUNDARY	S1 PRESERVED OPEN SPACE
Railroad	S2 RESERVED OPEN SPACE
COLLECTOR STREET PLAN	S3 RESTRICTED GROWTH AREA
EXISTING COLLECTOR	S4 CONTROLLED GROWTH AREA
PROPOSED COLLECTOR	S5 INTENDED GROWTH AREA
CAMPO THOROUGHFARE PLAN	S6 INFILL/REDEVELOPMENT AREA
EXISTING THOROUGHFARE	VILLAGE/TOWN CENTER
PROPOSED THOROUGHFARE	NEIGHBORHOOD CENTER
WATER BODIES	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 zoning map amendment is consistent with the recommended uses and development types outlined in the Wendell Comprehensive Land Use Plan for the S-4 sector.

**Staff Recommendation:**

Staff recommends approval of the rezoning request.

**Attachments:**

A. Table of Uses (CH and MI zoning districts)

\*\*\*\*\*

At the conclusion of Mr. Bergmark's presentation, Vice-Chairman Clark asked if there were any questions from the Board, as follows:

Mr. Olson asked what the buffer requirement is for the CH district; Mr. Bergmark responded that it can be 5 feet, but that can vary depending on the abutting land use.

Vice-Chairman Clark asked if the applicant would like to make any comments. John Oglesby responded that the owner intends that the property be used for a business and that the CH (Commercial Highway) district was more in line with what the owner desires. Allen Swaim then asked Mr. Oglesby if the pond to the east would be protected from antifreeze and oil coming from the site. Mr. Oglesby replied that the owner has proposed to reduce the impervious area on the site by using gravel and that a detention pond is being provided; these two features should contain any oil/antifreeze that might be generated on the site.

Allen Swaim further inquired if 24 hour operations would be allowed in the proposed zoning district, and if so, what types; Mr. Bergmark replied that 24 hour uses are allowed in the current district, but not in the proposed one, which overall is a less intensive district. Errol Briggerman then asked whether the old Wilson Building Supply site is in the town limits and if the zoning district at that location is the same as what is being proposed at this location; Mr. Bergmark responded that it was not within the Town, and that it is zoned M&I. Mr. Briggerman then inquired if the proposed use would be quieter than the previous use; Mr. Oglesby replied that the existing use is a junkyard, which has old vehicles that could more easily have spills than what is proposed. He further indicated that the anticipated hours of operation of the new business would typically be from 6 to 7 am until 7pm.

Vice-Chairman Clark asked if there were any additional questions or comments. As there were none, Lloyd Lancaster made a motion that the Planning Board recommend approval to the Town Board of this request [to rezone 7.43 acres of land located at 2505 Wendell Boulevard from MI to CH], as submitted by staff. Jonathan Olson seconded the motion. The motion passed unanimously.

---

**7B. Discussion and Action on a Zoning Text Amendment (ZTA17-07) to Chapters 11 and 17 of the UDO as they relate to Street Lights.**

Vice-Chairman Clark introduced this case and Mr. Bergmark presented the staff report shown in *italics* below.

\*\*\*\*\*

**Item Title:**

*ZTA17-07 – Discussion and Action on a Zoning Text Amendment to Chapters 11 and 17 of the UDO as they relate to Street Lights.*

**Report to the Planning Board:**

- *Monday, November 20, 2017*

**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:**

Due to increased growth in residential development, staff has recognized the need to make modifications to the Town's Street light policies. While most of the Town's Street light policy material is located outside of the UDO and therefore does not require review by the Planning Board, there are two sections of the UDO which reference the Town's Street Light standards which require modification.

As can be seen in the existing language of Section 17.5 of the UDO, the Town's current standard makes the developer responsible for all costs associated with the use of custom or decorative materials, to include the difference in the costs associated with the town's standard pole versus the upgraded lighting for a period of 20 years. This requirement creates a large up-front cost for the developer, and creates a long-term cost for the Town as that development goes beyond the 20 year period. While this policy worked adequately when most subdivisions were less than 100 lots, the up-front cost can become untenable for larger subdivisions with hundreds of lots. Ultimately the existing policy could harm the town, as after the 20 year period expires, the Town would be paying the full cost of the upgraded fixture into the future.

The new policy which the Town has developed would require the developer or HOA to enter into a contract with Duke/Progress Energy if they wanted upgraded street light fixtures, with the Town reimbursing them the cost of the standard fixture.

Additionally, the proposed text amendment would reduce the number of zoning districts which require pedestrian street lights, as the long-term cost to the Town for pedestrian lights is significantly higher. Developers who desired pedestrian lights in any zoning district could still choose to use them, with the Town reimbursing them the cost of standard street lighting.

The following section details the specific changes proposed for Section 11.10 and 17.5 of the UDO, with the *amended text shown in red*.

**Proposed Amendments**

**Existing Language (Section 11.10)**

**11.10 Street Lighting**

- A.** *Street lighting shall be placed on all streets by the developer to allow for the safe use of streets by both cars and pedestrians. All street lighting shall be placed in accordance with the following minimum design standards:*

- I. Minimum average street light spacing:**

	OSC	RA	RR, R2, R3, R4, MH	R7, TND, NC, CMX, CC, DMX	CH, M&I
<b>Minimum Average Street Light Spacing</b>	n/a	n/a	300 ft.	150 ft. (pedestrian-scaled)	300 ft.



2. *Lighting shall be placed at street intersections and is preferred at street curves.*
  3. *Pedestrian-scaled lighting (no taller than 18 feet) should be prioritized over automobile lighting. Lighting should be placed in a manner to limit the casting of shadows on sidewalks.*
  4. *All lighting shall utilize a cutoff fixture. Where buildings are close to the street (less than 15 feet from the right-of-way), full cutoff fixtures are required to limit glare and light spillage on upper levels.*
- B.** *Alleys are excluded from the spacing and lighting requirements of this Chapter.*

Proposed Language (Section 11.10) (modified language shown in red)

**11.10 Street Lighting**

- A.** *Street lighting shall be placed on all streets by the developer to allow for the safe use of streets by both cars and pedestrians. Developer placed lighting shall also include all improved frontages on local and NCDOT streets (with DOT approval). Developers requesting upgrades from the Town's minimum street light specification of a 25' fiberglass pole with a fully-shielded, arm-mounted LED fixture must follow the procedures outlined in the Town's Street Light Policy. All street lighting shall be placed in accordance with the following minimum design standards:*

**1. Minimum average residential street light spacing:**

	OSC	RA, RR	R2, R3, R4, MH, R7, TND, NC, CMX, CC, CH, M&I	DMX
<b>Minimum Average Street Light Spacing</b>	n/a	500 ft.	300 ft.	150 ft. (pedestrian-scaled)

2. *Lighting shall be placed at street intersections and at the end of cul-de-sacs or street stubs 200 ft. or longer, and is preferred at street curves.*
3. *Pedestrian-scaled lighting (no taller than 18 feet) is required in the DMX zoning district. Developers electing to use pedestrian lighting in other zoning districts may do so with the Administrator's approval, using the same spacing requirement as listed for the DMX district. Where used, pedestrian lighting should be placed in a manner to limit the casting of shadows on sidewalks.*
4. *All lighting shall utilize a cutoff fixture. Where buildings are close to the street (less than 15 feet from the right-of-way), full cutoff fixtures are required to limit glare and light spillage on upper levels.*
5. *Nothing in these provisions shall exempt the developer from meeting any additional NCDOT lighting standards along state maintained roadways.*
6. *The construction of a single dwelling not part of a larger subdivision, or which is located within a Family Subdivision shall not initiate street light requirements.*

- B. *Alleys are excluded from the spacing and lighting requirements of this Chapter.*
- C. *More information on Street Lighting may be found in the Town's Street Light Policy.*

**Existing language (Section 17.5)**

**17.5 Street Lights**

- A. *The developer shall install underground wiring for street lights and shall install lights at the developer's cost prior to final plat approval. The Town will notify Progress Energy when the lights should become operational for each block within the applicable phase.*
- B. **Decorative Street Lights:** *Custom or decorative street lighting proposed by the developer is subject to approval by the Town prior to installation. The developer is responsible for all costs associated with the use of custom or decorative materials, to include the difference in the costs associated with the town's standard pole versus the upgraded lighting for a period of 20 years.*

**Proposed Language (Section 17.5)**

**17.5 Street Lights**

- A. *The developer shall install underground wiring for street lights and shall install lights at the developer's cost prior to final plat approval. The Town will notify Duke Energy when the lights should become operational for each block within the applicable phase.*
- B. **Decorative Street Lights:** *Use of any street lighting other than the Town's standard 25' fiberglass pole with a fully-shielded, arm-mounted LED fixture must follow the procedures outlined in the Town's Street Light Policy, and is subject to approval by the Town prior to installation. Use of non-standard poles shall require the developer or owner to enter into a contract directly with the utility provider. The Town shall issue reimbursements to the developer or owner based upon its standard pole costs, as outlined in the Town's Street Light Policy.*

**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 # 5 of the Wendell comprehensive plan and is reasonable in order to protect vehicular and pedestrian safety through adequate lighting.*
    - *Principle # 5: Promote Wendell's attractiveness to business and people of all walks of life.*

**Staff Recommendation:**

*Staff recommends approval of the text amendment request.*

**Attachments:**

*None*

\*\*\*\*\*

At the conclusion of Mr. Bergmark’s presentation, Vice-Chairman Clark asked if there were any questions from the Planning Board. Errol Briggerman asked if there was any savings to the Town when street lights in town were changed to LEDs; Mr. Bergmark replied that Duke owns the lights and that there was no charge to the Town when this change occurred. Errol Briggerman then asked what the impact to the Town and developers would be with a more decorative fixture; Mr. Bergmark replied that fiberglass poles are the Town’s proposed standard and that the Town assumes the full cost of standard lights, and that there is no additional cost to developers unless they choose to use upgraded/nonstandard light poles. Lloyd Lancaster then stated that he would rather deal with the Town, instead of Duke, when a light fixture burns out. He continued that if there are decorative lights and the neighborhood does not have a homeowners association, then individual citizens would have to deal with Duke; Mr. Bergmark replied that either way, Duke is in charge [of light poles]. Michael Clark then asked if a homeowners association (HOA) is required [with the proposed ordinance amendment]; Mr. Bergmark replied that it would be. Lloyd Lancaster then noted that there is no HOA in my neighborhood, and inquired as to what would happen if a HOA became defunct. Errol Briggerman then inquired as to who would call Duke 20 years from now; Mr. Bergmark replied that in reality, citizens will call the Town and the Town will call Duke, even though citizens can call Duke directly. After some additional discussion among the Board and Mr. Bergmark, Gilda Wall pointed out that the police will call Duke when there is a light pole outage. Allen Swaim then indicated that he didn’t want a 500 foot light pole spacing requirement in the RA district because of the light pollution that would result, which has a negative impact on astronomical viewing (of stars, planets, etc). Jonathan Olson also questioned the benefit of a 500 foot spacing of light poles.

At this time, Allen Swaim made a motion to keep the RA light pole standard as “n/a” [in the UDO]; Lloyd Lancaster seconded the motion. Errol Briggerman asked if the Town would install street lights if the proposed 500 foot standard is adopted; Mr. Bergmark responded that the Town would not, but they would be installed when a subdivision is developed [in the RA or RR district].

Vice-Chairman Clark noted that there was a motion to amend the table in the proposed ordinance amendment to leave the lighting standard as it currently exists in the RA district; as there was no further discussion, he called for a vote, which was unanimously approved. Lloyd Lancaster then made a motion to recommend denial of the proposed ordinance amendment; Allen Swaim seconded the motion. This motion failed with two votes (Lloyd Lancaster and Allen Swaim) voting in favor, and the remaining six members present (Michael Clark, Errol Briggerman, Gilda Wall, Jonathan Olson, Kathe Schaecher, and Victoria Curtis) voting against.

Vice-Chairman Clark noted that the previous motion had failed, and asked if anyone would like to make another motion. Jonathan Olson then made a motion to recommend approval of the proposed ordinance

amendment, to include the previous amendment [to leave the RA standard as it currently exists]; Kathe Schaecher seconded that motion. Vice-Chairman Clark asked if there was any further discussion. Lloyd Lancaster stated that if the proposed ordinance amendment were approved, the next power company may not be as helpful [as Duke]. Vice-Chairman Clark then called for a vote on the motion, which passed by a vote of 6 (Michael Clark, Errol Briggerman, Gilda Wall, Jonathan Olson, Kathe Schaecher, and Victoria Curtis) in favor and 2 (Lloyd Lancaster and Allen Swaim) against.

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

Vice-Chairman Clark asked for a motion to adjourn. Lloyd Lancaster made a motion to adjourn the meeting; Allen Swaim seconded the motion. The motion passed unanimously and the meeting adjourned at approximately 7:53 p.m.

Immediately after adjournment, Mr. Bergmark announced that there would likely be no Planning Board meeting in December. Allen Swaim indicated that Ashley Anderson is interested in finding out if the Planning Board wants to have an informal get together for the holidays. A discussion then took place among the Planning Board regarding what would be a good date and location to get together.