

**Planning Board Meeting –
March 16, 2015
Minutes**

Members Present: Harold Broadwell, Ruth Van der Grinten, Errol Briggerman, Larry Vaughan , Judy Silver, Billy Bryant, Ashley Anderson, Charles Kramer

Members Absent: Joseph Sparacia

Others Present: Commissioner Grey, Commissioner Laughery

Staff Present: Planning Director David Bergmark, Planner Patrick Reidy, Planner Allison M. Rice

1. Meeting Called to Order

Mr. Broadwell called the meeting to order.

2. Welcome and Recognition of Guests

Mr. Broadwell welcomed Commissioner Grey and Commissioner Laughery.

3. Chairman and Board Members' Comments

There were no comments by Mr. Broadwell or the Board.

4. Adjustment and Approval of Agenda.

Ms. Silver made a motion to approve the agenda. Mr. Kramer seconded it. The motion passed unanimously.

5. Public Comments

There were no public comments.

6. Approval of Minutes

Mr. Vaughan asked to make changes to the February 19th minutes, adding “for Newland Properties” to the sentence ending “... process of trying to sell some multi-family properties” on page 4, and adding “if the Board thought it was an issue” to the sentence ending “... asking him to recuse himself” on page 5. Ms. Van der Grinten seconded the motion to make these changes. The motion passed. Mr. Kramer made a motion to approve the minutes. Mr. Vaughan 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 10 of the Unified Development Ordinance as it Relates to Parking and Vehicle Stacking Requirements.

Mr. Bergmark said at their September 8th meeting, the Town Board directed staff to take the complete list of Unified Development Ordinance (UDO) comments to the Planning Board and to have the Planning Board begin making recommendations based on the comments in batches. This report related to UDO issues identified in the town’s UDO log, dealing with parking and stacking requirements for drive-thru establishments and restaurants.

Mr. Bergmark said currently, the UDO did not contain any set standards for establishing vehicle stacking or queuing areas for businesses which include drive-thru lanes. He said drive-thru lanes were often associated with restaurants, but could also be incorporated into other businesses such as banks, pharmacies, and car washes. He said the UDO also did not contain any parking standards for drive-thru restaurants that had no indoor seating areas. The proposed text amendments discussed in Item # 1 and Item # 2 were intended to address these two omissions.

Mr. Bergmark said Item # 3 (Pervious Paving Parking Requirements) attempted to better address when pervious paving should be required for smaller businesses with fewer spaces required.

Item # 1: Vehicle Stacking Requirements

Mr. Bergmark said vehicle stacking or queuing requirements were intended to ensure that businesses which incorporate drive-thru lanes provided sufficient space within their property for vehicles to line up in a safe and efficient manner. He said since no language was currently included in the UDO to address stacking or queuing requirements for drive-thru establishments, staff evaluated the standards of several other jurisdictions to determine appropriate requirements.

Mr. Bergmark said in general, municipal standards for restaurants required room for 6-8 vehicles to stack, with each space being approximately 20 feet long. This standard was typically reduced for businesses other than restaurants to 3-4 stacking spaces. He said associated standards were often attached, addressing related items such as escape lanes and property screening. He said examples of other municipal standards were included in Attachment A.

Mr. Bergmark said the proposed language provided below was based on the stacking requirements used by the City of Raleigh, with some minor modifications and additions.

Proposed Text Amendment (Proposed by Staff):

- Amend Section 10.4 of the UDO (General Parking Requirements) to include ‘L. Vehicle Stacking Requirements’ with the following standards:

L. Vehicle Stacking Requirements (Section 10.4 of UDO)

1. Adequate space must be made available on-site for the stacking, storage and queuing of vehicles.
2. Vehicles using drive-thru facilities may not encroach on or interfere with the public use of streets, sidewalks, and crosswalks by vehicles or pedestrians.
3. A restaurant with drive-thru facilities must provide at least 8 queuing spaces for vehicles when 1 drive-thru lane exists and 6 spaces at each drive-thru when more than 1 lane exists.
4. Any use with gas pump islands must provide a minimum of 30 feet of stacking space from each end of the island.
5. Other uses utilizing drive-thru facilities must provide a minimum of 3 queuing spaces per drive-thru lane.
6. Each vehicle stacking space in a drive-thru lane shall be a minimum of 20 ft. in length.
7. An escape lane shall be provided parallel to the drive-through lane from the beginning of the drive-through lane to the order board.

8. Drive-thru lanes shall be screened in the same manner as parking lots, as described in Chapter 8 of the UDO.

Staff Recommendation:

Mr. Bergmark said staff recommended approval of the proposed text amendment listed above, which added standards for vehicle stacking which was currently missing from the UDO.

Mr. Broadwell said this was an opportunity to regulate and to encourage some standards, and he said that it was also an opportunity to regulate to encourage or discourage this type of business model. He suggested they take into account where drive-thrus aren't appropriate. He said the Subway and Wells Fargo drive-thrus, for example, were too tight. Mr. Broadwell said he liked Hanford's lot size requirement (in C.1) for those reasons. Mr. Bergmark said that recommendation would be appropriate to add. He said it would be more appropriate to add it in the supplemental use table where it talked about drive-thrus, unless the Planning Board wanted this standard to apply to all drive-thrus. He said that there could be other uses, like a car wash, that didn't fall within drive-thru restaurant and drive-thru service. He said it would probably be more appropriate to put that restriction in the supplemental use chapter than in the parking chapter.

Mr. Bryant asked, relating to number 7 on page 2, what happens after the escape lane. He asked if it would be more appropriate to extend the escape lane to the pick up window instead of the order board. Mr. Bergmark said he had no problem changing the wording to "an escape lane shall be provided parallel to the drive-thru lane from the beginning of the drive-thru lane to the pick-up window".

Ms. Van der Grinten said that she agreed with the restriction on lot size. Mr. Bergmark said that the lot size may be restricted through parking, setback, etc. requirements, but he would have to look into that to confirm.

The Planning Board moved the discussion to the next item, preferring to vote for each item separately at the end of Item 7A.

Item # 2: Parking requirements for restaurants with minimal or no seating

Mr. Bergmark said currently, section 10.4A of the UDO established a parking requirement of 1 parking space per 4 seats for restaurants. However, there was no separate standard for drive-thru restaurants with no seating, or for restaurants with minimal seating. He said this omission was problematic if a restaurant such as 'Cook Out' wanted to locate in Wendell, which often had no seating provided. Staff could use the existing standard for retail uses, but that standard only called for 2 parking spaces per 1000 sq. feet. He said drive-thru restaurants such as Cook Out were often less than 1000 square feet total, which would only call for 2 parking spaces. He said this amount of parking would not be sufficient to cover the needs of the workers or patrons who may desire to park and eat on site within their vehicle.

Mr. Bergmark said the UDO established minimum parking requirements, but did not contain maximum parking standards. Instead, it required that a portion of the parking spaces be built of pervious material (allowing ground-water infiltration) once you exceeded 150% of your required parking spaces. He said as

a result, if your number of required parking spaces was very low, providing more parking spaces could become expensive. He said for larger businesses, this was the desired effect. However, for smaller businesses, the current standards could be burdensome.

Mr. Bergmark said in order to address these concerns, staff proposed to apply a baseline minimum number of parking spaces for restaurants. He said the proposed text amendment would ensure that a minimum number of spaces were provided for workers and patrons, while also reducing the impact of the pervious pavement standard for small restaurants who desire to have more parking spaces provided.

Proposed Text Amendment:

Amend the chart in section 10.4A to add a notation for restaurants stating, “(d) Restaurants shall not provide less than 8 parking spaces, even if no seating is provided”

Staff Recommendation:

Mr. Bergmark said staff recommended approval of the proposed text amendment listed above, which added parking standards for restaurants with minimal or no seating.

Item # 3: Pervious paving parking requirements

Mr. Bergmark said Section 10.3K of the UDO currently stated:

“When parking areas exceed the minimum parking requirements a portion of the excess spaces (as detailed in the table shown on the following page) shall be constructed using a pervious technique approved by the Administrator including but not limited to pervious pavers, pervious pavement, grass block, or grass with structural supports. It is the responsibility of the owner to maintain these parking areas as pervious.”

Excess Parking Provided	Required Pervious Paving
> 150-200% of minimum required parking	20% of excess spaces up to 200%
> 200% of minimum required parking	All spaces in excess of 200% of minimum (in addition to the 20% required above)

Mr. Bergmark said this meant that if a proposed use was only required to provide 10 parking spaces, but chose to provide more than 14 spaces, a portion of those spaces in excess of 14 must use a pervious technique, which allowed water infiltration. He said the benefit of this standard was that it had positive environmental impacts, as well as discouraged developers from building more parking than was considered necessary.

Mr. Bergmark said the current standard had desirable effects for large businesses providing an abundant amount of parking. However, this standard may not be practical in those situations where the number of

required parking spaces was very low. He said staff questioned whether it made sense to require a developer to install two or three impervious spaces. He said the maintenance requirement of pervious pavement was high, and it was more likely that these spaces would not be properly maintained if there were only a few of them. Staff recommended adding language which would make this provision only apply when more than five pervious spaces would be called for using the table in Section 10.3k.

Mr. Bergmark said using the same example as before, if this new standard was applied, a use which required 10 parking spaces could provide up to 23 parking spaces before they would be required to install pervious spaces. He said if they installed 24 spaces or more, they would be required to install the full number of impervious spaces called for in the table under section 10.3K.

Proposed Text Amendment:

Amend the text in Section 10.3k to read as follows (**the new text is underlined and bolded**):

“When parking areas exceed the minimum parking requirements a portion of the excess spaces (as detailed in the table below) shall be constructed using a pervious technique approved by the Administrator including but not limited to pervious pavers, pervious pavement, grass block, or grass with structural supports. It is the responsibility of the owner to maintain these parking areas as pervious. **This provision shall not apply to those developments which would result in a parking layout with 5 or less pervious paving spaces**”

Excess Parking Provided	Required Pervious Paving
> 150-200% of minimum required parking	20% of excess spaces up to 200%
> 200% of minimum required parking	All spaces in excess of 200% of minimum (in addition to the 20% required above)

Statement of Plan Consistency and Reasonableness

- 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.
- Such statements could refer to the general principles of the Comprehensive Plan, including but not limited to:
 - Principle Number 3: “Increase downtown and in-town retail, dining, and residential options’ likewise continue the tradition of local business”
 - Principle Number 5: “Promote Wendell’s attractiveness to business and people of all walks of life. Emphasize the strengths of the Town’s diverse population.”

Mr. Bryant asked where the length of the queue is measured from for drive-thrus, the order board or the order window. Mr. Bergmark said the Town of Cary measures it from the order box. He said that he felt like that was appropriate.

Mr. Bryant said that 8 spaces seemed to be a lot from the order box. He asked if this was something that staff would be able to assess at plan review based on distance between pay windows, for example. Mr. Bergmark said that if it was decided to measure the distance from the order box, then they could reduce the number of spaces required in the queue. Ms. Van der Grinten suggested that they keep a larger queue requirement to ensure that the queue doesn't go into the parking lot, blocking traffic.

Mr. Bergmark said that there didn't appear to be a lot of precedent from other towns as far as where the queue is measured from, so he didn't think he would be able to come back with new information to inform the Planning Board's decision. He said that since the escape lane's queue is measured from the pick-up window, he didn't have any objection to measuring both from the same place. He said that if the Planning Board wanted to make this change, he would put additional language in Number 3.

Ms. Van der Grinten asked if a lot size requirement would be put in to these recommendations. Mr. Bergmark said that the requirement could be, but that the appropriateness of lot size for the use would be covered in other areas, such as parking requirements. He said Mr. Broadwell made that suggestion in order to discourage drive-thru restaurants overall, so the intent was different. Mr. Briggerman said that most corporations coming in know the size requirements before coming in.

Mr. Vaughan said part of the problem was that it's difficult to know how much business and traffic a business will generate before it is built. He asked if Mr. Bergmark got his examples from areas that had more traffic than Wendell. Mr. Bergmark said that was true of the vehicle stacking, but the other two proposals made it easier for small businesses to operate. He said that by measuring the queue from the pick-up window, their vehicle stacking regulation was less strict than others.

Mr. Bryant made a motion that they accept staff's recommendation, with the exception of item 1 number 7, where they added the language where the escape lane was extended to the pick-up window, and item 3, where the queue is measured from the pick-up window. Mr. Bergmark said item 3 would read: "A restaurant with drive-thru facilities must provide at least 8 spaces for queuing vehicles when one drive-thru lane exists and 6 spaces in each drive-thru lane when more than one lane exists, measured from the pick-up window." Ms. Silver seconded the motion. The motion passed 8 - 0.

Item 7B - Discussion and Action on a Proposed Text Amendment to Chapter 2, Chapter 3, and Chapter 5 of the Unified Development Ordinance to Remove Residential Uses as a Permitted Use in the Commercial Highway Zoning District.

Mr. Bergmark said when the UDO was developed, a concerted effort was made to encourage a greater mix of uses, whether they were residential, commercial, or office. Many of the form-based zoning standards incorporated into the UDO were designed around this principle. He said in general, staff was in support of this effort, as it helped to create a more diverse, walkable built environment.

Mr. Bergmark said however, there were some zoning districts that, due to their permitted uses or their specific development standards, were not appropriate for residential uses. He said this was clearly the case for the manufacturing and industrial district, which did not permit any residential uses.

Mr. Bergmark said recently it came to staff’s attention that all residential uses except manufactured housing were currently allowed in the Highway Commercial zoning district in some fashion. Attachment A contained the Use Matrices Table, which listed the residential uses allowed in all districts. He said this issue was initially noticed as staff was reviewing the design standards in chapter 5 for houses. Section 5.9C (included below) included a column for the CH zoning district, but it stated that there were no side or rear setback requirements, nor were there any lot depth requirement.

C. Dimensional Standards by Zoning District

The House building type is allowed in the zoning districts noted in the table below according to the dimensional standards noted therein.

	OSC	RA	RR	R2	R3	R4	R7, NC, CMX, CC, DMX	CH
Lot Width <i>(Minimum) (a)</i>	100 ft	100 ft	95 ft	70 ft	60 ft	50 ft	24 ft	35 ft
Lot Depth <i>(Minimum)</i>	100 ft	100 ft	100 ft	100 ft	100 ft	100 ft	100 ft	none
Front Setback <i>(Minimum)(b)(f)</i>	40 ft	40 ft	40 ft	30 ft	25 ft	25 ft	10 ft	10 ft
Front Yard Encroachment <i>(c)</i>	none	8 ft	8 ft	8 ft	8 ft	8 ft	8 ft	none
Side Setback <i>(Minimum)</i>	10 ft	10 ft	10 ft	10 ft	20% of lot width combined <i>(d)</i>	20% of lot width combined <i>(d)</i>	3 ft <i>(d)</i>	none
Rear Setback <i>(Minimum)</i>	30 ft	30 ft	30 ft	25 ft	20 ft	20 ft	25 ft	none
Rear Setback from Alley <i>(Minimum)</i>	none	none	none	none	15 ft from centerline	15 ft from centerline	15 ft from centerline	0 ft
Accessory Structure Side/Rear Setback <i>(Minimum)</i>	5 ft	5 ft	5 ft	5 ft	5 ft	5 ft	5 ft	0 ft or 4 ft <i>(e)</i>

Maximum Height <i>(see Sec. 5.5)</i>	35 ft	35 ft	35 ft	3 stories	3 stories	3 stories	3 stories	3 stories
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(Amended 5-14-12)

Notes:

- (a) See Chapter 2 for additional dimensional standards.
- (b) For corner lots, the building shall utilize the front setbacks for both streets.
- (c) Balconies, stoops, stairs, chimneys, open porches, bay windows, and raised doorways are permitted to encroach into the front setback. See section 5.6 Encroachments.
- (d) In new developments only (vs. infill lots), the entire setback may be allocated to one side with a minimum of 6 feet total building separation, providing the setback condition is consistent with the block.
- (e) Accessory Structure either needs to be attached or must have at least 4 feet of separation.
- (f) Where garages are allowed see 5.9E4.

Mr. Bergmark said the existing standards did not make sense for detached dwelling units in the CH zoning district. However, rather than create new dimensional standards for this use, staff believed that it would be more appropriate to remove residential uses entirely from this district.

Mr. Bergmark said Section 2.13 of the UDO described the Highway Commercial (CH) zoning district as follows:

- A. Purpose and Intent:** The intensity of commercial development in the Highway Commercial district is established by the traffic of the fronting thoroughfare. The intent of these regulations is to facilitate convenient access, minimize traffic congestion, and reduce the visual impact of excessive signage and parking lots.

Mr. Bergmark said the description of the district only referred to commercial development. He said unlike other commercial or mixed use districts, the CH zoning district allowed many uses that were less compatible with residential uses, such as outdoor kennels, sweepstake centers, dry cleaning plants, outdoor storage as a primary use, and wholesale distribution.

Mr. Bergmark said form-based standards generally concerned themselves less with the activity going on within a building and focused instead on the impacts of that use as a product of the scale and design of the site. He said in this respect, the Highway Commercial district also did not seem appropriate for residential uses. He said the CH district did not restrict the location of parking in any way, creating a more dangerous and less friendly environment for pedestrians. Mr. Bergmark said in staff's opinion, if an applicant wanted to incorporate residential units above a commercial or office use, the development standards of other commercial zoning districts would be more appropriate, and the property would be better served to be rezoned.

Mr. Bergmark said staff reviewed the UDO of Knightdale and Wake Forest (both of whom have form-based standards in their UDO) to determine if they allowed residential uses in their zoning district which

closest resembled Wendell's CH district. He said Knightdale allowed no residential uses in their Highway Business district. He said Wake Forest only permitted 'live-work' units in their Highway Business district. Wendell's UDO defined live-work units as being a maximum 3000 square foot space, in which the work area occupied 50 percent or less of the space and the same tenant occupied the work area as the living area.

Proposed Text Amendment (Proposed by Staff):

- Amend section 2.3C (Use Matrices) to list all residential uses as not permitted (as denoted by a ' - ') in the Highway Commercial (CH) zoning district.
- Amend the 'Dimensional Standards by Zoning District' Tables in Sections 5.9C, 5.10C, and 5.11C to remove the 'CH' column, thereby removing all standards for detached homes, townhomes, and apartments in the CH district.
- Amend section 3.3 (Additional Standards by Use) to remove CH from the list of districts where Dwellings-Secondary, Family Care Home, and Live-Work Units are permitted.

Staff Recommendation:

Mr. Bergmark said staff recommended approval of the proposed text amendments listed above.

Statement of Plan Consistency and Reasonableness

- 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.
- Such statements could refer to the general principles of the Comprehensive Plan, including but not limited to:
Principle Number 5: "Promote Wendell's attractiveness to business and people of all walks of life. Emphasize the strengths of the Town's diverse population."

Ms. Van der Grinten asked where this zoning district was located in Wendell. Mr. Bergmark said there were many CH zones in Wendell. He said Knott Square was zoned CH and there was another stretch along Wendell Boulevard heading towards Zebulon. Ms. Van der Grinten asked if there were any houses currently in this zone. Mr. Bergmark said he had counted 3 in the area going up toward Zebulon. He said this change wouldn't necessarily affect them. He said the houses could continue to exist, but if they burned down, the owners wouldn't be able to reestablish the houses.

Mr. Vaughan asked Mr. Broadwell if the owners would have difficulties getting loans in this situation. Mr. Broadwell said that it could possibly affect the owners' ability to refinance their home or to sell their home. Mr. Vaughan asked if it was possible for staff to rezone the lots with the homes on it so that they would be compliant, until such time that the owners wished to rezone their properties back to commercial. Mr. Bergmark said this doesn't address the fact that the Town had determined that these locations were best suited as commercial uses.

Mr. Briggerman said he was concerned whether this would hurt the homeowners' property value. Mr. Bergmark said a commercial zoning probably helped their property value.

Mr. Bryant said he was concerned with the inability of the owner to rebuild their home on their property if the home was destroyed. He said the owner would be at the mercy of the Board approving a rezoning. He said he wanted the Planning Board to be aware that this problem could present itself.

Mr. Briggerman made a motion to accept staff's recommendation. Mr. Kramer seconded it. The motion passed 8-0.

Item 7C – Update on Planning Board Terms

Mr. Bergmark said that there were several terms on the Board that was expiring. He said he included application packets in the Planning Board packets for anyone that wanted to apply again.

8. Adjourn to Next Regularly Scheduled Meeting

Mr. Kramer made a motion to adjourn. Judy Silver seconded it. The motion passed unanimously.