

**Planning Board Meeting –  
April 17, 2017  
Minutes**

**Members Present:** Harold Broadwell, Errol Briggerman, Gilda Wall, Lloyd Lancaster, Kathe Schaecher, Victoria Curtis, Allen Swaim

**Members Absent:** Ruth Van der Grinten, Ashley Anderson

**Staff Present:** Planning Director David Bergmark, Planner Allison Rice, Planner II Patrick Reidy

**Guests Present:**

**1. Meeting Called to Order**

Mr. Broadwell called the meeting to order.

**2. Welcome and Recognition of Guests**

Mr. Broadwell welcomed the public.

**3. Chairman and Board Members' Comments**

There were no comments.

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

Gilda Wall made a motion to accept the agenda. Victoria Curtis seconded the motion. The motion passed.

**5. Public Comments**

There were no members of the public signed up to speak.

**6. Approval of Minutes**

Errol Briggerman made a motion to accept the February 20, 2017 minutes. Kathe Schaecher seconded the motion. The motion passed.

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

**Item 7A – Discussion and action on a zoning map amendment to rezone 12.07 acres of land located at 0 industrial drive (PIN # 1784019955) from Manufacturing & Industrial (M&I) to Residential Agricultural (RA).**

Mr. Bergmark gave the following report, in italics:

*The applicant, Gregory Hopkins, has submitted a request for a change in zoning classification for a single parcel (split by Industrial Drive) totaling 12.07 acres (not counting associated right-of-way). This area is currently zoned Manufacturing and Industrial (M&I) and is being requested to be rezoned Residential Agricultural (RA).*

*This property was previously part of a larger area zoned M&I due to its proximity to the railroad and sewer service. However, all adjacent properties except this piece have been subsequently rezoned. The*

applicant has expressed a desire to rezone the property to Residential Agricultural in order to build a home on this tract. Residential uses are not permitted within the existing zoning (M&I).

Location and History:

The parcel in question is not currently located within the Town’s corporate limits. The property contains no structures and a significant portion of the tract is encumbered by a protected stream buffer. Road frontage is provided along Industrial Drive. The property also has railroad right-of-way frontage along its northern border. The adopted transportation plan does call for right-of-way reservation (but no dedication or construction) along the western boundary of this property.

Justification:

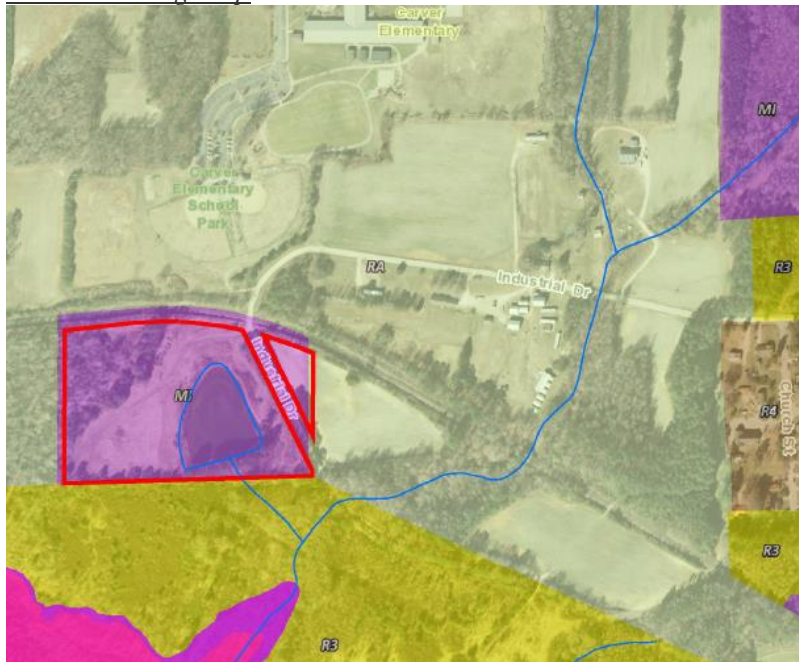
The applicants provided the following justification as part of their request:

“[I am requesting this property to be] rezoned to RA, in line with the Comprehensive Plan, to be able to build a single family home on the land”

Zoning District:

The property is currently zoned Manufacturing & Industrial (M&I). The applicant has requested the property to be rezoned to the Residential Agricultural (RA) zoning district. A copy of the uses allowed in both the M&I and RA zoning districts are 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:

Development of this site for a single home would not require connection to water and sewer.

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 of this site would be required to meet the stormwater standards contained in the UDO at the time of site plan submission. If this site is developed with only one single family dwelling, stormwater requirements would not apply.

Comprehensive Plan:

The Wendell Comprehensive Plan defines this area as falling primarily within the S2 “Reserved Open Space Area”.

The Comprehensive Plan states the S2 sector include lands which are legally developable, however they are areas that based on environmental and urban service factors should be lightly developed or undeveloped, remaining in a rural or natural state.



FRAMEWORK PLAN LEGEND	
PLAN BOUNDARY	S1 PRESERVED OPEN SPACE
Railroad	S2 RESERVED OPEN SPACE
COLLECTOR STREET PLAN	
EXISTING COLLECTOR	S3 RESTRICTED GROWTH AREA
PROPOSED COLLECTOR	S4 CONTROLLED GROWTH AREA
CAMPO THOROUGHFARE PLAN	
EXISTING THOROUGHFARE	S5 INTENDED GROWTH AREA
PROPOSED THOROUGHFARE	S6 INFILL/REDEVELOPMENT AREA
WATER BODIES	VILLAGE/TOWN CENTER
	NEIGHBORHOOD CENTER
	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 S2 sector and is reasonable due to the surrounding zoning districts and the presence of protected waters within the property.

Staff Recommendation:

Staff recommends approval of this rezoning request.

Errol Briggerman made a motion to approve the request to rezone 12.07 acres of land located at 0 industrial drive (PIN # 1784019955) from Manufacturing & Industrial (M&I) to Residential Agricultural (RA), with the suggested statement of consistency. Kathe Schaecher seconded the motion. The motion passed 7-0.

**Item 7B - Discussion and Action on a proposed text amendments related to Outdoor Event Venues and other related recreational uses.**

Mr. Bergmark gave the following report, in italics:

*Joshua Furr has applied for a zoning text amendment to create an Outdoor Event Space use. Mr. Furr has recently purchased property at 1408 Marshburn Road for the purpose of establishing an outdoor wedding and event venue. However, the UDO currently does not have such a use listed in the Use Matrices of Chapter 2. The closest existing uses are 'Outdoor Recreational Facilities' and 'Meeting Facilities', which due to their definitions and associated standards would not work for an outdoor wedding venue. As a result, Mr. Furr asked for planning staff's help to develop a use category and associated standards to allow his proposed business.*

*While conducting research related to this request, staff determined that the Town would benefit from adding additional uses with associated standards, such as live performance theaters, sports arenas, and meeting facilities. In conducting its research, staff reviewed the use tables and standards of Raleigh, Wake Forest, Fuquay Varina, Garner, Clayton, and Knightdale. The proposed amendments related to these other uses may be acted on separately from the applicant's request, which is specific to the proposed 'Outdoor Event Venue' use.*

*As can be seen in the following section, staff has proposed that a new use be created for 'Event Venue, Outdoor', which would be allowed with a Special Use Permit in the RA, NC, CMX, CC, DMX, CH, M&I, and TND zoning districts. Staff has also proposed supplemental use standards to be included in Chapter 3, which would guide the Special Use proceedings.*

*During its review of outdoor wedding venues, it became clear that the size, location, nature, and impact of outdoor event venues can vary significantly from one venue to another. In some cases, these establishments are located on large acre, remote sites. In other cases, outdoor wedding venues are located in the middle of historic residential districts, immediately adjacent to traditional single family homes. Venues may be designed to accommodate anywhere from 50 people to several hundred people. Due to the wide variety of impacts which these different types of venues may have, staff felt it was most appropriate to evaluate each site on a case by case basis as part of a Special Use Permit process. This strategy would allow the Board of Commissioners to consider the size, scale, location, and nature of each request and apply appropriate conditions as part of their approval. The standards included in Chapter 3 set general expectations for development of these sites, but the Town Board may adjust these standards as part of the Special Use proceedings.*

*Proposed Amendments:*

*Listed below are five proposed amendments related to both outdoor and indoor recreational uses. The applicant's request relates specifically to Amendment 1. Amendments 2-5 represent related changes which staff feels would benefit the Town and remove the need for many future applicants to submit text amendments.*

*Amendment 1(Outdoor Event Venue – Applicant's request):*

- 1. Add the following definition for 'Event Venue, Outdoor' to Chapter 19 of the UDO:*

Event Venue, Outdoor: A permanent, predominantly outdoor facility, including any associated structures, for outdoor event venues, including but not limited to weddings, birthday celebrations, reunions, retreats, conferences, and festivals. Outdoor theatre uses shall be addressed by the 'theater, live performance, outdoor' use category.

2. Amend Section 2.3C (Use Matrices) to include 'Event Venue, Outdoor' under the 'Entertainment/Recreation' Category. Mark this use as 'Special Use Permit Required' (SUP) in the RA, NC, CMX, CC, DMX, CH, M&I, and TND districts. Place 'PUD\*' under the PUD column to denote that all uses included in a Planned Unit Development proposal shall be stipulated as part of the PUD.
3. Add 'Event Venue, Outdoor' to Section 3.3 of the UDO (Additional Standards by Use) with the following standards:
  - a. A special use permit shall be required for all uses which meet the definition for Outdoor Event venues.
  - b. The traffic generated to and from the site will not create unsafe or inefficient parking, loading, vehicular and pedestrian circulation patterns with consideration, among other things, to: the physical character of roads, the classification of roads, accident experience near the site, traffic volumes existing and projected from approved site plans and subdivisions, interference with any other driveway, and response time of nearby emergency services.
  - c. The nearby properties must be protected from sound amplification and lighting. Unless otherwise stipulated as a condition of the Special Use Permit approval, any noise activity shall not be audible beyond the boundary of the property after 11:00 p.m.
  - d. Buffers must be provided between the proposed use and adjacent residential uses. The type and location of buffers shall be determined as part of any Special Use Permit approval. Existing vegetation may count towards buffer requirements.
  - e. As part of the SUP proceedings, consideration may be given to the inclusion of non-paved parking facilities for those venues located within a more rural setting where paved parking would detract from the character of the outdoor event space.
4. Amend the chart in Section 10.4A of the UDO (General Parking Requirements) to include an additional row for 'Meeting Facilities/Event Venues' with the standard of 1 auto parking space per 4 seats and 1 bicycle parking space per 20 auto parking spaces.

Amendment 2 (Theater, Live Performance, Outdoor)

1. Amend Chapter 19 of the UDO to include the following definition:

Theater, Live Performance, Outdoor: An establishment for the performing arts with open-air seating for audiences.
2. Amend Section 2.3C (Use Matrices) to permit Theater, Live Performance, Outdoor as follows:
  - a. Permitted with Additional Standards (PS) in the CMX, CC, CH, and M&I districts
  - b. Permitted with a Special Use Permit (SUP) in the DMX and TND districts.
3. Add 'Theater, Live Performance, Outdoor' to Section 3.3 of the UDO (Additional Standards by Use) with the following standards:
  - Outdoor Theaters shall be buffered from adjoining residential uses with a Type A buffer, as described in Chapter 8 of the UDO.
  - The performance and audience areas for any outdoor theater shall be located a minimum of 200 feet from any adjacent residentially zoned property.
  - Primary access to all outdoor theatres shall be to a collector or higher order street.

- Any noise activity shall not be audible beyond the boundary of the property after 11:00 p.m.

Amendment 3 (Theater, Live Performance, Indoor)

1. Amend Chapter 19 of the UDO to include the following definition:
  - Theater, Live Performance, Indoor: A specialized theater for showing movies or motion pictures on a projection screen or a stage for live performances. This category also includes cineplexes and megaplexes, complex structures with multiple movie theaters, each theater capable of an independent performance.
2. Amend Section 2.3C (Use Matrices) to add 'Theater, Live Performance, Indoor' under the 'Entertainment/Recreation' Category. Make it permitted (P) in the NC, CMX, CC, DMX, CH, and TND districts. Place 'PUD\*' under the PUD column to denote that all uses in a proposed PUD shall be determined as part of the PUD approval.

Amendment 4 (Sports Arena/Stadium)

1. Amend Chapter 19 of the UDO to include the following definition:
  - Sports Arena/Stadium: A structure that is open or enclosed and used for games, concerts, and major events and is partly or completely surrounded by tiers of seats for spectators.
2. Amend Section 2.3C (Use Matrices) to add 'Sports Arena/Stadium' under the 'Entertainment/Recreation' Category. Make it permitted with a Special Use Permit (SUP) in the CH, M&I, and CC district. Place 'PUD\*' under the PUD column to denote that all uses in a proposed PUD shall be determined as part of the PUD approval.

Amendment 5 (Meeting Facility/Indoor Event Venue)

1. Amend Chapter 19 of the UDO to include the following definition:
  - Meeting Facility/Indoor Event Venue: An indoor commercial or non-profit facility for event venues or public assembly, including but not limited to conference facilities, convention centers, indoor event space, auditoriums, exhibition halls, and the like.
2. Amend Section 2.3C (Use Matrices) to replace the term 'Meeting Facility' with 'Meeting Facility/Indoor Event Venue'. Amend the Use Table to make this use Permitted with additional Standards (PS) in the MH & NC zoning districts.
  - a. Note: This use is already listed as PS in all residential districts, Permitted (P) in the CMX, CC, CH, M&I, and TND districts, and requires a Special Use Permit (SUP) in the DMX district.
3. Amend Section 3.3 of the UDO (Additional Standards by Use) to add the following additional standard:
  - a. In the NC zoning district, a Meeting Facility/Indoor Event Venue use which is not part of a common plan of development and which is designed to accommodate more than 99 occupants shall require a Special Use Permit.

Staff Recommendation:

Staff recommends approval of the proposed text amendments and suggests that a separate motion be made for Amendment 1, since this amendment represents the applicant's specific request.

### 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. Staff sees these amendments as necessary and reasonable in order to accommodate different recreational business uses, while protecting adjacent property owners.*
- *Such statements could refer to the general principles of the Comprehensive Plan, including but not limited to:*
  - *Principle Number 4: Diversify and increase the per capita tax base.*
  - *Principle Number 5: Promote Wendell's attractiveness to business and people of all walks of life.*

### Amendment 1

Mr. Broadwell asked Mr. Bergmark to describe the Special Use Process. Mr. Bergmark said a special use request requires a separate public hearing, which is heard solely by the Board of Commissioners. He said notifications are sent to adjoining property owners and a notice is sent in the paper. Mr. Bergmark said the special use process gave the Town Board the opportunity to evaluate a proposal on a case by case basis, based on the evidence presented at the hearing. Mr. Lancaster said he liked the language related to paved vs. non-paved parking.

Ms. Schaecher asked if a separate special use request would be needed for each event. Mr. Bergmark said only one special use request was required per property, unless the applicant changed the nature of their original request, such as increasing it in size or intensity.

Victoria Curtis said she would prefer to see language allowing for flexibility on the requirement for bicycle parking facilities for outdoor event venues, similar to the language included for paved parking requirements. Mr. Bergmark said such language could be included in the same section as the language referring to parking requirements for outdoor events spaces in a more rural setting. He said a statement could be included along the lines of, "In more rural settings, consideration shall be given to whether bicycle facilities are an appropriate and needed feature."

Victoria Curtis made a motion to accept staffs proposal for Outdoor Event Venues (amendment 1), with the additional language related to bicycle facilities. Kathe Schaecher seconded the motion. The motion passed 7-0.

### Amendment 2

Allen Swaim made a motion to accept the language staff prepared for Amendment 2 (Theatre, Live Performance, Outdoor). Victoria Curtis seconded the motion. The motion passed 7-0.

### Amendment 3

Kathe Schaecher made a motion to accept the language staff prepared for Amendment 3 (Theatre, Live Performance, Indoor). Allen Swaim seconded the motion. The motion passed 7-0.

### Amendment 4

Kathe Schacher made a motion to accept the language staff prepared for Amendment 4 (Sports Arena/Stadium). Mr. Swaim asked if that motion could be modified to accept the language, with a

spelling correction made to the 7<sup>th</sup> to last word. Kathe Schaecher accepted the modification. Mr. Swaim seconded the amended motion. The motion passed 7-0.

#### Amendment 5

Kathe Schaecher made a motion to accept the language staff prepared for Amendment 5 (Meeting Facility/Indoor Event Venue). Gilda Wall seconded the motion. The motion passed 7-0.

#### **Item 7C - Discussion and Action on a R2 Conditional District rezoning request for property located at 1505 Marshburn Road.**

Mr. Reidy gave the following report, in italics:

*The applicant, Savvy Homes, has requested to create a R2 conditional district for approximately 20.89 acres of property within the parcel identified by PIN# 1784 49 5755. The proposed conditional district consists of 23 lots for single family development and 3 lots for Open Space, as shown on the Master Development Plan (Attachment B).*

#### Location and History:

*This property is currently located within the jurisdiction of Wake County, but does fall within the Town of Wendell's Short Range Urban Service Area. Urban Service Areas represent areas which the County expects to eventually come under a given municipality's jurisdiction. The property is zoned R-40 (County Zoning). The applicant has requested to annex the property in to Wendell's corporate limits. Annexation must be approved by the Wendell Board of Commissioners prior to the approval of the conditional district to grant the town the zoning authority for the subject property.*

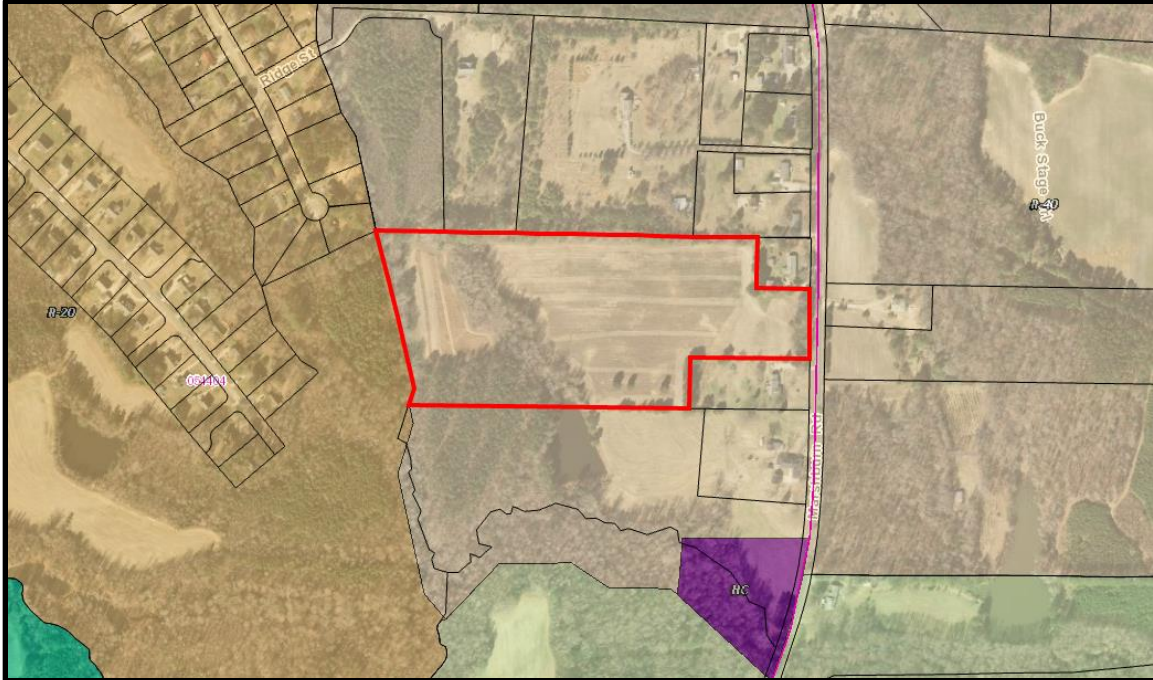
*The applicant is proposing to extend the existing public waterline located along Marshburn Road into any new streets created as part of this development proposal. Public sewer is not available, so each lot must provide a septic system and recovery repair area. Sewer easements should be provided in order to ease the burden of installing sewer to the lots in the future.*

*To review the complete set of plans, please download the file at:*

*<http://www.townofwendell.com/files/charthouse-industrial-park-final-development-plan-phase-1>.*

#### Current Zoning Map:





Proposed Conditional District Conditions:

The applicant is proposing 7 conditions for the proposed CD, as follows:

1. Limit use to Single-Family Residential and associated uses only.

Staff Comment: The applicant is proposing that only single-family dwellings and their associated accessory structures are allowed to be built in this development. This condition removes all other uses that would be allowed in the R2 zone, including, but not limited to: Family Care Homes, Child/Adult Day Care Home, cemeteries, and churches.

Staff finds that the request is acceptable.

2. A fee-in-lieu for Marshburn Road improvements shall be provided with the fee amount to be determined and approved by the Board of Commissioners prior to the approval of the final plat.

Staff finds the request is acceptable; however staff recommends that the applicant provide the estimate fee-in-lieu amount prior to the Board of Commissioners taking action on the requested Master Development Plan.

3. A 20 foot wide Greenway easement to be provided along the western edge of the Neuse Buffer, located within the Zone 2 buffer area as shown on the Master Development Plan.

Staff finds that the request is acceptable.

4. Future 20-foot wide sanitary sewer easements shall be provided, locations to be determined during the Final Development Plan.

Staff finds that the request is acceptable.

5. *A 5-foot wide concrete sidewalk shall be provided on one side of the road, on the back side of the ditch utilizing a Rural Street Road Cross Section as shown on the Master Development Plan.*

*Staff finds that the request is acceptable.*

6. *Street trees shall be placed outside of the right-of-way and provide a landscape easement.*

*Staff finds that the request is acceptable.*

7. *All single family dwellings shall be at least 1,900 square feet (finished and heated areas).*

*Staff finds that the request is acceptable.*

8. *Staff recommended condition 8 – Staff recommends that at the time of the Final Development Plan, signage shall be provided at both ends of Road B to indicate that future road connections will be made at those locations.*

*As previously stated one purpose of the conditional district is to establish a more complete living and working environment through the application of enlightened and imaginative approaches to community planning and property design. A CD should provide a variety of natural features and scenic areas, efficient and economical land use, improved amenities, orderly and economical development, and the protection of existing and future adjacent development.*

*While conditional districts do allow an applicant to ask for exemptions from certain types of standards as part of their application, those exemptions are intended to be offset by other improvements which go above and beyond what is required. This process allows for creative trade-offs that can result in a better overall product.*

*As currently proposed, the Master Development Plan has a mixture of improvements and exemptions being sought. The applicant is proposing to limit development to only single-family dwellings and set a minimum house size of 1,900 square feet. All other proposed changes, such as not requiring curb and gutter and allowing a sidewalk instead of a multiuse path via the rural road cross-section, constitute reductions in design and site standards.*

*Off-Street Parking:*

*No off street parking is required for single family dwellings. Two parking spaces are proposed Open Space Area 1 to serve the cluster mailbox units.*

*Open Space:*

*The applicant is required to dedicate a minimum of 0.92 acres of open space, with a minimum of 0.23 acres of active open space, as set forth in the UDO. The applicant is proposing to dedicate 3 acres of open space and 0.24 acres of active open space. The active open space is proposed to be developed as a tot lot.*

*The applicant is also proposing to provide a 20' wide public access greenway easement along the on-site stream for the Town to install a greenway trail in the future, if desired.*

*Lighting:*

*Lighting shall meet the requirements as set forth in the UDO at the time of the final development plan.*

Public Utilities:

Public water will be extended at the time of development. Per the adopted Water Allocation Policy, this project has 38 base points and must provide 12 bonus points. The applicant has proposed to provide certified playground equipment (3 points), 30 light pole banners (6 points), and 3 acres of additional open space (3 points).

Public Sewer is not available for the subject property. The applicant is proposing to develop the lots using Wake County's Septic regulations, which requires a drainage area and a repair area. The application is also proposing to provide sewer easements for future connections, but they are not shown on the plan. Staff recommends that they be shown at the time of the Final Development Plan.

Streets:

At the time of construction of all new roads, the standards are to be met as specified by Chapter 12 of the UDO. The applicant has proposed two rural road cross section streets (60 foot wide).

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

As requested in Condition 2, the applicant is requesting to use the rural road cross-section in the R2 district. This cross section does not require curb and gutter, but does require a 5' wide sidewalk on one side of the street and street trees.

The Arterial and Collector Street Plan (ACS Plan) calls for frontage improvements along Marshburn Road. The ACS plan identifies this section of Marshburn Road as a 4-lane divided, major thoroughfare, which is a 110' wide right-of-way. Marshburn Road is currently a 60' wide right-of-way, requiring the applicant to dedicate 25' of additional right-of-way. The plan calls for the applicant to either install half of a median, 2 12' wide lanes, a 5' bike lane, curb and gutter, street trees, and a 6' wide sidewalk or pay a fee-in-lieu for the improvements. The applicant is proposing to pay the fee-in-lieu for their frontage (~265 feet), which must be approved by the Board of Commissioners.

Landscaping:

All landscaping shall meet the requirements as set forth in the UDO at the time of the Final Development Plan and building permits.

Stormwater Management:

Development of this site would be required to meet the stormwater standards contained in the UDO.

Phasing:

No phasing is being proposed.

Comprehensive Plan:

The Wendell Comprehensive Plan defines the subject properties as being completely within the S-4 "Controlled Growth Sector".

The Comprehensive Plan states that S-4 areas "are typically close to thoroughfares and at key cross-road locations. This sector is where moderate intensity new development is appropriate and where the majority of the community's new growth should occur. The typically envisioned community type for S-4 is a traditional neighborhood development (TND), which includes neighborhood serving commercial and civic uses surrounded by a mix of housing types that decrease in density as they get farther away from the commercial area."

*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, neighborhood-serving commercial uses (retail and office), civic uses, and industrial uses. The proposed development on the site meets the appropriate uses.*



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 conditional district is consistent with the recommended uses and development types outlined in the Wendell Comprehensive Land Use Plan for the S-4 sector.*

Staff Comments:

- *Staff suggested the following site plan changes be added as a condition of approval of the Master Development Plan:*
  - a. *At the time of the Final Development Plan, signage shall be provided at both ends of Road B to indicate that future road connections will be made at those locations.*

Mr. Lancaster asked the applicant if any of these conditions would hamper his business. Mr. Jerry Radman said no, not that he was aware of. Mr. Swaim asked about the annexation process. Mr. Reidy said annexation usually occurred as properties were developed. He said annexation was needed to gain access to water. Mr. Reidy said this was a voluntary annexation request.

Mr. Briggerman made a motion to approve the request as stated by staff, with the corresponding statement of plan consistency. Victoria Curtis seconded the motion. The motion passed 7-0.

**Item 7D - Discussion and Action on a Final Development Plan for the first Phase of the Charthouse Industrial Park.**

Mr. Reidy gave the following report, in italics:

*The applicant, Red Line Engineering (on behalf of Charthouse Holdings, LLC), has requested to create a Final Development Plan for one industrial lot and related infrastructure in the M&I-CD16-02*

conditional district zone for approximately 6.28 acres of property within the parcels identified by PIN #s 1784 26 3321 and 1784 26 8911. This consists of Phase 1 of Charthouse Industrial Park, as shown on the approved Master Development Plan.

Purpose of a Conditional District:

The purpose of the Conditional Districts (CD) is to provide an alternative means of land development and an alternative zoning procedure that may be used to establish residential, commercial, and industrial Conditional Districts at appropriate locations and in accordance with the planning and development objectives of the Town.

A CD may depart from the strict application of the requirements of the town's general zoning districts.

The provisions of the CD Master Plan shall replace all conflicting development regulations set forth in this Ordinance which would otherwise apply to the development site. The Planning Board may recommend and the Board of Commissioners may attach reasonable and appropriate conditions including, but not limited to, the location, nature, hours of operation, and extent of the proposed use(s). Conditions and site-specific standards shall be limited to those that address conformance of the development and use of the site to this Ordinance and officially adopted plans and those standards and conditions that address the impacts reasonably expected to be generated by the development and use of the site.

Location and History:

This property is located within the corporate limits of the Town of Wendell and is zoned M&I-CD16-02.

On April 8, 2016, the Planning Board recommended approval for the Master Development Plan as part of the Conditional District. The Board of Commissioners granted approval of the Master Development Plan on May 23, 2016. The approval of the master development plan allowed the developer to proceed, under the conditions proposed by the developer and the Town. The full list of approved conditions is provided below.

Following approval of the Conditional District rezoning and the Master Plan by the Board of Commissioners, the applicant must submit a Final Development Plan to the Planning Board for approval. A final plan shall consist of a detailed set of construction plans that fully demonstrate compliance with all applicable construction regulations and provisions of the Town of Wendell and with all applicable performance criteria, conditions, and other requirements of the enacting Conditional District zoning ordinance. Following Final Development Plan approval, permits for the installation of infrastructure only (streets, utilities, etc.) may be issued for development of the site.

The Final Development Plan submitted for Phase 1 does not include any substantial changes from the master development plan previously approved. Per condition #6, geotechnical core samples were conducted on the existing driveway access. Based on the findings, the Town Engineer has determined that the proposed overlay of 1" of asphalt is acceptable for future right-of-way acceptance by the Town of Wendell. All other conditions have been met, or will be verified at the time of building permit processing and construction. Staff will provide an overview of the final development plan at the April 17<sup>th</sup> meeting. To review the complete set of plans, please download the file at: <http://www.townofwendell.com/files/chartouse-industrial-park-final-development-plan-phase-1>.

Approved Conditional District Conditions:

The approved Master Development Plan created 9 conditions, as follows:

1. *Section 9.3.C – Sidewalks; 5’ wide sidewalk along the east side of the road of the proposed development. Any future development of the western side of the road shall require a 5’ wide sidewalk within the 60 foot wide right-of-way.*
2. *Section 9.3.G.1 – Storm drainage in the streets; vertical curb and gutter shall be provided on the eastern side of both the existing and new sections of the road and Wendell Boulevard.*
3. *Section 8.11.E.11 – Curbing/Bioretenion options; no curb and gutter on proposed parking areas/islands for proposed Lots 1-5, wheel stops shall be provided for all parking spaces and landscape islands.*
4. *Section 2.14.B.4 – Lot & Building Dimensional Requirements; 1. A 90 foot exterior district/development building setback is proposed. 2. A 30 foot district/undisturbed buffer is proposed on the north, 100 foot undisturbed buffer on the east, and 20 foot undisturbed buffer on the south adjacent to the properties zoned “CH” and a 30 foot undisturbed buffer is proposed on the south adjacent to the property zoned “RA”.*
5. *Section 2.14.B.3 – Parking; All oversized commercial vehicles & equipment shall be parked/stored along the side and rear of the proposed buildings. All parking between the buildings and street shall be for passenger vehicles.*
6. *Section 15.13.E – Phasing; During Phase I, geotechnical core samples will be conducted on the existing driveway access. Based upon these findings, paving improvements to bring the existing drive to town road standards shall be determined & implemented at the time of the Final Development Plan for Phase II.*
7. *The Wendell Boulevard frontage requirements shall be determined at the time of the final development plan for Lot 5. 25’ of dedication will be required at the time of the final plat for Phase I with the sidewalk installed at the edge of the ultimate right-of-way. Any additional right of way improvements along Wendell Boulevard (to include, but not limited to: curb and gutter, additional travel lanes, and bike lanes) shall be determined at the time of the final development plan for Lot 5, based upon approved plans in place at that time.*
8. *Outdoor storage as a primary use shall be prohibited within proposed Lots 4 and 5.*
9. *The roadway (perpendicular to Wendell Boulevard) shall be widened to a minimum of 26 feet (outside of curb and gutter on the east side) to accommodate large delivery trucks and protect the roadway edge and curb with no on-street parking allowed.*

Phasing:

*The applicant has reduced the number of sub phases from the five sub phases that were approved with the Master Development Plan to four sub phases and this Final Development Plan is for Phase 1 only (Lot 1 as shown on the Master Development Plan).*

Off-Street Parking:

*All proposed off-street parking meets the requirement as set forth in the UDO and as approved by the Master Development Plan.*

On-Street Parking:

*Due to large trucks entering and exiting the industrial development, it is recommended that no on-street parking be allowed on Charthouse Drive. The applicant has shown no parking signs on the east side of the road, but not the west side. Staff’s recommended Condition 1 requires that signs also be provided on the west side of the street.*

Lighting:

*Street lighting meets the requirements as set forth in the UDO.*

Public Utilities:

*Public water and sewer are available at this site and have been approved for construction by City of Raleigh Public Utilities.*

*Streets:*

*All proposed streets and drives meet the requirement as set forth in the UDO and as approved by the Master Development Plan.*

*Landscaping:*

*All proposed landscaping meets the requirements as set forth in the UDO and as approved by the Master Development Plan.*

*Stormwater Management:*

*Wake County Environmental Services has approved the proposed stormwater management and erosion control plans.*

*Staff Comments:*

*Staff recommends approval of the Final Development Plan as submitted with the following revisions:*

- 1. Three no parking signs shall be added to the west side of Charthouse Drive.*

Mr. Lancaster asked the applicant if they were satisfied with the Final Development Plan with staff's recommended conditions. The applicant said they were.

Allen Swaim made a motion to approve the request as provided by staff, with the corresponding statement of plan consistency. Gilda Wall seconded the motion. The motion passed 7-0.

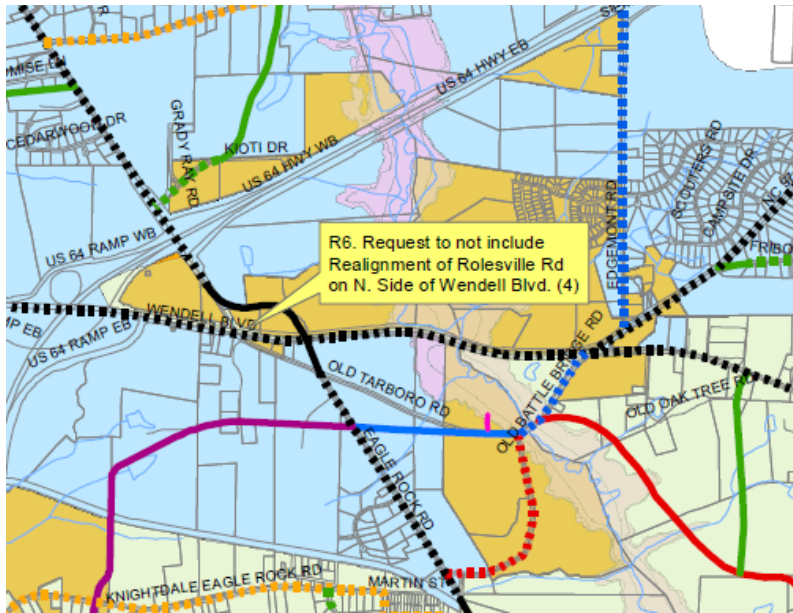
**Item 7E - Discussion and Action on an Amendment to the Arterial and Collector Street Plan as it relates to Rolesville Road.**

Mr. Bergmark gave the following report, in italics:

*The Town's Arterial and Collector Street plan was adopted in November of 2016. One area which received attention was the intersection of Rolesville Road and Wendell Boulevard. At the time of the plan's adoption, there was a belief that the Town could potentially partner with the Capital Area Metropolitan Planning Organization (CAMPO) to fund the realignment of Rolesville road. However, after further analysis, the Town has determined that even if MPO funding was received, the Town's required match would exceed its financial capabilities. As a result, staff has been directed to initiate a change to the ACS plan to remove the realignment of Rolesville road from the plan. The plan would retain a new connection between eagle rock road and Wendell Boulevard (on the south side of Wendell Boulevard), but the northern realignment of Rolesville road would be removed. See Figure 1 on the following page.*

*No other changes are proposed as part of this amendment request.*

**Figure 1 – ACS Plan amendment request**



Statement of Plan Consistency and Reasonableness:

- *The proposed amendment could be found to be consistent with the following principle of the comprehensive plan and deemed reasonable and desirable in order to anticipate and respond to traffic needs in a manner which provides clear expectations for developers and citizens.*
  - *Principle Number 8: “Ensure local and regional transportation interconnectivity and options while also maintaining and enhancing Wendell as a walkable community.*

Gilda Wall asked for clarity on how the intersection would function. Mr. Bergmark said, as proposed, you would have what the refer to as ‘offset T’s’, where you have two roads ‘T into’ Wendell Boulevard within close proximity to one another. Mr. Lancaster asked for clarity on the southern connection. Mr. Bergmark circled the new section of Eagle Rock Road which would intersect Wendell Boulevard, as proposed in the adopted ACS plan.

Victoria Curtis asked if this change was really a matter of money. Mr. Bergmark said for the most part, yes. He said if a LAPP project were approved by CAMPO, the Town would have to pay the full amount upfront, and even after being reimbursed it would still have to pay approximately 1 million dollars.

Victoria Curtis made a motion to approve the amendment to the ACS Plan as stated. Errol Briggerman seconded the motion. The motion passed.

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

Mr. Briggerman made a motion to adjourn the meeting. Ms. Schaecher seconded the motion. The motion passed unanimously.