

Planning Board Meeting – April 18, 2016 Minutes

Members Present: Harold Broadwell, Errol Briggerman, Kathe Schaecher, Ashley Anderson, and Gilda Wall.

Members Absent: Billy Bryant, Ruth Van der Grinten, Judy Silver

Staff Present: Planning Director David Bergmark, Planner Patrick Reidy

Guests Present: Commissioner Joyner

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

None

4. Adjustment and Approval of Agenda.

Mr. Briggerman made a motion to approve the agenda. Ms. Wall seconded it. The motion passed.

5. Public Comments

There were no comments from the public.

6. Approval of Minutes

A motion was made by Gilda Wall to approve the March 21, 2016 minutes. Errol Briggerman 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 request to rezone approximately 16.45 acres of land (including ROW) located on Wendell Blvd and identified by PINs 1784263321 and 178426891 from Manufacturing and Industrial (M&I) to a Conditional District designation.

Mr. Patrick Reidy said the applicant, Charthouse Holdings, LLC, requested to create an M&I/CH conditional district for approximately 16.09 acres of property within the parcels identified by PIN #s 1784 26 3321 and 1784 26 8911. The proposed conditional district consisted of three lots for light industrial development and two lots for commercial development, as shown on the Master Development Plan.

Mr. Reidy said the purpose of the Conditional Districts (CD) was 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. Mr. Reidy said a CD may depart from the strict application of the requirements of the town's general zoning districts.

Mr. Reidy said the CD alternative may allow uses which were not specifically allowed in standard zoning districts. A primary purpose of this section was to provide standards by which such flexibility may be achieved while maintaining and protecting the public health, safety and welfare of the citizens. In this case, no alternative uses or lot dimensional standards had been proposed by the applicant.

Mr. Reidy said a second purpose of the conditional district was 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. In this case, the proposed district did not contain any residential uses or their corresponding amenities.

Mr. Reidy said the provisions of the CD Master Plan should replace all conflicting development regulations set forth in this Ordinance which would otherwise apply to the development site. The Planning Board could recommend and the Board of Commissioners could attach reasonable and appropriate conditions including, but not limited to, the location, nature, hours of operation, and extent of the proposed use(s). He said conditions and site-specific standards should 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.

Mr. Reidy said this property was located within the extraterritorial jurisdiction (ETJ) of the Town of Wendell and was zoned M&I. The property would be required to be annexed within the corporate limits prior to development occurring. The intent of this application was to alter certain standards from the UDO to the area identified in Attachment B.

Mr. Reidy said the applicant had proposed six conditions for the proposed CD, as follows:

1. Section 9.3.C – Sidewalks; 5' sidewalk along a single side of the proposed development. (CH & M&I districts).

Staff Comment: The UDO requires a 5 foot wide sidewalk along both sides of the entire existing and proposed road.

Staff finds that the request is reasonable, but recommends that the condition be amended to clarify that any future improvements to any property to the western side of the road shall provide a 5' wide sidewalk within the 60 foot wide right-of-way.

2. Section 9.3.G.1 – Storm drainage in streets; No curb and gutter on streets throughout the proposed conditional district.

Staff Comment: The UDO requires that vertical curb be along roads in the CH and M&I districts and provide closed or Low Impact Development storm drainage to discharge surface water from the right-of-way. The applicant is proposing to not provide any curb and gutter or upgrade the existing open swale ditch along the existing road or providing along the new road.

Staff recommends that the condition be altered so that vertical curb and gutter be provided on the eastern side of both the existing and new sections of the road.

3. Section 8.11.E.1 – Curbing/Bioretenion options; No curb and gutter on proposed parking areas/islands throughout the proposed conditional district.

Staff Comment: The UDO requires that “all parking areas and landscaped islands shall either be curbed using a vertical curb or wheel stops. Curbing may be discontinuous or perforated allowing stormwater to enter landscaped areas constructed for bioretention. Where bioretention areas are constructed, wheel stops may be used in place of curbing. Where landscaping is above grade, curbing must be continuous to prevent landscaping material from eroding into the parking area”. The master plan shows the use of wheel stops along the parking lot, but has not indicated that bioretention is proposed within the parking area.

Staff recommends that curb and gutter be provided along all interior parking areas. Many existing developments in Wendell and other nearby areas have parking areas that do not have curbing. Those areas typically have pavement that is breaking away from the edges and landscaping that is regularly damaged from vehicular traffic. Staff does not recommend approval of the proposed condition.

4. Section 2.14.B.4 – Lot & Building Dimensional Requirements; 1. A 90 foot exterior district/development 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”.

Staff Comment: The UDO requires a 30 foot wide undisturbed buffer and 100 foot building setback along all exterior property lines for an M&I district. The applicant has proposed to reduce the setback from 100 feet to 90 feet on the northern and southern property lines; reduce the undisturbed buffer from 30 feet to 20 feet along the CH zoned property; maintain the required buffer along the RA zoned property to the south, and extend the undisturbed buffer from 30 feet to 100 feet along the eastern property line.

The reasoning behind the reduced undisturbed buffer is to allow for additional room for trucks to maneuver while using the loading docks. The applicant has gone above and beyond to buffer along the residentially zoned properties to the east and south. Staff recommends approval of the proposed condition.

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.

Staff Comment: The UDO requires that parking lots “may be placed adjacent to internal streets only, but shall be screened in accordance with the standards of Chapter 8 - Tree Protection & Landscaping. Parking lots shall not be adjacent to external streets unless existing conditions do not provide a practical alternative.”

The applicant will be providing the required landscaping along parking lots. The applicant has proposed that any large vehicles or equipment would not be placed along the road. Staff recommends approval of the proposed condition.

6. Section 15.13.E – Phasing; During Phase I, geotechnical core samples will be conducted on the existing access road. Based upon these findings, paving improvements to bring the existing road up to the town standards will be determined & implemented at the time of the Final Development Plan for Phase III.

Staff Comment: The applicant has proposed to split the development of the site in to three phases. The first phase will be to develop Lot 1, Phase II will develop Lots 2 and 3, and Phase III will be to develop Lots 4 and 5. The existing road was built as a private road and does not meet the required paving depth to be accepted as a public right-of-way. The applicant has requested to delay the upgrade of the road until the new road is finished with construction. Staff recommends approval of the proposed condition, but recommends that the timing of the upgrade coincide with the development of Phase II since the narrowness of the Phase III property could substantially delay the required improvement.

7. **Staff recommended condition 7** – The Wendell Boulevard frontage requirements shall be determined at the time of the final development plan for Lot 5. 15’ of dedication will be required at the time of the final plat for Phase I. Any additional right of way to be dedicated along Wendell Boulevard shall be determined at the time of the final development plan for Lot 5, based upon approved plans in place at that time.

- a. *Staff Comment: The ultimate cross section for Wendell Boulevard is proposed to be widened with the Arterial and Collector Street Plan that is currently being brought before the Planning Board and Board of Commissioners. The improvements shall be determined based on the approved cross-section shown in the Arterial and Collector Street Plan at the time of Final Development Plan for Phase III. This would include any widening, landscaping, or sidewalks.*

8. **Staff recommended condition 8** – Staff recommends prohibiting ‘outdoor storage as a primary use’ within Lots 4 and 5. This portion of the conditional district is either along or within close proximity to Wendell Boulevard and staff believes it is not in the Town’s best interest to have these lots used for outdoor storage purposes.

9. **Staff recommended condition 9** – The applicants show a 24’ wide street in their submitted Master Development Plan (Attachment B). This represents two twelve foot lanes. Currently there is no striping to separate the lanes. Staff recommends that a condition be added that the roadway be widened to a minimum of 28 feet (to include a

two foot shoulder outside of the twelve foot lane) to accommodate large delivery trucks and protect the roadway edge or curb.

Mr. Reidy said, as previously stated one purpose of the conditional district was 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.

Mr. Reidy said while conditional districts did allow an applicant to ask for exemptions from certain types of standards as part of their application, those exemptions were intended to be offset by other improvements which went above and beyond what is required. This process allowed for creative trade-offs that can result in a better overall product.

Mr. Reidy said, as currently proposed, the only improvement suggested as part of this conditional district request that would go beyond the UDO requirements would be the 100 foot wide undisturbed vegetative buffer along the eastern property boundary. All other proposed changes constituted reductions in design and site standards.

Mr. Reidy said normally, at the time of construction of any new building, parking spaces would be provided in all districts in the amounts specified by Chapter 10 of the Unified Development Ordinance (UDO). As previously stated in proposed conditions 3 and 5, the applicant was seeking to allow the parking lot to be developed without providing any curb and to allow for parking along the external street instead of limited to internal streets only.

Mr. Reidy said lighting would meet the requirements as set forth in the UDO at the time of development.

Mr. Reidy said public water and sewer would be extended along the entire new road at the time of development.

Mr. Reidy said normally, at the time of construction of any new roads, the standards were to be met as specified by Chapter 12 of the UDO. As previously stated in proposed conditions 1 and 2, the applicant was seeking to change the requirement so that sidewalk was only provided on the east side of the street and to allow the remaining ditches to remain instead of adding curb and gutter. The applicant was also required to upgrade the paving of the existing private street to a public street standard. He said the exact upgrades required would be determined with the Final Development Plan.

Mr. Reidy said all drives would meet the requirements as set forth in the UDO at the time of development.

Mr. Reidy said, as recommended in staff's proposed condition 7, the improvements for the frontage of Lot 5 along Wendell Boulevard should be determined based on the approved cross-section shown in the Arterial and Collector Street Plan at the time of Final Development Plan for

Phase III. He said NCDOT had stated that a left turn lane on Wendell Boulevard will be required. The exact timing and design will be determined by NCDOT at the time of the Final Development Plan for Phase I.

Mr. Reidy said as previously stated in proposed condition 4, Section 2.14B.4 of the UDO required a 100 foot wide exterior building setback and a 30 foot wide undisturbed perimeter buffer along the boundary of an M&I district. The applicant had proposed to provide the 30 foot wide undisturbed buffer along the north property line and a combination of a 20 and 30 foot wide undisturbed buffer along the south property line (the reduced 20 feet along adjoining properties zoned CH and the full 30 feet along the adjoining property zoned); reduce the 100 foot wide building setback to 90 feet; increase the undisturbed buffer to 100 feet wide along the eastern property line; and to provide the 100 foot wide building setback along the eastern property line. These buffers are not required along the western property line since the adjacent parcel to the west is also zoned M&I.

Mr. Reidy said all additional landscaping would meet the requirements as set forth in the UDO at the time of development.

Mr. Reidy said development of this site would be required to meet the stormwater standards contained in the UDO.

Mr. Reidy said the proposed conditional district proposed to divide the development in to three phases. The first phase would be to develop Lot 1. Phase II would correspond to the development of Lots 2 and 3. Phase III would be for the development of Lots 4 and 5. As previously stated in the applicant's proposed condition 6, the upgrade of the existing road was requested to be delayed until Phase III. Staff had recommended that the street upgrade be made with Phase II rather than Phase III.

Mr. Reidy said staff was concerned that the development of Phase III might not occur in the near future, therefore significantly delaying the upgrade of the road in the foreseeable future. The right-of-way would not be accepted for public maintenance until the road had been fully upgraded to town standard for a public street.

Mr. Reidy said the Wendell Comprehensive Plan defined the subject properties as being completely within the S6 "Infill/Redevelopment Area"; partially within the Wendell Boulevard Gateway Zone; and partially within a Neighborhood Center.

Mr. Reidy said the Comprehensive Plan stated that "S-4 lands 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.

Mr. Reidy said the Comprehensive Plan listed the following uses as appropriate land uses/development types within this sector: traditional neighborhood development, neighborhood centers, single-family and multifamily residential, neighborhood-serving commercial uses (retail and office), civic uses, and industrial uses. The proposed industrial development on the northern

half of the site met the appropriate industrial use. The southern half of the site along Wendell Boulevard called for commercial use, but did not specify what type of commercial could be developed. Staff had recommended prohibiting 'outdoor storage as a primary use' within lots 4 and 5.

Mr. Reidy said the Comprehensive Plan also stated that "Neighborhood Centers, shown on the framework plan in the smaller circles, are based on a 1/4 mile radius (a typical 5-minute walk) from a major intersection. They are intended to be mixed-use activity centers serving surrounding neighborhoods with retail, services, civic uses, and higher density housing. A neighborhood center should not contain more than 80,000 to 120,000 square feet of retail uses. A grocery-anchored mixed-use development is a typical use for a neighborhood center".

Mr. Reidy said the proposed industrial development on the northern half of the site did not meet the type of development called for in a neighborhood center. Only approximately half of the industrial development fell within the neighborhood center ring. The southern half of the site along Wendell Boulevard was fully within the neighborhood center and called for commercial uses, but did not specify what type of commercial could be developed. He said the creation of the neighborhood center was based on the idea that Liles Dean Road would extend to the north of Wendell Boulevard. This extension was not required at that time. As a result, it was staffs' opinion that it was reasonable to allow the proposed development even though it did not meet the intent of the neighborhood center.

Mr. Reidy said the Gateway Overlay zone extended 300 feet in either direction of Wendell Boulevard. The Comprehensive Plan recommended that the Wendell Boulevard Gateway Overlay zone "be an area for professional office and service uses and some higher density residential uses. Retail uses along this corridor should be limited to the identified centers or nodes in the Framework Plan."

Mr. Reidy said approximately half of the proposed Lot 5 was within the Wendell Boulevard Gateway Zone. It was proposed for commercial, but as previously stated, no more detail for the type of commercial had been identified.

Mr. Reidy said any recommended change to the zoning map should be accompanied by a statement explaining how the change was consistent with the comprehensive plan, and was reasonable in nature. He said in staff's opinion, the requested conditional district was consistent with the recommended uses and development types outlined in the Wendell Comprehensive Land Use Plan for the S-4 sector. The proposed district was not consistent with the recommended uses and development types outlined in the Wendell Comprehensive Land Use Plan for Neighborhood Centers. In staff's opinion, the request was still reasonable to approve since the road extension that would create a major intersection had no timeframe for construction and was not immediately adjacent to the conditional district.

Mr. Reidy said staff suggested the following site plan changes be added as a condition of approval of the Master Development Plan:

1. Add the gross acreage of the site.

2. Add the acreage and square footage of the right-of-way dedication.
3. Revise the current zoning from “CH& M&I” to “M&I”.
4. Add bearings & distances to the property lines.
5. Delineate the width of all drive aisles.
6. Revise “proposed gravel yard” to “proposed gravel storage yard” to Lots 1-3.
7. Add existing water and sewer lines to the plan with the size of the pipes.
8. Add existing zoning for adjacent properties.
9. Add property info for the adjacent property to the north of Lot 3.

Mr. Reidy said that representatives for the applicant were available to answer any questions.

Mr. Broadwell asked what the applicants positions were in regards to staff’s recommendations and suggestions. Mr. Farrell, representing Charthouse Holdings, said that he had worked with the Planning Department to make many amendments to the plan for the development. He said the staff condition that the applicant put in curb and gutter was just too cost prohibitive. He clarified that the intent was not to phase the street improvement, but to upgrade it and put in the sidewalk on phase 1. He said the Wendell Boulevard improvements, including the sidewalk, wouldn’t be completed until they had an understanding of what that cross-section would look like. He said generally he accepted most of the staff recommendations. He said that the applicant did not agree with the request for curb and gutter along the new road due to the cost. He said that they would be upgrading a 660’ long street to the Town’s standard to reach the industrial property, but with a swell ditch instead of curb and gutter. He said the swell ditch would still be aesthetically pleasing, with landscaping. He said the new road would also direct trash trucks and trailers from the adjacent property off Wendell Boulevard. Mr. Broadwell asked if the applicant had any association with the adjacent property owner. Mr. Farrell said they did not.

Ms. Anderson said she thought it was great that the applicant was planning on upgrading the street. She said since staff had indicated that asphalt without curb and gutter did not remain nice, she asked how the applicant planned on addressing that. Mr. Farrell said that curb and gutter made sense in a residential or retail community where people were walking around. He said he couldn’t name a single industrial park that had a sidewalk in it.

Mr. Farrell said the applicant also didn’t agree with the staff recommendation for on-site curb and gutter along the parking lot. He said it was unnecessary and that it added about \$150/foot in cost. He said that any cracked pavement and damage to landscaping would be the responsibility of the property owner, not the Town.

Mr. Farrell said that the applicant wasn’t just trying to take, they were also trying to give back to the Town as well, as indicated by the wide buffers they were willing to give, considering many of the buffers weren’t required. He said the main issue they needed help with was the curb and gutter requirement. He said everything else that staff suggested they agreed with.

Ms. Anderson said she found some other industrial sites in other towns in North Carolina that had curb and gutter on her phone. Mr. Farrell said he had said that he hadn’t ever seen an industrial site with a sidewalk.

Ms. Schaecher said that the applicant was putting in a whole new road. Ms. Anderson asked if it was easier to put a curb and gutter in when the road was being put in, versus after the road had been installed. Mr. Reidy said it worked best that way. Ms. Anderson said the drainage would not just affect this piece, but would also affect the surrounding properties. Mr. Reidy said that stormwater would still be directed the same way whether it was ditch or curb and gutter. Mr. Farrell said the difference was purely aesthetic. Mr. Bergmark said the difference wasn't purely aesthetic. It would also protect the road from being chipped away, it would also help the pedestrians along the road feel more secure. Mr. Bergmark said to clarify, staff wasn't requiring the applicant to provide curb and gutter on both sides of the road, only the East side.

Ms. Schaecher asked if this use would only be industrial use or if it would also include retail. Mr. Farrell said that it would be industrial.

Mr. Broadwell said the board would go through each point one by one. Point number 1 was read as follows: Sidewalks; 5' sidewalk along a single side of the proposed development. (CH & M&I districts). *Staff Comment: The UDO requires a 5 foot wide sidewalk along both sides of the entire existing and proposed road. Staff finds that the request is reasonable, but recommends that the condition be amended to clarify that any future improvements to any property to the western side of the road shall provide a 5' wide sidewalk within the 60 foot wide right-of-way.*

Ms. Anderson asked what the difference in cost was if curb and gutter was added later vs. up front. Mr. Reidy said it was cheaper to hire a contractor come out once than several times. Everyone on the board agreed that they were ok with asking for sidewalk on one side.

Mr. Reidy said the second point regarded storm drainage in streets; No curb and gutter on streets throughout the proposed conditional district. *Staff Comment: The UDO requires that vertical curb be along roads in the CH and M&I districts and provide closed or Low Impact Development storm drainage to discharge surface water from the right-of-way. The applicant is proposing to not provide any curb and gutter or upgrade the existing open swale ditch along the existing road or providing along the new road. Staff recommends that the condition be altered so that vertical curb and gutter be provided on the eastern side of both the existing and new sections of the road.*

Mr. Broadwell said that staff was meeting the applicant halfway on this. Ms. Schaecher said she was good with this. Ms. Anderson said she would rather both sides of the street were improved up front. Mr. Reidy said since another company owned the property on the other side of the street, it made sense not to ask the applicant to improve their side of the street. Mr. Broadwell said that if that property were redeveloped then the new owner would pay to improve that side of the road. The board agreed with the staff recommendation for this point.

Mr. Reidy said the third point regarded curbing/bioretenion options; No curb and gutter on proposed parking areas/islands throughout the proposed conditional district. *Staff Comment: The UDO requires that "all parking areas and landscaped islands shall either be curbed using a vertical curb or wheel stops. Curbing may be discontinuous or perforated allowing stormwater to enter landscaped areas constructed for bioretention. Where bioretention areas are constructed, wheel stops may be used in place of curbing. Where landscaping is above grade,*

curbing must be continuous to prevent landscaping material from eroding into the parking area". The master plan shows the use of wheel stops along the parking lot, but has not indicated that bioretention is proposed within the parking area.

Staff recommends that curb and gutter be provided along all interior parking areas. Many existing developments in Wendell and other nearby areas have parking areas that do not have curbing. Those areas typically have pavement that is breaking away from the edges and landscaping that is regularly damaged from vehicular traffic. Staff does not recommend approval of the proposed condition.

Ms. Wall asked how many people would be traveling back there and driving through, not associated with the industrial use. Ms. Schaecher said it didn't sound as though the property was going to attract a lot of retail along side it. Mr. Reidy said that this site would have both CH and M&I zoning. He said the CH could have retail. He said the board could require curb and gutter in the parking lots in only the CH district.

Ms. Anderson asked what happened if the property was sold. Mr. Reidy said the Conditional District would remain in place regardless of who owned the property. Ms. Anderson said that we're not guaranteed that those places would always be industrial uses. She said that the other areas would be developing as well and they didn't know what would be coming up next to it. Mr. Reidy said that if the use were to change in the future to a retail use that required more parking, additional parking standards would be required as part of its change of use. Mr. Ferrell said that retail wasn't permitted in the M&I district, so they would have to go through a rezoning of the property. Mr. Bergmark said that if the property was rezoned in the future to a district that allowed retail, unless they applied for a Conditional District, the Town wouldn't be able to ask the new developers to install curb and gutter in the parking lot if it wasn't already there. Mr. Reidy said that the applicant has proposed to install more than the minimum required parking.

Ms. Schaecher said she was leaning towards not requiring the applicant to install internal curb and gutter. Ms. Anderson said that she would like to require curb and gutter everywhere. Mr. Briggerman said he agreed with Ms. Schaecher.

Mr. Farrell said that truckers prefer to have a flat surface when making sharp turns. Mr. Reidy said that the engineer could alter the curb radius to address that.

Ms. Wall said that she agreed with Ms. Schaecher and Mr. Briggerman.

Ms. Anderson asked if there was a property that was recently developed where curb and gutter was not required. Mr. Reidy said the mulch yard off Marshburn Road didn't require curb and gutter due to the zoning. Mr. Reidy said that all of the commercial sites developed under the UDO have curb and gutter in their parking lots.

Ms. Anderson asked if the applicant was proposing to include curb and gutter in the commercial parking lots. Mr. Reidy said they were not. Mr. Broadwell said that the board had the option to split the requirement for curb and gutter in the parking lots by zoning district. Ms. Schaecher said that was what she wanted to do.

Mr. Broadwell said that the majority of the board wanted to require curb and gutter in the parking lots for lots 4 and 5, but not lots 1, 2, and 3.

Mr. Reidy said condition 4 regarded lot & building dimensional requirements; 1. A 90 foot exterior district/development 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". *Staff Comment: The UDO requires a 30 foot wide undisturbed buffer and 100 foot building setback along all exterior property lines for an M&I district. The applicant has proposed to reduce the setback from 100 feet to 90 feet on the northern and southern property lines; reduce the undisturbed buffer from 30 feet to 20 feet along the CH zoned property; maintain the required buffer along the RA zoned property to the south, and extend the undisturbed buffer from 30 feet to 100 feet along the eastern property line.*

The reasoning behind the reduced undisturbed buffer is to allow for additional room for trucks to maneuver while using the loading docks. The applicant has gone above and beyond to buffer along the residentially zoned properties to the east and south. Staff recommends approval of the proposed condition.

The board agreed to recommend approval for this condition.

Mr. Reidy said condition 5 addressed 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. *Staff Comment: The UDO requires that parking lots "may be placed adjacent to internal streets only, but shall be screened in accordance with the standards of Chapter 8 - Tree Protection & Landscaping. Parking lots shall not be adjacent to external streets unless existing conditions do not provide a practical alternative."*

The applicant will be providing the required landscaping along parking lots. The applicant has proposed that any large vehicles or equipment would not be placed along the road. Staff recommends approval of the proposed condition.

The board agreed to recommend approval for this condition.

Mr. Reidy said the 6th condition addressed phasing; During Phase I, geotechnical core samples will be conducted on the existing access road. Based upon these findings, paving improvements to bring the existing road up to the town standards will be determined & implemented at the time of the Final Development Plan for Phase III. *Staff Comment: The applicant has proposed to split the development of the site in to three phases. The first phase will be to develop Lot 1, Phase II will develop Lots 2 and 3, and Phase III will be to develop Lots 4 and 5. The existing road was built as a private road and does not meet the required paving depth to be accepted as a public right-of-way. The applicant has requested to delay the upgrade of the road until the new road is finished with construction. Staff recommends approval of the proposed condition, but*

recommends that the timing of the upgrade coincide with the development of Phase II since the narrowness of the Phase III property could substantially delay the required improvement.

Mr. Broadwell said the board accepted staff recommendation on condition 6.

Mr. Reidy said condition 7 was the following: The Wendell Boulevard frontage requirements shall be determined at the time of the final development plan for Lot 5. 15' of dedication will be required at the time of the final plat for Phase I. Any additional right of way to be dedicated along Wendell Boulevard shall be determined at the time of the final development plan for Lot 5, based upon approved plans in place at that time. *Staff Comment: The ultimate cross section for Wendell Boulevard is proposed to be widened with the Arterial and Collector Street Plan that is currently being brought before the Planning Board and Board of Commissioners. The improvements shall be determined based on the approved cross-section shown in the Arterial and Collector Street Plan at the time of Final Development Plan for Phase III. This would include any widening, landscaping, or sidewalks.*

Mr. Broadwell said that the board accepted the staff recommendations for conditions 7, 8, and 9.

Mr. Reidy said they needed to provide a statement of reasonableness for the Comprehensive Plan. The board agreed to use staff's recommendation.

Mr. Reidy said the last thing to go over were the 9 technical requirements. The board agreed to recommend the technical requirements as suggested by staff.

Ms. Schaecher made a motion to accept the staff recommendations for conditions 1, 2, 4, 5, 6, 7, 8, 9, the 9 technical requirements outlined by staff, and the staff recommendations for the statement of reasonableness. She further made a motion to require curb and gutter in the parking lots for lots 4 and 5, but not lots 1, 2, and 3. Mr. Briggerman seconded the motion. The motion passed 4-1, with Ms. Anderson voting against.

Item 7B – Status Update on the Transportation Plan Update Public Workshops (No Report and No Action requested).

Mr. Bergmark said that the subcommittee had held 3 public workshops to try to solicit more feedback about the transportation plan. The public saw the same plan without any changes that had been presented to the board previously. Mr. Bergmark said that it was important for the public to see the same information that had been presented before and to gather their opinions about it. Their feedback was included with any comments that had already been gathered. He said that about 50 people had attended the first session and about 40 people had attended the next two. He said there were quite a few people that attended that didn't attend the first round. He said that some comment cards were collected, but that the committee couldn't get people to draw on the maps.

Mr. Bergmark said the next step was to compile all the comments and to see what trends might be included. He would take those comments back to the engineer to see if those comments could be addressed in the plan, and to gather his responses to those comments. He said he would hold one more meeting with the subcommittee to gather their impressions from the experience. He said he would bring a

revised plan and the comments to the board and the next planning board meeting. He said he didn't anticipate any action being taken at that time.

There were no comments or questions from the planning board.

8. Adjourn to Next Regularly Scheduled Meeting

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