

Planning Board Meeting – June 20, 2016 Minutes

Members Present: Harold Broadwell, Errol Briggerman, Kathe Schaecher, Ashley Anderson, Ruth Van der Grinten, Billy Bryant, and Gilda Wall.

Members Absent: Judy Silver

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

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. Van der Grinten seconded it. The motion passed.

5. Public Comments

There were three people signed up to make a comment.

Mary Moser from 1601 Marshburn Road, Wendell. Ms. Moser spoke representing homeowners along Marshburn Road concerning the draft Transportation Plan. She said they opposed turning Marshburn Road into a 4 lane divided road. She presented a petition to the board with 5 points and read the petition to the public (petition is below).

Ref. Agenda # 7D

PETITION

Residents of the Marshburn Road Community south of Highway 97 are united in our opposition to a four-lane divided highway as recommended in the draft long-range transportation plan prepared by Wake County Planning and the Town of Wendell Planning. This is the portion of the road running roughly from the Alphin family's farm to Highway 97. Our signatures follow this petition to avoid planning a divided four lane highway on Marshburn Road. Here's why:

1. **Bundle of rights.** When we purchased our homes and land, the deed conveyed not only the physical premises but also the 'bundle of rights', including the legal right to quiet enjoyment of our properties. A four-lane divided highway would support a high level of traffic much closer to the fronts of our homes, effectively eliminating our lawful right to quiet enjoyment.
2. **Financial jeopardy.** A four-lane divided highway would destroy the rural character and charm of our community. Homes in our neighborhood would be less desirable than comparable properties that do not have a four-lane divided highway with a median in their front yards, resulting in a lower resale value.
3. **Logistics.** With the proposed plan, we would have to plan every single trip to allow for the inflexibility of the median strip. If I now turn left out of my driveway to go to work in Wendell, I would be forced to turn right instead and go to either Hephzibah Baptist or Zebulon to get to work in Wendell. If I must drive to Zebulon to get to Wendell, why not shop in Zebulon instead? As individuals we may choose to support our local community. We also want our local community to choose to support us.
4. **Safety.** Marshburn Road is a hilly road with poorly banked and blind curves and a 45 MPH limit. Many people still drive 55, the former speed limit. Especially during commuting hours, there are more than one or two people who drive faster than 55. It is unsafe to cross the road to get your mail after 3:30. Families with children strongly prefer a safer home environment that does not have an adjacency to a four-lane divided highway.
5. **Data interpretation and assumptions.** It may be tempting to assume that more cars on Marshburn Road means the road needs to be widened. People don't choose to drive on Marshburn Road because it is a safe road or because of the location. They choose Marshburn Road because they can drive the 45 MPH stretch at any speed with no fear of reprisal. What the data really tells you is that there are increasing numbers of people who want to drive at beltline speeds to make good time around Wendell, so they have made their own 440 Beltline on Marshburn. You may not have realized previously that putting in a divided four-lane highway on Marshburn Road may facilitate an increasing number of drivers who engage in this dangerous and unlawful behavior.

When homeowners were asked about the draft recommendations for a long term transportation plan for Wendell and the surrounding area, they were unaware of the plan. Not one supported a divided four-lane highway. Let's have a conversation to determine transportation alternatives that work for everyone, including the Marshburn Road Community homeowners. Please do not plan for a divided four lane highway in the middle of our neighborhood.

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Yvonne Stanley from 916 Bryan Boulevard, Goldsboro. Ms. Stanley said she wasn't sure what this meeting was about but she was concerned with Wendell's Planning Board because they had a history of dishonesty. She said she had land at Eagle Rock. She said she needed to be notified prior to any changes being made, before they go behind the peoples' backs like they did when expanding the ETJ. She said they put a water line on her property without an easement.

James Pearce from 1404 Captains Road, Tarrboro. Mr. Pearce said he grew up on a farm on Old Nowell Road. He said he found out about the transportation plan when they started making plans to build a home on his family property, but they stopped developing plans to build the home when they heard about the transportation plan update, since it was hard to make plans when you didn't know what the future would hold. He said it would cost \$496,000 to build the proposed new road that would bisect his property, \$88,000 more than the farm was currently worth. He said he didn't want to develop the land. He said if his children wanted to build homes on the family land, they wouldn't be able to borrow money from the bank because they would only be allowed to sell to family members. He said if he were to develop his farm he would lose \$253,000 due to this highway, and that it would keep him from using his farm as an industrial site or a big box store, or to sell it to Wake County Schools, whom he had spoken with in the past. He asked that the board not include his farm on the connector on the transportation plan or condemn his property and pay him for it.

6. Approval of Minutes

A motion was made by Kathe Schaecher to approve the April 18, 2016 minutes. Gilda Wall seconded the motion. The motion passed.

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

Item 7A – Courtesy Review of a Zoning Map Amendment request to rezone 54.85 acres of land (excluding ROW) located south of the Town Park along Wendell Falls Parkway from R2, R3, and RA to CMX.

Mr. David Bergmark said that Wendell Partners, LLC have submitted a request for a change in zoning classification for five properties totaling approximately 54.85 acres (identified by PIN #'s 1783497262, 1783385761, 1783385088, 1783387100, and 1783389601). This area was currently zoned Rural Agricultural (RA), Residential-2, and Residential-3 (R3) and was being requested to be rezoned Corridor Mixed Use (CMX).

Mr. Bergmark said this property was previously approved as a Planned Unit Development (PUD) in 2009. There had been no action to advance the plan as shown in the PUD. The Town has also applied for grant funds to purchase 36 acres of the land proposed for rezoning to be used for conservation purposes. As a result, the Town Board would formally rescind the PUD as part of this approval.

Mr. Bergmark said the applicants had no current development plans for this property, but desired to rezone it to CMX to allow for potential commercial development, while not locking the property into the requirements of the PUD, which would no longer be appropriate.

Mr. Bergmark said only one acre of the subject properties were located within the Town of Wendell's corporate limits (PIN 1783 49 7262). The property at 616 Wendell Falls Parkway (0.69 acres) contained an existing single family dwelling. The property identified by PIN 1783 38 9601 (0.12 acres) contained a small cemetery. All other properties were undeveloped and heavily wooded. Road frontage was provided along Wendell Falls Parkway. The draft transportation plan update did not call for road widening along this stretch of Wendell Falls Parkway.

Mr. Bergmark said the applicants provided the following justification as part of their request:

“Wendell Partners, LLC is under contract to sell thirty-six of its fifty-five acres to the Conservation Fund, who will then transfer ownership of those thirty-six acres to the Town of Wendell. The Town of Wendell

plans to incorporate that acreage into their adjacent Parks and Recreation property as open space, trails, etc. The closing is set to take place on October 14, 2016.

With the sale of the thirty-six acres, we are told that the PUD approved for the full fifty-five acres would no longer be valid and that the remaining nineteen acres would revert to its original R-3 zoning. After speaking with Town of Wendell staff members and understanding their desires for the potential development of the nineteen acres, we believe a CMX zoning will provide the greatest flexibility for residential, retail, civic, or commercial uses, or some combination of these four uses.

The rezoning to CMX coincides with the Comprehensive Land Use Plan. There should be no impact of the proposed rezoning to the adjacent or surrounding properties compared to the impact of the PUD. Likewise, there should be no impact on government services with this rezoning compared to that of the PUD.”

Mr. Bergmark said the properties were zoned Residential-2 (R2), Residential-3 (R3) and Residential Agricultural (RA). The overwhelming majority of the site has the R3 zoning designation.

Mr. Bergmark said in addition to these underlying zoning designations, this site was approved as a Planned Unit Development (PUD) prior to the Unified Development Ordinance (UDO) being developed. The PUD designation applied an overriding layer of zoning regulations. He said in general, the PUD for the Parkview property (as it was known) divided the property into three sections: 18 acres of commercial development along Wendell Falls Parkway, 24 acres of residential development (350 units) backing up to the park, and 13 acres of open space on the western property boundary along Buffalo Creek.

Mr. Bergmark said the PUD governing this area included its own Permitted Use table and architectural standards. Furthermore, it required a minimum of 50,000 square feet of non-residential development. That amount of development was roughly equivalent to the Food Lion shopping center. He said in addition to the fact that the Town was looking to purchase the areas roughly shown in yellow and green for the purpose of conservation and water quality control, the current owner believed that the current requirement for 50,000 square feet of non-residential development was unrealistic. As a result, he requested to simply rezone the portion of this property fronting Wendell Falls Parkway as Corridor Mixed Use (CMX) to allow for commercial development, while not tying it to such a strict requirement that it would become unmarketable. He said the Town Board would formally rescind the PUD as part of their approval process at the Public Hearing since it could no longer be advanced as originally proposed.

Mr. Bergmark said the Corridor Mixed Use (CMX) district allowed for a range of non-residential uses, but was designed to better fit with adjacent residential uses due to its parking standards and building height requirements. The property, if developed, would still have stub-out requirements that would require a connection to the Town Park. He said it was staff’s belief that this connection provided additional potential for non-residential development at this location.

Mr. Bergmark said finally, a portion of this property along Wendell Falls parkway was also within the Gateway Overlay (GO) zoning district, which would not change. The Gateway Overlay district implemented additional development standards related to parking, building setbacks, and buffering, but does not impact permitted uses.

Mr. Bergmark said the Wendell Comprehensive Plan defined this area as falling primarily within the S4 “Controlled Growth Area”. He said the Comprehensive Plan stated the S4 sector was generally close to thoroughfares and key cross-road intersections. It was intended for moderate intensity new development. He said the Comprehensive Plan highlighted the following land uses as compatible for this sector: traditional neighborhood developments, neighborhood centers, single-family and multi-family

residential, neighborhood-serving commercial uses (retail and office), civic uses, and industrial uses. He said the eastern edge of this property also fell within a Village/Town Center, which is prioritized for more intense development patterns.

Mr. Bergmark 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 zoning map amendment was consistent with the recommended uses and development types outlined in the Wendell Comprehensive Land Use Plan for the S4 sectors and was reasonable due to its location along Wendell Falls parkway, its connection to Town Park, and its proximity to the downtown core.

Mr. Bergmark said staff recommended approval of this rezoning request.

Ms. Schaecher and Ms. Anderson had questions about the road stubbing out to the park. Mr. Bergmark said the Town's requirements would require a connection to be made between this property and the park.

Mr. Broadwell said he had a problem with commercial in that area of Wendell Falls Parkway. He said it was too close to the downtown business area.

Ms. Van der Grinten and Mr. Briggerman also expressed concern over commercial uses in that area since there was residential on either side of it. Mr. Bergmark said that the Planning Board should also consider whether the undeveloped land in that area would transition over time.

Ms. Schaecher asked if the Town purchasing the adjacent property has anything to do with this rezoning.

Mr. Bryant asked if the applicants would be at the next meeting. Mr. Bergmark said the applicants would be at the next meeting.

Item 7B – Discussion and Action on a Zoning Text Amendment to allow Conditional Districts to alter the manner in which a use is permitted within the proposed district.

Ms. Allison Rice 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. A CD may depart from the strict application of the requirements of the town's general zoning districts. Ms. Rice said the standards and procedures for conditional districts were described in section 2.18C and 15.13 of the UDO. These sections had some language which could appear to conflict as they relate to variations in permitted uses within conditional districts.

Ms. Rice said Section 15.13 stated that a CD may allow uses which were not specifically allowed in standard zoning districts. Section 2.18C stated that "uses permitted may not be varied unless the use proposed is not currently defined or contemplated by the code". She said it also exempted uses from the allowed modifications to specific district provisions. She said it was staff's belief that section 15.13 was also referring to uses which were not contemplated in the code (meaning uses which were not specifically allowed in ANY zoning district – not just those uses that were not allowed in a specific zoning category). She said based on discussions with the Town Attorney, the current language would not allow an applicant to add uses to a conditional district that were otherwise prohibited in the base district. Likewise, it would

not allow an applicant to request as part of the conditional district approval process that uses normally requiring a special use permit be permitted by right within the conditional district.

She said the applicant, Sharon Rhue, PLA, of Rivers and Associates on behalf of Greater NC Jurisdiction Church of God in Christ, had also submitted a Conditional District request which included uses which would require a special use permit approval per the UDO. Through this text amendment request, the applicant was seeking to create the ability to request a use to be permitted by right, which normally was only permitted with additional standards or with a special use permit. She said in this case, the applicant was looking to include senior apartments and duplexes, which would typically require a separate special use permit, to be approved by the Town Board. The applicant desired to allow these uses to be permitted by right and to include any conditions necessary to safely and appropriately permit these uses as part of the conditional district rather than through a separate special use permit process.

Ms. Rice said the applicant requested the following change to Section 2.18.C of the UDO. Deleted language was shown as crossed out and added language was shown in italics.

C. Modifications to General Provisions:

Within a Conditional District (CD), all permitted uses of the corresponding Base District must be met. However, petitioners requesting a zoning amendment to the Conditional District may place additional requirements and standards onto themselves and their property or ask that certain standards identified in the specific zoning category or provisions in Chapters 2-12 be decreased.

It shall be the Board of Commissioner’s final decision to grant approval or denial of the zoning amendment in light of the revised development standards presented to the Town Board. If no specific request is made by the petitioner to the change in the development standards or if the petition is silent on the point, it shall be understood that the underlying zoning district guidelines and standards shall apply.

In addition the modification of specific district provisions (~~except use~~), the following General Provisions as detailed in Chapters 2-12 may be varied if specifically requested by the petitioner as part of a Conditional District application

CH	Title	Exception to modifications:
2	District Provisions	Uses permitted may not be varied <i>unless the use proposed is not currently defined or contemplated by the Code added unless approval authority finds the proposed use to be consistent with Code and Land Use Plan, in which case the proposed use shall be amended to be allowed by right</i>
3	Additional Use Standards	
4	General Provisions	
5	Building Types & Design Standards	
7	Open Space	May substitute required open space for payment-in-lieu. Amount required

		may not be reduced.
8	Tree Protection and Landscaping	No further modifications permitted. Alternate Methods of Compliance provided for.
9	Streets and Circulation	Variations permitted in Chapter 9. No further modifications permitted.
10	Parking	
11	Lighting	
12	Signs	

Ms. Rice said in staff’s opinion, it was reasonable to allow conditional districts to permit specific uses by right which would normally require a SUP, so long as appropriate conditions were included. While traditional rezoning requests did not always provide the assurances and site details necessary to determine if a given use could be incorporated into a site in a manner which complemented the surrounding uses, a conditional district request could provide all the information which would normally be required as part of a special use permit submittal.

Ms. Rice said for this reason, staff supported allowing the manner in which a use was permitted to be varied (such as allowing a use which normally required a SUP to be permitted by right). The Town Board would still have the opportunity to review the site details, specific uses requested, and require any reasonable conditions as they see fit at a public hearing, in much the same manner as they did for special use permits. However, by allowing the applicant to do this as part of the conditional district approval it eliminated the need for an additional, more legally cumbersome special use hearing.

Ms. Rice said staff recommended approval of the text amendment request with some small changes to the language proposed by the applicant. Staff proposed that the new language for Section 2.18C (in italics) instead read as follows:

C. Modifications to General Provisions:

Within a Conditional District (CD), all permitted uses of the corresponding Base District must be met. However, petitioners requesting a zoning amendment to the Conditional District may place additional requirements and standards onto themselves and their property or ask that certain standards identified in the specific zoning category or provisions in Chapters 2-12 be decreased.

It shall be the Board of Commissioner’s final decision to grant approval or denial of the zoning amendment in light of the revised development standards presented to the Town Board. If no specific request is made by the petitioner to the change in the development standards or if the petition is silent on the point, it shall be understood that the underlying zoning district guidelines and standards shall apply.

In addition the modification of specific district provisions (~~except use~~), the following General Provisions as detailed in Chapters 2-12 may be varied if specifically requested by the petitioner as part of a Conditional District application

CH	Title	Exception to modifications:
2	District Provisions	Uses permitted may not be varied

added unless the use proposed is not currently defined or contemplated by the Code. The manner of approval (i.e. permitted by right, special use permit required, etc.) may be modified as part of Conditional District request.

3	Additional Use Standards	
4	General Provisions	
5	Building Types & Design Standards	
7	Open Space	May substitute required open space for payment-in-lieu. Amount required may not be reduced.
8	Tree Protection and Landscaping	No further modifications permitted. Alternate Methods of Compliance provided for.
9	Streets and Circulation	Variations permitted in Chapter 9. No further modifications permitted.
10	Parking	
11	Lighting	
12	Signs	

Ms. Rice said staff also recommended that Section 15.13A be modified to more closely match the language of Section 2.18C, to read as follows (amended language shown in italics):

- A. Purpose:** The purpose of the Conditional Districts 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 Conditional District (CD) established according to the provisions of this section may depart from the strict application of the requirements of the town’s general zoning districts, as outlined in Section 2.18, Conditional Districts. *The CD alternative may allow uses which are not currently defined or contemplated by the Code.* A primary purpose of this section is to provide standards by which such flexibility may be achieved while maintaining and protecting the public health, safety and welfare of the citizens.

A second purpose of this section 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.

Ms. Rice said any recommended change, if deemed necessary, should be accompanied by a statement explaining how the change was consistent with the comprehensive plan, and was 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.”

The applicants introduced themselves to the Board and said they were available to answer any questions the members might have.

Mr. Bergmark said staff didn’t have a problem with this request because the conditional district process would still give the board the opportunity to address any concerns they may have about the site and the use. He said the applicant would only have the opportunity to ask for a specific use, the board wouldn’t be required to approve it if they had a problem with it. He said the board wouldn’t see anything different in the special use process that wouldn’t be seen in the conditional district process.

Mr. Bryant asked what was the point of having a special use application if it was over-burdensome.

Ms. Rice said this change would allow the conditional district process to be more streamlined up front, but if the developers’ plans change down the line, they would then need to go through the special use process to make changes. She said that staff didn’t see a reason for the conditional district process and the special use process to be going on at the same time. She said this would only affect very specific circumstances, when there is a conditional district and the applicant wants to include a use that requires special use approval.

The applicant said that the conditional district process has them submit several series of plans throughout each phase of development which provided several opportunities

Ms. Van der Grinten made a motion to approve staff’s suggested wording to amend Chapters 2 and 15 of the UDO, with staff’s suggested statement of plan consistency. Mr. Briggerman seconded the motion. The motion passed unanimously.

Item 7C – Discussion and Action on a request to rezone property located at 1609 Wendell Boulevard from NC to a CMX Conditional District.

Mr. Patrick Reidy said the Greater NC Jurisdiction Church of God in Christ, Inc. had requested to create a CMX conditional district for approximately 43.57 acres of property within the parcels identified by PIN# 1774 78 1425. The proposed conditional district consisted of five tracts for a mixture of development, as shown on the Master Development Plan.

Mr. Reidy explained the purpose of a Conditional District to the Planning Board. He said this property was located within the town limits of the Town of Wendell and was zoned Corridor Mixed Use (CMX) and Neighborhood Center (NC). The intent of this application was to alter certain standards from the UDO.

Mr. Reidy said the applicant proposed the following 11 conditions for the proposed CD, and staff made the following comments, in italics:

1. No Special Use Permit is required for multi-family development including townhouse/duplex units, apartment buildings, and assisted living/housing services for the elderly.
Staff Comment: The applicant has submitted an accompanying zoning text amendment to allow for the Board of Commissioners to waive the SUP requirement and allow for multi-family construction to be allowed by right.

Staff finds that the request is reasonable since additional design standards have been proposed by proposed Condition 8. The Town Board will have the opportunity to add any additional standards they find justified. By having these additional standards in place, the SUP would not review anything new that could not be handled through the Conditional District review. The SUP requirement would be burdensome on the applicant since all review and concerns of the use can be handled through the Conditional District.

2. Core samples of the existing drive aisle will be tested to determine construction of drive aisle and any necessary public road standards prior to the approval of the first Final Development Plan.

Staff Comment: The applicant is proposing to provide core samples of the existing drive aisle in to the site that will be converted to a 70 foot wide public right-of-way. The applicant will make the improvements to the base layer of the road prior to the approval of the First Development Plan.

Staff finds that the request is acceptable.

3. Restrictive Covenants will be submitted and reviewed for approval prior to the approval of the Tract E Final Development Plan.

Staff Comment: Providing the restrictive covenants for staff review will help ensure that appropriate protections are in place for making sure that the future of the community will be harmonious to the desires of Wendell. Also, since Tract E is being developed for senior living and some standards are requested to be reduced for senior living, the restrictive covenants would verify that residents meet a minimum age threshold.

Staff finds that the request is acceptable.

4. The Water Allocation Policy worksheet must be approved independently with each phase's Final Development Plan.

Staff Comment: The Water Allocation Policy is a point based system allocation policy using base points depending on the use and bonus points if necessary to meet the minimum of 50 points required. It is difficult to determine the correct base and bonus points for each of the tracts with the Master Development Plan. For example, the use for Tract B has not been finalized, so it would be impossible to determine the appropriate base points.

Staff finds that the request is acceptable.

5. Speed humps and tables shall not be used for traffic calming.

Staff Comment: The Town of Wendell generally does not allow for speed humps and speed tables to be used for traffic calming. If a vehicle is low to the ground, damage could occur to the vehicle and it is possible that the town would be liable for the damage.

Staff finds that the request is acceptable.

6. Greenway paths to be 8' minimum asphalt with the exception of environmentally sensitive areas where boardwalk or other permeable material will be used.

Staff Comment: The applicant has proposed to provide a greenway through the site as part of the amenities. The UDO does not have a requirement for the type of surface required. The applicant proposed to provide asphalt unless it crosses an environmentally sensitive area where a permeable surface would be more appropriate.

Staff finds that the request is acceptable.

7. Stormwater Management maintenance parties will be identified at the time of each tract's Final Development Plan.

Staff Comment: Section 6.5.O.7.b of the UDO requires that maintenance of structural BMPs must be accepted by a property owner's association (HOA) or lot owner. If the stormwater is handled in a manner other than a structural BMP, other options are available for maintenance. In general, the Town of Wendell will not accept maintenance of stormwater devices.

Staff finds that the request is acceptable.

8. Residential Development Standards:

- a. Where garages are present on townhouse (or duplex) units, they shall be setback a minimum of one foot from the front façade.
- b. Vinyl siding shall not be used on multi-family or attached units.
- c. Townhome/Duplex lots:
 - i. Minimum lot size 3,500 SF.
 - ii. Minimum lot width (at front setback) 25'
 - iii. Front setback 0-10'
 - iv. Rear setback 25'
 - v. Side setback 10' aggregate (between buildings)
- d. Single Family lots:
 - i. Minimum lot size 6,000 SF.
 - ii. Minimum lot width (at front setback) 25'
 - iii. Front setback 25'
 - iv. Rear setback 20'
 - v. 5' minimum, 10% combined lot width
- e. Apartments and Assisted Living/Housing Services for the Elderly
 - i. Garage Doors: Garage doors are not permitted on the front elevation of any apartment building or assisted living building.
 - Rooftop Equipment: All rooftop equipment shall be screened from view.
 - Design Details: All apartment buildings and assisted living buildings shall provide detailed design along all primary elevations and elevations facing a public street or open space. Detailed design shall be provided by using at least three of the following architectural features as appropriate for the proposed building type and style (may vary features on rear/side/front elevations):
 - Dormers
 - Gables
 - Recessed entries
 - Covered porch or stoop entries
 - Cupolas or towers
 - Pillars or posts
 - Eaves (minimum 10 inch projection which may include gutter)
 - Off-sets in building face or roof (minimum 16 inches)
 - Window trim (minimum 4 inches wide)
 - Bay windows
 - Balconies
 - Decorative patterns or exterior finish (e.g. scales/shingles, wainscoting, ornamentation, and similar features)
 - Decorative cornices and roof lines (for flat roofs)

- Other architectural features appropriate to the architectural style of the unit.

Staff Comment: The applicant has proposed multiple design standards for the Conditional District. The proposed single family and duplex/townhouse lot sizes are larger than the minimum standards required in the CMX district. The minimum setbacks are the same as what is required in the UDO or greater in some instances.

The garage setback of a minimum of one foot from the front façade and the exclusion of the use of vinyl siding from all multi-family units are standards above and beyond the UDO. The applicant has proposed these standards in hopes that it would alleviate any concerns over the look of the product and make the Town Board more comfortable waiving the requirement for an SUP for the multifamily development.

The applicant has removed the standards requiring porches, stoops, and raised entrances since the apartments and assisted living facility are being developed for seniors who may not be able to walk up to a raised elevation or would not be appropriate to have a unit that has a porch or balcony for safety reasons. This condition shall supersede and replace all of the design standards found in Section 5.11.D of the UDO.

Staff finds that the proposed standards are acceptable. Staff recommends including the design standard found in Section 5.11.C.4 which requires that building elevations visible from streets to a minimum of 60% of the façade contain doors, porches, balconies, and/or windows. The UDO also requires 30% of the side and rear elevations to provide the same options stated above. Staff finds that this provision ensures that long stretches of blank walls are not visible from the street.

9. Precluded uses in Commercial Tract “B” shall be: manufacturing, wholesale/storage, civic/institutional.

Staff Comment: The applicant has proposed to preclude the above uses as they would not be attractive uses along Wendell Boulevard.

Staff finds that the request is acceptable.

10. Shared parking for meeting facility (church parking lot) with the provision that the use is accessory to the Church. Pedestrian crossing with crossing island to be provided.

Staff Comment: Section 10.4.G of the UDO allows for satellite parking so long as continued availability of off-site parking spaces necessary are ensured by an appropriate condition be made for continued validity of zoning compliance. This condition and the site plan would require the satellite parking be provided on Tract A and that if parking was not made available, the site would be in violation. Pedestrian safety has been made a priority by providing traffic calming and a refuge island.

Staff finds that the request is acceptable.

11. Section 15.14.C.2 and 15.13.G: Vested Rights period is shall be for 3 years and applicant shall have 2 years from the approval of the Master Development Plan to secure a valid building or construction permit before the conditional district is rescinded.

Staff Comment: The applicant is requesting one additional year to allow for more time to enter in to contracts with developers of all tracts. This project is complex with a diversity of

uses provided and could warrant multiple developers for the full implementation of the Conditional District.

Staff finds that the request is acceptable, but recommends altering the condition to state "Section 15.14.C.2 and 15.13.G: Vested Rights period is shall be for 3 years and applicant shall have 2 years from the approval of the Master Development Plan to secure a valid building or construction permit before the conditional district rescission process may be initiated". The rescission process is not automatic and does take time to go through the process, so the change recognizes that the rescission would not happen immediately at the conclusion of the 2 years.

Mr. Reidy said 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 go above and beyond what was required. This process allowed for creative trade-offs that could result in a better overall product.

Mr. Reidy said as currently proposed, the Master Development Plan had a mixture of improvements and exemptions being sought. The applicant proposed to add open space well beyond the minimum required, provided a paved greenway trail through the site that connected to another proposed greenway trail at Edgemont Landing, the exclusion of undesirable uses along Wendell Boulevard, recessed garage requirements for townhouse/duplex development, no vinyl allowed on any multi-family products, wider streets through the commercial and senior housing tracts, safer pedestrian crossings, and additional lot standards above and beyond the CMX district minimum requirement. He said all other proposed changes, such as not requiring SUP approvals, a longer period to obtain construction permits, a reduction in some multi-family design standards (no raised elevation, roof pitch, required porches and stoops), constituted reductions in design and site standards.

Mr. Reidy said parking would meet the requirements as set forth in the UDO at the time of development. As stated in Condition 10, the applicant proposed to allow satellite parking for the meeting facility on Tract C with the existing parking lot on Tract A.

Mr. Reidy said at the time of construction of all new roads, the standards were to be met as specified by Chapter 12 of the UDO. The applicant had proposed one main street right-of-way (70 foot wide), one residential main street right-of-way (60 foot wide); and three local street right-of-ways (50 foot wide). The applicant also provided a traffic calming device with a refuge island for pedestrian crossing for the shared parking on Tract A for Tract C.

Mr. Reidy said the applicant was also required to upgrade the paving of the existing private street to a public street standard. The exact upgrades required would be determined with the first Final Development Plan. This was reflected in Condition 2.

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 Condition 2, the improvements for the frontage of Tract A along Wendell Boulevard would be constructed at the time of the first Final Development Plan.

Mr. Reidy said NCDOT had stated that a left turn lane on Wendell Boulevard may be allowed. They had also indicated that deceleration and acceleration lanes may be requested on the west bound lanes. The exact timing and design any those improvements will be determined by NCDOT at the time of the Final Development Plans.

Mr. Reidy said the proposed conditional district proposed to divide the development in to five tracts. The applicant had requested vested rights for a term of three years and the conditional district to be valid for an additional year (from one year to two years) to allow for additional time to work with developers to get the project started.

Mr. Reidy said the Wendell Comprehensive Plan defined the subject properties as being completely within the S-5 "Intended Growth Sector"; partially within the Wendell Boulevard Gateway Zone; and partially within a Neighborhood Center. The Comprehensive Plan stated that "S-5 lands are typically within ½ mile of high-capacity regional thoroughfares, such as Wendell Boulevard and the US64 Bypass. Appropriate development types are higher density missed-use centers of employment, commerce, and residential uses."

Mr. Reidy said the Comprehensive Plan listed the following uses as appropriate land uses/development types within this sector: traditional neighborhood development, neighborhood centers, village/town centers, single-family and multifamily residential, neighborhood-serving commercial uses (retail and office), civic uses, and industrial uses. The proposed development on the site met the appropriate uses. He said the applicant proposed in Condition 9 to preclude some uses that were not considered retail or office.

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". He said the proposed development of the site did not completely meet the type of development called for in a neighborhood center. The plan called for higher density housing, civic (meeting facility available to the public) and commercial on a majority of the site. The small area of single-family residential did not meet a neighborhood center use, but it was an isolated area that could be incorporated as the previously approved Edgemont Landing subdivision that was nearing the start of construction. It was staffs' opinion that it was reasonable to allow the proposed development even though it did not completely 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." He said approximately half of the site was within the Wendell Boulevard Gateway Zone. Of the area within the Gateway Zone, half of it already developed with a church use. The undeveloped remained was proposed for commercial and a meeting facility, 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. 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-5 sector. The proposed district was not completely 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 majority of the conditional district met the intent of the Neighborhood Center.

Mr. Reidy said staff suggested the following site plan changes be added as a condition of approval of the Master Development Plan: Added the total open space area required for dedication to the Site Data; revised the amount of street right-of-way listed in the Overall Site Data and the individual Tract site data's. The amounts did not match each other. Clarify if Road A was already included in the acreage.

Mr. Briggerman asked what would be built first in this process. Mr. Reidy said they weren't sure at this point since they were just beginning the master plan process. He said that the first thing the developer would do was update the road regardless of what was built first.

Mr. Broadwell said he had gone to events at that church and they do things well there. He said there was a big need for hotels.

Mr. Briggerman made a motion to recommend approving the application, including the statement of consistency suggested by staff. Ms. Van der Grinten asked if this motion included the changes that staff had suggested. The applicant agreed to staff's recommendations. Mr. Briggerman included staff's recommendations into his motion. Ms. Schaecher seconded the motion. The motion passed 7-0.

Item 7D – Discussion on the Draft Arterial and Collector Street Plan Update

Mr. David Bergmark said staff was not looking for any action on this item, and that he was only updating the Planning Board. He started to go through the history of the transportation plan update and read through the submitted comments point by point for the benefit of the public.

The public said that they couldn't read the comments from the back of the room. Ms. Yvonne Stanley asked if the Battle Bridge Road Bridge would be re-opened and asked how that could be sped up. She asked how many years out would the bridge be replaced. She said that a petition should be started to open it. Mr. Bergmark said that he didn't want to promise anything definite, but that the Town was in talks with NCDOT about rebuilding the bridge in the near future.

Members of the public and Ms. Mary Moser asked when the letters to citizens were sent out. They said nobody on Marshburn Road up to the Lizard Lick intersection received a notice about the Transportation Plan and that they only found out that week from the message board. Mr. Bergmark explained that they had spent a lot of money sending letters to everyone in the corporate limits, ETJ, and urban boundary, and apologized if they didn't get letters. He said he was glad everyone had come to the meeting and said their comments would be included on the next map. He invited everyone to come by his office any time and he would be happy to go over the plan with them and take their comments.

There was some discussion over whether the board should take a recess to allow Mr. Bergmark to talk to concerned members of the public about the transportation plan, or whether the board would accept questions from the public. Mr. Broadwell said that they could be there till midnight talking about the plan and it had already been talked about for 14 months. He said that he understood their position, that they hadn't heard about the plan, but the board wasn't taking any action on that night. Mr. Bergmark suggested that the board adjourn if they prefer and he would stay behind and talk to the interested property owners.

Ms. Anderson asked, regarding the replacement of homes on page 5, would these also relate to homes that were destroyed by fire, weather, etc. Mr. Bergmark said it applied to any replacement, whether by choice or natural disaster.

Ms. Schaecher asked if a meeting with the residents on Marshburn Road should be placed on the agenda for the next Planning Board meeting. She said she didn't like that an entire section of town wasn't involved. Mr. Bergmark recommended allowing him to reach out to the residents along Marshburn Road and meet with them at the staff level. The board was happy with that idea.

Mr. Bergmark said the only other thing he had wanted to go over with the board was a list he had started of changes to the UDO that approval of the transportation plan would trigger. He said these issues were either administrative or technical in nature, and not affecting the location of the roads. He said the property owners likely wouldn't be interested in that part.

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.