

Planning Board Meeting – July 18, 2016 Minutes

Members Present: Harold Broadwell, Errol Briggerman, Ashley Anderson, Ruth Van der Grinten, Lloyd Lancaster, Victoria Curtis, and Gilda Wall.

Members Absent: Kathe Schaecher

Staff Present: Planning Director David Bergmark, Planner Allison Rice, Clerk Sherry Scoggins

Guests Present:

1. Meeting Called to Order

Mr. Broadwell called the meeting to order. He noted that there weren't enough people for quorum present. Ms. Scoggins said if it was the Board's pleasure that new members could be sworn in first, and quorum would then be met.

2. Welcome and Recognition of Guests

Mr. Broadwell welcomed the public.

3. Swearing in of Planning Board Members

New members Lloyd Lancaster and Victoria Curtis were sworn in with re-appointed members by Clerk Sherry Scoggins. Mr. Broadwell invited the new members to introduce themselves.

4. Election of Chair and Vice-Chairperson for Planning Board

The floor was opened for nominations for the position for Chair. Mr. Briggerman nominated Herald Broadwell. Ms. Van der Grinten made a motion to close nominations. Ms. Curtis seconded that motion. The vote was unanimous to elect Mr. Broadwell as Chair of the Planning Board. The floor was opened for nominations for the position of Vice-Chair. Mr. Lancaster nominated Ashley Anderson. The vote was unanimous to elect Ms. Anderson as Vice-Chair.

5. Chairman and Board Members' Comments

None

6. Adjustment and Approval of Agenda.

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

7. Public Comments

No citizens had signed in to make a comment.

8. Approval of Minutes

A motion was made by Ms. Van der Grinten to approve the June 20, 2016 minutes. Mr. Briggerman seconded the motion. The motion passed.

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

Item 9A – 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 NC.

Mr. David Bergmark said the applicants, Wendell Partners, LLC, had 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). He said that a representative for the applicant was present to answer any questions. This area was zoned Rural Agricultural (RA), Residential-2, and Residential-3 (R3) and was being requested to be rezoned Neighborhood Center. The applicant's request originally sought to rezone the property to Corridor Mixed Use (CMX), but following the June 20th meeting the applicants amended their request in response to the Planning Board's concerns.

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 had 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 NC to allow for residential or limited commercial development, while not locking the property into the requirements of the PUD, which would no longer be appropriate. Only one acre of the subject properties were located within the Town of Wendell's corporate limits (PIN 1783 49 7262). He said 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 had 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 (See Attachment B). After speaking with Town of Wendell staff members and understanding their desires for the potential development of the nineteen acres, we believe a NC zoning will provide the greatest flexibility for residential, retail, civic, or commercial uses, or some combination of these four uses.

The rezoning to NC 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.

He 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. 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 of the property 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 is unrealistic. As a result, he requested to simply rezone the portion of this property fronting Wendell Falls Parkway as Neighborhood Center (NC) to allow for residential and limited commercial development, while not tying it to such a strict requirement that it became unmarketable. 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 Neighborhood Center district was coded to provide for areas for residential and mixed-use development in close proximity to existing and planned neighborhood centers. The intent was to create higher density residential areas that complement commercial districts with physical proximity and pedestrian connectivity. He said development in this district should encourage pedestrian use through connections to adjacent neighborhoods and the construction of mixed-use buildings. Areas available for retail uses were limited to the first story of buildings radiating from corner locations where one of the front streets was a thoroughfare.

Mr. Bergmark said while the NC district did allow for limited commercial use, it excluded some additional commercial uses considered less conducive to pedestrian access and mixed-use principles, which would be permitted in the CMX zoning district originally proposed.

Mr. Bergmark said additional uses excluded included: Hotels/Motels/Inns, Animal Services, Equipment Rental, Vehicle Services, Car Wash, Drive-Thru Retail/Restaurants, Gas Stations, General Retail – Greater than 50,000 sq. feet, Shopping Center- Community Center, Vehicle Sales, Amusements – Indoor & Outdoor, Movie Theaters, Cemeteries, Parking Structures, and excluded ALL manufacturing/wholesale/storage uses except ‘neighborhood manufacturing’.

Mr. Bergmark said a portion of this property also fell within the Gateway Overlay (GO) zoning district. The Gateway Overlay district implemented additional development standards related to parking, building setbacks, and buffering, but did not impact permitted uses.

Mr. Bergmark said the Wendell Comprehensive Plan defined this area as falling primarily within the S4“Controlled Growth Area”. 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.

Mr. Bergmark said the eastern edge of this property also fell within a Village/Town Center, which was 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. All portions of this site were within 1 mile of the center of downtown (Main St/Third St).

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

The applicant didn’t have any comments but would answer any questions the Board might have.

Ms. Van der Grinten said she was much more comfortable rezoning the property to NC rather than CMX since it was more residential friendly. Mr. Briggerman agreed.

Ms. Van der Grinten made a motion to approve the proposed zoning changes with the suggested statement of consistency. Mr. Briggerman seconded the motion. The motion passed with 6 members voting in favor, 0 voting against.

Item 9B – Discussion and Action on the Draft Arterial and Collector Street Plan Update

Mr. Bergmark said at the Town’s request, Mike Surasky of AMT developed a proposal for updating the Town’s various transportation plans in 2015. The scope of work created by Mr. Surasky included changes and updates to the Town’s Collector Street Plan, Thoroughfare Plan, and Unified Development Ordinance. He said the purpose of the new Arterial and Collector Street Plan (ACS) was to provide citizens, the development community and government staff with an easy-to-understand and rational document to guide arterial and collector street location and design.

Mr. Bergmark said the Town’s existing Collector Street Plan was adopted in November of 2006, and incorporated into the Town’s Comprehensive Plan in 2007. However, it had not been updated since that date. He said since that time, changes in regional transportation plans and

actual development patterns had made updates to the town's transportation plans necessary. Additionally, the Collector Street Plan and the UDO failed to identify what the ultimate right-of-way or cross-sections should be for those roads identified.

Mr. Bergmark went over the timeline of the Collector Street Plan update.

Timeline:

- February 23, 2015 – Town Board approved funding for Transportation Plan Update
- March, 2015 – AMT began research and development of the ACS Plan
- May 18, 2015 – Planning Board briefed on the ACS Plan
- June 15, 2015 – Planning Board received Draft ACS Plan material
- June 29, 2015 – A public information session was held at the Community Center for the purpose of receiving public input.
- July 20, 2015 – The Planning Board voted to send the ACS Plan to the Town Board without a formal recommendation of approval or denial.
- September 14, 2015 – A public hearing was held, but no action was taken. Staff was directed to obtain additional public input.
- October 19, 2015 – A transportation sub-committee was formed to obtain additional public input and staff was directed to do additional advertising/outreach at a projected cost of \$1400.
- March, 2016 – Sub-committee met to review draft plan and organize public workshops. Letters and/or utility inserts were delivered to property owners and residents within Wendell's corporate limits, ETJ, and urban service area notifying them of the upcoming public workshops.
- April 5-14, 2016 – Three public workshops were held at Hephzibah Baptist church, Central Baptist Church, and East Wake Senior Center to solicit public input.
- May 16, 2016 – Sub-committee reviewed written comments received from the public, received updated recommendations from the Town engineer, and voted to send those recommendations to the full Planning Board with one additional request to consider Stott's Mill as an alternative southern bypass.

Mr. Bergmark said prior to the September 2015 public hearing, the Town had received a limited amount of public comments regarding the Transportation Plan. As a result, staff was directed to initiate a new round of public input which resulted in a more robust response from the public.

Mr. Bergmark said some concerns expressed did not relate to a specific property or area, but rather focused on the potential impact infrastructure improvement requirements could have on rural property owners wishing to build a home for a relative or existing homeowners looking to replace their homes. He said in order to address these concerns, staff included a proposal within the ordinance for adoption to address 'family subdivisions'. This language was taken from the Town of Knightdale's UDO and would replace the limited 'family subdivision' provision contained in the Town's current regulations for the Residential Agricultural (RA) zoning district. He said under the proposed language, property owners could subdivide lots for direct family members without having to improve existing road frontage, but would be required to dedicate additional right-of-way to accommodate the future road improvements. A similar provision was

created for the construction of one dwelling on a parcel of 10 acres or more in size which currently had no dwellings.

Mr. Bergmark said additionally, staff included language which would allow the replacement of homes in existence at the time of this plan's adoption without being required to make infrastructure improvements, with the exception of sidewalk and curb and gutter where space allowed within the existing right-of-way. He said that after speaking with the new Board members, language was added in relation to homes in existing subdivisions and neighborhoods that were extensively renovated or rebuilt. Mr. Bergmark said that sidewalk and road improvements would only be required when there was a sidewalk within 300 feet of that house.

Mr. Bergmark said other concerns expressed were related to specific streets or areas shown on the draft ACS map. Staff mapped these comments on the draft ACS plan and consulted the Town engineer to determine which proposed changes were appropriate from an engineering standpoint.

Mr. Bergmark said that staff had met with residents along Marshburn Road on July 7th in response to the petition they had submitted to the Town indicating concerns with making Marshburn Road a 4 lane road. He said that he had looked at how much undeveloped or underdeveloped land surrounded Marshburn Road, which was an indication of the number of people who could potentially use that road to go in Town and to the highway. He said that around 1400 acres of land had the potential to be developed, which was a very large amount and indicated a need for a larger thoroughfare. Mr. Broadwell asked if the residents of Marshburn Road had seen the map of undeveloped land. Mr. Bergmark said no, he researched the issue and developed that map after the meeting with Marshburn Road.

Mr. Lancaster asked if any of the residents from Marshburn Road were present at the meeting. John Anderson was present and asked to speak. He said that he understood the traffic concerns if that was the real reason behind it. He said that the road should be 4 lanes all the way to Wendell Boulevard if that was a real concern, it shouldn't change as the road got into Town. He said he couldn't believe that traffic would vary that much at different spots on Marshburn Road. He said the real reason why the plan called for 4 lanes closer to the highway was because there were few houses out there that would be disturbed by widening the road.

Mr. Bergmark clarified that the plan showed Marshburn Road as 4 lane until it reached the northern bypass, then turned to 3 lane, then 2 lane as it got closer into Town. Mr. Lancaster asked how many houses along Marshburn Road would be disturbed in the section that called for a 4 lane Road. Mr. Bergmark said about 20 houses within our jurisdiction. He said all the land above highway 97 was outside our jurisdiction. He said that we wouldn't be able to enforce our plan in the land outside of our jurisdiction, but that it was likely that Wake County would agree to enforce it.

Mr. Bergmark said staff also kept a log of all written comments received – some of which could not be mapped. He said that the comments were all on the Town's website.

Mr. Bergmark said incorporation of the Arterial Collector Street (ACS) Plan material into the appendix of the UDO would require minor modifications to other sections of the UDO. References to the Collector Street plan or Thoroughfare Plan in the following sections of the UDO would need to be replaced with references to the ACS plan. These proposed changes to the UDO were included in the draft ordinance .

- Table of Contents –
 - Rename Appendix C ‘Arterial and Collector Street Plan’
 - Rename 9.5 and 9.6 to reference the ACS Plan
- Section 2.8,B,1 – Replace ‘Collector Street Plan’ with ‘Arterial and Collector Street Plan’
- Section 16.4 (Sketch Plan requirements)
- Section 17.8E1 (Open Channel in Dedicated Floodplain and Open Space Area)
- Chapter 19 (Definitions)
- Chapter 9 (Circulation) – Replace all references to the ‘Town of Wendell Collector Street Plan’ or ‘Thoroughfare Plan’ with ‘Town of Wendell Arterial and Collector Street Plan’

Mr. Bergmark said additionally, the following more substantive changes would need to be made to the UDO:

- Based on public comments received regarding the impacts of the transportation plan, staff recommends that an amended ‘family subdivision’ provision be added to Chapter 15 of the UDO, to exempt eligible properties from infrastructure improvements.
- That a provision be added to the UDO which exempts undeveloped properties of 10 acres or more constructing one single family dwelling from infrastructure improvement requirements normally subjected to development. Right-of-way dedication will still be required.
- That a provision be added to the UDO which exempts the replacement of existing single family homes from infrastructure improvement requirements, with the exception of sidewalk, curb, and gutter.
- That a provision be added to chapter 15 to allow for administrative modifications to site-specific applications of the proposed cross-sections. These modifications would not change the number of lanes required, but would allow for minor changes in the location or width of elements such as sidewalk, bike lanes, the vegetative verge, etc. where needed, such as in transition areas between cross-sections or when fitting a new road section with an existing street section that is not likely to redevelop soon.
- All non-local street cross-sections in Chapter 9 will need to be deleted, as they will be replaced with the new cross-sections developed in the ACS plan.
- As recommended by AMT, staff proposes to lower the threshold for when a Transportation Impact Assessment (TIA) is required to be more consistent with adjacent municipalities (150 peak hour trips).
- Section 9.3D (Bikeways) will need to be updated to reference the new cross-sections in the ACS plan. Currently, all collector and thoroughfare cross-sections proposed in the ACS incorporate bike-lanes. This represents a change from our current standards, which only require bicycle facilities on those roads identified within the comprehensive plan.

- Section 2.17 (Gateway Overlay) will need to be updated to include deletion of the 5 cross-sections included for Wendell Boulevard and removal of 2.17D3 (Streetscape Standards). Development along Wendell Boulevard shall follow the applicable cross-sections and associated streetscape standards included in the ACS.

Mr. Bergmark said staff recommended approval of the proposed text amendments to include material from the updated transportation plan as Appendix C of the UDO, and to amend various sections of the UDO to support the changes proposed in Appendix C. He said the proposed changes established the ultimate cross-section for existing roads, updated the Town's needs as it related to future connections, and provided measures to mitigate costs in extenuating circumstances, such as for family subdivisions.

Mr. Bergmark said the following statement of comprehensive plan consistency was used at the public hearing held in 2015 and was proposed here.

- The proposed amendments are found to be consistent with the following principle of the comprehensive plan and are 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.
 - Principle Number 5: "Promote Wendell's attractiveness to business and people of all walks of life. Emphasize the strengths of the Town's diverse population."

Ms. Van der Grinten said that the Planning Board and staff had done everything to be accommodating to everyone's concerns for over a year. She said she was ready to send the Plan to the Board of Commissioners. Ms. Van der Grinten made a motion to recommend approval of the Collector Street Plan, changes to the UDO, and suggested statement of consistency to the Board of Commissioners. Mr. Briggerman seconded the motion.

Mr. Lancaster asked if anyone had looked at making the Hanor Lane extension a 4 lane road. Mr. Bergmark said that wasn't explicitly discussed at any point but the engineer looked at a lot of options when putting together his recommendations. He said he had several ideas as to why the map wasn't drawn that way by the engineer. Mr. Lancaster said that if it were true that there was going to be so much growth going up to the beltline, it made sense to him to use Hanor Lane as a 4 lane road. Mr. Lancaster said that he wouldn't be able to vote for the Plan as it was currently drawn. Mr. Broadwell asked Ms. Curtis if she was prepared to move forward. Ms. Curtis said she was. Mr. Broadwell asked for a vote for the motion by a show of hands. The motion passed 4 to 2, with Ms. Anderson and Mr. Lancaster voting against.

Mr. Bergmark addressed the public and told them that he would be notifying everyone who submitted their contact information when this would be presented to the Town Board.

10. Adjourn to Next Regularly Scheduled Meeting

Ms. Van der Grinten made a motion to adjourn the meeting. Mr. Briggerman seconded the motion. The motion passed unanimously.