

# **Planning Board Meeting – August 17, 2015 Minutes**

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

**Members Absent:**

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

## **1. Meeting Called to Order**

Mr. Broadwell called the meeting to order.

## **2. Welcome and Recognition of Guests**

Mr. Broadwell welcomed the public, as well as Commissioner Gina Gray and Town Manager Teresa Piner.

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

The Chairperson and the Board had no comments.

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

Ms. Van der Grinten said that the agenda listed her as the Vice Chairperson. She said that was Ashley Anderson. Ms. Van der Grinten made a motion to change the agenda to reflect that. The motion passed.

## **5. Public Comments**

No one had signed up for public comment.

## **6. Approval of Minutes**

Ms. Silver made a motion to approve the July 14, 2015 special called meeting of the Planning Board. Mr. Briggerman seconded it. The motion passed.

Ms. Wall made a motion to approve the July 20, 2015 regular meeting of the Planning Board. Mr. Bryant seconded it. The motion passed.

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

**Item 7A – Discussion and Action on Text Amendment to amend the UDO to create the provision for a Planned Unit Development (PUD).**

Mr. Bergmark introduced Nick Robinson, representing Newland, who gave a summary of Newland's intent in applying for the text amendment. Mr. Robinson said Newland had acquired Wendell Falls two

years ago and the project was already well underway. He said the master plan for Wendell Falls was developed 10 years ago, under different market conditions. He said he worked extensively with staff to simplify a PUD so that Newland could start bringing in commercial properties in the next phases.

Mr. Bergmark said the applicant, Nash Wendell Falls LLC, submitted a text amendment to amend Chapter 2 of the UDO to create the ability to produce a Planned Unit Development (PUD). A Planned Unit Development was a large-scale integrated development which provided higher quality community design, environmental protection, and community amenities in exchange for greater flexibility in site design requirements.

Mr. Bergmark said the text amendment also included minor modifications to Chapter 15 of the UDO as it related to standards for approval of Special Use Permits in order to eliminate potential conflicts with the creation and approval of a PUD.

Mr. Bergmark said accompanying these changes were proposed PUD standards specific to Wendell Falls. These would effectively replace the existing PUD document for Wendell Falls approved in 2006 and modified in 2008. He said they would also replace the standards of the UDO for those sections of Wendell Falls that have been made subject to the UDO since 2014. However, all current approvals would remain valid.

Mr. Bergmark said the purpose behind these changes was to solidify the applicable standards for the entire Wendell Falls development, rather than continuing to submit text amendments, map amendments, and amendments to the development agreement each time a new section of Wendell Falls came on-line. He said at that time, Newland had entitlements in the form of an existing PUD document. However, the existing PUD document would not allow Newland to create the residential products that they were known for and severely limited the location and layout of non-residential products within a tightly prearranged POD structure. For these reasons, Newland was requesting to add the ability to create a new PUD document, and to propose applicable development standards to the new PUD.

Mr. Bergmark said Attachment A included the proposed text amendment to the UDO. The procedure and minimum requirements for what must be included in a PUD would be placed in chapter 2. For example, as proposed, a PUD must be at least 200 acres in size. The PUD plan must identify permitted uses, address various development standards, set minimum percentages of different housing types, and identify a maximum density. As proposed, a PUD district would serve as the underlying zoning district (not an overlay district). Any proposed PUD district would follow the standard map/text amendment process (review and recommendation by the planning board, and approval by the town board), but would also require a special use permit approval by the Town Board. Mr. Bergmark said the intent of this process was to allow the Town Board and the applicant to negotiate specific trade-offs within the PUD plan document.

Mr. Bergmark said a PUD district is accompanied by a PUD plan, which described the specific development standards which apply to a given PUD district. Any standards which were included in the PUD plan override any conflicting UDO standard. However, the UDO serves as the applicable standard for any items that are not addressed by the PUD plan.

Mr. Bergmark said the proposed text amendment included amendments to the UDO's use table to add new uses which Newland desired to be included in the PUD. He said the inclusion of these uses in the use table did not mean they were permitted by right in any PUD submittal. The specific uses included in any given PUD must be specified in the corresponding PUD plan, upon agreement between the applicant and the Town Board.

Mr. Bergmark said the proposed text amendment also included two minor changes to Chapter 15 as they related to the standards which must be met to approve a special use permit. These changes were recommended by the Town attorney to avoid unnecessary legal complications that could arise from approving a PUD document through a quasi-judicial process.

Mr. Bergmark included new definitions proposed by Newland as part of their submittal. For those uses which were to be added to the UDO's use table for PUDs, the corresponding definition would be included in Chapter 19 of the UDO.

Mr. Bergmark said any recommended change, if deemed necessary, should be accompanied by a statement explaining how the change is consistent with the comprehensive plan, and was reasonable in nature. Mr. Bergmark suggested the Planning Board apply the following principles from the comprehensive plan:

- Principle Number 6: "Provide for a range of housing opportunities including upscale housing, senior housing, and downtown living choices" OR
- Principle Number 4: "Diversify and increase the per capita tax base" OR
- Principle number 3: "Increase downtown and in-town retail, dining, and residential options"

Mr. Broadwell asked, for clarification, if Item 7A only created the ability to create a PUD in the UDO. He said item 7B will create the actual PUD for Wendell Falls. Mr. Bergmark said that was correct, that Item 7A would apply to everybody who met the standards.

Ms. Van der Grinten made a motion to recommend the UDO be amended to create the provision to allow the creation for Planned Unit Developments, affecting Chapters 2, 15, and 19. Ms. Schaecher seconded the motion. The motion passed unanimously. The Board agreed to use the recommended statement of plan consistency.

#### **Item 7B – Discussion and Action on a Planned Unit Development (PUD) Submittal for Wendell Falls.**

Mr. Bergmark said the applicant, Nash Wendell Falls LLC, submitted a new Planned Unit Development (PUD) proposal to govern Wendell Falls. The standards included in the attached PUD submittal would effectively replace the existing PUD document for Wendell Falls approved in 2006 and modified in 2008. He said they would also replace the standards of the UDO for those sections of Wendell Falls that have been made subject to the UDO since 2014. However, all current site plan approvals would remain valid.

Mr. Bergmark said the purpose behind these changes was to solidify the applicable standards for the entire Wendell Falls development, rather than continuing to submit text amendments, map amendments, and amendments to the development agreement each time a new section of Wendell Falls come on-line. Mr. Bergmark said at the time of submittal, Newland had entitlements in the form of an existing PUD document. However, the existing PUD document would not allow Newland to create the residential products that they were known for and severely limits the location and layout of non-residential products within a tightly prearranged POD structure. He said for these reasons, Newland was requesting to establish a new PUD district through the use of the language added to Chapter 2 of the UDO in their text amendment, and included applicable development standards in their new PUD plan document.

Mr. Bergmark went over the map, describing the zones and the differences between the former map and the proposed new map.

Mr. Bergmark said the boundaries of the proposed PUD district were the same as the previous Wendell Falls PUD, with the exception that property owned by Wake County (the future Lake Myra Park and the Lake Myra Elementary school property) and a small parcel owned by Old Oak Construction along Wendell Falls Parkway were removed. Mr. Bergmark said the proposed PUD plan document (Attachment A), described the specific development standards which would apply to Wendell Falls. He said any standards that were included in the approved PUD plan override any conflicting UDO standard. However, the UDO served as the applicable standard for any items that were not addressed by the PUD plan.

Mr. Bergmark said the following cornerstones of the project remained unchanged:

- a. Maximum number of residential units over entire Project: 4,000
- b. Maximum amount of commercial square footage: 2,000,000
- c. Maximum density of entire Project will not change: 3.43 dwelling units/ac
- d. Minimum Open Space over entire Project will not change: 273 acres of Open Space (as described in section IV.G. of this 2015 PUD Plan Document)
- e. The maximum number of multi-family and attached residential units within the Project shall be 1,400, which is derived from calculating 35% of the number of permitted dwelling units, 4,000.

#### PUD Zones/Uses

Mr. Bergmark said that although the boundary of the PUD plan was virtually the same, the land use structure within the PUD district was markedly different than the existing PUD. The proposed PUD Plan Document simplified the Project by consolidating the 34 land use pods down to 5 Zones, each with certain allowed uses and development standards. He said the principal motivation for these proposed simplifications is that the order, precise location and exact allocation of and between residential and commercial development in a project this size was very difficult to predict so far in advance. He said in 2014 and 2015, Wendell Falls came before the Town to seek amendments to the Development Agreement, each time seeking to respond to market forces regarding lot size and development standards. If the 34 pods were left in place as is, Wendell Falls would anticipate needing to repeatedly come back to the Town Board for a continuous series of similar amendments to both the Development Agreement and the PUD Approval as the market dictates the actual uses and most logical locations for those uses.

Mr. Bergmark said by creating five zones within the PUD, Newland sought to receive more flexibility in the location and size of different residential and non-residential components. The five zones incorporated into the PUD plan were:

- Zone 1: Regional Mixed-Use (The primary commercial zone, which also allows mixed-use)
- Zone 2: Neighborhood Mixed-Use (A transition zone between Zone 1 and Zone 3, which allowed a variety of both residential and non-residential uses)
- Zone 3: Residential (The primary residential zone, which allowed a very limited amount of non-residential uses)
- Zone 4: Recreation (The site containing the Wendell Falls Amenity Center)
- Zone 5: Flex (The actual use of this property would be determined by the first development approval in the area. This area had potential for industrial development. However, if that potential was not realized and no industrial development began, Newland desired to reserve the right to use it for commercial or residential purposes).

Mr. Bergmark said a full description of each zone could be found on page 4 of the PUD plan document. He said one important change to note was that Newland sought to remove 7.05 acres of the former Rec-1 pod and re-allocate that recreational space throughout the development. Mr. Bergmark said some of this recreational space had already been provided in the form of additional open space in SF1, SF2, and SF3. The PUD plan would guarantee that at least 2 of the 7.05 acres would be provided as a contiguous active recreation site in a future phase. The remainder of the former Rec-1 site is identified as Zone 3 (Residential).

Mr. Bergmark said, as outlined on page 17 of the PUD Plan document, a minimum of 50% of the acreage would be developed for residential uses and a minimum of 10% of the acreage would be developed for non-residential/mixed uses. By including this table, Newland was ensuring that over 100 acres (at a minimum) would include a non-residential use (commercial, industrial, office, etc.).

Mr. Bergmark said the Wendell Falls Use Matrix was included on page 5 of the PUD plan. The uses included were based on the UDO's use matrix. However, more flexibility was provided in where such uses were permitted. Mr. Bergmark said for example, residential uses were allowed in some fashion in every zone except Zone 4 (Recreation). Multi-family uses were permitted by right in zones 1, 2, 3, and 5B. He said under the existing Wendell Falls PUD plan, multi-family uses were permitted by right within the Attached Residential (AR) pods. Under the UDO, multi-family uses required a special use permit. Mr. Bergmark said one other notable difference was that cell towers were permitted by right in the industrial zone (Zone 5A).

Mr. Bergmark said two development options were provided for Zone 5. Zone 5A consists of the permitted uses if the first development was categorized as manufacturing or wholesale/storage. Zone 5B consists of the permitted uses if the first development was categorized as anything other than manufacturing or wholesale/storage. MR. Bergmark said staff did note one necessary change to the language related to Zone 5A and 5B. Mr. Bergmark said on page 8 of the PUD plan document, the notation at the bottom of the use matrix should be modified to read as follows: "The determination of whether Column 5A or 5B is applicable to Zone 5 is triggered by the initial submission of a site plan. The developer can request to abandon that project and regain the option of developing under 5A or 5B, providing that the developer has not submitted a separate application that would trigger the applicable land use standards for zone 5."

Mr. Bergmark said the original language proposed by Newland would leave the potential for multiple development applications to be submitted prior to a Certificate of Occupancy being issued before the applicable land use standards were established.

Mr. Bergmark said supplemental use standards specific to Wendell Falls were provided in Exhibit B of the PUD plan document. These represented use standards for new uses proposed by Newland, as well as alternative use standards for a number of uses which already existed in the UDO. The majority of modifications to existing use standards related to changes needed to create a more mixed-use environment. He said staff did note one necessary change to the supplemental use standards. In Exhibit B, "Animal Services – Boarding as Primary Use" should have different standards from the existing Animal Services use. He said the use standards shown in Exhibit B were fine for "Animal Services – Boarding as Primary Use". However, the existing "Animal Services" use should read as currently provided in the UDO, with the exception that standard #1 should only apply 'when adjacent to a residential use'.

Mr. Bergmark said otherwise, staff was satisfied with the proposed use standards.

Mr. Broadwell said he was uncomfortable with Zones 5A and 5B. He said 5A looked like it requires a lot of special use permits, which could be burdensome and would be unclear for planning purposes. Mr. Robinson said that what was anticipated was that if the first use built in that zone were industrial, everything else that would follow would be industrial. He said that it would be unlikely to have an industrial use with multi-family dwellings. Mr. Broadwell asked if there were any industrial sites on the old map. Mr. Robinson said there were not.

Mr. Bergmark said that this came up out of discussions with Wake County Economic Development, where they said this site would be ideal for potential industrial developers. He said the purpose of the special use was to set up conditions for other uses within the industrial site. He said that one of staff's concerns were regarding lack of buffers among different uses in the industrial zone. He said Newland has since agreed to provide a type B buffer.

### PUD Building Types/Dimensional Standards

Mr. Bergmark said pages 10-14 of the PUD plan document contained diagrams and standards for 7 residential building types, which covered different options for single family homes and townhomes. Apartments and Condos were considered a commercial building type. As proposed, the minimum front setback for single family homes was 8 feet for alley-loaded products and 10 feet for front-load products. The minimum side setback was 3 feet for lots less than 70 feet wide and 5 feet for lots 70 feet or wider. The minimum rear setback was 20 feet, which was consistent with the UDO's rear setback for the R3 and R4 zoning districts. He said maximum parking widths were provided for each product. Most townhome products would not be limited on how wide the parking area could be in relation to the building. For front-loaded single family homes, lots less than 70 would have parking areas limited to no more than 65% of the house width. Single family homes on lots 70 or more would have a maximum parking width of 36% (approximately half of the lot width).

Mr. Bergmark said page 17 of the PUD plan document included a detached housing mix table, which sought to ensure diversity of product types within Wendell Falls. Detached housing was broken into three categories (24'-35'; 36'-50'; 51'+). As proposed, at least 30% of the product would be in one of the two larger categories.

Mr. Bergmark did say staff did have concerns over one item on the Building Type chart on page 14 of the PUD plan document regarding the 'zero lot line/sideyard' product. He said on page 14 of the PUD plan document, the 'Zero Lot Line/Sideyard' product listed a minimum lot width of 18 feet. If this is a detached product, the minimum lot width should be 24 feet. He said staff needed clarification on what this product represents. He said Newland had responded that these could be single family detached or attached, such as a duplex. He said that staff asked Newland add a note that said that if it were a detached product, it have a minimum lot width of 24', and Newland agreed.

Mr. Bergmark said he noticed another point that he hadn't brought to Newland yet. He said these products could have a 0' rear setback for rear-loaded garages. He said that may be appropriate for alley-loaded garages, but there isn't anything that indicates that it has to be alley-loaded. He asked for a note to be added that at 20' rear setback would be required if it weren't rear alley-loaded.

Mr. Bergmark said staff also wanted to see a notation or standard added that ensured that driveways on front-loaded products were a minimum of 17.5 feet from the right-of-way. He said in order to ensure parked cars to would not block sidewalks, staff wanted to see a notation or standard added to page 14 of the PUD plan that ensures that front-loaded products are a minimum of 17.5 feet from the right-of-way to provide room for parked vehicles. He said that Newland had agreed to that provision.

### Environmental Protection/Open Space

Mr. Bergmark said Newland was seeking six modifications to the environmental standards of Chapter 6 of the UDO that would otherwise apply. Per their existing Development Agreement, stormwater standards for Wendell Falls follow Phase 1 and Phase 2 state regulations. The proposed standards sought to permit predevelopment grading without first obtaining a stormwater permit (this change would be consistent with current state standards), clarify what information must be included on the recorded plat, and clarify that stream corridor buffers would follow state standards for the Neuse River. The Fifth Amendment to the Development Agreement (Attachment B) also included language that would allow phased developments sharing a stormwater device to receive a certificate of occupancy prior to the stormwater device being finalized, so long as any required improvements to finalize the stormwater device were bonded.

Mr. Bergmark said Newland also clarified that any open space provided that was above and beyond the amount required in the PUD plan was not subject to the accessibility, location, and usability standards contained in Chapter 7 of the UDO.

Mr. Bergmark said staff reviewed these proposed changes and found them acceptable.

### Tree Protection & Landscaping

Mr. Bergmark said the proposed PUD plan retained language regarding the 'Perimeter Buffer' contained in the existing PUD plan. However, due to the high quantity of open space being preserved in Wendell Falls (min. 273 acres) Newland requested to be exempt from the tree protection regulations of the UDO (included in chapter 8). Wendell Falls is not subject to such regulations under the existing PUD approval. He said they also requested to be able to apply their own landscaping standards in lieu of those in Chapter 8 of the UDO, through their residential and commercial design guidelines. These design guidelines were included as Exhibit E and Exhibit F of the Development Agreement (See Attachment B).

Mr. Bergmark said staff did have some concerns regarding the proposed landscaping regulations, as it relates to street trees, street yards, parking lot landscaping, and fences/walls. Mr. Bergmark said the proposed PUD plan did not identify where street yards would be required. He said street yards (plantings along, but outside of the road right-of-way) were defined on page 20 of the PUD plan, but it did not address when they must be installed. He said staff recommended that language be included requiring Street Yards along any use with a rear yard that abutted a public right-of-way, planted at the rate of two canopy trees or four understory trees, and eight shrubs per 100 linear feet or a combination thereof to include a minimum of 50 percent evergreens. He said Newland had since submitted language that addressed this concern.

Mr. Bergmark said page 21 of the PUD plan stated that Street Trees would be planted at the rate of "1 tree per every 50' of lot frontage for single family dwellings with setbacks of 15' or more and shall consist of canopy trees'. He said the UDO standard for Street Trees was 1 canopy tree per 40 feet. Also, the street tree requirement should not be tied to single family or even residential products. Furthermore, street trees should be required regardless of the front setback of buildings. He said the UDO did include some exceptions for 'front yard plantings' based on the front setback of homes, but not for street trees (which were located in the right-of-way between the sidewalk and the curb). He said staff recommended that the language be modified to apply a standard planting rate for all street trees (1 per 40 feet or 1 per 50 feet)

and that language about the use and front setback be removed. He said Newland had since submitted language that addressed this concern.

Mr. Bergmark said the parking lot landscaping proposed in the Commercial Design Guidelines represented essentially half of what would be required under the UDO or the Old Zoning Code. Under Newland's proposal, parking lot landscaping was only required for parking lots with 24 or more spaces, at a rate of 1 tree and 4 shrubs per 24 spaces, and may be planted at the end of parking rows for parking lots with 48 spaces or less. Newland's proposal also did not provide a minimum planting area dimension (the Old Zoning Code required the planting strips to measure a minimum of eight feet by eighteen feet. The UDO required a minimum planting area of 300 feet). He said staff recommended that (at a minimum) the parking lot landscaping standards of the Old Zoning code be applied. Since parking lot landscaping was not addressed in the existing PUD plan, these standards would apply now.

Mr. Bergmark said Newland's commercial landscaping standards also did not address perimeter parking lot screening. The UDO required that the perimeter of parking lots visible from the street be screened with a 3.5 ft. semi-opaque screen (such as bushes) to block car lights and glare. The old zoning code did not include any such standard. Mr. Bergmark said staff recommended that the UDO standard for parking lot screening be included in the PUD plan document.

Mr. Bergmark said the current wording of the proposed PUD plan document would also eliminate language related to General Installation and Maintenance Standards (Section 8.12 of UDO). He said staff recommended that the PUD plan or Development Agreement be amended to include the language from section 8.12E (Maintenance), to ensure that landscaping would be properly maintained and that any required plantings which die would be replaced by the owner.

Mr Bergmark said the proposed PUD plan did not include buffer requirements between uses. Since Newland was proposing to create a more mixed-use environment, this is understandable. However, He said, a minimum buffer between existing single family residential units and proposed non-residential units was advisable. Staff recommended that the PUD plan or Development Agreement be amended to include a minimum of a Type B buffer (20 ft.) between existing single family residential uses and any non-residential use.

Mr. Bergmark said the proposed Development agreement included standards for fences within its Commercial Design guidelines, which were housed in the development agreement. These guidelines stated that fencing on commercial lots shall "match the character and architectural style of Wendell Falls. All fencing and railings must be designed and installed to meet all height, structural and barrier requirements of all local, state and federal guidelines". He said the current wording could presumably mean commercial fences must meet our height requirements, but the materials standard was completely subjective. He said staff recommended that the language be amended to, at a minimum, prohibit chain link fencing.

### Circulation and Connectivity

Mr. Bergmark said like the existing PUD document, the proposed PUD plan included typical cross-sections which would apply to Wendell Falls for collector roads, local streets, and alleys. At staff's request, Newland included alley apron details to accommodate garbage trucks. Exhibit C of the PUD plan consisted of a modified version of Chapter 9 of the UDO. A summary of these changes/clarifications was provided:

- Sidewalks shall have a minimum width of 5 feet in all cases.

- Bikeways shall be provided in the form of multi-use paths along Wendell Falls Parkway, Wendell Valley Blvd, and a connection shall be provided to the Elementary School property.
  - Mr. Bergmark said the proposal needed to include width and material standards for the multi-use path (the width along Wendell Falls Parkway should be 10 feet to be consistent with the current path. The width on other roads should be a minimum of 8 feet).
- Site triangles for alleys shall be reduced to 10 feet, rather than 25 feet (which is required for typical intersections).
- Curb radii shall be 20 feet (this is typical for most cross-sections in the UDO)
- Street types shall follow the circulator plan shown on Exhibit A-4 of the PUD plan
- Street cross-sections are shown in Exhibit of the PUD plan.
  - Mr. Bergmark said one difference was that the proposal shows 10.5 foot lanes with 2 foot curb, rather than 11 foot lanes with 1.5 foot curbs as called for in the UDO for local roads.
- A Transportation Impact Analysis (TIA) was conducted for the original PUD plan. No new TIA shall be required unless DOT calls for a new TIA as a result of proposed development.
- Wendell Valley Blvd may initially be constructed as Collector road, but Wendell falls will reserve a right-of-way sufficient to make Wendell Valley Boulevard a four lane road from Wendell Falls Parkway to the Norfolk Southern Railway crossing. The requirement, timing and allocation of expenses associated with any required widening of Wendell Valley Boulevard will be determined at the time a T.I.A. may be required for the roadway.
  - Mr. Bergmark said this language should clarify that the right-of-way reserved should be for a four lane 'median-divided' road section.

### Parking

Mr. Bergmark said the existing PUD document contained no standards related to the location of parking, with the exception of parking within the Gateway Overlay (GO) district (referred to as the Special Highway Overlay District (SHOD) within the old zoning code). However, the UDO placed a number of restrictions on the location of parking, based on the type of use and the zoning district it was located in.

Mr. Bergmark said the proposed PUD plan used the UDO parking table as a template, and modified it to create a new category for Zone 2 (Neighborhood Mixed-Use). As proposed, Zone 1 and Zone 5 would have unrestricted front yard parking. Zone 2 would have front yard parking limited to 4 rows (two drive aisles with 4 bays). He said this new '4 row' option equated to approximately 130 feet of parking in the front yard. Mr. Bergmark said for reference, the parking lot in front of the Food Lion shopping center was approximately 215 feet deep. He said an example of what the '4 row' parking option would look like could be found at 3415 Wake Forest Rd in Raleigh.

Mr. Bergmark said Newland also revised the parking ratio table to require more parking spaces for office/service, retail, and restaurant uses.

Mr. Bergmark said one question would be how comfortable the Town was with allowing 4 rows of parking in Zone 2, which acted as a transition between residential areas and the more strictly commercial areas. He said this represented more parking than we would typically allowed in a mixed use setting under the UDO, but was still less parking than would have been permitted under their existing PUD.

Mr. Bergmark said staff was concerned about the Gateway Overlay reference contained on page 8 of the proposed PUD document, which would seem to exempt Wendell Falls from the overlay district's parking standards in lieu of the PUD's parking standards. Page 8 of the proposed PUD plan appeared to exempt

Wendell Falls from the parking standards of the gateway overlay district. He said staff recommended that the language be amended to make it clear that the gateway overlay district parking standards do apply, or that an alternative (but similar) parking standard be provided to limit front-yard parking on Wendell Falls parkway to be generally consistent with our gateway standards for the rest of the road. He said Newland had since submitted a new parking standard was close to what the gateway overlay required. The standard said that businesses in the gateway overlay district would comply with the parking standards with one exception – properties with out-parcels along at least 60% of that properties frontage would have unrestricted parking for that back parcel.

### Signs

Mr. Bergmark said the proposed PUD follows UDO standards for signs, with two exceptions. He said Newland proposed to include language that would allow the Board of Commissioners to grant a gateway monument sign for non-residential, mixed use or commercial parcels 50 acres or greater in size, for the purpose of demarcation. Mr. Bergmark said they also propose to include language that would permit the administrator to approve a private banner design and program for light poles within the project.

Mr. Bergmark said he had informed Newland that, if such language were approved, banners on light poles along thoroughfares would have to be less specific to the development than along internal roads.

### Development Plan Requirements

Mr. Bergmark said Newland proposed a number of changes to the UDO's standard Development Plan Requirements. The majority of the changes were clarifications related to process and timing of submittal information. He said one substantive change stated that Wendell Falls shall not be required to submit additional environmental surveys, since significant environmental due diligence was performed during the initial approval process.

Mr. Bergmark did note one item of concern. He said number 8 under this section references 'Section 16.8.A' of the UDO, but does not include any other information. He asked whether they were looking for an amendment, omission, or something else. H said that Newland had responded that this did refer to an omission.

### Infrastructure Improvement Requirements

Mr. Bergmark said Page 29 of the UDO included a provision to reduce the easement widths of open drainage channels on private property from 30 – 100 feet depending on the flow during a 100 year storm to 20-50 feet respectively. Mr. Bergmark said staff had some concerns over making this type of change specific to Wendell Falls. He said this standard would only apply to open channels (not piped drainage).

### Residential Design Standards

Mr. Bergmark said with the passing of House Bill 150, municipalities were no longer authorized to regulate design elements for single family homes, townhomes, and their associated accessory structures. As a result, any design guidelines included within this PUD plan or its associated Development Agreement for single family homes and townhomes represented benefits Newland was offering that went above and beyond what the Town could require. Mr. Bergmark said House Bill 150 did not impact the

Town's ability to regulate the design of apartments or condos. He said the existing PUD document and the old zoning code did not include design standards for apartments, condos, or commercial buildings. Mr. Bergmark said the UDO did contain such standards. He noted that the UDO standards for townhomes and apartments had not been tested (i.e. The Town had not received development submittals for these types of development).

Mr. Bergmark said Newland included residential design guidelines within Exhibit E of the Development Agreement. He said to be clear when different standards apply, Newland should add language which confirmed whether the language under the 'Wendell Falls Minimum Residential Design Standards' preceding the 'Townhome Lots' section only applied to detached single family dwellings.

Mr. Bergmark read the following summary of objective standards provided by building type.

Objective Standards for Detached single-family dwellings:

1. 1 foot raised entrance required for single family dwellings (except 'active adult housing' and live-work units)
  - a. Mr. Bergmark said staff recommended that the definition of 'active adult housing' be modified. He said the definition for 'Active Adult Housing' specified that these homes must include a downstairs master bedroom. However, staff was concerned that there was no language which required that these types of units be grouped or clustered together. Without this type of language, you could have homes along a single road jumping back and forth between slab on grade and raised entrances. He said due to House Bill 150, this was not something the Town can require, but it would prefer that 'active adult housing' be grouped together. He said that Newland has since submitted language that addressed this concern.
2. Brick, stone, or stucco required on street facing foundations.
3. Vinyl siding is prohibited as a siding material.
4. A minimum of 1 window or door on all side elevations (except a side yard/zero lot line house)
5. Garage doors on front and side load products must have a '2 door appearance' through the use of window inserts and carriage-style hardware.
6. Front-load garages may not project out from the front of the home, unless they incorporate additional design standards (in which case they can project up to 6 feet beyond the porch).
7. Stoops are permitted at no more than 30% of lots in each phase of development. When porches are used (instead of stoops), they must be at least 6 feet deep.
8. A minimum roof pitch of 4:12 is required for the main roof, with exceptions granted if compatible with the architectural style of the house.
  - a. Mr. Bergmark said it was not clear who granted this exception? Planning Staff? The developer? Newland has since removed this provision so they could regulate this themselves.
9. Accessory structures are limited to the side and rear yard and must have a material that is similar to the main building.
  - a. Mr. Bergmark said the UDO limited accessory structures to 2 per lot, and limited their aggregate size to 50% of the size of the house. Staff recommends that these standards be included. He said Exhibit E of the UDO includes standards for residential accessory structures. However, it did not include a concrete limit on the number or size of accessory structures. He said staff recommended that the UDO standards for size and number of accessory structures be incorporated into the development agreement. House Bill 150 does not limit the Town's authority to regulate the size and location (only design) of accessory structures. Furthermore, accessory structures will continue to be changed and added long after the original development is complete.

#### Objective Standards for Townhomes

1. Front entrances shall be raised a minimum of 1 foot (except active adult housing, or live/work units).
2. A minimum of 3 design details (as listed) shall be included along all primary elevations and elevations facing a public street or open space.

#### Objective Standards for Apartments (Town can still regulate)

1. A minimum of 30% of front elevations and a minimum of 15% of side and rear building elevations shall provide doors, porches, balconies and or/windows.
  - a. Mr. Bergmark said the UDO required 60% for front elevations and 30% for side.
2. Front entrances may be built slab on grade
  - a. Mr. Bergmark said the UDO required raised 1.5 foot raised entrances, except for live-work units.
3. Porches (where provided) must be at least 6 feet deep.
  - a. Mr. Bergmark said nothing prohibited or limited stoops, which would not have to be 6 feet.
4. At least 3 design details (as listed) must be provided on primary elevations and elevations facing a public street or open space.
5. All rooftop equipment shall be screened from view

Mr. Bergmark said the UDO also prohibited garage doors on the front of the apartment and prohibited vinyl unless the buildings are spaced 30 feet apart.

#### Commercial Design Standards

Mr. Bergmark said the proposed PUD plan exempted Wendell Falls from the commercial building design standards of Chapter 5 of the UDO in lieu of design guidelines contained as Exhibit F of the Development Agreement. He noted that under the existing PUD plan and the old zoning code, commercial building design standards did not exist.

Mr. Bergmark read the following list of the most significant differences between the commercial design standards of the UDO and the commercial design guidelines proposed for Wendell Falls.

1. Newland's guidelines do not include any concrete figure for how long blank walls may be. The UDO says blank walls are limited to 20 feet.
2. Newland's guidelines offer a list of acceptable building material like the UDO, but provide more flexibility in what percentage of the building must be comprised of the premier materials (50% required rather than 80%). They also allow up to 50% of the building to be EIFS, while the UDO limits EIFS to 20%.
3. Newland's guidelines require 20% transparency (windows, doors, etc.) along the front entrance of retail stores, while the UDO requires 40% transparency. Newland does require a higher level of transparency (50%) for office buildings.

#### Statement of Plan Consistency and Reasonableness

Mr. Bergmark 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. He said the Comprehensive Plan identified the area in which Wendell Falls was located as primarily a Controlled Growth Area (S4). The area closer to the interchange was identified as an Intended Growth Area (S5). This area is also identified as a 'Village/Town Center'. The Controlled Growth area was intended for traditional neighborhood developments, neighborhood centers, single-family and multifamily residential, neighborhood-serving commercial uses (retail and office), civic uses, and industrial uses. The Intended Growth Area included the same uses, but also allowed for village/town centers. This area was appropriate for higher density mixed-use centers of employment. He said staff found the proposed permitted uses to be consistent with the comprehensive plan.

Mr. Bergmark said statements of plan conformity related to the proposed PUD standards could refer to the general principles of the Comprehensive Plan, including but not limited to:

- Principle Number 6: "Provide for a range of housing opportunities including upscale housing, senior housing, and downtown living choices" OR
- Principle Number 4: "Diversify and increase the per capita tax base" OR
- Principle number 3: "Increase downtown and in-town retail, dining, and residential options"

Mr. Broadwell told the Planning Board that there was a lot of detail in this, but to give this due diligence. He said that this new development was around the same size of Wendell's corporate limits.

Mr. Broadwell said his first concern was with the increased mixed use. He said that changed the character of the gateway into Wendell, and it changed the character of the project. He said that, in addition to the increased retail along Wendell Falls Parkway and the increased parking allotments for retail, which was almost doubled and increased the amount of asphalt, was bothersome to him. He said he wasn't prepared to vote on anything that night.

Mr. Robinson said a lot of work had been done with the Town already. He said Newland and the Town had come to agreement on everything except for three matters that were fairly insignificant.

Laurie Ford, Vice President at Newland, spoke about the history and intent regarding amending the developers agreement for Wendell Falls. She said that it was not Newland's intent to create such a large commercial area that no one would want to live there. She said their vision around Wendell Falls Parkway was to have smaller, neighborhood-centered businesses like law offices, and that the overall commercial square footage wasn't changing from the original agreement.

Grant Livengood of McKim and Creed spoke about the 100 year storm open channel requirements, and the problems Newland had with these. He said the UDO standard would require a substantial easement, even if the drainage channel was designed to handle a 100 year flood event within the channel.

Ms. Van der Grinten asked why the mixed use commercial zone was extended so far down Wendell Falls Parkway. Ms. Ford said it came out of the idea to have commercial uses at the intersections. She said they wanted to expand the area to give flexibility to the different needs of the commercial developers, so they ended up connecting the mixed uses spaces along that stretch. She said that the intent was not to have a long stretch of commercial development along the Parkway, but to have a truly mixed use development, with office, retail, and residential

mixed together. She said that if the Board members had a problem with this, however, Newland could return to the original idea of mixed use zones at the corners. She said that their vision was a lot more immersion and fluidity of uses, much like Cameron Village in Raleigh.

Brad Rhinehalt said he wanted to speak to some of the technical items. He said first, alleys didn't require any site triangles, so they wanted to remove the language requiring a 10' sight triangle. He said secondly, on apartments and townhomes, they would remove vinyl as an allowed siding.

Mr. Bryant said he didn't feel comfortable voting on anything tonight. He said he would prefer meeting again to discuss some of the details before the next planning board meeting. He suggested they have a special-called meeting to work through everything, and the Planning Board members could come with questions prepared. He said it was obvious that a lot of work had been done, and that it was good work. Ms. Schaecher said she agreed.

Mr. Rhinehalt said if there was anything Newland could provide to Planning Board members, or if they had any questions, they would be happy to help where they could.

Mr. Bergmark said he didn't have any problems with a special-called meeting. He said if the majority of the Board were there, he would have to notify the paper and it would have to be open to the public. He said that if the Board members would send him questions before the meeting, he or the team at Newland could have a response prepared for the meeting. He said he would send the most recent copy of the PUD agreement to the Planning Board.

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

Ms. Silver made a motion to table the discussion of item 7B for the next monthly meeting. Ms. Van der Grinten seconded it. The motion passed. Mr. Bryant made a motion to adjourn. Ms. Schaecher seconded it. The motion passed unanimously.