

**Planning Board Meeting
September 17, 2018
Minutes**

Members Present: Terry “Allen” Swaim, Errol Briggerman, Michael Clark, Victoria Curtis, Joe DeLoach, Lloyd Lancaster, Jonathan A. Olson, Grace Walter, and Ryan Zakany

Members Absent:

Staff Present: Planning Director David Bergmark & Planning Technician Wyatt McGhee

Guests Present: Travis Tyboroski, Jon Callahan (with John Edwards & Co), and Fred Smith, developer. Mike Scisciani and Nick Robinson – representing Newland Communities.

1. Meeting Called to Order

Chairman Terry “Allen” Swaim called the meeting to order at 7:00 pm and recognized that a quorum (minimum of 5 members) was present.

2. Welcome and Recognition of Guests

Chairman Swaim welcomed the members of the Planning Board and guests to the meeting.

3. Chairman and Board Members’ Comments

There were no comments.

4. Adjustment and Approval of Agenda

Chairman Swaim asked if there were any adjustments to the agenda; as there were none, he then asked for a motion to approve. Jonathan Olson made a motion to approve the agenda; Michael Clark seconded the motion, which was unanimously approved.

5. Public Comments

Chairman Swaim confirmed with Mr. Bergmark that only the applicants were present to make comments, and that no one had signed up to make public comments. He then indicated that the applicants would have an opportunity to speak later in the meeting.

6. Approval of Minutes

Chairman Swaim referred the members of the Planning Board to the minutes that staff had prepared and asked if there were any needed revisions. There being none, he asked for a motion to approve the minutes. Michael Clark made a motion to approve the minutes of the previous (August 20, 2018) meeting as submitted by staff. Jonathan Olson seconded the motion. The motion passed unanimously.

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

A. Request to Create an R-3 Conditional District for property located at 1320 S. Hollybrook Rd

Chairman Swaim introduced this case and Mr. Bergmark, Planning Director, presented the following staff report and background information shown in *italics* below.

Item Title:

CD18-01 – Discussion and Action on a Request to Create an R-3 Conditional District for property located at 1320 S. Hollybrook Rd.

Report to the Planning Board:

- *Monday, September 17, 2018*
- *Monday, August 20, 2018*

Specific Action Requested:

- *That the Planning Board consider the proposed conditional district request and make a recommendation to the Board of Commissioners, to include a statement of comprehensive plan consistency and reasonableness.*

Applicant:

Smith-Edwards LLC

Petition:

The applicant has requested to create a R3 conditional district for approximately 115.7 acres of property within the parcels identified by PIN #s 1783921299, 1793020954, 1783947008, and 1783837560. The proposed conditional district consists of 340 single family development lots, an amenity site with a clubhouse and pool, as well as a proposed pump station. A link to view the submitted Master Plan is included as Attachment A.

The applicant has proposed to break the Master Plan into 5 phases, which would require separate Final Development Plan submittals.

Purpose of a Conditional District:

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

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

The CD alternative may allow uses which are not specifically allowed in standard zoning districts. 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. In this case, no alternative uses or lot dimensional standards have been proposed by the applicant.

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

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

Location and History:

This majority of this property is currently located within Wendell's Extra Territorial Jurisdiction (ETJ) and is zoned Residential Agricultural (RA). The RA zone often serves as a holding zone until development is proposed. Approximately 8 acres of land within the parcel identified by PIN # 1783921299 falls within Wake County's jurisdiction and is zoned Residential-30 (R30). Annexation must be approved by the Wendell Board of Commissioners prior to the approval of the conditional district for the applicant to pursue the proposed project. 3.81 acres of the northern tract which has frontage along Selma Road has been excluded from the Conditional District and Annexation requests.

*To review the complete set of plans, please download the file at:
<http://www.townofwendell.com/files/hollybrook-rd-conditional-district>*

Project Profile:

PROPERTY # 1 LOCATION:	1320 S. Hollybrook Rd
WAKE COUNTY PIN:	1783921299
CURRENT ZONING DISTRICT:	RA (Wendell) and R-30 (WC)
CROSS REFERENCES:	N/A
PROPERTY OWNER:	Smith Edwards LLC
APPLICANT:	Smith Edwards LLC 2505 Wendell Blvd Wendell, NC 27591

PROPERTY SIZE: 50.38 acres
 CURRENT LAND USE: Vacant
 PROPOSED LAND USE: Single Family Residential & pump station

PROPERTY # 2 LOCATION: 0 S. Hollybrook Rd
 WAKE COUNTY PIN: 1783947008
 CURRENT ZONING DISTRICT: RA
 CROSS REFERENCES: N/A
 PROPERTY OWNER: Smith Edwards LLC
 APPLICANT: Smith Edwards LLC
 2505 Wendell Blvd
 Wendell, NC 27591

PROPERTY SIZE: 60.5 acres of the 64.3 acre tract
 CURRENT LAND USE: Vacant
 PROPOSED LAND USE: Single Family Residential

PROPERTY # 3 LOCATION: 1217 S. Hollybrook Rd
 WAKE COUNTY PIN: 1783837560
 CURRENT ZONING DISTRICT: RA
 CROSS REFERENCES: N/A
 PROPERTY OWNER: Smith Edwards LLC
 APPLICANT: Smith Edwards LLC
 2505 Wendell Blvd
 Wendell, NC 27591

PROPERTY SIZE: 0.47 acres
 CURRENT LAND USE: Single Family Residential
 PROPOSED LAND USE: Single Family Residential

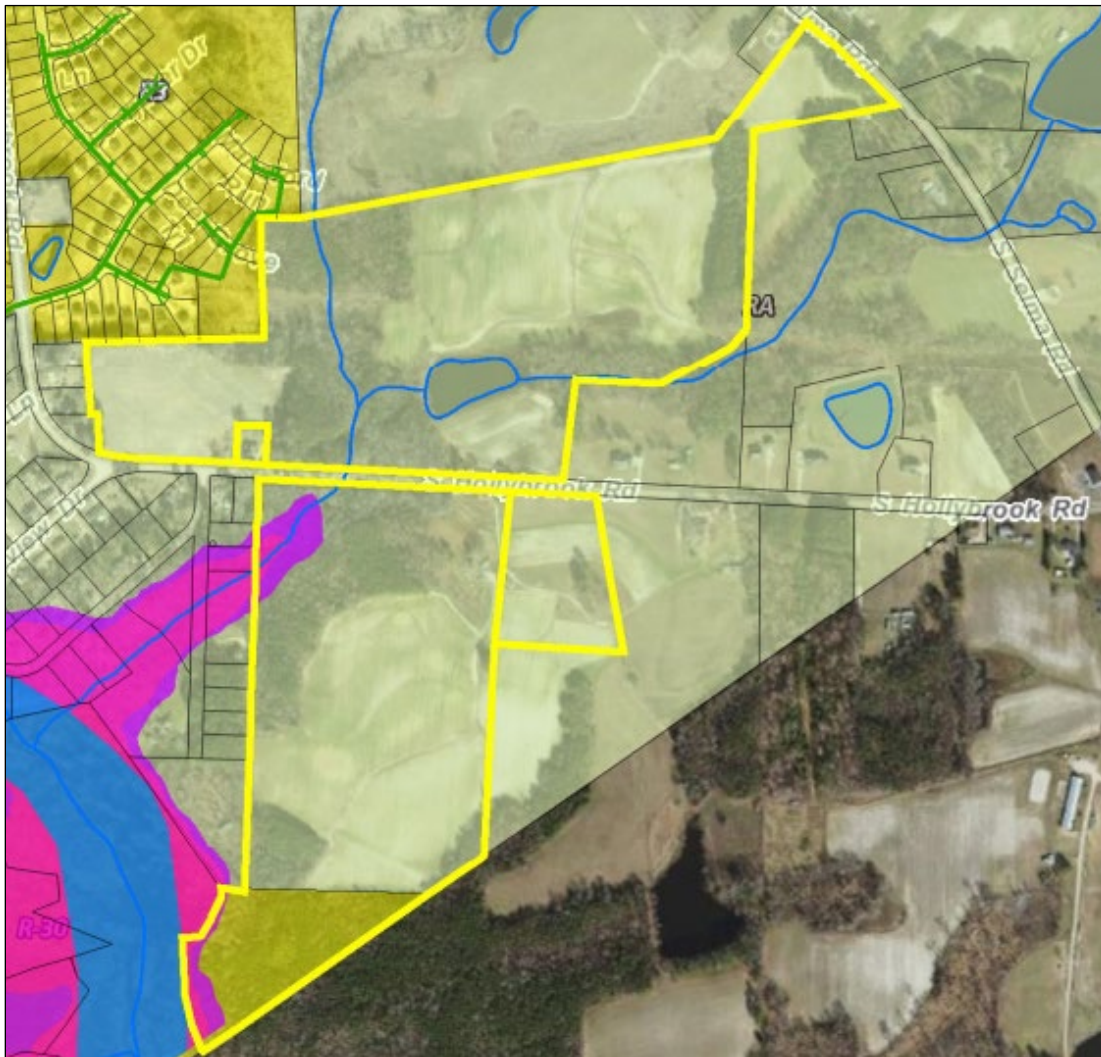
PROPERTY # 4 LOCATION: 0 S. Hollybrook Rd
 WAKE COUNTY PIN: 1793020954
 CURRENT ZONING DISTRICT: RA
 CROSS REFERENCES: N/A
 PROPERTY OWNER: Smith Edwards LLC
 APPLICANT: Smith Edwards LLC
 2505 Wendell Blvd
 Wendell, NC 27591

PROPERTY SIZE: 6.82 acres
 CURRENT LAND USE: Vacant
 PROPOSED LAND USE: Single Family Residential

Project Setting – Surrounding Districts and Land uses:

<u>DIRECTION</u>	<u>LANDUSE</u>	<u>ZONING</u>
North	Residential	RA & R3
South	Agricultural	JC
East	Residential/Ag	RA

Current Zoning Map:



Proposed Conditional District Conditions:

The applicant is proposing 5 conditions for the proposed CD, as follows:

1. **(Requesting Concession)** Apply a minimum lot size of 6000 sq. feet (rather than 10,000).
Staff Comment: The applicant is proposing that the 10,000 square foot minimum lot size that would apply in the Residential-3(R3) zone be replaced with a 6,000 square foot minimum lot size that is more consistent with the R-4 zoning district.

This would constitute a 40% increase in density if maximum density were achieved.

2. **(Requesting Concession)** *Apply a 5 foot minimum side setback instead of the 20% total lot width being applied to side setback.*

Staff Comment: *In the R-3 district, you typically have 10% of lot width on either side of the building reserved as a side setback. Based on the minimum lot width of the R3 zone (60 ft), this ensures that you have at least 6 feet between the dwelling and the side property line. The applicant is requesting to have the ability to apply a 5 ft. side setback.*

Staff finds that the request is acceptable.

3. **(Requesting Concession)** *Apply a 55 ft. minimum lot width (rather than 60 ft.).*

Staff Comment: *Staff finds this request acceptable.*

4. **(Clarification)** *Apply a parking ratio to the amenity site of 1/1,000 SF + 1/75 SF of water surface for the pool.*

The applicant is showing a total of 54 parking spaces on the amenity site. This condition is less of a request of the town, than a clarification of how to address pool parking, which is not clearly defined in the UDO.

Staff Comment: *Staff finds that the request is acceptable.*

5. **(Offering Improvement)** *Providing a minimum of 2,500 sq. ft. of open space per dwelling (rather than 1,750 sq. ft. of open space)*

Staff Comment: *Per Chapter 7 of the UDO, up to one-half of the total open space land required may be located within areas of special flood hazard, including the 100-year floodplain. Easements or areas for public utility transmission lines shall not receive credit as open space. Similarly, dry detention structures may not be towards open space calculations. In response to staff inquiries, the applicant has stated that dry detention structures will not be used.*

57.9 percent of the passive open space provided is located within undevelopable property (floodplain or riparian buffers). However, per the revised Master Plan, the applicant is providing 5.27 acres of Improved/Park space, where only 3.42 acres is required.

6. **Staff recommended condition 6** – *That the proposed Pump Station be screened from view with a Type A buffer surrounding it. Existing vegetation may be counted towards this requirement.*

- a. Update – The applicant has stated that they are agreeable to this condition for a Type A buffer.
- 7. ~~**Staff recommended condition 8** – Pedestrian connection between ‘Club 1’ tract (amenity site) and loop road to the north shall be required to be a paved surface with a minimum width of 8 feet, except where topography or environmental conditions require that a boardwalk be used. Applicant shall be responsible for obtaining all required permits for stream and utility easement crossings.~~
 - a. Update: Revised Plans shows 8’ asphalt greenway with reference to boardwalk at stream crossing. Condition no longer required.

Technical Corrections which would impact design (to be made prior to approval)

The applicant’s revised plans address all but 1 of the following technical corrections identified by staff. The applicant has agreed to further revise their plans to address technical correction #1.

1. **Staff Correction # 1** – That a Type B buffer be shown along the eastern boundary of the ‘Club 1’ tract – between the proposed clubhouse and an existing single family road. This buffer is required per section 8.6A2a.
 - Update – the applicant has agreed to make this correction to their plans (not currently represented on latest version).
2. ~~**Staff Correction # 2** – All lots with riparian buffers located within their lot boundaries must be amended to exclude any riparian buffer areas, unless an exception with lots identified is specifically requested as a condition of this conditional district request.~~
 - ~~Example – lots 14-16 all have riparian buffers in their rear yards. This is not permitted per the UDO. The road alignment could be shifted slightly to the west to exclude the riparian buffer.~~
 - Update – updated site plan makes this correction.
3. ~~**Staff Correction # 3** – Development plan must address cluster mail box locations. If the Postmaster requires these to be located outside of the road right of way, the applicant must amend his plans to accommodate this use and provide associated off street parking to serve this use.~~
 - Update – updated site plan specifies that mail kiosks shall be located within the clubhouse building.
4. ~~**Staff Correction # 4** – The applicant has included several lots with lot widths of less than 60 feet in width. However, their requested conditions do not include a reduction in lot width from the typical R3 standard, which is 60 feet. These lots must be corrected, or an additional condition request to amend lot width must be made by the applicant.~~
 - Update – updated request includes a 55 foot minimum lot width requirement instead of 60 ft.

As previously stated one purpose of the conditional district is to establish a more complete living and working environment through the application of enlightened and imaginative approaches to community planning and property design. A CD should provide a variety of natural features and

scenic areas, efficient and economical land use, improved amenities, orderly and economical development, and the protection of existing and future adjacent development.

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

As currently proposed, the Master Development Plan seeks to gain additional density and reduced setbacks and lot width requirements in exchange for extra open space and an amenity center which exceeds the town's minimum requirements.

Applicant's Justification:

The applicant's justification and summary conditions is included as Attachment B

Off-Street Parking:

No off street parking is required for single family dwellings. Fifty-four parking spaces are shown on the amenity site. The applicant's plans indicate that they will locate their cluster mailboxes at the club-house site.

Open Space:

The applicant is required to dedicate a minimum of 13.7 acres of open space, with a minimum of 3.42 acres of Park Space, as set forth in the UDO. Of those 3.42 acres of Park Space, 1.13 acres must be designed for active recreational purposes. The applicant is proposing to dedicate 3.03 acres of park space within the Club/amenity tract, plus an additional ~2.2 acres of park space around the pond and for a pedestrian connection between the club tract and the residential road to the north (for a total of ~5.27 acres). The active recreational open space requirement would be satisfied by the pool and club house.

Overall, the applicant is proposing to dedicate a minimum of 19.57 acres of open space, with 57.9 percent of passive open space falling within riparian buffers (53.1%) or floodplain (4.8%).

Per Chapter 7 of the UDO, up to one-half of the total open space land required may be located within areas of special flood hazard, including the 100-year floodplain. Easements or areas for public utility transmission lines shall not receive credit as open space. Similarly, dry detention structures may not be towards open space calculations. In response to staff's inquiries, the applicant has stated that no dry detention structures shall be included within the Storm Water Management (SWM) areas.

Lighting:

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

Public Utilities:

Public water and sewer will be extended at the time of development. Per the adopted Water Allocation Policy, this project has 38 base points and must provide 12 bonus points. The applicant has proposed to provide 7.8 acres of additional open space for conservation (7 points), a pool (2 points), an outdoor patio area of more than 3000 square feet (3 points), and a Meeting space without a kitchen more than 3500 square feet in size (8 points). As proposed, these improvements would bring the applicant's point total to 58 points.

Per the applicant's submittal, "A new pump station is proposed at the southern end of the Glen at Hollybrook parcel. The total Hollybrook development accounts for approximately 10% of the sewer basin. The new pump station, per coordination with the City of Raleigh, will be constructed to provide 25% of total build out for pumps, electrical, generator, odor control, and 50% for structure, electrical building, and force main while also allowing for future expansion for full capacity of the entire basin."

The applicant has been working with the City of Raleigh Public Utilities Department (CORPUD) to facilitate this use, which would require CORPUD approval.

Streets:

At the time of construction of all new roads, the standards are to be met as specified by Chapter 12 of the UDO.

Per the Town's Arterial and Collector Street Plan (ACS), the applicant will be responsible for minor widening along S. Hollybrook Road, in order for the road to meet the Town's standard for a Minor Collector (2 lane undivided). These improvements are reflected in their plan, and will involve 3.5 feet of additional right-of-way dedication on either side of S. Hollybrook Road.

All internal subdivision roads shall be designed as a Local Street (52' ROW) or Residential Main Street (64' ROW). Residential Main Streets allow for on-street parking on both sides.

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

Based upon the size of this proposed development, a Transportation Impact Assessment will be required prior to approval to address items such as turn lanes along S. Hollybrook Road, etc.

Landscaping:

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

Stormwater Management:

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

Phasing:

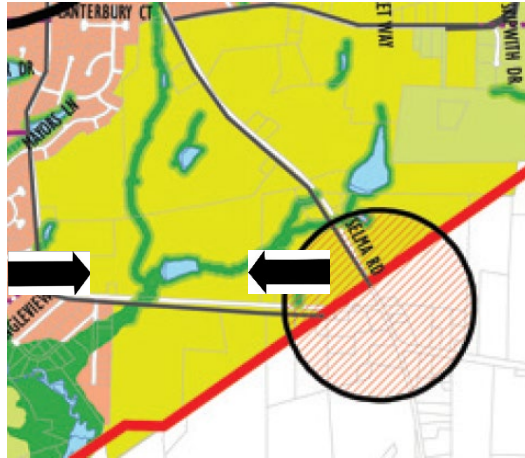
The applicant has proposed to break the Master Plan into 5 phases, which would require separate Final Development Plan submittals. The phasing plan is shown on Page 7 of the Master Plan pdf. (See Attachment A)

Comprehensive Plan:

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

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

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



Statement of Plan Consistency and Reasonableness

- *Any recommended change to the zoning map should be accompanied by a statement explaining how the change is consistent with the comprehensive plan, and is reasonable in nature.*
 - *In staff's opinion, the requested conditional district is consistent with the recommended uses and development types outlined in the Wendell Comprehensive Land Use Plan for the S-4 sector.*

Staff Recommendation:

- *In response to staff concerns regarding the absence of Park Space on the south side of S. Hollybrook Rd, the applicant has revised their plans to show 10,000 square feet of Park Space between Lot 317 and a proposed Stormwater Management device.*
- *Staff recommends approval of the proposed conditional district, with the addition of 'Staff Recommended Condition #6' and adherence to 'Staff Correction #1', which the applicant has verbally agreed to.*

TRC Comments:

The majority of TRC comments represent small technical corrections or reminders of items that will need to be provided or added prior to construction document approval. Many of these

comments have been addressed by the applicant's updated plans. Staff has underlined one comment which could impact the subdivision's layout or design. In staff's opinion, this is the only TRC item which the Planning Board needs to concern itself with in terms of making its recommendation. The underlined comment deals with emergency ingress/egress, as both sides of this development have only 1 connection to Hollybrook Road and rely largely upon future connections to undeveloped tracts. This could be a serious issue in the event of a natural disaster or accident if the route out of the development were blocked or otherwise inaccessible.

1. Wake County Environmental

- a. An approved erosion and sediment control and stormwater management plan and grading and stormwater permits are required for Construction phase.
- b. Consider 1-2 Stormwater control measures on the area of the site north of the transmission lines and ease of the stream.
- c. Offsite force main work will require an erosion and sediment plan approval and grading permit.

2. Wendell Police

- a. I have significant concerns about the high number of homes that will be isolated with no ingress/egress in emergency situations if the 1 way in and out of the subdivision along Hollybrook Road is blocked/impeded. While future connections are noted, the applicant does not appear to own the property (with the exception of the piece connecting to Selma Road).

3. Wake Co. Fire Services

- a. Did not see fire hydrants labeled on utility plans

4. CORPUD

- a. All off-site easements shall be acquired by the developer and recorded by map and deed of easement prior to construction approval.
- b. Make sure all upstream properties are served with Sewer.

5. AMT (Contracted Engineer)

- a. TIA will be required. This will determine what improvements are required on Hollybrook Rd.
- b. Extend water and sewer to limit of property/development.
- c. Show required temporary turn-arounds
- d. Label sight distance easements
- e. Show Sports Club parcel and improvements for clarity

6. Wendell Planning

- a. Add note stating all open space land shall be deeded separately to HOA. Please add note that Sports/Recreation Club lot will be required to go through separate administrative site plan approval process.
- b. Please move Sports Club detail to Sheet C-2 and add note stating that design of recreation lot may change so long as specific components such as the pool and clubhouse are not removed and square footages and minimum parking are not reduced.
- c. Label streets throughout. If streets have not yet gone through Wake Co. naming approval, label Street A, Street B, etc.
- d. Provide Johnston County parcel numbers and adjacent property owner and acreage.

- e. Identify and label dimension and pavement type of greenway/trail shown as open space corridor.*
- f. Add additional info to open space section of standards table (passive/improved/active) and specifically identify them on subdivision streets.*
- g. Add 6' sidewalk along S. Hollybrook Rd.*
- h. Show high-visibility cross-walk across Hollybrook rd.*
- i. Base dimensional standards state minimum lot width is 60' (which is what R-3 typically allows). However, there are several proposed lots with less than 60' of lot width.*
- j. Lots must be outside of riparian buffer area*
- k. Please revise lots 57-59, 72-74. Double front lots should be avoided wherever possible. If they must exist, double frontage lots must meet minimum front yard setback on both sides.*
- l. Please label all proposed utility easements and dimension. There are several that are located behind lots.*

At the conclusion of his presentation, Mr. Bergmark answered questions and received comments from the Board, as follows:

Mr. Bergmark noted that the applicant, in response to comments previously received by the Planning Board, decided to change their request from a R-3 Conditional District to an R-4 Conditional District.

Jonathan Olson asked if the amount of parking provided was sufficient for the clubhouse site. David Bergmark said the UDO requirements were being met for parking.

David Bergmark said staff was concerned that the phasing plan showed the amenity center not being required until AFTER Phase 3. He said staff would prefer to see the active amenity site be installed PRIOR to phase 3.

The Developer said that they hoped to get the amenity site installed before then, but they didn't want to be contractually obligated to it. The Developer said he was looking for flexibility and to allow the market to dictate when the amenity site is installed. He said that the residents would have access to the amenity sites at other Fred Smith subdivisions.

Errol Briggerman asked for confirmation that the amenity site was installed up-front for Wendell Falls. Mr. Bergmark said that was the case in Wendell Falls.

Ryan Zakany asked where the lot width requirement was measured. David Bergmark said it was measured at the front setback line.

Jon Callahan said the change from R3CD to R4CD only resulted in 2 less lots.

Jonathan Olson said he was concerned with what type of siding was applied given a potential 10' building separation between lots. David Bergmark said the Town could not really regulate siding anymore, unless a builder simply chose to include a conditions speaking to the siding.

Michael Clark suggested that lot 307 be removed as a residential lot in order to allow for potential future access to an adjacent residential street to the west.

Allen Swaim asked about the accessibility and use of the pond shown.

Michael Clark asked how maintenance of the Street-yard along Hollybrook Rd would be handled. Jon Callahan said that easements would be in place and that the developer would handle maintenance.

Lloyd Lancaster made a motion to accept the developer's revised Conditional District request. Errol Briggerman seconded the motion. The motion passed unanimously.

David Bergmark asked if that motion included staff's proposed condition for a buffer around the pump station, as mentioned during staff's presentation. Mr. Swaim asked for a revised motion to address staff's question.

Michael Clark made a motion to recommend acceptance of the revised conditional district, with the 6 conditions included in staff's report, and Technical Correction # 1, which included:

- 1. To require a Type A buffer between the pump station site and adjacent residential lots.
- 2. To require a Type B buffer along the eastern boundary of the club house lot.

Victoria Curtis seconded the motion. The motion passed unanimously.

- **Voting in Favor:** Victoria Curtis, Michael Clark, Jonathan A. Olson, Lloyd Lancaster, Grace Walter, Ryan Zakany, Joe DeLoach, Allen Swaim, and Errol Briggerman.

8. Adjourn to Next Regularly Scheduled Meeting

At the conclusion of the previous discussion, Chairman Swaim asked for a motion to adjourn. Lloyd Lancaster made a motion to adjourn the meeting; Michael Clark seconded the motion. The motion passed unanimously and the meeting adjourned at approximately 7:55 pm.