

Planning Board Meeting September 18, 2017 Minutes

Members Present: Michael Clark, Gilda Wall, Terry “Allen” Swaim, Jonathan A. Olson, Errol Briggerman and Victoria Curtis

Members Absent: Ashley Anderson, Lloyd Lancaster, and Kathe Schaecher

Staff Present: Planning Director David Bergmark and Wyatt McGhee

Guests Present: Bill Sears, Steve Janowski, Sharon Rhue, and members of the Greater NC Jurisdiction Church of God in Christ visionary team

1. Meeting Called to Order

Vice-Chairman Michael Clark called the meeting to order at 7:02 pm and recognized that a quorum was present.

2. Welcome and Recognition of Guests

Vice-Chairman Clark welcomed the public.

3. Chairman and Board Members’ Comments

No comments were made.

4. Adjustment and Approval of Agenda.

Vice-Chairman Clark asked if there were any adjustments to the agenda; as there were none, he then asked for a motion to approve. Allen Swaim made a motion to approve the agenda; Gilda Wall seconded the motion.

5. Public Comments

Vice-Chairman Clark asked if anyone signed up for public comments; there were no public comments.

6. Approval of Minutes

Vice-Chairman Clark asked if there were any adjustments to the minutes or a motion to approve the minutes. Jonathan Olson made a motion to approve the minutes of the previous (August 21, 2017) meeting as written. Victoria Curtis seconded the motion. The motion passed unanimously.

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

7A. CD17-02 – Discussion and action on an application by Greater NC Jurisdiction Church of God in Christ, Inc to amend a CMX Conditional District located at 1609 Wendell Boulevard.

Vice-Chairman Michael Clark and Mr. Bergmark introduced this case; the consultants (Bill Sears, Steve Janowski, and Sharon Rhue) for the applicant then presented a PowerPoint Presentation that showed other similar types of development and amenities that could be included, and summarized the layout and components of the proposed development to those present. In their presentation, it was noted that approximately 300 dwelling units would be developed, which would include two apartment buildings of approximately 90 units each and approximately 40 units in the form of quadrplexes. The applicants

noted that an assisted living/healthcare building and a 45,000 square foot clubhouse would also be included. Mr. Sears spoke of his desire to integrate the development with the natural environment in order to create a quality living atmosphere. He said studies were showing that life expectancy was rising dramatically, and communities needed to be designed to accommodate longer life spans.

At the conclusion of the consultant's presentation, Mr. Bergmark presented the following staff report shown in *italics* below.

Item Title:

7A. CD17-02 – Discussion and action on an application by Greater NC Jurisdiction Church of God in Christ, Inc to amend a CMX Conditional District located at 1609 Wendell Boulevard.

Board of Commissioners:

*Monday, July 25, 2016 (ACTION)
Monday, July 11, 2016 (PUBLIC HEARING)*

Planning Board:

*Monday, September 18, 2017
Monday, June 20, 2016*

Specific Action Requested:

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

Applicant:

Greater NC Jurisdiction Church of God in Christ, Inc

Petition:

In July of 2016, the applicant was approved to create a CMX conditional district for approximately 43.57 acres of property within the parcel identified by PIN# 1774 78 1425. The proposed conditional district consisted of five tracts for a mixture of development, as shown on the approved Master Development Plan (Attachment A). This approval allowed the property owner to market this tract to prospective developers. As a result, the church has identified a developer and has worked with them to re-work the master plan to fit their development model. In general, these changes removed the previously proposed single family and duplex lots shown

in Tract D and Tract E, and replaced them with additional independent and assisted living senior apartment facilities, as well as a number of townhome units in the form of quadraplexes. No changes were made to Tract B. Tract C was removed from the plan, and the community center/clubhouse previously contained in Tract C was moved to a more central location. As can be seen in the proposed amendment to the Master Plan (Attachment B), the applicant has also reconfigured their open space and parking in an attempt to create a more cohesive development pattern.

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. In this case, the proposed district does not contain any residential uses or their corresponding amenities.

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 property is located within town limits of the Town of Wendell and is zoned as a Corridor Mixed Use (CMX) Conditional District. The intent of this application is to amend the Master Development Plan approved in 2016 to accommodate the preferred design and layout of the

developer which has been selected by the property owner. At the previous review in 2016, the Planning Board unanimously recommended approval of the conditional district with a 7-0 vote.

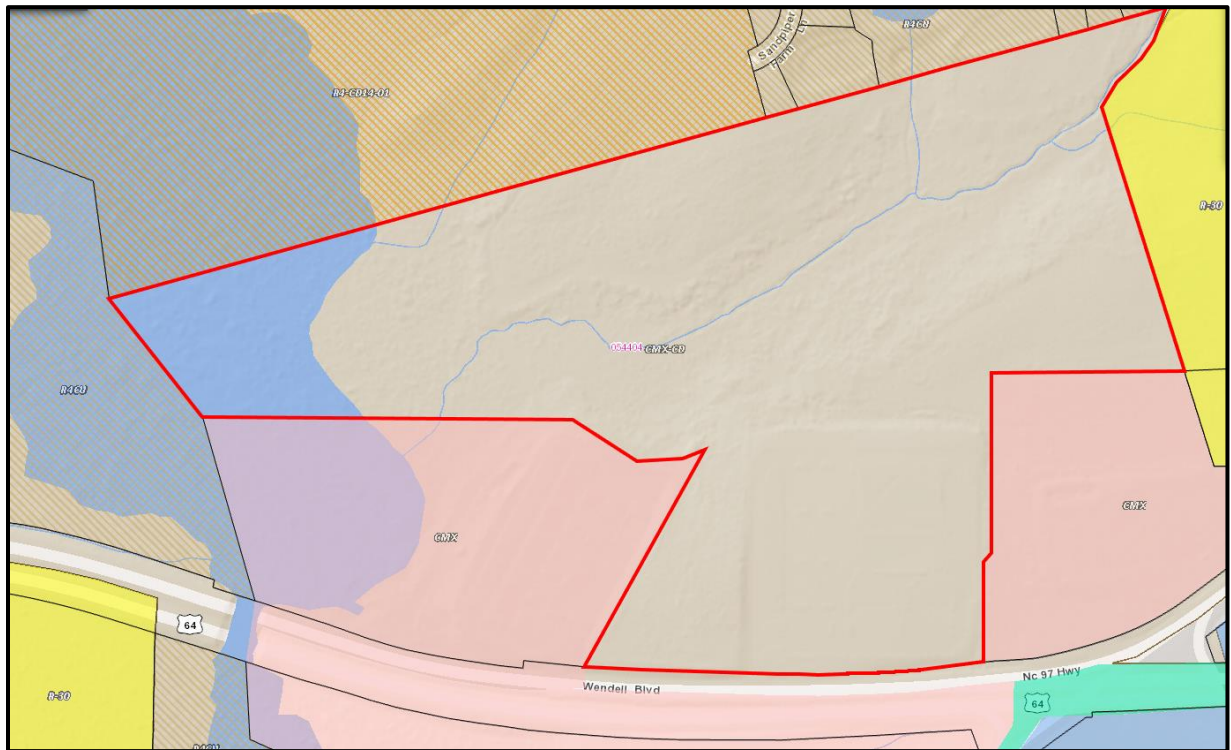
Project Profile:

PROPERTY LOCATION:	1609 Wendell Boulevard
WAKE COUNTY PIN:	1774781425
CURRENT ZONING DISTRICT:	CMX-CD
CROSS REFERENCES:	CD16-03
PROPERTY OWNER:	Greater NC Jurisdiction Church of God in Christ
APPLICANT:	Greater NC Jurisdiction Church of God in Christ
	P.O. Box 1985
	Washington, NC 27889
PROPERTY SIZE:	43.57 acres
CURRENT LAND USE:	Church/Vacant
PROPOSED LAND USE:	Multi-family Residential, Institutional and Commercial

Project Setting – Surrounding Districts and Land uses:

<u>DIRECTION</u>	<u>LANDUSE</u>	<u>ZONING</u>
North	Residential	R4-CD14-01
South	Vacant	CMX
East	Residential and Commercial	R-30 and CMX
West	Commercial and Vacant	R4CU and CMX

Current Zoning Map:



Proposed Amendments to 2016 Conditional District Approval:

- Increase the total number of residential units from 202 to 300.
 - Remove 26 single family lots (formerly in Tract D)
 - Increase the number of townhome units from 36 to 42, and design them as two story quadraplexes, rather than duplexes.
 - Increase the number of independent senior apartments from 40 units to 184 units (Two 4-story buildings with 92 apartments each).
 - Decrease the number of assisted living units from 100 to 74 (46 initial beds with ability to add an additional 28 beds)
- Open space dedication is changing from 4.39 acres of required/3.94 acres of dedication to 4.39 acres of required/4.56 acres of dedication.
- Changing the 6,250 square foot meeting facility to a 45,000 square foot clubhouse with kitchen/dining facilities, recreational space, meeting rooms, health clinic, and administrative

Proposed Conditional District Conditions:

The applicant is proposing 11 conditions for the proposed CD, as follows:

1. *No Special Use Permit is required for multi-family development including townhouse/duplex units, apartment buildings, and assisted living/housing services for the elderly.*

Staff Comment: The applicant has submitted an accompanying zoning text amendment to allow for the Board of Commissioners to waive the SUP requirement and allow for multi-family construction to be allowed by right.

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

This condition was previously approved by the Town Board and agreed upon by the applicant.

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

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

Staff finds that the request is acceptable.

This condition was previously approved by the Town Board and agreed upon by the applicant.

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

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

Staff finds that the request is acceptable.

This condition was previously approved by the Town Board and agreed upon by the applicant.

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

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

Staff finds that the request is acceptable.

This condition was previously approved by the Town Board and agreed upon by the applicant.

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

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

Staff finds that the request is acceptable.

This condition was previously approved by the Town Board and agreed upon by the applicant.

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

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

Staff finds that the request is acceptable.

This condition was previously approved by the Town Board and agreed upon by the applicant.

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

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

Staff finds that the request is acceptable.

This condition was previously approved by the Town Board and agreed upon by the applicant.

8. *Residential Development Standards:*

- *Where garages are present on ~~townhouse~~ quadraplex (or duplex) units, they shall be setback a minimum of one foot from the front façade.*
- *Vinyl siding shall not be used on multi-family or attached units.*
- *~~Townhome~~ Quadraplex/Duplex lots:*
 - *Minimum lot size: N/A*
 - *Minimum lot width: N/A*
 - *Minimum unit square footage: 1,200 square feet*
 - *Front setback minimum: 0'*
 - *Front setback maximum: N/A*
 - *Rear setback 0'*
 - *Side setback 10' between buildings*
- *~~Single Family lots:~~*
 - *~~Minimum lot size 6,000 SF.~~*
 - *~~Minimum lot width (at front setback) 25'~~*
 - *~~Front setback 25'~~*
 - *~~Rear setback 20'~~*
 - *~~5' minimum, 10% combined lot width~~*
- *Apartments and Assisted Living/Housing Services for the Elderly*
 - i. *Garage Doors: Garage doors are not permitted on the front elevation of any apartment building or assisted living building.*
 - *Rooftop Equipment: All rooftop equipment shall be screened from view.*
 - *Design Details: All apartment buildings and assisted living buildings shall provide detailed design along all primary elevations and elevations facing a public street or open space. Detailed design shall be provided by using at least three of the following architectural features as appropriate for the proposed building type and style (may vary features on rear/side/front elevations):*
 - *Dormers*
 - *Gables*
 - *Recessed entries*
 - *Covered porch or stoop entries*
 - *Cupolas or towers*
 - *Pillars or posts*
 - *Eaves (minimum 10 inch projection which may include gutter)*
 - *Off-sets in building face or roof (minimum 16 inches)*
 - *Window trim (minimum 4 inches wide)*
 - *Bay windows*
 - *Balconies*
 - *Decorative patterns or exterior finish (e.g. scales/shingles, wainscoting, ornamentation, and similar features)*
 - *Decorative cornices and roof lines (for flat roofs)*

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

Staff Comment: The applicant has proposed multiple design standards for the Conditional District.

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

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

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

This condition was previously approved by the Town Board and agreed upon by the applicant and has only been modified to remove the single family standards and updates the unit types listed.

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

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

Staff finds that the request is acceptable.

10. *Shared parking for ~~meeting~~ clubhouse facility (church parking lot) with the provision that the use is accessory to the Church. Pedestrian crossing to be provided and reviewed for adequate safety at the time of the Final Development Plan for Tract C.*

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

Pedestrian safety has been made a priority by providing that the applicant show an acceptable crossing at the time of the Final Development Plan

Staff finds that the request is acceptable.

This condition was previously approved by the Town Board and agreed upon by the applicant and has only been modified to change the meeting facility to the clubhouse use.

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

Staff Comment: The applicant is requesting one additional year to allow for more time to enter in to contracts with developers of all tracts. This project is complex with a diversity of uses provided and could warrant multiple developers for the full implementation of the Conditional District.

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

This condition was previously approved by the Town Board and agreed upon by the applicant.

- 12. Fencing within a bufferyard shall not be made of wood. It must be comprised of rot-resistant materials such as composite wood, brick, or stucco.*

Staff Comment: The applicant has proposed to provide fencing within the bufferyards in a material that will not as much maintenance.

Staff finds that the request is acceptable.

This condition was previously approved by the Town Board and agreed upon by the applicant.

Staff recommended conditions with revised plan:

- 13. All cluster mailbox units shall be incorporated in to the interior of the buildings or provide overhead shelter to protect residents from rain, snow, wind, etc.*

Staff Comment: The applicant has proposed to develop residential housing for aging adults and staff finds that standard cluster mailbox units that are out in the elements could provide safety risks.

Staff finds that the request is acceptable.

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

Additional site plan conditions/changes recommended by staff:

- 1. Add the total open space area required/proposed for dedication in square feet to the Site Data.*
- 2. Revised the Tract C Site Data to included:*
 - Change “Lots Created” to “Proposed number of units”.*
 - Add the maximum height of each type of facility.*
 - Add a parking calculation for the Clubhouse use. 45 spaces shall be required. List 15 provided on site; 40 provided as shared parking for a total of 55 spaces provided.*
 - Change the Parking Required for the Assisted Living from “30” to “56”. (UDO allows the Town Board to approved a 25% reduction for housing for the elderly use)*
- 3. Show one way traffic patterns on the private roads.*
- 4. Provide a Type B bufferyard along the eastern property line of Tract C.*
- 5. Provide expected dumpster locations to ensure that adequate space is provided to accommodate trash service and screening for all buildings.*
- 6. Add Site Data For Tract B as shown on the original approved Master Development Plan*

Staff Comment: *All of the proposed changes are technical in nature and are items that are required on any site plan.*

Off-Street Parking:

Parking shall meet the requirements as set forth in the UDO at the time of development. As stated in Condition 10, the applicant has proposed to allow satellite parking for the clubhouse facility on Tract B with the existing parking lot on Tract A.

Lighting:

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

Public Utilities:

Public water and sewer will be extended at the time of development.

Streets:

At the time of construction of all new roads, the standards are to be met as specified by Chapter 12 of the UDO. The applicant has proposed one main street right-of-way (70 foot wide), one residential main street right-of-way (72 foot wide); two local street right-of-ways (52 foot wide), and privately maintained streets and parking lots. The applicant is also providing a traffic calming device with a refuge island for pedestrian crossing for the residents on Tract B to cross to the commercial component on Tract C. Staff recommends that this proposed crossing and a pedestrian crossing between the Clubhouse and the shared parking on Tract A be reviewed at the time of the Final Development Plan for adequate safety.

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

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

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

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

Landscaping:

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

Stormwater Management:

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

Phasing:

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

Comprehensive Plan:

The Wendell Comprehensive Plan defines the subject properties as being completely within the S-5 “Intended Growth Sector”; partially within the Wendell Boulevard Gateway Zone; and partially within a Neighborhood Center.

The Comprehensive Plan states that “S-5 lands are typically within ½ mile of high-capacity regional thoroughfares, such as Wendell Boulevard and the US64 Bypass. Appropriate development types are higher density missed-use centers of employment, commerce, and residential uses.”

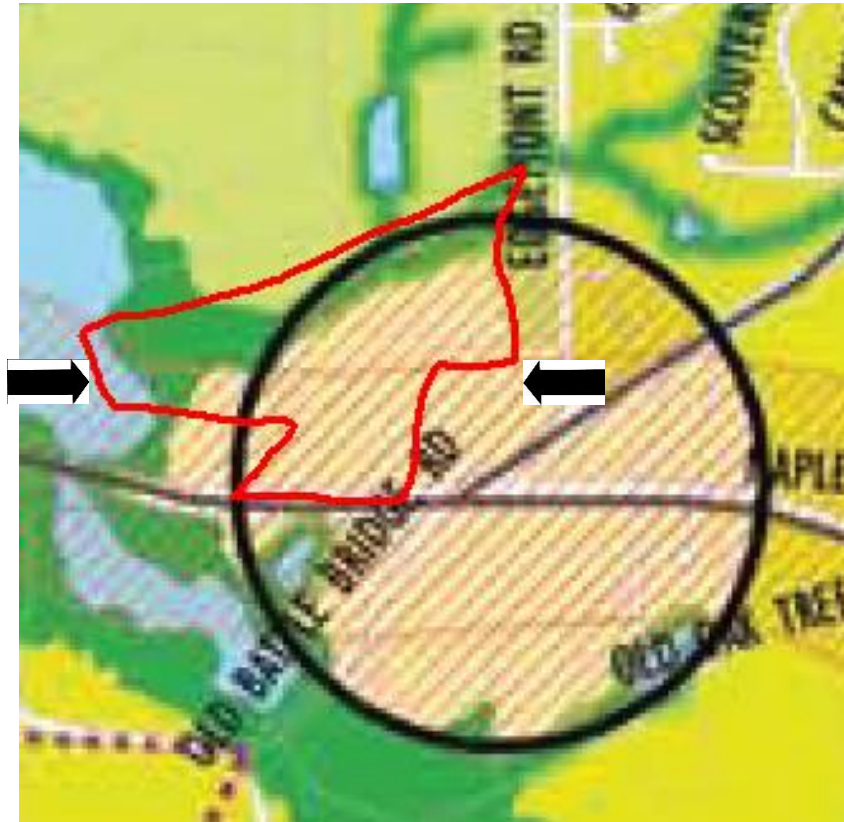
The Comprehensive Plan lists the following uses as appropriate land uses/development types within this sector: traditional neighborhood development, neighborhood centers, village/town centers, single-family and multifamily residential, neighborhood-serving commercial uses (retail and office), civic uses,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

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

With the removal of the single family dwellings from the proposed Master Plan, the revised plan better fits the type of development called for in a neighborhood center.

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

Approximately half of the site is within the Wendell Boulevard Gateway Zone. Of the area within the Gateway Zone, half of it already developed with a church use. The undeveloped portion is proposed for commercial, but as previously stated, no more detail for the type of commercial has been identified.



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.
 - Such statements of plan consistency and reasonableness could include:
 - The proposed conditional district is found to be consistent with the recommended uses and development types outlined in the Wendell Comprehensive Land Use Plan for the S-5 sector.

Staff Recommendation:

Staff recommends approval of the amended Conditional District for Greater NC Jurisdiction Church of God in Christ with the 13 conditions with two modifications as recommended by staff for Conditions 8 and 10.

Attachments:

- A. *Approved Master Development Plan*
- B. *Proposed Amended Master Development Plan*

At the conclusion of his presentation, Mr. Bergmark and the consultants (Bill Sears, Steve Janowski, and Sharon Rhue) for the applicant answered questions from the Board, as follows:

Gilda Wall asked what was intended to go on Tract B. Mr. Bergmark answered that at one time a hotel was proposed; now any use permitted in the CMX zone could potentially go there. Gilda Wall commented that development of Tract B will create a challenging situation at the intersection with Wendell Boulevard. Mr. Bergmark responded that a traffic impact assessment (TIA) would be prepared in order to consider such issues. Steve Janowski said that a previously prepared TIA recommended that a left turn lane be added on Wendell Blvd to turn into the development. Some additional discussion then took place between Errol Briggerman, Allen Swaim, Bill Sears, and Mr. Bergmark regarding the traffic issues related to the proposed development and the parties that would be involved in deciding what improvements should be added.

Allen Swaim said that water is expensive in Wendell; he inquired if the idea of using stormwater for irrigation purposes had been considered. Mr. Janowski replied that they will consider that possibility, along with the idea of using wells for irrigation. Sharon Rhue added that other options that could be considered included catchment/cistern systems (for catching rainwater) and the use of water-wise (drought tolerant) plants.

Allen Swaim commented that he liked the clubhouse concept, but was concerned about its impact on the affordability of the project; he continued that he didn't want Wendell citizens to be priced out of a project located in their own backyard. Steve Janowski replied that the clubhouse could be rented out to generate income for the project and that the inclusion of apartments would make the project more affordable. Mr. Janowski and Sharon Rhue continued by indicating that the church wants the project to be accessible to the community and that the proposed amenities for this project would be at a smaller scale than those included in their presentation, in order to make the project more accessible.

Vice-Chairman Clark asked if there were any additional questions. Jonathan Olson asked about additional growth in Edgemont Landing. Planning Director Bergmark replied that plans are in place for additional development of that area, and that the project under consideration has proposed a wider north/south road to accommodate the expansion of Edgemont Landing.

Errol Briggerman asked if this project will include subsidized housing. Mr. Bergmark replied that it is not proposed to include any.

Michael Clark asked if any comments had been received from the surrounding property owners; David Bergmark replied that there had not been any, but that such comments would be more likely when the Town Board holds a public hearing on the project.

Victoria Curtis commented that the consultants' presentation was gorgeous and included pictures of high-end development, but that what they are proposing for Wendell will not be high-end development; she also inquired whether the presentation was representative of what will occur. Mr. Sears said the

presentation showed the types of elements they would want to incorporate into this project, but that some elements would be scaled back.

Mr. Olson then asked what exterior would be used on the four story apartment buildings, for instance, brick or Hardiplank? Vice-Chairman Clark asked whether the applicant could include conditions to address such issues before the project goes before the Town Board. Steve Janowski replied that he would need to consult with the representatives of the church. Mr. Bergmark interjected that vinyl siding would not be allowed, and that there are some other conditions that would be required in this proposal and in the Town UDO that could address these concerns.

Vice-Chairman Clark then asked if there were any public comments on this project; there were none. Jonathan Olson made a motion to recommend approval to the Town Board of this request to amend the CMX Conditional District located at 1609 Wendell Boulevard, subject to the conditions and modifications as recommended by staff. Vice-Chairman Clark amended the motion to also include the required "Statement of Plan Consistency" (and Reasonableness) from page 13 of the staff recommendation. Errol Briggerman seconded the motion. The motion unanimously passed.

7B. Discussion and Action on Proposed Text Amendments to Chapter 7 of the Unified Development Ordinance as it Relates to Open Space Requirements.

Mr. Bergmark presented the following staff report *shown in italics* below.

Item Title:

7B. Discussion and Action on Proposed Text Amendments to Chapter 7 of the Unified Development Ordinance as it Relates to Open Space Requirements.

Planning Board Meetings:

Monday, September 18, 2017

Specific Action Requested:

- The Planning Board is asked to discuss and consider action on proposed changes to Chapter 7 of the UDO as it relates to open space use and dedication requirements.*

Item Summary:

In anticipation of future townhome and apartment developments, planning staff performed an evaluation of how current open space regulations would impact such projects. During this evaluation, two areas for improvement were identified by staff and are further described in Item #1 and Item #2 of this report.

Item #1: Open Space Types

Currently, Section 7.4 of the UDO requires new residential development to dedicate open space in order to conserve natural areas and provide recreational space for new residents. Open space types are divided into two categories: Passive Recreation and Active Recreation. As currently written, up to 75 percent of dedicated open space may be passive in nature. Passive open space must be accessible (i.e. have a minimum amount of road frontage), but otherwise may be raw land which has not been improved or changed in any form. At least 25 percent of the required open space dedication must be for active recreation, such as playgrounds, tennis courts, ball fields, etc. These areas provide recreational opportunities for Wendell residents within the subdivision.

While staff supports these two categories in general, review of Wake Forest's open space standards has highlighted a type of open space absent from Wendell's standards – improved passive open spaces. Under Wendell's current regulations, there is no incentive for a developer to provide an improved, yet passive open space, which might consist of a maintained grass area with benches, additional landscaping, and walkways. This type of area adds to the character of a neighborhood and acts as a gathering space, but would not meet the definition of 'active recreation'. Without an amendment to Wendell's open space standards, it is unlikely many developers would choose to make this type of improvement as part of their passive open space, when passive open space may be left untouched and still receive credit.

As a result, staff proposes to amend section 7.4A to reclassify the open space types as 'Passive Open Space (Unimproved)' and 'Park Space (Improved)'. The new 'Park Space (Improved)' category would include both active recreation and improved park space. This amendment would create a more practical standard for developers to achieve in terms of active recreational space, while providing an incentive for developers to provide improved and structured open space which is not necessarily active in nature. As proposed, 75 percent of required open space would still be Passive (unimproved) and at least 25 percent of open space must be Park Space (improved). Of the improved open space, one-third of the area must be fully comprised of active recreational space. Minimum amenities within any improved park space shall also be specified. Staff's proposed amendments to Section 7.4 are provided on page 4. Amended language is *shown in red*.

Figure 1. Example of Park Space (Improved)

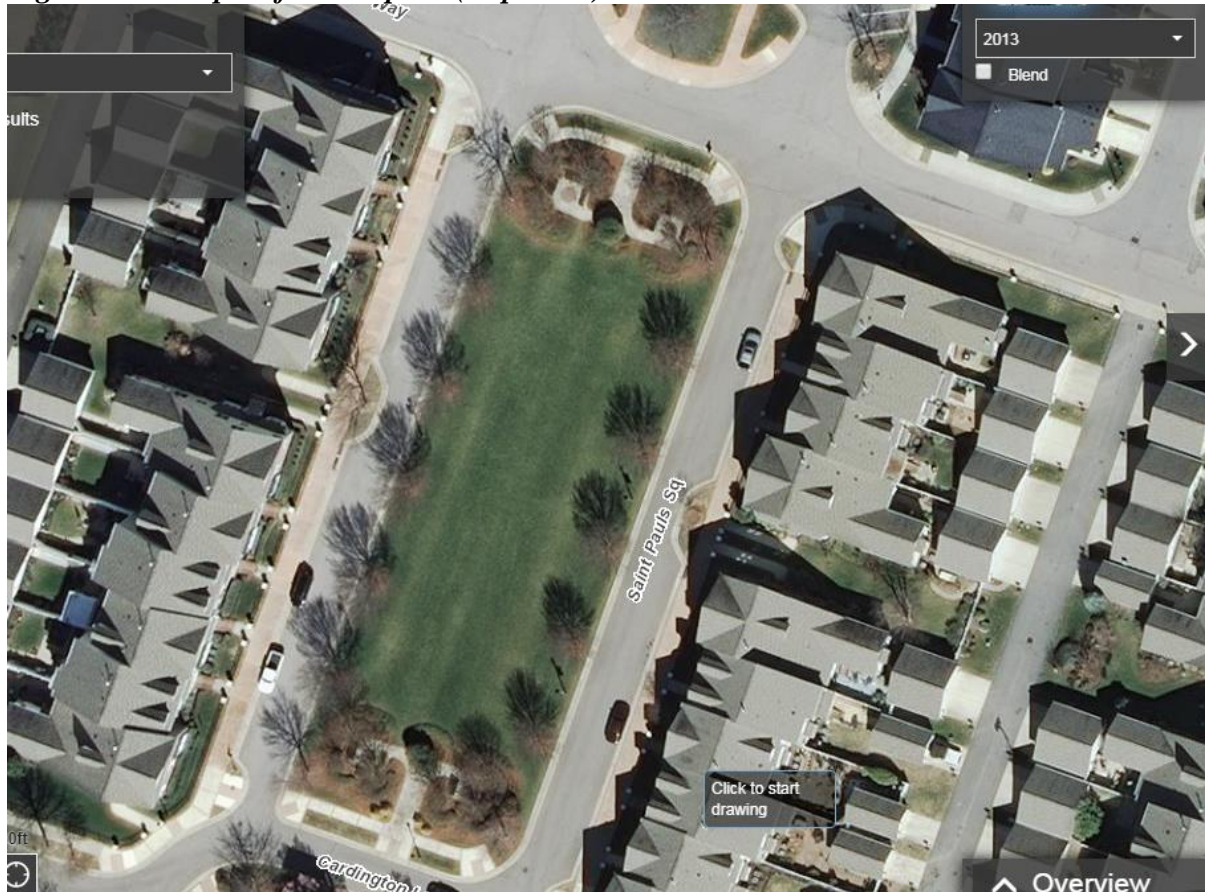


Figure 2. Street-View Example of Park Space (Improved)



Figure 3. Example of Active Recreation and Park Space (improved) on same lot



Table 1. Open Space Dedication Requirement by Type – Current vs. Proposed

Subdivision Size	Current OS Dedication Standard				Proposed OS Dedication Standard			
	Passive	Improved	Active	Total	Passive	Improved	Active	Total
50 Single-family lots	1.5 ac.	N/A	0.5 ac.	2 acres	1.5 ac.	0.335 ac.	0.165 ac.	2 acres
100 Single-family lots	3 ac.	N/A	1 ac.	4 acres	3 ac.	0.67 ac.	0.33 ac.	4 acres
300 Single-family lots	9 ac.	N/A	3 ac.	12 acres	9 ac.	2 ac.	1 ac.	12 acres

Table 2. Ex. Minimum Square Footage Required for Active Open Space Types

Active Open Space Type	Square Footage Required to accommodate use			
Basketball Court			3,108 (0.07 ac.)	
Beach Volleyball Court			3,108 (0.07 ac.)	
Playground			varies	
Single Tennis Court			7,200 (0.165 ac.)	
Double Tennis Court			~13,000 (0.3 ac.)	

Proposed Amendments to Section 7.4

7.4 - Open Space Types

Open Space land shall be classified in accordance with this Chapter. Open space not classified under these types shall not be counted toward the dedication requirement of this Ordinance.

A. Types.

1. **Passive Open Space (Unimproved)Recreation:** Up to 75 percent of the park, recreation, and open space lands shall be provided for passive recreation purposes such as walking, jogging, ~~cycling~~, relaxation, etc. Preservation of cultural or natural resources such as steep slopes, rock outcroppings, mature woodlands or water resources may also be counted towards passive recreation provided there is access for public enjoyment and appreciation of such resources.
2. **Park Space (Improved)Active-Recreation:** At least 25 percent of the park, recreation, and open space land shall be provided as improved Park Space. Improved Park Space must be primarily grassed and properly maintained, and contain the minimum amenities described below. Additionally, one-third of the required Park Space must be completely designed for active recreation purposes such as playgrounds, tennis courts, ball fields, volleyball courts, etc. Constructed multi-use paths (paved; min. ~~eight~~ ten ft. wide) within greenway easements required by the Open Space and Greenway Master Plan, or which could reasonably connect to a planned greenway shown in an adopted plan, while passive in nature, shall be credited as active recreational open space for the area of the public greenway easement. Indoor recreational facilities, including but not limited to indoor pools and fitness centers, as well as permitted rooftop amenities may also count towards open space requirements.

a. Minimum Amenities for Park Space

i. **Public Seating:** Provide seating areas appropriate to the intended use of the space (e.g. park benches and durable theft/vandalism-resistant chairs in formal/active spaces and garden wall seats in informal spaces). Seating must be provided at a minimum rate of 1 seating area per 10,000 square feet.

ii. **Supplemental Tree Planting/Significant Species Preservation:** A minimum of 1 tree (2 inch caliper minimum measured 6" above the ground at installation) or 1

preserved existing canopy tree a minimum of 12" caliper for every 2,500 square feet of required park space.

iii. *Trash Receptacle:* Garbage receptacles and recycling receptacles shall be required for each park space at a minimum rate of 1 per 20,000 square feet of space. Receptacles shall use a metal, decorative design and shall be placed in close proximity to gathering spaces. The administrator may waive the requirement for receptacles for park spaces less than 10,000 square feet, where no more than two public seating areas are provided.

iv. *Bicycle Parking:* At least two bicycle parking spaces shall be required for every one-quarter acre of park space (minimum ¼ acre).

v. *Paved Walkways:* All park spaces shall incorporate hard-surface (non-gravel) walkways into the overall design.

b. Active Recreation Example

i. *Based on the Town's dedication requirements (Section 7.5), a 100 lot subdivision would be required to dedicate a total of 4 acres of open space. Up to 75 percent (3 acres) of the open space could remain Passive (unimproved). A minimum of 1 acre must be Park Space (improved). Of that one acre, 1/3 of the land (14,375 square feet) shall be fully occupied by an active recreational use, such as a playground, tennis court (7,200 sq. ft. for single), basketball court (3,108 sq. ft.), swimming pool, ballfield, etc.*

- B. *Common Area Open Space.* Common, open space lands are designed to serve the residents of the immediate block or neighborhood. Ownership and maintenance of such common areas shall be in fee simple title to a homeowners association or similar organization.
- C. *Public Open Space.* Public Open Space lands shall be dedicated to the Town of Wendell, Wake County, or a non-profit conservancy organization for ownership and maintenance. Public open space shall be open to the public. Hours of access may be restricted in accordance with health and safety guidelines. Open space lands dedicated to the Town of Wendell shall be in accordance with an Open Space Land Master Plan or other adopted plan and approved by the Board of Commissioners for ownership and maintenance.

Item # 2: Open Space Dedication requirements for Multi-Family Units

While reviewing the Town's open space dedication requirements for multi-family dwellings in anticipation of future projects, staff noted an issue which requires attention. The town's dedication requirement for multi-family development is currently 500 square feet per bedroom, with an assumption of 2 bedrooms per unit. While this calculation may work well for a one or two story apartment complex in a more suburban setting consistent with Wendell's previous development patterns, it becomes increasingly burdensome as the apartment complex becomes denser due to increased stories.

To illustrate this point, staff has provided a poignant example in the form of the Bainbridge Apartment complex on Six Forks Road (see Attachment A). The Bainbridge apartments contain 266 units within four, 4-story buildings on 10.4 acres of land. Using the Town's current open space dedication requirements, if this lot were to be developed in Wendell in the same manner, the developer would be required to provide 6.1 acres of open space. This figure represents more than half of the entire lot, which in staff's opinion is difficult to justify.

Staff also applied Wendell's standards to the Greystone at Widewaters apartment complex in Knightdale to evaluate the impact in a more suburban setting. In the Greystone example (see Attachment B), Wendell's regulations would require 7.62 acres of the total 24.55 acre site to be dedicated as open space to accommodate 332 units. This figure represents approximately thirty percent of the site with approximately two acres of active open space.

In order to amend the town's open space dedication rules to encourage market rate multi-family dwellings, staff suggests changing the dedication requirement for multi-family dwellings to 500 square feet per unit (instead of per bedroom).

While the developer could request to pay a fee in lieu of open space dedication, the amount of dedication should still be reasonable and desirable by the Town. In more urban settings, the town benefits from greater density and walkability and encounter a loss of tax base with half of a site undeveloped as open space.

In the Bainbridge example, the fee in lieu of open space for the site using the Town's current regulations would be \$2,234,400 (\$8,400 per unit). Even if the proposed change to dedication was made, the fee in lieu of open space dedication would be \$1,117,200. These calculations use the post-development land value, per section 7.6 of the UDO. Post development land values work well for single family subdivisions, but can result in fees on a per unit basis for multi-family units that would discourage development. Furthermore, it is more difficult for an appraiser to find comparable properties to create an accurate post-development land value estimate for multi-family projects. As a result, staff recommends establishing a flat fee in lieu of open space dedication per unit for multi-family dwellings.

The per unit fee in lieu figure proposed by staff is \$2500. In order to generate this figure, staff calculated the average post-development land value per square foot for all residential properties developed in Wendell over the past 5 years, and multiplied that figure by the proposed 500 square feet of open space required per multi-family unit. Using this method, a fee of \$2459 was created, which was rounded to \$2500 for simplicity. This fee is identical to Knightdale's fee in lieu of open space. Ideally, this fee would be added to the Town's Fee schedule and referenced in section 7.6 of the UDO.

Proposed Amendments to Section 7.5 A & B (changes *shown in red*)

7.5 Open Space Dedication

Open space dedication is required for residential development classified as a major subdivision.

- A.** *Residential open space dedication requirements vary by product type and shall be provided in the amounts specified below.*
- 1.** *Single Family detached – 1750 square feet per dwelling (based on average of 3.5 bedrooms per unit)*
 - 2.** *Townhomes – 1000 square feet per dwelling (based on avg. of 2 bedrooms per unit)*
 - 3.** *Duplex – 1000 square feet per dwelling (based on avg. of 2 bedrooms per unit)*

4. *All other Multi-Family – 500 square feet per dwelling unit*

Calculations for open space requirements for all residential development shall be at the rate of 500 square feet of open space per bedroom within a development considered a major subdivision.

B. ~~Dedication Calculations~~

- ~~1. Determine average number of bedrooms per dwelling unit (good faith estimate): For the purposes of good faith estimation, all single family developments will dedicate open space at a rate of 3.5 bedrooms per unit unless otherwise stipulated by the development plan. All multi family developments will dedicate open space at a rate of 2 bedrooms per unit unless otherwise stipulated by the development plan.~~
- ~~2. Multiply number of bedrooms by the number of housing units to get to the estimated number of bedrooms.~~
- ~~3. Multiply the estimated number of bedrooms by 500 square feet.~~
4. *Because the open space dedication requirements are based upon preliminary estimations of bedroom units in a given development, changing market conditions and final build out of a project may yield a different bedroom count. In order to accommodate for variations, this code will permit variations to the estimated number of bedrooms up to 10 percent. Variations of less than 10 percent may allow a payment in lieu of additional dedication. Variations in excess of 10 percent will require the dedication of additional open space.*

Proposed Amendments to Section 7.6 (changes *shown in red*)

7.6 Payment in Lieu of Open Space Dedication

- A. *Any person developing and/or subdividing property subject to this Chapter, upon approval of the Board of Commissioners, may make a payment in lieu of any required dedication of open space land.*

B. Value Determination

1. *For all multi-family developments (excluding townhomes), payment in lieu of dedication shall be established by the adopted Town of Wendell fee schedule. ~~Payment in lieu of dedication~~ Payment in lieu of dedication for single family detached and townhome developments shall be the product of the average post-development appraised value per acre of the land within the development multiplied by the number of acres required to be dedicated: as shown in the following formula *and as described in section 2 and section 3 below*:*

$$\begin{array}{c} \text{Average Post Development Appraised Per Acre Value of Entire Development} \\ \times (\text{Required Open Space Dedication}) \\ \hline = \text{Payment in Lieu Dedication Fee} \end{array}$$

2. *The average Post Development Appraised Value per acre of the Entire Development shall be established by an appraiser at the applicant's expense. The appraiser shall be a member in good standing of the American Institute of Real Estate Appraisers.*
3. *Any disagreement in the amount of required payment shall be resolved by conducting a second professional appraisal of the fair market value of the property. Another professional appraiser shall be mutually*

agreed upon by the developer and Town. This appraiser shall be appointed by the Town, at the developer's expense, should an initial agreement not be reached.

- C.** *The Board of Commissioners may, at its discretion, accept either an equitable amount of land in another location or a fee paid to the Town in lieu of dedication. A combination of open space land dedication and payments-in-lieu of dedication may be permitted.*
- D.** *All open space land dedication payments made in lieu of dedication shall be made at the time of Preliminary Plat approval. Failure to make such dedication and/or submit the required fee along with such applications will delay approval of such submissions until payment is rendered. All funds received for payment in lieu of dedication shall be deposited in a special fund or line item to be used only for the acquisition, development, management and/or redevelopment of public open space by the Town.*
- E.** *Reasons for payments in lieu of dedication may include, but are not limited to, proximity to existing public parks and/or existing topographic or geographic conditions.*

Staff Recommendation:

Staff recommends approval of the proposed text amendments.

The proposed changes to Section 7.4 transitions some of the 'active open space' which would previously have been required into improved park space – a product which would otherwise be unlikely to be provided under the current regulations.

The proposed changes to Section 7.5 and 7.6 would create a more reasonable dedication requirement for multi-family dwellings, as well as simplify the process for paying a fee in lieu of open space for these projects, when appropriate.

As proposed, the Town's fee schedule would also need to be amended to include the fee in lieu of open space for multi-family developments (\$2500 per unit).

Statement of Plan Consistency and Reasonableness

- *Any recommended change, if deemed necessary, should be accompanied by a statement explaining how the change is consistent with the comprehensive plan, and is reasonable in nature.*
- *Such statements could refer to the general principles of the Comprehensive Plan, including but not limited to:*
 - *Principle Number 7: "Increase community amenities such as parks, schools, medical facilities, golf course(s), and higher education opportunities"*

Attachments:

- A.** *Urban multi-family apartment example (Bainbridge Apartments)*
- B.** *Suburban multi-family apartment example (Greystone at Widewaters)*

At the conclusion of Mr. Bergmark's presentation, Errol Briggerman asked if the proposed open space requirements had been applied in Wendell Falls, and if the open space in Wendell Falls was greater or less than this. Mr. Bergmark replied that what is being proposed is different than what was applied in Wendell Falls, but Wendell Falls did provide more open space than was required and they have also provided additional small amenities.

Jonathan Olson asked about the rationale behind the proposed 75% passive to 25% active open space ratio. Mr. Bergmark replied that there are benefits to having both types of open space and that at one time the Town had a 50-50 ratio and later on did not require any active space. Mr. Bergmark continued that the 75-25 ratio was the most recent standard approved by the Town Commissioners, which is similar to several other communities; some communities have a requirement that a certain percentage of a developing site must be devoted to open space, whereas others require that some amount of open space be provided based on the number of dwelling units being developed. Allen Swaim commented that the Town needs open fields for pickup softball and football games and some basketball courts. Mr. Bergmark replied that the proposed amendment will probably encourage the provision of more open fields.

Victoria Curtis then asked why the word "cycling" was being removed from subsection 7.4. A.1. David Bergmark replied that "cycling" could be active or passive depending on how the open space is developed, so staff would like to remove it from subsection 1, so it would be an option under both types of open space. Ms. Curtis then asked where the required bicycle parking would be located. Mr. Bergmark replied, that it would be provided at or near the open space being provided. Michael Clark asked if the fee schedule would be revisited every few (3-5) years; Mr. Bergmark indicated that he expected that would be the case.

Jonathan Olson asked how the proposed changes would be applied to a four story apartment building; David Bergmark replied that indoor recreation areas and rooftop areas would count toward the required open space.

Vice-Chairman Clark then asked if there were any public comments on this project; there were none. Michael Clark made a motion to recommend approval to the Town Board of this request to amend the open space requirements of Chapter 7 of the Town's Unified Development Ordinance, as recommended by staff, including the statement of Plan Consistency and Reasonableness. Jonathan Olson seconded the motion. The motion passed unanimously.

8. Adjourn to Next Regularly Scheduled Meeting

Jonathan Olson made a motion to adjourn the meeting. Gilda Wall seconded the motion. The motion passed unanimously and the meeting adjourned at approximately 8:35 p.m.