

Planning Board Meeting – September 21, 2015 Minutes

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

Members Absent: Judy Silver

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.

3. Chairman and Board Members' Comments

The Chairperson and the Board had no comments.

4. Adjustment and Approval of Agenda.

Ms. Wall made a motion to approve the agenda. Mr. Bryant seconded it. The motion passed.

5. Public Comments

Mr. David Anderson from 3320 White Oak Road, Raleigh NC spoke regarding the transportation plan. He said he had an idea that several other municipalities had used, to put together a committee with representatives from the Town, home developers, and land owners. He suggested that all of these groups have input to try to come up with a plan that builds consensus and allows all involved to voice their concerns.

6. Approval of Minutes

Ms. Van der Grinten said that her name was spelled incorrectly on page 13 of the August 17th minutes. Mr. Bryant made a motion to approve the August 17, 2015 minutes with that correction. Ms. Van der Grinten seconded the motion . The motion passed.

Mr. Broadwell said that his statements on page 2 of the September 1, 2015 minutes were incorrect. He said that his comments were that the standards were not just about collecting water but they were also about other protections. Mr. Bryant made a motion to approve the September 1, 2015 special called meeting of the Planning Board with Mr. Broadwell's corrections. Ms. Van der Grinten seconded it. The motion passed.

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

Item 7A – Discussion and Action on a Zoning Map Amendment request to rezone 5.76 acres of land (excluding ROW) located at 2701, 2721, 2731, 2741, and 2751 Wendell Boulevard from RA to CMX.

Dr. Bergmark introduced Ms. Rice and reminded Planning Board members to look at all uses that are allowed in that zoning district, not just the use that was proposed. He also reminded the Board that the state legislature had just passed House Bill 150, which stated that Town could not regulate design standards for residential units except for apartments or condos.

Ms. Rice said that Steven S. Sanderson of Sanderson Engineering had requested a change in zoning classification for 5 properties totaling approximately 5.76 acres. The first property was identified by PIN # 1784350541 and addressed as 2701 Wendell Boulevard, totaling 1.2 acres. The second property was identified by PIN # 1784352447 and addressed as 2721 Wendell Boulevard, totaling 1 acre. The third property was identified by PIN # 1784353358 and addressed as 2731 Wendell Boulevard, totaling 1.3 acres. The fourth property was identified by PIN # 1784353294 and addressed as 2741 Wendell Boulevard, totaling .96 acres. The fifth property was identified by PIN # 1784354049 and addressed as 2751 Wendell Boulevard, totaling 1.3 acres. She said this area was currently zoned Residential Agricultural (RA) and was requested to be rezoned to Commercial Mixed-Use (CMX).

Ms. Rice said none of the 5 properties were located within the corporate limits of the Town of Wendell. She said two of the properties, 2701 and 2721 Wendell Boulevard, had single family dwellings on the property, though the use would remain conforming since single family dwellings were permitted in the CMX district. Ms. Rice said three of the properties, 2731, 2741, and 2751 Wendell Boulevard, were currently vacant. She said all of the current property owners supported this rezoning request.

Ms. Rice said the applicant had provided the following 21 points as justification for why the properties should be rezoned from RA to CMX.

1. They are located on Wendell Boulevard (US 64 Business) directly adjacent to the Food Lion Shopping Center. The Food Lion property is currently zoned CMX. Thus it stands to reason that adjacent properties should be suitable for the same uses.
2. These properties are directly adjacent to the Town's contiguous city limits and directly adjacent to the only shopping center in the entirety of Wendell. The properties are currently zoned Rural Agriculture. Land directly adjacent to the contiguous city limits and to a shopping center is by definition no longer rural and certainly not agricultural.
3. Wendell Boulevard (US 64 Business) is designated by the North Carolina Department of Transportation as a Business Corridor. Thus it stands to reason that properties along this corridor be designated for business uses.
4. Wendell Boulevard is designated as a Gateway Corridor into Wendell, thus it stands to reason that the properties which lie along this corridor should be rezoned to a Corridor zoning.
5. The Town of Wendell's Comprehensive Land Use Plan shows these properties being zoned for Mixed Use, thus it stands to reason these properties should be zoned Corridor Mixed Use.
6. Rezoning these properties from RA to CMX will allow for the properties to be developed as commercial. This will remove 5 residential properties from the Wendell School District thus lowering the number of students in Wendell area schools.
7. Developing these properties as commercial will significantly increase the tax value of the properties over that of residential properties bringing much needed tax revenue to Wake County and providing additional funding to the Wendell area schools.
8. Developing these properties as commercial will require the new buildings to be tied into the City of Raleigh's water and sewer system. This will require that water and sewer acreage and capacity fees be paid to the City of Raleigh, thus reducing Wendell's water and sewer debt to Raleigh.
9. Tying the new buildings to the City of Raleigh's water and sewer system will require the properties to be annexed into the Town of Wendell's city limits. This will bring needed tax revenue to the Town of Wendell from land that has enjoyed the benefits of being adjacent to Wendell but never having to pay property taxes to Wendell.

10. Rezoning the property to CMX will require that public sewer be extended to the properties for development. Extending a sewer line to these properties will increase the value of the land and provide sewer service access for additional adjacent properties.
11. And existing 12" waterline runs along the front of these properties. This waterline is sufficient to serve any uses that may be built on these properties.
12. Developing these properties as commercial will require street improvements by the developer. Both the Town of Wendell through its UDE and the North Carolina Department of Transportation through the Driveway Permit Manual will require roadway improvements for any commercial construction. These roadway improvements will increase the amount of curb and gutter, bike lanes, and sidewalks along Wendell Boulevard, which will benefit all residents of Wendell that use Wendell Boulevard.
13. Developing these properties as commercial will increase the beauty of the area by requiring that Street Trees be planted along Wendell Boulevard. CMX requires planting of trees along the roadway every 40' inside a planting strip. RA does not require any trees to be planted.
14. Developing these properties as commercial will require that Stormwater Best Management Practices be installed on these properties thus eliminating any detrimental stormwater effects to downstream properties.
15. Once annexed, Police service will be provided by the Town of Wendell Police Department instead of the Wake County Sheriff. This will greatly improve police response to these properties no longer having to wait for a Wake County Sheriff Deputy to be dispatched from Raleigh.
16. Fire Service will continue to be provided by the Wendell Fire Department just as it is now; however, the amount of fire tax generated for fire protection will be greatly increased due to the increase in property values associated with commercial buildings compared to residential buildings and vacant lots.
17. EMS Service will continue to be provided by Eastern Wake EMS. EMS Service will not be impacted in any way by rezoning these properties.
18. Rezoning these properties to CMX will eliminate the possibility of Manufactured Housing being placed on these lots which is allowed in RA.
19. Rezoning these properties to CMX will eliminate the possibility of Outdoor Kennels or Equine Facilities being placed on these lots which is allowed in RA.
20. Rezoning these properties to CMX will eliminate the possibility of Outdoor Storage as a Primary Use being placed on these lots which is allowed in RA.
21. Rezoning these properties to CMX will eliminate the possibility of a Campground being placed on these lots which is allowed in RA.

Ms. Rice said the property was zoned Residential-Agricultural (RA). She said the applicant had indicated a desire to build a commercial retail product on the properties directly adjacent to Food Lion. She said the remaining property owners had joined this application to rezone in anticipation of selling their properties to commercial developers at some point in the future. Ms. Rice said RA zoning did not allow for most commercial uses, but CMX did allow for residential. All of the residential units included in this application would remain conforming uses under the CMX zone.

Ms. Rice said the Wendell Comprehensive Plan defined this section as S4 "Controlled Growth Area". The Comprehensive Plan stated the S4 sector was generally close to thoroughfares and key cross-road intersections. It was intended for moderate intensity new development, through a traditional neighborhood development, which included neighborhood serving commercial and civic uses surrounded by a mix of housing types that decrease in density as they got further away from the commercial area. She said the Comprehensive Plan highlighted the following land uses as compatible for this sector: traditional neighborhood developments, neighborhood centers, single-family and multi-family residential, neighborhood-serving commercial uses (retail and office), civic uses, and industrial uses.

Ms. Rice said the Comprehensive Plan also designated Wendell Boulevard as a gateway corridor in to Wendell, with the intent of maintaining its small town character. She said the Comprehensive Plan recommended that this area be zoned for professional office and service uses and some higher density residential uses.

Ms. Rice said the locations were also located between two neighborhood centers on the Comprehensive Plan, which were intended to be mixed-use activity centers serving surrounding neighborhoods with retail, services, civic uses, and higher density housing.

Ms. Rice said staff recommended approval of this rezoning request.

Ms. Wall asked if rezoning included annexation into the Town. Ms. Rice said that they were two separate applications, and the developer would be required to apply for annexation prior to development. Ms. Wall asked if this application was submitted based on interest in commercial development on these properties. Ms. Rice said the applicant could speak more to that, but that she understood that this application had been submitted due to interest in developing some of the properties.

Mr. Sanderson of Sanderson Engineering said that he had received permission from the 5 property owners to submit the application to rezone their properties. He had also been given authorization to speak for them. He gave the Board the justifications for applying the rezoning. He said three of the properties had the homes removed, and the remaining two properties were renting the homes. He said 4 of the 5 properties were for sale and the landowners wanted to sell them to commercial developers. He said the two properties closest to Food Lion were owned by Four Oaks Bank. He said they were in discussions with a national retail chain, but that he was not at liberty to say who that was. He said that information was not applicable to this case.

Ms. Wall made a motion to approve the request. Mr. Briggerman seconded the motion. The motion passed unanimously.

Item 7B – Discussion and Action on a Zoning Map Amendment request to rezone 12.75 acres of land (excluding ROW) located at 245 Short Street from R3 to R4.

Mr. Bergmark said the applicants, Kirk Rightmyer and Bob Polanco, requested a change in zoning classification for approximately 12.75 acres of property within that parcel identified by PIN # 1784319395 and addressed as 245 Short Street. He said this area was zoned Residential-3 (R3) and was requested to be rezoned to Residential-4 (R4).

Mr. Bergmark said this property was vacant and was located within the corporate limits of the Town of Wendell. He said the current owner, Betty B Williford, was attempting to sell the property. He said the applicant had indicated a desire to construct a small single family subdivision on this property.

Mr. Bergmark said the applicant provided the following justification within their petition:

“The purpose of our proposed amendment is to bring the subject property to a zoning designation more in line with the existing land use patterns and protect the economic value and viability of the property by merging the existing land use and that designated within the adjacent property”

“...The Residential (R-4) zone is adjacent to the subject tract and this rezoning application will expand the existing Residential (R-4) zone and also buffer the Manufacturing and Industrial zone located to the south.

We feel that our proposed use is much better aligned with the current uses in the immediate area. By permitting this zoning designation, the classification will match the current use of the property”.

Mr. Bergmark said the property was currently zoned Residential-3 (R3). He said the applicant had indicated the desire to construct single family residential products at a higher density than the current zoning district allows. He said the R3 zoning district had a minimum lot size requirement of 10,000 square feet. Mr. Bergmark said the requested zoning designation (R4) had a minimum lot size requirement of 6,000 square feet. He said the only use allowed in the R4 zoning district which was not allowed in the R3 zoning district was ‘Group Care Facilities (More than 6 Residents)’, which required a Special Use Permit (SUP) in the R4 zoning district. Mr. Bergmark said neither zoning category permitted multi-family dwellings.

Mr. Bergmark said the Wendell Comprehensive Plan defined this section as S6 “Infill Redevelopment Area”. He said the Comprehensive Plan stated the S6 sector was already urbanized and well served with infrastructure (roads, utilities, etc.), and access to services and amenities. The comprehensive plan listed the following uses as appropriate land uses/development types within this sector: neighborhoods, downtowns, single-family and multifamily residential, commercial uses, civic uses, and light industrial uses.

Mr. Bergmark said in staff’s opinion, the requested zoning map amendment was consistent with the recommended uses and development types outlined in the Wendell Comprehensive Land Use Plan for the S-6 sector. He said if approved, staff recommended that the request be expanded to include the 0.15 acre Town-owned property at the end of Church Street, so as not to leave a tiny piece of R-3 zoned property surrounded by other districts.

Bob Polanco, 8804 Albright Road Raleigh, said their plan was to build a single family development with a playground as part of their active use requirement. He said the product would serve Wendell’s core by providing more rooftops to serve the businesses. He said water and sewer were immediately available to the area and overall they thought it was a good fit for both the Town and the developers.

Mr. Briggerman asked what kind of units they were looking to build. Mr. Polanco said they were the developers, and the actual units would be left up to the individual builders. Mr. Bryant asked how many lots would be developed. Mr. Polanco said it was still preliminary, but that about 50-60 lots would probably fit.

Ms. Van der Grinten said she had concerns. She said she had heard over and over that Wendell didn’t need any more low income homes. She said by making the lots smaller, they would be making the units smaller, which would mean the units would be low income homes. She said that the lots would be even smaller than some of the lots that currently exist in the neighborhood. Mr. Polanco said the market currently did not allow a new house to be sold for under \$160,000. He said the homes he would be bringing in would certainly be better than the homes adjacent to the community.

Ms. Schaecher said she had the same concerns as Ms. Van der Grinten. She said, however, that they wouldn’t be able to build high income houses right next to what currently existed.

Mr. Broadwell said it wasn’t a high income neighborhood. He said this land was surrounded by older homes, a cell phone tower, industrial use, a cemetery, and the railroad track. He said any development would be an improvement to what existed currently, and that higher income housing would never be built in such a location.

Ms. Anderson asked how many units would be able to be built under the current zoning classification. Mr. Polanco said he hadn't made those calculations yet. Mr. Bryant asked what square footage homes would be built in the development. Mr. Polanco said he hadn't made those calculations yet. He said that it was largely speculative now, but that he really believed in the project. He said that it wouldn't make economic sense to develop the property in the current zoning classification.

Mr. Briggerman made a motion to approve the request. Mr. Bryant seconded the motion. The motion passed 5-2, with Ms. Van der Grinten and Ms. Anderson voting against.

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

Mr. Bergmark said this was a continuation of discussions that had continued through the last several meetings. He said Wendell Falls had submitted a request for a PUD approval, and that the Planning Board had already approved a text amendment to give them the ability to form a PUD. He said a special-called Planning Board meeting had been held to work through some of the issues with the applicant. Mr. Bergmark said since that time, the Board had received the complete text of the updated proposed PUD, the application, the attachments, and the amendment to the developer's agreement. He reminded the Board that this revised PUD would take the place of their previous PUD and any vested rights they might have. He said this PUD would override the UDO for anything that was covered, but the UDO would be enforced if that item was not covered in the PUD. He said that the parcel owned by Old Oak Construction had been included with the application.

Mr. Bergmark said one of the items that had been discussed was Wendell Valley Boulevard. He said Newland had proposed that Wendell Valley Boulevard initially be built as a three lane collector, but that they would reserve right of way should the road need to be widened at a later date.

Mr. Briggerman asked if the Town would pay for the road widening if Wendell Valley Boulevard was widened in the future. Mr. Bergmark said the wording left that question open ended to an extent, depending on who required the road widening and how much Wendell Falls contributed to that need. He said that would be determined based on a new TIA. Mr. Briggerman said the Town was already having problems taking care of the roads they already maintain.

Ms. Anderson said that the current PUD limited the amount of commercial units permitted in Wendell Falls. She said she was concerned that they were pushing consumers out to Knightdale, instead of giving people reasons to come to Wendell to spend money.

Nick Robinson of Bradshaw and Robinson spoke on behalf of Newland. He said everyone had worked very hard on this plan, and a lot of changes had been made to address everyone's concerns. He said Newland was very happy with the plan so far and the only issue that remained was the circulation and connectivity. He said the wording Newland submitted was a compromise on that issue, and that they would continue to look at it while it went through the public hearing process.

Brad Rhinehalt of Newland introduced himself, and said that they had brought their traffic engineer with them to answer any questions the Board might have. The Planning Board didn't have any questions for the traffic engineer.

Ms. Van der Grinten said that a lot of her concerns were alleviated and she felt confident in allowing Wendell Falls the right to develop commercial all down Wendell Falls Parkway. She said she trusted that Newland would make sure it was done in a thoughtful way. She suggested the Planning Board return the

map to its original form. Mr. Broadwell said he didn't want to return the map to how it was before, and he felt more comfortable with only allowing commercial in spots along Wendell Falls Parkway. He said his vision of Wendell Falls Parkway as pastoral and residential fit more in with the current map. He said they needed to take the entire Town, including the downtown, into consideration, and consider how those businesses would be affected by more commercial out there. He said he had always been unhappy with the way Wendell Boulevard got stripped out and that made him anxious. He said he was happy with the compromise they came up with at the work session.

Ms. Schaecher said she was happy with the compromise as well. She said it was more visibly appealing and that it still brought in plenty of businesses. She said it would make people want to continue to come in to Wendell.

Ms. Anderson said that Wendell needed larger businesses along with the smaller businesses downtown. She said that, whether it was this development or the next, the Board needed to consider that all of the commercial properties were closer to Knightdale, encouraging traffic to move in that direction. She said just because there was red on the map, it didn't mean that it would all be commercial. She said it would be commercial mixed with residential and that limiting that district limited how mixed the commercial was.

Mr. Broadwell pointed out that Newland came up with this compromise and that it was their idea.

Mr. Bryant said he was more comfortable with the revised plan. He said regarding the concern that they were pushing traffic toward Knightdale, it wasn't like they were talking about a couple miles difference. He said the most democratic thing to do would be to approve the PUD and allow a public hearing to be held by the Town.

Ms. Van der Grinten made a motion to approve the staff's recommendation for submittal of the Wendell Falls Planned Unit Development with the caveat of the open transportation issues, to include the developer's agreement. Mr. Briggerman seconded the motion. It passed unanimously.

Item 7C – Discussion of the Transportation Plan Update

Mr. Bergmark said that the Transportation Plan had been brought before the Town Council the previous Monday. He said there were a number of citizens that came and spoke during the public comment. At the public hearing, the Town Board decided to send it back to the Planning Board. He said they didn't give recommendations for changes to the plan itself, but instead requests for more public involvement. He said Mr. Broadwell asked that this be added as an agenda item to discuss the process for moving forward.

Mr. Broadwell said he had brief discussions with Town Staff about how to proceed. He said he was happy with the idea that was suggested at the Town Board meeting, that they form a committee, that there be additional input from the community and the ETJ and to anyone who wanted to give input, and that it not be a rushed process. He said he would like Town Staff to do more education to the Board and to the public on the requirement for this and the time frame the requirement puts upon the Town, so everyone understood what our duties and responsibilities were and what would happen if they were not fulfilled. He said there was a legal mandate for this and that it be done correctly.

Mr. Broadwell said he understood that they needed to make a solid recommendation to the Town Board. He said he was thinking of something similar to what David Andrews had recommended earlier. He suggested that the Town hold multiple charrettes for multiple groups at different times and different days. He suggested there be very large maps for the public to draw where roads should go. He said he did intend to appoint a committee to flesh out the process a little more. He said Commissioner Gray had volunteered to be a liaison, which was a great idea. He said he wanted it to be a complete process. He said

if anyone felt like they didn't have the opportunity to be heard, he hoped they would tell him that and suggest constructively how to approach it differently. He said due process was very important to him – notice of what was going to happen and the opportunity to be heard.

Ms. Schaecher said she was at the Board meeting, and she had no idea about a lot of the roads and issues they had brought up. She suggested that the map be blown up and printed on several pieces of paper so that people could look at a section at a time.

Ms. Anderson asked what the process was for notification. She said a lot of people had showed up to the Planning Board and the Town Board meetings but they all seemed to come from the same area. She said that she wanted to make sure that everyone that was directly impacted by these roads were notified.

Mr. Broadwell said it wasn't free to provide direct notice. He said notifications would cost probably several thousands of dollars in staff time, postage, paper, and work.

Commissioner Gray said it was important to spend that money if necessary to make sure that everyone was notified. She said they might need to look at several means of notification to make sure they reach everyone. She said the cost of notification should have been included with the cost of the Transportation Plan from the beginning.

Commissioner Boyette, 502 Mugo Pine Court, said he didn't have any problem with more notices. He said the problem wasn't that enough notice wasn't given, but rather it was that people didn't recognize the notices amongst all of the other ads and signs everywhere, or they didn't understand the importance of the plan when they did hear about it. He said he didn't have a problem with the Town looking at other ways to notify people, to get their buy-in.

Mr. Broadwell said he understood the anger, but that this was a process that the Town had to go through. He asked that everyone approach this constructively and to suggest changes that help with their concerns, instead of being obstructionist. He said that coming in and just saying that they were angry wasn't entirely helpful. He said they had to do something, so the Town needed their help. He asked if anyone had a comment to please speak up.

Ms. Wall said that she got her bills electronically, so she didn't get any notification inserts with her utility bills. She said that she did get email, and suggested there be an email sign-up during the Harvest Festival to attempt to reach the most people. She said she was willing to help out if necessary to encourage participation.

Mr. Broadwell agreed it was important to notify everyone inside and outside of Town that would be touched by the plan. He said that not everybody used the internet or email. He said the most reliable way to make sure people were notified was through first class mail. He suggested using addresses through Wake County Tax Assessors. He asked the public if they agreed that the mail was the surest way for notification. The majority in the audience raised their hands. Mr. Broadwell said that it was also the most expensive way.

Mr. Bryant said mail was the best primary means of notification, but there were some secondary means that could be used. He suggested announcements at the local churches. Mr. Broadwell said that was along his train of thought, to have different meeting times and locations that would be convenient for the church groups, for example. Mr. Briggerman said he would talk to the Council of Churches. Ms. Van der Grinten said that most people were notified about the International Festival through banners, and she suggested that the Town put up banners to notify people living in the ETJ. Mr. Bryant suggested that the Town hand

out a list of meeting times and dates to businesses to leave on their counters. Ms. Van der Grinten suggested handing out notices in schools for the children to give their parents.

Mr. Brad Rhinehalt suggested the Town put an ad in the Wendell Magazine that would be coming out. He said it would be released in November.

Mr. Broadwell said this couldn't be a rushed process and that it would take time to notify hundreds of people. Mr. Broadwell asked Mr. Bergmark what the timeframe was. Mr. Bergmark said that the timeline was up to the Planning Board. He said the Town Board had asked for an update at their next meeting, and he said it would be a good idea to have a fairly concrete plan to give them. He said he would put together some cost estimates for different means of notifications. He said that if the Board wanted to set up a committee, then the Planning Board should discuss that at their next meeting to finalize that idea. He said that this wouldn't be completed before the Town election, and it would take some time after the new members take office before they hear the plan. He suggested that the plan might be able to be completed and accepted in the Spring. The Planning Board agreed that this was the right approach.

Mr. Bergmark suggested that the Planning Board look at some of the less controversial parts of the plan separately, and vote on those aspects before going over the things like the location of roads. Ms. Anderson said she didn't feel comfortable voting for sections of the plan without giving everyone an opportunity to speak for or against it. Mr. Broadwell asked which parts would be less controversial, that could be separated from the rest of the plan. Mr. Bergmark said the family subdivision language conversation came up because of the transportation plan but wasn't necessarily a part of it. He said the traffic impact language already exists, but they had discussed adopting language updating it. He said that was related to the plan, but was not tied to it. He said that the updated cross-sections for the existing roads that were already on the ground could be voted on.

Ms. Van der Grinten said she saw everything as interconnected, and she wasn't able to see how they could separate any of it out. Mr. Broadwell said they would approach it on a global scale then. Mr. Bryant suggested breaking the maps up in different quadrants and using that to guide who attended which meetings. Mr. Bergmark said he could divide the map to blow up different sections, but each road belonged to an interconnected network and he wanted meeting attendees to see the overall network as well. Everyone agreed that the meetings would be open to whoever wanted to attend, not just people from a certain quadrant. Ms. Anderson said the meetings should all be held at the same central location, like the school. Mr. Briggerman agreed.

Mr. Broadwell said he would be contacting members of the Board about forming the committee in the coming weeks. He said the formation of the committee would be discussed at the next Planning Board meeting.

8. Adjourn to Next Regularly Scheduled Meeting

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