

**Planning Board Meeting –
August 18, 2014
Minutes**

Members Present: Harold Broadwell, Judy Silver, Charles Kramer, Ruth Van der Grinten, Laurence Vaughan, Errol Briggerman, Ashley Anderson, Billy Bryant

Members Absent: Joseph Sparacia

Others Present: Former Mayor Lucius Jones, Mike Harrison, Miles Dean, Mr. Bartlett of Bartlett Engineering

Staff Present: Planning Director David Bergmark, Planner Allison Rice

1. Meeting Called to Order

Mr. Broadwell called the meeting to order.

2. Welcome and Recognition of Guests

Mr. Broadwell welcomed all guests.

3. Swearing in of New Members

Mr. Bergmark swore in Ashley Anderson.

4. Chairman and Board Members' Comments

Mr. Broadwell said that he was disappointed that the Board of Commissioners didn't vote on the Planning Board's recommendations for the Edgemont Landing Conditional District. He said that he doesn't like to see decisions one way or the other held up.

5. Adjustment and Approval of Agenda.

Mr. Kramer made a motion to approve the agenda. Mr. Briggerman seconded the motion. It was passed unanimously.

6. Public Comments

Mr. Lucius Jones introduced himself as a resident of Wendell and a realtor representing Miles Dean, the owner of the property up for discussion in Item 8A. They are proposing to relocate a Family Dollar store on his property, from the shopping center across the street. Mr. Jones said in working with the Planning Staff, they found language in the UDO regarding parking restrictions that made it impossible to utilize the site, as well as a few other things. He said that he knew the

Planning Board knows about the UDO because every time they and the Board of Commissions meet they would have to address another issue with the document because there are so many unworkable parts of that document. Mr. Jones said that he and the owner were here to answer any questions.

7. Approval of Minutes

Ms. Silver made a motion to approve the minutes. Mr. Briggerman seconded the motion. It was passed unanimously.

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

Item 8A - Discussion and action on a zoning text amendment to amend chapters 2 and 5 of the UDO as they relate to parking and design standards.

Mr. Bergmark said on July 3, 2014, Bartlett Engineering submitted a sketch plan to staff for a proposed Family Dollar to be located next to McDonald's. The applicant received plan review comments and had concerns with parking regulations in the gateway overlay and the design standards for commercial buildings. He said staff advised the engineer about the UDO public comment period, but in the interest in time the applicant decided to submit a zoning text amendment.

Mr. Bergmark said on July 31, 2014, the applicant provided staff with suggestions that they felt would help with the development of their site as well as others. Staff met with the applicant on August 5th to discuss their proposed amendment and to provide preliminary suggestions. He said the proposed changes focus on allowing more flexibility for small businesses to provide parking in the front yard, as well as provide more flexibility in the commercial building design standards. The applicant has stated in his application that the proposed amendments "will promote development without jeopardizing the intent of the UDO".

Mr. Broadwell welcomed Mr. Billy Bryant who had just entered. Mr. Bryant was sworn in by Mr. Bergmark to join the Planning Board.

Mr. Bergmark presented the following proposed text amendment to the Planning Board:

Proposed Text Amendment (Proposed changes are underlined and bold):

1. Amend Section 2.17.D.4.B.i which limits parking in front of the building to 40% of the total required parking.
 - i. Up to 40 percent of the required parking **or 20 spaces, whichever is greater,** may be located in the front of the building on Gateway streets where the

developer will install a continuous concrete, brick, or imprinted concrete paved 5 foot walk from the street sidewalk to the entrance of the building closest to the street. Parking in the front yard is prohibited where a continuous walkway from the street sidewalk to the entrance of the building is not provided. The paved walk may be located on planter islands but must connect across all crossing asphalt parking areas and be built to traffic type standards across drives. Paved walks must have grades that transition smoothly and continuously across drive areas with asphalt paving brought up to level with paved walks. For each of the following additional conditions which are met, the developer may increase the amount of parking allowed in the front yard by 10 percent (of the total 100% of parking allowed on site) to a maximum of 60 percent. The remainder of the parking may be located in the side and rear only.

- *Staff Comment: This would allow smaller businesses to provide a set amount of parking in the front (typically a drive aisle with parking on either side), but would still require larger businesses to put most of their parking on the rear or side.*
- *Staff Comment: Staff recommends changing the wording of the first sentence to say “may be located in the front yard” rather than “may be located in front of the building”. This language would make it more consistent with other sections of the UDO.*

Mr. Broadwell asked for the definition of front yard in the UDO. Mr. Bergmark said that any area between the front plane of the building and the road is considered the front yard.

2. Amend Section 2.17.D.4.b.iv which restricts parking lots in the side yard to 35% of the lot width along Wendell Blvd Context Zones 2, 3 and 4. The proposed amendment will be to restrict parking width in the side yard to 35% of the lot width or 64 feet, whichever is greater, which will accommodate two bays and a drive aisle.

- iv. Parking lots in the side yard shall not occupy more than 35 percent of the width of the lot **or 64 feet to accommodate two bays and a drive aisle, whichever is greater**, along the primary street. (Context Zones 2, 3, 4 only).
 - *Staff Comment: This allows businesses on narrower lots to more easily fit parking within the side yard. For example, on a 150 feet wide lot, the 35% rule by itself would only allow 52 feet of width to be used for parking. A standard drive aisle is 24 feet. If you want to allow a drive aisle with parking on either side, 64 feet may be needed. Larger lots would still be held to the 35% rule.*

Mr. Kramer asked if there would be enough room for trucks to pull in and turn to load up under the current size regulations. Mr. Bergmark said that would be something that would be reviewed during the site plan process, so it's something that would be addressed. Mr. Broadwell said that it was his understanding that this was a deep lot, so there would be plenty of room to pull around the back. Mr. Briggerman asked if there would only be parking on one side of the lot, and if the building would sit on one side against the 10 foot setback. Mr. Bergmark said yes.

3. Amend Section 5.12.B.1.c to add sub-section 'i' and 'ii':

- c. Blank Walls: Expanses of blank walls may not exceed **2025** feet in length. (A "blank wall" is a facade that does not contain transparent windows or doors.)

i. Façades without transparent windows or doors must be divided into architecturally distinct sections or bays with each section taller than it is wide and no wider than 25 linear feet. The following techniques may be used to delineate the different bays:

a. The use columns, ribs, pilasters piers, or an equivalent element that otherwise visually subdivides the wall through at least 50% of its height.

b. The use of parapets, arches, wing walls, or porches that extend from the vertical plane of the façade at least 6 feet; and/or

c. The incorporation of a clearly defined, highly visible, public entrance that features one or more of the following: canopies, awnings, porticos, colonnades, arcades or similar weather protection;

ii. Rear Façades which do not adhere to the standards in Section 5.12.B.1.c.i must be screened from view by a Type B buffer.

- *Staff Comment: Staff has already allowed similar features to break up blank walls where windows or doors were impractical. This change would more clearly allow this practice.*
- *Staff Comment: Staff recommends that the exception for rear facades be amended to apply to rear facades which do not front streets or civic gathering places, as was done in the proposal for 5.12.E.1 below.*

Ms. Van der Grinten said that this seemed like a small change. She asked what difference would 5 extra feet make. Mr. Bergmark said that this would probably give the applicant more flexibility, but he would let the applicant respond to that. Mr. Broadwell said that the issue might also be cost.

4. Amend 5.12.E.1 (Materials: Mixed-Use, Commercial, Civic, Institutional) by deleting and replacing with the following:

Existing Text of 5.12.E.1:

- ~~1. — Mixed Use and non-residential building walls shall be brick, stucco, pre-cast concrete, stone, cementitious fiber board, architectural concrete block or wood clapboard. Exterior insulation finishing systems (EIFS) type stucco may be used above 8 feet from the base of the building. Vinyl or metal siding is not permitted.~~

Proposed Text for 5.12.E.1:

The standards in this subsection shall apply to all façades except rears, unless facing streets or civic gathering places.

1. **At least 80% of the façades shall consist of one or more of the following approved materials: Brick or glazed brick, wood, cementitious fiber board, stone, cast stone, stone masonry units, metal composite panels, glass, marble or similar material. Metal composite panels shall be a minimum of 2'x2' in size. All buildings which use metal composite panels as a façade material shall include a non-metal base around all sides of the building.**

2. **Façades may also consist of the following materials provided that they comprise no greater than 20% of the façade area: Concrete masonry units (CMU), Exterior insulation finishing systems (EIFS), split face block, concrete (pre-cast or cast in place), or concrete block.**

- *Staff Comment: The proposed change would create more flexibility in the materials used, but would still require the more desired materials to comprise at least 80 percent of the façade. Rear façades are exempted from the material standards if they do not face streets or civic gathering places. Metal composite panels were moved into the 80 % or more category.*
- *Staff Comment: Staff recommends adding language which states that metal composite panels should have a flat appearance to avoid a developer using a solid composite panel that has a corrugated exterior.*
- *Staff Comment: Staff recommends adding 'architectural concrete block' to the 80% or more category. Architectural concrete block includes such features as splitface, scored, ribbed, wirecut, offset face, and fluted block. As proposed, all concrete products including these architectural blocks are limited to 20 percent of the building façade.*
- *Staff Comment: Staff recommends adding language stating "Cinder Block is not permitted" to the 20% category.*

Mr. Kramer asked why they put the requirement that EIFS be 8 feet from the base of the building in to the UDO. Mr. Bergmark said that EIFS has had problems in the past with draining water moisture, which is why the UDO put in the height requirement. Mr. Bergmark said that he talked with the building inspector, who said that this product has been updated to resolve this problem. He said it is now part of the building permit process to show that there's a drainage system in place to address that problem.

Mr. Vaughan joined the Planning Board at 7:25.

5. Amend Section 5.14.C to increase the maximum front setback.

- Front Setback (maximum) for Commercial Buildings in CMX, CC Zones:
increase from 75 to 100 feet.
 - *Staff comment: Chapter 10 restricts parking for commercial buildings in these two zoning districts to one drive aisle with parking on either side. To allow this amount of parking, the developer needs 64 feet. There is also a minimum 10 foot street yard, bringing the total to 74 feet. For the developer to provide a sidewalk in front of the building, or to provide a larger street yard than is required, the developer would need more than the 75 feet allowed in section 5.14.C.*
 - i. *The developer could of course move the parking to the side or rear, but if it is the Town's intention to allow one drive aisle with parking on either side in the front yard, the current maximum setback of 75 feet makes it very difficult to do so.*

6. Amend Section 5.12.D to reduce the projection requirement for canopies as follows:

- D. **Building Canopy:** A building canopy, awning, or similar weather protection may be provided and should project a minimum of **5 3** feet from the façade.
- *Staff Comment: The original requirement for 5 feet was due to the desire to have a canopy be functional, as well as aesthetic. A 5 foot canopy provides shelter in addition to shade. Staff recommends that canopies over primary entrances be required to project a minimum of 5 feet. This would require entrance canopies to be functional, while not restricting other decorative canopies over windows or other building features.*

Mr. Bergmark said that staff recommended approval of the proposed text amendment with the few modifications mentioned in the staff comments following each proposed change. He said staff recommended the following statement of 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 4: “Diversify and increase the per capita tax base” OR
 - Principle Number 5: “Promote Wendell’s attractiveness to business and people of all walks of life.”

Mr. Broadwell asked if staff was recommending that they would allow 3 feet wide awnings except for over entrances. Mr. Bergmark said that staff was only recommending a 5 foot minimum over primary entrances. He said otherwise the Planning Board could either not set a minimum or they could set it at 3 feet. Mr. Bergmark said that the UDO currently states that buildings aren’t required to have a canopy, but when they do have one, it’s required that they be 5 feet. He said the applicant feels that if the UDO doesn’t require an awning in the first place, why should there be size restrictions when there is one. Mr. Bergmark said that it comes down to whether the Board feels that the awning is decorative or functional.

Mr. Vaughan said that he agreed with staff about adding the additional language allowing flat metal, to distinguish it from corrugated metal. But he said that the Board could also allow reversed corrugation to allow shadowing and design in the metal, and long as the metal is recessed behind the flat surface (reveals).

Mr. Bryant asked if it was staff intended to prevent corrugated surfaces on buildings. Mr. Bergmark said that was correct. Mr. Bryant said that normal architectural panels are not flat surfaces. He said they usually have some kind of design or crease on them to prevent them from “oil-canning”. These panels usually have some portion stamped about half an inch in order to prevent this oil-canning from blinding people. Mr. Bryant said that if staff was trying to prevent corrugated panels, then they should explicitly say that corrugated panels are not permitted, instead of talking around it.

Mr. Briggerman said that he thought everyone was in agreement about preventing corrugated paneling, but that the stamped panels shouldn’t be prohibited when you want to break up a solid wall.

Ms. Anderson said that there was a big difference to her between something that is corrugated and something that’s textured. She said that she liked what staff recommends describing paneling as “flat”. She said that she doesn’t want to open anything up that would cause people to think they are allowed to put in corrugated paneling.

Mr. Briggerman said that there's a flat, textured, metal panel that isn't corrugated. Mr. Bergmark said that maybe the Board should include both the language about metal panels being flat and not allowing corrugated paneling. Mr. Bergmark said that he would draw up more specific language that is more specific to what they want to do.

Mr. Bartlett from Bartlett Engineering introduced himself as the applicant. He said that he worked with staff to make sure he was making recommendations that would benefit the town and strengthen the UDO, and that would not just benefit his project. He said that he had worked on the Town of Wilson's committee that helped write their UDO, so he has some experience. He said that UDO's can have good intentions, although they can sometimes go overboard. He said for example the parking regulations in Wendell's UDO are restrictive in several ways. The building setback can only be 100 feet back, which limits the amount of parking that is able to fit in front of the building. He said there were several places in the UDO that restricted parking on the front of the building or the side.

Mr. Bartlett said, regarding the distance between design elements to break up facades, that originally he requested a distance of 30 feet, but compromised with the planning staff for 25 feet. He said that money plays a part in everything, but the real reason for asking for a larger distance was to allow for some creativity in architectural design.

Mr. Bartlett said, regarding the 75 vs 100 foot setback, this request was to correct some confusion between the requirements of the Overlay District and this particular zone.

Mr. Bartlett said that the canopy request is really the least of the issues that the applicant was bringing to the board, but when they were looking through the UDO, they didn't understand why there was a size restriction on canopies when canopies weren't required in the first place. He said that there are several national chains that will put canopies on their buildings for aesthetic reasons. Mr. Bartlett also said that having functional canopies would encourage loitering outside, instead of moving quickly from the car to the store.

There were no questions from the board.

Mr. Bartlett said that, regarding the 65 feet allowed on the side, this rule change wouldn't apply to the current development. He said the applicant is asking for this change because it would make the most sense for future developers, while still discouraging laying down more parking.

Mr. Broadwell asked how Mr. Bartlett felt about staff's comments. Mr. Bartlett said that he was fine with all of them except for the canopy size requirement. He said that the composite metal discussion was heading in the right direction.

Mr. Broadwell asked the property owner for his comments. Mr. Miles Dean said that he would like to sell the property. He said he bought several adjoining properties 30 years ago, and brought in a McDonalds 3 years later. He had been paying property taxes on the remaining properties ever since. He said it sounded like if this project was successful, Bartlett would be interested in developing the adjoining property.

Mr. Bryant asked what project Mr. Dean was talking about and where. Mr. Broadwell said that it was the property between McDonalds and the car wash. Mr. Bergmark said that the applicant would be relocating a Family Dollar to this lot.

Mr. Broadwell asked for a motion from the board. Mr. Briggerman made a motion to recommend approval of the text amendment request, with staff recommendations.

Ms. Van der Grinten asked if the motion included the awning at 5 feet or 3 feet. Mr. Broadwell said that he didn't see the need to require a size if the UDO doesn't require an awning in the first place. Ms. Anderson said she can see the need for 5 foot awnings at entrances at least. Mr. Broadwell said that he would accept the amendment to require awnings placed over primary entrances to be at least 5 feet. Mr. Bergmark said that this was staff's recommendation, so Mr. Broadwell wouldn't need to amend the original motion.

The motion passed unanimously.

Mr. Bergmark asked for a statement of reasonableness. Mr. Vaughan made a motion to approve the statement suggested by staff. Ms. Silver seconded it. The motion passed unanimously.

Item 8 B – Discussion and action on a zoning text amendment to amend the UDO and Code of Ordinances as they relate to the election of chairs and vice-chairs for the Board of Adjustment and Planning Board.

Mr. Broadwell said it was his understanding that the proposed text amendment was simply to allow the Planning Board and Board of Adjustment to choose their own officers. Mr. Bergmark said that was correct.

Mr. Bergmark said that at the July 14, 2014 Board of Commissioners meeting, staff was asked to review the procedure for appointments for Chairman and Vice-Chairman of the Planning Board and Board of Adjustment and investigate what the process would be for having citizen boards elect their own chair and vice-chair.

Mr. Bergmark said after review of the UDO and the Code of Ordinances it was determined that both documents contained references to the Board of Commissioners appointing a chair and vice-chair to the Planning Board. The UDO alone contains references to the Board of Commissioners appointing a chair and vice-chair to the Board of Adjustment.

Ms. Van der Grinten said that she would rather the Planning Board be able to vote for their own chair and vice chair. Ms. Van der Grinten made a motion to change the UDO so that the Planning Board and Board of Adjustment could select their own chair and vice chair. Mr. Briggerman seconded it. The motion passed unanimously.

9. Planning Board Training

Mr. Bergmark describes the process by which rezonings occur, and the part the planning board plays in rezonings. He also described the various roles of the planning board and how it works. Mr. Bergmark said that, in the interest of time and due to the storm, he would send the members of the board his ethics power point instead of going over it in the meeting.

10. Adjourn to Next Regularly Scheduled Meeting

Mr. Vaughan made a motion to adjourn the meeting. Mr. Briggerman seconded it. The motion passed unanimously.