

**Planning Board Meeting –
July 21, 2014
Minutes**

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

Members Absent: Joseph Sparacia, Billy Bryant

Others Present: Ashley Anderson, Debbie Berm and John Nance from DR Horton Homes, Don Mizzell from Longleaf Development Services, Ronnie Mizzell

Staff Present: Planning Director David Bergmark, Planner Patrick Reidy, Planner Allison Rice

1. Meeting Called to Order

Ms. Van der Grinten called the meeting to order.

2. Welcome and Recognition of Guests

Ms. Van der Grinten welcomed all guests.

3. Swearing in of New Members

Mr. Bergmark said that he would be swearing in one of the new members, Mr. Broadwell, who will be the Planning Board Chair. Mr. Bergmark also introduced Ashley Anderson, who has been appointed to the Planning Board, but whose nomination needs to be accepted by Wake County. Mr. Bergmark swore in Mr. Broadwell.

4. Chairman and Board Members' Comments

Mr. Broadwell took his seat as Chair. Mr. Broadwell asked if there were any comments from the Board. The Board extended their welcome to new members.

5. Adjustment and Approval of Agenda.

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

6. Public Comments

None.

7. Approval of Minutes

Mr. Broadwell noted that the Town's Attorney's name is David Rief, not Reith. Mr. Vaughan pointed out that in the 4th paragraph of page 11 of the minutes, comments were attributed to him that were actually made by Joe Sparacia. Mr. Vaughan moved to amend the minutes to say that Mr. Sparacia made those comments. Ms. Silver seconded. The motion passed unanimously. Ms. Van der Grinten motioned to approve the minutes as amended. Mr. Kramer seconded the motion. The motion passed unanimously.

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

Item 8A - Discussion and action on a zoning text amendment to add firing ranges to the UDO's Use matrix table.

Mr. Bergmark introduced Ms. Rice, who brought the topic to the Board. Ms. Rice said that the Town Board and Economic Development Committee (EDC) have requested that the Planning Board review whether modifications should be made to the Unified Development Ordinance (UDO) to allow indoor and outdoor shooting firing ranges. She said interest had previously been expressed by an investor regarding the opportunity of opening an indoor small arms shooting range in downtown Wendell. However, the current Table of Uses does not specifically define land uses for indoor or outdoor shooting ranges, and the investor never contacted Planning Department staff to pursue this venture.

Ms. Rice said that Perry's Gun Shop currently serves as a successful part of Wendell's downtown. An indoor shooting range has the potential to further appeal to a strong customer-base that already exists. She said there is a question as to how this body should consider this benefit versus whether this use will affect the perception of the town as it continues to grow. She said given the relative lack of facilities available in Wake County, the special interest that this type of recreation would generate from around the region, and the potential public nuisance issues that are inherent with this use, staff has asked the Planning Board to discuss if and how these uses should be permitted.

Ms. Rice said in order to determine how to best address these uses, staff researched standards of neighboring jurisdictions, including Wake County, Raleigh, Zebulon, Fuquay-Varina, Garner, Cary, Holly Springs, Wake Forest, Knightdale, and Apex. She said of these 10 jurisdictions, (3) allow indoor shooting ranges by right and (5) allow outdoor shooting ranges either by right, with a special use permit, or with a special use permit with additional standards provided. She said additional use standards for Wake County were listed in Attachment A. She said although there were several indoor and outdoor shooting ranges within Wake County, it is apparent that the facilities had been grandfathered in to their jurisdictions and that most municipalities' zoning ordinances did not encourage new development of shooting ranges.

Ms. Rice said Wendell's Code of Ordinance (Section 14-50) stipulates that "No person shall discharge any firearms, fireworks, or any other explosive contrivance within the inhabited portion of the town, without the town manager's consent." She said this consent could be granted by having the Town Manager sign the privilege license request for a firing range to establish their business or through the special use approval process.

Ms. Rice said that indoor firing ranges, when permitted, were usually included within the Indoor Recreation use. She said Wendell's UDO defines Recreation Facilities as "uses or structures for active recreation including gymnasiums, natatoriums, fitness center, athletic equipment, indoor running tracks, climbing facilities, court facilities and their customary accessory uses. She said this definition was inclusive of both non-profit and for-profit operations." She said Wendell permitted indoor recreation in all zoning districts. Ms. Rice said this use required a special use

permit in the DMX (Downtown Mixed Use) zoning district and was permitted with additional standards in all residential zones except NC (Neighborhood center). She said that the additional standard listed for Indoor Recreational facilities was that “indoor recreation facilities are permitted as part of a common plan of development but shall not be permitted as infill development.”

Ms. Rice said that given the current definition of indoor recreation and the difference in potential nuisances which an indoor firing range could create, staff recommended that indoor firing ranges not be included within the existing indoor recreation use.

Ms. Rice said that the operation of shooting ranges and their designs were legally obliged to adhere to OSHA laws on lead and noise exposure, as well as EPA laws regarding lead. She said that for the purpose of this text amendment, proposed standards would only need to address such things as zoning, buffers, design, hours of operation, and noise levels outside the facility. She said any further design certification specifications would be redundant with other regulatory agencies’ requirements.

Ms. Rice said that any proposed indoor shooting range would be required to be designed by an architect or designer in order to ensure safety measures are met. She said in the case of Wendell, a Wake County building inspector would review the designer’s proposal as part of the building permit approval process. She said the architect or designer would have to specify how all projectiles would be safely contained within the building and how noise would be controlled. She said the design of indoor shooting ranges is also usually under strict insurance regulations.

Ms. Rice said many jurisdictions within Wake County do not have explicit language relating to indoor firearm use, except to say that although indoor firing ranges are permitted, usually under industrial, commercial, and business zones, offensive use zones, and sometimes a special use permit is needed.

Ms. Rice said that at their May 19th meeting, the Planning Board asked staff to return with additional research into the viability of allowing an indoor shooting range use in the Town of Wendell. She said staff surveyed downtown businesses to determine their opinion on the inclusion of an indoor shooting range within the DMX. She said the feedback ranged from enthusiastic support to indifference. Ms. Rice said some business owners expressed concern as to the health and safety of the range staff and customers, as well as the noise levels this use would generate. These concerns were not enough to disapprove of the use and, overall, business owners expressed hope for the use generating more business.

Ms. Rice said that in order to address noise concerns, planning department staff researched what noise limitations have been employed by other jurisdictions. She said of those jurisdictions which did include noise standards, the maximum decibel level permitted varied from 40 decibels to 85 decibels. She said being exposed to noise levels over 85 decibels for extended periods can cause permanent hearing loss. In order to help illustrate what a given decibel level is equivalent to, Ms. Rice presented a noise level table that had been included as Attachment D. She said the decibel limit incorporated into the proposed text amendment below (60 decibels) is the same as that used by Wake County.

Ms. Rice read the proposed text amendment for indoor shooting ranges.

1. To amend Section 19.3 of the UDO to include the following definition:
 - a. **Shooting Range, Indoor:** The use of a structure for archery and/or the discharging of firearms for the purposes of target practice or temporary competitions.
2. To amend Section 2.3C of the UDO (Use Matrices Table) to include “Shooting Range, Indoor” under the “Entertainment/Recreation” category as a Special Use (SUP) within the Corridor Mixed Use (CMX), Community Center (CC), Commercial Highway (CH), and Manufacturing & Industrial (MI) districts, with additional standards listed in Chapter 3 of the UDO.
3. To amend Section 3.3 of the UDO (Additional standards by use) to add:

LL. Shooting Range, Indoor

1. This use is prohibited within 150 feet of a school.
2. The building housing this use shall be designed and constructed so as to muffle noise generated by the firing of weapons so that no sound over 60 decibels may be heard at the property line. The method for obtaining this noise level must be identified in the design plans prior to approval.
3. The allowed hours of operation shall be 9:00 a.m. to 9:00 p.m.
4. No mechanical or ventilation equipment shall be visible from a public right-of-way. Exhaust air discharged from the range shall meet all state and federal requirements, and designed to separate discharge from any air supply intakes for the same or nearby uses to prevent cross-contamination of heavy metal-laden air.
5. No storage of lead, ammunition, firearms, gunpowder, or other hazardous or dangerous materials, as may be identified by the Wendell Police Department or the Wake County Fire Marshall, shall be stored in an accessory structure. No cleaning or repair of guns shall be allowed within an accessory structure.
6. The applicant must provide proof of insurance as part of their Special Use Permit (SUP) submittal. All shooting range facilities shall maintain general liability insurance coverage in an amount of not less than Three Million Dollars through an insurance company licensed to do business in North Carolina. The policy shall not exclude coverage for property damage or personal injury cause by the discharge of firearms.

Ms. Rice said staff recommended that the Planning Board recommend approval of the proposed text amendment for indoor firing ranges, as provided by staff. She said due to staff’s concerns over the perception which seeing armed individuals walking around downtown could have on citizens and visitors, staff did not include the Downtown Mixed Use (DMX) district within the list of permitted zoning districts.

Ms. Rice noted that in regards to outdoor shooting ranges, as the weather had become warmer, the Town had received more complaints about hearing gun shots outdoors from adjacent properties. She said currently these complaints were driven by individuals discharging firearms on their personal property. If outdoor shooting ranges were added as an allowed use, the frequency of these complaints would likely increase.

Ms. Rice said due to the concern over increasing noise complaints and potential safety concerns, staff was recommending that outdoor shooting ranges not be added to the town's use table at this time. She said if the Planning Board or Town Board wished to permit outdoor firing ranges, staff recommended that outdoor shooting ranges be permitted with a Special Use Permit (SUP) in the Residential Agricultural (RA), Manufacturing & Industrial (MI), and Commercial Highway (CH) zoning districts, subject to the following additional standards:

- All shooting stations must be at least 1,000 feet distance from any adjacent property in different ownership, now or in the future. Adequate fencing, warning signs, or other safety measures must be provided and maintained around any danger area.
- The minimum required distance of 1,000 feet between any shooting station and all lot lines may be reduced if actual firing tests conducted by the applicant demonstrate that a lesser distance will be adequate to protect the public safety and reduce noise at the property lines. The results of such tests and the request to lessen the required distance must be submitted in writing as part of the special use permit. Firearm ranges must be designed and constructed under the supervision of a design professional or certified by the National Rifle Association following construction and before the range is used. Sites must be designed to contain all projectiles and debris caused by the type of ammunition, targets and activities to be used or to occur on the property.
- All outdoor firing range facilities shall maintain general liability insurance coverage in an amount of not less than Three Million Dollars through an insurance company licensed to do business in North Carolina. The policy shall not exclude coverage for property damage or personal injury caused by the discharge of firearms.
- Buffering: Outdoor shooting ranges shall be buffered from adjoining properties with a Type A buffer as set forth in Section 8.6 of the UDO.
- Outdoor shooting ranges are not permitted within the corporate limits.

Ms. Rice said that if outdoor firing ranges were to be allowed, the following definition could be added to Chapter 19 of the UDO:

Firing Range, Outdoor: A permanently located and improved area that is designed and operated for the use of rifles, shotguns, pistols, silhouettes, skeet, trap, black powder or any other similar sport shooting in an outdoor environment. Shooting range exclude any area for the exclusive use of archery or air guns. For purposes of this ordinance, outdoor firing ranges are a principal use of property and therefore, shall not be considered incidental or accessory.

Ms. Rice said 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.”

Ms. Rice asked the Board if they had any comments or questions. Ms. Van der Grinten asked about the business owners who did not support the idea of a shooting range. She asked for their reasons. Ms. Rice said that the three business owners who didn’t like the idea had safety concerns about guns in general, although there were others who had concerns about noise. She said that one person was concerned about teenagers breaking in to get to the guns and another wouldn’t feel safe walking outside to her car.

Ms. Van der Grinten said that she had no knowledge of shooting ranges. She asked if you can hear the activity on the outside. Ms. Rice said it depends on the level of insulation that the business installs. She said that Staff was trying to balance the public good associated with not hearing continuous gunfire on the streets versus the insulation cost being too cost prohibitive for the business to operate. Ms. Van der Grinten said that if a shooting range were to be built, would it comply with the National Rifle Association recommendations. Ms. Rice said that was an option and that there are certifications that come from other associations. She said that some towns require that the facilities be certified with the NRA or the National Shooting Sports Foundation.

Mr. Briggerman talked about a shooting range that he knew about in California next to a series of plants that required off-street parking, although he said that the EPA was much stricter now. He made the point that the location of the site is very important.

Mr. Broadwell asked where the 150 feet from the school requirement came from. Ms. Rice said that there was some feedback from business owners to require the shooting range use be kept away from schools, churches, day care facilities, etc. She said the school buffer is the easiest to enforce without restricting all locations for the shooting range. Mr. Broadwell said that 150 feet seems too close to a school, given all the tragedies that have occurred. Mr. Bergmark said that the Board could recommend to make the buffer larger. Ms. Van der Grinten agreed with Mr. Broadwell. She said she also did not like the idea of including this use in the downtown area. Ms. Rice said that staff did not include the DMX district in their recommendation, but that the MI district is next to the DMX, so a shooting range in that zone could affect businesses in the DMX. Ms. Van der Grinten asked what would happen if a shooting range was built in a MI district that later rezoned to DMX. Mr. Bergmark said that the shooting range use would be grandfathered into the zoning district until that use is abandoned. Ms. Rice pointed out that the reason why this use was initially considered was because the EDC thought this use would encourage customers to visit other Downtown shops and restaurants.

Mr. Kramer asked where current shooting ranges are located. Ms. Rice said that almost all of them are in rural areas, except for one in Raleigh that is in an industrial district bordering commercial and residential districts.

Mr. Vaughan said that he wasn’t sure what an appropriate distance from schools was, but he was inclined to think it was 1200 to 1500 feet. Mr. Vaughan asked about the response from business owners about outdoor firing ranges. Ms. Rice said that she didn’t ask the business owners about

outdoor firing ranges since, if they were to be allowed, the use wouldn't be permitted anywhere near the downtown area. Mr. Vaughan said that he wondered if there was any interest in outdoor shooting ranges. Mr. Bergmark said that his general sense from the Planning Board and the EDC was that the interest is much more towards indoor shooting ranges.

Mr. Vaughan said that he supports the recommended decibel level. Mr. Broadwell asked if there was a consensus about what to recommend to the Town Board regarding indoor ranges. Ms. Silver said that the distance from schools should be increased to at least 1200 feet. Mr. Broadwell asked for a motion to recommend the indoor firing ranges UDO text amendment change to the Town Board with that change. Mr. Vaughan made a motion. Mr. Kramer seconded the motion. It passed unanimously. Mr. Bergmark asked for a Statement of Plan Consistency and Reasonableness. Mr. Kramer made a motion to adopt the statements recommended by staff. Seconded by Mr. Briggerman. The motion passed unanimously.

Mr. Broadwell said that Wendell is such a small town and there can be accidents with outdoor firing ranges, so he is inclined to not include a recommendation for them. Ms. Van der Grinten, Ms. Silver, and Mr. Briggerman agreed. Mr. Briggerman made a motion to not make a recommendation to allow outdoor firing ranges. Mr. Vaughan seconded it. It passed unanimously.

Item 8B - Discussion and action on a Conditional District Application for future phases of Edgemont Landings

Mr. Bergmark presented to the Board an overview about Conditional Districts. He said that the purpose of the Conditional Districts (CD) was 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.

Mr. Bergmark said that a CD may depart from the strict application of the requirements of the town's general zoning districts. He said the CD alternative may allow uses which are not specifically allowed in standard zoning districts. Mr. Bergmark said a primary purpose of the Conditional District section was to provide standards by which such flexibility may be achieved while maintaining and protecting the public health, safety and welfare of the citizens. He said in this case, no alternative uses or lot dimensional standards have been proposed by the applicant.

Mr. Bergmark said that a second purpose of the conditional district was to establish a more complete living and working environment through the application of enlightened and imaginative approaches to community planning and property design. He said that 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.

Mr. Bergmark said that 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. He said 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). He said that 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.

Mr. Reidy introduced the agenda item, saying that the Planning Board consider the proposed conditional district request and make a recommendation to the Board of Commissioners, to include a statement of comprehensive plan consistency and reasonableness.

Mr. Reidy introduced the applicant, Longleaf Development Services (on behalf of D.R. Horton, Inc., Ammons Acres, Inc., Ronnie & Jennifer Mizzell, and Helen Strain). Mr. Reidy said that the applicant has requested to create an R-4 conditional district for approximately 70.84 acres of property within the parcels identified by PIN #s 1774 69 5502; 1774 59 4831; 1774 59 6154; and 1774 58 9781. He said this consists of the phases 1C and 2(A-E) of Edgemont Landing, as shown on the Master Development Plan.

Mr. Reidy said that this property was located within the corporate limits of the Town of Wendell and is zoned R4CU. He said in 2006, Triangle Construction Services requested a conditional use rezoning on the subject property which was approved with conditions as discussed in the Approved Zoning District Conditions section of this report. He said the first phase of Edgemont Landing was finished in 2009, except for Phase 1C. Phases 1C and 2 received preliminary plan approval at the same time as the first phase; however a final plat was not recorded for those phases prior to the expiration of the preliminary plan. Mr. Reidy said that since that time, the Town of Wendell adopted the Unified Development Ordinance (UDO). He said the UDO had design standards that were not required when Edgemont Landing was originally developed. He said the intent of this application was to alter certain standards from the UDO to the area identified in Attachment A. Mr. Reidy said typically once a development is approved, it cannot be held to newer standards that are adopted by a municipality after that approval. Since the second phase was never recorded, the UDO standards are now applicable.

Mr. Reidy said that the property was currently zoned R4CU and was subject to the zoning conditions approved as part of the original rezoning request. He said Attachment A contained the current zoning conditions, which were as follows:

1. Entrance signs will be placed at the entrance into the subdivision and landscaped.
2. Landscaped berm along entrance.
3. Easement dedicated to the Town of Wendell for future greenway.
4. Walking/jogging trail along greenway and open space area (non-paved, natural).
5. Gazebo in open space area.
6. Park Benches, picnic tables to be provided in open space/greenway area.
7. Establishment of Homeowners Association.
8. Minimum 1500 square foot heated units (Type II).
9. No Modular Units.
10. Concrete driveways.
11. Sodded front and side yards, seeded rear yards.

12. Minimum of two Balled and Burlapped (1.5"-2") trees in front yard as specified by Wendell Tree Board.
13. Landscaped front yard of unit.
14. Two car garage on 80% of lots, one car garage on 15% of lots, and no garage on 5% of lots.
15. Mixture of different designs of homes to include layouts and elevations to present a pleasant curb appeal.

Mr. Reidy said that the applicant was proposing to continue with the approved conditions with the exception of conditions #1 and #2. Conditions #1 and #2 are no longer needed as they relate to the entrance of Edgemont Landing and have already been satisfied. Condition #3 should also be deleted since the greenway is proposed to be constructed with this application. He said that condition #4 is proposed to be deleted and replaced with a new condition related to the trail surface.

Mr. Reidy said that the applicant is proposing eight additional conditions for the proposed CD, as follows:

1. Vinyl siding may be utilized on homes without restriction as to building separation distances.
 - a. *Staff Comment: The current UDO requires a 30 foot building separation between buildings that have vinyl. The purpose of the requirement is to help alleviate concerns over fire safety. No justification has been given for the removal of the building separation requirement. The UDO allows for the use of wood clapboard, cementitious fiber board, wood shingle, wood drop siding, primed board, wood board and batten, brick, stone, stucco, or synthetic materials similar and/or superior in appearance and durability.*
2. Homes may be built on "slab on-grade" foundations requiring no raised entrances.
 - a. *Staff Comment: The UDO requires that all front entrances shall be raised above the finished grade a minimum of one and a half feet. The raised entrance gives a home a more prominent aesthetical look and creates vertical separation between passing pedestrians and residents sitting on their porch.*
3. Exposed slabs can opt to be enclosed with brick, stucco, or stone – but it is not a requirement to do so.
 - a. *Staff Comment: This condition proposes to eliminate the UDO requirement that slabs or crawl spaces be wrapped in brick, stone, or stucco, at least 8 inches above visible grade. The UDO requirement gives a foundation of a home a more finished visual appearance so that concrete slabs or cement blocks are not exposed.*
4. Attached garages with front-loading bays must be recessed at least 2' from the front façade of the house.
 - a. *Staff Comment: The UDO requires that garages with front-loading bays be recessed at least 5' from the front façade of the house.*
5. The width of an attached garage shall not exceed 50% of the total building façade of the house.
 - a. *Staff Comment: The UDO requires that the width of an attached garage shall not exceed 40% of the total building façade of the house.*

6. Phase 1C wishes to pay a fee in lieu of open space for the 0.88 acres required.
 - a. *Staff Comment: The open space opportunity on this small section of land would not be an ideal location and would result in the loss of up to six lots. The six lots and the fee in lieu would be more of a benefit to the town than the less than desirable location of open space in that phase. It should be noted that Phase 2 of the proposed development is proposing 0.22 acres less than the 6.25 acres of required open space. Staff met with the applicant and they have agreed to an additional condition requiring a fee in lieu for those 0.22 acres.*
7. The proposed greenway trail shall be constructed of crushed stone.
 - a. *Staff Comment: Staff supports the proposed condition to make the greenway surface an improved surface above the required mulch. The applicant is proposing crushed stone. However, requiring an asphalt surface would provide a more permanent trail surface and be a greater benefit to the residents for biking, walking, and skating, and future town connectivity. Asphalt would provide active open space and accommodate a larger number of children so that they wouldn't play in the street.*
8. Former lot 91 (located to the rear of lot 92) shall be utilized for an open space amenity. Specifics on the use of the open space lot to be determined, however a connection to the greenway trail will be provided.
 - a. *Staff Comment: Staff supports the deletion of Lot 91 at the southern end of the proposed development to create a trail connection. The application proposes to determine specific uses for the open space at a later time, but it is of the staff's opinion that programming of the open space should be determined with this application and proposes that a tot lot be provided on the open space between lots 114 and 261. Staff would have recommended the removal of Lot 91 even if the applicant had not in order to make the trail connection so that residents wouldn't have to cross through private property or walk back to the middle of the trail to get back home.*

Mr. Reidy said that as previously stated, one purpose of the conditional district was to establish a more complete living and working environment through the application of enlightened and imaginative approaches to community planning and property design. He said that 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.

Mr. Reidy said that 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. He said that this process allows for creative trade-offs that can result in a better overall product.

Mr. Reidy said that as currently proposed, the only improvements suggested as part of this conditional district request involved adding crushed stone to the greenway trail instead of using a mulched surface and adding open space at the southern end of the trail where lot 91 was previously located. He said that all other proposed changes constitute reductions in design standards.

Mr. Reidy said that in the applicant's 'Zoning Justification Statement' (Attachment B of the report), the applicant explained why the developers desired to create a conditional district for the property. Mr. Reidy said that the applicant stated in the Statement that "the developer wishes to create the conditional district to allow for the same development style and home construction standards as previously approved for the project. Doing so will allow the remaining development to be completed in a similar fashion as the previously developed portion of Edgemont Landing".

According to Mr. Reidy, at the time of construction of any new building, parking spaces shall be provided in all districts in the amounts specified by Chapter 10 of the Unified Development Ordinance (UDO). Mr. Reidy said that lighting shall meet the requirements as set forth in the UDO at the time of development. He said that public water and sewer are available at this site. Mr. Reidy said that all streets and drives shall meet the requirements as set forth in the UDO at the time of development. Mr. Reidy said that all landscaping shall meet the requirements as set forth in the UDO at the time of development. No landscaping buffers are required between adjacent residential zoning districts. Mr. Reidy said development of this site would be required to meet the stormwater standards contained in the UDO.

Mr. Reidy said the Wendell Comprehensive Plan defined this section as S3 "Restricted Growth Area". He said the Comprehensive Plan stated the S3 sector typically consists of areas "that are not proximate to thoroughfares and that are not projected to be high growth areas due to limited access to the transportation network and utilities". He said the comprehensive plan listed the following uses as appropriate land uses/development types within this sector: low density cluster developments or hamlets (a clustering of buildings around a rural crossroad), single family residential development, very limited convenience retail uses, civic uses (parks, schools, religious and government uses), and some industrial uses.

Mr. Reidy said that in staff's opinion, the requested conditional district was consistent with the recommended uses and development types outlined in the Wendell Comprehensive Land Use Plan for the S-3 sector.

Mr. Reidy had the following comments on behalf of the staff:

- The proposed conditional district would not change any of the lot dimensional standards or use standards normally allowed in the R4 zoning district.
- As stated above, the requested conditional district is consistent with the recommended uses and development types outlined in the Comprehensive Plan. The two proposed improvements should be weighed against the reductions in design standards proposed as part of this application.
- It is staff's opinion that paved asphalt trails would be more beneficial to the town and would be more fitting with the purpose of conditional districts than crushed stone trails.
- If approved, staff recommends that the open space area between lots 114 and 261 be designed as a tot lot and that design specifics on the use of the open space lot be determined prior to the approval of the Final Development Plan.

Mr. Broadwell asked if it was correct that, in Condition 3, staff believed that it should be deleted since the applicant would be dedicating a greenway. Mr. Reidy said that it would be a privately

maintained greenway available for public use. Mr. Reidy said that the agreement currently lists the green space as private ownership, but that we could add the condition that the development gives it to the Town. Mr. Reidy pointed out that the current proposal only calls it a “future greenway”, which leaves it open to change in the future. He said that the Planning Board could recommend altering the language so that the space is more clearly defined.

Mr. Broadwell asked if the language in the Justification Statement would allow for the buildings that currently exist in Edgemont. Mr. Reidy said that it would allow for very similar units. Mr. Bergmark noted that the proposal would not change any uses or dimensions allowed in the district. He said it would only affect the design of the units. Mr. Bergmark said that the applicant’s point is that they would like to be able to build at the same standard that they were building before.

Ms. Van der Grinten asked if any of the crawl spaces in the existing properties were wrapped with brick, other materials. Mr. Reidy said that the houses weren’t required to have raised elevations, and that none of the foundations of the existing houses are wrapped. He said that the home owner can opt to have the stem wall wrapped but the slab would be exposed concrete.

Mr. Kramer asked if the developer was going to continue building 1500 square foot houses.

Don Mizzell, of Longleaf Development Services, introduced himself to the Board. He said that the developers and property owners would like to simply finish what they started. Mr. Mizzell introduced the property owners and product engineer present. He described the history of the development, its approval with the 15 conditions, its rezoning, and the effects of the recession in 2007-2008. He said during the recession, the subdivision plans expired and the UDO was adopted, rendering the original vision for Edgemont not achievable. Mr. Mizzell explained that the applicant was applying to the Planning Board to return back to the standard and vision of 2006. He pointed out that the first 5 proposed conditions were directly related to building style and design. Mr. Mizzell said that if the UDO had been adopted before Edgemont was developed, the developers could choose whether or not they could afford the project under the UDO’s guidelines. Since they’ve already started, they don’t have that luxury now. Mr. Mizzell said that the development is very attractive as it is.

Mr. Mizzell said that the smallest house they have planned right now is 1900 square feet and have 2 car garages. He said that developers were willing to give some compromises, for example they are willing to upgrade the greenway path to crushed stone instead of natural surface as was originally planned. He said it would be too much for a starter community to absorb the cost of an asphalt greenway, as well as maintaining it into perpetuity. He said that the easement was no problem.

Mr. Briggerman asked how long the greenway trail was. Ms. Berm said that it was about 7000 square feet along the buffer, not including sidewalks.

Mr. Vaughan asked if Mr. Mizzell was aware of the reason why the UDO prohibited vinyl siding on houses on these size lots. Mr. Mizzell introduced Mr. Ron Mizzell in order to answer that question. Mr. Mizzell said he was one of the land owners and also worked for the fire department

in Raleigh. Mr. Ron Mizzell said that the fire and building codes changed in 2007 as a result of a fire in some townhomes – but these codes specifically address multi-family units, not single family homes. He said the code was changed to require soffits and fire breaks on buildings with vinyl siding. Mr. Ron Mizzell said that Edgemont already has a good aesthetic to it and that it's something to be proud of. He said that they're not asking for anything more than what is already out there.

Mr. Vaughan asked if Mr. Ron Mizzell believed that the fire code currently provides adequate protection. Mr. Ron Mizzell said that he does believe that. Mr. Vaughan asked if future Edgemont houses will be built with vinyl, with the same sorts of fire issues, or are they going to be built with soffits to provide additional protection. Mr. Ron Mizzell turned the question over to Mr. John Nance. Mr. Nance said that he would like to continue with vinyl since there's plenty of separation between each home. He said they had a 38 foot product on 68 foot lots and plenty of towns allow for vinyl when there's little separation between the houses.

Mr. Kramer said that when they were putting together the UDO, they had 5 experts come in to tell Board that houses needed to be 30 feet apart. Mr. Nance said that he had built houses throughout North Carolina and he's used vinyl siding in every municipality he's built in. He said there hadn't been any restriction on the distance of homes in any other municipality.

Mr. Ron Mizzell said that the main concern with the vinyl was that fire would spread through the soffits and into the attics. Mr. Ron Mizzell suggested that the Board recommend doing something with the soffits instead of changing the entire housing material. Mr. Nance said that they could build the soffits out of a cement product or a hardy-wood.

Mr. Nance said that if their request was not approved, these restrictions would probably add about \$15,000 of cost, which would affect the success of this development. He said it would price these homes out of the price point of the rest of the development.

Ms. Van der Grinten asked if he was open to the proposals by the staff pertaining to lots 114 and 261 for open space tot lots. Mr. Mizell said that he was open to that provision.

Mr. Vaughan asked for clarification about how much these provisions would increase the costs. Mr. Nance said that upgrading the siding to fiber would increase the costs \$8000. He said the stemwall covering would increase the costs by \$3000.

Mr. Reidy reminded the Board that they have the option to see the tot lot in the final development plan to give their approval at a later date, should they make that a condition. He said from there the Board can accept the proposal as is, incorporate staff comments, or modify any of the comments as they felt the need.

Option Number 1 – Vinyl Siding. Mr. Broadwell said that he's sympathetic to the developers who were affected by the downturn in the economy. Ms. Van der Grinten and Mr. Kramer agreed that they were ok with vinyl siding.

Option Number 2 – Slab on grade. Mr. Broadwell said that the existing buildings with slab on grade looked very nice. Ms. Van der Grinten said that she is ok with numbers 2 and 3. Everyone else agreed.

Option Number 4 – Whether the garage should be 2 or 5 feet behind the front door. Mr. Vaughan said that he didn't think it made a difference visually. There was agreement with the rest of the Board.

Option Number 5 – Whether the garage could be 40% of the building or 50%. Mrs. Van der Grinten said that she was ok with this change. Mr. Kramer said that he couldn't visualize what that looked like. Mr. Nance said that the garages that they have already built are 42% or less of the house. The Board agreed that they were willing to accept the 50% change.

Option Number 6 – Fee in lieu of open space. Mr. Broadwell said that this doesn't seem to be an issue here. Mr. Reidy said that the open space requirement would force the developer to lose 6 lots. He said that staff feels that fee in lieu would be put to greater use. Mr. Kramer said that he supports staff's recommendations. The Board agreed.

Option Number 7 – Crushed stone vs. asphalt. Mr. Kramer said that he could see the HOA not being able to maintain a blacktop path down the road. Mr. Broadwell said that he would like to dedicate an easement to the Town of Wendell. Mr. Reidy said that the Board can go back and alter the existing plan to have it say that an easement must be dedicated to the Town of Wendell in the future. The board agreed on allowing crushed stone.

Option Number 8 – Staff supported the deletion of lot 91 so that it may be used as an open space park. The Planning Board agreed to support this. Mr. Reidy pointed out that the current language said that the use of this space is to be determined in the future, but staff recommended that the use be specified now. Ms. Van der Grinten said that she would like to see a tot lot.

Mr. Kramer made a motion that the Board accepts the changes asked for by the developer with the exceptions that reinforced soffits be incorporated into the houses and that lot 91 will be used as an open space area with a tot lot and a connection to the greenway. Ms. Van der Grinten seconded the motion. The motion passed unanimously.

Item 8C - Discussion and action on a potential zoning text amendment to alter the UDO's sign regulations as they pertain to temporary signs.

Mr. Bergmark introduced item 8C relating to temporary sign permits. Mr. Bergmark asked the Planning Board to review and make a recommendation on a proposed text amendment to Chapter 12 of the UDO as it relates to temporary signage.

Mr. Broadwell said that as he understands it, staff would like to put a moratorium on enforcing the sign ordinance to see what happens. Mr. Bergmark said that was correct. He said that staff recommends this instead of reacting to the situation and repealing the ordinance unnecessarily. Mr. Bergmark suggested a six month test period to see how cluttered it would be.

Ms. Van der Grinten made a motion to recommend to the Town Board that the town takes a 6 month moratorium on enforcing the sign ordinance. Ms. Silver seconded. The motion passed unanimously.

9. Adjourn to Next Regularly Scheduled Meeting

Mr. Briggerman made a motion to adjourn for the night. Mr. Vaughan seconded the motion. The motion passed unanimously.