

**Planning Board Meeting –
October 20th, 2014
Minutes**

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

Members Absent: Joseph Sparacia, Ashley Anderson, Larry Vaughan

Others Present: Paul White, Lucius Jones, Mayor Pro Tem James W. Parham, Commissioner Sam Laughery, Commissioner Virginia Gray

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. Mr. Broadwell said that, with the Board's approval, that the Board wait to be recognized by the Chair to allow for equal time and comments as the proceedings with the UDO become more technical. He also said that he would allow, with the Board's permission, visitors to speak during the meeting, provided that they wait to be recognized by the Chair through raise of hand.

3. Chairman and Board Members' Comments

There were no comments from the Board.

4. Adjustment and Approval of Agenda.

Ms. Van der Grinten made a motion to approve the agenda. Mr. Briggerman seconded the motion. It was passed unanimously.

5. Public Comments

Mr. Broadwell asked for public comments, with the understanding that he wouldn't disallow anyone to speak later in the proceedings.

Mr. Lucius Jones thanked the Planning Board for being able to speak and also thanked the Board for their commitment. He said he was at the meeting because he had submitted some proposed changes to the UDO. Mr. Jones said since he was a builder and developer, he had knowledge of

many things in the UDO. He said he would be there to answer any questions the Board might have.

Mr. Paul White said there is a regulation somewhere in the UDO about carport doors that really bothered him that he wanted to bring to the attention to the Board. He said the UDO currently had a regulation against 20 foot carport doors. He pointed out that 80% of the houses in Pepper Pointe had a single 20 foot door. Mr. White said carports were used not just for parking cars, but also for kids to play in, for workshops, for cookouts, etc. He said there was a guideline that unless you had a certain width house, you wouldn't be able to put in a single two-car garage door. Mr. White said a single 20 foot door was more practical and you didn't get into as many wrecks getting in and out of the garage.

6. Approval of Minutes

Mr. Broadwell said on page three, on the fourth full paragraph, he did not recall saying "since knowledge of this application had spread", and asked for that part of the sentence be struck from the record. There was no objection from the Board. Mr. Briggerman made a motion to approve the minutes. Ms. Silver seconded the motion. It was passed unanimously.

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

Item 7A - Discussion and action on a zoning text amendment to Chapter 5 of the Unified Development Ordinance regarding the design requirements for garages.

Mr. Bergmark asked the Planning Board to review and make a recommendation related to a possible amendment to Chapter 5 of the UDO. Mr. Bergmark explained that there was some confusion as to the day of the meeting, and the applicant was not able to attend to represent his case.

Mr. Bergmark said M/I Homes of Raleigh, LLC had submitted a zoning text amendment to amend Section 5.9E5c (Building Types: Houses) of the UDO to revise the recess requirement for front-loading garages. Currently, Section 5.9E5c states, "garages with front-loading bays shall be recessed at least 5 feet from the front facade of the house and visually designed to form a secondary building volume."

Mr. Bergmark said the applicant requested that this section be amended to change the minimum garage recess requirement from 5 feet to 2 feet from the front façade. He said in the applicant's justification, they stated that the proposed change would allow for a wider range of exterior aesthetic and interior layout design options within newly constructed communities.

Mr. Bergmark said in the past, staff had considered a porch the front façade for the purposes of measuring a garage recess. He said under the UDO, porches on lots less than 49 feet wide and outside of master planned communities must cover at least 40 percent of the home's front façade and must be at least 8 feet deep. Mr. Bergmark said in master planned communities over 1000 acres in size, porches on narrow lots may be 30 percent of the front façade and at least 7 feet deep. However, lots 50 feet or greater in width have no minimum front porch width requirement.

Mr. Bergmark said any amendment to this section should clearly state the point of the house which the garage must be recessed from, as this could influence what is considered a reasonable recess. He said staff recommended that the front of the porch may be used as the point of measurement for those homes where the porch covers at least 30 percent of the front façade. Mr. Bergmark said this would avoid a situation where a small stoop was being used to allow the garage to be closer to the road.

Mr. Bergmark said that the applicant asked to amend Section 5.9E5c as follows: “garages with front-loading bays shall be recessed at least 2 feet from the front facade of the house and visually designed to form a secondary building volume.”

Mr. Bergmark said staff recommended approval of the proposed text amendment with a minor modification to the language to clarify where the point of measurement would begin. Specifically, staff proposed that the following language be applied: “Garages with front-loading bays shall be recessed at least 2 feet from the front facade of the house. Front porches may be considered the front façade and be used as the point of measurement for those homes where the porch comprises at least 30 percent of the façade.”

Mr. Bergmark said the Planning Board could also consider language which would allow even greater flexibility in the location of the garage when additional design features are incorporated. He said the Town of Knightdale allowed garages to protrude in front of the front façade of the home when the house incorporated a carriage style (or similar style for the house) garage door; had a trellis, eyebrow roof or column support that is architecturally compatible with the house; did not utilize any single garage door greater than 12 feet in width; and contains window inserts. If those requirements were met the garage may then project up to 12 feet in front of the house (in Knightdale the 12 foot projection was not measured from the porch, but rather from the wall of the house).

Mr. Bergmark said similar language could be applied in Wendell to allow garages to be placed closer to the road where additional design criteria are incorporated. He said an example of such language was provided in Attachment A.

Statement of Plan Consistency and Reasonableness

Mr. Bergmark said 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 5: “Promote Wendell’s attractiveness to business and people of all walks of life.”
 - Principle number 1: “Preserve the small town feel and historic character.”

Mr. Bergmark asked for questions, since the applicant wasn’t there to answer them. Mr. Broadwell asked how this situation applied to Mr. White’s situation at Pepper Pointe. Mr. Bergmark said it wouldn’t affect any of the current homes in Pepper Pointe. Mr. Broadwell asked if the proposal in Attachment A would allow a single double-car door. Mr. Bergmark said that if the garage was not recessed two feet from the house, it would not be allowed.

Mr. Briggerman asked, in talking about the difference between the 5 foot recess and the 2 foot, were we talking about bringing the house forward or pushing the house further back from the street. Mr. Bergmark said the original applicant is asking to bring the garage 3 feet closer to the street, although it would still be recessed from the house 2 feet. Mr. Briggerman asked if bringing the garage closer would affect the parking on the driveway in front of the garage. Mr. Bergmark said there would still be minimum setbacks that would not change. He said the UDO said that a front loading garage cannot be less than 20 feet from the front property line.

Ms. Van der Grinten asked someone to explain to her why the UDO has the requirement that a garage must be recessed from the front of the house. She said the picture of the house that is unacceptable looks very nice to her. Mr. Bergmark said that the main reason to have that restriction is aesthetic. He said the home itself will look nicer when it is the primary part of the building and the garage is more secondary. He said it also pairs up with some other standards that require front porches to be closer to the road in order to promote people sitting on front porches and to encourage community interaction.

Mr. White asked why we think it's aesthetically prettier to have divided garage doors. He said that's an antique way of thinking. He said that the two door requirement detracts from the use of the carport. Mr. Broadwell said, as he understood it, this would allow the double door but it would have to be more aesthetic. He said to him it was the same thing as the requirement for a commercial building to break up the façade with a window or some ornamentation, because it breaks up the monotony to the eye. Mr. White said that the glass in the door was all right, but to him aesthetics was what someone thinks it was and a full double door to him was more practical in this day and time. Mr. Broadwell said that the double door was allowed if it's recessed.

Mr. Jones said look at what's selling in Wendell today. He said in all of his subdivisions the only thing he was selling was garages with double garages with double doors, and that people didn't want two single doors. He said, about the garage recess, really it was a problem for builders because when they buy plans, sometimes the plans didn't have the garage two foot back or flush with the building. He said there only a small footprint of buildable space on each lot, and some plans can't be built on certain lots. Mr. Jones said that the Town doesn't need to be in the business of regulating the developer.

Mr. Broadwell said from what he understood from another developer in Orange County, when you would make that kind of change, it would affect the roof structure, which would be a pretty big factor towards the cost of construction.

Commissioner Parham said he understood the concern with aesthetics but that should be between the developer and the buyer. Homes in his neighborhood were being built and sold very quickly and they have only one garage door.

Mr. Jones said all the homes they were talking about were not in the UDO. He said there hadn't been one single development that had been approved under the new UDO.

Ms. Van der Grinten said she understood why the UDO was adopted – to upgrade the look of Wendell and to make Wendell better. She said however, on a personal side, if she were to buy a house, what she thought was aesthetically pleasing might have been different from what other found aesthetically pleasing. She said she struggled with whether the Town could tell people what they could build and how they could build it when it was their own house. She said, looking at the pictures, the one that's unacceptable was the nicest one to her.

Mr. Bergmark said that the Mayor had asked that he distribute a paper to the Planning Board. He said that paper was information that the Mayor had presented at the last Town Board meeting, containing data with Wendell's median home values as well as data related to school test scores and free lunches. Mr. Bergmark pointed out that Wendell's median home values were the lowest in Wake County, lower than Zebulon's. He said that the Mayor brought this up because he wanted the Planning Board to be cautious about changes made to the residential design standards in the UDO, because the Mayor saw the design standards as the thing that would elevate Wendell so that it would be more in line with other towns in Wake County.

Ms. Silver asked if the houses in Woodlands of Timberlake were built under the UDO. Mr. Bergmark said the homes in Woodlands of Timberlake were not subject to the UDO.

Commissioner Laughery asked why we needed these standards in the UDO. He said this was someone's personal preference. He said his garage at his own house sticks out and he really enjoyed it.

Commissioner Parham asked what was the definition of high end housing vs. low end housing. Mr. Bergmark said he was basing the phrase "low end housing" on the fact that the housing prices in Wendell were the lowest in Wake County. Mr. Broadwell said that the low housing prices and free lunches were all well and good, but what they were talking about was a free market. He said a free market had to act within the constraints of geography and job locations. He said you could not make a direct comparison of Wendell to Cary. He said with the UDO he thought they had gone way too far way too fast.

Mr. White said that most people living in Pepper Point were under 40 years old. He said these were the people that will eventually buy the larger, more expensive houses that the town is trying to encourage. He said this was where the market would come from. He said we couldn't artificially create something before the market was there.

Mr. Jones asked if the statistics included both the prices of older homes as well as newer homes. Mr. Bergmark said yes. Mr. Jones said they would have to look at the prices of new homes only.

Mr. Kramer said that he worked on the second UDO and it was difficult. He said there were a lot of people working on the UDO that didn't understand the issues or what it took to develop houses. Mr. Kramer said that a lot of the UDO was created by people who didn't understand the issues. He suggested that the builder should have his own discretion as to what he could build.

Mr. Bryant joined the session at 7:25. Mr. Briggerman said that as long as the house met the setbacks, the widths, and used the correct materials, the buyer should be able to have the option of a double garage door. He said he liked the houses at Pepper Pointe and they looked good. Mr. Briggerman said he used to live in an area that had protruding garage doors, but that they were required to have design features to elevate the appearance of the house. He said this gave the developer some flexibility. He said we wanted to create a community that people would want to drive this far out to live in.

Mr. Broadwell welcomed Commissioner Gray, who had just entered. He said that they were trying to have an open dialogue and learn from each other, and he encouraged everyone to make comments as they saw fit. Mr. Broadwell said that they now had three Board members in attendance, which changed the dynamic from the Board's perspective. He said that it was

interesting that the Commissioners had that much interest in the Planning Board's actions that night.

Ms. Van der Grinten asked if the garage door issue was different from the recessed garage requirement. Ms. Van der Grinten asked if there were another place in the UDO where there are restrictions on the size of the garage door. Mr. Bergmark said there was not currently any restriction on the size of the garage door in the UDO. He said they had looked at that once in the past, but that it wasn't incorporated. He said that if it was the Planning Board's desire to just change the recess and nothing else, that was fine. He said he just wanted to give the additional design standards as an option for more flexibility for the developers. Ms. Van der Grinten asked, as it stood now, if the garage was required to be recessed. Mr. Bergmark said that was correct, garages were required to be recessed 5 feet from the façade. He said that the applicant had asked to change that 5 foot recess to a 2 foot recess. Ms. Van der Grinten said she was leaning towards, not towards no regulations, but allowing people to put their garages where they wanted.

Ms. Silver said she agreed. She said she didn't see anything wrong with the picture of the house that had a protruding garage.

Mr. Briggerman asked if the recess requirement was the same for Wendell Falls. Mr. Broadwell said that Wendell Falls has its own requirements outside the UDO. Mr. Bergmark said that was true, but that the recess requirement still existed for Wendell Falls. He said that it was a little more complicated and that if Wendell Falls wanted to change their design requirements in their PUD, they would have to apply for a zoning text amendment to the UDO.

Mr. Kramer asked if they could give the developers the option of having the garage anywhere in the range of two feet out or two feet in. Mr. Bergmark said right now, developers can build the garage more than 5 feet back if they wanted. He said that the Board could also set the standard that a percentage of the lots in a development could extend the garage past a certain point, for some variation. He said that was harder to enforce and track.

Mr. White asked if a builder could currently put a 20 foot width door anywhere they could put a two door garage. Mr. Bergmark said yes, anywhere the house was wide enough to allow that. He said it was based off how much of the front façade the garage takes up, not whether there's a one door or two door garage.

Mr. Bergmark said that he felt like he muddled the discussion by bringing in the other option, but he said it was still up to the developers to choose to do that. Mr. Broadwell said he kind of liked two of the three parts of the Knightdale option. He said if you eliminated option one, that would take care of the double width garage door and allowed for that flexibility while keeping some regulation. Mr. Broadwell said he would like to move things along and get some resolution on this issue that night.

Mr. Bryant said he was torn between dictating what someone who owns a business could and couldn't do versus being a regulatory body. He said he didn't have a problem with putting a requirement on builders and what they could build. He said they wouldn't be the first entity to put restrictions on what could and could not be built. He said he didn't see a difference between two feet and five feet recesses. He said his problem was with the design requirements if the garage were to protrude from the house. He said if the Board wants developments to look a

certain way, they should stick to what they want. He said there wasn't a point in allowing something the Board doesn't want but then dressing it up.

Mr. Briggerman said in order to create a better market for the community, the Board should create more options. He said they should allow protruding and recessed garages, and allow all kinds of design features to be able to give people more options. He said when you change the recess, that would change the structure and that would be costly.

Mr. Broadwell said what he was hearing was that, rather than a text amendment, the Board might be interested in eliminating the requirements. He said when they talked about giving the developer flexibility, they were talking about truly leaving design up to the market. Mr. Bryant said that might have been what Mr. Broadwell was hearing from the rest of the Board, but that wasn't what he was hearing from Mr. Bryant. Mr. Broadwell said he was trying to get the Board to a consensus so that someone would make a motion. Mr. Briggerman said the intent wasn't to build a cheaper house, it was to allow the flexibility to build a better market for people to buy houses.

Mr. Broadwell asked if there was some variation of the language Mr. Bergmark had submitted that this Board would want to recommend. Mr. Broadwell suggested for example, language that said "shall be designed to be a secondary building volume". He said it would then become a subjective standard that could be applied by the builder, the buyer, and the planning administrator. He said then the regulatory board such as the Planning Board and the Town Board would not be dictating what would happen. Mr. Bergmark said that if the Board went that route, it would be subjective, but staff would have to determine what that would mean, which would have to be consistent. Mr. Bergmark said his first thought was that "secondary building volume" meant that the garage would have to be offset from the house to some degree and that it could not be flush. He said they would have to come to some kind of agreement so that staff would treat everyone the same way.

Mr. Broadwell then suggested using the language "garages with front-loading bays shall not be flush with the front façade of the house and shall be visually designed to form a secondary building volume". Mr. Bergmark said that was an option. Mr. Kramer asked if they wanted to set any parameters, such as three feet? Mr. Jones asked why they were monkeying around with this. He said the best-selling, most expensive house he was building had a garage that stuck out 8 or 10 feet. Mr. Broadwell said Mr. Jones would be able to do that under the language that he had just stated. Mr. Jones said also, not allowing it to be flush with the front would kill a bunch of house plans that were flush with the front. He said they were already putting in water tables, carriage style doors, and all of the other stuff they were talking about, but they needed the flexibility to allow the garage to be flush or recessed or out front.

Mr. Briggerman said he agreed, but that if it was flush there needed to be something that made it so you could identify it as two separate structures.

Mr. Broadwell said in that case, based on the language he had put forth, they could suggest something like "garages with front-loading bays shall be designed to be a secondary building volume" and then incorporate language from parts 2 and 3 of Knightdale's Ordinance which included the design elements that Mr. Jones was just talking about. He said then the ordinance wouldn't require the garage to be flush, recessed, or out at front, but it would require that if it

was not one way or the other there would need to be some design elements to distinguish the garage from the main house. Mr. Kramer said the design would be subjective. Mr. Broadwell said when you did that, it was like when deciding who was a criminal, that started with the arresting police officer, and everyone up the chain would get to make a decision on probably cause, etc. He said in this instance the buyer and the builder would have a plan that they would propose and the next step would be the administrator in the planning department that would pass some judgment on it. He said then, if you wanted to, you could have another level of approval after that, but that would be getting to be too much.

Mr. Kramer said the guys building the houses knew a lot more about this than they did. He said they knew how to make the money, but we were trying to tell them to do it this way or that way. Mr. Broadwell said he believed a builder would much rather build a \$250,000 house that the buyer wanted than selling a \$130,000 house.

Mr. Briggerman made a motion to accept the language that Mr. Broadwell had suggested. Mr. Bergmark asked to have the language restated. Mr. Broadwell suggested “garages with front-loading bays may be recessed, flush with the façade of the house, or project beyond the façade of the house, and shall be visually designed to form a secondary building volume by either utilizing garage doors and window inserts and/or utilizing carriage-style or similarly stylistic garage door (not a paneled garage door); and incorporate a trellis, eyebrow roof, columned projection or other architectural element as may be approved by the Administrator about the garage door(s) that is compatible with the housing style”.

Mr. Kramer said he thought that would give the builder a lot of leeway. Mr. Jones said he sold a house to a New York police officer who demanded that he not put windows in his garage. Mr. Briggerman said the owner could still black out the windows. Mr. Broadwell pointed out that, according to the language he suggested, the builder could put in carriage-style doors without windows.

Mr. Bergmark asked if the Board wanted to make a distinction between attached or detached garages. Mr. Broadwell said to make the first word “attached” so that it read “attached garages with front-loading bays”. Ms. Silver seconded the motion that Mr. Briggerman had made. Mr. Broadwell, Ms. Silver, Mr. Kramer, Ms. Van der Grinten, and Mr. Briggerman voted in favor. Mr. Bryant was opposed.

Mr. Bergmark asked for a statement of consistency and reasonableness. Mr. Broadwell said he believed Principle number 5 and Principle number 1 were fitting.

Mr. Kramer asked if, according to the language they just voted on, a garage could be extended in front as far as the builder wants. Mr. Bergmark said the garage could be extended until it runs in to the front setback. Mr. Broadwell asked if everyone was in agreement over the recommended principles for the statement of consistency and reasonableness. Everyone was.

Item 7 B – Discussion and Action on Potential Text Amendments to the Unified Development Ordinance derived from community input and staff logs.

Mr. Broadwell said that, in looking at how long the Board of Commissioners has been looking at this, since July, he suggested that the Planning Board not feel pressured to get through everything in one night.

Mr. Bergmark said at the June 23, 2014 Town Board meeting, the Town Board gave staff direction for how they would like to receive public comments regarding the Unified Development Ordinance (UDO). Following the June 23rd meeting, staff created a submission form and a contact list of builders, developers, and business owners who have had dealings with the UDO. He said based on comments received at the July 14th meeting, staff expanded the list of contacts to include all business owners located within the corporate limits.

Mr. Bergmark said on July 17th, letters and/or emails were sent to all parties. He said similar language was also sent out in an eBlast, posted on Facebook, submitted to East Wake News, and sent to the Chamber of Commerce to be included in their electronic distributions.

Mr. Bergmark said at the Town Board’s request, the public comment period was extended through the end of August and two public comment information sessions were held on September 25th and October 6th for individuals to submit comments to staff. He said staff had included the complete list of UDO public comments received as Attachment A. He said in total, 18 comments were submitted.

Mr. Bergmark said the summary table in the report showed the number of requests the Town received for each UDO standard where a change was requested. The complete list of UDO comments (Attachment A) expanded on these items, as well as other comments on UDO standards which should be maintained or general principles which should be followed.

Summary Table of UDO Standards where a change was requested

UDO Standard	Num. of Comments
Front porch width requirement	1
Rear alley-access requirement for Townhomes	2
Requirement for sidewalk on both sides of road	1
Open space dedication requirement	1
Garage recess requirement	5
Front porch depth requirement	1
Request to add active open space requirement	1

Front yard parking standards	1
Increase wall signage allowed	1
Amend definition of flashing signs	1
Garage width requirement	2
Allow Metal Accessory Structures in RA district	1
Raised entrance requirement	1
Banner Requirements	1
Temporary Signage and Pole Signs	1

Mr. Bergmark said a copy of the list planning staff kept regarding potential issues with the Town’s Unified Development Ordinance was also included as Attachment B.

Mr. Bergmark said at their September 8th meeting, the Town Board directed staff to take the complete list of UDO comments to the Planning Board and to have the Planning Board begin making recommendations based on the comments in batches. He said those UDO comments which staff recommended the Planning Board begin reviewing and taking action on were listed in their report [Also listed below in the minutes]. He said the list was based on the category of comments (residential design standards) that received the most submittals. Mr. Bergmark said the garage recess requirement item was submitted as a separate text amendment.

UDO Comments/Potential Text Amendments (Group 1 – Residential Design Standards)

1. Garage width requirement
2. Rear alley-access requirement for townhomes
3. Front porch width requirement
4. Front porch depth requirement
5. Raised entrance requirement

Item # 1: Garage width requirement

- Current Language of the UDO (5.9E):
 - “The width of an attached garage shall not exceed 40 percent of the total building facade.”
 - The Town received two comments stating that the current standard should change. No alternative standard was suggested.
- For reference, as part of Wendell Fall’s text amendment, the following standard was applied to master planned communities in excess of 1000 acres:

- **Garage Width.** Notwithstanding Section 5.9.E.5.f., garage doors will not exceed:
 - 65% of the length of the façade on lots less than 65 feet in width; and
 - 40% of the length of the façade on lots 65 feet in width or greater.
- Note: The porch width requirement was also changed to 30% for master planned communities. Otherwise, the 65% rule above would conflict with the porch width requirement (40%) for narrow lots.
- Staff would caution the planning board from applying the 65% rule to all development. Master planned communities generally have larger investments than typical subdivisions in the form of amenity sites, landscaping, trails, and commercial development which help ensure a higher level of housing quality. As a result, staff was more comfortable with allowing more flexibility in the garage requirement for this type of development. However, an increase to 50 % for all development would provide more flexibility to builders without making the garage dominate the front of the home.

Item # 2: Rear Alley Access requirements for Townhomes

- Current Language of the UDO:
 - **“Garage Doors:** Garage doors are not permitted on the front elevation of any townhouse building.”
 - The Town received two comments requesting that this standard be changed.
 - The purpose of the existing standard is to reduce the visual impact of garages on the front of narrow townhome lots, to increase the amount of grass and landscaping which may be present in front of the townhome by taking the driveways away from the front of the home, and to make the streetscape in front of the townhome more pedestrian friendly.
 - The presence of this requirement varies from one municipality to another. For example, the Towns of Knightdale and Wake Forest have a similar requirement, while the City of Raleigh and Town of Zebulon do not.

Item # 3 & 4: Front Porch Width and Depth Requirements (single family dwellings)

- Current Language of the UDO(5.9E):
 - **“Front Porches:** On lots 49 feet or less in width, ground level front porches shall be at least 8 feet deep and extend more than 40 percent of the façade”
 - The Town received one comment suggesting that the current standard should change. No alternative standard was suggested.
- For reference, as part of the Wendell Fall’s text amendment, the porch width percentage was changed to 30 percent of the façade and the porch depth requirement was reduced to 7 feet.

- For this item, the text amendment passed by Wendell Falls was not a major change of dimensional standards. Staff would not have objections to the 30 % rule for front porches and the 7 foot depth requirement to be applied to all development.
- The purpose of having a depth requirement for the porch is to ensure that the front porch is usable, rather than merely decorative.

Item # 5: Raised Entrance Requirement

- Current Language of the UDO (Section 5.9E & 5.10D)
 - **“Raised Entrances** (single family dwellings): “All front entrances shall be raised above the finished grade a minimum of 1 ½ feet.”
 - **“Raised Entrances** (Townhomes): “All front entrances shall be raised from the finished grade (at the building line) a minimum of 1 ½ feet, except live-work units, which may have entrances at grade.
 - The purpose of the existing standards are to create a more visually appealing front façade and to allow homes to be pulled closer to the road to encourage social interaction while still creating a sense of vertical separation. In staff’s opinion, maintaining a raised entrance helps support the value of the home.

Mr. Bergmark said he wanted to point out that Wendell Falls was given some latitude with some of these requirements because they were giving other amenities and housing designs for the community that would more than make up for the lower standards.

Mr. Broadwell said he would like to deal with the garage widths first. Mr. Bergmark showed the Board some pictures of houses with various percentages of garage frontages as examples. Mr. Briggerman pointed out that one example was of a duplex. Mr. Bergmark conceded the point, but explained that the same design is often used for single family homes. Mr. Bergmark showed pictures of homes in Pepper Pointe as examples of the direction the Ordinance was trying to move towards. Mr. Bergmark said Wendell Falls made the percent of garage frontage dependent on the width of the lot, but the UDO was not currently dependent on lot width.

Ms. Van der Grinten said she had no problem with going to 50% for more flexibility. Mr. Broadwell said he agreed.

Mr. Jones said the Board was going back to telling the builder and developer how to build a house. He said he didn’t think of the 8 houses he was building that day, there would be a single house that met this requirement. He said 50% was too restrictive. He said it should be 70 or 80 percent, or really there shouldn’t be restrictions at all. Mr. Jones said he had infill lots on 4th street that were waiting to be built on, but they were narrow so it was difficult to build a large house with a double garage under this 50% restriction. He said most of the houses being built couldn’t be built under that 40% restriction.

Mr. Briggerman asked Mr. Jones, of the houses he was building currently, what were the percentages of the garages. Mr. Jones said most of them were probably over 50% or 60%. He

said for infill lots, a lot of time builders had to design the house around the lot. He suggested the Board allow for garages to take up 70% of house facades.

Ms. Van der Grinten said she believed there needed to be some kind of regulations. She said if there was a narrow lot, then the buyer needed to work with what they had. She said 50% sounded fair.

Mr. Bryant said it made sense to tie the percentage to the width of the lot. He said he wasn't concerned with what some people were going to do; he was concerned with what the minority would do. Mr. Jones said he wouldn't be able to build what he's building today under the UDO.

Mr. Broadwell said he would like to see something similar to what Wendell Falls had, in terms of tying the percentage to lot widths. He said there are some challenging lots to work with within old Wendell and they shouldn't be treated like track housing.

Mr. Briggerman asked what was allowed in Wendell Falls. Mr. Bergmark said in lots less than 65 feet wide, the garage could comprise 65% of the front façade.

Mr. Broadwell said there should be some flexibility for infill lots that were 50 feet wide. Mr. Briggerman said that in his former house in California, where he had a 50 foot wide lot, he had a detached garage behind the house.

Mr. Bryant asked what the side setbacks were for 50 foot lots. Mr. Bergmark said it depended on the zoning district. He said in the NC district, which was the narrowest and densest, it was 3 feet.

Mr. Broadwell said this was brought before the Board based on public comment to the UDO. He said there were two comments stating that the Town's standards should change, with no alternative standards suggested. He said a creative lawyer could make the argument that there shouldn't be a standard because they didn't suggest an alternative and no standard for garage width would be the best.

Ms. Van der Grinten asked if there was a way to work something out for developers that were working on infill lots, without making them jump through 10 hoops. Mr. Bergmark said the developer could re-plat the lots so they could be bigger. He said another option would be to rezone the property to a zone that allowed smaller setbacks, but that should only be done where appropriate. He said someone could apply for conditional district rezoning, but if it was only for a few lots then that may not be appropriate.

Mr. Broadwell said that if the Board wanted to suggest that if a lot were 65 foot or less then there would be no standard, they could certainly make that suggestion to the Town Board. Mr. Briggerman said there would be a lot of flexibility in that suggestion – as much flexibility as a developer could get. Ms. Van der Grinten asked if that meant that someone could build a large subdivision with narrow lots, then all of the houses would have no restriction on garage door percentages. Mr. Bergmark said that was correct, then you could see a lot of houses with garage doors in front and a 5 foot stoop off to the side.

Mr. Broadwell said flexible design standards would allow property owners in downtown Wendell to eventually tear down existing houses and build nicer houses, and gave several examples on South Main Street. He asked if the Board wanted to move forward and make a

suggestion to the Town Board that there not be a restriction on garage widths for certain small lots. If so, he asked if anyone had a motion.

Mr. Briggerman said he made that motion. He said he agreed with Mr. Broadwell because it would give the property owners flexibility for narrow lots to upgrade the house. Mr. Briggerman asked if they were saying that for lots less than 65 feet, there would be no minimum width garage. Mr. Broadwell said it was his motion. Mr. Briggerman said he wanted to get it right.

Mr. Jones said he didn't think it should be based off of 65 foot lots. He said there were some lots that were 70 foot. He said by the Board passing that motion, they would eliminate everything that was being built in Wendell currently. Mr. Briggerman said he didn't know how many lots Mr. Jones had that were 70 foot. He said if they didn't say 65 foot lots, then are they saying 70 foot? He asked where the line starts where the free for all starts. He said he didn't agree with that, that they were there to try to make the city look better.

Mr. Kramer asked if this could be decided on a case by case basis. He said Wendell didn't have that many infill lots. Mr. Bryant said he would be opposed to no standard for infill lots. He said he might be inclined to support more flexibility, such as 65%, but he wouldn't support not standard unless there were some sort of review tied to that from the administrative staff. He said his fear would be a 40 foot wide house with a 20 foot garage and an 8 foot entrance. He said there is a conflict between the free market approach and community good, but he pointed out that was what they were there for.

Mr. Broadwell pointed out there was a motion on the floor. He asked Mr. Bergmark for his thoughts on creating a balance between having no standard and having a standard. Mr. Bergmark said that if the Board's intent was to provide an option for owners of narrow lots to build two car garages, he suggested something similar to what Wendell Falls had. He said he wouldn't just leave it with no standard at all; he would still have a minimum. He said his fear was that someone would be hesitant to put in a nice house if there was no guarantee that the lot next to it wouldn't be developed into something horrible.

Mr. Bergmark said, as an example, if you were building on a 65 foot lot with 10 foot setbacks, that would leave 45 feet to build. He said that if you wanted 24 feet for the garage, that would take up 54% of the front façade. Mr. Broadwell asked Mr. Jones if he gets requests for plans with garages that are more than 24 feet wide. Mr. Jones said the problem was that builders buy plans from firms from other municipalities, and those plans might have been drawn up to fit those other municipalities' guidelines. He said he was just trying to get what was being built in Wendell legal under the UDO. He said he didn't like the idea of tying the percentages to the size of the lots, because subdivisions all have different sized lots. He said some of the lots are 50 foot wide, and you couldn't put a nice house with a two car garage on a 50 foot lot. Mr. Jones made a suggestion that a new section be put in the UDO just for infill lots.

Mr. Bergmark said that the UDO did reduce the setbacks from what they used to be. He said the reason why Wendell Falls got the 65% garage width was because they were dealing with 24 foot lots.

Ms. Van der Grinten said it made sense to have 60% for garages if the lot widths were less than 65 feet. Mr. Briggerman asked how many lots in town were less than 50 feet wide. Mr.

Bergmark said the only zones that would allow lots less than 50 foot wide was R7, NC, or the commercial districts.

Mr. Jones suggested allowing garage widths be 80% of the house. Ms. Van der Grinten said a two car garage could be built, and only take up 60% of the house. Mr. Briggerman asked to make a motion they could wait until the next meeting, and the staff to make a recommendation at the next meeting. Mr. Broadwell said the staff did make a recommendation. Mr. Briggerman said he liked either the 70%/30% or the 80%/20%. Mr. Bryant said he didn't see either of those recommendations. Mr. Bergmark said staff's recommendation was to change the requirement to 50%, but that the Planning Board has indicated that they would like to go further. Ms. Van der Grinten said she was only interested in going further for narrow lots. Ms. Silver said she supported allowing the 70% rule for garages. Mr. Broadwell asked Ms. Silver if she made a motion to allow 70% of garage widths on lots 65 feet or smaller. Ms. Silver said yes. Mr. Briggerman seconded it. Mr. Kramer asked what they would do for lots greater than 65 feet. Mr. Broadwell said you could vote for the motion or against the motion. Mr. Bergmark said he could vote either vote for or against this motion and then follow it with another motion that addresses larger lots, or Mr. Briggerman could amend this motion.

Mr. Jones said you could amend this motion by doing away with the lot width portion completely. Mr. Broadwell asked for a vote. Ms. Silver, Mr. Briggerman, and Mr. Broadwell voted for the motion. Mr. Kramer, Mr. Bryant, and Ms. Van der Grinten voted against it. The motion didn't carry. Mr. Broadwell asked for a motion for Planning Staff to provide more information to the Board for the next meeting. Mr. Bryant said he would make that motion. Mr. Kramer seconded it. The motion passed unanimously.

8. Adjourn to Next Regularly Scheduled Meeting

Mr. Broadwell asked if the Board wished to proceed to make recommendations on the other agenda items that night. Mr. Kramer said no. Mr. Kramer made a motion that they adjourn. Ms. Silver seconded it. The motion passed unanimously.