

**Planning Board Meeting**  
**March 18, 2013**  
**Meeting**

**Members Present:** John Underhill, Ruth Van Der Grinten, Bob Mancuso, Brenda Lambert, Betsy Rountree.

**Members Absent:** Miles Dean, Charles Cannon (Chair), Lawrence Vaughan and Joseph Sparacia.

**Staff Present:** Planning Director Zunilda Rodriguez and Planner David Bergmark

**Guests:** Matt Edwards of Kimley Horn

**1. Meeting Called to Order**

Vice Chair John Underhill called meeting to order.

**2. Welcome and Recognition of Guests**

Mr. Underhill welcomed the guests.

**3. Chairman and Board Members' Comments**

Mr. Underhill Thanked Staff for January presentation.

**4. Adjustment and Approval of Agenda.**

Bob Mancuso made motion to approve agenda. The vote was unanimous.

**5. Public Comments**

None.

**6. Approval of Minutes**

Mr. Mancuso made a motion to approve the minutes of January 22, 2013 minutes. Ms. Rountree seconded the motion. The vote was unanimous.

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

*A: ZTA 13-01 – Zoning Text Amendment to change the open space dedication requirement for commercial development.*

David Bergmark thanks the Vice Chairman and Board Members. He states that Wal Mart has submitted this ZTA with the guidance of Kimley Horn. ZTA13-01 addresses chapter 7.2A of UDU which describes open space requirements for residential and commercial developments, and offers a payment in lieu of the property dedication. Mr. Bergmark then describes the calculation of the open space requirement and the fee in lieu and explains the process briefly. Mr. Bergmark then continues with section 7.3 which discusses restrictions to land dedication types. Applicant has requested that the open space requirement for commercial structures be changed from buildings consisting of 10,000 square feet to buildings consisting of 50,000 square feet. He explains that this number was chosen because the UDO's use code classifies retail buildings from 1-10,000 square feet; 10,000-50,000 square feet; and 50,000-100,000+ square feet. Wal Mart's argument is that small scale projects consisting of less than 50,000 square feet do not have the capacity or land area sufficient to satisfy land dedication requirements. Mr. Bergmark notes that Wal Mart Real Estate Trust has already rezoned a piece of property but has not officially submitted site plans. He said that in discussions with Wal Mart that they described the project site to be estimated around 3.4 acres, and if that was an accurate estimate that the open space dedication would be roughly half an acre. Mr. Bergmark said that the applicant has the option of a payment in lieu of the land dedication. Additionally, the Board of Commissioners, at its discretion, could accept an equitable amount of land in another location. Or some type of combination of a payment in lieu or remote land dedication. Mr. Bergmark stated that the staff recommendation to the Planning Board is denial of ZTA 13-01. Staff further recommends the applicant explore options including a combination of a payment in lieu and various means of land dedication, whether onsite or remote.

Mr. Underhill asked if the 10,000 square foot stipulation in the UDO was referring to the size of the building or the size of the lot. Mr. Bergmark responded that it refers to the heated square footage of the building.

Mr. Mancuso asked about the calculation involved with open space dedication. Mr. Bergmark explains that the decision of whether or not a commercial development is required to dedicate open space is determined by the square footage of the building. The actual amount of open space required to be dedicated is based on the acreage of property.

Mr. Mancuso asked why the open space dedication requirement for commercial development was included in the UDO. Mr. Bergmark said the commercial open space requirement was not included in the original adoption of the UDO, it was added after revisions from the UDO Committee. The commercial open space requirement was added out of a sense of fairness in that residential developments were required to dedicate open space; therefore commercial developments should as well. The UDO Committee felt that some of the larger commercial developments in Town could help share the burden of providing open space for the citizenry with large residential developments. Other justifications of the requirement are to provide open space for employees and customers to recreate onsite.

Matt Edwards of Kimley Horn spoke on behalf of the Wal Mart Real Estate Trust. He said that after subtracting out setbacks, buffers and retention ponds, given the size of the parcel, Wal Mart will not be able to meet the open space requirements in the UDO. Mr. Edwards said that Wal Mart is not interested in paying a fee in lieu of the open space dedication.

Mr. Mancuso said Wal Mart is good for customers who want lower prices and bad for other merchants who feel they may go out of business.

Mr. Bergmark said he would rather have Wal Mart in town, and that the town isn't trying create a reason for Wal Mart not to locate here, but changing the open space dedication requirement would mean a loss of open space or revenue depending on the route Wal Mart or other future developments took. It is staff's recommendation to deny ZTA 13-01.

Mr. Underhill wanted to know why the differentiation of a 10,000 square footage was chosen in the UDO for the commercial open space requirement. Mr. Bergmark said the number was chosen as to not affect small "mom and pop" shops.

Mr. Mancuso asked if Wake County dropped the open space requirements. Mr. Bergmark confirmed. Mr. Mancuso expressed concerns over the fact since Wake County dropped their open space requirement, and Wendell still enforces an open space dedication, the town would seem less favorable to commercial and residential development.

Ruth Van Der Grinten asked what other towns in the area did for open space dedications. Ms. Van Der Grinten asked if she could recommend to the Board of Commissioners to remove the open space requirements from the ordinance. Mr. Bergmark confirmed that she could make a recommendation.

Mr. Bergmark explained to the Board how their vote affects how the Board of Commissioners vote.

Mr. Mancuso made motion to accept the applicant text amendment. Mr. Underhill seconded the motion. All members were in favor of the motion.

*B: Wayfinding Signage Guidebook Update*

Planning Director Zunilda Rodriguez presented the update to the board. Ms. Rodriguez stated that the Board of Commissioners accepted the current Wayfinding Signage Guidebook in February. Ms. Rodriguez walks the Planning Board through the different chapters in the guidebook. She explains the Town's interest in moving forward with the Wayfinding Signage focusing on the history of Wendell while providing a very welcoming and modern environment. Ms. Rodriguez highlights the locations of the proposed signage, with Phase I focusing on gateway areas and Phase II focusing downtown. She continues on to describe the different physical attributes.

Mr. Underhill asked when the signs would be installed. Ms. Rodriguez said that the next step after adoption of the Guidebook would be moving forward with Phase I, developing a program and a bid for potential contractors to develop the signs themselves, evaluating cost, and selecting a contractor.

*C: Town of Wendell Website – Draft Planning Board Page Content*

Mr. Bergmark provided the update for the Planning Board website and described what the website would entail. Mr. Underhill asked if it was already online. Mr. Bergmark and Ms. Rodriguez explained that what was on the site already.

Mr. Mancuso asked about the Authority and Responsibility section of the website. Mr. Bergmark explained that nothing about their responsibility would change.

**8: Adjourn to Next Regularly Scheduled Meeting**

Mr. Mancuso moves to adjourn. Mr. Underhill seconds.