

**Planning Board Meeting**  
**September 16, 2013**  
**Minutes**

**Members Present:** Bob Mancuso, Betsy Rountree, Joseph Sparacia, Ruth Van Der Grinten, John Underhill, Judy Silver, Errol Briggerman, Charles Kramer, Larry Vaughan

**Members Absent:**

**Others Present:** Commissioner Virginia Gray, Paul White

**Staff Present:** Planner David Bergmark

**1. Meeting Called to Order**

Mr. Underhill called the meeting to order.

**2. Welcome and Recognition of Guests**

Mr. Underhill welcomed all guests.

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

None.

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

Mr. Mancuso made a motion to approve the agenda. Mr. Kramer seconded the motion. The motion passed unanimously.

**5. Public Comments**

Mr. White said he would speak to the micro-brewery first. He said he did not think the micro-brewery would be a problem with the laws and regulations in place in North Carolina. He said he thought the Town would need things like this in the downtown area to draw people in, especially after Wendell Falls develops. He said he was on the ABC board and he knew how strongly alcohol was regulated. He said he was in favor of this text amendment.

He said he also wanted to speak about parking. He said he was a car dealer, so he liked cars. He said he thought the 25 percent parking regulation was a problem. He said he thought being able to see cars in front of a business told you something about the character of that business. Mr. White said if all the parking was on the side or the back, it could be hard to tell if the business is open or closed. He said if parking was done properly, with landscaping incorporated, more

parking in the front would be a positive change. He said both Sheetz and the State Employees Credit Union had all their parking facing a road, since they are both on corner lots. He said he thought the majority of the parking needed to be in the front in general. Mr. White said Knightdale was the only town with more stringent rules than Wendell. He said Rex Hospital in Knightdale was an example of the negative impact of having no parking in the front yard. He said you could not tell if they were open.

## **6. Approval of Minutes**

Mr. Mancuso made a motion to approve the minutes, with an amendment to page 10 of the minutes regarding his opinion of the twenty five percent parking rule as it pertains to major shopping centers. Ms. Van Der Grinten seconded the motion. The vote was unanimous.

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

### *A: Discussion and Action on Parking Standards in the Gateway Overlay (GO) District.*

Mr. Bergmark said the Planning Board was being asked to evaluate the town's current standards and determine what if any changes were needed to the Town's parking standards in the Gateway Overlay district.

Mr. Bergmark said the purpose and intent of the Gateway Overlay (GO) district was defined in the UDO as, "to protect the natural scenic beauty along the thoroughfares leading to and from Wendell, which are in Wendell's jurisdiction while allowing the orderly development of land along its highways."

Mr. Bergmark said the Gateway Overlay district replaced the Special Highway Overlay District (SHOD) contained in the former zoning code. He said the regulation regarding 25 percent maximum parking in front of the building was also contained in SHOD regulations with the exception of properties zoned Shopping Center. He said previously the SHOD only applied to Wendell Boulevard.

Mr. Bergmark said that up to 25 percent of the required parking may be located within the front yard per section 2.17,D,4,b,i of the UDO. He said the remainder of the parking may be located in the side and rear only. He said the side yard was defined as behind the front plane of the building on either side. He said the rear yard was considered behind the back plane of the building.

Mr. Bergmark said this regulation was designed to avoid large expanses of asphalt within the town's gateway corridors as well as to encourage more pedestrian friendly connections in the future. He said both Sheetz and the State Employees' Credit Union were developed under this regulation.

Mr. Bergmark said at the June 24, 2013 Town Board of Commissioners meeting, staff was asked to review how other municipalities treated parking along their gateway corridors. Mr. Bergmark said not all municipalities surveyed had overlay districts for their major corridors. He said a summary table of sample parking standards maintained by other nearby municipalities was included as Attachment A of the report. He said parking location standards varied widely from one municipality to another, both in terms of what percentage of parking was allowed in the front yard as well as what factors triggered parking limitations. Mr. Bergmark said some municipalities had set parking standards which apply across the board, while others varied their standards based on specific zoning districts, lot sizes, number of parking spots provided on site, or proximity to intersections. Mr. Bergmark said the amount of parking permitted in the front yard varied from none allowed, to 100 percent allowed. He said Knightdale had the strictest standard.

Mr. Bergmark said at the August 19, 2013 Planning Board meeting, many Planning Board members expressed concern over how the 25 percent parking limitation would impact big-box retail development. He said the current parking standard would essentially cause these types of businesses to locate at least 300 feet off of the right-of-way along any gateway corridor. He said this could be accomplished by having separate outparcels in front of the shopping center for businesses such as banks or restaurants. Mr. Bergmark said the outparcel businesses in front would be required to meet the 25 percent parking limitation in the front yard, but the big-box retailer behind it would be outside of the overlay district and thus not subject to the 25 percent rule. He said the shopping center in Knightdale (by 540) is a local example of what this type of development might look like.

Mr. Bergmark said if the Planning Board was concerned about the impact of the current parking standard on businesses with small parking needs, an exemption could be made for businesses with less than 15 parking spaces provided on site, or a similar number.

Mr. Bergmark said one thing to keep in mind while reviewing the Gateway Overlay (GO) district standards is that development within the overlay district would also be affected by the standards outlined in the underlying zoning district. He said the Gateway Overlay (GO) district standards are intended to provide additional development requirements, but do not negate the development requirements that would otherwise apply unless the overlay district's standards are more restrictive. He said the off-street parking location requirements for underlying zoning districts were included as Attachment D of the report.

Mr. Bergmark said one of the methods for softening the negative aesthetic effect of parking lots is the use of landscaping and screening. He said the UDO already contains many standards to ensure that new development is sufficiently landscaped. He said landscaping which affects the visual impact of parking from the street can be broken up into four main categories: 1) Parking Lot Landscaping, 2) Parking Lot Screening 3) Street Trees, and 4) Street Yards.

Mr. Bergmark read aloud the following landscaping standards:

1. **Parking Lot Landscaping (Section 8.11 of the UDO):**
  - a. Parking lot landscaping is required for the interior of all parking areas with more than 12 spaces.
  - b. For those lots with more than 12 spaces, plantings must be provided in the form of 1 canopy tree and 4 shrubs per 12 spaces.
  - c. Plantings shall be in a planting area within the parking lot measuring at least 300 square feet. For parking lots of 24 spaces or less, trees and shrubs may be planted at the end of parking rows, rather than between them.
2. **Parking Lot Screening (Section 8.10 of the UDO):**
  - a. The perimeter yard of all parking areas visible from the street must have a semi-opaque screen installed from the ground to at least 3.5 feet for screening of car lights and glare.
  - b. Screening may consist of brick walls, wood fences, earth berms, or evergreen hedges.
3. **Street Yards (Section 8.9 of the UDO):**
  - a. A street yard consists of a planting area parallel to a public right-of-way but on private property, typically between the sidewalk and new development.
  - b. Street yards are required for any use with a rear yard that abuts a street right-of-way, all nonresidential uses in CH districts with front setbacks greater than 20 feet, and all uses in the Manufacturing and Industrial (MI) district.
    - i. Notably, street yards are not required for commercial development in the CMX, CC, or NC zoning districts.
  - c. Street yards must be 10 feet or more in width. For commercial and industrial uses, street yard plantings consist of two canopy trees or four understory trees and eight shrubs per 100 linear feet.
4. **Street Trees (Section 8.8 of the UDO):**
  - a. Street trees shall be planted in the right-of-way, between the street and sidewalk, in all zoning districts except in the OSC and RA districts.
  - b. Street trees shall be planted as canopy trees and installed at an average distance of 40 feet on-center. Where overhead utilities exist prior to development, understory trees may be substituted, installed at an average distance of 20 feet on-center.

Mr. Bergmark said the landscaping standards contained in the UDO help mitigate aesthetic issues created by parking, but they do not address pedestrian and bicycle accessibility.

Mr. Bergmark said at tonight's meeting he wanted to review some satellite imagery with the Planning Board. Mr. Bergmark brought up images of satellite imagery for the Knightdale Shopping Center, as well as two other commercial locations in Raleigh. He said he wanted to show how parking could be done in different manners – in a way which met the town's current

standard. He said for most of the buildings the Planning Board was looking at, there was likely more than one entrance. Mr. Bergmark said he also had examples of multiple office buildings in Raleigh, a State Employees Credit Union in Raleigh, a mixed use building off of Hillsborough Street, and a shopping center off of Blue Ridge road.

Mr. Bergmark said any recommendation would need to be accompanied by a statement of consistency and reasonableness. He said he included in the report some goals of the comprehensive plan which could be referenced.

Mr. Mancuso asked if the parking layouts shown by Mr. Bergmark were chosen due to municipal requirements, or simply due to the desire of the developer to use that type of layout. Mr. Bergmark said he did not know whether or not the parking layouts were prompted by municipal regulations, but they would have had to at least meet the minimum regulations that were in place.

Mr. Vaughan said he had a motion to propose. Mr. Vaughan passed out copies of his motion to members of the Planning Board. He said he made a motion to authorize staff to craft proposed ordinance changes to allow a maximum of 40 percent parking in the front yard of any business in any zoning district and to develop a series of credits of 5 to 10 percent whereby prospective owners could get their parking up to a maximum of 70 percent, equivalent to the standard of Cary. He said the credits would be developed by the planning staff and would include such things as additional landscaping, landscaping islands, landscaping berms, bicycle parking, pedestrian walking paths where possible, increased front yard space, topographic changes. He said the credit requirements must be reasonable, simple, affordable, and easy to apply, without occupying so much space that it makes applying the credits impractical.

Mr. Mancuso seconded the motion. Mr. Underhill asked if there was any discussion on the motion. Ms. Van der Grinten said she was still not certain what was an appropriate amount of parking to allow in the front yard. Mr. Vaughan said he thought the town needed to give people options to make the adjustments they need. He said most large shopping centers did include outparcels in front. He said there should not be restrictions on the ability to do other things when you were not in a shopping center. Mr. Mancuso said he liked this motion because it gave options to the entrepreneur. Mr. Briggerman said he liked the motion as well. He said the ACTS medical building on Wendell Boulevard was a nice looking building, but you could not see it from the road because the entrance is on the back side. Mr. Sparacia said this motion would allow the business person to be creative in his approaches. Mr. Vaughan said having worked on site plans over the years, it can be tough at times to make your plan work. He said the motion he proposed would allow more flexibility in the code. Mr. Vaughan said this was to give staff a chance to look at the options and craft language.

Mr. Bergmark said he definitely wanted to look over the proposal. He said different parts of the ordinance interplayed with each other. He said staff would want to make sure that any proposed

change would not be in conflict with another part of the ordinance. He said there were primarily two reasons for limiting parking in the front yard. He said the first reason dealt with aesthetics. He said the proposed change would address that concern. Mr. Bergmark said the second reason for limiting parking in the front yard was for bicycle and pedestrian accessibility. He said the proposed change would not address that concern. He said he would be happy to look over the proposal and put something together for the Planning Board's consideration.

Mr. Vaughan said you would have a tough time creating accessibility for some shopping centers. He said he was looking to avoid situations, such as Dr. Clayton's office, where the entrance was on the back side of the building. Mr. Bergmark said it was Dr. Clayton's choice to put his entrance on the back side. He said the entrance could have been placed on the front, or on the side.

The **vote** to approve Mr. Vaughan's motion was unanimous.

Mr. Bergmark said he could put together some language for the next Planning Board meeting.

***Item 7B: Zoning Text Amendment to add Micro-Breweries, Micro-Distilleries, and Micro-Wineries as an allowed use.***

Mr. Bergmark said the Planning Board was asked to review and consider making a recommendation on proposed amendments to Chapters 2, 3, and 19 of the UDO as it related to allowing Micro-Breweries, Micro-Distilleries, and Micro-Wineries within the Town of Wendell's jurisdiction.

Mr. Bergmark said the Town of Wendell has previously been approached regarding the ability to locate a micro-distillery and/or micro-breweries in the downtown business district. He said the current Table of Uses did not specifically call out land uses for micro-distilleries, micro-breweries, or micro-wineries.

Mr. Bergmark said many jurisdictions had permitted similar uses and found them to be a draw for visitors in the area where they have provided an economic boost to restaurants and other retail establishments. He said it was for this reason that staff was in support of creating a distinct use code for these uses, in order to differentiate them from other manufacturing uses and allow them to locate within the Downtown Mixed Use (DMX) district, among other districts.

Mr. Bergmark said micro-distilleries, micro-breweries, and micro-wineries were small scale establishments for the manufacture, blending, fermentation, processing, and packaging of alcoholic beverages. He said the 'micro' versions of these uses were typically differentiated

from their larger counterparts by the volume of alcohol produced annually or the floor area of the facility they were located in. He said these small scale facilities were often visually undifferentiated from an office building. He said in the case of micro-wineries, the actual grape production (i.e. Vineyard) would be located at a different site.

Mr. Bergmark said where allowed, these types of facilities were typically permitted either with additional standards or with a special or conditional use permit. He said some jurisdictions did not have language in their ordinance to 'permit with additional standards' and thus choose to rely on a special use permit.

Mr. Bergmark said micro-distilleries, micro-breweries, and micro-wineries often included tours and/or a tasting room for interested parties to sample merchandise. He said the North Carolina ABC commission regulated the permitting of tasting rooms and the manner in which tours may be conducted. He said in the case of distilleries, all alcohol produced must be sent to the ABC commission prior to being sold.

Mr. Bergmark said many of these types of facilities were paired with an associated restaurant or bar. He said a local example was 'Top of the Hill' in Chapel Hill. He said this site featured a restaurant, bar, and micro-distillery. He said the micro-distillery was visible on the second floor of the bar/restaurant, but was separated by glass.

Mr. Bergmark said Wendell Planning staff had created draft language for a proposed text amendment, based upon the standards used by several other municipalities. He said the proposed language would allow micro-breweries/distilleries/wineries as permitted with additional standards in set zoning districts. He said tours and tasting rooms would be allowed as part of this use. Mr. Bergmark said to differentiate these 'micro' establishments from larger production facilities, a 10,000 square foot limit was established. He said these facilities may be paired with a restaurant where restaurants are permitted.

Mr. Bergmark said if the micro-brewery/distillery/winery included the sale of alcohol on site and did not meet the definition of a restaurant, it must meet all the conditions of a bar/tavern. He said bars were allowed with a special use permit in six zoning districts, and may not locate within 300 feet of the property line of any lot which contained a church or school or any residential district.

Mr. Bergmark read aloud the following text amendment proposal:

## **Proposed Text Amendment**

1. To amend Section 19.3 of the UDO to include the following definition:
  - a. **Micro-Distillery, Micro-Brewery, or Micro-Winery:** An establishment for the manufacture, blending, fermentation, processing, and packaging of alcohol with a floor area of 10,000 square feet or less that takes place wholly inside the building. These facilities may incorporate tasting rooms or tours, with all applicable ABC commission permits. A facility which only provides tasting or retail sale of alcoholic beverages is not a micro-distillery, micro-brewery, or micro-winery.
2. To amend Section 2.3C of the UDO (Use Matrices Table) to include “Micro-Distillery/Micro-Brewery/Micro-Winery” under the ‘Manufacturing/Wholesale/Storage’ category as **Permitted with additional Standards (PS)** within the NC, CMX, CC, DMX, CH, M&I, and TND districts.
  - a. This format would permit this use within all commercial and mixed-use districts.
3. To amend Section 3.3 of the UDO (Additional Standards by Use) to add:

### **CC. Micro-Distillery/Micro-Brewery/Micro-Winery (NC, CMX, CC, DMX, CH, M&I, TND)**

1. Except for loading, all activities must occur within a building.
2. Must have an off-street or alley loading dock.
3. Maximum floor area may not exceed 10,000 square feet.
4. Must obtain all applicable ABC commission permits.
5. If located in the DMX district, the facility must include a tasting room, restaurant, bar, **or** incorporate tours.
6. Shall not produce odors, gas, dust or any other atmospheric pollutant detrimental to the health, safety or general welfare of persons living or working in the surrounding area.
7. If the facility includes on-site consumption of alcohol (excluding tastings) and does not meet the definition of a restaurant, it shall also be required to meet all standards of a “Bar/Tavern/Nightclub” and shall only be allowed in those districts in which a Bar/Tavern/Nightclub is permitted.



Mr. Bergmark said he added the fifth standard because he wanted to encourage this type of use in the downtown, but he did not want the use to be only manufacturing in nature in that district. He said he wanted there to be some type of activity at the location to draw people there. Mr. Bergmark said bars had to go through the special use permit process and had a separation requirement.

Mr. Bergmark said he also suggested that the Planning Board include language for one additional standard, which would be standard number eight. He said he suggested they add a standard which stated, "If located in the NC or TND district, the use must include a restaurant or bar". He said the NC district and TND district were mixed use, but were primarily residential. He said he did not think a micro-brewery or micro-distillery without a restaurant or bar incorporated into them would be appropriate in these districts for that reason.

Mr. Bergmark said any recommendation to the Town Board would need to include a statement or comprehensive plan consistency and reasonableness.

Mr. Sparacia said he should perhaps recuse himself from this discussion. He said he was working on a plan to submit to the Town of Wendell to start an urban distillery and brewery. He said the draft language was very good. He said he had worked on plans in Oregon when he lived there. He said he had two recommendations. He said 10,000 square feet should not be the limit. He said these uses should be able to be up to 20,000 square feet to allow additional space for storing bottles. Mr. Sparacia said anyone that had a winery did not crush grapes within the building. He said the grapes were crushed outside. He said there was usually a loading dock and a crush pad outside. He said the grapes were crushed outside and then the juice was pumped into the fermentation tanks.

Mr. Mancuso said the Planning Board needed to vote on whether to recuse Mr. Sparacia. The motion to recues Mr. Sparacia passed unanimously.

Mr. Briggerman said the report stated that the ABC board required the product to be shipped to them before it could be distributed. Mr. Bergmark said he knew that was true of distilleries. He said micro-breweries had different standards, but he did not know the details of those standards. He said the ABC Board would regulate those types of things, so he did not try to include that type of language within the proposed conditions.

Mr. Kramer asked if the Planning Board could incorporate the change to raise the maximum floor area from 10,000 square feet to 20,000 square feet. Mr. Bergmark said they could make that change. Mr. Bergmark said the Town needed to somehow differentiate what was a micro-brewery from a full scale brewery. He said he was not bound to the 10,000 square foot figure.

Mr. Kramer made a motion to increase the maximum square footage from 10,000 square feet to 20,000 square feet. Mr. Mancuso seconded the motion. Mr. Vaughan asked if this was to be allowed as a permitted use or as a special use. Mr. Bergmark said the proposal was to allow this use as 'permitted with additional standards'. He said the intent of the 'Permitted with additional standards' option was to allow some uses without going through a special use permit process, so long as you could identify reasonable standards up-front to address any possible impacts which could be created by that use.

Mr. Vaughan asked if the permit could be issued at staff level. Mr. Bergmark said the permit could be issued at staff level if the use was moving into an existing building and was not making significant changes to the site. He said if someone was developing a vacant lot, they would still not have to go before the Town Board, but the development proposal would be reviewed by the Technical Review Committee (TRC).

The motion to amend the maximum square footage allowed passed unanimously.

Mr. Bergmark asked if the Planning Board intended to amend the proposed language as it pertained to Mr. Sparacia's concern about allowing outdoor crush pads.

Mr. Mancuso made a motion to recommend staff's proposed text amendment with two additional changes to increase the maximum square footage of the building to 20,000 square feet and to allow micro-wineries to have crush-pads outside of the building. He said his motion included the recommended adoption of a statement of comprehensive plan consistency and reasonableness. He said he thought the use fitted the UDO. He said we wanted to bring people to Town and show that Wendell is on the map. Mr. Mancuso said all three goals of the comprehensive plan referenced in the staff report were applicable in this case.

Mr. Kramer seconded the motion. The vote was unanimous.

## **9. Adjourn to Next Regularly Scheduled Meeting**

Mr. Mancuso made a motion to adjourn. Mr. Kramer seconded the motion. The vote was unanimous.