

**TOWN OF WENDELL
BOARD OF COMMISSIONER MEETING MINUTES
October 09, 2017**

The Wendell Town Board of Commissioners held their regularly scheduled meeting on Monday, October 9, 2017, in the Town Board Room, Wendell Town Hall, 15 East Fourth Street.

PRESENT: Mayor Virginia Gray; Mayor Pro Tem Jon Lutz, Commissioners: John Boyette, David Myrick, Ben Carroll, and Jason Joyner.

STAFF PRESENT: Town Manger Teresa Piner, Special Assistant to the Manger-Town Clerk Sherry Scoggins, Town Attorney Jim Cauley, Finance Director Butch Kay, Planning Director David Bergmark, Police Chief Bill Carter, and IT Administrator Tamah Hughes.

CALL TO ORDER:

Mayor Gray called the meeting to order at 7:03 p.m. and welcomed attendees.

PLEDGE OF ALLEGIANCE:

Anna Grace Maynor, fifth grade student at Wendell Creative Arts and Science Magnet Elementary School, led the Pledge of Allegiance.

INVOCATION:

Errol Briggerman of Wendell Council of Churches provided the invocation.

1. ADJUSTMENT AND APPROVAL OF THE AGENDA:

Commissioner Joyner requested to add as Item 10b, Resolution R-17-2017 Opposing Land Acquisition.

ACTION

Mover: Mayor Pro Tem Lutz moved to approve the agenda as adjusted.

Vote: Unanimous.

2. PUBLIC COMMENT PERIOD (*one hour time limit in total*):

No public comments were received by the Town Board.

3. CONSENT AGENDA

The Board of Commissioners uses a Consent Agenda to act on non-controversial and routine items quickly. The Consent Agenda is acted upon by one motion and vote of the Board. Items may be removed from the Consent Agenda and placed on the Regular Agenda at the request of the Mayor or a Commissioner. The Consent Agenda contains the following items:

- a. Approval of the Minutes from the September 11, 2017, regular meeting.
- b. Approval of the Minutes from the September 25, 2017, regular meeting.
- c. Proclaiming October 2017 as Bullying Prevention Month.

ACTION:

Mover: Mayor Pro Tem Lutz moved to approve the consent agenda as presented.

Vote: Unanimous.

4. RECOGNITION OF MR. RAY HINNANT FOR RECEIVING A 2017 ANTHEMION AWARD FOR LIFETIME ACHIEVEMENT IN HISTORIC PRESERVATION.

SPEAKER: Mayor Virginia Gray

ACTION: Recognition

[Staff Report]

Item Summary

Anthemion Awards recognize outstanding dedication and commitment to excellence in historic preservation in Wake County. The name "Anthemion" was inspired by a classical design element seen on many Wake County buildings, including the State Capitol dome in Raleigh. From Adaptive Reuse of Commercial Properties to Town Plans, and Residential Rehabilitation to Lifetime Achievement – winners of Capital Area Preservation's Anthemion Awards have all made notable contributions to the preservation of Wake County's architectural landscape. The 2017 Annual Anthemion Awards was held on Monday, September 25, 2017 at the Irregardless Cafe in Raleigh.

Mayor Gray recognized Mr. Ray Hinnant for receiving the 2017 Anthemion Award for his Lifetime Achievement in historic preservation.

5. RECOGNITION OF WENDELL ELEMENTARY TEACHER: ROB JENKINS.

SPEAKER: Mayor Virginia Gray

ACTION: Recognition

[Staff Report]

Item Summary

Mr. Jenkins teaches Drama at Wendell Creative Arts and Science Magnet Elementary School. He does a great job balancing patience and necessary firmness when working with our students. He not only teaches the students about drama objectives, but works hard to ensure that whatever content the students are learning in the classrooms are integrated into his lessons. Mr. Jenkins ensure that the students do a lot of practice with managing their impulsivity, following the SOAR rules, and being respectful. It's obvious that Mr. Jenkins focuses first on building relationship with the kids, which is one of the many reasons he is so loved. We are lucky to have such a wonderful male role model in our building!

Mayor Gray recognized Wendell Elementary School teacher Rob Jenkins. She added she has noticed his work in the car pool.

Public Hearing Guidelines:

- Case is announced
 - Staff presentation
 - Applicant presentation
 - Public hearing is opened; citizens will follow the same rules as Public Comment Period and will have five minutes to speak
 - Close public hearing
 - Board members ask questions
 - Board may take action
-

6. **PUBLIC HEARING: ANNEXATION OF 93.29 ACRES OF PROPERTY LOCATED IN WENDELL FALLS AND IDENTIFIED BY PIN NUMBERS 1773080073, 1764716160, AND 1774116521.**
SPEAKER: Planning Director David Bergmark
ACTION: Public Hearing. Board may take action.

[Staff Report]

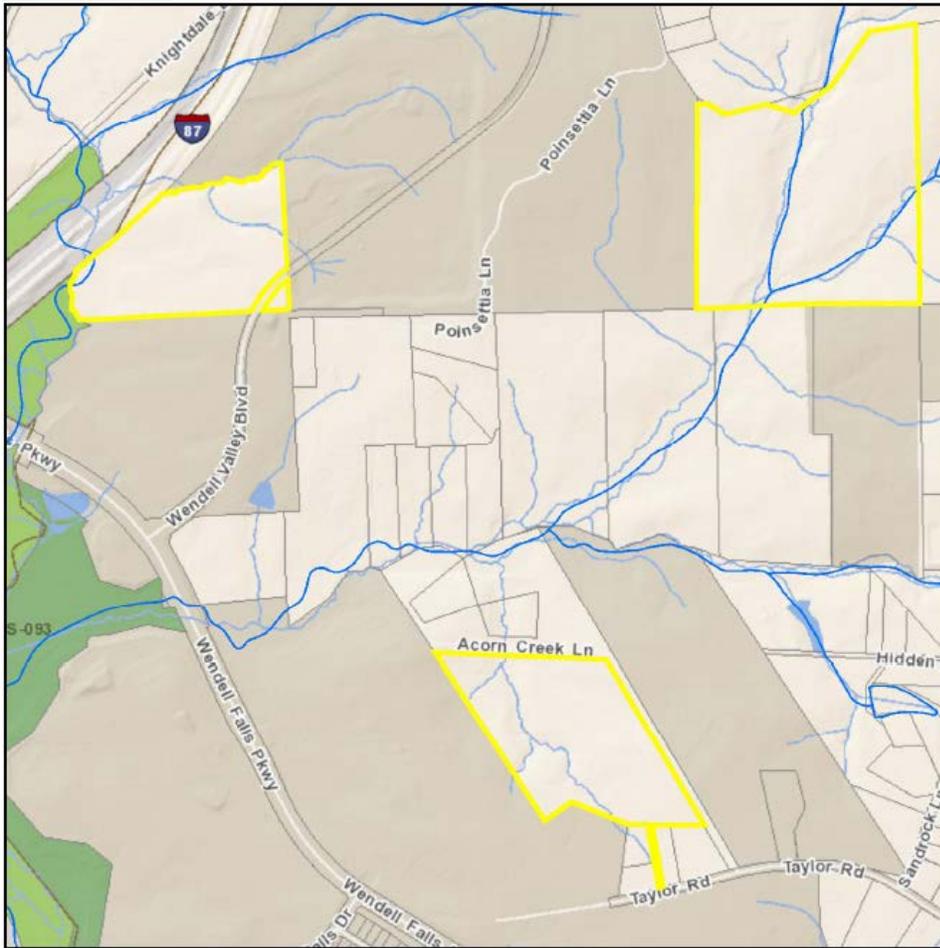
Item Summary:

Nash Wendell Falls LLC has submitted an annexation request for 3 parcels totaling 93.29 acres of land located within the Wendell Falls Planned Unit Development, identified by PIN numbers 1773080073, 1764716160, and 1774116521. These properties are currently vacant and are included within the area governed by the Wendell Falls PUD and development agreement. These three parcels represent remaining properties owned by Nash Wendell Falls LLC which were not previously submitted by Mercury Development for annexation as part of the Wendell Falls development.

The Town Clerk has certified the sufficiency of the submitted annexation petition.

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Locator Map:



Project Profile:

PROPERTY # 1 LOCATION: 0 Poole Rd
WAKE COUNTY PIN(s): 1773080073
ZONING DISTRICT: PUD-15-1
PROPERTY OWNER(s): Nash Wendell Falls LLC
13777 Ballantyne Corporate PL
Charlotte, NC 28277
APPLICANTS: Same (owner)
PROPERTY SIZE: 24.992 ac.
CURRENT LAND USE: Vacant
PROPOSED LAND USE: Residential

PROPERTY # 2 LOCATION: 5924 Knightdale Eagle Rock Rd
WAKE COUNTY PIN(s): 1764716160
ZONING DISTRICT: PUD-15-1
PROPERTY OWNER(s): Nash Wendell Falls LLC
13777 Ballantyne Corporate PL
Charlotte, NC 28277
APPLICANTS: Same (owner)
PROPERTY SIZE: 21.285 ac.

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<i>CURRENT LAND USE:</i>	<i>Vacant</i>
<i>PROPOSED LAND USE:</i>	<i>Commercial</i>
<i><u>PROPERTY # 3 LOCATION:</u></i>	<i>1116 Martin Pond Rd</i>
<i>WAKE COUNTY PIN(s):</i>	<i>1774116521</i>
<i>ZONING DISTRICT:</i>	<i>PUD-15-1</i>
<i>PROPERTY OWNER(s):</i>	<i>Nash Wendell Falls LLC</i> <i>6133 Taylor Road</i> <i>Wendell, NC 27591</i>
<i>APPLICANTS:</i>	<i>Same (owner)</i>
<i>PROPERTY SIZE:</i>	<i>46.393 ac.</i>
<i>CURRENT LAND USE:</i>	<i>Vacant</i>
<i>PROPOSED LAND USE:</i>	<i>Residential</i>

Zoning District:

These properties are contained within that area approved as part of the Wendell Falls Planned Unit Development and governed by the Wendell Falls Developer's Agreement. The tract along Wendell Valley Boulevard (~22 acres) is planned for future commercial development. The remainder of the annexation areas are planned for future residential development.

Public Utilities:

Both water and sewer are nearby, but not currently located within the areas for annexation. If annexed and developed, the developer would be required to extend water and sewer lines into the proposed areas.

Tax Information:

Currently, these properties are undeveloped and are valued at \$1,338,720. At the current tax rate of 49 cents, annexation of this undeveloped property would result in approximately \$6,560 in tax revenue for the Town. This figure will increase as the parcels are developed. For those lots already developed within Wendell Falls, the average lot size has been 0.16 acres, with an average total assessed value of \$293,000 per lot. If the requested annexation area were developed residentially at the same rate (assuming 25% of land was used for roads and open space), the annexation area would result in \$627,827 in tax revenue for the Town. This figure will be higher when one of the three tracts is developed as commercial property as currently planned by Newland.

Police & Public Works & Utility Service:

- The proposed annexation area would require services from the Town's Police and Public Works departments if annexed. Both departments are currently serving other phases of the Wendell Falls subdivision.*

Planning Director David Bergmark provided an overview of annexation request for 93.29 acres of property located in Wendell Falls and identified by PIN Numbers 1773080073, 1764716160, and 1774116521; staff report included above in italics.

Mayor Gray opened the public hearing at 7:13 p.m. No one spoke. Mayor Gray closed the public hearing at 7:13 p.m.

ACTION:

Mover: Mayor Pro Tem Lutz moved to approve the ordinance for annexation of 93.29 acres located in Wendell Falls and identified by pin numbers 1773080073, 1764716160, and 1774116521.

Vote: Unanimous.

Public Hearing Guidelines:

- Case is announced
- Staff presentation
- Applicant presentation
- Public hearing is opened; citizens will follow the same rules as Public Comment Period and will have five minutes to speak
- Close public hearing
- Board members ask questions
- Board may take action

7. PUBLIC HEARING: APPLICATION BY GREATER NC JURISDICTION CHURCH OF GOD IN CHRIST, INC. TO AMEND A CMX CONDITIONAL DISTRICT LOCATED AT 1609 WENDELL BOULEVARD.

SPEAKER: Planning Director David Bergmark

ACTION: Public Hearing. Board may take action.

[Staff Report]

Applicant:

Greater NC Jurisdiction Church of God in Christ, Inc

Petition:

In July of 2016, the applicant was approved to create a CMX conditional district for approximately 43.57 acres of property within the parcel identified by PIN# 1774 78 1425. The proposed conditional district consisted of five tracts for a mixture of development, as shown on the approved Master Development Plan (Attachment A). This approval allowed the property owner to market this tract to prospective developers. As a result, the church has brought on a retirement community developer (SearStone) as a consultant and potential developer for this site. Together they have worked to enhance the master plan to fit an improved active adult and retirement development model. For a comparable community recently created by SearStone in Cary, please visit their website at <http://www.searstone.com/searstone-cary>.

In general, the proposed conditional district amendments removed the previously proposed single family and duplex lots shown in Tract D and Tract E, and replaced them with additional market-rate independent and assisted senior apartment facilities, as well as a number of townhome units in the form of quadraplexes. No changes were made to Tract B. Tract C was removed from the plan, and the community center/clubhouse previously contained in Tract C was relocated to a more central position within the development. As can be seen in the proposed amendment to the Master Plan (Attachment B), the applicant has also reconfigured their open space and parking in an attempt to create a more cohesive development pattern.

Purpose of a Conditional District:

The purpose of the Conditional Districts (CD) is to provide an alternative means of land development and an alternative zoning procedure that may be used to establish residential,

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commercial, and industrial Conditional Districts at appropriate locations and in accordance with the planning and development objectives of the Town.

A CD may depart from the strict application of the requirements of the town’s general zoning districts.

The CD alternative may allow uses which are not specifically allowed in standard zoning districts. A primary purpose of this section is to provide standards by which such flexibility may be achieved while maintaining and protecting the public health, safety and welfare of the citizens. In this case, no alternative uses or lot dimensional standards have been proposed by the applicant.

A second purpose of the conditional district is to establish a more complete living and working environment through the application of enlightened and imaginative approaches to community planning and property design. 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.

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. 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). 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.

Location and History:

This property is located within town limits of the Town of Wendell and is zoned as a Corridor Mixed Use (CMX) Conditional District. The intent of this application is to amend the Master Development Plan approved in 2016 to accommodate the preferred design and layout of the developer which has been selected by the property owner. At the previous review in 2016, the Board of Commissioners unanimously recommended approval of the conditional district.

Project Profile:

<i>PROPERTY LOCATION:</i>	<i>1609 Wendell Boulevard</i>
<i>WAKE COUNTY PIN:</i>	<i>1774781425</i>
<i>CURRENT ZONING DISTRICT:</i>	<i>CMX-CD</i>
<i>CROSS REFERENCES:</i>	<i>CD16-03</i>
<i>PROPERTY OWNER:</i>	<i>Greater NC Jurisdiction Church of God in Christ</i>
<i>APPLICANT:</i>	<i>Greater NC Jurisdiction Church of God in Christ</i>
	<i>P.O. Box 1985</i>
	<i>Washington, NC 27889</i>
<i>PROPERTY SIZE:</i>	<i>43.57 acres</i>
<i>CURRENT LAND USE:</i>	<i>Church/Vacant</i>
<i>PROPOSED LAND USE:</i>	<i>Multi-family Residential, Institutional and Commercial</i>

Project Setting – Surrounding Districts and Land uses:

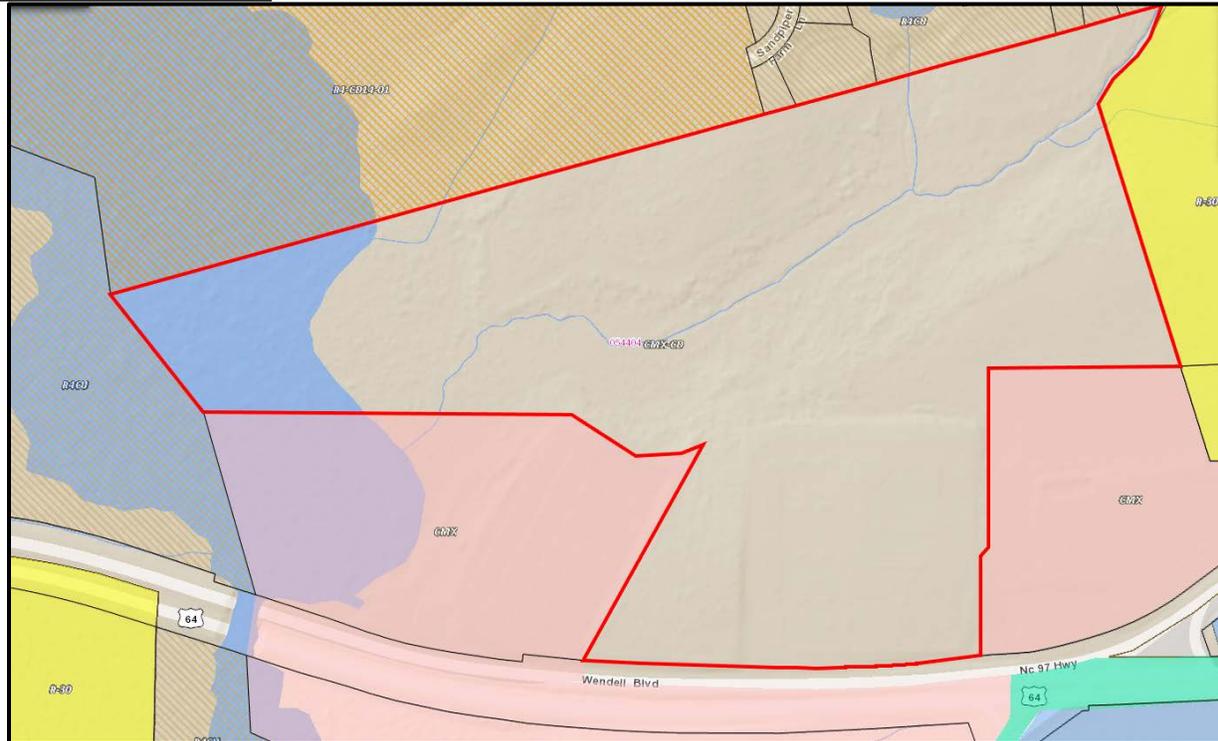
<u>DIRECTION</u>	<u>LANDUSE</u>	<u>ZONING</u>
<i>North</i>	<i>Residential</i>	<i>R4-CD14-01</i>
<i>South</i>	<i>Vacant</i>	<i>CMX</i>
<i>East</i>	<i>Residential and Commercial</i>	<i>R-30 and CMX</i>

West

Commercial and Vacant

R4CU and CMX

Current Zoning Map:



Proposed Amendments to 2016 Conditional District Approval:

- Increase the total number of residential units from 202 to 300.
 - Remove 26 single family lots (formerly in Tract D)
 - Increase the number of townhome units from 36 to 42, and design them as two story quadraplexes, rather than duplexes.
 - Increase the number of independent senior apartments from 40 units to 184 units (Two 4-story buildings with 92 apartments each).
 - Decrease the number of assisted living units from 100 to 74 (46 initial beds with ability to add an additional 28 beds)
- Open space dedication is changing from 4.39 acres of required/3.94 acres of dedication to 4.39 acres of required/4.56 acres of dedication.
- Changing the 6,250 square foot meeting facility to a 45,000 square foot clubhouse with kitchen/dining facilities, recreational space, meeting rooms, health clinic, and administrative

Proposed Conditional District Conditions:

The applicant is proposing 11 conditions for the proposed CD, as follows:

1. No Special Use Permit is required for multi-family development including quadraplex/duplex units, apartment buildings, and assisted living/housing services for the elderly.

Staff Comment: The applicant has submitted an accompanying zoning text amendment to allow for the Board of Commissioners to waive the SUP requirement and allow for multi-family construction to be allowed by right. Per the policy, the town would still have to give their support if the applicant wanted to create tax-credit subsidized housing.

Staff finds that the request is reasonable since additional design standards have been proposed by Condition #8. The Town Board will have the opportunity to add any additional standards they find justified. By having these additional standards in place, the SUP would not review anything new that could not be handled through the Conditional District review. The SUP requirement would be burdensome on the applicant since all review and concerns of the use can be handled through the Conditional District.

This condition was previously approved by the Town Board and agreed upon by the applicant.

Planning Board Recommendation: The Planning Board accepted the applicant's proposed condition.

2. *Core samples of the existing drive aisle will be tested to determine construction of drive aisle and any necessary public road standards prior to the approval of the first Final Development Plan.*

Staff Comment: The applicant is proposing to provide core samples of the existing drive aisle in to the site that will be converted to a 70 foot wide public right-of-way. The applicant will make the improvements to the base layer of the road prior to the approval of the First Development Plan.

Staff finds that the request is acceptable.

This condition was previously approved by the Town Board and agreed upon by the applicant.

Planning Board Recommendation: The Planning Board accepted the applicant's proposed condition.

3. *Restrictive Covenants will be submitted and reviewed for approval prior to the approval of the Tract C Final Development Plan.*

Staff Comment: Providing the restrictive covenants for staff review will help ensure that appropriate protections are in place for making sure that the future of the community will be harmonious to the desires of Wendell. Also, since Tract E is being developed for senior living and some standards are requested to be reduced for senior living, the restrictive covenants would verify that residents meet a minimum age threshold.

Staff finds that the request is acceptable.

This condition was previously approved by the Town Board and agreed upon by the applicant.

Planning Board Recommendation: The Planning Board accepted the applicant's proposed condition.

4. *The Water Allocation Policy worksheet must be approved independently with each phase's Final Development Plan.*

Staff Comment: The Water Allocation Policy is a point based allocation policy using base points (varies depending on the use) and bonus points if necessary to meet the minimum of 50 points required. It is difficult to determine the correct base and bonus points for each of the tracts with the Master Development Plan. For example, the use for Tract B has not been determined yet, so it would be impossible to determine the appropriate base points.

Staff finds that the request is acceptable.

This condition was previously approved by the Town Board and agreed upon by

the applicant.

Planning Board Recommendation: The Planning Board accepted the applicant's proposed condition.

5. *Speed humps and tables shall not be used for traffic calming.*

Staff Comment: The Town of Wendell generally does not allow for speed humps and speed tables to be used for traffic calming. If a vehicle is low to the ground, damage could occur to the vehicle and it is possible that the town would be liable for the damage.

Staff finds that the request is acceptable.

This condition was previously approved by the Town Board and agreed upon by the applicant.

Planning Board Recommendation: The Planning Board accepted the applicant's proposed condition.

6. *Greenway paths to be 8' minimum asphalt with the exception of environmentally sensitive areas where boardwalk or other permeable material will be used.*

Staff Comment: The applicant has proposed to provide a greenway through the site as part of the amenities. The UDO does not have a requirement for the type of surface required. The applicant proposed to provide asphalt unless it crosses an environmentally sensitive area where a permeable surface would be more appropriate.

Staff finds that the request is acceptable.

This condition was previously approved by the Town Board and agreed upon by the applicant.

Planning Board Recommendation: The Planning Board accepted the applicant's proposed condition.

7. *Stormwater Management maintenance parties will be identified at the time of each tract's Final Development Plan.*

Staff Comment: Section 6.5.O.7.b of the UDO requires that maintenance of structural BMPs must be accepted by a property owner's association (HOA) or lot owner. If the stormwater is handled in a manner other than a structural BMP, other options are available for maintenance. In general, the Town of Wendell will not accept maintenance of stormwater devices.

Staff finds that the request is acceptable.

This condition was previously approved by the Town Board and agreed upon by the applicant.

Planning Board Recommendation: The Planning Board accepted the applicant's proposed condition.

8. *Residential Development Standards:*

- *Where garages are present on ~~townhouse~~ quadraplex (or duplex) units, they shall be setback a minimum of one foot from the front façade.*
- *Vinyl siding shall not be used on multi-family or attached units.*
- *Townhome Quadraplex/Duplex lots:*
 - *Minimum lot size: N/A*
 - *Minimum lot width: N/A*
 - *Minimum unit square footage: 1,200 square feet*
 - *Front setback minimum: 0'*

- *Front setback maximum: N/A*
- *Rear setback 0'*
- *Side setback 10' between buildings*
- ~~*Single Family lots:*~~
 - ~~*Minimum lot size 6,000 SF.*~~
 - ~~*Minimum lot width (at front setback) 25'*~~
 - ~~*Front setback 25'*~~
 - ~~*Rear setback 20'*~~
 - ~~*5' minimum, 10% combined lot width*~~
- *Apartments and Assisted Living/Housing Services for the Elderly*
 - *Garage Doors: Garage doors are not permitted on the front elevation of any apartment building or assisted living building.*
 - *Rooftop Equipment: All rooftop equipment shall be screened from view.*
 - *Design Details: All apartment buildings and assisted living buildings shall provide detailed design along all primary elevations and elevations facing a public street or open space. Detailed design shall be provided by using at least three of the following architectural features as appropriate for the proposed building type and style (may vary features on rear/side/front elevations):*
 - *Dormers*
 - *Gables*
 - *Recessed entries*
 - *Covered porch or stoop entries*
 - *Cupolas or towers*
 - *Pillars or posts*
 - *Eaves (minimum 10 inch projection which may include gutter)*
 - *Off-sets in building face or roof (minimum 16 inches)*
 - *Window trim (minimum 4 inches wide)*
 - *Bay windows*
 - *Balconies*
 - *Decorative patterns or exterior finish (e.g. scales/shingles, wainscoting, ornamentation, and similar features)*
 - *Decorative cornices and roof lines (for flat roofs)*
 - *Other architectural features appropriate to the architectural style of the unit.*

Staff Comment: *The applicant has proposed to enhance and increase multiple design standards for the Conditional District beyond what is currently required by the Town.*

The garage setback of a minimum of one foot from the front façade and the exclusion of the use of vinyl siding from all multi-family units are standards above and beyond the UDO. The applicant has proposed these standards in hopes that it would alleviate any concerns over the look of the product and make the Town Board more comfortable waiving the requirement for an SUP for the multifamily development.

The applicant has removed the standards requiring porches, stoops, and raised entrances since the apartments and assisted living facility are being developed for

seniors who may not be able to walk up to a raised elevation or would not be appropriate to have a unit that has a porch or balcony for safety reasons. This condition shall supersede and replace all of the design standards found in Section 5.11.D of the UDO.

Staff finds that the proposed standards are acceptable. Staff recommends including the design standard found in Section 5.11.C.4 which requires that building elevations visible from streets to a minimum of 60% of the façade contain doors, porches, balconies, and/or windows. The UDO also requires 30% of the side and rear elevations to provide the same options stated above. Staff finds that this provision ensures that long spans of blank walls are not visible from the street.

This condition was previously approved by the Town Board and agreed upon by the applicant and has only been modified to remove the single family standards and updates the unit types listed.

Planning Board Recommendation: The Planning Board accepted the staff's proposed change to the condition.

9. *Precluded uses in Commercial Tract "B" shall be: manufacturing, wholesale/storage, civic/institutional.*

Staff Comment: The applicant has proposed to preclude the above uses as they would not be attractive uses along Wendell Boulevard.

Staff finds that the request is acceptable.

This condition was previously approved by the Town Board and agreed upon by the applicant.

Planning Board Recommendation: The Planning Board accepted the applicant's proposed condition.

10. *Shared parking for ~~meeting~~ clubhouse facility (church parking lot) with the provision that the use is accessory to the Church. Pedestrian crossing to be provided and reviewed for adequate safety at the time of the Final Development Plan for Tract C.*

Staff Comment: Section 10.4.G of the UDO allows for satellite parking so long as continued availability of off-site parking spaces necessary are ensured by an appropriate condition be made for continued validity of zoning compliance. This condition and the site plan would require the satellite parking be provided on Tract A and that if parking was not made available, the site would be in violation. Pedestrian safety has been made a priority be providing that the applicant show an acceptable crossing at the time of the Final Development Plan

Staff finds that the request is acceptable.

This condition was previously approved by the Town Board and agreed upon by the applicant and has only been modified to change the meeting facility to the clubhouse use.

Planning Board Recommendation: The Planning Board accepted the applicant's proposed condition.

11. *Section 15.14.C.2 and 15.13.G: Vested Rights period shall be for 3 years and applicant shall have 2 years from the approval of the Master Development Plan to secure a valid building or construction permit before the conditional district is rescinded.*

Staff Comment: The applicant is requesting one additional year to allow for more time to enter in to contracts with developers of all tracts. This project is complex

with a diversity of uses provided and could warrant multiple developers for the full implementation of the Conditional District.

Staff finds that the request is acceptable, but recommends altering the condition to state "Section 15.14.C.2 and 15.13.G: Vested Rights period shall be for 3 years and applicant shall have 2 years from the approval of the Master Development Plan to secure a valid building or construction permit before the conditional district rescission process may be initiated". The rescission process is not automatic and does take time to go through the process, so the change recognizes that the rescission would not happen immediately at the conclusion of the 2 years. This condition was previously approved by the Town Board and agreed upon by the applicant.

Planning Board Recommendation: The Planning Board accepted the staff's proposed change to the condition.

12. *Fencing within a bufferyard shall not be made of wood. It must be comprised of rot-resistant materials such as composite wood, brick, or stucco.*

Staff Comment: The applicant has proposed to provide fencing within the bufferyards in a material that will not as much maintenance.

Staff finds that the request is acceptable.

This condition was previously approved by the Town Board and agreed upon by the applicant.

Planning Board Recommendation: The Planning Board accepted the staff's proposed change to the condition.

Staff recommended zoning condition with revised plan:

13. *All cluster mailbox units shall be incorporated in to the interior of the buildings or provide overhead shelter to protect residents from rain, snow, wind, etc.*

Staff Comment: The applicant has proposed to develop residential housing for aging adults and staff finds that standard cluster mailbox units that are out in the elements could provide safety risks.

Planning Board Recommendation: The Planning Board accepted staff's proposed condition.

As previously stated one purpose of the conditional district is to establish a more complete living and working environment through the application of enlightened and imaginative approaches to community planning and property design. 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.

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. This process allows for creative trade-offs that can result in a better overall product.

As currently proposed, the Master Development Plan has a mixture of improvements and exemptions being sought.

Proposed Improvements:

- *Adding open space beyond the minimum acreage required*
- *Providing a paved greenway trail through the site that connects to another proposed greenway trail at Edgemont Landing*
- *A pedestrian bridge across the stream*

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- *The exclusion of undesirable uses for this specific development along Wendell Boulevard*
- *Recessed garage requirements for quadraplex/duplex development*
- *No vinyl material allowed on any multi-family products*
- *Wider streets through the commercial and senior housing tracts*
- *Safer pedestrian crossings*

Proposed Exemptions:

- *No SUP approval required*
- *A longer timeframe to obtain construction permits*
- *Reducing some multi-family design standards (no raised elevation, roof pitch, required porches and stoops)*

Additional site plan conditions/changes recommended by staff:

1. *Add the total open space area required/proposed for dedication in square feet to the Site Data.*
2. *Revised the Tract C Site Data to included:*
 1. *Change “Lots Created” to “Proposed number of units”.*
 2. *Add the maximum height of each type of facility.*
 3. *Add a parking calculation for the Clubhouse use. 45 spaces shall be required. List 15 provided on site; 40 provided as shared parking for a total of 55 spaces provided.*
 4. *Change the Parking Required for the Assisted Living from “30” to “56”. (UDO allows the Town Board to approved a 25% reduction for housing for the elderly use)*
3. *Show one way traffic patterns on the private roads.*
4. *Provide a Type B bufferyard along the eastern property line of Tract C.*
5. *Provide expected dumpster locations to ensure that adequate space is provided to accommodate trash service and screening for all buildings.*
6. *Add Site Data For Tract B as shown on the original approved Master Development Plan*

Staff Comment: All of the proposed changes are technical in nature and are items that are required on any site plan.

Planning Board Recommendation: The Planning Board accepted the staff's proposed change to the condition.

Off-Street Parking:

Parking shall meet the requirements as set forth in the UDO at the time of development. As stated in Condition 10, the applicant has proposed to allow satellite parking for the clubhouse facility on Tract B with the existing parking lot on Tract A.

Lighting:

Lighting shall meet the requirements as set forth in the UDO at the time of development.

Public Utilities:

Public water and sewer will be extended at the time of development.

Streets:

At the time of construction of all new roads, the standards are to be met as specified by Chapter 12 of the UDO. The applicant has proposed one main street right-of-way (70 foot wide), one residential main street right-of-way (72 foot wide); two local street right-of-ways (52 foot wide), and privately maintained streets and parking lots. The applicant is also providing a traffic calming device with a refuge island for pedestrian crossing for the residents on Tract B to cross

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to the commercial component on Tract C. Staff recommends that this proposed crossing and a pedestrian crossing between the Clubhouse and the shared parking on Tract A be reviewed at the time of the Final Development Plan for adequate safety.

The applicant is also required to upgrade the paving of the existing private street to a public street standard. The exact upgrades required shall be determined with the first Final Development Plan. This is reflected in Condition 2.

All drives shall meet the requirements as set forth in the UDO at the time of development.

As recommended in Condition 2, the improvements for the frontage of Tract A along Wendell Boulevard shall be constructed at the time of the first Final Development Plan.

NCDOT has stated that a left turn lane on Wendell Boulevard may be allowed. They have also indicated that deceleration and acceleration lanes may be requested on the west bound lanes. The exact timing and design any those improvements will be determined by NCDOT at the time of the Final Development Plans.

A traffic impact analysis (TIA) is required for this project based on the number of multifamily units being provided. The draft TIA was provided on October 2, 2017 to staff; however staff, the Town's Engineer, and NCDOT have not had an opportunity to properly review the report. It is requested by staff that the public hearing remain open in order for the Board of Commissioners to accept the findings of fact from the TIA. Once it has been properly analyzed, staff will request that the public hearing be resumed by the Board of Commissioners.

Landscaping:

All landscaping shall meet the requirements as set forth in the UDO at the time of development.

Stormwater Management:

Development of this site would be required to meet the stormwater standards contained in the UDO.

Phasing:

The proposed conditional district proposes to divide the development in to three tracts. The applicant has requested vested rights for a term of three years and the conditional district to be valid for an additional year (from one year to two years) to allow for additional time to work with developers to get the project started.

Comprehensive Plan:

The Wendell Comprehensive Plan defines the subject properties as being completely within the S-5 "Intended Growth Sector"; partially within the Wendell Boulevard Gateway Zone; and partially within a Neighborhood Center.

The Comprehensive Plan states that "S-5 lands are typically within ½ mile of high-capacity regional thoroughfares, such as Wendell Boulevard and the US64 Bypass. Appropriate development types are higher density missed-use centers of employment, commerce, and residential uses."

The Comprehensive Plan lists the following uses as appropriate land uses/development types within this sector: traditional neighborhood development, neighborhood centers, village/town centers, single-family and multifamily residential, neighborhood-serving commercial uses (retail and office), civic uses, and industrial uses. The proposed development on the site meets the appropriate uses. The applicant has proposed in Condition 9 to preclude some uses that are not considered retail or office.

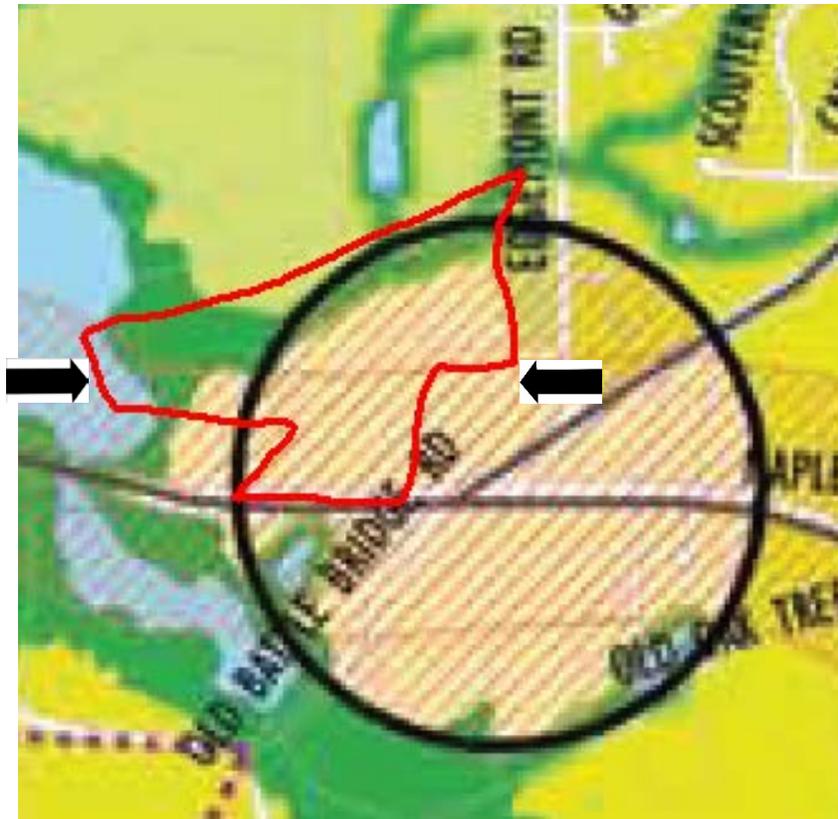
The Comprehensive Plan also states that "Neighborhood Centers, shown on the framework plan in the smaller circles, are based on a 1/4 mile radius (a typical 5-minute walk) from a major intersection. They are intended to be mixed-use activity centers serving surrounding

neighborhoods with retail, services, civic uses, and higher density housing. A neighborhood center should not contain more than 80,000 to 120,000 square feet of retail uses. A grocery-anchored mixed-use development is a typical use for a neighborhood center”.

With the removal of the single family dwellings from the proposed Master Plan, the revised plan better fits the type of development called for in a neighborhood center.

The Gateway Overlay zone extends 300 feet in either direction of Wendell Boulevard. The Comprehensive Plan recommends that the Wendell Boulevard Gateway Overlay zone “be an area for professional office and service uses and some higher density residential uses. Retail uses along this corridor should be limited to the identified centers or nodes in the Framework Plan.”

Approximately half of the site is within the Wendell Boulevard Gateway Zone. Of the area within the Gateway Zone, half of it already developed with a church use. The undeveloped portion is proposed for commercial, but as previously stated, no more detail for the type of commercial has been identified.



Statement of Plan Consistency and Reasonableness

- Any recommended change to the zoning map should be accompanied by a statement explaining how the change is consistent with the comprehensive plan, and is reasonable in nature.
 - At their September 18th meeting, the Planning Board recommended the following statement of plan consistency and reasonableness:
 - The proposed conditional district is found to be consistent with the recommended uses and development types outlined in the Wendell Comprehensive Land Use Plan for the S-5 sector.

Staff Recommendation:

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Staff recommends approval of the amended Conditional District for Greater NC Jurisdiction Church of God in Christ with the 13 conditions with two minor modifications as recommended by staff for Conditions 8 and 10 to reflect the new housing types.

Planning Director David Bergmark provided an overview of an application submitted by Greater NC Jurisdiction Church of God in Christ Inc to amend a CMX Conditional District located at 1609 Wendell Boulevard; staff report included above in italics.

Steve Janowski of Rivers and Associates stated the development was previously approved by the Town Board. Mr. Sears joined the team and Tract C of the plan was revised. Tract C incorporated a retirement community. Mr. Sears helped shaped this request so that it may be a successful project, successfully marketed and bring in investors. Road connection with Edgemont Landing moved westerly; will have water and sewer utilities; eight inch line; sanitary sewer currently exists on the property; three foot right of way proposed to connect to the east for interconnection; blue line stream separates the tract and is crossed in two separate locations; small blue line stream to the north. Part of the vision is to bring everyone close to the water features. Will enhance the storm water features to the development. Two 92 unit four story apartment buildings with access to one another. Have the pedestrian paths within for connectivity. On Wendell Boulevard will install a U-turn to go back toward Wendell. Will be some reconfiguration of the travel lanes. A traffic impact analysis, hereafter TIA, was prepared. The (traffic) service level for the proposed CCRC [Continuing Care Retirement Community] project is less than the previously approved request.

Bill Sears stated SearStone is a concept that is an evolving recognition of how we live and our life style as we age in place. In working with the applicant, trying to recognize the things that make life better, comfortable and easier. This project makes boundaries disappear. The benefits are not only for those who live in the community but also for Wendell. This is about compatibility for the facility and the site for both the indoor and outdoor spaces. SearStone is an emerging trend for aging in place that is both healthy and safe.

Planning Director Bergmark stated Mr. Janowski and Mr. Sears provided an overview of how the request is changing. He stated the following are proposed amendments:

- Increase in total number of residential units from 202 to 306
 - Remove the 26 single family lots (formerly Tract D)
 - Increase number of townhome units from 36 to 42 and design as two story quadraplexes
 - Increase number of independent senior apartments from 40 units to 184 units; two four-story buildings with 92 apartments in each
 - Decrease number of assisted living units from 100 to 74
- Increasing the club house from 6,250 square feet to 45,000 square feet with kitchen/dining facilities, recreational space, meeting rooms, health clinic, and administrative functions

Staff recommended the 13th condition of all cluster mailbox units incorporated into the interior of the buildings or to provide overhead shelter to protect residents from the weather.

The Planning Board accepted the proposed 13 conditions.

The proposed improvements include:

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- Adding open space beyond the minimum acreage required;
- Providing a paved greenway trail through the site the connect to another proposed greenway trail at Edgemont Landing
- Pedestrian bridge across the stream
- Exclusion of undesirable uses along Wendell Boulevard
- Recessed garage requirements for quadraplex/duplex development
- No vinyl material allowed on any multi-family products
- Wider streets through the commercial and senior housing tracts
- Safer pedestrian crossings

Commissioner Boyette questioned if the updated plan includes retail. Planning Director Bergmark stated there is a commercial tract along the front and is not changing from the initial request.

Commissioner Boyette questioned if this is commercial on the first floor with living quarters above. He questioned the apartments will be living space. Planning Director Bergmark stated correct and approval.

Commissioner Boyette questioned what the exclusion of uses are along Wendell Boulevard. Planning Director Bergmark stated those exclusions are:

- Manufacturing
- Wholesale / Storage
- Vehicle repair
- Civic / Institutional

Commissioner Boyette questioned the townhome access would be exterior. Planning Director Bergmark stated correct.

Commissioner Boyette questioned the senior living apartments would be interior access with an interior hallway. Planning Director Bergmark stated yes.

Mayor Pro Tem Lutz questioned the number of stories for the apartments. Planning Director Bergmark stated four.

Commissioner Carroll questioned if this is a gated community. Planning Director Bergmark stated no.

Commissioner Carroll questioned the commercial would be open to the public. Planning Director Bergmark stated yes.

Mayor Pro Tem Lutz questioned what the TIA will tell the Board. Planning Director Bergmark stated it is required for any development with more than 150 trips. The purpose of the TIA is to learn if this request would create traffic issues, needed improvements, and NCDOT would make recommendations in terms of access to the site.

Mayor Pro Tem Lutz stated this may be a difficult site with proximity to stop light and median

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access headed east. Planning Director Bergmark stated the TIA will address and provide recommendations.

Mr. Janowski stated with the revision to the site has lowered the trips per day from 10 trips per day for single family and/or 6 trips per day for multi-family to less than 3 trips per day with the CCRC. He stated Osprey Landing Drive off of HWY 97 would be an entry off the west and improvements would be needed. The level of service is projected at B. Mr. Sears will market this plan at an upcoming convention.

Mayor Pro Tem Lutz stated along the northern border that abuts Edgemont Landing there were a lot of single family dwellings. He stated there are now more quadraplexes in the northeast corner. He questioned how much buffer. Mr. Janowski stated more than what is required. He stated at the quadraplex there is a 25 foot type A buffer. And there is a strip that is parallel with the entryway that is 10 foot.

Planning Director Bergmark stated there is a fence incorporated with the buffer. The plan does not specify the height of the fence.

Mayor Pro Tem Lutz stated this is the fence that was mentioned with the type of materials in the condition. Mr. Janowski stated that fence would not be wood.

Commissioner Joyner stated he heard market rate and CCRC and traffic. He questioned what market rate is being discussed, what CCRC means, and how this impacts traffic.

Planning Director Bergmark stated CCRC means continuing care retirement community and speaks to an age targeted community for persons 55 and up. An age restricted community will have less traffic impact.

Mr. Sears stated there is a severe shortage of housing opportunities for baby boomers. He sees the population living past 90 due to advances on medicine and diet.

Commissioner Joyner questioned the difference between market rate versus CCRC and traffic. Mr. Sears stated this is a structured community.

Mr. Janowski stated the previous request was not age restricted. The number of trips per day is cut to almost a third of non-age restricted communities.

Commissioner Joyner stated he heard age restricted and age targeted and in his mind those have two different meanings. He questioned if age restricted is being checked by someone. He questioned if age targeted is targeting a certain demographic and open to more than that. Mr. Sears stated age restricted is a legal definition for persons 55 and older. One of the persons in the couple must be 55 or older and no children under 18 years of age may live there.

Commissioner Joyner questioned the federal regulation piece. Mr. Sears stated this type of community will not allow anyone under the age of 55.

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Commissioner Myrick questioned if this is because there are federal subsidies tied to the project. Mr. Sears stated there is no federal subsidy. This is a federal definition of persons age 55 or older who may live in an age restricted community.

Commissioner Joyner stated for clarity, it is the intent to include age restriction to market to private sector investors for private capital to build this project. Mr. Sears stated there are different ways to assemble the project. The project is usually built and managed by a large entity. SearStone is one of the first to offer an entrance fee to get into the site.

Commissioner Boyette heard the need to make sure the property would not be liquidated. He questioned if this is because the Sir Walter Raleigh was sold and those seniors had to move out. Mr. Sears stated this community is large enough to be sustainable.

Commissioner Joyner questioned for the townhomes and apartments will there be outside funds. Mr. Sears stated it is possible there will be funding sources accessible to the seniors.

Commissioner Joyner questioned outside of the funds of the individuals of the persons living in the facility, will there be other funds for this project. Mr. Sears stated not unless related to this facility.

Mayor Gray opened the public hearing at 7:52 p.m.

Matthew Pellas, 5945 Coopers Hawk Trail in Edgemont Landing, stated over a year ago this plan was talked about. The plan was voted on and now there is a change to that plan. In the plan that was approved there were buffer zones and open space between houses. There was also a transition between single family to single family and then the more commercial aspects. The proposed plan has a proposed 25 foot buffer zone and then a structure. The senior apartments are four stories and beside single family housing. He stated the previous plan included a 55 and older community. He has concern about the proposed plan.

Luke Duggins, Edgemont Landing HOA president, stated he concurs with Mr. Pellas. He has concerns about traffic on Osprey Landing Drive as there are bus stops and children.

Anne Stewart of Hollybrook Road questioned what hand the government has in this. She is a senior citizen. She stated she heard other entities helping with a grant or affordability and she questioned how that impacts the ownership. She questioned would the town receive tax dollars. She is aware the church is tax free. She questioned if there are condos. She questioned what this project will do to the Town financially. She asked for consideration before action.

Frank Boccia of 5947 Coopers Hawk Trail in Edgemont Landing stated his home is behind the 25 foot buffer. He expressed concern for his property value. He requested an eight foot fence up before construction to help with sound and dirt.

Mayor Gray stated the request is to keep the public hearing open as the TIA is forthcoming.

ACTION:

Mover: Mayor Pro Tem Lutz moved to keep the public hearing open until the Monday, November 13, 2017, meeting.

Vote: Unanimous.

Public Hearing Guidelines:

- Case is announced
- Staff presentation
- Applicant presentation
- Public hearing is opened; citizens will follow the same rules as Public Comment Period and will have five minutes to speak
- Close public hearing
- Board members ask questions
- Board may take action

8. PUBLIC HEARING: PROPOSED TEXT AMENDMENTS TO CHAPTER 7 OF THE UNIFIED DEVELOPMENT ORDINANCE AS IT RELATES TO OPEN SPACE REQUIREMENTS.

SPEAKER: Planning Director David Bergmark

ACTION: Public Hearing. Board may take action.

[Staff Report]

Item Summary:

In anticipation of future townhome and apartment developments, planning staff performed an evaluation of how current open space regulations would impact such projects. During this evaluation, two areas for improvement were identified by staff and are further described in Item #1 and Item #2 of this report.

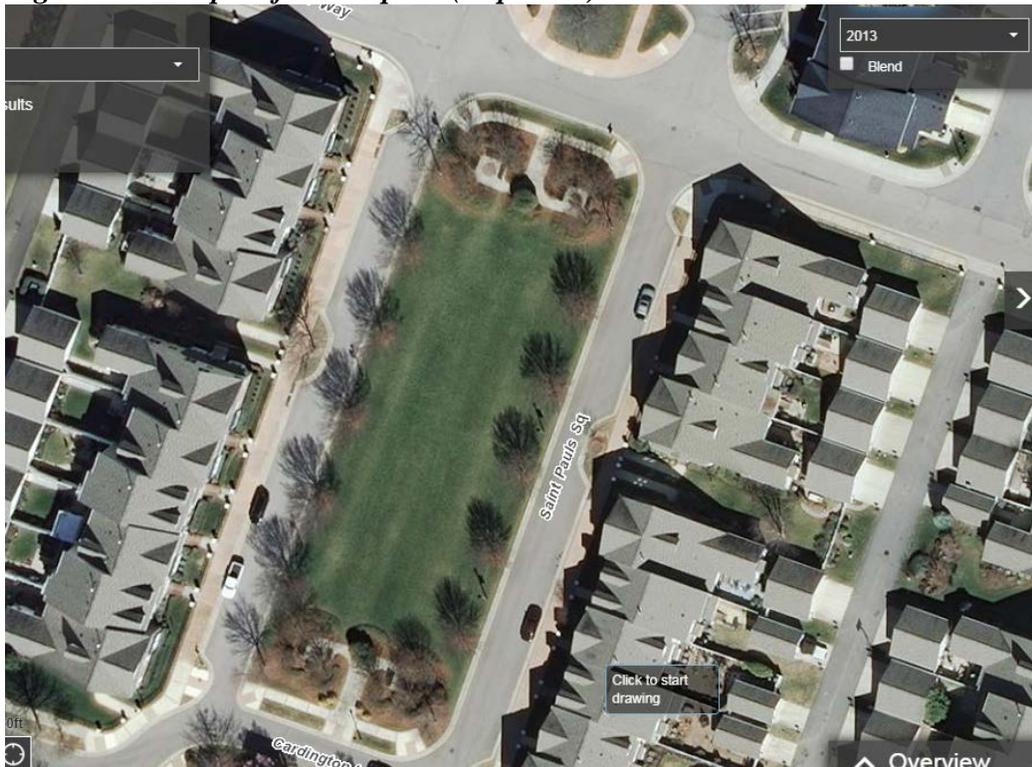
Item #1: Open Space Types

Currently, Section 7.4 of the UDO requires new residential development to dedicate open space in order to conserve natural areas and provide recreational space for new residents. Open space types are divided into two categories: Passive Recreation and Active Recreation. As currently written, up to 75 percent of dedicated open space may be passive in nature. Passive open space must be accessible (i.e. have a minimum amount of road frontage), but otherwise may be raw land which has not been improved or changed in any form. At least 25 percent of the required open space dedication must be for active recreation, such as playgrounds, tennis courts, ball fields, etc. These areas provide recreational opportunities for Wendell residents within the subdivision.

While staff supports these two categories in general, review of Wake Forest's open space standards has highlighted a type of open space absent from Wendell's standards – improved passive open spaces. Under Wendell's current regulations, there is no incentive for a developer to provide an improved, yet passive open space, which might consist of a maintained grass area with benches, additional landscaping, and walkways. This type of area adds to the character of a neighborhood and acts as a gathering space, but would not meet the definition of 'active recreation'. Without an amendment to Wendell's open space standards, it is unlikely many developers would choose to make this type of improvement as part of their passive open space, when passive open space may be left untouched and still receive credit.

As a result, staff proposes to amend section 7.4A to reclassify the open space types as ‘Passive Open Space (Unimproved)’ and ‘Park Space (Improved)’. The new ‘Park Space (Improved)’ category would include both active recreation and improved park space. This amendment would create a more practical standard for developers to achieve in terms of active recreational space, while providing an incentive for developers to provide improved and structured open space which is not necessarily active in nature. As proposed, 75 percent of required open space would still be Passive (unimproved) and at least 25 percent of open space must be Park Space (improved). Of the improved open space, one-third of the area must be fully comprised of active recreational space. Minimum amenities within any improved park space shall also be specified. Staff’s proposed amendments to Section 7.4 are provided on page 4. Amended language is shown in red.

Figure 1. Example of Park Space (Improved)



[Remainder of page left blank intentionally.]

Figure 2. Street-View Example of Park Space (Improved)



Figure 3. Example of Active Recreation and Park Space (improved) on same lot



Table 1. Open Space Dedication Requirement by Type – Current vs. Proposed

Subdivision Size	Current OS Dedication Standard				Proposed OS Dedication Standard			
	Passive	Improved	Active	Total	Passive	Improved	Active	Total
50 Single-family lots	1.5 ac.	N/A	0.5 ac.	2 acres	1.5 ac.	0.335 ac.	0.165 ac.	2 acres
100 Single-family lots	3 ac.	N/A	1 ac.	4 acres	3 ac.	0.67 ac.	0.33 ac.	4 acres
300 Single-family lots	9 ac.	N/A	3 ac.	12 acres	9 ac.	2 ac.	1 ac.	12 acres

Table 2. Ex. Minimum Square Footage Required for Active Open Space Types

Active Open Space Type	Square Footage Required to accommodate use
Basketball Court	3,108 (0.07 ac.)
Beach Volleyball Court	3,108 (0.07 ac.)
Playground	varies
Single Tennis Court	7,200 (0.165 ac.)
Double Tennis Court	~13,000 (0.3 ac.)

Proposed Amendments to Section 7.4

7.4 - Open Space Types

Open Space land shall be classified in accordance with this Chapter. Open space not classified under these types shall not be counted toward the dedication requirement of this Ordinance.

A. Types.

1. **Passive Open Space (Unimproved)Recreation:** Up to 75 percent of the park, recreation, and open space lands shall be provided for passive recreation purposes such as walking, jogging, ~~exercising~~, relaxation, etc. Preservation of cultural or natural resources such as steep slopes, rock outcroppings, mature woodlands or water resources may also be counted towards passive recreation provided there is access for public enjoyment and appreciation of such resources.
2. **Park Space (Improved)Active-Recreation:** At least 25 percent of the park, recreation, and open space land shall be provided as improved Park Space. Improved Park Space must be primarily grassed and properly maintained, and contain the minimum amenities described below. Additionally, one-third of the required Park Space must be completely designed for active recreation purposes such as playgrounds, tennis courts, ball fields, volleyball courts, etc. Constructed multi-use paths (paved; min. ~~eight~~ ten ft. wide) within greenway easements required by the Open Space and Greenway Master Plan, or which could reasonably connect to a planned greenway shown in an adopted plan, while passive in nature, shall be credited as active recreational open space for the area of the public greenway easement. Indoor recreational facilities, including but not limited to indoor pools and fitness centers, as well as permitted rooftop amenities may also count towards open space requirements.

a. Minimum Amenities for Park Space

- i. Public Seating: Provide seating areas appropriate to the intended use of the space (e.g. park benches and durable theft/vandalism-resistant chairs in formal/active spaces and garden wall seats in informal spaces). Seating must be provided at a minimum rate of 1 seating area per 10,000 square feet.
- ii. Supplemental Tree Planting/Significant Species Preservation: A minimum of 1 tree (2 inch caliper minimum measured 6" above the ground at installation) or 1 preserved existing canopy tree a minimum of 12" caliper for every 2,500 square feet of required park space.
- iii. Trash Receptacle: Garbage receptacles and recycling receptacles shall be required for each park space at a minimum rate of 1 per 20,000 square feet of space. Receptacles shall use a metal, decorative design and shall be placed in close proximity to gathering spaces. The administrator may waive the requirement for receptacles for park spaces less than 10,000 square feet, where no more than two public seating areas are provided.
- iv. Bicycle Parking: At least two bicycle parking spaces shall be required for every one-quarter acre of park space (minimum ¼ acre).
- v. Paved Walkways: All park spaces shall incorporate hard-surface (non-gravel) walkways into the overall design.

b. Active Recreation Example

- i. Based on the Town's dedication requirements (Section 7.5), a 100 lot subdivision would be required to dedicate a total of 4 acres of open space. Up to 75 percent (3 acres) of the open space could remain Passive (unimproved). A minimum of 1 acre must be Park Space (improved). Of that one acre, 1/3 of the land (14,375 square feet) shall be fully occupied by an active recreational use, such as a playground, tennis court

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(7,200 sq. ft. for single), basketball court (3,108 sq. ft.), swimming pool, ballfield, etc.

- B. *Common Area Open Space. Common, open space lands are designed to serve the residents of the immediate block or neighborhood. Ownership and maintenance of such common areas shall be in fee simple title to a homeowners association or similar organization.*
- C. *Public Open Space. Public Open Space lands shall be dedicated to the Town of Wendell, Wake County, or a non-profit conservancy organization for ownership and maintenance. Public open space shall be open to the public. Hours of access may be restricted in accordance with health and safety guidelines. Open space lands dedicated to the Town of Wendell shall be in accordance with an Open Space Land Master Plan or other adopted plan and approved by the Board of Commissioners for ownership and maintenance.*

Item # 2: Open Space Dedication requirements for Multi-Family Units

While reviewing the Town's open space dedication requirements for multi-family dwellings in anticipation of future projects, staff noted an issue which requires attention. The town's dedication requirement for multi-family development is currently 500 square feet per bedroom, with an assumption of 2 bedrooms per unit. While this calculation may work well for a one or two story apartment complex in a more suburban setting consistent with Wendell's previous development patterns, it becomes increasingly burdensome as the apartment complex becomes denser due to increased stories.

To illustrate this point, staff has provided a poignant example in the form of the Bainbridge Apartment complex on Six Forks Road (see Attachment A). The Bainbridge apartments contain 266 units within four, 4-story buildings on 10.4 acres of land. Using the Town's current open space dedication requirements, if this lot were to be developed in Wendell in the same manner, the developer would be required to provide 6.1 acres of open space. This figure represents more than half of the entire lot, which in staff's opinion is difficult to justify.

Staff also applied Wendell's standards to the Greystone at Widewaters apartment complex in Knightdale to evaluate the impact in a more suburban setting. In the Greystone example (see Attachment B), Wendell's regulations would require 7.62 acres of the total 24.55 acre site to be dedicated as open space to accommodate 332 units. This figure represents approximately thirty percent of the site with approximately two acres of active open space.

In order to amend the town's open space dedication rules to encourage market rate multi-family dwellings, staff suggests changing the dedication requirement for multi-family dwellings to 500 square feet per unit (instead of per bedroom).

While the developer could request to pay a fee in lieu of open space dedication, the amount of dedication should still be reasonable and desirable by the Town. In more urban settings, the town benefits from greater density and walkability and would encounter a loss of tax base with half of a site undeveloped as open space.

In the Bainbridge example, the fee in lieu of open space for the site using the Town's current regulations would be \$2,234,400 (\$8,400 per unit). Even if the proposed change to dedication was made, the fee in lieu of open space dedication would be \$1,117,200. These calculations use the post-development land value, per section 7.6 of the UDO. Post development land values work well for single family subdivisions, but can result in fees on a per unit basis for multi-family units that would discourage development. Furthermore, it is more difficult for an appraiser to find comparable properties to create an accurate post-development land value estimate for multi-family projects. As a result, staff recommends establishing a flat fee in lieu of open space dedication per unit for multi-family dwellings.

The per unit fee in lieu figure proposed by staff is \$2500. In order to generate this figure, staff calculated the average post-development land value per square foot for all residential properties developed in Wendell over the past 5 years, and multiplied that figure by the proposed 500

square feet of open space required per multi-family unit. Using this method, a fee of \$2459 was created, which was rounded to \$2500 for simplicity. This fee is identical to Knightdale's fee in lieu of open space. Ideally, this fee would be added to the Town's Fee schedule and referenced in section 7.6 of the UDO.

Proposed Amendments to Section 7.5 A & B (changes shown in red)

7.5 Open Space Dedication

Open space dedication is required for residential development classified as a major subdivision.

- A. Residential open space dedication requirements vary by product type and shall be provided in the amounts specified below.**
- 1. Single Family detached – 1750 square feet per dwelling (based on average of 3.5 bedrooms per unit)**
 - 2. Townhomes – 1000 square feet per dwelling (based on avg. of 2 bedrooms per unit)**
 - 3. Duplex – 1000 square feet per dwelling (based on avg. of 2 bedrooms per unit)**
 - 4. All other Multi-Family – 500 square feet per dwelling unit**

Calculations for open space requirements for all residential development shall be at the rate of 500 square feet of open space per bedroom within a development considered a major subdivision.

~~B. Dedication Calculations~~

- ~~1. Determine average number of bedrooms per dwelling unit (good faith estimate): For the purposes of good faith estimation, all single family developments will dedicate open space at a rate of 3.5 bedrooms per unit unless otherwise stipulated by the development plan. All multi-family developments will dedicate open space at a rate of 2 bedrooms per unit unless otherwise stipulated by the development plan.~~
- ~~2. Multiply number of bedrooms by the number of housing units to get to the estimated number of bedrooms.~~
- ~~3. Multiply the estimated number of bedrooms by 500 square feet.~~
- ~~4. Because the open space dedication requirements are based upon preliminary estimations of bedroom units in a given development, changing market conditions and final build out of a project may yield a different bedroom count. In order to accommodate for variations, this code will permit variations to the estimated number of bedrooms up to 10 percent. Variations of less than 10 percent may allow a payment in lieu of additional dedication. Variations in excess of 10 percent will require the dedication of additional open space.~~

Proposed Amendments to Section 7.6 (changes shown in red)

7.6 Payment in Lieu of Open Space Dedication

- A.** Any person developing and/or subdividing property subject to this Chapter, upon approval of the Board of Commissioners, may make a payment in lieu of any required dedication of open space land.
- B. Value Determination**
- 1.** For all multi-family developments (excluding townhomes), payment in lieu of dedication shall be established by the adopted Town of Wendell fee schedule. ~~Payment in lieu of dedication~~ Payment in lieu of dedication for single family detached and townhome developments shall be the product of the average post-development appraised value per acre of the land within the development multiplied by the number of acres required to be dedicated: as shown in the following formula and as described in section 2 and section 3 below:

$$\begin{array}{c} \text{Average Post Development Appraised Per Acre Value of Entire Development} \\ \times (\text{Required Open Space Dedication}) \\ \hline = \text{Payment in Lieu Dedication Fee} \end{array}$$

- 2.** The average Post Development Appraised Value per acre of the Entire Development shall be established by an appraiser at the applicant's expense. The appraiser shall be a member in good standing of the American Institute of Real Estate Appraisers.
- 3.** Any disagreement in the amount of required payment shall be resolved by conducting a second professional appraisal of the fair market value of the property. Another professional appraiser shall be mutually

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agreed upon by the developer and Town. This appraiser shall be appointed by the Town, at the developer's expense, should an initial agreement not be reached.

- C.** *The Board of Commissioners may, at its discretion, accept either an equitable amount of land in another location or a fee paid to the Town in lieu of dedication. A combination of open space land dedication and payments-in-lieu of dedication may be permitted.*
- D.** *All open space land dedication payments made in lieu of dedication shall be made at the time of Preliminary Plat approval. Failure to make such dedication and/or submit the required fee along with such applications will delay approval of such submissions until payment is rendered. All funds received for payment in lieu of dedication shall be deposited in a special fund or line item to be used only for the acquisition, development, management and/or redevelopment of public open space by the Town.*
- E.** *Reasons for payments in lieu of dedication may include, but are not limited to, proximity to existing public parks and/or existing topographic or geographic conditions.*

Planning Board Recommendation:

At their September 18, 2017 meeting, the Wendell Planning Board voted 6-0 in favor of the proposed text amendments.

Voting in Favor: *Vice-Chairman Michael Clark, Errol Briggerman, Allen Swaim, Jonathan Olson, Gilda Wall, and Victoria Curtis.*

Voting Against:

Absent: *Ashley Anderson, Kathe Schaecher, Lloyd Lancaster*

Statement of Plan Consistency:

- 1. At their September 18, 2017 meeting, the Wendell Planning Board found the proposed text amendments to Chapter 7 to be reasonable in order allow for a greater variety of open space types and better fit urban environments, and are consistent with the following principle of the Comprehensive Plan:*
 - Principle Number 7: "Increase community amenities such as parks, schools, medical facilities, golf course(s), and higher education opportunities"*

Staff Recommendation:

Staff recommends approval of the proposed text amendments.

The proposed changes to Section 7.4 transitions some of the 'active open space' which would previously have been required into improved park space – a product which would otherwise be unlikely to be provided under the current regulations.

The proposed changes to Section 7.5 and 7.6 would create a more reasonable dedication requirement for multi-family dwellings, as well as simplify the process for paying a fee in lieu of open space for these projects, when appropriate.

As proposed, the Town's fee schedule would also need to be amended to include the fee in lieu of open space for multi-family developments (\$2500 per unit).

Statement of Plan Consistency and Reasonableness

- At their September 18, 2017 meeting, the Wendell Planning Board found the proposed text amendments to Chapter 7 to be reasonable in order allow for a greater variety of open space types and better fit urban environments and to be consistent with the following principle of the Comprehensive Plan:*
 - Principle # 7: "Increase community amenities such as parks, schools, medical facilities, golf course(s), and higher education opportunities"*

Planning Director David Bergmark provided an overview of a staff initiated proposed text amendment to Chapter 7 of the Unified Development Ordinance as it relates to Open Space Requirements; staff report included above in italics.

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Commissioner Boyette questioned in the chart is the 50 up to 50 or the requirement is once at 50. Planning Director Bergmark stated the open space requirement is based on the number of bedrooms. The assumption is 3.5 bedrooms per house. Those numbers are based on 50 homes.

Commissioner Boyette stated if he builds a subdivision with 75 homes would it come up the 50 or the 100. Planning Director Bergmark stated the 50 is an example.

Commissioner Boyette heard this is based upon the number of bedrooms. If a developer comes in and stated he wants to build a certain number of houses, how is the number arrived at. Planning Director Bergmark stated it is based on the development plan.

Commissioner Boyette questioned what causes the amount of open space to go up. Planning Director Bergmark stated the chart is an illustration and the amount of open space is based on the total number.

Commissioner Boyette stated there is nothing to disincentive someone from building 300 units and only build 299 so as to not hit a certain threshold. Planning Director Bergmark stated correct.

Mayor Pro Tem Lutz questioned what Wake Forest's percentages are for open space. Planning Director Bergmark stated Wake Forest's percentages are the same; 75% passive and 25% park space improved. Of the park space improved used the number 35% for active recreation and Wake Forest's is slightly lower.

Mayor Pro Tem Lutz questioned if there were issues with pushback from developers or is this staff being proactive. Planning Director Bergmark stated yes and no. The current ordinance may require three acres of active open space. For the next phase of Edgemont Landing, three acres of open space is a tremendous amount of programmed open space. The greenway trail is a credit for Edgemont Landing. The proposal better defines the space.

Commissioner Boyette stated once a week his neighbor tells him the neighborhood kids come to his driveway to ask to retrieve their ball from the backyard. He likes the idea. Wendell Falls has done a great job incorporating these types of spaces. He likes that this gives developers and builders another way to make use of space that may not be usable. He commended staff for coming up with this. He would like to review the parking requirements.

Mayor Gray opened the public hearing at 8:25 p.m.

Bennie Collins of 302 West Second Street stated he is in favor of the proposed amendment. One of the top amenities for a neighborhood or community is an area where people can congregate.

Mayor Gray closed the public hearing at 8:27 p.m.

ACTION:

Mover: Mayor Pro Tem Lutz moved to approve the text amendment to Chapter 7 of the UDO as presented for open space requirements and to amend the Town's Comprehensive List of Fees and Charges as recommended.

Vote: Unanimous.

9. AMENDMENT TO TOWN CODE OF ORDINANCES CHAPTER 14, SECTIONS 110 AND 111.

SPEAKER: Police Chief Bill Carter

ACTION: TRACKING PURPOSES ONLY; continue to the November 13, 2017 agenda.

[Staff Report]

Item Summary:

At its Monday, August 14, 2017, meeting, the Board received proposed changes to Town of Wendell, Code of Ordinances, Chapter 16, Parks and Recreation and Chapter 14 (Sections 110 and 111), Offenses. As a result of questions received from the Board, Chapter 16, has been amended, and is brought before you for subsequent review and action. Section 16-13 of this chapter has been removed since the last presentation and will serve as a place holder for future use. Section 16-13 deals with disturbing the peace by discharging weapons, fireworks or use of amplified loud speakers and further review reflected these actions are addressed in other Ordinances and or state law.

The presentation of review at the August 14, 2017 meeting, Code of Ordinances, Chapter 14, (Sections 110 and 111,) resulted in redirection by the Board to clarify the weapons section with regard to specific prohibitions and limitations of both exposed and concealed weapons on Town Property.

As both of the above Ordinances were on the same document, both were tabled until the Monday, September 11, 2017, Board meeting.

After the August 14, 2017, meeting, staff has conducted additional research associated with weapons carry, both exposed and concealed, on Town Property. This research resulted in staff contacting Jeffrey B. Welty, Director of the North Carolina Judicial College and Associate Professor of Public Law and Government at the School of Government. Professor Welty was requested to conduct a review of the Town's proposed amendments for weapons. The initial review of the amendments resulted in Professor Welty providing feedback, in terms of comments and questions. Staff has reviewed the comments which have resulted in a need for additional dialogue with Professor Welty which has been ongoing.

Chapter 16 and Chapter 14 were refreshed so that these would come to the Board as two ordinances – one for Chapter 16 and one for Chapter 14.

- *Chapter 16, Section 13 was amended by reserving it for future use as the original violations are covered in other Ordinances.*
- *Chapter 14, Sections 110 and 111 are unchanged*

The Board is requested to review Chapter 16. If the amendment captures the Board's intent, the Board may take action.

The Board is requested to table Chapter 14, Sections 110 and 111. This will allow staff to continue with research in an effort to provide the Board with a proposal that is clearer while still meeting the intent of the law as well as take additional direction from the Board.

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Staff continues to research proposed amendments to the ordinance with the goal of clarity. Additional time is requested for review by UNC SOG Professor Welty followed with review by Town Attorney.

Police Chief Bill Carter provided an overview to the amendment to Chapter 14, sections 110 and 111, Offenses; staff report above in italics.

ACTION:

It was the consensus of the Board to continue this item to the November 13, 2017, Board meeting.

10. TREE BOARD UPDATE.

SPEAKER: Special Assistant to the Manager Sherry Scoggins

ACTION: Board may take action.

[Staff Report]

Item Summary

The Wendell Tree Board is an active citizen advisory board. Through its efforts, the Tree Board hosts annual Arbor Day celebrations with the area schools and its activities have assisted the Town in being recognized as a Tree City for the past 34 years.

Special Assistant to the Town Manager Sherry Scoggins provided an overview of the Tree Board Update; staff report included above in italics.

Ballots were distributed to the Board of Commissioners.

ACTION:

All Board of Commissioners voted to appoint Ms. Marriott Sheldon to the Tree Board to complete the unexpired term through June 30, 2020.

10b. RESOLUTION R-17-2017 OPPOSING LAND ACQUISITION.

SPEAKER: Commissioner Jason Joyner

ACTION: Board may take action.

Commissioner Myrick questioned if a public hearing is needed for the resolution. Town Attorney Cauley stated the resolution does not require a public hearing.

ACTION:

Mover: Mayor Pro Tem Lutz moved to recuse Commissioner Carroll and Commissioner Myrick from this item due to conflict of interest.

Vote: Unanimous.

Commissioner Joyner stated this is an evolving situation with the Wake County Public School System, hereafter WCPSS. The WCPSS is attempting to acquire property on Academy Street across from the school.

Commissioner Joyner read the following resolution into the record:

**RESOLUTION OPPOSING LAND ACQUISITION
R-17-2017**

WHEREAS, on October 3, 2016, Wake County Public School System staff held a meeting presenting plans for the expansion of Wendell Elementary to a group invited by Wake County Public School System staff.

WHEREAS, those plans called for the dramatic reconfiguration of the Wendell Elementary School campus.

WHEREAS, one or more of those plans called for the demolition of the historic auditorium and gymnasium.

WHEREAS, those plans called for the acquisition of one to four historic homes by purchase or through eminent domain.

WHEREAS, the Wake County Board of Commissioners is tasked with the acquisition of land for the Wake County Public School System and has been asked to approve an acquisition that was identified in the plans presented by Wake County Public Schools staff in October 2016.

WHEREAS, the Wendell Board of Commissioners is tasked with providing planning, public safety services and various other tasks within the town's corporate limits and has passed comprehensive transportation, pedestrian and land use plans.

WHEREAS, the Wendell Board of Commissioners have not been made aware of any plans other than those presented in October of 2016.

WHEREAS, those plans for expansion do not consider the aforementioned Town of Wendell plans and can reasonably be expected to negatively impact and likely exacerbate the current traffic and transportation problems within Wendell.

WHEREAS, the plans for expansion do not consider the position of the Wendell Board of Commissioners and other affected groups within the Town of Wendell.

NOW, THEREFORE, BE IT RESOLVED THAT: The Town of Wendell Board of Commissioners opposes the Wake County Board of Commissioners acquiring land for the Wake County Public School System for the immediate or future implementation of the plans to expand the Wendell Elementary School.

DULY RESOLVED this the 9th day of October 2017 while in regular session.

Commissioner Joyner stated in October 2016 land owners were invited to Town Hall to meet with WCPSS to see plans that may expand Wendell Elementary School. A couple of the plans included demolition of the current site and expansion onto Thompson Field. The Board was made aware of this a couple weeks back. He sent a letter to the Wake County Board of Commissioners signed by Mayor Gray, Mayor Pro Tem Lutz, Commissioner Boyette and himself. He spoke at the last Wake County meeting reference this. This does not take into

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account transportation plan. He argues that the Town of Wendell is a growing community and the Town needs to be included in this.

Commissioner Boyette stated the Town of Wendell and citizens of Wendell were not consulted. It was made known to the property owners residing between the elementary school and Thompson Field. He also attended the Wake County Board of Commissioners meeting, Ms. Betty Parker of WCPSS stated the improvement of Wendell Elementary is not on the seven year plan. Spending money at this time does not seem like the best use of funds when the WCPSS seems to be short on money and space for students. Would like to see Wendell Elementary improved especially the traffic that is caused each day. When he attended Wendell Elementary it was for second through fifth grade. When he attended, everyone rode the bus. Those who came by car did so because Wendell Elementary is a magnet school. Finds it hard to believe there are conceptual drawings for seven years out when there is a shortage of space for students today.

Mayor Pro Tem Lutz stated he is a parent of a child who attends Wendell Elementary. He is one in the car pool line. The school deserves the best.

Mayor Gray stated she has had several conversations with WCPSS. The plan was to expand the school on Thompson Field with removal of some homes on Academy Street. When a new elementary school is built in Wake County, 20 to 25 acres is sought for an elementary school. Thompson Field, the homes on Academy Street and the homes on Marshburn Road total is short of 20 acres. She will be at the next Wake County Board of Commissioners meeting.

ACTION:

Mover: Commissioner Joyner moved to adopt the resolution.

Vote: Unanimous.

ACTION:

Mover: Commissioner Joyner moved for Commissioners Carroll and Myrick rejoin the Board.

Vote: Unanimous.

11. SNAP SHOT.

ACTION: Information. Board may take action.

Mayor Gray stated for the Town Square signage the poles have been removed and she questioned the status of a sign. Town Manager Piner stated the sign company would be contacted for a quote.

Mayor Gray questioned the status of the railroad crossing at Hollybrook Road. Special Assistant to the Manager Scoggins stated the railroad was requested to assess the crossing and the Town is awaiting a response.

Commissioner Joyner stated earlier this year the Board discussed locking Town bathrooms in the park each evening and re-opening each morning and he would like confirmation that is being done.

12. UPDATE ON BOARD COMMITTEE(S) BY TOWN BOARD MEMBERS:

-  **Fire Advisory Board [Commissioner Joyner]**
-  **Triangle J COG Summit [Mayor Gray]**

Commissioner Joyner stated the audit was reviewed and accepted and discussed other financial matters.

Mayor Gray stated she attended the Triangle J Summit Conference in Clayton. The topic discussed was closing the divide between urban and rural areas.

13. COMMISSIONERS' REPORTS.

Commissioner Carroll congratulated staff and everyone involved with the Harvest Festival. He congratulated Mr. Hinnant for his award in historic preservation.

Mayor Pro Tem Lutz attended the afternoon session of the Triangle J Summit where he was honored to present Mayor Gray the Citizen's Award. He thanked public works, parks, police and all Town staff for work at the Harvest Festival.

Commissioner Myrick stated Town staff cannot be complimented enough for the fantastic Festival this year. He also thanked the Wendell Chamber of Commerce for a great job with the Harvest Festival.

Commissioner Boyette stated the Harvest Festival was great. The Chamber did a great job with the Harvest Festival. He stated he would like to see minor changes to the Town Square to help grow and improve the options available to vendors during festivals. He stated [municipal] election is Tuesday, November 7th.

Commissioner Joyner echoed the compliments for the Chamber and Town staff. He stated Regina Harmon and Chief Carter were visible during the Harvest Festival. He stated his wife is a teacher and she asked the kids, "Why do you think cities have different laws?" And one student responded, "Cities have different laws because in Raleigh they have lots of traffic and in Wendell they have golf carts." He would like a seat at the table to discuss options for Wendell children.

14. MAYOR'S REPORT.

-Friday, October 13th - Nominations for Annual Mayor's Award due. Recipient to be announced and recognized at the Annual Wendell Chamber Banquet on Thursday, November 9, 2017.

-Friday, October 13th – Voter registration for upcoming November 7th municipal election due

Mayor Gray stated since the last meeting she attended the K-12 workshop group meeting. She has been attending this group for the last few years. The focus is to enhance schools in Wendell and is expanding to Knightdale, Wendell and Zebulon. This last time they met at Knightdale

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High School. The Pledge of Allegiance and the recognition of a teacher is an idea from this group.

She also attended the Harvest Festival. She thanked Regina Harmon and the Wendell Chamber of Commerce for the hard work. Town staff worked hard during the Harvest Festival.

15. CLOSED SESSION.

ACTION: Will be called if necessary.

No closed session was called.

16. ADJOURN.

ACTION:

Mover: Mayor Pro Tem Lutz moved to adjourn at 8:59 p.m.

Vote: Unanimous.

Duly adopted this 23rd day of October 2017, while in regular session.

ATTEST:

Virginia R. Gray,
Mayor

Sherry L. Scoggins, MMC;
Town Clerk