

**TOWN OF WENDELL
BOARD OF COMMISSIONER MEETING MINUTES
September 10, 2018**

The Wendell Town Board of Commissioners held their regularly scheduled meeting on Monday, September 10, 2018, in the Town Board Room, Wendell Town Hall, 15 East Fourth Street.

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

ABSENT: Commissioner David Myrick

STAFF PRESENT: Town Manger Marc Collins, 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 Public Works Superintendent Brian Bray.

CALL TO ORDER:

Mayor Gray called the meeting to order at 7:00 p.m. and welcomed attendees.

PLEDGE OF ALLEGIANCE:

Police Chief Bill Carter led the Pledge of Allegiance.

INVOCATION:


Reverend James Lee of Wendell First Baptist Church provided the invocation.

1. ADJUSTMENT AND APPROVAL OF THE AGENDA:

<p>ACTION</p> <p>Mover: Mayor Pro Tem Lutz moved to approve the agenda as presented.</p> <p>Vote: 4-0</p>
--

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

The following person(s) spoke during Public Comment Period:

 Dianna Wynn, on behalf of the League of Women Voters of Wake County, presented Mayor Gray with a certificate of appreciation which reads: *The League of Women Voters of Wake County presents this certificate to The Honorable Mayor Virginia Gray for her public service and in celebration of Women's Equality Day.*

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. Certifying sufficiency *and* setting public hearing date for a contiguous annexation petition, A-18-02, for 18.82 acres of property located at 0 Wendell Falls Parkway and adjacent to Town of Wendell Park property and identified by PIN Numbers 1783-38-

- 8411 [17.58 ac], 1783-38-1700 [.69 ac] & 1783-38-5088 [.55 ac].
- b. Certifying sufficiency **and** setting public hearing date for investigate a contiguous annexation petition, A-18-03, for 115.74 acres of property (excluding ROW) located adjacent to the Grove of Deerfield Subdivision on either side of S Hollybrook Rd and identified by PIN Numbers 1783921299 [48.38 ac], 1793020954 [6.84 ac], 1783837560 [.47 ac], and 1783947008 (partial) [60.05].
 - c. Approval of the August 27, 2018, regular meeting minutes of the Town Board.

ACTION:

Mover: Mayor Pro Tem Lutz moved to approve the consent agenda as presented.
Vote: 4-0.

Evidentiary (Quasi-Judicial) Hearing Guidelines:

- Case is announced
- Town Attorney provides rules of procedure for an evidentiary hearing
 - Disclosure
- Town Clerk provides oath for persons wishing to present testimony
- Staff presentation
- Applicant presentation
- Opposition presentation
- Applicant rebuttal
- Opposition rebuttal
- Staff closing comments
- Board inquiry
- Board called into deliberation
- Board discussion of the findings of fact:
 - Approve
 - Approve with conditions
 - Deny (must include reason)

4. **EVIDENTIARY (QUASI-JUDICIAL) HEARING** for Planned Unit Development [PUD] Amendment initiated by NASH Wendell Falls LLC for an existing PUD governing Wendell Falls Subdivision.
SPEAKER: Planning Director David Bergmark
ACTION: Evidentiary Hearing. Board may take action.

[Staff Report]

Applicant:

Nash Wendell Falls LLC

Item Summary:

The applicant has submitted a Special Use Permit (SUP) request to amend the Wendell Falls Planned Unit Development (PUD). A Planned Unit Development is a large-scale integrated development which provides higher quality community design and community amenities in exchange for greater flexibility in site design requirements.

The Wendell Falls Planned Unit Development was approved on November 9, 2015. Since that

Board Meeting Minutes
September 10, 2018

initial approval, the Wendell Falls development has sold nearly 600 residential lots, and begun work on multiple areas for commercial development. With nearly 4 years having passed, the applicant now seeks to make modifications to the existing PUD document to better fit current market conditions, as well as correct a few problems that have been identified since the initial approval. The boundaries of the PUD are not changing as part of this proposal, but some of the zoning and development standards within the PUD are requested to change.

A complete copy of the applicant's proposed amendments and justification are included as Attachment A. In general, the applicant is seeking to make the following changes:

- 1. Amend Lot Building standards to address front setback issues that have occurred on corner lots (increasing maximum front setbacks for alley loaded products from 12 feet to 15 feet).*
- 2. Add a new residential building type for homes which front on a common open space*
- 3. Amend the maximum building heights (for apartments/condos, commercial buildings and mixed-use buildings) in Zones 2 from three stories to five stories.*
- 4. Modify the Wendell Falls Residential Design Guidelines to include buffering requirements between 4/5 story apartments if located adjacent to single family residential uses on the same side of a street.
 - a. "Buffer yard required between apartment building greater than 3 stories and a single family detached or attached townhome adjacent on the same side of the street must be 25' in width and may be comprised of a Type B landscape buffer and may include a public/private road."**
- 5. Change the allowed mix of housing types so as to treat apartment units as a different type from attached townhome units, and modify the cap. Under the 2015 PUD Plan Document, apartment units and townhome units are lumped together under the "multi-family" category and capped at 1,400 total multi-family units. The applicant seeks to de-couple townhomes from apartment units such that the 2018 Amended PUD will allow up to 1,200 apartment units and up to 750 townhome units.*
- 6. Modify the Master Plan Map A-1 to redefine the Zone boundaries in order to make some additional land open to non-residential development.*

Staff Comments:

- Staff supports the requested PUD amendment. In response to comments received by the Planning Board, and by Wendell Falls residents who attended a Community Meeting hosted by Newland on the week of the 20th, the applicant made the following changes to their original proposal (these changes are incorporated into the material for board approval):
 - 1. In Section II B (Maximum Building Heights), they elected to remove the request for a revision to building height in Zone 3. The request now only references increasing the building height for Zone 2. Respectively, the corresponding charts (Apartment/Condo Dimensional Standards, Mixed-Use Building Dimensional Standards, and Commercial Building Dimensional Standards have been revised accordingly).*
 - 2. In Section II C (Landscaping Between 4/5 Story Apartment Structures and Single Family Dwellings), they revised the Buffer yard required between an apartment building greater than 3 stories and a single family detached or attached townhome adjacent on the same side of the street to be comprised of a Type B landscape buffer, rather than a Type C landscape buffer as was previously proposed.**

Applicant's Justification:

The applicant has provided their responses to the Special Use Permit General Requirements set out in Section 15.15.B.2 of the UDO. Those responses are included within Attachment A. The

Town Board may consider their responses in the formulation of its own response to these requirements.

General Requirements for Approving a Special Use Permit:

In order to approve a Special Use Permit, the Town Board must draw conclusions on the following general requirements for approval. Staff has included relevant facts of this case as they apply to each general requirement. The applicant has provided their responses to these requirements as part of their application. The Town Board may use these facts as well as any other evidence provided at the public hearing to draw conclusions (i.e. Given 'x, y, and z, facts, therefore _____).

- a. *That the proposed use does not affect adversely the general plans for the physical development of the town as embodied in this Ordinance and in any plan or portion thereof adopted by the Board of Commissioners;*
Facts: *The Comprehensive Plan identifies this area as a growth sector. The thoroughfare identified for this area in the Collector Street Plan has already been installed (Wendell Falls Parkway).*
- b. *The proposed use will not be contrary to the purposes stated for these regulations;*
Facts: *Special uses are designed to address the appropriateness of the use at a particular location within a given zoning district. The PUD document includes site specific standards subject to Town Board approval.*
- c. *The proposed use will not adversely affect the health and safety of residents and workers in the town;*
Facts: *The applicant has included standards within the PUD document to ensure the inclusion of pedestrian and bicycle facilities. Road improvements and facilities are based on an existing Transportation Impact Analysis. Open space requirements in the PUD exceed town requirements.*
- d. *The proposed use will not be detrimental to the use of development of adjacent properties or other neighborhood uses;*
Facts: *The PUD plan document includes building design standards which no longer exist under the UDO. Per the PUD document, a minimum housing mix must be obtained and at least 10 percent of the property must be non-residential.*
- e. *The proposed use will not be affected adversely by the existing uses;*
Facts: *The PUD document includes a requirement for a perimeter buffer between the PUD district and adjacent property. Adjacent uses are primarily undeveloped residential property. The future park property follows much of the western PUD property boundary.*
- f. *The proposed use will be placed on a lot of sufficient size to satisfy the space requirements of the use;*
Facts: *The PUD district exceeds 1050 acres. The minimum size for a PUD district is 200 acres.*
- g. *The proposed use will not constitute a nuisance or hazard because of the number of persons who will attend or use the facility, vehicular movement, noise, or fume generation or type of physical activity;*
Facts: *The PUD document includes a circulator plan, which is based on a Transportation Impact Analysis. The PUD document includes a Use Table which includes Special Use Permit (SUP) requirements for specific uses which require special review prior to approval.*

Board Meeting Minutes
September 10, 2018

- h. The standards set forth for each particular project/use for which a permit may be granted have been met;*
Facts: *The PUD document establishes site specific development and use standards and is subject to Town Board approval.*
- i. The Board may impose or require such additional restrictions and conditions as may be necessary to protect the health and safety of works and residents in the community, and to protect the value and use of property in the general neighborhood;*
Facts: *The PUD document is subject to Town Board review and approval. All standards within the PUD document must be mutually agreed upon by the Town Board and the applicant.*
- j. The proposed use shall be subject to the minimum area, setback, and other location requirements of the zoning district in which it will be located; and*
Facts: *The PUD document includes minimum area, setback, and other location requirements and is subject to Town Board approval.*
- k. The proposed use shall be subject to the off-street parking and service requirements of these regulations; provided, however, that an approved PUD Plan document may include modifications of such requirements.*
Facts: *The PUD document includes off-street parking and service requirements.*
- l. Wherever the Board shall find, in the case of any permit granted pursuant to the provisions of this chapter, that any of the terms, conditions, or restrictions, on which such permit was granted are not being complied, the Board shall rescind and revoke the permit after giving due notice to all parties concerned and granting full opportunity for a public hearing.*
Facts: *Section 2.19 of the UDO includes provisions for rescinding a Planned Unit Development.*

Town Attorney Jim Cauley provided an overview of the rules of procedure for an evidentiary hearing.

Mayor Gray, Commissioner Joyner, Commissioner Boyette, Mayor Pro Tem Lutz and Commissioner Carroll each acknowledged receiving two emails pertaining to this request. Mayor Gray acknowledged receipt of a private message. Mayor Pro Tem Lutz acknowledged receipt of an additional message.

Town Clerk Sherry Scoggins provided oath to persons wishing to present testimony.

Planning Director David Bergmark provided an overview for a Planned Unit Development Amendment initiated by NASH Wendell Falls LLC for an existing PUD governing Wendell Falls Subdivision; staff report provided above in italics.

Nick Robinson, attorney for the applicant, stated he has 29 years as an attorney with 20 years in land use law as verification of being an expert witness to provide testimony. He provided a PowerPoint presentation and a bio of Richard Adams PE for the record; both are included in the minutes book as attachments to the September 10, 2018 minutes. Mr. Robinson requested the application and support materials on behalf of NASH Wendell Falls LLC for this PUD amendment be accepted as evidence.

Mr. Robinson submitted the following persons as experts to provide testimony on behalf of the

Board Meeting Minutes
September 10, 2018

applicant NASH Wendell Falls LLC for the Planned Unit Development [PUD] amendment [all presenters on behalf of NASH Wendell Falls LLC were sworn in to provide testimony]:

- Mike Scisciani, Vice President of Operations for Newland Communities
- Dan Klausner, Director of Commercial Real Estate for Newland Communities
- Lee Bowman, Senior Project Manager for Newland Communities
- Richard Adams, Kimley Horn, Traffic Engineer for Newland Communities

The following persons were sworn in and asked questions and/or spoke in favor of the Planned Unit Development [PUD] amendment:

- Scott Lowder, 229 Liberty Star Road
- Valerie DeLoach, 1704 Drift Falls Lane
- Paul White of Universal Chevrolet
- Kevin Lesniewicz, 409 Mill Station Lane
- Nancy Wylie, 425 Mill Station Lane

After receipt of testimony, Mayor Gray called the Town Board of Commissioners into deliberation.

ACTION:

Mover: Mayor Pro Tem Lutz moved to approve the Planned Unit Development [PUD] Amendment initiated by NASH Wendell Falls LLC for an existing PUD governing Wendell Falls Subdivision.

Vote: 4-0.

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
-

5. **PUBLIC HEARING** to consider an amendment to an existing Developer's Agreement between the Town of Wendell and the developers of Wendell Falls Subdivision incorporating the changes instituted by the Special Use approval; contingent upon Board of Commissioner action taken for Item 4.

SPEAKER: Planning Director David Bergmark

ACTION: Public hearing. Board may take action.

[Staff Report]

Item Summary:

Board Meeting Minutes
September 10, 2018

The applicant has submitted an amendment to the Development Agreement governing the Wendell Falls development. The Development Agreement, first adopted in June of 2006 by the Wendell Board of Commissioners has subsequently been amended due to necessary modifications and changes in ownership.

One of the primary goals of the submitted development agreement amendment is to extend the term of the agreement by 6 years (from 2029 to 2035) in order to lengthen the developers entitlements in the event that development activity is not completed by 2029. This subsequently changes Exhibit C of the DA, which contains the developer's schedule of water and sewer payments. The payment dates are unchanged, but the additional years of the agreement within the DA are included within the table. The applicant has also amended the language in Section 4.5(b) of the agreement to clarify how partial water and sewer payments would be managed. Previously the agreement had language to explain how failure of timely payments would be treated, but did not specifically address the potential for partial payments.

Exhibit D to the Development Agreement is also proposed for amendment to reflect changing timetables as it relates to road improvements along Martin Pond/Poole Road. The current development agreement requires Newland to make initial road improvements as development phases along these roads take place, with ultimate road widening to occur no later than 12/31/2020. However, the City of Raleigh is working on plans to install a new water main along this portion of road. In order to avoid a conflict between these two infrastructure improvements, Newland is seeking to amend Exhibit D to remove the 2020 deadline, and replace it with a requirement that the final stage of road improvements be completed within 18 months of CORPUD's water main installation. They also included language to clarify that a bond for the road improvements would be required to be in place before Phase 7 of Wendell Falls (on the eastern side of Martin Pond/Poole road) could receive its final plat.

Finally, at staff's request, the applicant has proposed to amend Exhibit E of the DA (Wendell Falls Minimum Residential Design Standards) to state "Accessory Structures setbacks shall be 3' unless otherwise provided in the approved PUD document". Many of the lots in Wendell Falls have 3' side setbacks, so this change ensures that accessory structures are not held to a greater setback than the dwelling.

The proposed changes have been submitted to the Town Attorney for review to ensure the Town is protected from a legal standpoint.

Staff Recommendation:

Staff recommends approval of the proposed amendment to the development agreement.

Planning Director David Bergmark provided an overview of the development agreement amendment for the Wendell Falls Subdivision as it relates to infrastructure improvements and extending the term of the agreement; staff report included above in italics.

Mayor Gray opened the public hearing at 8:59 p.m.

Nick Robinson supported adopting the statements and requested approval of the Developer's Agreement.

Mayor Gray closed the public hearing at 8:59 p.m.

ACTION:

Mover: Mayor Pro Tem Lutz moved to approve the Developer's Agreement between the Town of Wendell and the developers of Wendell Falls Subdivision incorporating the changes instituted by the Special Use Permit approval and with the text amendments by the Town Attorney.

Vote: 4-0.

6. **PUBLIC HEARING** for annexation petition A-18-01 for property located at 1112 Edgemont Road; 9.58 acres, noncontiguous.

SPEAKER: Planning Director David Bergmark

ACTION: Public hearing. Board may take action.

[Staff Report]

Item Summary:

Donald Kline has submitted an annexation request for 9.58 acres (including road ROW) of land located at 1112 Edgemont Road. This property is currently vacant and sits directly to the north of the Edgemont Landings subdivision. The property owner is seeking annexation in order to make this property more marketable to developers. The applicant has also submitted an associated map amendment request to rezone this area Residential-4 (R4). The Edgemont Landings subdivision to the south is a R4 conditional zoning district.

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

Project Profile:

<u>PROPERTY # 1 LOCATION:</u>	<i>1112 Edgemont Rd</i>
<u>WAKE COUNTY PIN(s):</u>	<i>1775705201</i>
<u>ZONING DISTRICT:</u>	<i>R-30 (Wake Co.)</i>
<u>PROPERTY OWNER(s):</u>	<i>Kline, Donald H. and Lou G.</i>
	<i>5301 Sendero Dr., Raleigh, NC 27612</i>
<u>APPLICANTS:</u>	<i>Same (owner)</i>
<u>PROPERTY SIZE:</u>	<i>9 acres</i>
<u>CURRENT LAND USE:</u>	<i>Vacant</i>
<u>PROPOSED LAND USE:</u>	<i>Residential</i>



Zoning District:

This property is currently zoned R-30, which is a Wake County residential zoning designation. The applicant has submitted a map amendment request, in which he is seeking to rezone this area to Residential-4 (R4).

Public Utilities:

Both water and sewer are nearby, serving the Edgemont Landing subdivision immediately to the south. If annexed and developed, the developer would be required to extend water and sewer lines into the proposed area.

Tax Information:

Currently, the subject property is undeveloped and is valued at \$142,200. At the current tax rate of 49 cents, annexation of this undeveloped property would result in approximately \$697 in annual tax revenue for the Town. This figure will increase as the area is developed. If this area were developed at a similar density and value to Edgemont Landings, the Town could expect to receive approximately \$23,000 in annual tax revenue. The actual tax value would vary based upon the chosen lot layout and resulting number of units.

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 the Edgemont Landings Subdivision directly to the south of this parcel.*

Planning Director David Bergmark provided an overview of the satellite annexation petition for 9.58 acres of property located at 1112 Edgemont Road and adjacent to Edgemont Landing; staff report above in italics.

Mayor Gray opened the public hearing at 9:02 p.m.

Donald Kline, applicant, spoke in favor of annexation of the property.

Mayor Gray closed the public hearing at 9:05 p.m.

ACTION:

Mover: Mayor Pro Tem Lutz moved to approve the annexation petition A-18-01 for property located at 1112 Edgemont Road as presented.

Vote: 4-0.

7. **PUBLIC HEARING** for zoning map amendment to rezone 9.58 acres (including right-of-way) located at 1112 Edgemont Road; contingent upon Board of Commissioner action taken for Item 6.

SPEAKER: Planning Director David Bergmark

ACTION: Public hearing. Board may take action.

[Staff Report]

Applicants:

Donald Kline (owner)

Petition:

The applicant has requested a change in zoning classification for 9 acres of property located at

1112 Edgemont Road, as well as 0.58 acres of adjacent right-of-way. The parcel in question is currently located within Wake County’s jurisdiction and is zoned Residential-30. The applicant has submitted an annexation and map amendment petition to request that this property be brought into Wendell’s jurisdiction and be given the zoning designation of Residential-4. The Edgemont Landings subdivision directly to the south is zoned R4-CD and the property owner is seeking to make this property more marketable by requesting that it be given a similar zoning designation. In this case, the applicant’s request is a traditional zoning designation (R4), rather than a conditional district, as he has no plans of developing the property himself.

Location and History:

The property included within this request is currently vacant. This property is not located within the corporate limits of the Town of Wendell, but annexation proceedings have begun. The property has no current road connections to Edgemont Landings and is divided by a Neuse stream buffer. As a result, it will likely be developed with other adjacent vacant properties to the north of the Edgemont Landings subdivision.

Justification:

The applicant has initiated the rezoning petition in order to make this property more marketable by bringing it into Wendell’s jurisdiction and zoning it in a similar fashion to the Edgemont Landings subdivision to the south.

Project Profile:

<u>PROPERTY LOCATION:</u>	1112 Edgemont Rd
<u>WAKE COUNTY PIN:</u>	1775705201
<u>ZONING DISTRICT:</u>	Proposed R4/ Current R-30(WC)
<u>CROSS REFERENCES:</u>	
<u>PROPERTY OWNER:</u>	Donald Kline
<u>APPLICANT:</u>	Donald Kline
<u>PROPERTY SIZE:</u>	9 acres (with 0.58 acres of adjacent ROW)
<u>CURRENT LAND USE:</u>	vacant
<u>PROPOSED LAND USE:</u>	Residential

Project Setting – Surrounding Districts and Land uses:

<u>DIRECTION</u>	<u>LAND USE</u>	<u>ZONING</u>
North	Vacant	R-30
South	Residential	R4-CD
East	Res./Manufacturing	R-20/I-2
West	Vacant	R-30

Zoning District:

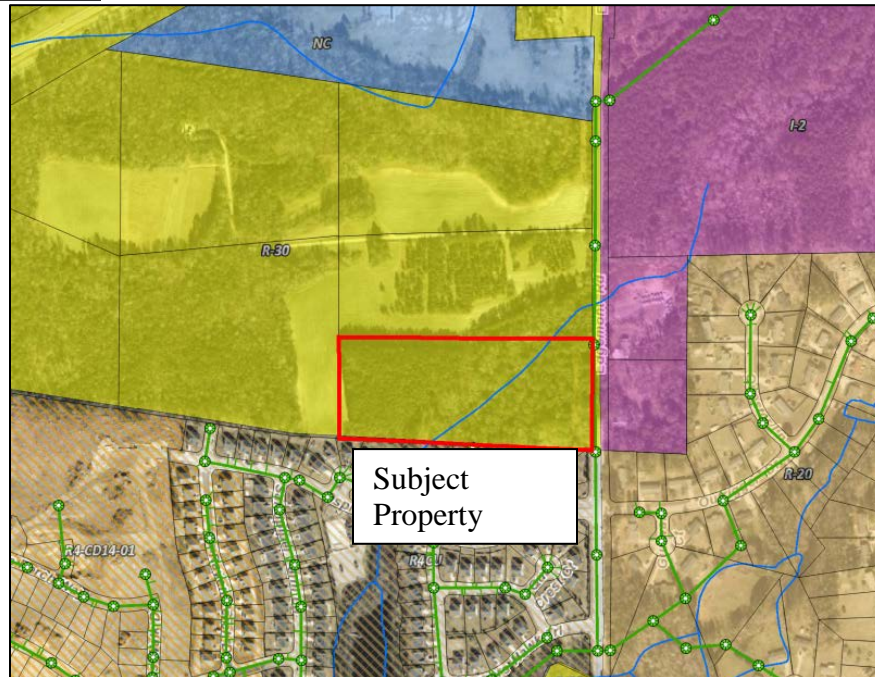
The property included within this request is currently zoned Residential-30 (Wake County designation). The applicant has indicated a desire to rezone the property to Residential-4 (R4) in order to make it more marketable to potential buyers interested in developing the area north of the Edgemont Landings subdivision. The Edgemont Landings subdivision to the south is an R4 Conditional District. The applicant’s rezoning petition would not be a conditional district, but seeks to have the same R4 dimensional standards. The R4 district has the following dimensional requirements for single family home lots:

Min Lot Area:	6000 sq. ft
Min. Lot Width:	50 ft
Min. Lot Depth:	100 ft
Front Setback:	25 ft

*Min. Side Setback: 10% of lot width
Rear Setback: 20 ft*

A copy of those uses allowed in the R4 zoning district is included as Attachment A.

Current Zoning Map:



Off-Street Parking:

At the time of development, parking spaces shall be provided in the amount specified by Chapter 10 of the Unified Development Ordinance (UDO).

Lighting:

Lighting shall be in accordance with the lighting requirements in place at the time of permitting.

Public Utilities:

Water and sewer is available at this site (pending annexation).

Streets:

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

Landscaping:

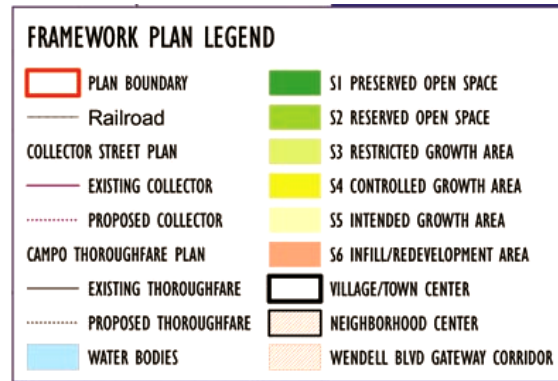
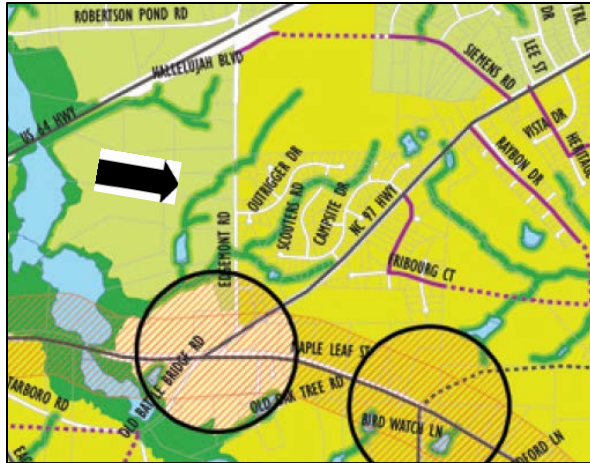
Landscaping shall be required to meet the requirements as set forth in the UDO at the time of development.

Stormwater Management:

Development disturbing more than 20,000 square feet of land would be required to meet the stormwater standards contained in the UDO at the time of site plan submission.

Comprehensive Plan:

The Wendell Comprehensive Plan defines this section as S3 “Restricted Growth Area”.



The Comprehensive Plan describes the S3 sector in the following manner: “Although not a formal open space sector, S-3 is intended for very limited development under tightly controlled conditions. This sector is generally classified as lands that are not proximate to thoroughfares and that are not projected to be high growth areas due to limited access to the transportation network and utilities. Generally, the S-3 areas are outside of the short range urban service area for water and sewer service and are close to S-1 and S-2 areas.”

The Comprehensive Plan identifies the community types and land uses appropriate for this sector as:

- Low density cluster development or hamlets
- Single family residential development
- Very limited convenience retail uses
- Civic uses (parks, schools, religious and government uses)
- Some industrial uses

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.
 - In staff’s opinion, the requested zoning map amendment is consistent with the recommended uses (single-family development) outlined in the Wendell Comprehensive Land Use Plan for the S-3 sector and is reasonable given the similar designation of Edgemont Landings to the south.

Planning Board Recommendation:

At their August 20, 2018 meeting, the Planning Board voted 9-0 in favor of the requested zoning map amendment. They also included within their motion a request for the Town Board to evaluate the Town’s Comprehensive Plan as it pertains the subject area to consider changing it to the S-4 sector.

Voting in Favor: Victoria Curtis, Michael Clark, Jonathan A. Olson, Lloyd Lancaster, Grace Walter, Ryan Zakany, Joe DeLoach, Allen Swaim, and Errol Briggerman.

Staff Recommendation:

- Staff recommends approval of the rezoning request.
- If the board has concerns over allowing R4 density outside of a conditional district in the S3 transect zone, it could consider assigning a Residential-3 (R3) designation instead, which has a minimum 10,000 square foot lot size requirement. The board could approve this change without requiring a resubmittal of the rezoning application.

Board Meeting Minutes
September 10, 2018

Planning Director David Bergmark provided an overview of the zoning map amendment request to rezone 9.58 acres (including ROW) located at 1112 Edgemont Road from R-30 (Wake) to R4 (Wendell); staff report above in italics.

Commissioner Boyette questioned the conditions attached to Edgemont Landing Subdivision. Planning Director Bergmark stated Edgemont Landing Subdivision was submitted as a Conditional District. His recollection for conditions included building materials, certain aesthetics, and landscaping requirement.

Commissioner Boyette questioned if this property could have the same designation as Edgemont Landing Subdivision. Planning Director Bergmark stated a conditional district request would have a development plan attached to it.

Mayor Gray opened the public hearing 9:13 p.m.

Donald Kline, applicant, spoke in favor of the rezoning request.

Mayor Gray closed the public hearing at 9:15 p.m.

Mayor Pro Tem Lutz stated his preference is an R-3 designation.

Commissioner Boyette stated the Edgemont Landing developers agreed to standards to arrive at the R-4 designation. He prefers to designate as R-3 and wait for future developers to request the R-4 Conditional District.

ACTION:

Mover: Mayor Pro Tem Lutz moved to approve the zoning map amendment to rezone 9.58 acres (including right-of-way) located at 1112 Edgemont Road to R-3. .

Vote: 4-0.

8. FOLLOW UP TO THE LETTER OF AWARD FOR DOWNTOWN DEVELOPMENT REVITALIZATION FROM THE NC DEPARTMENT OF COMMERCE; PRESENTED 7/23/2018 BOARD MEETING.

SPEAKER: Planning Director David Bergmark

ACTION: Board may take action

[Staff Report]

Item Summary:

In July of 2018, the Town of Wendell received an award letter and proposal package for grants authorized under the 2018 Budget Act. As part of this act, the Town was authorized to receive \$50,000 to be used for downtown revitalization. The Town spent \$5000 towards establishing a non-profit group ("Meet on Main") to organize downtown events.

Downtown revitalization projects can include:

- *Planning costs to produce a final plan for physical improvements, including architectural and engineering design;*
- *Streetscape design and implementation;*

Board Meeting Minutes
September 10, 2018

- *Public infrastructure including water, sewer, electric, lighting, sidewalk, traffic, road and/or digital infrastructure;*
- *Façade or building improvements and/or property acquisition;*
- *Wayfinding signage; or*
- *Art or cultural installations.*

Proposals for the use of these funds must be submitted to the NC Department of Commerce, Rural Economic Development Division no later than October 5, 2018. Upon completion and submission of the proposal form, Commerce will issue a set of contract documents to the local government. Once one complete set of signed contracts is returned, Commerce will issue payment for the full amount of the grant with the stipulation that the funds be used as described in the proposal.

Local governments are required to submit a progress report each January and July 15, and once all funds are expended, should submit a final report detailing the outcomes and expenditures of the grant including copies of invoices/receipts for each expenditure paid with grant funds. By July 15, 2020, local governments must submit a final report detailing the outcomes and expenditures of the grant including copies of invoices/receipts for each expenditure paid by grant funds.

Following notification of this funding opportunity, staff broached the idea of using these funds to make public infrastructure (electric) improvements in the downtown core – specifically to repair the downtown’s electrical wiring network and replace downtown streetlights which are malfunctioning and requiring frequent repairs.

In order to solicit more ideas, the Town Board directed staff to take this item to the Wendell Economic Development Committee for advice on preferred downtown revitalization projects.

At their July and August meetings, the Economic Development Committee proposed the following ideas as potential projects. Please note that some of the ideas submitted by EDC members (underlined) do not appear to meet the eligibility requirements for revitalization projects. The eligibility criteria were obtained following receipt of the EDC’s ideas.

- 1. Pursue a private-public partnership with Perry’s to establish downtown parking within property he owns east of Main Street.*
- 2. Create Incentive grants for property owners to up-fit their downtown buildings*
- 3. Provide promotional marketing grants to downtown business for them to do marketing/advertising*
- 4. Provide incentives for businesses to participate in decorating for Wendell Wonderland or other downtown events.*
- 5. Provide additional funding to the ‘Meet on Main’ group for their programming*
- 6. Establish a permanent power poll along the Women’s club lot on the Cypress Street side*
- 7. Provide funding for downtown business façade improvements (painting, awnings, flower-boxes, etc.)*
- 8. Offer to use funds to remove metal siding on Shelton’s building on the corner of 3rd and Main*

Staff Comments:

The Wendell Economic Development Committee expressed a strong desire to use funds towards downtown property improvements of some type. They also expressed a desire to receive buy-in from the private property owners who would be receiving a financial benefit from the use of the funds. However, since all funds must be spent prior to July 15, 2020 and must be included within the proposals submitted to NC Dept. of Commerce, staff recommends that any use of funds which relies on private sector buy-in be backed-up with a secondary proposal in the event

that there are remaining funds.

Staff submits the following proposal for the Board Consideration:

1. *Use the Downtown Revitalization Funds to Create an expanded Downtown Façade Grant program with the following structure:*
 - a. *Façade grant awards must be matched by the private property owner 1:1, but may be awarded for up to \$10,000.*
 - b. *Eligible projects must be located within the core of the downtown, as identified on the attached boundary map.*
 - c. *Eligible façade grant improvements and review processes shall follow the existing Façade Grant program requirements. (i.e. Review by Appearance Commission and approval by the Town Board)*
 - d. *All approved façade grant projects must be completed and submit their reimbursement requests by July 1, 2019.*
2. *In the event that funds remain following July 1, 2019, the remaining balance would be applied towards downtown electric improvements.*
 - a. *Note – This 2-step approach would ensure that the Town would use all \$50,000 granted by the Commerce Department, but would require the Town to budget for any overages in the event that additional funding was needed to complete electrical repairs and streetlight replacement.*

Planning Director David Bergmark provided an overview of the follow-up to the letter of award for Downtown Development Revitalization from the NC Department of Commerce; staff report included above in italics.

ACTION:

Mover: Mayor Pro Tem Lutz moved to accept the staff recommendation of funds used for an expanded downtown façade grant program and any remaining funds applied towards downtown electric improvements.

Vote: 4-0.

9. FEE IN LIEU OF ROAD IMPROVEMENTS REQUEST FOR THE BERRIDGE MANUFACTURING DEVELOPMENT PLAN (LOCATED BEHIND KNOTT SQUARE).

SPEAKER: Planning Director David Bergmark

ACTION: Board may take action.

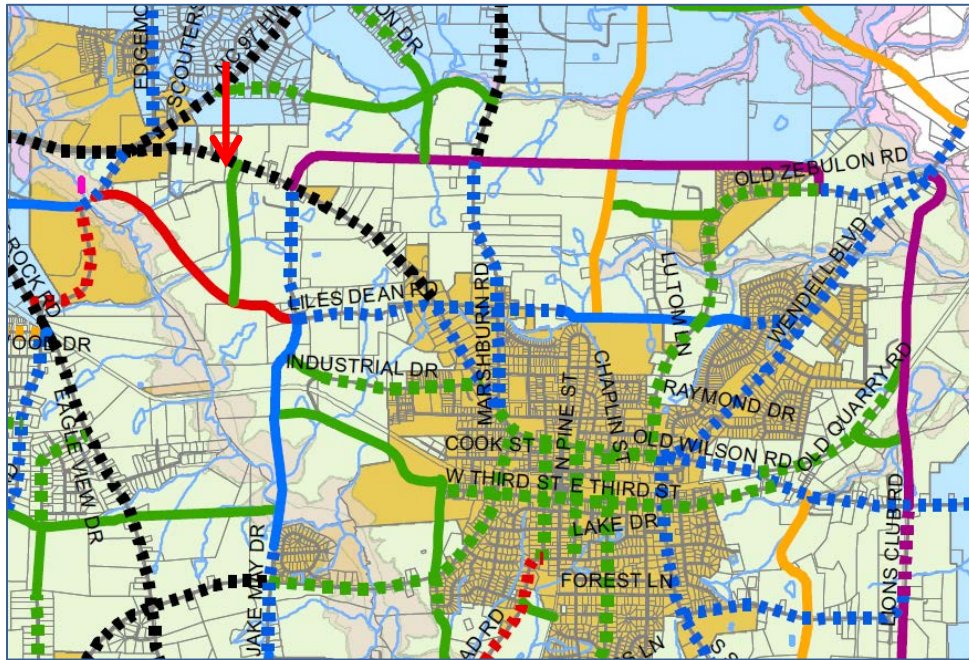
[Staff Report]

Item Summary:

In May of 2018, Kimley Horn (on behalf of Berridge Manufacturing) submitted a sketch plan for a manufacturing use to locate on property behind Knott Square, identified by PIN # 1784177071. This property is currently vacant and is owned by Ver Dar Properties LLC. However, the tract is under contract for purchase, as the applicant completes their due diligence. During site plan review, the largest question revolved around how to incorporate the Minor Thoroughfare called for by the Wendell Arterial and Collector Street (ACS) plan into the applicant's development proposal.

As illustrated on the following page, the ACS plan shows a 4-lane divided minor thoroughfare

(shown in purple) running from the intersection of Liles Dean Rd and Wendell Blvd due east behind the Knott Square shopping Center, crossing Marshburn Rd, and ultimately terminating on Wendell Blvd at the eastern extent of Wendell's jurisdiction. The intent of this road is to provide access to the northern portion of Wendell as it grows, as well as provide a means of bypassing more congested areas of Wendell Boulevard for those motorists traveling beyond the downtown area.



Wherever possible, 4 line divided roads follow property lines to split the burden among multiple property owners (2 lanes on each property). The alignment of this road followed this rule, and was placed to be centered along the property line of Ver Dar Properties (to the south) and Walter Scarborough (to the north).

However, when the Charthouse Conditional District was approved, the ACS Plan had not been adopted. As a result, the Charthouse CD Master Plan did not incorporate the road or right-of-way in question on the eastern side of Charthouse Drive. This created a complication in incorporating the road into the proposed Berridge Manufacturing site, as it would need to be aligned further to the north in order to avoid and pass the Charthouse CD properties.

The applicant's engineers, in conjunction with staff's on-call engineer (AMT), reviewed potential road alignments in order to determine the best alternative road alignment. The preferred alternative is shown in Attachment A. As illustrated in Attachment A, in order to have a functional road alignment which would not impact the property on the eastern side of Charthouse Drive, only a portion of the road could be contained on the Berridge Manufacturing site. This roadway segment would not be usable by itself, as it would not connect to Charthouse Drive or Wendell Boulevard until further development occurs.

As a result, the applicant is requesting to pay a fee in lieu of roadway improvements for the portion of the road which would be contained within their client's site.

The UDO requires that an engineer's estimate be provided for any fee in lieu of infrastructure improvement requirements. The applicant's proposed fee in lieu is provided in Attachment B, in the amount of \$194,000. This itemized construction cost estimate has been submitted to AMT for review. Staff has instructed AMT to provide comments regarding the sufficiency of this figure prior to the September 10, 2018 board meeting.

Staff Recommendation:

Given the inability to connect the proposed road within this site to any existing roads at this time, staff supports a fee in lieu of construction. However, staff requires AMTs professional expertise to speak to the reasonableness and sufficiency of the fee estimate provided. Staff will receive comments from AMT and share them at the September 10, 2018 meeting. If approved, the fee in lieu amount would be due prior to building permit issuance.

Planning Director David Bergmark provided an overview of the fee in lieu road improvement request for the Berridge Manufacturing development plan (located behind Knott Square); staff report above in italics. Handout prepared by Kimley Horn, "Liles Dean Extension – Fee in Lieu – Opinion of Probable Construction Cost," included in the minutes book as an attachment to the September 10, 2018 minutes.

ACTION:








Mover: Mayor Pro Tem Lutz moved to approve the fee in lieu of roadway improvements request for Berridge Manufacturing development plan for \$204,000.00.

Vote: 4-0.

10. SNAP SHOT

ACTION: Information. Board may take action.



The Town Board of Commissioners requested the following update(s) to the Snap Shot:

-  Include the Street Fee in Lieu (Item 9)
 - o Group the Fee in Lieu items
-  Include most recent CORPUD activity only
-  Remove placeholder for Bond with the Blue
-  Remove estimates for IT / Code Enforcement workspace
-  Retain review of charter
-  Remove decision on Downtown Development Revitalization from the NC Department of Commerce
-  Retain approval of sale for 122 W Second Street

ACTION:

Consensus of the Town Board of Commissioners for Town Manager Collins to review Snap Shot and recommend improvements.

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

-  **Triangle J Council of Governments [JCOG] County Chairs and Mayors [Mayor Gray]**
-  **Wendell Fire Board [Commissioner Joyner]**

Mayor Gray stated she was unable to attend the Triangle J County of Governments [JCOG] County Chairs and Mayors.





Commissioner Joyner provided a summary of the Wendell Fire Board meeting.

12. COMMISSIONERS' REPORTS.

No reports.

13. MAYOR'S REPORT.

Mayor Gray provided the following:

-  International Food & Music Festival is Saturday, September 22, 2018 from 11 AM to 5 PM at J Ashley Wall Town Square
-  Wendell Harvest Festival is Saturday, October 6, 2018 from 10 AM to 10 PM in Downtown Wendell
-  Halloween Treat Trail is Friday, October 26, 2018 from 5 PM to 8 PM at Wendell Park, 601 W Third Street. The event is FREE for children ages 12 and under and children must be accompanied by an adult.
-  Hurricane Florence is a bad storm and will impact North Carolina. Residents encouraged to document home and property. If there are barricades across or water across roads, do **not** go around the barricades and Turn Around – Don't Drown!

14. CLOSED SESSION.

ACTION: Will be called if necessary.

No closed session called.

15. ADJOURN.

ACTION:

Mover: Mayor Pro Tem Lutz moved to adjourn at 9:52 p.m.

Vote: 4-0.

Duly adopted this 8th day of October 2018, while in regular session.

ATTEST:

Virginia R. Gray,
Mayor

Sherry L. Scoggins, MMC;
Sp. Asst. to the Town Manager - Town Clerk