



Wake Forest Board of Commissioners Work Session Meeting Minutes

The Wake Forest Board of Commissioners met on **Tuesday, July 5, 2022**, at 6:00 p.m. in the Board Room at Wake Forest Town Hall, 301 S Brooks Street.

Mayor Jones called the meeting to order at 6:00 p.m.

Council Members Present: Mayor Vivian A. Jones, Commissioner Jim Dyer, Commissioner Chad Sary, Commissioner Keith Shackelford, Commissioner Nick Sliwinski, and Commissioner Adam Wright

Staff Members Present:

Town Manager Kip Padgett
Town Attorney Hassan Kingsberry
Assistant Town Manager Candace Davis
Assistant Town Manager Allison Snyder
Town Clerk Theresa Savary
Director of Engineering Joe Guckavan
Chief Financial Officer Aileen Staples
Assistant Finance Director Samantha Sanchez

Assistant Planning Director Jennifer Currin
Senior Planner Patrick Reidy
Senior Planner Tim Richards
Police Captain Brian Mote
Police Chief Jeff Leonard

Mayor Jones made the following agenda changes: Moved Item 5 Commissioner Reports to 4.2 and moved Item 4.2 Closed Session to 4.3.

1. Presentations

- 1.1 Presentation of LEGISLATIVE CASE RZ-21-09, Hawthorne Wake Forest Phase 2, a rezoning filed by Evolve Companies to rezone 5.83± acres located at 0 Star Road, being Wake County Tax PIN 1739662623, from Highway Business (HB) to General Residential 10 Conditional District (GR10-CD).

Senior Planner Patrick Reidy provided the staff report for Case RZ-21-09: Hawthorne Wake Forest Phase II, a request to rezone 5.83± acres located at 0 Star Road from Highway Business (HB) to General Residential 10 Conditional District (GR10-CD). The requested action is the review and approval of a rezoning request for 56 multi-family units.

Mr. Reidy stated a public comment session was held at the June 14, 2022 Planning Board meeting. The Planning Board voted 5-1 to find the request inconsistent with the Community Plan and recommended denial of the zoning map amendment request.

Mr. Reidy shared the latest aerial onsite, existing zoning in the area, existing conditions of the site, proposed master plan and proposed landscape plan.

Mr. Reidy stated the applicant chose to use the newly adopted Community Plan as part of their permit choice.

Mr. Reidy stated the applicant provided the following proposed condition:

1. Phase 2 open space requirements shall be satisfied by excess open space and active open space in Phase 1 of Hawthorne. Phase 2 requires 0.6 acres of open space and 0.15 acres of active open space for a total of 0.75 acres. Phase 1 provided an additional 2.1 acres of open space and an additional 1.06 acres of active open space for a total of 3.16 acres. Residents shall have full rights to use the active open space found within Phase 1.

Mr. Reidy stated staff recommends disapproval of the proposed rezoning and finds it to be inconsistent with the comprehensive plan and not in the public interest for the following reasons:

1. The proposed zoning district is inconsistent with the zoning district of adjacent and nearby properties.
2. The proposed zoning district is inconsistent with the Corridor Commercial land use designation. The property should remain Highway Business (HB), which is consistent with the Community Plan.
3. The remaining parcels in Town that are appropriate for Corridor Commercial are limited and rezoning this property would remove property appropriate for those uses. By remaining as HB, the property would provide future opportunities for office or commercial uses and help balance the tax base of the town while providing possible employment opportunities for residents.

Mr. Reidy stated the applicant requested a delay in the public hearing, based on scheduling issues, but will come before the Board at the August 16, 2022, Board of Commissioners Meeting.

- 1.2 Presentation of LEGISLATIVE CASE RZ-22-01, Wake Union, a rezoning filed by Kimley-Horn to rezone 71.46± acres located at 0 Wake Union Church Road, 0 and 12415 Capital Boulevard, and 0 Kearney Road, being Wake County Tax PINs 1831644698, 1831751080, 1831646036, and 1831537516, from Conditional Use Highway Business (CU HB) to Residential Mixed- Use Conditional District (RMX-CD) and Neighborhood Mixed-Use Conditional District (NMX-CD).

Senior Planner Patrick Reidy provided the staff report for Case RZ-22-01: Wake Union; Consideration of a rezoning filed by Kimley-Horn to rezone 71.46± acres located at 0 Wake Union Church Road, 0 and 12415 Capital Boulevard, and 0 Kearney Road, from Conditional Use Highway Business (CU HB) to Residential Mixed- Use Conditional District (RMX-CD) and Neighborhood Mixed-Use Conditional District (NMX-CD). The requested action is the review and approval of a rezoning request for Commercial (up to 193,000 SF), Dwelling-Multifamily (300 units), and Dwelling-Townhome (89 units).

Mr. Reidy stated a public comment session was held at the June 14, 2022 Planning Board meeting. The Planning Board voted 5-1 to find the request consistent with the Community Plan and recommended approval of the zoning map amendment request with two modifications of the proposed conditions:

1. Remove walking trails and community gardens as options for active open space in the Townhome site from condition 9.
2. Change Condition 14 to limit all buildings in the development to a maximum of three stories.

The applicant agreed to both modifications.

Mr. Reidy stated the applicant chose to use the newly adopted Community Plan as part of their permit choice.

Mr. Reidy shared the latest aerial onsite, existing zoning in the area, existing conditions onsite, Brownfields agreement exhibit, proposed master plan and proposed landscape plan, land use plan, and TIA improvements.

Mr. Reidy stated the applicant provided the following proposed conditions:

1. Site Master Plan (SP-22-03) is a condition of the rezoning request. Amendments of the master plan shall require a rezoning amendment unless the administrator finds the modification to be minor and in keeping with the spirit and intent of the adopted subdivision master plan. Minor amendments include moving buildings, updating parking layout, and adjusting building square footages within the limits of the TIA. Total building square footage and number of buildings could decrease, if necessary. Any modifications to the commercial area will remain in conformance with the overall commercial village vision but may include realignment of the private street network and will also adhere to setbacks and buffers as shown in the Master Plan. **Commercial Village Vision will be met through the cross section of Main Street as defined by the Master Plan Cross Sections. Outdoor or rooftop seating is encouraged to be provided. A minimum of 2 pieces of public art will be provided on the commercial development. Public art may be but are not limited to the following: sculptures, unique bike racks, murals, etc.**
2. All development will comply with requirements of the Town of Wake Forest Unified Development Ordinance (UDO) unless expressly stated as an exception and will comply with approved Master Plan in accordance with condition 1.
3. Phase 1 (Multi-family) TIA off-site improvements are required with the phase 1 project. Phase 2 (Townhomes) and Phase 3 (Commercial) improvements of the TIA are required prior to the issuance of the 7th townhome building permit.
4. Property owner is responsible for maintenance of any enhanced landscaping or structures inside roundabout installed by the development.
5. Sections of the nature trail will be installed with phases corresponding to each property as development occurs. Trail shall be 4-6" of ABC as shown on the master plan cross section.
6. The following uses shall be permitted within the **RMX zoned properties**: Multifamily, Townhomes, Live-Work Units, Hotel/Inn (Less than 20 rooms), ATM, Bank, Credit Union, Financial Services, Business Support Services, Dry Cleaning & Laundry Services, Medical Clinic, Personal Services, Post office, Professional Services, Alcoholic Beverage Sales Store, General Commercial, Restaurant, Civic Meeting Facility, Community or Cultural Facility, Public Safety Station, Recreation Facility (Indoor or Outdoor), School (Vocational/Technical), Studio (art, dance, martial arts, music), Light Manufacturing Workshop, Garden (Community and private), Utilities (Class 1 & 2).
The following uses shall be permitted within the **NMX zoned property**: Multifamily, Townhomes, Live-Work Units, Hotel/Inn, ATM, Bank, Credit Union, Financial Services, Business Support Services, Dry Cleaning & Laundry

Services, Medical Clinic, Personal Services, Post Office, Professional Services, Alcoholic Beverage Sales Store, Amusement, Indoor, Bar/Tavern, General Commercial, Restaurant, Restaurant w/ Drive Thru, Theatre, Indoor Movie or Live Performance, Civic Meeting Facility, Community or Cultural Facility, Public Safety Station, Recreation Facility (Indoor or Outdoor), School (Vocational/Technical), Studio (art, dance, martial arts, music), Light Manufacturing Workshop, Garden (Community and private), Utilities (Class 1 & 2).

7. General commercial uses shall not exceed 99,999 SF. Complementary uses such as office, professional services, indoor amusement, indoor recreation, theatre, daycare, studio, restaurants, bar/tavern, etc. shall be the remaining square footage of parcels 1831646036 and 1831644698 up to a maximum of 183,000 SF total per the TIA.
8. The development shall provide a minimum of 2 electric vehicle (EV) charging stations for the multifamily property and 3 electric vehicle (EV) charging stations for the commercial property. Final locations to be determined at construction drawing submittal.
9. Developed open space and park shall contain a swimming pool, fitness center, and walking trail to meet active space requirements on the multifamily development. Active space requirements for the Townhome site will meet minimum UDO requirements. Developed open space and park for the Townhome development shall contain a minimum of two elements, not limited to the following: tot lot, dog park, hammock lounge, firepits, etc.
10. Any townhome unit fronting a public street shall include at least three decorative elements such as, but not limited to, the following elements: a. Bay window; b. Recessed window; c. Decorative window; d. Trim around windows; e. Decorative brick or stone; f. Decorative trim; g. Decorative shake; h, Decorative gable; i. Decorative cornice; j. Portico; k. Dormer. The sides of units 1, 15, 16, 29, 30, 42, 43, 55, 56, 72, 73, and 89 will also require these decorative elements.
11. A varied color palette shall be utilized on Townhome buildings throughout the development to include a minimum of three-color families for siding and shall include varied trim, shutter, and accent colors complimenting the siding color.
12. Perimeter buffers and streetyard buffers will be installed or maintained as existing vegetation and supplemental plantings as necessary by phase, prior to issuance of the first CO.
13. In order to protect the existing trees along Kearney Road, buildings north of Public Street A along Kearney Road may exceed the 18' maximum setback requirement. Buildings shall be a maximum distance of 90' from Kearney ROW. At a minimum a Type B 25' Buffer shall be maintained.

14. Buildings throughout the project (multi-family, commercial, townhomes) shall not exceed 3 stories.
15. Public streets shall comply with the cross sections as shown in the Master Plan.
16. A RRFB shall be installed (subject to NCDOT approval) for the Townhomes crossing Wake Union Church Road at Lola Lane.
17. The Landscape buffer along the St. Ives subdivision property line shall be increased to a minimum of 40' for all sections of the development. If a fence is added, shrub requirements of the type A buffer will not be required.
18. If commercial buildings along Wake Union Church Road include patios, patios shall be permitted to encroach into SH1-O landscape buffer. All required plantings shall still be provided.
19. Required SH1-O Buffer shall be measured 150' from centerline of US-1 and required building setback shall be 200' measured from centerline of US-1 for commercial outparcel and Townhome parcel.
20. The Developer shall investigate a roundabout at the intersection of Wake Union Church Road and Kearney Road. If feasible, the developer shall install the roundabout and the town shall reimburse the cost. The construction and funding shall be negotiated through a Developers Agreement. If a development agreement between the Town and Developer is not approved, a left turn lane from Kearney Road onto Wake Union Church Road shall be provided.
21. A physical barrier shall be provided between Wake Union Church Road and the townhomes fronting this road. Physical barrier could be considered a decorative non-opaque fence, max of 4 ft, stone or brick knee wall, or a similar item. As long as permitted by the Town and NCDEQ for stormwater treatment ponds, there shall be a decorative item within the multi-family pond such as a fountain or similar.
22. As long as permitted by the Town and NCDEQ for stormwater treatment ponds, there shall be a decorative item within the multi-family pond such as a fountain or similar.
23. Per neighbor request, connection of public street B to Lola Lane will not be opened until final building permit of the Townhome development has been obtained.
24. Although submitted prior to adoption, this rezoning shall use the adopted 2022 Community Plan for this review.
25. While not required for development, the project will encourage the use of green infrastructure including but not limited to the following: downspout disconnection, rainwater harvesting, rain gardens, planter boxes, bioswales, permeable pavements, green streets and alleys, green parking, green roofs urban tree canopy, land conservation, etc.

26. In an effort to create continuity for the entire project, a common stone or brick shall be provided that is used in all three phases of the development. The material could be used in a variety of ways including, but not limited to: landscaping walls, signage, building materials, accent materials, etc. Providing a minimum of one element for each phase shall satisfy this condition, but the developer may choose to provide the material in multiple facets if desired.
27. If the commercial property includes loading on a building that is adjacent to the St. Ives Subdivision, the loading will be on a building side that does not face the St. Ives property line.

Mr. Reidy stated staff recommends approval of the proposed rezoning and finds it to be consistent with the Comprehensive Plan and in the public interest for the following reasons:

1. The proposed zoning district is consistent with the zoning district of adjacent and nearby properties.
2. The proposed zoning district is consistent with the Corridor Commercial land use designation and the Activity Center designation in the Community Plan.
3. The proposed development provides placemaking with public art requirements, the encouragement of outdoor and rooftop seating, enhanced design standards, and continuity among the three phases of development. The development also provides the opportunity for a new "entertainment district" on the west side of Wake Forest by providing opportunities for restaurants, bars, indoor entertainment, indoor recreation, and retail.

Mayor Jones asked if Wake Union Church Rd. will extend out to Jenkins Rd. Mr. Reidy replied no, it's not part of this development but is stubbed to the property line.

Commissioner Sary remembered there being an old special use permit on this property with conditions. He asked if the conditions that were part of the special use permit have been carried forward. Mr. Reidy replied, they had pulled a grading permit that expired.

Commissioner Dyer inquired about the chemical contamination at the Parker Hannaford property. Mr. Reidy replied, there's a brownfields agreement with property owner Parker Hannaford and the state regarding the cleanup and monitoring at the site. Mr. Reidy stated he can ask the applicant to explain the process, in more depth, at the public hearing.

Commissioner Dyer asked if there'll be a roundabout at Kearney Rd. and Wake Union Church Rd. Mr. Reidy stated staff looked at preliminary designs and there would be

some right-of-way acquisitions that would need to happen but believes they could accommodate a roundabout at that location.

Commissioner Sliwinski asked if there's a point the developer could say this can't be done and it remains a vacant lot. Mr. Reidy replied, it's always a possibility but with the condition of installing all commercial TIA triggers before they can start building beyond the seventh townhome, they'd likely want to recoup the money they've invested. Mayor Jones said this has been looked at and checked on for years. Commissioner Sliwinski remarked once they start moving soil around he's assuming there are things that can be found. Mr. Reidy said the applicant can speak further about it at the public hearing.

Commissioner Sliwinski had questions regarding the temporary light placement at the U-turns located on Capital Blvd. Mr. Reidy replied, it hasn't been designed or approved by NCDOT, yet, but would likely be a stop condition.

Commissioner Wright said he has to travel NC 98 almost every day and doesn't like the traffic. He asked if there are other options other than a reverse superstreet. Mr. Reidy replied, it's what NCDOT and the TIA called for at that intersection. Commissioner Wright asked if they could request something different. Mr. Reidy replied, staff will bring it up and explore other possibilities.

Commissioner Shackelford asked about the traffic control on Lola Ln. Mr. Reidy replied they don't allow speed bumps, but they do have a traffic calming policy.

Commissioner Sliwinski asked for clarification on the conditions for roadway improvements. Mr. Reidy replied, they can do multifamily with driveway connections, and no more than seven townhomes built until road improvements are complete.

1.3 Presentation of TA-22-03: Unified Development Ordinance Text Amendment to update Chapters 1 and 8

Town Manager Kip Padgett introduced and welcomed new Senior Planner Tim Richards to the Board of Commissioners.

Senior Planner Tim Richards provided a presentation on Item TA-22-03 Unified Development Ordinance Text Amendment to update Chapters 1 and 8.

Mr. Richards provided a brief overview of the following proposed changes:

- Chapter 1 Section 1.5.1: To reference to the Community Plan adopted September 15, 2009, with a more general reference to the Town's comprehensive plan.
- Chapter 8 Section 8.6.1: Street Tree Requirements Replace the reference to a specific 2009 Community Plan policy on street tree species diversity with a reference to the street tree species diversity recommendations in the Wake Forest Urban Forest Management Plan. Delete the reference to major subdivisions, which are no longer defined in the UDO.
- Chapter 8 Section 8.9.1: Installation Standards for New Plantings Delete the reference to the same specific 2009 Community Plan policy on street tree species diversity. The reference to the Wake Forest Urban Forest Management Plan in this section is proposed to be carried forward.

Mr. Richards stated staff recommends approval of the proposed amendments to the Unified Development Ordinance. The request is generally consistent with the relevant policies in the comprehensive plan, and approval of the text amendment request is reasonable and in the public interest.

1.4 Proclamation Recognizing "I Stand for Peace" Day in the Town of Wake Forest

Mayor Jones recognized "I Stand for Peace" Day in the Town of Wake Forest, NC.

**PROCLAMATION
RECOGNIZING "I STAND FOR PEACE" DAY
IN THE TOWN OF WAKE FOREST**

Sri Sri Ravi Shankar and the Art of Living Foundation is committed to unending dedication to the values of peace, love, and harmony, and

Whereas, The Art of Living Foundation is a volunteer organization with the goal of fostering a one world family and a closer community, and

Whereas, the "I Stand For Peace" event on July 7, 2022, at the McKimmon Center is open to all those interested in learning more about global peace,

Now, Therefore, I, Vivian A. Jones, Mayor of the Town of Wake Forest, do hereby proclaim Thursday, July 7, 2022, "I Stand for Peace" Day in Wake Forest and urge all citizens to practice love and harmony with their neighbors.

1.5 Proclamation Recognizing the 105th Birthday of Ms. Joyce Bright Alford Davis
Mayor Jones will present Ms. Joyce Bright Alford Davis with the proclamation recognizing her 105th birthday later this month.

**PROCLAMATION
RECOGNIZING THE 105TH BIRTHDAY OF
MS. JOYCE BRIGHT ALFORD DAVIS**

*WHEREAS, Joyce Bright Alford Davis will celebrate her 105th birthday on July 9, 2022, and;
WHEREAS, Joyce Davis was married to Lewis Joseph Davis and is the mother of two children, Suzanne Davis Tull and Nancy Davis Rackley. She has been a dedicated wife, mother, grandmother and great-grandmother, and;*

WHEREAS, Joyce Davis was employed in the payroll department of the Royal Cotton Mill in Wake Forest, North Carolina for ten years and at the North Carolina Department of Vital Statistics in Raleigh, North Carolina for twenty years, and;

WHEREAS, Joyce Davis has been a lifelong member of Glen Royal Baptist Church where she has devoted her life to loving God and other people.

NOW THEREFORE, I, Vivian A. Jones, Mayor of the Town of Wake Forest, do hereby proclaim July 9, 2022, as

“Joyce Bright Alford Davis Day”

in the Town of Wake Forest and ask all citizens to wish her a blessed and happy day this the 10th day of July, 2022.

2. Discussion of Monthly Financial Report

2.1 Monthly Financial Report

Received.

3. Review of Draft Agenda for Upcoming Regular Meeting

3.1 Review of Draft Agenda for Upcoming Regular Meeting

The draft agenda was reviewed.

4. Other Business

4.1 Consideration of approval of introduction of bond orders and setting a public hearing date

Chief Financial Officer Aileen Staples provided the next step to the Bond Referendum in November 2022. She met with the Communications Team to develop a logo to inform and educate the citizens.

ACTION:

Mover: Commissioner Dyer moved to approve Item 4.1 Consideration of approval of introduction of bond orders and to set the public hearing date for July 19, 2022.

Secunder: Commissioner Sary.

Vote: Motion carried 5-0.

4.2. Commissioner Reports

Commissioner Dyer complimented the town for the 3rd and 4th of July celebrations, attended the Reading of the Names in downtown Raleigh, the Memorial Flag-Raising will be held on Monday, July 11, 2022, Friday Night on White is scheduled for July 15, 2022.

Commissioner Wright attended the July 3rd and 4th celebrations and commended staff on a job well done, Commissioner Wright and Commissioner Sliwinski will hold a Mental Health Care webinar on August 11, 2022, Commissioner Wright will miss the next meeting.

Commissioner Sliwinski attended the July 3rd and 4th celebrations and thanked the town and staff, attended the Parks, Recreation & Cultural Resources meeting, upcoming Art Event on August 27, 2022, at Joyner Park.

Commissioner Shackelford said he enjoyed the citizens doing the wobble in unison at the Fourth of July celebration.

Commissioner Sary enjoyed the festivities and commended staff in planning the events for Independence Day.

Mayor Jones thanked staff and the volunteers who worked at the 3rd and 4th of July events, attended the Fitness Court Grand Opening, the submission of the Mutschler House on Country Club Dr. to be nominated for the National Register of Historic Places was declined because a property needs to be 50 years old to be considered and the Mutschler House is only 49 years old, attended a couple shows at the Renaissance Centre, visited the Kids 'R' Kids day camp and talked with a group about being Mayor, shared news about the new collegiate baseball league here in Wake Forest named Wake Forest Fungo, attended the S-Line Advisory Committee Meeting, Mayor Jones will send a poll to the Board with dates and times they're available to tour the Boys and Girl Club.

Town Manager Kip Padgett said Channel 10 is still off air and working to get it repaired. Staff are working with the technician to see if they can get something installed temporarily until it can be permanently fixed.

4.3 Closed Session: N.C.G.S. § 143.318.11(a)(3) Consultation with Town Attorney: Fred Smith FSC II, LLC dba Fred Smith Company v. Town of Wake Forest (22-CVS-5350)

ACTION:

Mover: Commissioner Wright moved to go into closed session at 7:00 p.m.

Seconder: Commissioner Shackelford.

Vote: Motion carried 5-0.

The Board of Commissioners returned to open session at 7:19 p.m.

ACTION:

Mover: Commissioner Dyer moved to approve the Memorandum of Settlement Between FSC II, LLC D/B/A Fred Smith Company and the Town of Wake Forest.

Seconder: Commissioner Shackelford.

Vote: Motion carried 5-0.

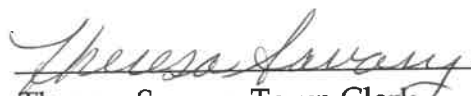
A hardcopy of the Memorandum of Settlement Between FSC II, LLC D/B/A Fred Smith Company and The Town of Wake Forest is filed in the Clerk's Office with the July 5, 2022 minutes.

6. Adjournment

The Board of Commissioners adjourned the meeting at 7:20 p.m.

Duly approved in open session this 16th day of August 2022.

(ATTEST)


Theresa Savary, Town Clerk


Vivian A. Jones, Mayor

