



**Wake Forest Board of Commissioners
Meeting Minutes**

The Wake Forest Board of Commissioners met on **Tuesday, September 17, 2024**, 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.

Mayor Jones stated that Commissioner Shackelford would not be in attendance for tonight's meeting.

Mayor Jones led everyone in the Pledge of Allegiance.

Council Members Present: Mayor Vivian A. Jones, Commissioner Ben Clapsaddle, Commissioner Faith Cross, Commissioner Keith Shackelford, Commissioner Nick Sliwinski, and Commissioner Adam Wright.

Commissioner Members Absent: None.

Staff Members Present

Town Manager Kip Padgett
Assistant Town Manager Candace Davis
Assistant Town Manager Allison Snyder
Assistant Town Manager/CFO Aileen Staples
Town Attorney Hassan Kingsberry
Town Clerk Theresa Savary
Assistant Planning Director Jennifer Currin
Parks, Recreation & Cultural Resources Director Ruben Wall
Senior Planner Patrick Reidy

Budget and Performance Analyst Ben Blevins
Senior Planner Tim Richards
Public Facilities Specialist Steven Carpenter
Finance Director Samantha Sanchez
Budget & Performance Manager Michelle Daniels
Fire Chief Ron Early
Police Chief Jeff Leonard
Police Captain Julius Jefferson
Police Captain Brandon High

1. Approval of Agenda

ACTION:

Mover: Commissioner Wright moved to approve the agenda as presented.

Second: Commissioner Sliwinski.

Vote: Motion carried 5-0.

2. Approval of Minutes

2.A. Approval of Minutes:

- August 6, 2024 Work Session
- August 20, 2024 Regular Meeting

ACTION:

Mover: Commissioner Wright moved to approve the minutes as presented.

Seconder: Commissioner Shackelford.

Vote: Motion carried 5-0.

3. Presentations

3.A. Presentation by Emily Ziegler about UNC Rex Hospital

Executive Director Emily Ziegler with UNC Health gave a presentation on behalf of UNC Health and UNC Health Rex to share their growth plans in Wake Forest.

3.B. Proclamation Recognizing the Month of October 2024 as "P.A.N.D.A.S. Month"

Mayor Jones read the proclamation into the record:

PROCLAMATION

RECOGNIZING OCTOBER 2024 AS "P.A.N.D.A.S. AWARENESS MONTH" IN THE TOWN OF WAKE FOREST, NORTH CAROLINA

WHEREAS, Pediatric Autoimmune Neuropsychiatric Disorders Associated with Streptococcal Infections, better known as PANDAS, is said to be a rare condition but is actually rarely diagnosed; and

WHEREAS, PANDAS is a term used to describe a subset of children who have Obsessive Compulsive Disorder and/or tic disorders such as Tourette Syndrome and in whom symptoms worsen following strep infections such as Strep Throat and Scarlet Fever; and

WHEREAS, children are often misdiagnosed and treatment is delayed. There are many treatments and options for treating this condition but, unfortunately, they are often very expensive and not covered by insurance;

WHEREAS, my friend Jay Jay Wilson suffers from this debilitating condition and I have been issuing proclamations for 11 years on his behalf; and

WHEREAS, Jay Jay's parents work so hard to provide everything he needs to live a good life; and

NOW THEREFORE, I, Vivian A. Jones, Mayor of the Town of Wake Forest, and the Board of Commissioners, do hereby proclaim October 2024 as

"P.A.N.D.A.S. MONTH IN THE TOWN OF WAKE FOREST"

and urge all citizens to become aware of this debilitating condition for children and work to make it more readily recognized by the medical profession and insurance providers.

Mayor Jones presented the proclamation to the Wilson Family.

- 3.C. Proclamation Recognizing September 23-27, 2024 as National Falls Prevention Awareness Week and September 24, 2024, as Falls Prevention Awareness Day in the Town of Wake Forest, North Carolina

Mayor Jones recognized National Falls Prevention Awareness Week:

***RECOGNIZING THE WEEK OF SEPTEMBER 23rd - 27th AS THE 17th
NATIONAL FALLS PREVENTION AWARENESS WEEK***

and

***SEPTEMBER 24TH AS FALLS PREVENTION AWARENESS DAY IN THE
TOWN OF WAKE FOREST, NC.***

WHEREAS, the urgency of the issue is underscored by the fact that an estimated one fourth of Americans aged 65 and older fall each year; and

WHEREAS, the alarming frequency of falls is evident as every second of every day, an older adult (age 65+) falls in the U.S. and

WHEREAS, Falls result in more than 3 million injuries treated in emergency departments annually, including over 800,000 hospitalizations and more than 32,000 deaths.

WHEREAS, the financial burden of falls is significant, with about \$50 billion spent on medical costs related to nonfatal fall injuries each year, and \$754 million on fatal falls. WHEREAS, The state of North Carolina ranks #27, where 28.9% of older adults fell in the number of falls for those 65 and older, and

WHEREAS, Falls are the leading cause of fatal and nonfatal injuries among older adults and

WHEREAS, Older adults who fall once are two to three times more likely to fall again, and

WHEREAS, Each year, 3 million older people are treated in emergency departments for fall injuries and

WHEREAS, Each year, at least 300,000 older people are hospitalized for hip fractures and

WHEREAS, A growing number of older adults fear falling and, as a result, often self-limit activities and social engagements and

WHEREAS, Injuries from falls are essentially a preventable community health problem and

WHEREAS, Evidence-based programs show promise in reducing falls and facilitating cost-effective interventions, such as comprehensive clinical assessments, exercise programs to improve balance and health, medication management, vision correction, and reduction of home hazards.

WHEREAS, the Town of Wake Forest recommends that every citizen over the age of 65 participates in the Falls Free Checkup, a screening tool designed to [purpose of the Falls Free Checkup]. This tool can be accessed [specific instructions on how to access the Falls Free Checkup].

NOW, THEREFORE, I, Vivian A. Jones, Mayor of the Town of Wake Forest, and the Board of Commissioners do hereby proclaim the week of September 23, 2024, as "FALLS PREVENTION AWARENESS WEEK" in the Town of Wake Forest, and September 24, 2024 as "FALLS PREVENTION AWARENESS DAY" and I urge all citizens to promote multidisciplinary strategies as mentioned from Campaign above, From AWARENESS TO ACTION: "Preventing Falls Starts with You and Starts Today" to prevent falls, and encourage our residents to take steps to protect those who are at increased risk of falling.

3.D. AARP Age Friendly Community Presentation

Ann Welton shared that she has been working closely with the Wake Forest Senior Center and the Town of Wake Forest as they embark on a journey as they become a more Age-Friendly Community in Wake Forest. Ms. Welton provided a presentation on the AARP Age-Friendly Program process.

3.E. Wake Forest Downtown Plan: Houseal Lavigne (Consultant) Presentation

Assistant Planning Director Jennifer Currin introduced Nik Davis and Jack Carso from Houseal Lavigne Associates.

Nik Davis provided a presentation and update on the Wake Forest Downtown Plan process.

4. Public hearings / Public Comment

4.A. Public Hearing on Parks and Recreation Impact Fee Update

Mayor Jones opened the Public Hearing.

The following citizens provided comments:

- Suzanne Harris, 5580 Centerview Drive, Suite 115, Raleigh, NC 27597
- Jacob Rogers, 8801 Fast Park Drive, Suite 117, Raleigh, NC 27617
- Erin Pandullo, 3105 Glenwood Avenue, Raleigh, NC 27612
- Margaret Watkins, 407 Belmellen Court, Wake Forest, NC 27587
- John Meyers, JPM South Development, 7208 Falls of the Neuse Road, Raleigh NC 27615
- Irene Butler, Triangle Apartment Association, 7920 ACC Boulevard, Suite 220, Raleigh, NC 27617
- Vail Barnes, 1201 Barnford Mill Road, Wake Forest, NC 27587

Mayor Jones asked if anyone else would like to speak. No one came forward to speak.

Mayor Jones declared the public hearing closed and mentioned that this item would go before the Board for approval at their October 15, 2024 meeting.

- 4.B. Public Hearing on LEGISLATIVE CASE RZ-22-05-01, Reserve at Dunn Creek, a rezoning amendment by filed by Timmons Group to amend rezoning conditions to align the installation of the right turn lane from Heritage Lake Drive onto westbound Friendship Chapel Road with the opening of Friendship Chapel Road to Holding Village

Senior Planner Patrick Reidy presented Case RZ-22-15-01, Reserve at Dunn Creek and explained the requested action is to act on the following:

1. Plan Consistency Statement
2. Amend rezoning conditions to align the installation of the right turn lane from Heritage Lake Drive onto westbound Friendship Chapel Road with the opening of Friendship Chapel Road to Holding Village.
 - a. Mr. Reidy stated that the plan remains the same as what was previously approved, and the new condition specifies the construction of a right-turn lane from Heritage Lake Road onto west-bound Friendship Chapel Rd. shall commence construction prior to the issuance of the 160th building permit and shall be substantially complete no later than issuance of the 250th building permit.

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

1. The proposed rezoning amendment is consistent with the Community Character section in the Community Plan. The rezoning amendment provides a turn lane on Heritage Lake Road, which was a result of working with NCDOT to identify areas for roadway enhancements.
2. The proposed rezoning amendment is in the public interest as the request only adjusts the timing of the right turn lane to coincide with the opening of the western crossing of Friendship Chapel Rd. to allow through traffic to continue at a normal speed and allowing for a safer turning movement.

Mayor Jones asked the Board if they had any questions. No questions were asked by the Board.

Allison Stone with Timmons Group, 5410 Trinity Road, Raleigh, NC 27607 was present to address any questions. Ms. Stone stated nothing with the plan changes and it's just a timing issue on the right-turn lane which would work better with the opening of Friendship Chapel Rd. at the western crossing when there will be more traffic on those roads. She also noted that they conducted a Neighborhood Meeting, had no attendees, and believes they only had one phone conversation with a neighbor and assured that nothing was changing with the plan.

Mayor Jones asked if anyone else wanted to speak on this item. No one came forward to speak.

Mayor Jones declared the public hearing closed.

- 4.C. Evidentiary Hearing on QUASI-JUDICIAL CASE SUP-24-01, Whataburger, a Special Use Permit application filed by Alan Moseley on behalf of G98 COMMERCIAL PH I LLC, for the establishment of a drive-thru on 1.29± acres located at 489 Dr Calvin Jones Hwy, being Wake County Tax PIN 1830767787

Town Attorney Hassan Kingsberry provided background and information on how the meeting would proceed.

Town Attorney Kingsberry asked if any members of the Board had any conflicts of interest in this matter and if any Board member had any undisclosed ex-parte communications regarding this matter. Attorney Kingsberry asked the Board members if there were any conflicts or any ex-parte communications to disclose. No conflicts of interest nor ex-parte communications were disclosed.

Town Attorney Kingsberry asked if there was anyone who had standing to please come forward at this time. If not, they will begin with the staff report. No one came forward with standing.

Senior Planner Tim Richards was sworn in by Town Attorney Kingsberry.

Senior Planner Tim Richards presented the staff report and provided an overview of Quasi-Judicial Case SUP-24-01, Whataburger located at 489 Dr. Calvin Jones Hwy.

Mayor Jones asked the Board if they had any questions. No questions were asked by the Board.

Lee Bakely, P.E. with BL Companies, 3420 Toringdon Way, Suite 210, Charlotte, NC 28277 was sworn in by Town Attorney Kingsberry.

Mr. Bakely stated that Whataburger is looking to propose a drive-thru restaurant with two queuing lanes located at 489 Dr. Calvin Jones Hwy in the Grove 98 Planned Unit Development.

There were no questions for Mr. Bakely. Attorney Kingsberry turned the hearing over to Mayor Jones.

Mayor Jones closed the Public Hearing.

4.D. Public Hearing to receive public input on capital needs for inclusion in the five-year Capital Improvements Plan (CIP) update for FY 2025-2030

Mayor Jones asked if anyone would like to speak on this item. No one came forward to speak.

Mayor Jones declared the Public Hearing closed.

4.E. Public Hearing of the Parks, Recreation and Cultural Resources Department Master Plan

The following citizens provided comments:

- Ric Riccobono, 1203 Santa Cruz Street Wake Forest, NC 275857
- David McCracken, 1133 Santa Cruz Street, Wake Forest, NC 27587

- Margaret Watkins, 407 Belmellen Court, Wake Forest, NC 27587
- Angela DiPaolo, 929 Barnford Mill Road, Wake Forest, NC 27587

Mayor Jones asked if anyone else would like to speak on this item. No one came forward to speak.

Mayor Jones declared the Public Hearing closed.

4.F. Public Comment: If anyone would like to address the Board of Commissioners on an item other than a public hearing item during the time of public comment, please sign up with the Town Clerk prior to the meeting. Each speaker is asked to limit comments to 3 minutes. Please provide the clerk with copies of any handouts you have for the Board. Although the Board is interested in hearing your concerns, speakers should not expect Board action or deliberation on subject matter brought up during the Public Comment segment. Topics requiring further investigation will be referred to the appropriate Town Staff and may be scheduled for a future agenda. Thank you for your consideration of the Board of Commissioners, staff and other speakers.

The following citizens provided comments:

- Deborah Bates, 1216 Heritage Hills Way, Wake Forest, NC 27587
- Matthew Tarpley, 1900 Lakewood Avenue, Lake Waccamaw, NC 28450
- Janice Davis, 1009 Lightfoot Court, Wake Forest, NC 27587
- Margaret Watkins, 407 Belmellen Court, Wake Forest, NC 27587
- Abby Black, 520 S. Main Street, Wake Forest, NC 27587
- Tripp Black, 520 S. Main Street, Wake Forest, NC 27587
- Nicki Black, 520 S. Main Street, Wake Forest, NC 27587
- Martha Gruber, 1133 Shadow Shade Drive, Wake Forest, NC 27587

Mayor Jones asked if anyone else would like to speak. No one came forward to speak.

The Board paused for a break at approximately 8:50 p.m. and reconvened at 8:55 p.m.

5. Consent Agenda

(A Consent Agenda is a group of items passed with a single motion and vote. These matters are of a generally routine nature. No debate is allowable on any item included on the Consent

Agenda. If a commissioner or any citizen of Wake Forest or its ETJ wants separate consideration of any item, it may be removed from the Consent Agenda by request.)

- 5.A. Approval of a Resolution to Accept Streets into the Town of Wake Forest Street System for Maintenance

[Filed in the Clerk's Office as Resolution 2024-53.]

- 5.B. Approval of the Contract for the Construction of the Dunn Creek Greenway Phases 3 and 4

[Filed in the Clerk's Office as Resolution 2024-54.]

- 5.C. Approval of a resolution to schedule the public hearing and certify the sufficiency for a petition requesting contiguous annexation submitted by property owners Star Landing LLC for property associated with the rezoning request RZ-23-06, located at 10600 Star Road being Wake County PIN 1739652624 being approximately 26.86 acres

[Filed in the Clerk's Office as Resolution 2024-51.]

ACTION:

Mover: Commissioner Sliwinski moved to approve the consent agenda as presented.

Second: Commissioner Wright.

Vote: Motion carried 5-0.

6. Legislative Items

No Legislative Items presented.

7. Planning Items

- 7.A. Consideration of LEGISLATIVE CASE RZ-22-05-01, Reserve at Dunn Creek, a rezoning amendment by filed by Timmons Group to amend rezoning conditions to align the installation of the right turn lane from Heritage Lake Drive onto westbound Friendship Chapel Road with the opening of Friendship Chapel Road to Holding Village

Commissioner Wright expressed his disappointment with what has happened at the site. He said that when he voted to approve this project, he did so largely because the area desperately needs the road connection that would be provided at Friendship Chapel Rd. However, he didn't anticipate the extent to which the land would be stripped. Given the land's close proximity to the greenway, he had hoped that more care would be taken. He had envisioned a balance between development and nature, and he expects developers in Wake Forest to do better. He emphasized that it's not just about meeting minimum requirements, but also about respecting the character of the community. Moving forward, he expects to see a higher standard of care for projects and other work in the community.

Mayor Jones appreciated Commissioner Wright's comments. She mentioned that the land was part of a dairy farm when she moved here 43 years ago, and those beautiful trees that were cut down were not there at that time. She clarified that it's not like they did something that had always been there.

ACTION:

Mover: Commissioner Wright moved to approve Case RZ-22-05-01, Reserve at Dunn Creek with the consistency statement.

Secunder: Commissioner Shackelford.

Vote: Motion carried 5-0.

- 7.B. Consideration of QUASI-JUDICIAL CASE SUP-24-01, Whataburger, a Special Use Permit application filed by Alan Moseley on behalf of G98 COMMERCIAL PH I LLC, for the establishment of a drive-thru on 1.29± acres located at 489 Dr Calvin Jones Hwy, being Wake County Tax PIN 1830767787.

Town Attorney Hassan Kingsberry stated they would need to reopen the hearing for Case SUP-24-01, Whataburger in order to get more evidence. Mr. Kingsberry said they need to get a testimony on each of the findings of fact.

Mayor Jones reopened the hearing for Case SUP-24-01, Whataburger.

Findings of Fact #1: The proposed special use conforms to the character of the neighborhood, considering the location, type and height of buildings or structures and the type and extent of landscaping on the site.

Staff Analysis:

- The Grove 98 PUD Document (see Exhibit 10) speaks to the desired character in the neighborhood. Among the purposes identified for the Grove 98 are encouraging both connectivity between uses and sensitivity to natural resources, and facilitating the provision of adequate public amenities. Themes from Town plans that are referenced include promoting a compact, walkable community; encouraging conservation of remaining open spaces through higher-density development; establishing strong pedestrian and bicyclist connectivity to adjacent uses; and preserving and enhancing the visual quality of main traffic corridors (see Section 4: PUD Intent and Compatibility Statement). In addition, design criteria for parking and loading include this language: “All practicable efforts will be made to minimize or eliminate off-street parking between public rights-of-way and building frontage to adhere to generally accepted urban design best practices (pedestrian friendly streetscapes with a building street presence.” (See Section 6.6 – Parking and Loading).
- The Grove 98 commercial development immediately to the East of the site consists of two, one-story commercial buildings that front directly on Dr Calvin Jones Highway. Buildings are massed so as to frame the abutting streets along most of the frontage 5 (totaling approximately 285’ of the frontage), with a 40’ wide pedestrian plaza between the two buildings. The buildings feature glazing, articulation, and pedestrian-scale elements on all facades, including on their multi-use path/Dr. Calvin Jones Highway facing facades, even though all primary entrances face the parking area on the north of the buildings. Buildings provide visual interest through variations in roofline, articulation, use of murals, and variation of high-quality materials, patterns, and colors. Connecting the plaza directly to the multi-use path is a 20’ wide sidewalk, and additional 9’ wide and 11’ wide pedestrian connections to the multi-use path are provided on the Western and Eastern corners, respectively, of that commercial frontage. All parking is located in the rear of the buildings.
- The Grove 98 multifamily development immediately to the West of the site consists of two, three-story multifamily buildings that front directly on Dr Calvin Jones Highway. They are massed so as to frame the abutting street along a total of approximately 340’ of the street frontage. There is a single, approximately 60’ wide parking bay fronting the street between the two buildings. The building design incorporates glazing, articulation, variation in rooflines, and a mix of materials and colors. Each building is served by two direct, 6’ wide sidewalk connections to the abutting multi-use path, and an additional 6’ wide sidewalk connection is provided between the street fronting parking bay and the multi-use

path. Landscaping around the buildings includes sod on the periphery and mulched shrubs closer to the building foundations.

- The multi-use path along Dr Calvin Jones Highway is located within a 30' wide vegetated buffer, with shrubs on the south side of the path and a mixture of trees and shrubs on the north side of the path. As noted above, multiple direct sidewalk connections are provided from the multi-use path to the abutting multifamily and commercial development,
- The drive-thru design features two parking bays along approximately 130' of the street frontage beginning near the corner of the intersection of the abutting private drive and Dr Calvin Jones Highway. There is a 12' wide drive-thru lane between the building frontage and the multi-use path and street. As discussed in the staff analysis above, that lane is proposed to include a raised, stamped asphalt surface along the building frontage with a high-visibility, 5' wide crosswalk connecting the building to the multi-use path. The proposed building frontage along Dr Calvin Jones Highway, located near the Western property line abutting the multifamily development, is shown at approximately 34' wide. Proposed landscaping includes a continuous row of 3' tall shrubs around the periphery of the drive-thru and other site landscaping required by the UDO and Grove 98 PUD standards.

Mr. Bakely stated that they believe their plan conforms with the UDO requirements for building and parking lot placement. All of their drive-thru queuing is located at the back of the parcel, which separates drive-thru customers from dining room customers, ensuring safety for all users.

Mr. Bakely stated that they have collaborated with staff to ensure adequate public access, pedestrian safety, and bicycle safety. There is also a large Multi-Use Path (MUP) along Dr. Calvin Jones Hwy.

Mr. Bakely believes they have worked in conjunction with the town's UDO and the Grove 98 PUD, and that the site plan is in line with the character of the PUD neighborhood.

Findings of Fact #2: The proposed use will not cause undue traffic congestion or create a traffic hazard.

Staff Analysis:

- As discussed in the staff analysis section above, the drive-thru design complies UDO requirements for storage/stacking area location, pedestrian-conscious design, and on-site vehicular stacking lanes.
- The applicant has provided an engineer's evaluation of queuing needs for the site (see Exhibit 6).
- The 2018 Traffic Impact Analysis (TIA) for the Grove 98 PUD included two 4,000 square foot fast food restaurants with drive-thrus in the uses evaluated (see Exhibit 12).

Mr. Bakely stated they provided staff with a traffic queuing analysis that Whataburger had done for similar-sized buildings. They also complied with the town's UDO regarding the minimum stacking requirements for a drive-thru restaurant.

Findings of Fact #3: Adequate utilities (water, sewer, drainage, electric, etc.) are available for the proposed use.

Staff Analysis:

- A drive-thru generally does not require access to water and sewer utilities. Stormwater infrastructure serving the drive-thru will be reviewed during Site Master Plan and Construction Plans review to ensure it complies with UDO standards. Electricity is available on the site.

Mr. Bakely stated the above staff analysis for findings of fact #3 is correct.

Findings of Fact #4: The proposed use shall not be noxious or offensive by reason of vibration, noise, odor, dust, smoke, or gas.

Staff Analysis:

- The application does not include information regarding any noxious or offensive vibration, noise, odor, dust, smoke, or gas that may result from the proposed drive-thru, but staff assumes that cars idling and moving through the drive-thru lanes will generate some vibration, noise, odor, dust, smoke, and gas. Hours of operation were not specified in the application. The applicant may provide additional information at the hearing for consideration.
- The drive-thru design includes two lanes along the North and West property lines abutting the multifamily development. The lanes are located 5' from the Northern property line and 7' from the Western property line. The closest multifamily building West of the site is located approximately 18' from the lanes,

with windows on all three stories facing the drive-thru. The nearest multifamily building North of the site is located approximately 90' from the nearest lanes, with an intervening parking bay. It also has windows on all three stories facing the drive-thru.

- As discussed in the staff analysis section above, the drive-thru design complies with the UDO's screening requirements for drive-thrus by providing a continuous row of 3' tall evergreen shrubs around the periphery of the site. An additional berm planted with taller shrubs is currently present along the North and West of the site, except where a garage structure abuts the site along its Northwest corner. It is not clear from the 7 application what portions of the berm are located on the site versus on the abutting properties.

Mr. Bakely pointed out that the staff analysis indicated that the applicant did not provide specific information about whether noxious or offensive vibration, noise, odor, dust, smoke, or gas would result from their drive-thru use. He acknowledged that as a restaurant with a drive-thru, there will be some noise and potential odors, but they don't believe there will be any dust, smoke, gas, or unusual vibrations from the drive-thru use. He noted that vibrations could occur from certain vehicles and large trucks visiting the drive-thru lane, but that wouldn't be any different than the large trucks parked next door in the multi-family apartment complex or the trucks that typically drive up and down Dr. Calvin Jones Hwy. Regarding noise, they have mini boards with volume controls and will work with the town to ensure they install the correct landscape buffers. The proposed landscaping will help further mitigate the light lumens. As for odors, they acknowledge that there will be some odors from the drive-thru.

Findings of Fact #5: The establishment of the proposed use shall not impede the orderly development and improvement of surrounding property.

Staff Analysis:

- Property on all sides of the site have been development in accordance with Grove 98 Planned Unit Development guidelines and regulations.
 - o The UDO states that Planned Unit Developments should promote a compatible mix of uses to instigate an integrated and sustainable development consistent with the Town's unique character.
 - o As noted above, the Grove 98 PUD Document (see Exhibit 10) has an overall purpose of encouraging design flexibility, connectivity between uses, and sensitivity to natural resources, and of facilitating the efficient provision of

infrastructure, utilities, and adequate public amenities. The PUD Document also references common themes from Town plans that include promoting a compact, walkable community; encouraging conservation of remaining open spaces through higher-density development; establishing strong pedestrian and bicyclist connectivity to adjacent uses; and preserving and enhancing the visual quality of main traffic corridors (see Section 4: PUD Intent and Compatibility Statement).

- o Design criteria in the PUD Document include parking and loading standards. Those standards state, in part, “All practicable efforts will be made to minimize or eliminate off-street parking between public rights-of-way and building frontage to adhere to generally accepted urban design best practices (pedestrian-friendly streetscapes with a building street presence.” (See Section 6.6 – Parking and Loading).

Mr. Bakely stated that their project includes multiple access points to promote pedestrian and bicycle availability and accessibility. Bicycle parking is available at the building for customers. With the Planned Unit Development (PUD), the drive-thru facility needs to be permitted as part of the Special Use Permit (SUP). They believe that adding a Whataburger will be a great addition to the Grove 98 Development and the Town of Wake Forest.

Findings of Fact #6: The establishment, maintenance, or operation of the proposed use shall not be detrimental to or endanger the public health, safety, or general welfare.

Staff Analysis:

- As discussed above, the drive-thru design complies UDO requirements for storage/stacking area location, pedestrian conscious design, and on-site vehicular stacking lanes.
- The applicant has provided an engineer’s evaluation of queuing needs for the site (see Exhibit 6).
- The 2018 Traffic Impact Analysis (TIA) for the Grove 98 PUD included two 4,000 square foot fast food restaurants with drive-thru in the uses evaluated (see Exhibit 12).
- As noted above, the application did not include information regarding whether any noxious or offensive vibration, noise, odor, dust, smoke, or gas will result from the proposed drive-thru, but staff assumes that cars idling and moving through the 8 drive-thru lanes will generate some vibration, noise, odor, dust,

smoke, and gas. Hours of operation were not specified in the application. The applicant may provide additional information at the hearing for consideration.

Mr. Bakely explained that a Traffic Impact Analysis was conducted for the Grove 98 development, which included a 4,000 square foot fast food restaurant with a drive-thru as part of the study. The site layout with the drive-thru queuing is located on the northern side of the building to keep it as far away from the highway as possible. They do not anticipate it negatively impacting the public accessway in any way.

Mr. Bakely said as far as health and safety their use is a restaurant so they don't envision there being anything out of the ordinary with any commercial restaurant use.

Findings of Fact #7: The proposed use will not substantially injure the value of adjoining or abutting property.

Staff Analysis:

- The application does not include any information regarding potential impacts of the drive-thru on the value of adjoining or abutting property. The applicant may provide additional information at the hearing for consideration.

Mr. Bakely commented that the adjoining and abutting properties of the Grove 98 PUD are commercial in nature as is the property across the street. He believes that they are consistent with the nature of the zoned area. Mr. Bakely said he didn't think there would be a negative impact on the commercial value of the commercial properties in the area with the drive-thru component of the restaurant.

Findings of Fact #8: The proposed use is consistent with the officially adopted plans and policies of the town.

Staff Analysis:

- The Wake Forest Community Plan places this site within a Corridor Commercial area, with the following description:
 - o "Corridor Commercial uses include auto-oriented retail and service businesses such as large-scale shopping centers, grocery stores, restaurants, gas stations, and hotels. Standalone office uses are included within this designation. Corridor Commercial areas serve patrons from within Wake Forest and the region and play a role in strengthening the Town's tax base. Corridor Commercial uses should be situated at highly visible and accessible locations

along the Town's major roadways, including Capital Boulevard, Rogers Road, and Dr. Calvin Jones Highway. Surface parking lots should be strongly encouraged to be behind buildings. Internal sidewalks, bikeways, and bicycle parking should be provided to link Corridor Commercial uses to the larger active transportation network. Transit access should be strengthened to Corridor Commercial destinations to improve multimodal connectivity."

(page 42)

- Other relevant Community Plan policies include the following:
 - o The site is within a TOD Area. TOD Areas should be highly walkable, active environments, with the most urban and compact development in Wake Forest. Uses should include commercial retail and service, office, residential, and employment, with a focus on mixed-use development. Surface parking lots should be limited and oriented to the rear of buildings. (page 48)
 - o The site is within Commercial Area 5. That area "should include a mix of regional- and local-serving retail, service, and office uses. Buildings should be located near the right of-way for visibility along the corridor with parking to the rear. Pedestrian and bike access should be enhanced with a well-buffered sidewalk network along Dr Calvin Jones Highway, safe crossings at traffic signals, pedestrian-scaled lighting, bike parking stations, and internal pedestrian pathways." (page 55)
 - o Commercial development should include pedestrian oriented shopping environments with sidewalks, attractive storefronts, and buildings facing each other to create a sense of enclosure. (page 66)
 - o There should be consistency in setbacks within commercial and residential areas to form desirable continuity in the streetwall, or the facades of buildings facing the street. (page 68)
 - o Off-street parking should generally be located to the side or rear of the primary building. (page 68)
 - o Sufficient screening and buffering of industrial and commercial uses should be provided next to residential uses to minimize potential adverse impacts. (page 69)
 - o New development should be contextual to the existing character of the area in terms of scale, massing, setback, fenestration, and design features. (page 70)
 - o Multifamily and commercial developments should include strong pedestrian networks within and between their sites. (page 78)

Mr. Bakely stated that a drive-thru restaurant was an allowable design component for Grove 98 PUD, so the Whataburger Restaurant would fulfill that requirement, with the understanding that a drive-thru would need to obtain a Special Use Permit.

Mr. Bakely clarified that the proposed hours of operation for the restaurant would be from 5:00 am to midnight.

When asked about the height of the berm by Commissioner Cross, Senior Planner Tim Richards estimated it to be approximately 1.5 feet in height. Commissioner Cross also inquired about the planting of evergreens, to which Mr. Bakely responded that there would be evergreens planted on their portion of the property.

Commissioner Shackelford asked about the anticipated traffic, while Commissioner Sliwinski questioned whether it would cause traffic backup on Dr. Calvin Jones Hwy. Mr. Bakely mentioned that he does not anticipate traffic backup except during the first week of opening.

ACTION:

Mover: Commissioner Wright moved to approve Case SUP-24-2-01, Whataburger with the eight Findings of Fact.

Seconder: Commissioner Shackelford.

Vote: Motion carried 5-0.

8. Administration and Financial Items

8.A. Consideration of approval of resolution providing for sale and issuance of General Obligation Public Improvement Bonds, Series 2024A (Two-thirds bonds - \$1,460,000) and Series 2024B (\$22,050,000)

ACTION:

Mover: Commissioner Shackelford moved to approve a resolution providing for sale and issuance of General Obligation Public Improvement Bonds, Series 2024A (Two-thirds bonds - \$1,460,000) and Series 2024B (\$22,050,000)

Seconder: Commissioner Sliwinski.

Vote: Motion carried 5-0.

9. Public Services Items

No Public Service Items presented.

10. Parks and Recreation Items

10.A. Consideration of the Parks, Recreation and Cultural Resources Department Master Plan

Mayor Jones mentioned that the proposed plan included adding a new staff position for a special events coordinator. She thought they already had a special events coordinator. Mr. Wall clarified that they did have one, but they had requested an additional position in the budget, which had been approved. Therefore, there was no need to include it in the Master Plan.

Mayor Jones also inquired about a new division that was being requested. Mr. Wall confirmed that it was part of a future plan. Mayor Jones also asked about a nature and conservation division. Mr. Ruben explained that as the town grows, there will be a need for specific attention to nature and conservation.

Commissioner Sliwinski thanked Mr. Wall and his staff, as well as the consultant, Parks and Recreation Advisory Board members, and the citizens for attending tonight's meeting.

Commissioner Cross thanked Mr. Wall and expressed appreciation for the helpful and informative plan, acknowledging the hard work that went into it.

ACTION:

Mover: Commissioner Sliwinski moved to approve the Parks, Recreation and Cultural Resources Department Master Plan

Secunder: Commissioner Wright.

Vote: Motion carried 5-0.

11. Public Safety Items

No Public Safety Items presented.

12. Other Business

12.A. Wake County Tax Release

Received.

12.B. Department Monthly Reports

Received.

12.C. Commissioner Reports

Commissioner Wright recently received a signed petition from a young girl and her classmates regarding their suggestions for the town's approach to trees. He attended the last FNOW of the season and requested the staff to bring up a plan to revisit a Social District.

Commissioner Shackelford had no report.

Commissioner Cross attended the Memorial Flag Raising Ceremony, the September 11th Ceremony at the Fire Station, and the local debates at the Renaissance Centre.

Commissioner Clapsaddle expressed gratitude to the Black Family for their presentation and encouraged people to join in the Good Neighbor Day celebrations at Joyner Park on Saturday, September 21st. He attended the September 11th Ceremony at the Fire Station and thanked all first responders for their service.

Commissioner Sliwinski attended FNOW and reminded everyone about the Mental Wellness Fair scheduled on Saturday, September 28th at the Renaissance Centre.

Mayor Jones attended the September 11th Celebration at the Fire Station and mentioned that there was also a September 11th Celebration at the Senior Center. Additionally, she attended a retirement celebration for Dr. Enoch Halloway at Friendship Chapel Baptist Church.


Town Manager Padgett reminded everyone about the Board of Commissioners Annual Retreat scheduled for January 17, 2025, at the Renaissance Centre. He also invited the Board to reach out to him if they had any specific topics they wanted covered during the retreat.


13. Adjournment

With no further business to discuss, the meeting was adjourned at 9:40 p.m.

Duly approved in open session this 17th day of September 2024.

(ATTEST)


Vivian A. Jones, Mayor


Theresa Savary, Town Clerk

