



TOWN *of* WAKE FOREST

Board of Adjustment Meeting Agenda January 16, 2025 at 6:00 PM

Notice

In accordance with the requirements of Title II of the Americans with Disability Act of 1990 (ADA), the Town of Wake Forest will not discriminate against qualified individuals with disabilities on the basis of disability in its services, programs, or activities. For individuals with impaired hearing, special equipment is available for use during meetings in the Town Hall Board Chambers. Anyone who requires an auxiliary aid or service for effective communication, or a modification of policies or procedures to participate in a program, service, or activity of the Town of Wake Forest should contact the office of ADA Coordinator [Mickey Rochelle](#) at 919-435-9455 or Deputy Town Clerk [Ella Dowtin](#) at 919-435-9436 as soon as possible, but no later than 48 hours before the scheduled event.

Public Hearing

Those wishing to speak must first register to speak no later than 3pm the day of the meeting at <https://www.wakeforestnc.gov/public-meetings-portal>.

At the appropriate time, the Board of Adjustment Chair will acknowledge those persons who have registered to speak. They will be called upon in the order registered. Speakers will address the Board as a whole, from the podium at the front of the room, and begin their remarks by stating their name and address. While not required, the Chair may ask staff or the applicant to respond. Speakers needing additional information or questions answered will be contacted by the Deputy Town Clerk and provided contact information for the appropriate staff person.

Unless otherwise indicated by the Chair, individual comments shall be limited to three minutes. Groups are encouraged to designate a lead speaker on their behalf, and when addressing the Board, the speaker must first identify the group they are representing and will be given no more than ten minutes to give comments. Once comments have been made, speakers cannot speak again, unless specifically called upon by the Chair. The Chair may, at his/her discretion, interrupt public comment and elect to continue it to another meeting due to, among other reasons, the lateness of the hour or to allow consideration of other items on the agenda.

When public hearings are continued from previous meetings, previous individuals that have spoken, either representing themselves or a group, cannot speak at a continued public hearing, unless specifically called upon by the Chair. Additionally, speakers cannot both represent themselves individually and speak on behalf of a group throughout public hearings, even if held over multiple sessions.

1.Call to Order

2.Adoption of Agenda

3.Approval of Minutes

- 3.A. Approval of Minutes
[BOA minutes 12-19-2024 .pdf](#)

4.Old Business

5.New Business

- 5.A. Public Hearing and Consideration of QUASI-JUDICIAL ITEM BOA-24-05 Variance Requests for 116 Brimfield Springs Lane
[BOA-24-05_Agenda_Summary.pdf](#)
- 5.B. Public Hearing and Consideration on QUASI-JUDICIAL ITEM BOA-24-01 Variance Requests for 0 and 1040 S. Main Street
[BOA-24-01 STAFF REPORT V3.pdf](#)
[Exhibit A - Applicant's Variance Justifications and Exhibits.pdf](#)
[Exhibit B - Application and Agent Authorizations.pdf](#)
[Exhibit C - Aerial and Zoning Maps.pdf](#)
[Exhibit D - Recored Plat \(BM2007 PG2127\).pdf](#)
[Exhibit E - UDO Variance References.pdf](#)
[Exhibit F - 2024 Powell Bill Map.pdf](#)
[Exhibit G - CTP 2A Cross Section.pdf](#)

6.Staff Comments

7.Board of Adjustment Comments

8.Adjournment



Board of Adjustment Agenda Item Report

Agenda Item No.: 2024-445-
Submitted by: Ella Dowtin
Submitting Department: Planning
Meeting Date: January 16, 2025

SUBJECT

Approval of Minutes

Recommendation:

Item Summary:

ATTACHMENTS

- [BOA minutes 12-19-2024 .pdf](#)



Wake Forest Board of Adjustment Minutes

The Wake Forest Board of Adjustment met on **Thursday, December 19, 2024**, at **6:00 p.m.** in the Board Room at Wake Forest Town Hall, 301 S Brooks Street.

Board of Adjustment Members present: Joseph Longoria, Rick Porter, William Hedrick, Ken Christie, and Mark Williams

Board of Adjustment Members absent: Jonathan Bivens

Staff Members present: Assistant Planning Director Jennifer Currin, Senior Planner Patrick Reidy, and Deputy Town Clerk Ella Downtin

1. Call to Order

Chair Hedrick called the meeting to order at 6:01 p.m.
A quorum was established.

2. Adoption of Agenda

ACTION:

Mover: Mark Williams moved to adopt the agenda as presented.

Second: Ken Christie.

Vote: Motion carried 5-0.

3. Approval of Minutes

ACTION:

Mover: Ken Christie moved to approve the March 21, 2024; minutes as presented.

Second: Mark Williams.

Vote: Motion carried 5-0.

4. Old Business

4.A. Consideration of 2025 Board of Adjustment Meeting Schedule

ACTION:

Mover: Mark Williams moved to approve the 2025 Meeting Schedule with the revised October date from 16 to October 23, 2025.

Seconded: Rick Porter.

Vote: Motion carried 5-0.

5. New Business

5.A. Appoint Chair and Vice-Chair for the 2025 Calendar Year

ACTION:

Mover: Mark Williams moved to nominate William Hedrick as Chair for the 2025 Calendar Year.

Seconded: Ken Christie.

Vote: Motion carried 5-0.

ACTION:

Mover: Williams Hedrick moved to nominate Rick Porter as Vice-Chair for the 2025 Calendar Year.

Seconded: Mark Williams.

Vote: Motion carried 5-0.

6. Staff Comments

Senior Planner Reidy recognized Jonathan Bivens for his years of service on the Board of Adjustment.

7. Board of Adjustment Comments

No comments.

8. Adjournment

ACTION:

Chair Hedrick moved to adjourn at 6:06 p.m.

Duly approved in open session this 16th day of January 2025.

Ella F. Downtin
Deputy Town Clerk

William Hedrick
Board of Adjustment Chair



Board of Adjustment Agenda Item Report

Agenda Item No.: 2024-436-
Submitted by: Patrick Reidy
Submitting Department: Planning
Meeting Date: January 16, 2025

SUBJECT

Public Hearing and Consideration of QUASI-JUDICIAL ITEM BOA-24-05 Variance Requests for 116 Brimfield Springs Lane

Recommendation:

Item Summary:

ATTACHMENTS

- [BOA-24-05_Agenda_Summary.pdf](#)

Agenda Item: Public Hearing and Consideration of QUASI-JUDICIALCASE BOA-24-05, Variance Requests for 116 Brimfield Springs Lane.

Summary: Additional information and research are required for this variance request; therefore, this item will not be heard and the public hearing for BOA-24-05, 116 Brimfield Springs Lane will be re-advertised at a later date.



Board of Adjustment Agenda Item Report

Agenda Item No.: 2024-437-
Submitted by: Patrick Reidy
Submitting Department: Planning
Meeting Date: January 16, 2025

SUBJECT

Public Hearing and Consideration on QUASI-JUDICIAL ITEM BOA-24-01 Variance Requests for 0 and 1040 S. Main Street

Recommendation:

Item Summary:

ATTACHMENTS

- [BOA-24-01 STAFF REPORT V3.pdf](#)
- [Exhibit A - Applicant's Variance Justifications and Exhibits.pdf](#)
- [Exhibit B - Application and Agent Authorizations.pdf](#)
- [Exhibit C - Aerial and Zoning Maps.pdf](#)
- [Exhibit D - Recored Plat \(BM2007 PG2127\).pdf](#)
- [Exhibit E - UDO Variance References.pdf](#)
- [Exhibit F - 2024 Powell Bill Map.pdf](#)
- [Exhibit G - CTP 2A Cross Section.pdf](#)



Staff Report

Case BOA-24-01: 0 and 1040 S. Main Townhomes

Meeting Date	January 16, 2025
Requested Actions	Consideration of the following item related to Variance applications for 0 and 1040 S. Main Street (PINs 1840273258, 1840273244, and 1840274157): 1. Request to allow for townhouse lots to front on a private access easement instead of a public street right-of-way. 2. Request to allow for townhouses to have vehicular access from a front driveway instead of a rear alley. 3. Request to allow the block length and cul-de-sac length to exceed the maximums allowed. 4. Request to allow a reduction in street and right-of-way widths.
Case Manager	Patrick Reidy, Senior Planner-Development Services

CASE INFORMATION

Applicant	Fox Rothschild LLP C/O Beth Trahos 434 Fayetteville Street, Suite 2800 Raleigh, NC 27601
Property Owners	Pinnacle of NC, LP C/O Dean Smith 199 Suitt Road Franklinton, NC 27525 Pinnacle of NC, LP C/O Bryan Benton 2505 York Road Raleigh, NC 27608 Ninety-Eight Bypass Associates, LLC C/O Russell Gay 8310 Banford Way Raleigh, NC 27615
Location	Intersection of S. Main Street and Highway 98
Addresses	0 and 1040 S. Main Street

Wake County Tax PIN(s)	1840273258, 1840273244, and 1840274157		
Acreage	0.57, 0.52, and 1.16 acres		
Zoning	Residential Mixed-Use (RMX)		
Land Use	Vacant		
Community Plan (2022)	Mixed Residential and Neighborhood Commercial; Transit-Oriented Development; Commercial & Industrial Areas Plan #5		
Corporate Limits	This application is in the Town’s corporate limits.		
Book of Maps/ Page Number	Book BM 2007, Page 2127 – Recorded September 11, 2007 (PIN 1840274157; no plats have been found for the other two PINs)		
Setbacks	Front	18 feet maximum	
	Street Side/ Secondary	5 feet minimum	
	Side	0 feet minimum	
	Rear	5 feet minimum	
See Exhibit B for a copy of the application, Exhibit C for an aerial photograph and zoning map, and Exhibit D for a copy of the recorded plat.			

SURROUNDING LAND USES AND ZONING

	Land Use	Zoning
North	HOA Open Space and Single-Family Attached (Weatherstone)	Conditional Use Residential Mixed-Use (CU RMX) (RZ-91-2-2)
South	General Commercial (Lidl) and Highway 98 ROW	Conditional Use Neighborhood Business (CU NB) (RZ-03-13)
East	Religious Institution (WF United Methodist) and S. Main Street ROW	Residential Mixed-Use (RMX)
West	HOA Open Space and Single-Family Attached (Siena Townhomes)	Conditional Use Residential Mixed-Use (CU RMX) (RZ-95-17)

See Exhibit C for aerial and zoning maps.

VARIANCE REQUEST #1 – PUBLIC STREET RIGHT-OF-WAY

The applicant is requesting relief from Section 4.3.1.A of the Wake Forest Unified Development Ordinance (UDO), which applies to the requirement that all lots must front on a public street right-of-way.

The applicant is requesting a variance to allow the 13 future single-family attached lots to front on a private access easement extension of Mangia Drive instead of a public right-of-way, as shown on Exhibit A prepared by Priest, Craven, and Associates, Inc. and dated May 1, 2024. The existing Mangia Drive is a private street with a public vehicular access easement.

FINDINGS REQUIRED TO GRANT VARIANCE

In granting any variance, the Board of Adjustment must have a concurring vote of four-fifths of its members in accordance with Section 15.13.3 of the Wake Forest Unified Development Ordinance and N.C.G.S. § 160D-406. The Board shall not grant a variance unless and until written findings are made based on all the following conclusions and findings of fact in Section 15.13.3.B of the UDO.

15.13.3.B.1	Finding of Fact: Carrying out the strict letter of the ordinance would result in an unnecessary hardship. It shall not be necessary to demonstrate that, in the absence of the variance, no reasonable use can be made of the property. Staff Analysis: UDO Section 4.3.1.A requires that all lots must front on a public street right-of-way. The properties abut S. Main Street and Highway 98, both public street rights-of-way and controlled access highways by NCDOT. The applicant has provided correspondence in Exhibit A from NCDOT stating that they will not allow an additional driveway connection to either street. The UDO requires a 50' streetyard buffer along Highway 98 and a 30' wide along S. Main Street, which further reduces the width of the site to fit all of the UDO and CTP requirements. However, as demonstrated in the 2024 Powell Bill Map (see Exhibit F), there are several instances of private street and public streets that connect. The applicant desires to develop the parcels as an extension of the Siena Townhomes, which used a 40' private access easement for Mangia Drive as the access for the townhouse lots. Siena Townhomes were approved under a previous ordinance and would not be approved under the current Unified Development Ordinance. Constructing a new public street to provide access is not attainable along either frontage. The property is narrow for a corner lot at a major intersection and the land available for development is further encumbered by the streetyard buffers. The UDO requires interconnection to Mangia Drive, an existing 40-foot-wide private access easement with a public vehicular access easement, which is currently stubbed near the property. An intervening buffer and open space parcel exist between the road stub and the subject property. The applicant has not provided documentation from the Siena
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		Townhomes POA granting authority to connect Mangia Drive and NCDOT has not provided a written decision regarding access to S. Main Street or Highway 98 if the Mangia Drive connection wasn't permitted by the Siena Townhomes POA.
15.13.3.B.2	Finding of Fact: The hardship results from conditions that are peculiar to the property, such as location, size, or topography. Hardships resulting from personal circumstances, as well as hardships resulting from conditions that are common to the neighborhood or the general public, may not be the basis for granting a variance. Staff Analysis: The property encompasses three parcels, creating a long, narrow configuration that measures approximately 175' deep and 550' wide. The property abuts already existing townhome developments to the west (Siena Townhomes) and to the north (Weatherstone) and two controlled access highways, S. Main Street and Highway 98, to the east and south, respectively. The UDO requires a 50' buffer along Highway 98 and a 55' public right-of-way, leaving only 70' remaining for development. Since the property is long and narrow and constrained by development and roads on all four sides, and NCDOT's controlled access limitation, the applicant is limited in how the property may be developed. Given the long, narrow shape of the property, providing a 55-foot-wide public street right-of-way and a 50' streetyard buffer does not leave a lot of depth for the townhome lots and the UDO development requirements.	

15.13.3.B.3	Finding of Fact: The hardship did not result from actions taken by the applicant or the property owner. The act of purchasing property with knowledge that circumstances exist that may justify the granting of a variance shall not be regarded as a self-created hardship. Staff Analysis: The hardship does not arise from actions taken by the applicant or property owners. The constraints on the property are a result of already existing development on the abutting properties (townhome neighborhoods to the west and north and controlled access highways to the east and south), a stubbed-out street that requires connection at a particular point, and the long, narrow shape of the property. The public street right-of-way hardship does not arise from the actions of the applicant, rather the existing development abutting the property already existing in the vicinity of the site limits the ways in which the property can be developed. Since the UDO requires connectivity to street stubs on adjacent properties, the proposed townhomes must connect to the existing Mangia Drive road stub in its current location for access, which currently exists as a 40-foot-wide access easement with 20' of pavement. The 2A cross-section requires an additional 15' of right-of-way and 4' of pavement. While a transition can be provided between the existing road and a CTP compliant cross-section, the existing Mangia Drive is aligned adjacent to the northern property line. This makes it even more difficult to create a symmetric transition between the two. If the existing road had been stubbed further south, the subject property would have more opportunity to transition between the two without an unconventional jog in the two roads and a public right-of-way could be provided. The hardship does not result from actions taken by the applicant or property owner.
15.13.3.B.4	Finding of Fact: The requested variance is consistent with the spirit, purpose, and intent of this ordinance, such that the public safety is secured, and substantial justice is achieved. Staff Analysis: While granting the requested public street right-of-way variance request will allow for an easier connection for the developer between the existing Siena Townhomes community and the proposed townhome community, a public right-of-way could still be provided with a reduced cross-section that would better meet the spirit, purpose, and intent of the ordinance.

VARIANCE REQUEST #2 - ALLEY

The applicant is requesting relief from Section 5.5.4.A and 5.5.4.F of the Wake Forest Unified Development Ordinance (UDO), which applies to narrow lots being accessed via a rear-loaded alley.

The UDO requirement is that garages and driveways for dwellings on lots less than 40-feet wide and townhomes must be accessed via a rear-loaded alley. The applicant is requesting a variance to allow the driveways and garages for the 13 proposed townhomes be allowed to be front loaded from the proposed 40' wide private easement extension of Mangia Drive, as shown on Exhibit A prepared by Priest, Craven, and Associates, Inc. and dated May 1, 2024.

FINDINGS REQUIRED TO GRANT VARIANCE

In granting any variance, the Board of Adjustment must have a concurring vote of four-fifths of its members in accordance with Section 15.13.3 of the Wake Forest Unified Development Ordinance and N.C.G.S. § 160D-406. The Board shall not grant a variance unless and until written findings are made based on all the following conclusions and findings of fact in Section 15.13.3.B of the UDO.

15.13.3.B.1	Finding of Fact: Carrying out the strict letter of the ordinance would result in an unnecessary hardship. It shall not be necessary to demonstrate that, in the absence of the variance, no reasonable use can be made of the property. Staff Analysis: Per UDO Section 5.5.4, all lots less than 40' in width must use alleys for access to the garage and driveway. Further, garages and driveways for townhomes must be accessed via an alley. The proposed townhome lots range between 26-36 feet in width. For townhomes, the UDO requires the use of alleys to access garages or driveways. The property is approximately 175' in depth. The UDO requires a 50' streetyard buffer and the CTP requires a 55' street, leaving only 70' for the townhomes and driveways. The applicant claims that the property is not wide enough to accommodate an alley for rear entry in addition to a street for the townhomes to front on. The applicant has not demonstrated that the alley requirement creates an unnecessary hardship.
15.13.3.B.2	Finding of Fact: The hardship results from conditions that are peculiar to the property, such as location, size, or topography. Hardships resulting from personal circumstances, as well as hardships resulting from conditions that are common to the neighborhood or the general public, may not be the basis for granting a variance. Staff Analysis: The property encompasses three parcels, creating a long, narrow configuration that measures approximately 175' deep and 550' wide. Given the long and narrow shape of the property, there are limitations on how the layout of the property (placement of the townhomes, driveway location, access to the garages, streetyard buffers, etc.) may be designed. While there is a claim made by the applicant that there is not enough space to incorporate a public street right of way for the townhomes to front on and an alley for rear-access to the garage and other required features, the applicant has not demonstrated that the hardship exists. They may provide additional information at the public hearing to demonstrate that it is not possible.

15.13.3.B.3	Finding of Fact: The hardship did not result from actions taken by the applicant or the property owner. The act of purchasing property with knowledge that circumstances exist that may justify the granting of a variance shall not be regarded as a self-created hardship. Staff Analysis: The constraints on the property are a result of already existing development on the abutting properties (townhome neighborhoods to the west and north and controlled access highways to the east and south), a stubbed-out street that requires connection at a particular point, and the long, narrow shape of the property, all of which place limitations on the development of the property. While there is a claim made by the applicant that there is not enough space to incorporate a public street right of way for the townhomes to front on and an alley for rear-access to the garage and other required features, the applicant has not demonstrated that the hardship exists. They may provide additional information at the public hearing to demonstrate that it is not possible. It is possible for UDO compliant single-family dwellings that are wide enough to eliminate the need for an alley to be developed, thus eliminating the need for the variance request.
15.13.3.B.4	Finding of Fact: The requested variance is consistent with the spirit, purpose, and intent of this ordinance, such that the public safety is secured, and substantial justice is achieved. Staff Analysis: Granting the requested alley variance request will allow the proposed townhomes to be constructed on the narrow property. Implementing front-loading garages on the townhomes will keep consistency with the already existing Siena Townhomes neighborhood, but the UDO requires townhomes to be rear-loaded due to infrastructure conflicts that arise from their narrow lot widths and help create more walkable communities, therefore the request does not meet the spirit, purpose, and intent of the ordinance.

VARIANCE REQUEST #3 – BLOCK LENGTH/CUL-DE-SAC LENGTH

The applicant is requesting relief from Sections 6.5.1.C and 6.5.1.E of the Wake Forest Unified Development Ordinance (UDO), which applies to the maximum block length and cul-de-sac length allowed in the RMX zoning district.

The applicant is requesting a variance to allow the extension of the existing Mangia Drive to exceed the maximum allowance for block lengths and cul-de-sac, as shown on Exhibit A prepared by Priest, Craven, and Associates, Inc. and dated May 1, 2024.

The subject property is zoned RMX, which is classified as an Urban District in Section 2.2.2 of the UDO. Section 6.5.1.C of the UDO requires that street block in the Urban zoning districts shall be a maximum of 400' in length. Section 6.5.1.E of the UDO requires that permanent cul-de-sacs shall be a maximum of 400' in length. The existing block length from the intersection of Mangia Drive and Brunello Drive is approximately 402 feet. The proposed extension of Mangia Drive will add 515 feet to its length for a total of 915 feet of block length. The existing Mangia Drive is approximately 560

feet long. Making a connection to existing Mangia Drive will bring the cul-de-sac length to a total of 1,075

FINDINGS REQUIRED TO GRANT VARIANCE

In granting any variance, the Board of Adjustment must have a concurring vote of four-fifths of its members in accordance with Section 15.13.3 of the Wake Forest Unified Development Ordinance and N.C.G.S. § 160D-406. The Board shall not grant a variance unless and until written findings are made based on all the following conclusions and findings of fact in Section 15.13.3.B of the UDO.

15.13.3.B.1	Finding of Fact: Carrying out the strict letter of the ordinance would result in an unnecessary hardship. It shall not be necessary to demonstrate that, in the absence of the variance, no reasonable use can be made of the property. Staff Analysis: Per UDO Section 6.5.1.C, block length cannot exceed 400 feet in the RMX zoning district. Although the term “block length” is not specifically defined in the UDO, it is generally understood to represent the area between two intersecting streets. The existing block length from the intersection of Mangia Drive and Brunello Drive is approximately 400 feet. The proposed extension of Mangia Drive will add 515 feet to its length. Exhibit A contains an email from NCDOT stating that access will not be granted from S. Main Street or Highway 98, eliminating possible intersecting streets that could be provided to break up the maximum block length between the existing and proposed townhomes. Given the long and narrow shape of the property, the abutting two established townhome developments and two adjacent controlled access highways, the block length ordinance creates an unnecessary hardship for the proposed development as the property does not have a feasible location to provide a cross-street intersection to break up the proposed street block length. Further, per UDO Section 6.5.1.E a cul-de-sac street cannot exceed 400 feet. The existing Mangia Drive is approximately 560 feet long. Making a connection to existing Mangia Drive will bring the street to a total of 1,075 necessitating the need for a variance since it is exceeding the 400 feet maximum cul-de-sac length. Given the long and narrow shape of the property, the abutting two established townhome developments and two adjacent limited access highways that NCDOT will not grant access to, the property does not have an option to continue the road to Highway 98, S. Main Street, or the townhomes to the north to eliminate the need for a cul-de-sac. The applicant has demonstrated that carrying out the strict letter of the ordinance would result in an unnecessary hardship since there is not a reasonable place for an intersecting street to be located to break up the block length or a place for the road to connect to an existing road to remove the need for a cul-de-sac.
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15.13.3.B.2	Finding of Fact: The hardship results from conditions that are peculiar to the property, such as location, size, or topography. Hardships resulting from personal circumstances, as well as hardships resulting from conditions that are common to the neighborhood or the general public, may not be the basis for granting a variance. Staff Analysis: Given the long and narrow shape of the property, the abutting two established townhome developments and two adjacent controlled access highways, the block length ordinance creates an unnecessary hardship for the proposed development as the property does not have a feasible location to provide a cross-street intersection to break up the proposed street block length. The proposed cul-de-sac being a part of the road design is a result of access to the two right-ways being denied by NCDOT as shown in Exhibit A. If access were allowed, a cul-de-sac would not have to be provided.
15.13.3.B.3	Finding of Fact: The hardship did not result from actions taken by the applicant or the property owner. The act of purchasing property with knowledge that circumstances exist that may justify the granting of a variance shall not be regarded as a self-created hardship. Staff Analysis: The Block Length and Cul-de-Sac hardship does not arise from the actions of the applicant. The existing development surrounding the property on all sides and the long, narrow configuration, prevents the property from incorporating a cross street to break up the long street required to access the length of the Property. The cul-de-sac is a result of access to the two right-ways being denied by NCDOT. If access were allowed, a cul-de-sac would not have to be provided. The hardship did not result from actions taken by the property owner.
15.13.3.B.4	Finding of Fact: The requested variance is consistent with the spirit, purpose, and intent of this ordinance, such that the public safety is secured, and substantial justice is achieved. Staff Analysis: The UDO's maximum block length and cul-de-sac length requirements are intended to create more walkable community and breakup the street wall created by homes. As demonstrated in Exhibit A, while there are no intervening streets to break up the block length, there is an existing 27' wide open space parcel provided by Siena Townhomes between the existing and proposed lots as well as a 40' wide open space break provided by the proposed development between the middle of the proposed units. Since connections to Highway 98 and S. Main Street are not allowed by NCDOT, a cul-de-sac is required to provide turnaround access for emergency vehicles. If access was allowed to S. Main Street, the need for the cul-de-sac would no longer be present.

VARIANCE REQUEST #4 – STREET AND RIGHT-OF-WAY WIDTH

The applicant is requesting relief from Sections 1.5, 6.6, and 6.7 of the Wake Forest Unified Development Ordinance (UDO), which applies to conformance with required street widths in the Town's Comprehensive Transportation Plan (CTP) and UDO.

Section 1.5 of the UDO requires that the new Mangia Drive meets the CTP cross-section right-of-way and street width requirements, which exceeds the existing Mangia Drive.

Section 6.6 of the UDO requires that the new Mangia Drive be developed as a public right-of-way, rather than be extended as a private access easement.

Section 6.7 of the UDO requires that the new Mangia Drive meets the town street classification and design standards for a public right-of-way, which exceeds the existing Mangia Drive.

The applicant is requesting the variance to allow the extension of the existing Mangia Drive as a private 40' wide easement as the road currently exists, as shown on Exhibit A prepared by Priest, Craven, and Associates, Inc. and dated May 1, 2024.

FINDINGS REQUIRED TO GRANT VARIANCE

In granting any variance, the Board of Adjustment must have a concurring vote of four-fifths of its members in accordance with Section 15.13.3 of the Wake Forest Unified Development Ordinance and N.C.G.S. § 160D-406. The Board shall not grant a variance unless and until written findings are made based on all the following conclusions and findings of fact in Section 15.13.3.B of the UDO.

15.13.3.B.1	<table><tr><td data-bbox="378 1045 568 1197">Finding of Fact:</td><td data-bbox="568 1045 1430 1197">Carrying out the strict letter of the ordinance would result in an unnecessary hardship. It shall not be necessary to demonstrate that, in the absence of the variance, no reasonable use can be made of the property.</td></tr><tr><td data-bbox="378 1197 568 1707">Staff Analysis:</td><td data-bbox="568 1197 1430 1707">The UDO implements the Town of Wake Forest Comprehensive Transportation Plan (CTP). The CTP identifies the minimum street cross section for Mangia Drive as a 2A cross section (See Exhibit G), requiring a minimum 55' right-of-way. The existing Mangia Drive is 40' wide with 20' of pavement. The 2A cross-section requires an additional 15' of right-of-way and 4' of pavement. While a transition can be provided between the existing road and a CTP compliant cross-section, the existing Mangia Drive is aligned adjacent to the northern property line. This makes it even more difficult to create a symmetric transition between the two. If the existing road was stubbed further south, the subject property would have more opportunity to transition between the two without an unconventional jog in the two roads.</td></tr></table>	Finding of Fact:	Carrying out the strict letter of the ordinance would result in an unnecessary hardship. It shall not be necessary to demonstrate that, in the absence of the variance, no reasonable use can be made of the property.	Staff Analysis:	The UDO implements the Town of Wake Forest Comprehensive Transportation Plan (CTP). The CTP identifies the minimum street cross section for Mangia Drive as a 2A cross section (See Exhibit G), requiring a minimum 55' right-of-way. The existing Mangia Drive is 40' wide with 20' of pavement. The 2A cross-section requires an additional 15' of right-of-way and 4' of pavement. While a transition can be provided between the existing road and a CTP compliant cross-section, the existing Mangia Drive is aligned adjacent to the northern property line. This makes it even more difficult to create a symmetric transition between the two. If the existing road was stubbed further south, the subject property would have more opportunity to transition between the two without an unconventional jog in the two roads.
Finding of Fact:	Carrying out the strict letter of the ordinance would result in an unnecessary hardship. It shall not be necessary to demonstrate that, in the absence of the variance, no reasonable use can be made of the property.				
Staff Analysis:	The UDO implements the Town of Wake Forest Comprehensive Transportation Plan (CTP). The CTP identifies the minimum street cross section for Mangia Drive as a 2A cross section (See Exhibit G), requiring a minimum 55' right-of-way. The existing Mangia Drive is 40' wide with 20' of pavement. The 2A cross-section requires an additional 15' of right-of-way and 4' of pavement. While a transition can be provided between the existing road and a CTP compliant cross-section, the existing Mangia Drive is aligned adjacent to the northern property line. This makes it even more difficult to create a symmetric transition between the two. If the existing road was stubbed further south, the subject property would have more opportunity to transition between the two without an unconventional jog in the two roads.				

15.13.3.B.2	Finding of Fact: The hardship results from conditions that are peculiar to the property, such as location, size, or topography. Hardships resulting from personal circumstances, as well as hardships resulting from conditions that are common to the neighborhood or the general public, may not be the basis for granting a variance. Staff Analysis: The hardship results from the existing the width of the existing, 40' wide private Mangia Drive location and the size and shape of the property. Given the long, narrow shape of the property and the existing road is stubbed along the northern property line, there is not adequate space to the north for a road to transition an additional 15' without an unconventional jog in the roads. If Mangia Drive had been stubbed further to the south, there would be more space for the road to be symmetrically widened to make up the CTP cross-section. Therefore, the hardship is a result of conditions peculiar to the property.
15.13.3.B.3	Finding of Fact: The hardship did not result from actions taken by the applicant or the property owner. The act of purchasing property with knowledge that circumstances exist that may justify the granting of a variance shall not be regarded as a self-created hardship. Staff Analysis: The street and right-of-way width hardship does not result from the actions of the applicant or the property owner. The Mangia Drive 40' wide private easement is the only means of accessing the property because of NCDOT's limited access control of the two adjacent frontages. The existing street had been stubbed along the northern property line and doesn't leave an opportunity to provide symmetrical widening between the existing road and CTP cross-section. This alignment is existing and was not created by the applicant or property owner. The hardship did not result from actions taken by the applicant or property owner.
15.13.3.B.4	Finding of Fact: The requested variance is consistent with the spirit, purpose, and intent of this ordinance, such that the public safety is secured, and substantial justice is achieved. Staff Analysis: The existing Mangia Drive was developed under a different ordinance. The alignment of the road stub limits how a transition can be made to accommodate the additional 15' of right-of-way required by the CTP since it is pushed against the northern property line. Two goals listed in UDO Section 6.1 are to "provide for the orderly growth and development of the Town of Wake Forest" and to "coordinate proposed development with existing development...". The applicant is proposing to provide connectivity via Mangia Drive, coordinating with existing development.

STAFF RECOMMENDATION

Staff recommends that the Board of Adjustment conduct an evidentiary hearing in accordance with Section 15.13.3 of the UDO and grant or deny a variance in accordance with the standards of review in Section 15.13.3 (see required findings above). If the Board of Adjustment denies a variance, the motion shall include the specific finding(s) that were not met.

EXHIBITS

- Exhibit A: Applicant's Variance Justifications and Exhibits
- Exhibit B: Variance Application and Agent Authorizations
- Exhibit C: Aerial and Zoning Maps
- Exhibit D: Recorded Plat (BM2007 Page 2127)
- Exhibit E: UDO Variance References
- Exhibit F: 2024 Powell Bill Map
- Exhibit G: CTP 2A Cross Section

Brief In Support of Variances for Townhome Community

The Applicant, Ninety-Eight Bypass, LLC, proposes to develop a small townhome community in Wake Forest (the “Proposed Townhome Community”). A concept plan showing the Proposed Townhome Community is attached hereto as Exhibit A. The Applicant’s desire is to create a cohesive addition to the current Siena Townes neighborhood, adding thirteen (13) additional townhomes along an extension of the existing, private Mangia Drive.

The Proposed Townhome Community is designed to span three long, narrow parcels (Wake County Tax Parcel Numbers: 1840-27-4157, 1840-27-3244, and 1840-27-3258) totaling approximately 2.25 acres, located at the corner of South Main Street/US Highway 1-A (“Main Street”) and Dr. Calvin Jones Highway/NC 98 Bypass (“NC 98 Bypass”) (the “Property”). The Property is currently zoned RMX (Residential Mixed Use). To the west of the Property is Siena Townes, an existing townhome community built in the last 5-7 years. To the north of the Property is also developed as a townhome community, Weatherstone, separate and unique from Siena Townes, built in the mid-1980s.

The Property’s only public street frontage is on Main Street and the NC98 Bypass. Both are controlled access highways along the Property’s frontage, where additional driveways are not permitted. The applicant has no ability to connect to Main Street or NC 98 Bypass as both are subject to North Carolina Department of Transportation (“NCDOT”) Controlled Access. Please see the attached Exhibit B, an email from Daniel Boulware, PE, Wake District Engineer for NCDOT indicating that NCDOT will not allow any access to US-1A or NC 98 along the property’s frontage. The only viable access point to the Property is existing Mangia Drive, a 40-foot-wide private access easement stubbed to the Property for the purpose of providing access. Mangia Drive currently serves as the access for the Siena Townes.

As part of the Proposed Townhome Community, the Applicant envisions extending the private Mangia Drive, part of the current Siena Townes townhome community, from the current street stub moving eastward along the northern edge of the Property, ending with a cul-de-sac near the eastern property line of the Property. The Applicant proposes the townhomes be constructed to the south of the proposed Mangia Drive extension with access to the townhomes directly from the private Mangia Drive extension. By connecting to the adjacent Siena Townes community, the Applicant is meeting the requirements of the Town of Wake Forest Unified Development Ordinance (the “UDO”) in Section 6.5 to further interconnectivity in the Town by connecting to an adjacent street network and connecting to an existing street stub on an adjacent property.

The Applicant has met with neighbors in the Siena Townes community and received positive feedback regarding the Proposed Townhome Community as essentially an extension of the current Siena Townes community. Please see attached Exhibit C, a letter from the President of the Siena Townhomes POA indicating the POA’s support of the variance requests related to the Proposed Townhome Community. In conversations with the Siena Townes neighbors, they are pleased with proposed plan for townhomes on these parcels rather than commercial or office space, as the neighbors desire to interconnect with a similar development to their own. Additionally, the neighbors like the extension of Mangia Drive ending in a cul-de-sac rather than a new entrance on either Main Street or the NC 98 Bypass. Utilizing a cul-de-sac instead of a

through street will limit introduction of significant additional public traffic through the neighborhood, making for a safer environment for the residential neighborhood. Further, preliminary discussions with the Siena Townes POA also indicate support for the Proposed Townhome Community and the Applicant and Siena Townes POA have had initial conversations about incorporating the Proposed Townhome Community into existing Siena Townes Homeowners Association.

As the Applicant moves forward with plans for the Proposed Townhome Community, there are several existing features of the site that create practical difficulties and unnecessary hardships in meeting current development requirements under the UDO.

The Applicant faces various challenges in developing the Property due in part to the uniquely situated location of the Property abutting two existing townhome communities and two busy thoroughfares where NCDOT indicate access will not be permitted. Additionally, the long, narrow nature of the Property presents many spacing challenges in designing a development to meet all of the ordinance requirements.

As noted above, the Proposed Townhome Community will provide interconnectivity to the existing Siena Townes neighborhood through extension of the current private street, Mangia Drive, which is already stubbed at the western edge of the Proposed Townhome Community. The UDO requires that new development connect to existing street stubs for adjacent properties. Currently, Mangia Drive serves Siena Townes as a 40-foot-wide private access easement. The Applicant proposes to extend Mangia Drive as a private access easement mirroring the current 40-foot width. Additionally, the Applicant believes considering an alternate street design to connect Mangia Drive with either of the busy limited access highways – North Main Street or NC-98 Bypass – creates safety issues for the existing Siena Townes community as it will likely introduce significant unnecessary traffic into the small community. Finally, NCDOT has controlled access over the frontage and has indicated that they will not allow an additional connection to US-1A or NC 98. (Please see Exhibit B.) Thus, the Applicant proposes one longer street ending in a cul-de-sac near the eastern edge of the property line bordering Main Street.

All lots are required to front on a public street right-of-way. The current Mangia Drive stubbing at the western edge of the Property, is a 40-foot-wide private access easement, not a public street right-of-way. If the Mangia Drive extension is constructed as a public street right-of-way, the Comprehensive Transportation Plan requires the street be constructed as a 2A cross section, requiring a minimum 55-foot right-of-way. A connection between an already existing 40-foot-wide private access easement with a 55-foot-wide public street right-of-way does not create a cohesive transition, nor is a wider street necessary to serve just thirteen townhomes. Additionally, given the narrow width of the parcels, there is not enough space to build a 55-foot right-of-way, the townhomes (or any other reasonable improvements), and include the other necessary development requirements of the ordinance such as setbacks, buffers, sidewalks, open space, alley, etc., thus, it is necessary for the townhomes to front on Mangia Drive and Mangia Drive be developed as a private access easement rather than a public street right-of-way.

For residential lots less than 40 feet wide, an alley, not a street, is required for access to garages and driveways are not permitted to connect to the fronting street. Alleys are intended to provide access to the rear of the property for the garage. Additionally, for townhomes

specifically, garages must also be accessed from an alley or a driveway behind the front façade. Given the narrow nature of the Property, it is not possible for the townhomes to front on a public street and have access via a rear alley. Further, due to the narrow nature of the Property, the townhomes will have front-loaded garages and driveways, mirroring the development style of the adjoining, existing Siena townhome community.

Additionally, the block length for streets in the RMX district may not exceed 400 feet in length and cul-de-sac streets may not exceed 400 feet in length. The existing block length from the intersection of Mangia Drive and Brunello Drive is approximately 402 feet. The proposed extension of Mangia Drive will add 515 feet to its length. Given the narrow nature of the Properties, it is feasible for only one street to access the Property. Extending Mangia Drive would exceed the 400-foot maximum length. However, given the long narrow nature of the parcels, the already developed property to the north and the location along the busy NC Highway 98, it is not feasible to include a cross street to break up the proposed long drive, thus the only reasonable option is for Mangia Drive to exceed the 400-foot-block length requirement. In order to keep the residents of the current Siena Townes community and the Proposed Townhome Community safe, a street ending in a cul-de-sac exceeding the block length maximum is a wise design, further reinforced by the NCDOT denial of any new street connection to US-1A or NC 98 along the controlled access frontage of the Property.

These existing hardships create the need for relief from several sections of the UDO. Specifically, the Applicant requests relief from the following UDO provisions:

- “Public Street Right-of-Way” Variance Request
 - UDO Section 4.3.1.A – a variance from the requirement that all lots must front on a public street right of way, rather that the lots may be accessed by a private access easement.
- “Alley” Variance Request
 - UDO Section 5.5.4.A and 5.5.4.F – a variance from the requirement that the garages and driveways for dwellings on lots less than 40-feet wide and townhome dwellings must be accessed via a rear-loading alley, rather that the lots may be accessed by a private access easement at the front of the townhomes with front-loading garages and driveways.
- “Block Length/Cul-de-Sac Length” Variance Request
 - UDO Section 6.5.1.C – a variance from the requirement that block length for the RMX district may not exceed 400 feet in length, rather that the Mangia Drive extension may exceed 400 feet in length.
 - UDO Section 6.5.1.E – a variance from the requirement that cul-de-sac streets may not exceed 400 feet in length, rather that the Mangia Drive extension may exceed 400 feet in length.
- “Street and Right-of-Way Width” Variance Request
 - UDO Section 6.6 – a variance from the requirement that Mangia Drive be developed as a public right of way, rather that the extended Mangia Drive be a private access easement.
 - UDO Section 6.7 – a variance from the town street classification and design standards including the street and right-of-way width for a public

right-of-way that exceed the current 40-foot-wide Mangia Drive private access easement.

- UDO Section 1.5 – a variance from the requirement that Mangia Drive implement with the Wake Forest Comprehensive Transportation Plan (Chapter 6) regarding minimum street and right of way widths that exceed those of the existing, private Mangia Drive.

The Applicant provides the following information in support of the required findings per UDO Section 15.13.3.B:

- 1. Carrying out the strict letter of the ordinance would result in an unnecessary hardship. It shall not be necessary to demonstrate that, in the absence of the variance, no reasonable use can be made of the property.**

The Applicant faces unnecessary hardships as a result of the strict application of the UDO.

Public Street Right-of-Way Variance Request Response

UDO Section 4.3.1A provide that all lots must front on a public street right-of-way. The only public street right of way abutting the Property are Main Street and Highway 98 Bypass, both heavily travelled, controlled access highways. The UDO requires streetyard buffers along these highways: 50' wide along Highway 98 Bypass and 30' wide along Main Street. Neither existing street is an option as NCDOT holds controlled access over both frontages and has stated that they will not allow an additional driveway connection to either.

Constructing a new public street to provide access is not attainable. The property is extremely narrow and the land available for development is further encumbered by a 50' wide required streetyard buffer along Highway 98 Bypass and a 30' streetyard buffer along Main Street. Mangia Drive, an existing 40-foot-wide private access easement, is currently stubbed to the Property. The UDO would require interconnection to Mangia Drive, a private access easement. Providing both a connection to Mangia and a new public street access is an unnecessary hardship and an impossibility for the Applicant.

Alley Variance Request Response

Per UDO Section 5.5.4, all lots less than 40 feet in width must use alleys for access to the garage and driveway. Further, garages and driveways for townhomes must be accessed via an alley. The proposed lots range between 26-36 feet and are designed as townhomes. For townhomes, the UDO requires the use of alleys to access garages or driveways. The Property is not wide enough to accommodate an alley for rear entry in addition to a street for the townhomes to front on nor is it practical to use driveways for townhomes to access the rear of the lots. Given the narrow shape of the Property, and the two abutting controlled access highways, the alley requirement creates an unnecessary hardship for the Applicant.

Block Length/ Cul-de-Sac Length Variance Request Response

Per UDO Section 6.5.1.C, block length cannot exceed 400 feet in the RMX zoning district. Although the term “block length” is not specifically defined in the UDO, it is generally understood to represent the area between to intersecting streets. Given the long and narrow shape of the Property, the abutting two established townhome developments and two adjacent controlled access highways, the block length creates an unnecessary hardship for the application.

Further, per UDO Section 6.5.1.E a cul-de-sac street cannot exceed 400 feet. Existing Mangia Drive is roughly 560 feet long. Making a connection to existing Mangia Drive will necessitate exceeding the 400 feet maximum cul-de-sac length. Given the long and narrow shape of the Property, the abutting two established townhome developments and two adjacent limited access highways, the Applicant cannot create cross streets to break up the proposed street.

Street and Right-of-Way Width Variance Request Response

The UDO implements the Town of Wake Forest Comprehensive Transportation Plan. The Comprehensive Transportation Plan requires the street be constructed as a 2A cross section, requiring a minimum 55-foot right-of-way. A connection between an already existing 40-foot-wide private access easement with a 55-foot-wide public street right-of-way does not create a cohesive transition, nor is a wider street necessary to serve just thirteen townhomes. Additionally, given the narrow width of the parcels, there is not enough space to build a 55-foot right-of-way, the townhomes (or any other reasonable improvements), and include the other necessary development requirements of the ordinance such as setbacks, buffers, sidewalks, open space, alley, etc., thus, it is necessary for Mangia Drive be developed as a private access easement rather than a public street right-of-way.

Therefore, the Applicant faces unnecessary hardships from the strict application of the UDO.

- 2. The hardship results from conditions that are peculiar to the property, such as location, size, or topography. Hardships resulting from personal circumstances, as well as hardships resulting from conditions that are common to the neighborhood or the general public, may not be the basis for granting a variance.**

The hardships the Applicant faces in developing this parcel are a result of conditions peculiar to the Property. The Property encompasses three parcels, creating a long, narrow property. The Property abuts already existing townhome uses to the west (Siena Townes neighborhood) and to the north (Weatherstone) and two controlled access highways, Main Street and NC Highway 98, to the east and south, respectively. Because the property is long and narrow and constrained by development on all four sides, the Applicant is limited in how the property may be developed.

Public Street Right-of-Way Variance Request Response

The hardship results from the size and shape of the Property. Given the long, narrow shape of the Property, there is not enough space to incorporate a 55-foot-wide public street right

of way and the townhomes and the required UDO development elements. Further, due to the narrow shape of the Property, there is not enough space for the townhomes to front on a right-of-way.

Alley Variance Request Response

Again, the shape of the Property creates the Alley hardship. Given the long and narrow shape of the Property, there are limitations on how the layout of the Property (placement of the townhomes, driveway location, access to the garages, etc.) may be designed. There is not enough space to incorporate a public street right of way for the townhomes to front on and an alley for rear-access to the garage and other required features.

Block Length Variance Request Response

The hardship again results from the shape of the Property. Because the Property is long and narrow, how the street may be incorporated to access the proposed townhomes is limited. There is not enough space to incorporate a cross street to break up the long stretch of street, nor is a cross street conducive with the existing townhome neighborhood to the north and Highway 98 Bypass to the south. Accessing the Property with one longer roadway ending in a cul-de-sac best suits this long, narrow property.

Street and Right-of-Way Width Variance Request Response

The hardship results from the existing the width of the existing, private Mangia Drive and the hardship results from the size and shape of the Property. Given the long, narrow shape of the Property, there is not enough space to incorporate a 55-foot-wide public street right of way and the townhomes and the required UDO development elements. Nor is it appropriate for the existing, private Mangia Drive to transition into a much wider public street at this location.

Therefore, the hardship is a result of conditions peculiar to the Property.

3. **The hardship did not result from actions taken by the applicant or the property owner. The act of purchasing property with knowledge that circumstances exist that may justify the granting of a variance shall not be regarded as a self-created hardship.**

The hardship does not arise from actions taken by the Applicant or Property Owner. The constraints on the Property are a result of already existing development on the abutting properties (townhome neighborhoods to the west and north and controlled access highways to the east and south), a stubbed-out street that requires connection at a particular point, and the long, narrow shape of the Property, all of which place significant limitations on the development of the Property.

Public Street Right-of-Way Variance Request Response

The public street right-of-way hardship does not arise from the actions of the Applicant, rather the existing development abutting the Property already existing in the vicinity of the site limits the ways in which the Property may be developed. Because the UDO requires connectivity to street stubs on adjacent properties, the Proposed Townhome Community must connect to the existing, private Mangia Drive street stub in its current size and location, which is currently exists as a 40-foot-wide private access easement.

Alley Variance Request Response

The hardship does not arise from the actions of the Applicant, rather the existing development abutting the Property limits the ways in which the Property may be developed. The limitations of the size and shape of the Property restrict how the Proposed Townhome Community may be designed. Incorporating an alley in addition to a street is not feasible.

Block Length Variance Request Response

The Block Length hardship does not arise from the actions of the Applicant. The existing development surrounding the Property on all sides and the long, narrow nature of the Property, prevent the Property from incorporating cross street to break up the long street required to access the length of the Property.

Street and Right-of-Way Variance Request Width Response

The Street and Right-of-way Width hardship does not result from the actions of the Applicant. Private Mangia Drive is the only means of accessing the Property because of NCDOT's control of the two adjacent highways.

Therefore, the hardship does not arise from actions taken by the Applicant.

4. **The requested variance is consistent with the spirit, purpose, and intent of this ordinance, such that the public safety is secured, and substantial justice is achieved.**

The requested variance is consistent with the spirit, purpose, and intent of the ordinance, such that the public safety is secured, and substantial justice is achieved. The variance requests if granted will allow for interconnectivity while limiting unnecessary traffic that can create safety concerns by adding more cars to a quiet, residential neighborhood.

Public Street Right-of-Way Variance Request Response

Granting the requested Public Street Right-of-Way variance request will allow for a more cohesive connectivity between the existing Siena Townes community and the Proposed Townhome Community. Allowing a 40-foot-wide private access easement instead of the required 55-foot-wide public street right of way provides adequate space for the Property to be developed with the townhomes. The requested variances will allow the Property to be developed as a cohesive extension of an already existing townhome development by continuing Mangia Drive in as the same 40-foot-wide private access easement already existing.

Alley Variance Request Response

Granting the requested Alley variance request will allow the Proposed Townhome Community to be constructed with on the narrow Property. Implementing front-loading garages on the townhomes will keep consistency with the already existing Siena Townes neighborhood. With only thirteen townhomes slated for the Townhome Development, the traffic along the Mangia Drive extension will be minimal, allowing the street to operate in a similar manner to an alley.

Block Length Variance Request Response

Granting the requested block length variance request will allow the Proposed Townhome Community to be accessed cohesively from the existing Siena Townes neighborhood. While the proposed extension of Mangia Drive will exceed the 400 feet limit on block length, it will carry very little traffic, be serviced with a cul-de-sac, and create a natural extension of and end to the currently stubbed street, Mangia Drive.

Street and Right-of-Way Width Variance Request Response

Grating the requested Street and right-of-way width variance request will allow the Proposed Townhome Community, which is similar to existing townhomes in the Siena Townes community. In fact, by connecting to the Siena Townes, the Applicant is meeting the requirements for interconnectivity found in UDO Section 6.5.

The Applicant believes this particular situation is consistent with the spirit, purpose, and intent of the UDO, such that public safety is secured, and substantial justice is achieved.

The Applicant respectfully requests that the variances be granted in order to develop the Proposed Townhome Community as an extension of the current Siena Townes neighborhood, creating an interconnective, cohesive, safe addition to the area.

Proposed Townhome Community Concept Plan

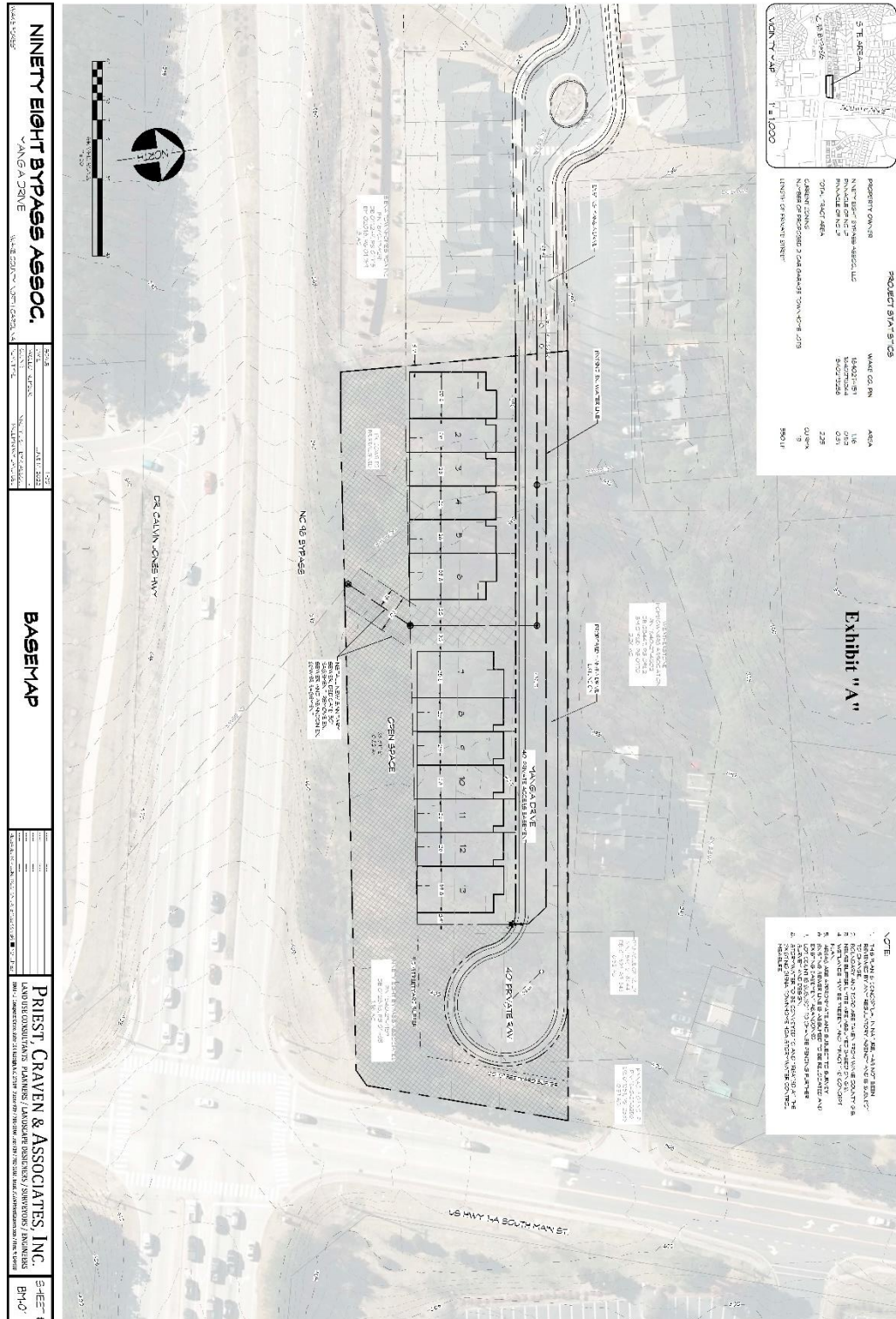


Exhibit B

Email from NCDOT regarding Access to US-1A or NC-98

EXHIBIT B

From: [Boulware, Daniel](#)
To: [Tommy Craven](#)
Cc: [Elmore \(Summit Design & Engineering\), Thomas R](#)
Subject: FW: [External] 98 Associates Property - NC 98 and Main Street - Wake Forest
Date: May 9, 2024 9:30:41 AM
Attachments: [image001.png](#)
[~WRD0002.jpg](#)
[Cover Sheets R-2809B.pdf](#)
[Sheet 24 R-2809B.pdf](#)
[DRIVEWAY EXHIBIT-05-01-24.pdf](#)
[NintyEightAssocConceptPlan.pdf](#)

Hi Tommy,

We have reviewed the proposed driveway access for this parcel and our plans show that the frontage to NC-98 and US-1A is control access. Please see the attached documents referencing the C/A. We would not be able to provide this access to US-1A or NC-98 but would need this parcel to connect to the adjacent parcel that has driveway access to NC-98.

Thank you,

Daniel Boulware, PE
Wake District Engineer (Division 5, District 1)
North Carolina Department of Transportation

919 814 6115 office
dboulware@ncdot.gov

1575 Mail Service Center (Mail)
Raleigh, NC 27699-1575
4009 District Drive (Physical)
Raleigh, NC 27607



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From: Elmore (Summit Design & Engineering), Thomas R <ext-trelmore@ncdot.gov>
Sent: Thursday, May 2, 2024 10:09 AM
To: Boulware, Daniel <dboulware@ncdot.gov>
Subject: FW: [External] 98 Associates Property - NC 98 and Main Street - Wake Forest

Daniel,

As per the attached as-built plans for R-2809B, the right of way along this property frontage on Main Street (US1A) is controlled access.

From: Jones, Brandon H <bhjones@ncdot.gov>
Sent: Thursday, May 2, 2024 7:32 AM
To: Elmore (Summit Design & Engineering), Thomas R <ext-trelmore@ncdot.gov>
Subject: Re: [External] 98 Associates Property - NC 98 and Main Street - Wake Forest

Thanks Reid

Brandon Jones, PE
Division Engineer
Division Five
North Carolina Department of Transportation

[919-317-4702](tel:919-317-4702) office
bhjones@ncdot.gov

2612 N. Duke Street
Durham, North Carolina 27704



From: Elmore (Summit Design & Engineering), Thomas R <ext-trelmore@ncdot.gov>
Sent: Thursday, May 2, 2024 7:27:50 AM
To: Jones, Brandon H <bhjones@ncdot.gov>
Subject: RE: [External] 98 Associates Property - NC 98 and Main Street - Wake Forest

B,

Looked at this last night. Don't see the District allowing right-in-right-out at this location. It is located within the functional limits of the SB left-turn lane on US 1A (Main St.). Queueing backs up past this location in the peak hours. Potentially a right-in only could work.

Plan to discuss with Daniel when he gets in today.

Reid

From: Jones, Brandon H <bhjones@ncdot.gov>
Sent: Thursday, May 2, 2024 7:11 AM
To: Tommy Craven <tcraven@priestcraven.com>
Cc: Elmore (Summit Design & Engineering), Thomas R <ext-trelmore@ncdot.gov>; Wheeler (Summit Design & Engineering), Millard S <ext-mswheeler1@ncdot.gov>; Ben Williams <bwilliams@priestcraven.com>
Subject: RE: [External] 98 Associates Property - NC 98 and Main Street - Wake Forest

Tommy,

Hope you are doing well. I've asked our District Engineer to review and provide you feedback.

Thanks,

Brandon Jones, PE
Division Engineer
Division Five
North Carolina Department of Transportation

919-317-4702 office
bhjones@ncdot.gov

2612 N. Duke Street
Durham, North Carolina 27704



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From: Tommy Craven <tcraven@priestcraven.com>
Sent: Wednesday, May 1, 2024 12:37 PM
To: Jones, Brandon H <bhjones@ncdot.gov>
Cc: Elmore (Summit Design & Engineering), Thomas R <ext-trelmore@ncdot.gov>; Wheeler (Summit Design & Engineering), Millard S <ext-mswheeler1@ncdot.gov>; Ben Williams <bwilliams@priestcraven.com>
Subject: [External] 98 Associates Property - NC 98 and Main Street - Wake Forest

CAUTION: External email. Do not click links or open attachments unless verified. Report suspicious emails with the Report Message button located on your Outlook menu bar on the Home tab.

Brandon,

Please see the attached.

We recently did a sketch plan review with the Town of Wake Forest on this site that included Wake Co. PIN 1840273258, 1840273244 and 1840274159 and is located on the northwest quadrant of the intersection of the 98 bypass and North Main Street.

Our sketch plan showed the site being developed as townhomes and served by the extension of Mangia Drive, a private street to the west. Our sketch plan did not show a connection to North Main. Please see the attached NintyEightAssocConceptPlan.pdf.

During that sketch plan review the Town pointed out that their Community Plan calls for commercial development of this site and asked that we provide a right in, right out driveway onto North Main.

I responded that I did not believe that NCDOT would allow even a right in, right out driveway at a location that close to a signalized intersection that passes the volume of traffic that intersection handles.

The Town asked that I contact you requesting direction on this potential access.

Attached is an exhibit, DrivewayExhibit-05-01-24.pdf, illustrating what that driveway would look like. The dimensions are based on a standard Town of Wake Forest Commercial Street.

We assume that if this driveway connection to North Main is allowed and the property developed for commercial uses that the adjoining Seina Townhome development to the west would not allow connection to Mangia Drive and their private street system due to concerns about cut through traffic.

Is this proposed driveway something that NCDOT would approve?

Thanks for your guidance on this.

Glad to get on the phone to discuss if that would be helpful.

Tommy Craven
Priest, Craven & Associates, Inc.
Land Use Consultants
Planners/Landscape Designers/Engineers/Surveyors
919 781-0300

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208-249 CULVERT PLAN SHEETS

AS CONSTRUCTED PLANS

PROJECT NO. : 34503.3.6 ✓

F. A. NO. : STP-98(22) ✓

T.I.P. NO. : R-2809B ✓

COUNTY : WAKE ✓

DESCRIPTION : NC 98 (WAKE FOREST BYPASS) FROM FROM US1 TO US1A ✓

TYPE OF WORK : WIDENING, DRAINAGE, GRADING, PAVING, SIGNALS, STRUCTURES, AND CULVERTS ✓

DIVISION NO. : FOUR ✓

CONTRACTOR : S.T. WOOTEN CORPORATION
P.O. BOX 2408
WILSON, N.C. 27894-2408

DIVISION ENGINEER : R.E. GREENE, JR., P.E. ✓

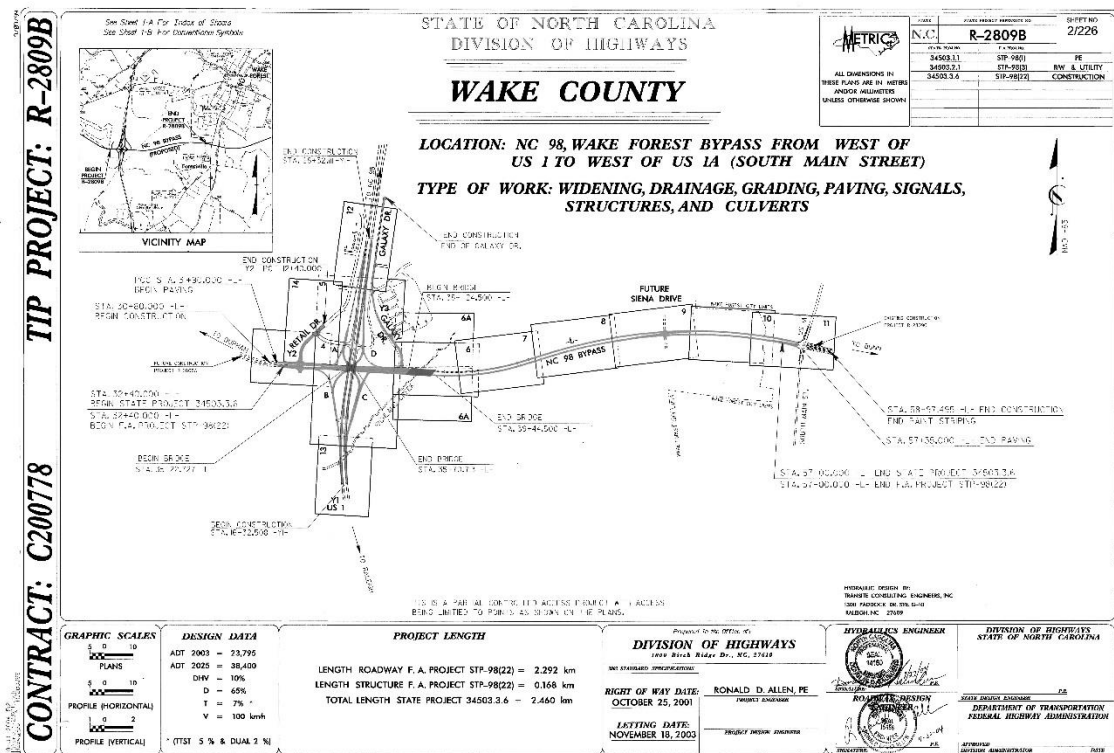
RESIDENT ENGINEER : E.J. BUNN, P.E. ✓

HEREBY CERTIFY THAT THIS PROJECT WAS CONSTRUCTED ACCORDING TO PLANS EXCEPT AS NOTED HEREIN.

RESIDENT ENGINEER

FINAL RIGHT OF WAY HAS BEEN CHECKED

DIVISION RIGHT OF WAY AGENT



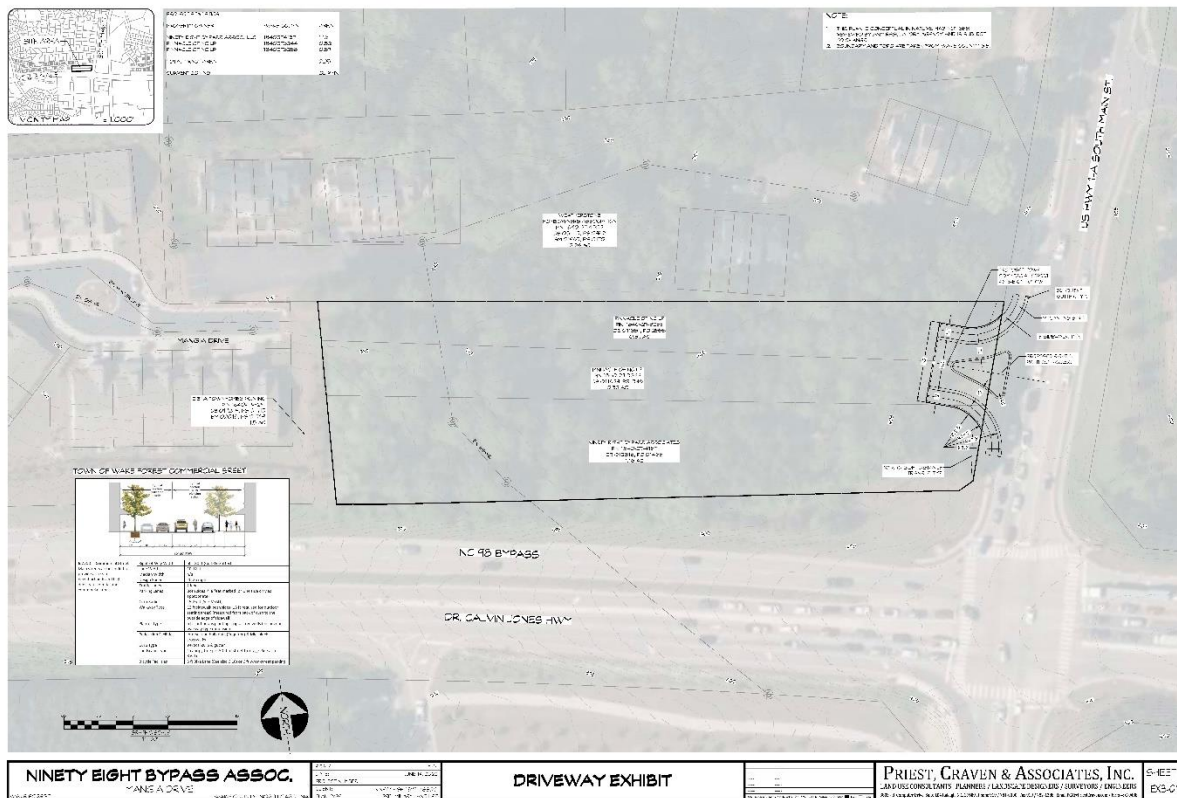
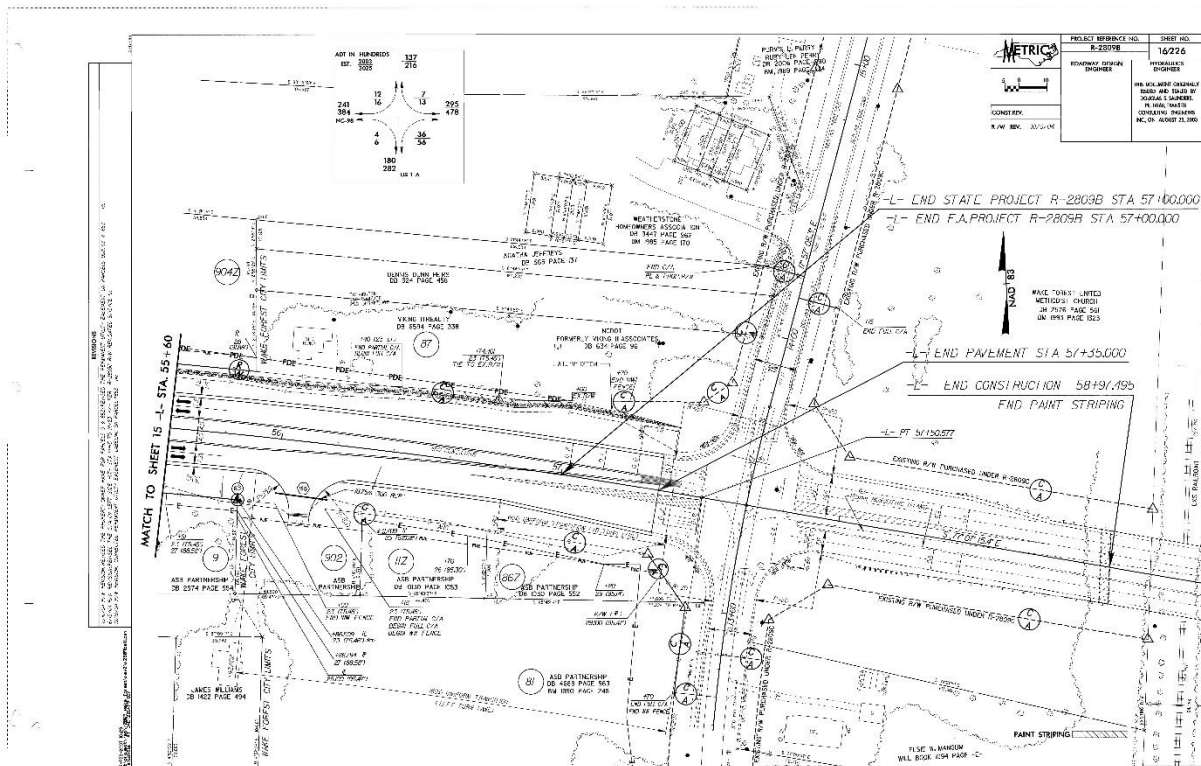


Exhibit C

Letter from Siena Townhomes POA

SIENA TOWNHOMES POA, INC.
BOARD OF DIRECTORS
c/o Deb Moorefield, President
420 Piazza Way
Wake Forest, NC 27587

March 26, 2024

Russell Gay
Russell Gay & Associates – Commercial Real Estate
Southpointe Developers, Inc.
8319-201 Six Forks Road
Raleigh, NC 27615

RE: Land parcels corner of S. Main Street and Dr. Calvin Jones Highway

Dear Russell:

It was nice hearing from you again.

The Siena Board has been in discussion with you over the past months regarding your plans for additional townhomes on your parcels adjacent to Siena Townhomes.

The Siena Townhomes Board of Directors supports your two variance requests; 1. To permit front facing garages, and 2. To allow Mangia Drive to exceed the 400-foot maximum allowed in the RMX zone stipulation.

The Board supports the variance request for front facing garages for consistency and similarity appearance because the existing 96 Siena Townhomes all have front facing garages. We understand your desire to have identical units to the existing units. Also, the additional road footage would be necessary to allow emergency vehicles and garbage collection to proceed easily down Mangia Drive.

If these variances are granted by the Town of Wake Forest Planning Department, the Siena Board will call a special meeting of all Siena homeowners to vote on annexation into the Siena Townhomes community.

Good luck with your variance requests. Let us know if you need anything further.

Sincerely,



Deb Moorefield
President
Siena Townhomes Board of Directors
Siena Townhomes POA, Inc.

Cc: Patrick Reidy, AICP, CZO
Senior Planner – Development Services
Planning
Town of Wake Forest



Variance Request Application

(Variance Workflow)

Town of Wake Forest, NC

301 S. Brooks St.

Wake Forest, NC 27587-2932

TEL (919) 435-9510 | FAX (919) 435-9539

Project Overview

#1369365

Project Title: Siena Drive Townhomes Variance Request

Jurisdiction: Town of Wake Forest (Wake County)

Application Type: Variance Request

State: NC

Workflow: Variance

County: Wake

Checklist - Variance

A submittal checklist is available to view additional documents which are required to submitted with this application. After answering the application questions, you will be asked to upload the required documents.

[VIEW VARIANCE SUBMITTAL CHECKLIST](#)

Missing items will result in the application being declined and returned to the applicant to resubmit. A revised and complete application including all missing items must be received or the application will be not be deemed complete and routed for review.

Please confirm that you have reviewed the associated submittal checklist for this permit and that you will submit all documents required on the submittal checklist: Yes

Pre-Application Meeting

Has a pre-application conference been held?: Yes

*Note: This type of project requires a pre-application conference be completed prior to official submittal. If this has not been completed, please return to the home screen and select **Pre-Application Conference** from the application type drop down list in order to schedule your required meeting.*

Pre-Application Conference Date: 03/26/2024

Staff Member Met With: Tim Richards

Pre-application Conference Project Number: 1096055

Address & Basic Site Information

Please Note:

In some cases, a parcel address may not verify. In the event that our system is unable to verify the address you enter, please submit the project as an *Unverified Parcel* and provide zoning and land use information as requested below. For verified addresses, the zoning and land use information will be added to the application automatically (you do not need to provide it below).

Project Address or PIN:

- 1840274157 (Unverified)
- 1840273244 (Unverified)
- 1840273258 (Unverified)

Tax PIN:

- 1840274157 (Unverified)
- 1840273258 (Unverified)

- 1040 S MAIN ST (Unverified)

Acreage: 2.25

Name of Existing Development/Subdivision (if applicable--for reference only): N/A

For unverified addresses/parcels only. please provide below 1) the current use of the parcel, 2) the zoning district(s) it is in, and 3) any overlay districts that apply. Reference the [zoning map](#) and the [overlay districts map](#) on the town's website.

Current Use & Zoning (required only if address/parcel is unverified):

1) current use of the parcels:

a] 1840-27-4157: vacant

b] 1840-27-3244: vacant

c] 1840-27-3258: vacant

2) zoning districts:

a] 1840-27-4157: CU RMX

b] 1840-27-3244: CU RMX

c] 1840-27-3258: CU RMX

3) overlay districts:

a] 1840-27-4157: Richland Creek Watershed Management Area District (RC-WMA) and Dr Calvin Jones Highway Overlay (SH2-O)

b] 1840-27-3244: Richland Creek Watershed Management Area District (RC-WMA) and Dr Calvin Jones Highway Overlay (SH2-O)

c] 1840-27-3258: Richland Creek Watershed Management Area District (RC-WMA) and Dr Calvin Jones Highway Overlay (SH2-O)

*Note: Projects falling outside the limits of the Town or ETJ will be required to submit an annexation petition in conjunction with their project submittal. In this case, please return to the home screen and select **Annexation Petition** from the application type drop down.*

GIS Site Information (Automatically Generated - Not Available for Unverified Addresses)

Parcel Area:

Wake Forest (WF):

Base District:

In SH2-O Overlay:

In TND Overlay:

In HL-O Overlay:

In National Register of Historic Places:

Current Use:

Planning and Zoning:

In SH1-O Overlay:

In Water Supply Watershed Protection Overlay:

In SF Overlay:

In MVCP-O Overlay:

In Flood Hazard Area:

Project Contacts

Please enter all project contacts related to your application.

This is an important step to ensure all members of the applicant team receive email notifications associated with the project which may include comments, requested revisions, scheduled meetings or hearings, and final decisions. This also informs Town staff of the team members assigned role with the project.

Project Contact - Applicant

Beth Trahos
Ninety-Eight Bypass Associates, LLC c/o Fox Rothschild LLP
434 Fayetteville Street, Suite 2800
Raleigh, NC 27601
P:919-719-1276
btrahos@foxrothschild.com

Project Contact - Attorney

Beth Trahos
Fox Rothschild, LLP- law firm
434 Fayetteville Street, Suite 2800
Raleigh, NC 27611
P:9197191276
btrahos@foxrothschild.com

Project Contact - Property Owner

Russell Gay
Ninety-Eight Bypass Associates, LLC
8310 Banford Way
Raleigh, NC 27615
P:919-961-8725
rg@russellgay.com

Variance

Lot Number(s): N/A

Name of Existing Development/Subdivision (if applicable-- for reference only): N/A

Page: See above

UDO Section(s) From Which Applicant is Requesting Relief:
4.3.1.A

UDO Section(s) From Which Applicant is Requesting Relief:
5.5.4

UDO Section(s) From Which Applicant is Requesting Relief:
6.5.1.C and 6.5.1.E

UDO Section(s) From Which Applicant is Requesting Relief:
6.6, 6.7 and 1.5

Subdivision : N/A

Deed Book: a] 1840-27-4157- Book 12816, Page 1465; b] 1840-27-3244- Book 11629, Page 346; c] 1840-27-3258- Book 11351, Page 2553

Number of Variance Requests: 4

Description of Request:

Please see the attached Brief in Support of Variance for Townhome Community.

Description of Request:

Please see the attached Brief in Support of Variance for Townhome Community.

Description of Request:

Please see the attached Brief in Support of Variance for Townhome Community.

Description of Request:

Please see the attached Brief in Support of Variance for Townhome Community.

Variance Findings

The Board of Adjustment shall not grant a variance unless and until it makes all of the following findings. **Please address compliance with the Findings of Fact:**

Carrying out the strict letter of the ordinance would result in an unnecessary hardship. It shall not be necessary to demonstrate that, in the absence of the variance, no reasonable use can be made of the property:

Please see the attached Brief in Support of Variance for Townhome Community.

The hardship results from conditions that are peculiar to the property, such as location, size, or topography. Hardships resulting from personal circumstances, as well as hardships resulting from conditions that are common to the neighborhood or the general public, may not be the basis for granting a variance:

Please see the attached Brief in Support of Variance for Townhome Community.

The hardship did not result from actions taken by the applicant of the property owner. The act of purchasing property with knowledge that circumstances exist that may justify the granting of a variance shall not be regarded as a self-created hardship:

Please see the attached Brief in Support of Variance for Townhome Community.

The requested variance is consistent with the spirit, purpose, and intent of this ordinance, such that the public safety is secured, and substantial justice is achieved:

Please see the attached Brief in Support of Variance for Townhome Community.

Variance Findings for Floodplain, Watershed and Stormwater Regulation

Is the variance request related to standards for Floodplain, Watershed and Stormwater Regulation?: No

Variances from the standards set forth in this ordinance for flood damage prevention, watershed protection and stormwater regulation may be granted subject to the following additional provisions. **Please address compliance with the Findings of Fact:**

Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result or when the variance will make the structure in violation of other federal, state or local laws:

Variances shall only be issued upon:

a. A determination that the variance is the minimum necessary, considering the flood hazard, to afford relief:

c. A determination that failure to grant the variance would result in exceptional hardship; and:

b. A showing of good and sufficient cause:

d. A determination that the granting of a variance will not result in a substantial increase in flood heights, additional threats to public safety, extraordinary public expense, create nuisance, cause fraud on or victimization of the public, or conflict with existing laws or ordinances:

In passing upon variances, the Board of Adjustment shall consider all technical evaluations, all relevant factors, all standards specified in other sections of this chapter and:

a. The danger that material may be swept onto other lands to the injury of others:

c. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner:

e. The availability of alternative locations, not subject to flooding or erosion damage, for the proposed use:

g. The relationship of the proposed use to the land development plan and flood damage prevention program for that area:

i. The expected heights, velocity, duration, rate of rise, and sediment transport of the floodwaters and the effects of wave action, if applicable, expected at the site:

b. The danger to life and property due to flooding or erosion damage:

d. The importance of the services provided by the proposed facility to the community:

f. The compatibility of the proposed use with existing and anticipated development:

h. The safety of access to the property in times of flood for ordinary and emergency vehicles:

j. The costs of providing governmental services during and after flood conditions including maintenance and repair of public utilities and facilities such as sewer, gas, electrical and water systems, and streets and bridges:



Agent Authorization Form

The Wake Forest Unified Development Ordinance (UDO) states that applications for development approvals may only be made by the landowner, a lessee or person holding an option or contract to purchase or lease the land, or an authorized agent of the landowner (see [Sec. 15.2.5.C](#)). This agent authorization form must be signed by the landowner and included with any application not submitted by the landowner or lessee as specified above. If more than one landowner is involved, a separate agent authorization form must be submitted by each landowner.

Address(es) and Tax PIN(s) for 1840-27-3244 and 1840-27-3258
which authorization is granted:

Landowner's name*: Pinnacle of NC, LP

Application(s) for which
authorization is granted (e.g., Variance
Rezoning, Special Use Permit):

Person authorized to submit
application(s) as landowner's
agent (*must be the same*
person listed as the applicant
***on the application form*):** Beth Trahos and Erin Catlett, Fox Rothschild, LLP

Landowner's Signature:

DocuSigned by:
Dean Smith

D362E474B52440C...

July 9th 2024

Date:

*Please provide below the name, address, and other information
of the person signing this form.*

Name: Dean Smith

Address: 199 Suitt Road. Franklinton, NC 27525

Telephone number: (919)426-1000

Email address: deansmith3@gmail.com

If signing for a corporation or other entity, please
specify title and/or relationship to the corporation
or other entity (e.g., *Member, Executive Officer*):

Pinnacle of NC, LP. - Managing Partner

**Owner of record as shown on the latest equalized assessment rolls of Wake County, or, if ownership has recently been transferred, the grantee shown on the recorded deed (a copy of the deed must accompany this form).*



Agent Authorization Form

The Wake Forest Unified Development Ordinance (UDO) states that applications for development approvals may only be made by the landowner, a lessee or person holding an option or contract to purchase or lease the land, or an authorized agent of the landowner (see [Sec. 15.2.5.C](#)). This agent authorization form must be signed by the landowner and included with any application not submitted by the landowner or lessee as specified above. If more than one landowner is involved, a separate agent authorization form must be submitted by each landowner.

Address(es) and Tax PIN(s) for
which authorization is granted: _____

Landowner's name*: _____

Ninety-Eight Bypass Associates, LLC

Application(s) for which
authorization is granted (e.g.,
Rezoning, Special Use Permit): _____

Variance

**Person authorized to submit
application(s)** as landowner's
agent (must be the same
person listed as the applicant
on the application form): _____

Beth Trahos and Erin Catlett, Fox Rothschild, LLP

Landowner's Signature: _____

DocuSigned by:
Russell Gay
CD379EFBA5364F7...
7/9/24

Date: _____

*Please provide below the name, address, and other information
of the person signing this form.*

Name: _____

Russell Gay

Address: _____

8310 Banford Way

Telephone number: _____

919-961-8725

Email address: _____

rg@russellgay.com

If signing for a corporation or other entity, please
specify title and/or relationship to the corporation
or other entity (e.g., *Member, Executive Officer*): _____

Manager

**Owner of record as shown on the latest equalized assessment rolls of Wake County, or, if ownership has recently been transferred, the grantee shown on the recorded deed (a copy of the deed must accompany this form).*

Agent Authorization Form



TOWN of
WAKE FOREST

The Wake Forest Unified Development Ordinance (UDO) states that applications for development approvals may only be made by the landowner, a lessee or person holding an option or contract to purchase or lease the land, or an authorized agent of the landowner (see Sec. 15.2.5.C). This agent authorization form must be signed by the landowner and included with any application not submitted by the landowner or lessee as specified above. If more than one landowner is involved, a separate agent authorization form must be submitted by each landowner.

Address(es) and Tax PIN(s) for
which authorization is granted: 1840-27-3244 and 1840-27-3258

Landowner's name*: Pinnacle of NC, LP / BRYAN J. BENTON

Application(s) for which
authorization is granted (e.g.,
Rezoning, Special Use Permit): Variance

Person authorized to submit
application(s) as landowner's
agent (must be the same
person listed as the applicant
on the application form): Beth Trahos and Erin Catlett, Fox Rothschild, LLP

Landowner's Signature: _____

Date: _____

Please provide below the name, address, and other information
of the person signing this form.

Name: Dean Smith

Address: _____

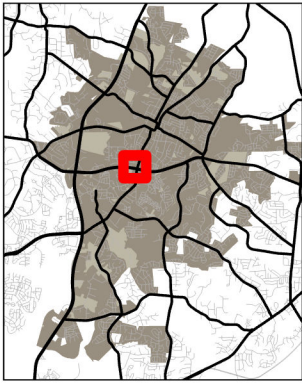
Telephone number: _____

Email address: _____

If signing for a corporation or other entity, please
specify title and/or relationship to the corporation
or other entity (e.g., Member, Executive Officer): _____

BRYAN BENTON
2505 YORK RD
RALEIGH, NC.
27608
besquare@
msn.com

*Owner of record as shown on the latest equalized assessment rolls of Wake County, or, if ownership has recently been transferred, the grantee shown on the recorded deed (a copy of the deed must accompany this form).



Aerial

BOA-24-01

0 and 1040 S. Main Townhomes

Wake County PIN: 1840274157, 1840273244 & 1840273258

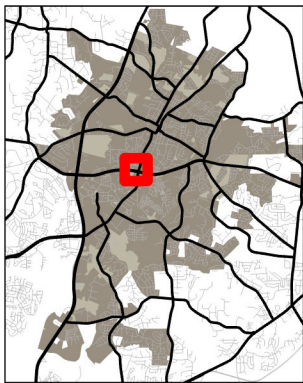
1/13/2025



Please note that this map is intended for illustrative purposes only.
For specific inquiries regarding zoning boundaries, contact the
Town Wake Forest Planning Department at 919-435-9510.

0 500 1,000
Feet





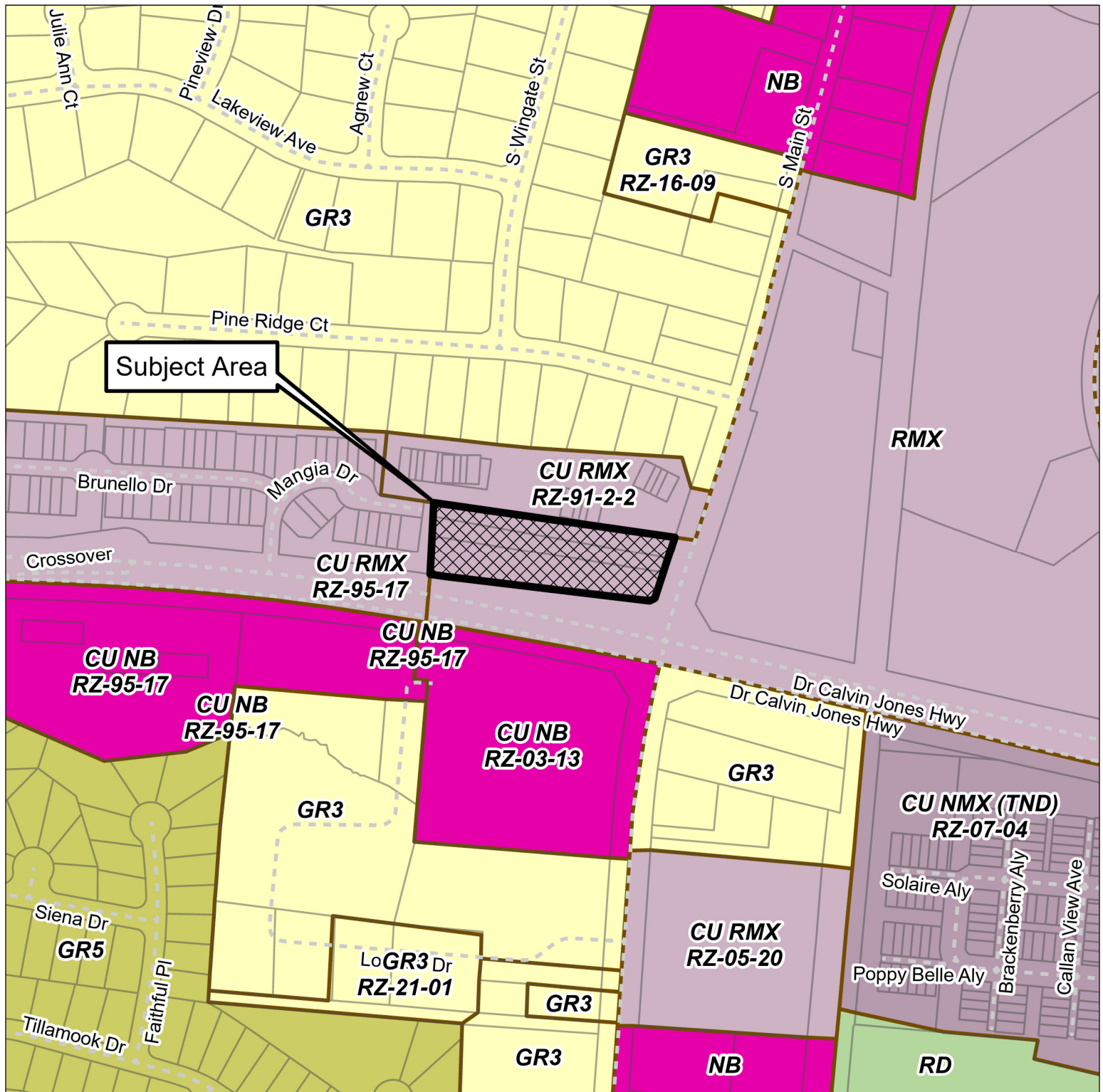
Zoning

BOA-24-01

0 and 1040 S. Main Townhomes

Wake County PIN: 1840274157, 1840273244 & 1840273258

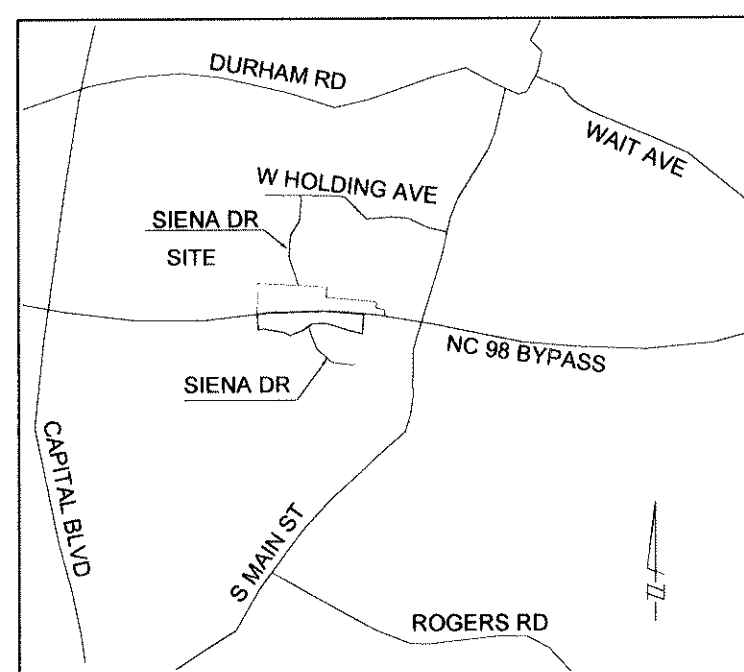
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Town Wake Forest Planning Department at 919-435-9510.

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Feet



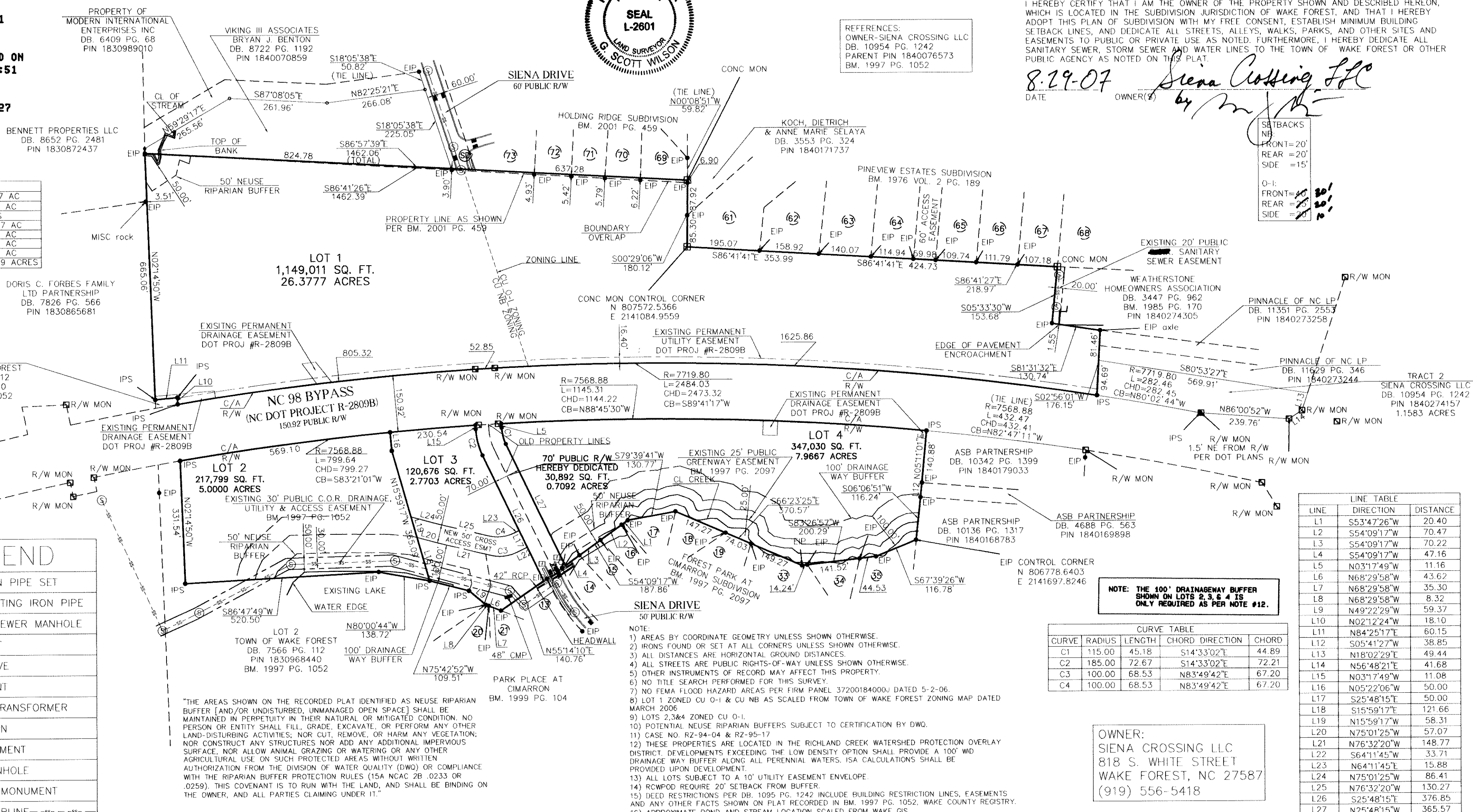


VICINITY MAP - N.T.S.

WAKE COUNTY, NC 541
LAURA H RIDDICK
REGISTER OF DEEDS
PRESENTED & RECORDED ON
09/11/2007 AT 16:22:51

BOOK:BM2007 PAGE:02127

SITE DATA	
TOTAL LOT AREA	42.1147 AC
AREA IN R/W	0.7092 AC
TOTAL LOTS	4 LOTS
LOT 1	26.3777 AC
LOT 2	5.0000 AC
LOT 3	2.7703 AC
LOT 4	7.9667 AC
TOTAL AREA	42.8239 ACRES



RECORDED IN BOOK OF MAPS 2007 PAGE 2127

REV.	DATE	DESCRIPTION
1	08-24-07	TOWN OF WAKE FOREST COMMENTS

B
N
K

BASS, NIXON & KENNEDY, INC.
CONSULTING ENGINEERS
6310 CHAPEL HILL ROAD, SUITE 250
RALEIGH, NORTH CAROLINA 27607
10405E LIGON MILL ROAD
WAKE FOREST, NORTH CAROLINA 27587
TELEPHONE: (919)851-4422 OR (800)354-1879
FAX: (919)851-8968 (Rel.), (919)570-1362 (WF)

SURVEYED BY JM	<i>SUBDIVISION & R/W DEDICATION PLAT</i>		SHEET 1 OF 1
DRAWN BY DHG	PROPERTY OF		
CHECKED BY SW	SIENA CROSSING LLC		
DATE 07-31-07	WAKE FOREST	WAKE COUNTY NC	

- Ensure that commercial development is balanced and compatible with surrounding neighborhoods and provides enduring value to the community.
- Promote quality, walkable, mixed-use neighborhoods with a wide variety of housing types, including affordable housing.
- Support the continued development of the community as a destination for arts and culture, beginning with value placed upon the unique historic character of the town.
- Support the development of the community's business sector and strengthen the local tax base.
- Protect public safety.
- Encourage civic pride and community involvement and provide a means of meaningful cooperation between the community and town government.

1.5. Consistency With All Adopted Plans and Policies

All development plans, master plans and rezonings shall be in conformance with all adopted plans and policies (including comprehensive plans, transportation plans, small area plans, open space and greenway plans, or any other plan adopted by the Wake Forest Board of Commissioners).

1.5.1. Implementation of Plan

This ordinance is intended to implement the comprehensive plan.

1.5.2. Amendments to UDO and Community Plan

- A. The Unified Development Ordinance of Wake Forest, North Carolina also uses powers granted in other sections of the North Carolina General Statutes relating to particular types of development or particular development issues. Any amendments to or actions pursuant to this ordinance shall be consistent with the Community Plan.
- B. The Community Plan for the Town of Wake Forest may be amended, and this Unified Development Ordinance and the incorporated Zoning Map shall reflect those changes through appropriate amendments in accordance with processes outlined in Chapter 15.

1.5.3. Adopted Small Area Plans

All development plans shall be consistent with any adopted small area plans. Small area plans may contain any of the following elements:

- Multi-Modal Circulation Network (pedestrian, bicycle, automobile, and public transit networks)
- Green Infrastructure Network (floodplains, wetlands, lakes, streams, parks, squares, and other public open spaces)
- Location of sites reserved for Civic & Institutional buildings and uses
- General Massing and Development Intensity Pattern
- Specific Design Guidelines (in addition to those contained in this ordinance)

1.5.4. Variations to Adopted Plans

Specific alignments, locations, or areas of public facilities noted in any adopted plan may be varied on a site by site basis as requested by the developer or the Administrator, provided the integrity of the proposed network and connections, location, or area shown in the plan are maintained.

1.5.5. Conflicts with Adopted Plans

In the event of a conflict or inconsistency between this ordinance and any adopted plans the requirements of this ordinance shall take precedence.

2.2.2. Urban District Descriptions

BASE DISTRICT DESCRIPTION

A. Urban Residential (UR)

Previous District(s): R10 & R8 in urban contexts

The Urban Residential District is established as a predominately residential district in which a variety of types of housing is permitted, including single-family and duplex residences, small apartment buildings and townhouses.

**B. Residential Mixed-Use (RMX)**

Previous District(s): R5 & O-I in urban contexts, MF, RA-C

The Residential Mixed-Use District is established to accommodate a variety of housing types in a neighborhood setting. The regulations of this district are intended to provide areas of the community for those persons desiring small residences and multifamily structures in relatively high density neighborhoods within walking or biking distance from mixed-use centers as well as some limited commercial uses in pedestrian-scaled, residential-style structures.

**C. Neighborhood Mixed-Use (NMX)**

Previous District(s): O-I & NB in urban contexts, RA-C

The Neighborhood Mixed-Use District is established as a pedestrian-scaled, mixed-use district which caters to the everyday needs of nearby neighborhoods, stressing accessibility by automobiles, bicycles, and pedestrians.



4. General Provisions For All Districts

4.1. Applicability

The provisions in this chapter shall apply to all development regardless of the underlying zoning district provisions. The notable exception shall be any Planned Unit Development District, which is intended to create its own lot, use and dimensional design standards, so long as they are of equal or greater quality to the standards set forth in this section herein.

4.2. Interpretation Of Numerical Standards

When any requirement of this ordinance results in a fraction of a unit, a fraction of one-half or more shall be considered a whole unit and a fraction of less than one-half shall be disregarded. When the determination of the number of dwelling units permitted on a lot results in a fraction of a dwelling unit, any fractional component shall be disregarded and rounded down to the nearest whole number.

4.3. Basic Lot And Use Standards

4.3.1. All Lots and Buildings Shall Front On A Public Street

A. Lot Requirements

1. All lots shall front upon a public street right-of-way (publicly dedicated or privately maintained). In no case shall a lot have less than 20 feet of frontage on a public street right-of-way. Flag pole lots may be permitted provided that:
 - a. There is a minimum of 20 feet public street right-of-way frontage when a driveway gives access to one lot.

B. Building Requirements

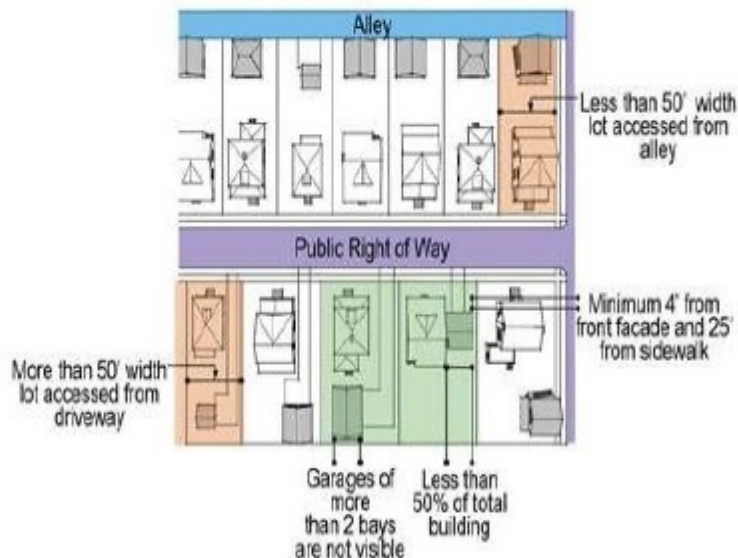
1. No building shall be erected on a lot which does not front on an improved public street right-of-way, unless such lots are approved as part of a Conditional District or Planned Unit Development District in accordance with the provisions of this Ordinance.
2. The Board of Adjustment may grant a variance to this requirement in accordance with Section 15.13 of this ordinance provided that:
 - a. There is a legally established private right-of-way of no less than 50 feet and no longer than 500 feet measured from the nearest public street right-of-way giving access to no more than 3 buildings.
 - b. There is a legally established access easement of no less than 20 feet giving access to no more than 2 buildings. An access easement shall only be permitted for lots that were land-locked prior to January 13, 1977.

4.3.2. Number of Principal Buildings Per Lot

In any zoning district, more than one building containing a permitted principal use may be erected on a single lot, provided that at least one building is fully compliant with the principal building setback requirements in Section 2.2.3 and the private frontage requirements in Section 5.3. All other requirements of this ordinance not related to building placement shall be adhered to for all principal structures.

5.5.4. Garages

- A. For Dwellings (on lots of 40 feet or less in width): Garages or off-street parking areas shall be accessed only from an alley. Driveways shall not be permitted to connect to the fronting street. Where topographic or unique site conditions preclude the use of an alley, as determined by the Administrator, a driveway of no more than 12 feet in width may be used to provide access to garages or off-street parking areas in the third layer of the lot only, as defined in Section 9.3. (See illustration below)
- B. For Dwellings (on lots between 40 feet and 50 feet in width): One driveway of no more than 12 feet in width may be used to provide access to garages or off-street parking areas. Garages or off-street parking areas shall be located in the third layer of the lot only, as defined in Section 9.3. (See illustration below)
- C. Garage Door Setback from Façade: Garages with front loading bays shall be recessed from the front façade of the dwelling by a minimum of 4 feet and shall be visually designed to form a secondary building volume. Garage doors shall be setback a minimum of 25 feet from the back of sidewalk. (See illustration below)
- D. Garage Door Width At no time shall the total width of an attached garage door(s) exceed 50% of the total building façade for lots more than 50 feet in width. (See illustration below)
- E. Extra Bays to Be Turned: All garages with more than 2 bays shall be turned such that no more than 2 bays are visible from the street. (See illustration below)
- F. For All Townhouses: Garages or off-street parking areas shall be accessed only from an alley or via a driveway leading to a detached garage or parking area behind the front façade.



6.5. Connectivity

6.5.1. Street Network

- A. General: Streets shall be designed and located in proper relation to existing and proposed streets, to the topography, to such natural features as streams and tree growth, to public safety and convenience, and to the proposed use of land to be served by such streets. All proposed streets shall provide for the appropriate projection of principal streets in surrounding areas and provide reasonable access for surrounding acreage or tracts. Requirements may vary at the discretion of the Administrator where compliance is determined not feasible because of topography, the existence of environmentally sensitive lands, the need to preserve cultural resources, and/or other similar considerations.
- B. Streets to be Interconnected: All streets shall be designed to form part of an interconnected street pattern. Streets must connect with adjacent street networks to the extent possible. Street designs will be assessed, in terms of meeting this interconnectivity standard, on their ability to: permit multiple routes between origin/destination points; diffuse traffic; and shorten walking distances.
- C. Block Lengths: Block lengths shall adhere to the standards in the following table:

Town of Wake Forest

Unified Development Ordinance – July 19, 2022

6-5

6

Subdivision & Infrastructure Standards

6.5 Connectivity

	Minimum Block Length	Maximum Block Length
Rural & Suburban Districts*	250 feet	800 feet
Urban Districts *	250 feet	400 feet

*District classifications as urban vs. rural & suburban is outlined in Section 2.2

- D. Block Width: Blocks shall have sufficient width to provide for 2 tiers of lots of appropriate depth except where otherwise required to separate residential development from through traffic.
- E. Cul-de-Sacs: Permanent dead-end streets or cul-de-sacs shall be no longer than 400 feet. In general, streets with one end permanently closed shall be avoided unless the design of the subdivision and the existing or proposed street system in the surrounding area clearly indicates that a through street is not essential at the location of the proposed cul-de-sac.
- F. Reserve Strips Prohibited: Reserve strips and non-access easements adjoining street rights-of-way for the purpose of preventing access to or from adjacent property (except those required by the Board of Commissioners to prevent access to thoroughfares), and half-streets shall not be permitted.
- G. Subdivision Access Points: Subdivisions shall maintain external access points through street connections to existing roads and/or stubs to future development at the rate of at least one external access point for every 100 single family lots.
- H. Street Stubs:
 - 1. The following stub street standards listed below shall apply unless:
 - a. The development contains one or more of the following land uses: a duplex, or detached residential lot no larger than two acres; elementary school, secondary school, landfill, cemetery, public safety station, correctional institution, religious institution; or

well-located space for a shelter and bus drop-off area as specified by the local transit operator/authority.

6.6. Implementation Of Transportation Plan & Town Street Classifications

6.6.1. Proposed New Streets

- A. **New Streets Designated in Transportation Plan:** Where a proposed subdivision or development includes any part of a thoroughfare which has been designated as such on the officially adopted Town of Wake Forest Transportation Plan, as provided for by NCGS, such part of such thoroughfare shall be reserved, platted, dedicated, and constructed in the location shown on the plan and at the width specified in the Transportation Plan.
- B. **New Streets Not Designated in Transportation Plan:** Where a proposed subdivision or development includes a new street, which is not included in the Transportation Plan, the developer shall plat, dedicate and construct the street in accordance with one of the preferred street sections outlined in the Town Street Classifications in Section 6.7.2. The street classification chosen shall be approved by the Administrator and shall reflect the expected intensity of land uses fronting the proposed street and the needs of the surrounding street network. In special instances, as approved by the Administrator, required roadways may only need to be reserved or dedicated, not constructed.

6.6.2. Existing Substandard Streets

Development along existing streets of inadequate right-of-way shall provide additional right-of-way as follows:

- A. **Improvements Specified in Transportation Plan:** For streets that have specific improvements outlined in the Wake Forest Transportation Plan, additional right-of-way shall be dedicated where necessary to meet the width specified in the Transportation Plan.
- B. **Improvements Specified in the Town Street Classifications:** If the Transportation Plan does not outline specific improvements for a street, development along existing streets shall dedicate additional right-of-way where necessary to meet the minimum widths specified in the Town Street Classifications in Section 6.7.2.
- C. **Minimum Improvements:** Where the existing street is not assigned specific improvements by the Transportation Plan, development shall provide a minimum sidewalk and planting zone according to the table below and the provisions in Section 6.8.

District	OS, RD	GR3, GR5, GR10, LI, HI	UR, RMX, NB, ICD, HB, PUD	HB, NMX	RA-HC, UMX
Minimum Sidewalk Width	n/a	5 feet	5 feet	8 ft sidewalk and 8 ft planting strip OR 12 ft sidewalk with tree wells	12 ft sidewalk and 6 ft planting strip OR 16 ft sidewalk with tree wells
Minimum Planting Strip Width	n/a	6 feet (curb) 8 feet (swale, GR3 only)	5 feet		

- D. **Determination of Required Right-of-Way Dedication:** The entire right-of-way shall be provided where any part of a new subdivision or development is on both sides of an existing street, and one-half the required right-of-way measured from the center line of the existing street shall be provided where a new subdivision or development is located only on one side of an existing street. However, the development may not be

required to construct a multilane facility unless a Transportation Impact Analysis (see Section 6.11) requires the additional capacity.

- E. **Installation of Required Street Improvements:** In addition to dedication of rights-of-way where required, development along existing streets of substandard improvements shall install all required street improvements that occur outside the vehicular travel lanes, including, but not limited to, street trees, planting strips and/or tree wells, sidewalks, and multi-use paths. Lighting and street furniture shall be the responsibility of the town.

6.7. Town Street Classification & Design

The following standards are intended to provide general clarity for most conditions in Wake Forest. Deviations to these standards may be granted by the Administrator subject to generally accepted safety and engineering practices. For additional guidance, the town may use the “Designing Walkable Urban Thoroughfares: A Context Sensitive Approach” by the Institute of Transportation Engineers and the Congress for the New Urbanism or a similarly generally accepted document.

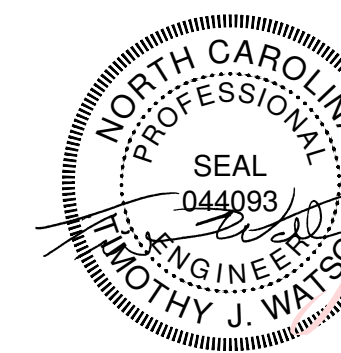
6.7.1. Rules For Assignment of Appropriate Street Details

The illustration below is a simplified diagram of the many different parts that go into the assemblage of each street. Care should be taken to ensure that context plays a primary role in the selection of the various right-of-way elements.



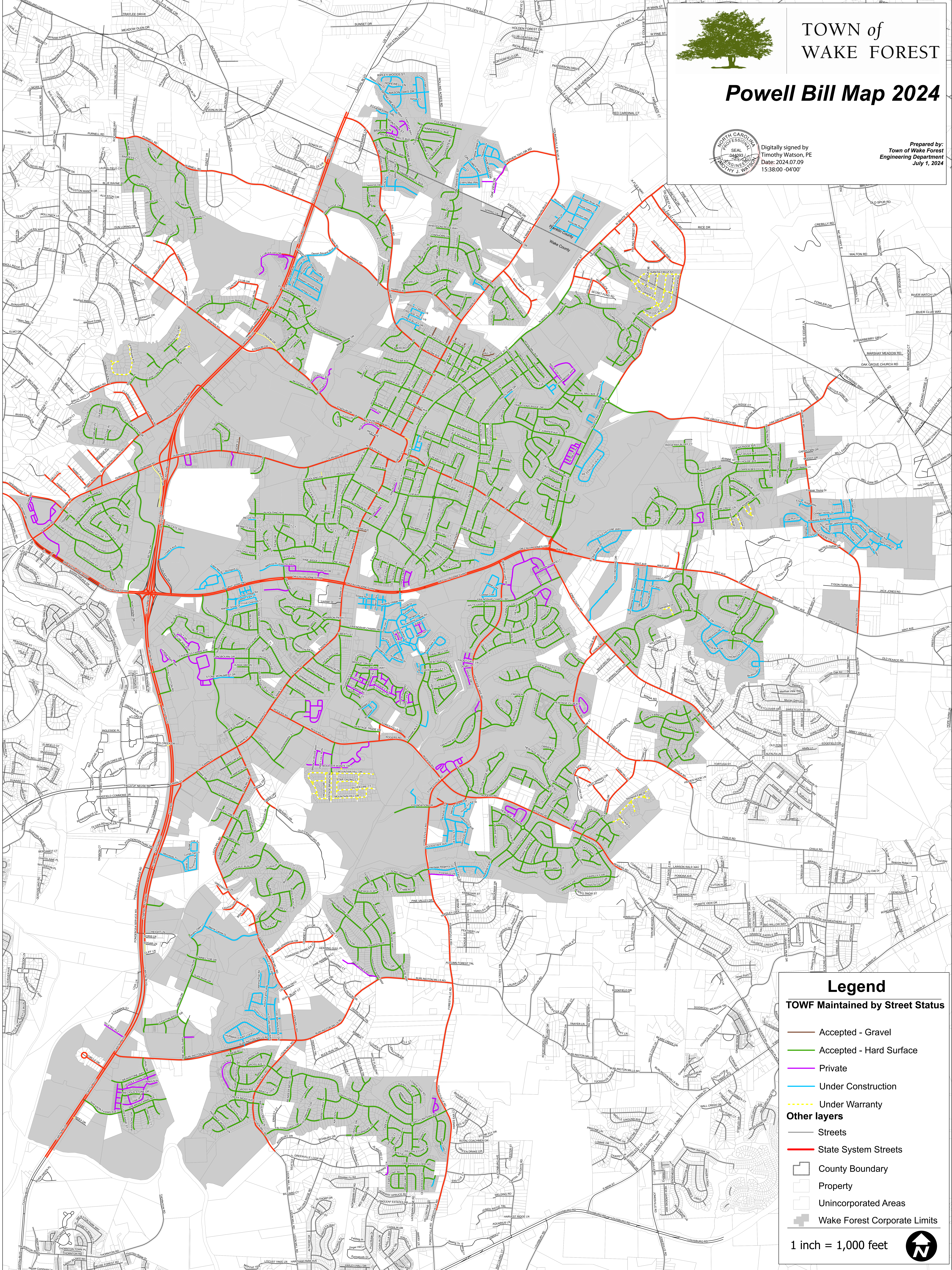
TOWN of WAKE FOREST

Powell Bill Map 2024



Digitally signed by
Timothy Watson, PE
Date: 2024.07.09
15:38:00 -0400'

Prepared by:
Town of Wake Forest
Engineering Department
July 1, 2024



Legend

TOWF Maintained by Street Status

- Accepted - Gravel
- Accepted - Hard Surface
- Private
- Under Construction
- Under Warranty

Other layers

- Streets
- State System Streets
- County Boundary
- Property
- Unincorporated Areas
- Wake Forest Corporate Limits

1 inch = 1,000 feet



2A - Two Lane Undivided
Minimum R/W: 55'



	Standard Dimensions	Alternate Dimensions
Travel Lane	12 feet	10-14 feet
Bike Lane	N/A	5-6 feet
Parking	N/A	N/A
Curb and Gutter	2.5 feet	N/A
Verge	6 feet	0-10 feet
Sidewalk	6 feet	0-10 feet
Back of Sidewalk	1 foot	1 foot

2A.1 - Modified Two Lane Undivided
Minimum R/W: 52'

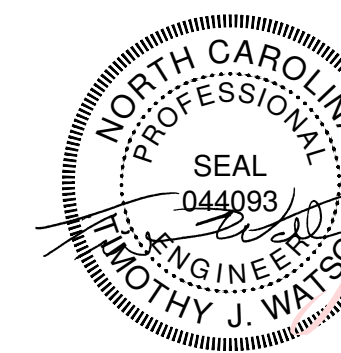


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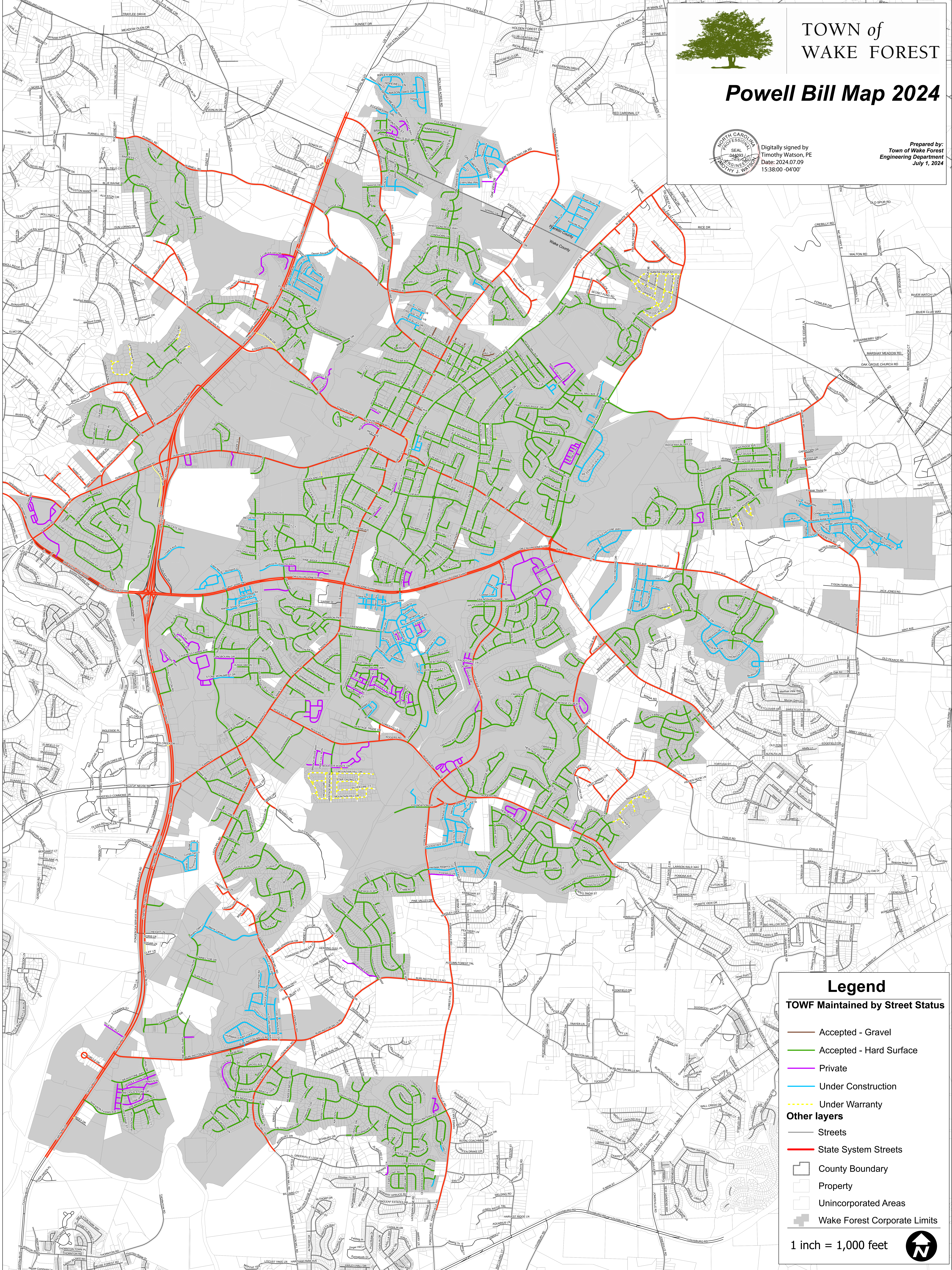
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