

REZ-24-01 / Merritt Properties

2nd Submittal

Planning/Zoning Comments

Project Background:

The following is the 2nd review of the Conditional Rezoning application submitted for Merritt Properties. The associated sketch plan, prepared by American Engineering, dated April 10, 2024 has been revised. Further, revised zoning Conditions of Approval have also been submitted for review

The proposed Text Amendment (TA24-01) would create a new Zoning District ("Residential Urban", RU) that would allow for age-targeted single-family detached and attached dwelling units in the form of higher-density residential with limited non-residential uses.

New or repeat comments are in **RED**.

Applicant responses are in **BLUE**.

Comments:

A. Application Documents Provided

1. To ensure that new development and redevelopment does not adversely affect the capacity of streets and intersections to accommodate vehicular traffic safely and efficiently, a Traffic Impact Analysis (TIA) is required to be submitted with the rezoning application per LDO Section 8.C. This has not been provided. **A TIA is underway. It's understood that a TIA is underway, however, with the proposed Text Amendment/overall project still uncertain and under review, the site and overall unit count is subject to change. This may affect the TIA.**
2. Please note that a neighborhood meeting will be required as part of the Rezoning application process, as outlined in Appendix A of the Rolesville LDO. **We understand that a neighborhood meeting will be required.**

B. Rezoning Justification

Within the justification statement, the applicant should consider addressing the following questions as these are the questions the Board must ask when reviewing the case at the public hearing as noted in LDO Appendix A Section 2.3.F *Rezoning Review Standards*:

1. Is the application consistent with the Comprehensive Plan and other applicable adopted town plans? **We are requesting a new zoning district: RU, Residential Urban. This plan is an addition to the current Comprehensive Plan. We believe that the Comprehensive Plan designation for this property is not appropriate. The Merritt property is located between two major residential subdivisions. A Business Park would not be an appropriate use between The Point and Kalas Falls. Further discussion with staff as to the appropriateness of the Comprehensive Plan in this area will be necessary before both the Text Amendment and Rezoning applications move forward.**
2. Is it in conflict with any provision of the LDO or the Town Code of Ordinances? **The plan would be designed to conform to the new RU zoning district, so therefore it is in a few cases in conflict with the current Town Code of ordinances. Again, further discussion with staff is necessary before both applications progress.**

3. Does the application correct any errors in the existing zoning present at the time it was adopted? [The previous zoning was for rural, low-density development. Rolesville has changed greatly since the RA zoning was applied, so the new, proposed RU zoning would be appropriate.](#)
4. Does it allow uses that are compatible with existing and allowed uses on surrounding land? [The proposed zoning would be compatible with adjacent uses.](#)
5. Would it ensure efficient development within the town, including the capacity and safety of the street network, public facilities, and other similar considerations? [The rezoning would provide for efficient development in Rolesville by providing a major sanitary sewer outfall street connection to The Point, standard public streets, a major roadway extension to Fowler Road, sidepaths/bike paths. And greenway connections to adjacent properties.](#)
6. Would it result in a logical and orderly development pattern? [The proposed development is a natural extension of residential uses.](#)
7. Would it result in adverse impacts on water, air, noise, storm water management, wildlife, vegetation, wetlands, and the natural functioning of the environment? [Because of the standards set by the Town of Rolesville, no adverse environmental impacts will be created.](#)

The Board of Commissioners may also consider if the conditional rezoning addresses the impacts reasonably expected to be generated by the development or use of the site, can reasonably be implemented and enforced for the subject property, and if it will mitigate specific issues that would likely result if the subject property were zoned to accommodate all the uses and the minimum standards of the corresponding general zoning district. [The proposed RU zoning differs from the current Code of Ordinances only in the fact that the proposal would allow small lots and is designed to be age-restricted. Therefore, impacts from the proposed development would not be materially different from current practices.](#)

C. **Comprehensive Plan/FLUM Consistency**

1. Appendix A, Section 2.3 of the LDO discuss the process for rezoning and specifically requires statements of consistency with the adopted Town Plans by both the Planning Board and the Governing Body, in accordance with the standards of NCGS 160D-604 and 605. It should be noted that if the map amendment is adopted and the action is deemed inconsistent with the adopted plan, the zoning amendment shall have the effect of also amending any future land-use map in the approved plan. [Noted.](#)
2. The proposed rezoning is inconsistent with the 2017 Comprehensive Plan and Future Land Use Map distinction which classifies the subject properties as Business Park and Mixed Use Neighborhood on the FLUM.
 - a. Only one of the three subject properties is within the Mixed Use Neighborhood future land use designation which better supports the proposed concept as it has the potential to provide a mix of uses for future residents to live, shop, work, and play, while being interconnected and offering multiple modes of transportation. [Noted.](#)
 - b. Two of the three subject properties are within the Business Park future land use designation, which does not support the proposed concept as this future land use category consists of areas which provide a variety of employment opportunities, including manufacturing and production uses. [Our contention would be that the Business Park designation is, itself, inconsistent with the surrounding land uses. The Business Park would be located between two major residential subdivisions—The Point and Kalas Falls. The](#)

manufacturing and production uses that would be permitted in the Business Park would be in serious conflict with the adjacent residential uses. It is recommended that a meeting be arranged to discuss the applicant's statement citing appropriateness of the current future land use designation of the subject properties.

D. Proposed Conditions for Conditional Zoning

The Town attorney should review all proposed conditions as presented. There should be a clear understanding of what conditions may be more appropriate as added text to the proposed Text Amendment versus what belongs in the Rezoning Conditions. Note, conditions may not be written as less than that of which is required by the LDO (Section 3.3.B.2.)

1. Due to the complexity of the proposed application, associated Text Amendment, AND proposed conditions, it is strongly recommended that the sketch plan be included as a condition of the approval. The conditions should be revised to indicate that the subdivision will be in substantial conformance to the associated sketch plan. The sketch plan should be entered as an exhibit and specifically mentioned in the conditions. The Sketch Plan will be submitted as a condition, as suggested. The map will be titled "Zoning Exhibit". The conditions have been revised accordingly.
2. Condition #2a., indicates a 40' public right-of-way may be built. As mentioned previously, zoning conditions cannot be less than what is required by ordinance. The Town generally requires a 50 ROW for local streets. References to a 40' right of way have been deleted.
3. Conditions #2 and #3 both indicate that a HOA will be responsible for maintaining all open space. Will this be two separate HOA's or will the development be under one HOA? One HOA will be established for the entire project; an additional, separate HOA may be established for the townhomes.
4. Condition #4 – Suggest a certain building permit issuance point should the phasing of the development be known at this time. As written, tying the construction of on-site amenities to the third year of construction would simply be the third year after any land disturbing activity begins. Construction on the amenities shall begin when the 300th building permit is issued.
5. Condition #7 indicates that large open space types are not required for age-restricted developments. As mentioned previously, Section 3.3.B.2., Conditions and site-specific standards imposed in a conditional district shall be standards above and beyond the requirements of this LDO; conditions shall not lesser the standards in this LDO. This condition is not permitted. Condition # 7 has been removed.
6. Building Setbacks
It is strongly recommended that a minimum front setback of 19'-20' be provided to allow for the driveway to be counted as a parking space. In accordance with 6.4.4.A.3., no parking space shall be designed to encroach, hinder, or otherwise block a public or private right-of-way, alley, or sidewalk. The 15' setback applies to the 40' lots. These buildings have garages built to the rear of the house; therefore, driveways will be long enough for two cars. The setback table has been revised to indicate that driveways must be a minimum of twenty feet.

E. Sketch Plan:

1. Add "REZ-24-01" to all materials and use this as the common reference moving forward. Rez-24-01 will be added to all materials moving forward.
2. Add appropriate revision dates to all submittal materials. Revision dates will be added where needed. A revision date was not added to the revised sketch plan. Please add the date of all revisions moving forward.

3. While showing ROW dimensions is not absolutely necessary at this time, it may prove beneficial to begin discussion with the Fire Chief regarding the proposed stub roads to adjacent properties and what will be necessary for adequate turnarounds. [All rights of way are 50', except where this project connects to 60' rights of way from The Point.](#)
4. Fowler Road is designated as a collector road and will require a 30' streetscape buffer. Verification of compliance with ordinance standards for street and perimeter buffers will be determined at preliminary plat. [Noted.](#)
5. Please note that the Rolesville Greenway Plan identifies a sidepath along the entirety of the Fowler Road extension and two intersection treatments (crosswalks) within the site. While heavy detail relating to these pedestrian facilities is not necessary at this time, the sketch plan should still identify the required facilities. [When we meet with Eddie Henderson we will discuss the placement of either the bike lane or side-path along the half of Fowler Road that this developer will build.](#)
6. Please note that a bike lane is also identified in the Rolesville Bicycle Plan along the proposed Fowler Road extension throughout the entirety of the site. [When we meet with Eddie Henderson we will discuss the placement of either the bike lane or side-path along the half of Fowler Road that this developer will build.](#)
7. No dimensions are shown on the lots indicating total size, setbacks, building height, parking, etc.. We are unable to determine with confidence if the size of these lots will be acceptable with any existing zoning or that which is proposed by the associated text amendment. Please note the minimum dimensional standards should be added to the concept plans in a data table and/or typical lot diagram. [Dimensional standards have been added to the Zoning Exhibit.](#)
8. Residential developments greater than 50 acres are required to have either 1 small/medium and 1 large open space, or 1 small and 2 medium open spaces.
 - a. The proposed conditions indicate that large open space types are not required for age-restricted developments. As mentioned previously, Section 3.3.B.2., Conditions and site-specific standards imposed in a conditional district shall be standards above and beyond the requirements of this LDO; conditions shall not lesser the standards in this LDO. This condition is not permitted. [Noted.](#)
 - b. Please revise the sketch plan to indicate which open spaces areas fulfill the requirements for open space types and which open spaces correspond to the amenities as listed in the zoning conditions. [The suggested note has been added to the Zoning Exhibit.](#)
9. It is a requirement to assign a minimum of 50% of the open space as active recreation as indicated in section 6.2.1.G.12 of the UDO. The recreational amenities listed in the zoning conditions may or may not fulfill this requirement, but there is no indication on the concept plan of the associated area for each use. This should be represented in open space calculations and labeled on the concept plan or on a supplemental exhibit. [Open space calculations will be shown on the Preliminary Subdivision Plan.](#)
10. The applicant has not addressed parking with either application. Front setbacks on all lots are proposed to be 15' with the zoning amendment (although the conditions have varying setbacks). It is strongly recommended that front setbacks be changed to a minimum of 20' to allow for the parking of cars within the driveway. At a minimum, buildings can be setback 15' from the road but garages will need to be off set to provide a minimum parking space length in the driveway outside the right-of-way. [The 15' setback applies to the 40' lots. These buildings have garages built to the rear of the house; therefore, driveways will be long enough for two cars. The setback table has been revised to indicate that driveways must be a minimum of](#)

twenty feet. Further coordination on amendable dimensional requirements will need to take place with staff and other TRC members.

11. The applicant will need to demonstrate compliance with the required parking minimums for the townhouse areas. It should be noted in Section 6.4.3.G that parking within a garage may not be counted in the minimum required number of spaces provided. [Townhouse parking will comply with the LDO and will be shown on the Preliminary Plat.](#)
12. A Tree survey will be required in accordance with Section 6.2.4.2. and the preservation requirements of Section 6.2.4.5.B. shall be met. [A tree survey will be provided.](#)
13. The application and plans shall be in compliance with the Requirements and Design Standards of Chapter 9., Subdivision. [Noted.](#)

E. Text Amendment (TA 24-01)

Town Staff is still confirming the appropriate direction for the submitted Text Amendment. It is recommended that a discussion with the applicant take place to determine what language is more appropriate as language in the Text Amendment and what is better suited as a zoning condition based on the understanding of Town Staff and Leadership.

F. Overall Considerations of the Proposed Applications / Design

1. The RU Zoning District proposed via TA-24-01 include multi-family as a Permitted Use. However, the proposed sketch plan and conditions do not make any mention of multi-family. If this project does not intend to allow ALL the uses proposed as Permitted Uses in the proposed RU District, the Rezoning application should include a Condition of Approval that deletes certain Permitted uses from being developed within the project (this is how most Conditional Rezoning function regarding permitted/prohibited uses).
2. The RU Zoning District proposes a significant number of uses both permitted by right and with Special Use Permits. The Town Staff and leadership should take careful consideration as to what uses are permitted adjacent to and within a residential neighborhood.
3. The RU Zoning District is predicated on residential development "suited for age 55 and older". However, there is no requirement for age-restricted dwelling units. The Town should consider whether this is going to be utilized as age-restricted, age-targeted, or simply to reduce minimum lot sizes. If true age-restricted development is sought, those provisions should be provided in the district wording.