

PR 20-05 Kalas Falls Preliminary Subdivision Plat

Julie Spriggs Town of Rolesville Planner II presented a slide show with maps, with the addition of a greenway alternate route.

- Approval of the plat with an alternate in case the greenway is unable to be connected as shown due to the slope and safety for the pedestrians.
- TRC and Staff recommend approval. It meets regulations of the ordinance and the special use permit.

Planning Board Chairman Mark Powers asked when will the developer decide on a final greenway path?

Ms. Spriggs replied on the construction drawing when the planning profiles can be done with the topography to make sure the slopes could be graphed and not too dangerous for pedestrians to walk on.

Planning Board member Jim Schwartz raised the following concerns:

- If the bridge is built now, or will it stop just before the creek; and who is responsible to build and pay for it?
- Traffic safety, back-ups, congestion, and a stoplight.

Reply from **Jay Gileece (Engineer) and Brad Haertling Head Design Engineer with American Engineers**: Whoever purchases and builds on the abutting land would have to make that connection.

A traffic impact analysis study was conducted and they did not see any concern. At 150 homes, they have to do a warrant study with DOT, and if it is not warranted at that time, they will do another at 300, and again at 450. Phase 1 will consist of roughly 125 homes, Off-site water, and off-site sewer, which must go in first at the time of the road improvements, all need to be done upfront.

Planning Board Chairman Mark Powers asked what is the schedule or the proposed schedule on the phases. Mr. Gileece responded the northern section on Rogers Rolesville Road is phase one.

Vice-Chairman Mike Moss asked if they had applied for the DOT driveway permits yet. Response from both engineers was no, they could not apply yet until they get the construction drawings. Everything has gone through DOT, and DOT has approved everything from design to layouts so far. Mike asked if this design is what will be on the final regarding turn lanes. Both engineers replied yes.

Planning Board member Davion Cross had the following concerns:

- Does the greenway go through any one's yard, and what is so tricky about the proposal of the greenway, clarity of the map shown?

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Mr. Gileece replied no it would not, and the map section of government use is greenways and open space, also noting they have included more space that is open then what is required.

Ms. Spriggs explained the topography is the issue due to the placement between the stormwater pond and the sanitary sewer and the reasonable slope for the safety of our pedestrians so they offered another potential location.

Planning Director Danny Johnson noted this follows the previously approved master plan, including lot sizes and zoning.

Michelle Roerick 3624 Nether Ridge Rd. Zebulon, NC asked about the mail kiosks

Mr. Johnson replied:

- This is just a preliminary plat, this is not the construction drawings.
- The construction drawings are where they will ensure the numbers match with what the town requires. The preliminary is just that, preliminary.
- When they submit the construction drawings, they are locked into the number of spaces. However, on the preliminary, which is what this is, they are not locked in, because they may move the location multiple times.

Chairman Powers asked Mr. Johnson if it is normal for a check to make sure everything is correct, to which Mr. Johnson replied yes, but not until the construction drawings. Mr. Gileece also stated that whatever is required in the code would be on the construction drawings.

Upon a motion by Board Member Mike Moss and second by Board Member Frank Pearce, the Kalas Falls Preliminary Subdivision Plat with conditions for the optional greenway if needed and verification of the kiosk parking approved by unanimous vote.

UDO TA 20-01 Residential III Zoning District Text Amendment

Planning Director Danny Johnson reviewed the text amendment information.

- The amendment has been returned to the planning board at the request of the town board, as the applicant has now amended their proposal.
- The comprehensive plan encourages revision to the UDO and current standards to meet demand and the needs of the community and the proposed text amendment will address such an addition in the UDO and will serve in the publics' interest. The change is consistent with the comprehensive plan to allow provisions to revise the UDO RIII single-family dwellings and allow lot size dimensions that are similar to the surrounding communities.
- Staff recommendation to TA 20-01 is the same as it was previously, and recommends approval and advises the board to do the steps necessary to send this to the town board of commissioners.

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Planning Board member Jim Schwartz asked the following:

- Could an applicant apply for a special use permit for a smaller lot size or could they apply for an RPUD?
Mr. Johnson replied no. This is just for the RIII district and reminded him the town board is discouraging PUDS at this time.

Planning Board member Mike Moss asked:

- Will the RIII district allow for the smallest residential lot sizes in Rolesville?
Mr. Johnson replied yes. It would also remove the cap on acreage because there will be sites that are greater than twenty (20) acres. This amendment would have a cap of five (5) dwellings per unit acre and realistically that is going to be tough to do because of environmental conditions, stream buffers and roads, etc.

Chairman Mark Powers stated after the comments heard at the July June 22th Planning Board meeting, moving forward would give the public further opportunity for comment at the September 1st meeting. Mr. Johnson confirmed the town board will hold a public hearing.

Attorney Beth Trahos with Nelson Mullins stated the following on behalf of Hopper Communities:

- The text amendment was brought forth because they heard from staff and saw the policy adopted by the town board discouraging PUDS, which is what they had originally intended to use.
- This text amendment intended to mirror the PUD with a six (6) thousand square foot minimum, and add it to the RIII as an option.
- Heard concerns of the public and the board regarding lot size. Increased the minimum sizes of the standards and included a density cap.
- This text change would allow you to reach your goals of the comprehensive plan. She reminded us that existing developments all have multiple lots with six (6) thousand square feet minimums. This text change in their opinion is providing you with what the town said it wants to do in the comprehensive plan, in a fashion that does not require a quasi-judicial element.

Chairman Mark Powers reminded the board that tonight's focus is on the text amendment to allow single-family dwelling in the RIII zoning district. Not its potential applicability to any property or project.

Planning Board member Davion Cross stated the following:

- Asked for clarification on what questions the public can they ask.
- Where is Hoppers Communities located?
- Why was eight (8) thousand square foot lots chosen instead of nine (9) thousand square feet, etc. and will this property, be a mixed-use development?

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- Noting as well that while density is a concern, he also wants to encourage development, and while a small lot size is not what he desires, someone else might.

Mr. Johnson replied this is a text amendment to add the use of single-family dwellings and the standards associated with it. Questions with anything particular will come with an actual application in either a zoning case, etc. That is not what we are discussing tonight. This is just about adding single-family dwellings to the RIII zoning district, and it will apply to any application in this RIII district. We are not dealing with site-specific. This is just about the text amendment only.

Chairman Mark Powers stated this amendment would affect the entire town for the future of those looking for that type of density.

Attorney Beth Trahos replied RIII only allows residential, so there will be no retail, office or mixed-use. They started with the minimum lot size of six (6) thousand based off the R PUD requirements already developed in town and increased to eight (8) thousand after hearing concerns about small lot sizes from residents that do not actually live in town but live in the county, particularly those that live adjacent to this site. The developer then increased the lot size to roughly a third (.33%) larger, from six (6) thousand to eight (8) thousand square feet as a minimum lot size. Additionally, they looked at surrounding jurisdictions, many with smaller lot sizes, and tried to hit a compromise.

Planning Board Liaison Michelle Medley asked the following:

- Are apartments included in this amendment?
 - Clarification requested on how people are supposed to frame their questions?
- Mr. Johnson replied apartments are already included in the RIII district. Mr. Powers pointed out this has townhomes and apartments, adding the single-family homes would space things out more. Mr. Schwartz addressed Ms. Medley's question stating he had the same confusion a few meetings back and Attorney Dave Neill clarified. If this was a Quasi-judicial hearing, the public would not be allowed to speak unless they were subject matter experts. This meeting tonight being Legislative gives them the opportunity. Mr. Neill stated it would be a consequence of making a change like this in the event we were to continue to discourage Residential PUDS without a significant commercial or governmental function, there would now be another sort of proposal out there for single-family detached uses in that 3-5 units per acre range. We currently do not have that in our ordinance in any district other than a PUD. This puts it out there as a way to accomplish what the comp plan says. The unintended consequence is that matters will now come to the town board as zoning cases in which case those are legislative decisions rather than quasi-judicial decisions which means interested parties can have conversations with their neighbors and planning board members, elected officials and folks can openly discuss and haggle as they will. Chairman Powers suggested posting something on the town website as to the process of these meetings and hearings for the public to understand how things work.

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For the record-, Attorney Dave Neill clarified advice he made earlier. Section 3.9.8 withdrawal or amendment of the petition while likely to apply solely to zoning petitions rather than text amendments, can be reasonably read as Ms. Roerick has interpreted it, and given that it could be read that way, my job is to take the least risky approach. I would have the board consider all the options of square footage because the concern raised by the speaker of not being able to amend the petition is resolved before the commissioners. Where the provision goes on to say that at the hearing, the town board can adopt whatever it likes and the petitioner can also bring forward changes also the planning boards considerations can also be brought forward at that hearing. As a technical matter, let us keep our ears open to all sorts of square footage without linking ourselves to six or eight thousand and know that when we get to the public hearing before the board of commissioners most anything will be appropriate.

Bill Harrell with Nelson Mullins noted the following:

- While a text amendment may be out of the norm for the board, however as a former planner he can tell you they are quite common.
- After the approval of The Point and Kalas Falls, the use of the RPUD zoning district was actively discouraged and taken away from us. With the RPUD district being taken off the table, they had to turn to the remaining districts in the Rolesville UDO of RI, RII, and RIII.
- The RIII is best suited to create housing for our teachers and first responders who serve in the community. Smaller lot sizes do not mean smaller homes, especially now with so many people working from home.
- The owners of this property simply want the same opportunity afforded to them as the Shearon family owners of The Point also the owners of Kalas Falls.

COMMENTS FROM PUBLIC IN FAVOR (in person)

-Ginny Fowler Wheeler [7928 Sutterton Ct Raleigh, NC](#) shared an article she read over the weekend titled Lot Size no longer matters as much. Ms. Fowler Wheeler stated she would send the link to this article as requested by Planning Board member Jim Schwartz.

-Steve Wheeler [7928 Sutterton Ct Raleigh, NC](#) this is amendment is consistent and superior to the current zoning districts currently offered and makes Rolesville more attractive to millennials, young families, and essential workers.

COMMENTS FROM PUBLIC IN OPPOSITION (in person)

-Michelle Roerick [3624 Nether Ridge Rd Zebulon, NC,27597](#) questioned the amendment change of the increased lot size and standards. Mr. Powers asked Mr. Johnson and Mr. Neill if they had any comments, Mr. Neil stated they should continue to move forward with the public notice. His understanding is the notice went out as addition of single-family to the RIII district. The actual square footage that the town might change it to, he was not sure if that was part of the notice. Therefore, the last time we discussed a variety of square footage was thrown out, different side yard setbacks

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were discussed because at the end of the day a text change is purely at the discretion of the board of commissioners. The board of commissioners does not have had to of had anyone make an application for a text change. The board can conceive of that concept on its own, and that is actually what the statute anticipates will occur. Let us move forward and consider what the appropriate change is if any to the RIII district and a recommendation could come out of this board either to not make a change or to make some other change. Any recommendation would be something for the board of commissioners to determine. That gives him some time to make sure that appropriate notice has been made under our ordinance and if there is a problem there, we can continue the board of commissioners meeting to provide that amount of time to solve it.

- Curtis Roerick 3624 Nether Ridge Rd Zebulon, NC 27597 restated his concerns voiced at the meeting on June 22.

-Matthew Jones 3624 Nether Ridge Rd Zebulon, NC 27597 changing this text amendment creates more density and more traffic.

-Derek Willits 3701 Nether Ridge Rd Zebulon, NC 27597 opposed the amendment.

-Minda Sportsman 3809 Arbor Rose Ln Zebulon, NC 27597 - no comments directly related to the text amendment.

-Gayle Stallings 1512 Rolesville Rd Wake Forest, NC 27587- no comments directly related to the text amendment.

COMMENTS FROM PUBLIC IN OPPOSITION (received through email)

-Lesley & Gary Klinker 3509 Taviswood Way Wake Forest, NC 27587- no comments directly related to the text amendment, however, high-density neighborhood concerns were raised.

-Harrell Stalling 1512 Rolesville Rd Wake Forest, NC 27587- asked the board vote no for UDO TA 20-01 Text Amendment.

-Anthony & Kathleen Trabucco 3500 Traviswood Way Wake Forest, NC 27587- asked the board vote no for UDO TA 20-01 Text Amendment.

-Susan & Tony Swift 3504 Traviswood Way Wake Forest, NC 27587- asked the board vote no for UDO TA 20-01 Text Amendment.

-Kristen Wheless 3629 Nether Ridge Rd Zebulon, NC 27597- asked the board vote no for UDO TA 20-01 Text Amendment with concerns of high density.

-Kimberly Woodlief Eddins 1504 Rolesville Rd Wake Forest, NC 27587 - asked the board vote no for UDO TA 20-01 Text Amendment with concerns of high density.

-Lorin Wiandt 4209 Lassiter Rd. Wake Forest, NC 27587 - asked the board vote no for UDO TA 20-01 Text Amendment with concerns of density and traffic.

-Patrick Jensen 3733 Nether Ridge Rd Zebulon, NC 27597 - asked the board vote no for UDO TA 20-01 Text Amendment.

Public Comments received through email not related to TA 20-01

-Karen and Shawn Washburn 3600 Nether Ridge Rd Zebulon, NC 27597- no comments directly related to the text amendment.

-Lorraine Stephenson 3532 Catlett Farm Rd Wake Forest, NC 27587- no comments directly related to the text amendment.

-Agnes Tyborowski 6612 Fowler Rd Zebulon, NC 27597- no comments directly related to the text amendment.

-Lynn Thomas 3813 Tavison Ct Wake Forest, NC 27587- no comments directly related to the text amendment.

-Lee Jones 3533 Nether Ridge Rd Zebulon, NC- no comments directly related to the text amendment.

After these discussions, **Planning Board member Frank Pearce** stated he probably holds seniority to everyone in the room as to the years he has grown up/lived here and has seen all the changes come to Rolesville, some good, and some bad. We have to appreciate this land used to be farmland and he was a farm boy. The surviving farm children have decided they want another way of life, and for them to get some benefit for what used to be their farm, they are putting it up for sale. We have people who are opposing this type of event that is happening around us because they do not want someone moving in next to them because they are used to the farmland. But the farmland is going away and we can't stop that, it's just human nature. Being realistic, not everyone wants to crank up a lawnmower on Saturday morning, and I think we are overlooking some of this stuff that has been said. I agree with some of the speakers that have said a small lot is not for everyone, nor is a big lot for everybody. The only reason Rolesville did not grow at a faster rate is because the soil depth on top of this granite rock is not deep enough to support a septic tank and the septic tank lines so when we got the water sewer, Rolesville started growing and this was in 1993. We are having a lot of discussion about lot sizes and density, but I believe some of the people who are opposing this when it comes the day for them to pass it on to their children, the children will do the same thing of what has been happening before.

Upon a motion by Board Member Frank Pearce and second by Board Member Mike Moss to favorably recommend, the UDO TA 20-01 Amendment Article 5 use and dimensional standards and Article 6 supplementary district standards, Section 6.5 RIII residential district. The request is reasonable and in the public interest, the change is consistent with the Rolesville Comprehensive Plan to allow provisions to be revised to the UDO's RIII zoning district to add single-family dwellings with minimum lot dimensional standards that are similar to surrounding communities.

Mr. Johnson asked Mr. Pearce if his motion included the applicant's proposed change to minimum lot sizes of 8,000 square feet and the amended dimensional standards. Mr. Pearce along with Mr. Moss clarified the motion. Mr. Pearce also added he has been educated over the years serving on this board that the board

cannot pick and choose who can and cannot sell their land when the time comes. We are merely an advisory board to the town board, and the town board has the final say and it is their decision to make. Chairman Powers called again for another vote with the clarifications and the motion approved by unanimous vote.

Planning Board member Jim Schwartz made a motion requesting Town Manager Kelly Arnold look for a venue large enough to accommodate the public; second by Planning Board member Davion Cross, the motion approved by unanimous vote.

PLANNING DIRECTOR'S REPORT

July Development Activity Report

- a) Town Board/Planning Board Virtual Special Meeting at 6 pm on Tuesday, August 25, 2020

TOWN ATTORNEY'S REPORT: None at this time

OTHER BUSINESS:

Planning Board member Frank Pearce brought attention to some concerns raised about the trees in town.

- Safety concern: South Main Street- two trees by the park protruding onto the street, big/box trucks hit the branches with mirrors. Crepe Myrtles on Rogers coming to South Main, trucks and school buses cannot stay in the lane because of the mirrors.
- Request to ask the town board to change the trees to behind the sidewalk, not between the street and the sidewalk. DOT states you must maintain a vertical clearance.
- Included a handout with the state rules and regulations of what DOT recommends for review.

Planning Board Member Jim Schwartz asked if we have anything in our current ordinance dealing with the trees. Planning Director Danny Johnson replied no.

Planning Board member Jim Schwartz made a motion requesting town staff review the information presented to come up with a solution to the above-mentioned concern; second by Planning Board member Mike Moss, the motion approved by unanimous vote.

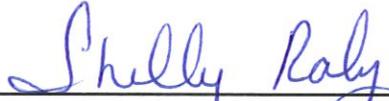
ADJOURN

There being no more business before the board, upon a motion by Board Member Frank Peace and second by Board Member Mike Moss, the motion to adjourn carried by unanimous vote. The meeting adjourned at 9:38 p.m.

ATTEST:



Mark Powers, Chairman



Shelly Raby, Development Specialist

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