



**Special Planning Board Meeting**  
**Tuesday October 13, 2020- 7:00 PM**  
**502 Southtown Circle, Rolesville, NC 27571**

## **MINUTES**

**PRESENT:** Mark Powers, Chairman  
Jim Schwartz, Board Member  
Davion Cross, Board Member

Mike Moss, Vice-Chairman  
Donnie Lawrence, Board Member  
Michelle Medley, Mayor Pro-Tem/  
Planning Board Liaison

Kelly Arnold, Town Manager  
Town Attorney, Dave Neill  
Julie Spriggs, Planner II

Danny Johnson, Planning Director  
Mical McFarland, Econ. Dev. Mgr.  
Shelly Raby, Development Spec.

**ABSENT:** Frank Pearce, Board Member

## **CALL TO ORDER**

Chairman Mark Powers called the meeting to order at 7:00 p.m.

## **PLEDGE OF ALLEGIANCE**

The board collectively recited the Pledge of Allegiance.

## **INVOCATION**

Vice-Chairman Moss gave the invocation.

## **UDO TA 20-04 TOWN CENTER ZONING DISTRICT TEXT AMENDMENT**

**Planning Director Danny Johnson** gave a brief overview of the purpose for tonight's meeting.

**Mayor Pro-Tem Medley** asked for a side by side comparison chart or a before and after comparison chart going forward.

**Mr. Johnson**-Ms. Spriggs will provide going forward

**Vice-Chairman Moss** asked in the coverage section, does it refer to the over all building or just the site development, and why do we have a minimum coverage?

**Mr. Johnson**- This is not just the building, this is pavement/everything. The consultants recommended we follow a form based code system, and Stormwater would still have to apply. We are trying to avoid a big open gap, with more of a street effect. A building must occupy at least 50% of the frontage.

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**Board Member Schwartz** asked about putting murals on the buildings?

**Mr. Johnson** will look into it, but thought that would fall under signs.

**Mr. Neill** reviewed the definition for a blank wall area. A blank wall area shall refer to portions of an exterior façade that does not include windows, doors, columns, pilasters, architectural features greater than one foot in depth or a substantial material change and is displayed. Paint shall not be a significant material change. Blank wall area applies in both a vertical and horizontal direction of the building façade and applies to ground floors and the upper floors. Unless the board wishes to change the ordinance, currently the answer would be no on a mural.

**Mr. Johnson** moved on to buildings, noting that under the current UDO the town restricts square footage. The maximum square footage of a building is 15,000 square feet.

-The proposed change would increase the square footage to 35,000 square feet and this only applies to single use. Multiple-use or mixed-use has no maximum square footage, with the exception for the limitation of how many stories high you can go without obtaining special approval from the town board of commissioners, to go higher than five stories. Developers have by right the ability to go three stories high without approval from the commissioners other than the normal planning processes.

- Restaurants with a drive thru would need to be placed to the side or the rear of the building, you cannot have it in the front.

**Commissioner Medley** asked about a rooftop restaurant?

**Mr. Johnson**-Yes that is permitted

**Mr. Johnson** moved on to streetwalls stating the object is to create a separation between the public sidewalk and the parking lot.

**Planning Board Member Lawrence** asked if a streetwall will be required anywhere there is traffic?

**Mr. Johnson**- Yes to the street, not to the interior, this is dealing with the street.

**Planning Board Member Schwartz** questioned what if it's an interior private street to a parking lot?

**Mr. Johnson** will check the definition when we get to it.

**Mr. Johnson**- lets focus on the building form and placement and less on the use. He then reviewed the recommendation to exempt section 5 as a redundant section. We are not repealing it, we are just saying it doesn't apply to the town center. It is just a simple exemption, so we do not have a duplication in our code.

**Mr. Johnson** reviewed section 6, parking and loading requirements. An alternate parking plan option could go through the board of commissioners. Parking standards will be unique to the town center.

**Planning Board Member Schwartz** asked if the parking lot could be a parking garage/deck.

**Mr. Johnson**- Yes, subject to approval by the town board of commissioners.

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**Mr. Johnson** continued with on street parking and encouraging that to a degree, credit of up to ten percent of parking based on spaces being credited towards a project. Parking has to be within one-thousand feet to be credited.

**Vice-Chairman Moss** asked how that would be accounted for?

**Mr. Johnson**-You could only credit the spaces in front of a building that goes to them. They will be accounted for in the plans.

**Mr. Arnold** noted Vice-Chairman Moss' point is a good one. As it is not clearly stated in the rewrite, and that may be something to talk with the consultants about; what is the process for accessing existing off street parking? It doesn't look beyond first generation. Maybe you need an applicant to come in with the second or third generation to conduct a parking study or something to show that there is availability so it is reflective in their parking plan.

**Planning Board Member Lawrence** questioned prior presentations and the ability to use the overflow lot in the park.

**Mr. Johnson**- We will wait and see when we get the plan.

**Planning Board Jim Schwartz** questioned the use of a designated ride share/ drop-off area?

**Mr. Johnson**- That is referred to as loading and unloading spots, and would be considered along with other methods of transportation, such as transit and the availability of a bus stop. There will not be a park and ride, but possibly a designated location for Uber, etc which goes back to the details and design. We will share this with the consultants.

**Mr. Arnold** asked Mr. Schwartz- Are you talking about an on street drop-off location? Mr. Schwartz replied yes.

**Mr. Johnson**- The difficulty will be who will be monitoring the parking and clarifying the signage.

**Mr. Johnson** moved on to Section 7 Open Space Types and Buffering.

**Chairman Powers** noted from the previous description, the tree and fence should be reversed in the drawing. **Mr. Johnson** will let the consultants know to correct that.

**Planning Board Member Lawrence** asked for a list of fence materials that can be used for clarification.

**Mr. Johnson**- It should be in the ordinance.

**Mr. Johnson** moved on to Section 8 Definitions.

**Mr. Johnson** revisited Commissioner Medley's earlier question of rooftop restaurants and habitable space, he will check on if the mechanical's must be screened.

**Vice-Chairman Moss** questioned the building height definition.

**Mr. Johnson**- The sixty-foot maximum is because the fire ladder trucks can only reach sixty feet high.

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**Mr. Johnson** revisited **Mr. Schwartzs'** earlier question regarding streetwalls and reviewed the definition for clarification.

**Planning Board Member Cross** asked about lighting in the open spaces.

**Mr. Johnson-** Yes, and lighting is already addressed in the original UDO. We will refine what we already have.

**Planning Board Member Cross** noted he would like to see two residential parking spaces per unit, and the non-residential have 3 parking spaces per unit. Get rid of min and max.

**Mr. Johnson-** This is still open for discussion.

**Chairman Powers** noted keep in mind, this is intended to be styled after other downtown's with mixed use.

**Mr Johnson** pointed out Mr. Cross' thought that based off the three spaces, you have given no flexibility and eliminated a range. Mr. Cross replied that's why we have the alternative parking plan correct? Mr. Johnson replied he does not want to make that a protocol, and instead use that as a last resort option. That would result in a town commissioner request with a study every time. Mr. Arnold noted this is an important discussion as it sets the standards for parking in the rest of the UDO. The consultants have a very specific rationale for minimum and maximum, but that doesn't mean they are right. He suggested the consultant come back with a rationale in writing, so you have the ability to understand why they chose these numbers. Vice-Chairman Moss agreed he would like to hear the reasoning. Mr. Johnson noted parking spaces do not add to your tax base, buildings do.

**Mr. Johnson** reviewed how the proposed text amendment is consistent with our land use plan as required by state law. Our comprehensive land use plan has a designated town center, and shows how all five goals are met as stated in Ms. Spriggs' memo in the agenda packet.

- The objective tonight is for the planning board to make a recommendation as required prior to the consideration by the board of commissioners for public hearing and adoption. After a recommendation is made and the text amendment is adopted, after the town center zoning district is approved, there will be a map amendment case to rezone the town's property at the northwestern corner on Main and Young to the town center district. This will include only the town's property, with the exception of the property where the cell towers are located and the question of keeping that out will be discussed later. Included in the map amendment case is the town center overlay and commercial industrial districts, which will be removed so they don't overlap and will no longer apply. If you adopt the town center district for these properties, the overlay and the existing zoning will be removed and the town center zoning district will take its place.

**Vice-Chairman Moss** asked if we can limit design alternatives, and what other things can be asked for in a design alternative?

**Mr. Johnson** will ask the consultants to clarify. **Mr. Neill** noted there are thirteen references to suggest design alternatives. Mr. Moss noted he thinks having a lot of design adjustments may be a burden on the commissioners. Mr. Neil noted the design alternative would require a quasi-judicial setting, and there would need to be standards set as to guide the board of adjustment or the commissioners as how to grant the design alternatives. Staff is considering this now.

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**Vice- Chairman Moss** noted with the zero front setbacks, the footings would extend into the right of way, could we have an allowance for an encroachment for footings?

**Mr. Johnson-** Thank you for bringing that up and we will bring it to the consultants attention.

**Planning Board Member Lawrence** asked about the easement going back to the cell tower.

**Mr. Johnson-** That has to be addressed still.

**Vice- Chairman Moss** asked how the number came about for the open space area noting maximum density could not be achieved on a small site.

**Mr. Johnson** will ask the consultant to explain where the number came from noted in section d.

**Planning Board Member Schwartz** questioned the lack of churches and places of worship in the permitted use table. Can we extend the town center to include the Baptist Church area?

**Mr. Johnson** will follow up with the consultant.

**Town Attorney Mr. Neill** pointed out we must include churches. They cannot be excluded.

**Planning Board Member Schwartz** questioned why drop-off day cares were not permitted.

**Mr. Johnson** will ask the consultants to add them.

**Planning Board Member Cross** questioned the Food Trucks vs Food Truck Uses.

**Mr. Johnson-** That came from the original UDO and we requested a clarification from the consultant.

**Mr. Arnold** raised the question about Farmer's Markets.

**Mr. Johnson-** Currently, a Special Use Permit needs to be applied for, which includes a TRC review, site plan, approval from the town board etc., even just for a seasonal sales. Do we want to make those permitted by right? Mr. Arnold noted that is what this UDO rewrite addresses; who is responsible for what approval wise? He is not a big advocate of requiring a farmer to have to come before the town board to request a special use permit for a stand.

**Mr. Neill** noted the traditional zoning term is Itinerant Merchant. We could add that as a new line in the permitted use table to define the difference between the farmers market and the pop-up produce stand. We can clarify that and avoid the special use permit.

**Mr. Arnold** asked the board how they liked the format of the proposal, or was it hard to read?

**Mr. Johnson-** Going forward Ms. Spriggs will mark bold and blue for addition, not bold and red with a strike-through to remove wording.

**Mr. Arnold** asked for clarification of a design alternative (roughly 13 found).

**Mr. Neill-** it is special treatment from the general law through a special use permit.

**Mr. Arnold** asked if the consultant will bring forth the design alternatives in other zoning districts, or is it a unique part that will only apply to the town center district?

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**Mr. Johnson-** Hard to say. Quasi-judicial proceedings still occur, and there would have to be a finding, with some type of expertise, guidance or reasonings.

**Mr. Arnold** asked if it is important for all here to know what those design alternative are? Should staff provide each one for discussion?

**Mr. Neill-** Our board would be well served to start thinking of special use permits as a necessary evil, and instead redraft the UDO to say whatever we really want. Lets write it that way. Staff can use a checklist of sorts. How big, how wide, etc. Give a min and a max for allowance. Use a text change to edit the list, and update the vision as needed.

**Vice-Chairman Moss** would like to look at the design alternatives individually.

**Planning Board Member Lawrence** would like a side by side comparison to easily view the old and new. Also clarification on design alternatives, building heights, parking, setbacks, fencing materials, single-family homes, food trucks and churches in the town center.

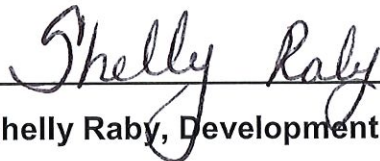
## ADJOURN

There being no more business before the board, upon a motion by Board Member Donnie Lawrence and second by Vice-Chairman Mike Moss, the motion to adjourn carried by unanimous vote. The meeting adjourned at 9:13 p.m.

ATTEST:



**Mark Powers, Chairman**



**Shelly Raby, Development Specialist**