

**REGULAR MEETING OF THE  
TOWN OF ROLESVILLE  
PLANNING BOARD  
October 28, 2019**

**PRESENT:** Mark Powers, Mike Moss, Frank Pearce, Jim Westbrook, Jim Schwartz, Ruth Payne, Donnie Lawrence, Planning Director Danny Johnson, Town Manager Kelly Arnold, Economic Development Manager Michal McFarland, Town Planner Caroline Richardson and Town Attorney David York

**CALL TO ORDER**

Chairman Mark Powers called the meeting to order at 7:06 p.m.

**INVOCATION**

Board Member Moss gave the invocation.

**PLEDGE OF ALLEGIANCE**

The board collectively recited the Pledge of Allegiance.

**APPROVAL OF MINUTES**

Frank Pearce questioned the meeting minutes from September 23<sup>rd</sup>; page 2, item 3. “Applicant has included conditions in the zoning case that address traffic impact mitigations offered in association with the development to include onsite traffic mitigations as well as to construct and install a traffic signal at the intersection of Mitchell Mill and Forestville Road if warranted”. The underlined section should read *at the intersection of Mitchell Mill and Rolesville Rd. if warranted*. After making this correction, the board moved forward with the motion of approving last month’s minutes.

Upon a motion by Board Member Frank Pearce and second by Board Member Donnie Lawrence the minutes of September 23, 2019 were approved, with noted correction, by unanimous vote.

**CASE PR19-02: BARRINGTON PHASE 2 (TOWNHOUSES)**

Prior to the start of the discussion for Barrington Phase 2 Case PR19-02; Board Member Mike Moss asked for a recusal, due to his surveying firm’s involvement with this property.

Planning Director Danny Johnson provided an overview of the preliminary subdivision plat – major subdivision approval for 32 residential townhomes located at the end of Bridge Point Drive on a parcel of 7.235 acres. Residential site plan for PUD planned for project, then site plan and construction drawings. It is necessary for the subdivision on the property to go through a preliminary plat that authorizes administratively they are

on the plat recordation. It has come to the planning board for recommendation and to the town board for approval as required by the UDO. 32 Residential Townhome lots at the end of Bridgepoint Drive on parcel 7.235 acres. Agreement is needed with future construction. Property is inside town limits, with access from Burlington Mills Road. Preliminary plat has gone through TRC. One recent issue has developed in the last few days, regarding the right of way. Lots are recorded, but not sold by current builder of the homes. There is a need of a fifteen-foot construction easement on those properties. The town received word today the developer has permission from the builder to give that easement, but there is an issue that certain lots have already been sold and it is probably going to be difficult to get. The need to shift a little bit to the adjacent side and not make it as sharp is what we are going to recommend as a condition. If we can get that worked out, we would like to approve the plat with Mr. Moss and the engineers making those adjustments and shifting the road just a little bit to get the construction easement through there. There's going to be a little bit cut and some side slits temporarily, and to do that you have to have permission from the property owner if it's outside of Rogers Road. So I understand we are going to shift the road a little bit, so we will not affect those lots on that side. Recommendation is to approve preliminary plat with them making the adjustments of the right of way for that side of Granite Falls Blvd.

Planning Board Member Jim Schwartz asked if that was open area on that side and will that reduce the open space. Planning Director Danny Johnson confirmed it is open space, and will not reduce the area as he thinks they have a surplus. He hasn't checked it, but pretty sure they have a surplus. Town Attorney David York stated if there was, it could be worked out with a public and dedicated sidewalk easement, so it would still be considered part of the private property owned by the HOA, but it would be subject to a sidewalk easement. If needed, it could be accomplished without them losing open space. Planning Director Danny Johnson stated should not be an issue because they have a lot of open space, except for the road dedication. This is what you call a "townhouse project", they will get a front yard and a backyard. Recommendation is to approve with condition of adjusting the right of way to accommodate the construction easement or construction slopes on either side of the road.

Town Manager Kelly Arnold asked to address the board and stated this is a 4:30 pm item today, so he is trying to understand. He would like to make sure representative in the audience of record agrees with this first on the boards behalf, and secondly questioned Planning Director Danny Johnson if the road already in place at the intersection, and will need a complete tear out and readjustment? Planning Director Danny Johnson replied that yes it is. Town Manager Kelly Arnold would like to make sure this and the road is considered and the applicant is free to make the recommendation ultimately. Town Attorney David York stated we would have to tear it out, just to rebuild the road for 15 feet. Planning Director Danny Johnson stated Chris Lewis from FLM Engineering is here, and they would have to make some adjustments. If we shifted to the north, you have to do it before to get to the intersection, and you have to redo the curb.

*Chris Lewis with FLM Engineering, principal engineer and Patrick Williams from Barrington LLC*

As the engineer, they helped develop the townhomes and basically would need to dedicate a 60 foot right of way for the future Granite Falls Blvd. Bridge Point Road has already been constructed and is currently in place. Because of the news received for the last few land owners and those lots being sold off, there is really no way; we are up against a tough challenge with an easement in our current corridor. Suggest shift into open space in order to realign that future Granite Falls section. Not a major rework. Sidewalk and handicapped ramps that are already installed will need to be redone. Utilities exist and are buried, and will need to make sure any valve boxes installed are leveled with current pavement. This should not be an issue, but again this is new to our developer.

Patrick Williams, Barrington LLC was then addressed and verified okay with changes being made and how we are proceeding. Only choice we have unless we shrink the road down or other option would be to fit in the Granite Falls Blvd is a 41 foot back to back roadway section with sidewalk on North and South. We need about 8 feet to install a roadway. The only way to get rid of not doing realignment would be to remove sidewalk on the south side and fit it in as it stands.

Board Member Donnie Lawrence questioned if the road is already in use? Chris Lewis responded no, it is not. Bridgeport Drive is constructed, but no homes exist. No one would need to be rerouted, but it is time sensitive and would need to be done quickly before townhome builders get it to start construction. No residents, still raw and undeveloped. Town Attorney David York asked Board Member Donnie Lawrence about fire concerns, to which Mr. Lawrence replied “none” due to their being no current residents.

Chairman of the Board Mark Powers opened the floor to other questions or comments.

Town Attorney David York asked to follow up on Town Manager Kelly Arnolds’ comments. He stated to Patrick “it was stated before your arrival, that all had been worked out between the engineering firm and the home builders”. If so, it needs to be in writing and documented before the plat could be recorded. Patrick assured him they are working on it right now and it is being drawn up for them to sign.

Moved by Planning Board Member Jim Schwartz to approve the Preliminary Plat for Case PR19-02, Barrington Phase 2 Townhouses subject to revisions and adjustments of Granite Falls Blvd.; seconded by Planning Board Member Donnie Lawrence. Motion carried by unanimous vote. This will go before the Town Board on Nov. 4<sup>th</sup>.

## **PROPOSED UNIFIED DEVELOPMENT ORDINANCE UPDATE INFORMATION AND SCHEDULE.**

Planning Director Danny Johnson spoke of the Town Board Commissioners casual coffee with Town Manager Kelly Arnold on Friday October 18, 2019, to discuss the UDO

update and necessity of it. Recently a study was presented and shared from Roger Walton with Claron. Since 2004, UDO adoption has been updated and revised; but never had comprehensive re-examination. This needs to be brought up to twenty-first century type ordinance. The terminology needs to be consistent, and contain graphics and tables added to help explain. Upcoming change or implementation of enabling legislation by January 1<sup>st</sup>, 2020; the ordinance may have to have some tweaks to it. During the coffee meeting, the committee drafted a request for qualifications (RFQ) to hire a firm to do an extensive examination rewrite and give recommendations for modern up to date town code. Plan to post and distribute the week of Nov. 28<sup>th</sup>, which needs to go out Nov. 1<sup>st</sup> to a list of firms. Proposals should return the week of Nov. 19<sup>th</sup>, selection of 3 to interview the week of Dec 9<sup>th</sup>, with contract approval in January to get started on this project. RFQ team will need to be created. Town Board Commissioners Jackie Wilson and Paul Vilga have volunteered to serve. Planning Board Members Ruth Payne and Mark Powers have also volunteered.

### **PROPOSED UNIFIED DEVELOPMENT ORDINANCE TEXT AMENDMENT: TA19-08**

Planning Director Danny Johnson provided an overview of the proposed UDO amendments under Case: 19-08, Amendment to Article 3 Development Review and Approval Procedures, Section 3.9.9, Protested Zoning Amendments current NC statute 168385 and repeal Article 7, Overlay District Standards, Section 7.3 Stream Protection Buffers now prohibited for the town under state law due to recent changes by legislature, in the past two years. Proposed text amendment would bring these two issues to a close.

-First is enabling states with protest petitions. In the past a citizen or a group of property owners in the areas or adjacent to the area could sign a petition and a percentage of that sign would trigger what would be called a super majority vote. Legislature thought this to be a non-balanced system tipping more in favor of the property owner and less to the petitioner, land owner or the home builders. Rule has changed, now a petition must include a deadline for the clerk to receive and file. It has been outlined in the amendment. This now requires just a simple vote by the board.

-Second is considered regulatory reform. Municipalities cannot enact stricter stream protection policies greater than the state rules, unless you go through and exhaustive study for an approval by the state to impose those buffers. Rolesville had in our code an additional 50-foot stream buffer on the Neuse River, but we did not get approval to keep that in place. We are no longer able to enforce that rule, because it has been superseded by state law. We are removing it from the books. Staff recommendation is to approve, as it is in the public interest. Planning Board Member Ruth Payne questioned if there will be a 50-foot retaining buffer? Planning Director Danny Johnson stated it will not be a 100-foot buffer, just the 50-foot buffer required by the state. We cannot have a 100-foot buffer any longer. Change will be consistent with the town of Rolesville's comprehensive plan required by the state legislature.

Moved by Planning Board Member Mike Moss to favorably recommend to the Town Board of Commissioners to approve the requested TA19-08, Amendment to Article 3 Development Review and Approval Procedures, Section 3.9.9, Protested Zoning Amendments and Article 7, Overlay District Standards, Section 7.3 Stream Protection Buffers. The proposed text amendment will address such a condition of the UDO and will serve in the public interest; the change is consistent with the Rolesville Comprehensive Plan to comply with the current NC planning legislation; seconded by Planning Board Member Frank Pearce. Motion carried by unanimous vote.

## **PLANNING DEPARTMENT'S REPORT**

Planning Director Danny Johnson reported on the following:

- Continued public hearing on Kalas Falls Map Amendment 19.02; along with special use permit for Kalas Falls master plan. Currently 477 sf. homes, 113 townhomes on Nov. 4<sup>th</sup>. That is a Monday, not a normal Tuesday due to that being an election day.
- Public hearing on a site plan for 101 and 105 Redford Place; three story 19,500 sf commercial building site plan review and approval. Probably the most significant building coming to Rolesville with retail, medical offices and offices.
- Text amendment recommended favorably for school modular security, section 5.5.13 is coming up for public hearing. Dealing with a site plan TA-1903 to remove one foot off parking space parking from 9x19 to 9x18 which is standard.
- Special Use permit for Elizabeth Springs, a new subdivision on Averette Road. Would like to do four phases or four parts. Build phase 1 of the townhomes and phase 1 of the single family homes, then phasing the sections of Averette Road. Currently DOT said must complete from the entrance up to Hwy. 98 with a continuous turn lane or a continuous center lane. DOT came back and accepted them phasing it by building some now and some later up closer to the intersection. SUP-1903 amendment is to phase the construction of the subdivision. It had a Track A (single family) and a Track B (townhomes) it will divide that in to two halves and phase the Averette Road improvements, so they don't have to go all the way up to the intersection. SUP-1901 amendment Elizabeth Springs townhomes, Track B site plan approval for 104 townhomes.
- Transitioning the recording of the minutes from Town Clerk Robin Peyton, to Part Time Administrative Assistant Shelly Raby. Robin is not leaving, just freeing up some time.
- Planning Director Danny Johnson announced he will be on medical leave due to knee surgery for 6 weeks until almost Christmas, but will try to participate in the interviews. Interim Planning Director Tim Clark will be available part time, along with Town Manager Kelly Arnold, Economic Development Manager Michal McFarland and Town Planner Caroline Richardson.

## **TOWN ATTORNEY'S REPORT**

Town Attorney David York spoke of the coffee chat meetings. The town board has asked for a draft of a policy for the board to encourage applicants to file conditional use zoning cases as opposed to general use cases. Reason being a lot of cases lately are RPUD general use, and all details and conditions are delayed until a special use permit. That stifles because of the quasi-judicial nature, it stifles the discussion and dialog. The town board wants to promote dialog in these development projects by encouraging conditional use zoning cases. A lot of issues deferred until site plan or special use permit can be addressed during the legislative rezoning process. That involves the planning board. Moving forward, this venue would be used to arbitrate conditions between staff and applicant, and between the public and applicant. Members of the public and the applicants may reach out to the Planning Board members to try to sell their side of the rezoning options. The conditional use zoning method is used extensively in most of the other jurisdictions in Wake County. General use cases can still be brought, but we are not going to advise it.

#### Item #9 Other Business

Planning Board Member Mike Moss requested information on the status of the board of adjustments. Planning Director Danny Johnson stated during coffee chat, the town board was not in favor of consolidating. Moving forward to put the board back in operation and get new membership. Applications are now open for the Board of Adjustment.

*Town Manager Kelly Arnold* addressed the board and stated good reminder that both the Board of Adjustment position and the Planning Commission position are open. If interested, please make sure you know your deadlines. The board intends to interview in December and make appointments in January. Reminder as well, the next Planning Board meeting is scheduled for November 25<sup>th</sup>, the week of Thanksgiving. There will be at least one item to be brought forward to the board. This week, contracts for Community Transportation study and a Transit study are happening. This is a joint transit study with Wake Forest funded through Wake County Transit funding. Both are congruently together, with the transit study taking less time being shorter. A joint meeting between Planning Board and Town Board on January 21<sup>st</sup> target date to kick off both studies with both consultants may take place. The UDO study may also occur at that time. The town board may change to a morning session instead of an evening session going forward. No strategic plan yet, may start working on in January or February 2020. By the end of next year, should have direction to continue to build great community. Thursday is the deadline for the CAMPO grant fund. First application is for the Burlington Mills re-alignment project about \$2-million-dollar project to build a brand new intersection, down where Team Extreme is in that area. The second application is about a \$3-million-dollar project for Main Street including a bike lane and streetscaping. Rearrange the turn lanes, with a “clean-up of Young and Main”. The town of Rolesville will match 20%; it’s an 80/20 funding. If accepted should hear positive news in February, with approve in March. The town board will have to commit and enter into a contract with CAMPO, then get funding together to be under construction in 2021. With all projects occurring, 2021 is going to be a “watershed year”.



Nov 5<sup>th</sup> is Election Day, please don't forget to vote.

In his experience in the past, he has had a liaison between the town board and the planning board to help with continuity. They don't vote, they listen and act as a go between. Care must be taken with the quasi-jurisdiction piece and excuse themselves, but it is a nice continuity versus staff. When they make their assignments in December, one of the first items of discussion with the new town board will be to talk about a liaison and board assignments.

Planning Director Danny Johnson asked Town Manager Kelly Arnold to mention the sign going up out front. Kelly Arnold spoke about the new Main Street arch that was erected as part of our way finding signage, and the last part of that this year is an electric sign going on the corner of Southtown Circle and Main Street. It will incorporate our clock tower. It is expected to be a high quality sign, and we plan to primarily promote town information and events only. Footers should be installed this week, with the actual sign installation in a few weeks. The next part is being handled by Parks and Recreation Director J.G. Ferguson; he will be developing a way finding program for our greenways to get around town. This will be especially useful if you are not from here, to know which streets to cross, etc. and to go between the towns of Rolesville and Wake Forest, all on the greenway system. Last item regards to Carlton Pointe agreement from 2004. Two elements in the improvement process that have been a little bit problematic, and they both deal with the open space and greenways.

-The first called for a bridge into the Wall Creek open space. There is a trail behind Virginia Waters Road that is supposed to have a small bridge. The developer waited and waited, until we said you need to build it. After further review it is very difficult to build. It has a steep slope and would be difficult to build it to today's standards for public accessibility. The second part as you ponder the first, is that there is a trail or greenway system in the new part of Carlton Pointe that was approved also in 2004. In that approval, it called for a five-foot trail system without stating what kind of surface it needs to have, so the developer put down a gravel base. Now that we have standards for greenways and have run into this in other subdivisions, we believe it is prudent to gear towards newer standards of ten-foot asphalt. This public greenway will connect Virginia Waters Road to the 401 bypass and continue under the by ducts to the other side of Hwy 401. The town takes easement ownership and maintenance ownership to maintain certain standards. Developer and staff have asked to swap out the bridge with this ten-foot asphalt trail, being a comparable price makes a lot of sense on our part and will close two items from 2004. Request goes before the parks and rec advisory board on Wednesday Oct. 30<sup>th</sup> for recommendation on the concepts to be taken to the town board on November 5<sup>th</sup>.

## **ADJOURN**

There being no more business before the board, upon a motion by Board Member Donnie Lawrence and second by Board Member Ruth Payne, the meeting was unanimously adjourned at 8:02 p.m.