




SUP 21-01 – (Thales) Wait Avenue (Pulte) Subdivision – 3rd Submittal review cycle

START DATE: 1-12-22	DUE DATE: __1-18-22__	TRC/STAFF Comments issued on: ____01 / 19_/2021____
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Review Group	Staff	RCVD on:	Comments	APPROVAL
Planning & Zoning	Karen Mallo, WR	1/18/22	See attached PDF [of a WORD doc] of Written Comments and a Mark-up of the Master Plan.	
Parks & Recreation	JG Ferguson	1/13/21	(Repeat) Run greenway through open space and take (greenways) off of the sidewalks.	
Engineering	Brian Laux / Jacqueline Thompson	1/18/22	See attached Mark-Up PDF of the SUP Masterplan (1 sheet) and the SUP Utility Plan (1 sheet) for specific Comments.	
Fire / EMS	Brittany Hocutt		<p>“SPOKE REFERENCE DEAD ENDS- RIYAD WILL ADD NOTES. GEMSTONE WAY SHOULD CONNECT TO ELIZABETH SPRINGS SUBDIVISION- SHOULD BE CONSTRUCTED SIMULTANEOUSLY, BUT WILL DOUBLE CHECK WHETHER TURNAROUND WOULD BE NEEDED.”</p> <p><i>[This may relate more to the Preliminary Plat but it was submitted under the header of the SUP]</i></p>	
Watershed Management	Jeevan Neupane		<i>No comments received.</i>	
COR Utilities (W/WW)	Tim Beasley		<i>No comments received.</i>	
NCDOT	Matt Nolfo			



ENGINEERING

EXISTING CONDITIONS:

- 50' RIPARIAN/POND BUFFER
- POND/WETLAND
- LITTLE RIVER WATERSHED

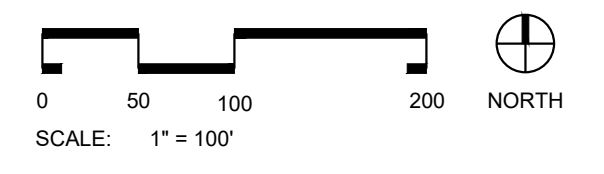
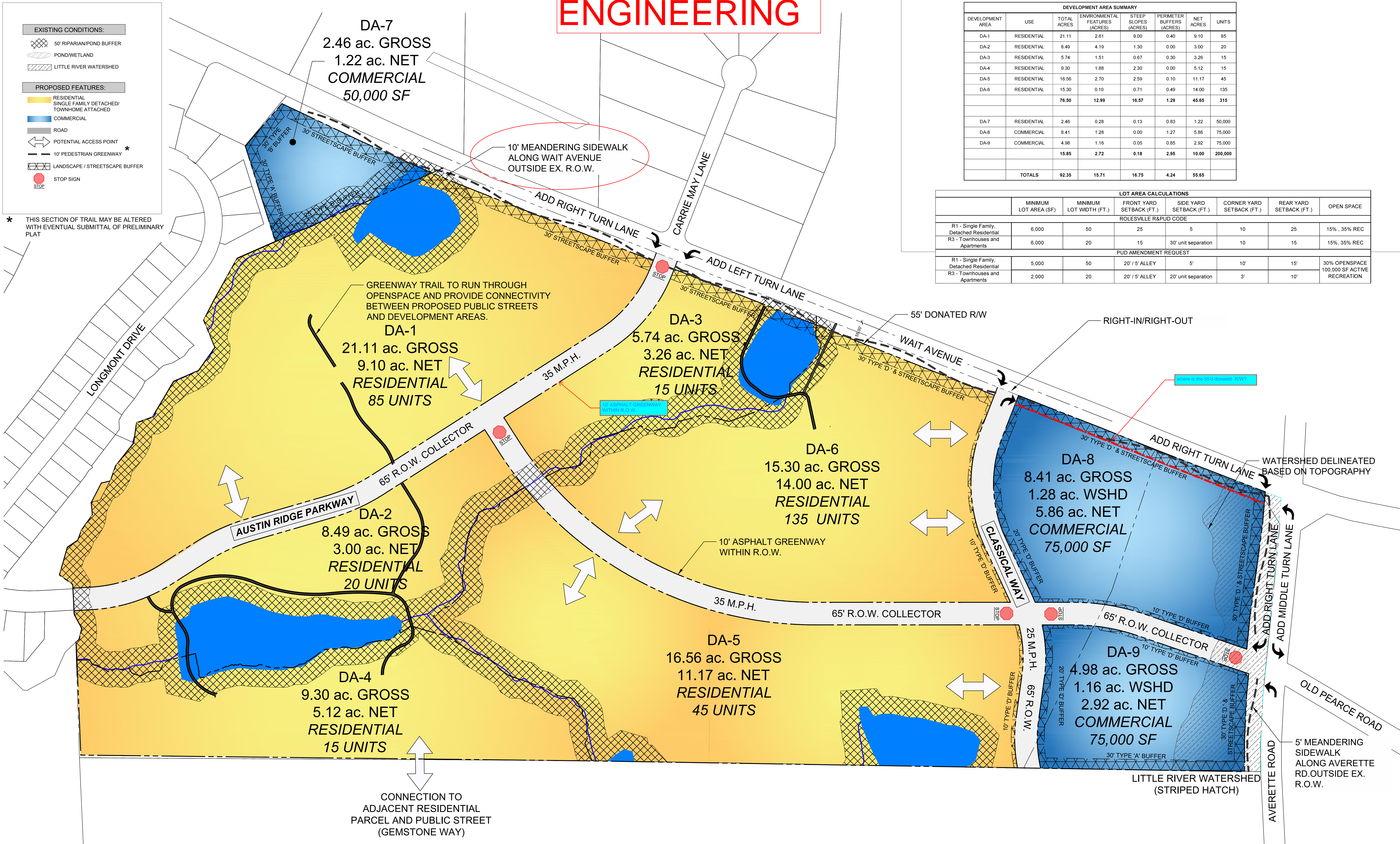
PROPOSED FEATURES:

- RESIDENTIAL SINGLE FAMILY DETACHED/TOWNHOME ATTACHED
- COMMERCIAL
- ROAD
- POTENTIAL ACCESS POINT
- 10' PEDESTRIAN GREENWAY
- LANDSCAPE / STREETSCAPE BUFFER
- STOP SIGN

* THIS SECTION OF TRAIL MAY BE ALTERED WITH EVENTUAL SUBMITTAL OF PRELIMINARY PLAT

DEVELOPMENT AREA SUMMARY						
DEVELOPMENT AREA	USE	TOTAL ACRES	ENVIRONMENTAL FEATURES (ACRES)	STEEP SLOPES (ACRES)	PERIMETER BUFFERS (ACRES)	NET ACRES
DA-1	RESIDENTIAL	21.11	2.61	9.00	0.40	9.10
DA-2	RESIDENTIAL	8.49	4.19	1.30	0.00	3.00
DA-3	RESIDENTIAL	5.74	1.51	0.67	0.30	3.26
DA-4	RESIDENTIAL	9.30	1.88	2.30	0.00	5.12
DA-5	RESIDENTIAL	16.56	2.70	2.59	0.10	11.17
DA-6	RESIDENTIAL	15.30	0.10	0.71	0.49	14.00
TOTALS		76.50	12.99	16.57	1.29	45.65

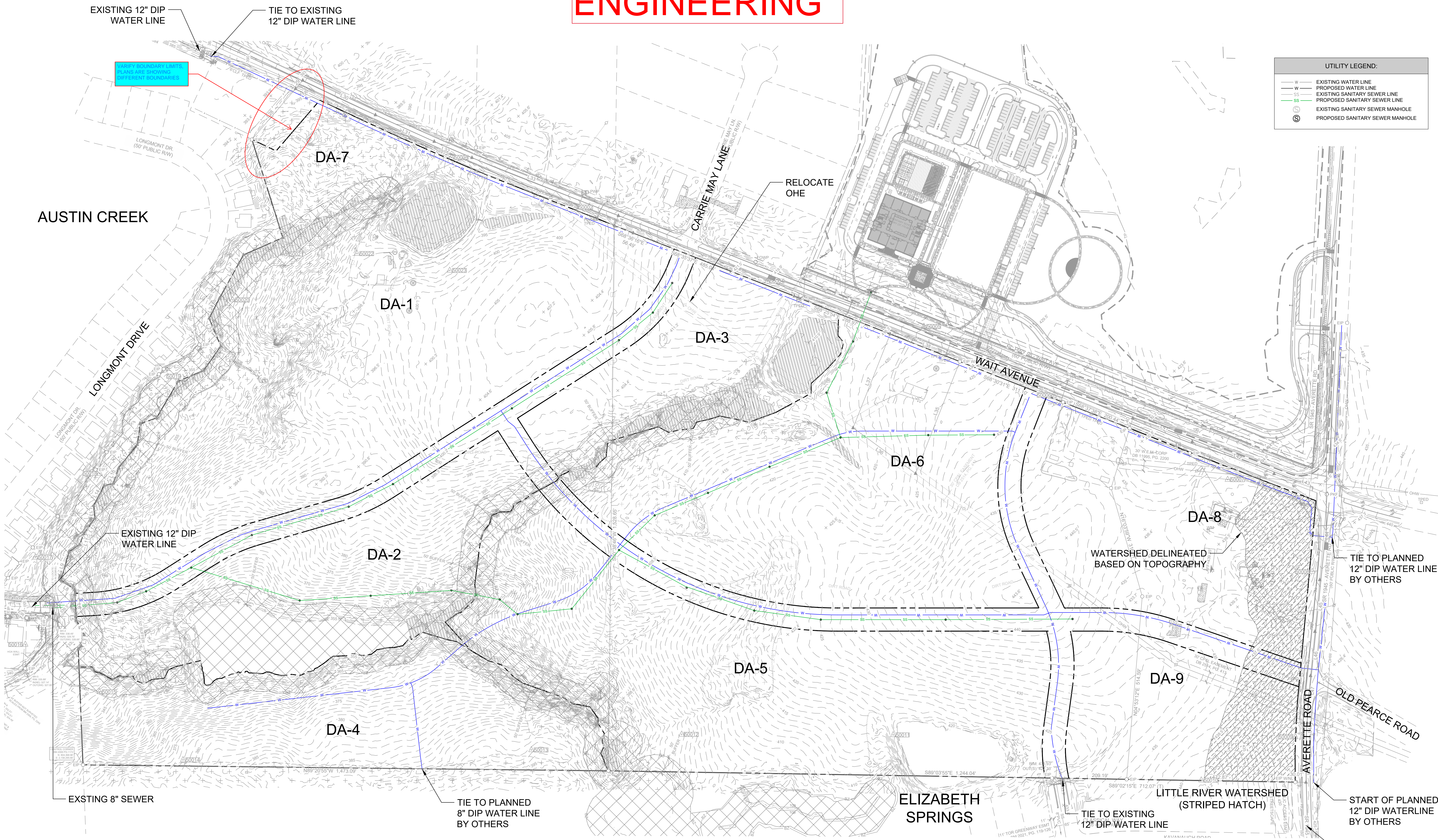
LOT AREA CALCULATIONS						
	MINIMUM LOT AREA (SF)	MINIMUM LOT WIDTH (FT.)	FRONT YARD SETBACK (FT.)	SIDE YARD SETBACK (FT.)	CORNER YARD SETBACK (FT.)	REAR YARD SETBACK (FT.)
ROLESVILLE R&PUD CODE						
R1 - Single Family, Detached Residential	6,000	50	25	5	10	25
R3 - Townhouses and Apartments	6,000	20	15	30' unit separation	10	15
PUD AMENDMENT REQUEST						
R1 - Single Family, Detached Residential	5,000	50	20' / 5' ALLEY	5'	10'	15'
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FORMER THALES SITE

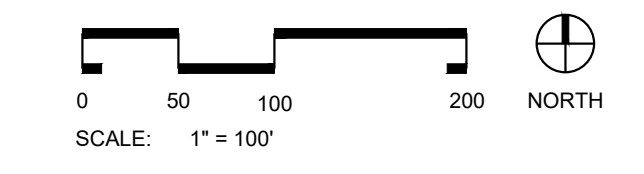
WAIT AVE. & AVERETTE RD.
P.U.D. MASTERPLAN

ENGINEERING



UTILITY LEGEND:	
— W —	EXISTING WATER LINE
— W —	PROPOSED WATER LINE
— SS —	EXISTING SANITARY SEWER LINE
— SS —	PROPOSED SANITARY SEWER LINE
⊙	EXISTING SANITARY SEWER MANHOLE
⊙	PROPOSED SANITARY SEWER MANHOLE

Confirm that what is shown here matches the SUP submittal



FORMER THALES SITE

WAIT AVE. & AVERETTE RD.
UTILITY PLAN

MEMORANDUM

To: Meredith Gruber, Town of Rolesville, Planning Director
Michael Elabarger, Town of Rolesville, Senior Planner

CC: Kelly Arnold, Town of Rolesville, Manager

From: Liza Monroe
Karen Morgan Mallo, AICP

Date: January 18, 2022

Project: SUP 21-01, Thales - Wait Avenue

Subject: Special Use Permit - 2nd / 3rd Review Comments

We have completed a review of the revised special use permit application completed by Pulte Homes. Currently, the project proposes the construction of 315 residential units, both single-family and townhomes, as well as commercial uses on 92.32 total acres. The site is located at 2028 and 2206 Wait Avenue. The current zoning of the site is R&PUD.

The initial Special Use Permit, to develop 143 single family lots and a school (Thales Academy) was issued for the property on June 5, 2018. Thales withdrew their CUP/SUP at this location and Pulte is the current applicant. There have been several submissions of the revised Special Use Permit and associated preliminary plat. With each application, the proposed conditions have changed, the number of units has been revised, and the overall layout is redesigned slightly.

Application Type	Approved	1st Submittal	2 nd Submittal	3 rd Submittal
Special Use Permit	143 single-family lots (SUP18-01)	288 units (SUP21-01)	329 units (SUP21-01)	315 units (SUP21-01)
Preliminary Plat (PR21-01)	N/A	292 units	298 units	296 units

The most recent submittal of the SUP21-01 included a revised PUD Master Plan, Phasing Plan, Slope Analysis, Utility Plan, and proposed Conditions.

Upon review of the revised submission materials, we recommend that the Town staff consult with the Town attorney to review the process proposed by the applicant to achieve the desired development. It appears that several the proposed "conditions" are to grant relief and/or deviate from the standards of the ordinance as they related to lot size, setbacks, open space, streets, and permitted uses. We recommend a review of the proposed application by the Town Attorney and Planning Staff to determine if the revisions to the PUD and SUP are conforming with the requirements of the Ordinance.

The R&PUD District language of the UDO, contained in Section 6.2 states, "...deviations from these standards may be permitted whenever it is determined that the underlying standards can be met without strict adherence to them and because peculiarities in the developer's tract of land or the facilities proposed would make it unreasonable to require strict adherence to these standards." However, the application did not include any reference to any peculiarities exist in the tract or type of facility, or how the standards of this district are met.

The UDO's standards for a Special Use Permit are to determine that the proposed development or use meets certain findings of fact, such as, "be in harmony with the scale, bulk, coverage, density, and character of the neighborhood in which it is located" and "complies with all applicable requirements of this ordinance." The

conditions are to be “safeguards that limit the request as necessary or appropriate” and are set by the Town Board.

In our review of the application and other submitted materials, we offer the following comments:

A. Application Statement

It should be noted that a revised Application nor a revised Application Statement was received as a portion of the current submission as part of the package that WR received for the review. The comments contained herein refer to the statement on the application dated December 21, 2020. Many of the comments are not new, however we were not able to locate a comment response letter for the SUP to see how the comments had been addressed and they are repeated here as they remain unaddressed.

1. The proposed development and/or use will not materially endanger public health or safety

The applicant notes that this proposal encourages an “active lifestyle” but is requesting a condition that could result in a reduction of required recreational open space. Staff would suggest editing this statement as it appears to contradict the conditions proposed.

2. The proposed development and/or use will not substantially injure the value of adjoining property.

Staff would advise the applicant that to make this statement during the hearing, a report from an expert may be needed. Effects on property values shall be confirmed by a licensed professional in that field, namely a NC licensed real estate appraiser. Expert testimony is required within the quasi-judicial process.

3. The proposed development and/or use will be in harmony with the scale, bulk, coverage, density, and character of the surrounding area.

The applicant notes that this proposal will orient commercial uses to minimize impact on surrounding residential uses however, the proposed conditions request additional uses not permitted in the underlying district without standards to protect adjacent residents. If allowed to be included by determination of the Planning Director and Town attorney, the conditional permitted uses should also provide standards that buffer adjacent residential uses from impacts associated with such uses.

4. No comments on statement number 4.

5. No comments on statement number 5.

6. No comments on statement number 6.

7. The proposed development and/or use will comply with all applicable requirements of the Unified Development Ordinance.

As mentioned previously and as indicated on the marked-up plans, the proposed development does not meet with many of the applicable requirements of this Ordinance, specifically those required by the PUD. This includes but not limited to lot size, setbacks, building separation, street length, open space, and permitted uses. The Planning Director

and Town Attorney will need to make a determination on the interpretation of the PUD and SUP standards in the UDO.

B. Amended Master Plan

1. The Master Plan indicates specific number of units in each development area. However, the most recent Preliminary Plat submittal shows a different number of units in the development areas (eg. DA-4 indicates 9 units on the Master Plan but the Preliminary Plat shows 10; DA-5 indicates 24 units on the Master Plan but 42 on the Preliminary Plat.)
REPEAT COMMENT.

Between the preliminary plat and the SUP, there is a difference of 19 units with the preliminary plat having 296 units and the SUP stating 315.

2. The applicant is proposing several new dimensional standards, for example: a 20-foot unit separation instead of the 30-foot required by the UDO, smaller lot size, smaller front, and rear yard setbacks, as well as an alternative open space design. We defer comment on the appropriateness of the applicant using the permitted PUD deviations and/or the SUP quasi-judicial procedure as the methodology to grant relief from the ordinance requirements to the Town of Rolesville Planning Director and Town Attorney.

C. Proposed Conditions

As mentioned previously, the applicant has provided, with this submission, a revised set of Proposed Conditions to the SUP. A number of these conditions are included to provide relief from the ordinance standards applicable to the PUD use.

1. No comments on proposed condition number 1.
2. No comments on proposed condition number 2.
3. No comments on proposed condition number 3.
4. **Proposed Condition 4. To improve community aesthetics, the Project shall be subject to the following architectural and design criteria (the "Design Commitments")**
 - a. Staff will defer to the Building Inspections department to ensure this design commitment is compliant with NC Building Code.
 - b. For this commitment, specify what is meant by "home". Will this requirement apply to the townhome units as well?
 - c. During construction drawing review, architectural drawings will need to be provided with the plans to correlate with this condition.
 - d. Once again, specify if this applies to all residential structures or if this is just for the townhomes or single-family units.

5. **Proposed Conditions 5. In consideration for the Design Commitments and as permitted by UDO Section 6.2, the Project shall be permitted the following deviations from the standards in UDO Section 6.2.**

UDO Section 6.2 indicates that permit deviations are permitted when based on “peculiarities in the developer’s tract of land or the facilities proposed (that) would make it unreasonable to require strict adherence to these standards.” Furthermore, in UDO Section 3.6.2, it states that for a use permit to be approved, the proposed development and use must be shown to comply with all applicable requirements of this ordinance (ie. UDO Section 6). Further, UDO Section 3.6.2 states that the Board will establish conditions for the project, not the applicant. The applicant is requesting these deviations. Our comments are below:

a. **Front facades, covered porches, and balconies of single family detached and townhouses may encroach up to five (5) feet into the front setback.**

Per UDO 6.2.1.2, “Encroachments into the rear setback by the principal residence and attached structures, including decks and porches, may not exceed 12 feet or one-half the distance of the rear setback, whichever is greater, and be no nearer than three feet from the rear lot line.” Encroachments are not permitted in the front yard setback.

b. **Front facing, single door, garages shall be permitted regardless of lot width. Garages may protrude up to five (5) feet beyond the front building line of residences.**

Per UDO 6.2.1.3(2), “For dwelling units not served by rear alleys, garages are to be to the side or rear of the dwellings. Garages to the side shall not protrude beyond the front building line of the residences.”

c. **Parking shall be permitted in the front of residences regardless of lot width.**

On-street parking is subject to site plan review. The language provided “regardless of width”, is too vague as parking must meet minimum lot widths noted in UDO Section 10.1.

d. **A minimum of 30% of the gross acreage of the Residential Portion shall be open space (the “Total Open Space”)(UDO Section 6.2.3 requires a minimum of 15% open space). In light of the additional Open Space provided, 100,000 square feet of the Total Open Space shall be improved active recreational open space (the “Active Open Space”). The Open Space and the Active Open Space may be divided amongst phases of the Project. A minimum of 5% of the Non-Residential Portion shall be passive Open Space.**

If the applicant is providing more than what is required, we would suggest this be a design commitment rather than a “condition” and provide such benefit in a revised application statement. Further, the applicant should show what is required by ordinance standards in order to understand what the added benefit is or to request “relief” from what is required.

e. **Townhouses shall have a minimum rear setback of 10 feet and minimum building separation of 20 feet.**

Townhomes shall be separated based upon their building height per UDO Section 8.3.2. Also, rear setbacks for townhomes are required to be 15 feet per UDO Section 6.2.3.

Both the building separation and rear setback reductions are deviations from the ordinance requirements.

f. The Project shall include a planting strip at least 4 feet wide on both sides of all internal local residential streets.

We recommend this provision be moved to the design commitments area as a minimum 4-foot planting strip is permitted by UDO Section 6.2. However, it should be noted that since the applicant cannot adequately provide enough area in the planting strip for the street trees, the applicant should provide a blanket landscape easement on the individual lots in order to ensure the Town has the ability to maintain, repair, and replace the street trees that are installed on private lots. This should be an added condition to the SUP.

g. Due to topography and for purposes of property accessibility, cul-de-sacs shall not exceed 500 feet in length from the nearest intersection with a street providing through access.

UDO Section 6.2 states that cul-de-sacs shall not exceed 250 feet in length from the nearest intersection with a street providing through access (not a cul-de-sac) unless necessitated by topography or property accessibility. Cul-de-sac lengths longer than 250 feet will be reviewed for approval on a case-by-case basis. Cul-de-sacs are permitted where topography makes a street connection impracticable.

6. To promote economic viability and allow flexibility for future commercial uses, the following uses not listed in UDO Section 6.2 for R&PUD may be allowed by the issuance of a Special Use Permit by the Board of Commissioners pursuant to UDO Section 3.6:

- a. Animal hospital or veterinary clinic**
- b. Animal service facilities**
- c. Drive-thru Facilities**
- d. Convenience Store with Gasoline Sales**
- e. Grocery Stores up to 50,000 square feet**

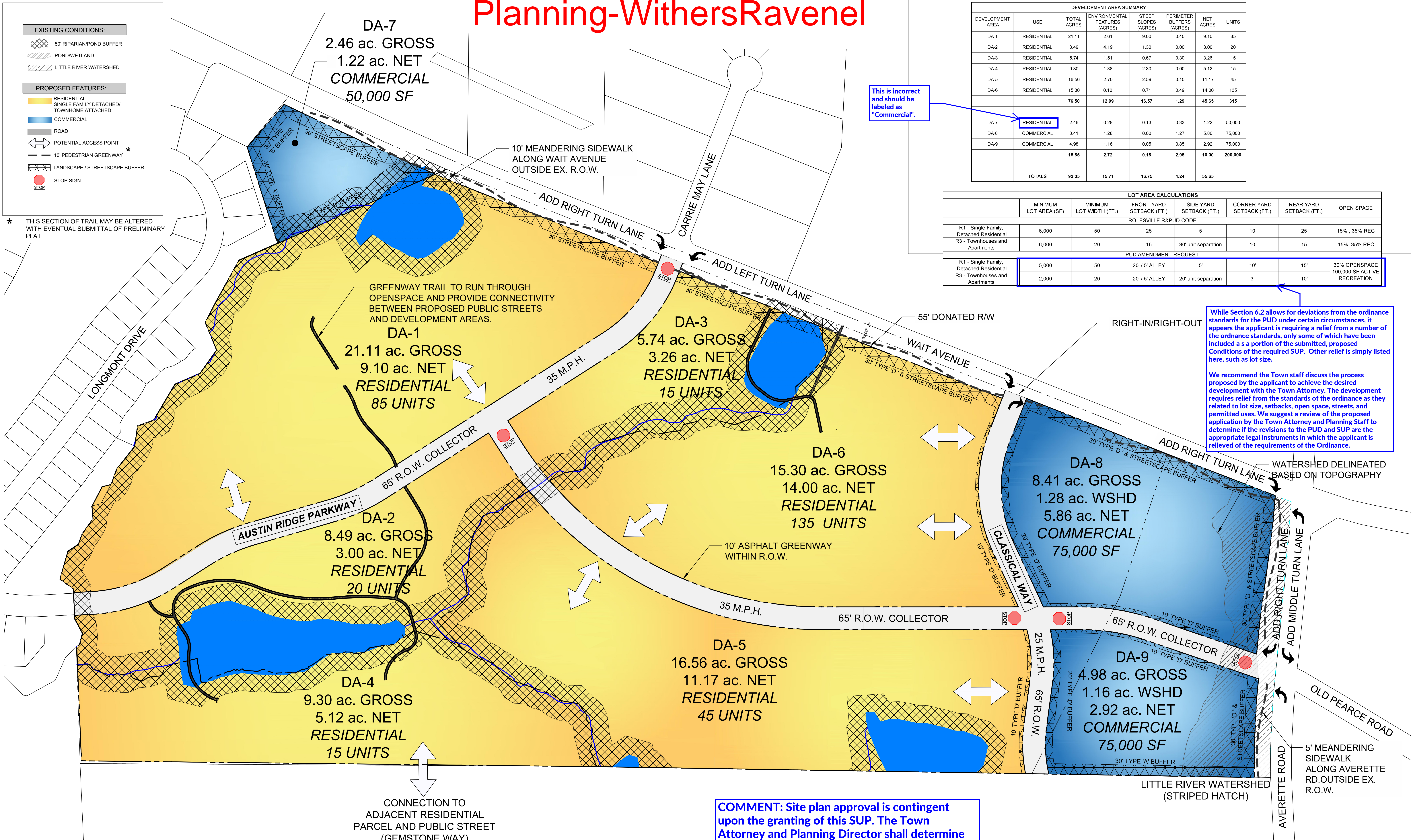
These uses are not currently permitted uses within a PUD. We do not believe that a special use permit is the instrument to add permitted uses to a zoning district or a specific parcel; this is the function of a zoning text amendment. As mentioned in this memo, we defer additional comment on this to the Town Attorney and Planning Director.

C. Comprehensive Plan Consistency/FLUM

The 2017 Comprehensive Plan and Future Land Use Map (FLUM) distinction shows this area of Rolesville as *medium density residential*.

1. *Medium density* is defined as predominately single-family residential uses with portions of duplex, townhouse or multifamily residential. These are lots or tracts at a density range of three to five dwelling units per gross acre including preserved open space areas along with limited non-residential uses under planned unit development or form base code provisions.
2. The SUP aims to limit specific nonresidential use types that could be deemed incompatible with residential zoning. It does not remove any residential uses and thus the proposed conditions are consistent with the FLUM.

Planning-WithersRavenel



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This is incorrect and should be labeled as "Commercial".

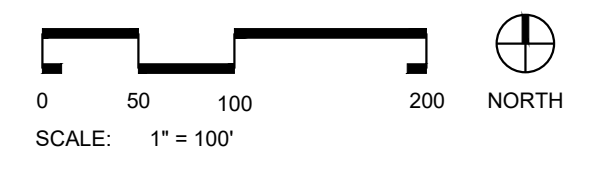
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While Section 6.2 allows for deviations from the ordinance standards for the PUD under certain circumstances, it appears the applicant is requiring a relief from a number of the ordinance standards, only some of which have been included as a portion of the submitted, proposed Conditions of the required SUP. Other relief is simply listed here, such as lot size.

We recommend the Town staff discuss the process proposed by the applicant to achieve the desired development with the Town Attorney. The development requires relief from the standards of the ordinance as they related to lot size, setbacks, open space, streets, and permitted uses. We suggest a review of the proposed application by the Town Attorney and Planning Staff to determine if the revisions to the PUD and SUP are the appropriate legal instruments in which the applicant is relieved of the requirements of the Ordinance.

The number of units shown here is not consistent with the number of units submitted with the most recent plat submittal.

COMMENT: Site plan approval is contingent upon the granting of this SUP. The Town Attorney and Planning Director shall determine the necessary instrument to be utilized in the granting of relief for the applicant in order to develop the plan as shown.



FORMER THALES SITE

WAIT AVE. & AVERETTE RD.
P.U.D. MASTERPLAN