

REZ-23-05 / Scarboro Apartments (201 S Main St)

1st Submittal

Planning/Zoning Comments

July 7, 2023

Project Background:

The following is a review of the 1st Submittal of a Rezoning application by KDM Development Corporation for the development of a Property located at 0 S. Main Street, 201 S. Main Street, and 200 School Street.

The request is to rezone from the current zoning of the Residential Low Density (RL) District to a proposed Town Center - Conditional Zoning (TC-CZ) District. The ultimate project is a multifamily apartment complex with a maximum of 250 (multifamily) dwelling units. The submittal includes a Concept Plan and proposed Conditions of Approval.

Comments:

Rezoning Application & Justification Statement:

1. The application notes that the proposed zoning district as “TC”, however conditions were provided meaning the zoning will be TC-CZ. Please update ALL documents to reflect the requested Zoning District is “TC-CZ”.
2. LDO Appendix A Section 2.3.F *Rezoning Review Standards* – Revise the Justification Statement to address the following questions, as these are the questions the Town Board must ask when reviewing the case at the Legislative hearing:
 - a. Is the application consistent with the Comprehensive Plan / other applicable adopted town plans?
 - b. Is it in conflict with any provision of the LDO or the Town Code of Ordinances?
 - c. Does the application correct any errors in the existing zoning present at the time it was adopted?
 - d. Does it allow uses that are compatible with existing and allowed uses on surrounding land?
 - e. Would it ensure efficient development within the town, including the capacity and safety of the street network, public facilities, and other similar considerations?
 - f. Would it result in a logical and orderly development pattern?
 - g. Would it result in adverse impacts on water, air, noise, storm water management, wildlife, vegetation, wetlands, and the natural functioning of the environment?
3. As a Conditional rezoning request, the BOC may also consider if the proposed Conditions of Approval address the “*impacts reasonably expected to be generated by the development or use of the site*” and 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.

Conditions of Approval – defer to Town Staff / Attorney at this time.

Concept Plan:

4. Revise/Produce a clearer, easier to read concept drawing be provided for Staff to review, and Planning/Town Board to consider. Current submittal is difficult to read. Lines, patterns, and site features are not labeled or provided in a legend. Widths of buffers and setbacks, road widths, and parking areas are not labeled or dimensioned.
5. **FYT:** LDO Section 6.2.4.5. - A tree and/ or vegetative survey is required with Preliminary Subdivision or Site Development Plan submittal. Additionally, tree preservation and tree replacement are required. It is strongly recommended that the applicant consider having the survey completed as soon as possible to know which trees are required to be preserved (this dictates development areas from preserved areas, directly affecting the Concept Plan) as well as what trees are required to be replaced if removed.
6. Revise to include the property information (owner, PIN, zoning district and use) for ALL adjacent properties.
7. LDO Section 6.2. – Revise to dimension/show/label All buffer areas – Streetscape along Main Street (A Thoroughfare), Streetscape along School Street (A Collector), and Perimeter Buffers on two other sides. As proposed TC District, consult LDO Section 6.2.3 for the *Mixed-Use Compatibility Transition Area* buffers which require a minimum 20-foot-wide buffer and can be greater when building heights are greater than those permitted by right in the district.
8. LDO 6.4 – Parking - The applicant notes within the conditions of approval that no more than 250 dwelling units will be permitted; 250 units will require 400 parking spaces. The Concept Plan currently shows 388 spaces for 240 units; 384 are required. If additional units are proposed, additional parking will be required. Determine if the site can ‘park’ 250 units, and if not, Staff suggests Applicant submit an Alternative Parking Plan to ask Town Board to approved any deviation.
9. ADA Spaces – revise table to clarify the required/provided ADA parking spaces.
10. Lot Summary should be updated to reflect the ultimate density should the condition to permit up to 250 units be approved and implemented.
11. Update plans to reflect TC-CZ, Town Center Conditional Zoning.
12. LDO 3.4.1.- Maximum building height is 35’ or 60’ with an approved design alternative. Has Applicant vetted if project will comply with this, or if a design alternative needs to be submitted / requested?
13. LDO 6.2.1. – Open Space:
 - a. Note 6.2.1.C.2. – Exemption for TC District – clarify if it is Applicants’ intent to exercise this – if so, Applicant shall “request a design alternative, to be reviewed by the Board of Commissioners, exempting the open space requirements of this section.”

- b. IF not seeking exemption, demonstrate that the minimum open space for this (0-25 acre site) – 15 % open space ($13.15 \times 0.15 = 1.9725$ acres -- is being provided per LDO 6.2.1.D.2.
 - c. Per LDO 6.2.1.D.2.a – this site requires 2 small Open Space types
 - d. Per LDO 6.2.1.E/ Table 6.2.1.1 – a Small open space is between 500 SF and 1 acre.
 - e. Per LDO 6.2.1.F. – choose the open space types to provide, and indicate them on the Concept Plan.
 - f. Clarify the several hashed areas that are not labeled but we may assume may be amenity/open space areas based on other labels.
14. Please label are environmental features, it appears there are wetlands on the site that are not labeled as such.
15. Please label street names and widths as applicable interior and exterior to the site on the plan. For streets that are not yet named, just note their location, and letter or number them. It is difficult to differentiate between roads and parking areas.
16. LDO 6.2.2.2. - Please dimension and label the required Street buffers – Main Street, School Street, and proposed Collector.
17. Clarify / Label the location of mailbox kiosks, dumpsters, commercial loading areas, etc.

Design Comments:

The following comments are made in response to the proposed design. These comments or plan requirements should be considered prior to a resubmittal or submission of a Site Development Plan. Detailed plan review comments will be provided (on future development applications).

- 18. LDO Section 6.2.2.2 - A street buffer of 30' is required along Main Street. Perry Street is shown as a Collector Street on the proposed network map of the Transportation Plan. As such, it is required to provide a 15' street buffer.
- 19. LDO Section 6.2.3 - mixed use buffers are required.
- 20. LDO 6.2.4.4. - The future Site Development Plan will need to demonstrate compliance with the parking landscaping.
 - a. It is highly recommended that the rows of parking spaces be broken up to provide interior islands in accordance with Section 6.2.4.4.E. It is recommended that islands be provided every 10-20 spaces.
 - b. Section 6.2.4.4.C. requires all parking spaces to be within 60' of the trunk of a tree.
- 21. Future Subdivision - Will a separate lot be created for the commercial building(s) or will it be part of the larger development, on the existing tract of land?
- 22. LDO Section 6.8.2 and 3 - Non-residential building standards will apply to the commercial buildings and the Multi-family design standards of Section 6.8.6 will apply to the apartment buildings. It should be noted that the design should reflect the Building Orientation and Placement standards of Section 6.8.6.E.

23. Driveway separation and parking spaces on entrance/exit drive should be reevaluated. It appears there are several circulation issues and safety concerns.
24. Commercial Parking Lot - It is recommended that the shown parking area near Main Street take access internally or from a lower classification road; defer ultimately to NCDOT for driveway location. As designed, the parking lot does not appear to provide adequate maneuverability.
25. Sidewalk and pedestrian connectivity should be considered in the design – it is unclear if compliance is provided, to be fully reviewed at Site Development Plan.
26. Relocate the dumpster area to a more central and internal to the apartment complex location, where refuse vehicles can access it; specific details to be demonstrate at Site development Plan stage.
27. As the “non-residential” component (the Use and the LDO 6.4.3. off-street parking requirement, which is usually based on square footages) is unknown, it is inconclusive as to whether or not the shown parking is adequate; Applicant can address this now, or will have to demonstrate compliance at Site Development Plan stage.