

**REZ-24-01 - Merritt Properties**  
**1st Submittal**  
**Planning/Zoning Comments**

**Project Background:**

The following is a review of the Rezoning application submitted by BRD Land and Investment on February 1, 2024. As associated sketch plan, prepared by American Engineering, dated 12/21/23 has been submitted with the application.

Note: There is an associated and separately submitted proposed Text Amendment that would create a new Zoning district – Residential Urban (RU) - that would allow for age-targeted living in the form of higher-density residential with limited non-residential uses. The amendment, and thus the Zoning District, is not yet approved, and thus the depth of review against a Zoning District that does not exist is inherently limited.

**Comments:**

**A. Application Documents Provided**

1. To ensure that new development and redevelopment does not adversely affect the capacity of streets and intersections to accommodate vehicular traffic safely and efficiently, a Traffic Impact Analysis (TIA) is required to be submitted with the rezoning application per LDO Section 8.C. This has not been provided.
2. Please note that a neighborhood meeting will be required as part of the Rezoning application process, as outlined in Appendix A of the Rolesville LDO.

**B. Rezoning Justification**

LDO Appendix A Section 2.3.F Rezoning Review Standards:

Within the justification statement, the Applicant should consider addressing (the standards in this LDO Section) as these are the questions the Town Board of Commissioners must ask when reviewing the rezoning request at the public hearing; these standards are pasted below for reference (*italicized as they are copied verbatim*).

- 1 . *Is the application consistent with the Comprehensive Plan and other applicable adopted town plans?*
- 2 . *Is it in conflict with any provision of the LDO or the Town Code of Ordinances?*
- 3 . *Does the application correct any errors in the existing zoning present at the time it was adopted?*
- 4 . *Does it allow uses that are compatible with existing and allowed uses on surrounding land?*
- 5 . *Would it ensure efficient development within the town, including the capacity and safety of the street network, public facilities, and other similar considerations?*
- 6 . *Would it result in a logical and orderly development pattern?*
- 7 . *Would it result in adverse impacts on water, air, noise, storm water management, wildlife, vegetation, wetlands, and the natural functioning of the environment?*
- 8 . *The Board of Commissioners may also consider if the Conditional Rezoning addresses the impacts reasonably expected to be generated by the development or use of the site, can reasonably be implemented and enforced for the subject property, and if it 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.

**C. Comprehensive Plan Consistency/FLUM**

1. FYI - LDO Appendix A, Section 2.3 discusses the process for Rezoning and specifically requires statements of consistency with the adopted Town Plans by both the Planning Board and the Governing Body, in accordance with the standards of NCGS 160D-604 and 605. It should be noted that if the Rezoning (map amendment) is adopted and the action is deemed inconsistent with the Town’s Adopted Comprehensive Plan, the Rezoning map amendment shall have the effect of also amending the Future Land-Use Map in the Comprehensive Plan.
2. The proposed Rezoning – to a “Residential Urban zoning district” and general land plan of single-family residential – is:
  - a) somewhat consistent with the portion of the subject property covered by the ‘Mixed Use Neighborhood’ land use category, and;
    - i. Only 1 of the 3 subject properties is within the *Mixed Use Neighborhood* future land use designation which better supports the proposed concept as it has the potential to provide a mix of uses for future residents to live, shop, work, and play, while being interconnected and offering multiple modes of transportation.
  - b) inconsistent where a portion of the property is covered by the ‘Business Park’ category.
    - ii. 2 of the 3 subject properties are within the *Business Park* future land use designation, which does not support the proposed concept as this category intends to provide a variety of Employment opportunities, including manufacturing and production uses.

**D. Proposed Conditions for Conditional Zoning**

Given the proposed Zoning District (RU) does not exist, complete and full review of Conditions cannot occur. The Town attorney must/will be involved in Condition review. See these comments as a beginning. **Staff notes/reminds Applicant that per LDO (Section 3.3.B.2.), conditions may not be written as less than that of which is required by the LDO; there are many conditions that speak to doing just like, mimicking ‘planned unit development’ types of zoning that other communities land development ordinances do permit.**

1. Due to the complexity of the proposed Rezoning application, associated Text Amendment for an “RU District”, AND proposed conditions, it is strongly recommended that the sketch plan be included as a Condition of the approval. The Conditions should be revised to indicate that the subdivision will be in substantial conformance to the associated sketch plan. The sketch plan should be entered as an exhibit and specifically mentioned/referenced in the Conditions.
2. Condition #2a. - This indicates a 40’ public right-of-way may be built. **As mentioned previously, zoning conditions cannot be less than what is required by ordinance.** LDO Section 9.2.1.B.2. lays out the Minimum Right-of-way widths for all classifications of roadways. Note that the narrowest ROW width, for “Urban” “Local Streets” is 60’, with the \* note stating:

ROLESVILLE LAND DEVELOPMENT ORDINANCE		
Urban	Local Street	60*
Urban	Cul-de-sac	Variable**
<u>Additional Standards:</u>		
*The desirable minimum right-of-way is established as 60 feet. If curb and gutter is provided, 50 feet of right-of-way is adequate on local residential streets.		

- **REMOVE** reference to any ROW widths that are not compliant with the LDO.

3. Conditions #2 and #3 - Both indicate that a HOA will be responsible for maintaining all open space. Will this be two separate HOA's or will the development be under one HOA?

- **CLARIFY** condition language as to the establishment of HOA and the ownership/maintenance of all open space lots/properties.

4. Condition #4 – Suggest a certain Building Permit Issuance point should the phasing of the development be known at this time. As written, tying the construction of on-site amenities to the third year of construction would simply be the third year after any land disturbing activity begins.

- **REVISE** to indicate some trigger point – either create Phasing plan that TRC can review, or pick a Building Permit issuance point that Applicant is comfortable with. The use of years as written is too unspecific and open to interpretation as to when that clock would start, what might warrant a suspension of the clock (ie economic downturn, natural disaster, etc.), etc.

5. Condition #7 - This indicates that large open space types are not required for age-restricted developments. **As mentioned previously, Section 3.3.B.2., Conditions and site-specific standards imposed in a conditional district shall be standards above and beyond the requirements of this LDO; conditions shall not lesser the standards in this LDO. This condition is not permitted.**

- **REMOVE** this and any language that deviates from Compliance with the LDO.

#### 6. Building Setbacks

LDO 6.4.4.A.3., states no parking space shall be designed to encroach, hinder, or otherwise block a public or private right-of-way, alley, or sidewalk. Required minimum parking cannot be achieved in enclosed garage areas.

i. **REVISE** to clarify/commit to a minimum front Building setback of 20' to facilitate / allow

for the driveway to be utilized to meet minimum parking (space) requirements.

ii. Staff notes that this level of specificity, on a Rezoning Concept Plan, may be inappropriate, but Applicant must know and acknowledge this future requirement that will need to be demonstrated at Preliminary Subdivision Plat. IF Applicant successfully achieves a front Building Setback dimension that is less than the minimum dimensions necessary to provide parking on the lot, it does not eliminate minimum parking requirements. Applicant will need to create a [building] design that meets parking requirements, and if they choose to, also utilizes a front building setback dimension of less than 20'.

#### E. Sketch Plan:

1. **Add** "REZ-24-01" to all materials and use this as the common reference moving forward.
2. **Add** appropriate Revision Dates to all submittal materials.
3. While showing ROW dimensions is not absolutely necessary at this time, it may prove beneficial to begin discussion with the Fire Marshall regarding the proposed stub roads to adjacent properties and what will be necessary for adequate turnarounds.
4. Fowler Road –
  - a. The Town Community Transportation Plan (CTP) Functional Classification map (page 36) designates the existing roadway (east of Rolesville Road) as a Major Collector road.
  - b. CTP Pages 78 and 79 – Fowler Road between Rolesville Road and US 401 Bypass is a 4-Lane Divided (raised Median) with curb & gutter, Bike Lanes, and sidewalks.
  - c. CTP Page 131, Project Sheet for Fowler Road, further details this New Location roadway, specifically noted a Total ROW width of 110 feet.
  - d. LDO Section 6.2.2.2.D. requires a 30' Streetscape buffer for "thoroughfares", which entails Major Collector roads.

- e. Neither the proposed Conditions nor the Concept/Sketch Plan speak to or detail the cross-section of Fowler Road, it shall comply with the CTP until and unless the Town Board of Commissioners amends the CTP.
5. The Rolesville Greenway Plan identifies a sidepath along the entirety of the Fowler Road extension and two intersection treatments (crosswalks) within the site. While heavy detail relating to these pedestrian facilities is not necessary at this time, the sketch plan should still identify the required facilities.
6. The Rolesville Bicycle Plan requires a bike lane along the proposed Fowler Road extension throughout the entirety of the site.
7. No dimensions are shown on the lots indicating total size, setbacks, building height, parking, etc.. Staff cannot determine with confidence if the size of these lots will be acceptable with any existing zoning or that which is proposed by the associated Text Amendment. Please note the minimum dimensional standards should be added to the Concept Plans in a data table and/or typical lot diagram
8. LDO 6.2.1.D.1. - Residential developments greater than 50 acres are required to have either 1 small/medium and 1 large open space, or 1 small and 2 medium open spaces.
  - a. See comment on Condition #7; lessening the standards in this LDO is not permitted.
  - b. Revise the sketch plan to indicate which open spaces areas fulfill the requirements for open space types and which open spaces correspond to the amenities as listed in the zoning conditions. Alternatively, add a note akin to "Open spaces in compliance with LDO 6.2.1.D.1. shall be demonstrate on Preliminary Subdivision Plat".
9. LDO 6.2.1.G.12 - A minimum of 50% of the open space shall be provided as Active Recreation. It is unclear as to whether or not the recreational amenities listed in Condition #4 fulfill this requirement; there is no indication on the Concept Plan of the associated area for each use. This should be represented in open space calculations and labeled on the Concept Plan or on a supplemental exhibit.
10. Residential parking is not addressed at all. Conditions list of Building Setbacks identify 40' wide lots as having 15', which cannot afford space between structure and front property line if the setback is fully utilized. Staff recommends all front Building setbacks be changed to a minimum of 20' to allow for the parking of cars (within building setback area). Alternatively, Applicant can devise language to specify that Building setback may be less than 20', but that a parking setback of 20' or greater shall be provided to ensure on-lot parking can be accomplished. A typical drawing goes a long way to express this and is suggested.
11. LDO Section 6.4.3.G. - Single-family Attached (Townhome) Parking (2 per unit + 0.25 guest spaces per unit) should be demonstrated to be complied with; parking within a garage may not be counted in the minimum required number of spaces provided. Parking lots or devising parallel on-street parking spaces within ROW are options.
12. LDO Section 6.2.4.2. - A Tree survey will be required and the preservation requirements of Section 6.2.4.5.B. shall be met.
13. LDO Section 9, Subdivision, should be vetted to ensure major components of the eventual Preliminary Subdivision are being shown. Reminder, Applicant cannot deviate from minimum requirements through Rezoning process.