

PSP-23-03 / 5109 Mitchell Mill – Reserve at Mitchell Mill

3rd Submittal

Planning/Zoning Comments

Project Background:

The following is the 3rd review of the Preliminary Subdivision Plat, dated August 1, 2023, and last revised on March 1, 2024, for Reserve at Mitchell Mill. The site is located at 5109 Mitchell Mill Road and is split zoned Residential Medium (RM-CZ) and Neighborhood Center (NC-CZ) through the recently approved rezoning case, MA22-06.

The applicant proposes one hundred eighty-six (186) single-family Detached dwelling units utilizing the Cluster development option in the RM-CZ zoned portion of the property. In the NC-CZ zoned area, the applicant is proposing eighty-two (82) single-family Detached dwelling units and one hundred ten (110) single-family Attached (townhome) dwelling units, for an overall total of 378 units on 138.50 acres.

This application has been reviewed against the requirements found in the Town of Rolesville Land Development Ordinance (LDO).

HOLDING COMMENT: The Town's LDO was last updated on April 4, 2023, to include new dimensional standards for the RM Zoning District - Cluster option, including lot size and setbacks. The current plan set, originally submitted on August 2, 2023, does not comply with these standards. Understanding that the associated rezoning application was approved on January 17, 2023, would necessitate a vesting of a site-specific development plan in order to ensure the regulations in place at the time of the original application for this project are secured for the duration and development of this project. Without vesting, the applicant would need to address any standards that were not secured as a portion of the conditional zoning and have changed since the initial submittal. The applicant shall review the Vested Right standards of Article 2 and Appendix A and address this with Town Staff and the Town Attorney.

1. **Cover Sheet** - Ensure NC-CZ district acreage is consistent between sheets. C-1.2 states acreage is 53.89 while C-1.0 states acreage is 53.88.
2. **Cover Sheet** - Regarding the Site Data Table:
 - a. **Repeat Comment.** Per LDO Sec 3.4.3.C, a **maximum** of 75% of the gross acreage of the NC district can be dedicated to residential uses. **At 53.88 acres, 75% = 40.10 acres.**
The applicant's comment response indicates new NC Zoning Chart contains this data. Please provide sheet number where data is located, as staff do not see this information provided in the plan set.
 - b. **Revised Comment.** To the Site Data table and/or the Site Data Amendment Table, please add or clarify the following information:
None of the information related to Nonresidential / Commercial Use is provided at this time. At a minimum the square footage of commercial space required as a portion of the conditions should be listed on the plans.
 - i. Building Size Proposed
 - ii. Minimum Lot Width
 - iii. Minimum Lot Length (NC District)
 - iv. Lot Length Proposed

- v. Density within each Zoning District. **Please revise RM-CZ and NC-CZ densities as per calculations provided.**
 - vi. Parking Provided (Commercial)
- c. The Site Data Table shows the minimum NC District minimum of 15% gross area for non-residential areas at 8.08 acres (53.88 acres x .15 = 8.08 ac.), but Section 3.4.3.D.2 indicates that this allocation shall be **clear of storm water facilities and currently there is an SCM shown on the proposed commercial lot.** The plans do not have the sizes of the SCMs labeled. The applicant shall demonstrate compliance with the 15% requirement – REMOVE the SCM area from the MINIMUM 8.08 acres of Non-residential.
 - d. Further, the applicant shall demonstrate compliance with the max 75% residential as per 3.4.3.C. Please add to this chart or indicate where this information is provided.
3. **Open Space Diagram** - The chart provided on Sheet C-1.2 provides only a portion of the open space picture, much of it is location is unable to be determined on the site plans. It would be helpful if the chart was coordinated with an open space exhibit, where the chart related directly to open spaces shown on the map. The overall plans as provided, with contours, are difficult to read and decipher which spaces are which.

Further the following items should be addressed as they relate to open space, not only on this Sheet but the Site Plans as well. The applicant should revise the plans to clearly demonstrate compliance with open space requirements of Chapter 3 and Chapter 6.

The TOTAL Required Open Space shall be included as a calculation on the chart. As long as the individual requirements per zoning district are identified and met, the overall acreages required in Chapter 6 can be combined to meet the requirements in Chapter 6.

- a. Section 6.2.1.D.2. indicates that **mixed use districts** require 15%. The NC-CZ – 53.88 acres x .15 = 8.08 ac.) **requires 8.08 acres of open space.** The applicant shall use this figure in the provision of active and passive open space and other requirements of Chapter 6
 - b. Section 6.2.1.D.1 indicates that the **Residential Medium (RM)** district provide 12%. The RM-CZ – 84.62 acres x .12 = 10.15 acres -- **requires 10.15 acres of open space.** The applicant shall use this figure in the provision of active and passive open space and other requirements of Chapter 6.
 - c. Cluster development, Section 3.1.B.1, requires a minimum 40% total open space be provided. The RM-CZ District utilizing Cluster – 84.62 acres x .40 = 33.85 acres -- **requires the provision of 33.85 acres of open space.** The applicant shall demonstrate how a total of 33.85 acres of open space (active or passive) is provided contiguously throughout the site. This may include no more than 50% of the buffer acreage (provided its contiguous) and located only in the RM-CZ portion of the site.
4. Bufferyards may be utilized as Open Space. However, it should be noted that only 50% of the required Type 2 Perimeter bufferyard in the RM-CZ CLUSTER may be utilized for the Cluster portion of the site.
5. For the NC-CZ district, in accordance with Table 3.4.3, permitted Open Space types are greens, commons, squares, and plazas. The applicant should demonstrate compliance with this requirement, understanding that future commercial areas will also need to comply with this requirement.

6. As per 6.2.1.G.12. A minimum of 50% of all required open spaces shall be dedicated and designed for **active recreation** features. The plans shall be updated to demonstrate compliance with this requirement. Suggest implementing an "A" for Active, and a "P" for Passive to differentiate.
7. 6.2.1.G contains many of the design standards for the provision of open space:
 - a. Open space areas shall demonstrate compliance with subsections 5 and 6, Public Seating. Please revise plans to show areas for public seating and trash receptacles.
 - b. As detailed in subsection 7., a maximum of 50% of passive open space may be SCM's. As mentioned elsewhere in the comments, the acreage of each of the SCM's should be included on the plans and included in the open space calculations for those areas that have trail /greenway access.
 - c. Subsection 8, limits the amount of environmentally sensitive lands to 20% of passive open space. However, this does not apply to the requirement for the provision of 40% contiguous open space in Chapter 3.
8. **Partial Tree Inventory Map** -- The applicant has made part of the plan set, a partial tree inventory, consisting only of the trees within the required buffer areas. These are the trees that are subject to replacement if slated for removal:
 - a. A number of the tree points included on the inventory are actually located off site; Although the critical root zone may be on site, these trees will not count toward tree preservation as they can be removed by the property owner – how, why, explain, and remove and revise accordingly.
 - b. **Further the determination of required preservation AND replacement is based on the location of trees within the required buffer.** Remove these tree points from the data tables and include in a separate table. Highly suggest that Applicant take the necessary precautions to preserve the root zones of these trees found on site.
9. The tree inventory is labeled based on the number of trees per linear that are to be provided for the buffers in that area. However, the required widths of these buffer areas are not provided/labeled, the buffer labels are not shown, and the widths of these areas do not seem to be consistent along the lot frontages. Revise plans to label all buffer width as required by ordinance and provide the corresponding ordinance section (ex. Streetscape buffers along Jonesville Road (6.2.2.2.D.): 30 feet in width or Class 2 buffer along width of RM-CZ (3.1.B.2): 15 feet).
10. **Existing Conditions (EC) and Demolition Plan (DP) - Repeat Comment.** Include use and zoning district of adjacent properties on the Existing Conditions Sheet. Please add a note to the plan set stating, "All adjacent properties are Wake County zoned R-30 properties according to the according to the Wake County Register of Deeds."
Applicant's comment response indicates note was added. Please provide sheet number where note is located, as staff do not see this information provided in the plan set.
11. **Existing Conditions (EC) and Demolition Plan (DP) - Revised Comment.** Label the tree line on both the EC and the DP and tree protection fencing areas on the DP. The dashed symbol used for the tree line is incredibly difficult to see amongst the contour lines and neither that symbol nor the tree protection fencing symbol are included in the legend. Please revise for clarity and to clearly identify the location of the existing vegetation to remain and the required tree protection fencing (TPF).

12. **Existing Conditions (EC) and Demolition Plan (DP) - Repeat Comment:** The applicant has provided the tree survey and noted which trees are preserved. Please ensure that those trees are shown on the Existing Conditions and Demolition sheets within TPF and with their critical root zones labeled as applicable. If these trees will be used to meet buffer requirements, it is imperative they are protected during construction.
13. **Overall Site Plan - Repeat Comment:** Different symbols are being used for Active Open Space and Passive Open Space, which appear to be inconsistent. Please update the legend to showcase all symbols used within the plan set.
14. **Overall Site Plan - Repeat Comment:** Include greenway in Legend. Greenway was not included in the overall site plan legend. Please add to the legend.
Applicant's comment response indicates Greenway was added to legend. Please provide sheet number where updated legend is located, as staff do not see this information provided in the plan set.
15. **Overall Site Plan** - There are portions of the floodplain area that are outside of the property boundaries. While it is helpful to identify these on the plan, it is confusing to determine what environmental features are a portion of the site and contiguous open space. Please show these areas in a lighter color or grey so as not to confuse with those features on site.
16. **Overall Site Plan** - Please include the zoning district of all adjacent lots.
17. **ALL PARTIAL SITE PLAN SHEETS - Holding Comment:** Label street names. We understand that the applicant has submitted a request to Wake County 911 for the approval of street names. Once received, please update the plans.
18. **ALL PARTIAL SITE PLAN SHEETS - Repeat Comment:** Label SCM sizes. SCMs are included in the overall passive open space requirement. Please label the SCM sizes on the plan set so that we may confirm the information provided.
Applicant's comment response indicates that SCM sizes have been labeled. Please indicate where SCM sizes have been labelled, as staff do not see this information on the individual sheets.
19. **ALL PARTIAL SITE PLAN SHEETS** - Site Plan hatching should be updated throughout sheet set to reflect accurate area labels. All open space labels should be in the legend. Further open space areas should be reflected on the open space diagram, Sheet C-1.2
20. **ALL PARTIAL SITE PLAN SHEETS** - Applicant shall address the Townhouse Notes shown on the plan sheets. **Alleys need to be public streets.**
21. **Partial Site Plan I - Repeat Comment:** Label ramps as required by LDO Section 9.2.1.B.10.
22. **Partial Site Plan I** - The required 30' Streetyard Buffer along Jonesville Road has been reduced in width adjacent to lot 125. It is assumed this is due to the location of the off-site improvements in the area (turn-lane). The ordinance does not allow for a reduction due to off-site improvements. **REVISE to Provide the FULL BUFFERYARD Dimension.**
23. **Partial Site Plan II - Repeat Comment:** Stormwater facilities can go towards PASSIVE OPEN SPACE requirements so long as they meet the limitations of LDO Sec 6.2.1.G.7. According to the Ordinance section referenced, any stormwater facility used toward that requirement shall be publicly accessible through improved or primitive trails. Please label the required trails at each SCM in order for SCMs to be counted towards passive open space. Reminder: A maximum fifty (50) percent of total required passive open space may be stormwater facilities.

Staff does not see SCM Required Trails Label if applicant desires to count SCM's towards passive open space.

24. **Partial Site Plan V** - The angled and perpendicular parking provided on public alley '1' is extremely close to the intersection with Street "H". Conflicting turning movements at this intersection are anticipated; Town Engineer should vet this closely if they have not made similar comment.
25. **Partial Site Plan V** - The required 30' Streetyard Buffer along Jonesville Road has been reduced in width adjacent to lots 59-62 and 174-175. **REVISE to Provide the FULL BUFFERYARD Dimension.**
26. **Partial Site Plans VIII - Revised Comment:** The small area across Mitchell Mill Road is being labeled as open space but there is not a safe way to access this area. According to LDO Section 6.2.1.G.4, "Open space shall be located and designed to be easily accessible for residents and/or users of the development." Further it is not clear if this area will be programmed or kept in a natural state.
Comment response indicated that this park has a new access point, however this is not depicted on Partial Site Plan VIII. The above comment stands. Please also address how the space is intended to be used.
27. **Partial Site Plans VIII** - The westernmost property line of the proposed site should provide a Mixed-Use Perimeter buffer as it separates the NC-CZ from the adjacent zoning, as outlined in Section 6.2.3. The first ten feet (10') of this buffer is a Compatibility Transition Area 'A' and requires a minimum 10', landscaped buffer consisting of 1 canopy tree every 30 feet. Transition Area 'B' shall be a minimum of 10'. However, the plans should be revised to clearly show the correct buffers along this property line.

ALL GRADING PLANS

28. **ALL GRADING PLANS - Repeat Comment:** Label Tree Protection Fencing (TPF) and Critical Root Zones (CRZ). The applicant has provided a tree preservation plan noting the location of trees that are to be preserved. Please ensure that the grading plan sheets are consistent with the tree preservation plan in providing tree protection fencing and labeling tree protection fencing.
Existing vegetation, TPF, and CRZ are not depicted or labeled. Staff are unable to evaluate consistency between Grading Plan and Tree Preservation Plan.
29. **ALL GRADING PLANS** - Please verify symbol shown on plans as a dashed line with square boxes. It appears this is a fence. Is it existing or proposed? Please add to legend.
30. **Landscape Plans** - The plans should be revised to show the proposed plantings in the Type 2, buffer as required by Section 6.2.2.1. Any existing vegetation that will be used to meet the ordinance standards shall be shown on the Landscape Plans.
31. **Landscape Plans** - The provision of Streetscape Buffer plantings along Jonesville Road (considered a thoroughfare) should be one canopy tree every 40'. Where overhead wires are present, this can be changed to 2 understory trees. However, it does not appear that the number of trees provided equals the number of trees required. The applicant should provide linear footage of frontage and demonstrate compliance with the number of trees shown on the plans. It is recommended that canopy trees be installed where additional trees are required. Further, if the applicant is intending to utilize existing vegetation to supplement the requirements, those trees shall be shown on the plans.
32. **Landscape Plans** - As mentioned in Comment #27, the westernmost property line of the proposed site should provide a Mixed-Use Perimeter buffer as it separates the NC-CZ from the [Wake County jurisdiction adjacent zoning, which is R-30, which is considered the least intense Zoning District of

the LDO, the RL district), as outlined in Section 6.2.3. The plans should be revised to show the clearly shown the correct buffers along this property line. The proposed plantings for this buffer should also be shown, including any existing vegetation that will be used to meet the requirements of this section.

33. **Landscape Plans** - Existing vegetation to be preserved shall be added to the plans. This includes plantings used to meet buffer and preservation requirements outlined elsewhere in the memo and in Chapter 6.
34. A lighting plan was not provided with this plan set. Please note that street lighting locations and street trees will need to be coordinated to ensure adequate growth area and prevention of lighting conflicts.
35. A Type 2 buffer requires a six-foot-tall fence per LDO Table 6.2.2.1. The plans show the location of a generic 6' privacy fence, however the legend should be updated to show this symbol and the detail sheets should be revised to provide a detail.
36. **Revised Comment:** The RM-CZ area of the site was approved by the Board understanding the Applicants intent was to develop it as a "Cluster Subdivision". Please note the following requirements from LDO Section 3.1.B, some of which were addressed in previous comments :
 - a. The required open space shall be conserved as a **conservation easement**. The applicant has not provided a note, or any indication of the street yard or perimeter buffers being placed into a conversation easement to be counted towards the open space requirement.

The applicant has indicated that a Conservation Easement Dedication is in progress. Please include a note on the plans indicating that a Conservation Easement, recorded in Book and Page (TBD) is dedicated to _____. This can be filled out at a later date, but some indication shall be given on the plans that this is underway and shall be recorded before final plat. Further, the area of the 40% contiguous open space (subject to the easement) should be also clearly marked on the plans.
 - b. A Type 2 buffer (LDO 6.2.2.1.F.2) shall be provided for Cluster developments.
 - i. The applicant has correctly shown the 50% acreage in the open space diagram on Sheet C-1.2. for the RM-CZ portion of the site.
 - ii. These buffers shall be platted as **separate tracts** to be owned and maintained by the Homeowner's Association or similar entity. Please provide a note regarding this requirement.

Applicant has indicated that a note will be added, however no note was identified by staff during this review. Please provide a note as requested and indicate which sheet this note is provided in the responses.
37. **Preservation Plan** - Please turn off existing contours on the overall sheet. It makes the plan difficult to read.
38. **Preservation Plan** - Please Label Tree Protection Fencing Locations. Current fencing is unclear. Silt fencing encroaches into the critical root zone of several trees identified as preserved.
39. **Preservation Plan** - Plans shall be revised to demonstrate compliance with the requirements of Section 6.2.4.5, specifically the following:

- a. In accordance with section 6.2.45.B., at least ten percent (10%) of all existing trees in good health shall be preserved. The plans shall be revised to show (in acres) 10% of the trees on site as preserved. Since the applicant did not perform a tree survey for the entire site, existing acreage based on aerial photography shall be used in determining the base acreage for tree coverage; the applicant shall then demonstrate that 10% of that acreage will remain wooded. This acreage may overlap with other preserved lands. However, this requirement is specific to tree preservation.
- b. The applicant has shown tree inventory points on Sheet C-3.9 (14 of 76) as part of the Partial Tree Inventory as well as Sheet C-9.9 (Sheet 72 of 76) as a portion of the Preservation Plan. The lists are different yet there is no title to label to indicate the difference in the Tables. The plan sheet should be revised to indicate what the tables are showing. It appears that Sheet C9.9 shows the trees that are to remain.
- c. Section B.2. through B.4 require the replacement of evergreen trees 20" or greater dbh and deciduous trees 18" or greater dbh. That are located in landscape and buffering areas. The plans should be revised to also show a chart of all trees inventoried meeting these criteria that are to be removed. These will be required in order to determine replacement trees as indicated in Comment d. (below)
- d. Replacement tree calculations shall be provided as required in subsection B.3 and 4. As these calculations are not overly clear in the ordinance, they shall be provided as follow:
 - i. Where a tree meeting the criteria mentioned above is slated to be removed, it shall be replaced with four or more trees. The size of the tree is as listed in Section 6.2.4.3. and the type shall match closely that was which removed. (1 tree removed = 4 trees replaced)
 - ii. Where a tree over 60" is removed it shall be replaced inch for inch using a minimum of 3" trees. (1, 60" tree removed = 20, 3" trees minimum)
- e. The provision of replacement trees shall be coordinated with the landscape plans and all areas where replacements trees are provided (over and above landscape requirements of the LDO) shall be provided.