

January 2, 2024

Re: **Comment Response Letter Scarborough Apartments Case #REZ-23-05**

Dear Staff:

Below are the comment responses for the 2<sup>nd</sup> review of **Scarborough Apartments Case #REZ-23-05**

**Planning & Zoning – Planning Staff & WithersRavenel (Karen Mallo & Liza Monroe)**

**Comment:** Provide a written response to ALL the comments.

**Response:** -- Provided.

**Comment:** Add revision dates to ALL materials – add a Date/Revision date to the Conditions.

**Response:** -- Revision dates have been added.

**Comment:** FYI – TIA Status – Applicant has begun conversation with Planning Director; further review TBD.

**Response:** -- Acknowledged. The Applicant has sent the traffic memorandum to the Planning Director to begin the formal TIA process.

**Comment:** See PDF of a written Memo – there are 26 numbered comments.

**Response:** -- Per meeting with Town on 11/29/2023 the comments provided in the memo are advisory for site plan.

**Comment:** Concept Plan – Existing Zoning – the 'Project Information' table states Existing Zoning is "RU-5; OI for Parcel ID: 158342 - neither of those are LDO acronyms for Zoning Districts, nor were acronyms for Zoning Districts under for UDO; please explain. Staff finds the existing zoning of property is "RL" under LDO. Revise.

**Response:** -- Zoning has been revised.

**Comment:** CTP Road/Concept Plan – The 2021 CTP includes a generally north/south roadway from S. Main Street to the property's southern border (adjacent Town owned land). Staff's overall position is – follow the CTP, show clear intent to construct full roadway. Anticipate this being a topic of discussion with Town BOC; Staff suggests preparing for all options in advance; this could include a Fee-in-lieu of construction proposed via a Condition of Approval or separate Development Agreement.

**Response:** -- Acknowledged. The Applicant has included the north/south right-of-way on the Concept Plan, and references construction of the right-of-way in Condition 9.

**Comment:** Condition #4 - LDO 3.4.1.B., Timing of Development – this section contemplates "residential units" and Building

Permits to construct them, and "non-residential square footage" and Building Permits to construct it. Condition #4 speaks to a TC District requirement that at least 20% of the gross

land area be dedicated to non-residential uses; Staff is unclear what Section that derives from (cannot locate in LDO). Please discuss off-line.

**Response:** -- The Applicant has replaced this Condition with a new Condition 4. The new Condition requires that any nonresidential be located within 175' of the north/south right-of-way. There is no longer a minimum percentage of gross land area that must be developed for nonresidential uses. The TC district does not require a minimum acreage for nonresidential uses. To that end, the Applicant also included a new Condition (Condition 5) that sets a maximum of 20,000 square feet of gross floor area for nonresidential uses.

**Comment:** Condition #5 – Add a timing aspect to this; Staff would presume that demolition would come after Site/Construction Plan approval for a mixed-use/non-residential project like that proposed. Staff suggests the timing be “prior to any Building Permit submittal”, which would put it between that point and (SDP approval), ie during site infrastructure construction.

**Response:** -- The Applicant has added that the documentation and notification requirements shall be done prior to the submittal of a demolition permit.

**Comment:** Condition #6 – LDO Section 6.8.2. regulates Non-residential Building Design; what in this condition is more restrictive as to materials than the LDO already regulates? If this condition is not more restrictive on building materials, but rather reiterates what the LDO already requires, then this is not a Condition & should be removed. Conditions cannot allow a building material otherwise prohibited by the LDO; if that is the case, remove condition.

**Response:** -- The Applicant has updated this Condition to state that it applies to all types of buildings (residential, mixed-use, and nonresidential).

**Comment:** Condition #9 /Concept Plan/ Greenway – See Parks comment; Staff is open to working to clarify as much detail as is necessary now at Rezoning to ensure it clear where and how the Greenway/Sidepath is ultimately located. This piece of the Greenway is the final link to reach Main Street Park from communities along Mitchell Mill Road.

**Response:** -- 65 Ft of right of way is shown to provide the necessary width for the Greenway trail to be located on the East side of the proposed collector.

**Comment:** FYI – After TRC Staff review of Proposed conditions is complete, the Town Attorney will be brought into a final review of Conditions before the application is taken to the Planning Board. Town Attorney will then be involved in all future reviews/revisions of Conditions throughout the Legislative Hearing process of the Town Board of Commissioners.

**Response:** -- Acknowledged.

### **Parks and Recreation (Eddie Henderson)**

**Comment:** GREENWAY -- Please revise the Concept Plan to show the greenway/sidepath on the east/right side of the proposed new CTP Collector road. Staff's original idea was to have the Greenway on this east side and the current concept plan for the Town Campus project to the south shows the Greenway on the east side of this road as well. (Please see attachment.) East side placement would allow it to connect to the greenway on the Town Campus property without having to cross (new CTP street). It will also provide users of the Greenway more distance from the road to provide for more safety while in use. Neighbors on Glenn Circle will also benefit from having a Greenway adjacent to their backyard and act as a distance buffer from (new CTP street) as opposed to having the street (that much closer to their property lines. Please also express a means to make this route as “non-sidewalk-like” as possible; Staff suggests an aggressive landscaping scheme involving land

berms, natural items such as boulders, natural canopy tree placement (ie, not rigid 50' spacing on a straight line), etc. Applicant can either dedicate additional Right-of-way width beyond the usual 60' for a Collector to keep landscaping within ROW (which makes Town maintenance responsible), or can blur the landscaping both within ROW and into a Landscape Easement (on private property having owner maintenance responsibility). Staff's goal with this change is to make this Greenway as close to a true Greenway as possible while still being parallel to and alongside a road. Staff is open to meet to help develop a cross section for this area.

Response: -- A greenway has been shown East of the new collector road. An additional 5 Ft of proposed dedication is shown for a total 65' right of way to keep required landscape areas within the right of way.

#### **COR Public Utilities (Tim Beasley)**

**Comment:** FYI - a downstream sewer capacity study will be required. See V1 comments also for future development items to keep in mind.

Response: -- Acknowledged.

#### **NCDOT (Trevor Darnell)**

**Comment:** A traffic impact analysis (TIA) is expected to be required; further review of TIA results pending.

Response: -- Acknowledged.

#### **Wake County Fire / EMS (Brittany Hocutt)**

**Comment:** (10/17/23) (1.) Provide truck turning diagram (Rolesville truck length 50ft); (2.) Access shall be 26ft wide.

Response: -- Access routes have been adjusted to be 26 Ft. Please see attached fire exhibit.

#### **Engineering (CJS/B&M) (Brian Laux / Jacque Thompson)**

**Comment:** See PDF of Memo comments offered more so as FYI about future development plans for the proposed project; there are no corrections required from this review/these comments.

Response: -- Acknowledged.

#### **Wake County Watershed Management (Janet Boyer)**

**Comment:** No Comments at this time. Stormwater and Erosion Control permitting to come at later stages of development.

Response: -- Acknowledged.

Please do not hesitate to contact me at [cmcqueen@qunity.com](mailto:cmcqueen@qunity.com) if you have any questions regarding how the project design team proposes to resolve **Scarboro Apartments Case #REZ-23-05**, 1st Review comments.

Respectfully,

Courtney McQueen, PLA, ASLA  
Project Coordinator | Landscape Architect  
Qunity, P.A.