



Planning and Zoning Board January 11, 2018 at 6:30 pm

MINUTES

Attendance

Board members present for the meeting were:

Chairman Peter Prichard
Member Harlean Botha
Member Rob Taylor
Member Lee Langston

Town Officials and staff members present for the meeting were:

Mayor TJ Cawley
Courtney Tanner, Planning Director
Benjamin Howell, Long Range Planning Manager
Michele Stegall, Current Planning Manager
Brad West, Planner II
Kari Grace, Planner II
Marty Saunders, Secretary to the Board

1. Call to Order

Chairman Peter Prichard called the meeting to order at 6:31 pm.

2. Invocation

Chairman Prichard opened the meeting with the invocation.

3. Adoption of Agenda

MOTION: *Member Botha* made a motion to adopt the January 11, 2018 agenda as submitted. Member Langston seconded the motion, which passed unanimously.

4. Adoption of Minutes

MOTION: *Member Taylor* made a motion to approve the Planning and Zoning Board December 14, 2017 meeting minutes. *Member Botha* seconded the motion, which passed unanimously.

5. Presentations

Annual Wake County Multi-Jurisdictional Hazard Mitigation Plan Progress Report
Brad West, Planner II, explained that this was the annual progress report for the Wake County Multi-Jurisdiction Hazard Mitigation Plan. In 2000, Congress passed the Hazard Mitigation Act, and each jurisdiction as well as Wake County adopted individual unique Hazard Mitigation Plans.

In 2013, FEMA gave Wake County a grant to prepare a multi-jurisdictional hazard mitigation plan. In 2015, the Morrisville Town Council adopted the multi-jurisdictional plan.

The Morrisville section of the Plan has a chart that identifies different disasters that pose risk situations, such as floods, hurricanes, and landslides. Also listed, are implementation items that the Town would use to mitigate these disasters.

The purposed of this presentation is to gather feedback on this report. *Chairman Prichard* asked if there were any events that took place during 2017. *Mr. West* stated that the Town did experience a significant rain event on April 24-25, 2017.

No action was required.

6. **Old Business – Public Comment**

None

7. **Old Business**

Draft Comprehensive Transportation Plan Update

Director Tanner reviewed five areas of directives given to staff at the December Planning and Zoning Board meeting, new discussion points, future input opportunities for the public, and the next steps.

Director Tanner provided an overview of the following directives given to staff at the December meeting:

1. Intersection Improvements –

- Add action item to prepare Morrisville Parkway Corridor Access Management Study. This study would evaluate access along corridor, including median cuts and intersections.
- Add action item to develop Intersection Safety Improvements Study Program, The program would evaluate smaller intersections, not included in the CTP, in Morrisville for safety improvements each year.
- Modify intersections improvements in the draft plan. She provided a table as part of her presentation outlining the proposed improvements, and stated the table included the removal of funded projects and added at-grade improvements. A Grade separation at Morrisville-Carpenter Road was changed to long-term.

2. Road Connectivity-Enhancing Projects –

- Remove Figure 3-7 since projects are included in Roadway Projects Prioritization Map.
- Keep additional connectivity-enhancing projects in draft Plan.
- Remove proposed Green Drive/Clements Drive Connection.
- Add the following action items:
 - Additional study of Millicent Drive connection prior to construction.
 - Abandonment of Stockton Gorge Road if NC 147 not constructed or connection is not feasible.

3. NC 147

- Realign NC 147 to the Davis Drive and Little Drive intersection. No direction connection to Town Hall Drive per Town Council.

4. Triangle Bikeway –

- Increase right-of-way in CTP for Airport Boulevard and Slater Road to accommodate future bikeway.

- Add implementation item to update Plan once Wake County finalizes bikeway route.
5. Transit Accommodations –
- Add Policy Statement related to the expansion of bus service and additional travel lanes for buses.
 - Expand rights-of-way to accommodate bus lanes on NC 54, Airport Boulevard, Davis Drive, and McCrimmon Parkway.

Director Tanner provided emergency response time maps. She stated the maps include the response times for Morrisville police and Morrisville fire-related calls between October 2015 and October 2017.

Member Langston asked if these were actual response times for Morrisville. *Director Tanner* replied that this information is actual response time data. Time of day, distance to location, available units, type of emergency, and a variety of other factors impact the response time. *Member Taylor* remarked that the Planning and Zoning Board (PZB) previously talked about shared fire response. *Director Tanner* said that the maps indicate Morrisville's response to events. She stated that adding more roads would not necessarily equate to better response times due to all the factors that can impact the Town's ability to get to a call.

Benjamin Howell, Long Range Planning Manager, then reviewed eight different scenarios. In each pair of scenarios, Crabtree Crossing Parkway Extension (CCPE) is in one scenario, and not in the second. Each scenario includes existing projects as well as proposed projects. He reminded the Board that the maps were generated using Triangle Regional Travel Demand Model (2010), and that two maps were prepared for each scenario.

Member Botha asked about the timeframe used for the volumes. *Mr. Howell* explained that the volumes take place during a 4-hour am time period and 4-hour pm time period. He also added that the model, with the exception of NC54 and Town Hall Drive, only provided one volume number for each segment. The model depicts what would be on that road over the four hour period of time.

Director Tanner then reviewed the potential options regarding Crabtree Crossing Parkway inclusion in the CTP. The options are as follows:

1. Option 1: Bring back additional information. This would delay the project.
2. Option 2: Change to greenway. This change would be incorporated in the next draft plan, most likely would not delay the preparation of the plan.
3. Option 3: Keep road with modification. Potential options require further study once NC 147 design is complete and prohibiting construction until benchmarks are met. This option would most likely not delay the preparation of the plan.
4. Option 4: Remove from the plan. This change would be incorporated in the next draft plan, most likely would not delay the preparation of the plan.

Chairman Prichard summarized the positive reasons for the CCPE as connectivity and emergency response time. There were positive requests for connectivity from folks who wanted better access for the northern part of Morrisville to reach the southern part, such as Park West Village. The connection would also preserve right-of-way for the future. The arguments against the CCPE include the potential for diverting commuter traffic through a residential neighborhood, it would destroy the greenway, and the expense to build the road in a floodplain area. The *Chair* continued by adding that the models show 200-400 additional trips per day.

Member Taylor stated that he is inclined to preserve the right to use the connectivity, but only if we see NC 147 connecting to Davis Drive. It should only be built as a community connector, not as a thoroughfare. He does not believe that removing the CCPE from the Plan supports the vision of the Plan.

Member Botha is concerned about the potential for commuter traffic, but does feel it should not be removed from the CTP. She supports Option 3, to keep it as a road with modifications.

Member Langston stated that he felt CCPE should be left in the CTP. He feels the data shows that there will be little impact with 147. Very little difference was shown with the model. He does not feel there need to have modifications.

Chairman Prichard wanted to know what the potential modifications would be.

Director Tanner indicated that the majority of the PZB was in favor of Option #3. The first modification could be to have 147 constructed, not just designed, as a benchmark. The concern with technology directing commuters could lead to a policy that limits traffic through a neighborhood, but additional research was needed into the legality of this approach. There is the question regarding the Town's legal authority to control commuter traffic on public streets.

Chairman Prichard asked if CCPE was in the CTP, would that affect funding for NC 54 improvements. *Mr. Howell* explained that NC 54 is a higher priority than the CCPE. The Town would have to pursue funding for CCPE.

Director Tanner brought the Board up to date on the public input opportunities. The Portal on the website is still open for public comments. There will also be a Comprehensive Engagement Campaign. This will include social media blasts, neighborhood meetings and post card mailings. Neighborhood meetings will take place during the day and evening and multiple days of the week. Dates have not been set yet, pending the release of an updated draft.

A thorough review of the updated draft CTP by the PZB will take place during multiple meetings, beginning in February, unless the draft Plan is delayed for some unforeseen reason. The Public Information Officer will be part of the engagement process.

7. b. 2018 Vice-Chair Appointment Recommendations.

This item was moved to after New Business.

8. New Business – Public Comment

8.a. REZ 17-13: Conditional Rezoning of 226 and 228 Church Street: Resolution 2017-383-0 pertaining to the Adoption of the Plan Consistency Review Statement for a Proposed Zoning Map Amendment (REZ 17-03) and Ordinance 2017-383-0 Zoning Map Amendment.

Kari Grace, Planner II, introduced a conditional rezoning proposal for 226 and 228 Church Street initiated by the Town of Morrisville Engineering Department. The site is currently zoned Town Center Residential and a conditional rezoning request is being made to allow a “parking lot” as a principal use.

The parcels, measuring .88 acres, are owned by the Town. The requests would allow a parking lot in the zoning district as a principal use with minor site plan approval by Town staff. The 2007 Town Center Plan designated the site as a Historic Crossroads Village area, however it is currently zoned Town Center Residential. The property is currently vacant and has been annexed into the Town limits.

The conditions proposed are as follows: 1.) allow a parking lot as a principal use with minor site plan approval; 2.) that the parking lot be constructed in substantial conformance with the sketch plan included in the application.

The site features include two full access driveways onto Page Street and a full access driveway on Church Street to the Historic Christian Church. There would be 46 parking spaces provided, including two accessible spaces. Sidewalks will connect to the church parcel. The proposed lighting would be decorative, similar to what is found on Jeremiah Street. A minor modification to the Historic Christian Church parcel related to the parking lot is under review by staff. Since the property is designated a historic landmark the changes to the church parking lot also required approval by the Capital Area Preservation Board. The Capital Area Preservation Board reviewed and approved the plans for the church parcel in December.

The rationale for the staff recommendation of approval is due to the fact that permitting a parking lot as a principal use would have no adverse impact on the surrounding property.

Chairman Prichard opened and closed the public comment session since no one came forward.

Member Langston asked if the parking lot would be a public parking lot and available for other uses as the Historic Town Center is developed. *Ms. Grace* answered that the parking lot would not be restricted to use by the church site.

Member Taylor asked if it would ease the requirements of other future uses, specifically parking. *Director Tanner* stated that there are always opportunities for shared parking. This site is not designed for that, but the potential could occur.

MOTION: Member Taylor made a motion to recommend approval of the rezoning request and finding that it is consistent with the Comprehensive Plan because:

1. The base zoning district of the property will not be changing;
2. The 2007 Town Center Plan identifies the need for parking in the Town Center and the request will further this goal; and
3. The request is consistent with the Comprehensive Plan and it would serve a range of uses in the Town Center, therefore, the amendment is reasonable and in the public interest.

Member Langston seconded the motion, which was unanimously approved.

A recess was taken at 7:49 PM

The meeting resumed at 7:59 PM

Mayor TJ Cawley recused himself from the meeting prior to the introduction of item 8.b.

8.b. Resolution 2018-17-0 Approving a Major Modification to the Special Use Permit for the Shiloh Crossing Shopping Center Approved by Resolution 2006-033A

Prior to the presentation of the Special Use Permit (SUP), all potential speakers were requested to stand and were sworn in by Marty Saunders, Secretary to the PZB. Chairman Prichard opened the public comment session.

Michele Stegall, Current Planning Manager, introduced the application for a major modification to the SUP for the Shiloh Crossing Shopping Center, which was originally approved in 2006. The new application will modify two of the 34 original conditions for the SUP (conditions 3 and 8). A change to the conditions classifies this request as a major modification to the original approval.

The request being made would essentially exempt some of the lots in the development from needing to comply with the Unity of Design Guidelines and the Shiloh Master Signage Plan. The design guidelines were set up as part of the special use when the development was originally approved. She then showed a map that indicated which lots would be affected by the change. Lots 2, 5, 6,7,8,10,12 and 15 are still vacant or just starting to be developed. For the most part, they are located on the south side of Shiloh Glenn Drive, which is a collector road. The shopping center is located in Morrisville and Durham County.

The original purpose of the Unity of Design Guidelines was to ensure high quality design as architectural design guidelines were not included in the Code at the time. Another purpose was to ensure some consistency in the appearance of future development in the shopping center. The lots in question were originally envisioned for retail use. Currently, the developers need to comply with the Unity of Design Guidelines, as well as the Design Guidelines which are now a part of the UDO.

Both standards address the use of high quality durable building materials. However, the Unity of Design Guidelines requires very specific materials and colors. At staff level, up to three substitutions can be approved. The UDO has more general requirements, such as brick or stone. Meshing the two sets of guidelines have been repeatedly problematic.

There are also site standards in the Unity of Design Guidelines that are now mostly UDO code requirements. The one main difference is the lighting. The use of LED light fixtures, instead of metal halite fixture, has been one type of minor change approved by staff. No one could foresee the change in technology.

The amendment would affect lots 5, 2, and 10, which are currently vacant. Currently, the Waterwalk Hotel, planned on lots 6 and 7, the Residences at Shiloh Crossing, proposed on lots 12 and 15 and the Home2Suites Hotel, under construction on lot 8. If the SUP is not approved, the building architecture for the Residences at Shiloh Crossing would have to be re-designed. The Residences at Shiloh Crossing prompted the submittal of the SUP request. The Waterwalk Hotel site plan has been in review for some time, however, the architectural issues have not yet been resolved.

The Master Signage Plan for the shopping center deals with signage, including ground, directional, and fascia signage, throughout the center. The amendment would impact the fascia, or wall, signage including the eliminating of existing color restrictions.

If the restrictions in the Master Signage Plan were removed, the following allowances would be granted to the applicable properties: color restriction would be removed, light pole banners would be permitted, potentially an additional ground sign in Durham and elimination of font size and style requirements for address signs.

Mrs. Stegall stated that staff does recommend approval of the request, despite the good reasons for the original conditions. Circumstances have significantly changed since the original approval. Since that time, the UDO was adopted with its own design standards. The second reason was the recession which resulted in a different type of development than originally envisioned. If this request is approved, other similar applications may follow noting some issues that Walmart is also having.

This decision is a quasi-judicial decision and the criteria for approving this must meet the code.

Chairman Prichard then had *Mrs. Stegall* identify the locations of the various projects discussed. *Chairman Prichard* also noted that the Mayor left the room prior to any discussion and recommendation at this meeting.

Chairman Prichard then invited anyone wishing to speak to come forward.

Tommy Craven, with the land use consulting firm of Priest, Craven & Associates, Inc, 3803 Computer Drive, Raleigh, NC 27609, stated his company had provided consulting services on a number of the lots within Shiloh Crossing. He has been working as the civil site consultants for the Residences of Shiloh Crossing. He introduced Jim Speake, representing Shiloh Morrisville, LLC, Chris Carlino, representing Dominion Realty Partners, Eric Davis, Associate Architect with Rule Joy Trammel & Rubio, and Kevin Dean, Traffic Engineer with Kimley-Horne & Associates.

When the original SUP for Shiloh Crossing was approved in 2006, it was a substantially different time. The site was primarily envisioned as a large shopping Center. At that time, the Town had very little in terms of design guidelines for aesthetics and architectural controls. The SUP put design standards in place to guide this development. The economic downturn and the adoption of the UDO which incorporated design guidelines and signage regulations. With the new UDO came the ability to rezone property to allow for mixed use developments.

The conflicts between the 2006 Unity of Design Guidelines and the current UDO Design Standards caused significant problems for the development of the site in question. Two more typical conflicts have to do with light fixtures and specific architectural features. Unity of development was important when the original SUP was approved. The current UDO promotes diversity with a variety of styles and architectural features and colors create a more unique look. Therefore, he was present to seek a modification to the original conditions of the SUP.

Member Taylor confirmed that the applicant is requesting to back off some of the SUP requirements such as lighting and color that provided for uniformity. He wanted to know if this proposal will drop the requirements just for this development.

Mrs. Stegall stated that reviewing and administering the two sets of guidelines has caused repeated difficulty and confusion for applicants and is making the review process more cumbersome without necessarily achieving better results on the ground.. With ability for staff to approve up to 3 substitutions, it is also difficult to say if the goal of conformity is being ensured.

Member Taylor tried to determine what standard the Town wants to hold the development to. This might open the door to more requests for change.

Director Tanner stated that the standards for this development are only for this development. In comparing the vision in 2005 and the current UDO, some parts are very different and some are the same. The Unity of Design allowed EIFS to be on 100% of a building, until it was determined to be easily damaged. The UDO only allows EIFS to be used as a cornice treatment. The vision has changed over time. The trend now is to encourage greater variety, with better material standards that ensure the longevity of a structure. Modifying the conditions of the existing SUP will bring new development more in line with current regulations.

Mr. Craven stated that this proposal does not create a vacuum of standards for this development. It sets aside the SUP standards and adopts instead the UDO standards.

Member Botha understood that this SUP is not setting a precedent for future development elsewhere in the Town. It makes sense to update the standards regarding light fixtures and sign colors for business logo.

Chairman Prichard stated that it may or may not be a good thing to change uniformity. He wondered what the implications would be if some of the existing commercial projects changed. Seeing that there was no further comment, the Chairman closed the public comment session.

MOTION: Member Botha made a motion to recommend approval of Resolution 2018-17-0 for the major modification for the Special Use Permit for the Shiloh Crossing Shopping Center approved by Resolution 2006-033A based on the following findings:

- A. The proposed development will not materially endanger the public health or safety.
- B. The proposed development will comply with all regulations and standards generally applicable within the zoning district and specifically applicable to the particular type of Special Use.
- C. The proposed development will not substantially injure the value of adjoining property, or is a public necessity.
- D. The proposed development will be in harmony with the intensity, scale, and character of development existing or planned in the surrounding area.
- E. The proposed development will not cause undue traffic congestion or create a traffic hazard.
- F. The proposed development will not generate needs for transportation, water supply, sewage disposal, fire and police protection, and similar public services that cannot be adequately handled by available infrastructure and facilities.
- G. The proposed development will be consistent with the Comprehensive Plan.

Member Taylor seconded the motion, which was passed unanimously.

9. New Business

9.a. Major Site Plan for the Residences at Shiloh Crossing

Kari Grace, Planner II introduced the major site plan for the Residences at Shiloh Crossing, which are two of the lots that are part of the SUP. The applicant is proposing a 318-unit multi-family development on approximately 48 acres. It is located on Lower Shiloh Way and Shiloh Glenn Drive. The property is zoned Regional Activity Center. This is an administrative request, meaning that if all the conditions of the UDO are met the application must be approved.

The site is consistent with the Land Use Plan designation. There is no floodplain on the property. The parcels are located within the corporate limits. All site requirements for building height, setbacks and lot coverage will be compliant with the UDO. All parking as well as the tree preservation areas exceed the requirements.

The vehicle access would be by way of Lower Shiloh Way, which is a private street, and Shiloh Glenn Way, which is a public street. There will be a total of five full access driveways to the site. No improvements are required for the main access points. Sidewalks are proposed throughout the development. LED lighting will be used throughout the development on black, metal poles. The landscape plan includes a landscaped buffer adjacent to the utility and streetyard easements. There are no planned recreation parks in the vicinity of this site, therefore a payment in lieu of parkland in the amount of \$669,390 would be made. Private amenities, such as a clubhouse, pool, and dog park, would be provided in addition to the payment in lieu.

The building materials and elevation designs would be consistent with the current UDO requirements. If the SUP is not approved, the buildings would have to be redesigned to meet both the Unity of Design requirements and the UDO. However, she noted that the use is a permitted use and that the site plan complies with the Code.

A Transportation Impact Analysis (TIA) was required due to the estimated number of vehicle trips to this site. Staff has recommended that the applicant make a payment in lieu for a potential traffic light at the intersection of Carrington Mill Boulevard and Slater Road.

Chairman Prichard questioned the status of Shiloh Way and El Paseo as being private streets. *Ms. Grace* confirmed that these streets would be private and were part of the original subdivision plan approved in 2006 with the SUP.

Member Langston questioned the location of the proposed traffic light. *Ms. Grace* confirmed that the light at Carrington Mill and Slater was as recommended during the transportation review.

Member Botha was concerned with noise abatement near 540 due to its location to the site. *Ms. Grace* explained that there would be a streetyard buffer along the property line which along with the setback should provide some noise mitigation. *Member Botha* also asked about how the traffic light at Carrington Mill and Slater Road would help traffic at this site. *Ms. Grace* described that the route would go over 540.

Kevin Dean, Transportation Engineer with Kimley-Horn, stated that a traffic signal was not required at Slater and Shiloh Glen to maintain acceptable levels of service. The counts at Carrington Mill and Slater do justify the signal when taking into consideration this development

and other developments in the area. The payment in lieu would be in an amount equal to the proportional impact from this development. The majority of the traffic will use NC 54.

Member Botha wanted to know how the residents would enter the site. Shiloh Glen Way is a full movement signalized intersection. Finley Avenue will be a right-in right-out driveway.

MOTION: *Member Langston* made a motion to recommend approval of Resolution 2018-28-0 for the major site plan for the Residences at Shiloh with conditions 1 through 5 recommended by staff. The motion was seconded by *Member Taylor*, which was approved unanimously.

Chairman Prichard stated that Marty Saunders, Secretary to the Board, would now swear in the *Members Langston* and *Taylor* as members of the Planning and Zoning Board.

7.b. 2018 Vice Chair Appointment Recommendations move to end of agenda.

Director Tanner facilitated the process of electing the 2018 Vice-Chair to forward to the Town Council for approval.

Member Botha was recommended for the position of Vice-Chairman by a vote of 4-0.

10. Staff Comments

Director Tanner first updated the Board on the Holiday Yard of the Season. There were no nominations despite the social media outreach efforts.

The consensus of the PZB was to put this “community event” on hold.

Director Tanner then reviewed the December 2017 Planning Newsletter.

In December, BAPS submitted their building expansion for Phase 3 and TownPlace Suites by the Marriot submitted a site plan combo.

A concealed attached cell antennae was approved by staff.

11. Planning and Zoning Board Comments

Chairman Prichard informed the Board that the Town Council appointed *Members Langston* and *Taylor* as permanent members. They deferred appointing the alternate members until the next meeting. Town Council does not appointment the ETJ member, Wake County does.

The *Chairman* also mentioned that there was discussion at the Town Council meeting regarding payment in lieu vs. dedicating land in subdivisions. This came up during discussion about the Hampton Place Townes. The developer is now planning to add playground equipment to their plan. In the past, the PZB agreed with having the open space instead of money.

12. Upcoming Term Expirations

None

13. Upcoming Events

None

14. Adjournment

Member Taylor made a motion to adjourn the meeting. Member Botha seconded the motion, which was approved unanimously.

The meeting adjourned at 9:35 pm.

Peter Prichard,
Planning and Zoning Board Chair

Marty Saunders,
Secretary to the Board

Date

Date