

Town of Dallas Planning Board Meeting

Agenda

Thursday, September 17, 2020

To be held at the Fire Station Community Room at 6:30 pm

The Following agenda is proposed:

1. Call to Order
2. Roll Call of Members Present; Declaring a quorum as present
3. Invocation or moment of Silence
4. Pledge of Allegiance to the Flag
5. Announcements/Introductions
6. Approval of Agenda with Additions or Deletions
7. Approval of Minutes - July 16, 2020
8. Old Business
 - a. Petition for Conditional Zoning: TrueHomes, Parcel ID# 301158, 216368, 131854 from R-6 to CZ R-6 (Cluster Development Overlay)
9. Other Business
10. Adjournment

Minutes
Town of Dallas
Planning Board
Meeting of July 16, 2020

The meeting was called to order at 6:30 PM by Chairman Curtis Wilson

The Following Members were present: Curtis Wilson – Chairman, Glenn Bratton – Co-Chair, John O'Daly, Tim Farris, Reid Simms, Gene Brown, Alternate Tiffany Faro, and Alternate Thomas Wilson

Members Absent: None

Also Present: Nolan Groce – Development Services Director, Johnny Denton – Town Engineer, Shaun Gasparini – True Homes, Rob Reddick – McAdams

There was an invocation led by Chairman Curtis Wilson followed by the Pledge of Allegiance.

Approval of Agenda: A motion by Tim Farris was made and seconded by Glenn Bratton to approve the agenda for this meeting. The motion was adopted unanimously.

Approval of Minutes: A motion was made by Tim Farris and seconded by John O'Daly to approve the minutes for the February 2020 meeting. The motion was adopted unanimously.

New Business:

- 1) Petition for Conditional Zoning: TrueHomes, Parcel ID # 301158, 216368, 131854, from R-6 to CZ R-6 (Cluster Development Overlay)

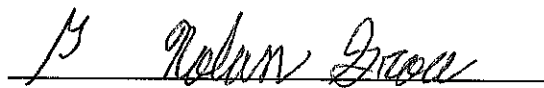
Staff presented the Conditional Zoning request from TrueHomes. Shaun Gasparini gave a presentation on the proposed 87-home development. In the presentation, he described project location, site features, proposed lot sizes, tree save, open space, amenities, and conditions of the project. From this presentation, Board members questioned the proposal and had open dialogue about the project. After discussion and additional conditions were agreed to, it was requested that staff follow up on comments and conditions from the meeting and work with the developer to produce a more thoroughly updated conditional zoning site plan. From this site plan, the Board would make its recommendation at the next meeting.

Other Business and Adjournment:

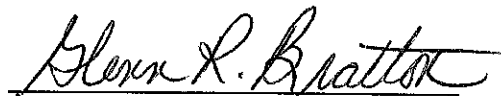
John O'Daly made a motion to continue discussion at the next Board meeting. This was seconded by Glenn Bratton and approved by all.

Having no other business, a motion to adjourn was made Gene Brown which was seconded by Tim Farris and approved by all

Respectfully Submitted,

Handwritten signature of Nolan Groce in cursive script, written over a horizontal line.

Nolan Groce, Development Services Director

Handwritten signature of Glenn R. Bratton in cursive script, written over a horizontal line.

Glenn Bratton, Co-Chairman

Requested Info and Updates from 7/16 meeting

Sent 7/22

The Items below are the updated proposed conditions for the RZ Plan. If you have any questions feel free to email or call me.

I have reached out to County officials and they do not foresee any issues moving forward with the rezoning pending annexation of the portion on Parcel #216638 since it is such a small area.

Conditions

- Street A to be widened and developed to typical collector road requirements
- Street B, until turn to Street C, shall be developed at typical collector road requirements
- Street A shall have a temporary offset cul-de-sac with ROW
- Approximate 24 acres of open space shall be responsibility of the HOA except for dedicated easements and ROW's
- Pergola (20' x 16' was proposed) with Seating
- Greenway Easement and path to creek
- 30 foot "Storm drain, Utility, and Trail" easement along creek (Parcel #301158)
- Annex Portion of 216368 pending Conditional Zoning approval
- Exemptions being requested (only known: 25% lot reduction)
- **Voluntary:** Design regulation: proposed elements of shaker and brick/stone veneer (not just vinyl) – this must be voluntary

Board Requested Information

- Size, location and rendering of amenities (Pergola and Benches/seating)
- Types of trees, location, and caliper
- Provide detail on tree-save area (mentioned 11% during presentation)
- Location allowing on-street parking (where allowed)
- Reach out to NCDOT to determine driveway permitting/requirements
- Large physical copy of RZ Plan

Updates Shown on Plan

- Plant Schedule: 71 Shumard Red Oak – 66 Allee Lacebark Elm
- Internal sidewalks minimum 5'
- The approximate 24 acres of open space shall be the responsibility of the HOA except for dedicated easements and ROW's
- Temporary cul-de-sac with ROW on eastern stub side (offset cul-de-sac)
- 20' greenway easement dedicated to Town for future greenway connection
- 30' greenway easement dedicated to Town for future greenway (in floodplain)
- 60' ROW (collector street) for road A, road B up to road C turn
- 20' x 16' pergola with landscaping (example rendering shown)
- Tot Lot playground (example rendering shown) – Style & Color determined during construction
- Front elevations shall include either a mix of materials to include brick or stone, or board and batten style, or shake style siding (voluntary on behalf of developer)
- Payment in Lieu: petitioner agrees to a fee payable to the Town upon construction drawing approval in the sum of \$63,236.75 in lieu of open space/trails. – However, all tree save and improvements, including the internal sidewalks, pergola, tot lot, and greenway easement, as illustrated on the rezoning plan shall still be constructed and/or dedicated by the petitioner.

ngroce@dallasnc.net

From: Shaun Gasparini <sgasparini@truehomesusa.com>
Sent: Monday, August 17, 2020 10:35 AM
To: ngroce@dallasnc.net
Cc: 'Reddick, Rob'
Subject: RE: Dallas

Nolan,

Please accept this email as our written notice of intent to annex. Looking forward to Thursday's meeting.

Shaun

Shaun Gasparini
Market Partner – Land Development

True Homes
M: 704-779-4126



From: ngroce@dallasnc.net <ngroce@dallasnc.net>
Sent: Monday, August 10, 2020 12:58 PM
To: Shaun Gasparini <sgasparini@truehomesusa.com>
Cc: 'Reddick, Rob' <reddick@mcadamsco.com>
Subject: RE: Dallas

Good Afternoon,

Below is the process for annexation into the Town. I've included a pdf of the petition as well. I reached out to the County after our last meeting to inquire about this. I was told since it is such a small sliver, it should be fine to continue with the conditional zoning process, but that a letter or notice of intent to annex would cover any questions about it not being in the Town.

Process for Voluntary Annexation into the Town of Dallas:

1. Applicant completes and submits the Petition for Annexation along with all accompanying documents.
2. Town Staff review the petition and report back with a Certificate of Sufficiency.
3. A Public hearing is scheduled, advertised, and held at a monthly Board of Alderman meeting.
4. Board of Alderman make a determination on annexation.

Alternative option to explore: Payment in Lieu

This option is worth looking into given the topographical challenges of the property.

The Conditional District ordinance allows for payment in lieu of open space dedication. Per the Ordinance, when open space is impractical due to topographic conditions, the Board may accept a fee paid in lieu of dedication.

Cluster Development Overlay provides a lot size exemption of 75% of the minimum lot size for the zone the cluster development is to be utilized. An amount of land at a minimum equal to the amount of reduction in lot size shall be placed as open space. Twenty percent of the open space must have improvements.

Per the Cluster Development Ordinance:

25% lot size reduction X 43.96 acres = 10.99 Acres of open space (Minimum)

10.99 acres X 20% improvement requirement = 2.198 Acres of improvement (Minimum)

Per Conditional District

$(\text{Assessed Value of On-Site Property}) \times ((\text{Yearly Adjusted Inflation Rate}) (\# \text{ of Years since Last Revaluation}) + 1) = \text{Payment in Lieu of Open Space Dedication Fee}$

Formula for Payment in lieu fee:

Assessed Value Estimate = % of required open space X assessed value

Per GIS assessed Value

Parcel # 301158 \$89,690

Parcel # 216368 \$136,200

Parcel # 131854 \$21,370

$\$247,260 \times 25\% = \$61,815$ Assessed value

Yearly adjusted inflation rate = prevailing rates reported annually by reliable financial reporting medium

2019 annual rate 2.3%

of years since last re evaluation = 1 (last in 2019)

Given this formula the estimated money in Lieu

$\$61,815 \times ((.023 \times 1) + 1) = \$63,236.745$

§ 153.025 CLUSTER DEVELOPMENT OVERLAY DISTRICT.

A cluster development is a special use designed to allow for non-conventional developments, and mixed-use developments. The requirements for the cluster development are as follows.

- (A) Cluster developments are by conditional use permit only.
- (B) A cluster development may be developed in any residential, business or commercial zone in the town.
- (C) A minimum of five lots is required.
- (D) A lot size exemption of 75% of the minimum lot size for the zone the cluster development is to be utilized is allotted; all other requirements for that zone will apply.
- (E) Uses shall be limited to single- family detached dwellings, and related accessory uses, as described by the zoning district the development is in.
- (F) The maximum number of potential lots that may be created shall be computed by subtracting 20% of the gross area (an allowance for street right-of-ways) and by dividing the remainder by the minimum lot area requirements for the zoning district in which the development is located. This section shall apply regardless of the amount of land actually required for streets.
- (G) An amount of land at a minimum equal to the amount of reduction in lot size as determined by division (D) above shall be placed as open space within the development and each lot shall have direct access by right-of-way or easement to such open space. Such open spaces shall be held in nonprofit, corporate ownership by the owners of the lots within the development. In consideration of the purposes served by a cluster development, the title to such open space shall be preserved to the perpetual benefit of the private properties in the development and shall be restricted against private ownership for any other purposes. Twenty percent of the open space must have improvements. As an option, where the Board of Aldermen agrees, such open space may be dedicated to the town for public benefit.

(Ord. passed 8-14-2007)

§ 153.072 CONDITIONAL DISTRICTS; APPLICATION, PERMITTED USES AND DEVELOPMENT REQUIREMENTS.

(A) *Purpose.* The "parallel conditional" district (CD) approval process is established to address those situations when a particular use may be acceptable but the general zoning districts which would allow that use would not be acceptable. Such zones may be approved or changed only by the Planning Board or Board of Alderman in accordance with the regulations contained herein. The review process established herein provides for the accommodation of such uses by a reclassification of property into a "parallel conditional" district.

(1) Rezoning of property to any parallel conditional district is a voluntary procedure on the part of the property owner.

(2) Any use permitted under this process also must conform to the development regulations for the corresponding general zoning district.

(3) Unlike requests for rezoning to a general zoning district, applications for CD zoning may be filed only by the owner of the property in question or the owner's authorized agent

(4) Provisions for seeking conditional use approval without an associated request for CD zoning are contained in § 153.073 of this chapter.

(B) *Application process.*

(1) Petitioning for a CD zoning district is a voluntary procedure and can be initiated only by the owner(s) of the property(ies) in question or by his/her authorized agent. No CD zoning district may be established until an application has been submitted and the Board of Alderman has approved such application. The Administrator shall schedule a meeting with the applicant, prior to any public information meeting (PIM) being advertised and/or held to review the rezoning application.

(2) Furthermore, no application shall be considered complete unless it is accompanied by all items required by this section and a fee, in accordance with a fee schedule approved by the governing board for the submittal of an application for rezoning to a CD district. Said fee shall be waived for any application submitted by any official or agency acting on behalf of the Town of Dallas, Gaston County or the State of North Carolina.

(3) The Administrator may require the petitioner to submit more than one copy of the rezoning application in order to have enough copies available to circulate to other government agencies for review and comment. When dealing with the conditional zoning district process, it may be desirable to request additional information in order to evaluate a proposed use and its relationship to the surrounding area. Therefore, the Planning Board or Board of Alderman may request additional information as they deem necessary.

(C) *Public involvement meeting.*

(1) Before a public hearing may be held on a petition for a parallel conditional zoning district, the petitioner must file with the planning department a written report of at least one community meeting held by the petitioner. The community meeting shall be held prior to the public hearing before the Planning Board.

(2) Written notice of such a meeting shall be given to the property owners and organizations entitled to notice as provided by § 153.124.

(3) The report shall include among other things, a listing of those persons and organizations contacted about the meeting and the manner and date of contact, the date, time and location of the meeting, and a description of any changes to the rezoning petition made by petitioner as a result of the meeting. In the event the petitioner has not held at least one meeting pursuant to this subsection, the petitioner shall file a report documenting efforts that were made to arrange such a meeting and stating the reasons such a meeting was not held. The adequacy of a meeting held or report filed pursuant to this section shall be considered by the Planning Board and/or the Board of Alderman but shall not be subject to judicial review.

(D) *Submittal to Zoning Administrator.* Before any property is rezoned to a CD district, the application must be reviewed by the Planning Board, and a public hearing first must be held by the Board of Alderman. Upon submission of a completed application, the applicant will be informed of the dates of the meetings and public hearing. The Planning Board review shall be held first and shall take place no sooner than five weeks after the complete application has been submitted to the zoning administrator. Notification of the public hearings shall be made as provided by § 153.124.

(E) *Planning Board review.* Once the Planning Board public hearing has been concluded, the Planning Board shall have up to 45 days to render a recommendation on the parallel conditional rezoning. Any recommendation on a parallel conditional district rezoning shall be accompanied by a statement describing whether the action is consistent with an adopted comprehensive plan and any other officially adopted plan that is applicable and explaining why the Planning Board considers the action taken to be reasonable and in the public interest. Once a recommendation is received by the Planning Board, the Administrator will coordinate with the applicant to set a date for the public hearing to be held at a Board of Alderman meeting, to be followed by a decision.

(F) *Board of Alderman action.* Any public hearing held by the Board of Alderman pertaining to the zoning of a property to a CD district must be conducted within 60 days of the date of recommendation. The Board of Alderman may open and continue this hearing and take action at a later date. The Board of Alderman will be apprised of the Planning Board's previous actions on the matter at hand. Any decision on a parallel conditional district rezoning shall be accompanied by a statement describing whether the action is consistent with an adopted comprehensive plan and any other officially adopted plan that is applicable and explaining why the Board of Alderman considers the action taken to be reasonable and in the public interest.

(G) *Conditions to approval of petition.* The decision to rezone property to a CD district shall be legislative in nature. In approving a petition for the reclassification of a

piece of property to a CD district, the Board of Alderman may require that reasonable and appropriate conditions be attached to approval of the petition. Such conditions shall be limited to those that address the conformance of the development and use of the site to Town Ordinances and an officially adopted comprehensive or other plan and those that address the impacts reasonably expected to be generated by the development or use of the site. The petitioner will have a reasonable opportunity to consider and respond to any additional requirements prior to approval or denial by the governing board. In no instance shall any of these conditions be less restrictive than any requirements that would otherwise pertain to that particular development if it were located in a general or parallel conditional use zoning district. Such conditions may exceed any performance criteria or minimum requirements listed elsewhere in this chapter that pertain to that development. Statements that:

(1) Analyze whether the rezoning is consistent with an adopted comprehensive plan and any other officially adopted plan;

(2) Other matters that the town deems appropriate; and

(3) Why it considers the action taken to be reasonable and in the public interest shall be prepared and accompany each final decision relative to the CD rezoning request.

(H) *Payment in lieu of open space dedication.*

(1) If open space within a development is physically impractical due to unusual topographic conditions then the Board of Alderman may, at its discretion, accept either an equitable amount of land in another location, or a fee paid to the town in lieu of dedication, through conditional zoning.

(2) The following formula shall be used to determine the fee:

$\begin{aligned} & (\text{Assessed Value of On-Site Property}) \\ & \times ((\text{Yearly Adjusted Inflation Rate}) (\# \\ & \text{of Years since Last Revaluation}) + 1) \\ & = \text{Payment in Lieu of Open Space} \\ & \text{Dedication Fee} \end{aligned}$

(a) Assessed value of on-site property equals the value of the required amount of land to be dedicated as a percentage of the assessed valuation of the site prior to subdivision. (i.e. If the total acreage is 100 and the total assessed value equals \$500,000 and the required open space dedication is 15 acres, then the Assessed Value of the Open Space Dedication would be 15% of \$500,000 or \$75,000.

(b) Yearly adjusted inflation rate is based upon prevailing inflation rates as reported annually in the Wall Street Journal or other reliable financial reporting medium. (i.e. 3%)

(c) Number of years since last revaluation is the total number of years since the last revaluation was conducted by the taxing authority.

Example:

Assessed Valuation: \$75,000

Inflation Rate: 3%

Yrs Since Last Revaluation: 6

Cost of Off-Site Open Space= \$88,500

$(75,000) \times ((0.3 \times 6) + 1) = \$88,500$

(2) *Payments in lieu of dedication shall be approved as part of the schematic. Any disagreement in the amount of required payment shall be resolved by conducting a professional appraisal of the fair market value of the property. The professional appraiser shall be mutually agreed upon by the town or appointed by the town should an agreement not be reached. All payments made in lieu of dedication shall be made at the time of construction document approval. Failure to submit the required fee along with such applications will delay approval of such submissions until payment is rendered. All funds received for payment in lieu of dedication shall be used for the acquisition, development, or redevelopment of public open space within the same general area of the new development; within the town.*

(l) *Effect of approval; zoning map designation.* If a petition for a CD district is approved, the district that is established and all conditions which may have been attached to the approval are binding on the property as an amendment to the zoning map. Subsequent development on the property in question shall be in accordance to the standards for the approved CD district, the site plan, and any conditions attached to the approval. The applicant shall be responsible for all expenses involved in the dedication of rights-of-way when such dedication is a condition of the rezoning. Following the approval of the petition for a CD district, the subject property shall be identified on the Zoning Map by the appropriate district designation. If a use requiring a conditional use permit is included in the approval of the conditional district, and said conditional use was clearly indicated within the conditions and/or on the approved site plan, and meets all other applicable standards of this chapter, no additional hearing is required for the conditional use permit.

(J) *Binding effect.*

(1) The Administrator may approve minor changes in the detail of the approved application. A "minor change" to the approved conditional use permit shall be deemed to be a change which:

(a) Will not alter the basic relationship of the proposed development to adjacent property;

(b) Will not increase the gross floor area of any nonresidential use by the smaller of ten 10% or 10,000 square feet (Note: Such limitations shall be cumulative and shall be based on the gross floor area of the conditional use permit as originally approved);

(c) Will not decrease the off-street parking ratio below the minimum number of parking spaces required by this chapter or reduce the yards provided at the periphery of the site, by the lesser of ten feet or 10% of the current existing yard measurement;

(d) Will not increase the height of any structure to the extent that additional usable floor space could be added;

(e) Will not result in an increase in the number of dwelling units constructed;

(f) Will not alter the uses permitted.

(2) Further changes to the development may be made only by the Planning Board or Board of Alderman in accordance with this chapter.

(3) No certificate of occupancy for a use listed in a conditional district shall be issued for any building or land use on a piece of property unless the building is constructed or used, or the land is developed or used, in conformity with the conditions approved. In the event that only a segment of a proposed development has been approved, the certificate of occupancy shall be issued only for that portion of the development constructed or used as approved.

(K) *Change in CD Zoning.* Once a petition for rezoning to a CD district has been approved by the Board of Alderman, any request to materially change (i.e., any change other than a "minor change" as defined in Section 153.072(l)) the parallel conditional district shall be considered a new zoning change request. All procedures pertinent to new CD requests as outlined in this chapter shall be followed.

(L) *Petition resubmission.*

(1) If a request for CD zoning is denied, a similar application for the same property or any portion thereof shall not be filed until the expiration of a 12-month period from the date of denial. This waiting period shall not be applicable where the application for a conditional use permit is determined by the Administrator to be substantially different from (i.e., not similar to) the original application.

(2) Notwithstanding, the Administrator may allow resubmission of a similar application within said 12-month period if it determines that since the date of action on the prior petition:

(a) There has been a significant change in the zoning district classification of an adjacent piece of property; or

(b) The governing board has adopted a plan that changes public policy regarding how the property affected by the proposed conditional use should be developed; or

(c) Construction or expansion of a road, water line, sewer line, or other such facilities has occurred to serve the property and can accommodate comfortably the intensity of development allowed under the proposed classification; or

(4) There has been some other extraordinary change in conditions or circumstances, outside the control of the petitioner, which justifies waiver of the 12-

month restriction on a new petition; this, however, shall not include a change in the ownership of the subject property.

(L) *Petition withdrawal.* An applicant who has submitted a complete application for a CD rezoning may withdraw the application prior to a final decision being rendered.

(1) If a petition is withdrawn once a public hearing has been advertised (via paper, mail, or on-premises sign), a similar petition submitted by that property owner (or his agent) shall not be accepted by the Administrator within 180 days of the date of withdrawal. (Note: The purpose of this is to allow petitions to be withdrawn without penalty prior to the posting of any public hearing notices or submittal of such notice to the newspaper of general circulation.)

(2) If said petition is otherwise withdrawn within two business days of a public hearing where a final decision may have been otherwise rendered, a similar petition submitted by that property owner/or his agent shall not be accepted by the Administrator within one year of the date of withdrawal.

(M) *Appeals.* An appeal to the decision of the Board of Alderman shall be filed with the Clerk of Superior Court in the nature of certiorari in accordance with G.S. 160A-388(e) within 30 days after the Board of Alderman's decision. (Ord. passed 12-8-1985; Am. Ord. passed - -)



MCADAMS
 The McGraw-Hill Companies, Inc.
 300 North Zeeb Road
 Charlotte, NC 28262
 Phone: 704.527.0800
 Fax: 704.527.3259
 Internet: www.mcadams.com

CLIENT
 THE HOMES
 SHARON GASPARI
 3609 IRONWOOD CENTRE DRIVE
 WOODBRIDGE, NORTH CAROLINA 28150

**N. DAVIS STREET
 PRELIMINARY ENGINEERING
 DALLAS, NORTH CAROLINA, 28034**

REVISIONS

1. 05/23/2002 Add Notes to Plans
 2. 06/10/2002 Review Client Comments
 3. 06/10/2002 Revise Plans
 4. 06/10/2002 Finalize Plans

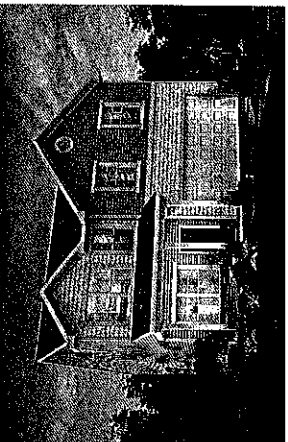
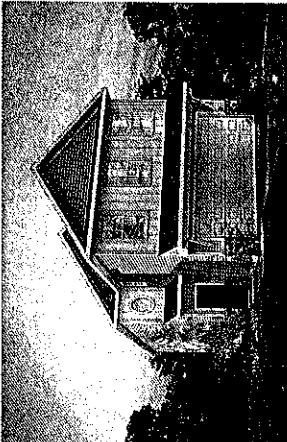
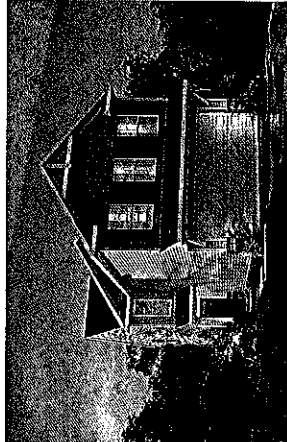
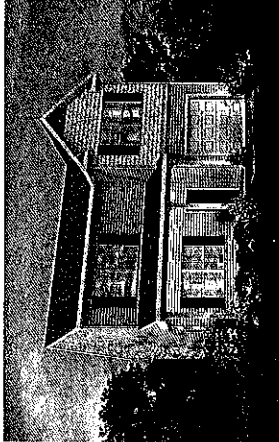
PLAN INFORMATION

PROJECT NO. TR02-5060
 FILENAME TR020802.SI
 CHECKED BY SAW
 DRAWN BY TUD
 SCALE 1"=100'
 DATE 05-27-2002

REWORKING NOTES

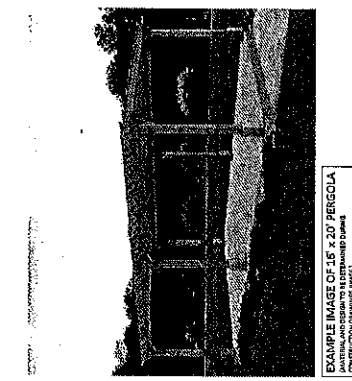
RZ-2

POTENTIAL ELEVATIONS

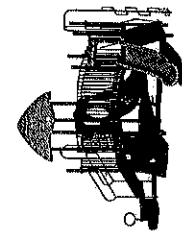
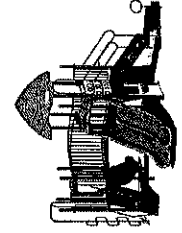


NOTE:
 FRONT ELEVATIONS SHALL INCLUDE EITHER A PAIR OF MATERIALS TO INCLUDE BRICK OR
 STONE, OR BRICK AND MATERIALS OF EQUAL QUALITY.

- If this Rezoning Plan is approved, all conditions applicable to development of the Site imposed under the Technical Data Sheet will, unless unrevoked in the manner provided under the provisions of this Ordinance, remain in full force and effect on the Site after the rezoning is implemented.
- The proposed development shall be in accordance with the minimum lot size, "open" and "closed" areas and other requirements of the R-4 Cluster Development Ordinance. The rezoning shall not be used to circumvent any of the provisions or the intent of the Ordinance.



EXAMPLE IMAGE OF 15' x 20' PERGOLA
 (SCHEDULED TO BE SUBMITTED TO THE PLANNING DEPARTMENT FOR REVIEW)



EXAMPLE IMAGES OF PLAYGROUND
 (SCHEDULED TO BE SUBMITTED TO THE PLANNING DEPARTMENT FOR REVIEW)

DEVELOPMENT STANDARDS

TWO HOMES

Site Development Data
 Acreage 1.456 Acres
 Tax Parcel# 21688, 13185A, and 301156
 Zoning District R-4
 Existing Zoning R-4
 Existing Use Vacant
 Proposed Use Up to 67 single-family dwellings (1.68 Dwelling units per acre)

1. General Location

This Development Standards form part of the Rezoning Plan document with the Rezoning Ordinance. It is intended to provide the minimum standards for development of the Site. The Ordinance is subject to amendment by the Planning Department, and the Rezoning Ordinance shall be amended to reflect any changes to these standards.

The rezoning of this Site shall be governed by the Rezoning Ordinance. The Rezoning Ordinance shall be amended to reflect any changes to these standards. The Rezoning Ordinance shall be amended to reflect any changes to these standards.

The development located on the Rezoning Plan is situated in an area zoned R-4. The development shall conform with the minimum standards for development of the Site.

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The development located on the Rezoning Plan shall conform with the minimum standards for development of the Site.

TOWN OF DALLAS
REZONING APPLICATION

Location of Property: Site is north of HWY 279, east + west of Dallas Stanley HWY, + south of Evans Lake Road

Lot Size: 43.96 AC Current Zone/ Use: R-6 / residential Parcel ID# Portion of 301158,
+ vacant 216368, + 131854

Name of Owner: Tammar, LLC c/o Karla Knotts - Land Matters
Address of Owner: 11510 North Community House Road, Charlotte, NC 28277
Owner Phone #: (704) 542-5486 Email: karlahk@knottsdevelopment.net

The undersigned hereby respectfully requests that the Dallas Planning Board, pursuant to the provisions of the Dallas Zoning Code, Article VII, and in compliance with NCGS 160A-387, recommend to the Dallas Board of Aldermen, a Zoning Classification change from
R-6 to CD-R-6 On the following described property:
Cluster Development Overlay

Site is north of HWY 279, east + west of Dallas Stanley HWY, + south of Evans Lake Road
FURTHER IDENTIFIED AS PARCEL ID # Portion of 301158,
216368, + 131854

I certify that all the information provided in this application is accurate to the best of my knowledge, information and belief.

AK
Signature of applicant

5/7/20
Date

Development Services Director

Date

Rezoning Application Fee can be found on the Town of Dallas' fee schedule.

Checks to be made payable to the Town of Dallas.



MCADAMS

COMMUNITY MEETING REPORT - N. DAVIS STREET REZONING

APPLICANT: SHAUN GASPARINI, TRUE HOMES
OWNER: TAMMBAR, LLC
LAND PLANNING/CIVIL: EDDIE MOORE, AICP, MCADAMS *EM*
PROPERTY: +- 43.96 ACRES (EAST + WEST OF DALLAS STANLEY HWY, NORTH OF E TRADE ST, + SOUTH OF EVENS LAKE RD)

This Community Meeting Report is being filed with the Town of Dallas Planning + Zoning Department and available for review.

PERSONS AND ORGANIZATIONS CONTACTED WITH DATES AND EXPLANATIONS OF HOW CONTACTED:

The required Community Meeting was held on Thursday, May 28, 2020. McAdams mailed a written notice of the date, time, and location of the Community Meeting to the individuals and organizations set out on **EXHIBIT A** by depositing the Community Meeting Notice in the U.S. mail on May 19, 2020. A copy of the written notice is attached as **EXHIBIT B**.

TIME AND LOCATION OF MEETING:

The Community Meeting required by the Ordinance was held on virtually, via Zoom, on Thursday, May 28, 2020 at 6:00 PM. Meeting started at 6:05 PM.

PERSONS IN ATTENDANCE AT MEETING:

A sign in sheet from the required Community Meeting was not created, but those residents that requested a RSVP to the Community Meeting is attached as **EXHIBIT C**. The Applicant along with Eddie Moore with McAdams conducted the meeting.

SUMMARY OF ISSUES DISCUSSED AT MEETING:

I. **Overview of Applicant 's Presentation.**

Introduction and Overview of Rezoning + Development Plan:

Eddie Moore, with McAdams opened the meeting and introduced the Applicant, Shaun Gasparini. Mr. Moore gave an overview of the rezoning process and upcoming meeting and hearing dates, site, area

zoning, and site constraints. He explained the proposed zoning district that has been requested and described the type of development intended.

The proposed CZ-R-6 Cluster Development Overlay rezoning plan will be conditional and all approved voluntary conditions run with property. The site is conditioned for up to 87 single-family dwellings. The plan proposes a maximum residential density of 1.9 dwelling units per acre. The base R-6 zoning district permits a minimum lot size of 6,000 square feet and the proposed lots are similar in size. The plan proposes 11.3% of the site as tree save and 56% of the site as designated open space. A 20 foot Greenway Easement will be dedicated to the Town and 10 foot path will be constructed by the Applicant as indicated on the plan. In addition, approximately 950 feet of sidewalk, along the west side of Dallas Stanley Highway right-of-way, will be constructed by the Applicant connecting to the proposed NCDOT improvements at the intersection of Dallas Stanley Highway and E Trade Street.

II. Summary of Questions/Comments and Responses:

Attendees made the following statements and asked the following questions and the development team provided responses to those questions:

1. How far is the nearest house to the creek? – *Lots 1-6 are approximately 430 to the creek to the north*
2. Will a sewer line be put in? – *Yes, both public water and sewer will be provided to the lots in the development.*
3. Will natural gas be put in and how far down Dallas-Stanley HWY? – *Not determined at this time and varies on the location of the end of the natural gas line and how far away from the site.*
4. There is a smaller creek that runs down the eastern side of the property. What will the distance be from lot 13/14 to that creek? – *The rear of Lots 13 and 14 are approximately 220' to this smaller creek located between the site and Hoffman property.*
5. Is it likely that the Town of Dallas will expand the city limits as a result of this project? – *Site is currently within the Town of Dallas.*
6. Will the property value of surrounding properties probably increase? – *Many factors are involved in raising surrounding property values. Based on proposed single-family development adjacent to existing single-family development, it is possible that property maintain their current value.*
7. Will this be inside City limits? – *Yes, the site is within the Town of Dallas.*
8. Want to purchase 2 more acres to add homes to? – *At this time, the Applicant is not interested in acquiring additional land for this development.*
9. Will you be sending us a copy of this map? – *The overall presentation was forwarded to those listed in EXHIBIT C on May 29, 2020. Those listed in EXHIBIT C requested a RSVP to attend the May 28, 2020 Community Meeting*

Mr. Moore thanked everyone in attendance and the meeting was adjourned at approximately 6:45 PM.

CHANGES MADE TO PETITION AS A RESULT OF THE MEETING:

There were no changes made to the plan due to meeting input.

HOFFMAN DEVRON LEE &
OTHERS

209 WILL RHYNE
RD DALLAS, NC
28034

LEGATUM PARTNERS
LLC PO BOX 11982
CHARLOTTE, NC 28220

CHRISTOPHER NOVEY DARWYN
JR
414 DALLAS STANLEY
HWY DALLAS, NC 28034

DAVIS BRUCE EARL
601 FORNEY AVE
LINCOLNTON, NC
28092

JENKINS BILLY +
THERESA PO BOX 115
DALLAS, NC 28034

WARREN RUTH +
TASHA
1010 BUD JENKINS
DR DALLAS, NC
28034

TOWN OF
DALLAS
210 N HOLLAND
ST DALLAS, NC
28034

NADINE (INTERIM
DEVELOPMENT SERVICES
DIRECTOR)
210 N
HOLLAND

HOFFMAN JOHN
C

205 WILL RHYNE
RD DALLAS, NC
28034

RUMFELT STEVEN E +
MOLLY H
422 DALLAS STANLEY
HWY DALLAS, NC 28034

KENNEDY MICHAEL +
DEBORAH
525 SUMMEROW
RD STANLEY, NC
28164

WALTERS JOHNNIE +
MICHELLE
510 N POPLAR
ST DALLAS, NC
28034

KIRKSEY DONALD
REID
308 N COLLEGE
ST DALLAS, NC
28034

WARREN DANNY +
RONDALE
1006 BUD JENKINS
DR DALLAS, NC
28034

CARPENTER J DEAN
3613 DALLAS CHERRYVILLE
HWY DALLAS, NC 28034

MOODY RANDALL B
419 DALLAS STANLEY
HWY DALLAS, NC 28034

WALKER NELLIE
ELIZABETH
422 DALLAS STANLEY
HWY DALLAS, NC 28034

MCABEE ARLENE VIRGINIA
504 N DAVIS ST
DALLAS, NC
28034

FLOWERS RONNIE F
511 N POPLAR
ST DALLAS, NC
28034

FALLS MICHELE +
JEREMY PO BOX 1235
DALLAS, NC 28034

JENKINS LARRY +
GLORIA C/O EDNA
JENKINS
150 MOUNTAINVIEW RD
BESSEMER CITY, NC
28016

MCGEE FRED S
JR PO BOX 595
DALLAS, NC 28034



MCADAMS

COMMUNITY MEETING NOTICE

TO: NEIGHBORING PROPERTY OWNERS

FROM: EDDIE MOORE, AICP – MCADAMS (LAND DEVELOPMENT FIRM FOR PROJECT)

RE: NOTICE OF COMMUNITY MEETING – REZONING OF +- 43.96 ACRES (EAST + WEST OF DALLAS STANLEY HWY, NORTH OF E TRADE ST, + SOUTH OF EVENS LAKE RD)

OWNERS: TAMMBAR, LLC

APPLICANT: TRUE HOMES

PARCEL IDs: PORTION OF 301158, 216368, + 131854

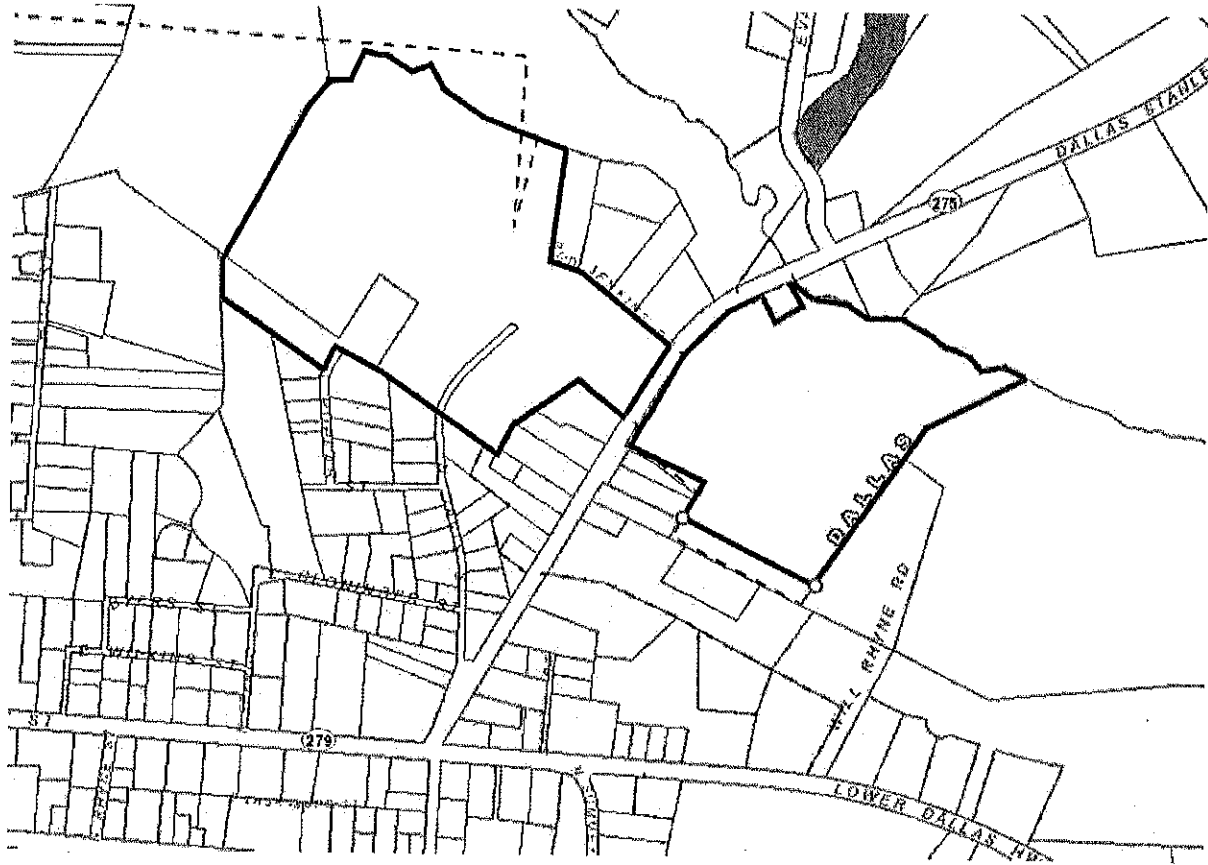
DATE: MAY 19, 2020

This letter serves as written notice and RSVP of a rezoning community meeting that will be held virtually on Thursday, May 28, 2020. The meeting is being held virtually to meet current COVID-19 restrictions.

If you are interested in attending this meeting please email me at emoore@mcadamsco.com and I will forward you a link to access the virtual meeting. The meeting will promptly begin at 6:00pm with a presentation of the proposed rezoning and ample time for questions and answers.

The owners of the property and applicant are requesting to rezone +- 43.96 acres from R-6 to CZ-R-6 Cluster Development Overlay for development of up to 87 single-family detached dwellings. +- 50% of the site will not be developed and remain as open space and/or tree save areas.

The back of this meeting notice provides the location of the proposed rezoning with area streets. Thank you for your time and I look forward to your response



The +- 43.96 acres outlined in red is proposed to be rezoned from R-6 to CZ-R-6 Cluster Development Overlay for development of up to 87 single-family detached dwellings.



MCADAMS

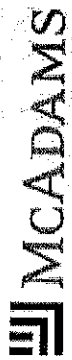
N. Davis St -

5/28 - Community Mktg List

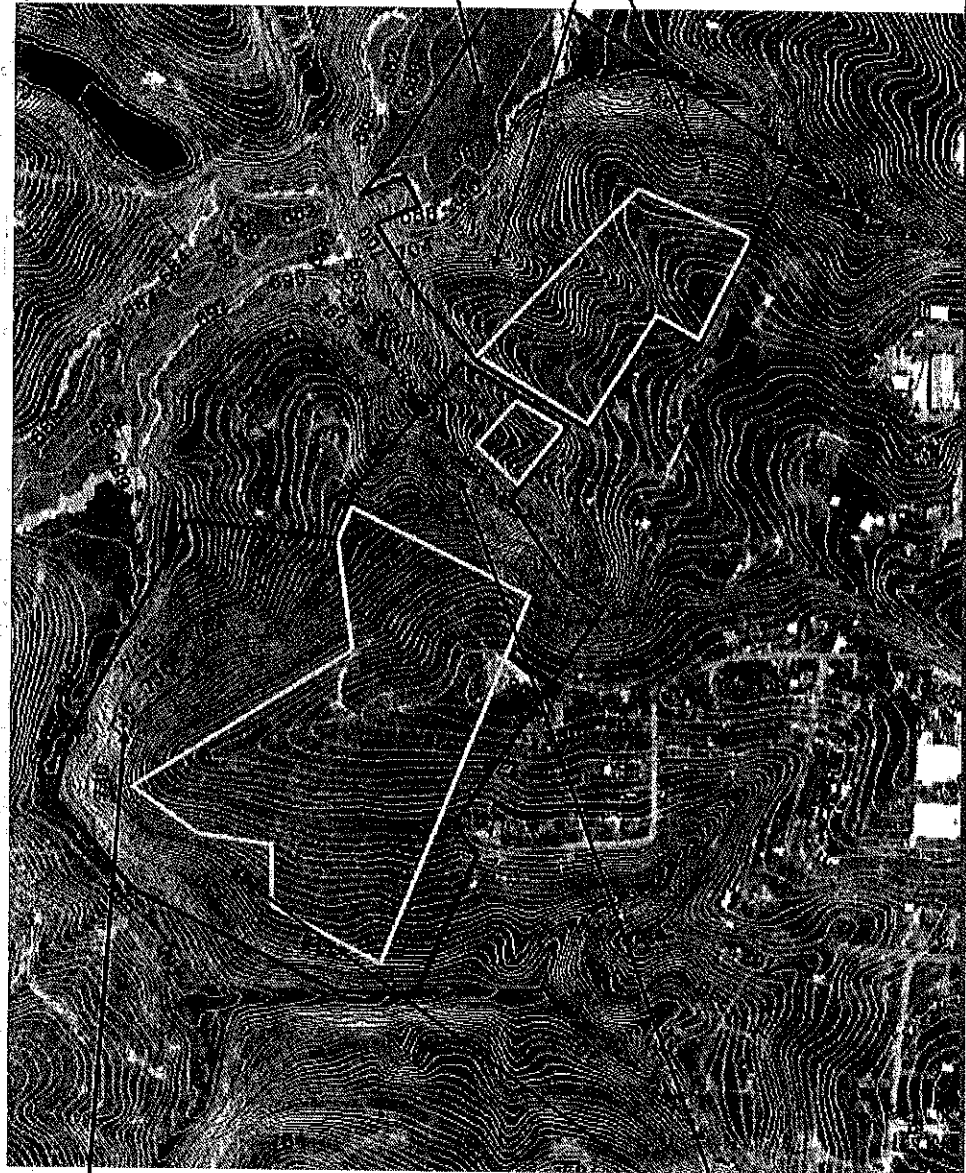
Presentatio

(Y)

- | | | | | |
|----|------|------------------------------------|---------------------------|---------------|
| 1 | 5/21 | Alene Mc Abree | alene mcabee@gmail.com | Sent 5/28 |
| 2 | 5/26 | Tasha Warren
1210 N. Jenkins Dr | tswarren62118@gmail.com | |
| 3 | 5/25 | Billy Jenkins | jenkinsbilly73@gmail.com | |
| 4 | 5/21 | Bruce Davis | brucedavis@gmail.com | SENT ADD INFO |
| 5 | 5/26 | Jeremy Falls | jfalls_chg@bellsouth.net | |
| 6 | 5/26 | Donald Kirksey | donaldkirksey50@yahoo.com | |
| 7 | 5/27 | Marie Strampe | - Dallas Team Manager | |
| 8 | 5/27 | Nolan Groce | ngroce95@gmail.com | |
| 9 | 5/28 | John Hallman | - easywebdesig@gmail.com | |
| 10 | 5/26 | Hanna Weston | hweston26@gmail.com | |
| 11 | 5/27 | Greg Parker | - portcity@gmail.com | |
| 12 | 5/28 | Mike McGee | - Mike@dextmetalworks.com | |



DEVELOPABLE AREA



STEEP SLOPES

FLOODPLAIN

STEEP SLOPES

STEEP SLOPES

Sample Consistency Statement

The proposed Conditional Zoning of Parcel ID# 216368, 131854, 301157 to CZ R-6, Cluster Development Overlay, is consistent with the 2003 Land Use Plan's map designation as new residential, therefore this Conditional Zoning is deemed reasonable and in the public's best interest as it supports an increased demand for housing in light of Dallas' current and anticipated growth and aligns with the 2003 Land Use Plan's recommendation for new residential to be clustered so as to preserve open space and heighten pedestrian accessibility.

Proposed Conditions of Development

Streets and Traffic:

1. Developer agrees to complete the Town's Traffic Impact Analysis (TIA) requirements before the public hearing before the Board of Alderman. The findings shall be presented to the Planning Board for information purposes only if community layout will remain the same. If the TIA recommendations result in changes to the proposed layout, an update will be provided to the Planning Board before the public hearing.
2. Street A and Street B to be developed to the Town's collector road requirements, until the intersection with Street C. The remaining portion of Street B and Street C shall be developed to the Town's local residential road requirements.
3. Street A shall be designed to include a temporary paved offset cul-de-sac and dedicated as right-of-way.
4. Street frontage along Dallas Stanley Highway shall be designed to meet the Town standards, including but not limited to the addition of sidewalk and street trees.
5. Developer to secure driveway permits for Streets A and B from NCDOT, and discuss what, if any, pedestrian crossing improvements may be needed to ensure residents on either side of the development have access to the community amenities as no separate amenity lot is being provided. Recommendations from NCDOT must be included on construction plans.

Easements:

6. Developer to dedicate the entire floodplain on the parcel to the Town of Dallas as an access and maintenance easement to allow for future trail development, pump station upgrades, and floodplain conservation area.
7. Developer agrees to maintain 20' easement on plans as shown, and reserve for a future private community trail connection once a trail is developed if desired by the HOA. Any trail or path installed in this location shall be the sole responsibility of the HOA for design, installation, and ongoing maintenance. This shall not be dedicated to the Town.

Open Space:

8. Developer agrees to install a 20' x16' pergola and tot lot as open space improvements toward the 20% improved open space requirement of cluster development overlay development.
9. Upon construction drawing approval, developer agrees to payment-in-lieu of trail construction per the formula provided in 153.072 (H)2: (Payment=\$63,236.75)
10. All open space, both improved and not improved, shall be maintained by the HOA, including but not limited to lighting, landscaping, signage, built features, easements, etc. No open spaces in the community shall be allowed to be subdivided or sold without written approval by the Town of Dallas.

Proposed Conditions of Development

11. Developer to show tree line on plans prior to public hearing to provide a clearer picture of the tree canopy included within the 24 acres of open space shown.

Community Design Standards:

12. Side setbacks and minimum lot sizes shall be consistent with the minimum requirements in the R-6 zone- 6' minimum side setbacks, and 6000 SF minimum lot size.
13. Lot widths may be reduced by up to 25% as part of cluster overlay development in order to promote a smaller overall development footprint and preserve additional open space. Lots must be 45' wide minimum- 47' wide or more is preferred.
14. Developer to provide at least 2 off-street parking spaces in addition to garage space on each residential lot.
15. Single family homes shall be designed to include shaker accents and brick or stone veneer on front facades similar to the elevations provided at the time of conditional approval. (voluntary-agreed to by developer)
16. Electrical lines to serve the development shall be buried under-ground. Developer agrees to coordinate with the Dallas Electrical Department as required.

Other:

17. Developer shall submit a petition for annexation within 90 days of conditional zoning approval for the portion of PID# 301158 currently within Gaston County's jurisdiction. Annexation shall be finalized prior to approval of construction documents.
18. Conditional approval of this development shall be good for 12 months from the date of approval.



N DAVIS STREET – PLANNING BOARD

TrueHomes

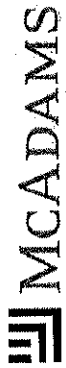
IT'S ALL ABOUT U

SHAUN GASPARINI
MARKET PARTNER – LAND
DEVELOPMENT



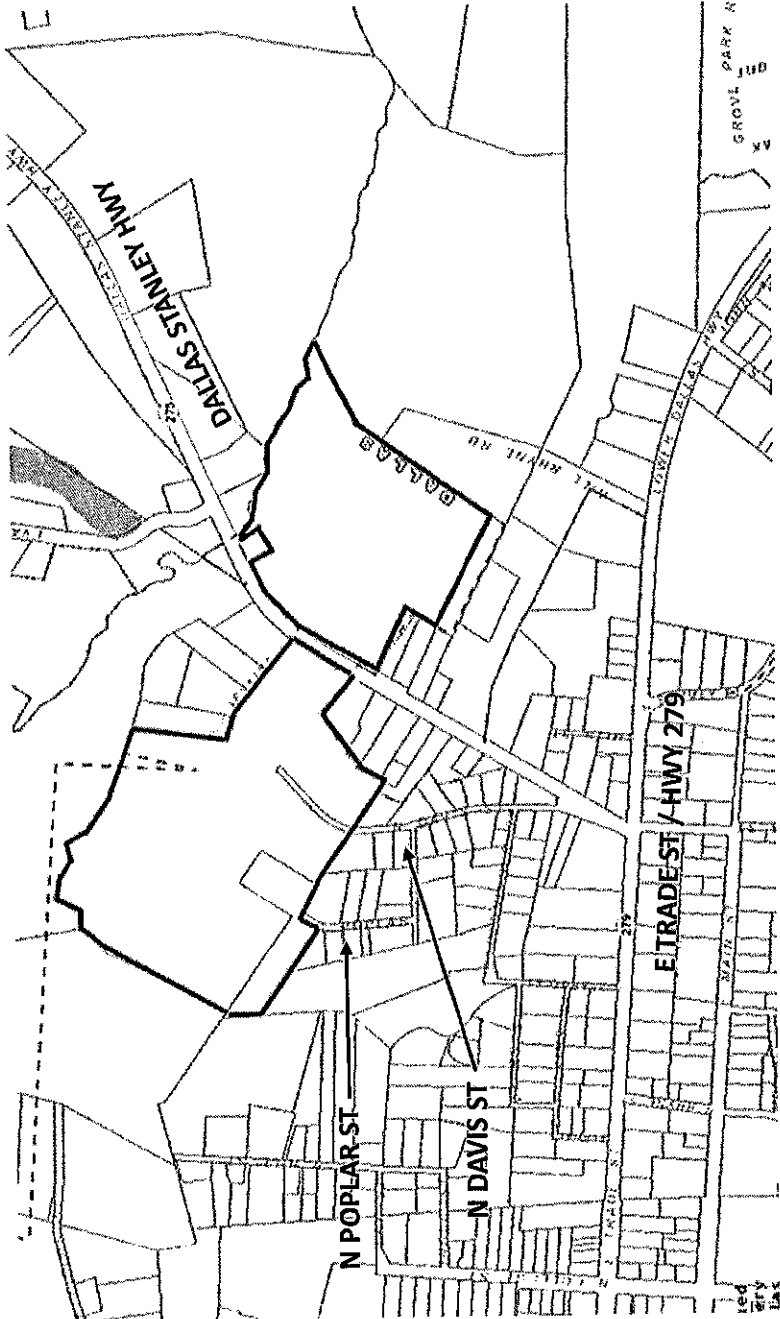
MCADAMS

ROB REDDICK, PE
DIRECTOR, CHARLOTTE REGION



PROPERTY LOCATION

- ✓ +-44 AC
- ✓ EAST + WEST OF DALLAS STANLEY HWY
- ✓ +-1/4 MILE - INTERSECTION OF HWY 279 & DALLAS STANLEY HWY





DEVELOPABLE AREA



STEEP SLOPES

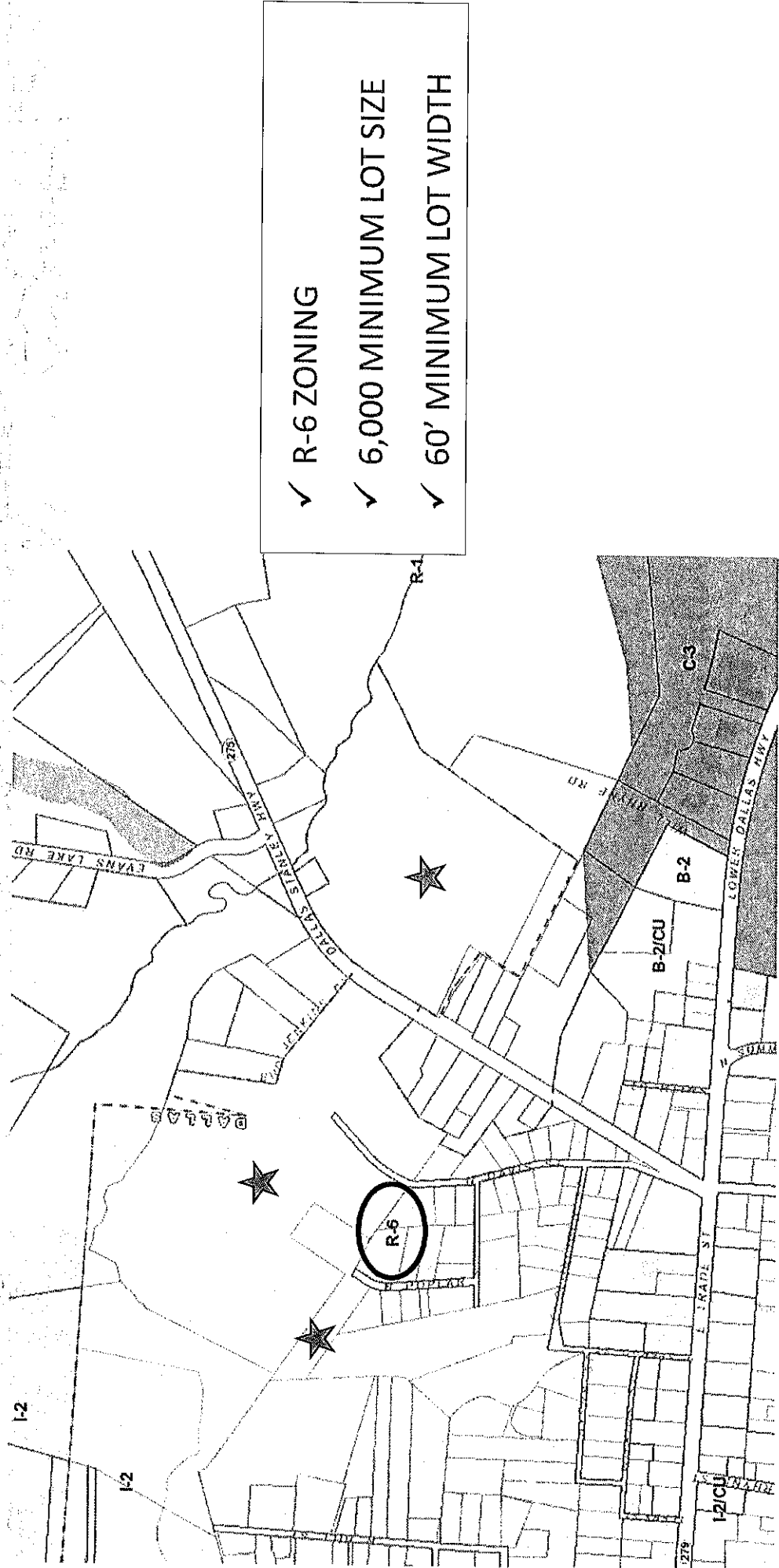
STEEP SLOPES

FLOODPLAIN

STEEP SLOPES



AREA REZONING





CONDITIONAL REZONING PROPOSAL

- ✓ CZ-R-6 CLUSTER DEVELOPMENT OVERLAY
- ✓ 87 SINGLE-FAMILY FOR-SALE HOMES
- ✓ 1.9 DWELLING UNITS PER ACRE
- ✓ LOT SIZE RANGE = 5,980 TO 13,054 SF
- ✓ LOT SIZE AVERAGE = +- 7,300 SF
- ✓ 11.3% OF SITE TREE SAVE
- ✓ 56% OF SITE OPEN SPACE

- ✓ MINIMUM LOT SIZE R-6 = 6,000 SQUARE FEET
- ✓ PER CZ-R-6 CDO – SITE COULD YIELD 255 LOTS
- ✓ 87 LOTS = 37% OF WHAT COULD BE APPROVED



PLAN IMPROVEMENTS SINCE FIRST PLANNING BOARD MEETING

- ✓ ADDED A TOT LOT TO THE PLAN AND PROVIDED A RENDERING
- ✓ PERGOLA DIMENSIONS SPECIFIED ON PLAN (16' x 20')
- ✓ INCLUDED A CONDITION AGREEING TO A FEE IN LIEU OF THE TRAIL/OPEN SPACE
 - ✓ BUT STILL PROVIDING 24.55-ACRES OF OPEN SPACE AND DEDICATING THE GREENWAY EASEMENT, AS SPECIFIED ON THE PLAN



McADAMS
Professional Engineers
10000 North Central Expressway, Suite 1000
Dallas, Texas 75243
Phone: 972.350.1000
Fax: 972.350.1001
www.mcadams.com

CLIENT:
City of Dallas
10000 North Central Expressway, Suite 1000
Dallas, Texas 75243

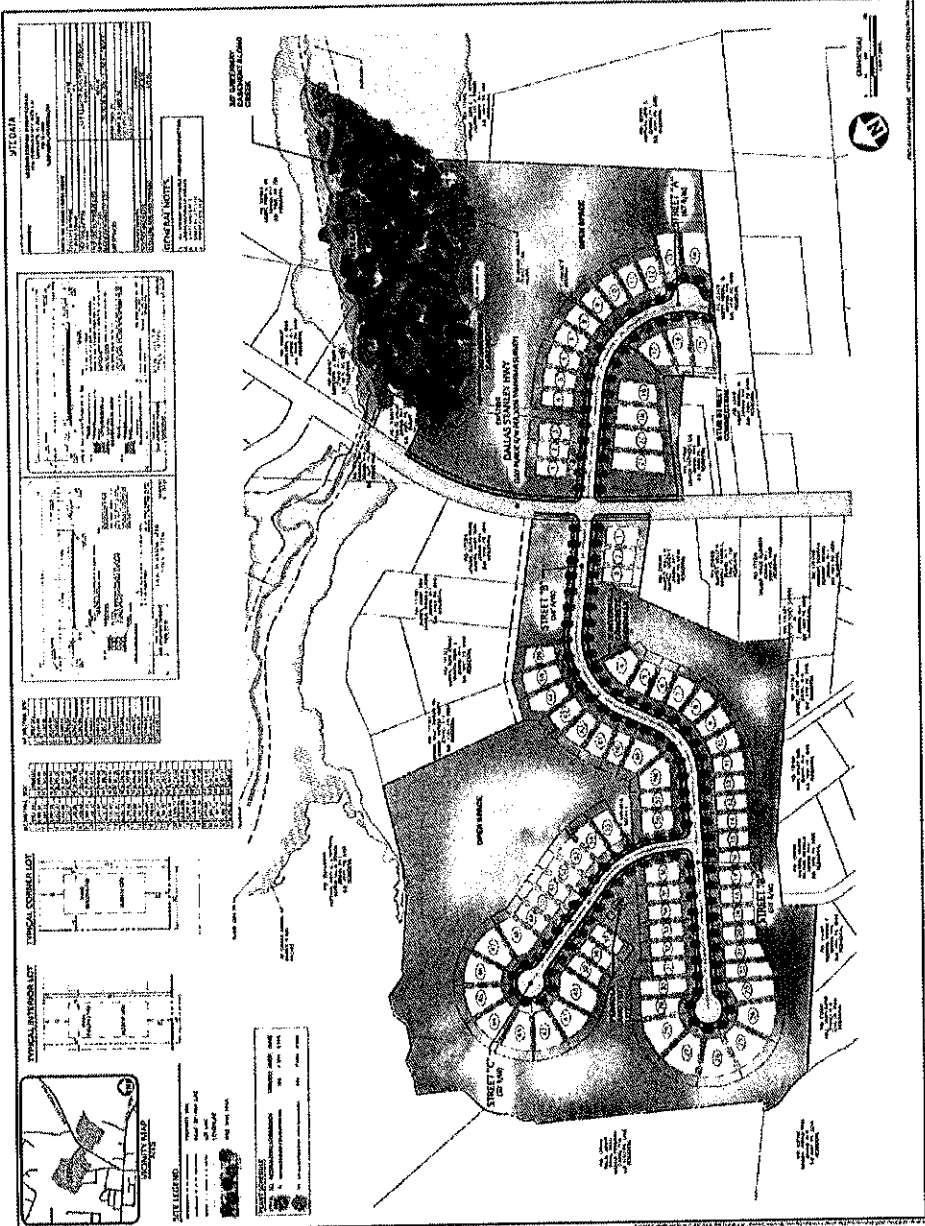
PROJECT:
City of Dallas
10000 North Central Expressway, Suite 1000
Dallas, Texas 75243

**N. DAVIS STREET
PRELIMINARY ENGINEERING
DALLAS, NORTH TEXAS 75204**

REVISIONS:
1. 11/11/09
2. 11/11/09
3. 11/11/09

MAN INFORMATION:
Project Manager: [Name]
Designer: [Name]
Checker: [Name]
Date: 11/11/09
Sheet: RZ-1 of 1

**RECORDING PLAN
RZ-1**



SITE DATA

Project Name	N. Davis Street
Client	City of Dallas
Address	10000 North Central Expressway, Suite 1000, Dallas, TX 75243
Project No.	10000 North Central Expressway, Suite 1000, Dallas, TX 75243
Sheet No.	RZ-1 of 1
Date	11/11/09
Scale	As Shown
Author	[Name]
Checker	[Name]
Project Manager	[Name]

GENERAL NOTES

1. All work shall conform to the City of Dallas Engineering Department specifications.
2. The proposed street and lot configurations are shown on this plan.
3. Utility lines are shown as indicated.
4. All lots shall be shown as indicated.
5. The proposed street shall be shown as indicated.

ADDITIONAL NOTES

1. The proposed street shall be shown as indicated.
2. The proposed lot configurations are shown on this plan.
3. Utility lines are shown as indicated.
4. All lots shall be shown as indicated.
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MCADAMS
 ENGINEERS & ARCHITECTS
 1500 GLENVIEW AVENUE
 SUITE 100
 DALLAS, TEXAS 75201
 TEL: (214) 734-0000
 FAX: (214) 734-0001
 WWW.MCADAMS.COM

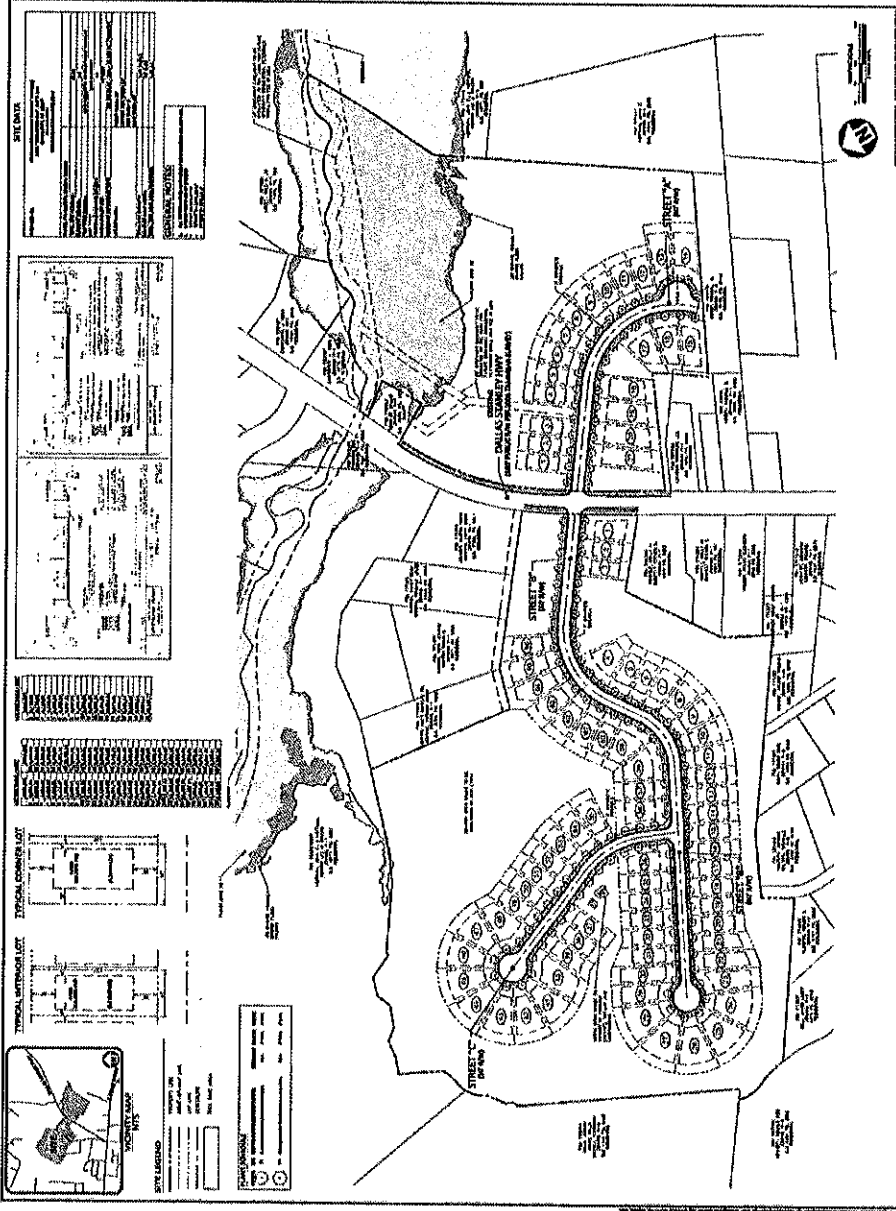
CLIENT
 [REDACTED]

**N. DAVIS STREET
 PRELIMINARY ENGINEERING
 DALLAS, NORTH CAROLINA, 28011**

PLANS INFORMATION
 PROJECT NO. [REDACTED]
 DRAWING NO. [REDACTED]
 SHEET NO. [REDACTED]
 DATE: [REDACTED]

REVISIONS PLAN
 [REDACTED]

RZ-1





MCADAMS
 ENGINEERS & ARCHITECTS, P.C.
 10000 Preston Road, Suite 1000
 Dallas, Texas 75242
 Phone: (214) 343-1000
 Fax: (214) 343-1001
 Website: www.mcadams.com

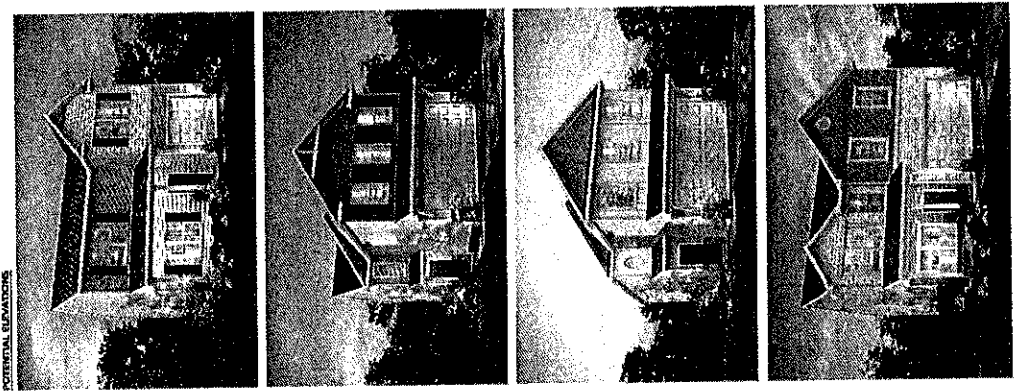
CLIENT:
 THE PROJECT:
 THE DEVELOPMENT OF A COMMUNITY CENTER
 10000 PRESTON ROAD, SUITE 1000
 DALLAS, TEXAS 75242

**N. DAVIS STREET
 PRELIMINARY ENGINEERING
 DALLAS, NORTH CAROLINA, 28004**

REVISIONS:
 1. DATE: 10/15/04
 2. BY: [Signature]
 3. DESCRIPTION: [Text]

PLANNING INFORMATION:
 PREPARED BY: [Name]
 CHECKED BY: [Name]
 DRAWN BY: [Name]
 SCALE: AS SHOWN
 SHEET: RZ-2

RECORDING NOTICE
RZ-2

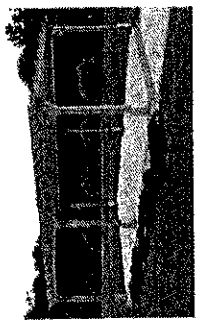


POTENTIAL ELEVATIONS

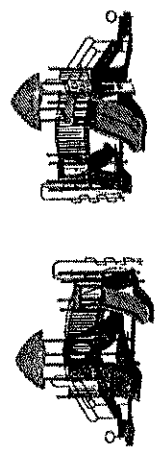
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2. [Text regarding site conditions and environmental factors]



EXAMPLE IMAGES OF PLANNING



EXAMPLE IMAGES OF PLAYGROUND

DEVELOPMENT PARAMETERS

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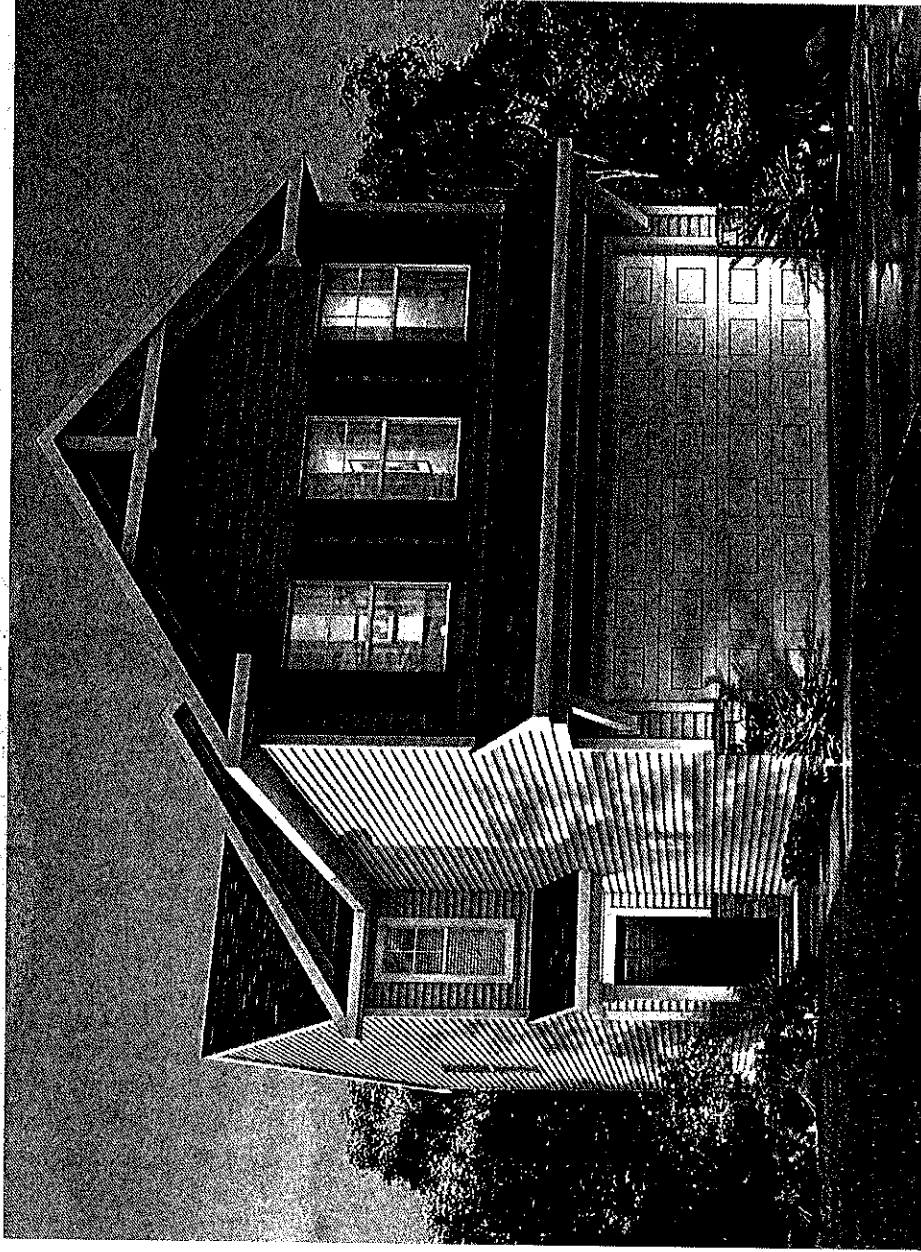
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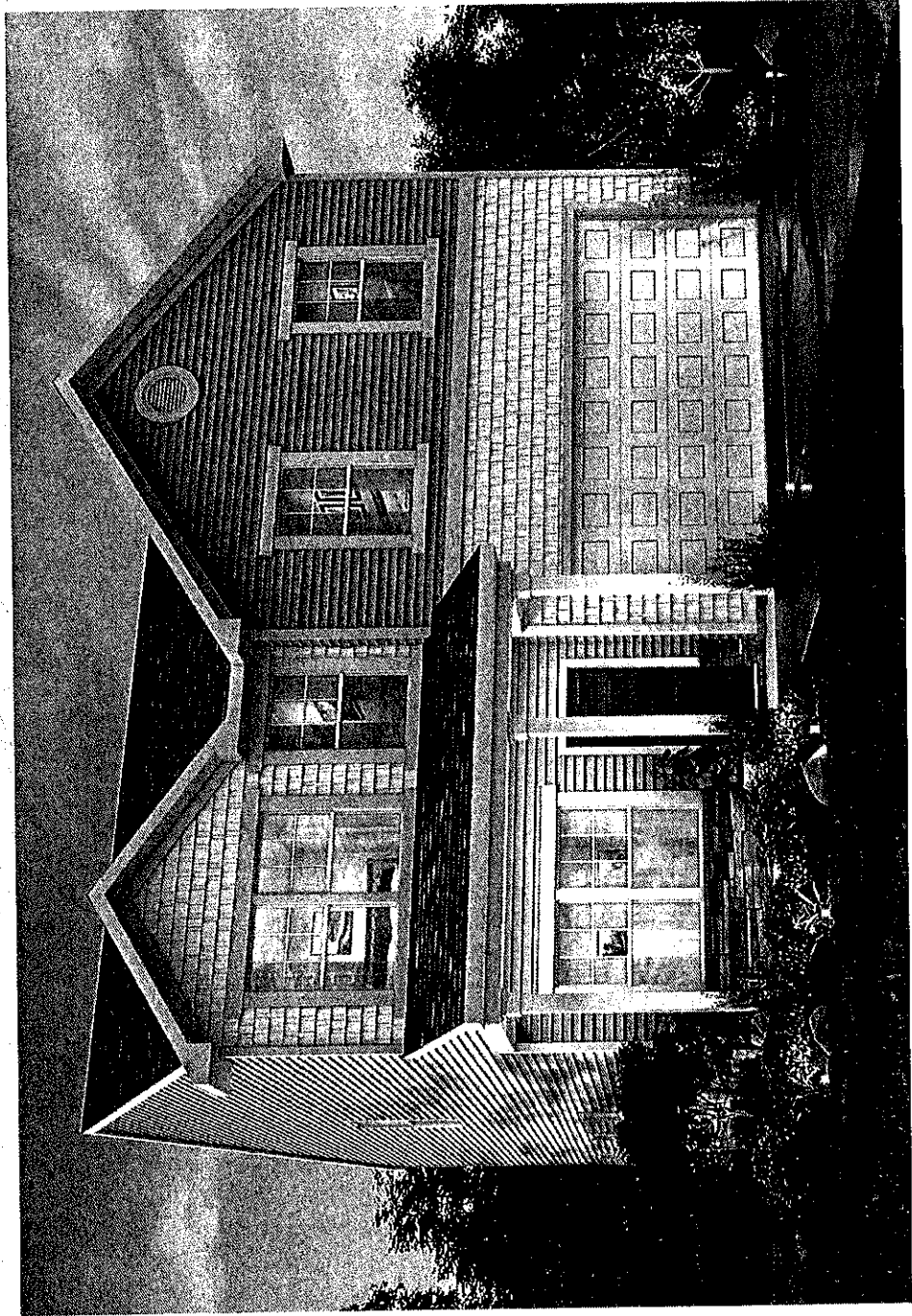
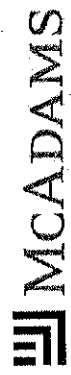
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- 20. [Text regarding site conditions and environmental factors]



SAMPLE RENDERINGS



SAMPLE RENDERINGS





MCADAMS
 ENGINEERING
 1000 S. DAVIS STREET
 SUITE 200
 DAVIS, NORTH CAROLINA 28838
 PHONE: 704.338.1111
 FAX: 704.338.1112
 WWW.MCADAMS-ENG.COM

CLIENT:
 [Name]
PROJECT:
 [Name]
DATE:
 [Date]

N. DAVIS STREET
 PRELIMINARY ENGINEERING
 DAVIS, NORTH CAROLINA, 28838

REVISIONS:

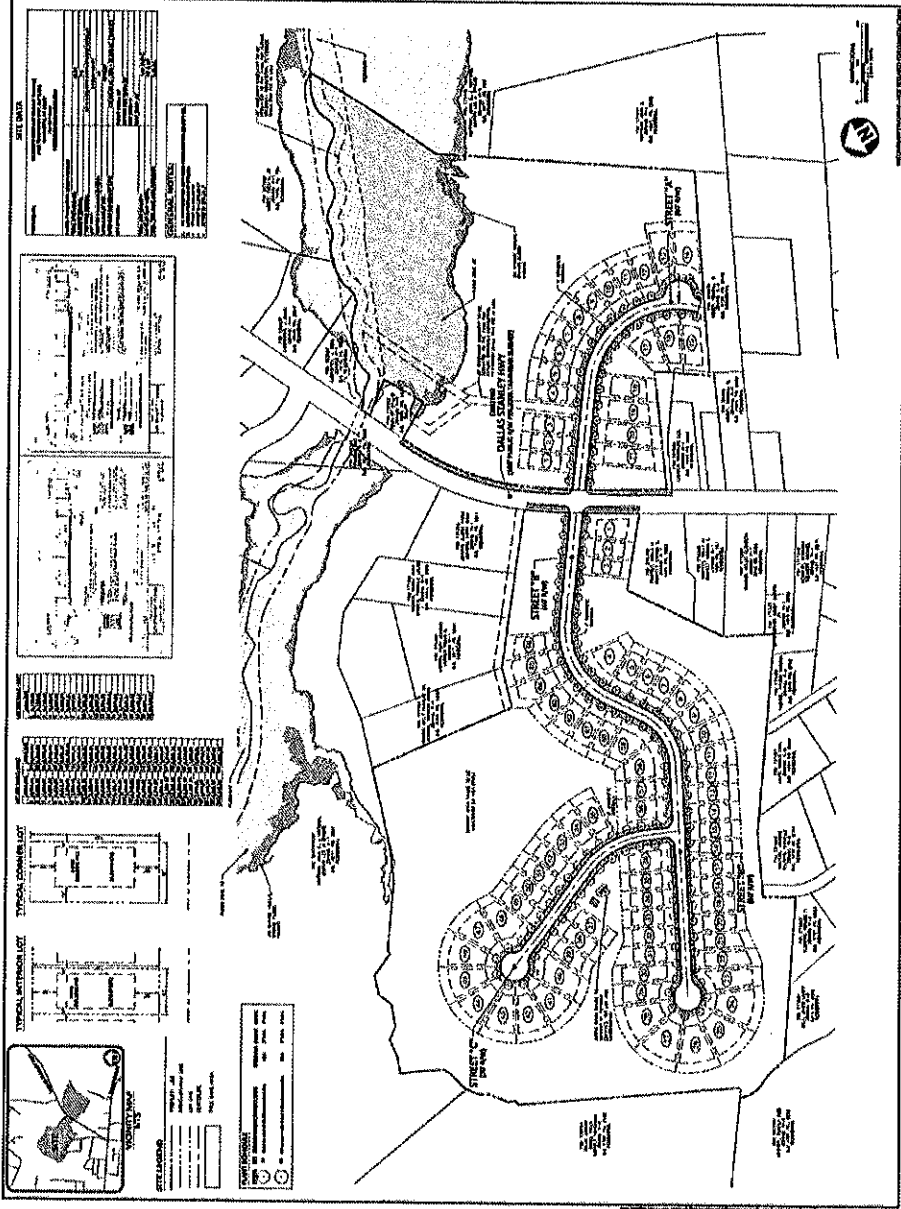
NO.	DESCRIPTION	DATE

PLAN INFORMATION:

DATE:	
SCALE:	
PROJECT NO.:	
DRAWING NO.:	
DESIGNER:	
CHECKER:	
DATE:	

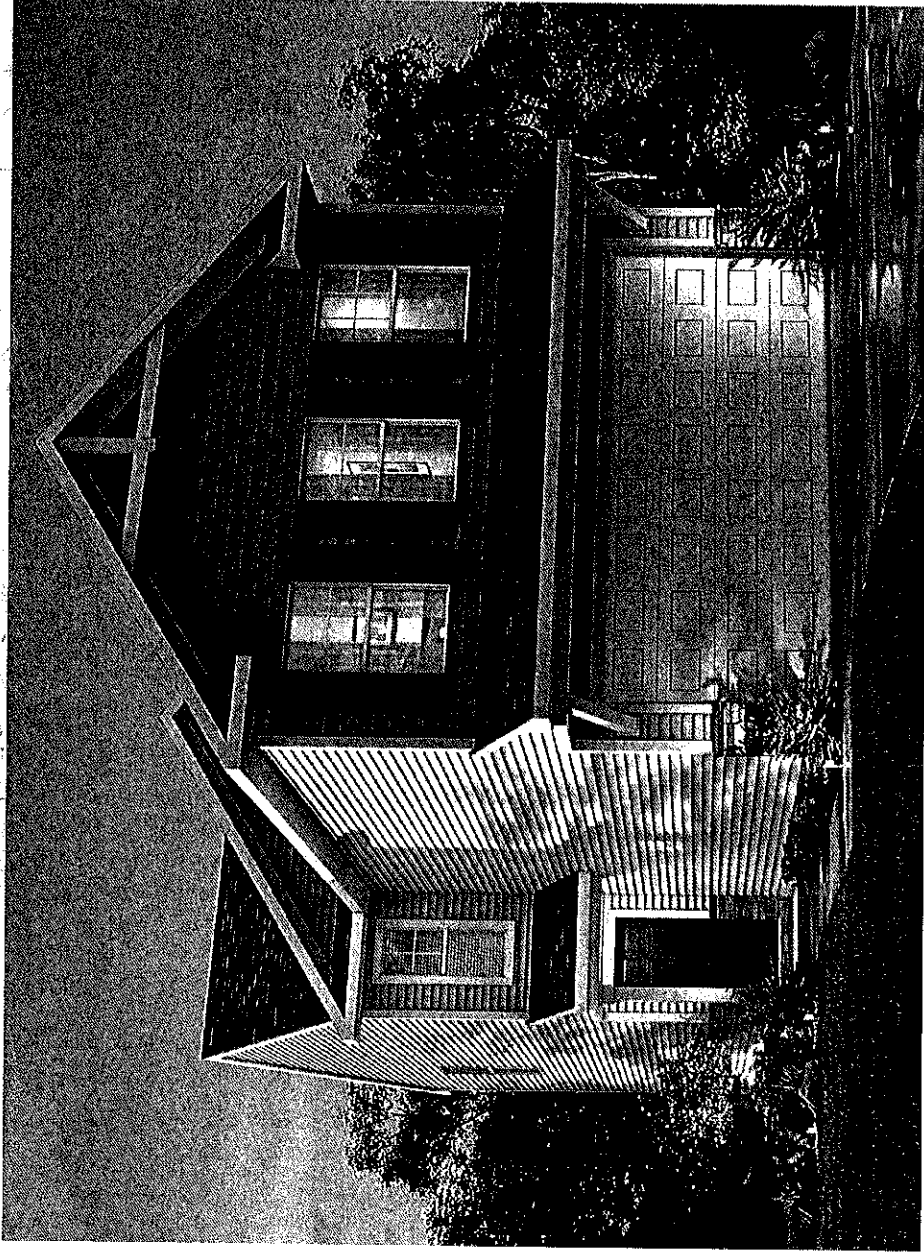
EXHIBIT PAGE:

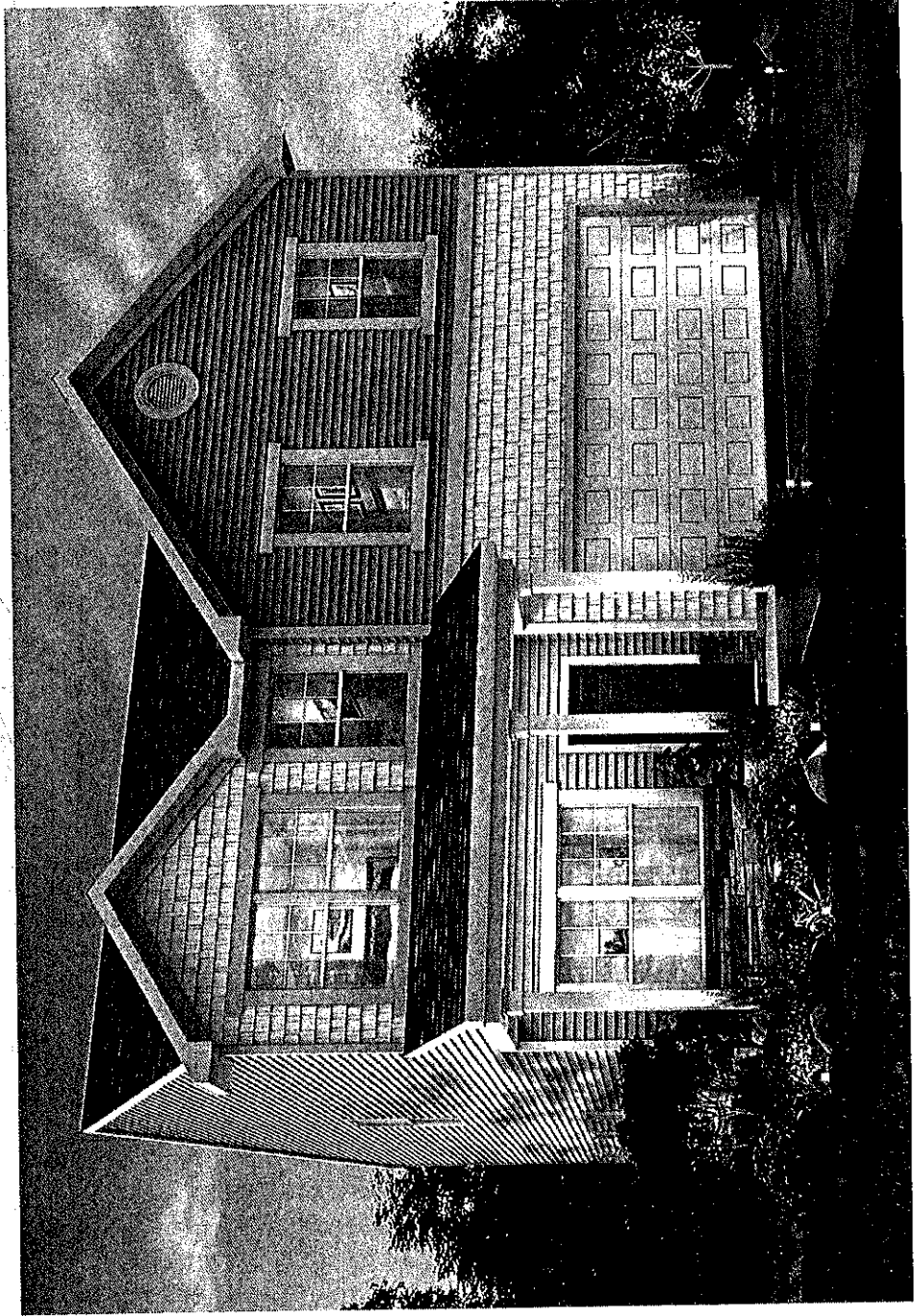
RZ-1





SAMPLE RENDERINGS





TOWN OF DALLAS TRAFFIC IMPACT ANALYSIS REQUIREMENTS

Transportation impacts, and how to mitigate them, are an important consideration for our community when a significant development is proposed. Public policy makers, citizens and developers all have a stake in understanding and responding to additional demands on the transportation system. A Transportation Impact Analysis (TIA) is a tool used to evaluate the incremental impacts on the surrounding transportation infrastructure and how to mitigate them to maintain safe traffic and transportation operations.

- 1) TIA Determination - The Town shall determine the need for a TIA upon receipt of any development application (by-right or rezoning) accompanied by a sketch or schematic plan. The development applications could include, but are not limited to, multi-family developments, single family developments, commercial developments, or annexation requests. If warranted, the transportation consultant hired by the developer and approved by the Town shall prepare the TIA. At the discretion of the North Carolina Department of Transportation (NCDOT) and the Town, a transportation technical memorandum, in lieu of a full TIA report, may be allowed for some developments. If proposed street connections are not consistent with adopted plans, then an explanation or proposed transportation mitigation alternative that is equal or better shall be discussed in the study. NCDOT and the Town will be responsible for determining whether the alternative mitigation plan meets and/or exceeds the performance standards of the proposed street connections in the adopted plans.

- 2) Minimum Thresholds for TIAs - A TIA will be required to accompany the development plan when expected gross trip generation is 1000 total trips or more both entering and exiting the site in a 24-hour period, and/or 100 total trips both entering and exiting the site during either the AM or PM peak hours. The gross trip generation will be calculated by the Town and NCDOT based on information (proposed project summary and development plan) provided by the applicant and the final determination for requiring the TIA will be made by the Town. The Town may also determine the need for a TIA or Transportation Technical Memorandum based on special circumstances associated with the development, even if the gross trips falls below this threshold. This may be due to location, an intersection or thoroughfare nearby that is at or above capacity, the nature of the use, or one of the following:
 - a) Traffic generated from a non-residential development that could potentially significantly impact adjacent residential neighborhoods.
 - b) Traffic operation issues for current and/or future years on nearby streets are expected to be significantly worsened by traffic generated from the proposed new development.
 - c) Major and minor thoroughfares near the site are experiencing significant/unacceptable delays.
 - d) Traffic safety issues exist at the intersection or street that would serve the proposed new development.
 - e) The proposed land use differs significantly from the adopted Comprehensive Land Use Plan for the Town.

- f) The internal street or access system is not anticipated to accommodate the expected traffic generation.
 - g) The proposed development project includes a drive-through facility, or other uses such as schools that require significant on-site circulation that may have an off-site impact to adjoining roads and/or intersections.
 - h) The amount, behavior and/or assignment of traffic is significantly different from a previously approved TIA, or more than 24 months have passed since completion of previous TIA.
- 3) Scoping Meeting – A mandatory scoping meeting is required prior to beginning the TIA to discuss the requirements and strategies for a TIA specific to the site and the proposed development. Background information shall be submitted by the applicant five or more business days prior to the scoping meeting and shall include a conceptual site plan showing proposed access points, proposed land use and densities, structure and parking envelopes. The Town, the applicant’s consultant, and the applicant(s) are required to attend the mandatory scoping meeting, and representatives from the NCDOT District office and Gaston-Cleveland-Lincoln Metropolitan Planning Organization (GCLMPO) will be invited and encouraged to attend as needed. The applicant may invite members of his/her development team as needed.
- 4) Scoping Document – A Scoping Document, documenting the understood scope and parameters of the TIA, shall be prepared by the transportation consultant. The Scoping Document shall be signed by the applicant, the Town, and the NCDOT District Engineer (if access to a state road is involved) before the consultant can begin work on the TIA. Failure by the applicant to provide accurate information or failure by the transportation consultant to follow the Scoping Document shall result in disapproval of the TIA. If significant changes are made to the parameters outlined in the Scoping Document, a revised Scoping Document will be required.
- 5) Fees – All fees associated with the development of the TIA shall be the sole responsibility of the applicant. This includes all fee from the consultant, review fees from the Town, review fees from NCDOT, or any fees related to permit or gathering of information. If in the process of the study, the Town request additional information outside the scope of the project, the Town may enter into an agreement with the consultant to provide that additional information at the Town cost.
- 6) Transportation Mitigation Agreement (TMA) – Upon completion of the TIA, certain on- or off-site transportation mitigation measures may be required as recommended by the TIA. If so, the transportation consultant shall prepare a Transportation Mitigation Agreement (TMA) which will summarize the following:
- a) Development plan
 - b) Phasing and timing of development (if applicable)
 - c) Site access and points of ingress/egress
 - d) On and off-site improvements required to adequately mitigate the project impacts to the Town’s transportation system, including vehicular, pedestrian, and bicycle improvements
 - e) Trigger points and deadlines for construction of any improvements

The TMA must be signed by the applicant, Town and NCDOT (if the mitigation involves a state roadway). All required mitigation measures must be implemented prior to final Certificate of Occupancy (CO) or prior to the issuance of the first Zoning Permit for residential developments. If the development program is planned to be phased, the TIA shall address the phasing of improvements for each phase of development and the applicant shall provide a financial guarantee as outlined in the Town's Land Development Code in the amount of 120% of all phased transportation improvements prior to issuance of the CO or Zoning Permit for the first phase. The cost estimate will be performed by the developer's consultant, reviewed and approved by the Town and submitted to the applicant to provide payment. The cost estimate will include costs for planning/design, permitting, construction and right-of-way. CO's may be issued prior to completion of the Mitigation as long as a development agreement is in place prior to beginning development.

- 7) TIA Outline and Contents – The outline and contents of what is required to be included in the TIA will be discussed at the scoping meeting and included in the Scoping Document. A detailed summary of the expected content and methodologies to be used in the TIA is discussed below.
 - a) Cover/Signature page – Includes the project name, location, name of the applicant, contact information for the applicant, and date of the study. The name, contact information, registration number, signature, and seal of a duly qualified and registered professional engineer in the State of North Carolina are also required to appear on this page.
 - b) Table of Contents – Includes a list of all section headings, figures, tables, and appendices included in the TIA report. Page numbers shall denote the location of all information, excluding appendices, in the TIA report.
 - c) Executive Summary – Includes a description of the study findings, a general description of the project scope, study horizon years, expected transportation impacts of the project, and mitigation measure recommendations. Technical publications, calculations, documentation, data reporting, and detailed design shall not be included in this section.
 - d) Project Description – Includes a detailed description of the development, including the size of the parcel, development size, existing and proposed uses for the site, anticipated completion dates (including phasing). It shall also include the square footage of each use and/or the number and size of dwelling units proposed, and a map and copy of the site plan provided by the applicant.
 - e) Site Description – Includes a description of the project location within the Town and region, existing zoning and use (and proposed use if applicable), and key physical characteristics of the site, including general terrain and environmentally sensitive or protected areas.
 - f) Site Access – A complete description of the ingress/egress of the site shall be explained and depicted. It shall include number of driveways, their locations,

distances between driveways and intersections, access control (full-movement, leftover, right-in/right-out, etc.) types of driveways (two-way, one-way, etc.), traffic controls, etc. Internal streets (lanes, flow, and queuing), parking lots, sidewalks, bicycle lanes, and designated loading/unloading areas shall also be described. Similar information for adjacent properties, including topographic grade relationship, shall be provided to evaluate opportunities for internal connections. The design, number, and location of access points to collector and arterial roadways immediately adjacent to the site must be fully analyzed. The number of access points shall be kept to a minimum and designed to be consistent with the type of roadway facility. Driveways serving the site from state roads shall be designed in accordance with the NCDOT's Policy on Street and Driveway Access and/or the Town standards, as applicable.

- g) Study Area – The limits of the study area shall be based on the location, size and extent of the proposed project, and an understanding of existing and future land uses and traffic conditions surrounding the site. The limits of the study area for the TIA shall be reviewed and approved by the Town and NCDOT staff at the mandatory scoping meeting. At a minimum, the study area shall include all streets and signalized intersections within a 1-mile radius of the proposed site and/or where site traffic estimated for build-out of the project will constitute 10% or more of any signalized intersection approach during the peak hour. During the scoping meeting, staff may reduce the radius due to conditions specific to the site based on request by applicant and supported with valid reasoning. Unsignalized intersections between the required signalized intersections will be added to the scope as directed by the Town. To initially determine the impacts, the developer's consultant shall develop a database of recent peak-hour intersection turning movement counts. The applicable intersection counts will be equated to current year baseline volumes. Based on the proposed development program submitted by the applicant, a preliminary trip generation analysis, distribution and assignment will be performed within the area surrounding the site and compared to the current year base volumes. Related impacts or current operational problems, may dictate that other intersections be included in the study area as determined by Town staff and/or NCDOT staff. A narrative describing the study area shall identify the location of the proposed project in relation to the existing transportation system and list the specific study intersections and/or segments. Any unique transportation plans or policies applicable to the area (e.g., bus service and future plans) shall be mentioned. A site location map shall be provided and shall identify natural features, major and minor roadways within the study area, study intersections, and a boundary of the site under consideration.
- h) Existing Conditions – Shall include a narrative and map that represents AM and PM peak-hour turning-movement volumes for all intersections within the study area. Traffic volumes shall represent 15-minute interval weekday turning-movement counts (Tuesday through Thursday), include heavy-vehicle, pedestrian and bicycle counts, no more than twelve months old and shall be collected during periods of the year when local schools are in session and during weeks that have no observed federal, state, or local holidays and periods. The required count timeframes are from 6:30-8:30AM and 2:00-7:00PM. The PM count timeframe is expected to cover peaking characteristics caused by shift changes for local industrial plants, local area school

dismissal times, as well as typical employment PM peaking characteristics; however, site-specific conditions may necessitate additional or different traffic counting hours and/or days depending on the development program and location within the Town. These unique circumstances will be determined and directed by the Town. The Town will determine if modified peak hours or weekend analyses shall be included in the TIA at the mandatory scoping meeting. For example, 12- or 16-hour turning movement counts shall be required to complete the analysis if a traffic signal warrant analysis is required as part of the TIA. The source of existing traffic volume information shall be explicitly stated (e.g., existing counts, new counts collected by the applicant, NCDOT counts, etc.). If previous counts were obtained, only counts collected within the one year of the scoping meeting will be deemed acceptable. Summary sheets for existing turning movement counts shall be included in the appendix of the TIA report. A separate narrative and map shall be prepared to describe the characteristics of surrounding major roadways, including functional classification, number of lanes, posted speed limit, existing average daily traffic volumes, typical cross section, intersection control, and lineal distance between major roadways. Field notes for the existing conditions investigation may be included in the appendix of the TIA report.

- i) Future Year Conditions – Unless otherwise approved by the Town, future year conditions for a single-phase development shall be analyzed for the year the development is expected to be at full occupancy (build-out year) and five years after the build-out year (build-out + 5). For multiple-phased developments, the scenarios shall be completed in order, with any improvements specified by development included in the subsequent build scenarios, including five years after the full build-out year (build-out + 5). Specific analysis periods to include in the study shall depend greatly upon the development program, proposed project phasing plan, and significant improvements programmed for the surrounding transportation system. The approved offsite developments and transportation projects to be included in the base future-year background conditions for the transportation system within the study area shall be determined during the scoping meeting. Transportation improvements assumed in the future-year background conditions analysis may include those with an expected completion date concurrent with that of the development and funded either by the Town, NCDOT, or indicated as a required condition of approval from another nearby development application. Only projects approved by the Town at the scoping meeting may be included in the analysis as future existing infrastructure. Those improvements committed by other projects must be clearly identified in the report as approved offsite development road improvements. Adjacent development traffic information used in the development of the future year background traffic volumes shall be included in the appendix of the TIA report. Unfunded, planned infrastructure projects may be mentioned in the TIA, but the description shall specifically identify that these projects are not included in the background condition. Future year background traffic volumes shall be forecasted using historical growth rate information, regional models, and/or TIA reports for development approved by the Town but not yet built. A narrative and map shall be prepared that presents turning movement volumes for each peak hour for all intersections identified within the study area. Future year base traffic volumes, other development volumes, and site traffic

volumes shall be clearly separated and combined in the map.

- j) Trip Generation – Base trip generation for the proposed land use(s) shall be calculated using data published in the latest version of the Institute of Transportation Engineers' (ITE) Trip Generation Manual. Data limitations, data age, choice of peak hour of adjacent street traffic, choice of independent variable, and choice of average rate versus equation shall be discussed at the mandatory scoping meeting. Local trip generation rates may be acceptable if appropriate validation is provided by the applicant to support them. Any deviation from ITE trip generation rates shall be discussed in the mandatory scoping meeting and documented in the Scoping Document if approved by the Town and NCDOT. The NCDOT Municipal School Transportation Assistance (MSTA) calculator shall be used to calculate projected trip generations for school sites.
- i) Internal Capture – Base trip generation may be reduced by rate of internal capture when two or more land uses are proposed using methodology recommended in the most current Trip Generation Handbook published by the ITE, or research published by the National Cooperative Highway Research Program (NCHRP) Transportation Research Board. Reductions for internal capture shall be applied to multi- or mixed-use sites only. The internal capture reduction shall be applied before pass-by trips are calculated.
- ii) Pass-by Trips – Pass-by trips are those made as intermediate trips between an origin and primary destination (i.e., home to work, home to shopping, etc.). However, pass-by trips are not diverted from another roadway. Base trip generation may be reduced by rate of pass-by capture using methodology recommended in the most current Trip Generation Handbook published by the ITE. Pass-by trips associated with the development program may not exceed 10% of the peak-hour volume reported for the adjacent public street network. This network shall include the streets that provide primary access to/from the site. For example, if a site access drive that connects to a low-volume local street, which its primary access is to a major collector road, the traffic on the major collector shall be used as the adjacent street for pass-by calculation purposes. Evaluation of diverted trips may apply depending on the specifics of each site. A trip generation table shall summarize all trip generation calculations for the project
- k) Trip Distribution – External trip distribution shall be determined on a project-by-project basis using one of several sources of information available to transportation and land planning professionals. Potential sources for determining project trip distribution may include the regional travel demand model, market analysis, existing traffic patterns, or professional judgment. At the Town's direction, multiple trip distributions may be required for differing land use types. Regardless of methodology, the procedures followed and logic for estimating trip distribution percentages must be well-documented in the TIA. Trip distribution percentages proposed for the surrounding transportation network shall be discussed during the scoping meeting and shall be approved by the Town and NCDOT before proceeding with the TIA. A map showing the percentage of site traffic on each street included in

the study area shall be included in the TIA.

- l) Trip Assignment – Project traffic shall be distributed to the surrounding transportation system based on the site’s trip generation estimates and trip distribution percentages. Future year build-out traffic forecasts (i.e., future year background traffic plus project traffic) shall be represented in graphic formats for AM and PM peak-hour conditions at all intersections included in the study area. If the project will be built in phases, traffic assignments shall be reported for each phase. Pass-by traffic shall be included at the driveways and access points for evaluating driveway volumes. Multiple assignment analyses may be required if the traffic control at the access drives varies (i.e., right-in/right-out vs. stop controlled vs. signalized).
- m) Operations Analysis – The TIA shall include multi-modal operations analyses including vehicular, pedestrian and bicycle, to allow for the safe and convenient travel for all modes. Level-of-Service (LOS) and delay is the primary measures of effectiveness for impacts to the transportation system, and is defined by the most current edition of the Highway Capacity Manual (HCM). Operations analyses shall be performed for the existing and all future year scenarios. Impacts from the proposed project shall be measured by comparing the future year background conditions to the future year build-out conditions. Requirements for mitigation are described here in.
 - i) Vehicular Capacity Analysis - Unless otherwise noted, Synchro LOS and delay shall be reported for all signalized intersections and approaches identified in the study area. Based on HCM, LOS for unsignalized intersections is not defined as a whole; instead, only the individual stop-controlled or yield approaches shall be reported based on the HCM reports determined through the Synchro analysis. Existing signalized intersections shall be modeled based on existing signal timing plans provided by either the Town or NCDOT. Existing signal timing plans shall be included in the appendix of the TIA report. If a traffic signal is part of a coordinated system it must be analyzed as such under all conditions. Other standard practices and default input values for evaluating signalized intersections shall be consistent with the most recent guidelines published by the NCDOT, Traffic Engineering and Safety Systems Branch, Congestion Management Unit (“Capacity Analysis Guidelines”). The Town may also require safety, traffic simulation, gap and/or other analyses appropriate for evaluating a development application. Additional analyses and/or traffic capacity or simulation tools (such as VISSIM or Transmodeler) required for the TIA shall be identified during the scoping meeting. All TIA reports submitted to the Town shall use Synchro, SimTraffic, VISSIM and/or Transmodeler analysis software for signalized and unsignalized intersections, or Sidra Software for roundabouts, consistent with policies released by the NCDOT. A narrative, table, and map shall be prepared that summarizes the methodology and measured conditions at the intersections reported in LOS (LOS A – F), the intersection and approach signal delay for signalized intersections, the approach delay for unsignalized intersections, and 95th percentile queue lengths for all movements. Capacity analysis worksheets and auxiliary turn-lane warrants for unsignalized intersections shall be included in the appendix of the TIA report.

ii) Pedestrian Operations Analysis - Unless otherwise noted, methodology provided in the latest edition of the Highway Capacity Manual shall be used to evaluate pedestrian LOS for the intersections identified in the study area. The current methodology is based on geometric data, demand data, and signal control data including, but not limited to:

- Number of lanes on the major street
- Crossing distance
- Traffic volumes
- Motorist yielding rates to pedestrians
- Cycle Length
- Walk Time
- Presence of pedestrian phase

iii) Bicycle Operations Analysis – The bicycle LOS at intersections identified in the study area shall be evaluated using locally accepted methodology. This current methodology assesses bicyclists' comfort based on geometric and traffic signal features including, but not limited to:

- Number of lanes crossed
- Presence of conflicting turning movements
- Presence of bike lanes

Under this methodology, intersection features are assigned points, where the LOS for each approach is calculated based on the accumulation of points for each geometric and traffic signal feature identified in the worksheet. Currently, this methodology does not take into account demand volumes; therefore, the bicycle LOS would not differ between AM and PM peak hours, and thus would not need to be reported for both under this methodology.

n) Queuing Analysis – 95th percentile and simulation analysis of future year queues shall be consistent with NCDOT's Traffic Engineering and Safety Systems Branch, Congestion Management Unit current practices and published Capacity Analysis Guidelines. Turn lanes and storage lengths for the major street (uncontrolled) approaches at unsignalized intersections shall be identified using volume thresholds published in the NCDOT's Policy on Street and Driveway Access to North Carolina Highways (see Warrant for Left- and Right-Turn Lanes Nomograph, pg. 80). Recommendations for left and right-turn lanes serving the site shall be designed to account for both the NCDOT warrants described above and to meet future year capacity needs identified through the capacity analyses. For projects that include drive-through facilities, pick-up/drop-off areas, or entrance gates, a queuing analysis may be required by the Town to ensure that vehicle stacking will not adversely impact the public transportation system. The queuing analysis must be performed using accepted transportation engineering procedures approved by the Town. If a TIA is required for a new school site, the internal circulation and ingress/egress of the site shall be modeled using a "dummy signal" in the Synchro software as prescribed by NCDOT Municipal School Transportation Assistance (MSTA) department.

- o) Crash Analysis – A summary of crash data (type, number, and severity) for the most recent 3-year period at each study location is required. Traffic Engineering Accident Analysis System reports will be provided by the Town and/or NCDOT and shall be included in the appendix of the TIA report. For locations with prevalent crash types and/or frequency, a discussion shall be included describing factors that may be contributing to the incidents. At a minimum, the proposed development features shall not contribute to factors potentially involved in the existing crash rates. If contributing factors are identified, recommendations to eliminate or mitigate these features shall be included.
- p) Traffic Signal Warrants – Town staff and/or NCDOT may consider potential signal locations at the scoping meeting. However, traffic flow progression is of paramount importance when considering a new traffic signal location. A new traffic signal shall not cause an undesirable delay to the surrounding transportation system. Installation of a traffic signal at a new location shall be based on the application of warrants criteria contained in the most current edition of the Manual on Uniform Traffic Control Devices (MUTCD) and engineering judgment. Traffic signal warrants shall be included in the appendix of the TIA report. Additionally, spacing of traffic signals within the Town must adhere to NCDOT requirements. Pedestrian movements must be considered in the evaluation and adequate pedestrian clearance provided in the signal cycle split assumptions. If a signal warrant analysis is recommended in the TIA, the Town and/or NCDOT may decide to defer a signal warrant analysis until after the development has opened to allow use of actual turning movement counts at an intersection. The TIA recommendations must clearly state that this analysis shall occur at a specified date following the opening of the development. The applicant must issue a bond or letter of credit in the name of the Town for the estimated cost of the signal warrant analysis and resulting signal prior to final approval of the TIA. The cost shall be established based on an engineer's estimate provided by the engineer of record for the applicant or by the consultant identified by the Town; however, final approval of the dollar amount rests with the Town.
- q) Mitigation Measure Recommendations – This section of the TIA report shall provide a description of the study's findings regarding impacts of the proposed project on the existing and future transportation system and describe the location, nature, and extent of all mitigation measures recommended to the applicant to improve and/or maintain the future year background level-of-service (LOS) conditions through phasing and ultimate build-out of the project. This mitigation will be identified by measuring the impact between the future year background conditions and the future year build-out conditions. The applicant is required to mitigate transportation deficiencies caused solely by the projected impact of their proposed development, and not unacceptable background conditions or other deficiencies caused by offsite development within the defined study area. The applicant shall be required to identify mitigation improvements to the transportation network if at least one of the following conditions exists when comparing the multimodal operations analyses of future year background conditions to future year build-out conditions:

- i) the total average delay at an intersection or individual approach increases by 25% or greater, while maintaining the same LOS,
- ii) the LOS degrades by at least one level,
- iii) or the LOS is "D" or worse in background conditions and the proposed project shows a negative impact on the intersection or approach

If the background LOS (intersection or approach) is inadequate (i.e., "D," "E," or "F"), the applicant will be expected to mitigate only the impact caused by the proposed project. For example, if the background LOS of an approach is LOS F with 85 seconds of delay, and the project traffic increases the delay to 95 seconds at LOS F, the applicant will be required to mitigate the added 10 seconds of delay on the approach, not required to mitigate the inadequate background delay. Town staff and NCDOT will review the recommendations in the final version of the TIA and will have the ultimate determination in the scope of the required mitigation measures.

A Transportation Mitigation Agreement (TMA) may apply if mitigation requirements are needed.

For multi-phase developments, the capacity analyses scenarios shall address the phasing of improvements for each phase of development. The build-out + 5 scenarios will require the analysis of only five years beyond the full build-out year. The build-out + 5 scenario analysis is not used for mitigation purposes. A narrative and table shall be prepared that summarizes the methodology and measured conditions at the intersections reported in LOS (LOS A–F) and average control delay for each intersection and approach.

A narrative and map shall also be prepared that describes and illustrates recommended improvements, by development phase if necessary, for mitigating the projected impact of the proposed development.

- r) Compliance with Adopted Transportation Plans – All TIA reports must include a statement of compliance with plans, programs, and policies adopted by the Town of Dallas for maintaining a safe and efficient multi-modal transportation system.

Consistency Statement: Conditional Zoning

The proposed Conditional Zoning of Parcel ID# 216368, 131854, 301157 to CZ R-6, Cluster Development Overlay, is consistent with the 2003 Land Use Plan's map designation as new residential, therefore this Conditional Zoning is deemed reasonable and in the public's best interest as it supports an increased demand for housing in light of Dallas' current and anticipated growth and aligns with the 2003 Land Use Plan's recommendation for new residential to be clustered so as to preserve open space and heighten pedestrian accessibility.

Glenn R. Bratton

9/17/2020

Glenn Bratton, Planning Board Co- Chairman

Date

