

**Town of Cary, North Carolina  
Subdivision Plan Staff Report  
Montvale Subdivision Phases I and II (14-SB-003 and 14-SB-005)  
Town Council Quasi-Judicial Hearing  
December 8, 2014**

**REQUEST**

Withers and Ravenel, on behalf of the property owner Glennjan, LLC, has requested approval of a subdivision plan. Phase I of the development plan proposes to develop 44 detached dwelling units on approximately 42 acres of land and Phase II of the development plan proposes to develop 65 detached dwelling units on approximately 49 acres of land within the Weldon Ridge Planned Development District (PDD). The applicant requests approval for a reduction in the connectivity index and removal of a champion tree. Council must take action on the plan because the number of dwelling units exceeds 100.

**SUBJECT PARCELS**

Property Owner (Phase I)	Wake County Parcel Identification Numbers (PIN) (10-digit)	Wake County Real Estate ID Numbers	Deeded Acreage
Glennjan, LLC 128 Yorkchester Way Raleigh, NC 27615	0724273554 0724168506 0724264873 0724268303 0724169863 0724270075	0367887 0179885 0304720 0143647 0104762 0199371	42.42
Property Owner (Phase II)	Chatham County Parcel Identification Numbers (PIN) (10-digit)	Chatham County Unique Parcel Identifiers (AKPAR)	Deeded Acreage
Glennjan, LLC 128 Yorkchester Way Raleigh, NC 27615	0724176275 0724178697 0724183580	0019984 0019822 0060697	48.96
<b>Total Area</b>			91.38

**BACKGROUND INFORMATION**

Applicant's Agent	Withers and Ravenel 111 Mackenan Drive Cary, NC 27511 (919) 469-33-40 Ed Tang <a href="mailto:etang@withersravenel.com">etang@withersravenel.com</a>
General <a href="#">Location</a>	East of Yates Store Road, West of Earnest Jones Road, North of Ferson Road
<a href="#">Land Use Plan</a> Designation	LDR – Low Density Residential
<a href="#">Zoning</a> Districts	PDD Major (Weldon Ridge) Watershed Protection Overlay District (Jordan Lake)
Within Town Limits	Yes
Staff Contact	Michael Gradis, AICP, Senior Planner Town of Cary Planning Department P.O. Box 8005 Cary, NC 27512-8005 (919) 469-4089 <a href="mailto:michael.gradis@townofcary.org">michael.gradis@townofcary.org</a>

## LIST OF EXHIBITS

The following documents incorporated into this staff report are to be entered into the record for this hearing:

<a href="#">Exhibit A:</a>	Phase I Plan Review Application (4 pages)
<a href="#">Exhibit B:</a>	Phase I Subdivision Plan (54 pages)
<a href="#">Exhibit C:</a>	Phase II Plan Review Application (4 pages)
<a href="#">Exhibit D:</a>	Phase II Subdivision Plan (35 pages)
<a href="#">Exhibit E:</a>	Champion Tree Report (7 pages)
<a href="#">Exhibit F:</a>	Traffic Analysis Report 13-TAR-368 (118 pages)
<a href="#">Exhibit G:</a>	Staff Report FDTS14-011 (3 Pages)
<a href="#">Exhibit H:</a>	Staff Report TF15-031 (3 Pages)

## PROJECT DESCRIPTION/SUMMARY OF REQUEST

Withers and Ravenel, on behalf of the property owner Glennjan, LLC, has requested approval of tow subdivision plans constituting the Montvale Subdivision. Phase I of the development plan proposes to develop 44 detached dwelling units on approximately 42 acres of land and Phase II of the development plan proposes to develop 65 detached dwelling units on approximately 49 acres of land. The plan lies within the Weldon Ridge Planned Development District (PDD).

The proposed development is bounded by a stream buffer to the east, the American Tobacco Trail to the west, and underdeveloped land to the south. Yates Store Road separates Phase I from Phase II. Stormwater from Phases I and II of the development will be attenuated and treated in five (5) bio-retention areas located within different areas of the development.

The overall development includes the required 50-foot, Type A (Opaque) buffer along the American Tobacco Trail to the west, a 200-foot wide stream buffer along the eastern property line, the required 50-foot, Type A (Opaque) streetscape buffer along Yates Store Road and the required 20-foot Type B (Semi-Opaque) buffer along the southern property line. Additionally, the rear of every lot abuts a landscaped buffer or rear yard landscape area. All lots are a minimum of 16,000 square feet.

The Parks, Recreation, and Cultural Resources (PRCR) Facilities Master Plan identifies a greenway trail along the stream buffer on the eastern side of the property. The development plan includes a 25-foot wide greenway easement along the stream buffer. The American Tobacco Trail is directly west of the property. Phases I and II of the development plan will provide include four (4) direct access pedestrian connections to the American Tobacco Trail and two (2) future greenway connections crossing the stream buffer that will be built by others once adjacent development occurs. Pedestrians are also able to access Yates Store Road via an internal pedestrian network.

Vehicular access to Phase I of the development will be provided via Yates Store Road and two stubs at the southern end of the development, while Phase II of the development will be from one (1) connection to Yates Store Road.

On October 30, 2014, Town Council approved an appropriation of \$500,000 from the vehicle license fee fund balance to go towards off-site road improvements outlined in Staff Report [TF15-031](#). The Council also approved an alternative two-lane curb and gutter extension of Yates Store Road instead of a four-lane median-divided roadway. This includes a pedestrian underpass crossing for the American Tobacco Trail at Yates Store Road, the provision of a complete curb and gutter road section and a street side trail.

Staff Report TF15-031 outlined the following to be the responsibility of the Developer:

1. Dedicate 100-feet of right-of-way for Yates Store Road consistent with the CTP.
2. Construct two-lanes with curb and gutter of Yates Store Road offset in the right-of-way from its current terminus at Elan Hall Road to E. Ferrell Road, and provide separate left turn lanes at entrances to the Montvale development.

3. Grade the entire right-of-way width in accordance with the CTP standard described as a 4-lane, median divided street in order to avoid any future disturbance of streetscape or hardscape in the future.
4. Build the ATT pedestrian culvert, re-align the ATT trail, and re-align E. Ferrell Road.
5. Publicly bid all construction associated with the extension of Yates Store Road.
6. Provide a complete turnkey approach for the project including absorbing all associated costs that may include design, permitting, construction, construction management, right-of-way or easement acquisition, etc.
7. Responsible for seeking a developer agreement with the Town for on-site right-of-way dedication, in accordance with the Town LDO, policies and procedures.

Staff Report TF15-031 also outlined the following to the responsibility of the Town:

1. The sole responsibility of the Town is to provide a lump sum contribution payment of \$500,000 to the developer, to be paid after substantial completion of the entire project in accordance with Town and NCDOT Standards and Specifications, and the road and the ATT pedestrian culvert are open for safe vehicular and pedestrian travel.

## MODIFICATIONS TO LAND DEVELOPMENT ORDINANCE (LDO) REQUIREMENTS

The applicant requests two (2) minor modifications:

1. 14-SB-003 (Phase I): Minor Modification to Land Development Ordinance (LDO) Section 7.2.5 requesting to remove a single healthy champion tree. The champion tree conflicts with the planned alignment of Yates Store Road. Given the necessary alignment for Yates Store Road, Council may find the minor modification acceptable.
2. 14-SB-005 (Phase II): Minor Modification to Land Development Ordinance (LDO) Section 7.10.3(A) requesting a reduction in the connectivity index due to site constraints. The site is bounded by the American Tobacco Trail to the west and a creek to the east. Given environmental constraints and recreational benefits, Council may find the minor modification acceptable.

## SUMMARY OF PROCESS AND ACTIONS TO DATE

### **Pre-application Meeting**

The applicant attended a pre-application meeting for Phase I of the development on February 13, 2013 and Phase II of the development on February 6, 2013.

### **Plan Submittal and Review**

Phase I of the development was submitted on February 12, 2014 and Phase II of the development was submitted on February 27, 2014. The plans have been reviewed by the Development Review Committee (DRC) through three (3) review cycles.

### **Associated Town Council Action**

On [February 27, 2014](#), Town Council approved the proposed Yates Store Road alignment and grade-separated crossing of the American Tobacco Trail (ATT) and confirmed that it met the intent of the Comprehensive Transportation Plan. See Staff Report [FDTS14-011](#).

On October 30, 2014, Town Council approved an appropriation of \$500,000 from the vehicle license fee fund balance to go towards off-site road improvements outlined in Staff Report [TF15-031](#), and approved an alternative two-lane curb and gutter extension of Yates Store Road instead of a four-lane median-divided roadway.

### **Notification and Property Posting**

The Planning Department provided notification of the public hearing and posted the property in accordance with local and state regulations.

**SITE PLAN WORKSHEET  
AND  
SUGGESTED MOTIONS**

A subdivision and/or site plan may be approved by the Town Council only if it satisfies the six (6) approval criteria listed in Section 3.9.2(l) of the LDO. As part of determining whether the first criterion is satisfied, council must determine whether to grant the requested modification(s) to the Town's development standards. A roadmap of the decisions that council must make is provided below:

**WORKSHEET 1**

- 1. Does the plan comply with all applicable requirements of the LDO, including the development and design standards of Chapters 7 and 8 as well as the dedication and improvements provisions of Chapter 8 as well as all applicable Town specifications?**

*As indicated in the staff report, the applicant requests two (2) Minor Modifications to the Town's development standards, one (1) in Phase I and one (1) in Phase II. These modifications are detailed further in the attached Worksheet 1.*

Once the council has made a decision on the modification requests, it may then turn to the remaining site plan approval criteria.

**WORKSHEET 2**

- 2. Does the plan adequately protect other property, or residential uses located on the same property, from the potential adverse effects of the proposed development?**
- 3. Does the plan provide harmony and unity with the development of nearby properties?**
- 4. Does the plan provide safe conditions for pedestrians or motorists and prevent a dangerous arrangement of pedestrian and vehicular ways?**
- 5. Does the plan provide safe ingress and egress for emergency services to the site?**
- 6. Does the plan provide mitigation for traffic congestion impacts reasonably expected to be generated by the project?**

1. **Does the plan comply with all applicable requirements of the LDO, including the development and design standards of Chapters 7 and 8 as well as the dedication and improvements provisions of Chapter 8 as well as all applicable Town specifications?**

**Applicant's Statement (Phase I):** The improvements contemplated as part of the proposed subdivision consist of 44 single family homes on 42.42 acres of land, which results in a development density of 1.03 dwellings per acre. As discussed above, the property is zoned PDD Major and is subject to the Weldon Ridge PDD. The property also is subject to the Jordan Lake Watershed Protection Overlay District. As indicated in the PDD, the maximum development density for this tract is 1.8 dwelling units per acre. Accordingly, the residential density associated with the proposed subdivision is well below the approved density for this tract.

The site is bounded on the north by Yates Store Road, on the west by the American Tobacco Trail, to the south by a vacant tract, and to the west by East Ferrell Road. Internal streets will consist of public streets, including a cul-de-sac that is incorporated into the plan to avoid conflicts with environmentally sensitive areas on the site. The public street network is being stubbed in two different locations to the south of the site. Additionally, the development will include the extension of Yates Store Road from its current terminus at the site's northern boundary, through the proposed development and out to East Ferrell Road, providing a critical vehicular connection. The Yates Store Road extension will include relocating a portion of the existing American Tobacco Trail to provide a pedestrian tunnel under Yates Store Road. The proposed development includes pedestrian connections to the American Tobacco Trail on each of the north and south side of Yates Store Road, as extended. The plan also includes a streetside greenway trail along Yates Store Road. As indicated on the proposed plan and other materials submitted, the improvements have been designed in compliance with the requirements of the Town's Land Development Ordinance, including the development and design standards of Chapters 7 and 8 as well as the dedication and improvements provisions of Chapter 8.

**Applicant's Statement (Phase II):** The improvements contemplated as part of the proposed subdivision consist of 65 single family homes on 48.96 acres of land, which results in a development density of 1.3 dwellings per acre. The lots adjacent to the American Tobacco Trail are a minimum of 20,000 square feet in size. As discussed above, the property is zoned PDD Major and is subject to the Weldon Ridge PDD. The property also is subject to the Jordan Lake Watershed Protection Overlay District. As indicated in the PDD, the maximum development density for this tract is 1.8 dwelling units per acre. Accordingly, the residential density associated with the proposed subdivision is well below the approved density for this tract.

The site is bounded on the west by the American Tobacco Trail, to north and east by a creek (on the other side of which is vacant land planned for residential development), on the south and east by Yates Store Road and Montvale Phase I. Internal streets will consist of public streets, including two cul-de-sacs that are incorporated into the plan to avoid conflicts with environmentally sensitive areas along the northern boundary of the property. The proposed subdivision includes the dedication and construction of a greenway along the site's northern boundary adjacent to the creek. This greenway ties into the existing American Tobacco trail at the site's northern most point, providing for ideal access for future residents to the trail. As indicated on the proposed plan and other materials submitted, the improvements have been designed in compliance with the requirements of the Town's Land Development Ordinance, including the development and design standards of Chapters 7 and 8 as well as the dedication and improvements provisions of Chapter 8.

**Staff Observations:** With the exception of the two (2) minor modifications requested below, the Development Review Committee has reviewed the development plan for compliance with the LDO and all other applicable regulations through three (3) review cycles. As of November 17, 2014, there are 28 remaining review comments for Phase I and 18 remaining review comments for Phase II which the applicant and staff have been working together to resolve.

**TEST SATISFIED? \_\_ YES \_\_ NO**

**1. For Phase I, the applicant requests a Minor Modification to Land Development Ordinance (LDO) Section 7.2.5 which requires Champion Trees to be preserved and protected. The applicant requests the removal of one (1) champion tree.**

Town Council should consider this modification request pursuant to Section 3.19.1(C)(2) of the LDO.

Section 3.19.1(C)(2) of the LDO reads as follows:

*“The Town Council may initiate or approve a minor modification allowed under this section at any time before it takes action on a development application. The Town Council may approve the minor modification only if it finds, after conducting a quasi-judicial hearing, that the modification advances the goals and purposes of this Ordinance and either results in less visual impact or more effective environmental or open space preservation, or relieves practical difficulties in developing a site. In determining if “practical difficulty” exists, the factors set forth in Section 3.20.5, “Approval Criteria” (for Variances) shall be considered. In granting a minor modification allowed under this section, the Town Council may require conditions that will secure substantially the objectives of the standard that is modified and that will substantially mitigate any potential adverse impact on the environment or on adjacent properties, including but not limited to additional landscaping or buffering.”*

**Applicant’s Statement (Phase I):** A waiver is sought from the Town’s Champion Tree Regulations, Section 7.2.5 of the Land Development Ordinance, as recently amended by the Town Council. The proposed development seeks to remove a single healthy champion tree. As can be seen in the materials associated with the proposed subdivision, the tree sought for removal is located in an area that conflicts with the improvements that are being made for Yates Store Road. Based upon the existing site constraints, including the low density zoning and environmental features, the requested modification is the least deviation required to make compliance practicable and, therefore, the applicant believes this minor modification is justified.

**Staff Observations:**

- The Champion Tree proposed for removal is a 32-inch Poplar.
- Yates Store Road is an important north-south thoroughfare identified in the Comprehensive Transportation Plan. This thoroughfare will contribute to the Town’s goals of vehicular connectivity and accommodating all uses of public rights of way (motorists, pedestrians, cyclists). The existing alignment of Yates Store Road restricts future extension of the road. An alternate route is not feasible.
- Grading required for Yates Store Road would impact more than 25 percent of the Champion Tree’s Critical Root Zone (CRZ). Impacting more than 25 percent of the CRZ would have a negative impact on the tree’s health.
- Yates Store Road is a proposed 100-foot right of way.

**2. For Phase II, the applicant requests a Minor Modification to Land Development Ordinance (LDO) Section 7.10.3(A) which requires residential developments to achieve a connectivity rating of 1.2 or greater. The applicant is requesting the connectivity rating be reduced to 1.1.**

Town Council should consider this modification request pursuant to Section 7.10.3(A)(1) and Section 3.19.1(C)(2) of the LDO.

Section 7.10.3(A)(1) of the LDO reads as follows:

*“Any residential development shall be required to achieve a connectivity index of 1.2 or greater. In the event this requirement is modified pursuant to Section 3.19.1, a six (6)-foot pedestrian trail shall be provided to link any cul-de-sacs within a residential development in which the required connectivity index has been modified. A connectivity index is a ratio of the number of street links*

*(road sections between intersections and cul-de-sacs) divided by the number of street nodes (intersections and cul-de-sac heads). The following illustration provides an example of how to calculate the index. Street links on existing adjacent streets that are not part of the proposed subdivision are not included in the connectivity index calculation.”*

Section 3.19.1(C)(2) of the LDO reads as follows:

*“The Town Council may initiate or approve a minor modification allowed under this section at any time before it takes action on a development application. The Town Council may approve the minor modification only if it finds, after conducting a quasi-judicial hearing, that the modification advances the goals and purposes of this Ordinance and either results in less visual impact or more effective environmental or open space preservation, or relieves practical difficulties in developing a site. In determining if "practical difficulty" exists, the factors set forth in Section 3.20.5, "Approval Criteria" (for Variances) shall be considered. In granting a minor modification allowed under this section, the Town Council may require conditions that will secure substantially the objectives of the standard that is modified and that will substantially mitigate any potential adverse impact on the environment or on adjacent properties, including but not limited to additional landscaping or buffering.”*

**Applicant’s Statement (Phase II):** A waiver is sought from the street connectivity requirements contained within Section 7.10.3(A) of the Land Development Ordinance. This section of the LDO contains a mathematical formula that is designed to measure the strength of the interconnectivity of the site. These mathematical standards require a connectivity rating of 1.25. The proposed low density single family community has only a 1.1 rating. Based upon site constraints, it is not possible for the applicant to satisfy this ordinance section.

The property is essentially a three-sided parcel. As discussed above, one of the sides is adjoined by the American Tobacco Trail. Another is adjoined by a creek. Given the adequate access that the site has to the public street network, the applicant believes that impacting either of these areas is not in the best interests of the Town. These site constraints, along with the narrow configuration of the property, make compliance with this Code requirement impossible. Based upon the existing site constraints, including the low density zoning and environmental features, the applicant believes that the requested modification is the least deviation required to make compliance practicable and that this minor modification is justified.

**Staff Observations:**

- Given the geometry of the site, there are only three (3) sides; east, west, and south.
- The American Tobacco Trail (ATT) is located along the western property line. Limited interruptions to the ATT are preferred. When crossings are proposed, they should be grade-separated.
- A 200-foot stream buffer is located along the eastern property line. Vehicular stream crossings are limited by NCDENR.
- Yates Store Road is located to the south of Phase II. Yates Store Road will cross above the American Tobacco Trail.
- Phase II will be connected to the ATT with three (3) pedestrian connections and a Town of Cary greenway easement will connect the development to the east once development occurs on the opposite side of the stream buffer.
- This modification would allow for more effective recreational and open space preservation by preserving the stream buffer and American Tobacco Trail.

**SUGGESTED MOTIONS FOR MODIFICATION REQUESTS**

**MOTION TO APPROVE ALL MODIFICATION REQUESTS\***

For the reasons discussed, I move that we **APPROVE** the modification requests made by the applicant, as the requests meet all of the approval criteria of the applicable sections of the LDO.

**This approval is conditioned upon the following:**

1. *[insert any additional conditions necessary to bring the project into compliance with the LDO or other standards]*

**-OR-**

**MOTION TO APPROVE INDIVIDUAL MODIFICATION REQUESTS\*:**

For the reasons discussed, I move that we **APPROVE** modification request(s) number(s) \_\_\_\_\_ made by the applicant as the request(s) meet all the approval criteria of the applicable sections of the LDO.

**This approval is conditioned upon the following:**

1. *[insert any conditions necessary to bring the project into compliance with the LDO or other standards]*

**-OR-**

**MOTION TO DENY ALL MODIFICATION REQUESTS\*:**

For the reasons discussed, I move that we **DENY** the modification requests made by the applicant, as they do not meet all of the approval criteria of the applicable sections of the LDO.

**\*Please Note: Minor Modification #1 is for 14-SB-003 (Phase I) and Minor Modification #2 is for 14-SB-005 (Phase II).**



**2. Does the plan adequately protect other property, or residential uses located on the same property, from the potential adverse effects of the proposed development?**

**Applicant's Statement (Phase I and II):** The proposed development is for an integrated single family community. Further, this large lot single family community contains the code required building setbacks, thus ensuring that the homes are located in such a manner as to minimize any potential adverse effect on the residential uses located adjacent to and on the same property. The community will include landscaping as required by the Land Development Ordinance. As a low density, single family community in an area planned and/or built for other residential uses, the proposed use has no inherent qualities that would adversely impact adjacent properties. The developer submits that the proposed plan adequately protects other property and residential uses on the subject property from the potential adverse effects of the proposed development.

**Staff Observations (Phase I and II):**

- The development is separated from adjacent properties to the east by a 200-foot stream buffer, to the west by a 75-foot ATT conservation easement, along Yates Store Road by a 50-foot Type-A Buffer and a 20-foot Type A Landscape strip to the south.
- The perimeter buffers provided meet the Weldon Ridge PDD requirements.
- Vehicular access to the site is provided from Yates Store Road.
- Pedestrian access to the development is provided from Yates Store Road, the American Tobacco Trail and from adjacent properties (in the future).
- All lots are a minimum of 16,000 square feet.

**TEST SATISFIED? \_\_ YES \_\_ NO**

**3. Does the plan provide harmony and unity with the development of nearby properties?**

**Applicant's Statement (Phase I and II):** The subject property is surrounded by complimentary uses. This is an area that is planned for similar low density residential development. The site includes lot sizes, pedestrian connections and road connections that further the Town's goals and facilitate development of adjacent vacant parcels. As a result, the proposed low density, single family community will be in harmony with the development of nearby properties.

**Staff Observations (Phase I and II):**

- The site is designated as Low Density Residential (LDR) on the Land Use Plan.
- The property to the north, south and east is designated as Low Density Residential (LDR) on the Land Use Plan.
- The property to the west is designated as Very Low Density Residential (VLDR) on the Land Use Plan.
- The densities of the development are less than the maximums authorized for these parcels in the Weldon Ridge PDD.
- All lots are a minimum of 16,000 square feet.

**TEST SATISFIED? \_\_ YES \_\_ NO**

**4. Does the plan provide safe conditions for pedestrians or motorists and prevent a dangerous arrangement of pedestrian and vehicular ways?**

**Applicant's Statement (Phase I and II):** The plan includes sufficient sidewalks to ensure no conflicts between vehicles and pedestrians, and the street network has been designed in a manner that will result in vehicle speeds that are conducive to a single family community.

**Staff Observations (Phase I and II):**

- The design of the pedestrian and vehicular travelways is consistent with LDO requirements, with the exception of one (1) minor modification.
- The development plan provides a greenway trail that will cross the stream buffer in the future and connects to the American Tobacco Trail.

**TEST SATISFIED? \_\_ YES \_\_ NO**

**5. Does the plan provide safe ingress and egress for emergency services to the site?**

**Applicant's Statement (Phase I and II):** The plan includes extension of Yates Store Road, along with a vehicular connection to East Ferrell Road. In addition, the plan includes multiple street stubs to the south. The streets internal to the site have been built to Town standards to ensure that emergency vehicles have sufficient access to all of the residences. As a result, the plan provides safe ingress and egress for emergency services to the site.

**Staff Observations (Phase I and II):**

- Phase I of the development connects to Yates Store Road and provides two (2) street stubs to the south.
- Site constraints (stream buffer, ATT) restrict vehicular connections to Phase II of the development, resulting in only one connection to Yates Store Road.
- Where streets do not connect through, permanent cul-de-sacs or temporary turnarounds that allow emergency vehicles safe ingress and egress are provided.
- The project is consistent with the Standards and Specifications Manual in regard to street and pedestrian facility design.

**TEST SATISFIED? \_\_ YES \_\_ NO**



**SUGGESTED MOTIONS FOR THE SUBDIVISION PLANS**

**MOTION TO APPROVE THE SUBDIVISION PLANS WITH CONDITIONS\*\***

For the reasons discussed, I move that we **APPROVE** the proposed subdivision plans for Montvale Phase I and Phase II with conditions as stated below, as they meet all of the approval criteria set forth in Section 3.9.2(I) of the LDO.

**This approval is conditioned upon the following:**

1. The applicant must satisfactorily address any remaining Development Review Committee comments on the master plan set submitted for signature.
2. Developer must complete all obligations as listed as listed in Staff Report [TF15-031](#).
3. *[insert any conditions necessary to bring the project into compliance with the LDO or other standards]*

**-OR-**

**MOTION TO APPROVE AN INDIVIDUAL SUBDIVISION PLAN WITH CONDITIONS\*\***

For the reasons discussed, I move that we **APPROVE** the proposed subdivision plan for Montvale Phase [choose: I or II] as it meets all the approval criteria set forth in Section 3.9.2(I) of the LDO.

**This approval is conditioned upon the following:**

1. The applicant must satisfactorily address any remaining Development Review Committee comments on the master plan set submitted for signature.
2. Developer must complete all obligations as listed as listed in Staff Report [TF15-031](#).
3. *[insert any conditions necessary to bring the project into compliance with the LDO or other standards]*

**-OR-**

**MOTION TO APPROVE AN INDIVIDUAL SUBDIVISION PLAN (OR BOTH PLANS) WITHOUT CONDITIONS\*\***

For the reasons discussed, I move that we **APPROVE** the proposed subdivision plans for Montvale Phase I and Phase II with conditions as stated below, as they meet all of the approval criteria set forth in Section 3.9.2(I) of the LDO.

**-OR-**

**MOTION TO DENY AN INDIVIDUAL SUBDIVISION PLAN (OR BOTH PLANS)\*\***

For the reasons discussed, I move that we **DENY** the proposed subdivision plans for Montvale Phase I and Phase II, as they do not meet all of the approval criteria set forth in Section 3.9.2(I) of the LDO.

**\*\*Please Note: There are two (2) separate site plans: 14-SB-003 (Phase I) and 14-SB-005 (Phase II).**