



Town Board Regular Meeting
January 7, 2020 – 7:00 PM
502 Southtown Circle, Rolesville, NC 27571

AGENDA

A. CALL TO ORDER

1. Pledge of Allegiance
2. Invocation – Reverend Tyler Williams
3. Consideration and Approval of Agenda
4. Chamber of Commerce Report

B. PUBLIC COMMENT

*Individuals wishing to be heard on non-agenda items are requested to sign up on the sheet provided. The Mayor will recognize you during the public comments section of the meeting. Your comments will be limited to **3 minutes**.*

C. INTRODUCTION OF NEW TOWN EMPLOYEES

D. CONSENT AGENDA

All items on the Consent Agenda are considered routine and may be enacted by one motion. If a Town Commissioner requests discussion on an item, the item will be removed from the “consent agenda” and considered separately.

1. Minutes of the December 3, 2019 Town Board Organizational Meeting
2. Minutes of the December 14, 2019 Strategic Planning Meeting
3. Resolution of Adoption of MuniCode Town Code and Unified Development Ordinance Codification
4. Call for Public Hearing: UDO TA19-08: Unified Development Ordinance (UDO) Text Amendment, Amendment to Article 3 Development Review and Approval Procedures, Section 3.9.9, Protested Zoning Amendments and Article 7, Overlay District Standards, Section 7.3 Stream Protections Buffers.
5. Kalas Falls Special Use Permit Order approval.
6. Budget Amendment & Position Authorization:
 - a. Planning Department Staff
 - b. UDO Update
 - c. Community School Park
7. Appoint Finance Officer and Deputy Finance Officer(s)
8. Advisory Board Appointments
 - a. Planning Board
 - b. Parks & Recreation Advisory Board

E. REGULAR AGENDA

1. Presentation of NCLM Law Enforcement Risk Review to Rolesville PD

2. Public Hearing Case: (Legislative) A19-02 – Forestville Road Investors LLC Voluntary Annexation
 - a. Presentation by Staff
 - b. Board Discussion
3. Public Hearing Case: (Legislative) MA19-03, A-Master Team LLC
 - a. Presentation by Staff
 - b. Board Discussion
4. Third Extension Agreement between Town of Rolesville and Lafayette Investors for Town-owned property.
5. Discussion/Consideration of Process for filling vacant Commissioner seat

F. COMMUNICATIONS

1. Communications from Town Staff
2. Communication from Town Manager
3. Communication from Town Attorney
4. Communication from Mayor
5. Communications from Commissioners

G. ADJOURN TO CLOSED SESSION PURSUANT TO N.C.G.S. 143-318.11(a)(6) Personnel

**TOWN OF ROLESVILLE
ORGANIZATIONAL MEETING OF THE
TOWN BOARD**

December 3, 2019

MINUTES

PRESENT: Frank Eagles, Mayor	Ronnie Currin, Mayor Pro Tem
Jacky Wilson, Commissioner	Sheilah Sutton, Commissioner
Paul Vilga, Commissioner	Michelle Young-Medley, Commissioner
Amy Stevens, Finance Officer	J. G. Ferguson, Parks & Recreation Director
Danny Johnson, Planning Director	Mical McFarland, Econ. Dev. Manager
Orlando Soto, Police Chief	Kelly Arnold, Town Manager
David York, Town Attorney	Robin Peyton, Town Clerk

CALL TO ORDER

Mayor Eagles called the 2019 Town of Rolesville Board of Commissioner's Organizational Meeting to order at 7:00 p.m.

PLEDGE OF ALLEGIANCE

Mayor Eagles led the Pledge of Allegiance

INVOCATION

Pastor Brian Kohout gave the invocation.

SWEARING IN OF NEW MAYOR AND COMMISSIONERS-ELECT

Accompanied by his wife Beth and children, Ronnie Currin took the Oath of Office for Mayor of the Town of Rolesville as administered by N.C. Court of Appeals Judge Phil Berger, Jr.

Accompanied by her husband Mark and family, Michelle Medley took the Oath of Office for Commissioner of the Town of Rolesville as administered by N.C. Court of Appeals Judge Phil Berger, Jr.

Accompanied by her husband Carlton and family, Sheilah Sutton took the Oath of Office for Commissioner of the Town of Rolesville as administered by N.C. Court of Appeals Judge Phil Berger, Jr.

ELECTION OF MAYOR PRO TEMPORE

Moved by Commissioner Vilga to nominate Michelle Medley to the office of Mayor Pro Tem; seconded by Commissioner Wilson. Motion carried by unanimous vote.

Michelle Medley took the Oath of Office for Mayor Pro Tem of the Town of Rolesville as administered by N.C. Superior Court Associate Justice Michael R. Morgan.

APPROVAL OF AGENDA

Moved by Commissioner Sutton to approve the agenda; seconded by Mayor Pro Tem Medley. Motion carried by unanimous vote.

CONSENT AGENDA

Moved by Commissioner Sutton to approve the consent agenda consisting of the following:

1. Approval of the minutes of the November 4, 2019 Town Board Regular Meeting.
2. Approval of the minutes of the November 19, 2019 Town Board Work Session & Town Board Regular Meeting.
3. Elizabeth Springs Special Use Permit and Townhomes Site plan Development Orders; and Redford Place Site Plan Development Order
4. Call for Public Hearing on Case: MA19-03 – A-Team Team, LLC

The motion was seconded by Mayor Pro Tem Medley and carried by unanimous vote.

PUBLIC COMMENT

Town of Morrisville Councilmember Steve Rao stated that Wake County is the largest growing county in the state and Rolesville is on its way. Councilmember Rao wished everyone Happy Holidays and a Merry Christmas.

NEW BUSINESS

Mayor Ronnie Currin made the following Town Board Liaison Appointments:

- a. Parks & Recreation Advisory Board Liaison – Paul Vilga
- b. Economic Development Advisory Board Liaison – Sheilah Sutton
- c. Planning Board Liaison – Michelle Medley
- d. Public Safety Liaison – Jacky Wilson
- e. Triangle J Council of Governments (Triangle J COG) – Ronnie Currin
- f. Capital Area Metropolitan Planning Organization (CAMPO) – Ronnie Currin

Adoption of 2020 Town Board and Planning Board Meeting Schedules

Prior to the board voting, Town Manager Kelly Arnold commented regarding *City Vision*, the NCLM Conference, being scheduled to begin May 5th. It was decided that it would be addressed in the future.

Moved by Commissioner Wilson to adopt the schedules as presented; seconded by Commissioner Vilga. Motion carried by unanimous vote.

Strategic Plan Kickoff and Presentation

The Town selected the UNC Center for Public Leadership to lead the strategic planning sessions. Rick Rocchetti was present to provide his background and describe the process planned for facilitation of the sessions.

Discussion on Procedure for Filling Open Commissioner Seat

Guest Attorney Clyde Holt, with Fox-Rothschild provided the board with some guidelines for filling the open Commissioner's seat left by Ronnie Currin upon his being elected Mayor. Mr.

Holt had previously been the Town of Rolesville Attorney for multiple years and was standing in for Attorney David York. Attorney Holt provided the board with options available that would be within the guidelines of the North Carolina General Statutes.

COMMUNICATIONS

Mayor's Report

Mayor Currin stated that he is excited to be moving forward with the Strategic Plan. Mayor Currin reported on his plans to assist with the budget process among other things and emphasized the importance of looking for public input on the vision for the town. Lastly, the Mayor provided his opinion that the town's Comprehensive Plan does not well define land usages.

Commissioners' Reports

Commissioner Sheilah Sutton

Commissioner Sutton thanked the citizens for their support and engagement during the election process.

Commissioner Paul Vilga

Commissioner Vilga provided details highlighting the Military Banner Program and urged everyone to submit their applications prior to the December 15th deadline.

Commissioner Jacky Wilson

Commissioner Wilson provided an update on the Rolesville Rural Fire Department and its need for additional stations.

Commissioner Michelle Medley

Commissioner Medley

Staff Reports

None

Town Manager's Report

Town Manager Kelly Arnold expressed his being grateful for a very successful 2019 and the positive outlook for growth in 2020. Mr. Arnold stated that he and the town staff are available to support the board.

ADJOURNMENT

There being no further business before the board it was moved by Commissioner Wilson to adjourn and seconded by Commissioner Vilga. Motion carried by unanimous vote. The meeting adjourned at 8:27 p.m.

**RESOLUTION OF THE TOWN OF ROLESVILLE BOARD OF
COMMISSIONERS ADOPTING RE-CODIFICATION OF TOWN CODE
AND UNIFIED DEVELOPMENT ORDINANCES**

WHEREAS, North Carolina General Statutes 160A-77 specifies that each municipality must maintain a complete and accurate Code of Ordinances with regular updates published, and

WHEREAS, staff completed a review of each chapter of the Town Code and Unified Development Ordinance, beginning with a known complete version of the codes from 2005 and all subsequent approved ordinances amending the code since that time.

WHEREAS, minor grammatical corrections were made throughout but do not affect the function nor enforceability of any ordinance. Previously repealed sections were removed to eliminate confusion; and

WHEREAS, the Town contracted with MuniCode to update the Town of Rolesville Town Code and Unified Development Ordinance with no substantive changes made.

WHEREAS, MuniCode has furnished the Town hard copies of both codes in compliance with N.C.G.S. 106A-77 as well as hosts an electronic version to which the Town website will remain linked.

NOW, THEREFORE, BE IT RESOLVED THAT THE TOWN OF ROLESVILLE BOARD OF COMMISSIONERS hereby approves and adopts the re-codification of the Town Code of Ordinances and Unified Development Ordinance produced by Municode, thus providing a complete and accurate code pending future updates.

Adopted this 7th day of January 2020.

Ronnie I. Currin
Mayor, Town of Rolesville

Attest: _____
Robin E. Peyton
Town Clerk



Memorandum

To: Mayor and Town Board of Commissioners
From: Robin Peyton, Town Clerk
Date: January 7, 2020
Re: Schedule Public Hearing for TA 19-08

A public hearing is requested to be scheduled by the Town Board of Commissioners on February 4th, 2020. The Item to be scheduled is:

TA 19-08, Amendment to Article 3 Development Review And Approval Procedures, Section 3.9.9, Protested Zoning Amendments and Article 7, Overlay District Standards, Section 7.3 Stream Protections Buffers.

Town Staff Recommendation

Staff recommends the scheduling of the public hearing listed above.

Suggested Action

I make a motion to schedule a public hearing for TA 19-08, for February 4, 2020 Town Board Regular Meeting.

**STATE OF NORTH CAROLINA
TOWN OF ROLESVILLE**

**BEFORE THE TOWN OF ROLESVILLE
BOARD OF COMMISSIONERS
SUP19-01**

**MITCHELL MILL ROAD INVESTORS, LLC &
THE WATKINS FAMILY, LLC
APPLICATION FOR SPECIAL USE PERMIT
FOR 550-LOT RESIDENTIAL SUBDIVISION
OFF ROLESVILLE ROAD**

**EVIDENTIARY HEARING
FINDINGS OF FACT AND
CONCLUSIONS OF LAW**

This request from Mitchell Mill Road Investors, LLC and The Watkins Family, LLC (together, the “Applicant”), pursuant to Rolesville Unified Development Ordinance (the “UDO”) Section 3.6.2, for approval of a 550-lot residential subdivision off of Rolesville Road, Rolesville, North Carolina, known as “Kalas Falls” came twice before the Town of Rolesville Board of Commissioners (the “Board”) on November 4, 2019, and again on November 19, 2019. The Applicant requested approval of a 550-lot residential subdivision on real property located off Rolesville Road, having Wake County Parcel Identification Numbers 1767-29-5866, 1757-99-4300, 1767-17-8299, and 1767-08-3228 (the “Property”).

Based upon testimony of the witnesses, documentary evidence, exhibits, and other evidence presented at the November 19, 2019, public hearings, the Board finds the special use approved, with the Conditions set forth below. On November 19, 2019, the Board voted unanimously to APPROVE the use on the Property as a 550-lot residential subdivision.

The Board’s decision to approve the special use permit application is based on the Findings of Fact and Conclusions of Law set forth below:

FINDINGS OF FACT

1. The Applicant is seeking special use permit approval for a 550-lot residential subdivision, no more than 95 of which shall be townhome lots, to be located upon the Property.
2. The Property is approximately 282.78 acres.
3. The application and other records pertaining to the special use permit application are part of the record.
4. Notice has been provided as required by law.
5. The Property currently is zoned Residential and Planned Unit Development Conditional Zoning (“R&PUD-CZ”).
6. Pursuant to the UDO, a special use permit is required for a Master Plan development.
7. The Applicant submitted a Special Use Permit Application to the Town of Rolesville, requesting that the Town approve the development of a 550-lot residential community upon the Property (the “Application”).
8. Following advertisement, the Board conducted a quasi-judicial public hearing on the Application on November 19, 2019 (the “Hearing”).
9. The future land use classification for the Property is Medium Density Residential which is consistent with the request in the Application.
10. Portions of the Property previously were annexed into the Town’s corporate limits and the remainder is within the Town’s extraterritorial jurisdiction (“ETJ”) and will have fire and police protection as well as public water and sewer.
11. All applicable sections of the UDO are satisfied and met by the proposed plan.
12. The following witnesses were qualified as experts in their respective fields: Barbara Todd, land planning; Jay Gilleece, civil engineering; Matt Peach, traffic engineering; and Tom Hester, real estate appraisal. Collectively, these expert witnesses’ sworn testimony provided that:
 - a. Based upon market analysis, the proposed development will not have a negative impact on the value of adjoining property;
 - b. Based upon recent development approvals and trends in the area, the proposed development is compatible with the surrounding areas as to the scale, bulk, coverage, density, and character of the surrounding neighborhood;
 - c. The proposed use will not cause any foreseeable traffic issues related to flow or parking because of existing and planned transportation infrastructure, including the commitments contained within the Application related to road improvements;
 - d. The proposed development is consistent with the Comprehensive Plan, other applicable official plans, manuals, or documents adopted by the Town;

- e. The proposed use of the Property complies with applicable requirements of the UDO;
- f. The proposed use of the Property is appropriately located with respect to public facilities and infrastructure; and
- g. The proposed use will not materially endanger the public health or safety.

CONCLUSIONS OF LAW

1. Based upon the uncontroverted competent, substantial, and material evidence appearing in the record at the Hearing and in the Application, the approval criteria of a special use permit contained in Section 3.6.2 of the UDO have been met, specifically:
 - a. The proposed use of the Property will not materially endanger the public health or safety;
 - b. The proposed use of the Property will not substantially injure the value of adjoining property;
 - c. The proposed use of the Property will be in harmony with the scale, bulk, coverage, density, and character of the area or neighborhood in which it is located;
 - d. The proposed use of the Property generally conforms with the Comprehensive Plan and other official plans and manuals or documents adopted by the Town;
 - e. The proposed use of the Property is appropriately located with respect to transportation facilities, water supply, fire and police protection, waste disposal, and similar facilities;
 - f. The proposed use of the Property will not cause undue traffic congestion or create a traffic hazard; and
 - g. The proposed use of the Property will comply with all applicable requirements of the UDO.
2. That based upon the foregoing, the Applicant is entitled to approval of the requested special use permit for a 550-lot residential subdivision on the Property.

CONDITIONS OF APPROVAL

The Special Use Approval is made subject to the following conditions:

1. OVERALL DEVELOPMENT CONDITIONS
 - a. All zoning conditions attached to the Residential Planned Unit Development Conditional Use Zoning District (R&PUD-CZ) as approved by Case: MA 19-02 shall comply with is PUD Master Plan.

- i. With respect to the zoning condition related to the traffic signal, if a signal is found to be warranted but the Town desires a roundabout or traffic facility other than a signal to address the intersection at Mitchell Mill Road and Rolesville Road, the developer agrees to contribute a payment-in-lieu equal to the cost of construction of the signal to the Town for the alternate traffic facility. The Town's acceptance of such payment-in-lieu shall be deemed a complete satisfaction of the zoning condition related to the traffic signal.
- b. The owner/developer reserves the right to drain the existing ponds on the property if it is determined that repair or reconstruction are not feasible of any of the ponds or will be unsafe for the surrounding area.
- c. To the extent possible, the developer shall stripe on-street parking spaces within the public right-of-way to allow for convenient access to the public greenway.

2. CONDITIONS FOR SINGLE-FAMILY RESIDENTIAL

- a. General architectural requirements of the neighborhood will be governed by recorded conditions, covenants and restrictions. The developer shall submit a copy of the conditions, covenants and restrictions to the Town of Rolesville to allow the Town Attorney to review them before recordation.
- b. All required open space and drainage easements will be maintained by the Homeowners Association, with the exception of the public greenway.
- c. If unmarked human burials or human skeletal remains are encountered as a result of obstruction or agricultural activities, disturbance of the remains shall cease immediately and shall not resume without authorization from either the County Medical Examiner or the State Archaeologist.
- d. At no time shall development activities exceed the noise standards set for the in Rolesville Town Code of Ordinances Chapter 130.
- e. Subject to the approval of the United States Postal Service the developer shall provide at least two mail kiosks separated by at least 500 linear feet within the subdivision for mail service.
- f. Prior to issuance of the first building permit for any particular phase of the development, all greenways in that phase shall be completed including dedication of a thirty-foot public greenway easement, construction of ten-foot paved trails and all applicable signage. Once completed to the Town's satisfaction the Town will accept ownership and maintenance of the public greenway. This condition may be satisfied by posting a surety in the amount of 125% cost of the infrastructure improvement being deferred.
- g. Sidewalks to residences may extend from the residential driveways or from public sidewalks. It is not required that residential walks connect to public sidewalks.

- h. Onsite amenities to include a community swimming pool and playground area shall be provided prior to the issuance of the 50th Building Permit in Phase II. The amenity site is subject to further review and approval by the Town through the site plan review process.
- i. Cul-de-sac length may exceed 250' due to topography and stream buffers of the site conditions.
- j. Garages may face the street.
- k. Two-car garage doors may be single or double.
- l. Development is not required to be in sequential phases.
- m. Because of existing difficult topography of the site, alleys are not required to serve every dwelling.

3. CONDITIONS FOR RESIDENTIAL TOWNHOUSES

- a. Conditions (a) through (h) in Paragraph 2, Condition for Single-Family Residential shall also apply to Townhouse development.
- b. If private streets are approved with the townhouse site plan, then the front façade of a townhouse unit or a townhouse garage may be set back eighteen feet (18') from the back of curb.
- c. No townhouse structure may exceed six units.
- d. At least one volleyball court shall be built at the same time that the public greenway is constructed.
- e. The back of a townhouse structure shall not be closer than 25' to another townhouse structure.
- f. Side setbacks between structures shall be no less than 16'.
- g. Garages and garage doors may be single or double.

ACCORDINGLY, based upon the foregoing FINDINGS OF FACT and CONCLUSIONS OF LAW and subject to the foregoing CONDITIONS OF APPROVAL, the Town of Rolesville Board of Commissioners hereby approves the special use permit for a 550-lot residential subdivision on the Property off Rolesville Road in Rolesville, North Carolina.

This the ____ Day of _____, 2020.

Town Clerk

CERTIFICATION

I, _____, Town Clerk for the Town of Rolesville, North Carolina, do hereby certify the foregoing to be a true copy of a development order duly adopted at the meeting of the Town of Board of Commissioners held on the ____ Day of _____, 2020.

In witness hereof, I have hereunto set my hand and caused the seal of the Town of Rolesville to be affixed this ____ Day of _____, 2020.

Rolesville Town Clerk



Memorandum

To: Mayor and Town Board
From: Amy Stevens, Finance Director
Date: December 19, 2019
Re: Budget Ordinance Amendment, Agenda Item #D.7.

Planning Department Staffing

The Planning Operations study conducted earlier this year by Clarion Associates noted that there was a need for additional personnel in the Planning Department. Given recent employee turnover, there is an opportunity to re-evaluate the department structure.

The addition of a Development Support Specialist will help ensure adequate administrative and organizational support to both the Planning and the Community & Economic Development functions. This position is expected to cost about \$23,000 for the remainder of FY19-20.

In addition, staff recommend that the existing Planner position be upgraded to a Planner II position in order to address the long-term sustainability of the department. This change is expected to cost about \$10,000 for the remainder of FY19-20.

A budget amendment of \$43,000 is requested to make these two personnel changes, as well as to cover temporary staffing costs due to personnel absences.

UDO Update

Also noted in the Clarion Associates study is the need for revisions to the current Unified Development Ordinance. This initiative is expected to take approximately 16-18 months to complete, and will cost about \$165,000.

An allocation of \$80,000 is requested in this current budget year, and the remainder will be addressed during the FY20-21 budget process.

Community School Park

On November 19, 2019, the Town Board approved a funding agreement with Wake County regarding the Rolesville Elementary School Community Park.

That agreement provides for the payment of \$82,000 from Wake County to the Town of Rolesville. An amendment to the FY19-20 fiscal year budget is needed in order to appropriate these funds.

Recommended Action

Make a motion to

- Authorize the addition of a Development Support Specialist position (grade 7)
- Reclassify the vacant Planner (grade 13) position to a Planner II (grade 14)
- Approve the ordinance to amend the 2019-2020 fiscal year budget ordinance.

Attachments:

- Ordinance to Amend the 2019-2020 Fiscal Year Budget Ordinance

**AN ORDINANCE TO AMEND THE
2019-2020 FISCAL YEAR BUDGET ORDINANCE**

BE IT ORDAINED, by the Board of Commissioners of the Town of Rolesville, North Carolina that the following amendment be made to the annual budget ordinance for the fiscal year ending June 30, 2020:

To appropriate funds for the reclassification of the Planner position to a Planner II, the addition of a Support Specialist position, and the engagement of a consultant to update the current Unified Development Ordinance:

<u>Revenues</u>		<u>Increase</u>
11-390-01	General Fund Appropriation	\$123,000
<u>Expenditure</u>		
11-490-01	Salaries	\$27,000
11-490-02	Temporary	10,000
11-490-04	FICA	2,000
11-490-05	Retirement	3,000
11-490-06	Insurance	1,000
11-490-51	Departmental Projects	<u>80,000</u>
		\$123,000

To reflect the receipt of \$82,000 from Wake County in accordance with the funding agreement regarding the maintenance of Rolesville Elementary School Community Park:

<u>Revenues</u>		<u>Increase</u>
11-310-23	Grants	\$82,000
<u>Expenditure</u>		
11-620-83	Construction & Improvements	\$82,000

This will result in an increase of \$205,000 in both revenues and expenditures of the General Fund.

Adopted this 7th day of January 2020

Ronnie I. Currin
Town of Rolesville Mayor

Attest: _____
Robin E. Peyton
Town Clerk



Memorandum

To: Mayor and Town Board
From: Amy Stevens, Finance Director
Date: December 19, 2019
Re: Duties of the Finance Officer, Agenda Item #D.8.

Background

According to North Carolina state statutes, the Finance Officer is responsible for the Town's financial affairs, including the proper disbursement of Town funds and pre-audit obligations.

The statutes allow the governing board to designate other staff members as Deputy Finance Officer in order to execute documents in the absence or disability of the Finance Officer. Currently, the Town has no appointed Deputy Finance Officer, so no alternate person is available to provide pre-audit or disbursement authority in the absence of the Finance Director.

To ensure that all statutory requirements are met and that the functions of the Finance Department are adequately covered, it is recommended that other staff be designated Deputy Finance Officer.

In addition, the current Town Code states the Town Clerk is to perform the duties of the Finance Officer. This provision requires update; until that update occurs, the attached resolution will clarify that the role is designated to the Finance Director.

Board Options

Adopt the attached resolution, propose alternate names, or continue with current practice.

Recommended Action

Make a motion to adopt the Resolution to Appoint Finance Officer and Deputy Finance Officer

Attachment

- Resolution to Appoint Finance Officer and Deputy Finance Officer

RESOLUTION TO APPOINT FINANCE OFFICER AND DEPUTY FINANCE OFFICER

WHEREAS, North Carolina General Statute 159-24 states that each local government and public authority shall appoint a Finance Officer who is responsible for providing the financial safeguards and ensuring all duties of the position are adequately and efficiently covered; and

WHEREAS, these statutes also allow the Town Board of Commissioners to designate other staff as Deputy Finance Officers to execute documents in the Finance Officer’s absence or disability;

NOW, THEREFORE, BE IT ORDAINED, by the Board of Commissioners of the Town of Rolesville that:

Section 1. Amy Stevens is appointed to perform the statutory duties of Finance Officer.

Section 2. Kelly Arnold is appointed to perform the statutory duties of Deputy Finance Officer for the purpose of signing checks in the absence of the Finance Officer.

Section 3. Tammy Croom is appointed to perform the statutory duties of Deputy Finance Officer for purpose of conducting the pre-audit obligation in the absence of the Finance Officer.

Section 4. This resolution shall take effect on the day of adoption.

Approved this 7th day of January, 2020.

[SEAL]

Ronnie I. Currin
Mayor

Robin E. Peyton
Town Clerk



Memorandum

To: Mayor & Commissioners
From: Robin Peyton, Town Clerk
Date: January 3, 2020
Re: Agenda Item # D.9.

Following the advertisements for expiring Planning Board and Parks & Recreation Advisory Board terms, thirteen (13) applications were received (eight for Planning Board and five for Parks & Recreation Advisory Board.)

Interviews of potential candidates were held during the evening of December 19, 2019 by Mayor Ronnie Currin and Commissioner Michelle Medley for the Planning Board; and Commissioners Sheilah Sutton and Paul Vilga for the Parks & Recreation Advisory Board. Following review of each application and subsequent interview, the separate interview panels make the following recommendations for appointment to the Planning Board and Parks & Recreation Advisory Board:

Planning Board

Mark Powers
Davion Cross

Parks & Recreation Advisory Board

Derek Versteegen
Rhiannon Gschwend

Recommended Action

Appoint the recommended applicants to the Planning and Parks & Recreation Advisory Boards.



Memorandum

To: Mayor and Town Board
From: Orlando Soto, Police chief
Date: December 30, 2019
Re: Agenda Item E.1.

The purpose of the law enforcement risk review performed by the North Carolina League of Municipalities (NCLM) and presented by Matthew A. Selves, Public Safety Risk Management Consultant with the NCLM, is to assess an agency's adherence to best practices, court decisions, and policies and procedures related to high liability activities in law enforcement. The goal is to mitigate liability exposures, enhance officer safety, and validate that training and operating procedures are meeting industry standards. The risk management review was designed and peer-reviewed by a panel of police chiefs representing a cross section of North Carolina law enforcement agencies and is available to those agencies who participate in the League's property and liability insurance pool.

Recommended Action

None



Memo

To: Mayor and Town Board of Commissioners

From: Danny Johnson, AICP, Planning Director

Date: January 3, 2020

Re: Agenda item E.9

Summary Information

The Town has received a voluntary annexation petition (Case A19-02) for 3.562 acres located at 3800 Foxwild Lane into the Town of Rolesville Town Limits. This location is the proposed Regency at Heritage Subdivision. As provided in G.S. 160A-31, the petition has been certified by the Town Clerk as to its sufficiency of meeting G.S. 160A-31. The Town Board of Commissioners may proceed with conducting the public hearing on the question of annexing the petition property into the Rolesville Town Limits.

Planning Staff Recommendation

Staff recommends holding the public hearing and approval of the annexation ordinance under G.S. 160A-31.

Relationship to Current Budget/Goals

None

Suggested Motion:

Motion to approve voluntary annexation of A19-02, Forestville Road Investors, LLC, for 3.562 acres located at 3800 Foxwild Lane into the Rolesville Town Limits.

Attachments:

A19-02, Forestville Road Investors, LLC, Annexation Ordinance and Map.
A 19-02 3800 Foxwild Lane Annexation Location Map
A 19-02 3800 Foxwild Land Annexation Petition.

After Recording Mail to: Town of Rolesville
 P. O. Box 250
 Rolesville, NC 27571

AN ORDINANCE TO EXTEND THE CORPORATE LIMITS
OF THE TOWN OF ROLESVILLE UNDER THE
AUTHORITY GRANTED BY PART 1, ARTICLE 4A
CHAPTER 160A OF THE GENERAL STATUTES OF NORTH CAROLINA

ORDINANCE 2020-O-01
CASE A19-02

WHEREAS, the Mayor and Board of Commissioners for the Town of Rolesville, North Carolina has adopted a resolution under G.S. 160A-31 stating its intent to annex the area described below; and

WHEREAS, a public hearing on the question of this annexation was held in the Town Board Room at Rolesville Town Hall located at 502 Southtown Circle, Rolesville, NC 27571 at 7:00 pm or thereafter on January 7, 2020, after due notice; and

WHEREAS, the Mayor and Board of Commissioners finds that the proposed annexation meets the requirements of G.S. 160A-31;

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Board of Commissioners of the Town of Rolesville, North Carolina that:

Section 1. By the authority granted by G.S. 160A-31, the following described non-contiguous property owned by the Forestville Road Investments, LLC is hereby annexed and made part of the Town of Rolesville as of January 7, 2020:

Beginning at an iron pipe, a common corner with the Stephen Burnett and Diane J.E. Burnett property (Deed Book 8534, Page 2754; PIN 1749-85-3857) and in the line of the FORESTVILLE ROAD INVESTMENT LLC (Deed 11752, Page 501; PIN 1749-76-9436), with a North Carolina State Plane Coordinate of N=796,034.52 feet, E=2,148,116.99 feet; thence North 84°48'38" West, 332.36 feet to an iron rod found, a common corner with the FORESTVILLE ROAD INVESTMENT LLC (Deed Book 16638, Page 2368; PIN 1749-75-2855); thence North 84°49'38" West, 113.94 feet to an iron rod found; thence North 84°48'53" West, 215.04 to an iron pipe found; thence North 84°48'53" West, 670.86 feet to an iron rod set; thence South 2°46'30" East, 15.02 feet to an iron pipe found, a common corner with the Robert D. Rhyne, Jr. and Edith E. Rhyne property (Deed Book 10863, Page 341; PIN 1749-65-7958); thence South 2°46'30" East, 316.83 feet to an iron pipe found; thence South 31°10'31" East, 363.16 feet to an iron pipe found; thence North 82°02'43" East, 671.82 feet to an iron pipe found, a common corner with the Darice Frey property (Deed Book 9320, Page 2308; PIN 1749-75-9814); thence North 15°23'32" East, 475.94 feet to an iron rod found, a common corner with the aforesaid property; thence North 82°05'17" East, 382.20 feet to an iron pipe found, a common corner with the CAMBRIDGE CLASSIC HOMES LLC property (Deed Book 16723, Page 854; PIN 1749-85-0599); thence North 81°59'01" East, 45.58 feet to an iron pipe found, a common corner with the Stephen Burnett and Diane J.E. Burnett property (Deed Book 8534, Page 2754; PIN 1749-85-3857); thence North 5°11'49" East, 371.37 feet to the Point of Beginning, containing 14.719 acres, more or less.

Section 2. That the Mayor and Board of Commissioners directs a duly certified copy of this ordinance and annexation boundary map be submitted for filing to the Office of the Register of Deeds of Wake County and to the Office of the Secretary of the State of North Carolina.

Adopted this 7th day of January, 2020

Ronnie I. Currin
Town of Rolesville Mayor

CERTIFICATION

I, _____, Town Clerk for the Town of Rolesville, North Carolina, do hereby certify the foregoing to be a true copy of an ordinance duly adopted at the meeting of the Town Board of Commissioners held on this 7th day of January, 2020.

Rolesville

A 19-02
3800 Foxwild Lane

Legend

 A19-02 3800 Foxwild Lane

 Parcels

 Rolesville Town Limits



1 inch = 400 feet

Produced by the Town of Rolesville Planning Department, 2018
Data provided in part by the Wake County GIS Department



TOWN OF ROLESVILLE PETITION FOR ANNEXATION

The items below are required in order to complete your application and shall be submitted when the application is filed.

1. A complete copy of the last deed of record for proof of ownership
2. An annexation boundary plat/map for recordation at the Wake County Register of Deeds Office (mylar plat) prepared by a professional land surveyor showing the boundaries of the area or property for annexation into the Town of Rolesville.
3. A complete copy of the written metes and bounds description based on the annexation boundary plat/map.

SECTION 1 - LOCATION

Is the area contiguous with the existing corporate limits? Yes or No

Note: If the land is contiguous, this annexation will include all intervening right-of-ways for streets, easements, and other areas as stated in North Carolina General Statute §160-131(1)

SECTION 2 - VESTED RIGHTS

NC General Statutes require petitioners of both contiguous and non-contiguous annexations to file a signed statement declaring whether vested rights have been established in accordance with G.S. 160A-385.1 or 153A-344.1 for properties subject to the petition. Do you declare vested rights for the property subject to this petition? Yes or No

SECTION 3 - PROPERTY DETAILS

PIN Number	Real Estate ID Number	Deed Book Number	Page Number	Acreage To Be Annexed	Wake County Assessed Value
1749752855	0019544	DB 016638	PG 02368	11.16	\$ 261,144
1749759814	0022384	DB 017485	PG 02363	3.56	\$ 101,027
		DB	PG		\$

SECTION 4 - SIGNATURES AND VERIFICATION

We, the undersigned owners of the real properties contained in the metes and bounds description and plat/map attached hereto, respectfully request that the area described above be annexed and made part of the Town of Rolesville, North Carolina. By signing below, we acknowledge that all information is correct.

- If property owned by INDIVIDUALS (NOTE: All legal owners must sign including both husband and wife)

Signature of Owner #1

Date Signed

Signature of Owner #2

Date Signed

- If property owned by a COMPANY OR CORPORATION (NOTE: The company or corporation must be legally registered with the State of North Carolina – Office of the Secretary of State)

FORESTVILLE ROAD INVESTORS, LLC
Name of Corporation

ANDREW C AMMONS
Printed Name of Registered Agent

[Signature]
Signature of Registered Agent

PO Box 97487 RALEIGH NC 27624
Address, State, Zip of Registered Office:

North Carolina, Wake County

I, Michelle Panek, Notary Public for said County and State, do hereby certify that the above signed individual(s) appeared before me this day and signed the foregoing instrument. Witness my hand and official seal this 11th day of October, 2019.



Michelle Panek
Notary Public
My commission expires: 11/21/22



TOWN OF ROLESVILLE PETITION FOR ANNEXATION

(Page 1 of 3)

The items below are required in order to complete your application and shall be submitted when the application is filed.

1. A complete copy of the last deed of record for proof of ownership
2. An annexation boundary plat/map for recordation at the Wake County Register of Deeds Office (mylar plat) prepared by a professional land surveyor showing the boundaries of the area or property for annexation into the Town of Rolesville.
3. A complete copy of the written metes and bounds description based on the annexation boundary plat/map.

SECTION 1 -

Is the area contiguous with the existing corporate limits? Yes or No

Note: If the land is contiguous, this annexation will include all intervening right-of-ways for streets, easements, and other areas as stated in North Carolina General Statute §160-131(1)

SECTION 2 - VESTED

NC General Statutes require petitioners of both contiguous and non-contiguous annexations to file a signed statement declaring whether

vested rights have been established in accordance with G.S. 160A-385.1 or 153A-344.1 for properties subject to the petition. Do you declare vested rights for the property subject to this petition? Yes or No

SECTION 3 - PROPERTY

PIN Number	Real Estate ID Number	Deed Book Number	Page Number	Acreage To Be Annexed	Wake County Assessed Value
1769362748	0014930	DB 994	PG 451	171.570+/-	\$3,194,273
		DB	PG		\$
		DB	PG		\$

SECTION 4 - SIGNATURES AND

We, the undersigned owners of the real properties contained in the metes and bounds description and plat/map attached hereto, respectfully request that the area described above be annexed and made part of the Town of Rolesville, North Carolina. By signing below, we acknowledge that all information is correct.

- If property owned by INDIVIDUALS (NOTE: All legal owners must sign including both husband and wife)

Owners Signature (1 of 3)

Melissa Corbin Nondorf
Signature of Melissa Corbin Nondorf

3-23-18
Date Signed

Indiana
~~North Carolina~~, Huntington County

I, Lloyd J. Chesterman Jr., a Notary Public for said County and State, do hereby certify that the above signed individual(s) appeared before me this day and signed the foregoing instrument. Witness my hand and official seal, this 23 day of 3, 2018.

LLOYD JOHN CHESTERMAN JR
NOTARY PUBLIC - SEAL
STATE OF INDIANA
COMMISSION NUMBER 668539
COMMISSION EXPIRES MAY 31, 2023

Lloyd J. Chesterman Jr.
Notary Public
My commission expires: 05/31/23



TOWN OF ROLESVILLE PETITION FOR ANNEXATION

(PAGE 2 OF 3)

The items below are required in order to complete your application and shall be submitted when the application is filed.

4. A complete copy of the last deed of record for proof of ownership
5. An annexation boundary plat/map for recordation at the Wake County Register of Deeds Office (mylar plat) prepared by a professional land surveyor showing the boundaries of the area or property for annexation into the Town of Rolesville.
6. A complete copy of the written metes and bounds description based on the annexation boundary plat/map.

SECTION 1 -

Is the area contiguous with the existing corporate limits? Yes or No

Note: If the land is contiguous, this annexation will include all intervening right-of-ways for streets, easements, and other areas as stated in North Carolina General Statute §160-131(1)

SECTION 2 - VESTED RIGHTS

NC General Statutes require petitioners of both contiguous and non-contiguous annexations to file a signed statement declaring whether vested rights have been established in accordance with G.S. 160A-385.1 or 153A-344.1 for properties subject to the petition. Do you declare vested rights for the property subject to this petition? Yes or No

SECTION 3 - PROPERTY DETAILS

PIN Number	Real Estate ID Number	Deed Book Number	Page Number	Acreage To Be Annexed	Wake County Assessed Value
1769362748	0014930	DB 994	PG 451	171.570+/-	\$3,194,273
		DB	PG		\$
		DB	PG		\$

SECTION 4 - SIGNATURES AND VERIFICATION

We, the undersigned owners of the real properties contained in the metes and bounds description and plat/map attached hereto, respectfully request that the area described above be annexed and made part of the Town of Rolesville, North Carolina. By signing below, we acknowledge that all information is correct.

- If property owned by INDIVIDUALS (NOTE: All legal owners must sign including both husband and wife)

Owners Signature (2 of 3)



 Signature of Linda Tripp-Corbin

3/23/2018

 Date Signed

North Carolina, Wake County

I, Michael Niver, a Notary Public for said County and State, do hereby certify that the above signed individual(s) appeared before me this day and signed the foregoing instrument. Witness my hand and official seal, this 23 day of March, 2018.

Michael Niver

 Notary Public

My commission expires: 1/23/23

Notary Seal





TOWN OF ROLESVILLE PETITION FOR ANNEXATION

(PAGE 3 OF 3)

The items below are required in order to complete your application and shall be submitted when the application is filed.

7. A complete copy of the last deed of record for proof of ownership
8. An annexation boundary plat/map for recordation at the Wake County Register of Deeds Office (mylar plat) prepared by a professional land surveyor showing the boundaries of the area or property for annexation into the Town of Rolesville.
9. A complete copy of the written metes and bounds description based on the annexation boundary plat/map.

SECTION 1 -

Is the area contiguous with the existing corporate limits? Yes or No

Note: If the land is contiguous, this annexation will include all intervening right-of-ways for streets, easements, and other areas as stated in North Carolina General Statute §160-131(1)

SECTION 2 - VESTED RIGHTS

NC General Statutes require petitioners of both contiguous and non-contiguous annexations to file a signed statement declaring whether vested rights have been established in accordance with G.S. 160A-385.1 or 153A-344.1 for properties subject to the petition. Do you declare vested rights for the property subject to this petition? Yes or No

SECTION 3 - PROPERTY DETAILS

PIN Number	Real Estate ID Number	Deed Book Number	Page Number	Acreage To Be Annexed	Wake County Assessed Value
1769362748	0014930	DB 994	PG 451	171.570+/-	\$3,194,273
		DB	PG		\$
		DB	PG		\$

SECTION 4 - SIGNATURES AND VERIFICATION

We, the undersigned owners of the real properties contained in the metes and bounds description and plat/map attached hereto, respectfully request that the area described above be annexed and made part of the Town of Rolesville, North Carolina. By signing below, we acknowledge that all information is correct.

- If property owned by INDIVIDUALS (NOTE: All legal owners must sign including both husband and wife)

Owners Signature (3 of 3)

Katherine S. Foresta

Signature of Katherine S. Foresta

3/26/19

Date signed

North Carolina, Wake County

I, Greg O Clemmons, a Notary Public for said County and State, do hereby certify that the above signed individual(s) appeared before me this day and signed the foregoing instrument. Witness my hand and official seal, this 26 day of March, 2018.

Greg O Clemmons

Notary Public

My commission expires: 10-01-2022





[Home](#)

Wake County Real Estate Data Account Summary

[iMaps](#)
[Tax Bills](#)

Real Estate ID **0014930** PIN # **1769362748**

Location Address
410 W YOUNG ST

Property Description
**MELISSA NONDORF & LIND TRIPP-CORBIN
BM2019-00812**

Account Search

[Pin/Parcel History](#) [New Search](#)

NORTH CAROLINA [Account](#) | [Buildings](#) | [Land](#) | [Deeds](#) | [Notes](#) | [Sales](#) | [Photos](#) | [Tax Bill](#) | [Map](#)



Property Owner NONDORF, MELISSA CORBIN TRIPP-CORBIN, LINDA (Use the Deeds link to view any additional owners)		Owner's Mailing Address 10622 S 600 W WARREN IN 46792-9717		Property Location Address 410 W YOUNG ST ROLESVILLE NC 27571-9521	
Administrative Data Old Map # 066-00000-0004 Map/Scale 1769 01 VCS 19R0900 City Fire District 23 Township WAKE FOREST Land Class AGR-FARM ETJ RO Spec Dist(s) Zoning R40W History ID 1 History ID 2 Acreage 171.57 Permit Date Permit #		Transfer Information Deed Date 11/25/2013 Book & Page 14-E- 3261 Revenue Stamps Pkg Sale Date Pkg Sale Price Land Sale Date Land Sale Price Improvement Summary Total Units 1 Recycle Units 1 Apt/SC Sqft Heated Area 902		Assessed Value Land Value \$2,849,105 Assessed Bldg. Value \$8,793 Assessed Tax Relief Land Use Value \$73,797 Use Value \$2,775,308 Deferment Historic Deferment Total Deferred Value \$2,775,308 Use/Hist/Tax Relief \$82,590 Assessed Total Value \$2,857,898 Assessed*	

*Wake County assessed building and land values reflect the market value as of January 1, 2016, which is the date of the last county-wide revaluation. Any inflation, deflation or other economic changes occurring after this date does not affect the assessed value of the property and cannot be lawfully considered when reviewing the value for adjustment.

The January 1, 2016 values will remain in effect until the next county-wide revaluation. Until that time, any real estate accounts created or new construction built is assessed according to the 2016 Schedule of Values.

For questions regarding the information displayed on this site, please contact the Department of Tax Administration at Taxhelp@wakegov.com or call 919-856-5400.



[Home](#)

Wake County Real Estate Data Ownership History

[iMaps](#)
[Tax Bills](#)

Real Estate ID **0014930** PIN # **1769362748**

Location Address
410 W YOUNG ST

Property Description
**MELISSA NONDORF & LIND TRIPP-CORBIN
BM2019-00812**

Account Search

[Pin/Parcel History](#) [New Search](#)



[Account](#) | [Buildings](#) | [Land](#) | [Deeds](#) | [Notes](#) | [Sales](#) | [Photos](#) | [Tax Bill](#) | [Map](#)

Disclaimer: The information on this site, including but not limited to the real estate "Owner Name" and date of acquisition, is provided for informational purpose only and is gathered from public records submitted, filed and recorded with various government departments, agencies, and offices. Although every effort has been made to ensure that the information presented on this website is accurate and timely, it is not intended to replace information that could be obtained directly from any other government department, agency, or office, nor should it be used as the exclusive basis for determining ownership or date of acquisition of real property. Wake County makes no representation or warranties, express or implied, concerning the accuracy, completeness, reliability, or suitability of the information provided herein or the status of title to the subject real estate.

	Owner Name	Type	% Own	Stamps	Book	Page	Date
Current	NONDORF, MELISSA CORBIN	WILL	1/3		14-E-	3261	11-25-2013
	TRIPP-CORBIN, LINDA		1/3				
	FORESTA, KATHERINE S		1/3				
1 Back	NONDORF, MELISSA CORBIN	WILL	1/3		-E-	-	06-21-2012
	TRIPP-CORBIN, LINDA		1/3				
	CORBIN, STEPHEN		1/3				
2 Back	CORBIN, GEORGE W JR	WILL	ALL		09-E-	3112	09-25-2009
	CORBIN, MELISSA L		ALL				
	TRIPP-CORBIN, LINDA		0				
	CORBIN, STEPHEN		0				
3 Back	CORBIN, GEORGE W JR	LIFE EST	ALL		01340	0101	11-03-1958
4 Back	CORBIN, MELISSA L	R-SUR	ALL		01340	0101	11-03-1958
	CORBIN, PHILIP L		ABOVE				
	CORBIN, STEPHEN		ABOVE				

*Wake County assessed building and land values reflect the market value as of January 1, 2016, which is the date of the last county-wide revaluation. Any inflation, deflation or other economic changes occurring after this date does not affect the assessed value of the property and cannot be lawfully considered when reviewing the value for adjustment.

The January 1, 2016 values will remain in effect until the next county-wide revaluation. Until that time, any real estate accounts created or new construction built is assessed according to the 2016 Schedule of Values.

For questions regarding the information displayed on this site, please contact the Department of Tax Administration at Taxhelp@wakegov.com or call 919-856-5400.



To: Mayor and Town Board of Commissioners
From: Danny Johnson, Planning Director
Date: January 7, 2020
Subject: Map Amendment (MA 19-03) A-Master Team, LLC

Item

MA 19-03 - Petition by A-Master Team, LLC to rezone 4.38 acres of a 7.44 acre parcel at 151 Grand Rock Way (PIN 1759707093) from Residential and Planned Unit Development (R&PUD) to Commercial Outlying Special Use District (CO-SUD).

Summary Information

PINs: 1759707093
Address: 151 Grand Rock Way
Parcel Acreage: 7.44 total
Current Zoning: R&PUD (4.38 acres) and CO-SUD (3.06 acres)
Proposed Zoning: CO-SUD
Owner: A-Master Team Townhomes

Background and Existing Conditions

Parcel 1759707093 is in Rolesville's corporate limits. The property has split zoning. The subject site is 4.38 acres and is in the R&PUD district. A-Master Team, LLC proposes a map amendment to rezone the site from R&PUD to CO-SUD. If approved, the amendment would create consistent zoning throughout the parcel.

The northern and western properties are in the R&PUD district. This land includes Granite Ridge townhomes and the Grande at Granite Falls apartments. There is Industrial (I) property to the south. This is the site of Pine-Glo. To the south and the east, there are R&PUD and Commercial Outlying (CO) districts. Coffee Lodge, Autozone, and CVS lie south of the subject site.

Rezoning to CO-SUD would allow for a mix of multi-family residential and commercial uses. The petitioner has applied for a special use permit (SUP 19-02) to adopt a new site plan for the property. The new site plan shows commercial use along Rogers Road and townhomes to the rear of the property.

Neighborhood Meeting

The applicant held a neighborhood meeting on November 13, 2019. Three citizens attended. Copies of the sign-in sheet and written comments are attached.

2017 Rolesville Comprehensive Plan

The Future Land Use Map identifies the property for Commercial land use. The rezoning is for mixed-use: commercial and multi-family development at this location. The proposed CO-SUD zoning district matches this classification, and would create consistent zoning throughout the parcel. The request is consistent with the 2017 Rolesville Comprehensive Plan.

Traffic Impact Analysis

The proposed development did not meet the trip volumes to warrant a traffic impact analysis. The Town's Unified Development ordinance requires traffic impact analyses for projects generating 100 or more added vehicle trips during the peak traffic hour or generating 1,000 or more added vehicle trips during the course of 24 hours.

The street network for the development will provide connections to the southern end of Granite Ridge Drive and to S Main Street through the back of Autozone.

Planning Board Recommendation

The Rolesville Planning Board at their meeting on November 25, 2019, considered the ordinance map amendment, and by unanimous vote of the Board recommended to the Town Board of Commissioners to approve the requested rezoning of MA 19-03 as presented. The rezoning request is consistent with the 2017 Rolesville Comprehensive Plan for mixed-use, multi-family development at this location.

Planning Staff Recommendation

The Planning Department staff finds the request reasonable, in the public interest, and consistent with the Comprehensive Plan and Future Land Use Plan. Staff recommends the approval of MA 19-03 because the Commercial Outlying Special Use District (CO-SUD) promotes commercial growth and multi-family residential development at this location.

Recommended Action

I make a motion to approve Resolution No. 2020-R-1, Town Board of Commissioners Statement of Consistency and approve Case: MA 19-03 as presented.

Attachments

MA 19-03 Existing Zoning/Future Land Use Map, Aerial of Property

MA 19-03 Rezoning Request Application

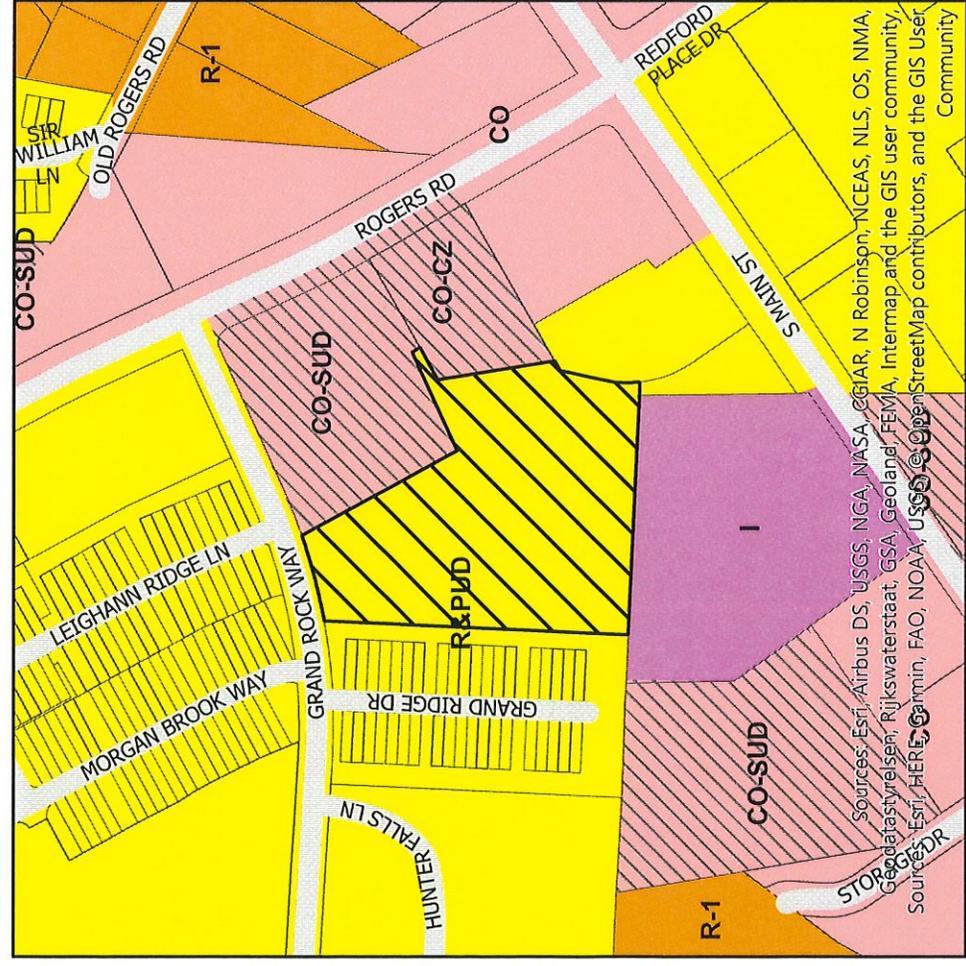
MA 19-03 Neighborhood Meeting Sign-In Sheet & Comments

MA 19-03 Planning Board Meeting Minutes (10/25/19) (Unadopted)

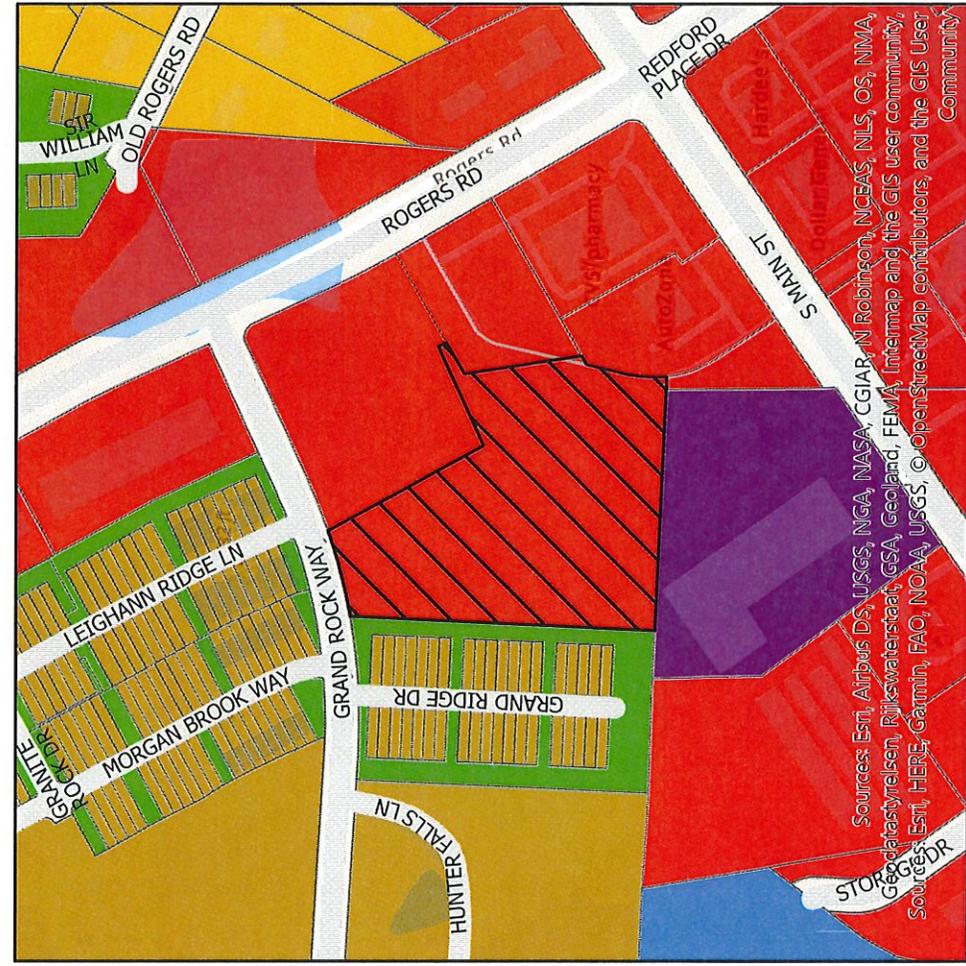
MA 19-03 Resolution No. 2020-R-1 Statement of Consistency

MA 19-03 - A-Master Team Townhomes

Existing Zoning

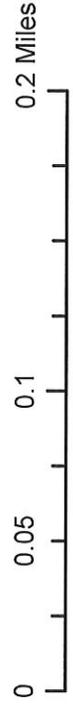


Future Land Use



Legend

-  MA 19-02
-  High Density Residential
-  Medium Density Residential
-  Commercial
-  Industrial
-  School
-  Preserved Open Space





Disclaimer

iMaps makes every effort to produce and publish the most current and accurate information possible. However, the maps are produced for information purposes, and are NOT surveys. No warranties, expressed or implied, are provided for the data therein, its use, or its interpretation.



MA 19 03 A Master Team



PETITION FOR ZONING AMENDMENT
FOR PUBLIC HEARING AND APPROVAL BY THE TOWN BOARD OF COMMISSIONERS

Section A.
SUBMITTAL CHECKLIST

Prior to submittal, contact Planning and Development staff to review this completed application for completeness and to verify the parcel(s) information. Do not leave this completed application on the front desk without review. Incomplete application submittal packages will not be processed. Please schedule an appointment for application review to ensure prompt service upon arrival.

SUBMITTAL PACKAGE MUST INCLUDE ALL OF THE FOLLOWING: (CHECK OFF)

- APPLICATION FEE.** Upon request, planning staff will prepare an estimate for you based on the type of application. Payments may be made by cash or by check, but not by credit card. Checks made payable: Town of Rolesville.
 - THREE ORIGINALS OF THIS APPLICATION FORM** completed (Section B), signed by the property owner and notarized.
 - THREE FULL SIZE COPIES OF PROPOSED PLANS.** Maximum sheet size shall be 30" x 42". Plans must be to engineering scale (1" = 20', 1" = 100', etc.). Preliminary plans do not need an engineer's, surveyor's or landscape architect's seal. Information shown on the plan should relate to the findings that must be made by the Board of Commissioners. See Section 3.6.2 and Article 8 of the Rolesville UDO for specific findings the Board is to make for this special use.
 - TEN 11" X 17" COPIES OF PROPOSED PLANS.**
 - A DIGITAL COPY OF ONLY THE PLAN LAYOUT AND ELEVATIONS.** The purpose of this image is to illustrate the basic character of the preliminary plan. It should contain only such basic information as: building outline, landscaping, parking and drives, stormwater facilities, and lot boundaries. The digital image should be provided in pdf format on a CD. If the plan was not digitally created, provide an 8 1/2" x 11" reduction of the plan.
-

PROCEDURE FOR HEARING AND APPROVAL OF A ZONING AMENDMENT BY BOARD OF COMMISSIONERS:

It is very important that this application is complete, accurate, and the signature of the property owner is notarized! A special use hearing is a quasi-judicial proceeding, and the special use permit may be invalidated if any information is inaccurate or incomplete.

If the initial application is complete, it will be reviewed by staff and then forwarded to the Planning Board. If the application contains a site plan, it will be reviewed by the Town's Technical Review Committee (TRC) in the interim. After receiving a recommendation from the Planning Board, the special use permit will most likely be heard by the Board of Commissioners approximately four (4) weeks later at a public hearing.

Applicant must be present at the hearing to present the case for zoning amendment. Town staff will provide a written draft set of findings for the Board to consider. Staff will contact the applicant with the time and place of the proceeding and will also provide a draft of the zoning amendment prior to the hearing.

Section B.

SUMMARY INFORMATION – (SHOW ON PLANS)

OWNER/DEVELOPER:

NAMES(S): A-Master Team, LLC

ADDRESS: 6200 Falls of Neuse Road, Ste. 10, Raleigh, NC 27609

TELEPHONE: _____ FAX: _____

EMAIL: halperry@remc.us

STAFF CONTACT FOR COMMENTS OR QUESTIONS:

NAMES(S): Johnny Edwards, Jr.

ADDRESS: 333 Wade Ave., Raleigh, NC 27605

TELEPHONE: 919-828-4428 FAX: 919-828-4711

EMAIL: johnny@jaeco.com

OWNER'S SIGNATURE:

I hereby certify that the information contained herein is true and completed. I understand that if any item is found to be otherwise after evidentiary hearing before the Town Board of Commissioners, that the action of the Board may be invalidated.

Date: 5-17-19

Signed: W. Harold Perry

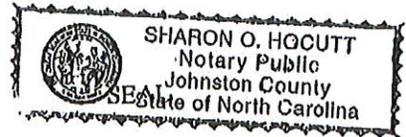
W. Harold Perry - Manager

STATE OF NC
COUNTY OF Johnston

I, a Notary Public, do hereby certify that
W. Harold Perry personally appeared
before me this day and acknowledged the due execution of the
foregoing instrument. This the

17th day of May, 2019. My commission expires 6/12/21

Signed: Sharon O. Hocutt



Section C.
APPLICANT STATEMENT

FOR MAP AMENDMENT----->

Location of Property: 151 Grand Rock Way Wake Co. PIN(S): 1759707093

Current Zoning District(s): R & PUD co-sup Requested Zoning District: ~~co-sup~~ CO-500 Total Acreage: 7.44 ac

Please include the following attachments:

- Attachment A – a legal description of property (i.e. include on a sheet of paper the property survey, Wake County PIN #, metes and bounds description, and any other legal information available)
- Attachment B – a list of adjacent property owners with envelopes addressed and postage paid
- Attachment C – a write up of why the property should be rezoned. This explanation should include if the zoning coincides with the Comprehensive Land Use Plan and if the impact of the proposed rezoning affects adjacent or surrounding properties.

NOTE: SIGNED APPLICANT MUST BE OWNER OF PROPERTY FOR MAP AMENDMENT

FOR TEXT AMENDMENT----->

This petition is to hereby amend the text to allow _____

_____ as a (check one) permitted use conditional use special use

in the _____ zoning district.

Please include the following attachments:

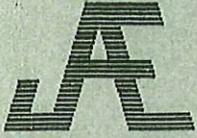
- Attachment A – a write up of the brief description of the proposed use
- Attachment B – a write up of why the amendment is necessary

ATTACHMENT A

TRACT 5

SITUATED IN THE TOWN OF ROLESVILLE, WAKE COUNTY, NORTH CAROLINA AND MORE PARTICULARLY DESCRIBED AS FOLLOWS

BEGINNING AT AN EXISTING IRON PIPE ON THE SOUTHERN RIGHT OF WAY OF GRAND ROCK WAY, SAID PIPE BEING THE NORTHWEST CORNER OF TRACT 5 AS SHOWN IN BOOK OF MAPS 201, PAGE 1390 OF THE WAKE COUNTY REGISTER OF DEEDS AND HAVING NORTH CAROLINA GRID COORDINATES OF N=790,238.79' AND E=2,157,530.95' ; THENCE FROM THE POINT OF BEGINNING,ALONG SAID RIGHT OF WAY FOR 4 CALLS, WITH A CURVE TO THE LEFT, HAVING AN ARC LENGTH OF 107.58 FEET A RADIUS OF 1030.00 FEET, A CHORD BEARING OF NORTH 76° 37' 54" EAST FOR A DISTANCE OF 107.53 FEET TO AN EXISTING IRON PIPE; THENCE CONTINUING WITH A CURVE TO THE LEFT, HAVING AN ARC LENGTH OF 148.84 FEET, A RADIUS OF 1030.00 FEET, A CHORD BEARING OF NORTH 69° 29' 59" EAST FOR A DISTANCE OF 148.71 FEET TO AN EXISTING IRON PIPE; THENCE NORTH 65° 21' 36" EAST FOR A DISTANCE OF 262.05 FEET TO AN EXISTING IRON PIPE; THENCE ALONG A CURVE TO THE RIGHT, HAVING AN ARC LENGTH OF 39.26 FEET, A RADIUS OF 25.00 FEET, A CHORD BEARING OF SOUTH 69° 38' 50" EAST FOR A DISTANCE OF 35.35 FEET TO AN EXISTING IRON PIPE ON THE WESTERN RIGHT OF WAY OF ROGERS ROAD; THENCE ALONG SAID RIGHT OF WAY FOR 3 CALLS, SOUTH 24° 39' 17" EAST FOR A DISTANCE OF 161.11 FEET TO AN EXISTING IRON PIPE; THENCE ALONG A CURVE TO THE LEFT, HAVING AN ARC LENGTH OF 95.40 FEET, A RADIUS OF 1050.00 FEET, AND A CHORD BEARING SOUTH 27° 15' 27" EAST FOR A DISTANCE OF 95.36 FEET TO A COMPUTED POINT; THENCE SOUTH 29° 51' 37" EAST FOR A DISTANCE OF 25.04 FEET TO AN EXISTING IRON PIPE; THENCE LEAVING SAID RIGHT OF WAY, SOUTH 60° 05' 31" WEST FOR A DISTANCE OF 244.95 FEET TO AN EXISTING IRON PIPE; THENCE SOUTH 08° 49' 40" EAST FOR A DISTANCE OF 208.92 FEET TO AN EXISTING IRON PIPE; THENCE SOUTH 60° 08' 02" WEST FOR A DISTANCE OF 18.00 FEET TO A COMPUTED POINT; THENCE SOUTH 12° 59' 21" WEST FOR A DISTANCE OF 76.72 FEET TO A COMPUTED POINT; THENCE ALONG A CURVE TO THE LEFT, HAVING AN ARC LENGTH OF 66.42 FEET, A RADIUS OF 200.00 FEET, AND A CHORD BEARING OF SOUTH 03° 28' 33" WEST FOR A DISTANCE OF 66.11 FEET TO A COMPUTED POINT; THENCE NORTH 87° 16' 05" WEST FOR A DISTANCE OF 446.53 FEET TO AN EXISTING IRON PIPE; THENCE NORTH 02° 37' 26" EAST FOR A DISTANCE OF 536.58' TO AN EXISTING IRON PIPE , SAID PIPE BEING THE POINT AND PLACE OF BEGINNING, AND CONTAINING 324,170 S.F. OR 7.4419 AC.



**JOHN A. EDWARDS
& COMPANY**

*Consulting Engineers
And Land Surveyors*

**333 Wade Avenue
Raleigh, NC 27605**

(919) 828-4428

(919) 828-4711 fax

info@jaeco.com

www.jaeco.com

ATTACHMENT C

A-Master Team Rezoning Narrative

The proposed rezoning is from R & PUD, and CO-SUD to CO-SUD. This zoning allows townhomes with a SUP which is the existing use on two adjacent properties. Landscape buffers are shown on the boundaries of other adjacent uses.



COMMENT SHEET

Name

Comment

<p>Susan Gardiner</p>	<p>Where will all the animals that live in the pine forest go? Where are people to walk their dogs? The pine forest is much prettier to look at than townhomes.</p>

Hello Johnny, Please forward my comments regarding the townhome project at 141 Grand Rock Way, Rolesville, NC 27571 to the members of the Rolesville Planning Board.

My name is Mike McRoy, and I am the owner/operator of the Coffee Lodge located at 412 S. Main St. Rolesville, NC 27571. I would like to voice my OPPOSITION to the construction of a subdivision connector street linking Grand Rock Way to US 401 via the street located beside the Coffee Lodge and Autozone. While I am in support of the townhome project for residential housing behind the Coffee Lodge I feel any connector street linking US 401 to Grand Rock Way or behind Autozone / CVS will greatly affect the success of the Coffee Lodge and the safety of the community for several reasons.

1. The location of the Coffee Lodge was carefully selected 11 years ago according to several standards necessary for the success of a coffee shop. Most importantly in this selection process is a location where traffic does not restrict access to and from the business during the morning commute or onto the thoroughfare street towards town. Coffee shops must also be located on the right side of a thoroughfare street heading towards an urban area. Quick egress out of the Coffee Lodge parking lot is important for the next customer to move forward and receive their coffee in order to quickly continue on their morning commuter route. The property behind the Coffee Lodge was zoned CO when we selected our location. Business plans at that time were to develop this parcel into a retail commercial development where peak hours of operation (9am - 5pm) and low traffic volume would have a limited effect on the morning coffee shop rush between 6 am - 10 am. 70% of most coffee shop revenue is earned before 10 am. Rezoning this tract of land to residential may fulfill affordable housing needs for the town, however a connector street which greatly increases traffic beside the Coffee Lodge will cause significant harm to our business possibly leading to its closure.

2. NCDOT Highway requirements for subdivision connector streets onto any thoroughfare street require 34' Face to Face (FF) Curb Width. US 401 is a thoroughfare. This is important because it allows for an incoming lane and both a left turn lane and right turn lane out onto the thoroughfare street for safety and accessibility. This is required for all newly constructed streets in NC. The street beside the Coffee Lodge has a 28' FF Curb Width. Not enough room for the necessary lanes needed for quick access onto the US 401 thoroughfare.

3. "No Cut Thru" signs have already been necessary at the entrances of CVS and the Coffee Lodge due to the large number of commuters who try to avoid the stop light at Rogers Rd. and US 401. The signs were installed after the Rolesville Police Dept. spent months warning and ticketing commuters. While these signs may have some effect for the law abiding citizen there are many commuters who ignore all vehicle and traffic laws when running late and in a hurry. I witness cut thru traffic on a daily basis beside the Coffee Lodge. Constructing a road that links the Coffee Lodge with CVS will produce a major cut thru for commuters wishing to avoid the traffic light at Rogers Rd. and US 401. The curve in this backstreet cut thru will also produce dangerous vehicle visibility concerns for children / pedestrians / bicyclists / residents of the newly constructed townhomes and customers of the Coffee Lodge, AutoZone, CVS, and the Rolesville Creek daycare. Traffic turning right onto US 401 from Rogers Rd. will begin to cut thru the Rolesville Creek daycare parking lot when the right turn lane backs up past the CVS

entrance in order to zoom behind CVS and Autozone and beside the Coffee Lodge. Imagine the number of commuters who will use this cut thru once they learn it is open.

4. The Site Plan for CVS currently has One Way Only direction behind the CVS leading towards the drive thru pharmacy window. Construction of this road will create an open flow of traffic using the cut thru in both directions to avoid the stop light at Rogers Rd. and US 401, thus creating driving hazards for CVS customers and Rolesville Creek parents.

5. The Coffee Lodge parking lot will be restricted for customers trying to leave the parking lot should more than 3 cars back up at the stop sign waiting to access onto US 401. A single car turning left could create an enormous back up since there is not enough room for both left and right turn lanes. This is where the lack of a 34' FF Curb Width is most important. Remember the road beside the Coffee Lodge has a 28' FF Curb Width.

6. The connector street through the townhomes to US 401 will also most likely become a major cut thru street for the several hundred townhomes and condos already built and occupied off Grand Rock Way. Why would a commuter drive to Rogers Rd. (turn rt.), navigate the stop light at Rogers Rd. and US 401 (turn rt.), and then proceed down US 401? That is three sides of a square. Turning onto this new street and popping out beside the Coffee Lodge to access US 401 is only one side of the square and will be a tremendous short cut. This will also compromise the safety and peace of the residents and children who live along this new street from the first day they move into their homes.

7. Grand Rock Way is designed to handle the traffic volume coming from the townhomes and condos built along this road. These townhomes / condos also connect to the newly constructed Granite Falls Blvd. designed to handle even heavier traffic volumes. Why do 47 townhomes at 141 Grand Rock Way need a back entrance / exit onto US 401? A street that will jeopardize the safety of children / pedestrians / bicyclists / townspeople / consumers / etc.

8. A CUL-DE-SAC built at the end of the new street into the townhomes rather than a connection of these three streets is the ANSWER. A cul-de-sac would provide a safer space for children in the townhomes to ride bikes and play. A cul-de-sac would provide more green space around the end of the street. A cul-de-sac would eliminate the street connection and all of the problems I listed above. A cul-de-sac makes perfect sense. CONNECTIVITY does not.

9. A CUT THRU COMMUTER designed street should not be more important than the success of your local businesses or the safety of your residents!

Sincerely, Mike McRoy

**REGULAR MEETING OF THE
TOWN OF ROLESVILLE
PLANNING BOARD
November 25, 2019**

(The Planning Board has not officially adopted these draft minutes.)

PRESENT: Mark Powers, Mike Moss, Frank Pearce, Jim Westbrook, Ruth Payne, Donnie Lawrence, Town Manager Kelly Arnold, Economic Development Manager Michal McFarland, Town Attorney David York

ABSENT: Board Member Jim Schwartz, Planning Director Danny Johnson

CALL TO ORDER

Chairman Mark Powers called the meeting to order at 7:01 p.m.

INVOCATION

Board Member Moss gave the invocation.

PLEDGE OF ALLEGIANCE

The board collectively recited the Pledge of Allegiance.

APPROVAL OF MINUTES

Upon a motion by Board Member Frank Pearce and second by Board Member Donnie Lawrence the minutes of October 28, 2019 were approved, by unanimous vote.

UNIFIED DEVELOPMENT ORDINANCE MAP AMENDMENT: MA Case 19-03 A-MASTER TEAM TOWN HOMES

Town Manager Kelly Arnold reviewed the rezoning request of 4.3 acres at Grand Rock Way, and introduced *Johnny Edwards Civil Engineer for Applicant A- Master Team* to the board for further questions. Important to note, the existing zoning parcel in question is a split parcel, and what is adjacent is zoned commercial outlying special use district. The request is to modify this current zoning to be consistent with the future land use to this conditional special land use which is what the other 3 plus acres of this lot is. The rezoning would allow for a multi-use mixed commercial use.

If adopted, they have applied for a special use permit to adopt a new site plan for this property. The new site plan shows commercial along Rogers Road, and town homes in the rear of the property. The applicant held a neighborhood meeting on November 13, 2019, with three citizens in attendance. No traffic impact analysis has been conducted at this time for the master plan. If adopted, it will go before the town board. Planning department staff finds the request reasonable in light of public interest and is consistent with the comprehensive plan and the future land use plan. Staff favorably recommends obtaining a Master Map Amendment 19-03, for consideration of the Planning Town Board Commissioners. The petition is reasonable and in the public interest, because the commercial outlying special use district promotes commercial growth and multifamily residential development.

Planning Board Member Donnie Lawrence would like to know if the access will be behind Auto Zone tied in behind the daycare?

Planning Board Member Ruth Payne expressed concern for the Coffee Lodge, as they have been in town for a while and she would like to make sure they are protected if the rear entrance is used as a cut through.

Planning Board Members Mark Powers and Mike Moss were concerned it would be a straight shot, but if it had a stop condition, that would deter those attempting to use it as a cut through.

Planning Board Member Frank Pearce asked if we could introduce a Right turn in Right turn out only. Kelly added this idea is already in our Main Street Vision plan, which is about 30% designed and includes a right in/right out; also noting Exxon Mobile was not in favor of removing a left turn capability from their gas station.

Planning Board Member James Westbrook raised concern if the existing townhome occupants would be disrupted by the commercial access, reminding the audience of the Walmart Express a few years ago that tried to come in to that same space. The board at that time proposed restrictions of operational hours from 8 am to 10 pm. He would like to limit commercial access and inquired how to protect the occupants and keep it residential.

A- Master Plan Applicant Civil Engineer Mr. Edwards replied this proposal is zoned for 2.5 acres of commercial mixed use, and he is not sure how to ensure the commercial section does not interfere with the residential access. This is zoned R&PUD, left over from the Walmart project that didn't get built. Coming back with remaining 4.3 acres remaining R&PUD and zoned CO- commercial outlying and SUD. With this will be a special use permit for 47 townhomes, accessed off Grand Rock Way, leaving the front 2.5 acres for commercial use. There is not enough room for right in, right out use.

Town Attorney David York stated once the special use permit is accepted, conditions of approval could be attached at the site plan review. Planning Board Member Mark Powers asked for a time frame for this to go before the town board from Town Manager Kelly Arnold. Kelly stated he hopes to bring the map amendment to the first meeting in January, then follow up with a Master plan in February.

Planning Board Member Mark Powers asked the general audience for questions or comments, and heard none.

Moved by Planning Board Member Donnie Lawrence and second by Board Member Frank Pearce to recommend that the town board commissioners approve the requested rezoning of MA 19-03. Petition is reasonable and in the public's interest because the commercial outlying special use district CO-SUD promotes commercial growth and multi-residential development. The petition is consistent with Rolesville's

comprehensive plan, because it addresses the need for mixed use. The commercial outlying special use district is also consistent with the future land use maps call for commercial use. Motion carried by unanimous vote.

APPROVE THE 2020 PLANNING BOARD MEETING SCHEDULE

Town Manager Kelly Arnold addressed the 2020 schedule. In 2020, he anticipates a couple of special meetings with the rewrite, the UDO, and the traffic studies. Also joint town board and planning board meetings to discuss specific topics. Board Member James Westbrook asked when the new town board comes in. Kelly stated on December 3, the old board starts the meeting and the new board will be sworn in. Planning Board Member Donnie Lawrence commented that is the same night as the Holiday Tree Lighting. Planning Board Member Ruth Payne asked if the meeting will occur at 7 pm after the tree lighting. Kelly confirmed it is, and reminded them they can watch the meeting as it is now televised on channel 22 or via YouTube.

Town Attorney David York stated there must be a motion to cancel the December 16, 2019 Planning Board meeting and approve the 2020 schedule. Upon a motion by Board Member Ruth Payne and second by Board Member Mike Moss the motion to remove the December Planning Board meeting was approved, by unanimous vote.

PLANNING DEPARTMENT'S REPORT

Town Manager Kelly Arnold reported in the absence of Planning Director Danny Johnson reported on the following:

-Town staff met with Planning Board Members Mark Powers and Ruth Payne, as well as with Town Board Members Jacky Wilson and Paul Vilga prior to tonight's planning board meeting to review four consultants to start the proposed UDO rewrite. Three consultants have been picked. If all goes well, they hope to have the one chosen start in January. Process should take about twelve to eighteen months. The UDO should be rewritten every five years; our UDO is well overdue and has not been rewritten in fifteen years. Intent is to spend some time on those that are not cookie cutter, but are appropriate for Rolesville. Kelly is looking for joint participation, ensuring the planning board is in sync with the town board throughout this process. There will be a public input part.

-Kimley Horne is onboard for the transportation study. Contract is signed to get started on the street study. Masterplan review of what is working. Focus will be on Young Street and Rolesville Road, especially due to the twenty-two hundred homes in the last six months built in proximity. Also, how to build up the rest of the community for transportation.

-The Transit study with the Town of Wake Forest and RLS is about to get started. Hopefully the end of January sometime around January 21st, he would like to have both consultants of those two studies come and talk to the board. Kelly invited the

planning board to come for a discussion with the town board. If the UDO consultant is ready, he might bring them in too.

-Strategic Plan process is about to start. The town board will have an introduction on December 3rd. Looking to outline what the board hopes to accomplish over the next five to ten years, which will be influenced on growth and land use. Public input session will take place. This will include everything from land use, public safety, culture, recreation, etc. Expectation is the first six months of 2020 will be busy.

-Important to note: Mical McFarland, the Economic Development Manager and Kelly are handling the Planning Department along with the help of Interim Planning Director Tim Clark. Caroline Richardson has left the Town of Rolesville to join Stuart Consulting, to further her career in private consulting. We hired Allison Wright on a part-time temporary basis with GIS experience. After Thanksgiving, we will advertise for a Mid-Level Planner with more experience. As stated in the recent study conducted, the planning department is understaffed.

Board Member James Westbrook asked about the RFQ for the consultant for the UDO, specifically what information was provided with regards to cost. Town Manager Kelly Arnold responded there was no budget divulged, just what the expectation is. We will be given three sealed envelopes, to which they will chose the best candidate and see if that person is affordable. It will be based upon a project, and hopefully we can afford them. If not, they will move to the second consultant. There is no set price on this. Board Member Ruth Payne asked if this was negotiable. Kelly responded it was. Once they make their choice, the first thing they will do is sit down and make sure they get the scope right, and make sure the pricing is in line with that scope. Then you get the final price with the contract. He is looking for not just a nice UDO, but also a development handbook. It will have less than 10 pages to quickly find how to do things in Rolesville.

TOWN ATTORNEY'S REPORT

Town Attorney David York- Wished everyone a happy holiday season. Nothing else to report.

OTHER BUSINESS

There being none, Planning Board Member Moss also wished everyone a safe holiday season.

ADJOURN

There being no more business before the board, upon a motion by Board Member Donnie Lawrence and second by Board Member Frank Pearce, the meeting was unanimously adjourned at 7:46 p.m.



RESOLUTION NO. 2020-R-1
TOWN BOARD OF COMMISSIONERS STATEMENT OF CONSISTENCY
Case No.: MA 19-03

WHEREAS, A-Master Team, LLC has submitted a petition for a map amendment to the Town's official Zoning Map known as MA 19-03 to rezone 4.38 acres of a 7.44 acre parcel from the current zoning of Residential and Planned Unit Development (R&PUD) to Commercial Outlying Special Use District (CO-SUD) for property located at 151 Grand Rock Way (PIN 1759707093).

WHEREAS, N. C. General Statutes Section 160A-386, requires the Town Board of Commissioners to adopt a zoning amendment consistency statement whenever it approves or rejects a proposed zoning amendment;

WHEREAS, the proposed map amendment is consistent with the Rolesville Comprehensive Plan, Future Land Use Plan classification as mixed use, and that the proposed zoning district is included in that classification.

WHEREAS, the Rolesville Planning Board at their meeting on November 25, 2019, considered the requested ordinance map amendment, and by a unanimous vote of the Board recommending to the Town Board of Commissioners to approve the requested rezoning of MA 19-03. The request is reasonable and in the public interest because the Commercial Outlying Special Use District (CO-SUD) will create consistent zoning throughout the site, promoting commercial growth and multi-family residential development.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF THE TOWN OF ROLESVILLE:

The Town Board finds that the proposed map amendment is consistent with the Rolesville Comprehensive Plan as a mixed-use district, and that the proposed zoning request is included in that classification.

The preceding resolution, having been submitted to a vote, received the following vote and was duly adopted the ___ day of _____, 2020.

Ayes: _____
Noes: _____
Absent or Excused: _____

ATTEST:

Ronnie I. Currin, Mayor

Robin E. Peyton, Town Clerk

[SEAL]



Memo

To: Mayor Currin and Town Board

From: Kelly Arnold, Town Manager

Date: January 2, 2020

Re: Third Agreement to Right of Entry Agreement Between Town of Rolesville and Lafayette Inv., Inc.

Starting in May 2019 and extended in July 2019, the Town and Lafayette Inv. (Developer) have agreed that it could be mutually beneficial for both parties for the Developer to develop Town-owned properties in a mixed-use project that would generally be in alignment with the Town Center concept. For the past six months the Developer has been conducting their due diligence on the environmental aspects of the properties and also have been amassing additional property to expand the acreage of the developable property. In addition, Town staff and the Developer have met several times to discuss UDO modifications to accommodate the mixed-use and an outline of a development agreement between both parties.

The July 2019 agreement expired December 31, 2019. The Developer has submitted a letter requesting an extension to continue and possibly finalize a Town (public) and Developer (private) agreement to start the development. The Developer will be present at the Town Board meeting to review the latest concepts of the mixed-use development and make the request.

Town Attorney Neill has developed the third extension agreement that has been reviewed by the Developer. Key components of the agreement are:

- The agreement shall expire April 30, 2020.
- The Developer shall continue to provide all information regarding their findings on the Town-owned property. To date, all information has been shared with the Town. The Developer is initiating a Phase II study of a portion of the land that needs further evaluation.
- Two milestones need to be achieved by February 29, 2020. They are the completion of a detailed Letter of Intent (stating conditions of sale and development agreement) and Developer provide final elevations of their proposed development design.

Town Board Options

Based upon the request by the Developer and any further information the Board options are:

- Approve the Third Extension Agreement;
- Modify and amend the Third Extension Agreement;
- Do not approve the Agreement and direct staff on how to proceed with this Developer and any possible mixed-use project.

Staff Recommendation: Based upon recent effort by the Developer to bring forth preliminary financial information on the mixed-used development, information for the basis of initiating a UDO amendment, and development agreement concepts, it is staff's recommendation that the Town Board approve the third extension agreement. This agreement is clear that it is incumbent upon both parties (Town and Developer) work towards a conclusion of this effort. The April 2020 date will mark the one-year anniversary of this effort. This is sufficient time for both parties to come to agreement on the future of this partnership.

Attachments: Developer request letter delivered to Town Manager on December 20, 2019

Third Extension Agreement between Town and Lafayette Inv.



LUXURY APARTMENTS AT
FOXWOOD

1080 Pittsford-Victor Rd STE #202
Pittsford, NY 14534
www.kdmdevelopment.com

DEVELOPER'S REQUEST FOR EXTENSION

Members of the Board,

My name is Kenyon Burnham and I am writing you on behalf of KDM, the Foxwood Group, and the Developers of Lafayette Village. We are formally requesting an extension to our Exclusive Right to Access and Negotiation Agreement that exists over the Town Owned property within your Downtown Development District. Over the past several months, we have:

- Engaged with property owners in the area in order to acquire additional land we deemed necessary to the completion of this project. This took a longer amount of time than we had expected, but we're happy to announce that we have been able to come to terms over the acquisition of a necessary assemblage of properties.
- Created a development narrative describing the property in specific terms in order to facilitate an eventual textual amendment we will be pursuing to allow for our proposed project under the Downtown Overlay District.
- Created an initial deal sheet of concessions we will be requesting from the town in order to help alleviate initial market-based frictional concerns we have with the commercial components of this project.
- Created a financial forecast of the project in order to determine and prove the project's feasibility to lenders.
- Created a preliminary layout/concept design and updated it to reflect the additional privately-owned property that we now have under contract.

In the coming months, we would like to continue to pursue a Development Agreement with the town that will both ensure the long-term health and feasibility of this project, as well as reach an arrangement that benefits Rolesville as a community. We are nearing in on that agreement, but still have the following to accomplish in pursuit of that:

- Negotiation and Finalization of a full Development Agreement including relevant business points that are still being finalized.
- Finalization of a full Textual Amendment to be reviewed and ratified by the Town Board.
- Determination as to the usage and ownership structure of the proposed public-use building within the project, colored blue for reference within the layout proposal

Thank you kindly for your time and consideration. We respectfully request our extension agreement is approved so that we may continue our work towards creating a project that re-vitalizes Rolesville, bringing the economic growth and prosperity we know it will spur.

Humbly,

Kenyon Alexander Burnham
Vice President, KDM Development

**THIRD AMENDMENT TO
RIGHT OF ENTRY AGREEMENT**

THIS THIRD AMENDMENT TO RIGHT OF ENTRY AGREEMENT (the “**Third Amendment**”) is made and entered into by and between **TOWN OF ROLESVILLE**, a North Carolina municipal corporation (“**Owner**”) and **LAFAYETTE INV, LLC**, a New York limited liability company (“**Licensee**”); Owner and Licensee are collectively hereinafter, the “**Parties**”).

W I T N E S S E T H :

WHEREAS, Owner owns, in fee simple, tracts of land on or near the intersection of East Young Street and South Main Street in the Town of Rolesville, Wake County, North Carolina, said real property being more particularly described in the Original Agreement defined below (the “**Land**”);

WHEREAS, Owner and Licensee did previously enter into that certain License for Entry and Indemnification Agreement dated February 18, 2019, as amended by that certain First Amendment to Right of Entry Agreement dated May 9, 2019; and as further amended by that certain Second Amendment to Right of Entry Agreement dated July 19, 2019 (collectively, the “**Original Agreement**”); the Original Agreement as amended by this Third Amendment, the “**Agreement**”);

WHEREAS, Pursuant to Section 3 of the Original Agreement, Licensee has requested an extension to the Original Agreement’s Term; and

WHEREAS, the Town has determined that it is reasonable to permit the Licensee additional time to complete its development diligence efforts on the Land by providing an extension to the Term pursuant to terms and conditions set forth herein.

NOW THEREFORE, in consideration of the foregoing recitals, the receipt and sufficiency of which are hereby acknowledged, the Parties hereto agree as follows:

1. AMENDMENTS TO AGREEMENT.

- A. The definition of “Term” as set forth in Section 2 of the Original Agreement is hereby amended by deleting the second sentence of this section in its entirety and replacing the same with the following language:

This License shall automatically expire and terminate on April 30, 2020 (the “Term”).

- B. A new Subsection 7.6 is hereby appended to the Agreement with the following language:

7.6. Deliverables. In the event of any termination or expiration of this Agreement, except in the event of the parties’ execution of a purchase agreement for the

Land, within ten (10) business days of such termination or expiration, Licensee shall deliver to Town all surveys, reports, test results, and other materials acquired by Licensee as part of the Licensed Activities; and all plans, drawings, applications, permits, and other materials prepared or acquired by Licensee as part of Licensee's investigations and planning related to the Land. Notwithstanding the foregoing, Licensee shall not be required to deliver to Town any such materials that are proprietary in nature.

C. A new Section 8 is hereby appended to the Agreement with the following language:

8. Milestones. Licensee shall exercise good faith, commercially reasonable efforts to have achieved the following milestones on or before February 29, 2020 (collectively the "**Milestones**"):

A. _Delivery of architectural elevations for the Land;

B. _Delivery of draft final site plan for Land that will be the basis of the zoning amendments, utility improvements, and the development agreement; and

C. Execution by the Parties of a letter of intent summarizing the key terms and conditions for conveyance of the Land and development of the same.

D. A new Section 9 is hereby appended to the Agreement with the following language:

9. Termination Option. In the event the Milestones have not been achieved as of February 29, 2020, this Agreement may be terminated at the election of the Town, in the Town's sole discretion. Such option to terminate shall be exercised by delivery of written notice to the Licensee and shall be effective upon Licensee's receipt or rejection of such notice. Following termination pursuant to this Section, this Agreement shall be null and void and the parties shall thereafter have no further obligations, save and except Licensee's obligations pursuant to Subsection 7.6.

2. **MISCELLANEOUS**

A. Enforceability. When duly executed and delivered by the parties, this Third Amendment and the Agreement constitute a legal, valid, and binding obligation and is enforceable against the parties in accordance with its terms, and the parties hereby ratify and affirm the Agreement as amended.

- B. Capitalized Terms. Capitalized terms used herein and not otherwise defined shall have the meanings set forth in the Agreement.
- C. Governing Law. This Third Amendment shall be governed by and construed in accordance with the internal laws of the State of North Carolina without giving effect to any choice or conflict of law provision or rule (whether of the State of North Carolina or any other jurisdiction).
- D. Continuing Effect. Other than as expressly amended and supplemented hereby, the Agreement shall remain unchanged in full force and effect.
- E. Counterparts. This Third Amendment may be executed in counterparts, each of which shall be deemed an original, but all of which together shall be deemed to be one and the same agreement. A signed copy of this Third Amendment, or executed counterpart signature pages of this Third Amendment, delivered by fax, email in portable document format (pdf), or other electronic transmission intended to preserve the original graphic appearance of the document shall be deemed to have the same legal effect as delivery of an original, signed copy of this Third Amendment. Without limiting the foregoing, a copy of this Third Amendment or any other writing required under this Third Amendment that is executed with an electronic signature as defined by the Uniform Electronic Transactions Act (N.C. Gen. Stat. § 66-311 et seq.) shall be deemed as binding upon the maker as any signature or mark made by ink or otherwise.
- F. Date of this Amendment. This Third Amendment shall be effective upon the date of its completed execution by the parties as determined conclusively from the later date of execution written beneath the parties' respective signature blocks.

**REMAINDER OF PAGE INTENTIONALLY BLANK
SIGNATURE PAGE FOLLOWS**

IN WITNESS WHEREOF, each party has caused this Third Amendment to be executed as of the dates indicated hereinbelow.

“Owner”

TOWN OF ROLESVILLE

By: _____
Name: Kelly Arnold
Title: Town Manager
Date: _____

“Licensee”

LAFAYETTE INV, LLC

By: _____
Name: _____
Title: _____
Date: _____