



**Planning Board Regular Meeting**  
**September 28, 2020- 7:00 PM**  
**502 Southtown Circle, Rolesville, NC 27571**

## **MINUTES**

**PRESENT:** Mark Powers, Chairman  
Frank Pearce, Board Member  
Davion Cross, Board Member

Mike Moss, Vice Chairman  
Donnie Lawrence, Board Member  
Michelle Medley, Town Commissioner/  
Planning Board Liaison

Danny Johnson, Planning Director  
Julie Spriggs, Planner II

Town Attorney, Dave Neill  
Shelly Raby, Development Specialist

**ABSENT:** Jim Schwartz, Board Member

### **CALL TO ORDER**

Chairman Mark Powers called the meeting to order at 7:00 p.m. At 7:01 a recess was called due to technical difficulties. The meeting was reconvened at 7:29 p.m.

### **PLEDGE OF ALLEGIANCE**

The board collectively recited the Pledge of Allegiance.

### **INVOCATION**

Board Member Moss gave the invocation.

### **APPROVAL OF MINUTES**

**Moved by Board Member Frank Pearce and second by Board Member Donnie Lawrence the motion to approve the minutes of August 24, 2020, carried by unanimous vote.**

**Moved by Board Member Mike Moss and second by Board Member Frank Pearce the motion to approve the Special Joint Work Session meeting minutes of August 25, 2020, carried by unanimous vote.**

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1 | Planning Board Meeting Minutes  
July 27, 2020

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*\*Important to note, **Chairman of the Board Mark Powers** reminded the board he will be asking those who have signed up to speak to keep their comments to three minutes to allow everyone who wishes to speak the same opportunity.*

## **MA 20-01 Hopper Communities, UDO Map Amendment**

Julie Spriggs Town of Rolesville Planner II presented the map amendment information noting the proposal is consistent with the comprehensive plan and with the UDO for maximum density of R3 categories. An addendum was included in the agenda packet from the Transportation Engineer, the original traffic impact analysis called for a higher density than what is being proposed. The recommendation still stands from town staff even though what has been presented has lesser units per acre and lesser density than what was proposed in the original TIA.

The Traffic Impact Analysis was reviewed by Congestion Management- NCDOT noting it met criteria, with further review and analysis as the site develops and recommended the following:

- \* Monitor Rolesville and Mitchell Mill Road intersection for signalization
- \* Full access intersection and south-bound left turn lane with 100 feet of storage with a taper on Rolesville Road
- \* Full access intersection and stop controls on Mitchell Mill Road

Ms. Spriggs shared information from the NC School of Government since we do not review these often

### State Statute on Proposed Conditions- Standards- 160A-381

- \* Proposed zoning conditions are limited by state and federal legislation and case law
- \* Conditions, including building design elements, must be voluntarily consented to by the owners of all the property. The following article was given to the board members for review: <https://canons.sog.unc.edu/can-the-city-tell-me-what-my-new-house-has-to-look-like/>

**Beth Trahos -Attorney Nelson Mullins** spoke as the representative for Hopper Communities.

- \* Shared a map of the proposed area noting the reduction of the project originally proposed from 370 total homes to 297 homes with 120 townhomes included, no more than 15 acres of townhomes.
- \* A request was put forth by the neighbors of the surrounding properties and Beth is making good on her promise to ask the board to not connect Hopper Communities to the stub located on Taviston Court from the Woods Crossings neighborhood. The street is existing and was intended to be stubbed out to their property, however, the neighbors would prefer the connection not be made and the owners are okay with not connecting if the town permits. This is not a condition now.

Planning Director Danny Johnson noted Taviston Court was put in with a street stub, he was not sure if they intended it for another phase. Town policy states that when a street

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is stubbed, connectivity is to be encouraged. There is only one access into the Woods Crossing neighborhood, he is hearing the concerns of the property owners of additional traffic however sited safety concerns. Both the Comp Plan and the UDO always recommend connecting stubs. No paper street for the future then left questioning who will pay for it.

**Dave Neill- Town Attorney** clarified the condition of not connecting the stub would be offered by the property owner. The rezoning would not permit the connection to be made, it would be a limitation. The question is whether that would conform to the ordinance and whether that would still receive the planning staff's recommendation, so the planning board could consider if it would receive their recommendation to pass on to the board of commissioners. The wording of this condition is something he would need to think about to make sure it is correct and makes sense. But essentially, the applicant with their rezoning case as a condition would prohibit the future development of their site with a connection to that stub.

**Bill Harrell- Hopper Communities** 2403 Medway Drive, Raleigh.

Having met with neighbors 4 times, they have significantly decreased density by over 20%, added type A landscape buffers, increased minimum lot size by 67%, to 10,000 sq. ft, side setbacks, and agreed not to extend Taviston Court from Woods Crossing if permitted by the board of commissioners. This plan is at the very low end of the current UDO's medium density requirements.

**Chairman Mark Powers** asked about construction phases, and schedules Bill replied at least 2 phases, moving dirt and start construction roughly 1 year out, the first Certificate of Occupancy may be 2 years out. Maybe 5 years to 150<sup>th</sup> permit issuance depending on market conditions.

**Planning Board Member Donnie Lawrence** questioned lot sizes and landscaping buffers.

**Planning Board Member Davion Cross** asked **Planning Director Johnson** for clarification on zoning districts and lot sizes for any developer coming in need to qualify for three out of the five is that correct? R-I, R-II, R-III, or RPUD; and if the only zoning district in this community will be R-III?

a- **Mr. Johnson**, we only have four districts, and yes the R-III or the RPUD are the only options. One of the issues is meeting all of the criteria for the RPUD. **Attorney Trahos** noted that the reason they chose R-III is that they were cautioned the town desired not to have RPUD, so that is why they chose the R-III district.

**Mr. Cross** asked Mr. Johnson why is the entire subdivision R-III, and does not include some diversity?

a- **Mr. Johnson**, if this was any other district, it would be larger lots. R-I is twenty-thousand square feet, R-II is fifteen-thousand square feet, R-III is ten-thousand square feet for single-family. This is a ten.

**Mr. Cross** then asked **Mr. Harrell**, why then isn't there an R-I or R-II, why haven't you included that in the subdivision?

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a- **Mr. Harrell** reviewed their options given the town board discouraged their original plan of utilizing an RPUD for zoning. He reviewed an R-I, and R-II does not allow townhomes. R-III does allow townhomes, but it didn't allow single-family homes, which is why they did the text amendment to allow single-family homes in R-III. **Mr. Cross replied**, "I got all that, but I guess what I am getting at is that it came down to your decision to go with all R-III; why don't we have some R-I's and R-II's in there?" Attorney Trahos responded they looked to the comprehensive plan initially what does the town say it wants in this location. Here the plan says we want medium density residential 3-5 units per acre, with twenty-thousand square foot lots which are essentially half-acre lots, or fifteen-thousand square foot lots minimum which are essentially third acre lots, it's hard to achieve the kind of density that is contemplated. Looking across the street, Kalas Falls was approved with lots as small as six- thousand square feet and up the road at the Point, some lots are even as small as four-thousand square feet. We saw the diversity in lot size, we saw the comp plan and thought it made sense to come forward with this request.

**Mr. Cross-** so if you wanted to add R-I and R-II's, you could?

a- **Attorney Trahos**, so it's a minimum lot size. Bill Harrell also noted that is just a minimum lot size, just a baseline number.

**Mr. Johnson** pointed out we are not discussing lot sizes, right now the minimum is all lots have to have ten-thousand square feet. This must meet those minimums.

**Chairman Powers** noted most conditions seem to hinge on the 150<sup>th</sup> permit issuance. How long until that happens?

a- **Mr. Harrell**, roughly 5 years from today give or take.

**Dave Neill- Town Attorney** cautioned the board not to read too much into exhibit 1. That is only one way these conditions could be built. Save the location of the greenway which is a general set.

**Planning Director Danny Johnson** received word from Planning Board Member Jim Schwartz apologizing for not attending this evening, a work matter came up.

#### **COMMENTS FROM PUBLIC IN FAVOR (in person)**

Betsy Wilkins No address given, noted as an owner of 25.5 acres of land on Rolesville Rd.

Shelton Moody No address given, noted as a Rolesville Rd. property owner

Sue Scarboro Tucker Wilmington, NC

Ginny Fowler Wheeler 7928 Sutterton Ct. Raleigh. Landowner asking to sell land which has been in the family for 60 years. No young family to keep the farm going. Asked for the same opportunity as other landowners in the community. Property of county residence opposing reside on what was once farmland, and they now want to control

what happens to the land because they live nearby. They believe in free property. Copies of letters brought in support of the change.

### **COMMENTS FROM PUBLIC IN OPPOSITION (in person)**

Gayle Stallings 1512 Rolesville Rd Wake Forest. Opposed to density and a minimum lot size of 10,000 sq. ft. and zoning request. Zoning request is not in the best interest of the community. Public transportation is not currently available to Mitchell Mill or Rolesville Rd. Woodlief Farm is a working farm, adding per UDO section 14.6.6 a buffer is needed for abutting farmland.

Minda Sportsman 3809 Arbor Rose Lane Zebulon. Deny rezoning request. Not consistent with the town's comprehensive plan. Encourage commercial. Please read the public comments submitted this evening.

Vice-Chairman Mike Moss noted he is not in favor at this time of voting for the stub condition. The residents may not see the stub connection as a benefit but cited safety concerns of having another way out if there was an accident or a fire inside their neighborhood. The stubout was put there for a reason. Mr. Powers noted he also had that same concern and he understands the reluctance, but one house fire near the entrance concerns him in regards to first responders. Mr. Cross stated he thought Hopper Communities benefited from the connection. Mr. Moss reiterated if this stub had been intended as a dead end, it would have had a cul de sac. Mr. Powers questioned the timing of this development and Kalas Falls and traffic. Mr. Johnson explained the contributors to the stoplight and the upgrading of the intersection.

Planning Director Danny Johnson reminded the board they have written comments from the website that were printed and placed at your desk before the start of tonight's meeting for your review. We are acknowledging they have been received before deliberations in this meeting. A list of those comments received on our website can be found below.

### **COMMENTS FROM PUBLIC IN OPPOSITION (received through email)**

Lynn Thomas 3813 Taviston Ct. Wake Forest Oppose rezoning

Lesley Klinker 3509 Taviswood Way Wake Forest Oppose rezoning due to density and traffic

Gary Klinker 3509 Taviswood Way Wake Forest Oppose rezoning due to density and traffic

Brenda & Tim Owen 3808 Taviston Ct Wake Forest Opposes rezoning

Regina Hakes 6300 Mitchell Mill Rd. Zebulon Opposes rezoning

Sarah Segard 3804 Taviston Ct. Raleigh Opposes rezoning

Rita Gritzmacher 3805 Arbor Rose Ln. Zebulon Opposes rezoning

Marty Weathers 6228 Mitchell Mill Rd. Zebulon Opposes rezoning

Michele Roerick 3624 Nether Ridge Rd. Zebulon No comment regarding Map Amendment rezoning

Curtis Roerick 3624 Nether Ridge Rd. Zebulon Stated conditional zoning request is not consistent with the Comprehensive Plan and should be denied

Michele Roerick 3624 Nether Ridge Rd. Zebulon Asked to deny this application

Tony & Susan Swift 3504 Taviswood Way Wake Forest Opposes rezoning

Daniel Sportsman 3809 Arbor Rose Ln. Zebulon Opposes rezoning

Tara Seslowe Hooper 3801 Taviston Ct. Raleigh Opposes rezoning

Annette Shore 1636 Rolesville Rd. Wake Forest Opposes rezoning

John Shore 1636 Rolesville Rd. Wake Forest Opposes rezoning

Harrell Stallings 1512 Rolesville Road Wake Forest Opposes rezoning

Betty Woodlief 1501 Rolesville Road Wake Forest Opposes rezoning

**Upon a motion by Board Member Mike Moss and second by Board Member Frank Pearce, to recommend approval of MA 20-01 to the town board of commissioners to rezone 1801 Rolesville Road and 6301 Mitchell Mill Road from Wake County residential 30 Zoning District (R30) to Rolesville Residential 3 Conditional Zoning District (R3-CZ) with conditions as presented including the connection to the Taviswood stub. This petition is reasonable and in the public interest and is consistent with the town's comprehensive plan and future land use map, which identifies the area as medium density residential. The motion passed 3 to 1, with Board Member Davion Cross in opposition.**

#### **PR 20-01 The Point- Phases 1-10, & 14 Preliminary Subdivision Plat review**

**-Planner II Julie Spriggs** reviewed the staff report and map of the property.

-TRC recommends approval as presented

- **Planning Director Johnson** noted this is an RPUD and is consistent with the Master Plan. Road improvements include the Quarry Road section. Responsibility predetermined of the TIA to install a traffic light at Quarry Road. DOT evaluation can be triggered in response to the turn arounds and high school traffic during peak times. All covered in the TIA and SUP conditions already spelled out.

- **Board Member Cross** questioned the RPUD and commercial location (upper right corner of the map).

- **Chairman Powers** questioned the two ponds along Rolesville Road. The lower pond will be breached and the Upper pond will be upgraded. Will the HOA assume ownership

of the dam? Planning Director Johnson confirmed they would have a responsibility as part of the open space agreement.

- **Vice-Chairman Moss** questioned the greenway trail. Planning Director Johnson confirmed the greenway trail will go under the bypass through an existing tunnel carried over to the northern point. Currently, there is no physical greenway trail, but there is a tunnel under the bypass, to be put in by the builder of this development. Additionally, there will be a greenway that runs parallel to the road and comes back into the subdivision, and brings it up to Young Street.

- **Board Member Cross** asked about the properties located along 401, what is the buffer? Planning Director Johnson noted there is a thoroughfare buffer in the plan. No wall required, just landscaping. Mr. Cross also questioned entrances to the subdivision. Director Johnson pointed out the numerous street stub connectors, noting there will be no access on the bypass, everything has to come in through Rolesville Road.

- **Board Member Lawrence** noted this will connect to the Fowler Road extension in the future and continue to Jonesville Road. Director Johnson confirmed and noted this is what is in our comp plan.

**Upon a motion by Board Member Donnie Lawrence and second by Board Member Davion Cross, to recommend approval of the Preliminary Subdivision Plat case PR 20-01 Phases 1-10, and 14 with conditions. The motion passed unanimously.**

**PR 20-04 The Preserve at Jones Dairy (Central) Preliminary Subdivision Plat review**

*\*For the record Vice Chairman Mike Moss has recused himself from this discussion as he is the surveyor of record for both PR 20-04 and PR 20-02.*

**Upon a motion by Board Member Frank Pearce and second by Board Member Davion Cross, Vice Chairman Mike Moss was recused by unanimous vote.**

-**Planner II Julie Spriggs** reviewed the staff report and map of the property.

-TRC recommends approval with conditions as presented.

- **Planning Board Member Cross** questioned the lot sizes and commercial use in the proposed community since this is an R PUD.

- **Keith Gettle- Civil Engineer with CAA Engineers** in Raleigh replied and showed where the commercial would be located.

- The smallest lot size would be 6,000 sq ft.
- The largest lot size would 13,682 sq ft.

## **COMMENTS FROM PUBLIC IN OPPOSITION (in person)**

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Betty Freeman 524 Averette Road- Spoke about traffic concerns

George Garcia 524 Averette Road- Ongoing traffic concern regarding Jones Dairy South, Central, and North. The collateral impact is not being considered. This concern is regarding both items 7 and 8. He requests his concerns be entered into the record.

**Upon a motion by Board Member Donnie Lawrence and second by Board Member Frank Pearce, to recommend approval of Preliminary Subdivision Plat PR 20-04 the Preserve at Jones Dairy Central with conditions that have been given. The motion passed unanimously.**

**PR 20-02 The Preserve at Jones Dairy (North) Preliminary Subdivision Plat review**

-**Planner II Julie Spriggs** reviewed the staff report and map of the property.

-TRC recommends approval with conditions as presented.

**Upon a motion by Board Member Frank Pearce and second by Board Member Donnie Lawrence, to recommend approval of Preliminary Subdivision Plat PR 20-02 the Preserve at Jones Dairy North with conditions as presented. The motion passed unanimously.**

#### **PLANNING DIRECTOR'S REPORT**

- 1. Consider scheduling a special meeting for review and recommendation for the proposed Town Center (TC) Zoning Text Amendment**

After a discussion of available dates, Chairman Powers called a Special Meeting scheduled for Tuesday, October 13, 2020, at 7:00 p.m.

- 2. Request for two Planning Board members for the UDO Update Steering Committee.**

Vice-Chairman Mike Moss and Board Member Davion Cross have agreed to participate on the Steering Committee. Dates and Times to be determined at a later time.

- 3. Review of Approved UDO Text Amendment 20-01 Residential 3 Zoning District adding single-family dwellings as a permitted use by the town council on September 15, 2020**

- 4. Development Activity Report**

**TOWN ATTORNEY'S REPORT:** None at this time

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**OTHER BUSINESS:**

**Planning Board member Frank Pearce** brought attention to some concerns raised about the trees in town again.

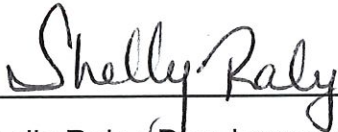
**ADJOURN**

There being no more business before the board, upon a motion by Board Member Donnie Lawrence and second by Board Member Davion Cross, the motion to adjourn carried by unanimous vote. The meeting adjourned at 9:57 p.m.

ATTEST:



\_\_\_\_\_  
Mark Powers, Chairman



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Shelly Raby, Development Specialist