

Prepared by: Town of Rolesville  
After Recording Mail to: Town of Rolesville  
PO Box 250  
Rolesville, NC 27571

**STATE OF NORTH CAROLINA  
TOWN OF ROLESVILLE**

**BEFORE THE TOWN OF ROLESVILLE  
BOARD OF COMMISSIONERS  
SUP15-01**

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)  
**REAL ESTATE MARKETING  
& CONSULTING, INC. W.  
HAROLD  
PERRY APPLICATION FOR A  
SPECIAL USE PERMIT FOR  
GRANITE CREST  
SUBDIVISION PHASE FOUR  
PLAN TO ALLOW FOR 31  
SINGLE FAMILY LOTS**)

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

**WAKE COUNTY, NC 106  
LAURA M RIDDICK  
REGISTER OF DEEDS  
PRESENTED & RECORDED ON  
12/04/2015 12:36:46**

**BOOK:016229 PAGE:02784 - 02797**

THIS MATTER COMING ON to be heard and being heard before the Mayor and Board of Commissioners of the Town of Rolesville (“the Board”) at its regularly scheduled meeting on October 5, 2015 upon the Application of Real Estate Marketing & Consulting, Inc. W. Harold Perry for a Special Use Permit to allow for 31 single family lots on the property described in Exhibit “A”, attached hereto and incorporated herein by reference. The public hearing on said Application for a Special Use Permit was continued until November 2, 2015 and further continued until November 17, 2015. The Board heard sworn testimony from Thomas A. Lloyd (Town Planning Director); W. Thurston Debnam, Jr. (attorney for Applicant); Johnny Edwards, P.E. (professional engineer for Applicant) and W. Harold Perry (the Applicant) and based upon said testimony made the following Findings of Fact.

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 Property which is the subject of the requested Special Use Permit contains approximately 18.02 acres and is situated on Pluton Place (a public street) and Smoke Willow Way (a public street) (“the Property”).

2. The Property is located in an area designated for Planned Residential (4-6 DU/AC) by the Future Land Use Community Plan and is currently zoned R-2 SUD.
3. The Property is surrounded on the North and on the South by undeveloped real estate zoned for Residential uses, on the East and West by developed real estate zoned R-2.
4. The proposed use of the Property is thirty-one (31) single family lots which will be served by public water and sewer.
5. The Property will have no buffer to the South and no buffer to the West . The Property will have a Type 2 Buffer measuring twenty-five (25) feet in width along the East boundary and a buffer measuring fifteen (15) feet in width along the Northern boundary line.
6. All streets within the Property are designed to accommodate fire trucks and rescue vehicles. Fire hydrants will be located throughout the Property at the required intervals. The stormwater control devices reflected on the plans are sufficient.
7. Once fully developed, the Property will generate on average approximately 23 additional vehicular trips per hour during morning peak hours and 31 additional vehicular trips per hour during evening peak hours. These levels of traffic generation do not create sufficient vehicular traffic congestion to require additional traffic control measures.
8. The design of the proposed development complies with all public health and safety ordinances of the Town of Rolesville.

#### CONCLUSIONS OF LAW

1. That the proposed development and/or use will not materially endanger the public health or safety.
2. That the proposed development and/or use will not substantially injure the value of adjoining property.
3. That the proposed development and/or use will be in harmony with the scale, bulk, coverage, density, and character of the neighborhood in which it is located.
4. That the proposed development and/or use will generally conform with the Comprehensive plan and other official plans adopted by the Town.

5. That the proposed development and/or use is appropriately located with respect to transportation facilities, water and sewer supply, fire and police protection, and similar facilities.
6. That the proposed development and/or use will not cause undue traffic congestion or create a traffic hazard.
7. That the proposed development and use comply with all applicable requirements of this ordinance.

#### CONDITIONS OF APPROVAL

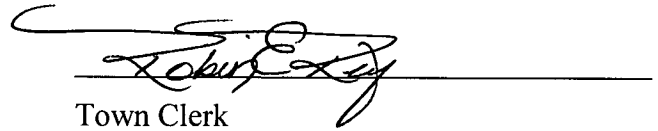
The Special Use Approval is made subject to the following conditions of approval:

1. All homes built on the six (6) lots accessible off of Pluton Place shall be a minimum of 2,500 heated square feet. All homes built on the other twenty-five (25) lots, accessible from Granite Crest Subdivision, shall be a minimum of 2,250 heated square feet.
2. All homes shall have, at minimum, a two car garage.
3. All front loaded, two car garages shall have two separate garage doors. Three car, front loaded garages may have one double door and one single door if so desired. Side loaded garages may be fitted with any combination of doors.
4. No home shall be clad with aluminum or vinyl siding.
5. All homes shall either be "crawl space" or "stem-wall" type foundations. Those houses with "stem-wall" type foundations shall have a brick veneer around the full perimeter and be made accessible in compliance with the American with Disabilities Act (ADA).
6. All houses shall have sheathing that is nominally ½ inch or greater OSB, Densglass, or other similar materials. No "thermoply" or narrow wall panel structural sheathing will be permitted. All garages shall be completely dry walled for fire and energy rating purposes.
7. The architectural requirements of the neighborhood for both homes and accessory structures shall include an anti-monotony policy whereby duplicate plans/colors shall not be allowed on adjacent lots.
8. All homes accessible from Pluton Place shall, at a minimum, be similar in architectural features, size, and materials as those in the adjoining section of Heritage Subdivision. General architectural requirements of the entire 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.
9. All required open space and drainage easements shall be owned and maintained by the homeowners association in perpetuity.
10. Prior to the recordation of any lots in the development, the developer shall dedicate all required greenway easements to the Town. Prior to the release of the twenty-third (23rd) certificate of occupancy, the developer shall construct a 10 feet wide paved greenway trail as shown on the attached Exhibit A or pay a fee-in-lieu to the Town of Rolesville in an amount no less than 100% of the estimated cost of constructing same.
11. Prior to the recordation of any lots in the development, all required public rights of way, including but not limited to, that portion of Smoke Willow Way that would extend to the

- northern property line beyond the proposed cul-de-sac, shall be dedicated to the Town. The cul-de-sac shall be abandoned at such time as the road is extended to the north.
12. Prior to the issuance of the first Certificate of Occupancy in each section (either those 6 lots accessible from Pluton Place or the 25 lots accessible from Granite Crest Subdivision), the developer shall construct either a centralized mail kiosk and associated parking area or individual mailboxes to the satisfaction of the Town, Wake County Inspections, and the United States Postal Service.
  13. If unmarked human burials or human skeletal remains are encountered as a result of construction 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.
  14. All other required landscaping shall be maintained in perpetuity. Should any plantings become diseased, damaged, or die then the property owner shall be required to be replace them with others in the same quantities, of similar sizes, and of similar species so as to blend with the existing landscaping.
  15. The developer shall notify all adjacent property owners no less than seven days prior to any blasting activities on the site.
  16. At no time shall development activities exceed the noise standards set forth in Rolesville Town Code of Ordinances Chapter 130.
  17. The final layer of asphalt, on the streets fronting recorded lots, shall be put down according to Town standards before 1 year after the issuance of the first building permit or the release of the twenty-third (23rd) certificate of occupancy, whichever comes first.
  18. For so long as the 50' pump station access easement recorded in BM2008 PG 1173 remains in effect, no building permit shall be issued for Lots 179, 184 and 186. Provided all other applicable requirements have been met, building permits for Lots 179, 184 and 196 may be issued only after the 50' pump station access easement recorded in BM2008, PG 1173 is relocated to outside of all proposed buildable lots and approved by the City of Raleigh and Town of Rolesville and such relocated easement plat is recorded.
  19. In the event that the fifty-foot wide area shown on the approved plans for the Granite Crest Lots mail kiosk (and associated parking) and access drive to the Meyer's property is dedicated to the Town of Rolesville as a future public street, developer or its successor in interest shall obtain from the Town of Rolesville an encroachment agreement for such non-public street improvements to be so located in a public right-of-way; however, the Town of Rolesville shall have no obligation to maintain or accept for maintenance such dedicated right-of-way until such time as the improvement of such dedicated right-of-way meets or exceeds the then Town standards and requirements for a public street.

ACCORDINGLY, based upon the foregoing FINDINGS OF FACT and CONCLUSIONS OF LAW, the Town of Rolesville Board of Commissioners hereby approves the special use permit for Granite Crest Phase IV in Rolesville, North Carolina and further described on the attached Exhibit B.

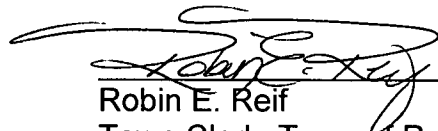
THIS THE 17<sup>th</sup> DAY OF NOVEMBER, 2015.

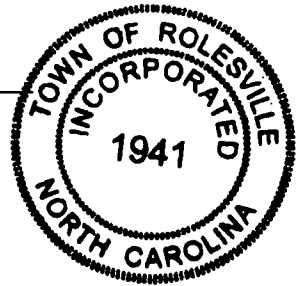
  
Town Clerk

**STATE OF NORTH CAROLINA  
TOWN OF ROLESVILLE**

I, Robin E. Reif, the duly appointed, qualified Town Clerk of the Town of Rolesville, do hereby certify the attached to be the original Findings of Fact and Conclusions of Law pertaining to the Town of Rolesville Special Use Permit SUP15-01 and adopted by the Town of Rolesville Board of Commissioners in its meeting held November 17, 2015.

Witness my hand and corporate seal of said Town, this 4<sup>th</sup> day of December, 2015.


  
Robin E. Reif  
Town Clerk, Town of Rolesville



SWORN AND SUBSCRIBED to before

me this 4<sup>th</sup> day of December 2015.

My Commission Expires: Jan. 11, 2017

  
Amy Langston, Notary Public

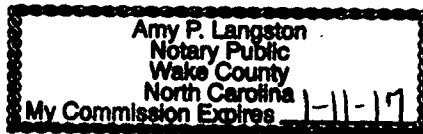




EXHIBIT B  
(Legal Description of Property)



**Description of Property**

Being those certain lots or parcels of property located in Wake Forest Township, Wake County, North Carolina, and being more particularly described as follows:

**Tract 1:**

BEGINNING at a point located in the eastern edge of the right-of-way of Tall Willow Court, a fifty (50) foot wide public right-of-way, said point being the northwest corner of Lot 168, Phase 3, Granite Crest Subdivision as shown on plat of survey recorded in Book of Maps 2008, Page 1173, Wake County Registry and running thence with said right-of-way of Tall Willow Court North 01 degree 59 minutes 41 seconds West 31.19 feet to a point marking the northeast terminus of Tall Willow Court; thence crossing the northern terminus of Tall Willow Court and with the lot line of Lot 160, Phase 3, Granite Crest Subdivision as shown on said plat of survey recorded in Book of Maps 2008, Page 1173, South 88 degrees 00 minutes 19 seconds West 163.00 feet to a point, said point being the northeast corner of Lot 157, Phase 3, Granite Crest Subdivision as shown on plat of survey recorded in Book of Maps 2010, Page 1133, Wake County Registry; thence with the property line of Lot 156, the northern terminus of Willow Tower Court and the property lines of Lots 147, 146 and 145, of Granite Crest Subdivision Phase 3 as shown on said plat of survey recorded in Book of Maps 2010, Page 1133, three (3) calls as follows: (1) North 01 degree 59 minutes 41 seconds West 100.00 feet to a point the northeast corner of said Lot 156; (2) South 88 degrees 00 minutes 19 seconds West 276.00 feet to a point, the northwest corner of said Lot 147; and (3) South 01 degree 59 minutes 41 seconds East 301.19 feet to a point located in the northern edge of the right-of-way of Big Willow Way, a sixty (60) foot wide public right of way and said point being the southwest corner of said Lot 145; thence with the northern edge of the right-of-way of Big Willow Way South 88 degrees 00 minutes 19 seconds West 88.00 feet to a point; thence along a curve to the right, having a radius of 25.00 feet, an arc length of 39.27 feet and a chord bearing and distance of North 46 degrees 59 minutes 41 seconds West 35.36 feet to a point located in the eastern edge of the right-of-way of Smoke Willow Way, a fifty (50) foot wide public right of way; thence with the eastern edge of the right-of-way of Smoke Willow Way North 01 degree 59 minutes 41 seconds West 405.70 feet to a point; thence along the northern terminus line of Smoke Willow Way South 88 degrees 00 minutes 19 seconds West 50.00 feet to a point; thence along the western edge of the right-of-way of Smoke Willow Way South 01 degree 59 minutes 41 seconds East 405.70 feet to a point; thence along a curve to the right having a radius of 25.00 feet, an arc length of 39.27 feet and a chord bearing and distance of South 43 degrees 00 minutes 19 seconds West 35.36 feet to a point located in the northern edge of the right-of-way of Big Willow Way; thence with said right-of-way of Big Willow Way South 88 degrees 00 minutes 19 seconds West 108.16 feet to a point located in the property line of the now or formerly North Wake Developers, LLC property described in Deed recorded in Book 11177, Page 1681 (Tract 6), Wake County Registry; thence with the property line of said North Wake Developers, LLC property and North 02 degrees 21 minutes 46 seconds West 433.55 feet to a flat bar, a corner with the property of the now or formerly James Meyers & Terri G. Meyers described in Deed recorded in Book 9844, Page 639, Wake County Registry; thence with the property line of said James Meyers & Terri G. Meyers property four (4) calls as follows: (1) North 00 degrees 42 minutes 56 seconds East 250.49 feet to an existing iron pipe; (2) South 88 degrees 38 minutes 11 seconds West 17.95 feet to an existing iron pipe; (3) South 88 degrees 05 minutes 07 seconds West 155.33 feet to a point; and (4) South 00 degrees 59 minutes 42 seconds West

251.17 feet to an existing iron pipe located in the property line of the above-referenced now or formerly North Wake Developers, LLC property; thence with the property line of said North Wake Developers, LLC property three (3) calls as follows: (1) South 88 degrees 15 minutes 18 seconds West 384.68 feet to an axle; (2) North 02 degrees 44 minutes 13 seconds East 249.92 feet to a stone; and (3) North 02 degrees 40 minutes 56 seconds East 318.68 feet to a stone; thence North 01 degree 56 minutes 59 seconds West 766.02 feet to an existing iron pipe; thence South 83 degrees 36 minutes 34 seconds East 774.79 feet to an existing iron pipe; thence South 00 degrees 33 minutes 37 seconds East 586.00 feet to a point; thence North 78 degrees 51 minutes 14 seconds East 27.38 feet to a point, said point marking the northwest corner of that certain New Open Space tract of Granite Crest Subdivision, formerly known as Willow Crest Subdivision, containing 18,159 square feet as shown on plat of survey recorded in Book of Maps 2007, Page 1221, Wake County Registry; thence with the property line of said New Open Space tract and with the property lines of Lots 65 and 64 Granite Crest Subdivision, formerly known as Willow Crest Subdivision, Phase Two-B as shown on plat of survey recorded in Book of Maps 2006, Page 2412, Wake County Registry, South 29 degrees 01 minute 45 seconds East 287.74 feet to a point; thence continuing with the property lot line of said Lot 64 and with the property lines of Lots 63, 62, 61, 60, 59, 58, 57, 56 and 55 of said Granite Crest Subdivision, formerly known as Willow Crest Subdivision, Phase Two-B as shown on said plat of survey recorded in Book of Maps 2006, Page 2412 three (3) calls as follows: (1) South 55 degrees 59 minutes 12 seconds East 212.69 feet to a point; (2) South 54 degrees 52 minutes 24 seconds East 233.41 feet to a point; and (3) South 54 degrees 23 minutes 08 seconds East 366.26 feet to a point, said point being the northwest corner of Lot 172 Granite Crest Subdivision Phase 3 as shown on plat of survey recorded in Book of Maps 2008, Page 1173, Wake County Registry; thence with the property lines of Lots 172, 171, 170 and 168 Phase 3 Granite Crest Subdivision as shown on said plat of survey recorded in Book of Maps 2008, Page 1173 four (4) calls as follows: (1) South 01 degree 59 minutes 41 seconds East 72.55 feet to a point, (2) South 88 degrees 00 minutes 19 seconds West 85.00 feet to a point, (3) South 01 degree 59 minutes 41 seconds East 85.00 feet to a point and (4) South 88 degrees 00 minutes 19 seconds West 223.00 feet to the point and place of BEGINNING and being an aggregate legal metes and bounds description of those certain three (3) tracts or parcels of land designated as "FUTURE DEVELOPMENT" separately containing 2.1860 acres (Wake County Real Estate ID No. 0031240), 15.8345 acres (Wake County Real Estate ID No. 0080442) and 13.3683 acres (that portion of Wake County Real Estate ID No. 0016580 located North of Big Willow Way), the three (3) tracts having a total combined acreage of 31.8871 acres and shown on plat of survey entitled "Survey for Simmental Ventures, LLC, Rolesville, Wake County, North Carolina" dated May 23, 2011, prepared by John A. Edwards, Jr., Professional Land Surveyor, of John A. Edwards & Company, which plat is referenced for a more particular description.

**Tract 2:**

BEGINNING at a point located in the southern edge of the right-of-way of Big Willow Way, a 60 foot wide public right-of-way said point being the northwest corner of Lot 121 Granite Crest Subdivision Phase 3 as shown on plat of survey recorded in the Book of Maps 2010, Page 1133, Wake County Registry; thence with the western lot line of said Lot 121 South 01 degree 59 minutes 41 seconds East 128.00 feet to a point located in the property line of the now or formerly North Wake Developers, LLC property described in Deed recorded in Book 11177, Page 1681 (Tract 6), Wake County Registry; thence with the property line of said North Wake Developers, LLC property two (2) calls as follows: (1) South 88 degrees 00 minutes 19 seconds West 169.15 feet to an existing iron pipe designated as a "Control Corner" having NC grid coordinates of N=794,078.8545 and E=2,157,589.9192; and (2) North 02 degrees 21 minutes 46 seconds West 128.00 feet to a point located in the southern edge of the right-of-way of Big

Willow Way; thence with said right-of-way of Big Willow Way North 88 degrees 00 minutes 19 seconds East 169.98 feet to the point and place of BEGINNING and designated as "FUTURE DEVELOPMENT LOTS 122 & 123" containing 0.4983 acres (21,705 square feet) (that portion of Wake County Real Estate ID No. 0016580 located South of Big Willow Way) as shown on plat of survey entitled "Survey for Simmental Ventures, LLC, Rolesville, Wake County, North Carolina" dated May 23, 2011, prepared by John A. Edwards, Jr., Professional Land Surveyor, of John A. Edwards & Company, which plat is referenced for a more particular description.

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Title to the foregoing-described property was acquired by instrument recorded in Book 014365, Page 322, in the office of the Wake County, North Carolina Register of Deeds.

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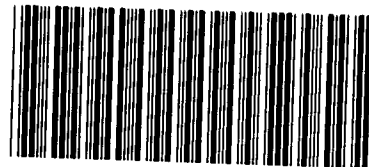
Less and except:

1. All of Lots 124, 128, 141, 142, 143, and 144, as shown on that plat entitled "Granite Crest Subdivision, a Portion of Phase 3, Lots 124-128 & 141-144" dated 6-20-2011 by John A. Edwards & Company and recorded in Book of Maps 2011, Page 577, Wake County Registry, conveyed by General Warranty Deed recorded on September 20, 2011, in Book 14468, Page 760, Wake County Registry.
2. All of Lot 66, Granite Crest Subdivision (formerly Willow Crest Subdivision), Phase Two B, as shown on plat recorded in Book of Maps 2007, Page 1221, Wake County Registry, conveyed by General Warranty Deed recorded on February 14, 2012, in Book 14647, Page 2636, Wake County Registry.
3. All of Lot 122, Granite Crest Subdivision, a Portion of Phase 3, as shown on plat recorded in Book of Maps 2012, Page 86, Wake County Registry, conveyed by General Warranty Deed recorded on February 14, 2012, in Book 14647, Page 2636, Wake County Registry.
4. All of Lot 146, Granite Crest Subdivision, a Portion of Phase 3, as the same is shown on map recorded in Book of Maps 2010, Page 997, as corrected by map recorded in Book of Maps 2010, Page 1133, Wake County Registry, conveyed by Non-Warranty Deed recorded on May 9, 2012, in Book 14758, Page 2795, Wake County Registry.
5. All of Lots 161, 162, 163, 164, 166, and 167, Granite Crest Subdivision, as shown on plat recorded in Book of Maps 2014, Page 518, Wake County Registry, conveyed by General Warranty Deed recorded on May 16, 2014, in Book 15660, Page 2347, Wake County Registry.
6. All of Lot 165, Granite Crest Subdivision, as shown on plat recorded in Book of Maps 2014, Page 518, Wake County Registry, conveyed by General Warranty Deed recorded on May 30, 2014, in Book 15675, Page 404, Wake County Registry.

**Exceptions to Title**

1. The lien of ad valorem taxes for the year 2014 due and payable but not yet past due.
2. Declaration of Covenants, Conditions and Restrictions for Granite Crest Subdivision, formerly known as Willow Crest Subdivision, recorded on May 9, 2005, in Book 11351, Page 2517, in the office of the Wake County, North Carolina Register of Deeds, as amended by instruments recorded on July 16, 2009, in Book 13627, Page 1440, in the office of the Wake County, North Carolina Register of Deeds, recorded on July 16, 2009, in Book 13627, Page 1444, in the office of the Wake County, North Carolina Register of Deeds, as assigned pursuant to instrument recorded on June 1, 2011, in Book 14365, Page 330, in the office of the Wake County, North Carolina Register of Deeds, as supplemented by instrument recorded on July 14, 2011, in Book 14402, Page 2167, in the office of the Wake County, North Carolina Register of Deeds, as amended by instrument recorded on April 19, 2012, in Book 14733, Page 1463, in the office of the Wake County, North Carolina Register of Deeds, as supplemented by instrument recorded on May 14, 2014, in Book 15657, Page 2589, in the office of the Wake County, North Carolina Register of Deeds.
3. Those matters affecting the Property as shown on plats of survey recorded in Book of Maps 2003, Page 1665; Book of Maps 2003, Page 1836; Book of Maps 2005, Pages 912, 913 and 914; Book of Maps 2005, Page 2192; Book of Maps 2006, Page 2412; Book of Maps 2007, Page 2513; Book of Maps 2008, Page 1087 as corrected in Book of Maps 2008, Page 1173; and Book of Maps 2010, Page 997 as corrected in Book of Maps 2010, Page 1133; Book of Maps 2012, Page 86; and Book of Maps 2014, Page 518, Wake County Registry.
4. Temporary Access Easement and Maintenance Agreement recorded in Book 11220, Page 1041, Wake County Registry.
5. Easement to Progress Energy Carolinas, Inc. recorded in Book 11310, Page 1370, Wake County Registry.
6. Easements to Carolina Power & Light Company recorded in 742, Page 359; Book 1989, Page 525; Book 2007, Page 479; Book 3054, Page 680; Book 3221, Page 176; and book 4327, Page 197, Wake County Registry.
7. Easements to Carolina Telephone and Telegraph Company recorded in Book 2031, Page 121 and Book 11379, Page 625, Wake County Registry.
8. Access Road Maintenance Agreement for Willow Crest Pump Station with City of Raleigh recorded in Book 11909, Page 1644, Wake County Registry.
9. Access Easement to James Meyers and wife, Terri G. Myers recorded in Book 9844, Page 659; Book 9844, Page 662 and Book 9844, Page 665, Wake County Registry.
10. All other easements, rights-of-way, and restrictions of record.

11. Deed of Trust to PCBTrustee, Inc., a Virginia corporation, as trustee for Paragon Commercial Bank, a North Carolina banking corporation, recorded in Book 014365, Page 339, in the office of the Wake County, North Carolina Register of Deeds.



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It is part of the recorded document and must be submitted with the original for re-recording.

**Laura M. Riddick  
Register of Deeds**

Wake County Justice Center  
300 South Salisbury Street, Suite 1700  
Raleigh, NC 27601

New Time Stamp

\$25 Non-Standard Fee

Additional Document Fee

Additional Reference Fee

**This Customer Group**

\_\_\_\_\_ # of Excessive Entities

\_\_\_\_\_ # of Time Stamps Needed

**This Document**

14 # of Pages

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