

RETURN TO: Town of Rolesville
P.O: Box 250
Rolesville, NC 27571

BOOK: 018451 PAGE: 00470 - 00477

**STATE OF NORTH CAROLINA
TOWN OF ROLESVILLE**

**BEFORE THE TOWN OF ROLESVILLE
BOARD OF COMMISSIONERS
SUP 20-02**

**WALLBROOK SPECIAL USE
PERMIT – CO-SUD
(TOWNHOMES/COMMERCIAL)
AND SKETCH PLAN**

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

THIS MATTER COMING ON to be heard before the Mayor and Board of Commissioners of the **TOWN OF ROLESVILLE** (“the Board”) at its regularly scheduled meeting on March 2, 2021, upon the application of **WALLBROOK LANDCO, LLC** (“Owner” or “Applicant” or “Developer”), together with any successors or assigns in the development of the Property, for a Special Use Permit to allow for a mixed use development project along S Main Street between Burlington Mills Road and Jonesville Road, involving residential and commercial portions on the south of Main Street (“the Project”). Based on that hearing, the admitted evidence, and the sworn witness testimony, the Board makes the following findings of fact and conclusions of law:

FINDINGS OF FACT

1. The property subject to the requested Special Use Permit consists of two parcels of land, PINs 1758568976 and 1758458905, totaling approximately fifty-seven acres south of Main Street, between Burlington Mills Road and Jonesville Road (“the Property”).
2. The Property is currently zoned Commercial Outlying Special Use District (CO-SUD). It is designated for Mixed Use Neighborhood by the Future Land Use Map of the Rolesville Comprehensive Plan.
3. Of the approximate fifty-seven acres, approximately twenty-three acres will be residential and located toward the eastern portion of the site, directly west of the Wall Creek neighborhood (“the Residential Portion”). The remainder of the Property will be non-residential, and is placed generally to the west and north of the Residential Portion, fronting Main Street (“the Non-Residential Portion”).
4. The Non-Residential Portion is planned to have supporting commercial development. This use is permitted as of right in the existing zoning district.

Submitted electronically by "Parker Poe Adams & Bernstein LLP"
in compliance with North Carolina statutes governing recordable documents
and the terms of the submitter agreement with the Wake County Register of Deeds.

5. The Residential Portion will have a maximum of 155 townhouses, with a residential density of 6.6 dwelling units per acre. Residential townhouse use is permitted in the Commercial Outlying District with a special use permit at a maximum density of 10 dwelling units per acre.
6. A neighborhood meeting was held by the Applicant on February 8, 2021.
7. Following the meeting, additional conditions were added to the application. A revised set of conditions and updated concept map were submitted to the Town on February 18, 2021.
8. At the hearing, the Applicant was represented by attorney Jamie Schwedler of Parker Poe Adams & Bernstein LLP, and the following sworn oral and written testimony was offered:
 - a. Austin Williams, a partner at Crosland Southeast, was tendered and accepted as an expert in the field of real estate development. Mr. Williams testified to the following:
 - i. The Project conforms to Rolesville's adopted plans, including: (1) the Rolesville Comprehensive Plan's future land use map designation of mixed use neighborhood; (2) the Comprehensive Plan's major recommendation to create a diversity of new housing options in limited, appropriate locations including closer to Main Street and downtown; (3) the Comprehensive Plan's major recommendation for mixed use development in the vicinity of downtown to activate the downtown core; (4) the Rolesville Main Street Vision Plan's recommendation to realign Burlington Mills Road and connect Wall Creek Drive to Main Street; and (5) the Main Street Vision Plan's recommendation to develop the Property as a catalyst site, with mixed use buildings along Main Street and townhouses that connect to the existing neighborhoods.
 - ii. The Project will be in harmony with the scale, bulk, coverage, density, and character of the surrounding area by: (1) concentrating the commercial uses adjacent to Main Street; (2) placing the townhome use adjacent to the existing residential uses to create an appropriate transition of density; (3) limiting the Residential Portion to 155 townhouse units, which is below the 233 possible units at the maximum of 10 units per acre allowed under Section 8.3.12.1(a) of the Rolesville Unified Development Ordinance ("UDO"); (4) providing riparian buffers between the townhomes and all existing residential uses; (5) providing a condition that the area to the east of Wall Creek, on the side of the Wall Creek subdivision will not be developed; and (6) providing amenities, commercial services, and food to the surrounding residential uses in a walkable environment.

- b. Bryan Fagundus of Ark Consulting Group was tendered and accepted as an expert in civil engineering and site design. Mr. Fagundus is a North Carolina licensed professional engineer who oversaw the design of the Project. Mr. Fagundus testified to the following:
- i. The Project's layout was designed to be harmony with the scale, bulk, coverage, density, and character of the neighborhood in which it is located by focusing the more intense commercial uses along Main Street and situating the townhome use to the rear of the site, closer to the existing residential uses.
 - ii. The Residential Portion allows for 233 units according to the maximum density of 10 units per acre, but the Applicant offered a condition limiting the Residential Portion to 155 units.
 - iii. The Applicant is committing to no development in the area to the east of Wall Creek, along the shared property line with the Wall Creek subdivision.
 - iv. The Project's internal network of public roadway network will provide multiple, direct access points to the existing transportation facilities, which will create new points of access for fire, police, and other emergency services.
 - v. The Project will have adequate access to water and sewer utilities.
 - vi. The commercial or non-residential uses are allowed by right within the zoning designation of the Property.
 - vii. The residential townhouse use is allowed with a special use permit, and is allowed at the density that is requested
 - viii. New streets and sidewalks will comply with the UDO.
 - ix. Applicant is coordinating Main Street improvements with the Town's own improvements as part of the Locally Administered Projects Program ("LAPP") grant.
 - x. The Project complies with all applicable UDO requirements applicable at this stage.
- c. Matt Peach of Stantec Consulting was tendered and accepted as an expert in the field of transportation engineering. Mr. Peach is a North Carolina licensed professional engineer and certified professional traffic operations engineer who oversaw the multiple traffic impact analyses ("TIA") performed for the Project. Mr. Peach testified to the following:
- i. He was the project manager for the TIA published in February 2020, which examined the full build-out of the Project, and additional development to the west of Main Street that is not within the area covered by this Special Use Permit.

- ii. He was the project manager for the revised TIA published in August 2020, which was revised to incorporate an additional tract of land to the west of Main Street that is not within the area covered by this Special Use Permit.
 - iii. He was the project manager for the addendum to the TIA (“the Addendum”), which analyzed, at the request of the North Carolina Department of Transportation, the residential only component of the Project at the signalized intersection of Main Street with Burlington Mills Road and the unsignalized intersection of Main Street with the driveway for the residential portion of the Residential Portion.
 - iv. The Addendum analyzed the impact of the proposed townhomes in the Residential Portion, which is projected to result in 53 new AM peak hour trips and 67 new PM peak hour trips, adding 1.9 seconds of total delay to the signalized intersection of Main Street at Burlington Mills Road, and is not expected to have an impact on the roadway geometry and the ability to provide adequate storage at the two intersections.
 - v. The Applicant is committing to build the recommendations made by the Addendum, including extending Wall Creek Drive to Main Street, constructing a 100 foot northbound right turn lane on Main Street, and constructing a 100 foot southbound left turn lane at the site driveway on Main Street.
 - vi. These improvements would appropriately mitigate the estimated impacts of the proposed townhome use.
 - vii. The TIA covering the entire Project recommended various other improvements to the site as whole, which the Applicant has committed to constructing, including significant improvements to Main Street and the extension of Virginia Water Drive and Burlington Mills Road through the Project, and that these improvements will provide generous vehicular and pedestrian connectivity in and around the Project.
 - viii. The roadway improvements are consistent with the Rolesville Main Street Vision Plan.
 - ix. The Applicant has coordinated with the Town of Rolesville to ensure the Project’s roadway improvements mesh with the Town’s LAPP grant roadway improvements.
 - x. The proposed development will not cause undue traffic congestion or create a traffic hazard.
 - xi. The proposed development will not materially endanger the public health or safety because the transportation improvements will provide adequate access for fire and police protection, and increase pedestrian connectivity.
- d. Hunter Howell of Valbridge Property Advisors was tendered and accepted as an expert in the field of property appraisal and impacts to real property. Mr. Howell is a professional real estate appraiser, a member of the Appraisal Institute, and has

been appraising properties in Wake County for approximately seven years. Mr. Howell testified to the following:

- i. He prepared a report (“the Appraisal Report”) analyzing the Project’s impact to property values and harmony with the surrounding area.
- ii. The Project is in harmony with the surrounding area because Project’s residential density of 6.6 units per acre is within the range of the surrounding existing and proposed developments, which is 1.6 units per acre to 9.83 units per acre.
- iii. The area’s residential housing market is improving, with a strong need for additional housing.
- iv. Residential uses generally rely on commercial development to support the consumer needs, and as new residential developments come to areas, supporting commercial uses tend to follow.
- v. Analysis of two mixed use developments in areas with a similar characteristics to Rolesville’s pattern of growth revealed that as residential subdivisions were developed, commercial development followed and increased the value of the residential properties.
- vi. That in his professional opinion, the Project will not substantially injure the value of adjoining properties.
- vii. The Project’s layout, with the commercial portion focused along a major corridor and the residential townhome use placed adjacent to the existing residential subdivisions, creates a natural progression of intensity and activity and is in harmony with the use, scale, and bulk of nearby uses.

9. There was no evidence introduced in opposition to the special use permit at the hearing.
10. The following were admitted into evidence at the hearing: the Rolesville Planning Staff Wallbrook Memo and attachments, including Location Map, Special Use Permit Application, SUP Application Maps, Wallbrook TIA February and August 2020, TIA Addendum Memo, NCDOT Congestion Management Letter, Neighborhood Meeting Documents, Application Update Letter, Updated Concept Map, and February 19, 2021 Updated Conditions; Applicant’s Hearing Presentation; and Appraisal Report.
11. The Applicant agrees to the updated conditions of approval submitted February 19, 2021, adjusted for clarity below following questions at the hearing.
12. Planning Staff, Julie Spriggs, recommended approval of the Special Use Permit because the Applicant met its burden to present competent, material, and substantial evidence that the request meets the requirements of UDO Section 3.6.2.

CONCLUSIONS OF LAW

1. Based on findings of fact, the proposed use, with such further conditions as may be described below, meets the requirements of Section 3.6.2 of the Unified Development Ordinance, in that:
 - a. The proposed development and/or use will not materially endanger the public health or safety;
 - b. The proposed development and/or use will not substantially injure the value of adjoining property;
 - c. 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;
 - d. The proposed development and/or use will generally conform with the Comprehensive plan and other official plans adopted by the Town;
 - e. 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;
 - f. The proposed development and/or use will not cause undue traffic congestion or create a traffic hazard; and
 - g. The proposed development and use comply with all applicable requirements of this ordinance.

2. The special use permit is made subject to the following conditions of approval:
 - a. Uses and maximum densities are limited to those shown on each site on the Concept Plan. Any residential units not designated on the Residential-Townhomes tract may be used on any of the tracts labeled for Non-Residential use, as long as such units are vertically integrated into other non-residential uses.
 - b. Prior to the issuance of the first Certificate of Occupancy for the first residential unit in the East Site as shown on the Concept Plan, Developer will complete the extension of Wall Creek Drive to Main Street.
 - c. If applicant seeks a Certificate of Occupancy prior to the commencement of work on the LAPP Grant project improvements, then prior to the issuance of the first Certificate of Occupancy of the first residential unit in the East Site and in accordance with the "Wallbrook Development TIA Addendum – Residential-Only Phase" dated February 13, 2020, Developer will construct a 100' northbound right turn lane and a 100' southbound left turn lane at the intersection of Wall Creek Drive (as extended) and Main Street. If work on the LAPP Grant project improvements is commenced before the first Certificate of Occupancy is requested, Developer is not required to construct the aforementioned improvements.
 - d. No later than six months following the completion of the LAPP Grant project improvements, Developer will complete both 1) the extension of Virginia Water

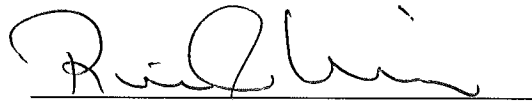
Drive to Main Street and 2) the extension of Burlington Mills Road (as realigned) from Main Street to Virginia Water Drive.

- e. Developer will complete traffic improvements as set forth in October 13, 2020 memo by Stantec.
- f. Final acreage of sites are subject to slight and non-material change at site plan and construction plan based on final surveys and site plan review and approval.
- g. As shown on the concept plan, areas of the site east of the riparian stream and adjacent to Wake County PINs 1758676836, 1758674619, 1758674416, 1758674204, 1758674100, and 1758663984 shall not be developed with structures or improvements.

3. The following Board members were seated for the hearing: Mayor Ronnie Currin, Mayor Pro Tem Michelle Medley, Sheilah Sutton, Paul Vilga, Jacky Wilson, and April Sneed. The motion to approve the special use permit was approved 6-0 with all seated Board members voting in favor of approval.

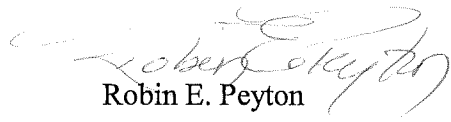
ACCORDINGLY, based upon the foregoing FINDINGS OF FACT and CONCLUSIONS OF LAW, the Town of Rolesville Board of Commissioners hereby approves the special use permit for the Wallbrook mixed use development project herein described.

APPROVED this 6th day of April, 2021

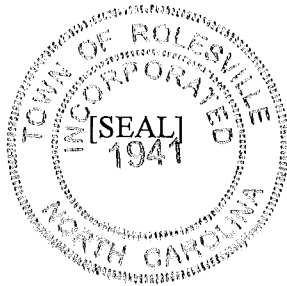


Ronnie I. Currin
Town of Rolesville Mayor

ATTEST



Robin E. Peyton
Town Clerk



OWNER:

WALLBROOK LANDCO, LLC,
a North Carolina limited liability company

By: *J. Williams*
Name: Jr Austin Williams
Title: Manager

Sworn and subscribed to me this the 30 day of March, 2021.

Karen M. Helwig
Notary Public

My commission expires: 2/11/2023

