

ORDINANCE ORD-2026-22

ORDINANCE OF THE TOWN OF ROLESVILLE BOARD OF COMMISSIONERS
AMENDING THE OFFICIAL ZONING MAP OF THE TOWN OF ROLESVILLE
TO CHANGE THE ZONING OF APPROXIMATELY 16.50 ACRES LOCATED AT
1101 AVERETTE ROAD, BEING WAKE COUNTY PIN 1860029417,
FROM RESIDENTIAL MEDIUM CONDITIONAL ZONING DISTRICT (RM-CZ) TO
RESIDENTIAL HIGH CONDITIONAL ZONING DISTRICT (RH-CZ) AND GENERAL
COMMERCIAL CONDITIONAL ZONING DISTRICT (GC-CZ)

REZ-26-0002
1101 AVERETTE ROAD

WHEREAS the application submitted by Lock7 Development, LLC, on behalf of the property owner Wake Forest Church of the Nazarene, for the rezoning of land hereinafter described was duly filed with the Planning Department; and

WHEREAS the Planning Board reviewed the application for recommendation on May 18, 2026, and the Board of Commissioners held and closed a Legislative Hearing on July 21, 2026; and

WHEREAS mailed notices and property sign postings were carried out in advance of the Legislative hearing pursuant to G.S. § 160D-602 and the Land Development Ordinance; and

WHEREAS the Planning Board submitted its recommendation to the Board of Commissioners recommending approval of said application that was consistent with the Comprehensive Plan and in the best interests of the Town for the lands hereinafter described, all in accordance with the requirements of the Town of Rolesville Land Development Ordinance and the provisions of Chapter 160D, Article 6, of the North Carolina General Statutes.

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

Section 1: The lands that are the subject of the Ordinance are those certain lands described in **Exhibit 1 – Legal Description**, which is incorporated herein by reference, and said lands are hereafter referred to as the “Rezoned Lands.”

Section 2: The parcel identified by the Wake County Tax Parcel Identification Number 1860029417 and described in **Exhibit 1**, is currently located within the Town’s Corporate Limits.

Section 3: The Town of Rolesville Land Development Ordinance, including the Town of Rolesville North Carolina Official Zoning Map, which is a part of said Ordinance, is hereby amended by changing the zoning classification of the “Rezoned Lands” from Residential Medium Conditional Zoning District to Residential High Conditional Zoning District and General Commercial Conditional Zoning District, subject to the conditions stated herein.

Section 4: The “Rezoned Lands” are subject to all the standards and conditions in Exhibit 2 – Conditions of Approval, which are imposed as part of this rezoning.

Section 5: The Land Development Administrator is hereby authorized and directed to cause the said Official Zoning Map for the Town of Rolesville, North Carolina, to be physically revised and amended to reflect the zoning changes ordained by this Ordinance.

Section 6: After reviewing all the information presented at the Legislative Hearing and the Town of Rolesville plans, policies, and ordinances, the Town of Rolesville Board of Commissioners finds the Rezoning map amendment request reasonable and consistent with the Rolesville 2050 Comprehensive Plan and is in the interest of the public and adopted a Plan Consistency and Reasonableness Statement.

Section 7: The "Rezoned Lands" shall be perpetually bound to the Conditions imposed, including the uses authorized, unless subsequently changed or amended as provided for in the Land Development Ordinance.

Adopted and effective this the 1st day of September, 2026.



ATTEST:

A handwritten signature in dark ink, appearing to read "Ronnie I. Currin", written over a horizontal line.

Ronnie I. Currin
Mayor

APPROVED AS TO FORM:

A handwritten signature in dark ink, appearing to read "David J. Neill", written over a horizontal line.

David J. Neill
Town Attorney

A handwritten signature in dark ink, appearing to read "Christina Yncian-Frazier", written over a horizontal line.

Christina Yncian-Frazier
Town Clerk

Exhibit 1: Legal Description

AREA TO BE REZONED GENERAL COMMERCIAL, "GC-CZ":

COMMENCING AT AN EXISTING IRON PIPE AT THE WESTERN RIGHT-OF-WAY OF AVERETTE ROAD, SAID PIPE BEING THE SOUTHEASTERN PROPERTY CORNER OF LOT 1 AS SHOWN IN BOOK OF MAPS 2017, PAGE 2752, WAKE COUNTY REGISTRY AND HAVING NC GRID (NAD '83/2011) COORDINATES OF N: 801865.49 FEET AND E: 2161345.62 FEET; THENCE ALONG AND WITH SAID WESTERN RIGHT-OF-WAY OF AVERETTE ROAD N 05°49'11" E A DISTANCE OF 295.80 FEET TO A POINT; THENCE N 09°19'34" E A DISTANCE OF 102.62 FEET TO A POINT; THENCE N 15°50'31" E A DISTANCE OF 102.56 FEET TO A POINT; THENCE N 19°05'52" E A DISTANCE OF 71.19 FEET TO THE POINT OF BEGINNING; THENCE LEAVING SAID WESTERN RIGHT-OF-WAY OF AVERETTE N 70°54'08" W A DISTANCE OF 243.31 FEET TO A POINT; THENCE ALONG AND WITH A CURVE TO THE RIGHT AN ARC DISTANCE OF 231.19 FEET, SAID CURVE HAVING A RADIUS OF 200.00 FEET, A CHORD BEARING OF N 37°47'14" W AND A CHORD DISTANCE OF 218.53 FEET TO A POINT; THENCE N 04°40'19" W A DISTANCE OF 153.13 FEET TO A POINT; THENCE N 85°19'41" E A DISTANCE OF 134.00 FEET TO AN EXISTING IRON PIPE; THENCE S 08°53'07" W A DISTANCE OF 205.50 FEET TO A BENT EXISTING IRON PIPE, SAID PIPE BEING THE SOUTHWESTERN PROPERTY CORNER OF TRACT 4 AS RECORDED IN DEED BOOK 19157, PAGE 894, WAKE COUNTY REGISTRY; THENCE S 85°25'29" E A DISTANCE OF 342.27 FEET TO A POINT AT SAID WESTERN RIGHT-OF-WAY OF AVERETTE ROAD; THENCE ALONG

AND WITH SAID WESTERN RIGHT-OF-WAY OF AVERETTE ROAD S 19°53'53" W A DISTANCE OF 167.27 FEET TO A POINT; THENCE S 19°05'52" W A DISTANCE OF 29.87 FEET TO THE POINT OF BEGINNING, CONTAINING 1.7425 ACRES.

AREA TO BE REZONED RESIDENTIAL HIGH DENSITY, "RH-CZ":

BEGINNING AT AN EXISTING IRON PIPE AT THE WESTERN RIGHT-OF-WAY OF AVERETTE ROAD, SAID PIPE BEING THE SOUTHEASTERN PROPERTY CORNER OF LOT 1 AS SHOWN IN BOOK OF MAPS 2017, PAGE 2752, WAKE COUNTY REGISTRY AND HAVING NC GRID (NAD '83/2011) COORDINATES OF N: 801865.49 FEET AND E: 2161345.62 FEET; THENCE LEAVING SAID WESTERN RIGHT-OF-WAY OF AVERETTE ROAD S 89°08'42" W A DISTANCE OF 168.53 FEET TO A BENT EXISTING IRON PIPE; THENCE N 43°46'49" W A DISTANCE OF 752.81 FEET TO AN EXISTING IRON PIPE; THENCE N 88°23'25" W A DISTANCE OF 499.01 FEET TO A POINT, SAID POINT BEING THE SOUTHEASTERN PROPERTY CORNER OF OPEN SPACE #4 AS SHOWN IN BOOK OF MAPS

2023, PAGE 842, WAKE COUNTY REGISTRY; THENCE N 01°29'30" E A DISTANCE OF 159.51 FEET TO AN EXISTING IRON PIPE, SAID PIPE HAVING NC GRID(NAD '83/2011) COORDINATES OF N: 802579.97 FEET AND E: 2160161.59 FEET; THENCE N 73°13'41" E A DISTANCE OF 122.26 FEET TO A POINT; THENCE N 27°43'56" E A DISTANCE OF 412.60 FEET TO AN EXISTING IRON PIPE, SAID

PIPE BEING THE NORTHEASTERN PROPERTY CORNER OF TRACT 1 AS SHOWN IN BOOK OF MAPS 2007, PAGE 1763, WAKE COUNTY REGISTRY; THENCE S 47°59'56" E A DISTANCE OF 270.34 FEET TO AN EXISTING IRON PIPE; THENCE N 85°19'41" E A DISTANCE OF 397.02 FEET TO A POINT; THENCE S 04°40'19" E A DISTANCE OF 153.13 FEET TO A POINT; THENCE ALONG AND

WITH A CURVE TO THE LEFT AN ARC DISTANCE OF 231.19 FEET, SAID CURVE HAVING A RADIUS OF 200.00 FEET, A CHORD BEARING OF S 37°47'14" E AND A CHORD DISTANCE OF 218.53 FEET TO A POINT; THENCE S 70°54'08" E A DISTANCE OF 243.31 FEET TO A POINT AT SAID WESTERN RIGHT-OF-WAY OF AVERETTE ROAD; THENCE ALONG AND WITH SAID WESTERN RIGHT-OF-WAY

OF AVERETTE ROAD S 19°05'52" W A DISTANCE OF 71.19 FEET TO A POINT; THENCE S 15°50'31" W A DISTANCE OF 102.56 FEET TO A POINT; THENCE S 09°19'34" W A DISTANCE OF 102.62 FEET TO A POINT; THENCE S 05°49'11" W A DISTANCE OF 295.80 FEET TO THE POINT OF BEGINNING, CONTAINING 14.7574 ACRES

Exhibit 2: Conditions of Approval
1101 Averette Road
Revised 08/26/2026

1. The development of the property shall be in substantial conformance with the accompanying Concept Site Plan. Locations shown for committed elements including, but not limited to greenways, streets, and open areas shown on the Concept Site Plan, may be adjusted to conform to LDO requirements or as permitted as a minor adjustment by the Land Development Administrator.
2. For the portion of the Property zoned, RH-CZ, there shall be a maximum of seventy-six (76) dwelling units and any townhome dwellings shall contain no more than two (2) attached units. The only permitted uses within the RH-CZ District shall be:
 - a. Dwellings, Single Family, Attached
 - b. Dwellings, Single Family, Detached
3. For the portion of the Property zoned GC-CZ, the following Principal Uses as listed in LDO Table 5.1 shall be prohibited:
 - a. Dwelling, Upper Story Unit
 - b. Lodge or Private Clubs
 - c. Schools (K-12)
 - d. Bars and Nightclubs
 - e. Funeral Home
 - f. Gas Station
 - g. Golf Course
 - h. Self-Storage Enclosed
 - i. Tattoo Establishment
 - j. Vape and Tobacco Store
 - k. Vehicle, Rental and Sales
 - l. Vehicle, Minor Service
 - m. Minor Utility
 - n. Major Utility
 - o. Minor Transportation Installation
 - p. Telecommunication Tower
 - q. Water Storage Tower
4. Pollinator Garden: The development shall include at least one pollinator garden. The pollinator garden shall be a landscaped garden in which at least seventy five percent (75%) of all plants, excluding grasses, are native milkweeds and other nectar-rich flowers. The final location(s) of pollinator garden shall be determined at subsequent stages of approval and will be identified on the landscape plan submitted with the construction drawings. The pollinator garden shall be constructed prior to the issuance of the final residential building permit.

5. Developer shall construct a connection to the existing greenway located on the Southwest corner of the parcel.
6. Provided that the Town of Rolesville actually establishes the Rolesville Affordable Housing Fund prior to the developer's first request for a residential Certificate of Occupancy, developer shall donate \$25,000 to the Rolesville Affordable Housing Fund prior to the issuance of the first residential Certificate of Occupancy. For the avoidance of doubt, the developer shall not be required to donate to the Rolesville Affordable Housing Fund if such fund has not been actually established at the time the developer submits its first request for a residential Certificate of Occupancy.
7. Best efforts shall be made to obtain all necessary right-of-way across that tract identified as 0 Bessie Court (Wake PIN 1860-03-3161) (the "Bessie Court Tract") for the connection and construction of Street A as shown on the Concept Plan to the existing Barred Owl Trail. Prior to preliminary plat approval, the Developer shall certify to the Town that either (a) it has obtained or will obtain the necessary right-of-way and easement rights over the Bessie Court Tract and will extend Street A over the Bessie Court Tract at its own expense, (b) it made best efforts to obtain the necessary right-of-way and easement rights over the Bessie Court Tract but the Bessie Court Tract owner has rejected its good faith offer, or (c) it made best efforts to obtain the necessary right-of-way and easement rights over the Bessie Court Tract but the Bessie Court Tract owner has not responded to the offer within a reasonable time. If the Bessie Court Tract owner rejects the Developer's good faith offer to purchase the necessary right-of-way and easement rights over the Bessie Court Tract, or if the Bessie Court Tract owner does not respond to the Developer's good faith offer in a reasonable time, Street A shall be constructed to the site's property line and the Developer shall not be required to extend Street A over the Bessie Court Tract. For the purposes of this condition, failure to respond to a written offer within fourteen (14) calendar days shall be deemed to be a failure to respond within a reasonable time.
8. A commercial area measuring approximately 50 feet wide and 70 feet deep located on the portion of the Property labeled "GC-CZ" on the Concept Plan shall be cleared, graded and with water and sanitary sewer utilities stubbed to the same prior to issuance of any Certificate of Occupancy for any residential unit on the Property.
9. The Developer shall certify to the Town prior to the issuance of the first building permit for the Development that a set of declarations, bylaws and covenants adopted in accordance with the North Carolina Planned Community Act has been recorded with the Wake County Register of Deeds requiring compliance with the following conditions:
 - a. Short-term home rental of any residential dwelling on the Property shall be prohibited. For the purposes of this zoning condition, the term "short-term home rental" shall mean the rental of any residence located on the Property for less than thirty (30) calendar days.
 - b. No more than fifty percent (50%) of the residential units within the development shall be permitted to be rented at any one time.
 - c. The homeowners association shall be responsible for maintaining landscaping within the common areas of the residential development.