
Prepared by & Return to: Town of Rolesville, 502 Southtown Circle, Rolesville, NC 27571
Tax ID No:0491964

**STATE OF NORTH CAROLINA
TOWN OF ROLESVILLE**

**BEFORE THE
BOARD OF COMMISSIONERS
PR 20-06**

Ashton Raleigh Residential LLC

ORDER

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

Address: 0 Louisburg Road
PIN: 1768051864

This request from Ashton Raleigh Residential LLC (the “**Applicant**”), pursuant to Rolesville Unified Development Ordinance (the “**UDO**”) Section 15.3.6, for approval of a preliminary subdivision plat for a 94-lot residential subdivision, in the northern portion of a subdivision commonly known as “The Point” came before the Town of Rolesville Board of Commissioners (the “**Board**”) on September 6, 2022. The real property that is the subject of this hearing is located at 0 Louisburg Road (New Tract 6, Book of Maps 2021, Page 1745, Wake County Registry) having Wake County Parcel Identification Number 1768051864 (the “**Property**”).

Based upon testimony of the witnesses, documentary evidence, exhibits, and other evidence presented at the September 6, 2022 evidentiary hearing, the Board voted 3 to 2 to APPROVE the preliminary subdivision plat, with the reasonable and appropriate conditions and safeguards set forth below and as reflected on said approved plat.

The Board’s decision to approve the preliminary subdivision plat application is based on the following Findings of Fact and Conclusions of Law:

FINDINGS OF FACT

1. The Applicant proposes a 94-lot residential subdivision on the Property.
2. The Property is approximately 45.39± acres.
3. The application and other records pertaining to the Preliminary Subdivision Plat Approval application are complete and have been made a part of the record.
4. The Property currently is zoned R&PUD. This zoning allows the uses proposed by the Applicant.
5. A subdivision substantially similar to that proposed by this Application was a part of a prior special use permit approved by the Town of Rolesville on August 20, 2019 (“Prior SUP”).
6. Pursuant to the Prior SUP, the Town Board must again review the Preliminary Subdivision Plat for the Property.
7. The Applicant submitted Preliminary Subdivision Plat Approval Application to the Town of Rolesville requesting that the Town approve the preliminary subdivision plat reflecting a subdivision consisting of a 94-lot residential subdivision upon the Property (the “**Application**”).
8. Following advertisement, the Board conducted an evidentiary hearing on the Application on September 6, 2022 (the “**Hearing**”).
9. Public notice has been provided as required by law.
10. The future land use classification for the Property is Mixed Use Neighborhood Use which is consistent with the request in the Application.
11. The Property is within the Town’s corporate limits and will have fire and police protection as well as public water and sewer. All applicable sections of the UDO are satisfied and met by the proposed plan.
12. The following witnesses were called by the Applicant were qualified as experts in their respective fields:
 - Mike Sanchez, PE- Civil Engineer
 - Travis Fluitt, PE- Traffic Engineer
 - Richard Kirkland, MAI- Real Estate Appraiser
 - Laura Holloman, AICP- Land Planner

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.

13. The following lay witnesses appeared:

- a. Maria Winn, 1018 Virginia Water Drive, Rolesville
- b. Heather Swisher, 521 Genovesa Drive, Rolesville

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 Preliminary Subdivision Plat 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 the 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, wasted 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 site plan for a 94-lot residential subdivision on the Property subject to those conditions and safeguards set forth below.

ACCORDINGLY, based upon the foregoing FINDINGS OF FACT and CONCLUSIONS OF LAW, upon a motion made by Commissioner Alston and seconded by Commissioner Vilga the Town hereby approves PR 20-06 subject to the following reasonable and appropriate conditions and safeguards:

(i) If approved by the Town of Rolesville, the Property Owner shall acquire and install within the right-of-way of Virginia Water Drive two (2) stop signs at its intersection with Genovesa Drive in order to create a four-way stop at that intersection; and

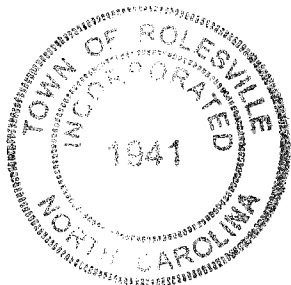
(ii) The Property Owner shall contribute \$7,500.00 to the Town of Rolesville to be used to improve pedestrian safety in the area of the Genovesa Drive.

Commissioner Vilga's Motion carried by a vote of 3-2.

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SIGNATURE, CERTIFICATION, & ACKNOWLEDGMENT PAGE FOLLOWS

This, the 3rd day of January, 2023.



[Town Seal Above]

Ronnie Currin
RONNIE CURRIN, Mayor of Rolesville

CERTIFICATION

I, Robin Peyton, 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 3rd day of January, 2023.

In witness hereof, I have hereunto set my hand and caused the seal of the Town of Rolesville to be affixed this 3rd day of January, 2023.

Robin Peyton
ROBIN PEYTON, Rolesville Town Clerk

WAKE COUNTY, NORTH CAROLINA

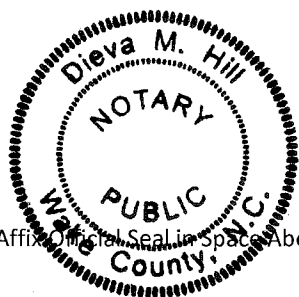
I certify that the following person(s) personally appeared before me this day, each acknowledging to me that he or she signed the foregoing document: Ronnie Currin, Mayor of Rolesville.

Date: January 3rd, 2023

Dieva M. Hill
[Notary's signature as name appears on seal]

Dieva M. Hill, Notary Public
[Notary's printed name as name appears on seal]

My commission expires: 07 27, 2024



[Affix Official Seal in space Above]