

**STATE OF NORTH CAROLINA
TOWN OF ROLESVILLE**

**BEFORE THE TOWN OF ROLESVILLE
BOARD OF COMMISSIONERS
SUP05-01**

**GRANITE RIDGE TOWNHOMES, LLC
APPLICATION TO AMEND SPECIAL USE
PERMIT FOR GRANITE RIDGE MASTER
PLAN TO ALLOW FOR 14 ADDITIONAL
TOWNHOMES**

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

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 July 20, 2017 upon the Application of Granite Ridge Townhomes, LLC to amend a previously issued Special Use Permit to increase the number of townhomes allowed on the property described in Exhibit "A", attached hereto and incorporated herein by reference from 300 to 314. The Board heard sworn testimony from Danny Johnson (Town Planning Director), W. Thurston Debnam, Jr. (attorney for Applicant) and Johnny Edwards, P.E. (professional engineer for Applicant), and made the following

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 Amendment to a previously issued Special Use Permit contains approximately 1.43 acres and is situated south of Grand Rock Way (a public street) ("the Property").
2. The Property is located in an area designated for High Density Residential by the Future Land Use Community Plan and is currently zoned R and PUD.
3. The Property is surrounded on the North by undeveloped property, on the South by townhomes, on the East by townhomes and on the West by the right of way of Grand Rock Road.

4. The proposed use of the Property is twenty (20) townhome lots which will be served by public water and sewer. Said townhome lots will utilize Grand Ridge Drive, an existing public street to access Grand Rock Way. In order to improve vehicular and pedestrian access Grand Ridge Drive will be extended in an easterly direction toward the adjoining property and sidewalks will be connected with the sidewalk along Grand Rock Way. There will be an United States Postal Service kiosk with two dedicated parking spaces which will be located near the southern terminus of Grand Ridge Drive.
5. The Property will have no buffer to the North (along Grand Rock Way) and no buffer to the West (along Grand Ridge Drive). The Property will have Type 3 Buffers measuring thirty (30) feet in width along both the South boundary and the East boundary.
6. All streets within the Property are designed to accommodate fire trucks and rescue vehicles. Fire hydrants will be located throughout the Property as the required intervals. The stormwater control devices reflected on the plans are sufficient.
7. Once fully developed, the Property will generate on average approximately 14 vehicular trips per hour during morning peak hours and 19 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.

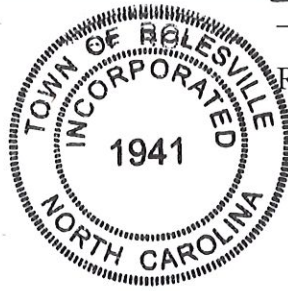
CONDITIONS OF APPROVAL

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

1. Prior to recordation of any lots in Phase 5, the following shall be completed to the Town's satisfaction:
 - i. The final lift of asphalt shall be installed on all existing phases of the development including Morgan Brook Way, Leighann Ridge Lane and Grand Ridge Drive.
 - ii. Payment of a fee-in-lieu in the amount of \$99,821.00 representing a portion of the construction costs of one-half of the frontage of Granite Falls Boulevard along the project frontage.
2. Prior to the issuance of the first Certificate of Occupancy (CO) in Phase 5, the Developer shall install (with permits as necessary) the following:
 - i. Town and United States Postal Service compliant mail kiosk for Phase 5.
 - ii. All required and approved landscape buffer installations noted on the approved site plan. All required landscaping shall be maintained in perpetuity. Should any plantings become diseased, damaged or die, then the property owners shall be required to replace them with other in the same quantities, of similar sizes and of similar species so as to blend with the existing landscaping.
3. Prior to the issuance of the 15th Certificate of Occupancy in Phase 5 (75%), the developer shall install the final lift of asphalt on all remaining streets in Phase 5.
4. Any and all conditions of approval which were attached to the previously issued special use permit, a copy of which is attached as Exhibit B.

ACCORDINGLY, based upon the foregoing FINDINGS OF FACT and CONCLUSIONS OF LAW, the Town of Rolesville Board of Commissioners hereby approves the amendment to special use permit amending the Granite Ridge Master Plan in Rolesville, North Carolina and further described on the attached Exhibit A.

THIS THE 5th DAY OF SEPTEMBER, 2017.





Robin E. Peyton, Town Clerk

EXHIBIT A
(Legal Description of Property)

EXHIBIT A

Being all of New Lot B containing 1.9310 acres according to a map and survey recorded in Book of Maps 2015, Page 637, Wake County Registry.

EXHIBIT B

(Conditions of Approval of Prior Special Use Permit)

SPECIAL USE PERMIT PROVISIONS:

1. MULTI-FAMILY SECTION

- a. The density of a total of three-hundred (300) units will apply to the construction of apartments, town homes, and/or condominiums. No more than two-hundred (200) of these units will be rental apartments.
- b. The developer is to phase in the construction of apartments with Phase 1 to be approximately 100 units. Phase 2 apartments will not be constructed until at least 50% of Phase 1 apartments have been leased.
- c. Residents of town homes and condominiums will have access to on-site swimming and other passive recreational amenities.
- d. The smallest apartments units will be no smaller than nine-hundred (900) square feet (+/-five (5) percent) in size.
- e. When the fiftieth (50) unit is issued a certificate of occupancy then the complex is to have full-time professional management and maintenance personnel.
- f. Restrictive covenants regulating the number of residents allowed per unit, their behavior, pets, and vehicles shall be part of this project in addition to rules governing the same items for apartment complexes to be approved by the Town Board concurrent and at the same time as the site plan.
- g. Before construction is to take place, the site plan/layout of the development shall be approved by the Town of Rolesville Board of Commissioners.
- h. A dedicated public right-of-way of sixty (60) feet with forty-one (41) feet of street width from back of curb to back of curb (to be the extension of Granite Falls Boulevard) will be built on the property line between said property and property owned by Mr. Frank Pearce, Jr. (PIN 1759.19 60 1631 and 1759.19 61 9137) which shall replace the wooden fence and vegetated buffer previously referred in the special use permit dated September 11, 2001.

2. STREETS

- a. New Rogers Road Section: The ultimate cross section for Rogers Road shown of the attached site plan calls for a one-hundred (100) feet public right-of-way. Incident to its development of Stratford Village (Granite Falls) and subject to the approval of NCDOT, the developer shall
 1. construct a street within the one-hundred (100) feet public right-of-way with pavement sixty-one (61) feet from back to back of curb, curb and gutter improvements and a five (5) feet wide sidewalk on both sides of the right-of-way from the intersection of Rogers Road and US Highway 401 to the point of the southwest corner of Tract 12 as shown on the attached plan
 2. shall extend and install a street with pavement sixty-one (61) feet back to back of curb from said point in the southwest corner of Tract 12 as shown on the attached site plan to the point where the new section of Rogers Road intersects with the existing section of Rogers Road, which existing section is shown as a sixty (60) feet public right-of-way on the attached site plan.
 3. and from such point of intersection, upon the development of the apartment project, or if the Town elects, upon the development of the property located east of the existing section of Rogers road and in conjunction with said developer's dedication

of right-of-way adjacent to its property and road widening and roadway construction within the said right-of-way of Rogers Road, Stratford Developers, LLC shall upgrade the street within the public right-of-way along the frontage of Stratford Village with pavement, curb, and gutter improvements for the length of right-of-way along the frontage of Stratford Village and shall install curb and gutter improvements from the southwest corner of Tract 12 as shown on the attached site plan to the point where the new section of Rogers Road intersects with the existing section of Rogers Road along the frontage of Stratford Village. In return for constructing the section of Rogers Road shown on the attached site plan and described herein, as well as the section of the Rogers Young Bypass (Granite Falls Boulevard) shown on the attached site plan and described in subparagraph (2) below, Stratford Developers LLC, the developer of the project, shall not be required to pay thoroughfare fees for its development in Stratford Village and all thoroughfare fees collected by the Town from other developers/owners in Stratford Village shall be reimbursed by the Town to Stratford Developers LLC to offset the costs for installation of the aforementioned roads.

4. Stratford Developers LLC shall provide a curb cut for ingress/egress access for the veterinary and medical facilities on the north side of the new section of Rogers Road. The curb cut is to be made in such a fashion as to minimize water flow impact to lower lying properties.
- b. Access points to the apartment complex initially will be from the new Rogers Road. The Rogers Young Bypass (Granite Falls Boulevard) as shown on the attached site plan shall be constructed in connection with the development of the apartment complex or the development any of the commercial outparcels adjacent to the Rogers Young Bypass (Granite Falls Boulevard), whichever occurs first. Construction of the Rogers Young Bypass (Granite Falls Boulevard) is to be included on the site plan as part of the infrastructure requirements of development of the multi-family or commercial portion of Stratford Village.
- c. In cooperation with NCDOT and subject to NCDOT approval, a section of the existing Rogers Road will be abandoned and removed, as shown on the attached site plan, upon completion of the new Rogers Road right-of-way, and upon construction of a two-lane connector between the new section of Rogers Road right-of-way and the end of the remaining section of the existing Rogers Road. The two lane connector between the old and new Rogers Road sections is to serve the current residents of Brown Circle and of Rogers Road, as well as the residents of the townhome project in that vicinity. Stratford Developers LLC will complete the paving of the cul-de-sac shown on the attached site plan on or before August 31, 2004. The preferred location of this new two lane connector is directly over the existing pond. In the event there are environmental or wetland issues that prohibit use of the pond area, a second option for additional access to the townhomes will be a longer road connection that avoids the pond.

3. PUBLIC PARK/RECREATION SPACE

Stratford Developers LLC is to pay fees in lieu of dedicating five (5) percent of the gross acreage for general public recreational area. Total fees to be paid are \$36,000, due upon submittal of the first final site plan of the Stratford Village project.

4. BUFFERS

- a. Specific buffer requirements proposed to date include a thirty (30) feet vegetated buffer and solid fence between the proposed apartment complex and the Pearce property. The fence is to be of treated wood and to be a minimum of six (6) feet high. Additionally, there is to be buffering by way of a greenbelt along the entire perimeter of the project of between ten (10) to thirty (30) feet wide, except for portions of road frontages and portions of the property adjacent to the Stratford Village Shopping Center which will be landscaped in accordance to the Town's Ordinances. Existing trees and other non-nuisance vegetation are to be preserved wherever possible **within the greenbelt and as approved by the Town Manager.**
- b. Prior to recordation of any lots in Phase 4, a solid fence shall be installed along the southern project boundary to meet opacity requirements of the required Type "A" buffer which cannot be installed because of the existing street hammerhead and its required extension to the east.
- c. Prior to recordation of any lots in Phase 4, the developer shall provide the Planning Director with a landscape plan for all required buffer plantings. The plan must be approved and the plantings installed before issuance of any CO's in the Phase. All 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.

5. UTILITIES

Should the Town require the developer to outsize any of the utility installations, such a gravity sewer mains that are in excess of the site's needs, the Town will make appropriate arrangements for the reimbursement of the additional expenses.

6. TRAFFIC SIGNAL

On or after December 15, 2004, upon ten (10) days written request from the Town, Stratford Developers LLC. shall pay to the Town the sum of thirty-three thousand dollars (\$33,000) for the installation of a traffic signal at the intersection of Rogers Road and US Highway 401. In the event, the Town fails to cause the installation of such traffic signal at the intersection of Rogers Road and US Highway 401 on or before December 15, 2005, the payment of thirty-three thousand dollars (\$33,000) shall be returned to Stratford Developers LLC.

