

STATE OF NORTH CAROLINA
TOWN OF ROLESVILLE

BEFORE THE TOWN OF ROLESVILLE
BOARD OF COMMISSIONERS
PR 20-04

**PRESERVE AT JONES DAIRY, LLC (Developer/
Applicant) & KIRBY V. PEARCE and spouse,
TERRY J. PEARCE & DANA M. JONES and
Spouse, TERRY AYERS & KEVIN H. JONES
and spouse, REBECCA JONES & DARRELL G.
CHALK & JAMES E. MANGRUM & CYNTHIA
HOPE PERRY GRIESEDIECK and spouse, JAMES
LOUIS GRIESEDIECK & DONNA JOY PERRY
TIFFANY and spouse, MARK KREIDER TIFFANY
(Property Owners)
APPLICATION FOR PRELIMINARY
SUBDIVISION PLAT APPROVAL
FOR 255 LOT RESIDENTIAL SUBDIVISION
LOCATED ON JONES DAIRY ROAD**

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

This request from **PRESERVE AT JONES DAIRY, LLC & KIRBY V. PEARCE and spouse, TERRY J. PEARCE & DANA M. JONES and spouse, TERRY AYERS & KEVIN H. JONES and spouse, REBECCA JONES & DARRELL G. CHALK & JAMES E. MANGRUM & CYNTHIA HOPE PERRY GRIESEDIECK and spouse, JAMES LOUIS GRIESEDIECK & DONNA JOY PERRY TIFFANY and spouse, MARK KREIDER TIFFANY** (together, the “Applicant”), pursuant to Rolesville Unified Development Ordinance (the “UDO”) Section 6.3, for approval of a preliminary subdivision plat of a 255-lot residential subdivision located on the Northside of Jones Dairy Road and Westside of Averette Road on several parcels for a total of 89.02 acres in Rolesville, North Carolina, known as “The Preserve at Jones Dairy Subdivision (Central Section)” came before the Town of Rolesville Board of Commissioners (the “Board”) on October 20, 2020. The real property located on the Northside of Jones Dairy Road and Westside of Averette Road, Rolesville, North Carolina having Wake County Parcel Identification Numbers 1759-88-8905, 1759-99-2822, 1805-09-4753 and 1860-00-0842 (the “Property”).

Based upon testimony of the witnesses, documentary evidence, exhibits and other evidence presented at the October 20, 2020 public hearings, the Board voted 6 - 0 to APPROVE the preliminary

subdivision plat, with the Conditions set forth below, allowing the development of a 255-lot residential subdivision as required by Special Use Permit 18-06 and as reflected on said approved plat.

The Board's decision to approve the preliminary subdivision plat application is based on the Findings of Fact and Conclusions of Law set forth below:

FINDINGS OF FACT

1. The Applicant is seeking Preliminary Subdivision Plat Approval for a 255-lot residential subdivision located on the Northside of Jones Dairy Road and Westside of Averette Road, Rolesville, North Carolina known as "The Preserve at Jones Dairy Subdivision (Central Section)".
2. The Property is approximately 89.02 acres.
3. The application and other records pertaining to the Preliminary Subdivision Plat Approval application are part of the record.
4. Notice has been provided as required by law.
5. The Property currently is located in Residential and Planning Unit Development Zoning Districts (R&PUD).
6. Pursuant to the UDO, and in accordance with Special Use Permit 18-06, Preliminary Subdivision Plat Approval is required for The Preserve at Jones Dairy Subdivision (Central Section) Subdivision.
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 255-lot residential subdivision upon the Property (the "Application").
8. Following advertisement, the Board conducted a quasi-judicial public hearing on the Application on October 20, 2020 (the "Hearing").
9. The land use classification for the Property is R&PUD which is consistent with the request in the Application.
10. The Property is currently located in Town's corporate limits or within the Town's extraterritorial jurisdiction ("ETJ") and will have fire and police protection as well as public water and sewer.
11. All applicable sections of the UDO are satisfied and met by the proposed plan, including, but not limited to proposed public streets, sidewalks, greenway, mail kiosk parking, and contains 16.3% of open space area, 10% required by the UDO.
12. The proposed preliminary subdivision plat is following the approved SUP 18-06 PUD Master Plan for The Preserve at Jones Dairy Road (Central).

13. The following witnesses were qualified as experts in their respective fields: George McIntyre – Civil Engineer with CAA Engineering; Rynel Stevenson – Traffic Engineer with Ramey Kemp Associates. 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.

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 6.3 of the UDO and as required by 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 and the approved SUP 18-06 PUD Master Plan for The Preserve at Jones Dairy Road (Central).
2. That based upon the foregoing, the Applicant is entitled to approval of the requested preliminary subdivision plat for a 255-lot residential subdivision on the Property subject to those conditions set forth below.

CONDITIONS OF APPROVAL

The Preliminary Subdivision Plat is approved with the further conditions:


City of Raleigh Public Utilities has requested that the following conditions 1 - 3 be included as a condition of approval to be addressed during the appropriate construction drawing review and Applicant consents to condition 4, each of which conditions 1 – 4 are of equal status.

- 1. Sewer must be extended to all adjacent upstream properties, including PINs: 1769-08-6810, 1860-00-5632 & 1860-00-6858.
- 2. Based on the sewer layout, offside sewer extensions would be needed. The existing 20' Drainage and Utility Easement recorded by Wake Co Jones Dairy Farm subdivision is shown to be the proposed route. These easements may not belong to the City of Raleigh and not be viable for a sewer installation. We will check with the City Attorney's Office. If these easements are not adequate for offsite sewer installation, offside sewer easements must be reviewed by the City of Raleigh and recorded by deed before CD approval.
- 3. Conditions of approval:
 - a. Before approval of CDs, the project engineer must submit a downstream sewer capacity study in compliance with the CORPUD Handbook for review and approval. Any identified sewer pipes exceeding allowable capacity must be permitted with the CDs for replacement.

- b. Before approval of CDs, the developer must obtain documentation from Duke Energy (encroachment agreement) for the rights-of-way with water/sewer utility crossing the existing 50' Duke Power Easement.
4. Applicant shall deliver to Town an irrevocable standby letter of credit in an amount equal to 125% of the costs of the recommended improvements of the TIA report at such time as Town initially requests a valuation of Jones Dairy and Averette Road in accordance with Provision 10 of the Special Use Permit. Notwithstanding the foregoing language, nothing contained here shall permit Town to call for a valuation earlier than as set forth in Provision 10 of the Conditions of Approval shown on Exhibit B of the Special Use Permit.

ACCORDINGLY, based upon the foregoing FINDINGS OF FACT and CONCLUSIONS OF LAW, the Town of Rolesville Board of Commissioners hereby approves the preliminary subdivision plat for a residential subdivision consisting of 255 residential lots as set forth in application PR 20-04.

THIS THE 5th DAY OF January, 2020.



Mayor

CERTIFICATION

I, Robin E. 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 5th day of January, 2020.

In witness hereof, I have hereunto set my hand and caused the seal of the Town of Rolesville to be affixed this 5th day of January, 2020.





Rolesville Town Clerk

Rolesville Town Clerk