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Rolesville, NC 27571*

WAKE COUNTY, NC 138
CHARLES P. GILLIAM
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STATE OF NORTH CAROLINA
TOWN OF ROLESVILLE

BEFORE THE TOWN OF ROLESVILLE
BOARD OF COMMISSIONERS
SUP18-07

GTR DEVELOPMENT, LLC
APPLICATION FOR A SPECIAL USE
PERMIT FOR THE PRESERVE AT JONES
DAIRY ROAD (NORTH)

EVIDENTIARY HEARING
FINDINGS OF FACT AND
CONCLUSIONS OF LAW

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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 August 6, 2019 upon the Application of Donald Jones (owner of Wake County PIN: 1850931255), Kirby Pearce and Dana Jones (owners of Wake County PIN: 1850922931) and GTR Development, LLC (developer) for the issuance of a Special Use Permit to allow for both townhomes and single family detached homes on the property described in Exhibit “A”, attached hereto and incorporated herein by reference. The Board heard sworn testimony from Danny Johnson (Town Planning Director), W. Thurston Debnam, Jr. (attorney for Applicant), Mac McIntyre, (professional engineer for Applicant), Rynal Stephenson (traffic engineer for Applicant).

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 SUP contains approximately 49.167 acres and is located on the North side of Jones Dairy Road and East of Jones Dairy Farm Subdivision (“the Property”).
2. The Property is located in an area designated for Residential and Planned Unit Development (“R&PUD”).
3. The Property is surrounded on the North by single family homes in an R2-SUD zoning district, on the South is vacant farmland pending a rezoning request, on the East by undeveloped farm land or woodland and residential zoning districts, real estate and on the West by property zoned CU-R-15.
4. The proposed use of the Property is both 63 townhomes and 141 single family homes which will be served by public water and sewer. There will be a United States Postal Service kiosk with two dedicated parking spaces. The overall density is 4.15 dwelling units per acre.
5. The Applicant has submitted a Traffic Impact Study (TIA) as required by the Town’s Unified Development Ordinance which was prepared by Ramey Kemp.
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. 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 outlined in Exhibit B and upon the condition that each element of the Master Plan be submitted to the Town through the site plan approval process for townhomes and single-family homes.

ACCORDINGLY, based upon the foregoing FINDINGS OF FACT and CONCLUSIONS OF LAW, the Town of Rolesville Board of Commissioners hereby approves the issuance of the special use permit as set forth in application SUP18-07 subject to the conditions contained herein and upon the additional conditions contained in the attached Exhibit B.

THIS THE 6th DAY OF August, 2019.



C. Frank Eagles

C Frank Eagles
Town of Rolesville Mayor

Robin E. Peyton

Robin E. Peyton
Town of Rolesville Clerk

Reviewed and Acknowledged by the Property Owner or Applicant:

Property Owners:

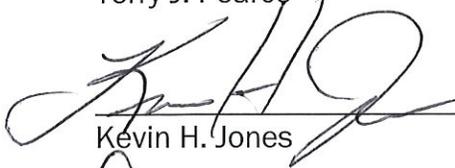
Kirby V. Pearce
Kirby V. Pearce

10/24/19
Date



Terry J. Pearce

10/24/19
Date



Kevin H. Jones

10/24/19
Date



Dana M Jones

10/24/19
Date

Applicant:



Tracy Jones, Partner
GTR Development, LLC

10/24/19
Date

EXHIBIT A

The real estate in question is identified as Wake County PIN number 1850931255
and number 1850922931.

EXHIBIT B

(Conditions of Approval)

SPECIAL USE PERMIT CONDITIONS:

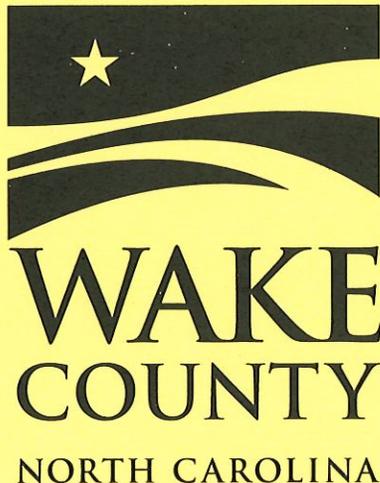
1. All the provisions of the Town of Rolesville Unified Development Ordinance 6.2.1 R1 and 6.2.3 R3 will be followed except:
 - a. Front walkways shall connect to the paved driveway not to the sidewalks in front of the dwelling.
 - b. Two car garages visible from the street will have the option of one or two doors.
2. The open space land requirement shall be dedicated to the Home-Owner's Association.
3. The Greenway / Walking Trail will be constructed in phase one and will be completed before the first building permit of that phase is issued. If it is a public greenway trail as shown on the 2002 Open Space and Greenway Plan, it will be maintained by the Town. If not, then it would be publicly accessible, but HOA maintained since it is not part of the plan. All of this is determined with the PUD Master Plan and later preliminary subdivision plat or site plans as well as subdivision construction plans.
4. The open space land shall be dedicated to the homeowner's association.
5. Phase One shall be constructed and recorded before Phase Two or Phase Three.
6. Amenities Schedule:
 - a. The developer will construct a playground and open space, and it is to be completed by the issuance of the 30th building permit in phase 2.
7. Each single-family home lot will have one street tree except corner lots which will have at least two street trees.
8. Chain link fences will not be permitted, and the construction of fences and materials used will be controlled by the architectural committee, developer, and by the restrictive covenants.
9. The minimum detached single-family home square footage will be 1600 square feet.
10. The minimum square footage for town homes shall be 1100 square feet.
11. All of the detached single-family homes will have crawl space or stem wall foundations.
12. The Town reserves the right and may request valuation of Jones Dairy and Averette Road intersection after 24 months of the first issued Certificate of Occupancy for any uses completed for The Preserve at Jones Dairy Road either South or Central portions when there is evidence of developing traffic congestion or safety issues at this intersection that would merit warrant of traffic light as recommended by The Preserve at Jones Dairy Road Traffic Impact Analysis

Report (TIA). All cost including installing the traffic light improvement with metal poles and metal mast arms is the responsibility of the developer. After the first request for revaluation, the Town can call for additional requests for revaluation based upon the evidence of developing traffic congestion or safety issues after the previous revaluation until all the recommended improvements of the TIA report are completed.

13. The Special Use Permit is granted upon the further condition that each element of the Master Plan must come back through the site plan approval process.



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It is part of the recorded document and must be submitted with the original for re-recording.

Charles P. Gilliam
Register of Deeds
Wake County Justice Center
300 South Salisbury Street, Suite 1700
Raleigh, NC 27601

New Time Stamp

\$25 Non-Standard Fee

Additional Document Fee

Additional Reference Fee

This Customer Group

_____ # of Excessive Entities

_____ # of Time Stamps Needed

This Document

7 # of Pages