

**TOWN OF ROLESVILLE**  
**RESOLUTION APPROVING SPECIAL USE PERMIT AND MODIFICATION**  
**REQUESTS**  
**ASHTON WOODS- THE POINT PUD MASTER PLAN AMENDMENT (SUP-18-09)**

**Physical Address:** Either side of Louisburg Road (US 401 Bypass), south of East Young Street Intersection  
**PIN Numbers:** 1768 26 7208; 1768 04 4257; 1768 06 8057; and 1758 93 0017  
**Total lot/tract size:** 317± acres  
**Property Owner:** Cameron Shearon, Beverly Shearon, Stephon Shearon; Byrum Family, LLC; and The Donald F. Williams Revocable Trust

The Town of Rolesville Board of Commissioners (“Commissioners”) held a duly advertised quasi-judicial hearing on August 6, 2019, and in open session continued the public hearing to its August 20, 2019 meeting. At its meeting on August 20, 2019, after conducting a duly noticed quasi-judicial hearing and after considering the application materials, testimony, exhibits, and evidence presented at the two hearings or otherwise appearing in the record, and the approval criteria of the Town of Rolesville Unified Development Ordinance (the “UDO”), voted 3-2 to approve the special use permit with the requested modifications, based upon the following findings and conditions:

**Findings:**

1. The Property Owner requests that Council consider a revised Overall PUD Master Plan to allow construction of 98 single-family homes on the north side of the 401 Bypass; 483 single-family homes on the south side of the 401 Bypass and 324 townhomes on the south side of the 401 Bypass and modifications to reduce setbacks in the R1 and R2 districts to a minimum of twenty feet (20’) in the front and a minimum of fifteen feet (15’) in the rear; to increase cul-de-sac lengths for five (5) cul-de-sacs shown on the Overall PUD Masterplan; to require alleyways only where shown on the Overall PUD Masterplan and to allow garages to face the street, where no alleys are constructed; and to allow single and double garage doors.
2. The Subject Property is a 317± acre site divided by the 401 Bypass. The owners of the Subject Property are Cameron Shearon, Beverly Shearon and Stephen Shearon; Byrum Family, LLC and The Donald F. Williams Revocable Trust. The applicant is Ashton Raleigh Residential, LLC.
3. The application, the staff report, the staff powerpoint presentation, the traffic impact analysis- including amendment, the two appraiser reports, the applicant’s two powerpoint presentations, and other records pertaining to the special use permit are a part of the record.
4. Notice has been provided as required by law.
5. The special use permit was first submitted for review in 2018. The Technical Review Committee (TRC) has completed more than five review cycles of the plan.

6. The applicant requested to reduce the setbacks for residential lots in the R1 and R2 districts as shown in the Overall PUD Master Plan from Twenty-five (25') for the front and rear to twenty feet (20') in the front and fifteen feet (15') in the rear. These revised setbacks will allow for greater flexibility in home type and design meeting the intentions of the Comprehensive Plan and the UDO. The environmental features make large lots with deep setbacks difficult to develop. The smaller setbacks allow for the preservation of greater common open space.
7. The applicant requested that five (5) cul-de-sacs exceeding two hundred and fifty feet (250') from the nearest intersection be permitted as shown in the Overall PUD Master Plan. Significant topographic changes, environmental features and the Controlled Access designation of the 401 Bypass inhibit the ability to interconnect community streets thereby necessitating the need for these longer cul-de-sac lengths.
8. The applicant requested that alleys only be required where shown on the Overall PUD Master Plan and that where no alleys are shown, garages may face the street. The inclusion of alley ways decreases open space, and is difficult given the topography, environmental constraints and rocky soil conditions on the subject property. In addition, alleyways increase maintenance costs for future home owners.
9. The applicant requested that both single garage door and double garage doors be permitted on the subject property. The conditions requires that double garage doors provide embellishments as set on in the approval conditions in Exhibit A. Allowing double garage door decreases the garage width provide for more efficient use of the land with significant topography and numerus environmental features. This provision allows for greater flexibility in housing type and design.
10. Based upon the uncontroverted competent, substantial, and material evidence appearing and submitted into the record, the criteria for approval of a modification of setbacks pursuant to Sections 6.2 contained in the UDO have been met, specifically:

The proposed setback modification in R1 and R2 districts as shown in the Overall PUD Master Plan to twenty feet (20') in the front and fifteen feet (15') in the rear in the advances the underlying of the Rolesville Comprehensive Plan and the UDO can be met with the reduced setbacks and because the peculiarities in the land make it unreasonable to require strict adherence to the standards.

11. Based upon the uncontroverted competent, substantial, and material evidence appearing and submitted into the record, the criteria for approval of a modification of cul-de-sac length pursuant to Sections 6.2 contained in the UDO have been met, specifically:

The proposed cul-de-sac length modification for the five (5) cul-de-sacs exceeding 250' as shown on the in the Overall PUD Master Plan advances the underlying purposes of the Rolesville Comprehensive Plan and the UDO can be met with the longer cul-de-sac lengths and because the peculiarities in the land make it unreasonable to require strict adherence to the standards.



12. Based upon the uncontroverted competent, substantial, and material evidence appearing and submitted into the record, the criteria for approval of a modification of the alleyway requirement pursuant to Sections 6.2 contained in the UDO have been met, specifically:

The proposed modification to require alleyway only where shown on the in the Overall PUD Master Plan and to allow garages to face streets where no alleyway is provided advances the underlying purposes of the Rolesville Comprehensive Plan and the UDO without strict adherence to the standard and because the peculiarities in the land make it unreasonable to require strict adherence to the standards.

13. Based upon the uncontroverted competent, substantial, and material evidence appearing and submitted into the record, the criteria for approval of a modification of garage door standard pursuant to Sections 6.2 contained in the UDO have been met, specifically:

The proposed modification of the garage door requirements to allow both single and double garage doors under certain conditions advances the underlying purposes of the Rolesville Comprehensive Plan and the UDO without strict compliance with the standard and because the peculiarities in the land make it unreasonable to require strict adherence to the standards.

14. Based upon the uncontroverted competent, substantial, and material evidence appearing and submitted into the record, the criteria for approval of a special use permit request pursuant to Section 3.6.2 contained in the UDO have been met, specifically:

- a. That the proposed development and/or use will not materially endanger the public health or safety;
- b. That the proposed development and/or use will not substantially injure the value of adjoining property;
- c. 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;
- d. That the proposed development and/or use will generally conform with the Comprehensive plan and other official plans adopted by the Town;
- e. 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;
- f. That the proposed development and/or use will not cause undue traffic congestion or create a traffic hazard;
- g. That the proposed development and use comply with all applicable requirements of this ordinance.

ACCORDINGLY, based on the foregoing, the Board of Commissioners hereby approves the special use permit request with the conditions identified on the attached Exhibit A.

Signed, this 2nd day of October, 2019

  
Frank Eagles., Mayor

**CERTIFICATION**

I, Robin Peyton, Town Clerk of the Town of Rolesville, North Carolina, do hereby certify the foregoing to be true copy of a Resolution duly adopted at the meeting of the Town Board of Commissioners held on August 20, 2019.

IN WITNESS WHEREOF, I have hereunto set my hand and have caused the seal of the Town of Rolesville to be affixed this the 2nd day of October, 2019.

  
Robin Peyton, Town Clerk

