

STATE OF NORTH CAROLINA  
TOWN OF ROLESVILLE

TOWN OF ROLESVILLE  
BOARD OF COMMISSIONERS  
SUP 21-01  
(amending SUP 18-01)

RE: THALES ACADEMY &  
PULTE HOMES COMPANY, LLC  
2028 & 2206 WAIT AVENUE

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ORDER OF DENIAL  
SPECIAL USE PERMIT  
AMENDMENT

THIS MATTER COMING ON to be heard before the Board of Commissioners of the **TOWN OF ROLESVILLE** (“the **Board**”) at its April 5, 2022 regular meeting, and there continued to May 3, 2022 upon the application of **THALES ACADEMY**, (“**Owner**”), and **PULTE HOMES COMPANY, LLC** (“**Developer**”) (Owner and Developer collectively, “**Applicant**”) for an amendment to SUP 18-01 to allow for a mixed use development Wait Avenue in Rolesville, North Carolina, proposing both residential and commercial uses (the “**Project**”). Based on that hearing, the admitted evidence, and the sworn witness testimony, the Board makes the following findings of fact and conclusions of law:

The following Commissioners were seated for this evidentiary hearing: Mayor Pro-Tem Paul Vilga, Dan Alston, Michelle Medley, April Sneed, and Sheilah Sutton. Mayor Ronnie Currin presiding.

As SUP 18-01 was previously considered and approved under the Rolesville Unified Development Ordinance (the “**UDO**”), the instant evidentiary hearing for amendment was also heard under the dictates of the UDO to the extent consistent with the requirements of Chapter 160D of the North Carolina General Statutes.

FINDINGS OF FACT

1. The property subject to the requested Special Use Permit consists of two (2) parcels of land having PINs 1850-95-0449 and 1860-04-5778, totaling approximately 92.32 acres and commonly known as 2028 & 2206 Wait Avenue, Rolesville, North Carolina (the “**Property**”).
2. The Property is zoned R&PUD District. This is a dormant district under the current Rolesville Land Development Ordinance. Pursuant to the UDO, the R&PUD District is designated for “locations under unified control, planned as a whole, and developed in a

single operation or in a programed series of units or stages of development, with appropriate design and site planning controls.” (UDO § 4.1)

3. The Applicant proposed an amendment to the SUP to allow for the following:
  - a. The inclusion of 191 townhome single-family attached dwelling units and reduction of single-family detached dwelling units from 143 to 102.
  - b. The replacement of the single, non-residential use of a new private school campus (Thales Academy) with the designation of three (3) lots for future commercial development. No details regarding the new commercial development lots were introduced.
4. Mr. Matthew Peach, an engineer, with Stantec Consulting Services was tendered as an expert in traffic engineering and testified as an expert as to impacts of the Project upon traffic safety and congestion. The Applicant tendered as evidence a traffic impact analysis prepared by Mr. Peach’s firm in May of 2021 (the “TIA”). Mr. Peach’s analysis relied upon traffic counts from 2017 and 2018.
5. Mr. Rich Kirland, an MAI commercial appraiser, was tendered as an expert as real estate property values and to impacts of the Project upon adjoining property. The Applicant tendered as evidence Mr. Kirkland’s written analysis (the “Appraisal”) that concludes that the residential uses of the Project will not have injurious effect upon the value of adjoining property. The Appraisal did not make an assessment of the potential impacts upon adjoining property of the commercial portions of the Project.
6. Also testifying on behalf of the Applicant were Mr. Chris Raughley, vice president of entitlements and land development for the Developer and Riyad Baroudi, the Developer’s civil engineer.
7. The following were admitted into evidence at the hearing: the Rolesville Planning Staff Memo and attachments, including Location Map, Special Use Permit Application, SUP Application Maps, Neighborhood Meeting Documents, Applicant’s updated list of proposed conditions of May 3, 2022, the TIA, and the Appraisal.

#### CONCLUSIONS OF LAW

Based upon the evidence introduced at the hearing, the proposed use, and the findings of fact above, the Board of Commissioners finds the application fails to meet all the requirements of Section 3.6.2 of the Unified Development Ordinance, in that:

- The Applicant failed to provide competent, material, and substantial evidence that the Project and/or use will not substantially injure the value of adjoining property (UDO § 3.6.2(B));
- The Applicant failed to provide competent, material, and substantial evidence that the Project and/or uses thereon will generally conform with the Comprehensive Plan and other official plans of the Town (UDO § 3.6.2(D));
- The Applicant failed to provide competent, material, and substantial evidence that the Project and/or use will not cause undue traffic congestion or create a traffic hazard (UDO § 3.6.2(F)); and
- The Applicant failed to provide competent, material, and substantial evidence that the Project and use comply with all applicable requirements of this ordinance. (UDO § 3.6.2(G)).

ACTION

Upon a motion to deny the application for special use permit amendment made by Commissioner Sutton, which was seconded by Commissioner Medley, the Board voted in favor of the motion to deny by a vote of 5-0.

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ACCORDINGLY, based upon the foregoing FINDINGS OF FACT and CONCLUSIONS OF LAW, the Town of Rolesville Board of Commissioners hereby issues this ORDER OF DENIAL OF SPECIAL USE PERMIT AMENDMENT for application SUP 21-01.

This, the 6<sup>th</sup> day of July 2022.

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Town Clerk