



TO: Mayor and Town Board of Commissioners

FROM: Danny Johnson, Planning Director

DATE: September 25, 2019

RE: Agenda Item C. 3.

Public Hearing Case: MA 19-05 (Legislative) – Request by Benjamin Orta and Lynda Ruiz-Orta to rezone 0.5 acres at 515 S Main St. (PIN 1758689510) from Residential 1 (R-1) district to Commercial Outlying Conditional Zoning (CO-CZ) district.

### **Background**

#### **Summary Information**

PINs: 1758689510

Address: 515 S Main St.

Acreage: 0.5

Current Zoning: Residential 1 (R-1)

Proposed Zoning: Commercial Outlying Conditional Zoning (CO-CZ)

Owners: Benjamin Orta and Lynda Ruiz-Orta

#### **Background and Existing Conditions**

Parcel 1758689510 is in Rolesville's corporate limits and the R-1 zoning district. There is an existing single-family home on the property.

It is located on S Main St. between Greenway Beer and Wine and Cart Company Golf Carts, across from Rolesville Commons and Town Hall. Greenway Beer and Wine and Cart Company Golf Carts are in the CO-CZ district, and the Commons is in the CO district.

To the immediate rear of the property is a single-family home in the R-1 district. The rest of the surrounding properties are in the Wall Creek subdivision. Wall Creek is in the Residential and Planned Unit Development (R&PUD) district.

The property's frontage along S Main St. and its proximity to other commercial centers would make it a prime location for commercial activity. To ensure the safety and well-being of the neighbors residing to the rear of the property, the applicant wishes to attach conditions to the proposed map amendment. These include provisions for lighting, landscaping, signage, parking, and hours of operation. The conditions are subject to refinement by the applicant.

### **Neighborhood Meeting**

The applicant held a neighborhood meeting on August 22, 2019. Of the neighboring property owners in the 200' buffer area, one owner attended. The neighbor asked about parking requirements for possible commercial uses, lighting requirements, and landscape buffers. The neighbor did not express any major opposition to the rezoning.

### **2017 Rolesville Comprehensive Plan**

The Future Land Use Map identifies the property for commercial use. The CO-CZ district is a commercial district, so the proposal is consistent with the Comprehensive Plan.

### **2002 Thoroughfare Plan**

The Town would not require street improvements as part of the proposed rezoning. Any improvements would be assessed at the time of commercial site plan approval or special use permit approval. This would include curbing and sidewalk installation for one half section from center for a future three lane section.

### **Planning Staff Recommendation**

Staff recommends approval of the rezoning request as presented. The proposed zoning district is consistent with the Rolesville Comprehensive Plan, Future Land Use Map that classifies this parcel for commercial use.

### **Planning Board Recommendation**

The Rolesville Planning Board at their meeting on August 26, 2019, considered the requested ordinance map amendment, and by unanimous vote of the Board recommending to the Town Board of Commissioners to approve the requested rezoning of MA 19-05. The proposed zoning district is consistent with the Rolesville Comprehensive Plan, Future Land Use Map that classifies this parcels for commercial use.

### **Board Options**

- Approved the Map Amendment based on the information presented at the public hearing.
- Approved the Map Amendment with modifications in consideration of the information presented at the public hearing.
- Denied the Map Amendment based on the information presented at the public hearing with stated reason for denial.

### **Recommended Action**

I make a motion to approve Resolution No 2019-R-1, Town Board of Commissioners Statement of Consistency and approve the Case: MA 19-05 as presented.

### **Attachments**

MA 19-05 Aerial – Location Map

MA 19-05 Existing Zoning and Future Land Use Map

MA 19-05 Proposed Conditions for the District

Resolution No. 2019-R-15 Statement of Consistency, MA 19-05

MA 19-05 Map Amendment Application



### Legend

 MA 19-05



Southtown Cir

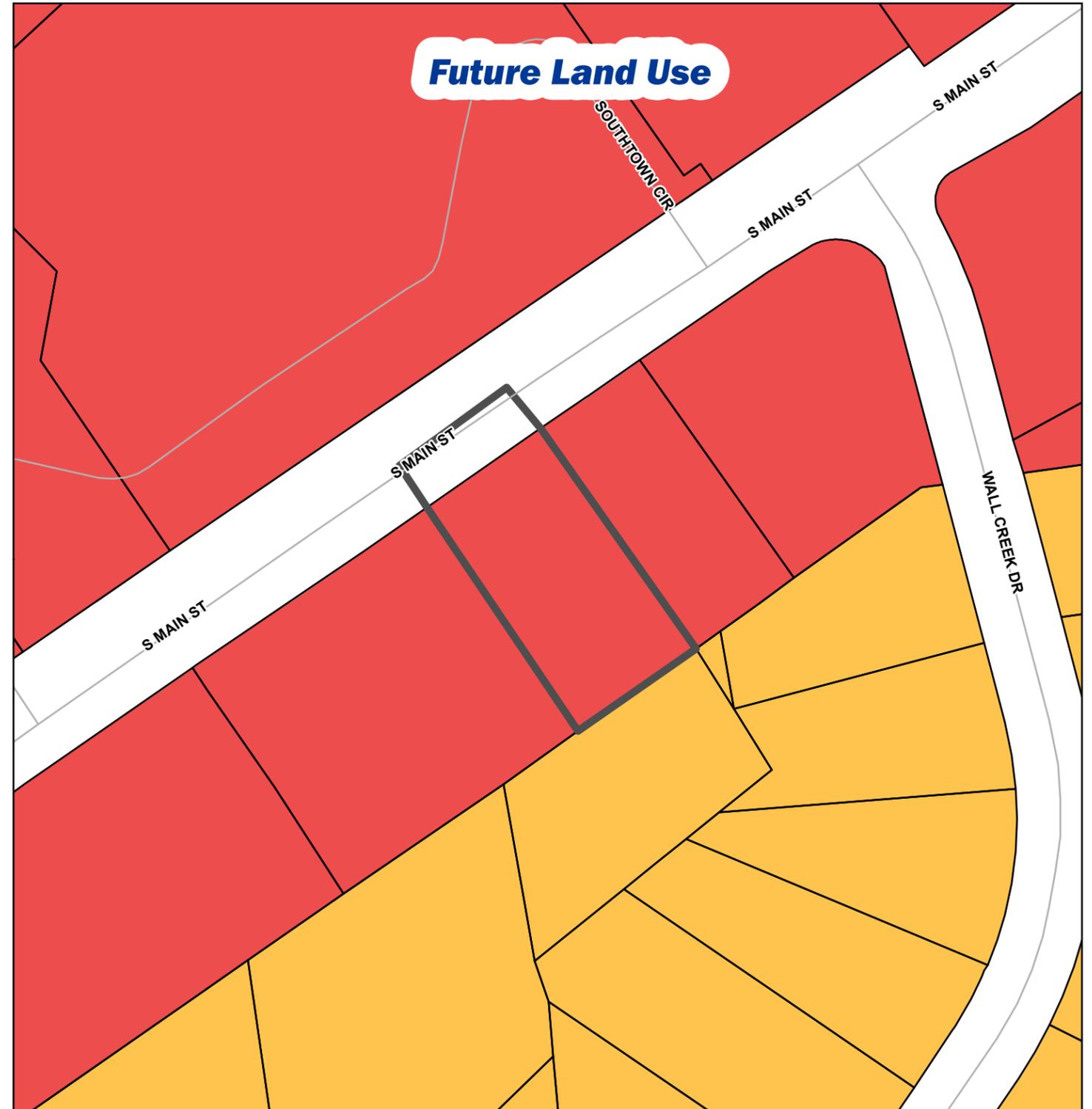
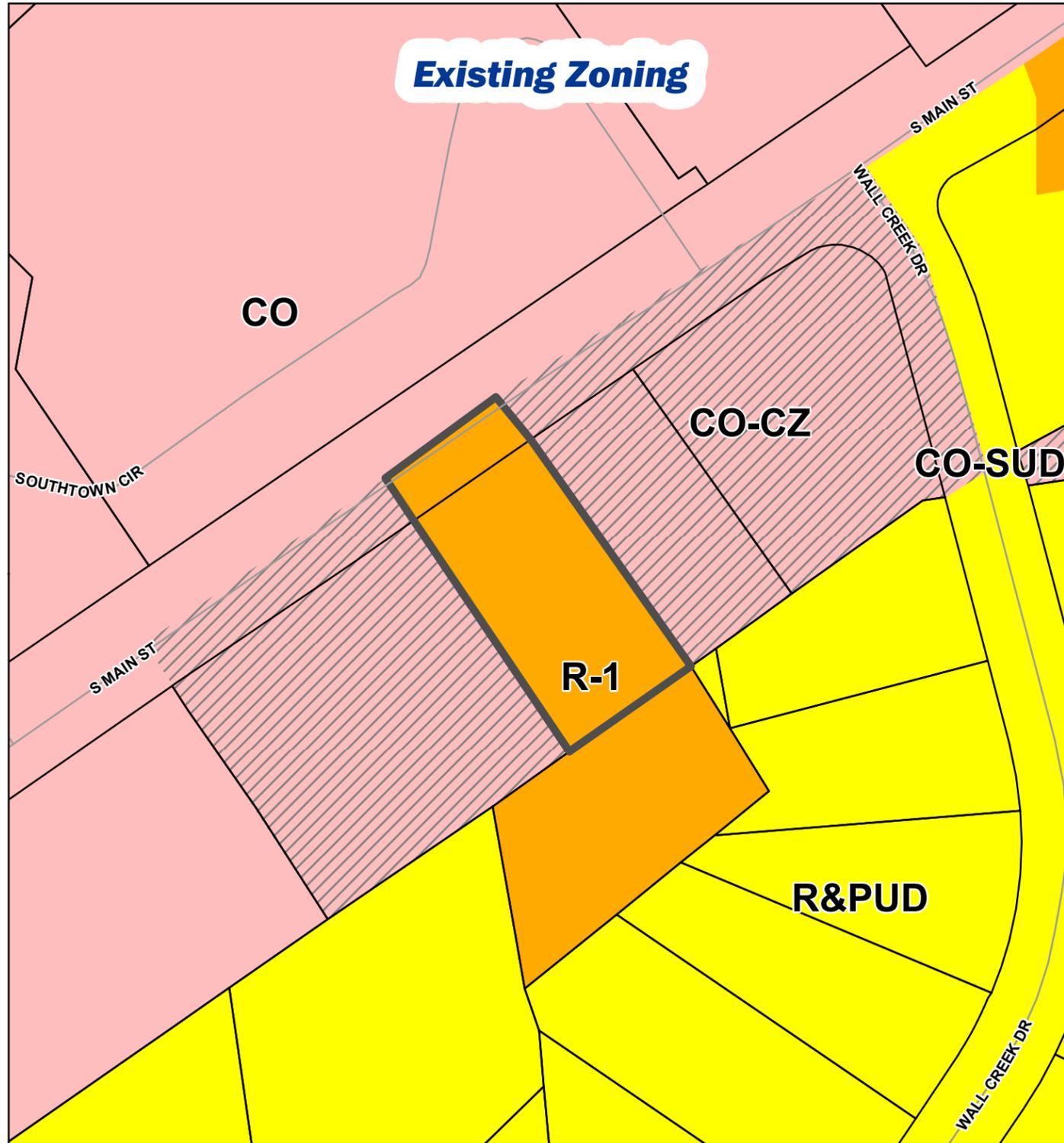
S Main St

Wall Creek Dr

Greenway Beer & Wine

Wall Creek

# MA 19-05, 515 South Main Street



## Legend

 MA 19-05

## Future Land Use

 Medium Density Residential

 Commercial



Data provided in part by Wake County.





**MA 19-05**  
**515 South Main Street**  
**Benjamin Orta and Lynda Ruiz-Orta**  
**Rezoning Conditions**

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**DATE:** September 23, 2019

**PROPERTY/DESCRIPTION:** 515 South Main Street, Benjamin Orta and Lynda Ruiz-Orta

**PIN NUMBER:** 1758689510

**REQUESTED ZONING:** CO-CZ

**CONDITIONAL ZONING PROVISIONS:**

- I. Lighting Improvement shall be designed such that light does not spill onto adjacent properties and not exceed ½ foot candles when measured at the property line.
- II. Landscaping improvements and landscape buffers along residential property lines will be made in accordance with the Town of Rolesville Ordinances within Article 14. Signage shall comply with Article 11 of the UDO.
- III. Parking shall be determined at the time of site plan or special use permit review but must, at a minimum, comply with the standards established in Article 10 of the UDO as determined by the proposed use.
- IV. Hours of operation for any approved use on this property shall be determined at the time of the site plan or special use permit review.
- V. There will be no outside storage.
- VI. The following uses allowed in the CO zoning district are the only permitted uses for this Conditional Zoning District:
  1. Banks
  2. Barber and Beauty Shops
  3. Eating Establishment
  4. Food Truck and Food Truck Uses
  5. Funeral Home and Crematory
  6. Government Facilities
  7. Home Occupations
  8. Kindergarten, Nurseries and Daycares
  9. Library
  10. Medical Clinic
  11. Offices for Business and Professional Services
  12. Parking Lots for Vehicles
  13. Printing, Graphics or Copy Centers
  14. Retailing Establishment (excluding vehicle sales lots)
  15. Schools (public or private)

- 16. Shopping Centers (according to approved uses)
- 17. Signs

VII. The following uses allowed in the CO zoning district are the only special uses for this Conditional Zoning District:

- 1. Above Ground Storage of Petroleum Products (NFPA rules may apply)
- 2. Art, Dance or Photo Studio
- 3. Commercial Commissary
- 4. Dwelling – Single Family
- 5. Electronic Gaming Operation
- 6. Event Venue
- 7. Fitness Center
- 8. Laundromat (use of recycled water only)
- 9. Market and Sales of Produce and Seasonal Goods
- 10. Temporary Uses (with development standards)

Adopted this \_\_\_ day of \_\_\_\_\_, 2019 by the Town of Rolesville Board of Commissioners.

\_\_\_\_\_  
 Frank Eagles  
 Town of Rolesville Mayor

**CERTIFICATION**

I, \_\_\_\_\_, Town Clerk for the Town of Rolesville, North Carolina, do hereby certify the foregoing to be a true copy of a special use permit duly adopted at the meeting of the Town Board of Commissioners held on this \_\_\_ day of \_\_\_\_\_, 2019.

In witness whereof, I have hereunto set my hand and caused the seal of the Town of Rolesville to be affixed this \_\_\_ day of \_\_\_\_\_, 2019.

(seal) \_\_\_\_\_  
 Robin Peyton  
 Town Clerk

Reviewed and Acknowledged by the Property Owner or Applicant:

\_\_\_\_\_  
 Printed Name

\_\_\_\_\_  
 Signature

\_\_\_\_\_  
 Date



**RESOLUTION NO. 2019-R-15**  
**TOWN BOARD OF COMMISSIONERS STATEMENT OF CONSISTENCY**  
**Case No.: MA 19-05**

WHEREAS, Benjamin Orta and Lynda Ruiz-Orta has submitted a petition for a map amendment to the Town's official Zoning Map known as MA 19-05 to rezone 0.5 acres at 515 S Main St. (PIN 1758689510) from Residential 1 District (R-1) to Commercial Outlying Conditional Zoning District (CO-CZ).

WHEREAS, N. C. General Statutes Section 160A-386, requires the Town Board of Commissioners to adopt a zoning amendment consistency statement whenever it approves or rejects a proposed zoning amendment;

WHEREAS, the proposed map amendment is consistent with the Rolesville Comprehensive Plan, Future Land Use Plan classification as commercial land use and that the proposed zoning district is a included in that classification.

WHEREAS, the Rolesville Planning Board at their meeting on August 26, 2019, considered the requested ordinance map amendment, and by unanimous vote of the Board recommending to the Town Board of Commissioners to approve the requested rezoning of MA 19-05. The proposed zoning district is consistent with the Rolesville Comprehensive Plan, Future Land Use Map that classifies these parcels for commercial use.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF THE TOWN OF ROLESVILLE:

The Town Board finds that the proposed map amendment is consistent with the Rolesville Comprehensive Plan, Future Land Use Plan classification as commercial land use and that the proposed zoning district request is a included in that classification.

The preceding resolution, having been submitted to a vote, received the following vote and was duly adopted the \_\_\_\_ day of \_\_\_\_\_, 2019.

Ayes: \_\_\_\_\_

Noes: \_\_\_\_\_

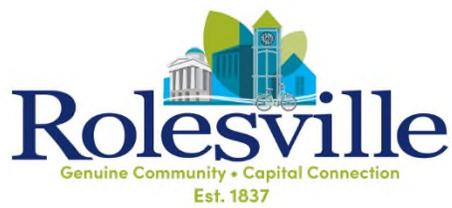
Absent or Excused: \_\_\_\_\_

\_\_\_\_\_  
C. Frank Eagles, Mayor

ATTEST:

\_\_\_\_\_  
Robin E. Peyton, Town Clerk

[SEAL]



## Memorandum

TO: Mayor and Town Board of Commissioners  
FROM: Danny Johnson, AICP, Planning Director  
DATE: September 25, 2019  
RE: Agenda Item C. 4.

Public Hearing (quasi-judicial) on Case: SP 19-02, The Townes at Carlton Pointe site plan review for 54 townhomes on a total of 5.8 acres, located 4524, 4522, 4541, and 4542 Vineyard Pine Lane located in the Carlton Pointe PUD Master Plan and zoned Residential and Planned Unit Development District (R&PUD).

### Background

#### Summary Information

Acreage: 5.8 (All four lots)

Current Zoning: Residential and Planned Unit Development (R&PUD) zoning district

Owner: Carlton Group of North Carolina, LLC

Developer: Carlton Group of North Carolina, LLC

#### Request

A request for a site plan approval (quasi-judicial) for 54 residential townhomes at located 4524, 4522, 4541, and 4542 Vineyard Pine Lane for a combined total 5.8 acres. The site plan shows existing residential buildings and individual townhome units with the required parking spaces, driveways to garages, sidewalks, water and sewer services, proposed public streets and landscaping for required buffers in compliance to the Special Use Permit 18-08 conditions. The site is currently zoned Residential and Planned Unit Development (R&PUD) zoning district, and included in the Carlton Pointe PUD Master Plan as amended. The maximum density for townhomes in R&PUD is ten dwellings per acre. The total density based on the proposed site plan is 9.31 units per acre. The proposed site plan will meet the requirements of the Unified Development Ordinance.

#### 2017 Rolesville Comprehensive Plan

The Comprehensive Plan, Future Land Use Map classifies these parcels for High-Density Residential describes a mixture of housing types with an average density of six or more dwelling units per acre.