

After recording return to: Town of Rolesville
P.O. Box 250
Rolesville, NC 27571
Attn: Town Clerk

**STATE OF NORTH CAROLINA
TOWN OF ROLESVILLE**

**BEFORE THE TOWN OF ROLESVILLE
BOARD OF COMMISSIONERS
PR22-02**

**REAL ESTATE MARKETING
& CONSULTING, INC. AND W. HAROLD
PERRY APPLICATION FOR A SPECIAL
USE PERMIT FOR GRANITE CREST
PHASE IV PRELIMINARY SUBDIVISION
PLAT TO ALLOW FOR 25 SINGLE
FAMILY LOTS**

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

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 July 6, 2022 upon the Application of Real Estate Marketing & Consulting, Inc. for the issuance of a Special Use Permit for Preliminary Subdivision Plat PR 22-02 to allow twenty-five (25) detached single family lots, two (2) sub-phases – (b) for 16 residential lot number 176-191 and (c) for 9 residential lots number 192-200. The subject property, being Wake County PIN numbers 1759753474, 1759753092, 1759751000, 1759741891, and 1759757603, is zoned Residential 2 Special Use District (R2-SUD) under the Unified Development Ordinance (UDO). Phase III(C) was approved by the Town Board in May of 2021 via an Amendment under Application PR-21-03 and is currently under development subject to Construction Drawing application CD 21-01. Phase III (C) includes a commitment that Lot 132 shall not be developed

until such time that access to a public right-of-way is provided to PIN 1759744853 (N/F Meyers, James & Meyers, Terri G) and the existing 50'COR (City of Raleigh) Pump Station access easement (BM2008/P1173) can be abandoned.

The Applicant is simultaneously processing Construction Drawing CD 22-01, for the development of Lots 176-200, 209, and 212 (mail kiosk lot), and it is still undergoing Technical Review Committee (TRC) Staff review. The Board heard testimony from Michael Elabarger (Town Senior Planner), W. Thurston Debnam, Jr. (attorney for Applicant), Travis Tyboroski, (professional engineer for Applicant), and W. Harold Perry (the Applicant). The Applicant also entered into evidence the Evidentiary Hearing Findings of Fact and Conclusions of Law previously into the record and recorded for SUP 15-01 in Book 16229, Page 2784, Wake County Registry.

The Board's decision to approve the Special Use Permit for Preliminary Subdivision Plat PR 22-02 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 11.594 acres and is located at 0 Pluton Place ("the Property").
2. The Property is located in an area designated for Medium Density Residential uses.
3. The Property is surrounded on the North, South, East and West by single family homes.

4. The proposed use of the Property is single family homes which will be served by public water and sewer. There will be a United States Postal Service kiosk with three dedicated parking spaces. The overall density is 2.16 dwelling units per acre.
5. The Applicant has previously submitted a Traffic Impact Study (TIA) as required by the Town's Unified Development Ordinance and a new TIA is not required for the consideration of this Application.
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 for Preliminary Subdivision Plat PR 22-02 is made subject to the following conditions of approval outlined in Exhibit A 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 PR 22-02 subject to the conditions contained herein.

THIS THE _____ DAY OF _____, 2022.

Robin E. Peyton, Town Clerk

EXHIBIT A

Conditions of Approval:

1. Upon request and receipt of address assignment from Wake County GIS/911 for the proposed lots within Granite Crest Phase IV, an address shall be obtained and assigned for PIN 1759744853 (N/F Meyers, James & Meyers, Terri G) and that address shall appear on the recorded Final Plat for Granite Crest Phase IV or another recorded plat as is necessary in order to officially change the address for PIN 1759744853.
2. PIN 1759744853 (N/F Meyers, James & Meyers, Terri G) shall be served in perpetuity by a 20' paved access drive through proposed Lot 212 of PR 22-02, with maintenance responsibility held by the homeowners association established for or serving Granite Crest Phase IV. A note to this effect shall be on the Final Plat recorded for Granite Crest Phase IV, and the obligation for maintenance of a 20' paved drive to serve PIN 1759744853 shall be included in the Covenants, Conditions, and Restrictions (CCR's) established for or serving Granite Crest Phase IV.