

**TOWN OF ROLESVILLE
REGULAR MEETING OF THE
TOWN BOARD**

October 5, 2015

MINUTES

PRESENT: Frank Eagles, Mayor
Ronnie Currin, Commissioner
Betty Whitaker, Commissioner
Bryan Hicks, Town Manager
David York, Town Attorney
JG Ferguson, Parks & Rec Director

Frank Hodge, Mayor Pro Tem
Gil Hartis, Commissioner
Robin Reif, Town Clerk
Thomas Lloyd, Planning Director
Bobby Langston, Police Chief
Orlando Soto, Police Captain

CALL TO ORDER

Mayor Frank Eagles called the meeting to order and led the pledge of allegiance. Deacon Theodric Harris of New Bethel Church gave the invocation.

APPROVAL OF THE AGENDA

Mayor Eagles asked for approval of the October 5, 2015 meeting agenda. On a motion by Commissioner Whitley, second by Commissioner Hartis, the approval of the October 5, 2015 meeting agenda carried by unanimous vote.

APPROVAL OF THE CONSENT AGENDA

Mayor Eagles called for the approval of the consent agenda consisting of the following:

- Approval of the minutes for the September 8, 2015 meeting.
- Proclamations:
 - Recognizing October as Breast Cancer Awareness Month
 - Recognizing October as Hispanic Heritage Month
- Approval of the Findings of Fact Development order for Case SUP05-01
- Approval of a policy and procedures for background checks involving Parks and Recreation coaches and officials
- Budget amendment FY15-06
- Call for Public Hearings for October 20, 2015 meeting:
 - MA15-05: *Map amendment for rezoning of 19.67 acres on Forestville Road from R1 to R2-CZ.*
 - D15-03: *Site plan for proposed pool and clubhouse within Cedar Lakes neighborhood*

On a motion by Commissioner Whitaker, second by Commissioner Whitley, the approval of the consent agenda carried by unanimous vote.

PUBLIC COMMENTS

None

REGULAR AGENDA

Chamber of Commerce Report

No one was present to provide a Chamber of Commerce Report

Public Hearing: Case MA15-05: *Map amendment to change the zoning of 18.2 acres off of Smoke Willow Way and Pluton Place from R1 to R2-SUD*

Open Public Hearing

Mayor Eagles opened the public hearing at 7:00 p.m.

Introduction by Staff

Planning Director Thomas Lloyd provided an overview of the map amendment request:

- The 18.2 acre area is to be known as Granite Crest IV.
- The surrounding subdivisions are all in the same zoning district as proposed.
- The accompanying proposed special use permit follows on the agenda as a quasi-judicial hearing this evening.
- The governing board was asked to consider the rezoning with no specific development in mind.
- The Planning Board reviewed the proposed amendment at their July 27th meeting.
- The Planning Board requested that any connectivity between Smoke Willow and Pluton Place be pedestrian and not vehicular.
- Staff is recommending approval of the amendment as it is consistent with the future land use plan.

Discussion was held on ordinance requirements of connectivity between subdivisions and adjacent properties as well as the relation to the thoroughfare plan and future required annexation.

Comments from Applicant

Mr. Thurston Debnam, Partner Attorney with Smith Debnam Law representing the applicant, and Johnny Edwards, Engineer for the applicant, were present to provide comments:

- The proposed rezoning will decrease the density of the area to below what is currently allowed under approved uses.
- Proposed homes on Pluton Place would conform to architectural covenants of Heritage East.
- The proposed is consistent with the town's ordinances and plan.
- The proposed creates fewer lots with more common area. Entire 18.02 acres is not being utilized as lots.

Comments from Public in Favor

Mr. Dennis O'Donnell, 2908 Pluton Place, Rolesville, NC

Mr. O'Donnell spoke in favor of the rezoning but without the proposed connection between Pluton Place and Willow Way. Mr. O'Donnell expressed his preference that Pluton Place be a cul-de-sac. If not a cul-de-sac and, were the connection made, it would become the shortest route for people to travel from Granite Crest community through to Rogers Road. This would substantially increase travel through a residential area creating a concern for the safety of children. There are currently only five families living on Pluton Place but eight to ten are projected. According to Mr. O'Donnell, discussions have been held with all but one of the families and all are opposed to a possible connection. When questioned if the other Pluton Place residents were unable to attend the meeting, it was noted that these new residents moved in within the last several weeks after notices were sent. Therefore, the town was unable to reach them concerning the public hearing. Tax records consulted and adjacent property owners listed with the application did not contain these new residents. It was noted that Heritage East Homeowners Association notified all of their residents.

Although possible inclusion of a connection in the development plan is not part of the zoning nor up for consideration under the public hearing, discussion was held on the issue due to the Planning Board including the item in their recommendation to the Board of Commissioners.

Mr. Jason Myers, President of Granite Crest Homeowner's Association, consisting of 156 homes, spoke against the connection as well. Mr. Myers stated that a speeding problem currently exists and a connection would make it worse. In addition, emergency vehicles could not use the road if it became a thoroughfare as it is too narrow when cars are parked on the street. Mr. Myers reported that approximately 150 children play or will play in the streets and creating a thoroughfare would endanger them.

David Byers from HOA III in Heritage asked those present, when considering a possible connection between Pluton Place and Willow Way, to take in to account what happened to Clear Springs Drive when Majestic Oak was connected through to Clear Springs Drive in Heritage.

Comments from Public in Opposition

None

Rebuttal from Applicant

None

Close of Public Hearing

There being no one else wishing to speak, Mayor Eagles closed the public hearing at 7:15 p.m.

Involving case MA15-03, Commissioner Whitley moved to approve the proposed map amendment, along with the following consistency statement: The proposed zoning map amendment is consistent with the Comprehensive Plan and is reasonable and in the public interest, because of the following:

1. The Comprehensive Plan recommends that the property be zoned for medium density and planned residential uses, and this request is to place the property under the R2-SUD zoning district which allows such uses; and
2. The zoning map amendment positions the property for development that will increase the town's tax base while not frustrating the continued use for future development of nearby properties.

The motion was seconded by Commissioner Hartis and carried by unanimous vote.

Public Hearing: Case SUP15-01: Quasi-judicial hearing involving a special use permit for Granite Crest (Phase IV) totaling 31 lots for single family dwellings.

Open Public Hearing

Mayor Eagles opened the public hearing at 7:17 p.m.

Town Attorney David York read the requirements for the quasi-judicial hearing as outlined in N.C.G.S. §160A-393 and all board members were questioned as to their existing or potential predispositions. Upon receiving satisfactory responses from all board members, Town Clerk Robin Reif swore in those persons in attendance wishing to provide testimony.

Introduction by Staff

Planning Director Thomas Lloyd provided an overview of the special use permit to develop thirty-one (31) detached single-family residential lots.

- Current zoning is R2-SUD.
- Future land use is planned residential and medium-density residential.
- Planned as a conservation subdivision.
- As a cluster subdivision, developer is required to provide for more open space.
- Lot sizes are reduced by 25% from an R2 district lot which has a 15,000 sq. ft. minimum density requirement.

Following Mr. Lloyd's overview, discussion was held on Smoke Willow Way not being intended as a collector street. Comments were made to the effect that, in future, those living on a 60' right of way street should expect that it could become a thoroughfare.

The future of a private drive and access to a currently existing City of Raleigh pump station was discussed. Modifications of the proposed plan may be needed in response to recent legislation on HB721.

Comments from Applicant

Attorney Thurston Debnam and Professional Engineer Johnny Edwards provided additional comments. Mr. Edwards has been involved in land use planning and is familiar with the Town of Rolesville ordinances. The applicant proposes a 50' wide public right-of-way for access to the private driveway. Current ordinance allows a private drive in public right-of-way and applicant proposes constructing a driveway for the private resident. Six (6) lots will utilize Pluton Place for access to a thoroughfare and not impact Granite Crest. Twenty-four (24) peak hour morning trips and thirty-one (31) peak hour evening trips are estimated. Homes on Pluton Place would have a minimum of 2,500 sq. ft. and would comply with Heritage East standards. Architectural declaration would have a 2,000 sq. ft. minimum. There are no minimum sq. footages in Granite Crest's declaration. Condition number 18 was introduced and applicant stated that there would be continued access to the pump station.

Mr. Jason Myers commented on the previous experience of Misty Willow with pre-clearing. Some purchasers were charged premiums on lots that were later cleared of trees when future phase was built-out.

Mr. Debnam went down the remaining list of conditional items. The board and applicant then went through the list of conditions and commented as to their acceptability. Mr. Edwards confirmed that he heard and agreed to everything Attorney Debnam had stated.

The Myers, property owner of the property under discussion for a developer provided driveway in easement, were present to speak and were sworn in by the Clerk. Ms. Myers expressed their concern over their future right-of-way access to their property as well as potential address changes.

Attorney Debnam clarified that a 50' public right-of-way along with a paved 12' wide driveway would be constructed to town standards. Clarification was provided that the developer may not bulldoze 50', but that 50' would be dedicated. Comments were provided that mail kiosks would be in the Town's right-of-way therefore questions were posed as to who would own the kiosk. The applicant stated that the mail kiosk could be moved to another location to preclude its being in the Town's right-of-way. Commissioner Whitley asked if there would be a publically recorded legal document to protect the homeowners as well as asking who would maintain the public drive as well as the mail kiosk. Attorney York suggested a public dedication of the ROW and the town and applicant enter into an encroachment agreement that would include the owner of the Myer's tract, spelling out that once the road was built to town standards, the parking and mail kiosk would have to be moved to another location. Mr. Jason Myers stated that the HOA would not approve of parking being located that would have to be maintained by the HOA.

Comments from Public in Favor

None

Comments from Public in Opposition

Mr. Jason Myers stated that this is the first hearing of the parking and mail kiosk by current Granite Crest homeowners. Mr. Myers stated that Granite Crest currently has mailboxes throughout.

Commissioner Hartis stated that the kiosk is a federal law that cannot be changed by the board. The developer intends to ask that mailboxes go in. Granite Crest's architectural requirements state that all houses have to have mailboxes. This could possibly be used as an argument with the postal service. This is a new phase of an existing subdivision.

Rebuttal from Applicant

Mr. Debnam stated that the applicant is not in favor of mail kiosks, but if a plan had been submitted that did not address mail kiosks, the first question would be "where are the mail kiosks?" It would be fine with the developer if everyone had a mailbox. The kiosk is not a key portion of the proposal rather a requirement.

Close of Public Hearing

There being no one else wishing to speak, Mayor Eagles closed the public hearing at 8:37 p.m.

Commissioner Whitley expressed her concerns regarding the greenway. Mr. Hicks, Mr. Debnam and Mr. Perry may be able to meet to address concerns expressed by the board. Mayor Pro Tem Hodge stated that the concerns expressed by the board needed to be in writing and were listed as follows:

- Consistency with Heritage.
- Encroachment for the Myers.
- Agreement on Greenway.
- Pluton Way annexation

The board elected to take no action and consented to have the item brought up at a future meeting. The Mayor suggested requiring that the 50' easement be graded, drained and stabilized.

The Mayor reopened the public hearing at 8:46 p.m. in order to have it be continued.

Mr. Jackie Wilson asked on behalf of those present and concerned, if it is the board's consensus that they are not planning to seek vehicular connectivity between Heritage and Granite Crest subdivisions. The board remarked that it was considered reasonable. Mayor Eagles stated his surprise that the Division of Water Quality has not questioned a potential stream crossing if connected. Commissioner Whitaker stated that the possible petitioning of the first part of Pluton Way possibly being annexed in to Heritage needs further research.

The Mayor continued the public hearing to the October 20, 2015 meeting at 7:00 p.m.

At this time, the board took a short recess. The board returned from recess at 8:56 p.m.

Public Hearing: Case A15-01: Voluntary annexation of 60.78 acres on Forestville Road (Stonewater Subdivision)

Open Public Hearing

Mayor Eagles opened the public hearing at 8:56 p.m.

Introduction by Staff

Town Manager Bryan Hicks provided comments on the voluntary annexation.

Discussion was held on having property already in the town's ETJ in whole or in part, be annexed at the beginning of the development process. Voluntary annexation requires that police and fire be immediately provided upon annexation. This is the reason municipalities wait until the subdivision is imminent.

Comments from Applicant

None

Comments from Public in Favor

None

Comments from Public in Opposition

None

Rebuttal from Applicant

None

Close of Public Hearing

There being no one else wishing to speak, Mayor Eagles closed the public hearing at 9:03 p.m.

Involving case A15-01, Commissioner Whitaker moved to approve the voluntary annexation petition; seconded by Commissioner Currin. Motion received a unanimous vote.

Consideration of the Draft Agenda for Town Board Meeting to be held October 20, 2015

Mayor Eagles asked for any changes to the draft agenda for the October 20, 2015 Town Board meeting.

Addition of continuation of the public hearing was noted. Additional items may be made pending closed session discussion.

OTHER BUSINESS

Mayor and Town Commissioner's Committee Reports

Mayor Eagles

NONE

Commissioners

Commissioner Currin reported that the Cornerstone Campus Committee is planning to have a public open house on 10/20 from 5:00 to 7:00 p.m. in the board room to seek public comments on the proposed future Town Hall campus.

Staff Reports

Planning Director Thomas Lloyd updated council on the following

NONE

Recreation Director J. G. Ferguson

NONE

Police Chief Bobby Langston

NONE

Town Attorney David York

NONE

Town Manager Bryan Hicks

NONE

CLOSED SESSION

Upon a motion by Mayor Pro Tem Hodge second by Commissioner Whitaker and by unanimous vote, the board entered closed session at 9:23 p.m. pursuant to NCGS 143-318.11(a)(5) to give instruction to Town Attorney concerning a potential real estate acquisition involving 502 Southtown Circle.

RETURN TO OPEN SESSION

A motion to come out of closed session was made by Commissioner Whitley, seconded by Commissioner Whitaker. Motion to return to open session received a unanimous vote. Board returned to open session at 9:49 p.m.

Moved by Commissioner Whitaker to adopt resolution to further pursue financing the purchase of 502 Southtown Circle with BB&T Bank and submit application to the Local Government Commission for approval; seconded by Mayor Pro Tem Hodge. Motion received a unanimous vote.


Christmas tree decorations special use permit request for Christmas tree lot conditions were discussed. Town Code regarding special events may be revised

ADJOURNMENT

Upon a motion by Commissioner Whitley; second by Commissioner Whitaker, the meeting was adjourned by unanimous vote. The meeting adjourned at 10:01 p.m.


C. Frank Eagles, Mayor

ATTEST:


Robin E. Reif, Town Clerk

