



Memo

To: Mayor and Town Board of Commissioners
From: Jason Brown, AICP, CZO, Planning Director
Date: July 8, 2021
Re: Case SUP 21-01, The Preserve at Jones Dairy Road Phasing Plan

Special Use Permit Amendment – The Preserve at Jones Dairy Road consists of the South, Central, and North sections approved separately with numerous conditions. The developer is proposing to amend the phasing in each section of the development. A new phasing plan has been submitted, which shows the new proposed phasing. All of the original Special Use Permit Conditions and Preliminary Plat conditions will remain in effect. The developer has not proposed new conditions despite the reference to such in the application.

Background

Site Data:

Applicant:	Steve Macko, The Preserve at Jones Dairy, LLC
Property Owner and Developer:	Preserve at Jones Dairy, LLC & KB Homes
PINs:	1805-09-4753, 1860-00-0842, 1759-88-8905, 1759-88-8240, & 1759-78-6199
Zoning:	R&PUD
Case References:	SUP 18-05, The Preserve at Jones Dairy South SUP 18-06, The Preserve at Jones Dairy Central SUP 18-07, The Preserve at Jones Dairy North
Current Use:	Vacant/Agricultural
Proposed Use:	Residential Subdivision

Request

The request is to amend the phasing plan for each section of the Preserve at Jones Dairy. This memo will outline each section and the requested changes. The applicant has also provided an exhibit that further highlights the requested changes. Staff will provide a brief analysis regarding adopted plans and UDO compliance.

The Preserve at Jones Dairy South

The Preserve at Jones Dairy South currently consists of 215 lots in 3 phases. The request is to separate the first phase into three separate phases of smaller size. Currently phase 1 consists of 122 total lots and the applicant is proposing the following:

- Phase 1a – 41 Lots
- Phase 1b – 58 Lots
- Phase 1c – 23 Lots
- Phase 2 – 34 Lots
- Phase 3 – 59 Lots

The Preserve at Jones Dairy Central

The Preserve at Jones Dairy Central currently consist of 255 total lots in 6 phases. The request is to reduce the size of the first 6 phases and add 3 additional phases. The applicant is proposing the following:

- Phase 1 – 52 Lots
- Phase 2 – 22 Lots
- Phase 3 – 29 Lots
- Phase 4 – 24 Lots
- Phase 5 – 24 Lots
- Phase 6 – 24 Lots
- Phase 7 – 18 Lots
- Phase 8 – 23 Lots
- Phase 9 – 35 Lots

The Preserve at Jones Dairy North

The Preserve at Jones Dairy North currently consist of 134 lots in 3 phases. The request is to reduce the number of lots in the 2nd and 3rd phases and add an additional phase. Also, the proposed phasing plan increases phase 1 by 10 lots. The applicant is proposing the following:

- Phase 1 – 62 Lots
- Phase 2 – 24 Lots
- Phase 3 – 24 Lots
- Phase 4 – 21 Lots

Comprehensive Plan

Future Land Use

The future land use plan classifies these parcels as Medium Density Residential. Medium Density Residential is defined as, “Predominately single family residential uses with portions of duplex, townhouse or multifamily residential. These are lots of tracts at a density range of three to five dwelling units per gross acre including preserved open space

areas along with limited non-residential uses under planned unit development or form base code provisions.”

Park and Greenway Recommendations

The park and greenway recommendations call for a greenway to connect through these properties. The greenway is proposed as part of the approved development plan.

Staff Analysis

The Comprehensive Plan does not provide guidance regarding phasing of development. The previous approval found the plan to be consistent with the Comprehensive Plan as required in the findings of fact. The phasing plan should not impact any of the required improvements or the timing of those improvements including the greenway, road improvements, or any other required condition. Any proposed changes will need to be considered separately of the phasing plan amendment.

Community Transportation Plan

The Community Transportation Plan calls for the following improvements:

Jones Dairy Road – 4 Lane Divided (Raised median), Curb & Gutter, and sidepath.

Averette Road – 4 Lane Divided (Raised median – narrow) with Curb & Gutter, Bike Lanes, and Sidewalk.

East – West Collector – Provided through site to connect Averette Road to Alfalfa Ln.

Staff Analysis

The original proposal was reviewed using the Thoroughfare Plan (2002). The previously approved conditions include several conditions regarding the timing and requirement for improvements including constructing the entire Jones Dairy Road section. Also, future evaluation of a traffic signal at Jones Dairy and Averette Road is included in the conditions. The phasing plan should not impact the timing of approvals except such that Phase 1 will now include Phase 1a, 1b, and 1c in the South section. The new phasing plan should contemplate the sub-phases being constructed in alphabetically and numerical order. Any improvements or conditions previously tied to the completion of Phase 1 will now be construed to mean the completion of Phase 1c.

Unified Development Ordinance

The UDO does not provide any specific language on appropriate phase sizes or require phases based on any criteria, except for the placement of Cluster Box Units (CBUs) and the timing of required improvements. Staff has ensured that CBUs are provided in early phases to serve the development. Further, all of the required improvements will need to be provided as shown on the approved plans and proposed construction drawings with each subsequent phase. In addition, all of the original conditions will need to be adhered to as part of this proposal.

Neighborhood Meeting

A neighborhood meeting was held on June 25, 2021, at 7:00 pm at Rolesville Community Center. A summary report of the meeting is included in the attachments.

Technical Review Committee

The Technical Review Committee will review the proposed phasing. Due to the limited impacts to the overall site layout staff anticipates comments to be limited.

Planning Staff Recommendations

Planning Staff has reviewed the phasing plan and provided feedback to the developer. The application is complete and accords with the standards of the UDO. In order to ensure no changes are made to the timing of improvements, all original Special Use Permit Conditions of the exiting permits should be incorporated into any subsequent approval.

Board Options

- Approve the Special Use Permit Amendment and find that the necessary findings of fact have been met, based upon the testimony provided at the evidentiary hearing.
- Approve the Special Use Permit Amendment subject to conditions and find that the conditions are necessary to meet the findings of fact, based upon the testimony provided at the evidentiary hearing.
- Deny the Special Use Permit Amendment and find the testimony provided did not provide evidence that the findings of fact were met and provide additional reasoning regarding the specific findings of facts.

Town Board Motion and Required Findings of Fact

Staff will provide guidance on a motion after the evidentiary hearing and based upon the testimony provided in the case. The following are the required findings of fact:

- 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.

Attachments

SUP 21-01 Application

SUP 21-01 Revised Phasing Plan – The Preserve at Jones Dairy South

SUP 21-01 Revised Phasing Plan – The Preserve at Jones Dairy Central

SUP 21-01 Revised Phasing Plan – The Preserve at Jones Dairy North

SUP 21-01 Summary of Phasing Changes

SUP 21-01 Neighborhood Meeting Summary and Attendance Record

SUP 18-05 The Preserve at Jones Dairy Road (South) Special Use Permit Order

SUP 18-06 The Preserve at Jones Dairy Road (Central) Special Use Permit Order

SUP 18-08 The Preserve at Jones Dairy Road (North) Special Use Permit Order

PR 20-03 The Preserve at Jones Dairy Road (South) Approved Phasing Plan

PR 20-04 The Preserve at Jones Dairy Road (Central) Approved Phasing Plan

PR 20-05 The Preserve at Jones Dairy Road (North) Approved Phasing Plan



Case No. _____

Date _____

Special Use Permit Application

Contact Information

Property Owner KB HOME RALEIGH-DURHAM INC. [South]

Address 4506 S. Miami Blvd., Suite 100 City/State/Zip Durham, NC 27703

Phone 9197687975 Email jhayward@kbhome.com

Developer Preserve at Jones Dairy, LLC

Contact Name Steve Macko

Address 10534 Arnold Palmer Drive City/State/Zip Raleigh, NC 27617

Phone 9194910761 Email steve@pjdnc.com

Property Information

Address Averette Rd. at Jones Dairy Rd.

Wake County PIN(s) 1850-93-1255, 1850-92-2931, 1759-88-8905, 1759-99-2822, + see attachment

Current Zoning District R at PUD Requested Zoning District R at PUD

Total Acreage 192 +/- acres Requested Special Use _____

Owner Signature

I hereby certify that the information contained herein is true and completed. I understand that if any item is found to be otherwise after evidentiary hearing before the Town Board of Commissioners, that the action of the Board may be invalidated.

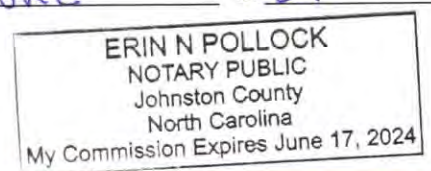
Signature _____ Date 6/30/21

STATE OF NORTH CAROLINA
COUNTY OF Durham

I, a Notary Public, do hereby certify that Jonathan Hayward
personally appeared before me this day and acknowledged the due execution of the foregoing instrument. This
the 30th day of June 2021

My commission expires June 17, 2024

Signature Erin N Pollock Seal



Town of Rolesville Planning

PO Box 250 / Rolesville, North Carolina 27571 / RolesvilleNC.gov / 919.554.6517

Contact Information Continued. [North & Central]

Contact Name: David Peoples

Address: 10534 Arnold Palmer Drive, Raleigh, NC 27617

Phone: 919-491-0761 Email: David@PTDNC.com

Owner Signature

Preserve at Bues Dairy, LLC - [North & Central]

I hereby certify that the information contained herein is true and completed. I understand that if any item is found to be otherwise after evidentiary hearing before the Town Board of Commissioners, that the action of the Board may be invalidated.

Signature

[Handwritten Signature]

Date

6/30/21

STATE OF NORTH CAROLINA

COUNTY OF

Durham

I, a Notary Public, do hereby certify that

David Peoples III

personally appeared before me this day and acknowledged the due execution of the foregoing instrument. This the

30th

day of

June

20 21

My commission expires June 17, 2024

Signature

[Handwritten Signature: Erin N Pollock]

Seal

ERIN N POLLOCK
NOTARY PUBLIC
Johnston County
North Carolina
My Commission Expires June 17, 2024



Special Use Permit Application

Applicant Statement

Provide justification for each statement. If necessary, attach a separate sheet.

1. The proposed development and/or use will not materially endanger public health or safety.
Evidence of items 1-7 were presented to Town via SUP 18-05, SUP 18-06, SUP 18-07 as this application is to change the phasing only. There are no (cont.)
2. The proposed development and/or use will not substantially injure the value of adjoining property.
Same as 1 above.
3. The proposed development and/or use will be in harmony with the scale, bulk, coverage, density, and character of the surrounding area.
Same as 1 above.
4. The proposed development and/or use will generally conform to Rolesville's Comprehensive Plan and other adopted plans.
Same as 1 above.
5. 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.
Same as 1 above.
6. The proposed development will not cause undue traffic congestion or create a traffic hazard.
Same as 1 above.
7. The proposed development and/or use comply with all applicable requirements of the Unified Development Ordinance.
Same as 1 above.

Wake County RINs (cont.)

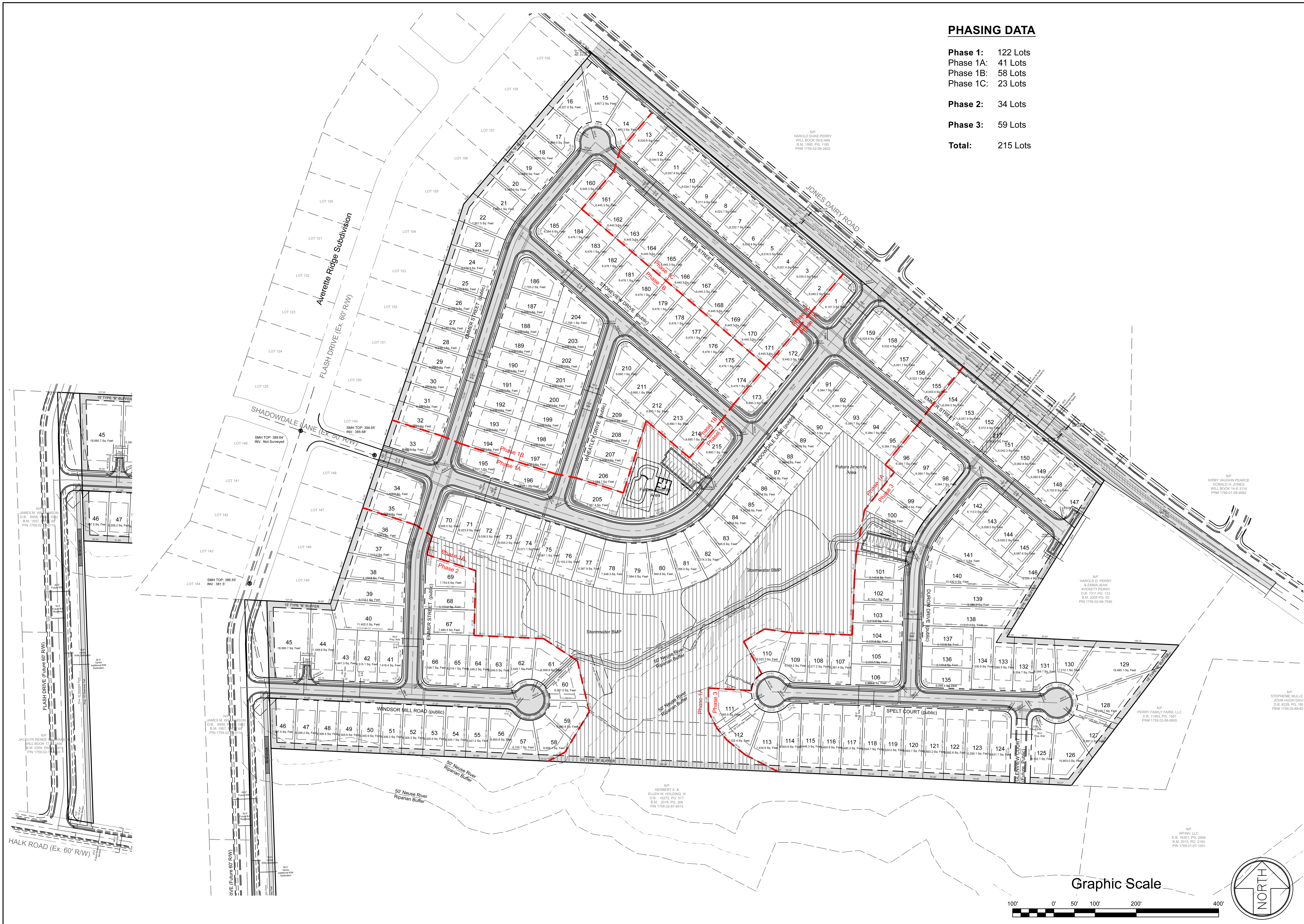
1805-09-4753, 1860-00-0842,

1759-88-8905, 1759-88-8240,

1759-78-6199

Applicant Statement (cont.)

.. changes in the evidence ~~submitted~~ presented at preliminary site plan hearing. All evidence at each hearing is incorporated by reference to this application.



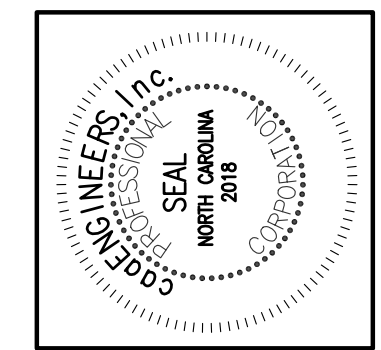
PHASING DATA

- Phase 1: 122 Lots
- Phase 1A: 41 Lots
- Phase 1B: 58 Lots
- Phase 1C: 23 Lots

- Phase 2: 34 Lots

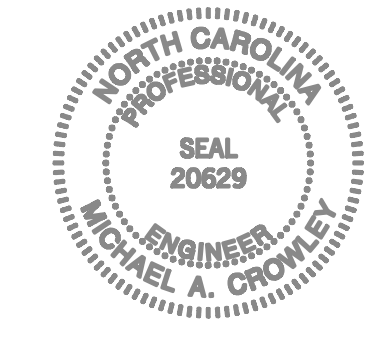
- Phase 3: 59 Lots

- Total: 215 Lots



caaENGINEERS, Inc.
 McIntyre, Gettle, Crowley
 PROFESSIONAL ENGINEERS
 1233 Heritage Links Drive, Wake Forest, North Carolina 27587
 4826 Windy Hill Road, North Carolina 27609
 (919) 224-7135
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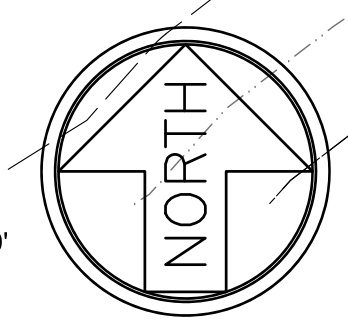
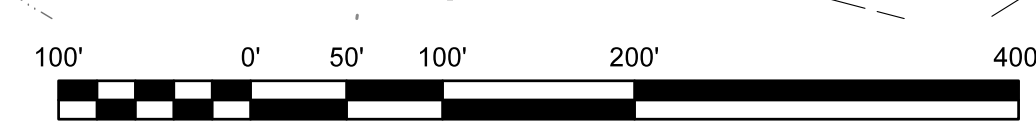
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1	05/09/2020	Preliminary Construction Plans	MAC
2	10/23/2020	Revised per 1st review comments	MAC
3	11/25/2020	Town Raleigh Comments	MAC
4	01/11/2021	Town Comments	MAC
5	02/12/2021	Issued for signature approval	By
6	Date	Comment	By
7	Date	Comment	By
8	Date	Comment	By



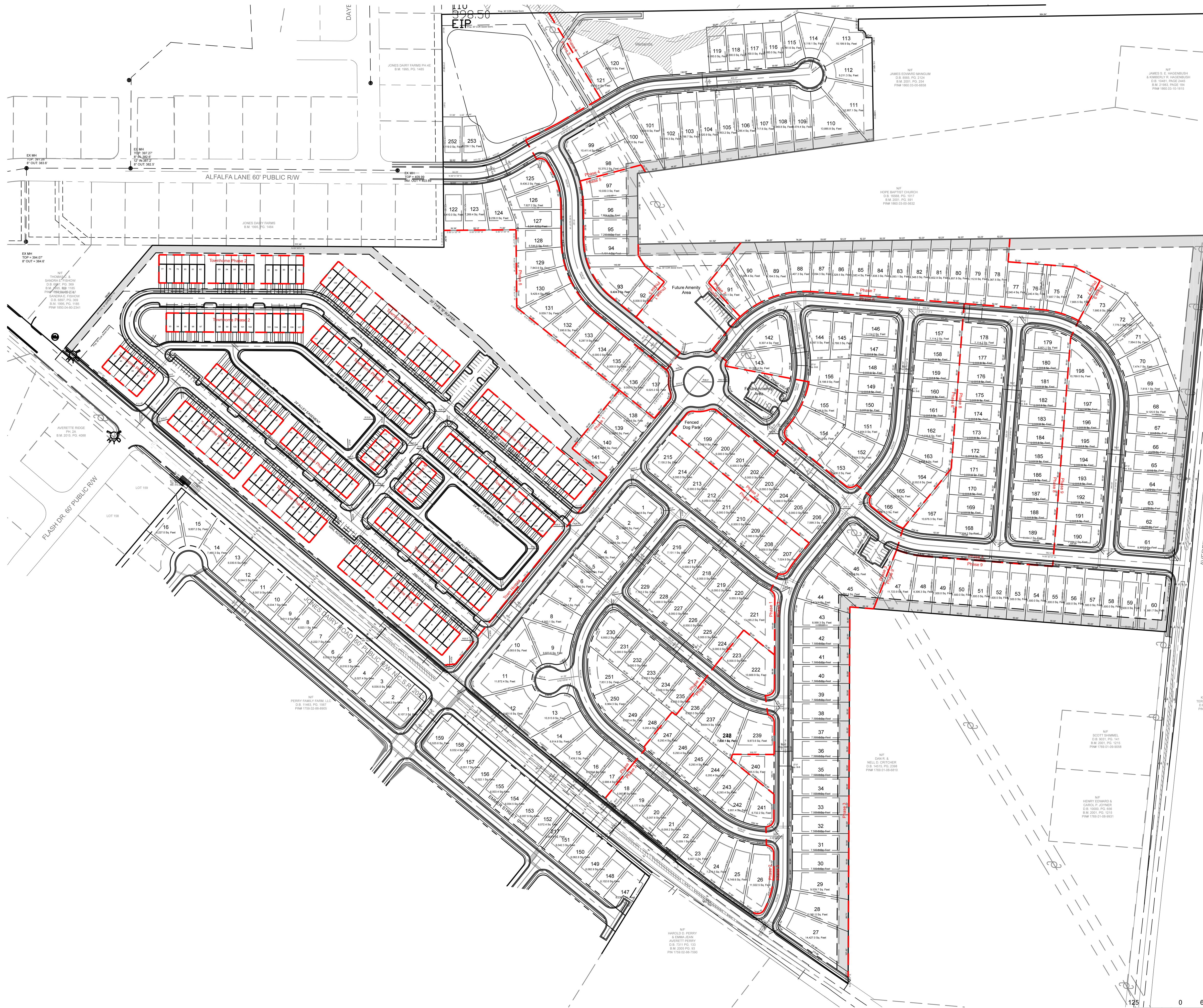
Phasing Plan
 Preserve at Jones Dairy, South
 Preserve at Jones Dairy, LLC
 Rolesville, Wake County, North Carolina

Job No. JDF
 Dwg No. **C1**

Graphic Scale



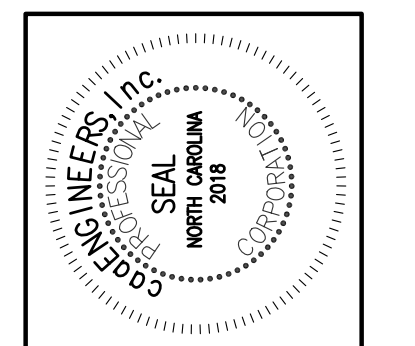
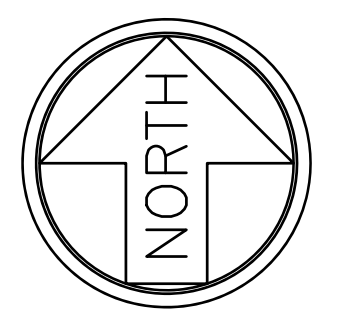
PRELIMINARY PLANS
 NOT FOR CONSTRUCTION



PHASING DATA

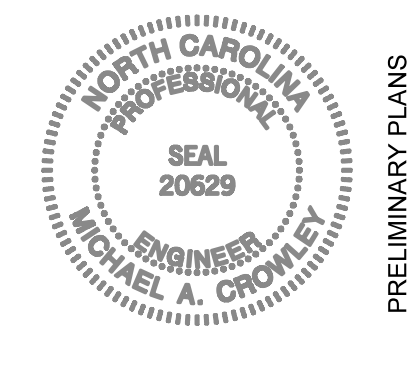
- Phase 1: 52 Lots
- Phase 2: 22 Lots
- Phase 3: 29 Lots
- Phase 4: 24 Lots
- Phase 5: 24 Lots
- Phase 6: 24 Lots
- Phase 7: 18 Lots
- Phase 8: 23 Lots
- Phase 9: 35 Lots
- Total: 251 Lots**

Graphic Scale



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 PROFESSIONAL ENGINEERS
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 4932B Winyah Hill Drive, Raleigh, North Carolina 27609
 (919) 625-6755
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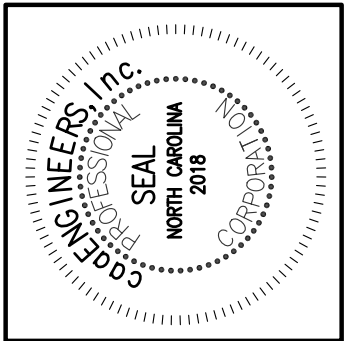
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5		Comment	
6		Comment	
7		Comment	
8		Comment	



Phasing Plan
 Preserve at Jones Dairy, Central
 Preserve at Jones Dairy, LLC
 Rolesville, Wake County, North Carolina

Job No. JDF
 Dwg No. **C1**

PRELIMINARY PLANS
 NOT FOR CONSTRUCTION



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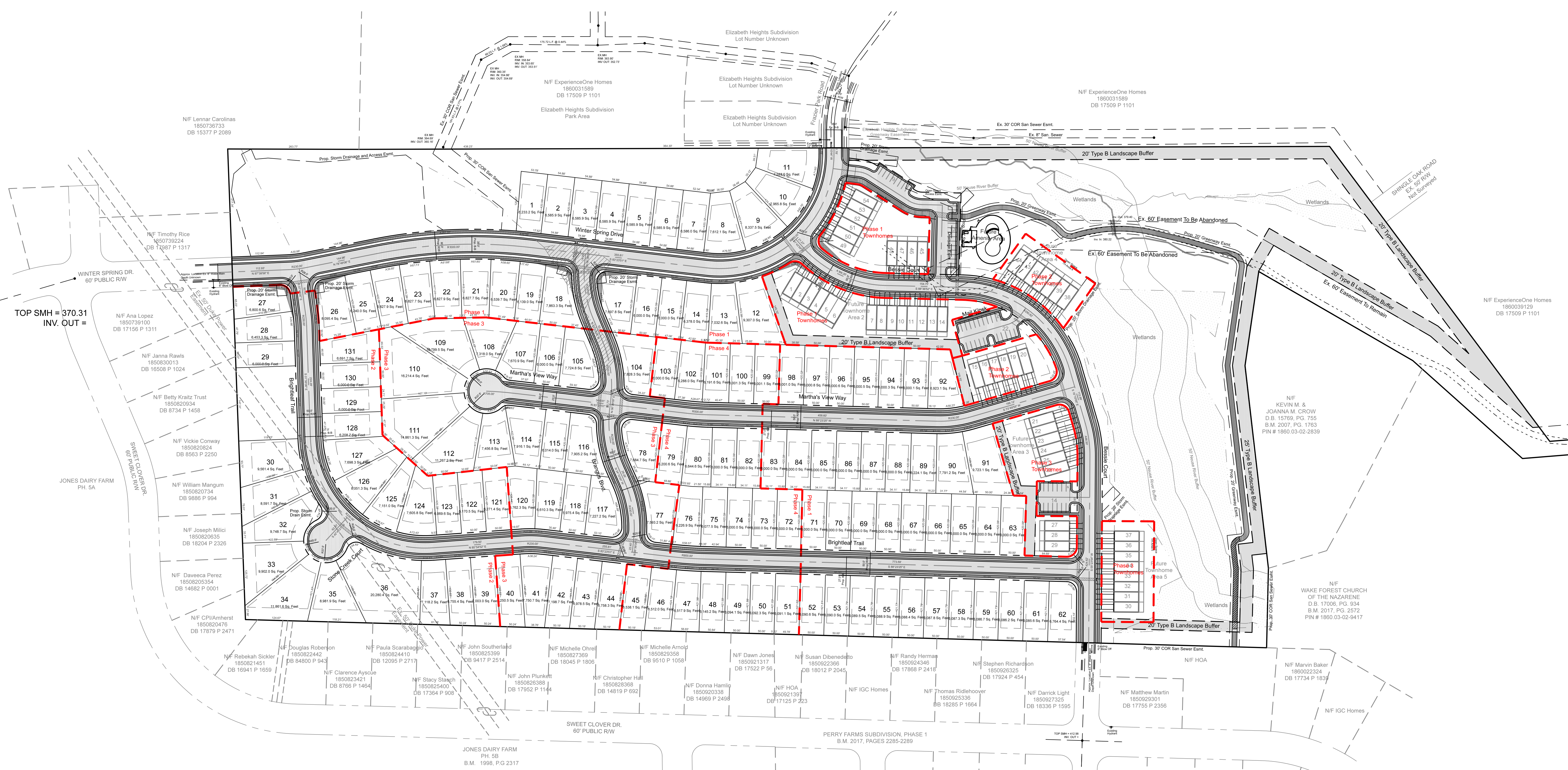
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2	02/21/2021	Revisions Comments	MAC
3	04/20/2021	Review Comments	By
4	Date	Comment	By
5	Date	Comment	By
6	Date	Comment	By
7	Date	Comment	By
8	Date	Comment	By



PRELIMINARY PLANS
 NOT FOR CONSTRUCTION

Phasing Plan
 Preserve at Jones Dairy, North
 Preserve at Jones Dairy, LLC
 Rolesville, Wake County, North Carolina

Job No. JDF
 Dwg No. **C1**



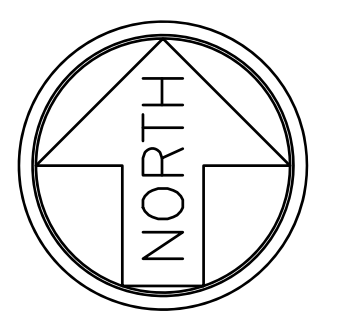
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 INV. OUT =

SITEDATA						
Project:	Preserve at Jones Dairy, North			Property Owner:		
Date:	3/16/2021			Preserve at Jones Dairy, LLC		
County/Municipality:	Wake, Town of Rolesville			10534 Arnold Palmer Drive		
Site Street Address:	Averette Road, Rolesville, NC 27571			Raleigh, NC 27617		
Parcel Information:	PIN	GIS Area	Deed Book	Page	Municipality	Ex Use
	1850-92-2931	44.16 Acres	18255	1872	Rolesville	Vacant
Zoning	R & PUD					
Project Type:	Residential R & PUD Single and Multi-Family Development					
Overlay District:	None					
Watershed Protection Overlay:	None					
Engineer:	caaENGINEERS, Inc. 1233 Heritage Links Drive Wake Forest, NC 27587 (919) 625-6755 C-2151			Applicant: Preserve at Jones Dairy, LLC Steven Macko 10534 Arnold Palmer Drive Raleigh, NC 27617 (919) 491-0761		

PHASING DATA

Phase 1:	62 Lots
Phase 2:	24 Lots
Phase 3:	24 Lots
Phase 4:	21 Lots
Total:	131 Lots
Townhomes:	
Phase 1:	24 units
Phase 2:	13 units
Phase 3:	17 units
Total:	54 Units

Graphic Scale



South

	Current	Proposed
Phase 1	122	
phase 1a		41
Phase 1b		58
Phase 1c		23
Phase 2	34	34
Phase 3	59	59
Total	215	215

Talking Points: Complete ultimate cross-section (65' B-B) roadway by the end of phase 1c. We will record all of phase 1 before recording any other phases. We will reduce the Jones Dairy road closure from an anticipated 3 construction sessions to just 1. The town gets the improvements completed sooner which reduces the risk of it getting done.

Central

	Current	Proposed
Phase 1	76	52
Phase 2	42	22
Phase 3	40	29
Phase 4	39	24
Phase 5	34	24
Phase 6	24	24
Phase 7		18
Phase 8		23
Phase 9		35
Total	255	251

Talking Points: Complete ultimate cross-section (65' B-B) roadway before recording Phase 2 (75 lots). Currently 400 lots as approved. We will record phase 1 and phase 2 in order before recording any other phases. We will reduce the Jones Dairy road closure from an anticipated 3 construction sessions to just 1. The town gets the improvements completed sooner which reduces the risk of it getting done.

North

	Current	Proposed
Phase 1	52	62
Phase 2	37	24
Phase 3	45	24
Phase 4		21
Total	134	131

Talking Points: The north phasing is changing as the sewer service to the site changed and the new phasing reflects a more logical progression for the site.

Town of Rolesville
Neighborhood Town Meeting
6/25/2021

Questions:

1. Does the phasing affect the buffer?
 - a. Any buffer that is previously required will still be required.
2. Will the roadway at flash drive stay at the same height?
 - a. There will be a buffer between the existing property and new property.
3. Corner of flash drive seeing a lot of water.
 - a. A basin will be added and water flow will be diverted which should improve the situation.
 - b. Smaller phases will allow us to move faster.
 - i. Response – good we understand
4. Will flash drive be extended?
 - a. No
 - i. Response – good
5. Will we clear everything?
 - a. Yes everything has been cleared
 - i. Response – ok
6. I got a notice on blasting – can you explain
 - a. The intent is to blast only where we can't rip – we encountered granite in the roadway and will have to blast.
 - b. Response – ok we understand
7. The walking trail through flash drive – what will that look like
 - a. It will be an asphalt trail
 - i. Response – ok
8. What's the timetable for the landscape buffer?
 - a. After the lots are being built on by KB?
9. Can you take the beepers off the truck?
 - a. No – its an osha requirement
10. The tulip trees aren't good trees for understory
 - a. Ok – the trees have been approved
11. When are the road improvements being done?
 - a. We are proposing to do all the road improvements on jones dairy at once - which will cut down the amount of disruption to traffic(3 disruptions to 1)
 - b. That's very good news – that's a benefit to the town and should help with reducing the disruptions.
12. When will you start building homes?
 - a. We do not build homes – but KB plans to start building when the lots are ready.
 - b. Response - Ok thank you

Preserves at Jones Dairy
Neighborhood Meeting.
6-25-21

<u>Name</u>	<u>ADDRESS</u>
Steve & chris Schmid	905 FLASH Drive
Brace & Mary Fincher	828 FLASH Dr.
DAVID & DOREEN Mizer	825 FLASH DR.
MITCH & ELLEN KEARNEY	900 FLASH Dr
RICHARD & ALEXANDRA HUGGINS	904 FLASH DR
Stephen Richardson	1429 Sweetclover Dr
HELEN REINER	836 FLASH DR.
Jacelyn W. Harris ^{& Robert}	708 Sunnyside Rd Raleigh
Ellen Holding	2402 Chalk Rd, Rolesville

Return to: Town of Rolesville
502 Southtown Circle
Rolesville, NC 27571

WAKE COUNTY, NC 137
CHARLES P. GILLIAM
REGISTER OF DEEDS
PRESENTED & RECORDED ON
10/25/2019 16:25:27

BOOK:017626 PAGE:02433 - 02439

STATE OF NORTH CAROLINA
TOWN OF ROLESVILLE

BEFORE THE TOWN OF ROLESVILLE
BOARD OF COMMISSIONERS
SUP18-05

GTR DEVELOPMENT, LLC
APPLICATION FOR A SPECIAL USE
PERMIT FOR THE PRESERVE AT JONES
DAIRY ROAD (SOUTH)

) 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 meetings on August 6, 2019 and September 17, 2019 upon the Application of Stephanie Mullen Davis and John Hugh Davis, (owners of those parcels having Wake County PIN’s: 1759888240 and 1759786199), Perry Family Farm LLC (owner of that parcel having Wake County PIN: 1759888905), and GTR Development, LLC (developer) for the issuance of a Special Use Permit to allow for both townhomes and single family detached homes on the property described in Exhibit “A”, attached hereto and incorporated herein by reference. The Board heard sworn testimony from Danny Johnson (Town Planning Director), W. Thurston Debnam, Jr. (attorney for Applicant), Mac McIntyre and Keith Gells, (professional engineers for Applicant), Rynal Stephenson (traffic engineer for Applicant).

The Board’s decision to approve the special use permit application 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 is described above and contains approximately 54.01 acres and is located on the South side of Jones Dairy Road and East of Jones Dairy Farm Subdivision (“the Property”).
2. The Property is located in an area designated for Residential and Planned Unit Development (“R&PUD”).
3. The Property is surrounded on the North by single family homes in an R2-SUD zoning district, on the South is vacant farmland pending a rezoning request, on the East by undeveloped farm land or woodland and residential zoning districts, real estate and on the West by property zoned CU-R-15.
4. The proposed use of the Property is 216 single family homes which will be served by public water and sewer. There will be a United States Postal Service kiosk with two dedicated parking spaces. The overall density is 4.00 dwelling units per acre.
5. The Applicant has submitted a Traffic Impact Study (TIA) as required by the Town’s Unified Development Ordinance which was prepared by Ramey Kemp.
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 is made subject to the following conditions of approval outlined in Exhibit B 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 SUP18-05 subject to the conditions contained herein and upon the additional conditions contained in the attached Exhibit B.

THIS THE 17th DAY OF September, 2019.



C. Frank Eagles
C. Frank Eagles
Town of Rolesville Mayor

Robin E. Peyton
Robin E. Peyton
Town of Rolesville Clerk

Reviewed and Acknowledged by the Property Owner or Applicant:

Property Owners:

Harold D. Perry
Harold D. Perry
Perry Family Farm, LLC

10-23-19
Date

Stephanie Mullen Davis
Stephanie Mullen Davis
e smd

10-25-2019
Date

John Hugh Davis
John Hugh Davis

10/24/19
Date

Applicant:

Tracy Jones
Tracy Jones, Partner
GTR Development, LLC

10/24/19
Date

EXHIBIT A

The real estate in question is identified as Wake County PIN number 1759888240, number 1759786199 and number 1759888905.

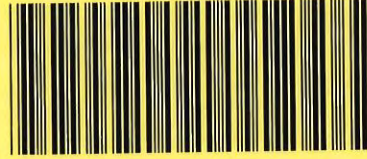
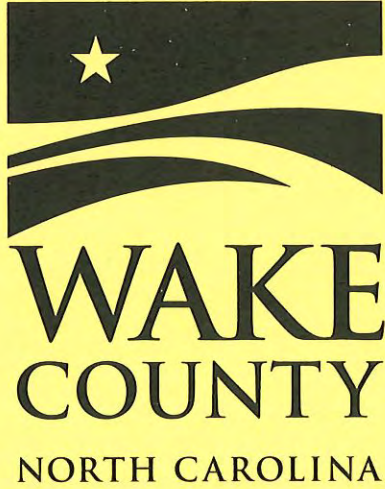
EXHIBIT B

(Conditions of Approval)

SPECIAL USE PERMIT CONDITIONS:

1. All of the provisions of the Town of Rolesville Unified Development Ordinance 6.2.1 R1 will be followed except:
 - a. Front walkways shall connect to the paved driveway, not to the sidewalks in front of the dwelling.
 - b. Two-car garages visible from the street will have the option of one or two doors.
2. The open space land requirement shall be dedicated to the Home-Owner's Association.
3. The Greenway / Walking Trail will be constructed and will be completed before the first building permit of that phase is issued. If it is a public greenway trail as shown on the 2002 Open Space and Greenway Plan, it will be maintained by the Town. If not, then it would be publicly accessible, but HOA maintained since it is not part of the plan. All of this is determined with the PUD Master Plan and later preliminary subdivision plat or site plans as well as subdivision construction plans.
4. Amenities Schedule:
 - a. The developer will construct a playground and open space, and it is to be completed by the issuance of the 110th building permit.
5. Each single-family home lot will have one street tree except corner lots which will have at least two street trees.
6. Chain link fences will not be permitted, and the construction of fences and materials used will be controlled by the architectural committee, developer, and by the restrictive covenants.
7. The minimum detached single-family home square footage will be 1600 square feet.
8. All of the detached single-family homes will have crawl space or stem wall foundations.
9. The Town reserves the right and may request valuation of Jones Dairy and Averette Road intersection after 24 months of the first issued Certificate of Occupancy for any uses completed for The Preserve at Jones Dairy Road either South or Central portions when there is evidence of developing traffic congestion or safety issues at this intersection that would merit warrant of traffic light as recommended by The Preserve at Jones Dairy Road Traffic Impact Analysis Report (TIA). All cost including installing the traffic light improvement with metal poles and metal mast arms is the responsibility of the developer. After the first request for revaluation, the Town can call for additional requests for revaluation based upon the evidence of developing traffic congestion or safety issues after the previous revaluation until all the recommended improvements of the TIA report are completed.

10. The Special Use Permit is granted upon the further condition that each element of the Master Plan must come back through the site plan approval process.



BOOK:017626 PAGE:02433 - 02439

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It is part of the recorded document and must be submitted with the original for re-recording.

**Charles P. Gilliam
Register of Deeds**

Wake County Justice Center
300 South Salisbury Street, Suite 1700
Raleigh, NC 27601

New Time Stamp

\$25 Non-Standard Fee

Additional Document Fee

Additional Reference Fee

This Customer Group

_____ # of Excessive Entities

_____ # of Time Stamps Needed

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7 # of Pages *SA*

