

# Memo

**To:** Town of Rolesville Mayor Currin and Board of Commissioners

From: Meredith Gruber, Planning Director

Date: August 6, 2024

**Re:** 0 South Main- PIN 1758479244,

Rezoning Case REZ-24-03 & Voluntary Annexation Petition ANX-24-03

## **Background**

## Rezoning – REZ-24-03

The Town of Rolesville Planning Department received this Rezoning application (Attachment 4) in March 2024, for 3.778 acres consisting of one (1) lot located on the western side of S. Main Street just north of Jonesville Road and south of Burlington Mills. The property is not within the Town's Corporate Limits but rather lies in the Town's Extraterritorial Jurisdiction (ETJ). The request is to change the zoning from the existing General Industrial (GI) Zoning District to a General Commercial Conditional Zoning District (GC-CZ). This submittal includes a set of proposed Conditions of Approval. See Attachments 9 and 10, the application and proposed Ordinnace 2024-O-12.

## Voluntary Annexation Petition – ANX-24-03

A contiguous, voluntary annexation petition has been submitted, reviewed, and processed simultaneously with this Rezoning application request; see Attachments 7 and 8, the petition and proposed Ordinance 2024-O-11. On July 9, 2024, the Town Board called for the Town Clerk to investigate the sufficiency of the Petition in meeting G.S. 160A-31, and called for a date-certain Legislative hearing to occur on August 6, 2024.

## **Applicant Justification**

The Applicant provided a brief statement regarding the submittal noting the desire to integrate seamlessly with the surrounding community (see Attachment 5).

## **Neighborhood Meetings**

The Applicant conducted a neighborhood meeting for this current Rezoning request on May 20, 2024; see Attachment 6 for the Applicant's material on this.

## **Comprehensive Plan**

## Land Use

The 2017 Comprehensive Plan's Future Land Use Map designates the subject property – and a half dozen other adjacent properties - as appropriate for **Industrial** development. See Attachment 3, Future Land Use map. At the time (2017 era) all of these properties were zoned the Industrial District under the Unified Development Ordinance (UDO, now expired) and thus Future Land Use matched existing conditions (zoning).

## Community Transportation Plan

The Town of Rolesville's Community Transportation Plan (CTP, adopted 2021) has no recommendations adjacent to this property. S. Main Street is identified as a 2-lane median divided roadway with a sidewalk and Sidepath, and the LAPP Main Street Improvement project is constructing Main Street to that cross-section. This property would construct any unbuilt sidewalk and pedestrian facilities along its frontage at the time of development.

## Greenway and Bike Plans

As per the 2022 Greenway and Bike Plans, a Sidepath is proposed along the east side of South Main Street, and this is being constructed as part of the LAPP Main Street improvement project.

## **Traffic**

Due to the lack of specifics entailed in this request – there is no development proposed in a Concept Site Plan nor any quantifiable physical development detailed in the Condition of Approval, the Land Development Administrator (LDA) waived the requirement for a TIA at this point of rezoning entitlement. Traffic generation will be considered upon review of a Subdivision plat or Site Development Plan for the ultimate development of the property.

## **Development Review**

The Technical Review Committee (TRC) reviewed one submittal of the Rezoning application; the Planning Staff worked with the Applicant on the proposed Conditions of Approval language.

## **Planning Board Recommendation**

The Planning Board met on May 28, 2024, to review and provide a recommendation on the Rezoning application. Following presentations by Staff and the Applicant, Board members asked about Town water, noise, and buffer requirements.

The Planning Board made a recommendation of Approval (to the Town Board of Commissioners) with a 6-0 vote (6 ayes / 0 nays / 1 absent.)

## Staff Analysis / Recommendation

The Applicant's rezoning request is <u>inconsistent</u> with the Town of Rolesville's Comprehensive Plan Future Land Use Map (FLUM) – this is primarily because the FLUM was reflecting existing zoning of the land (and thus supporting that land entitlement) rather than providing a vision for the future of the South Main Street corridor. The later adopted Main Street Vision plan corrected this and set forth policy direction that commercial, service, and retail development is more appropriate directly fronting and accessed from S. Main Street than are typical industrial uses facilitated by the existing General Industrial zoning district (and the Comprehensive Plan's industrial future land use category).

Therefore, Staff finds the outdated Comprehensive Plan's policy is usurped by the Main Street Vision Plan, and this request is thereby consistent with the Town's more recent policy direction for land use for this property.

Staff recommends approval of Rezoning request REZ-24-03 due to its consistency with the Main Street Vision plan, alignment with other surrounding tracts that have been rezoned (by the Town

Board of Commissioners) to General Commercial Districts in recent years, and the synergy this tract, as a GC district, will have with the nearby Wallbrook development and the soon to be completed Main Street and Burlington Mills Road realignment improvements.

## **Consistency and Reasonableness**

As noted above under the Comprehensive Plan section of this report, and the Staff analysis, the rezoning request for the subject parcel is – overall - consistent with Rolesville's vision both in Policy documents and the Board of Commissioners legislative decisions over the past several years. Rezoning application REZ-24-03 is thus consistent, despite the undeniable inconsistency with the 2017 Future Land use designation of "Industrial", and is therefore reasonable.

## **Proposed Motion**

- 1. Motion to (approve or deny) rezoning REZ-24-03 0 South Main, PIN 1758479244.
- 2. (Following Approval) Motion to adopt a Plan Consistency Statement and Statement of Reasonableness for REZ-24-03.
- 3. Motion to (approve or deny) the Voluntary Annexation Petition received under G.S. 160A-31 for ANX-24-03, 0 South Main, PIN 1758479244.

Or

4. Motion to continue the Legislative Hearing and/or further consideration for REZ-24-03 and ANX-24-03 to a future date-certain Town Board of Commissioners' meeting.

## **Attachments**

Attacin	illoitto
1	Vicinity Map
2	Zoning Map
3	Future Land Use Map
4	Map Amendment (Rezoning) Application
5	Applicant Statement of Justification
6	Applicant Neighborhood Meeting Package
7	Voluntary Annexation Petition Ordinance 2024-O-11
8	Voluntary Annexation Petition Attachments to Ordinance 2024-O-11
9	Rezoning Map Amendment Ordinance 2024-O-12
10	Rezoning Map Amendment Attachments to Ordinance 2024-O-12



Case: REZ-24-03

Address: 0 SOUTH MAIN STREET

PIN: 1758479244 Date: 2024.05.23



0.03

0

0.07

Miles

0.13 Miles

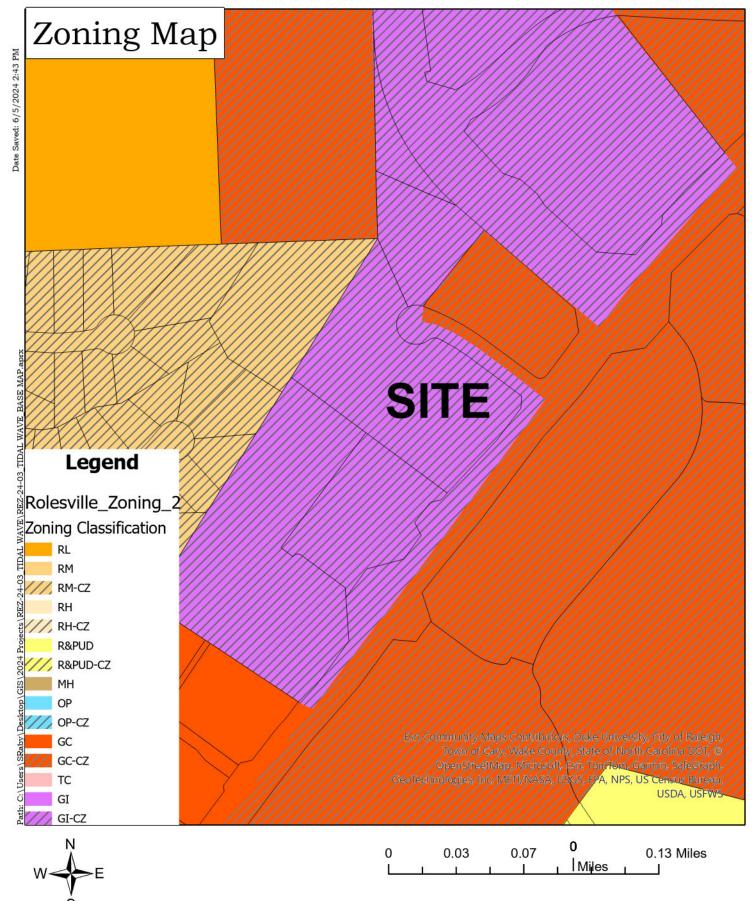




Case: REZ-24-03

Address: 0 SOUTH MAIN STREET

PIN: 1758479244

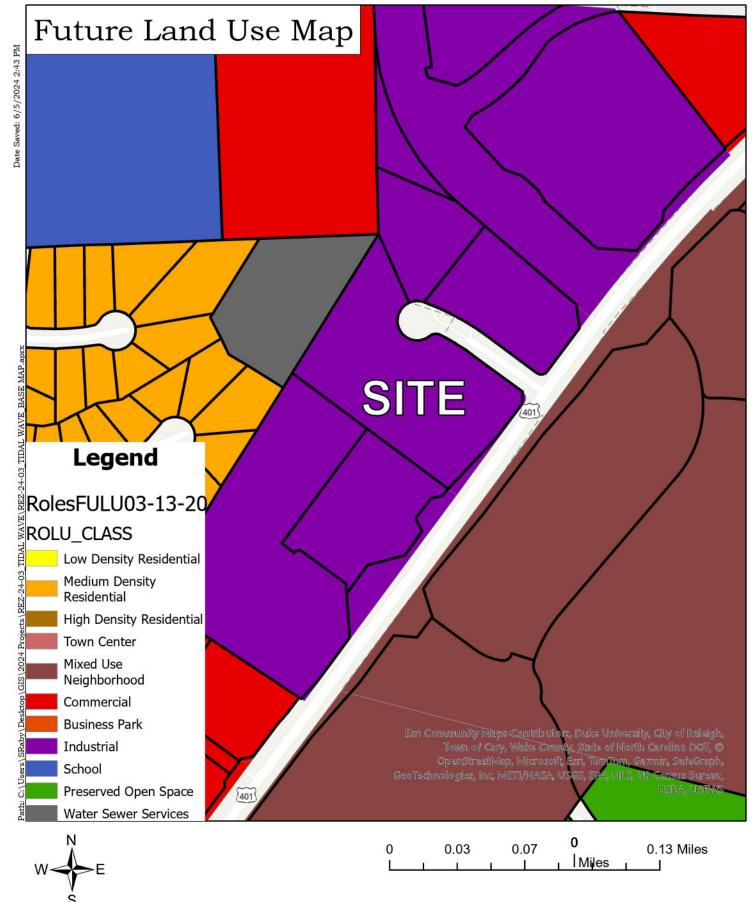




Case: REZ-24-03

Address: 0 SOUTH MAIN STREET

PIN: 1758479244





# **Zoning Map Change (Rezoning) Application**

Town of Rolesville Planning Department | PO Box 250 | Rolesville, NC 27571 | 919-554-6517 | planning@rolesville.nc.gov

Planning Department Home Page: Official Town Webpage

APPLICATION INFORMATION:				
Site Address(es): 0 South Main Street	Site Area (in acres): 3.80			
Rezoning Type: 🗹 General 🗆 Conditional	Location: ☐ County Limits ☐ Town Limits ☑ ETJ			
Existing Zoning District(s): General Industrial (GI)	Proposed Zoning District(s): General Commercial (GC)			
Zoning Overlay(s):	Associated Provious Case Number(s):			
PIN(s): 1758479244	Associated Previous Case Number(s): SDP-23-08			
PID(s):	351 20 00			
Current Use(s): Vacant	Proposed Use(s): Carwash			
APPLICATION MINIMUM REQUIREMENTS / GUIDAN	CE::			
Completed application and checklist below.				
If the request is for a Conditional District per LDO Section 3.3., submittal shall include a separate document being a list of written Conditions of Approval that can include exhibits, plans, maps, etc. Provide a Date and space for revision Dates; this document will always be referenced including its Date.	A Concept (nee site) Plan may be submitted, considered, and approved as part of a Conditional District request; it shall be clearly incorporated into a written condition for "general compliance" upon future Development Application reviews and approvals. Provide a Date and space for revision Dates; this document will always be referenced including its Date. See Next page for details.			
Completed Property Owner's Consent Form. If multiple owners, each owner must complete their own form.	☐ Presubmittal meeting notes and date (if applicable).			
☐ Traffic Impact Analysis (TIA), ITE Trip Generation Letter, or Letter/Email from Planning staff confirming TIA is not required. (LDO Section 8.C.5)	☐ The Activity Center (AC) and Neighborhood Commercial (NC) zoning districts <b>shall require submittal of a Concept (nee site) Plan</b> per LDO Sections 3.4.1 and 3.4.2.			
Upon application receipt and completeness check, a email to Applicant.	n INVOICE for the application fee will be created and issued via			
✓ Any additional supporting documents that may have	been requested by Staff may have been provided.			
Contact Information				
Property Owner(s) Grand Park Properties LLC  Address 2636 Wait Ave City/State/Zip Wake Forest, NC 27587				
Phone Email Email				
Applicant / Agent (Business & Contact Name) SHJ Development LLC				
Address 124 East Thompson Street	City/State/Zip_Thomaston, GA 30286			
Phone (478) 957-3777	Email martie@shjconstructiongroup.com			
Engineer/Architect (Business & Contact Name) Seam				
Phone (864) 612-6101	Email_pevans@seamonwhiteside.com			
Preferred Point of Contact: ☐ Owner ☐ Applicar	t ☑ Engineer/Architect ☐ Registered Agent/Attorney			

To the option of the desired for the districts, optional for containing districts.			
A vicinity map of the site, illustrating the boundaries of the site, north arrow, and scale reference			
☐ Site Data Table of typical property information (Property Legal Description, acreage/square footage, etc)			
☐ If Commercial - Square footage of proposed building/use/development on, approximate proposed Impervious			
Coverage, approximate parking calculations, if multi-family the number of Dwelling units, etc.			
☐ If Residential – Number of proposed development lots (including by type of lots/use), density			
(proposed/permitted), approximate parking calculations,			
Required/Provided calculations for open space			
Existing and Proposed Use and Zoning District of property and adjacent properties			
☐ Drawing depicting the details provided above and general concept of development such as –			
☐ Lot layout and size/dimension of lots,			
□ Proposed building layout and/or general footprint locations			
□ Vehicular circulation / street layout including existing/proposed right-of-way widths (public, alley, private)			
□ Pedestrian circulation including Greenways / Sidepaths / Bike Lanes,			
☐ General Utility access and points of connection / extensions,			
□ Buffers (Street/Perimeter), Open/communal spaces, stormwater control measures etc.			
☐ Name, address, and contact information for property owner and/or Applicant			
Name/information of professional who created Concept Plan			
Any other information requested by Planning Department staff			

Concept Plan Minimum Requirements / Poquired for AC or NC Districts, ontional for Conditional Districts, 1:

## **Rezoning Justification**

Provide a separate document titled "Statement of Justification" (including Date) that addresses each/all of the following:

- 1. Is the application consistent with the Comprehensive Plan, Community Transportation Plan, Bicycle and Greenway Plans, and any other adopted Town policy plans?
- 2. Is the application in conflict with any provision of the LDO or the Town Code of Ordinances?
- 3. Does the application correct any errors in the existing zoning present at the time it was adopted?
- 4. Does the rezoning allow uses that are compatible with existing and permitted uses on surrounding land/properties?
- 5. Would the application ensure efficient development within the Town, including the capacity and safety of the street network, public facilities, and other similar considerations?
- 6. Would the application result in a logical and orderly development pattern?
- 7. Would the application result in adverse impacts on water, air, noise, storm water management, wildlife, vegetation, wetlands, and the natural functioning of the environment?
- 8. If a <u>Conditional district</u> providing proposed Conditions of Approval, do they address and mitigate the impacts reasonably expected to be generated by the development or use of the property, can they reasonably be implemented, and can they be enforced for the subject property, and will they result in no greater impact on adjacent properties or the community at large than would be expected to occur by the permitted uses and the minimum development standards of the corresponding General zoning district.

## **Property Owner Notification List**

Per UDO \_\_TBD\_\_\_, provide list of all property owners within 300 feet of the subject site (per Wake County tax records at the time of filing this application) as they will are required to receive a Notification Letter regarding the Public Hearing before the Town Board of Commissioners (when scheduled). If needed, provide additional sheets to insure all are included.

<b>WAKE COUNTY PIN</b>	NAME	MAILING ADDRESS	ZIP CODE
1758474075	Shawn K Kline and Michelle Stewart	809 Middle Ground Ave, Rolesville, NC	27571
1758475117	Jorge Romero Perez	801 Middle Ground Ave, Rolesville, NC	27571
1758474234	Hoang M Tran and Hang Nguyen	800 Middle Ground Ave, Rolesville, NC	27571
1758473364	Robert and Susan Fernicola	1003 Evening Shade Ave, Rolesville, NC	27571
1758474408	John and Jennifer Briand	1000 Evening Shade Ave, Rolesville, NC	27571
1758475494	City of Raleigh	PO Box 590	27602
1758486155	Brothers Forty Six LLC	1220 Old Watkins Road, Raleigh, NC	27616
1758479681	Grand Park Properties LLC	2636 Wait Ave, Wake Forest, NC	27587
1758571481	Grand Park Properties LLC	2636 Wait Ave, Wake Forest, NC	27587
1758468940	Wallbrook CStore LLC	801 East Boulevard, Charlotte, NC	28203

<b>WAKE COUNTY PIN</b>	NAME	MAILING ADDRESS	ZIP CODE
1758563963	Wallbrook Landco LLC	3 Keel Street Suite 2, Wrightsville Beach	28480
1758465891	Wallbrook Landco LLC	3 Keel Street Suite 2, Wrightsville Beach	28480



March 27, 2024

Town of Rolesville Planning Department PO Box 250 Rolesville, NC 27571 (919) 554-6517

# Statement of Justification Zoning Map Amendment (Rezoning) Application

See below for responses the Town of Rolesville zoning map amendment (rezoning) review standards for PIN 1758479244.

- Is the application consistent with the Comprehensive Plan, Community Transportation Plan, Bicycle and Greenway Plans, and any other adopted Town policy plans?
   Yes – the application aligns with all of Town of Rolesville's development goals. This project will enhance pedestrian and bicycle traffic with the construction of a greenway to connect adjacent developments and neighborhoods. A diverse landscape plan is also proposed as part of this project which will enhance the aesthetic of the new Main Street area.
- 2. Is the application in conflict with any provision of the LDO or the Town Code of Ordinances?

  No the application is not in conflict with any provision of LDO or Town Code of Ordinances.
- 3. Does the application correct any errors in the existing zoning present at the time it was adopted?
  - No application corrects no errors in existing zoning.
- 4. Does the rezoning allow uses that are compatible with existing and permitted uses on surrounding land/properties?
  Several other adjacent properties are currently zoned as General Commercial. As of early 2021, many of these properties were zoned as General Industrial. A carwash is listed as a permitted use under General Commercial per LDO Table 5.1. Both adjacent properties are currently zoned general commercial. The existing Tire & Auto store on the property to the northeast (PIN 1758571481) is a vehicular centered commercial use. The proposed gas station development currently under review (SDP-23-04) on the property to the southwest (PIN 1758467822) of our site is also vehicular centered commercial use. We believe a carwash, a vehicular centered
- 5. Would the application ensure efficient development within the Town, including the capacity and safety of the street network, public facilities, and other similar considerations?

  Yes the goal of undergoing Main Street Project is to encourage new development while providing an adequate and safe transportation network. City of Raleigh Utilities has sufficient capacity for the water and sewer demand for the proposed development. The proposed sidewalks and greenway will provide cohesive ADA pedestrian access to surrounding developments.

commercial use, would be compatible with the adjacent existing and proposed developments.



- 6. Would the application result in a logical and orderly development pattern? Yes – the project would allow access to several other commercial developments via a proposed cross access road connecting Grand Park Drive and proposed Virginia Water Drive (SDP-23-04). This would allow access to several commercial developments while bypassing S Main Street.
- 7. Would the application result in adverse impacts on water, air, noise, storm water management, wildlife, vegetation, wetlands, and the natural functioning of the environment?

  The application would cause no adverse effects to the functionality of the existing environment. A large amount of unmanicured vegetation would have to be removed, however a biodiverse and aesthetically pleasing landscape plan is proposed. Stormwater will be managed according to the Wake County Stormwater Design Manual to ensure there is no degradation in water quality or to the surrounding environment. There are no existing wetlands on the property.
- 8. If a Conditional district providing proposed Conditions of Approval, do they address and mitigate the impacts reasonably expected to be generated by the development or use of the property, can they reasonably be implemented, and can they be enforced for the subject property, and will they result in no greater impact on adjacent properties or the community at large than would be expected to occur by the permitted uses and the minimum development standards of the corresponding General zoning district.

  No conditional zoning district proposed.

Thank you for your assistance.

SEAMON, WHITESIDE & ASSOCIATES, INC.

Clinton B. McConnaughey-Cohens, Jr. <u>CMCConnaughey-Cohens@SeamonWhiteside.com</u> (980) 312-5450 ext. 303

cc: Trey Little
Parker Evans
10772

## **Community Meeting Minutes**

Location: Rolesville Community Center

514 Southtown Circle Rolesville, NC

Time: 4:00 PM - 6:00 PM

Attendees:

Shawn Kline 809 middle ground ave

Michelle Kline 809 middle ground ave

Heather Hoover 701 quite Circle

Alex Perry Tidal Wave Representative

John Wells Tidal Wave Representative

## Minutes:

Three of the Residents north of the property in question attended the meeting to inquire about the project. We discussed the reason for the rezoning and annexation requests and describe the characteristics of the rezoning from industrial down to commercial restricting some of the uses allowed on the property that would allow for the removal of the zoning buffer between our site and the future 7 11 property. We then answered questions from the residents about Tidal Wave and our operations. The residents were informed that the Tidal Wave Development plans are not specific to the rezoning request but are the current intentions for the southern half of the parcel. We address comments about sounds, smells, and light coming from the proposed Tidal Wave. For sounds our vacuum producers are enclosed in masonry structures that reduce any sound generated to low levels, we do not have any intrusive waste products that produce bad smells similar to a gas station or fast food; lighting will meet all the ordnance requirement for foot candles at the boundaries of the property.



Dear Rolesville Resident,

You are receiving this letter because your property is within 500 feet of the proposed Tidal Wave Auto Spa.

We are holding a Neighborhood Meeting on Monday May 20, 2024, from 4:00 pm to 6:00 pm at the Rolesville Community Center 514 Southtown Circle Rolesville, NC so we can go over details of the Tidal Wave Auto Spa Express Car Wash we will be building at 0 S Main Street (once the subdivision is processed for our property the address will be 601 Grand Park Drive) & also the Annexation of the site into the City.

If you would like to discuss this matter, please join us at the meeting & we will be happy to go over the Tidal Wave Auto Spa details with you.

Warm regards,

**Martie Murphy** 

Director of Entitlement Tidal Wave Auto Spa SHJ Development LLC 124 E Thompson Street Thomaston, GA 30286

# Tidal Wave Auto Spa Neighborhood Metting list of Names & Addresses within 500 feet of the site

Name	Street Address	City	State	Zip Code
Jorge Romero Perez	801 Middle Gound Ave.	Rolesville	NC	27571-9342
Shawn Stewart & Michelle Kline	809 Middle Ground Ave.	Rolesville	NC	27571-9342
Amboka & Annie Bumba	813 Middle Ground Ave.	Rolesville	NC	27571-9342
Jonathan & Heather Hoover	701 Quiet Walk Cir.	Rolesville	NC	27571-9360
Glenn & Kristen Cruickshank	705 Quiet Walk Cir.	Rolesville	NC	27571-9360
HangTran	800 Middle Ground Ave.	Rolesville	NC	27571-9341
Jimmy Privette & Natasha Jones	810 Middle Ground Ave.	Rolesville	NC	27571-9341
Jeffrey & Shannon Handschumacher	818 Middle Ground Ave.	Rolesville	NC	27571-9341
Tricia Poole	822 Middle Ground Ave.	Rolesville	NC	27571-9341
Donald Wayne Mason II	1007 Evening Shade Ave.	Rolesville	NC	27571-9348
Michael & Hanna Calvo	1005 Evening Shade Ave.	Rolesville	NC	27571-9348
Robert & Susan Fernicola	1003 Evening Shade Ave.	Rolesville	NC	27571-9348
John & Jennifer Briand	1000 Evening Shade Ave.	Rolesville	NC	27571-9347
Majeda Muhammad	1004 Evening Shade Ave.	Rolesville	NC	27571-9347
Adelia Gomez ·	1008 Evening Shade Ave.	Rolesville	NC	27571-9347
Grand Park Properties LLC	2636 Wait Ave.	Wake Forest	NC	27587-6808
Wallbrook Landco LLC	3 Keel St. Ste. 2	Wrightsville Beach	NC	28480-1709
Wallbrook Cstore LLC Austin Williams	801 East Blvd.	Charlotte	NC	28203-5115
CRP/C4 Wallbrook Village Owner LLC	801 East Blvd.	Charlotte	NC	28203-5155

Meeting set for 05/20/2024 4-6 pm at the Community Center

After Recording Mail to:

Town of Rolesville P. O. Box 250 Rolesville, NC 27571

# AN ORDINANCE TO EXTEND THE CORPORATE LIMITS OF THE TOWN OF ROLESVILLE UNDER THE AUTHORITY GRANTED BY PART 1, ARTICLE 4A CHAPTER 160A OF THE GENERAL STATUTES OF NORTH CAROLINA

## ORDINANCE 2024-O-11 CASE ANX-24-03 - PIN 1758479244

WHEREAS, the Mayor and Board of Commissioners for the Town of Rolesville, North Carolina has adopted a resolution under G.S. 160A-31 stating its intent to annex the area described below; and

WHEREAS, the petition has been certified by the Town Clerk as to its sufficiency of meeting G.S. 160A-31; and

WHEREAS, a public hearing on the question of this annexation was held in the Town Board Room at Rolesville Town Hall located at 502 Southtown Circle, Rolesville, NC 27571 at 7:00 pm or thereafter on August 06, 2024 after due notice; and

WHEREAS, the Mayor and Board of Commissioners finds that the proposed annexation meets the requirements of G.S. 160A-31;

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Board of Commissioners of the Town of Rolesville, North Carolina that:

Section 1. By the authority granted by G.S. 160A-31, the following described contiguous property owned by Grand Park, LLC is hereby annexed and made part of the Town of Rolesville effective as of August 06, 2024:

All that certain real property situated in the Town of Rolesville, Wake Forest Township, Wake County, North Carolina, described as follows:

Beginning at a r/w disc found at the intersection of the north western right-of-way US Hwy 401/Louisburg Rd. and the southern right-of-way of Grand Park Drive; thence with said right-of-way of US Hwy 401 the following calls: S 36°52'07" W a distance of 103.00' to a point; thence S 42°44'47" W a distance of 181.98' to a point; thence leaving said right-of-way N 53°29'08" W a distance of 257.30' to a point; thence N 53°29'08" W a distance of 236.41' to a point; thence N 32°01'38" E a distance of 415.31' to a 1/2" open top found; thence S 24°14'53" E a distance of

190.24' to a 5/8" rebar found along the southern right-of-way of Grand Park Drive; thence with said right-of-way the following calls: along a curve turning to the left with an arc length of 169.77', with a radius of 50.00', with a chord bearing of S 31°42'55" E, with a chord length of 99.20' to a point; thence with a reverse curve turning to the right with an arc length of 18.76', with a radius of 25.01', with a chord bearing of N 72°31'43" E, with a chord length of 18.33' to a point; thence with a compound curve turning to the right with an arc length of 9.87', with a radius of 25.01', with a chord bearing of S 74°40'57" E, with a chord length of 9.80 to a point; thence with a compound curve turning to the right with an arc length of 97.34', with a radius of 570.00', with a chord bearing of S 58°23'28" E, with a chord length of 97.22' to a point; thence S 53°13'37" E a distance of 154.73' to a r/w disc found; thence S 03°49'14" W a distance of 31.39' to a r/wdisc found, said disc being The Point of Beginning.

Said Parcel having an area of 164568.32 square feet, **3.778 acres** 

<u>Section 2</u>. That the Mayor and Board of Commissioners directs a duly certified copy of this ordinance and annexation boundary map be submitted for filing to the Office of the Register of Deeds of Wake County and the Office of the Secretary of the State of North Carolina.

Adopted this 6<sup>th</sup> day of August, 2024.

Ronnie I. Currin Town of Rolesville Mayor

## **CERTIFICATION**

I, Robin E. Peyton, Town Clerk for the Town of Rolesville, North Carolina, do hereby certify the foregoing to be a true copy of an Ordinance duly adopted at the meeting of the Town Board of Commissioners held on this 6<sup>th</sup> day of August, 2024.

Robin E. Peyton
Town Clerk

Project Information:

Existing Zoning District(s): GI(-CZ)

Site Address: 0 South Main Street (PIN 1758479244)



# **Annexation Petition Application**

Town of Rolesville Planning Department | PO Box 250 | Rolesville, NC 27571 | 919-554-6517 | planning@rolesville.nc.gov
Planning Department Home Page: Official Town Webpage

Project Name: Tidal Wave Auto Spa

Proposed Zoning Districts(s): GI(-CZ)

Total Site	e Area (in acres): 3.80	Zoning Overlays(s):		
Current Use(s): Vacant		Associated Case Number(s):		
Proposed	Use(s): Carwash	(accounted case Namber(e).		
	ion Requirements on shall include the following documents by the submit	tal deadline to be considered complete and ready for review:		
<b>▼</b> Comp	leted application.	Authorization form(s) for plans with pending BOC action, Rezoning, and/or Annexation (if applicable).		
complete	You will be invoiced for the application fee during the ness check or follow application review.	Secretary of State webpage confirming the registered agent of the corporation or company (if applicable).		
▼ A com ownershi	plete copy of the last deed of record for proof of p.	M An annexation boundary plat/map for recordation at the Wake County Register of Deeds Office (mylar plat) prepared by a professional land surveyor showing the boundaries of the area or property for annexation into the Town of Rolesville.		
✓ Writte separate	n copy of the metes and bounds (attached as a document).	Submit digital Shapefile (GIS) of subject property		
Applicant 160A-29	proval Requirements shall be responsible for Recording the Annexation Ord and then provide copy of such to Planning Staff. ion Questionnaire	dinance once signed by Town (Mayor/Clerk) within 30 days per G.S.		
1.	Is the area contiguous with the existing primary corpo	rate limits? Satellite corporate limits is not primary.		
	☐ YES ■ NO			
	Note: If the land is contiguous to any existing corporate limits, the proposed annexation boundary will include all intervening rights-of-way for streets, easements, and other areas as stated in North Carolina General Statute §160A-31.			
2.	NC General Statues require petitioners of both contiguous and non-contiguous annexations to file a signed statement declaring whether vested rights have been established in accordance with G.S. 160D-108 and 108.1 for properties subject to the petition. Do you declare vested rights for the property subject to this petition?			
	▼YES □ NO			
Parcel I	nformation			

PIN Number	Real Estate ID Number	Deed Book Number	Page Number	Acreage To Be Annexed	Wake County Assessed Value
1758479244	0224144	DB 008438	PG 01116	3.80	\$



# **Annexation Petition Application**

Town of Rolesville Planning Department | PO Box 250 | Rolesville, NC 27571 | 919-554-6517 | planning@rolesville.nc.gov
Planning Department Home Page: Official Town Webpage

## **Owner Signature(s)**

We, the undersigned owners of the real properties contained in the metes and bounds description and plat/map attached hereto, respectfully request that the area described above be annexed and made part of the Town of Rolesville, North Carolina. By signing below, we acknowledge that all information is correct.

Owner #1 – PRINT and Signature	Date Signed
Owner #2 – PRINT and Signature	Date Signed
Owner #3 – PRINT and Signature	Date Signed
Owner #4 – PRINT and Signature	Date Signed
If property owned by a COMPANY OR CORPORATION (NOTE: The conthe State of North Carolina – Office of the Secretary of State and provide properties LLC	npany or corporation must be legally registered with roof)
Name of Corporation  George Upcharch  Acore	Columb
Registered Agent Printed Name Registered Ager	nt Signature
2636 Wait Ave Wake Forest No	27587
Address, State, Zip of Registered Office:	,
tary Seal	
ATE OF NORTH CAROLINA	
ATE OF NORTH CAROLINA  OUNTY OF _ WAKE	
01111 01	
Notary Public, do hereby certify that GEURGE UPCHURCH	f the foregoing instrument. This the 29
Notary Public, do hereby certify that	the loregoing instrument. This the
rsonally appeared before me this day and acknowledged the due execution o	
rsonally appeared before me this day and acknowledged the due execution o	



# Property Owner's Consent & Authorization Form

Property Owner's Consent is required for each Development Application. A completed and signed copy of this form is required to be included with <u>every</u> Application submittal.

For Property with more than one owner, each owner must sign a separate copy of this form.

For Applications with more than one Applicant/representative, enter all names in this form, or submit separate forms.

In the event that the Owner of Property is an organization/entity, proof of signature authority on behalf of the organization/entity (ie Secretary of State business registration) must be attached to this form.

Authorization by Property Owner(s) 1, Grand Park Properties LLC, George Upchurch Managing Member (property owner's printed legal name; include signatory name and title if signing for a company) swear and affirm that I am the owner of property at 0 South Main Street (PIN 1758479244) (property address, legal description; provide separate sheet if required) as shown in the records of Wake County, North Carolina, which is the subject of this Application (Type and Case # Annexation Petition Application (ANX-24-03) I further affirm that I am fully aware of the Town's Application, fee(s), and procedural requirements, and consent to this Application. I authorize the below listed person(s) to submit this Application and serve as representative/point of contact for this Application. Property Owner's Signature: Applicant/Agent/Contact persons: Print: Signature Martie Murphy Alex Perry Callie Duke

Parker Evans

Revenue Stamps:

\$0

Tax Lot No.:

224144

Prepared by:

Kelly J. Mackay, Attorney

Warren, Perry & Anthony, P.L.L.C. Laura M Riddick, Register Of Deeds

P.O. Box 1187

Wake Forest, NC 27588-1187

# 204

Presented & Recorded 10/15/1999 10:41:12

Book : 008438 Page : 01116 - 01118

NORTH CAROLINA

**WAKE COUNTY** 

CORRECTION DEED

THIS CORRECTION DEED, made and entered into this 14th day of October, 1999, by and between ROLESVILLE GAS AND OIL COMPANY, INC. (a/k/a Rolesville Oil Company, Inc. and f/k/a George M. Upchurch Enterprises), hereinafter referred to as Grantor, and GRAND PARK PROPERTIES, LLC, P.O. Box 26, Rolesville, NC 27571, hereinafter referred to as Grantee;

## **WITNESSETH:**

WHEREAS, the Grantor conveyed to the Grantee by Deed dated August 3, 1999, and recorded in Book 8381, Page 1623, Wake County Registry, that certain real property described generally as "being all of Lot 2-2 as shown on plat recorded on Book of Maps 1996, Page 1582, Wake County Registry"; and

WHEREAS, the hereinbefore-referenced description was incorrect in that a later map was recorded with the Wake County Registry and should have been used to describe the conveyance being made from Grantor to Grantee; and

WHEREAS, Grantor desires to execute this Correction Deed to correct the error in the description made in the hereinbefore-referenced Deed;

THEREFORE, the Grantor, for a valuable consideration paid by the Grantee, the receipt of which is hereby acknowledged, has and by these presents does grant, bargain, sell and convey unto the Grantee in fee simple, all that certain lot or parcel of land situated in Wake County, North Carolina, and more particularly described as follows:

Being all of Lots 1 and 2 as shown on plat recorded in Book of Maps 1999, Page 1039, Wake County Registry.

Grantee herein assumes the obligations and liabilities set forth in that certain Deed of Trust dated August 20, 1997 from Rolesville Oil Company, Inc. to Sue E. Anthony, Trustee for Wake Forest Federal Savings and Loan Association, recorded on August 22, 1997 in Book 7614, Page 36, Wake County Registry in the original indebtedness of \$710,000.00 and that certain Deed of Trust dated August 5, 1998 from Rolesville Oil Company, Inc. to Sue E. Anthony, Trustee for Wake Forest Federal Savings and Loan Association, recorded on August 6, 1998 in Book 8120, Page 565, Wake County Registry, securing the original indebtedness in the amount of \$21,000.00.

TO HAVE AND TO HOLD the aforesaid lot or parcel of land and all privileges and appurtenances thereto belonging to said Grantee, its successors and assigns in fee simple.

The Grantor makes no warranty, express or implied, as to title to the property hereinabove described.

IN WITNESS WHEREOF, the Grantor has caused this instrument to be signed in its corporate name by its duly authorized officers and its seal to be hereunto affixed by authority of its Board of Directors, the day and year first above written.

ROLESVILLE GAS AND OIL COMPANY, INC.

CORP. SEAL)

By: // / / / / / / / / / / / / / / / George M. Upchurch, President

Attest:\_

Shirley D. Upchurch, Secretary

## NORTH CAROLINA - WAKE COUNTY

I, a Notary Public of the County and State aforesaid, certify that Shirley D. Upchurch personally came before me this day and acknowledged that she is Secretary of Rolesville Gas and Oil Company, Inc., a North Carolina corporation, and that by authority duly given and as the act of the corporation, the foregoing instrument was signed in its name by its President, sealed with its corporate seal and attested by her as its Secretary.

Witness my hand and official stamp or seal, this 14th day of October,

1999.

NOTARY PUBLIC:

3-8-2000 COMMISSION EXPIRES:

KELLY J. MACKAY NOTARY PUBLIC WAKE COUNTY, N.C.

Laura M Riddick Register of Deeds Wake County, NC





Wake County Register of Deeds Laura M. Riddick Register of Deeds

## North Carolina - Wake County

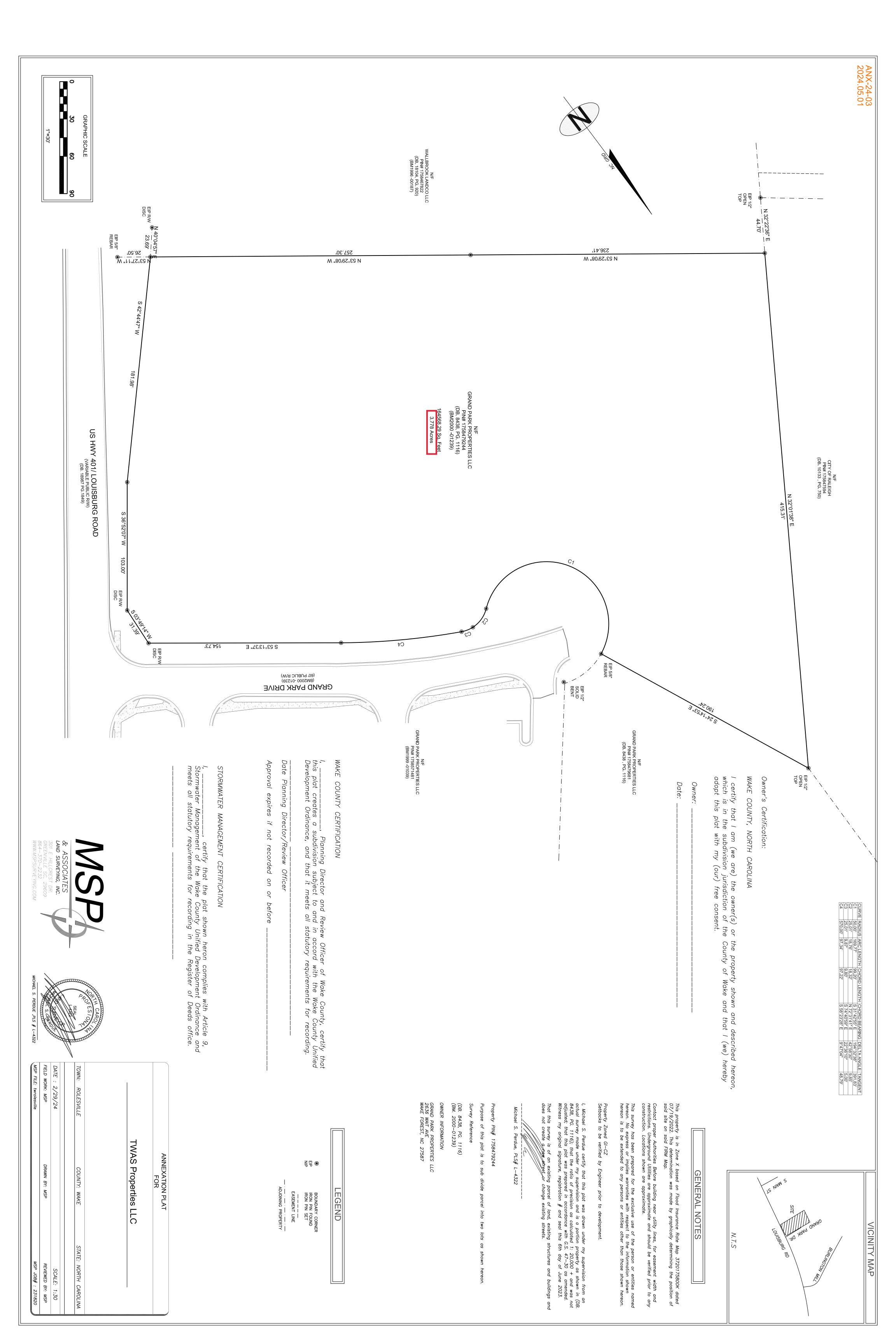
The foregoing certificate of	
- Fil	49 Machay
	re) certified to be correct. This instrument ed at the date and time and in the book and
	By: Sauduh Callbassistant/Deputy Register of Deeds
This Customer Group # of Time Stamps Needed	This Document  New Time Stamp  # of Pages

## ANX-24-03 2024.05.01

All that tract or parcel of land lying and being in Rolesville, Wake County North Carolina and being more particularly described as follows;

Beginning at a r/w disc found at the intersection of the north western right-of-way US Hwy 401/ Louisburg Rd. and the southern right-of-way of Grand Park Drive; thence with said right-of-way of US Hwy 401 the following calls: S 36°52'07" W a distance of 103.00' to a point; thence S 42°44'47" W a distance of 181.98' to a point; thence leaving said right-of-way N 53°29'08" W a distance of 257.30' to a point; thence N 53°29'08" W a distance of 236.41' to a point; thence N 32°01'38" E a distance of 415.31' to a 1/2" open top found; thence S 24°14'53" E a distance of 190.24' to a 5/8" rebar found along the southern right-of-way of Grand Park Drive; thence with said right-of-way the following calls: along a curve turning to the left with an arc length of 169.77', with a radius of 50.00', with a chord bearing of S 31°42'55" E, with a chord length of 99.20' to a point; thence with a reverse curve turning to the right with an arc length of 18.76', with a radius of 25.01', with a chord bearing of N 72°31'43" E, with a chord length of 18.33' to a point; thence with a compound curve turning to the right with an arc length of 9.87', with a radius of 25.01', with a chord bearing of S 74°40'57" E, with a chord length of 9.80 to a point; thence with a compound curve turning to the right with an arc length of 97.34', with a radius of 570.00', with a chord bearing of S 58°23'28" E, with a chord length of 97.22' to a point; thence S 53°13'37" E a distance of 154.73' to a r/w disc found; thence S 03°49'14" W a distance of 31.39' to a r/w disc found, said disc being The Point of Beginning.

Said Parcel having an area of 164568.32 square feet, 3.778 acres



## **ORDINANCE 2024-O-12**

ORDINANCE OF THE BOARD OF COMMISSIONERS OF THE TOWN OF ROLESVILLE AMENDING THE OFFICIAL ZONING DISTRICT MAP OF THE TOWN OF ROLESVILLE TO CHANGE THE ZONING OF APPROXIMATELY 3.778 ACRES LOCATED AT 0 SOUTH MAIN STREET, BEING WAKE COUNTY TAX PIN 1758479244 FROM A GENERAL INDUSTRIAL CONDITIONAL ZONING DISTRICT (GI-CZ) TO A GENERAL COMMERCIAL CONDITIONAL ZONING DISTRICT (GC-CZ)

## REZ-2024-03 - PIN 1758479244

**WHEREAS**, the application submitted by Grand Park Properties LLC for the rezoning of land hereinafter described was duly filed with the Planning Department; and

**WHEREAS**, the Planning Board was presented the application for Recommendation on May 28, 2024, and the Board of Commissioners held a Legislative hearing on August 06, 2024; and

WHEREAS, mailed notices and property sign postings were carried out in advance of the Legislative hearing pursuant to G.S. § 160D-602 and the Land Development Ordinance; and

WHEREAS, the Planning Board submitted its recommendation to the Board of Commissioners recommending approval of said application that was generally consistent with the Comprehensive Plan for the lands hereinafter described, all in accordance with the requirements of the Town of Rolesville Land Development Ordinance and the provisions of Chapter 160D, Article 6, of the North Carolina General Statutes;

**NOW, THEREFORE, BE IT ORDAINED** by the Board of Commissioners of the Town of Rolesville, North Carolina:

Section 1: The lands that are the subject of the Ordinance are those certain lands described in Exhibit 1 – Legal Description, which is incorporated herein by reference, and said lands are hereafter referred to as the "Rezoned Lands."

Section 2: The parcel identified by the Wake County Tax Parcel Identification Number 1758479244, and described in Exhibit 1, are located within the Town's Extraterritorial Jurisdiction.

Section 3: The Town of Rolesville Land Development Ordinance, including the Town of Rolesville North Carolina Official Zoning District Map, which is a part of said Ordinance, is hereby amended by changing the zoning classification of the "Rezoned Lands" from General Industrial Conditional Zoning (GI-CZ) to General Commercial Conditional Zoning (GC-CZ) as shown on Exhibit 2, subject to the conditions stated herein.

Section 4: The "Rezoned Lands" are subject to all of the standards and conditions in Exhibit 3, Conditions of Approval, which are voluntarily proposed as part of this rezoning.

Section 5: The Administrator is hereby authorized and directed to cause the said Official Zoning District Map for the Town of Rolesville, North Carolina, to be physically revised and amended to reflect the zoning changes ordained by this Ordinance.

Section 6: After reviewing all the information presented at the Legislative hearing and the Town of Rolesville plans, policies and ordinances, the Rolesville Board of Commissioners find the Rezoning map amendment request reasonable and consistent with the 2017 Comprehensive Plan and is in the interest of the public and adopted a Consistency Statement.

Section 7: The "Rezoned Lands" are subject to the following conditions, which are voluntary imposed as part of this Rezoning:

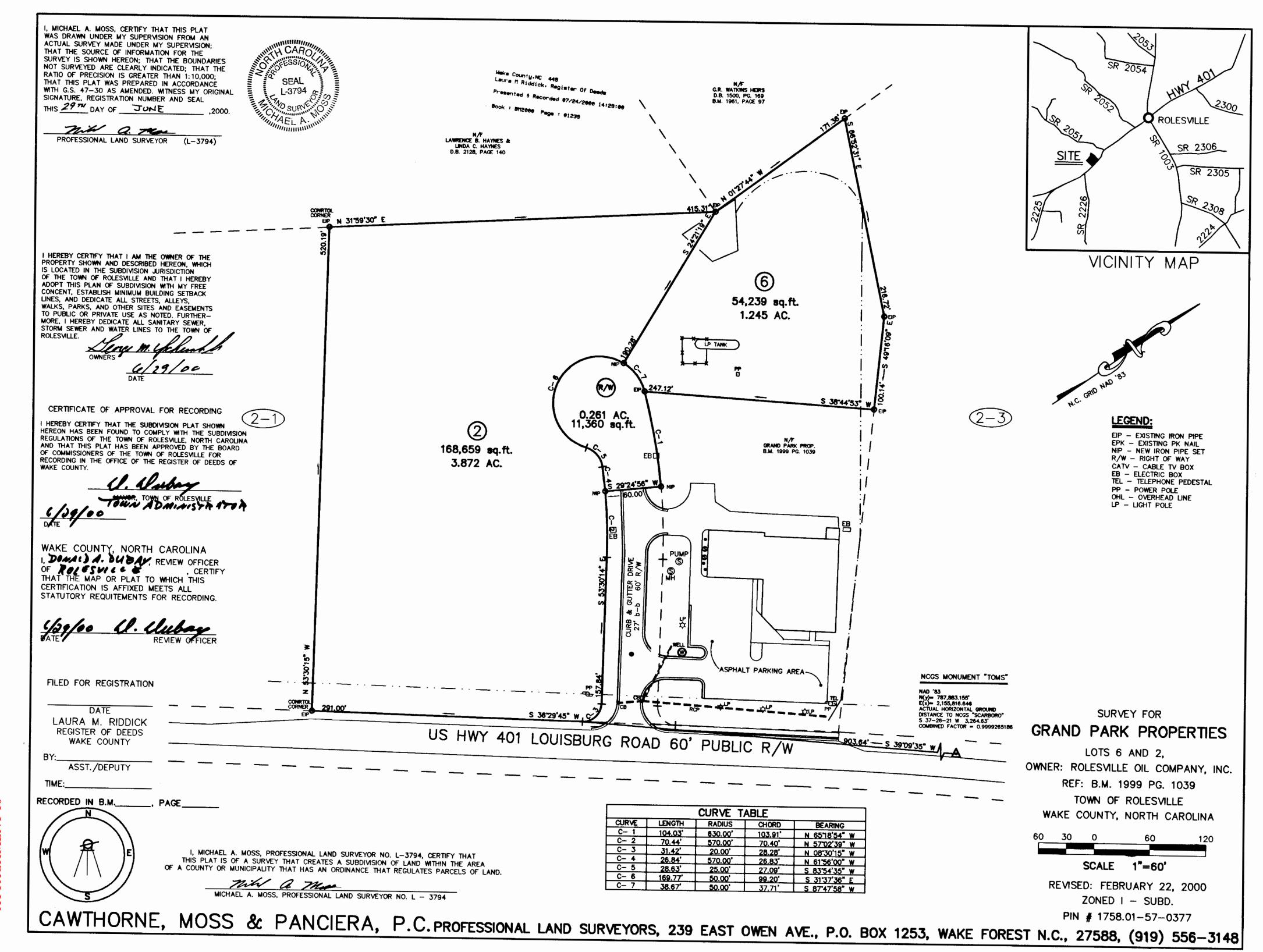
## Conditions of Approval:

- 1. The subject property, Wake County Pin 1758479244, shall exclude or Prohibit the development/establishment of the following Zoning Specific uses listed as either Permitted or Special Uses within the General Commercial Zoning District per Land Development Ordinance Table 5.1. Permitted Principal Use Table:
  - School (K-12)
  - Bars and Nightclubs
  - Gas Station
  - Vehicle, Rental and Sales
  - Vehicle, Minor Service
  - Funeral Home
  - Tattoo Establishment
  - Water Storage Tower
  - Telecommunications Tower

Section 8: The "Rezoned Lands" shall be perpetually bound to the Conditions imposed including the uses authorized, unless subsequently changed or amended as provided for in the Land Development Ordinance.

Adopted and effective this the 06 day of August 2024.

	Ronnie I. Currin Mayor
ATTEST:	APPROVED AS TO FORM:
 Robin Peyton	 David J. Neill
Town Clerk	Town Attorney



## **EXHIBIT**

## REZ-24-03 / PIN

## 1758479244 Conditions of

## Approval May 17, 2024

- The subject property, Wake County Pin 1758479244, shall exclude or Prohibit the development/establishment of the following Zoning Specific uses listed as either Permitted or Special Uses within the General Commercial Zoning District per Land Development Ordinance Table 5.1. Permitted Principal Use Table:
  - School (K-12)
  - Bars and Nightclubs
  - Gas Station
  - Vehicle, Rental and Sales
  - Vehicle, Minor Service
  - Funeral Home
  - Tattoo Establishment
  - Water Storage Tower
  - Telecommunications Tower