

**TOWN OF ROLESVILLE
RESOLUTION APPROVING SPECIAL USE PERMIT AND MODIFICATION
REQUESTS
ASHTON WOODS- THE POINT PUD MASTER PLAN AMENDMENT (SUP-18-09)**

Physical Address: Either side of Louisburg Road (US 401 Bypass), south of East Young Street Intersection
PIN Numbers: 1768 26 7208; 1768 04 4257; 1768 06 8057; and 1758 93 0017
Total lot/tract size: 317± acres
Property Owner: Cameron Shearon, Beverly Shearon, Stephon Shearon; Byrum Family, LLC; and The Donald F. Williams Revocable Trust

The Town of Rolesville Board of Commissioners (“Commissioners”) held a duly advertised quasi-judicial hearing on August 6, 2019, and in open session continued the public hearing to its August 20, 2019 meeting. At its meeting on August 20, 2019, after conducting a duly noticed quasi-judicial hearing and after considering the application materials, testimony, exhibits, and evidence presented at the two hearings or otherwise appearing in the record, and the approval criteria of the Town of Rolesville Unified Development Ordinance (the “UDO”), voted 3-2 to approve the special use permit with the requested modifications, based upon the following findings and conditions:

Findings:

1. The Property Owner requests that Council consider a revised Overall PUD Master Plan to allow construction of 98 single-family homes on the north side of the 401 Bypass; 483 single-family homes on the south side of the 401 Bypass and 324 townhomes on the south side of the 401 Bypass and modifications to reduce setbacks in the R1 and R2 districts to a minimum of twenty feet (20') in the front and a minimum of fifteen feet (15') in the rear; to increase cul-de-sac lengths for five (5) cul-de-sacs shown on the Overall PUD Masterplan; to require alleyways only where shown on the Overall PUD Masterplan and to allow garages to face the street, where no alleys are constructed; and to allow single and double garages doors.
2. The Subject Property is a 317± acre site divided by the 401 Bypass. The owners of the Subject Property are Cameron Shearon, Beverly Shearon and Stephen Shearon; Byrum Family, LLC and The Donald F. Williams Revocable Trust. The applicant is Ashton Raleigh Residential, LLC.
3. The application, the staff report, the staff powerpoint presentation, the traffic impact analysis- including amendment, the two appraiser reports, the applicant's two powerpoint presentations, and other records pertaining to the special use permit are a part of the record.
4. Notice has been provided as required by law.
5. The special use permit was first submitted for review in 2018. The Technical Review Committee (TRC) has completed more than five review cycles of the plan.

6. The applicant requested to reduce the setbacks for residential lots in the R1 and R2 districts as shown in the Overall PUD Master Plan from Twenty-five (25') for the front and rear to twenty feet (20') in the front and fifteen feet (15') in the rear. These revised setbacks will allow for greater flexibility in home type and design meeting the intentions of the Comprehensive Plan and the UDO. The environmental features make large lots with deep setbacks difficult to develop. The smaller setbacks allow for the preservation of greater common open space.
7. The applicant requested that five (5) cul-de-sacs exceeding two hundred and fifty feet (250') from the nearest intersection be permitted as shown in the Overall PUD Master Plan. Significant topographic changes, environmental features and the Controlled Access designation of the 401 Bypass inhibit the ability to interconnect community streets thereby necessitating the need for these longer cul-de-sac lengths.
8. The applicant requested that alleys only be required where shown on the Overall PUD Master Plan and that where no alleys are shown, garages may face the street. The inclusion of alley ways decreases open space, and is difficult given the topography, environmental constraints and rocky soil conditions on the subject property. In addition, alleyways increase maintenance costs for future home owners.
9. The applicant requested that both single garage door and double garage doors be permitted on the subject property. The conditions requires that double garage doors provide embellishments as set on in the approval conditions in Exhibit A. Allowing double garage door decreases the garage width provide for more efficient use of the land with significant topography and numerus environmental features. This provision allows for greater flexibility in housing type and design.
10. Based upon the uncontroverted competent, substantial, and material evidence appearing and submitted into the record, the criteria for approval of a modification of setbacks pursuant to Sections 6.2 contained in the UDO have been met, specifically:

The proposed setback modification in R1 and R2 districts as shown in the Overall PUD Master Plan to twenty feet (20') in the front and fifteen feet (15') in the rear in the advances the underlying of the Rolesville Comprehensive Plan and the UDO can be met with the reduced setbacks and because the peculiarities in the land make it unreasonable to require strict adherence to the standards.

11. Based upon the uncontroverted competent, substantial, and material evidence appearing and submitted into the record, the criteria for approval of a modification of cul-de-sac length pursuant to Sections 6.2 contained in the UDO have been met, specifically:

The proposed cul-de-sac length modification for the five (5) cul-de-sacs exceeding 250' as shown on the in the Overall PUD Master Plan advances the underlying purposes of the Rolesville Comprehensive Plan and the UDO can be met with the longer cul-de-sac lengths and because the peculiarities in the land make it unreasonable to require strict adherence to the standards.

12. Based upon the uncontroverted competent, substantial, and material evidence appearing and submitted into the record, the criteria for approval of a modification of the alleyway requirement pursuant to Sections 6.2 contained in the UDO have been met, specifically:

The proposed modification to require alleyway only where shown on the in the Overall PUD Master Plan and to allow garages to face streets where no alleyway is provided advances the underlying purposes of the Rolesville Comprehensive Plan and the UDO without strict adherence to the standard and because the peculiarities in the land make it unreasonable to require strict adherence to the standards.

13. Based upon the uncontroverted competent, substantial, and material evidence appearing and submitted into the record, the criteria for approval of a modification of garage door standard pursuant to Sections 6.2 contained in the UDO have been met, specifically:

The proposed modification of the garage door requirements to allow both single and double garage doors under certain conditions advances the underlying purposes of the Rolesville Comprehensive Plan and the UDO without strict compliance with the standard and because the peculiarities in the land make it unreasonable to require strict adherence to the standards.

14. Based upon the uncontroverted competent, substantial, and material evidence appearing and submitted into the record, the criteria for approval of a special use permit request pursuant to Section 3.6.2 contained in the UDO have been met, specifically:

- 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.

ACCORDINGLY, based on the foregoing, the Board of Commissioners hereby approves the special use permit request with the conditions identified on the attached Exhibit A.

Signed, this 2nd day of October, 2019 


Frank Eagles., Mayor

CERTIFICATION

I, Robin Peyton, Town Clerk of the Town of Rolesville, North Carolina, do hereby certify the foregoing to be true copy of a Resolution duly adopted at the meeting of the Town Board of Commissioners held on August 20, 2019.

IN WITNESS WHEREOF, I have hereunto set my hand and have caused the seal of the Town of Rolesville to be affixed this the 2nd day of October, 2019.


Robin Peyton, Town Clerk



Exhibit A



SUP 18-09 (THE POINT PUD MASTER PLAN AMENDMENT) SPECIAL USE PERMIT CONDITIONS

DATE: August 8, 2019

PROPERTY/DESCRIPTION: The Point PUD Master Plan Amendment
Either side of Louisburg Road (US 401 Bypass), south of East Young Street Intersection.

PIN NUMBER: 1768267208, 768044257, 1768068057, and 1758930017

ZONING: R&PUD

SPECIAL USE PERMIT PROVISIONS:

1. These conditions replace the previous condition approved as MA09-02, dated September 8, 2009. Development on the subject properties are also governed by the engineering plans entitled “Master Plan, The Point- Young Street PUD” last revised on July 24, 2019 (the “Overall PUD Masterplan”).

2. Recreational amenities and open space shall be dedicated to the Home Owner’s Association by the property owners/developer except for public greenway trails which shall dedicated as such to the Town of Rolesville, all with the corresponding phase of development. The following recreational amenities and open space, totaling 144± acres, shall be provided generally as shown on the Overall PUD Masterplan:

- a. Open Space #1 (OS-1) shall include an amenity with outdoor grilling area with seating, a playground, dog park, mail kiosk, a six-foot (6’) wide, paved private greenway trail with a connection to the paved public greenway trail, and a ten-foot (10’) wide, paved public greenway. The ten foot (10’) wide, paved public greenway, the six-foot (6’) wide, paved private greenway, the outdoor grilling area, playground, and dog park will be completed before sixty percent (60%) of the homes in the corresponding phase 13 of development are issued a building permit. The developer shall have the ability but not the obligation to enter the 100’ 401 Type “B” buffer for the purpose of grading, soil addition, supplemental planting, and fencing. The mail kiosk and supporting parking will be completed by the issuance of the 15th certificate of occupancy for the R2 district north of the 401 Bypass. A temporary mail kiosk will be utilized until final mail kiosk is constructed.
- b. Open Space #2 (OS-2) shall be dedicated within the corresponding phase 13.
- c. Open Space #3 (OS-3) shall be dedicated within the corresponding phase 13.
- d. Open Space #4 (OS-4) shall be dedicated within the corresponding phase 14.
- e. Open Space #5 (OS-5) shall include a ten-foot (10’) wide, paved public greenway, street-side greenway connection, and an exercise station. This open space area shall be completed within the corresponding phase 14 of development before the 30th home is issued a building permit.

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- f. Open Space #6 (OS-6) shall include a play area. This open space area shall be completed within the corresponding phase 8 of development prior to the 70th home is issued a building permit.
- g. Open Space #7 (OS-7) shall include a ten-foot (10') wide, paved public greenway, a six-foot (6') wide private greenway with access to a public greenway. This open space area shall be completed within the corresponding phase 8 of development before the 70th home is issued a building permit.
- h. Open Space #8 (OS-8) shall include a mail kiosk. Mail kiosk and supporting parking will be completed by the 15th certificate of occupancy of the corresponding phase 4 of development. Temporary mail kiosk will be utilized until final mail kiosk is constructed.
- i. Open Space #9 (OS-9) shall be dedicated within the corresponding phase 7.
- j. Open Space #10 (OS-10) shall be dedicated within the corresponding phase 7.
- k. Open Space #11 (OS-11) shall be dedicated within the corresponding phase 7.
- l. Open Space #12 (OS-12) shall include a dog park. This open space area shall be completed within the corresponding phase 6 of development before the 33rd home is issued a building permit.
- m. Open Space #13 (OS-13) shall be dedicated within the corresponding phase 9.
- n. Open Space #14 (OS-14) shall include a six-foot (6') wide, paved private greenway trail, playground, and mail kiosk. This open space area shall be completed within the corresponding phase 9 of development before 27th home is issued a building permit. This open space area within the corresponding phase 10 of development shall be complete before 40th home is issued a building permit. Mail kiosk and supporting parking will be completed by the 15th certificate of occupancy of the corresponding phase of development. Temporary mail kiosk will be utilized until final mail kiosk is constructed.
- o. Open Space #15 (OS-15) shall be dedicated within the corresponding phase 10.
- p. Open Space #16 (OS-16) shall be dedicated within the corresponding phase 10.
- q. Open Space #17 (OS-17) shall include an amenity with pool, clubhouse, private trail, shall be completed by the issuance of the 325th building permit for the portion of the development south of the 401 Bypass. The mail kiosk and supporting parking will be completed by the 15th certificate of occupancy on the portion of the development south of the 401 Bypass. A temporary mail kiosk will be utilized until final mail kiosk is constructed.
- r. Open Space #18 (OS-18) shall include a ten-foot (10') wide, paved public greenway. The paved public greenway within this open space area shall be completed within the corresponding phases 1, 2, 3, and 4 of development before first home is issued a building permit for that phase. The developer shall have the ability but not the obligation to enter the 100' 401 Type "B" buffer for the purpose of grading, soil addition, supplemental planting, and fencing. The developer has the option to plant within the next planting season.
- s. Open Space #19 (OS-19) shall be dedicated within the corresponding phase 1.
- t. Open Space #20 (OS-20) shall include a playground and picnic area. This open space area shall be completed within the corresponding phase 3 of development before sixty percent (60%) of the homes are issued a building permit.
- u. Open Space # 21 (OS-21) shall be dedicated within the corresponding phase 3.
- v. Open Space #22 (OS-22) shall be dedicated within the corresponding phase 5.
- w. Open Space #23 (OS-23) shall include a linear park. This open space area shall be completed within the corresponding phase of development before 31st home is issued a building permit.
- x. Open Space #24 (OS-24) shall be dedicated within the corresponding phase 6.
- y. Open Space #25 (OS-25) shall be dedicated within the corresponding phase 6.
- z. Open Space #26 (OS-26) shall be dedicated within the corresponding phase 6.

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3. A Transportation Impact Study for this project, prepared by Kimley-Horn and sealed on June 13, 2019, (the "TIA") was submitted and reviewed by the Town and the North Carolina Department of Transportation. As suggested by the TIA, the following road improvements shall be provided as described below:

North of US 401 Bypass:

- Prior to any construction north of the 401 Bypass, a fifty foot (50') public street right-of-way from the existing end of Genovesa Drive, located in Cedar Lakes subdivision, to the subject property shall be dedicated to the Town of Rolesville.
- The property owners/developer shall provide a stub from the Genovesa Drive extension to the east to encourage future interconnection as shown in Overall PUD Master Plan at the time Genovesa is constructed.
- The preliminary subdivision plat for Phases 11, 12 and 13 shall be reviewed under the Site Plan Review process found in Section 3.6 of Town of Rolesville Unified Development Ordinance, and the submittal for the subdivision plat shall include an update to Traffic Impact Analysis related to the property north of the 401 Bypass only.

US 401 Bypass:

- Coordinate the traffic signals at the intersections of US 401 at East Young Street and the Superstreet U-turns before the issuance of the 135th building permit for a home.

US 401 Bypass Eastbound at East Young Street:

- Extend the storage of the eastbound right-turn lane on US 401 Bypass by approximately 175 feet to provide 400' of storage and appropriate tapers at time of commercial development (retail/office tract).

East Young Street at Quarry Road/North Site Driveway:

- Construct a northbound left-turn lane on East Young Street with 100 feet of storage and appropriate tapers prior to the issuance of the 99th building permit for a home South of the 401 Bypass.
- Construct a northbound right-turn lane on East Young Street at Quarry Road with 100 feet of storage and appropriate tapers at the time of commercial development (retail/office tract).
- Construct a southbound right-turn lane on East Young Street with 100 feet of storage and appropriate tapers prior to the issuance of the 99th building permit for a home South of the 401 Bypass.
- Restripe the existing westbound left-turn lane on Quarry Road to a shared left/through lane prior to the issuance of the 99th building permit for a home South of the 401 Bypass.
- Provide an exclusive left-turn lane with 275 feet of storage and appropriate tapers and a shared through/right lane on the North Site Driveway prior to the issuance of the 99th building permit for a home South of the 401 Bypass.
- The property owners/developer will provide a full signal warrant analysis for a traffic signal at East Young Street and Quarry Road/north site access ("Warrant Analysis") prior to the approval of the plat containing the 325th lot (of the lots South of 401 Bypass) to be developed upon the subject property. In addition, the Town shall have the right to call for up to two (2) additional Warrant Analysis beginning with the approval of the plat containing the 200th lot (of the lots

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South of the 401 Bypass) and expiring at the approval of the plat containing the 600th lot (of the lots South of the 401 Bypass). If a signal is warranted as part of the Warrant Analysis, traffic signal easements to accommodate traffic signal equipment shall be provided by the property owners/developer to the extent such property is owned and controlled by the property owners/developer and, within 12 months of being warranted and approved by the NCDOT, and the property owners/developer shall design, construct and install a traffic signal subject to final approval by the NCDOT.

East Young Street at Central Site Driveway:

- Construct a northbound left-turn lane on East Young Street with 100 feet of storage and appropriate tapers prior to the issuance of the 99th building permit for a home South of the 401 Bypass.
- Construct a southbound right-turn lane on East Young Street with 100 feet of storage and appropriate tapers prior to the issuance of the 99th building permit for a home South of the 401 Bypass.
- Provide exclusive left and right-turn lanes on the Central Site Driveway with 125 feet of storage and appropriate tapers for the left-turn lane prior to the issuance of the 99th building permit for a home South of the 401 Bypass.

East Young Street at Rolesville High School Driveway/South Site Driveway:

- Construct a northbound left-turn lane on East Young Street with 50 feet of storage and appropriate tapers prior to the issuance of the 99th building permit for a home South of the 401 Bypass.
- Provide one egress lane on the South Site Driveway prior to the issuance of the 99th building permit for a home South of the 401 Bypass.

Mitchell Mill at Rolesville Road:

- Prior to the issuance of a building permit for the 500th home (of the lots South of 401 Bypass), the property owners/developer shall contribute Fifty Thousand Dollars (\$50,000.00) to the Town of Rolesville to be used by the Town of Rolesville to install traffic light at the intersection of Mitchell Mill and Rolesville Road.

4. The road improvements described in Paragraph 3 above and further shown on the Overall PUD Master Plan are required to be installed by the property owners/developer as described in Paragraph 3 above. The Town may desire to install additional road improvements beyond those described in Paragraph 3 above along the subject property's frontage on East Young Street at the same time the required improvements to East Young Street are being done by the property owners/developer, although these additional improvements are not required by the Traffic Impact Analysis or related to the traffic impact of this project. The property owners/developer shall negotiate in good faith with the Town of Rolesville to install any desired improvements along the property's frontage with East Young Street provided that the town offers to the property owners/developer a development agreement in a commercially reasonable form specifying the desired improvements along the property's frontage with East Young Street, including an approved design, right of way acquisition, temporary and permanent easements, and an estimated cost for installation of the desired improvements sealed by a civil engineer, and identifying how the town will pay for the desired improvements to East Young Street prior to the

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first subdivision plat approval, which shall not be unreasonably withheld, conditioned or delayed. If a development agreement has not been agreed to by the Town of Rolesville and the property owners/developer by August 1, 2020, this condition shall be of no further force or effect.

5. It is the desire of the landowners to preserve the three existing farm ponds along East Young Street and utilize these areas as open space; however, these ponds may need to be drained, water elevation lowered, and/or water removed permanently based on topographic constraints and infrastructure requirements encountered during construction drawing preparation. The Town of Rolesville shall permit any of the noted changes to the existing the farm ponds.

6. Section 6.2.1.2 and 6.2.2.2 of the UDO provides setbacks for residential lots will be minimum 25' for both front and rear in the RI and R2 zoning districts. To allow for greater flexibility in housing style, setbacks for R1 and R2 districts shall be 20' front minimum and 15' rear minimum.

7. Five (5) cul-de-sacs exceed 250 feet in length from the nearest intersection due to the changes in topography caused by the environmental features on the site and the Controlled Access designation of Highway 401 Bypass as shown on the Overall PUD Masterplan. Section 6.2(d) of the Rolesville UDO recognizes that topography and accessibility can require cul-de-sacs that are greater than 250 feet in length provided they are reviewed on a case by case basis. The Town of Rolesville will permit the five (5) cul-de-sacs shown on the Overall PUD Masterplan to exceed 250 feet given these constraints.

8. Section 6.2(f) of the UDO provides that residential lots shall be served by alleys. Alleys are provided for some homes in The Point community. For others, including the various types of attached and detached homes planned in The Point community, topography, environmental constraints and soil conditions make the inclusion of alleys difficult and increase the maintenance costs for homeowners. Ample parking is provided in driveways, garages and designated parking areas as shown on the Overall PUD Masterplan. Alleys shall only be required where shown on the Overall PUD Masterplan. Where no alleys are constructed, garages may face the street, despite the provisions of 6.2.1.3(2) and 6.2.2.3 of the UDO.

9. Homes within the subdivision shall have the following attributes:

North of 401 Bypass:

Ranch-style homes shall be at least 1600 square feet. Two-story homes shall be at least 2,000 square feet. All homes shall have a crawl space or stem wall foundation. No development shall begin prior to September 1, 2021.

South of 401 Bypass:

Ranch-style homes and townhomes shall be a minimum of 1400 square feet. Two-story homes within the R-1 district shall have a minimum of 1800 square feet, and the 84 two-story homes within the R-2 district shall have a minimum of 1600 square feet.

The 84 two-story homes within the R-2 district shall have a stem wall or slab foundation. All other detached homes shall have a crawl space or stem wall foundation. All townhomes shall have slab foundations.

10. Section 6.2.1.3(3) and 6.2.2.3 of the UDO provides two car garages visible from the street are to be designed with two single garage doors. To allow for greater flexibility in housing styles, single or double garage doors will be permitted. All front-loaded garage doors shall have one of the following elements: pronounced hinges, glass inserts or two separate garage doors.

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11. The site plan for the retail/office tract shall be reviewed and approved by the Town Board of Commissioners. Traffic improvements outlined within TIA as described above, right of way dedication, and frontage improvements along East Young Street for the commercial development (retail/office tract) shall be constructed with the commercial development (retail/office tract).

Frank Eagles
Town of Rolesville Mayor

Robin Peyton
Town of Rolesville Clerk

Reviewed and Acknowledged by the Property owners/developer or Applicant:

Printed Name

Signature

Date