

**February 5, 2008**

The Union County Planning Board met in regular session on Tuesday, February 5, 2008, at 7:00 p.m. in the Union County Board of Commissioner's Board Room, located on the First Floor of the Union County Government Center, 500 North Main Street, Monroe, NC, 28112, with Chairman Robert Allen presiding.

**PRESENT:** Andy Williams, Russell Cox, Everette Medlin, Robert Allen, Don Kerr, Charles Greene, Albert Starnes

**ABSENT:** Dan Wooten, Christa Boggs, William McGuirt, Richard Simpson

**ALSO PRESENT:** Richard Black, Roger Horton, and Pam Rivers

**ITEM NUMBER ONE**

Call to Order

Chairman Allen called the meeting to order at 7:00 p.m. Charles Greene was made a voting member.

**ITEM NUMBER TWO**

Additions and/or Deletions to the Agenda

Motion was made by Andy Williams and seconded by Albert Starnes to add Christy Putnam, Director of Union County Public Works, to the agenda.

**ITEM NUMBER THREE AND FOUR**

Approval of the Agenda

Approval of the January 8 2008 minutes

Motion was made by Andy Williams and seconded by Everette Medlin to approve the agenda and the approval of the January 8, 2008 minutes.

**ITEM NUMBER FIVE**

Christy Putnam, Director of Union County Public Works, addressed the Planning Board and members of the Land Use steering committee on water and sewer issues and future water and sewer projects in the County.

**ITEM NUMBER SIX**

***Preliminary Plat Review of The Ponds @ Brandywine Subdivision***, for Beall and Simmons, LLC, containing 46.15 acres with 40 lots, located off Mill Grove Rd. (S.R. # 1525) being within Goose Creek Township.

**STAFF RECOMMENDATIONS: FAVORABLE, WITH COMMENTS**

The following comments have been received from various review agencies:

**Union County Stormwater** – No 100-year flood prone area.

**Department of Transportation** – No comment has been received.

**County Schools** – This development will be in the current Fairview Elementary, Piedmont Middle, and Piedmont High School districts. All three of these schools are presently below capacity. The proposed development, even when fully built out, would not bring any of these schools up to its rated capacity, assuming the currently accepted student generation rate.

**Public Works Department** – County sewer is not available. Presently, will provide water to 39 lots.

**Health Department** – Finds the basic plans to be in good order, being based on the proposed use of a sewer system approved by the NC Division of Water Quality.

**Planning Department** – The plat should be approved with the following comments being met when filing for final plat approval:

1. Developer shall be responsible for receiving written approval from the NC Department of Environment and Natural Resources on the sedimentation/erosion control plans, and the NC Division of Water Quality on storm water and sewer system, Union County Public Works Dept. on water, and the North Carolina Dept. of Transportation on the road profiles.
2. Developer shall post a 15% road maintenance security in accordance with Section 83(b), as well as a construction guarantee equaling 125%, if necessary, when submitting the final plat.
3. Any on-site disposal shall be delineated according to Section 180 of the Union County Land Use Ordinance.
4. The final plat shall be submitted in digital format.
5. Street signs must be paid for in the Union County Purchasing Department before final plat approval.
6. Adequate Public Facilities Ordinance information is listed below.
7. The Union County Storm Water Dept. must approve the storm water plans.
8. The creation of a Home Owners Association to maintain all private utilities and amenities.

### **Adequate Public Facilities Staff Review**

As described on the Major Development Permit Application this review is for a development identified as The Ponds at Brandywine Subdivision. This development is located on tax parcel 08-288-003 placing it in the attendance areas of Fairview Elementary, Piedmont Middle, and Piedmont High. As submitted, this development will create 40 new single-family residences, which will impact the schools as follows: Fairview Elementary – 21 students, Piedmont Middle – 8 students, Piedmont High – 9 students. The current capacity of the existing schools is as follows: Fairview Elementary – 670 students, Piedmont Middle – 1000 students, Piedmont High – 1200 students. The total existing and permitted demand on these schools is as follows: Fairview Elementary – 689 students, Piedmont Middle – 797 students, Piedmont High – 989 students. When years 3-5 of the adjacent elementary schools CIP are added to Fairview Elementary capacity becomes available. Based on the above information this development is compliant with school capacity for the middle and high school levels only. The applicant has agreed, in order to become compliant with the APF section, to provide mitigation in the form of the developments pro rata share of facility capacity costs necessary to accommodate the demand it generates.

Based on this information staff recommends that, as long as all other requirements of the Land Use Ordinance are met, the Planning Board approve this subdivision with the following conditions\*:

1. At the time of final plat approval the applicant provide the pro rata share of facility capacity costs necessary to accommodate the demand generated by the development. At the time of evaluation this is \$7972 per lot.

\*If additional school capacity becomes available and the applicant requests a new evaluation by staff and the results of the evaluation are favorable to the applicant the conditions may be modified by staff without additional action required by the Planning Board.

Mr. Richard Simmons developer, was available to answer any questions from the Planning Board. Mr. Simmons stated to the board that they do have their permit from Division of Water Quality and that the state and the homeowners association would be maintaining the sewer system.

Motion was made by Robert Allen and seconded by Everette Medlin to approve. The vote was 7 to 0.

#### **ITEM NUMBER SEVEN**

Text Amendment Section 367 (b) Adequate Public Facilities Ordinance, Mitigation – Edwards Construction Inc.

Mrs. Ann Edwards of Edwards Construction wanted to know if the fee for the APFO could be collected at closing or when the building permit is issued.

Mrs. Edwards said she just wanted to see if the process could be handled differently and not have to pay the fee before the lots are sold.

Mr. Dan Kelly also spoke to board about the APFO fee and to see if it could be done at building permit.

Mr. Cody Helms also spoke to the board about the APFO fee and agreed that it would be better to collect at the building permit stage.

Mr. Richard Black also explained to the board that it would be better to collect at building permit, it would be too hard to track at the closing.

Motion was made by Robert Allen and seconded by Russell Cox to table this until next month's meeting to get more information from staff and what would work better for staff. The vote was 7 to 0.

#### **ITEM NUMBER EIGHT**

Text Amendment Section 187 Incentives for Cluster Development (a) (#3) Open Space.  
**(TABLED AT THE JANUARY 8, 2008 MEETING)**

Mr. Black reviewed Section 187 (a) (#3) Open Space with the Planning Board. After some discussion, the Planning Board agreed to delete the requirement that at least 50% of the open space must not be in the FEMA 100-year floodplain.

## SECTION 187 Incentives for Cluster Developments

The purpose of this section is to provide flexibility, consistent with the public health and safety and without increasing overall density, to the developer who subdivides property and constructs buildings on the lots created in accordance with a unified and coherent plan.

- (a) After consultation and approval by the planning staff, a developer may be allowed to create a residential single-family cluster subdivision with lots smaller than those required by Section 181. Property zoned R-40 and RA-40 shall have a minimum lot size of 20,000 square feet. Properties zoned R-20 and RA-20 shall have a minimum lot size of 15,000 square feet. In the event the developer creates smaller lots, the land set aside as open space must remain open space, regardless of transfer of ownership. This section only applies to residential subdivisions in the RA-40, R-40, RA-20 and R-20 zoning districts where major development permit approval is required after the effective date of this section. The minimum project size to apply in this section shall be 25 acres. The cluster provision is not applicable in any other residential zoning districts.

To use the Cluster provision the following must be provided:

- 3) Open Space – At least 10% of the total site must be set aside as permanent open space, which is accessible to the residents of the development. ~~At least 50% of the open space must not be in the FEMA 100-year floodplain.~~

Motion was made by Don Kerr and seconded by Albert Starnes to approve the Section 187 Incentives for Cluster Development (a) (#3) Open Space. The vote was 7 to 0.

### **ITEM NUMBER NINE**

Planning Staff Report (Work in Progress)

Mr. Black informed the Planning Board about the public forum for the Land Use Plan, on Tuesday, February 26, 2008 at 7:00 pm at Union County Ag Center.

### **ITEM NUMBER TEN**

Brief Comments

Andy Williams	No Comment
Russell Cox	No Comment
Albert Starnes	No Comment
Everette Medlin	No Comment
Robert Allen	No Comment
Charles Greene	No Comment

Don Kerr

No Comment

**ITEM NUMBER ELEVEN**

Adjournment

The meeting adjourned at 9:30 p.m.