

**TOWN OF UNIONVILLE
MINUTES OF PLANNING BOARD**

The Unionville Planning Board held its regular meeting on Monday, July 6, 2009 at 7:30 p.m. in Town Hall, 1102 Unionville Church Road, Monroe, NC. Chairman Price and Board members Andrew Benton, Andy Fowler, Jaren Simpson and Ken Trull were present. Alternates Larry Helms and Todd Loving sat in for absent members Jerry Hinson and Jim Walker.

Everyone stood and recited the Pledge of Allegiance, after which Board member Ken Trull led the prayer of invocation.

Chairman Price called the meeting to order and welcomed everyone.

Upon motion duly made by Ken Trull, seconded by Andrew Benton, the Board unanimously approved the minutes of the June 1, 2009 regular meeting.

Chairman Price recognized Land Use Administrator Jana Finn, who reviewed ZC-09-004, a parallel conditional-use rezoning request by Unionville Development Company, LLC to rezone property located off of Duncan Road, consisting of 123.66 acres, tax parcel number 08-267-011A and 08-234-025 from RA-40 to CUD-R-40 for an age-restricted community. Mrs. Finn stated that this is a two-part request—first, a conditional use rezoning from RA-40 to CUD-R-40 for specific use age-restricted; and second, a conditional use plan specific for this site. The Planning Board's role is to review the petition and make a recommendation on rezoning and the site-specific plan. Then, the applicant will appear before the Council, who must call for a public hearing prior to voting on the request. Mrs. Finn reviewed her staff report and recommendation with Planning Board and recommended that the Board consider findings of fact, since it is required for the Council to consider. A statement of reasonableness must be included in the Planning Board's recommendation. The plan shows approximately 100 multi-family units made up of a combination of quadplexes and duplexes with a recreation area. The Land Use Plan recommends this property remain low-density single-family lots of a minimum of 40,000 square feet per acre. The site plan is in compliance with zoning regulations for R-40 for dimensional and setback requirements. If approved, this would go through the major development permit process, with detailed documents submitted to the Town.

Mrs. Finn addressed each of the five Staff Comments on Outstanding Site Plan/Submittal items and the eleven Staff Recommendations on Conditions to attach to Site Plan in the staff report. A copy of this report is appended to these minutes. Mrs. Finn reminded the Board that the Council must first make the four findings of fact in considering a conditional use permit.

Board member Ken Trull made inquiry as to whether the applicant has a list of Mrs. Finn's comments. Mr. John Tarleton stated that he received it this afternoon.

Mr. Tarleton addressed the Board, stating that Unionville Development Company had previously requested a text amendment, which was approved by Planning Board, however, they withdrew that application, and are now requesting rezoning. A 72-lot subdivision has been approved for this site. One correction to the staff report is that there are no mobile homes on the site. They have a right-of-way beside the entrance that they have purchased. The developer will probably build a right-turn lane on Ridge Road. Polo Club Villas in Mint Hill are very similar to what they are proposing. This is better than single-family zoning, as it requires one house per 40,000 square feet. This development will have 100 living units on 123 acres. The bulk of the buildings will be masonry. Units will have 2 bedrooms, a den or study and kitchen with dining. Some will have a heated and air-conditioned sunroom; some will

have screen porches instead. The private drive from Desoto Court will not meet NCDOT standards. If they need to increase the size of the road, they will do that. They will have additional area for the right of way to meet exit requirements. The private drive off Duncan Road will meet NCDOT requirements. Partners in this group are Unionville people and won't do anything to damage Unionville; his partners are Joey Gamble, Darrell Baucom, Doug Helms, JR Hasty, Dan Ellis and Craig Rushing. The homes will be served with septic systems and well water. Currently, there is one well on the site. They purchased two pieces of property—the Stallings estate and a property from Terry Price. The site has enough good soil for septic systems. The Homeowners' Association will maintain everything. With an age-restricted community, you're not adding to the school population (Porter Ridge), which would be a major problem. Mr. Tarleton stated he would move here, and he lives in Monroe now. The final covenants and restrictions will be submitted to the Town for approval from the attorney, as well as final architectural plans. Instead of 40,000 square feet per unit, this property would be 45,000-50,000 square feet per living unit. He wants to keep the roads private so the residents can ride around on their golf carts. The Homeowner's Association would maintain the streets. There will be eight duplexes and 21 quadplexes, totaling 100 units.

Board member Ken Trull inquired about the unused area. Mr. Tarleton stated this would be common area maintained by the Homeowner's Association. There will also be a clubhouse with a meeting room, exercise room and kitchen; there will not be a pool.

Board member Jaren Simpson inquired about homeowner association dues. Mr. Tarleton estimated \$150 per month, and stated that Sun City in Fort Mill charges \$250 per month. Mr. Simpson also made inquiry as to not turning the streets over to the NCDOT only to be able to ride golf carts. Mr. Tarleton believes that if the roads are maintained properly, they won't need paving for a long time; the streets would, however, meet NCDOT specifications.

Chairman Price made inquiry as to this being a gated community. Mr. Tarleton stated that it would not be gated initially, although the Homeowner's Association could gate it later. Mr. Tarleton stated that there is only one entrance to the community, on Duncan Road, which is approved by NCDOT. There won't be as much traffic in this community as there would be in a 72-lot subdivision, and the only two things that are selling now are starter homes and age-restricted communities.

Board member Simpson made inquiry as to how Item 7—"no occupant younger than 19 years old" would be enforced. Mr. Tarleton stated that the Homeowner's Association will be very active and will control that. Also, visitation for grandkids will be restricted in the covenant as to how long they can stay, since it is an age-restricted community. Recourse could be a fine and possibly a lien on the property.

Board member Larry Helms made inquiry as to the portion of the houses to be masonry. Mr. Tarleton stated that they would only use siding around the sunroom; the rest of the houses would be masonry.

Someone made inquiry as to when they could get started. Mrs. Finn stated that there are still several steps to take—a public hearing in August, engineering reviews, major development plan reviews. This would take four to six months.

Someone made inquiry as to wells and septic systems. Mr. Tarleton stated that he is hoping to serve four units on one well, although it's possible to serve five on one well. Currently, there is one well on the property producing 40 gallons per minute. He is not sure of the septic layout, but there is enough soil that perks to have septic systems.

Chairman Price made inquiry as to the width of the streets. Mr. Tarleton stated they would be two-lanes, 45 feet minimum, which meets the NCDOT requirements. The streets would be similar to Old Gate, Smith Field and Bicket Ridge.

Mr. Joey Gamble addressed the Board, and stated that they don't want to build 1,200 – 1,300 square-foot vinyl houses, which will add students to the school system. They want to do something different, and the age-restricted is the safest way to go; it will keep property values up. They want to put the best product out there. Someone made inquiry as to the possibility of owners having children. Mr. Gamble stated that if a miracle happens, the residents could talk to the Homeowner's Association and ask for an amendment or sell their property. The property owners would know the rules prior to purchasing the property. It will take a 75% vote of the homeowners to change the restrictions and covenants. Someone asked about heirs inheriting the property. Mr. Gamble stated that the deed restrictions would still be maintained. They must sell to those older than 55 years. Someone asked about a life estate issued on the property. Mr. Tarleton confirmed that the life estate can be issued, but the person would need to be 55 years old to live there.

Mrs. Finn addressed a few issues that have been brought up during the meeting. There have been no architectural renderings or plans submitted to the Land Use Administrator. She has no percentage list of materials, or anything. She requests firm architectural information, since she will be the one to review and approve permits. Mr. Tarleton will not be able to enter the photo he submitted, as this is a photo of Polo Club Villas. He did state that their development would be very similar to the photo. Mr. Tarleton stated that the construction materials would be 80 percent masonry. Mrs. Finn requested a black-and-white rendering, which is normally submitted.

The NCDOT approval for driveways should not be assumed, since this is going from 72 lots to 100 lots. Mr. Tarleton stated that if the Town wants them to turn the roads over to NCDOT, they would agree to do that.

Mrs. Finn stated two issues of concern: road maintenance and only one access into the community. The Land Use Ordinance doesn't address that specifically, so it's left up to the NCDOT. She feels these issues need more discussion before a motion is entertained.

Mrs. Finn also asked the applicant if he agreed to conditions 9 – 11 on page 3 of her staff report. Mr. Tarleton agreed to all of those conditions. A copy of the staff report is appended to these minutes.

Someone made inquiry as to the size of the clubhouse. Mr. Tarleton estimated 2,500 – 3,000 square feet.

Board member Ken Trull made a motion to recommend the rezoning request with the additional staff recommendations and conditions 1-11, as agreed upon by the applicant, as this is found to be consistent and reasonable with the current Land Use Plan and Land Use Ordinance. No second was given. There was no motion to deny or table this item.

Mrs. Finn stated that the Planning Board has up to 30 days to review a request; therefore, it may be addressed at the next regular Planning Board meeting. Board member Ken Trull made inquiry as to what information the Board might receive next month that they don't have tonight. Mrs. Finn asked that Board members share their concerns or issues so they might be addressed. There were no comments.

Hearing no motion or comments, Chairman Price tabled this item until the August 3, 2009 regular meeting.

Mrs. Finn stated that the applicant is allowed to ask Town Council to set a public hearing at their July 20, 2009 meeting, if they so desire. She also reminded everyone of the upcoming August 3 Planning Board meeting at 7:30 p.m. and the Council meeting on August 17, 2009 at 7:30 p.m. She stated that she will work with the applicant to get the information on the Town's website.

In other business, Mrs. Finn stated she has received several complaints of tall grass, junk vehicles, etc. The tool she would need to investigate these complaints is a Nuisance Ordinance, which was discussed in the past but never adopted. This would be handled under a separate contract with Centralina COG. Mr. Simpson made inquiry as to enforcement. Mrs. Finn stated that usually a letter is sent, giving the homeowner 10 days to address the problem. If this is not done, fines can be implemented. The consensus of the Board was for Mrs. Finn to bring some information to the August 3, 2009 meeting.

There being no other business, Chairman Price declared the meeting adjourned.

Respectfully submitted,

Sonya Gaddy
Clerk