



DAVIDSON COUNTY PLANNING DEPARTMENT

GOVERNMENTAL CENTER
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C. SCOTT LEONARD
PLANNING DIRECTOR

R. LEE CROOK, JR.
ZONING ADMINISTRATOR

LEXINGTON 336-242-2220

TO: Planning Board Members
FROM: Scott Leonard, Director
SUBJECT: Next Planning Board Meeting
DATE: August 28, 2023

The next meeting of the Planning Board will be Tuesday, September 5th at 6:00pm. Currently, we only have one rezoning request and one subdivision request on the Agenda.

The rezoning request is in Thomasville Township for property along Cedar Lodge Road. The request is to change the property from HC to RS in order to build houses.

The Subdivision request is for a final approval for Raven Ridge Phase 2C. This development is located off Arnold Road near the I-285 overpass. The Board has already approved several phases of this development; therefore, the roads and infrastructure have already been built. This last phase is simply to include the lots that were scattered within the development that had not received a septic permit at the time. They now have their permits and the developer is seeking approval.

If you have any questions for the staff regarding either item, please let us know. If not, we look forward to seeing you next week. Have a nice Labor Day weekend.

SL/srw

DAVIDSON COUNTY PLANNING BOARD AGENDA

9/5/2023

6:00PM

- I. *Welcome by the Chairman*
- II. *Adoption of the Agenda*
- III. *Public Address*
- IV. *Approval of the Planning Board Minutes*
 - A. *8/15/2023*
- V. *Rezoning Requests*
 - A. *Anthony and Tammy Downs- HC to RS- Thomasville Township*
- VI. *Subdivisions*
 - A. *Raven Ridge Phase 2C- Final Plat Approval- Lexington Township*
- VII. *Adjournment*

Persons with disabilities who may need special accommodations to participate in this meeting should notify the County Manager's office at 336-242-2200 at least twenty-four hours prior to the start of the meeting.

COMMISSIONERS MEETING ROOM
DAVIDSON COUNTY GOVERNMENTAL CENTER
913 GREENSBORO STREET, LEXINGTON, NORTH CAROLINA

8/15/2023

DAVIDSON COUNTY PLANNING BOARD MINUTES
for 8/15/2023, 6:00pm
Governmental Center
Lexington, North Carolina

Members Present: Joe Hayworth, Wesley Kimbrell, Randy Barney

Members Absent: Chairman Greg Greene, Vice Chairman Ted Myers, Jim Myers

Staff Present: Scott Leonard, Lee Crook, Josh Tussey, John Wheeler, Stephanie Wilson, Asst. County Attorney Andrew Howe

Others Present: James Houck, David Mallard, Tyler Holt, Stephanie Holt, Bruce Hubbard, Justin Nifong, Monica Patel

Prior to conducting business on the agenda, Joe Hayworth motioned to add Randy Barney as a voting member for the meeting. Wesley Kimbrell seconded the motion which passed.

A motion was then made by Wesley Kimbrell to appoint Joe Hayworth as acting Chairman for the meeting, to which Randy Barney seconded. By a vote of 3-0 the motion carried.

Lastly, a motion to excuse Chairman Greene, Vice Chair Myers and Mr. Jim Myers was made by Wesley Kimbrell. Joe Hayworth seconded Mr. Kimbrell's motion which was approved 3-0.

I. WELCOME BY THE CHAIRMAN

II. ADOPTION OF THE AGENDA

Staff had no proposed changes or amendments to the agenda, therefore, Randy Barney motioned to approve the Agenda as presented. Wesley Kimbrell seconded, and by a vote of 3-0 the motion carried.

III. PUBLIC ADDRESS

IV. APPROVAL OF THE MINUTES

A. 8/1/2023 Planning Board Minutes

Wesley Kimbrell motioned to approve the minutes from the 8/1/2023 Planning Board meeting. Randy Barney seconded the motion, which received a 3-0 vote.

V. REZONING REQUESTS

A. James Houck- RA-2 to RM-1- Tyro Township

Mr. Crook read the legal into record before inviting Mr. Wheeler to explain the nature of the request.

In his introduction of the application, Mr. Wheeler described subject property's location and talked about the surrounding mixed zoning districts and uses. Before inviting the applicant to further explain the reason for the request, Mr. Wheeler briefly informed the Board of the Applicant's intentions of building, as many as six, campus style duplexes on-site.

Having campus-style duplexes on the property, according to the Applicant James Houck, would be ideal since he would only need to develop roughly half of the site, keeping the remainder of the proposed location wooded and undisturbed. Without rezoning, he indicated he could construct four duplexes, but doing so required grading the whole property. He said he recently cleared about 3 acres of the site and hoped he received approval of the rezoning in order to preserve the rest of the land.

Mr. Houck went on to say the proposal contained a 20-foot wide paved road to access the buildings, and each unit would have a concrete pad for parking. In order to offer the Board a better sense of what the proposed product would look like, he referred to a nearby location with features similar to what he intended to develop. Mr. Houck stated that the community would look very appealing and was going to have a set of restrictions in place to guarantee the condition of the property would not appear unkept.

Mr. Kimbrell questioned where the septic field would be located. Mr. Houck explained he had not yet reached that point, that he planned to move through the rezoning process prior to perk testing the site.

The next question from Wesley Kimbrell was if Mr. Houck had obtained a sediment and erosion control permit from the state before clearing the 3 acres stated previously. Mr. Houck said he had sown grass to prevent erosion issues but he was unaware a permit was required to clear the property. Since grass had already been planted, Mr. Kimbrell said the site would likely require further clearing. He subsequently urged the applicant to apply for a sediment and erosion control permit at that time to avoid a \$25,000 fine from the state for failing to do so when required.

When questioned by Wesley Kimbrell about whether a NCDOT Driveway Permit had been obtained or not, Mr. Houck stated he was in the process of applying for the permit with the help of a local surveyor.

Mr. Hayworth was pleased with the proposal of leaving about half of the tract undisturbed.

Mr. Crook read the staff analysis in support of the request.

Attorney Howe questioned if there were any known infractions for the site; to which Mr. Crook replied he was aware of none.

A motion made by Wesley Kimbrell to recommend approval of the rezoning request was seconded by Mr. Barney. A vote of 3-0 granted the motion.

This item is scheduled to be heard by the Board of Commissioners September 11, 2023 at 6pm.

B. David Mallard- RC to RA-1- Tyro Township

Prior to asking Mr. Wheeler to introduce the application, Mr. Crook read the legal into the record. Zoning Officer John Wheeler explained the basis for the request, the location of the subject property, and gave an overview of the surrounding neighborhood.

David Mallard stated he used to operate a mechanics shop at the location but had since retired. He further explained, when Zoning was originally implemented in the area, he went to the courthouse to request a commercial zoning for his property. According to Mr. Mallard, he recently asked his electric provider why his power bills for his house and his garage were so high, and they explained it was due to the commercial zoning. Since the business was no longer in operation, Mr. Mallard requested his property be rezoned to the adjacent rural agricultural zoning district in order to save money on his power bill and because his property was no longer being used commercially.

No one spoke in support or opposition to the request, therefore, Mr. Crook read the staff analysis, which supported the request.

It was mentioned there were no known infractions pertaining to the site.

Wesley Kimbrell motioned to recommend approval of the rezoning request. Mr. Barney seconded the motion which received a vote of 3-0.

This item is scheduled to be heard by the Board of Commissioners August 28, 2023 at 6pm.

C. Tyler & Stephanie Holt- RA-1 to RA-3- Conrad Hill Township

Mr. Crook read the legal advertisement of the property into record prior to Zoning Officer Tussey presenting the application to the Board.

In his introduction, Mr. Tussey provided the Board with a description of the site's location. He also talked about the adjoining zoning districts and types of uses in the vicinity. The rezoning request, according to Mr. Tussey, had been submitted in order to permit the applicants to place a single-wide mobile home on the subject property.

Tyler and Stephanie Holt addressed the Board. Mr. Holt explained that he and his wife were living with a parent on the property adjacent to the location of the request. When they were deeded the property in question, they were unaware of zoning restrictions that would not allow a single-wide mobile home to be located at the site. He went on to say that he and his wife were pleased to find a new, attractive, and affordable single-wide manufactured home.

Mrs. Holt added the site was family land, and that she grew up on the adjacent tract where they were living. According to her, the mobile home would be located off of Highway 64 and out of sight of drivers.

There was questions about whether there was legal access to the site. Mrs. Holt stated she and her husband had been working with Clayton Homes and assured the Board legal access would be verified before financing would be approved through the lender.

For the record, Attorney Howe asked the Staff if they were aware of any unpaid taxes or other violations that had an impact on the site; Mr. Crook said he wasn't aware of such at this time.

No one was in attendance to speak for or against the application, therefore Mr. Crook read the Staff Analysis in support of the request. Randy Barney motioned to recommend approval of the application. Mr. Kimbrell seconded Mr. Barney's motion, which passed 3-0.

This item is scheduled to be heard by the Board of Commissioners on Monday, September 11th, 2023 at 6pm.

VI. SUBDIVISIONS

A. Coble Farm Phase I- Final Plat Approval- Tyro Township

According to Mr. Leonard, the request contained 21 residential lots, all meeting the minimum standards in place at the time of preliminary plat approval. The location and layout of the subdivision was explained to the Board by Mr. Leonard. He stated during his site visit earlier in the day the roads had been built, the road sides had been seeded and sewn, and everything appeared to be order.

Mr. Leonard reported he received documentation from Eric Bailey with Piedmont Environmental that verified suitable soils had been found for each proposed lot and 21 septic permits had been obtained. Mitch Latham of Latham-Walters Engineering confirmed condition of the waterlines met proper requirements and the road construction adhered to NCDOT standards. A letter from Jeff Jones had also been received by Mr. Leonard that verified the City of Lexington's ability to serve the site with power.

Justin Nifong was present to represent the developer and answer any questions the Board had.

Mr. Kimbrell and Mr. Nifong discussed drainage easements on the land. Mr. Kimbrell requested the final plat include a reference to the easement for the power lines located on the site, which Mr. Nifong agreed to.

With no further discussion, Randy Barney motioned to approve the final plat of Coble Farm Phase I. Wesley Kimbrell seconded Mr. Barney's motion which received a 3-0 vote.

B. Arbor Park- Preliminary Plat Extension- Hampton Township

Mr. Leonard reminded the Board of the August 16, 2022 Planning Board Meeting, when the preliminary plat for Arbor Park was approved. He explained the development of the site had not begun, therefore, the developer was requesting an extension of the preliminary plat's prior approval. Mr. Leonard further explained, if the Board approved the plat extension, it allowed the developer to move forward with the plat as presented, even though lot size minimums had increased since approved; and if denied, the developer could still develop the tract with a similar lot yield by utilizing the lot size averaging rule adopted by the Commissioners.

Justin Nifong and Bruce Hubbard were present to explain the reason for the delay in progress to the Board.

Mr. Hubbard introduced himself to the Board and said the soil analysis was the primary factor in why the development hadn't advanced. He reported having a builder ready to take over the site once it had been completed.

According to Mr. Nifong, further testing of the site had shown suitable soils and questionable soils, but overall, they hoped to have sites that perked on each proposed lot. He then informed the Board of new laws passed at a state level that ultimately made it harder to develop due to new septic system requirements.

Mr. Nifong referenced Mr. Leonard's comment regarding the likelihood of lot size averaging if the extension was denied. He said if the request was turned down, the development would face hardship because the most recent text amendments required a 50-foot front setback, which would leave a 20-foot-deep rear yard and make it difficult or even impossible to build under the new septic regulations.

The delay with the soil tests was then explained by Mr. Nifong. He said, due to staffing shortages in 2022 and 2023, the Davidson County Health Department was behind on its soil evaluations. Private property owners and developers contacted private soil scientists more frequently than they had in the past in an effort to expedite the procedure necessary to get septic permits, placing some strain on those companies as they struggled to keep up with the demand.

Mr. Kimbrell inquired whether progress had been made outside of the soil analysis, to which Mr. Nifong replied, "No." He stated they had been waiting for clarification of the new septic system legislation as well as to see if the preliminary plat would be given an extension before proceeding with additional permitting.

After discussion between the Board and Justin Nifong, it was determined a one-year extension would suffice. Wesley Kimbrell motioned to extend the preliminary plat for Arbor Park for a time period of one year. Randy Barney seconded the motion and by a vote of 3-0, the motion carried.

C. Patel's Place- Preliminary Plat Extension- Healing Springs Township

Mr. Leonard informed the Board in his introduction the preliminary plat for Patel's Place had undergone review and received approval by the Board on August 16, 2022. The development contained 69 proposed lots, all of which met the standards in place at the time of approval. Much like the previous item heard, the applicant was requesting an extension in an effort to remain grandfathered under the previous subdivision regulations.

Owner of the site, Monica Patel, was available for questioning by the Board.

Wesley Kimbrell recalled notifying Mrs. Patel at the August 16, 2022 meeting that a 401/404 permit would be required given the jurisdictional features on the property. He asked if she had obtained the required permits. Monica Patel explained she had not applied for those permits because she was waiting on the soil evaluation. She added she planned to complete the new proposed first phase of the project before moving forward with development of the remainder of the property. Wesley

Kimbrell asked Mrs. Patel if she had modified the configuration of the approved preliminary plat, to which she confirmed.

The Board and Mrs. Patel continued their lengthy discussion. The plat revision, the 401/404 permit process, possibility of lot size averaging if denied, the inadequate advancement with having the soils evaluated, and overall lack of progress were all talked about.

Mrs. Patel argued that having the request denied was not in her best interest. She was still in search of a developer to take over the site and realized the grandfathered standards would be more desirable to developers than the revised rules. She then requested the Board allow her to proceed with the seven proposed lots fronting NC Highway 8, to allow the amended preliminary plat be extended, and if no progress was observed in one year, the request be denied at that time.

Mr. Kimbrell moved to deny the request after further consideration and discussion. Mr. Barney seconded Mr. Kimbrell's motion, which received a 3-0 vote.

VII. ADJOURNMENT

With no further discussion, Wesley Kimbrell motioned to adjourn the meeting. Randy Barney seconded the motion and by a vote of 3-0 the 8/15/2023 Planning Board meeting was adjourned.

Secretary to the Planning Board

Chairman of Davidson County Planning Board