



**LINCOLN COUNTY PLANNING & INSPECTIONS DEPARTMENT**  
302 NORTH ACADEMY STREET, SUITE A, LINCOLNTON, NORTH CAROLINA 28092  
704-736-8440 OFFICE 704-736-8434 INSPECTION REQUEST LINE 704-732-9010 FAX

To: Board of Commissioners  
Planning Board

From: Randy Hawkins, Zoning Administrator

Date: February 19, 2016

Re: PD #2016-1  
Queen City Land, applicant  
Parcel ID# 29612, 34739, 71249 and 71250

*The following information is for use by the Lincoln County Board of Commissioners and Planning Board at their joint meeting/public hearing on March 7, 2016.*

#### UPDATE

The hearing on this rezoning request is a continuation of a hearing that was opened on February 1. Much of the discussion at the earlier session involved a potential site for an elementary school adjacent to the proposed subdivision that the developer has offered to donate.

At its regular meeting on February 9, the county Board of Education voted 5-1 to accept the offer.

Attached to this report is an amended master plan for the proposed development. The following changes have been made in the plan that was presented at the hearing last month:

- 1) The Planned Development report has been amended to include a commitment by the developer to donate 17 acres to the county, provided the site is used for a school.
- 2) The subdivision plan has been revised to show an access to the school site from the proposed development's main entrance off N.C. 16 Business.
- 3) The subdivision plan and Planned Development report have been amended to call for a minimum 30-foot front setback for homes. Previously, a minimum 20-foot front setback was proposed.

#### REQUEST

The applicant is requesting the rezoning of 70 acres from R-SF (Residential Single-Family) to PD-R (Planned Development Residential) to permit up to 200 lots for single-family homes. Under the Lincoln County Unified Development Ordinance, any proposed subdivision with 50 or more lots is subject to approval through the planned

development process. The applicant is also proposing lots smaller in size than the minimum area permitted in the R-SF district.

A concept plan and guidelines for the proposed development, Newton Crossing, have been submitted as part of the rezoning application and would serve as the master plan for the development if the rezoning request is approved. A traffic impact analysis has also been submitted. (The traffic study also looks at the potential impact of an elementary school located adjacent to the proposed subdivision.)

#### SITE AREA AND DESCRIPTION

The property is located on the east side of N.C. 16 Business about 1,200 feet south of Webbs Road. It is adjoined by property R-SF, PD-R (a single-family phase of the Westport Lakeside development), B-G (General Business) and B-N (Neighborhood Business). Land uses in this area are primarily residential, with some business uses along N.C. 16 Business. County water and sewer are available in this area. This property is largely located in a WS-IV Protected Area watershed district, with a small portion located in a WS-IV Critical Area. None of the property is located in a floodplain.

#### PLAN CONFORMANCE

This property is part of an area designated by the Lincoln County Land Use Plan as Suburban Residential, suitable for densities of upwards of 1-2 units per acre depending on the provision of utilities. The proposed subdivision would be served by county water and sewer. The proposed density is 2.9 homes per acre.

#### UDO COMPLIANCE

Under the UDO's watershed regulations, the maximum density for subdivisions in a WS-IV Protected Area is two homes per acre if streets include curb and gutter, or three homes per acre without curb and gutter, as is proposed in this case.

The UDO requires that a planned development include a minimum of 12.5% recreation and open space. Approximately 26% of the acreage in Newton Crossing would be reserved as recreation and open space.

Subdivisions with more than 50 lots are required to have at least two access points. This proposal calls for a main access on N.C. 16 Business and a secondary access on Sarah Drive, which is a state-maintained road. The plan also complies with the UDO's subdivision standards for internal connectivity, block length and cul-de-sac length.

#### STAFF'S RECOMMENDATION

Staff recommends that the rezoning request be approved. See proposed statement on following page for rationale.



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### **Zoning Amendment Staff's Proposed Statement of Consistency and Reasonableness**

Case No. **PD #2016-1**  
Applicant **Queen City Land**  
Parcel ID# **26912, 34739, 71249 and 71250**  
Location **east side of N.C. 16 Business about 1,800 feet south of Webbs Road**  
Proposed amendment **rezone from R-SF to PD-R to permit up to 200 lots for single-family homes**

This proposed amendment **is consistent** with the Lincoln County Comprehensive Land Use Plan and other adopted plans in that:

**This property is located in an area designated by the Land Use Plan as Suburban Residential, suitable for densities of upwards of 1-2 homes per home depending on the provision of utilities. The proposed subdivision will be served by county water and sewer.**

This proposed amendment **is reasonable and in the public interest** in that:

**This property is located in an area that is primarily residential. The plans for this subdivision meet all of the requirements of the Unified Development Ordinance. Approximately 26% of the property will be set aside as recreation and open space. Amenities will be provided as part of the master plan.**

**PD-R REPORT**  
**FOR**  
**NEWTON CROSSING SUBDIVISION**  
**N. HIGHWAY 16**  
**LINCOLN COUNTY, NORTH CAROLINA**

**PREPARED BY:**



**CES GROUP ENGINEERS, LLP**  
**274 N. Hwy 16, Suite 300**  
**Denver, NC 28037**  
**Phone: 704-489-1500**  
**Firm License #: F-1240**

**February 18, 2016**

**PD-R REPORT  
NEWTON CROSSING SUBDIVISION  
N NC 16 BUSINESS HWY  
LINCOLN COUNTY, NC**

**1. PROJECT INFORMATION**

Newton Crossing Subdivision is a proposed single family residential community proposing a mix of single family detached homes on approximately 70 acres, on the east side of North NC16 Business Hwy, just south of Sarah Drive (see PD-R Plan). The overall acreage is 86.84 acres of residentially zoned property, resulting in an allowable density of up to 260 lots. The developer has agreed to donate 17.04 acres of the 86.84 acres to the County for a future Elementary School site. Should for any reason the County elect to not utilize the donated land for a school, the developer reserves the right to develop the property for residential purposes, as permissible. The project will include Parcel ID numbers 29612, 71250, 71249 and 34739. The proposed development currently shows 200 single family lots with a density of 2.9 lots per acre without curb and gutter.

Access to the site will be from N NC 16 Business Hwy and Sarah Drive. In addition, a future connection point is shown on south/southeastern property line to an adjacent future development. Land uses surrounding the site include single family residential homes and vacant land. The Planned Development Concept Plan with vicinity map is included for reference.

A key feature of the proposed community will be the ample open spaces and the community amenities. The attached plan represents approximately 26% open space, remaining undeveloped as natural buffer area and/or passive and active open space.

The property is currently zoned R-SF. Proposed zoning will be PD-R. The property is largely located in the Lake Norman IV Protected Watershed, with a small portion in the Lake Norman IV Critical Watershed, which allows 3 units per acre without curb and gutter.

**2. GENERAL PROVISIONS**

The Planned Development Concept Plan is intended to reflect a generalized arrangement of the site in terms of lot layout, street network, and open space areas. Final lot configuration, placement and size of individual site elements, streets alignments, etc. may be altered or modified within the limits of the Ordinance as described in Section 9.5.13, and the standards established within these conditional notes during the design development (platting) and construction phases. The Petitioner reserves the right to make minor modifications and adjustments to the approved Planned Development Concept Plan, including minor reconfiguring lots and street layouts, subject to staff approval, provided that the total number of residential units does not exceed the maximum permitted. Any major modifications will require resubmittal to the Board of Commissioners.

### **3. DEVELOPMENT STANDARDS**

Pursuant to Sections 2.4.9 and 9.5 of the Lincoln County Unified Development Ordinance entitled Planned Development Districts and Planned Development Review respectively; the Petitioner seeks to obtain approval of the use of the following Development Standards concurrently with the approval of the Rezoning Petition. These standards, as established both by the conditional notes as set out below and as depicted on the Planned Development Concept Plan shall be followed for development of the property. Unless otherwise approved as part of these conditional notes, the Lincoln County Unified Development Ordinance shall prevail when developing the site.

#### **A. PERMITTED USES**

- 1) The project shall be limited to 200 detached single family residential dwellings along with any incidental or accessory uses.
- 2) Uses on the Common Open Space (COS) will include a community pool, cabana with outdoor covered pavilion area, landscaping, fencing, screening, pedestrian access to the adjoining school, entry signage and monuments.

#### **B. DENSITY**

Gross residential density for the project will not exceed 2.9 lots per acre without curb and gutter streets. Open space areas shall be included in the calculations for gross residential density.

#### **C. LOT STANDARDS**

The proposed development includes a Class 'C' buffer around the perimeter of the project. Existing vegetation will be used to meet the buffer requirements where possible. Residential lots will have the following setbacks:

Front Setback: 30 feet  
Side Setback: 5 feet (10 feet for corner lots)  
Rear Setback: 30 feet

Building height shall be limited to 45 feet and lot width shall be 50 feet minimum. Lot platting will meet Lincoln County subdivision regulations.

#### **D. GENERAL SITE DESIGN**

The following items are offered as part of this development:

- 1) Streets within the subdivision shall be designed per NCDOT standards. Roadways will be dedicated to NCDOT for maintenance once density requirements are met.

- 2) All fencing shall be consistent in nature and subject to review and approval by the property management association and shall respect all sight triangles. Front yard fencing is prohibited. Rear and side yard fencing, including fencing on corner lots, shall not exceed 5' in height. Fence materials may include wood, metal, or decorative PVC.
- 3) The project will contain the following amenity features.
  - a. Community swimming pool with ample decking. Construction to commence before recordation of Phase III.
  - b. Community cabana with restrooms at swimming pool area. Construction to commence before the recordation of Phase III.
  - c. Community gathering area with picnic style tables. Construction to commence before the recordation of Phase III.
  - d. Landscape areas. Will commence construction on an ongoing basis and as home construction is completed.
  - e. Entry monumentation and landscaping to commence construction within six (6) months of final recordation of Phase I.
  - f. A signage plan shall be submitted for the development at the time construction drawings are prepared for the first section of the development. All signage shall conform to standards of the Lincoln County Unified Development Ordinance. Signage shall be monument style constructed of stone or brick material with integrated fencing or other similar mixture of materials at the petitioner's discretion, which complement the architectural characteristics of the neighborhood.
  - g. A landscaped median will be provided in the entry road at the main entrance.
  - h. Sidewalks along one side of all proposed streets

The project may (but not required) also contain the following amenity features:

- a. Natural pedestrian trails to be completed before completion of community.
  - b. If market demands, child play equipment (tot lots). Construction shall be complete before completion of community.
- 4) Canopy street trees shall be placed at 40 feet on center along both sides of the proposed streets. Any existing trees in excess of 6 caliper inches within 20 feet of the right of way shall be credited for one required tree to be planted. Driveway locations may vary the placement of street trees.
- 5) Decorative lighting shall be used through the project. Street lighting shall be of an acorn style or similar fixture type.
- 6) Mail box kiosks will be located and reviewed by the Postmaster.
- 7) Dry utilities for telephone, cable TV, electricity, and natural gas will be provided by local utility companies. Utilities within the community shall be placed

underground. The main feed lines and transformers from the main road may be located above ground.

8) Garbage collection will be provided by a private service and included in homeowner association dues.

9) Open Space

- a. The project will meet or exceed the 12.5+/-% of common open space required. Common open space will be provided as generally depicted on the Planned Development Concept Plan.
- b. A portion of the open space will be active open space, which may include features such as trails, tot lot, and picnic areas.
- c. The project will offer a Class C perimeter buffer as required by the Lincoln County UDO.

## **E. STORMWATER COMPLIANCE**

The development will be subject to Lincoln County's storm water management regulations in place at the time of preliminary plat submittal. Permanent storm water BMPs are not proposed, but will be incorporated into the design if required by stream crossing permits (401/404). Stream buffers shall be provided along all jurisdictional streams in accordance with NCDENR and Lincoln County requirements.

## **F. ESTABLISHMENT OF A PROPERTY ASSOCIATION**

A Property Management Association shall be established and will be responsible for maintaining all rights-of-way landscaping, signs, amenity features, storm water BMPs (if required), trails, and common open space areas. The documents covering the structure of the association shall be filed with the recorded final plat.

## **G. RESTRICTIVE COVENANTS**

Restrictive Covenants will be created and recorded prior to final plat recordation, to establish, among other items, permitted uses and maintenance responsibility of the property management association. Restrictive covenants will include language that ensures stream buffers, perimeter buffers, and setback areas are protected.

## **H. VEHICULAR ACCESS AND ROAD IMPROVEMENTS**

- 1) Vehicular access: Access will be provided via a main access point on N. 16 Business Hwy, a secondary access is proposed on Sarah Drive, and a future connection point on the south/southeastern property line.
- 2) Improvements to Existing Roads: A Traffic Impact Analysis (TIA) has been completed. Any improvements by developer required by NCDOT will be installed per their requirements. Any improvement will be installed based on the timeline



determined by NCDOT and the traffic engineer's phasing analysis. Below is a list of the full buildout improvements detailed in the TIA.

### **Traffic Signal Warrant Evaluations**

- Traffic volumes should be monitored for meeting the criteria of the traffic signal warrants specified in the MUTCD for the intersections of NC 16 Business at Sarah Drive, NC 16 Business at Site Access 1 and NC 16 Business at Site Access 2.

### **Intersection of NC 16 Business & Webbs Road (#1 on Figure 13 of T.I.A.)**

- Extend the northbound exclusive right-turn lane by 25 feet of full-width storage from its current length of 100. This will provide 125 feet of full-width storage.

### **Intersection of NC 16 Business & Sarah Drive (#2 on Figure 13 of T.I.A.)**

- Construct an exclusive left-turn lane with 300 feet of full-width storage on southbound NC 16 Business.
- Construct an exclusive right-turn lane with 125 feet of full-width storage on northbound NC 16 Business.

### **Intersection of NC 16 Business & Site Access 1 (#3 on Figure 13 of T.I.A. and Labeled Main Access Point on Site Plan)**

- Construct Site Access 1 with one (1) ingress lane, one (1) egress lane, and one (1) exclusive right turn lane with 125 feet of full-width storage. The driveway will operate under stop-control.
- Construct an exclusive left-turn lane with 75 feet of full-width storage on southbound NC 16 Business.
- Construct an exclusive right-turn lane with 75 feet of full-width storage on northbound NC 16 Business.

### **Intersection of NC 16 Business & Site Access 2 (#4 on Figure 13 of T.I.A. and Labeled Future Access on Site Plan for Future School)**

- Construct Site Access 2 with two (2) egress lanes. One lane dedicated to left-turning traffic and one lane dedicated to right-turning traffic. This access point will be dedicated to egress parent and staff traffic from the proposed school.

### **Intersection of Sarah Drive & Site Access 3 (#5 on Figure 13 of T.I.A. and Labeled Secondary Access Point on Site Plan)**

- Construct Site Access 3 with two (2) ingress lanes and one (1) egress lane. The two ingress lanes will provide one southbound thru lane and one southbound right-turn lane into the school driveway. The one egress lane will serve both left

and right-turning traffic onto Sarah Drive. This access point will serve all school ingress traffic and a portion of residential ingress and egress traffic.

#### **I. PERMITTING**

The Petitioner understands that all permits from Lincoln County and appropriate agencies must be obtained prior to grading or construction activities.

#### **J. CONSTRUCTION SCHEDULE AND PHASING**

The development of the site will be completed in four (4) phases as shown on the PDR Plan.

#### **K. MODEL HOMES/SALES OFFICES**

Model homes may be constructed within residential areas at the developer's discretion. Mobile temporary sales offices shall be allowed at the developer's discretion and shall be subject to any special permits required by Lincoln County.

#### **L. WATER AND SEWER AVAILABILITY**

The Petitioner understands that water and sewer availability must be approved by Lincoln County prior to development. It is the Petitioner's responsibility to incur all permit fees, availability fees, infrastructure costs for providing the water and sewer throughout the project for all buildings. The Petitioner will comply with all the County's water and sewer standards.

A 12" water line exist along southbound NC 16. Pump station 12, south of the development has sewer capacity.

#### **M. APPLICABLE ORDINANCES**

Development will be subject to the standards and requirements of the UDO in effect at the date of submission of the application for rezoning.

#### **N. BINDING EFFECT**

All conditions applicable to the development of the property approved with this rezoning, unless amended by the manner provided in the UDO, shall be binding to the Petitioner and subsequent owners of the Site and their assigns.

## **O. AMENDMENTS TO THE APPROVED CONDITIONAL DISTRICT PLAN**

It is understood that the owner of the property must apply for any future amendments to the Development Standards, Conditional Notes and in accordance to the provisions of the UDO, Section 9.5.13.



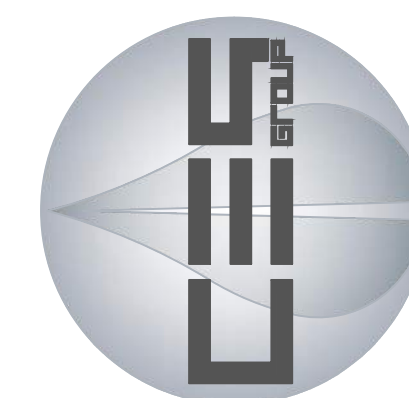


RESIDENTIAL AREA			
AREA	%	AC.	SF
SITE	100.00%	69.80	3,040,478
LOTS	61.68%	43.05	1,875,330
ROW	11.95%	8.34	363,250
OPEN SPACE	26.37%	18.41	801,898

**PRELIMINARY**  
FOR REVIEW ONLY  
NOT FOR CONSTRUCTION

REVISIONS		
NO:	ISSUE:	DATE:

CES GROUP  
ENGINEERS, LLP  
274 N. HWY. 16, SUITE 300  
DENVER, NC 28037



PROJECT DESCRIPTION:  
**NEWTON CROSSING**  
 N. HWY 16  
 LINCOLN COUNTY  
 DENVER, NC

DRAWN BY:	TFC
CHECKED BY:	DSL
PROJECT NO.	6708
COMMENTS:	

DWG. DATE:	01/14/16
DATE APPRO	

SCALE:  
1" = 200'

DRAWING TITLE:  
PLANNED  
DEVELOPMENT  
CONCEPT PLAN

DRAWING NUMBER:

CP-1

