



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: Planning Board

From: Randy Hawkins, Zoning Administrator

Date: January 17, 2014

Re: SR #75

Shea Homes Limited Partnership, applicant

Parcel ID# 85734, 02441, 31428, 51876, 32945, 58834, 58835, 86073, 86072, 86071 and 51881

The following information is for use by the Lincoln County Planning Board at their meeting/public hearing on February 3, 2014.

REQUEST

The applicant is requesting waivers from some of the subdivision standards of the Lincoln County Unified Development Ordinance for a proposed 600-acre residential development that would include up to 1,650 homes (see PD #2014-1). Under Section 9.6.9 of the UDO, the Planning Board is authorized to grant waivers from the subdivision standards if it makes certain findings based upon the evidence presented.

The applicant is requesting waivers from:

- 1) Section 5.4.4, which requires that a subdivision have a connectivity ratio of not less than 1.40.
- 2) Section 5.4.4.D.3, which requires any subdivision with 250 or more lots to provide three separate access points.
- 3) Section 5.4.11, which requires that cul-de-sacs not be longer than 10 times the minimum lot width or 1,000 feet, whichever is less.
- 4) Section 5.5, which requires that sidewalks be provided on one side of all roads.
- 5) Section 5.6.1, which requires lots to have a minimum of 35 feet of road frontage.
- 6) Section 5.6.2.A.2, which requires that block lengths not exceed 1,500 feet.

These sections of the subdivision standards are included with this report.

SITE AREA AND DESCRIPTION

The property is located on the south side of N.C. 73 and west side of Little Egypt Road in Catawba Springs Township. Killian Creek runs along the western boundary of the property. Along the southern boundary, the property is adjoined by an industrial area that includes a quarry and a landfill. On the eastern side, the property abuts existing residential developments.

§5.4.3. Road Layout

- A. The arrangement, character, extent, width, grade, and location of all roads must be in keeping with existing and proposed transportation patterns, topographical and other natural features, public convenience and safety, and proposed uses of lands to be served by such roads.
- B. The proposed road layout within a subdivision must be coordinated with the existing and proposed road network within the surrounding area (as established on adopted thoroughfare plans and the road layout within existing and approved subdivisions in the general area), including the extension to property boundaries and interconnection of roads between adjacent properties where appropriate to the development of a local road network.

Commentary: *A network of extended and interconnected local roads is intended to provide each parcel in the general area the safe, convenient, and efficient means of access that will ensure the orderly development of the parcel and the area, provide a wholesome community environment, ensure the effective and efficient provision of emergency and other public services, and help to avoid degradation of existing roads and highways.*

§5.4.4. Road Connectivity

A. Purpose

An interconnected road system is necessary in order to promote orderly and safe development by ensuring that roads function in an interdependent manner, provide adequate access for emergency and service vehicles, enhance access by ensuring connected transportation routes, and provide continuous and comprehensible traffic routes.

B. Connectivity Defined

Connectivity shall be defined by the ratio of links to nodes in any subdivision.

1. The connectivity ratio shall be the number of road links divided by the number of nodes or end links, including cul-de-sac heads.
2. A link shall be any portion of a road, other than an alley, defined by a node at either end. Stub-outs to adjacent property shall be considered links. For the purpose of determining the number of links in a development, boulevards, median-divided roadways, and divided entrances shall be treated the same as conventional two-way roadways.
3. A node shall be the terminus of a road or the intersection of two or more roads.
 - (a) Any curve or bend of a road that exceeds 75 degrees shall receive credit as a node. Any curve or bend of a road that does not exceed 75 degrees shall not be considered a node.
 - (b) A divided entrance shall only count once.

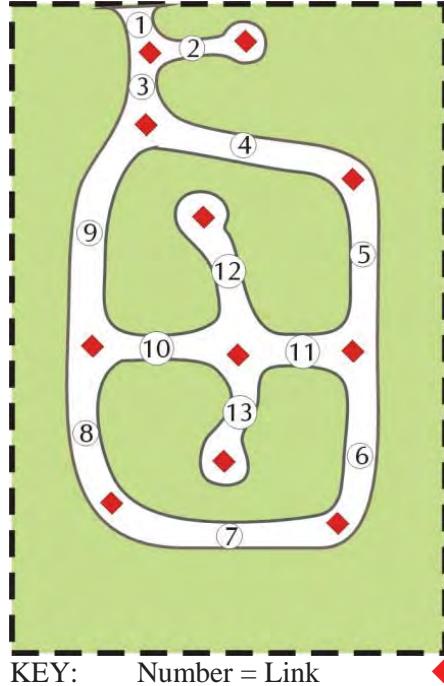
C. Internal Connectivity Ratio

1. In all districts except in the R-R district, the road network for any subdivision with internal roads or access to any public right-of-way shall achieve a connectivity ratio of not less than 1.40, measured within the subdivision.

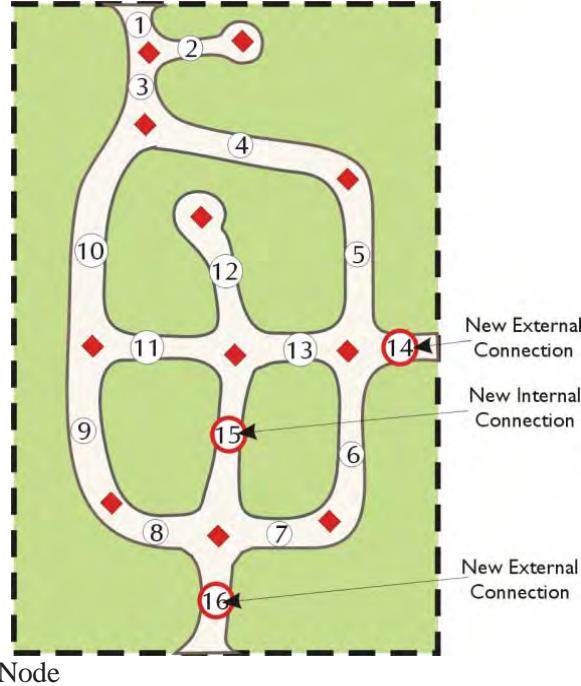
§5.4.4 Road Connectivity

2. Within the R-R district, the road network for any subdivision with internal roads or access to any public right-of-way shall achieve a connectivity ratio of not less than 1.20, measured within the subdivision.
3. Road links and nodes along a collector or arterial road providing access to a proposed subdivision shall not be considered in computing the connectivity ratio.

EXAMPLE 1: Does not meet ratio
(13 links/11 nodes = 1.18)



EXAMPLE 2: Modified to meet ratio
(16 links/11 nodes = 1.45)



KEY: Number = Link ♦ = Node

Figure 79. Internal Connectivity Ratio

Commentary: The internal connectivity ratio in this subsection C provides a formula that ensures a consistent number of links within a development. But, one could design a subdivision with a sufficient number of internal connections to meet the ratio standard and only one external connection; hence the "double standard". See External Access Required in D, below.

D. External Access Required

In order to accommodate emergency and service vehicles, the following standards shall apply:

1. Any residential subdivision of greater than 20 lots shall include at least two access points. The second access may consist of a stub road.
2. Any residential subdivision of greater than 50 lots shall include a minimum of two access points.
3. Residential subdivisions of 250 or more lots shall provide three separate access points. Where three or more access points are required, the Board of Commissioners may waive the requirement for immediate construction of more than two access points, provided that subdivision phasing and design illustrates the additional required connections. For those subdivisions large

enough to require a third access, a stub-out road may be credited as a required access if the two functioning access roads are both connected to a collector road.

4. A waiver (see §9.6.9.F) of these standards may be allowed by the Board of Commissioners during approval of the preliminary subdivision plat only in extreme cases where limited frontage, natural features (slope, topography), or similar circumstances preclude the required connections and there is no substantial impact noted regarding emergency service delivery.

§5.4.5. Road Improvements

All subdivision lots shall abut on a public right-of-way except where allowed in §5.4.6.

A. Required Improvements

1. The applicant shall be responsible for the cost and installation of the applicable standard road width and pavement design requirements. The applicant shall also provide additional pavement surfaces for turning lanes in accordance with the NCDOT requirements. A written maintenance agreement with provisions for maintenance until such time as road improvements are accepted for State maintenance shall be included with the final plat and recorded with the Lincoln County Register of Deeds Office.
2. The applicant shall be responsible for right-of-way dedication and improvements. The improvements to be installed include: the thoroughfare grading, sub-base and surface paving materials and the remaining minimum standards applicable to arterial, collector or local roads. Such improvements shall extend to the outer perimeter boundaries of a development for any development where any of the following conditions occur:
 - (a) Thoroughfare improvements would provide necessary access to the development or adjoining properties;
 - (b) The improvement would be an extension of an already existing section of thoroughfare roadway; or
 - (c) Traffic from the development is predominantly from nonresidential activities and the development would otherwise gain access through a residential area.

B. County Participation Provisions

The cost of utilities, storm sewers and other improvements that are required by the County to be larger than would normally be needed to serve the proposed addition may be cost-shared between the developer and the County at the discretion of the Board of Commissioners.

§5.4.6. Private Roads

- A. All private roads shall be constructed according to the County's public right-of-way construction standards. Unless the recorded plat of a subdivision clearly indicates a road to be private, the recording of such plat shall constitute an offer of dedication of such roads. The County shall have the discretion to require a public right-of-way connection for safety or access purposes.
- B. The recorded plat of any subdivision that includes a private road shall clearly state that such road is a private road. Further, the initial purchasers of a newly-created

§5.4.7 Thoroughfare Dedication

lot served by a private road shall be furnished by the seller with a disclosure statement outlining the maintenance responsibilities for the road, in accordance with the requirements set forth in G.S. § 136-102.6.

- C. All private roads shall be maintained by a homeowners association established in accordance with the requirements of §5.11.
- D. Where private roads are later made public through dedication to NCDOT, such roads must be brought up to public construction and maintenance standards, prior to their acceptance by the State.

Commentary: *Except in very large developments with thousands of units and professional managers, and in some very expensive smaller developments, private roads tend to be inadequately maintained. Owners' associations typically do not budget adequately for annual maintenance and do not create sufficient sinking funds for major resurfacing at periodic intervals. Residents of such developments, despite disclaimers placed in land records, tend to blame public officials and to expect them to do something about it. It is unlikely that NCDOT will be willing to take over substandard, unmaintained roads, leaving the County in an unfortunate position with affected residents and taxpayers. So, the above standards discourage use of private roads.*

§5.4.7. Thoroughfare Dedication

- A. Whenever a parcel of land included within any proposed development plan embraces any part of a thoroughfare shown on the County Transportation Plan, such part of such proposed public way shall be platted and dedicated in the location and width indicated on the plans. It is the responsibility of the applicant to take future roadway plans of the County and the NCDOT into account when laying out a development plan.
- B. Developments which embrace only one side of an existing or planned thoroughfare right-of-way will only be required to plat and dedicate additional right-of-way for that portion of roadway with which the development has frontage. Such dedications shall be in conformance with County standards and shall be measured from the right-of-way centerline.

§5.4.8. Road Classification

In all new subdivisions, roads shall be classified in accordance with §5.4.9.

- A. The classification shall be based upon the projected volume of traffic to be carried by the road, stated in terms of the number of trips per day or during the peak hour of the day;
- B. The number of dwelling units to be served by the road may be used as a useful indicator of the number of trips but is not conclusive; and
- C. Whenever a subdivision road continues on an existing road or it is expected that a subdivision road will be continued beyond the subdivision at some future time, the classification of the road will be based upon the road in its entirety, both within and outside of the subdivision.

§5.4.9. Road Types**A. Principal Arterial Road (Freeway)**

Principal arterial roads connect to a network of continuous routes that serve statewide or interstate travel.

B. Minor Arterial Road (Boulevard)

Minor arterial roads connect to a thoroughfare network that links cities, larger towns, and major traffic generators. Such roads generally serve intrastate and inter-county travel.

C. Major Collector Road (Avenue)

Major collector roads serve as a connector road between local roads and the thoroughfare system. Such roads generally serve intra-county access to schools, shipping points, county parks, significant mining and agricultural areas.

D. Minor Collector Road (Road)

Minor collector roads collect traffic from local roads and bring all developed areas within a reasonable distance of a major collector road. A minor collector also provides services to smaller communities, and links important traffic generators with less populated areas.

E. Local Road

1. Local roads are generally cul-de-sacs, loop roads less than 2,000 feet in length, or roads less than one mile in length that do not connect thoroughfares or serve major traffic generators and do not collect traffic from more than one hundred dwelling units.
2. Residential collector roads are also classified as local roads when they serve as the connecting road system between local residential roads and the thoroughfare system.

F. Alley

A public vehicular way providing service access along rear or side property lines of lots which are also served by one of the other listed road types.

§5.4.10. Road Widths

- A. Road widths and cross-sections shall be subject to the approval of the County and NCDOT.
- B. Subdivisions along existing roads of inadequate or undedicated right-of-way shall provide additional right-of-way to meet the minimum widths specified by the County's Construction Standards. The entire right-of-way shall be provided where any part of a new subdivision is on both sides of an existing road, and one-half the required right-of-way, measured from the center line of the existing road, shall be provided where a new subdivision is located on one side of an existing road.

§5.4.11. Cul-de-sac Roads

- A. Cul-de-sac roads shall be used only when it is determined by the Board of Commissioners that extension of the road to an adjacent property is impractical or unnecessary. Alternative turnaround designs on residential roads serving

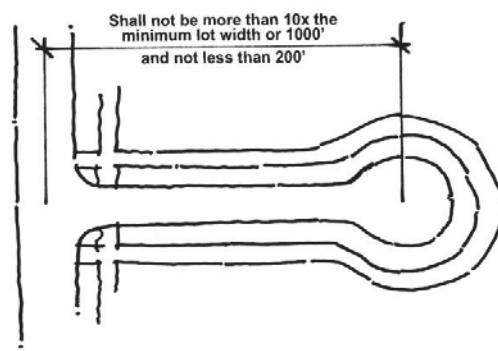


Figure 80. Cul-de-sac Roads

§5.4.12 Half Roads

six dwelling units or less may be considered on a case-by-case basis. Alternative designs must readily accommodate emergency vehicles and other necessary truck traffic.

B. Cul-de-sac roads shall not be less than 200 feet or longer than ten times the minimum lot width or 1000 feet, whichever is less, and shall be terminated by a circular road having a minimum diameter as determined by NCDOT. The length of cul-de-sac roads shall be measured from the center point of its turnaround, along the centerline of its right-of-way and that of any intervening roads, to the centerline of the right-of-way of the nearest through road.

§5.4.12. Half Roads

The dedication of half roads at the perimeter of a new subdivision is prohibited. When a half road exists along the perimeter of an adjoining subdivision, the remaining half must be provided by the proposed subdivision.

§5.4.13. Road Signs

The subdivider shall either provide and erect road name signs at all road intersections within the subdivision in accordance with all NCDOT standards or be required to reimburse Lincoln County for providing said signs. Any such fee shall be paid to the Director prior to final plat approval.

§5.4.14. Road Names

Road names shall be subject to the approval of the Board of Commissioners. New road names shall not duplicate or be similar to existing road names in Lincoln County. Existing road names, however, shall be protected where appropriate in accordance with the Lincoln County Addressing Ordinance.

§5.5. Sidewalks

A. In order to enhance pedestrian safety and mobility, sidewalks a minimum of five feet in width shall be required on one side of all roads, provided however that sidewalks shall not be required on the following roadways:

1. In residential developments with minimum lot sizes one acre or greater, except where an existing school, park, recreation and open space, trail or greenway lies within $\frac{1}{4}$ -mile of the boundaries of the proposed subdivision, in which case a safe pedestrian connection between the subdivision and the off-site facility is required;
2. Residential roads serving less than or equal to ten dwelling units, provided that:
 - (a) Corner lots that have frontage on both a residential road and a connective or loop road shall not be included in determining the number of dwelling units served by the road; and
 - (b) Road stubs temporarily serving ten lots or less shall provide sidewalks on one side of the road.

B. Handicapped access ramps shall be provided at all intersections where curb and gutter are provided, and where sidewalks and/or greenway trails intersect any road.

§5.6. Lots and Blocks

§5.6.1. Lots

- A. Every lot shall have a minimum of 35 feet of frontage on public right-of-ways, except where otherwise specifically allowed by the dimensional standards of §2.4, and shall contain the minimum required lot width of the applicable zoning district within 50 feet of the road right-of-way adjoining the front yard; except for lots in family subdivisions as authorized below.
 - 1. Lots in a family subdivision created pursuant to §9.6.10, Family Subdivisions, need not have frontage on public right-of-ways, and all lots must meet or exceed the minimum lot size of the Lincoln County Water Supply Watershed Protection Ordinance.
 - 2. Lots in family subdivisions must either comply with subsection A, above, or have a minimum of 35 feet of frontage on either a newly created private road easement that has a minimum width of 45 feet or an easement that existed prior to May 14, 1996, provided the pre-existing easement has a minimum private road easement width of 20 feet. Such easement shall provide access to a NCDOT maintained road. Irrespective of this minimum width, the road easement shall be of appropriate width to accommodate the placement of utilities.
 - 3. In no instance may one unpaved private road easement intersect with another unpaved private road easement.
- B. Lot sites, shapes, and locations shall be made with due regard to topographic conditions, contemplated uses, and the surrounding areas.
- C. Through lots shall be avoided, except when lots adjoin a thoroughfare and access is desirable by a road of residential scale, and discouraged or prohibited on the thoroughfare.
- D. Side lot lines shall be substantially at right angles or radial to road lines.
- E. Panhandle lots may be created in any zone if all of the following requirements are met:
 - 1. No panhandle lot may be adjacent to more than one panhandle lot;
 - 2. The access portion of the lot shall be at least 35 feet in width;
 - 3. The depth of the panhandle shall not exceed 100 feet as measured from the adjacent public or private road;

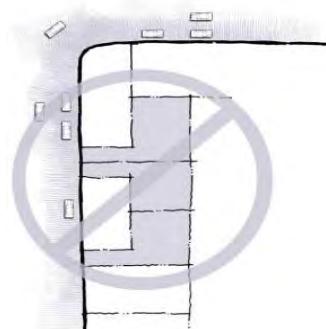


Figure 81. Panhandle Lots

§5.6.2 Blocks

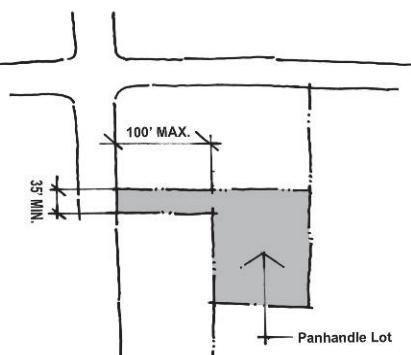
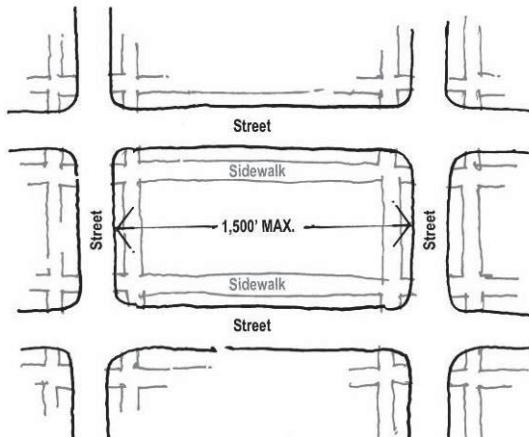
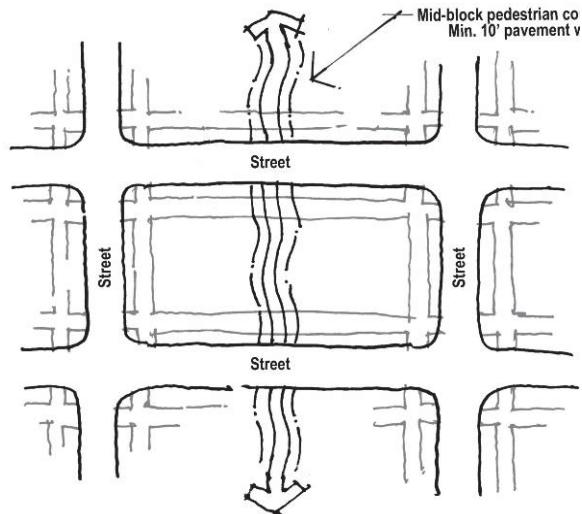
4. The panhandle portion of the lot shall not be included in calculating lot size; and
5. Panhandle lots may not be further subdivided following initial subdivision approval.

§5.6.2. Blocks**A. Layout**

1. Blocks shall be laid out with special consideration given to the type of land use proposed within the block.
2. Block length shall not exceed 1,500 feet.
3. Blocks width shall be sufficient to provide for two tiers of lots of appropriate depth, except where otherwise required to separate residential development from through traffic.

B. Pedestrian Connection

1. A pedestrian connection not less than ten feet in width may be required near the center and entirely across any block in excess of 900 feet in length to provide adequate access to schools, shopping centers, churches, or transportation facilities.
2. A pedestrian connection through a cul-de-sac not less than ten feet in width may be required when the cul-de-sac helps provide adequate access to schools, shopping centers, churches, or transportation facilities.

**Figure 82. Panhandle Lots****Figure 83. Blocks****Figure 84. Pedestrian Connection**



County Of Lincoln, North Carolina

Planning Board

Applicant **Shea Homes**

Application No. **SR #75**

Request

waivers from the subdivision standards of Sections 5.4.4, 5.4.4.D.3, 5.4.11, 5.5, 5.6.1 and 5.6.2 of the Lincoln County Unified Development Ordinance to allow an internal connectivity ratio of less than 1.40, to allow a subdivision with 250 or more lots to have only two access points, to allow cul-de-sac roads longer than 10 times the minimum lot width and longer than 1,000 feet, to allow trails in lieu of sidewalks, to allow lots with less than 35 feet of road frontage, and to allow blocks to exceed 1,500 feet in length

FINDINGS OF FACT

Where the Planning Board finds that extraordinary hardships or practical difficulties may result from strict compliance with Article 5, Subdivision Standards, and the intent of the UDO may be served to a greater extent by an alternative proposal, a waiver may be granted. A waiver shall not have the effect of nullifying the intent and purpose of the UDO, and the Planning Board shall not grant a waiver unless the Planning Board makes findings based upon the evidence presented in each case that:

1. The granting of the waiver will not be detrimental to the public safety, health, or welfare or injurious to other property or improvements in the neighborhood in which the property is located.

2. The conditions upon which the request for a waiver are based are unique to the property for which the waiver is sought and are not generally applicable to other property.

3. Because of the particular physical surroundings, shape, or topographical conditions of the specific property involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience, if the strict letter of the UDO is enforced.

4. The purpose of the waiver is not based primarily upon financial consideration.

Based on the Findings of Fact, the following action was taken on _____ by the Lincoln County Planning Board after a public hearing was held and duly advertised:

In granting a waiver, the Planning Board required the following condition(s) to secure substantially the objectives of the standards or requirements of this UDO:



Request for Subdivision Waiver

Lincoln County Planning & Inspections Department
302 N. Academy St., Lincolnton, NC 28092
Phone: (704) 736-8440 Fax: (704) 732-9010

Request # 52 75

Date 2/3/14

PART I

Name of Subdivision Carolina Ridge

Applicant Name Shea Homes, LP

Applicant Address 8800 Gainey Center Dr., Ste 370, Scottsdale, AZ 85258

Applicant Phone Number 408-367-3770

Property Owner Name see attached list

Property Owner Address see attached list

Property Owner Phone Number _____

PART II

Property Location Approx. 599 ac +/- south of NC 73, west of Little Egypt Rd.

Property ID (12 digits) see attached list Parcel # (5 digits) see attached list

PART III

PURPOSE OF REQUEST

To the Lincoln County Planning Board,

I Randy Bauer, Shea Homes, LP (Name of Applicant) hereby petition for a waiver from Article 5, Subdivision Standards, of the Lincoln County Unified Development Ordinance. The extraordinary hardships or practical difficulties which may result from strict compliance can be described as follows:

Ordinance section(s) Number see attached list, affecting
Lot number(s) see attached list may cause

(Describe hardship(s) in specific terms)

See attached page(s)

APPLICANT'S JUSTIFICATION

Where the Planning Board finds that extraordinary hardships or practical difficulties may result from strict compliance with Article 5, Subdivision Standards, and the intent of the UDO may be served to a greater extent by an alternative proposal, a waiver may be granted. A waiver shall not have the effect of nullifying the intent and purpose of the UDO, and the Planning Board shall not grant a waiver unless the Planning Board makes findings based upon the evidence presented in each case that:

1. The granting of the waiver will not be detrimental to the public safety, health, or welfare or injurious to other property or improvements in the neighborhood in which the property is located.

see attached page(s)

2. The conditions upon which the request for a waiver are based are unique to the property for which the waiver is sought and are not generally applicable to other property.

see attached page(s)

3. Because of the particular physical surroundings, shape, or topographical conditions of the specific property involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience, if the strict letter of the UDO is enforced.

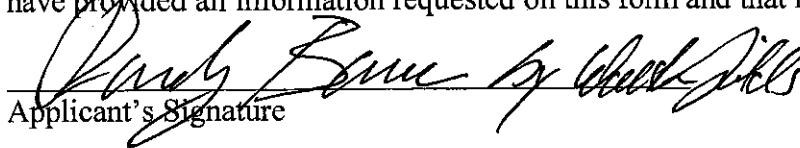
see attached page(s)

4. The purpose of the waiver is not based primarily upon financial consideration.

see attached page(s)

Affirmation

I hereby affirm that to the best of my ability, knowledge, information and belief, I have provided all information requested on this form and that it is accurate.


Applicant's Signature

Request for Subdivision Waiver

Filed by

Shea Homes, LP

The applicant requests waivers for all or portions of the following sections of the Subdivision Section portion of the UDO:

1. Section 5.4.4- Road Connectivity. Links/nodes/connectivity. The nature of the site constricts the applicant's ability to comply with the ordinance minimums due to severe topography with numerous streams and limited ability to connect to adjoining properties.
2. Section 5.4.4.D.3-Three external access points. The site has access points to the only two streets available for a street connection. It is possible that a third connection might be defined to an adjoining property but not to a third public street.
3. Section 5.4.9.E.1 and 5.4.11.A-Length of cul-de-sacs. Due to severe topography, there may be circumstances where the applicant can only access developable portions of the site via a long cul-de-sac.
4. Section 5.5- Sidewalks on at least one side of the street. Due to the topography of the site, circumstances may arise where pedestrian facilities other than a street-side sidewalk, such as unpaved pathways or trails that connect the portions of the site, would be more efficient, may limit the area to be graded, and reduce runoff.
5. Section 5.6.1-Lot width. The applicant has residential designs that are constructed on lots narrower than 31', including zero lot line lots, that will be all located within the site. This will allow for less of the areas to be graded to accommodate larger lots.
6. Section 5.6.2-Block Length. Due to the severe topography of the site, street locations to serve remote areas of the site are limited and it is not possible to comply the block length standards.

Applicant's Justification

Virtually all of the requested waivers relate to the construction of the streets necessary to provide access to the site. The other request deals with the ability to include a wide variety of housing types as part of the proposed Carolina Ridge active adult community proposed by Shea Homes. This type of community includes development elements and housing types and designs that are not normally developed as part of a conventional subdivision that the ordinance was designed to regulate.

1. *The granting of the waiver will not be detrimental to the public safety, health, or welfare or injurious to other property or improvements in the neighborhood in which the property is located.* The requested waivers would apply only to the development within the Carolina Ridge site. The site is bounded by two large stream floodways, two public streets, and includes a substantial 50' buffer where it adjoins land used for or zoned for other residential development. It will not be injurious to the public safety, health, or welfare as the requested waivers will not create any deleterious conditions or influences that could relate to the public in any way.
2. *The conditions upon which the request for a waiver are based are unique to the property for which the waiver is sought and are not generally applicable to other property.* The request is directly related to the severe topography of the site and the numerous streams that divide the site into limited development areas. The site adjoins two stream floodplains that cannot be crossed and has limited public road frontage to public streets. Long ridge lines dictate that some streets will be long and cross connection of streets that would involve stream crossings are not reasonable possible.
3. *Because of the particular physical surroundings, shape, or topographical conditions of the specific property involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience, if the strict letter of the UDO is enforced.* The applicant is prevented by the topography of the site and numerous streams from complying with the UDO standards that were designed to replicate a prototypical development pattern. In addition, other regulations, such as those dealing with wetlands, stream crossings, and erosion and sedimentation standards that relate to grading also impose restrictions that result in development restrictions that would fall outside of the prototypical subdivision standards in the UDO.
4. *The purpose of the waiver is not based primarily upon financial consideration.* The granting of the waiver requests allow the developer of this site to be able to work with the severe topography and the numerous streams that are found on and adjoining the site. If bound to the prototypical subdivision standards of the UDO this site would likely not be developable for the residential use for which it is currently zoned or for which the revised zoning is being sought

