



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: December 18, 2015

Re: PD #2015-4
Eastwood Construction, LLC, applicant
Parcel ID# 02631 and 02630

The following information is for use by the Lincoln County Board of Commissioners and Planning Board at their joint meeting/public hearing on January 4, 2016.

REQUEST

The applicant is requesting the rezoning of 25 acres from R-T (Transitional Residential) and R-SF (Residential Single-Family) to PD-R (Planned Development Residential) to permit a subdivision with 58 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. In addition, the applicant is proposing lots smaller in size than the minimum area permitted in the R-T and R-SF districts.

A site plan and guidelines for the proposed development 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. Under the UDO, a traffic impact analysis is not required for a proposed subdivision of this size.

SITE AREA AND DESCRIPTION

The property is located on the west side of Saint James Church Road and south side of Verdict Ridge Drive. It is adjoined by property zoned R-T, R-SF and PD-R. Land uses in this area are primarily residential. St. James Elementary School is located nearby. This property is not located in a protected watershed. 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 homes per acre

depending on the provision of utilities. The proposed development would be served by county water and sewer. The proposed density is approximately 2.3 homes per acre.

UDO COMPLIANCE

The UDO requires that a planned development include a minimum of 12.5% recreation and open space. The master plan for this proposed calls for approximately 25% recreation and open space.

Subdivisions with more than 50 lots are required to have at least two access points. This proposal calls for access points on Saint James Church Road and Verdict Ridge Drive. Both are state-maintained roads. (*The minutes from the community involvement meeting indicate that the only access would be from Verdict Ridge Drive. The plan was later revised to add an access point on Saint James Church 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

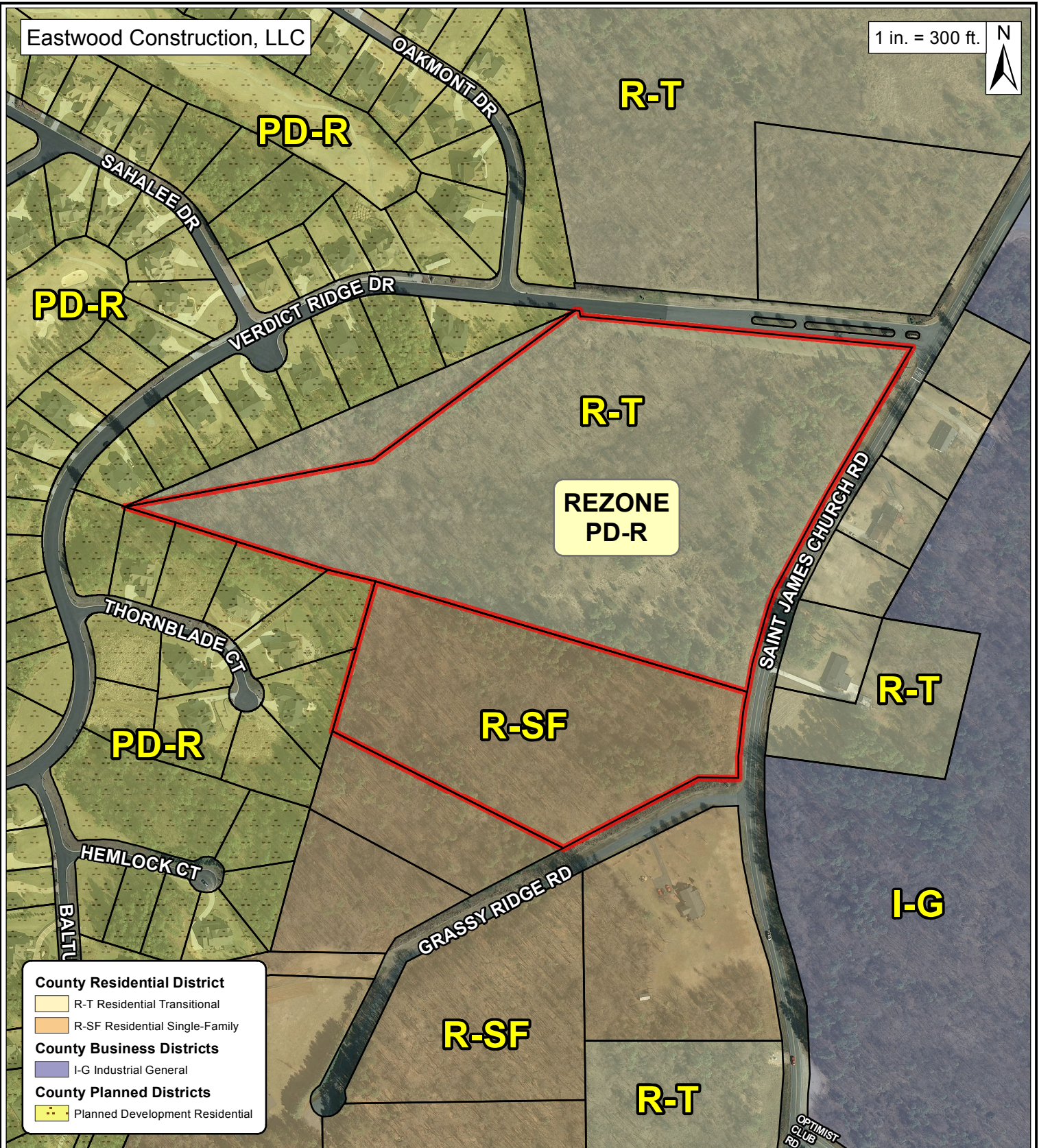
Case No. **PD #2015-4**
Applicant **Eastwood Construction, LLC**
Parcel ID# **02631 and 02630**
Location **west side of Saint James Church Road, south side of Verdict Ridge Drive**
Proposed amendment **rezone from R-T and R-SF to PD-R to permit a subdivision with 58 lots for single-family homes**

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 25% of the property will be set aside as open space. Amenities will be provided as part of the master plan.



- County Residential District**
- R-T Residential Transitional
 - R-SF Residential Single-Family
- County Business Districts**
- I-G Industrial General
- County Planned Districts**
- Planned Development Residential



Lincoln County
Planning & Inspections
302 N. Academy St.
Suite A
Lincolnton, NC 28092

PLANNED DEVELOPMENT

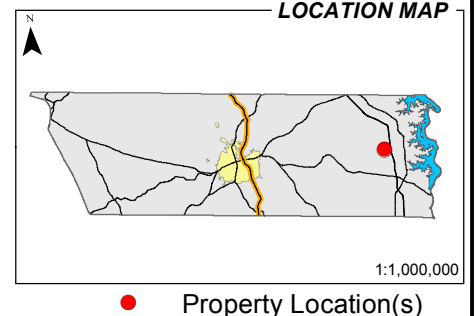
Application	PD #2015-4
NCPIN#	3693-76-6967
PID#	2631



- Property Location(s)

See Attached Application for Parcel Information
Property Location(s) Outlined in Green

LOCATION MAP

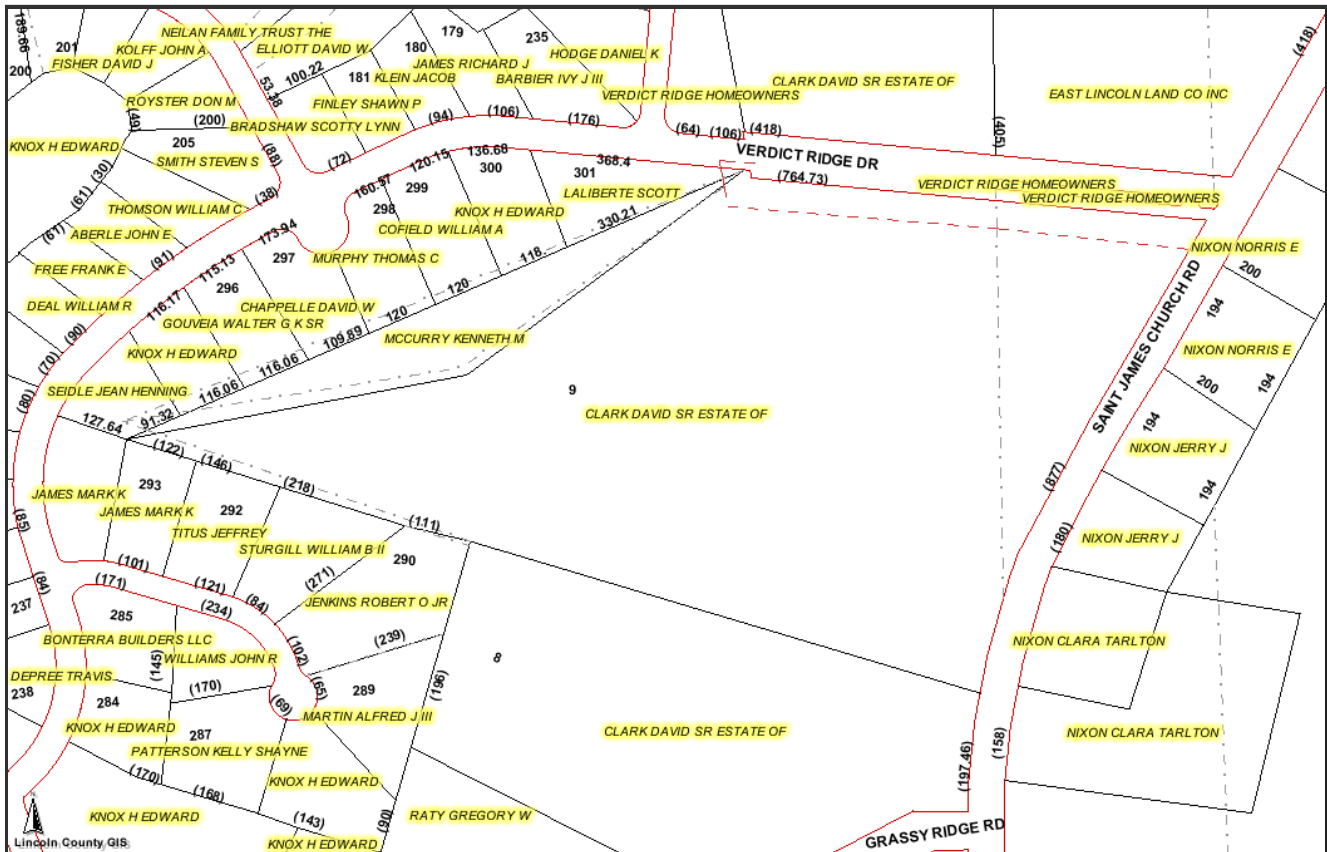
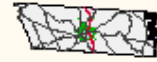




Lincoln County, NC

Office of the Tax Administrator, GIS Mapping Division
 Lincoln County and its mapping contractors assume no legal responsibility for the information contained on this map. This map is not to be used for land conveyance. The map is based on NC State Plane Coordinate System 1983 NAD.

Date: 10/16/2015 Scale: 1 Inch = 300 Feet



PHOTOS



Photo Not Available

PARCEL INFORMATION FOR 3693-76-6967

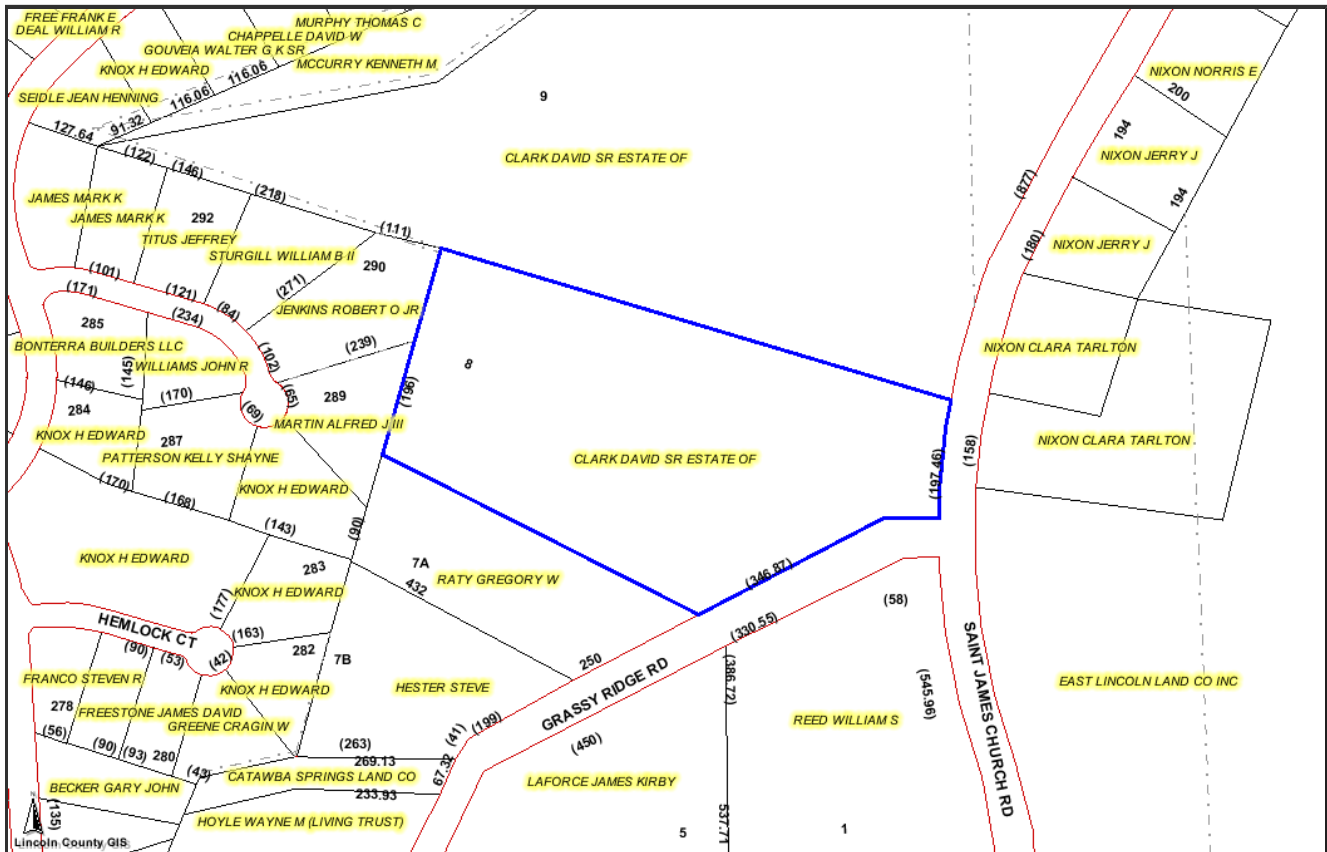
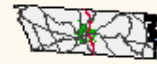
Parcel ID	02631	Owner	CLARK DAVID SR ESTATE OF
Map	3693-00	Mailing	PO BOX 9
Account	0148750	Address	LINCOLNTON NC 28093
Deed	1211-560	Recorded	12/28/2000
Land Value	\$191,261	Total Value	\$191,261
----- All values are for tax year 2015. -----			
Subdivision	Lot 9 UNITY FARMS	Plat	F-156
Description	UNITY FARMS #9 R1380	Deed Acres	18.08
Address	SAINT JAMES CHURCH RD	Tax Acres	17.32
Township	CATAWBA SPRINGS	Tax/Fire District	DENVER
Improvement	No Improvements		
Zoning District	Calculated Acres	Voting Precinct	Calculated Acres
R-T	17.32	TRIANGLE (TR30)	17.32
Watershed Class		Sewer District	
Not in a watershed	17.32	Not in the sewer district	17.32
2000 Census County		Tract	Block
37109		071100	1035
Flood	Zone Description	Panel	
X	NO FLOOD HAZARD	3710369300	17.32



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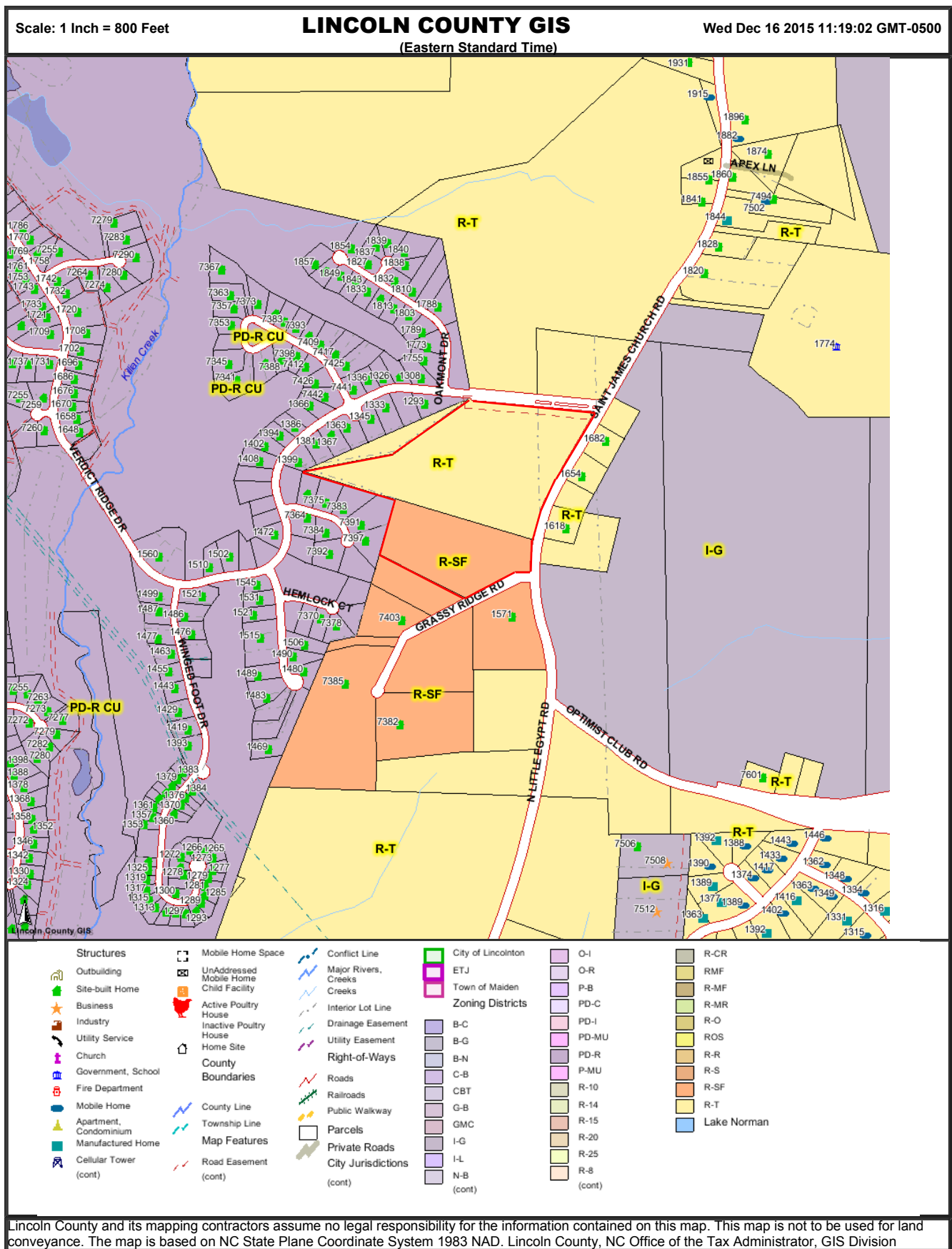
PHOTOS



Photo Not Available

PARCEL INFORMATION FOR 3693-76-4455

Parcel ID	02630	Owner	CLARK DAVID SR ESTATE OF
Map	3693-00	Mailing	PO BOX 9
Account	0148750	Address	LINCOLNTON NC 28093
Deed	1211-560	Recorded	12/28/2000
Land Value	\$88,453	Total Value	\$88,453
----- All values are for tax year 2015. -----			
Subdivision	Lot 8 UNITY FARMS	Plat	F-156
Description	UNITY FARMS #8 R13 0	Deed Acres	8.22
Address	SAINT JAMES CHURCH RD	Tax Acres	7.71
Township	CATAWBA SPRINGS	Tax/Fire District	DENVER
Improvement	No Improvements		
Zoning District	Calculated Acres	Voting Precinct	Calculated Acres
R-SF	7.72	TRIANGLE (TR30)	7.72
Watershed Class	Calculated Acres	Sewer District	Calculated Acres
Not in a watershed	7.72	Not in the sewer district	7.72
2000 Census County		Tract	Block
37109		071100	1035
Flood	Zone Description	Panel	
X	NO FLOOD HAZARD	3710369300	7.72





Planned Development Rezoning Application

Lincoln County Planning and Inspections Department

Zoning Administrator

302 N. Academy St., Lincolnton, NC 28092

Phone: (704)736-8440 Fax: (704)732-9010

PART I

Applicant Name Eastwood Construction, LLC

Applicant Address 2857 Westport Road, Charlotte, NC 28208

Applicant Phone Number 704-399-4663

Property Owner Name Estate of David Clark, Sr.

Property Owner Address PO Box 9, Lincolnton, NC 28093

Property Owner Phone Number 980-721-1527

PART II

Property Location St James Church Road

Property ID (10 digits) 3693-76-6967 & 3693-76-4455 Property size 26+/-

Parcel # (5 digits) 02631 & 02630 Deed Book(s) 1211 Page(s) 560

PART III

Existing Zoning District R-T & R-SF Proposed Zoning District PD-R

Briefly describe how the property is being used and any existing structures. vacant land

Briefly described the proposed planned development. Single Family Subdivision

***SEE PLANNING DEPT. FOR PLANNED DEVELOPMENT FEES.**

I hereby certify that all knowledge of the information provided for this application and attachments is true and correct to the best of my knowledge.

Applicant's Signature

Date

10/21/15

Meeting Minutes

Date/Time: Thursday, November 5, 2015 – 7:00 pm
Location: East Lincoln Community Center, 8160 Optimist Club Rd, Denver, NC
Purpose: Lincoln County community involvement meeting to provide information regarding Killian Creek proposal and to receive comments prior to a public hearing.

Presentation: Steve Bailey, ESP Associates, P.A.

Introduction:

Killian Creek is a proposed residential community located in East Lincoln County. Killian Creek will feature 54 homes on 25 acres with access from Verdict Ridge Drive. Eastwood Homes will both develop the site and build the houses.

The Killian Creek development meets or exceeds all sections of the Lincoln County UDO and East Lincoln Development District requirements. This request would rezone the property to Planned Development-Residential.

KEY FEATURES:

- Over 25% Open Space; double the 12.5% that is required.
- Perimeter buffer will remain undisturbed as much as possible.
- 5' wide sidewalk along all proposed streets.
- Community green with picnic tables, grills, and playground equipment.
- Natural walking trails.
- Street trees and decorative lighting along proposed streets.
- Decorative entrance monument.

Open Discussion

1. Price range and size of homes – Will be expected to average between \$300,000 - \$400,000 and 2,500 to 4,000 square feet.
2. Lot size concerns – Several questions were asked and it was suggested that the lot sizes are too narrow to accommodate the size and type of homes being proposed.
3. Traffic – Concerns were mentioned regarding existing traffic on St. James Church and Verdict Ridge roads. Due to the small size of the proposed development a traffic study is not required by the DOT.
4. Watershed/Flooding – Some residents of Verdict Ridge noted that the golf course tends to flood after heavy rainfall and asked if this development would make this worse. There is a storm water pond in the plans which will exit into Killian Creek and will not contribute to flooding issues in the area.
5. Construction vehicle traffic – Verdict Ridge residents were concerned about the vehicles going through their entrance and damaging landscaping, roads, etc. A request to have Eastwood ask the DOT for temporary direct access to the site for the construction vehicles was made.
6. Schools – There were concerns that the area schools are at capacity and will not have room for the new students from this community.

7. A Lincoln County Commissioners meeting will be held in December to discuss this proposal. This meeting will be open to the public.
8. Erosion Control – No changes will be made structurally to adjoining properties not within the proposed site plan.
9. Cluster Subdivision – The Lincoln County Planning Department will review the details of this ordinance as it relates to this site.
10. HOA Restrictions – The community will have a Homeowners Association with covenants and guidelines in place for the property owners to follow.
11. Entrance/Exit – There will be one exit/entry to the community which will be via Verdict Ridge Drive. This was a concern for some residents due to the existing traffic and the entry/exit for the Verdict Ridge subdivision being on the same road.
12. Grassy Ridge – This road can't be used for the entry/exit road because it's a private drive and not maintained by the DOT.

**PD-R REPORT
KILLIAN CREEK
ST. JAMES CHURCH ROAD & VERDICT RIDGE DRIVE
LINCOLN COUNTY, NC**

1. PROJECT INFORMATION

Killian Creek is a proposed single family residential community proposing 58 single family detached homes on an approximately 26 acre site at the intersection of St. James Church Road and Verdict Ridge Drive. The project will include Parcel ID numbers 02631 & 02630. The plan proposes a density of 2.1 lots per acre.

Access to the site will be from St James Church Road and Verdict Ridge Drive. Land uses surrounding the site include single family residential homes. The PD-R Rezoning Plan (the Plan) with vicinity map is included for reference.

A key feature of the proposed community will be the ample open spaces and the community pocket park. Approximately 25% of the site will be left undeveloped as natural buffer area and/or passive and active open space. This is double the required 12.5% open space that is required.

The property is currently zoned R-T and R-SF. Proposed zoning is PD-R. The property is not in a watershed.

2. GENERAL PROVISIONS

The PD-R Rezoning 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 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 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.

Each home shall contain no less than 2 different materials on all four sides exclusive of trim. These materials may consist of brick, stucco, stone, architectural concrete, cement fiber board, vinyl siding, wood, or shakes.

A. PERMITTED USES

- 1) The project shall be limited to detached single family residential dwellings along with any incidental or accessory uses.
- 2) Uses on the Common Open Space (COS) may include pool, clubhouse, landscaping, fences, walls, berms, pedestrian trails, recreational uses, entry signage, monuments, and storm water BMPs (if required).

B. DENSITY

Gross residential density for the project will not exceed 2.3 lots per acre. Open space areas shall be included in the calculations for gross residential density.

C. LOT STANDARDS

The proposed development includes a Class 'B' 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:	10 feet (20 feet to garage)
Side Setback:	5 feet (10 feet for corner lots)
Rear Setback:	20 feet

Building height shall be limited to 40 feet. 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 6' in height. Fence materials may include wood, metal, or decorative PVC.

- 3) The project will contain the following amenity features. These proposed amenities will be installed no later than recordation of the 35th lot.
 - a. Sidewalks along one side of all proposed streets
 - b. Pocket Park with Picnic Lawn
 - c. Landscape areas
 - d. Enhanced entry
 - e. 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.
- 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 offer 25+/-% of common open space. Common open space will be provided as generally depicted on the Planned Development Concept Plan. A portion of the open space will be active open space.
 - b. The project will offer a Class B perimeter buffers 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. Storm water BMPs 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

- 1) Vehicular access: Access will be provided via St. James Church Road and Verdict Ridge Drive. NCDOT will review and approve the driveway access permits.

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 one phase.

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 property is within the Lincoln County Sewer District and Lincoln County Water District. 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.

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.

