Agenda Item # _____
Town of Aberdeen Planning & Inspections Department
115 N. Poplar Street PO Box 785
Aberdeen, NC 28315
(910) 944-7024

MEMORANDUM TO THE BOARD OF COMMISSIONERS – November 17, 2014 Public Hearing

Applicant:
Bill Clark Homes

Request:
Conditional Use Permit CU #14-05 for a 94 Lot Residential Subdivision

Location:
West of Shepherd's Trail, North of Roseland Road

Parcel ID:
00049149, 20060513

Zoning:
R10-10

Existing Use:
Vacant

Proposed Use:
Major Subdivision

Prepared by:
Pamela Graham, Planning Director

Description of Conditional Use Permit Request

Bill Clark Homes requests a conditional use permit (CUP) for a 94 lot residential subdivision on two adjoining tracts comprising a total of 42.39 acres. The property is known locally as the Old Par 3 Golf Course. The applicant seeks approval of the use, open space, general layout and number of lots subject to final engineering through the Site Plan Review process. Additional construction detail will be provided at that time for staff review.

Procedural Issues

§152-146 Table of Permissible Uses of the Town of Aberdeen Unified Development Ordinance (UDO) requires that all major subdivisions receive approval by the Town Board, and a recommendation by the Planning Board, for a conditional use permit.

The UDO directs in §152-54 that the Planning Board shall make a recommendation for issuance of a conditional use permit unless it concludes, based upon the information submitted, that:

1. The requested permit is not within its jurisdiction according to the Table of Permissible Uses, or
2. The application is incomplete, or
3. If completed as proposed in the application, the development will not comply with one or more requirements of this chapter. (The "chapter" in the context of this document, is the UDO).

Furthermore, as directed by §152-54(D), even if the Planning Board finds that the application complies with all other provisions of the UDO, it may still recommend denial of the permit if it concludes, based upon the information submitted, that if completed as proposed, the development, more probably than not,

1. Will materially endanger the public health or safety, or
2. Will substantially injure the value of adjoining or abutting property, or
3. Will not be in harmony with the area in which it is to be located, or
4. Will not be in general conformity with the land-use plan, thoroughfare plan, or other plan specifically adopted by the Town Board.

Following a recommendation to the Town Board for approval or denial of an application, the item will be scheduled for a public hearing where public input can be accepted by the Town Board in advance of a final decision. The Town Board acts in a quasi-judicial capacity when considering a conditional use permit application and shall consider the recommendations of the Planning Board and staff in their decision. Though they are not bound by those recommendations, they are required to use the same criteria in formulating their decision as is used by the Planning Board in their recommendation.

In considering whether to approve an application for a conditional use permit, the Town Board shall proceed according to the following format:

1. A simple majority vote is required to approve any motion related to the issuance of a conditional use permit.
2. The Town Board shall consider whether the application is complete. If the Town Board concludes that the application is incomplete and the applicant refuses to provide the necessary information, the application shall be denied. A motion to this effect shall specify either the particular type of information lacking or the particular requirement with respect to which the application is incomplete. If a motion to this effect is not approved, this shall be taken as an affirmative finding by the board that the application is complete.
3. The Town Board shall consider whether the application complies with all of the applicable requirements of the UDO. If a motion to this effect passes, the Town Board need not make further findings concerning such requirements. If a motion fails or is not made then a motion shall be made that the application be found not in compliance with one or more of the requirements of the UDO. Such a motion shall specify the particular requirements the application fails to meet. Separate votes may be taken with respect to each requirement not met by the application. It shall be conclusively presumed that the application complies with all requirements not found by the Town Board to be unsatisfied through this process.
4. If the Town Board concludes that the application fails to comply with one or more requirements of this chapter, the application shall be denied. If the Town Board concludes that all such requirements are met, it shall issue the permit unless it adopts a motion to deny the application for one or more of the reasons set forth in subsection 152-54(D). Such a motion shall propose specific findings, based upon the evidence submitted, justifying such a conclusion. *(§152-54(D) may be found at the bottom of page 1 of this document)*

Subsequent to an approved CUP, the applicant will be required to submit fully engineered construction documents for inter-departmental review to insure that the development has met all Federal, State and local regulations and permitting requirements, as well as any conditions attached to the CUP approval. No permits authorizing development shall be issued until compliance with all applicable regulations and conditions has been demonstrated.

Zoning (Exhibit attached)

The property is located just northwest of the intersection of Roseland Road and Shepherd's Trail in the R10-10 zoning district. The R10-10 District was established for the principal use of single-family residences. The regulations of this district are intended to provide areas of the community for those persons wishing to live in medium-density neighborhoods. The regulations are intended to discourage any use that would interfere with the residential nature of the district.

The attached Vicinity Zoning map shows the parcels abut R10-10 zoning to the east, R20-16 zoning to the north, across Roseland Road to the south and a portion of the western border, and R18-14 for the remaining western border. Fourteen previously platted lots fronting Shepherd's Trail are currently under construction by the applicant.

Open Space

Required open space is proposed for the southernmost portion of the property, which contain the steepest slopes and majority of treecover. Stormwater management ponds are also proposed for this region. *Staff note: Article XIII, §152-198 requires that a minimum of 20% of usable open space be provided for Single Family Residential developments, while further describing what constitutes "usable". The total land area of the proposed project is 42.39 acres; conceptual plans indicate that approximately 10.5 acres, or 25%, is being offered. Staff has determined that the proposed open space meets or exceed the ordinance.*

Landform and General Site Layout (Exhibit attached)

The property has been vacant for a number of years but still retains the remnants of golf cart paths and a paved parking area near the center of the site. Some earlier clearing is evident, but as is shown on the conceptual plan prepared by 4D Site Solutions, Inc., there remains significant numbers of trees with a diameter at breast height of 12" or greater (all trees shown on the plan fall into that category.) The topography is varied, but becomes steeper on the southern half of the project area. The southern-most portion is proposed for open space, however some areas proposed for construction appear to exhibit slopes in excess of 8%. Natural drainageways are also evident as illustrated by the existing contours, falling to the southwest. One significant drainageway runs through the center of the site and continuing offsite to the R18-14 zoned property, and a lesser one crosses the northwestern corner. *UDO Article XVI, Part 2, states in part:*

- *§152-261 To the extent practicable, all development shall conform to the natural contours of the land, and natural and preexisting man-made drainage ways shall remain undisturbed;*
- *§152-263 All developments shall be constructed and maintained so that adjacent properties are not unreasonably burdened with surface waters as a result of such developments;*
- *§152-265(A) To the extent practicable, lot boundaries shall be made to coincide with natural and preexisting man-made drainage ways within subdivisions to avoid the creation of lots that can be built only by altering such drainage ways;*
- *§152-265(B) Where a proposed subdivision is traversed by a stream or drainage way, an easement shall be provided conforming with the lines of such stream and of sufficient width as will be adequate for the purpose of drainage;*
- *UDO Article XIV, §152-215 further states: Streets shall be related appropriately to the topography of the area. In particular, streets shall be designed to facilitate the drainage and storm water runoff objectives set forth in Article XVI ... and the street grades shall conform as closely as practicable to the original topography. This concept is reiterated in §152-218 (A): Subcollector, local, and minor residential streets shall be curved whenever practicable to the extent necessary to avoid conformity of lot appearance.*

Staff note: The proposed grid-type layout of the development does not conform to the natural contours of the land or to existing drainageways nor does it indicate an effort to avoid conformity of lot appearance through

the street layout. The plan does not indicate easements to facilitate the function and maintenance of the drainageways, which will undergo significant disturbance in the pre-construction phase of the project. Staff has determined that the proposal does not meet the following requirements of the UDO: §152-261, 152-265(A), 152-215, and 152-218(A). Compliance with §152-263 will be determined during the interdepartmental site plan review, and §152-265(B) has been adequately addressed in the Planning Board's addition of Condition #17.

The conceptual plan presented for consideration proposes two subcollector streets culminating in cul-de-sacs at each end. The applicant agreed to create two connecting roads to comply with the UDO's minimum length requirement for cul-de-sacs and residential blocks. *Staff note: The current plan is in compliance with these requirements.*

- *Specifically, §152-218 (C) states: All permanent dead-end streets ... shall be developed as cul-de-sacs in accordance with the standards set forth in subsection (D)[1] of this section. Except where no other practicable alternative is available, such streets may not extend more than 500 feet, and in no case shall be permitted to be over 900 feet (measured to the center of the turnaround).*
- *§152-218 (F) continues: Streets shall be laid out so that residential blocks do not exceed 1,000 feet, unless no other practicable alternative is available.*

1. §152-218 (D) provides standards for the radii and pavement width for cul-de-sacs; these details will be reviewed by staff during the Site Plan Review process, following approval of the conditional use permit.

Staff note: Notes provided on the conceptual plan indicate compliance with the dimensional standards for the R10-10 District, as specified below. Staff will confirm compliance with minimum dwelling unit and building height requirements prior to the issuance of zoning permits for each lot.

Zoning District	Min. Lot Area (in square ft. or acres)	Min. Area per D.U. (in square ft.)	Min. Lot Width (in feet)	Min. Front Yard Setback (in feet)	Min. Side Yard Setback (in feet)	Min. Rear Yard Setback (in feet)	Maximum Bldg. Height (in feet)
R10-10	10,000	1,000	75	35	15	30	35

Transportation

The project proposes a single access point from Shepherd's Trail. Approximately 900 vehicle trips per day would be anticipated from the development, exceeding the 600 trip Town of Aberdeen requirement for a traffic impact analysis as dictated by §152-163.21 of the UDO. The purpose of this analysis is to determine the impact on the town and state road system. The applicant has indicated that the traffic impact analysis requirement would be addressed following approval of the conditional use permit. *Staff note: As these studies can generate significant costs, staff views this as a reasonable request.*

As required in §152-217 and indicated by notation on the conceptual plan, sidewalks will be required on both sides of all newly constructed streets. Certificates of occupancy for each building lot will be contingent on compliance with this requirement.

Landscaping and Screening

Street trees are required in accordance with *§152-315: Along both sides of all newly created streets ... the developer shall either plant or retain sufficient trees so that, between the paved portion of the street and a line running parallel to and fifty (50) feet from the center line of the street, there is for every thirty (30) feet of street frontage at least an average of one (1) deciduous tree that has, or will have when fully mature, a trunk at least twelve (12) inches in diameter.* Staff will work with the developer to insure that this section is complied with prior to the issuance of zoning permits for lot development, using appropriate species as directed by Section 98.03 of the Code of Ordinances, and Appendix J of the UDO. *Staff note: The applicant has indicated by notation on the conceptual plan that street trees will be installed in accordance with requirements. Staff will confirm this during the site plan review process, and certificates of occupancy for each building lot will be contingent on compliance with this requirement.*

The UDO does not require screening between residential uses, however does provide for some flexibility in *§152-310: The permit-issuing authority may permit deviations from the presumptive requirements ... and may require either more intensive or less intensive screening whenever it finds such deviations are more likely to satisfy the standard set forth in section 152-306, "Standards for Sufficient Screening and Landscaping", without imposing unnecessary costs to the developer. §152-306 states: Every development ... shall provide sufficient screening and landscaping so that: (A) Neighboring properties are shielded from any adverse external effects of that development, and (B) The development is shielded from the negative impacts of adjacent uses such as streets or railroads.* A perimeter buffer of undisturbed vegetation or newly planted screening material for the development may be appropriate to protect neighboring properties from concerns such as visual intrusion or unwarranted erosion and stormwater runoff that may result from the lots being cleared to the perimeter boundary. Additionally, all adjoining parcels south, west and north of the project area are within the town's extra-territorial jurisdiction (ETJ). Properties in the ETJ are granted some exemptions from town ordinances, in particular, where bona-fide farms exist the town is restricted by state statute from imposing any zoning or building code requirements. A perimeter vegetative screen may provide a physical buffer both to the development proposed by this CUP, and to the neighboring properties. The tree survey and aerial imagery indicate existing vegetation to provide the buffer in whole or in part if grading and clearing of the lots can be kept to a minimum. *Staff note: A requirement for perimeter screening has been included in the recommended conditions, Condition #14.*

§152-317 provides for the retention and protection of large trees, specifically: *Every development shall retain all existing trees twelve (12) inches in diameter or more and no tree twelve (12) inches in diameter or greater shall be removed from the public right-of-way unless the retention of such trees would, in the opinion of the staff, unreasonably burden the development, landowner or maintenance of utilities.* The applicant has provided a tree survey showing locations and sizes of all trees in the project area that meet this standard. The UDO requirement of a tree survey allows for the existence of significant trees to be considered when designing the project and to provide staff with documentation of the existing conditions. Clearing, grading, and lot and street layout should respect the existing conditions, including topography and significant trees. *Staff note: The submitted plan does not appear to consider the locations of existing trees in the street and lot layout. The applicant has expressed that they intend to mass grade the site to the extent practical for slab on*

grade homes (as opposed to raised foundations). Existing trees within the area of grading will be removed. It is the opinion of staff that a greater effort to retain significant trees does not unreasonably burden the development, landowner or maintenance of utilities. Absent evidence to the contrary staff has determined that the proposal is not in compliance with §152-317.

Water and Wastewater

Town of Aberdeen water is currently accessible to the site. Sewer service will be made available upon completion of the Southwest Interceptor, currently under construction. No septic tanks are anticipated with this project.

Plan Consistency

The 2030 Land Development Plan Future Land Use Map adopted in 2005 identifies this project area as commercial, which is both inconsistent with the current zoning and the existing residential uses in the immediate vicinity. The Plan also states that "conservation subdivisions" may be an appropriate development pattern for new development within the town's jurisdiction. Conservation subdivision design is intended to identify what is important to preserve on a site and developing the more suitable portions. Considerations such as preserving farmland and significant treecover, avoiding steep slopes, and preserving the scenic view from the roadway are common factors in conservation subdivisions. The page from the Plan that describes the conservation subdivision design concept is enclosed for reference.

The Land Development Plan also identifies areas within the town's jurisdiction that are recommended for conservation, which are categorized as either primary or secondary conservation areas. Two areas of secondary conservation are included within the project boundary, one near the center of the property, coinciding with the existing drainageway, and another along the southern boundary, adjacent to an offsite tributary to Aberdeen Creek known as Patterson's Branch. The Plan directs that efforts should be made during the development process to preserve the primary and secondary areas where possible, and that the Conservation Areas Map can be utilized during the land development review process to ensure that sensitivity is excercised when developing on or near those lands.

The Aberdeen Pedestrian and Bicycle Transportation Plans recommend the following for all new residential subdivisions:

1. Sidewalks and marked crosswalks on all new roads in accordance with the design guidelines included in the Pedestrian Plan;
2. Marked sharrows, or bicycle shared-lane markings on all new roads in accordance with the guidelines in the Bicycle Plan.

The Green Growth Toolbox (GGT), adopted by the Board of Commissioners in 2010, shows the entire site to be located within a Red Cockaded Woodpecker Foraging Habitat, indicating that some of the existing treecover on the site may provide food sources to this native endangered species. Wetlands as identified by the National Wetlands Inventory are found at the far southwestern edge of the property, flanking an existing

stream known as Patterson's Branch. The wetland classification is PFO1B, signifying "Palustrine", or nontidal forested wetlands with surface saturated soils for extended periods during the growing season. The GGT recommends protected stream buffers of 100' on either side of the stream. A Green Growth Toolbox Assessment exhibit is included for reference.

It should be noted that inconsistencies with the Land Development Plan and other plans adopted by the town do not prevent approval of the request, but should be acknowledged and discussed by the Board during their deliberations. *Staff note: Though consistent with the current zoning and existing uses in the vicinity, the proposal is inconsistent with the 2030 Land Development Plan regarding both the use and the recommendation for Conservation Subdivisions. Consistency with the Aberdeen Bicycle and Pedestrian Plans is achieved with the inclusion of Conditions #7 and #12 in the list of recommended conditions. Consistency with the Green Growth Toolbox is achieved by Condition #15.*

Quasi-judicial Procedure

As a quasi-judicial matter, the Town Board must consider all evidence presented during the public hearing in their decision regarding conditional use permits, and even if they find that an application complies with all other provisions of the UDO, may still deny a permit if it concludes, based upon the information submitted at the hearing, that the development, more probably than not:

1. Will materially endanger public health or safety, or
2. Will substantially injure the value of adjoining or abutting property, or
3. Will not be in harmony in the area in which it is to be located, or
4. Will not be in general conformity with the Land Use Plan or other plans specifically adopted by the Board.

Recommendations and Suggested Motions

Planning staff has identified several key areas where the project's current concept does not comply with the Town of Aberdeen UDO and has included those comments in the body of this document. Based on these conclusions, staff does not recommend approval of the project as iterated in the current conceptual plan dated October 1, 2014 (attached).

On October 16, 2014 the Planning Board found that the proposal did not meet one or more requirements of the UDO, specifically citing sections 152-261, 152-265(A), 152-215, and 152-218(A). The Planning Board additionally found that the proposal did not satisfy Finding #1, will not endanger public health or safety, citing stormwater/drainage and traffic concerns. Though not authorized to do so by the UDO, the Planning Board then followed with a vote to recommend approval of the CUP. The town attorney has provided Town Board members with a memo detailing this break from procedure, and staff has communicated the same to Planning Board members in order to avoid confusion in future deliberations.

Staff recommends that the Board accept public comment regarding Conditional Use Permit CU #14-05 during the Public Hearing scheduled for November 17, 2014 and render a decision on the application at their earliest convenience. The following is a recommended format for motions to be made at that time.

Motion 1: CU #14-05 (is/is not) complete as submitted.

Motion 2: CU #14-05, if completed as proposed, (will/will not) comply with one or more requirements of the UDO. If not, specify the requirement.

Motion 3: CU #14-05 (satisfies/does not satisfy) Finding #1: will not endanger public health or safety. If not, list why.

Motion 4: CU #14-05 (satisfies/does not satisfy) Finding #2: will not substantially injure the value of adjoining or abutting property. If not, list why.

Motion 5: CU #14-05 (satisfies/does not satisfy) Finding #3: will be in harmony with the area in which it is located. If not, list why.

Motion 6: CU #14-05 (satisfies/does not satisfy) Finding #4: will be in general conformity with Land Use Plan or other plans specifically adopted by the Board. If not, list why.

Per UDO §152-54(c), If the Board votes that the application is not complete as submitted (Motion #1), or that the proposal will not comply with one or more requirements of the UDO if completed as proposed (Motion #2), the application may not be approved.

Motion 7: Based on the Findings of Fact and the evidence presented, the Board of Commissioners:

- ☐ Issues denial of CU #14-05 based on the following: _____.
- ☐ Issues approval of CU #14-05.
- ☐ Issues approval with conditions of CU #14-05 as follows.

Recommended Conditions (Planning Board recommended changes to the conditions are indicated in red)

1. Conditional Use Permits (CUPs) run with the land and as such CU #14-05 applies to the entirety of the property reflected in Parcel ID #00049149 and 20060513. An amendment to the CUP is needed to remove property from the CUP or to make changes to the CUP. If an activity is a use by right, it is not subject to the CUP.
2. The proposed use is authorized by the CUP, however, approval of CU #14-05 is contingent on a successful inter-departmental review to insure that the development has met all Federal, State and local regulations and permitting requirements, as well as any conditions attached to the CUP approval. Plans submitted for this review shall include, but not be limited to, utility locations including size, material,

and vertical alignment of waterlines, engineering calculations assuring that proposed stormwater measures meet or exceed the requirements Article XVI, Part 2, Drainage, Erosion Control and Stormwater Management of the UDO.

3. Any and all required permits and/or approvals from other regulatory agencies must be in place prior to issuance of a Notice to Proceed by the Planning Department.
4. The development is authorized to create a maximum of ninety-four (94) single family lots and construction documents generally based on the conceptual drawing dated October 1, 2014.
5. Open Space shall generally comply with the 10/1/2014 conceptual drawing and in no case may be reduced to less than 20% of the total land area for the development. Open space is to be dedicated to the Town of Aberdeen; passive recreation uses are recommended.
6. Tree harvest and mass grading are not authorized as a result of this approval. Construction documents, including a grading plan, shall be reviewed by staff for compliance with the UDO.
7. The applicant is required to install sidewalks on both sides of all new streets, or provide a guarantee with initiation of each phase of development in accordance with the requirements of the UDO.
8. Streets, sidewalks, waterlines, and sewer and stormwater facilities are to be dedicated to the Town of Aberdeen contingent upon inspection and approval by the Public Works Department. Preliminary and Final Plats shall identify any and all Town easements related to these facilities.
9. The Fire Department must sign off on the drawings as well as available capacity for treating fires. Hydrants are required consistent with their spacing requirements. Adequate turning radius must be provided for the fire trucks currently in use.
10. Prior to approval of final plat(s), all infrastructure must be complete or guaranteed per UDO requirements.
11. Street trees shall be installed prior to final plat approval or as a requirement of the building permit for each lot and shall be consistent with official species list provided in §98.03 of the Aberdeen Code of Ordinances or with "Trees of the Carolinas" (Appendix J of the UDO) and planted at the appropriate rate. Compliance with the street tree requirements will be reviewed by staff and staff is authorized to insure compliance prior to issuing a certificate of occupancy for each lot.
12. Sharrows and marked crosswalks shall be installed or guaranteed prior to final plat approval consistent with the requirements of the Comprehensive Pedestrian and Bicycle Plans.
13. The developer shall coordinate with the Parks and Recreation Department to install a passive recreational use for the development; it is to be installed at the developer's expense.
14. A perimeter buffer of undisturbed vegetation or newly planted screening material for the development is required to prevent lots from being cleared to the perimeter boundary. The developer shall coordinate with the Public Works and Planning Departments regarding specifics of buffer requirements and maintenance following approval of the CUP.
15. The applicant shall supply Planning staff with an assessment from US Fish and Wildlife Agency with regards to Red Cockaded Woodpecker activities on the property prior to site disturbance.
16. Subsequent to approval of the CUP, but prior to or with the submittal of the preliminary plat, the developer shall provide to staff a traffic impact analysis (TIA) that meets the requirements of Article XI, §152-163.21 of the UDO. Based on a review by staff of the analysis and any recommended improvements provided in the analysis, the Town Board may require that such improvements be

undertaken and depicted on the plat prior to its approval. The TIA will be provided to NCDOT and staff shall include their comments in the review.

17. Applicant shall work with the Planning and Public Works Departments to create easements at locations considered appropriate by staff to facilitate drainage for the development.

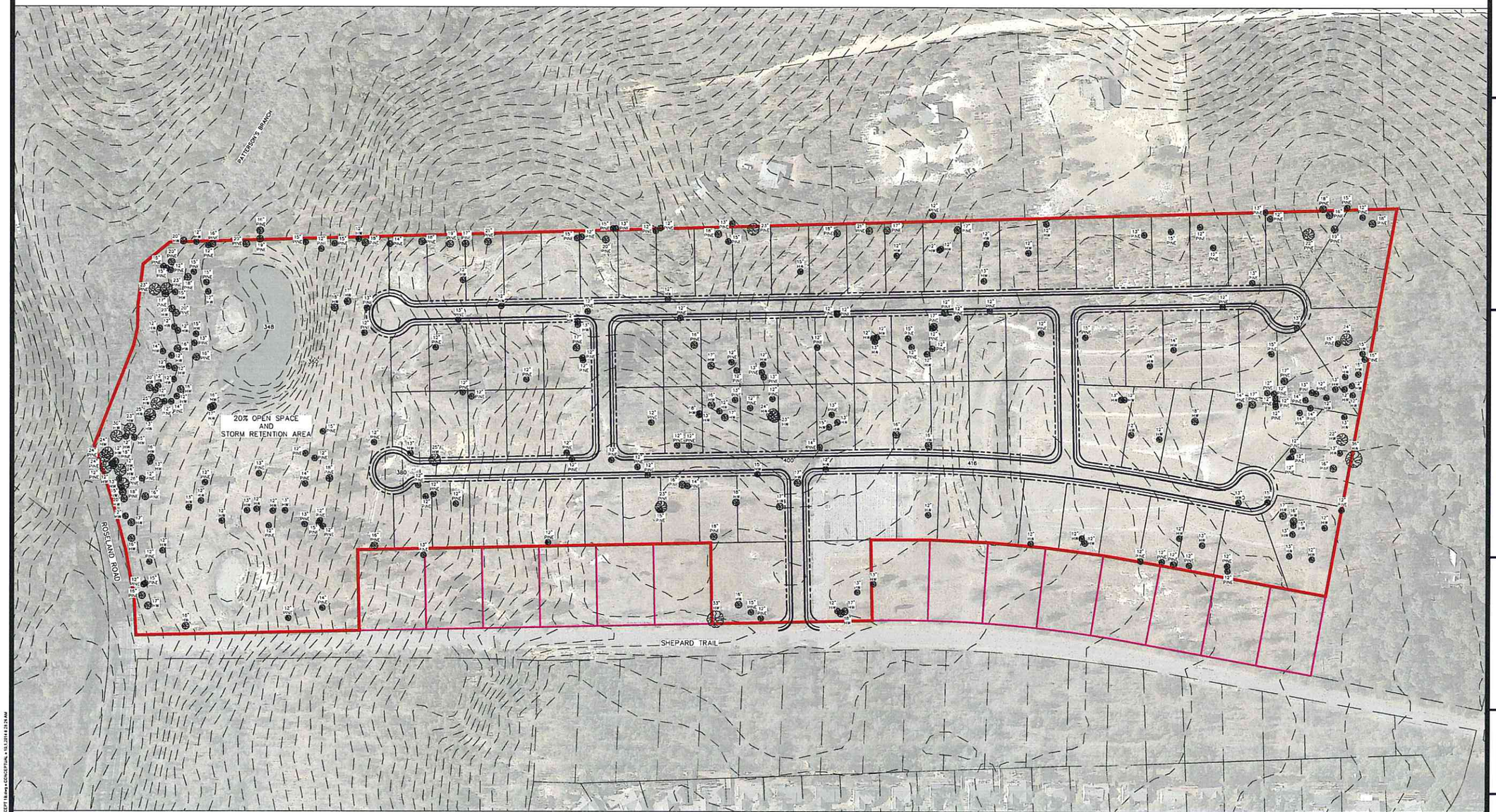
Enclosures: 4DSite Solutions Conceptual Plan
Staff Review Notes – 8/26/14
Submittal Email 10/1/14
Email Discussion of 10/23/14
CUP Application
Vicinity Zoning Map
Land Form Assessment
Green Growth Toolbox Assessment
Conservation Subdivision Concept page from Land Development Plan
Conservation Areas Map from Land Development Plan

ZONING: R-10-10
LOT COUNT: 94
AVERAGE LOT SIZE: 80'x140'
20% OPEN SPACE

SETBACKS
FRONT: 35
SIDE: 15
BACK: 30

SUBDIVISION ROADS
26' G-G WITH ROLL TYPE CURB
5' SIDEWALK ON BOTH SIDES

NC GRID NAD 83 (2011)



SITE NOTES
1. TRAFFIC IMPACT ANALYSIS TO BE PREPARED AFTER APPROVAL OF CONDITIONAL USE PLAN.
2. ALL NEW SUBDIVISION ROADS SHALL HAVE STREET TREES AND STREET LIGHTING IN ACCORDANCE WITH THE ABERDEEN UDO.

GRAPHIC SCALE
100 0 50 100 200 400
(IN FEET)
1 inch = 100 ft.

409 Chicago Drive - Suite 12
Fayetteville, North Carolina 28306
Phone (910) 426-6777
Fax (910) 426-5777
License Number C-2354
4D SITE SOLUTIONS, INC
ENGINEERING ▲ SURVEYING ▲ GPS ▲ CONSTRUCTION LAYOUT

REVISIONS

PRELIMINARY
DO NOT USE FOR CONSTRUCTION

PROJECT NAME

SHEPHERDS RIDGE

CONCEPTUAL

CLIENT

BILL CLARK HOMES

200 East Arlington Boulevard
Greenville, North Carolina 27858
Phone: (252) 814-1481

PROJECT INFORMATION

DESIGNED BY:	SEAN
DRAWN BY:	SEAN
CHECKED BY:	SCOTT
PROJECT NUMBER:	868

DRAWING SCALE
HORIZONTAL: 1"=100'

DATE DRAWN
OCTOBER 1, 2014

SHEET NUMBER
1
OF 1

Town of Aberdeen

115 N. Poplar
P.O. Box 785
Aberdeen, NC 28315

Planning Department
Building Inspections

Phone: (910) 944-7024
Fax: (910) 944-3672

August 26, 2014

Landon Weaver
Bill Clark Homes of Fayetteville
PO Box 87021
Fayetteville, NC 28304

Re: Shepherd's Ridge Sketch Plan Review

Landon:

I have made some notes to capture items from our department's sketch plan review for your proposed buildout of the west side of Shepherd's Ridge, and they are included below. As you will see, the comments reference sections of our UDO, which can be accessed from the Document Center of the town's website: www.townofaberdeen.net

1. Per §152-163.21 a Traffic Impact Analysis is required for any use generating more than 600 vehicular trips per day. My data indicates that the proposal would generate 900. Without data supporting a number below 600, the Board of Commissioners would be bound to require the TIA by ordinance.

2. §152-215 addresses street layout and relationship to the natural topography. It is unknown at this time if curb & gutter is proposed for the development, but please be aware that it would be required for any street exceeding a 6% grade. I don't necessarily support curb & gutter for all residential streets, but our Board has traditionally voted in favor of it. We were able to go without it on a subdivision approved last year in the WS-II Watershed, and we may be able to convince them that it is not necessary here, but an assurance that the roads will not exceed 6% will be needed to support it.

3. Though I realize you are working with a challenging site, I find it difficult to reconcile the steep and varied topography of the site with the grid-type layout of the streets. **§152-218 (A)** goes on to state that "… residential streets shall be curved whenever practicable to the extent necessary to avoid conformity of lot appearance." Additionally, **§152-261 through 265** includes language regarding an effort to conform to natural contours, leave pre-existing drainage ways undisturbed and to provide drainage easements where streams or drainage ways exist on the property. The topography indicates at least one very distinct drainage way running to the south near the very center of the property and then west towards a tributary of Aberdeen Creek and feeds an area of 100 year floodplain near the center of town. The Board will ask me to confirm that the plan conforms to the requirements of the UDO and I will be obligated to point out these issues. I also reserve the option of having the stormwater and drainage plans reviewed by the town's consulting engineer for compliance with the UDO.

4. §152-217 – As you will see, sidewalks will be required on both sides of all new roads for the subdivision. I have no authority to be flexible on this one, and our Board has made it clear that this is in keeping with their expectations.

5. §152-310 provides for some flexibility in the town's landscaping/screening requirements, including the ability to require more intensive screening where appropriate to shield neighboring properties from adverse external effects of the development. In this case, I may recommend to the Board that they require a perimeter buffer of undisturbed existing vegetation and/or newly planted screening material. If they agree, it may be in the form of an easement or counted towards open space, or some other mechanism, but I will recommend that some form of protection be included in the approval so that there are restrictions both during and post construction from clearing to the perimeter boundary line.

6. §152-315 requires street trees along all new streets that are intended for dedication to the town. This should be indicated on the plans submitted for the Conditional Use Permit (CUP) application either graphically or with notes. More details such as proposed species and size at planting can come during the Site Plan Review process following CUP approval.

7. §152-317 – Please be aware that the UDO contains a Tree Preservation Ordinance that requires that any existing tree with a diameter at breast height of 12" or greater be preserved unless doing so places an unreasonable burden on the developer. All trees with a diameter of twelve inches or greater should also be shown on the plans submitted for the CUP. If these trees are proposed for removal this should be indicated with a justification for the removal. (i.e., an area where grading cannot be avoided for the development of the street network).

8. Appendix K describes the town's street lighting policy. The approximate locations and types of street lighting proposed should be shown on the plans for CUP approval to the extent that it shows that the plan meets our UDO. This can probably be done with notes, with a more detailed plan to be submitted for the Site Plan process.

I want to express that I do not wish to make the process more difficult, but have been tasked with being responsive to concerns and issues that have come about from previous and current development. In fact, many of the provisions in the UDO, which was adopted in 2011, are a result of disappointment with development patterns that occurred prior to then, and in some cases are still in progress. You should also know that you can choose to apply for the CUP and put this before the Boards as is, but you should be aware of the issues that will come up as they review the plans and my staff memo. I will work with you in any way I can to help you get to an approval, but I will be obligated to point out to the Board the areas where the proposal does not appear to meet the intent of the UDO. This sketch plan review offers the opportunity for me to go over them with you in advance. I will be happy to meet with you or discuss by phone or email how you wish to proceed.

Thank you for your patience as we work through these issues, and for the delay in getting these comments to you. I have no doubt we will have a better project for the town and your customers as a result of these efforts.

Sincerely,

Pamela Graham, RLA
Planning Director, Town of Aberdeen

From: Scott Brown
To: Pam Graham
Cc: Landon Weaver (lweaver@billclarkhomes.com)
Subject: Shepherds Ridge CUP
Date: Wednesday, October 01, 2014 10:03:26 AM
Attachments: Shepherds Ridge.pdf

Pam,

Attached is the updated CUP for Shepherds Ridge. We have added the notes for the street trees and lighting. We have shown the streets and sidewalk. We have located all trees 12" and larger. I have spoken with Landon and we are going to go before the board without modifying the street and lot layout. Please review and see if you see anything wrong with the plan. If not, I will submit you the hardcopies needed for the October 16 planning board meeting.

Do I fill out the conditional use application or the site plan application for the CUP submittal?

thanks,

Scott Brown, PE
4D Site Solutions, Inc.
409 Chicago Drive - Suite 112
Fayetteville, North Carolina - 28306
Tel: 910.426.6777 - ext. 102
Cell: 910.489.6731
Fax: 910.426.5777
Web: www.4dsitesolutions.com

Pam Graham

From: Scott Brown <sbrown@4dsitesolutions.com>
Sent: Thursday, October 23, 2014 2:09 PM
To: Pam Graham
Cc: Landon Weaver (lweaver@billclarkhomes.com)
Subject: RE: Shepherds Ridge commissioners meeting

Thanks for the reply.

Scott Brown, PE | Professional Engineer
office: **910-426-6777** | ext 102 | cell: **910-489-6731** | fax: **910-426-5777**
On time, every time. | www.4Dsitesolutions.com

From: Pam Graham [mailto:pgraham@townofaberdeen.net]
Sent: Thursday, October 23, 2014 1:01 PM
To: Scott Brown
Cc: Landon Weaver (lweaver@billclarkhomes.com)
Subject: RE: Shepherds Ridge commissioners meeting

Scott,

I did not include a condition for changing the street layout, but the current layout does not meet the UDO and the Board of Commissioners may make a different decision than what was recommended by the Planning Board at the last meeting. They can add a condition or determine that since it does not meet the UDO it does not warrant approval.

As for the grading, the language in the condition is intended to point out that the CUP approval does not authorize any grading or tree removal. That may be done only after a zoning compliance permit is issued for each lot. Staff determines whether restricting tree removal on the lots "unreasonably burdens the development". Same with excavation or disturbance within four feet of any 12" dbh tree on the lots.

You should also consider the possibility that perimeter screening may be required, which will be far less costly if existing vegetation is used rather than planting new material.

Pamela Graham, RLA
Planning Director, Town of Aberdeen
115 North Poplar Street
PO Box 785
Aberdeen, NC 28315
(910) 944-7024

Aberdeen

From: Scott Brown [mailto:sbrown@4dsitesolutions.com]
Sent: Thursday, October 23, 2014 10:26 AM
To: Pam Graham
Cc: Landon Weaver (lweaver@billclarkhomes.com)
Subject: Shepherds Ridge commissioners meeting

Pam,

I have gone through the 17 conditions that were recommended by the planning board. I have a few questions. After all of the discussion about the curvature of the streets and the streets following natural drainage, there is no condition about meeting this requirement. I want to confirm that if the town commissioners approve the current site plan and conditions that the street layout would not be required to change. I don't see in the conditions where we have to change the street layout.

I also have questions about the mass grading condition. This appears to be a general condition that might be placed on all developments. I understand that we can't move forward with any grading operations until the construction drawings have been approved by the Town. However, we are planning on grading the lots. This is a golf course and is not suited for housing in its current state. We will need to mass grade the site to the extent practical for slab on grade homes. I want to confirm that we are not being restricted from grading the lots.

thanks,

4Dsite solutions
civil engineering | land surveying

Scott Brown, PE | Professional Engineer
office: **910-426-6777** | ext 102 | cell: **910-489-6731** | fax: **910-426-5777**

409 Chicago Drive, Suite 112, Fayetteville, NC 28306
On time, every time. | www.4Dsitesolutions.com

910 - 692 - 5557

Town of Aberdeen

Planning Department
Phone: (910) 944-7024
Fax: (910) 944-7459

For office use only:

Application No._____

Date Received:_____

Amount Received:_____

Conditional Use Application

NOTES: - DEADLINE FOR SUBMITTAL IS ONE MONTH PRIOR TO THE APPLICABLE MEETING DATE OF THE PLANNING BOARD.
- ALL APPLICATIONS MUST BE ACCOMPANIED BY A SITE PLAN. SEE SITE PLAN APPLICATION CHECKLIST FOR REQUIRED ITEMS.

APPLICANT INFORMATION:

Applicant: Bill Clark Homes

Phone No. 252-355-5805 Cell No. 252-814-1481 Email: lweaver@billclarkhomes.com

Applicant's Address 200 E. Arlington Blvd, Suite A, Greenville, NC 27858

Property Owner: Shepards Trail Links, LLC

Owner's Address: 1841 Kings Landing Road, Hampstead, NC 28443

Property Location Address: Shepherd Trail LRK# 00049149 & 20060513

CONDITIONAL USE REQUEST:

A. Existing Zoning: R10-10

B. Existing land use on property: old par 3 golf course

C. Requested land use: single family residential

THE BOARD MUST MAKE THE FOLLOWING FINDINGS OF FACT IN ORDER TO APPROVE A CONDITIONAL USE PERMIT. PLEASE PROVIDE INFORMATION TO SUPPORT THE FOLLOWING STATEMENTS.

STATEMENT OF JUSTIFICATION:

A. The establishment, maintenance or operation of the conditional use will not be detrimental to or endanger the public health, safety, morals, comfort or general welfare:
The conditional use will no endanger the public safety or health. The conditional use is for single family housing.

B. The conditional use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted or substantially diminish and impair property values within the neighborhood:
The conditional use will not affect the enjoyment of the surrounding property. The use will be similar to the existing surrounding uses.

C. The establishment of the conditional use will be in harmony with the area in which it is to be located and will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district:

The conditional use will be in an area that is already developed as single family housing and will not impede development of the surrounding property.

D. The exterior architectural appeal and function plan of any proposed structure will not be so at variance with either the exterior architectural appeal and functional plan of the structures already constructed or in the course of construction in the immediate neighborhood or the character of the applicable district as to cause substantial depreciation in the property values within the neighborhood:

The development is for single family housing. The project will be in accordance with town standards and should not depreciate the value of the surrounding property.

E. Adequate utilities, access road, drainage and/or necessary facilities have or are being provided:

Public water and sewer are available to service the site. Public streets will be provided in accordance with the UDO.

F. Adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets:

The ingress/egress will be in accordance with the UDO. A TIA will be completed upon approval of the CUP prior to the submission of plans.

G. The conditional use will be in general conformity with the land-use plan, thoroughfare plan, or other plan specifically adopted by the Town:

The conditional approval will be in accordance with the standards set forth in the UDO.

H. The conditional use in all other respects, conforms to the applicable regulations of the district in which it is located:

The development conforms to the UDO for a single family development.

Acceptance of this application does not imply approval of this request. I realize that this application may be denied or that conditions may be attached to this request at assure compliance with applicable Zoning Code Requirements.

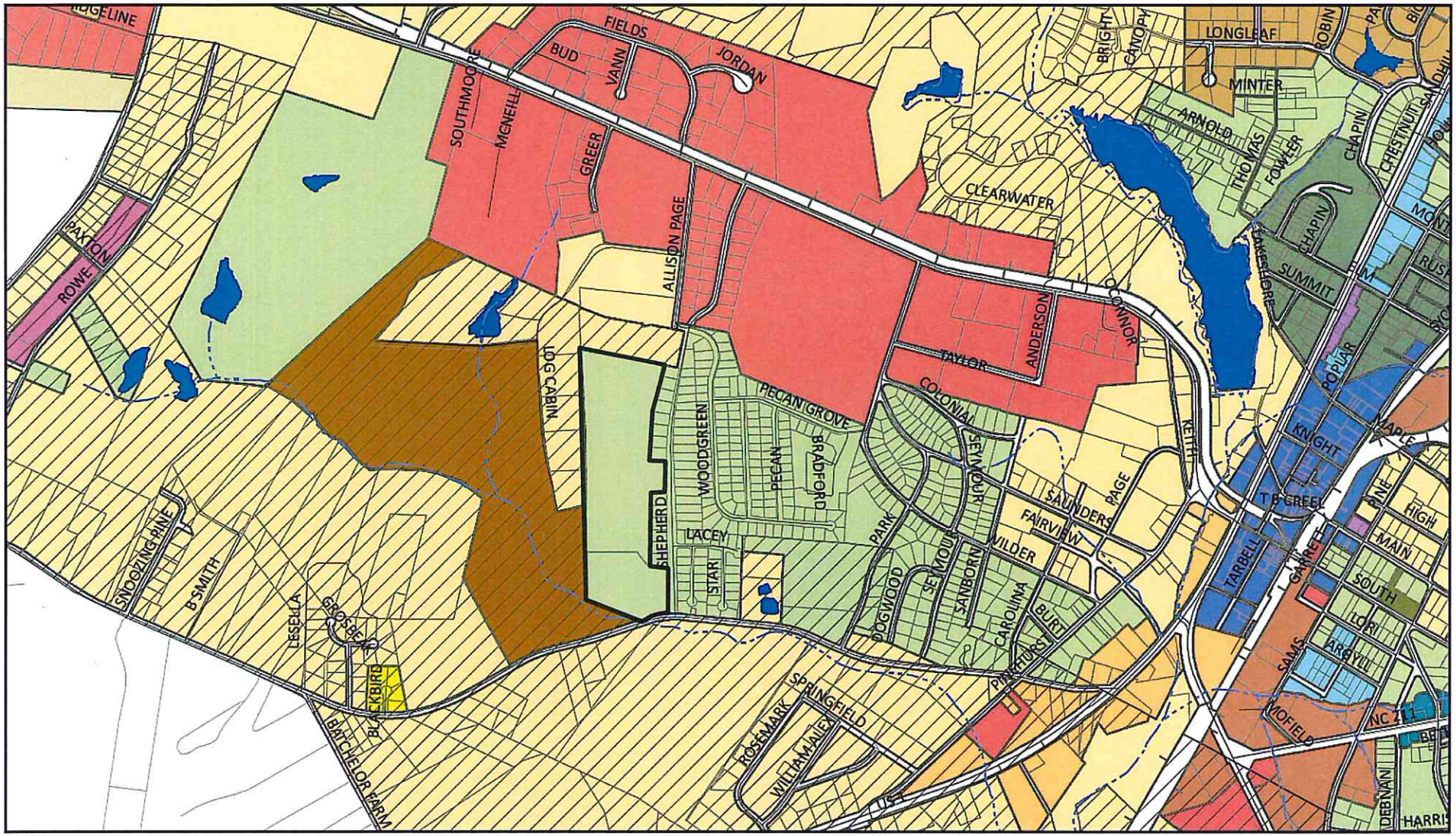
[signature] 10-7-14

Applicant's Signature Date

[signature] 10/7/14

Property Owner's Signature Date

Conditional Use Permit CU 14-05 – Vicinity Zoning



B-1 | C-I | HC | RA | R15-12 | R30-18 | R10-10-C | Aberdeen ETJ

B-2 | I-H | O-I | R6-10 | R18-14 | C-I-C | R20-16-C | Other Jurisdiction

B-3 | GC | MH | R10-10 | R20-16 | I-H-C | Subject Property

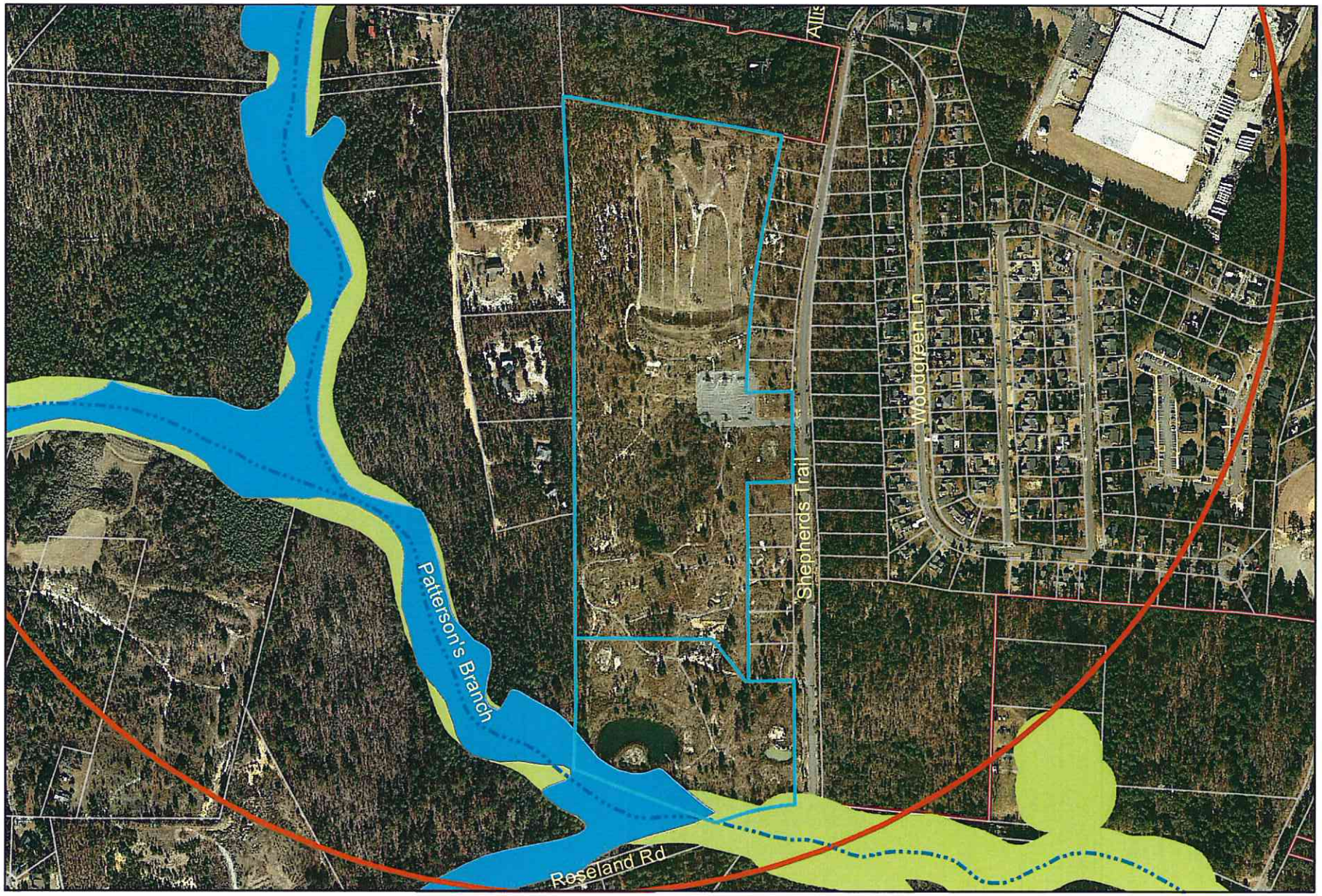
Conditional Use Permit CU 14-05
Land Form Assessment

Property Proposed for Conditional Use Permit

Natural Drainage Pattern

Stream

2 Foot Contours



Conditional Use Permit CU 14-05
Green Growth Toolbox Assessment

Property Proposed for Conditional Use Permit

RCW Foraging Habitat

Stream

Recommended Stream Buffer

Designated Wetlands

8 COMPREHENSIVE LAND DEVELOPMENT PLAN RECOMMENDATIONS

The purpose of the Comprehensive Land Development Plan is to encourage growth and new development that is compatible with existing development, affordable, aesthetically pleasing, environmentally sensitive, and sustainable. This Plan has thoroughly reviewed numerous aspects of Aberdeen's built and natural environment -- as well as its cultural and economic data. Based on that analysis, the following recommendations are offered to help protect Aberdeen's sensitive natural areas and to guide its projected residential, commercial, and industrial growth for the next twenty-five years.

A. Residential Development

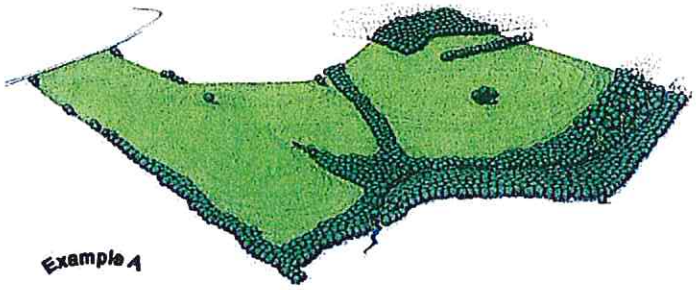
According to estimated building development and current development trends, it is expected that the Town of Aberdeen will receive a significant amount of new residential growth and development over the next 25 years. This new development will require a significant investment in water, sewer and road improvements. The land identified as residential takes into consideration the growth projection maps as identified in Section 3. The 2010, 2020 and 2030 residential growth areas from the background research are consolidated on the Future Land Use Map (Figure 8.6) as residential.

An emerging development strategy called "conservation subdivisions" may be an appropriate development pattern for new development within the Town of Aberdeen. The pressure for potential growth in the area, and the desire of residents to preserve the rural character/open space of the area, appear to be in probable conflict. Alternatives to the current way of subdividing and developing land may need to be explored.

The scenarios described in this Section were developed using some of the ideas from the research of Randall Arendt on conservation subdivisions. The basic concept can be traced to Ian McHarg's 1969 landmark work, "Design with Nature." The two works embody the concept of identifying what is important to preserve on a site and developing on the suitable portions. Examples include preserving farmland, watershed areas, historic buildings and other site features, staying away from steep slopes and preserving the scenic view from the roadway by placing development in the background of the site. The examples on the following pages are from Randall Arendt's book entitled, "Conservation Design for Subdivisions" (1996).

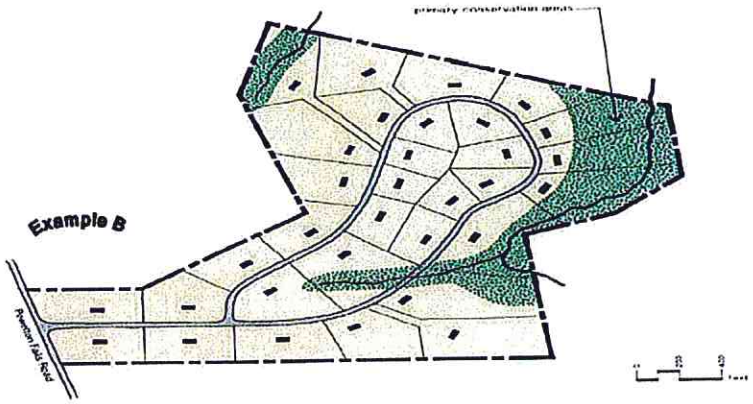
In the conservation subdivision design process, the subdivision designer begins with a site that will be developed (Figure 8.1). The site displayed is typical of many parcels of land within the Town of Aberdeen's extraterritorial planning area. Figures 8.2 and 8.3 are examples of typical subdivision layout with a two-acre minimum lot size. The lots cover the entire parcel of land. Proponents of "one- and two-acre zoning" often believe that large lots will preserve farmland and open space. However, as the illustrations demonstrate, large lot zoning actually promotes the devastation of rural character and does nothing to preserve farmland.

Figure 8.1
Development Site



Source: Randall Arendt, Conservation Design for Subdivisions (1996)

Figure 8.2
Conventional Lot Layout



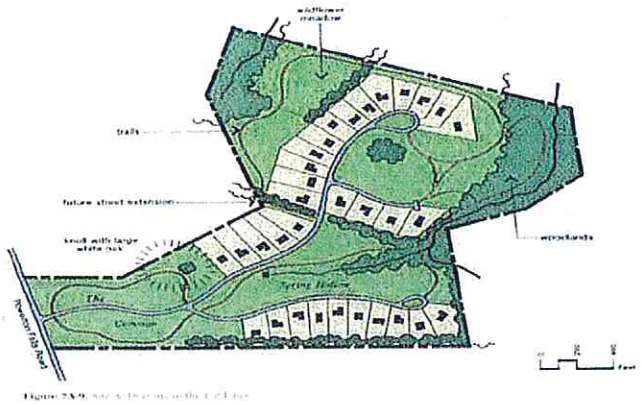
Source: Randall Arendt, Conservation Design for Subdivisions (1996)

Figure 8.3
Conventional Subdivision

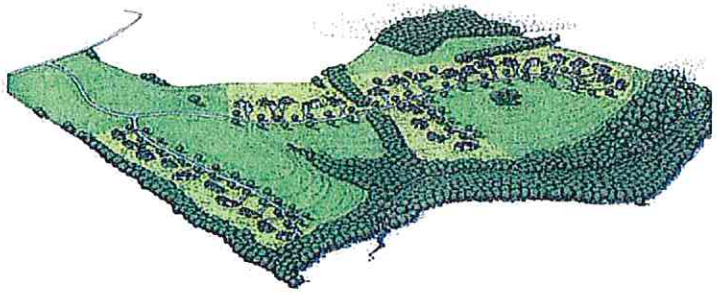
Source: Randall Arendt, Conservation Design for Subdivisions (1996)

This page demonstrates the conservation subdivision concept. The same number of developed lots from the previous example is equal to the number of lots shown below. The exception is the arrangement of the lots on the site. The lots in the conservation subdivision are clustered in a way to preserve the woodlands, farmland and rural character of the entire site. This type of development increases property values and preserves the rural landscape that is desired by the surrounding community. It is a "win-win" scenario for the developer and community. The developer makes his/her profit from the sale of lots and the community retains its pleasant atmosphere and important natural features.

Figure 8.4 The Conservation Subdivision Concept



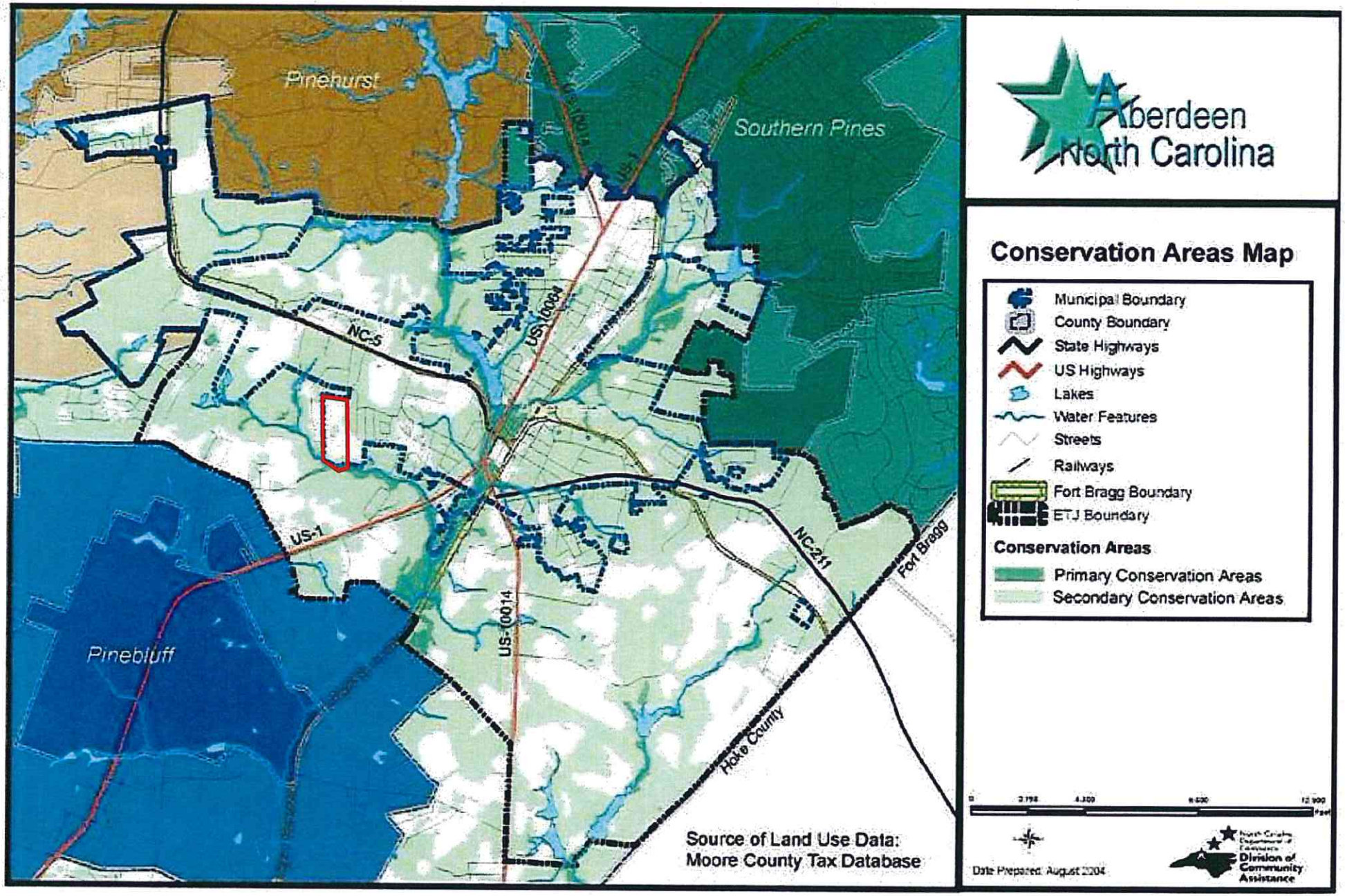
Source: Randall Arendt, Conservation Design for Subdivisions (1996)



Example Conservation Subdivision
Source: Randall Arendt, Conservation Design for Subdivisions (1996)

This type of development, if practiced appropriately, should allow the Town of Aberdeen to maintain its character while allowing for new growth, and should work well with the golfing community. A Conservation Areas Map (Figure 8.5) is displayed on the following page showing potential primary and secondary conservation areas. The primary areas include floodplain and wetlands. The primary areas should be protected from all development. The secondary areas include woodlands and prime farmland soils. Efforts should be made during the development process to preserve the primary and secondary areas where possible. The Conservation Areas Map can be utilized during the land development review process to ensure that sensitivity is exercised when developing on and near these lands.

Figure 8.5 Conservation Areas Map



A secondary conservation area is identified near the center of the site, coinciding with the drainageway, and along the southern border adjacent to the creek.