



VANCE COUNTY
PLANNING & DEVELOPMENT OFFICE

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TO: Vance County Planning Board
FROM: Angie Blount
SUBJECT: Huntstone Preliminary Plat – The Nau Company
DATE: April 12, 2018

Board Members Present: Thomas Shaw III, Chair, Phyllis Stainback, Agnes T. Harvin, Alvin Johnson, Jr., Blake Haley, Ruth Brummitt, Vice-Chair.

Board Members Absent: Logan Darensburg

County Staff: Sam Hobgood, Planning Director, Angie Blount, Planner, Jonathan S. Care, County Attorney

Chairperson Shaw opened the April 12, 2018 meeting of the Vance County Planning Board at a little after 4:00 pm. Chairperson Shaw asked staff if they wanted to present the case, or if they should let Mr. Satterwhite, representing The Nau Company, speak first. Angie Blount, Planning Staff for Vance County, advised that since she believed that everyone was aware that they were here to consider a preliminary plat for Huntstone Subdivision, it would be appropriate for Mr. Satterwhite to present.

Mr. Satterwhite took the podium and introduced himself as representing the applicant, Old Oxford Road Partners, LLC in the consideration of approval of the Huntstone Preliminary plat. Mr. Satterwhite summarized the events that had led up to this meeting of the Vance County Planning Board. Mr. Satterwhite advised the subdivision ordinance was adopted by Vance County November 5, 1999, and amended December 3, 2001. He advised the purpose of the subdivision ordinance was to establish procedures and standards for development of subdivisions within Vance County that will provide orderly growth and development by regulating and guiding the establishment of county subdivisions, private roads, reservations of rights of way and to help in the distribution of population and traffic in a manner that will enhance the public health, safety and welfare while protecting the environment. The subdivision ordinance, which he advised he would be referring to as “the ordinance”, establishes the standards by which the developer needs to comply if they want to develop a piece of property in a subdivision. He advised it is important to point out to the board that the applicant complied April 22, 2002 when they came before the subdivision administrator and submitted a preliminary plat for a 223 lot subdivision. He advised there had been some question about whether or not it had been approved. He advised there is a letter, which he present to each planning board member, from the subdivision administrator at the time, approving that subdivision, and added that the applicant had followed all the rules and regulations. Mr. Satterwhite added that after obtaining approval of the plat they also obtained approval of their construction plans, then the applicant spent one million dollars installing sewer, which they were required to do. He advised the sewer ran from the community college to the subdivision. He added the developer was also required to install water. He stated after spending the million dollars and installing sewer and water as required, the developer went about the process of developing the lots. Mr. Satterwhite advised the lots were approved in phases, the first consisting of 104 lots and approved by Ron Edmondson in 2003 and the latest map approved by Sam Hobgood, November 3, 2017. Mr. Satterwhite advised that during this development process, the county implemented county wide zoning, November 1, 2011. Mr. Satterwhite advised the residual property that had not been developed by this time, 62.5 acres, was designated R20 zoning and were then subject to R20 regulations. Mr. Satterwhite added that the lots approved and developed prior to the enactment of zoning, did not all meet the lot size or lot width requirements for R20 zoning. Mr. Satterwhite added that the lots presented in this last phase would not meet R20 regulations, which resulted in a rezoning request from R20 to R10, which was recommended by the planning board March 15, 2018, and then approved by the board of commissioners April 2, 2018. Mr. Satterwhite advised that Mr. Jonathan Care, Vance County Attorney, had advised both the planning board and the board of commissioners that Old Oxford Road Partners, LLC, were not obligated to follow through with their original proposed number of lots, that they could make application for any

number of lots as long as it complied with subdivision and zoning regulations. Mr. Satterwhite added that this would have allowed the developer to propose 285 additional lots, for a total of 389, far above the originally approved 223 lots. Mr. Satterwhite pointed out that the developer chose not to do that, but instead stayed with the proposed 119 lots, for a total of 223 lots, aligning with the original approval. Mr. Satterwhite advised this is the reason for appearing before the board today is to seek approval for the 223 lot subdivision. Mr. Satterwhite added that at some point in time the procedure changed for approving lots in a subdivision. He advised that not only does the county have a subdivision ordinance, but there is also now policies and procedures. Mr. Satterwhite mentioned that he was sure Mrs. Harvin remembered being on the committee responsible for adopting those documents. He continued that the board of commissioners tasked that committee to try and simplify the subdivision ordinance and to come up with policies and procedures so that people like his clients would know what the board was expecting and know what they should present for the boards review. Mr. Satterwhite also stated that in the policies and procedures in section two hundred, is the procedure for approval for a major subdivision. Under the definitions in the subdivision ordinance, the map presented is considered to be a major subdivision. Mr. Satterwhite explained that his client was required to complete an application and submit along with the proposed subdivision to the planning and development department, which distributed the plat to the Technical Review Committee. Mr. Satterwhite advised that it has been a long time since the TRC (Technical Review Committee) had actually met to review a Major Subdivision that the planning department now emails each member and they are allowed to submit their comments via email to planning, who in turn forward those comments to the planning board and to the applicant. Mr. Satterwhite advised that a rebuttal to those comments had been provided from The Nau Company, the engineer for Old Oxford Road Partners, LLC, and distributed to each planning board member and the planning department. Mr. Satterwhite handed out copies of the rebuttal to the planning board members and advised he would now like to discuss those comments. Mr. Satterwhite advised his client was willing to do whatever the planning board required them to do. Mr. Satterwhite addressed the first comment from the TRC, NC D.O.T Engineer, Reed Elmore. Mr. Satterwhite advised that Mr., Elmore had expressed concern over the size of the subdivision and whether or not there had been a traffic impact analysis. Mr. Satterwhite stated that Mr. Elmore may not have realized that the original analysis was performed for 223 lots, which continues to be 223 lots. Mr. Satterwhite advised that he had tried to contact Mr. Reed to speak with him regarding the issue, but that Mr. Elmore was out of the office for a few days. Mr. Satterwhite advised that he instead spoke with Spencer Ellis who contacted Mr. Elmore and made him aware that the lot count was still the original 223 lots. Mr. Satterwhite stated that Mr. Elmore had called him and told him that the proposed subdivision complied with the original impact analysis. Mr. Satterwhite stated that he felt his client was good on the D.O.T. comments. Mr. Satterwhite advised Mr. Elmore had some additional comments regarding the construction of roads, but that this would be covered after approval of the preliminary plat when the construction plans could be submitted which would include the design for the roads which D.O.T. would have to sign off on. Mr. Satterwhite advised Mr. Elmore talked about the minimum density requirement, meaning there have to be so many houses on a street before D.O.T. would take over the road. Mr. Satterwhite advised he believes they have met the minimum density requirement. Mr. Satterwhite advised Mr. Elmore had also inquired about the mailbox kiosks (cluster boxes). Mr. Satterwhite stated that the homes in Huntstone now are served by private mail boxes in front of each home, to which the USPS considers grandfathered in. Mr. Satterwhite advised that if the USPS allows each home to have a private mail box or if they are going to require cluster boxes, that either way his client would do what was required. Mr. Satterwhite advised that Mr. Elmore had also expressed a concern over the subdivision having one access in and out, which Mr. Satterwhite stated was in the original plan for serving 223 lots. Mr. Satterwhite advised that there is no other land adjacent to the subdivision that is going to be brought into the development, that this is the last of the development, so there will be no future traffic coming in and out. Mrs. Stainback asked Mr. Satterwhite about the back side of the development, the Crews property, if an easement could be placed through there offering another means of ingress and egress from the subdivision. Mr. Satterwhite advised that they did not have any way to utilize the Crews property for that purpose. He advised that the Crews Family could be approached about providing easement, but that he could not really comment on the prospect since he did not know the topography of the property, or the cost of building a road. He further advised that they had not explored that possibility since there had already been approval for the current access.

Mr. Satterwhite continued with the rebuttal, referring to comments provided by Clark Thomas, Engineer for the City of Henderson. Mr. Satterwhite advised Mr. Thomas had concerns about adequate water and sewer to the area. Mr. Satterwhite referred board members to the handout that he had provided earlier. He advised the board that he had handed them a copy of a letter dated June 4, 2002 which confirms the city did indeed have the capability to provide water and sewer, which Mr. Satterwhite stated his client had to know before spending a million dollars. Mr.

Satterwhite pointed out that the city manager at the time, Eric Williams, had stated in the letter that they welcomed the opportunity to serve this subdivision, and what a good thing it would be for the city and for Vance County. Mr. Satterwhite advised he had asked Mr. Thomas to come today in case the board had any questions for him. Mr. Satterwhite advised that Mr. Thomas had done calculations regarding the amount of usage for each home and had determined that for a 223 lot subdivision there would be adequate service.

Mrs. Stainback asked Mr. Satterwhite if he could explain to the board what "bucking grade" was. Mr. Satterwhite advised that the engineer could answer that question better than he, but he continued that it was his understanding that if the grade was higher on the wrong end you have to dig deeper to achieve the desired gravity flow so that you do not have to pump the sewage. Mr. Satterwhite stated that the other notes Mr. Thomas had inquired about were in regard to wetland and storm water/sewer issues. Mr. Satterwhite advised that he believed the applicants engineer and Mr. Thomas had gotten straight on those issues and had concluded that they were good on those inquiries Mr. Thomas had made. Mr. Satterwhite continued regarding the questions regarding open space as depicted on the plat. He advised there were questions about whether or not the open space would be conveyed to the home owners association. He advised that he had been reading up on the county ordinance and that it does mention the requirement that a HOA be formed and that the developer, at the appropriate time, convey any open space to the HOA.

Mrs. Stainback stated that she was worried about water for this development. Mrs. Stainback asked if there were other similar density developments within the Tar-Pamlico basin. Mr. Satterwhite advised that he would refer that question to their engineer, who could address it now or after he finished. Mrs. Stainback advised it would be find for him to answer after Mr. Satterwhite had finished. Mrs. Stainback commented that she knew the county had no storm water regulations. Mr. Satterwhite advised that he believed his client had addressed storm water regulations with the state, who would enforce those regulations, and that they were compliant with state, county and city regulations. Mr. Satterwhite advised that he would ask the engineer to speak on technical issues when he finishes with his presentation. Mr. Satterwhite advised that Mr. Thomas had indicated that the regulatory signage (street signs, stop signs) was the responsibility of the developer, and that would be presented with the construction plans for the boards' consideration.

Mrs. Stainback asked that Mr. Satterwhite go back to number four (on the handout from Mr. Satterwhite) regarding open space. Mr. Satterwhite advised it was hard for him to comment on open space because there were two public hearings, one here and one before the county commissioners, where some of the residents were concerned about access to the open space without crossing someone else's property. Mr. Satterwhite advised that the preliminary plat shows the properties redrawn with access at the end of each cul de sac. Mrs. Stainback asked who would be responsible for development and maintenance of the open space. Mr. Satterwhite advised that would depend on the developers marketing plan. Mr. Satterwhite advised that for now he would imagine they would be natural open spaces, but for marketing purposes it might be that the developer would go in and install hiking trails, biking trails, etc., but that the plan would not be clear until development started. Mr. Satterwhite further stated that it would be up to the HOA as the open space would belong to them and could be maintained along the same lines as the clubhouse and pool which are maintained by the HOA dues. Mr. Satterwhite advised he did not know how much the dues are, possibly in the range of \$300 a year. Mrs. Stainback commented that was a reasonable amount, but she had wondered what that amount would go to if they had to maintain the open space. Mr. Satterwhite advised that at \$300 a year times 119 houses and then when it is fully developed it would amount to a lot of money for maintenance. Mrs. Stainback pointed out that it would not be that much in the beginning, to which Mr. Satterwhite replied that the 104 houses there now times the \$300 is a considerable amount of money coming in to the association. Mr. Satterwhite advised that he manages three smaller associations, Summerset Plantation on Thomas Rd., Lakeshores Plantation on Thomas Rd., and a doublewide subdivision in Franklin County called Greenbrier. Mr. Satterwhite advised that it is difficult to manage an HOA, but he is able to manage those because they are small. Mr. Satterwhite explained that Greenbrier has the most lots, probably 70 lots total. He advised that the developer had been managing the HOA so far, but that at some point there would be a professional HOA management company who would take over the duties for the association. He stated that currently there is a member of the community on the HOA board, but that as lots sell out more community members would be added and it would then be up to the association whether or not they seek a management company. He stated that if they decided to use a management company, which would then carry forward any decisions the board had made as far as how to develop the common areas, whether they are left natural or whether they install playgrounds and the like.

Mr. Satterwhite then moved on to number five on the handout, regarding regulatory signs, which he advised they had already talked about and reiterated that the developer would be responsible for those. Mr. Satterwhite stated there were two other comments from the TRC, several from Cory Williams with the Henderson

City Planning Department. He advised that he had spoken with Cory regarding his comments regarding storm water and sewer. He advised Cory had talked to Mr. Thomas, City Engineer regarding those issues and that his concerns had been addressed. Mr. Satterwhite advised Cory had also had concerns regarding connectivity but now understood that the issue of one way in and one way out had been addressed in the beginning with the first phase of the development. Mr. Satterwhite stated that Cory had told him that he made an error when calculating the lots, but after correction his concerns were abated. Mr. Satterwhite advised that the last comment was from Mr. Care, County Attorney, regarding lot number 186 not being included in the R10 zoning. Mr. Satterwhite advised his client is planning on configuring that lot so that it will qualify for R20 zoning. Mrs. Harvin asked Mr. Satterwhite for clarification on whether or not lot 186 would be configured for R20 zoning, and that the change is not shown on the preliminary plat. David Arnold with the Nau Company answered that it is not shown on the plat, but that it would be changed on the final.

Mrs. Stainback asked Mr. Satterwhite to refer back to number three on the handout, and asked what SCM referred to. Angie Blount, county planner, replied that it stood for Storm water Control Measures. Mr. Stainback commented that she assumed no storm water control measures would be required.

Mrs. Harvin stated that at the last meeting some of the residents raised their concerns regarding construction trucks and the trash that is left behind when they leave after the construction process. She also stated that safety for children in the development had also been a concern. She asked if the infrastructure would be developed first for the whole section. Mr. Satterwhite replied that the developers' intention is to develop in three phases as depicted on the map handed out earlier by Mr. Satterwhite. He explained that by developing in three phases, it should minimize the construction traffic considerably. Mrs. Harvin expressed her concern for the amount of construction traffic generated by one phase and wondered if traffic could be routed away from the existing neighborhoods. Mr. Satterwhite replied that he believed the former construction entrance had been built upon and could not be utilized for this phase. Mrs. Harvin commented that there would be very large construction equipment moving in and out of the area. Mrs. Stainback commented that her concern was for the wear and tear on the roadway. Mr. Satterwhite advised that the heavy equipment would be brought in to build the houses and that grading and setup for the roads would be done but not completed until the lots were complete. Mrs. Stainback asked if the older roads in the development would also have to be redone due to the construction traffic. Mr. Satterwhite advised that there could be damage to the existing roads but that the developer would be responsible for repairing. Mrs. Stainback commented that the construction traffic would make it hard for the existing residents to get in and out of the development. Mr. Satterwhite agreed about the congestion and difficulty, but asked the board to remember that the development would occur in phases, that the people in the first phase dealt with those issues while the second phase was in development, and so forth. Mr. Satterwhite explained that when the east end was developed there was no construction entrance and that traffic and equipment were routed through completed neighborhoods. Mrs. Harvin and Mrs. Stainback commented that at the last meeting residents complained about the traffic issues based on their experiences during the last phase of development. Mr. Satterwhite stated that he believed the complaints were based on a fear of the unknown rather than past experience. Mr. Satterwhite commented that during the last meetings there were comments from residents who had heard there were going to be apartment complexes, duplexes and 250 new homes built in this phase. Mr. Satterwhite again concluded this was due to the residents' fear of the unknown. Mrs. Harvin asked if most of this land is covered in trees or had it been clear cut. David Arnold with the Nau Company, replied to Mrs. Harvin by stating that the property consists of streams, forest and that some of it is clear cut. Mrs. Harvin asked if the property was scheduled to be logged, adding that logging trucks do damage to roadways. Mrs. Stainback agreed with Mrs. Harvin regarding the potential damage to the roadways. Mrs. Harvin commented that it might benefit the developer to have a separate construction entrance. Mrs. Stainback commented that she wished the developer had left a construction access in place. Mrs. Stainback commented that the construction will create problems for the residents of the development. Mr. Satterwhite stated that he was representing the developer to insure zoning and approval of the preliminary plat. He stated that if he were representing the developer in the sale of timber from the property, he would certainly include something in the contract which would protect the residents and that would protect the roadways themselves. Mr. Satterwhite commented that he was sure the board did not know who Old Oxford Road Partners, LLC consists of. Mrs. Stainback stated that the board would like to know. Mr. Satterwhite stated that he did not know all of the partners, but he did know Joe Ross, or a company that Joe Ross owns is one of the members of Old Oxford Road, and that his company is one of the biggest logging companies around. Mr. Satterwhite advised that Joe Ross and David Scott, who both reside in Hunters Ridge Subdivision, work together and both have an interest in the development of Huntstone. Mr. Satterwhite advised it would be reasonable that Mr. Ross and his logging company would do any logging in the development and would take great care while doing so as not to damage existing

roadways. Mr. Satterwhite stated that another member of Old Oxford Road Partners, LLC, is a company owned by Mr. Ferguson who is present, and another company owned by several people, Mac Choplin, Dave Carver, Rick Spears, David Parham who is the head of the HOA out there (Hunters Ridge), Bob Lloyd, owner of Lloyds Plumbing, and several others. Mr. Satterwhite stated that he believed there were seven members in the company. Mrs. Stainback asked Mr. Satterwhite to rename the members. Mr. Satterwhite obliged and stated they were all natives of Vance County and Henderson, with the exception of Rick Spears. Mrs. Stainback commented that basically there were three companies that made up Old Oxford Road Partners, LLC, to which Mr. Satterwhite stated that was his understanding. Mr. Satterwhite stated that he did not do the development work for Old Oxford Partners, LLC, which the rezoning and the consideration of the preliminary plat have been the extent of his representation of them thus far. Mr. Satterwhite advised that their development attorney was Jim Cross of Oxford. Mr. Satterwhite advised Mr. Cross handled the legal development work for Old Oxford Road Partners, LLC.

Mrs. Stainback asked if the development is to be done in three more phases, how many houses per phase would be built. Mr. Satterwhite replied that the builder that is in the development now has fourteen houses under construction currently, and it would be his estimation that somewhere around ten at a time would be constructed due to the builder not wanting to build homes that may or may not sell. Mr. Satterwhite advised that it would depend on how quickly the fourteen sell that would determine how many would be constructed in the next phase. Mr. Satterwhite stated that it is his understanding that the fourteen under construction are all in contract. Mr. Satterwhite commented that there is a need for this type of housing in Vance County at this time.

Mr. Satterwhite referred back to the county ordinance, section 300, referring to general design standards and commented that the Vance County Planning Board has the right and responsibility to review and require revisions to any subdivision plat. Mr. Satterwhite stated that the purpose of the review is to ensure that it does not have an adverse impact on public safety, that there are adequate utilities, that the public investment in any public roads is maintained, that the lay of the land is not diminished by the development and to assure that county zoning regulations are met. Mr. Satterwhite concluded by stating that section 200.1.5, policies and procedures, allows the planning board to approve a preliminary plat. Mr. Satterwhite stated that he feels that standards have been met sufficiently for the board to approve the plat. He further stated that if the board chose to approve the plat and place conditions, which also would be within their authority to do so.

Mrs. Stainback inquired regarding protective covenants for the new development, whether or not the current covenants would be applied to these new lots as the size had been reduced. Mrs. Stainback expressed concern over the width of the driveways as required by covenants, whether or not this could be achieved with the reduced lot width for the R10 zoning. Mr. Satterwhite stated that the protective covenants that are currently in place are tight, and that they will apply to the new lots. Mr. Satterwhite advised that Mr. Cross drafted this set of covenants for Huntstone, and that they were designed to protect the residential integrity of each homeowner's property against their neighbor, but is also to insure that their neighbor does not do anything to adversely affect the value of your property. Mrs. Stainback asked Mr. Satterwhite to repeat his explanation of covenants. Mr. Satterwhite gave several examples of how protective covenants protect property.

Mrs. Stainback stated that she still has concerns regarding the sewer system and stated that she hopes it works as it is meant to. Mrs. Stainback commented that another minor concern she has is with the trash cans. She asked how the waste issue is to be handled. Mr. Satterwhite stated that as far as the sewage is concerned, it will be handled as it is supposed to be, as the developer has hired professional engineers to insure it is handled properly. Mr. Satterwhite announced to the board that Mr. Nau and Mr. Arnold from The Nau Company, the engineer firm in charge of the development, were both present to answer any questions the board may have. Mr. Satterwhite stated that he had not thoroughly reviewed the restrictive covenants regarding waste disposal and therefore could not address that issue properly. Mr. Satterwhite stated that most restrictive covenants require waste receptacles to be stored away from public view. Mr. Satterwhite stated that he did not know who picks up the waste for that development. Mr. Satterwhite stated that he did not think there was a dumpster on site, but that Mr. Ferguson could correct him is that was incorrect.

Mrs. Stainback inquired regarding mail boxes. She asked if there would be individual mail delivery as there is now, or if cluster boxes would be required. Mr. Satterwhite replied that they would do whatever the USPS required them to do.

Mrs. Stainback asked about the school bus stops, how would they be handled. Mr. Satterwhite replied that he could not comment on that since he did not know what the bus schedule was. Mr. Satterwhite did comment that he had developed a subdivision in the past on Vicksboro Rd. involving four interior roads which did not intersect. He advised in that situation the children were picked up on Vicksboro Rd., and that they had to provide walking easements through the subdivision for the children. Mr. Satterwhite stated that it would be his opinion, due to the

size of Huntstone and the fact that the internal roads connect, that the school bus would go into the subdivision to pick up children. Mr. Satterwhite concluded that the school system has their own regulations and standards that they have to comply with, but that it would be his opinion that the bus would enter the subdivision.

Mrs. Stainback asked about the wetlands and the environmental report from Sage Services which was included in the reports from The Nau Company. Mr. Satterwhite replied that none of the wetlands affected any of the lots, but that David Arnold with The Nau Company could answer any questions regarding the environmental report. Mr. Satterwhite commented that in the older section of the subdivision depicted on the map, there are wetlands all through the subdivision, and that the lot lines go to the center of the wetland which are identified as zone A and zone B. Mr. Satterwhite continued that in zone B you cannot disturb a blade of grass, but in zone A you do have to retain the vegetation but some development and maintenance is allowed, even though you own the land within both zones. Mr. Satterwhite stated that in the newly proposed subdivision, the wetlands are in the common area or open space and are not affected by activities on lots. Mr. Care, Attorney for Vance County, advised that the wetland areas will be required to be delineated on the final subdivision plat. Mrs. Stainback commented that she had read the environmental report and wanted to make sure that wetlands would be identified and treated appropriately. Mr. Satterwhite addressed Mrs. Stainback regarding the environmental report, stating that when the study was conducted it was thought that storm water would be an issue, but soon it was discovered that it would not be an issue, so some things in the report were based on earlier assumptions that no longer apply. Mr. Satterwhite stated that he did not believe that wetlands or storm water was an issue, but that David Arnold with The Nau Company could probably answer any technical questions the board had. Mr. Care advised that the county could not wave wetland regulations as those are enforced by the state. Mr. Care went on to explain that the ordinance for Vance County require that the wetlands be delineated. Mrs. Stainback stated that in the report it outlined requirements that must be done. Mr. Care advised that during construction the developer may have to take steps to protect the wetlands. Mrs. Stainback advised that the report went in to detail regarding buffers required by the Corps of Engineers, NCDWR and private surveyors. Mr. Satterwhite advised that this is the first of many phases that must be done before any construction could actually take place. Mr. Satterwhite advised that the board will see each step as it is taken toward final approval, (construction plans, etc.). Mr. Satterwhite commented that the ordinance is written so that developments are phased in and board members are to consider each step toward completion. Mr. Satterwhite commented that approval of the preliminary plat will then allow the developer to come back to the board with a construction plan which will answer some of the questions the board had today.

Mr. David Arnold with The Nau Company took the podium. Mr. Arnold stated that his company is proposing a reconfiguration of the lots that the board approved the zoning on previously. Mr. Arnold advised that the water and sewer, grading and earth moving operations will have to be approved by the state, the roads will have to be approved by NCDOT, Wetlands and Storm Water will have to be approved by the Army Corps of Engineers and Department of Water Quality, which both departments will come to the site and verify that what they have delineated on the plat is correct. Mr. Arnold stated that there are about seven different state agencies that will be making sure the developer has complied with state regulations. Mrs. Stainback commented that the residents had complained about the trash and traffic during the last phase of development. Mr. Arnold stated that it is the responsibility of the developer to make sure the roads are kept up and the area kept clean, and that the state helps to enforce that. Mrs. Stainback commented that someone evidently did not enforce it last time. Mr. Arnold stated that the regulations have gotten a lot stricter in the last couple of years. He advised that when the earlier lots were developed there may not have been enforcement, but that the site visits have stepped up recently. Mrs. Harvin asked which state agency would be monitoring the development. Mr. Arnold answered that it was the NCDEMLR, Department of Management and Land Resources, Land Quality Division. Mrs. Stainback commented that she understood that a lot of these departments in Raleigh do not have the resources and manpower to do a lot of enforcement due to cut backs, which may have been responsible for the issues residents were experiencing recently. Mr. Arnold advised that at this particular agency they have staff whose responsibility it is to review plans and an inspector who is assigned to the project who will be on site working with the contractor to make sure the site is kept clean and that it is built in accordance with the standards on the plans.

Mrs. Blount inquired of Mr. Arnold about the width of the openings leading to the open space. Mr. Arnold advised the openings are about 20' wide and would provide access for residents to the open space.

Mrs. Blount advised that she had contacted USPS regarding the mail delivery for the new section, and was informed that the new phase would most likely be required to have cluster boxes versus individual mail boxes, but also stated that the local postmaster would be the deciding authority. She advised that the county would require a letter from the Postmaster approving individual mail delivery. Mrs. Blount asked if the developer had a plan for where, if required, cluster boxes would be located. Mr. Arnold advised if cluster boxes were to be required, there is

a “bump out” off of the roadway where cluster boxes are allowed, or they could be placed in a cul de sac. He advised it would be up to the local Postmaster as to how many locations would be required.

Mr. Care commented that phasing is allowed per ordinance if it is proposed, but did not see on the plat any proposal listed. He advised for this reason all work proposed on the construction plans would need to be completed or a bond posted. He stated that from what was said today, he understands it is to be done in three phases. Mr. Care asked if the developer would like to redraw and propose construction in phases. Mr. Arnold stated that if it needs to be a condition of the approval that they provide the phasing on the plat then that would be something they could work with the developer to find out how they want to phase this project and break it up for the final plan along with any other changes that need to be made as a condition. Mr. Care stated that was just one of the requirements for the submittal as per the counties rules and regulations.

Mrs. Stainback commented about the connectivity and her concern regarding the access in and out of the subdivision. Mr. Arnold advised that the current access was approved at the beginning with the proposal of all 223 lots, that no new lots are being added. Mrs. Stainback stated that according to the TRC comments, the DOT engineer, Mr. Elmore, was concerned about their only being one access. Mr. Arnold stated that Mr. Satterwhite had addressed the access issue with the TRC rebuttals during his presentation. He stated that Mr. Elmore understands that the proposal has not changed the number of lots from the original that was approved and feels more comfortable with the original impact analysis.

Mr. Sam Hobgood, Director of Planning, asked Mr. Arnold about the width of the access to the open space. He advised that the open space is zoned R10 and would require 75’ of road frontage. Mrs. Blount advised that not all of the accesses shown would require 75’, but that at least one of them would. Mr. Arnold advised that there is at least one that does have in excess of 75’ (the plat did not show measurements for these accesses). Mr. Hobgood pointed out that the largest access area leads directly into a wetland. Mrs. Blount asked if the area could be traversed upon. Mr. Arnold explained that along the edge of the wetland they could build hiking trails, which can be placed directly adjacent to stream buffers. Mr. Arnold stated that this is allowed.

Mrs. Stainback asked when the decision would be made as to the purpose of the open space. Mr. Arnold replied that if the developer does nothing with the space during development, once it is deeded over to the HOA, it would then be up to them to decide what is done with it. He advised the HOA could then develop trails or a playground, basically whatever they decided to do. Mrs. Stainback commented that really there is no current plan for the open space. Mr. Arnold replied that there is no plan for the open space, but that whatever it is used for, the wetland areas will continue to be protected. He continued that whatever was built there, playground or trails, they would be required to stay out of the protected areas.

Mr. Care asked why they used previously approved preliminary plat surveys from 2002 (Notes and Assumptions) instead of doing their own survey. Mr. Arnold advised they brought in available GIS information and supplemented. Mr. Care commented that all those maps are recorded. Mr. Arnold advised that when they go for construction drawings for the final plat their surveyor would punch in all of the information and have it on the final plat.

Mrs., Stainback referred to the TRC comments made by Clark Thomas, Engineer for the City of Henderson. She stated that he asked for documentation from the state that they approved the engineers design, regarding storm water controls. Mrs. Stainback asked the timeline for this to be done. Mrs. Blount replied that it would be up to the state as the county does not have storm water regulation. Mr. Arnold advised that the state does not require storm water controls in this part of the county. He explained that if the state does not require controls then it is up to the local jurisdiction which would be the county and since the county has no regulation for storm water, no controls would be required. Mrs. Stainback inquired that if problems with storm water did occur, what would be the remedy. Mr. Arnold advised that state conducts studies of waterways and that is how they determine which areas are at risk. He further stated that in areas such as the Falls Lake Storm Water Area, more stringent regulations are enforced since that area contributes directly to drinking water. He further stated that in rural areas, such as this subdivision, the rules are a lot less stringent. Chairperson Shaw light heartedly quipped that Vance County had good water running off into the Tar River eliminating the need for any storm water controls in this area!

Mr. Hobgood stated that he would like to make the board aware that planning staff had not spoken with anyone on the TRC since the rebuttals were submitted to planning on the tenth of April, two days before this scheduled meeting. Mrs. Stainback inquired if planning needed to talk to the TRC regarding the rebuttals. Mr. Hobgood replied that in his opinion they did. Mrs. Stainback commented that she believed planning needed to talk to TRC regarding the rebuttals as well. Mrs. Stainback inquired as to whether or not the planning board needed to follow the TRC opinion. Mr. Hobgood replied that the entire process includes consideration of the TRC. Mrs.

Stainback commented that planning staff needed to communicate with TRC regarding the rebuttal and then the planning board would act accordingly. Mrs. Stainback questioned if the board needed to make a decision today or table the issue. Mrs. Harvin asked for clarification as to whether or not TRC had seen the rebuttals. Mr. Hobgood stated that planning staff has not spoken with TRC since receiving the rebuttals. Mrs. Stainback commented that she felt the planning board was fortunate to get the rebuttal before the day of the meeting. Mr. Hobgood stated that his department rushed in order to get it to the board members before the meeting. Mr. Satterwhite advised the board that application by his client was made on March 22, 2018. Mr. Satterwhite stated that he did not know when the application was submitted to the TRC. He stated that his client is not required to make any kind of response to the comments from the TRC. He advised that his client made those rebuttals for the purpose of being able to talk about it and providing the planning board with a visual. Mr. Satterwhite stated that he believed there were only 3 members that sent comments, along with Mr. Care, who is not a member of the TRC, but suggested that the board could ask questions of Mr. Care regarding lot 186. Mr. Satterwhite stated that Mr. Thomas, Engineer for the city of Henderson and present in the audience, would be available to answer questions from the board. Mr. Satterwhite stated that he had spoken with Corey Williams, Director of Planning for the City of Henderson, who really only had questioned the number of lots, as well as DOT. Mr. Satterwhite added that if planning staff wanted to explore issues further with the TRC, they could have done that. He added that if the board wished to have more time before making a decision they could table this and they can come back. Mr. Satterwhite stated that they were not trying to rush the board or the planning department or the TRC, but it comes down to the rules and regulations. He continued that we (his client) owns property that they would like to develop, and there are rules and regulations that have to be followed in order to do that. Mr. Satterwhite stated that his client has followed the rules and the regulations to a T. Mr. Satterwhite stated that he has talked with the planning department, and talked to Mrs. Blount four or five times in the last couple of days checking to make sure the application was complete, which it was, then it was sent to the TRC, TRC comments were forwarded to his client, rebuttal comments were sent back to the planning department and then distributed to the planning board members.

Mr. Satterwhite advised the board that if they need additional time the board could certainly vote to table until the planning department felt like they had collected all the information they need. Mrs. Stainback commented that the planning board and the TRC follow a schedule moving information from one place to another and she felt like they function well. Mr. Satterwhite commented that they had been very nice and helpful, the planning department was as congenial and easy to work with as possible. Mrs. Stainback commented that the planning board relies on the comments from the TRC to some extent because they are part of the show, part of the process. Mr. Satterwhite stated he understood and agreed and that is why they have talked to all four TRC commenters. Mr. Satterwhite stated that he had talked to them personally about the comments and that he had relayed to the board who they spoke to and what their comments were. Mrs. Stainback stated that she felt this is a major decision for the planning board and that she feels the board must be very careful when making decisions on issues larger than they normally deal with. Mrs. Stainback commented that she realizes the owner and developer as well as the residents all have money invested and just wants to make sure that events go the way they should, otherwise the planning board or the board of commissioners might be blamed. Mrs. Stainback stated that she appreciated the rebuttal made from the questions raised by the TRC. She advised it made going through all the information provided easier to make sense of. She advised that studying all the information provided is not an easy task. Mr. Satterwhite replied to Mrs. Stainback that the county has rules and procedures for a reason, and that reason is to protect the county, the residents of the county and to protect the land, etc. Mr. Satterwhite continued that the county has a zoning ordinance which includes policies and procedures. Mr. Satterwhite advised that they have done exactly as the procedures have instructed them to do. He advised that he has been in touch with Mr. Care several times to ask if there is anything else that they need to present. Mr. Satterwhite went on to say that he has talked to the planning department several times to make sure that they have done all they have been asked to do. He stated that if they are asked to do something else, they will do it. Mr. Satterwhite stated that this is just the very first step in a long process, so if the board were to give preliminary subdivision plat approval today, that is not binding the board in any way. He advised it is like saying, "ok, we're good with that, bring us back the construction plans and answer these q". Mr. Satterwhite stated that the urgency from the developer's standpoint is that they have a lot of money invested and it is becoming that time of the year where construction can commence. Mr. Satterwhite stated that they would like the planning board to approve the preliminary plat because they feel they are entitled to it. He added that they have shown everything that the board has asked them to show, which would entitle them to approval, but if the board needs more time to consider the matter, than the ordinance allows the board to table the matter. Mrs. Stainback commented that she felt it was only fair that the TRC is treated properly. Mr. Hobgood stated that in accordance with the subdivision ordinance the board has the options of approving, approving with

conditions, deny or table the action. Chairperson Shaw asked Mr. Hobgood how much time the planning department would need to feel comfortable with the plat. Mr. Hobgood replied that he would like to talk to DOT. Mr. Hobgood asked Mr. Satterwhite if they had talked to Mr. Elmore with DOT. He replied that he had talked to Spencer Ellis, who told him Mr. Elmore would be out for a few days but would be available via cell phone. Mr. Satterwhite stated that due to the short amount of time before the planning board meeting date, he called Mr. Elmore. Mr. Satterwhite stated that the roads must be approved by DOT, and approval of the preliminary plat is not approval of the roads. Mr. Satterwhite stated that Mr. Elmore had commented in one of his TRC comments that DOT must approve the roads. He stated that Mr. Arnold had addressed the TRC comment regarding the roads, and they are aware that DOT approval must be sought. Mr. Satterwhite assured Mrs. Stainback that someone would be watching over every stage of development. Mrs. Stainback stated that she would feel more comfortable tabling the issue either for the next meeting date or setting a special date. Mr. Hobgood advised that tabling the issue would be entirely up to the board but could not be tabled more than twice. Mrs. Stainback commented that she felt the board would be ready to go once planning got the information they wanted from DOT. Mr. Hobgood added that DOT would have more input with the construction drawings than they would with a preliminary plat. Mr. Hobgood advised that planning would not have any issue with TRC comments for DOT to be answered by the time construction drawings are presented. Mrs. Stainback stated that she would just feel better tabling the issue until a later date. Mr. Satterwhite stated that it would be their preference if the board approved the preliminary plat with the condition that the planning department gets the information they need from DOT by the time construction plans are submitted. Mr. Satterwhite stated that the only question from DOT that may not have been answered was regarding the traffic impact analysis. Mr. Satterwhite stated that he advised the board about what Mr. Ellis had told him, and that if asked, Mr. Ellis would confirm their conversation and further advise that he had gotten the information from Mr. Elmore.

Mr. Care stated that DOT will have to sign off on all the roads that are built before they can get the final approval of the plat and begin to sell lots and begin the actual construction of the homes. Mr. Care further stated that for the developer to go in and construct the roads without DOT's buy in, would not make a lot of sense. He advised that the board can adequately perform their jobs and protect the public by requiring as one of the conditions of approval that it be subject to DOT's comments relative to their TRC review. Mr. Care stated that would not be overriding anything that DOT says from here on out, but it will address the concerns the board has by having that as one of the conditions. Mr. Satterwhite advised that from the developer's standpoint that would be acceptable as they are just trying to follow the rules. He stated that whatever DOT's rules are, they will follow those rules.

Mrs. Stainback expressed concern that the planning department still had questions about the rebuttal to the TRC comments. Mr. Hobgood stated that his concerns regarding the DOT rebuttal comments can be addressed between now and review of the construction plans. He advised that would be the next phase, submittal of the construction plans.

Mr. Satterwhite asked if a motion were made to approve the preliminary plat subject to further consultation with DOT, would that be satisfactory. Mr. Hobgood replied that the issue with DOT could be resolved between now and submittal of the construction plans.

Chairperson Shaw asked if anyone would like to make a motion. Mr. Care stated that if someone makes a motion to approve, he would like have them add that lot 186 will be revised consistent with the zoning and that a phasing plan for the different phases of the subdivision will be submitted so that staff knows what they do and do not have to approve. Mr. Care commented that he believes that may have not been followed the last go around, but this started in 2002 and these rules didn't come in to play until 2004, so it may not be accurate to say it was not followed one hundred percent, but the preliminary approval that was gained did not show any specific phasing, it just showed one large project.

Chairperson Shaw asked if there was any further discussion. Mrs. Brummitt asked if Mr. Care would repeat the conditions.

Mr. Care repeated that lot 186 is to be revised consistent with its zoning of R20 and that phasing of this subdivision be provided. Mr. Care advised the board that is up to them how it is to be phrased, whether they want it to say that it is no more than three phases, two, one, but we heard it would be three, or that phasing shows as represented, East, Middle and West. Mr. Care advised the board it is for them to approve and it would be appropriate to dictate what you would like to see in phasing for it to be approved, so that all of the construction on that one section gets approved and done before anything starts. Mrs. Stainback commented that there should be one more condition. Mr. Care advised that the comments from the DOT, during the TRC review are resolved with the planning director.

Mrs. Brummitt made a motion in three parts, the first part that lot 186 be revised to comply with R20 zoning, second that the developer show that the project is to be done in no more than three phases, and three that the comments from the DOT during the TRC review be resolved with the planning director. Chairperson Shaw announced that a motion had been made and asked if anyone would second the motion. Mrs. Stainback commented that whoever makes the second needs to state that this is for approval. Mrs. Stainback seconded the motion. Chairperson Shaw announced that a motion had been made and duly seconded, and asked if there were any more discussion. Chairperson Shaw asked for a vote. He asked all those in favor of the motion to signify by saying Aye. All those opposed, signify by saying Nay. Chairperson Shaw announced the Ayes had it and that the motion carried.

Mrs. Harvin asked if the construction plans when submitted, would be for one phase at a time or for all phases. An answer from the audience stated it would be for one phase at a time.

Chairperson Shaw asked if there were any further business. Mr. Satterwhite addressed the board and thanked them for their decision and their time on behalf of his client and the developer.

Being no further business, Chairperson Shaw declared the April 12, 2018 meeting of the Vance County Planning Board adjourned.