

AGENDA ABSTRACT

Meeting Date: December 3, 2018

Agenda Title: SUB-02-18 - A request by Randy Allen with Sunbelt Acquisitions, LLC, for a subdivision concept plan for The Peninsula at Hyco Lake, consisting of 162 lots on 437.72 acres located on SR 1314 Zion Level Church Road in the R (Residential) Zoning District. The Tax Map & Parcel ID numbers for the proposed subdivision are A13-51, A14-147 and the third parcel does not have a Tax Map and Parcel ID number assigned; however it is contained within Deed Book 98 Pages 125, 135, 287 and 373.

Summary of Information:

A single-family subdivision is proposed for the site with a total of 162 lots located on 437.72 acres. The subdivision will contain approximately 323.20 acres of common open space, which will be maintained by the homeowner's association.

There are three parcels included in the proposed subdivision and the developer has also proposed a 60' right-of-way (Watersail Way) across Duke Progress Energy property, which will be contained within a 100' wide easement. Currently, the subject properties are vacant and contain woodlands. The site abuts Hyco Lake and is zoned R (Residential).

The lots will be served by individual wells and a community wastewater collection system, treatment and on-site disposal. The treated and disinfected wastewater will be irrigated on common open space in accordance with the NC Division of Water Resources regulations.

The minimum lot size will be 15,000 square feet and the minimum lot width will be 75 feet because of the community wastewater collection system. The developer is proposing slightly larger minimum lot sizes at 21,780 square feet (1/2 acre).

The applicant is requesting four variations / modifications to the Subdivision Regulations and to the Person County Minimum Construction Standards for Private Roads – to allow private streets within the subdivision, the use of flag lots, block lengths exceeding 2,400 feet in length and to construct streets with 45 feet of right-of-way width.

1. Private Streets - The applicant has submitted a separate variation application to allow for private streets to be constructed throughout the subdivision. All other variations / modifications can be reviewed as part of the subdivision concept plan.
2. Flag Lots - There are several flag lots proposed and they are indicated on the site plan. Flag lots are allowed per Section 53-9 of the Subdivision Ordinance if they meet certain criteria, such as difficult topography.

The applicant has stated on the site plan that the proposed flag lots exists for two reasons:

- i. The first condition occurs in locations where the length of the lake shoreline greatly exceeds the street length that generally parallels the shoreline. Due to the shape of the shoreline in certain locations, the lots will have to become narrower where the lots join the street.
 - ii. The second condition is where multiple lots have frontage on a cul-de-sac and the limited length of the right-of-way line at the perimeter of the cul-de-sac requires the lots to have a narrow frontage. The lots are also deep which causes the narrow portion of the lot ('flag poles') to have extended lengths.
3. Block Lengths – According to the applicant, the proposed street system for the project is essentially one cul-de-sac with numerous side streets. There is no opportunity to interconnect Watersail Way with parallel streets to create blocks, as the subject property is a peninsula with water on three sides of it. The property has a central ridge with steep slopes on each side, falling to the lake.

The applicant has provided a roundabout (turn around) for vehicles at the request of staff where the project does not meet the block length standards.

4. 45' Street Right-of-Way Widths – The subdivision concept plan proposes right-of-way widths of 45 feet (with a minimum pavement width of 18 feet) for the cul-de-sacs that intersect Watersail Way, the main (collector) street. The proposed right-of-way width is NC DOT's standard for residential local roads. Watersail Way will maintain a minimum right-of-way of 60 feet.

The Person County Land use Plan does not identify the majority of the site as a specific land use category; however a small portion of the site along with the properties nearby are identified as Rural Residential and the proposed subdivision aligns with the residential designation.

Appendix O of the Land Use Plan lists goals and objectives for the county including the following:
1.5 – Provide for a variety of housing types, densities and price ranges.

Planning Staff Recommendation: Planning staff recommends approval of the concept plan for the subdivision SUB-02-18. Due to the topography of the site and the existing site constraints, planning staff also recommends approval of the three (3) variations / modifications for the subdivision, which includes flag lots, block lengths that exceed 2,400 feet and street widths with 45' of right-of-way width.

Planning Board Recommendation: At the November 8, 2018 meeting of the Planning Board, the Board voted unanimously (5-0) to approve SUB-02-18 with the three requested variations/modifications due to the site constraints and the topography of the site.

Recommended Action: Vote to approve with the three requested variations, approve with the three requested variations and additional conditions or deny the subdivision concept plan.

Submitted By: Lori Oakley, Planning Director

**Subdivision Concept Plan
SUB-02-18
The Peninsula at Hyco Lake**

EXPLANATION OF THE REQUEST

A request by Randy Allen with Sunbelt Acquisitions, LLC, on behalf of the property owner, Duke Energy Progress, for a subdivision concept plan for The Peninsula at Hyco Lake, consisting of 162 lots on 437.72 acres located on SR 1314 Zion Level Church Road in the R (Residential) Zoning District. The Tax Map & Parcel ID numbers for the proposed subdivision are A13-51, A14-147 and the third parcel does not have a Tax Map and Parcel ID number assigned; however it is contained within Deed Book 98 Pages 125, 135, 287 and 373.

LOCATION & CURRENT LAND USE

Currently, the subject properties are vacant and contain woodlands. The site abuts Hyco Lake and is zoned R (Residential).

- Condition and land use of the surrounding properties are:
 - To the West – A hunting lodge and vacant wooded parcels zoned R (Residential)
 - To the North– Single family dwellings, vacant wooded parcels and Hyco Lake zoned R (Residential).
 - To the East –A single family dwelling and Hyco Lake zoned R (Residential).
 - To the South – A single family dwelling, vacant wooded parcels and Hyco Lake zoned R (Residential).

LAND USE / SITE PLAN ISSUES

- A single-family subdivision is proposed for the site with a total of 162 lots located on 437.72 acres. The subdivision will contain approximately 323.20 acres of common open space, which will be maintained by the homeowner’s association.
- There are three parcels included in the proposed subdivision and the developer has also proposed a 60’ right-of-way (Watersail Way) across Duke Progress Energy property, which will be contained within a 100’ wide easement.
- The lots will be served by individual wells and a community wastewater collection system, treatment and on-site disposal. The treated and disinfected wastewater will be irrigated on common open space in accordance with the NC Division of Water Resources regulations.
- The minimum lot size will be 15,000 square feet and the minimum lot width will be 75 feet because of the community wastewater collection system. The developer is proposing slightly larger minimum lot sizes at 21,780 square feet (1/2 acre). Setbacks will be as follows: Front – 25 feet, rear – 15 feet and side - 10 feet. The 420’ contour line at the lake has a zero setback requirement.
- The applicant is requesting several modifications / variations for the property (please see the Variations / Modification section of this staff report). One of the modifications is to allow for a longer block length on the entrance road into the subdivision. At the request of staff, the applicant has provided a roundabout (turn around) for emergency vehicles prior to the first intersecting street in the subdivision. A second roundabout is provided further into the subdivision (at the intersection of Watersail Way and Sailmaker Court) to also allow for better maneuverability for emergency vehicles.

- There are several flag lots proposed and they are indicated on the site plan. Flag lots are allowed per Section 53-9 of the Subdivision Ordinance if they meet certain criteria (please see the Variations / Modification section of this staff report as it pertains to flag lots).
- All street names have been reviewed and approved by the Person County Addressing Coordinator.
- The property is located within the Roanoke Watershed.
- The property does not lie within the 100-year special flood hazard area according to the FEMA map.

VARIATIONS / MODIFICATIONS

The applicant is requesting four variations / modifications to the Subdivision Regulations and to the Person County Minimum Construction Standards for Private Roads – to allow private streets within the subdivision, the use of flag lots, block lengths exceeding 2,400 feet in length and to construct streets with 45 feet of right-of-way width.

1. Private Streets - The applicant has submitted a separate variation application to allow for private streets to be constructed throughout the subdivision. The maintenance of the private roads will be handled by a road maintenance agreement and administered by the home owner's association. All other variations / modifications can be reviewed as part of the subdivision concept plan.
2. Flag Lots - There are several flag lots proposed and they are indicated on the site plan. Flag lots are allowed per Section 53-9 of the Subdivision Ordinance:
 - a. Where necessary to eliminate access onto arterials.
 - b. To reasonably utilize irregularly shaped land.
 - c. To reasonably utilize land with difficult topography.
 - d. To reasonably utilize land with limited site suitable for septic tank nitrification.
 - e. Where it is unlikely that a road created in lieu of a flag lot would ever be extended, or otherwise needed to provide access to adjoining parcels.
 - f. To provide for the protection of significant natural or cultural resources.

The applicant has stated on the site plan that the proposed flag lots exists for two reasons.

- i. The first condition occurs in locations where the length of the lake shoreline greatly exceeds the street length that generally parallels the shoreline. Due to the shape of the shoreline in certain locations, the lots will have to become narrower where the lots join the street.
 - ii. The second condition is where multiple lots have frontage on a cul-de-sac and the limited length of the right-of-way line at the perimeter of the cul-de-sac requires the lots to have a narrow frontage. The lots are also deep which causes the narrow portion of the lot ('flag poles') to have extended lengths.
3. Block Lengths – According to the applicant, the proposed street system for the project is essentially one cul-de-sac with numerous side streets. There is no opportunity to interconnect Watersail Way with parallel streets to create blocks, as the subject property is a peninsula with water on three sides of it. The property has a central ridge with steep slopes on each side, falling to the lake. The proposed main subdivision street (Watersail Way) along the ridgeline, with side streets to access lakefront lots, is the best fit for the site's topography.

The applicant has provided a roundabout (turn around) for vehicles at the request of staff where the project does not meet the block length standards.

4. 45' Street Right-of-Way Widths – The subdivision concept plan proposes right-of-way widths of 45 feet (with a minimum pavement width of 18 feet) for the cul-de-sacs that intersect Watersail Way, the main (collector) street. The proposed right-of-way width is NC DOT's standard for residential local roads and while the streets are proposed to be private, the developer intends to comply with DOT standards to the extent possible. Watersail Way will maintain a minimum right-of-way of 60 feet.

COMPREHENSIVE PLAN

The Person County Land use Plan does not identify the majority of the site as a specific land use category; however a small portion of the site along with the properties nearby are identified as Rural Residential. Rural Residential is defined as:

Low-density residential (single site-built and manufactured homes); agriculture, forestry, churches; very limited commercial, office, or public/institutional uses meeting locational criteria. Most of the land within protected water supply watersheds should be placed in this category. Locational criteria for non-residential uses within this land use category would include frontage and access to a major State highway or secondary road, proximity to similar uses and spatial separation from non-compatible uses such as existing residential development. Land uses within this category would be expected to develop without public sewer, i.e., with private septic tank systems.

Appendix O of the Land Use Plan lists goals and objectives for the county including the following:

- 1.5 – Provide for a variety of housing types, densities and price ranges.

PLANNING STAFF ANALYSIS AND RECOMMENDATION

The property is zoned R (Residential) and the applicant is proposing to develop a single-family subdivision for the site with a total of 162 lots located on 437.72 acres. The subdivision will contain 323.20 acres of common open space, which will be maintained by the homeowner's association.

The lots will be served by individual wells and a community wastewater collection system, treatment and on-site disposal. The developer is proposing minimum lot sizes at 21,780 square feet (1/2 acre) and minimum lot widths of 75 feet.

The proposed subdivision meets the requirements outlined in the Person County Subdivision Regulations and the Person County Minimum Construction Standards for Private Roads except for the four variations / modifications that are being requested. Three of the variations / modifications can be approved with the subdivision concept plan while the fourth variation (to allow private roads) must be reviewed and approved separately.

Planning staff recommends approval of the concept plan for the subdivision SUB-02-18. Due to the topography of the site and the existing site constraints, planning staff also recommends approval of the three (3) variations / modifications for the subdivision, which includes flag lots, block lengths that exceed 2,400 feet and street widths with 45' of right-of-way width.

PLANNING BOARD RECOMMENDATION

At the November 8, 2018 meeting of the Planning Board, the Board voted unanimously (5-0) to approve SUB-02-18 with the three requested variations/modifications due to the site constraints and the topography of the site.

Submitted by: Lori Oakley, Planning Director

PLAN REVIEW APPLICATION

10-12-2018
Date Received
\$1,820.00
Review Fee
C. Darnell
Received By



Person County
325 S. Morgan Street, Suite B
Roxboro, NC 27573
(336) 597-1750

City of Roxboro
105 Lamar Street, Suite A
Roxboro, NC 27573
(336) 322-6018



APPLICANT INFORMATION

Applicant Name: Randy Allen Telephone: 704-533-5471
Mailing Address: 3129 Springbank Lane, Charlotte, NC 28226
Email: randyallen7009@gmail.com Fax: _____
Property Owner Name (if different from above): Duke Progress Energy
Developer Name: Randy Allen Telephone: 704-533-5471
Company: Sunbelt Acquisitions, LLC
Developer Address: 3129 Springbank Lane, Charlotte, NC 28226

PLAN REVIEW INFORMATION

Design Firm: Diehl & Phillips, P.A. Telephone: 919-467-9972
Address: 1500 Piney Plains Road, Suite 200 Cary, NC 27518
Contact Person: John F. Phillips, P.E.
Email: JFPhillips@bellsouth.net

The following type of plan is being submitted for review:

- Commercial/Non-Residential Site Plan Review Exempt Plat Minor Subdivision Plat
 Preliminary Plan Preliminary Plan Revision Plat Revision Major Subdivision Final Plat

Reason why plan is being submitted: To obtain County approval of the Concept Plan for the subdivision

PROJECT INFORMATION

Name of Project: The Peninsula at Hyco Lake
Address or Location of Project: Access will be from Zion Level Church Road - no address available

Tax Map & Parcel Number(s): PINs not available. Deed Book references: DB 98, pages 125,135,287,373; DB 660, pages 599 & 603.
Land Use: Residential Commercial ^{for third parcel} Industrial Other: Other Tax Map #'s: A13-51, A14-147

Number of Lots (if applicable): 162 Zoning: R (Residential)

Total Acreage of Site: 437.72 acres Watershed: Roanoke River (Hyco Lake)

Is the property located in a FEMA designated floodplain? Yes No

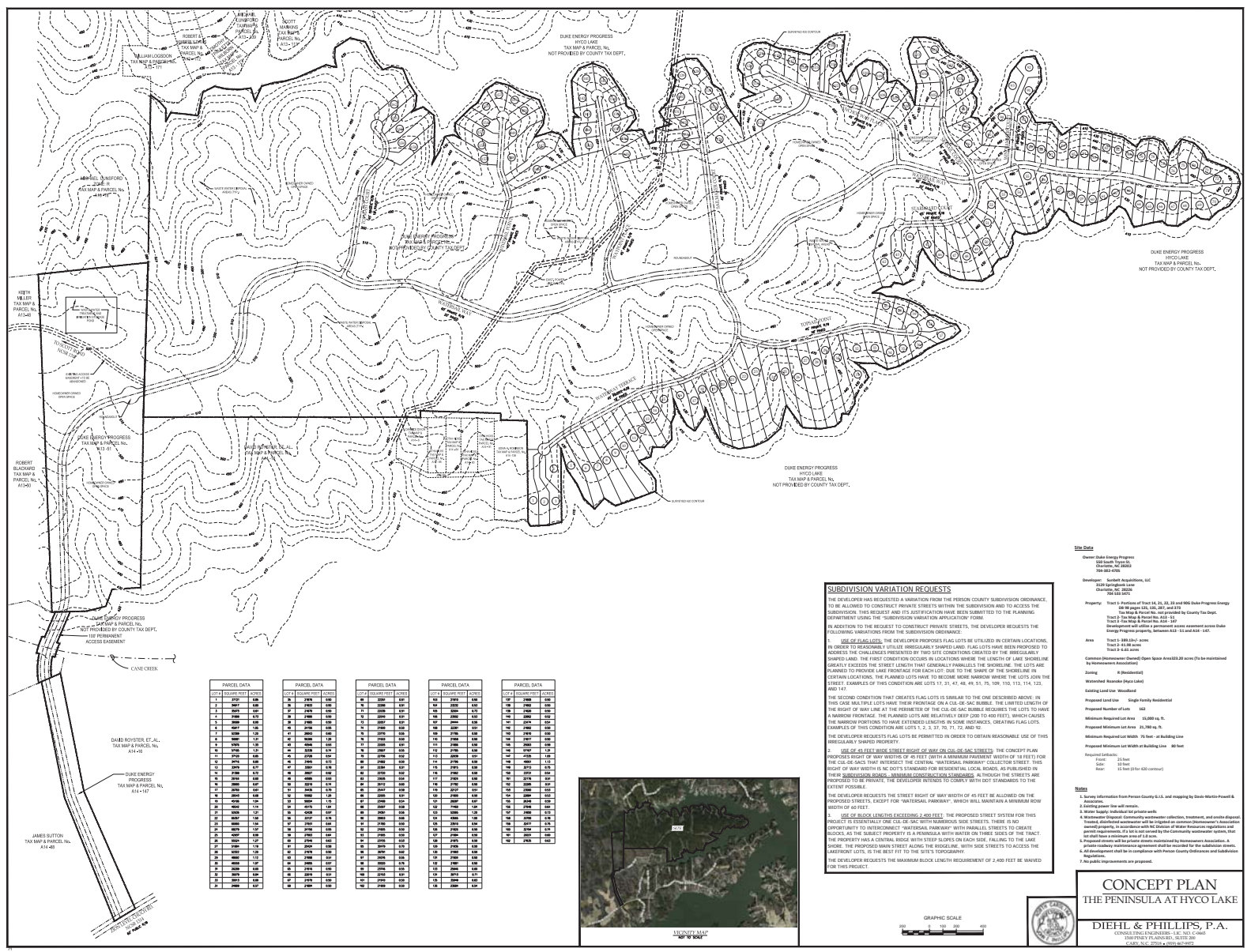
A fee for review of the plan must be submitted in accordance with the Fee Schedule.

Total Review Fee Submitted: \$200 + \$10 x 162 = \$1,820 Receipt Number: _____

OFFICE USE ONLY

Approved Denied Reviewed By: Joni Oakley Date: _____

Environmental Health Approval: _____



PARCEL DATA	PARCEL DATA	PARCEL DATA	PARCEL DATA	PARCEL DATA
Lot	Area	Area	Area	Area
1	1.0000	1.0000	1.0000	1.0000
2	1.0000	1.0000	1.0000	1.0000
3	1.0000	1.0000	1.0000	1.0000
4	1.0000	1.0000	1.0000	1.0000
5	1.0000	1.0000	1.0000	1.0000
6	1.0000	1.0000	1.0000	1.0000
7	1.0000	1.0000	1.0000	1.0000
8	1.0000	1.0000	1.0000	1.0000
9	1.0000	1.0000	1.0000	1.0000
10	1.0000	1.0000	1.0000	1.0000
11	1.0000	1.0000	1.0000	1.0000
12	1.0000	1.0000	1.0000	1.0000
13	1.0000	1.0000	1.0000	1.0000
14	1.0000	1.0000	1.0000	1.0000
15	1.0000	1.0000	1.0000	1.0000
16	1.0000	1.0000	1.0000	1.0000
17	1.0000	1.0000	1.0000	1.0000
18	1.0000	1.0000	1.0000	1.0000
19	1.0000	1.0000	1.0000	1.0000
20	1.0000	1.0000	1.0000	1.0000
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22	1.0000	1.0000	1.0000	1.0000
23	1.0000	1.0000	1.0000	1.0000
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98	1.0000	1.0000	1.0000	1.0000
99	1.0000	1.0000	1.0000	1.0000
100	1.0000	1.0000	1.0000	1.0000

SUBDIVISION VARIATION REQUESTS

THE DEVELOPER HAS REQUESTED A VARIATION FROM THE PERSON COUNTY SUBDIVISION ORDINANCE TO BE ALLOWED TO CONSTRUCT PRIVATE STREETS WITHIN THE SUBDIVISION AND TO ACCESS THE SUBDIVISION. THIS REQUEST AND ITS JUSTIFICATION HAVE BEEN SUBMITTED TO THE PLANNING DEPARTMENT USING THE "SUBDIVISION VARIATION APPLICATION" FORM.

IN ADDITION TO THE REQUEST TO CONSTRUCT PRIVATE STREETS, THE DEVELOPER REQUESTS THE FOLLOWING VARIATIONS FROM THE SUBDIVISION ORDINANCE:

- USE OF FLAG LOTS.** THE DEVELOPER REQUESTS FLAG LOTS BE UTILIZED IN CERTAIN LOCATIONS IN ORDER TO REASONABLY UTILIZE IRREGULARLY SHAPED LAND. FLAG LOTS HAVE BEEN PROPOSED TO ADDRESS THE CHALLENGE PRESENTED BY THIS SITE CONDITION CREATED BY THE IRREGULARLY SHAPED LAND. THE FIRST CONDITION OCCURS IN LOCATIONS WHERE THE LENGTH OF LANE SHOULDER GREATLY EXCEEDS THE STREET LENGTH THAT GENERALLY PARALLELS THE SHOULDER. THE LOTS ARE PLANNED TO PROVIDE LANE FRONTAGE FOR EACH LOT. DUE TO THE SHAPE OF THE SHOULDER IN CERTAIN LOCATIONS, THE PLANNED LOTS HAVE TO BECOME MORE NARROW WHERE THE LOTS JOIN THE STREET. EXAMPLES OF THIS CONDITION ARE LOTS 7, 31, 41, 48, 49, 51, 75, 109, 110, 113, 114, 123, AND 147.
- THE SECOND CONDITION THAT CREATES FLAG LOTS IS SIMILAR TO THE ONE DESCRIBED ABOVE. IN THIS CASE MANY LOTS SHARE THEIR FRONTAGE ON A CURVE OR SAC RUMBLE. THE LIMITED LENGTH OF THE RIGHT OF WAY LINE AT THE PERIMETER OF THE CURVE OR SAC RUMBLE REQUIRES THE LOTS TO HAVE A NARROW FRONTAGE. THE PLANNED LOTS ARE RELATIVELY DEEP (10 TO 40 FEET), WHICH MAKES THE NARROW PORTIONS TO HAVE EXTENDED LENGTHS IN SOME INSTANCES, CREATING FLAG LOTS. THE DEVELOPER REQUESTS FLAG LOTS BE PERMITTED IN ORDER TO OBTAIN REASONABLE USE OF THIS IRREGULARLY SHAPED PROPERTY.**
- USE OF 45 FEET WIDE STREET RIGHT OF WAY ON CURVE OR SAC STREETS.** THE CONCEPT PLAN PROPOSED RIGHT OF WAY WIDTHS OF 45 FEET WITH AN ASPHALT PAVEMENT WIDTH OF 36 FEET FOR THE CURVE OR SAC THAT INTERSECT THE CENTRAL "NATURAL PARKWAY" COLLECTOR STREET. THIS RIGHT OF WAY WIDTH IS NEARLY STANDARD FOR RESIDENTIAL LOCAL ROADS. AS PUBLISHED IN THEIR SUBDIVISION ORDINANCE, MINIMUM CONSTRUCTION STANDARDS. ALTHOUGH THE STREETS ARE PROPOSED TO BE PRIVATE, THE DEVELOPER INTENDS TO CONVEY WITH DOT STANDARDS TO THE EXTENT POSSIBLE.
- THE DEVELOPER REQUESTS THE STREET RIGHT OF WAY WIDTH OF 45 FEET BE ALLOWED ON THE PROPOSED STREETS, EXCEPT FOR "NATURAL PARKWAY" WHICH WILL MAINTAIN A MINIMUM ROAD WIDTH OF 60 FEET.**
- USE OF BLOCK LENGTHS EXCEEDING 2,400 FEET.** THE PROPOSED STREET SYSTEM FOR THIS PROJECT IS ESSENTIALLY ONE CURVE OR SAC WITH NUMEROUS SIDE STREETS. THERE IS NO CONVENTION TO INTERSECT "NATURAL PARKWAY" WITH PARALLEL STREETS TO CREATE BLOCKS. AS THE SUBJECT PROPERTY IS A PENINSULA WITH WATER ON THREE SIDES OF THE TRACT, THE PROPERTY HAS A CENTRAL ROADS WITH STEEP SLOPES ON EACH SIDE, FAILING TO THE LAKE SHORE. THE PROPOSED MAIN STREET ALONG THE RIDGELINE, WITH SIDE STREETS TO ACCESS THE LATTERLY LOTS, IS THE BEST FIT TO THE SITE TOPOGRAPHY.
- THE DEVELOPER REQUESTS THE MAXIMUM BLOCK LENGTH REQUIREMENT OF 2,400 FEET BE WAIVED FOR THIS PROJECT.**

Site Data

Owner: Dune Energy Progress
 500 South 20th St.
 Suite 200
 Oklahoma, MO 64455
 Phone: 417-439-1000

Developer: Diehl & Phillips, LLC
 1210 S. 10th St.
 Suite 100
 Oklahoma, MO 64455
 Phone: 417-439-1000

Property: Tract 2, a Portion of Tract 24, 25, 26, 27 and 28C, Lake Progress Energy, 60 1/2 Acres, Section 24, 25, 26, 27, and 28C, Township 36N, Range 10E, County 11W, Missouri. Tract 2, Tax Map & Parcel No. 241-1-100. Development of certain portions of the tract pursuant to a subdivision plat.

Area: Tract 2, 60.12 Acres
 Tract 2, 4.18 Acres
 Tract 2, 0.48 Acres

Commuter Performance District: Open Space Area 20.20 Acres (To be maintained by Homeowners Association)

Zoning: R-1 (Residential)

Waterflood: None (Open Space)

Existing Land Use: Woodland

Proposed Lot Size: Single Family Residential

Proposed Number of Lots: 100

Minimum Required Lot Area: 0.2000 Acre

Proposed Minimum Lot Area: 0.2000 Acre

Minimum Required Lot Width: 70 Feet - on Building Line

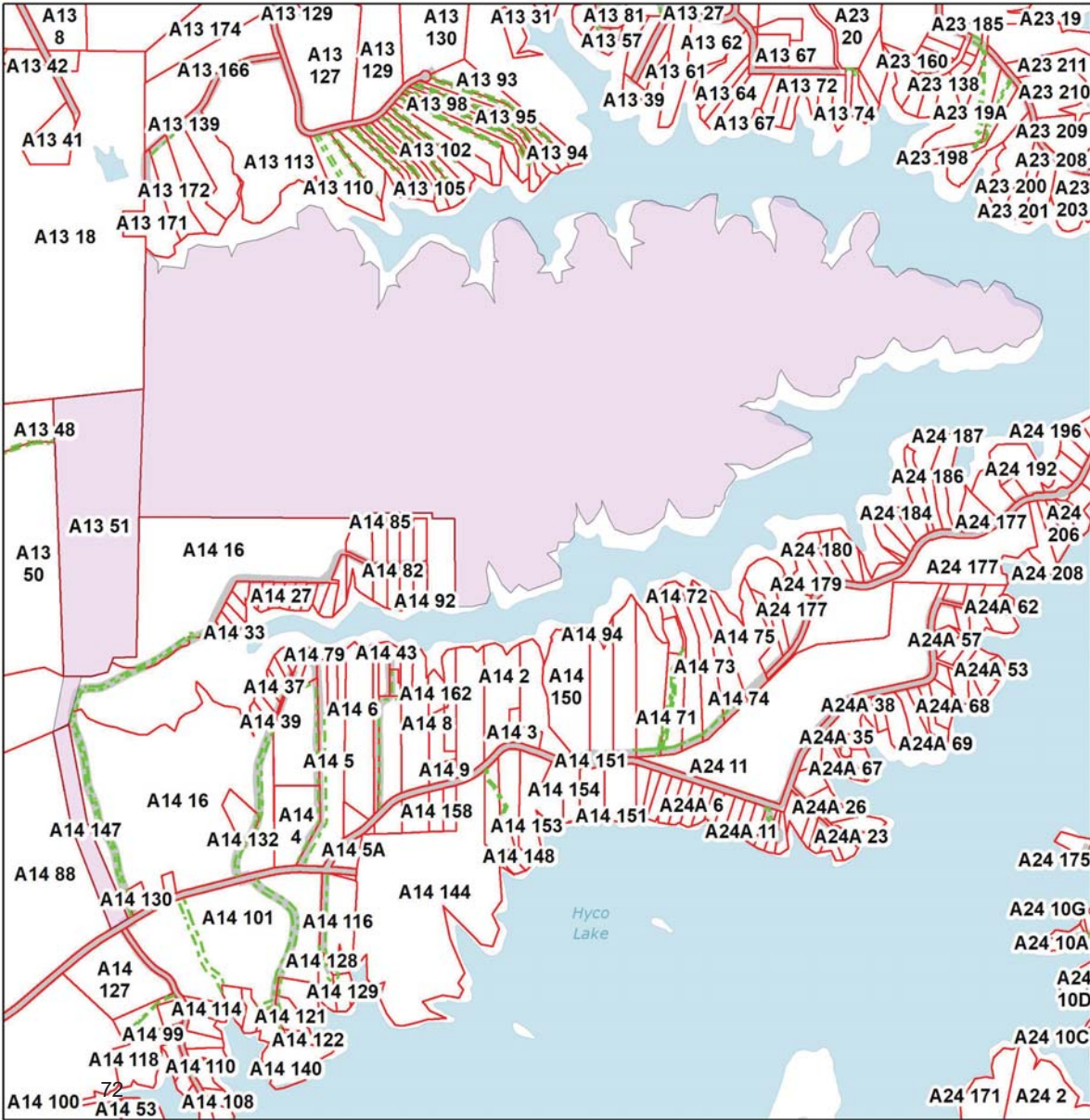
Proposed Minimum Lot Width on Building Line: 60 Feet





Proposed setbacks:
 Front: 25 Feet
 Side: 10 Feet
 Rear: 25 Feet (on 40' lot centerline)

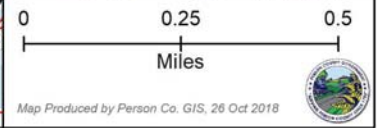
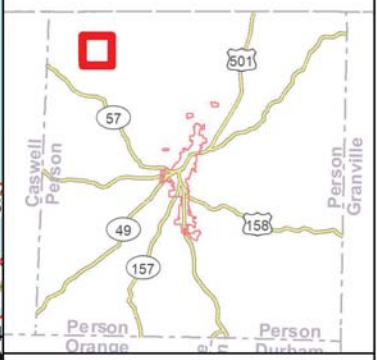
CONCEPT PLAN
THE PENINSULA AT HYCO LAKE

DIEHL & PHILLIPS, P.A.
 CONSULTING ENGINEERS, P.C.
 1001 FINCH PLAZA, SUITE 200
 COLUMBIA, MO 65201

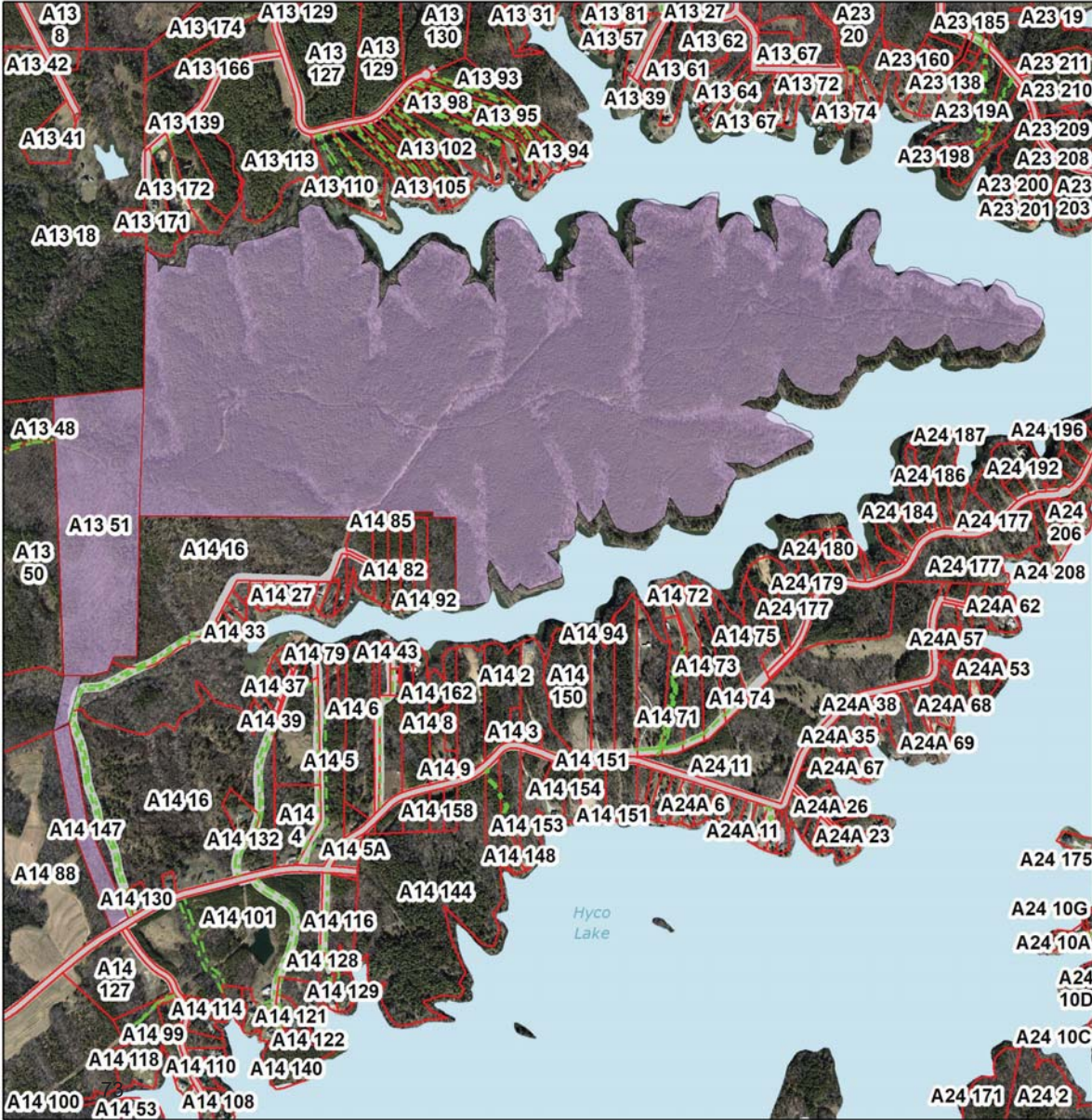
General Map SUB 02-18 Peninsula at Hyco Lake



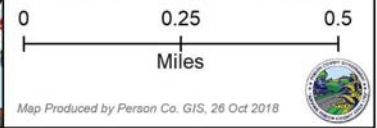
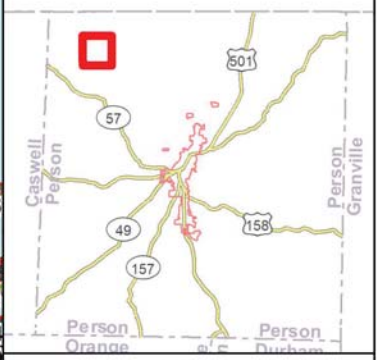
-  Peninsula at Hyco Lake
-  Access Easement
-  Highway
-  Major Road
-  Local



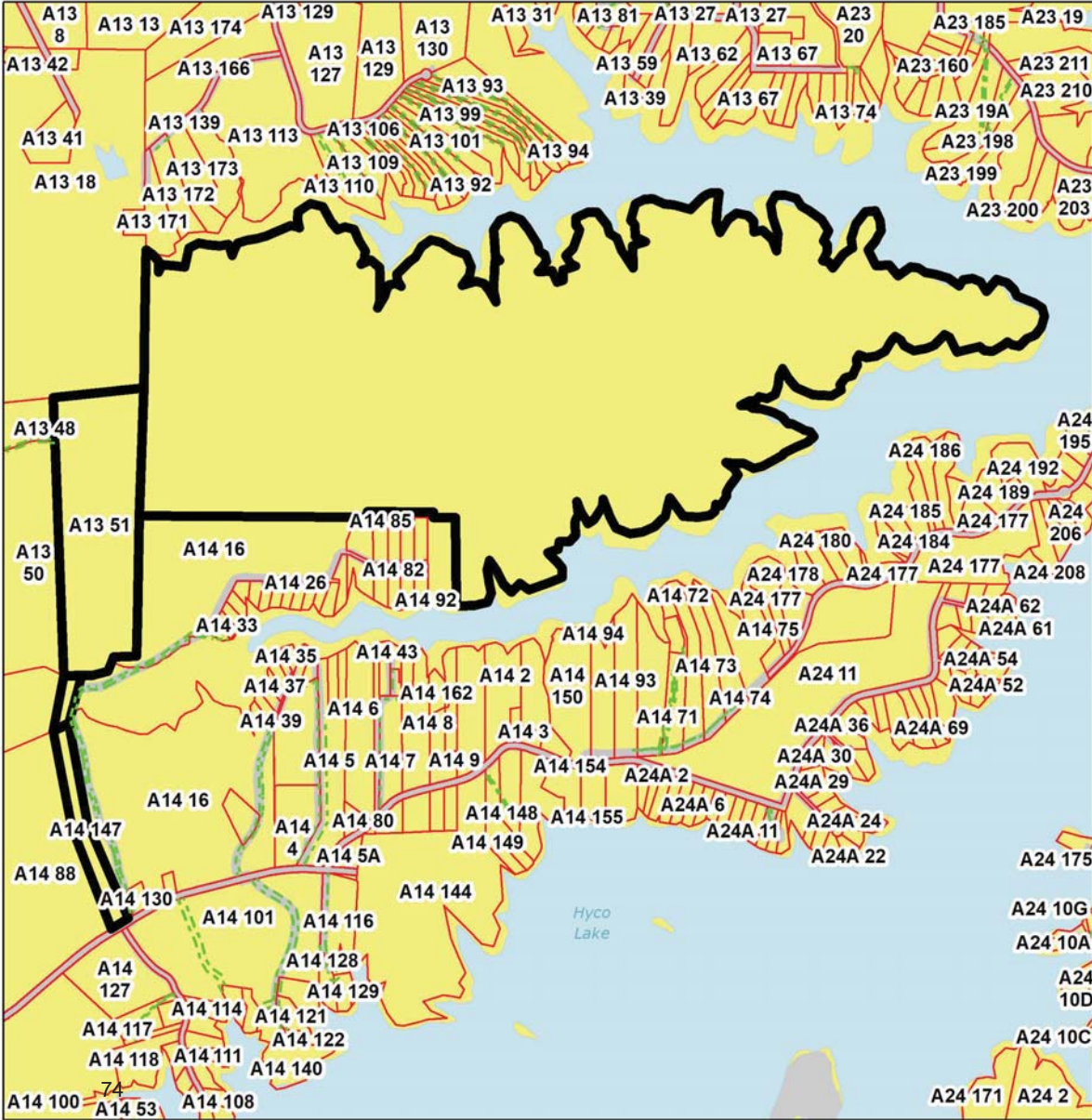
Aerial Map SUB 02-18 Peninsula at Hycy Lake



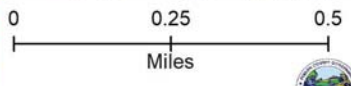
- Peninsula at Hycy Lake
- Access Easement
- Highway
- Major Road
- Local



Zoning Map SUB 02-18 Peninsula at Hyco Lake

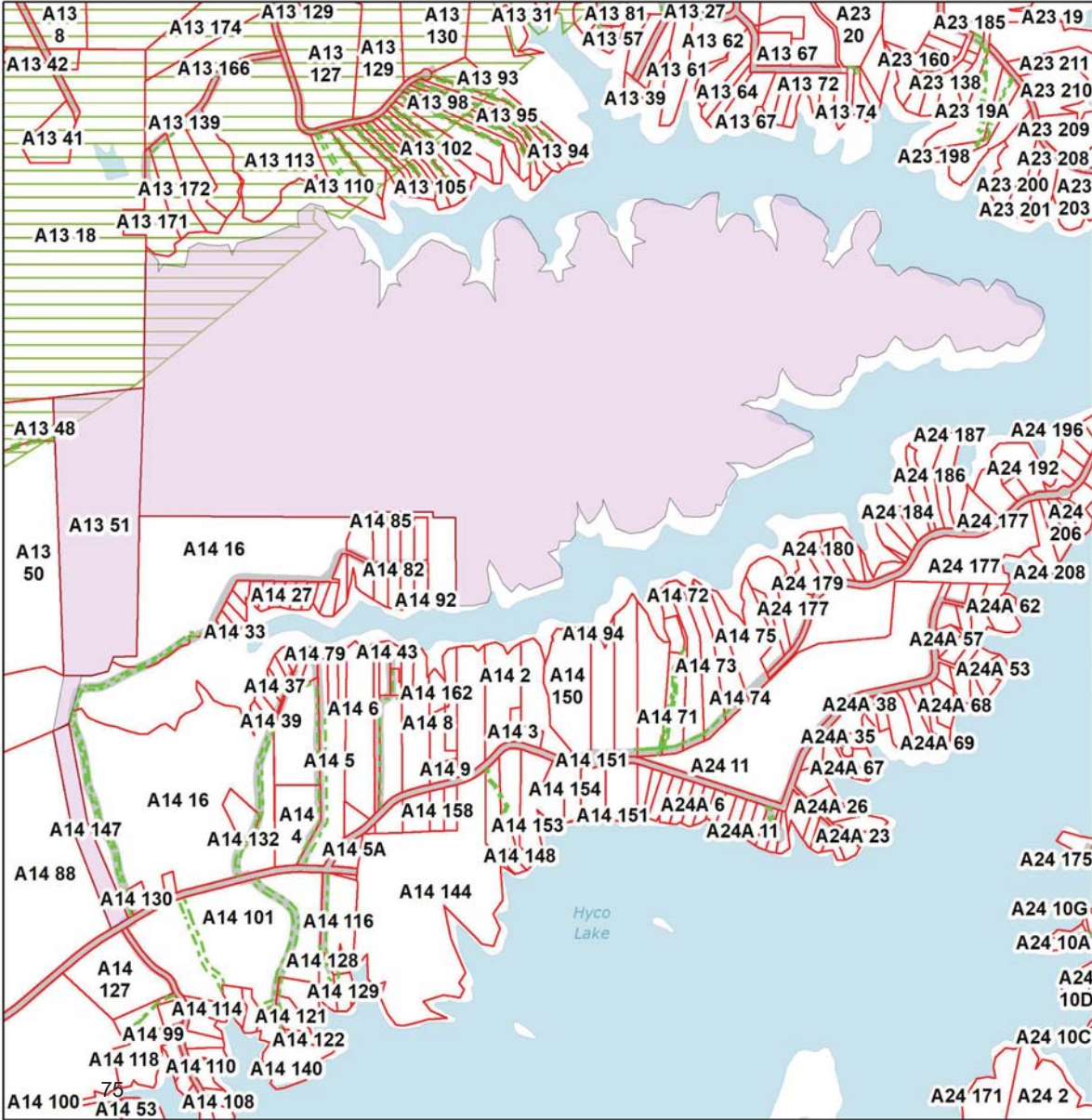


- Zoning Classification**
- AP: Airport Overlay
 - B-1: Highway Commercial
 - B-2: Neighborhood Shopping
 - GI: General Industrial
 - R: Residential
 - R-C: Rural Conservation
 - Peninsula at Hyco Lake
 - Access Easement
 - Highway
 - Major Road
 - Local

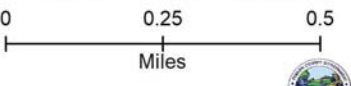
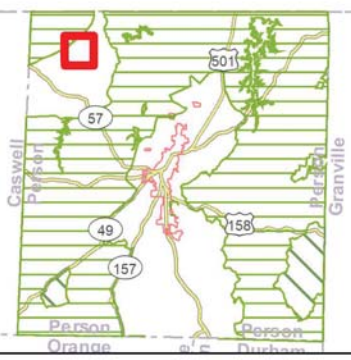


Map Produced by Person Co. GIS, 26 Oct 2018

Future Land Use Map SUB 02-18 Peninsula at Hyco Lake



- Peninsula at Hyco Lake
- Rural Residential/AG (Poor Soils)
- Rural Residential
- Access Easement
- Highway
- Major Road
- Local



Map Produced by Person Co. GIS, 26 Oct 2018

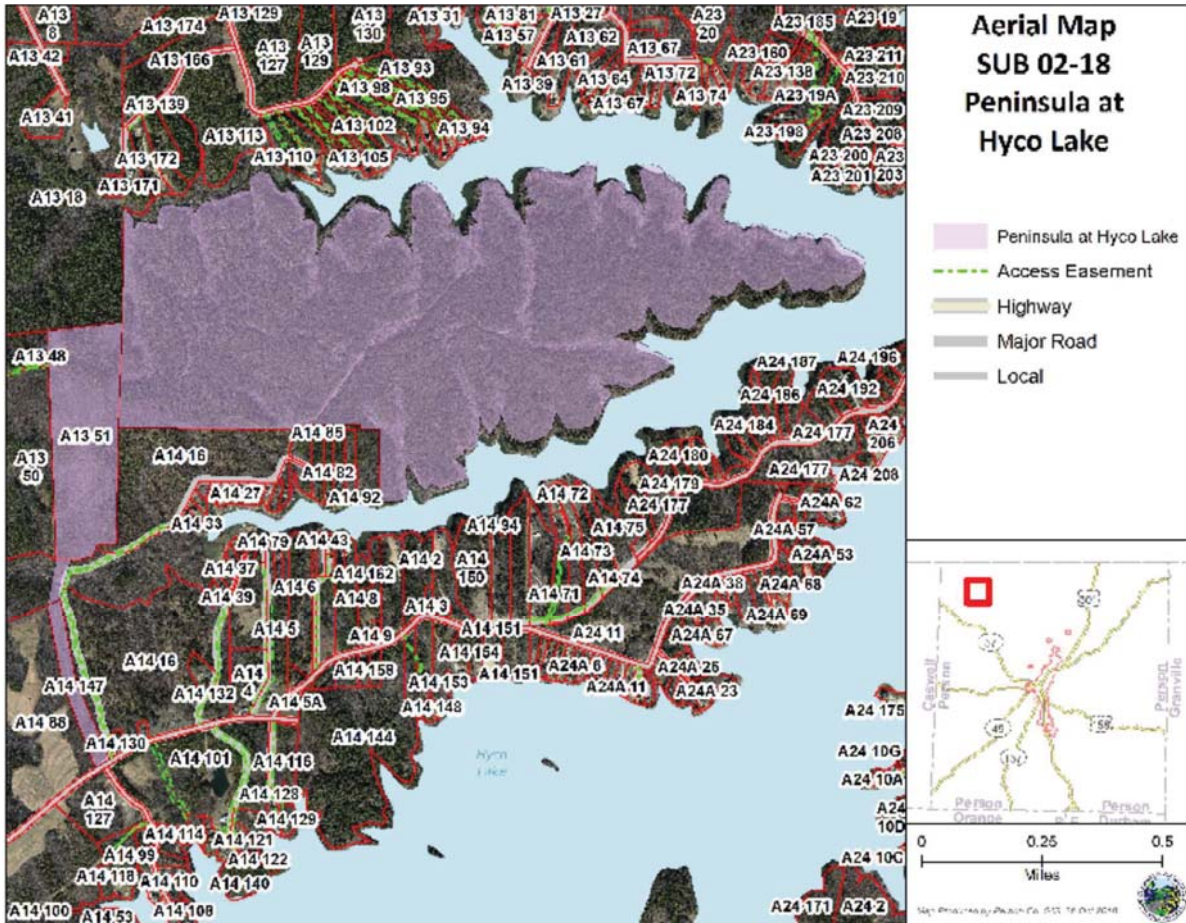


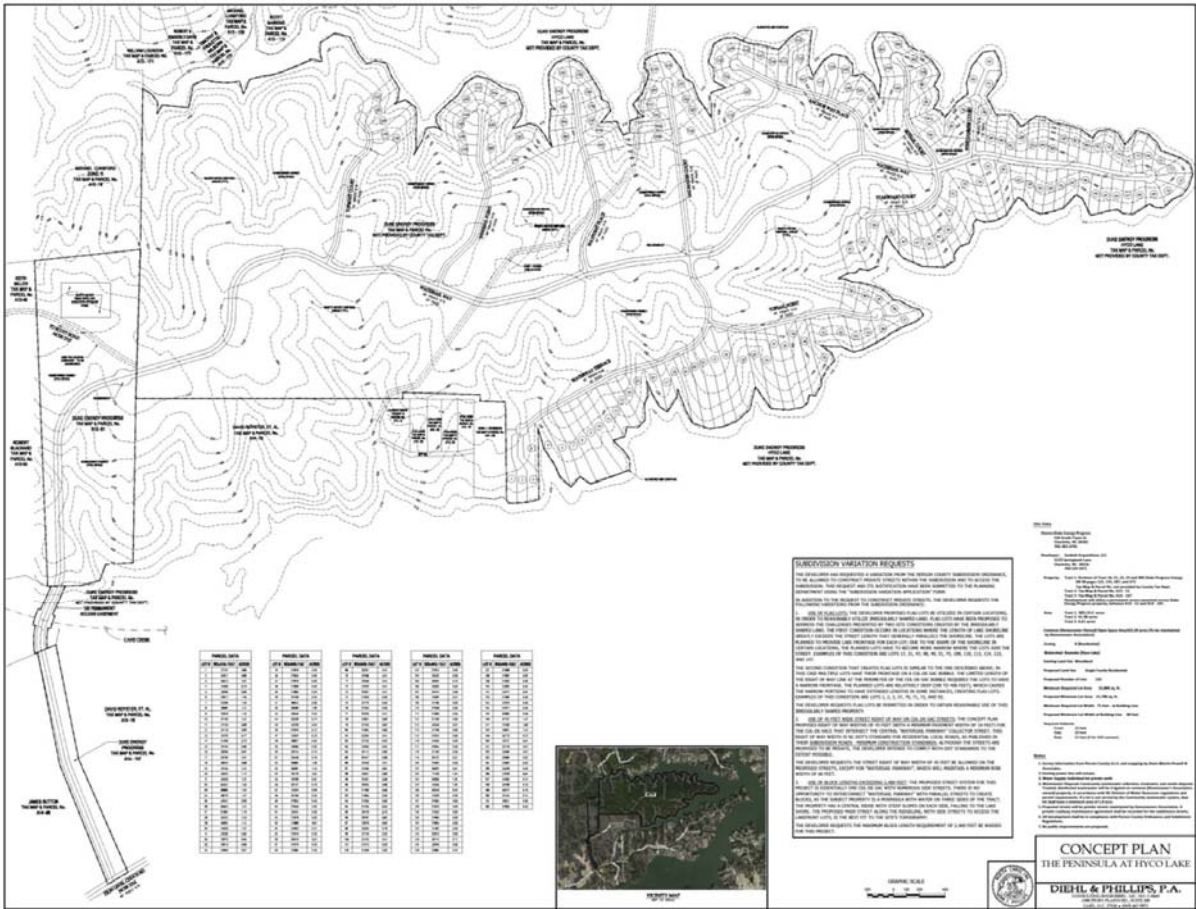


PERSON COUNTY BOARD OF COMMISSIONERS

December 3, 2018

SUB-02-18 - A request by Randy Allen with Sunbelt Acquisitions, LLC, on behalf of the property owner, Duke Energy Progress, for a subdivision concept plan for The Peninsula at Hyco Lake, consisting of 162 lots on 437.72 acres located on SR 1314 Zion Level Church Road in the R (Residential) Zoning District. The Tax Map & Parcel ID numbers for the proposed subdivision are A13-51, A14-147 and the third parcel does not have a Tax Map and Parcel ID number assigned; however it is contained within Deed Book 98 Pages 125, 135, 287 and 373.





SUBDIVISION VARIATION REQUESTS

1. THE APPLICANT REQUESTS VARIATION FROM THE SUBDIVISION MAP AS SHOWN ON THE ATTACHED SUBDIVISION MAP. THE VARIATION REQUESTS ARE AS FOLLOWS:

1.1. THE APPLICANT REQUESTS VARIATION FROM THE SUBDIVISION MAP AS SHOWN ON THE ATTACHED SUBDIVISION MAP TO ALLOW FOR THE CONSTRUCTION OF A NEW ROAD, TO BE KNOWN AS "NEW ROAD", TO BE CONSTRUCTED AND OPEN TO THE PUBLIC. THE APPLICANT REQUESTS VARIATION FROM THE SUBDIVISION MAP AS SHOWN ON THE ATTACHED SUBDIVISION MAP TO ALLOW FOR THE CONSTRUCTION OF A NEW ROAD, TO BE KNOWN AS "NEW ROAD", TO BE CONSTRUCTED AND OPEN TO THE PUBLIC. THE APPLICANT REQUESTS VARIATION FROM THE SUBDIVISION MAP AS SHOWN ON THE ATTACHED SUBDIVISION MAP TO ALLOW FOR THE CONSTRUCTION OF A NEW ROAD, TO BE KNOWN AS "NEW ROAD", TO BE CONSTRUCTED AND OPEN TO THE PUBLIC.

1.2. THE APPLICANT REQUESTS VARIATION FROM THE SUBDIVISION MAP AS SHOWN ON THE ATTACHED SUBDIVISION MAP TO ALLOW FOR THE CONSTRUCTION OF A NEW ROAD, TO BE KNOWN AS "NEW ROAD", TO BE CONSTRUCTED AND OPEN TO THE PUBLIC. THE APPLICANT REQUESTS VARIATION FROM THE SUBDIVISION MAP AS SHOWN ON THE ATTACHED SUBDIVISION MAP TO ALLOW FOR THE CONSTRUCTION OF A NEW ROAD, TO BE KNOWN AS "NEW ROAD", TO BE CONSTRUCTED AND OPEN TO THE PUBLIC.

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1.4. THE APPLICANT REQUESTS VARIATION FROM THE SUBDIVISION MAP AS SHOWN ON THE ATTACHED SUBDIVISION MAP TO ALLOW FOR THE CONSTRUCTION OF A NEW ROAD, TO BE KNOWN AS "NEW ROAD", TO BE CONSTRUCTED AND OPEN TO THE PUBLIC. THE APPLICANT REQUESTS VARIATION FROM THE SUBDIVISION MAP AS SHOWN ON THE ATTACHED SUBDIVISION MAP TO ALLOW FOR THE CONSTRUCTION OF A NEW ROAD, TO BE KNOWN AS "NEW ROAD", TO BE CONSTRUCTED AND OPEN TO THE PUBLIC.

1.5. THE APPLICANT REQUESTS VARIATION FROM THE SUBDIVISION MAP AS SHOWN ON THE ATTACHED SUBDIVISION MAP TO ALLOW FOR THE CONSTRUCTION OF A NEW ROAD, TO BE KNOWN AS "NEW ROAD", TO BE CONSTRUCTED AND OPEN TO THE PUBLIC. THE APPLICANT REQUESTS VARIATION FROM THE SUBDIVISION MAP AS SHOWN ON THE ATTACHED SUBDIVISION MAP TO ALLOW FOR THE CONSTRUCTION OF A NEW ROAD, TO BE KNOWN AS "NEW ROAD", TO BE CONSTRUCTED AND OPEN TO THE PUBLIC.

TRACT NO.	TRACT AREA (AC)	TRACT PERCENTAGE	TRACT TOTAL AREA (AC)	TRACT TOTAL PERCENTAGE
1	1.00	100%	1.00	100%
2	1.00	100%	1.00	100%
3	1.00	100%	1.00	100%
4	1.00	100%	1.00	100%
5	1.00	100%	1.00	100%
6	1.00	100%	1.00	100%
7	1.00	100%	1.00	100%
8	1.00	100%	1.00	100%
9	1.00	100%	1.00	100%
10	1.00	100%	1.00	100%
11	1.00	100%	1.00	100%
12	1.00	100%	1.00	100%
13	1.00	100%	1.00	100%
14	1.00	100%	1.00	100%
15	1.00	100%	1.00	100%
16	1.00	100%	1.00	100%
17	1.00	100%	1.00	100%
18	1.00	100%	1.00	100%
19	1.00	100%	1.00	100%
20	1.00	100%	1.00	100%
21	1.00	100%	1.00	100%
22	1.00	100%	1.00	100%
23	1.00	100%	1.00	100%
24	1.00	100%	1.00	100%
25	1.00	100%	1.00	100%
26	1.00	100%	1.00	100%
27	1.00	100%	1.00	100%
28	1.00	100%	1.00	100%
29	1.00	100%	1.00	100%
30	1.00	100%	1.00	100%
31	1.00	100%	1.00	100%
32	1.00	100%	1.00	100%
33	1.00	100%	1.00	100%
34	1.00	100%	1.00	100%
35	1.00	100%	1.00	100%
36	1.00	100%	1.00	100%
37	1.00	100%	1.00	100%
38	1.00	100%	1.00	100%
39	1.00	100%	1.00	100%
40	1.00	100%	1.00	100%
41	1.00	100%	1.00	100%
42	1.00	100%	1.00	100%
43	1.00	100%	1.00	100%
44	1.00	100%	1.00	100%
45	1.00	100%	1.00	100%
46	1.00	100%	1.00	100%
47	1.00	100%	1.00	100%
48	1.00	100%	1.00	100%
49	1.00	100%	1.00	100%
50	1.00	100%	1.00	100%
51	1.00	100%	1.00	100%
52	1.00	100%	1.00	100%
53	1.00	100%	1.00	100%
54	1.00	100%	1.00	100%
55	1.00	100%	1.00	100%
56	1.00	100%	1.00	100%
57	1.00	100%	1.00	100%
58	1.00	100%	1.00	100%
59	1.00	100%	1.00	100%
60	1.00	100%	1.00	100%
61	1.00	100%	1.00	100%
62	1.00	100%	1.00	100%
63	1.00	100%	1.00	100%
64	1.00	100%	1.00	100%
65	1.00	100%	1.00	100%
66	1.00	100%	1.00	100%
67	1.00	100%	1.00	100%
68	1.00	100%	1.00	100%
69	1.00	100%	1.00	100%
70	1.00	100%	1.00	100%
71	1.00	100%	1.00	100%
72	1.00	100%	1.00	100%
73	1.00	100%	1.00	100%
74	1.00	100%	1.00	100%
75	1.00	100%	1.00	100%
76	1.00	100%	1.00	100%
77	1.00	100%	1.00	100%
78	1.00	100%	1.00	100%
79	1.00	100%	1.00	100%
80	1.00	100%	1.00	100%
81	1.00	100%	1.00	100%
82	1.00	100%	1.00	100%
83	1.00	100%	1.00	100%
84	1.00	100%	1.00	100%
85	1.00	100%	1.00	100%
86	1.00	100%	1.00	100%
87	1.00	100%	1.00	100%
88	1.00	100%	1.00	100%
89	1.00	100%	1.00	100%
90	1.00	100%	1.00	100%
91	1.00	100%	1.00	100%
92	1.00	100%	1.00	100%
93	1.00	100%	1.00	100%
94	1.00	100%	1.00	100%
95	1.00	100%	1.00	100%
96	1.00	100%	1.00	100%
97	1.00	100%	1.00	100%
98	1.00	100%	1.00	100%
99	1.00	100%	1.00	100%
100	1.00	100%	1.00	100%

CONCEPT PLAN
THE PENINSULA AT HYCO LAKE
DIEHL & PHILLIPS, P.A.
 1000 W. 10TH ST., SUITE 100
 WASHINGTON, D.C. 20004
 TEL: (202) 462-1000
 FAX: (202) 462-1001
 WWW.DIEHLPHILLIPS.COM

VARIATIONS / MODIFICATIONS

- Private Streets - The applicant has submitted a separate variation application to allow for private streets to be constructed throughout the subdivision. The maintenance of the private roads will be handled by a road maintenance agreement and administered by the home owner's association. All other variations / modifications can be reviewed as part of the subdivision concept plan.

VARIATIONS / MODIFICATIONS

- Flag Lots - There are several flag lots proposed and they are indicated on the site plan. Flag lots are allowed per Section 53-9 of the Subdivision Ordinance:
 - A. Where necessary to eliminate access onto arterials.
 - B. To reasonably utilize irregularly shaped land.
 - C. To reasonably utilize land with difficult topography.
 - D. To reasonably utilize land with limited site suitable for septic tank nitrification.
 - E. Where it is unlikely that a road created in lieu of a flag lot would ever be extended, or otherwise needed to provide access to adjoining parcels.
 - F. To provide for the protection of significant natural or cultural resources.

The applicant has stated on the site plan that the proposed flag lots exists for two reasons.

- The first condition occurs in locations where the length of the lake shoreline greatly exceeds the street length that generally parallels the shoreline. Due to the shape of the shoreline in certain locations, the lots will have to become narrower where the lots join the street.
- The second condition is where multiple lots have frontage on a cul-de-sac and the limited length of the right-of-way line at the perimeter of the cul-de-sac requires the lots to have a narrow frontage. The lots are also deep which causes the narrow portion of the lot ('flag poles') to have extended lengths.

VARIATIONS / MODIFICATIONS

- Block Lengths – According to the applicant, the proposed street system for the project is essentially one cul-de-sac with numerous side streets. There is no opportunity to interconnect Watersail Way with parallel streets to create blocks, as the subject property is a peninsula with water on three sides of it. The property has a central ridge with steep slopes on each side, falling to the lake. The proposed main subdivision street (Watersail Way) along the ridgeline, with side streets to access lakefront lots, is the best fit for the site's topography. The applicant has provided a roundabout (turn around) for vehicles at the request of staff where the project does not meet the block length standards.
- 45' Street Right-of-Way Widths – The subdivision concept plan proposes right-of-way widths of 45 feet (with a minimum pavement width of 18 feet) for the cul-de-sacs that intersect Watersail Way, the main (collector) street. The proposed right-of-way width is NC DOT's standard for residential local roads and while the streets are proposed to be private, the developer intends to comply with DOT standards to the extent possible. Watersail Way will maintain a minimum right-of-way of 60 feet.

COMPREHENSIVE PLAN

The Person County Land use Plan does not identify the majority of the site as a specific land use category; however a small portion of the site along with the properties nearby are identified as Rural Residential. Rural Residential is defined as:

- Low-density residential (single site-built and manufactured homes); agriculture, forestry, churches; very limited commercial, office, or public/institutional uses meeting locational criteria. Most of the land within protected water supply watersheds should be placed in this category. Locational criteria for non-residential uses within this land use category would include frontage and access to a major State highway or secondary road, proximity to similar uses and spatial separation from non-compatible uses such as existing residential development. Land uses within this category would be expected to develop without public sewer, i.e., with private septic tank systems.

Appendix O of the Land Use Plan lists goals and objectives for the county including the following:

1.5 – Provide for a variety of housing types, densities and price ranges.

PLANNING STAFF ANALYSIS AND RECOMMENDATION

The property is zoned R (Residential) and the applicant is proposing to develop a single-family subdivision for the site with a total of 162 lots located on 437.72 acres. The subdivision will contain 323.20 acres of common open space, which will be maintained by the homeowner's association.

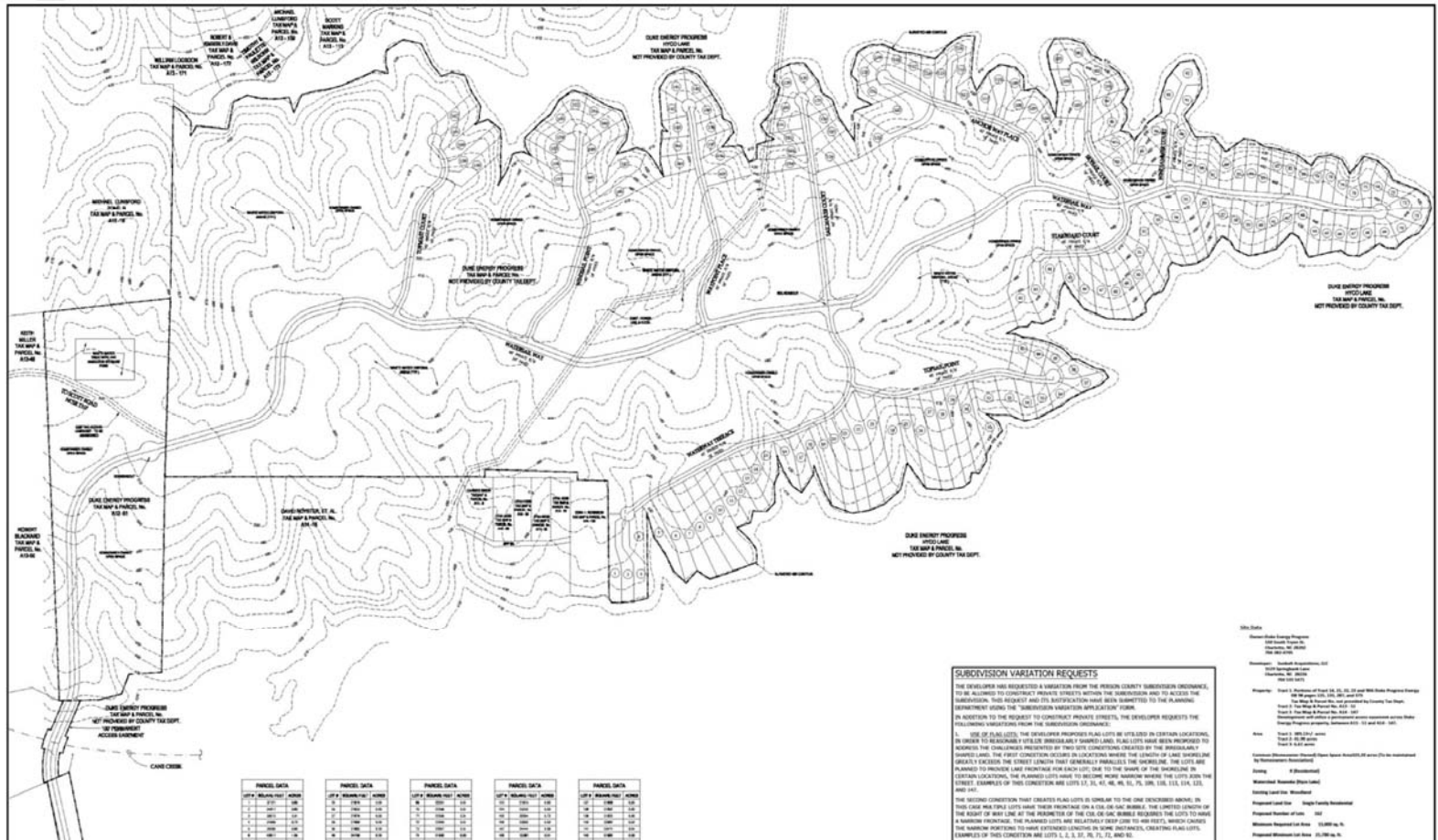
The lots will be served by individual wells and a community wastewater collection system, treatment and on-site disposal. The developer is proposing minimum lot sizes at 21,780 square feet (1/2 acre) and minimum lot widths of 75 feet.

The proposed subdivision meets the requirements outlined in the Person County Subdivision Regulations and the Person County Minimum Construction Standards for Private Roads except for the four variations / modifications that are being requested. Three of the variations / modifications can be approved with the subdivision concept plan while the fourth variation (to allow private roads) must be reviewed and approved separately.

Planning staff recommends approval of the concept plan for the subdivision SUB-02-18. Due to the topography of the site and the existing site constraints, planning staff also recommends approval of the three (3) variations / modifications for the subdivision, which includes flag lots, block lengths that exceed 2,400 feet and street widths with 45' of right-of-way width.

PLANNING BOARD RECOMMENDATION

At the November 8, 2018 meeting of the Planning Board, the Board voted unanimously (5-0) to approve SUB-02-18 with the three requested variations/modifications due to the site constraints and the topography of the site.



PARCEL DATA	PARCEL DATA	PARCEL DATA	PARCEL DATA	PARCEL DATA
LOT #	AREA	AREA	AREA	AREA
1	1.2	1.2	1.2	1.2
2	1.2	1.2	1.2	1.2
3	1.2	1.2	1.2	1.2
4	1.2	1.2	1.2	1.2
5	1.2	1.2	1.2	1.2
6	1.2	1.2	1.2	1.2
7	1.2	1.2	1.2	1.2
8	1.2	1.2	1.2	1.2
9	1.2	1.2	1.2	1.2
10	1.2	1.2	1.2	1.2
11	1.2	1.2	1.2	1.2
12	1.2	1.2	1.2	1.2
13	1.2	1.2	1.2	1.2
14	1.2	1.2	1.2	1.2
15	1.2	1.2	1.2	1.2
16	1.2	1.2	1.2	1.2
17	1.2	1.2	1.2	1.2
18	1.2	1.2	1.2	1.2
19	1.2	1.2	1.2	1.2
20	1.2	1.2	1.2	1.2
21	1.2	1.2	1.2	1.2
22	1.2	1.2	1.2	1.2
23	1.2	1.2	1.2	1.2
24	1.2	1.2	1.2	1.2
25	1.2	1.2	1.2	1.2
26	1.2	1.2	1.2	1.2
27	1.2	1.2	1.2	1.2
28	1.2	1.2	1.2	1.2
29	1.2	1.2	1.2	1.2
30	1.2	1.2	1.2	1.2
31	1.2	1.2	1.2	1.2
32	1.2	1.2	1.2	1.2
33	1.2	1.2	1.2	1.2
34	1.2	1.2	1.2	1.2
35	1.2	1.2	1.2	1.2
36	1.2	1.2	1.2	1.2
37	1.2	1.2	1.2	1.2
38	1.2	1.2	1.2	1.2
39	1.2	1.2	1.2	1.2
40	1.2	1.2	1.2	1.2
41	1.2	1.2	1.2	1.2
42	1.2	1.2	1.2	1.2
43	1.2	1.2	1.2	1.2
44	1.2	1.2	1.2	1.2
45	1.2	1.2	1.2	1.2
46	1.2	1.2	1.2	1.2
47	1.2	1.2	1.2	1.2
48	1.2	1.2	1.2	1.2
49	1.2	1.2	1.2	1.2
50	1.2	1.2	1.2	1.2
51	1.2	1.2	1.2	1.2
52	1.2	1.2	1.2	1.2
53	1.2	1.2	1.2	1.2
54	1.2	1.2	1.2	1.2
55	1.2	1.2	1.2	1.2
56	1.2	1.2	1.2	1.2
57	1.2	1.2	1.2	1.2
58	1.2	1.2	1.2	1.2
59	1.2	1.2	1.2	1.2
60	1.2	1.2	1.2	1.2
61	1.2	1.2	1.2	1.2
62	1.2	1.2	1.2	1.2
63	1.2	1.2	1.2	1.2
64	1.2	1.2	1.2	1.2
65	1.2	1.2	1.2	1.2
66	1.2	1.2	1.2	1.2
67	1.2	1.2	1.2	1.2
68	1.2	1.2	1.2	1.2
69	1.2	1.2	1.2	1.2
70	1.2	1.2	1.2	1.2
71	1.2	1.2	1.2	1.2
72	1.2	1.2	1.2	1.2
73	1.2	1.2	1.2	1.2
74	1.2	1.2	1.2	1.2
75	1.2	1.2	1.2	1.2
76	1.2	1.2	1.2	1.2
77	1.2	1.2	1.2	1.2
78	1.2	1.2	1.2	1.2
79	1.2	1.2	1.2	1.2
80	1.2	1.2	1.2	1.2
81	1.2	1.2	1.2	1.2
82	1.2	1.2	1.2	1.2
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84	1.2	1.2	1.2	1.2
85	1.2	1.2	1.2	1.2
86	1.2	1.2	1.2	1.2
87	1.2	1.2	1.2	1.2
88	1.2	1.2	1.2	1.2
89	1.2	1.2	1.2	1.2
90	1.2	1.2	1.2	1.2
91	1.2	1.2	1.2	1.2
92	1.2	1.2	1.2	1.2
93	1.2	1.2	1.2	1.2
94	1.2	1.2	1.2	1.2
95	1.2	1.2	1.2	1.2
96	1.2	1.2	1.2	1.2
97	1.2	1.2	1.2	1.2
98	1.2	1.2	1.2	1.2
99	1.2	1.2	1.2	1.2
100	1.2	1.2	1.2	1.2

SUBDIVISION VARIATION REQUESTS

THE DEVELOPER HAS REQUESTED A VARIATION FROM THE PERSON COUNTY SUBDIVISION ORDINANCE, TO BE ALLOWED TO CONSTRUCT PRIVATE STREETS WITHIN THE SUBDIVISION AND TO ACCESS THE SUBDIVISION. THIS REQUEST AND ITS SATISFACTION HAVE BEEN SUBMITTED TO THE PLANNING DEPARTMENT USING THE "SUBDIVISION VARIATION APPLICATION" FORM.

IN ADDITION TO THE REQUEST TO CONSTRUCT PRIVATE STREETS, THE DEVELOPER REQUESTS THE FOLLOWING VARIATIONS FROM THE SUBDIVISION ORDINANCE:

1. USE OF PLAIN LOTS: THE DEVELOPER PROPOSES PLAIN LOTS BE UTILIZED IN CERTAIN LOCATIONS, IN ORDER TO RECREATE UTILIZE IRREGULARLY SHAPED LOTS. PLAIN LOTS HAVE BEEN PROPOSED TO RECREATE THE CHALLENGE PRESENTED BY TWO SITE CONDITIONS CREATED BY THE IRREGULARLY SHAPED LOTS. THE FIRST CONDITION OCCURS IN LOCATIONS WHERE THE LENGTH OF A LOT EXCEEDS GREATLY EXCEEDS THE STREET LENGTH THAT GENERALLY PARALLELS THE SIDELINE. THE LOTS ARE PLANNED TO PROVIDE ADEQUATE FRONTAGE FOR EACH LOT, ONE TO THE FRONT OF THE LOTLINE IN CERTAIN LOCATIONS, THE PLANNED LOTS HAVE TO BECOME MORE NARROW WHERE THE LOTS JOIN THE STREET. EXAMPLES OF THIS CONDITION ARE LOTS 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100.

THE SECOND CONDITION THAT CREATED PLAIN LOTS IS SHOWN IN THE ONE SITE DESCRIBED ABOVE. IN THIS CASE, AREA 5000 LOTS HAVE THEIR FRONTAGE ON A CURVE OR ARC BOUNDARY. THE LIMITED LENGTH OF THE FRONT OR SIDE LINE OF THE PERIMETER OF THE CURVE OR ARC BOUNDARY REQUIRES THE LOTS TO HAVE A NARROW FRONTAGE. THE PLANNED LOTS ARE RELATIVELY DEEP (LONG TO HIGH FEET), WHICH CREATES THE NARROW FRONTAGE TO HAVE EXTENDED LENGTH IN SOME INSTANCES, CREATING PLAIN LOTS. EXAMPLES OF THIS CONDITION ARE LOTS 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100.

Site Data

Project: 2024-001
 Applicant: ABC Development, LLC
 Location: 12345 Main Street, Anytown, CA 90210
 Zoning: R-1
 Subdivision Name: ABC Subdivision
 Project Description: 100 lots, 100 acres
 Projected Completion: 2025
 Contact: John Doe, ABC Development, LLC, 12345 Main Street, Anytown, CA 90210, (555) 123-4567

VAR-01-18 - A request by Randy Allen with Sunbelt Acquisitions, LLC, on behalf of the property owner, Duke Energy Progress, for a subdivision variation for the proposed subdivision The Peninsula at Hyco Lake consisting of 162 lots on 437.72 acres located on SR 1314 Zion Level Church Road in the R (Residential) Zoning District. The Tax Map & Parcel ID numbers for the proposed subdivision are A13-51, A14-147 and the third parcel does not have a Tax Map and Parcel ID number assigned; however it is contained within Deed Book 98 Pages 125, 135, 287 and 373. The subdivision variation request is to allow the proposed subdivision streets to be constructed as private streets.

VARIATION REQUEST

Article V Design Standards of the Person County Subdivision Regulations states that in all subdivisions where there are 7 or more lots, the roads shall be designated as public and constructed to NC DOT standards.

Section 71-1 of the Person County Subdivision Regulations states:

Where, because of topographical or other conditions peculiar to the site, strict adherence to the provisions of the regulations of this Ordinance would cause an unnecessary hardship (monetary considerations are not a proper criterion in determining hardship), the subdivider may request a variation. Such request must be submitted in written form and explain the need for such variation. Any and all variations shall be forwarded to the County Commissioners with recommendation and rationale for approval or disapproval by the Planning Board. Any variation thus authorized by the County Commissioners required to be entered in writing in the minutes of the County Commissioners and the reasoning on which the departure was justified shall be set forth.

The applicant has submitted a variation application for the proposed subdivision to allow for private streets to be constructed throughout the subdivision. The maintenance of the private streets will be handled by a road maintenance agreement and administered by the home owner's association.

VARIATION REQUEST

The applicant has stated on the variation application that the long access easement from Zion Level Church Road to the property, and the peninsula nature of the tract, combine to create a cul-de-sac length that exceed NC DOT's standard of a maximum length of 2,5000 feet. Due to this tract being a peninsula, there are no opportunities to interconnect the street with streets on adjacent tracts, and create an interconnected street network that would meet NC DOT standards.

At the request of staff, the applicant has provided a roundabout (turn around) for emergency vehicles prior to the first intersecting street in the subdivision. A second roundabout is provided further into the subdivision (at the intersection of Watersail Way and Sailmaker Court) to also allow for better maneuverability for emergency vehicles.

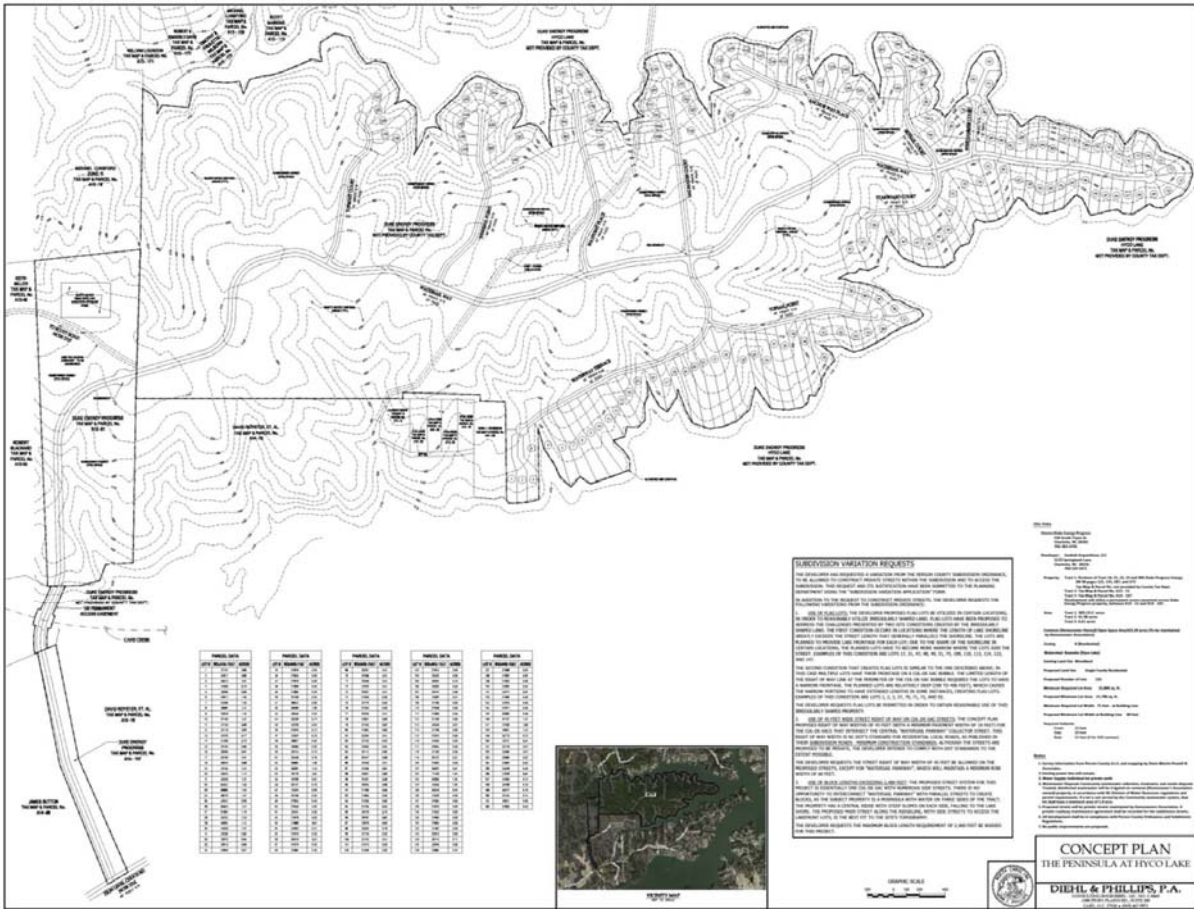
PLANNING STAFF ANALYSIS

Due to the tract being a peninsula, interconnectivity is limited. *NC DOT's Subdivision Roads Minimum Construction Standards* allows for a maximum length of 2,500 linear feet on dead end streets and Watersail Way in the proposed subdivision has an approximate length of 13,000 linear feet.

The applicant has submitted a variation application for the proposed subdivision to allow for private streets to be constructed throughout the subdivision. If the variation is approved and the private streets are allowed, the maintenance of those streets will be handled by a road maintenance agreement and administered by the home owner's association.

PLANNING BOARD RECOMMENDATION

At the November 8, 2018 meeting of the Planning Board, the Board voted unanimously (5-0) to approve VAR-01-18 due to the topography of the site.



TRACT NO.	TRACT AREA (AC)	TRACT PERCENTAGE	TRACT TOTAL AREA (AC)	TRACT TOTAL PERCENTAGE
1	1.00	100%	1.00	100%
2	1.00	100%	1.00	100%
3	1.00	100%	1.00	100%
4	1.00	100%	1.00	100%
5	1.00	100%	1.00	100%
6	1.00	100%	1.00	100%
7	1.00	100%	1.00	100%
8	1.00	100%	1.00	100%
9	1.00	100%	1.00	100%
10	1.00	100%	1.00	100%
11	1.00	100%	1.00	100%
12	1.00	100%	1.00	100%
13	1.00	100%	1.00	100%
14	1.00	100%	1.00	100%
15	1.00	100%	1.00	100%
16	1.00	100%	1.00	100%
17	1.00	100%	1.00	100%
18	1.00	100%	1.00	100%
19	1.00	100%	1.00	100%
20	1.00	100%	1.00	100%
21	1.00	100%	1.00	100%
22	1.00	100%	1.00	100%
23	1.00	100%	1.00	100%
24	1.00	100%	1.00	100%
25	1.00	100%	1.00	100%
26	1.00	100%	1.00	100%
27	1.00	100%	1.00	100%
28	1.00	100%	1.00	100%
29	1.00	100%	1.00	100%
30	1.00	100%	1.00	100%
31	1.00	100%	1.00	100%
32	1.00	100%	1.00	100%
33	1.00	100%	1.00	100%
34	1.00	100%	1.00	100%
35	1.00	100%	1.00	100%
36	1.00	100%	1.00	100%
37	1.00	100%	1.00	100%
38	1.00	100%	1.00	100%
39	1.00	100%	1.00	100%
40	1.00	100%	1.00	100%
41	1.00	100%	1.00	100%
42	1.00	100%	1.00	100%
43	1.00	100%	1.00	100%
44	1.00	100%	1.00	100%
45	1.00	100%	1.00	100%
46	1.00	100%	1.00	100%
47	1.00	100%	1.00	100%
48	1.00	100%	1.00	100%
49	1.00	100%	1.00	100%
50	1.00	100%	1.00	100%
51	1.00	100%	1.00	100%
52	1.00	100%	1.00	100%
53	1.00	100%	1.00	100%
54	1.00	100%	1.00	100%
55	1.00	100%	1.00	100%
56	1.00	100%	1.00	100%
57	1.00	100%	1.00	100%
58	1.00	100%	1.00	100%
59	1.00	100%	1.00	100%
60	1.00	100%	1.00	100%
61	1.00	100%	1.00	100%
62	1.00	100%	1.00	100%
63	1.00	100%	1.00	100%
64	1.00	100%	1.00	100%
65	1.00	100%	1.00	100%
66	1.00	100%	1.00	100%
67	1.00	100%	1.00	100%
68	1.00	100%	1.00	100%
69	1.00	100%	1.00	100%
70	1.00	100%	1.00	100%
71	1.00	100%	1.00	100%
72	1.00	100%	1.00	100%
73	1.00	100%	1.00	100%
74	1.00	100%	1.00	100%
75	1.00	100%	1.00	100%
76	1.00	100%	1.00	100%
77	1.00	100%	1.00	100%
78	1.00	100%	1.00	100%
79	1.00	100%	1.00	100%
80	1.00	100%	1.00	100%
81	1.00	100%	1.00	100%
82	1.00	100%	1.00	100%
83	1.00	100%	1.00	100%
84	1.00	100%	1.00	100%
85	1.00	100%	1.00	100%
86	1.00	100%	1.00	100%
87	1.00	100%	1.00	100%
88	1.00	100%	1.00	100%
89	1.00	100%	1.00	100%
90	1.00	100%	1.00	100%
91	1.00	100%	1.00	100%
92	1.00	100%	1.00	100%
93	1.00	100%	1.00	100%
94	1.00	100%	1.00	100%
95	1.00	100%	1.00	100%
96	1.00	100%	1.00	100%
97	1.00	100%	1.00	100%
98	1.00	100%	1.00	100%
99	1.00	100%	1.00	100%
100	1.00	100%	1.00	100%

SUBDIVISION VARIATION REQUESTS

The applicant has submitted a preliminary plat and subdivision map for the proposed subdivision. The applicant has requested certain variations from the standard subdivision map requirements. The applicant has requested the following variations:

1. VARIATION FROM SECTION 19.03.01: The applicant has requested to vary from the standard subdivision map requirements regarding the minimum lot area. The applicant has requested to vary from the standard subdivision map requirements regarding the minimum lot area.
2. VARIATION FROM SECTION 19.03.02: The applicant has requested to vary from the standard subdivision map requirements regarding the minimum lot area. The applicant has requested to vary from the standard subdivision map requirements regarding the minimum lot area.
3. VARIATION FROM SECTION 19.03.03: The applicant has requested to vary from the standard subdivision map requirements regarding the minimum lot area. The applicant has requested to vary from the standard subdivision map requirements regarding the minimum lot area.
4. VARIATION FROM SECTION 19.03.04: The applicant has requested to vary from the standard subdivision map requirements regarding the minimum lot area. The applicant has requested to vary from the standard subdivision map requirements regarding the minimum lot area.
5. VARIATION FROM SECTION 19.03.05: The applicant has requested to vary from the standard subdivision map requirements regarding the minimum lot area. The applicant has requested to vary from the standard subdivision map requirements regarding the minimum lot area.

NOTES

1. The applicant has submitted a preliminary plat and subdivision map for the proposed subdivision.
2. The applicant has requested certain variations from the standard subdivision map requirements.
3. The applicant has requested the following variations:

CONCEPT PLAN
THE PENINSULA AT HYCO LAKE
DIETL & PHILLIPS, P.A.

AGENDA ABSTRACT

Meeting Date: December 3, 2018

Agenda Title: VAR-01-18 - A request by Randy Allen with Sunbelt Acquisitions, LLC, for a subdivision variation for the proposed subdivision The Peninsula at Hyco Lake consisting of 162 lots on 437.72 acres located on SR 1314 Zion Level Church Road in the R (Residential) Zoning District. The Tax Map & Parcel ID numbers for the proposed subdivision are A13-51, A14-147 and the third parcel does not have a Tax Map and Parcel ID number assigned; however it is contained within Deed Book 98 Pages 125, 135, 287 and 373. The subdivision variation request is to allow the proposed subdivision streets to be constructed as private streets.

Summary of Information:

A single-family subdivision is proposed for the site with a total of 162 lots located on 437.72 acres. Article V Design Standards of the Person County Subdivision Regulations states that in all subdivisions where there are 7 or more lots, the roads shall be designated as public and constructed to NC DOT standards.

Section 71-1 of the Person County Subdivision Regulations states:

Where, because of topographical or other conditions peculiar to the site, strict adherence to the provisions of the regulations of this Ordinance would cause an unnecessary hardship (monetary considerations are not a proper criterion in determining hardship), the subdivider may request a variation. Such request must be submitted in written form and explain the need for such variation. Any and all variations shall be forwarded to the County Commissioners with recommendation and rationale for approval or disapproval by the Planning Board. Any variation thus authorized by the County Commissioners required to be entered in writing in the minutes of the County Commissioners and the reasoning on which the departure was justified shall be set forth.

The applicant has submitted a variation application for the proposed subdivision to allow for private streets to be constructed throughout the subdivision. The applicant has stated on the variation application that the long access easement from Zion Level Church Road to the property, and the peninsula nature of the tract, combine to create a cul-de-sac length that exceed NC DOT's standard of a maximum length of 2,500 feet. Due to this tract being a peninsula, there are no opportunities to interconnect the street with streets on adjacent tracts, and create an interconnected street network that would meet NC DOT standards.

At the request of staff, the applicant has provided a roundabout (turn around) for emergency vehicles prior to the first intersecting street in the subdivision. A second roundabout is provided further into the subdivision (at the intersection of Watersail Way and Sailmaker Court) to also allow for better maneuverability for emergency vehicles.

Due to the tract being a peninsula, interconnectivity is limited. *NC DOT's Subdivision Roads Minimum Construction Standards* allows for a maximum length of 2,500 linear feet on dead end streets and Watersail Way in the proposed subdivision has an approximate length of 13,000 linear feet.

If the variation is approved and the private streets are allowed, the maintenance of those streets will be handled by a road maintenance agreement and administered by the home owner's association.

Planning Board Recommendation: At the November 8, 2018 meeting of the Planning Board, the Board voted unanimously (5-0) to approve VAR-01-18 due to the topography of the site.

Recommended Action: Vote to approve, approve with conditions or deny the subdivision variation.

Submitted By: Lori Oakley, Planning Director

**Subdivision Variation
VAR-01-18
The Peninsula at Hyco Lake**

EXPLANATION OF THE REQUEST

A request by Randy Allen with Sunbelt Acquisitions, LLC, on behalf of the property owner, Duke Energy Progress, for a subdivision variation for the proposed subdivision The Peninsula at Hyco Lake consisting of 162 lots on 437.72 acres located on SR 1314 Zion Level Church Road in the R (Residential) Zoning District. The Tax Map & Parcel ID numbers for the proposed subdivision are A13-51, A14-147 and the third parcel does not have a Tax Map and Parcel ID number assigned; however it is contained within Deed Book 98 Pages 125, 135, 287 and 373. The subdivision variation request is to allow the proposed subdivision streets to be constructed as private streets.

VARIATION REQUEST

A single-family subdivision is proposed for the site with a total of 162 lots located on 437.72 acres. The lots will be served by individual wells and a community wastewater collection system, treatment and on-site disposal. The minimum lot size will be 21,780 square feet (1/2 acre) and the minimum lot width will be 75 feet because of the community wastewater collection system.

Article V Design Standards of the Person County Subdivision Regulations states that in all subdivisions where there are 7 or more lots, the roads shall be designated as public and constructed to NC DOT standards.

Section 71-1 of the Person County Subdivision Regulations states:

Where, because of topographical or other conditions peculiar to the site, strict adherence to the provisions of the regulations of this Ordinance would cause an unnecessary hardship (monetary considerations are not a proper criterion in determining hardship), the subdivider may request a variation. Such request must be submitted in written form and explain the need for such variation. Any and all variations shall be forwarded to the County Commissioners with recommendation and rationale for approval or disapproval by the Planning Board. Any variation thus authorized by the County Commissioners required to be entered in writing in the minutes of the County Commissioners and the reasoning on which the departure was justified shall be set forth.

The applicant has submitted a variation application for the proposed subdivision to allow for private streets to be constructed throughout the subdivision. The maintenance of the private streets will be handled by a road maintenance agreement and administered by the home owner's association.

The applicant has stated on the variation application that the long access easement from Zion Level Church Road to the property, and the peninsula nature of the tract, combine to create a cul-de-sac length that exceed NC DOT's standard of a maximum length of 2,500 feet. Due to this tract being a peninsula, there are no opportunities to interconnect the street with streets on adjacent tracts, and create an interconnected street network that would meet NC DOT standards.

At the request of staff, the applicant has provided a roundabout (turn around) for emergency vehicles prior to the first intersecting street in the subdivision. A second roundabout is provided further into the subdivision (at the intersection of Watersail Way and Sailmaker Court) to also allow for better maneuverability for emergency vehicles.

PLANNING STAFF ANALYSIS

The applicant is proposing a single-family subdivision for the site with a total of 162 lots located on 437.72 acres. The lots will be served by individual wells and a community wastewater collection system, treatment and on-site disposal. The minimum lot size will be 21,780 square feet (1/2 acre) and the minimum lot width will be 75 feet because of the community wastewater collection system.

Due to the tract being a peninsula, interconnectivity is limited. *NC DOT's Subdivision Roads Minimum Construction Standards* allows for a maximum length of 2,500 linear feet on dead end streets and Watersail Way in the proposed subdivision has an approximate length of 13,000 linear feet.

The applicant has submitted a variation application for the proposed subdivision to allow for private streets to be constructed throughout the subdivision. If the variation is approved and the private streets are allowed, the maintenance of those streets will be handled by a road maintenance agreement and administered by the home owner's association.

PLANNING BOARD RECOMMENDATION

At the November 8, 2018 meeting of the Planning Board, the Board voted unanimously (5-0) to approve VAR-01-18 due to the topography of the site.

Submitted by: Lori Oakley, Planning Director



SUBDIVISION VARIATION APPLICATION

Person County Planning & Zoning
325 S. Morgan Street, Suite B
Roxboro, NC 27573
(336) 597-1750

\$200.00

Fee

10-12-2018

Date Received

VAR-01-18

Application Number

APPLICANT INFORMATION

Name: Randy Allen Telephone: 704-533-5471
Mailing Address: 3129 Springbank Lane
City: Charlotte State: NC Zip: 28226
Email: randyallen7009@gmail.com Fax: _____

PROPERTY OWNER INFORMATION

Name: Duke Energy Progress, LLC Telephone: 704-382-4705
Mailing Address: 550 South Tryon Street
City: Charlotte State: NC Zip: 28202
Email: MARTHA PURSER@duke-energy.com Fax: 980-312-1204

PROPERTY INFORMATION

Address: Access from Zion Level Church Rd. - no address assigned yet State: NC Zip: 27574
Tax Map & Parcel Number: None on GIS * Total Acreage: 437.72 Township: Cunningham
Zoning District: R (residential) Watershed: Roanoke (Hyco Lake) Floodplain: Yes No

Utilities (check all that apply): Public Sewer Public Water Septic Well

VARIATION REQUEST * A13-51, A14-59 + DB 98 pgs. 125, 135, 287, 373 DB 660 pgs 599-603

Section 71-1: Where, because of topographical or other conditions peculiar to the site, strict adherence to the provisions of the regulations of this Ordinance would cause an unnecessary hardship (monetary considerations are not a proper criterion in determining unnecessary hardship), the subdivider may request a variation. Such request must be submitted in written form and explain the need for such variation. Any and all variations shall be forwarded to the County Commissioners with recommendation and rationale for approval or disapproval by the Planning Board. Any variation thus authorized by the County Commissioners required to be entered in writing in the minutes of the County Commissioners and the reasoning on which the departure was justified shall be set forth. (Amended 5/3/99)

Variation Request: To be allowed to construct all the proposed streets as private streets

Justification: The long access easement from Zion Level Church Road to the property, and the peninsula nature of the tract, combine to create a cul-d sac length that substantially exceeds NCDOT's standard of a maximum length of 2,500 feet. Due to this tract being a peninsula, there are no opportunities to interconnect the streets with streets on adjacent tracts, and create an interconnected street network that would meet NC DOT standards.

Please use additional sheets if needed.

A SURVEY MAP OR PLOT PLAN DRAWN TO SCALE DEPICTING THE LOT(S) SHALL BE ATTACHED TO THIS APPLICATION AND IT SHALL CLEARLY DEPICT THE REQUESTED VARIATION.


SIGNATURES AND ACKNOWLEDGEMENT

The foregoing information is complete and correct to the best of my knowledge. I have read and understand the provisions of Section 71 of the Person County Subdivision Ordinance. Furthermore, the undersigned hereby authorizes Person County Planning Director or designated representative to enter upon the above referenced property for the purpose of inspecting and verifying compliance with Person County's Ordinances.

By signing this application I am consenting to written comments, letters and or notifications regarding this application being provided to me or my designated contact via fax and or email. This consent does not preclude such written communication from also being sent via first class mail.


Signature of Applicant

10-11-18
Date


Signature of Property Owner

10/11/2018
Date

OFFICE USE ONLY

Completed Application Submitted On: 10-12-18 Received By: C. Darnell

Date of Planning Board Hearing: 11-8-18 Receipt Number: 206053 CK14324

Action of Planning Board: Unanimously recommended approval (5-0)
due to topography of the site.

Public Hearing Notice Filed: Courier Times
Name of Newspaper

Dates Notice Published: 10/31/18

Date of Commissioner Hearing: 12-3-18

Action of Commissioners: _____

Public Hearing Notice Filed: Courier Times
Name of Newspaper

Dates Notice Published: 11-24-18