

# 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 <sup>for third parcel</sup>     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

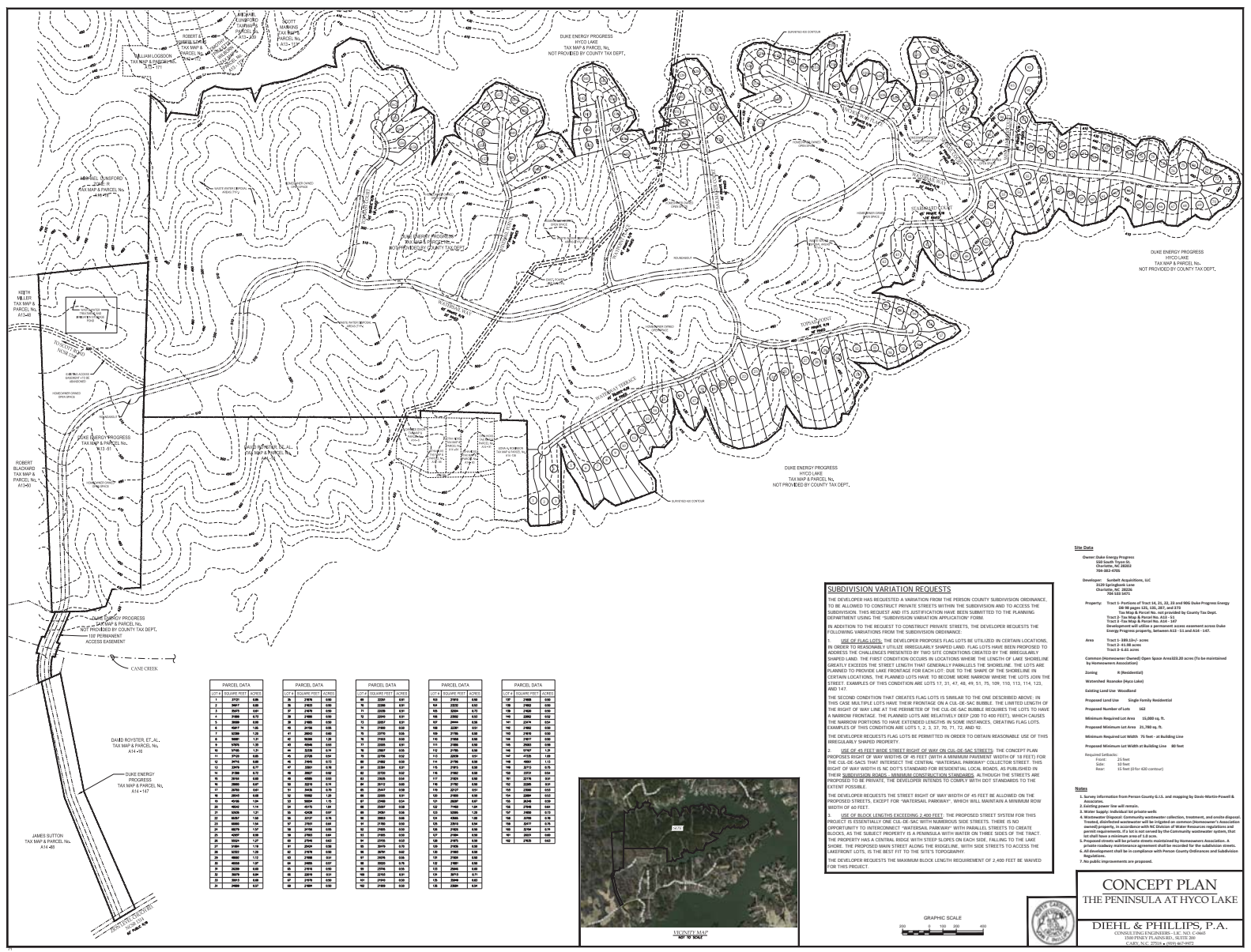
*A fee for review of the plan must be submitted in accordance with the Fee Schedule.*

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	Lot	Area	Lot	
1	0.10	11	0.10	21	0.10
2	0.10	12	0.10	22	0.10
3	0.10	13	0.10	23	0.10
4	0.10	14	0.10	24	0.10
5	0.10	15	0.10	25	0.10
6	0.10	16	0.10	26	0.10
7	0.10	17	0.10	27	0.10
8	0.10	18	0.10	28	0.10
9	0.10	19	0.10	29	0.10
10	0.10	20	0.10	30	0.10
11	0.10	31	0.10	41	0.10
12	0.10	32	0.10	42	0.10
13	0.10	33	0.10	43	0.10
14	0.10	34	0.10	44	0.10
15	0.10	35	0.10	45	0.10
16	0.10	36	0.10	46	0.10
17	0.10	37	0.10	47	0.10
18	0.10	38	0.10	48	0.10
19	0.10	39	0.10	49	0.10
20	0.10	40	0.10	50	0.10
21	0.10	41	0.10	51	0.10
22	0.10	42	0.10	52	0.10
23	0.10	43	0.10	53	0.10
24	0.10	44	0.10	54	0.10
25	0.10	45	0.10	55	0.10
26	0.10	46	0.10	56	0.10
27	0.10	47	0.10	57	0.10
28	0.10	48	0.10	58	0.10
29	0.10	49	0.10	59	0.10
30	0.10	50	0.10	60	0.10
31	0.10	51	0.10	61	0.10
32	0.10	52	0.10	62	0.10
33	0.10	53	0.10	63	0.10
34	0.10	54	0.10	64	0.10
35	0.10	55	0.10	65	0.10
36	0.10	56	0.10	66	0.10
37	0.10	57	0.10	67	0.10
38	0.10	58	0.10	68	0.10
39	0.10	59	0.10	69	0.10
40	0.10	60	0.10	70	0.10
41	0.10	61	0.10	71	0.10
42	0.10	62	0.10	72	0.10
43	0.10	63	0.10	73	0.10
44	0.10	64	0.10	74	0.10
45	0.10	65	0.10	75	0.10
46	0.10	66	0.10	76	0.10
47	0.10	67	0.10	77	0.10
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51	0.10	71	0.10	81	0.10
52	0.10	72	0.10	82	0.10
53	0.10	73	0.10	83	0.10
54	0.10	74	0.10	84	0.10
55	0.10	75	0.10	85	0.10
56	0.10	76	0.10	86	0.10
57	0.10	77	0.10	87	0.10
58	0.10	78	0.10	88	0.10
59	0.10	79	0.10	89	0.10
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62	0.10	82	0.10	92	0.10
63	0.10	83	0.10	93	0.10
64	0.10	84	0.10	94	0.10
65	0.10	85	0.10	95	0.10
66	0.10	86	0.10	96	0.10
67	0.10	87	0.10	97	0.10
68	0.10	88	0.10	98	0.10
69	0.10	89	0.10	99	0.10
70	0.10	90	0.10	100	0.10

### 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 CONDITIONS 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 OF THE LOTS HAVE 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 WIDTHS IS NOT SUFFICIENT 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 ROBE 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: Duke Energy Progress  
 500 South 20th St.  
 Raleigh, NC 27603  
 Phone: 919-417-1000

Developer: Diehl & Phillips, LLC  
 1210 S. University Blvd.  
 Raleigh, NC 27606  
 Phone: 919-872-1000

Property: Tract 2 - Portion of Tract 24, 25, 26, 27 and 28C Duke Energy Progress Energy Co. Map pages 224, 245, 247, and 249  
 Tract 2 - 24.56 Acres, 245.00 AC  
 Tract 2 - Tax Map & Parcel No. 245-100  
 Development of certain portions of certain parcels pursuant to Duke Energy Progress property, between 410-10 and 410-140.

Area: Tract 2 - 24.56 Acres  
 Tract 2 - 4.18 Acres  
 Tract 2 - 4.68 Acres

Commuter Performance District: Duke Energy Progress 20 Acres (To be maintained by Performance District)

Zoning: R (Residential)

Waterfront: None (Open Space)

Existing Land Use: Woodland

Existing Lot Line: Single Family Residential

Proposed Number of Lots: 100

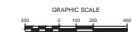
Minimum Required Lot Area: 0.1000 AC

Proposed Minimum Lot Area: 0.1000 AC

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 (or 40' minimum)

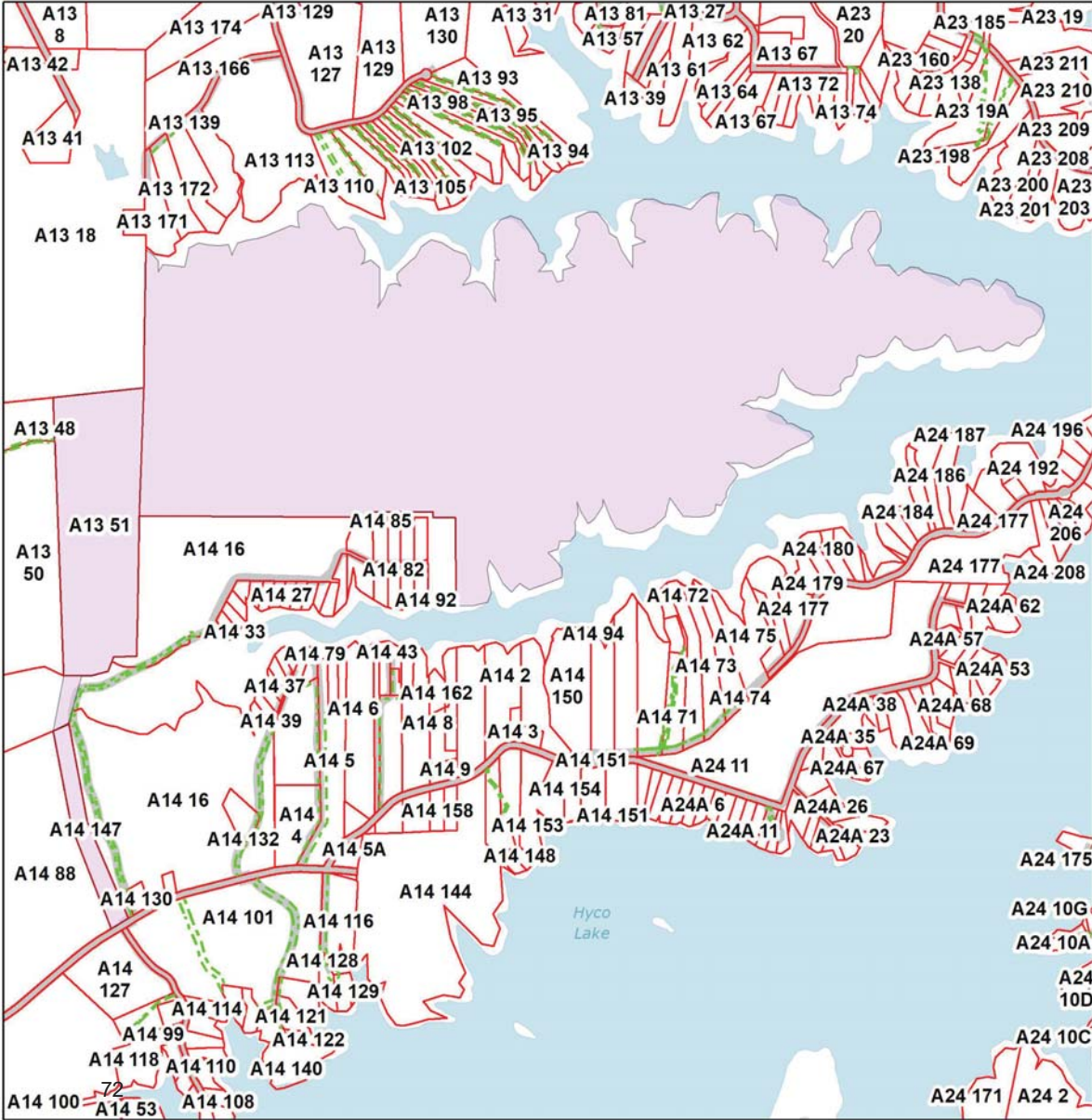







**CONCEPT PLAN**  
**THE PENINSULA AT HYCO LAKE**

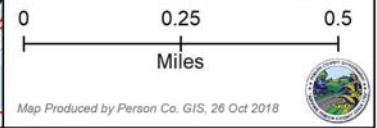
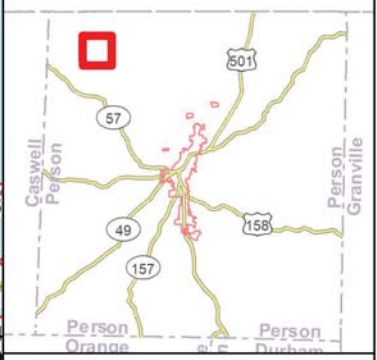
**DIEHL & PHILLIPS, P.A.**  
 CONSULTING ENGINEERS, P.C. 1001 W. 10th St.  
 DOW FINELY PLANNING CO., SUITE 200  
 CARY, N.C. 27513 • 919-487-9000



# General Map SUB 02-18 Peninsula at Hyco Lake

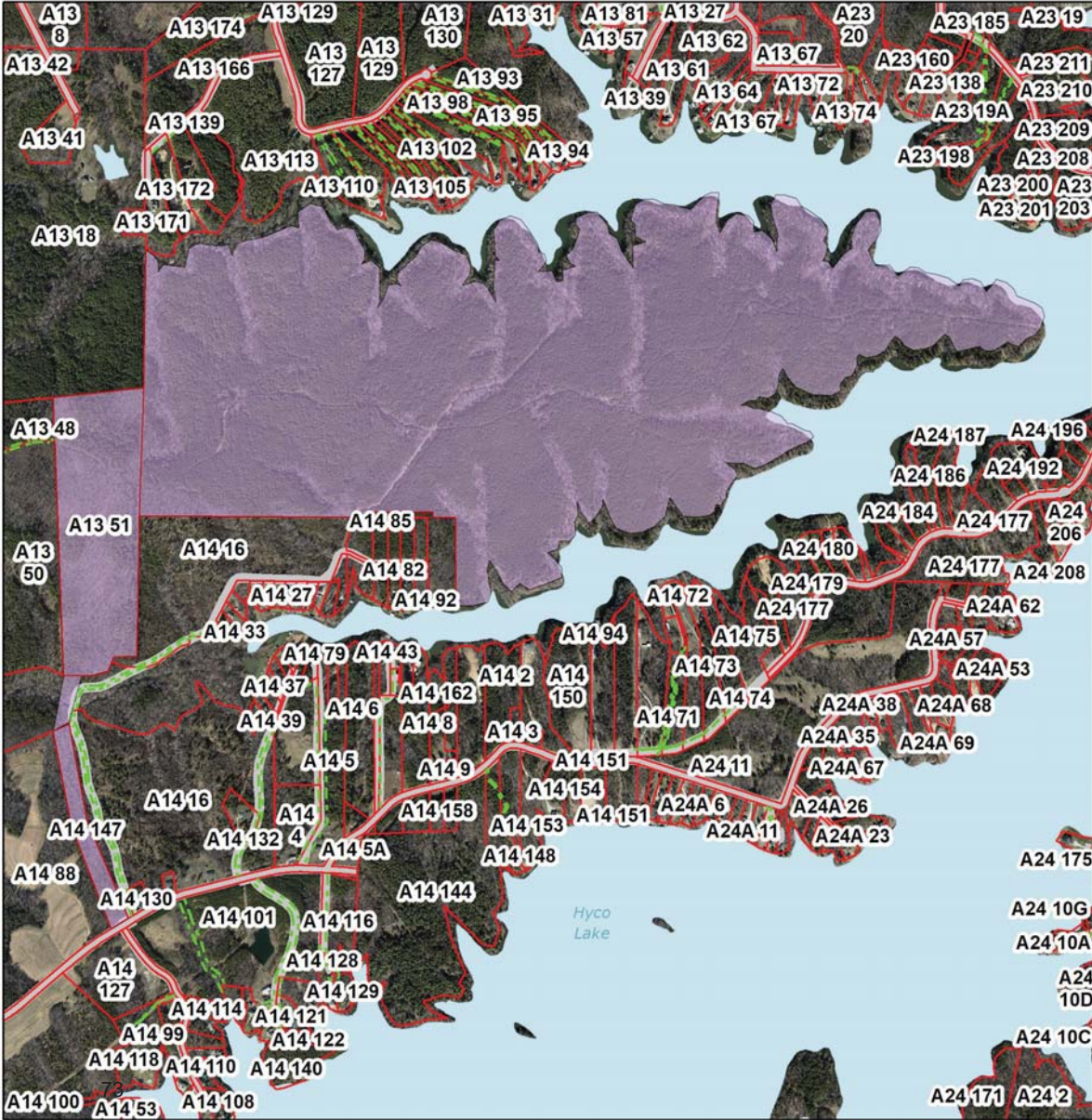


-  Peninsula at Hyco Lake
-  Access Easement
-  Highway
-  Major Road
-  Local

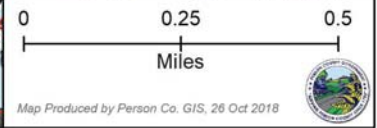
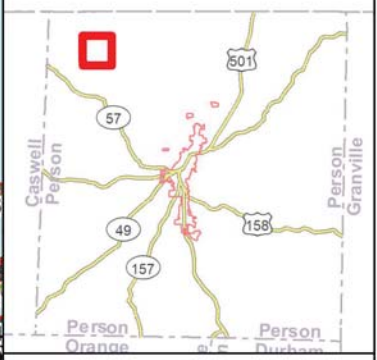




# Aerial Map SUB 02-18 Peninsula at Hyco Lake

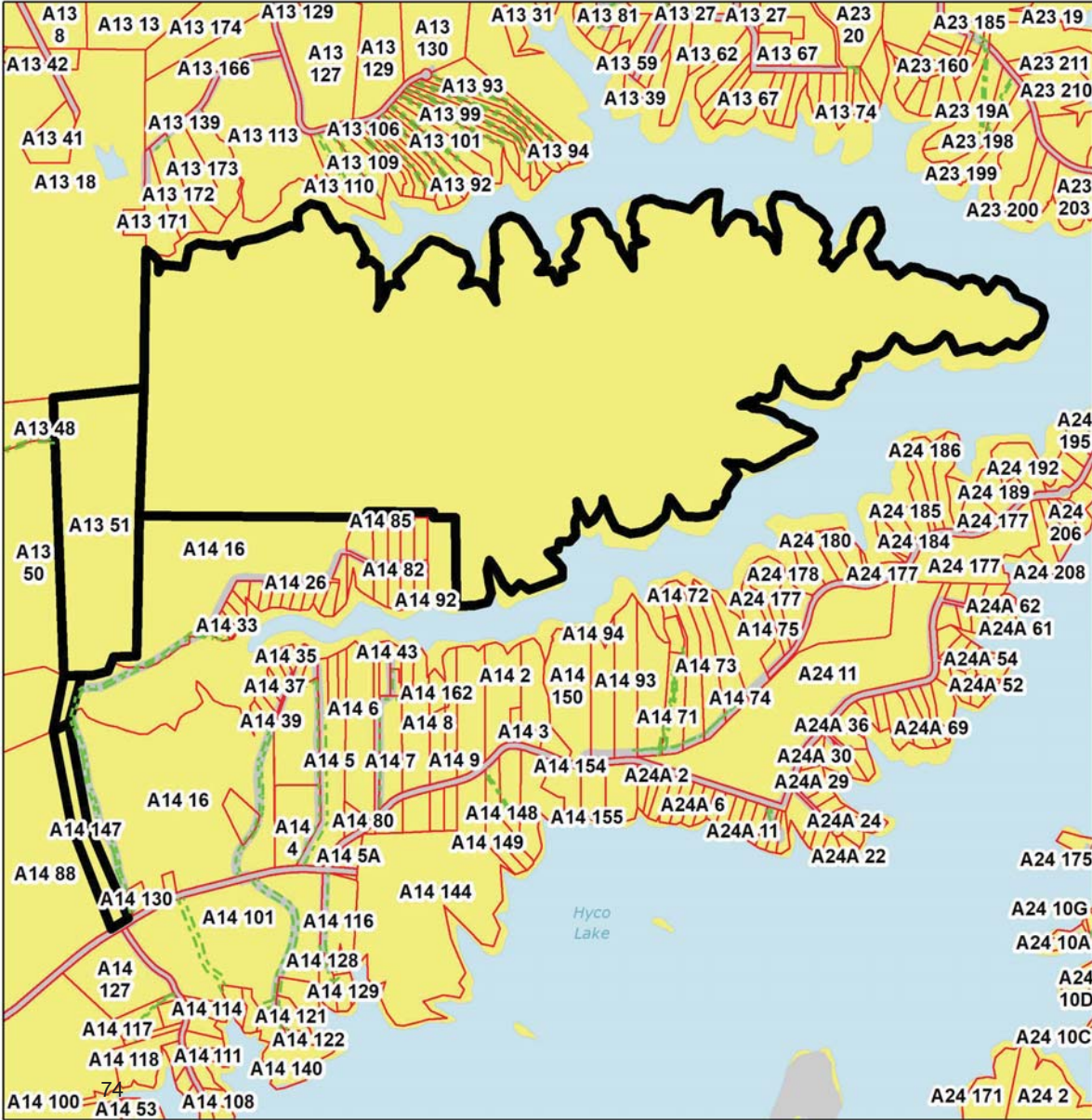


- Peninsula at Hyco Lake
- Access Easement
- Highway
- Major Road
- Local

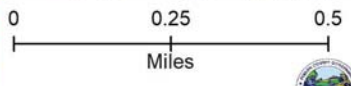




# Zoning Map SUB 02-18 Peninsula at Hyco Lake

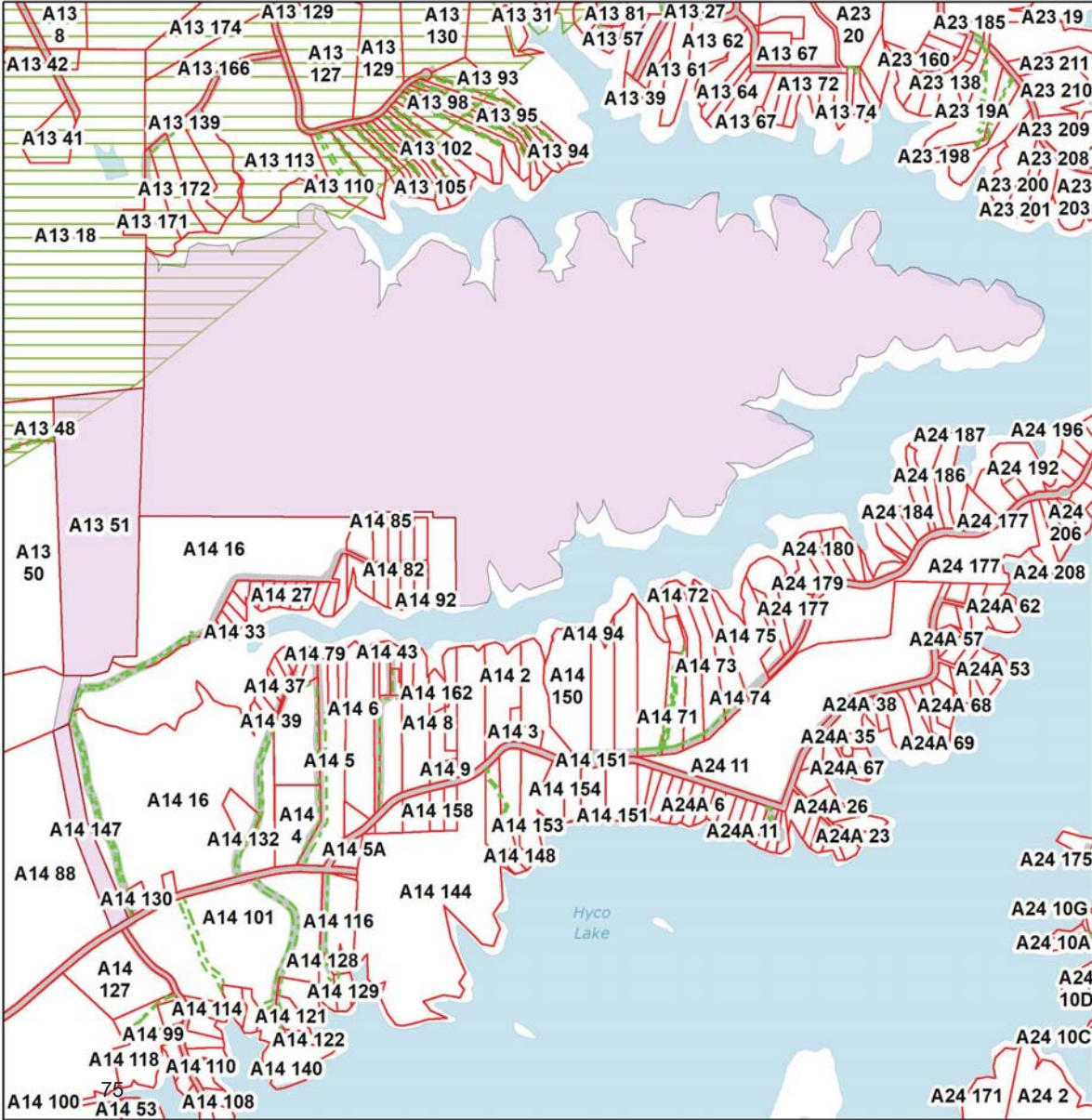


- Zoning Classification**
- AP: Airport Overlay
  - B-1: Highway Commercial
  - B-2: Neighborhood Shopping
  - GI: General Industrial
  - R: Residential
  - R-C: Rural Conservation
  - Peninsula at Hyco Lake
  - Access Easement
  - Highway
  - Major Road
  - Local

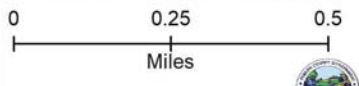
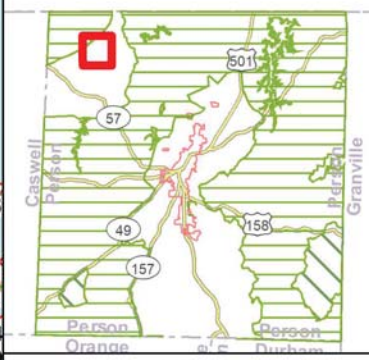


Map Produced by Person Co. GIS, 26 Oct 2018

# 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

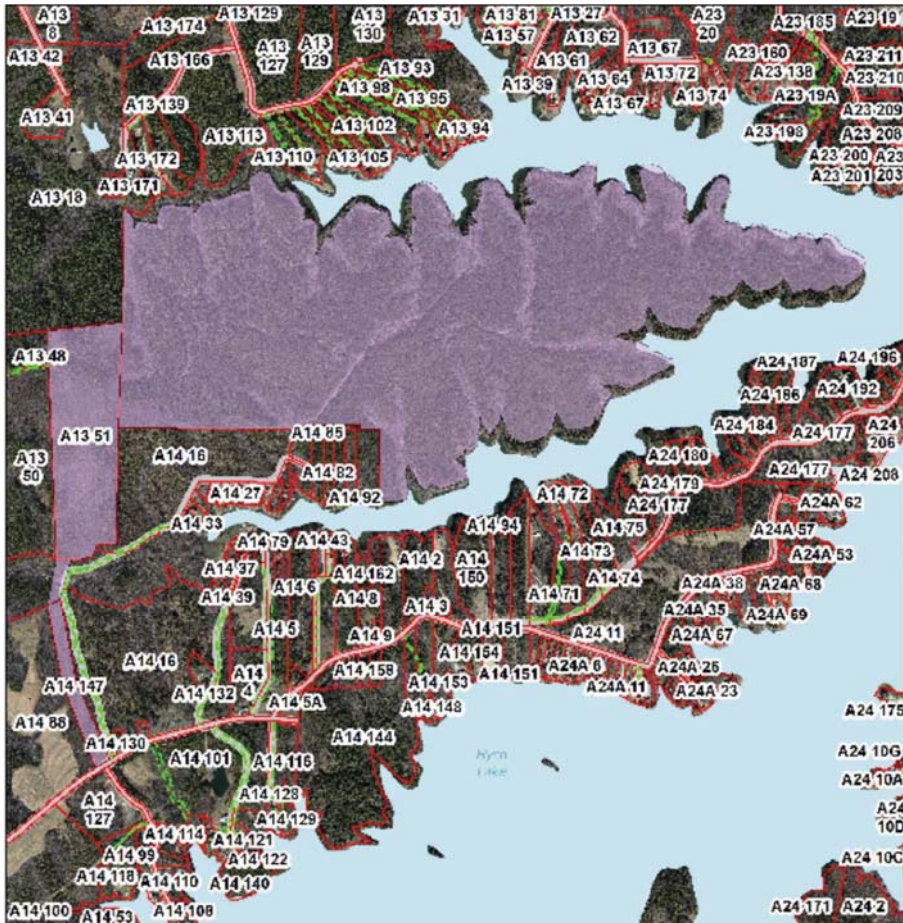


# PERSON COUNTY BOARD OF COMMISSIONERS

December 3, 2018

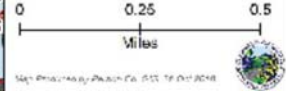
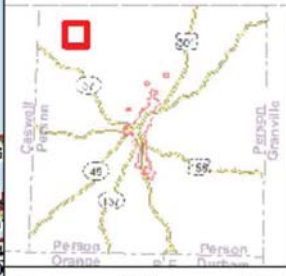


SUB-02-18 - A request by Randy Allen with Sunbelt Acquisitions, LLC, on behalf of the property owner, Duke Energy Progress, for a subdivision concept plan for The Peninsula at Hyco Lake, consisting of 162 lots on 437.72 acres located on SR 1314 Zion Level Church Road in the R (Residential) Zoning District. 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.



**Aerial Map  
SUB 02-18  
Peninsula at  
Hyco Lake**

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





## 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.

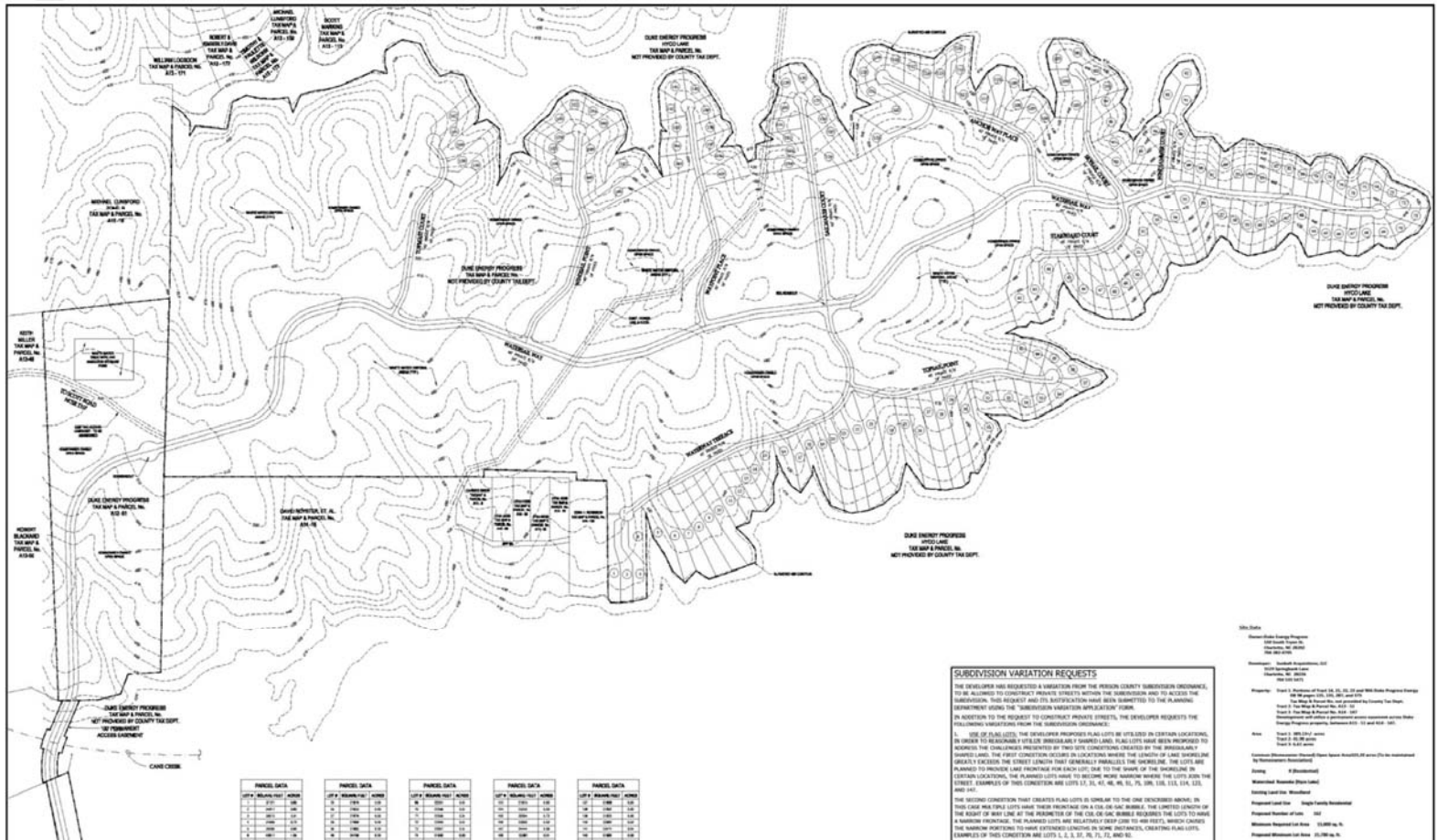
The lots will be served by individual wells and a community wastewater collection system, treatment and on-site disposal. The developer is proposing minimum lot sizes at 21,780 square feet (1/2 acre) and minimum lot widths of 75 feet.

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.





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.





# 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