

PLANNING COMMISSION MEETING
Dec. 22, 2009—9 AM

Present: Steve Wright, Chairman; Marshall Atchley, Vice Chairman; Kim Warner, Secretary; Jim Huffstickler; Phillip Miller; Dwayne Harris; Danny Wells; and Danny Searcy, County Planner.

Invocation-Steve Wright.

Approval of Minutes—Statement by Chairman Wright that the November minutes will be approved if there are no corrections or changes.

Tongass Ridge Phase II Sketch Plan request for grandfathered road construction standards. County Planner informed this commission that this development is along Camp Creek Rd. SR.# 1512 and that Phase I received final approval in May 2006 qualifying the roads as grandfathered from the current standard. As shown in the sketch plan Phase II would have direct access to the State Road and could be eligible for future DOT adoption if petitioned. Searcy pointed out that David Odom, PE, is here to speak on behalf of the developer. The inspection report for Phase I noted that approx. 50% of the lots have been sold, however no residential construction has begun, and that the Phase I road are in very poor condition—mainly due to deterioration from the weather. Discussion surrounded that deteriorated conditions like this is largely why the County adopted the more stringent DOT road standards for all developments. Motion to deny the request and that County's present NC DOT Subdivision road standards be required by Kim Warner; seconded by Jim Huffstickler. PC voted unanimously to deny this request for grandfathering the roads in Phase 2.

Queens Gap, Lot 82. County Planner introduced this agenda item pointing out that the revised plat before this commission is a replacement from the small copy in their mailing. He added that no letter from P.E. has been received regarding the impact this lot has on the infrastructure and that the County still does not have water or sewer plans. Searcy pointed out that Burt Baine is here to speak to this issue on behalf of the developer. Burt thanks this commission and requests that they approve adding lot 82 back into Phase 1, and informs that they have an interested buyer for this lot. Baine states that the proposed buyer understands the bonding/road construction/infrastructure construction timelines of the development and that they are expecting long-term completion. Planner noted that the first plat submitted this month was too generic and that this request does not have ample supporting data due to the bonding. The surveyor has submitted this revised, better detailed plat. This revised plat reflects no changes to the road as currently approved last year when Queens Gap recombined 77 lots. Baine insists the developer does not intend to come back with every lot one at a time, but would like to do this one because it was formerly an existing lot and is adjacent to already-purchased lot 83. Chairman Wright

asked Burt about why the lack of cooperation and communication regarding Queens Gap to the extent that Mr. Vinson asked Planner to relay that he has no obligation to share updates. Burt understands these concerns, and added that he doesn't have an update for the board today, but that Mr. Vinson would attend future meetings if anything is worth reporting. In looking at the plat, the planner asked Burt to clarify a couple of points: Why lot 82 "A"? Which address applies, as this plat has an address not on file? And most importantly why the reference to Broad River Water since last year's request for bond reduction included re-engineered water and sewer to include on-site water system. Burt replied that the "A" will be removed for filing, and that this address on the plat prevails, but the PO Box is still in use too. Burt added that, as for the Broad River Water, the original plat stated this and that they felt that they should put that for uniformity with the original 2006 plat and that the HUD says "public water" will be provided. Chairman Wright asked the County Planner to clarify how SB 831 affects this development. Searcy relayed that SB 831 was passed by State Governor and provides an extension to the first agreement of July 2006 with Devinshire Land Development, LLC. The recommended extension from earlier this year that contained several conditions does not apply; it was never signed. SB 831 interrupts the original agreement from Jan. 2008 - Dec. 2010, pending that the surety performance bonds remain valid. With this information shared, Chairman Wright asked if anyone had any other questions for Burt Baine or a motion for this request. Motion to deny by Kim Warner. seconded by Danny Wells with a call for further discussion by the Chairman. Burt Baine appealed to board that they have a buyer on hand who is willing to assume any risks, and that this one sale would be the entire income for 2009 in this one lot. Kim Warner states that Burt is not authorized to share updates and additional questions, why is Mr. Vinson not here to address this board's concerns? With no further discussion, Chairman Wright calls for voting, with the motion carrying having one opposed (Dwayne Harris). Planner offered to request that Vinson come address their concerns at the next meeting. Adjourned.