

STAFF REPORTS ALEXANDER COUNTY PLANNING BOARD JUNE 12, 2025



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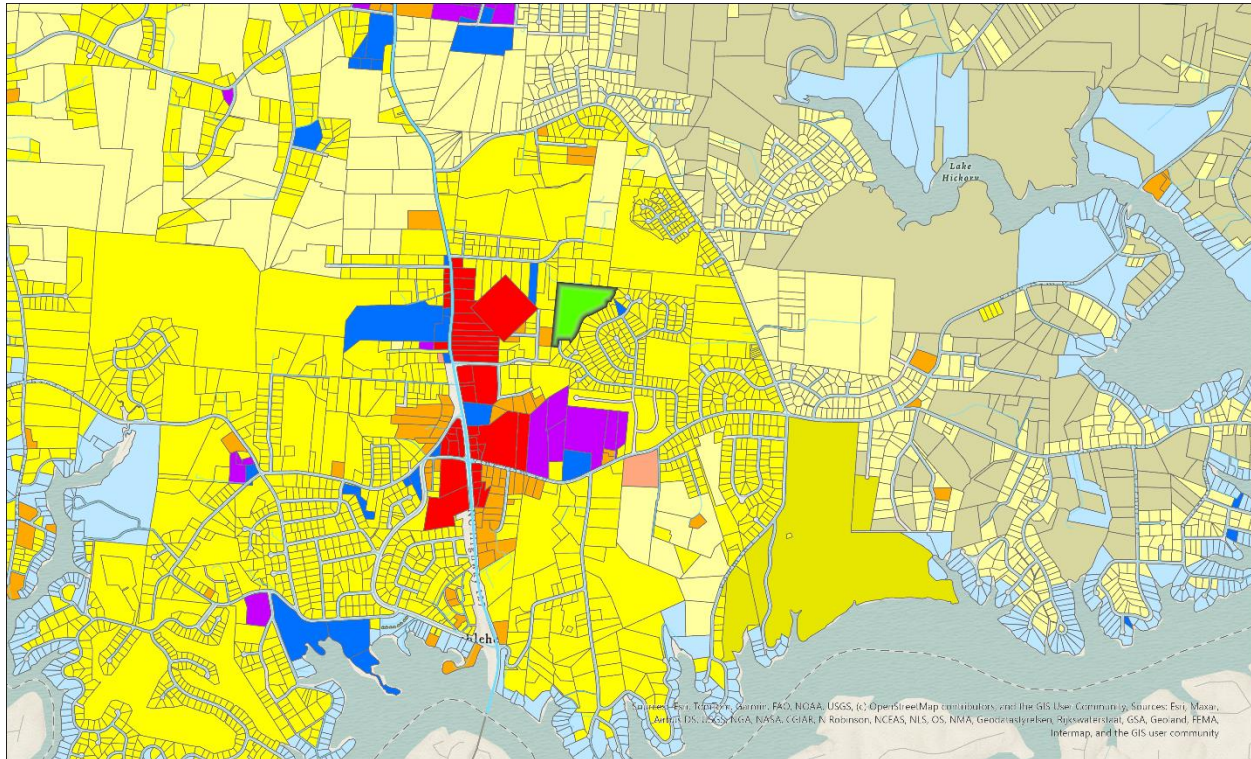
STAFF REPORT

D-24-04: Wittenburg Walk Subdivision

PETITION	Development Plan 24-04
APPLICANT	Ben Green, Hyconic Holdings LLC
PROPERTY OWNER	Homestead Shook LLC-PHSE 3
PIN	3716 82 7891
PROPERTY LOCATION	Rink Dam Rd, Bethlehem
ACREAGE	Approximately 19 acres
REQUESTED ACTION	The applicant has seeks approval for a development plan.
NUMBER OF UNITS	96
DEVELOPMENT POTENTIAL	As currently zoned (R1) the subject property could be used for residential purposes.

Staff Report prepared by Patrick Creech, Senior Planner

June 12, 2025



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D-24-04 Appendix A.....	Zoning Map
D-24-04 Appendix B.....	Future Land Use Map
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D-24-04 Appendix E.....	TRC Report

BACKGROUND

The applicant previously submitted a major site plan to build 128 single family. That application was reviewed by the Technical Review Committee (TRC) on August 2, 2024. The number of houses was reduced to 96 homes. The Planning Board approved the major site plan on August 8, 2024.

The applicant submitted the subsequent development plan to planning staff on March 31, 2025. See [Appendix D](#) for the submitted pre-application checklist.

REVIEW CRITERIA

In reviewing and making recommendations for Major Subdivisions, review bodies shall consider the following factors:

§154-340. Development Plans

- A. Plan Preparation. Development plans must be prepared in conformance with this subpart and development plan requirements provided by the Planning Department. Development plan(s) are required during review of all major subdivisions. The development plan may be submitted for the entire subdivision or any section thereof. The applicant shall submit two (2) full-sized copies, one (1) reduced-sized copy, and a digital copy of the development plan, at a scale appropriate to clearly depict the proposed project. Reduced size copies should be legible and reproducible. If a reduced size copy of the plan (no larger than 11 inches by 17 inches in size) cannot be provided, at least 4 large copies shall be submitted in its place. The development plan may consist of multiple sheets, if needed.
- B. Purpose of the Plan. A development plan is a graphic representation or map of the tract of land to be developed indicating all proposed divisions of land, their uses, improvements and other information as may be required to fully disclose the applicant's intentions. The purpose of the plan is to provide general and specific information and is not intended to be a recordable document.
- C. Review of the Plan. Upon approval of the master plan and the development plan of the first section of a subdivision by the reviewing agency, if successive sections are submitted for review (and (1) each substantially conforms with the master plan, (2) no new lots are created, and (3) all technical requirements and development standards have been met) the Subdivision Administrator may approve the development plans

for all major subdivisions for successive sections administratively. Under such review, the action deadlines for the reviewing agency shall be the same for the Subdivision Administrator.

- D. Land Disturbing and Improvement Activities. The applicant may, only upon receipt of approval of the development plan proceed with the establishment of erosion and sedimentation control measures, clearing and other land-disturbing activities and improvement activities associated with the project.
- E. Approval Validity. Development plan approval is valid for two (2) years and shall be annotated on the plan. The approving agency may, for just cause, grant up to two (2) one-year extensions for development plan approval. If, at the completion of the first one-year extension period, less than 50 percent of improvements are complete, the applicant must reapply under the current applicable requirements. If more than 50 percent of improvements are complete after the one-year extension period, the applicant may apply for a single additional one-year extension and thereafter must reapply under current applicable requirements.

TRC COMMENTS: The TRC voted to send forth a favorable recommendation for this application on the following conditions:

- Applicant must supply a draft of the perpetual deed restriction which denies development of the conservation area within 30 days of the receipt of the TRC approval.
- All turnaround areas must be constructed to accommodate emergency vehicles without obstruction.
- The location of fire hydrants must not impede access or block fire apparatus during emergency responses.
- Applicant must ensure a minimum of 7 feet horizontal separation between all retaining walls and sewer infrastructure, to allow for future maintenance without structural compromise.
- For internal roads, the S9.5C thickness will need to be increased to 3”.

The TRC report is included as **Appendix D**.

RECOMMENDED ACTION:

Staff finds Major Subdivision Application D-24-04 (Development Plan) to be **consistent** with the Alexander County Subdivision Ordinance, and recommends the following:

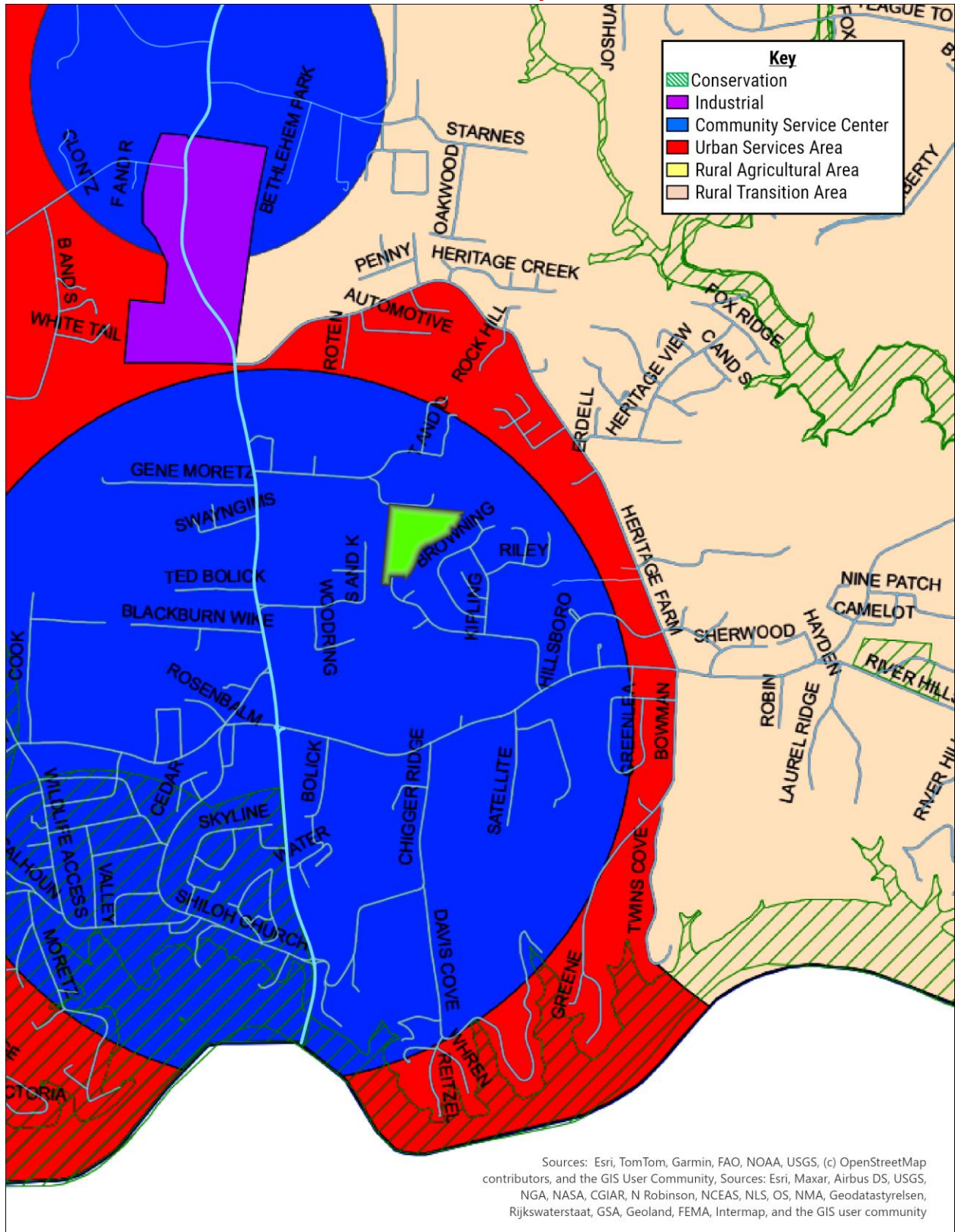
1. Approval of the Development Plan with the conditions of the TRC by the Planning Board.

Key

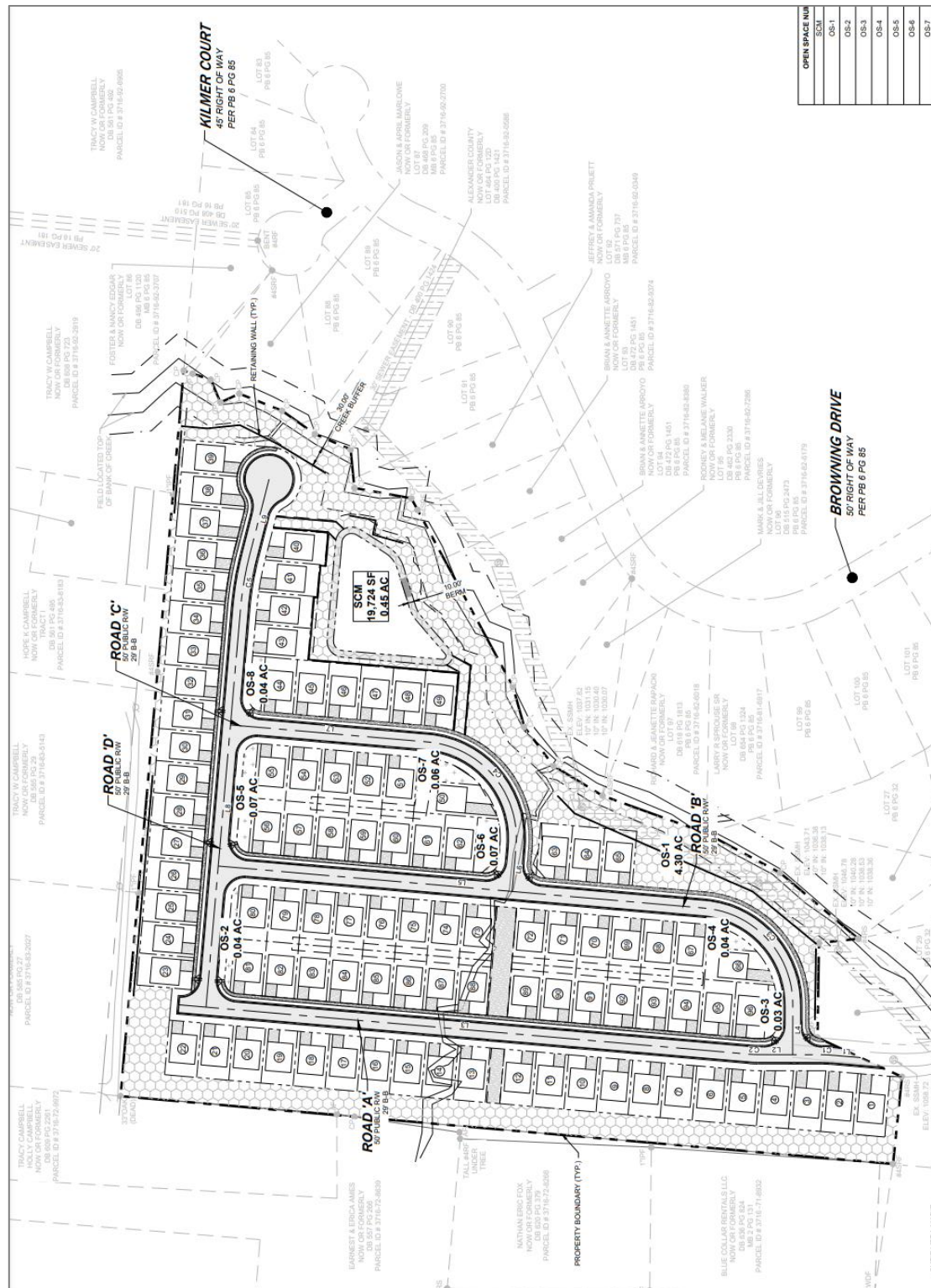
- CC
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- MU
- OI
- R1
- R2
- R2R
- R3
- RC
- WR

Sources: Esri, TomTom, Garmin, FAO, NOAA, USGS, (c) OpenStreetMap contributors, and the GIS User Community. Sources: Esri, Maxar, Airbus DS, USGS, NGA, NASA, CGIAR, N Robinson, NCEAS, NLS, OS, NMA, Geodastysirens, Rijkswaterstaat, GSA, Geoland, FEMA, Intermap, and the GIS user community

D-24-04 APPENDIX B - Future Land Use Map



D-24-04 APPENDIX C - Site Map



D-24-04 APPENDIX D - Pre-Application Checklist

ALEXANDER COUNTY PLANNING DEPARTMENT



Pre-Application Meeting Checklist

Multifamily Residential Subdivisions - 35 → 299 Homes

The *Pre-Application Meeting* is the first step in the major subdivision process in Alexander County. At this meeting, the *Planning Director* will share information and help the *applicant* understand the subdivision process, including the steps, requirements, and overall timelines. The goal is for the applicant to leave with a clear understanding of the process, key milestones, and next steps.

- The *Pre-Application Meeting* should occur **at least 15 days prior** to the submission of the application to the TRC.

This document is a guide to the *Alexander County Land Development Code* and the applicable regulations. It is not a substitute for reading the complete codes and regulations. Consult the applicable ordinances.

Applicant	Dan Shabeldeen		
Owner (if separate)	HOMESTEAD SHOOK LLC PHASE 3		
PIN(s)	3716 82 7891	Current Zoning	R1
Acres of Lot	18.877	Township	Bethlehem
Number of Structures	96	Number of Dwellings	96
Watershed	N/A	Floodplain	No

REQUIREMENTS *(All checked items are required)*

- | | |
|---|--|
| <input type="checkbox"/> Major Site Plan | <input type="checkbox"/> DEQ Post-Construction |
| <input type="checkbox"/> Development Plan | Stormwater Permit (copy must be sent to Alexander County Planning) |
| <input type="checkbox"/> Emergency Services Impact Report | |
| <input type="checkbox"/> Open Space Management Plan | |
| <input type="checkbox"/> DEQ Erosion and Sediment Control Permit (copy must be sent to Alexander County Planning) | |

APPROVAL AUTHORITY

- Alexander County Technical Review Committee (Initial Review)
- Alexander County Planning Board (Final Review)

SCHEDULE

Pre-Application Meeting	4/7/2025
TRC Submittal Deadline	4/18/2025
TRC Submittals	<input type="checkbox"/> Pre-App Checklist <input type="checkbox"/> Development Plan <input type="checkbox"/> Open Space Management Plan
TRC Meeting	April 25th, 2025
ESIR Submittal Deadline	May 12th, 2025
Planning Board Submittal Deadline	May 29th, 2025
Planning Board Submittals	<input type="checkbox"/> Updated Development Plan (If the TRC required any changes) <input type="checkbox"/> ESIR <input type="checkbox"/> DEQ Erosion and Sediment Control Permit <input type="checkbox"/> DEQ Post-Construction Stormwater Permit <input type="checkbox"/> Open Space Legal Instrument for Permanent Protection
Planning Board Meeting	June 12th, 2025

DEVELOPMENT INFORMATION

No	Will this site be developed in phases?
No	Is this development adjacent to farmland? <ul style="list-style-type: none">- Shall have a minimum spacing between buildings of 20 feet, with an additional one (1) foot of separation for each one (1) foot of building height in excess of 30 feet- Can be reduced due to conservation subdivision
Yes	Will this development be in a NPDES Phase II area? <ul style="list-style-type: none">- If so, you must apply to DEQ for a Post-Construction Stormwater Permit.
Yes	Will you be choosing to apply for a conservation subdivision? <ul style="list-style-type: none">- Conservation subdivision standards shall apply to all subdivisions proposing 100 lots or more. Applicants can choose to apply for a conservation on subdivisions of any size.
Yes	Are there any perennial streams on or adjacent to this parcel?

	<ul style="list-style-type: none"> - All built-upon area shall be at a minimum of 30 feet landward of all perennial and intermittent surface waters
10'	What is the space between buildings? <ul style="list-style-type: none"> - R1 setbacks require 20 feet between buildings. - Distance may be reduced with conservation subdivision.
1	What number of entrance roads will be connected to this subdivision? <ul style="list-style-type: none"> - All Major Subdivisions over 35 lots shall provide a minimum of two (2) entrance roads. (The second entrance requirement must be specifically waived by the approving authority, and only where unique circumstances (including severe topographic conditions, the presence of unique natural areas, existing development patterns, or other limiting site conditions) would prevent the addition of a second entrance.)
14	What number of lots within the subdivision will be accessed by a dead-end road, cul-de-sac, turnaround, etc? <ul style="list-style-type: none"> - No more than 35 lots within a subdivision shall be accessed by a dead-end road, cul-de-sac or turnaround or a series of dead-end roads, cul-de-sacs or turnarounds to access the main entrance(s)/exit(s) for the subdivision (except where a stub road is proposed as a future connection (however, stub road proposals do not entitle adjoining property owners access to the subdivision).
What fire protection will be installed? <ul style="list-style-type: none"> - Either: <ul style="list-style-type: none"> - (1) Install a minimum of one (1) hydrant per 1000 feet of linear road distance (if served by a public water supply system who may impose more stringent fire protection requirements where necessary): or - (2) Install a dry fire hydrant system (the type and location of which is to be determined by the County Fire Marshal) and all-weather access road for fire-fighting equipment to a permanent surface water supply (minimum 100,000 gallon storage in a 50 year drought). - (3) If the subdivision is neither served by a public water supply system nor has or is adjacent to an adequate permanent surface water supply it shall be thoroughly reviewed by the reviewing agency and applicant to determine if alternative measures to ensure adequacy of fire protection exist. Where deemed necessary and without creating an undue hardship on the applicant, the reviewing agency may require the applicant to install alternative fire protection measures. 	
<ul style="list-style-type: none"> • Fire hydrants at 600' spacing 	
What type of sign will be placed for this development? <ul style="list-style-type: none"> - Note that signs are a separate application. 	
<ul style="list-style-type: none"> • To be determined 	
Describe the sidewalk design of the development, including sidewalk width, placement, and total linear feet provided. <ul style="list-style-type: none"> - Reasonable pedestrian access shall be provided to promote healthy and safe walking environments. <ul style="list-style-type: none"> - (1) Pedestrian facilities (sidewalks and/or walking trails) shall be: a. 100 or more lots or b. A density equal to or greater than two (2) units per acre - (2) Provide one (1) linear foot of sidewalk or walking trail for every linear foot of improved or newly proposed roadway within the tract. - (3) Located in a road right-of-way, pedestrian access easement, or other dedicated open space. - (4) Five (5) feet in width or more. - (5) Constructed (sidewalks only) with concrete, asphalt, or other permanent all-weather surface such as gravel. The location and design of such facilities shall be approved by the reviewing agency. The 	

<p>maintenance and expansion of pedestrian facilities will fall under the authority of the homeowners' association, which must be established where pedestrian facilities are required.</p>
<ul style="list-style-type: none"> • 3,356 LF of 5' wide concrete sidewalks on one side of road, within right-of-way
<p>Describe the placement and selection of trees to be placed along the interior and exterior street of the property.</p>
<ul style="list-style-type: none"> • Trees shall be placed in the front yard of each lot due to proposed utilities within right-of-way out from under pavement. Also, NCDOT does not want trees in their right-of-way.

CONSERVATION SUBDIVISION INFORMATION

<p>26.9% 25.4%</p>	<p>What percentage of the property will be set aside for open space?</p> <ul style="list-style-type: none"> - Open space shall comprise a minimum of 25 percent of the project area. Subdivisions proposing 100 or more lots may not use the floodway area to determine the overall density calculation but may count the floodway area for open space requirements. Floodplain areas are allowed to be calculated for both density and open space requirements.
<p>93.2% 92.4%</p>	<p>What percentage of the open space will be contiguous?</p> <ul style="list-style-type: none"> - Open space shall be designated so that a minimum of 50 percent of the proposed open space is contiguous and, where possible, adjoins open space or other protected areas (including protected forests or wildlife areas) outside the project area.
<p>66%</p>	<p>What percentage of the lots will directly abut the open space?</p> <ul style="list-style-type: none"> - Open space shall be designated so that, where possible, a majority of the lots directly abut open space to provide residents with direct views and access.
<p>Roads & yards</p>	<p>How will pedestrians be allowed to access the open space?</p> <ul style="list-style-type: none"> - Open space shall be accessible by safe and convenient pedestrian access from all adjoining lots (except in the case of farmland or other resources areas vulnerable to trampling damage or human disturbance).
<p>No</p>	<p>Will you be applying for an Open Space Density Bonus?</p> <ul style="list-style-type: none"> - Base density is determined by the zoning district in which the subdivision is located. Conservation subdivisions proposing more than the minimum required open space may be eligible for increased densities. Lands under conservation easement shall not be counted when determining density bonuses. Permitted housing densities shall not exceed the maximum allowances of any applicable water supply watershed requirements <ul style="list-style-type: none"> - Open Space 25%-30%: No density increase percentage - Open Space 31%-40%: 10 percent density increase - Open Space 41%-50%: 15 percent density increase - Open Space >51%: 20 percent density increase
<p>Yes</p>	<p>Will the building placement be closer than 20 ft?</p> <ul style="list-style-type: none"> - Structure Placement. Structures should be placed as closely to internal roads as permitted. The reviewing agency may reduce the front and/or side setback to a minimum of five (5)

	feet; taking into consideration open space management, sound engineering, public safety concerns and community character when applying the standards.
<p>Describe which areas of the conservation area would be considered <i>primary conservation areas</i>, <i>secondary conservation areas</i>, and other areas that are left for open space.</p> <ul style="list-style-type: none"> - <u>Primary Conservation Area</u>: Consists of: <ul style="list-style-type: none"> - (1) Floodplains (100-year and 500-year) and hydric soils identified as part of: a Flood Insurance Study prepared by the Federal Emergency Management Agency (FEMA); or the County Soil Survey prepared by the USDA Natural Resources Conservation Service; - (2) Land located within 50 feet of the bank of any perennial stream; and - (3) Slopes greater than 30 percent (13.5 degrees) identified as part of: a County Soil Survey prepared by the USDA Natural Resources Conservation Service; or a site analysis conducted by a registered professional engineer, professional land surveyor, landscape architect, architect or land planner and calculated using topographic maps from an actual survey or from the US Geological Society. - <u>Secondary Conservation Area</u>: Consists of: <ul style="list-style-type: none"> - (1) Farmland (whether actively used or not) including cropland, fields, pastures and meadows; - (2) Natural areas, wildlife habitats and corridors identified as part of: and Inventory of Natural Areas and Wildlife Habitats as prepared by a State agency, the Natural Conservancy or a local land trust; a required Environmental Assessment or Environmental Impact Statement; or an independent site study conducted by a trained botanist or biologist; - (3) Slopes of 20 to less than 30 percent (nine (9) to less than 13.5 degrees) which require special site planning due to their erosion potential, limitations for septic tank nitrification fields and terrain or elevation changes; 349 - (4) Historic or archeological sites including, but not limited to, sites listed on the National Register of Historic Places or included on the State's National Register study list, designated as a local historic landmark or district and/or designated as having a high potential for archaeological remains generally identified as part of a: local architectural survey; local archaeological survey; required Environmental Assessment or Environmental Impact Statement; or independent site study conducted by a trained architectural historian or archaeologist; - (5) Non-commercial cemeteries; and - (6) Viewsheds (scenic views, especially of natural and cultural features from designated scenic road corridors, including "views from the road" as well as views outward from potential home sites). 	
<ul style="list-style-type: none"> ● 	
<p>Describe how the open space area will be used, noting the following allowed uses for conservation space:</p> <ul style="list-style-type: none"> - Open space shall be used as follows: <ul style="list-style-type: none"> - a. Conservation of natural resources, archeological resources or historical resources; - b. Agriculture, horticulture, or silviculture, provided all applicable best management practices are used to minimize environmental impacts; - c. Passive recreation; - d. Active recreation provided impervious surfaces are limited to a maximum of 12 percent of the total open space area; - e. Nonstructural stormwater management practices; - f. Easements for drainage, access, and underground utility lines; and g. Water, septic, and sewer systems. 	
<ul style="list-style-type: none"> ● Passive recreation and stormwater management (wet pond) 	
<p>Describe how the open space area will be managed and owned after the development?</p> <ul style="list-style-type: none"> - Open space shall be used as follows: <ul style="list-style-type: none"> - a. Conservation of natural resources, archeological resources or historical resources; - b. Agriculture, horticulture, or silviculture, provided all applicable best management practices are used to minimize environmental impacts; 	

- | |
|--|
| <ul style="list-style-type: none">- c. Passive recreation;- d. Active recreation provided impervious surfaces are limited to a maximum of 12 percent of the total open space area;- e. Nonstructural stormwater management practices;- f. Easements for drainage, access, and underground utility lines; and- g. Water, septic, and sewer systems. |
| <ul style="list-style-type: none">● Passive recreation and stormwater management (wet pond) |

OPEN SPACE MANAGEMENT PLAN

The Open Space Management Plan is a written document that contains the answer to the questions above as well as:

- A statement allocating maintenance responsibilities and establishing guidelines for the upkeep of open space and its facilities;
- Cost estimates for maintenance, operation and insurance needs for the open space;
- A means by which funds will be obtained for all management expenses;
- A provision allowing the Subdivision Administrator to approve plan change; and
- Criteria for plan enforcement.
- A legal instrument for permanent protection which notes that the open space shall be protected in perpetuity by a binding legal document recorded with the deed
 - The document shall be one of the following:
 - (1) Permanent conservation easement in favor of either: a. A land trust or similar conservation-oriented non-profit organization with legal authority to accept such easements. The organization shall be bona fide and in perpetual existence and the conveyance instruments shall contain an appropriate provision for retransfer in the event the organization becomes unable to carry out its functions; or b. A governmental entity with an interest in pursuing goals consistent with the intentions of this Section.
 - (2) Permanent restrictive covenant for conservation purposes.
 - (3) Equivalent legal tool providing permanent protection, subject to approval by the County Attorney.
 - The instrument shall include all restrictions contained in §154-88 (Conservation Subdivision Standards), and any further restrictions the applicant chooses to place on the use of the open space.

An Open Space Management Plan is attached.

SHABELDEEN ENGINEERING, PA

3145 TATE BLVD • BOX A • HICKORY, NC • 28602

PHONE: (828) 320-7252

CIVIL/WATER/SEWER/ENVIRONMENTAL

CONSTRUCTION ADMINISTRATION

dan@shabeldeen-engineering.com

May 1, 2025

Mr. Patrick Creech
Alexander County Planning Dept.
621 Liledoun Road
Taylorsville, NC 28681

SUBJECT: Wittenburg Walk Subdivision Open Space Management Plan

Mr. Creech:

On behalf of Hyconic Holdings Trust, LLC, Shabeldeen Engineering is submitting the following information in response to the open space management plan requirements in accordance with the Land Development Code section 154-88.

Item B. Open Space Ownership

Hyconic Holdings Trust, LLC, LLC is under contract to acquire the subject property and will be the responsible party for the maintenance of the undeveloped property. The future responsibility will be either Hyconic Trust, LLC or the developer if the property is sold. Ultimately, a homeowner's associate (HOA) will own and maintain the open space.

- a. Membership to the HOA will be mandatory and automatic for all homeowners.
- b. The HOA will have lien authority to ensure the collection of dues from all members.

Item C. Open Space Management Plan

- (1) Maintenance will be the responsibility of the HOA. Guidelines will be provided once the plans and the site is developed.
- (2) The estimated cost for maintenance, operation, and insurance needs for the open space is estimated at \$24,000 per year.
- (3) The funds will be generated from HOA dues.
- (4) The Subdivision Administrator will be allowed to approve any plan changes.
- (5) To enforce the plan, the HOA will impose liens, as necessary, on the noncomplying residents.

Item D. Legal Instrument for Permanent Protection

A legal instrument for permanent protection is being drafted.

D-24-04 APPENDIX E - TRC Report

Technical Review Committee (TRC) Report Wittenburg Walk May 16th, 2025



PIN: 3716-82-7891

The applicant, Dan Shabeldeen on behalf of Homestead Shook LLC Phase 3, proposes a 96-lot residential subdivision on approximately 18.88 acres located near Wittenburg Springs Drive in the Bethlehem Township. The property is located within an R-1 zoning district and proposes to use the Conservation Subdivision standards to satisfy open space and layout requirements.

The following feedback was provided by the TRC:

Planning and Zoning:

Patrick Creech of the Alexander County Planning Department reviewed the submitted site plan and documentation. The proposed development meets the requirements of the Land Development Code for zoning, density, and layout. The project meets minimum technical requirements of the Conservation Subdivision ordinance, though staff noted that the configuration of open space—a thin buffer along property edges—does not align with the intended spirit of conservation planning. Staff encouraged the applicant to consider a more meaningful open space layout for future phases or projects. The subdivision will rely on public water and sewer.

There is a creek along the southern boundary of this property. The applicant has maintained the adequate 30' setback from the stream.

Conditions

- *Applicant must supply a draft of the perpetual deed restriction which denies development of the conservation area within 30 days of the receipt of this approval.*

Emergency Services and Fire Safety

Daniel Fox of Emergency Services and Garrett Huffman of Fire Safety reviewed the plans. Concerns were raised regarding the single access point to Wittenburg Springs Drive for 96 new homes, potentially impacting emergency evacuations. The applicant noted the difficulty in attaining access to a secondary entrance.

The TRC previously accepted the master plan of this development, and there are no changes in detail from that approval. The **TRC** has waived the secondary access requirement, contingent on the following:

- **Conditions**
 - *All turnaround areas must be constructed to accommodate emergency vehicles without obstruction.*
 - *The location of fire hydrants must not impede access or block fire apparatus during emergency responses.*

Utilities

Caleb Bynum of the City of Hickory Public Utilities notes that water and sewer connections are available to the site from Wittenberg Springs Drive. A sewer easement and line run along the east side creek, and a retaining wall on the south side near Road B is close to an existing sewer line.

- **Conditions**
 - **Applicant must ensure a minimum of 7 feet horizontal separation between all retaining walls and sewer infrastructure, to allow for future maintenance without structural compromise.**

Solid Waste

The Solid Waste department, through Josh Mitchell, notes that solid waste management practices must align with Chapter 50 of the Alexander County Code. Solid waste disposal must also meet certification requirements from the Department of Public Health.

NCDOT

Ian Ashley of the NCDOT noted that if the applicant intends for the internal roads to be accepted by NCDOT, all pavement must meet minimum thickness standards.

- **Conditions**
 - **The S9.5C thickness will need to be increased to 3".**

The Technical Review Committee recommends conditional approval of this project, contingent upon adherence to all zoning, landscaping, lighting, parking, and screening requirements outlined in this report, **pending final approval by the Alexander County Planning Board.**

Failure to comply with the conditions specified herein may result in the issuance of a zoning violation by the Alexander County Planning Department and could subject the property to stop-work orders, civil penalties, or revocation of zoning compliance certification as outlined in the Land Development Code.

This project has been scheduled to appear before the Alexander County Planning Board on **June 12th, 2025.**



Patrick Creech
Senior Planner

D-25-02: Player's Ridge Subdivision



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D-25-02 Appendix A.....	Zoning Map
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D-25-02 Appendix C	Site Map
D-25-02 Appendix D	Pre-Application Checklist
D-25-02 Appendix E.....	TRC Report
D-25-02 Appendix F.....	DEQ Certificate of Plan Approval
D-25-02 Appendix G	DEQ Notice of Violation
D-25-02 Appendix H	Applicant Response letter to DEQ

BACKGROUND

The applicant proposes a 40-unit townhome project within the Players Ridge Golf Course community. The development consists of ten buildings, each containing four attached townhomes. The targeted demographic of the townhomes will be residents who are 55 years of age and older. Units include garages and driveways, with 110 total off-street parking spaces provided—more than the required minimum.

The project utilizes the Conservation Subdivision option, preserving 5.20 acres of open space (56.16% of the site), of which 4.48 acres (86.15%) are contiguous. The open space is located north of the proposed structures and will be placed under a perpetual deed restriction and maintained by a homeowners' association.

The applicant completed a pre-application meeting on February 19, 2025. At some point in March, the applicant began clearing land for the development. This land clearing took place without DEQ Certificate of Plan Approval. The applicant was required to stop work and submit an erosion and sedimentation control plan to DEQ, which they successfully obtained on April 8, 2025.

However, all land clearing that has been conducted has been inconsistent with the Alexander County Development Code. It states:

- **§154-75** - No land disturbing or construction activity carried out in conjunction with the development of a subdivision shall begin until a development plan has been approved.
- **§154-340 (D)** - Land Disturbing and Improvement Activities. The applicant may, only upon receipt of approval of the development plan proceed with the establishment of erosion and sedimentation control measures, clearing and other land-disturbing activities and improvement activities associated with the project.

No approval of the development plan, which can only be provided by this board, has thus far occurred.

The TRC considered the subdivision on April 11, 2025 and issued a conditional approval. As a part of that approval, the TRC waived the second entrance requirement for the development.

However, a Notice of Violation was issued on June 2, 2025, following the observation of sediment impacts to a nearby stream, as seen in **Appendix G**. The applicant has submitted a response on June 6, 2025.

REVIEW CRITERIA

In reviewing and making recommendations for Major Subdivisions, review bodies shall consider the following factors:

§154-340. Development Plans

- F. Plan Preparation.** Development plans must be prepared in conformance with this subpart and development plan requirements provided by the Planning Department. Development plan(s) are required during review of all major subdivisions. The development plan may be submitted for the entire subdivision or any section thereof. The applicant shall submit two (2) full-sized copies, one (1) reduced-sized copy, and a digital copy of the development plan, at a scale appropriate to clearly depict the proposed project. Reduced size copies should be legible and reproducible. If a reduced size copy of the plan (no larger than 11 inches by 17 inches in size) cannot be provided, at least 4 large copies shall be submitted in its place. The development plan may consist of multiple sheets, if needed.
- G. Purpose of the Plan.** A development plan is a graphic representation or map of the tract of land to be developed indicating all proposed divisions of land, their uses, improvements and other information as may be required to fully disclose the applicant's intentions. The purpose of the plan is to provide general and specific information and is not intended to be a recordable document.
- H. Review of the Plan.** Upon approval of the master plan and the development plan of the first section of a subdivision by the reviewing agency, if successive sections are submitted for review (and (1) each substantially conforms with the master plan, (2) no new lots are created, and (3) all technical requirements and development standards have been met) the Subdivision Administrator may approve the development plans for all major subdivisions for successive sections administratively. Under such review, the action deadlines for the reviewing agency shall be the same for the Subdivision Administrator.
- I. Land Disturbing and Improvement Activities.** The applicant may, only upon receipt of approval of the development plan proceed with the establishment of erosion and sedimentation control measures, clearing and other land-disturbing activities and improvement activities associated with the project.

- J. Approval Validity. Development plan approval is valid for two (2) years and shall be annotated on the plan. The approving agency may, for just cause, grant up to two (2) one-year extensions for development plan approval. If, at the completion of the first one-year extension period, less than 50 percent of improvements are complete, the applicant must reapply under the current applicable requirements. If more than 50 percent of improvements are complete after the one-year extension period, the applicant may apply for a single additional one-year extension and thereafter must reapply under current applicable requirements.

TRC COMMENTS: The TRC voted to send forth a favorable recommendation for this application on the following conditions:

- Applicant must supply a draft of the perpetual deed restriction which denies development of the conservation area within 30 days of the receipt of this approval.
- For final plat approval, separate property lines must be noted on the submitted plat.
- Unless otherwise the plantings will interfere with clearance for emergency vehicles, the applicant should increase the number of required trees to 15. If any changes to that number are required, the applicant must send a written notice with justification to the Planning Department.
- All turnaround areas must be constructed to accommodate emergency vehicles without obstruction.
- The location of fire hydrants must not impede access or block fire apparatus during emergency responses.
- Any curved curb areas must be designed as valley curbs where needed to accommodate fire truck overrun.

The TRC report is included as **Appendix E**.

RECOMMENDED ACTION:

Staff finds Major Subdivision Application D-24-04 (Development Plan) to be **consistent** with the Alexander County Subdivision Ordinance.

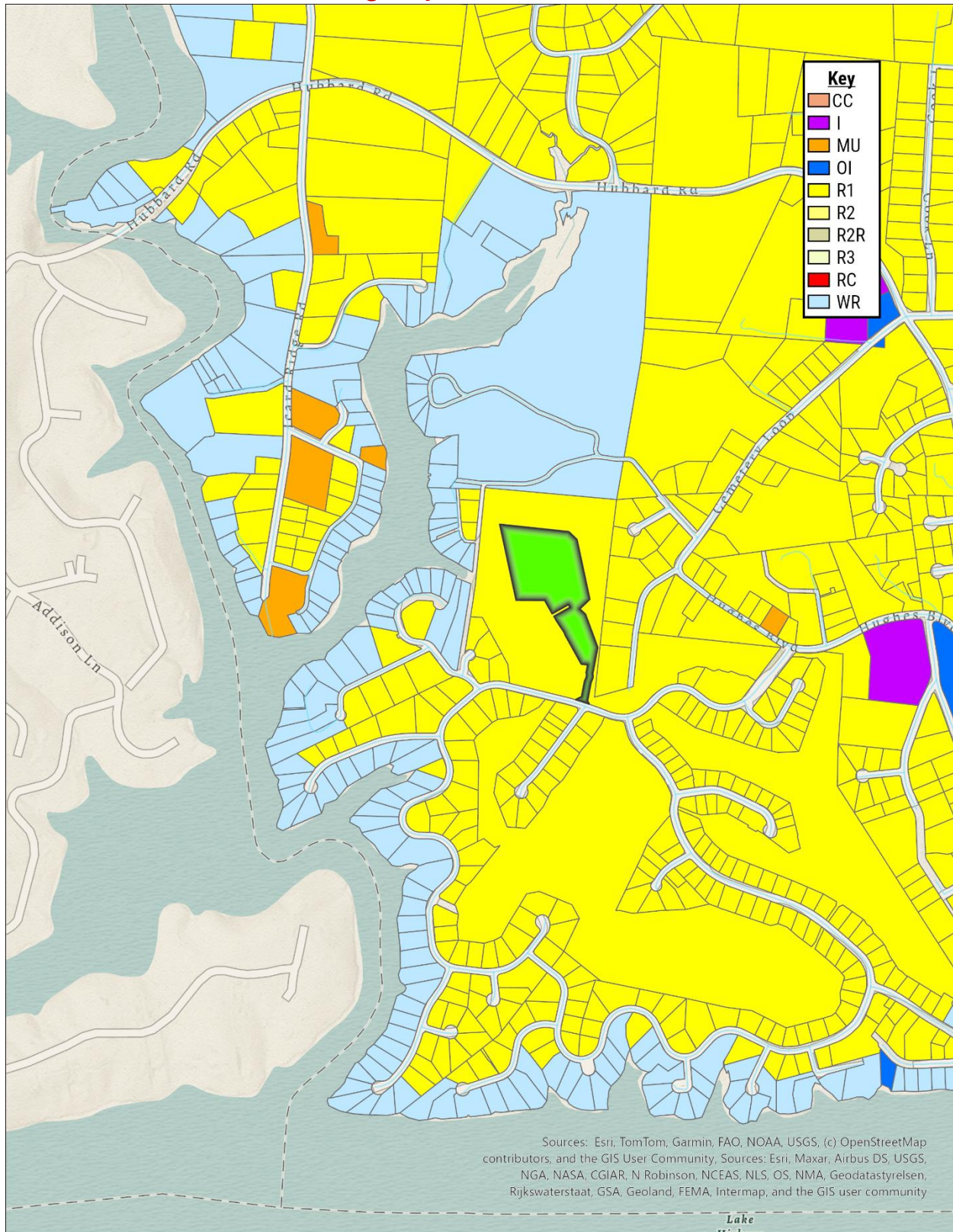
However, in light of the inconsistent actions taken by the applicant in regards to clearing land in advance of the proper approval and the recent, unresolved DEQ notice of violation, staff recommends that the board take **no action** on the request at this time.

The board has 90 days to make a determination on an application from the date of its first consideration. This time period would allow the applicant to resolve any issues with DEQ.

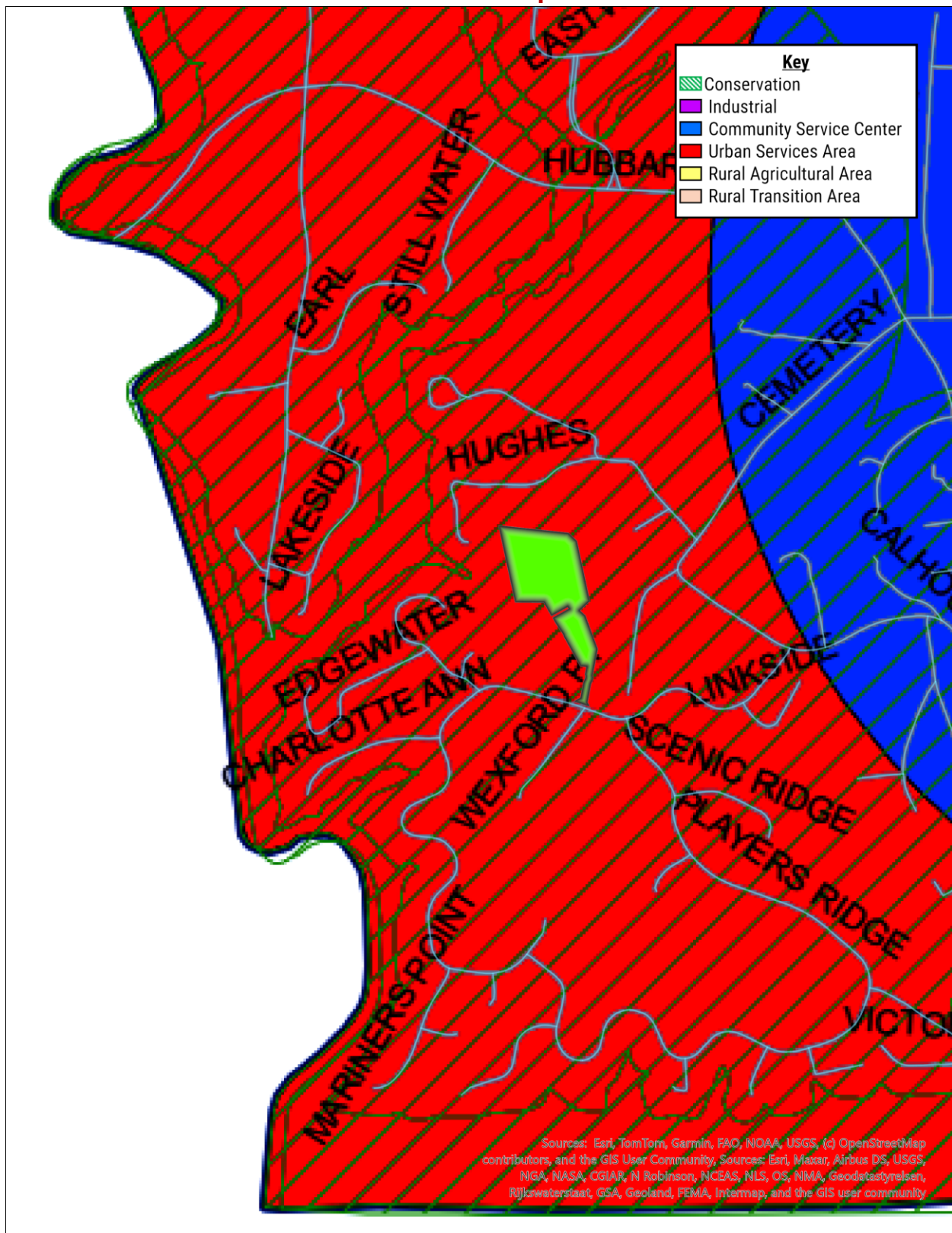
Upon written confirmation by DEQ that progress is being made by the applicant, staff recommends the approval of the application with the recommendations placed by the TRC, and the additional condition that:

- No further action take place, nor permits approved until the North Carolina Department of Environmental Quality has submitted a Notice of Violation Resolved to the Alexander County Planning Department.

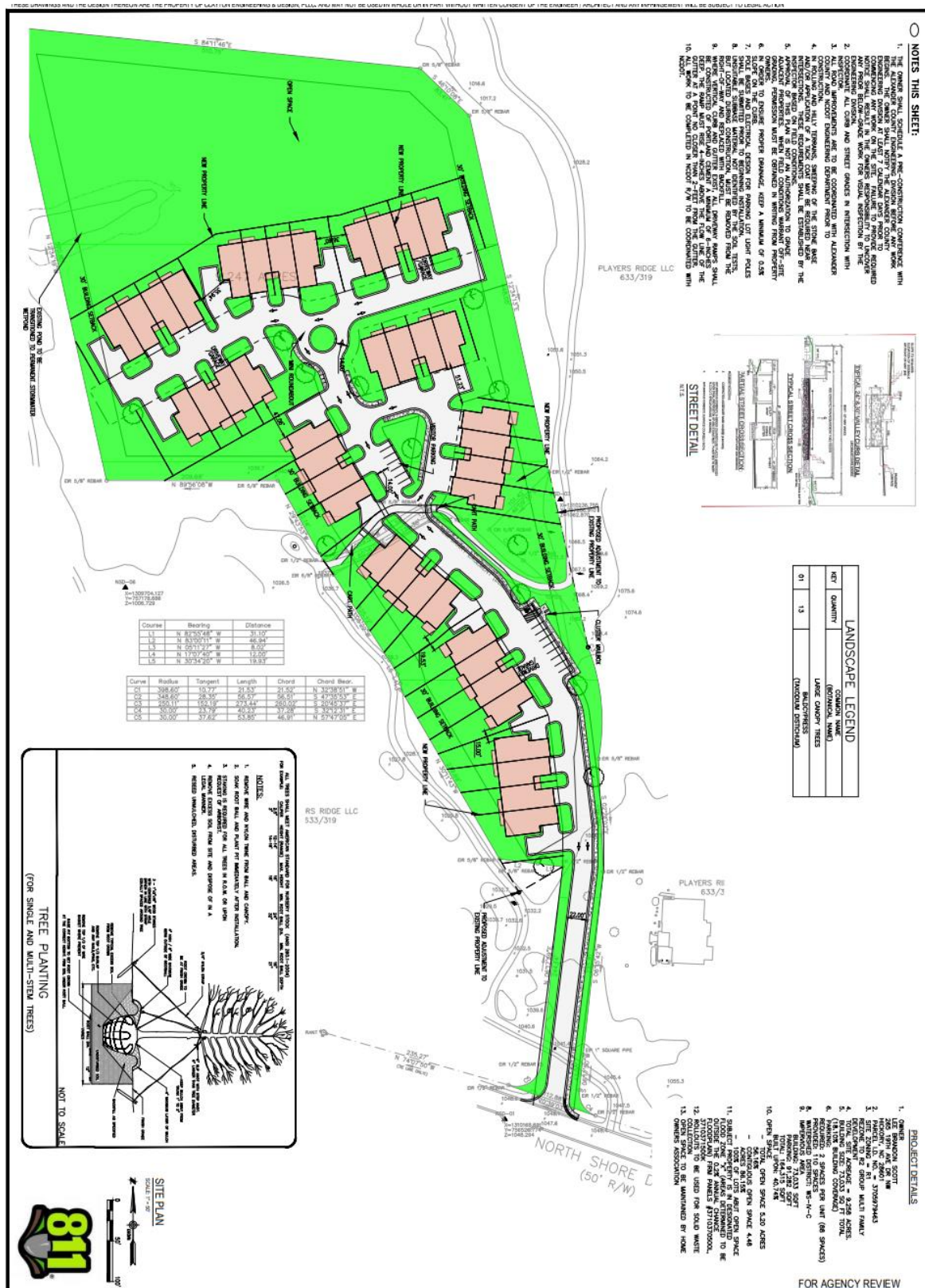
D-25-02 APPENDIX A – Zoning Map



D-25-02 APPENDIX B - Future Land Use Map



D-24-04 APPENDIX C - Site Map



D-24-04 APPENDIX D - Pre-Application Checklist

ALEXANDER COUNTY PLANNING DEPARTMENT



Pre-Application Meeting Checklist Multifamily Residential Subdivisions - Townhomes

The *Pre-Application Meeting* is the first step in the major subdivision process in Alexander County. At this meeting, the *Planning Director* will share information and help the *applicant* understand the subdivision process, including the steps, requirements, and overall timelines. The goal is for the applicant to leave with a clear understanding of the process, key milestones, and next steps.

- The *Pre-Application Meeting* should occur **at least 15 days prior** to the submission of the application to the TRC.

This document is a guide to the *Alexander County Land Development Code* and the applicable regulations. It is not a substitute for reading the complete codes and regulations. *Consult the applicable ordinances.*

Applicant	Will Clayton, Clayton Engineering		
Owner (if separate)	Brandon Scott Lee		
PIN(s)	3705 97 9463	Current Zoning	R1
Acres of Lot	9.258	Township	Bethlehem
Number of Structures	10	Number of Dwellings	44
Watershed	WS-IV C	Floodplain	No

REQUIREMENTS *(All checked items are required)*

- | | |
|---|--|
| <input checked="" type="checkbox"/> Major Site Plan | <input checked="" type="checkbox"/> DEQ Erosion and Sediment |
| <input type="checkbox"/> Development Plan | Control Permit (copy must be sent to Alexander County Planning) |
| <input type="checkbox"/> Open Space Management Plan | <input checked="" type="checkbox"/> DEQ Post-Construction |
| | Stormwater Permit (copy must be sent to Alexander County Planning) |

APPROVAL AUTHORITY

- *Alexander County Technical Review Committee (Initial Review)*
- *Alexander County Planning Board (Final Review)*

SCHEDULE

Pre-Application Meeting	Wednesday, February 19th, 2025
TRC Submittal Deadline	Friday, April 4th, 2025
TRC Meeting	Friday, April 11th, 2025
Planning Board Submittal Deadline	Thursday, May 1st, 2025
Planning Board Meeting	Thursday, May 8th, 2025

Please read all relevant sections of the Land Development Code of Alexander County as found on the Alexander County website.

DEVELOPMENT INFORMATION

No	Will this site be developed in phases?
15.00' 19.53' 35.94' 36.60' 47.06' 59.91'	What is the space between buildings? <ul style="list-style-type: none"> - Shall have a minimum spacing between buildings of 20 feet, with an additional one (1) foot of separation for each one (1) foot of building height in excess of 30 feet <ul style="list-style-type: none"> - Can be reduced due to conservation subdivision
	What is the height of the structures? LESS THAN 40' <ul style="list-style-type: none"> - Maximum building height for R1: 40 ft. - May increase the building height to 50 feet where a B1 Buffer is provided as detailed in §154-165 (Buffer Determination)
No	Is there public transit access located along the road? <ul style="list-style-type: none"> - Where a multifamily development is located along any road with current public transit access and such public transit authority approves the addition of a stop, such development shall provide a minimum of one (1) public transit access shelter for the use of occupants/patrons.
No	Will this development include vehicle service areas? <ul style="list-style-type: none"> - Vehicle service areas may be located in the fronts of buildings provided they are screened from view from all adjacent rights of way.
No	Will this development be in a NPDES Phase II area? <ul style="list-style-type: none"> - If so, you must apply to DEQ for a Post-Construction Stormwater Permit.
Yes	Will you be choosing to apply for a conservation subdivision? <ul style="list-style-type: none"> - Conservation subdivision standards shall apply to all subdivisions proposing 100 lots or more. Applicants can choose to apply for a conservation on subdivisions of any size.

N/A	<p>Will the parking lot connect to adjacent lots?</p> <ul style="list-style-type: none"> - Connectivity. Parking facilities shall be designed to connect with parking facilities on adjacent lots (where developed after the adoption date of this Chapter), where appropriate and approved by the adjacent property owner, to eliminate the need to use the abutting road(s) for cross movements.
110	<p>What number of parking spaces will be provided?</p> <ul style="list-style-type: none"> - Residential-Multi-Family Dwellings require 1.5 spaces per dwelling unit.
1 ENTRANCE W/ CART PATH USED AS EMERGENCY ACCESS	<p>What number of entrance roads will be connected to this subdivision?</p> <ul style="list-style-type: none"> - All Major Subdivisions over 35 lots shall provide a minimum of two (2) entrance roads. (The second entrance requirement must be specifically waived by the approving authority, and only where unique circumstances (including severe topographic conditions, the presence of unique natural areas, existing development patterns, or other limiting site conditions) would prevent the addition of a second entrance.)
ALL, WITH EMERGENCY ACCESS	<p>What number of lots within the subdivision will be accessed by a dead-end road, cul-de-sac, turnaround, etc?</p> <ul style="list-style-type: none"> - No more than 35 lots within a subdivision shall be accessed by a dead-end road, cul-de-sac or turnaround or a series of dead-end roads, cul-de-sacs or turnarounds to access the main entrance(s)/exit(s) for the subdivision (except where a stub road is proposed as a future connection (however, stub road proposals do not entitle adjoining property owners access to the subdivision).
<p>Describe the architectural style of the buildings, including:</p> <ul style="list-style-type: none"> • <i>Building materials</i> • <i>Window placements</i> • <i>Building colors</i> • <i>Blank Wall Treatment</i> <ul style="list-style-type: none"> - Buildings placed along the sidewalk shall have windows and doors facing the street. - Forms and finish materials of buildings, signage and other accessory structures shall be compatible with the architectural character of the adjacent area through compliance with the following standards: <ul style="list-style-type: none"> - Any side or rear of a building that is visible from the public right-of-way shall be as visually attractive as the front through the design of rooflines, architectural detailing and landscaping features. - Materials & Colors <ul style="list-style-type: none"> - Predominant exterior building materials shall consist of, but not limited to, brick, sandstone, stucco, and other native stone and tinted/textured concrete masonry units. Synthetic materials offering similar appearances may also be utilized. Smooth faced concrete block and corrugated metal panels are prohibited. - Colors for primary facade areas shall be low reflectance, subtle, neutral or earth tone colors. The use of high-intensity colors, metallic colors, or fluorescent colors is prohibited. - Building trim and accent areas may feature brighter colors, including primary colors. - Walls or portions of walls shall have architectural treatment wherever that face is adjacent to a street or residential zoning district. The architectural treatments on these walls shall extend the entire length on of the wall, and include at least four of the following shall be used in these walls: <ul style="list-style-type: none"> - Concrete or masonry plinth at the base of the wall, - Transition lines of different texture or color, - Projecting cornices, - Decorative tile work, - Projecting canopy or awning, - Opaque or translucent glass, - Artwork, - Vertical articulation, - Lighting fixtures, or - Other architectural elements as approved that meet the intent above 	

North Carolina law now prohibits local governments from regulating three-family or four-family dwellings in regards to design elements. Please note the above as the county preference, but non-adherence to those standards will not preclude zoning approval.

- Fiberglass/asphalt shingles.
- Vented poly ridge cap with nail over shingles GAF Cobra or equivalent.
- Vented poly hip cap with nail over shingles GAF Cobra or equivalent.
- Synthetic trim mouldings typical – see details & schedules.
- 5/8" inverted-V ventilated vinyl soffit, CertainTeed perimeter triple 3 1/3 or equal.
- 1 x 6 T&G beaded pine ceiling or solid vinyl on porches.
- Exterior brick steps.
- Stucco finish over exposed CMU foundation walls at patio.
- Cementitious siding – see wall types.
- 8 x 8 fiberglass columns.
- Brick veneer.
- Expansion joint in brick veneer at porch slab drop. Fill with sealant.
- 5 1/4 x 10 cementitious skirtboard. Pre-finished flashing strip above.
- 6" high black metal address numbers.
- 4 x 4 decorative brackets.
- 6 x 6 P.T. wood column.

No	Is there public transit access located along the road? <ul style="list-style-type: none"> - Where a multifamily development is located along any road with current public transit access and such public transit authority approves the addition of a stop, such development shall provide a minimum of one (1) public transit access shelter for the use of occupants/patrons.
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[Select] NO	Will this development include vehicle service areas? <ul style="list-style-type: none"> - Vehicle service areas may be located in the fronts of buildings provided they are screened from view from all adjacent rights of way.
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Describe the plan for solid waste collection. <ul style="list-style-type: none"> - Each development shall provide a suitable method of solid waste disposal (in accordance with Chapter 50 of the Alexander County Code, Solid Waste) and collection consisting of either private collection from individual uses or the use of dumpsters. Where dumpsters are used concrete pads shall be designed to drain to a bioretention area to filter stormwater before the water reaches a larger drainage system, and Screen Class One (1), Two (2), or Three (3) shall be provided consistent with the requirements of §154-179 (Screen Classification).

<ul style="list-style-type: none"> • SOLID WASTE WILL BE COLLECTED WITH ROLL OUTS
--

How is the trash collection area screened? <ul style="list-style-type: none"> - Service, loading, and trash collection areas shall be screened by a combination of decorative walls of masonry, wood, and plantings. - Loading areas shall not face any residential districts.

<ul style="list-style-type: none"> • ROLLOUTS WILL BE STORED IN GARAGE

What Common Area is being provided for? How will it be used? <ul style="list-style-type: none"> - A common area shall be provided that is equivalent to 10 percent of the total area. Common area shall be accessible for the use and enjoyment of the multifamily occupants/patrons, located as to be free of traffic hazards and maintained in good condition by the applicant.

<ul style="list-style-type: none"> 5.485 ACS OF OPEN SPACE PROVIDED. SIDEWALKS AND CART PATHS FOR ACCESS. TO BE MAINTAINED BY HOA
<p>How will roads be utilized in this development?</p> <ul style="list-style-type: none"> Roads should be organized: <ul style="list-style-type: none"> To provide increased internal mobility To provide safe and convenient access In intersecting/grid patterns where possible Without cul-de-sacs (except where topographical considerations/ restrictions are submitted by the applicant).
<ul style="list-style-type: none"> A road will go through the development with a roundabout at the northern terminus.
<p>What type of sign will be placed for this development?</p>
<ul style="list-style-type: none"> TYPICAL GROUND SIGN TO MATCH ARCHITECTURE OF GOLF COMMUNITY
<p>Describe the sidewalk design of the development, including sidewalk width, placement, and total linear feet provided.</p> <ul style="list-style-type: none"> Reasonable pedestrian access shall be provided to promote healthy and safe walking environments. <ul style="list-style-type: none"> (1) Pedestrian facilities (sidewalks and/or walking trails) shall be: a. 100 or more lots or b. A density equal to or greater than two (2) units per acre (2) Provide one (1) linear foot of sidewalk or walking trail for every linear foot of improved or newly proposed roadway within the tract. (3) Located in a road right-of-way, pedestrian access easement, or other dedicated open space. (4) Five (5) feet in width or more. (5) Constructed (sidewalks only) with concrete, asphalt, or other permanent all-weather surface such as gravel. The location and design of such facilities shall be approved by the reviewing agency. The maintenance and expansion of pedestrian facilities will fall under the authority of the homeowners' association, which must be established where pedestrian facilities are required.
<ul style="list-style-type: none"> 5' CONCRETE SIDEWALK PROVIDED FOR ENTIRE COMMUNITY. THIS IS ALSO A GOLF COURSE COMMUNITY
<p>Describe the placement and selection of trees to placed along the interior and exterior street of the property.</p>
<ul style="list-style-type: none"> TREES PLACED AS REQUIRED FOR PARKING AREAS AND STREETS. EXISTING VEGETATIVE BUFFERS WILL BE PROTECTED AS WELL

CONSERVATION SUBDIVISION INFORMATION

59.26%	<p>What percentage of the property will be set aside for open space?</p> <ul style="list-style-type: none"> - Open space shall comprise a minimum of 25 percent of the project area. Subdivisions proposing 100 or more lots may not use the floodway area to determine the overall density calculation but may count the floodway area for open space requirements. Floodplain areas are allowed to be calculated for both density and open space requirements.
79.07%	<p>What percentage of the open space will be contiguous?</p> <ul style="list-style-type: none"> - Open space shall be designated so that a minimum of 50 percent of the proposed open space is contiguous and, where possible, adjoins open space or other protected areas (including protected forests or wildlife areas) outside the project area.
100%	<p>What percentage of the lots will directly abut the open space?</p> <ul style="list-style-type: none"> - Open space shall be designated so that, where possible, a majority of the lots directly abut open space to provide residents with direct views and access.
SIDEWALK AND CART PATH	<p>How will pedestrians be allowed to access the open space?</p> <ul style="list-style-type: none"> - Open space shall be accessible by safe and convenient pedestrian access from all adjoining lots (except in the case of farmland or other resources areas vulnerable to trampling damage or human disturbance).
No	<p>Will you be applying for an Open Space Density Bonus?</p> <ul style="list-style-type: none"> - Base density is determined by the zoning district in which the subdivision is located. Conservation subdivisions proposing more than the minimum required open space may be eligible for increased densities. Lands under conservation easement shall not be counted when determining density bonuses. Permitted housing densities shall not exceed the maximum allowances of any applicable water supply watershed requirements <ul style="list-style-type: none"> - Open Space 25%-30%: No density increase percentage - Open Space 31%-40%: 10 percent density increase - Open Space 41%-50%: 15 percent density increase - Open Space >51%: 20 percent density increase
Yes	<p>Will the building placement be closer than 20 ft?</p> <ul style="list-style-type: none"> - Structure Placement. Structures should be placed as closely to internal roads as permitted. The reviewing agency may reduce the front and/or side setback to a minimum of five (5) feet; taking into consideration open space management, sound engineering, public safety concerns and community character when applying the standards.
<p>Describe which areas of the conservation area would be considered <i>primary conservation areas</i>, <i>secondary conservation areas</i>, and other areas that are left for open space.</p> <ul style="list-style-type: none"> - Primary Conservation Area: Consists of: <ul style="list-style-type: none"> - (1) Floodplains (100-year and 500-year) and hydric soils identified as part of: a Flood Insurance Study prepared by the Federal Emergency Management Agency (FEMA); or the County Soil Survey prepared by the USDA Natural Resources Conservation Service; - (2) Land located within 50 feet of the bank of any perennial stream; and - (3) Slopes greater than 30 percent (13.5 degrees) identified as part of: a County Soil Survey prepared by the USDA Natural Resources Conservation Service; or a site analysis conducted by a registered professional engineer, professional land surveyor, landscape architect, architect or land planner and calculated using topographic maps from an actual survey or from the US Geological Society. - Secondary Conservation Area: Consists of: <ul style="list-style-type: none"> - (1) Farmland (whether actively used or not) including cropland, fields, pastures and meadows; - (2) Natural areas, wildlife habitats and corridors identified as part of: and Inventory of Natural Areas and Wildlife Habitats as prepared by a State agency, the Natural Conservancy or a local land trust; a required Environmental Assessment or Environmental Impact Statement; or an independent site study conducted by a trained botanist or biologist; 	

<ul style="list-style-type: none"> - (3) Slopes of 20 to less than 30 percent (nine (9) to less than 13.5 degrees) which require special site planning due to their erosion potential, limitations for septic tank nitrification fields and terrain or elevation changes; 349 - (4) Historic or archeological sites including, but not limited to, sites listed on the National Register of Historic Places or included on the State's National Register study list, designated as a local historic landmark or district and/or designated as having a high potential for archaeological remains generally identified as part of a: local architectural survey; local archaeological survey; required Environmental Assessment or Environmental Impact Statement; or independent site study conducted by a trained architectural historian or archaeologist; - (5) Non-commercial cemeteries; and - (6) Viewsheds (scenic views, especially of natural and cultural features from designated scenic road corridors, including "views from the road" as well as views outward from potential home sites).
<ul style="list-style-type: none"> • 100% WILL BE PRIMARY
<p>Describe how the open space area will be used, noting the following allowed uses for conservation space:</p> <ul style="list-style-type: none"> - Open space shall be used as follows: <ul style="list-style-type: none"> - a. Conservation of natural resources, archeological resources or historical resources; - b. Agriculture, horticulture, or silviculture, provided all applicable best management practices are used to minimize environmental impacts; - c. Passive recreation; - d. Active recreation provided impervious surfaces are limited to a maximum of 12 percent of the total open space area; - e. Nonstructural stormwater management practices; - f. Easements for drainage, access, and underground utility lines; and g. Water, septic, and sewer systems.
<ul style="list-style-type: none"> • CONSERVATION OF NATURAL RESOURCES AND PASSIVE RECREATION
<p>Describe how the open space area will be managed and owned after the development?</p> <ul style="list-style-type: none"> - Open space shall be used as follows: <ul style="list-style-type: none"> - a. Conservation of natural resources, archeological resources or historical resources; - b. Agriculture, horticulture, or silviculture, provided all applicable best management practices are used to minimize environmental impacts; - c. Passive recreation; - d. Active recreation provided impervious surfaces are limited to a maximum of 12 percent of the total open space area; - e. Nonstructural stormwater management practices; - f. Easements for drainage, access, and underground utility lines; and - g. Water, septic, and sewer systems.
<ul style="list-style-type: none"> • OWNED AND MAINTAINED BY HOA

WATERSHED INFORMATION

High Density	Will this development be low-density (single-family residences) or high density (multi-family residences)?
34.32%	What is the total build upon area? <ul style="list-style-type: none"> - Maximum built-upon allowances: <ul style="list-style-type: none"> - Single-Family Detached: <ul style="list-style-type: none"> - WS-II C - 6% - WS-II P - 12% - WS-IV C - 25% - WS-IV P - 24% - WS-IV P (w/o curb system) - 36% - High Density Development <ul style="list-style-type: none"> - WS-II C - 24% - WS-II P - 30% - WS-IV C - 50% - WS-IV P - 70%
Select SITE IS NOT ADJACENT TO ANY PERENNIAL WATERS	Will this development be adjacent to any perennial waters? <ul style="list-style-type: none"> - A minimum one hundred (100) foot vegetative setback is required for all new development activities that exceed the low density option; otherwise, a minimum thirty (30) foot vegetative setback for development activities is required along all perennial waters indicated on the most recent versions of U.S.G.S. 1:24,000 (7.5 minute) scale topographic maps or as determined by local government studies. Desirable artificial streambank or shoreline stabilization is permitted. - Where USGS topographic maps do not distinguish between perennial and intermittent streams, an on-site stream determination may be performed by an individual qualified to perform such stream determinations. - No new development is allowed in the buffer except for water dependent structures, other structures such as flag poles, signs and security lights which result in only diminutive increases in impervious area and public projects such as road crossings and greenways where no practical alternative exists. These activities should minimize built-upon surface area, direct runoff away from the surface waters and maximize the utilization of stormwater Best Management Practices.

Important Information

- **1) Please note and comply with all requirements of the Water Supply Watershed Protection Overlay District**
- **2) No land disturbing or construction activity should be carried out prior to the approval of the development plan.**
 - §154-75. Land Disturbing and Construction Activity **No land disturbing** or construction activity carried out in conjunction with the development of a subdivision shall begin **until a development plan has been approved.**
- **3) All units should be served by adequate water and sewage systems.**
 - §154-95. Water Supply System and Sewage Disposal System Required. Every lot shall be served by a water supply system and sewage disposal system adequate to accommodate the reasonable needs of the proposed use and comply with all applicable health regulations. The applicant must provide evidence that water supply system and sewage disposal system plans have received final approvals by the appropriate agency prior to final plat approval.
- **4) The development must include adequate fire protection.**
 - §154-95. Fire Protection Requirements. Either:
 - (1) Install a minimum of one (1) hydrant per 1000 feet of linear road distance (if served by a public water supply system who may impose more stringent fire protection requirements where necessary); or
 - (2) Install a dry fire hydrant system (the type and location of which is to be determined by the County Fire Marshal) and all-weather access road for fire-fighting equipment to a permanent surface water supply (minimum 100,000 gallon storage in a 50 year drought).
 - (3) If the subdivision is neither served by a public water supply system nor has or is adjacent to an adequate permanent surface water supply it shall be thoroughly reviewed by the reviewing agency and applicant to determine if alternative measures to ensure adequacy of fire protection exist. Where deemed necessary and without creating an undue hardship on the applicant, the reviewing agency may require the applicant to install alternative fire protection measures.
- **5) Stormwater Control measures should be implemented to state and local standards.**
 - §154-95. Stormwater Drainage. Drainage systems (swales, ditches, pipes, culverts, detention ponds, lakes or similar devices) shall be designed to minimize

adverse effect on the proposed subdivision and on adjacent and downstream properties. Drainage improvements shall be designed and constructed in accordance with applicable State Road Standards and to:

- (1) Follow natural drainage (where possible),
- (2) Contain points of stormwater discharge onsite (unless offsite discharge is approved by the reviewing agency and adjoining property owners),
- (3) Maintain desirable groundwater conditions,
- (4) Minimize erosion, downstream sedimentation, flooding or standing water conditions, 141
- (5) Filter pollutants before stormwater reaches surface water, and
- (6) Avoid excessive stormwater discharge

D-24-04 APPENDIX E – TRC Report

Technical Review Committee (TRC) Report Player's Ridge April 11th, 2025



PIN: 3705-97-9463

The applicant, Clayton Engineering, on behalf of the property owner, proposes a 40-unit townhome development within the Players Ridge golf course community in the Bethlehem area. The development consists of ten buildings with four units each, all featuring one-car garages and accompanying driveways to satisfy the minimum parking requirement. The property is located within an R-1 zoning district and proposes to use the Conservation Subdivision standards to satisfy open space and layout requirements.

The following feedback was provided by the TRC:

Planning and Zoning:

Amy Bucknum and Patrick Creech of the Alexander County Planning Department reviewed the submitted site plan and documentation. The proposed development meets the requirements of the Land Development Code for zoning, density, and layout. The zoning will remain R-1, as it better supports the medium-density residential character of the project.

A minimum of 60 parking spaces are required and have been satisfied through the combined use of garages and driveways. The utility strip between sidewalk and roadway must meet a 4.5-foot width as required by NCDOT standards.

The conservation subdivision requirements will be satisfied by maintaining significant open space to the north of the site, with boundaries and legal protection instruments—HOA agreements, and a perpetual deed restriction to prevent future development, a draft of which must be submitted within 30 days of this conditional approval. A plat revision will be required to accommodate property line adjustments and conservation area delineations. The open space designation must be clearly marked on the site map to be recorded.

Although the developer originally listed 13 bald cypress trees, the project requires 15 trees to meet landscaping code requirements (§154-168). The applicant has agreed to increase the number of trees accordingly.

- **Conditions**
 - Applicant must supply a draft of the perpetual deed restriction which denies development of the conservation area within 30 days of the receipt of this approval.
 - For final plat approval, separate property lines must be noted on the submitted plat.
 - Unless otherwise the plantings will interfere with clearance for emergency vehicles, the applicant should increase the number of required trees to 15. If any changes to that number are required, the applicant must send a written notice with justification to the Planning Department.

Emergency Services and Fire Safety

Fire Marshal Garrett Huffman confirmed that the cart path, at 8 to 10 feet in width, does not meet the required 20-foot width for a secondary fire access road under the fire code. However, due to the site's unique configuration, proposed target population (55+), and turnaround radius design at the northern end of the development, the **TRC** has waived the secondary access requirement, contingent on the following:

- **Conditions**
 - **All turnaround areas must be constructed to accommodate emergency vehicles without obstruction.**
 - **The location of fire hydrants must not impede access or block fire apparatus during emergency responses.**
 - **Any curved curb areas must be designed as valley curbs where needed to accommodate fire truck overrun.**

Solid Waste

The Solid Waste department, through Josh Mitchell, notes that solid waste management practices must align with Chapter 50 of the Alexander County Code. Solid waste disposal must also meet certification requirements from the Department of Public Health.

NCDOT

Ian Ashley of the NCDOT noted that, while the road is still potentially private, the developer is exploring dedication for public use. Regardless, the development must meet the 4.5-foot utility strip requirement and include sidewalk connectivity along the entrance road and through the open space areas. Access through the existing Players Ridge Golf community is adequate for projected traffic volume.

The Technical Review Committee grants a conditional recommendation of this project, contingent upon adherence to all zoning, landscaping, lighting, parking, and screening requirements outlined in this report, **pending final approval by the Alexander County Planning Board.**

Failure to comply with the conditions specified herein may result in the issuance of a zoning violation by the Alexander County Planning Department and could subject the property to stop-work orders, civil penalties, or revocation of zoning compliance certification as outlined in the Land Development Code.

This project has been scheduled to appear before the Alexander County Planning Board on **June 12th, 2025.**



Patrick Creech
Senior Planner

D-24-04 APPENDIX F - DEQ Certificate of Plan Approval

CERTIFICATE OF PLAN APPROVAL



The posting of this certificate certifies that an erosion and sedimentation control plan has been approved for this project by the North Carolina Department of Environmental Quality in accordance with North Carolina General Statute 113A – 57 (4) and 113A – 54 (d) (4) and North Carolina Administrative Code, Title 15A, Chapter 4B.0107 (c). This certificate must be posted at the primary entrance of the job site before construction begins and until establishment of permanent groundcover as required by North Carolina Administrative Code, Title 15A, Chapter 4B.0127 (b).

Players Ridge Townhomes
North Shore Dr Taylorsville, NC 28681

4/8/2025

Date of Plan Approval



ALEXA-2025-0106

Project Identifier

Certificate of Coverage Number: _____

D-24-04 APPENDIX G- DEQ Notice of Violation

JOSH STEIN
Governor
D. REID WILSON
Secretary
RICHARD E. ROGERS, JR.
Director



June 2, 2025

Transmitted Via Email Only: brandon@playersridge.golf

Brandon Scott Lee
565 19th Avenue Drive Northwest
Hickory, North Carolina 28601

Subject: **NOTICE OF VIOLATION**
NOV-2025-PC-0147
DEMLR Project Number: ALEXA-202-0106
Players Ridge Townhomes
Alexander County

Dear Brandon Scott Lee:

On May 21, 2025, Jesse McDonnell of the Division of Water Resources and Keslie Cross of the Division of Energy, Mineral and Land Resources (DEMLR) Mooresville Regional Office conducted a site inspection in response to a DEMLR erosion control investigation regarding potential impacts to jurisdictional waters.

During the site inspection, Division of Water Resources staff observed that the off-site sediment from the Players Ridge Townhomes has impacted jurisdictional waters. **The deposition of sediment in jurisdictional waters is a violation of water quality standards.**

Accordingly, the following observations and violations were noted during the Division of Water Resources inspection and subsequent file review:

1. The sedimentation impact within jurisdictional waters are violations of **Water Quality Standard for Class C waters, Title 15A NCAC 02B .0211 (12)**, which includes "Oils; deleterious substances; colored or other wastes (sediment): only such amounts as shall not render the waters injurious to public health, secondary recreation or to aquatic life and wildlife or adversely affect the palatability of fish, aesthetic quality or impair the waters for any designated uses;"

Required Response

Accordingly, you are directed to respond to this letter in writing **within 30 calendar days** of receipt of this Notice. You are encouraged to secure a consultant to assist you with your plan development, permit, certification and authorization necessary to achieve compliance. Your response should be sent to this office at the letterhead address and include the following:



North Carolina Department of Environmental Quality | Division of Water Resources
Mooresville Regional Office | 610 East Center Avenue, Suite 301 | Mooresville, North Carolina 28115
704.235.2100

1. Immediately cease all activities directly and indirectly impacting the unnamed tributary as well as any other adjacent areas surrounding the water course.
2. Install all erosion and sediment control measures according to the approved erosion and sediment control plan taking note of the items below:
 - a. In addition, a diversion channel needs to be installed to the south of the stream at the top of the ridge. The proposed diversion channel north of the stream should not be installed as this is cutting through the stream channel.
 - b. The site needs to be stabilized adjacent to the stream and additional measures need to be installed to prevent sedimentation damage to the stream.
3. Please explain how and why these impacts occurred.
4. Please provide documentation (including a detailed site map/survey) depicting all jurisdictional water features (e.g. streams, wetlands, buffers) on the site. This documentation should describe and quantify the impacts to those features.
5. Please submit the following documents for review and approval:
 - a. Stream Restoration Plan – Explain how you plan to restore the pattern, profile and dimension of the impacted stream channels including the removal of pipes, earthen fill and riprap. The streambed must be restored to the original profile, the stream banks must be stabilized, and any fill material must be removed from the riparian zone. Replanting of the riparian zone will be required.
 - b. Sedimentation Removal Plan – Sediment impacts to the streams onsite and downstream of the site must be removed. As a part of this plan, you should provide the amount (depth) of material that has been deposited in the floodplain, stream and any wetlands. This information should be shown on a map you provide. It is recommended that you use hand labor (buckets, shovels and wheelbarrows) to remove deposited sediment from the stream channel. The sediment should be removed from the channel, taken to high ground away from the stream channel and stabilized. Also, the plan must address the measures that will be used for temporary stabilization/sediment control while this work is under way and any measures to avoid further impacts on the site.
 - c. Permit Application – If you are requesting some of the impacts to remain in place, you must contact the U.S. Army Corps of Engineers (USACE) for information on the type(s) of permit required. If the impacts are to be permitted by the USACE, then an application for a 401 Water Quality Certification is required by the Division of Water Resources. **Please note that sediment impacts to streams and wetlands are not permittable.**
 - d. Please include in your response a detailed schedule with dates explaining when the restoration will be accomplished; and, if you plan to seek a permit, when an application will be submitted.
6. It is required that you contact the Division of Energy, Mineral, and Land Resources and the U.S. Army Corps of Engineers to ensure that your restoration efforts are in compliance with the Sedimentation Pollution Control Act and Section 404 of the Clean Water Act. You must also comply with any Local Government requirements and regulations regarding the activity on the subject site.

Thank you for your attention to this matter. DWR requires that the violations, as detailed above, be abated immediately and properly resolved. **This office requires that the violations, as detailed above, be abated and properly resolved.**

Pursuant to G.S. 143-215.6A, the above-mentioned violations and any future violations are subject to a civil penalty assessment of up to a maximum of \$25,000.00 per day for each violation. Your above-mentioned response to this correspondence will be considered in any further process that may occur.

This Office appreciates your attention to this matter and efforts to resolve the above noted concerns. Should you have any questions regarding these matters, please contact Jesse McDonnell at 704-235-2200 or jesse.mcdonnell@deq.nc.gov.

Sincerely,

DocuSigned by:

F161FB69A2D84A3...

Andrew H. Pitner, P.G. Regional Supervisor
Water Quality Regional Operations Section
Mooresville Regional Office, DEQ

Enclosures: Stream Determination Report w/photos

cc: MRO File Copy
Jennie Emmons – DWR 401 & Buffer Permitting Branch jennie.emmons@deq.nc.gov
Division of Energy, Mineral and Land Resources (MRO)
US Army Corps of Engineers, joseph.b.winston@usace.army.mil
Alexander County Planning Department, abucknum@alexandercountync.gov
William Clayton, Clayton Engineering, wclayton@clayton-engineering.net

JOSH STEIN
Governor
D. REID WILSON
Secretary
RICHARD E. ROGERS, JR.
Director



Photographs from May 21, 2025, Reach 1.



North Carolina Department of Environmental Quality | Division of Water Resources
Mooreville Regional Office | 610 East Center Avenue, Suite 301 | Mooreville, North Carolina 28115
704.663.1699

Photographs from May 21, 2025, Reach 2.



North Carolina Department of Environmental Quality | Division of Water Resources
Mooreville Regional Office | 610 East Center Avenue, Suite 301 | Mooreville, North Carolina 28115
704.663.1699

D-25-02 APPENDIX H- Applicant Response



William S. Clayton
PO Box 2351
Hickory, NC 2860
wclayton@clayton-engineering.net

Date: June 6, 2025

To:
Andrew H. Pitner, P.G., Regional Supervisor
Water Quality Regional Operations Section
Mooresville Regional Office, DEQ

Subject: Response to Notice of Violation – NOV-2025-PC-0147
DEMLR Project Number: ALEXA-202-0106
Players Ridge Townhomes, Alexander County

Dear Mr. Pitner,

In response to the Notice of Violation (NOV-2025-PC-0147) dated June 2, 2025, concerning impacts to jurisdictional waters at the Players Ridge Townhomes development site, please find the following documentation and corrective actions, as required:

1. Immediate Action Taken

All construction activities impacting the unnamed tributary and adjacent buffer zones have ceased as of June 2nd, 2025. In fact, equipment has not been present onsite since April 2025.

2. Erosion and Sediment Control Measures

We have reviewed the approved E&SC plan and taken the following corrective actions:

- Diversion Channel (South of Stream): Installation has begun per guidance.
- North Diversion Channel: Installation was halted as it encroached on the streambed.
- Stabilization Measures: Silt fencing, riprap, temporary ground cover, and other BMPs will be installed adjacent to the stream.

3. Explanation of Cause

The sediment impacts resulted from heavy rains through April and May. Site visits have been made and improvements are being installed.

4. Jurisdictional Feature Documentation

Please find attached:

- A site map and topographic survey identifying possible stream impacts will be developed to assure there are no further impacts.

5. Plans Submitted for Review

a. Stream Restoration Plan

We propose full removal of fill and materials from the impacted stream, followed by regrading to the original profile, bank stabilization with coir logs and native plantings.

b. Permit Application

We are in consultation with the U.S. Army Corps of Engineers and will work with them if any further permitting is necessary.

d. Implementation Schedule

Implementation Schedule:

Task	Estimated Completion Date
Finalize restoration plans	June 16 th , 2025
Begin sediment removal	June 17 th , 2025
Complete stream restoration	June 20 th , 2025
Submit 401 Application (if needed)	TBD

6. Regulatory Coordination

We have contacted:

- NC DEMLR and are working with [insert contact, if known]
- USACE (Joseph B. Winston)
- Alexander County Planning Department

We will ensure full compliance with SPCA, Section 404 of the CWA, and any applicable local requirements.

Thanks,

If you have any questions or need additional information, please feel free to call me at (828) 455-3456 or email wclayton@clayton-engineering.net.

Sincerely,

Clayton Engineering & Design, PLLC

William S. Clayton

William S. Clayton, PE

STAFF REPORT

V-25-04: Setback Variance - Impressions Screen Printing

PETITION	V-25-04
APPLICANT	Joseph Brown
PROPERTY OWNER	Joseph Brown and Tosha Brown
PIN	3759 67 0343
PROPERTY LOCATION	Town of Taylorsville
ACREAGE	0.257

Staff Report prepared by Patrick Creech, Senior Planner

June 12, 2025



CONTENTS

Appendix A.....	Zoning Map
Appendix B.....	Future Land Use Map
Appendix C.....	Site Map
Appendix D.....	Pre-Application Checklist
Appendix E	TRC Report

REQUESTED ACTION

The petitioner seeks to subdivide their property and seeks a variance from §154-32.

Mixed Use District (MU) Dimensional Requirements.

The code states:

§154-32. Mixed Use District (MU)

Table 2.6. OI Density and Dimensional Requirements			
(1) <i>Residential Density</i> (units/acre)		(2) Standard	4
		(3) Maximum	16
Maximum Impervious Surface (%)			80
(4) Maximum <i>Floor Area</i> (sq ft)			30000 or 10,000
(4) <i>Yard Setbacks</i> (feet)	Front or ROW	Local	10
		Collector	10
		Arterial	20
		Thoroughfare	30
		Expressway	40
		Freeway	45
	Side		10
	Rear		10
Maximum Height (feet)			40

The applicants seek a variance to allow a side setback of 0 ft in order to allow the placement of an awning.

BACKGROUND

The applicants purchased the property for their screen-printing business in 2015. Upon moving into the building, they discovered that the property had a flooding issue. The

applicants indicate they have tried a number of measures to control for the flooding, but none has been successful.

They believe that placing an awning on the south side of the property along 1st St would successfully move stormwater away from the building and prevent flooding.

The placements of such awnings will extend the entire distance of the setback to the right-of-way owned by the Town of Taylorsville.

Aaron Wike, Public Utilities Manager of the Town of Taylorsville, has indicated the town has no objections to this variance or the placement of the awning.

DEVELOPMENT POTENTIAL

The subject property is currently zoned MU and is occupied by a retail store.

LAND USE AND ZONING (See **Appendix A** for more detail)

Subject property: The property is in the Mixed Use (MU) zoning district.

- **North:** The property to the north is in the Mixed Use (MU) district and is occupied by a single-family residence.
- **South:** The property to the south is in the Residential District One (R1) zoning district and is occupied by a single-family residence.
- **East:** The property to the east is in the Office Industrial (OI) zoning district and is occupied by a central switch office for AT&T.
- **West:** The property to the south is in the Mixed Use (MU) district and is occupied by a single-family residence.

ACCESS

Access to the property is available from Center St.

SEWER AND WATER

The property is currently served by public water and sewer from the Town of Taylorsville.

VARIANCE APPROVAL CRITERIA

Zoning variances may be approved only when the Board of Adjustment finds substantial evidence in the official record and the application to support all of the following findings:

- A. Unnecessary hardship would result from the strict application of this Zoning Ordinance. It shall not be necessary to demonstrate that, in the absence of the variance, no reasonable use can be made of the property.***

The strict application of the Zoning Ordinance would not render the petitioners' property unusable immediately. A strict application would prevent the placement of the awnings, which the owners have identified as the best method to prevent flooding on their property. It is possible that continued extensive flooding could substantially damage the property.

B. The hardship results from conditions that are peculiar to the property, such as location, size, or topography. Hardships resulting from personal circumstances, as well as hardships resulting from conditions that are common to the area or the general public, may not be the basis for granting a variance.

The property was developed before the current ordinances regarding setbacks. The placement of the stairs to the basement, which causes the flooding issue, is peculiar to the building on the property.

C. The hardship did not result from actions taken by the applicant or the property owner. The act of purchasing property with knowledge that circumstances exist that may justify the granting of a variance shall not be regarded as a self-created hardship.

The petitioner has not taken any action to create or further the flooding on the property, and has investigated alternate methods to prevent the flooding unsuccessfully.

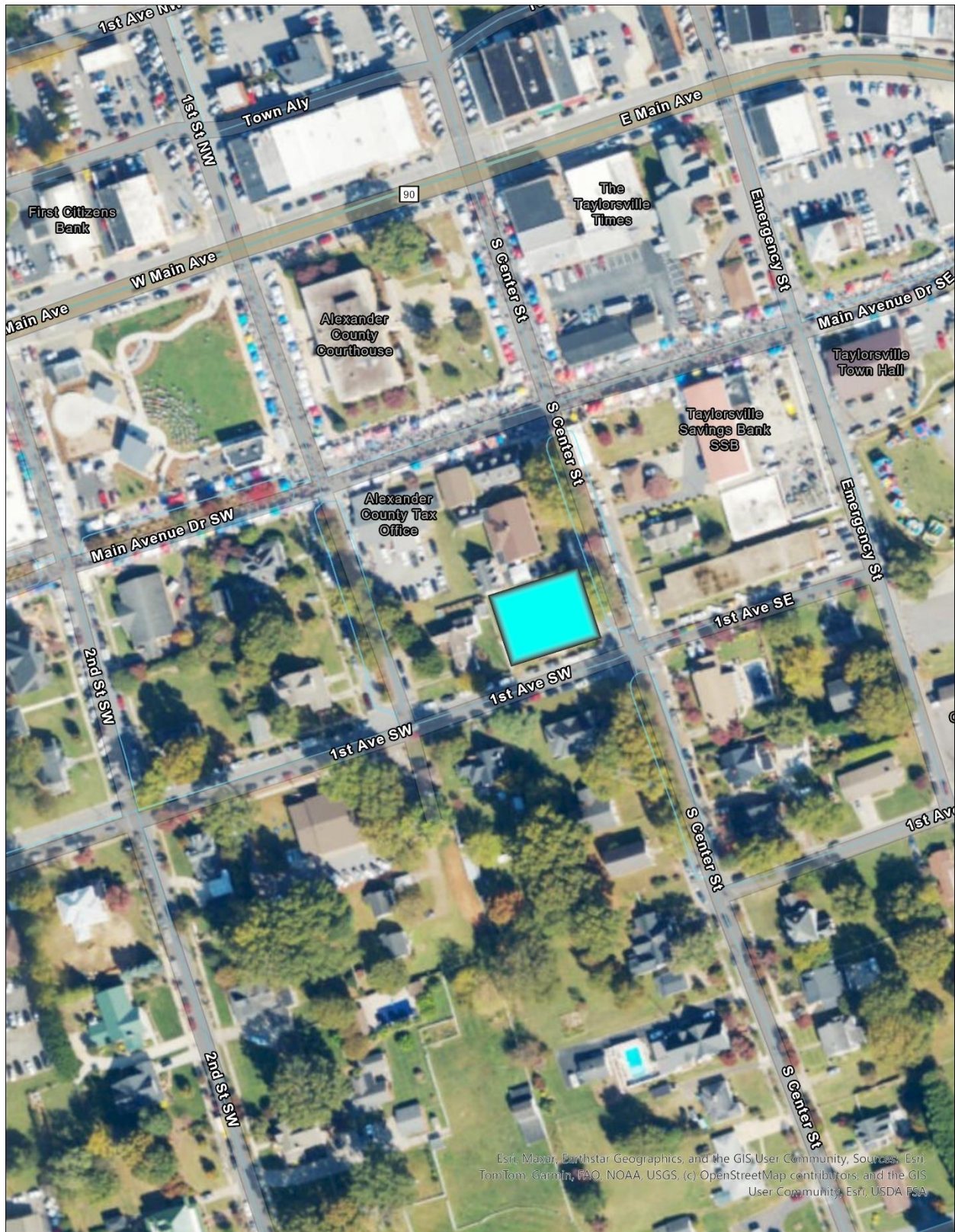
D. The requested variance is consistent with the spirit, purpose, and intent of the Land Development Code, such that public safety is secured, and substantial justice is achieved.

The requested variance is consistent with the spirit and intent of the Zoning Ordinance. There are no public safety consequences of this variance, and justice would be achieved in allowing the sale of the building to proceed.

RECOMMENDED ACTION: Staff recommends the board approve requested orientation variance.

CITIZEN INPUT: As of June 4, staff has received no calls about this variance.

V-25-04 APPENDIX A - Location Map



V-25-04 APPENDIX B - Site Photo



V-25-04 APPENDIX C - Variance Application



ALEXANDER COUNTY North Carolina

Variance Application

Case #: V-25-04
Tax Map #: 7109
Date Submitted: 5/19/25

A) OWNER/APPLICANT OR AGENT INFORMATION:

- 1) APPLICANT: Joseph Brown
ADDRESS: 5100 South Center St Taylorsville NC 28681
TELEPHONE #: 858 3213 EMAIL: josephbrown39@gmail.com
- 2) PROPERTY OWNER: _____
ADDRESS: _____
TELEPHONE #: _____ EMAIL: _____
☐ Check here if there are additional property owners, and attach their names, addresses and telephone numbers.
- 3) Will an attorney, surveyor, realtor or other agent represent the applicant/property owner in this matter?
REPRESENTATIVE: _____
ADDRESS: _____
TELEPHONE #: _____ EMAIL: _____

B) PROPERTY INFORMATION:

- 1) PROPERTY LOCATION (Address or Description): Same as above
- 2) DATE PROPERTY ACQUIRED: 2015/2014 DEED BOOK/PAGE: D586/2248/2015
- 3) PIN #: 3759670343 PARCEL ID #: 7109 SIZE (sqft./acres): .25
- 4) UTILITIES PROVIDED (please circle): Public Water Well Public Sewer Septic System
- 5) AMOUNT OF ROAD FRONTAGE: 200ft CURRENT LAND USE: Commercial
- 6) METES AND BOUNDS DESCRIPTION ATTACHED: YES NO

C) ZONING INFORMATION:

- 1) EXISTING ZONING DISTRICT: MU
- 2) PROPOSED USE: _____
- 3) SITE PLAN OF PROPOSED DEVELOPMENT ATTACHED: YES NO

Note: A scaled site plan and/or survey indicating the proposed variance, property lines, dimensions and structures *must* be submitted with the application.

D) VARIANCE REQUEST:

TO THE ALEXANDER COUNTY BOARD OF ADJUSTMENT:

I/We hereby petition the Board of Adjustment for a variance from the literal provisions of the Alexander County Zoning Ordinance. I/We are requesting a variance from the provisions of Chapter 154.079, so that the property can be used in a manner indicated by the attached site plan and more specifically described below:

1) TYPE OF VARIANCE REQUESTED: (please check all that apply)

☐ LOT SIZE: Required Size: _____ Requested Size: _____

☒ SETBACK: Front, Rear, Side Or Street Side: _____
Required Setback: _____ Requested Setback: _____

☐ BUILDING HEIGHT: Required Height: _____ Requested Height: _____

2) IN ORDER TO ALLOW:

Awnings attached to building that will encroach on right of way

E) REQUIRED FINDINGS OF FACT:

The Board of Adjustment does not have unlimited discretion in deciding whether to grant a variance. Under state law, the Board is required to reach 4 conclusions as a prerequisite to the issuance of a variance:

- 1) *Unnecessary hardship would result from the strict application of the regulation. It is not necessary to demonstrate that, in the absence of the variance, no reasonable use can be made of the property.;*
- 2) *The hardship results from conditions that are peculiar to the property, such as location, size, or topography. Hardships resulting from personal circumstances, as well as hardships resulting from conditions that are common to the neighborhood or the general public, may not be the basis for granting a variance. A variance may be granted when necessary and appropriate to make a reasonable accommodation under the Federal Fair Housing Act for a person with a disability.;*
- 3) *The hardship did not result from actions taken by the applicant or the property owner. The act of purchasing property with knowledge that circumstances exist that may justify the granting of a variance is not a self-created hardship.*
- 4) *The requested variance is consistent with the spirit, purpose, and intent of the regulation, such that public safety is secured and substantial justice is achieved.*

Answer the following questions in the space provided below or on a separate sheet of paper:

- A) *There are practical difficulties or unnecessary hardships in the way of carrying out the letter of the Ordinance.* The courts have developed rules to determine whether in a particular situation "practical difficulties or unnecessary hardships exist. State facts

- 1) The hardship of which the applicant complains results from unique circumstances related to the applicant's land. (Hardships suffered by the applicant in common with neighbors do not justify a variance. The existence of a non-conforming use of neighboring land, buildings or structures shall not constitute a reason for a variance. Also, unique personal or family hardships are irrelevant since a variance, if granted, runs with the land and not with the ownership thereof.)

Building floods in heavy rain.

- 2) The hardship is not the result of the applicant's own actions.

Building was built prior to current law.

- B) *The variance is in harmony with the general purpose and intent of the Ordinance and preserves its spirit.* (State facts and arguments to show that the variance requested represents the least possible deviation from the letter of the Ordinance that will allow a reasonable use of the land and that the use of the property, if the variance is granted, will not substantially detract from the character of the neighborhood.)

Building had Flood damage when purchased

- C) *The granting of the variance secures the public safety and welfare and does substantial justice.* (State facts and arguments to show that on balance, if the variance is denied, the benefit to the public will be substantially outweighed by the harm suffered by the applicant.)

Basement could be unusable for loss of product if it is not fixed

F) REQUIRED SIGNATURES:

I/We certify that I have completely read the application and understand the guidelines as listed above. I/We, the undersigned, do hereby certify that all information given above is true, complete and accurate to the best of my/our knowledge.

1)	<u>Joseph Brown</u> (Owner's Name-please print)	<u>Joseph Brown</u> (Owner's Signature)	<u>5/16/25</u> (Date)
2)	<u>Tosha Brown</u> (Owner's Name-please print)	<u>Tosha Brown</u> (Owner's Signature)	<u>5/19/25</u> (Date)
3)	_____ (Applicant's Name-please print)	_____ (Applicant's Signature)	_____ (Date)
4)	_____ (Representative's Name-please print)	_____ (Representative's Signature)	_____ (Date)

If there are additional property owners, applicants or representatives, please attach an additional signature sheet with their names and signatures. If the applicant is different from the property owner, both parties must sign the application.

Corporations, Limited Liability Corporations, Partnerships or other similar entities: please include a notarized Official Corporate Certification authorizing a representative to sign on behalf of the corporation.

STAFF USE ONLY – APPLICANT: DO NOT WRITE BELOW THIS LINE

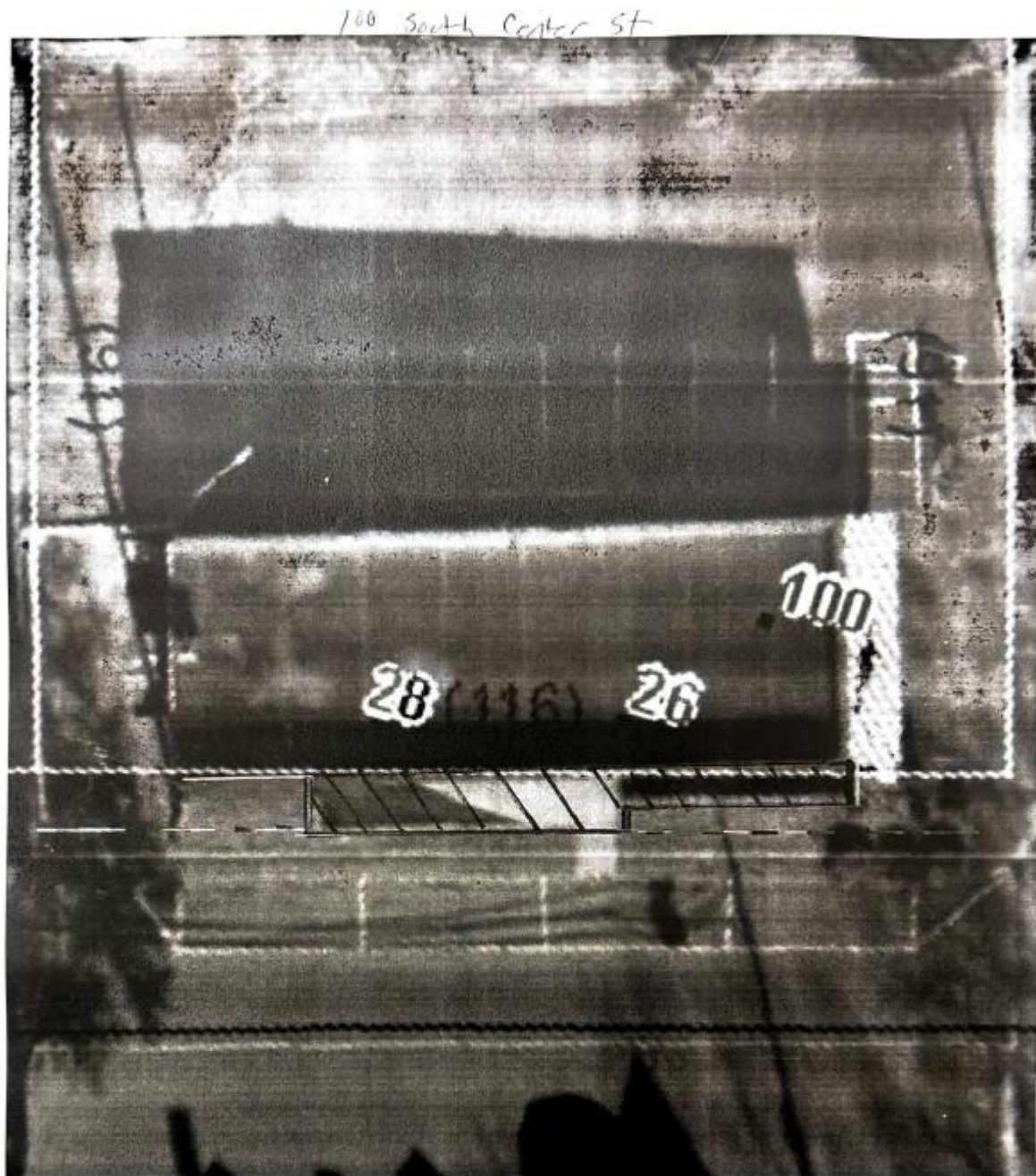
Staff Initials: _____ Date: _____ Receipt #: _____

BOA Meeting Date: _____
 Published on: 7/9
 Letters Mailed: 5/22/25
 Sign posted: _____

BOA Action: ☒ Approved ☐ Denied Applicant Notified: _____

Staff Signature: _____ Date: _____

Staff Comments: _____





STAFF REPORT

RZ-25-01 – Michael Barlow Rezoning Request

PETITION: RZ-25-01

APPLICANT: Michael Barlow

OWNER: Michael Barlow

PROPERTY LOCATION: 0 Liberty Lane, Taylorsville, NC

PIN: 3726 69 2267

ACREAGE: Approximately 1.2 acres

REQUESTED ACTION: The applicant has submitted a petition requesting to rezone the property from Residential District Two (R2) to Residential District Two Rural (R2R).

DEVELOPMENT POTENTIAL: As currently zoned, the subject property could be used for low to medium density residential development.

BACKGROUND: The applicant has submitted a petition requesting to rezone the parcel from R2 to R2R. This rezoning would allow for a singlewide manufactured home to be permitted on the property.

REVIEW CRITERIA: In reviewing and making recommendations on proposed zoning map amendments, review bodies shall consider the following factors:

1. Consistency of the proposed zoning with the *Alexander County Comprehensive Plan*, (where applicable) and the stated Purpose and Intent of this zoning ordinance. **(Please refer to Page 5 for more detail);**

The vicinity in which the subject property is located is classified Rural/Urban Transition Area (RTA) by the Alexander County Future Land Use Plan. Policies should encourage moderate to low residential development. Public water is available, but public sewer is not available. This parcel is a reasonable candidate for Residential District Two (R2R) uses by the estimation of the Future Land Use map.

Within the Land Use Policies section of the Alexander County Comprehensive Plan are 5 goals and policies that address development. A brief explanation of the goals, and how the development proposal fits in with the goals is provided below.

- *Adopt land use regulations that are clear, equitable and reasonably focused on addressing the needs of Alexander County.*
 - Residential District Two (R2R) zoning fosters orderly growth where the principal land use is residential.
- *Promote the development of a diversified and balanced mix of land uses in the county.*

- The area surrounding this parcel is R2R and R2. This area is a primarily residential in nature.
- *Foster distinctive, attractive neighborhoods with a strong sense of place.*
 - The proposed use is consistent with the existing neighborhood.
- *Direct growth to areas where essential services and infrastructure are present, and protect sensitive natural areas and key historic/cultural resources from extensive development.*
 - All development will go through the standard development process and be required to meet all applicable municipal, county, and state requirements. There is public water, but no sewer available. There is no sidewalk currently available.
- *Aim to mitigate common negative impacts of new development.*
 - This property would be required follow all requirements of the Land Development Code for any new development.
- *Encourage and develop land use regulations that help to promote and preserve Alexander County's sense of place.*
 - Allowing for a low to moderate density residential use in predominantly rural residential area preserves the sense of place of this community.

In evaluating the development proposal with the goals outlined within the Alexander County Comprehensive Plan staff feels the request is **consistent** with the comprehensive plan.

Section 154.3 of the Alexander County Land Development Code contains its Purpose. This section contains six (6) specific items which these regulations are intended to uphold. These are as follows:

- Provide adequate light and air;

Any and all improvements that are to take place on the property will be required to follow all applicable development regulations, including lighting and applicable environmental regulations.

- Prevent overcrowding of land;

Any future development will meet the requirements for site layout based on the regulations contained within the Alexander County Land Development Code.

- Avoid undue concentration of the population;

Any future development occurring on the subject property will be limited to the density allowed by the Alexander County Land Development Code.

- Lessen congestion on roads;

Any future development occurring on the subject property will be required to adhere to the access management, traffic impact studies, and all NCDOT related development regulations in the Land Development Code.

- Secure safety from fire, panic and dangers:

Any future development occurring on the subject property will be required to adhere to all state and local building, fire, and flood zone related development regulations. Such regulations will ensure proper protections are provided for the patrons of the subject property, as well as the residents of the surrounding area.

- Facilitate the efficient and adequate provision of transportation, water sewerage, schools, parks and other public requirements:

Any future development that occurs on the property will be evaluated as to what impacts, if any, will be placed upon nearby public infrastructure.

2. Existing land uses within the general vicinity of the subject property (**Please refer to Page 6 for more detail**):

North: *The properties to the north are occupied by residential and agricultural uses;*

South: *The properties to the south are occupied by vacant parcels and residential uses;*

East: *The properties to the east are occupied by residential uses;*

West: *The properties to the west are occupied by residential and agricultural uses.*

3. The zoning classification of property within the general vicinity of the subject property (**Please refer to Page 4 for more detail**):

North: *The properties to the north are zoned Residential District Two Rural (R2R);*

South: *The properties to the south are zoned Residential District Two (R2);*

East: *The properties to the east are zoned Residential District Two (R2);*

West: *The properties to the west are zoned Residential District Two Rural (R2R);*

CITIZEN INPUT:

Staff has received 8 inquiries regarding this rezoning petition as of June 6, 2025. Multiple callers expressed concerns about this property and the applicant's neighboring properties. Caller mentioned regular police presence required as well as an accumulation of debris. After investigation, a code enforcement case was opened.

RECOMMENDED ACTION:

Staff finds RZ-25-01 to be **consistent** with the Alexander County Comprehensive Plan, and recommends the following:

2. The Alexander County Planning Board adopt a statement affirming the petition's consistency with the Alexander County Comprehensive Plan; and

3. Forward a recommendation of approval to the Alexander County Board of Commissioners.

Figure 1: RZ-25-01 Zoning Map

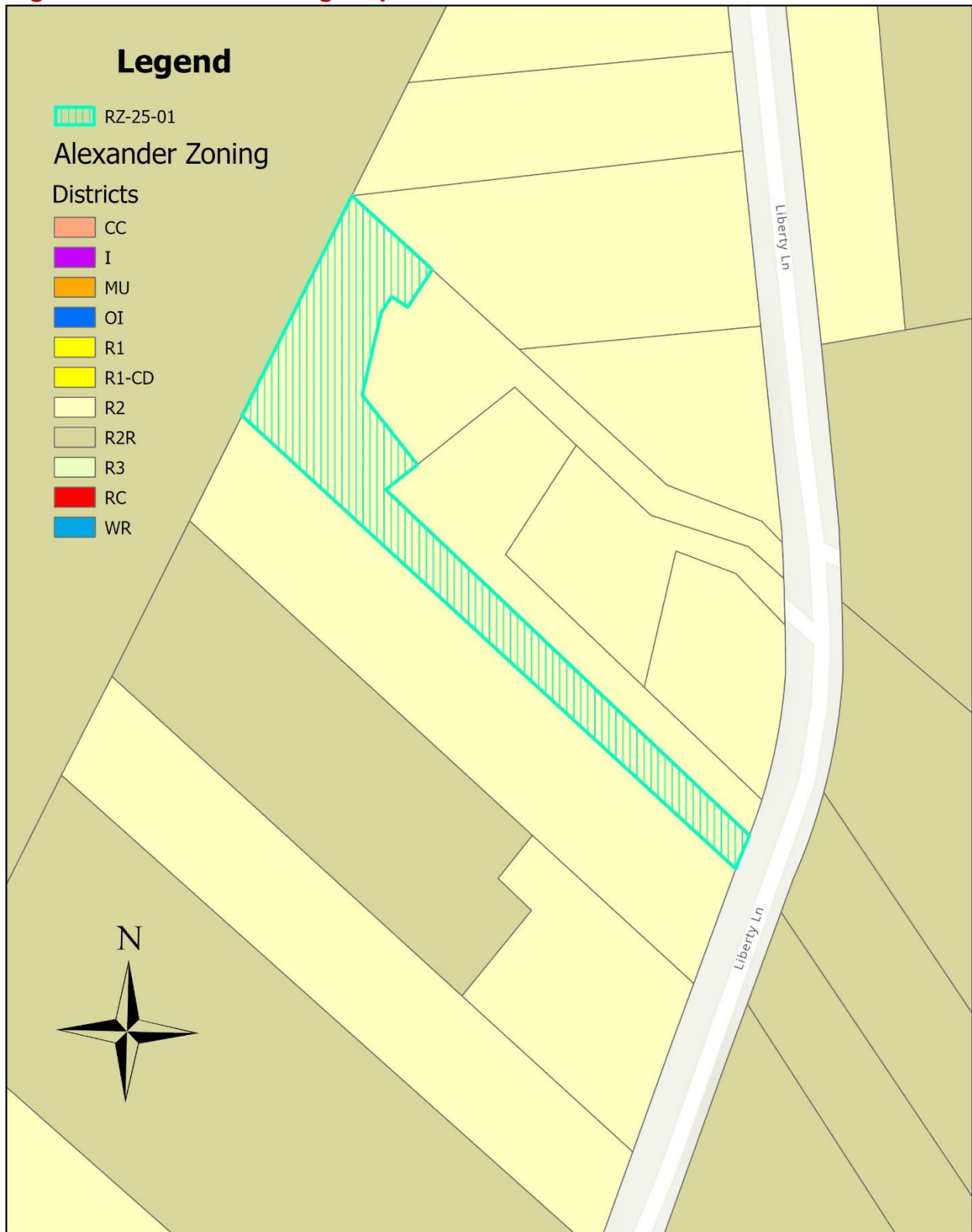


Figure 2: RZ-25-01 Future Land Use Map



Figure 3: RZ-25-01 Aerial Image

