

TECHNICAL REVIEW COMMITTEE AGENDA
October 21, 2009

New Hanover County's Technical Review Committee (TRC) will meet on Wednesday, October 21, 2009 at **2:00 p.m.** in the Engineering Conference Room - 105 New Hanover County Government Center, 230 Government Center Drive, to discuss the following site plan proposal(s):

- 2:00 p.m.** **Item 1: Sunset Reach (Revised Performance Site Plan)** – Request by Rockford Partners for TRC to consider modifying the original preliminary site plan by combining lots 34-36 to create a single building townhome and consider changing the road designation from “public” to “private.” The project is located near the western terminus of Rockhill Road.

Project Data

Zoning:	R-20 Residential
Water:	Public (CFPUA)
Sewer:	Individual Septic Units
Road(s):	Public (proposed as “private”)
Lots/Units:	53 (includes proposed townhome)
Acreage:	27.64 (net acreage)
Housing Type:	Single Family
Traffic:	No Traffic Data Available For Area
LOS:	N/A
Land Class:	Wetland Resource Protection

Sunset Reach History

Sunset Reach was preliminarily approved by the County's TRC in September, 2006 for 53 lots. Preliminary site plan approvals are valid for two years. In April, 2008, the project was granted a one year extension. Presently, the preliminary site is valid until December 31, 2010 based on North Carolina Senate Bill 831. As stated, the developer for the project wants to combine several lots to create a townhome of three units and wants to re-designate the roads from “public” to “private.” A letter of explanation from the developer is attached.

- 2:30 p.m.** **Item 2: Private Road Certification** – Request by County Planning and Engineering staff to continue discussion on finalizing two private road certificates for developers and PE's to sign and seal and also design a private road tier system for the unincorporated area of the County.

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Rockford Partners is requesting a change in the design approval, as well as, road designation from public to private for the subdivision Sunset Reach. The request of design change is of minor alteration to lot locations. We are combining lots 34, 35, and 36 to use as a single building townhome structure. We understand that this alteration is allowed under performance residential and will require twenty feet of separation between adjacent dwelling buildings. All parties are aware of this change and in Rockford Partners diligence to provide information prior to review have found no significant impact toward this alteration. The utility services and septic areas will change slightly, however will be addressed before building permits are issued.

Our request from public to private roads is not new. We have met many challenges in trying to meet DOT request for road approval, New Hanover County Engineering Department request for services, and New Hanover County Environmental Health local and state rules for septic systems. I will explain some of the inconsistencies and challenges we have encountered with this subdivision.

The Department of Transportation changed their approval of roads to require all utilities not be under pavement except for necessary crossings which must be approved with stringent requirements. Storm water calculations with curb inlets, K curve radius, and grade of slope is virtually unable to be met and work within the continuity of the land. Low Impact Design techniques will not meet DOT road approvals and limit our design for structures and access to the road in the future. DOT requirements demand additional land disturbance and removal and replacement of good roadway conditions.

The New Hanover County Engineering Department has provided increased delays to this subdivision. Rockford Partners was given water capacity at TRC for this subdivision. Rockford Partners then proceeded to design roadways, septic areas, and utility services accordingly. We were then told, after design, that we no longer had water capacity and had to provide a well on site which changed engineering plans, road designs, septic areas, storm water, water, and more. As we discovered, the well did not generate water volume or quality. We were then required to up fit a well at North Chase subdivision. To our disbelief, although our capacity addition still fell within the single well up fit, in a joint venture with three other developers, we were required to add a second well that increased capacity for the area. Rockford Partners had to pay this cost and was then told that we would not be able to store the additional capacity for expansion of our subdivision. Sewer design was another struggle because New Hanover County does not have capacity or lines in this area. Delays on review of Sunset Reach happened so a design for a regional lift station and its location could be determined, which still today has no delivery date. Our designs for sewer depths, storm water, water and lift station was delayed. These delays also delayed DOT approvals and septic systems evaluations, as on and offsite septic systems are needed with their own easements and pump lines. The existing septic areas have been evaluated. Although we would like to stay with the same initial proposal, market demand and financial options will not allow it. We will re-evaluate the new site conditions based on dwellings in demand. Whether they are single or multi-family in design, we must have flexibility to bring homeowners to the subdivision.

We do not meet all DOT requirements for approval today. Many subdivisions have now been given private road designations, for example Parson Mills and Tidal Walk to name a few. Our adjacent property owners have no objection to interconnectivity with private roads. The Transportation Department and Emergency Services have been informed of our request. Emergency Services has guidelines for gated communities which we will meet. We know that a request has been made to abandon an area of state road by the property owners to our north. There are no other avenues for interconnectivity, nor is there a reason to provide public transportation through a subdivision for the benefit of people who do not live there. New Hanover County requires disclosure forms to be signed by residents who have private roads and we will make sure that is performed with covenant documents.

This is no different than notifying a buyer that once available they must pay a fee and connect to the CFPWA services. Last but not least, we need protection from trespassers on our land. If the roads remain public, our homeowners will undoubtedly have the burden of trespassers who have zero public interest or benefit in being on Sunset Reach property owners land or roads. We have increased sheriff patrol to limit the illegal activities happening on our property today. The sheriff department and DOT responsibilities are stressed as they are and cannot handle this unnecessary increase.

Due to delays on this project we could not meet buyer demands and reservations. By the way, New Hanover County also changed its position on bonding requirements from \$100,000 to \$8,000,000 at the end of our construction as well. Rockford Partners now bears the burden of a subdivision that does not meet financing availability or market demand today. We have bent over backwards to work with every department before and during construction. This is our burden to bear, but we must have local government agencies that are willing to work with developers within the zoning and ordinance guidelines to allow communities and subdivisions to become successful. We are requesting the change in our subdivision design and are making all aware that additional changes are likely to come. We also request the road designation be changed from public to private and the subdivision be gated within the Emergency Services guidelines provided. Please take time to review the map notations as a final plat so we can record this section as phase 1 quickly. Thank you for the approval of our request as we try to become a successful subdivision within our community.

Thank you,

James R. Yopp

JAMES YOPP

Certificate of Disclosure : PRIVATE ROADS

Revised: 09/20/09

I (we) the developers of _____ subdivision located in the unincorporated area of New Hanover County understand that the roads in said subdivision are designated private. I understand that ownership and maintenance of the roads will be the responsibility of the developer until such time that the developer designates the responsibility to the property owners' association. Responsibilities must be accepted by the homeowners association as specified in the homeowner covenants for said subdivision. The private roads in said subdivision are to be constructed in accordance with Section 52-4 of the New Hanover County Subdivision Ordinance and all applicable County Codes which includes the design, installation, inspection, and approval by a licensed professional engineer (PE) recognized in the State of North Carolina prior to final plat approval for all or a portion of the subdivision. If all or a portion of the road infrastructure system within the subdivision is bonded through a surety, performance bond, or cash escrow, no bond shall be released until all road construction improvements are complete and certified by the professional engineer.

It shall be disclosed to the prospective buyer of a lot or lots within the subdivision that road maintenance shall run through the property owners association in perpetuity after acceptance from the developer until such time that the roads are re-platted as publically designated roads and taken over for maintenance through NCDOT. A copy of this disclosure will be provided to the buyer of each lot, developer, County Engineering, and subdivision file maintained by the County Planning Department.

Developer's Name _____

Date _____

Notary _____

Date _____

Seal _____

Private Roads

Certification for Private Roads (proposed)

I (we) hereby certify that all private roads as depicted on subdivision plat _____ have been designed, installed, inspected and approved in accordance with Section 52-4 of the New Hanover County Subdivision Ordinance and all applicable New Hanover County Codes prior to final plat approval for all or a portion of the subdivision.

By certifying the construction of these roads as private, there are no guarantees or assurances of acceptance of said roads by the North Carolina Department of Transportation.

Certified Professional Engineer _____ Date _____

Seal _____