

TOWN OF UNIONVILLE MINUTES OF PUBLIC HEARING

The April 20, 2009 public hearing to hear comments regarding text amendment ZC-09-01 to allow age-restricted communities in the RA-40 zoning district with the issuance of a special use permit was held at 7:00 p.m. in Town Hall, 1102 Unionville Church Road, Monroe, NC. Mayor Simpson, all commissioners and Town Attorney Ken Helms were present.

Mayor Simpson called the public hearing to order and invited everyone to stand and recite the Pledge of Allegiance to the United States flag, after which Commissioner Robert Crouch led the prayer of invocation, which will suffice for both public hearings and the regular meeting.

Commissioner Randy Baucom recused himself from the Public Hearing.

Land Use Administrator Jana Finn addressed Council. She stated that this text amendment has been submitted by Unionville Development Company, LLC for a text amendment to allow age-restricted communities in the RA-40 zoning district by issuance of a special use permit. The current Land Use Ordinance does not have specific language to address age-restricted communities as described by the applicant with a multi-family component. Mr. John Tarleton submitted the text amendment that would allow age-restricted communities in the RA-40 zoning by a special use permit, which would be issued by the Board of Adjustment. Supplemental regulations would have to be followed for each community, as shown in letters A-H of the text amendment. The acreage minimum is 100 acres, and density is no greater than one unit per acre. The Homeowners' Association will maintain private streets. Setbacks will be the same as RA-40. Specific homeowners' covenants and restrictions would specify the age of at least one owner who is 55 years or older. The Planning Board reviewed this text amendment this month, and recommended approval with a 4-3 vote with one change: the amendment now states density of one dwelling unit per acre, and this was agreed upon by the applicant. Reviewing the staff comments, Mrs. Finn stated that the applicant has one specific site in mind—Duncan Road. However, any RA-40 property would be able to submit an application for this if it meets all the requirements. This text amendment is not site-specific; it is for the entire RA-40 zoning area, which is most of the Town. The Town's Land Use Plan adopted March, 2006, states "the Town shall restrict residential development throughout its corporate limits to a maximum density of approximately one house per acre." A goal strives for single-family low density, and policy #1 restricts to one house per acre. The text amendment does restrict to one dwelling unit per acre. There are no supplemental regulations to require any specific exterior building materials or regulations for perimeter buffers.

Joey Gamble, Unionville Development Company, addressed Council. He stated that Unionville Development is made up of himself, Doug Helms, Craig Rushing, Dan Ellis, Darrell Baucom, JR Hasty and John Tarleton, all of whom are local folks. They are keeping the interest in Unionville. The proposed Duncan Road subdivision would be age-restricted with one-story quadplexes and duplexes for 55 years and older. People are moving to be with their kids and grandkids and don't want to worry about upkeep on their property. There will be common areas for gardening and a clubhouse with a gathering area and perhaps a pool. We have approached

local golf courses about a possibility of membership availability for the community. The houses would be made of brick and hardboard, which provides different character. This will be high class. The only vinyl will be on the exterior boxing. We plan to use as many local contractors as possible. We have already been approved to build 72 homes on this property. Three years ago, we would have been selling these lots to local builders, and I would not be standing here. Today, although the homes have been approved, we want to go outside the box. The potential is there with smaller homes, but you might have a situation like we have all over Union County with rentals and foreclosures. We don't want that to happen in Unionville. The homes would put more burden on the schools and local services, and the age-restricted will not do that. This will provide a solid tax base and a financially sound demographic to move into the community. It would be one unit per acre, which has less density than R-40 zoning. We had strict meetings with Centralina COG and Planning Board, and agreed to a minimum of 100 acres, with one unit per acre. We've talked to area realtors, people in local churches, the community, and they feel it would be nothing but an asset to Town of Unionville.

Commissioner Edd Little made inquiry as to the total units. Mr. John Tarleton stated that they had approval for 72 houses, but they would have 100 2-bedroom units with 25 quadplexes maximum. He doesn't know how many will be duplexes until they are laid out. They will do areas like Old Gate for septic. They have enough good perking soil for 100 2-bedroom units. Commissioner Little made inquiry as to restricting children. Mr. Gamble stated that this will be an age-restricted community and they are doing their homework to find out the best way to handle children. In different states, they allow grandchildren to come visit a couple weeks per year during the summer. They have not put together the Homeowners' Association restrictions, but want it to be as comfortable as possible.

Mrs. Finn stated that some of these questions from Council are site-specific, but the text amendment will not limit how many duplexes or quadplexes would be allowed.

Mr. Gamble passed out a photo of a similar development in Matthews.

Commissioner Little made inquiry as to roads being taken over by the state. Mr. John Tarleton stated that they would be built to state specifications and probably maintained by the Homeowners' Association.

Loxdale resident Steven Williams asked about the one living unit per acre being a duplex (2 tenants) or quadplex (4 tenants). Mr. John Tarleton stated that it would be one dwelling unit per acre, whether it is a duplex or a quadplex. Mr. Williams inquired about the roads being turned over to the state. Mr. Tarleton stated that the Homeowners' Association probably wouldn't want the roads turned over to the state. There is no advantage in doing so. If they're built in accordance to state standards, it's not worth the state taking them over, and this is what's typically done in a development like this. Mr. Williams inquired about amenities for retirees. Mr. Tarleton stated they would have a clubhouse with a fully equipped kitchen, a meeting area, exercise equipment, and possibly a choice between a small pool and gardening areas.

C. J. Thomas Road resident Shane Rhodus, stated that although Unionville Development Company has been approved for 72 houses, now they are going to an age-restricted community to 100 units. He asked how they would enforce the age-restriction when something happens to both owners and they leave it to their 30-something heirs. Mr. Tarleton stated that this issue would be written into the restrictions of the Homeowners' Association, and it could possibly be changed by a vote of the HOA and can be restricted by a 2/3 majority or 100 percent. It is not uncommon to have age-restricted communities where no children are allowed. He has seen villages in Florida that are controlled with a pass gate and they restrict grandkids to no more than two weeks per year. Mr. Rhodus said there is nothing the Town can do about 72 houses, but you want to put 100 units there. He's already surrounded by subdivisions with kids running around all over the place. You're trying to sell houses to restrict that stuff to put in more units and market houses like that telling people kids can only stay a couple weeks. Mr. Tarleton stated that they are not planning to restrict how long kids can stay there, and they are not doing this to get more units. They can build 72 four-bedroom units now. Mr. Rhodes asked about water and septic. Mr. Tarleton stated that they could have up to five units on one well, but only plan to put one quadplex per well. The septic system will be similar to the one at Old Gate, which is what most of us were raised on. Bad well water can be cleaned up better than county water now. Wells and septic tanks are not unusual. Septic systems haven't been worked out, but we have enough soil that will perk to take care of 100 two-bedroom units or 72 four-bedroom houses. If we build 72 houses, we can assure your there will be a bunch of kids. Mr. Rhodus stated that they were trying to make fast money and he is against that. Mr. Tarleton responded that the fast money statement indicates what you're thinking. We are not doing it for fast money. Most of the company has roots here. I was raised on New Salem Road; went to Unionville until the seventh grade and finished high school at New Salem. I have brothers who graduated from Unionville. Most of the investors went to Piedmont High School. We are not trying to make a fast buck. Mr. Rhodus stated that Vineyard, Old Gate and this development will all be in his backyard, and whether the age restriction is 55 or 16, there will be a lot more traffic all over the place, and he's against it. C J Thomas Road and Ridge Road feed all of these developments. There's a lot of fine print to try to get more units. Mr. Tarleton stated that it's not that many more units. They can go in with 72 units and add kids to the school and a burden on the state. Joey Gamble stated that they are trying to do something to maintain the community. They are in business to make money; certainly, as I'm sure you're in business to do the same. All of us do.

There being no other discussion, Mayor Simpson declared the public hearing adjourned.

Respectfully submitted,

Approved as to form:

Sonya W. Gaddy
Clerk

R. Kenneth Helms, Jr., Town Attorney