

**TOWN OF UNIONVILLE
MINUTES OF PUBLIC HEARING**

The April 20, 2009 public hearing to hear comments regarding Text Amendment ZC-09-02 to revise the definition of a minor subdivision and to include a time period provision for an approved major subdivision was held at 7:30 p.m. in Town Hall, 1102 Unionville Church Road, Monroe, NC. Mayor Simpson and all Commissioners were present. Town Attorney Ken Helms was also present.

Mayor Simpson called the public hearing to order, and recognized Land Use Administrator Jana Finn.

Mrs. Finn stated that staff and the Town had taken the initiative to look at two things in the Land Use Ordinance—1) to modify the definition of a minor subdivision, found in Section 15 of the Land Use Ordinance, and 2) to add two new sections to the Land Use Ordinance regarding time frame for final plat submittal after approval of a major development plan. These two issues have been discussed by Planning Board for the past 2 – 3 months. Currently, staff has the authority to approve minor subdivisions if all requirements of the Land Use Ordinance are met. She found that some subdivisions came in over five lots, and she feels that at a certain point, the Town needs to see if the intent of the minor subdivision is being met, and perhaps the Town should have more interaction with the developer, looking at things like internal access and other conditions that could go through the subdivision process that may be reviewed by the Town rather than at the staff level. In your packet, on the last page, stated “proposed text changes”, the language that is confusing is “any subdivision that does not result in the creation of more than five lots out of a single tract since February 14, 1978, as well as any subdivision (regardless of the number of lots) with respect to which this Ordinance does not require the construction of new streets, roads, public water or sewer facilities, sidewalks or similar facilities.” That is the current definition. As you can tell, when a couple people try to interpret this definition, it is quite confusing because it starts off saying, “does not result in more than five lots”, but it contradicts itself by saying later, “regardless of the number of lots”. At this time, staff has to approve a minor subdivision with more than five lots because of the way the definition is worded. It’s her opinion, as staff, that the major intent of that definition is really trying to contain how many lots would be approved, and more than five would go to a major subdivision process. The proposed text more clearly defines a minor subdivision is defined as a subdivision where:

- A. No public streets are proposed or necessary
- B. No rights of way are dedicated
- C. The parcel of land is not within an existing major subdivision or part thereof
- D. Five or fewer lots are created after subdivision is created
- E. No public water or sewer systems are proposed

The second part of the proposed text amendment was initiated by the Planning Board—adding a time frame for when a major development plan or preliminary subdivision plan is approved versus when the final plat is submitted for approval, as there have been some situations where some preliminary plans have been approved and a lot of time has gone by with no activity on the property. Planning Board’s intent was to make sure no new ordinances have been changed, and to go through that process the developer needs to be ready to move forward to getting to the final plat submittal stage. The Planning Board recommends language requiring that within twelve months of the approval of the major development plan the applicant would submit a final plat showing commencement of the subdivision. The second part of this is a new Section 85, which would allow an applicant to receive an extension from Planning Board for 6 months for the major development plan before it would expire.

In the staff report, she has included other municipalities’ timeframes for similar situations for your review. Planning Board recommends approval of this text amendment with a 7-0 vote.

There being no one else wishing to speak, Mayor Simpson declared the Public Hearing adjourned.

Respectfully submitted,

Sonya W. Gaddy
Clerk

Approved as to form:

R. Kenneth Helms, Jr., Town Attorney