



# Town of Fairview

## PLANNING AND ZONING BOARD

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### Agenda

March 20, 2018 @ 6:30 p.m.

**Meeting will be in the Council Meeting Room**

1. Roll Call and Determination of Quorum
2. Public Comments:
3. Report on Council actions: ---*Ed Humphries*
4. Business:
  - a. Review Major Development Permit #MDP 18-003 request to develop a subdivision, Victoria Estates, located on West Duncan Road
5. Approval of Previous Minutes:
  - a. January 16, 2018---Regular meeting
6. Public Comments:
7. Adjourn

**Town of Fairview  
Staff Report for:  
Planning Board**

DATE: Jan. 16 2018

<b>CASE #: MDP 18-003</b>	<b>Victoria Estates</b>
<b>Applicant(s):</b>	Joe Collins (Agent for Dr. Daljit Buttar) 1101 Lester Mullis Road Indian Trail NC 28079
<b>Property Owner(s):</b>	Dr. Daljit Buttar 4201 Lake Boone Trail #100 Raleigh NC 27607
<b>Requested Action:</b>	To subdivide a 51.244 ac tract parcel # 08250002 into 14 residential lots on West Duncan Road
<b>Existing Zoning:</b>	RA-40
<b>Requested Zoning:</b>	Major Subdivision permit to build 14 residential homes
<b>Location:</b>	West Duncan Road
<b>Property Size:</b>	51.244 acres
<b>Tax Parcel(s):</b>	Parcel # 08250002
<b>Purpose/Narrative:</b>	To subdivide a 51.244 acre tract parcel # 08250002 into 14 residential lots on West Duncan Road. Lots range in size from 2.9 ac to 4.5 ac. Each lot will have access to West Duncan Road (NCDOT maintained) therefore no subdivision roads are required. No street lights are planned. The plan has been reviewed by NCDOT and they have provided comments to the developer about driveway permits. There will be no lots that cross Gross Creek. County water will be provided.
<b>Surrounding Area Zoning:</b>	Residential, Farming and near Charlotte National Golf Club
<b>Existing Conditions:</b>	Wooded
<b>Land Use Plan Recommendation:</b>	RA-40 Residential Meets current Future Land Use Plan dated March 12, 2018
<b>Compliance with Zoning Ordinance:</b>	Complies with present Zoning Ordinance RA-40 Residential
<b>Conditional Use Permit Conditions:</b>	Requires Major Development Permit -- 14 lots per ordinance reviewed by the planning and approved by the Fairview Council. The conditions are as follows: <ol style="list-style-type: none"> <li>1. Single family dwellings shall be stick built upon these lots with a minimum of 1800 sq. ft. with an attached 2 car garage.</li> <li>2. All lots will be serviced by private septic systems already approved by Union County Environmental Health Department.</li> <li>3. Water from Union County Public Works will be</li> </ol>



	<p>provided to all 14 lots.</p> <ol style="list-style-type: none"> <li>4. Lots will not be able to be subdivided again once this plan is accepted by the Town of Fairview.</li> <li>5. Each lot will be serviced by an individual driveway per NCDOT.</li> <li>6. Septic areas for lots 9, 13, and 14 will be included as part of the total lot area for those perspective lots. These areas are for the sole purpose and placement of a septic system. No structure shall be built upon these areas.</li> <li>7. No on site detention or drainage plan is required because existing road is being used and each individual lot will be graded and cleared by the individual lot owner.</li> <li>8. Remaining acreage of this parcel being approximately 47 acres +/- will not be included in this subdivision.</li> <li>9. All lots meet or exceed the minimum standards for subdividing lots in the Town of Fairview.</li> <li>10. No C/O will be issued in the subdivision until the dwelling has connected to water supplied by Union County Utilities.</li> </ol>
<b>Staff Recommendation on Application:</b>	<p>As you know, water and sewer development is mainly extended by development. It is the opinion of the Land Use administrator that the developer needs to provides water to the home sites planned rather than using wells. The developer now plans to provide County water to each lot. The Developer has stated the Union County water is available approx. 1,000 feet away at Howey Bottoms and West Duncan Road.</p> <p>Union County has had problems with arsenic in wells and of course it is a problem in Fairview. Providing county water will help with that problem.</p> <p>In addition, when water was provided, additional fire protection would be provided with fire hydrants.</p> <p>As a condition, The developer states that no C/O on any home built in the development will be issued until water is provided to the home and approved by the County</p> <p>With these new developments to the plan, staff would recommend the plan and have planning board send to the Council for approval</p>

# Town of Fairview

7400 Concord Highway  
Monroe NC 28110

# MDP-18-003

## MAJOR DEVELOPMENT PERMIT APPLICATION

Name of Development: VICTORIA ESTATES	Date of Submission: JAN 4 2018	Check if Conditional Use Permit is associated with this application: <u>NO</u>
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### Applicant Information

Contact Name: Joe Collins
Contact Phone/Fax: 704 641 5898 Email: jcollins@collinscomp.com
Address: 1101 Lester Mullis Road, Indian Trail, NC 28079
Engineer/Surveyor: Ben Flowe and Son (Gregg Flowe)
Phone: 704 309 6130

### Owner Information

If different from applicant, specify legal relationship of the applicant to the owner that entitles the applicant to make application and provide contact info below:

Contact Name: Dr. Daljit Buttar
Address: 4201 Lake Boone Trail, #100, Raleigh, NC 27607
Contact Phone/Fax: 919 863 0256

### Provide summary statement of the development proposed:

TO SUBDIVIDE 99± AC PARCEL # 082580002 INTO 16  
RESIDENTIAL LOTS RA-40

### Property Information

Property Location: West Duncan Road, Indian Trail, NC 28079	
Tax Parcel Number: 082580002	
Existing Zoning: RA40	Proposed Zoning: RA40
Existing Use: Residential	Proposed Use: Residential
Existing Buildings Floor area:	Proposed Buildings Floor area:
Property Size (square feet) 99.86 acres	

Fee amounts: (per Land Use Administrator)

Attached? Yes \_\_\_ No \_\_\_

Checklist Completed and attached? Yes \_\_\_ No \_\_\_

I, the undersigned owner or authorized representative, hereby submit this application with the attached information and understand that any engineering review fees incurred by the Town will be paid by me. The information and documents provided are complete and accurate to the best of my knowledge.

*[Signature]*



11/15/2017  
04:51 PM EST

SIGNATURE OF OWNER OR AUTHORIZED REPRESENTATIVE

DATE

### BELOW TO BE COMPLETED BY TOWN OF FAIRVIEW

CK # 3329 \$150

It is anticipated that this plat will be reviewed by (date):

Anticipated Planning Board Date: JAN 16 2018

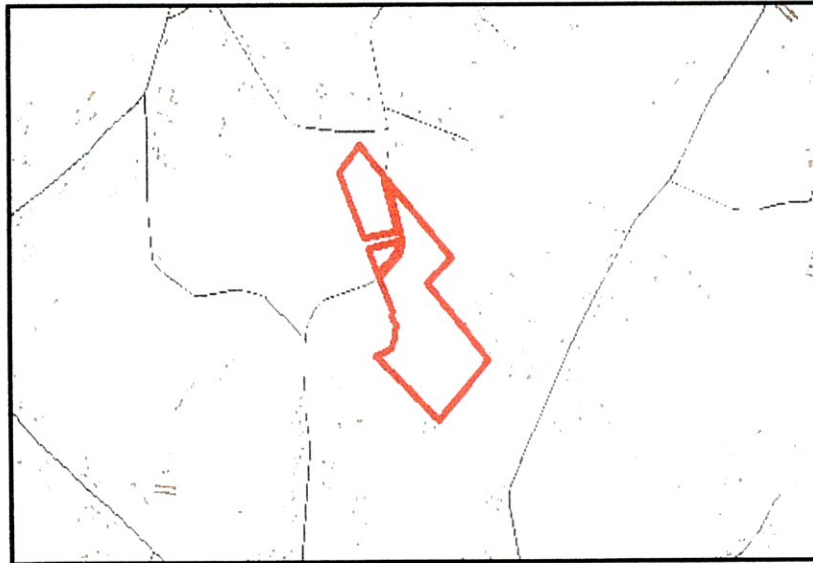
This Permit is | approved / denied | by Town Council on (date):

Signature of Authorized Town Official:



**Parcel Number**

08258002

**Owner**BUTTAR  
DALJIT**Mailing Address**4201 LAKE BOONE TR SUITE 100  
RALEIGH  
NC, 27607**Account Information**

Land Value	\$716,100.00	Subdivision	
Building Value	\$0.00	Description	W DUNCAN RD
Total Value	\$716,100.00	Situs Address	W DUNCAN RD
Acreage	99.8600	Property Class	RESIDENTIAL - SINGLE FAMILY

**Sales Information**

Sale Date	Sale Amount	Book & Page	Grantor
01/27/2014	\$0.00	6170 448	ASPIRE INVESTMENTS INC
05/24/2010	\$550,000.00	5335 182	DHALIWAL SAJJAN S & WIFE KULDEEP K
12/29/2005	\$849,000.00	4027 304	BRASWELL CHARLES MARION

**Location Information**

Municipal Administration	Fairview	School	<a href="#">School Assignment Information</a>
County Zoning Code	CITY	Census Tract Number	202.04
Zoning Administration	Fairview	FEMA Panel	5520,5530
ETJ		FEMA Zone	AE,0.2% Annual Chance,AE-FW
Fire District	Fairview	Soils	GoE,CmB,ChA,ScA,BaC,BaB

**Building Information - [View Real Property Site](#)**

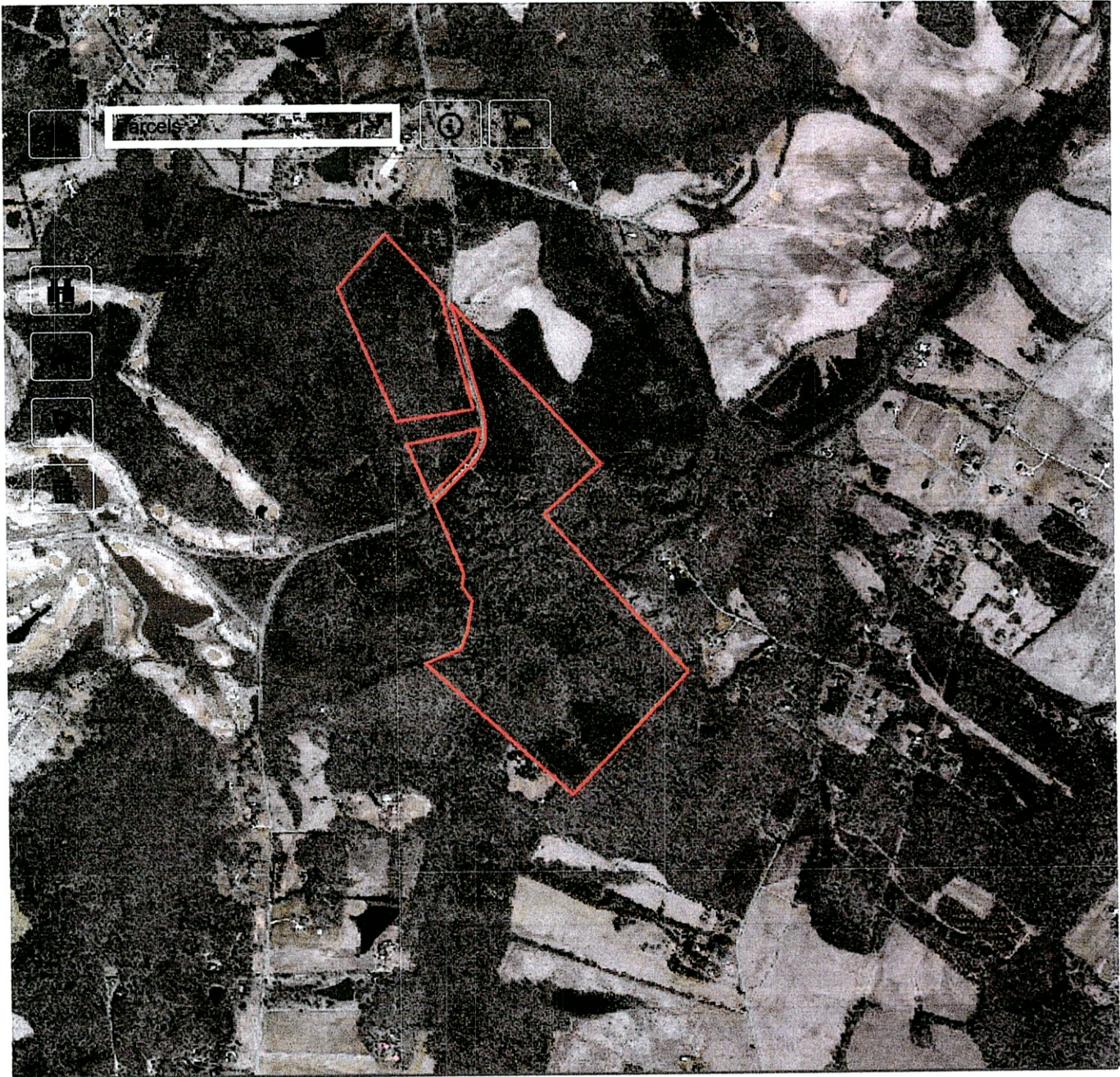
Total Living Area	Type of Building
Year Build	Improvement Type

**District Voting Assignments (Jurisdictions)**

Polling Place	Bethlehem Presbyterian Church	School District	4	Congressional District	8
Precinct District	#12	State House	55	Senate District	36

5



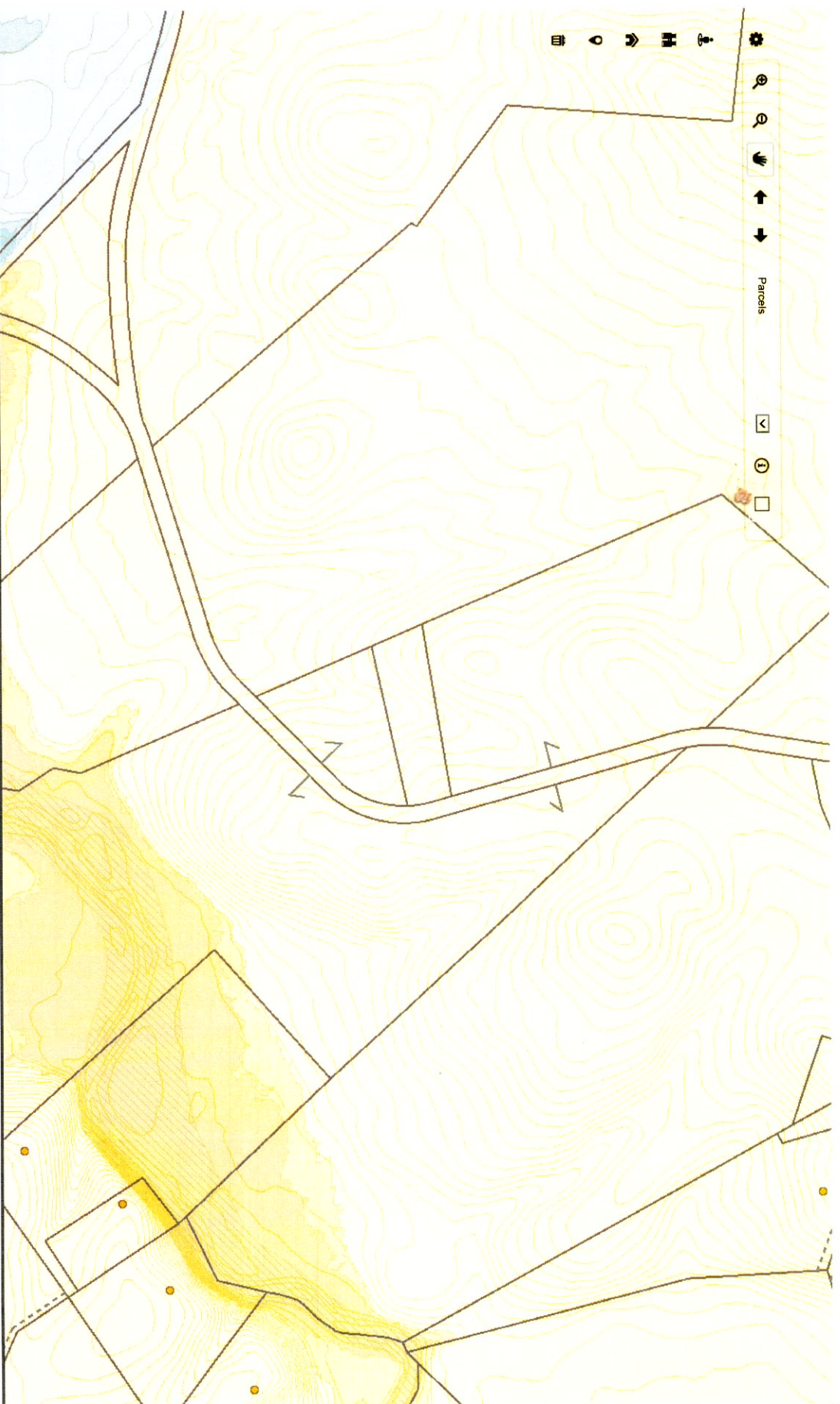


1 Results 0.2mi 0.4km



6





7

100m  
300ft  
35.133, -80.569





# Town of Fairview

## MAJOR DEVELOPMENT PERMIT CHECKLIST

Please complete the following MAJOR DEVELOPMENT PERMIT CHECKLIST developed from Appendix A of the Town of Fairview Land Use Ordinance.

*If the item is included in the development site plan, check the space provided. If the item is not applicable or not included, please write N/A in the space provided and make any explanation in the comments area following each section.*

### Graphic Materials Required for Plans

- X 1. Name of development
- X 2. Title block containing the subdivision name and the name of the owner
- X 3. The name, address and phone # of the subdivider/preparer of plat
- X 4. The names, addresses and telephone number of all owners, mortgages, registered land surveyors, developers, land planners, architects, landscape architects, and professional engineers responsible for the subdivision.
- X 5. Location (including address, township, county and state)
- X 6. Date or dates survey was conducted and plat prepared
- X 7. A scale drawing in feet per inch listed in words and figures (drawing shall not be at a scale less than 1" equals 200')
- X 8. A sketch vicinity map with north arrow showing the relationship between the proposed subdivision and surrounding area at a scale of 1" = 2000'
- X 9. A Bar graph scale
- X 10. North Arrow and orientation (North arrow shall be oriented to the top of the plat where applicable)

### Comments/Explanation for items not checked in section above:

### Existing Natural, Man-Made and Legal Features

- x 1. Tree line of wooded areas. *Whole site is wooded*
- n/a 2. Individual tree eighteen inches in diameter or more identified by common or scientific name. *To many to locate*
- n/a 3. Orchards or other agricultural groves by common or scientific name.
- x 4. Streams, ponds, drainage ditches, swamps, boundaries of floodways and floodplains. *As shown on plat*
- n/a 5. (If the proposed development is a subdivision or mobile home park of more than fifty lots or if more than five acres of land are to be developed), base flood elevation data (See Article XVI, Part I).
- n/a 6. Contour lines (shown as dotted lines) with no larger than five foot contour intervals. (As indicated in Subsection A-6 (2t), proposed contour lines shall be shown as solid lines.) *Lots are graded on an individual basis, no grading Plan needed*
- n/a 7. Vehicle accommodation areas (including parking areas, loading areas and circulation areas, see Section 290), all designated by surface material and showing the layout of existing parking spaces and direction of travel lanes, aisles, or driveways.
- n/a 8. Streets, private roads, sidewalks, and other walkways, all designated by surface material. *Exisitng State Road used*
- n/a 9. Curbs and gutters, curb inlets and curb cuts, and drainage grates.
- n/a 10. Other storm water or drainage facilities, including manholes, pipes, and drainage ditches.
- x 11. Underground utility lines, including water, sewer, electric power, telephone, gas, cable television. *Private Septic and County Water to be used*

### Town of Fairview - Major Development Permit Checklist

- n/a 12. Above ground utility lines and other utility facilities.
- x 13. Fire hydrants. *To be installed if required when water is installed*
- n/a 14. Buildings, structures and signs (including dimensions of each). *No improvements on property*
- n/a 15. Location of exterior light fixtures.
- n/a 16. Location of dumpsters.
- x 17. The zoning of the property, including zoning district lines where applicable. *As shown on Plat*
- x 18. Property lines (with dimensions identified). *As shown on Plat*
- x 19. Street right-of-way lines. *As shown on Plat*
- x 20. Utility or other easement lines. *Septic Access Easements as shown on Plat*

#### Comments/Explanation for items not checked in section above:

*Existing N.C.D.O.T. Road (West Duncan Road) to be used, Private Septic systems are approved by the Union County Environmental Health Dept., water will be supplied by Union County Public Water*

#### Proposed Changes in Existing Features or New Features

- x 1. The number of square feet in every lot created by a new subdivision.
- x 2. Lot dimensions, including lot widths measured in accordance with Section 183.
- n/a 3. The location and dimensions of all buildings and freestanding signs on the lot, as well as the distances all buildings and freestanding signs are set back from property lines, streets or street right-of-way lines (see Section 184).
- n/a 4. Principal side(s) building elevations for typical units of new buildings or exterior remodeling of existing buildings, showing building heights (see Section 186) and proposed wall sign or window sign area;
- n/a 5. Elevation in relation to mean sea level of the proposed lowest floor (including basement) of all structures.
- n/a 6. Elevation in relation to means sea level to which any non-residential structure will be flood-proofed.
- n/a 7. Description of the extent to which any watercourse will be altered or relocated as a result of the proposed development.
- n/a 8. The location and dimensions of all recreational areas provided, with each area designated as to type of use;
- n/a 9. Areas intended to remain as open space or designated buffer areas (Section 265.)
- n/a 10. Streets, labeled by classification (see Section 210) and street name showing whether curb and gutter or shoulders and swales are to be provided and indicating street paving widths. Private roads in subdivisions shall also be shown and clearly labeled as such.
- n/a 11. Curbs and gutters, curb inlets and curb cuts, drainage grates, and other storm water or drainage facilities, including manholes, pipes, drainage ditches, retention ponds, etc.
- n/a 12. Sidewalks and walkways, showing widths and surface material.
- n/a 13. Bridges.
- n/a 14. Outdoor illumination with lighting fixtures sufficiently identified to demonstrate compliance with Section 242.
- n/a 15. Underground utility lines, including water, sewer, electric power, telephone, gas, cable television. Water and sewer pipeline signs shall be labeled.
- n/a 16. Aboveground utility lines and other facilities.
- n/a 17. Fire hydrants. *None*
- n/a 18. Dumpsters.
- n/a 19. New contour lines resulting from earth movement (shown as solid lines) with no larger than five foot contour intervals (existing lines should be shown as dotted lines).
- n/a 20. Scale drawings of all signs requiring permits pursuant to Article XVII, together with an indication of the location and dimensions of all such signs.
- n/a 21. Vehicle accommodation areas (including parking areas, loading areas, and circulation areas, see Section 290), all designated by surface material and showing the dimensions and layout of proposed parking spaces and the dimensions and direction of travel of lanes, aisles, and driveways.



**Town of Fairview - Major Development Permit Checklist**

- n/a 22. Proposed plantings or construction of other devices to comply with the screening requirements of Article XIX, Part I, as well as proposed plantings of trees to comply with the shading requirements of Article XIX, Part II. Plans shall label shrubbery by common or scientific name, show the distance between plants and indicate the height at the time of planting and expected mature height and width. Plans shall label trees by common or scientific name, show the circles of the mature crowns (major trees shall be drawn at diameter = 30'; dwarf or decorative trees shall be drawn at their actual mature crown), and indicate the height at the time of planting.

**Comments/Explanation for items not checked in section above:****Documents and Written Information in Addition to Plans**

- x 1. Documentation confirming that the applicant has a legally sufficient interest in the property proposed for development to use it in the manner requested, or is the duly appointed agent of such a person.
- x 2. Certifications from the appropriate agencies that proposed utility systems are or will be adequate to handle the proposed development, as set forth in Article XV, and that all necessary easements have been provided.
- n/a 3. For proposed non-residential flood proofed structures, or for enclosed areas below the lowest floor that are subject to flooding, certification from a registered professional engineer or architect that the proposed structure meets the criteria in Article XVI, Section 254(d), (f).
- n/a 4. Certification and supporting technical data from a registered professional engineer demonstrating that any proposed use within a floodway if permitted under Article XVI, Section 253, shall not result in any increase in flood levels during occurrence of the base flood discharge.
- n/a 5. Legal documentation establishing homeowners associations or other legal entities responsible for control over required common areas and facilities.
- n/a 6. Bonds, letters of credit, or other surety devices.
- n/a 7. Stamped envelopes containing the names and addresses of all those to whom notice of a public hearing must be sent to comply with Section 22, 102, or 323.
- n/a 8. Complete documentation justifying any requested deviation from specific requirements established by this ordinance as presumptively satisfying design standards.
- n/a 9. Written evidence of permission to use satellite-parking spaces under the control of a person other than the developer when such spaces are allowed pursuant to Section 298.
- n/a 10. Written evidence of good faith efforts to acquire satellite parking under the circumstances set forth in Section 299.
- n/a 11. Verification that Manufactured Goods, Class 1 and 2 uses will meet the supplementary standards set forth in Article XI. Such verification shall be made by a licensed engineer or other qualified expert unless it is utterly apparent from the nature of the proposed development that such expert verification is unnecessary.
- n/a 12. Time schedules for the completion of phases in staged development, as required by Section 61.
- n/a 13. The environmental impact of a development, including its effect on historically significant or ecologically fragile or important areas.
- n/a 14. The traffic of a development, including its effect on pedestrian or vehicular traffic or congestion.

**Comments/Explanation for items not checked in section above:**

# VICTORIA ESTATES

## Conditions:

1. Single Family Dwellings shall be stick built upon these Lots with a minimum of 1800 sq.ft. with an attached 2 car garage.
2. All lots will be serviced by Private septic systems already approved by Union County Environmental Health Department.
3. Water from Union County Public Works will be provided to all 14 Lots.
4. Lots will not be able to be subdivided again once this Plan is accepted by The Town of Fairview.
5. Each Lot will be serviced by an individual driveway per N.C.D.O.T..
6. Septic Areas for Lots 9, 13 & 14 will be included as part of the Total Lot area for those perspective Lots. These areas are for the sole purpose the placement of a septic system. No structure shall be built upon these areas.
7. No on site detention or drainage plan is required because existing Road is being used and each individual lot will be graded and cleared by the individual Lot owner.
8. Remaining Acreage of this Parcel being approximately 47 Acres +/- will not be included in this Subdivision.
9. All Lots meet or exceed the minimum standards for subdividing Lots in the Town of Fairview.
10. No C/O will be issued in the Subdivision until the dwelling has connected to water supplied by Union County Utilities





**Town of Fairview  
Planning Board Meeting  
January 16, 2018**

The following Planning Board members were present: John Crowell, Doug Buchanan, Tony Helms, Mike Medlin, Greg Morgan, Rick Pigg, Nancy Randall and Sara Furr

Others present: Ed Humphries, Land Use Administrator / Deputy Clerk, Teresa Gregorius, Town Clerk

**Public Comments**

None

**Items of Business**

A. Appoint Planning Board Chairman and Vice Chairman

Vice Chairman Crowell opened the floor for nominations for Chairman. Patricia Kindley nominated Nancy Randall. Doug Buchanan seconded the nomination. Nominations were closed. Board members Crowell, Buchanan, Helms, Medlin, Morgan, Pigg and Randall voted yes (7-0).

Vice Chairman Crowell opened the floor for nominations for Vice Chairman. Patricia Kindley nominated Tony Helms. Doug Buchanan seconded the nomination. Nominations were closed. Board members Crowell, Buchanan, Helms, Medlin, Morgan, Pigg and Randall voted yes (7-0).

B. Review Major Development Permit Application for Victoria Estates

Ed Humphries gave a brief overview of Major Development Permit #MDP-18-003 for Parcel #08258002 located off West Duncan Road. Per the staff report provided to the Board:

- Victoria Estates will consist of 16 residential lots
- Each lot will have access to West Duncan Road (NCDOT maintained road) and therefore no subdivision roads are required. The plan has been reviewed by NCDOT
- No county water will be provided, each lot will have its own water and septic
- No street lights are planned
- Two lots (#15 and #16) that are next to Goose Creek will comply with all NC DER requirements in respect to the buffer and crossing the creek

- No homeowner association

Mr. Humphries stated that in his opinion it is to the community's advantage to require the developer to provide county water. County water is accessible within 1000 feet of the proposed subdivision and requiring the developer to provide county water would alleviate the problems with arsenic in wells as well as provide additional fire protection with fire hydrants.

Mr. Humphries introduced Joe Collins, Agent for the property owner, to give his presentation and take questions regarding the application. Mr. Collins noted that there would be no homeowner association but restrictive covenants would be listed on the deeds. The restrictive covenants have not been finalized but would include the following: homes would be at least 1800 square feet, no junk cars, property must be well kept, no rubbish piles.

The Board voiced their concerns regarding the following:

- Two flag lots
- Sewer system/septic fields
  - Several septic fields on one lot
  - Access to septic fields
  - Town of Fairview ending up being the moderator between landowners' yards down the road because of the way septic fields are placed.
- No county water being provided when county water is accessible approximately 1000 feet away from property

The Board expressed to Mr. Collins that the plan presented looked like it had been thrown together with very little thought.

Nancy Randall made a motion to recommend to the Council to not approve Permit #MDP 18-003. Patricia Kindley seconded the motion. Members Buchanan, Crowell, Helms, Kindley, Medlin, Pigg, and Randall voted yes (7-0).

#### C. Minutes

Patricia Kindley made a motion to approve the November 21, 2017 minutes. Greg Morgan seconded the motion. Members Buchanan, Crowell, Helms, Kindley, Medlin, Pigg, and Randall voted yes (7-0).

John Crowell adjourned the meeting.

Respectfully submitted,

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Teresa Gregorius  
Town Clerk

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John Crowell  
Vice Chairman

Approved this \_\_\_\_\_ day of \_\_\_\_\_, 2018