**TOWN OF MOUNT GILEAD**

**PLANNING BOARD**

**AGENDA**

**110 West Allenton Street, Mount Gilead, North Carolina, 27306**

**September 26, 2024**

The Mount Gilead Planning Board met Thursday, September 26, 2024 at 5:30 p.m. at Mount Gilead Library, 119 West Allenton Street, Mount Gilead, North Carolina. Present were Jessica Ingram, Jim Sharpe, Mitchell Lucas, Sam Everhart, Lynn Smith, Michael Harvey, and Michael Burroughs and Planning board Secretary Allena Ingram. Absent were Devon Little, Edwina Little, and Dylan Haman.

Mitchell Lucas called the meeting to order at 5:34 pm.

ITEM I. ADOPTION OF AGENDA

Lynn Smith made a motion to adopt the agenda with a second from Sam Everhart. Motion carried unanimously.

ITEM II. APPROVAL OF MINUTES

Jim Sharpe made a motion to approve the August 29, 2024, Meeting Minutes with a second with Sam Everhart. Motion carried unanimously.

ITEM III. PUBLIC COMMENT - No one present for public comments.

ITEM IV. OLD BUSINESS – No Old Business

ITEM VI. NEW BUSINESS

1. Design Standards – Streets

Jessica Ingram started off by asking Michael Burroughs if he had a copy or can provide us a copy with what the county’s already approved. Michael responded that he can. He brought the rezoning and special use permit for the cluster subdivision and what the county did for that. He explained what the county agreed to was they are going to have a commercial up front. Meaning things like fast med, local restaurant, grocery store, etc. Something that’s unique in the area. Mitchell Lucas asked Michael if they know if that comes at the midway or at the end or will that becomes the process of the houses that are being developed? Michael Burroughs explained that they haven’t stated if the commercial and the residential are going to be built at the same time. What we are going to see with the residential is you’re going to see them phased in and phases, houses first and then commercial second. Michael Harvey stated with his experience with projects like this, you’re going to have about three quarters of the houses that’s build out before you see some of the commercial come online just because you need local population to support it.

Mitchell Lucas asked will a certain part of that go ahead and be open with families being able to move in. Michael Burroughs responded that what you will see are phase pop up. So certain amount of houses there and it’s basically like True homes. Michael Harvey then explained that you may have phase one that has a 100 houses and as phase one is built out, they would go on to phase two, let assume that 75, just for purposes of the conversation. As phase one is being sold, they could be doing infrastructure build out and development of housing for phase two. As phase one is sold and as phase two starts coming online, if phase two is not being sold as quickly as anticipated, they may hold off on phase three. Because obviously there’s not as much incentive for them to initiate construction of phase three or if there’s a need to do infrastructure utility improvement to accommodate phase three; they may have to hold off while there’s a water or sewer allocation. Some of this is going to be covered by the utility agreement between Leonard and the Town of Mt. Gilead. Mitchell Lucas asked was there an agreement for a certain amount of houses that will be built out there. If I say 1200 and I did 800. Can the developers stop with 800? Or does he have to try to quit and continue that? Michael Harvey explain that the utility agreement is a max buildout, where the town agrees to provide services for a maximum number of housing. For example, the developer comes back and says we’re not going to do 1200 roll, only 800. There is the utility agreement claw back, meaning that the town then has the opportunity to take the remaining 400 unit allocation back and it can be allocation to support a different project. Doesn’t mean that 400 lives in perpetuity with that project, there always claw back provisions to address your concern. There would have to be an acknowledgment from the developer that they’re not going to move forward with that 400 unit. There would also have to be some specificity in the permit that the town is going to be reviewing in order for that to occur.

Remember that this was reviewed under the county’s program relying on the Town of Mt. Gilead providing potentially and service under the utility agreement. As it’s going to be reviewed under the Town of Mt. Gilead finding program, there will be more specificity in the CZ process on utilities and potentially with the phasing plan. We do have the ability under the Towns program to be more specific in the CZ process and the county had the legal ability to do, because they did have regulatory the authority under the utilities. There’s going to be two facets of building separation. Those are State Building Code Requirements and Local Zoning Requirements. Michael Burroughs explained to the Planning Board that setback measurement depends on the lot. A 30 foot and the front measure setbacks would have 5 on the sides and 30 on the rear. That’ll be the separation for that and typically what you’re going to see in a cluster subdivision. The State building code setbacks, you start getting into fire and the building code, but that typically applies to accessory structures. Then you have your road sizes far apparatus access roads. The side setback would extend from five feet to ten feet, but that will be the setback requirements. You’re going to have a mandatory ten foot separation between structures. A five foot separation from property line to property line. So you’ll have a ten foot separation, but state building code is going to tell you that there’s also going to be requirements in order to meet that separation. It’s going to be material limitations. That’s where stability cut comes out. Montgomery County is still reviewing the construction plans.

The fire marshal that Montgomery county use is a part time fire marshal and he is out of Moore County. Exempt from the fire code as far as going in are single family and town homes. The building inspectors are going to check the fire alarms that are in the residential units. So the fire marshal is going to be checking the commercial and the boat RB storage pertaining to that. Fire marshals are also going to be checking your roads and the development for compliance with the state fire code for fire apparatus access. There will be some form of homeowners association on this project given the science length and breadth. Michael Harvey stated that if it’s all private streets, there won’t be any town maintenance. Meaning that the town won’t have any maintenances responsibility. Mitchell Lucas asked no assistance living or anything out there? Michael Burroughs replied back that it would be an older community wouldn’t be a specific assistance.

1. Comprehensive Plan Amendment – The Retreat at Lake Tillery

Michael Harvey started this topic off by saying part of this process that we are going to be engaged in is assigning a land use category to the parcels making up this process. Recommending assigning a land use category based on proximity to existing. Land use categories in this area that Michael believe is a reasonable assignment based on our current future land use map, and our current definition framework construction for comprehensive plan. Lynn Smith asked Michael why didn’t the town actually annex more of the land down Lilly’s Bridge Road? Michael answered that this was property specific and was a volunteer annexation request. The voluntary annexation was only a number of parcels. It was only the voluntary annexation quest for these three process because they were requesting utility.

Remember that involuntary annexation are just no longer viable under North Carolina general statue. Used to be that involuntary annexation were there to address the provision of water, sewers, in areas where you were trying to fill what we used to call donna hole. The state laws now changed as it relates to whether or not there’s a local municipality can compel you to tie into a water and sewer system. Doesn’t mean other parcels along the roadway can’t come into the town and request voluntary annexation presuming there is viability in the utility service system to provide. But it will have to be handled on a case by case basis.

Michael Harvey asked the Planning Board based on the town’s current commitment to the utility extension agreement, and the local bill that has effectively annexed the property of the town, which becomes effect of June of next year. You are recommending the extension consistent of staff’s recommendation of the land use category for the adopted comprehensive land use plan. That it is reasonable and consistent with the comprehensive plan based on the definition of the neighborhood make land use and it is reasonable within the current confines of the stated goals and purposes of the land use category.

Jim Sharpe made the motion to do everything that Michael Harvey just said with a second from Lynn Smith. Jessica Ingram said she had no discussion or disagreements for we have already discussed it. The motion was voted and carried.

Michael Harvey mentioned to the Planning Board that step 2 will be to take this to the town board and have them to make the final determination. Steps 3 and 4 we’re going to be working with Michael Burroughs, and his staff, and other county officials on the review of the construction documents that are already in, just so they are not losing momentum on review of the construction documents. They are also going to be working with Leonard for them to get a conditional zone application in. The Town Manager Dylan Haman would like to do a meeting with the local volunteer fire departments and talk to the public safety agencies to make sure everybody’s on the same page. Once a formal application is submitted they will come back to us at the appropriate time. Jim Sharpe asked Michael do we have a time line for that. Michael answered early spring; January, February for an application.

Michael Harvey asked the Planning Board what should be a break point for public versus private road? Public roads is not just what Mt. Gilead manages. It’s what could be managed by DOT, because you would have DOT managing the road. He would like the board to consider and give him feedback. Number one was we have establish mandatory 50 feet right of way for all roadways. That’s not width of the road. That’s just the mandatory width of the right of way. The DOT has a variable width right of way that in certain circumstances you could be as low as 45 feet in width and as high as 60. Most of the right of ways in our jurisdiction are 50 foot in width. You would want to establish a mandatory minimum right of way. If you do allow private roads and you’re going to follow a mandatory 50 foot minimum, and if that road has to go public then the right of way is there. You don’t have to require somebody to go out and try to secure additional right of way to upgrade that roadway to become a public road.

Michael recommended that our break point for private, meaning privately maintained to five. Five lots is what you can do on a private road. Five lots, simple family subdivision. It would be a private road, privately maintained. Anything over five, six lots and up has to be designed for a public road standard for DOT. Either DOT will be over maintenance or Mount Gilead. He also asked the board about sidewalks. Did they want them on both sides of the road or just one side? The board agreed to one side. Michael then went on to say that most developments nowadays are going to have a private mailbox kiosks and that he will have design standards for the board members.

Michael mentioned to the board that laying out a subdivision, you’re laying out those lots based on the general zoning designation for that property. If you’re required to have a twenty thousand square foot lot minimum size, then those lots have to be at a minimum. Now once you get to that number five, and you start subdividing more, then that road is going to have to be improved to meet a public road standard.

The Planning Board mentioned that they are comfortable with Michael Harvey writing up a five lot private subdivision or private road with a 50 foot minimum right of way. If it’s a public road it has to be done to the DOT and fire code standard.

ITEM VII. ADJOURNMENT

With no further business Jessica Ingram made a motion to adjourn the meeting with a second from Jim Sharpe. Motion was carried unanimously. Meeting adjourned at 6:18 p.m.

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Mitchell Lucas, Vice-Chairman Allena Ingram, Planning Board Secretary