

BURNSVILLE PLANNING BOARD
Special Meeting - Monday, February 28, 2022, 5:30pm
Burnsville Town Center

The Burnsville Planning Board met on February 28, 2022 for a Special meeting at the Burnsville Town Center. Paul Bradley presided, with members Jerri Storie, Robert Byrd, Jeanne Martin, and Martin Stankus present. Also in attendance were Zoning Administrator Brian Buchanan, Town Clerk Chad Fox, and Town Center Manager Corbin Cooper, and Danny McIntosh. Chair Paul Bradley called the meeting to order at 5:40pm and stated that the purpose of the meeting was to consider a revision to the text of the Burnsville Subdivision Ordinance Draft.

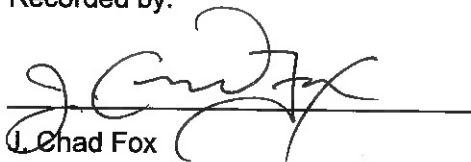
Zoning Administrator Brian Buchanan gave background on discussions with local developers and the proposed text revision under the *Storm Water Management* section of *5.4 Required Subdivision Improvements on the Ground*. The revised text was previously provided to the Planning Board and attached to these minutes.

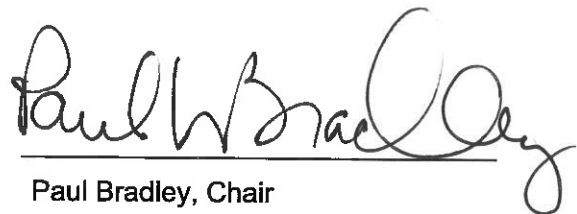
The board discussed the new language and expressed a need for more clarification on how the 25% should be interpreted. Martin Stankus said that more in-depth steep slope regulations should be considered at a later time. The board was in a general agreement to revisit steep slope regulations in the near future.

Mr. Stankus made a motion to recommend the amendment to section 5.4(4)(f) of the proposed Subdivision Ordinance with a comment to consider clarification to the "more than 25%" requirement. Abe Byrd seconded the motion, all were in agreement.

With no further business, Jerri Storie moved to adjourn the meeting. Jeanne Martin seconded the motion, meeting adjourned at 5:57pm.

Recorded by:


Chad Fox


Paul Bradley, Chair

BURNSVILLE PLANNING BOARD RECOMMENDATION
SUBDIVISION ORDINANCE FOR THE TOWN OF BURNSVILLE

WHEREAS, on December 2, 2021 the Burnsville Town Council referred to the Burnsville Planning Board a proposed Subdivision Ordinance to replace the Town's current Subdivision Ordinance which was adopted in 1969; and

WHEREAS, the Zoning Administrator for the Town of Burnsville presented to the Planning Board the proposed Subdivision Ordinance for their review and comment; and

WHEREAS, as further review of section 5.4 (4)(f) "Required Subdivision Improvements on the Ground" Storm water Management, staff has recommended an amendment to this provision and the Planning Board is asked to recommend on this amendment; and

WHEREAS, upon review of the proposed amendment to section 5.4(4)(f) storm water management provision of the Subdivision Ordinance and pursuant to NCGS 160D-604 the Burnsville Planning Board shall advise, comment and make written recommendation to the Town Council regarding the adoption of the proposed text amendments and whether the proposed amendments are consistent with any comprehensive land use plan that has been adopted by the Town Council; and

WHEREAS, the Burnsville Planning Board recommends that the Burnsville Town Council approve the Subdivision Ordinance by a vote of 5 to 0.

NOW, THEREFORE, THE BURNSVILLE PLANNING BOARD HEREBY RECOMMENDS AS FOLLOWS:

1. That the amendment to section 5.4(4)(f) of the proposed Subdivision Ordinance is reasonable and in the public interest and is consistent with the goals and recommendations of the Burnsville Comprehensive Land Use Plan 2021 in that the Plan recommends an overhaul of the Burnsville Subdivision Ordinance.
2. That the Planning Board recommends that the Burnsville Town Council approve the proposed subdivision Ordinance with the following revisions to 5.4(4)(f):

(See additional pages attached)

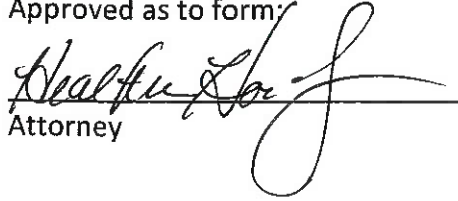
This the 28 day of February, 2022.

ATTEST:

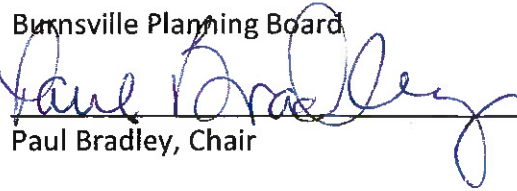


Brian Buchanan, Clerk

Approved as to form:



Attorney

Burnsville Planning Board


Paul Bradley, Chair

Consented to (yes/no):

Planning Board Members:

Jerrie Storie-	<u> y </u>
Martin Stankus-	<u> y </u>
Robert Byrd-	<u> y </u>
Paul Bradley-	<u> y </u>
Jeanne Martin-	<u> y </u>

Proposed Changes to the Subdivision Ordinance Text

After some discussions with local developers staff has proposed the following change to the text under the Storm Water Management section of required improvements to a subdivision. It was expressed to us that involving a state regulatory agency with smaller subdivisions that are not on a particular steep slope within the city would be overly burdensome and may inhibit the development potential of certain properties.

Making the changes below would still allow staff review of all proposed developments as well as NCDOT if they may have assets that would be affected but limits the required involvement of a review by NC Department of Environmental Quality to larger projects or those with significant slope which have the potential to have a greater storm water effect on surrounding properties.

Original

1. Storm water Management.

It shall be the responsibility of the sub-divider to provide a storm water management design which shall meet the following objectives:

- a. Provides a suitable building area on each lot that is safe from inundation and erosion.
- b. Protects the characteristics and capacity of natural drainage ways, and encourages reliance on natural drainage ways for the removal of runoff by preventing their impoundment, except where there may be a site for intentional storm water detention;
- c. Protects all roads, driveways, utilities, and other types of development from damage caused by improper storm water management.
- d. Generally minimizes the disturbance to natural vegetation, minimizes the area of impervious surface and maximizes the infiltration of storm water into the groundwater system.
- e. To achieve these objectives, the sub-divider may use whatever combinations of mechanical devices, natural buffers, large lots, or other technical means that are available. Drainage easements may be required when necessary. Such easements shall be indicated on the final plat.
- f. The preliminary plan prepared and sealed by a North Carolina licensed engineer shall be reviewed by NCDENR, the Department of Transportation (should the project effect State owned roadways), the Zoning Administrator and Town's Public Works Director
- g. The installation of any part of a drainage system which is necessary because of proposed improvements as set forth in this section may be installed subsequent to the approval of the Final Plat; provided that plans and specifications of said improvements shall be made a part of the Final Plat.

Revision

2. Storm water Management.

It shall be the responsibility of the sub-divider to provide a storm water management design which shall meet the following objectives:

- a. Provides a suitable building area on each lot that is safe from inundation and erosion.
- b. Protects the characteristics and capacity of natural drainage ways, and encourages reliance on natural drainage ways for the removal of runoff by preventing their impoundment, except where there may be a site for intentional storm water detention;
- c. Protects all roads, driveways, utilities, and other types of development from damage caused by improper storm water management.
- d. Generally minimizes the disturbance to natural vegetation, minimizes the area of impervious surface and maximizes the infiltration of storm water into the groundwater system.
- e. To achieve these objectives, the sub-divider may use whatever combinations of mechanical devices, natural buffers, large lots, or other technical means that are available. Drainage easements may be required when necessary. Such easements shall be indicated on the final plat.
- f. The preliminary plan prepared and sealed by a North Carolina licensed engineer shall be reviewed by the Department of Transportation (should the project effect State owned roadways), the Zoning Administrator and Town's Public Works Director. If the proposed development will disturb more than 5 acres of soil or the average slope of the portion of the property proposed for development is more than 25% the plan shall also be reviewed by the North Carolina Department of Environmental Quality.
- g. The installation of any part of a drainage system which is necessary because of proposed improvements as set forth in this section may be installed subsequent to the approval of the Final Plat; provided that plans and specifications of said improvements shall be made a part of the Final Plat.