

# Development Services Technical Advisory Committee

January 21, 2026, Meeting Minutes

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## Announcements

- Welcome to Interval LLC - John Zeanah, AICP & his teammate Laila Imihy - who have begun the Customer Service and Process Improvement Evaluation.
- Quarterly Meeting Update (in-person for all) – Robbey reported that currently projected to be summer 2026
- Expedited Program Revisited – Nan reported that the City is making refinements to the Expedited Review Program fees and process

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## Update Items

1. **CLT Water Small Group Update** (*Nick*)
    - a. CLTW department Attorney presentation (PowerPoint) is attached.
    - b. Person & process for having a Partial Finals of water system (to avoid hydrant hooding) is in the start email from CLTW
    - c. Status of Water/Wastewater Master Plan update: RFQ is out for the wastewater Master Plan but it currently only addresses capacity of conveyance and treatments systems. CLTW has not agreed to look at un-and under-served basins as part of the process.
  1. **CLT Zoning – Height Calculation Industry Alternatives** ([Link](#))
    - The City is reviewing the exhibits and discussion with the industry about how to measure attached SF. Shannon & Soloman to meet with Dave Pettine and will report back if a UDO amendment is needed and supported. Will report in Feb.
  2. **CDOT – Rideshare Loading Zones** (*Jake*)
    - No status update from Curbside Management Team on striping and signage. Will report in Feb.
  3. **CDOT – Residential Driveway Location Hardship Requirement** (*Jake*)
    - Reviewer language has changed to ‘justify’ from ‘apply to hardship’. Staff asked for examples of individual lot development application of driveway criteria to see if more discussion is warranted.
  4. **House Plan Approval System Improvements** (*Shannon*)
    - LDIRL approvals and release of holds
      - a. The change in CO language for Stormwater holds is on the list at County for their consultant. Timing for the correction to be reported in Feb.
- **Timing for Backflow Review** – Nick S agreed to talk to the Back Flow reviewers to suggest a preliminary review of horizontal configuration at the time of LDCP. Follow-up in Feb.

- **Stormwater Easements**
  - a. Subcommittee for Easement width for steep pipe installations –has not yet met.
  - b. Stormwater pipe inspection criteria for MX and non-residential projects -David Edwards reported that the City is implementing a second pre-con for start of Infrastructure. Industry requests that on MX and non-residential that the City Inspector advise with a drawing at the Infrastructure Inspection which SW pipes need to be videoed. Jose said you can perform the videos right after installation, if desired and not wait until pavement is laid.
- **LD Resources Website Updates-** Nan asked that broken links or outdated resources found on City website be reported to her for her to send to IT for correction.
- **Zoning Administrator Interpretations – Public Access Process** -Solomon reported that formal Interpretations can be found on the Accella Planning Page using record type: Zoning Administration – Interpretation. In Accella Citizen Access, <https://aca-prod.accela.com/CHARLOTTE/customization/common/home.aspx>, in search you can type in UDOAI and all records will appear.

The screenshot shows the Accella Citizen Access search results for the query 'UDOAI'. The search bar is highlighted with a red circle. Below the search bar, the results are displayed in a table with columns: OpenDate, Record Number, Record Type, Project Name, Short Notes, Status, and Module. The table shows 6 records, with the first 5 visible. The records are for various projects including 400 S. Tryon, WALKERS FERRY GP LLC, Robert Kennedy, Ashley Green Townhomes, and Ballantyne Country Club - Family Activity Center.

| OpenDate   | Record Number    | Record Type                   | Project Name                                     | Short Notes | Status      | Module   |
|------------|------------------|-------------------------------|--|-------------|-------------|----------|
| 08/04/2025 | UDOAI-2025-00004 | Administrative Interpretation | 400 S. Tryon                                     |             | In Progress | Planning |
| 05/14/2025 | UDOAI-2025-00003 | Administrative Interpretation | WALKERS FERRY GP LLC                             |             | In Progress | Planning |
| 04/08/2025 | UDOAI-2025-00002 | Administrative Interpretation | Robert Kennedy                                   |             | Submitted   | Planning |
| 03/17/2025 | UDOAI-2025-00001 | Administrative Interpretation | Ashley Green Townhomes                           |             | Submitted   | Planning |
| 08/21/2024 | UDOAI-2024-00005 | Administrative Interpretation | Ballantyne Country Club - Family Activity Center |             | Void        | Planning |
| 08/20/2024 | UDOAI-2024-00004 | Administrative Interpretation | Blakeney Shopping Center Digital Display         |             | In Progress | Planning |

Soloman to check where the legacy code Interpretations are on his webpage and report back

- BDC has rebranded Mecklenburg County Accella to Accella-Meck. The goal is to reduce confusion from the customers on where to send or find information.
  - Parcels #'s still take a few weeks to get after addresses are issued but City has altered LDIRL system to allow Parent Parel #'s to be used until # parcel #'s are issued.
- Zach Gardner(NCDOT) is awaiting comments from the State AG's office on the plat sections of his Plan Submittal checklist. Industry can use the checklist now with knowledge that the Plat section may change. He will report back in February.



10-14-2025 Driveway  
Permit Application Pa

## Parking Lot Items

1. **BDC Updates** (*Patrick G*)
  - SW & Urban Forestry holds not auto-releasing
2. **Stormwater Control Measure (SCM) Subcommittee Update** (*Robbey / Brendan*)
  - Faster plat reviews limited to BUA
  - SCM review/approval and as-built process improvements
  - A software co has been selected to program a way to Easier identification of properties with SCMs. Currently working through City IT department.
3. **Accela Process Improvement – Mid-Cycle Amendment Protocols** (*Josh W*)
4. **Gatekeeper Review Duration**
  - Added up to 11 days to process
  - Staff awaiting improvement suggestions from industry
5. **Tree Manual Proposed Changes for UDO Update expected in Feb.** (*Tim Porter*)
6. **City Bonding Summary Sheet & Bonding Calculation Changes** (*Brendan*)
7. **Joint Use Task Force Updates** (*Shannon*)

### February agenda items

8. **Charlotte Fire Department (CFD) – Fire Flow & Hydrant Topics** (*Jeff Wright*)
  - Industry alternatives for pumped hydrants
  - Availability of historical hydrant flow tests
  - Guidance on construction fire coverage for combustible construction
  - Reference: CFD 2022 Fire Flow Hydrant Test Guidance
    - Link to be included with agenda
9. **Capacity Assurance Reservation & Extension of CLTW Water Contracts**
10. **Stormwater Easements – Dedication vs. Acceptance** (*Karla / Jeff*)
  - Acceptable wording
  - Extension to property lines
11. **Sidewalk Easement Language** (*Jeff Orsborne*)
  - Current wording lacks legal clarity
  - Consider separate guidance document or revised standard language
12. **Encroachment Agreements for Private Infrastructure in City ROW** (*Karla/Nick*)
13. **Sketch Plan Review Qualification for Permit Choice Law** (*Josh*)
14. **CLT Water – Developer Liaison Update** (*Nick*)
  - a. Improvement suggestions for Master Meter activation requirements – Industry
15. **Standards for Plot Plans** (*Kristen Davis*)

# ***Town of Apex v. Rubin***

## **Impacts On Condemnation Actions**

1/20/2026



Office of the City Attorney

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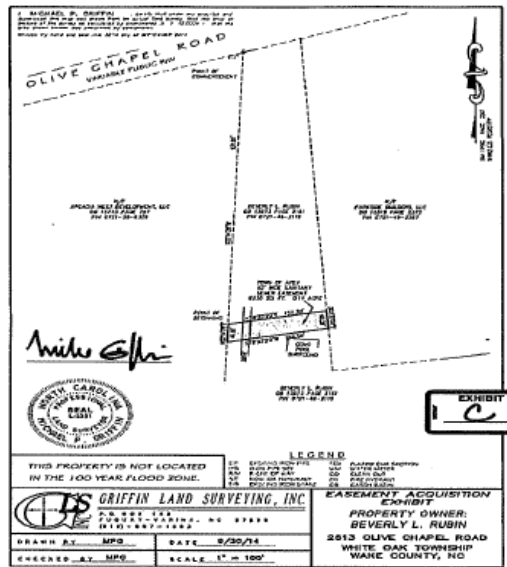
## **II. Background**

- ▶ Beverly Rubin (defendant) purchased land in rural Wake County, adjacent to the Town of Apex, in 2010.
- ▶ Developer acquired parcels adjacent to Rubin's property and sought to develop them. Developer needed a sewer line connection.
- ▶ Rubin refused to grant a private easement.

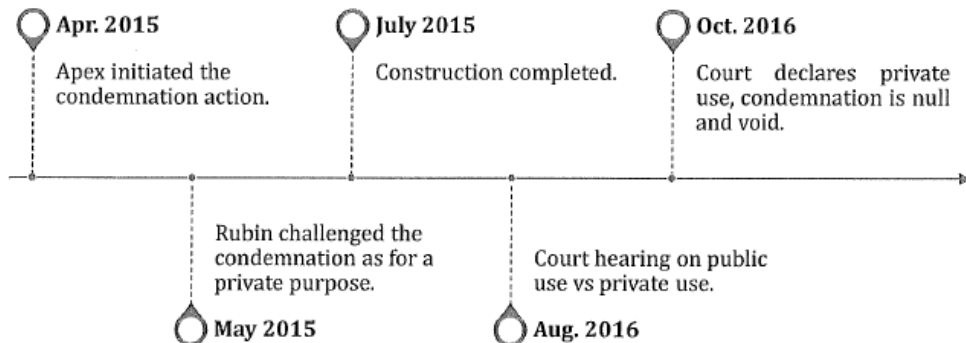
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## II. Background

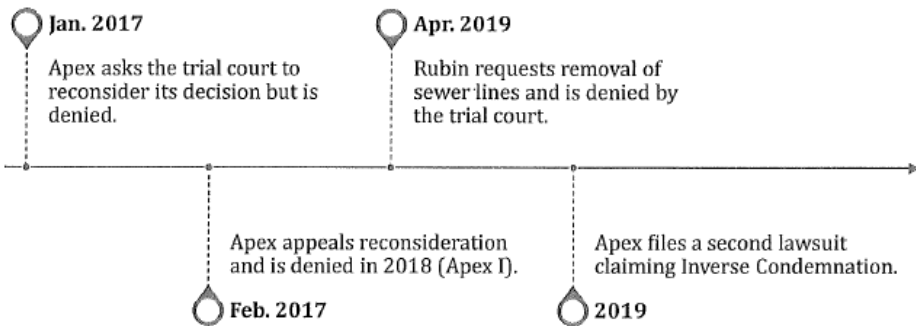
- ▶ Apex condemned an easement across Rubin's property to install a sewer line.
- ▶ Developer agreed to reimburse Apex.
- ▶ Completed prior to court resolution of Condemnation action.



## Trial Court Timeline



## Trial Court Timeline



## N.C. Court of Appeals Decisions

- ▶ In *Apex II* (2021), the Court held that injunctive relief (to remove sewer line) is an option, but not for Rubin, since Rubin did not initially seek injunctive relief.
- ▶ The Court suggested Rubin could pursue a new trespass claim to remove the sewer line.

## N.C. Court of Appeals Decisions

- ▶ In *Apex III* (2021), the Court adjudicated the inverse condemnation action filed by Apex and rejected Apex's argument that it had acquired an easement via inverse condemnation.
- ▶ Inverse condemnation is an action for private owners against the government; not for use by the government.

## III. N.C. Supreme Court's Decision

- ▶ When the condemnation action is found to serve a private purpose rather than public purpose, then title and possession revert to the original owner.
- ▶ Trial courts have inherent authority to order a mandatory injunction to restore property (for example, removing installed sewer lines) if equitable considerations (hardships, public and third-party interests, etc.) support it.

### III. N.C. Supreme Court's Decision

- ▶ The Supreme Court vacated Apex's separate inverse condemnation action (filed after the Private Purpose Judgment) because the prior case was still ongoing.
- ▶ The Supreme Court remanded to the trial court to determine what remedy (e.g. removal of the pipe, injunction) is appropriate given continuing trespass.

### IV. Takeaways

- ▶ **Clear Public Purpose:** We need to clear that more than one party directly benefits from condemnation actions.
- ▶ **Construction Concerns:** If construction is completed following quick-take, and later found to be private purpose, removal of improvements or heavy damages.
- ▶ **No Second Chance:** If court determines a private purpose post construction, One Water cannot file an inverse condemnation action to keep improvements on site.



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**Questions?**