

REGULAR PLANNING BOARD MEETING MINUTES
Wednesday, January 13, 2020 at 6:30 P.M.
Digitally originating in Council Chambers 1st floor - Lewisville Town Hall

Jan 13, 2021 06:30 PM Eastern Time (US and Canada)

Topic: Planning Board Public Meeting

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1. **Call to Order**
 - a. Chair Tom Lawson called the meeting to order at 6:30 p.m.

 2. **Roll Call**
 - a. Planning Board members attending electronically were Joseph Hamby, Jessica Higgins, Bill Scantland and Joseph Sloop. Mike Sullivan and Meghan Flow were not yet in attendance. Also attending electronically were Attorney Bo Houff and Planner Stacy Tolbert.

 3. **Regular Business**
 - a. Approval of Agenda
 - i. Mr. Scantland suggested removing the December 16th minutes from the agenda since they were not available.
 - ii. With the suggestion from Mr. Scantland, Chair Lawson moved to approve the agenda as amended. The motion was seconded by Bill Scantland and approved unanimously by a 5-0 roll call vote of ayes from Board members Joseph Hamby, Jessica Higgins, Bill Scantland, Joseph Sloop and Chair Tom Lawson.
 - b. Approval of Minutes
 - i. December 16, 2020 (removed)

 4. **Public Comment**
 - a. The floor was opened to Public Comment
 - i. Thomas Dollenmayer stated he received mail with an X on the map.
 - (1) He was advised that the portion indicated is a small portion being annexed and rezoned for Lewisville zoning.
 - b. Having no other person to electronically raise a hand, Public Comments were closed.

 5. **Public Hearings**
 - a. L-098 Gameway Estates rezoning following annexation
 - i. Staff presentation
 - (1) Rezoning from RS-40 (Forsyth County) to RS-20 (Town of Lewisville)
 - (2) This property is contiguous to the town boundaries and must be rezoned

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- since it is part of one large parcel slated for development so that the property will not have split zoning. (See attached map)
- (3) This rezoning will be contingent upon the approval of annexation.
 - (4) This is a general use rezoning and all uses in RS-20 must be considered.
 - (5) Staff recommends approval.
- ii. Public Hearing was opened.

Meghan Flow and Mike Sullivan were electronically admitted into the meeting at 6:45 p.m.

- (1) Luke Dickey, site plan preparer was present to comment and answer questions.
 - (a) Mr. Dickey thanked Mrs. Tolbert for explaining the reason for the rezoning and annexation for this subdivision.
- iii. Having no electronic hands raised the Public Hearing was closed.
- iv. Mrs. Tolbert explained that public hearings require 24 hours following the close of the hearing in order to receive comments from the public.
 - (1) She recommended that voting would occur at the January 27th meeting.
 - (a) Board members were in agreement.

6. Technical Review

- a. L-PBR 2020002 Gameway Estates
 - i. Technical Review for Compliance (See map)
 - (1) This subdivision requires final approval by the Town Council.
 - (2) Since this does not require a public hearing, there is no requirement to wait to vote on a final decision; however, the project is contingent upon the approval of the annexation and rezoning which is required to have the 24 hour comment and wait period.

MAJOR SUBDIVISION STAFF REPORT

Gameway Estates

DOCKET: L-PBR 2020002

STAFF: Stacy Tolbert, Town Planner

Petitioner: JTM Investments, LLC c/o Mr. Matt McChesney

Ownership: Mr. Handy T. Gordon

REQUEST: Preliminary Major Subdivision

A major subdivision in the RS-20 zoning district. The meeting requires technical review for compliance by the Planning Board and approval by the Town Council.

PIN #'s: 5875-51-5882 & 5875-50-4898

Acreeage: 61.74 acres 30 lots total that include 2 existing homes

LOCATION:

Street: Extension of Doub Road off of Williams Road.

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Jurisdiction: Town of Lewisville

PROPERTY SITE/IMMEDIATE AREA:

Existing Structures on Site: The site is a wooded lot with one single family dwelling on each parcel.

Adjacent uses:

- * North - Single family residences, large lots, zoned RS-20
- * East - Single family residences, established development, zoned RS-20
- * South - Single family residences, Shangri-La Drive properties, zoned RS-20
- * West - Single family residences, established development, zoned RS-40; Forsyth County Jurisdiction

GENERAL AREA:

Character/Maintenance: The homes in this area are mainly single family medium and large lots. The properties to the east and west of the subject property are established neighborhoods. The general area is zoned RS-20 & RS-40.

PHYSICAL FEATURES:

Topography: Throughout the site there are gentle slopes and steeper slopes to the south of the property. There is a pond located on the property and is surrounded by streams to the East, South & West.

Vegetation/habitat: The property is covered in a wooded vegetation. The developer notes on the site plan the existing trees are to remain where feasible.

Watershed: The property is located within the Yadkin River WS-IV watershed district.

WATER AND SEWER FACILITIES:

The property is to be served by public water and private septic systems.

TRANSPORTATION:

Direct Access to Site: Doub Road by Williams Rd.

Street Classification(s): Doub Road- Local Arterial

CONFORMITY TO PLANS:

Town of Lewisville Unified Development Ordinance (UDO) - The property is located within the WS-IV Yadkin River Watershed. Major large lot subdivisions within the watershed area that have an overall residential density not to exceed one unit/80,000 sqft and with a minimum lot size of 40,000 sqft do not require curb and gutter, therefore sidewalks are not required. The proposed subdivision meets the requirements to be considered a large lot subdivision. The applicant wishes to develop a project that remains low density. The overall average lot size is 1.94 acres.

The UDO also requires interconnectivity of subdivisions. This particular property abuts two stub streets, Shangri-La Drive and Roller Ridge Road. There is the possibility of one more connection to be made for future development to the east. All three of these opportunities are limited due to streams. Stream crossings would be required of all three connectivity opportunities. Shangri-La Drive and Roller Ridge Road are also undeveloped stub streets. It would be additional costs to the developer due to the pavement not reaching the property in question. Staff feels the property, accounting for the pond, streams and topography, is an unusual circumstance where this provision is difficult to meet.

The UDO states the Elected Body may deem that existing conditions or special plan provisions warrant a variation from these requirements. In a separate document enclosed with this staff report, the developer has submitted a letter to the Elected Body asking for these requirements to be waived.

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Lewisville Comprehensive Plan Update 2015 - The Plan describes this area as being single family residential and being used as low to medium density. The minimum lot size is 20,000 square feet but all lots are much larger than 20,000 square feet, lending this development to a large lot development. The proposed subdivision does follow these standards.

Legacy Development Guide - Legacy recognizes this area as being in GMA-3 Suburban Neighborhoods. Legacy states GMA-3 areas should be used for increasing overall residential density. Subdivisions in GMA-3 cater to specific housing styles and price ranges. The proposed subdivision does fall into this category.

ANALYSIS:

The applicant is requesting a preliminary major subdivision approval in RS-20 zoning. The preliminary major subdivision plat does adhere to the RS-20 standards.

Town staff is of the opinion that the request is in general conformance with the Town's Comprehensive Plan and Legacy for the area. The developer has or will need to follow the major subdivision requirements in Chapter D Section 4, including but not limited to the requirements below:

1. Street tree requirement: 1 tree per 45 linear feet plus 1 additional tree per lot in conventional subdivision. If lots are to remain wooded, some additional plantings may be required.
2. Erosion control permits shall be obtained through The City of Winston-Salem.
3. Stormwater management permits, if required, must be obtained through the Town of Lewisville before issuing building or zoning permits.
4. All ponds, streams and stream buffers shall be shown on the final plat.
5. TRC Comments must be remedied.
6. The interconnectivity requirements must be waived by the Elected Body.
7. Doub Road must be brought to a minimum standard that meets NCDOT requirements of at least 18 feet in width where needed.

RECOMMENDATION:

The project does meet the overall density requirements of the RS-20 zoning district. Statements found in both the Lewisville Comprehensive Plan and Forsyth County Legacy Plan encourages this area to remain residential. Staff recommends approval of the Gameway Estates preliminary major subdivision subject to the requirements stated above and any other Conditions placed by the Town of Lewisville Planning Board.

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- (3) Mrs. Tolbert reviewed a map of the proposed subdivision.
 - (a) She noted that in the briefing there were several lots that were not 40,000 square feet.
 - (b) The developer has since made changes so that all the lots are greater than 40,000 square feet and now meets the definition of a large lot subdivision.
 - (c) Curb and gutter are not required; therefore, sidewalks are not required.
 - (d) She identified topography concerns that prevented connectivity.
 - (i) A waiver has been requested from making the connections and must be approved by the Town Council.

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- (4) Staff recommendations were noted in the staff report and the approval of the subdivision will be contingent upon the annexation, rezoning and waiver.
- (5) Mr. Dickey identified the location of the water line coming into the development from Roller Ridge Road which has never been built, i.e. public Right-of-Way only.
- (6) Mr. Lawson commented that his earlier questions had been addressed; was glad there will be minimum tree loss; and agreed the improvements to Doub Road will be helpful to emergency vehicles.
- (7) Mr. Dollenmayer, 481 Roller Mill, advised that heavy rains flood the creek and asked the developer to look at this.
 - (a) Everyone was also advised that the Army Corp of Engineers will have to approve any stream crossings and erosion control for each lot.
- (8) M. Hall also stated she lived in Lewisville Trails and that her backyard is getting shorter and has erosion concerns as well when there are large rains. Harvest Pine and Harvest Mill water seems to be coming into their creek.
- (9) Having no other discussion, Mr. Scantland moved to recommend approval to Council for L-PBR 2020002. The motion was seconded by Mr. Lawson and approved unanimously by a 7-0 roll call vote of ayes from Board members Meghan Flow, Joseph Hamby, Jessica Higgins, Bill Scantland, Joseph Sloop, Mike Sullivan and Chair Tom Lawson.

7. New Business

- a. None.

8. Reports & Updates

- a. Chair
 - i. Mr. Lawson advised that a template using metrix on connectivity will be coming and just wanted to keep on everyone's radar.
- b. Planner
 - i. Mrs. Tolbert advised the board that she has received a new submittal from Solomon Development. She is reviewing and will bring to the Planning Board in the coming months.
 - ii. February 6th is the Council's retreat and she will pitch for the UDO rewrite to be in the budget for two budget cycles.
 - iii. The firm has been selected for the Comprehensive Plan and Master Plan update.
 - iv. Everyone should have received an email from Mrs. Foster about the survey for board and committee members.
- c. Clerk
 - i. None.
- d. Attorney
 - i. 160D technical amendments are coming and are to be effective July 1, 2021. Attorney Houff is working on the text amendments with Mrs. Tolbert. With the amendment, 160D requires all Planning Board members take an oath of office.

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9. **Continued Business/Work Session**

- a. UDO L-163 Street Tree UDO Text Amendment
 - i. Mrs. Tolbert reviewed the tree amendment with board members. (See attachment)
 - (1) Older developments have issues with the roots of the trees causing the sidewalks to buckle.
 - (2) There generally is not an issue with commercial development.
 - ii. One amendment will be to have a separate landscaping plan for developments.
 - iii. The tree list in the ordinance will be amended to show short, medium, tall and the recommendations made by the Beautification Committee will also be added to the list if they are not already there.
 - iv. Mr. Lawson moved to set the public hearing for February 10th. The motion was seconded by Bill Scantland and approved unanimously by a 7-0 roll call vote of ayes from Board members Meghan Flow, Joseph Hamby, Jessica Higgins, Bill Scantland, Joseph Sloop, Mike Sullivan and Chair Tom Lawson.

10. **Meeting Review**

- a. Action Item Consensus/Next Steps
- b. Next Meetings
 - i. Work Session - January 27, 2021
 - (1) Decision for L-098
 - ii. Public Hearing - February 10, 2021

11. **Adjournment**

- a. Having no other business to discuss, Bill Scantland moved to adjourn the meeting at 7:48 p.m. The motion was seconded by Mr. Lawson and approved unanimously by a 7-0 roll call vote of ayes from Board members Meghan Flow, Joseph Hamby, Jessica Higgins, Bill Scantland, Joseph Sloop, Mike Sullivan and Chair Tom Lawson.

Tom Lawson, Chair

ATTEST:

Joyce C. McWilliams Walker, Town Clerk

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Additions to the UDO are *highlighted and italicized*.
 Deletions are shown in ~~strikethrough~~.

Chapter A, Article 2 – Definitions:

TREE, LARGE VARIETY. Any deciduous or evergreen tree whose maximum mature height is *equal to or greater than* ~~thirty-five (35)~~ *fifty (50)* feet.

TREE, MEDIUM VARIETY. Any deciduous or evergreen tree whose maximum mature height is *equal to or greater than* ~~twenty-five (25)~~ *thirty (30)* feet and less than ~~thirty-five (35)~~ *fifty (50)* feet.

TREE, SMALL VARIETY. Any deciduous or evergreen tree whose maximum mature height is ~~no greater~~ *less than* ~~twenty-five (35)~~ *thirty (30)* feet.

Chapter B, Article 3, Section 3-4 LANDSCAPING STANDARDS:
3-4.10 SUGGESTED PLANT MATERIALS LIST

The suggested plant materials list includes common trees and shrubs suitable for use in the Forsyth County area. Due to individual site soil, moisture, and microclimate conditions, professional expertise should be sought to determine the appropriate plant materials for any particular development project. Other appropriate plants not included in the list may also be used with the approval of the Zoning Officer or designee.

(A) Large Variety Trees

(mature height: ~~thirty-five (35)~~ *fifty (50)* feet or greater):

European Black Alder	<i>Alnus glutinosa (Pyramidalis)</i>
Bald Cypress	<i>Taxodium distichum</i> (Monarch of Illinois, Shawnee Brave)
Sugar Hackberry	<i>Celtis laevigata</i>
Chalkbark Maple	<i>Acer Leucoderme</i>
Freeman Maple	<i>Acer x freemanii</i> (Armstrong, Autumn Blaze, Celebration, Scarlet Sentinel)
Green Mountain Sugar Maple	<i>Acer saccharum</i> "Green Mountain"
Hedge Maple	<i>Acer campestre</i>
Southern Sugar Maple	<i>Acer Barbatum</i>
Trident Maple	<i>Acer buergeranum</i>
Bur Oak	<i>Quercus macrocarpa</i>
Sawtooth Oak	<i>Quercus acutissima</i>
Shingle Oak	<i>Quercus imbricaria</i>
Swamp White Oak	<i>Quercus bicolor</i>
Northern Red Oak	<i>Quercus rubra</i>
Nutall Oak	<i>Quercus nutalli</i>
Overcup Oak	<i>Quercus lyrata</i>
Green Ash	<i>Fraxinus pennsylvanica</i> (Marshall Seedless, Newport, Patmore, Summit, Lakeview)

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Kentucky Coffeetree	<i>Gymnocladus dioicus</i>
Japanese Pagodatree	<i>Sophora japonica</i> (Princeton Upright, Regent)
Silver Linden	<i>Tilia tomentosa</i> (Green Mountain, Sterling)
Hybrid Elm	<i>Ulmus spp.</i> (Homestead, Pioneer, Urban)
Willow Oak	<i>Quercus phellos</i>
Sugar Maple	<i>Acer saccharum</i>
Red Maple	<i>Acer Rubrum</i> (Autumn Flame, Bowhall,
Karpick,	Northwood, October Glory, Red Kin, Red Sunset)
Scarlet Oak	<i>Quercus coccinea</i>
Southern Magnolia	<i>Magnolia grandiflora</i>
London Plane-tree	<i>Platanus acerifolia</i>
River Birch	<i>Betula nigra</i>
Japanese Zelkova	<i>Zelkova serrata</i> (Green Vase, Village Green)
Tulip Poplar	<i>Liriodendron tulipifera</i>
Black Gum	<i>Nyssa sylvatica</i>
Littleleaf Linden	<i>Tilia cordata</i>
White Oak	<i>Quercus alba</i>
Japanese Scholartree	<i>Sophora japonicum</i>
Ginkgo	<i>Ginkgo biloba</i> (Lakeview, Princeton Sentry)
English Oak	<i>Quercus robur</i>
Japanese Katsuratree	<i>Cercidiphyllum japonicum</i>
Schumard Oak	<i>Quercus schumardi</i>
Chinese Elm	<i>Ulmus parviflora</i> (Lacebark, Athena, Allee)
Redmond Linden	<i>Tilia americana</i> "Redmond"
Fruitless Sweetgum	<i>Liquidambar styraciflua</i> "Rotundaloba"
Littleleaf Linden	<i>Tilia cordata</i>

(B) Medium Variety Trees

(mature height: ~~twenty-five (25) to thirty-five (35)~~ *thirty (30) to less than fifty (50)* feet):

Sourwood	<i>Oxydendrum arboreum</i>
Thornless Honeylocust	<i>Gleditsia triacanthos</i> "Inermis"
Eastern Redbud	<i>Cercis canadensis</i>
Yoshino Cherry	<i>Prunus yedoensis</i>
Golden-Rain-Tree	<i>Koelreuteria paniculata</i>
Saucer Magnolia	<i>Magnolia soulangeana</i>
Weeping Cherry	<i>Prunus subhirtilla pendula</i>
Kwansan Cherry	<i>Prunus serrucata</i> "Kwansan"
Yellowwood	<i>Cladastris lutea</i>
Ironwood	<i>Carpinus carolineana</i>
Pistache	<i>Pistachia chinensis</i>
Redmond Linden	<i>Tilia americana</i> "Redmond"
American Holly	<i>Ilex opaca</i> (East Palatka, Foster's #2, Nellie R. Stevens)

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Eastern Red Cedar	<i>Juniperus virginiana</i> (Emerald Sentinel, Princeton Sentry, Pendula)
Little Gem Magnolia	<i>Magnolia "Little gem"</i>
Fall Blooming Cherry	<i>Prunus autumnalis</i>
Fruitless Sweetgum	<i>Liquidambar styraciflua "Rotundaloba"</i>
European Hornbeam	<i>Carpinus betulus (Fastigiata)</i>
Hophornbeam	<i>Ostrya virginiana</i>
Carolina Silverbell	<i>Halesia tetraptera</i>
Lacebark Elm	<i>Ulmus parvifolia</i>
Black Gum	<i>Nyssa sylvatica</i>
Hedge Maple	<i>Acer campestre</i>
Hybrid Elm	<i>Ulmus spp. (Homestead, Pioneer, Urban)</i>
Gingko	<i>Gingko biloba (Lakeview, Princeton Sentry)</i>
Sargent Cherry	<i>Prunus sargentii (Columnaris, Hillier Spire)</i>

(C) Small Variety Trees

(mature height: less than ~~twenty-five (25)~~ thirty (30) feet):

Japanese Maple	<i>Acer palmatum</i>
Japanese Dogwood	<i>Cornus kousa</i>
Flowering Dogwood	<i>Cornus florida</i>
Smoketree	<i>Cotinus coggyria (Daydream, Royal Purple)</i>
Crape Myrtle	<i>Lagerstroemia indica (Dallas Red, Lipan, Natchez, Sioux, Tonto, Yuma)</i>
Crabapple (var.)	<i>Malus hybrida (var.)</i>
Amur Maple	<i>Acer ginnala</i>
Wax Myrtle	<i>Myrica Cerifer</i>
Star Magnolia	<i>Magnolia stellata</i>
Japanese Tree Lilac	<i>Syringa reticulata</i>
Green Hawthorn	<i>Crataegus viridis</i>
Carolina Cherrylaurel	<i>Prunus caroliniana</i>
Choke Cherry	<i>Prunus virginiana</i>
Sargent Cherry	<i>Prunus sargentii (Columnaris, Hillier Spire)</i>
Eastern Redbud	<i>Cercis canadensis</i>
Little Gem Magnolia	<i>Magnolia "Little gem" (Dwarf Southern Magnolia)</i>
Chinese Fringe Tree	<i>Chionanthus retusus</i>
Chinese Pistache	<i>Pistacia chinensis</i>
Fosteri Holly	<i>Ilex fosterii</i>
Witch Hazel 'Arnold Promise'	<i>Hamamelis virginiana</i>
Sourwood	<i>Oxydendrum arboretum</i>
Japanese Snowbell	<i>Styrax japonica</i>
Serviceberry	<i>Amelanchier arborea</i>
Chalkbark Maple	<i>Acer Leucoderme</i>
Trident Maple	<i>Acer buergeranum</i>
Saucer Magnolia	<i>Magnolia soulangeana</i>

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Weeping Cherry
Fall Blooming Cherry
American Hornbeam
Hophornbeam
Japanese Pagodatree

Prunus subhirtilla pendula
Prunus autumnalis
Carpinus caroliniana
Ostrya virginiana
Sophora japonica (Princeton Upright, Regent)

(D) Streetyard and Interior Shrubs

(mature height: approximately thirty-six (36) inches):

(1) Evergreen.

Warty Barberry
Dwarf Burford Holly
Japanese Holly (var.)
Azalea (var.)
Mugo Pine
Juniper (var.)
Euonymous (var.)
Leatherleaf Viburnum

Berberis verruculosa
Ilex cornuta "Burfordii" nana
Ilex crenata (var.)
Azalea sp.
Pinus mugo
Juniperus sp.
Euonymous sp.
Viburnum rhytidophyllum

(2) Deciduous.

Forsythia
Dwarf Burning Bush
Thunberg Spirea
Viburnum (var.)
Oakleaf Hydrangea
Japanese Flowering Quince
Potentilla
Ornamental Grass Varieties
Oregonholly Grape
Nandina
Dwarf Nandina

Forsythia sp.
Euonymous alatus "Compacta"
Spirea thunbergi
Viburnum sp.
Hydrangea quercifolia
Chaenomeles japonic
Potentilla fruticosa

Mahonia bealei
Nandina domestica
Nandina domestica nana

(E) Outdoor Storage Area Screening Plants

(installation height: six (6) feet):

American Holly
Burforda Holly
Nellie Stevens Holly
Wax Myrtle
Hetz Juniper
Arborvitae
Eastern Red Cedar

Ilex opaca
Ilex cornuta "Burfordii"
Ilex cornata "Nellie Stevens"
Myrica cerifera
Juniperus hetzi
Thuja occidentalis
Juniperus virginiana

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Japanese Black Pine

Pinus thunbergiana

(F) Groundcovers

(planting areas, berms, wall planters):

Lily-Turf

Liriope muscarii

Hybrid Daylily

Hemerocallis hybrida

Aaronsbeard

Hypericum calycinum

Rockspray Cotoneaster

Cotoneaster horizontalis

(G) The following trees shall not be credited toward the requirements of Section B.3-4.2.1:

Bradford Pear

Pyrus calleryana "Bradford"

Silver Maple

Acer saccharinum

Hybrid Poplars

Populus spp.

Tree of Heaven

Ailanthus altissima

Mimosa

Albizia julibrissin

Royal Paulownia

Paulownia Tomentosa

Pine (var.)

Pinus sp.

(UDO L-142, § 19, 11-14-13)

Chapter D, Article 4, Section B (1) Development Standards and Requirements for Preliminary Subdivision Approval; Streets or Roads

(s) Street trees, planted to define a street canopy, shall be provided *in all conventional subdivisions in addition to one tree per lot. Street Trees shall meet the following requirements: at a rate of one tree per forty-five (45) linear feet of frontage plus one additional tree per lot in all conventional subdivisions.*

(i) *Street trees shall be provided at a rate of one tree per forty-five (45) linear feet of street frontage along both sides of the right-of-way.*

(ii) *Street trees shall be setback from the curb or sidewalk, whichever creates the greater setback, based on the variety of tree. Small variety trees shall be setback a minimum of four (4) feet and medium variety trees shall be setback a minimum of six (6) feet. Large variety trees shall not be used for street tree plantings.*

Chapter D, Article 4, Section D (4) Existing Features and Development Map for Preliminary Subdivision Approval.

(f) Natural features – existing *and proposed*:

(i) Streams, drainage ways, floodway and floodway fringe boundaries and elevations,

(ii) ~~Wooded areas and other natural features;~~

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- (iii) Topography at no greater than four (4) foot intervals when available. Distinction between existing and proposed topography lines to be shown according to the following; existing – light dashed lines; proposed – thin solid lines; and,
- ~~(iv) Natural features to be left undisturbed. Any existing trees to be retained shall be preserved during construction in accordance with Section D.4(B)(4)(h).~~
- (iii) *A landscape plan shall be included in the submittal for preliminary subdivision approval. The landscape plan shall include wooded areas and natural features to be left undisturbed and preserved during construction in accordance with Section D.4(B)(4)(h), existing and proposed plantings in buffer areas, street trees and any other plantings as required.*
- (iv) *Landscape plans shall take into consideration placement of driveways, utilities, street tree setback requirements, distance between trees, sight distance at intersections, signage, and any street lighting.*
- (iv) *If plantings are to be delayed, a planting schedule shall be submitted in accordance with Section B.3-4.2(B).*
- (v) *All plantings, existing or proposed, intended to meet landscape or bufferyard requirements shall be warranted by the developer or their designee. They will be responsible for maintaining all required plant materials in good health. Any plant material becoming dead, diseased, or missing within one (1) year from the date of planting shall be replaced.*