

**July 10, 2007**

The Union County Planning Board met in special session on Tuesday, July 10, 2007, at 7:00 p.m. in the Union County Board of Commissioner's Board Room, located on the First Floor of the Union County Government Center, 500 North Main Street, Monroe, NC, 28112, with Chairman Robert Allen presiding.

**PRESENT:** Andy Williams, Russell Cox, Everette Medlin, Albert Starnes, Robert Allen, Richard Simpson, Don Kerr, Dan Wooten, and Charles Greene

**ABSENT:** Christa Boggs and William McGuirt

**ALSO PRESENT:** Roger Horton, and Pam Rivers

**ITEM NUMBER ONE**

Call to Order

***Chairman Allen called the meeting to order at 7:00 p.m.***

**ITEM NUMBER TWO**

Additions and/or Deletions to the Agenda

***No additions or deletions were made to the agenda.***

**ITEM NUMBER THREE**

Approval of the Agenda

***The July 10, 2007 agenda was approved by the Planning Board members with an unanimous vote, 8 to 0.***

***Charles Greene was appointed as a voting member in the absence of Christa Boggs and William McGuirt.***

**ITEM NUMBER FOUR**

Approval of the June 5, 2007 minutes

***Motion was made by Everette Medlin and seconded by Charles Greene to approve the minutes. The vote was 9 to 0.***

**ITEM NUMBER FIVE**

**Rezoning Petition #001092, LINDA R. & HARRY J. KELLY**, requesting rezoning classification from R-40 (Residential) to B-2 (Community Business) containing 1.518 acres, being on Tax Map #06-183-007, located on N.C. Hwy 16 just south of Ennis Road and being within Sandy Ridge Township.

Roger Horton, Senior Planner, presented to the Planning Board a map indicating the vicinity of the proposed rezoning.

At this time, citizens were allowed to speak in favor or against the proposed rezoning.

**Joe McCollum**, Attorney for the Petitioners Linda & Harry Kelly. Mr. & Mrs. Kelly were available to answer questions from the Planning Board.

- Spoke in favor of the rezoning petition.
- Property at present time is a non-conforming use.
- The Kelly's reside at the proposed rezoning area and operate a paving company from this site; heavy equipment is kept on the lot.
- Offers have been made to buy the property but those that want to buy it want the property as commercial property.
- The petitioners have requested the property be rezoned to B-2 (Community Business), allowing for a smaller scale of commercial use in rural areas where there is high traffic.
- County water is available; sewer is not available.
- Mr. & Mrs. Kelly have owned the property for 10 years.

**Gene Davis** representing Gene Davis Realty Company.

- Plans property for landowners and buyers.
- Plans for the proposed property includes a "convenience" type retail such as, "On The Run"; this would include gasoline pumps, car wash, a convenience store.
- The only entrances on Hwy. 16 are entrances to subdivisions.

**John Robicsek**

- Family owns the farm to the left and behind the proposed property (300 acres).
- Land has been farmed for 40 years.
- Future plans include developing the land but no plans have been made at this time.
- Main concern is that the proposed property is in the middle of farmland; does not want just one piece of property to be rezoned to commercial and the rest be residential.

Roger Horton noted that the Planning Board would soon be working on the future Union County Land Use Plan and may want to take into consideration properties, such as the one mentioned, when considering rezoning and see if it coincides with the Land Use Plan.

Plan Roger Horton gave the following recommendations:

**FAVORABLE CHARACTERISTICS OF PETITION**

1. The site is located on a major thoroughfare.

**UNFAVORABLE CHARACTERISTICS OF PETITION**

1. The Union County Land Use Plan projects future land use to be low density residential (0-1 du/acre).
2. Union County sewer is not available.
3. The predominant land use in this area is residential.

**STAFF RECOMMENDATION:            UNFAVORABLE**

Favorable to rezone:            15  
Unfavorable to rezone:        205

Don Kerr noted that he was uncomfortable with everything being favorable for residential and big business. He noted that this property may not have sewer availability now but will in the future.

***Motion was made by Don Kerr to approve the proposed rezoning from R-40 to B-2. Motion died for lack of a second. Andy Williams made a motion to deny the motion on the floor. An amendment motion was made by Andy Williams to take staff recommendations of UNFAVORABLE characteristics to the current Land Use Plan, deny the proposed application and forward to the Board of County Commissioners as an UNFAVORABLE recommendation. Richard Simpson seconded this motion. The vote was 7 to 2.***

### **ITEM NUMBER SIX**

Amend Major Development Permit #34 and PUD Permit – 00001; Alternation of parking for Learning Links Day Care on Lot 3 Rea Road Subdivision

Roger Horton presented a map to the Planning Board indicating the revision to the parking lot for the Learning Links Day Care, due to a shift in the road.

Drew McWilliams was available to answer questions from the Planning Board.

***Motion was made by Richard Simpson and seconded by Everette Medlin to approve the addition to the Learning Links Day Care parking lot. The vote was 9 to 0.***

### **ITEM NUMBER SEVEN**

Further discussion on Decentralized Septic Systems – Bill Fenner with Creative Environmental Systems

Bill Fenner, with Creative Environmental Systems, gave an overview to the Planning Board on the Decentralized Septic Systems:

- Mr. Fenner is a North Carolina Professional Engineer in Waste Water Treatment.
- Works with a company that is an operations company; operates 5 million gallons of wastewater a day up on the Outer Banks.
- Largest plant operates 6 hundred thousand gallons a day and operates down to 4 hundred gallons a day peek system for an individual home.
- Mr. Fenner works only with wastewater, not land development, site development or water systems; associated with this is inter basin solutions working with creative proposals to wastewater issues.
- Union County's waste water problems are not isolated in Union County but across the state of North Carolina.
- Treatment Systems: traditional collection and treatment systems, off-site systems, collection and cluster treatment systems.

Mr. Fenner entertained questions from the Planning Board.

***No action was taken on this item.***

**ITEM NUMBER EIGHT**

Consider a recommendation for Union County to seek delegation to implement the post-construction stormwater requirements from the Environmental Management Commission (EMC) through the NC Division of Water Quality. (*Tabled from the June 5, 2007 Planning Board meeting*)

***See agenda item Number Nine for motion.***

**ITEM NUMBER NINE**

Consider a recommendation for the adoption of the proposed text amendments to Article XVI, Part II (Stormwater Management, Sedimentation and Erosion Control) of the Union County Land Use Ordinance. (*Tabled from the June 5, 2007 Planning Board meeting*)

At this time, Amy Helms, Assistant Director of Infrastructure and Environment, spoke to the Planning Board:

- Farms are exempt from buffers.
- Let the state take over for now since the board just wanted to have minimum measures.
- If the board wanted to implement any changes to let Ms. Helms know at the next meeting.
- Anyone on the board can request delegation at anytime.
- Ms. Helms stated that she did not think she would be able to review all the changes right now since she has no help at this time.
- Chairman Allen said he would like to have a liaison from Public Works Department to be on the Land Use Plan Steering Committee.
- The Planning Board would like for Ms. Helms to come back to the board for what direction to go into about the stormwater ordinance.
- Ms. Helms also stated that the state would let her know any changes if any within 90 days.

***Chairman Allen made a motion to let the state control the stormwater at this time and seek no delegation. Don Kerr seconded the motion. The vote was 9 to 0.***

**ITEM NUMBER TEN**

Planning Staff Report (Work in Progress)

***No Planning Staff Report was given.***

**ITEM NUMBER ELEVEN**

Brief Comments

Andy Williams                      MUMPO, are we still going? Bill McGuirt is our representative.

Russell Cox                              No comment.

Everette Medlin                      No comment.

|                 |             |
|-----------------|-------------|
| Albert Starnes  | No comment. |
| Robert Allen    | No comment. |
| Don Kerr        | No comment. |
| Charles Greene  | No comment. |
| Richard Simpson | No comment. |
| Dan Wooten      | No comment. |

**ITEM NUMBER TWELVE**

Adjournment

***The meeting was adjourned at 8:45 p.m.***