

March 4, 2008

The Union County Planning Board met in regular session on Tuesday, March 4, 2008, 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, Robert Allen, Albert Starnes, William McGuirt, Richard Simpson, Dan Wooten

ABSENT: Christa Boggs, Don Kerr, Charles Greene, Everette Medlin

ALSO PRESENT: Richard Black, 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

The Petitioner, Joseph D. Rogers, requested Item Number Five (Rezoning Petition #001093) be withdrawn from the agenda.

ITEM NUMBER THREE AND FOUR

Approval of the Agenda

Approval of the February 5 2008 minutes.

Motion was made by Andy Williams and seconded by Russell Cox to approve the agenda and the approval of the February 5, 2008 minutes.

ITEM NUMBER FIVE

This item (Rezoning Petition #001093) was deleted from the agenda.

ITEM NUMBER SIX

Text Amendment Section 367 (b) Adequate Public Facilities Ordinance, Mitigation – Edwards Construction, Inc. (**Tabled from 2-5-08 Meeting**)

Mr. Richard Black stated that at this time that the Legal Department was still reviewing this amendment and making additional changes and revisions and apologized for the delay.

Lee Jenson stated that there was discussion with legal about additional notes being added to the final plat concerning the voluntary mitigation payment.

Motion was made by Robert Allen and seconded by Richard Simpson to have this tabled until the next regularly scheduled meeting.

ITEM NUMBER SEVEN

Amendment PUD 6 – B2 #000001 Rea Road Mixed Use Development – Phase 1

Mr. Jake Helder attorney representing Raley Miller Properties came up to speak to the board about the amendment to the PUD 6 – B2 and to answer any questions from the board.

Mr. David Miller owner of the Raley Miller Properties came up to speak to the board about his project and to answer any questions from the board.

Mr. Miller said that he had meetings with the neighborhoods about the project and any of their concerns. Mr. Miller also stated that everyone he met with was agreeable to it.

Mrs. Liza Kravis came up to speak to the board and wanted to voice her support for the project.

Mr. Richard Black went over with the board the Planning Director's Report for the Major Development Permit Application for Amendment to PUD Permit #000001.

Planning Director's Report

March 4, 2008

Major Development Permit Application

Amendment To PUD Permit – 000001
Rea Road Ext. Mixed Use Development

The Planning Director and the appropriate staff have reviewed Raley Miller Properties' Application for a Major Development. The Planning Director submits this report pursuant to Section 56 of the Union County Land Use Ordinance.

Based on Raley Miller Properties' application, it appears that the Mixed Use Development is in compliance with all applicable requirements of the Ordinance and the approved List of Conditions for PUD Permit-000001 as follows:

1. The application is complete and is in compliance with Section 49. All applicable information set forth in Appendix A has been provided.
2. The proposed development is in compliance with the regulations applicable to B-2 zoning within that portion of the PUD (Section 138).
3. The proposed development is in compliance with Sections 15, 135, 136, 138 and 159 which require that nonresidential uses in a PUD must be integrated, well-planned, and primarily residential in nature. This integration into a primarily residential area is achieved in many ways: (1) type of uses – restaurant, retail, pharmacy, office and service uses providing goods and services needed by the surrounding residential areas; (2) size and scale of the proposed uses range in size from a one story building of 6,000 square feet to two story

- building of 27,000 square feet and no building over 35 feet in height; (3) the architecture and materials (brick, stone, and stucco) of the buildings will be compatible with the surrounding residential neighborhoods; and (4) Sidewalks and walkways will link the different buildings in this development which are also linked to surrounding residential developments by connecting sidewalks.
4. The proposed development is in compliance with the List of Conditions for PUD Permit – 000001 approved by the Union County Planning Board on April 1, 2004.
 5. On March 3, 2008, the Union County Board of Adjustments approved a Special Use Permit for this Mixed Use Development. The site plan and the accompanying site conditions of that approved Special Use Permit are same site plan and site conditions of the Major Development Permit application requesting an amendment to the PUD permit 000001.

Recommendation:

It is recommended that Raley Miller Properties' application for a Major Development Permit (amendment to PUD Permit – 000001) be granted because the application is complete, the application for proposed development complies with the B-2 zoning regulations and all other requirements of the Union County Land Use Ordinance, this proposed nonresidential development complies with PUD zoning regulations as it is part of an integrated and well-planned, primarily residential development, and the proposed development meets all the conditions listed in the approved PUD Permit -000001.

ITEM NUMBER EIGHT

Amendment PUD 6 – B2 #000003 Rea Road Mixed Use Development – Phase 2

Mr. David Miller owner of Raley Miller Properties came up to speak to the board and answer any questions.

Mr. Miller had met with all the property owners that were going to be close to the building and addressed any concerns they had.

Mr. Miller stated that there would not be any deliveries to the building between 10:00 p.m. and 6:00 a.m. and that there would be a 60' buffer around the property.

Mr. Miller stated that there would be a gated access at the culdesac of Tintinhull Lane only accessible by emergency vehicles and a sidewalk for pedestrians to have access to the property.

Mrs. Liza Kravis came up and read a letter from the President of the Somerset Homeowners Association of their support for this project.

Mr. Richard Black came up to read the Planning Director's Report for the Major Development Permit Application for the Amendment to PUD Permit #000003.

Planning Director's Report

March 4, 2008

Major Development Permit Application Amendment To PUD Permit – 000003 Rea Road Ext. Retail Development – Phase II

The Planning Director and the appropriate staff have reviewed Raley Miller Properties' Application for a Major Development. The Planning Director submits this report pursuant to Section 56 of the Union County Land Use Ordinance. Based on Raley Miller Properties' application, it appears that the Retail Development – Phase II is in compliance with all applicable requirements of the Ordinance as follows:

6. The application is complete and is in compliance with Section 49. All applicable information set forth in Appendix A has been provided.
7. The proposed development is in compliance with the regulations applicable to B-2 zoning within that portion of the PUD (Section 138).
8. The proposed development is in compliance with Sections 15, 135, 136, 138 and 159 which require that nonresidential uses in a PUD must be integrated, well-planned, and primarily residential in nature. This integration into a primarily residential area is achieved in many ways: (1) type of uses – restaurant, retail, office and service uses providing goods and services needed by the surrounding residential areas; (2) size and scale of the proposed uses in the core area range in size from the smallest building of 6,000 square feet to the largest building of 53,900 square feet with remaining 45,100 square feet distributed among the eleven (11) proposed out parcels and no building over 35 feet in height; (3) the architecture and materials (brick, stone, and stucco) of the buildings will be compatible with the surrounding residential neighborhoods; and (4) sidewalks and walkways within the shopping center will linked to out parcels as they are developed and to the proposed Rea Road with initial construction; (5) proposed signage, landscaping, and exterior building materials will be similar to those of the Mixed Use development to create a compatible appearance; and (6) connectivity to the surrounding neighborhood will be provided by a sidewalk along Tintinhull Lane into the shopping center.
9. On March 3, 2008, the Union County Board of Adjustments approved a Special Use Permit for this Retail Development – Phase II. The site plan and the accompanying site conditions of that approved Special Use Permit are same site

plan and site conditions of the Major Development Permit application requesting an amendment to the PUD permit 000003.

Recommendation:

It is recommended that Raley Miller Properties' application for a Major Development Permit (amendment to PUD Permit – 000003) be granted because the application is complete, the application for proposed development complies with the B-2 zoning regulations and all other requirements of the Union County Land Use Ordinance, and this proposed nonresidential development complies with PUD zoning regulations as it is part of an integrated and well-planned, primarily residential development.

ITEM NUMBER NINE

Planning Staff Report (Work in Progress)

Mr. Black noted to the Planning Board that the Public Forum held on Tuesday, February 26, 2008 at 7:00 pm at Union County Ag Center was a great meeting and that there was over 100 people there.

Next Steering committee meeting would be held on March 18th at 5:00 p.m.

ITEM NUMBER TEN

Brief Comments

Andy Williams	No Comment
Russell Cox	No Comment
Albert Starnes	He thought the Public Forum was very good.
Robert Allen	He was pleased that everything went well between the Developer and the neighborhoods.
Richard Simpson	He was pleased everything went well between the Developer and the neighborhoods.
William McGuirt	He was sorry he was late. He had a funeral to attend.
Dan Wooten	No Comment

ITEM NUMBER ELEVEN

Adjournment

The meeting adjourned at 8:30 p.m.