

**May 6, 2008**

The Union County Planning Board met in regular session on Tuesday, May 6, 2008 at 7:00 p.m. in the Union County Board of Commissioner's Board Room, located on the 1<sup>st</sup> Floor of the Union County Government Center, 500 North Main Street, Monroe, NC, 28112, with Chairman Robert Allen presiding.

**Planning Board Members Present:**

Chairman Robert Allen, Vice Chairman Everette Medlin, Christa Boggs, Charles Greene, Russell Cox, Bill McGuirt, Richard Simpson, and Andy Williams

**Planning Board Members Absent:**

Don Kerr and Dan Wooten

**Also Present:**

Richard Black and Pam Rivers

**ITEM NUMBER ONE**

Call to Order

***Chairman Robert Allen called the meeting to order.***

*Bill McGuirt was designated as a voting member in the absence of Dan Wooten and Don Kerr.*

**ITEM NUMBER TWO**

Additions and/or Deletions to the Agenda

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

**ITEM NUMBER THREE**

Approval of the Agenda

*Motion was made by Everette Medlin and seconded by Charles Greene to approve the agenda. The vote was unanimous.*

**ITEM NUMBER FOUR**

Approval of the April 1, 2008 Planning Board Minutes

*Motion was made by Richard Simpson and seconded by Christa Boggs. The vote was unanimous.*

**ITEM NUMBER FIVE**

Text Amendment – Section 367 (b) Adequate Public Facilities Ordinance

Richard Black, Interim County Manager, reviewed the following with the Planning Board members:

**TEXT AMENDMENTS: UNION COUNTY LAND USE ORDINANCE**

**PROPOSED AMENDMENTS**

1. AMEND Section 362, Definitions, by modifying the definition of Voluntary Mitigation Payment as shown below:

**Voluntary Mitigation Payment or VMP:** A Mitigation measure in which the Applicant agrees to contribute money to the County to defray the per-unit impacts of school facilities.

2. AMEND subsection (b) of Section 367, Mitigation, as shown below:

(b) Except as stated in this Section, any ~~Any~~ Mitigation, including any ~~monetary contribution,~~ land donation or construction of Public Facilities, shall be ~~paid~~ provided or completed prior to the issuance of any affected final plat or major site plan approval within the subject development.

3. ADD a new subsection (b1) to Section 367 to read as follows:

(b1) When Mitigation consists of Voluntary Mitigation Payments, final plat approval may be granted prior to the provision of VMPs subject to the following conditions:

(1) The total amount of VMPs required for final plat approval, as determined pursuant to subsection (e) of this Section, shall be fixed with respect to the entire development on the date that final plat approval is granted and may not thereafter be reduced.

(2) Prior to the issuance of a certificate of occupancy for each lot identified in the final plat, VMPs must be paid on a pro-rata basis, determined by dividing the total amount of VMPs owed by the total number of lots. (For example, in a development of 20 lots, if the total amount of VMPs owed is \$100,000, a payment of \$5,000 must be paid before a certificate of occupancy will be issued for each lot.)

(3) Any subdivision plat for which final approval is granted pursuant to this subsection must include the following notices:

Final approval of this subdivision plat is contingent upon proof of full payment to Union County of Voluntary Mitigation Payments in the amount of \$[insert total VMP dollar amount] in accordance with Union County's Adequate Public Facilities Ordinance.

Issuance of a certificate of occupancy for each lot identified in this subdivision plat is contingent upon proof of payment to Union County of a pro-rata share of the total Voluntary Mitigation Payment amount of \$[insert total dollar amount]

owed for this development, or \$ [insert total dollar amount divided by total number of lots] per lot.

(4) The County may require a Consent Agreement prior to issuance of final plat approval whereby the Applicant commits to payment of VMPs.

4. AMEND the first sentence of subsection (h) of Section 369, Scope of Determination; Reservation of Capacity, as shown below:

(h) Except for developments for which final plat approval has been granted pursuant to subsection (b1) of Section 367, if ~~If~~ Planned Capacity is added to the Capital Improvements Program after a major development permit is approved, the applicant may request a new determination of Available Capacity under Section 371 as an amendment to the final plat.

5. This Amendment shall become effective upon adoption.

Approved following public hearing this the \_\_\_\_\_ day of \_\_\_\_\_, 2008.

There was discussion among the Board members on when fees are to be collected – at the issuance of a building permit or at CO (Certificate of Occupancy).

***Motion was made by Everette Medlin and seconded by Charles Greene to allow fees to be collected at CO (Certificate of Occupancy) instead at the Issuance of a building permit. The vote was 5 to 3.***

### **ITEM NUMBER SIX**

Text Amendment – Incentives for Cluster Developments

### **TEXT AMENDMENT: UNION COUNTY LAND USE ORDINANCE**

#### **PROPOSED AMENDMENT**

1. AMEND paragraph (b) of Section 187, Cluster Development, as follows:

(b) The intent of this section is to authorize the developer to decrease lot sizes and leave the land “saved” by so doing as common open space, thereby lowering development costs and increasing the amenity of the project without increasing the density beyond what would be permissible if the land were subdivided into lots of the size required by Section 181. *This section is not intended, nor shall any provision herein be construed, to increase the total number of residential lots that may be developed beyond the number that would otherwise have been available without cluster development. Prior to sketch plan approval, the developer shall be required to establish, to the reasonable satisfaction of the planning staff, that the number of lots that would have been available without cluster development has not been exceeded.*

2. This Amendment shall become effective upon adoption.

Approved following public hearing this the \_\_\_\_ day of \_\_\_\_\_.

Motion was made by Bill McGuirt and seconded by Russell Cox to table this item and send it back to staff to come up with other alternatives. The vote was 7 to 1.

**ITEM NUMBER SEVEN**

Planning Staff Report (Work in Progress)

Mr. Black told the board that the Land Use Steering Committee meeting was on 5-20-08 at 5:00 at the Weddington High School media center.

Mr. Black told the board that Mr. James Howie was appointed as a member for Jackson Township and Richard Simpson was reappointed for New Salem Township.

**ITEM NUMBER EIGHT**

Brief Comments

Christa Boggs	Mr. Black did a great job for the county.
Russell Cox	No Comment
Robert Allen	Welcome back to Mr. Black
Richard Simpson	Thank You to Mr. Black
Bill McGuirt	Mr. Black did a great job in serving as interim county manager.
Charles Greene	No Comment
Everette Medlin	He still did not feel comfortable with the text amendment and how it was handled.
Andy Williams	Wanted to express his sympathy to Albert Starnes on the passing of his mother and thank you to Mr. Black.

**ITEM NUMBER NINE**

Adjournment

The meeting adjourned at 8:30 p.m.