

July 7, 2009

The Union County Planning Board met in regular session on Tuesday, July 7, 2009, 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.

PRESENT: Kathy Broom, John Darsey, Mark DiBiasio, Jim King, Jerry Nolan, Jeff Gerber

ABSENT: Patricia Freeman, Scott Heslink, Thomas Steffen

ALSO PRESENT: Richard Black, Roger Horton, and Pam Rivers

ITEM NUMBER ONE

Call to Order

Chairman Jim King called the meeting to order at 7:00 p.m.

ITEM NUMBER TWO

Additions and/or Deletions to the Agenda

There were no Additions or Deletions to the Agenda.

ITEM NUMBER THREE

Approval of the Agenda

Motion was made by John Darsey and seconded by Jerry Nolan to approve the agenda. The vote was 6 to 0.

ITEM NUMBER FOUR

Approval of the June 2, 2009 minutes

Chairman King went over with the Board the changes to be made to the June 2, 2009 minutes. Kathy Broom said she would like to have the minutes done verbatim and would like to have a copy of the guidelines for the Planning Board. Chairman King said that each member could get a copy of the dvd for the June 2, 2009 meeting for the guidelines.

Motion was made by Mark DiBiasio and seconded by John Darsey to approve the June 2, 2009 minutes as amended. The vote was 5 to 1.

There was discussion among the board on how the minutes should be done. Mark DiBiasio said doing the minutes verbatim would be costly. Mr. Black said that the minutes have always been done very brief, with the motion that was made, the first and the second and what the vote was. Mark DiBiasio asked if it was possible to put the recordings on the website where people could listen to them.

A call for the question was made by John Darsey and seconded by Mark DiBiasio that there was no reason to have minutes done verbatim. The vote was 6 to 0.

Motion was made by Mark DiBiasio and seconded by Jeff Gerber that once the minutes are prepared send a copy to the Chairman to review and go over with Planning staff any changes that need to be made for this board. Clarified minutes will be sent to members and any changes from members need to be called in to the Planning Director and be checked by the recorded tape. The vote was 6 to 0.

ITEM NUMBER FIVE

Review and Discuss Use By Right Table For All Uses in Residential Zoning

Mr. Black went over with the board the Use By Right Table for all uses in residential zoning.

Mark DiBiasio stated there are a lot of inconsistencies with the Use By Right Table and how it is applied and wants to explore the idea of an overlay for different areas of the county with a different set of specifics to address issues unique to that area.

Jerry Nolan stated that you want to get the Land Use Plan done first and then work on the Land Use ordinance.

Mark DiBiasio asked the board to look over the Table of Uses and make suggestions at the next meeting and to have this put on the agenda for next month.

ITEM NUMBER SIX

Review and Discuss Conditional Use Permits in County Zoning

Mr. Black went over with the board the Conditional Use Permits process.

Mark DiBiasio stated that implementing a conditional zoning or conditional use zoning would help the developers do a good job for the people because a lot of times people don't even know what is going on.

Kathy Broom asked was there a timeline to get this done? Chairman King said that there is not a definite timeline but the main task is to get to work on the Land Use Plan then start on the Land Use Ordinance and the board would be having workshops scheduled for this.

Motion was made by Mark DiBiasio and seconded by Jeff Gerber to direct planning staff to create an ordinance that would reflect the Charlotte type of conditional zoning and bring back to the next meeting a text amendment that would reflect that. The vote was 6 to 0.

ITEM NUMBER SEVEN

Discussion on Storm Water Management Approval for Marvin Ridge School

Chairman King stated that back in early March of this year that the Union County Public Schools were on the Board of County Commissioners agenda asking for approximately \$400,000 to redesign the stormwater detention ponds.

The Board had requested to see all approval letters and permits from the schools and what was requested was not what the board received.

Mark DiBiasio stated that the question the board wanted answered was what transpired that added approximately \$400,000 to additional cost of complying with state stormwater for the Marvin Ridge School.

Mark DiBiasio had requested that Don Hughes from Union County Public Schools come to the Planning Board meeting for July 7, 2009 to answer questions and was told by Mr. Hughes that it would be inappropriate to come before the board to answer questions about this issue. Mr. Hughes said that he would be glad to meet with the Chairman and Vice Chairman at his office to discuss this issue however the Chairman and Vice Chairman felt this should be handled by the entire Planning Board.

Chairman King read letters from NCDWQ stating that Union County Public Schools had not complied with the state stormwater requirements.

Motion was made by Jeff Gerber and seconded by John Darsey that for the record this was a personal insult to this board and wants a letter of explanation why Mr. Hughes said that it would be inappropriate to come before this board to answer questions and also to have this letter sent to the Union County Board of Commissioners. The vote was 6 to 0.

Motion was made by Mark DiBiasio and seconded by John Darsey to amend the table of uses Appendix I-29 (Schools, Elementary, Junior/Senior) to add a "D" designation requiring a Major Development Permit on all uses. The Planning Board would review all ordinance compliances for all new schools being built in Union County. The vote was 6 to 0.

Chairman King stated that Planning staff and the Technical Review Committee should be able to make sure that all approval letters and permits met all the requirements so that this would not be an issue again.

ITEM NUMBER EIGHT

APFO Status Report

Lee Jenson went over with the board the APFO Status Report. Mr. Jenson stated that the Town of Fairview and the Town of Wesley Chapel had incorporated the APFO into their ordinance. Town of Marvin, Town of Mineral Springs and Town of Weddington had only adopted the MOU. Town of Wingate, Town of Marshville, Town of Stallings and City of Monroe did not want to be involved in the APFO. At this time the Town of Waxhaw has not said if they would participate.

The Town of Weddington, Marvin, Mineral Springs and Unionville have indicated that they are interested in participating, but are waiting on the outcome of the law suit.

Kathy Broom stated that the Town of Indian Trail had also incorporated the APFO into their ordinance.

ITEM NUMBER NINE

Review of Draft Union County Comprehensive Plan

Mr. Black went over with the board about the surrounding counties Land Use Plans most were similar to our plan on the adjacent areas to our borders. Planning staff had checked with Anson County, Stanly County, Cabarrus County, Mecklenburg County, Chesterfield County and Lancaster County.

Lee Jenson stated Lancaster County has a lot of high density residential proposed in the panhandle section of Lancaster County.

Kathy Broom had asked did Clarion Associates work with each town about what they wanted in the plan ? Mr. Black stated that each town in Union County was notified of every meeting that the steering committee had several work shops and worked with each town to get their input.

Chairman King stated that it would be good at this first work session coming up to break up the Plan into different quadrants and start with the North West quadrant first if everyone was ok with that. Chairman King also stated he would like to have an update on the Public Works water and sewer master plan.

Kathy Broom had requested information on all of the meetings that the Land Use Plan steering committee had to see what each town had wanted in the plan. Mr. Black had copies of all the minutes and gave them out to the board for them to look over.

ITEM NUMBER TEN

Discussion of Work Sessions Schedule

Motion was made by Chairman King and seconded by Mark DiBiasio to have the work sessions for the Land Use Plan scheduled for the 4th Monday of each month at 7:00 p.m. located in the Personnel Training Room, First Floor of the Union County Government Center. The vote was 6 to 0.

ITEM NUMBER ELEVEN

Planning Staff Report (Work in Progress)

Lee Jenson told the board that he had sent off the Flood Plain Ordinance with the changes to the State and to the County Legal Department to make sure that everything is in compliance and said he has not heard anything back yet from them and would let the board know when he does.

Mr. Black gave a copy of the letter to the board that was sent to Clarion Associates and the Board of County Commissioners about all of the errors in the draft Union County Land Use Plan. Mr. Black also told the board that if anyone wanted a copy of the training sessions that were held in May they could get a CD of the meeting.

Motion was made by Mark DiBiasio and seconded by Jeff Gerber that a letter should be sent to the three board members that had missed two meetings and send a copy of what it says in the ordinance if a member misses more than three meetings that they may be removed.

The vote was 6 to 0.

ITEM NUMBER TWELVE

Brief Comments

John Darsey

No Comment

Mark DiBiasio

No Comment

Jeff Gerber

I am very impressed with this board, but when this board asks for someone to attend a meeting to answer questions the board has and were told they would not by Mr. Hughes was totally inexcusable.

Kathy Broom

I would like to have copies of all the letters that were sent on the whole Marvin Ridge School situation.

Jim King

No Comment

Jerry Nolan

No Comment

ITEM NUMBER THIRTEEN

Adjournment

The meeting adjourned at 10:15 p.m.