January 5, 2010

The Union County Planning Board met in regular session on Tuesday, January 5, 2010, 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, Patricia Freeman, Jeff Gerber, Scott Heslink, Jim King, Jim Thornton

ABSENT: Thomas Steffen

ALSO PRESENT: Richard Black, Roger Horton & Lee Jenson

ITEM NUMBER ONE
Call to Order

Chairman 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 Patricia Freeman to approve the agenda. The vote was 7 to 0.

ITEM NUMBER FOUR
Approval of the November 3, 2009 minutes
Approval of the December 1, 2009 minutes

Motion was made by Jeff Gerber and seconded by John Darsey to approve the November 3, 2009 minutes. The vote was 7 to 0.

Motion was made by Mark DiBiasio and seconded by Patricia Freeman to approve the December 1, 2009 minutes. The vote was 7 to 0.

ITEM NUMBER FIVE
Rezoning Petition #001095, Allison's Custom Construction requesting rezoning classification from B-4 (General Commercial) to RA-40 (Residential-Agricultural).

Rezoning Petition #001095, Allison's Custom Construction, requesting rezoning classification from B-4 (General Commercial) to RA-40 (Residential-Agricultural) containing 3.02 acres, being on Tax Map #04-198-004B, located on Griffith Road (S.R. #2139) and being within Buford Township.

Roger Horton discussed with Board the Rezoning Petition and went over the Land Use Map and the County Zoning Map.

Mr. Allison Helms was present to answer any questions from the Board.

Roger Horton read the Staff Recommendations:

FAVORABLE CHARACTERISTICS OF PETITION

1. The Land Use Plan projects future use of this property to be low density residential (0-1du/acre).

2. The predominant surrounding land use and zoning is RA-40 Residential-Agricultural.

3. The Union County Schools had no issues with this request.

UNFAVORABLE CHARACTERISTICS OF PETITION

NONE

STAFF RECOMMENDATION

Favorable to rezone: 270
Unfavorable to rezone: 0

Jim King stated that there was a lot more commercial in this area than what was being shown on the County zoning map and that the GIS information on the County website is showing the wrong zoning it is showing RA-40 not B-4.

Richard Black stated that some of these properties in this area could have commercial uses because the use was there before the county had any zoning.

Jim King stated he would like to have more information on this before it goes to the Board of County Commissioners.

Kathy Broom stated that she wanted staff to come back at the next meeting and show which properties in that area have a commercial use on them.

Motion was made by Mark DiBiasio and seconded by Jeff Gerber to accept the zoning change. The vote was 5 to 2 with a Favorable Recommendation.

ITEM NUMBER SIX
Request from County Manager to discuss prioritization of Planning Board projects.

Al Greene County Manager stated that he really appreciates all of the members' efforts and time put into all of the projects on the Planning Board's plate.

Al Greene stated that he knows the Board gets frustrated with our turn around time and that the legal staff is swamped with a hefty workload even outside planning issues. The main focus at this time needs to be on the Union County Comprehensive Plan for several reasons: the land uses policies and vision statements from the Board of County Commissioners needs to be incorporated into the Comp Plan and the Rocky River RPO Transportation Plan will not be able to be implemented until the Comprehensive Plan is adopted.

Al Greene also stated that the water and sewer master plan is about to start and it would be helpful to have the Comprehensive Plan adopted. An adopted Comprehensive Plan would also allow work to start on a Unified Development Ordinance which would incorporate all of the Planning Board's text amendment projects.

Motion was made by Mark DiBiasio and seconded by Scott Heslink to suspend this agenda item for the time being until we set up a meeting with the Chair and Vice-Chair of the Planning Board, the Chair and Vice-Chair of the Board of County Commissioners, Staff and County Manager as dictated to discuss priorities of the Planning Board. The vote was 7 to 0.

ITEM NUMBER SEVEN
Discussion of Staff Duties and Responsibilities

Jim King stated that the reason for this was to find staff's interaction with the Planning Board because the Board has new members to let them know who to call if they have questions.

Richard Black stated that he was the liaison for the Planning Board and he would direct any information the Board needed to Planning Department staff and the County Manager. Zoning administrator Lee Jenson has a similar relationship with the Board of Adjustment.

Al Greene stated that Mr. Black is the liaison for the Planning Board but that any Board member can feel free to call anyone in the County for help.

Mark DiBiasio stated that the Board has a lot of projects that they are working on right now that require staff involvement and that they should know who they need to talk to. He is disappointed in how long it takes to get anything moving forward and would like to be able to accomplish more.

Richard Black stated that all the projects that the Board wants to work on could be organized into a plan of action for the Board's consideration.

Jim King stated he was wanting more of a description of specific duties that staff does.

Kathy Broom stated that she thought the Board understood the duties that staff has and that we need to move on.

Mark DiBiasio stated that it would not work to dump the Unified Development Ordinance on the Board all at one time it needs to be done over time and a consultant is not going to know as much as the Board does about what is going on.

Mark DiBiasio also stated that he was very disappointed in the Conditional Zoning not being brought back to the Board until March when it was brought to staff in August and I hope in the next few months that we have another method that would not take six months.

Jim King stated it was supposed to be back to the Board in October 2009.

ITEM NUMBER EIGHT

Review of Board of County Commissioners amendment to Article XXIV Flood Damage Prevention, Sections 400, 401 and 402.

Lee Jenson stated that the Planning Board wanted this amendment changed back to the way it was originally but there were changes made to it by the Board of County Commissioners because of concerns over Bona Fide Farms. The amendment means that farm structures can be built in the floodplain now under the condition that there is no rise in base flood elevation.

Jim King stated that what is the difference in a house or a farm building being built in the floodplain. It's the same thing.

Mark DiBiasio stated that we need to get an exact definition of fill in the floodplain and recommended looking at this thru legal to make sure we are comfortable with this and if there is a definition issue we need to solve it.

Motion was made by Jeff Gerber and seconded by John Darsey to accept the recommendation that farm structures can be built in the floodplain under the condition that no rise in the base flood elevation (Not Including Fill) and that this is an invasion of ones property rights.
The vote was one for and six against.

Jim King stated that Lee would bring back to the Board an understanding of what fill entails.

ITEM NUMBER NINE

Initiation of Land Use Ordinance text amendment to consider requiring glare control on outdoor lighting.

Scott Heslink gave out information to the Board to look over different lighting requirements in other counties. Lighting requirements are only in Section 242 & 243 of the Land Use Ordinance.

Scott Heslink stated that he had looked at Pineville, Davidson & Mecklenburg's lighting ordinances and that he works with lighting and design issues for his company.
There are four points to make for the lighting issues: #1 Make a lighting plan as part of a plan submission, #2 Illumination standards, #3 Design requirements for glare control, #4 Sports and athletic lighting issues.

Scott Heslink stated that we need a proposal to develop a text amendment to include this in our ordinance to make it more specific and reviewable.

Jim King stated that he would like staff's opinion on this and that the Board of County Commissioners asked this issue be put back on our agenda to discuss.

Motion was made by Mark DiBiasio and seconded by Jim King to begin the process of taking the language from the Village of Marvin control of glare ordinance and add sections 2-2 A (lighting glare control), F (sports field lighting) and H (building facades) and prepare a text amendment to add to our existing ordinance. The vote was 7 to 0.

ITEM NUMBER TEN

Discussion to amend Article XXIV Flood Damage Prevention, Section 384 Definitions to exclude "stormwater facilities" from the definition of "Essential Services".

Lee Jenson stated this was sent to the Board from the Board of County Commissioners to discuss and how essential services was defined.

Motion was made by Mark DiBiasio and seconded by John Darsey to exclude "stormwater facilities" from the definition of essential services. The vote was 7 to 0.

ITEM NUMBER ELEVEN

Review of APFO Court of Appeals Decision.

Mark DiBiasio asked how is this decision going to affect the Planning Department and is the County going to appeal?

Richard Black stated the attorneys are looking into the effect of this decision on residential development in the county and will report back with the results as soon as possible. The county is in the process of developing a petition for the NC Supreme Court to hear an appeal of this decision.

ITEM NUMBER TWELVE

Discussion of Mixed Use Zoning.

Richard Black stated that staff needed to get some direction from the Planning Board in order to develop the type of mixed use zoning the Board wanted to consider.

Mark DiBiasio stated that we need to create an ordinance that governs the ability for commercial and residential and there is no way now to address this issue and to have staff come back with ideas on how to approach a mixed use zoning and what language to use.

ITEM NUMBER THIRTEEN
Discussion of an Over 55 Planned Development Zoning

Jeff Gerber stated he would like to go ahead and pass this to include zoning for 55 and over development because Union County has been needing this for a long time.

Jim King stated that the Board needed to work on this more before we take a vote on it and what specific criteria and how much density to allow.

Mark DiBiasio stated we need to have the zoning available for a 55 and over development but there is certain deed restrictions we have to look at also.

Jeff Gerber stated we need to authorize staff to make a zoning district for 55 and over.

Motion was made by Mark DiBiasio and seconded by Kathy Broom to table Items 14 and 15 from the agenda. The vote was 7 to 0.

ITEM NUMBER FOURTEEN
Review and Discuss of the Table of Uses, Appendix I

This item was tabled until the next scheduled meeting.

ITEM NUMBER FIFTEEN
Review of Draft Union County Comprehensive Plan

This item was tabled until the next scheduled meeting.

ITEM NUMBER SIXTEEN
Planning Staff Report (Work in Progress)

Richard Black stated that all addresses had been put in for the Census 2010 and would like to encourage people to participate in the Census 2010.

Jim King stated that the Board would be having their work session this month 1-25-2010.

ITEM NUMBER SEVENTEEN
Brief Comments

Kathy Broom	No Comment
John Darsey	No Comment
Patricia Freeman	Looking forward to the new year and working with the Board.
Mark DiBiasio	Happy New Year! Appreciate Mr. Green coming and discussion with staff.

Jeff Gerber	There is speculation about what we are doing about the Land Use Plan and there are rumors going around we don't respect peoples property rights, this is not true we are going to get this Land Use Plan to the Board of County Commissioners as soon as possible.
Scott Heslink	No Comment
Jim King	No Comment
Jim Thornton	No Comment

ITEM NUMBER EIGHTEEN
Adjournment

The meeting adjourned at 10:00 p.m.