

September 1, 2015

The Union County Planning Board met in regular session on Tuesday, September 1, 2015, at 7:00 p.m. in the Board of Commissioners Formal Board Room, located on the First Floor of the Union County Government Center, 500 North Main Street, Monroe, NC, 28112.

PRESENT: Everette Medlin, Chris Duggan, Don Fisher, Patrick Harrison, Sean Maher, Roger Stanton, Robert Traficanti, Russell Wing

ABSENT: Clint Laster

ALSO PRESENT: Richard Black, Lee Jenson, Jim King, Brian Matthews

ITEM NUMBER ONE

Call to Order

Chairman Everette Medlin called the meeting to order.

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 Don Fisher and seconded by Robert Traficanti to approve the agenda. The vote was 7 to 0.

ITEM NUMBER FOUR

Approval of the June 2, 2015 Minutes

Motion was made by Russell Wing and seconded by Robert Traficanti to approve the June 2, 2015 Minutes. The vote was 7 to 0.

ITEM NUMBER FIVE

Text Amendment Rural Home Occupations Section 35.040.F be amended to add the following language at the end of the first or introductory paragraph: "or an R-40 zoned lot of at least (five) 5 acres in order to permit rural home occupations on large parcels of a rural nature in Union County.

Summary

This is a request to amend the text of Section 35.040-F of the Union County Development Ordinance to add at the end of the introductory paragraph . . . "or an R-40 zoned lot of at least (5) five acres." This text change would have the result of allowing Rural Home Occupations in R-40 zoning districts on lots containing at least 5 acres. Rural

Home Occupations are currently only allowed on lots of at least 100,000 square feet in the RA-40 zoning district. The full text of the existing text is as follows:

“Home occupations that do not comply with all of the suburban home occupation regulations of Section 35.040-E but that do comply with all of the regulations of this subsection are permitted in conjunction with any allowed principal residential use on RA-zoned lot of at least 100,000 square feet in area.”

The proposed change reads as follows:

“Home occupations that do not comply with all of the suburban home occupation regulations of Section 35.040-E but that do comply with all of the regulations of this subsection are permitted in conjunction with any allowed principal residential use on RA-zoned lot of at least 100,000 square feet in area, or an R-40 zoned lot of at least (5) five acres.”

Discussion

In reviewing this proposed change the Planning Board and the Union County Board of Commissioners should consider several key components of the Union County Development Ordinance. The first are the differences between the R-40 zoning district and the RA-40 district. The R-40 district is defined as follows:

“The R-40, R-20 and R-15 districts are primarily intended to accommodate low- to moderate-density single-family residential development. The R-40 district is generally intended to apply in areas where central water and/or central sewer service is not widely available. The R-20 and R-15 districts are generally intended to apply in areas served by central water and central sewer facilities.”

The RA-40 district is defined as follows:

“The RA-40 district is primarily intended to accommodate agriculture, agriculture-related uses, compatible agribusiness and rural business uses and low-density residential development (including most classes of manufactured housing units). The district is generally intended to apply in areas where central water and/or central sewer service is not widely available.”

Another important thing to consider is the number of properties this text change will affect. We had staff query the GIS database for the number of R-40 zoned properties that were 5 acres or more to determine this. Based on staff’s query the text change will affect a little over 400 properties.

The Boards should also consider the differences between a Suburban Home Occupation (Section 35.040-E) and a Rural Home Occupation (Section 35.040-F). Are these differences appropriate in the R-40 district or are they better suited to the RA-40 district solely?

Recommendation

Staff is of the opinion that this text change is appropriate based on the fact that it only allows Rural Home Occupations on lots of 5 acres or larger. A 5 acre lot with adequate screening, as required by the ordinance, should provide adequate protection for adjacent properties while allowing limited commercial accessory uses. One addition that staff would recommend is the addition of a statement in the text that specifically protects adjacent properties in the R-40 zoning district. Staff recommends that a new statement be added under 35.040-F to read:

“Rural Home Occupations in the R-40 district must be operated so as not to adversely affect the character of the surrounding neighborhood or create or cause a nuisance.”

Lee Jenson came up and presented to the Board the proposed Text Amendment and answered any questions the Board may had:

Wes Faulk attorney for Joel & Teresa Barbee of Deerfield Plantation came up to speak to the Board about what his clients are doing on their property.

Michael Hagerman a resident of Deerfield Plantation came up to speak to the Board and explain about his business that is run out of his home.

Motion was made Sean Maher and seconded by Chris Duggan to approve the Text Amendment with it reading Rural home occupations in the R-40 district will not adversely affect or create or cause a nuisance to any individual or surrounding property owners. The vote was 7 to 0.

ITEM NUMBER SIX

Rezoning Petition #RZ-15-03, Chris Azar, requesting rezoning classification from R-20 to B-4 (General Commercial) containing 1.5 acres, being Tax Map #07-060-061 located off Indian Trail Fairview Road, within Vance Township.

Rezoning Staff Report

Case	RZ-2015-003		
Request	Proposed Zoning	B-4	
Existing Site Characteristics	Existing Zoning	R-20	
	Existing Use	Single Family Residence	
	Site Acreage	1.244	
Applicant	Chris Azar		
Submittal Date	8/7/15		
Location	5604 Indian Trail Fairview Rd. Across the street from the intersection of Stinson Hartis Rd. and Indian Trail Fairview Rd.		
Tax Map Number(s)	07-060-061		
Plan Consistency	Comprehensive Plan	Designation	Neighborhood Center
		Consistent with Request	Yes
Recommendations	Planning Staff	Recommend Denial of Rezoning Request	

	Planning Board	
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Summary

This is a request to rezone 1.244 acres of property from a zoning designation of R-20 to a zoning designation of B-4. The subject property sits on Indian Trail Fairview Rd. directly across the street from the intersection of Stinson Hartis Rd. and Indian Trail Fairview Rd. The property is currently utilized as a single-family residence.

Analysis

This is a map amendment request to change the zoning on the subject tracts from a R-20 zoning district to a B-4 zoning district. This is a regular rezoning and not a conditional rezoning meaning that this request will just establish a different zoning district and will not establish any type of uses or site plan. Any and all uses allowed under the B-4 designation could be established if the rezoning is approved.

Location Characteristics and Surrounding Zoning

Location Overview

The subject property sits on Indian Trail Fairview Rd. directly across the street from the intersection of Stinson Hartis Rd. and Indian Trail Fairview Rd. The property is currently utilized as a single-family residence. The area surrounding the rezoning request is a mix of medium density residential development and commercial uses. The property lies near the future interchange of the Monroe Bypass and Indian Trail Fairview Rd.

Area Zoning

The subject property is currently zoned R-20, which is a medium density residential zoning district. Surrounding properties inside Union County’s jurisdiction are zoned R-20. Indian Trail has jurisdiction over the parcels to the west of the subject property. Indian Trail’s zoning designation on these properties is LI.

Comprehensive Plan Consistency

The subject property is located within a Neighborhood Center as designated on the Comprehensive Plan.

Neighborhood Centers are located near concentrations of existing or planned residences, in areas with access to major thoroughfares and utilities and where not in competition with existing centers. These centers should incorporate uses such as grocery stores, retail establishments, restaurants and services.

While the B-4 district allows uses which are consistent with the Neighborhood Center designation it also allows some uses which may not be consistent with the designation. A better option would be to submit a Conditional Rezoning request that identifies the uses and establishes a site plan for the site.

This parcel is located in an area that is near the interchange of the Monroe Bypass and Indian Trail Fairview Rd. This is one of the areas that staff is looking at to develop a small area plan for. The potential exists for this interchange to receive a lot of development pressure and having a plan in place to help guide that development is paramount. Waiting until after an area plan is finished is the right time to consider a rezoning request in this area.

Recommendation

Staff is of the opinion that this rezoning request should be denied based on the range of uses allowed in the B-4 district. Staff also recommends that rezonings in this area be denied based on the Monroe Bypass interchange and the need to develop a small area plan to help guide development.

Lee Jenson presented the Rezoning Petition to the Board and answer any questions the Board may have:

The applicant Chris Azar came up to speak to the Board on the Petition and answer questions from the Board.

Motion was made by Chris Duggan and seconded by Russell Wing to deny the Rezoning Petition at this time. The vote was 7 to 0.

ITEM NUMBER SEVEN

Planning Staff Report

No Staff Report at this time.

ITEM NUMBER EIGHT

Brief Comments

No Comments

ITEM NUMBER NINE

Adjournment

The meeting adjourned at 10:00 p.m.