

November 5, 2013

The Union County Planning Board met in regular session on Tuesday, November 5, 2013, 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: Christopher Duggan, Don Fisher, Roger Stanton, Robert Traficanti, Russell Wing

ABSENT: Brian Clark, Patrick Harrison, James Howie, Everette Medlin

ALSO PRESENT: Richard Black, Roger Horton, Lee Jenson, Brian Matthews

ITEM NUMBER ONE

Call to Order

Vice Chairman Roger Stanton called the meeting to order at 7:00 p.m.

Richard Black Planning Division Director introduced our new Executive Director of Growth Management Brian Matthews to the Planning Board.

ITEM NUMBER TWO

Additions and/or Deletions of 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 5 to 0.

ITEM NUMBER FOUR

Approval of the September 3, 2013 Minutes

Motion was made by Christopher Duggan and seconded by Don Fisher to approve the September 3, 2013 Minutes. The vote was 5 to 0.

ITEM NUMBER FIVE

Amendment to rezone portions of the Floodplain and Floodway Overlay Districts in order to adopt new State Floodmaps.

Lee Jenson presented to the Board the Amendment to rezone portions of the Floodplain and Floodway Overlay Districts in order to adopt new State Floodmaps. These maps were updated October 16, 2008. The new date for the updated Floodmaps will be February 19, 2014 with thes

approval of the Board of County Commissioners. There are ninety one affected property owners and notices were sent to all of them.

Motion was made by Christopher Duggan and seconded by Russell Wing to approve the updated Floodplain Maps and the Text Amendment. The vote was 5 to 0.

ITEM NUMBER SIX

Text Amendment pursuant to the amendment of the Floodplain and Floodway Overlay Districts

Sec. 386 BASIS FOR ESTABLISHING THE SPECIAL FLOOD HAZARD AREAS

The Special Flood Hazard Areas are those identified under the Cooperating Technical State (CTS) agreement between the State of North Carolina and FEMA in its Flood Insurance Study (FIS) and its accompanying Flood Insurance Rate Maps (FIRM), for Union County dated ~~October 16, 2008~~ February 19, 2014 which are adopted by reference and declared to be a part of this ordinance.

The initial Flood Insurance Rate Maps are as follows for the jurisdictional areas at the initial date:

Union County Unincorporated Area, dated July 18, 1983, Town of Fairview, dated October 16, 2008, Town of Hemby Bridge, dated October 16, 2008, Town of Indian Trail, dated March 21, 1980, Village of Lake Park, dated January 17, 1997, Town of Marshville, dated July 5, 1994, Village of Marvin, dated January 17, 1997, Town of Mineral Springs, dated July 18, 1983, City of Monroe, dated January 19, 1983, Town of Stallings, dated July 5, 1994, Town of Unionville, dated October 16, 2008, Town of Waxhaw, dated July 5, 1994, Town of Weddington, dated January 17, 1997, Village of Wesley Chapel, dated January 17, 1997, Town of Wingate, dated December 1, 1981

Lee Jenson described to the Board the Text Amendment Section 386 Basis For Establishing The Special Flood Hazard Areas

ITEM NUMBER SEVEN

Preliminary Plat Review of LADERA 1 & 2 Cluster Subdivision, for Standard Pacific of the Carolinas, LLC, containing 69.856 acres with 70 lots, located off New Town Road (S.R. #1315) and being within Sandy Ridge Township. Total open space is 20.805 acres.

STAFF RECOMMENDATION: FAVORABLE

The following comments and approvals have been received from various review agencies:

Union County Zoning – No 100 year flood prone area.

Department of Transportation – Approved driveway permit.

County Schools – The development will be in the currently Sandy Ridge Elementary, Marvin Ridge Middle and Marvin Ridge High School districts. Marvin Ridge High is presently below capacity. However, Sandy Ridge Elementary and Marvin Ridge Middle School are currently above capacity and are expected to remain so for the next several years. This development will

add to current over-capacity problems, such as mobile classrooms, inadequate capacity for food service and restroom facilities, rationing of access to the library, insufficient parking and queuing space for parents to safely deliver or pick up their children, and inadequate planning/meeting space for additional staff.

Public Works Department – The water and sewer plans for this development are acceptable. Union County water and sewer infrastructure is accessible to the proposed Development as designed. UCPW reserves the right to require modification to approved Water and Sewer Plans until such time as the plans are incorporated into and executed Standard Water and Sewer Services Extension Agreement in order to bring such plans into compliance with Applicable Law and the UCPW Sanitary Sewer and Water Specifications.

Health Department – Finds the basic plan to be in good order, being based on the utilization of county water and sewer facilities.

Union County Storm Water Department – The plans and reports have been updated to address all previous comments. No additional information or recommendations are required.

Union County Urban Forester – Plans are acceptable.

NCDENR – Land Quality in Mooresville – Approval of the grading and erosion control plans.

NCDENR –DWQ in Raleigh – Approval of storm water management per state requirements.

Private Roads – Engineering approval certifying that plans are in conformance with NCDOT Minimum Construction Standards for Subdivision Roads.

Planning Department – The plat should be approved with the following conditions being met when filing for final plat approval:

1. Developer shall be responsible for receiving approval from the NC Dept. of Environment and Natural Resources – Division of Water Quality on the water/sewer plans.
2. Developer shall post a 15% road maintenance security in accordance with Section 83(b), if necessary, when submitting the final plat.
3. Any on-site disposal shall be delineated according to Section 180 of the Land Use Ordinance.
4. The final plat shall be submitted in digital format, with street addresses included.
5. A Homeowners Association shall be required for maintenance of those improvements not dedicated for public use (roads, sidewalks, etc.). A copy of such document must be submitted before final plat approval.

Chris Isaacs of the Isaacs Group spoke for the developer and answered questions concerning the development.

Robert Traficanti asked about the roads in the subdivision being private and was concerned about who would be maintaining the roads and wants to make sure the homeowners would not get stuck with the upkeep of the roads.

Chris Isaacs stated that the homeowners association would be in charge of maintaining the roads and anyone who buys a lot in the subdivision would be made aware of this. The roads will be certified by an engineer that they are built to state standards.

Brian Matthews stated that NCDOT has notified all municipalities within Union County that they are no longer going to be maintaining roads inside town limits and it's possible in the next 5 to 10 years Union County will have to maintain all county roads in the unincorporated portion of the County.

Motion was made by Russell Wing and seconded by Don Fisher to approve the Preliminary Plat of the LADERA 1 & 2 Cluster Subdivision. The vote was 5 to 0.

ITEM NUMBER EIGHT

Unified Development Ordinance Module 1 Review

Brian Matthews presented to the Board the Unified Development Ordinance Module 1: Zoning District Framework and responded to various questions from the Board.

UDO Module 1 Review

In reviewing this document, keep in mind that other sections and provisions of the UDO will be created at a later date. There may be reference to sections that do not exist at this time or you may have questions about items that have not been developed. Please make notes of any issues or concerns you have so that we may attempt to address them in later sections. Items that are in "green underline" are proposed new and items in "red strikethrough" are proposed for deletion. Staff will attempt to highlight changes we believe to be of significant interest. This is by no means an exhaustive list of all changes. Please do not hesitate to contact us if you have any questions concerning any of the proposed changes. Also, keep in mind that one of the major components of the new UDO will be the provision to allow "conditional zoning" for properties. This will mean that many of the zoning districts indicated will not actually exist unless the Commissioners decide to approve a conditional zoning application for the district. It also allows the Commissioners to approve projects on a case by case basis with the ability to adjust uses, etc. which best suit the proposed area.

- Section 5.010-A and B (pages 5-1, 5-2):
 - (a) Replacement of the RC-80 zoning district with RA-200. This is the creation of a specific district for agricultural conservation with lots approximately 4.5 acres in size.
 - (b) Also the creation of an R-4 zoning district to accommodate higher density single family and multi-family development

- Table 5-4 (page 5-3):
 - (a) Townhome and multi-unit developments are only allowed in R10 through R-4 districts. Goal was to create single family exclusive districts.
 - (b) Minimum lot widths reduced for lots in the R-10 through R-4

- (c) Maximum building height increased for R-8 through R-4 districts to allow for possible 3 to 4 story buildings.
- Section 5.030-C (pages 5-3 through 5-5):
 - (a) Cluster Development option for residential development available in RA-200 through R-15 zoning districts.
 - (b) Table 5-5 (page 5-4) establishes the minimum acres to qualify for a cluster development as well as the minimum lot sizes and the setbacks.
 - (c) RA-200 requires 100 acres with lots no less than 87,120 square feet (2 acres)
 - (d) Other districts require 25 acres and varying lot sizes. R-15 allows for a 10,000 square foot lot.
- Section 10.010-A (pages 10-1, 10-2):
 - (a) Table 10-1 B-1 and B-6 commercial districts are removed.
 - (b) B-3 is changed from Office to Business Transitional
- Table 15-3 (page 10-3):
 - (a) Minimum size dwelling units are established for commercial districts O through HC.
 - (b) Building heights are increased in O, B-4 and HC districts.
 - (c) It is important to note that residential units in these districts are not stand alone units. They must be inside of the buildings being developed for commercial purposes.
- Section 15.040 Mining Overlay (pages 15-13, 15-14):
 - (a) Removed mining as an overlay district. Mining activities must now be done in HI (heavy industrial).
- Section 15.050 Planned Unit Development Overlay (page 15-14):
 - (a) Removed PUD's as an overlay and no longer allows new PUD's to be developed. Mixed use developments must now apply for a Master Planned Development district approval.
 - (b) Existing PUD's must now be amended by approval from the Commissioners instead of the Planning Board.
- Section 20.020 MPD, Master Planned Development District (page 20-1, 20-2):
 - (a) Added an option to apply for an MPD district for mixed use developments. This is intended to be a "conditional zoning" district replacing PUD's.
- Table of Uses (pages 25-1 through 25-5):

- (a) “P” indicates a use allowed by right; “S” indicates a use allowed by issuance of a special use permit; and “ – “ indicates the use is not allowed.
 - (b) Low impact parks and recreation uses are allowed by right in all districts except LI and HI
 - (c) A number of commercial uses are removed from RA-40. A specific change is the removal of vehicle sales and service from RA-40. Requests for these commercial uses must be approved through a rezoning process to an applicable commercial zoning district. However, businesses directly related to agriculture such as a repair facility for farm equipment can be allowed through a special use permit. The use must be for farm purposes and not for general use.
 - (d) Sports and Recreation, Participant added and split into four categories; indoor minor and major uses and outdoor minor and major uses.
 - (e) Section added to the table for non-exempt agriculture-related uses. These uses that cannot meet the state requirements for being defined as agriculture. If a use falls into this classification then it must meet certain development requirements. Exemption from regulations only applies to uses and properties that meet the definition of a bona fide farm (section 1.050-A of this UDO)
- Section 25.020 Use Categories (pages 25-6 through 25-24):
 - (a) No significant changes to this section. This section provides more defined parameters for uses.
 - Article 30 Supplemental Use and Building Regulations (pages 30-1 through 30-17)
 - (a) Section 30.060 Temporary Dependent Care Residence supplemental regulations more clearly defined.
 - (b) Fueling station and car washes removed from RA-40 so no supplemental regulations are needed.
 - (c) Section 30.080 Entertainment and Spectator Sports creates specific supplemental regulations for major outdoor facilities.
 - (d) Rural business supplemental regulations removed because commercial uses removed from RA-40. Commercial uses must rezone to an appropriate commercial zoning district.
 - (e) Section 30.150 Recyclable Material Processing Center supplemental regulations added to address potential impacts of the use.
 - (f) Section 30.160 Shooting range supplemental regulations added to address potential impacts of the use.
 - (g) Section 30.180 removed Utility or Public Service Facility supplemental regulations. Staff will need direction from the Commissioners on whether to provide general supplemental regulations for all utility and public service

facilities or continue as in the past to have additional standards for only electric substations and natural gas regulator stations.

Brian Matthews stated that Staff will be keeping the Board informed on the progress of Unified Development Ordinance. UDO Module 1 has also being presented to the Board of County Commissioners for their review.

ITEM NUMBER NINE

Planning Staff Report (Work In Progress)

Richard Black informed the Board that the Unified Development Ordinance and the 2025 Transportation Plan/ Comp Plan Update are on the Union County website. Go to Planning Division and look under Resources to review the Unified Development Ordinance and the 2025 Transportation Plan/ Comp Plan Update.

Richard Black stated that the Transportation/Comp plan consultants are conducting a public meeting on November 7, 2013 at South Piedmont Community College to present information on the Long Range Transportation Plan/Comp Plan Update and receive input from the public. Brian Matthews is leading a staff effort to establish a One Stop Permitting Center.

ITEM NUMBER TEN

Brief Comments

Roger Stanton	Enjoyed the presentation. Brian it is good to have you here and thank you to staff for all the hard work
Christopher Duggan	Welcome to Brian and thanks to staff for all you do
Don Fisher	Thank you for the great presentation and good discussion tonight. I enjoy serving on this Board
Robert Traficanti	Thank You to Brian and staff great discussion tonight
Russell Wing	Great meeting tonight enjoyed the presentation

ITEM NUMBER ELEVEN

Adjournment

Motion was made by Russell Wing and seconded by Robert Traficanti to adjourn the meeting. The vote was 5 to 0.

The meeting adjourned at 9:05 p.m.

