

December 1, 2015

The Union County Planning Board met in regular session on Tuesday, December 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, Don Fisher, Patrick Harrison, Clint Laster, Sean Maher, Roger Stanton, Robert Traficanti

ABSENT: Russell Wing

ALSO PRESENT: Richard Black, Lee Jenson, Brian Matthews

ITEM NUMBER ONE

Call to Order

Chairman Everette Medlin called the meeting to order.

Alternate Member Patrick Harrison & Alternate Member Clint Laster were made voting members at this time.

ITEM NUMBER TWO

Additions and/or Deletions to the Agenda

Item #7 (f) of the agenda will be heard at the January 5, 2016 Meeting.

Item #8 was requested by the applicant to be heard at the January 5, 2016 Meeting.

Motion was made by Robert Traficanti and seconded by Don Fisher to remove these items from the agenda. The vote was 7 to 0.

ITEM NUMBER THREE

Approval of the Agenda

Motion was made by Sean Maher and seconded by Patrick Harrison to approve the agenda. The vote was 7 to 0.

ITEM NUMBER FOUR

Approval of the August 4, 2015 & September 1, 2015 Minutes

Motion was made by Robert Traficanti and seconded by Don Fisher to approve the August 4, 2015 Minutes. The vote was 7 to 0.

Motion was made by Robert Traficanti and seconded by Don Fisher to approve the September 1, 2015 Minutes. The vote was 7 to 0.

ITEM NUMBER FIVE

Conditional Rezoning Petition #15-04, Winding Creel, LLC, James Allen Lee, requesting rezoning classification from L-I (Light Industrial) to HC (Conditional) containing 10.848 acres, being Tax Map #04-036-007, located off Highway 601 South, within Buford Township.

Conditional Zoning Staff Report

Case	CZ-2015-004		
Reference Name	Winding Creek, LLC		
Request	Proposed Zoning	HC CZ	
	Proposed Conditions	Limitation of Uses	
Existing Site Characteristics	Existing Zoning	LI	
	Existing Use	Lawn and Landscaping Sales and Service	
	Site Acreage	10.848	
Applicant	James Allen Lee for Winding Creek, LLC		
Submittal Date	October 23, 2015		
Location	4308 Pageland Hwy (US 601 South)		
Tax Map Number	04-036-007		
Plan Consistency	Comprehensive Plan	Designation	Employment Corridor
		Consistent with Request	Yes
Recommendations	Planning Staff	Recommend Approval of Rezoning Tract to HC CZ	
	Planning Board	Recommend Approval of Rezoning Tract to HC CZ	

Project Summary

This is a request to establish a HC CZ on a 10.848 acre site to support the continued operation and expansion of a lawn and landscaping sales and service center and a future retail facility. The subject property is located at 4308 Pageland Hwy. Access to the site is provided by an existing driveway off of Pageland Hwy. No changes to the access are anticipated as a result of the rezoning. The site is currently used as a lawn and landscaping sales and service center. A rezoning is needed to facilitate the expansion of the facility and a future retail facility as LI does not allow retail uses.

Analysis

This is a map amendment request to establish a HC CZ on a 10.848 acre site to support the continued operation and expansion of a lawn and landscaping sales and service center and a future retail facility. The subject property consists of one parcel containing 10.848 acres. The applicant has proposed to limit uses by eliminating the following allowed/special uses from the list of uses in the HC zoning district:

- Off-Premise Signs;
- Campground/RV Park;
- Flea Market; or

- Type 3 Mini-Storage

Site access is provided through an existing driveway off of Pageland Hwy.

Location Characteristics and Surrounding Zoning

Location Overview

The subject property is located at 4308 Pageland Hwy. It is located just south of the intersection of Pageland Hwy and Claude Austin Rd. The subject property is currently used as a lawn and landscaping sales and service center. Surrounding land are primarily agricultural in nature.

Area Zoning

The subject property is currently zoned LI, which is a light industrial zoning district. Areas immediately to the north are zoned LI. Slightly further to the north are areas zoned RA-40 and B-4. Areas to south are primarily zoned RA-40

Community Meeting

The applicant held a community meeting on November 24, 2015 at 4:30PM, at the offices of Helms, Robinson and Lee, PA, 314 N. Hayne St., Monroe, NC 28111. The purpose of this meeting is to solicit comments and concerns from surrounding property owners. Notice of the community meeting consisted of a direct first class mailing via the United States Postal Service to all adjacent property owners and property owners directly across the street from the subject site. No area residents attended the meeting.

Summary of Concerns

No major concerns were raised during the community meeting.

Comprehensive Plan Consistency

The subject property is located within an Employment Corridor area of the Comprehensive Plan. The Employment Corridors are intended to be areas where a variety of employment uses may be located. Some types of uses include; distribution, logistics, aeronautics, industrial and agri-business.

The proposed development lies on the southern part of the US 601 Employment Corridor. This area does not have access to sewer, but its location near concentrations of agricultural operations makes it a prime area for agricultural related enterprises, including distribution and processing facilities.

In addition to the above statements the proposed rezoning helps to support strategy Shop 1.0 of the Comprehensive Plan – Support retail development in areas identified in the Future Land Use Plan.

Based on these factors this request for this conditional zoning district is a reasonable request and is in the public interest because it promotes the goals and strategies of the adopted Comprehensive Plan.

Recommendation

Staff is of the opinion that the findings can be made to support this Conditional Rezoning request. Staff recommends approval of the Conditional Rezoning from LI to HC and incorporating all of the applicants proposed development conditions.

The Union County Planning Board recommended that the Union County Board of Commissioners change the zoning classification from LI to HC CZ and incorporating all of the applicants proposed development conditions.

Lee Jensen came up to present the Conditional Rezoning Petition to the Board and answer any questions from the Board.

James Allen Lee representing the applicant came up to speak to the Board and answer any questions from the Board on the Conditional Rezoning Petition.

Motion was made by Roger Stanton and seconded by Robert Traficanti to approve the Conditional Rezoning Petition. The vote was 7 to 0.

ITEM NUMBER SIX

PUD Amendment PUD-6 (B-2), request to amend the approved PUD to allow the construction of a 106,605 square foot indoor, Self-Storage Facility-Type 1, located at the intersection of Tom Short & Rea Rd, containing 7.05 acres, Tax Map #06-201-007 and being within Sandy Ridge Township.

PUD Permit	000001
Existing Use	Vacant
Proposed Use	Self-Storage Facility – Type 1 106,605 square feet
Tax Parcel Number(s)	06-201-007
Township	Sandy Ridge
Existing Zoning	PUD-6, B-2 use designation
Existing Approvals	Currently approved for a 15,000 square foot indoor swim training facility. This facility will remain and will be incorporated into the plans.

Summary

This is a request to amend a portion of the existing PUD located in the vicinity of the intersection of Tom Short and Rea Rds. Anytime a specific plan of development is proposed for any portion of the PUD a review by the Planning Board and an approval by the Board of County Commissioners is required under the Union County Development Ordinance. In this case, a plan of development was previously approved which will allow the construction of a 15,000 square foot swim training facility. This facility is incorporated into this amendment which will allow for the construction of a 106,605 square foot indoor, self-storage facility.

Analysis

This request seeks to amend the approved PUD to allow the construction of a 106,605 square foot indoor, self-storage facility. The existing parcel of land is approximately 9.05 acres. This development will take place on approximately 7.05 acres of this property. The proposed use of a Self-Storage Facility – Type 1 is allowed with the approval of a SUP by the Board of Adjustment inside the B-2 zoning district, which this portion of the PUD is required to adhere to. The SUP for this facility was approved by the Board of Adjustment on October 12, 2015. The proposed building is 106,605 square feet and lies toward the rear of the property. It is served by a parking lot that is proposed to contain 34 parking spaces which exceeds the minimum required of 26. When considering a PUD request it is important to consider the entire PUD and not just the specific site. In this case the entire PUD includes the commercial area where Kohls is located, as well as portions of Hunter Oaks, which is a single family neighborhood. The building designs and materials should be consistent in the PUD. The proposed building uses mostly brick and glass and resembles an office building with retail on the ground floor. There is some variation in color and design. This is fairly consistent with the existing commercial buildings within the PUD.

Location Characteristics and Surrounding Zoning

Location Overview

The subject property is located at the intersection of Tom Short and Rea Rds., however the primary access to this portion of the property will be off of Tom Short Rd. with a right in, right out access off of Rea Rd. The property contains a tributary of Six Mile Creek and its associated floodplain. The proposed development is located outside of the floodplain area. This property is located near the Kohls shopping center and several single family neighborhoods.

Area Zoning

The subject property is currently zoned PUD-6 with a B-2 use designation. The majority of the immediate area is also located inside the PUD. Some of that area also has a B-2 use designation, however some has an R-20 or R-6 use designation. Other areas are zoned for single family residential development.

Comprehensive Plan Consistency

The subject property is located within a Small Community Center Area. Small Community Centers are intended to accommodate community based commercial uses including retail, restaurants and services. These centers can range in size up to 400,000 square feet.

Recommendation

Staff is of the opinion that this PUD amendment is consistent with the Comprehensive Plan in that it provides for commercial development in an area designated for that type of development. It is also in keeping with the overall design uniformity within the PUD since it utilizes mostly brick materials and includes some variation in color and design.

The Union County Planning Board recommends that the Union County Board of Commissioners approve the amendment to the PUD.

Lee Jenson came up to present to the Board the PUD Amendment and answer any question the Board may have.

John Carmicheal representing Morning Star Properties came up to speak to the Board on the PUD Amendment.

Matt Shapiro Vice-President of Morning Star Properties came up to present to the Board the PUD Amendment and answer any questions the Board may have.

Motion was made by Roger Stanton and seconded by Sean Maher to approve the PUD Amendment as presented. The vote was 4 to 3.

ITEM NUMBER SEVEN

Text Amendments to the Union County Development Ordinance: (Staff Initiated) a) Table 5-2 District Lot and Building Regulations, b) Figure 5-1 Residential Lot and Building Regulations, c) Section 35.060 Keeping of Horses, d) Section 30.100 Livestock and Poultry, e) Section 35.010 Accessory Uses and Structures Authorization, f) Section 35.040-E Suburban Home Occupations Outdoor Storage

Table5-2: R District Lot and Building Regulations--Conventional Development

Figure 5-1	Regulations	RA-200	R-40 RA-40	R-20 RA-20	R-15	R-10	R-8	R-6	R-4
	Minimum Lot Size								
L1	Area (square feet)	200,000	40,000	20,000	15,000	10,000	8,000	6,000	4,000
	Area per dwelling unit (sq. ft.)								
	Detached House	200,000	40,000	20,000	15,000	10,000	8,000	6,000	4,000
	Two-unit house	NA	30,000	15,000	11,250	7,500	6,000	4,500	3,000
	Townhouse	NA	NA	NA	NA	6,250	5,000	3,750	2,000
	Multi-unit building	NA	NA	NA	NA	6,250	5,000	3,750 [+]	2,000
L2	Width (feet)	300	120	100	80	70	60	50	35
	Minimum Setbacks (feet)								
S1	Street	40	40	40	30	30	30	25	20
S2	Side [2]	15	15	12	10	10	10	8	5

Figure 5-1	Regulations	RA-200	R-40 RA-40	R-20 RA-20	R-15	R-10	R-8	R-6	R-4
S3	Rear	40	40	40	30	30	30	25	25
	Max. Building Height (feet)	35	35	35	35	35	50	50	50

[1] Minimum lot area per unit within the corporate limits of a municipality = 3,350 square feet

[2] For townhouses, side setbacks apply to end units only.

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	Minimum Lot Size								
L1	Area (square feet)	200,000	40,000	20,000	15,000	10,000	8,000	6,000	4,000
	Area per dwelling unit (sq. ft.)								
	Detached House	200,000	40,000	20,000	15,000	10,000	8,000	6,000	4,000
	Two-unit house	NA	30,000	15,000	11,250	7,500	6,000	4,500	3,000
	Townhouse	NA	NA	NA	NA	6,250	5,000	3,750	2,000
	Multi-unit building	NA	NA	NA	NA	6,250	5,000	3,750	2,000
L2	Width (feet) [1]	300	120	100	80	70	60	50	35
	Minimum Setbacks (feet)								
S1	Street [2]	40	40	40	30	30	30	25	20
S2	Side [3]	15	15	12	10	10	10	8	5
S3	Rear	40	40	40	30	30	30	25	25
	Max. Building Height (feet)	35	35	35	35	35	50	50	50

[1] Lot width does not apply to townhouses.

[2] Corner lots – one street side yard shall be ½ of the required street/front setback.

[3] For townhouses, side setbacks apply to end units only.

Section 35.060 Keeping of Horses

The keeping of horses is allowed as an accessory use in In RA- 200, RA- 40, R- 40, RA- 20, R- 20 and R- 15 districts only, and only in compliance with the following minimum requirements:

35.060- A No more than one horse over 6 months of age may be kept as an accessory use per one acre of land area;

35.060- B Any barn, stable or other structure occupied by a horse must be set back at least:

1. 50 feet from adjacent property lines;
2. 100 feet from any adjacent residences; and
3. 30 feet from the principal structure on the property.

35.060- C In addition, any structure that houses a horse must be located in the rear yard when accessory to a residential structure on a lot of less than 4 acres in area.

35.060-D The keeping of horses is also allowed as a principal use on lots 4 acres or greater.

Section 30.100 Livestock and Poultry

Except where livestock or poultry are kept on a bona fide farm that is exempt from regulations under this ordinance or under § 35.010-D (2), all areas where livestock or poultry are housed must be set back at least 150 feet from all lot lines. This setback is not required from lot lines abutting a lot that is under the same ownership as the subject lot.

35.010- D The following activities may not be regarded as accessory to a residential principal use and are prohibited in residential districts:

1. Storage outside of a substantially enclosed structure of any motor vehicle that is neither licensed nor operational.

2. A chicken coop that is larger than 144 sq. ft. and that exceeds 12 ft. in height, with the exception of chicken coops that otherwise fall under the exceptions of Section 30.100 Livestock and Poultry.

35.010- B Accessory uses and structures include those expressly regulated in this article as well as those that, in the determination of the administrator, satisfy all of the following criteria:

1. Customarily found in conjunction with the subject principal use;
2. Constitutes only an incidental or insubstantial part of the total activity that takes place on the subject lot; and
3. Is integrally related to the principal use.

35.010- C For purposes of interpreting §35.010- B:

1. A use or structure may be regarded as incidental or insubstantial if it is incidental or insubstantial in and of itself or in relation to the principal use;
2. To be "commonly associated" with a principal use, it is not necessary for an accessory use or structure to be connected with such principal use more times than not, but only that the association is such that there is common acceptance of their relatedness.
3. The total square footage of all accessory use buildings on any single lot may not exceed the total square footage of the principal building on that same lot, as listed below:

- a. On lots less than 2 acres in size, the accessory use buildings for any single lot may not exceed the total square footage of the principal building on that same lot.
- b. On lots at least 2 acres but less than 4 acres in size, the accessory use buildings for any single lot may not exceed the 125% of the total square footage of the principal building on that same lot.
- c. On lots at least 4 acres but less than 7 acres in size, the accessory use buildings for any single lot may not exceed the 150% of the total square footage of the principal building on that same lot.
- d. On lots at least 7 acres but less than 10 acres in size, the accessory use buildings for any single lot may not exceed the 175% of the total square footage of the principal building on that same lot.
- e. On lots 10 acres or greater, there is no size limit for accessory use buildings for any single lot.

Brian Matthews came up to speak to the Board on the Text Amendments and answer any questions the Board may have.

Motion was made by Roger Stanton and seconded by Clint Laster to approve the Text Amendments as presented with the exception of Item (f). The vote was 7 to 0.

ITEM NUMBER EIGHT

Text Amendment to the Union County Development Ordinance (Citizen Request),
requesting Section 35.040 E Suburban Home Occupations – Animal Boarding

This Item was deleted from the Agenda to be heard at the January 5, 2016 Meeting,

ITEM NUMBER NINE

Planning Staff Report

Richard Black stated to the Board that we had received a grant from CRTPO to do a study on critical intersections and would be having stakeholder/advisory meetings starting in 2016. RS&H will be the project consultants.

Richard Black stated to the Board that staff was working on a small area planning project with one of the towns. Staff is in the process of finalizing the Development Guide to the Union County Development Ordinance.

ITEM NUMBER TEN

Brief Comments

No Comments

ITEM NUMBER ELEVEN

Adjournment

The meeting adjourned at 9:00 p.m.