

December 16, 2014

The Union County Planning Board met in a special work session on Tuesday, December 16, 2014, 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, Roger Stanton, Robert Traficanti, Russell Wing

ABSENT: Chris Duggan, James Howie

ALSO PRESENT: Richard Black, Lee Jenson, Joe Lesch, Brian Matthews

ITEM NUMBER ONE

Call to Order

Chairman Everette Medlin called the meeting to order.

ITEM NUMBER TWO

Richard Black came up to present the Conditional District Rezoning Process to the Board:

Applicability

The conditional district rezoning procedure applies when a property owner proposes to place additional zoning- or development-related restrictions on a particular property, over and above those that would otherwise apply under this ordinance:

- Reduce or narrow the range of permitted uses
- Reduce the maximum dwelling units allowed
- Provide additional roadway improvements
- Perimeter landscaping, screening, buffering
- Open space and tree retention
- Parking, lighting, hours of operation

Other development-related standards or conditions that are more restrictive than those that would otherwise apply to the subject property under this ordinance.

- Review and Approval Procedures
 - Conditional Uses (§80.050; p. 80-11)
 - Replaces legislative + quasi-judicial, 2-step (zoning + conditional use) process with new 1-step, legislative process
 - Speakers are not under oath at the public hearing
 - Additional comments can be submitted and considered
 - Few procedural rules and pitfalls
 - Can be used to tailor zoning to specific proposals
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- Required Community Meeting
 - Before a public hearing may be held, the applicant must provide the administrator with a written report of at least one community meeting held by the applicant.

- ☐ Reasonable notice must be given to nearby property owners and to affected and interested parties in accordance with county public notice policies.
- ☐ The report must include at least a listing of those persons and organizations contacted and the manner and date of contact, time, date, and location of the meeting, a roster of the persons in attendance at the meeting, a summary of issues discussed at the meeting, and a description of any changes to the rezoning application made by the applicant as a result of the meeting.

- ☐ Required Community Meeting
- ☐ If the applicant has not held at least one community meeting pursuant to this section, the applicant must file a report documenting efforts that were made to arrange such a meeting and stating the reasons that a meeting was not held.
- ☐ The adequacy of the meeting and the meeting report must be considered by the Board of Commissioners, but is not subject to judicial review

- ☐ Scope and Effect of Approval
- ☐ Approved conditional district zonings run with the land and are not affected by changes of tenancy, ownership, or management
- ☐ Once rezoning has been approved by the BOCC, property owners are not required to obtain special use approval, as long as all SUP information is included with application
- ☐ Must record the legal description and accompanying conditional zoning map amendment and exhibits in the office of the register of deeds. No permits or approvals may be issued until the property owner provides a signed written acknowledgment of recording.

- ☐ MINIATURE GOLF CONDITIONAL REZONING OVERVIEW
- ☐ Key Features
- ☐ 3-Acre site
- ☐ 36-hole miniature golf course with accessory office and food service building
- ☐ Located on Counts Road
- ☐ Rezoning or Development Issues
- ☐ Located in a largely agricultural and rural residential area (SF-1 zoning).
- ☐ No adjacent commercial uses
- ☐ Compatibility concerns related to noise, light, and impacts to horses located on adjacent pasture.
- ☐ Site was previously cleared, but had a tree grove near the roadside

- ☐ How Conditional Rezoning Was Used to Address Development Issues
- ☐ Lighting: Developer committed to reduced height of light fixtures
- ☐ Hours of Operation: Developer committed to limitations in the hours of operation
- ☐ Fencing: The developer committed to installing perimeter fencing to create separation between the recreation areas and the grazing animals. The concern related to children potentially petting or feeding nearby horses.
- ☐ Tree Protection: Developer committed to retaining most of the remaining trees on the site.
- ☐ ROW Dedication: Developer committed to dedicating additional ROW for a future widening and constructed curb, gutter, and sidewalk across the site frontage.
- ☐ Architecture: The developer committed to designing a rustic style building to fit in with the overall rural environment.

- ▣ Rezoning subject to following conditions:
- ▣ Permitted Uses: Miniature golf and similar activities (outdoors) and office and restaurant (indoors).
- ▣ Hours of Operation: 8:00 am to 10:00 pm.
- ▣ Noise: No speakers/intercom in non-recreation areas. Speakers on building for background music allowed.
- ▣ ROW Dedication: 35-ft from existing centerline.
- ▣ Frontage Improvements: Curb, gutter, 6-ft sidewalk, and street trees.

- ▣ Conditions continued:
- ▣ Lighting: Require lighting plan/photometric study. Light fixtures limited to 20-ft in height.
- ▣ Tree Retention: Tree protection easement. Best management practices to minimize damage.
- ▣ Fencing: Installed around perimeter of recreation area. Minimum height of 5-ft.
- ▣ Building Materials: Hardi-type siding and a standing seam metal roof.
- ▣ Cross Access: Pedestrian and vehicular access easement (24 ft min.) to interconnect proposed parking areas on adjacent sites.

- ▣ Key Features
- ▣ 68-acre subject property
- ▣ 207 lots (50-ft and 60-ft wide lots)
- ▣ Located on Unit Road near Church Road intersection
- ▣ Portion of site required annexation

- ▣ Rezoning or Development Issues
- ▣ Moderate level of traffic demand from project and poor sight lines at site access points due to horizontal and vertical road curvature.
- ▣ Poor pedestrian access to site
- ▣ Desire for greater density than SF-1 permitted (half acre lots)
- ▣ Desire for use of 5-ft wide side setbacks that are not otherwise permitted in UDO
- ▣ Located adjacent to a concrete plant
- ▣ Duke Energy Transmission Towers/Easement running through property
- ▣ Site was previously cleared, but maintained some large, remnant trees worthy of retention.
- ▣ Offsite Drainage concerns by neighboring property owner

- ▣ How Conditional Rezoning Was Used to Address Development Issues
- ▣ TIA: Developer prepared a TIA that required construction of a 3-lane cross section across entire site frontage. Enabled provision of turn lanes into subdivision and into existing subdivisions across the street.
- ▣ Frontage Improvements: Developer committed to constructing curb/gutter, sidewalk, and street trees across their site frontage.
- ▣ Off-Site Sidewalk Extension: Developer volunteered extension of site frontage sidewalk (required by UDO) to extend offsite to the intersection of Church Road (approx 650-ft) to created enhanced pedestrian connectivity and avoid a mid-block crossing to existing sidewalk across the street.
- ▣ Sight Distance Analysis: As part of TIA development, traffic engineer prepared a secondary sight distance analysis indicating safe location of site access points.
- ▣ Density/Design: Was able to use the CZ process to work more closely with development team to develop an interconnected site layout and overall quality design. In light of smaller lot types, developer committed to home design standards.

- ▣ How Conditional Rezoning Was Used to Address Development Issues
- ▣ Side Setbacks: Developer committed to not using vinyl siding to minimize the risk of the spread of fire.
- ▣ Separation/Buffering: Developer created an 85-ft separation area and committed to constructing a berm with a fence and trees to minimize any impacts from plant site.
- ▣ Open Space: Developer committed to utilizing the Duke Transmission area as a recreation area to make this useable space and help interconnect the community.
- ▣ Tree Retention: Developer committed to retaining many, existing trees.
- ▣ Drainage: Developer coordinated with concerned property owner throughout the process. CZ condition was created that developer would review civil construction plans with concerned neighbor to help alleviate any concerns.

- ▣ Rezoning subject to following conditions:
 - ▣ Permitted Uses: Single-family detached homes.
 - ▣ Maximum Dwelling Units: Limited 207 homes on 68 acres. Limit 50-ft lots to 137.
 - ▣ Exterior Wall Siding Material: Prohibits vinyl siding. Permits brick, stone, and/or cement fiber board.
 - ▣ Building Setbacks: 25-ft front, 5-ft side/10-ft corner, and 30-ft rear.
 - ▣ Roadway Improvements: Construct 3-lane cross section with left turn lanes at each entrance.

- ▣ Conditions continued:
 - ▣ Frontage Improvements: Curb/gutter, 6-ft sidewalk, and street trees. Min. 35-ft ROW.
 - ▣ Sidewalk Extension: Construct or fund extension of sidewalk 650 liner feet to intersection.
 - ▣ Perimeter Landscaping: Min. 20-ft perimeter landscaping area (outside future ROW).
 - ▣ Onsite Road Improvements: 50-ft and 60-ft ROWS with curb/gutter, sidewalks, and street trees. Cul-de-sacs with ornamental, center islands.

- ▣ Conditions continued:
 - ▣ Open Space and Tree Retention: 15.6 acres of useable open space, 5-ft trails, pool, cabana/recreational building. Survey of existing canopy and heritage trees to identify trees for retention or mitigation.
 - ▣ Community Design Guidelines: Single-Family Home Guidelines, Building Form and Articulation, and Garage Design Varied.

Brian Matthews stated to the Board that the developer has to agree with all the required conditions. The Board can turn down the conditional rezoning if the developer does not comply with all conditions. The conditional rezoning then has to go the Board of County Commissioners for a public hearing and the Board of Commissioners makes the final decision.

ITEM NUMBER THREE

Adjournment

Motion was made by Roger Stanton and seconded by Russell Wing to adjourn the meeting. The vote was 6 to 0.

The meeting adjourned at 8:00 p.m.

