

PLANNING BOARD MEETING

Wednesday, December 7, 2022

6:00 PM

City Hall Conference Room

300 West Crowell Street

Monroe, NC

Agenda

- Item 1. Call to Order – Roll Call**
- Item 2. Pledge of Allegiance and Moment of Silence**
- Item 3. Approval of Minutes –October 5, 2022**
- Item 4. Zoning map amendment for the property located at 1409 Concord Avenue and further identified as tax parcel 09-226-192A from Concord Avenue Overlay(CA-O) District, Sub-district A to Concord Avenue Overlay District (CA-O), Sub-district B.**
- Item 5. Annexation of 21.695 acres located at the intersection of ML King Jr. Boulevard and Weddington Road and further identified with parcel ID numbers 09-313-014, 09-313-014A, and a portion of R9-316-005G.**
- Item 6. Zoning Text Amendment to Section §157.3.4.7 titled “Planned Developments”, §Section 157.4.2.3 titled “RMD-Residential Medium Density”, Section §157.4.5.2 titled “Planned Unit Development” and §Section 157.8.1.9 titled “Conservation Subdivision” of the Unified Development Ordinance (UDO).**
- Item 7. Next Meeting: January 4, 2022**
- Item 8. Adjournment**

ATTENTION BOARD MEMBERS:

Please contact Ashlyn Penegar at 704.282.4527 or Lisa Stiwinter at 704.282.4569 to confirm your attendance. Thank you.

**cc: Planning Staff
Ashley Britt
Mujeeb Shah-Khan**

PLANNING BOARD MEETING

October 5, 2022 @ 6:00 PM
City Hall – Council Chambers
300 W. Crowell Street, Monroe, NC

Emailed to S. Laney on: 10/20/2022

Item 1. Call to Order/Roll Call

Chair called the October 5, 2022 meeting to order at 6:03 p.m. Ashlyn Penegar called the roll and noted there was a quorum was present.

Members Present: Richard Yercheck (Chair), Jennifer Smith (Vice Chair), Richard Ali, Patrick Furr, Kenneth Deal, David Dotson and Archie Morgan

Members Absent: Margaret Desio

Staff Present: Doug Britt, Senior Planner, Ayesha Iftikhar, Planning Technician, Ashley Britt, Assistant City Attorney, Ashlyn Penegar, Administrative Assistant II

Guests: Drew Carpenter, Brittany Lins

Item 2. Approval of Minutes of Meeting- September 7, 2022

Motion: Richard Ali made a motion to approve the September 7, 2022 minutes.

Second: Archie Morgan

Action: The motion to approve the minutes passed unanimously with the following votes:

AYES: Richard Yercheck, Jennifer Smith, Richard Ali, Patrick Furr, Kenneth Deal, David Dotson and Archie Morgan

NAYS: None

Item 4. Zoning map amendment for the property located at 2733 W. Roosevelt Boulevard further identified as tax parcel #09-301-067. The request is to rezone the property from Conditional District “Genesis Holdings” to General Business (GB).

Doug Britt, Senior Planner, stepped forward and said Planning Board is requested to consider a zoning map amendment for the property located at 2733 W. Roosevelt Boulevard and further identified as tax parcel 09-301-067 from Conditional District “Genesis Holdings” to General Business (GB). This is just a general re-zone and I know when we do Conditional Districts and you get to see a site plan, but a general re-zone is basically going from one zoning district to another zoning district. So, there is no site plan requirements or there is no conditions that we can add to the project and there is no conditions that the applicant can portray that they want to do for the project. Basically, it’s going from the old Conditional District and the old Conditional District, Genesis Holdings was done in 2010, which basically the applicant at that time requested at that time to only do it for

office uses. He was going to re-do or retrofit the old house and for whatever reason over the years, nothing has been done to the property. It remains as is and so it's just the old Conditional District. The bank, as well as the house and church, they are on the old Conditional Districts. The Conditional District for the bank was approved as the First Citizen's Bank and this was done prior to me being here, I think maybe 2005 or 2006. At that time, it was going to be an IHOP or some other things, but for whatever reason, it just never panned out. As I've told you all before, Conditional Districts run with the property and not with the owner. Across the street, it's part of the Rolling Hills Country Club and this is Conditional District too. Next to that is the South State Bank and of course on the other side of Carroll Street is the Target Shopping Center with the McAlister's and all that in that area. Planning staff believes the request is consistent with the Future Land Use and Transportation Plan being that the property is located on Roosevelt Boulevard.

Archie Morgan said Doug, what's the difference between those two districts?

Doug asked what two districts?

Archie Morgan said what it is now and what we are voting on now.

Chair said GB and Conditional District.

Doug said the Conditional District as you remember, that is a site specific plan. When they are showing they are going to do this right here whereas a general re-zone, they aren't saying they are going to do anything in particular, but what would be open to them would be the uses that are allowed in the GB district. This parcel is only 7/10s of an acre, so just generalizing, the GB district is retail, sales and service, office uses, multi-family, medical uses, restaurants. But, this site would be limited based on the size of it, since the property does back up to residential property, there will be a required 50 ft. buffer on the rear of the property and they won't be able to pave all the way to the side of the property lines and there will be a 20 ft. buffer along Highway 74. Between the buffers and by the time you do whatever is required if its commercial, it's probably going to be 1 1/2 to 4 spaces per thousand, so the site of your building gets smaller and smaller. So, at 7/10s of an acre, it has limitations on what it can be, based on that.

Archie Morgan asked if this is the house that is boarded up? With plastic over the windows?

Doug Britt said yes. When I went to the neighborhood meeting years ago when they did it and we had a couple people who showed up from Arnold Dr. and with that Conditional District, it passed. They were just trying to figure out what it was going to be. But, the house at that time, I didn't go in, but just looking at some of the framing on the edge and it wasn't in the best kept condition and so I would imagine that if anything is going to be developed there, I will be shocked if they didn't tear down the house to go back and do go back and do something commercial. I've talked to a few people about this site, but nothing specific and the request is just to go to GB. Basically GB with no conditions.

Chair asked and said if we vote in favor of this, we are giving the developer more flexibility to put something on a tiny lot.

Doug Britt said correct.

Chair said if we vote no, then it stays a boarded up house and an ugly piece of property.

Doug Britt said they can use it for office uses only.

Chair said office use only.

Kenneth Deal said I would just hate for another one of those used car lots to pop up down there.

Chair said to Doug we would like to talk to the people behind you.

Doug Britt said thank you.

Brittany Lins stepped up and introduced herself and said I am with the law firm of Alexander Ricks and today I am representing the Durbin Group. Doug did a great job of running through everything for this site, so I am going to be very brief with you. I think we all are familiar with the property location, it is currently a boarded up home and the roof is somewhat caving in and it is in disrepair and it is not moving forward at the use that it is restricted to at this time. It's currently for office use only, so it's not coming to fruition, it hasn't and I know there has been a lot of investment along 74 lately. We are getting some good retail options and some good interest in the area and this is obviously sitting vacant and not being used to its highest potential. Mr. Britt did hit on this a little bit, but currently our parcel is in the darker, red area and these are Conditional Districts. You will see all up and down the rest of the 74 corridor is the lighter pink, which is the General Business District that we are asking for. It's going to be consistent with what you are seeing being redeveloped and popping up as the area continues to transition and grow. Again, hitting on what Doug said, the area plan recommended usage is for commercial uses, which is exactly what this district represents. The Land Use Plan, and I love when it's this direct and it says, "Commercial uses are a priority.", not just that they are allowed, but you are really advocating for them and that is exactly what this district does. You will see all up and down the 74 corridor again that this is the vision for this area and this site. The General Business District, as far as the uses, Doug stole my thunder in saying what can go here. It's a small site, it's .7 acres. It's too small for a gas station, it's not going to be multi-family, it's too small for that. So, it really does limit itself to being some sort of retail. It's not going to have a regional pool of people flooding in like they would to a Target or something like that. It's going to be capturing the traffic that is already along 74 and it's an additional amenity and an additional tax base. Doug also stole my thunder with the buffering, we would actually have a more stringent buffer than the current zoning plan. Currently the zoning plan, I think it's a 40 ft. rear yard and it's got a skinny planting yard buffer that's required. This is per the ordinance, so it's not an additional commitment, because we don't have to, the ordinance has built this in already. It's a 50 ft. buffer and it has strict planting requirements, it has to have a 6 ft. wall, so it is being really sensitive to those adjacent parcels and making sure that it redevelops in a way that is still sensitive to the character of the surrounding sites. We are hopeful that you are excited about this because we're excited about this. We think that it's a good redevelopment option. I will pause right here to see if my people have anything to add.

Archie Morgan said I think the devil is in the details and not that we have any control over it, but I think the concern is that that space is a gateway into Monroe and we fear another buy here, pay here car lot with cars parked up on the hill like we see in so many other places and that can be just as big as an eye sore as the existing boarded up home.

Doug Britt said for someone to do a car lot, not an existing car lot, on the new ordinance, the minimum threshold is 2 acres. So, it's not large enough for a car lot.

Vice Chair said I have a question, the house that's right next door to it, is that a rental property?

Ms. Lins said I believe it is owned by the church.

Doug Britt said it is.

Ms. Lins said it is not a single family residential home, it's either one of their offices.

Vice Chair asked could that possibly be sold to you guys, so that you could make something larger out of that? Like an IHOP? It would be nice!

Ms. Lins said I don't know that it would necessarily make sense, so I feel like that size doesn't lend itself to a large development, so it would be a piecemeal development with that size.

Kenneth Deal said it's a Waffle House size.

Archie Morgan asked if it's big enough for a Krispy Kreme? That's what we want to know.

Ms. Lins said I am a big Krispy Kreme fan as well.

Kenneth Deal said normally we see these because there is a plan, but what I am hearing is that you really just want to get it re-zoned to sell it.

Ms. Lins said yes, so we think that truthfully whatever would come here under this General Business District is a benefit. We think it's consistent with the plan, the ordinance has protections in it and then having that flexibility in it to market the site and to make sure that something successful can go in there without pigeonholing something in too soon, especially when we don't have a site plan.

Chair said as this potentially moves forward and if it moves forward positively, just let whoever buys it, let them know what our stressors are going to be from what you've heard this evening.

Ms. Lins said no car lot, and yes Krispy Kreme.

Chair asked if there are any more questions for Ms. Lins?

There was none.

Chair asked if anyone would like to speak in favor of this project? There was none.

Chair asked if anyone would like to speak against this project? There was none.

Chair said hearing none, I will entertain a motion.

Motion: Kenneth Deal made a motion to recommend adoption of the resolution approving Land Development Compliance.

Second: Archie Morgan

Action: The motion to recommend adoption of the resolution approving Land Development Compliance passed with the following votes:

AYES: Richard Yercheck, Jennifer Smith, Kenneth Deal, Archie Morgan, Patrick Furr, Richard Ali, David Dotson

NAYS: None

Motion: Kenneth Deal made a motion recommending the adoption of the ordinance amending section 157.1.2.1 Official Zoning Map.

Second: Jennifer Smith

Action: **The motion to recommend adoption of the ordinance amending section 157.1.2.1, Official Zoning Map passed with the following votes:**

AYES: **Richard Yerchceck, Jennifer Smith, Kenneth Deal, Archie Morgan, Patrick Furr, Richard Ali, David Dotson**

NAYS:

Item 4. **Discussion: Consideration of Requesting City Council to Approve Adding the Pledge of Allegiance and Moment of Silence at the Beginning of each Planning Board Meeting.**

Chair said Ashley, do you want to tell us about this?

Ashley Britt said sure.

Chair said basically the City Council does the pledge and moment of silence, but none of the ancillary boards, because basically we are a committee board, we are not an elected board.

Ashley Britt said correct and Council also hasn't done the pledge in the past and I believe they are going to be starting that up on the next meeting. So, for boards and commissions, none of them currently do the pledge or a moment of silence, but if you want to do that, because that's been brought up, you can formally request that Council approve it. So, that's what's up for discussion tonight. If you want to make that request, it would just be in the form of a motion and then it would go to Council and then Council would act on it during their next meeting.

Chair said can I take a straw poll? Is there anyone here that's going to vote no against this? There was none.

Patrick Furr said I recommend it highly.

Archie Morgan said I recommend both.

Motion: **Archie Morgan made a motion Requesting City Council to Approve Adding the Pledge of Allegiance and Moment of Silence at the Beginning of each Planning Board Meeting**

Second: **David Dotson**

Action: **The motion Requesting City Council to Approve Adding the Pledge of Allegiance and Moment of Silence at the Beginning of each Planning Board Meeting passed with the following votes:**

AYES: **Richard Yerchceck, Jennifer Smith, Kenneth Deal, Archie Morgan, Patrick Furr, Richard Ali, David Dotson**

NAYS:

Ashley Britt said that will be on the Council's October 11th agenda.

Chair said perfect.

Item 5. **Next Meeting: Joint Planning Board and City Council Meeting on October 18, 2022 at 4:00 in the City Hall Conference Room.**

Chair asked if we will be recording that?

Doug said yes, there will be minutes for that.

Chair said so that will get recorded, so it will be posted later for folks to see. One of our primary topics will be some education for us, we are going to look at and talk about the UDO, so think about anything you've got as a question as it relates to the UDO and we will have an opportunity to have some free form discussion as we go forward there. We will get a chance to kind of go through where we are with the UDO and talk about where we are going to be going from there.

Doug Britt said we are also proposing a text amendment or clean up items and we've found that some things aren't working great in the ordinance that we are fine tuning, so we are going to roll it out that night.

Chair said we will have some items to vote on.

Doug Britt said yes. Our hopes for the meeting would be to get a recommendation from Planning Board as is or a recommendation with provisions or what not, because our hopes are to take it to City Council by the end of the year. Granted, there is nothing driving that other than that was kind of....

Chair asked are you talking about the cleanup items?

Doug Britt said yes, the cleanup items. When we got that adopted, we knew shortly thereafter and we knew when we got into it that there was going to be some things that we needed to fine tune as we are applying it, but our hopes are to get you all to make a recommendation if you feel comfortable with it.

Chair asked if we will have a chance to look at it and ask questions about it?

Doug Britt said yes. Hopefully, it will be at Council by the end of the year. This was just staff's time table.

Chair said there is nothing unusual that there are clean up items on a project this size.

Doug Britt said yep and there will be amendments over the years with it after where we get it where we think it is great. There will still be things that are going to come up over the years that needs to be amended for whatever reason.

Archie Morgan said I have a question for Ashley.

Ashley Britt said I just want to add that this is going to be a special meeting, so it means you are limited to only talking about what is on the agenda and meeting notice. So, for this meeting, it's going to be an open ended discussion about the UDO, so anything that is in the UDO is going to be available to talk about and ask questions. Then the specific clean up items that Doug mentioned are going to be available for possible action and if the discussion leads to more possible action items, those can just be requested for Staff to bring to a future meeting and you can review and consider it at a future meeting.

Chair said sounds good. Archie has a question for you.

Archie Morgan said before I get to that, it's a public meeting, but with no comments. That's the way I am understanding it, correct?

Ashley Britt said correct.

Archie Morgan said the other issue I just wanted to raise, we are down to 2 (two) members on the Historic District Commission. The new rule is that before you can join one of these Boards, you have to attend 2 (two) meetings in advance before you can apply for them. It was one meeting, now it's 2 (two) meetings. Problem with the Historic District Commission, they keep cancelling the meetings because there is no business, ok? There is no business, there is no business. But, we've got a few people interested in joining the Board, but there are no meetings for them to attend. The Committee that selects people to serve on these Committees meets in December, so there won't be any chance to vote on anybody because no one can attend 2 (two) meetings before December and they don't meet again until March, so we are looking at April at the earliest that we can add anyone to the Historic District Board. I just want everyone involved to realize that we are kind of hamstrung, we've got 2 (two) members on the Historic District. Now, we might not have any business until April, but I feel like it slows down in the winter, but it's going to pick back up in the spring and we've got 2 (two) members deciding what's going on in the Historic District.

Vice Chair asked can they attend a Council meeting?

Ashley Britt said no, it has to be a meeting of the board that they are applying for.

Archie Morgan said so why go from 1 (one) to 2 (two)?

Ashley Britt said that was a Manager policy and I believe that was talked about in Citizen's Appointment Committee and I am not aware of...

Kenneth Deal said it's in the UDO, so bring it up on the 18th, so get them to change it.

Ashley Britt said that's not in the UDO, it's separate.

Chair said yep, it's not in the UDO.

Kenneth Deal asked it's just the Planning Board and Board of Adjustment?

Vice Chair said yes, they wouldn't have anything to do with the Historic District.

Ashley Britt said that's a policy and not an ordinance.

Kenneth Deal said if we are looking at the UDO, to me that's all 455 pages.

Doug Britt said it's not in the UDO.

David Dotson said let me ask you this, can the Citizen's Appointment Committee look at an application that only has one meeting and accept that application anyways? I mean, they have the right to vote.

Ashley Britt said right, so that would be a question for the Manager and committee to see if they want to deviate from their policy. Ashley Britt said if there end up being Historic District meetings and people are eligible for appointment before March, the Citizen's Appointment Committee can always call a special meeting to meet before March and go ahead and get somebody appointed, so that can be a possibility.

David Dotson said so can we hold a special Historic District meeting between now and the end of the year?

Doug Britt said we can't have a meeting if no items are submitted.

David Dotson said I have one more question, Mr. Britt, will we have a chance to look at any of the items that you guys might bring up for immediate consideration before that meeting?

Doug Britt said we will be putting out packets for you guys and it will have everything outlined for you.

Item 6. **Adjournment**

Chair said if there were no further questions, he would entertain a motion at this time to adjourn.

Motion: **Kenneth Deal made a motion to adjourn.**

Second: **Jennifer Smith**

Action: **The motion to adjourn passed unanimously with the following votes:**

AYES: Richard Yercheck, Jennifer Smith, Patrick Furr, Kenneth Deal, Richard Ali,
 David Dotson and Archie Morgan

NAYS: None

The meeting was adjourned at 6:26 p.m.

Respectfully Submitted,

Richard Yercheck, Chair
Planning Board

Ashlyn Penegar
Secretary to the Board

Zoning Map

Case #: PLMA-2023-00066

Legend

Centerlines

Parcels

Zoning Districts

CAO

RMD

CA-O District

CA-O District

A

B

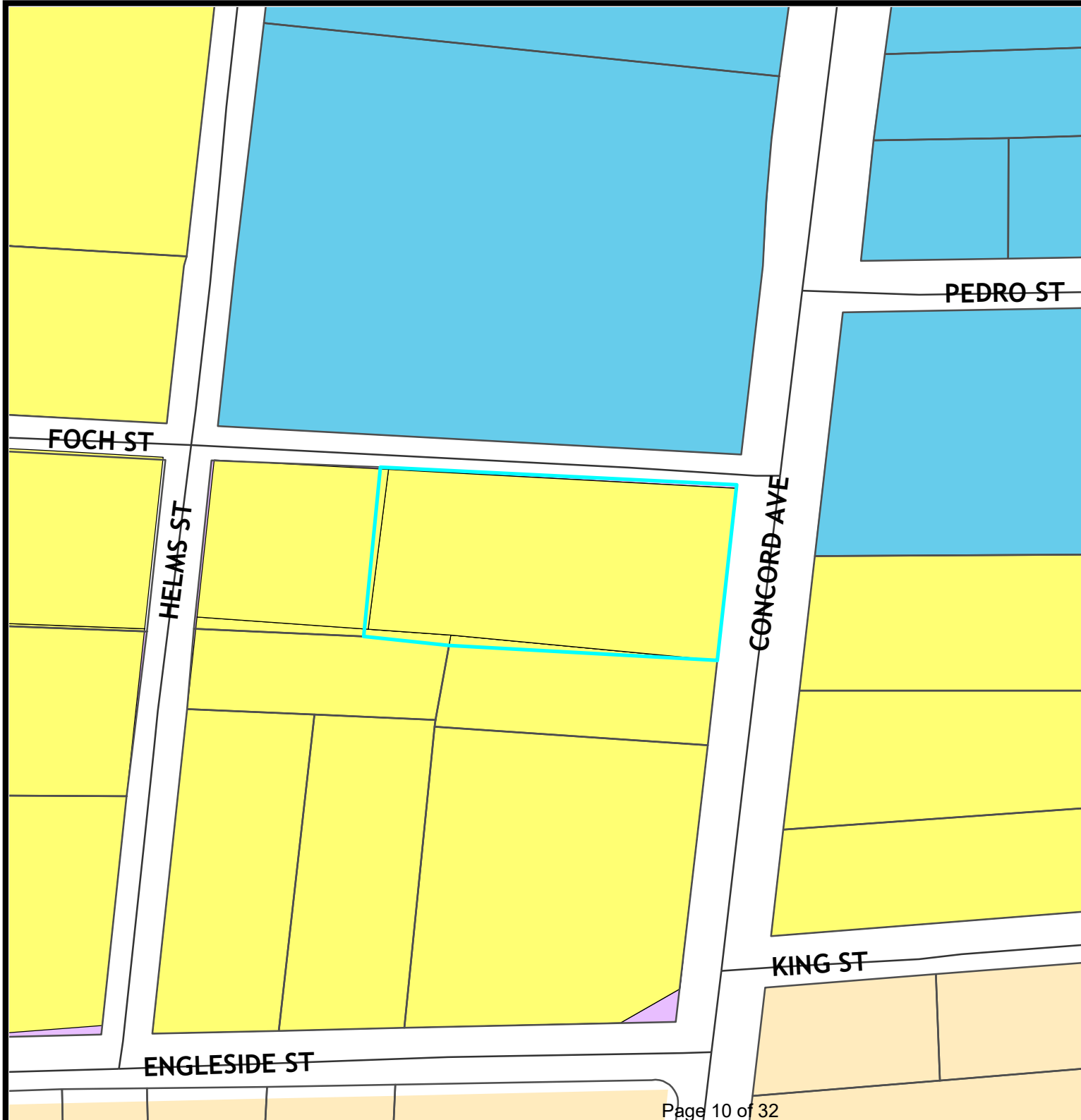
Existing: CA-O Sub-District A

Owner: Michael Scott Ball

Acres: 0.501



0 1530 60 90 120
Feet



Future Land Use Map

PLMA-2023-00066

Legend

— Centerlines

▭ Parcels

Future Land Use Character Area

Traditional Development

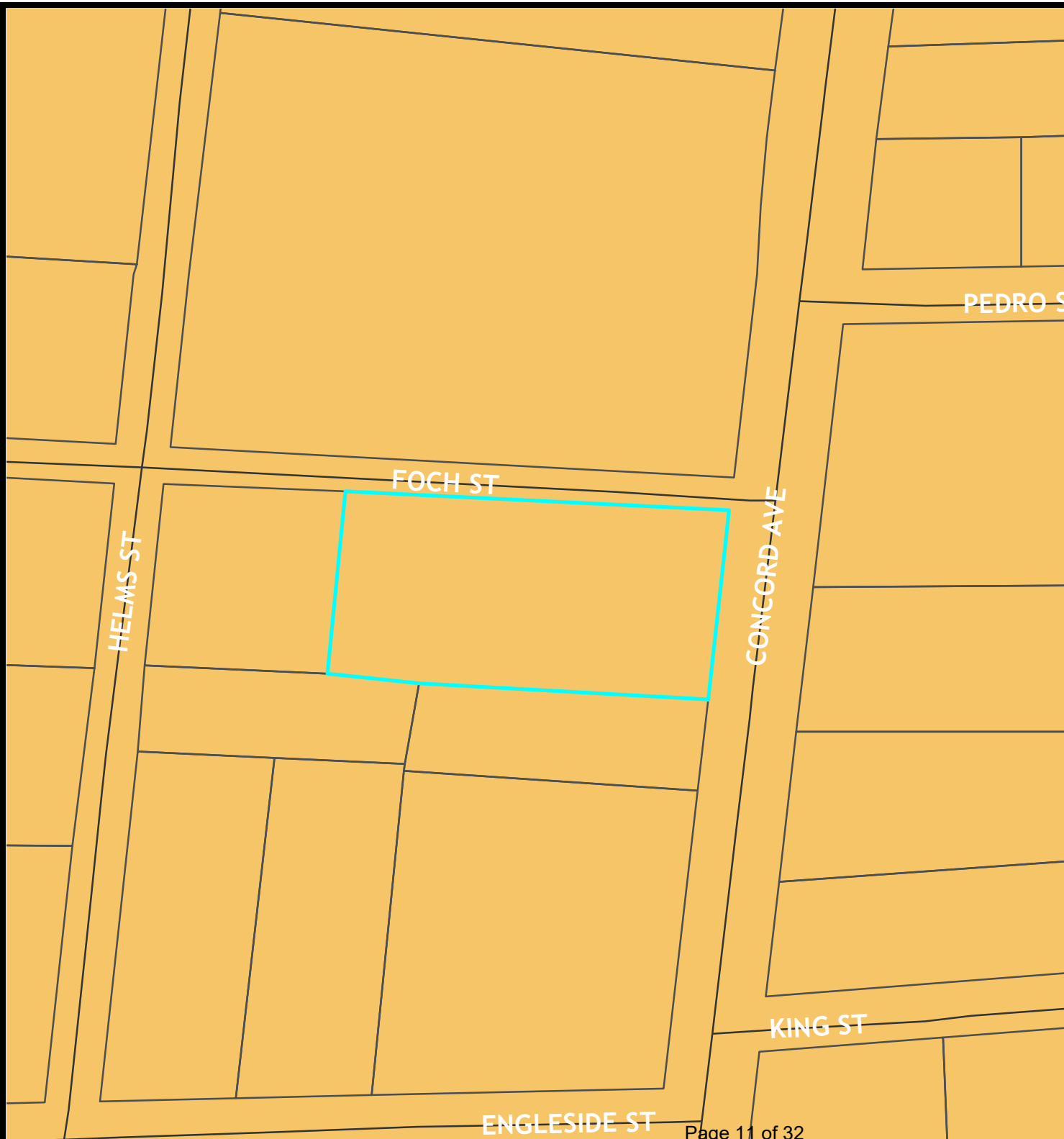
Existing Zoning:
CA-O Subdistrict A

Owner: Michael Ball

Acres: .50



0 60 120 Feet



Land Use and Transportation Plan Description

The Land Development Plan indicates this area is Traditional Development. The Traditional Development area surrounds the downtown core and is anchored by the City's most historic neighborhoods. This designation allows some small-scale commercial and service uses that support surrounding residences. The dense transportation network offers easy access to downtown. Industrial is not a priority use in this designation, while commercial uses are a priority use.

**RESOLUTION APPROVING LAND USE AND TRANSPORTATION PLAN
COMPLIANCE**

R-2022-XX

WHEREAS, in accordance with the provisions of North Carolina General Statute 160D-605, the Planning Board does hereby find and determine that the adoption of the zoning map amendment for the property located at 1409 Concord Avenue further described below is consistent with the adopted Land Use and Transportation Plan. The Land Use and Transportation Plan identifies this area as Traditional Development where commercial is a priority use. The proposed rezoning to the CA-O Sub-district B designation allows small-scale commercial uses that support surrounding residences. The proposed rezone is a reasonable use and in the public interest because it will be consistent with nearby parcels in the area designated to be used as commercial.

NOW, THEREFORE, BE IT RESOLVED that the Planning Board of the City of Monroe recommends adoption of the Resolution Approving Land Use and Development Plan Compliance of the zoning map amendment for property with Union County Tax Parcel Number: 09-226-192A.

Adopted this 7th day of December, 2022.

Richard A. Yercheck, Planning Board Chair

Attest:

Ashlyn Penegar, Secretary to Planning Board

**RESOLUTION DENYING LAND USE AND TRANSPORTATION PLAN
COMPLIANCE**

R-2022-XX

WHEREAS, in accordance with the provisions of North Carolina General Statute 160D-605, the Planning Board does hereby find and determine that the adoption of the zoning map amendment for the property located 1409 Concord Avenue further described below is consistent with the adopted Land Use and Transportation Plan. The Land Use and Transportation Plan identifies this area as Traditional Development where commercial is a priority use. The proposed rezoning to the CA-O Sub-district B designation allows small-scale commercial uses that support surrounding residences. However, the potential for a new commercial development at this location could have an adverse impact on the nearby residential properties, therefore the proposed rezoning is not a reasonable use or in the public interest. Based on this information, the conditions have changed which justify amending the Land Development Plan. As a result of this zoning map amendment request recommendation for denial, the Land Development Plan would be amended to reflect the land use modification.

NOW, THEREFORE, BE IT RESOLVED that the Planning Board of the City of Monroe recommends adoption of the Resolution Denying Land Use and Transportation Plan Compliance of the zoning map amendment for property with Union County Tax Parcel Number: 09-226-192A.

Adopted this 7th day of December, 2022.

Richard A. Yercheck, Planning Board Chair

Attest:

Ashlyn Penegar, Secretary to Planning Board

**ORDINANCE TO AMEND CITY OF MONROE CODE OF ORDINANCES
TITLE XV: LAND USES
CHAPTER 157: ZONING CODE
O-2022-XX**

Preamble

Pursuant to authority conferred by Chapter 160D-701 of the North Carolina General Statutes, as amended and for the purpose of promoting the health, safety, morals, or general welfare of the inhabitants of the City by lessening congestion in and around the streets; securing safety; preventing the overcrowding of land; avoiding undue congestion; and facilitating the adequate provision of transportation,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MONROE THAT TITLE XV, CHAPTER 157 ZONING CODE OF THE CITY OF MONROE CODE OF ORDINANCES BE AMENDED AS FOLLOWS:

Section 1. Amend §157.1.2.1 **OFFICIAL ZONING MAP** as follows:

Rezone the property located at 1409 Concord Avenue further identified with parcel ID # 09-226-192A from Concord Avenue Overlay(CA-O) District, Sub-district A to Concord Avenue Overlay District(CA-O), Sub-district B.

Section 2. This Ordinance shall be effective upon adoption.

Adopted this 10th day of January, 2023

Attest:

Marion L. Holloway, Jr., Mayor

Bridgette H. Robinson, City Clerk

Ortho Map

Case #: PLMA-2023-00066

Legend

-  Centerlines
-  Parcels
-  Subject Property

Existing: CA-O Sub-District A

Owner: Michael Scott Ball

Acres: 0.501



0 1530 60 90 120
 Feet





STAFF REPORT

TO: Planning Board

DATE: December 7, 2022

FROM: Lisa Stiwinter, Planning and Development Director

PREPARED BY: Megan Brightharp, Planner

SUBJECT: Zoning Map Amendment for the property identified as 1409 Concord Avenue (tax parcel 09-226-192A).

SUMMARY STATEMENT

Planning Board is requested to consider a zoning map amendment for the property located at 1409 Concord Avenue and further identified as tax parcel 09-226-192A from Concord Avenue Overlay(CA-O) District, Sub-district A to Concord Avenue Overlay District (CA-O), Sub-district B.

REVIEW

The City of Monroe has received a request from Michael Ball of the Monroe Glass Shop to rezone the subject property from CA-O Sub-district A to CA-O Sub-district B. The Concord Avenue Overlay District is intended to improve safety and aesthetics in the Concord Avenue area identified in the Concord Avenue Master Plan, promote private investment and beneficial redevelopment of the Concord Avenue area, and create a suitable environment for compact, pedestrian-oriented, mixed-use development where business, office, retail, and residential uses are located in close proximity to one another. The CA-O District provides greater residential housing choice, affordability, and diversity with varying housing designs and densities, strengthens the City's economic base and provides employment and shopping opportunities close to home for City residents, and provides a clear and predictable set of standards and review procedures for development in the district.

The property is currently improved with two structures on the site with paved/gravel parking areas. The current use, retail, is not permitted in Sub-district A, which the property is currently zoned. The current use can continue, subject to the requirements in Section 10 Nonconformities of the UDO. However, in order to bring the property into compliance, as well as to allow all uses

within the CA-O Sub-district B, the applicant has requested to rezone the property from Sub-district A to Sub-district B.

AREA CHARACTERISTICS

Adjoining Land Uses and Zoning District

	Existing Uses	Zoning District
North	Commercial/ Retail	Concord Avenue- Overlay, Sub-district B
East	Commercial/ Retail and Residential Small Acreage	Concord Avenue- Overlay, Sub-district A&B
South	Residential Small Acreage	Concord Avenue- Overlay, Sub-district A
West	Residential Small Acreage	Concord Avenue- Overlay, Sub-district A

LAND USE AND TRANSPORTATION PLAN CONSISTENCY

The Land Use and Transportation Plan indicates this area is Traditional Development. This designation allows some small-scale commercial and service uses that support surrounding residences. The Traditional Development Area surrounds the downtown core and is anchored by the City's most historic neighborhoods. The area offers easy access to downtown. Commercial is a priority use in this designation.

Planning staff believes the request is consistent with the Future Land Use Plan because the proposed rezoning to CA-O Sub-district B will allow small-scale commercial uses that will support surrounding residences.

PUBLIC NOTIFICATION

A rezoning notification sign will be posted 10 days prior to the public hearing.

An official rezoning notification letter will be sent to the adjacent property owners located within 150 feet, 10 days prior to the public hearing.

RECOMMENDATION

Planning Staff recommends approval of the rezoning.

Planning Board will need to take action on the following items:

- *Motion to recommend adoption of Resolution Approving Land Development Plan Compliance **OR***
- *Motion to recommend adoption of Resolution Denying Land Development Plan Compliance*

If the Resolution of Land Development Plan Compliance is recommended for approval, the Planning Board will also need to make the following motion:

- *Motion to recommend adoption of the Ordinance amending Section 157.1.2.1- Official Zoning Map.*

If the Resolution of Land Development Plan Compliance is recommended for denial, the Planning Board will also need to make the following motion:

1. *Motion to recommend denial of the zoning map amendment*

Attachments:

Attachment 1-Ortho Map

Attachment 2-Zoning Map

Attachment 3-Future Land Use Map

Attachment 4-FLUM Description

Attachment 5-R-2022-XX Approval

Attachment 6-R-2022-XX Denial

Attachment 7-O-2022-XX Section 157.1.2.1



STAFF REPORT

TO: Planning Board Members

DATE: December 7, 2022

FROM: Lisa Stiwinter, Planning and Development Director

PREPARED BY: Doug Britt, Senior Planner

SUBJECT: Annexation of 21.695 acres located at intersection of ML King Jr. Boulevard and Weddington Road further identified as tax parcels 09-313-014, 09-313-014A, and a portion of R9-316-005G

SUMMARY STATEMENT

Planning Board is requested to consider the annexation of 21.695 acres located at the intersection of ML King Jr. Boulevard and Weddington Road and further identified with parcel ID numbers 09-313-014, 09-313-014A, and a portion of R9-316-005G.

REVIEW

Anjani Ventures, LLS are requesting the annexation of 21.695 acres located at the intersection of ML King Jr. Boulevard and Weddington Road and further identified with parcel ID numbers # 09-313-014, 09-313-014A, and a portion of R9-316-005G.

RECOMMENDATION

Staff recommends approval of the annexation.

Planning Board will need to take action on the following items:

Motion to recommend Approving/Denying annexation request;

Attachments:

Attachment 1- Ortho Map

Attachment 2- Annexation Plat

Ortho Map

Legend

- Centerlines
- ▭ Parcels
- City Limits
- ETJ

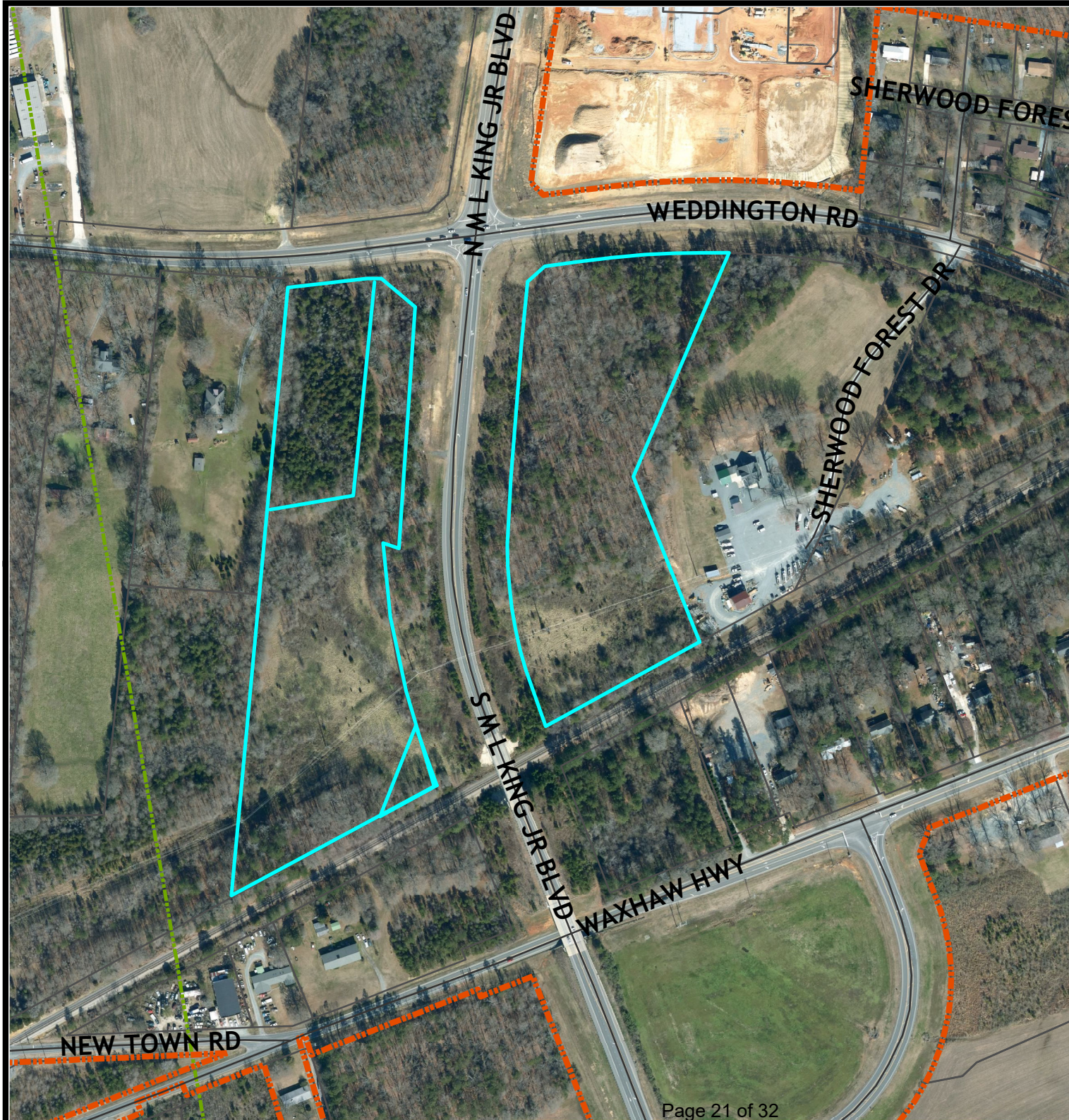
Existing: CC MX-2
(Community Corridor
Mixed Use)

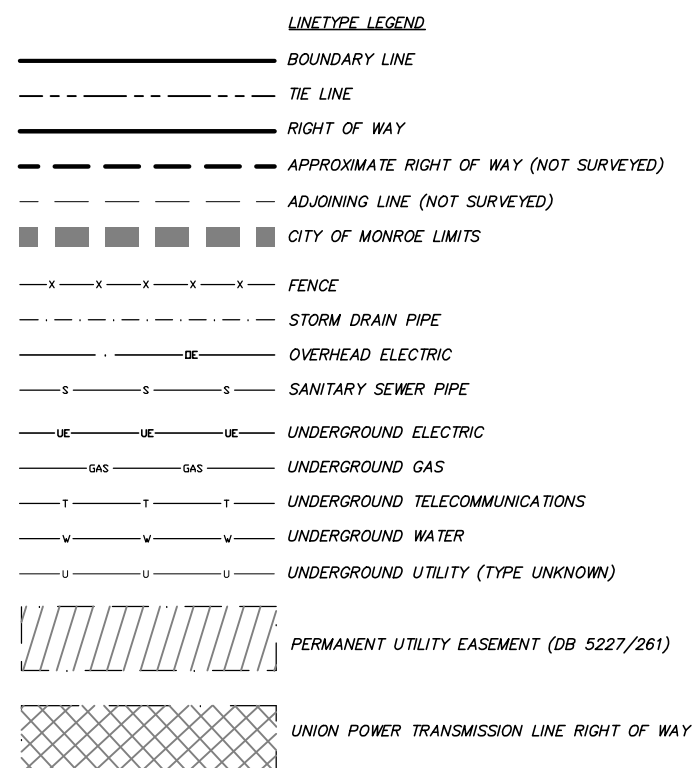
Owners: Anjani Ventures, LLS

Acres: 21.695



0 290 580
Feet



[illegible]

INSIDE CITY OF MONROE
PER ANNEX ORDINANCE RECORDED IN DB 7048/378

WEDDINGTON ROAD
SR 3522

9.046 ACRES

~NOW OR FORMERLY~
THOMAS JOSEPH REESE &
ANN MARIE REESE
REVOCABLE LIVING TRUST
DATED APRIL 29, 2003
DB 5605/811
PID 09.313014

~NOW OR FORMERLY~
TROY E. TRULL AND WIFE JUDY M. TRULL
DB 286/545
PID 09.313015

CSX TRANSPORTATION, INC
100' RIGHT OF WAY (20/716 & 20/723)
GEORGIA CAROLINA & NORTHERN RAILWAY CO.

ANNEXATION NOTES:

TOTAL LINEAR FEET OF BOUNDARY: 9,056.61'
LINEAR FEET OF BOUNDARY CONTIGUOUS WITH EXISTING MONROE CITY LIMITS: 0.00'
TOTAL AREA ANNEXED: 21.695 ACRES

THE PURPOSE OF THIS PLAT IS TO ANNEX THE 21.695 ACRES SHOWN HEREON INTO THE MUNICIPAL LIMITS OF THE CITY OF MONROE, UNION COUNTY, NORTH CAROLINA.

THE FOLLOWING WAS USED TO ESTABLISH N.C.S.P.C. INFORMATION:

- (1) CLASS OF SURVEY: A-URBAN LAND SURVEY
- (2) POSITIONAL ACCURACY: 0.2'
- (3) TYPE OF GPS FIELD PROCEDURE: STATIC, ONLINE POSITION USER SERVICE
- (4) DATES OF SURVEY: 08/31/2021
- (5) DATUM/EPOCH: NAD 83 (2011), EPOCH 2010
- (6) PUBLISHED/FIXED-CONTROL USE: CORS SITES SEE TABLE
- (7) GEIOD MODEL: GEIOD18; NAVD 88
- (8) COMBINED GRID FACTOR(S): 0.99985789
- (9) UNITS: U.S. SURVEY FEET

PID	DESIGNATION	LATITUDE	LONGITUDE	DISTANCE(m)
DC5755	NAL ALBEMARLE CORS ARP	N352017.303	W0801248.525	51548.0
DM3995	NCRO ROCKINGHAM CORS ARP	N345751.987	W0794747.740	71565.9
D02638	SCWR WHITE ROSE CORS ARP	N345857.038	W0811157.440	56553.2
DE8425	GAST GASTON CORS ARP	N351839.791	W0811119.541	66283.6
DN5840	NCSA NCSA SALISBURY CORS ARP	N354241.692	W0802555.995	81817.8
DI1682	NCLU LUMBERTON CORS ARP	N343736.336	W0790439.694	143061.0
AH6714	COLA COLUMBIA CORS ARP	N340451.557	W0810718.015	111854.0
DK7549	NCST STATESVILLE CORS ARP	N355119.728	W0805055.477	99710.3
DC5938	NCCA CARTHAGE CORS ARP	N352030.048	W0792305.085	115889.6

MONROE TOWNSHIP, UNION COUNTY, NORTH CAROLINA



STAFF REPORT

TO: Planning Board

DATE: December 7, 2022

FROM: Lisa Stiwinter, Planning and Development Director

SUBJECT: Zoning Text Amendment to the Unified Development Ordinance (UDO).

SUMMARY STATEMENT

Planning Board is requested to consider a zoning text amendment to Section §157.3.4.7 titled “Planned Developments”, Section §157.4.2.3 titled “RMD-Residential Medium Density”, Section §157.4.5.2 titled “Planned Unit Development” and Section §157.8.1.9 titled “Conservation Subdivision” of the Unified Development Ordinance (UDO).

REVIEW

At the November 8, 2022 City Council meeting, City Council directed Planning staff to draft a zoning text amendment to the UDO requiring Cluster and Conservation Subdivisions be processed as Conditional Zoning districts subject to the Zoning Map Amendment process as outlined in Section §3.4.6 “Zoning Map Amendment (Rezoning).”

Planning staff has drafted the zoning text amendments as requested by City Council that state the following:

Amend Section §157.4.2.3 “RMD – RESIDENTIAL MEDIUM DENSITY” as follows:

§157.4.2.3 RMD – RESIDENTIAL MEDIUM DENSITY

D. Cluster Development. Cluster development within the RMD district is permitted if an applicant consents in writing to the single-family design guidelines as defined in Section 8.7.2: Single Family Design Guidelines. Cluster development shall be a minimum five (5) acres in size. Cluster development allows an applicant to qualify for reduced minimum lot sizes per Table 4.2.3.1 and an increase in permitted density to a maximum of four (4) dwelling units per acre. In accordance with Section 3.4.15: Major Subdivision Preliminary Plat, cluster developments shall meet all requirements for a subdivision, site plan and all other applicable City ordinances and

this UDO. A cluster development shall be reviewed as a Conditional Rezoning as outlined in section 4.6 “Conditional Zoning” following the Zoning Map Amendment process outlined in section 3.4.6 “Zoning Map Amendment (Rezoning)”.

Amend Section §157.8.1.9 “CONSERVATION SUBDIVISION” as follows:

§157.8.1.9 CONSERVATION SUBDIVISION

C. Review Procedure. Conservation subdivisions shall be reviewed as a preliminary plat in accordance with the procedures and standards in Section 3.4.15: Major Subdivision Preliminary Plat, only after approval of a conservation and development plan as required in this Section.

1. **Conservation Subdivision Plan.** Prior to review of a preliminary plat application for a conservation subdivision, an applicant shall develop a conservation subdivision plan for the land. The conservation subdivision plan shall be reviewed as a Conditional Rezoning as outlined in section 4.6 “Conditional Zoning” following the Zoning Map Amendment process outlined in section 3.4.6 “Zoning Map Amendment (Rezoning)”.

Planning staff is also proposing a zoning text amendment to Section §157.3.4.7 titled “Planned Developments” and Section §157.4.5.2 titled “Planned Unit Development”. The purpose of the proposed zoning text amendments is to address the section regarding administrative (minor modifications) and amendment (major modifications) changes to approved Planned Developments and the section that states maximum stories for building heights in the PUD zoning districts.

In the old Unified Development Ordinance (UDO), planning staff was given the authority to approve minor modifications to approved Zoning Map Amendments (rezonings). Staff’s interpretation of minor modification consisted of a reduction in lot count, change in landscape materials or location, change in configuration or placement of amenities, change in configuration of internal streets or arrangement or location of buildings. Staff’s policy has been that if an approved development requested major modifications such as an increase in lot count, density, reduction in amenities or open space or a major change in elevations, staff would require the development go back through the zoning map amendment process.

In the new Unified Development Ordinance (UDO) Section §157.3.4.7 titled “Planned Developments” provides the Planning Director the ability to make an administrative amendment to an approved planned development that includes allowing a change in residential density, total number of dwelling units not exceed 10%. Although the ordinance provides the ability to approve a change in residential density by 10%, this is not planning staff’s common practice and under no circumstance would this modification be approved by planning staff. Planning staff is proposing to amend this section that would provide clearer expectations of what constitutes a major or minor modification to approved planned developments that contains similar language to Conditional Zoning.

Amend Section §157.3.4.7 “PLANNED DEVELOPMENTS” as follows:

§157.3.4.7 PLANNED DEVELOPMENTS

C. Deviation Standards.

1. Except as noted in this Section, development in a planned development must conform to all applicable provisions of this UDO.
2. In no circumstance may a PCD or a PUD request to deviate from process or administrative related requirements as set forth in this UDO.
3. According to NC General State Statutes, deviations from the Unified Development Ordinance (UDO) may be requested as part of the Planned Development Master Plan.
4. Any proposed deviations shall be accompanied by a narrative explanation demonstrating that the modification is necessary and how potential adverse impacts shall be mitigated.

F. Administrative Changes to a Planned Development. The Director may administratively approve minor modifications to approved planned development master plans. Subsequent plans and permits for development within an approved planned development may include minor modifications to the conditions of approval, provided the development continues to meet the minimum requirements of the Unified Development Ordinance (UDO). Minor modifications are limited to changes that have no material effect on the character of the development or changes that address technical considerations that could not reasonably be anticipated at the time of the planned development approval. The following minor modifications may be approved by the Director of Planning and Development:

1. Changes to the location of entrances or driveways, the rearrangement of internal streets, drives or access restrictions;
2. Changes to the configuration of parking areas, including the number of parking spaces provided the changes are within 10% of approved parking spaces;
3. Changes to the configuration or location to open space or placement of required amenities, provided the amount of open space (whether active or passive) is unchanged;
4. Changes to the configuration of landscape yards, including the types of materials, provided minimum width and planting requirements are met;

5. Changes to the proposed building elevation or façade, including materials, provided that the change retains the same general architectural character and remains consistent with design parameters established in the approval; and
6. Changes to the arrangement or location of buildings provided there is no increase in the number of buildings, size or amount of impervious surface.

G. Amendment Changes to a Planned Development. Changes that material effect the basic configuration of the development, basic parameters of conditions of approval, or that exceed the scope of minor modifications are considered major modifications. Major modifications to approved Planned Developments shall be treated as an amendment that is required to be reviewed and considered in accordance with the procedures and standards established for original planned development approval. Major modifications include, but are not limited to:

1. Increase in building height;
2. Changes in proposed use types;
3. Increase in lot count or change in intensity;
4. Decrease in open space; and
5. Substantial changes in the location of streets (particularly if streets are to be deleted or access points to the development moved so traffic flows both inside and outside the development are affected); and

At the October 18, 2022 joint Planning Board and City Council meeting, it was brought to Planning Staff's attention that Planned Unit Development zoning district, which is predominantly residential in nature allows a building height of a maximum of 4 stories. Planning staff believes that a maximum of 3 stories is more appropriate therefore we are requesting an additional text amendment to Section §157.4.5.2 title "Planned Unit Developments" that includes the following:

Amend Section §157.4.5.2 "PLANNED UNIT DEVELOPMENT"

§157.4.5.2 PLANNED UNIT DEVELOPMENT

Table 4.5.2. PUD District Development Standards Table

PUD District Development Standards Table	
Building Height	Maximum 3 Stories
Open Space	Minimum 35% (See Section 8.8: Open Space)
Percentage of Uses	Maximum 5% Non-Residential Uses (percent of total gross area of the site)
Uses	As permitted in Section 7.1.1

Additional Standards	Setbacks, Lot Width, Lot Area, and FAR shall be determined during the Planned Development Master Plan process as defined in Section 3.4.7: Planned Developments.
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RECOMMENDATION

Planning staff recommends approval of the zoning text amendment to Section §157.3.4.7 titled “Planned Developments”, Section §157.4.2.3 titled “RMD-Residential Medium Density”, Section §157.4.5.2 titled “Planned Unit Development” and Section §157.8.1.9 titled “Conservation Subdivision” of the Unified Development Ordinance (UDO).

Planning Board will need to take action on the following items:

1. Motion to adopt Resolution approving Land Use and Transportation Plan compliance **OR**
Motion to adopt Resolution denying Land Use and Transportation Plan compliance;

If the Resolution of Land Use and Transportation Plan Compliance is approved, Planning Board will also need to make the following motions:

1. Motion to recommend adoption of the Ordinance amending §157.3.4.7 titled “Planned Developments”, Section §157.4.2.3 titled “RMD-Residential Medium Density”, Section §157.4.5.2 titled “Planned Unit Development” and Section §157.8.1.9 titled “Conservation Subdivision” of the Unified Development Ordinance (UDO).

OR

If the Resolution of Land Use and Transportation Plan Compliance is denied, Planning Board will also need to make the following motion:

1. Motion to recommend denial of the zoning text amendment

Attachments:

1. R-2023- Approval (Requiring CD)
2. O-2023-XX

**RESOLUTION APPROVING LAND USE AND TRANSPORTATION
PLAN COMPLIANCE
R-2023-xx**

WHEREAS, in accordance with the provisions of North Carolina General Statute 160D-605, the Planning Board does hereby find and determine that the adoption of the zoning text amendment to amend Chapter 157, Section 3.4.7 *Planned Developments*, Section 4.2.3 *RMD – Residential Medium Density*, Section 4.5.2 *Planned Unit Developments*, and Section 8.1.9 *Conservation Subdivisions* of the Unified Development Ordinance (UDO) is consistent with the Land Use and Transportation Plan because the plan states Monroe will be highlighted by safe and attractive neighborhoods and by requiring conditional rezoning's for cluster and conservation subdivisions there will be more control over proposed neighborhoods. The proposed zoning text amendment is a reasonable use and in the public interest because by requiring cluster subdivisions and conservation subdivisions to go through the rezoning process, the community has the ability to play a bigger role in what new neighborhoods look like.

NOW, THEREFORE, BE IT RESOLVED that the Planning Board of the City of Monroe recommends adoption of the Resolution Approving Land Use and Transportation Plan Compliance to amend Section 3.4.7 *Planned Developments*, Section 4.2.3 *RMD – Residential Medium Density*, Section 4.5.2 *Planned Unit Developments*, and Section 8.1.9 *Conservation Subdivisions*

Adopted this 7th day of December, 2022

Richard A. Yercheck, Planning Board Chair

Attest:

Ashlyn Penegar, Secretary to Planning Board

**ORDINANCE TO AMEND CITY OF MONROE CODE OF ORDINANCES
TITLE XV: LAND USES
CHAPTER 157: ZONING CODE
O-2023-XX**

Preamble

Pursuant to authority conferred by Chapter 160D-701 of the North Carolina General Statutes, as amended and for the purpose of promoting the health, safety, morals, or general welfare of the inhabitants of the City by lessening congestion in and around the streets; securing safety; preventing the overcrowding of land; avoiding undue congestion; and facilitating the adequate provision of transportation,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MONROE THAT TITLE XV, CHAPTER 157: ZONING CODE OF THE CITY OF MONROE CODE OF ORDINANCES BE AMENDED AS FOLLOWS:

TEXT AMENDMENT

Section 1. Amend Section §157.3.4.7 “PLANNED DEVELOPMENTS” as follows:

§157.3.4.7 PLANNED DEVELOPMENTS

C. Deviation Standards.

1. Except as noted in this Section, development in a planned development must conform to all applicable provisions of this UDO.
2. In no circumstance may a PCD or a PUD request to deviate from process or administrative related requirements as set forth in this UDO.
3. According to NC General State Statutes, deviations from the Unified Development Ordinance (UDO) may be requested as part of the Planned Development Master Plan.
4. Any proposed deviations shall be accompanied by a narrative explanation demonstrating that the modification is necessary and how potential adverse impacts shall be mitigated.

F. Administrative Changes to a Planned Development. The Director may administratively approve minor modifications to approved planned development master plans. Subsequent plans and permits for development within an approved planned development may include minor modifications to the conditions of approval, provided the development continues to meet the minimum requirements of the Unified Development

Ordinance (UDO). Minor modifications are limited to changes that have no material effect on the character of the development or changes that address technical considerations that could not reasonably be anticipated at the time of the planned development approval. The following minor modifications may be approved by the Director of Planning and Development:

1. Changes to the location of entrances or driveways, the rearrangement of internal streets, drives or access restrictions;
2. Changes to the configuration of parking areas, including the number of parking spaces provided the changes are within 10% of approved parking spaces;
3. Changes to the configuration or location to open space or placement of required amenities, provided the amount of open space (whether active or passive) is unchanged;
4. Changes to the configuration of landscape yards, including the types of materials, provided minimum width and planting requirements are met;
5. Changes to the proposed building elevation or façade, including materials, provided that the change retains the same general architectural character and remains consistent with design parameters established in the approval; and
6. Changes to the arrangement or location of buildings provided there is no increase in the number of buildings, size or amount of impervious surface.

G. Amendment Changes to a Planned Development. Changes that material effect the basic configuration of the development, basic parameters of conditions of approval, or that exceed the scope of minor modifications are considered major modifications. Major modifications to approved Planned Developments shall be treated as an amendment that is required to be reviewed and considered in accordance with the procedures and standards established for original planned development approval. Major modifications include, but are not limited to:

1. Increase in building height;
2. Changes in proposed use types;
3. Increase in lot count or change in intensity;
4. Decrease in open space; and
5. Substantial changes in the location of streets (particularly if streets are to be deleted or access points to the development moved so traffic flows both inside and outside the development are affected); and

Amend Section §157.4.2.3 “RMD – RESIDENTIAL MEDIUM DENSITY” as follows:

§157.4.2.3 RMD – RESIDENTIAL MEDIUM DENSITY

D. Cluster Development. Cluster development within the RMD district is permitted if an applicant consents in writing to the single-family design guidelines as defined in Section 8.7.2: Single Family Design Guidelines. Cluster development shall be a minimum five (5) acres in size. Cluster development allows an applicant to qualify for reduced minimum lot sizes per Table 4.2.3.1 and an increase in permitted density to a maximum of four (4) dwelling units per acre. In accordance with Section 3.4.15: Major Subdivision Preliminary Plat, cluster developments shall meet all requirements for a subdivision, site plan and all other applicable City ordinances and this UDO. A cluster development shall be reviewed as a Conditional Rezoning as outlined in section 4.6 “Conditional Zoning” following the Zoning Map Amendment process outlined in section 3.4.6 “Zoning Map Amendment (Rezoning)”.

Section 2. Amend Section §157.4.5.2 “PLANNED UNIT DEVELOPMENT”

§157.4.5.2 PLANNED UNIT DEVELOPMENT

Table 4.5.2. PUD District Development Standards Table

PUD District Development Standards Table	
Building Height	Maximum 3 Stories
Open Space	Minimum 35% (See Section 8.8: Open Space)
Percentage of Uses	Maximum 5% Non-Residential Uses (percent of total gross area of the site)
Uses	As permitted in Section 7.1.1
Additional Standards	Setbacks, Lot Width, Lot Area, and FAR shall be determined during the Planned Development Master Plan process as defined in Section 3.4.7: Planned Developments.

Section 3. Amend Section §157.8.1.9 “CONSERVATION SUBDIVISION” as follows:

§157.8.1.9 CONSERVATION SUBDIVISION

C. Review Procedure. Conservation subdivisions shall be reviewed as a preliminary plat in accordance with the procedures and standards in Section 3.4.15: Major Subdivision Preliminary Plat, only after approval of a conservation and development plan as required in this Section.

1. **Conservation Subdivision Plan.** Prior to review of a preliminary plat application for a conservation subdivision, an applicant shall develop a conservation subdivision plan for the land. The conservation subdivision plan shall be reviewed as a Conditional Rezoning as outlined in section 4.6 “Conditional Zoning” following the Zoning Map Amendment process outlined in section 3.4.6 “Zoning Map Amendment (Rezoning)”.

Section 4. This Ordinance shall be effective upon adoption.

Adopted this 10th day of January, 2023

Attest:

Marion L. Holloway Jr., Mayor

Bridgette H. Robinson, City Clerk