

PLANNING BOARD MEETING

Wednesday, March 1, 2023

6:00 PM

City Hall Council Chambers

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 –January 4, 2023**
- Item 4. Zoning map amendment for a portion of the property located at 802 Circle Drive and further identified as a portion of tax parcel 09-195-010 from Residential Medium Density (RMD) to Office Medical (OM).**
- Item 5. Zoning map and text amendment for the property located along Rocky River Road and further identified as tax parcel # 07-012-007. The original rezoning request for Conditional District “Riverstone” was approved by City Council in June of 2021 and included a total of nine (9) parcels. The current request is to amend Conditional District “Riverstone” to allow a fire station as an allowed use for the overall project, and specifically for the fire station to locate on parcel 07-012-007 thus requesting to rezone the project from Conditional District (CD) “Riverstone” to Conditional District (CD) “Riverstone Amendment 1”**
- Item 6. Next Meeting: April 5, 2023**
- Item 7. 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

January 4, 2023 @ 6:00 PM
City Hall – Conference Room
300 W. Crowell Street, Monroe, NC

Emailed to S. Laney on: 01/09/2023

Item 1. Call to Order/Roll Call

Chair said before we call roll and do all that, anybody that is here for the Weddington Rd. and Maple Dr. project, the Wildwood project is being postponed to a later date. I recommend that since you are downtown, we have some great restaurants and you should go visit them.

Chair called the January 4, 2023 meeting to order at 6:00 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, Margaret Desio, Kenneth Deal, Patrick Furr and Archie Morgan

Members Absent:

Staff Present: Keri Mendler, Senior Planner, Mujeeb Shah- Khan, City Attorney, Ashlyn Penegar, Administrative Assistant II

Guests: Don Phinney, Thomas Pope, Ben Russell, Sarah Shirley, Ed Cottingham (Enquirer Journal), Jason Floder, Dewanna and Gerald Johnson

Item 2. Pledge of Allegiance and Moment of Silence

Item 3. Approval of Minutes of Meeting- December 7, 2022

Motion: Archie Morgan made a motion to approve the December 7, 2022 minutes.

Second: Kenneth Deal

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

AYES: Richard Yercheck, Jennifer Smith, Richard Ali, Margaret Desio, Kenneth Deal, Patrick Furr and Archie Morgan

NAYS: None

Item 4. Zoning map and text amendment for the properties located along W. Jefferson St. and W. Crowell St. further identified as tax parcels: 09-273-004A, 09-273-004B, 09-273-004C, 09-273-004D, 09-273-004E, 09-273-004F from RMD (Residential Medium Density) to Conditional District (CD) “Jefferson & Crowell”.

Keri Mendler came forward and said tonight I am here presenting a zoning map and text amendment request from Ben Russell on behalf of Pinnacle Homes USA, LLC for the property located along W. Jefferson St. and

W. Crowell St. This project was submitted in October of 2021 and again, that was prior to the existing UDO and similar to the last project and is being processed under the prior code.

The site is currently zoned RMD (Residential Medium Density). As currently zoned, the properties can currently be developed for residential uses. To the north, it is zoned GI (General Industrial), to the east, south and west is also zoned RMD (Residential Medium Density). The properties to the east and west are currently occupied by multifamily residential, so that is either side. The property to the south is single family residential. The applicant is requesting a Conditional District rezoning in order to develop 15 attached single-family homes (townhomes). The total area of the project is 1.52 acres with .69 acres (46%) of open space with a density of 9.88 units per acre and the minimum lot size is 2,046 sq. ft. The previous ordinance required a 50 ft. landscape buffer for townhome projects; the applicant is not proposing a landscape for this site as there is existing multifamily uses on either side. Each lot will have at least one-yard tree, which will be at least 2 inches at the time of planting. The previous ordinance also required townhome projects to provide at least 50 % of open space, which would equal .75 acres, the applicant has provided .698 acres, which is 46% of the total site. With that said, due to the size of the project and the number of units, the applicant isn't proposing any kind of amenity area. There is a fair amount of trees on the property, so they will have this potential tree save area and when I say potential, there are some potential Stormwater that may require the removal of some of the trees, but they are planning on keeping the trees that they can. Additionally, I believe I stated that they weren't providing a landscape buffer per se, but they are providing some landscaping along the western property line.

The developer is proposing the primary exterior building materials to be fiber cement. The minimum heated floor area of the townhomes is 1,300 square feet. The new elevations also provide wider and deeper front porches.

The applicant is proposing that all units will have a one car attached garage. All front load garages will have decorative garage doors that have windows with mullion details. Each driveway will be able to accommodate at least two (2) vehicles. The proposed development will provide 45 parking spaces with room for two vehicles in the driveway and one vehicle in the garage.

The applicant held a neighborhood meeting on May 11, 2022. There were seven attendees at this meeting. A rezoning notification sign has been posted on this property since July 29, 2022 and an official rezoning notification letter was sent to adjacent property owners on July 29, 2022. Staff will be sending out new letters prior to the public hearing as well.

The Land Use and Transportation Plan indicates this area is in the Traditional Character Area. Traditional Development, which surrounds the downtown core, 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. The design and scale of neighborhoods encourages active living and affords residents the ability to live, work, shop, and play within a walkable community. Buildings are generally oriented toward a comprehensive network of walkable streets. Cul-de-sacs should be limited to the extent possible, such as locations where topography, natural features, or existing development makes other street connections prohibitive. Requiring pedestrian connections and designating stubouts for future street connections is encouraged.

Just as a reminder, project came before Planning Board on July 13, 2022 and received a recommendation for denial. At the August 9, 2022 City Council meeting, the applicant requested to go back to Planning Board with modifications to the project. Since the July 13th Planning Board meeting, the applicant has provided revised elevations. The site plan has had minor modifications as well, including the addition of a landscaped buffer along the western property line, as I mentioned earlier. They've also provided new elevations, as I showed you. These have decorative garage doors and they are more decorative than they had initially planned, they also have

a wider and deeper front porch. Instead of it basically being a flat faced front door, they did provide a bit of a patio porch area along the front to allow potential seating or planters to help emphasize the architectural front door. Staff does recommend approval of this rezoning and I will be happy to answer any questions that you might have. The applicant and their Engineer is here as well.

Chair asked does anybody have questions for Keri?

Archie Morgan asked you wouldn't have any pictures of the old elevations, would you?

Keri Mendler said I might. (She proceeded to pull up the elevations from the previous meeting in July, 2022 and flipped between the two different versions of elevations.)

Kenneth Deal said it looks a lot more modern.

Archie Morgan asked was that one of the major causes for denial last time, the elevations?

Keri Mendler said I think Planning Board, at the time, had concerns with the density being at 9.88, which is on the higher side, but it is within the core and really close to downtown, which is where you are likely to find more dense projects anyways.

Richard Yercheck said I didn't like the elevations.

Patrick Furr asked can you take it back to the new elevations, please?

Keri Mendler pulls up new elevations on the screen.

Jennifer Smith said I think it was also being in harmony with rest of that district, the Historic District.

Keri Mendler said it is not in the District, just to clarify.

Jennifer Smith said it's close to it.

Patrick Furr said if I'm not mistaken, the first time they brought it in, it was more of an apartment type thing, instead of townhouses.

Keri Mendler said it's always been townhouses.

Jennifer Smith said it's always been townhouses.

Patrick Furr said alright. This does look a lot better.

Margaret Desio said Keri, I always get confused on this. Margaret asked are we allowed to ask if there can be a cap on rentals? This is perfect for investors to swoop in and that's the last thing that this area needs and I'm glad Mujeeb is here. Can we put a cap on 10% or 20% being rentals?

Mujeeb Shah-Khan said what we tell Council, so those of you who have seen these projects that move forward to the next step, you cannot. But, what you can do is ask, for example, what Council has done on residential developments is if there is a Homeowners Association, you can ask them to work that into the covenants. How it will work in this particular circumstance, you would have to ask the developer to make that commitment, it can be part of it. But, it's not something that you can really force into it.

Jennifer Smith said with the project only having 16 of them, that wouldn't be much.

Margaret Desio asked if there is a Homeowners Association?

Ben Russell said yes.

Keri Mendler said there would have to be because there is open space. So, the HOA would be responsible for maintaining that open space.

Margaret Desio said I think the Planning Board should ask if the HOA can incorporate some kind of rental limitation.

Chair said we can do that when they step up to present. Are there any other questions for Keri?

Archie Morgan asked what size are these?

Keri Mendler said 1,300 minimum sq. ft. for heated, so not including the garage.

Jennifer Smith asked what is the purchase price?

Keri Mendler said I don't know purchase price.

Chair said alright, is there anybody that would like to speak in favor of this project?

Sarah Shirley came forward and introduced herself and said she is from American Engineering. I am here to give you just a quick supplement from Keri's presentation. I'm here with Mr. Ben Russell on behalf of the project. I have a presentation, but honestly, you've seen it already and I don't want to bore you guys with any repetitive details and Keri did a really good presentation of the project. We did just want to emphasize that we really took all comments received into consideration and to heart. We really wanted to put forth our best foot, essentially, with this meeting. We've enhanced the landscape buffer and we are committing to things like an evergreen material, the flowering deciduous trees, evergreen shrubs. Things that are really going to enhance the landscape around in that buffer. Then of course, the revised elevations you previously saw, these speak more to the custom homes that Pinnacle Homes are known in the area. With that, I am really just here to answer any questions and we just thank you for your time to see us again.

Chair asked do you have a thought as to a price point, since we can't really officially ask you what you are going to sell them for, but if you wanted to share that with us, we would appreciate it.

Sarah Shirley said absolutely. We are aiming for at least \$300,000 and up from there, depending on how the market goes.

Jennifer Smith asked have the surrounded neighbors been contacted or have you even had a meeting when them to see how they felt about the project?

Sarah Shirley said we did. We contacted them back in May.

Keri Mendler said we mailed out notification letters when it was supposed to go to Council originally. Of course, the sign has been posted.

Jennifer Smith asked was it favorable?

Sarah Shirley said we only received comments, like oh it's interesting to have this here, at this site, it's been vacant and it backs up to single family homes. Nothing or no specific comments that required site plan revisions.

Chair said Sarah, you heard our comments about HOA and restricting rental, is that something the HOA would be amenable to doing?

Sarah Shirley said it's something that we wouldn't like to do at this time, only because it restricts. But, the HOA covenants that are written for townhomes are much more stringent than single family, because they have units that are attached to one another, so they have to work in conjunction. Because they are townhomes, it will work differently than single family homes, the HOA covenants are going to be much more restrictive. It's going to be a higher HOA fee that gets paid as part of these and because they are combined, if you have one that goes down, like the roof or siding, or whatever the case might be, the rest of the unit has to buy into that and pay for improvements. So, it's different and we wouldn't consider at this time to add that in.

Chair asked to limit it?

Sarah Shirley said correct, we wouldn't include it in our HOA documents.

Patrick Furr said I've met with y'all a couple times out at the site and if I understand this right, in case anybody doesn't know it, it's right down from the new police station maybe 300 yards. If I understand right, your target area for people buying these was for new policemen or new young folks that were coming in trying to be on the police force and or people that didn't want to be in that retirement home up there, but can still take care of things. Because you are right there beside a government subsidized housing project, is that what this is all about?

Sarah Shirley said yes.

Chair asked but you will sell to anybody that can afford to pay \$300,000?

Sarah Shirley said absolutely. Free market.

Kenneth Deal said it also aligns with the new senior center that is going in as well, so that makes it attractive to people who don't want to maintain lawns and want to be able to walk to downtown.

Chair said and they will have the \$300,000. Alright, does anybody have any more questions for Sarah? (There were none) Would anybody else like to speak in favor of the project? Is there anyone who would like to speak against the project? Hearing none, what further discussion do I have from the Board?

Margaret Desio said I'm real concerned about rentals.

Jennifer Smith said I am too.

Margaret Desio said I can't support it if they don't put some sort of clause in the HOA.

Chair said why?

Margaret Desio said what we have been seeing in Monroe is the same thing they are seeing in Mecklenburg County, investors will sweep in and buy these units up and rent them. Monroe doesn't need any more rental properties, particularly in this area.

Chair said but, these are \$300,000. This isn't slum lords renting in....

Margaret Desio said but when you put 2 or 3 families in one unit, they can afford the \$300,000.

Chair asked Sarah to step up to the podium again for further questions. He asked, can you talk to us about the covenants and the restrictions for the amount of people living in these houses?

Sarah Shirley said it would be one family per home and they are 3 bedroom homes with 2 baths. They would be sold to an individual homeowner.

Chair said if these were tiny, I would get it, but this isn't going to be a slum lord rental.

Margaret Desio said when they are first built.

Jennifer Smith said exactly.

Archie Morgan said it depends on how big the family is.

Chair asked how big the family is what? I don't understand.

Jennifer Smith said you can't control who moves in and out. Are they going to sit there and monitor? You know how that goes.

Archie Morgan said we've got houses right now in the Historic District where you can't get another vehicle parked out front because there is so many people living in them.

Chair said I know right now, we've got teachers and policemen and staff that don't have places to live here, they are living outside of the city. I don't know that this is going to turn into rentals, so I think we are kind of going down a rabbit hole. I like the project, the project looks infinitely better than what it did the last time. I don't think these are going to go rental in the way that you think they are going to go rental. Ben, will you commit to saying 10% only rental in the HOA?

Ben Russell with Pinnacle Homes stepped forward and introduced himself. He said the thing about these, whenever these are sold, it's going to be difficult for a HOA to manage. If a guy buys a unit and then something happens in his life and he has to move out of town, say he spent \$300,000 on it, right now it's worth \$250,000, he can't sell it. We can't tell him that he can't rent it, you know what I mean? Then the option he has then is foreclosure, which is worse than if he did have to rent it. So, there's just so many different scenarios like that that don't resonate with trying to dictate it with an HOA document. It would just get really complicated to try to enforce that. How would you even know who is renting as opposed to who owns. Am I against it, I'm not a 100% against it, I just see it being binding, I don't see it working.

Chair said thank you and asked are there any questions for Ben while he is standing there?

Patrick Furr said we are all for growing downtown Monroe, in a right sort of way. There is nothing that's been built in that particular area and I live right down the road. However, I can't help who did what in the last 30 years, but this man is willing to take a chance and build \$300,000 townhouses beside a government subsidized apartment. I wouldn't do it if it was my money, but he wants to do it and I like what he's brought to us. I like the fact that he's bent over backwards to give us a better looking project than what he brought us in July. If we can get this to grow from that area, I can envision young people coming in there and growing it right on up. If we

have some police that were coming in here and wanting to live, that would help on crime too. This is a perfect opportunity for a young person. It's not bad at all, no yard. I like it.

Richard Ali said I'm ready to make a motion.

Chair asked if there is any further discussion before Mr. Ali makes a motion? Hearing none, Ben, thank you. Rich, go right ahead.

Motion: Richard Ali made a motion to recommend adoption of the Resolution Approving Land Use and Transportation Plan Compliance.

Second: Richard Yercheck

Action: The motion to recommend adoption of the Resolution Approving Land Use and Transportation Plan Compliance passed with the following votes:

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

NAYS: Margaret Desio

Motion: Richard Ali made a motion to recommend adoption of the Ordinance amending section 157.1.2.1- Conditional Districts Established and section 157.1.3.1- Official Zoning Map.

Second: Patrick Furr

Action: The motion to recommend adoption of the Ordinance amending section 157.1.2.1- Conditional Districts Established and section 157.1.3.1- Official Zoning Map passed with the following votes:

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

NAYS: Margaret Desio

Item 6. Next Meeting: February 1, 2023

Chair said I don't have an "Other" on here, but is there anything that anyone would like to bring up?

Kenneth Deal said I would like to reiterate that I would like to see UDO discussions on the agenda.

Margaret Desio said do we know anything about the meeting where we discuss with City Council yet?

Kenneth Deal said it has been scheduled.

Chair said it has not been scheduled. City Council is still discussing that and I've not heard anything specific in terms of that at this point. Margaret, if you would write down what you did not like about this project on your notecard.

Margaret Desio said I will.

Item 8. Adjournment

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

Motion: **Richard Ali made a motion to adjourn.**

Second: **Richard Yercheck**

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

AYES: **Richard Yercheck, Jennifer Smith, Margaret Desio, Kenneth Deal, Patrick Furr
Richard Ali, and Archie Morgan**

NAYS: **None**

The meeting was adjourned at 6:27 p.m.

Respectfully Submitted,

Richard Yercheck, Chair
Planning Board

Ashlyn Penegar
Secretary to the Board



STAFF REPORT

TO: Planning Board

DATE: March 1, 2023

FROM: Lisa Stiwinter, Planning and Development Director

PREPARED BY: Doug Britt, Senior Planner

SUBJECT: Zoning Map Amendment for the property identified as a portion of tax parcel 09-195-010

SUMMARY STATEMENT

Planning Board is requested to consider a zoning map amendment for a portion of the property located at 802 Circle Drive and further identified as a portion of tax parcel 09-195-010 from Residential Medium Density (RMD) to Office Medical (OM).

REVIEW

The City of Monroe has received a request from Holland Partnership, LLC to rezone the 0.62 acres from Residential Medium Density (RMD) to Office Medical (OM). The Office Medical (OM) district is intended to implement office and medical uses. The district is designed to accommodate a mixture of office, medical, and residential uses.

This portion of the property is currently vacant with no improvements.

AREA CHARACTERISTICS

Adjoining Land Uses and Zoning District

	Existing Uses	Zoning District
North	Single Family Residential	Residential Medium Density (RMD)
East	Parking Lot	Office Medical (OM)
South	Funeral Home	Conditional District “ETC Crematorium Amendment II”
West	Vacant	Residential Medium Density (RMD)

LAND USE AND TRANSPORTATION PLAN CONSISTENCY

The Land Use and Transportation 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. Commercial is a priority use in this designation.

Planning staff believes the request is consistent with the Land Use and Transportation Plan being this property will be accessed from Circle Drive and the fact the properties in close vicinity have nonresidential zoning.

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 Use and Transportation Plan Compliance **OR***
- *Motion to recommend adoption of a Resolution Denying Land Use and Transportation Plan Compliance, authorization for staff to draft the resolution based on the reason(s) provided and authorization for the Chair to sign the resolution.*

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:

- *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-2023-XX Approval
Attachment 6-R-2023-XX Denial

Ortho Map

Case #: PLMA2023-00103

Legend

— Centerlines

▭ Parcels

Existing: RMD
(Residential- Medium Density)

**Owner: Holland Partnership,
LLC**

Acres: .62



0 70 140
Feet

Zoning Map

Case #: PLMA 2023-00103

Legend

— Centerlines

□ Parcels

Zoning Districts

CD

OM

RMD

Existing: RMD
(Residential Medium Density)

**Owner: Holland Partnership,
LLC**

Acres: .62



0 90 180
Feet

Future Land Use Map

Case #: PLMA 2023-00103

Legend

— Centerlines

▭ Parcels

FLUM

▭ Traditional Development

Existing: RMD
(Residential Medium Density)

**Owner: Holland Partnership,
LLC**

Acres: .62



0 90 180
Feet

Land Use and Transportation Plan Description

The Land Use and Transportation 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. Commercial is a priority use in this designation.

**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 map amendment for the property located at 802 Circle Drive 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 Office Medical (OM) 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 the majority of the parcels in the area having frontage along Circle Drive.

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 of the zoning map amendment for the portion of property with Union County Tax Parcel Number: 09-195-010.

Adopted this 1st day of March, 2023.

Jennifer Smith, Planning Board Vice Chair

Attest:

Ashlyn Penegar, Secretary to Planning Board

**RESOLUTION DENYING 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 map amendment for the property located at 802 Circle Drive 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 Office Medical (OM) designation allows small-scale commercial uses that support surrounding residences. However, this proposal is not a reasonable use or in the public interest because:

Based on this information, the conditions have changed which justify amending the Land Use and Transportation Plan. As a result of this zoning map amendment denial, the Land Use and Transportation 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 the portion of property with Union County Tax Parcel Number: 09-195-010.

Adopted this 1st day of March, 2023.

Jennifer Smith, Planning Board Vice 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:

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

Rezone the property located at 802 Circle Drive further identified with a portion of parcel ID # 09-195-010 from Residential Medium Density (RMD) to Office Medical (OM).

Section 2. This Ordinance shall be effective upon adoption.

Adopted this 11th day of April, 2023

Attest:

Marion L. Holloway, Jr., Mayor

Bridgette H. Robinson, City Clerk



STAFF REPORT

TO: Planning Board

DATE: March 1, 2023

FROM: Lisa Stiwinter, Planning and Development Director

PREPARED BY: Doug Britt, Senior Planner

SUBJECT: Zoning Map Amendment and text amendment request for Conditional District “Riverstone Amendment 1” Parcel ID #: 07-012-007

SUMMARY STATEMENT

The Planning Board is requested to consider a zoning map and text amendment for the property located along Rocky River Road and further identified as tax parcel # 07-012-007. The original rezoning request for Conditional District “Riverstone” was approved by City Council in June of 2021 and included a total of nine (9) parcels. The current request is to amend Conditional District “Riverstone” to allow a fire station as an allowed use for the overall project, and specifically for the fire station to locate on parcel 07-012-007 thus requesting to rezone the project from Conditional District (CD) “Riverstone” to Conditional District (CD) “Riverstone Amendment 1”.

REVIEW

The City of Monroe Fire Department is requesting to amend Conditional District (CD) “Riverstone” in order to utilize the existing house located on parcel 07-012-007 as a fire station on a temporary basis.

Conditional District “Riverstone” authorized the development of a 564 lot residential subdivision that will consist of both single-family attached and detached homes as well as a commercial area identified for future development. The total area of the project was 173.13 acres.

AREA CHARACTERISTICS

Adjoining Land Uses and Zoning District

	Existing Uses	Zoning District
North	Commercial Greenhouse	RA-40 Union County (Single Family Residential)
East	Vacant	Conditional District (CD) “Riverstone”
South	Single-Family Residential	Conditional District (CD) “Riverstone”
West	Single-Family Residential	Regional Corridor Mixed Use (RC-MX)

Proposal

The City of Monroe Fire Department is requesting to amend the current conditional district in order to utilize the existing 2,700 square foot house on the property as a fire station on a temporary basis. Additionally, the fire department will locate an accessory structure on the site that will be used to park the fire truck while they are leasing the property.

REQUIREMENTS

Density & Dimensional Standards

Setbacks

Front: 20 ft.

Side: 5 ft.

Corner: 10 ft.

Rear: 20 ft.

All previously approved conditions and requirements for this project are still relevant and will be enforced when the site is developed. The City of Monroe Fire Department will be required to obtain any necessary permits to utilize the site and will be required to meet all building and zoning requirements.

LAND USE AND TRANSPORTATION PLAN CONSISTENCY

The Land Development Plan indicates this project is located within the Regional Mixed-Use Center. Regional Mixed-Use Centers attract people beyond Monroe for shopping, entertainment, employment, or recreation. These centers are usually large-scale, measuring one mile in diameter that represents approximately a 20-minute walking distance. These centers are master-planned areas that are built in phases with a mix of non-residential, residential, and civic uses. It is likely that Regional Mixed-Use Centers will support the most intense concentrations of retail, employment, high-density residential and other mixed uses. These areas typically locate near major highways to ensure ease of access for longer trips. Single-family residential should typically be discouraged within the center, but can be located to the periphery of the center as a transitional use.

The proposed project is consistent with the Future Land Use Plan. Staff is of the opinion that the project is a reasonable use because non-residential uses are desired in the regional mixed-use center.

PUBLIC NOTIFICATION

The City of Monroe Fire Department will reach out to the adjoining properties in the area to make them aware of the proposal.

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 Conditional District “Riverstone Amendment 1”.

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

- *Motion to recommend adoption of Resolution Approving Land Use and Transportation Plan Compliance **OR***
- *Motion to recommend adoption of a Resolution Denying Land Use and Transportation Plan Compliance, authorization for staff to draft the resolution based on the reason(s) provided and authorization for the Chair to sign the resolution.*

If the Resolution of Land Use and Transportation 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- Conditional Districts Established and section 157.1.3.1- Official Zoning Map.*

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

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

Attachments:

Attachment 1-Ortho Map
Attachment 2-Zoning Map
Attachment 3-Site Plan
Attachment 4-Future Land Use Map
Attachment 5-FLUM Description
Attachment 6-R-2021-xx Approval
Attachment 7-R-2021-xx Denial
Attachment 8 & 9-Ordinances

Ortho Map

Case #: PLMA 2023-00116

Legend

- Centerlines
- City Limits
- streams
- Parcels

Existing: Conditional District
"Riverstone"

Owner: Leonard Rental, LLC



0 730 1,460
Feet

Zoning Map

Case #: PLMA 2023-00116

Legend

-  Centerlines
-  City Limits
-  Parcels

Zoning Districts

-  CD
-  OM
-  RC-MX
-  RLD
-  RMD

municipal

NAME

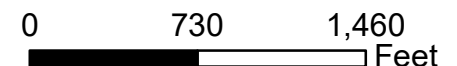
-  Indian Trail
-  Unionville

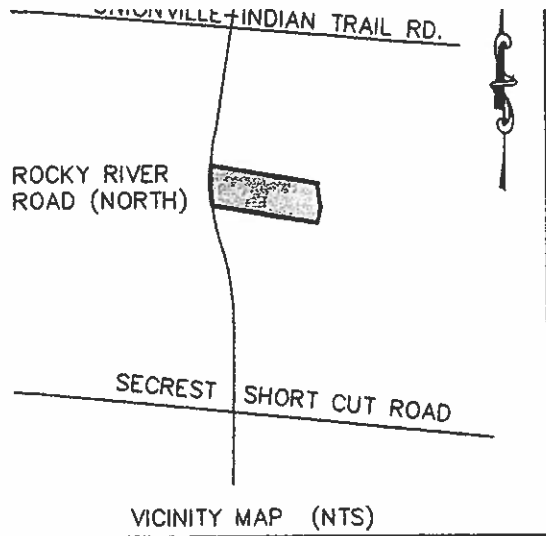
UC Zoning Districts

-  RA-40

Existing: Conditional District
"Riverstone"

Owner: Leonard Rental, LLC





- NOTES:
1. TAX I.D. #07-012-007
 2. AREA CALCULATED BY COORDINATES.
 3. NO NCGS MONUMENT FOUND WITHIN 2000'
 4. ALL DISTANCES ARE HORIZONTAL GROUND DISTANCES, MEASURED WITH ELECTRONIC METERS
 5. #4 REBARS SET AT ALL LOT CORNERS UNLESS OTHER WISE NOTED.
 6. CURRENT ZONING: RA-40 (UNION COUNTY)
 7. ADJOINING PROPERTY OWNERS NAMES WERE TAKEN FROM UNION COUNTY TAX OFFICE RECORDS, AND ARE CONSIDERED AS NOW OR FORMERLY
 8. 500 YEAR FLOOD ZONE FOUND ON SUBJECT PROPERTY. REF: FIRM MAP, MAP NO. 37179C0085 C, EFFECTIVE DATE: JULY 5, 1994.
 9. PROPERTY MAY BE SUBJECT TO OTHER EASEMENTS AND OR RIGHT OF WAYS, EITHER RECORDED OR IMPLIED.
 10. THIS SURVEY WAS PERFORMED WITHOUT THE BENEFIT OF A TITLE COMMITMENT.

Frontier Land Surveying
 1394-B WALKUP AVENUE
 Monroe, N.C. 28110
 (704) 283-9726

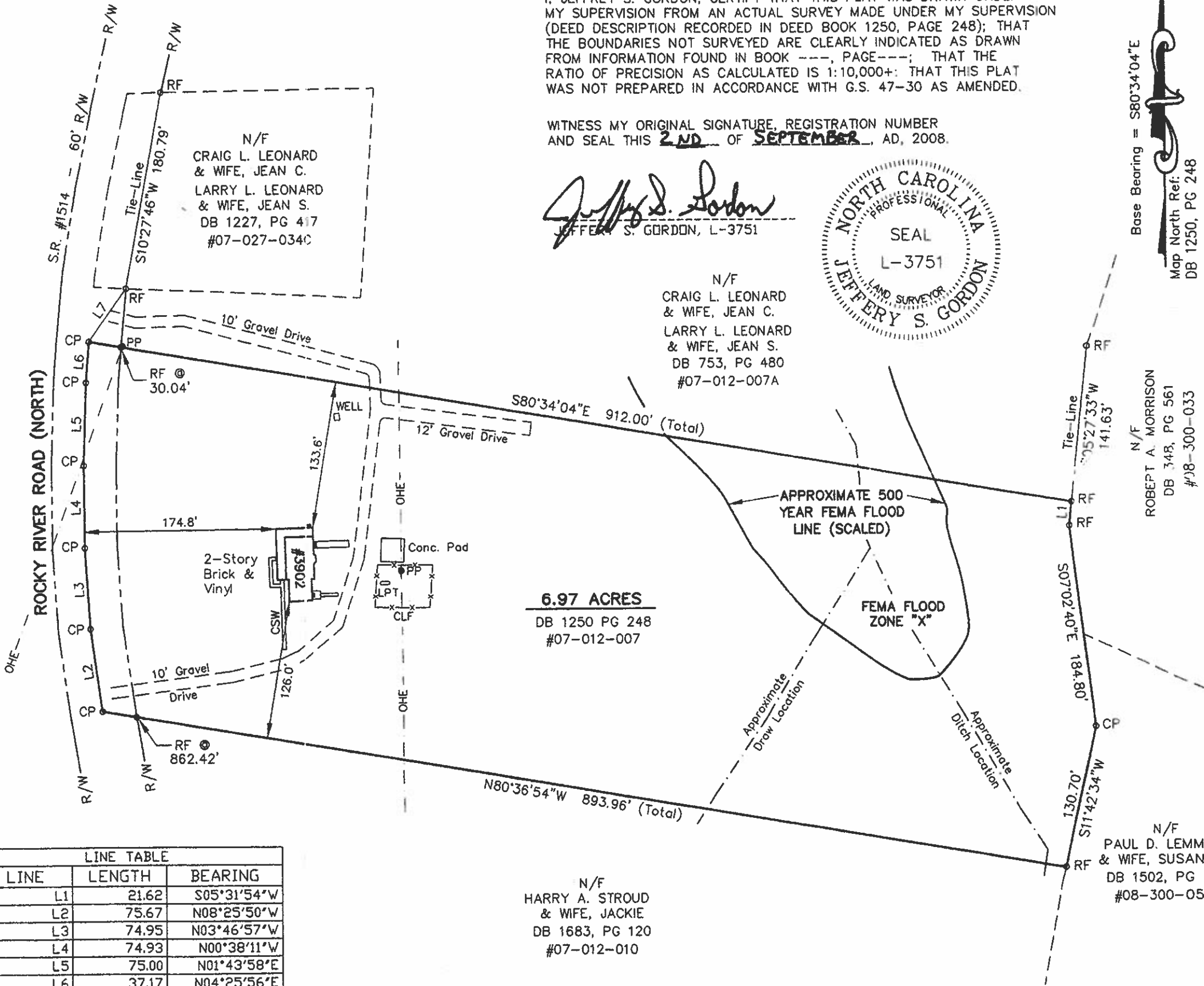
BOUNDARY & PHYSICAL SURVEY OF:
#3902 ROCKY RIVER ROAD NORTH
 Property of: Alicia J. Kinney & Bill Kinney
 Legal Ref: DB 1250, PG 248
 Vance Township, Union County, North Carolina

Scale: 1" = 100' Date: 2 September 2008
 Surveyed by: Jeffery S. Gordon, NCPLS, L-3751
 Dwg. File: C:\cl-leonard\dwg\rr-rd.dwg

LEGEND
 RF: Rebar Found
 CP: Computed Point
 R/W: Right of Way
 (NTS): Not To Scale
 N/F: Now or Formerly
 #07-012-007: Tax I.D. Number
 OHE: Overhead Power Line
 DB: Deed Book
 PP: Power Pole
 PG: Page
 SQ. FT: Square Feet
 LPT: Liquid Propane Tank
 Conc: Concrete
 CSW: Concrete Sidewalk
 CLF: Chain Link Fence

LINE TABLE		
LINE	LENGTH	BEARING
L1	21.62	S05°31'54"W
L2	75.67	N08°25'50"W
L3	74.95	N03°46'57"W
L4	74.93	N00°38'11"W
L5	75.00	N01°43'58"E
L6	37.17	N04°25'56"E
Tie-Line L7	59.24	S35°30'53"W

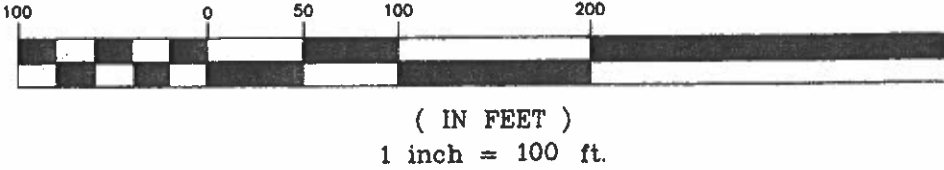
NO.	DATE	DESCRIPTION	BY



I, JEFFERY S. GORDON, CERTIFY THAT THIS PLAT WAS DRAWN UNDER MY SUPERVISION FROM AN ACTUAL SURVEY MADE UNDER MY SUPERVISION (DEED DESCRIPTION RECORDED IN DEED BOOK 1250, PAGE 248); THAT THE BOUNDARIES NOT SURVEYED ARE CLEARLY INDICATED AS DRAWN FROM INFORMATION FOUND IN BOOK ---, PAGE---; THAT THE RATIO OF PRECISION AS CALCULATED IS 1:10,000+; THAT THIS PLAT WAS NOT PREPARED IN ACCORDANCE WITH G.S. 47-30 AS AMENDED.

WITNESS MY ORIGINAL SIGNATURE, REGISTRATION NUMBER AND SEAL THIS 2ND OF SEPTEMBER, AD, 2008.

Jeffery S. Gordon
 JEFFERY S. GORDON, L-3751



Future Land Use Map

Case #: PLMA 2023-00116

Legend

- City Limits
- Centerlines
- MONROE.Regional_Centers
- Parcels
- FLUM**
- Suburban

Existing: Conditional District
"Riverstone"

Owner: Leonard Rental, LLC



0 730 1,460
Feet

Land Use and Transportation Plan Description

The Land Development Plan indicates this project is located within the Regional Mixed-Use Center. Regional Mixed-Use Centers attract people beyond Monroe for shopping, entertainment, employment, or recreation. These centers are usually large-scale, measuring one mile in diameter that represents approximately a 20-minute walking distance. These centers are master-planned areas that are built in phases with a mix of non-residential, residential, and civic uses. It is likely that Regional Mixed-Use Centers will support the most intense concentrations of retail, employment, high-density residential and other mixed uses. These areas typically locate near major highways to ensure ease of access for longer trips. Single-family residential should typically be discouraged within the center, but can be located to the periphery of the center as a transitional use.

**RESOLUTION APPROVING LAND USE AND TRANSPORTATION PLAN
COMPLIANCE CONDITIONAL DISTRICT “RIVERSTONE AMENDMENT 1”
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 map amendment for Conditional District “RIVERSTONE AMENDMENT 1” further described below property is consistent with the adopted Land Use and Transportation Plan. The Land Use and Transportation Plan identifies this area as a Regional Mixed-Use Center

Regional Mixed-Use Centers attract people beyond Monroe for shopping, entertainment, employment, or recreation. These centers are usually large-scale, measuring one mile in diameter that represents approximately a 20-minute walking distance. These centers are master-planned areas that are built in phases with a mix of non-residential, residential, and civic uses. These areas typically locate near major highways to ensure ease of access for longer trips. The proposed project is a nonresidential public safety use that will be located along a corridor with higher traffic volumes- North Rocky River Road and a major highway, the Monroe Expressway; therefore, the project is consistent with the Land Use and Transportation Plan. The proposed project is a reasonable use and in the public interest because the proposed public safety use will decrease the response times for emergency services in the area.

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 for property with Union County Tax Parcel Number(s): 07-012-007, 07-012-010, 08-300-033-90, 08-300-035-E, 08-300-040-B, 08-300-054, 08-300-054-A, 08-300-054-D, & 08-300-054-E.

Adopted this 1st day of March, 2023

Jennifer Smith, Planning Board Vice Chair

Attest:

Ashlyn Penegar, Secretary to Planning Board

**RESOLUTION DENYING LAND USE AND
TRANSPORTATION PLAN COMPLIANCE
CONDITIONAL DISTRICT “RIVERSTONE”
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 map amendment for Conditional District “RIVERSTONE AMENDMENT 1” further described below property is consistent with the adopted Land Use and Transportation Plan. The Land Use and Transportation Plan identifies this area as a Regional Mixed-Use Center.

Regional Mixed-Use Centers attract people beyond Monroe for shopping, entertainment, employment, or recreation. These centers are usually large-scale, measuring one mile in diameter that represents approximately a 20-minute walking distance. These centers are master-planned areas that are built in phases with a mix of non-residential, residential, and civic uses. These areas typically locate near major highways to ensure ease of access for longer trips. The proposed project is a nonresidential public safety use that will be located along a corridor with higher traffic volumes- North Rocky River Road and a major highway, the Monroe Expressway; therefore, the project is consistent with the Land Use and Transportation Plan. However, this proposal is not a reasonable use or in the public interest because:

Based on this information, the conditions have changed which justify amending the Land Use and Transportation Plan. As a result of this zoning map amendment denial, the Land Use and Transportation Plan would be amended to reflect the land use modification.

NOW, THEREFORE, BE IT RESOLVED that the Planning Board of the City of Monroe adopts the Resolution Denying Land Use and Transportation Plan Compliance for properties with Union County Tax Parcel Number(s): 07-012-007, 07-012-010, 08-300-033-90, 08-300-035-E, 08-300-040-B, 08-300-054, 08-300-054-A, 08-300-054-D, & 08-300-054-E.

Adopted this 1st day of March, 2023

Jennifer Smith, Planning Board Vice 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:

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

Rezone the properties located along Poplin Road and Rocky River Road and further identified as tax parcel #'s 07-012-007, 07-012-010, 08-300-033-90, 08-300-035-E, 08-300-040-B, 08-300-054, 08-300-054-A, 08-300-054-D, & 08-300-054-E. The request is to rezone the properties from Conditional District (CD) "Riverstone" to Conditional District (CD) "Riverstone Amendment 1".

Section 2. This Ordinance shall be effective upon adoption.

Adopted this 11th day of April, 2023.

Attest:

Marion L. Holloway Jr., Mayor

Bridgette H. Robinson, City Clerk

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:

Section 1. Amend §157.1.3.1 ZONING DISTRICTS ESTABLISHED as follows:

Conditional District (CD) “Riverstone Amendment 1”

Section 2. This Ordinance shall be effective upon adoption.

Adopted this 11th day of April, 2023.

Attest:

Marion L. Holloway Jr., Mayor

Bridgette H. Robinson, City Clerk