PLANNING BOARD MEETING

Wednesday, June 7, 2023

6:00 PM

City Hall Council Chambers

300 West Crowell Street

Monroe, NC

Revised Agenda

Item 1. **Call to Order – Roll Call**

Item 2. **Pledge of Allegiance and Moment of Silence**

Item 3. **Approval of Minutes –May 3, 2023**

Item 4. **Zoning map amendment for the property located at 302 Secrest Avenue and further identified as tax parcel 09-117-008 from Neighborhood Business (NB) District to General Industrial (GI).**

Item 5. **Annexation of 55.94 acres located off of Ellie Rose Drive and further identified with parcel ID number 09-081-003-A. –** ***APPLICANT IS DEFERRING TO A FUTURE PLANNING BOARD MEETING. THIS ITEM WILL NOT BE HEARD AT THIS MEETING.***

Item 6. **Annexation and zoning map amendment for the properties located at the intersection of ML King Jr. Boulevard and Weddington Road further identified as tax parcel #'s 09-313-014, 09-313-014-A and 09-316-005-H. The request is to annex and rezone a total of 21.695 acres from Community Corridor Mixed–Use 2 (CCMX-2) to Planned Unit Development "Starlite".**

Item 7. **Zoning Text Amendment to Code of Ordinances-Title XV: Land Usage, Chapter 157, Section 4.2: Residential Zoning Districts.**

Item 8. **Zoning Text Amendment to Code of Ordinances-Title XV: Land Usage, Chapter 157, Section 8.8.3: Open Space Standards.**

Item 9. **Zoning Text Amendment to Code of Ordinances-Title XV: Land Usage, Chapter 157, Section 5.10: Mixed-Used District Incentives.**

Item 10. **Zoning Text Amendment to Code of Ordinances-Title XV: Land Usage, Chapter 157, Section 1.1.9: Vested Rights; and Section 3.4.8: Vested Rights and Certificates.**

Item 11. **Next Meeting: July 5, 2023**

Item 12. **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
Richard Long

PLANNING BOARD MEETING

May 3, 2023 @ 6:00 PM
City Hall – Conference Room
300 W. Crowell Street, Monroe, NC

Emailed to HR on: 05/23/2023

Item 1. Call to Order/Roll Call

Vice Chair, Jennifer Smith called the May 3, 2023 meeting to order at 6:00 p.m. Ashlyn Penegar called the roll and noted that there was a quorum was present.

Members Present: Jennifer Smith (Vice Chair), Margaret Desio, Kenneth Deal, Patrick Furr and Archie Morgan

Members Absent: Richard Yercheck (Chair),

Staff Present: Doug Britt, Senior Planner, Richard Long, City Attorney, Ashlyn Penegar, Administrative Assistant II

Guests: Ryan Pereira, Pam & Andy Duda, Stephen Bennett, Julian Pinner, Benjamin Parrish, Tammy Millward, Tom & Kathy Harris, Jess Perry, Tom Eubanks, Mary Ann Rasberry, David Dotson, Scott Munday, Ryan Vasante

Item 2. Pledge of Allegiance and Moment of Silence

Item 3. Approval of Minutes of Meeting- April 5, 2023

Motion: Kenneth Deal made a motion to approve the April 5, 2023 minutes.
Second: Archie Morgan
Action: The motion to approve the minutes passed unanimously with the following votes:

AYES: Jennifer Smith, Margaret Desio, Kenneth Deal, Patrick Furr and Archie Morgan
NAYS: None

Item 4. Annexation of 42.11 acres and a zoning map and text amendment for properties located along Lancaster Avenue and ML King Boulevard further identified as tax parcel #'s: 09-321-008-80, 09-321-008-90, and 09-321-008-A. The request is to annex and rezone the properties from Union County RA-40 and City of Monroe Residential Medium Density (RMD) to Planned Unit Development (PUD) "Lancaster Avenue".

Doug Britt, Senior Planner, approached the podium and said, the Planning Board is requested to consider the annexation of 42.11 acres and a zoning map and text amendment for the properties located along Lancaster Avenue and ML King Jr. Boulevard. The request is to annex and rezone the properties

from Union County RA-40 and City of Monroe Residential Medium Density (RMD) to Planned Unit Development “Lancaster Avenue”.

The applicant is requesting to annex 42.11 acres and a Planned Unit Development rezoning in order to develop a residential subdivision that will consist of 86 single-family detached homes. The total area of the project is 43.79 acres, with 22.2 acres or 50.6% of that reserved as common open space. The density of this project is 1.96 units per acre. Adjoining Land Uses and Zoning District.

The applicant is requesting a Planned Unit Development rezoning in order to develop a residential subdivision that will consist of 86 single-family detached homes. The total area of the project is 43.79 acres, with 22.2 acres or 50.6% of that reserved as common open space. The developer is proposing the minimum lot width for the project to be 55 feet with an overall project density of 1.96 units per acre.

The density of the proposed project is 1.96 units per acre. The minimum lot size is 6,720 square feet with a range up to approximately 13,090 square feet. The data below is simply to provide the board with information to compare the proposed density being requested to what is allowed by the zoning ordinance in other residential districts in Monroe.

The minimum setbacks and lot width proposed are as follows:
Front: 20 feet
Side: 7 feet
Corner Lot Side: 10 feet
Rear: 20 feet
Maximum Building Height: 35 feet

Lot Width	**Number of Lots**
55-foot	25
60-foot	42
75-foot	19
Total Lots	86

Street trees will be provided at a rate of at least one (1) tree per lot and corner lots will be provided with at least two (2) street trees. All houses will have at least one (1) yard tree per lot. All trees planted will be a minimum of three (3) inches in caliper measured six (6) inches above grade.

A ten (10) foot landscaped street yard buffer has been provided as required by ordinance along Lancaster Avenue and ML King Jr. Boulevard. The ordinance also requires a 50-foot buffer around the perimeter of the site which is required to be improved with trees, shrubs, and a six (6) foot berm, fence or wall. The developer is proposing for the 50 fifty-foot buffer to remain undisturbed with the exception of utility crossings and will provide landscaping as depicted in the detail on the landscape plan where there are unvegetated areas. As part of the Planned Unit Development (PUD) the developer is requesting a deviation to not install the six (6) foot berm, fence or wall within the buffer. Since the buffer is proposed as undisturbed this will satisfy the ordinance requirement of at least ten percent (10%) of all existing tress shall be preserved. The buffer areas are comprised of 6.55 acres and ten percent (10%) of the site for required tree preservation is 4.29 acres.

According to the Unified Development Ordinance a tree survey is required to show all trees at least twenty-five (25) inches in circumference or greater within the required buffer and all trees greater that seventy-five (75) inches in circumference outside of the buffer. A tree survey was provided which depicted all trees on the site that were greater than twenty-five (25) inches in circumference. As indicated on the site plan both the stream buffers and perimeter buffers are to remain undisturbed with the exception of utility crossings to serve the project site. According to the tree survey provided there are approximately 16 trees that are seventy-five (75) inches in circumference or greater that will need to be removed and mitigated. The final tree mitigation plan will be determined at the erosion control plan review stage if the project is approved.

The project is required to provide 35% open space, which would equal 15.33 acres. The applicant has provided approximately 22.2 acres, which is 50.6% of the total site. The ordinance states a maximum of 25% of the total required open space may include stormwater features and only wet stormwater facilities may be counted toward this requirement. Since at this time the stormwater features have not been identified as either a dry or wet stormwater feature the two (2) acre area allocated for stormwater will not be counted toward the open space area. Additionally, a maximum of 20% of the total required open space may be environmentally sensitive lands such as wetlands, protected stream buffers, and floodplains. There is approximately 4.5 acres of stream buffers/wetland areas and the ordinance will allow 3.06 acres to be counted toward the open space area and the remaining 1.44 acres will not be credited.

Required Open Space (35% of project area)	15.33 acres
Provided Open Space	22.2 acres
Stormwater Feature Area not Credited	-2.0 acres
Environmentally Sensitive Lands not Credited	-1.44 acres
Net Usable Open Space	18.76 acres

Planned Unit Developments greater than twenty-five acres in size, but less than fifty acres in size are required to include at least two (2) small open space types, two (2) medium open space types, and one (1) large open space type. The small open space areas require a range of area from 500 square feet to 1 acre, the medium open space type requires 1-2.5 acres, and the large requires 2.5 acres or more. The open space features proposed for this project are as follows:
-Small amenity areas: pocket parks with sitting areas
-Medium amenity areas: children's playground and recreation play green areas
-Large amenity area: linear park area that will include a gazebo with a hardscaped seating area and bike/walking trail.

The developer is proposing the homes to be a minimum of 1,500 heated square feet. The proposed exterior building materials will include fiber cement, stone, stucco, and/or brick. Vinyl will only be used for windows, doors, garage doors, soffits, trim and railings. Four courses of brick/brick veneer will extend up the face of the slab. The front facades shall consist of at least 30% of non-lap siding fiber cement (i.e. cedar shake, board & batten, panel), window treatments, front porches, brick, stone,

and/or stucco. Brick, stone, or stucco must comprise 15% of the front façade. The developer is proposing for 60% (52) of the homes to be at least a 40-foot wide product. Garages shall not extend more than five (5) feet beyond the front façade.

All homes will be furnished with a two (2) car garage. All front load garages will have carriage style trim and/or hardware that mimics carriage style doors. Driveways will be paved and will be able to accommodate at least two (2) vehicles. A five-foot (5') wide sidewalk will be provided along both sides of the interior roads throughout the development. An eight-foot (8') wide sidewalk will be provided along Lancaster Avenue and ML King Jr. Boulevard.

The applicant will be required to provide stormwater management to treat the stormwater runoff for the project. The stormwater will be evaluated and reviewed, if the project is approved by City Council, at the building permit stage of the process. The location, size and type of storm water management systems depicted on the rezoning plan are subject to review and approval as part of the full development plan submittal and are not implicitly approved with this rezoning. Adjustments may be necessary in order to accommodate actual storm water treatment requirements and actual site discharge points. At the time of site plan submittal, site will meet stormwater management requirements in accordance with Chapter 159 Stormwater Management Ordinance of the Monroe Code of Ordinances.

All streams located on the site have been provided with a 35 ft. undisturbed stream buffer on both sides as required by the ordinance.

The Lancaster Ave PUD is a proposed 86-unit single family unit development on tax parcels 09-321-008-80, 09-321-008-90, and 09-321-008-A located between, and connects to both Martin Luther King Junior Boulevard and Lancaster Avenue. According to David Burnett with Union County Public Schools this development is located within the following school attendance areas:

Walter Bickett Elementary	Currently at 60% of rated capacity
Monroe Middle School	Currently at 85% of rated capacity
Monroe High School	Currently at 72% of rated capacity

This project, by itself, is not expected to adversely impact these listed school enrollments. Should many of the proposed developments with the Monroe cluster be fully realized within a short build-out period, these school enrollments would be problematic.

The proposal includes an entrance on Lancaster Avenue. The developer is proposing for the project to have publicly maintained streets by the City of Monroe. The streets will be constructed and inspected to the City of Monroe street standards. A traffic impact study was completed for this project as required by the ordinance and was reviewed by both the City of Monroe Engineering Department and the North Carolina Department of Transportation (NCDOT). The required transportation improvements for the project are as follows:

Lancaster Avenue

1. Construct a northbound left-turn lane along Lancaster Avenue at the project entrance.

Based on the current water and sewer capacity, flow projections, and planned capital improvements, the City of Monroe has water and sewer capacity to serve the project. The project may require phased permitting and water meter sets pursuant to a development agreement if approved by City Council, and consistent with the schedule for waste water treatment plant expansion. All onsite and offsite water and sewer main extensions for the proposed development shall be designed by a professional engineer, constructed and financed at the developer's expense in accordance with the City of Monroe's Standards and Extension Policy. Any required offsite easements are to be obtained by the Developer at their expense.

The Land Use and Transportation Plan indicates this area is Suburban. Residential uses are priority uses within this character area and the permitted density is 2-4 units per acre. While residential uses typically take the form of neighborhoods with uniform housing types and densities, a mix of housing types and lot sizes is preferred in Suburban locations. Single-family uses are listed as a priority use in this character area. Strategic connections to the off-street multi-use trail network are preferred and open space should be preserved in both active and passive forms within neighborhoods.

The proposed use is not consistent with the Land Use and Transportation Plan because the density requirement for the Suburban land use category is 2-4 units per acre and the proposal has a density of 1.96 units per acre. However, planning staff believes the proposal is a reasonable use because it will provide additional housing options closer to the core versus on the outskirts creating sprawl and will provide a mix of lot sizes.

The applicant mailed an information letter and held a neighborhood meeting on December 13, 2022 at Walter Bickett Elementary School to discuss the project with local residents. There were six (6) people in attendance at the meeting.

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

Official rezoning notification letters will be sent to the adjacent property owners located within at least 150 feet, 10 days prior to the public hearing.

Planning staff recommends approval of the annexation and rezoning to Planned Unit Development "Lancaster Avenue" and I'll be happy to answer any questions that you might have. The applicant is also here.

Archie Morgan asked can you show on the map where Union Academy is in proximity to this?

Doug Britt pulls up the map on the screen and says Union Academy is going to be to the North. Union Academy is basically right across the street from the Food Lion.

Margaret Desio asked why is there not an entrance onto MLK?

Doug Britt said I will let the applicant answer that question. But, an entrance is not required. The City will not require a second access unless they had more than 100 lots. Since they are less than 100 lots, they are only at 86, they aren't required to have two access points.

Margaret Desio asked would you go over one more time, you said the size of the lots were x amount this size and x amount that size. Could you go over that one more time?

Doug Britt said yes, there are 3 lots types. There are 55 ft. wide lots and there is 25 of those and then there's 60 ft. wide lots and there's 42 of those. Then, the last type are the 75 ft. wide lots and there's 19 of those.

Margaret Desio asked how about the very first ones when you turn in off of 200?

Doug Britt said those are the 55 ft. wide lots. When you turn in off 200, you go by the 55 ft. wide lots, then you will hit the 60 ft. wide lots and then at the same time you are hitting the 75 wide lots, then you end up at a cul-de-sac.

Jennifer Smith asked are there 4 right there at the entrance?

Doug Britt said yes, these are 4-55 ft. wide lots. And the reason there is a gap there is because there is a stream that goes right through there. So, that's why if you're wondering why I didn't go lot to lot, there's a stream there and that's why there's not lots there.

Archie Morgan asked these homes will be a minimum of 1,500 square ft.?

Doug Britt said the homes will be a minimum of 1,500 square ft., that's correct.

Margaret Desio asked up to?

Doug Britt said we don't put a max on them.

Margaret Desio said ok, I just don't want half of them to be 1,500 square ft. and the other half of them to be 1,600 square ft.

Doug Britt said I'll be honest, and I know Planning Board and Council have concerns about houses. But, even with some of the smaller neighborhoods, it's always a little surprising about the size of the houses. There is one off Olive Branch Road that they are building and it was one of Keri's projects, and they are small lots, but the houses that we see that we approved in there are anywhere from 2,800-3,200 square ft. Just by track panel of what we see, whatever the minimum is, whether its 1,500 or 1,700 or whatever number it is, that is by far and there is very few at that size that we end up seeing when we're going through the permit process. If it's a lot for X, Y, Z subdivision, all the stuff is in the permit software for us to look at, the application, they do a plot plan, they have the home elevation, and so when we approve a project, we get them to submit a portfolio of the elevations that they are going to do. We will have a list of all the elevations for each project, the first thing we do is look to make sure that elevation or the pros is one that's approved, then if we've approved it we know it's going to meet the threshold of the square footage since we've already reviewed it. Then what we do is, we have a set of comments, because every subdivision is unique to themselves, so we have a set of comments for each subdivision and we put those comments into that permit so that they know what those requirements are as well. So, they know it on the front end and they know it on the back end when they sign off on the permit, they know what the minimum lot size is, the paved driveway, the

yard trees, the street trees, all that gets printed on the permit when they get their permit to build their house.

Jennifer Smith, Vice Chair, asked does anyone on the Board have any questions for Doug? (there were none) Is the applicant here to speak?

Stephen Bennett approached the podium and introduced himself and he said I am an attorney here in town and my address is 314 N. Hayne St. and I represent the Kyle with DP Development in regards to Plyler Farms, I know it's referenced as Lancaster Avenue. I think Doug did an excellent summation of the project and I am going to hit the highlights from our perspective and before I jump into that, I would like to thank the Planning Board. You guys have been very willing to meet with us and provide educated feedback, some really good feedback that hopefully we have internalized and put into this site plan and I think we've come up with a good project for everyone here. I think the main point that I want to focus on tonight is not necessarily what we are presenting, but the evolution of this project. When I first came into this, it was 104-55 ft. lots, now it's down to 86 and we have 55 foots, we have 60 foots and 75 foots and the beauty of the 75 ft. lot, is that it's a huge lot for Monroe and you can put side load garage houses on it, which is a great thing. I think that is where we are going as a city and I think that's important. I think one other important thing is the buffer itself and it does say undisturbed and I know we are asking for a deviation from the berm and there is a good reason for that. Because there are a lot of good trees and some of which would be caught up in that tree mitigation issues and it's kind of like what is the point in cutting all of the good trees, just to replace them with tiny trees. I think that is a reasonable compromise to leave it as existing. I think Doug took a little of my thunder because the main thing that Kyle and I have worked on in the past month and a half is to get better elevations to you. I think that's very apparent when you look at the ones in the packet versus what it is now. We've got 1 and 2 story options. Generally speaking, I know you were kind of concerned about the square footage of things and the range is going to be 1,600 up to 3,000 and obviously the square footage of a one story homes is naturally going to be lower. But, once you have those big, 75 ft. lots and you have a side load garage, that's not going to be a 1,500 sq.ft. house. As you know, at this point, exteriors are a mixed of materials and you guys are well versed in that.

Jennifer Smith said I am seeing more and more houses with a garage setback from the front of the house, which I think gives a lot of dimension and it looks really nice.

Mr. Bennett said in terms of amenities, Doug highlighted that with a PUD or a Planned Unit Development, for this particular one and based on the size, there are the 2 small open spaces, the 2 medium open spaces and the 1 large open space. For this, we are kind of directing you where we are going to put things. I think one really cool part about this project, it's not just a trail, but it's a hardscape trail and that is a really nice feature in an 86 lot neighborhood. We will have a nice pedestrian bridge across the stream. This parcel is a little difficult, you will see the reason that the 55 ft. lots are kind of way up front. It's because they are multiple streams that go through this wetland concerns and it was hard to come up with this and I think Kyle did a good job of coming up with a good project that works for this piece of property and fits in to your plan for the city. We are going to do a very nice landscape entrance and it does have 5 ft. sidewalks throughout and there is going to be an 8 ft. sidewalk there on Lancaster Avenue. We have a minimum on 1 tree per lot and 2 trees per corner lot and obviously we are trying to save as much forest out there as we can. As you know, Doug touched on the TIA and I'm glad you brought this up, Ms. Desio. The original plan had access on

MLK and once we dropped down below 100 lots, we were able to get rid of that and there is a benefit. It doesn't dump traffic directly onto MLK, which is already a busy road, it also makes this neighborhood not a cut through for people trying to get over there.

Margaret Desio said I can understand that, but if it did exist onto MLK and Lancaster Avenue is already pretty congested, but I understand.

Mr. Bennett said not only that, but dealing with DOT to get an access out there is a bear in itself.

Jennifer Smith said there's just no way to avoid traffic. It's just as it is.

Mr. Bennett said I will say this, looking at a recent project, the right of way for MLK is awfully big and it could be a 4 lane road, if somebody would build it.

Margaret Desio asked do we have a name for this project?

Mr. Bennett said Plyler Farms. In terms of the highlights, I am here to answer questions if anybody has any.

Jennifer Smith asked does anyone have any questions?

Archie Morgan said I don't, but I am anxious to hear from some of the people that came tonight.

Mr. Bennett said thank you folks.

Jennifer Smith said thank you very much. Is there anybody here that would like to speak for this project? (There was none.) She asked is there anybody that would like to speak against this project? (there was none.) With that said, we will move forward. Are there any concerns from the Board?

Archie Morgan said my concern is you can't get land in the county, they have no water and sewer and more and more the City is being asked to annex. We've got anywhere from 7,000-8,000 homes that have yet to be built in the City of Monroe. It's just a little concerning to me, we've got subdivisions everywhere and plenty more coming. I'm just a little concerned about all this annexation that we are being asked to approve.

Margaret Desio said I agree. I also feel that we have the water and sewer, so we know developers want our water and sewer, so in turn, we are asking the developers to give us something much better than the 8,000 permits that have already been pulled. I think that this development is going that way. When I first saw this development, the elevations were the exact same as the 8,000 that have already been permitted.

Jennifer Smith said just say it, they were horrible.

Margaret Desio said they were awful. So, my suggestion to Kyle was to give us something better, give us bigger lots, give us not all front load garages. Give us a variety of exteriors and he has come to us and he has done that. I am most appreciative of it; I thank him very much. I think more and more, we

are going to have to start saying that we have now taken one step up, we are going to have to take two steps up.

Archie Morgan said we've got an 8 ft. sidewalk that's wider than between the houses.

Margaret Desio said that's true.

Kenneth Deal said that's really not true, let me clarify. First off, we're migrating from the old UDO to the new UDO, now we are in the new UDO. We got tore apart under conditional districting under the old UDO and that's why we have all these 40 ft. wide lots with the trailers without the wheels on them that are out there pending. A lot of them aren't going forward very well because of other issues that change depending on the project. But, what we are trying to do and what we are asking people kind of off the record before they come forward, is to give us more. Like Margaret said, we want neighborhoods that have varying size lots, not all 150-40 ft. wide lots. We want side loading garage and front loading garages; we want better elevations for the home buyers to pick from when they build on the lots. Kyle has listened to us about all these 5 ft. setbacks on the lots, when you have a 5 ft. wide side setbacks, that means you've got 10 ft. between the house of which they can throw in an air conditioner and a pop out window and you might be able to walk and zig zag through. He listened to that and he took his to 7 ft., he's not required to do that, but he listened and met us halfway. That's what when we look at annexation, it's like give us what we want and what our people need. We've got thousands of starter homes on the books right now, we need something that they can move up into. If you move into a neighborhood and you love it and you outgrow your little home in your 50 ft. wide lot, move up to the 75 ft. wide lot. This neighborhood gives you 3 different levels that you can choose from where you know everybody and you know your neighbors. It gives them things that they can do in their own neighborhood and by cutting it below 104 units, to less than 100 units, the developer has taken the land and given back to the City. As far as the people here need to understand, you've seen the demos going on out there and you see what's going up, nothing what we are trying to give you looks anything like what you are seeing. We've really tightened up and said, hey, if you can't bend out way a little bit, then we simply don't make you part of Monroe and you don't get the water, sewage, gas and electric that we've built as a city for free, because they haven't paid for it yet. I think Doug can correct me if I'm wrong, but just Energy Services alone, they figure well if they get their investment back in 5 years, then it's a gain for the City.

Doug Britt said I think it's 7 years.

Kenneth Deal said that's even better for the developer, lets change it to 5, we will work on that. Anyways, what I am trying to do is expand on what Margaret has said. Growth is inevitable, you can't stop it, but you can control it and you can't get what you want for a project. This project has brought everything the individual members have met with these people. Nothing that has been asked for, has been denied. The elevations are light years above anything that's come before this Board a year prior and we've got the old Chairman here who would probably stand up and say that is correct.

Jennifer Smith said Kyle, you did a fabulous job in listening to us and I cannot thank you because what an addition this can add to that area and the growth that I think that it can bring even more homes of that caliber. What is the price point of these homes?

Kyle with DP Development said you are looking at anywhere from $400,000-$600,000, depending on the market.

Jennifer Smith said fabulous.

Margaret Desio said I have one more question, it's the ever popular rental cap. Is that something that we are willing to discuss? Because we are trying to eliminate rental properties because we have so much here in Monroe. Before I would really say 100% that I'm for this, we need to talk about a rental cap. If you get these houses built and everything goes sideways, like it has for the past couple months, these developers will rent these properties and I can understand that. They need money, they need to do this, but we don't want rental neighborhoods in Monroe. So, is that your job to decide whether there is going to be a rental? Since you are the developer.

Kyle with DP Development said I would be looking for you guys for direction and I see this as a for sale community, but to your point, there is always a risk. But, yes, I understand your position on that and I think I've been open and willing to listen to you guys on what you want and I've tried to incorporate those to the extent possible, so I am certainly open to that in this instance as well. If there is a rental cap that you guys have in mind, or you would want to propose…

Jennifer Smith said 50%.

Margaret Desio said 20%.

Richard Long said that's not part of our UDO, that would be part of their CCR's.

Margaret Desio said ok, that's what I was thinking.

Mr. Bennett said that is correct, that would be enforced privately in the CCR's.

Margaret Desio said I don't know if that's Kyle's job or if that's whoever builds the houses job.

Kyle with DP Development said it depends, sometimes it will be my job and somethings it will be my job, in conjunction with the builder, itself. I've done CCR's on many, many communities and I would say that we are definitely open to that and I have no objection to it.

Margaret Desio said City Council is going to put a rental cap on it anyways. If we don't do the rental cap, City Council is going to do it.

Jennifer Smith asked that would be with the HOA, right?

Kyle with DP Development said yes.

Patrick Furr said I would like to jump in here and get this over with so we can go on to the next one. I want to commend these two ladies (Jennifer Smith and Margaret Desio), they do most of the elevation checking and they have a vision for this town and a dream and they've done a fantastic job. We haven't had anything like this in Monroe. Nothing like this is happening and I hope everyone in this

room can see how hard these ladies work. Down on the far end of the dais, we've got the Commander (Kenneth Deal) and he takes care of the density and what a great job getting those bigger lots. As far as myself, thank you for bringing this project forward. I like what you've done with the amenities and you are thinking more of the community, I like what you're doing with the landscaping out front. Where we aren't driving by and seeing 30 ft. of brush guard mess and then all of a sudden, there is a statue, sign that says come visit us. It's a nice job.

Jennifer Smith (Vice Chair) asked if there are any further discussions?

Ron Pereira approached the podium and introduced himself and he said I live at 118 Styx Drive in Monroe. One thing I don't hear in the discussion this evening is the long range projection of what the Monroe area is going to look like 50 years from now. From what I'm hearing, your vision is going to be Lancaster Avenue covering the whole area, so if we keep doing what we're doing tonight, in 50 years from now, you are going to have something very similar to Las Angeles. There is not going to be any rural area, it's all going to be housing that is 15 ft. apart. I assume that you all have taken this into consideration when you are doing what you're doing tonight and this is where we are going and that's what is going on happen. Now, whether now any of can try to alter this or try to do something different or try to have some kind of housing that promotes peoples healthy living styles where they can have individual lives instead of living in boxes, if you will. I'm not sure how much individuality can result from all of this and that's what I wanted to mention tonight that what you are doing here is not just approving one development, what you are doing is approving the vision for the City of Monroe for the next 50 years or 100 years. I started thinking about it and I'm 85 years old, so it's not my concern anymore, but I started thinking about my grandchildren who will probably go to this new science museum and there will be a little exhibit there showing what squirrels and birds used to look like and showing them that this is a tree and we used to have these here before we had all of these housing developments.

Jennifer Smith said it will be up to them.

Mr. Pereira said that's all I wanted to mention is that I think what you are doing here is not just approving a development, you are doing the long range plan for the City of Monroe for the next 50 years and I just hope you have that in your thinking. Thank you very much.

Jennifer Smith said thank you for your comments.

Kenneth Deal said you are correct, sir.

Archie Morgan said I can tell you that young people now and it concerns me too and I'm old school too. But, that's what people are looking for now, they don't want to work all week and spend all weekend mowing grass and weed eating and all that stuff. They want nicer subdivisions, like this one, they want amenities and so forth. They don't want to be stuck in that yard and I'm from the place where you can give me at least an acre, if not more, well that's not really what's going on now. They don't want to be stuck caring for that acre and then they have to go back to work on Monday?

Jennifer Smith asked do we have anymore further discussions? (There were none) We will go ahead and move on.

Motion: **Kenneth Deal made a motion Approving the annexation request.**
Second: **Patrick Furr**
Action: **The motion passed unanimously with the following votes:**

AYES: **Jennifer Smith, Margaret Desio, Kenneth Deal, Patrick Furr and Archie Morgan**
NAYS: **None**

Motion: **Kenneth Deal made a motion Approving the Resolution of Land Use and Transportation Plan Compliance and authorization for Staff to draft the resolution based on the reasons provided and authorize the Vice Chair to sign at a later date.**
Second: **Patrick Furr**
Action: **The motion passed unanimously with the following votes:**

AYES: **Jennifer Smith, Margaret Desio, Kenneth Deal, Patrick Furr and Archie Morgan**
NAYS: **None**

Motion: **Kenneth Deal made a motion recommending the Adoption of the Ordinance amending section 157.1.2.1.**
Second: **Patrick Furr**
Action: **The motion passed unanimously with the following votes:**

AYES: **Jennifer Smith, Margaret Desio, Kenneth Deal, Patrick Furr and Archie Morgan**
NAYS: **None**

Item 5. **Annexation and Zoning Map and Text Amendment request for Planned Unit Development "Monroe Meadows" along E. Sunset Blvd. further identified as tax parcel #'s: 09-195-022-80 and 09-195-022-90. The request is to annex 8.233 acres and rezone a total of 24.828 acres from City of Monroe Residential Medium Density (RMD) to Planned Unit Development (PUD) "Monroe Meadows".**

The Planning Board is requested to consider an annexation and zoning map amendment for the properties located along E. Sunset Drive further identified as tax parcel #'s 09-195-022-80 and 09-195-022-90. The request is to annex 8.233 acres and rezone a total of 24.828 acres City of Monroe Residential Medium Density (RMD) to Planned Unit Development "Monroe Meadows".

The applicant is requesting to annex 8.233 acres and a Planned Unit Development rezoning in order to develop a residential subdivision that will consist of 144 single-family attached townhomes. The total

area of the project is 24.828 acres, with 8.92 acres or 35.9% of that reserved as common open space. The density of this project is 5.8 units per acre.

Adjoining Land Uses and Zoning District.

	Existing Uses	**Zoning District**
North	Single Family Residential	Residential Medium Density (RMD)
East	Residential, Office, Multi-Family Apartments	Residential Medium Density (RMD), Office Medical (OM), Residential High Density (RHD)
South	Multi-Family Apartments	Residential High Density (RHD)
West	Multi-Family Apartments, Monroe Middle School	Residential High Density (RHD), Residential Medium Density (RMD)

The applicant is requesting a Planned Unit Development rezoning in order to develop a residential subdivision that will consist of 144 single-family attached townhomes. The total area of the project is 24.828 acres, with 8.92 acres or 35.9% of that reserved as common open space. The developer is proposing the minimum lot width for the project to be 22 feet. The overall project density is 5.8 units per acre.

The density of the proposed project is 5.8 units per acre. The minimum lot size is 1,760 square feet. The data below is simply to provide the board with information to compare the proposed density being requested to what is allowed by the zoning ordinance in other residential districts in Monroe.

Zoning District	Maximum Allowable Density
RHD	10 units/acre
RMD	3 units/acre by-right; 4 units/acre clustering
RLD	2 units/acre
RR	1 unit/acre

The minimum setbacks proposed are as follows:
Front: 20 feet
Side: 5 feet
Interior Side: 0 feet
Rear: 6 feet
Maximum Building Height: 3-stories (39-feet)

Street trees will be provided as depicted on the site plan with a caliper of 2.5 inches measured 6-inches above grade. Yard trees will be planted in accordance with the elevations submitted.

A ten (10) foot landscaped street yard buffer has been provided, as required by ordinance, along E. Sunset Drive. The ordinance also requires a 50-foot buffer along the northern and a portion of the western property line; the applicant is providing the required buffer in these areas. The ordinance requires a 25-foot buffer along the eastern and a portion of the western property lines; the applicant is providing the appropriate buffer in these areas as well. The buffers are required to include a mix of trees and shrubs. The 50-foot buffer also requires a 6-foot tall berm, fence, or wall; the applicant is

proposing a 6-foot tall black aluminum picket style fence. The applicant is proposing to supplement existing vegetation with required plantings in the buffers.

The ordinance requires a 10% tree save area, the applicant has complied with the requirement and is proposing 2.52 acres of 10.2% tree save area, the tree save is indicated with hatches on the site plan. The ordinance also requires a tree survey to show all trees at least twenty-five (25) inches in circumference or greater within the required buffer and all trees greater that seventy-five (75) inches in circumference outside of the buffer. A tree survey was provided which depicted all trees on the site that were greater than twenty-five (25) inches in circumference. According to the tree survey provided there are approximately six (6) trees that are seventy-five (75) inches in circumference or greater that will either be preserved or mitigated. The final tree mitigation plan will be determined at the erosion control plan review stage if the project is approved.

The project is required to provide 35% open space, which would equal 8.69 acres. The applicant has provided approximately 8.92 acres, which is 35.9% of the total site. The ordinance states a maximum of 25% of the total required open space may include stormwater features and only wet stormwater facilities may be counted toward this requirement. The applicant is showing the stormwater feature will cover 1.53 acres, which is 17.6% of the open space.

Planned Unit Developments less than twenty-five (25) acres in size are required to include at least two (2) small open space types and one (1) medium open space type. The small open space areas require a range of area from 500 square feet to 1 acre and the medium open space type requires 1-2.5 acres. The open space features proposed for this project are as follows:

-Small amenity areas: disc golf, dog park, pergola
-Medium amenity areas: event lawn with pergola and trail loop

The developer is proposing the townhomes to be a minimum of 1,432 heated square feet. The proposed exterior building materials will include fiber cement, stone, stucco, and/or brick. Four courses of brick/brick veneer will extend up the face of the slab on the front and sides. The front facades shall consist of at least 25% brick or stone.

All townhomes will be furnished with a one (1) car garage at minimum. All front load garages will have carriage style trim and/or hardware that mimics carriage style doors and/or have windows along the top. Driveways will be paved and will be able to accommodate at least two (2) vehicles.

A five-foot (5') wide sidewalk will be provided along both sides of the interior roads throughout the development. An eight-foot (8') wide sidewalk will be provided along E. Sunset Drive.

The applicant will be required to provide stormwater management to treat the stormwater runoff for the project. The stormwater will be evaluated and reviewed, if the project is approved by City Council, at the building permit stage of the process. The location, size and type of storm water management systems depicted on the rezoning plan are subject to review and approval as part of the full development plan submittal and are not implicitly approved with this rezoning. Adjustments may be necessary in order to accommodate actual storm water treatment requirements and actual site discharge

points. At the time of site plan submittal, site will meet stormwater management requirements in accordance with Chapter 159 Stormwater Management Ordinance of the Monroe Code of Ordinances.

The Monroe Meadows PUD is a proposed 144-unit single family unit development on tax parcels 09-195-022-80 and 09-195-022-90 located along E. Sunset Drive. The project falls within the following school zones:

East Elementary	Currently at 73% of rated capacity
Monroe Middle School	Currently at 85% of rated capacity
Monroe High School	Currently at 72% of rated capacity

The proposal includes an entrance on E. Sunset Drive and Winburn Street. The developer is proposing for the project to have publicly maintained streets by the City of Monroe. The streets will be constructed and inspected to the City of Monroe street standards. A traffic impact study was completed for this project as required by the ordinance and was reviewed by both the City of Monroe Engineering Department and the North Carolina Department of Transportation (NCDOT). A left turn lane will be provided along E. Sunset Drive to enter this site; however, based on the Traffic Impact Analysis, no additional transportation improvements are recommended.

Based on the current water and sewer capacity, flow projections, and planned capital improvements, the City of Monroe has water and sewer capacity to serve the project. The project may require phased permitting and water meter sets pursuant to a development agreement if approved by City Council, and consistent with the schedule for waste water treatment plant expansion. All onsite and offsite water and sewer main extensions for the proposed development shall be designed by a professional engineer, constructed and financed at the developer's expense in accordance with the City of Monroe's Standards and Extension Policy. Any required offsite easements are to be obtained by the Developer at their expense.

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.

Multi-family, which includes townhomes, is a priority use in this character area. Residential density for this character area is 4-10 units per acre. The proposed project is consistent with the land use and transportation plan at 5.8.

The applicant mailed an information letter and held a neighborhood meeting on January 19, 2023 at Monroe High School to discuss the project with local residents. There were three (3) people in attendance at the meeting.

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

Official rezoning notification letters will be sent to the adjacent property owners located within at least 150 feet, 10 days prior to the public hearing. Planning staff recommends approval of the annexation and rezoning to Planned Unit Development "Monroe Meadows" and I will be happy to answer any questions that you might have and the applicant is here for a presentation as well.

Archie Morgan said Doug, I know you talked about traffic, but I guess the concern is that its right next door to Monroe Middle and the school lets out and the amount of traffic on Sunset is pretty bad.

Doug Britt said quite frankly, I'm not a traffic engineer and I don't claim to be one, but I was kind of surprised by the Traffic Impact Analysis said nothing was warranted. I'm almost to the age where my youngest son graduated this year. I understand when you're with the school system and it has a peak in the morning and a peak in the afternoon, now when it's not in the morning or afternoon, there isn't anything going on, but I do agree that when it is the peak time, it backs up. I don't travel Sunset very often, but I know that where I live at, when its peak time, it's packed. They try to contain all the stacking as much as they can into the school sites as much as they can, but it doesn't always work like that. But, I see it myself.

Archie Morgan said I get stuck in it all the time.

Kenneth Deal said part of the frustrations you get at the high school and middle at the same time and they are less than a mile apart.

Doug Britt said I know they do stagger release times to help with that, but when it's peak time, it's peak time. That peak is usually like a 30-minute window and once you are beyond that, it goes away. But, if you're in there at the crunch time of that 30-minute window, you have to find another way to get another way around and I feel sure that it's the same way out there in that area too on Sunset. If people are needing to get out, they find another way to get around versus having to sit in traffic.

Archie Morgan said with that being said, we need projects like this. We are having trouble attracting teachers and they can't afford these subdivisions starting from $400,000, as nice as they may be, we need something with a better price point for them.

Doug Britt said I don't disagree. Planning Staff can recommend approval, it's a parcel that has apartments on 3 sides and has the middle school on one side and apartments across the street. It's completely up to the Planning Board how you all want to recommend and Council how they want to approve it, but not anything is going to go there. Before we rezoned it with the new code, it was all 25 acres of zoned OT, which I don't think there is a lot of market for 25 acres of Office Transitional property. So, if it's not going to be that, to say that you can do single family residential, I guess you could, but I don't know if….

Patrick Furr said Doug, answer this for me and asked when is the last time anybody came in there and tried to revitalized that area with the stuff we are building? Is there anything that's been approved down there?

Doug Britt said in my 15 years of working here…

Patrick Furr said nothing.

Doug Britt said I was working on his yesterday and a little today, the Cotton Street senior apartments are the portion right behind it, their 72 units, they are at 11.6 units per acre and I think when I look at it, they are called Cotton Street apartments as well, but they aren't senior apartments. Those are 44 units at 15 units per acre and then you have Willow Glen and they have 137 units and they are 11.4 units per acre. Across the street, you have Village Square and they have Village Square 1 and 2 and I think they have a few townhomes, but at the end of the day, I think they have 103 units, and they are at 10.6 units per acre, so this project is at 5.8 and its almost half of what's out there. I just think it would be a stretch to put single family out there, of what single family would go out there and make it work. I know how you all feel about townhomes and the potential for rental, I completely get that, but I think from Staff's standpoint, we feel that this is a good as a fit as you're going to get on that piece of property.

Jennifer Smith said I think this could just revitalize that whole area.

Patrick Furr said I agree with you Doug.

Jennifer Smith said look at Noda and that area way before and look at it now, it's unreal.

Doug Britt said we talk about the projects before we do the Staff Reports and Lisa (Stiwinter) said this can be a shot in the arm to this area over there.

Jennifer Smith said exactly.

Archie Morgan said I agree.

Doug Britt said I know the traffic is a concern, but if it develops commercial, traffic is still going to be a concern.

Jennifer Smith said whatever would go in there would be a concern.

Margaret Desio said I know you probably said this before and I missed it, how many 1 bedroom, 2 bedrooms and how many 3 bedrooms?

Doug Britt said I didn't say, the applicant can touch on that. The only numbers I gave you was just the 144 units total, but they didn't indicate to me as far as what the bedroom counts are going to be. But, they can answer that.

Jennifer Smith asked does anyone have any more questions for Doug? (there were none.) Thank you, Doug. If the applicant would come on up and introduce yourself and I have a big question, are these the same elevations from when you were here before?

Scott Munday approached the podium and said the plan that we had approved last year was single family detached community off of Olive Branch and those elevations were detached homes. These are the elevations for the townhome project that we are presenting tonight and we have really 2 things that we are presenting and one is kind of the architectural drawings and these are more of the photographs that show and features like roof breaks, horizontal break on a front plain and things like that.

Archie Morgan said he hasn't given us his name and address yes.

Jennifer Smith said you haven't given us your name or address.

Scott Munday introduced himself and said I am with NVR Ryan Homes, the applicant. My address is 6700 Windyrush Rd. Charlotte, North Carolina.

Jennifer Smith said it just seems like I have seen these before, I thought that these had been presented before and we had tabled it with corrections that we wanted on some of these elevations, but I guess not. So, these are basically what these are going to look like?

Mr. Munday said that is correct.

Archie Morgan asked are there any amenities at all?

Mr. Munday said sure and I will be happy to just kind of walk through this. Before I get started, I do want to thank the Planning Board for really dating back to last year, the guidance we received last year with the single family detached community that was approved last year. All the guidance we received has really evolved this plan and it's been very helpful and very appreciative. We will try not to be redundant in that, but I think some of you in the discussion earlier really touched upon a really key highlight in this community and that is that we really envision our plan to not only have high quality residence and elevated design concepts. We really think that our plan represents a significant investment in the area that has really not seen this kind of investment in some time. I think that's something that benefits the City in general and we think also that our plan and we hope and believe that it will be a catalyst for additional new investments in the area, which will further rejuvenate or revitalize the core and that's our hope and plan. Our planned berm on Sunset Drive is very robust and colorful with plant material, the idea is that we echo the very serene and tasteful plantings of the City's own gateway park and we are carrying that down to Sunset Drive in front of our property and in a cast expanse in that area that length of that berm. It's got tremendous curb appeal. Another thing I would like to illuminate two other concepts, we've planned amenities to really get folks outside and create opportunities to come together for social gatherings and interactions, but outside. So, in this area, we have the event lawn, which can be programmed in a number of ways, like movie nights, food trucks, community gatherings, whether it may be sitting out and reading a book or throwing football. These areas can be passive, but they can be planned very creatively by the HOA managers and what would be our future resident's social communities. In the central area, the dog park and the mail kiosks, which will be built in phase 1. Also, the loop trail, which is about a quarter of a mile trail around our stormwater pond. For these outdoor areas, we've also provided shade structures, which I think would be appreciated by the owners. We are recommending, for reasons of aesthetics, a black aluminum picket fence, which we think it also a planning element from the Gateway Park plantings that we are using as kind of a guide.

Patrick Furr asked can I interrupt you really quick? Ladies, you know landscaping is what I do. That part that is right by your house on the corner that the City did, I took these guys down there and I said I don't know anything about all these elevations, but that's beautiful. I said can you make the whole road along Sunset look like that, which the scheme of the wrought iron and so on and so forth. That's kind of where they got the idea. So, go ahead Scott.

Mr. Munday said thank you. It's a very authentic expression because it is an existing park, its park of the City and we are just echoing part of the planning elements along our buffer and our perimeter buffer plantings as well. Our fence is not simply around the border in every case and we just want the Planning Board to be aware of what we are doing here. So, beside the middle school, the fence will run along the property line, there is no plantings, there is no trees here currently, so this would be fully planted in our type 3 buffer plan. To remain open access, we are amending a fence segment for the purposes of providing an existing sewer easement and stormwater drain. We think that what we plan to do is to work with the City to gate our fence so it's kind of a deterrent to come through this hole in the fence to the adjoining property. So, we are looking to fence and gate that. Where we have an existing open ditch, we have storm drain easement and sewer easement, so what we are doing in this case is running the fence, rather than along this property line, we are going to run the fence on the property side of the ditch. That way, we aren't blocking the stormwater easement, we aren't blocking the ditch for City maintenance purposes. The fence will be on the property side and the buffer plantings will occur in this area and along the fence line. That's that plan for the tree save. Doug alluded to several trees that if it had to be removed for construction, we would mitigate that, but the others should not be disturbed.

Archie Morgan asked will the HOA be responsible for all the landscape business and the mowing?

Mr. Munday said yes, we will have an HOA association and what typically happens is the HOA association hires an association management company and that company handles all the accounting for the HOA. It also engages various vendors to take care of the community, if you will and that includes landscape maintenance and the due structure would cover that.

Margaret Desio asked where do you have the extra parking?

Mr. Munday said in addition to the minimum 2 parking spaces per unit, we've added for these 144 units and additional 50 parking space that are guest spaces. That is on street parking in various locations that are sprinkled throughout the community, so they aren't centralized.

Margaret Desio asked are the extra parking spaces just on street parking? There is no lot?

Mr. Munday said that is correct, there is no lot.

Jennifer Smith asked wouldn't that be quite congested?

Mr. Munday said we actually think decentralizing the parking and utilizing the on street, makes it more convenient and closer to the various units that might want a space as opposed to a centralized parking lot. We've basically deconstructed a parking lot and created on street parking in the various areas that are close to the amenities, the dog park, the mail kiosk area. So, they are decentralized really intentionally so the folks have the ability to park close to whoever they may be visiting. That's the idea there.

Jennifer Smith asked Mr. Munday if he could point them out on the map.

Mr. Munday said of course. Anytime that you see a widened street scape, the bases are pretty much marked. (Mr. Munday points to several areas on the map).

Kenneth Deal said they widen the streets, so it doesn't take away from the streets so they would have parking.

Mr. Munday said 50 additional spaces is and very robust offering and we feel…

Margaret Desio asked how many 1 bedroom, 2 bedrooms and 3 bedrooms?

Mr. Munday said all of them are 3 bedrooms.

Archie Morgan asked what about a rental cap on this?

Mr. Munday said we are open to that, but this will be a for sale community and we are the home builder. We are not selling to investors and we can verify that at point of sale. For years down the road, what we were prepared to do was offer through the declarations of CCR's, the Covenants, Conditions and Restrictions, that we spoke about earlier, include a covenant that placed a cap of only a minority of unity could be rented. Basically, the majority would have to be for sale, even on a long term basis. The price points that we are talking about, we are well into the $300,000's and with the fit and finish that we are building here, we're not envisioning that being an issue nor has it been in our other communities. The biggest thing is that we are not allowed as we sell our initial units, there is a form that the buyers fill out and they have to check that it's their primary residence and that form goes to the lender. If that turns out not to be true, they are perpetrating fraud, in that case. That is one of the things that we do to try to stop it.

Margaret Desio said I think we would still need a rental cap put into your CCR's just because we need it.

Mr. Munday said we are prepared to do that.

Margaret Desio said City Council is going to make you do it anyways. Can we go to the elevations? I'm not really happy with them.

Jennifer Smith said I'm not either.

Mr. Munday said along Gateway Park, by design we've chosen various perennials that are colorful and they would be installed in the planting strip areas above the street to create a really nice street scape. The sodded areas will be alongside the driveways in the front and we will be planting street trees of a larger canopy and we will also be softening the edges of the townhome buildings with smaller tree plantings, like camellias, magnolia, spruce.

Margaret Desio said I want to see the elevations of the buildings.

Mr. Munday shows the rendering of the elevations for the buildings. The buildings are fibrous metal, hardy siding, board and batten siding, which is the vertical siding. Stone and brick accents, updated color pallets and the buildings, not necessarily the individual units, but the buildings will vary in color from building to building.

Margaret Desio said my concern are the front porches. There is one shown on the picture with the 4 unit building that is ok, it's got a reasonable porch and it's got columns. The rest of them have these small little thing that goes over them. Then we've got some that are just like doors with this shed thing over them. Is there any way that we can dress any of that up?

Mr. Munday said these units, these are essentially covered stoops with the columns…

Margaret Desio said right next door to it, why can't we put a better porch over those?

Archie Morgan said the porch with the columns adds a lot.

Jennifer Smith said it does.

Archie Morgan said the others take away from that.

Jennifer Smith said even if they had a copper roof that was maybe oval and some sort of rot iron that would drop down below it, just to give some variety.

Margaret Desio said the ones below it, we have doors that have nothing over them. They are right beside the garages and they have nothing.

Mr. Munday said there are some that do not have covered stoops and most of the units have covered stoops, the vast majority do.

Archie Morgan said it's not much of a cover, Scott.

Jennifer Smith said the people that don't have any covering over them are subject to getting rained on or weather beaten, I guess.

Mr. Munday said that's correct.

Jennifer Smith said I just don't like that.

Archie Morgan said we like the columns.

Jennifer Smith asked what kind of color variations are you talking about putting on these, it's not these right? This tan, grey looking color?

Mr. Munday said they would vary. I would defer to my colleague.

Ryan Vasante with Ryan Homes approached the podium and introduced himself and he said my address is 5523 Morris Hunt Drive in Fort Mill. So, as far as the exterior color palettes as Scott alluded to earlier, it would be the entire building as one color and not individual units. We try to go with whatever is trending at the time, so these are craftsman exteriors and the colors are typically going to be dark blues, dark greys, dark browns and dark tans. So, with the green accents and where you see the shake, it would be accent colors so that it's not all monotone.

Mr. Munday said this will all be coordinated with whatever brick and stone they are using to work with those accents.

Patrick Furr said let me ask you a question. On these roofs, can you not make those 4x8 and just spread them out a little bit more and give them a little more contrast? It looks like a chicken house and can you widen those out a little bit to give us a little more oomph so it doesn't look like a lean too. It looks to me like it's about a 4 ft. by 3 ft. or something. Just extend it out and give us some pizazz. The project looks good, but those things sticking out there like that…

Mr. Munday asked are you referring to the covered stoop?

Patrick Furr asked you can make that happen?

Mr. Munday said yes.

Mr. Vasante said something inaudible.

Board discusses.

Jennifer Smith asked is there one that has a bay window looking one?

Mr. Vasante said there are bay windows, but in this picture, the tree is blocking it. Each unit is staggered a minimum of 2 ft. so that it's just flat facade across the front of the entire building.

Jennifer Smith said I like that.

Mr. Munday said you can see the bay window in each building.

Jennifer Smith asked what does it have on top of it, is that copper or some type of metal?

Mr. Vasante said it would be shingled.

Archie Morgan said I think if you guys can improve on those covers over those doors and add something to the doors that don't have anything.

Patrick Furr said I agree with you, Archie.

Archie Morgan said that would add a lot to this.

Jennifer Smith said add some columns or something.

Archie Morgan said I like this project, especially where its going. I think it would be a vast improvement for that area and it would be a catalyst for more. But, I think this could look a little better.

Mr. Munday said we appreciate that feedback, as always.

Ms. Vasante said something inaudible.

Jennifer Smith asked could you not just do something fancy that's flush against it that looks like a column that doesn't stick out? Just to add something? It looks so plain.

Archie Morgan said these ones that just have a small little thing over them and then the ones that really stick out are the ones that just have a door with nothing over them.

Patrick Furr said let's fix that.

Jennifer Smith said then you go to that big garage door and I didn't even know that was an entrance to tell you the truth.

Archie Morgan said I think if we can add some language.

Mr. Vasante said we definitely appreciate that feedback, thank you.

Jennifer Smith asked does any of the Board members have any other questions?

Kenneth Deal said I just like the comment that I appreciate Ryan Homes reaching out months in advance of bringing this project forward. I know that it is a different plan that what was originally brought to the table and I can obviously see the improvements from the on street parking for guests and getting rid of the 6 unit buildings that were overwhelming and would have ruined the whole project, in my opinion. This is being built practically in my back yard and I travel Sunset every day and between the high school and the middle school are some of the worst dilapidated rental properties in Monroe and they are slums. There are broken down automobiles sitting around everywhere, people are changing their transmission in their front yards, not that they really have front yards, but by the buildings. This area needs revitalization and it needs and anchor to stir and spur that revitalization. You've brought us a project that I think just might get things moving.

Mr. Munday said thank you.

Jennifer Smith said I totally agree, thank you.

Patrick Furr said I'd like to say, Jennifer, you know I've met with these folks as always, and I point blank looked at them and you know I've done developing in the past. I said if you thought I would invest this kind of money in this area, you are crazy. I asked are you sure you want to do this and not only did they step up, but they've done what we wanted and they are willing to work with us. You've landscaped the

thing and from my point of view, I appreciate helping the City of Monroe revitalize that area and I think we all want that in that area. I've said my peace.

Jennifer Smith said it certainly helps our area, the Historic District.

Archie Morgan agreed.

Jennifer Smith asked if there are any other questions?

Margaret Desio said I think there is too many units.

Jennifer Smith asked do we have anyone to speak for this project?

David Dotson approached the podium and introduced himself. He said I live at 2202 Fox Hunt Dr. in Monroe, NC. I kind of see where everyone is going with this and I agree with you that this definitely is a huge addition to that area. But, it's something that you said, Margaret, that I think that you care for. People can promise you and I'm asking for you to approve this because I think it's a good project. The only thing that you have to go by is the site plan, if it's not written in the site plan, it doesn't matter. It can be a minimum number of rentals as they are telling you, it may be half of them rentals. When it goes forward, it should be on the site plan and there should be a cap and it's going to be in the HOA covenants. If that's a promise that they can give you and it goes to Council, I think that's a good thing. But, the site plan is the only thing you have, and it's not on there now.

Jennifer Smith said thank you, David.

Doug Britt said as far as rentals, we cannot put that on the site plan, because the City cannot enforce rentals.

David Dotson said that's right, it's not a condition that we can add. But, it's something that they can put on there and they can put anything they want on the site plan, correct?

Doug Britt said I will defer. What's been done in the past when Planning Board and Council does the rental stuff, it's done as part of the CCR covenants. (Inaudible) Because if it's on the site plan, the expectation is for the City to be able to enforce it and we can't enforce rentals. There's been a few projects where the language for rentals has been on the site plan, but to my knowledge…

Richard Long said we don't have the ability to enforce that, so if you make it a requirement to include it in the plan, the City does not have the ability to enforce it. It has to be in the CCR's.

David Dotson said I think the expectation is and I understand that you are the City Attorney, but my point is that they can write it on the site plan and we might not be able to enforce it. But, if it's in the site plan and they are going to write it in the CCR's, then we can expect it to be there, correct? My point being, it's not written now and they don't have anything to bring forward as an example, the HOA doesn't have a covenants at this point because it hasn't been built, correct? But, if its put into the site plan, my point being, that the City can expect that it would be written that way in the future. Even though we might not be able to enforce it, it's at least written there that it will be and that's my point.

Jennifer Smith said thank you, David.

Richard Long said it's something you can ask for, but again, you can ask for it and require it to be in the CCR's, but, if it's not done in phases, what's your remedy? It's not a remedy.

Margaret Desio said our concern here is, if we ask for a rental cap and we've had this happen 2 months ago. We asked for a rental cap and the people said no.

Jennifer Smith said we have been told that.

Margaret Desio said then you say if you don't put a rental cap on there, we aren't passing your project.

Richard Long said that is certainly something you can do. Case law says no.

Margaret Desio said my concern is, I don't know where it is that we have to, who do we say it to? Do we say it to the developer that's developing the property, who is coming before us? Or do we say that to the builder? But, its passed us by the time it's gone to the builder. So, where do we put it, that we say we've got to put a rental cap?

Richard Long said that's going to be an issue, you will either have to put it in the UDO and figure out how you are going to enforce it.

Margaret Desio said ok, another UDO…

Richard Long said its going to be under the HOA, where you are really looking to do it.

Audience member comments on discussion.

Jennifer Smith said sir, please approach and state your name and address for the record.

Jess Perry with Walt Perry Realty and our address is 1661 Walkup Ave here in Monroe. I suggest the HOA do it. I live in Lake Park and within the last year or so, we all received letters about our opinions as homeowners whether there should be a rental cap. So, I suggest that it be handled by an HOA.

Jennifer Smith said that's the way it's always been, hasn't it? You have to include it in the HOA, that's what I always thought.

Mr. Perry said that's what I recommend.

Jennifer Smith asked how would they monitor that?

Mr. Perry said I'm really not sure, I guess they would have some means to enforce that.

Kenneth Deal said HOA's are only enforced in civil actions in court. So, when you violate your HOA, they HOA takes you to civil court and then a judge will find almost 99.9% in favor of the written HOA. Because you agree to that why you buy the house.

Mr. Perry said they do fine in Lake Park.

Richard Long said the HOA, if you have it written into their covenants have the ability to fine and impose the fines.

Julian Pinner stood up and introduced himself and he said I live at 1012 E. Franklin Street. We were in Ballantyne and we came down here, because we love Monroe. I wanted to ask a question from the conversation, which seems to me that yes, we want to put a rental cap in it. How do we get that into the HOA? How does it actually get into the HOA?

Jennifer Smith said the bylaws are written.

Richard Long said guys, this is really a discussion that is not the purpose of your meeting and I'm not trying to cut you off, but I'm not rendering a legal opinion about how you can get ready to do that, unless I'm instructed by the Council to do so. There are ways to do this, but this is not how.

Mr. Pinner said let me make a comments on a different matter. My wife and I have invested heavily and we've moved to Monroe, we love Monroe. I am in favor of this plan, even though it takes away of some of our view of the back. But, I would like to say that Scott and his team have been very proactive in talking to me and coming up with solutions to my wife and I'd concerns. I just wanted to give you that information to let you know that they seem to be working in good faith and trying to create a good solution. They have created a plan for the buffer for us, which is a little bit more, because we are losing a lot of wooded view and we wanted to make sure that there was significant buffering to give some of that back. Scott has worked hard on that. I do think that this area and we believe in the Downtown Monroe and obviously this is on the edge of the Historic District, something has to happen to get that area of Sunset rejuvenated because it's horrible. We have people walking through the woods and coming in to our property and anything that can help. It's going to take a lot of investment to make it happen and I think it would be a good thing for that area and for Monroe.

Jennifer Smith asked is there anyone else here that would like to speak in favor? Please step forward and introduce yourself.

Pam Duda approached the podium and she said I am at 821 Victorian Lane in Monroe. I actually want to speak on something different and it's not for or against. I want to ask you to consider a different option. In looking at this presentation and studying it a little more, it's a very important strategic area in Monroe, it's next to a school. We are almost at full capacity at our school system and wouldn't it be interesting to maybe do a little more due diligence and see if the City of Monroe and the Union County Public School System would maybe want to purchase part of this property in order for an expansion, if its necessary for our school system. We know with the calculation they are doing right now, as far as how many children per household, they use a .5 per person and we know with our demographics within Monroe that it has to be an average of 3. We are probably already maxed out and the statistics have not shown us that yet because everything hasn't been built. Pretty soon we are going to need to redo that school and what's going to happen is if we end up giving all this property to this development and I say revitalization is very important in that area, we are going to have to find another location for a school and it's going to cost us more manpower and more dollars. So, all I'm asking is possibly look at an

option to purchase part of that property from the people. You can still put your townhome on another section of it, but at least explore with Union County Public School system and also Union County and City of Monroe to see if its viable and possible to purchase some of the property if it's necessary for expansion. All I am saying is let's plan for the future, we are looking at it right now. These kids are going to need a place to go and in a year in a half, they are going to be maxed and they are going to look for another school. All I'm saying is, lets maybe take a step back and go back to the planning. I know the developer is probably not going to make a gazillion dollars, but perhaps we can make it lucrative enough to where its positive for Monroe, the school system and our town. Thank you.

Jennifer Smith said thank you very much for your comments. Is there anyone else that would like to speak for the project?

Tom Harris approached the podium and introduced himself and he said I live at 799 Hickory Nut Circle here in Monroe. I live off of Sunset Road, across the street and it used to be Oakland Forest before they cut all the trees down. This is eventually going to be approved someway, somehow. Across the street is 149 units, so it's a lot of growth in that area, but I'm for the growth if it's a good growth. I teach at Monroe High school and wife and I both went to Monroe High School. We both did 40 years teaching at Monroe High School and I'm still there. So, I agree Sunset area needs to be revitalized in some way and I appreciate you guys bringing it forward because what's been brought forward in the past has been low income housing and government housing. That's why Monroe High School used to be the Weddington of the county, believe it or not. Test scores were very high, teacher retention was very high, I went to high school there and I've taught there when it was a separate school system. I'm glad you all are the gatekeepers for Monroe, I really like the project off of Lancaster and the type of housing they are doing and the improvements you guys are trying to do. Hopefully, when Sun Oaks is developed, you guys can see the type of housing they are going to do in that back part of their also. We are for Monroe, we want what's good for Monroe and I know your concern with the school systems. Monroe High School and it was not long ago that they put 5 million dollars into Monroe to revitalize it and so that's a lot of Monroe. I know Forest Hills is probably getting a new school pretty soon and so that's a possibility that that's going to happen at some point. The only real concern for me at this point is the traffic off of Sunset and if Sun Oaks only has one entrance coming in off of there, it was going beside the church. This would have an entrance coming out on Sunset also and I know for the traffic patterns and the middle school gets out around 4:00 p.m. and it's really about 30 minutes for it once it clears out. It's usually pretty good after about 30 minutes, I go there every day, back and forth. You almost need a turning lane to the left and not just a right, because you can't get to the turning lane to go to the left. That's going to be the concern if they do both of those neighborhood and it's hard to get in and out of those at the same time. But, we really appreciate you guys stepping up your game on what you are requiring and please keep doing that with us.

Jennifer Smith said thank you so much. Do we have anyone else that would like to speak in favor.

Jess Perry stood up and said I never got to finish. I have with me tonight a Mr. Tom Eubanks, he is the manager at Wilson Woods and they are the new owners of the property. They've had that property on the market for years and when we got the listening and we always look at what the highest best use is. As Doug mentioned, it was office transitional and no, we just couldn't see that. Single family and it wasn't quite the fit and we were fortunate enough to have NVR Ryan Homes come to us and we research every one of the developers who come calling on us and we research what type of product they make

and hat their standing is nationally and they do a good product. So, we were very happy and pleased when we found that had a good fit, a perfect fit. We thought townhomes would be a great start for the revitalization of Sunset and so we are very pleased to have them working on this project.

Tom Eubanks approached the podium and introduced himself and he said I live at 2033 Woodhaven Road in Charlotte. I grew up in Monroe and lived over on Washington Street and my old home is still there. I am the managing part for this piece of property and as Jess said, we've look at a lot of stuff in the past that folks had interest in it for this or that or the other. But, this is the best thing that I've seen for this piece of property. I think Mr. Deal hit the nail on the head when he said that whole area out there really needs a face lift. Once you pass the school, it becomes an eye sore there. This would be a very good enhancement in my opinion and these guys have worked hard to put this together and they've came up with a lot of really good things that would make a nice home for people who are looking for home. The housing market is still very strong and I feel that this would enhance that area greatly, not only from a physical beauty standpoint, but from the type of people you get in there. They have several projects in Charlotte and I've seen them and they look very, very nice. They do a good job and they pay attention to detail and I really think that this would really be nice for that area. From a standpoint of folks coming in and from the standpoint of proving the aesthetics of that neighborhood. I want to thank you all for listening to this, I didn't come prepared to speak, but thank you for letting me. I want to thank the developers for all the work they've done on this too. I hope you all will give this serious consideration.

Jennifer Smith said thank you for your comments, sir. Do we have anybody else that would like to speak for this project? (there were none) Do we have anyone that would like to speak against this project? (there were none) Does anyone on the Board have anything to add?

Margaret Desio said I don't want to vote for a pig in a poke. Before we vote, I would like for these folks to come back and show us some other elevations.

Jennifer Smith asked what are everyone's thoughts on that?

Archie Morgan said we can table it until then or we can tell them what we want now and put it in the motion.

Margaret Desio said I want to see it.

Archie Morgan said we see that one that we like, if they did them all that way, we would be happy, right?

Margaret Desio said there are some of them that can't be done like that because there's not enough room between the door and the garage.

Jennifer Smith said that's what I was saying is to put something like a false that looks like...

Margaret Desio said I would rather table it and them come back with elevations that we know are going to be…

Patrick Furr said I would like to go ahead and make a motion to pass the thing with the stipulation that they fix the few things that you told them about.

Archie Morgan asked Scott, can you come back up? What are you willing to do on this elevation?

Mr. Munday said I think the guidance that we've received or what's appealing to you all is on a one car garage, in the upper left example with the columns supporting the stoop is a good example of what can be done with the one car garages. I think the other idea that we received regarding the two car garage elevations is something that's either in the plane of the doorway itself and not extend it out or extend it out. But, in any case you're not looking for any of the doorways to be without a stoop.

Archie Morgan said correct.

Mr. Munday said that's what I heard also.

Archie Morgan said from a building standpoint, you just don't have the room to put the columns in front of each one.

Mr. Munday said we do not have the room on the two car garages to fit the way that that one shows on the one car garage. But, there might be opportunity to do what you suggested and have them not away from the building, but an architectural detail in the doorway itself.

Jennifer Smith asked how hard would it be for you to implement something picture wise for us to actually visually see that?

Mr. Munday said I don't think it would be terribly difficult, we would just have it drawn up and rendered.

Kenneth Deal said let me ask you this question. With property options and all these things that you have to consider on your end. Would tabling this for a month and revisiting it at the next meeting put you in any harm of losing an option on a property or delay your timelines significantly or anything like that? What would be the ramification of a 30-day delay?

Mr. Munday said I think it's fair to say that we would prefer to not have a delay, but if that's what gets us where we are looking to go, then we would entertain that.

Archie Morgan said it's one thing to talk about it and it's another thing to see it.

Jennifer Smith said we are very visual.

Kenneth Deal said my mind keeps going back to what Doug said, this is a rendering. Even if they do the drawings and come back and make them look all prettier, that doesn't necessarily mean they are going to be built that way at the end of the day.

Doug Britt said if you all move forward with this right here and when they want to build it, we would expect to see it. These are the guys that's going to build it, so we would expect to see this. Whatever you say and whatever you all end up approving or whatever Council approves, this would be what we expect to see on the ground.

Kenneth Deal said that's what I was getting at, I agree with Archie. Let's make it part of the motion and has committed to it and if we make it part of the motion, they will enforce it.

Doug Britt said I can work with Margaret and Jennifer between now and City Council to give you the elevations outside of this meeting. You both can come in and meet with me and after they provide me what they are going to do based on your comments, then I can give it to you, that's always an option too.

Jennifer Smith said that's a great idea.

Doug Britt said its completely up to you all. If you guys want to table it, if you don't, that's fine too. It doesn't make a difference to Staff.

Kenneth Deal said I would like to move forward.

Doug Britt said if you are wanting to move forward, that's perfectly fine. I would put in your motion what you are wanting to see and I think we all kind of get that, and they can provide that to me and I can meet with Jennifer and Margaret once I get that. It would go to City Council in June.

Archie Morgan said the question about Monroe Middle. My concern is this piece of property have been available forever, has Monroe Middle or the school system ever said anything about expanding or needing that extra space? It's a valid concern.

Mr. Perry said in all honesty, they did call me about a month or so ago. We've had all of this time to do something and why didn't they do something before. But, I have to tell you in all honestly, yes Archie, someone did call me. But, it's been under contract for a long time. So, they had the opportunity. The time constraints could be an issue on the time with the contract. (Inaudible)

Jennifer Smith said thank you so much.

Pam Duda asked to speak again.

Jennifer Smith said you had your shot at speaking, I'm sorry.

Archie Morgan said I think it's good for that area. To Tommy's concern, if they ever do anything with Oakland Park, there is a big piece of property back there and I don't know what they had planned for that since it hasn't come before us. That's a lot of traffic right there.

Mr. Harris said something inaudible from the audience.

Motion:	**Kenneth Deal made a motion Approving the annexation request.**
Second:	**Patrick Furr**
Action:	**The motion passed unanimously with the following votes:**
AYES:	**Jennifer Smith, Margaret Desio, Kenneth Deal, Patrick Furr and Archie Morgan**

NAYS: None

Motion: **Kenneth Deal made a motion Approving the Resolution of Land Use and Transportation Plan Compliance with a stipulation that the cosmetic design of the facade on the units be enhanced as discussed during the deliberations and that a particular comment be made when the project is presented to Council as to the individual Board members comments on the said improvements.**
Second: **Archie Morgan**
Action: **The motion passed unanimously with the following votes:**

AYES: Jennifer Smith, Margaret Desio, Kenneth Deal, Patrick Furr and Archie Morgan
NAYS: None

Motion: **Kenneth Deal made a motion recommending the Adoption of the Ordinance amending section 157.1.2.1.**
Second: **Archie Morgan**
Action: **The motion passed unanimously with the following votes:**

AYES: Jennifer Smith, Margaret Desio, Kenneth Deal, Patrick Furr and Archie Morgan
NAYS: None

Jennifer Smith said thank you guys very much; we look forward to it.

Kenneth Deal said I would like to thank the general public for their participation and comments tonight.

Patrick Furr said I've got to get my grandson home; can I be excused?

Item 6. **Next Meeting: June 7, 2023**

Jennifer Smith asked can I have a motion to adjourn?

Margaret Desio said no, I have more business.

Jennifer Smith said one thing that I did want to be brought up, there was nothing in this packet that said anything about the UDO as far as meetings regarding that. I didn't know if that had anything to do with the meeting we are having May 11th at the Armory.

Doug Britt said it does.

Jennifer Smith asked can you come forward and explain that to us, Doug?

Doug Britt said we have text amendments drafted to present tonight, but based on the Manager, he didn't want us to present anymore until after you have the workshop on May 11th.

Jennifer Smith asked that is going to be continued on a month to month basis, correct?

Doug Britt said I don't know what's going to happen, I guess it will be determined after the workshop next week. We had text amendments drafted and ready to go. We are still proceeding with the text amendments next week that you all voted on that's going to Council, but the Manager told us not to present anything else until after the workshop. That's where I leave it, we don't have anything tonight.

Jennifer Smith asked does anyone have any discussion regarding that? Ken or anyone?

Kenneth Deal said I just want to emphasize that the vote of the Board to add the UDO discussions as a regular monthly agenda item can only be overruled by a vote by City Council, so I expect to see that on every future agenda. Regardless of what's going on in the background. I'm just stating the fact.

Doug Britt said alright, I will share.

Kenneth Deal said only the City Council can override, not an individual staffer somewhere.

Doug Britt said ok.

Jennifer Smith asked is there any further discussion for the Board?

Margaret Desio said I have discussion. It was brought to my attention by 2 City Council members this week that there is a move afoot by some of the Planning Board to dismiss our Chairman, Richard Yercheck. The 2 City Council people that told me this told me that the Planning Board member who was railroading this had 5 votes and one of them was mine. I want it to be known that I had nothing to do with this. I support Richard Yercheck as the Chairman and I have never discussed dismissing him with any members of this Board. I think Richard is doing a great job and he keeps it moving and he is very, very cordial to our guests that are out there. So, I have to say that this is one of the most egregious things I've ever heard and if any of you all are in cahoots, leave me out of it because you do not have my support. That's all I've got to say. Now you can dismiss.

Item 7. Adjournment

Motion: Archie Morgan made a motion to adjourn.
Second: Jennifer Smith
Action: The motion to adjourn passed unanimously with the following votes:

AYES: Jennifer Smith, Kenneth Deal, Margaret Desio, Patrick Furr, and Archie Morgan
NAYS: None

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The meeting was adjourned at 8:05 p.m.

Respectfully Submitted,

Jennifer Smith, Vice Chair
Planning Board

Ashlyn Penegar
Secretary to the Board

DRAFT

City of Monroe
Where Heartland Meets High Tech

STAFF REPORT

TO: Planning Board

DATE: June 7, 2023

FROM: Lisa Stiwinter, Planning and Development Director

PREPARED BY: Megan Brightharp, Planner

SUBJECT: Zoning Map Amendment for the property identified as 302 Secrest Avenue (tax parcel 09-117-008).

SUMMARY STATEMENT

Planning Board is requested to consider a zoning map amendment for the property located at 302 Secrest Avenue and further identified as tax parcel 09-117-008 from Neighborhood Business (NB) District to General Industrial (GI).

REVIEW

The City of Monroe has received a request from Tom Crouch of UC QOZB I, LLC to rezone the subject property from Neighborhood Business to General Industrial. The General Industrial (GI) district is intended to permit light industrial and manufacturing establishments of varying scales and limited commercial and office/medical uses necessary for the vitality of an industrial district.

The property is currently undeveloped.

AREA CHARACTERISTICS

Adjoining Land Uses and Zoning District

	Existing Uses	Zoning District
North	Industrial	GI, General industrial
East	Industrial	GI, General industrial
South	Commercial	NB, Neighborhood Business
West	Industrial	GI, General Industrial

LAND USE AND TRANSPORTATION PLAN CONSISTENCY

The Land Use and Transportation Plan indicates this area is Manufacturing, Logistics, and Aerospace. This designation supports manufacturing and production at a variety of scales, including assembly and processing, warehousing and distribution, bulk storage, and utilities. Manufacturing, Logistics, and Aerospace areas are found near major transportation assets (e.g., highway, rail, and/or air) and generally are buffered from surrounding development.

Planning staff believes the request is consistent with the Land Use and Transportation Plan because the proposed rezoning to GI will establish an industrial use in an area designated for industrial development.

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

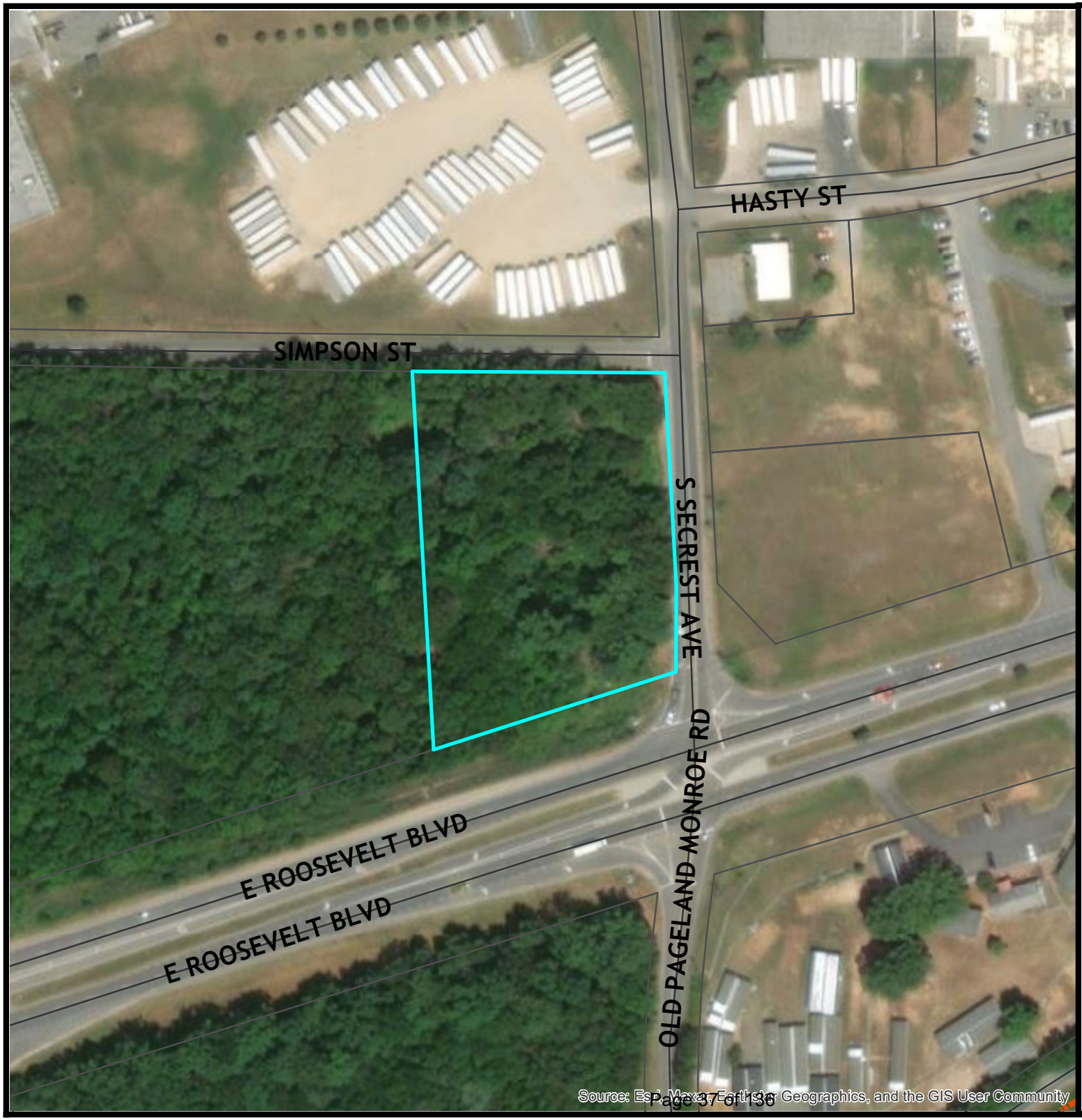
If the Resolution of Land Use and Transportation Plan Compliance is recommended for approval, the Planning Board will also need to make the following motion:

- *Motion to recommend adoption of the Ordinance amending Section 157.1.2.1- 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-Future Land Use Map
Attachment 4-FLUM Description
Attachment 5-R-2023-XX Approval
Attachment 6-R-2023-XX Denial
Attachment 7-O-2023-XX Section 157.1.2.1



City of Monroe
Where Heartland Meets High Tech

Ortho Map

Case #: PLMA-2023-00170

Legend

- Centerlines
- Parcels
- Subject Property

Owner:
UC QOZB I, LLC
Acres: 2.812

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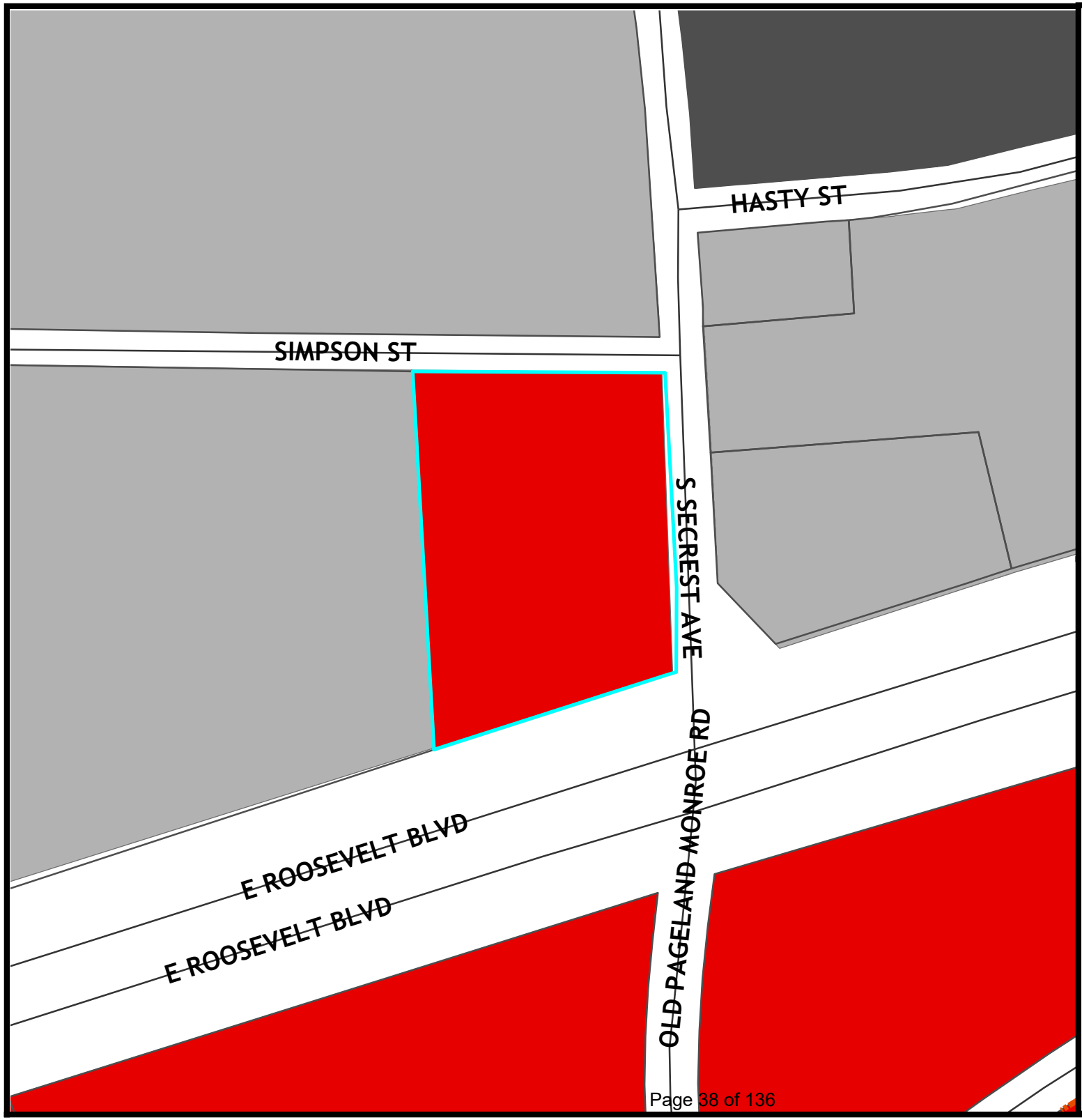
0 150 300
Feet



City of Monroe
Where Heartland Meets High Tech

Zoning Map

Case #: PLMA-2023-00170

Legend

- Centerlines
- Parcels

Zoning Districts

- GI
- HI
- NB
- Subject Property

Owner:
UC QOZB I, LLC
Acres: 2.812

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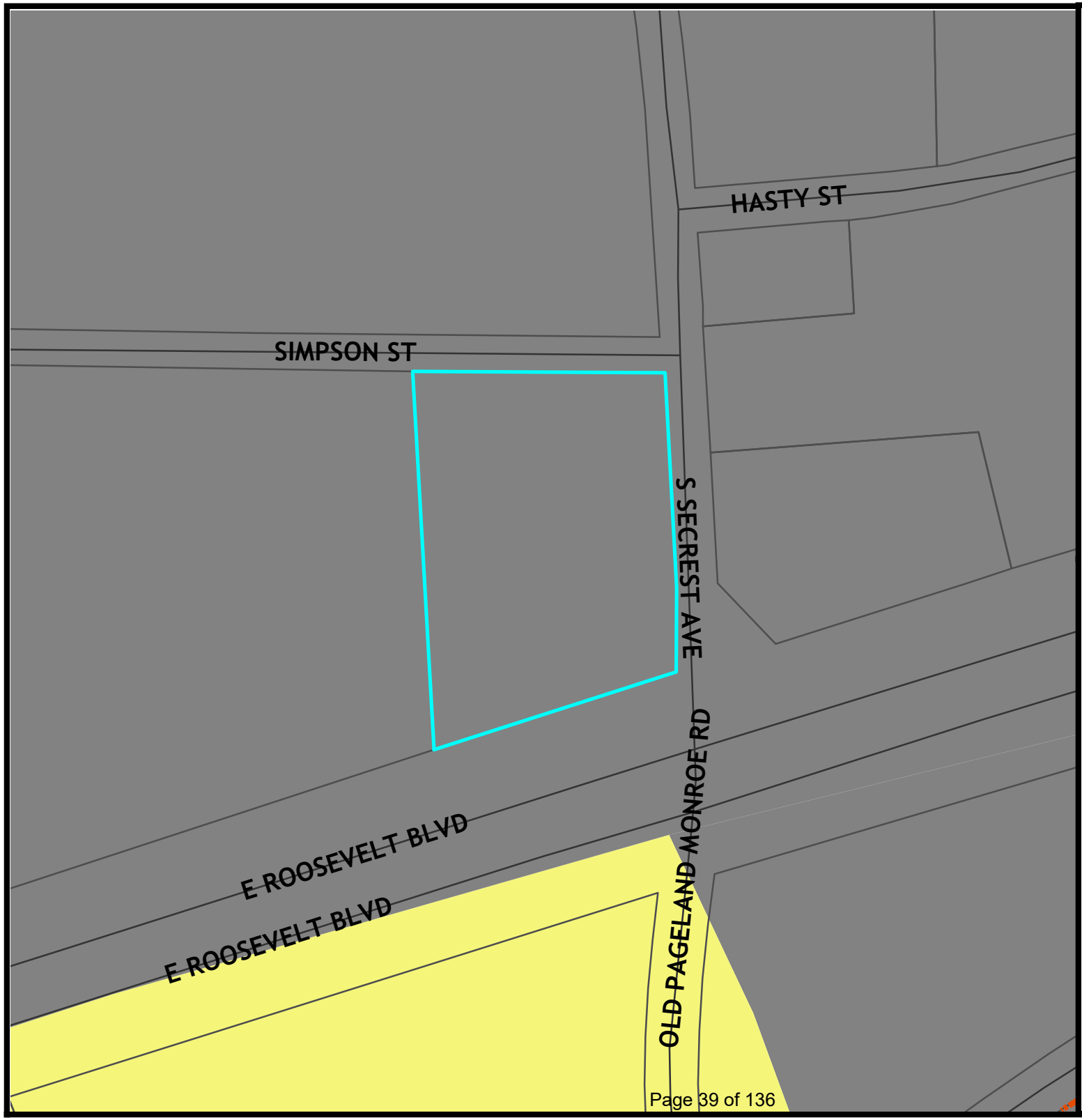

City of Monroe
Where Heartland Meets High Tech

Future Land Use Map

Case #: PLMA-2023-00170

Legend

- Centerlines
- Parcels

Future Land Use Character Area

- Industrial
- Suburban
- Subject Property

Owner:
UC QOZB I, LLC
Acres: 2.812

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Feet

Land Use and Transportation Plan Description

The Land Development Plan indicates this area is Manufacturing, Logistics and Aerospace. The Manufacturing, Logistics, and Aerospace designation includes the city's existing base of industrial centers. These areas support manufacturing and production at a variety of scales, including assembly and processing, warehousing and distribution, bulk storage, and utilities. Manufacturing, Logistics, and Aerospace areas are found near major transportation assets (e.g., highway, rail, and/or air) and generally are buffered from surrounding development. Clusters of uses that support or serve similar industrial uses typically locate nearby.

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 302 Secrest Avenue further described below is consistent with the adopted Land Use and Transportation Plan. The Land Use and Transportation Plan identifies this area as Manufacturing, Logistics and Aerospace where industrial is a priority use. The proposed rezoning to the General Industrial (GI) designation would allow industrial uses which would be consistent with the Plan. The proposed rezone is a reasonable use and in the public interest because it is consistent with a majority of the surrounding parcels that are also zoned General Industrial (GI).

NOW, THEREFORE, BE IT RESOLVED that the Planning Board of the City of Monroe recommends adoption of a Resolution Approving Land Use and Transportation Plan Compliance of the zoning map amendment for property with Union County Tax Parcel Number: 09-117-008.

Adopted this 7th day of June, 2023.

_____

Richard A. Yercheck, Planning Board 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 302 Secrest Avenue further described below is consistent with the adopted Land Use and Transportation Plan. The Land Use and Transportation Plan identifies this area as Manufacturing, Logistics and Aerospace where industrial is a priority use. The proposed rezoning to the General Industrial (GI) designation would allow industrial uses which would be consistent with the 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 recommends adoption of the Resolution Denying Land Use and Transportation Plan Compliance for property with Union County Tax Parcel Number(s): 09-117-008

Adopted this 7th day of June, 2023.

_____
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:

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

Rezone the property located at 302 Secrest Avenue further identified with parcel ID # 09-117-008 from Neighborhood Business (NB) to General Industrial(GI).

Section 2. This Ordinance shall be effective upon adoption.

Adopted this 11th day of July, 2023

Attest: Marion L. Holloway, Jr., Mayor

Bridgette H. Robinson, City Clerk

City of Monroe
Where Heartland Meets High Tech

STAFF REPORT

TO: Planning Board Members

DATE: June 7, 2023

FROM: Lisa Stiwinter, Director of Planning & Development

PREPARED BY: Doug Britt, Senior Planner

SUBJECT: Annexation and Zoning Map Amendment request for Planned Unit Development "Starlite" (Parcel ID #'s: 09-313-014, 09-313-014-A and 09-316-005-H)

SUMMARY STATEMENT

The Planning Board is requested to consider an annexation and zoning map amendment for the properties located at the intersection of ML King Jr. Boulevard and Weddington Road further identified as tax parcel #'s 09-313-014, 09-313-014-A and 09-316-005-H. The request is to annex and rezone a total of 21.695 acres from Community Corridor Mixed–Use 2 (CCMX-2) to Planned Unit Development "Starlite".

REVIEW

The applicant, Anjani Ventures, LLC is requesting to annex 21.695 acres and a Planned Unit Development rezoning in order to develop a mixed use project that will consist of condominiums/lofts, townhomes, and commercial uses. The total area of the project is 21.695 acres, with approximately 12.2 acres or 56% of that reserved as common open space. The density of this project is 10.14 units per acre.

AREA CHARACTERISTICS

Adjoining Land Uses and Zoning District.

	Existing Uses	**Zoning District**
North	Commercial & Vacant	Community Corridor Mixed–Use 2 (CCMX-2)
East	Commercial	Community Corridor Mixed–Use 2 (CCMX-2)
South	Commercial, Residential & Vacant	Residential Low Density (RLD) & Neighborhood Business

West	Residential & Vacant	Community Corridor Mixed–Use 2 (CCMX-2) & RA 20 Union County

Proposal

The applicant is requesting a Planned Unit Development rezoning in order to develop a mixed use project that will consist of 200 condominiums/lofts, 20 townhomes, and approximately 12,600 square feet of commercial. The commercial area will be located on the first floor of the type 1 and type 2 buildings with residential above as indicated on the site plan. The developer is proposing for the apartments to consist of 84 (1) bedroom units, 104 two (2) bedroom units, and 12 three (3) bedroom units. The total area of the project is 21.695 acres, with 12.2 acres or 56% of that reserved as common open space. The overall project density is 10.14 units per acre.

REQUIREMENTS

Density & Dimensional Standards

The minimum lot size for the single family attached townhome lots will be 1,680 square feet with a minimum lot width of 24 feet.

Zoning District	Maximum Allowable Density
CC-MX2	6 units by-right & 10 units with incentives
RHD	10 units/acre
RMD	3 units/acre by-right; 4 units/acre clustering
RLD	2 units/acre
RR	1 unit/acre

Setbacks

Single Family Attached Townhome Units

Front: 20 ft.
Exterior Side: 5 feet
Interior Side: 0 feet
Rear: 10 feet
Max Building Height: 4-stories (the applicant is requesting to deviate from the 3 story maximum height of a PUD)

Condominiums/lofts & Commercial

Minimum of 10 ft. from parking areas as well as the adjacent buffer based on location of the structure on the site. (except where surface parking under building is provided)

Buffering & Landscaping

Parking lot trees will be provided as depicted on the site plan with a caliper of 2.5 inches measured 6-inches above grade. Yard trees will be planted in accordance with the elevations submitted.

The ordinance requires a ten-foot street yard buffer along the street frontages of all developments, but the developer for this project is proposing to provide a twenty-foot street yard buffer along both ML King Jr. Boulevard and Weddington Road. The ordinance also requires a 50-foot buffer along the adjacent properties to the east and to west of the project sites. The buffers are required to include a mix of trees and shrubs. The 50-foot buffer also requires a 6-foot tall berm, fence, or wall; the applicant is requesting to deviate from the ordinance to not

install a berm, fence, or wall. The developer will supplement the buffer in areas where there is not sufficient vegetation.

The ordinance requires 10% tree save area, the applicant has complied with this requirement and is proposing 4.16 acres or 19.2% tree save area. The tree save area will be achieved through the perimeter buffers. A tree survey was provided which depicted all trees on the site that were greater than seventy-five inches in circumference. The developer is proposing for all trees measuring seventy-five inches in circumference in the required open space areas to be preserved and if removed shall require mitigation. The final tree mitigation plan will be determined at the erosion control plan review stage if the project is approved.

Open Space
The project is required to provide 35% open space, which would equal 7.60 acres. The applicant has provided approximately 12.2 acres, which is 56% of the total site. The ordinance states a maximum of 25% of the total required open space may include stormwater features and only wet stormwater facilities may be counted toward this requirement. The site plan delineates the stormwater feature will cover approximately 1.2 acres, which is 9.83% of the open space.

Planned Unit Developments less than twenty-five (25) acres in size are required to include at least two (2) small open space types and one (1) medium open space type. The small open space areas require a range of area from 500 square feet to 1 acre and the medium open space type requires 1-2.5 acres. There are five (5) small amenity areas and one (1) medium area proposed for this project. The open space features proposed for this project are as follows:

Amenity area programming shall include, but is not limited to, the following: Pool(s) and cabana(s), splash pad, fire pit(s) water feature(s), fenced in dog park(s), grilling station(s), pavilion or gazebo, and lawn games.

-Small amenity features: fire pits, grilling station, lawn games, pavilion and water feature
-Medium amenity features: pool and cabana, splash pad, fenced in dog park and playground area

Elevations
The minimum heated square footage of the single family attached townhomes will be 2,045 square feet excluding the garage, and the minimum square footage for the condominiums/lofts will be as follows: one (1) bedroom units 840 square feet, two (2) bedroom units 1,150 square feet, and three (3) bedroom units 1,400 square feet.

Exterior building materials for the project will include brick/stone face on ground level and fiber cement (combination of plank and panel/reveal) on upper levels 2-4.

Parking
All townhomes will be furnished with a one (1) car garage at a minimum and a driveway that can accommodate at least one vehicle. The condominiums/lofts will be two (2) parking spaces per unit for a total of 400 parking spaces for this use. Additionally, 38 garage units are being provided as parking/storage as well. The commercial uses will be provided with a total of seventy-one spaces for customers and employees. All of the parking provided for this project is consistent with the ordinance requirements.

Sidewalk
A five-foot (5') wide sidewalk will be provided internally throughout the development. An eight-foot (8') wide sidewalk will be provided along ML King Jr. Boulevard and Weddington Road.

Stormwater
The applicant will be required to provide stormwater management to treat the stormwater runoff for the project. The stormwater will be evaluated and reviewed, if the project is approved by City Council, at the building permit stage of the process. The location, size and type of storm water management systems depicted on the rezoning plan are subject to review and approval as part of the full development plan submittal and are not implicitly approved with this rezoning. Adjustments may be necessary in order to accommodate actual storm water treatment requirements and actual site discharge points. At the time of site plan submittal, site will meet stormwater management requirements in accordance with Chapter 159 Stormwater Management Ordinance of the Monroe Code of Ordinances.

Schools
The Starlite PUD is a proposed 220-unit mixed use development on tax parcels 09-313-014, 09-313-014-A and 09-316-005-H located at the intersection of ML King Jr. Boulevard and Weddington Road. The project falls within the following school zones:

Walter Bickett Elementary School	Currently at 60% of rated capacity
Monroe Middle School	Currently at 85% of rated capacity
Monroe High School	Currently at 72% of rated capacity

Transportation
The proposal includes multiple right-in right-out entrances on ML King Jr. Boulevard and Weddington Road. The developer is proposing for the project to have privately maintained streets. A traffic impact study was completed for this project as required by the ordinance and was reviewed by both the City of Monroe Engineering Department and the North Carolina Department of Transportation (NCDOT). The developer will be required to provide right turn lanes at all four (4) access points.

Water/Sewer
Based on the current water and sewer capacity, flow projections, and planned capital improvements, the City of Monroe has water and sewer capacity to serve the project. The proposed density of 10.1 units per acre far exceeds our sewer master plan assumption of 3.5 units per acre. Densities of this magnitude may create potential future problems and cost for the city, therefore a reduction in density should be considered.

The project may require phased permitting and water meter sets pursuant to a development agreement if approved by City Council, and consistent with the schedule for waste water treatment plant expansion. All onsite and offsite water and sewer main extensions for the proposed development shall be designed by a professional engineer, constructed and financed at the developer's expense in accordance with the City of Monroe's Standards and Extension Policy. Any required offsite easements are to be obtained by the Developer at their expense.

LAND USE AND TRANSPORTATION PLAN CONSISTENCY

The Land Development Plan indicates this project is primarily located in a neighborhood mixed-use center. These centers provide neighborhood retail, professional office, service, and other community-oriented activities and uses for surrounding residential areas. The center's proximity to residential areas requires design to be integrated at a scale compatible with nearby residential development. These centers measure half-a-mile across, representing approximately a 10-minute walking distance. The design transitions effectively between residential and nonresidential uses, and includes safe and convenient pedestrian and bicycle access for nearby residents. While commercial uses are likely to be prominent, these centers should emphasize a mixture of uses and residential housing units where possible. Single-family residential should be discouraged but may be used as a transition between land uses or to maintain continuity between the surrounding neighborhoods.

Planning staff is of the opinion the development pattern of a mixed-use development with different housing options and nonresidential development at this location is consistent with the Land Development Plan at 10.14 units per acre and is a reasonable use due to the project being located within a Neighborhood Mixed-Use Center.

PUBLIC NOTIFICATION

The developer held a neighborhood meeting on May 30, 2023 to discuss the project with local residents.

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

Official rezoning notification letters will be sent to the adjacent property owners located within at least 150 feet, 10 days prior to the public hearing.

RECOMMENDATION

Planning staff recommends approval of the annexation and rezoning to Planned Unit Development “Starlite”.

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

Recommendation on Annexation:

- *Motion to recommend Approving annexation request*
  OR
- *Motion to recommend Denying annexation request*

Recommendation on Land Use and Transportation Compliance:

- *Motion to recommend adoption of the 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 at a later date.*

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.*

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-Annexation Plat
Attachment 4-Site Plan
Attachment 5-Architectural Package
Attachment 6-TIA Recommendations
Attachment 7-Future Lane Use Map
Attachment 8-FLUM Description
Attachment 9-Approval Resolution
Attachment 10-Denial Resolution
Attachment 11-Ordinance 157.1.2.1

City of Monroe
Where Heartland Meets High Tech

Ortho Map

Case #: PLANXA 2023-00161

Legend

- Centerlines
- City Limits
- streams
- Parcels

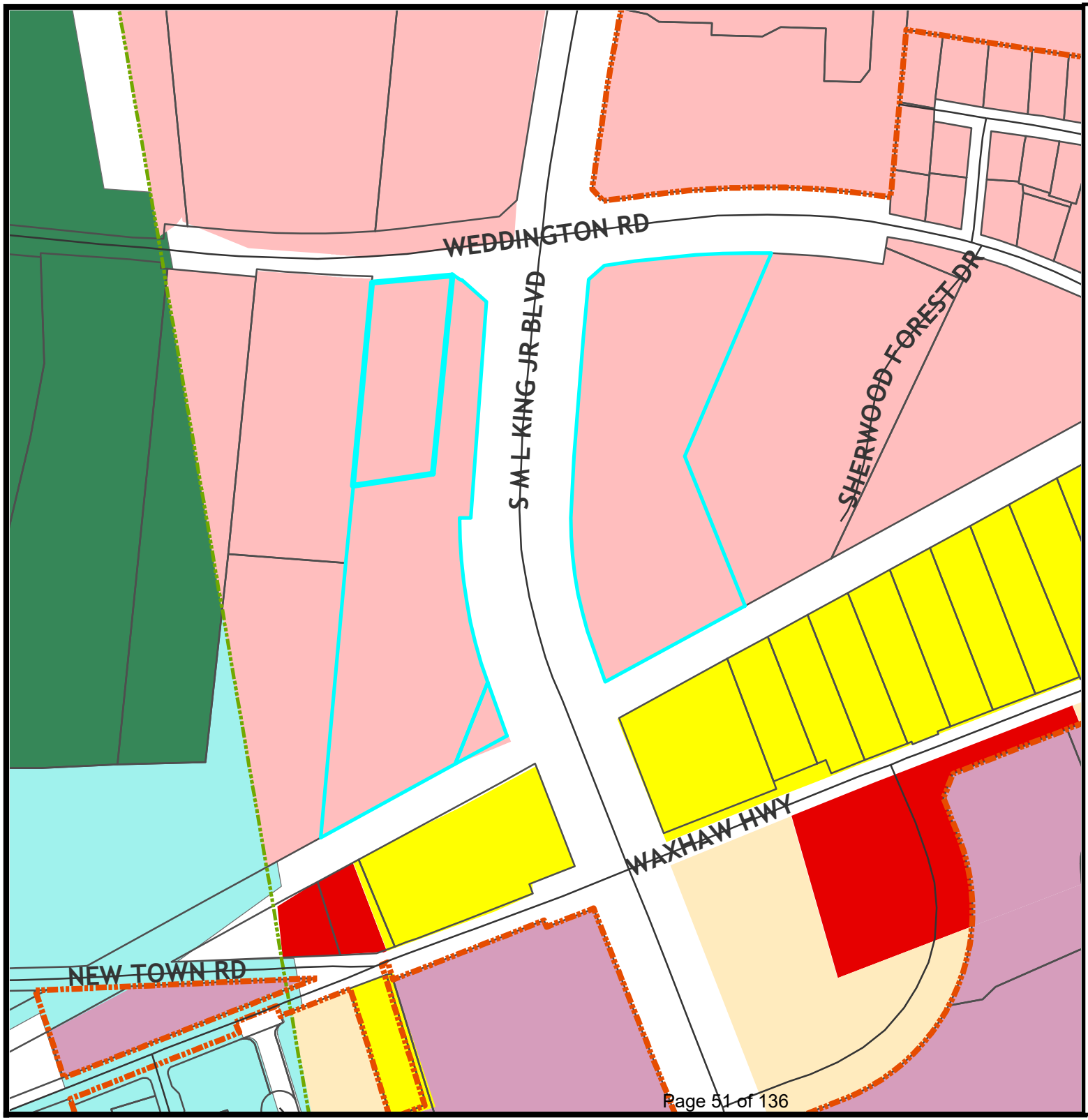
Existing: CC MX-2 (Community Corridor Mixed Use)

Owner: Anjani Ventures, LLC

Acres: 21.69

N
W E
S

0 320 640
Feet



City of Monroe
Where Heartland Meets High Tech

Zoning Map

Case #: PLANXA 2023-00161

Legend

- Centerlines
- City Limits
- Parcels

Zoning Districts

- CC-MX2
- CD
- NB
- OM
- RLD
- RMD

UC Zoning Districts

- R-20
- RA-20

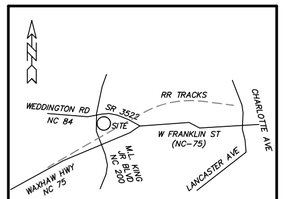
Existing: CC MX-2 (Community Corridor Mixed Use)

Owner: Anjani Ventures, LLC

Acres: 21.69

N
W E
S

0 360 720 Feet



VICINITY MAP
NOT TO SCALE

N.C. GRID (NAD83/2011)

WEDDINGTON ROAD
150' PUBLIC RIGHT OF WAY
(DB 5040/449)
(DEPARTEMENT OF TRASNPORTAION DB 5750/611 – FEE SIMPLE FOR ROADWAY PURPOSES)
NCDOT STATE PROJECT NUMBER: 34938.3.3
STATE PROJECT REFERENCE NUMBER: U-3412A

WEDDINGTON ROAD
NC 84

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

WEDDINGTON ROAD
SR 3522

M L KING JR BLVD
VARIABLE WIDTH PUBLIC RIGHT OF WAY
NC 200
DEPARTMENT OF TRANSPORTATION, AN AGENCY OF THE STATE OF NORTH CAROLINA
FEE SIMPLE FOR ROADWAY PURPOSES (DB 5040/449)(DB 5227/261)
NCDOT STATE PROJECT NUMBER: 34938.3.3, STATE PROJECT REFERENCE NUMBER: U-3412A

2.702 ACRES
~NOW OR FORMERLY~
ANJANI VENTURES, LLC,
A GEORGIA LIMITED
LIABILITY COMPANY
DB 8551/739
PID R93160005G

9.046 ACRES
~NOW OR FORMERLY~
ANJANI VENTURES, LLC, A
GEORGIA LIMITED LIABILITY
COMPANY
DB 8572/854
PID 09313014

9.421 ACRES
~NOW OR FORMERLY~
ANJANI VENTURES, LLC, A GEORGIA
LIMITED LIABILITY COMPANY
DB 8551/734
PID 09313014A

0.526 ACRE
~NOW OR FORMERLY~
ANJANI VENTURES, LLC, A
GEORGIA LIMITED LIABILITY
COMPANY
DB 8572/854
PID 09313014

~NOW OR FORMERLY~
WILLIS REEP AND WIFE, AMBER REEP
DB 5745/176
PID 09316006A

~NOW OR FORMERLY~
MARY M. NASH
85E/98
(DB 100/327)
PID 09316006

~NOW OR FORMERLY~
TROY E. TRULL AND WIFE JUDY M. TRULL
DB 286/945
PID 09313015

~NOW OR FORMERLY~
MARY MARSHALL NASH
DB 5119/775
PID 09316013A

~NOW OR FORMERLY~
FORESTAR (USA) REAL ESTATE GROUP INC.,
A DELAWARE CORPORATION
DB 8045/529
TRACT 2, PC F/139-342
PID 09321004D

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

RAILROAD TRACKS

WAXHAW HIGHWAY
HWY 75
(PB P/265)

CALCULATED POINT
CITY OF MONROE
OUTSIDE CITY OF MONROE
INSIDE CITY OF MONROE

WOODEN FENCE POST (FOUND) AT CORNER

REBAR (SET) ON LINE

REBAR (FOUND) N.C.S.P.C. N:451,493.01 E:1,526,376.86 (NAD83)

REBAR (FOUND) N.C.S.P.C. N:451,745.09 E:1,526,836.99 (NAD83)

REBAR (FOUND) N.C.S.P.C. N:452,921.47 E:1,527,273.49 (NAD83)

PP FOR TRAFFIC LIGHT

PERMANENT UTILITY EASEMENT (DB 5040/449)

PERMANENT UTILITY EASEMENT (DB 5227/261)

PERMANENT UTILITY EASEMENT (DB 5238/671)

UNION POWER TRANSMISSION LINE RIGHT OF WAY (EXISTING) RECORD NOT FOUND OR PROVIDED

DUKE POWER CO. 30' MAINTANENCE EASEMENT (RECORD NOT FOUND)

HIGH TENSION OVERHEAD LINES

15" CMP (OU)

18" CMP (OU)

N13°44'12"W 151.00 (TIE TO CITY LIMITS)

S21°19'43"E 525.13 (TIE TO CITY LIMITS)

S08°50'04"W 639.45 (TIE TO CITY LIMITS)

N82°41'54"E 127.16

N05°16'43"E 157.87

N04°39'40"E 302.27

N03°12'19"E 185.90

S21°32'55"E 442.78

S23°57'05"W 631.41

N05°35'43"E 557.04

N05°54'31"E 547.70

S05°01'04"W 74.88

S04°38'50"W 301.99

S03°07'39"W 207.65

N81°16'24"E 218.84

N06°05'43"E 201.21

N05°36'30"E 769.22

N22°10'58"E 328.64

S19°30'34"E 190.80

N19°26'36"W 194.78

S61°17'18"W 390.87

S61°20'30"W 302.68 (TIE)

S61°13'30"W 222.05

S61°16'15"W 416.23 TOTAL (406.23)

(10.00)

N82°40'39"E 69.51

S47°34'46"E 81.80

N89°56'48"W 30.00

N05°41'54"E 17.84

30.0

100.0

I, _____, A REVIEW OFFICER OF UNION COUNTY, CERTIFY THAT THE MAP OF PLAT TO WHICH THIS CERTIFICATION IS AFFIXED MEETS ALL STATUTORY REQUIREMENTS FOR RECORDING

_____
DATE REVIEW OFFICER

I, _____, CITY CLERK OF THE CITY OF MONROE, NORTH CAROLINA, HEREBY CERTIFY THAT ON THE __ DAY OF _____, 2022 THE CITY COUNCIL APPROVED THIS PLAT FOR ANNEXATION AND RECORDING.

_____ (SEAL)
DATE CITY CLERK

I, THOMAS E. WHITE, CERTIFY THAT THIS PLAT WAS DRAWN UNDER MY SUPERVISION FROM AN ACTUAL SURVEY MADE UNDER MY SUPERVISION (DEED DESCRIPTION RECORDED IN BOOK 5605 PAGE 811, ETC.); THAT THE BOUNDARIES NOT SURVEYED ARE CLEARLY INDICATED AS DRAWN FROM INFORMATION FOUND IN ABOVE; THAT THE RATIO OF PRECISION AS CALCULATED IS 1:10,000; THAT THIS PLAT WAS PREPARED IN ACCORDANCE WITH G.S. 47-30 AS AMENDED. WITNESS MY ORIGINAL SIGNATURE, LICENSE NUMBER, AND SEAL. THIS 9th DAY OF SEPTEMBER, 2021.

THIS IS TO CERTIFY THAT THIS SURVEY IS OF ANOTHER CATEGORY, SUCH AS THE RECOMBINATION OF EXISTING PARCELS, A COURT ORDERED SURVEY, OR OTHER EXEMPTION OR EXCEPTION TO THE DEFINITION OF SUBDIVISION.

THIS IS TO CERTIFY THAT THIS SURVEY IS AN ANNEXATION SURVEY, WHICH IS AN EXCEPTION TO THE DEFINITION OF "SUBDIVISION" PURSUANT TO GENERAL STATUTE 47-30f.11d

_____
NCPLS #L-4689

REVISIONS:
DATE
12/6/2021 COMMENTS
12/8/2021 COMMENTS
1/10/2022 COMMENTS
2/2/2022 COMMENTS
SCALE: 1" = 150' 4/26/2022 COMMENTS
PROJECT: 21-0447 4/26/2022 (rev1) COMMENTS
DRAWN BY:RD 4/26/2022 (rev2) COMMENTS
FIELD WORK:RN,GH 12/5/2022 DEED REF.
DECEMBER 2, 2021 12/7/2022 COMMENTS
DWG: CARLSON\2021\Martin Luther King Jr Blvd
COGO: 2021\M\Martin Luther King Jr Blvd

ANNEXATION NOTES:

TOTAL LINEAR FEET OF BOUNDARY: 9,056.61'

LINEAR FEET OF BOUNDARY CONTIGUOUS WITH EXISITING 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.

PROPERTY OWNER ADDRESS INFO

ANJANI VENTURES, LLC,
A GEORGIA LIMITED LIABILITY COMPANY
#8815 CRUDEN BAY CT
DULUTH, GA 30097

LINE TABLE

LINE	BEARING	LENGTH
L1	N47°46'16"E	56.65
L2	S21°13'33"E	18.86
L3	S19°32'19"E	19.22
L4	N82°38'53"E	70.20
L5	N82°40'39"E	69.51
L6	S47°34'46"E	81.80
L7	N89°56'48"W	30.00
L8	N05°41'54"E	17.84

CURVE TABLE

CURVE	RADIUS	LENGTH	BEARING	CHORD
C1	2125.00	318.62	N86°59'38"E	318.32
C2	1075.00	310.49	S08°11'23"E	309.41
C3	1375.00	397.31	S08°11'37"E	395.93
C4	2540.00	149.50	N84°22'54"E	149.48

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: GEOID18; NAVD 88
(8) COMBINED GRID FACTOR(S): 0.99985789
(9) UNITS: U.S. SURVEY FEET

BASE STATIONS USED

PID	DESIGNATION	LATITUDE	LONGITUDE	DISTANCE(m)
DG5755	NCAL ALBEMARLE CORS ARP	N352017.303	W0801248.525	51548.0
DM3995	NCRO ROCKINGHAM CORS ARP	N345751.987	W0794747.740	71565.9
DO2638	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
DG5938	NCCA CARTHAGE CORS ARP	N352030.048	W0792305.085	115889.6

GRAPHIC SCALE

150 0 75 150 300 600

(IN FEET)
1 inch = 150 ft.

CAROLINA SURVEYORS, INC.
P.O. BOX 267 PINEVILLE, N.C. 28134-0267
THOMAS E. WHITE, NCPLS & SCPLS 704-889-7601
CERTIFICATE OF AUTHORIZATION NC:C-1242 SC:886

AN ANNEXATION BOUNDARY FOR THE CITY OF MONROE
THE PROPERTY OF
ANJANI VENTURES, LLC, A GEORGIA LIMITED LIABILITY COMPANY
TOTAL AREA: 21.695 ACRES
MONROE TOWNSHIP, UNION COUNTY, NORTH CAROLINA

LEGEND:

EIP = EXISTING IRON PIN
OIP = OLD IRON PIPE
SIP = SET IRON PIN
R/W = RIGHT OF WAY
AC = AIR CONDITIONING UNIT
PWR = POWER POLE
PM = POWER METER
PP = POWER POLE
LP = LIGHT POLE
GM = GAS METER
TELE = TELEPHONE PEDESTAL
CATV = CABLE TELEVISION
FOB = FIBER OPTIC BOX
TSB = TRAFFIC SIGNAL BOX
WM = WATER METER
FES = FLARED END SECTION
RCP = REINFORCED CONCRETE PIPE
CMP = CORRUGATED METAL PIPE
CPP = CORRUGATED PLASTIC PIPE
PVC = POLYVINYL CHLORIDE PIPE
DU = DESTINATION UNKNOWN
SDE = STORM DRAINAGE EASEMENT
SDMH = STORM DRAIN MANHOLE
CB = CATCH BASIN
YI = YARD INLET
DI = DROP INLET
SSE = SANITARY SEWER EASEMENT
SSMH = SANITARY SEWER MANHOLE
CO = SEWER CLEAN OUT
BC = BACK OF CURB
(T) = TOTAL DISTANCE
GP = GUY POLE

SYMBOL LEGEND

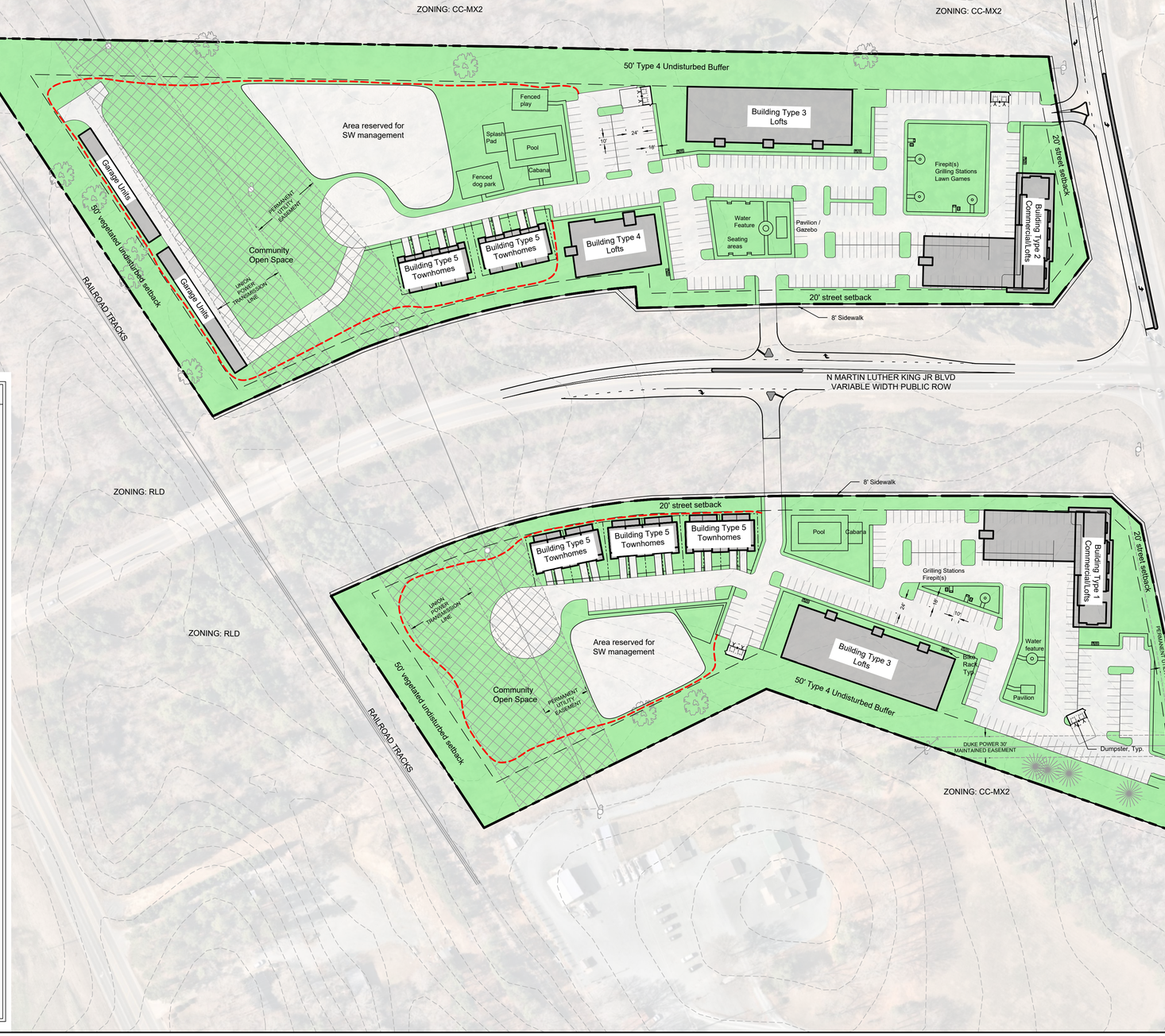
- SET MONUMENT (TYPE INDICATED)
- EXISTING MONUMENT (TYPE INDICATED)
- CALCULATED POINT
- GV GAS VALVE
- WV WATER VALVE
- MB MAIL BOX
- WM WATER METER
- W WELL
- FH FIRE HYDRANT
- SSMH SANITARY SEWER MANHOLE
- SDMH STORM DRAIN MANHOLE
- TMH TELEPHONE/COMMUNICATIONS MANHOLE
- EMH ELECTRIC MANHOLE
- DECIDUOUS TREE
- EVERGREEN TREE
- LP LIGHT POLE
- PP POWER/UTILITY POLE
- BFP BACK FLOW PREVENTOR
- GW GUY WIRE
- CB CATCH BASIN
- DI DROP INLET
- YI YARD INLET

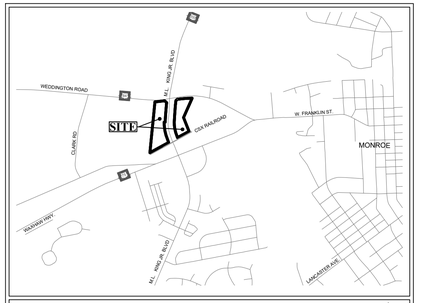
LINETYPE LEGEND

- BOUNDARY LINE
- TIE LINE
- RIGHT OF WAY
- APPROXIMATE RIGHT OF WAY (NOT SURVEYED)
- ADJOINING LINE (NOT SURVEYED)
- CITY OF MONROE LIMITS
- FENCE
- STORM DRAIN PIPE
- OVERHEAD ELECTRIC
- SANITARY SEWER PIPE
- UNDERGROUND ELECTRIC
- UNDERGROUND GAS
- UNDERGROUND TELECOMMUNICATIONS
- UNDERGROUND WATER
- UNDERGROUND UTILITY (TYPE UNKNOWN)
- PERMANENT UTILITY EASEMENT (DB 5227/261 & 5238/671)
- UNION POWER TRANSMISSION LINE RIGHT OF WAY

NOTES:

1. IRON PINS SET AT ALL CORNERS UNLESS OTHERWISE NOTED.
2. PROPERTY ZONED: R-20 (SETBACKS & ZONING MATTERS ARE SUBJECT TO INTERPRETATION BY LOCAL MUNICIPALITIES)
3. TAX PARCEL NUMBERS AS SHOWN.
4. DEED REFERENCES AS SHOWN.
5. BOUNDARY SURVEY ONLY THROUGH POINTS AS SHOWN.
6. THIS PROPERTY IS LOCATED WITHIN AN AREA HAVING A ZONE DESIGNATION X BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA), ON FLOOD INSURANCE RATE MAP (FIRM) NO. 3710542500J, WITH A DATE OF IDENTIFICATION OF 10/16/2008.
7. THIS PROPERTY MAY BE SUBJECT TO ADDITIONAL RECORDED OR UNRECORDED EASEMENTS, RIGHTS-OF-WAY, OR RESTRICTIVE COVENANTS, OTHER THAN SHOWN. SURVEY MADE WITHOUT THE BENEFIT OF A TITLE EXAMINATION.
8. AREA COMPUTED BY COORDINATE METHOD.
9. NO NCGS MONUMENT FOUND WITHIN 2000'.
10. UTILITY LOCATIONS SHOWN ARE LOCATED BASED ON SITE CONDITIONS AND MARKINGS AT THE TIME OF SURVEY. CONTRACTORS ARE TO HAVE ALL UTILITIES ACCURATELY MARKED PRIOR TO CONSTRUCTION.
11. ANY CONSTRUCTION OR USE WITHIN ANY DELINEATED FLOOD AREA IS SUBJECT TO THE RESTRICTIONS IMPOSED BY ANY APPLICABLE ORDINANCES OR REGULATIONS.
12. OFFSITE ADJOINER LINES AND RIGHT-OF-WAY LINES SHOWN AS DASHED ARE APPROXIMATE AND ARE FOR ILLUSTRATIVE PURPOSES ONLY.
13. LINES SHOWN REPRESENTING FENCES AND WALLS ARE MEASURED FROM THE APPROXIMATE CENTERLINE AND DO NOT ACCOUNT FOR THE THICKNESS, PLUMBNESS OR MEANDER OF THE FENCE UNLESS OTHERWISE STATED.
14. DISTANCES SHOWN ARE U.S. SURVEY FEET UNLESS OTHERWISE NOTED.
15. NOT ALL IMPROVEMENTS ARE SHOWN.





SITE LOCATION MAP

NOT TO SCALE

INFORMATION SOURCES

- PROPERTY LINE INFORMATION FROM SURVEY PROVIDED FROM CAROLINA SURVEYORS, INC.
- ZONING AND TOPOGRAPHY FROM UNION COUNTY GIS
- PROPERTY SETBACKS FROM CITY OF MONROE UNIFIED DEVELOPMENT ORDINANCE

SITE DATA TABLE

DEVELOPMENT DATA:

TAX PARCEL ID:	09313014A, 09316005H, 09313014
EXISTING ZONING:	CCMX-2
PROPOSED ZONING:	PUD
REZONING BOUNDARY AREA:	21.77 ACRES

ZONING STANDARDS:

PROPOSED USES:	COMMERCIAL/RETAIL/OFFICE, RESIDENTIAL MULTI-FAMILY
MAXIMUM BUILDING HEIGHT:	4-STORIES

COMMERCIAL STANDARDS:

MAXIMUM COMMERCIAL ALLOWED:	1.08 ACRES (5%)
PROPOSED COMMERCIAL:	12,600 SF (0.28 ACRES-1.3%)
	6,300± sf each for 1st floor of Type 1 and Type 2 buildings

RESIDENTIAL STANDARDS:

PROPOSED UNITS:	200 CONDOMINIUMS/LOFTS 20 TOWNHOMES
PROPOSED DENSITY:	10.1 UNITS/ACRE
	2nd-4th floors of Type 1 and Type 2 buildings, Type 3, 4 and 5 buildings
LOFT UNIT MIN. SIZES:	1 BED. / 1 BATH = 840 SF 2 BED. / 2 BATH = 1,150 SF 3 BED. / 2 BATH = 1,400 SF
LOFT UNIT MIX:	1 BED. 84 UNITS 2 BED. 104 UNITS 3 BED. 12 UNITS **TOTAL: 200 UNITS**
LOFT SETBACKS:	10' FROM PARKING AREAS* **EXCEPTING WHERE SURFACE PARKING UNDER BUILDING IS PROVIDED*
TOWNHOME MINIMUM WIDTH:	24'
TOWNHOME UNIT SIZES:	2,045 SF 2,255 SF
TOWNHOME LOT SIZE:	1,680 SF MIN.
TOWNHOME SETBACKS:	FRONT YARD: 20' EXTERIOR SIDE: 5' REAR YARD: 10'

PARKING REQUIREMENTS:

COMMERCIAL PARKING REQ:	MIN: 4/1,000 SF MAX: 6/1,000 SF
REQUIRED PARKING:	MIN: 51 SPACES MAX: 76 SPACES
PROVIDED PARKING:	71 SPACES
LOFT PARKING REQ:	MIN:1.5/DU MAX: 2.5/DU
REQUIRED PARKING:	MIN: 300 SPACES MAX: 500 SPACES
PROVIDED PARKING:	400 SPACES
TOWNHOME PARKING REQ:	MIN:1.5/DU MAX: 2.5/DU
REQUIRED PARKING:	MIN: 40 SPACES MAX: N/A
PROVIDED PARKING:	40 SPACES*
	**PROVIDED THROUGH 1-CAR GARAGES AND DRIVEWAY PARKING*
GARAGE UNITS:	APPROX. 38 UNITS
GARAGE UNIT SIZE:	APPROX. 10' x 20'

OPEN SPACE STANDARDS:

REQUIRED OPEN SPACE:	7.6 ACRES (35% OPEN SPACE)
	2 SMALL AND 1 MEDIUM OPEN SPACE TYPES REQUIRED
PROVIDED OPEN SPACE:	12.2± ACRES (56% OPEN SPACE)
	OPEN SPACE TO MEET DESIGN STANDARDS OF SECTION 8.8.3.E

DEVELOPMENT STANDARDS

1. GENERAL PROVISIONS

A. The development and use of the Site will be governed by the Rezoning Plan, these development standards and the applicable provisions of the City of Monroe Unified Development Code (the "Code").

B. The development and uses depicted on the Rezoning Plan are schematic in nature and are intended to depict the general arrangement of such uses and the improvements on the Site. Accordingly, the ultimate layout, locations and sizes of the development and site elements depicted on the Rezoning Plan are graphic representations of the proposed development and site elements, and they may be altered or modified in accordance with the setback, yard and perimeter landscaping requirements set forth on this Rezoning Plan and the development standards, provided, however, that any such alterations and modifications shall not materially change the overall design intent depicted on the Rezoning Plan.

C. The maximum density on the Site shall be 10.1 units to the acre. Increased density will be mitigated through the use of vegetation retention, perimeter buffering and/or placement of buildings internal to the site.

2. TRANSPORTATION AND PARKING

A. Vehicular access shall be as generally depicted on the Rezoning Plan. The placement and configuration of the access points are subject to any minor modifications required to accommodate final site and construction plans and designs and any adjustments required for approval by the City of Monroe and/or the North Carolina Department of Transportation ("NCDOT").

B. The alignments of the internal streets, driveways and vehicular circulation areas may be modified by Applicant to accommodate changes in traffic patterns, parking layouts and any adjustments required for approval by the City of Monroe and/or NCDOT.

C. Prior to the issuance of the first certificate of occupancy for the development, Applicant shall complete the transportation improvements set out below.

(1) In conformance with NCDOT turn lane warrant criteria, separate right turn lanes into the site will be provided at all site entrances. Each right turn lane will be designed and constructed with a minimum 50 feet of storage and a minimum 100 feet of taper. A single outbound right turn lane will be sufficient at all site driveways. Based on the results of the Traffic Impact Analysis (TIA) that all study intersections are forecasted to operate within acceptable Level-of-Service (LOS) thresholds, no off-site roadway improvements are recommended."

D. The site shall be served by internal private drives. Minor adjustments to the locations of the internal private drives shall be allowed during the construction permitting process. Private streets shall meet the City of Monroe roadway standards.

3. ARCHITECTURAL STANDARDS

A. The development requests a major deviation from Section 4.5.2 for maximum building height. The maximum height in stories of any building on the Site shall be 4 stories. Increased height request will be buffered from adjacent properties through the use of vegetation retention, perimeter buffering and/or placement of buildings internal to the site.

B. All elevations, packets, or other supplemental material submitted to staff, planning board, and/or city council in reference and support of any conditional district shall be regarded as an integral element of the approved site plan; minor deviations from submitted material shall be allowed at the discretion of the planning director or his designee.

C. Exterior building materials for Buildings Types 1,2,3 and 4 shall be face brick on ground level and fiber cement (combination of plank and panel/reveal) on levels 2-4. Exterior building materials for Building Type 5 (Townhomes) shall be face brick on ground level and fiber cement (combination of plank and panel/reveal) on levels 2-3. Windows shall be single hung and vinyl, and balconies shall be aluminum.

D. All townhome units shall be provided with at minimum 1-car garages.

4. LIGHTING

A. All exterior lighting shall comply with the Code. Full cutoff fixtures shall be used for exterior parking lot lighting.

5. SIGNS

A. Project shall follow sign regulations for mixed use zoning districts.

6. LANDSCAPING

A. Perimeter Buffers shall be provided as shown on the Plan and shall remain undisturbed. In all cases, buffers may be crossed with utility crossings as needed to serve the site.

B. Petitioner requests deviation from 6' opaque wall or berm within 50' Type 4 Buffer.

C. Trees measuring 75" circumference in perimeter buffers shall be preserved. Trees measuring 75" in circumference in required open space areas shall be preserved and if removed, shall be mitigated. Mitigation measures shall include planting 3" caliper trees at time of planting. Exact numbers for trees removed and mitigated shall be determined at time of site plan submittal.

D. Eight (8)' Sidewalks shall be provided along N Martin Luther King Jr Blvd and Weddington Road. Locations shown on plan are graphic in nature and subject to change based on City of Monroe review and approvals.

E. Streetscape along Weddington Road and N Martin Luther King Jr Blvd shall retain existing vegetation where possible. Where vegetation is removed for installation of sidewalk and other roadway improvements, street trees at regular intervals shall be provided. Decorative landscaping shall be provided at each entrance to the site. In no case shall plantings or structures be installed in site triangles.

F. Petitioner shall provide common open space areas as generally depicted on the plan. Common open space shall be recorded and deeded to the HomeOwner's Association (HOA) and/or Property Management Group who will be responsible for the ownership and maintenance of open space, common areas, BMP areas, etc.

G. Amenity area programming shall include, but is not limited to, the following: Pool(s) and cabana(s), spashpad, fire pit(s), water feature(s), fenced in dog park(s), grilling station(s), pavilion or gazebo, and lawn games.

7. ENVIRONMENTAL

A. The Petitioner shall comply with the City of Monroe's adopted Stormwater Management Ordinance. The location, size and type of stormwater management systems depicted on the plan are subject to review and approval as part of the full development plan submittal and are not implicitly approved with this rezoning. Adjustments may be necessary in order to accommodate actual stormwater treatment requirements and natural site discharge points.

8. PHASING

A. The development is intended to be designed and constructed in one phase.

9. UTILITIES

A. Utilities plan shall be provided as part of the site design package and comply with City of Monroe Code standards. Development shall connect to City of Monroe public water and public sewer.

GRAPHIC SCALE IN FEET
0 40 80 160
NORTH

STARLITE PLANNED DEVELOPMENT MASTER PLAN

DATE: 03-27-2023

REVISED: 05-05-2023

Kimley»Horn
NC LICENSE #F-0102
200 SOUTH TRYON STREET, SUITE 200
CHARLOTTE, NORTH CAROLINA 28202
PHONE 704-333-5131

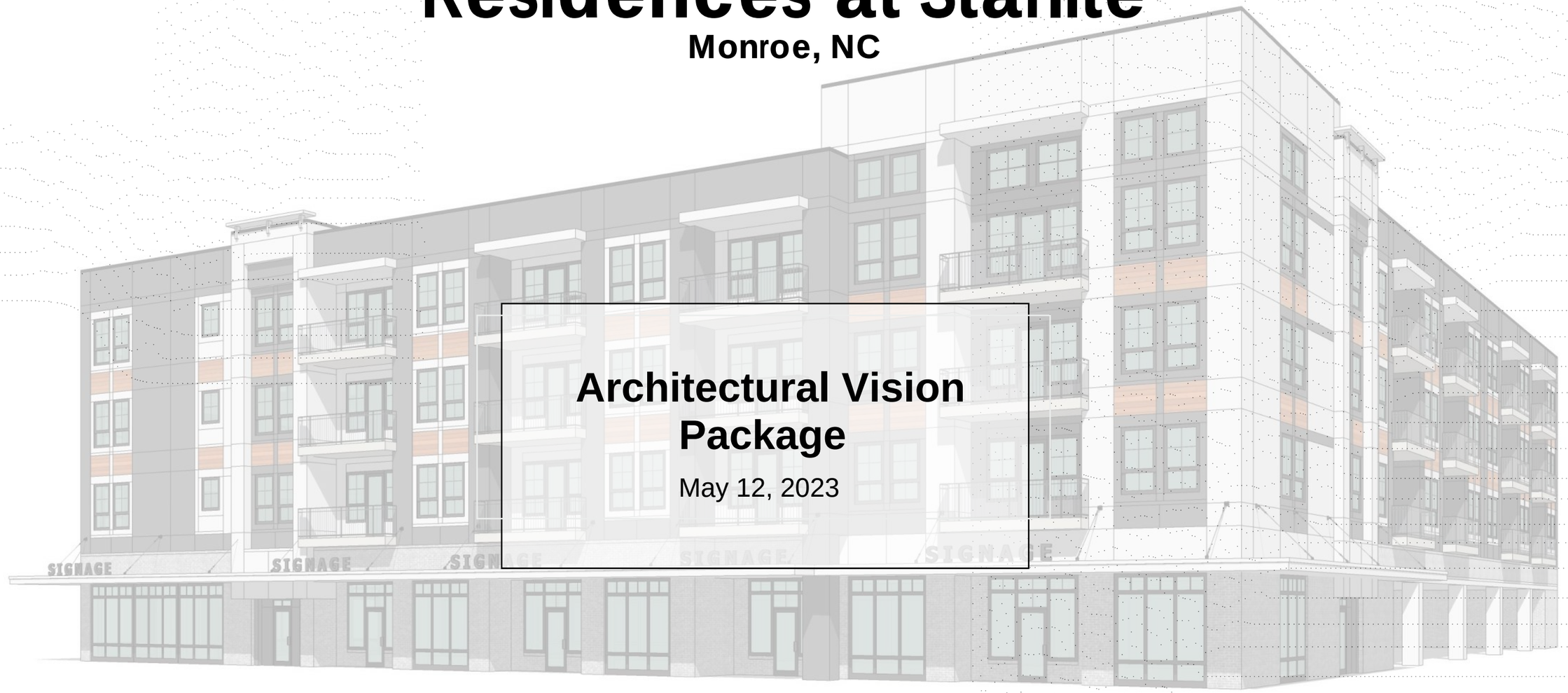
© 2023

THIS DOCUMENT, TOGETHER WITH THE CONCEPTS AND DESIGNS PRESENTED HEREIN, AS AN INSTRUMENT OF SERVICE, IS INTENDED ONLY FOR THE SPECIFIC PURPOSE AND CLIENT FOR WHICH IT WAS PREPARED. REUSE OF AND IMPROPER RELIANCE ON THIS DOCUMENT WITHOUT WRITTEN AUTHORIZATION AND ADAPTATION BY KIMLEY-HORN AND ASSOCIATES, INC. SHALL BE WITHOUT LIABILITY TO KIMLEY-HORN AND ASSOCIATES, INC.

Drawing name: K:\DAL_PKV\291607 Starlite\V2\ - DWG\Donnell\Starlite Rezoning Plan_2023.05.01.dwg DWB Jun 01, 2023 4:56pm by anna.whitley

Residences at Starlite

Monroe, NC



Architectural Vision Package

May 12, 2023

SGA | NW
a GF design company

EAGLE
PROPERTY GROUP

Kimley»Horn

Note: This is a design package for Town of Monroe review. It is conceptual in nature and subject to change as the project evolves.

Site Plan (by Kimley-Horn)

Note: This plan is conceptual in nature and subject to change.

A.2

N.T.S.

SGA | NW
a GF design company

Residences at Starlite
Monroe, NC

EAGLE I PROPERTY GROUP

Birds Eye 1 - View from the Northwest

Note: This plan is conceptual in nature and subject to change.

A.3

SGA | NW
a GF design company

Residences at Starlite
Monroe, NC

EAGLE
PROPERTY GROUP

Birds Eye 2 - View from the Southwest

A.4

Note: This plan is conceptual in nature and subject to change.

SGA | NW
a GF design company

Residences at Starlite
Monroe, NC

EAGLE
PROPERTY GROUP

Birds Eye 3 - View from the Southwest (Pool #2)

A.5

Note: This plan is conceptual in nature and subject to change.

SGA | NW
a GF design company

Residences at Starlite
Monroe, NC

EAGLE I PROPERTY GROUP

Birds Eye 4 - View from the South (Pool #1)

A.6

Note: This plan is conceptual in nature and subject to change.

SGA | NW
a GF design company

Residences at Starlite
Monroe, NC

EAGLE
PROPERTY GROUP

Birds Eye 5 - View from the East (connecting drives)

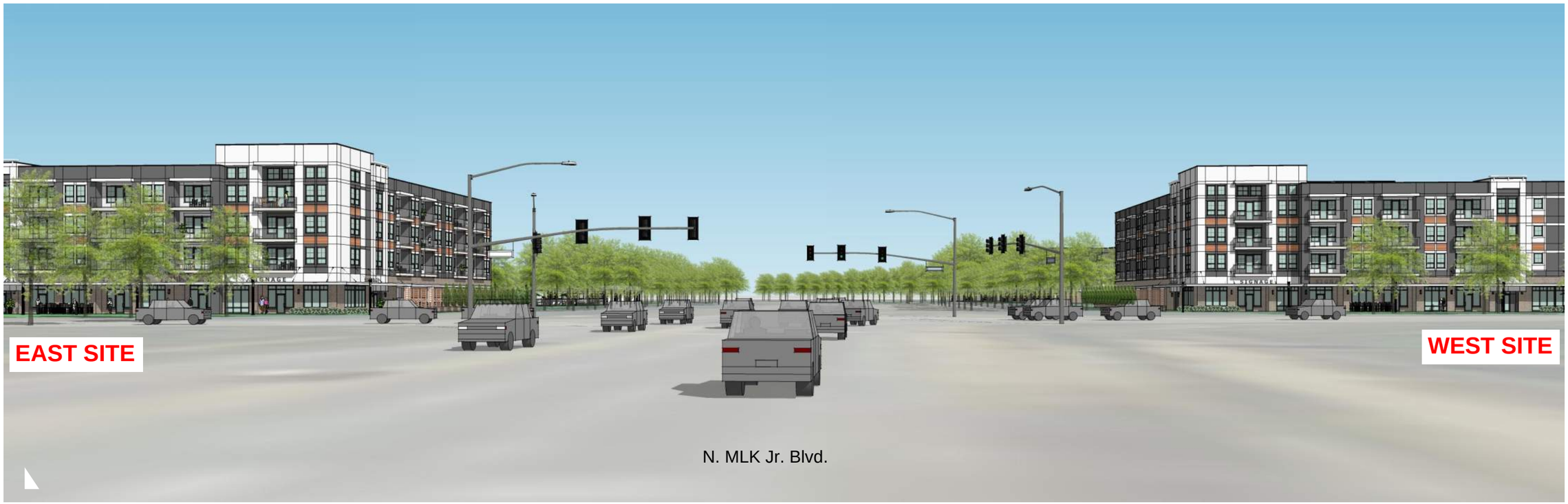
A.7

Note: This plan is conceptual in nature and subject to change.

SGA | NW
a GF design company

Residences at Starlite
Monroe, NC

EAGLE
PROPERTY GROUP



View of Bldg. Types 1 & 2 - View from N. MLK, Jr. Blvd.

A.8

Note: This plan is conceptual in nature and subject to change.

SGA | NW
a GF design company

Residences at Starlite
Monroe, NC

EAGLE
PROPERTY GROUP

View of Bldg. Types 1 & 2 - View from Weddington Rd.

A.9

Note: This plan is conceptual in nature and subject to change.

SGA | NW
a GF design company

Residences at Starlite
Monroe, NC

EAGLE
PROPERTY GROUP

Building Type 1 (4 Levels/39 Units/6,300 SF Commercial @ street level) **A.10**

Note: This plan is conceptual in nature and subject to change.

SGA | NW
a GF design company

Residences at Starlite
Monroe, NC

EAGLE
PROPERTY GROUP

Building Type 1 - View from Intersection of N. MLK Jr. Blvd. & Weddington Rd.

A.11

Note: This plan is conceptual in nature and subject to change.

SGA | NW
a GF design company

Residences at Starlite
Monroe, NC

EAGLE
PROPERTY GROUP

Building Type 1 - View from Amenity Lawn

A.12

Note: This plan is conceptual in nature and subject to change.

SGA | NW
a GF design company

Residences at Starlite
Monroe, NC

EAGLE
PROPERTY GROUP

Building Type 1 - View from Building Type 3

A.13

Note: This plan is conceptual in nature and subject to change.

SGA | NW
a GF design company

Residences at Starlite
Monroe, NC

EAGLE
PROPERTY GROUP

Building Type 2 - View from Amenity Lawn

A.14

Note: This plan is conceptual in nature and subject to change.

SGA | NW
a GF design company

Residences at Starlite
Monroe, NC

EAGLE
PROPERTY GROUP

Building Type 2 - View from Amenity Lawn

A.15

Note: This plan is conceptual in nature and subject to change.

SGA | NW
a GF design company

Residences at Starlite
Monroe, NC

EAGLE
PROPERTY GROUP

Building Type 3 (4 Level/48 Unit Option)

A.16

Note: This plan is conceptual in nature and subject to change.

SGA | NW
a GF design company

Residences at Starlite
Monroe, NC

EAGLE I PROPERTY GROUP

Building Type 3 (3 Level/36 Unit Option)

A.17

Note: This plan is conceptual in nature and subject to change.

SGA | NW
a GF design company

Residences at Starlite
Monroe, NC

EAGLE I PROPERTY GROUP

Building Type 4 (4 Levels/24 Units)

A.18

Note: This plan is conceptual in nature and subject to change.

SGA | NW
a GF design company

Residences at Starlite
Monroe, NC

EAGLE
PROPERTY GROUP

Building Type 5 - Townhomes (3 Levels/4 Units each building)

A.19

Note: This plan is conceptual in nature and subject to change.

SGA | NW
a GF design company

Residences at Starlite
Monroe, NC

EAGLE
PROPERTY GROUP

Building Type 5 - Townhomes - View from Pool #2

A.20

Note: This plan is conceptual in nature and subject to change.

SGA | NW
a GF design company

Residences at Starlite
Monroe, NC

EAGLE
PROPERTY GROUP

RESIDENCES AT STARLITE

Traffic Impact Analysis

City of Monroe, North Carolina

March 13, 2023

Prepared by:

Wells + Associates, Inc.

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gpvaughan@wellsandassociates.com

Riaz Kureshi
arkureshi@wellsandassociates.com

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Charlotte, North Carolina 28280
(704) 951-5650

www.WellsAndAssociates.com

@WellsAssoc @WellsandAssociates Wells + Associates

CONCLUSIONS

The conclusions of this TIA are as follows:

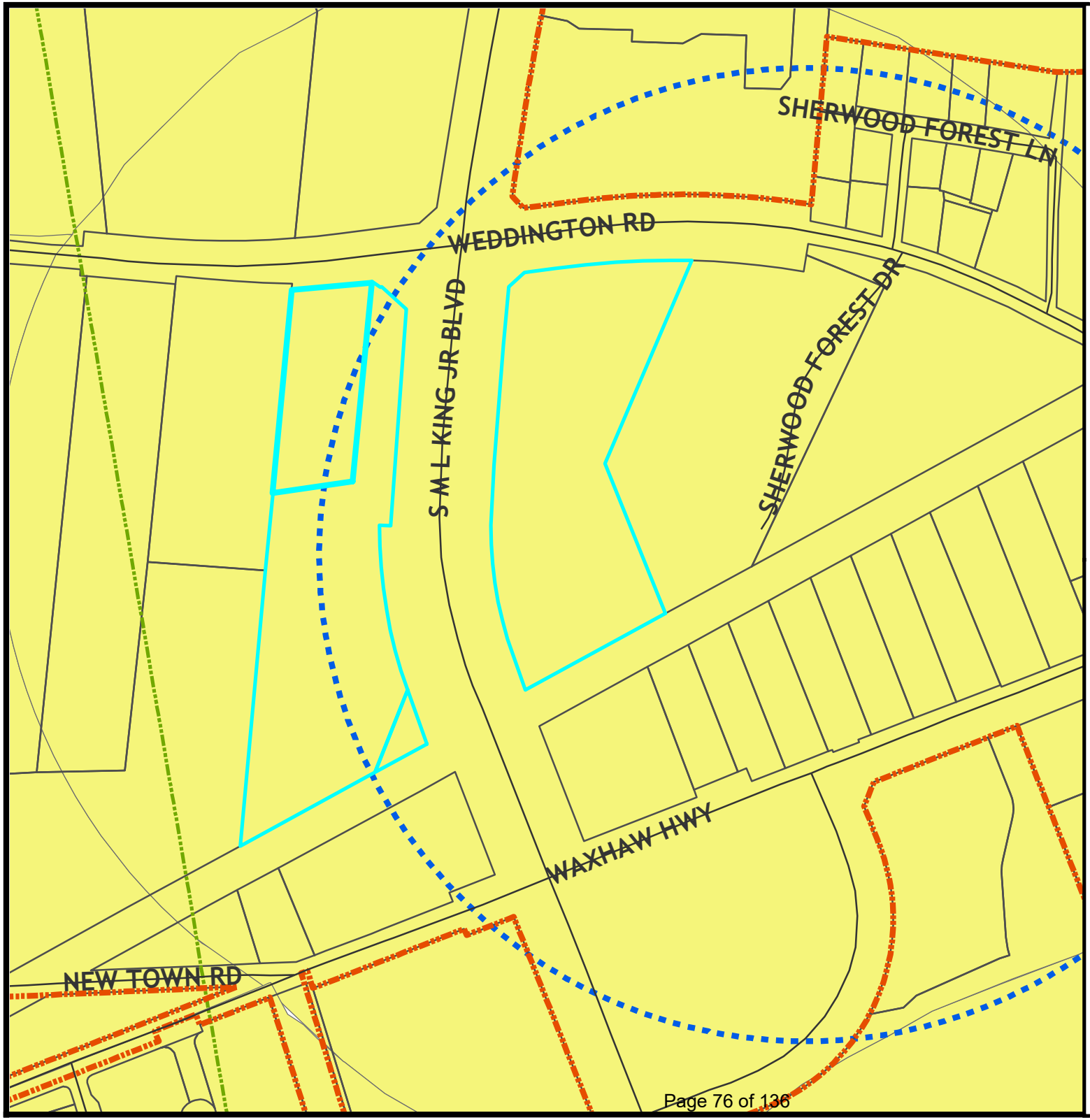
1. The results of the existing baseline conditions indicate that all of the study intersections currently operate at good levels of service and that vehicular queues are accommodated within available turn lane storage bays.

2. Under future background conditions in 2025 (without the proposed Project), delays are estimated to increase marginally due to regional traffic growth and pipeline developments but continue to operate at overall acceptable levels of service.

3. Based on ITE's *Trip Generation Manual*, the proposed development is estimated to generate 130 AM peak hour trips (43 in and 87 out), 214 PM peak hour trips (123 in and 91 out), and 2,349 weekday daily trips.

4. The results of the future analyses in 2025 with the buildout and operation of the project indicate that delays would slightly increase at the study offsite intersections, but all remain within acceptable operations. The site driveways would also operate at acceptable levels of service with the development of the site. Based on NCDOT warrants, it is recommended that separate right turn lanes into the site be provided at all site driveways. A single outbound right turn lane would be sufficient at all site driveways. Estimated vehicular queues would also generally be adequately accommodated within existing turn lane storage bays.

5. Given the results of the study and all intersections operating within acceptable LOS thresholds, no off-site roadway improvements are recommended by the Applicant.



City of Monroe
Where Heartland Meets High Tech

Future Land Use Map

Case #: PLANXA 2023-00161

Legend

- Centerlines
- City Limits
- Parcels
- MONROE.Neighborhood Centers

FLUM

- Suburban

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

Owner: Anjani Ventures, LLC

Acres: 21.69

N
W E
S

0 360 720
Feet

Land Use and Transportation Plan

Neighborhood Mixed-Use Centers provide neighborhood retail, professional office, service, and other community-oriented activities and uses for surrounding residential areas. In general, these centers are smaller in scale than Regional Mixed-Use Centers. The center's proximity to residential areas requires design to be integrated with and at a scale compatible with nearby residential development. These centers measure half-a-mile across, representing approximately a 10-minute walking distance. The design transitions effectively between residential and nonresidential uses, and includes safe and convenient pedestrian and bicycle access for nearby residents. While commercial uses are likely to be prominent, these centers should emphasize a mixture of uses and residential housing units where possible. Single family residential should be discouraged but may be used as a transition between land uses or to maintain continuity between the surrounding neighborhoods. For some centers, housing may include upper story residential and office uses. Site designs should minimize the impact of cut-through traffic on nearby neighborhood streets by orienting vehicle access and circulation away from surrounding neighborhoods.

RESOLUTION APPROVING LAND USE AND TRANSPORTATION PLAN COMPLIANCE PLANNED UNIT DEVELOPMENT "STARLITE"

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 Planned Unit Development "Starlite" further described below property is consistent with the adopted Land Use and Transportation Plan. The Land Use and Transportation Plan indicates this area is located in a Neighborhood Mixed-Use Center. While commercial uses are likely to be prominent, these centers should emphasize a mixture of uses and residential housing units where possible. Single-family residential should be discouraged but may be used as a transition between land uses or to maintain continuity between the surrounding neighborhoods. The Neighborhood Mixed-Use Center allows mixed-use projects without a cap on residential density. The proposed project is a mixed use project that will consist of condominiums/lofts, townhomes, and commercial uses with a density of 10.14 units per acre; 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 project is being proposed at an intersection where nonresidential uses and higher density multi-family uses would primarily locate.

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 properties with Union County Tax Parcel Number(s): 09-313-014, 09-313-014-A and a portion of 09-316-005-H.

Adopted this 7th day of June, 2023.

_____
Richard A. Yercheck, Chair

Attest:

_____
Ashlyn Penegar, Secretary to Planning Board

RESOLUTION DENYING LAND USE AND TRANSPORTATION PLAN COMPLIANCE PLANNED UNIT DEVELOPMENT "STARLITE"

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 Planned Unit Development "Starlite" further described below property is consistent with the adopted Land Use and Transportation Plan. The Land Use and Transportation Plan indicates this area is located in a Neighborhood Mixed-Use Center. While commercial uses are likely to be prominent, these centers should emphasize a mixture of uses and residential housing units where possible. Single-family residential should be discouraged but may be used as a transition between land uses or to maintain continuity between the surrounding neighborhoods. The Neighborhood Mixed-Use Center allows mixed-use projects without a cap on residential density. The proposed project is a mixed use project that will consist of condominiums/lofts, townhomes, and commercial uses with a density of 10.14 units per acre; therefore, the project is consistent with the Land Use and Transportation Plan. However, the proposed development 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 for property with Union County Tax Parcel Number(s): 09-313-014, 09-313-014-A and a portion of 09-316-005-H.

Adopted this 7th day of June, 2023.

_____
Richard A. Yercheck, 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 at the intersection of ML King Jr. Boulevard and Weddington Road and further identified as tax parcel #'s 09-313-014, 09-313-014-A and 09-316-005-H. The request is to rezone the properties from Community Corridor Mixed–Use 2 (CCMX-2) to Planned Unit Development "Starlite".

Section 2. This Ordinance shall be effective upon adoption.

Adopted this 11th day of July, 2023.

Attest: Marion L. Holloway Jr., Mayor

Bridgette H. Robinson, City Clerk

STAFF REPORT

TO: Planning Board

DATE: June 7, 2023

FROM: Lisa Stiwinter, Planning and Development Director

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

SUMMARY STATEMENT

Planning Board is requested to consider taking action to adopt a zoning text amendment to amend the Code of Ordinances-Title XV: Land Usage, Chapter 157, Section 4.2: *Residential Zoning Districts.*

REVIEW

Planning Board and City Council members have raised concerns regarding single-family residential subdivisions with lot counts greater than 50 lots being reviewed and approved as a by-right (staff level) development. Planning Board and City Council are interested in single-family residential subdivision that contains lots counts greater than 50 lots go through a rezoning approval process where the development is reviewed by Planning Board and approved/denied by City Council.

Planning staff has drafted a zoning text amendment to Section 4.2: *Residential Zoning Districts* for Planning Boards consideration.

§157.4.2 RESIDENTIAL ZONING DISTRICTS

A. **Purpose and Intent.** The residential zoning districts are intended to provide a safe and healthy environment for residents to live. Uses which are detrimental to the residential nature of these districts are discouraged. More specifically, the residential zoning districts intend to:

1. Implement the residential and suburban land use character areas identified in the Forward Monroe plan;
2. Permit a variety of residential uses, public and institutional uses, and other supporting uses;
3. Promote open space and recreational opportunities for residents;
4. Offer a range of densities and housing stock to allow for a sustainable mix of residential development, diversity and affordability;
5. Ensure adequate light, air, and privacy for all dwellings;
6. Preserve existing community character while providing for new infill development consistent with the Forward Monroe plan; and
7. Discourage uses that would substantially interfere or would be unsupportive of the character of the district. Compatible uses may be permitted per Section 7: Permissible Uses and Standards.

The four (4) residential zoning districts are listed in Table 4.2, and their standards enumerated, in the Sections below.

B. **Uses.** The residential zoning districts permit residential uses and compatible public and institutional uses. The residential districts allow for a diverse range of housing stock and compatible uses across four (4) residential districts: Residential, Rural (RR)Residential, Low Density (RLD), Residential, Medium Density (RMD), and Residential, High Density (RHD).

C. **Design Standards**. Consistent with N.C.G.S. § 160D-702(b), certain residential development may need to comply with applicable design standards provided for in Section 8.7: Design Standards, of this UDO.

D. **Single-Family Residential Subdivision Rezoning Standards.**

1. A Single-Family Residential Subdivision with lot counts between 50 and 99 lots shall be reviewed as a Conditional District 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)”.
2. Single-Family Residential Subdivisions with lot counts greater than 100 lots shall be reviewed as a Planned Development as outlined in Section 4.5.2 “Planned Unit

Development" following the Planned Developments process outlined in Section 3.4.7 "Planned Developments (Rezoning)".

RECOMMENDATION

Planning Board is requested to consider providing a recommendation on the proposed zoning text amendment to amend the Code of Ordinances-Title XV: Land Usage, Chapter 157, Section 4.2: *Residential Zoning Districts*. Planning staff does not have a recommendation on the proposed zoning text amendment.

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

1. *Zoning action: 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 motion:

1. *Motion to recommend adoption of the Ordinance amending Chapter 157, Section 4.2: Residential Zoning Districts of the UDO*

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 deny the zoning text amendment*

Attachments:
1. R-2023-XX Land Use Plan Compliance
2. O-2023-XX

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 §157.4.2 "RESIDENTIAL ZONING DISTRICTS" as follows:**

§157.4.2 RESIDENTIAL ZONING DISTRICTS

A. **Purpose and Intent.** The residential zoning districts are intended to provide a safe and healthy environment for residents to live. Uses which are detrimental to the residential nature of these districts are discouraged. More specifically, the residential zoning districts intend to:

1. Implement the residential and suburban land use character areas identified in the Forward Monroe plan;
2. Permit a variety of residential uses, public and institutional uses, and other supporting uses;
3. Promote open space and recreational opportunities for residents;
4. Offer a range of densities and housing stock to allow for a sustainable mix of residential development, diversity and affordability;
5. Ensure adequate light, air, and privacy for all dwellings;

6. Preserve existing community character while providing for new infill development consistent with the Forward Monroe plan; and

7. Discourage uses that would substantially interfere or would be unsupportive of the character of the district. Compatible uses may be permitted per Section 7: Permissible Uses and Standards.

The four (4) residential zoning districts are listed in Table 4.2, and their standards enumerated, in the Sections below.

B. **Uses.** The residential zoning districts permit residential uses and compatible public and institutional uses. The residential districts allow for a diverse range of housing stock and compatible uses across four (4) residential districts: Residential, Rural (RR), Residential, Low Density (RLD), Residential, Medium Density (RMD), and Residential, High Density (RHD).

C. **Design Standards**. Consistent with N.C.G.S. § 160D-702(b), certain residential development may need to comply with applicable design standards provided for in Section 8.7: Design Standards, of this UDO.

D. **Single-Family Residential Subdivision Rezoning Standards.**

1. A Single-Family Residential Subdivision with lot counts between 50 and 99 shall be reviewed as a Conditional District 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)".

2. Single-Family Residential Subdivisions with lot counts greater than 100 shall be reviewed as a Planned Development as outlined in Section 4.5.2 "Planned Unit Development" following the Planned Developments process outlined in Section 3.4.7 "Planned Developments (Rezoning)".

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 the Code of Ordinances-Title XV: Land Usage, Chapter 157, Section 4.2: *Residential Zoning Districts* is not consistent with the Land Use and Transportation Plan because the Land Use and Transportation Plan guiding statement states "Monroe will be a dynamic and progressive city that promotes growth that boosts our economy, protects our neighborhoods, and enhances our downtown." By requiring residential subdivisions over 50 lots to go through a legislative rezoning process, we have the potential to limit growth; therefore, it is not consistent. However, the proposed text amendment is a reasonable use and in the public interest because:

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Based on this information, the conditions have changed which justify amending the Land Use and Transportation Plan. As a result of this zoning text amendment recommendation for approval, 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 to amend Section 4.2: *Residential Zoning Districts*

Adopted this 7th day of June, 2023

_____
Richard A. Yercheck, Planning Board 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 text amendment to amend the Code of Ordinances-Title XV: Land Usage, Chapter 157, Section 4.2: *Residential Zoning Districts* is not consistent with the Land Use and Transportation Plan because the Land Use and Transportation Plan guiding statement states "Monroe will be a dynamic and progressive city that promotes growth that boosts our economy, protects our neighborhoods, and enhances our downtown." By requiring residential subdivisions over 50 lots to go through a legislative rezoning process, we have the potential to limit growth; therefore, it is not consistent. The proposed zoning text amendment is not a reasonable use and in the public interest because:

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NOW, THEREFORE, BE IT RESOLVED that the Planning Board of the City of Monroe adopts the Resolution Denying Land Use and Transportation Plan Compliance to amend Section 4.2: *Residential Zoning Districts*

Adopted this 7th day of June, 2023

_____
Richard A. Yercheck, Planning Board Chair

Attest:

_____
Ashlyn Penegar, Secretary to Planning Board

City of Monroe
Where Heartland Meets High Tech

STAFF REPORT

TO: Planning Board

DATE: June 7, 2023

FROM: Lisa Stiwinter, Planning and Development Director

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

SUMMARY STATEMENT

Planning Board is requested to consider a zoning text amendment to Code of Ordinances-Title XV: Land Usage, Chapter 157, Section 8.8: *Open Space Standard.*

REVIEW

The City of Monroe Planning staff has been working with the new UDO for approximately fourteen (14) months now. Through working with the new UDO, it has been brought to Planning's staff attention that a zoning text amendment is required to provide clarifications, include missing language or slightly modifies the Open Space Standards section. A Planning Board Member also submitted some comments to Planning staff to include in the zoning text amendment.

RECOMMENDATION

Planning staff recommends approval of a zoning text amendment to amend the Code of Ordinances-Title XV: Land Usage, Chapter 157, Section 8.8: Open Space Standards of the UDO.

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

1. *Motion to recommend adoption of Resolution Approving/Denying Land Use and Transportation Plan Compliance;*

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

1. *Motion to recommend adoption of the Ordinance amending Chapter 157,* Sect*ion 8.8: Open Space Standards of the UDO.*

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

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

Attachments:
1. O-2023-XX ZTA
2. R-2023-XX Land Use Plan Compliance

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 §157.8.8.3 "OPEN SPACE STANDARDS" as follows:**

§157.8.8.3 OPEN SPACE STANDARDS

8.8.3. OPEN SPACE STANDARDS

A. **Generally.** Open space shall be provided in compliance with this Section. Open space shall be categorized by *Open Space Sizes* (Section 8.8.3.B) and by *Open Space Types* (Section 8.8.3.C) and is subject to *Open Space Percentage Requirements* (Section 8.8.3.D) and *Open Space Design Standards* (Section 8.8.3.E).

B. **Open Space Sizes.** Open space may consist of a variety of different sizes. For the purpose of this Section, open space sizes shall be defined as small, medium, and large. The acreage of open space sizes for each open space size is defined in Table 8.8.1.

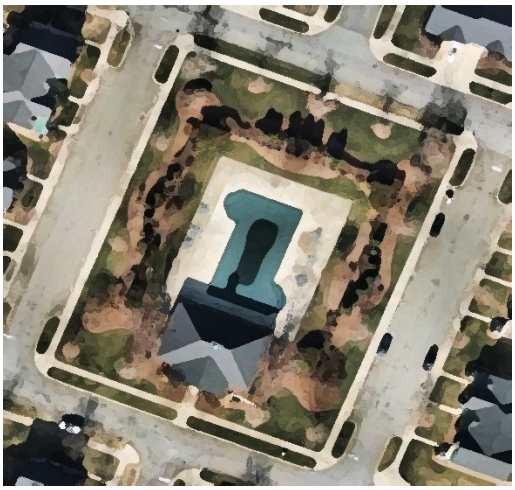
Table 8.8.1. Open Space Sizes

Open Space Size	Acreage (Range)
Small	500 SF – 1.0 Acres
Medium	1.0 – 2.5 Acres
Large	2.5 Acres Or More

C. **Open Space Types.** In addition to different sizes, open space may take different forms, dependent upon both the nature of the development and the land in which it is established. Because of their nature, open space types may be considered more than a single open space size (i.e., an open space type may be considered both a small and medium open space size). Open space includes the following open space types, as defined below:

1. **Pocket Park.** Pocket parks are defined as a small open space. Pocket parks are primarily intended to provide small active or passive recreation opportunities and act as a gathering space for residents or customers. Features shall include a combination of small shade structures, gazebos, seating areas, multi-purpose lawn space, playgrounds, community gardens, dog parks, trails, or natural elements such as a stream or pond.

2. **Amenity Center.** Amenity centers are defined as small or medium open spaces and include a combination of enclosed and open areas. Amenity centers provide recreational opportunities and are typically included in residential developments. Amenity centers shall include a combination of features such as pools, splash pads, areas devoted to water play for kids, clubhouse, small scale recreational facilities such as pickleball, soccer, or shuffleboard, and pavilions. Pavilions associated with an amenity center are open air structures that typically allow for shade, outdoor concerts, exhibits, and other activities commonly associated with neighborhood events. Designs of amenity centers and pavilions should be similar in architecture and material as the residential development.



3. **Green.** Greens are defined as small or medium open spaces. Greens provides more informal, natural spaces supporting active or passive recreation opportunities. Greens are typically bounded by rights-of-ways and the fronts of buildings. Greens shall include a combination of features such as multi-purpose lawn space, lawn games, playgrounds or play spaces, and limited small scale recreational facilities such as pickleball or soccer.

4. **Plaza**. Plazas are defined as small or medium open spaces. Plazas serves as a gathering place for civic, social, and commercial purposes. A plaza may contain a greater amount of impervious coverage than any other open space type. Plazas are typically located in the front or sides of a building or group of buildings and may not be located in the rear of the building or property. Plazas shall include a combination of shade structures, benches, tables, fountains, and public art are required.

5. **Square.** Squares are defined as small or medium open spaces. Squares serve as a more formal open space type for gathering for civic, social, and commercial purposes. Squares are typically rectilinear in shape and are bordered on all sides by a vehicular right-of-way (public and private), which, together with building frontages, creates a definition and boundary. Features shall include a combination of seating areas, pedestrian facilities, play areas, shade structures, gazebos, seating areas, playgrounds, public art, statues, and monuments.

6. **Linear Park**. Linear parks are defined as medium or large open spaces. Linear parks may be formalized based on function (i.e., provide multimodal or connectivity opportunities). Linear parks typically take advantage of scenic environmental attributes and follow a natural feature including but not limited to a stream, wetland system, or man-made natural feature. Features shall include a combination of natural environmental features such as streams, benches, picnic tables, lawn games, and shade structures.

7. **Neighborhood Park**. Neighborhood parks are defined as medium or large open spaces. Neighborhood parks are protected natural spaces that provide opportunities for active and passive recreation. Neighborhood parks shall include at least one of the following: ball fields, tennis courts, basketball courts, fitness areas, paths, trails, meadows, waterbodies, open shelters, performance areas and other recreational amenities. ~~are intended to be a substantial component of a development and provide formal or informal active and passive recreational activities opportunities~~. Neighborhood parks typically serve as a medium or large open space area for residential subdivisions, planned developments, and mixed-use centers.

D. **Open Space Percentage Requirements.** The minimum amount of open space required in a development shall be in accordance with this Section. Nothing in this Section shall restrict the development from providing more than the minimum required open space than what is required in this Section. The gross square footage of open space area shall be used in the calculation of open space percentage requirements. Vehicle use areas, streets, driveways, and sidewalks required per this UDO may not be used toward open space calculations unless explicitly stated in this Section. Required open space must be directly accessible to residents/customers of the development.~~The amount of open space required shall be the greater of the following: 0.5 acres or the percentage identified in subsection (1), (2), (3) and (4) below.~~

1. **Residential Zoning Districts**. All new development subject to this Section within the traditional residential zoning districts as defined in Section 4.2: Residential Zoning Districts, shall require a minimum twentyen percent (210%) open space of the total development size. The required twentyen percent (210%) open space shall also comply with the following additional standards:

a. **Less Than 50 Acres**. For residential developments less than fifty (50) acres in size, required open space shall include at least one (1) small open space type and one (1) medium open space type, as defined in Section 8.3.3.C: Open Space Types. If the residential development is less than ten (10) acres, the development shall provide either ~~not require~~ one (1) medium open space type or a minimum of ten (10%) open space requirement~~, but shall still comply with the minimum ten percent (10%) open space requirement~~. A design alternative may be permitted by the ~~Planning~~ Director of Planning and Development for one (1) large open space type.

b. **Greater Than 50 Acres**. For residential developments greater than fifty (50) acres in size, required open space shall include at least one (1) small or medium open space type and one (1) large open space type, or shall include one (1) small open space type and two (2) medium open space types, as defined Section 8.8.3.C: Open Space Types.

i. For residential developments greater than fifty (50) acres in size, in addition to the required open space types, at least fifty (50) percent of homes must be within one quarter~~-half~~ (1/2~~2~~) mile of a medium or large open space type.

2. **Mixed-Use Zoning Districts.** All new development subject to this Section within mixed-use districts as defined in Section 5: Mixed-Use Zoning Districts, shall require a minimum of fifteen percent (15%) open space of the total development size. The required fifteen percent (15%) open space shall also comply with the following additional standards:

a. **Less Than 25 Acres**. For mixed-use developments less than twenty-five (25) acres, required open space shall include at least two (2) small open space types, as defined in Section 8.8.3.C above.

b. **25-50 Acres**. For mixed-use developments greater than twenty-five (25) acres, but less than fifty (50) acres in size, required open space shall include at least two (2) small open space types and one (1) medium open space type, as defined in Section 8.8.3.C above.

c. **Greater Than 50 Acres**. For mixed-use developments greater than fifty (50) acres in size, required open space shall include at least three (3) small open space types and two (2) medium open space types, as defined in Section 8.8.3.C above. Alternatively, three (3) small open space types may be substituted for one (1) medium open space type, however all percentage requirements shall be met.

3. **Commercial Zoning Districts.** All new development subject to this Section within non-residential districts as defined in Section 4.3: Commercial Zoning Districts, shall require a minimum of five percent (5%) open space of the total development size. The required five percent (5%) open space shall also comply with the following additional standards:
   a. **Less Than 25 Acres.** For commercial developments less than twenty-five (25) acres, required open space shall include at least one (1) small open space type, as defined in Section 8.8.3.C above.
   b. **25-50 Acres**. For commercial developments greater than twenty-five (25) acres, but less than fifty (50) acres in size, required open space shall include at least one (1) small open space type and one (1) medium open space type, as defined in Section 8.8.3.C above.
   c. **Greater Than 50 Acres**. For commercial developments greater than fifty (50) acres in size, required open space shall include at least two (2) small open space types and one (1) medium open space type, as defined in Section 8.8.3.C above.
4. **Planned Developments.** Planned developments shall comply with this Section and Section 4.5: Planned Districts.
   a. **Planned Commerce Development (PCD).** PCD'S shall require a minimum twenty-five percent (25%) open space. PCD's shall incorporate at least two (2) small open space types and one (1) medium open space type, as defined in Section 8.8.3.3.C above.
   b. **Planned Unit Development (PUD).** PUD'S shall require a minimum thirty-five percent (35%) open space. PUD's shall comply with the following additional standards:

i. **10-25 Acres**. For PUD's greater than ten (10) acres, but less than twenty-five (25) acres in size, required open space shall include at least two (2) small open space types and one (1) medium open space types, as defined in Section 8.3.3.C above.

ii. **25-50 Acres**. For PUD's greater than twenty-five (25) acres in size, but less than fifty (50) acres in size, required open space shall include at least two (2) small open space types, two (2) medium open space types, and one (1) large open space type, as defined Section 8.3.3.C above.

iii. **Greater Than 50 Acres**. For PUD's greater than fifty (50) acres in size, required open space shall include at least four (4) small open space types, three (3) medium open space types, and one (1) large open space type, as defined in Section 8.3.3.C above. At least fifty percent (50%) of homes must be within one quarter ~~half~~ (1/~~4~~2) mile of a medium or large open space type~~park~~.

E. **Open Space Design Standards.** The design and incorporation of open space in a development shall comply with the following standards:

1. **Distribution**. Open space shall be, to the maximum amount practicable with respect to environmental considerations and subdivision design, evenly distributed throughout the development.
2. **Distance**. No two open space types shall be adjacent or within 1/4 mile radius of another open space.
3. **Frontage**. All open space shall have at least fifty (50) feet of frontage on at least one (1) public street within the development in which the open space resides.
4. **Consolidation**. Required open space requirements shall not be consolidated to meet the standards of this Section. It is the intent of this Section to require multiple open space types of varying sizes in each development per Section 8.8.3.D: Open Space Percentage Requirements.
5. **Active and Passive Features**. A minimum of fifty percent (50%) of all required open space shall be dedicated and designed to allow for active recreation features. Active recreation and passive features are identified in Table 8.8.2

below. Table 8.8.2 includes, but is not be limited to, those features identified. The Planning Director may administratively approve similar features which keep with the intent of the listed active or passive recreation features.

a. Active recreation is defined as recreational features or equipment taking place at prescribed places, sites or fields, which allow for the active recreational needs of residents or users of the development which they serve.
b. Passive recreation is defined as recreational features that do not require prepared facilities like sports fields or pavilions and require minimal disruption to a site. These include such activities as walking paths and other features defined in Table 8.8.2.

Table 8.8.2 Active and Passive Features

Active Features	Passive Features
Lawn Games and Hard Courts (Pickleball, Tennis, Etc.)	Walking, Bicycle, and Equestrian Trails and Boardwalks
Playgrounds and Play Structures for children, Dog Parks or Play Area	Gardens, Greenway Trails, Courtyards, Indoor Atriums or Land dedicated to public parks
Swimming Pools, Splash Pads and Areas devoted to water play for kids	Lawn Area and Community Greens
Athletic Fields (Soccer, Baseball, Etc.) or Golf Courses	Tables, Shelters, Gazebos, Public Art, Benches, Seating Areas, Fire Pits, Grills and related Picnicking Facilities ~~i~~
Clubhouse, Pavilions, Amenity Centers	Lakes, Ponds, Wetlands and Streams

Obstacles Courses, Exercise Facilities or Exercise Trails	Piers and Docks for Fishing and Viewing Wildlife

6. **Topography**. The average slope of land for active recreation shall not exceed seven-and-one-half percent (7.5%), while the average slope for passive recreation shall not exceed fifteen percent (15%).
7. **Accessibility**. Open space shall be located and designed to be easily accessible for residents and users of the development. Open spaces shall make accommodations to provide universal designs that may be enjoyed by different target users and provide for ADA accessibility.
8. ~~**Public Seating**. Public seating shall be required. Public seating shall be adequate for the anticipated demand of the intended use of the open space and reflective of the number of dwelling units within a development.~~
9. ~~**Receptacles**. Refuse receptacles are required at each entrance and gathering space.~~
10. 8. **Stormwater**. A maximum twenty ~~five~~ percent (20~~5~~%) of total required open space may be stormwater facilities. Only wet stormwater facilities may be counted toward this requirement. Dry pond facilities shall not be counted toward this requirement. Any stormwater facility used toward such requirement shall be treated as a site amenity. In order to be considered a site amenity that is credited towards open space requirements, the stormwater facility shall be publicly accessible and must be a public edge, through improved or primitive trails~~.~~; provide gentle slopes of three-to-one (3:1) or less; include pedestrian elements such as paths, benches, and similar aspects to and around the facility; and vegetation, whether planted or retained. For the purposes of this Section, improved and primitive trails are defined below:
    a. **Improved Trail**. An improved trail shall be defined as a clearly marked, paved, impervious trail.

b. **Primitive Trail**. A primitive trail shall be defined as an unpaved, pervious trail that consists of mulch, crushed stone or similar material.

~~11.~~9. **Environmentally Sensitive Lands and Floodplains.** A maximum twenty percent (20%) of total required open space may be environmentally sensitive lands such as wetlands, protected stream buffers, and floodplains.

~~12.~~10. **Ponds and Lakes**. A maximum of five percent (5%) of total required open space may be ponds and lakes not associated with stormwater retention if at least twenty-five percent (25%) of the shoreline is a public edge. Public access shall be provided that is equivalent to the access provided to private landowners around the lake.

~~13.~~11. **Multi-Phased Developments.** In multi-phased developments, open space shall be provided for each phase in an amount sufficient to satisfy the open space requirements for the subject phase of development and all preceding phases of development.

~~14.~~12. **Landscape Section.** Any landscaping of open spaces shall be in accordance with Section 8.3: Landscaping, Buffering, Fences and Walls.

~~**15. Parking.** A limited amount of parking spaces may count toward open space requirements.~~

~~**a. Small.** Small open spaces shall not count any parking as part of its open space calculation.~~

~~**b. Medium.** Medium open spaces may count up to five (5) parking spaces as part of its open space calculation.~~

~~c. **Large.** Large open spaces may count up to ten (10) parking spaces as part of its open space calculation.~~

F. **Greenways.** Greenways preserve and create open space, encourage physical fitness, provide alternative means of transportation, create opportunities for outdoor recreation, and provide connectivity between open spaces, schools, cultural sites, neighborhoods, and other commuter destinations. Where land is designated as part of The City's adopted greenway/bikeway system, development shall comply with the City's adopted *Greenway/Bikeway Master Plan.* Optionally, new development may also

provide additional greenways and connections to greenways in accordance with the standards of this Section.

1. **Greenway Design**. All greenways shall be a minimum of ten (10) feet wide within a dedicated right-of-way or public easement of at least twenty (20) feet. Greenway connectors shall be a minimum of six (6) feet wide.
2. **Topography**. Greenways and connectors should be designed to fit the contours of the land and should minimize removal of significant trees.
3. **Accessibility.** All greenways shall be designed to accommodate a variety of users including walkers, joggers, cyclists, and similar modes of pedestrian movement.
4. **Paving**. Greenways shall be improved trails of impervious materials. The Planning Director may approve a design alternative for portions of a greenway to be primitive trails, provided a written narrative and illustration of the proposed design alternative is submitted for review.
5. **Public Access.** All greenways and greenway connectors shall be maintained for public access, whether by easement or by public dedication.
6. **Amenities**. For land designated as part of the City's adopted greenway/bikeway system, greenways shall provide basic amenities for targeted users. Such greenways shall provide at least three (3) of the following: drinking fountains, restrooms, trash receptacles, benches, bicycle racks, and shade structures. Way station facilities may also be considered for greenways. These facilities may also include small buildings/kiosks containing exhibits and minor food provisions. Land not designated as part of the City's adopted greenway/bikeway system is not required to meet this requirement.
7. **Open Space Considerations.** Land area dedicated as a greenway shall be credited towards applicable open space percentage requirements in this Section. Greenways are considered to be a passive feature.

G. **Ownership of Open Space.** Open space is intended to remain under private ownership (i.e. not under City ownership) while still being available for public use by residents and users of a development. Ownership of open space shall remain with the owner of the land unless one of the following circumstances exist:

1. **Homeowners Association (HOA)/Property Owners Association (POA).** Open spaces may be owned in common by the owners of a development through a recognized owners association (or similar ownership association).
2. **Nonprofit.** Open spaces may be conveyed to a nonprofit organization (i.e., a conservation group, land trust, etc.) for management. The nonprofit shall be required to manage and maintain the open space.

H. **Maintenance of Open Space.** The owner of open space shall be required to maintain the open space. This shall include regular maintenance of vegetation as well as infrastructure components (stormwater facilities, paths, impervious surfaces, amenities, etc.). Failure to maintain the open space in a good and safe condition (i.e. meeting the standards for maintenance of landscaping in Section 8.3: Landscaping, Buffering, Fences and Walls), shall result in potential penalty by the City, pursuant to Section 1.1.10 of this UDO.

I. **Conservation Subdivisions.** For developments that exceed the minimum requirements of this Section, this UDO allows for the design and implementation of conservation subdivisions, as defined in Section 8.1: Subdivision Regulations. Conservation subdivisions are configured to protect and preserve floodways, wetlands, woodlands, and existing open space. Because of their unique nature, conservation subdivisions may allow for development flexibility to build on smaller lots when open space is provided that exceeds the minimum standards of this Section. Conservation subdivisions may only be permitted in compliance with the standards of Section 8.1.2.D: Conservation Subdivision.

Section 2. This Ordinance shall be effective upon adoption.

Adopted this _____ day of _____, 2023.

Attest: Marion L. Holloway Jr., Mayor

_____

Bridgette H. Robinson, City Clerk

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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 the Code of Ordinances-Title XV: Land Usage, Chapter 157, Section 8.8: *Open Space Standards* is consistent with the Land Use and Transportation Plan because the text amendments includes missing language, provides clarification and modifies language to advance the land use vision outlined in Forward Monroe. The proposed zoning text amendment is a reasonable use and in the public interest because it serves to codify and update zoning standards and regulations that serves to implement the relevant goals and recommendations identified in the Land Use and Transportation Plan.

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 Sections 8.8: *Open Space Standards.*

Adopted this 7th day of June, 2023

_____
Richard A. Yercheck, Planning Board 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 text amendment to amend the Code of Ordinances-Title XV: Land Usage, Chapter 157, Section 5.10: *Mixed-Use Zoning District Incentives* is consistent with the Land Use and Transportation Plan because the text amendments text amendments serves to incentivize mixed-use development and redevelopment to advance the vision outlined in Forward Monroe. However, this proposal is not a reasonable use or in the public interest because:

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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 to amend Sections 5.10: *Mixed-Use Zoning District Incentives.*

Adopted this 7th day of June, 2023

_____
Richard A. Yercheck, Planning Board Chair

Attest:

_____
Ashlyn Penegar, Secretary to Planning Board

STAFF REPORT

TO: Planning Board

DATE: June 7, 2023

FROM: Lisa Stiwinter, Planning and Development Director

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

SUMMARY STATEMENT

Planning Board is requested to consider a zoning text amendment to the Code of Ordinances-Title XV: Land Usage, Chapter 157, Section 5.10: *Mixed-Use Zoning District Incentives.* The purpose of the zoning text amendment is to provide additional incentives in order to provide an opportunity for mixed-use developments to receive a density bonus.

REVIEW

The new UDO was adopted by City Council in April 2022, therefore Planning staff has been working with the new UDO for approximately fourteen (14) months now. Through working with the new UDO, it has been brought to Planning's staff attention that a zoning text amendment is necessary to modify the *Mixed-Use Zoning District Incentive* Section to provide additional incentive options.

One of the goals of the new UDO was to establish various mixed-use zoning districts and development standards that would serve to implement the designated mixed-use centers character area defined in Forward Monroe-Land Use and Transportation Plan. The mixed-use zoning districts intent is to establish mixed-use development and redevelopment that is pedestrian oriented at key locations. The zoning districts seek to enable the development of higher intensity mixed-use centers with a mixture of housing, shopping, employment opportunities and recreational options in close proximity to one another. The mixture and proximity of uses enable residents to meet some of their day to day needs without use of a vehicle.

The Mixed-Use Zoning District Incentive Section was designed to incentivize developments that would propose a mixture of uses that would include both multi-family residential and

commercial uses instead of single-use developments. Developments that utilized the incentive options would receive a density bonus for their proposed developments. Currently, the UDO provides four (4) incentives for development that include: 1) priority land use incentive; 2) adaptive reuse; 3) streetscape enhancements; and 4) additional greenspace. According to the language currently in the UDO a development has to provide 3 out of 4 of the incentive categories listed in order to be permitted at fifty percent (50%) of the maximum density bonus through incentives. For example, a mixed-use project in the Downtown Central Mixed-Use District (DC-MX) that provides: 1) adaptive reuse of an existing building, 2) streetscape enhancements, and 3) additional greenspace in the form of a public plaza, would be able at 12.5 dwelling units/acre. In order to receive 100% of the maximum density bonus through incentives a development is required to provide all four (4) incentives, which is impossible due to the fact that not all properties have an existing building that can be reused or is located within a downtown to provide a streetscape enhancement.

Planning staff has revised the *Mixed-Use Zoning District Incentive* Section of the UDO to include two (2) additional incentives for proposed developments to select to receive additional density bonuses, which are provided in detail below.

F. **Building Configuration.**

1. Incentives for building configuration shall include a minimum of two (2) types listed below:
    a. Compliance with the multi-family residential design standards in Section 8.7.3., Multifamily Design Standards, for single-family attached.
    b. Construction of principle structure in accordance with Barrier Free Design Standards (ANSI A1171.1).
    c. Inclusion of underground parking or parking structures sufficient to accommodate 51 percent or more of the off-street parking requirements.
    d. Include windows on all building sides.
    e. Provision of at least one enclosed recycling station per building suitable for storage and collection of recyclables generated on-site.
    f. Setback of a second or higher story primary building façade wall from the building's first floor primary façade plane by six feet or more.

G. **Sustainable Development.**

1. Incentives are an effort to encourage *sustainable development* practices as a means of addressing climate change and the need for more resilient development practices, the protection of natural resources, and ensuring a high quality of life for future City residents. Development shall include a minimum of three (3) from

Type A and a minimum of four (4) from Type B of sustainable development practices to receive the bonus.

a. Certifications.

i. Type A-Certifications from this type will count toward the minimum three (3) from Type A for Sustainable Development Incentive.:

a. Construction of the principal structure(s) to meet or exceed LEED Platinum certification standards.

b. Construction of the principal structure(s) to meet or exceed LEED Gold certification standards.

c. Construction of the principal structure(s) to meet or exceed BREEAM "Excellent" certification standards.

d. Construction of the principal structure(s) to meet or exceed BREEAM "Very Good" certification standards.

e. Construction of the principal structure(s) to meet or exceed National Green Building Standard's "Emerald" certification standards.

f. Construction of the principal structure(s) to meet or exceed National Green Building Standard's "Gold" certification standards.

ii. Type B-Certifications from this type will count toward the minimum two (2) from Type B for Sustainable Development Incentive.:

a. Construction of the principal structures(s) to meet or exceed LEED Silver certification standards.

b. Construction to the principal structure(s) to meet or exceed LEED Bronze certification standards.

c. Construction of the principal structures(s) to meet or exceed BREEAM "Good" certification standards.

d. Construction of the principal structure(s) to meet or exceed National Green Building Standards "Silver" certification standards.

e. Construction to the principal structure(s) to meet or exceed National Green Building Standards "Bronze" certification standards.

b. Energy Conservation:

i. Type A:

a. Use of central air conditioners that are Energy Star qualified.

b. Use of only solar or tankless water heating systems throughout the structure.

c. Use of white roof or roofing materials with minimum reflectivity rating of 60 percent or more.

d. Pre-plumb and pre-wire structures for solar water heating and photovoltaic installation.

ii. Type B:

a. Provision of skylights in an amount necessary to ensure natural lighting is provided to at least 15 percent of the habitable rooms in the structure.

b. Roof eaves or overhangs of three feet or more on southern or western elevations.

c. Inclusion of shade features (e.g., awnings, louvers, shutters, etc.) to shade all windows and doors on the southern building façade.

d. Shade impervious surfaces and southern/western building exposures to limit heat gain.

e. Inclusion of on-demand hot water systems instead of tank-based systems.

b. Water Conservation and Quality Protection:

i. Type A:

a. Configuration of the principal structure's roof so that at least 50 percent of the roof is "green" roof intended to capture and hold rain water.

b. Inclusion of rain water capture and re-use devices such as cisterns, rain filters, and underground storage basins with a minimum storage capacity of 500 gallons.

c. Provision of a bio-retention area(s) or other appropriate stormwater infiltration system(s) of at least 700 square feet in area.

d. Provision of open space at a rate 200 percent or more beyond the minimum required.

ii. Type B:

a. Provision of bio-retention area(s) or other appropriate stormwater infiltration systems of at least 100 square feet in area.

b. Removal of all lawn or turf in favor of living ground cover.

c. Use of xeriscape landscaping techniques without irrigation.

d. Provision of 150-foot undisturbed buffers adjacent to/surrounding all wetlands or surface waters.

Use of permeable surfacing on 50 percent or more of the vehicular use area.

RECOMMENDATION

Planning staff recommends approval of a zoning text amendment to amend the Code of Ordinances-Title XV: Land Usage, Chapter 157, Section 5.10: *Mixed-Use Zoning District Incentives* of the UDO.

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

1. *Motion to recommend adoption of Resolution Approving/Denying Land Use and Transportation Plan Compliance;*

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:

1. *Motion to recommend adoption of the Ordinance amending Chapter 157,* Section *5.10: Mixed-Use Zoning District Incentives of the UDO.*

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:

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

Attachments:
1. O-2023-XX
2. R-2023-XX Land Use Plan Compliance

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 §157.5.10 "MIXED-USE DISTRICTS INCENTIVES" as follows:

§157.5.10 MIXED-USE DISTRICTS INCENTIVES

A. **Generally**. To promote development and redevelopment of mixed-use zoning districts, incentives may be applied to buildings and developments which qualify based upon the criteria of this Section. To encourage certain public benefits and create a more dynamic public realm, density bonuses may be permitted for the items defined below. Each mixed-use zoning district development standards table shall define the maximum permitted density which may be achieved through incentives. Providing 3 out of the 6 incentive categories listed in this Section shall permit development at fifty percent (50%) of the maximum density bonus through incentives. Providing 4 out of the 6 incentive categories listed in this Section shall permit development at one hundred percent (100%) of the maximum density bonus through incentives. For example, a mixed-use project in the DC-MX district that provides: 1.) Adaptive reuse of an existing building, 2.) Streetscape

enhancements, and 3.) Additional greenspace in the form of a public plaza, would be able to develop at 12.5 dwelling units/acre.

B. **Priority Land Use Incentives.**

1. Priority land uses are recognized from previously adopted City plans (i.e., *Forward Monroe* and the *Downtown Master Plan*) and represent a community vision for a desired land use within a mixed-use zoning district. A mixed-use zoning district may recognize priority land uses and offer density incentives to implement priority land uses within a vertical or horizontal mixture of uses in a building or development. To qualify for this incentive, each building or development must include at least 2 priority land uses, each of which shall be at least 25 percent of the total.

Table 5.10 Priority Land Use Incentives

District	Priority Land Use
DC-MX and DG-MX	Multifamily, Commercial, Civic, Medical
CC-MX1	Multifamily, Commercial, Civic, Office, Medical
CC-MX2	Multifamily, Commercial, Civic, Office, Medical
RC-MX	Multifamily, Commercial, Civic, Office, Medical
MD-MX	Student/Medical Housing, Commercial, Civic, Office, Medical

C. **Adaptive Reuse.**

1. *Adaptive Reuse* refers to the repurposing of an existing structure for new use. For example, converting an old church into a restaurant, an old train station into an office space, or an old mall into multi-family apartments. Adaptive reuse includes structures that contain architectural or cultural value as determined by the Director of Planning and Development.
2. Any development request for adaptive reuse of a building must be stated on applicable City permits.

D. **Streetscape Enhancements.**

1. Incentives for *streetscape enhancements* shall be limited to the DC-MX and DG-MX districts. Streetscape enhancements shall be defined as items which increase the design quality of the street and its visual character by implementing the Downtown Master Plan Section 5.4: Urban Design, including a continuation of sidewalks with large trees and landscaping, wider planting strip (8 feet to 10 feet), uniform lighting with decorative lamps and other street furniture.

E. **Additional Greenspace.**

1. *Additional Greenspace* shall be defined as publicly accessible greenspace that exceeds the required open space for the respective mixed-use zoning district development, as defined in Section 8.8: Open Space. For example, a minimum of ten percent (10%) of open space is required within the DG-MX district. To receive the bonus, the project would need to include fifteen percent (15%) of open space.
    a. Required additional greenspace.
        i. DC-MX and DG-MX: five percent (5%).
        ii. All other Mixed-Use Districts: ten percent (10%).
    b. Additional green space shall be in the form(s) as defined in Section 8.8.3: Open Space Standards.

F. **Building Configuration.**

1. Incentives for building configuration shall include a minimum of two (2) types listed below:
    a. Compliance with the multi-family residential design standards in Section 8.7.3., Multifamily Design Standards, for single-family attached.
    b. Construction of principle structure in accordance with Barrier Free Design Standards (ANSI A1171.1).
    c. Inclusion of underground parking or parking structures sufficient to accommodate 51 percent or more of the off-street parking requirements.
    d. Include windows on all building sides.
    e. Provision of at least one enclosed recycling station per building suitable for storage and collection of recyclables generated on-site.
    f. Setback of a second or higher story primary building façade wall from the building's first floor primary façade plane by six feet or more.

G. **Sustainable Development.**

1. Incentives are an effort to encourage *sustainable development* practices as a means of addressing climate change and the need for more resilient development practices, the protection of natural resources, and ensuring a high quality of life for future City residents. Development shall include a minimum of three (3) from Type A and a minimum of four (4) from Type B of sustainable development practices to receive the bonus.

   a. Certifications.

      i. Type A-Certifications from this type will count toward the minimum three (3) from Type A for Sustainable Development Incentive.:

         a. Construction of the principal structure(s) to meet or exceed LEED Platinum certification standards.
         b. Construction of the principal structure(s) to meet or exceed LEED Gold certification standards.
         c. Construction of the principal structure(s) to meet or exceed BREEAM "Excellent" certification standards.
         d. Construction of the principal structure(s) to meet or exceed BREEAM "Very Good" certification standards.
         e. Construction of the principal structure(s) to meet or exceed National Green Building Standard's "Emerald" certification standards.
         f. Construction of the principal structure(s) to meet or exceed National Green Building Standard's "Gold" certification standards.

      ii. Type B-Certifications from this type will count toward the minimum two (2) from Type B for Sustainable Development Incentive.:

         a. Construction of the principal structures(s) to meet or exceed LEED Silver certification standards.
         b. Construction to the principal structure(s) to meet or exceed LEED Bronze certification standards.
         c. Construction of the principal structures(s) to meet or exceed BREEAM "Good" certification standards.

d. Construction of the principal structure(s) to meet or exceed National Green Building Standards "Silver" certification standards.
e. Construction to the principal structure(s) to meet or exceed National Green Building Standards "Bronze" certification standards.

b. Energy Conservation:
   i. Type A:
      a. Use of central air conditioners that are Energy Star qualified.
      b. Use of only solar or tankless water heating systems throughout the structure.
      c. Use of white roof or roofing materials with minimum reflectivity rating of 60 percent or more.
      d. Pre-plumb and pre-wire structures for solar water heating and photovoltaic installation.
   ii. Type B:
      a. Provision of skylights in an amount necessary to ensure natural lighting is provided to at least 15 percent of the habitable rooms in the structure.
      b. Roof eaves or overhangs of three feet or more on southern or western elevations.
      c. Inclusion of shade features (e.g., awnings, louvers, shutters, etc.) to shade all windows and doors on the southern building façade.
      d. Shade impervious surfaces and southern/western building exposures to limit heat gain.
      e. Inclusion of on-demand hot water systems instead of tank-based systems.

b. Water Conservation and Quality Protection:
   i. Type A:

a. Configuration of the principal structure's roof so that at least 50 percent of the roof is "green" roof intended to capture and hold rain water.

b. Inclusion of rain water capture and re-use devices such as cisterns, rain filters, and underground storage basins with a minimum storage capacity of 500 gallons.

c. Provision of a bio-retention area(s) or other appropriate stormwater infiltration system(s) of at least 700 square feet in area.

d. Provision of open space at a rate 200 percent or more beyond the minimum required.

ii. Type B:

a. Provision of bio-retention area(s) or other appropriate stormwater infiltration systems of at least 100 square feet in area.

b. Removal of all lawn or turf in favor of living ground cover.

c. Use of xeriscape landscaping techniques without irrigation.

d. Provision of 150-foot undisturbed buffers adjacent to/surrounding all wetlands or surface waters.

e. Use of permeable surfacing on 50 percent or more of the vehicular use area.

Section 2. This Ordinance shall be effective upon adoption.

Adopted this _____ day of _____, 2023.

Attest: Marion L. Holloway Jr., Mayor

Bridgette H. Robinson, City Clerk

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 the Code of Ordinances-Title XV: Land Usage, Chapter 157, Section 5.10: *Mixed-Use Zoning District Incentives* is consistent with the Land Use and Transportation Plan because the text amendments serves to incentivize mixed-use development and redevelopment to advance the vision outlined in Forward Monroe. The proposed zoning text amendment is a reasonable use and in the public interest because it serves to implement the relevant goals and recommendations identified in the Land Use and Transportation Plan.

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 Sections 5.10: *Mixed-Use Zoning District Incentives.*

Adopted this 7th day of June, 2023

_____
Richard A. Yercheck, Planning Board 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 text amendment to amend the Code of Ordinances-Title XV: Land Usage, Chapter 157, Section 8.8: *Open Space Standards* is consistent with the Land Use and Transportation Plan because the text amendments add flexibility and clarification to advance the land use vision outlined in Forward Monroe. 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 to amend Sections 8.8: *Open Space Standards.*

Adopted this 7th day of June, 2023

_____
Richard A. Yercheck, Planning Board Chair

Attest:

_____
Ashlyn Penegar, Secretary to Planning Board

STAFF REPORT

TO: Planning Board

DATE: June 7, 2023

FROM: Lisa Stiwinter, Planning and Development Director

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

SUMMARY STATEMENT

Planning Board is requested to consider a zoning text amendment to the Code of Ordinances-Title XV: Land Usage, Chapter 157, Section 1.1.9: *Existing Agreements or Vested Rights* and Section 3.4.8: *Vested Rights Certificate*.

REVIEW

Planning Board is requested to consider a zoning text amendment to the Code of Ordinances-Title XV: Land Usage, Chapter 157, Section 1.19: *Existing Agreements and Vested Rights* and Section 3.4.8: *Vested Rights Certificate.* The purpose of the zoning text amendment is provide clarification, include missing language and to conform to 160D-108 and 160D-108.1 of the NC General State Statutes that relates to Permit Choice and Vested Rights.

RECOMMENDATION

Planning staff recommends approval of a zoning text amendment to amend the Code of Ordinances-Title XV: Land Usage, Chapter 157, Section 1.1.9: *Existing Agreements and Vested Rights* and Section 3.4.8: *Vested Rights Certificate* of the UDO.

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

1. *Zoning action: 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 motion:

1. *Motion to recommend adoption of the Ordinance amending Chapter 157, Section 1.1.9: Permit Choice and Vested Rights and Section 3.4.8: Vested Rights Certificate of the UDO.*

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 deny the zoning text amendment*

Attachments:
1. R-2023-XX Land Use Plan Compliance
2. O-2023-XX

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

Preamble

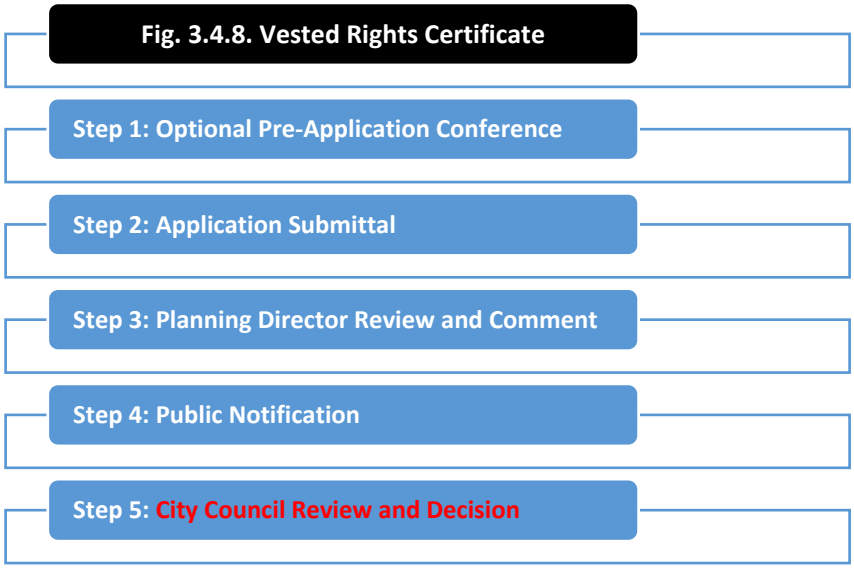
Pursuant to authority conferred by Chapter 160D-701 of the North Carolina General Statutes, as amended and for the purpose of promoting the health, safety, morals, or general welfare of the inhabitants of the City by lessening congestion in and around the streets; securing safety; preventing the overcrowding 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 §157.3.4.8 "VESTED RIGHTS CERTIFICATE" as follows:**

§157.3.4.8 **VESTED RIGHTS CERTIFICATE**



A. **Purpose**. The purpose of this section is to establish a clear procedure for an applicant to request vesting or protection from changes in this Unified Development Ordinance (UDO)

through issuance of a vested rights certificate associated with an approved site-specific vesting plan.

B. Applicability.

1. A vested right may be established, in accordance with Section 160D-108.1 (d) of the North Carolina General Statutes, and this section.
2. A vested rights certificate shall be limited to development included in a site-specific vesting plan. For the purposes of this section, a site-specific besting plan shall be one of the following development approvals:
    a. Conditional rezoning concept plan or site plan approved as part of a conditional rezoning;
    b. Planned development master plan;
    c. Preliminary plat;
    d. Site plan; or
    e. A site plan associated with a special use permit.
3. An application for a vested rights certificate shall be processed concurrently or after the approval of a conditional rezoning application, planned development, preliminary plat, site plan, or special use permit.

C. Vested Rights Certificate Procedure. The vested rights certificate procedure is described in Figure 3.4.8, Vested Rights Certificate.

D. Decision by City Council.

1. The City Council shall hold a public hearing consistent with Section 3.3.3 above. The City Council, after public hearing, may grant approval of a vested rights request, grant approval of a revised vested rights request, or deny an application for vested rights.

2. The decision shall be based on the standards in Section 3.4.8 (E), Vested Rights Review Standards.
    1. The decision shall be one of the following:
        i. Approval of the vested rights certificate as proposed;
        ii. Approval of a revised vested rights certificate;
        iii. or Denial of the vested rights certificate.
    2. The vested rights certificate is deemed established upon the approval by the City Council of a qualifying site-specific vesting plan to which the application for a vested rights certificate was attached.

E. Vested Rights Certificate Review Standards. An application shall be submitted on a form as designated by the City and include the appropriate filing fee. The applicant for a vested rights certificate/ determination shall provide the Director with a completed application and copies of any documents on which the applicant is relying to establish vested rights. The application shall be reviewed by the Director and approved in a public hearing by the City Council and meet all applicable common application procedures. An application for a vested right certificate shall be approved if:

1. The vested rights certificate is for an approved site-specific vesting plan;
2. The development is valid and unexpired;
3. Any required variances have been obtained; and
4. The request is in accordance with Section 160D-108 of the North Carolina General Statutes.

F. Effect.

1. A vested rights certificate shall be approved prior to issuance of a building permit.
2. Each document used to establish a site-specific vesting plan shall bear the following notation:

   "Approval of this application establishes a zoning vested right under Section 160D-108 of the North Carolina General Statutes, as amended. Unless terminated at an earlier date, the vested right shall be valid until ____(date)."

G. Miscellaneous Provisions.

1. A vested right obtained under this Section is not a personal right, but shall attach to and run with the applicable property. After approval of a vested right under this Section, all successors to the original landowner shall be entitled to exercise such rights.
2. Nothing in this Section shall preclude judicial determination, based on common law principles or other statutory provisions, that a vested right exists in a particular case or that a compensable taking has occurred. Except as expressly provided in this Section, nothing in this Section shall be construed to alter the existing common law.

Section 2. This Ordinance shall be effective upon adoption.

Adopted this _____ day of _____, 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:

TEXT AMENDMENT

Section 1. **Amend Section §157.1.1.9 "EXISTING AGREMENTS OR VESTED RIGHTS" as follows:**

§157.1.1.9 **PERMIT CHOICE AND VESTED RIGHTS**

A. Purpose. The purpose of this Section is to conform to G.S. 160D-108 and G.S. 160D-108.1, recognize that local government approval of development typically follows significant investment in site evaluation, planning, development costs, consultant fees, and related expense and to establish certain vested rights in order to ensure reasonable certainty, stability, and fairness in the development regulation process, to secure the reasonable expectations of landowners, and to foster cooperation between the public and private sectors in land-use planning and development regulation.

B. Permit Choice. If a land development regulation is amended between the time a development permit application was submitted and a development permit decision is made or if a land development regulation is amended after a development permit has been challenged and found to be wrongfully denied or illegal, G.S. 143-755 applies. The applicant may choose which version of the development regulation will apply to the application. If the development permit applicant chooses the version of the rule or ordinance applicable at the time of the permit application, development permit applicant shall not be required to await the outcome of the amendment to the rule, map or ordinance prior to acting on the development permit.

1. Development projects that require multiple permits to complete a development project, the development permit applicant may choose the version of each of the land development regulation applicable to the project upon submittal of the application for the initial development permit. This section is applicable only for those subsequent development permit applications filed within 18 months of the date following the approval of an initial permit. This section does not limit or affect the duration of any vested rights established. For purposes of the vesting protections of this section, an erosion control and sedimentation control permit or a sign permit is not an initial development permit.

C. Vested rights shield prior-approved development from the requirement to comply with changes in this UDO or other City requirements. Vested rights are applied in accordance with Section 160D-108 and 160D-108.1 ~~(d)~~ of the North Carolina General Statues.~~, and the following.~~

D. Prior Vesting. Amendments, supplements, repeals, or other changes in zoning regulations and zoning boundaries shall not be applicable or enforceable without the consent of the landowner with regard to lots for which building permits, multi-phased development approvals, or vested rights have been established (pursuant to State law) prior to the enactment of this UDO making the change(s), so long as the vested rights remain valid and unexpired. The following shall apply to prior vesting:

1. Buildings or uses of buildings or land for which a development permit application has been submitted and subsequently issued in accordance with G.S. 143-755.
2. Subdivisions of land for which a development permit application authorizing the subdivision has been submitted and subsequently issued in accordance with G.S. 143-755.
3. A site-specific vesting plan pursuant to G.S. 160D-108.1.
4. A multi-phased development pursuant to subsection (f) of G.S.160D-108.
5. A vested right established by the terms of a development agreement.

E. Development Approvals.

1. Except for building permits, site-specific vesting plans, development agreements, and multi-phased developments, any development approval under this UDO shall

be vested from changes in this UDO for a period of one (1) year from the date of approval, provided the development subject to the approval complies with all applicable terms and conditions. Development approvals include, but are not limited to, zoning permits, site plan approvals, special use permits, variances and certificate of appropriateness, etc.

2. A valid development approval shall not expire if work on the project has substantially commenced within the initial validity period. Substantial commencement of work shall be determined by the Director of Planning based on the following:

   i. The development has received and maintained a valid erosion and sedimentation control permit and conducted grading activity on a continuous basis and not discontinued it for more than thirty (30) days.

   ii. The development has installed substantial on-site infrastructure; or

   ~~i.~~iii. The development has received and maintained a valid building permit for the construction and approval of a building foundation.

~~2.~~3. Once vesting rights have been established, development permits expires for an uncompleted development project if development work is intentionally and voluntarily discontinued for a period of not less than twenty-four (24) consecutive months.

F. Building Permit. The issuance of a building permit establishes a vested right to the development for a period of six (6) months, as long as the building permit complies with the terms and conditions of approval of that building permit. If after commencement, the work is discontinued for a period of twelve (12) months, the permit shall expire.

G. Site-Specific Vesting Plan.

1. Development approvals identified by this UDO as site-specific vesting plans shall be granted a vested right to develop for a maximum period of two (2) years from the date of the approval, provided the development subject to the approval complies with all applicable terms and conditions.

2. The following types of development approvals shall be considered site-specific vesting plans:

a. Concept plans associated with a conditional rezoning approved in accordance with Section 3.4.6, Zoning Map Amendment (Rezoning);

b. Major subdivision final plat approved in accordance with Section 3.4.16, Major Subdivision Final Plat;

c. Planned developments approved in accordance with Section 3.4.7, Planned Developments;

d. Major subdivision preliminary plat approved in accordance with Section 3.4.15, Major Subdivision Preliminary Plat;

e. Site and development plan (Site Plan) approved in accordance with Section 3.4.17, Site and Development Plan;

f. Special use permit approved in accordance with Section 3.4.9, Special Use Permit.

3. Site-specific vesting plans meeting the definition of multi-phase development shall be vested in accordance with Section 1.19 (H).

4. Approved site-specific vesting plans may receive a vesting period exceeding two (2) years upon approval of a vested right certificate in accordance with Section 3.4.8, Vested Rights Certificate.

H. Multi-Phase Development.

1. A multi-phase development plan that occupies at least 25 acres of land area, is subject to a master plan that depicts the types and intensities of all uses as part of the approval, and includes more than one phase shall be considered as a multi-phase development plan that is granted a vested right to develop for a period of seven (7) years from the date of approval of the first site plan associated with development.

2. Vesting shall commence upon approval of the site plan for the first phase of the development.

3. The vested right shall remain in affect provided the development does not expire and provided it complies with all the applicable terms and conditions of the approval.

I. Vested Rights Certificate. Site-specific vesting plans that do not qualify for a multi-phase development may have a vesting period that exceed two (2) years upon approval of a vested right certificate in accordance with Section 3.4.8, Vested Rights Certificate.

J. Validity after Development Discontinuation. As outlined in G.S. 160D-108 (d), after a development has substantially commenced work, statutory vested rights "expire for an uncompleted development project if development work is intentionally and voluntarily discontinued for a period of not less than twenty-four (24) consecutive months."

K. Common Law Vesting. A common law vested right is established only when the following can be demonstrated by the landowner:

1. There is an affirmative governmental act by the City in the form of an approval of a permit or development approval under this Unified Development Ordinance (UDO); and
2. The landowner relies on this affirmative governmental act in good faith and makes substantial expenditures to develop the land; and
3. It would be inequitable to prevent the landowner from proceeding to develop the land consistent with the terms and conditions of the permit or development approval relied upon.

Section 2. This Ordinance shall be effective upon adoption.

Adopted this _____ day of _____, 2023.

Attest: Marion L. Holloway Jr., Mayor

Bridgette H. Robinson, City Clerk

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 the Code of Ordinances-Title XV: Land Usage, Chapter 157, Section 1.1.9: *Permit Choice and Vested Rights* and Section 3.4.8: *Vested Rights Certificate* is consistent with the Land Use and Transportation Plan because the text amendments includes missing language, provides clarification and conforms to 160D-108 and 160D-108.1 of the NC General State Statutes. The proposed zoning text amendment is a reasonable use and in the public interest.

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 1.1.9: *Permit Choice and Vested Rights* and Section 3.4.8: *Vested Rights Certificate.*

Adopted this 7th day of June, 2023

_____
Richard A. Yercheck, Planning Board 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 text amendment to amend the Code of Ordinances-Title XV: Land Usage, Chapter 157, Section 1.1.9: *Permit Choice and Vested Rights* and Section 3.4.8: *Vested Rights Certificate* is consistent with the Land Use and Transportation Plan because the text amendments includes missing language, provides clarification and conforms to 160D-108 and 160D-108.1 of the NC General State Statutes. 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 to amend Sections 1.1.9: *Permit Choice and Vested Rights* and Section 3.4.8: *Vested Rights Certificate.*

Adopted this 7th day of June, 2023

_____
Richard A. Yercheck, Planning Board Chair

Attest:

_____
Ashlyn Penegar, Secretary to Planning Board