

PLANNING BOARD MEETING

Wednesday, August 2, 2023

6:00 PM

City Hall Council Chambers

300 West Crowell Street

Monroe, NC

Agenda

Item 1. **Call to Order – Roll Call**

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

Item 3. **Approval of Minutes: June 7, 2023 & July 5, 2023**

Item 4. **Zoning map and text amendment for property located along E. Roosevelt Blvd. to rezone the property with tax parcel number 0-155-001B from CD “Camp Sutton Nursery” to CD “Camp Sutton Nursery 2”**

Item 5. **Zoning Text Amendment to Code of Ordinances- Title XV: Land Usage, Chapter 157, Section 8.4.3: Parking Design Standards.**

Item 6. **Next Meeting: September 6, 2023**

Item 7. **Adjournment**

ATTENTION BOARD MEMBERS:

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

Thank you.

cc: **Planning Staff
Ashley Britt
Richard Long**

PLANNING BOARD MEETING

June 7, 2023 @ 6:00 PM
City Hall – Conference Room
300 W. Crowell Street, Monroe, NC

Emailed to HR on:

Item 1. **Call to Order/Roll Call**

Chair, Richard Yercheck called the June 7, 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: Richard Yercheck (Chair), Jennifer Smith (Vice Chair), Margaret Desio, Kenneth Deal, Patrick Furr, David Dotson and Archie Morgan

Members Absent:

Staff Present: Lisa Stiwinter, Director of Planning & Development, Doug Britt, Senior Planner, Keri Mendler, Senior Planner, Megan Brightharp, Planner I, Richard Long, City Attorney, Ashley Britt, Assistant City Attorney, Ashlyn Penegar, Administrative Assistant II

Guests: Judy Trull, Cheryl Doan, Joe Moore, Don Phinney, Chip Pope, Mary Nash, Stephen Bennett

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

Item 3. **Approval of Minutes of Meeting- May 3, 2023**

Motion: David Dotson made a motion to approve the May 3, 2023 minutes.

Second: Archie Morgan

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

AYES: Richard Yercheck, Margaret Desio, Kenneth Deal, Patrick Furr, Archie Morgan and David Dotson

NAYS: None

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).**

Megan Brightharp, Planner I, approached the podium and said, the 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).

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.

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

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.

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. Planning staff does recommend approval of the rezoning.

Chair asked do we have any questions about this project?

Margaret Desio asked what is the proposed use?

Megan Brightharp said I would like to defer to the applicant, so that they can explain further.

Chair said if anyone would like to speak in favor of this project, please come on up and identify yourself.

Tom Crouch approached the podium and introduced himself, he said I am here for the applicant. We are looking to do a Circle K gas station there on the corner. If you've driven by recently, you can see that it's under development and the Circle K is going to take up about 5 acres, so the site beside it is in the right zoning, but we need to bring this other side of the site into compliance, which is why we are requesting this rezoning.

Chair asked who is the applicant?

Mr. Crouch said the applicant is QOZB1, LLC.

Chair asked do we have any questions for Tom as it relates to a Circle K? What is the build time for getting all of this put together?

Mr. Crouch said we have a signed contract with Circle K currently and once this goes through Council, we will start the construction documents to get the permits to build. Those usually take about 5 months for the permits to build it, then about 180 days after that, it should be open.

Archie Morgan asked what's been done there now? I see it's all cleared

Mr. Crouch said it's been cleared and graded out as a flat parcel and some storm drains put in to help handle some of the water coming under 74 that was existing when we bought the site.

Chair asked do we have any more questions for Tom? (There were none) Chair asked is there anyone here that would like to speak in opposition of this project? (There were none) Do we have anyone that would like to make a motion as it relates to this project?

Motion: Margaret Desio made a motion to recommend adoption of the Resolution Approving Land Use and Transportation Plan Compliance

Second: David Dotson

Action: The motion passed unanimously with the following votes:

AYES: Richard Yercheck, Margaret Desio, Kenneth Deal, Patrick Furr, Archie Morgan and David Dotson

NAYS: None

Motion: David Dotson made a motion Approving the Ordinance amending Section 157.1.2.1 Official Zoning Map.

Second: Margaret Desio

Action: The motion passed unanimously with the following votes:

AYES: Richard Yercheck, Margaret Desio, Kenneth Deal, Patrick Furr, Archie Morgan and David Dotson

NAYS: None

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”.

Doug Britt, Senior Planner, approached the podium and said, 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”.

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.

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

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.

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

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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.

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. I would be happy to answer any questions that you might have and the applicant is here as well.

Chair asked who has questions for Doug?

Margaret Desio asked how many lofts were there?

Doug Britt said 200 lofts and 20 townhomes.

Chair said the lofts are the apartments.

Doug Britt said they are calling them lofts, but they are lofts/condominiums and they are for sale and for rent. The applicant can go into more detail about that. From a regulatory standpoint with the City of Monroe, we can't regulate home ownership as far as its ownership or rental, but they do have earmarked for sale or for rental, but I'll let them discuss that with you.

Archie Morgan said you talked about the traffic, what if I don't want to go right, maybe I need to go left. Do I have to turn right and then turn around somewhere?

Doug Britt said I think what you could possibly do is go through the other access point and turn left at that stop light. It doesn't matter from a DOT standpoint, it doesn't matter whether it's going to be apartments, grocery store, shops, but more than likely, all they are going to get is a right in and right out. It's so close to the intersection with the existing stoplight, DOT doesn't want it to back up in that intersection and that's why they are only allowing it to be a right in, right out. No matter what will go there, it's more than likely going to be a right in, right out.

Chair asked do we have any other questions for Doug? Hearing none, who would like to speak in favor of this project?

Stephen Bennett approached the podium and introduced himself. He said I am an attorney here in Monroe and I represent Eagle Eye Property Group, who is the developer of Starlite. I have Sushanth Charabuddi with me and he is from Boston. He is the co-founder of Eagle Eye. I also have Sarah Shirley from Kimley Horn and she was responsible for doing all of the really hard work on this project to get it where it is now. I'd like to thank you guys, because I've actually been talking to you all for almost a year about this project, in various stages. It was originally all apartments and called Weddington Village. I remember this first conversation I had with Margaret, which was, "Change the name".

Margaret Desio said this is Monroe, not Weddington.

Stephen Bennett said now, it's not Weddington. We've come a long way and we are finally here. First and foremost, this is a high class, luxury, mixed-use development. There are townhomes for sale, condos for sale, lofts for rent. Over 12,000 square feet of retail and it's composed of high class materials and finishes, multiple amenities that Doug walked you through. It's several levels above of

what we have in terms of multi-family in Monroe right now. On that topic, this is an important location in Monroe. This is the gateway into the City from the western side of the county and you guys have made that clear to us. Sushanth wanted to bring you a high quality product, a project that looks good to those folks driving into the City and we think that's what we've got for you. Now, the townhomes, they are supposed to start in the \$500,000's and that's the target price for those. Rents for the apartments/lofts are \$1,500 to \$2,100 a month. The majority of those are 1 and 2 bedrooms and that actually means that there's going to be a more minimal impact on local schools, because there is typically not a lot of families with a lot of kids in 1 and 2 bedroom units. The mix of non-rental and rental insures that the condition of the development stays pristine overtime. You have the folks that live there and own those properties, they keep everybody else in check. You have the folks in the retail areas that keep everything in check, so this is not our fear about rental houses taking over a neighborhood and grass that isn't mowed and things becoming dilapidated over time. I don't think we have that issue here. Sushanth he's been a great guy to work with on this and he wants this to be the crown jewel of his company. It's an asset that they want to keep long term and there is no plan to flip it or sell it. He wants to keep it and manage it himself and be the representation of what they can build. He is going to be in this community for a long time, he hopes. He doesn't want this to be the only project either, so he wants to be a good partner with the City. Amenities, I don't think I have ever seen a development with this many amenities, we've got multiple pools, multiple cabanas, splash pad, play grounds, dog parks, garages, trails. If I didn't have 2 kids and a wife that demands a big house, I would live there, but I do. The target market for this is younger professionals that are either already here or moving in. These folks want developments like this and you will notice that this is something you see all the time in South Park or South End, Matthews or Ballantine. Those folks don't want yards that they have to maintain, they want a place that they can do remote work and have retail spaces and business that are right down stairs that they can live their day to day life without necessarily leaving the place. That's what this is, it isn't just a matter of attracting those folks from out of town, I think they are already here. We have folks that are going to be working in FedEx, we have them working in the hospital, law firms, banks, those businesses out next to the airport. I'll give you 2 specific examples, my paralegal is a young girl, one year out of High Point University and she lives in a nice apartment in Matthews. I pay her to work in Monroe, but she spends all her money in Matthews because she didn't have a place to be here. My law partner's son, he's been out of USC for a year and he's a Construction Manager, he makes plenty of money, but he lives in a nice apartment in Indian Trail. He wanted to be close to his mom and dad, they live in Unionville and he wanted to be in Monroe, but there's no place for him. So, that's the target market here and frankly, I think it fits really well in your collective vision for what you want Monroe to be. We talk a lot and not just you, but Council, everybody. How do we get stuff downtown, we've got a bunch of nice historic buildings on Main Street? Wouldn't it be great if we have restaurants and shops, but we need people that live here who want to spend their money here and here we go? We want to bring them here, we want to help downtown Monroe and this is a mile and a half away. You guys have pushed for developments that have higher class homes, these are the future buyers of these homes. Once they decide to have kids or a family, they move out, then you've got your buyers. Right down the road is Cedar Meadows, which I

think is Kyle's development with \$600,000-\$700,000 homes, those are the future buyers. I can tell you that this is something that I've got a lot of personal pride in, because I've worked on it for over a year now and I'm really excited about this project. You don't often find that in law, with clients you are hired to do what they want you to do and you don't really find things that you are personally excited about. But, this is one of them and I've worked hard on it. Sushanth has worked really hard on it and we are really proud of it. I hope you guys are too and we ask you for your recommendation of approval. I'm happy to answer any questions you might have.

Chair asked does anyone have any questions?

Jennifer Smith asked what is the square footage of the lofts and is everything open for rental?

Stephen Bennett said all of the townhomes are for sale and there is a building devoted only to condos. The reason for that is for when are going to condo a unit, you need the whole building, otherwise it's impossible to do when your selling off a condo unit. So, there is one whole building for sale as condo units. The rest are lofts that are for rent.

Jennifer Smith asked what was the square footage of the lofts?

Stephen Bennett said one bedroom is 840 sq. ft., 2 bedrooms are 1,150 and 3 bedrooms are 1,400. The townhomes, there are 2 different sizes and one is just north of 2,000 sq. ft. and the other is closer to 2,300 sq. ft.

Patrick Furr said I've got 2 questions. He asked, this is a gorgeous project, but with this thing as big as it is, are you planning on building this thing in stages or are you going to try to do the whole thing at one time.

Stephen Bennett said assuming we can get permits to do it, he would love to do it all at one time. That's the goal, there is no let's build a building and then a couple years later, build another building. He would get started tomorrow if he could.

Patrick Furr said the other thing that I've got, you've got that buffer under 200 ft. between your property and MLK and Weddington Rd. If you go across the road on down, there where they are doing a development and they are putting in about 400 homes. They've got the same think on MLK, unfortunately the sidewalk is about 150 ft. over there and the grass is up to our ears and it looks horrible and they aren't going to maintain it. Are you going to maintain it all the way out to the road?

Stephen Bennett said yes, he will do everything DOT allows him to do on that right of way. Again, this is his company that is going to own this project. It behooves him to make it look nice.

Margaret Desio asked have we discussed a rental cap? If we've got these lofts for rent, did you say the townhomes are not for rent and those will be for sale?

Stephen Bennett said those are for sale. Yes, there are condos for sale as well.

Margaret Desio said I'm sure City Council is going to require a rental cap, so I'm just bringing that up.

Stephen Bennett said this one is a little tough, simply because it's aimed at multi-family and that's something that I have thought about, don't get me wrong. It's a little hard to commit because I'm not sure if the market in Monroe is there yet, to be quite frank with you. But, at the same time, if some were to rent, look the rents we are charging, it's equivalent to what someone's mortgage is. These people want to be there.

Margaret Desio said I need some kind of assurance that this won't turn into all rentals and then it will just become apartments. Homeownership is so important and these started out as apartments and that was not a good idea, I just need some kind of assurance from somebody that's going to tell me that there will be a 20% rental cap. If we've got 200, no more than 40 will be able to be rented. So, that's where I'm landing right now.

Stephen Bennett said that's certainly something that I will talk to Sushanth about. I don't know where his numbers are, if that makes sense.

Archie Morgan said there's a lot of homes there and a lot of traffic on MLK.

Stephen Bennett said a couple things that I would respond to about that is, this is a big intersection coming into Monroe. You've got a Food Lion there, which is commercial space that needs customers. You've got right in, right out, there is not going to be left hand turns. But, also, you've got to think about your target market here, these are younger professional folks that aren't necessarily getting into Union Academy traffic in the morning, some of which are going to be working from home. The idea of a mixed use, you've bringing in retail to get them through the day, so they don't have to leave. They can walk to Food Lion. We've done everything we can to deal with the traffic as best as we can.

Archie Morgan said they aren't going to be walking to Food Lion, it doesn't happen. I'm just concerned about growth right there.

Chair asked who else has questions for Mr. Bennett? (there were none) Is there anyone else that would like to speak in favor of this project? (there was none) Is there anyone that would like to speak in opposition of this project?

Judy Trull approached and introduced herself. She said I own 18 acres of property adjacent to the east side and I've been there since 1973. We have a business and it was grandfathered in many, many years ago. We do electrical work and we have a lot of equipment that sits back there and we've done work for the City of Monroe and we've done work for Union Power. They aren't wanting to put a buffer from my property on the east side, I've had theft and I've had to put a gate down at the driveway. So, now they are talking about some of them being rental properties, then on the green part, they can walk their dogs or something like that, my shop sits right there. I have a berm that my son built, but the railroad track is just right there, so it would be nothing for somebody to be walking on that path to just walk up and walk over my little berm. We have a lot of stuff that's parked back in there and we've been very careful, but we do have things that children don't need to be climbing on. So, I'm very concerned that they aren't wanting to build some kind of a berm or a safety net between my property and their property. Also, the driveway, if they are talking about coming out and turning right, right across from Food Lion, when they turn right, I have a real wide driveway and when the train stops, the traffic will back up. That train does stop and people turn around in my driveway and you can't get in and out. We had an accident happen just a few months ago, where one of our guys have come in from work and had his turn signal on and a lady come across the railroad tracks and wasn't paying attention and just plowed right into the back of him. It totaled her vehicle and broke her leg, we were sitting still and couldn't turn because traffic was coming from the opposite direction. Another thing, the train does back up and there is a lot of traffic on that road right now and you're just stuck. We can't get out sometimes and we do have that business. The buffer is real important and the fact that they don't want to put any type of buffer and also, that railroad right there, it's a draw in for kids to get on that railroad track. So, I don't know what type of a buffer they are planning to put right there. I can put up poles and a safety net, but it's not my responsibility to do that. I've already put up one for myself. But, we've had vagrants come up in front of my house down in the trees, they've put up tents, we've had that. Since this is going to be some rental property, and I understand what he's saying about it being high dollar stuff, you never know what it could bring in. So, that's more or less what I'm really about, that buffer back there. Also, where they are wanting to do the 4 story condos, that's going to be looking right into my kitchen. I've been there a long time and it's going to be right there. The ordinance, I think, says 3 stories instead of 4. That's a lot. That's where I stand on this, but I do have a lot of line trucks and bucket trucks that sits back in there and they can be a magnet for kids wanting to come up in there. We've had theft.

Margaret Desio asked Ms. Trull to point at the map where her property lies.

Ms. Trull said I have almost 18 acres there and we keep it up. Everything is nice and neat. That's one of my concerns, my equipment that I have.

Chair said thank you and asked is there anybody else that would like to speak in opposition to the project?

Joe Moore approached the podium and introduced himself. He said I live at 2205 Sherwood Forest Ln. in Monroe. My neighborhood is directly behind the new Food Lion out there on MLK. I'm not speaking for or against this construction, I just wanted to share my concerns about the development. My first concern is the storm water drainage. Our development sits lower than the property on the East side and the drainage from that side of the road comes through a 36-inch culvert under Highway 84 and brings the drainage north, into our community. At times, we've had problems with our intersection. We have a T intersection, it's a dead end street, if there is heavy rain on heavy run off, we will have flooding in that area. So, I want to make sure that they build holding ponds that will contain all of the runoff from the houses, buildings and parking lots. Food Lion had to excavate all of that property and I've got a 15 ft. hill beside my house, so the drainage goes north to their holding pond. So, they've got to make sure that all of that is contained and not run the drainage off to my community. I also just wanted to remind you that there are 3 schools right in that area. You've got Union Academy, Apprentice Academy and Walter Bickett Elementary, so you've got a lot of traffic in that area now. Especially in the mornings and afternoons. Also, we are being saturated with developments out there, we've got the Cedar Meadows that's going to have over 200 homes in there, then you've got Secrest Commons down MLK and I have no idea how many houses they are putting in down there. There needs to be some clause or agreements for the rentals and that any condos that are bought will not be rented out by the owner, to keep it from being rental property. What Judy (Trull) needs is a good fence between her property and theirs over there to keep the vagrants or whoever might come through there away. Also, the speed limit is 45 mph through there and with all this development going up, I don't know if they can petition the DOT to lower that. But, with the Food Lion and the schools with all the developments coming in, I think the speed limit needs to be lowered. These are just some of my concerns and we've got other neighbors that are really concerned about the amount of traffic that this is going to bring, along with all the other development. I just wanted you to keep that in mind, we've been out there and Judy has been there for years and I've been in that area since 1973. Mary Nash has been here all her life, so we are concerned about the development that's taken over the properties out in our area. I don't know if there are any plans to widen MLK, but it really needs to be 4 lanes through there with all this construction. I appreciate your time.

Chair said thank you, Mr. Moore. Do we have anyone else here that would like to speak in opposition of this project?

Mary Marshall Nash approached the podium and introduced herself. She said I know a lot of you, I've lived in that area my whole life and I'm not necessarily against it, but we've got a lot of coyotes out there in the fields and we need to take that into consideration. We also need to have at least a 1,000 new homes going in out there. We have Waxhaw landing, which is a 3 phase development. We have Secrest Commons; we have the one out across from Union Academy coming. We have so much traffic and I live on Waxhaw Highway and I can't get out of my driveway. I used to live on Weddington Rd and couldn't get out from there either. I would hope that you would think very, very hard about what's about to happen out there. Because they condemned my property to build the MLK bridges over

Highway 75 and over the railroad track and if they have to widen it now, that means more property and more fighting. I don't like it; I never have liked it. I would hope that you would think very hard about this development. Thank you for listening.

Chair said thank you Ms. Nash. Do we have anyone else here that would like to speak?

Cheryl Doan approached the podium and introduced herself. She said I am Judy Trull's daughter. What I wanted to say is the elevation pictures that you are looking at, they look all nice and flat, but you have the bridge that comes over the railroad track and people fly over that. It's almost like a blind curve. I don't know if there is going to be crosswalks for pedestrian foot traffic, but that is a safety issue. Also, not only are those 3 schools, but there is a lot of CATA traffic (Central Academy of Technology & Arts), because my daughter goes to CATA. So, a lot of extra traffic is added with people going down that way to get to CATA. It is a huge traffic problem, my mom has already had to call Union County Public Schools because the busses were turning around in her driveway and with that right out, Sherwood Forest is going to get the same thing. With people turning around constantly, I just wanted to mention that.

Chair said thank you. Do we have anybody else here that would like to speak for or against? (there were none) Do I have any comments or thoughts from Planning Board members?

Archie Morgan asked Doug, would you have any numbers on homes that are being built in that area that have been approved?

Doug Britt said there is Waxhaw Landing, phase 1, 2 and 3, Alexander Commons, Secret Commons, Lexington Commons. In counting the Cedar Meadows project, I added all this up together and got 1,500-1,700 total. They are all not going to be finished tomorrow, but they are being built over a number of years. The furthest out would be the Waxhaw Landing stuff and the closest one would be the Cedar Meadows.

David Dotson asked how many projects here lately have you heard of that are going to have apartments?

Doug Britt asked are you talking about the ones we've approved?

David Dotson said just in general. This is the first one that I've seen and I call them apartments, how many projects have we had that are dedicated to rental?

Doug Britt said last month, one of the projects I submitted was Monroe Meadows, which is all townhomes. Then, Keri presented some townhomes on Crowell St. a while back. But, this is the first one that we've had in a while. The last one was probably the 601 Ridge. I can't think of anything else that I'm processing right now, I don't think any of them are multi-family.

David Dotson said I guess the comment that I'm trying to get to is, Monroe just doesn't build a whole lot of, what you would consider apartments. Or spaces to be rented by single individuals or professionals or anything of that nature. I guess what I'm saying is that we aren't getting inundated with this type.

Doug Britt said no. For years, there was no appetite for the City and rentals. There is rental in Monroe and roughly half of our housing stock is rental, but the majority of the rental that we have in Monroe is not from apartments. It's from single family. I know you all want to put a cap on it, but you have people that buy starter homes and when they evolve from that, they might rent it out. Also, you have people and investors that buy them. We haven't done many apartments that's been approved since, I think, I've been here. I know the single families put a bad taste in everyone's mouth when they don't maintain it, I get that. But, with the comments that Stephen just made, my son just graduated Appalachian and just got a job, but is there a place that he wants to live in Monroe? There's not, these are not for entry level jobs. I'm not speaking for the project; I'm just trying to answer your question the best I can.

David Dotson said I guess my comment to the Board would be that there is a specific reason that this is being built and it is for rentals for single individuals who are wanting to come to Monroe, who make a decent amount of money and want to live in a quality home. So, I would have traffic concerns as well in that area. But, I think in consideration with what it is and what it could bring to downtown and these are people that are going to go downtown and go to the businesses down there, you would assume.

Chair said when we did Veronica Springs, that was the first subdivision in 15 years and look what happened after that. Once we got started, we got to start asking for \$500,000-\$700,000 houses, but we had to start. We've been asking for and telling that we wanted mixed-use and we wanted higher end and we wanted professionals. We've got to start somewhere.

David Dotson said but the difference is that this is specifically made for this. That's what this project is.

Kenneth Deal said this is the first true mixed-use project we've seen come forward. Other mixed-use might have one or two things and we are calling it mixed-use, but this is a project that literally has something for everyone. It has retail, high end rental for a professional that's working in Monroe, homeownership in these condos/townhomes. If you are trying to provide things for people to do in a neighborhood and never get on the roads, you've got just about every bit of it here, with the exception of the Food Lion.

Chair said for the plot of land, I can't think of something that would be a higher and better use, backing

up to the railroad tracks and having Food Lion and all of that on the other end. Anything that we try to put in there after this is not going to this good, in my opinion.

Patrick Furr said I agree with you. If I might, this project affects me more than most. All my land backs up to Ms. Trull, so it is right there in my backdoor. I understand the traffic, but I don't think folks understand the DOT. The DOT will not make any changes, speed limit or otherwise. I remember the road right in front of our house and it was 55, I couldn't get out of my driveway, I had to lobby and spend money to get it to 45. The DOT doesn't care what kind of flat tops they've got out there, they just count numbers. But, I would like to say this, as bad as I want this project, I want a first class project, everybody in this room wants first class, this is the first one that's come to this town. But, I also want a good neighbor bringing in this first class for the folks that have been there, such as myself. If it takes a fence to keep kids out and make her happy, then by gosh, you're invested a hundred million dollars, how about a little fence or something.

Chair asked and said Stephen, Sushanth, can you guys get with Ms. Trull about a fence or a berm or something that would make her feel secure?

Stephen Bennett said yes, we can.

Patrick Furr said I will say this, once you get something like this started and with this class, I'm like you folks, but this is first class and what comes with this is the DOT will widen that road down there and they will get the traffic concerns underway. You hopefully won't have the same tents on your property that you get on mine, because we are upscaling it. So, I want to tell you that I appreciate you bringing this project all the way from Boston to Monroe. But, make your neighbors happy.

Ms. Trull said my question is, when they've got the driveway coming out directly on 84, they have to take a right. They aren't going to want to go all the way to the stoplight and turn around to go back to Weddington, nobody keeps that driveway up but me. When it rains, it washes my driveway, that's going to be a biggie, because I'm going to be the one who is going to have to put up with. Then, the people coming out of Sherwood Forest, they can turn and go down in there and turn around and come back, so that's a big concern there too. I do have a fence up and a gate up on the front. But, Sherwood Forest doesn't have anything and with that little neighborhood down there, it was big an issue.

Chair said I don't know if you've spoke with the Police Chief about having some of his officers hang out there a little bit, but that might be something that could help with some of that. He's very amenable.

Ms. Trull said they charge for that.

Chair said not if they are just driving by more often.

Ms. Trull said I am familiar with the police department; we've had dealings with them.

Archie Morgan asked where are we with a rental cap?

Margaret Desio said I'm glad Richard brought up Veronica Springs, because that was built with no rental cap and now 1/3 of it is rental properties. Also, Alexander Commons has a whole division that's just nothing but rentals. I'm not against rentals, I think communities need them. Because I think there are some people that don't need a house, but when you reach 50% of your dwellings, whether they are single family or apartments, in a town the size on Monroe, that's very unhealthy. 20% is healthy, but 50% is very unhealthy, I'm not against them, I'm just saying that we need to do our best to limit them in every development that comes before us. It's just something that we need to be very cognizant of because we didn't grow for 30 years and no one would buy here, so people couldn't sell their houses, so they rented them. That's why we have so much rental property, we just need to remember our history and be very cognizant of what we are doing in the future. I agree, I think a fence around the whole property for Ms. Mary Nash's property and the Trull property. It might be a security thing that you could use to sell your project, because there will be kids out there and we don't need kids wandering around.

Archie Morgan said we've got 1,700-1,800 going in there, plus this project. We are going to trust the DOT to widen this road because....

Patrick Furr said if we don't get this first class project, there will be another Dollar General stuck there and Code Enforcement has to get them to cut their grass. It's time to up fit.

Jennifer Smith said I just don't think you can stop progress and we need it here in Monroe, badly.

Kenneth Deal said you can't stop it, but what you can do and that's what we've been doing is demand good and better progress. Progress is coming no matter what we do.

Chair asked is there any further discussions?

Jennifer Smith said I would like to hear how the developer feels about what we've been saying.

Sushanth Charabuddi approached the podium and introduced himself. He said I am a managing partner at Eagle Eye Property Group and we specialize in doing the grand developments and focused on the multi-family condos. We got into the Charlotte market back in 2017 and we've been looking into developing into the Charlotte market. We've been actively working on this project for the past 18 months. Stephen has been working on it for the past 12 months, but for the past 18 months we've been working on this. I really appreciate each and every one of you guys that I did talk to and the feedback.

Once thing that I can think about is which did stick very hard is that if you build it, people will come. So, we took that seriously. Initially we came back with only multifamily and we went back to the drawing board and said we need to bring a true mixed use project and that's what we did. We will say this is our flagship building and this is not just something that we are going to build it today and just leave it. This is something that we will own it and manage it for a long period of time. We knew we wanted to bring the ownership into this and we needed to bring the retail space into this. We need to invest more into this by giving the amenities space and by providing amenities on two sides of the parcel. They brought up the fence part, we thought that we just didn't want it around it, but if that's a thing, we will definitely take that under serious consideration and we would put it around all the property as a security feature for the people living inside the development too. Also, because of it being a retail space, it will just enhance us to give that security feature. By showing the retail, we would be here for a long time and we would not just be building this and moving to another one. We are actively looking to do more developments here and I really appreciate all of your time. Thank you so much for inviting the developers from out of town to come into Monroe.

Chair asked does anyone have any questions for Sushanth?

David Dotson asked are you going to manage the property?

Sushanth said yes.

Margaret Desio asked can you give any consideration to a rental cap?

Sushanth said specifically Stephen did touch and even Doug touched on this a little bit. There is a dedicated building for that, for condos. We did dedicate that whole thing for sale, there is no rentals coming into that building. You cannot have a rental unit and then a condo unit. You can have a whole building and you can have a whole house, but it's so difficult to have it that way. That's why we have a building type 4 and those are condos with 24 units.

Margaret Desio said no, those are condos for sale.

Mr. Moore asked what about unit 1, is that all condos?

Sushanth said I am not following the question.

Mr. Moore said unit 1 on the east side. The one that had the retail space.

Sushanth said above the retail space, it's all rental.

Margaret Desio said of the 200 lofts, are they up for rent?

Sushanth said some part of it is for rent and some part of it is for sale.

Stephen Bennett said 24 of the 200 multi-family use are for sale. So, that leave 176 for rent.

Margaret Desio asked they are like apartments; they aren't for sale?

Sushanth said correct. They are for rent.

Sarah Shirley approached the podium and introduced herself and said I'm with Kimley Horn and I'm a licensed landscape architect. I am hoping to take this and make it beautiful after the fact, once we get it through. I just wanted to come up and offer my support in the project that we have. We are serious and it will go through a full civil design after approval, if we can get that. Thank you.

Chair said thank you and asked do we have any further conversations?

Motion: David Dotson made a motion to recommend approval of the annexation.

Second: Kenneth Deal

Action: The motion passed with the following votes:

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

NAYS: Margaret Desio

Doug asked what are you all doing about the fence?

David Dotson said with the amendment that there will be a fence added that will encircle the enclosed properties.

Doug Britt asked that is excluding the 2 frontages along the right of ways.

David Dotson said that's fine. Excluding the 2 frontages along the right of ways.

Doug Britt said it's going to be adjacent to the far west and far east and railroad, correct?

David Dotson said yes.

Chair said yes.

Doug Britt said I just wanted to make sure what you were doing.

Motion: David Dotson made a motion to recommend adoption of the Resolution Approving Land Use and Transportation Plan Compliance with the amendment

to include a fence that will enclose the inside properties, excluding the two frontage properties.

Second: Jennifer Smith

Action: The motion passed with the following votes:

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

NAYS: Margaret Desio

Motion: David Dotson made a motion to recommend adoption of the Ordinance amending section 157.1.2.1.

Second: Kenneth Deal

Action: The motion passed with the following votes:

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

NAYS: Margaret Desio

Ms. Nash asked what size fence was agreed upon? I didn't hear?

Chair said we didn't put a height restriction on it, it will be a fence that will keep children from being able to get to the railroad tracks.

Kenneth Deal said our fence ordinance is 6 ft.

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

Lisa Stiwinter, Director of Planning & Development, approached the podium and said, 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 Board's consideration. There is not a whole lot to it, but what is highlighted in red, is what is being proposed.

§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.

Archie Morgan asked bottom line, what is good about this?

Chair asked what do we get out of this? It sounds like we are adding more conditional districts.

Lisa Stiwinter said you are adding more conditional district or rezoning approvals for any residential subdivision that's over 50 lots.

Chair asked why 50 lots?

Lisa Stiwinter said that was a request by of the Planning Board and Council members, so Staff has prepared a text amendment to bring forward for your consideration.

Margaret Desio said over 50 lots to 100 is conditional districts, then 100 plus are PUD's.

Lisa Stiwinter said correct.

Chair said I thought the whole point of the new UDO was so we would cut down on conditional districts.

Kenneth Deal said what we wound up with in the new UDO is subdivisions that were built 99 units by right with no review from the Planning Board and no approval from City Council. What this does is it sets up a scenario where the City can control its resources by reviewing and approving developments of 50 units and above. This is what this is designed to do.

Archie Morgan asked Lisa, is this not a good thing? Why doesn't the City have a stand?

Lisa Stiwinter said the text amendment is at Planning Board's discretion and Council. Planning Staff does have a little bit of concern for a few reasons, one is that our state legislature several years from 2015 to now are doing their hardest to take any type of planning and zoning control away from us. 2015, we lost our ability to regulate square feet. 2019, we lost our ability to regulate exterior materials. There is a bill going through the process right now to try to get rid of the Extra Territorial Jurisdiction (ETJ) for populations over 50,000 for municipalities in counties that are over 50,000 in population. Or I might have that backwards, if they are under 50,000, not get rid of the ETJ. But, either way, for Monroe, if it goes through, Monroe wouldn't have to get rid of our ETJ. But, we would lose our zoning authority. It also is capping the square feet for lot sizes for single family, detached and attached, 2 family dwellings to 8,700 and it can't be any greater than that. It also proposes that the density can't be any less than 5 units per acre. That's the bill going through now and it's already made it through the long session and it made it through cross over. Last year, there was a bill that didn't make it through that tried to take all the conditional district rezoning authority away from us. We also had another bill that didn't make it

through the process this year that was geared towards work force development and it was geared towards affordable housing, but there wasn't a whole lot of affordability in it and it pretty much was going to allow these residential abilities to locate in any zoning district, industrial, commercial and we weren't going to be able to have any development standards. We couldn't require any certain densities, lot sizes, we couldn't do tree preservation. It didn't make it through cross over, so that's one concern. Another concern is if this were to be passed and a development came into develop by right at the RLD zoning district, 20,000 square foot lots, they met all the ordinance standards and they comply with all the other city department standards, but they have to go through a special process, just to go through the special process and the City denies it, it could be a potential for a lawsuit.

David Dotson said what you are saying is that for a by right development over 49, which we don't have very many of those. When have we ever had a by right that was within....

Kenneth Deal said it's been a few years. To get around the 2 entrances and all that, they've scaled it down to keep it under a 100.

David Dotson said but one said under 50.

Kenneth Deal said under 50, I haven't seen anything.

David Dotson said that's what I'm saying, so we haven't had many by right where a land owner decides to take his 50 acres and build 50 houses on it. I agree with the rest of it, but we haven't had too many of those happen, where somebody just decides to build 50 houses on their 50 acres or whatever it may be.

Lisa Stiwinter said I did the numbers and as the Chair mentioned earlier, from 2007-2015, we didn't have any residential subdivisions and then we started picking up in 2016 to now. There has been about 45 residential subdivisions and roughly 6 were under the 50 out of that 45.

Chair asked is Brody still leading the charge for this?

Lisa Stiwinter said I am not 100% on those. I'm not sure.

Chair said ok, because Mark has been leading the charge on a lot of this.

Margaret Desio said I asked Mark Brody when he was running last time, if he was leading the charge on all of this and he said yes, he was very proud of it. I said, you are effectively just getting rid of zoning. That's killing people's values if they have a nice house and you are allowing a much smaller house on a smaller lot. He said if I lose by one vote, I guess it's yours.

Chair said with that being said, I don't have any heartburn over trying to put framework on us building houses and having some control over it. I have a fair amount of experience with our legislature and when towns, municipalities and school systems do certain things, that they will write laws specifically for that community or that group. Again, if we all want to jump down this road together, I'll go. This is going to send a flag to Raleigh.

Margaret Desio asked do you mean they are going to slap our hands?

Chair said they don't slap hands, they chop heads. I just want everyone to know what we are getting into.

Margaret Desio said it's sort of like, if you do this, we are going to tie your hands and you can't do anything. Do we just sit back and say have at it?

Chair asked and said Mr. Long, do you have an opinion? I would love to hear it.

Richard Long said it would be just my opinion.

Chair said if we keep doing what we are doing and I think we are doing a good job. Do you have an opinion on...?

Richard Long said when you pick a number, how did you come up with that number? Is it arbitrary or a capricious number and that's going to be the issue you get to deal with.

Chair asked where do you feel we are with 50 and 99?

Richard Long said I have no clue as to that. I did ask Lisa to look back and say historical, where have we been and what are we doing. Because we have to some basis.

Chair said that was my question a minute ago. How did we get to 50? Because again, I've dealt with the ladies and the gentleman from Raleigh in the past and I know what it feels like when they squash you on the head.

David Dotson asked can we research this further?

Richard Long said sure you can.

David Dotson asked can we put this off and research this further?

Chair said you can make a motion to table item 7 to send it back to Staff for further review.

Archie Morgan said Staff has already looked at it. Do you need to look at it again, Lisa?

Lisa Stiwinter said this was drafted and proposed based on comments from Planning Board that we received. I am find to table it, but Staff will need some more specific direction on what we are supposed to do with the proposed text amendment.

Jennifer Smith asked if we approve it, what will happen?

Chair said maybe nothing.

Archie Morgan asked what were the concerns from Planning Board to create all of this and let's see if they are good with it now or not.

Margaret Desio said I think the concern for Planning Board is that we had lost control. We had so much by right being able to be built and we don't have any control when it's by right. So, we wanted them either put in as conditional districts or as planned unit developments, so they had to come to us and we got to look at what they were planning to build and make comments. We need to be able to look at it.

Chair said again, I am in with the group, whichever way we go I'm voting with the group. But, Raleigh is going to look that as we are interfering with property rights of people and we've got to be able to defend the number, the 50-99.

Kenneth Deal said we aren't talking about people, we are talking about developers that don't even live here that want to come in and buy smaller parcels of land and put even more houses on it.

Margaret Desio said they will put the minimum.

Kenneth Deal said are we going to temper our motions based on what could be real repercussions or idle repercussions out of Raleigh who constantly pass laws to mess up housing.

Jennifer Smith said I agree.

David Dotson said what we are affecting is going to be those developments that are 50 over above and I understand just picking a number out of the sky. But, this doesn't affect a person's ability by right to build on their property. We don't really have a bunch of examples of people who are going to run up against, I have property and I want to put 50 houses on it. The instance of that happening are few and far between, if any and I wholeheartedly agree that it could be seen as whatever it is. Unfortunately, we live in Monroe and we have to do what's right and I understand what the Chair is saying.

Chair said I just want to make sure that as we go down this, we are all on this boat together.

Archie Morgan asked are you saying that this hardly ever happens?

David Dotson said that's what I'm saying. I think this gives a more of a review on what's going to be built. Because we have instances of a person who wants to build 50 residences on their property that they own, by right. Then have them come here because of this, we don't have that occurring now and I don't know how much that we would have in the future is what I'm saying. So, it's not going to affect by right development.

Kenneth Deal said it would affect the developer that's sitting there looking and saying that I can put in 105 houses and I've got to have 2 entrances or I might drop it to 99 and no second entrance.

David Dotson said I will give you an example, there were 4 by right developments that occurred that cost the City of Monroe 2 and a half million dollars extra in electrical supplies because electrical supplies went up 400%. They were by right and we had to provide those to them, we didn't have a choice.

Kenneth Deal said because its review process.

David Dotson said that's fine, but I think the City should have some way of knowing what is coming.

Chair said I think we are getting circular. I gave what my knowledge base is and I need a motion.

David Dotson said I'll make a motion.

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

Second: Margaret Desio

Action: The motion passed unanimously with the following votes:

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

NAYS: None

Motion: David Dotson made a motion to recommend adoption of the Ordinance amending Chapter 157, Section 4.2: Residential Zoning Districts of the UDO.

Second: Margaret Desio

Action: The motion passed unanimously with the following votes:

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

NAYS: None

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

Keri Mendler, Senior Planner, approached the podium and said, 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 staff's 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.

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 and I will be happy to answer any questions that you might have.

Chair asked does anyone have any questions for Keri? (there were none) He said hearing none, I will entertain a motion.

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

Second: David Dotson

Action: The motion passed unanimously with the following votes:

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

NAYS: None

Motion: Kenneth Deal made a motion to recommend adoption of the Ordinance amending Chapter 157, Section 8.8: Open Space Standards of the UDO.

Second: Archie Morgan

Action: The motion passed unanimously with the following votes:

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

NAYS: None

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

Keri Mendler, Senior Planner, approached the podium and said, 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. 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 staff's 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.

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 and I am happy to answer any questions that you might have.

Chair asked do we have any questions for Keri?

David Dotson said so that I'm not confused, the New Corridor MX-1 and MX-2, will be capped at the amount that's shown in the tables, correct?

Keri Mendler said yes.

David Dotson asked it will be no more than 10 units per acre?

Keri Mendler said yes.

David Dotson said when you say 50% for the MX-1, I think it was 8. 50% would be 1 and 100% would be 2, so we aren't talking about doubling it from 8 to 16 or anything of that nature.

Keri Mendler said right. It's just basically the difference between. The difference between by right and the incentives and 50% of that, that difference versus the full amount.

Chair asked do we have any other questions for Keri? Hearing none, I will entertain a motion.

David Dotson said I have one more question. Who will be reviewing this to make sure that it's in compliance, because some of it has to be done when it's built. The leed in looking at that, those things are done in the process and after.

Keri Mendler said we were talking about this earlier and this was taken from other jurisdictions as well, our thoughts are that some of that is done through the actual design phase and when they submit their plans. They get their certification, but leed would be after the fact. I will be honest with you, we are still trying to figure out how that would work because like you said, it would be after the fact. My initial thought is that if they don't comply with the leed, we can hold up Certificate of Occupancy.

Chair said they would lose their leed certification too.

David Dotson said it's already built then.

Lisa Stiwinter said during the construction process, if they were to earn leed certification or so forth or propose that, then we would have to work with Building Standards to say what was identified in that leed certification and then they would have to verify when they go out and do their inspections.

Chair said typically there is grant money and other moneys associated with leed building, so if you don't do your leed, you're not going to get the check.

David Dotson said it costs about \$100,000 to do some of these things to get a leed certification, so it's not little money. I was just making sure that there was some review process, that's all.

Archie Morgan said I would like to make a motion.

Motion: Archie Morgan made a motion to recommend adoption of the Resolution Approving Land Use and Transportation Plan Compliance.
Second: Kenneth Deal
Action: The motion passed unanimously with the following votes:

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

NAYS: None

Motion: Archie Morgan made a motion to recommend adoption of the Ordinance amending Chapter 157, Section 5.10: Mixed-Use Zoning District Incentives of the UDO.
Second: Kenneth Deal
Action: The motion passed unanimously with the following votes:

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

NAYS: None

Item 10. Zoning Text Amendment to 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.

Lisa Stiwinter, Director of Planning & Development, approached the podium and said, 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 and Vested Rights* and Section 3.4.8: *Vested Rights Certificate*. The purpose of the zoning text amendment is providing 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.

Margaret Desio asked in the multiphase, let's say they are going to build it in 3 stages, they can't and built it in 2 stages. Like in 2008, when everything crashed. They didn't get the 3rd stage built within 7 years, do they then just come back through us, if they decide in 8 years that they want to build that 3rd phase. Do they then come back to the City and get renewed?

Lisa Stiwinter said I will let the attorneys confirm if my interpretation is correct, I will say that this is probably the most legal text amendment I've ever had to review or look at. My interpretation of that would be that their validity period had expired and that they would have to come back through the normal process that they got approval through.

David Dotson asked does their expiration of their vesting, would that equal the expiration of the underlying document? Did I ask that the correct way?

Lisa Stiwinter said say that one more time.

David Dotson said it's sort of like a Sunset Clause. If they get vested for 7 years, their 7 years runs out prior to phase 3. Does that underlying document that they used, like the site plan or that type of thing that they use for vesting. Does that expire as well as their vesting?

Lisa Stiwinter said yes, it would start the whole process over again.

David Dotson said so, it would Sunset itself in vesting it, if that language is in there.

Chair asked can they get an extension before the 7? If they are running up against the wall, can they go to Council and get an extension?

Lisa Stiwinter said not in the multiphase development, I don't think. I think that was just for the other one. Multiphase development pretty much spells out 7 years and the other site specific plans is that you can't go more than 5 years, if that's in your ordinance. That's my interpretation.

Lisa Stiwinter continued on with her presentation.

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 and I will be happy to answer any questions and I think Mr. Dotson has some other additional items that he wants to discuss that he researched and prepared that he may or may not want to get consensus to whether they agree that they want to put it in there.

Chair asked does anyone have any other questions for Lisa?

David Dotson said I have one thing, I could never find in here in the certificate section of it and maybe you can show me on the screen. I could never find where the certificate equals 2 years of extension. It wasn't clear in there, like it doesn't say this certificate equals a 2-year extension for a total of 4 years for vesting.

Lisa Stiwinter said that is something that we can look at and I know it's in the permit choice, vested rights section, but the actual certificate, it doesn't spell that out. It could be as simple as referencing the other section, so we can look at that.

David Dotson said my other question was for the substantially commenced, there was 3 portions to that. I know the state general statute doesn't define what substantially commenced is and this is from the School of Government. But, my question would be this, in my opinion, the development is received to maintain for a development to be substantially commenced the development has been received to maintain a valid erosion and sedimentation control permit on a continuous basis and not discontinue from work for 30 days. Can we put the word AND there? To an extent so that you don't have someone

who grades a couple days a month and has an erosion permit, if that makes sense. So, they have to have an erosion and sedimentation permit and it just asks for them...

Kenneth Deal said you are already saying it, just by asking the AND just kind of makes it clear that you comply with this.

David Dotson asked what would be your opinion on that? Too much?

Lisa Stiwinter said it's a lot to ask, but it's this Board's discretion.

David Dotson said they have to do one of those three things to be substantially commenced, in reality they are really only going to do the first one because they can't get to the second and third one.

Lisa Stiwinter said quite frankly, after looking at it again, if they are going for the building permit, they've already got their erosion control anyways. If they've already done their erosion control and they are getting their building permit, then they are going to have their streets and infrastructure in anyways. Usually you have your erosion control to start the grading and then they will start putting in the roads and the infrastructure, then they will go for the building permit.

David Dotson said I guess my point is, the way you are reading that is they have one, then they have to do one of the other two. Or can they just get a valid erosion control permit, conduct grading activity on a continuous basis for 30 days. Because if you put the word AND, now we are requiring one or the other two. I'm not trying to get hung up on little things.

Lisa Stiwinter said quite frankly, I can't remember if it was supposed to be an AND or an OR.

Archie Morgan asked are we picking the thing to death?

Kenneth Deal said it's already said OR two or three.

Keri Mendler said the erosion control obviously, there is a lot of grading that has to occur before you actually are installing onsite infrastructure and of course you aren't going to do any building permits until you have your onsite infrastructure. So, I think if you say that you have to have an erosion control AND substantial onsite, I think might be too much. Because there is substantial amount of grading that has to occur before you actually start installing that infrastructure.

Doug Britt said this is just my opinion, to me AND is almost going over the top with it. But, this is just my opinion.

Chair said Staff says AND is not in.

Lisa Stiwinter said it is the Board's discretion and a consensus amongst the body.

Chair said the Chairman says we should support the Staff's opinion on AND.

Doug said how are we going to know that they stopped grading on a specific date.

David Dotson said that's my point. If you put AND in there, you're going to know they did something because they have to do one of the other two. We don't want to have to wonder if they are doing what they are supposed to do. They have to get to the other two or they didn't get within the validity period. That's kind of my point, but let's not talk about it all night. We can just move on to something else.

Doug Britt said something inaudible. Number 3 is just so far down the road after number 1.

David Dotson said I understand and I get that part. Let's move onto something else.

Lisa Stiwinter asked any other questions?

David Dotson said that's all I had there. But, there were some things that I think could be added.

Lisa Stiwinter asked are we discussing those now?

Archie Morgan said I would like to see them on the agenda, it's been a long day.

Chair asked are there any other questions about item 10? Hearing none, if you would scroll to the motion.

David Dotson said no, no no. Hold on. There are items missing from this vested rights. There is a review that's missing from the vested rights, there's a how to revoke the vested rights in case they don't follow the conditions that have been applied to them. There is no time clearly stated for the vested rights, there are several things that are missing from this that are important. Vested rights is one of the most important things that a UDO can do and it's missing several items and Mrs. Stiwinter and I have both discussed that and she even expressed that there were several items that were missing from here.

Kenneth Deal said I have a suggestion. Let's table this to the July 5th meeting and task Mr. Dotson to sit down with the Director and go over each one of these items, so we can discuss them at our next meeting.

Chair said ok.

Motion: Kenneth Deal made a motion to table the zoning text amendment to amend the Code of Ordinances- Title XV: Land Usage, Chapter 157, Section 1.1.9 titles "Existing Agreements or Vested Rights" and Section 3.4.8 titled "Vested Rights Certificate" until the July 5th, 2023 Planning Board Meeting.

Second: David Dotson

Action: The motion passed unanimously with the following votes:

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

NAYS: None

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

Item 12. **Adjournment**

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

Second: **Jennifer Smith**

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

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

NAYS: **None**

The meeting was adjourned at 8:23 p.m.

Respectfully Submitted,

Richard Yercheck, Chair
Planning Board

Ashlyn Penegar
Secretary to the Board

PLANNING BOARD MEETING

July 5, 2023 @ 6:00 PM

City Hall – Council Chambers
300 W. Crowell Street, Monroe, NC

Emailed to HR on:

Item 1. **Call to Order/Roll Call**

Chair, Richard Yercheck called the July 5, 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: Richard Yercheck (Chair), Jennifer Smith (Vice Chair), Margaret Desio, Kenneth Deal, David Dotson and Archie Morgan

Members Absent: Patrick Furr

Staff Present: Lisa Stiwinter, Director of Planning & Development, Doug Britt, Senior Planner, Richard Long, City Attorney, Ashlyn Penegar, Administrative Assistant II

Guests: Stephen Bennett, Sarah Shirley, Gordon Johnson, Thomas Shirley, Venton Bell, Bob Yanacsak, Cameron Furr, Amy Craig, Lynne Morand, Phillip Mullenahd, Joe Turick, Sharron Turick, Kay Hinson, Tom Hinson, P. Rochelle & C. Steve Walton, Diane Shumate, Tammy Millward, Kevin Murray, Carol & Robert Tracey, Judy Chapman, Ed Causebrook, Brittany Hadsall & Allan Socia, Latanya Wagner, Bob & Patti Duncan, Bob & Carrie Benston, Gerald & Dewanna Johnson, Jennifer Dibenedetto, Karyl & Michael Jones, Susan Curran, Catherine Morris, John McCain, Ron Pereira, Cindy Pope, Chip Pope, Denis Pascari, Chris Dollar, Troy & Desiree Pruitt, Jeff & Shirlene Leaks, Matt & Michelle Graves, Billy Graves, Bird Cox, Susan Sganga, Carole Williams, Troy Williams, Theresa Earnan

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

Item 3. **Annexation of 117.129 acres and a zoning map amendment for the properties located along Weddington Road and Red Maple Drive and further identified as tax parcel #'s 09-348-010, 09-348-011, 09-348-033, 09-348-034, & 09-348-035. The request is to annex and rezone the properties from R-20 (Union County Residential Low Density) to Conditional District (CD) "Wildwood".**

Doug Britt, Senior Planner, approached the podium and said tonight I am presenting a request by Century Communities is requesting to annex 117.129 acres and a conditional district rezoning in order to develop a residential subdivision that will consist of 262 single-family detached homes. The total area of the project is 117.129 acres, with 47.55 acres or 40.59% of that reserved as common open space. The density of this project is 2.23 units per acre. This application is being processed under the previous ordinance since the project was submitted prior to the adoption of the current ordinance.

Adjoining Land Uses and Zoning District

Existing Uses & Zoning District

North Residential & Vacant R-20 (County) & RA-20 (County)

East Residential & Vacant R-20 (County)

South Residential R-20 (County)

West Residential & Institutional R-20 (County) & Residential Low Density (RLD) City of Monroe

The applicant is requesting a conditional district rezoning in order to develop a residential subdivision that will consist of 262 single-family detached homes. The development will provide a mix of lot widths. The total area of the project is 117.129 acres, with 47.55 acres or 40.59% of that reserved as common open space. The density of this project is 2.23 units per acre.

The development will have the following lot sizes:

40-foot wide: 78 lots with rear loaded garages

60-foot wide: 139 lots with front loaded garages

75-foot wide: 45 lots with front loaded garages

Density & Dimensional Standards

Lot Widths	Lot Totals	Minimum Lot Size	Average Lot Size
40 foot	78	4,800 square feet	5,180 square feet
60 foot	139	7,500 square feet	8,880 square feet
75 foot	45	12,000 square feet	16,750 square feet
Total	262		

The data 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
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
Corner Lot Side: 10 feet
Rear: 20 feet

Landscaping

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 two (2) inches in caliper measured six (6) inches above grade. A minimum of a 30-foot landscape buffer is being provided around the entire perimeter of the project and a 50-foot landscape buffer is being provided adjacent to properties within the Willoughby Woods neighborhood. The buffer shall remain vegetated and additional plantings shall only be required where buffer is disturbed by grading or no existing vegetation is present. Easements through the buffer will not be planted.

Open Space

The project, under the previous code, is required to provide at least 12.5% open space, which would equal 14.64 acres. The total area of open space provided is 47.55 acres or 40.59%. The open space for this project may include but is not limited to the following features: pool and cabana, tot lot, grilling stations, open play areas, fire pit, benches and landscape areas.

Elevations

The developer is proposing the homes will be a minimum of 1,400 heated square feet for the 40-foot wide lots, 1,300 heated square feet for the one (1) story homes on the 60-foot & 75-foot wide lots and 1,600 heated square feet for the two (2) story homes on the 60-foot & 75-foot wide lots. The proposed exterior building materials will include fiber cement, stone, stucco, and/or brick. Vinyl will only be used for trim work. Four courses of brick/brick veneer will extend up the face of the slab. The developer is proposing the front façade to consist of at least 25% brick or stone.

Parking

Each home will have a minimum of a two (2) car attached 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. All of the 40-foot wide lots will have rear load garages that are accessed by an alley.

Sidewalk

A five-foot (5) wide sidewalk will be provided along both sides of the interior roads throughout the development and an eight-foot (8) wide sidewalk will be provided along 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.

Stream Buffer

All streams located on the site have been provided with a 50 ft. undisturbed stream buffer on both sides as required by the ordinance.

Schools

Wildwood subdivision is a proposed 262-single family unit development located on the north side of Hwy 84 and east of Rocky River Road. It is located within the following school attendance areas:

- Rocky River Elementary School Currently at 77% 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 one entrance on Weddington Road and one internal connection to the existing Willoughby Woods subdivision on Red Maple Drive. 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 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:

Access 1: Weddington Road (NC 84) and Megan Court

- Construct an eastbound left-turn lane along Weddington Road with 150 feet of Storage into the proposed project.
- Construct a westbound left-turn lane along Weddington Road with 100 feet of Storage on to Megan Court.
- Construct a westbound right-turn lane along Weddington Road with 100 feet of Storage into the proposed project.

Weddington Road and Martin Luther King Jr. Boulevard

- Modify the traffic signal for westbound right-turn phasing to incorporate permissive-overlap.

LAND USE AND TRANSPORTATION PLAN CONSISTENCY

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. Multimodal connectivity between neighborhoods and to nearby centers also should be emphasized. 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 project is consistent with the Land Use and Transportation Plan. The project is a reasonable use and in the public interest, because it continues similar residential uses in the area.

PUBLIC NOTIFICATION

The applicant held a virtual neighborhood meeting on December 15, 2021 and an in person neighborhood meeting on January 6, 2022 to discuss the project with local residents. A follow up neighborhood meeting was held on January 19, 2023 to further discuss the project with the surrounding community.

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 Conditional District “Wildwood” and I will be happy to answer any questions at this time and the applicant is here as well. There are residents here who plan to make their presentations as well.

Chair asked who has the first question for Doug?

David Dotson asked who is responsible for the maintenance on Red Maple Drive, Willoughby Woods and the three roads that are connected?

Doug Britt said those roads are not City maintained and the County does not maintain roads, so typically if its not City maintained and the County doesn’t maintain, it’s the state maintained roads.

David Dotson asked was there anything going to be built on the parcel that’s above Red Maple Lane? Do you know if there was anything on the smaller parcel?

Doug Britt said there was an old subdivision. (Doug shows area north of Red Maple Drive looked like in 2021) Back in the 60’s or 70’s when it was platted, these were all lots that were platted and during the process of doing this project with Wildwood, the developer who owned all the lots, they combined all the lots into one. Either because there was issues with perking or not having the water to it. They’ve been platted for a total of 43 lots that they had.

Chair asked is this coming in under the new UDO or the old UDO?

Doug Britt said this is the old UDO, so the stuff about the required buffers and they are providing buffers, but some of the things that we require in the new UDO are not relevant in this case. This was submitted well before we adopted the new UDO. The new UDO was adopted April 12, 2022 and this was submitted in 2021 and it took a while to get to. I think it was going to be first presented in January of this year and then the applicant deferred in February. I didn’t get a plan resubmittal for this one until about 4-5 weeks ago or something along those lines. This is what is has evolved to, to what we have before you tonight.

David Dotson said there are two Conditional Districts that are already approved, correct? Just down from the entrance way to the Wildwood project here.

Doug Britt said right, at the intersection of Rocky River and Weddington Road, yes.

David Dotson asked will those put 479 residences?

Doug Britt said the Villages of Rocky River West, which is the one on the west side of Rocky River Road, that was approved at 295 lots. The other one is about 200 lots and I'll find it here in a second.

David Dotson said it's about 479 lots all together.

Doug Britt said yes.

Kenneth Deal asked were those parcels annexed in, or were they already within the Monroe City limits?

Doug Britt said the site that was west of Rocky River Road, that was annexed in and the other site that's east on this side, that was already in because that was under an old conditional district that was approved years ago for a Harris Teeter that was never developed. Somebody approached us about wanting to do something different, so they went through the process of conditional district and there was an amendment to what was approved as the Harris Teeter, but that property had already been annexed as well as the elementary school.

Kenneth Deal said thank you.

Chair asked do we have any more questions for Doug?

Margaret Desio asked if this project is approved, it will be annexed into the City, correct?

Doug Britt said correct. Because right now, we are the only ones that has water and sewer and so this is not in the ETJ or anything, its just strictly Union County.

Margaret Desio asked is Willoughby Woods in the City?

Doug Britt said it is not.

Margaret Desio asked do they have to be annexed if this parcel is annexed?

Doug Britt said no, they do not.

Margaret Desio said I didn't think so, wonderful.

Doug Britt said the whole thing about involuntary annex is really off the books like it was years ago, so typically how people want to be annexed is they come to us and say I'd like for you to annex us into

the City of Monroe. Whether its somebody who wants to annex 50 acres or somebody that wants to annex their house on a half an acre, but we no longer involuntary annex anymore.

Chair asked are there any other questions for Doug? Hearing none, do we have anyone that would like to speak in favor of the project?

Stephen Bennett approached the podium and introduced himself. He said I am an attorney here in Monroe and my address is 114 West Jefferson Street. I represent Century Communities, who is the developer/builder and applicant of this project. A little different than I have done presentations in the past, I'm going to act more as a point guard and let you talk to some of the folks on the team tonight. I have representatives from Century here and they want to tell you about their vision for this project. I have representatives from Kimley Horn, who is the engineering firm that performed the TIA for this project and they are going to talk to you about traffic. Then, I have a couple comments of my own at the end. In addition, we have Cameron and Diane Furr and they are the owners of the south parcel and I know we talked about that northern parcel that Mr. Dotson referenced and that's owned by Mr. Howie, but we have the Furr's here as well. To jump into things, I'm going to introduce Gordon Johnston from Century Communities and let him start.

Gordon Johnston approached the podium and introduced himself. He said I am with Century Communities here tonight. We are going to dive into the details of the project, but before I do and speak to this slide, a quick step back and I think we are going to try to convey our vision what we have for the project and what we want to accomplish with the community and with the homes, themselves. But, 2 quick points, 1 we've been working on as Doug mentioned, we've been working on this project for a little more than 2 years now and over the course of that 2 years, we've been receiving and taking a lot of feedback and comments from a lot of different directions. What we've tried to do is distill that down into this vision and hopefully convey, the vision for what the City of Monroe wants to accomplish with its future communities with housing for future residents of Monroe. Hopefully, we will convey that image to you guys that we've really spent our time and been diligent to try to accomplish that goal. The other thing and the reason for this first slide here, we frequently get the question of, "why this site, why this property, why now and why here" and really we just wanted to highlight that the message we want to convey is that this is really in the natural path of growth for the City. As Doug was referencing and questions were asked, really a flag was set in the ground with the annexation of the property at the corner of Rocky River Road and Weddington Road and the future retail node there with hopefully a Publix. We would expect growth to continue to fill in between there and the downtown area. So, obviously growth drives along corridors and driven by access. A lot of the historical growth for the City of Monroe is clearly up and down the 74 corridor, with the addition of the bypass. A lot of the recent projects have clearly been pushed more north and more east in direction, but growth is coming to the west. It's clearly coming and where it arrives first is really going to be driven by those corridors, so our site here on Highway 84, which we view as one of the main gateways into the City of Monroe, it clearly has that accessibility factor and then utilities. Utilities are going to be a big driving factor of where that growth occurs and for this property, it has both the accessibility and it has utilities onsite. It's really in that path of growth and those are the items that we are looking for when we are looking to establish new communities and one of the reasons we believe that this is a natural step for the evolution for the City of Monroe. (Mr. Johnston shows a map on the screen of a closer view of the site to show the proximity to the downtown core)

Mr. Johnston proceeds to present his slideshow presentation that includes the vision, project statistics, Weddington Road entry, different elevations for the 3 different collections of homes, the “Estates”, “Meadows” and “Cottages” and the variety of amenities.

Sarah Shirley approached the podium and introduced herself. She said she is with the engineering firm, Kimley Horn and their address is 200 S. Tryon Street, Charlotte NC. She said, I wanted to touch on what exactly a traffic impact analysis is and what it does, sometimes there’s some confusion on what it actually includes and doesn’t. Traffic impact analysis is a report that’s put together by a licensed professional engineer that takes into account what happens on us in connection with what is happening on all the sites around it. So, any projects that are proposed or in the queue, so to speak, anything that’s been approved and that they can point to that’s happening in the future gets included within that report for any development that comes into site plan process or a rezoning process, like what we are doing tonight. So, that plan and that report, all the intersections that fall within a specified area as determined, in this case, the City of Monroe and NC DOT, have to be studied and have to be evaluated. Different scenarios as to what year those build outs will be for those communities are taken into consideration and then that entire report is put together, summaries are formed and then requirements are put on the developer. So, the developer has to agree to all of those improvements, as part of NC DOT and the City of Monroe, then the developer has to agree to pay for and construct all of those offsite roadway improvements.

Ms. Shirley proceeds with the slideshow presentation and explains the recommended improvements.

- Eastbound left-turn lane along Weddington Road (into community), with 150 ft. of storage
- Westbound left-turn lane along Weddington Road (into Megan Ct.) with 100 ft. of storage
- Westbound right-turn lane along Weddington Road (into community), with 100 ft. of storage
- Southbound approach of Access 1 to include a single ingress lane, two egress lanes including an exclusive right-turn lane with 100 ft. of storage, 150- ft. internal protected stem (IPS), and stop control
- Modify the westbound right-turn phasing to incorporate permissive-overlap phasing
- Northbound approach of Access 2 to include a single ingress lane, and single egress lane, stop control, and 100- ft. IPS
- Southbound approach of Access 3 to include a single ingress lane, a single egress lane, stop control, and 100-ft. IPS

Ms. Shirley explained the next slide, which was labeled Weddington Rd & Rocky River Rd. Improvements. She explained that if the improvements mentioned are not in place by the time the Wildwood development is completed, the Wildwood development will be responsible for them or for revising the TIA to analyze the study intersections without those improvements and make mitigation recommendations accordingly.

Ms. Shirley said one of the questions that came up at one of the neighborhood meetings was concern for traffic coming through Willoughby Woods. So, we know we can’t control people and people will do what they want to do regardless of whether it’s logical to one person or another. But, in terms of ease of access to Weddington Road, we took the scenario of somebody leaving their house right at the intersection of Red Maple Lane and our internal road and what would be the likelihood and logic of them making three turns at stop signs to spend twice the amount of time to go out to Weddington Road versus coming straight down through the neighborhood at half the distance to get to Weddington Road.

Again, people will do what they want to do, but what's logical and likely and easier, is really the biggest question at this point.

Ms. Shirley explained the Wildwood Traffic Impact Analysis and gave the following conclusions:

- TIA was performed by Kimley-Horn and Associates, Inc. following national, State, and City methodologies/standards
- Initial TIA and FINAL TIA were coordinated with City of Monroe & NC DOT staffs
- FINAL TIA was reviewed and approved by both City of Monroe & NC DOT staffs
- Final transportation mitigation requirements have been agreed upon by City of Monroe, NC DOT, & Century Communities
- Final transportation mitigation design & construction are Century Communities responsibility solely
- Final TIA=conservative (studied the impact of more homes, 307 vs. 262 total units)
 - Minimal proposed site traffic volume impact= less likely than a by-right plan with Red Maple Drive as the only point ingress and egress
 - Safety/capacity benefit = additional outlet through Wildwood (potential for future signalization at main entrance)

Ms. Shirley said thank you for your time, and I will turn it back over to Stephen.

David Dotson asked the traffic study that you did, you used a traffic count? Did someone actually go out there and count the traffic at the entranceway or did they use a trip estimation? How was that done?

Ms. Shirley said at every intersection that is part of the scoping document that forms the TIA, there are actual counts that are done. The methodology that's used and Thomas Shirley, PE, can answer any technical questions if I get them wrong. The methodology that is used, I think they have a strip across the road and all of the exact counts are measured for certain peak hours and total hours. So, they take into consideration the highest and the lowest hours.

David Dotson asked you said they took into consideration the possible 479 residences as well, so I guess you used a trip estimate for those?

Ms. Shirley said those actually had TIA's done as part of them as well. So, they took that information as part of the traffic impact analysis for those and took that into consideration.

David Dotson asked do you know when that traffic study was done?

Ms. Shirley said those two projects were, I think they were approved 2018 and 2021 and so when that construction happens, they would have to follow those plans that were approved.

David Dotson said I'm just a little concerned because 2018 traffic is completely different than it is now.

Ms. Shirley said as part of the projections of that, they actually project out a certain number of years to show that that traffic increase would do. Again, it takes into account everything. So, the TIA that we did actually takes that and then projects even more traffic, based on all of the other developments that

are in the queue. You can only project what you know is going to happen, so we base everything on facts.

Thomas Shirley approached the podium and introduced himself. He said I work for Kimley-Horn as well and the address is 200 S. Tryon St. Charlotte NC. We collected counts in 2021 for this, so not using the original 2018 counts or any covid affected 2020 counts. For this, we applied a 2% growth rate based on coordination and AEDT growth in the area along Highway 84. AEDT is the Average Daily Traffic along a stretch of road and so it's based on essentially every 2 years, NC DOT collects the re-movement counts along stretches of road and so using the longest term growth rates and the shorter term growth rates, we developed the 2% growth rate, which was approved by NC DOT and the City of Monroe. So, we accounted for that, as well as the Villages of Rocky River development in our background set traffic, then we added our proposed set traffic to that to determine the improvements that were required for this site.

Jennifer Smith asked is there a shopping center slated to go be built there across from that?

Mr. Shirley said Villages of Rocky River West does propose a shopping center, that is correct.

Jennifer Smith asked do you know when that is supposed to happen?

Sarah Shirley responded and said I think the plans are currently still in Civil Design, so it would be at least another year or two before construction began.

Jennifer Smith said there is a school behind that, where you're building. What is the capacity right there?

Doug Britt said 77% for Rocky River Elementary.

Kenneth Deal said just for clarity, you mentioned that people are going to drive where people are going to drive and people don't frequently take the shortest distance between two points, has the developer planned any improvements for the secondary roads that these people will in fact be driving on?

Ms. Shirley said we don't have anything that was required as part of the TSI.

Kenneth Deal said I didn't ask about required, I asked proposed. Do they propose making life any easier for the people they are about to impact?

Ms. Shirley said we have not discussed anything specific. Originally in the plan, there were 2 connection points to Willoughby Woods, but those were removed at the request by the neighbors.

Chair asked do we have any more questions for these folks? Stephen is coming back.

Stephen Bennett said I'm going to try to bring this to a close shortly, I promise. Gordon and Sarah have talked a lot about all facets of the projects. I think you've been able to glean that there are a number of commitments that we have made with this. Sarah has gone over the traffic commitments and Doug has mentioned that we have the 30 and 50 ft. buffers that we've committed to. I bring up 50

ft., because we've tried to put a 50 ft. buffer on all parts that are adjacent to the neighbors to try and make life easier, as Mr. Deal would say. 5 ft. and 8 ft. sidewalks along Weddington Road and the one I really want to highlight for you is the rental cap of 20%.

Margaret Desio said I was about to ask that question.

Stephen Bennett said we are going to put those in the restricted covenants for the neighborhood. Architectural commitments, as Gordon referenced, the goal here is a mix of materials; stone, hardy plank, etc. 25% of the front elevations shall be brick or stone and everybody is getting at least a 2 car garage. The 75 ft. lots, that's when you are getting into the 3 car garages back there. Carriage style doors or hardware on all front loading garage doors to dress it up a little bit. As to the amenities, we would argue that Wildwood has more substantial or in line amenities and we've listed a few, we've got Plyler Farms, Regent Pines, Monroe Chase, Waxhaw Landing Phase 2, we are building quite a bit of amenities. I know for a fact that a lot of those don't have cabanas and pools. Architectural features, I believe we are consistent with that and if not even better than some of the other elevations. Open space, I would argue that 41% is better than most, if not all of those. One, I really wanted to highlight to you, is the density. We are at 2.23 and that is the next to the lowest of the other projects. I think that's important cause of how it fits into the area. We've mentioned Villages of Rocky River West and that's a project that when it gets built out, that's 3.66 units per acre and next to that, Villages of Rocky River East and that's 3.3 units per acre. So, at 2.2 and that was not the original version of this plan, but we are down to 2.2 and I think that provides a nice transition from the higher density stuff at the intersection there at 84 and Rocky River to Willoughby Woods and to the Farms at Willoughby. This was originally zoned R-20, which is 2 units per acre as well. So, why Wildwood, that's the real question. You folks have been kind enough to meet with us on numerous occasions. We've had numerous neighborhood meetings and multiple discussions with Staff. We've tried to incorporate as much as we could into this and that comes from reduction in density, making the street scape nicer, making the appearance on 84 nicer, adding open spaces to the middle of the neighborhood, removing 2 connections that would have originally connected into Willoughby Woods. That was the result of the initial neighborhood meeting. In our view, this is a responsible development in the natural path of growth that Monroe is showing. This fits in density wise with what is already out there, it provides a nice buffer between higher density and lower density to the east and also it builds back towards the City instead of farther away from the City. What I really want to focus on is, harmonious with the vision for the future of the City of Monroe and this matters quite a bit to me as I have practiced law in this town for 15 years and I have quite a bit of interest in this. In my opinion, Monroe is in the midst of a major shift, it's not a rural farming community anymore. Industry is here and more is coming. ATI is currently expanding and they are building a new building right now. Collins Aerospace, Midway Aerospace, they are looking for engineers. Goulston Technologies, they are looking for chemical engineers. Glenmark Pharmaceuticals, they are looking for PHD Pharmacologists. Berry Global, looking for plastics engineers. Coca Cola Consolidating, I can't help but remember that they just got a hundred million grant about a month ago to help expand and they are looking for logistic specialists. Bona USA, is looking logistic managers. Selfishly, law firms have a decent amount of trouble finding attorneys to come to Union County. Skilled medical professionals, we've got a big hospital and they hire doctors, skilled nurses and various techs. The reason I mention that to you, is those are high paying, high quality jobs that are here, but they are also going to come here. There are more in the future and that's important. It's important to have the jobs for Monroe, but it's equally important for those folks who are filling them to live here and spend their money here. We often talk about

revitalizing downtown and as somebody who has had his office downtown, it hurts to drive through downtown Waxhaw every single morning on the way to here and see vacant historic buildings on a main street. Our downtown could be amazing, but we need folks to move here and spend their money here and support the businesses that could go there. Planning Board and City Council, you guys have worked very hard in the past couple years improving the quality of development in Monroe, it's obvious. You've requested something about starter homes, you've requested neighborhood where people can age in place and move up as they grow in life. You've requested better elevations, better exteriors, better architectural details. You've requested better amenities for the folks that live in these neighborhoods. You don't want bedroom communities; you want places where people can live. I think Wildwood meets those requests, these aren't starter homes, they aren't mobile homes without wheels. This isn't front loading garages and houses that are the same as everything else. It's a community with multiple high quality options for everybody from the young professional just out of graduate school, to the folks that are managing all these industries out close to the airport. It has a variety of passive and active amenities that allow folks the space to live and play and live their lives. I think Wildwood is everything you guys have been asking since as long as I've known you and we ask that you recommend it for approval. I anticipate you guys having questions and I anticipate some other folks have something to say and I would ask to reserve a couple minutes at the very end if I need to address any comments or questions that come up.

Chair said right now, if you would stand there for just a bit, Mr. Morgan has a couple questions for you.

Archie Morgan said I'm concerned about school capacity. Those numbers are high, you've got 77%, 85% and 72% capacities. How will this impact that?

Margaret Desio said those are the lowest capacities in the county.

Jennifer Smith said they are pretty low.

Archie Morgan asked any concern from the Monroe Police Department?

Stephen Bennett asked to this specific neighborhood? I don't believe so. I have seen the comments and heard a comment from a couple weeks ago that if all the houses that had appeared were magically there all of a sudden, that Monroe would need to hire additional police. Now, the timeline for this is 2028 before this is built out. There is adequate time for Monroe to embrace the folks that are coming, as it pertains to the police force.

Archie Morgan said years ago, I lived on Red Maple Drive and your development is not Willoughby Woods. Willoughby Woods is an established neighborhood that's been there for years, people walk their dogs, kids play. These people in Willoughby Woods are going to be impacted big time by this development, there is no way they won't and that concerns me too.

David Dotson said I'm a little concerned too. You referenced it in your slide that the gross density is 2.2, this project is why we are changing that. That's why it's been changed, because you have a small parcel with lots of buffer that you can't build on. But, you have it, so you can increase the density in the larger part. That's why we are changing that, the actual density of that is closer to 3.7.

Stephen Bennett said I think we calculated it at 2.7, but I will agree to disagree with you on that.

David Dotson said 262 divided by 70 is what? Right. Anyways, it's higher than 2.2 no matter how you cut it. I guess my point is, I'm concerned in the fact that you have an existing road and existing residences on either side and those people in a few minutes are going to tell us what they believe about having the City of Monroe surround their residence. Was there any consideration in not building on the northern part? I'm calling it the northern part, but the smaller part, and leaving it to the bigger part, so that you don't have that issue? So you aren't on both sides of those residences.

Stephen Bennett said I'm going to let Drew talk about that, I don't think so. What we really tried to do is try to find another access and there's just not enough for another access. I get it, it's an existing neighborhood and they are fearful to have folks drive through and one of the focuses has been making sure those stub streets don't connect and trying to make sure that folks come out through Wildwood, as opposed to Willoughby Woods.

David Dotson said one last question. Did you present Regent Pines? I cant remember.

Stephen Bennett said I did.

David Dotson asked do you remember how it came out at the Planning Board?

Stephen Bennett said I do.

David Dotson asked was it a no recommendation?

Stephen Bennett said actually it was a tie.

David Dotson said so, it was a no recommendation.

Chair said the way a tie works, is that is goes to Council with no recommendation.

David Dotson said that's what I just said. So, my question for you is, do y ou remember what the problem with that was? It was the 40 ft. lots and there was concerns about 40 ft. lots and putting a 30 ft. house on a 40 ft. lot. That was a concern then and I know Council at some point, I think they did approve it. But, it took a couple of months and it got tabled and then it came back.

Stephen Bennett said it's not quite as simplistic as that because it was 40 and 45 ft. by the time it got approved, but the difference, of course you are talking about a 30 ft. house versus they were proposing a detached townhome, the width is different.

David Dotson asked what's the width of the product on the 30 ft. lot? I'm sorry, the 40 ft. lot.

Stephen Bennett said 22 ft.

David Dotson asked what is our minimum for a townhome?

Kenneth Deal responded and said 24 ft.

David Dotson said its smaller than the minimum for our townhome and that concerns me as well.

Stephen Bennett said I hear you, the only thing...

Doug Britt said the minimum lot width on a townhome under the new code is 24 ft. wide.

Chair asked what is it under the old UDO?

Doug Britt said there wasn't one.

David Dotson said that's just my concern. That you are going to put that product on that size of a lot, but I'll leave you alone now.

Jennifer Smith said I have one question. Something is going to go in there eventually, no matter if it's a house or a subdivision or whatever. Could they put a bunch of apartments on there for 300-400 or those?

Stephen Bennett said by-right, I don't think they can put apartments. So, this is and I know the Monroe UDO quite a bit better than I know the Union County UDO, but I believe the Union County UDO will maybe even allow mobile homes by right out there. You can certainly put a duplex by right on any of these in R-20, which is what this is.

Jennifer Smith asked you are saying they could?

Stephen Bennett said yes, I don't think they can put apartments, but they can definitely put duplexes.

Kenneth Deal said the biggest problem with the County building remains with the perking capacity of the land that restricts them from packing them from packing them in that tight. Unless they want to put in their own direct pressure sewage systems.

Chair asked do we have any other questions for Stephen or Mr. Johnston, who was talking earlier? Hearing none, I have a list of speakers and we are going to ask anybody that would like to speak against this project or is there anyone else that would like to speak for this product? (there were none) Anybody that would like to speak against this product, the first on my list of speakers is Cindy Pope. Ms. Pope, if you would state your name and address.

Cindy Pope approached the podium and introduced herself. She said I live at 3017 Hollytree Lane in the Willoughby Woods Farms of Willoughby Woods neighborhood and I'm going to read this for respect of the time and to stay on track. It's my thoughts though. I would like to address what was just talked about and thank you for considering the neighborhood that it's going to be affecting. But, I would like to address the meetings that were briefly mentioned. Initially the developer apparently said that there were little to no community interest and that's absolutely not true and I think you can kind of see that from the attendance tonight. December of 2021, our neighborhood advisory board, which we formed specifically for this project, for the purpose of organization, requested and in person meeting

because nothing had been brought to us as an opportunity for a meeting. We requested the in person meeting and nothing had been offered by the developer, at that point, then they agreed to meet only with the advisory board, which consisted of 12 people. All attended, except for me because I had had surgery. Then, they agreed to another meeting in December 2021, but only virtual, and it turned out to be for their purpose of a presentation. 60 plus people attempted to attend the virtual meeting, but many could not get in. There was no opportunity for questions and the presentation was not completed. The last meeting, we had was on January 19, 2023 and it was again, only to be our advisory board for the project and word got out and 40 plus people attended and it was standing room only, some being from surrounding neighborhoods who had concerns and objections as well. This is just a brief summary and it only skims the surface of major community concerns and involvement and any suggestion that there is no or little interest is absolutely false. It minimizes, if not ignores the affect that this proposal will have on the existing, majorly imposed on neighborhood that already exists. Thank you Mr. Morgan for making reference to that. So, any suggestions, that's absolutely false and again, I think you can see that by the attendance here tonight and I respectfully thank you for your time.

Chair said thank you. Next on the list would be Don Phinney. Mr. Phinney, I'll give you 3 minutes.

John McCain approached the podium and introduced himself. He said I am going to be touching base with Don's proposal and his comments tonight because he's out of town. My name is Don Phinney and he actually wrote it in the first person.

Jennifer Smith said could you speak up?

John McCain read from the letter and said my name is Don Phinney and I live at 211 Willoughby Woods Drive and my wife Mary and I have lived in Willoughby Woods for 33 years and have a lot of changes that we've seen in our neighborhood. Back in the late 90's, there was a high density neighborhood about 300 plus homes that was proposed by Dan Moser that would have connected to our neighborhoods. Fortunately, that proposal was rejected by either the City or the County and instead on the same site, we now have an upscale neighborhood of Willoughby Farms. That is a multi-million-dollar home on 10 acres per home. We have seen new homes added on Hollytree, Red Maple and Wild Dogwood. Two more homes are being planned on Wildwood and one of Red Maple, until now, all these homes are lots that were comparable to what we already have in Willoughby Woods. Mr. McCain said that Don goes on to say something in regards to the proposal is anything but comparable to the neighborhood at this time. You've been challenged to visualize a few things tonight. I'm going to ask you to visualize that there are rather 2 large armies on the battle field. One of the army's march 1,000 miles and one of the armies is yours. To win, there is one thing you must be assured and what is that? The march is not yours. About our community, my brother and I attended East Elementary School and it was the very first year that these kids integrated and it was the best thing that could ever have happened to us. 2 years later, we were fighting rebels, red and grey and boy I'm telling you, that Johnny Hinkle and Steve Presson and those guys, they could knock that helmet off your head. John Payne was one of them. Life time, lifelong friends are always here in Monroe, always here in Union County. Don Phinney is a stickler for statistics and in some regards, you are lucky you didn't get him tonight. But, on the downside, I'll leave it with you. There are 78- 40 ft. that average just slightly over 1/10th of an acre, .12 to be exact and 5,180 square feet. Let's make that number relative, you are sitting in it, this conference room that doesn't include the house. Like I said, I will leave this with you. I'm not even going to ask people in this crowd to raise their hand if they had any idea that this is what we

are talking about with the 78-40 ft. lots. I retired from a Fortune 50 company and spent way too much time there and it operated a 180 countries around the world and if there's anyone thing that I learned, that was never the big that ate up the small and it was always the fast that ate up the slow. Whose fault is it in this room that this development has taken two years, get it right, get it right. I can't begin to tell you how much we appreciate your patience and your understanding in allowing us to come in here time and time again, but make no mistake about it, we care. We care a great deal about our neighborhood and we care a great deal about each other and we care about this town and county that we live in.

Chair said thank you.

Doug Britt approached and said if you talk, if you don't mind speaking up so that the people in the Conference Room beside us can hear. If you speak softly, they won't be able to hear over there. Thank you.

Chair said next would be Cathy Morris. Cathy, are you speaking individually or for a whole group of people.

Cathy Morris approached the podium and said I am speaking for a whole group of people. She introduced herself and said I live at 3107 Hollytree Lane in Willoughby Woods. Our property is directly adjacent to the northeast corner of the front section in the proposed development. In this area, flooding and water runoff are a real problem. This occurrence of flooding depends on many factors, such as climate, topography of the land, streams, soil, vegetation coverage and overall rainfall. Over the past 4 years, we have lost numerous trees due to ground saturation and water runoff running through out backyard from this adjacent property. The amount of water running through out yards poses a threat, not only to our home, but to our septic system and our landscaping. My next door neighbor and I have a special low pressure septic system with shallow septic lines that run throughout the backyard. Whenever we have thunder storms, heavy rains or just a rainy day, there can be massive amounts of water that come through this property going through our backyard and it floods the neighbors back yard. After investigating the source of the water, as you can see (Ms. Morris shows several photographs of standing water) from these pictures and from a video that's coming up. There is a trail of water leading into the property of going back into a much larger area of standing water. There are numerous channels of water that run from the west side to the east side of the property and then drain into our property directly. We contacted Metro Greenscape of Charlotte to come and assess the issue when we moved in back on March 19th, of 2020. At 1:00 p.m., Chris Farris came out to evaluate the area and he said that there is a natural spring coming from the property to the west of ours and when it rains, this causes the water troughs to rise and overflow to come through our backyard. This type of flooding is also known as groundwater flooding and can last for weeks and months, after the rain has stopped. It differs from surface water flooding, which is caused by rain directly hitting the ground surface. This called for further research where I found that there is a documented pond that is fed by a natural spring on this property. This natural spring not only runs through that property, but through several surrounding parcels of land as well. (Ms. Morris shows where the pond and natural springs are located and connect to Bearskin Creek in regards to the location to her house on slideshow presentation) One of these feeds into Bearskin Creek, which is behind the Farms of Willoughby, neighborhood gated community within our neighborhood. As you can see from the pictures when it rains, the creek rises and it gets rather deep. This all started when the land was cleared years ago for

farming and has continued to get worse as the years go by. On March 15, 2022, there were surveyors and equipment on the property doing core samples of the soil, one of the pieces of equipment got stuck and had to be pulled out of the mud. This causes deep ruts within the soil and runoff to be collected within these ruts, essentially causing mud and water to overflow through our backyard. If this kind of mess can happen with just a piece of equipment doing core samples, think of what can happen once you start breaking ground. Think about the quality of life that you will be forcing upon my family and our neighbors. As you can see, this is an ongoing issue that is generated from this piece of property and showing how water runoff can easily overwhelm the surrounding areas. We need to find a better way to protect residents and future residents from this water drainage issue within the surrounding communities that you are planning to improve upon. Thank you.

Chair said thank you. Next on my list is Carol Williams.

Carol Williams approached the podium and introduced herself. She said I live at 402 Wildwood Road, which is right at the intersection of Red Maple and Wildwood. So, people coming through our neighborhood shines lights into my house at all times. I'm really here to talk about traffic and I took a trip this afternoon from Rocky River down to Martin Luther and then turned down 75 to Waxhaw Landing, that's 4 and a half miles. Currently approved in that 4-and-a-half-mile section is 1,255 houses and a shopping center. Wildwood would add 260 houses and there is also an apartment complex that will be going to Council, that's at the corner of Martin Luther and 84 across from the Food Lion and it will have 220 residents and another shopping center. That's a total 1,735 houses and 2 shopping centers in 4 and a half miles. As they said, 84 is the gateway to Monroe, but if you put 7,000 more cars there in the daytime, that's too much. In my opinion, that's too much. By them coming through our neighborhood, which I often describe as a little piece of Mayberry, it's just going to change our entire lifestyle. We have kids in the street, we have an old gentleman who has a dog and he walks it with his golf cart because heart issues. It's just a nice, peaceful, quiet little place and we want to keep it that way. Thank you. (Doug Britt showed photos of the traffic issues on the screen that were provided) Ms. Williams said when Union Academy gets out and they have no bus transportation, it's a madhouse from about 2:30-4:00 p.m. Also, there is also a lady named Phyllis Secrest Long who has property on Watkins, that butts into the property that they are planning to build on. If they would consider purchasing that, that would eliminate a lot of traffic through our neighborhood and it would keep the traffic off 84 and they would go out Watkins and go out. I think that is something that they should consider. Thank you.

Chair said thank you. Next up, we have Chip Pope. Mr. Pope, are you going to be different than Cindy Pope?

Mr. Pope approached the podium and said yes, I am. He introduced himself and said I live at 3017 Hollytree Lane with Cindy (Pope). I want to talk about construction traffic. Our roads, some of them are a compilation of years' oil and chips, there is no real road built there. As you said, they are maintained by the State of North Carolina, sort of. Those roads are not built for the kind of traffic from this construction and the kind of machinery, flat beds, material, you name, it comes in. Its not inconceivable to be 100,000 trips a year over those roads and it sounds like a lot. But, if you take 300 days of work, that's 330 trips a day, that's about 41 an hour. That's not an inconceivable number, particularly when you think about all the trades people coming in in the morning and all the material during the day and the trades people going home in the evening. Our roads are not built for that and

will not last. There is perhaps one place in all of those roads through Willoughby Woods where two tractor trailers could pass and keep all of their wheels on the surface, other than that, they will be off the roads. Which will be causing a number of problems with property. Roads will be destroyed, property damage will occur, people will speed, it's typical. They will be going home faster in the evenings because they want to get home. This will injure not only adults and children, but also the community at large. I have been told by Drew that they will put up signs and Century will control this and have a meeting with contractors and if there are problems, we will move to that. We need something stronger, perhaps a fine for that to the developer. Then, the developer then takes care of it and keeps that from happening, otherwise, we won't have any roads. I want to draw your attention to item 11 in the environmental landscape, it says amenities may include. It also means, amenities may not include. There is nothing that says amenities will include, so you can get nothing, something, part of something, you don't know. I bring this up because in Fresno, California had a lawsuit with this company because they said they would build a 55 and older community, when those houses failed to sell at the rate that was desired, they opened it up to under 55. In the lawsuit, the company said not in the written agreement and they settled out of court for \$500,000, the point is that there is not integrity here. They will tell you one thing, even with notes in your minutes and do something else. So, with no statement at all that they will stay off Willoughby Woods roads, they've made it verbally, with no commitment to amenities. Any word that isn't strong in how it delineates what they are going to do, may or may not happen. So, I would be real careful in what you agree to because it may or may not happen. Thank you.

Chair said thank you, sir. Next is John McCain.

John McCain said I'll pass; I've already taken my turn.

Chair said next then would be Dennis Pascari.

Dennis Pascari approached the podium and introduced himself. He said I am at 3202 Red Maple Drive. I'm not here to talk or teach somebody what to do, I just want you to please hear us and do the right thing. So, I'm new to the country and new to the neighborhood and I got all the legal paperwork, but I do not feel that I have the right to morally show what I want and want I need. I will let them do it, because they did it good for me and I will let you guys decide what to do. My main concern would be is why projects like this, not just this one, but today, this specific one, will actually impact the people who actually build the country. I'm not saying me, because I wasn't here, I was back in Europe, where everybody bought what you want and you've got money to do what you want. I escaped from there and came to here, expecting to live the American dream, which is kind of far out. It's far out, because it's built wrong. The whole idea is to keep it for the people and projects like this, in my opinion, against the people. So, my main thing right now is I'm not old enough to judge these guys, but I don't want to break their lifestyle, as they let me join the community and I want to help them to do what they have to do and if I can help, every single time, I will. At the last meeting we held with the builder, I asked a couple questions, where of course we didn't get the right answer. So, I was making some rules with everything they were saying, because they lost me from the beginning. I want to ask you to please do not build wild areas, wild neighborhood. Monroe has become my home city and I want to keep it nice and clean. As far as I can help, I will help all my neighbors. Thank you for listening to me.

Chair said thank you, sir. Next is going to be Chris Dollar.

Chris Dollar approached the podium and introduced himself. He said I live at 2703 Weddington Road and thank you for giving me 3 minutes. My wife and I, and my family moved to this area in March of 2019 and we have been here for a while. Monroe became our home and we moved here specifically because it was out and it was a community. Over the 24 years that we've lived here and some of my neighbors have spoken about the traffic issue. I leave at 4:15 in the morning and commute down Weddington Road, when I first started in 1999, there was no traffic. Now, it is bumper to bumper at 5:30 in the morning. Coming home, beginning at the first traffic circle at the end of Weddington Road, its bumper to bumper, 15 mph all the way to Wesley Chapel. Now, we are talking about adding another 700 units onto this and now I found out too that we are going to do an apartment complex. The gentleman talked about growth earlier and there are different kinds of growth. You can talk about road news, you can talk about people, you can talk about different kinds of growth. But, I want to talk about the kind of growth that is solid and here. The gentleman from Europe came in here and he made this his community and I came here and made this my community. The gentleman needs to know how to define what community is, all I have to do is turn around and look and I see community. I people that have been here for decades, like I have, I've been here for decades and I'm one of the newbies around and I've been here for 23-24 years. What we are talking about is a change in community that is not going to be reversible. Between my house and the end of Weddington Road, I've counted at least 6 subdivisions going up and there's another 2 that's already been proposed and now we are adding another one. Well, the kind of growth that I'm talking about is the kind like this community with people that are committed to the community, that are here and that are going to be here. What the gentleman's talking about in this subdivision, is not about deep community, but a superficial community because they are putting in the agreement that they are going to have 20% rentals. What we are talking about is eventual rental property, you can put lipstick on a pig and it's still a pig. That's what we are talking about. I'm talking about ageing in place and if you change this, it's going to change the community and I'm strongly encouraging you to decline this approval. Thank you.

Chair said thank you, sir. Next I have Ron Pereira.

Ron Pereira approached the podium and introduced himself and said I live at 1118 Styx Drive, Monroe 28112. A recent friend of mine told me about this meeting and he asked me if I could come, because he didn't know how many people were going to be coming from his community, but I see that really there is no reason for me to be here because everybody else is here. So, I took a look at the conditional district Wildwood, item 3 on tonight's agenda and the site plan, sheet 2 of 7 elevations. I talked about it with my friend who lives in this neighborhood and the concern is that if you look at the site plan, it looks like a lot of the people in the yellow, top, part in the bigger houses are going to be coming out on Red Maple Drive and coming down and getting onto Weddington Road, rather than coming through what I would call the gauntlet and driving down through the pink and red houses to get to that one entrance/exit down at the bottom. I lived in northern Virginia for 35 years and I know about commuting and you want to try to find the easiest way to get to work with the least amount of traffic, so you don't spend so much time in the car. Just looking at this, it looks to me like a lot of people are going to be coming onto this Red Maple Drive and I just counted the number of houses on that road and the number of yellow houses and some of the red and pink houses that I think will be taking this road as well. I came up that you are going to quadruple the traffic on that one road, Red Maple Drive. As far as I can tell by looking at this, its all about traffic. My friend lives on Hollytree Lane and they are going to be hit with this same problem as well, the traffic coming out from the top and coming down, so I see it as a change in lifestyle. I drive on this road because I have to go see my daughter,

who lives in Matthews and we go Weddington Road and get over to her house. We have a thing where we only get on the road at a certain time of day, because otherwise, when that Weddington High School gets out, it really gets crowded. Of course, you have Union Academy and everything else and people trying to get there. But, anyways, I just wanted to get my 2 cents in. Thank you.

Chair said thank you. Next on the list is Kimberly Graves.

Kimberly Graves said from the audience that she signed the wrong sheet.

Chair said ok, next we have Robert Yanascek.

Robert Yanascek approached the podium and introduced himself and said 513 Everette Street. First off, I don't live in the neighborhood, I will tell you that. But, I have been to most of the meetings and super nice, tight knit neighborhood. The reason I'm here is all the growth and as Archie pointed out, the growth does impact the entire city. As an officer, public safety is close, near to my heart and currently Monroe here has a crime rating of 3 %. That means that there are only 3% of the cities in the United States that have less crime than we do. Which means, 97% of cities have less crime. So, as mentioned at the last meeting, our own Police Department has concerns about all the annexations and houses based on the two that were proposed and those two were actually passed. So, I would assume that that would spur to end the additional annexations and it goes along with the school system also. The school employees say that if those developments passed and if they are developed and which they will be, otherwise why would we be going through this whole thing. School enrollment will be an issue, but we aren't talking about that. So, in the Planning Departments mission statement, it says that your main goal is quality of life for existing residents and I think everyone here is basically saying that passing this developments, you are impacting their quality of life, especially this one. Like I said, I will be brief, but I also wanted to present over 100 signatures on a petition saying that they didn't want this, but I don't want to take up your time because I know other people have something to so. I appreciate it, thanks.

Chair said thank you. Next on the list is Shirlene Leaks.

Shirlene Leaks said from the audience, I think I signed the wrong paper.

Chair said ok, next then would be Kevin Murraray, if you are on the correct list.

Kevin Murray approached the podium and introduced himself. He said I live at 907 Sikes Mill Road and I am a retired building inspector in the town of North Amstead in New York. I am quite familiar with various zoning and committees that we have when we want to do any project. I want to go out of the box and I want to take this one step further. I'm not talking about lot size, side yard setbacks, I'm not going to talk about the traffic because I get anxious going down the street when I have construction trucks coming now all along 601. They are all along the roads in the back country side, so that needed to be address before any project would have been approved, in my opinion. It would have been the safety of the existing residents who are being neglected for these issues not being risen. I've seen this myself in the past. But, what I really want to talk about is, do we consider North Carolina a green state? Do we consider the City of Monroe a green city? Has anybody asked that question? The reason I ask that question, if I want to know from 1980 when I started the plumbing industry and I started as an

apprentice in Virginia Beach. I want to know today that we know if we are going to plan our community and if we are going to do a Planning Board, why hasn't anyone incorporated the use of solar panels on any structure that be built. I'm not just talking about Monroe, I'm going to Charlotte, South Carolina. Anywhere you want to go. I want to know why this country has put such a terrific emphasis on green energy, but yet, we build thousands and thousands of houses with no requirement for solar energy. Solar energy is expensive, yeah, the battery for a Telsa is \$15,000. We have an electrical grid that we can't even... I'm not here to fight and argue with anybody, these are common sense issues. We elect you people because we believe you have common sense and personal to this organization that I know nothing about an individual company, but I do know about common sense. So, if you want to proceed with these projects all for Monroe or for North Carolina, let's start in the beginning. If you want to build a housing structure, that house has to have solar panel. Because, if nothing else, it can heat the water heater. What are we going to do? Run natural gas, we can't do that. This isn't all about a particular lot or group, this is about the environment that you people are begging us to walk with you on. You've got the rules.

Chair said thank you sir. Next up is Latanya Wagner.

Latanya Wagner approached the podium and introduced herself. She said I am at 418 Ridge Wood Drive in Monroe. She said, I do not live in the community that is concerned with the meeting. But, I am concerned, because I do have friends that live in the community and I am a real estate agent and it may seem odd that I am here speaking against this community as its planned here, for Wildwood. But, I looked at your website today and I want to remind you of your own mission statement that you have on your website. Our mission is to create a sustainable community of lasting value by preserving our past and planning for the future, by enhancing the quality of life. We are committed to protect the public, health, safety and welfare of the citizens within our community. Through quality customer service, education and planning. As this new proposed community, as it stands with 262 homes, that is really too much for our area in this one area on Weddington Road. You've got to consider the fact that you will have more traffic and its already bad. If you drive anywhere in the county, our traffic is horrible and that is something you need to consider. The fact that the schools, I know a lot of people have expressed information about that some of the schools are at capacity and I know it would put a greater hurt on the schools that are in this community. Also, really consider what your mission statement is to give us quality, health and safety and welfare. The fact that I'm not personally against development, but we need to do it the right way and not in the sense of doing the high density homes in this area. Thank you so much.

Chair said thank you. Next we have Jason Floder. (Jason Floder did not show) We are going to check next door. (Doug Britt checked the Conference Room) Ok, now we are going to take a 10-minute break.

Break until 7:53

Chair said we are going to call us back to order, I'm sorry, I missed Amy Craig. Amy, would you come on up?

Amy Craig approached the podium and introduced herself. She said I live at 305 Wildwood Road and I am new to the community, I moved their last October and I am in love with it. I've not met many of

my neighbors. I moved there from Matthews because it's peaceful, quiet and dark at night. It's a large lot and I love the small community. I worked uptown as a nurse at CMC Main and on a good day, my commute would be an hour in the morning and an hour in the afternoon. Now I work in Stallings at a hospital, on a good day, my commute is 30 minutes to work and back. So, please consider traffic. I'm all for growth in Union County, I'm all for growth in Monroe. I'm all for appropriate growth. But, can our infrastructure handle it? Can our schools handle it? Do we have teachers to teach our children? Do we have police to police our communities? Will we be safe? I'm asking for you to protect our Willoughby Woods community, the quiet, the peacefulness, the residents, our roads, the connectivity. Protect it for us, please. Sir, I know you mentioned you lived Red Maple and you understand how precious our community is. I'm just asking for you guys to protect that for us. Protect the existing people that live in Union County. I know you want new people to come there, but protect us, that currently live there. Thank you.

Chair said thank you. Amy concludes our speakers. Mr. Bennett, you had requested a wrap up, so if you would come up.

Stephen Bennett said very briefly, Gordon and Sarah both have one comment.

Gordon Johnston approached the podium and said I will be brief. Again, some clarifying points, there was a question or comment made about reaching out to adjacent homeowners, specifically one behind us for a potential 2nd access, we did reach out to and spent a significant time specifically with that homeowners. But, also other owners that are adjacent to provide potential access points to the north, as well as property to the south up at the frontage to provide another access to the south. Without belaboring the details, none of those were sellers, so all of those were failed attempts. But, we did make efforts to deviate from the plan that you saw. Construction entrance is clearly going to be along the frontage, so we did not intent to send construction traffic through the Willoughby Woods neighborhood. Tax base of these homes again, 400's, 500's, 600's, we don't know specifically. I know we've addressed it and spoke to Doug about this in years past about the breakeven point for contributing to the services and addressing the question about services and police and fire. These homes are all going to be significantly higher than that breakeven, which I believe was in the 250-260 range. Lastly, just to clarify about the neighborhood meetings. So, the first meeting we did was a virtual meeting and this was during covid and mailers were sent out to everyone, I forget the radius, but certainly everyone within reach of the property. Following that, there was a task force that reached to us to schedule an in person meeting, which we did. Then, the most recent one in January, we reached back out through mailers to all the bordering properties to invite everyone to that meeting. I will let Sarah address the last point.

Sarah Shirley approached the podium and said, I wanted to address the stormwater concerns for the property. There are two things that are in play here. First things first, our property has to go through a full civil design process and as part of that, the requirements for stormwater are pretty stringent. We have to take into consideration the entire property, both sides of the road, and we have to make sure that all the water that is on our property is taken care of on site. We aren't allowed to send anything off the property. So, if there are issues with water coming off the property, we actually have to address that through the design. The second thing is, in older subdivisions before 2006 is when the modern stormwater regulations came into place. All of the older neighborhoods were only graded to accommodate the building pad and then the road that accesses their property. So, the rest of the

property just was able to do what it does, there was no concern about making sure that water sloped away from buildings, went off the property and was collected into a stormwater system. All of that is different now and so now all of the modern subdivisions have to address those concerns as part of the civil design process. Thank you.

Jennifer Smith said I have a question. I'm concerned about these springs that Kathy Morris talked about. Is building this subdivision going to help, make worse or anything that's going on in their area of that subdivision?

Sarah Shirley said as part of our process and its part of all the site design. We have to identify any streams, wetlands, any environmental features that are protected by the state, by DEQ and we've had a wetlands delineation performed. If we have to have another one done to update it, we'd have to do that as part of that, yes, so we would have to either avoid, protect or mitigate any concerns or any environmental features that came out of that. So, if there is indeed a natural spring that's on the property, we would have to address that, we would have to protect it, we would have to mitigate it or we would have to collect it.

Jennifer Smith asked they didn't know all that though, ahead of time?

Ms. Shirley asked the neighbors?

Jennifer Smith said yes, the neighbors.

Ms. Shirley said I had actually had spoken directly with Ms. Morris at one of the neighborhood meetings in the past about this, so we understand the concern and it would be dealt with as part of the site plan process.

Chair asked and said, Planning Board members, do we have any more questions for Stephen Bennett or anyone else? (there were none) Mr. Britt (Doug) is going to light up the board. (Doug brings up Planning Board action items on the screen)

Doug Britt said these are the actions that Planning Board is requested to take action on tonight. They will start with the annexation and they will move through the process.

Archie Morgan said I'd like to make a motion.

Margaret Desio said before you make a motion, I would like to say something.

Chair said ok, let's go with a Planning Board discussion before we make motions.

Margaret Desio said I appreciate all of you folks coming here tonight and I appreciate your concerns for your subdivision. But, I would like to tell you this, you don't see what we see. You have not seen the subdivisions that have been brought before us and the sameness and the lesser quality of construction, the disregard for traffic, for wetlands, that we see. We have begged and asked developers to bring us subdivisions like this, that have a mixture of houses that take into consideration of everything around it. We ask every developer for a rental cap and what that means is, we have lots of

developers that come and they build into their subdivisions, rental properties. Because, if they build these properties and they don't sell, they want to rent them. So, we have several subdivisions now that started out as homeowner subdivisions and now are complete rentals. They are rental subdivisions. We are trying to stop that and that's why we ask Century Homes if they would give us a rental cap. So, if they are going to have 250 homes and we've asked for a 20% cap, that's like 40 houses out of 200 that can only be rented. So, we are trying to stop subdivisions from being turned into rental properties. I surely understand that everybody wants Union County to stay the way it was. We would all love it for it to be the way it was in the 1950's. Unfortunately, that is not our reality. Someone said to me the other day that we are in the middle of a culture shift and that's what we are into, that's what we are for. So, I just wanted to clear you on somethings. Century is the developer and the builder, that means what they tell us, they have to build. The developer comes to us and gets the subdivision approved, then he sells that to another builder, so we have no idea what they are going to build. Well, Century is the builder and the developer. So, we are tickled to have that kind of combination and I know your concerns and I know that you would love to leave that land just as it is, but you have to remember that the people that own that land have a right to do something with it. They have a right to have it developed, sell it, farm it, they can do whatever they want to. But, these are the kind of questions and dilemmas that those of us on the Planning Board see from time to time. I just want you to understand what we all have to take into consideration when developers come before us. I'm sure all of the Planning Board, we were all invited to go to see this development built. That's what I've always said to them, take me where you have built this before so that I can see what it looks like. I hope all of you all went, I certainly went and I know that Richard and Jennifer went to see exactly what these folks are building and what it's going to look like and it's pretty. It's a nice development, it's something that you would be proud of. Anyways, that's my two cents and I just wanted to clear up some issues.

Chair asked do we have any other comments from Planning Board members?

Kenneth Deal said I would like to piggy back a little bit with what Margaret said. Growth is inevitable, none of us are ever going to stop growth and built into that growth means when a city gets bigger, it's going to have to hire more people to operate that city. The tax base that's brought in is exactly for that, to grow the support structures and the infrastructure needed to support new communities. Now, with that being said, there's a lot of things in this particular project that I like and there are things in this particular project that I don't like. We have a large inventory of homes on the books right now, waiting for ground to be broken or the dozers are out there with their lights on dozing it. The one element that this project brings that I don't think is right for Monroe are 40 ft. wide lots. We've got way, way too many of them. As a concerned person who has lived in areas that have developed like this, I'm also concerned with homes that are build 5 ft. off of the side property lines, where overhangs, air conditioning units and other things are allowed to protrude into that 5 ft. When one catches on fire, a fire is never going to be a house of one. It's never going to be a house of 3, it's an extremely dangerous situation for Fire Fighters to respond to these things and if they aren't really quick getting there, it can get even worse, this area right now is a concern for our Fire Fighters worrying about the response times for fires. Because this is an annexation wanting to become part of the City of Monroe, it falls under the different category and that's one reason why a Planned Urban Development is being sought. Because a lot of our building rules can be modified for a PUD, as it's called. Some of those modifications are part of the negotiation between the Planning Board and the City, with the developer to bring you the high quality neighborhoods that we've been delivering over the last year, I think quite nicely. That being said, we don't need any more 40 ft. lots. The amenities and the quality of MI Homes

construction would be very welcome to be annexed into Monroe, if you would annex in and build it to meet the surrounding area. The surrounding area is zoned for R-20, that's Residential Low Density zoning within the City of Monroe. If you brought me a program that asked to be annexed that was built to the Residential Low District standards, in order to get access to my water and my sewage, and my police and fire and my infrastructure, I would look differently on that. But, as I met with the developers earlier, my hand weighs 2,000 lbs. to raise it for anymore 40 ft. lots within the City of Monroe and that's my slightly different take on it.

David Dotson said I would agree with Mr. Deal. I think the 40 ft. lots, I think the product that you're going to put on them, the 20% rental cap, makes those right to become rentals. I don't foresee once everything is built out in Monroe, I don't understand why we can't just build a better, larger lot. There is a need for that. This is no way matches the surrounding area. We are the Planning Board for Monroe, we're not the Planning Commission for Union County, but I think it would be heartless to not somewhat consider what you've brought this evening. Monroe has water, Monroe has sewer and I think we should be somewhat particular about what things we build and where we build them at. Annexation is not free; it takes years to get that money back. Not to mention the strain on the sewer and the water capacity. What we let get built now can restrict us on what we can build later, which may be a better project that we run out of utilities in those capacities. So, that's about all I have to say.

Archie Morgan said I would like to make a motion.

Motion: Archie Morgan made a motion to recommend Denying the annexation request.
Second: David Dotson
Action: The motion failed with the following votes:

AYES: Archie Morgan, Kenneth Deal and David Dotson
NAYS: Richard Yercheck, Jennifer Smith and Margaret Desio

Motion: Archie Morgan made a motion to recommend adoption of Resolution Denying Land Use and Transportation Plan Compliance, authorization for staff to draft the resolution based on the reasons provided and authorization for the Chair to sign the resolution at a later date.

Second: Kenneth Deal
Action: The motion failed with the following votes:

AYES: Archie Morgan, Kenneth Deal and David Dotson
NAYS: Richard Yercheck, Jennifer Smith and Margaret Desio

Chair said what happens now is that it's a tie and this will go on August 8th and this motion will go to City Council as a not approved and a not denied. So, City Council will go through and will make the decision at that point.

Margaret Desio said thank you all for coming.

Chair said we have two text amendments that we are going to go over and if you would like to sit and watch us, we do that for you, so we would be happy to have an audience. But, if you would like to leave, we will take a break for just a second while you all exit.

Item 4. 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*.

Lisa Stiwinter, Director of Planning & Development, approached the podium and said, 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 and Vested Rights* and Section 3.4.8: *Vested Rights Certificate*. The purpose of the zoning text amendment is to 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. At the last Planning Board Meeting, David Dotson did raise some concerns and comments with request to add additional language within the text amendment. Planning Staff has since met with Mr. Dotson and we've gone over those requests and Planning Staff has reviewed all the requests to ensure that they comply with the North Carolina General State Statutes, so those requested revisions have been included in the proposed text amendment tonight.

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 not to exceed a total of four (4) years.

Even with the establishment of a site-specific vesting plan, the property owner must meet all standards and conditions of the development approval. Nothing in this ordinance shall prohibit the revocation of the original approval or other remedies for failure to comply with applicable terms and conditions of the approval or the Unified Development Ordinance according to G.S. 160D-403 (f). The development remains subject to subsequent review and approvals to ensure compliance with the terms and conditions of the original approval as provided for in the original approval or by applicable regulations.

The establishment of a vested right pursuant to the Unified Development Ordinance shall not preclude the application of overlay zoning that imposes additional requirements but does not affect the allowable type or intensity of use, or ordinances or regulations that are general in nature and are applicable to all property subject to land use regulation by the City of Monroe, including, but not limited, to building, fire, plumbing, electrical, and mechanical codes.

New and amended zoning regulations that would be applicable to certain property but for the establishment of a vested right shall become effective upon the expiration or termination of the vested rights period provided for in this ordinance.

Upon issuance of a building permit, the expiration provisions of G.S. 160D-1111 and 160D-1115 apply, except that a building permit shall not expire or be revoked because of the running time while a zoning vested right under this section is outstanding.

Any vested rights for a site-specific vesting plan are subject to the exceptions specified in G.S. 160D-108.1.

Modifications to Site-Specific Vesting Plans: an approved site-specific vesting plan and its conditions may be modified with the approval of the owner and the local government in accordance with Section 3.4.6: Zoning Map Amendments (Rezoning) subsection D 4: Conditional Zoning for minor and major modifications.

Revocation of Development Approvals and Site-Specific Vesting Rights. Development approvals shall be revoked for the following:

1. Any substantial departure from the approved application, plans or specifications;
2. Refusal or failure to comply with the requirements of any applicable local development regulation or any State law delegated to the City for enforcement purposes in lieu of the State;
3. False statements or misrepresentations made in securing the approval.
4. Any development approval mistakenly issued in violation of an applicable State or local law may also be revoked.
 - i. If at any time the Director of Planning and Development determines a development approval or vested right shall be revoked, the developer will be notified in writing stating the reasons with evidence supporting the finding and determination.
 - ii. The revocation of a development approval by staff may be appealed in accordance to Section 3.4.11: Appeals of the UDO.
 - iii. If a development approval or vested rights is revoked, then the underlying vesting document is also revoked. No work or activity authorized by a revoked vested rights approval shall thereafter be performed until a new site-specific vesting plan is approved or the Board of Adjustment rules in an appeal process in the property owner's favor.

Lisa Stiwinter said Richard Long, City Attorney, has reviewed this section and had some other comments about this part as well.

Richard Long said I do, I actually think the language that no work or activity authorized, is not valid. I don't think it passes muster. I think if you look at 160 D 403 F, in the General Statutes, once its appealed there is a stay of enforcement actions in which they can do so. Also, if you look at 160 D 1402, it specifically says that if you do that, they can proceed and build, but they do so of their own risk. I think that language exceeds the authority given by the Statutes.

David Dotson asked would you modify it to take out the no work or activity authorized?

Richard Long said yes.

David Dotson asked and just leave the first line?

Richard Long said I think that works for me.

Lisa Stiwinter said ok, sounds good.

Chair asked Lisa, can you make that modification?

Lisa Stiwinter said yes, that modification can easily be changed if this is approved to move forward before Council. I did include the chart, that goes over each type of permit, permit of validity and the summary of that.

TYPE OF PERMIT/RIGHTS	PERIOD OF VALIDITY	SUMMARY OF APPLICABILITY
Permit Choice	18 months from initial approval	Right for development applicant to choose for application to be reviewed under the regulations applicable at the time of initial application; applies to initial permit application and subsequent related development permits. G.S. 143-755 & 160D-108.
Building Permit *Building permit complies with terms & conditions of approval.	6 months	Work under a building permit must begin within six months. Permit expires after discontinuance of work for 12 months. G.S. 160D-1111.

Development Permits	12 months	General rule that development approvals (site plan, plats, special use permits, and more) are valid for twelve months unless altered by other statutes. G.S. 160D-108.
Site-Specific Vesting Plan *Development approvals considered site-specific: 1. Conceptual plans with a conditional rezoning approved. 2. Major subdivision final plat 3. Planned developments approved 4. Major subdivision preliminary plat approved. 5. Site Plan approved. 6. Special use permit	2 years (2 year extension with City Council approval)	Certain approvals identified in a local ordinance create extended vesting. Permit must be identified as such at the time of approval. G.S. 160D-108.1.
Multi-Phased Development *Multi-phase development consist of the following: 1. Land area of 25 acres 2. Master Plan that includes types & intensities of all uses 3. Includes more than one phase	7 years from first site plan approval	Qualifying development enjoys extended vesting. Must be at least 25 acres in size, subject to a master development plan with committed elements, to be permitted and built in phases. G.S. 160D-108.
Validity after Development Discontinuation	2 years	For a development that has substantially commenced work, statutory vested rights expire after 24 consecutive months of discontinuance of

*Substantial commencement of work: 1. Valid erosion control permit & conducted grading activity on continuous basis for 30 days. 2. Installed substantial on-site infrastructure; or 3. Received & maintained a building permit for the construction and approval of a building foundation.		the project. The discontinuance period is tolled for any litigation relating to the project or property. (Building permits limited to 12 months of discontinuation.) G.S. 160D-108.
Development Agreement	Per agreement	Negotiated agreement between developer and local government specifying a range of development topics, including a period of vesting. G.S. 160D-108 & 1007.
Common Law Vested Right *Established when the following can be demonstrated by the landowner: 1. Affirmative by the City in the form of an approval of a permit or development approval. 2. Landowner relies on government in good faith and makes substantial expenditures to develop land; and 3. Inequitable to prevent landowner from proceeding to develop land consistent with approved terms.	Reasonable Time	Established by substantial expenditures relying in good faith on a valid governmental permit. Authorized in caselaw.

Lisa Stiwinter said the other part of the text amendment is to the 157.3.4.8, Vested Rights Certificate.

1. 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 not to exceed a total of four (4) years.

Kenneth Deal asked what is the impact if rather than doubling the period and pushing it out to 4 years, why not deal with it on a 1-year basis and change 4 years to 3 years? Do you have an issue with doing that?

Lisa Stiwinter said just for clarification purposes, the state statute guarantees the 2 years and you can only do a minimum of 2 years and then the cities have an option to go up to 5 years for the extension period. Staff purposed 2 years, but it's certainly up to the Board as to whether they want to do 1, 2, 3 or so forth additional years.

Kenneth Deal said the peril here would be leaving the project sit inactive for up to 4 years. I would rather have it at 3 years, so we can get either a re-review and motivate the builder to go forward or the project fall completely to the wayside and a new project come along. We are tying our own hands; I guess is my own opinion on that.

Archie Morgan said I agree.

David Dotson said the other issue too is and as we've seen this, supplies for electric went up and just in the short time that some of these by-right projects were done and they ended up costing the City millions upon millions of dollars to supply the electric, that's what you're trying to avoid with the 3 versus.

Lisa Stiwinter said it's certainly up to this Board. Planning Staff doesn't have heartburn over a total of 4 years versus 3 years.

Kenneth Deal said another question I have with is on J. The validity after development discontinuation. Again, we are saying that statutorial vested rights expire for an uncompleted development project if the development was intentionally involuntarily discontinued for a period of not less than 24 consecutive months. Why can't we tighten that up to 12 months?

Lisa Stiwinter said that's straight from the state statute.

Kenneth Deal said that's why the lawyer is here. Good on you. That's the only thing I had.

David Dotson said you would modify 1.1.9 section 4, whatever, to just take that out. If you wanted to do the 3 versus 4, then you would change 1.1.9 G, section 4 from a total of 4 years to a total of 3 years.

Chair asked the Board, do you guys have any heartburn over that in anyway shape or form?

Lisa Stiwinter said Planning Staff recommends approval and I'll be happy to answer any other questions.

David Dotson said you did an outstanding job and I know this is very boring and I commend you on hanging in there and this was a lot of work. I put in a lot of work into it and I can imagine that you put

as much, if not more work into it. I appreciate your receptiveness to any suggestions and working those into this ordinance and amendment. I personally appreciate you.

Lisa Stiwinter said I appreciate the team effort and doing the research and your part as a Board member as well, so thank you for that.

Motion: David Dotson made a motion to recommend adoption of the Resolution Approving Land Use and Transportation Plan Compliance with the modifications that we have mentioned, by changing it from 4 to 3 and taking out the language that the attorney has told us is too much.

Second: Kenneth Deal

Action: The motion passed unanimously with the following votes:

AYES: Richard Yercheck, Jennifer Smith, Margaret Desio, Kenneth Deal, Archie Morgan and David Dotson

NAYS: None

Motion: David Dotson made a 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 as amended in the previous motion.

Second: Kenneth Deal

Action: The motion passed unanimously with the following votes:

AYES: Richard Yercheck, Jennifer Smith, Margaret Desio, Kenneth Deal, Archie Morgan and David Dotson

NAYS: None

Item 5. Zoning Text Amendments to the Code of Ordinances-
Title XV: Land Usage, Chapter 157, Section 5.4: *Downtown Districts*, Section 5.5: *Community Corridor Mixed-Use 1 District*, Section 5.6: *Community Corridor Mixed-Use 2 District*, and Section 5.8: *Medical District Mixed-Use*.

Lisa Stiwinter said Planning Board is requested to consider the following text amendments:
Sections 1-4: Sections one through four are requesting the removal of minimum lot coverage from the development standards table for the mixed use districts. Lot coverage is the minimum and maximum a lot is permitted to be covered by a roofed structure. Requiring a minimum lot coverage may lead to unnecessary impervious surfaces, which is contrary to best planning practice. Planning staff recommends approval of the presented text amendments pending legal review. I will be happy to answer any questions that you might have.

Kenneth Deal said yes, we've had some issues come before the Board of Adjustment for this exact same issue. I very much support this.

Chair asked do we have any further discussion on Item 5? Hearing none, I'll entertain a motion.

Motion: Kenneth Deal made a motion to recommend adoption of the Resolution Approving Land Use and Transportation Plan Compliance.
Second: Archie Morgan
Action: The motion passed unanimously with the following votes:

AYES: Richard Yercheck, Jennifer Smith, Margaret Desio, Kenneth Deal, Archie Morgan and David Dotson
NAYS: None

Motion: Kenneth Deal made a motion to recommend adoption of the Ordinance amending Code of Ordinances- Title XV: Land Usage, Chapter 157: Section 5.4: Downtown Districts, Section 5.: Community Corridor Mixed-Use 1 District, Section 5.6: Community Corridor Mixed Use 2 District, and Section 5.8: Medical District Mixed Use.
Second: Archie Morgan
Action: The motion passed unanimously with the following votes:

AYES: Richard Yercheck, Jennifer Smith, Margaret Desio, Kenneth Deal, Archie Morgan and David Dotson
NAYS: None

Item 6. **Zoning Text Amendment to Code of Ordinances- Title XV: Land Usage, Chapter 157 Section 3.3.4: *Planning Board (PB)*.**

Lisa Stiwinter said at the request of a few Planning Board members, Planning Board is requested to consider a text amendment to increase the membership of Planning Board from seven members to nine members. Eight members must be residents of Monroe, while one member must be an ETJ (Extra-Territorial Jurisdiction) resident. Staff has also prepared a text amendment to further clarify term limits for Planning Board. The proposed text amendment states term limits shall adhere to Chapter 32 of the Code Ordinances, which states: "A length of service on all boards and commissions shall be limited to two (2) full successive terms excluding appointments to fill previously unexpired terms."

Planning staff recommends approval of the presented text amendment pending legal review. So, the 2 changes are the membership and going from 7 members to 8 regular members and 1 ETJ, so a total of 9 members. We've revised the ordinance to reference the term limits that are listed in the City's Code of Ordinance, Chapter 32 that states Boards and Committees as well as membership and rules.

Jennifer Smith asked what is the ETJ thing again?

Lisa Stiwinter said the Extra Territorial District.

Chair said that's Coach Furr's area.

Lisa Stiwinter said the representative on our Board if Patrick Furr from the ETJ.

Margaret Desio asked do we have people just clamoring to get on this Board?

Kenneth Deal said that wasn't really the issue that I brought up at the joint meeting. The issue that I brought up at the joint meeting about this was, this is one of the most important Board's that the City owns. Yet, we detriment our own citizens to only 6 members when every other Board that doesn't have an ETJ seat, has 7 members. So, if Union County wants to have a member on our Board because of the ETJ, that's fine, that's their appointment. Don't take it away from the citizens of Monroe. I had asked for 7 citizens and I assume through the legal review and all that they like uneven numbers to get a clear vote, I don't have a problem with that. Do we have people clamoring to get on it? I don't know, but I know that we were all confused when the UDO came out and cut us from 11 to 7 and he (David Dotson) got kicked off as a result of it. So, I just want Monroe not to take a short stick to Union County. I wanted 7 people, but 8 is fine with me as well. The more people the merrier, the more opinions, maybe not tied votes as often. Part of the thing that it does, it raises a quorum to 5 instead of 4.

Margaret Desio said I was just wondering.

Lisa Stiwinter said I think Ashlyn (Penegar) mentioned there might be 1 or 2 people that have applied.

Ashlyn Penegar said I know for sure 1, I had heard a second one as well.

Kenneth Deal said with this particular Board, I don't think you'll have any problem getting it filled.

Chair asked Mr. Long, do you have an opinion?

Richard Long said really no, I think you are better off if you have an odd number so you don't have a tie. That's the easy part. Most other Boards in our original ordinance had the Board and then you had alternates, which would have avoided the problem we had right now.

Chair asked Staff, do you have an opinion? None what so ever?

Kenneth Deal said the more the merrier.

Lisa Stiwinter said Staff's opinion is sometimes the more the merrier can become too many, when there's not a collaboration and cooperation.

Margaret Desio said I'd rather be a committee of 1.

Richard Long said remember, there are some things that you guys have to approve that require a 4/5's majority. So, think about that too.

Chair said we are only going to make a recommendation to Council, so they would do it. But, I guess my thing is, I understand that we want to benefit the people/citizens of Monroe. So, I really don't have any heartburn on this, I'm just trying to figure out the why and I appreciate your why. I don't have a good why on this one, does anyone else?

David Dotson said having a quorum of 5, you automatically don't have tie votes. Just in itself, we will only have enough.

Lisa Stiwinter said Planning Staff wouldn't want to see more than 9, I think past 9 is too many and we can accommodate that many up here.

Jennifer Smith asked would that make the prospect of having more tie votes though?

Kenneth Deal said no, because you would have to have a quorum of 5.

Chair said we would either have meetings where we have 5 people here or we wouldn't have a meeting.

Kenneth Deal said right now, we can have a meeting with 4 people and have a tie all day long.

Chair said we are also one member short. But, yes.

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

Second: David Dotson

Action: The motion passed unanimously with the following votes:

AYES: Richard Yercheck, Jennifer Smith, Margaret Desio, Kenneth Deal, Archie Morgan and David Dotson

NAYS: None

Motion: Kenneth Deal made a motion to recommend adoption of the Ordinance amending Code of Ordinances- Title XV: Land Usage, Chapter 157: Section 3.3.4: Planning Board (PB).

Second: David Dotson

Action: The motion passed unanimously with the following votes:

AYES: Richard Yercheck, Jennifer Smith, Margaret Desio, Kenneth Deal, Archie Morgan and David Dotson

NAYS: None

Item 7. **Next Meeting: August 2, 2023**

Item 8. **Adjournment**

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

Second: **Archie Morgan**

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

AYES: **Richard Yercheck, Jennifer Smith, Margaret Desio, Kenneth Deal, Archie Morgan and David Dotson**

NAYS: **None**

The meeting was adjourned at 8:58 p.m.

Respectfully Submitted,

Richard Yercheck, Chair
Planning Board

Ashlyn Penegar
Secretary to the Board



STAFF REPORT

TO: Planning Board Members

DATE: August 2, 2023

FROM: Lisa Stiwinter, Planning and Development Director

PREPARED BY: Keri Mendler, Senior Planner

SUBJECT: Zoning Text and Map Amendment request for property located along E. Roosevelt Blvd. Tax Parcel 09-155-001B.

SUMMARY STATEMENT

The Planning Board is requested to consider a zoning map and text amendment for property located along E. Roosevelt Blvd. to rezone the property with tax parcel number 0-155-001B from CD “Camp Sutton Nursery” to CD “Camp Sutton Nursery 2”.

REVIEW

On December 13, 2021 City Council approved a rezoning from General Industrial to CD “Camp Sutton Nursery” for tax parcel 09-155-001B and a portion of parcel 09-122-002. The rezoning was requested in order to utilize the property for a commercial greenhouse with onsite retail and wholesale sales, specifically plants and other landscaping needs such as rock, soil, mulch, and storage buildings. The site will also have outdoor storage including shrubs and plants. As part of the original approval, the applicant was required to pave the driveway, parking and circulation areas. Additionally, as required by the Engineering Standard Detail Manual and Planning staff, the applicant also showed the eight-foot wide sidewalk along E. Roosevelt Blvd.

The applicant, UC QOZBII, LLC has requested an amendment to the original rezoning to request approval to not pave the parking and circulation area; however, they will pave the driveway up to the right-of-way line. The applicant is also requesting not to install the sidewalk along E. Roosevelt Blvd. as previously proposed and approved.

AREA CHARACTERISTICS

Adjoining Land Uses and Zoning District

	Existing Uses	Zoning District
North	Vacant & Industrial/Manufacturing	GI (General Industrial)
East	Proposed Camp Sutton Mixed Use Development	GI (General Industrial)
South	Residential Neighborhood	RMD (Residential Medium Density) & CD “Willoughby Park”
West	Medical	CD “Metro Medical”

Proposal

The applicant is requesting an amendment to the original conditional district in order to not pave the circulation and parking area and to not install the required sidewalk along E. Roosevelt Blvd.

Landscaping

The original approval provided a 50-foot landscaped buffer along E. Roosevelt Blvd. and a 25-foot landscape buffer along the eastern property line. Parking lot landscaping will also be provided as indicated on the site plan.

Parking

As part of this proposal, the applicant is proposing 57 parking spaces to be constructed with gravel. Two of the parking spaces will be for accessible parking and will be paved with concrete.

Sidewalk

The original approval consisted of an eight foot (8') wide sidewalk along E. Roosevelt Blvd. The applicant is requesting not to install this sidewalk as part of the rezoning request. These parcels are located in an Opportunity Zone. Per the IRS website: “Opportunity Zones are economic development tools that allow development in distressed areas in the United States. The purpose of these zones is to spur economic development and job creation in low-income communities while providing tax benefits.” Because these parcels fall along a major thoroughfare and are located in an area poised for economic development, Planning staff recommends the sidewalk continue to be a requirement of this development.

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.

Transportation

The site will be accessed by one entrance on E. Roosevelt Blvd. The applicant is proposing to pave the driveway entrance to the right-of-way line. Planning staff did recommend the applicant pave up to the 50-foot front setback line.

LAND USE AND TRANSPORTATION PLAN COMPLIANCE

The Land Use and Transportation Plan indicates this area is located in the Manufacturing, Logistics, and Aerospace character area with a small portion in the Medical character area, which is also located in the floodplain and is not being constructed on. 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.

The need and desire for more sidewalks was a common theme in the Land Use and Transportation Plan, *Forward Monroe*. Through the public process, the citizens of Monroe commented on the need and desire for more sidewalks and safe connectivity throughout the City. While the proposed rezoning is consistent with the land development plan because commercial uses are listed as a priority use, staff believes sidewalk should continue to be a requirement of this 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 with the following conditions:

1. The sidewalk be installed to provide pedestrian connectivity along a major thoroughfare.
2. Pave the driveway to the 50-foot front setback line.

PLANNING BOARD ACTION

APPROVAL	DENIAL
1. Motion to recommend adoption of a Resolution <i>Approving</i> Land Use and Transportation Plan compliance	1. Motion to recommend adoption of a Resolution <i>Denying</i> 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
2. Motion to recommend adoption of the Ordinance amending Section 157.1.2.1- Official Zoning Map and Section 157.1.3.1- Conditional Districts Established	3. Motion to recommend denial of the zoning text amendment

Attachment(s):

1. Ortho Map
2. Zoning Map
3. Site Plan
4. Future Land Use Map
5. FLUM Description
6. Approval Resolution
7. Denial Resolution
8. Ordinance 157.1.2.1
9. Ordinance 157.1.3.1

Prepared: 7-24-23 KM

Aerial Map

CD "Camp Sutton Nursery 2"

Legend

— Centerlines

□ Parcels

Existing: CD "Camp Sutton"

Owner: UC QOZB II, LLC

Acres: 34 +/-



0 390 780
Feet



Zoning Map

CD "Camp Sutton Nursery 2"

Legend

Centerlines

Parcels

Zoning Districts

CD

GI

MD-MX

NB

GB

RMD

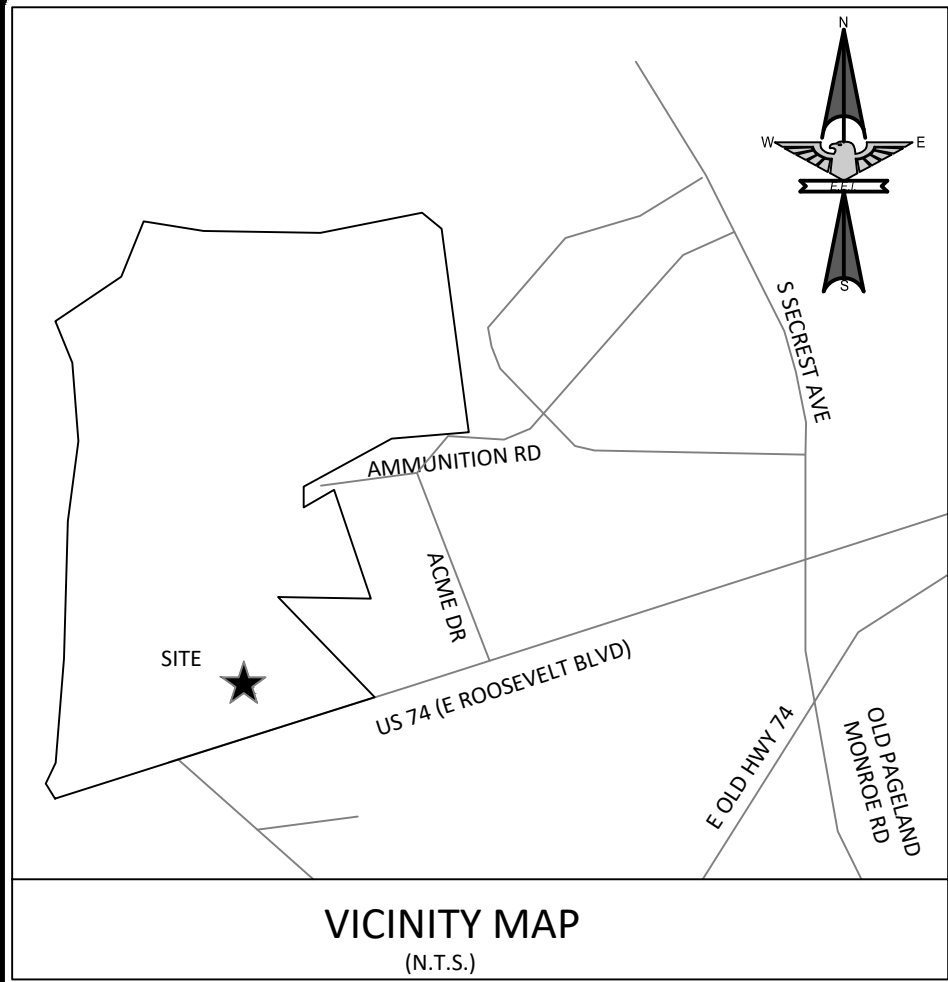
Existing: CD "Camp Sutton"

Owner: UC QOZB II, LLC

Acres: 34 +/-

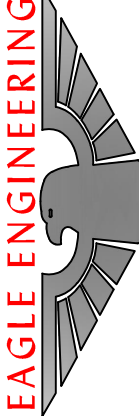


0 390 780 Feet



- SITE DEVELOPMENT NOTES:**
1. PROPOSED REZONING FROM CONDITIONAL DISTRICT "CAMP SUTTON NURSERY" TO CONDITIONAL DISTRICT "CAMP SUTTON NURSERY 2" .
 2. NURSERY WILL BE USED FOR RETAIL & WHOLESALE. GI USES WILL BE ALLOWED ALONG WITH THE SALES OF LANDSCAPING MATERIAL WHICH INCLUDES ROCK, STONE, MULCH, SOIL, PLANTS, AND TREES.
 3. ROADS WILL ALL BE PRIVATE ACCESS AISLES.
 4. DRIVEWAY/AISLES, PARKING, AND VEHICLE CIRCULATION WILL BE STONE.
 5. ALL LANDSCAPING SHALL BE KEPT IN A THRIVING CONDITION.
 6. 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/HER DESIGNEE.
 7. DEVELOPER RESERVES THE RIGHT TO REMOVE SICK OR DAMAGED TREES AT THE DEVELOPERS' DISCRETION.
 8. ACCESSORY STRUCTURES SHALL NOT BE LOCATED WITHIN PUBLIC EASEMENTS.
 9. LANDSCAPING SHALL BE IN ACCORDANCE WITH CITY OF MONROE STANDARDS.
 10. ALL BUILDING ELEVATIONS SHALL BE CONSISTENT WITH THE INDUSTRIAL ZONING DISTRICTS. METAL BUILDINGS SHALL BE PERMITTED.
 11. SIDEWALK WILL NOT BE INSTALLED ALONG EAST ROOSEVELT BLVD.

SITE AND DEVELOPMENT DATA	
JURISDICTION	CITY OF MONROE
TAX PARCEL(S):	09155001B
SITE ADDRESS:	1800 E. ROOSEVELT BLVD.
ZONING	CONDITIONAL DISTRICT "CAMP SUTTON NURSERY"
PROPOSED ZONING	CONDITIONAL DISTRICT "CAMP SUTTON NURSERY 2"
USE CLASSIFICATION	COMMERCIAL
TOTAL AREA	+/- 83 AC
AREA TO BE REZONED	+/- 34 AC
MINIMUM FRONT SETBACK	50'
MINIMUM CORNER/SIDE SETBACK	10'
MINIMUM REAR SETBACK	10'



FIRM LICENSE # C-0873

2013A Van Buren Avenue

Indian Trail, NC 28079

(704) 982-4222

www.eagleonline.net

PRELIMINARY
NOT FOR
CONSTRUCTION

NO.	DATE	BY	ISSUE
1	06/23/2023	BLD	REVISED PER CITY OF MONROE COMMENTS

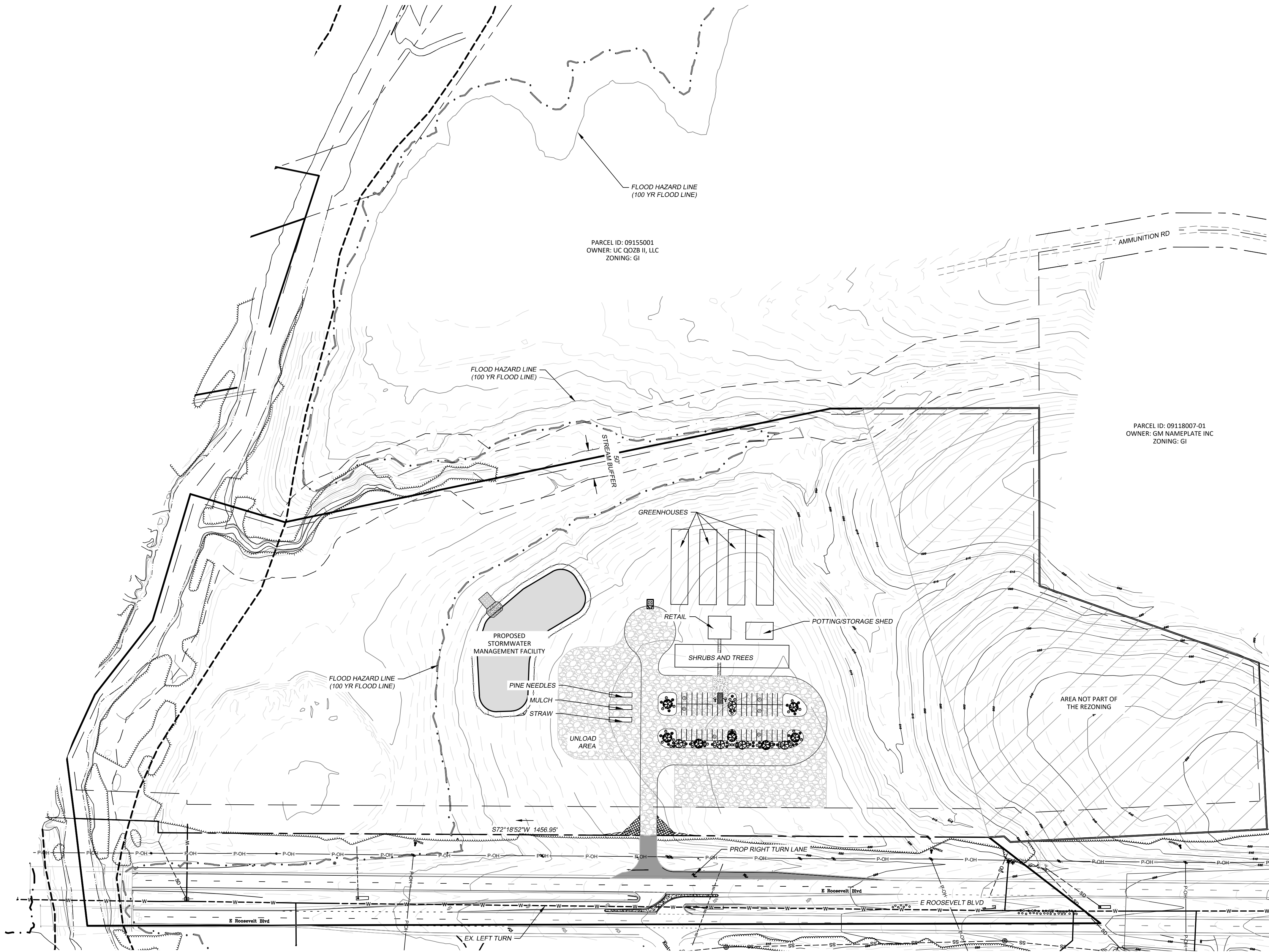
CAMP SUTTON NURSERY
MONROE, UNION CO., N.C.

UC QOZB II, LLC
231 POST OFFICE ROAD
INDIAN TRAIL, NC 28079

REZONING SITE PLAN	
DESIGNED BY	KEL
DRAWN BY	KEL
CHECKED BY	MCK
DATE	05/12/2023
JOB NUMBER	7521
Scale	AS SHOWN

Sheet

RZP-1



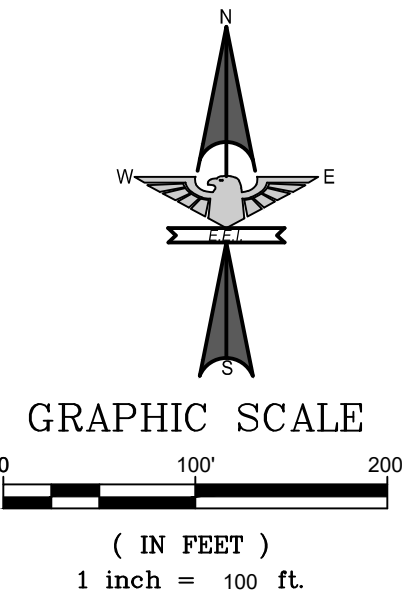
- GENERAL PROVISIONS:**
1. DEVELOPMENT OF THE SITE SHALL BE GOVERNED BY THIS CONDITIONAL ZONING PLAN, DEVELOPMENT STANDARDS, AND THE APPLICABLE PROVISIONS OF CITY OF MONROE UNIFIED DEVELOPMENT ORDINANCE (UDO).
 2. THE SCHEMATIC DEPICTIONS OF THE USES, PARKING AREAS, SIDEWALKS, STRUCTURES AND BUILDINGS, AND OTHER SITE ELEMENTS SET FORTH ON THE ZONING SITE PLAN ARE GRAPHIC REPRESENTATIONS OF THE DEVELOPMENT AND SITE ELEMENTS PROPOSED AND MAY BE ALTERED SUBJECT TO APPROVAL BY THE ZONING ADMINISTRATOR.
 3. EAGLE ENGINEERING IS NOT A LICENSED ARCHITECTURAL LANDSCAPE FIRM. ALL FINAL PLANT AND TREE SELECTION SHALL BE COORDINATED WITH THE DEVELOPER AND CITY OF MONROE PRIOR TO INSTALLATION. FINAL SELECTION OF SPECIES IS SUBJECT CITY OF MONROE APPROVAL AND ANY SPECIAL INSTALLATION REQUIRED SHALL BE BY OTHERS.
 4. ZONING IS TO BE CHANGED FROM CONDITIONAL DISTRICT "CAMP SUTTON NURSERY" TO CONDITIONAL DISTRICT "CAMP SUTTON NURSERY 2"

ROADWAY MATERIALS LEGEND

DESCRIPTION OF MEASURE	SYMBOL ON PLANS
ASPHALT	
STONE	
CONCRETE	

PETITIONER VOLUNTARILY AGREES TO ALL CONDITIONS APPROVED BY CITY COUNCIL, WHICH ARE LISTED ON THIS SITE PLAN.

PETITIONER SIGNATURE _____ DATE _____



Future Land Use Map

CD "Camp Sutton Nursery 2"

Legend

Centerlines

Parcels

Future Land Use Character Area

Industrial

Medical Campus

Suburban

Existing: CD "Camp Sutton"

Owner: UC QOZB II, LLC

Acres: 34 +/-



0 390 780 Feet

Land Development Plan Consistency

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
CONDITIONAL DISTRICT “CAMP SUTTON NURSERY 2”**

R-2023-xx

WHEREAS, in accordance with the provisions of North Carolina General Statute 160D-605, the Planning Board does hereby find and determine that the adoption of the zoning map amendment for Conditional District “Camp Sutton Nursery 2” further described below property is consistent with the adopted Land Use and Transportation Plan. The Land Use and Transportation Plan identifies this area as the Manufacturing, Logistics, and Aerospace designation, which is predominately for manufacturing and production, though commercial uses are also listed as a priority use in this character area and the proposed use of sales is a commercial use; therefore, the proposal is consistent with the plan. The proposed project is a reasonable use and in the public interest because it is located along a main corridor where sales oriented businesses would typically 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 property with Union County Tax Parcel Number: 09-155-001B.

Adopted this 2nd day of August, 2023

Richard A. Yercheck, Planning Board Chair

Attest:

Ashlyn Penegar, Secretary to Planning Board

**RESOLUTION DENYING LAND USE AND TRANSPORTATION
PLAN COMPLIANCE
CONDITIONAL DISTRICT “CAMP SUTTON NURSERY 2”**

R-2023-xx

WHEREAS, in accordance with the provisions of North Carolina General Statute 160D-605, the Planning Board does hereby find and determine that the adoption of the zoning map amendment for Conditional District “Camp Sutton Nursery 2” further described below property is consistent with the adopted Land Use and Transportation Plan. The Land Use and Transportation Plan identifies this area as the Manufacturing, Logistics, and Aerospace designation, which is predominately for manufacturing and production, though commercial uses are also listed as a priority use in this character area and the proposed use of sales is a commercial use; therefore, the proposal is consistent with the plan. However, the proposed use is not reasonable 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 request recommendation for denial, the Land Use and Transportation Plan would be amended to reflect the land use modification.

NOW, THEREFORE, BE IT RESOLVED that the Planning Board of the City of Monroe recommends adoption of the Resolution Denying Land Use and Transportation Plan Compliance of the zoning map amendment for the property with Union County Tax Parcel Number: 09-155-001B.

Adopted this 2nd day of August, 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 along E. Roosevelt Blvd. further identified with tax parcel ID number 09-155-001B from Conditional District “Camp Sutton Nursery” to Conditional District “Camp Sutton Nursery 2”.

Section 2. This Ordinance shall be effective upon adoption.

Adopted this 12th day of September, 2023.

Attest:

Marion Holloway, Mayor

Bridgette H. Robinson, City Clerk

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

Preamble

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

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

Section 1. Amend §157.1.3.1 **CONDITIONAL DISTRICTS ESTABLISHED** as follows:

Conditional District (CD) “Camp Sutton Nursery 2”.

Section 2. This Ordinance shall be effective upon adoption.

Adopted this 12th day of September, 2023.

Attest:

Marion Hollway, Mayor

Bridgette H. Robinson, City Clerk



STAFF REPORT

TO: Planning Board

DATE: August 2, 2023

FROM: Lisa Stiwinter, Planning and Development Director

PREPARED BY: Megan Brightharp, Planner

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 8.4.3: *Parking Design Standards*.

REVIEW

Planning Board is requested to consider a text amendment to clarify language on paving standards. The UDO currently states all uses except single family residential should have all parking, loading, and driveway areas paved and maintained with asphalt and concrete. However, the following section that outlines paving standards explicitly for single family residential uses does not list approved paving materials. Not having approved material language listed creates the possibility for unapproved materials to be utilized for single family driveways.

Furthermore, the code currently says “single family residential shall be required to have ‘a’ paved driveway...”. However, it has become a concern that the word “a” could imply that only one driveway must be paved and could be argued that all additional driveways or expansions can be materials other than pavement such as gravel. It is the intention of this text amendment to clarify that all driveway areas for single family residential and all other uses should be paved in asphalt or concrete.

Lastly, under subsection B.5, titled *Exceptions to Paving Requirements*, there are a list of exceptions to paving including areas of manufacturing and industrial uses and parking for heavy equipment, machinery, and vehicles. Staff recommends removing “vehicles” as an exception as it

implies that if a property is utilized for industrial or manufacturing then paving is not required for vehicles, whereas the intent is to offer flexibility for heavy equipment and machinery only.

RECOMMENDATION

Planning staff recommends approval of the presented text amendments for section 8.4.3 of the Unified Development Ordinance.

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

1. Motion to recommend adoption of a 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 approved, Planning Board will also need to make the following motions:

1. Motion to recommend adoption of the Ordinance amending Code of Ordinances-Title XV: Land Usage, Chapter 157, Section 8.4.3: *Parking Design Standards*.

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

1. Motion to recommend denial of the zoning text amendment

Attachments:

1. Marked Ordinance
2. Approval Resolution: R-2023-xx
3. Denial Resolution R-2023-xx
4. O-2023-xx

TEXT AMENDMENT

Section 1. Amend Section §157.8.4.3-~~B~~ “Parking Design Standards” as follows:

§157.8.4.3. PARKING DESIGN STANDARDS

A. General Design Standards.

1. **Parking Plans.** A Parking Plan shall be required for all development and redevelopment with the exception of single family residential uses. Parking plans shall be reviewed in compliance with Section 3.4.21: Parking Plan. Parking Plans shall include at minimum all items required in Section 3.4.21: Parking Plan, and dimensional standards of parking, including but not limited to those in Section 8.4.3.C: Dimensional Standards.
2. **Arrangement.** Off-street parking shall be arranged so that vehicles may be parked/unparked without moving other vehicles, except for parking structures which may be designed to allow tandem parking and/or valet services.
3. **Encroachment.** No parking space may be designed in such a way to encroach, hinder or otherwise block a public or private roadway, alley, or sidewalk. Parking spaces may be allowed in a setback or build-to-zone (BTZ) as permitted in this UDO.
4. **Overhang.** Where parking spaces are located such that the parked vehicle will overhang a sidewalk, a minimum clear width shall be provided equal to the minimum sidewalk width required.
5. **Driveways.** Driveways, drive aisles, and joint access easements shall not be used for parking vehicles except for single family and two-family residential.
6. **Wheel Stops.** Wheel stops shall be prefabricated, concrete or recycled plastic product manufactured specifically for this use. The use of railroad ties or other non-traditional wheel stops shall not be permitted. Facilities shall have curbs or motor vehicle stops or similar devices so as to prevent vehicles from overhanging on or into adjacent property, or from encroaching into required landscaped areas.
7. **Landscaped Parking Islands.** Parking areas shall be visually and functionally segmented using landscaped islands and canopy trees and meet the requirements of Section 8.3.6: Parking Area Buffers, of this UDO. All landscape requirements for parking areas shall be met.
8. **Drainage.** Parking areas shall be drained so as not to cause any nuisance on adjoining or nearby properties.

9. **Access and Maneuvering.** Parking areas shall be arranged for convenient access, maneuvering and safety of pedestrians and vehicles. Parking areas shall be arranged so that no vehicle shall be required to back up from such facilities directly onto designated arterial or collector streets. Parking areas shall be designed, maintained and regulated so that no parking or maneuvering incidental to parking shall be on any public street, sidewalk, or alley.
10. **Marking of Spaces.** All off-street parking area spaces shall be marked.

B. Paving.

1. **Applicability.** Paving shall be required per the standards of this Section for:
 - a. All new parking, loading, driveways and drive aisles, serving new construction, including expansions to existing uses;
 - b. All parking, loading, and driveways and drive aisles, existing and new, serving any use expanded in lot coverage/square footage by more than twenty percent (20%) after the effective date of this ordinance; and
 - c. All existing parking, loading, and driveways and drive aisles, serving a use discontinued for a period of 180 days or longer.
2. **All Uses (Except Single ~~family~~-Family Residential).** All parking, loading, and driveway areas shall be paved and maintained with asphalt or concrete. Single family residential uses are ~~not required to meet this standard~~covered in 8.4.3.B.3 below.
3. **Single Family Residential Uses.** All driveway(s), including driveway extensions for
~~s~~Single family residential shall be required to ~~have a paved driveway off of a public street which provides~~be paved with asphalt or concrete and provide a continuous paved surface from the edge of pavement or curb line of the ~~public~~ street to the attached or detached garage or carport, if provided, or front building line of the dwelling, if not provided. ~~Such partial pavement~~Driveways, driveway extensions, parking pads, and other areas of circulation ~~-shall not in any event be required to extend more than one-hundred (100) feet beyond the edge of pavement or curb line of the public street; except as otherwise stated in the UDO or approved by a variance~~in these instances the portion of driveway beyond 100-feet may utilize gravel or other approved materials as determined by the Planning Director. All driveways must be at least ten (10) feet in width at their narrowest point.

4. **Vehicles, Boats, Manufactured Home, and Equipment Sales, Service, and Leasing Sites, Storage and Display.** All storage and/or display areas shall be paved with asphalt or concrete.
5. **Exceptions to Paving Requirements.** These paving requirements shall not apply to the following uses, however, a Zoning Permit in compliance with Section 3.4.20: Zoning Permit, must be obtained for each of the following parking uses:
 - a. Temporary parking areas used for seasonal or special events.
 - b. Areas of manufacturing and industrial uses which are used for parking and storage of heavy machinery, and equipment, ~~and vehicles~~, provided these areas are constructed with gravel or another comparable all-weather compacted surface.

**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 8.4.3: *Parking Design Standards* is consistent with the Land Use and Transportation Plan because the Land Use and Transportation Plan guiding statement for Healthy Neighborhoods states “Monroe will be a city of distinctive, safe, and attractive neighborhoods.” By requiring paving for single family residential use to be completed in asphalt or concrete, a requirement already established for other uses, we have the potential to encourage more distinctive and attractive neighborhoods in Monroe, making the proposed zoning text amendment reasonable and in the public interest.

NOW, THEREFORE, BE IT RESOLVED that the Planning Board of the City of Monroe adopts the Resolution Approving Land Use and Transportation Plan Compliance to amend Section 8.4.3: *Parking Design Standards*

Adopted this 2nd day of August, 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 8.4.3: *Parking Design Standards* is consistent with the Land Use and Transportation Plan because the Land Use and Transportation Plan guiding statement for Healthy Neighborhoods states “Monroe will be a city of distinctive, safe, and attractive neighborhoods.” By requiring paving for single family residential uses to be completed in asphalt or concrete, a requirement already established for other uses, we have the potential to encourage more distinctive and attractive neighborhoods in Monroe. However, the proposed zoning text amendment is not a reasonable use and 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 text amendment recommendation for 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 Section 8.4.3: *Parking Design Standards*

Adopted this 2nd day of August, 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:

TEXT AMENDMENT

Section 1. Amend Section §157.8.4.3 “Parking Design Standards” as follows:

§157.8.4.3. PARKING DESIGN STANDARDS

A. General Design Standards.

1. **Parking Plans.** A Parking Plan shall be required for all development and redevelopment with the exception of single family residential uses. Parking plans shall be reviewed in compliance with Section 3.4.21: Parking Plan. Parking Plans shall include at minimum all items required in Section 3.4.21: Parking Plan, and dimensional standards of parking, including but not limited to those in Section 8.4.3.C: Dimensional Standards.
2. **Arrangement.** Off-street parking shall be arranged so that vehicles may be parked/unparked without moving other vehicles, except for parking structures which may be designed to allow tandem parking and/or valet services.
3. **Encroachment.** No parking space may be designed in such a way to encroach, hinder or otherwise block a public or private roadway, alley, or sidewalk. Parking spaces may be allowed in a setback or build-to-zone (BTZ) as permitted in this UDO.
4. **Overhang.** Where parking spaces are located such that the parked vehicle will overhang a sidewalk, a minimum clear width shall be provided equal to the minimum sidewalk width required.
5. **Driveways.** Driveways, drive aisles, and joint access easements shall not be used for parking vehicles except for single family and two-family residential.

6. **Wheel Stops.** Wheel stops shall be prefabricated, concrete or recycled plastic product manufactured specifically for this use. The use of railroad ties or other non-traditional wheel stops shall not be permitted. Facilities shall have curbs or motor vehicle stops or similar devices so as to prevent vehicles from overhanging on or into adjacent property, or from encroaching into required landscaped areas.
7. **Landscaped Parking Islands.** Parking areas shall be visually and functionally segmented using landscaped islands and canopy trees and meet the requirements of Section 8.3.6: Parking Area Buffers, of this UDO. All landscape requirements for parking areas shall be met.
8. **Drainage.** Parking areas shall be drained so as not to cause any nuisance on adjoining or nearby properties.
9. **Access and Maneuvering.** Parking areas shall be arranged for convenient access, maneuvering and safety of pedestrians and vehicles. Parking areas shall be arranged so that no vehicle shall be required to back up from such facilities directly onto designated arterial or collector streets. Parking areas shall be designed, maintained and regulated so that no parking or maneuvering incidental to parking shall be on any public street, sidewalk, or alley.
10. **Marking of Spaces.** All off-street parking area spaces shall be marked.

B. Paving.

1. **Applicability.** Paving shall be required per the standards of this Section for:
 - a. All new parking, loading, driveways and drive aisles, serving new construction, including expansions to existing uses;
 - b. All parking, loading, and driveways and drive aisles, existing and new, serving any use expanded in lot coverage/square footage by more than twenty percent (20%) after the effective date of this ordinance; and
 - c. All existing parking, loading, and driveways and drive aisles, serving a use discontinued for a period of 180 days or longer.
2. **All Uses (Except Single Family Residential).** All parking, loading, and driveway areas shall be paved and maintained with asphalt or concrete. Single family residential uses are covered in 8.4.3.B.3 below.
3. **Single Family Residential Uses.** All driveway(s), including driveway extensions for single family residential shall be required to be paved with asphalt or concrete and provide a continuous paved surface from the edge of pavement or curb line of the street to the attached or detached garage or carport, if provided, or front building line of the dwelling, if not provided. Driveways, driveway extensions, parking pads, and other areas of circulation shall not in any event be required to extend more than one-hundred (100) feet beyond the edge of pavement or curb line of the street; in these instances the portion of driveway beyond 100-feet may utilize gravel or other approved materials as determined by the Planning Director. All driveways must be at least ten (10) feet in width at their narrowest point.

4. **Vehicles, Boats, Manufactured Home, and Equipment Sales, Service, and Leasing Sites, Storage and Display.** All storage and/or display areas shall be paved with asphalt or concrete.
5. **Exceptions to Paving Requirements.** These paving requirements shall not apply to the following uses, however, a Zoning Permit in compliance with Section 3.4.20: Zoning Permit, must be obtained for each of the following parking uses:
 - a. Temporary parking areas used for seasonal or special events.
 - b. Areas of manufacturing and industrial uses which are used for parking and storage of heavy machinery and equipment, provided these areas are constructed with gravel or another comparable all-weather compacted surface.

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